1975

1975-1976 School Year

St. Mary's University School of Law

st. mary's of texas school of law

Witan

Volume 3, No.1 September 1975

SCHOOL FINANCE: TEXAS RESPONDS

By SENATOR OSCAR MAUZY (Dem.- Dallas) Chairman, Senate Education Committee

In 1973 the landmark decision of San Antonio Independent School District v. Rodriguez placed the burden of eliminating the substantial interdistrict disparity in per-pupil expenditure on the states. The Supreme Court, while acknowledging the need for a higher level of quality and opportunity in education, refused to recognize the implicit constitutional protection for children in school districts whose per-pupil disbursement is minimal as a result of the low property wealth base in a given political subdivision. Since education was not recognized by the Court as a fundamental right or liberty, the strict judicial scrutiny test was not applied and the task of equalizing the finance system was placed squarely in the hands of the legislature.

For nearly a century Texas has relied upon a dual approach to school finance: appropriations from state school funds and ad valorem taxation by local school districts. Generally speaking, until recent times the system functioned reasonably well because most of the wealth and population of the state were spread more evenly across rural Texas. However, urban growth and industrialization have created widespread disparity in the ability of many districts to finance their schools through ad valorem taxation.

After many years and several unproductive legislative sessions, the beginning of public school finance reform in Texas has become a reality. It is only a beginning, but it is a significant beginning.

The compromise document, Senate Committee Substitute for House Bill 1126, was the product of the combined efforts of members of the Senate and House Education Committees, representatives of the Governor's Office, the staff of the Senate Education Committee, the Legislative Council, the Texas Education Agency and the staff of the School Finance Special Projects Division of the Central Education Agency. A record number of bills were referred to the Senate and House Education Committees during the 64th legislative session. The Senate committee met twenty times to hear testimony and debate the merits of the various proposals.

Through this major legislative accomplishment, substantial steps have been taken toward correcting the inequitites of the system challenged in Rodriguez. The important equalizing features of the bill include:

1) To determine the local fund assignment, the revenue generating capacity of a district will be determined by applying a statutory tax rate of 30¢ per $100

See SCHOOLS, p. 12.

EDITORIAL

We were ready to announce our award of excellence from the ABA-LSD law school newspaper competition but an unexpected event prevented us from doing so. We didn't win. But we remember Plessy v. Ferguson too! Congratulations is in order for another Texas publication, Southern Methodist University Law School's ADVOCATE, which won the Class A competition. (WITAN was Class C; i.e., poor). We're not dispairing, however. We look forward to considerable growth because we feel that this law school deserves a respectable forum for the expression of ideas. For this reason we welcome your interest, your efforts and your suggestions.

* * * * * * * * * * * * * * * * *

There are several items of importance that should be brought to the attention of each student at the law school. Last April WITAN ran an article delineating the inequity of representation on the Senate of the Student Bar Association. Certain organizations at the law school have traditionally been allotted representation on the Senate, over and above the representation already afforded each member of such organization by virtue of his elected class representative. This has resulted in a rather skewed approach to democratic principles. Certain organizations are represented, others are not. No logic dictates the favored from the unfavored.

This past summer an amendment to the Constitution that would abolish dual representation and would reapportion fraternity senators with popularly elected individuals was approved for a general student election. Unfortunately, the provision was amended with a delaying clause and the entire provision will appear on the ballot.

Allotting certain organizations voting representation on the Senate is providing some students with more representation than others. It is roughly equivalent to

See EDITORIAL, p. 8.

Letters To Witan

TO THE EDITOR:

PAD, its officers and members would like to offer their appreciation to those who patronized the PAD scholarship booksale. It further wishes to condemn the individuals who took books without paying -- in violation of the Honor Code and criminal laws. It is hoped that our brothers and sisters in the law school would be as trustworthy to fellow students as they would be to their future clients.

Mike Cohen, Marshal, PAD

See LETTERS, p. 9

witan staff

Editor in Chief . . . . . Don Maison
Managing Editor . . . . . Judith Johnson
Copy Editor. . . . . Jim Seifert
Business Manager . . . . Barbara Gunn
Associate Editor . . . . . Meg Morey
Typist . . . . . Donna Harris
Staff Writers . . . . . Mary Endres, Mark Helfers, Dennis James, Ruth E. Kingsley, Gregory Koss, Andy Leonis, Marianne Lipscombe, Matt Piermatti, Barbara Rosenberg
Contributors . . . . . Senator Oscar Mauzy, Kayo Mullins, Kenneth Nye, Mark Stoltz

WITAN is published by students of St. Mary's Law School, monthly except June, July and August. The views expressed herein are those of the individual writer and do not necessarily reflect those of WITAN, its editors, the administration, or faculty, unless otherwise stated. The Editor is responsible for the views expressed in unsigned articles.

Articles in WITAN may be reproduced and quoted provided that credit is extended to the publication and the author of the article so used, and notice of such use given to the publication.

Letters to the Editor should be placed in the mailbox in the SBA office. They should be no longer than 150 words.

Lock Out...or Lock In?

By BARBARA ROSENBERG

The lock-up of the Law Faculty Building during lunch is not a faculty lock-in. The original 12 to 2:00 p.m. closing of the faculty building was prompted by a small percentage of students interrupting faculty members during lunch and conferences. Since the secretaries have lunch shifts during those hours and students have neglected to check with the receptionist before cornering professors in the lounge or their office, there was not enough buffer between these students and the faculty. The inconvenience to students seeking the aid of professors was considered and the lunch hours were changed to the lunch hour of 12-1:00 p.m. The professors wish to maintain an open door policy which can better be effectuated by making appointments and checking with the receptionist before visiting a professor. Appointments can be made with professors for the hours of 12-1:00 p.m. and the professors can arrange for the student's entry of the building.

Moot Court goes National

For the first time St. Mary's Law Center will send a three person team to the regional qualifying round in Dallas, Texas, for the National Moot Court Competition. In order to select the competitors the Moot Court Board has restructured the Orville C. Walker Moot Court Competition along the lines of the Norvell Competition.

The Walker Tournament is to be held on September 15 and 16. The final round is scheduled for Friday, September 19. Judge Spears and Judge Suttle will judge the finals.

This is a significant step forward in the moot court program and the support of the entire student body is essential to the continued success of the program. All students are invited to attend the session.

On Becoming A Lawyer....

By KAYO MULLINS

When I arrived in San Antonio it seemed to be the culmination of a very long dream. The city was bright and busy, the Paseo del Rio unbelievably beautiful, and it was here for me to enjoy for the next three years while I "studied the law." A phrase which always seemed to have some sort of majestic tone to it.

When I first saw the administration building from way down Cincinnati its Disney-like appearance only reinforced my theory of the dream. Did I really get up this morning or was I still in bed dreaming ?

Orientation was when I first realized that maybe it wasn't a dream after all. There, I was informed that the first year class would be 224 strong and to my surprise and pleasure there would be fifty women. The first year class hails from 33 states and the District of Columbia, with about one-half from Texas. Almost a hundred different colleges and universities are represented. Later when I talked with Dean Schmidt he told me that while only 14 minority students had registered, that 44 had been accepted, which is about 20% of the total.

After orientation I faced the ordeal of buying my books. I was not to fear, though, because there was plenty of help around. Everywhere I turned there was a knowledgeable second-year student who had just the book I needed. "Who do you have?" he would ask. When I answered he would say "this is just the book you need, you can't pass without it." Great, I said, and bought it. I turned around and another one took his place except this one says "if you read that book you'll flunk - - throw it away, this is the one for you. Who sold that to you anyway?" It was the end of the week before I thought to ask what kind of grades these advisors' made, and my suspicions were confirmed.

The next thing I got was the gruesome

See LAWYER, p. 6.

aba-lsd convention

Montreal 1975

By DAVID PENNELLA

The annual Law School Division meeting was held in conjunction with that of the ABA in Montreal, Canada, August 9 through August 13. Its purpose was to elect new officers, plan new programs, adopt resolutions, attend section meetings, listen to prominent speakers and meet with lawyers from across the nation.

This year St. Mary's had a personal interest in the election of national officers since Joshua Brown, SBA President, ran for Division Delegate. Unfortunately Joshua lost by one vote in a second ballot. The defeat, however, was not in vain for it served to make St. Mary's more visible on a national level. I believe we all owe Joshua a vote of thanks for both his hard work and courage in running for office. We should also thank our 13th circuit governor, Ulysses S. Jones, for his strong support for Joshua.

I occupied the dual role of voting delegate and member of the credentials committee. The major accomplishment of the house of delegates was passage of revised bylaws which were, in great part, a response to an ABA committee report criticizing the LSD structure. The report suggests the abolition of three national offices from the current six. The revision has attempted to avoid implementation of such drastic measures by meeting these criticisms, as in the case of the number of offices, where one position has been eliminated.

Resolutions passed by the house included the solicitation of outside funds from foundations as an additional source for LSD funds, the preclusion of the dissolution of predominately minority law schools, official recognition of Student Bar Associations, increased participation of women in committees and commissions of the ABA, establishment of a minimum wage for law clerks (the Tuscaloosa Alabama Bar members conspired to set the wages of law clerks at $1.25 per hour. This resolution was brought by the University of

See MONTREAL, p. 14.

LESSON ONE:

Caveat Emptor!

By CLAUDE DUCLOUX

Ahh, the end of August. Summer has brought a brief respite from the books for some, the benefits of summer employment for others, and alas the thrill of summer school for those less fortunate than ambitious.

The first official gathering of the law school fall semester convenes. Freshmen, adorned with those attractive "HELLO, my name is" green stickers, pensively slip into an available seat as quietly as possible. Irish Spring is working overtime. The supposed solemnity of the occasion overpowers even the gaudiness of the most conspicuous. Now come all the introductions, the admonitions (may they rest in peace), the grandiloquence, the invitations to campus orginizations, and the flag waving of upper classmen all dressed up to show you what you, too, can be in a few short years. Perhaps the class will be treated to that cinematic epic, "San Antonio: City of Your Dreams!"

But the freshmen all know that this isn't really what they came for. When this official fanfare is over, then comes the real meat: "We wanna know the dirt!" and "How do I pass this course?" Such are the statements of those freshmen who have heard from their roommate's brother what law school would be like. As the general gathering is dispersed into those advising sessions (or mis-advising sessions) they are determined to get the "low-down".

The roving reporter covered one such advising session. It is amazing the power

See CAVEAT, p. 11.

the thrill

OF YOUR NAME IN PRINT
CAN BE YOURS
IF YOU WILL ONLY HELP.
WE CAN'T CONTINUE UNLESS
YOU TAKE PART IN WITAN.

matt piermatti

Society inter alia

Summer is a time of languid gin and tonics on tennis courts, of icy Dom Perignon aboard the sloop and of weekends in Southampton . Yet whether vacation was spent at the Waldorf or well-head one waited with breathless anticipation the advent of the new school year.

What would the first day of school be without the outline king, Charles Schmidt, selling the now classic "Charles Schmidt Memorial Outline Series of America" ? The first day of classes holds all the familiar sights and sounds of an opening night on Broadway . . . the tintillating conversation, the chaff of laughter and the rumors.

Within five minutes the top ten rumors have made the social scene, and within the next 15 minutes they had become so distorted as to hardly be recognizable from their previous form. As a public service I would like to compare the truth with rumor to show the extensiveness of such fabrications.

Rumor: It is rumored that Dean Reuschlein has applied for canonization.

Truth: Dean Reuschlein has applied for canonization of the Flonzaley Quartet.

Rumor: The Law Journal is now selling coffee to all students at 10¢ per cup in an effort to show that they are just plain folk.

Truth: Brian Sokolik is living out his life-long secret ambition of being a fry-cook.

Rumor: It is rumored that Charles E. Cantu made his debut this summer.

Truth: Charles E. Cantu made his debut this summer.

Rumor: It is rumored that the design for the new "St. Mary's Law Center" sign was changed from the original idea. Originally as designed and color co-ordinated by A. A. Leopold "welcome" was to be tastefully spelled out in flashing neon.

Truth: It was not actually A. A. Leopold who designed the original sign but rather William Francisco.

As extensive as the rumors are, we are looking forward to a veritable flood when it is found out what actually does go on in the Administration Building between the the hours of 12:00 and 1:00 p.m!

NITWTIN

By GREG KOSS

In wit, to wit, the Witan is
A vehicle sublime.
For satire 'tis a satirist's dream;
Ask Buchwald any time.
For fighting fits of boredom
'Tis wonderful in sales.
But fiction, Ah, no fiction;
We don't believe in tales.
We've biting social satire,
Complete with resident snob;
But just because you're on our staff
Won't guarantee a job.
To this we add editorials,
Letters, essays, gripes,
And just a pinch of boring stuff
To aid with sleepless nights
But even though
I loves it so
There's one thing that I curses.
Ads "two for one"
When done undone
Leave with half me verses.

When you patronize our advertisers, please tell them you read their ad in WITAN. Without their support we would have no newsletter.

RED MASS 1975

By ANDY LEONIE

The Annual Red Mass at St. Mary's Law Center will be celebrated, Thursday, October 16, 1975 at 6:00 p.m. in the classroom building. All law students, faculty and their guests are invited to attend.

The Red Mass originated in France during the Thirteenth Century and shortly thereafter was celebrated regularly at Westminister on September 29, the feast of Michaelmass. The purpose of the Mass is to invoke the blessing of the Holy Spirit on courts and those that practice therein. It is traditionally referred to as the Red Mass, not because of the red vestments worn by the celebrants, but because of the red judicial robes worn by the high court judges in France and England.

The principal celebrant will be the Most Reverend Francis J. Furey, Archbishop of San Antonio. Msgr. Patrick J. Murray, Chancellor of the Archdiocese, will deliver the homily. Music for the Mass will be sung by the Intercollegiate Liturgical Choral society under the direction of Dr. Joseph Murgo.

Following the Mass there will be a reception for those who have been in attendance. It will be outside, weather permitting. Dress for the Red Mass is semi-formal.

LAWYER, continued from p. 3.

anecdotes about how this prof destroyed this guy, and that prof made this person faint. By the time I got to class I expect to see someone with a whip, chair, and gun to make us jump through legal loopho

The class schedules were a disaster. The reason, I am told, is that more peop from the bottom of the alphabet were accepted than expected. For a while ther you couldn't tell if you were AB, BC or AC-DC.

Finally, the weekend came and I had time for a little reflection. Maybe the hardest thing to do was brief that first case. It seemed somewhat unnatural to sit down and turn to the first page of an entire legal education. Someone called it their own personal milestone.

After I got started I would find myself thinking that I was incapable of believing what I was doing; what am I doing here? It could be these doubts that caused three people to drop out already.

If was during that weekend I began to realize that it wasn't that bad. I was still in one piece and even that contracts prof that everyone had warned me about was more like Groucho Marx than Attila the Hun. About the time I decided, I'm going to like it around here, I discovered there were more classes to prepare for and I had better get back to work.

It seems everytime I start to relax someone comes up and asks about a case I haven't briefed yet or an article I needed to read and it's back to work agai When I think about finals I can't help but notice the similiarities to the fattenin of the lamb before slaughter. If you hea some lost soul standing out under a tree "baahing" that will be me. Just come pa me on the head and point me toward the library.

DITTFURTH JOINS FACULTY

By

MARIANNE LIPSCOMBE

A new addition to St. Mary's faculty is David A. Dittfurth, who describes himself as a student of Heidegger, Husserl and Sartre. Dittfurth received his BA in history, and his JD in 1967 from the University of Texas. Following two compulsory years with the army in the special courts division at Ft. Polk, Louisiana, and as a JAG officer in Vietnam, he entered private practice in Houston.

In January of 1972, Dittfurth entered U.T. Law School for his LL.M. Later Dittfurth and two other instructors introduced the Harvard Legal Methods course to the University of Indiana Law School. The method involves studies and practice in case analysis and legal research and writing, culminating in moot court competition. Recently he published an article on judicial reasoning utilizing a phenomenological approach. The article is entitled Judicial Reasoning and Social Change, published in Vol. 50 of the Indiana Law Review. While at U. T. Dittfurth participated in Tex. PIRG (Texas Public Interest Research Group).

When not preparing lectures for his three classes, conflicts, domestic relations, and federal procedure, Dittfurth and his wife are exploring San Antonio. Another activity, jogging, has unfortunately suffered due to the number of classes he is teaching.

SBA Program
Judge for a Day

By KARLEEN KAUFMAN

Under the previous SBA administration, the Senate began a High School Speakers Program. This year it has been incorporated into a program designed as a "mock-trial" which will be presented to various high schools. Government students will participate in the trial situation under the direction of volunteer law students. Working in conjunction with the Woman's Bar Auxiliary's program and escorting high school government classes on a tour of the courthouse, the Law School's Mock Trial Program will hopefully enlighten the students' knowledge of various legal procedures.

A tentative goal of late October has been set for the program's initiation. A list soliciting volunteer law students will be posted within the next two weeks. All are invited to participate.

EDITORIAL, continued from p. 2.

giving General Motors a seat in the U.S. Senate and telling Chrysler that it's for their own good. WITAN endorses the proposal with reservations concerning the delay in implementation.

****

Student Body President Josh Brown has presented plans for the SBA to seek implementation of a St. Mary's Legal Services Association program. The purpose of the program, initially, is to offer the undergraduate students of St. Mary's University professional advice on legal problems. The long range goal of the association is to offer legal counselling to the surrounding community. The Young Lawyers Association of San Antonio has offered its assistance in obtaining volunteer lawyers to participate in the program as the legal advisors. Law students participation consists of obtaining facts from the clients and writing up fact situations to be presented to the attorneys for analysis.

We endorse his efforts. The legal profession has an obligation to "assist laymen to recognize legal problems because such problems may not be self-revealing and often are not timely noticed . . . ." (ED2-2). St. Mary's Law School has an opportunity to provide an invaluable service to the local community, and we should not let this opportunity bypass us.

Criminal Law Association

The Criminal Law Association would like to invite all law students (and any other interested persons) to join the association and participate in the many interesting functions planned for this academic year. As you know, membership in the CLA provides a much-needed supplement to the course offerings in criminal law and procedure. There is no substitute for recitations of first-hand experiences, and CLA can provide this through its speakers' program and other special activities. For your information, here is a schedule of future events:

September 24 at 12:00 P.M.	Luncheon Roy Barrerra, defense attorney 3rd floor, Scholasticate Bldg.
October 15 at 7:30 P.M.	The Assassination of President Kennedy - film and lecture Prof. L. Wayne Scott Classroom 104
November 19 at 7:30 P.M.	General Meeting Program: "Reliability of Eye-witness Testimony"

In addition to these definitely-scheduled programs, CLA members will be able to attend our annual Austin luncheon in January with the judges of the Texas Court of Criminal Appeals, followed by a guided tour of the Supreme Court Building. This experience has invariably proved to be extremely rewarding. Other activities for this year will include a tour of the Texas Department of Corrections facility in Hunstville and a continuation of our Indigent Defenders' Program. (Paid ad.)

LETTERS, continued from p. 2.

TO THE EDITOR:

There are far too many students at St. Mary's who keep their mouths shut in class. They sit there, like so many rips in the vinyl seats. Most professors like to think they are speaking to a live audience. Many students wish to learn and understand the law. For all their sakes, we should refute the professor when he is wrong, ask for an explanation when the matter is confusing, and expand on the subject, or request that he do so, when the professor has made a particularly brilliant point. Instead, too many of us just sponge it all up half-consciously, intermingling the flashes of genius, the mediocre rambling, and the harmful misinformation and contorted logic.

Some students say that they are here only to get a piece of parchment. This is a rational position, and even an honorable one, under our present closed-shop union rules which require that piece of paper in order to exercise one's right to defend one's fellow man. But a student who uses this argument cannot then complain about others who talk in class.

Other students claim that people who ask questions and argue in class are inhibiting their chance to learn and wasting their time. After spending eleven years at various colleges and universities, three of them on the other side of the rostrum, I have heard more fatuous comments, inane questions, and semi-literate belches from students than I care to remember. They were all worth it for the occasional remark that cleared away the cobwebs.

Other students here claim that they don't know enough about the subject to speak. If at their age they don't know enough logic to spot its occasional absence in a lecture or case, they shouldn't be in law school. And their admitted ignorance disqualifies them from judging other students' remarks.

It is not the professors who complain of talkative students, it's the peer-group Mafia that we've developed here. They don't have the guts to speak out loud in class so the teacher can hear it. They groan and mutter audibly to their neighbors --if they knew ventriloquism, they'd use it --and then attack the participating student after class. Like a soldier who skulks in war, then is all belligerence at home.

I will continue to offer my own insights, free of charge (or for $70 an hour, if it makes the recipient feel as though he's learning more by paying for it). I would like to hear yours, in class, if well meant. I don't wish to hear them at the Pit or shouted from speeding cars.

EGON R. TAUSCH

ALL THINGS CONSIDERED REVIEWS

By MARK STOLTZ

Fear of Flying by Erica Jong (New York: Holt, Rhinehard and Winston, Inc., 1973), 311 pp.

In spite of what you may have seen, heard or read Fear of Flying is not a naughty book. But somewhere in this wide country a political and social fossil will label it "filthy, obscene and unfit to be read by man, woman or child," probably without reading the novel itself. There are in truth few scenes in the novel depicting coitus or other forms of sexual recreation that seem to upset some people and some of the language in the novel is the kind that was carefully deleted from the Nixon tapes. There is also much discussion about sexuality that is presented in terms that do not appear in a Masters & Johnson volume. An apt and affected appellatation for the novel's language would be "Chaucerian".

The novel concerns a thirty year old Jewish poet from New York City named Isadora Wing who is in the painful process of examining her life. She is in her second marriage, this time to a Chinese American psychoanalyst, and it is crumbling. She goes to Vienna with Dr. Wing and there meets an Englishman out of her fantasies who turns on her mind and libido. Isadora's dilemma concerning the Englishman churn up unpleasant memories of her adolescence, her family and her two marriages. The most interesting parts of the novel are the narrator's rememberances of things past.

The reader is left with the question of deciding the direction Isadora's life should take. The possibilities Ms. Jong leaves the reader to choose from are ambiguous and problematic when considered in the light of Isadora's confused past.

Much has been made of the fact that the author of Fear of Flying is a female, i.e., a woman has written a dirty book. This seems unimportant after reading the novel. What becomes important is the undeniable fact that Ms. Jong is an exciting and skillful storyteller. She writes with poet's ebullient and control yet her prose retains a perspicuity that keeps the novel unpretentious and therefore readable by the general public.

. . . . . .

Conversation with Kennedy by Benjamin C. Bradlee (New York: W.W. Norton & Co., 1975), 251 pp. Hardbound.

Conversations with Kennedy by Benjamin Bradlee is a cruel book because it makes one confront the terrible truth that he will never be President of the United States. The seventh grade civics class adage that says "anybody can grow up to be President of the United States" is a half-truth and a distilled one at that. Anybody can grow up to be President but hardly anyone does. Well if one can't be President, the next best thing would be to have a President for a friend as Bradlee did; the amended American dream.

The book is in journal form and most of the journal entries were written the day of the author's conversation or visit with Kennedy. It covers the period from 1959 to the tragedy in Dallas during which time Bradlee was the Newsweek bureau chief in Washington, D.C.

There is little substance to the book. For the most part it is filled with political gossip and such fascinating information as the number of times a day the President changes his shirt or the fact that he only has one scotch before dinner even though the guests have more. The book includes pictures of JFK with Bradlee as if to show everyone who peruses it that the author did know Kennedy. The book does have a certain nostalgic charm about Kennedy, the man without being maudlin about Kennedy, the slain President. There are interesting parts, mostly when Bradlee catches the powerful man' informal moments with his family (this is indeed vicarious living that is high on the hog) but they are unfortunately too few.

Law School Orphan

By ANDY LEONIE

In this, the second year of the WITAN'S successful existence the question still is, "where is it?" At various times the answer has been a letter box, a typewriter, or a briefcase.

At a time when professors offices are being located in the library and when the possibility of moving overflow law classes to the main campus has been mentioned, physical space at the Law Center is obviously at more of a premium than Myron Floren.

Our esteemed Student Bar Association has a lavish office suite in the classroom building, other student organizations having their desks positioned in the same suite also share in this luxury.

There is another publication at the law school renowned for its lack of wit and basic incomprehensibility. It is housed in a suite sumptuous to the point of decadence. Why, it is even rumored that there is an entire room set aside for coffee-pot devotions.

The Legal Research Board is located in what appears at times to be a vacated warehouse, sometimes used and sometimes not, but it does overlook the faculty building. This rather large and virtually empty room lends itself to the idea of partitioning. A new idea it's not. A good idea it is.

With respect to the law school's poor orphan, the WITAN, the solution appears rather obvious. The only other way to bring it in and off the streets is to pursuade the Law Wives to throw up a few more walls and a roof on the construction project protecting the Law Center from the setting sun.

CAVEAT, continued from p. 4.

those advisors wield! The mid-law "survivor" lounges easily before the inquisitive newcomers, fielding questions from all sides and dispensing the wisdom of Solomon without a moment's hesitation.

1st FR: A guy outside told me not to buy the casebook for Contracts because there is a good Gilbert's outline. Is that good advice?

AD: Of course not. That was terrible advice. Buy the Casenote briefs instead. They are much better than Gilbert's. Next?

2d FR: Should I buy the Prosser Hornbook for Torts?

AD: Naa. I never used it at all, and I did . . uh . . O.K.

3d FR: How do you make a brief?

AD: Well, uh, I quit making briefs after the second week of class. Ya see, I had so many canned briefs and outlines that I just figured it was a waste of time.

3d: FR: Thanks, you're a big help.

4th FR: Will we have any time for social life?

AD: Sure. But first there is something you must do. You must convince all your fellow students that you have no time for anything but studies. As soon as you have convinced everyone that you are much too busy to have fun, you may begin having fun.

FR: Oh, I think I see . . .

AD: Yeah, well, it's kinda an unwritten rule here in law school.

5th FR: What about assignments? How much time do you put in preparing for class?

AD: Well, that all depends on your schedule, y'see. I did my torts cases during the morning break, borrowed the property cans during lunch, and depended on a buddy to tell me what they covered in the other contracts section immediately before mine. I figured out the role system in agency class, and as for criminal law, he rarely called on us so I have to admit I just squeaked by.

6th FR: Wow! You sure beat the system! But what about finals? Weren't they tough?

AD: Sure, but just do what I did and get yourself into a good study group and cram like heck the night before. Someone in your classes will always have the inside track as to the material on the final.

6th FR: Sounds good. But then what was your biggest problem last year?

AD: Only one really, I guess. I spent the whole summer petitioning the admissions committee to stay in school because my grades were so low. Luckily, I got back just in time to help with these orientation sessions.

SCHOOLS, continued from p. 1.

valuation to the property in the district, based on 100% true market value. Previously, a complex formula known as the County Economic Index had been used, resulting in tax havens for wealthy districts. The new formula is designed to achieve fiscal neutrality in that a district must tax at the statutory rate if it is to qualify for state funds.

2) State funding of $90 per average daily attendance (ADA) in 1975-1976 and $95 per ADA in 1976-1977, as opposed to $37 per ADA previously.

3) Compensatory funding of $40 per ADA which is intended to supplement the cost of special programs with very low student-teacher ratios and special instruction (education programs designed for the physically and emotionally disadvantaged).

4) Fifty million dollars per year in state equalization aid is apportioned to equalize tax efforts with tax bases. The Local Fund Assignment, that share of revenue which a district must raise itself, is determined by the taxable wealth of a district. Accordingly, districts with low tax bases and high tax rates generate less revenue than wealthy districts taxing at a lower rate. Under the new plan, state equalization funds will flow disproportionately greater to those district having the lower base of taxable property.

5) Driver Education Programs will receive $25 million based on ADA. Under prior law this program was unfunded and the cost was borne by the school district or the students.

In addition, the bill provides for funding and professional units to be earned on the basis of varying pupil-teacher ratios within certain grade and program classifications. Transportation allotments will be increased by 62.5% in both years of the biennium with special education children receiving reimbursement for actual costs not to exceed $260 per eligible child. Should the implementation of this new Foundation School Program be detrimental to a school district, several "save harmless"clauses are contained in the measure.

Public school finance reform is worth noting as the most significant legislation dealing with public school education to be passed by the 64th Session. Although we have not achieved total equalization, a significant beginning has been made. Coupled with the hopeful adoption of a new Texas Constitution, which guarantees each child an equal educational opportunity, the efforts of many may result in a truly progressive response to Rodriguez, the Court, and the people of Texas.

Freshman Senate Candidate Statements

Qualifications: Chief Justice of the Supreme Court of North Texas State Univ., for two years, President of the Pre Law Club, and co-author of the Legal Services Program of N.T.S.U.

The most important of these is the work with the formation of the Legal Services Program where I not only drew legislation to get a lawyer for Student Aid but, more important, initiated the first program where undergraduates interested in law could work with the City Attorney's Office in Denton.

Stephen F. Said

****

Student government can and should serve as the principal avenue through which we as students express our thoughts and wishes about our professional education to our faculty and administrators. As a senate representative, I hope to do just that: represent my classmates and friends as their voice to our law school.

Wanda Wray

****

Robert Ruiz, 25, married. B.A. University of Corpus Christi, History Major. Undergraduate Representative, Student Government. President Pan American Club. One of the four regional members of Equal Employment Opportunity Committee, State Welfare.

Have actively pursued interest in representing colleagues and co-workers. Would like to do so for freshman law class.

433-8888

PAD Rip-Off And Ripped-Off

By KEN NYE

Every semester, Phi Alpha Delta, one of the three legal fraternities on campus conducts a "book exchange" whereby law students may not only buy but sell their books with a considerable advantage over local bookstore offerings. The fraternity takes 10% of the seller's earnings and applies all the money toward a scholarship fund. Thus, this service enables the fraternity to assist the students twofold.

However, this year's exchange terminated with a bit of discord. The fraternity has not been able to co-ordinate with the students who have money or books due them and thus the fraternity is presently unable to make an accurate accounting of the profits made from the exchange. Conversely, it appears that some students have been unable to receive either their money or their books! P.A.D. makes no definite assessment as to the present status of these books. They merely state the books appear to be missing. Missing indeed! Either the books were lost or the books were stolen.

If the books were stolen the responsibility and liability of the students involved is clearly set forth in the Honor Code. Yet if the books were lost, what, if any, is the responsibility of the fraternity toward the students? The fraternity, in order to minimize this type of risk maintained at least one and generally two or three fraternity members in the room to safe-guard against abuse. (The need for such a safeguard, although perhaps realistic, is in itself very distressing.) Yet books were still missing. It appears the fraternity is assuming no liability. With an operating profit margin of 10%, does it become unrealistic to expect reimbursement? As it was explained, P.A.D. would have to sell $25 worth of books to reimburse a student for a $2.50 outline.

From a policy standpoint it is not difficult to sympathize with the fraternity. Yet "policy standpoint" will not ease the financial pangs of the victimized students.

There can be no question that P.A.D. is at fault. To what degree will probably never be determined. Perhaps they were at fault in failing to provide adequate or competent manpower for the proper physical and administrative control of the books. Or perhaps they were at fault in assuming they were dealing with professional people who would conduct themselves in a professional manner. In any event, reform appears to be necessary in both the areas.

ETC.

Phi Alpha Delta is planning an all school party for the end of the month. A seminar concentrating on built in attorney's fee provisions in the Texas Consumer Credit Code will be held in the near future.

Phi Delta Phi is forming a resume file. Resumes of students and graduates will be made available to the students to provide ideas as to form, information to be inclued, etc. A complete list of employers will be on file, including the names of persons to whom resumes may be addressed.

The Law School Intramural Football Team has held practices the last three weekends. Twelve out of sixteen starters have returned and the team boasts of some good freshman players. The team won the all-school intramural title last year. Games are played in the field adjacent to the classroom building every Sunday afternoon. Spectators are welcome.

The Women's Law Association had its first meeting Thursday, Sept. 12. The group has made many plans for the organization and St. Mary's law students for the coming year. For October the Women's Law Association is planning a bus trip to Wurstfest in New Braunfels and an all student party and auction on Oct. 10.

MONTREAL, continued from p. 4.

Alabama School of Law to ask the ABA to pass a resolution to the effect that all law clerks should at least receive the federal minimum wage!) and the establishment of an International Convention for Racial Discrimination.

The following national officers where elected for 1975-75: President: Lynne Gold, Villanova University; First Vice President: Dick Eymann, Gonzaga University; Second Vice President: Richard Annis, University of San Diego; Secretary-Treasurer: Carol Coe, University of Missouri-K.C.; Division Delegate: Jon Gray, University of Missouri-K.C. and Dayle Powell, Cumberland School of Law, Sanford University.

st. mary's of texas school of law

Witan

Volume 3, No. 2 October 1975

Toward a New Texas Constitution

By NELSON W. WOLFF

(Former State Senator, Bexar County)

When Mark Twain allowed as how the only difficulty with the criminal court system was finding twelve people every day who can't read and don't know anything, he didn't know about court problems in Texas. Here the backlog of criminal cases waiting on appeal has hit and passed the 2000 mark and an average of two years goes by before a conviction is upheld or reversed. Were this the Texas court system's only problem, it would be quite enough.

However, that's just a notorious example of the problems engendered by what's been called "they hydraheaded monster." Texas has the singular distinction of having created the most complex court system in the entire country and could probably take honors with that for the whole world. Texas, as of 1973, had 2468 courts and 2598 judges. Even Great Britain, with her populace of 56 million, has fewer judges than the number serving the 12 million people in Texas!

You would think that with all our judges, Justice with her scales and sword would be moving with swift alacrity--but she's not. The two-year delay on the appeal of a criminal case makes a sham of Section 10 in the Bill of Rights' first article guaranteeing that the accused in all criminal cases shall have the right of a speedy public trial.

The new constitution provides some long awaited remedies for the maladies of delayed justice, excessive number of courts, the complicated appellate and trial court system and detailed and contradictory jurisdiction problems. The progressive changes carried in the new constitution are the final product of some six years of debate and research, and are no less than laudable efforts to infuse some prudence into Texas jurisprudence.

THE UNIFIED JUDICIAL SYSTEM

It's the new constitution's Alpha and Omega in judicial reform--and it's drawing a lot of fire from opponents accustomed to an unwieldy judicial system, a tradition honored only by time.

Under the new constitution Texas will have a unified judicial system with four tiers of courts. When Texas puts her unified judicial system into force she will join 29 other states that have either moved toward a modification of such a system or embraced it entirely. At the top of the tiers is the Supreme Court as the lone high court in the Lone Star State. A Court of Appeals with jurisdiction to hear both civil and criminal matters will follow, then the District Courts (which are the main trial courts)

See CONSTITUTION, p. 10.

EDITORIAL

The Scheduling Dilemma

As you are aware, the fall exam schedule and the spring class schedule have been officially posted. We regret that once again we must note that the schedules are unreasonable for many students. We think that the time has come for student input into the formulation of schedules. The Student Bar Association should deal with this problem at once--as should the Faculty Curriculum Committee.

We regret that Dean Schmidt will not comment to WITAN about the schedules. We have never intentionally misquoted anyone we have interviewed--and in the unlikely event that an error did occur the appropriate remedy would be to bring the matter to the attention of an editor so that a correction can be made. We would be more than happy to print a correction if one is called for. WITAN has never been told what the alleged misquotes were, although we've been aware of memorandums circulated among the faculty. We think Dean Schmidt has a moral obligation to be more open with students and more amenable to positive criticism.

* *

Vote For a Change!

On Tuesday, November 4th, every registered voter in Texas will be able to cast a ballot to determine whether Texas will continue to be governed by the Constitution of 1876, as amended over 200 times. We encourage every student to vote for the proposed Constitution. This is not to say the document is perfect; it's not. No document could every satisfy everyone -- let along Texans. It is, however, a good document that can improve the quality of government in this state. We encourage you to study the issues, attend the scheduled debate, and vote--for a change.

Letters To Witan

LETTERS TO WITAN SHOULD BE NO LONGER THAN 200 WORDS WITHOUT SPECIAL ARRANGEMENT PRIOR TO THE DEADLINE DATE.

TO THE EDITOR:

I am grateful to Mr. Roy Barrera for sharing his legal experience at the last Criminal Law Association Luncheon. But I would like to criticize what he had to say.

Changing Bolt's Thomas More a bit with Mr. Barrera in mind . . . The law made judges to show their splendor -- as it made defendants for innocence and juries for their simplicity. But lawyers it made to serve wittily, in the tangle of its mind . . . and no doubt it delights the law to see splendor where it only looked for complexity. But it's the law's part, not our own, to bring ourselves to that extremity. Our natural business lies in escaping. . . .

Mr. Barrera might have said the above himself; he certainly suggested it. But what did he say? He posed the interesting question "Is it moral (ethical) for a lawyer to advocate for a known criminal?" In answer he could have told us, say, that the value of equitable due process outweighs any individual ethical considerations. But what did he say? He told us that it was a jury's job to determine a man's innocence of guilt. If he wanted to give that answer he should have asked "Whose job is it to find the criminal guilty?"

But what did he say? Straining our credulity he told us that, although judges avoid controversial points of law during election years, lawyers can straightforwardly and unequivocally advocate for a guilty client whom they might despise. Is this an extremity to which the law will some day deliver us?

In closing, I would again thank Mr. Barrera for his time and educative contributions; but I would note that he escaped the point of his own talk.

D. Callahan

See LETTERS, p. 8.

Schedules---AGAIN?

By DENNIS JAMES

The spring course and examination schedules have been posted on the bulletin boards recently. This annual event was accompanied by a great deal of muttering from students concerning the timing of their exams and courses. Perhaps the most pained expressions came from those students who hold afternoon clerking positions with local law firms. The spring schedule has placed many of them in the very difficult position of choosing between their jobs and the courses they need to prepare for the bar examination. Commercial Paper and Wills and Administration are going to be offered at 2p.m. and 3p.m. respectively on Tuesday, Wednesday and Thursday.

Behind the scheduling problem lies official ambiguity over the law school position on the role of student jobs with local law firms. The ambiguity is the result of two conflicting views on student participation in an activity that does not fall under "academic pursuits", strictly construed. One outlook with considerable support is that law school is a time of intensive training in the theory of law. Another view is that law school is a training ground that should provide theoretical and practical opportunities for the student. There is considerable support for both positions. The practical implementation of these concepts is the testing ground for each.

