1977

1977-1978 School Year

St. Mary's University School of Law

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Witan

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

On Human Rights

by Christopher Dodd

Mr. Dodd was first elected to Congress from the 2nd Congressional Dist. of Connecticut in 1974 at the age of 30.

A former member of the House Judiciary Committee and the House Science and Technology Committee, Mr. Dodd was, this year, appointed to serve on the House Rules Committee. Serving also on the House Select Committee on Assassinations, Mr. Dodd was recently chosen Majority Whip at Large.

Prior to seeking political office, Congressman Dodd served as a Peace Corps volunteer in the Dominican Republic and as an attorney in Connecticut.

He resides in Norwich with his wife, Susan Mooney Dodd.

It is a great tribute to our times that we have finally brought the issue of human rights out of the Dark Ages — that we have at last recognized that the problem of human justice is not merely an internal problem, but an international issue. At the Helsinki Oversight Conference in Belgrade, nations of the East and West are currently conferring on the Helsinki Accords and openly reaffirming that human justice is not a fact of life that people everywhere can take for granted.

There are those of us who have long believed that every individual has fundamental rights - freedom of religion, freedom of expression and freedom of movement. We have a great tradition in the United States of trying to improve the quality of life for our fellow man. It is time that we and other nations recognized that we have as great an obligation to guarantee fundamental rights as we do to improve the economic condition of those less fortunate than we. The scars one suffers as the result of being denied those basic rights are in many cases far more severe than the scars of physical pain and deprivation inflicted by a repressive regime.

Two years ago, as a member of the House Judiciary Subcommittee on Immigration, Citizenship and International Law, I traveled to the Soviet Union to discuss with Soviet officials a number of issues, including the immigration of Jews and other religious and ethnic groups.

As part of that trip, I visited the Vienna Transit Center and met a man and a woman who were on their way from the Soviet Union to Israel. I made a terrible mistake at that point. I asked them, through an interpreter, "Did you leave anyone behind when you left?" The interpreter asked the woman the question and she broke into tears; she could not compose herself. I didn't know what I had said to so upset her. Finally, the interpreter was able to understand her and

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"Something For Everyone"

Highlights of the 1977 A.B.A. Meeting

by Bill Crow

The American Bar Association's annual meeting convened last month in Chicago, and unquestionably fulfilled its advance promise of "Something for Everyone." From the excitement of initial registration on August 4 until the stunning conclusion of the President's Ball in the early hours of August 10, the meeting offered a broad spectrum of legal programs and special entertainment events to entice even the most cynical of legal minds. The ABA-Law Student Division, a branch of larger parent organization, was headquartered at the historic Bismarck Hotel and was host to voting delegates and student bar association leaders from more than 150 ABA-approved law schools in the United States.

Senator Mark Hatfield of Oregon, in the opening address to the Law Student Division on Saturday, August 6, decried the bureaucratic maze in Washington, D.C., and called on today's law students to put pressure on the lawmakers to simplify laws and government on all levels, and to eliminate administrative barriers which cause individual citizens to feel estranged from and neglected by the government which ostensibly exists to serve them.

In separate remarks to another gathering of law students on Sunday, August 7, CBS News Correspondent Fred Graham, himself a Yale Law graduate and a former undersecretary in the

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From the moment I could talk
I was ordered to listen,
now there's a way and
I know that I have to go.

Cat Stevens, Father and Son
Irving Music, Inc., 1970.

Witan Editorials

One nice thing about law school is that it makes one grow. Most everyone has a horror story to tell about a recitation — one time when he or she was mercilessly dismantled by a heartless professor in front of the entire class.

Of course this is unpleasant but I perfer to think of reciting as a form of baptism. It is an experience which, along with many other undesirable aspects, causes growth, a growth which is two-fold. The obvious area of maturation is a result of the teaching. The profs sometimes use reciting to transform the students habit of sloppy thinking into the most coveted habit of "thinking like a lawyer."

It works. By the end of the first year no one looks at life the same as before. That different attitude brings up the second area of growth — one's self concept. Even if a student is not in the top of the class, he or she knows that completing one year of law school is a feat few accomplish. This creates a sense of pride.

With this pride comes self confidence and self respect. By the end of the second year the student demands that others show the same amount of respect and confidence which he has for himself.

This demand for recognition is a large part of the problem WITAN has had with the law school administration in recent months. WITAN feels that we are respectable. We long to be treated with the dignity which we feel we deserve.

It seems ironic that the very people who bring about the change in our attitude are those who refuse to acknowledge it. We are told to act "professional" while we are treated otherwise.

The faculty council has decreed that WITAN is a part of the Student Bar Association. It also demanded that WITAN submit for it's approval a new constitution. We were told (through unofficial sources) what could and what could not be in that document.

When we point to the illogical stand by the administration of demanding a separate consitution for WITAN while also contending that the newspaper is part of the SBA, we are told not to advocate our position but to concede the issue. This hardly seems professional.

Not withstanding the irrationality of the situation, I am happy to report that WITAN has a new constitution and is looking forward to an exciting year. There will be articles by a few big names across the state plus more social and intellectual comments by professors and students.

I also want to remind everyone that this newspaper is mostly written by students and if there are no writers, there can be no paper, so please join in and help.

Viewpoints

Criminal Defense Lawyers

by D. Callahan

George Bernard Shaw said something about a gentleman being the ass who believes criminal law is a hallmark of civilization. Nonsense; I say one part of that sentence is not true.

Influenced no doubt by the silvery light of this summer's feminine moon whose rabbit face I only did discover and briefly love for the first time in thirty years, and after having spent two summers of apprenticeship with two Texas barons of the criminal court room. Anthony Nicholas and Roy Barrera, I would address Shaw's remark with the following observations:

1. The Federal Speedy Trial Act in those instances where the evidence to be admitted is massive, technical, or complicated gives an unfair advantage to the government, which has an indefinite time to prepare its own interpretation of the evidence before indictment, over the defendant who has after that time only ninety days.

2. Plea bargaining is the natural, best tool of a defense lawyer whose trial skill and legal expertise are both consummate.

3. Criminal Law practice is a business and a service; not in the alternative, but rather in the conjunctive. And so, the rich do not eventually pay for the poor.

4. That farmer wedded to his dairy cows grows no more ambitious or less tired of his bride than the criminal lawyer does with his presentation of a defense. Both spend in inordinate, yet necessary, amount of loving time wooing their ever demanding wives.

5. "If it isn't the law, then it ought to be" is not a proposition you can learn in law school. It's an attitude a defense attorney must be born with. A government of laws and not of men thereby properly faces that Copernican revolution wherein the earth revolves not the sun.

But which part of that sentence above is not true?

I still love that summer moon although her time is spent; civilization without its criminal law practitioners would truly, sadly, and in reality be a government of laws and not of men; and Shaw's remark is asinine.

"Need a mouthpiece? Call 325-8139"

Witan

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Contributors: Donald Bayne, Sue Hall, Christopher Dodd.

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

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St. Mary's University:

School Of Law

by Ernest A. Raba

EDITOR'S NOTE: *The following article appeared in the October 22, 1972 (Vol. 35, No. 9) issue of the* Texas Bar Journal *and is reprinted here with permission.*

IN OCTOBER OF 1927, the San Antonio Bar Association established and opened the San Antonio School of Law. The cover page of the 1929-1930 Bulletin refers to the school as "A Night Law School Under the Auspices of the San Antonio Bar Association."

Page six of the Bulletin reads as follows: "At the opening of the school in October, 1927, only the first year of law school work was offered. In October, 1928, the second year of law school work was also given. And the additional courses have been added, so that, beginning in October, 1929, the full curriculum is completed, and all three years of work are offered concurrently."

The Foreword of the Bulletin gives the reason why the San Antonio Bar Association established the San Antonio School of Law:

"All thoughtful persons recognize the necessity for the establishment and maintenance of high standards of admission to the Bar. The lawyers, through local, state, and national bar associations, are working toward raising these standards to a plane consistent with the dignity, duty, and responsibility of the profession. But, aside from a more or less tacit support of the college law schools, little has been done in a practical way to afford adequate means of instruction to those who desire to study law. Many who have not the privilege of attending the college law schools pursue their studies with only limited instruction or guidance, finally passing the bar examinations. Many of these are worthy and ambitious; and, given a good course of instruction, they would make more useful members of the bar than would otherwise be probable. Here, then, is believed to be an opportunity for the Bar to provide, for many, the only means of obtaining a thorough course of legal instruction, and, thereby, to make effective the desired high requirements for admission to the Bar."

The school was administered through a Board of Governors appointed by the San Antonio Bar Association. The Officers of the Board of Governors were: William Aubrey, Dean; A. N. Moursund, Associate Dean; John H. Bickett, Jr., Chairman, Board of Governors. The Faculty consisted of the following San Antonio attorneys: W. S. Anthony; Henry B. Dielmann; Marion R. McClanahan; Will A. Morriss, Jr.; O. M. Powell; Harold K. Stanard; Henry Lee Taylor; C. W. Trueheart; John D. Wheeler; and C. O. Wolfe.

The course of instruction covered 36 months. Tuition was $10.00 per month and classes met at the Bexar County Courthouse on each Monday, Wednesday, and Friday night from 7:00 to 10:00 p.m. The pre-law requirement for admission was a graduation certificate from an approved high school.

From 1930 to 1933, Dixon Gulley, W. F. Nowlin, Arley V. Knight, Leslie C. Merrem, E. S. J. Whitehead, and Lucian L. Morrison joined the faculty.

In the Spring of 1933, the San Antonio Bar Association and the St. Mary's University entered into discussions whereby the University would take over the administration of the San Antonio School of Law by October 1, 1934. The change was approved by the respective Boards of the San Antonio Bar Association and St. Mary's University, and the action of the San Antonio Bar Association was approved by its membership in a general meeting held on May 31, 1934, at which time the following resolution was adopted:

WHEREAS, The San Antonio Bar Association founded "The San Antonio School of Law" in 1927, and has conducted the school up to this time in order to attempt to meet a need in this community for an adequate course of instruction in law; and

WHEREAS, St. Mary's University of San Antonio now proposes, with the approval of the bar, to establish a school of law of university grade, which will better serve that need from the standpoints of the student, the Bar, and the general public;

Now, Therefore, Be It Resolved, That the San Antonio Bar Association shall discontinue "The San Antonio School of Law" at such time as may be fixed by the Board of Governors of the school, not later than October 1, 1934, and hereby expresses its approval of the proposed school of law of St. Mary's University of San Antonio, and hereby authorizes the president of the association to appoint an advisory committee of the Bar to cooperate with the University in the establishment and maintenance of the proposed school of law.

This changeover occurred during the University presidency of the beloved Very Reverend Alfred H. Rabe. It is significant to note that A. N. Moursund was appointed Dean and that the Very Reverend Sidney M. Metzger, S.T.D., S.J.C., was the first Regent of the School of Law, and that the following faculty members of the San Antonio School of Law continued on as members of the St. Mary's University School of Law Faculty: Henry B. Dielmann; Clifford M. Foster; Dixon Gulley; Arley V. Knight; Leslie C. Merrem; Lucian L. Morrison; W. F. Nowlin; John D. Wheeler; E. S. J. Whitehead; and C. O. Wolfe.

The admission requirements of the first freshman class of October, 1934, were raised from a high school certificate to 60 semester hours of college work. Tuition continued at the rate of $360 for the full course of instruction of 72 semester hours (the equivalent of $5.00 per semester hour).

When the St. Mary's University School of Law opened up its doors at 112 College Street, in the Fall of 1934, 31 part-time evening division students were registered, among them 11 freshmen, and the rest were second- and third-year students from the San Antonio School of

From The Bexar County Courthouse....

Law who continued their legal education under our auspices. St. Mary's was fortunate in getting the experienced faculty from the San Antonio School of Law.

When St. Mary's University opened its doors at 112 College, it did so without a Law Library. These were the days of the depression. Tuition income was low; the chill of Winter and the heat of Summer were very pronounced within the old limestone walls and the lighting facilities reminded one of a bleak and misty January day, yet there was enthusiasm, a dedicated and self-sacrificing law faculty and a will on the part of the students and their professors to survive the austere beginning and to make the Law School an enduring institution of professional and academic excellence.

Today it is almost beyond belief or comprehension that the year 1936-37 showed a gross income for the School of Law of $3,949.50, including the graduation fees; the year 1937-38 showed a slight improvement—a gross of $4,276.75, and this was the amount that was disbursed to the law faculty for compensation.

The year 1935 produced the first graduates from the St. Mary's University School of Law. These students had already completed two years of law work at the San Antonio School of Law. The official records reflect that the following were the members of this graduation class: George J. Boatwright, James Otis Herrington, Arthur William Jordin, Francis Cullen Sullivan, William Wright Tupper, and Bruce Waitz; the graduation class of 1937 produced the first law graduates who had entered the St. Mary's University School of Law in the first freshman class. These five graduates are as follows: Alfred Charles Baass, Archie Scales Brown, Jr., George Francis Keene, Jr., Joseph T. Kenny, and Ernest A. Raba.

In 1936, Henry B. Dielmann became the faculty representative of the School of Law to the University Administration and was appointed Dean in 1939, a position which he held until the war years. In the Fall of 1936, the School of Law opened its first day division classes. It was largely through the efforts of Mr. Dielmann that the first accessions of the Law Library were acquired, first, through the generosity of the late John Cotter Sullivan of San Antonio; then, in September of 1938, 5,000 volumes, consisting of the National Reporter System, and a large number of State Reports, were received from the Honorable Hobart Huson, who then practiced law in San Antonio, and is the famous scholar, philosopher, and author of Refugio, Texas. From time to time, other attorneys donated various law volumes to the School of Law.

The Barrister Club of the School of Law was established in 1939, with a "prewar depression" flare of individuality, the then popular recording, "San Antonio Rose," was enshrined as the Club's drinking song. Today the Barrister Club is the Student Bar Association of the School of Law and is charged with the responsibility of student government and activities.

At the outbreak of World War II, tuition has risen to $8.25 per semester hour. From the Fall of 1934, to the Fall of 1944, the highest enrollment peak was 54 students, with the low being 24, and the average about 35.

During the war years, enrollment hovered between 24 and 32 students. The day division was suspended and the School of Law again became a part-time law school. It was during this period of time that Dixon Gulley, Leslie C. Merrem, and Judge Raymond Gerhardt, now all faithfully departed, undertook to keep the School of Law from closing its doors at 112 College by performing the heroic task of teaching practically all of the law courses offered, and this with only slight remuneration. To these men, St. Mary's University is deeply indebted, for without them, it is very probable that there would be no St. Mary's University Law School today.

Came the end of World War II, and in January. 1946, Ernest A. Raba was appointed Dean of the School of Law under the administration of Very Reverend Walter F. Golatka, S.M., President of St. Mary's University. The University Administration charged the Law School with a complete reorganization to meet the accrediting requirements of the American Bar Association and the Association of American Law Schools. Day division classes resumed in September of 1946. The School of Law then had the Dean, two full-time professors, Mr. Gulley and Mr. Merrem, a part-time faculty, no librarian, and a pay telephone.

The School of Law was reorganized to meet the requirements of the American Bar Association and the Association of American Law Schools. In February of 1948, the school was placed on the list of schools approved by the American Bar Association and in December of 1949, the School of Law was admitted to membership in the Association of American Law Schools.

On October 22, 1949, the School of Law received its charter from the International Legal Fraternity of Phi Delta Phi, which authorized and directed the establishment of a Student Inn to be known as Tarlton Inn. The Inn was named in honor of one of the great contributors to the jurisprudence of the State of Texas, the Honorable Judge Benjamin Dudley Tarlton.

April 10, 1950, the National Senate of the Delta Theta Phi Law Fraternity directed and authorized the School of Law to organize and perpetuate the John J. Bickett, Jr., Senate at the School of Law. The local Senate is named in honor and dedicated to the memory of John J. Bickett, Jr., former Chief Justice of the Fourth Court of Civil Appeals.

With co-education, a legal sorority had to come to St. Mary's. December 13, 1952, Kappa Beta Pi Legal Sorority created, ordained, and established the Beta Lambda Chapter of the Sorority at the St. Mary's Law School.

A very successful venture, which had its origin in 1961, is Delta Alpha Delta, the law wives' club. Through Delta Alpha Delta, the wives of law

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Student's actively discussing the relative value of advance registration.

Criminal Invitation

by Frank Gerold

The Saint Mary's Law School Criminal Law Association, has once again, opened its doors to all interested people on the campus. The main purpose of the Association is to further student and faculty interest in criminal law and related fields. Towards this end, the various committees of the organization, plan activities that are both interesting and educational. Luncheons are hosted on campus, with invited speakers lecturing upon a wide range of topics in the criminal field—both in and out of the courtroom. In the past, both defense and prosecuting attorneys have spoken on trial tactics and strategy. Local judges have also come to lecture to interested persons at these afternoon functions. With topics ranging from police procedures, the hiring practices of the Federal Bureau of Investigation, and how not to get blown away in the courtroom, the interested student has the opportunity to supplement his classroom knowledge with some of the more practical aspects of criminal practice.

This September marks the first of the many planned activities of the Crim. Law Association. September 7th will see the first general meeting of the organization—giving all new and old members the chance to meet with the officers, and place their suggestions as to future activities. On the fourteenth, there will be the first monthly luncheon, hosting a guest speaker. One of the keynotes of this month is the scheduled speaking engagement of Richard 'Racehorse' Haynes—a prominent criminal defense attorney. This should prove to be a fine evening, and as interesting as the scheduled trip to the prison at Huntsville on the 30th of the month.

The Association has proven to be one of the most active organizations on campus in the past years. With new ideas, and new members, it should easily prove to be as informative and as much fun as it has in the past. Join up if you will, and even if you don't, most of the functions are open to the public so that all may derive some benefit from the sponsored activities. All students are eligible for membership, and the Association is open always to student and faculty interests and suggestions.

Placement News

by Sue Hall

The interview season is upon us again and we are looking forward to having some firms at St. Mary's that have not interviewed here before, as well as some old friendly faces. For those of you who are not familiar with the interview procedure, here is a quick rundown. Approximately three weeks before the interview, a notice will go up on the Placement Board (outside Library entrance) that it is possible to sign up for XYZ firm beginning that date. The interested student should then come to the Placement Office and sign up for an available time. Resumes are due in our office a week ahead of the interview date, and are sent to the interviewer in advance of the interview.

Each student is expected to remember his/her interview time. We do not send reminders, but an interview schedule will be posted on the interview room door and you can always drop by the Placement Office to check your time.

PLEASE NOTE: A student who has signed up with an interviewer is expected to keep the appointment. If the student for some reason cannot keep the appointment, we expect him to notify the Placement Office as soon as you know. If you do not keep the appointment, do not notify the Placement Office and do not have the world's greatest excuse (such as lying unconscious in the hospital or being kidnapped by a band of hostile Indians), you will no longer be allowed to use

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Poems

by Raymond A. Desmone

REBUTTAL

The law is not an ass.

That label,
and a scarlet letter as well,
must be borne
by the practicioner
who allows his pomposity
to overpower his intelligence.

TESTAMENTARY ELASTICITY

I, without ever knowing who I
should have been,
yet being of mind soundly
insulated
from the gainsaid sanities of life,
hereby do this Will declare:

Mankind's stupidity shall be
limited
just as is his intelligence,
and ignorance shall no longer be
ignored;

Everyone's legs shall be just
long enough
to touch the ground;

To all who respect their fellow
man
shall go respect in like kind
payable by themselves;

Everyone shall endeavor to be
what they were made;

There shall be no new leaves to
overturn; and

As a final testament to justice,
the promise will be kept,
and the meek shall inherit the
earth,
not the dirt.

ADMIRALTY JURISDICTION

It happens more frequently,
but just as sudden.
Rush-hour streets swollen with
people
rushing to the security of home,
like flood water rushing from the
floe
toward the freedom of the sea.
But then, just as often,
just as sudden,
unexplained,
or perhaps stirred by a
transparent moon
with tounge in cheeck
the flow rushes back.

MALSA Elections

by Elma Salinas

The Mexican American Law Student Association held its first meeting of the year last week. The organization elected officers ratified the proposed bylaws and passed a resolution that it be recognized as an official law school organization.

Officers for the present school year are: Pres.-Victor Negron; V. Pres.-David Garcia; Treas.-Sec'y.-Juan Aguilera; and Parl.-Shirley Gutierrez.

Professor Roberto Soto was selected by MALSA to act as the organization's sponsor.

The organization is planning a series of fund-raising activities to raise money for scholarship funds and to send two students to the national convention in Washington, D.C. this December.

Bickett Senate Takes National Honors

Delta Theta Phi Bickett Senate of St. Mary's Law School was honored at the Delta Theta Phi National Biennial Convention by receiving the Outstanding Student Senate Award for the second year in a row. Also honored were Joe Casseb and Pete Pagones, alumni of St. Mary's as the outstanding Delts of the year.

Elvis, We'll Miss You

by Joe Patane

Elvis Presley died August 16, 1977 of a heart attack at the youthful age of 42. Resident music expert Daniel E. Monaghan was crushed by the grave news. He commented, "Another great one has left us for rock 'n roll heaven." The king is dead but his spirit lives on.

Legal Eagle Development

by Frank Gerold

The embrology of a lawyer as seen from the early stages of development-the first of a three part series.

PHASE ONE: Freshman Fear

Freshman fear is not to be taken lightly. It is the most crucial and formative aspect of a budding legal eagle - tending to gather all insecurities into a writhing morass of paranoia. From the first minutes of life, a cloying fear of what is to happen tightens its coils about the ravaged minds of newcomers to registration. Picture once again, those first moments in line: counting the number of people with extremely thick glasses, those many with wan and sickly complexions hard earned in college cubicles, sunglassed eyes accustomed only to artificial lighting, well-thewed and tightly corded arms - the result of countless tons of book carrying. These experiences combine to form the first and most effective experience in the psyche of the budding eaglet.

At once, and quite symptomatically, the body tries to throw off this fear in a show of bravado. A certain, confident, joie de vivre facade is erected with impressive speed, and serves to hide the clammy confines of a tortured soul. Beads of sweat are casually wiped away and blamed on the Texas heat, or the sprint from the bookstores. Some are heard speaking about professors they will have, and there is visible clotting of people as they sidle up to hear the first of many rumors. Ah, the cool bliss of a good rumor! They say one rumor is worth a thousand repititions, but combined with the first symptoms of freshman fear (FF) it's easily worth ten times that amount. Permutations, combinations and mutated facts all combine in a rabid snowballing effect, and once again, the icy fear strikes deep into the hearts of all. Even the, the mystery darkens, because the unknown vocabulary of law takes effect. Everyone knows what a contract is, and what is a criminal or a partner, but what is a tort?

At this stage of development, the outer layer of the freshman mind hardens and will permit no further penetration until the next day - orientation will arrive to settle all matters. Everything will be explained, the initial fog will pass, and all will be well once again.

* * *

Registration day arrives with awesome speed, and the roar of the gathered legal eaglets can be heard far from the class building. There is a newfound sense of comraderie as people once again clot into future study groups. Strange faces, adorned in the latest clerking chic, hang about and lounge with red name tags pasted upon their bosoms. This is the upper class species, of the sub-family of orientation advisors. Both male and female advisors glide confidently about the halls, looking into familiar

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All Things Considered

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rooms and smile knowingly as they look at the incoming freshmen. A reddish mist of terror exudes from all their pores, the only audible words being property, future interests, and covenants. The fresmen gather pen and paper, and hurry into 'THE ROOM' in order to get oriented. The Dean stands up and reads Black's dictionary letter by letter, and introduces every faculty member and student leader who does the same. Finally, after three days of time warp, the freshmen are releasaed, only to gather signs outside to hear the 'TRUTH' about law school from last y ear's survivors.

At this point, the freshman is ready to absorb nothing. The mind is warped into a constant droning of the events of the past hours, and when dissected, manifests a consistency of melted fudge. The lucky few remember nothing, but the vast majority are taken like zombies into the library, books, shelves, and circular reasoning. The primary cell division has taken place in the freshman mind, and well armed with countless differing opinions, the Fear takes over complete control of all functions. At a given signal, the library disgorges a new breed of human onto the university campus, and glazed beings stumble home to begin the first of many briefs. Class begins the next day, and the Fear signals to all minds that they will be asked to recite on every case. School has begun.

FOLKLIFE FESTIVAL by Susan Wright

August 4th participants representing 30 different ethnic groups convened on the grounds of the Institute of Texan Cultures to celebrate their ethnic heritage. Thus, the Sixth Annual Texas Folklife Festival was off to a rollicking four days of food, music, dancing, folklore, crafts, and fun. As for food, the Festival offered an unlimited array of unusual foods—truly a gastronomic delight. Festival visitors were able to sample such delectible palate pleasers as souflaki (Greek shishkabob), taboole (Lebanese wheat salad), Kolaches (Czech Pastry), and lumpia (Filipino egg rolls).

To take your mind off of all those calories, the Festival kept its visitors throughly entertained with continuous shows on 7 different stages. The entertainment ranged anywhere from Lebanese belly dancers to bluegrass and progressive country music. Festival visitors were given the opportunity to participate in such competitive sports as chicken flying, watermelon seed spitting, corn shuckin', cow milking, and cow chip throwing.

In addition to the ethnic festivites, the Festival's pioneer area afforded visitors a chance to learn how to make lye soap, talk to a horsehair rope spinner, and watch East Texas axe men split shingles.

Although temperatures soared into the hundreds, no one really seemed to mind.

Life's Work

The journey north foretold
an untimely death, to the
west mine eyes confirmed
infinity.
During the interlude
I travelled as a whispering
interpreter between sea
and sky, leaving bits
of the dream along the
way, rags whipped limply
through the deserted streets.
The wind told my
Mother I would wander
my life away and come
home only to the Earth
in silence and ashes.

Edward Schroeder II

Skinned Knees and Texas Tea

by R.P.W.

On Friday, Aug. 26, the Law School suffered a severe shock! The Women's Law Assoc. dynamically demonstrated its expertise in yet another field of endeavor: Law School Mixer.

Faculty, students, and recent graduates congregated in the Pecan Grove to enjoy the libations and the company. From all reports thus far, it appears that a good time was had by all. Ten kegs of beer disappeared within the first two hours, 1,200 tamales were consumed; and the band played on...

We want to thank all who helped the W.L.A. through their generosity: Pearl Brewery (3 kegs); Lone Star Brewery (2 kegs); Falstaff (1 keg); Oscar Cisneros (2 kegs); Dr. S.T. Greenburg (1 keg); tamales from Mr. Salazar of Pan American Restaurant; Coca-Cola; Liberto's Specialty Co. (popcorn); Gulf Coast Distributing Co. (jukebox); and Texas Tea (one fantastic band).

Thanks also to those who donated their time and energy to our effort.

The W.L.A. also thanks Joyce and Marsha for their efforts in planning and production.

This is just the beginning of good things to come from W.L.A. We need your support to maintain the WLA as a viable organization on campus.

Come to our first meeting and see how much we can offer you and how you can help us as a member Sept. 13 at 7:30 P.M. in library 103.

Look for more tidbits about the W.L.A. and its activities in future columns.

Placement News

(Continued from Page 6)

the services of the Placement Office. (If you find yourself in this situation, and feel you were unjustly denied services, ask us for the Appeals process.)

The interviews this fall will focus on 2nd year students who are interested in summer clerkships and 3rd year students looking toward full-time employment. One firm, Matthews Nowlin, Macfarlane and Barrett, is interested in interviewing for regular law clerks who would begin working in January (as well as summer interns and associates), but they are the exception.