Practically speaking, to advocate a purely academic approach to the study of the law presupposes several factors. The first is that the school has an adequate facility to accomodate these legal scholars. St. Mary's Law Library has less than 200 seats, not including the classroom, to accomodate more than 600 students. The second presupposition is students attending St. Mary's not only have adequate financial resources to pay for the nearly $2400 annual bill for tuition, fees and books but also they have received enough to keep themselves alive while they wrestle with legal theory. The third presupposition is that all law students are scholars and they can motivate themselves to grind through legal tomes 12 hours a day for three years.

On the other hand, the advocate of the mixture, legal theory and practicality, also presupposes a number of practical aspects. The first of the assumed facts is that a clerking job offers real practical experience to the working law student. This, of course, varies with the lawyers who employ the student and the confidence of the student himself. The second assumption is the work done in the law office will not hamper academic performance. Again this varies with the student, the employee, and the job responsibility. Lastly, there is the

See SCHEDULES, p. 18.

witan staff

Editor in Chief . . . . . Don Maison
Managing Editor . . . . . Judith Johnson
Copy Editor. . . . . Jim Seifert
Business Manager . . . . Barbara Gunning
Associate Editors . . . . Meg Morey, Stephen Said
Typist. . . . . Donna Harris
Staff Writers . . . . . Claude Ducloux, Mark Helfers, Dennis James, Ruth E. Kingsley, Gregory Koss, Andy Leonie, Marianne Lipscombe, Mary Mulally, Kayo Mullins, Matt Piermatti, Barbara Rosenberg, Mark Stoltz
Contributors . . . . . Joshua Brown, Tony Chauveaux, Robert Hobbs, Barbara Jones, Mark Miller, Joseph Weik, Nelson W. Wolff, Donald Bayne

WITAN is published by students of St. Mary's Law School, monthly except June, July and August. The views expressed herein are those of the individual writers and do not necessarily reflect those of WITAN, its editors, the administration, or faculty, unless otherwise stated. The Editor is responsible for the views expressed in unsigned articles.

New Moot Court Coach

By DONALD BAYNE

Mr. Morton Baird, coach of the St. Mary's National Moot Court Team predicts that the advocacy programs being developed at St. Mary's Law School will out-shine all others in Texas. Commenting on the enthusiastic support for moot court and mock trial by Dean Raba and the law faculty, Baird claims that "with this kind of commitment, St. Mary's will have the best advocacy program in the state." Baird noted the outstanding calibre of the St. Mary's student body, differentiating the students from those at Texas, his alma mater, as "harder working and more deeply committed."

Baird, an honor graduate of the University of Texas and the Texas Law School, was recently selected by Raba to supervise the St. Mary's Moot Court Team entered in the National Moot Court Competition. Married to Ann Marjusrite Holmstrom, Baird is as associate in the law firm of Gochman and Weir. While a law student at Texas, Baird was an active competitor in moot court and mock trial, including among his honors membership in the Order of the Barristers and membership in the only team in the history of the State Bar to go undefeated in the six preliminary rounds of competition.

As a trial lawyer, Baird places particular emphasis on participation in mock trial, explaining that it provides a superb opportunity to develop and sharpen trial skills. "Mock trial is worth six months of your life or more to prospective trial lawyers," Baird claims. He advises interested freshmen to participate in the advocacy programs as far as their academic pressures will permit, by entering the freshman moot court competition, observing the state and national competitions, and volunteering as witnesses for Mock Trial.

Baird notes with appreciation the invaluable advice given the national team by Walker, and the support and commitment demonstrated by Raba, and looks forward to leading the law school to a position of pre-eminence in advocacy. "My long term interest is to help make St. Mary's the best school for advocates in the state."

In the past, academic credit has been given for participation in the Norvell Competition in the spring. A trial advocacy course is in the planning stages for next fall. In addition, Charles Hardy has succeeded in establishing a local chapter of the Barristers, a National Honor society for Moot Court participants.

Baird points out, however, that participation in Moot Court and Mock Trial Competitions are of long-term benefit to the student. Experience in writing appellate briefs, oral advocacy, and answering rapid-fire questions are all skills prized by practicing attorneys.

The Regional National Moot Court competition will be in Dallas, the weekend of October 31 - November 2. Representing St. Mary's will be Larry Likar, Jon Kelly

See MOOT COURT, p. 15

Election Results

Five freshman senators and one honor court justice were elected three weeks ago. The election included a referendum on the special prosecutor amendment to the Honor Code, and the SBA constitutional amendment to increase class representation while abolishing special interest representation. Both provisions were passed.

Out of 274 eligible freshmen voters 211 actually voted, yielding a turnout of 77.9%. On the referendum, where all 671 law students were eligible to vote, the turnout was 337, or 50.2% of the student body.

Eileen Sullivan, a 22 year old student from Pueblo, Colorado, tied for the lead of the elected senators with 82 votes. She attended St. Mary College in Leavenworth, Kansas where she received a bachelor's degree in Spanish. When questioned as to her goals as a senator Eileen said, "I don't believe it's valid to say that in three years we will take the time to communicate, to apply the laws or responsib

See ELECTION, p. 17

SBA Announces Plans

By JOSH BROWN

This semester the Student Bar Association is pursuing an active involvement in community oriented programs and affairs. With the help of several hardworking individuals, the following programs have been initiated; Mock Trial Program- under the direction of Karleen Kaufman, a mock trial script was written to be enacted before various high school government classes throughout the city. Eight schools have already asked that the trial be performed at their respective schools. Since the program will commence the week of Oct. 20, volunteers are urgently needed.

Constitutional Revision Symposium - On Oct. 23 at 7:00 p.m. in the law school classroom building the Student Bar Association will sponsor an open discussion of the pros and cons of the proposed new constitution. Don Nicolini has secured the services of the following gentlemen: John Hill, Attorney General, State of Texas; John Onion, Presiding Judge, Court of Criminal Appeals, against;Nelson Wolff, Member, Citizens for a new constitution, for;Manuel De Busk, Chairman Dallas County Democratic Party, against;Henry Guerra, WOAI Radio, Commentator-Moderator. These gentlemen are travelling a long distance for this program, therefore, a full house would be appreciated.

Legal Ethics Symposium - Andy Leonie has just completed preparations for this discussion of Legal Ethics. Scheduled for Nov. 6 at 7:00 p.m. in the law school classroom building. The panel includes the following: Morris Hassel, Ms. Shirley Butts, Judge Fred Shannon, Abe Ribak, and Rev. James A. Young S.M. Ph.D.

Please plan to attend. A discussion of Legal Ethics from various points of view should be very interesting.

In Memoriam john waller

We were saddened to hear of the death of our fellow student, John Waller, and extend our sincere sympathy to his family.

viewpoint

By MARY MULALLY

Several weeks ago the law school bookstore took the long overdue action of pulling locks from all unpaid lockers and removing the contents until the key was returned and the fine paid or the locker was properly rented for the fall semester.

Many students have expressed their disagreement with this action. However, to date, it is the only option that has produced results. In past semesters, the bookstore had hoped to collect fees and unused keys by posting a list of names of those using overdue lockers. This list has invariably been ignored. It has been clear for sometime that some other, more drastic action was warranted. In my opinion the action taken was the only fair solution under the circumstances.

The fact is that once a locker is rented the bookstore effectively loses control. If the student choses not to pay each semester, or passes his key on to a friend as a parting gesture on graduation day, there is nothing that can be done -- except to use the master key and pull the lock. But, you may ask, why confiscate a student's property? Such action is the only practical and effective way to get the key back -- the bookstore has no duplicates The chances of the key being returned rise appreciably when the student knows that the return of his books is contingent upon the return of the key.

Perhaps you still sympathize with the plight of the "confiscatees." Look at it this way -- these students are using a service without paying for it. Many students pay the locker fee each semester. Why should they pay while their less honest fellows use this service free of charge one semester after another? The bookstore has had numerous inquiries about lockers this semester, but there are none to be had. Why should they be denied access to this service because some students selfishly hoard the keys and do not pay their fees? In my opinion it is neither fair nor just.

A Case of First Impression

By ROBERT HOBBS

No. 999999

RE:		
ESTATE OF	¦	IN THE PROBATE
OLIVER WAR-	¦	COURT OF
BUCKS, DE-	¦	BEXAR COUNTY
CEASED	¦	TEXAS

ORDER ON APPLICATION FOR PROBATE

On this the 1st day of October, 1975, came to be heard the written Application filed herein on the 10th day of September, 1975, by Little Orphan Annie Warbucks, for the probate of a certain instrument in writing, bearing the date of April 1, 1970, filed herein with said Application and now produced in court, alleged to be the Last Will and Testament of Oliver Warbucks, and it appearing to the Court that citation upon said Application was issued and has been served in the manner and for the time required by law, and the Court having heard and considered the evidence, makes the following findings, observations, and orders:

The Court feels compelled to note certain peculiarities in this proceeding and the instrument to which it relates. Such instrument bears the signatures (or mark, as hereinafter explained) of three witnesses, all of whom appeared and testified at the hearing. The first, identified only as The Asp, was of such sinister appearance that the Court doubts his credibility. The second, known as Punjab, seemed credible enough, but made it difficult for the Court to maintain the usual decorum for which this Court is well known, because the witness entered the courtroom, and remained, on his knees, this posture being necessitated by the fact that he is a giant, and by the fact that his height was greatly accentuated by his wear-

See WARBUCKS, p. 16.

LSD Elects First Woman Presiden

CHICAGO, Sept. 29 -- "The Law Student Division has the potential to make professional legal organizations more responsive to the needs of the country," says Lynne Z. Gold, newly-elected president of the American Bar Association's 20,000 member Law Student Division, the nation's largest organization of law students.

Gold, 37, a third-year student at Villanova Law School, Villanova, Pa., is the first woman to hold the office of Law Student Division president.

"My election," Gold said, "is reflective of a change in the legal profession, which is opening up to increased participation by women and minorities."

She entered law school after raising four children, being in theatre for 10 years and for a year and a half, serving as moderator of the television show, "Off the Pedestal," about women who have chosen alternate life styles other than the traditional housewise role. Her age was not a barrier to her going to law school. "People need to know that law schools are accepting older women," Gold said.

She was graduated from Albright College, Reading, Pa., in 1973, where she was valedictorian of her class. She lives with her husband and four children (ages 11 to 18) in Valley Forge, Pa.

Gold succeeds David W. Erdman, Georgetown University Law School, Washington, D.C., as president of the ABA law student group.

ETC.

Roy Barrera, called by Texas Monthly one of the top ten criminal lawyers in the state and a past distinguished law alumnus of St. Mary's, spoke at the initial luncheon of the CRIMINAL LAW ASSOCIATION last month. Barrear's remarks centered on the moral considerations and legal ethics of representing a client who the lawyer knows is "guilty as sin". Stressing the difference between factual and legal guilt, Barrera explained his theory of "mental gymnastics" and his rationalization in maintaining ethical standards when representing a guilty client.

The MOCK TRIAL Competition at St. Mary's will begin with eliminating rounds the first week of November. This year the program, initiated only last year by the Texas State Junior Bar, will be a national competition. The Regional Meet will take place in January, with the finals rounds in Houston in February. The topic this year is the strict liability of a landlord for injuries suffered by a tenant during a robbery.

Due to the amount of time involved in promoting this type of competition, the participation is limited to 16 teams, and the school competition will be run on a single-shot elimination system. Only those who win their round the first night will go on to the second night, and so on, until one team is chosen. In order to alleviate the inherent weaknesses of this elimination system, a second team will be chosen to represent St. Mary's by a committee composed of faculty and members of the Moot Court Board.

DELTA THETA PHI is having a Rush Party Saturday night, November 8, 1975. The party starts at 8:30 p.m. and is at the party room of the High Ridge Apartments at Callaghan and Fredricksburg Road.

There will be dancing, food and stimulating beverages.

Consumer Attorney Robert Thompson called on the courts to require creditors and sellers to strictly comply with the Texas Deceptive Trade Practices at PAD's recent Consumer Rights Seminar. He warned that if substantial compliance becomes the standard, the act will be severely weakened as an effective consumer remedy.

Among other items, Thompson emphasized that anytime the term "substantial" is used in the legal sense, it requires a court determination of the issue, making the case "much more speculative."

There was a large turnout for the WOMENS' LAW ASSOCIATION Luncheon October 1st to enjoy a roast beef meal and listen to four speakers: George Long, a private practitioner; Crawford Reeder, former City Attorney and now chief of the City Trial and Appellate Section; Jane Macon, an Assistant City Attorney; and Don Krause, Action Chief Attorney for Bexar County Legal Aid. The topics discussed included the challenges to young lawyers, personal experiences in the law profession and attitudes towards women attorneys.

Where was Witan This Month?

In the past year WITAN has had more than a half dozen homes. As a continuing feature we will offer these photo clues and offer a prize to any non-staff person who guesses the correct location. This month's prize is a free lesson in newspaper layout.

LETTERS, cont. from p. 2.

TO THE EDITOR:

Recently an edifice has been erected which, in years to come, students will take for granted, and not really know nor desire to find out the true story behind this project. They will inevitably look upon it as another tribute to the power of their tuition. Such is not the case, however, for the new sign which proudly proclaims, in a splendid architectural manner, that this is the LAW CENTER, was the sole undertaking of our "silent partners." There has been little said about these people to whom many of us owe our entire success and even our existence in law school.

How many students could endure the trials, tribulations and frustrations which daily confront this silent segment of our student population? We all feel that what we have to endure--the boredom, frustration and exhilaration of law school--is a Herculean task for which no sacrifice by these silent partners could be too great. Their task, however, never ends with an exam or the finality of "passing the bar." No, for when each of us is admitted to the bar, the mistress whom we have wooed for three years will become our wife.

Law school is the mere courtship of this demanding and unforgiving lady; the profession is the state of wedlock with her. After the hours of loneliness which were endured so that each of us might achieve our dream of advocacy, our silent partners have nothing to look forward to other than a bigamous marriage of their partner to the mistress whom they have envied. The profession is even more demanding than school, requiring more loneliness of these partners. And while we, the students, are experiencing the thrill of a legal education our silent benefactors untiringly labor at other demanding professions - - nurse, teacher, mother or wife.

The brilliant masonry announcing the LAW CENTER is a tribute to these partners, our wives, who were the inspiration behind the sign. The Wives Club is the organization responsible for this crown of pride which has been added to our law school. It is but another example of their ceaseless devotion to the dreams of their spouses. Thank you, wives!

J. Brian Sokolik

Letter To Delaware

By JOSEPH W. WEIK

Schweetheart,

Today, after six weeks of law school, one of my most confirmed beliefs was shattered. It seems that I was operating under the false impression that Jack Benny was alive and well, and was teaching me Torts every Monday and Wednesday. Aside from the obvious resemblance, this belief was based on the fact that the class is run like a T V game show. The players compete by feigning ignorance when called on, thus trying to see how long they can stay on their feet while the professor rants and raves at them. Prizes are awarded in two ways, the first being the chance at immortality in the footnotes of that great epic, How To Get A 55. The second prize is awarded on the basis of an informal wager made among the students, whereby the student collecting the most "stand up" time wins a free weekend at "Boystown."

Today, I was finally called on, but feeling no desire to play the game, I tried my best to give a straight answer. The game, however, is no put-on, because lunacy is the rule in Section C (Special Class), and it is highly contagious. As a

See DELAWARE, p. 18.

ALL THINGS CONSIDERED REVIEWS

Rustlers' Hill, A Thrilling Narrative of The Texas Frontier, V.F. Taylor (Naylor Co., San Antonio, 1953), 210 pp.

By GEORGE SPENCER

Philologists, bibliophiles, and students of American literary history rejoiced in the discovery of a work long thought lost. Although postulated to be extant by students in the field (e.g., Goldtrieb, "The Ur-Black Bart: Perspective on the Evidence," PMLA LXIX, 928 ff.), it was not until last month that Rustlers' Hill, A Thrilling Narrative of the Texas Frontier by Vincent Frank Taylor was uncovered by clever investigators amid the musty shelves of the Rare Book room of the downtown San Antonio Public Library. Scholars who have been shown the work are unanimous in praising it as an unheralded fountain of the themes and characters which appear in the bulk of "Western" literature during the 1950's. Dr. Hans Arsleff, professor of American Literature at Harvard University, said the event is "clearly comparable to the last generation's discovery of the Dead Sea Scrolls . . . Rustlers' Hill will be of immense value in the study of the Western Novel. We're going to be working with it for a long time."

The impact of Rustlers' Hill on previously accepted theories as to the genesis and development of the Western Novel promises to be immense, and will, no doubt, spread to all phases of its study. Wholesale re-evaluation may be in order. Works such as The Lone Ranger and artists such as Zane Grey, long accepted as original or independently creative, may have to be re-classified as secondary and derivative, or, as the experts are increasingly coming to say, Neo-Taylor. The problems associated with the re-assessment are, of course, enormous.

The following passage typifies the task facing scholars:

> [The hero, Texas Ranger Jim Hill, and his Indian friend, Todo, prepare their equipment in anticipation of an expedition against Black Barton, the man responsible for the massacre of Jim's family.]
>
> Jim stood up, checked his guns and looked at Todo, who was eying him from head to toe.
>
> "That Colt you gave me did its job, Todo. I keep it in reserve with this new one to break in."
>
> "Let Todo see Old Colt."
>
> Jim walked over to his saddlebag and drew out a holstered .44 with dark walnut grips and handed it to Todo.
>
> "Seventeen," he counted off tiny notches in the ends of the grips.
>
> "Ranger shoot much."
>
> "Everyone was in self-defense, Todo.
>
> Todo grunted. "Good work."

Is it possible that Ranger and Todo prefigure the classic duo, the Lone Ranger and Tonto, or, even more exciting, does Black Barton presage the ubiquitous Black Bart? Unfortunately, experts are currently divided, and a satisfactory answer will require decades of patient study.

The greatest puzzle however, is how a work of the richness immediately apparent in Rustlers' Hill could have ever been allowed to pass into obscurity. The answer may lie in the book's incredible inventiveness; it may have simply been ahead of its time. Repetition in countless lesser works has scarcely diminished the boldness and innovation displayed in the following:

> Pedro Roberto Urdanela Guerra . . . (was) a good horseman and was handy with a long, thin-bladed knife, especially when the back was turned . . . None of the Americans liked or trusted him. He could not shoot a gun as well as they nor could he hold as much liquor.

And again:

> "Now, Mose, you go and milk these cows, feed the stock and hogs and then go home. And if anyone asks you if you seen me say 'no sir.' It may mean

See REVIEWS, p. 15.

CONSTITUTION, cont. from p. 1.

and finally, the Circuit Courts whose jurisdictions are limited to cases of a lesser nature than those heard in District Courts.

Under the unified judicial system, all judges are required to be licensed to practiced law and this reflects a nationwide trend toward insuring each citizen access to a lawyer judge. Under the new constitution all judges will be elected as they are under the present constitution.

The new constitution requires the state to bear the cost of the unified judicial system, a feature that rectifies the current problems imposed on local governments which, under the present constitution, must devote a good chunk of their budgets to covering costs of the courts. The unified judicial system operates on the thought that no court stand alone, a point I'll cover later in this article, and delegates authority to the Supreme Court to provide for the efficient administration of the unified court system.

THE SUPREME COURT

Texas now holds the dubious distinction as one of two states in the entire country that maintain two high courts. At the present time, the Supreme Court handles civil cases on appeal and the Court of Criminal Appeals handles criminal cases on appeal.

The new constitution will establish the Supreme Court as the only court of last resort in Texas. It will have the authority to hear criminal and civil cases. The 14 Courts of Civil Appeals will become Courts of Appeals hearing both criminal and civil cases. The Supreme Court will be permitted to sit in sections of not fewer than five judges, empowering the Court if it chooses to divide responsibility between civil and criminal matters.

In addition to being Texas' court of last resort it also is charged with the duty for efficient administration of the judicial branch. Under the new constitution, every Court of Appeals is considered an administrative district for the management of the trial courts. The administrative judge for each district shall be designated by Texas' Chief Justice of the Supreme Court with the advise and consent of the Senate.

The legislature is given authority to create an agency of the judicial branch to assist the Court in the administration of the court system. A rule of administration may not be inconsistent with general law and would be effected with approval of the Supreme Court.

COURTS OF APPEALS

The present 14 courts of Civil Appeals will be known as Courts of Appeals, hearing both criminal and civil matters. Moving the logjam is the moving force behind this innovation that's adhered to by another 48 states. The present Courts of Civil Appeals provide more than enough "judge power" for the people of Texas with its 14 Courts sitting 42 judges. States with populations comparable to Texas have Courts of Appeals hearing both criminal and civil matters: California has 48 judges sitting on Courts of Appeals; Ohio has 38; New York, 28; and Illinois, 24.

Opponents of the new constitution have stated that though there will be 14 Courts of Appeals hearing criminal matters there will still be a logjam because there can be an appeal to the Supreme Court. In answer to this charge, let me say that while there is a constitutional guarantee on the right of appeal, nowhere is there a constitutional guarantee to more than one appeal.

A superb advantage in the unified judicial system is the Supreme Court's authority to transfer cases between Courts of Appeal and to also transfer judges between the courts during times of temporary overload.

Under the new constitution the Supreme Court also has the authority to temporarily assign trial court judges to any of the Courts of Appeal. This authority will be

See CONSTITUTION, p. 12.

matt piermatti

Society inter alia

When the Rockefellers wish to discretely discard cast-off jewels or art treasures, they call the Park Bennet Galleries in New York, or for an international flair, Southby's in London. Many of the world's most priceless articles have wound up on these famous auction blocks. The bidding is always cutting and cruel as collectors, in the grip of "accession fever" indulge in the atavism of collection. Lips of spectators tremble as an endless parade of Chagalls, Cezannes, and Cellinis change hands.

Yet the thrill of accession was never more strongly experienced than when the gavel fell on some of St. Mary's treasures at the Womens' Law Association Auction of Professional Memorabilia. Vince Taylor, who donated the very Stetson from which he has pulled so many of his Con. Law lectures, acted as auctioneer par excellance. In his own West Texas style he accepted the bids, one by one. Yet, how can one put a price tag on lunch with Dean Raba? Or Edwin Schmidt's homemade ice cream? Or an Orville Walker sculpture?

Perhaps one of the best buys of the evening was the item donated by Peter Parenti, who gave his talents to prepare the highest bidder's income tax return. Imagine his surprise to find out that the winner has a business with long term capital gains exceeding his short term capital losses, Section 1231 property and has been taking a straight line depreciation on his good will since 1950.

James Castleberry's donation of a two hour concentrated property lecture should put the lucky winner on an equal par with those who have taken several of his property courses.

A.A. Leopold donated a smoked turkey fully dressed. We can only hope that doesn't mean it is wearing Hush Puppies.

For the sportsman there was Colonel Godwin's golf lesson, which included a golf cart, personal instruction by the Colonel, and free hospitalization insurance.

For those interested in the fine arts, there were tickets to the San Antonio Symphony donated by Judge Barlow and tickets to a play donated by Joe Anderson. Of course, for those interested in a more private showing, there was the team of Dean Harold Toscanini Reuschlein and Thomas Armstrong Black in a duet entitled "Gregorian Chants to a Boogie Woogie Beat."

While other items such as a tape recorder, silver dish, a book, a letter, a shirt, a tour, and even Sarge's dolls were offered, it was undisputed that the donations of meals cause the most excitement. No doubt, among the offerings of diner chez Hobbs, luncheon at La Luisianne with L. Wayne Scott, or Francisco's cookies, the coup de gras of the evening was "A Debutante Dinner for Two with Cantu." While not only being the largest single money raiser of the night, it was a dream come true for the lucky deb who had spent that very afternoon trying on dresses -- just in case. WITAN plans to have a reporter on the scene when Charles Cantu picks her up at the dormitory.

In all the evening was a tremendous success for the WLA which gives them the financial ability to continue their work -- which still remains a mystery to most. A standing ovation is owed to the committee who promoted the auction.

CONSTITUTION, cont. from p. 10.

a fair boon during the initial transfer by bringing in the expertise of criminal trial judges to expedite the smooth flow of the case load.

DISTRICT COURTS: QUALITY--NOT QUANTITY

Over the years special District Courts--such as those for domestic relations, juveniles, specially designated probate and some criminal courts--have been created to handle the case loads that had burgeoned to numbers that would have swamped the other courts. The case load of a special court today may be half that number it was ten years ago, while in other special courts, the number of cases may have doubled.

Such special District Courts will be absorbed into the unified judicial system as courts of general jurisdiction and, of course, all judges with a special mastery in certain legal areas will still be applying their skill to their specialties. Cases indeed will be assigned to judges with recognized abilities in special areas of law.

One District Court per judicial district with as many judges as are necessary to handle the case load is the future vision of the unified judicial system.

The new constitution's unified judicial system will balance the slack and the overflow by vesting authority with the Supreme Court to distribute caseloads evenly between judicial districts and transfer judges "TDY" between judicial districts.

CIRCUIT COURTS

With the new constitution, the state trial courts of limited jurisdiction known as Circuit Courts may be created by the legislature and will handle cases of a lesser nature than those assigned in the District Courts. A Circuit Court may serve more than one county; however, no county may be served by more than one Circuit Court. The upshot is that the Circuit Court system will operate in a manner similar to the District Court system--where the quality of the legal system is enhanced b y increasing the number of judges to as many as are warranted by the workload. Circuit Courts, like District Courts, will distribute the case loads to a balanced number of cases per court.

A thought for the future is that the Circuit Courts will eventually supplant our present and fragmented County Court system.

COURTS OUTSIDE THE UNIFIED JUDICIAL SYSTEM

The 254 constitutional County Courts will remain outside the unified judicial system and, as the new Circuit Court syste is implemented, these County Courts will probably be abrogated.

Under the new constitution Justice of the Peace Courts will continue and, instead of the present constitutional requirement for four Justice of the Peace Courts per county, the new constitution reduces the provisions to one per county, assigning discretion to increase the number of courts to the county

See CONSTITUTION, p. 14

"the professors"• "Deliverance" Revisited

By CLAUDE DUCLOUX

Most law students take for granted the competence (sic) and expertise which their law professors demonstrate in the classroom. But few of us realize that our law professors are truly well rounded individuals with a variety of interests, talents, and (incredibly enough) shortcomings! Lest their occassional imperfections outshine the brilliance of their little known avocations, the roving reporter will attempt in the coming months to bring you highlights of less celebrated (than what ?) events in the lives of the Law School Staff. Keep in mind that these are the same men who dazzle us with their delivery and bring us into that wonderland of restatements, codes, and Carbolic Smoke Balls.

A look at a few summer vacations may offer helpful insight into what the professional legal mind does for relaxation. For instance, did you realize that on this very campus, in our very midst, exist three fellow campers extraordinaire. The three musketeers of the campfire, the trilogy of poison sumac? Let me tell you, Rocky Mountain National Park will never be the same after the auspicious visit of Joe Anderson, Judge James Barlow, and City Attorney Crawford Reeder (guest professor for Municipal Corporations). In order to understand the true glory of the voyage, imagine, if you will, Judge Barlow's oft-repaired Dodge trekking the 1,000 mile drive at a steady 50-55 mph ("Please speed up, Jim! No fool would stop a car with Judge's plates! Hell, you go faster than this down Hillcrest to school!"). Those of you riding behind Judge Barlow may have often wondered about his obvious talent for the track.

Arrival in the midst of pines, and the tent is quickly erected with the minimum of profanity. Crawford Reeder insists on sleeping outside. The stillness of the wee hours is only broken by the sound of Crawford Reeder arising to meet the day, which will break in about three hours. ("Didn't I tell you? I always get up at 2 a.m."). After a brief discussion, it is agreed that the remaining two will greet the day in about seven hours, and Mr. Reeder was tactfully admonished concerning his sleeping habits (as only Joe Anderson can admonish: "You're crazy! Go to sleep!").

The next day is filled with the gallant endeavors of the three woodsmen. Joe suggests they take the 15 mile hike into the interior. At this point Judge Barlow convinces his compatriots that one should stay with the campsite ("Ah'm not hikin' no damn 15 mahls!").

So off the other two went, no doubt dropping breadcrumbs behind them to find their way back again. And return they did, somewhat worse for the wear, but eager to recount their experiences, which they did between footbaths and bottles of pure oxygen. Imagine their delight when they discovered that Judge Barlow had fixed them an exquisite meal over the campfire ("What is that junk?") Judge thought it unnecessary to give any explanation other than, "But Ah Lahk Chineez

See PROFESSORS, p. 15.

CONSTITUTION, cont. from p. 12

commissions. Unlike Circuit Court judges, Justices of the Peace are not required to hold a law degree.

The Municipal Courts also fall outside inclusion in the unified judicial system and incorporated municipalities are authorized to create the municipal courts. While they have no civil jurisdiction, they do have jurisdiction over traffic violations within the town or city, as well as jurisdiction over municipal ordinances that provide for criminal penalties. Under the new constitution, Municipal Courts have concurrent jurisdiction with Justice of the Peace Courts under state law on cases within the city and where punishment is by a fine not exceeding 200 dollars. Like Justices of the Peace, Municipal Court judges are not required to hold a law degree.

THE STATE'S RIGHT OF APPEAL

What the new constitution's provision for a right to appeal by the state means is this: When the accused is found not guilty by a trial court, the state cannot appeal the decision. Now, when the constitutionality of the statute (by which the accused was brought to trial) is brought into question, the state can appeal the decision rendered by a judge of the District, Circuit or lower courts to the Court of Appeals. When the accused is found guilty in the trial court and then appeals the decision to the Court of Appeals and the Court of Appeals overturns the decision of the trial court, then the state can appeal to the Supreme Court. Because there are many different Courts of Appeals, there are just as many ways to interpret the law and under the unified judicial system, final authority on the final decision is vested with the Supreme Court.

APPEALS FROM ADMINISTRATIVE RULINGS

It's called trial de novo and it's provided as a check against the power of administrative rulings. The new constitution guarantees the people's right to appeal an administrative ruling to the courts. Up to this point, the administrative power of many agencies has been a source of no small disenchantment, for too many times agency administrators--who are, by the way, not elected--have affected the lives of many people by a simple flick of their pens. The new constitution guarantees a new trial in a court that seats a judge (who is elected).

THE REMOVAL OF JUDGES

The present constitution provides two routes for removing judges from office. The first is laborious and time-consuming, the second is laborious and costly. This weighty procedure gave Senator John Traeger accurate cause to say that judicial impeachment's a bit like "trying to kill a fly with a sledge hammer."

The new constitution treats the matter in a far more efficient manner, simply directing the legislature to provide by law for the removal, suspension or censure of Justices of the Supreme Court, judges and Justices of the Peace.

These are the major changes the new constitution brings to the judicial system of Texas. To sum it all up, these changes present an organized and strengthened judicial system and allow more flexibility in the laws concerning the judiciary. Moreover, they eliminate the statutory-type material that exists in the present constitution and make commendable strides in delivering the Texas judicial system into the Twentieth Century.

MOOT COURT, cont. from p. 4.

and Chrys Lambros, winners of the school competition in September. Bill White's brief on the anti-trust problem was chosen as the best of the competition. In an effort to improve the team's performance, the members are writing a composit brief for the first time under the direction of Baird to enter in the meet.

Baird's association with the moot court program began through his friendship with John Scarzafava who was a member of the St. Mary's team to the state competition this summer. After coaching John privately, he volunteered his services to Professor Orville Walker and Charles Hardy, Moot Court Board Chairman.

REVIEWS, cont. from p. 9.

Pat's life. You did not see me, remember that."

"Yas, Sah. I ain't seed you, naw sah."

"That's the boy. Now go."

The excitement in the academic community generated by the discovery of Rustlers' Hill remains unabated, and the subtleties of language and brilliant characterization displayed in those passages suggest why. As of yet, the work has been available only to scholars, but an edition, with introduction by Sir Edwun Heskyns, has been promised by the Modern Library in time for the Christmas season.

PROFESSORS, cont. from p. 13.

Food!" One can only wonder what their egg-rolls and Chop Suey tasted like over a spit.

What campers really enjoy though is getting around the ol' campfire and talking about nature and the forest. The whole evening our outdoorsmen took themselves away from it all, concentrating on the functions of the city attorney's office and reforms in the penal system. This encouraged them to retire early, and Mr. Reeder, determined to sleep later, took a cozy spot again outside the tent.

It was useless. Sure enough, in the predawn hours he was up again. This time, however, nature helped him. A wild hailstorm turned his otherwise comfortable sleeping bag into a primitive waterbed of sorts, and he took his place among other waterborne greats, floating down the hillside. Thinking quickly, his trained legal mind springing into action, he sought the refuge of the tent. There he found Judge Barlow wringing the water out of his bedroll which had become drenched due to a breach of warranty of the tent manufacturer.

And so, our happy wanderers spent the remaining days of their vacation alternately freezing and drying off from the constant rain. Sound like fun? If so, get your reservations in early. Mr. Reeder's trying to talk them into going again next year.

WARBUCKS, cont. from p. 6.

ing a tall turban, which he refused to remove despite repeated requests by the court. He further violated the rules of this court by wearing a large scimitar, which he likewise refused to remove. In view of the witness's size and appearance, the bailiff's reluctance to enforce the Court's request for removal of the turban and scimitar was understandable. The Court intends to request that the County Commissioners raise the already generous height of the courtroom's ceilings, and that they hire Punjab as a bailiff, or someone of equal size and strength, to enable the Court to cope with future incidents of this nature should they, God forbid, arise.

The third signature, or mark, on the Will, was in the form of the impression of a dog's footprint. This impression presents a question of first impression. Is a dog's footprint valid as the signature of a witness to a will? If the Court seems a little confused at this point, it is because the Court was considerably shaken by these entire proceedings.

Sec. 59 of the Texas Probate Code requires that a non-holographic Will be attested to by two or more "credible witnesses above the age of 14 years who shall subscribe their names thereto in their own handwriting . . ." It should be noted that the quoted portion says nothing about "persons." The footprint in question was allegedly made by a dog named Sandy, who was also named as an alternate executor in the Will. Can a dog be a "credible witness" under the portion of the Probate Code above quoted? Does his footprint constitute "handwriting?" Only the Shadow knows - this Court certainly doesn't. As to whether Sandy satisfies the 14-year age requirement, the undisputed testimony, however incredible, was that Sandy was at least 50 years old at the time he attested the Will.

The Court was not helped by the manner in which Sandy answered the questions propounded to him. When asked if he attested the Will, he answered "Arf." When asked if he had not attested the Will, he again answered "Arf." In fact, he answered "Arf" to every question asked him, whether phrased in positive or negative form. His testimony would seem to be self-contradictory.

The testimony of Little Orphan Annie was not much more helpful, consisting mostly of exclamations such as "Leapin' Lizards." The Court is also disturbed by testimony that Annie, like Sandy, is over 50 years old, although the Court takes judicial notice of the fact that she appears to be a child of tender years.

For the above and other reasons, the Court feels that the case, like Annie, has not been fully developed, and that additional hearings will be necessary, as hereinafter ordered, before a final decision can be reached. For the guidance of the parties they are advised that the Court is beginning to entertain doubts as to the testamentary capacity of the decedent. The fact that he associated with The Asp, Punjab, Sandy, and Annie, and that he named Sandy as an alternate executor, indicates that he may have been some kind of weirdo or somethin

The Court's mind is further boggled by testimony concerning the size and extent of the decedent's estate. If the testimony is to be believed, the estate tax alone would be enough to retire the national debt, which indicates that the United States of America should be made a party to this proceeding, in order to protect its interests both in the potential taxes and in the international and diplomatic repercussions which may result from Warbuck's death, if he is in fact dead. The latter remark is prompted by evidence that he has many times disappeared under circumstances indicating his certain death, only to reappear later wearing his accustomed tuxedo and diamond stickpin.

It is, accordingly, ORDERED, ADJUDGED and DECREED:

1. That this hearing be, and it is hereby recessed until 9:00 a.m. November 1, 1975;
2. That the proponent take such steps as are necessary to interplead the United States of America as a party hereto, and that the Clerk of this

See WARBUCKS, p. 17.

ELECTION, cont. from p. 4.

ities for values that we're learning now. The kind of results we will be working for in the legal profession will be measured by our awareness now of those around us and our willingness to work for communication."

Bob Judd also received 82 votes. At 32, Bob is the oldest of the freshmen senators. He also is the only one married. After obtaining a bachelor's degree in Economics from Ohio State he attended Southern Methodist University where he received an MBA in Real Estate & Finance. For three years he has been involved in real estate development. His campaign platform was one of "practical issues". Bob wants to insure that the lockers in the classroom building are operable and he also wants to work on developing a law student intern program, where credit can be obtained for clerking.

Third in the amount of votes received was Stephen Said with 71 votes. A 22 year old native of Dallas, he received his BBA in Personnel Management from North Texas State University in Denton. He is very much concerned with Legal Aid, having co-authored a bill establishing legal services through the student government at NTSU.

Sue Andrews received 62 votes. She is a recent graduate of St. Mary's University where she received her degree in English. While an undergraduate, she served on the student senate. Her home is Fort Worth, Texas.

Last on the list of senators is James Little, 23, with 57 votes. He is a graduate of UT-Austin with a BBA in Marketing. James also says he is interested in Legal Aid. While at UT he was president of the Silver Spurs, a group operating projects for retarded children.

Jimmy DePetris, 22, won his seat on the Honor Court after a run off election with Ronald Schmidt, winning 85 to 79. He is a native of Dallas, and a graduate of SMU.

Election Code Changes

A reorganization of Senate representation and a new election code will change the Senate and the procedure for election. A referendum was passed removing organization representation in the Senate and increasing the number of class senators from 5 to 7.

Several changes in the Election Code were enacted to clarify ambiguities:

- Election contest procedure: A written complaint alleging the violation must be made within 24 hours to election committee chairperson for a decision with right of appeal to the Senate on written notice thereof to the chairperson and SBA vice president.
- A violation of the Election Code shall positively result in removal of the candidate from the ballot and disqualification.

Disqualification of election committee members running for office or participating in a campaign from serving on the committee until after involvement in the outcome of the election ceases.

- Vacancies for class senators and honor court justices will be filed during the year through committee nomination and roll-call election by the Senate.

See CODE, p. 18.

WARBUCKS, cont. from p. 16.

Court forward a copy of this order to the United States Attorney for Western District of Texas.

The Court and its staff having been completely undone by these proceedings, it is further ORDERED, ADJUDGED and DECREED that this court will stand in recess for the next two weeks, in order that all may recover their composure. All matters scheduled for hearing during such period are hereby postponed indefinitely.

ENTERED this 1st day of October, 1975.

/s/ Merciful E. Justice
JUDGE

CODE, cont. from p. 17.

•No person shall run for more than one office.

•No person can serve as senator for the same class for more than one year.

•A petition of candidacy is no longer required to state the candidate's overall average.

•Candidates must authorize disclosure of fact they are a full time student with minimum over-all 70 average.

SCHEDULES, cont. from p. 3.

view that practical experience in a job situation is not only non-detrimental, but a positive learning experience that shapes professional goals.

The law school administration has until recently maintained a night school where part-time students could obtain legal training. Like many other law schools, St. Mary's has realized the necessity of making law school a full-time occupation. Unofficial discouragement of part-time work through inconvenient scheduling does not recognize the problem faced by working students on low or non-existent incomes, nor is it in any way encouraging the pursuit of legal scholarship. When asked if he would comment upon the schedules Dean Schmidt replied that he would no longer give interviews to the Witan. Dean Schmidt added that he had been misquoted by the paper everytime he had been interviewed, therefore, he had nothing to say. So it appears that the schedules will stand and the ambiguity will remain.

DELAWARE, cont. from p. 8.

result, I completely botched the facts, mangled the reasoning and missed the issue. When the professor finished humiliating me, I was only consoled by the fact that I had been on my feet for 47 minutes, 27 seconds, thus shattering the school record set by Melvin Snerd in 1971. (The national record was set by Howard Cosell, who once "B.S.'ed"a class for 5 hours, 12 minutes. He stopped only to go to the bathroom).

The professor, being a kindly soul, gave me one last chance at a reprieve by asking the innocent question: "Who won the case?" With my bachelor's degree in statistical analysis, I immediately ascertained that I had a 50-50 chance of getting the answer correct. I employed the most scientific means of obtaining the correct answer by clenching my fists and quickly reciting a verse of "eanie meanie, miney moe". When finished, I proudly replied "My left hand, er, ah, the plaintiff." When the professor roared back "balderdash", I immediately knew that I had come up one eanie meanie short.

As I left the class, I was so dejected that I felt like the lady in Dallas who gave birth to an eleven pound ear and exclaimed "What could be worse", whereby the doctor replied "It's deaf".

Well, I've got to go now. Schee ya, schweetheart. I miss your face (and both your chins).

Luv,
H. Bogart

Volume 3, No. 3 November, 1975

WITAN

Student Newspaper Of St. Mary's University School Of Law, San Antonio, Texas

Do Numbers Alone Mean Quality?

School Scores Low In Resources

By Don Maison and Barbara Rosenberg

The publication of the November issue of the Student Lawyer brought some sobering statistics to the attention of law students at St. Mary's and other schools across the nation. In an article entitled How Does Your Law School Measure Up?, Charles D. Kelso, professor of law at Indianapolis Law School, purports to rank law schools throughout the nation by means of raw data covering the size of the student population, the faculty and the law library. From these criteria, three ratios are formulated: student/faculty, student/volumes in the library. Each of the categories is weighted from one to eight. A library with over 130,000 volumes, for example, is rated "1", and a library with fewer than 30,000 volumes is rated "8".

Kelso's study has appeared in other publications, most recently in Learning and the Law, and was reported in the October 1975 issue of the New York Law Review. While disclaiming that his work is a qualitative ranking, Kelso does believe that his study "presents data which relate to educational quality." Thus, quantitative data is indicative of quality education. Utilizing his standard of measurement, Kelso has placed three schools provisionally approved after 1967-68 in the "A" range, Davis, Maine and Brigham Young, while Dickinson, John Marshall and St. Mary's are relegated to the "C" range. There are several explanations for this. First, raw data is not useful without elaboration and, second, the study itself is of questionable importance.

It should be noted that three of Kelso's scales relate to the student and faculty population, while the other three directly relate to the size of the law library. Accordingly, it is important to consider those factors that may account for low student/faculty ratios and high volumes counts in some instances, and how a high volume count alone is without significance in measuring the quality of a given collection.

The study gives St. Mary's credit for only 8 out of 19 full-time faculty members. Administrators are not counted as full-time faculty unless they actually teach. Apparently our administrators were erroneously omitted since they meet the requirements for full-time faculty status. This does not mean that a significant difference in our standing would have been achieved because it would have raised our standing by only one point.

The real problem with regard to Kelso's category of faculty size (and consequently his ratios of student/faculty and faculty/volume) is that it is not an accurate measure of teaching faculty. While adjunct professors are excluded from any consideration as teaching faculty, professors that are not administrators and who don't teach but instead hold prestigious "chairs" in many large universities are counted and diminish the student/faculty ratio. Consequently, small and mid-sized law schools are at an obvious disadvantage here.

The single variable significantly affecting our law school in Kelso's study is the size (volume count) of the library. Saint Mary's was given a four in Kelso's scale, meaning that the library size was within the parameters of 55,100 and 70,000 volumes. Although there is no mistake in this category, it is important to consider the fact that there is no uniformity among the 158 accredited law schools in the manner in which volumes are counted.

For example, some law school libraries that are federal government depositories include these documents in their volume count. Although Saint Mary's University is a government depository, the fact that the documents themselves are housed in the academic library which is only a few steps from the doors of the law library is presumably of no benefit to our students, according to Kelso. The same is true with the Laredo archives which are also kept in the academic library. If these materials were counted, our library size would double.

While it may be fun to play with numbers, to do so ignores the fundamental issues. Is a volume count alone indicative of a quality law library? A school with 20 sets of the National Reporter System could report a

(Continued On Page 3)

Law School Service Fee

By Jim Seifert

At registration time in the St. Mary's School of Arts and Sciences, School of Business Administration, and Graduate School, students pay their tuition, parking fees, and a separate fee for student services. At the Law School the situation is the same except that there is no separate fee for student services paid to the University. However, the law school, contrary to popular opinion, is assessed such a fee, and it has never ceased to exist.

In the 1974-1975 school year, the time of the last law school tuition increase ($55 to 70 per semester hour) a mild uproar of displeasure from the law students upset at not receiving services geared to them resulted in the removal of the separate charge for the fee. The fee, however, is still collected (per semester: $30 for dorm students, $20 for full time students, and $10 for part time students). The change offered in 1974 involves the university calculation of the fees ($30, $20, $10) the same as if they were being paid by the law students separately from their tuition; this total is appropriated from the tuition paid by the law students to the various Student Personnel Services (SPS) organizations, services, and activities that the fee funds. The effect of this technique was to absorb the fee expenses in the increased law tuition. Despite a tuition increase for the rest of the school at the same time, the fee was not dropped or incorporated into the tuition.

The assessment for the fee in the law school is similar to the system, used by St. Mary's before the late 1960's to fund activities. The amounts needed were simply allocated from general university funds, 62% of which presently comes from tuition and the rest primarily from investments and development office fund-raising. To an extent the same practice still holds.

The student service fee is inadequate to pay for the services it was meant to cover.

(Continued On Page 3)

EDITORIALS

Positive Image

The WITAN has come of age! No longer can it be described simply as a "newsletter". The WITAN is a NEWSPAPER. The conversion from the old hand-made newsletter format to the present newspaper type was primarily dictated by the breakdown of the one and only typewriter in our service. The conversion has other advantages not the least of which is the reduction of our layout time. Those outside of the Law School who encounter the WITAN will be more positively impressed by the professional new look than they would have been by the old amateurish format.

A newspaper can serve a vital role in developing and sustaining a positive image about a Law School. Don Maison and Barb Rosenberg in the article on the recent "Student Lawyer" evaluation of Law Schools do a superb job of critically evaluating the study, and making a case for St. Mary's deserving a higher rank. Their article also provides some constructive criticism on real improvement at the School of Law.

Also with this issue of the WITAN Don Maison, who has successfully shepherded this newspaper through its major growth period, ends his term as Editor-in-Chief. Don was one of a farsighted few who, recognizing a need at St. Mary's Law School for a forum of student expression, filled it with WITAN. This act did not win for him the endearment of all.

The role of a worthy student newspaper as a catalyst is not easy. Of necessity it must be informative and analytical. This means that sometimes toes will be stepped on, but it also means that at times backs will be patted. Amid all this stepping and patting there is a responsibility to maintain a sense of integrity and objectivity.

Don would defer much of the credit since WITAN is really the product of many, but he did establish the pace and refine the spirit. He and others on the staff graduate this December; we wish them the good life.

A.D.L. III

WITAN STAFF

Editor in Chief ..... Andy Leonie
Articles Editor ..... Meg Morey
Features Editor ..... Claude DuCloux
Copy Editor ..... Jim Seifert
Business Manager ..... Barbara Gunning

Associate Editors ..... Stephen Said
Kayo Mullins, Tony Chauvaux

Staff Writers ..... Mark Helfers,
Dennis James, Ruth E. Kingsley, Gregory Koss, Marianne Lipscombe, Mary Mulally, Matt Piermatti, Joseph Weik, Joshua Brown, Don Maison, Barb Rosenberg, Mark Stoltz, Judith Johson.

Contributors ..... Barbara Jones, Peter Bloodworth

WITAN is published by students of St. Mary's Law School, monthly except June, July and August. The views expressed herein are those of the individual writers and do not necessarily reflect those of WITAN, its editors, the administration, or faculty, unless otherwise stated. The Editor is responsible for the views expressed in unsigned articles.

Scholarships Available

By Barbara Jones

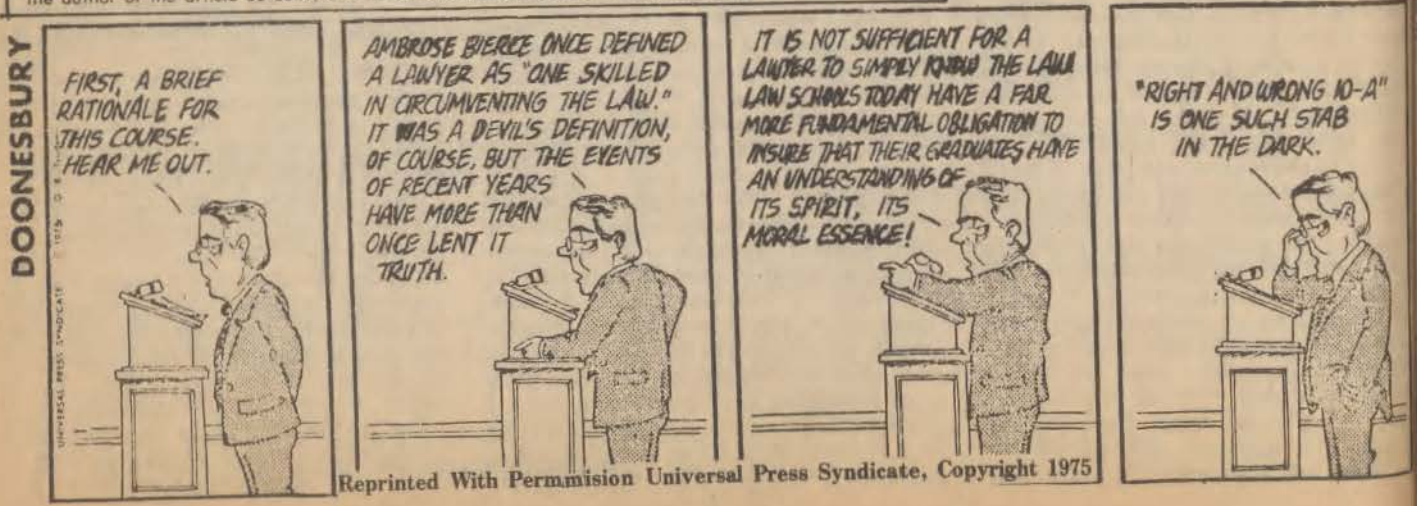
Fifteen hours at seventy dollars an hour adds up to a pretty large amount. Students seeking relief from this expense might like to obtain a scholarship. Unfortunately, however, scholarships are hard to come by in our current economic situation. It won't hurt to try for one; all you need to know is how and where.

The Scholarship Committee of the School of Law awards scholarships whenever they have the available funds. Notices are posted on all bulletin boards when applications are being accepted. Although there is no hard and fast rule applications are usually accepted once in the fall and once in the spring.

When the appropriate notices are posted the student should obtain an "Application for Scholarship" at the Information Desk in the Administration Building. Then the form is filled in and submitted to the Chairman of the Scholarship Committee, Mr. James E. Godwin. Although there are several scholarship funds from which the committee draws its resources, the student should not apply for aid from a particular fund, but only from the committee in general. All the applications are evaluated on grade point average, extra curricular activities of merit and need.

Students selected by the Committee are awarded scholarships of varying amounts. Usually, anywhere from thirty-five to forty students receive assistance. There just are not enough funds available to assist everyone that applies. However, Mr. Godwin invites anyone that is in need of assistance to discuss the matter with him. Perhaps he can suggest other avenues of relief and help the student work something out.

One should note that the Scholarship Committee of the School of Law is separate and distinct from the Financial Aid Office of St. Mary's University. The student is not precluded from applying tor aid from this office as well.



Law School Service Fee

(Continued From Page1)

The fee has not been raised since its inception in the late sixties and it was based on the 6000 enrollment projected by the school at the time.

Inflation and a substantially smaller enrollment has instead resulted in the funds being inadequate to pay for all the services, resulting in a cutback in fee-financed activities. The Diamondback and Law Journal are two examples of activities no longer financed by the fee. The Diamondback was made to go self-supporting; the Journal is now supported to great extent by money coming from general university funds.

The question of whether the fee is actually of any aid to law students is a debatable question. Whether the university varsity sports, the Rattler, the Student Senate (with activities such as movies, coffee houses, concerts, speakers) are applicable to the law student is a valid question. On the other hand, law students could participate in the Student Senate or Rattler; their presence is welcome in both and their active presence would make their content more law oriented.

The possibility has been mentioned in the last two Student Bar Association meetings of a possible "law student" service fee of $1-2 per semester to be channeled solely to law student activities through a source other than the office of the dean, hopefully the Law Student Senate. This would be an "in-addition-to-tuition" assessment. SBA officers would be anxious to get student reaction to this possibility.

The possibility of dropping the present law school student service fee assessment is slim, however, since university funds don't return to activities strictly related to the school they come from. The activities must be paid for somehow; the funds for them must be taken from university funds as a whole, of which law tuition is part of an indistinguishable mass.

More likely, though never seriously considered, would be the dropping of the separate fee at the undergraduate and graduate levels at the time of a substantial tuition increase, as happened with the law school. All services and activities would then be paid from general university funds, as is already done with over half the departments under SPS.

Whatever is done to change the fee collection method or to abolish it, the effect would be cosmetic. The services and activities are there, are not completely self-sustaining, and money from the university to support them must come from somewhere--even the law school.

Low Scores

(Continued From Page 1)

sizeable collection, but one that is of questionable utility or quality. It is beyond a doubt that those law schools with collections of more than 150,000 volumes have presumeably fine collections, but such a presumption would be dangerous to use in evaluating the quality of a medium sized collection.

For example, the University of Utah Law Library contains a collection of some 148,000 volumes [68 Law Library Journal 169 1975)]. The same library also houses a federal government depository. Assuming that the depository size is equivalent to the size at St. Mary's University depository, and that it is used in a volume count, their collection without the documents would be only 78,000 volumes. Undoubtedly, Utah's "A" rating would be affected if their volume count was determined in the above manner since three of Kelso's scales are directly related to a volume count). This would not be the case with regard to a law library the size of Berkeley, which has a collection of 318,000 volumes.

While the value and the accuracy of Kelso's study is questionable, it does reflect the fact that considerable attention must be given to our library. It must become our first priority. St. Mary's budgeted only $70,000 during 1974-75. Baylor, the only school in Texas that budgeted less to their library, serves a student population considerably smaller than our own. Our collection, based on an actual physical count, numbered 60,559 at the end of 1973-74, fewer than all Texas schools with the single exception of Texas Southern University School of Law. The need for a vigorous funding program for our law library can best be seen when our figures are compared with those of other law schools in Texas.

There are positive features to our law library as it exists, and in some areas our collection is good, but overall the need for expansion is great. What is needed is not a Kelsonian numbers game approach to expansion but rather an accessioning plan that will broaden the areas that are presently neglected. Moving documents within the physical structure of the law library and the acquisition of additional reporters would not serve to increase the quality of our collection since the law student has access to these materals. To do this would merely give undue credibility to Kelso and his study.

TEXAS LAW SCHOOL LIBRARIES

School	Total volumes at end of 1973-74	Budget 1973-74	$Spent 1974-75	Budget 1974-75
Baylor	$ 73,051	$ 28,789	$ 31,297	$ 27,074
Houston	123,377	108,000	110,049	100,000
St. Mary's	60,559	60,000	59,923	70,000
S.M.U.	190,000	84,500	96,543	127,801
South Texas	91,078	100,000	93,648	71,000
Univ. of Texas	306,036	140,000	145,776	140,000
Texas Southern	40,589	110,969	39,848	86,792
Texas Tech	99,080	100,000	108,308	100,000

Source: 67 Law Library Journal 296 (1974), 68 Law Library Journal 167, 169 (1975).

Cavett Review

By Mark Stoltz

Cavett by Dick Cavett and Christopher Porterfield [New York: Bantam Books, 1974], 374 pp. paperback.

"...and playing center for the Lakers is Dick Cavett's ego..."

Mr. Cavett's book is similar to his cancelled talk show program; it reveals a person posessed of subtle wit, intelligent opinions and acerbic candor. In a sense the book allows Mr. Cavett to be a guest of his own program

The format of the book, except for two chapters, is a series of transcribed conversations between Mr. Cavett and his friend and Yale roommate Christopher Porterfield. One might label it and "extended interview" but it is more natural on its tone. The conversational tone survives the transtion into print and gives the reader a feeling of intimacy and immediacy with Mr. Cavett.

Two chapters are written by Mr. Porterfield, the first concerns the Yale years and the second concerns a day in the life of a late night talk show host. Though interesting in parts these chapters are like a weekly magazine's cover story, a lot of form but not much substance.

Mr. Cavett explores a disparate range of topics that interest him, from endangered species to Orson Wells (who might be considered one). Through these verbal explorations Mr. Cavett comes across as man with an unusual genius, the ability to talk with other people.

ALL THINGS CONSIDERED

REVIEWS

Book Looking

By Mark Stoltz

Someone once wrote that "a book is like a frigate that takes one to any port of the imagination." To ruin a good simile, "a bookstore is like a shipyard." There are many bookstores in San Antonio, but here are three unique and unusual ones.

ETCETERA BOOKSTORE, 107 W. Locust.

The Etcetera Bookstore is located off Main Street near S.A.C. It occupies an unimposing store front and appears like any other store along Locust---at least from the outside. It is not like the others. Anna Byerly, the owner, describes it as a metaphysical bookstore which offers alternative information. This would translate into law school parlance as "hornbooks for the psyche" or "Gilberts on the Mind."

The store offers a wide range of volumes in areas such as Eastern Philosophy, Western Psychology, and Comparative Religion. There probably isn't a better selection for an "orientalist" to choose from in San Antonio.

The store also has an excellent collection of second hand hard bound and paperback books. Drama, philosophy and fiction are the areas with the most volumes but the store also has volumes on history and biography. The quality of the used books is generally high and the prices are extremely reasonable.

Ms. Byerly makes jewelry which is on display and a limited number of leather goods are offered. The store also carries poster and prints for the art lover.

VILLAGE BOOK STORE, 5942 Broadway.

Where in San Antonio could one find the ten volume set entitle The Modern Theatre, published in 1811? Probably nowhere else but at the Village Book Store. This is a magnificent little shop that is as much a museum of books as it is retail store. It is a real experience to examine the finely crafted volumes the store carries.

Owner David Bowan says that he tries to carry what no other shop in town will. This shop specializes in rare and fine quality books for the collector but will occasionally carry a recent publication from an obscure press. The shop concentrates on two main subjects: Texan and Mexican culture and New York posters from Broadway plays and the ballet.

THE BOOK MART, 3127 Broadway.

The Book Mart is a spacious and charming shop which offers new, used and rare books. It also carries stamps and has a paperback exchange. Mr. Kellel who runs the store with his wife says that the store contains some 90,000 volumes, give or take a paperback or two, and I'd not relish an opportunity to disprove him.

The shop carries both used hard cover and paperback books and the quality of both is generally excellent. The books are neatly arranged on white bookshelves according to subjects, and a given book can be easily located. The shop has a wide range of subjects including detective novels, cooking, fiction, drama, sci-fi, history and gothics. If this shop has a specialty it would have to be works on the Southwest.

This shop is designed for browsing and the Kellel's are friendly and helpful. So if you want to fill a library with something other than law books, or fill a trunk with books for a journey on a tramp steamer, try the Book Mart.

Two Year Law Schools

Two-year law schools, buttressed by continuing legal education, might solve the problem of providing society with well-educated lawyers, the president-elect of the American Bar Association has suggested.

"Certainly law schools cannot now be expected to turn out the complete lawyers," said Justin A. Stanley, Chicago attorney who becomes president of the 200,000-member ABA next August.

In a recent address to the State Bar of New Mexico, Stanley said a change in the educational process seems necessary because law schools cannot teach their students all of the law and at the same time emphasize such matters as trial or appellate advocacy, or almost any specialized substantive law field.

Stanley said one possible solution would be to eliminate the third year of law school and give students a national examination at the end of the second year.

"Then the supreme courts of the states could specify what else a student would have to be examined on in order to be admitted to practice in their states," Stanley said. "Studies for these examinations could be offered by continuing legal education programs, structured and prescribed by the organized bar and the law professoriat."

He said this would offer law schools more opportunity for significant experimentation in legal pedagogy. It would also give state supreme courts a greater opportunity to shape admission requirements and to exercise control over the educational process.

matt piermatti

Society inter alia

A sign of the TIMES

Since man has first learned to scrawl crude meaningless pictures on cave walls the symbol or "sign" has distinguished him from the animals. A very hastily drawn sketch above an ominous cave might tell of the inhabitant as being a fearful animal. As man's talents and techniques improved a higher form of symbol, hieroglyphics, adorned archways cryptically telling stories on the entrance to the great pyramids.

Perhaps the most famous sign of all was the sign to Hell itself in Dante's Inferno, proclaiming "Abandon hope all ye who enter here."

French cartouches were perhaps the highest form of this silent heraldry. Flowing letters in gilt on marble or carved in granite adorned gates and told the names of les comptes who inhabited the great palaces behind them.

Innkeepers' signs displayed in carved and painted pictures the logos of their establishments: the Crown and Anchor, the Angry Bull, and the Silent Woman.

Who can forget that memorable scene when the camera pulled back from the Greek revival mansion and zoomed to the stately wood placard announcing "Twelve Oaks" as carriages of Southern belles and beaux clattered by.

Prestigious signs have blossomed and often gave indications of the sumptuousness to follow. The front of Tiffany & Company boasts letters of stainless steel set in solid marble.

Who can doubt the sign most anxious to be seen by humanity is the one guarded by St. Peter himself and attached to pearl gates.

One of the few innovations in sign-making came just several years ago when a rare, inert, gaseous element obtained by fractional distillation of liquid air was captured in glass and electrically charged; the Gods smiled and "Neon" was born.

The law profession, always on the pulse of the truly important issues and realizing the growth and expansion of the sign as an art form, set out a directive in the ABA Code of Professional Responsibility (DR 2-102 '3'), it placed restrictions on attorney shingles to "a sign on or near the door of the office and in the building directory identifying the law office)), lest overzealous egoist erect monuments.

Many may call useless a sign covered by ivy which says "112 College Street" on a street that goes nowhere, but it only adds to the Williamsburgian charm of our little campus.

One might call odd a too-large sign attached to a staircase. We defend it by saying it is not the sign that needs repositioning; it is the stairway. We ignore as frivolous arguments that it is inappropriate to place a sign of "Substantial Donors" where they may be stepped upon, and we reject as cruel the analogy that if they are donors they already have been stepped on.

However, the sign of St. Mary's which must take its noble and rightful place among the immortal art form is the one proclaiming the simple message "Law Center". Is it true that many overanticipated, expecting twirling grillwork with lions guardant trumpeting "Xanadu"? Truly that would have been inappropriate. Many point out traces of orange styrofoam as being indicia of shoddy craftsmanship. To this we answer that such traces are as natural as lint in a navel.

Surely one cannot blame the sign's deterioration on poor workmanship. It is obviously the cruel and harsh nature of the violent weather which caused the minor crack. This petite chasm, as noble a crack as in the Liberty Bell itself, enamoured itself to many and was only seconds away from being preserved by the "Committee For The Crack" for posterity.

Finally, we find no validity in the hypothesis that the sign is actually a kist.

We should not criticize our sign, for surely the majesty and grandeur which prompted Moussorgsky to immortalize The Great Gate at Kiev is housed in our humble sign.

CLA Luncheon

Preferred Jurist named

On Wednesday, October 29 at the monthly Criminal Law Association Luncheon, Mr. Charles Conway, Chief of Capital Crimes Division of the Bexar County District Attorney's Office, candidly discussed several questions directed to him by those in attendance.

From a prosecutors's point of view C.L.A. members learned a number of things, the characteristics of the preferred jurist being the most interesting. Though Mr. Conway did not elaborate, he said he would choose:

1. A man rather than a woman,
2. over 30 yrs. of age,
3. employed for at least 10 yrs. in the same place,
4. professional rather than non-professional,
5. Lutheran rather than Catholic,
6. with a military backgrounds, and
7. married rather than single.

Mr. Conway substitute for Mr. John Quinlan who had been scheduled to speak.

"the professors"®

Yo-ho-ho and a bottle of Picante

By Claude DuCloux

In preparing for the nation's birthday, Americans are being soaked with patriotic stories, merchandise, and other trivia promoting and exalting the Spirit of Freedom. Some people have the feeling that they are swallowing the flag whole. Some of the great moments in American History have been recounted in various specials, documentaries and articles depicting the development and heritage of American life.

It seems unfair that only the best known historical events should be recognized. For instance, 355 years ago this month, the Mayflower Compact, the first legal document ever to rule over a civilized people in America was signed aboard the Pilgrims' ship. The Compact received more than its fair share of publicity. Few people know, however, that simultaneously to the Compact, aboard another ship, another great legal document was being formed.

Did you ever wonder what happened to Columbus' flag ship the Santa Maria? Well, the Spanish kept it in drydock for close to 120 years until a Spanish nobleman named Ernesto Raba decided to prove once and for all that the world was flat. Ernesto gathered up a crew of true believers to accompany him on his voyage. His crew consisted of rogues, thieves, a few other noblemen, some Slovaks and a chinese cook (Ernesto loved egg foo yong with picante.).

Well, things went wrong from the beginning. Having foolishly entrusted the helm to a sluggish Basque named Carlos Cantu, they found themselves a week out of port, hopelessly lost (with weak Port but plenty of Sherry), and Carlos wandering around saying "If there were only some directions on how to run this thing!"

In addition, the skipper's mate, an Anglo-Saxon named Joseph Andersson, had jumped overboard when asked to take the helm, claiming "Uh-uh! No-how, no way! I'm not driving this thing!"

Finally the helm was turned over to another Saxon, Sir Thomas Black, whose only comment was, "They're always giving me the rotten things to do around here," and begrudgingly took the tiller, muttering "I'm really not too sure about this."

Try as they might, they couldn't find the edge of the world. After several months it was a serf with funny shoes named Vincent the Tailor who made the startling observation "I think we're in Big trouble!" But his fears were quickly put to rest by an intelligent Hun named Jaroslav Glos who responded with "Well, it's not so important." But they were, indeed in big trouble. Due to the way the Chief Officer, an Alsatian named Schmidt, had organized the watch schedules and meals, some of the crew went on duty for days at a time, with no food or drink, while others did nothing but drink. In fact, an Italian named Giovanni Anderson became delirious a month into the voyage, and now roamed the deck speaking in vague obscenities about how he should have been pope.

In addition to the confusion the scheduling caused there was other trouble aboard. A spanish soldier of fortune, Porfidio Francisco was threatening to kill the cook, saying the cook had robbed him by selling him a wristwatch that was defective.

There was also a murder aboard. It seems that an Anglo-Saxon rogue named James of the Castle Berry had gambled with a Gaulic soldier of fortune named Godwin and beaten him out of his life savings. (Godwin had always been more soldier than fortunate). In the ensuing scuffle, a Scotsman named L. Wayne was killed and thrown overboard. (He died without ever revealing what the "L." stood for.)

Finally, when all seemed lost, the word came down from the crow's nest that land was finally sighted . The land being strange and forbidding, Ernesto knew what had to be done before they could set foot upon the foreign soil and face the dangers of the unknown.

And so the remaining great minds gathered to produce this historic document. There was Robert the Hobbler, an accountant who invented the determinable fee; a celibate priest named Leopoldus who refused to change his chasuble during the entire voyage; and a Saint and Scholar named Harold, who was God's adopted son.

After days of toil, argument, and compromise, every remaining crew member was forced under pain of death to sign what was to become the first American I.O.U. For, you see, Ernesto had no intention of letting this voyage be a free ride.

Unfortunately, history does not record whether Ernesto ever was repaid for the voyage. Legend has it that the spirits of the men aboard the Santa Maria are still with us today, commanding the bodies of mortal men, and as such are still trying to repay the debt owed to that demanding sea captain, Ernesto Raba.

WLA Auction Successful

The Women's Law Association reported that the Faculty Auction was a resounding success. The event netted over $400. At the November 13 meeting, the members decided to award two scholarships this coming spring. In addition, several members expressed a desire for more substantive activities by the WLA. Several committees were formed to plan a speakers program. WLA already plans to sponsor a discussion of the changes in the Texas rape law and how it will affect enforcement by law officers.

LSD Improves Client Counseling

The Law Student Divison of the American Bar Association will again sponsor the Client Counseling Competition. Contract Litigation and Its Alternatives will be the subject matter of the consultation situations this year.

The competition is analogous to Moot Court, except that the skill tested is counseling rather than appellate argument.

The Competition tries to simulate a real law firm consultation as closely as possible. A typical client problem is selected and a person acting the role of the client is briefed on his or her part. Prior to the day of the actual Competition, students who work in pairs, receive a very brief memo concerning the problem. This data is equivalent. The students are asked to prepare a preliminary memorandum based on the problem as it is then understood.

In the actual Competition, which takes place at a regional host law school, each team of students is given forty-five minutes. The first thirty minutes are devoted to an interview with the client during which the students are expected to elicit the rest of the relevant information and propose a solution or outline of what further research would be necessary. During the last quarter hour the students may confer between themselves and verbally prepare a post interview memorandum. This memorandum can be used to explain to the judges why the participants handled the interview as they did.

All American Bar Association approved law schools are invited to enter a pair of students in the Competition. Application forms and $30.00 entry fee per school should be received by the Law Student Division by November 24. After the deadline date for applications, the exact location of the Regional Competitions will be announced. There will probably be about nine regions. The Regional Competitions will take place on March 6, 1976 and the National Competition will be held on March 27, 1976. (Note date change from August announcement). There will be an award of one hundred dollars ($100.00) to the winning team in each Regional Competition. The National winning teams will receive three hundred dollars ($300.00) and the National runner-up team will receive one hundred and fifty dollars ($150.00). Please contact the LSD/ABA, 1155 East 60th Street, Chicago, Illinois 60637 for further information.

Environmental Law Contest

The Association of Trial Lawyers of America has announced that the subject of its 6th annual Enviromental Law Essay Contest is "Energy Alternatives and the Law." The contest is open to all law students.

Each law school will pick a winner who will receive $100. All winning essays then will be sent to ATLA for judging by a panel of law professors who will select three finalists.

The finalists will receive $1500 each and will be flown to ATLA's annual convention at Atlanta Ga., to deliver their essays before ATLA's Enviromental Law Section.

The contest deadline is April 15, 1976

Any inquires should be addressed to Ms. Barbara A. Stein, Contest Coordinator, ATLA, 20 Garden St., Cambridge, Mass. 02138.

For Rent

Life Of Party

Is sanity lacking in your life? Has "The Law" permeated the very marrow of your existence? Are your friends beginning to sound like a Prof. Cantu lecture, by conversing in outline form? Is your idea of fun the rapid recital of "Fee tail heir male special" ten times in a row? Has Prof. Francisco's facetiousness failed to farm the fallowed fabric of your fellow man's mind?

Well, fear no more, because of the "Yes, Virginia, there is a Sanity Claus(e)." I, the last of the Renaissance thinkers, am making 'my services available to you: the students and faculty of St. Mary's Law School.

For a nominal fee, I will attend your parties and social gatherings to help you and your friends engage in conversations of a more sane and practical nature. I will lend assistance in formulating discussions on a variety of subjects including: Politics (attempted assassination for fun, fame and fortune). Science Fiction (weekend night life on the St. Mary's Campus) and Alternatives to Marriage (contractural cohabitation, or why buy the cow if you get the milk free).

I can also lead your group in a variety of activities including dancing lessons for those fearful of being seen convulsing and contorting on a dance floor. By far, the newest and most unique is the current Mexican dance craze which is sweeping the country. It is a variation of Montezuma's Revenge known as the Aztec Two-Step. All you have to do is drink their water, then stand still and let your bowels move. Previous groups have found this to be loads of fun and a real gas.

So don't delay. Call now. My fee is negotiable, with special faculty rates. Phone J.W.W. Ext. 644. Thank You.

Sneak peek at the next WITAN

The solution is found in adherence to the principles of consistency, fairness, and accountability: Not at all strange terms to members of the legal profession.

●

4. Part of our trouble may result from the spelling of "Francis" and "Frances". Francis Bacon was a celebrated English Author, Francis Scott Key had something to do with our Fourth of July and while Francis Cardinal Spellman may dress like a mother, they call him "Father",---I will bet a dime to doughnut he is not a female.

Torts & Tortfeasors; Who Really Cares?

By Peter L. Bloodworth

The question often arises among legal academicians, "What exactly is a tort, and why is it?" It might be noted from the outset that the first sentence in Prosser's Law of Torts is, "A really satisfactory definition of a tort has yet to be found". Let's attack this baffling question. The learned Webster defines it as a small pie or shell of pastry containing jelly, custard, etc. The English definition is more succinctly stated---a fruit pie. Corpus Juris Pudendum departs somewhat in demonstrating a sensitivity to the truth and makes a perhaps oversimplified judgment that a tort is to be defined as "a woman of loose morals". What exactly does this mean to the slip and fall doctrine?

As has occasionally been espoused, the most circuitous route to a problem is often the quickest, in that it is the least travelled. From thence shall we proceed. Black's Law Dictionary defines a "faro lay-out" as "a board commonly covered with green cloth to which the entire spade suit is affixed in a certain order". As the student of law soon discovers, however, the old English tort law ascribed to the word a different definition. (Far o lay-out, n. Eng., a defensive move in the Oriental martial arts, by which an owner in fee simple may preclude a trespasser ad largum from obtaining a "squatters-right" easement on the property of the owner.)

The metaphor is obvious when examined in the light of Professor Prosser's own definition of a tort on page 2: "A tort is conduct which is twisted, or crooked, not straight." Can more be said?

In order to obtain a perfectly clear picture of the true nature of a tort, we must turn to the second 'prong' of the tort test, namely, the tort-feasor himself. What exactly is a feasor? Again we must turn to Brother Webster. Unfortunately, he doesn't know either, but it sounds a lot like feasance, and in light of the surrounding facts and circumstances, feasance will have to suffice. "Feasance" is the doing or performing of a condition, duty, etc. Coupling this with our CJP "tort" definition, we arrive at a reasonably prudent definition of "tortfeasor" ---a woman of loose morals doing or performing a condition, duty, etc. The law seems to be settled on this point. Quoting Justice Holmes from an early, unofficial Tijuana case:

General propositions do not necessarily dictate the outcome of the evening. Whether they do or not...depends on the strength of the conviction with which. . .they are espoused." Tijuana v. Smith, 4 Mex. 20 (1902).

Phillip Toynbee once wrote: "The smut-hounds are guilty of elevating personal prejudice above both art and freedom."

Whether or not this has any significance to the law of tort is a question of fact.

Legal Services Update

By Joshua Brown, SBA Pres.

Last September a formal presentation of the St. Mary's Legal Services (SMULS) program was made to the Faculty Council. The Dean appointed a committee chaired by the SBA president with professors Castleberry, Walker, Ferguson and the past president of the San Antonio Bar Association, Henry Christopher. The committee was to study the feasibility of such a program at the law school.

Faculty oppostion to the program stems from two main areas. First, straining relations with the local bar; second, liability of the law school in a possible malpractice suit. Both of these problems, however, have been sufficiently answered. The program can obtain malpractice insurance; a one year policy is available for a $500 coverage with $1,000 deductible. In addition, three weeks ago a formal presentation was made to the Board of Directors of the San Antonio Young Lawyers Association which received unanimous approval and the offer to supply the necessary manpower needed for the program---volunteer attorneys. The program is currently awaiting the approval of the San Antonio Bar Association.

So where does the program stand? The availability of malpractice insurance and the expected support of the San Antonio legal community places the program in the lap of the Faculty Council. It now boils down to a question of whether the faculty is willing and able to undertake such an endeavor.

The many ramifications stemming from a program of this nature is understood. However, the time has come for the law school to assert some progressiveness and offer some sort of clinical program for its students.

Volume 3, No. 4 December 1975

WITAN

Student Newspaper Of St. Mary's University School Of Law, San Antonio, Texas

Recog. Bond Program Under Way

by Karleen Kaufman

There is soliciting going on in the Bexar County Jail till 4:00 a.m. every day! This is how Frank Christian, director of the Legal Aid Association began his discussion on Personal Recognizance Bond Program at St. Mary's last Wednesday.

What's going on at the Jail House? When the first offender, who has lost his temper or perhaps done something foolish on a dare, visits the jail on Friday night, he is fingerprinted, mug shots are taken, and he is put in the slammer. An investigator from the Personal Bond Program will then make a "house" call on the accused. He will ask if the accused would like to be released on a personal bond, free of charge.