Following, is the list of employers scheduled to come on campus through mid-October. But watch the bulletin board, as we continue to have employers scheduling interviews.

Sept. 12, Groce, Locke & Hebdon (San Antonio) 3rd year) Sept. 14, Bracewell & Patterson (Houston), 2nd primarily (some 3rd); Sept. 16, Fulbright & Jaworski (Houston), 2nd, some 3rd; Sept. 20, Massachusetts Mutual Life Ins. (San Antonio), Primarily 3rd; Sept. 22, Cox, Smith, Smith, Hale & Guenther, 2nd & 3rd; Sept. 23, Internal Revenue Service - Honors Program, 3rd; Sept. 27, Civil Service Commission-information only; Oct. 6, ARCO-for landmen, 3rd; Oct. 6, Wynne & Jaffe (Dallas), 2nd & 3rd; Oct. 7, Ernst & Ernst, 3rd; Oct. 11, Matthews, Nowlin, Macfarlane & Barrett, 2nd, 3rd and for clerks beginning in January; Oct. 18/19, EXXON - landmen positions, 3rd.

Also this fall, we will be hosting Placement Seminars. The initial seminar will be held before publication of this issue and will deal with resume preparation and interviewing. We may well repeat this one in the spring semester. Other suggested topics for fall seminars are law clerking, (advantages, disadvantages, etc.), a panel of successful attorneys who did not graduate high in their classes, a panel of attorneys from a variety of types of firms, sole practitioners and alternatives to the practice of law. Watch the boards for these seminars!

Reflections From Thoreau

Unjust laws exist; shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse then the evil. It makes it worse.

Why is it not more apt to anticipate and provide for reform?

Why does it not cherish its wise minority?

Why does it cry and resist before it is hurt?

Why does it not encourage it citizens to be on the alert to point out its faults and do better than it would have them?

★ ★ ★ ★

The mass of men lead lives of quiet desperation. What is called resignation is confirmed desperation. From the desperate city you go into the desperate country, and have to console yourself with the bravery of minks and muskrats. A stereotyped but unconscious despair is concealed even under what are called the games and amusements of mankind. There is no play in them, for this comes after work. But it is a characteristic of wisdom not to do desperate things.

When we consider what, to use the words of the catechism, is the chief end of man, and what are the true necessaries and means of life, it appears as if men had deliberately chosen the common mode of living because they preferred it to any other. Yet they honestly think there is no choice left. But alert and healthy natures remember that the sun rose clear.

...To the Woodlawn Campus

(Continued From Page 5)

students promote a better understanding of the legal profession, provide intellectual activities for its members, and cooperate with the School of Law and the Barrister Club in law school activities.

In 1951, the prelaw entrance requirements were raised from 60 semester hours to 90 semester hours of college work. In January of 1954, the graduation requirements for the LL.B. degree were increased from 72 semester hours of law work to 84 semester hours of law work; in the Fall of 1961, the Law School Admission Test became a prerequisite to admission and the graduation requirements were increased to 90 semester hours of law work; then in the Fall of 1966, a Bachelor's or higher degree was set forth as a requirement for admission, and the LL.B. degree was phased out and pursuant to the recommendation of the American Bar Association, the J.D. (Juris Doctor) degree was substituted for the LL.B. degree, so that each law graduate could earn the professional doctorate in law.

There is quite a contrast from the early beginning in 1934 at 112 College Street and today. From 31 part-time students in 1934 to the fall of 1967 the School of Law had grown to 280 day division students and 120 evening division students; from a municipal, to a regional, and to the present national Law School. As of June, 1970, tuition had risen in 36 years from $5.00 a semester hour to the current $55.00 a semester hour. At the birth of the School of Law, 22 subjects were offered, or a total of 84 semester hours, but today there are 57 courses offered, for a total of 139 semester hours.

The School of Law occupied 112 College Street from October, 1934 to December 21, 1966, when it moved to temporary quarters in the Maverick-Clarke Building at 213 East Travis Street. This was a day of history for St. Mary's University, because it gave abrupt emphasis to the fact that 112 College Street had been abandoned—the only building in the City of San Antonio that had been used continuously for educational purposes for 114 continuous years, 1852 to 1966—112 was vacated so that the La Mansion Motel could be erected on this historic site.

One of the most important meetings that was ever held by St. Mary's University occurred at the Menger Hotel on May 11 and 12, 1964. The studied projection of the St. Mary's University expansion program for "academics" and "bricks and mortar" ("Education 6000") occurred here. Prior to that time, preliminary architectural work for a new Law Center to be located at 112 College had been done, but at this conference, which included the Executive Council and Academic Council of the University, the members of the St. Mary's Educational Foundation, and the Board of Trustees of the University, through the persuasion of Mr. Sylvan Lang, the plans were changed and the decision was made to erect a new Law Center on the Woodlawn Campus of St. Mary's University. The contract for the erection of the $2,400,000 Law Center was let to Guido Brothers Construction Company in October of 1966.

On December 19, 1967, the School of Law vacated 213 East Travis Street and finally came home to its parent institution on the Woodlawn Campus of St. Mary's University to occupy its new Law Center, after a long journey of one score and 14. The first classes were held in the new Law Center after the students returned from the Christmas Holidays in January of 1968. The School of Law endured and survived to achieve in the noblest tradition of St. Mary's University.

It might be well to summarize the chronology of events that have occurred at the School of Law since its occupancy of its present Law Center in 1968.

The full-time faculty consists of 15 members, with the authorization to make two additional appointments for the next year; the special instructional staff, consisting of judges and practicing members of the Bar in San Antonio, numbers 15. The Law Library has a large staff of 20 clerical assistants, and is administered by four experienced law librarians with professional degrees. In the Fall of 1970 a local chapter of Phi Alpha Delta was installed in the School of Law and named in honor of the late John Nance Garner. The Association of Criminal Law Studies came into existence and has been a most active group of students in various sponsored activities related to criminal law. The *St. Mary's Law Journal* published its first issue in the Spring of 1969, and has increased its publications from two issues to three per year, and now appears in *Shephard's*.

The late Dr. Katherine A. Ryan, an ardent friend and supporter of the School of Law for many years, endowed the School of Law with a Distinguished Law Professor's Chair. It bears the name of the Katherine A. Ryan Professorship of Law.

The evening division is being phased out and will very shortly be out of existence. Full concentration is being focused on the day division, which currently has an enrollment in excess of 500 full-time students.

The chronology of events indicates that St. Mary's University never lost sight of the great responsibility which it assumed when the San Antonio Bar Association transferred its school to the University. While at times the task seemed intolerable and vexing, nevertheless, the School of Law met the challenge and fulfilled its obligation to the Bench and Bar.

Human Rights

(Continued from Page 1)

told me that she and her husband had just left six children behind in the Soviet Union because the government would not allow the parents to take the children with them.

If this sounds extreme, I assure you it is not; it is a common occurence wherever human rights are disregarded. Given the choice, I am sure any one of us would prefer the pain of outrageous physical tortue over the pain of life-long separation from our families. What kind of government would perpetrate that kind of crime on its own citizens? And do we not have an obligation to see that everything possible is done to prevent such acts?

The rights to life, liberty and the pursuit of happiness, as guaranteed by our Constitution, should not be considered freedoms unique to those of us fortunate enough to live in societies where our representatives grant and protect those rights. They are rights which must be extended to every single human being, regardless of where he lives in the world; rights which we, as free people must do all we can to nurture and defend.

This year I was pleased to be able to express my views on the issue of human rights to representatives of the nations now assembled at Belgrade. I was asked by the Speaker of the House to officially represent the United States at the Council of Europe and, in July, at the 11th Session of the European Parliament (the legislative assembly of the European Commom Market), both of which were preludes to the present discussions at Belgrade.

When I returned from the Council of Europe in April, I told President Carter that I had found the Western European nations disturbingly timid in their unwillingness to call the Soviet Block Nations to account for non-compliance with the Helsinki Accords. I suggested that the President instruct the conferees at Belgrade not to be afraid to use their collective moral force in the world to call attention to this Soviet non-compliance with the Helsinki Accords, which guarantee more liberal immigration policies.

In the recent past, a combination of factors, including public pressure, apparently has resulted in the emigration of some people — Leonid Plyushch, Uri Podriachik, Hillel Khayet. In Plyushch's case, it is believed that the USSR wanted to quiet the protests on his behalf from the French and Italian Communist Parties. They might also have wanted to undercut the Second Brussels Conference on Soviet Jewry.

Throughout the European Parliament session, I noted a reluctance on the part of the Western European nations to become overly concerned about anything other than the most serious human rights violations in the Soviet Union and Eastern European countries. The factors of geographical proximity and possible trade retaliation create, on their part, a reluctance to pursue the issue too close to home. Instead, the western Europeans would prefer to talk about human rights in Chile, El Salvador, Guatemala and Argentina.

Despite, however, the European's hesitancy to discuss matters such as freedom of assembly, freedom of the press and freedom of movement, there was one major breakthrough during the session. As a result of the London Conference, we have agreed to make joint inquiries on behalf of individual dissidents or people who are political prisoners. This is something which has not been done in the past, and which I see as a positive outgrowth of detente.

I believe the Russians see this facet of detente as a direct line to the major powers of the world, not as a concept or philosophy that should be pursued with all nations. In 1975, after two weeks of discussion with the official Russian community, including

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HUMAN RIGHTS

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the Supreme Soviet, the Supreme Court and the OVIR office, and with the dissidents and refuseniks in Leningrad, Moscow and Kiev, it became very clear to me that detente as perceived by the Soviet Union is quite different from detente as perceived by the United States and other free nations. But without the USSR's agreement to respect the human rights of its own citizens, detente is only a one-way street. The Soviets' own policies at home express, more clearly than anything I could describe, their attitude toward detente.

I firmly believe there is no alternative to detente. I want to see detente pursued. Certainly, only good can come from a situation where the nations of the world can gather together, sit down at the table and discuss matters of mutual concern. I am hopeful that a reciprocal attitude will develop at Belgrade; an understanding that the solution to the problem of universal human rights is through a continuing and evolutionary process; that reasonable people can disagree without being unreasonable; and that we can and will put an end to the use of detente for nationalistic gain.

The days when nationalistic concepts prevailed in international discussions are behind us. No longer are problems such as unemployment, starvation or economic distress in other parts of the world "their problems." If people are suffering anywhere in the world from lack of human conditions, we suffer to some extent. The same is true of human rights. Human justice denied to some is eventually human justice denied to all.

I have heard it said many times that the Helsinki Final Act has no legal and binding effect. Whether the document itself is either legal or binding, however, makes no great difference. The most important effect is that we of the free world will be seen as willing to stand up and say that human rights and human justice must prevail and that we believe in and will act upon what we say.

Many of us loudly applaud the fact that, for the first time, a President of the United States has articulated the issue of human rights and has done so consistently — in his innaugural address, in his statements before the United Nations, and in his dealings with other world leaders. It is extremely important that this administration, as soon as possible, define and state more clearly its interpretation of the issue if we are to become forerunners in the cause of universal human rights.

We must recognize that we, all the people of the world, need each other desperately. A friend of mine, Senator Jack Schmidt of New Mexico, who was the last man to walk on the moon during the Apollo 17 Mission, described the earth from his lunar vantage point as "one helpless, fragile planet in the midst of millions in the vast eternity we call space." He told me that his thoughts at that time were of how much we need each other in a smaller world.

The interdependency that we will require as we approach the turn of the century will be incredible, with world poverty and hunger facing us and an energy crisis staring us in the face. As we cooperate to solve these problems, we must remember that the issue of human rights for all peoples is also a priority. It is important that we cease speaking just in terms of our own principles, desires, and concerns; we must begin to reflect on what the entire four billion of us living on this planet should and must seek to improve the quality of life for us all.

Visiting Professor Teaches Summer Trial Course

by Donald Bayne

Prof. J. Hadley Edgar, visiting professor from Texas Tech Law School, initiated the St. Mary's trial advocacy program during the first session this summer. Twenty students participated in the course, which was divided into two sections of ten students each. Class members were selected by lot from a list of fifty-four interested students. Each section met one afternoon a week for four hours.

Edgar is an expert on Texas procedure and evidence. Admitted to the bar in 1956, Edgar had an extensive trial practice in Amarillo prior to his appointment to the law school, with a specialization in personal injury defense and railroad law. He has written numerous articles on Texas procedure and is the author of the most recent Finkelstein procedure review.

Students spent the first week of class at the Bexar County Courthouse observing trials and courtroom procedure. The observation period began with jury orientation and a criminal docket call, then moved to viewing the trial of a rear-end collision case.

Following the observation period, classes were conducted in a trial format, with student teams representing imaginary litigants and Edgar serving as judge. Students were required to draft pleadings, argue motions at pre-trial conferences, and to examine and cross-examine witnesses. Each trial was videotaped, and class members were permitted to view their performance on the following day for their personal evaluation.

The trial advocacy course has been continued this year under the supervision of Judge S. Miller from San Saba, Texas.

El Presidente Castleberry

Professor James N. Castleberry was elected to a two year term of office as president of Phi Delta Phi International Legal Fraternity at the 43rd Biennial Convention in Florida this summer.

This was seen by many to be a defensive maneuver as his wife was recently invested into the Presidency of the San Antonio Conservation Society.

Endowed Speaker's Program For Law School?

A proposal is being actively developed which, if brought to fruition, would create an ongoing program to bring speakers of state and national prominence to St. Mary's Law School each year. The program as envisioned would be funded through grants solicited from various foundations.

Though still in its conceptual phase, the present thinking is to sponsor a distinguished individual speaker during the fall semester and a symposium of up to three speakers in the spring. The foci of topics for discussion would be those that are of current interest to the legal community.

The speakers' program will be developed by a joint effort of students and faculty.

PAD Names New Officers

Phi Alpha Delta International Legal Fraternity announces it's officers for fall '77.

Justice, Robert Aldrich; Vice Justice, Joe Gibart; Clerk, Pete Carroll; Treasurer, Richard O'Neil; Marshall, Larry Potter.

Red Mass At The Cathedral

The San Fernando Cathedral will be this year's site for the celebration of Red Mass on October 6th. A dinner and reception will follow at the CLC Cafeteria. The celebrations will commemorate the law schools 50th anniversary.

1977 ABA MEETING

(Continued from Page 1)

Department of Labor, expressed alarm that the traditional bar association (both on the local and national levels) continues to impose sometimes repressive restrictions on what the practicing attorney may communicate to the mass media, and cited the slow unraveling of the Watergate debacle as an example of traditionalist attorneys "stonewalling" for one another, with the tacit consent of the U.S. Attorney General and ultimately even the President—both former members of the profession. Mr. Graham questioned whether the American lawyer might be the only professional in the United States today, whose First Amendment free speech rights must be subjugated to his professional aspirations.

Vice-President Walter Mondale on Monday, August 8, welcomed assembly delegates to the first general convocation of the American Bar Association annual meeting, and was followed later in the day by U.S. Attorney General Griffin Bell, who called for expansion of the concept of "comity", to include not only an interstate respect for the laws of sister states, but also for a new international rapprochement, giving rise to a genuine brotherhood among nations and a respect for laws superceding national differences.

The highlight of the Law Student Division program was widely acknowledged to be a seminar on "Trial Techniques" of direct and cross-examination. In a mock trial presentation based loosely on an actual murder committed in 1966, the noted defense attorney, F. Lee Bailey, who in the past has defended such various clients as Patty Hearst, Dr. Sam Sheppard, and Albert di Salvo (the Boston Strangler), sparred with the equally celebrated prosecutor, Richard Sprague, whose most recent legal encounter involved the Congressional investigation earlier this year of the assasination of President John F. Kennedy. Whether one agrees with the brash flamboyance of either or these attorneys or not, one cannot help but be dazzled

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1977 A.B.A. Meeting

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by the individual style, wit, and elan that each displayed in what was an otherwise routine criminal matter.

Among other noted speakers at the annual meeting were Leon Jaworski, the Watergate special prosecutor who most recently was appointed to head the probe into alleged South Korean influence-peddling within the U.S. Congress; Alan Dershowitz, Harvard professor of law, who chaired a panel discussion of "Obscenity Laws and Freedom of the Press"; and the Honorable Shirley Huffstedler of the Ninth Circuit Court of Appeals, mentioned in the past as the first woman likely to be appointed to the U.S. Supreme Court, who was part of a forum discussing means of lessening the time necessary to decide a case on appeal to the federal court system. In addition, the National Appellate Advocacy Competition was presented in a close competition in which advocates from Toledo Law School finally prevailed over their competitors from Indiana University School of Law.

Workshops for law student division representatives and student bar association presidents were also scheduled between the major speaking events. In these workshops, ideas were exchanged on implementing a variety of novel programs on the local level, including prison visitation projects; police-law student community patrol units; and legal public service projects for the indigent. Election of national officers for the coming year was held on the final day of the annual meeting.

As to substantive legal issues, the Law Student Division steered clear of the lawyer advertising controversy, although the ABA House of Delegates opted for some degree of control by local bar associations over the situation in spite of the recent Bates & O'Steen decision in the U.S. Supreme Court. The ABA-LSD became embroiled, however, in what may eventually be an even more controversial area than lawyer advertising: namely, "affirmative action" programs and the inevitable charge of "reverse discrimination." In a resolution strongly urging the continuation of affirmative action programs affecting law school admissions and legal hiring practices to eliminate racial, ethnic, sexual, and economic discrimination, the Law Student Division condemned the current erosion of such programs in many law schools and in the job market today. The attempted dilution of the strong language in the proposal was overruled, and the resolution passed by a 121-7 margin. The Supreme Court will hear the controversial Bakke case in the October (1977) Term, which inspired the drafting of the resolution. (The St. Mary's delegate, Bill Crow, voted for the resolution in its original form).

In a separate matter, all but three voting delegates supported the disclosure of ABA law school accreditation board findings to those "interested persons" (i.e., law students) who have some economic stake in the "product" the law school "sells". At present the board findings need only be made available to school officials and administrative personnel. The author of the resolution argued forcefully that the student has a right to know as an "informed consumer" of any uncorrected deficiencies in the law school curriculum, the physical plant, and the like, which might bring less than a full return on his investment dollar in the "legal education marketplace." (Again, the St. Mary's delegate voted in favor of the resolution).

The ABA annual meeting was a well-planned, well-executed series of informative programs. Great care obviously went into the selection of speakers and topics. For those looking ahead to the possibility of attending a future convocation of the ABA, the 1978 meeting will be held in New York City, and the 1979 program will convene in Dallas.

Among the St. Mary's Law School participants at the Chicago meeting in addition to Bill Crow, were Dean Harold Gill Reuschlein; Greg Powers, SBA President; and Don Nicolini, the newly-appointed liaison to the Young Lawyers Section of the ABA.

Volume 5, No. 2 September, 1977

Witan

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

Nursing Care Abuse

by John Hill

Editor's Note: John Hill is the Attorney General of The State of Texas.

On July 18, I initiated a comprehensive investigation of Texas nursing homes. My first official act was to meet with a 28-member committee of special advisors and consultants to the attorney general on nursing home care.

We determined at that July 18th meeting to conduct a four-pronged investigation. First, to study current rules, regulations, and statutes governing nursing homes in this state to determine if they are sufficient to insure quality care.

Second, to conduct field investigations of individual nursing homes in every part of the state in order to develop an accurate factual picture of the quality of care being given to nursing home patients.

Third, to bring legal action against specific nursing homes whenever we find conditions that endanger the lives or property of nursing home residents which cannot otherwise be remedied.

Fourth, to conduct public hearings in various parts of the state in order to give members of the public an opportunity to express their views on nursing home care.

In the space of a few weeks, we have thoroughly investigated approximately 30 nursing homes and we have already concluded our first public hearing. But just with what we have learned so far, I must say that it's time for Texas to take a hard look at nursing homes.

Let's think for a minute about our friends and fellow citizens (70,000 in all) who are in our Texas nursing homes. The average age of these people is 78.

In most cases these 70,000 have made their contribution to this state. They have already rasied their children and grandchildren. They have completed careers which have helped keep our businesses, schools and communities prosperous and alive. More than 60 per cent of these people are poor, though many of them were not poor when they entered old age. Many of them, we have found, were made poor by the high cost of medical care.

The vast majority of these people have more than one

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The Lawyer As An Advocate

by Prof. Castleberry

"A lawyer is a hired gun" ... "a mouthpiece" ... "a jousting knight in the courtroom arena." These, and similar expressions, are frequently used by laymen to refer to the unique and essential role of the lawyer as an advocate for the client in the American judicial process of litigation. Such expressions, standing alone, are obviously misleading and fail to properly portray the lawyer as a loyal, dedicated, hardworking, diligent, resourceful, ingenious and fearless advocate for the client's cause.

Trials were originally conceived by civilized societies as a substitute for the resolution of disputes by physical force of adversaries, and the American system of justice is still essentially an "adversary" one. *Courts on Trial*, p. 80-81, Jerome Frank (1949), Princeton University Press. Under this system, if the facts, issues and rules of law

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The Golden Jubilee Red Mass (See Page 6)

Witan Editorials

There seems to be uniformity of opinion by those who have been subjected to the legal bibliography and legal research and writing courses that there is room for improvement in each. After much discussion with those concerned the following conclusions are reached and recommendations made.

Under the present method legal bibliography is taught to a class of 90 students using the lecture method. The professor, a la "show and tell," brings a book to class and talks about it. The student is then asked to perform one or two tasks out of the assignment book, and, if called upon, give the results of his effort orally. None of the assignments are graded. This seems to be like teaching one to swim by using only a damp washrag instead of a pool.

On the other hand, if I may continue my analogy, legal research and writing is like throwing the first time swimmer into the middle of the English Channel with instructions on how to swim written upon a quick disolving sugar cube. It is taught by burying the student under an avalanche of paperwork (all of which is graded) that, if done properly, requires 20 hours a week of work. For all of this one hour credit is given.

The structure of the first semester should be an initial six week period of lectures with homework assignments that would be corrected and returned. This would be followed by two memorandum problems, the first to focus on research skills and the latter on writing style and formal memorandum preparation.

For the second semester there should be a review assignment which would cover the basics taught in the first semester, two more formal memoranda and an appellate brief culminating in a mandatory moot couart oral presentation.

Additionally there should be no final exam in either course since the assignments provide an adequate basis for grade determination. With no final, each course could easily be terminated before Thanksgiving and Easter respectively, thus allowing the first year student that extra time to prepare for the finals in other course, something every student can use.

Witan

WITAN STAFF

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VIEWPOINTS

The Paper Law Student

by Douglas Wm. Wright and Gareth E. Shaw

The time to write resumes is here again with new interview schedules arriving every day. After spending three years churning out grades and taking part in activities, we must reduce our lives to one or two sheets of paper. Whether we like to admit it or not a great majority of us depend on that brief self-analysis to sell ourselves to the employer, knowing that a good resume is the only representation of ourselves, which we hope will favorably prejudice the interviewer prior to the interview. We certainly want to stress our assets and play down our liabilities, but we need to know where to draw the line between puffing and material misrepresentation when we begin to write.

Obviously, grades are of primary consideration. If our achievements in this area are not outstanding other endeavors such as writing for Law Journal, participation in Moot Court, S.B.A., or other law school organizations should be emphasized. It seems that many organiztions flourish this time of year as people scramble to join just in time to include this extra padding. Simply pay the price and the list of activities grows. This sort of window dressing is not uncommon and when it appears, who's to know whether a person has been a member two weeks or two years. When it comes out in print it looks the same. Unfortunately, the person who has devoted years of labor to the club receives no additional recognition. One's personal integrity is the sole governor of whether or not we choose to create the illusion of active service by last minute memberships.

To assure the maintenance of integrity and high moral standards in the legal profession a

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Panama Canal Treaty

Punto De Vista

by Eddie De La Garza

Websters Dictionary defines conservatism as the "disposition in politics or culture to maintain the existing order and to resist or oppose change or innovation with distrust." While many readers may consider this philosophy backward or outdated or suspect those who adhere to it as reeling in terror to an ever-changing world, I readily accept it and believe in the preservation of the status quo when the interests and security of the United States are concerned.

The proposed Panama Canal Treaty which would relinquish United States control of the canal on Dec. 31, 1999, should be viewed with distrust and alarm. At this point in time the government of Panama is headed by a pistol-toting Marxist who spouts forth Democratic principles but in reality abhors them. Gen. Omar Torrijos-Herrerea who came to power 11 years ago after overthrowing the freely-elected government at the signing of the Treaty on Sept. 7, 1977, quoted Abraham Lincoln and chastised our consitutional requirement of senatorial ratification, proclaiming that the people of Panama would vote in a nationwide plebicite to ratify the treaty. The truth of the matter is that Panama has never had free elections while freedom-loving Omar has been in power!

The President has assured the American public the United States will have the right to defend the canal, yet nowhere in the treaty is it stated. It is also

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Contra Punto

by Brad Wiewel

Not since the Vietman war have emotions been stirred to a higer pitch, than over the new Panama canal treaty. In fact, so much misinformation has emerged over what rights the U.S. currently has over the canal, and what rights it will preserve under the new treaty, that the record must be set straight once and for all.

The Panama Canal treaty signed in Washington last week is the culmination of 13 years of negotiations covering the administrations of Presidents Johnson, Nixon, Ford and Carter. The plan to be submitted to the Senate is not a wide-eyed liberal (probably communist) idea. Rather, is a reasoned response to a potentially explosive situation which could, if the treaty is not approved, plunge this country into another Vietnam.

Perhaps the most significant effect of the treaty will be the removal of the major irritant in U.S.—Latin American relations. To Latin Ameicans, U.S. control over the canal is regarded as a humiliating relic of the colonial era. In 1956, this country forced the British and the French out of the Suez. We are currently attempting to force the Israelis from occupied Arab land and white Rhodesians from their country. American cannot maintain a double standard and hope to preserve our credibility as leader of the free world at the

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Nursing Care . . .

(Continued From Page 1)

physical ailment. But perhaps the most important fact of all about these people is that many of them, except for the normal infirmities of old age, are fully capable of reasonably active lives.

Now, with these people in mind, this is what we found during our recent Dallas County investigation:

Several of the nursing homes investigated were found to be filthy in condition, including strong pervasive urine odors throughout the facilities. A majority of the homes investigated had virtually no activities program for residents. Medical care in some of these nursing homes can be called life-sustaining at best. Most of the homes had no physical therapy program. A majority of the homes investigated evidenced little regard for patient privacy. And, in all homes, we found clear evidence of too much emphasis being placed on paperwork compliance with the regulatory authorities. Registered nurses, licensed vocational nurses and activity directors are spending 50 per cent or more of their time doing paperwork, which results in the employes spending 50 per cent or less of their time actually working with patients.

We found one home to constitute such a threa to the lives and well-being of its residents that we were compelled to ask a court to put the home in receivership.

What concerns me most about these findings and about our experiences so far is that these conditions exist in spite of layer upon layer of regulation by the state and federal authorities. I am tempted to conclude that they may exist, in part, because of the layers of regulations. The local workers—those who visit and know the homes—have only the authority to recommend.

Let me illustrate what I mean: Studies have shown that a year or more of careful preparation before admission to a nursing home enhances the probability of survival during the first six months in an institution. And yet, we have found no nursing homes that are developing pre-admission counseling programs.

Nursing homes are now big business. With the advent of the Social Security Act in the 1930's, new methods of caring for our old began to develop. But the boom really took hold in 1965 turning the "mom and pop" homes of the previous 30 years into vast corporate undertakings replete with flow charts, corporate accounting systems, and in some cases, a listing on the "big board."