If the accused is interested, the investigator will ask him questions which will be rated on a point system. If, for instance, the individual is living with his family, presently employed, has no past criminal record and could return to a job immediately after being released, he would probably receive a high rating.

After the interview, the investigator will check the accused's police report and then submit his findings to the magistrate. The magistrate, with the aid of the investigation, but not relying solely on it, will decide if the person should be released on personal bond.

The criteria for deciding who qualifies for pretrial release are not set out in statutes. The investigator's background report is only one factor the magistrate will consider. He will also talk to the accused, and may confer with the district attorney's office if he wishes. He will not be concerned with the nature of the crime. That is the function of the trial court. Nor will he be concerned with the individual's ability to pay. The personal recognizance bonds are not a form of financial aid; they are available to both those who are unable to pay commercial bonding fees, and those who are able.

The magistrate has actually only two main concerns: (1) Will the accused appear and answer for trail and (2) Will he stay out of trouble in the interim? The magistrate will utilize the investigator's report in deciding who, in his judgment, can be considered a good risk.

The results of PR bond system are to release the accused from incarceration so that he can return to his family and continue his employment (rather than destroying his financial situation) and so that he can afford to secure the services of a good attorney. Also if the accused is a first time offender, a bail bond would prevent his association with such 'bad company' as hardened criminals with long records in a maximum security detention center such as the Bexar Couty Jail.

Another major benefit of allowing bail bonds is statistically simple. If charged with a misdemeanor there is a two to three month wait till time of trial; for an alleged felon there is a four to six month wait. The Bexar County Jail's capacity is 1,000 prisoners. To date the jail has more than a full house and there are 2,900 people out on personall bonds. Obviously, there is a need for either an effective bond system and/or larger jail facilities.

Many question the wisdom of releasing alleged criminals, some even ex-convicts, to walk the streets without so much as paying a dime to guarantee that they will show up for their trial. The personal recognizance system doesn't end with the initial interview in the jail and subsequent release. Once a month, the accused must call the office of the program to report any changes in address or employment, affirm his trial date, and to reassure his attendance at the trial date.

Mr. Christian divides the accused into three major problem groups. The first are the "no shows" who fail to send notice of an address change, and who "forget" to appear on the trial date. If he or she can be located and, if the reasons are good enought, the judge may simply reset the trial date, and keep the person on the same bond. If an individual is not readily available, i.e, does not answer his phone, or can no longer be located at his job, an arrest warrant is issued

(Continued on Page 8)

Tuition Upped $10

by Jim Seifert

A $10 increase in law school tuition has been announced, to be effective beginning June 1976. The announcement was made by Dean Ernest Raba to a closed special session of the Law Student Senate on November 21. (statement on page 3).

The dean's rare appearance before the Senate was in line with the way the present set of tuition increases have been handled in the rest of the university. St. Mary's SPS Vice-President John Donohoo appeared before the university-wide Student Senate on November 3 to explain the proposed graduate and undergraduate tuition increase and get student feedback before the increase proposal went to the Finance Committee of the Board of Trustees, and to St. Mary's Board of Trustees for the actual decision.

The Board of Trustees made the decision for the tuition increase on November 14 (law, up $10 to $80 per semester hour; graduate, up $3 to $61; undergraduate, up $3 to $56). The increase reflected the school's estimate of enrollment for next year at present tuition rates with other sources of income placed against needs of the various schools of the university, salary increases, and cost of living increases. On October 29 proposals by the deans were presented to the University Executive Council. The Council's proposals were in turn presented to the Finance Committee on November 7; the Board of Trustees action followed.

At the November 3 Student Senate meeting, the indication was that the $3 tuition increase, at least for the next several years, is indicative of a yearly pattern of slight increases.

However, it has been indicated that the heftier law tuition increase will allow several years before the next hike in the law school.

In a memo by Fr. James Young, he indicates that"even the raise in question is only a partial step toward a balanced budget." Some elements of the increased cost are minimum wage laws mandatory increases as of January 1, 1976, regular salary increases for part-time teaching salaries and at least moderate raises in salaries of full-time teachers and administrators. "Just to meet these items the indicated tuition increase would be necessary."

However in addition to there are the rising costs of utilities, food, and upkeep of the campus which are not covered by the increase.

The tuition increase for the law school should allow for an increased law faculty (increasing faculty-student ratio in line with the increasing law student body) and defray the law school 'remodeling' to take place over the next few months.

EDITORIALS

Warm Fuzzies

The editorial in the last issue of the WITAN dealt in part with the policy behind this paper's existence. In a more specific sense, projecting a positive image is never done by relating only "warm fuzzies." To restrict content in that way is juvenile journalism at its news release worst. Debate and controversy are healthy signs, but the way with which it is dealt will project the image as positive or negative.

The WITAN has a vested interest in the continued welfare and success of St. Mary's School of Law, and the goals of the paper reflect the policy believed to lead to that success.

First, the WITAN is implementing the development of a broad range of feature and service columns in an attempt to touch all major aspects of Law School. The Dean's Desk column, Alumni and Placement Notes, S.B.A. Update, Music Review, Doonesbury, and the Want Ads are planned permanent additions to the established features presently in the WITAN. There also will be an expansion of news article coverage to include a treatment of world or national events important in the area of law. Special comments on significant issues or developments in the law or related areas are planned beginning with the January issue.

Second, it is expected that in presenting this broader coverage debate over issues will naturally arise. The WITAN considers this a sign of vibrance and will foster solution oriented criticism. In no case, however, will any unwarranted and blatantly provocatory criticism be permitted in the WITAN. This type of expression is best channeled through other means. If a forum for all such gripes were provided in the WITAN it would have the counter-productive effect of alienating certain individuals and perpetrating ill will.

As a reader you can rally to St. Mary's and the WITAN by helping us do what we plan to do whether you are student, faculty, administrator, alumni or friend.

Good luck on Final Exams and best wishes for the Holidays.

A.D.L.III

Tribute to Justice Douglas

"A lifetime diet of the law alone turns judges into dull, dry husks." This statement was once made by Justice William O. Douglas. During his tenure as Supreme Court Justice, his life style and his sparkling dissents embodied this philosophy. Douglas' retirement from the Supreme Court three weeks ago concluded at 37 years, the longest career ever on the Supreme Court. In one sense it marked the end of an era.

Renowned for his flamboyant liberalism that seemed to increase with his age, Douglas' nomination to the Supreme Court, interestingly enough, was opposed by a few members of Congress on the ground that his past chairmanship of the Securities Exchange Commission had made him a "reactionary tool of Wall Street." Of course Douglas never was that. His calling was the preservation of the Bill of Rights.

When Douglas was 6, in poverty, and fatherless, he contracted Polio. This seemed to provide the impetus for developing into a vigorous and rugged outdoorsman.

Douglas graduated as valedictorian from high school and was initiated into Phi Beta Kappa at Whitman College in Walla Walla, Washington. He received his law degree from Columbia and upon graduation worked for two years on Wall Street. Thereafter he taught corporate law at Yale Law School. Roosevelt appointed Douglas SEC chairman in 1937 and in 1939 appointed him to the Supreme Court replacing retiring Justice Louis Brandeis. In 1948 Truman, like Roosevelt before him, tried to tap Douglas for the Vice-Presidency. Douglas decided to stay with the Court.

In addition to writing 1,282 Supreme Court opinions, Douglas also wrote 531 dissents. His energy did not stop there, however, as writer of 26 books he must also be counted as one of the country's most prolific authors.

Douglas was not without his detractors. Having been divorced three times and married four times (most recently in 1966 to 23 year old law student Cathleen Hefferman) Douglas earned the nickname of "Wild Bill". Three times attempts were made to impeach him. Gerald Ford's attempt in 1970 was the most recent.

The positions Douglas took as Justice were not as incongruous as many thought. Throughout his decisions ran a theme of increasing support for individuals against powerful corporations and the state. His concern was in protecting the ordinary citizen from arbitrary power. In the Jeffersonian tradition Douglas cherished the principle of self-determination of individual destiny. Many of his dissents in later years came to be adopted by the Court.

After his stroke on last New Year's Eve, Douglas did not recover the vigor that once was his. His resignation has left a large void. As Justice Brennan said "It won't be filled soon - if ever."

WITAN STAFF

Editor in Chief ..... Andy Leonie
Articles Editor ..... Meg Morey
Features Editor ..... Claude DuCloux
Copy Editor ..... Jim Seifert
Business Manager ..... Barbara Gunning

Associate Editors ..... Stephen Said
Kayo Mullins, Tony Chauvaux
Staff Writers ..... Mark Helfers,
Dennis James, Ruth E. Kingsley, Gregory Koss, Marianne Lipscombe, Mary Mulally, Matt Piermatti, Joseph Weik, Joshua Brown, Don Maison, Barb Rosenberg, Mark Stoltz, Judith Johnson, Karleen Kaufman.
Contributors ..... Barbara Jones, Peter Bloodworth

WITAN is published by students of St. Mary's Law School, monthly except June, July and August. The views expressed herein are those of the individual writers and do not necessarily reflect those of WITAN, its editors, the administration, or faculty, unless otherwise stated. The Editor is responsible for the views expressed in unsigned articles.

Letters To Witan

Letters to Witan should be no longer than 200 words unless special arrangements are made prior to the deadline date.

Student Involvement

To the editor:

Approximately three weeks ago there was a panel discussion given by prominent persons but nobody came; well almost nobody. The topic concerned a highly controverted subject in our profession - legal ethics, but nobody came; well almost nobody. Recently another program was given concerning recognizance bonds but nobody came; well almost nobody. In order to present an image of concern to the visitors in these programs, students were herded out of the library and other areas to insure an unembarassing body count.

Last spring there was a general election involving election of third year senators and nobody came; well almost nobody. This infamous election contest was re-opened and students were begged to run for office so we would have a choice on the ballot. (We did, however, wind-up with the finest people). There was a fraternity party recently but nobody came; well almost nobody. Fraternity members and officers were asked for one hour of their time but nobody offered; well almost nobody. Recently there was a mid-law caucus with the mid-law senators but nobody came.

The aforegoing represents a small part of the dismal track record of St. Mary's law students. A real involved bunch! These are the same students who couldn't find an open door at any other law school in the U.S. and have traveled great distances for the paper chase. St. Mary's has given them the opportunity to become attorneys; what have they given St. Mary's? Oh yes, $70 per credit hour (which is one of the lowest private school tuitions in the country).

These are the same students who sit in their groups berating the administration for apathy when they, the students, epitomize the word. These same students continually gripe about how poor the facilities are but yet when the time comes to help this law school as an alumnus "nobody will come; well almost nobody." These students have the answer to make St. Mary's a great law school; become a non-contributing alumnus.

But all is not lost, for these students do read their briefs and get their good grades. St. Mary's is very fortunate to have these students and they will be a good benefit to the bar. A real involved bunch.

Name withheld by request

Law School Priorities

To the editor

An article appeared in November's issue of Student Lawyer rating law schools according to a research index with categories ranging from number of students, volumes in library, and number of faculty to ratios between each. Its' author writes, "it presents data which relates to educational quality."

If the reader in search of St. Mary's ranking was slightly impatient and a bit nearsighted, the effort was probably fruitless. However, this writer took on the task and found St. Mary's listed 142 out of a possible 158. To add insult to injury, the school was listed as St. Mary and was ranked with such giants as Detroit College, North Carolina Central, and Franklin Pierce law schools. St. Mary's best category was in the number of students, hardly an indication of academic prowess.

Before a tear is shed or one's pride is irrecoverably damaged, it is important to note that the above mentioned index does not include such variables as quality of professors and instructors, types of educational programs, and reputation of the respective school. If one was to argue, probably rightly so, these additional areas are as important, if not more than, the ones used in the article, how would our school stack up?

It is time for the school administration to re-evaluate its policies in connection with future development of St. Mary's Law School. The law school has made much progress since its beginnings in downtown San Antonio. However, to be an advanced educational institution in law, or any field, it is of utmost necessity for the school to always bear in mind the needs of its students. There are several needs which need immediate attention.

The administration should more effectively review the teaching abilities of the faculty, dealing mainly with the part-time attorney-instructor. In many courses, students feel that attorneys are selected by their availability for a time slot on a schedule sheet or their ability to withstand un-airconditioned rooms without windows rather than their qualifications for that particular course.

Let's see a show of hands of those who feel they're just an audience for the part-time instructors ego (that is if the attorney shows up). If your hand is raised then you are probably getting short-changed.

Does anyone understand the school's policy with regards to students seeking clerking positions? For years St. Mary's officials have encouraged local firms to hire law students. At the same time, required classes are scheduled in the afternoon to prevent students from clerking. The two policies seem to be irreconciliable.

"Rumor" has it that St. Mary's is following the trend of other law schools in developing a more full-time institution."Rumor" is used because the school has not seen fit to uniform anyone officially). If this is true, by what devices is the school implementing this program?

A two o'clock class will not make St. Mary's a full-time law school or keep students on campus. On one hand the student is encouraged to remain at school. Yet, on the other hand, the administration building is closed from 12:00 to 1:00, the snake pit (snack bar) is closed from 2:00 to 4:00, and the book store seems to be closed at a different time each day.

This column was not written to house a private "Lemon Session" or to publically criticize the school administration. St. Mary's has a lot to be proud of and a lot to look forward to. This writer is just concerned that the more important priorities are being shoved aside inadvertently.

On careful reflection, let us choose our direction wisely to coincide with the goals and principles of outstanding educational institutions rather than the patterns of those institutions which are content to be ranked 147 out of 158.

Bill Kaufman

Dean's Desk

By Dean Raba

The predecessor of the School of Law was the San Antonio Bar Association School of Law, established in 1927; in the Fall of 1934 this School of Law was transferred to St. Mary's University with a total enrollment of thirty-six students, with twelve in the entering class. Regionally, the School of Law continued to be a municipal law school; during the years at 112 College Street the School of Law finally erupted into a student body which was statewide. Today half of the student body are from out of state, and the other fifty percent are in-state. The entering freshman class represents thirty-three states and the District of Columbia and academic degrees from ninety-seven different colleges and universities located in thirty-two states and the District of Columbia.

In 1934 tuition was $5 per semester hour. This rose gradually through the years to the current $70 per semester hour. By action of the Faculty Council, and the Board of Trustees of the University, tuition, due to the unfortunate continuing rise in costs will be increased to $80 per semester hour, effective June 1, 1976. Besides the inflationary factor, planning additional faculty, rapid buildup of the Law Library accessions, and other costs, too numerous to mention, compel the tuition increase (see upper Page 21, Law School Bulletin). The tuition at St. Mary's in the non-tax supported law schools ranked nationally in the lowest twenty percent for fiscal 1975-1976 (June 1 to May 31st). By actual questionnaire, directed to the private law schools, our tuition increase will still place our School of Law in the same percentage category across the nation for 1976-1977 fiscal.

In addition to other factors indicated in the preceding paragraph, we will have available each summer from two to three distinguished professors. For the summer Session of 1976 Dean Page Keeton will teach a course on Products Liability, Professor Frank Kennedy of the University of Michigan will teach a course on Bankruptcy, and Professor Covey Oliver from the University of Pennsylvania will teach a course on International Business Transactions.

Wilson and Henry Take Mock Trial

by Kayo Mullins

The Mock Trial Competition climaxed Tuesday, November 18, with the team of Pete Henry and Glen Wilson winning the finals. Chosen to accompany them to the Regional Mock Trial Competition in Austin on January 29, 30 and 31 were Claude Ducloux, Beb Francis, Paul Green and Frank Morrill. Also competing in Austin will be teams from all over Texas, Oklahoma, Louisiana and Arkansas. This is the first year that the Mock Trial Competition has been national in scope.

The Mock Trials were very much like a play and it appeared as though everyone knew his or her part well when the curtain went up on November 10. The cast involved in the event, besides the thirty student attorneys, were fourteen judges, including his honor, Judge Adrian Spears, fourteen bailiffs and sixty witnesses, not to mention Professor Thomas Black, the Moot Court Board and the Law Spouses.

Pete Henry and Glen Wilson; Mock Trial Winners.

The plot went like this: Mary Jones rented an apartment from the Great Northern Apartment Complex, or more specifically the Inner-Courtyard Apartments. She claims this was done in reliance upon representations made to her by the manager, Mr. Carter, about the security system offered. This included a locked iron gate at the only entrance and a twenty-four hour security guard. One night Ms. Jones is severly beaten by a burglar. At the same time the attack takes place the guard is one block away at a drug store. There is also some question as to whether the lock on the gate is sprung. Claiming negligence on the part of the apartments, Ms. Jones sues for damages.

As the first act opens we find two eager young attorneys preparing to see that Mary Jones gets everything that is coming to her, and two equally eager young attorneys preparing to show she has nothing coming. The general rule that all judges are late carries over to make-believe judges. As a result the contestants always had a few uncomfortable moments in which to get nervous while they stared at their opponents.

At first the contestants were unsure of themselves and very timid about making objections. However, as the trial progressed heated arguments over minute points of law became common. It took only a few minutes for the roles that were being played to become real. One could sense genuine antagonism between people who that very morning may have been good friends.

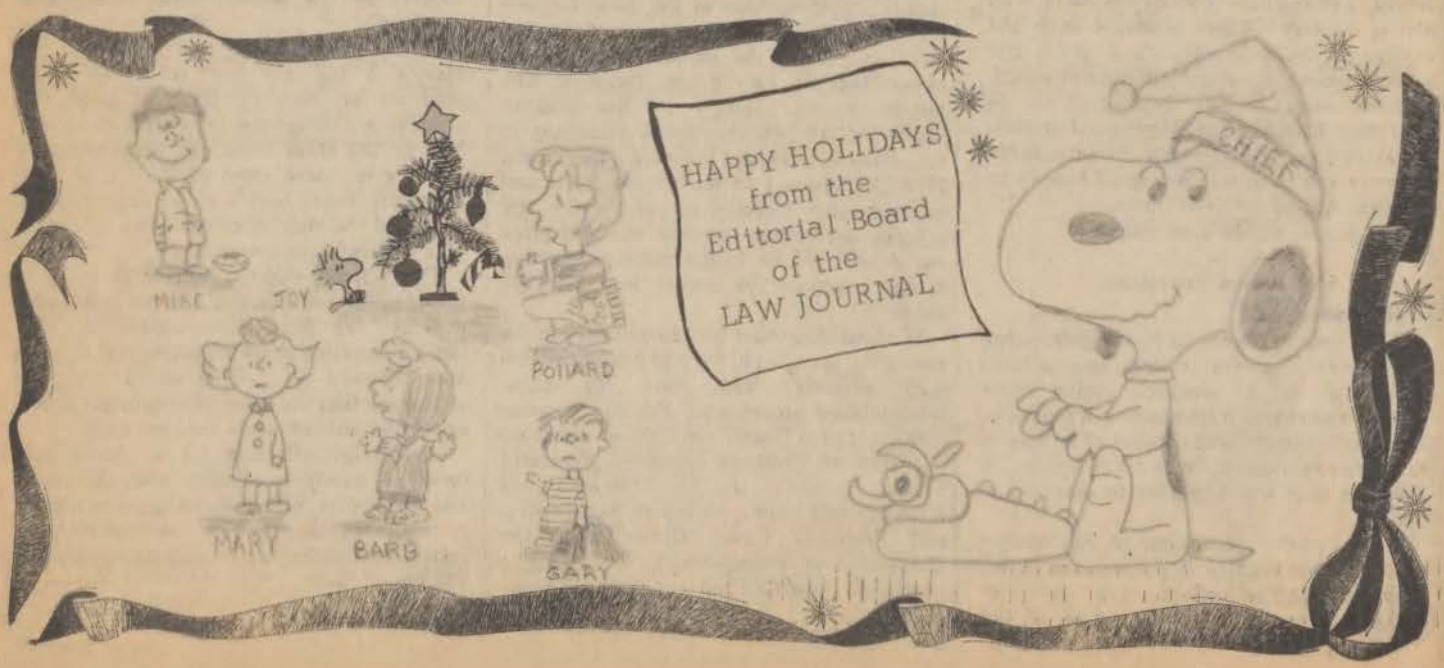
When a witness would be evasive or obstinate the questioning attorney would often become angry. This anger frequently showed itself in sarcastic side-bar comments.

Perhaps the best example occured after Galen Gilbert had asked a question several times only to receive in each instance the reply, "I don't understand the question." It was at this point that Mr. Gilbert reminded the judge that an interpretor could be brought in if English was the witness' second language.

Bob Dowd's rendition of Mr. Carter deserves a mention; however Karleen Kaufman undoubtedly gave the best performance of any witness with her portrayal of the "poor pitiful plaintiff" Mary Jones. The court almost had to be recessed during her testimony about the beating she received. Ms. Kaufman (Jones?) was near hysterics as she recounted the horrifying events of that night. The only ones not impressed by Ms. Kaufman's acting ability were the defendants.

While one could learn property, contracts, torts, agency, evidence and procedure at the Mock trials, the most interesting topic was "Court Room Techniques" taught by each judge after the trial. They would tell about little tricks that they had learned in actual practice to win over jurors or how to get something in the record.

One can't help but think that perhaps a few of the judges might have forgotten that the trials were not real and decided the outcome by the law and not the attorney's ability. The opinion is reinforced when it is pointed out that of the fourteen separate trials the plaintiffs won only four times.



Robbing Peter to Pay Paul

by Don Maison

Financial pooling of law school and university funds is creating crises in many of the nation's law schools, according to an article which appeared recently in the Wall Street Journal. While law school enrollments have more than doubled in the last decade despite surging tuition increases, enrollments in many private four-year colleges and universities have leveled or declined. The rising costs of education have apparently caused university administrators to turn to their thriving law schools to finance those departments and projects unable to pay their own way. Dean Charles O. Galvin of Southern Methodist University School of Law is quoted as saying "it's the profit in the Cadillac division being used to make up the losses in the Chevrolet division." At Syracuse University College of Law, the situation is very serious. Dean Judith Yonger resigned last spring, the fifth dean to resign in as many years, over "the rake-off issue – we make it, they take it." Ms. Younger stated that she accepted the position "to build a great law school" but the faltering university will take a 55% cut from the $3,030 tuition and fees, up from 48% the year before.

A similar problem is developing at the University of Wisconsin Law School, where Dean George Bunn resigned in June because of dissatisfaction with the law school's funding arrangement with the university. Buun stated that the severity of underfunding is so acute that graduates are ill-prepared to serve as lawyers. He says that the university spends $19,820 per medical student, $7,400 per dental student and $1,308 per law student. The University of Wisconsin is presently preparing a response to charges by the American Bar Association that insufficient time was alloted for faculty members to supervise clinical programs, for the high student/faculty ratio and for small library budget.

According, to Millard H Ruud, executive director of the AALS, some universities are apparently starting law schools as revenue sources. They are among the least expensive programs to operate – a few classrooms, a few profs, and the beginnings of a library is all that is required. An ABA rule of thumb, is that universities should take between 16% and 23% of the law schools revenues. Any more than that amount will cause the quality of education to suffer.

In Concert: Reuschlein & Black

by Steve Said and Bob Judd

First Person: "What's the bid?"

Second Person: "I dunno"!

First Person: "I'll raise my hand to find out. Sir,Sir."

Auctioneer: "Sold; to the young lady in the red dress for $40.00."

First Person: "Me? $40.00? I only wanted to bid $15.00!!!"

Thus began the saga of the five law students on their journey to feast and frolic at the concert of the year featuring the vaudeville and jazz kings of the early twentieth century: Dean 'Rolling Seas' Reuschlein on piano and Tom 'Louie Armstrong' Black on cornet '(All sponsored by the Womens' Law Association Beer-Tamale Fest and Faculty Auction).

The performers were nervous. You could tell by their shaking hands continuously grasping martini glasses and swizzle sticks. The original "modus apperendi" (a term created by 'Rolling Seas' Reuschlein) was to have the concert before dinner. However, these plans were swiftly scuttled as the pressure increased. The performers realized that nothing less than a sterling performance would be tolerated by the discriminating freshman law students.

The cue for the beginning of the concert was "Louie" Black's refusal of another drink. Quote: "If I have another drink my lips will be so loose I'll never be able to play." Thus pleasantly mellowed, the law students heard everything from 'Rolling Seas' Reuschlein's bawdy rendition of "I Kissed Her in the Twilight But When I saw Her Face I Cried - Hurrah For The Rolling Seas" (Copyright 1881) to "Louie" Black's own arrangement of "Glow Worm" (Uncopyrighted).

Thus plied with wine, food, song, and merriment the five law students paid homage to the greatest combo since Glen Miller.

ALL THINGS CONSIDERED REVIEWS

"Beer, Groceries and Curb Service" by Mark Stoltz

Buddy's Ize Box, 1920 N. Main, 732-9854

Lured by the cohesive undertones of a neighborhood-subtle excitement permeates the after thoughts of those who drink with friends at Buddy's.

I hope most of you won't go there. Its not for the multitude with their chant of "Neato Mesquito." Nor is it for those condescending enough to play the noble local. The people there toast the hope of Country Blue Heaven and do not try to reach the distant beaches with the Siren's song of City Cool.

Drop by when you have no reason. 25c beer from 9 p.m. to 12 midnite. There is no credit, don't even ask. No exceptions.

Bacchus & Co., 5003 Broadway

Believe it or not Ripley there are places to eat a Sandwich besides Jims, Mac's and Hamburger Haven. One of the best and most unusual eateries is the 'Sandwich Bar' recently installed at the cities finest wine shop: Bacchus & Co. This wine shop provides a charming setting for sandwich lovers of all ages and sizes and its hours are such that one can enjoy a leisurely lunch and still return for a late afternoon repast.

The selection of sandwiches is wide including the traditional deli items. But the Sandwich Bar is not limited by conventional ideas; it continues to push towards the ever receding horizon of perfection that the late Earl first discovered. He would applaude fresh mushrooms with melted Swiss cheese on a dark french roll. Such is the stuff that great sandwiches are made of at Bacchus & Co.

On Thursday, Friday and Saturday, The shop serves Quiche Lorraine which is an exquisite Swiss delight of fresh cream, cheese and ham baked in a light crust.

To wash down the sandwiches and Quiche there is an assortment of 24 imported beers from Europe, Asia, Mexico, plus of course fine wine by the glass or caraffe!

"the professors"®

Losing Is Winning

by Claude Ducloux

Feeling poorly the other day after losing the final round of the Mock Trial Competition, I said to myself, "Surely seasoned lawyers don't allow a defeat to bother them. I'll just go and ask what they do to get over those everyday setbacks that occur in the life of a lawyer."

The following are a few thoughts on "defeat" from members of the faculty.

Mr. Hobbs: Well, you can't win 'em all! (That's original, Bob.) I guess I really can't complain about my big defeats in life. They made me famous! Whenever we lost a big case, it made case law, and we ended up in a casebook somewhere. (Mr. Hobbs is referring to Williams v. Thompson in the Property Book, and another case in the Wills text.) Besides, you can always go out and get drunk.

Mr. Walker: Ahh, just brush it off. I guess I was always a hard loser at first. I usually couldn't sleep after losing in a J.P. court! It always seems that when you are overconfident that you lose that case. I remember, in particular, losing a car accident case where I had the other party admitting that he didn't know whether the light was red or green. To this day I don't know how I lost that one!

Mr. Black: Just go out and get drunk, I guesss (Heh, heh). I remember once I lost a mortgage foreclosure that I knew I was right about. To this very day I still think I'm right. The Supreme Court n.r.e.'ed the case. (In all fairness, though, there was a dissenting opinion by Calvert.) I'll tell you, though, nothing compares to the defeat you feel after investing a year of your life in one case or another and then watch the whole thing crumble before your eyes, and not be able to do anything about it! That's defeat!

Mr. Francisco: whenever you feel defeated, follow the old "Hair of the Dog" theory. Take a little something of what bit you. In other words, get right back involved in something else. Believe me, only those who haven't tried haven't failed! The whole legal business is based upon defeat. We're all adversaries, all the time! It seems to many students that their professors are their adversaries in the classroom. Daily, students face numerous mini-defeats at the hands of these professors. For Example□

Defeat is: Walking into Mr. Walker's class 3 seconds after he says "Who sits there?"

Defeat is: Letting Mr. Francisco lead you down a "bunny trial."

Defeat is: Not knowing the meaning of a Latin phrase when reciting for Dr. Reuschlein.

Defeat is: Getting stuck explaining Reciprocal negative easements to Mr. Hobbs.

Defeat is: Missing the only day Joe Anderson takes roll in weeks.

Defeat is: Explaining 1231A transactions to Mr. Parenti.

Defeat is: Taking income tax without being a certified public accountant.

Defeat is: Having a professor tell you the last week of class, "Gosh, you've been in the wrong seat all semester! Look where you are on my chart."

If it is true that defeat makes winning all sweeter, one can easily say, "Show me a law student with the taste of Victory, and I'll show you an emotional diabetic."

Deanmented

by Gregory Koss

O Deans, Dear Deans,
We love you like our jeans, deans,
We know you are not mean deans,
We know you love us too.

Our deans, two deans.
We wish we had some more deans,
We really like hard-core deans,
We raise salutes to you

Let me tell you why we love you
Cause I know you'll never guess it;
It's the way you fix our schedules;
It's the way you simply mess it.
It's the way you space our classes
So downtown we are not working;
Acedemia is the key word,
God forbid we may be clerking.

It's the way you give us purpose
When we sign for courses praying
That we get the ones we're needing
So in school we are not staying.
It's the way you give us hours
When its one or two we're missing.
But, of course, we're only students,
And our don't need kissing.

Prosaic Justice

By Claude DuCloux

Lawyers have frequently been accused of being too dry and businesslike in their demeanor; lacking the humor and zip which makes life interesting. The following excerpt proves that even lawyers can have fun, even while in court.

In fact, it seems that when one lawyer injects a little novelty into the proceedings, the ingenuity becomes contagious and the other parties, and even the Court, may get caught up in the spirit of things. Such an instance is recorded for all posterity in 87 S.W.2d 316 in the case of City of Canadian v. Guthie.

In this case, the plaintiff's horse had strayed during an evening's walk and had eaten the flowers on another's property. The horse was captured and placed in the city pound. The mayor of the city came by and saw the horse was sick, and ordered that the horse be shot. The shooting was done by a Mr. Lemley, who was known as "Panhandle Pete." As the court describes the shooting"...when Panhandle Pete's pistol popped, she petered, for which the poundkeeper paid Pete a pair of pesos."

In his pleadings, the plaintiff claims he should be awarded damages for $350 for sentimental value. The suit was dismissed for lack of jurisdiction, whereupon the plaintiff wrote in his motion for rehearing:

I.

Comes now the Plaintiff, appelles,
And moves this honorable Court to see,
That House Bill Number 304
Threw open wide the Court House door,
Of County Court in Hemphill County
Where Guthrie sought relief and Bounty,
And recompense and generous meed
For his departed wayward steed,
Cut down in all her youthful pride,
When she was taken for a ride,

II.

The Court did hold, that as this mare,
To wrong curtilage did repair,
Likewise these lawyers who here do pray,
Into the wrong court below did stray;
But this honorable Court overlooked the Fact,
That the legislature passed an Act,
In Nineteen Hundred and Fifteen,
And Jurisdiction since has been,
In that court whence this case came,
As in the Justice Court the same."
(Their motion was overruled.)

As for the Plaintiff's request for Sentimental damages, the court noted:

'Curfew tolled the knell of parting day,' and some hours later,' when grey-eyed morn
Stood tiptoed upon the misty mountain height
And flecked the eastern hills with rays of golden light,'
Would know her no more forever,
Nevertheless, in the cold unsympathetic eye of the law, sentimental value is not recognized as a basis for damages...'

To all those lawyers who would look on these proceedings with disdain and ask "Is nothing sacred?", we can only "Let's hope not!"

CAVEAT: Don't try this on appellate briefs. It's hard to rhyme citations.

ALL THINGS CONSIDERED

REVIEWS

Todd Rundgren Fulfilling

by David M. Antonini

In the wake of a new live album, Todd Rundgren's latest tour itinerary included Trinity University's Laurie Auditorium.

Having established himself as one of the music industry's top paid producers, Rundgren has enlisted the aid of several fine New York studio musicians in his latest musical endeavor, collectively known as Utopia. The four man lineup (including Rundgren) differs from the original group in the absence of organist Ralph Schuckett and pianist extraordinaire Mark Klingman. Musically, where one would expect a hole because of these absences, there is none. Synthesist Roger Powell has taken up the burden and with both speed and efficiency does the work of three men.

Rundgren is a better than average guitarist and his technical background as resident recording engineer and producer at Bearsville Records (Warner Bros.) in New York has given him the ability to lead and direct the band's level of energy. A few of his "behind-the-scenes" contributors include the production of The Band's Stage Fright album, the New York Dolls' only album, and Grank Funk Railroad's "return to top 40" rendition of The Locomotion. Before his days with Bearsville, Rundgren studied the music industry under Albert Grossman, a

Rundgren in concert at Trinity's Laurie Auditorium.

New York manager/agent whose stable of stars included Bob Dylan and Janis Joplin.

Tuesday night at Laurie there was another side of Todd Rundgren. Gone were the vestiges and theatrics which tended to make one wonder whether he had fallen into the glitter-rock category which has burdened the music industry these past few years. This wasn't the "peacocked" Rundgren which the mass media has portrayed on Friday night television rock shows. The band was musically tight and rhythm and melody changes fell right into place. The technical proficiency of the musicians puts them in somewhat of a jazz context with Chick Corea's Return To Forever while retaining the qualities of progressive rock groups such as Focus.

The material performed was primarily from the two Utopia releases and Rundgren's own Todd and Initiation albums. Much of the material was electronically oriented with some very impressive synthesizer work on both guitar and keyboard. The change to one acoustic number also came off fairly well and was not out of place as one might expect.

Somehow the balance between the acoustics of Laurie Auditorium and the sound system was not met. The sound was clear but deafening, just beyond a comfortable loud. The size of the crowd was surprisingly not as large as one would expect, but a good number turned out.

All in all the concert was one of the more fulfilling rock concerts of late in San Antonio as far as musical content is concerned. Todd Rundgren and Utopia are definitely not another one of those decadent punk rock groups which pervade the New York and Los Angeles areas.

SBA Up-date

by Joshua Brown
SBA President

Reputation Soured

Within the last three weeks, the Student Bar Association has sponsored two informative and practical programs. The first was a symposium on legal ethics and the second a discussion concerning the current Personal Recognizance Bond Program in San Antonio. The combined student attendance at these functions, if exaggerated, may have reached 50 people. This is one thirteenth of the law school student body.

As S.B.A. President and co-ordinator of the programs, I was extremely embarassed to show the distinguished speakers the bare sides of classroom No. 101. Several times I found myself dashing to the library to purge it of the faithful student so two or three empty seats could be filled.

Students continually badger me about the lack of practicality the law school fosters. In recognition of this problem, a major goal of my administration is to get the law school involved in worthwhile and practical projects and programs. Coinciding with this is a drive on my part to co-sponsor various activities with the San Antonio Young Lawyers Association. If a student body president does not have the support of his constituents, how in the world can he expect the help and support of other local organizations?

A law school should take an active and positive role in its respective community. St. Mary's, being the only law school in San Antonio, should assert itself as a viable link between the law student the legal community. The demise of the previously mentioned programs has soured our reputation with leaders of the local legal community. It is a sad situation when I continually have to apologize to our guests for lack of interest. Most of you are lucky in that the usual response from the guest has been "Well I guess they're all studying." As I chuckle to myself, I can't help but think what the real reason is.

Moot Court To Regionals

In this first venture into National Moot Court Competition, St. Mary's team, composed of Chrys Lambros, Larry Likar, and Jon Kelly made a fair showing, according to the team coach, Morton Beard. The team-composed brief was placed fourth by the judges.

The Regional Competition took place at the Federal Court Building in Dallas on October 29, 30, and 31. Of the eleven teams entered from Texas, Oklahoma and Arkansas, the University of Texas and Baylor were the tournament co-favorites. St. Mary's lost by a split ballot (2 to 1) to Texas, but defeated Baylor by the same margin. An upset loss to Oklahoma eliminated St. Mary's from the competition. Texas Tech was the tournament champion.

One member of the Texas team which went on to win third in event, admitted that they were glad not to run up against many teams as strong as St. Mary's.

Personal Recognizance Bonds

ontinued from Page 1)

after he fails to appear at Court. These 'forfeitures' constitute about 5% of the people released on personal bond. However, the real problem is the 'fugitive' third group who cannot be found. There are only 2.5% in this category.

Out of the 3,600 personal bond cases that were closed during the first nine months of this year, less than 2% went back to jail. The remaining cases are adjudicated or settled, some were found innocent and others were put on probation or assessed fines.

So if this program is so successful what's all this controversy about?

The commercial bonding business is financially hurting. The fee for a commercial bondsman is 10% for a state offense and 15% for a federal offense. If 10% of the commercial bonding business is cut due to personal bonding, there is potential loss of approximately one million dollars.

There has also been criticism that the job should be done by more magistrates not investigators.

This is both financially and theoretically unsound. An investigator for the personal recognizance bond program makes approximately $8,000 a year, compared to a magistrate's salary of $20,000. The investigator does not perform any legal service for the accused; rather he is providing a public service. Further, the investigator has no interest in whether or not the individual will be released. The system also eliminates much of the temptation of solicitation by attorneys or bondsmen, which is unethical and illegal.

The personal recognizance bond program was organized in 1967, with the approval of the police department, the sheriff, the president to the local bar association, the criminal district judges, county judges and private attorneys. So far, the program is a success story, according to Mr. Christian. It has saved the citizens of Bexar County $5,000,000 a year in jail costs (assuming that a jail large enough to handle all the accused unable or unwilling to post a commercial bond existed.) and it saves much personal grief to those who would otherwise not be allowed to go back to families and jobs.

Volume 3, No.5 January, 1976

WITAN

Student Newspaper Of St. Mary's University School Of Law, San Antonio, Texas

Assasination Committee Imminent

By U.S. Rep. Henry B. Gonzales

On February 19 it will have been one ar since I introduced H. Res. 204, a mple resolution in the U.S. House of epresentatives which, if approved by the ouse, would establish in that legislative dy a select committee for the purpose of udying the circumstances surrounding e deaths of President John F. Kennedy, S. Sen. Robert F. Kennedy, and Dr. artin Luther King, and the attempted ssassination of Gov. George Wallace.