In the rush for profits, too frequently the needs of our senior citizens have been overlooked.

—The home should truly be "homelike"—not sterile, antiseptic, or reminiscent of a motel;

—It should be a lively place with many ties to the larger community, while simultaneously offering a quiet sanctuary for those who require it;

—Social services should be available both to the older person and to the family, along with a full complement of skilled rehabilitation personnel;

—Medical services should be available when needed, not just when the situation is critical;

—Trained listeners—not necessarily professional—should be available for the elderly to talk to;

—There should be a social and intellectual climate that makes it possible for the elderly who can and wish to do so to study, grow, and enjoy themselves;

—There should be freedom of action and a sense of community with a minimum of authorization and infantilization; and

—Individual identity and dignity should be maintained through social contacts, the presence of familiar possessions, and the exercise of personal freedom and choice.

Although this picture is admittedly incomplete, it is a far cry from the conditions we have found in many nursing homes in this state.

No one man or woman can solve our nursing home problems. Nor can any one man or woman solve those problems attendant with the development of an adequate, comprehensive health plan for our State.

It is going to take the work, effort and cooperation of all Texans interested in improving the quality of life in Texas nursing homes. Our investigation will continue for at least a year. During that time, any information, advice, or assistance that can be given will go a long way toward helping us insure that our fellow citizens in nursing homes will have lives of quality, dignity and respect.

Freshmen Elections

by Martha Tobin

Elections for the seven positions for Freshman Senator and one Honor Court Justice will be held Oct. 4 and 5.

Drawing for ballot positions was held at noon on Sept. 28. Any run-off necessary will be held on Oct. 7 and 8. The pools will be open in the Classroom Bldg. from 7:45 A.M. until 4:15 P.M. on all election days. All first-year students carrying 12 or more hours are eligible. For further information contact the S.B.A. Elections Committee.

Placement News

by Sue M. Hall

As most of you have probably noticed, on-campus interviews have begun. The schedule through the end of October was published in the last issue. For those of you who missed it, or forgot it, there is a listing of the firms and agencies in the placement office which you are welcome to come and see.

If you have signed up for on-campus interviews, don't forget your day and time. If you have any question, check with us.

Since the summer, the Placement Office has been assisted by a student placement committee. The core of the committee is from the SBA, but membership is open to any interested student. The committee is helping to plan activities of the placement office, such as seminars, to be discussed later, and is bringing student suggestions (a euphemism for complaints, demands, etc.) to me. The committee is very active and enthusiastic and has been a real help to the placement director. Anyone interested in participation on the committee should contact the chairman, T. Mastin.

"Placement Seminars Set . . ."

The seminar on interviewing and resume preparation held on Sept. 1 was quite successful and well attended. Skip Good of Groce, Locke and Hebdon and Bob Scott of Tinsman and Houser were the speakers, and told the audience what they, as interviewers for their own firms, look for from applicants.

Two additional seminars are planned to cover different areas of placement concerns for students. The first seminar will be a panel discussion on clerking for local law firms. We have invited the director of Bexar County Legal Aid Association—one of the major sources of jobs for law students—to participate on a panel which will include students who are currently clerking for local firms.

"How To Still Make Good . . ."

The portion of the school which is in the lower half in class standings (which, if you haven't thought about it, is half of the student body) is often concerned about job prospects and long-term career possibilities. In an effort to allay the fears of and increase the motivation of this group of students, the committee has planned a seminar on How to Graduate in the Bottom Half of your Class and Still Make Good otherwise known as "Class standings Notwithstanding, I am Standing on My Own Two Feet". This program is scheduled for Thursday, Oct. 11 at 7 p.m. in 103-104 Library. The speakers will be announced later.

Seminar Scheduled

by Kayo Mullins

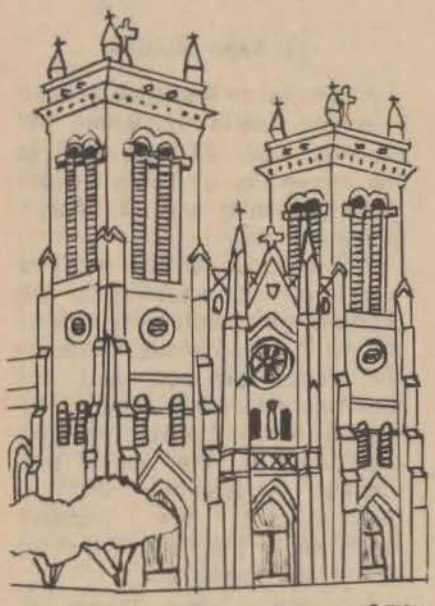
A seminar on the legal process in mental health and family law was held Sept. 27 & 28, 1977, at the University of Texas Health Science Center and St. Mary's School of Law.

The purpose of the seminar was to provide a format for the interchange of information dealing with new developments in the legal process and its interface with mental health. The discussion will be by prominent members of the legal and medical professions and is directed to the growing emphasis in the field of mental health and family law.

Moderators were Martin B. Griffen, M.D., Course Director; Lt. Col. James Corcoran, M.D.; L. Wayne Scott, J.D.; and Col. John C. Sparks, M.D.

Golden Jubilee Red Mass

by Dr. Reuschlein



SAN FERNANDO CATHEDRAL

This year 1977-1978 marks the fiftieth anniversary of the School of Law. The School of Law was founded by the San Antonio Bar Association in 1927, was operated by the Bar Association and was known as the San Antonio School of Law. In September 1934 the San Antonio Bar Association transferred its School of Law to Saint Mary's University of San Antonio.

In observance of the Golden Jubilee the twenty-fifth Annual Red Mass will be solemnized on Thursday, October 6 at 5:30 p.m. at the historic Cathedral of San Fernando.

The Red Mass has been celebrated as a legal and judicial tradition in England since the reign of King Edward I in the early fourteenth century. Liturgically, the mass is celebrated annually at the Cathedral of Saint Matthew with the justices of the Supreme Court of the United States in attendance.

At the Red Mass at San Fernando, Archbishop Furey will be the principal celebrant with a number of the Texas bishops assisting. It is hoped that Bishop Metzger of El Paso can be with us because of his early association with our School of Law. Members of the Supreme Court of Texas and of the Court of Criminal Appeals have been invited.

The music for the Mass will be sung by the Intercollegiate Chorale of Incarnate Word College. An address, replacing the usual homily, will be given by Patrick J. Kennedy, Esq., a member of the Law School Class of 1952.

Following the Mass a reception and dinner will be held at Saint Mary's with cocktails at 7:30 in the Pecan Grove and dinner at 8:30 in the University Dining Hall. The tariff is twelve dollars per person. At the dinner the annual Distinguished Alumnus Award will be bestowed upon Pat Legan, Esq., a graduate in the Law School Class of 1946. The dinner will also serve as the University's tribute to Dean Ernest A. Raba. Dean Raba became Dean of the School of Law in 1946.

Journal Notes

by David E. Chamberlain

Chris A. Hale, a third-year student, has recently joined the Editorial Board of the law journal as an Articles—Book Reviews Editor. Hale, a native of Austin, graduated from the University of Texas in 1975. Chris joins Bill Luttrell (Editor-in-chief), Robin Dwyer (Symposium Editor), Pat Kennedy (Articles Editor), Chay Rennick, Pat Swanson, Dave Chamberlain (Note-Comment Editor), and Robert E. Corlew III (Executive Editor). An outstanding associate editor, Hale is a welcome addition to the Board.

The second issue of Volume 9 is scheduled for distribution to students and subscribers sometime in the middle of November. Published student writers include Mary Beth Carmody, Steve Rible, John Hunt, Larry Canter, Susan Wright, Jerry Morrell, Curtis Vaughn, and John Gordon, Jr. Topics run the range from the new Texas Death Statute (intravenous injection) to Used Car Warranties.

(Continued on Page 22)

Skinned Knees

by THE R.P.W.

The Women's Law Association held their first meeting of the year Sept. 13. The Large and welcome turn-out of members revealed much more than just numbers of interested parties in the WLA—rather, as each member expressed expectations, and fears for the coming year, old and new members were able to understand what direction the WLA will and should take, for the future.

Such direction was solidified in plans to assist the New Women's Center, located on Woodlawn, here in San Antonio; and to attend the meetings of the newly formed organization of women lawyers in the city. Future seminars and activities will be planned from the information gathered at both of these functions.

The members of the WLA will also be joining the University Intramural Program and hope to compete in various activities such as tennis, soccer, volleyball and of course, the traditional softball game!

Members of the WLA were encouraged to join the task forces of political party of their choice in order to become active in the upcoming elections. Information as to who to contact and what to do will be provided by the WLA.

Additionally, seminars for freshmen on combatting the woes of law school are being set up and dates will be posted. All in all, the meeting afforded an avenue for communication, Communication, so that WLA can become the organization it's members perceive it to be.

This organization is not restricted women—everyone please come join us in planning and participating our activities.

LEXIS

by John McClung

The ancient philosopher Leibniz once stated, "It is unworthy of excellent men to lose hours like slaves in the labor of calculation which could safely be relegated to anyone else if machines were used." With this philosophy in mind, a leading company in the computer industry, Mead Data Central, set out to perfect a computer system which could be widely used in the field of law. The name of this system is LEXIS.

LEXIS can be best described as an entirely computerized legal library. At present, the system stores full texts of cases from ten states and various federal authorities. Further, Lexis contains codified law such as the United States Code and the Internal Revenue Code.

The first encounter with LEXIS is fascinating to say the least. The hardware is small, but sophisticated. A keyboard enables the user to communicate with the system and retrieved information is returned on a video screen. A printer is also provided if hard copy is needed. The entire installation is connected to Mead's data banks via a telephone line. The user dials the proper number, identifies himself to the computer and begins his search.

The LEXIS search strategy has both distinct advantages and disadvantages. The first step in the search is to choose a library and a file. The whole of LEXIS' stored information is divided into libraries such as "General Federal" and "States" for example, and within each library there are files such as "Supreme Courts" and "Criminal Courts of Appeal". Once the jurisdiction has been chosen the heart of the search commences.

In order to properly research using LEXIS the user must be able to present the computer with the proper words and phrases. When a word or combination of words is entered at the keyboard, the computer searches every case within the assigned jurisdiction and makes available all cases containing the word(s) entered. There are modifiers which may be added between word requests which will, for instance, retrieve any case which has word "A", but not word "B". There are also other means of making search requests more specific, but despite these aids, an improperly trained user will make two serious mistakes. One, he will not use the right words or may omit important words resulting in cases retrieved which don't satisfy his problem. The second error is to enter broad terms. For example, to research a problem in murder, the entry of the word "murder" would result in the retrieval of over fourteen hundred cases in Texas alone.

The point to be illustrated by running through the search routine is this: all direction to the research comes from the person using the machine. Manual research provides no high speed means of conducting research, but it does categorize the cases in indexes and other various aids. Nearly all the current subscribers to LEXIS use it only as a supplement to manual research. Does this speak for its highly limited application or is it more indicative of the users' awkwardness with a new, but effective style? If the answer is the former, LEXIS will not survive; but if it is the latter, we must focus our attention on the law school campuses.

Unless LEXIS and its search strategy become an integrated part of the study of law, its growth will be staggeringly slow, if not altogether devestating. The practicing lawyer cannot take the time to become highly proficient on the system. The cost to his clients is unjustifiable. Larger law firms can afford to pay specialists to use the system more efficiently, but certainly this practice is prohibited to practices of average size.

Now the issue boils down to the most basic matter of all, money. (Professor Francisco, are you listening) According to Dean Schmidt, neither St. Mary's nor most other law schools can afford to put LEXIS on campus. This is harsh reality which, like a brick wall in one's path, cannot be ignored. Perhaps to avoid a dead end the question should be started in another way. Can Mead afford not to put LEXIS on the law school campuses? If an econmomic concession could be made to institutions of education Mead and its system (not to mention the entire legal profession) would benefit in the long run.

Looking For Outlines

by Marian Marsh

Entering this institution as a somewhat "normal" first-year student of the usual sensitivities and intellectual abilities, my initial impressions of law school can hardly be compared with anything in my experience outside of it.

However, in the few spare moments I am given to reflect on the matter, I am somehow compelled to recall a certain literary work once much acclaimed by the smut-oriented faction of our society...the story of one naive female who willingly submitted herself to all sorts of revolting abuses, which need not be mentioned here, for the love of a man.

Similar to the preliminary reactions of generations of first-year law students, this lady was at first noticeably distressed by the situation, but, determined to achieve her goal, endured it, got used to it, and eventually learned to love it. The analogy ends here, however, because the poor girl loses him anyway. But we, if successful in law school, will have accomplished much—the ability to think, although at this point, that's just hearsay.

The first several weeks of law school are, indeed, quite shocking to the senses of the freshman, who wastes a lot of time in the beginning, as I did, doing what he or she learned to do best in undergraudate school—finding out how to get the grades without (a) having to learn anything, and (b) having to work as hard as everyone else.

I'll be the first to admit it—until now, I enjoyed a relatively easy existence. Little errors and failures to perform could always be covered for adequately to save face, job or grade point average. The distressing thing for me as a neophyte law student is the discovery that my former method of operation does not suffice here; and in order to avoid abject and utter humiliation, as well as the dreaded UNPREPARED notation in my little square on some professor's seating chart, I have to actually resign myself to not only just a "little work," but to a complete change of lifestyle to accommodate the performance of a lot of work.

In initial resistance to this vast undertaking of work, I immediately began my quest for a sure-fire technique to escape it, seeking out and interrogating "those who know," i.e. certain cooperative upperclassmen willing to talk. Naturally, I asked such absurd, complicated questions as "What's it REALLY like," and "How much effort do I REALLY have to spend to get through without destroying my easygoing demeanor and pleasant personality?"

Admittedly a typical first-year query. Nevertheless, several helpful individuals, for whatever motives, obliged me with advice drawn from their own experience. The most adamant suggestions were in complete contradiction, of course, but being a freshman, I ignored the obvious exaggerations and took them both to heart as viable options.

One person told me never to use cans or commercial outlines (ok, that's reasonable); study every waking moment, don't go to parties, don't go out on dates, don't drink any beer, stay in the library, even on weekends, until closing time, spend the night locked inside if you have to; etc.

On the other hand, another person warned me about a guy in his first semester section who was so terrified that he spent 16 hours a day studying until severe mental dysfunction set in rendering him socially, and in most other respects, slug-like. AND, he flunked out of school anyway. Therfore, this person told me, don't kill yourself studying. You can quickly acquire the ability to brief cases while indulging in more pleasurable activities like drinking "once you get the hang of it."

Of course I heard other advice of varying degrees between these two extremes. But, in light of my nature and previous philosophical approach to problem-solving, I immediately embraced the latter for my own course of action. I was extremely lucky that first week not to have been called on while "getting the hang of" the more liberal approach to law study.

But aside from so easily being misled, my impressions of first-year law school are mixed. Where else, can one, by pre-emption, quit worrying entirely about life's little problems, which used to keep one awake nights; so quickly lose habits once believed to be permanently fixed, like eating and sleeping; decline social invitations because one REALLY has to study; and be forced to acknowledge intimidation without threat of violence? And, where else are kindly professors suddenly de-personified and seen as ominous figures, simply because they hold the "power" over one's future?

But, in spite of all the work, coupled with the ever-present element of fear, I must admit law school is a lot more challenging and thus more stimulating, than any other endeavor made by me lately. However, I will reserve enumerating its more subtle delights until final grades are back, say, next January. Until then, if anyone has any more advice, you can give it to someone else; but I will accept quality student outlines for Property I and Criminal Law.

Editor's note: Grades can be expected around Easter not in January.

All Things Considered

Cosmosis

Totality.
An astounding notion
Incapable of being contained,
But not unascertainable.

You above all creatures
Can understand it,
Can feel it,
Can be it.

You are total
Because you can assimilate
The nine bodies of the universe
Into the nine openings of your
Being.

You are the universe,
You are total,
And you should be

Raymond A. Desmone

Blessed One

Blessed one,
wilt thou dwell here always,
where the ghosts all have faces
and the winds's heart is broken.
Must I fly from thee
pledged as Sorrow's bridegroom
Strange,
her touch is barren, whose tears
are ice.
They weary of wandering, who
sow in winter
will ever again you seek?

Blessed are the lonely
for they shall truly
overthrow this kingdom.

Edward Shroeder, II

Uncle Jimmy Goes To Washington

by Raymond A. Desmone

Editor's Note: This story is adopted from The Man and His Boots by Joel Chandler Harris, to whom we apologize.

As the sun sets we find Uncle Jimmy and Ms. Amy sitting on the porch of the plantation down in Plains.

"Unca Jimmy how come you're always telling stories about animals? Don't you know as much about people as you do about animals?"

"Wal Miz Amy, ah don't cotton to no stories 'bout folks. Ah don't like em 'cuz folks caint play no tricks wifout hurtin' sumun's feelins, er breaken' de law, er goin' agin' de good Lawd's commamints, 'speshly in Washintin.

"Jes ta show ya what ah'm a meanin' by dat, ah has ta tell ya dis chere tale. One time ole Brer Bert wuz goin' down de road wif a wagginload uf carrots. Wal, dat rascal Brer Rabbit deecided dat he waz goin ta trick Brer Bert outta dem carrots. When he seed old Brer Bert comin', he lays down in de road, an when Brer Bert passes by he run aroun' up de road a piece an lay down in de road again. Wal, ole Brer Bert he ain't no fool, he knowed det one rabbit won't make no meal so he jes pass on by de firs' time he seed Brer Rabbit. But when he git on up de road an seed another rabbit, he knowed he had hissef a good meal. So, he lef de waggin right thar an he goed on back down de road fer ta fetch up the firs' rabbit. As soon as Brer Bert waz roun' de corner, Brer Rabbit gits up an takes all dem carrots.

"Wal, Miz Amy, ole Brer Bert ain't perzakly crippled under de hat, so he figgered he could be as tricky as wut Brer Rabbit wuz.

"So, one day he got hissef appointed as D'rektir uf de OMB an goed off ta Washintin. Wal, one day he got hissef a $50. gov'mint bond an went off ta sit by de side uf de road. In no time atall, he seed sumun comin' down de road wif a wagginload uf intrest free loans. So, he ripped dat gov'mint bond in half, an put one half in de road an hid hissef in de bushes.

"When de man in de waggin come 'long an see de half uf de gov'mint bond, he stops de waggin an sez, 'iffin' tother half wuz 'roun chere ah'd git dat bond, but half a gov'mint bond ain't worf nuffin', nohow'. So, he jest set out down de road. Wal, right den ole Brer Bert high tailed it on ahead uf de man in de waggin, an put tother half uf dat gov'mint bond in de road, an hid hissef in de bushes agin.

"De man in de waggin come along an seed t'other half uf de gov'mint bond. He done stopped his waggin an went back ta git de firs' half uf de bond. While he gone, Brer Bert snatched up all dem interest free loans, and hid em. Den he came back ta de roadside ta see wut da man in de waggin goin' ta do.

"When de man come back ta de waggin, he look at de empty waggin, den he look at de two halves uf de gov'mint bond, an den he laffs, and laffs. Jes like a crazy man. Brer Bert caint figger out why dis man is laffin. So, he goed out in de road an say, 'wut yo laffin' about?', and de man say, 'dis chere gov'mint bond'. Brer Bert goed up ta de man an say, 'ah caint see nuffin so funny bout a gov'mint bond. Fact is, one time ah had me a gov'mint bond an ah didn't even git a chuckle offin it'.

"De man say, 'you'd laff louder den me if yo picked up wut you thunk wuz a $50. bond an it turned out ta be a $50,000 bond.' Ole Brer Bert say, 'lemme see dat bond, ah los' one jes like it yistiddy on my way home fum de Senate Hearings'. De man in de waggin ax Brer Bert, 'is yo sho dis is your bond?' Brer Bert say, 'Sho ah is sho, an ah kin prove it.' De man in de waggin say, Wal, git in de waggin wif me an show me de proof.'

"When Brer Bert git in de waggin, de man show him his F.B.I. card an took ole Brer Bert up to de Senate Committee. Dat committee kep' Brer Bert thar fo

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The Lawyer As Advocate . . .

(Continued from Page 1)

most favorable to the respective parties to the controversy are carefully, diligently and earnestly studied, and are presented and argued to the judge and jury by competent attorneys for the parties in a true "adversary" proceeding, the strengths and weaknesses of the positions and contentions of the opposing parties will be more likely to be properly ascertained and evaluated, and therefore, it is a process which is likely to yield the desired "justice."

It is unfortunate that many laymen, and even a few lawyers and law students, fail to comprehend the role of the American lawyer. Some of them view the lawyer as one who should instantly provide "THE" answer or solution to any and every controversy. Others envision the lawyer as one who dispenses "justice" for all who come to him. Those who suffer from this "Solomon Complex" simply fail to understand that effective representation of a client in any matter in controversy necessarily requires the lawyer to be a competent and effective advocate for the client's cause rather than one who considers himself capable of "dispensing justice" in the matter. Two Texas attorneys, Rochelle and Payne, observed in their article, "The Struggle for Public Understanding," in 25 Texas B.J. 109, 159 (1961):

> Too many do not understand that accomplishment of the layman's abstract ideas of justice is the function of the judge and the jury, and that it is the lawyer's sworn duty to portray his client's cause in its most favorable light.

Mr. Justice Branwell correctly and succinctly stated the premise over 100 years ago in Johnson v. Emerson, L.R. 6 Ex. 329, 367 (1871):

> A man's rights are to be determined by the Court, not by his attorney or counsel. It is for want of remembering this that foolish people object to lawyers that they will advocate a case against their own opinions. A client is entitled to say to his counsel, "I want your advocacy, not your judgment; I prefer that of the Court."

E.C. 7-1 of the American Bar Association Code of Professional Responsibility states that it is the duty of a lawyer, both to his clients and to the legal system, "to represent his client zealously within the bounds of the law ..." What are "the bounds of the law?" During the famous trial of Queen Caroline in 1820, Henry (later Lord) Brougham as one of the counsel for the Queen made it clear in his opening statement for the defense in the House of Lords that if the defense of recrimination against King George IV (who was trying to divest himself of the Queen on grounds of adultery) became necessary in the case he would not hesitate for a moment to fearlessly perfom his duty:

> ...that an advocate in the discharge of his duty, knows but one person in all the world, and that person is his client. To save that client by all means and expedients, and at all hazards and costs to all other persons, and amongst them, to himself, is his first and only duty; and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others. Separating the duty of a patriot from that of an advocate, he must go on reckless of consequences, though it should be his unhappy fate to involve his country in confusion.

Brougham was, of course, clearly indicating his recognition of his duty as a lawyer to introduce evidence not only of the King's adulterous relations with Lady Jersey and others, but also his secret marriage to the Roman Catholic Mrs. Fitzherbert, which under the Act of Settlement could result in a forfeiture of the crown, should he feel it necessary to do so in order to fully protect and defend his client. 2 Trial of Queen Caroline 7-8 (1921).

The Code of Professional Responsibility recognizes, in E.C. 7-2 that the "bounds of the law" are sometimes to difficult to ascertain in a specific case because of changing or developing Constitutional interpretations, ambiguous statues or judicial opinions, changing public and judicial attitudes and the application of the law to varying fact situations. E.C. 7-3 of the Codes of Professional Responsibility provides that where the bounds of law are uncertain, the action of a lawyer may depend on whether he is serving as an advocate or advisor.

> ...a lawyer may serve simultaneously as both advocate and advisor, but the two roles are essentially different... while serving as advocate, a lawyer should resolve in favor of his client doubts as to bounds of the law...

The Code also points out, in E C 7-4, that

> The advocate may urge any permissible construction of the law favorable to his client, without regard to his professional opinion as to the likelihood that the construction will ultimately prevail. His conduct is within the bounds of the law, and therefore permissible, if the position taken is supported by the law or is supportable by a good faith argument for an extension, modification or reversal of the law. However, a lawyer is not justified in asserting a position in litigation that is frivolous.

Recognizing that the parameters of "the bounds of law" are sometimes obscure, the Supreme Court of Michigan has held:

> There are a large number of gray areas in the law. When a question is doubtful, the lawyer's obligation to his client permits him to assert the view of the law most favorable to his client's position...
>
> We agree with Corace that our adversary system "intends, and expects, lawyers to probe the outer limits of the bounds of the law, ever searching for a

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Legal Force Development

by Frank Gerold

The embryology of a lawyer as seen from the early stages of development—the second of a three-part series.

PHASE TWO—Sophomoric Cool

The first portion of this monograph dealt with the symptoms and behaviour patterns induced by Freshman Fear in the budding legal eaglet. Unfortunately, science has not as of yet developed the technology that can accurately measure and record the frenzied activity of the standard eaglet, once classes begin. The first year passes with great rapidity, and the first opportunity to observe the changes in eaglets arrives with the proverbial Sophomoric Cool.

For the benefit of those historians among us, the term Sophomoric Cool has had a colorful debate raging for several decades as to its origin. More recent authors have persisted in applying the general term to all stages of the mid-law career. Up-to-date research had now proven conclusively, that the 'Cool' refers to two distinct behaviour patterns in the reasonable prudent mid-law, and in this portion of the monograph, this reporter will attempt to manifest the differences between the two—and hopefully resolve all of the present-day arguments.

The first days of mid-law ealetism show a small proportion of advanced eaglets compared to those still in bud. The majority exudes a dullness of wit and tends to has over the grading policies of the first two terms of school. At this stage, the average eaglet shows an increase in girth due to the summer's relaxation, and there is an all-ervasive hangover of unbridled hedonism in the minds of all. Slowness of speech, late understanding of jokes, and a quiet shuffling through all necessary body movements are characteristic of this first stage of the 'Cool'. It is because of this easygoing, relaxed attitude of the mid-law eaglet, that the term first derived its history. Early observers drew analogies between rates of chemical reaction in declining temperature mediums, and the phenomenon of Sophomoric Cool. Unfortunately, this label was so well affixed to the aspiring eaglet, that much confusion developed over the years of continuing research.

Modern observers have finally classed mid-law eaglets into two sub-families. As stated before, the first family belongs to that grouping which moves about in a characteristic, bionic slow-motion. The more advanced eaglets are easily picked out by their drastic change in plumage. This sub-family is often referred to as the clerking phase, and most observers contend that the flashy but conservative adornments tend to ease the move into into the third year job hunting phase.

To the untrained eye, there appears to be a great difference between the sub-families of mid-law eaglets. However, this distinction becomes one of little weight to the trained observer. The basic patterns of behaviour are practically the same.

Those eaglets in the clerking phase often have a tendency to act nonchalant and in control. This type of behaviour sired the use of the term Cool as defined in the beatnik era of modern society. This is mere facade, though, as all mid-law eaglets manifest the same physical characteristics and mental attitudes. The most obvious of these, is the deformed right hand—a product of sweaty palms, clenched nickels and Xerox copy machines. Book briefs have taken over the more conventional hand written approach of Freshman Fear days, and there is less hesitation when asked to recite on a case.

As the year progresses, there is gradual pinching in facial features—the nose takes on an aquiline shape, the cheeks and jowls of summer days gradually recede, and the budding legal eaglet prepares mentally for the presumed bliss of seniority and Constitutional Law. For the unlucky few—cursed with prescience—a harrowed look adds to the general raptorial appearance. The third year is approaching, and there is a renewed whispering in the recesses of the eaglet mind: resume resume resume....For the mid-law eaglet, the cacaphony of studies and small talk declines and steps aside to the growing susurrus of the future. The eaglet collective passes through the philosopher's stone of Sophomoric Cool, and with the tangy zest of an overripe jalapeno returns after the summer to the now gilded doors of the senior hall of fame. Another year has ended.

The Lawyer As An Advocate

(Continued from Page 10)

more efficacious remedy or a more successful defense." In re Corace, 390 Mich. 419, 213 N.W. 3d 124 (1973).

Effective advocacy is essential not only in the performance of the lawyer's role in litigation, but also as a counselor, negotiator, lobbyist and draftsman. We learn early in our legal training that the practive of law is not so much involved with determining whether a particular proposed course of action is legally right or wrong, but which one of several available legal approaches to a problem is the "better" choice. Proficiency in advocacy enables one to effectively recognize and evaluate the choices.

Competent and effective ability as an advocate is an art. It is a skill which can be acquired. The "case method" of study utilized in American law schools can help develop advocacy skills. The law student should constantly be aware of the fact that cases selected for study are sifted by the author of the professor, for the purpose of developing the student's ability to carefully, efficiently and effectively analyze the essential, pertinent and material facts, the precise issue or issues to be decided, the rules of law applicable, the rationale or reasoning of the court in reaching its decision, and the judgment. Various available policy choices are debated. This process necessarily includes a careful analysis and evaluation, both in and out of the classroom, of the various positions, contentions and arguments of both fact and law advanced by the various parties to the controversy. While the current relatively short period of academic training in law school can hardly be seriously contended to be sufficient to enable one to acquire the full range of skills of a truly competent advocate, it does enable the serious student to begin building a sound foundation for the development of that greatest, and most unique, of all American institutions, the advocate for every cause, the American lawyer. As long as we continue to have competent, fearless and effective advocates, the public can confidently expect the judges and juries to be able to properly dispense justice in our judicial process.

Roberto Soto, Judge Jack Miller, Glen Ayers

New Professors

by Bill Willis

The Law School has four new professors. They are Glen Ayers, Roberto Soto, Judge Jack Miller and Bueford Herbert.

Mr. Ayers is from S. Carolina, and his wife's name is Jan. He received his B.A. from Clemson and his M.A. in economic history from the University of North Carolina where he was a Woodrow Wilson Fellow. After a stint in the Army, he went to the University of South Carolina Law School. Upon graduation, he went to work for the law firm of Coke and Coke in Dallas and came from there to St. Mary's. This semester he is teaching Sales and Corporations. He hopes to go to Harvard next year to get a LLM and wishes to remain in the teaching profession. Mr. Ayers feels that one of the toughest problems for a new professor is finding the right pace for class lectures. He expects students to read cases for something more than the facts and rules. He said students should expect professors to provide organization to class discussion of legal issues. When asked about some of the current issues facing the legal profession, Mr. Aywers responded by favoring stricter malpractice standars, specialization and certification of praticing attorneys and taking the A.B.A.'s position on advertising by attorneys.

Mr. Soto hails from San Angelo, he's married to Virginia San Miguel who is a law student at U.T. and will graduate this May. Mr. Soto went to the University of Houston and the University of Texas, he received his law degree from the University of Texas in May, 1977. He is a visiting professor and intends to go into private practice for a while, then return to school for an L.L.M. and eventually teach. Mr. Soto expects a lot of work out of his students. He wants them to be prepared, inquisitive, and endeavor to "think beyond the Black Letter Law. In addition to teaching contracts Mr. Soto is helping to revamp the course in Legal Research and Writing. Mr.

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New Procedure Needed To Remove Unfir Judges, Says ABA

WASHINGTON, D.C.—Legislation is urgently needed to provide a more effective method for removing physically disabled or mentally incapacitated judges from the federal bench, the American Bar Association told Congress today.

The legislation should also deal with judges guilty of misconduct, John A. Sutro, chairman of the ABA's Standing Committee on Judicial Selection, Tenure and Compensation, said.

At Senate subcommittee hearings on the proposed Judicial Tenure Act, Sutro stressed the importance of keeping the federal judiciary "staffed with men and women who possess the physical and mental vigor which is indispensable to an effective system of justice."

Sutro called impeachment, the only current method for removal of a federal judge, "a slow, cumbersome process."

He pointed out only nine judges have been impeached by the House and only four convicted by the Senate in 200 years. The last trial was 40 years ago.

"I think we can all agree that during the past 40 years there have been federal judges who should not have remained active judges for any number of reasons, be they physical disability, or loss of mental capacity or for conduct less than good behavior," he said.

Sutro told committee members that there is no single body to receive and investigate complaints against federal judges.

"There is no practical way to remove, retire or censure a federal judge for misconduct or inability to carry on the duties of his office because of permanent mental or physical disability," he said.

The proposed legislation provides for the establishment of a Council on Judicial Tenure to investigate complaints against federal judges. All business of the council would be confidential.

Sutro said this would give the public a place to which it can turn with legitimate complaints. At the same time, he said, such a body could dispose of unfounded complaints against the judges.

Thus, the legislation, Sutro said, "will serve two vital purposes: it will shield judges from unwarranted accusations, and it will remove from the federal bench judges who should not sit but, absent the statute, will continue to do so.

Sutro said the legislation would also strengthen public confidence in the judicial process.

He told the committee, however, that the Association does not believe the chief justice of the United States and the associate justices of the Supreme Court should be included in any such statute.

"The Association is of the view that it would be inappropriate for judges of an inferior court to pass judgment on the action of the chief justice of the United States or an associate justice of the Supreme Court and, further, the Judicial Conference of the United States has no jurisdiction over the chief justice of the United States or the associate justices of the Supreme Court," he explained.

The Association also recommended that such legislation:

—Provide for review by the Supreme Court of council determinations.

—Provide strict provisions for confidentiality unless a final order is entered censuring, removing or mandatorily retiring a judge. Sutro said that state laws, such as the one establishing the California

(Continued on Page 17)

★★★ HONOR

Honor Court Opinion

THIS ARTICLE WAS REMOVED DUE TO AN OBJECTION FROM THE FACULTY COUNCIL VIA THE WITAN FACULTY ADVISOR. UNDER THE TERMS OF THE WITAN CONSTITUTION, THE ARTICLE MUST BE SUBMITTED TO A SPECIAL COMMITTEE OF THE SBA FACULTY COUNCIL FOR RESOLUTION.

RESOLUTION

13th Circuit of the Law Student Division of the American Bar Association

A Statement of Purpose and Principles Regarding Law School Student Publications

I.

THE PURPOSES of a law school newspaper are, but not limited to, provide an open forum for the exchange of information, opinion, observation and analysis among members of the law school communities and the legal profession as a whole in a manner consistent with the standards and ethics of professional journalism.

II.

WE ENFORSE THE FOLLOWING PRINCIPLES as they apply to Law School Student Publications of the 13th Circuit.

We are opposed to the

COURT ★★★

Query: Due Process

by Denny Callahan

THIS ARTICLE WAS REMOVED DUE TO AN OBJECTION FROM THE FACULTY COUNCIL VIA THE WITAN FACULTY ADVISOR. UNDER THE TERMS OF THE WITAN CONSTITUTION, THE ARTICLE MUST BE SUBMITTED TO A SPECIAL COMITTEE OF THE SBA FACULTY COUNCIL FOR RESOLUTION.

censorship, or suppression of any law school publication, by any means, direct or indirect, and the intimidation or sanction of any member of a law school community participating in, or associated with a law school student publication.

We condemn any administrative procedure which acts as a prior restraint upon the publication, subject matter, editorial or advertising policy or circulation of any law school newspaper.

We endorse funding practices for law school student publications which do not act to restrict the autonomy of a law school student publication or limit student control over its content. To achieve (sic) this objective, we encourage member student bar associations to develop methods of funding law school student publications which recognize these principles.

RESOLVED this 24th day of September, 1977.

To be submitted to the LSD Board of Governors at Quarterly Meeting Feb. 78.

New Professors . . .

(Continued from Page 12)

Soto favors stricter malpractice standards for lawyers, more specialization, and advertising by attorneys so long as the consumer is protected.

Judge Miller is from San Saba, his wife's name is Betty Jo and they have two sons and one daughter. He went to Law School at the University of Texas and has been a county judge, district attorney, and recently retired after 16 years on the bench as district judge. Judge Miller has been in the legal profession for over 30 years and hopes to continue as a teacher at St. Mary's as long as his health permits. Judge Miller said he has been "plesantly surprised at the caliber of students at St. Mary's and their motiviation. Judge Miller is teaching Trial Advocacy. "In the past, law schools have been hesitant to teach Trial Advocacy because they felt good trial lawyers were born, not made. Judge Miller, disagrees. He feels that the keys to becoming a good advocate are "knowledge, preparation, sincerety, courage and enthusiasm. "Dramatics has its place, but juries are becoming more sophisticated today," according to the judge. He believes that clients should have judicial recourse when a lawyer is negligent but hopes the substative law will become such that neither lawyer nor doctor will have to pay for a good faith mistake. Judge Miller is against advertising by lawyers. He feels that open advertising has the potential to debase the dignity of the profession. He also dislikes specialization, because he feels it inhibits practicing attorneys from developing new skills. His final quote was "Hard work and preparation can overcome a lot of deficiency in talent."

Mr. Herbert, our new evidence teacher, comes from Louisville, Ky. He received his law degree from Duke University and has taught at Duke Law School and Tulsa Law School. He is retired from the Army Judge Advocate Corps and has been a municipal judge in Tulsa, Okla. His wife's name is Dorothy and they have one son. Mr. Herbert is filling in Mr. Cantu's absence and hopes to be fully retired from gainful employment in the near future. He hopes his course in evidence will sharpen the student's ability to employ the legal method. Mr. Herbert feels specialization is inevitable in the legal profession and feels the trend will be toward the English System of counselors and solicitors. He's against more bar exams and certification on the grounds that it could be used as a device to stifle competition. Mr. Herbert dislikes advertising unless it can be combined with the use of a Lawyer Referral System. Mr. Herbert feels that malpractice suits are on the increase and will continue to be. He would like to see malpractice insurance kept within the Bar Association. His pet peeve is married law students who try to lead a full family life, work, and be a fulltime law student at the same time. To quote him, "that is like trying to fit 10 lbs. of horse manure in a 5 lb. sack."

BUEFORD HERBERT

Uncle Jimmy...

(Continued from Page 9)

forty-lev'm days til he admit dat he took all dem intrest free loans. Den, de committee give him a talkin' ta an send him back to Plains to pick peanuts.

"So ya see, Miz Amy, dat why ah don't like tales 'bout folks much as ah likes tales 'bout de animules."

"Unca Jimmy, does that mean that Brother Bert will come over and give me horsey back rides again?"

"Sho nuff Miz Amy, soon as he kin sell his 89 room mansion so's he kin pay de carfare."

Criminal Law Association

Calendar Of Events

September 27: Brass Lamp Luncheon

September 29: 9:00 A.M.-2:00 P.M. Trip to Texas Department of Corrections- Huntsville. See bulleting board for details.

October 13: 7:30 P.M. October meeting, to ratify and adopt revised consitiution and by-laws.

Out Of The Depth

by Jack B. Lee

It was a tender moment when
I sat with you today
And listened as you shared with me
The thoughts you had to say.

You opened up your soul, and then
A miracle occurred:
You touched me with your feelings, and
Your very heart I heard.

You told me of your yearnings, your
Frustrations, secret fears;
Your words were those of music as
They fell upon my ears.

I wept—my eyes were dim with tears;
My throat grew heavy, too,
As you disclosed yourself that I
Might see the hidden you.

Two strangers? Yes, we scarcely met
A few short days ago;
And neither would have chanced the risk
To trust the other so;

But now, no longer strangers, we
Have found a bond and tie:
A bond of confidence and love
Made blessed from on high.

For though we may seem different and
May think we're poles apart,
The magic which unites us is
The treasure in our heart:

Your thoughts, your words, your feelings now
Revealed so openly
Are just like those which I myself
Have hidden inside me!

Library Staff Turnover

by Linda Lampe

An essential part of successfully surviving the rigors of a legal education is learning how to find a "white horse" case or statue in the law library. If one has no idea where to begin the search, the most productive course of action is to ask the law librarian. This year several new faces have been added to the staff.

New to the staff is Miss Linda Bishop who is the assistant law librarian in charge of Serials. Miss Bishop received her Bachelor of Arts and Master of Science in Library Science from Our Lady of the Lake College. Mr. Lee Unterborn is the assistant law librarian in charge of continuations and technical services. Mr. Unterborn received his Bachelor of Arts degree from St. Edward's University, Juris Doctor degree from St. Mary's University and his Masters of Science in Library Science from Case Western Reserve University.

Returning from last year are Mr. Feguson, director, Mr. White, associate director, Mrs. Van Eck, assistant law librarian in charge of circulation, and Mrs. Carol Spinks, secretary.

(Continued on Page 22)

New Procedure

(Continued from Page 13)

Commission on Judicial Qualifications, have worked well.

"These laws not only enhance the confidence of the public in the judiciary, they also raise the caliber of the judiciary," he said.

"It is of the utmost importance to the administration of justice that we have a strong federal judiciary," he added. "The American Bar Association supports this legislation because it is a big step forward in assuring us of a strong federal judiciary."

Appearing with Sutro at the hearings was J. Michael McWilliams, a member of ABA's House of Delegates, who also serves on the standing committee.

Panama Canal — And

Punto De Vista

(Continued from Page 3)

highly unlikely that Carter would commit American military forces to oust Cuban or Russian "advisors" who more likely than not will be invited to assist Omar in the operation of this important waterway. And what about the Joint Chiefs of Staff, they have kept stangely quiet about the American pullout especially since there are 14 American military bases in the zone. You can bet your bottom dollar the Singlaub affair was a excellent means of conveying to career officers the message that their military expertise is unwanted.

At the same time that freedom-loving Omar is extending the olive branch to Carter and expounding democratic principles he warns that American failure to ratify the treaty would result in guerrilla warfare in the Zone.

The official Panamanian view is that the zone is an American enclave of colonialism and that Americans live side by side with the poverty-stricken Panamanians. While this may be a valid argument, colonialism is different than holding out right title to the soil as the "soveriegn of the soil" which is what the 1903 Treaty granted to the United States. Poverty is a way of life in South and Central American countries and Panama is no exception. Omar claims that Panamanian control will raise the standard of living. If this is so then the huge rental fees and percentage of revenues paid over since 1903 must be a drop in the bucket compared to what he expects to make on the canal after they can control fees. The truth of the lmatter is that Omar will bankroll a Swiss account once he controls the coffers or if some other freedom-loving Panamanian wrests power from him he'll line his pockets in 1999.

Various constitutional questions are also being raised, one being the position of many senators and representatives that both houses of Congress must vote to divest the United States of real estate since the treaty granted to the United States the zone "in perpetuity" and as the soverign of the soil". The other being that there are various federal courts in session in the zone and since Congress establishes inferior courts, both houses must vote to relinquish this soveriegn right. The latter point has been raised because the treaty calls for Panamanian law to govern over Amerivans left to train the Panamanians, this would occur within five years.

Perhaps the timing of handing over the zone would have been better if the government in power had been friendlier to the United States. The inevitable truth is that wherever American withdrawals have occurred in this world the vacuum has been filled by the Russians and this is a dangerous way to live, since the avowed goal of communism is to dominate the world.

Contra Punto

(Continued from Page 3)

same time.

The treaty itself is an example of restraint on both sides, and a genuine attempt to resolve the issue fairly. First, the treaty assures U.S. control over the long transition period. There will be no overnight shift of power, and the U.S. will not relinquish complete control until the year 2000. Second, until 2000, we will continue to operate 14 military bases in the canal zone which will be phased out at our discretion over the life of the treaty. Also, under a guarantee of neutrality, the U.S. will be free to intervene militarily if the canal itself or accessibility to it, is threatened. Third, once the treaty is ratified, the Panama canal company will be replaced by a board of five Americans and four Panamanians, all appointed by the American president. The canal administrator will remain American until 1990.

The rise of the two-ocean Navy has marked reduced reliance on the canal for national security. Presently, three U.S. aircraft carriers cannot fit through the canal. In addition, only 4 per cent of our coast to coast trade relies on the canal (compared with 9 per cent in 1964). Preserving our control if the treaty is defeated may also prove futile. It is generally conceded that the canal is indefensible. Determined guerrillas could close it down indefinitely, by lobbying a grenade into the lock machinery. General George Brown, chairman of the joint chiefs of staff, stated that if the ratification effort fails, "you'll be fighting men you can't identify at a time and place of their choosing. That's not the way, in my judgment, to assure continued operation of the canal."

The future of U.S.—Latin American relations hangs in the balance. To the Latin-Americans, the cession of the canal means the removal of a colonial stigma, and may herald a more balanced partnership with the colossus of the north.

Paper Law . . . .

• Continued from Page 3)

student should be responsible for what he includes in his resume. Any one who is dishonest or makes material misrepresentations as to his grades or achievements in an effort to gain employment has fallen below the ethical standards of the profession before he gets started. One's resume warrants the things stated therein, and if any of them are false he denies his employer of what he bargained for while cutting the truly qualified applicant out of a job he deserves.

The legal profession is an honorable one. If we allow a person to make up for his deficiencies through false claims, we are failing to practice the high standards we purport to believe in. What's the use of working three years to obtain outstanding credentials when someone can reap the same benefits and rewards by holding themselves out to be something they're not?

A Young Lawyer's View Of The Texas Trial Lawyers Association

by James O. Deegear III

Editor's Note: Mr. Deegear received both the B.A. and J.D. degrees at the University of Texas, in 1971 and 1973, respectively. He is currently a partner in the San Antonio law firm of Collins, DeWall and Deegear.

Recently, having been asked to discuss the Texas Trial Lawyers Association (TTLA), I sat down and sought to sort out in some comprehensible fashion, for publication in the limited space permitted, the advantages I perceive in a young lawyer's membership in TTLA.

By way of introduction, the Texas Trial Lawyers Association is a well established, functioning organization of independent lawyers engaged in the general practice of law. Membership is open to all attorneys who do not consistently and primarily represent defendants in cases involving personal injuries or workers' compensation. The association was formed in 1949 primarily for the purpose of advancing the cause of those who seek legal aid in cases of personal injury or property damage.

My personal satisfaction from and belief in TTLA derives from two functions basic to the organization: first, its effectiveness in the political and legislative arena; and, second, its excellence in the field in continuing legal education.

With respect to the political and legislative function of the Association, TTLA is without equal in the State of Texas. As with most law students and young lawyers interested in the future system of law and its administration as it affects the citizens of this State, and consequently the legal profession, I was and continue to be interested in a strong and effective organization capable of representing the viewpoint of the ordinary citizen in a political environment. I believe that TTLA, contrary to the opinion of some detractors, seeks to represent, not only in the Courtroom but before the legislature and legislative agencies, citizens who individually, economically and organizationally, are incapable of effectively lobbying for their rights.

I cannot argue against the point that many of the programs and reforms proposed by the Association result in increased fees to members of the legal community. However, it must be seen that increased benefits to attorneys representing injured parties arise out of increased benefits to the injured parties themselves. For instance, TTLA successfully lobbied for increases in worker's compensation benefits from a socially unacceptable rate of $35.00 per week in 1973, to a current level of $91.00 per week. It was and is inescapable that the 25% maximum allowable fee for representation of a claimant under the worker's compensation law will provide an attorney with a higher reward for successful representation. Nevertheless, barring active participation by TTLA in the legislative process, the worker's compensation rate would assuredly have remained at a rate deemed sufficient by the legislature relying basically upon employer and insurance company input.

Obviously increases in minimum automobile liability coverage, comparative negligence, partial aboliton of the Guest Statue, ten-two jury verdicts and simplified charges to juries in Texas, all result in higher rewards to attorneys who accept damage suits on a contingent fee basis. Yet without the active involvement of TTLA, many of these programs would undeniably have never seen the light of day, much less been enacted or adopted.

To be sure, there are many factors which produce changes in our system of law. In spite of my relatively short time as an attorney and active member of TTLA, I have seen repeatedly that it is members of the Association who review pending legislation with an eye to the interest of the man on the street, on the job, or using a product; who propose legislation for the benefit of potentially injured parties; and who appear time after time before legislative committees, for the purpose of opposing anticonsumer legislation and fighting for further legislative reforms which benefit not parties with vested interests, but the people of this State who compose our clientele.

One may ask where is the State Bar of Texas in this picture. It has been my experience and impression that the State Bar restricts itself to involvement in non-controversial legislation and programs. These are matters whose time has come and over which little opposition can be expected. On the other hand, the Texas Trial Lawyers Association is, to borrow an old expression, "on the cutting edge" in the constant struggle of individual rights versus vested interests.

With respect to the educational benefits which I have derived from my association with TTLA, I find that once again, the programs and publications of TTLA are geared to providing me with practical knowledge and tools with which to hone my skills as an advocate. The best and most informative seminars which I have attended have all been those conducted by the trial lawyers associations either at the local or State level.

Participation in committee work and activities within the organization also provides educational opportunities. I am constantly exposed to the practical wisdom of other more experienced trial lawyers and the ideas generated by minds actively pursuing both refinements and new directions in advancing the cases and causes of our respective clients and our profession. While it may be made to appear that the

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Interview Questions For Law Clerks

by David Baram

Sometime during their exhausting academic experience, many Law students decide to seek part time employment as law clerks. For those entering this limited and specialized job market for the first time, many questions and fears come to mind. Most of their worries are about the process of obtaining a clerking position. This process is universally known as—interviewing.

The object of this article is to assist the student in surviving his interviews by listing questions commonly asked by attorneys.

Frequently asked questions:

1. Many firms inquire about your class standing. If your interviewer specializes in a particular area of law, he may want to know specific grades of courses within this field or practice. If your standing is not particularly good, you may be asked to explain or give reasons why it is not indicative of your ability.

2. Extra-curricular activities are always a focal point of discussion. Your activities might include anything from Law Journal to being an active club member. Your interviwer is apt to be curious about your specific involvement, its relationship to law, your enthusiasm, and the self confidence you display in discussing this activity.

3. Sometimes your interviewer will want to know if you've ever worked for an attorney, or in a legally related field, and if so, in what capacity.

4. In order to ascertain your interests, fields of expertise, and leadership qualities, law firms might ask about your college experience. Questions may concern your major, clubs, sports, subjects and standing.

5. Often times if your resume reveals information about your past jobs and interests, the interviewer will find something of common interest and engage in friendly chit chat.

6. Out of State students beware! Without doubt you will be asked your reason for going to Law School in Texas. You should be careful not to antagonize or afront your interviewer. But don't tell fairy tales either. Where you wish to practice after graduation is a common follow-up inquiry.

7. If you're married don't be surprised if your interviewer wants to know about your spouse's employment, and if you have any children.

8. One question you can count on, is why you want to be a law clerk? Related questions might be: what you hope to gain from this experience, what fields of law are you interested in, and what type of work do you envision doing?

9. In conjunction with number eight above, the attorney will inform you about his practice generally, and will want to know if this meets your expectations.

10. Besides finding this attorney's practice pleasing, you will be asked if you want to be the kind of clerk that he will need. Some attorneys use clerks as messengers and filers. Others use them soley for research. Still others utilize a combination of the two.

11. Some firms will tell you their hourly wage and rhetorically ask if it is sufficient. Others will ask you what the current hourly wage is and what you would expect to receive.

12. Most firms want to know if you have any transportation problems or scheduling conflicts. The number of hours that you will be availble to work is important too.

13. At the end of the interview, you're surely to be asked if you have any further questions or if you would like to say anything additional about yourself. This is a good time for your final summary or rebuttal, as the case may be, trying to sell yourself as a superior product. You should make it a point to ask the attorney questions about his practice trying to promote further discussions if possible.

14. Most firms do not hire on the spot so before departing try to pin down a definite time when you'll be informed of their decision.

15. Whenever in doubt remember this lyric from the Musical Lost Horizon, "Question me an answer, answer me a question...."

Letter To Delaware

by Joseph W. Welk

*Editor's note: This is reprinted from the October 1975 issue of Witan.

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 TV 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 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

V.P. Elections Voided

by Pat Flachs

The Special Election recently conducated by the Election Committee of the SBA to fill the vacancy created by Art Lewis' resignation as Vice-President has been declared void and new elections were held Sept. 20 and 21.

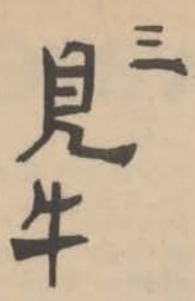
Although several technical violations of the Election Code By-Laws occurred, the substantive reason the election was declared invalid was the incorrect listing on the ballot of one of the candidate's name. This unfortunate happenstance brought a temporary respite to a virtual comedy of errors.

The election was controversial from its inception. The difficulties precipitated by the Senate's overriding of several Election Code interpretations made by the Election Committee. This Senate action resulted in an appeal to the Senate by one individual who felt he had been injured because he relied upon the Election Committee determinations that the Senate had decided to disregard. After this appeal was allowed by the Senate and the individual's name included on the ballot, the Election Committee resigned. The improperly constructed ballot ultimately led to the abrogation of the election.

Although it has been suggested that the Election Committee reopen the entire elections and begin at the beginning, they have decided merely to take a new vote on the present candidates. To this end, they sought and received a Senate resolution declaring all previous violations of the Election Code By-law moot.

Hopefully, everyone involved (this writer included) has learned something through this experience and we can go on to more constructive and beneficial matters.

Zuflacht New V.P.



Nansen's Cat

Nansen saw the monks of the eastern and western halls fighting over a cat. He seized the cat and told the monks: "If any of you say a good word, you can save the cat."

No one answered. So Nansen boldly cut the cat in two pieces.

That evening Joshu returned and Nansen told him about this. Joshu removed his sandals and, Placing them on his head, walked out.

Nansen said: "If you had been there, you could have saved the cat."

Zen Stories

A monk asked Joshu why Bodhidharma came to China.
Joshua said: "An Oak Tree"

The Gateless Gate

Rising youth
Never expects
The Sun to Set.

But now that I have
Seen sunsets,
I know that in the morning
There will again be Dawn.

Donna Vogel
Illusion

Library Staff

(Continued from Page 17)

There are seven work-study students who are currently working in the law library. The staff may utilize up to 22 work-study students, so there is an opportunity for qualified work-study students to work in the library.

The wayfarer, perceiving the pathway to truth, was struck with astonishment. It was thickly grown with weeds.

Stephen Crane
The Wayfarer

The world is too much with us; late and soon,
Getting and spending, we lay waste our powers:
Little we see in nature that is ours:
We have given our hearts away, A sorid Boon!

William Wordsworth
The World is too much with us.

The old Harem is quiet and deserted.
The flowers still bloom in the neglected courtyard.
A few white haired old women sit in the sun,
Idly gossiping of the days of the dead emperor.

Li Shang Yin
The Old Harem

Journal Notes

(Continued from Page 6)

The law journal, committed to furthering the reputation of St. Mary's Law School and providing a service to the legal community, is now sixty members strong. Presently in the writing process are articles, comments, and notes for two more issues: Volume 9 - Numbers 3 and 4. Number 4 is the Symposium issue dealing with Environmental Law. Robin Dwyer, Symposium Editor, has recruited several reknowned authorities in this area of the law to write on a wide range of currently signified topics.

Staff membership is available to students in the top fifth of their class and to students in the top 50% of their class that indicated superior writing and research skills. For further information, interested students should contact any member of the Editorial Board.

Please support WITAN advertisers by utilizing their services. The ads are essential to the paper's continued growth. Tell them you're from the Law School.