Much has happened since February 19, 75 which has caused my proposal not to em like such a far-fetched idea. There e now 54 of my colleagues in the House, o are co-sponsors of my proposal -- mething which seemed very unlikely en I first introduced my proposal alone. addition, several other Members are nsoring the identical resolution I hored, but calling for a restudy of the assination of President Kennedy only. have called for a congressional study hese three political assassinations and attempt on Wallace because these nts have one common aspect -- they nged the course of our nation's history. ese assassinations and the attempted rder thwarted democratic processes, minated options, and caused great harm the collective national psyche -- the ent to which I feel keenly it is the gress' responsibility to assess. In a ocratic society with a representative m of government we can ill afford to w such a series of events (such a ide of political assassination has never rred previously in the history of our ntry) from happening again. I would e that a congressional investigation ld determine how we can prevent a lar series of events from happening n.

any Americans watched the recent television documentary series on the rican Assassins which focused on the e assassinations and the attempt on ace which I call for a congrssional y of in my proposal.

BS fell short of calling for a diation of the Warren Commission Report of the John F. Kennedy assassination, but did think that appropriate congressional committees should investigate the possible "Cuban connection" with the murder.

While CBS dismissed theories connected with the Robert F. Kennedy and George Wallace shootings, they called for a study of the assassination of Dr. Martin Luther King, as now has Mrs. King and many other Americans. As things stand now, my proposal is the only one in Congress which would make a study of the King death possible. Perhaps there will be other proposals introduced in this second half of the 94th Congress (which convened on January 19) dealing with the assassination of Dr. King only.

Continued on page 8

Law Student Power

By Andy Leonie

The January issue of the Student Lawyer contains an article on student power on law schools entitled "How to Put Muscle in your SBA." Admittedly muscle for its own sake serves very little purpose, but when directed toward genuine student problems it can prove beneficial.

The crucial basis for student power is seen as unity among the student body. Once a solidarity is established, coping with hurdles in the law school becomes possible. Among the student problems mentioned are conflicts with administrations, funding basic projects, teacher evaluation and job placement. At St. Mary's we can add class and examination scheduling, SBA financial independence, freedom of the press (Witan), and positive post-graducate vibes (see the editorial).

The point is made that in law schools with an unresponsive and unprogressive administration the ultimate question is whether the student body is willing to confront the power structure. Leverage in this manner can consist of letters and visits to higher university administration or even the board of trustees. Contacting benefactors of the school is at times another result-producing approach.

Perhaps the most drastic method is to get before the media. This is a decision not to be made lightly. The article emphasizes that the possibility of damage to the school's reputation, and to the student, must be carefully weighed against any expected benefit.

At Wayne State School of Law in Detroit the entire student body staged a one-day boycott of classes and a picket of the law school in an attempt to force a change of the law school's policy of grading on a C curve. It was felt that since the other law schools in the area graded on a B curve Wayne State students were at a competitive disadvantage when it came time for employment. The following semester faculty abolished the curve altogether, but grades now do reflect a B curve.

At Gonzaga Law School in Spokane the students hired an attorney to set up a trust fund into which their tuition was paid. This protest was due to an unfavorable report by the ABA and the AALS regarding an excess in student enrollment and a drain of tuition from the law school to the university.

These are two of the more dramatic ways in which students asserted themselves. The article cautions that solutions found to be workable at one school may not be so at another. But, if you ever long for the day when in answer to the question; "Where do/did you go to law school?", people around the country will at least nod knowingly, the article makes for some worthwhile yet wistful reading.

EDITORIALS

Take Your Diplomas and Run?

Often the complaint has been voiced by graduates of St. Mary's University School of Law, that they are only remembered when it is time to give money. While alumni from St. Mary's Law School as well as other universities are all encouraged to make contributions to their alma mater, most alumni receive some form of continuing service from their former schools. As prospective alumni of this School of Law we have very little to look forward to.

There is no alumni organization independent of the University's alumni association in spite of the fact that the School of Law is a virtual autonomous division of the university. There is no recognition of the fact that most law students feel no more affinity with the rest of St. Mary's University than they do with Trinity, Our Lady of the Lake or UTSA.

Cultivating a meaningful continuing rapport with Law School alumni has many obvious benefits, not the least of which is an almost certain influx of funds to the Law School. St. Mary's Law School graduates which are said to be located in every state, could be an invaluable aid in placement and reqruitment. If a directory of Law School graduates was made available, referals among alumni would be made easier.

Last semester the School of Law published and sent its first news-release type newsletter to all Law School alumni. This is a beginning to be applauded, but it is only a beginning. Alumni will not see this as an establishment of a meaningful rapport unless there is an organized forum through which input, including money, can be made.

It must also be noted that developing a rapport of this kind cannot be begun only after graduation from Law School. It must be firmly established while the potential benefactors of the School of Law are still in attendance. If faculty, students, and administrators truely have the future of St. Mary's University School of Law at interest, views of the faculty and administrators as begrudging hosts and views of the students as virtual trespassers will die. An attitude of professional comraderie between potential collegues will flourish. This may be the real beginning.

WITAN

Editor-in-Chief ..... Andy Leonie
Managing Editor ..... Judith Johnson
Articles Editor ..... Meg Morey
Features Editor ..... Claude DuCloux
Copy Editor ..... Jim Seifert
Business Manager ..... Barbara Gunning
Associate Editors ..... Barbara Rosenberg, Kayo Mullins, Tony Chauvaux
Staff Writers ..... Dennis James, Gregory Koss, Mary Mulally, Mat Piermatti, Joseph Weik, Joshua Brown, Don Maison, Mark Stoltz, Karleen Kaufman, Barbara Jones.

WITAN Is published by students of St. Mary's Law School, monthly except May, June and July. The views expressed herein are those of the individual writers and do not necessarily reflect those of WITAN, its editors, the administration, or faculty, unless otherwise stated. The Editor is responsible for the views expressed in unsigned articles.

Letters

Devoid of taste

Dear Editor:

On January 6, 1976 this law scho awarded 57 Juris Doctor degrees. T secretaries carried the burden of seeing it that what little ceremony there w began on time. The law spouses were o in force and provided a simple a appreciated reception afterwards. Ho ever, between the start of the ceremo and the hor d'oeuvers, there was obvious and offending word. Qui frankly, my parents flew several thousa miles to attend, and I was embarrassed them to hear a pitch for donations and administrator of the law school to exclai how surprised he was to see some of t names he saw on the list of graduate

There were no commencement speake no awards and no pretense, to say th least. Not even a "good luck findi work." But the sad thing is that it did have to be that way. There isn't a sing valid reason for graduates of our la school to be subjected to a ceremony th was so entirely devoid of good taste. was bad enough being relegated to th position of a Neanderthal during la school days, but the continuation of th attitude at commencement exercises is intolerable and should cease.

Don Matson '75

Con Flix settle

Dear Editor:

At last St. Mary's is certain to gain recognition which it has long b deserving.

For years jurists have toiled with precise analysis of "good faith effort." the recent decision of 078-32-1 548-02-4321, and other similarly situa

(Continued on Page 8)

Frat Eligibility Revised

By Barbara Jones

First year students are allowed to rticipate in all other school activities, d there is no reason to exclude them m fraternity life. In an effort to get dents involved in fraternities at an ly stage in law school, and to produce a re active and interested group, the erfraternity council has made some nges in the rules governing fraternity h.

n previous years, students were uired to wait until they had a minimum twenty hours credit to participate in ternity rush. Eligibility to join continued until the last semester of the third year. This policy enabled students who were not really interested in the quality of fraternity life to join in their last semester and use the fraternity membership as a resume filler.

Students are now eligible to join after they have attained fourteen credit hours and this eligibility continues for only three semesters after attaining the required credits. The new rules will apply only to those students who entered in summer of 1975 or any semester thereafter. Those students who entered before that time need not be concerned with the changes. For example, a third year student could still join a fraternity this spring if he so desired, but one who entered this past summer will be eligible for a maximum of three more semesters.

The grade point requirements have not changed. Students still need a minimum average of 70 to be eligible for Phi Alpha Delta or Delta Theta Phi. Phi Delta Phi will continue to limit its membership to the top twenty per cent of the class.

One exception to the three semester requirement pertains to those students eligible to join Phi Delta Phi. Those students must join within three semesters after first entering the top twenty per cent of the class.

For those interested, rush will start on Friday, February 13 and will continue through March 8. Bids will be accepted March 8-12. After 3:00 p.m. March 12, no more bids will be accepted.

Placement Pointers

by Karleen Kaufman

r. James Castleberry, chairman of Job cement, says the job market is wide n for St. Mary's clerks and lawyers. It ecommended that all students organize sume and have had legal research and ting before seeking clerkships. Mr. tleberry encourages students to clerk, ecially if they can balance this practical ning with law journal experience. ks are presently needed at Legal Aid ch is invaluable experience for those will later apply for government jobs. ugh late afternoon class scheduling deterred many students from -time employment this will be edied in the future.

resently there are only five people n last year's graduating class who are ble to find employment in the town of their choosing. Mr. Castleberry finds that most students want to stay in San Antonio where the average starting salary is $10,000 a year or in Houston at $15,000 a year or in Austin where it is a rather closed market.

The placement office co-ordinates campus interviews with a wide range of private law firms, corporations and governmental agencies. Local lawyers will also call in and request that interested students apply. Mr. Casteberry maintains a mail-out list of all graduates who are currently unemployed or are seeking different placement. It is important that students check the bulletin board outside the library for recent notices concerning attorneys interested in hiring new graduates and clerks.

Juxtapose

You have given us our visions and then asked us to curb them.

You have offered us dreams and then urged us to abandon them.

You have made us idealists and then told us to go slowly.

— Meldon Levine
1969 Harvard Law School Graduation

First Year Faux Pas

By Joseph W. Weik

Although the new year affords us the opportunity to look ahead toward spring, there were a few, notable, human-interest sideshows which might have escaped many students during the hectic pre-final weeks of the previous semester.

Many freshmen students might remember that Prof. Francisco was absent from lecture during the last week of school, only to re-appear on the final day to deliver one last stirring rendition of Torts I and Contracts I. Although I've never talked to the Professor about his sickness, informed sources have told me that he was quite ill and could have easily stayed home rather than attend class and answer any final questions his students might have had. Further investigation revealed that there was absolutely no truth to the rumor that thirty-six students sitting in the first row became sick due to any germs Prof. Francisco might have transmitted. If, however, you noticed an abnormally large amount of sniffles during your final, it was probably due to the nature of Prof. Francisco's exam rather than to any disease entity.

As many students know, Dr. Reuschlein celebrates his birthday near the end of the fall semester. Although this year's event was not marked with a birthday cake or Flonzaley Quartet Albums, both of Dr. Reuschleins' Agency sections greeted him with a verse of "Happy Birthday" as he

entered. Wishing to gain the upper hand in pleasantries, a few of us in D section selected a vintage Rose for the occasion and placed a glass near the Professor's Podium for which he seemed highly appreciative. That night, we decided to finish off the bottle and discovered that the wine was sour and emitted an odor reminiscent of an oil refinery. When I returned the bottle to the store, the clerk took one whiff and promptly refunded the purchase price. Dr. Reuschlein, however, upon returning the glass, graciously thanked me and like the gentleman he is, never let on that the wine might have tasted a little funny. I sincerely hope that if next year's class opts to give their Professor some wine, they stick to the more consistent brands like Ripple or Boones Farm.

Perhaps the most embarrassing occurrence of last semester, was the failure of Judge Barlow's Criminal Law section to applaud him on the last day of class. Everyone in his section agrees that Judge Barlow is one of the most likeable instructors at St. Mary's and certainly deserved an applause to show their appreciation. What his students can't agree on is why no one remembered to applaud or every why no one realized it was the last day of class. Explanations range from mass hypnosis to simultaneous memory lapse among sixty students, but, for whatever reason, everyone in Judge Barlow's section sincerely appreciates his teaching and humor which helped to make that 7:50 a.m. class a little moree lively and interesting.

PAD Sale to return

The PAD used-book sale will return during Fall 1976 registration according to PAD spokesman Bebb Francis.

Francis explained that the absence of the booksale from Spring Registration was due to difficulties of scheduling and manpower coordination.

"The scheduling of the Spring is always tenative," explained Francis. "It's just tremendously difficult to get everyone together after the holidays and coordinate the many details that the booksale requires."

"In addition, first year students have a large 'carry over' of courses where they use the same texts for the spring semester."

"In addition, first year students have a large 'carry over' of course where they use the same texts for the spring semester."

Francis said that the popular used-book sale will return with Fall registration and noted that the large student-body participation in the project evidences strong support for the organization's effort to keep the student's expenses to a minimum.

SBA Up Date: New Programs Scheduled

by Joshua Brown

This semester the Student Bar sociation is placing much emphasis on mmunity oriented projects.

James Little is effectively coordinating "High School Mock Trial Program." e months of February and March will spent performing the mock trail at ious high schools around the city.

A first this semester will be the lementation of the "Young Lawyers Institute." Coordinated by Eileen Sullivan, the S.B.A. is working in conjunction with the San Antonio Youth Lawyers Association. On February 4 a symposium on the pros and cons of practicing law in a large firm as opposed to being a sole practioner will be discussed. Also included will be attorneys who share offices and a discussion of the possibility of obtaining a Small Business Loan to start a law firm.

On February 18, the Young Lawyers will present an informative program on how and when to interview. Interviewing techniques and pointers on job hunting will be studied.

Hopefully March will see a visit from Mr. Bob Bullock, State Comptroler.

Oh, yea — don't forget Assault & Flattery on March 19.

"the professors"®

by Claude Ducloux

Spring is upon us. The grades are out, for the most part, causing some students to breathe easier, some students to contemplate hari-kari, and some professors to glance somewhat more than casually over their shoulders on the way out to their cars. Spring classes are in session, after many students begrudgingly paid the $25 late registration fee, swearing all the way that they knew nothing about this late fee (including yours truly). Anyway, after the all-too-brief respite, the old grind is back in operation.

As we go through law school, many students reflect upon our undergraduate education, and wonder what relation, if any, the courses they took have to their law school studies. After all, how can music theory help you in Civil Procedure? What good will British Politics do you in Municipal Corporations? The obvious shortcomings of the standard undergraduate education becoming increasingly apparent as the study of law progresses, some students have organized to warn their younger brethren of the pitfalls of studying non-essentials such as history, the classics, math, or accounting.

Instead, the Bureau to Advise Students in School (BASIS) has devised a list of necessities for those intending to study law at St. Mary's upon graduation from college. A partial compilation of that list is described as follows:

Speedwriting 302 - a must for Mr. Cantu's Torts course. The abundance of notes accumulated certainly warrants this skill.

Speedhearing 302 - an ability which must be developed if the student intends to take L. Wayne Scott for a course. Mr. Scott is living proof that the mouth is faster than the ear.

Cryptography 101 - a reasonable necessity if one intends to look up any of Dr.Yao's hundreds of outside cases. This ability is necessary not only to decipher the cites from the blackboard, but also to unravel the hidden code leading to the correct case in the library.

History 407 (History and Development of Texas)- the only way to pass Mr. Taylor's courses. The history includes the oil drilling industry, the Texas Rangers, and differences in Texas barbed wire.

Olympic Debate 203 - to develop that verbal agility one finds so necessary for Mr. Walker's classes. The course develops your ability to insist you are right, even though what Mr. Walker says sounds better than what you think.

Psychology 382 (The reality of Terror) - for all those with poor math backgrounds taking Federal Tax from Mr. Parenti or Mr. Leighton.

Music 277 (Jazz Trumpeters of the Big Band Era) - The basis for any course with Mr. Black.

Drama 202 (Melodrama)- This course is necessary to interpret Mr. Francisco's characterization of "mean old corporate defendants" and "poor pitiful plaintiffs". A keen sense of humorous sarcasm is also helpful.

History 344 (The Rise of Southern Aristocracy in the Antebellum Period) - to provide the foundering law student with conversational material when speaking with Mr. Gene Anderson at law school functions.

Psychology 488 (The American Eccentric)- This is a helpful course for students entering any law school, but especially helpful for those planning to take any courses under Mr. Joe Anderson.

Bible 101 - a look at an earlier work which Dean Reuschlein co-authored.

As forementioned, the above list is incomplete to date, as there are many other prerequisites which will be added in the future. The foregoing, however, should aid the upcoming law student to avoid the ever-present depression that hangs over the student body at this marvelous time of year when grades are posted.

ALL THINGS CONSIDERED REVIEWS

The Hindenberg
The Man Who Would Be King
Sherlock Holmes Smarter Brother

By Mark Stoltz

****Worth full price
***Worth matinee price
**Wait for it on TV
*Read a good book instead

The Hindenberg

Besides being a true to life disaster, THE HINDENBURG is a disaster of a film. It is difficult to write anything positive about it, except that much of the cinematography is very convincing. This is simply a long, dull and unmemorable film.

The plot concerns a Luftwaffe officer's attempt to prevent the sabotage of the luxury airship, Hindenburg, Nazi Germany's symbol of geninus and achievement. George C. Scott plays the title role as that ill-fated colonel. He fails, the zeppelin bursts into flames before your very eyes (for ten minutes), and such luminaries as Anne Bancroft and Burgess Meredith are abruptly grounded.

At this point one is tempted to write "clever" puns such as the Hindenburg never gets off the ground, or it is too bad that there really was a Hindenburg crash for we would been spared the movie version. I shall refrain from saying such things. The Hindenburg receives ** and that is being Christian.

THE MAN WHO WOULD BE KING is a Rudyard Kipling story converted to the silver screen by John Huston.

The Man Who Would Be King

Michael Caine and Sean Connery play two roguish ex-sergeants of Her Majesty's Army who are roaming the English colony of India. They decide to seek their fortunes and become kings of an isolated area near the Himalayas last visited by Alexander the Great. Instead of becoming a king, Connery becomes a god. The grateful worshippers give him a king's ransom in gold and gems left by the conquering Macedonian. Huston has taken this simple Kipling story and transformed it into an exquisite film filled with rich scenes of 19th century India and has captured on film the desolate grandeur of the Himalayan Mountain range. The director has also given the film a strong narrative drive which moves in a slow, even pattern throughout the movie.

Caine and Connery are an exciting combination to watch, each having blended and subdued his strong screen presence so that the viewers focus on their roles and not on them. Connery shows such excellence as a screen actor that one is hardly reminded he played old what's-his-name a decade ago.

THE MAN WHO WOULD BE KING receives ****.

Sherlock Holmes Smarter Brother

Like Sean Connery in the previous movie, SHERLOCK HOLMES' SMARTER BROTHER is Gene Wilder's first attempt at playing god. On the first day he wrote the screenplay, on the second day he produced it, on the third day he choreographed, on the fourth day he directed, the fifth day he starred, the sixth day he edited, and on the seventh day, unlike Yahweh who rested, Wilder promoted his creation. Wilder's finished product, like the original, is far from perfect.

Wilder's humor seems to me to be more accessible than either Woody Allen's off-beat New York humor or Mel Brooks' manic Jewish zaniness. Wilder borrows heavily from Young Frankenstein, which he also helped to write, but does not get bogged down in the parody of Sherlock Holmes films as Brooks does with Frankenstein.

Wilder the director allows the scenes to develop almost independently of the plot. This allows him to get the most out of his actors as comedians and the material as comedy. However, it also leaves the audience wondering what is going on when they stop laughing.

Wilder the actor holds the madness together and sets up the other actors for their big laughs. He has the control necessary to allow his brand of silliness to work. Excellent performances were also given by Madelaine Kahn, Dom Deluise, and Marty Feldman.

Sherlock Holmes Smarter Brother receives ***.

Scholarships open

The Women's Law Association announced that it will be awarding two $100 scholarships on Awards Day, April 10. Applications will be available this week to any student of St. Mary's School of Law who has completed at least 14 hours of academic credit. Deadline for submitting applications will be March 15. Applications will be available this week in the classroom building.

More on Assasination Committee

(Continued from Page 1)

Throughout the CBS series there were instances in which CBS was denied access to materials needed for the investigations. Denial to information and materials is a problem which has constantly plagued independent researchers into the assassinations.

This is a problem which could, in large measure, be overcome by a congressional investigation. The select committee which my proposal would establish would, of course, have subpoena power.

What are the chances of getting the House committee established? Well, at least better than they were last year. The proposal is still pending in the House Rules Committee which is headed by Congressman Ray Madden, Democrat of Indiana. Since the proposal is a simple resolution, rather than a bill, it is possible for me to by-pass the committee and bring the proposal up on the House floor for a vote under what is called "personal privilege."

It may come to that, if the Rules Committee does not approve it, but in the meanwhile I shall continue to seek more support among my colleagues. Right now there is only one Texan, Bob Eckhardt of Houston, who is among the 54 co-sponsors, so I could use some more support among my Texas colleagues.

The other co-sponsors of H. Res. 204, listed by state: ARIZONA--Morris "Mo" Udall; CALIFORNIA--Charles Wilson, George Brown, Edward R. Roybal, William M. Katchum, Yvonne Brathwaite Burke, Ronald V. Dellums, Norman Y. Mineta, Henry A. Warman, Augustus F. Hawkins, Mark W. Hannaford, Robert Leggett, and F. H. "Pete" Stark; CONNECTICUT -- Stewart McKinney, Anthony Toby Moffett, and Christopher Dodd; DISTRICT OF COLUMBIA -- Walter Fauntroy; FLORIDA -- Paul G. Rogers; GEORGIA -- Andrew Young; GUAM -- Antonio Borja Won Pat; HAWAII -- Patsy Mink; ILLINOIS -- Cardiss Collins; INDIANA -- David W. Evans and Andrew Jacobs, Jr.; MARYLAND -- Parren Mitchell; MASSACHUSETTS -- Paul Tsongas; MICHIGAN -- Robert Carr and Don Riegle; MISSOURI -- William Clay; MONTANA -- Max S. Baucus, John Melcher; NEW JERSEY -- James J. Florio, Hen Helstoski, and Andrew Maguire; NE YORK -- Richard Ottinger, Edward Koch, Mario Biaggi, Bella Abzug, Herm Radillo, Benjamin S. Rosenthal, Shirl Chisholm, Thomas J. Downey, John Murphy, Charles Rangel, Stephen Solarz; NORTH CAROLINA -- Stephen Neal; OHIO -- Louis Strokes ; PEN SYLVANIA -- Gus Yatron and Robert Edgar; TENNESSEE -- Harold For SOUTH DAKOTA -- Larry Pressle WISCONSIN -- Henry Reuss and L Aspin.

Letters

(Continued from Page 2)

as a class V. Weintraub, scoles et al, 55 L. Bd. (South) 55, (St. M. Cr. App., 1976), the Honorable [sic(Judge Con Flix, of local fame, layed to rest forever the ambiguity which formerly surrounded the definition of "good faith effort." The requirements are that the accused must have read and briefed 90% of his cases, together with attending 90% of his classes. (Judge Flix did not allude to the clerk's failure to record this data.)

Certainly, all those accused in the case at bar who complied with the minimum standards were justly rewarded. (While those who did not comply were unjustly enriched). Defendents who rigidly adhere to the new standards may rest assured that the trier of fact will take judicial notice of their efforts and they shall be granted summary judgement.

Incidentally, the now obsolete definition of "Good Faith," in part from Blacks was, "an honest intention to abstain fr taking any unconscientious advantage another..."

Respectfully,
T. Michael Hol

Dear Editor

As a recent graduate and new alume St. Mary's Law School, I am writing express my dismay and hurt feelings having been slighted at my graduat ceremony.

This is a memorable and uni experience and I felt that the occass merited an actual program, including special outside speaker to inspire as w as congratulate the graduates. A hurr quickie graduation is unworthy of t effort, time and dedication wh characterizes a legal education and sho not rightly be its culmination

Yours Sincerely,
Ruth E. Kingsley

Volume 3, No. 6

February, 1976

WITAN

Student Newspaper Of St. Mary's University School Of Law, San Antonio, Texas

Lawyer Advertising Controverted

by Charles D. Butts

(EDITOR'S NOTE: Charles D. Butts is Director of State Bar of Texas; Charter member and Director, Texas Criminal Defense Lawyers Association; Former First Assistant Criminal District Attorney of Bexar County; Member State Bar Committee on Lawyer Advertising.

Should lawyers be allowed to advertise? Should DR 2-101 of the Texas Code of Professional Responsibility (Canon 2, American Bar Association) banning lawyer advertising be liberalized or abolished? Should the legal profession maintain its traditional prohibitions against advertising and continue to uphold its time-honored ideals of dignity, service and integrity? These and many other questions plague us at the moment. Just how and why did this controvery arise?

First, let us examine DR 2-101. In essence it says that a lawyer shall not prepare, use or participate in, etc., any form of public communication that contains professionally self-laudatory statements calculated to attract lay clients. "Public communication" includes, among other things, television, radio, motion pictures, newspapers, magazines and books. A lawyer also is prohibited from publicizing himself or associates as an attorney through such advertising media, with certain exceptions such as dignified announcements of the opening of new offices, routine professional cards, telephone listings and approved law directories.

The traditional ban against advertising is rooted in the public interest. Competitive advertising would encourage extravagant, artful, self-laudatory brashness in seeking business and thus could mislead the layman. The hazard that it would inevitably produce unrealistic expectations in particular cases and bring about distrust of the law and lawyers is quite apparent, especially were lawyers allowed to advertise without restrictions of any kind.

History has demonstrated that public confidence in the legal system is best preserved by strict, self-imposed controls over, rather than by unlimited advertising.

On the other side of the coin, various consumer groups, as well as the Federal Trade Commission (FTC) to some extent, favor advertising on the proposition that it would enhance the potential for providing advertising on the proposition that it would enhance the potential for providing information upon which to base the selection of a lawyer, especially information about fees. Additionally, it is urged that advertising will promote competition amongst lawyers and that the public thus, will be the beneficiary from resulting lower fees, more efficient services plus being better informed regarding the unique abilities of the particular lawyer chosen.

An additional consideration given by some of the advocates of lawyer

(Continued On Page 7)

Election Law Upheld

by Tony Chauveaux

The Supreme Court of the United States has, for the most part, upheld the new federal law regulating election financing. The major thrust of the decision handed down two weeks ago, is that it recognizes the power of Congress to put limits on an individual's personal contribution to a candidate for federal office and to require that donations of more than $100 be made public.

Only three justices—William Brennan, Potter Stewart and Lewis Powell—endorsed the entire 137-page opinion. Each of the other five participating Justices wrote separate opinions and at least six of the eight Justices participating, joined the court's conclusions on each of the provisions that had been challenged.

In upholding the ceiling Congress set for political contributions and other provisions requiring records and public disclosure of campaign spending and contributions, the Court cited the need to eliminate the "actuality and appearance of corruption" in federal elections. However, the Court struck down the law's restrictions on campaign spending, claiming that Congress illegally restricted free speech. Following the theory that "money talks," the court said that spending limits impose a substantial restraint on the ability of persons to engage in protected First Amendment expression."

The Court removed spending limitations that would have restricted Senate candidates to the greater of $100,000 or eight cents for each eligible voter in the primaries, and to $150,000 or 12 cents a voter in the general election, and which would have restricted House candidates to $70,000 in the primaries and the same in general elections. The Court also abolished ceilings on what a candidate can spend from his personal funds.

The Justices said that these limitations illegally restricted a candidate's right to convey his views, particularly through such expensive and "indispensible instruments of effective political speech" as television, radio and other mass media.

"The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive or unwise," the court said. "In the free society ordained by our Constitution it is not the government but the people individually as citizens and candidates and collectively as associations and political committees who must retain

(Continued On Page 8)

Guest Editorial EDITORIALS

It has been said that the freedom of expression is voided when there are no means for the expression. At St. Mary's when the Witan or the Student Bar Association and other organizations attempt to provide a first rate newspaper or programs and services, but are restricted by severely limited funds, student rights are being thwarted. This fact is especially poignant when it is realized that law students pay almost $24,000 a year in student service fee's.

This service fee is not separately designated when we pay tuition and as a result many are under the impression that no such fee is paid. Student organizations in other divisions of the university receive a portion of this fee back directly under their administrative control.

The Witan presently receive's thirty-eight dollars a month from the law school's discretionary fund. The S.B.A. receives approximately four to five hundred dollars in the same way. Both organizations receive far less than is needed. Other organizations receive more. Law students are entitled to a rebate in some form from the fees which they pay. Most of us rarely, if ever, participate in the functions provided for the rest of the university.

The Witan is planning to request approximately two thousand dollars for the next fiscal year. The Womens Law Association is also planning to submit a budget request. Even the SBA is talking about doing the same thing. If the law faculty council approves the idea, the requests will be sent to the university administration. The Witan urges faculty and student support for this undertaking.

WITAN

Editor-in-Chief ..... Andy Leonie
Managing Editor ..... Judith Johnson
Articles Editor ..... Kayo Mullins
Feature Editor ..... Claude Ducloux
Copy Editor ..... Jim Seifert
Business Manager ..... Barbara Gunning
Associate Editors ..... Tony Chauveaux, Barbara Rosenberg
Staff Writers ..... Meg Morey, Dennis James, Mary Mulally, Marianne Lipscombe, Joseph Weik, Mark Stoltz, Karleen Kaufman, Barbara Jones
Contributors ..... Charles D. Butts Mac Secrest, Joe Casseb, Linda Lampe, Ken Kreis, John S. Aldridge, Mike Holmes, Tim O'Shaughnessy, D. Callahan, Dave Antonini, Tim Johnson, Tom Quirk

WITAN is published by students of St. Mary's School, monthly except May, June, July and August. The views expressed herein are those of the individual writers and do not necessarily reflect those of the WITAN, its editors, the administration, or faculty unless otherwise stated. The Editor is responsible for the views expressed in unsigned articles.

Why Pay Less?

On February 3rd, a special session of the Student Senate met to discuss the proposed resolution on freedom of expression and the Payless Drugstore advertising controversy. Both Senate leaders, Josh Brown and Leo Solis were absent; so, Israel Ramon, Senate Secretary, called the meeting to order. He immediately turned the meeting over to Andy Leonie, the Editor of the Witan, who was requested by the Senate to explain the situation to them.

Leonie recited the history of the controversy, dating back to the establishment of the Witan almost two years ago. He included in his synopsis a summary of Dean Raba's reasons for asking the Witan not to publish the Payless Drugstore ad and why the Witan had decided to bow to the Dean's request. When Leonie assumed the editorship in October he was confronted with the same situation. He had the additional problem of having half of his staff threaten to resign if the advertisement was published.

The real question discussed by the Senate was whether the Administration was acting within their legal rights to restrict solicitations on campus, or whether the right to free expression was improperly restricted.

No one present really seemed to know all the facts of this situation. The facts known are briefly summarized as follows: In terms of dollars and cents, the Payless offer was to run an ad in each issue of the Witan for the sum of approximately $200.00 per year. The Law School gives the Witan a funding of $38.00 per month or $342.00 per year. The Dean allegedly has promised to cut off this funding in addition to withdrawing permission for the distribution of the Witan, if the ad is published. He claims to be within his valid rights to restrict solicitation on campus, and he believes he has good justification.

The suggestions from the floor were varied. Ranging from researching the point of law involved and looking into the possibility of student fees financing the Witan, to the attempted introduction of a resolution of free speech or allowing the Witan to continue to handle the situation to which they have resigned themselves.

Advice was sought from Mr. Hobbs, the lone faculty member present at the meeting, who counseled restraint on the part of the students.

Unfortunately, a quorum of senators was not present at the meeting, and no action could be taken.

In a subsequent meeting of the Senate a committee was formed to research and write a memorandum on the problem of censorship in private institutions.

Ken Kreis

Light News

by John S. Aldridge

First year students whimper as a shadowy Francisco traces the stations of the Tort on an obscure blackboard. Others bend low over their books, cursing the darkness while straining to prepare the next case. Lulled by the soft warm glow, an occasional student dreams placidly through two general rules and an exception.

There are problems other than the poor intensity of light. Dean Raba reports that the present spotlights not only use extreme amounts of electricity, but also generate excessive heat which increases the air conditioning costs. To make matters worse, the lights are on an automatic timer. Like the rising and the setting of the sun, the lights flash on and off, beyond the control of mere mortals desiring to hold any conference or social function beyond a certain hour.

Plans are being made to correct these problems. Dean Raba plans to lower the ceilings in the classrooms and to install energy-efficient florescent lights. All lights will be taken off the timer and restored once again to the control of student, professor, and dean.

The Dean expects the work to begin the day after May graduation ceremonies. He had hoped to complete the project at Christmas or Easter, but bids and contractors were not lined up in time.

Mr. Robert H. Mouton, director of the physical plant for St. Mary's, states that the school is still "kicking around the direction in which to go". The decision has yet to be made between 96 or 112 Flourescent fixtures, cost being the chief factor. Once the lighting plans are finalized, the Executive Council of the University will have to give its final approval and the contract will then be signed with the contractors. With help, we will all soon be seeing the school in a better light.

Dean's Desk

by Ernest A. Raba

It might be well for the students of the School of Law to get fully acquainted with the history of this School of Law. You are referred to Volume 35 Number 9 of the Texas Bar Journal at Page 197.

After you take time out to read the history of the School of Law, then you might be interested in the following statistics. The Fall entering class consisted of 220 students representing residents of 33 states and the District of Columbia, and academic degrees from 97 different accredited colleges and universities located in 32 states and the District of Columbia. About one-half of the fall enrollees are from Texas, with the remainder from out of state. Fifty-one women are represented in the fall class. Forty-three minorities were accepted but only fourteen showed. Total female enrollment is 106; total minorities number 46.

By May 31, of this year the Law Library will have grown in accessions from 65,000 to 75,000 volumes. A complete set of the National Reporter System, 2nd Series, will arrive this month.

Additional furniture to increase the seating capacity of the Law Library for 56 students should be forthcoming from the American Desk Company in Temple, Texas. You will note that wall shelving has been installed to accommodate library volume growth; in addition, thereto, additional shelving from Remington Rand has been on order for several months. This is the same type of shelving currently in use in the Law Library.

In another article appearing in this issue you should be fully informed of the new lighting system to be installed in the Law Lecture Halls at the end of the current semester.

Faculty wise, two additional full-time faculty members will be appointed beginning with the Fall Term of 1976; a full-time person has been appointed as Director of Placement and Alumni Affairs. Professor Castleberry will continue as the overall director of the program, but will carry a full-time teaching load. The new Director of Placement and Alumni Affairs will have a full-time stenographer. The new Director and Secretary will be on campus on June 1, 1976.

etc. ...

by Tim Johnson & Tim O'Shaughnessy

The LAW WIVES want to thank everyone for their continued support of the bake sales. The sales take place on the 2nd and 4th Wednesdays each month.

Law Libraries Compared

by Linda Lampe & Joe Casseb

In the November 1975 issue of Student Lawyer, Charles Kelso, a professor of law at Indianapolis Law School and former chairman of the ABA section of Legal Education and Admission to the Bar, wrote an article entitled "How Does Your Law School Measure Up?"

In that article, Kelso stated that "It is not a quality rating ... however it does compare the relative availabilty of the resources ... and kinds of educational programs a law school may choose to offer. In that sense, it presents data which relate to educational quality." Different scales and ratios were employed in determining the rating given to respective law schools. In the category "Volumes in library" St. Mary's ranked somewhere between mediocre and poor. This corresponded with the overall rating St. Mary's attained—near the bottom of the list of law schools in the United States. Although Kelso's article was somewhat misleading in the sense that all facts were not presented or taken into consideration concerning our library, it did awaken the Student Senate to look into and evaluate the problem.

In response to the article, the faculty and Student Senate Library Committee intensified their efforts to improve St. Mary's law library. The faculty library committee, chaired by Dr. Harold G. Reuschlein, will review suggestions submitted by the Student Senate Library Committee. Bob Judd; the Senate Library Committee chairman conducted a recent survey of the law libraries of four Texas law schools. The resulting data follows the articles.

In all libraries, except St. Mary's, the professional librarian's office were directly accessible to students, copy machines are in separate rooms or located outside of immediate study areas. The book check out desk is separated from study areas, and in any large study rooms the desks are separated by bookcases.

The Student Senate Library Committee has focused on six short term areas of high priority improvements needed: (1) hours - Sun. 12-11, M-F 7-11, Sat. 9-7; (2) books - suggestion box with sheets for faculty and students to request additional volumes, conduct a survey of other law schools concerning the optimum utilization and type of books needed for 650 law students (3) quiet — break up the central concentration of tables and chairs with book shelves, staff whispering, elimination of the phone at the front desk, quiet signs in appropriate places, 20 minute time limit on vacancy in carrel's, and utilization of unused classrooms for study; (4) lighting - supplement lighting to meet the standards set by the Illuminating Engineers Society of America for desk and carrel areas; (5) reproduction - studies have been completed by Xerox and IBM which determined 5c dry copies are feasible; (6) maintenance-prompt replacements of light bulbs, etc.

The administration at St. Mary's has responded with a positive approach. According to the Dean's office, the library will be increased by 10,000 volumes by this May. This increases the total volume figure from 65,000 to 75,000. A complete set of the National Reporter System, 2d Series should arrive this month. More furniture has been ordered to accomodate the overcrowded conditions and seat more students in the study area.

SCHOOL	HOURS	REPRO	LIGHTING	COMMENTS
University of Texas	M-F 7-2 a.m. Sat. 9-Mid. Sun. 9-12	5c IBM dry	good	No smoking or drinking, quiet reading rooms, library staff whispers, book check out desk separate from study areas.
Baylor	M-F 7:30-11 Sat. 8-11 Sun. 2-11	5c IBM dry	fair-good	No smoking or drinking, lounge, quiet reading rooms, book lined study areas, book checkout desk separate from study areas.
SMU	M-F 7:30 Mid. Sat. 9-6 Sun. 12-Mid.	5c IBM dry	excellent	Smoking in carrels only, lounge area, quiet reading rooms and study areas, book checkout desk separate from study areas.
St. Mary's	M-Th. 8-11 F. 8-5 Sat. 9-7 Sun. 2-10	5c wet	poor-fair	No smoking or drinking, lounge, uninsulated carrels, one major study area, book checkout desk within major study area.