A Young Lawyer's View

(Continued from Page 19)

Association defends the status quo for selfish reasons, I find that to the contrary TTLA seeks to retain only those elements of our present system which are beneficial to the injured or potentially injured citizen. TTLA is constantly striving to open new frontiers within the law and new avenues to recovery for wrongfully damaged parties. The educational directions of TTLA strongly emphasize these goals and professionalism in their attainment.

Trial lawyer publications are designed to keep the reader abreast of ideas and changes affecting the law and the lawyer. While the State Bar of Texas provides us with current in formation as to appellate decisions, TTLA goes one step further and provides its members with reports of settlements and verdicts at the trial level throughout the State. To a young lawyer, this is an invaluable tool in the evaluation, preparation, and prosecution of cases pending in his office.

Of course, there are many other benefits to be derived from membership and active participation in the Texas Trial Lawyers Association. While many of these benefits may be derived in the course of attendance at seminars and receipt of the various publications of the Association, the fact remains, as with any worthwhile activity, that the more one contributes and participates, the more he is likely to receive in terms of realistic political objectives, continuing legal education, and the associated benefits of and professionalism associated with other active members of the trial bar.

Note: Student memberships are available at $10 per year. For further information, write:

TTLA
Suite 201, Westgate Bldg.
1122 Colorado St.
Austin, Tx 78701

A Word For The Advocates

by Jan Fisher

Labor relations is the current topic being researched by 24 mid-law and third year students participating in the Orville Walker Moot Court competition. Preliminary rounds of competition are scheduled for Friday, Sept. 30 (7 p.m. and 8 p.m.) and Saturday, Oct. 1 (9 a.m. and 10:30 a.m.) The semi-final competition will begin at 2 p.m. on Saturday, Oct. 1. The final round, to determine which team will represent St. Mary's Law School in the regional competition, will be held Monday, Oct. 3 at 7:30 p.m. Each round of competition will be in the law school classroom building.

Contestants will be judged on the basis of their oral arguments and appellate briefs. The judging panel for the oral arguments will consist of faculty members as well as local attorneys and judges. Three local attorneys will determine the best brief, and its author will combine his or her efforts with the winning team to hopefully produce a first place combination at the regional competition to be held Oct. 27th on the University of Houston campus.

The competition should be of particular interest to students and faculty alike as the issues to be argued concern unfair labor practices within a law firm. First year students are encouraged to attend particularly those who plan to compete in the Freshman Moot Court competition during the spring semester.

The Board of Advocates has not received the topic for the Mock Trial competition scheduled for mid-November. Mid-law and third year students are ask to refer to the bulletin boards for an announcement of the receipt of the topic.

For the past month, the Board has been active in evaluating and organizing a variety of competitions. Students are encouraged to take an active part in this process. If you have any suggestions, please contact any of the following members: Patricia McNair, Patty Wueste, Larry Dale, Jan Fisher, Mary Ann Oakley, Wade Noble, Ciro Ochoa, Richard Hayes, or Donald Bayne.

Summer Update

by Greg Powers

The 1977 summer proved very active for the Student Bar Association. The groundwork was laid for many projects and a few were even seen to completion. Some of the accomplishments included the addition of periodicals to the library and the return of coffee concessions.

The S.B.A. would like to thank Professor Paul Ferguson for his cooperation in providing seven new periodicals to the library. The subscriptions include Time Magainze, Business Week, U.S. News and World Report, Texas Monthly, New York Times, The San Antonio Light and The San Antonio Express.

In addition the S.B.A. in conjunction with the Law Journal have re-established the coffee service for students. The coffee machine will be located in the locker room in the classroom building and will be in full operation starting September 15th. The price of coffee is 20 cents and all proceeds will go towards providing student services. I would like to emphasize that the 20-cent price doesn't include refills. For those not familiar with the coffee concessions, it is often a welcome service (especially during finals) and we would like to thank Dean Raba for his cooperation in re-establishing the program.

As mentioned in previous articles the S.B.A. has many projected goals set for the current academic year. Within the next few weeks we will be submitting applications for positions on various S.B.A. committees. We would like to encourage you to participate in any projects that interest you. Our present manpower is limited and your help and suggestions can help insure a successful year.

Frats Rush

by Joe Patane

Rush begins Sept. 23, 1977, for the three International Legal Fraternities: Delta Theta Phi, Phi Alpha Delta and Phi Delta Phi. In order to be eligible for membership a law student must have completed at least 14 semester hours with an overall weighted average of at least 70 per cent. Each fraternity shall hold no more than one "formal" rush party and no more than one "informal" smoker. The schedule of "formal" rush parties is as follows: Oct. 1—Phi Delta Phi; Oct. 8—Phi Alpha Delta; and Oct. 15—Delta Theta Phi. No rush bids shall be received prior to 8 a.m. on the Monday following the last party, and all bids must be turned in by the end of the last class on the following Friday. All eligible law students may pledge a fraternity during the week Oct. 17 through 21, inclusive. The above rules were adopted by the Inter Organization Council and the Faculty on Sept. 11, 1973.

Pad Booksale

Biggest Ever

By Larry Potter

Almost $6,000.00 of business was transacted at the Pad Booksale this fall making it the most successful to date. Pad reports gross sales of $5842.50 which may account for the well-heeled appearance of many law students this week.

Reactions of students on the sale were generally favorable despite the poor facilities available. The security situation is not good but less than a dozen books were unaccounted for. Negotiations to resolve these problems are underway.

The least available items were third year books. To alleviate this, Pad plans to take in books at the end of the spring term and store them for the fall sale. Arrangements would be made to mail checks or unsold books to the sellers.

The next book sale will be held at the beginning of the spring term. Watch for notices an bring your old books in—it pays off.

Glamour Is *Illusion*

CHICAGO—Entertainment law, the speciality of a small group of attorneys, is demanding, unglamorous work according to an article in the September issue of Student Lawyer.

Although most entertainment lawyers, about 500 or so, practice in Los Angeles, others can be found in New York, Nashville, San Francisco and Chicago, according to author Nancy Banks, who interviewed a number of successful West Coast entertainment industry lawyers.

Student Lawyer is the publication of the Law Student Division of the American Bar Association.

Part of the lure is the glamour associated with working with entertainers, but few industry lawyers socialize with their clients. Los Angeles attorney Robert Rosenthal estimates only 25 to 50 of the city's entertainment attorneys have close social relationships with the stars they represent and most entertainment clients wouldn't be much fun to be with anyway. "They're either spaced out most of the time, or not too rational, or just not the type of person you'd choose for a friend," Rosenthal says.

Nick Clainos of Los Angeles feels there should be no social ties between entertainer/client and attorney. "If you want to be an entertainment lawyer, that means practicing law. People don't want a friend sitting across the table from them when it's time to negotiate a record contract; they want a lawyer. Good vibes aren't enough."

Work of an entertainment industry lawyer ranges from negotiating contracts, checking scripts for possible libel problems and getting performers out of jail on drug charges. Clients can be extremely demanding.

"A lot of entertainers are pretty insecure, immature people," Bob Gordon, San Francisco, said. "I've resigned from clients because of too much personal abuse, or because of demands from business agents or clients themselves to do things that I thought were unethical."

Volume 5, No. 3 October, 1977

Witan

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

Idealism And Legal Education

By Prof. David Dittfurth

Theoretically, legal education provides a law student with a marketable skill and a sensitivity for the fundamental ideals of justice. In recent years law students have expressed doubt that sufficient emphasis has been given this latter purpose. Such criticism has often involved the contention that law school focuses to such an extent on legal analysis and advocacy that any concern for the purpose for which this advocacy might be used has been lost in the shuffle. No one needs to be reminded of the unflattering popular characterizations of lawyers and of the public shock exhibited when so many people with a legal education were found to have supported the illegal activities involved in the Watergate scandal. There is need, however, for reexamination of the law school experience so as to determine how it affects the idealism of law students. That is what this article is about.

In referring to idealism nothing more complex than the simple notions of justice and fairness is intended. Most people are taught from early childhood that everyone should be given equal opportunity to rise in the world according to merit, judged according to the same standards, and not allowed to take unfair advantage of others. As innocents often do, these ideals are initially taken literally and as real rules by which all are immediately controlled. Unfortunately, as one gains experience in the world the inconsistency between the ideal and the real becomes more apparent. Perhaps the most critical point arrives when one encounters higher education because here experience is greatly expanded and the inconsistency between the ideal and the real is often purposely explored. Many people, therefore, enter law school when their idealism is most vulnerable and when they are most in need of guidance toward a viable accommodation of idealism and the fact of an intensely imperfect world. On the surface, law school would appear to be distinctly unsuited for nuturing wounded idealists. Instead of being a haven for philosophical reevaluation, law school is a hothouse of pressures exerted upon the law student and flowing, to a large extent, from that very imperfect world outside the academic walls. For one thing, the fact that the purpose of the endeavor is to graduate into employment as a lawyer must appear on the scene rather early. To interest future employers the law student must achieve sufficiently high grades and to accomplish this s/he must rapidly acquire the valued legal skills. The most obvious way to do this is to learn the rules of law and how they apply. Also, a law student must solve legal problems, and this requires an ability to apply several rules of law in a logical sequence so as to arrive at the correct legal conclusion in regard to complex fact situations.

A particular problem for the new law student is that s/he enters law school with those predetermined notions of what is fair and just. These notions cause learning difficulties because they may be based on unarticulted and unexamined considerations. In other words, some legal result is deemed by a new student to be fair or unfair primarily because that student has been taught so in the past not because s/he has examined all relevant considerations and independently arrived

The Paternalistic Society

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by George F. Will

Editor's Note: Mr. Will is a nationally syndicated columnist. This article is copyrighted and is reprinted here with the permission of the Washington Post Company.

WASHINGTON—The administration's "Bakke" brief is the most ominous document concerning race to issue from the federal government in this century. It says race is "ordinarily" irrelevant to an individual's rights, and "generally" an illegitimate basis for allocating opportunity, but... But for the foreseeable future America must cultivate "race-consciousness."

Allan Bakke, a white, was denied admission to a California medical school which reserved 16 of 100 places for blacks and other approved minorities. Many of the successful minority applicants ranked substantially below Bakke by the school's criteria. California's Supreme Court said the school discriminated against Bakke on the basis of race, violating the constitutional guarantee of "equal protection of the law."

The administration's brief urges the U.S. Supreme Court to rule on narrow technical grounds that Bakke's case should be re-argued in California courts. But it advocates standards that would make it virtually impossible for Bakke to win.

The brief affirms a school's right to adopt some "minority-sensitive programs" (today's euphemism for reverse discrimination) even when they deprive whites of opportunities they otherwise would enjoy. And the brief is less important as a legal document than as a political manifesto: it is an exhortation to racial discrimination throughout society.

The brief says that regarding admissions to professional schools (where all applicants are college graduates), discrimination in favor of government-approved minorities is not just constitutional but also morally obligatory because "discrimination elsewhere in society"—against individuals or "their forebears"—"makes it difficult fairly to

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Witan Editorials

I am tempted to forget the entire incident, but since I have been asked so often, I presume there is a general interest as to what was behind the two missing articles in the last issue.

The story is as follows:

I was questioning Prof. Francisco, as faculty advisor to the honor court, concerning the violation and appeal of the accused to the faculty council when I mentioned that it was Witan's intention print, verbatim, a copy of the honor court's opinion and an article analyzing that opinion in the paper. It was suggested that I talk to my advisor, Dr. Reuschlein, about doing such, but since I did not have a copy of the articles at the time I postponed any action because I assumed no decision could be made without reading them.

Before I was able to get copies, I received a message that Dr. Reuschlein wanted to talk to me. At the meeting which followed I was told by him that the faculty council had issued a mandate that no article on the honor court should be printed. Let me emphasize that the opinion had been posted on the bulletin board for weeks, and at this time no faculty member had read the article analyzing the opinion, although the order stood even after he read it. I was told that this topic was "sensitive" and that the matter was still under appeal, facts I already knew. Dr. Reuschlein declined to call the article "too prejudcial" saying that term was too strong.

I then reported back to the Editorial Board of Witan who voted to print the articles for, among others, the following reasons:

(1) The students elect the honor court and, hence, are responsible for its actions.

(2) We must abide by the honor code, therefore should be familiar with all interpretations of it.

(3) If the honor court's actions are to act as a deterent then their action must be published.

(4) To keep the action secret would be to imply that something was wrong with how the school reacted to a violation.

(5) A verbatim report of the opinion and an article which merely asks a few questions in an effort to make better opinions in the future could have little, if any, effect on the accused's or the school's case.

There is one more reason. One which, for the administration, tends to border on the emotional. Witan firmly believes that the first amendment right of free speech extends to the publications at this school. In fact we were persuaded to remove a free speech clause from our new constitution be Prof. Francisco. He said since the U.S. Constitution has one, no such clause was necessary in Witan's Constitution.

In my eyes the points to be remembered from this incident are:

1) One article had been posted on the bulletin board for weeks and the other had not even been read when the first order not to print was given,

2) Reasons given for that order were unpersuasive, and

3) Most importantly, Witan continues to publish a newspaper and serve the students of St. Mary's Law School.

Witan

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Contributors: Sue Hall, Doug Wright, Prof. Dittfurth, George F. Will, Sue Jacobson, Richard Roberson, Thomas W. Wallace, Bonnie Reed, Don Decourt, K.J. Leach, Mary Jay Najvar, Scott Spears.

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

Letters

Dear Sir:

I am appalled at the lack of interest shown by the student body in response to your last issue - specifically the two articles that were not published pending an SBA/Faculty Council resolution. Perhaps there is an overwhelming apathy with regard to this matter, but my impression is that there is too little knowledge of the mechanics of such action so that an informed opinion may be presented.

I realize that the specific facts with which the articles were concerned, are confidential. I accept that, and fully support the reasoning behind such a procedure. What I am concerned with, though, goes somewhat beyond the subject matter of the articles. Censorship is not a very pretty concept, and it violates practically all democratic processes. Without some forum in which opinion can be voiced, it seems that the sting is completely removed from the gadfly of change. I for one would like to know how the paper is reviewed by the advisor, and specifically, what changes he can enact by the power or powers given him. Free speech and free discussion are essential qualities of change. Without a forum in which opinions can be voiced, how is it possible for the students and faculty to be responsive to any suggestion?

If some explanation of the mechanics of review could be given, I would be most appreciative. Perhaps then, one could decide whether there is actual censorship, or enlightened editing. The whole process is cloaked in ignorance right now, and personally, I would like to know whether the law school has an open forum for dissent.

Frank W. Gerold

Dear Editor:

RE: Recent Honor Court Action

While I agree with the action taken against the mid-law student (I still do not know if he was expelled), the handling of the situation by both the Honor Court and the faculty was inexcusable. Although the proceedings were supposedly private until a final decision was made, fairly reliable rumors were wide spread, while the "unethical" student was still apparently enrolled; that blame lies with an Honor Court that is unable to function without leaking secrets.

Also, according to my source, the exaggerated grade average was discovered through the efforts of another law clerk at the firm who determined the "unethical" student's actual grade average by somehow finding his social security number and checking his grades. Such spying in itself seems unethical.

Lastly, this particular student simply was caught being unethical while many students still enrolled have not yet been caught for their plagiarism and sharing cites and other resources in Legal Research while still more students at all levels of grade averages will graduate and then "become" unethical.

Tim Daniels

Placement News

Sue M. Hall

—Placement Committee—

Because of response of some of the students, it would seem to be appropriate to discuss the Placement Committee one more time. The Placement Committee was formed to assist the Placement Office in a number of areas: planning for seminars, policy making, publicity, setting priorities. The chairman of the committee, as well as the bulk of the members themselves, at this point, were recruited from the ranks of the SBA representatives. In the past couple of weeks additional non-SBA students have joined the group. The meetings are held sporadically - as needed - and notice of the same will be posted on the placement board outside the entrance to the Library. If you are interested in participating in the committee, contact either the chairman, T. Mastin, or me.

—On Campus Interviews—

The remainder of the semester as it is currently planned looks something like this:

Oct. 24 Kelley, Looney and Alexander, (McAllen)

Oct. 27 Oppenheimer, Rosenberg, Kelleher & Wheatley (San Antonio)

Nov. 1 Judge Advocate General's corps (Army)

Nov. 23 Law office of Jerrald J. Roehl (Alburquerque) for summer interns.

But check the board or the office for later additions.

—Resumes—

Those of you who will be needing resumes in the next few months might want to take some time now to begin putting one together. If you have not gotten the handout on resumes, come in at your covenience and get one. It is not a cookbook, but is a composite of materials dealing with resume preparation. After reading the material, you should then put together a first draft and get an uninterested party's reaction to it. The

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VIEWPOINTS

Utopian Suggestion

by Buddy Luce

Utopia is not to be found in law school. Surely most will not raise significant issue with such a maxim. From our embryonic stages throughout our expansion in this institution of learning, scenes of the good, bad, and sad have appeared, hopefully, at equidistant intervals.

Law School, although not Utopia is and will remain a school.

A school, in this context, can generally be defined as a place for teaching and learning. As so set forth, it seems logical to assume "teaching and learning" require a mutual relationship to achieve efficient results. The relationshilp must be based on preparation, giving and receiving by both sides.

Realizing not all students are truly disciplined in the above qualities, one must also realize that some law professors are similarly deficient. The crux, however, is that equal guilt does not provide equal

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Library Use

By Thomas W. Wallace

Perhaps the stress of required performance as a first year law student is taking its toll on my normally placid temperament, but I nonetheless feel compelled to direct attention to a situation which I think demands remedy. For those of you struggling to locate Professor Anderson's or Professor Francisco's "supplemental readings", I probably need to illuminate the problem no further; but if you have not had the pleasure of prowling among th stacks in the library, searching for the sole copy of Volume 19, Vanderbilt Law Review, which appear to have been devoured by some earlier, more fortunate hunter, you may perhaps miss the thrust of my comments.

I presume that many, if not most, of my fellow students had the opportunity to select from more than one possible law school at which to attend, and, as in decision, the quality of the school's library

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Middle East Settlement

Punto de Vista **By Eddie De La Garza**

The great debate on the issues facing the nations of the Middle East continue, with a double standard being unjustly applied to the policies and actions of the State of Israel. The most controversial issue is the contention of many that Israel must return the lands that it occupied after the 1967 War. Israel's position is sound and merits the support of the community of nations and not the irresponsible rhetoric that appears to dominate the international arena.

The land between the Mediterranean Sea and the Jordan River, with the biblical name of Canaan and now known as Palestine, is the area that is provoking the international debate. To understand the problem on must not only have a grasp of the political situation but also know the history of the geographic area.

This supposed land of the Palestinians has been in reality the homeland of the Jews for well over 2,000 years and they have never ceased to assert their rights to this land of Israel. Since 1844 the Jews have been the largest group of inhabitants and since 1896 the majority. The Ottoman Empire ruled over the land and subsequently the British had a U.N. mandate until 1948 when the nation of Israel was founded. At this time the land was divided between Israel, Egypt, and Jordan and not until the 1967 War did Israel gain control over the Egyptian and Jordian sectors. Israel insists it must maintain these occupied lands, settle them and by doing so provide a buffer zone which will secure her borders: I agree.

The joint Russian-American statement issued this month called for a Geneva peace agreement between the Arabs and the Jews that would ensure the legitimate

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Contra Punto **by Brad Wiewel**

Presently, Israel has never been so dependent on the United States. America currently supplies $2 billion annually to Israel, or $600 for every man, woman and child, and the Israelis are asking for an additional $300,000,000 for next year. In light of these tremendous outlays and the strong emotional ties involved, the United States has an obvious interest in Israel's survival, with our increasing dependence on foreign oil and the dangers another war holds for the entire world. However, lasting Middle East peace becomes imperative.

Israel's current stand is one of not meeting with the Palestinians on an official basis to make peace, and that the P.L.O. shall never be a part of a Middle East settlement. If, however, the Palestinians are excluded, there will never be a peace agreement.

Palestinians are strangers in their own land. Political participation is denied them; they have had property expropriated; they are victims of discrimination. In addition, their numbers are growing very rapidly. After the 1967 war, over 1 million Arabs on the West Bank and Gaza came under Israeli control. 50% of the Arab Israelis are under 14, and 75% are under 30. While 90% go to school, their schools are significantly poorer than their Jewish counterparts. This rapid population growth, coupled with the growing nationalistic feelings within the Palestinian community, as evidenced by the general strike of March 30, 1976, spell trouble for Israel. Consequently, a major peace initiative seems no more risky than a continuation of present policies.

Additionally, the Arab countries have made it clear that they will not settle their differences with the Israelis without the Palestinians, and the entire Arab world is united behind creating a Palestinian state on the West bank and Gaza where they could live peacefully beside Israel. Before the two sides can meet, however, both must accept U.N. Resolution 24-2 which

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Handicapper General

By Raymond A. Desmone

"Good morning, Thad."

"Huh, oh, hi Tucker."

"A little hung over this morning, aren't we?"

"Not at all Tucker. You won't believe this, but I stayed up all night reading the government's brief in the Bakke case."

"Damn Thad, that doesn't sould like the typical evening of our resident Reasonably Prudent Hedonist."

"Well, its true, and its a great brief."

"Do you mean to tell me that you actually enjoyed reading an appelate brief?"

"Actually Tucker, it reads more like a sociological treatise than a law brief, and its really well written. The only thing I didn't like about it is that it doesn't say anything new."

"I don't know Thad, the government is trying to end discrimination through affirmatvie action, and its in all the newspapers."

"That's true Tucker, but affirmative action is nothing now. For example, about 20 years ago, Kurt Vonnegut, Jr. wrote a book which predicted the state of the union as it would be with no discrimination. In the book he creates the Office of the Handicapper General. The function of the Handicapper General was to insure that no one took advantage of anybody. Under the Handicapper General's rules, people who were beautiful had to obliterate such an unfair advantage by being frumpish, or applying cosmetics as would Emmet Kelly. People with good eyestight had to wear glasses; Athletes who could run fast had to wear extra weight to slow them down; Intellectucals were allowed to socialize only with people who read comic books; Those with overdeveloped sexual prowess had to marry spouses who were made ill by the very idea of making love."

"Oh c'mon Thad, that's outrageous!"

"I don't know Tucker. I mean when the government position is adopted by the Supreme Court, discrimination is going to run rampant..."

"You mean it will be stopped short..."

"No, I mean it will be out of control, notwithstanding the government's valiant effort, and that's the irony of the whole thing. Let me explain. We will need a Constitutional Amendment to prohibit discrimination on the basis of height, weight, speed, stupidity, or toilet training. And to enforce the new law we will need a Handicapper General.

Beautiful people will be discriminated against so as not to have an unfair advantage over ugly people. Euthanasia will have to be legalized so that women will no longer have the unfair advantage of living longer than men. Too Tall Jones will have to have corrective surgery to cut him down to the size of the players. And, of course, "A" students would have to submit to frontal lobotomies."

"Well Thad, I don't see why that should upset you. I mean with your grades, you should have no fear of having your cranial cavity emptied."

"Exactly Tucker, and I was even having pleasant daydreams about no more competition for top 10%. About not having to worry about what class ranking I would put on my resume. But then my daydream turned into a nightmare." See, I dreamt I was at this party. Well, everyone was drinking a lot of beer,and, of course, there was a long line at the restroom. Now, having spent time some time in the military. I hate to stand in lines. So, I decided to deposit my used beer behind a secluded bush. Well, a few days after the party, I got a letter from the Handicapper General informing me that some of the females who were in that line filed a complaint allegining that I had an unfair advantage because I could perform a bodily function more conveniently and expeditiously than they could."

"Yeah! And then what happened?"

"Luckily I woke up—in a cold sweat I might add."

"You know Thad, you're a funny guy."

"Maybe so Tucker, but don't let the word get out. Some sour puss will file a complaint with the Handicapper General, and swish, another of my unfair advantages will fall to the Handicapper's scalpel."

"Thad?"

"Yeah Tucker?"

"I don't mean funny, like funny Ha, Ha..."

"Now you've got the idea Tucker, save your complaints for people you dislike."

2nd Annual Halloween Extravaganza

by Richard Roberson

Did you miss the party proclaimed the "Best Of The Year 1976," i.e. Halloween Extravaganza I? If so, the opportunity to be part of this year's most prestigious social event is your's for the taking.

The promoters of Halloween Extravaganza I have put together a bigger and better show featuring Wes Stripling and His Wonder Duck and Dean Reuschlein singing "Won't You Come Home Bill Bailey," accompanied by the Flonzaley Quartet.

Festivities include music by "Stardust," who played at H.E.I., and refreshments in the form of free beer. The price of admission is a ridiculously low $3.00 in advance, however no tickets may be sold at the door in complaince with the lease contract. Tickets will be available from local loud mouth ticket salesmen.

Costumes are highly recommended as they accounted for a large part of the success of last year's party. Please be with us on October 28, 1977 from 8:30 p.m. to 1:00 a.m. at the plush San Antonio Homebuilder's Association Building on IH-10 between Callagahan and Wurzbach exits.

memory

tomorrow's
tomorrow's
tomorrow
will trip on
the faintest trace
of yesterday

edward j.m. schroeder,II

A Word for the Advocate

by Jan Fisher

The Orville Walker Moot Court Compeition drew to a conclusion on Oct. 3rd when Richard Hayes and Patricia Mansell were named as the winning team. Mr. Hayes and Ms. Mansell argued against the team of Eileen Sullivan and Bill Crow in the final round. Ms. Sullivan was honored with the outstanding speaker award and Patrick Dooley won the Best Breif award.

The final round was observed by a capacity crowd which appeared to be extremely impressed with the demeanor and ability of the deserving finalists. Ms. Mansell, Mr. Hayes, and Mr. Dolley will represent St. Mary's University at the regional moot court competition in Houston on Oct. 27th-Oct. 29th.

Two other teams deserve recognition for progressing to the semi-final round. Mary Ann Oakley and Linda Lampe met Mansell and Hayes in the semis; while, Patrick Dooley and Randy Grasso battled against Sullvan and Crow. These students, as well as all the competitors, are to be commended for their hard work and superior talent which served to make this an outstanding competition.

The Board of Advocates would like to express its appreciation to the following men and women who served as judges for the event:

Judge John Wood, L. Bruce Fryburger and Jorge Torres judged the final round. David Dittfurth, Morton Beard, Brendon Gill, Mark Cannan, Frank Herrera, and John Scarzafava were semi-final judges. Kim Manning, Robin Teague, William Lemons, George Manning, Richard Meyer, Joe Anderson, Frederico Rodriguez, Charles Gorham, Shirley Butts, Don Taylor, Mike Hernandez, Tom Black, John Dailey, Loretta Sue Funk, Robert Hobbs, Ken Malone, Sam Dibrell, David DeWall, Antonio Cantu, Ed Kliewer, Bill Armstrong, Joe Russel, Peter Perenti, James Norman, Glen Ayers, James Nowling, and Alfred Offer served as judges for the preliminary rounds.

The Board also wishes to thank Robert Yaquinto of Yaquinto Printing Co. in Dallas for priting the ballots for the competition free of charge.

Those students and faculty members who were unable to observe the moot court competition will have another opportunity to view advocacy at its best in Nov. The Mock Trial meeting was held Oct. 5. A large number of students have signed up for the competition which will begin Nov. 7. The preliminary rounds will be held in the law classroom building and undergraduate campus Nov. 7th-10th. The quarter-final rounds will be held Nov. 15th, and the final round is scheduled for Nov. 16th.

Freshman students are encouraged to sign up to be bailiff-time keepers as this is one of the requirements for Board membership and an excellent opportunity to see trial advocacy at work.

The Spring Semester will also be filled with a variety of competitons. The 2nd Annual Client-Counselling Competition will begin in February and the 1st Annual Texas State Mock Trial Competition will begin in March. Those 2nd and 3rd year students interested in appellate advocacy will have another opportunity to participate in the Norvell Moot Court competition, and a special date had been reserved for 1st year students to demonstrate their vocal chords in the Freshman Moot Court Competition. Both of these competitions are planned to be held in March.

It is increasingly apparent that the faculty and Board of Advocates wish to serve the desires and the needs of the students as to the variety and number of advocacy programs offered. The opportunity to participate in this learning experience is open to any student who desires it. Those who have taken advantage of the programs are sure to tell you that the learning is in the doing!

Placement....

(Continued from page 4)

Placement Office staff is willing to look over drafts, make suggestions, etc. However, keep in mind that the resume is your expression to others of your qualifications, interests, and abilities. You may put whatever you want - if not dishonest or obscene - regardless of what your advisors suggest.

—Services—

There is still that lingering feeling - existing also when I was in school - that the placement office only servies the upper 20% of the student body (or is it upper 10% this week). While it is true that some on-campus interviewers specify class standing in the upper sections of the class, it is also true that others don't care. And on-campus interviews are only a small part of the placment services available.

Just above, resume preparation was discussed. Job listing is a popular part of our service, both for clerking positions and for attorney positions. What might be termed "career counseling" goes on all the time, informally as well as semi-formally (We are rarely formal). Discussions of strategies in job search and lists of alumni in locations of interest are other things we can contribute. If you don't need, or wish to use, the services of the placement office, this is not addressed to you. But those of you who need some help, don't be hesitant to come in. If we are busy the first time you come by (evidenced sometimes by large crowds standing in the office and at others by a certain brusqueness on the part of Pat or I), help us figure out a better time for you to come back.

From left to right: Richard Hayes, Patricia Mansell, Patrick Dooley, Eileen Sullivan, Bill Crow.

★★ Honor Court Ac

Honor Court Opinion

Timothy F. Johnson
Presiding Justice

The Honor Court regrets to state that a law student was found to have intentionally falsified his academic achievements to a law firm in order to obtain employment and to have intentionally given false testimony to the Honor Court.

On August 5, 1977, a complaint alleging an Honor Code violation was submitted to Dean Schmidt by a local law firm. The complaint alleged that serious misrepresentations concerning grade point averages were contained in a resume submitted by a student at St. Mary's University School of Law who applied for a clerking position at that firm. The Court met on August 25, 1977 and determined that there was probable cause to hold a hearing. A hearing was held Tuesday, September 6, 1977 from 8 p.m. until 12 midnight. All witnesses whom the accused presented were heard by the Court. At that hearing, the Court determined that there were, in fact, serious misrepresentations made on the resume given to the complaining firm. The accused admitted having knowingly delivered the false resume to the firm, but stated that no other false resumes had been delivered to any other firms, and that accused presented reasons for having delivered a false resume to the complaining firm. The accused stated, specifically, under oath, that any other resumes which had been written contained no reference to grades whatsoever. On Wednesday, September 7, 1977 the Court, through further investigation discovered an additional resume filed with another law firm in San Antonio also containing the same falsified information. The accused was informed of the new and damaging evidence and that the Court would reconvene the following day to hear the evidence and the accused's answer to it. At this point, the accused informed the Presiding Justice of the Honor Court that he would elect to withdraw from school rather than face further proceedings before the Honor Court. The accused submitted a letter of withdrawal to the Dean on Monday, September 13, 1977, and upon reflection the accused withdrew his letter of withdrawal and elected to proceed to a final hearing. The Honor Court after questioning an out-of-state witness, who had earlier submitted a statement at the accused's request, discovered a third false resume. At a hearing held at 2 p.m. on Tuesday, Selptember 13, 1977, the Court introduced the new evidence and heard the accused's answer and final statement. The Court voted unanimously to expel the accused on the basis of the evidence.

The accused has a right of appeal to the Faculty Council.

St. Mary's University
School of Law
Honor Court

Editor's Note: On October 18, 1977, the Student/Faculty Arbitration Committee voted against permitting publication of an article by Denny Callahan which analyzed the Honor Court Opinion. The other articles on this page were allowed.

Due Process Assured

By Timothy F. Johnson

First let me note that what has been posted by the Court is not an opinion per se but is rather a statement of facts tracing the development of the case. No Court has ever published a statement that is this complete. We made the statement as specific as it was for several reasons. We wanted to give the student body some idea of the workings of the Court and Code. We also wanted to put to rest the idiotic rumors with which virtually all of the Justices were being acosted. We therefore felt it important to lay it out step by step so that the actual facts would be known.

Secondly the Court welcomes Mr. Callahan's scrutiny. This is an institution of learning and hopefully we can all learn from this experience. It is unfortunate that an individual's legal career has been ended. In light of the facts, the Court is quite comfortable with its decision. We hope this will cause everyone consider their responsibili profession and what our Code this be done then much goo from a bad situation.

The Accused was convicted the Honor code by engaging unbecoming the legal profe conduct consisted of mak misrepresentations on his knowingly making false state oath before the Court as well financial aid office. Th misrepresentation" consist average sufficient to boos standing by approximately The Honor Court investigate public and placed the Accuse during the hearing. While un Accused knowingly made se ments the Court found to be opposed to the facts of the were the elements of the offen the Accused was expelled.

The Court acquired jurisdi ways. First we felt the cond was within the limits of the read it. Generally the Code is apply to on-campus and acade This case involved a la representing himself as misrepresenting his acade ments. As a practical matter, difference if one cheats on a thereby raises his/her g average or just lies about the his/her resume? If it is not result is the same. That perso a substantial advantage o classmates. Secondly the precedent for its jurisdiction has handled at least two ot cases, the results of which thereby giving the student b One case was in the Spri thereby giving this particul notice that the Court conside within their jurisdiction.

The Court found probabl proceed to a hearing based upo sent to Dean Schmidt by the l based upon Dean Raba's affirming the allegations and the complaint to us. All the n individuals involved are kept This applies also to the thre involved. The accused, at all informed of the identities of and the witnesses the Court call.

The accused's right to privacy has been given great consideration. We have been zealous in our attempts to protect the identities of the people involved. That is a near impossible task in this enclave of small minds and busy mouths. As to the accused's grades being checked, it is my opinion that the presentation of a resume in pursuit of a job is an effective waiver. You are impliedly giving the prospective employer the right to ascertain the validity of your representations. The Court was very cognizant of the Accused's right to privacy and we were careful to preserve it.

The Accused was informed of several basic rights in the Summons and Complaint and again in the opening statement of the Presiding Justice. The Accused was specifically told that he had rights to Council, to keep silent, to present witness and evidence, and to cross examine all witnesses. Further the Court provided the Accused with a list of the witnesses that it intended to call and copies of the letter of complaint and the tainted resume. The Accused knowingly waived his rights. Such waiver, coming from one with 40 hours of law, can safely be presumed to be an informed waiver. For purposes of appeal the Accused was provided with tape recordings of the entire proceeding. The Court also provided a very specific statement of findings.

The sanction to be assessed was very clear to the Court. We had no options. To have applied any less severe a penalty in the face of repeated false testimony and the three falsified resumes would have made a mockery of the Honor System. We all felt our responsibilities very keenly. Ending someone's legal career is neither a pleasant nor an easy task. We did what we felt we had to do and are comfortable with our stand. One practical matter we should consider at this point is what is the overall effect of this on St. Mary's. We all know how tough it is to open doors in Dallas or Houston with a St. Mary's degree. Where would our graduates stand if word got out to the legal community that St. Mary's students passed out bad resumes? A St. Mary's graduate would always find their resumes met with skepticism. Remember, there were three law firms on the receiving end of these false resumes. All have been notified of our action. In short, we viewed the facts and did what we felt was best for our profession and our school.

The Masses

by Martha Tobin & friends

Historic and recently restored San Fernando Cathedral, from which Santa Anna flew the flag signifying no quarter to the troops in the Alamo, was the site of the 25th Annual celebration of Red Mass in conjunction with the Golden Jubilee of St. Mary's University School of Law. In an impressive ceremony officiated by Archbishop Furey, the 14th Century custom of opening the judicial year with the guidance and blessing of the Holy Spirit was reenacted. Patrick Kennedy, Sr., Class of 1952, gave the commemorative address in which he traced the history of the law school from its humble founding to its present position of national prominence. The Intercollegiate Choir of San Antonio brought to the cathedral a rare mixture of both ancient and modern religious music. The ceremony, under the planning and supervision of Dean Harold G. Reuschlein, was truly an ecumenical gathering attended by faculty, students, alumni and distinguished guests, including members of the Court of Criminal Appeals and the Supreme Court of Texas.

After the Mass, a reception was held in the Pecan Grove followed by a banquet in the Dining Hall. In recognition of his long service to St. Mary's, Dean Ernest Raba was awarded an honorary doctorate degree. Professor Reuschlein read the citation and Father Young, president of the University, conferred the L.L.D.

The Ten-Minute Blues

by K.J. Leach

Viewing myself somewhat as a talented jigsaw puzzle solver, I have seldom hesitated in picking the 1500-part puzzle over the 1000 pieces. Size is no handicap. On the other hand, the quintessence of all jigsaw puzzles, known simply as law school (with all the nuances that phrase intends) has proceeded to baffle my tried-and-true efforts at amalgamation. It's hard to work jigsaw puzzles without developing a list of different approaches for solution, but there is no approach that can circumvent the fact that you don't have all the pieces to the puzzle.

Consequently, I decided my first plan of action should be to re-examine my entering steps into law school to ascertain if, indeed, I had correctly identified all the sources of puzzle pieces to law school. Yes, I had the "no sandals and shorts in class" piece from orientation, plus "the canned brief dilemma" from PAD's used book salesmen, not to mention pieces of "esoteric advice" from St. Mary's cream of the crop. I went to SBA meetings, ate tamales, attended the Law Wives' mixer, ate tamales, joined WLA, and ate tamales. In between were numerous cups of coffee at the Snake Pit.

Next I turned to my study habits and laid bare the missing piece. No one had ever judiciously and authoritatively discussed what to do for those ten minutes of break time for every fifty minutes of studying. The more adroit first year law student will grasp immediately the serious reverberations of this leviathan Achilles' heel. The wrong choice means lethal corrosion into precious study time. A trip to the Snake Pit almost invariably lasts longer than ten minutes. Standing in line at the Xerox machine will not mitigate our quandry. However, a frisbee game might offer an alternative, if you attach to the inside a photo of your most exacting Torts professor. (I understand he teaches Contracts, too.) Those of you who cherish new broadening experiences could try reading the dedication plaque in the library, or adding all the volume numbers of the Southwest Reporter on your pocket calculator, or sketching mental images of Blackacre.

To put frivolity aside, certain study break activities, nonetheless, reap greater rewards than others. One of the most beneficial study break practices I have discovered helps to relieve incapacitating muscle tension that builds slowly each day in your shoulders, neck or forehead. If you think you are immune, listen to your body and examine your postural patterns during the day. In class we hunch our shoulders while resting our elbows on the desk. In the library or at home poring over papers and casebooks adds to the strain in these areas. Heavy books and briefcases are equivalent to weights putting muscles in a state of constant stress. While these muscles never reach the point of actual fatigue, this daily strain is enough to create discomfort and pain, thereby attenuating the ability to concentrate. As they say, you can always depend on death, taxes, and the presence of stress and strain as a student or a practicing professional.

Here is a list of simple, easy, effective exercises that a physical therapist friend shared with me.

1. Rotate head from side to side, looking over your shoulder. (5 rep.)
2. Attempt to touch right ear to right shoulder (do not lift shoulder), then left ear to left side. (5 rep. each)
3. Shrug shoulders: straight up, up and forward, up and back, circles forward, circles backward. (3 rep. each)
4. Pinch shoulder blades together. Hold to count of 5. (3 rep.)
5. Pull chin in, pushing head back. Should cause a double chin. Hold to the count of five. (3 rep.)
6. Combine no. 4 and 5. Pinch shoulder blades together while at the same time pulling chin in and pushing head straight back.
7. Keeping elbows straight, raise arms out at your sides and over your head, touching backs of hands together.

All exercises may be done with small weights in hands. Pop bottles filled with water make convenient weights. Keep the weight under 5 pounds.

Promoting Fellowship

By Mary Jay Najvar

The Law Journal Editorial Board entertained the officers of all law school organizations at an informal get together on Tuesday, September 20th. Everyone gathered at the backyard at Mama's Restaurant & Bar on San Pedro Avenue where each consumed as much free beer and snacks as possible in two hours. Mama's furnished the beer, snacks, and service (while those present provided plenty of conversation.) The purpose of the event was to promote fellowship among the student leaders.

Senate On The Hill

By Bonnie Reed

For those of you who do not remember or just do not know, the law school last spring elected five representatives to what I will refer to, affectionately, as the "Senate on the Hill". The law school's motivation for this sudden burst of representation was fustrustration—we were not getting our moneys worth—and perhaps the Senate on the Hill would hold some answers. We also felt a need to show the "Administration on the Hill" (who's caught up in the concept that we are all one big family) that the law school would be willing to cooperate.

The "Senate on the Hill" meets every Monday afternoon at 2:00 in the Math Building. Anyone can attend. Its constitution, as recently amended, provides for Senators from each class and graduate school, for officers and (get this) every authorized student organization regardless of size, gets a representative. This means that there are representatives from all undergraduate fraternities and sororities, each of the dorms, Shoestring Players, the Rattler, Mexican Ameican Student Organization—the list goes on. (I think you get the idea!) The result is that the Senate has 51 members. It is a monster made up of individuals who seem more concerned with their own organization's concerns than with the campus as a whole.

There are other limitations on the effectiveness of the Senate. Not only are its funds limited, but the administration of the University has the authority to tell the Senate how the money is to be spent. The great portion of the budget it spent on "entertainment" and on the films shown on campus on the weekends. Other costs are the salaries for some of the officers. The body has been specifically warned by Father Young, the President of the University, that it shall not take sides on political issues and shall not give student senate funds in such a way that takes sides.

My fault, so far, with the leadership of the Senate is that it does not appear to have any program. We go from meeting to meeting hoping something of interest will come up.

Two weeks ago something interesting did "come up". A group of students came to the meeting asking for funds in order to stage a demonstration against the Bakke decision. As you can imagine, the effect of a Supreme Court holding that affirmative action programs are unconstitutional could have some effect on this campus. The letter from Father Young together with the questionable effectiveness of such a demonstration made that proposal unreasonable. It was then suggested that there be a debate held on the decision; the senate can call it educational and fund it. This was voted on and passed. The debate will be held sometime around the third week in October. It will be organized by MASO with the assistance of the Senate and perhaps some law school faculty. Other schools in San Antonio will be invited to participate.

The meetings so far have been concerned with internal senate problems such as interpretation of the constitution, appointment of a parlimentarian, and filling vacated senate positions. Hopefully future meetings will deal with student problems on campus and will plan some creative entertainment programs.

If you have any problems with the University and feel that its a subject for the senate, let one of your senators know.

Nowhere But San Antonio: Sue's City

by Susan Jacobson

Editor's Note: Ms. Jacobson is a columnist for **The Daily Commercial Recorder**. This article originally appeared in the September 27, 1977 edition of that publication, and is reprinted here with the kind permission of **The Daily Commercial Recorder** of San Antonio, Texas.

I once wrote a column explaining how I got out of reporting and into political satire. I wrote that I was forced out of freelance reporting by an article I had tried to compile on the Edwards Underground aquifer.

To re-cap, I had been asked by a national publication to do a feature on the aquifer in December of 1975 when mutterings of moratorium were first being heard outside city limits. I informed the publisher that I would accept the assignment but that the mutterings were becoming clamorings and issue was far from resolved. He instructed me to gather the background information, write it up, mail it to him and call in the concluding paragraph when the fate of the aquifer was known. I promised he'd have his conclusion within two weeks, after the January, 1976, city referendum.

And he did. "The mall will not be developed, but other development will proceed subject to controls." I called in. Just before press time, however, I had to call back with a frantic "HOLD", since the mutterings were moving in the direction of total moratorium. When the total moratorium was voted in, I called with the news. The next day, of course, when a special meeting convened to reconsider the moratorium action, I had to call in frantically once again.

After a year and a half of HOLDS and GOS, the publisher said many things to me that were not nice and added, "If I lived in a city like the one you live in, I wouldn't even try writing straight feature articles. My advice to you is to do political satire."

Thus this column was created. And in the five months it's been running it has received some very gratifying positive response. As a matter of fact I was contacted recently by the publisher of a New York-based national newspaper syndicate who asked me to forward some of my latest columns to him for review in the light of possible national syndication. Among the columns I sent was the column that appeared September 9. Using Renee Dickson as a hypothetical contender for the then-open job of city attorney, the column satirized city council's preoccupation with Affirmative Action. As a female-turned-male with a liberal Black father, a conservative Anglo mother, and a Mexican-American brother, Renee was selected by City Manager Tom Huebner as the perfect candidate for the position of city attorney—one who would be all things to all council members.

Another column I included in my packet to fame was the September 13 story about an anonymous phonecaller who suggested to me that the way in which Henry Cisneros engineered his downtown meeting could be considered a City Charter violation. My caller quoted Section 47 of the City Charter, part of which states: "Members of the council shall not direct or request the city manager or any of his subordinates to appoint or remove from office or employment, or in any manner take part in the appointment or removal of offices or employees in the administrative service of the city, except for the purpose of inquiry." Cisneros was used to symbolize a faction of city council that would like to consider itself exempt from the dictates set forth in the City Charter.

Yesterday I received my long-awaited call from the New York publisher. "I was very impressed with your columns, Ms. Jacobson ..."

"Why thank you," I glowed.

"...until I got a chance to read some San Antonio newspapers over the weekend. I read where in one day the city manager hired a female to the city attorney position, a Black to an administrative position, and a Mexican-American to an assistant manager position. Furthermore, I read of charges that a coalition of council members may be violating the city charter by interfering with the city manager's job by threatening to fire him because he didn't hire a Mexican-American city attorney. I'm terrible sorry, Ms. Jacobson, but I'm looking for political satire. Satire is supposed to exaggerate the facts, not mirror them.

Then he added, "If you want to do satire, you'd better move elsewhere. After reading the San Antonio papers, I don't see how you could exaggerate anything. Frankly, if I lived in a city like the one you live in, I wouldn't even try writing political satire, My advice to you is to do straight reporting."

Student Senate News Update

By Gary W. Hutton

Last meeting Linda Zuflacht was certified as Vice President ending the senate's nearly abortive efforts to elect a new vice president. The senate vetoed a resolution to accept whatever decision the faculty council reaches concerning academic credit for selected memebers of the Board of Advocates.

Professor evaluations are being revamped. The rules committee, chaired by Bernie Delia, is reviewing the constitution adopted by the senate. Amendments are expected. The reason for changes—last years senate left three different constitutions, none of which included amendments made last year.

PRE REGISTRATION—Different schools policies are being reviewed by the Pre-Registration Committee. It is doubtful whether anything will be implemented for the spring semster. One plan being reviewed is based on the University of Houston's procedure in which you pre-register and determine your examination schedule at the same time.

Other news briefs—a new IBM dry copier to replace the washed up wet copier is rumored to be on its way. A permanent change of library closing hours, 11 p.m. to midnight is under advisement. The SBA coffee machine is on a 30 day trial basis and although people are pleased with it, its continued operation depends on whether the SBA can sustain financial losses created by people not paying for each cup.

POLICE PROJECT — Chairman Richard Hayes is bargaining with the San Antonio Police Department for a program in which law students can observe the workings of the department. So far the Chief has agreed to let students observe all of the operation except riding in police cars. Richard also proposed to set up a Campus Organization Committee (C.O.C.). This was vetoed by the Senate. He has continued efforts to set up the committee on his own and has received a favorable response from most of the law school organizations who, this year, have had particular problems with conflicting speakers, seminars and meetings.

Finally, a sign up list for Senate committees will be posted. All students are encouraged to sign up.

Students Go To Prison

by Scott Spears

H.R. Haldeman is working seven days-a-week on a late shift in the Tompoc prison sewage plant in California. He states he has experienced "the indignity, shame, horror, fear, disgust, and all the other overwhelming emotions that assail a thinking man who is required to enter prison."

It is impossible to fathom the truth of this statement until you have seen prison life for yourself. On September 29, the Criminal Law Association had the experience of touring two of the fifteen units operated by the Texas Department of Corrections; the Ferguson unit for men and the Goree unit for women.

The tour began with a visit to Ferguson. When you walk through the fence via an electronically operated gate and enter into the prison building, an eerie feeling of alienation from the "freeworld" comes over you. It is a sensation that is unforgettable. If you could "experience" prison you will never commit a crime.

On the second leg of our trip we were able to see the garment factory in the Goree unit, one of two units in Texas for women. The unit as a whole while run on the same principal as Ferguson had a different complexion. Our guide, Miss Jane Garten said, 'we are easier on women because there is a big psychological burden on a woman who goes to prison; more so than on a man. It is a man that traditionally goes to prison. Men are by nature more aggressive than women.'

TDC operates on the elementary psychological principle of reward and punishment.

Upon entering the prison, a man is a Class I inmate. Consequently, he receives 20 hours of "good behavior time" for every 30 hours served. As a means of disciplinary action he can be demoted to Class II in which a man only gets 10 hours "good behavior time", or to Class III where a man serves "flat time." An inmate is eligible for parole consideration after 1/3 of the sentence is complete or after 10-12 years if a life sentence is being served.

There has been a great deal of discussion concerning parole versus a flat sentence according to the crime. If the parole system was abolished in lieu of a flat sentence it would deprive the prison system of its best means of control.

Some forms of punishment are cell restriction, solitary, or the subtraction of earned good behavior time. But, there are rewards, too. School is the most sought after.

One right all prisoners have is the access to the legal library or "writ room" To make their legal searches easier, the prisoners had an Inmate Legal Handbook, prepared by the Staff Council for Inmates, Roy Greenwood.

Overall the TDC is very impressive. It is run like a big business, which it is. There is a definite trend towards educational improvement or the acquisition of a trade skill. While reward and punishment do nothing to enhance an inmate's understanding of the system of justice through social, religious, or legal concepts, it is obviously enough to keep two out of three inmates from returning. One thing for sure, as Mr. Brodsgaard stated, "It ain't no picnic!"

8th Annual Chilympiad

by Linda Lampe

The Eighth Annual Republic of Texas Chilympiad was held on Sept. 17 in San Marcos. St Mary's Law School was ably represented by a seasoned crew of chili cooks commanded by Robert Aldrich. Although the St. Mary's "Volenti Non Fit Injuria" chili was not chosen among the top three, the team does have the distinction of stirring up the largest pot of chili in the contest. Seventy five pounds of meat, 40 pounds of onions, 5 pounds of chili powder and of course several secret ingredients were artfully combined to produce one of the best pots in the contest in this writer's opinion. Several dozen law students stopped by and were treated to as much chili and beer as they could down. Jim Weidner the "head beaner" also prepared a huge pot of his special pinto beans. All agreed that there's nothing finer this side of Bangor, Maine.

The chili team's entry in the chilympaid was made possible by contributions from the Women's Law Association, Phi Alpha Delta, Delta Theta Phi, Phi Delta Phi, the Student Bar Association, the Criminal Law Association, and Fatso's.

Paternalistic...

(Continued from Page 1)

evaluate the abilities and promise of each new applicant without taking his race into account..."Blacks must overcome more "non-academic hurdles" than whites must overcome to get particular grades, so evaluating grades requires "cognizance of color."

But the brief's logic applies beyond professional schools, to all schools, and to employment—wherever whites and blacks now complete under rules that do not take "cognizance of color." (Already some employers can be required to "differentially validate" employment tests, a euphemism for using lower passing scores for blacks than for whites.)

Purporting to explain the brief, Attorney General Griffin Bell said he opposes "exclusionary" quotas. Evidently he understands neither quotas nor the brief. All quotas are "exclusionary": they exclude persons who are not members of approved groups. An early version of the brief, written before Bell's Justice Department buckled beneath pressure, made the obvious point that quotas involve "using race as a tool of exclusion"—as the medical school used them against Bakke.

If Bell thinks the brief does not support quotas he should consider that a recipe for pudding makes pudding, even if it doesn't use the word "pudding."

Bell supports quotas if he supports the brief, which supports allocating opportunities on the basis of ethnic quantities rather than individual qualities.

In order that "the effects of past discrimination" will not "mask an individual's merit," the brief says certain government-approved racial and ethnic groups, and not just individuals, should have rights. If this doctrine saturates policy, American politics will be permanently poisoned. Politics will be an endless struggle for preference, a scramble to determine which minorities will receive what slice of educational and employment opportunities.

If you doubt that this will be permanent, consider that the brief says society must "restore victims of discrimination to the position they would have occupied but for the discrimination" against them or their "forebears." Who will decide, and by what criteria, when "restoration"—a strange word to choose—has been completed?

"As long as prior discrimination has present effects," says the brief, "mere neutrality to race is insufficient. As long as the effects ....persist, the employment of race-consciousness in rectifying that discrimination should not be abandoned." Obviously "mere neutrality" on race will be impermissible, and "race-consciousness" will be obligatory, for generations.

The cruelest consequence of this is the devaluing of black achievement. School segregation was rightly held unconstitutional because it stigmatized blacks. But so does discrimination "for" blacks. If it becomes pervasive policy, the success of blacks in the professions will be tainted: blacks will have been declared wards of the state, officially stigmatized as incapable of competing. It is profoundly sad that black leaders clamor for the patronizing, paternalistic policy of the Bakke brief.

Middle East Settlement...(Continued from page 5)

Punto De Vista

rights of the Palestinian people. In essence it supports the contention of the Palestine Liberation Organization that a Palestinian State must be carved out of Israeli lands. The most burning question in my mind is what about the legitimate rights of the people of Israel? Why must a double standard be applied to the Israelis? The joint statement which was drafted by the freedom loving gang from the Kremlin made no mention of U.N. Resolution 242 which recognizes Israel's rights to secure borders.

Those who advocate the position that Israel must return to it's pre-1967 borders are wallowing in the mire of naivete, not only from a historical perspective but a position of self-preservation. In an area of the world where capitol cities are only minutes apart by fighter planes and days apart by ground forces the position that buffer zones are vital for self-preservation is sound. The Palestinians have repeatedly been given guarantees by Israel that they have the right to peacefully coexsist with the Jews in the area in question. Even with the guarantee the P.L.O. and their leader Yasir Arafat insist that only their form of government is suitable for this land. This pistol government would of course be led by Arafat and be snuggled up to Israel's border.

The best example of the Arafat mentality are the rocket attacks that are made on the Israel buffer zone from Lebanon where this statesman of International stature is. Perhaps the Palestinian issue should be resolved by Israel in the only manner that is understood by the Arafats of this world. The United States must recognize that the State of Israel is committed to the perservation of its society and that they are the legitimate Palestinians. The bandits who make no significant contribution to world stability except to strut around with pistols strapped to their hips should not be portrayed as the leaders of a nonexistant state.

In view of the above I again ask, when Israel is asked to relinquish land to Arabs why are the Arabs not required to recognize that the Jews have been the Palestinian for 2,000 years?

Contra Punto

would implicitly give recognition to Israel of its right to exist, but also force Israel to give up all Arab occupied land. This condition is currently being violated by the establishment of Israeli settlements in Gaza and the West bank.