ALL THINGS CONSIDERED REVIEWS

★ S.A. Food Guide
★ Tales of Power
★ Joni Mitchell

S.A. Food Guide

by Mac Secrest

The impetus for this feature article arises from the fact that a great plurality of law students currently attending this school hail from states other than the great Lone Star, and "you all" as well as many students who are Texas residents are unfamiliar with the city of San Antonio. Thus, the climate is ripe for what appears herein. The purpose of this brief feature will be to disclose to those who are virgin to this unique city and those who are not so virgin (to this unique city), the eating establishments, cafes, restaurants, hang-outs or grease joints that I have been frequenting for years (some, however, not too frequently).

Let me make the following perfectly clear and establish a few ground rules. First, in none of the establishments mentioned herein do I have any pecuniary interest. Second, as a rule you won't find many other commentators, if any, extolling or disclaiming these establishments' virtues or vices because they are all basically "holes in the wall". By this I mean they eschew from illimitable commercial advertising can rarely accomodate more than 30 patrons at one time (and many of them fewer than 10), and basically have a flavor all of their own. But this in NO WAY denigrates from their special place or plateau in San Antonio's forum of "eating out" establishments. Third, as a rule you can eat lunch or dinner (when served) always for less than $2.25 and usually much less than that. This by definition limits our inquiry. No articles or commentary will appear discussing Coulipiac De Samon en Croute, Supremes de Vocaille a Blanc, or Ole Braise Aux Pruneaux! However, the paper will be rampant with descriptions and opinions concerning such gastronimical delights as chicken fried steak, fried chicken, chile stew, Red Top (combo of the 2 preceding entrees), caldo (soup), enchiladas, pan dulce (sweet bread) and tacos.

Finally, I make no contention that the recommendation or criticisms appearing within the course of these articles will meet with your individual agreement. As anyone knows who truly loves to throw down (eat), beauty is in the mouth of the taster. I do promise, however, that the comments that I make will be as forthright as can be and that if you keep an open mind and a kind disposition, the local flavor supercedes any shortcomings that the food may have. This is not to say that you will have any shortcomings in the taste of foods and the places that I comment upon. Most represent, in my opinion, the best places in town, and those that serve authentic Tex-Mex Mexican food are probably the best in the world. (Continued next issue).

Tales of Power

by D. Callahan

The fourth of Carlos Castaneda's works recently appeared in paperback form. Tales of Power is barely narrative, strategically poetic, and philosophically indulgent; as if the author had finally achieved that drug-induced, purposeless, altered state of consciousness for which Castaneda has in the past been so roundly criticized. But the book is not about drugs; it is about a sorcerer's explanation of the world.

To understand the world, one must become a warrior. That entails, among many other time-consuming things, an awareness that man's perception of the world is merely that—a perception, a point of view. After that, and after a wing's brush with knowledge and power, the warrior merely witnesses the world.

As the finite hero of his own re-birth, and as an apprentice-warrior under the direction of his teacher-sorcerer, Don Juan, and his benefactor-sorcerer, Don Genaro, Carlos struggles for impeccability of thought and speech. His warrior's journey is much like that of San Juan de la Cruz' solitary bird:

> The conditions of a solitary bird are five:
> the first, that it flies to the highest point;
> the second, that it does not suffer for company, not even its own kind;
> the third, that it aims its beak to the skies;
> the fourth, that it does not have a definite color;
> the fifth, that it sings very softly.

Lastly, though the novel's thrust is subtle, it is also familiar (think of walking out of Torts class):

> He explained that the art of a teacher was to deviate the apprentice's attention from the main issues ... "What was the point of tricking me that way?" I asked. "Sorcerers are convinced that all of us are a bunch of nincompoops," he said. "We can never relinquish our crummy control voluntarily, thus we have to be tricked."

Res Ipsa Loquitur

Joni Mitchell

by Dave Antonini

Lately, there seems to have been a "resurfacing" of some of those old faces that carried the "folk-rock" movement through the late sixties and into the early seventies. The most widely publicized are Bob Dylan, Joan Baez and The Rolling Thunder Review. The most unique and changing face though is Joni Mitchell. She has a definite style which cannot be pigeon-holed into any one musical classification. Her material lyrically paints some of the strangest but also the most beautiful pictures I've ever heard.

Jan. 23, she drew a crowd that nearly filled the Municipal Auditorium for the performance. The concert opened with a set by her back up band, the L.A. Express. Unfortunately the leader and saxophonist, Tom Scott was missing. The band performed a good set but it lacked the fire and funk that laced their last album, "Tom Scott and the L.A. Express". The leaderless band seemed to lack cohesion and self-confidence and held back a lot of the energy that was evidenced in their recordings.

Ms. Mitchell performed mostly material from her past recordings with an emphasis on her last album "Hissing of Summer Lawns". The most outstanding parts of the night were her own solo spots, which displayed her ability to play both acoustic guitar and piano. Some of the songs performed, such as "Jungle Line", would have been best left in the studio. The feel of songs such as this is dependent upon the clarity and effects of a studio atmosphere and could not be effectively reproduced in a hall to a live audience. She did not maintain a real rapport, with her audience.

As a whole, it was a performance which doesn't fall into the memorable musical moments of your past. On a scale of five stars, Joni Mitchell would receive five stars for herself but only two stars for her performance.

Women's Place

Working in America

by Meg Morey

A seminar on women in the business and professional world, organized in large part by the Mayor's Commission on the Status of Women, and made possible in part by a grant from the American Issues Forum Committee of San Antonio, took place February 5 through 7.

Through a series of workshops on topics ranging from the legal rights of working women to techniques for self-motivation and self-reliance, the seminar provided an opportunity for women to meet other working women, and to exchange ideas, and experiences.

The keynote speaker for the Friday afternoon session was State Representative Sarah Weddington. In her talk, she stressed that equal opportunity is now backed by laws already on the books; that it is now up to each woman to break through the barriers of old habits and stereotypes. She illustrated her point by several recent court decisions, many of them humorous.

Many of the workshops were aimed at changing the individual's self-image by acquainting them with the psychological as well as legal tools available to advance in their chosen field. Several of the sessions on Saturday were specifically aimed at the women who are entering the job market, and minorities who are just beginning to find opportunities available.

Participants in planning the workshops included members of the National Organization of Women, the YWCA, League of Women Voters, Chicana Rights Project, San Antonio Women's Credit Union, Texas Women's Political Caucus the Lone Star Council of Federally Employed Women, and the Business and Professional Women's Club, Inc.

Limited Legal Advertising

The American Bar Association's Standing Committee on Ethics and Professional Responsibilty is recommending limited changes in ethical rules which would permit bona fide consumers' organizations to publish, in addition to general biographical information, charges for an initial consultation fee and information on the area of law practice concentration. The Committee deferred action on the question of advertising by individual lawyers, which it had included in its discussion draft circulated to the bar last December.

In its report, the Committee notes that the amendments meet the need observed by many lawyers who have communicated with it that additional information should be furnished the public, and meet the legitimate concern of the public that they have access to needed information which will aid them in the selection of counsel.

Court Appointments

by Marianne Lipscombe

Each year, several St. Mary's law students apply for positions as briefing attorneys for the appellate courts of Texas and other states. The term for a briefing attorney is usually one year beginning Sept. 1. The duties include a study of the cases assigned, reading the authorities cited by both parties in their appellate briefs, investigating the law, and finally making a recommendation on the particular case. Among the students chosen thus far are the following:

William Anderson—Ct. of Civ. App.—Corpus Christi—U.T. (Austin), B.S. Economics—Moot Ct.—clerking: Clark, Thorton, Summers.

Charles Hardy—Ct. of Crim. App. (J. Archie Brown)—U.T. (Austin), B.A. Journalism—Moot Ct. Board Chairman—writer & editor for Southwestern Research.

Frank Morrill—Ct. of Civ. App.—Corpus Christi—U.T. (Austin) Law Journal Assoc. Editor—Moot Ct.—Mock Trial—Senate, Phi Delta Phi—clerking for National Bk. Commerce.

Mike Parks—Supreme Ct. of Texas (J. McGee), Texas A&M—Law Journal Managing Editor—Phi Delta Phi—magistrate.

Pollard Rogers—Ct. of Civ. App. Houston (14th) (Chief J. Curtis Brown) U.T. Austin—B.A. Gov. & Pol. Sci.—Law Journal Comments Editor—Honor Ct. Justice—Senator—Phi Delta Phi.

Henry Shaw—Supreme CT. of Mo.—(J. Holman) U. of Miami—A.B. Pol. Sci.—Phi Delta Phi.

Patrick Sanders—Mo. Ct. App.—St. Louis (J. Joseph G. Stewart) St. Louis U.—B.S. finance—Summer Safety Supervisor for Fred Weber Construction.

etc . . .

by Timothy O'Shaughnessy

The Moot Court Board announces the institution of the Order of the Barristers here at the Law School. The Barristers is a national moot court honorary society originally formed at the University of Texas Law School. The Society is comprised of individuals recognized for their excellence in oral advocacy.

On Law Day this year St. Mary's will recognize several recipients of this award. Candidates must be seniors and have demonstrated excellence in successive Moot Court and Moot trial competitions. Persons desiring to apply or nominate individuals for this award should check the bulletin boards over the next few weeks or contact a member of the Moot Court Board for further information. Selection of final candidates will be made by a committee composed of members of the faculty, a member of the Moot Court Board, and the chairman of the San Antonio Junior Bar Association Moot Court Committee.

Pep talk

Dear Doug,

It sounds like you are suffering from the well known and dreaded "blahs" also known as "sophomore slump" or as we called it during the sophomore year in dental school the "redass."

I really do know what you're going through. In fact the long awaited novel "Down in the Mouth" has this as its major theme. I'm still pissed off with the way we were treated after twenty years. We had the damdest collection of chicken shits & cheap shot artists in the world there as well as an unbelievable number of competents, empire builders & petty backbiters. Anybody who has gone to professional school has seen this.

Don't worry about St. Mary's Law school.

Screw St. Mary's Law School. It's a plain and simple paper chase. Get that degree and let them all go to hell. Education is the business of a lifetime. Professional schools aren't that much different—most of their reputations are just P.R. When I got out of school I was convinced I had been to a uniquely crummy institution but found out that every young dentist I met told the same stories.

Anyway, consider this a pep talk.

Love,

(Law School Relative; name withheld by request).

Rape and the Penal Code

by Meg Morey

On February 6, the Women's Law Association presented a seminar discussing recent changes in the law concerning rape and attitudes toward the subject in general. The Panel consisted of Sarah Weddington, State Representative; Carol Duncan, Coordinator of Volunteers for the Bexar County Rape Crisis Center; Charles Butts, who is an instructor in criminal law and procedure at St. Mary's, in private practice in San Antonio; and Sharon MacRae, who is currently a prosecutor with the Bexar County District Attorney's office.

Carol Duncan reported that few rapes are actually reported. Victims are afraid to recount their experience for a variety of reasons. One prevalent opinion is that if a woman is raped, it is her own fault.

Ms. Weddington participated in formulating the new Penal Code during the 1973 Legislature. At that time, the legislature was advised to change the law as little as possible. Even though the Code is fairly modern, Ms. Weddington made an effort in the 1975 session, to move toward a more general definition of the problem as "non-consensual sexual conduct", a description which would include sexual abuse of men and women. The original proposal excluded all prior sexual conduct of the victim from the trial. Instead, the bill changed the definition of consent in the Code slightly, extended the statute of limitations from 1 to 3 years (the same as other crimes), and provides for an in camera hearing to determine what evidence is relevant and admissible.

From the prosecutor's viewpoint, Sharon MacRae said rape is one of the most difficult crimes to deal with. Not only is the one witness to the crime usually unwilling to testify, but public opinion makes jury selection difficult.

There is a general concensus that if a woman has consented to sexual relations with one man, she will consent with anyone. This is compounded by the fact that women jurors especially white, middle classwomen, tend to judge women more harshly then men jurors. As a result, prosecutors prefer women jurors, and defense attorneys prefer males.

Charles Butts has both prosecuted and defended sexual offense crimes. He took the position that one should keep the rights of the individual in mind, the presumption of innocence, the right to confrontation and cross-examination of witnesses and the right to an open trial. He admitted that some defense attorneys do take advantage of the present system to drag out the victim's past conduct, and destroy her testimony, but stressed that this was not the proper way to defend an accused. As a defense attorney, he saw little problem with the changes, and recognized that the pre-trial hearing would protect the defendant on an appeal, and perhaps limit some of the abusive practices of the past.

Questions from the floor, and later comment by panel members brought out the fact that the law should reflect the more and attitudes of society as a whole.

Nicolini to Jr. State Bar

by Kayo Mullins

The President of the State Junior Bar of Texas, Pike Powers, has appointed Don Nicolini, a first year law student at St. Mary's, to fill the newly created post of Law Student Director. This brings the total number of board directors to 30. The Junior Bar represents all licensed attornies in Texas 35 years of age and under. Of the approximately 25,000 lawyers in Texas about 13,000 are of Junior Bar age.

As director, Nicolini will act as liason between the nearly 6,000 Texas law students and the Junior Bar. The post carries full voting privileges. He states his first task is to establish a procedure to allow rotation of the directorship. This will give a student from each law school an opportunity to serve on the board. Another high priority goal is to secure appointments of law students to the various Junior Bar Committees.

Nicolini recently attended a four day board meeting in Beaumont. There, he heard reports on the pre-paid legal services program scheduled for its final public hearing this month and on the legal specialization pilot program. A proposed deferred prosecution plan patterned after the present federal court's pilot program used in the Northern District of Texas was passed as the first plank towards a Junior Bar legislative program.

The big issue at the meeting, according to Nicolini, was advertising. There was much discussion on this pressing problem of finding an adequate system to inform the public about individual lawyers and what they have to offer.

Nicolini mentioned that there are over 60 committees in the Junior Bar. One such committee is the Law Clerkship Committee. It's function is to aid law students in obtaining positions. Nicolini is available to aid law students at St. Mary's who desire a clerking position this summer, list of the committees, or a copy of the proposed deferred prosecution plan.

etc. . .

Fraternity season is now in full blast. Watch the bulletin boards for information on smokers and rush parties. Incidentally, do not believe the rumor that fraternities are just for people who can't make friends.

In mid-March, ASSAULT AND FLATTERY is coming up and the Student Bar has a number of activities in the works.

Lawyer Advertising . . . (cont. from page 1)

advertising is that many recent graduates are finding it difficult to develop a practice on their own; and that referrals from the courts and bar association lists are spread too thin. Without some means of publicity there is no way they can get started. Some have attempted to start legal clinics, however, these have run into court challenges from bar associations. The California bar used its advertising ban to bring disciplinary action against the lawyers involved for using a fictitious name and for holding a press conference when the "clinic" was opened.

The controversy was crystallized, or at least spotlighted, by the Supreme Court of the United States by the decision in Goldfarb V. Virginia Star Bar 95 S.Ct. 2004 (1975) which held the minimum fee schedules are subject to the anti-trust laws and violate the Sherman Anti-trust Act. Some read into the decision that bans upon lawyer advertising might well come within similar court chastisement.

This overall attack, however, is not limited to the legal profession but additionally is being directed at the medical profession as well as pharmacists. The outcome of an FTC suite against the pharmacists is likely to be determinative, or certainly have great significance, as to what the legal profession may expect.

Not only is the legal profession under attack with regard to the advertising ban. There are increasing efforts to equate the profession with other "service organization". The Tunney Commission refers to us as the "Legal Services Industry" in its reports and studies before Congress. There is an ever present push toward Federal regulation of lawyers' services and fees, and several encroachments already have been made. Practically every session of the legislature spawns additional efforts to abolish contingent fees. Not the least of criticisms leveled against lawyers have been in the area of payments for representation of the indigent, the critics ignoring for all practical purposes the Constitutional guarantees of "right to counsel" and the decisions of the Supreme Court.

In an effort to solve the problem of the ban on advertising, the American Bar Association met with various groups last year in both Philadephia and Chicago, and formulated a tentative plan towards liberalizing Canon 2. Essentially, the proposal would remove most of the restrictions on advertising, except any public communication containing a "false, fraudulent, misleading, deceptive or unfair statement or claim". This, however, would not have any effect on existing prohibitions against lawyers soliciting business on a one-to-one basis. Under the plan lawyers also would be allowed to state that they limit their practice to a particular area or field of law, or that they concentrate their practice in one or more areas of the law. A third change would allow attorneys who also are Certified Public Accountants to identify themselves publicly as such and to practice law and accounting in the same office. The ABA committee defined a "false, fradulent ... deceptive ... claim" as one which, among other things, contains a misrepresentation of fact, a client's self-laudatory comments about the lawyer, creates a false or unjustified expectation, implies ability to influence a judge or other public official, includes representations that will cause a reasonable person to be deceived, or makes only a partial disclosure.

The board of Directors of the State Bar of Texas just this month passed a resolution instructing the Texas delegates to the ABA to oppose the plan also, the Board of the San Antonio Bar Association passed a similar resolution. The State Bar, however, recognizes that there is, in fact, a legitimate controversy and that it is incumbent upon the profession to study the situation open-mindedly with the eye toward making workable alternative proposals to the ABA.

This is a problem that will not solve itself or just disappear into the sunset. It is incumbent upon the legal profession itself to bring about a practical, workable solution. A step toward is the advent of legal specialization. In 1975 Texas held for the first time examinations for specializations in the fields of Criminal, Family and Labor law, and the certification of specialists in those fields now is a reality. Further certifications are being extended and proposed in the Tax field and others. Certification as a specialist entitles such lawyer to advertise in a limited way by inserting his name and speciality in the yellow pages of the phone book, on his professional card and other specified ways.

History has shown that advertising has potential for great harm. If it is allowed to go unregulated, the lowest common denominator will prevail, and the public will suffer injury. History also has shown there are numerous benefits to be gained from advertising. We are learning how to control the abuses so that it will work in the public interest.

HEARSAY

by Mike Holmes

"HEARSAY" will be a regularly appearing column in the WITAN.

At the present time little information is available on St. Mary's alumni. Associate Dean Castleberry has mailed out questionnaires to graduates and as soon as replies begin arriving we will be able to report on it. A Director of Alumni Relations and Placement has been selected and will be officially announced in the near future.

The Law School's Student Senate initiated an award to be given to an alumnus on Law Day who has distinguished himself or herself because of his or her contribution to the judicial system. From time to time we will feature an article on one of the recipients of this Distinguished Law Alumnus Award.

Barrera Saluted

Roy R. Barrera, Sr. 50 was the recipient of the 1975 Distinguished Alumni Award. Since graduating from St. Mary's School of Law Mr. Barrera served as Assistant District Attorney, Bexar County, Texas, from 1951 to 1957. Mr. Barrera served as Grand Jury Attorney and Chief Prosecutor in felony cases.

Around 1957 Mr. Barrera formed the law partnership for the general practice of law with Anthony Nicholas now incorporated under the firm name of Nicholas and Barrera, Inc., a Professional Corporation.

From March 10, 1968, to January 23, 1969, Mr. Barrera served as Secretary of State for the State of Texas by appointment of then Governor John Connally.

Mr. Barrera has been a member of many different legal organizations. As a member of the State Bar of Texas Roy Barrera has served as Vice-Chairman, of the Committee on Increasing Law Participation in Bar (Minorities); and as a member of many other Bar Committees.

Mr. Barrera has been a charter member and past Director of the Texas Criminal Defense Lawyers Association Past member and past Chairman of the Committee to test and examine the qualifications for admission to practice before the United States District Court, Western District of Texas; San Antonio Bar Association (Director, 1968-69; Second Vice-President, 1970-71; First Vice-President, 1971-72; President, 1973-74).

Roy Barrera has belonged to a large number of civic organizations, served as Delegate and Secretary, Texas Delegation to the 1968 Democratic National Convention.

Election Law Upheld . . . (con't. from page 1)

control over the quantity and range of debate on public issues in a political campaign."

The court also found fault with the government's administrative set-up for enforcing the campaign money rules and ruled that if Congress does not repair its structural deficiencies within 30 days, the commission will lose its executive functions. The Justices found the makeup of the Federal Election Commission to be unconstitutional because four of its six members are appointed by Congress rather than by the President. The court found that the commission's power to bring civil enforcement actions and to determine candidate eligibility for public financing involves execution of the law and that such powers can be handled only by "officers of the U.S." The Constitution authorizes only the President to appoint "officers of the U.S." the court noted.

If the commission does not meet its 30 day deadline on revamping, no one in the government will have authority to distribute public funds that are playing major roles in the presidential primary campaign funding of the Democratic and Republican candidates. The commission has thus far directed the U.S. treasurer to pay a total of $4,098, 748.46 to the candidates. To date, three bills—two in the Senate and one in the House—have been introduced to save the commission. Sen. Richard Schweiker's bill would simply reconstitute the commission by changing the law to have all six voting commissioners appointed by the President. The other Senate bill, introduced by a coalition of senators led by Edward Kennedy and Minority Leader Hugh Scott, would reconstitute the commission but would also provide for the public financing of Senate campaigns. The House bill is similar to the Schweiker bill and was introduced by Rep. Bill Frenzel.

David Cohen, president of Common Cause, has said that the ability of Congress to repair the commissions' powers will depend on the willingness of House Democratic leaders to shove Rep. Wayne Hays (D.Ohio) aside. Hays, chairman of th House Administration Committee, was responsible for the existing law which required that four of the six commissioners be appointed by the Congress, and has vowed to abolish the old commission altogether in light of the Supreme Court decision.

Volume 3, No. 7 March 12, 1976

Witan

Student Newspaper Of St. Mary's University School Of Law, San Antonio, Texas

Caseload Burden In C.C.A.

by Judge John F. Onion, Jr.

(EDITOR'S NOTE: Judge John F. Onion, Jr. is the Presiding Judge of the Texas Court of Criminal Appeals.)

The Court of Criminal Appeals, Texas' court of last resort in criminal matters, has the highest caseload of any state appellate court in the Nation. It receives in excess of 1,600 new appeals each year and over 800 post-conviction writs of habeas corpus. These matters must be added to the backlog pending at the end of each year. The Court has been disposing of over 2,600 appeals and other criminal matters each year, and in the process each Judge and Commissioner has been writing on the average of over 200 opinions each year when the national average is approximately 35 opinions per Judge each year. Thus, the five elected Judges of the Court decided some time ago that drastic measures needed to be taken to keep the docket as current as possible.

Manpower

Recognizing the need for additional manpower, the Court in late 1971 renewed the Commission system by appointing two "permanent" Commissioners and inducing two retired Judges to also serve as Commissioners. This gave the Court nine working members, although Commissioners have no vote on the decision in any case. Further, from time to time the Court has also utlilized some Justices of the Courts of Civil Appeals as Commissioners.

The Court recognized also that merely increasing the number of Judges was not alone the answer. Through the use of federal funds from the Criminal Justice Council the Court has hired four Administrative Assistants (all lawyers), and research assistants for each of the elected judges. In addition each Judge and Commissioner has a briefing attorney.

The Executive Administrator helps relieve the Presiding Judge of the time-consuming details concerning personnel, budgetary problems and other administrative details and enables him to be free to perform the judical functions. One Administrative Assistant screens the appeals extracting those containing a bare transcript, ones with jurisdictional defects and those which appellate counsel has concluded are frivolous appeals. Two other Administrative Assistants originally review all post-conviction habeas corpus applications, preparing worksheets thereon before they are assigned to a Judge for subsequent presentation to the Court for disposition. In addition they prepare a bench memorandum in each case to be orally argued.

Handling the Caseload

Abandoning the former system of giving a case a number and putting it on an assembly line regardless of its nature and submitting just a certain number of cases each week, the Court now takes the screened cases mentioned above and disposes of these matters within a week or ten days after receipt. Insofar as possible all pending guilty pleas, revocation of probation, extradition and other habeas corpus applications are set for the last

[Continued on page 7]

Legal Service Update

Proposal To Administration

by Joshua Brown

As most of you remember, a petition was circulated around school in September 1975 indicating your desire to ask the Faculty Council to consider the proposed St. Mary's Legal Services Program. Since September, Morgan Dunn and I have worked extremely hard to lay the necessary groundwork for the project.

We were successful in getting Dean Raba to appoint an Ad Hoc Committee to Evaluate S.M.U.L.S. The committee was comprised of myself, Mr. Henry Christopher (Past President of the San Antonio Bar Association), and Professors Castleberry, Walker, and Ferguson. It was the committee's feeling that the program could not possibly be implemented without the approval of the local bar.

As a result, on October 22, 1975, Morgan and I presented the program to the Board of Directors of the San Antonio Young Lawyers' Association. The board unanimously voted to assist 'and' support the program by providing 5 to 10 volunteer attorneys to work week-nights with the program and 2 volunteer attorneys to serve on the staff.

On November 25, 1975, we again made a presentation of the program to the Board of Directors of the San Antonio Bar Association. They approved the principle and concept of the proposed program.

The ad hoc Committee appointed by Dean Raba convened on Feb. 13, 1976. After considerable debate, I was able to get the Committee to recommend to the Faculty Council the following: (I quote from the committee's report)

"(a) There is no evidence at this time that the law school possesses sufficient financial resources to enable it to furnish the faculty member to sponsor the program as required. The proposed board proposes to include "one faculty member ... appointed by the school." The staff of the proposed program ... are under the supervision of faculty and practicing attorneys.

A member of the faculty appointed to such a position, and assuming such responsiblities, could reasonably expect to have his teaching duties and responsibilities. Since it appears that the present members of the faculty would be unable to assist in those duties, another faculty member must be employed at increased budgetary cost.

[Continued On Page 7]

EDITORIAL

The past few weeks have seen many rumors flying around the law school regarding the Witan and censorship by the law school administration. It would not be truthful to state that there was no such move, however, the fact is that presently there will be no censorship of the Witan. This assurance was given to the Witan editorial board at a March 4 meeting with the Very Reverend James Young, S.M., President of St. Mary's University and Mr. Don Ryckman, Vice-President of St. Mary's University. What follows is a copy of the letter sent to Dean Ernest Raba regarding this development.

Dear Dean Raba:

This letter is to inform you that the WITAN Editorial Board and Staff accept Professor Francisco's appointment as its Faculty Advisor. We welcome this apparent recognition of the WITAN as a student organization meriting an independent advisor.

Due to the ambiguity of the term "advisor" we feel it is necessary to state explicitly the acceptable role of an advisor to the WITAN. Pursuant to St. Mary's University policy on student publications, the role of the advisor to the WITAN will not involve censorship. Quoting from the Job Descriptions and Code of Ethics for the Rattlers, November 1968, "The advisor's main duty is to advise the editor on matters of policies, content and techniques." The same document also states that "The editor consults with the advisor on controversial and/or sensitive material but retains the decision and responsibility for what is printed." Quoting also from a December 1975 memorandum sent out by Brother William Denton, C.S.C., Dean of Students to Fraternities, "The purpose of a faculty advisor is to guide, advise, but not to command; to serve as a liaison between the student organization and the university community."

Specifically, with respect to the WITAN and Professor Francisco, he will be consulted as to the material to be printed in each copy of the WITAN. His opinion will be considered and weighed. However, the ultimate decision to print or not to print will remain with the Editorial Board of the WITAN. In order to be effective, Professor Francisco's opinion must be presented before the copy is ready to be submitted to the printer. He is welcome to express his opinions at the monthly staff and proofing meetings of the WITAN.

We cannot say that this development has come about under the most favorable of circumstances, however we are amenable to the situation. We hope that a productive working relationship will be developed while preserving a student forum for the free exchange of ideas which will also be ultimately beneficial for St. Mary's University School of Law.

Sincerely,

Andrew Leonie III Editor

Francisco Defines Roles

"For some time the WITAN was a newspaper published by students who were enrolled in the Law School of St. Mary's University which lacked clearly defined ties with the school. In a comparatively short time it has become identified as an organ of the student body, under the Student Bar Association, its financial status has become more firmly established by inclusion in the SBA's proposed budget with allocation of the greatest single portion of that budget, and now it joins the rest of the student organizations in acquiring its own faculty advisor. A law school consists of its student body, its faculty and the overall coordinator the Dean; their relationships are fairly well understood. What about the student newspaper, the faculty, the student body, the Dean and the Advisor? As I see it the newspaper exists to inform the students and to provide a forum in which individual students may express themselves to all their fellows and the faculty, to inform the alumni and those on the Hill how it is down in the valley, and possibly to bring a little humor into the relentless competition for knowledge and recognition. What is the student newspaper not? It is not a tool for the staff of the newspaper to manipulate their fellows or for the school administration to manipulate the students. With that introduction what is the Faculty Advisor's job? The Faculty Advisor's job is to help the newspaper staff, the faculty and the Dean in insuring that the students got the truth, in insuring that the newspaper helps St. Mary's Law School in meeting its committment to the bar, the community and its students, and in avoiding unnecessary problems. What does the Faculty Advisor do? He does what the unanticipatable problems may require as they arise."

– Wm. Francisco

ETC.

by Tim Johnson

Have we got a deal for you. A bran new Mercedes 300-D will be raffled off b the ALUMNI ASSOCIATION at an Ap 17 oysterbake at the pecan grove. chance on the $14,000 car costs only $1 6 for $5. Tickets can be obtained from a member of Law Wives who will receive percentage for their scholarship fund. T Law Wives are also planning BAR-B-QUE for members Friday Mar 12 at the pecan grove, cost is $2 a coupl March 19 is ASSAULT AND FLA TERY. We are all due a good laugh.

The WOMEN'S LAW ASSOCIATIO will play the faculty in a softball gam Sunday, April 4 at 2 p.m. on one of t fields adjoining the school. Matt Perma will call the play-by-play.

The CRIMINAL LAW ASSOCIATIO has several things in the works. luncheon is being planned with M Campbell, the Federal Defender. A upcoming is a seminar on corrections a criminal justice. On the lighter side t CLA hopes to sponsor a get together af classes on a Friday later this month at t Pub Beer Garden, beer of course will b served. The purpose of the meeting is disuess ideas for next year and just rela CLA also selected new officers at the la meeting. Former Treasurer John Hubb was elected President, former C senator Joe Casseb was elected vi president and first year students R Shaw and Tim Johnson were elect Secretary and Treasurer respectively.

Witan

Editor-in-Chief ..... Andy Leonie
Managing Editor ..... Judith Johnson
Articles Editor ..... Kayo Mullins
Feature Editor ..... Claude Decloux
Copy Editor ..... Tony Chauveaux
Business Manager ..... Barbara Gunning
Associate Editor ..... Barbara Rosenberg
Staff Writers ..... Meg Morey, Dennis James, Marianne Lipscombe, Joseph Weik, Mark Stoltz, Karleen Kaufman, Barbara Jones, Mac Secrest, Linda Lampe, Ken Kreis, Roland Jeter, Mike Holmes, Tim O'Shaughnessy, D. Callahan, Dave Antonini, Tim Johnson
Contributors ..... Joe Casseb, John S. Aldridge, Tom Quirk
Advisor ..... Wm. Francisco

WITAN is published by students of St. Mary's School of Law, monthly except May, June, July and August. The views expressed herein are those of the individual writers and do not necessarily reflect those of the WITAN, its editors, the administration, or faculty unless otherwise stated. The Editor is responsible for the views expressed in unsigned articles.

Writing Without Understanding

by Claude Ducloux

Educators and Institutions across the country are becoming increasingly alarmed at the marked decrease in SAT scores and results of verbal skills achievement tests nationwide. To explain the drop, educators have a barrage of ready answers: they blame television, the increased use of colloquialism, and the relaxed standards of child-rearing. Many of the "experts" should be making broad reappraisals of the so-called "progressive education" concepts.

One damaging concept to writing in progressive education has been the notion that students should get the idea across, and not worry if they say it correctly. This "mental telepathy on paper" routine has discouraged students from searching for better adjectives or synonyms or even correct spelling, because they know the teacher will "get the idea."

The upshot is that many students are graduated from high school and even college with little or no understanding of the basics of their language.

Unfortunately, law students are not exempt from this categroy.

A basic English test, given under the premise that students could write correctly, but did not know why they did so, was administered to 50 law students at St. Mary's. The test used examples and asked basic questions. There was no time limit.

The questions were as follows:

1. Which sentence is grammatically correct: "It is us," or "It is we"?

2. Give the pronoun used in English to denote the third person, masculine singular, in the objective case.

3. Pick out the dependent clause and the direct object in this sentence: "When the dog ran through the door, mother threw me the leash."

4. Name the six tenses of the English language and give examples of each if possible.

5. Either diagram or explain what role each word plays in the following six word sentence: "The cat jumped over the fence."

6. What part of speech is the word "There" in the sentence: "There is my car."

The results were almost staggering. Immediately many students became very defensive and very obviously angry at the inability to answer many questions.

As to the first question, only one out of three law students responded correctly: "It is we." On the second question, twenty-eight out of fifty students responded correctly with the word "him." Although it can be said in all probability that none of these students would misuse the word "him," nearly half the students were lost when the word "him" was described in its syntactical derivation.

In the third question, a bit less than a third (sixteen) described "When the dog ran through the door" as the dependent clause, and amazingly only seventeen picked the correct answer "leash" as the direct object.

The fourth question proved somewhat simple, with 60% or thirty students, being able to give the six tenses of the English language. However, only fifteen students could give an adequate example of each tense.

In answering question 5, about twenty nine students could say with a fair degree of certainty that "cat" is the subject, "jumped" is the verb or predicate, and "over the fence" is a prepositional phrase. When asked what the prepositional phrase modifies, only three students said it modifies the verb "jumped" by telling 'where' the cat jumped.

As to the last question, only five out of fifty said that the word "There" is known as an appositive or "dummy subject."

The rather disappointing results of this test take on added significance when one considers that this was not a "man-on-the-street" type of interview. Everyone taking this test had a college degree, and some had graduate degrees.

Perhaps the easiest conclusion that emergies is that most students have forgotten the terminology of grammar. After all, it is apparent that all students write well enough to obtain admission to law school, and many students are involved in various student publications.

An alternate conclusion presents itself, however. It appears that students do speak and write correctly solely because what they have heard to be correct, not because of what they understand to be correct. This conclusion is more disturbing because the legal profession's business, the business of judges, appellate advocates and politicans, is that of words. The words we use, or misuse, so casually may mean right or wrong, imprisonment or freedom. Without understanding, our language weakens and suffers. Any preparation that leaves our understanding so casual deserves improvement.

Freshman Grades Analyzed

by D. Callahan, J. Childress, D. Edwards

(EDITOR'S NOTE: This article refers to the graphs and tables placed on the bulletin board nearest the SBA office in the classroom building.)

The grades were copied from those posted on the Grades Board and run through a computer on a canned program designed to reveal, essentially, just how the grades were distributed.

Generally speaking, the distribution or curve of the grades was bell-shaped normal. A curve of this type is to be expected from the administration of any good test. The 'skewness' statistic reveals exactly what little per cent chance had to do with the individual curves lacking a perfect bell-shaped symetry.

For four of the five courses, 70 was the most frequent grade. By studying the peaks of the different curves, one can get an idea of the relative weight these grades had over others. Two things can be speculated on here:

1. Judging by the comparative sparseness of grades just preceding the grade of 70, and judging by the comparatively large number of grades of 70, it is logical to deduce that the professors have, for the most, given the benefit of any doubt about a paper's quality to the student.

2. Judging from the two or three grade peaks found in each distribution curve, it is logical to deduce that the professors have subjectively fixed these points as a kind of grading landmark or lighthouse. (The individual section's distribution cures, not posted on the board reveal this more clearly.)

Though much of the above statistical information is merely information for its own sake, two valid questions can be asked. First, why must the bell-shaped distribution curve sit on the mean grade of 73? Second, if there is sound education policy justifying why and where the bell-shaped curve sits (though many educators discount any such policy as arbitrary), or if there is some other law related policy justifying the curve's placement, then why were those people on the left-hand side of the bell-shaped curve admitted to law school in the first place?

The answer to the first question may well be "Well, that's what the average grade happened to be." This is no real answer for it fails to reveal any grading policy. From one point of view comes the

(Continued On Page 5)

ALL THINGS CONSIDERED REVIEWS

★ The Burger Scene
★ Legal Research Instructors

Bits on Burgers

by Mac Secrest

This article will concern itself with the Hamburger. There are two reasons for this: First of all, nearly everybody loves hamburgers (rebuttable presumption); and secondly, one of the greats in this area is reportedly losing its lease and will depart forthwith from the San Antonio scene. The flavor and uniqueness of this place is beyond comprehension and so I beckon all of you to frequent it before its premature demise. (I am assuming that the rumor is true). This great old place is none other than **Hipp's Bubble Room.** It's located at 1411 McCullough, near S.A.C. I can't tell you how long its been here because it was doing business long before I started going there in the middle sixties. But I can tell you that few places offer such color and genuinely good food. Among the items I recommend are hamburgers, one of which has 5 patties, homemade french fries (non-frozen) hotburger steaks (jalapeno cheese and sliced jalapenos between 2 patties of hamburger meat which is eaten between 2 slices of white bread with all the accompanyments), and real cold Gimidraw beer. Don't ask me why there are a bevy of plastic balls hung from the ceiling, just go there and try to figure it out for yourself.

If you really want to go to a place which typifies that which you probably thought had ceased to exist, go with great dispatch to **Casbeer's** located at 1719 Blanco. This in my opinion is the second best hamburger in town and no where else can you enjoy the surroundings and interminglings as much. The meat on their hamburger appears to be freshly ground and it is a little greasy, but this is an essential and necessary attribute for a top quality burger. Their homemade french fries are out of sight and in another article I'll tell you about their excellent chili, enchiladas, and chicken 'n dumplins. The quintessence of the place is, however, its employees and patrons. You practically feel like you are intruding on a family gathering because everybody, except yourself, knows everybody else.

The last comment for today is reserved for the very best hamburger in town. This was an easy choice for me and for most who have eaten at **Joe's.** (If you don't believe me, ask Ray Flume). Go down Hildebrand toward Trinity University, make a left on Blanco and proceed for a block or two at 2423 Blanco. Be careful, if your Gilbert's or cans fall off the seat and you reach down to pick them up, you may well pass it by. Joe's who is owned and operated by Phylis, sells 3 sizes of burgers and cheeseburgers, potato chips, a few soft drinks and that's it. There are no more than 5 stools in the establishment, but the experience that one has while there matches them all (well most of them). Order the size hamburger desired. I recommend the large purely because I love excess, and watch Phylis go to work. She'll reach into a small cooler, retrieve 2 balls of good quality hamburger meat, place them on top of each other on the grill and with one great whack of her formidable spatula, flatten the meat out to a perfect patty everytime. God what an effect! You will absolutely love it! The hamburger is a true member of the grease fraternity; although it is not too unduly oleaginous, it commands your utmost respect.

The Care and Feeding of Legal Research Instructors

by Joseph W. Weik

Every law student, at some point in their career at St. Mary's, must be subjected to indoctrination by that elite corps: the Legal Research Instructors. These instructors are usually the Law Journal go-getters who spend an enormous amount of time in the Library. As a result of their cloistered existence, they often suffer from an extreme deprivation of sleep, food, air and light, which makes them particularly vulnerable to manipulation by their students. Since the Honor Court might frown on outright monetary or sexual favors, such manipulation must be done discretely and with enough subtleness that even your instructor will fail to realize your true intent.

If you are stuck on a tough memo, maybe you can get your instructor to reveal the cite number for that key case by using a number of well established tricks. You might try casually mentioning to your instructor that your father is a rich oil tycoon in Houston who hires lawyers by the dozen, or you might just mention that you "know people" in influential places. Females with male instructors have a special advantage in that they can employ many "sexist" methods to get their instructors to talk. You might try putting on false eyelashes and practice batting your eyes in the mirror before going to the Journal Office. You should try a variety of offspeed flutters and bats but keep it discrete and simple. Remember, there's no bat like an old bat and instructors like Pollard Rogers have been known to only fall for old bats. Another good ploy is to try to be overly friendly and show your affection by referring to your instructor by his or her nickname. e.g. Ludwig von Sokolik, Adolf Lavenhar, Prince Pinnell or Frauline Jackson, S.S. ("Gestapo Woman")

Once you have turned in your assignment, do not dispair if you receive a bad grade. Since the instructors are only students, they do not have access to the faculty "Grade Wheel" and must judge your paper on the basis of such outmoded standards as legal expertise and writing ability. This silly and subjective method of grading leaves your grade open to debate and enables the student to logically plead his cause. Before going to the Journal Office to see an instructor, you should take a pair of tweezers and firmly pluck a hair from your nostril. The resulting pain will fill your eyes with water and give you that all-important "misty look". If you must lie about why you got a 55, don't say anything blatantly obvious like, "The books I needed were always out". No one would believe such a ridiculous story. Instead, stick to something basic like, "I was kidnapped for a week by a band of gypsies". If lying is not your thing, you might try giving your instructor a small gift which someone would not ordinarily find in the library, like a decent cup of coffee or a roll of toilet paper.

Perhaps you might really want to surprise your instructor by turning in an original memo. Instructors sometimes tire of reading paraphrazed A.L.R. annotations and plagarized law review articles. If you wish to turn in an original work, be sure to forewarn your instructor. The shock to his or her system might be too much to handle and you could be permanently classified as a deviate or a subversive. At St. Mary's, such a classification might jeopardize your future as a law student and amount to academic suicide.

Moot Court Competition

by John Stempfle

The Moot Court Board will be holding two competitions this Spring semester i.e. Freshman Moot Court and the James R. Norvell Competition. The former is open to all first year students enrolled in Legal Research and Writing. This year's topic involves products liability and, as in the past, all freshman will be required to write two memos and an appellate brief in conjunction with their Legal Research and Writing class. Those who desire to further their oral advocacy skills may then form two person teams. Each team will then argue one side of the case with the winner advancing to the next round. This will be a single elimination tournament with the preliminary rounds being held on Monday, March 29 and Tuesday, March 30. The quarter-finals and semi-finals are scheduled for Wednesday, March 31 with the finals on Monday, April 5 at 7:00 p.m.

The Moot Court Board needs second and third year students to judge the Freshman Moot Court competition on March 29, 30 and 31. If you have participated in any of the competitions offered at St. Mary's i.e. Freshman, Walker or Norvell, you are eligible to be a judge. Watch for sign up lists on the bulletin boards.

The Norvell Competition is open to second and third year students enrolled in Prof. Walker's Appellate Advocacy course. There will be 20 teams competing and each will argue a total of four times, twice each on Thursday, March 25 and Friday, March 26. The six individuals with the highest scores will advance to the finals which will be held on Friday April 2 at 7:00 p.m. Justices of the 4th Court of Civil Appeals of the State of Texas will preside over the finals while local attorneys will judge the qualifying rounds. The three winners will then represent St. Mary's at the State Junior Bar of Texas convention which will be held in Austin this summer.

CLA Meets Twice

by D. Callahan

Attorney Jerry Goldstein Lectures

On Feb. 19, Attorney Jerry Goldstein spoke about the American Civil Liberties Union (ACLU) of which he is a member. While telling those present several judicial "war stories", he emphasized that the main purpose of the ACLU, which is primarily a nation-wide volunteer group, is to preserve the first ten amendments of the U.S. Constitution, and to provide legal counsel to those legally significant issues which have large societal ramifications.

With no small pride he noted that the ACLU has in its fifty year history appeared before the Supreme Court more often in an advocating position than any other civil organization. And in a very articulate pattern, Mr. Goldstein criticized and commented on subjects ranging from the Watergate mentality, which in his opinion fostered the pending Senate Bill #1 (proposed federal penal code), to his own humorous procedural inadequacies in the court room.

Dr. Ruben Santos Lectures

Dr. Ruben Santos, Bexar County Medical Examiner, made a short delivery to the Criminal Law Association at their monthly luncheon last Feb. 26. He spoke on and answered questions about his role as a forensic pathologist.

A forensic pathologist, unlike an anatomical pathologist, not only notices the condition of a dead human body, but also draws inferences about what actually happened to the natural life processes.

Dr. Santos stated that because of forensics, the quality of criminal justice is greatly enhanced. If it were not for his work in discovering the hidden facts of a man's death, many innocent and guilty people would find themselves situated on different sides of jail house bars.

When asked what was one of the most difficult homicides to diagnose, Dr. Santos said that death by suffocation was. The autopsy of a person who has had his mouth and nose closed, say with a large pillow, reveals little else except that the person should not have died. If the instrument of this kind of death has been removed from the victim's vicinity, or vice versa, there is little proof of what happened.

Freshman Grades

(cont. from page 3)

response that because most students will be average, their grades will be average; i.e., 73. From another point of view comes the response "What is so magical about 73 that makes it an average grade? The average grade could as well arbitarily be anything else as long as the distribution curve is preserved."

There may well be no answer to the second question as it is phrased because it is impossible to precisely predict how a person will do in law school—therefore it is impossible to know who not to accept. The students and the administration are then forced to live with the fact, if the above statistics more or less reflect the yearly situation, that a large per cent of those accepted will flunk out. To lower the per cent, move the distribution curve to the right; to raise the per cent, move it to the left. The question then raised is what per cent is tolerable? 10? 15? 20? Talking about per cents tends to make one forget that the talk is about people.

Lastly, though surely a study like this has been made, if one were to compare how every individual actually did with his LSAT and GPA, one might discover a tighter method of law school acceptance.

ABA-LSD News

by David C. Pennella

Thirteenth Circuit Conference

The ABA-LSD 13th circuit will hold it's Annual Spring Converence in San Antonio on March 19, 20 and 21, 1976. All events will take place at the St. Anthony's Hotel. On Saturday morning, the delegates will be able to participate in a Federal Bar Association Program entitled "Federal Trial Practice Skills". Professor James McElhaney, Southern Methodist University, School of Law, will speak at 9:00 a.m. on recent changes in the Federal Rules of Evidence. At 10:30 a.m. a panel of federal judges will discuss speedy trial procedure and other current matters of concern to trial attorneys. The panel will be composed of the Hon. Thomas G. Gee, Judge, U.S. Circuit Court of Appeals for the Fifth Circuit, Austin, Hon. Adrian A. Spears, Chief Judge, U.S. District Court, Western District of Texas, San Antonio, Hon. Joe J. Fisher, Chief Judge, U.S. District Court, Eastern District of Texas, Beaumont, Hon. John H. Wood, Jr., Judge, U.S. District Court, Western District of Texas, San Antonio and moderator, Professor L. Wayne Scott, St. Mary's University, School of Law. There may be additional seats available to St. Mary's students. Anyone interested in attending the FBA program should contact either Joshua Brown or David Pennella, co-chairmen of the conference.

The afternoon program will include an address by Pike Powers President of the State Junior Bar of Texas and the election of a new 13th circuit governor for the 1976-77 school year. An awards banquet will be held Saturday evening which will be preceded by a cocktail party sponsored by St. Mary's Law School. The speaker for the banquet will be the Hon. John C. Phillps, Chief Judge of the Austin Court of Civil Appeals. On Sunday morning there will be a farewell breakfast. All St. Mary's students are invited to attend this conference. There will be a registration fee of $10.00 which will include the dinner and breakfast.

Openings of Liaison Positions to ABA Sections and Committees

The Law Student Division's Section and Committee Liaison program has many openings. Liaisons are accorded the same treatment as ABA committee and section members: they are given a voice and vote, have travel expense budgets, are kept abreast of developments within their areas, and are often instrumental in formulating ABA policy. Applicants must have at least one academic year remaining in law school after June 1, 1976 and must be a member of the section to which they seek appointment as liaison. To apply, send a letter of application with a complete resume by April 1, 1976 to:

LSD/ABA, 1155 East 60th Street
Chicago, Illinois 60637, Atten.: Liaison Program

Professors Prelude

by Claude Ducloux

Many law students begin to wonder, especially after receiving their grades, what they would be doing were they not aspiring lawyers. To be sure there are very few, if any, lawyers who have not wondered what would have become of their lives if they had not gone to law school. I have it on the very best authority that law professors are no different. Even they sometimes wonder if perhaps, under different circumstances, their lives might have ventured in a different professional direction. In fact, when one wanders the halls of the law school after some professor has given a somewhat less than Ciceronian lecture, many law students can be heard suggesting a variety of different positions which that professor could easily fulfill.

When one seriously contemplates how one professor or another could easily have been swept from our midst by the stronger pursuit of another vocation, a number of possiblities are suggested. For instance, what if Professor Black had gone into politics and was elected as our President? For all we know, Dean Raba may be the reincarnation of that great emperor Julius Caesar! And what if Orville Walker had gone into Vaudeville instead of Law? Or Gene Anderson became the pilot of Air Force One? Would Dean Schmidt's monologue be any better than Carson's? And can you see Peter Parenti as a game show host? Sound Interesting? Humorous? (or downright unbelievable?)

These flights into fancy and many many more are some of the objects of our twisted imagination in Assault and Flattery '76. Assault and Flattery is one of the few practical exercises offered during law school. It can teach you all about the constitutional guidelines on slander and defamation, and offers instruction on the principal of lack of consideration.

But seriously folks, it's all in great fun and promises to be a very entertaining evening for the faculty and students and their families. Set your calendars now: Friday, March 19, 1976. Beer served in the Pecan Grove at 7:30. Show time: 8:35 in the Scholasticate Auditorium. Be There!

Caseload Burden (Continued from page 1)

Wednesday in each month. This means that these cases are disposed of within four weeks or less after receipt. Thus any benefit derived from the delay in appealing a criminal conviction is being eliminated. Those cases with "meat" in them (and there are many now in light of the new Penal Code) are submitted on the other Wednesdays of the month. A quick survey of cases filed in March, 1975, showed that all types of cases were disposed of within an average of 70 days.

The time for oral argument has been reduced from 40 to 20 minutes to a side. The bench memorandums prepared by the Administrative Assistants for use in oral argument contain a summary of facts, the grounds of errors urged, the authorities relied upon as well as copies of disputed matters in the record. These memorandums are studied by each Judge and are on the bench during oral argument. Since the lawyers know the Court is aware of the facts in their particular case, their grounds of errors, etc., they can and do complete their arguments easily within the time limit set.

The Court has eliminated a motion for rehearing with accompaning oral argument as a matter of right. Counsel must now file a motion for leave to file a motion for rehearing. The Court then determines whether to grant such motion, and if it does, whether oral argument will be helpful to the Court.

These are just some of the ways the Court has moved to give its members more time for research and writing so essential to moving the docket.

Per Curiam Opinions

In order to save lawyers some of the ever-increasing cost of law libraries the Court has expanded its use of per curiam opinions. Unless the Court decides that the appeal adds something to the jurisprudence of the State the opinion is not signed by the Judge or Commissioner preparing the same. The non-signed opinions are "per curiam" opinions and are not published, cited as authority or considered as precedent. The vast majority of appeals are now disposed of by these per curiam opinions.

The Court of Criminal Appeals shall continue to make adjustments, changes and take all necessary steps so that it will not become a bottleneck in the disposition of criminal appeals.

Legal Services

(Continued from page 1)

"(b) The letter, dated October 20, 1975, from Aathmell and Company regarding the malpractice insurance coverage for the proposed program indicates that there will be a deductible of $1,000. There is no evidence, at this time, of any enforceable agreement on the part of anyone to pay the amount of this $1,000 deductible in the event a claim of malpractice was successfully pursued to judgement.

"Since the benefits of the proposed program will flow to all students at this university, it is the feeling of the majority of the Committee, and it is our recommendation, that this matter should now be referred to the next echelon of the university administration to determine whether the university is willing to allocate and budget the funds necessary to pay the salary of the faculty member who would be utilized in supervising the proposed program and to underwrite the deductible $1,000 of the malpractice insurance policy. The opinion of the majority of the Committee that the concept of the program is an excellent one, but that the above mentioned conditions, should be satisfied by committment of the university administration to underwrite the expenses incident to those conditions before the program can be implemented."

The aforementioned committee report was respectfully dissented from by Mr. Walker who thought that the program was excellent but he forsaw friction between members of the local bar and the law school if it goes into the business of practicing law.

On February 20, 1976, I submitted the Committee's report to the Faculty Council for their consideration. After much debate, the council adopted the Committee's report by a vote of 14 to 4.

It is readily apparent that the project is now in the hands of the administration officials who have the power to remedy the two perplexing problems preventing the program's implementation. The program should not be left to die in the Administrative Council.

The WITAN regrets inclusion of "Pep talk" in the last issue.

SBA Election Nears

by Bill Crow

The upcoming election of Student Bar Association senators will differ slightly from the past selection procedure. In an amendment to Article IV of the St. Mary's Student Bar Association Constitution, as adopted in a special meeting last September, the Senate voted to abolish the senatorial positions currently allowed the three fraternities (Phi Delta Phi, Delta Theta Phi, and Phi Alpha Delta) and the Criminal Law Association. It was decided at that time to increase the representation from five senators to seven senators per class. This more effectively increases senatorial representation from the current nineteen to twenty-one senators.

The fraternities and Criminal Law Association will be adequately represented by senators representing the respective classes, because of their election by a greater number of individuals.

It is doubtful, however, that increased class representation under the amendment will be any more effective in expressing student sentiment, if attendance figures for this term's senators are indicative of what can be expected of next year's representatives. Senate meetings, except for special sessions, are held on the second Tuesday of each month in the Fall and Spring semester, and no meetings are held during scheduled examination periods. A check of attendance figures from the minutes of the four meetings scheduled between September and January revealed that, of nineteen elected representatives, nine missed one or more meetings. (Attendance figures for the February meeting were not available at press time.) All first-year senators had perfect attendance at regular meetings in the Fall semester. One mid-law senator had the dubious distinction of missing three of four meetings scheduled in the Fall, and one organizational senator missed two of those meetings. One special meeting called this semester lacked a quorum. From the available official records of those meetings, it appears that no action has been taken to reprimand those senators whose absences are excessive.

WITAN WANT ADS

FOR SALE: 1973 Impala, 4 door sedan, white over gold, power, air. 41,000 miles but perfect condition. $2550. 732-9256.

HEARSAY

by Mike Holmes

Ms. Pat Gunter, Administrative Assistant to Placement, has acquired some information which should be encouraging to all St. Mary's law students. A representative of the publication Daily Texan indicated to Ms. Gunter that nationally there were around 20,000 law graduates in 1975, of that number only 5,000 have found law related jobs. St. Mary's rates far above the national average in placing its graduates in law related postions. For example, in December of 1975, St. Mary's graduated 64 persons of which only one is still seeking employment according to Ms. Gunter's statistics.

In connection with the National Association for Law Placement, St. Mary's mailed questionnaires to 170 1975 graduates. Of the 124 responses received to date, only two indicate they are unemployed. One of those indicated she is not seeking employment.

The majority of 1975 graduates have joined firms, while state and local governments and private practices account respectively for a sizeable portion of the remainder. Other sources of employment include areas such as the Federal Government, Judge Advocate General's Corps, business concerns and legal aid just to name a few.

Volume 3, No. 8

April 12, 1976

Witan

Student Newspaper Of St. Mary's University School Of Law, San Antonio, Texas

"Advertising" in Philadelphia Whither Thou Goest ABA?

by Pike Powers

Editor's Note: Pike Powers is the President of the State Junior Bar of Texas. This article is a condensation of a forthcoming article by him in the May Texas Bar Journal.

On February 17, 1976, the House of Delegates to the American Bar Association met in Philadelphia and debated changes to the Canons of Ethics regarding advertising. The outcome of that debate was widely reported in the press and received mixed reviews. As a participant in that debate, I feel compelled to make a report to you on this very important issue to the legal profession.

The ABA Standing Committee on Ethics and Professional Responsibility reported a recommended modification or change in Canon 2 of the Code of Professional Responsibility. The initial "Van Dusen discussion draft" which was circulated in December, 1975, virtually abrogated any restrictions or restraints on advertising by members of the profession and addressed the question of advertising by individual lawyers. After receiving criticism and comment from the Bar, that committee met again in January, 1976 and issued a modified report which was placed before the House of Delegates for consideration and recommended limited changes in ethical rules which would permit bona fide consumers' organizations to publish, in addition to general biographical information, charges for an initial consultation fee and information on the area of law practice concentration. The Committee deferred action on the question of advertising by individual lawyers, which it had included in its discussion draft circulated to the bar in December.

The information could not appear in newspapers or other forms of public communication not presently authorized by the Code of Professional Responsibility.

The President of the American Bar Association, and The Young Lawyers Section of the American Bar both went "on record" as being in favor of the resolution.

At that juncture, S. Shepherd Tate of Memphis, Tennessee, Chairman of the Standing Committee on Professional Discipline offered a complete substitute which replaced the Van Dusen-2 resolution. In essence, the "Tate substitute" insures that strong state control will exist at all levels of any "limited advertising" changes adopted within the state. Additionally, by amendment by Past State Bar President Leroy Jeffers from Houston, all reference to law lists "published by bona fide consumers' organization" was deleted and the words "state, county and local bar associations" were inserted as additional groups who could publish law lists, giving brief biographical and other informative date. Of critical importance, for the first

(Continued On Page 6)

Federal Penal Code Proposed

Editor's Note: The following article is primarily a memorandum prepared by the staff of the Subcommittee on Criminal Laws and Procedures of the United States Senate Committee on the Judiciary and was supplied to former Witan Editor Andy Leonie by subcommittee staff-member J.C. Argitsinger.

The Bill to codify, revise and reform Title 18 of the United States Code, S. 1, is currently under consideration before the U.S. Senate Committee on the Judiciary. Since its original introduction in 1973, it has been the subject of many hearings and has under much study and revision. It received bipartisan support when it was reintroduced in the present Congress by Senators McClellan and Hruska and was cosponsored by Senators Bayh, Eastland, Fong, Griffin Mansfield, Moss, Hugh Scott, Taft and Tower.

S1—the Criminal Justice Reform Act of 1975 dates back to and draws heavily upon the American Law Institute's Model Penal Code (1961) and the final report of the National Commission of Reform of Federal Criminal Laws (1971). Sen. McClellan has aptly observed "when this bill is enacted, the United States will have, for the first time in its 200-year history, a genuine criminal code--a clear, concise, and complete statement of the criminal law carefully drafted in an attempt not only to safeguard the public welfare but also to preserve fully individual freedoms. It will be a modern code that will meet the needs of today's society by retaining the best features of current law, amending others, and eliminating those laws that are obsolete."

Sen. McClellan notes that since S. 1 necessarily touches upon all areas of the federal criminal laws-including such volatile issues as the disclosure of classified information, the restoration of a constitutional form of capital punishment, the prohibition of the dissemination of obscene material, and mandatory prision sentences for certain crimes-it "immediately brings into focus conflicting views and provokes strong and persistent controversy."

The past few months have seen a concerted effort by certain individuals and groups to persuade Congress to abandon S. 1 altogether and, in effect, to maintain the state of federal criminal law in its present chaotic and inadequate form.

(Continued On Page 12)

Letters

Nursing School

Dear Law Students,

On Friday, March 26, 1976 the Board of Regents of the Univ. of Texas voted 7 to 2 to dissolve the University of Texas System School of Nursing. The action of the Regents was done precipitously and without prior evaluation of the effectiveness of the System in providing quality eduation for nurses. The action was also done without prior notification of the System president or any of the six Deans based in Austin, El Paso, Fort Worth, Galveston, Houston and San Antonio.

This letter is an attempt to inform you of the wide spreading effects of the Regents' action. Many of you are probably thinking "We're sorry for the nurses, but so what?"

One major issue at stake here is professional autonomy. When a group of university regents can arbitrarily change the control of the educational process of one professional group, the implication for others are obvious. As future lawyers you can understand the impact of such a precedent being set by one large institution by higher education.

A second issue of concern to all is the quality of care you can expect to receive in Texas. When a profession controls its own total educational process, including the important matter of budget, it is held accountable to the needs in the State. The Univ. of Texas System School of Nursing has responded to the health needs in Texas. For example, in the rural areas, our system has provided comprehensive continuing education. It is important to note that no one campus has the resources, human or material, to meet these needs. Only as a system could we provide this necessary education. As recipients of health care, you need to know that you can be adversely affected.

A third issue is that of sexism. Nursing is a predominantly female profession. As a System School of Nursing, we women professionals were exerting a great deal of influence on health care in the state. The action by the Board appears as an attempt to dissipate this power base. I don't believe it's necessary to elaborate further—all professional women need to think about the Regent's action and what it means to them.

The "official" reason for this dissolution was given as saving $300,000 in administrative costs. We in the System realize that this isn't the real issue as our Development Board generated over $500,000 last year alone.

As students and faculty, we have responded to this official statement by offering to raise the necessary $300,000 to give us a year's reprieve in which the System would be evaluated by an objective group. We have jointly launched a state wide campaign—Save Our School (SOS).

If you can offer time or money to this campaign, please write to S.O.S., P.O. Box 29565, S.A. Tex. 78228. If you are not in a position to help, please become informed. This action can affect your profession and personal life in Texas.

Bette A. Baker, RN, MS Instructor
Univ. of Texas System School
of Nursing at San Antonio.

Thankyou

Editor:

I would like to thank those LAW STUDENTS who showed me special kindness during my time of sorrow.

Monita Fontaine

EDITORIAL

Through the able leadership of this year's editorial board and the diligent efforts of the staff, the Witan was transformed from a newsletter into a newspaper. It became an organ of student expression, a medium by which students and other contributors could expound upon subjects of their choosing and produce both informative commentary and exhibit a multitude of journalistic styles. The evolution of the functionary aspects of the paper came to a head; it was to inform, communicate, criticize, critique, humorize and to provide an independent medium of expression for the law student. This is what the Witan represented....this is what the Witan represents.

As the newly elected Editor in Chief of the Witan, I entertain no grandiose notions not heretofore mentioned. But I do promise to do my best to see that the Witan maintains its free atmosphere of student expression, that it provides an open forum for student and faculty input, that it reports the news and events as accurately as possible and that when student opinion is being expounded it will be labeled commentary. I also promise freely to criticize, extoll and generally lampoon anybody and/or anything in the editorial section of the paper.

In closing let me extend my sincere offer to any student who would care to become a part of the Witan, to get in touch with us. We are anxious to complete the already begun task of making the Witan a true student newspaper. Only through your input, which includes constructive criticism, can we reach this goal.

Law Journal

We, the members of the 1976-1977 Law Journal Editorial Board, wish to assure you, our fellow students, that under our guidance St. Mary's Law Journal will maintain its traditional standards of excellence. We welcome all suggestions for improving your Law Journal, and stand ready to help fellow students who have specific problems involving legal research and writing.

(Continued On Page 16)

Editor-inChief ..... Mac Secrest
Managing Editor ..... Kayo Mullins
Articles Editor ..... D. Callahan
Features Editor ..... Claude Ducloux
Copy Editor ..... Tony Chauveaux
Business Manager ..... Geri Mery
Staff Writers ..... Roland Jeter
Dennis James, Mary Ann Lipscombe, Joseph Weik, Karleen Kaufman, Dan Edwards, Barbara Jones, Linda Lampe, Ken Kreis, Mike Holmes, Tim O'Shaughnessy, Dave Antonini, Tim Johnson, John Aldridge, Bill Crow, Andy Leonie, Barbara Rosenberg, Judith Johnson
Contributors ..... Pike Powers, J.C. Argitsinger, Greg Koss, Polly Jackson, Pete Dinelli, Mary Lou Molenda, Mark Miller, Mary Beth Carmody
Advisor ..... Wm. Francisco

WITAN is published by students of St. Mary's School of Law, monthly except May, June, July and August. The views expressed herein are those of the individual writers and do not necessarily reflect those of the WITAN, its editors, the administration, or faculty unless otherwise stated. The Editor is responsible for the views expressed in unsigned articles.

Save Yourself the Trouble

by Dennis James

One of the perennial problems in a student's life is regaining his security deposit on his apartment. In 1973 the 63rd Texas Legislature passed a tough new law governing the return of a tenant's security deposit. Article 5236e V.A.T.S. is solid legislation favoring the tenant's right to have his deposit returned.

Under Article 5236e security deposits must be refunded by the landlord to the tenant within 30 days after the tenant surrenders the premises. Advance notice of the tenants withdrawal from the premises is not a condition required for the return of the deposit unless it is underlined or in bold print on the rental agreement.

If the landlord does find cause to retain all or a portion of the security deposit, he must furnish the tenant with a written description and itemized list of the deductions. Deductions are limited to those damages sustained due to negligence, carelessness, accident or abuse by the tenant or member of his household or his invitees. The burden of proving the reasonableness of the damage assessment is upon the landlord.

If the landlord fails to return the tenant's security deposit in bad faith, he will be liable for $100.00 plus treble the amount of that portion of the deposit wrongfully withheld and for reasonable attorney's fees in a law suit to recover the security deposit. The landlord bears the burden of proving that his retention of the security deposit was reasonable. A prima facie case of bad faith on the part of the landlord can be established by showing that the landlord failed to return the security deposit provide a written description and itemized deductions within 30 days of the tenant's surrender of the premises.

The tenant's only duties toward his landlord are: providing him with a written copy of the tenant's forwarding address and not withholding part of the last month's rent in the amount of the security deposit. The tenant's right to his security deposit or description of damages and charges is never forfeited for the mere failure to furnish a forwarding address to the landlord. The landlord, however, can not be accused of withholding a security deposit or failing to provide a description of damages in bad falth until the tenant funishes the forwarding address in writing. The tenant will be held accountable in bad faith for treble the amount of the rent withheld and for reasonable attorney's fees when he wrongfully withholds a portion of the last month's rent. A prima facie case of the tenant's bad faith will be established by the withholding of that portion of the rent.

Article 5236e rights can not be waived or contracted away by either the landlord or tenant.

As it now stands, Article 5236e is a clear determination of the rights of the landlord and tenant. Just how powerful a tool it will be depends on knowledge of its existence.

New Faculty Appointments

By Mike Holmes

Dean Raba has announced the recent appointments of three new full time faculty members at the School of Law beginning in the Fall of 1976. In addition, the Dean has announced that Associate Dean Castleberry will resume a full time teaching load next Fall, although he will continue to chair several committees at the Law School.

Sue M. Hall, (B.A., University of Oklahoma, M.S.W., Washington University, and a May, 1975, graduate of St. Mary's School of Law), has been appointed Director of Placement and Alumni Relations, effective June 1, 1976. Ms. Hall will have a full time secretary and will teach one course at the Law School. Currently, she is with the Bexar County District Attorney's office in the Juvenile Division.

William A. Gregory of the University of Tulsa College of Law (B.A., Case Western Reserve, M.A., University of Michigan, J.D., Harvard) will be a Paul Casseb Visiting Professor to the School of Law for the forthcoming Fall and Spring semesters. Mr. Gregory's expertise is in the field of agency, corporations, and security regulation. He is co-author with Dr. Reuschlein of a text on Agency to be published by West Publishing Company.

Ms. Shirley Butts (B.A., California State University at Los Angeles, J.D. University of Texas) will also join the full time faculty next fall. As an adjunct instructor here, Ms. Butts has taught Professional Responsibility and Juvenile law. Presently, she is in the practice of law with her husband, Mr. Charles Butts, who also teaches Criminal Law and Procedure at St. Mary's. Ms. Butts has had considerable experience in both prosecuting and defending criminal actions, and additionally, has done extensive work in the field of Juvenile Law.

The respective subjects to be taught by these new faculty members have not yet been announced.

Rehabilitation Examined

D Callahan

On the evening of April 1, the Criminal Law Assoc., which was joined by a San Antonio College Penology class, attended a two hour seminar on Texas penitentiary rehabilitation programs.

Dr. Jerome Mabli, representing the Ft. Worth Federal Co-Correctional Institution, outlined a new innovation in federal prison reform. His Ft. Worth prison is co-correctional; one in which men and women regularly associate with each other. Two conceptual approaches are used at Ft. Worth in an effort to successfully rehabilitate the residents; multuality and normalization. The former means that everyone, staff and residents, respectfully share in decisions relating to the institution's operation. The latter means a steadily, graduated approach to independence.

Mr. Karl Jeffreys and Miss Janice Tuttle, representing the Texas Department of Corrections at Huntsville, said that the goal of the department was one of rehabilitation through a combination of vocational and academic programs available to inmates. They presented and outlined the more than forty vocational and academic programs available to inmates. Their film, Everybody Wins, clearly showed how the Huntsville system stresses both educational and job skills. It also made credible the notion that prisoners can and do integrate rather than endure the goals that are presented to them.

Mrs. Minnie Loera, representing C.U.R.E. (Citizens United for Rehabilitation of Errants), addressed herself to the problems the prisoner's family has in accepting the released offender. She stressed the need for gradual release—the offender needs to be released in degrees from strict control to eventual normal freedom.

In response to many interesting questions, the seminar panel revealed:

1. The most severe punishment as loss of freedom.
2. Huntsville has approximately a 30% rescidivist rate.
3. In Huntsville it costs $5.10 to maintain one man for one day.
4. A prisoner in Huntsville can earn twenty days "good time" for every 30 days properly served. If he becomes a trustee, a prisoner is credited with two days for every day served.
5. An adult co-correctional institute generally uplifts the dignity of both men and women residents.
6. Watergate affected inmates no more than it did the general population.

ALL THINGS CONSIDERED
REVIEWS ★ Ascent of Man ★ One

Ascent of Man

by D. Callahan

Last month Werner Heisenberg died.

I think it is important and appropriate to reiterate, not in my own words but in those of J. Bronowski's **Ascent of Man**, some of the philosophical implications of Heisenberg's now famous formulation of the uncertainty or indeterminacy principle. In a very real sense, Bronowski's work, which has been off and on Time's best seller list for two years, is an expansion of Heisenberg's principle of uncertainty.

The **Ascent of Man** is a personal biography of ideas originally in the form of thirteen television essays. Bronowski's point is that knowledge in general, and science and art in particular, do not consist of discovering and fixing for once and all the limits of man's perception. As Heisenberg mathematically proved in the field of quantum physics, the world is not a fixed, solid array of objects out there, for it cannot be fully separated from our perception of it. It shifts under our gaze. It interacts with us, and the knowledge that it yields has to be interpreted by us.

According to Bronowski, science and art originate from the same creative urge in man. Each represents not a different subject matter, but rather different methods of exploring the world. All knowledge, all information between human beings can only be exchanged within a play of tolerance. "There is no absolute knowledge. And those who claim it, whether they are scientist or dogmatists, open the door to tragedy. All information is imperfect. We have to treat it with humility. That is the human condition; and that is what quantum physics says. I mean that literally."

Man must not forget that knowledge depends on the method used to attain it. Bronowski recalls a time when this lesson was ignored. When Hitler arrived in 1933, the tradition of scholarship and scientific imagination in Germany was destroyed—the conception there that human knowledge is personal and responsible, an unending adventure at the edge of uncertainty, was aborted. The ironic tragedy of history here is that the march of progress in nuclear physics and the march of Hitler went step by step, pace by pace, in a way that we now forget. On the one hand, Heisenberg and other physicists were telling us that we can never be absolutely certain of what we know; on the other hand, Hitler was telling us that he was absolutely sure of his knowledge while at the same time slaughtering millions of people.

Bronowski tells us not to fear science. For science, with its principle of uncertainty, keeps us humble. "When people believe that they have absolute knowledge, with no test in reality, this is how they behave (reference to the Nazi concentration camps.) We have to cure ourselves of the itch for absolute knowledge and power. We have to close the distance between the push button order and the human act. We have to touch people."

One For the Road

by John Aldridge

It's that time of year again. With Spring comes Finals and the realization that soon you'll have to face Dad and explain the pitiful condition of your car. If you are seeking someone to smooth out those drunken dents, paint over those "parking -lot" scabs or erase the ravages of economizing with Gulf-tane and bulk oil, I offer you some honest men.

An honest garageman, like an interesting Secured Transactions class, is a much-sought, little-found commodity. I give you the best first. Mr. Krause, of **Lambco Body Works**, 8131 Bynum, does an excellent body and paint job. The last of a dying breed, he straightens bumpers, chrome, and doors instead of the modern method of selling you a new piece. A friend recently received $350 for an insurance claim. The complete work was done by Mr. Krause for $95.00. My personal experience was similar, although less dramatic.

Save the major overhaul on the motor for your parents. Sticking carburaters, tune-ups, shorts in the alternator, and other minor mysteries under the hood can be corrected at **McKula Motors**, a Texaco station at 1903 Bandera. (I know you've always been told that service stations rip you off, but make an exception!) Mr. McKula has two full time mechanics who work away in the back while his wife pumps gas. Mr. McKula seems to do nothing but monologue endlessly. I've had carbs rebuilt and starter work done there. All of it was inexpensive and well-done.

Check your spare. If it is flat, or if you need another, there is an incredibly cheap tire repair place on Culebra, between San Horacio and San Ignacio. It's not a place you'd leave your little sister, but they fix a flat for a dollar, sell a rim for $2.50, and will throw in a used tire for $2.00 more. I think they get a lot of repeat business from the nails in the parking lot, but dare the obstacles.

If you want the best prices on new tires, there's only one place. **Pfau's Tire Store**, at Evers and Harry Wurzbach Rd., sells name-brand tires for a discount. At any rate, balance your tires for the trip back. At $1.00 a tire for a bubble balance (guaranteed to 65 mph), its almost a public service.

Just as there are people in school who won't trust a canned brief, but insist on writing their own, there are also some few who insist on doing their own automotive work. If when you look under your hood you see a rational diagram of electrical circuits, balanced counter-forces, interrelated belts and comprehensible mechanical functions, then I suggest you drop by **Barne's Automotive**, next to the Round Table Club. He gives a considerable discount, is close to school, and is friendly as well. He will tell you to buy your oil from one of the grocery stores or Western Autos when someone like that has a sale. Barnes can't be beat for cams, condensors, solenoids, and other such questionables that the kid down the street always says is the reason for that noise.

This list is of course incomplete. Find a good backyard mechanic. Avoid dealerships. Don't be afraid of the good bargains on the South and West sides. Or, see these people and tell 'em John sent you. It won't make a bit of difference.

for the Road ★ Buen Provecho ★ Assault & Flatery

Buen Provecho

by Ruth Russell

Lupita's, infamous for its fine caldo (soup with squash, tomatoes, onion, corn, cabbage and beef), is a great place for lunch when you're downtown (though don't go at noon because the place is packed). One of its most admirable qualities, besides its unique atmosphere, is its homemade corn tortillas—hot, fresh, and a quarter of an inch thick (For you northern novices, corn tortillas are usually paper thin). The cuisine is simple, delightful to the palate and inexpensive. As it is located on 113 W. Houston Street, it's somewhat camoflauged by the neighboring commercial businesses, so look for the sign.

The 2415 N. Main location of **La Fonda** is the oldest of the restaurant's chain—as 's the clientele, definitely 60 plus. Waitresses, dressed in authentic Mexican garb, are most gracious, ever ready to laden your table with fresh, hot tostados (fried tortilla chips appetizers to be dipped in hot "picante" sauce), hot, steaming corn tortillas (the flat kind) and generally delicious lunches and dinners. La Fonda's N. Main location is dear to my heart because it features over 20 different combination plates ... from Polly Jackson's favorite No. 9: beef taco and chalupa compuesta (fried corn tortilla topped with refried beans, lettuce, guacamole, cheese and tomatoes(to Martha (Bill) Black's preference; No. 19: chalupa compuesta, cheese enchilada and chicken taco. Prices are moderate and the atmosphere relaxing.

Blanco Cafe, 1720 Blanco, is across the street from Casbeers (refer to Bits on Burgers by Mac). It offers one of the cheapest Mexican food luncheon specials in town. The service is good, food is great and it's never crowded. (Probably the best bet is the enchilada plate).

Speaking of enchiladas, I am compelled to refer you to **La Paloma Mexican Restaurant,** 3434 Fredericksburg Rd., where, to your gastronomical delight, you'll find the best in town. An order of 2 cheese filled devils is $1.40. I'll guarantee their satisfaction to the most discriminating palate. Buen provecho.

Posible que lo mejor de la comida mexicana en todo el mundo se encuentra en San Antonio.

Academy Lauds Show

Zanuck To Buy Movie Rights

by Joseph W. Weik

On Friday, March 19, Assault and Flattery 1976 was presented by the students of St. Mary's University, School of Law. To say that the show was a success would be an understatement, considering the excellence of entertainment presented. Aside from a few, minor technical difficulties, the presentation was a display of talent that was a tribute to all involved.

Under the direction and leadership of Claude Ducloux, twenty-six students practiced for weeks to present an evening of entertainment which kept a standing-room-only crowd in stitches for over two and a half hours. For those who failed to attend or for those who were turned away by the large crowd, the show was a continuous display of biting humor and lampooning in a format of skits and song-and-dance numbers with musical solos by a pair of St. Mary's loveliest young ladies. With the finale came a presentation of the Third Annual Earnie Awards to those faculty members cited for outstanding underachievement in their field.