Many experts state that a Palestinian state might be an actual safeguard for Israel. Besides clearly reducing the threat of war, it is clearly in the interest of moderate Arab countries to prevent a radical regime from emerging. Jordan desperately wants peace with Israel, and the Saudis, fearful of the Soviets, would be likely to maintain tight controls over any Palestinian government. More important, another war would be devastating for both sides, especially Israel. The best way to prevent Soviet domination of the Palestinians would be to offer them American sponsorship under the right conditions, and establish UN buffer zones to protect Israeli borders.

To discourage the two sides from making meaningful contacts is to condemn Israel to eventual disaster and thousands of Israelis to death. To deny this reality is to say that the living state of Israel does not matter, that only an abstract idea of Israel matters. In the words of Shimon Shamir, head of the Tel Aviv University history department: "It may be that this is the last chance Israel will have to consolidate a position with the U.S. which would exchange Palestinian participation for meaningful and concrete concessions."

Do You Need A Lawyer?

by Don DeCort

The above headline, appearing in the summer of 1976 in a Phoenix newspaper was the subject of an opinion of the Supreme Court of the United States and is the center of a raging controversy among members of legal profession as well as our counterparts in other profession.

The ad, placed in the paper by the Legal Clinic of Bates and 'o'Steen of Phoenix, suggested that such "routine" legal services as change of name, uncontested divorces and others might be made available on a fixed rate basis and included a listing of some of these prices. Never before had the professions long standing ban on formal advertisement been so overtly challenged and the Supreme Court of Arizona responded with an almost unanimous opinion upholding a State Bar committee's ruling that the attorneys involved had violated a disciplinary rule prohibiting such advertisement. In Bates v. State Bar of Arizona, the Supreme Court of the United States reversed the Supreme Court of Arizona finding that the disciplinary rule in question was in violation of Messrs. Bates' and O'Steen's First Amendment right of free commercial speech. The State Bar of Texas, I might add, has a similar proscription in DR2-101(A) which to date has not been challenged. The court's opinion has been viewed with mixed emotions and reactions within the legal community, a perfect example of which was demonstrated in a recent debate conducted here at St. Mary's. In favor of such advertising was Mr. Oscar Cisneros who had published an almost identical advertisement in one of our local newspapers after the Bates' decision. The thrust of Mr. Cisneros' comments was that in order to provide routine legal services to the public, at rates commensurate with the difficulty involved and their ability to pay, and most importantly, to better inform the "potential purchaser" of these services of their availability, some qualified advertising is essential. His opponent, Mr. Fred Semaan, was of the opinion that advertising of this nature could and would be noxious to the profession as a whole. Suggesting some rather remote consequences which could find the advertisement in question juxtaposed with a similar ad for some questionable activity, Mr. Semaan was concerned with where it would all end.

While both men offered convincing arguments on both sides of the controversy, I can't help but feel that Mr. Semaan missed the Supreme Court's point in Bates. The decision, I believe, says nothing more than this: we as attorneys do have a commodity to offer the public and therefore the public, as "potential consumers" of this commodity, have every right to demand some reasonable disclosure in our part of the costs involved. To the argument of enforcement problems raised by Mr. Semaan, I quote from the court's opinion in Bates:

"Undue enforcement problems need not be anticipated, it is at least incongruous for the opponents of advertising to extol the virtues of the legal profession while also asserting that through advertising lawyers will mislead their clients."

Utopia...

(Continued from page 5)

penalties.

In the first situation, the student is being personally damaged by his own neglect. In the latter case, the teacher is damaging the whole basis of the classroom structure.

Should not the inequities to so many inspire an administration to require some previous exposure to basic teaching theory. Please understand that formal prerequisites are not being advocated, merely access to some form of constructive instruction.

A pamphlet must be in existence which could relieve this deficiency. If there is no such item, the cost of preparing such information in a short, concise manner should be a minor impediment compared with the possibility of related benefits. Furnishing such a skeletal teaching tool to those who ask for or qualify could promote a healthier and more productive environment for all involved.

Library...

(Continued from page 5)

facilities figured prominenetly in the ultimate selection. I was impressed with our school's physical plant which, as was pointed out to us on more than one occasion during our orientation and first month of classes, is a facility which would compare favorably with nearly any law school. However, the library is obviously the key element in the physical plant, and while ours cannot be described as the best law library in existence, it can honestly be evaluated as much more than merely adequate. This evaluation is justified though, only if we who use the facility are careful to extend simple courtesy to our fellow students and exercise out responsibilities in helping to maintain the library.

I had hoped that this consideration of others would be second nature to mature, graduate students seeking to enter a profession in which a measure of their success may depend on the consideration they extend to clients and colleagues.

I think that when one seems to be faced with thirty hours of assignments and only twenty hours of available time, one tends to look at small tasks such as reshelving library books as trivial matters, not worth the time expended. A moment of reflection on the state of existence, or rather non-existence, which the library would soon assume if every student embraced this attitude should emphasize the importance of every student performing these "trivial" matters. In a similar vein, I am thoroughly amazed and indeed humbled by some students' ability to read four, five, or even six more volumes, all at the same time!!

Admittedly, the most logical approach to the problem of too many students using too few volumes is for the professors who assign the work (or rather, vicarious experiences) to simply place the needed volumes on two-hour reserve for a reasonable length of time.

Recognizing however that the professors, in consideration of their position, are entitled to certain prerogatives and to expect their students to be able to cope with some degree of stress, I have another suggestion which I think might help on a long-term basis to alleviate the aforementioned dilemma. I think that every first year student should be **required** to work for a nominal period of time, perhaps two hours per month, with the library staff. I think the benefits of such a plan would be threefold. First, and most importantly, every beginning law student would come to understand firsthand the hard work, dedication, and magic which a library staff must expend to keep a repository of learning alive; econdly, the library staff could avail themselves of assistance in performing some of their less technical, but nonetheless vital functions; and finally, the law students just might benefit from an increased familiarity with the keystone of their chosen profession.

Idealsim And Legal Education . . . (Continued from page 16)

at this judgment. Also, as a general rule an understanding of a new discipline, such as law, is facilitated by a suspension of prejudgments in regard to that discipline. Furthermore, the validity of a legal decision is determined in part by a reference to considerations other than pure fairness, such as those arising from the nature and restrictions of the legal processes. For instance, courts in our legal system are limited as to what relief they have power to provide and, therefore, may be unable to remedy certain injustices. Even when deciding cases there is need to do so on the basis of established rules or precedents rather than the subjective values of the judges. Consistency in decision making as promoted through use of established rules allows society to better determine or predict what is or is not legally acceptable and retards the likelihood that judges will be arbitrary or biased in making decisions.

To solve this initial problem most first-year law teachers seek to expose these prejudgments or "gut reactions" so as to point out the need for reexamination of them in light of new considerations. Of course, if the process is characterized by humiliation of the student, this tends to provide the lesson that one holding ideals is foolish and is to be punished or ridiculed, however the purpose is not the deletion of ideals but the reexamination of them. Another problem for idealism at this point is the student's reaction to the pressures toward practical achievements. The student's need to gain some perspective and some handle on the ambiguities in law arises from the mentioned need to make good grades and thus leads to a hunger for "the" rule. This hunger is often accompanied by an impatience with the justification for that rule or any academic criticism of it. In other words, a student may look for the rule that works, disregarding questions of its fairness.

A student who knows the accepted rules of law and the facts to which they have been applied in past cases has a degree of competence sufficient for grades and employment. The danger is that this ability leaves the student in the control of those learned rules of law. Whatever may be the other considerations in the formulation and application of a rule of law, fairness still must remain primary. As with the examination of "gut reactions", examination of established rules of law and the fairness of their application in any particular case allows a student to understand the nature and essential strengths and weaknesses of that rule. Lawyers must for the most part abide by accepted rules, but those rules are constantly being changed. Exceptions to the rule occur because some lawyer argued that in some particular case the rule should not apply because it caused an unfair result.

A lawyer who can question the accepted applicability of a rule when necessary has the power to change law—a creative as opposed to a technical skill. This skill or power is also the most valued in the marketplace generally because lawyers who can make things happen are more valuable than those who cannot. This ultimate lawyering skill, often termed the art of lawyering, does not in and of itself provide a standard or guide for the lawyer's professional life. It is a skill that is neutral as to values or ideals and can be used to cause injustice, as well as, to prevent it. Acquisition of this skill does, however, imply the developed ability to question, analyze and decide independent of external authority. This is the process of independent thinking. The substance must be provided by the formulation of goals which the individual can rationally accept as worthy of a lifelong pursuit. These goals cannot be other than what are commonly known as ideals. Ideals are, therefore, a prerequisite to independent thinking and thereby to self determination.

The inconsistency between the ideal and the real is the inconsistency of a beginning and an end or of a problem and its solution - the inconsistency is, in other words, only an illusion. Ideals are formulations of the perfect solutions to the problems of an imperfect reality. They will never have complete reality, and it is because of that fact that they are valuable as lifelong goals; they will never be achieved and will always provide the individual a guide in making personal and professional choices. The practical reward for idealism is not sainthood but is the ability to define one's own life.

Idealism in this sense is not something which can be made into a substantive course in law school. It can be fostered indirectly by allowing questioning as to the validity and fairness of court decisions and rules of law. On the other hand, law students must also make the decision to insist upon such an educational focus. The pressures to achieve will not evaporate and the real world will not become more tolerant. In many ways, law students control the law school experience and can demand the sort of training which they see as preparation for their future goals. To the extent that demand is narrowly focused there will exist a less hospitable law school environment for the subtleties of idealism and its rewards.

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November, 1977

Witan

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

A Look At The Indians

By Joe E. Anderson

Some ten years ago I accepted a teaching position here at St. Mary's Law School. In July of 1968 the school had an enrollent of 382. There were eleven of us on the full time faculty and fifty-eight students graduated that year. Today the school has an enrollment of 690. Nearly twelve hundred students have graduated from St. Mary's Law School since 1968. The school has changed since 1968 and, more significantly, the students have changed.

How have the students changed over the past ten years? Perhaps the most apparent change, and I assume that St. Mary's is not alone in this, is that law schools have become truly coeducational. For the past two years I have noted in my classes that the ratio of male to female students is increasing and is now almost four to one, or twenty-five percent female students. This is a pronounced change from 10 years ago when there would be four or five female students in a large class. I do not know what the ratio of male to female graduates of undergraduate colleges is, but I suspect that the female student ratio in our law school is higher, or at least as high. What effect has this upon the student, the graduate, the profession? In the law school, the competitive edge has been sharpened by it. The female student is usually bright, motivated, and dedicated. Feedback from law firms who have hired clerks or interviewed applications for positions with their firms indicates to me that they were very favorably impressed by the female law student applicants, both as to their ability and their maturity and self assurance. The result must be that all of the students work harder to succeed in law school. The school benefits in that the student and graduate are better students and lawyers. The profession benefits by the school's graduating more competent lawyers.

Another change I have noted over the past ten years has been a general upgrading in the ability of our students. This is due to the intense competition involved in the college graduates gaining admission to law school, and a more rigorous attention by the admission committee of sufficiency of qualifications before an applicant is admitted. Obviously the limiting of those admitted to persons having better qualifications should and does provide better students and more competent graduates. The resultant effect is the same as that of the increase in the number of female law students. Everyone benefits—the student, the school, and the legal profession.

These are both changes that are desirable. There has been one change in the present student that is not, in my opinion, desirable. This change spans a longer time period than the past ten years that I have been discussing, but it has become accelerated within that period. It is not limited to law students but to people of their age group as a whole. I can only vaguely describe it. I am speaking of an attitude of life style that involves a kind of indulgence of oneself. In the past many law students were hard put to survive the

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Selection Of Legal Counsel

By David DeWall

Editor's Note: Mr. DeWall is a partner in the San Antonio Firm of Collins, DeWall, Deegear. He received the B.A. in Political Science from the Univ. of Minnesota in 1965 & the J.D. from the Univ. of Texas in 1968.

In Bates et al v. State Bar of Arizona, on June 27, 1977, the United States Supreme Corut held that limited lawyer advertising has First Amendment protection. The State Bar of Texas Board of Directors and certain of the Bar's leaders, not surprisingly, have attacked the decision as a defeat for "the public interest." It is suggested here that such Bar opposition is misplaced, and should be redirected with a more constructive approach.

A problem exists in that many or most individual citizens, especialy in middle size and large cities, no longer trust lawyers, do not know a lawyer personally, and rarely have knowledge regarding which lawyers in their cities are good practitioners in particular areas of the law. The Bar Association has acknowledged this problem very clearly in Ethical Considerations 2-6 and 2-7 of the Code of Professional Responsibility. But, alas, nowhere in the Code will one find even a hint of a legitimate answer to this problem. Reading on from EC 2-7 through the rest of the Ethical Considerations and Disciplinary Rules under Canon 2 leaves the writer thinking, "Wait a minute! What about the basic problem you raised in EC 2-7?" Basically, a citizen who does not know or know of a lawyer must look to the phone book, to a Bar referral plan, or to a group legal service plan. Simply looking down the alphabetical list in the phone book is useless. Calling a lawyer referral plan frequently gives people the same results, despite EC2-15, for as in San Antonio, each lawyer can sign up for eight different areas of law in which to be referred to the public. Further, the person calling cannot get information about the lawyer other than age and date of licensing.

Group legal service plans are either open or closed panels. Under open panels, the citizens can choose their own lawyers, but have the usual problems in making that selection. Under closed panels, the citizen must go to one of a few lawyers provided. This means they not only do not make their own selection, but they are prevented from going to specialists in the area of law they are concerned about, even if they know of such a lawyer.

The advertising allowed so far by the

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Witan Editorials

Since this is to be my last editorial I wanted it to be sapient. As I lack sageness, I sought the advice of may friends for possible topics. I was surprised to find that many counseled me to take this last opportunity at addressing fellow students to blast the administration for their continued interference with the internal working of the paper and their efforts to control its content. At best such a topic would be antagonistic and I have worked since last spring to establish a relationship of cooperation and mutual respect between Witan and the administration.

Therefore, instead of being wise, I opted for being sincere.

I thought I could discuss the idea or possibility of living one's life as a hero. I mean the heros of comics books, old time radio, and early T.V. Of course, we can't all dress up in crazy costumes and fight bad guys, but what I would have talked about is more an attitude, philosophy or approach to life. Then I realized all I would be saying is that everyone should be nice to each other and do good things. It sounded too goody-two-shoes.

Therefore, instead of being sincere, I opted for being constructive.

I was going to suggest that exam schedules (eg. next spring's) be posted before registration so that the student isn't caught with 8 exams in 4 days. Or I could have suggested that the search for a new dean be extended to a reasonable length of time to allow for a thorough search (about 18 months instead of 6). But then, looking at the situation realistically, it dawned upon me that both my suggestions would be ignored, as usual.

Therefore, instead of being constructive, I will brag about Witan's recent growth.

Since the present editorial board took control of Witan, student articles per issue have almost doubled. Faculty articles are up 450% and issue size has increased two fold. There seems to be a general consensus that the quality of writing is also on the rise. It is my desire that these improvements will continue and Witan will become the best student paper in the nation, but in the same breath I wish to remind everyone that Witan is written for students primarily by students. This situation should be guarded jealousy. The paper's purpose is not to serve the administration but to provide the students with a free forum for the exchange of opinions and ideas. When the administration attempts to exert pressure on the paper its purpose is, to that extent, defeated.

Letters

Dear Editor:

Well, finals are almost upon us once again. Panic has begun to set in. Students are making their runs on the copy machines to "burn of" the outlines that will save their hides (they hope). I count myself among this group.

Unfortunately, when I went up to the Law Library Sat. afternoon, I discovered to my horror, both machines were kaput. On inquiry, it was revealed that sometime Monday — if we're lucky — is the earliest either will be repaired. The book I needed to copy had a green card—I could not go to the undergraduate library with it to copy there.

With all the money this school receives from student fees, it would seem they could afford another copier. Or possibly replace the 2 we now have for 2 that work this is the 2nd or 3rd time those things have broken down this semester.

What do our student fees go for anyway? Has anyone made a study of costs for the machines—how much is put out and taken in? Has there been a study on peak periods of use (perhaps we could rent a 3rd machine only for those times)?

Spring is legal research and writing: we all know what that means. And, of course, let us not forget the undergrads and grad students who also use our copiers.

If the faculty is too cheap to get decent machines, let us at least take the books out where we can get them copied.

Marsha Halpern

Witan

WITAN STAFF

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Managing Editor ..... Denny Callahan
Articles Editor ..... Raymond A. Desmone
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Contributors: Joe E. Anderson, David DeWall, Leslie Burdick, Sue Hall, Sue Jacobsen, Pamela Johnson, Marian Pfrommer, Frank R. Rivas, Carey Tynan.

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

VIEWPOINTS

Foreign Affairs

Punto De Vista

By Eddie DeLaGarza

Oh come on Brad, the Carter Administration has failed and failed miserably in the international arena. After a year in office the President and his "good old boys" from Georgia have managed to confuse the state of the world even more than it was before he took over. It's so confused our allies don't even know if they are our allies or not; they don't even know if defense pacts will be honored by the U.S. The Shah of Iran stated in the Nov. 6th issue of Newsweek that the U.S. is obligated to defend Iran against a communist attack, but wonders out loud whether we can be relied on to do so.

Predictably the inexperienced President has after 365 days of wandering about beating his chest and lamenting, "we as a nation have sinned" is steadily

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Contra Punto

by Brad Weiwel

Editors Note: Mr Weiwel reviewed Mr. DeLaGarza's Article prior to responding.

Week after week, Eddie, you have sought to raise paper tigers which spell our impending doom. You have been satisfied to play with emotions, not facts. And as a matter of fact, Mr. DeLaGarza, President Carter has done a fine job in the area of foreign policy since his election. If you would, please, look at his record and stop the cheap, misleading and insulting remarks directed at the President and his family, most of which I will not address—the ink in my pen being more valuable than the quality of some of your statements.

First, American Foreign Policy is

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Reversed On Appeal

By Gary W. Hutton

The Shysters, champions of the intramural football field the past four years were upset by the 55ers, an expansion law school team. Their victory, however, was short lived as a protest was upheld and the "official" championship was awarded to the Shysters.

Marred at times by penalities the game was still hard fought. The Shyster's defense, unscored upon all year, was never seriously threatened. Twice, however, the Shysters penetrated into 55ers territory; Once on a long run by

Shysters vs. 55'ers

Scott Breen, nullified by a penalty & the other time on a field goal attempt by Burt Mason which was partially blocked & fell short.

With only two minutes remaining in the game the Shysters fumbled a punt on their own 2 yard line. And two plays later they fumbled again, in their own end zone, for an automatic safety giving the 55ers two points and the game.

Some 55ers players have complained about the Shysters protest. Since I represent the Shysters I feel I must set

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Sue's City

By Susan Jacobson

Editor's Note: Ms. Jacobson is a columnist for The Daily Commercial Recorder. This article originally appeared in the October 25, 1977 edition of that publication, and is reprinted with the permission of The Daily Commercial Recorder of San Antonio.

Philadelphia Daily News columnist Stan Hochman plans to file a complaint against ABC sports announcer Howard Cosell charging Cosell with assault. Hochman claims the sardonic sportscaster slapped him on the head several times after a simmering verbal exchange.

For reasons of my own, it would not distress me if Cosell were filed against, ruled against, convicted, and hanged. I do not wish to imply I find the man loathsome; I wish to state it outright.

It is not my contempt for this contemptible creature, however, that inspires such shameful thoughts. The methods to my musings lay in the fact that I have always wanted to be a sports announcer. No other field offers as much opportunity to someone with as much latent hostility as I.

At my age, however, one starts at the top or not at all, and I believe if Cosell goes I'd have just as good a chance as anyone for his slot. Probably better, considering how discriminated against I've been as a woman, plus my experience covering the fights at City Hall.

I would make my debut at Wimbledon '78.

"Hello, ladies and gentlemen. This is Seeyew-zann Jacobson coming to you live from Wimbledon, England. As I steal a stare at the stands I see stately but stocky Queen Elizabeth stuffed into her star-studded but styleless stitchery.

"And here they come, fans—that jabbering jackass Jimmy Connors and that boring bag of bones Bjorn Borg. Connors is castrating his clumsy competition in this climax on center court. With about as much brilliance as a bifocaled bovine, Borg battles blindly to bomb a ball beyond the crabby but crafty Connors. But Jimmy jettisons one by Borg, and the yapping Yankee shellacs the somber Swede 6-3, 6-2, 6-1.

"Let's go down to courtside now and do a postmortem on this pathetic pretext of a performance.

"Congratulations, Connors—although you were about as potent as a piddly pile of protoplasm. And Bjorn, the crowd came to see blood and guts. The only glimmer of guts you gave were the ones holding your racket together. And as for your blood, it was about as bona fide as a bowl of borscht. Tell me, Bjorn, how do you feel about being reduced to rubble, ruined, and rotted out by this rattleheaded rascal?"

Granted, I have a ways to go before I compete for Cosell's slot at ABC. For one thing, I don't have his breadth of knowledge in the sports arena. For another, I'm not as cute as he is. But I certainly have every bit as much class. Don't you think so, you sniveling, sanctimonious simpletons?

Nowhere But San Antonio: Media Momus

By Marian Pfrommer

Editor's Note: Ms. Pfrommer is a columnist for The Daily Commercial Recorder. This article first appeared in the October 19, 1977 edition of that publication. Ms. Pfrommer is currently on the faculty of Trinity University where she teaches Reporting. This article is reprinted with the permission of The Daily Commercial Recorder of San Antonio.

It always helps to have your local publisher as a neighbor.

When Katherine Graham of The Washington Post goes to a Georgetown cocktail party, you can bet your boots she hears what Washingtonians are thinking about her paper. The same holds true for the Binghams of Louisville who have owned that city's Courier-Journal for generations.

But these are exceptions to today's prevailing trend in newspaper ownership. Most American papers now suffer from absentee control. In fact, latest figures show that a full 60 percent of the nation's 1,760 dailies are owned by syndicates or chains. These absentee-owned papers serve 72 percent of the newspaper readers in the country.

How does absentee ownership affect readers? Well, obviously there is no one universal conclusion. Some chains are better than others and, in any chain, there are good editors who care about their communities.

Take the Corpus Christi Caller, for instance. Owned by Harte-Hanks, this paper is reputed to be one of the strongest in the state. As one media observer recently commented, the Caller just might be the best commercial daily in Texas.

The keys to the Caller's success are in-depth reporting, detailed interpretive articles and a hardhitting editorial page. The paper, in short, is well written and tightly edited.

But we are in San Antonio. And, as professional journalists from Boston to Los Angeles jokingly agree, our city illustrates the worst aspects of absentee ownership.

With Mr. Murdoch in New York and Mr. Hearst in California, we here in the nation's ninth largest city flounder around for news. Trying to ascertain what is going on in San Antonio is like working a jigsaw puzzle. And sometimes it seems as if our major dailies are holding back the pieces.

Sloppy, shallow reporting and rudderless editorial leadership are usually the most notable flaws in weak chain-owned newspapers. We have them both.

When absentee owners are backed up by mediocre editors, it is all too easy for newspapers staffers to be coerced into tenuous relationships with news sources and advertisers.

Just check the local papers and note how many news stories are really public relations pieces for local concerns.

A hard-hitting newspaper needs to be both involved and independent. Involvement with readers, involvement with issues and, most important, involvement with community must be coupled with independence from all pressures except a sense of responsibility to the public.

Perhaps our two major dailies lack most is conscience. Their owners are not watching the shop. They are on 12- month leaves of absence, only checking in for inventory.

Support Your Local Police

by Raymond A. Desmone

"Hey Thad, where you goin' with the suitcase?"

"I've got a job interview in Houston, and I'm cutting my 10 o'clock class so I can make it on time. Walk me to my car, and I'll tell you about it."

"Which firm are you interviewing?"

"Sodom and Gomorrah."

"Wow Thad, you mean Sodom, Gormorrah, Haight, Wore, Dethe, and Gore, the big civil rights defense firm?"

"The very same, Tucker."

"I'm truly impressed Thad, but are you sure you want to live in Houston?"

"Why not Tucker? Its a great city—big opportunity, big money, and loads of cultural events."

"Sure, sure. But what about the cops? Those guys are the original Green Meanies."

"For your information, Tucker, they're police persons, not cops. And anyway, the only people who have to fear the persons in blue are the ones who have done something wrong."

"And I suppose you're going to tell me you've never done anything wrong in your life?"

"Tucker, I'm the most law abiding person I know. Just last week I accidently went through a stop sign. When I realized what I had done, I chased a patrolperson for six blocks, and demanded that I be given a citation. And just to show her there were no hard feelings, I bought 10 tickets to the Policepersons' Ball."

"C'mon, Thad, you expect me to believe that? No one in their right mind does such things."

"Of course I expect you to believe it—its true! Not only that, Tucker, but your comment proves my point. You see, everyone expects everybody else to obey the law, but when they do, everyone thinks they're either insane or a fool."

"Give me a break, Thad. Running a stop sign is not exactly a major crime. And besides, I'm talking about the Houston cops as criminals and the citizens as victims."

"You are undoubtedly referring to that criminal who drowned in Buffalo Bayou while evading arrest...."

"Oh c'mon, Thad, that guy wasn't evading, and he was no criminal. His only 'crime' was being intoxicated at the wrong time, in the wrong place."

"Exactly, Tucker, and wrong is wrong is wrong...."

"For crying out loud, Thad do you mean to say that anyone who has a few too many should expect to be arrested and brutalized?"

"If you'll read the verdict, Tucker, you'll find that those 2 defenders of the common weal were found guilty of negligence, not brutality."

"Sure, Thad, and everybody's screaming so loud that the Federal Government is bringing a civil rights action against those 2 cops."

"All the screaming is simply a by-product of biased reporting by the press. In fact, Tucker, the whole incident was created by some investigative reporter trying to make a name for herself. Nobody ever gave the policepersons' version of the story, and now 2 fine public servants will have their careers destroyed. There is one consolation—by the time the civil rights trail begins, I'll be working for Sodom and Gomorrah, and I'll get to defend those fine officers. And speaking of Sodom and Gomorrah, I've got to hit the road or I'll miss my interview. See ya later, Tucker."

"Hey, Thad, what's that on your windshield?"

"Well I'll be damned, its a parking ticket. Let's see, the offense is: 'no parking sticker'. That's outrageous! I paid my $15 to Campus Security, and I've got the parking sticker right here in my glove box!"

"Strike one, Thad. You're supposed to stick it in the lower right-hand corner of your windshield.

'I'll appeal to the Dean, he'll understand."

"Strike two, Thad. You're in the wrong, and as you say, wrong is wrong is...."

"Well, I won't pay...."

"Strike three. You won't get your diploma until you do."

"I'll take my case to the press, and if that doesn't work I'll call in the U.S. Attorney. After all, withholding my diploma is a violation of my civil rights."

"Thad?"

"Yeah Tucker?"

"If you don't calm down and start truckin' to Houston, you're going to be late for your interview."

"I'm not going Tucker. I think I'll get a job as an investigative reporter, and blow the lid off this rat's nest!"

Expansion Of Magistrates Roles

FROM AMERICAN BAR ASSOCIATION

Expanding the role of U.S. magistrates in civil and misdemeanor cases will give the poor and disadvantaged greater access to the courts, the American Bar Association said.

In testimony prepared for House hearings on the 1977 Magistrates Act, former U.S. Sen. Joseph D. Tydings, a former member of the ABA's Special Committee on Coordination of Federal Judicial Improvements, said the legislation would also allow federal judges to try more serious felony cases.