At the ensuing afterparty, everyone agreed that despite the crowded conditions, the evening was a complete success: the weather was warm, the beer cold, the entertainment exceptional and Mr. Cantu's tuxedo added an air of elegance to the whole affair. The students and faculty should be proud of those involved in the show, for they will one day represent this school as alumni on the courtroom stage.

Advertising

(Continued from page 1)

time, under the ABA revised Canon 2, the Bars of the various states will have the opportunity to now allow attorneys to advertise in the classified sections or Yellow Pages of the telephone book and state "whether credit cards or other credit arrangements will be accepted; office and other hours of availability; a statement of legal fees for an initial consultation or the availability upon request of a written schedule of fees or an estimate of the fee to be charged for the specific services; provided, all such published data shall be disseminated only to the extent and in such format and language uniformly applicable to all lawyers, as prescribed by the authority having jurisdiction by state law over the subject."

To sum it all up, I'm pleased that the American Bar Association took a stand in Philadephia and did not postpone further action of debate of modifications of Canon 2 until the annual meeting of the ABA in Atlanta. Any further delay on this matter would have aggravated an already festering sore in the eyes of the public and the press. Four successive motions to defer consideration of the matter to Atlanta were defeated. After returning from Philadelphia, you should know that I issued a press release which generally praised the ABA's action in making some changes. That change, must necessarily now be approved by the State Bar of Texas before it will have any effect on attorneys of the state of Texas. The ABA is a voluntary membership organization.

While some will say that I am too radical on the issue, I frankly think that the "Tate substitute", as adopted, did not go far enough. It doesn't take a great deal of perspective or insight, to know and understand that the public will not be placated or satisfied by what the ABA House of Delegates did in Philadephia. It was pablum. To suggest that quoting or giving of a fee upon request is much different than what we already do, doesn't take into consideration common sense. I spoke for "Van Dusen 2" on the floor of the House of Delegates because I believed in it and believe that the public needs that type of change in order to believe in the legal profession. Our credibility is at stake. Our house is not in order. If we don't change with the times, the times will change us.

SBA Election Results

by Mary Lou Molenda

John Cornyn was elected president of the Student Bar Association on April 7, 1976 in an extremely close run-off with Andrew Leonie. Assisting in administration are Douglas Fraser, vice-president, Carter Crook, treasurer; and Linda Lampe, secretary. Senior senators include: Claude Ducloux, Melynda Giesenschlag, Michael Holms, Russel Johnson, James Pigg, Mac Secrest and Preston Silvernail. Mid-law senators are: William Crowe, Patrick Flochs, Robert Judd, Arthur Lewis, Mary Ann Oakley, Gregory Powers, and Eileen Sullivan. Current freshmen senators will be incumbent until the fall when the in-coming freshmen will elect their own representatives.

James Little was elected to represent St. Mary's University in the Law Student

George Skladal will represent seniors in the Honor Court and Timothy Johnson wil act on behalf of mid-law students. The two justices at large are John Covington and Jess Rickman.

Board Members Appointed

This past week both the Law Journal and the Legal Research Board announced the selection of new board members for the next school year. The new editorial board of the Law Journal for the 1976-77 academic year was presented at a reception in the classroom building with U.S. Senator Lloyd Bentsen as principal speaker and Guest of Honor. The New members are as follows:

EDITOR IN CHIEF-Lawrence Likar
MANAGING EDITOR-John Brantley
ARTICLES EDITOR-Jess C. Rickman
SYMPOSIUM EDITOR-Steve Hubbard
COMMENTS EDITOR-George Spencer
CASENOTE EDITOR-Alex Huddleston

The Legal Research Board conducted interviews and announced its new Board of Directors. The new directors are as follows:

CHAIRMAN-C.J. Madonna
MANAGING DIRECTOR-Peter Susca

BUSINESS DIRECTOR-Timothy J. O'Shaughnessy
CLIENT RELATIONS DIRECTOR-Kenneth O. Kreis

CLERICAL DIRECTOR-Kevin Reilly
ASSOCIATE DIRECTORS-William Routon - Rankin Tippins

The new board has announced its desire to work to establish a more active role on the law school campus and involve more students in the practical aspects of legal research. Writing assignments will be available during the summer sessions. Any student interested in doing practical reseach and receiving an appropriate remuneration for his or her labors should contact a board member.

Omega-Alpha

Here's to ole St. Mary's
To. S. & M. we cheer,
Such exquisite pain
As we explain
Why we love hating it here.

And to our administration;
Proud parents patting our backs,
Their concern makes us dizzy
All respect to Miss Lizzy
I suggest we should bury the ax.

And of course to our noble library,
It benefits some I know;
After long endless nights,
Small print and dim lights
It benefits most T.S.O.

And to our dear professors,
Leaders, counsels, friends, the best;
A swell bunch of guys
Pure saints in our eyes
(Please keep this in mind with our tests.)

Finally to all my fellow students.
In this years last edition
I'll raise one final cheer
And its the last one you'll hear
Because now you are all competition.

Zone of Danger Nabs Reporter

by Polly Jackson

As the smoke begins to clear, our roving reporter wanders into the wasteland. He is a stranger to the area, sent by a local newspaper to give objective coverage of the aftermath of this battle which has raged so fiercely for the past 2 months. "Can you tell me, sir, what this structure once was ?" "I think ... yes, I believe that was what they called the ... Law Library. Yes! I'm sure of it—you can tell by the smoking copy machines in the corners!"

Despite earlier reports of tremendous losses received from the participants, it appears that there are few casualties; however, many are dazed & are wondering about aimlessly muttering to themselves. "first, I'll zap 'em with Dave Snelling—then, Malinak & for the finale—.

Super Judge will overturn the jury finding right in front of their eyes!"

A peal of fiendish laughter splits the air ... "Not one of them got all 2,642 cases on points—55's across the board."

Snatches of past conversations still echo in the air — "our next assignment will be an opinion letter ... yes, Harold?" "well, if you want my opinion, I can tell you right now I think its all a big pile of ... oh, not that kind of opinion, huh?"

A big, fatherly type is gently questioning another (while surreptitiously trying to remove his fingers from the handle of coffee mug conveniently placed for sipping inside the mug)—"did you cite check this paper?" "Yes, sir, & it looked OK to me.

A group of angry citizens rushes by. "An outrage! No writ histories on United States Supreme Court cases! Why don't they do something about this library?" They are followed closely by an enraged man screaming "You can't use those—those are Witherspoon's jump pages".

The blond is sitting, repeatedly mumbling to herself "Yes, Col., I will be glad to answer your question concerning why you have to write this memo—because I SAID SO — I SAID SO" while the curly-headed one, whose gray hairs give lie to her tender years, stares vacantly into space, chanting softy "why didn't I remember? 250 hours a week. 8364 done & only 2731 memos left—why didn't I remember?"

The one with the crazed eyes has trapped the tall thin young man beside a battered drainpipe & is questioning him continually "What is your authority for this?"

One with a moustache sits astride the remains of a motorcycle sadly shaking his head "How could they plagarize ALR when I put my old memos on file—& the same issues even".

A young man clothed in what is apparently his last remaining article of clothing, an overcoat, sits reading comforting passages from a small white book "Cases 1:3:3 subsequent history ..." while the other curly headed one flips rapidly through the same book "A 'c' signal—now I just know I couldn't have told them that."

As the smoke clears even further, it is apparent that the building was once round with a center area rather like an arena. Suddenly the reporter realizes that there has been an audience for the battle who were previously hidden behind Procedure and Con Law books laughing uproariously at the show & shouting "We had to do it—we had to do it".

At this time, the skinny one with the braid walks by cracking a whip on which the blood stains are painfully obvious wondering "SS—now how did they guess—maybe it was heel—click practice." The reporter decides to question her. "Can you tell me if we are still in the zone of danger?" AHHHHHH! She runs off into the distance screaming The reporter determines that her R&W shield was defective—containing a dimple through which the zone of danger leaked. Query?: could she sue the manufacturer in strict liability/negligence/tort/contract?

Only in Texas

by Dan Edwards

On March 28, another truly Texas "cultural" event took place at the Lone Star Pavillion. Billed as the only one of its kind in the world, over 15,000 people and 250 armadillos showed up the "Second Annual Texas Open Armadillo Racing Championship."

The race itself was run on a carpeted arena in the middle of the Pavillion's drained cement lake. There were twenty-five elimination heats where 10 armadillos and their handlers were placed in the middle of a circle. The winner of each heat advanced to the semi-finals by having his armadillo be the first to cross the edge of the circle some twenty feet away. After the elmination heats, there were 4 semi-finals events, and then the final race.

The winner of the 1976 Open was Paul Estrada and his armadillo, Silverheels. Estrada said the secret to his win was waiting to capture the armadillo until the night before the race. Silverheels, a medium-sized "dillo", is a native of Canyon Lake.

To those who cannot see the fun in watching an armadillo scamper into a crowd of screaming humans, it is contended that you either 1) have not been in Texas long enough, or 2) you fail to see the art and hard work involved in getting an armadillo to move, much less run in a straight line. The antics and tactics are often outrageously hilarious, not to mention the celebrations of the winners.

Probably the most enjoyable part of the races is milling through the diversified crowd of people, listening to good music, and drinking a cold beer on a pretty day. So the next time you have a chance, get up, do some Remedies, and go have some real Texas fun. Remember—Only in Texas.

Pre-Grad Bar Exams Nixed ?

By Ken Kreis

This article is written basically for prospective seniors and mid-law students, and it concerns one aspect of the bar examination in which they may indicate an interest—taking the bar exam before graduation.

Rule V of the rules governing admission to the bar adopted by the Supreme Court of Texas state that a law school student is eligible to take the exam prior to graduation either if he has completed 80 semester hours from an approved law school and has dropped out of school for the semester in which he plans to take the bar, or the candidate makes application to a faculty committee of review to take the exam early if he currently is enrolled, and takes not more than 4 hours in the semester in which he is taking the bar exam, unless he has an L.L.B. or its equivalent. This 2nd alternative as applied to a school requiring 90 hours for graduation, means that a candidate must have completed 86 hours.

The faculty review committee at this school is comprised of professors Eugene Anderson, L. Wayne Scott, and Aloysius Leopold, who have established guidelines under their interpretation of the waiver requirements of Rule V, which they have published and placed on the north bulletin board located at the library entrance.

They state in this memorandum that they will entertain an application of a candidate with a minimum of 84 hours to take the bar if he has 27 months of residence credit in Texas, and if he has not completed the 27 month requirement of residence, he must complete 90 hours.

(Continued On Page 16)

Legal Research Reviewed

by Mary Beth Carmody

Well, its that time of year again, the freshman let out a great sigh of relief: appellate briefs are in and 1st year students can now state, as a matter of fact, that they have been "initiated" into law school. Legal research is over, now comes the final (?) test: its annual review.

The major criticism of the course is the same year in and year out, too much work for too little credit (1). That one credit could become the most expensive credit of anyone's academic and professional life, depending on the individual's approach. Should one decide to put forth their best effort, the result may be a multiple choice: (a) you may master the use of the law library, (b) you may master the legal writing style; and (c) you may go on to be a very fine lawyer. On the other hand you may do (a) and (b) of the above but very seriously damage your grade average, making (c) a very tentative possibility. If one chooses to "blow it off", he may fail to achieve any one of the above. In any case, the price of that one credit course is far greater than the $70 we pay for that hour.

Every freshmen has heard at least one upper-classmen tell him that we've got it easy this year. It's true that we had two fewer memos and were minus a Comment—but that's not easy, only easier. The lighter load was an improvement, but that does not mean that there is not room for more.

Another bone of contention has been the student teachers. Some mark too low, other's high—some are particular, other's not so much.

Well, these statements could apply to any and all teachers whether student or professional. Anyone accepting one of those positions is taking over the role of the "Kamikazi" pilot; they must have at least some masochistic tendencies. They put themselves in the position of being chastized, spit upon and become the butt of all jokes. Although some may have been better teachers than others, they all deserve a commendation for accepting the job at all.

There can be some improvements in this department, however. First, improved communication so that there is uniformity in the information disseminated to all involved. This would eliminate rumors and contribute to overall fairness in the program. I would also suggest more class preparation on the part of the teachers. I realize that legal research is a kin to "Hide and Go Seek", but a gentle shove in the right direction by way of a clear, concise classroom presentation might prove invaluable.

This course is a necessary and fundamental part of every law school education. It's about as close to being a lawyer as one may come in three years. In a survey of major law school catelogs, the emphasis seems to be the same. Notre Dame University spends a particularly large amount of space to this area. They empahsize legal writing in all three years, although the formal writing course (two year-long credits) is given in the first year. Beyond that, they combine it in regular courses. Most schools give only one credit per semester for a combination of Legal Bib and Research and Writing. The University of Houston, an exception to the general rule, gives one

(Continued On Page 16)

Professors Spirit of '76!

by Claude Ducloux

Harken, students, and you shall hear,
Of this peculiar review of our law school year.
Of classes and meetings, and courts that are moot,
Mock Trials and Red Mass and Leopold's suit.
A new class of freshman arrived unaware,
"Aha," said Francisco," Some more lambs to scare!"
They listened and briefed every case that was noted,
And fought off the sleep Dr. Reuschlein promoted.
Mr. Cantu, of course, won the hearts of his class,
Alas, friendship alone won't insure that you'll pass.
So make your own outline, like all of the rest,
And as for Francisco, well, just do your best.
Aloysius and Bob told of tails of the fee,
And leases and interests executory,
They spoke about "treasure trove," "gifts" with each lesson,
But their clothes only spoke of intestate progression.

Misters Walker and Scott had the tedious chore
Of teaching the subject best known as a bore.
But we must learn of pleadings, and judgments and fraud,
Thus spake Walker to "shock" us and fight off the nod.
Next came Red Mass, with choirs, and guests that came late,
And mixed drinks by streetlights, that both stopped at eight.
So off to the "Smuggler's" where merriment lay,
And on to the headaches the following day.
Moot Court and Mock Trial put our skills to the test,
Then on to the finals for some of the best.
For those who tried hard, but the plan didn't work,
The fault was quite clear: "The Judge was a jerk!"
You dare not take finals if you owe a dollar,
'Cause bad debts estop the aspiring scholar.

"I only used outlines!" some freshmen would holler,
As the size of their class grew increasingly smaller.
Our Seniors, of course, taught us apathy's ways,
Their block of inertia never ceased to amaze.
Whether programs or guest speakers extraordinaire,
Don't look for the seniors, 'cause they won't be there.
And then came the springtime with Ernie and Ed,
Time to write down the jokes that Dean Raba just said.
Then to listen to stories from Vince, Tom and Joe,
And repeat them on stage in a fun-loving show.
Then finally Law Day as finals time nears
And long-winded speeches that bore you to tears.
But the best day of all in this Law Year Review,
Is that day when we finally can say,
"Ahh, I'm Through!"

Catch 55 or Mad Hatter Goes to Law School

by Pete Dinelli

After over a year of total frustration, gnashing of teeth and attending classes, I have finally stumbled upon a theory that seems to explain this phenomenon of attending law school. The theory is entitled "Catch 55", or the "Mad Hatter Goes To Law School," and is presented now that all grades have been reported.

On the one hand, there is the student who briefs every single case assigned, writes his own outline as the semester progresses, and attends all classes faithfully. Naturally anyone who has ever attended law school has fallen into this catagory at least one semester. On the other hand, there is the "can" brief, commercial outline carrying law student who takes the maximum number of class cuts permitted and who smiles like the cheshire cat over the amount of work he does. Naturally, no one falls into this category, at least not during the first semester of law school.

Now you are probably saying to yourself that you know the theory, and that it is the first student who will be a success in law school and receive the high marks on exams. Bzzzt. Wrong, 5 point penalty.

So, what is Catch 55? It is as follows: If you work hard, brief every case assigned, attend all classes scheduled, make your own outline (complete with special bindings) and study, study, study, you will walk into an exam with a respectable knowledge of the material and get a low mark. You may even be unfortunate enough to get a "55". No doubt you knew the material well enough to get by the bar exam and practice as a knowledgeable attorney, but alas, you may never get an opportunity to take the bar!

On the otherhand, if you use every can brief you can get your hands on, study the "right" commercial or student outline available (naturally prepared by the first student discussed), skip as many classes allowed, and then some, you will do well in the course. You may even be fortunate enough to book the course. No doubt you will graduate on time and be able to pass the bar because of your perfected cramming techniques, but alas, you may be unable to practice as a knowledgeable attorney because you did not learn the material in law school which you were suppose to.

Now I ask you, does this theory have any merit? One final note before closing. Have you ever wondered why the library is round? Well, I must go now, for you see, I'm late, I'm late, for a very important class.

Law Day Awards

by Roland Jeter

The law school's annual Law Day was held, with awards being given from many organizations for various and sundry purposes.

At the top of the list was the presentation of St. Thomas More Award to General Alexander Haig. This is a national achievement award presented to an outstanding citizen of the nation. Recommendation is made by the faculty council, and it is restricted to judges, lawyers, law teachers, and laymen who have made exceptional contributions to legal education, the profession, or to government.

The Annual Rosewood Gavel Award went to Judge Carlos C. Cadena. This award is given each year to an outstanding jurist of the state or nation in recognition of his contributon to the Democratic process.

Paul Casseb received the Distinguished Law-Alumnus Award which is given by the Student Senate of the School of Law. It is presented to an alumnus who has distinguished himself by his efforts in the system of justice.

Phi Delta Phi gave their outstanding Faculty Member Award to Robert Hobbs. James Little was named as outstanding Freshman; Mike Park was named outstanding member; and Brian Sokolik was named as outstanding senior.

The Women's Law Association gave scholarships to Gail Weatherly and Eileen Sullivan.

The Leslie C. Merrem Award for the outstanding Delta Theta Phi member was presented to Peter Pagones.

Model Code Completed

The American Law Institute has announced the publication of the Official Draft of **A Model Code of Pre-Arraignment Procedure.** This statutory proposal addresses the major processes of pre-trial criminal procedure and represents a twelve-year endeavor to improve legislative formation concerning criminal justice in the United States.

The Model Code is a comprehensive statute that integrates recent Supreme Court decisions on police practices and criminal procedure with developing knowledge and views about sound law enforcement and criminal administration.

The proposals set forth in the Institute's Model Code are intended to encourage legislatures and rule-making authorities to evaluate their own criminal justice operations and to formulate such specific rules as they deem appropriate.

The Model Code examines present procedures in our criminal justice system, at different stages—from first police contact through arrest, from appearance at a police station to the first appearance in court, and from the first judicial appearance through pleading by the defendant. The Model Code also sets forth recommendations regarding procedures for identification and for search and seizure.

Nicolini Named Governor

by Kayo Mullins

Don Nicolini has been elected as the new 13th Circuit Governor for the 1976-77 school year at the recent ABA-LSD Annual Spring Convention which took place March 19, 20 and 21 at the St. Anthony's Hotel. As a member to the board of governors Nicolini will represent more than 10,000 law students in Texas, Arkansas, and Louisiana. He is the first St. Mary's student to hold this position.

At the convention Prof. Hobbs gave the welcoming address. Outgoing Lt. Governor Joshua Brown and St. Mary's representative David Pennella were given the Silver Key Award for Meritorious Service. The Silver Key is the second highest award given by the LSD. State Junior Bar President Pike Powers was the featured speaker addressing those in attendance on the recent ABA House of Delegates Convention in Philadelphia and developments which have taken place regarding the legal advertising controversy.

Federal Penal Code

(Continued From Page 1)

These efforts repeatedly single out a dozen or so provisions perceived—or misperceived—as negative in S. 1. This article is intended to provide a sampling of the numerous improvements contained in S. 1 and a brief response to some of the criticism.

IMPROVEMENTS

S. 1 represents a true codification that is, in short, a modern workable penal code. Some of the general advantages of S. 1 flowing from codification include:

1. All federal felonies presently scattered throughout the 50 titles of the United States Code are brought within a single title.

2. Overlapping offenses are consolidated.

3. Gaps in present law are filled.

4. Inconsistencies are dealt with in a more effective manner.

5. S. 1 is simpler than present law.

6. Similar offenses are consolidated and placed in a single chapter according to the type of criminal conduct.

7. S. 1 standardizes the terms and requirement of "criminal intent," by incorporating four carefully defined culpability terms.

S. 1 provides an improved framework for extraditing criminals who flee the United States by defining crimes solely in terms of the type of criminal conduct involved and stating separately the basis for federal jurisdiction. This method of defining crimes should also simplify federal prosecutions and prevent unjust multiplication of criminal charges.

S. 1 thus provides, through codification, numerous important general advantages for every participant in the criminal justice system.

A complementary goal of the codification process is substantive reform within the context of a sound respect for past judgments of Congress and the courts. Examples of reform efforts in S. 1 include:

S 1 carries forward in an improved fashion those parts of current law designed to protect and foster civil rights. Under existing law when interference with civil rights is by a private party, the prosecutor must establish a conspiracy. S. 1 eliminates that need. Under existing law only citizens are protected. S. 1 extends coverage to all persons. Under existing law, when a state official deprives a person of a constitutional right, the government must establish that that was his specific intent. S. 1 imposes a standard of recklessness as to the effect on a person's civil rights. One aspect of current law forbids some forms of discrimination against women, but where force is used to discriminate, the law only applies to racial or religious discrimination. S. 1 expands the section to forbid the use of force or threats of force to discriminate on the grounds of sex.

S. 1 contains improved provisions protecting the right to privacy, including prohibitions against private, non-consensual electronic eavesdropping devices, intercepting correspondence, and governmental disclosure of certain private information submitted to the government by citizens.

S. 1 contains improved rape provisions. In line with reforms being carried out in a few states, S. 1 expressly eliminates the requirement of corroboration of the victim's testimony, and severely restricts inquiry into the past sexual conduct of the victim. While not applying criminal sanctions to the sexual conduct of consenting adults, S. 1 expands coverage to protect against homosexual rapes.

S 1 provides better coverage for white collar crimes. It contains an expanded statute of limitations for concealable crime such as fraud. Realistic fine schedules insure that criminal penalties can not be written off as a mere cost of doing business. An improved means of collection of fines is provided by utilizing many of the devices presently used to collect taxes. A new provision is included to outlaw pyramid sales schemes which have bilked the public of hundreds of millions of dollars over the past few years. Fraudulent schemes can be stopped through use of federal injunctive provisions.

S. 1 contains improved provisions to fight organized crime. A new serious offense of operating a racketeering syndicate is included to supplement the offense in current law directed at organized crime.

S. 1 provides mandatory prison sentences for those who traffic in heroin or who commit felonies with firearms.

S. 1 provides, for the first time in federal law, civil hospitalization procedure for federal defendants who are found not guilty by reason of insanity.

S 1 contains an improved series of provisions relating to governmental corruption to deal more effectively with Watergate type situations.

S. 1, for the first time, creates an orderly system of sentencing in federal courts to replace the chaotic variety of existing terms of imprisonment and penalties often applied to identical conduct. There is provision for systematic sentencing distinctions between first offenders and professional criminals.

S. 1 places reasonable restrictions on the imposition of consecutive sentences.

S. 1, for the first time in federal law, provides for appellate review of sentences to help deal with wide disparity common

(Continued On Page 13)

Federal Penal Code

(Continued From Page 12)

under current law.

S. 1 incorporates the progressive features of parole legislation presently at the House-Senate conference stage. Imposition of a prison sentence under S. 1 carries with it an automatic parole component graduated according to the seriousness of the offense.

S. 1 would establish, for the first time in federal law, a program of compensation for the victims of violent crimes. This program would provide a means of financial assistance to the innocent victims of specified violent federal crimes, in an effort to recompense them for the losses sustained from personal injuries incurred as a result of those crimes.

The above constitute but a sample of the features of S. 1. The full value of the bill can only be determined by studying the document itself.

CRITICISM

Some individuals and groups have in recent months undertaken a concerted effort to bring about the defeat of S. 1. The basis for this effort is the belief that certain of its provisions are sufficiently defective to justify defeat of the bill without any attempt to amend it. For the most part, those who share this belief are motivated by a misunderstanding of the bill's provisions and their relationship to current law.

Foremost among the groups opposing S. 1 is the American Civil Liberties Union, (ACLU) which recently published a pamphlet entitled "Stop S. 1," outlining its reasons for opposing the bill. A brief analysis of some of the charges made in that publication will illustrate the misconceptions that are being spread about what the bill is designed to do would accomplish.

The ACLU states that S. 1 contains an "Official Secrets Act." It does not. Indeed, it basically continues the scope of provisions found in current law. Sections 112 through 1123 protect from disclosure "national defense information" to the same extent that current law protects from disclosure "information relating to the national defense." S. 1 contains a definition of "national defense information" more limited than the definition recommended by the Brown Commission, and certainly more limited than the undefined phrase in current law described by the Supreme Court as a "generic concept of broad connotations, referring to the military and naval establishments and the related activities of national preparedness." The ACLU points out that S. 1 provides a seven year penalty for a person in unauthorized possession of national defense information to fail to return it to the government—without pointing out that current law provides a ten-year penalty for the same conduct.

The ACLU particularly criticizes section 1124, which it erroneously states would impose criminal penalities upon "anyone who discloses classified information." In fact, this section makes it an offense for a federal public servant entrusted with properly classified information in the course of their duties, to disclose such information to a person not authorized to receive it. Unlike current law dealing with classified information, the recipient of such classified information—a newspaper reporter or editor—is expressly exempted from liability under the provision. Moreover, unlike the provisions of current law dealing with classified information, S. 1 provides safeguards in section 1124 to insure that the information was properly subject to classification, thereby preventing the classification system from being used simply to cover up mismanagement, corruption, or embarrassing facts. First, three high level officials, including the head of the agency classifying the information and the Attorney General, must jointly certify to the court that the information was lawfully subject to classification before an indictment can be returned. Secondly, the trial judge must dismiss the charge if he finds that the information was not lawfully subject to classification. In addition, the section provides that prosecution can not be brought thereunder unless an administrative review procedure was available to the defendant at the time of the offense, whereby he could have sought declassification and public release of the information.

The ACLU criticizes S. 1 for making it a crime in time of war to make false statements concerning the conduct of the military forces of the United States likely to create general panic or serious disruption. It speculates: "imagine, however, how full our federal penitentiaries would have been from 1965 to 1973 if that statute had then existed." In fact, an even broader statute did exist. The provision in S. 1 carries forward in a narrower form the offense presently punishable under the first paragraph of section 2388 of Title 18 of the United States Code.

The ACLU opposes the death penalty for any crimes, alleging it is violative of the Constitutional prohibition against cruel and unusual punishment. S. 1 carries forward current federal law by providing for the death penalty for murder, treason, and espionage under certain aggravated circumstances. S. 1 differs from current federal law that it eliminates the death penalty for rape and adds the death penalty for wartime sabotage of major weapon systems of means of dealing with large scale attacks. As some 34 states have done, S. 1 includes provisions designed to prevent arbitrary imposition of the death penalty to meet the criticism of the current system delineated by the Supreme Court in Furman v. Georgia, and comply with the Constitutional requirements of that decision. In the 93rd Congress virtually identical provisions passed the Senate, and similar provisions with respect to murder in the course of an aircraft hijacking were enacted into law.

The ACLU criticizes S. 1 for carrying forward that part of the Smith Act, held to be constitutional by the Supreme Court, dealing with violent over-throw of the government. S. 1 does this. It does it, however, in an improved form by incorporating the limiting language of the Supreme Court, by limiting the offense to incitement rather than mere advocacy, and by distinguishing, for penalty purposes, between leaders of subversive organizations and mere members of such organizations.

The ACLU complains that the riot provisions in S. 1 can be used to punish mere advocacy. In fact, the applicable riot offense is defined as causing a riot by incitement, and, unlike current law, the offense is not committed unless a riot actually results from the incitement. A riot is defined in terms of ten or more persons engaged in violent conduct that causes, or creates a grave danger of imminently causing, injury to persons or property. In addition, S. 1 narrows the basis for federal jurisdiction over riots.

The ACLU criticizes S. 1 for its provisions codifying the common law defense a public servant has to a criminal prosecution where the conduct engaged in by the public servant was required or authorized by law to carry out his authority as a public servant. This criticism is difficult to understand. Everyone has a defense to a criminal prosecution for conduct that is authorized by law. A different problem not noted in the ACLU pamphlet arises where a public servant mistakenly believes his conduct is authorized by law. Under current case law, a public servant has a defense based on the exercise of public authority, even though mistaken about his authority, if, in good faith he believed his conduct was authorized by the law and such belief was reasonable under all the circumstances. S. 1 carries this common law doctrine

(Continued On Page 16)

Council's Touch

by Tim Johnson

Last month San Antonio's beseiged city council passed an ordinance to regulate the operation of massage parlors and their patrons. The ordinance followed a campaign instigated by a local newspaper. Prior to passage the council held a public hearing which was predominately pro ordinance. The hearing was held at 10 a.m. on a Thursday. Naturally many of the working people who would oppose the law were unable to attend. Consequently the prepondernace of witnesses were elderly ladies, ministers and representatives of various religious organizations. One masseuse spoke and emotionally told the council that they were ingringing on her right to earn a living for herself and her children. She also angrily stated that she was not a prostitute and her feeling was that it was the secretaries that are paid only $2 an hour that are forced to hit the streets.

Councilman Rhode suggested the council move cautiously as an independent legal opinion pointed out that several constitutional questions were involved. Among these cited were the right of privacy, freedom of association and expression and people's right to work. The law as passed will require customers to register their names and addresses but will not require showing identification. Parlor personnel must keep all "privates" covered. No customer will be served whose genitals are exposed. Rooms can be only semi-secluded. In addition each masseuse and masseur must have a minimum three hours credit in anatomy and physiology.

Objections to the ordinance are many and seemingly well founded. Perhaps the most often voiced is that is adds another victimless crime to burden both the police and courts. Many question the need for the law, one letter noted that there has never been a valid study done that linked this activity and crime. The letter went on to charge that the council was "mired in the past and listening to a vocal and regressive minority." Indeed there has not been a single complaint filed by a parlor patron having been rubbed the wrong way. All complaints have come from people who imagine they know what goes on inside. Several have cited it as another encroachment by the government on personal liberties, an outright attempt at censorship and a try at legislating morality. The priorities of the council can best be described as muddled. The new law is guaranteed to produce litigation, something of which the city has an overabundance. Owners of at least two parlors have promised suits, when the ordinance takes effect in mid April. By then the council will be involved in another battle as they plan to enact a nude dancing ordinance.

Students Vie in Moot Court

by Linda Lampe

On March 25, 26, St. Mary's held the 21st James R. Norvell Moot Court Competition. The Norvell Competition is held each spring in conjunction with the Appellate Advocacy course taught by Mr. Orville C. Walker. Ten teams competed in this year's competition. The competition is sponsored by the Fourth Court of Civil Appeals.This year's winners of the Norvell Competition are Chris Lambros, Mary Ann Lipscombe, and Bill White. The winners received watches from the Fourth Court and will represent St. Mary's at the State Moot Court Competition in July. The judges of the competition were Judge Carlos Cadena and Judge Klingeman of the Fourth Court of Civil Appeals, Judge Franklin Spears of the 57th District Court, and Mr. Mote Baird, attorney and coach for the teams St. Mary's sends to the state and national Moot Court Competitions.

The final round of the Freshman Moot Court Competition was held on April 5th. Thirty-four teams participated in this year's competition which is conducted in conjunction with the Legal Research and Writing Course. First year students are given an opportunity to develop their oral advocacy skills of arguing appellate briefs in 2 teams consisting of two members. The judges of the competition were second and third-year law students. This year's winners of the Freshman Moot Court Competition are Larry Hayes and Tom Halstead.

Faculty 26, WLA 6

by Roland Jeter

The faculty used power hitting and clutch fielding to beat soundly the Women's Law Association in softball Sunday by a score of 26-6.

The afternoon began with a pep rally which was led by the WLA cheerleaders. Their inspiring cheers continued to rouse the crowd throughout the entire game, but it was to no avail. One spectator was so involved in the spirit of the proceedings that she poured a cup of beer on her head.

The WLA put up a valiant effort in their bid for softball supremacy, but the power hitting of Barlow, Taylor, Hobbs, and Dittfurth, and the artful base running of Leopold proved to be too much.

Charles Cantu, coach of the faculty, was heard to say that it was the best victory his team ever had (and the only one.). When asked what one single factor proved to be the turning point, Cantu answered that the beer served by the WLA was a big help. He also mentioned that the WLA third baseperson was a big motivating factor in getting his team around the bases. Well, every little bit helps.

ABA National Conference Examines Judge Slection

While the nation is again turning its attention to the long and complex process of selecting a President, the American Bar Association is undertaking a fresh analysis of the procedures by which the nation selects its most powerful non-elected officials, the life-time members of the federal judiciary including justices of the United States Supreme Court.

The new analysis began March 12-13 with the convening of an American Bar Association "National Conference on Selection of the Federal Judiciary" at Vanderbilt University in Nashville, Tennessee. Speakers and participants, Mr. Walsh said, included the most knowledgeable and broadly representative group ever assembled to study the federal judicial section process.

They focused principally on the role of the ABA Standing Committee on the Federal Judiciary which has, in cooperation with Presidents and Attorney General since the Eisenhower administration in 1953, investigated and reported on the professional qualifications of all candidates for federal district and circuit judgeships. The committee also has been consulted on nominees for the Supreme Court but until recent years was not asked to conduct full-scale investigations prior to the President's final selection of a nominee.

Conference speakers and participants included officials responsible for selection of judicial nominees during the administrations of President's Eisenhower, Kennedy, Johnson and Ford as well as chairman of the ABA Judiciary Committee during the more than 20-year period.

Mr. Walsh, who is a former chairman of the committee, a former federal district judge in New York City, and former Deputy United States Attorney General, said papers prepared for the conference provided a detailed analysis of the committee's procedures and discuss a number of proposals for improving and expanding them.

Mr. Walsh said the conference should not only help the ABA committee function more effectively in its role as advisor to the President on judicial selection, but hopefully will broaden public understanding of the selection process and lead to greater public interest in it.

Enrollment Levels

According to the American Bar Association law school enrollment, which had been climbing dramatically for the past decade, apparently has reached a plateau. Despite an over-all increase in enrollment at ABA-approved law schools for the current school year, net growth appears to have ended. Even though only one law school reported having any empty seats, many law schools showed fewer qualified applicants. Several law schools also reported a greater number of "no shows" in their first choice of admittees.

Enrollment in the 163 ABA-approved law schools last fall totaled 116,991, an increase of 6,278 or 5.67 per cent over the similar 1974 figure. Women again led the way with an increased enrollment of 22.07 per cent, to 26,737. They now comprise 22.85 per cent of approved law school enrollments. Minority enrollment also increased, but only by 4.12 per cent, to 8,676, or three times as high as it was in 1969 when comprehensive national figures were first collected.

While over-all enrollment increased, the pace has slowed significantly, indicating that net growth appears to have ended for student population as well as for the number of institutions offering law degrees. Many law schools showed a decrease in the number of applicants who meet admission criteria and several schools also reported more "no shows" in their first choice of admittees.

These facts seem to confirm the idea that law school admissions are slowing.

Letters

The editorial board is totally committed to producing a scholarly publication that will bring credit to our law school. We believe that the quality of the Law Journal is one of the most important yardsticks by which our law school is measured. Although, still a very young publication, St. Mary's Law Journal has rapidly grown in size and recognition. We realize the responsibility our job entails, and we promise to dedicate our total time and efforts to both maintaining and improving the reputation of the Law Journal.

The continued success of any Law Journal is dependent, not only upon a hard

(Continued From Page 2)

working board and staff, but also upon the law school faculty and student body. Fortunately, at St. Mary's the Law Journal has the full support of the Dean and faculty. An additional factor in the Journal's success is the moral support given to the board and staff by the student body. Although not all students actively participate in the Journal's daily tasks, we feel that each and every student realizes that he has a personal stake in the quality of the Law Journal, for as the Law Journal enhances the status of the law school, the prestige of the law school increases the reputation of our graduates.

The Editorial Board

Legal Writing

(Continued From Page 9)

credit for Legal Bib. and two for Research and Writing.

The most startling revelation was that many of the schools offered a course of Advanced Legal Research in one form or another. These courses include drafting such things as motions, complaints, contracts, conveyances, statutes and legislation, etc. There are some schools that, apart from the Journal, extend credit to intensive research projects on faculty requested and approved topics.

Over all, Legal Research and Writing is a very grueling experience. Not only must law students at St. Mary's pay their dues, but it is a common blight on law students across the nation. It is a very necessary tool in our chosen profession, it can also be a measure of success—that is—once you've done your "basic."

Federal Penal Code

(Continued From Page 1)

forward in a slightly narrower form.

Although this defense has been maligned by some as a "Watergate" defense, in fact, not one of the Watergate defendants would have been acquitted had the provision been in effect. These then are some of the issues in S. 1.

Exam Nixed?

(Continued From Page 8)

A denial by the faculty review committee is not automatically the end of the road for the prospective applicant, in that he may appeal to the State Board of Law Examiners. However, as a practical matter, the applicant must show good cause to support his application or appeal in order to have any chance of success.

Another factor to consider is that the majority of Texas law schools seem to be leaning toward the idea of abolishing the alternative of taking the bar exam prior to graduation from law school.

A further and definitive determination on the continuation of the policy of allowing pre-graduation bar exams may be issued sometime in the near future, due to the fact that the Supreme Court of Texas will be considering the wisdom of retaining this alternative. As such, there is a significant possibility that the pre-graduation bar examination for law students may soon cease to exist, although this is only speculative at this time.

Awards

(Continued From Page 1)

The Criminal Law Association presented the following awards: K.K. Woodley Memorial Scholarship— John L. Hubble; Outstanding Member—Kayk Martinez; Outstanding Mid-Law Member—Joe Casseb; Outstanding First-year Members— Tim Johnson and Ron Shaw; Certificate of Appreciation for Outstanding Service—Sue Biggs.

PAD presented Edward Halloran its award for the graduating PAD member with the highest grade point average.

The Witan regrets that as we go to press, the names of a number of Law Day Award recipients were unavailable.