The proposed legislation would permit U.S. magistrates, with the consent of the parties, to try civil cases in federal court.

"We believe this provision will give greater access to the courts to the poor and disadvantaged in such cases as Social Security, 'black lung,' and others involving relatively small amounts of money and property," Tydings said.

Under this proposal, when the federal judge has a several year backlog of civil cases and has severe time pressures to try felony cases under the Speedy Trial Act, the parties in a civil suit could elect a trial before a U.S. magistrate.

"The U.S. magistrate could assure a prompt and speedy resolution of selected civil cases with the consent of the parties and the approval by the district court judge," Tydings said.

For misdemeanor cases, U.S. magistrate jurisdiction is limited to non-jury trials with possible penalties of up to one year in prison or up to $1,000 fine, or both.

The proposed legislation would remove fine limitations and permit magistrates to try misdemeanor jury trials. The consent of the defendant would only be required where the possible penalty exceeds six months.

Rush Results

by Joe Patane

All three law fraternities had a successful rush this semester. Phi Delta Phi rushed 13 new members. (Note: Only 18 persons were eligible to join this fraternity since it limits its membership to the top 20%). Delta Theta Phi initiated 37 new members into their Senate, Phi Alpha Delta increased their membership with 23 new members. Congratulations to all new members and also to all the fraternities for a job well done.

Placement News

By Sue M. Hall

INTERVIEWS

As you may have noticed, additional firms have been added to our interview schedule since the last column. Unfortunately, for those of you who read the Placement News but do not read the bulletin board, some of the firms have scheduled since the last issue and will have been here before this is published. Do we think having so little lead time for firms is a good idea? No. Do we allow firms to interview on campus with only a couple of weeks notice? Yes.

St. Mary's historically has not been oriented toward on-campus interviews. For many years we were a relatively small school, with graduates mostly from this region of the country, many of whom had jobs waiting before they ever entered law school. While the University of Texas has something of a tradition in on-campus interviews, the procedure for St. Mary's students has been working with individual faculty members or getting out there scouting up jobs on their own. Although we are working hard to increase our on-campus interviews, I wonder if we are creating dependency on the part of students instead of encouraging initiative. Anyway—we do allow interviewers to come with the little lead time, if they wish and if we can accomodate them. So, if you have missed, for instance, Meyers, Miller and Middleton of Dallas, make it a point to check the interview board every couple of days. Although from now through Christmas things will be slower.

Nov. 23, Jerrald J. Roehl, Albuquerque, 2nd yr. Summer clerks.

Dec. 1, Johnson & Davis, Harlingen, TX, 3rd yr. permanent, 2nd yr. summer clerks.

ALUMNI TRIPS

A word of interest, by the way, on the Meyers firm just mentioned. As you probably know, various of the faculty and deans spread out over the state during the school year visiting alumni. As part of these visits, we usually try to drum up a little enthusiasm for hiring our students and graduates. From the trip that Dean Castleberry and I made to Dallas November 1 and 2, came the on-campus interview of this firm, formerly Stalcup, Johnson, Meyers & Miller of Dallas.

Alumni, of whom there are 2 from St. Mary's, in the Meyers firm are an excellent source of job information and pressure to interview on campus. So are students. As a result of the effort of one St. Mary's student, a firm from his hometown will be coming to campus to interview. Keep us in mind if you know interested firms—or firms whose interest could be encouraged.

POLICY DECISION

Over the past few weeks we have been running into a problem deciding how to handle students who believe they should be exceptions to a firm or agency's stated criteria for interviewing. It has been handled by the Placement Director in different ways, and a need for a policy was felt. After discussion with the Placement Committee and with the Associate Dean for Placement and Alumni Relations (Castleberry), the following will be our policy, to be instituted immediately and evaluated for a period of time.

If a firm indicates certain criteria for interviews, such as top 20%, and an individual student feels he/she is qualified for the position even without meeting such criteria, the student may individually write to the employer, stating his/her attributes, and requesting special permission to be interviewed. If the employer agrees, the student will be placed on the interview list, assuming, of course, that space is available when the permission arrives.

Any input from you as to how this actually works in practice will be appreciated.

PLACEMENT SEMINAR

The Placement Seminar originally scheduled for Wednesday, November 16, has been rescheduled for November 22. The program will be on solo practice and will include several local practicing attorneys, including Robert Jorrie, as well as a local banker who will discuss factors involved in lending money for starting professional practice.

If you are interested, even remotely, in solo practice, make plans to come to this.

REVIEW

Where the law ends

Christopher D. Stone
Harper & Row, 1975

by Pamela Johnson

Is the "death by removal of the corporate charter" an appropriate sentence for a corporation ajudged guilty of irresponsible social behavior? Is there a duty of "morality," made up of minimums which the law can enforce, and also a duty of "aspirations" to realize the fullest potential possible, where the law ends in it's power to effect a change in corporate social behavior?

This question and others were discussed and answered in a genuinely interesting and readable book by the author of **Should Trees Have Standing?** Those who tune out the idea of reading anything about corporations that is not required by Ayers or Reuschlein please note: this book discusses very practical problems that will arise for any lawyer who works for a corporation, represents one, or wants to sue one. Did anyone realize that the corporate lawyer is looked on as the "no" man who holds up corporate activity for no good reason. One officer at Westinghouse said the unwritten rule was "not to tell the lawyers anything."

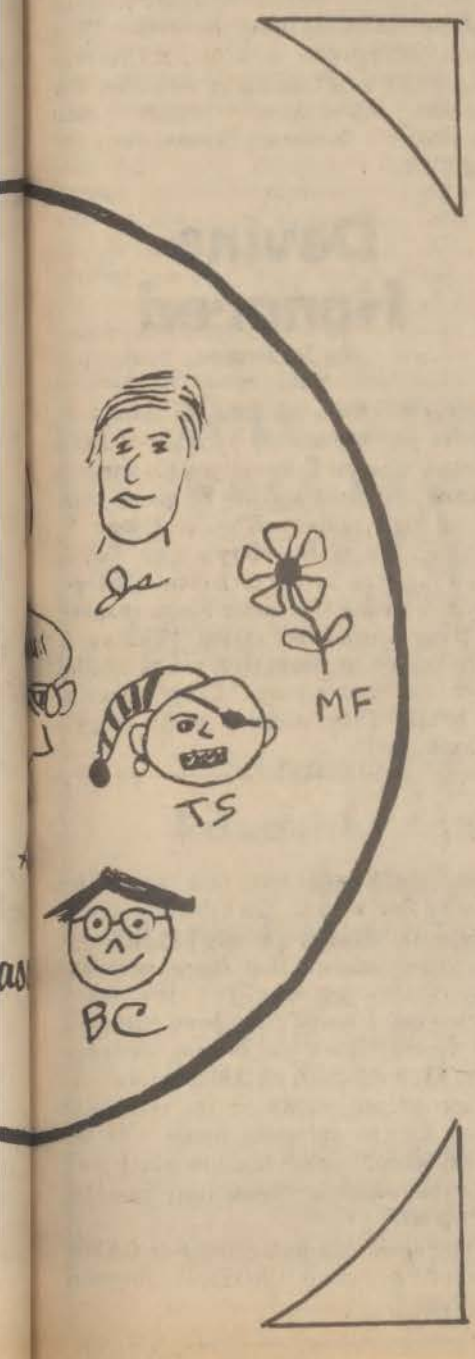
Stone first describes in detail why the law and the market have failed to instill corporate responsibility. Through analysis of some truly stupendous corporate bungles, such as the production of potentially blinding MER/29 by Richardson-Merrill, whose employees knew of the danger and whose reports were silenced because marketing material was out already; and the Equity Funding financial fraud case, Stone reaches the problems and comes up with a number of realistic and workable solutions aimed at making corporation more responsive to achieving their potential.

The solutions are designed to make sense in today's world, where a corporation may be accused of political bribes, unconscionable profits, and distributing products that are known hazards to health. Stone gives equal time to arguments against corporate social responsibility such as the corporate purpose and duty to shareholders, and recognizes limitations inherent in these arguments. Through such proposals as the General Public Director, Special Public Director, selling social standards for management, changing directors' liability standards, and improving intracorporate information systems which "protected" the top people from incriminating information, he would attempt to change the corporate culture. Stone deals with something we all feel, lawyers or not. In his words, "In all events, those of us who aim to change things have a job to sort out and deal with the various reasons why corporate reform movements have not been more successful after so many decades of agitation. One principal reason, I am sure, is that the public little cares to be reminded, over and over, that it is being victimized by impersonal forces, without being told what it can do about it."

THE LAW STUDENT'S LAST PSALM

The case book is my shepard;
I shall not fail.
It maketh me to study at all hours;
It leadeth me to the Restatement,
Which restoreth my anxiety.
The 55 leadeth me to fear for my GPA's sake.
Yea, though I study
Through the wee hours of the night,
I fear failure.
Though Prosser art with me,
And Calamari and Perillo,
They comfort me little
I preparest an outline before the exam
In the knowledge of my ignorance.
Then I annointest my bluebook with words,
My time runneth out.
Surely facts and issues shall follow me
All the days of my life,
And I will dwell in the upper 10%
Forever... **Carey Tynan**

All Things Considered



COMMENT

By Frank W. Gerold

There are moments in life when you are forced to consider topics that would not ordinarily come to mind. Perhaps it is one of life's elements that causes such a slack attitude—one that permits introspection only when necessary, or forced upon one's conscious thought. Recently, I was brought to such a state of mind when I left a movie which concerned itself with singles bars, and the sad life of a young girl who cruised through them with great vigor. It's possible that my reaction to the movie is expected—the culmination of any director's dreams. I was certainly moved by the movie, but not as favorably as one might expect. I didn't run out to tell everyone I knew about the greatest ever—rather, I was more moved by nausea than any other type of expression.

I am pretty much of a movie freak, and I can't possibly count the hours that worthless footage has passed before my eyes. Up until this last feature, there had seemed to be some rationale—some redeeming value—to be found in all of these. I think, though, that my appetite for lust and violence has finally run its course, and now, I find my repressed anger leaking out in all forms of condemnation and self-rightousness. Primarily, I am angry at myself for not having seen this sooner, and secondly, I wonder at the society that can breed such as an atmosphere of entertainment. Sex and lust have their places. Our own president has succeeded in putting lust back in vogue. We all hear of new defenses coming out in criminal cases—television brainwashing!!! I envy people that can watch such spectacles and feel nothing. Their lack of feeling can do no harm to their own precious, and secure lives. What scares me though is how long this went on in my life before I realized that I did not find much value to it—more harm than good. I cast my hat into the ring, editorialize, and glory in my own opinion, that what I have seen has been garbage, sordid and festering under the guise of artistic expression. An artist can choose what topic he may want to express. He is often independent, but his existence and sustenance depend upon a favorable reception by the public.

I do not wish to preach, but I hold my opinion quite highly, and wish merely to state that I found something truly objectionable. That for all it's worth is simply an opinion, a comment on a personal reaction to obscenity. Justice Stewart said "I know it when I see it", and that is the ground on which I stand. I'm tired of gruesome spectacles, and hyper-erotic materials. Hopefully, the tide will turn and perhaps there will be more pleasant and sociable entertainment. For now, I will confine myself to refusing my patronage at such events, and hope for some response and criticism of my stand. I see and smell much garbage around me, and would love to find that I am looking through the wrong lens, at what is actually a very pretty world.

SHORT POEM

Cut me a piece of my stomach
Slice me a slab of my skin
Ain't goin' out to eat tonight
I'm 'a eatin' in.

Kim Weixel

HOMECOMING

o fair star the sails
of thy brightness have
long showered towered raiment
across the waters

across
the waters were my home
path and ilex rain and shadow
in reunion in homecoming the
presence lingered without reproach

o star thou wonder
in your eyes i learned love
in your laughter tears in
your arms eternity

The Infamous St. Edward of San Antonio, Poet and Martyr.

THE BUYER'S LAMENT

It lies in wait between the seasons,
fruit of Summer, flower of Spring,
and to the buyer false, unwary
debits, summons and sorrow bring.

For goods accepted, due and owing;
for goods conforming, lost or harmed,
the faithless buyer's untoward treasure
flies, headlong in haste alarmed.

If named in contract, dubbed and
promised,
when vendee fails and faith doth break
and vendor's labours unrewarded
again the vendee's purse doth shake.

No lamp to stay the path and tarry,
linger long tho' foot-fleet, swift,
but race in star-crossed awe unchary,
trail waning fortune ragged, rift.

Dedicated to Professor Thomas B. Black
by Edward James Michael Schroeder, II
8 November 1977

Student Senate Update

By Frank R. Rivas

There have been three meetings since this column last appeared. Each of these meetings dealt with issues of vital importance to the student body.

The meeting of October 19th began with the ratification of the election of the First Year Senators. They are Don Cosby, Dave "Duke" Dolezal, Mary Hover, Sandee Ryan, Barbara Siever, Scott Spears, and James Traweek. Also, E. Budd Baretto was certified as the First Year Honor Court Justice.

The members next fell into debate concerning the irreconcilable differences between the Faculty Advisor and the Witan Editorial Board which resulted in the nonpublication of articles dealing with the Honor Court decision handed down earlier this semester. A heated discussion ensued with the debate dominated by the question of Freedom of the Press and First Amendment Rights. A resolution condemning the censorship of the Witan failed.

President Greg Powers then spoke concerning the selection process that will be followed in the search for a new Dean. He said that there will be a Search Committee appointed by the University and that there was a good possibility that student representation would be included on that Committee. The University Affairs Committee was charged with formulating a plan of how to choose the students who would sit on the Search Committee.

Another brief item—$650.00 was allocated to bring Professor Charles Black of Yale University here so that he could participate in the S.B.A. Speakers Program. An application for Matching Funds has been submitted to the Law Students Fund of the American Bar Association to help finance the visit of Professor Black. The Curriculum Committee, chaired by Rob Yaquinto, will attempt to obtain permission for Student Evaluation Forms to be filled out at the end of this semester. Senior Senator Paula Yukna was appointed as the S.B.A. Senate representative to the University Senate. Finally, a resolution was passed requesting more restroom facilities for the female sect of the Law School.

The meeting of October 26th was dominated by discussion of the plan proposed by the University Affairs Committe for selection of students to represent the Law School Student Body on the Dean Search Committee. According to the proposal, interested students would submit resumes, with the University Affairs Committee to preside over the screening process and authorization to make final selection subject to S.B.A. ratification. Chariman Roland Jeter strongly advocated the exclusion of S.B.A. members from selection consideration because the time consuming nature of the Search Committee would be in conflict with the S.B.A members responsibilities. The proposal was passed in total.

A special meeting was called on 3 November for the sole purpose of approving the University Affairs Committee selections to the Dean Search Committee. There will be two voting positions for student representation on a thirteen member committee. Jack Wolfe the law student and Gail Dalrymple will be representatives.

Finally, a resolution was passed calling for an open forum where students may voice their opinions to the Dean Search Committee Chairman, Father Langlinais. The scheduling of the forum has not been finalized.

MALSA's In

By Jose D. Garza and Victor Hugo Negron, Jr.

On October 25, 1977, the Mexican American Law Student Association was officially recognized by the law school Faculty Committee.

A proposal will be submitted to the Dean of Students, David Craft, during the week of November 7th for the purpose of gaining recognition throughout the entire University. Such recognition will allow M.A.L.S.A. to be represented at the Student Senate "on the hill."

The Association is co-sponsoring a debate on the Bakke issues, to be held on November 21, 1977, in the Classroom Building, rooms 101-102-103.

M.A.L.S.A.'s regular monthly meeting will be held on Thursday, November 17, in room 102 Library at 7:30 p.m. Anyone interested in attending is welcome. For further information, contact Juan Aguilera, Secretary-Treasurer, at 734-8389.

Devine Honored

by Joe Patane

Bickett Senate initiated Mr. Joseph E. Devine as an Honorary Member of Delta Theta Phi Legal Fraternity. This honor is seldom bestowed and its recipient must be of high caliber. Who is Joseph E. Devine? We at St. Mary's Law School know this man by the nickname of Sarge. Upon receiving this honor Sarge thanked all those present by saying, "Thanks, it sure is nice to know that you're needed when you reach my age." Sarge, speaking on behalf of the students at St. Mary's, "Thank you!"

Reversed On Appeal.... (Continued from page 4)

the record straight as to this matter.

The protest is over the use of an illegal player:

About midseason Mark Luitzen approached our team & asked to be added to our roster. This could not be done legally & his request was denied.

The week before the championship game a member of the 55'ers asked Coach Meyers, head of intramurals if a player could be added to their roster. He denied this request based on intramural rules.

Before the championship game started several Shyster players approached the 55'ers team, informed them they knew Mark Luitzen was not on their roster, & said if he played they might protest. The head official was also informed. The 55'ers attitude was—we don't care what you say, were going to play him anyway. Mark did play in the game.

I then informed Coach Meyer that Mark had played illegally. Coach Meyer confirmed that Mark was not on the roster, asked the 55'ers if he had played and based on these facts, he upheld the protest.

Last year we won the championship only to have our title stripped away over the use of an allegedly illegal play (it was legal). I know who won that game on the field. The Shysters blew this game & we have to live with it. By using the illegal player, the 55'ers rightfully had to forfeit the championship. Had there been any less controversy with two law teams competing, I would have been surprised.

I do hope there will be less bitterness over the game in the future. I'd rather set our sights on the combining forces for the upcoming battle with the dental school football team in which we'll bash their teeth in (figuratively speaking of course).

Once again, the final score was GAME: 55'ers 2 Shysters 0; PROTEST: Shysters 1, 55'ers 0.

Disclaimer: If You're Sensitive Don't Read This Article

by Victor Negron

Radio personality, Orson Wells once said that "Halloween is just an excuse for people to be that which they cannot, to act as they should not, to say that which they would not." Mr. Wells was probably referring to the Second Annual Halloween Extravaganza, which was held on October 29 at San Antonio Home Builders Association. One astute reporter made the following observations:

"The evening gets off to a slow start...as if in preparation for the evening ahead, Rick takes his hat off and keeps his gun on...don't you really wish you were in the valley, Jeff?...Bill looks like a refuge from the Wizard of Oz: that's a compliment to your make-up job, Bill...the two Wonderwomen made me wonder...does Catwoman really wear black sneakers?... how about the flasher, Robert asked that he remain incognito...and how about that guy boycotting Pampers!!...the Super-heroes are well-represented: Superman and Batman were there.I guess Robin stayed out in the car (the Batmobile, of course)...no Star Wars bunch (I hope. I didn't see any), but I sure have some good nominations...Rocky's dancing away on the floor fleet-footedly...there's the short Frankenstein, three mummies and a really strange-looking invisible man (I guess he's wishing he weren't here!)...the band is really fine, or is that a record?...Jeannie, I really didn't recognize you. Sorry, but this is a Halloween party, isn't it?...The Confederate officer and Hal Klausman shoot the breeze and no more (or no one more?)...a couple of law journal staffers and here too...there's Will "Scarface" Lutrelli...by now the place is packed, or so it appears...maybe everybody's just congregating in one corner...there's a lot of hick-type (you know..the colored-on freckles, the corn cob hats)...speaking of corn cob pipers, General MacArthur is here in South Pacific dress (not a mu-mu on a nui)...Tony Hardhat is here, I thought he was one of the guys that helped set up the tables...that's got to be Richard. Who else would even attempt to smoke a cigarette thrugh a gorilla mask? King Kong is here, but no Jessica Lange...I won't omit mention of punk rock completely...a couple of royal representatives: there's King Henry (probably the VIII) with his equally-impressive escort, then there's another king (probably Arthur). but then where is Excalibur?...I see the latter half of Beauty and the Beast...superb make-up job...I see a couple well-dressed...with PIG FACES!! My wife thinks it's cute...Come to think of it, maybe it is...Groucho and Harpo pass by: good imitation...I see a few witches (including you, Geri), but no ghosts...I don't guess you're supposed to see them...there's Joe blessing or bussing the women...not to mentionthat Kayo was all paws...Prof. Walker boogies about as fast on the floor as he does in class...Sue was cheerleading to the music...Greg was an 'ole time whatever...and whatever were those blobs?...a lot of Mouseketeers, with one of the Audreys a real look-alike...the girl with the really long cigarette holder looks like she's doing deep knee-bends when she topples over..I wonder if she burned anyone with that lit cigarette?... the swarm of bees with innovative noise-making...the band played on (their "Beatles" was noteworthy) and Harpo looked lost without Groucho.

If I have neglected to mention you or your costume, don't sweat it. I can't be everywhere at once. Besides, if I did not mention you, it's probably because I didn't recognize you. So, congratulations on the fantastic make-up job. Incidentally, who the devil was the devil?

A Word From The Advocates

The Mock Trial Competition began Nov. 7. A final count of 30 teams began the preliminary rounds which concluded on Nov. 10. The quarter final rounds were held Nov. 14. The semi-final rounds were scheduled for Nov. 15, and the final round was held Nov. 16.

This year's topic has not been without problems. In contrast to the typical "who done it?" criminal subjects argued in the past, this year's problem is civil in nature. It involves several areas of substantive law not as yet determined by Texas courts. For example, is an employer negligent in hiring a person who he knows or should know has a criminal record at the time of hiring?

VAUGHT AND CROW WIN

Unusual questions of fact will also be argued before local attorneys acting as both judge and jury in this case. For example, did Dennis Otway really steal a fried pie from the Wag-A-Bag food store? Did Tom Burke actually see Dennis Otway carrying a rum bottle in the mysterious brown bag, or was it the dirty coke bottle Otway claims it to have been? Did Tite Security Guard, Burke, gun down the Plaintiff, or did the gun discharge accidently in a scuffle as the Defendant claims?

The answers to these as well as other debatable issues have been decided each round of the competition. Six competitors will be named to represent Saint Mary's in the regional competition.

The Board of Advocates will also be selecting new team members to serve on the Board next semester. Four positions vacated by December graduates on the Board will be filled on Nov. 21. Please refer to the bulletin board for announcements as to necessary qualifications and sign-up sheet for interviews with the Board.

The Second Annual Barrister's Dinner was held on Nov. 11 at the San Francisco Steak House. Members of the Barrister's (outstanding advocates society), the Board of Advocates, and faculty members attended. As it might be expected from such a vocal group, table-talk was more than generous.

Congratulations are in order for the outstanding performance of Patricia Mansell, Richard Hayes, and Patrick Dooley in the Reginal Moot Court Competition in Houston held Oct. 27, 28 & 29. The brief submitted by these students was ranked 5th among 12 other briefs submitted.

As this semester's activities are coming to a close, there are promises of a greater variety of competitions as well as the formation of an advocate's association next semester.

I, on behalf of the other members of the Board, would like to thank Patricia McNair for her outstanding leadership as Board chairperson this semester and Judge Jack Miller for his advice and participation while acting as faculty advisor to the Board.

MASO Files Complaint

By Bonnie Reed

M.A.S.O. the Mexican American Student Organization last week, asked the "Senate on the Hill" for support in the bringing of charges against St. Mary's University. M.A.S.O. alleges the University is not following an Affirmative Action Program as to hiring.

In August 1970 the school was first reviewed by H.E.W. and was cited for neglect in hiring and charged with setting out an Affirmtive Action Program. In February 1971 such a program was tentatively accepted by H.E.W.; but, a follow-up review that was scheduled never occured.

In August 1973 a complaint was filed with the Commission on Civil Rights addressing itself to hiring, courses, and administrative policy. There was another on-site review and a prima facie case of discrimination in employment was found. At this point the university drafted a new Affirmative Action Program which was approved by H.E.W. in 1974.

M.A.S.O. now charges that the University has not faithfully or honestly followed through on its Affirmative Action Program. They claim conditions on campus as to its hiring and solicitation of qualified applicants have not changed and there has been no improvement. To give a clearer look, M.A.S.O. cites the following statistics.

Numbers on faculty 1972-5: 193 Anglo, 18 Hispanic, 2 Black; 1976: 159 Anglo, 16 Hispanic, 2 Black; 1977: 146 Anglo, 15 Hispanic, 4 Black.

Only two of the Hispanic faculty members are full-time and there are no full-time Blacks on the faculty. Statistics on the women faculty members are not yet available.

M.A.S.O. has filed their complaint against St. Mary's with the Commission on Civil Rights who will, in turn file the complaint with H.E.W.

The Senate, tabled discussion on this matter and has assigned a committee to study it and report to the Senate on Monday, November 14. At that time the Senate may consider a resolution to support M.A.S.O.'s actions.

Anyone wishing to take part in the discussion is welcome. The Senate meetings are on Mondays at 2:00 p.m. in Math Building 106.

Percy Foreman Speaks

By Scott Spears

The St. Mary's Criminal Law Assn. had the great honor of presenting the renowned defense attorney, Percy Foreman on November 17. It was awe-inspiring to see and to hear a living legend. Mr. Foreman, well into his seventies, is a statuesque man about 6'5", silverhaired and casual mannered. He is a unique blend of a country gentleman, frequently relating to witticism ("How is a layer's speech like a dog's tail? It's bound to occur") and a shrewd business man. (He sent announcements of his practice to all the people he had helped while an Asst. D.A. rather than to judges and other lawyers).

The most enlightening qualities that I perceived in Mr. Foreman were his undaunted moral strength and his youthful idealism. Honesty, justice, and dignity were the underlying principles of everything he stated. "Everyone has an equal chance as a lawyer-even the handicapped. An individual can do more for himself as an attorney than in any other profession."

Two pieces of good advice that he offered from experience were: 1) Have faith in advice on its face value without having to prove its authenticity; and 2) Practice with an old attorney right out of law school. He is usually wise and experienced, yet short on time and energy. Thus, your opportunity to learn and to earn is enhanced.

When asked about his personal sentiments on the death penalty he said, "There are alot of people I think ought to be dead." He went on to say that he believed the death penalty did not deter crime. He also expressed the need for complete prison reform. Mr. Foreman claimed he didn't know how to do it, but it needed to be done. All of his time was 'spent keeping them out and saving the state's money' rather than devising improvements.

Percy Foreman is definitely a man bred in the 'old school"— a man who exudes confidence and intelligence in an unassuming manner. He is a man who commands your respect and attention, not demands it.

Advertising Endangers Quality

By Leslie Burdick

Editor's Note: Mr. Burdick is a special correspondent for the Christian Science Monitor. This article is reprinted by special arrangement with the Christian Science Monitor News Service.

Which would be the best "deal" for a troubled married couple who feel they should divorce: divorce proceedings costing $150 per person, or proceedings costing $500 per person?

The answer may surprise people unfamiliar with the law, some attorneys say.

The $500 fees might be the better deal because the services given to the couple might be of higher quality, they say.

Advertising of the fees in newspapers or on television, however, would probably draw troubled couples to lawyers charging the lesser fee. And this is the danger in lawyer advertising, warn a number of New England attorneys.

Lawyer advertising made legal by the U.S. Supreme Court last June, will, depending on the views of whom you talk to, either greatly help or hurt the American pubic. In any case, lawyers appear to agree that advertising is going to shake the legal profession to its roots.

Quality of Service

The quality of legal lawyer advertising is the aspect of advertising the public and lawyers should monitor very closely.

The Supreme Court did not address the question of quality in its June 27 decision. It said it would "leave that issue for another day."

Some attorneys believe the quality of legal services will drop dramatically with advertising. Good lawyers who want to stay in business will be forced to lower their prices and "cut corners" in terms of service quality to compete with "cheap" lawyers.

Other lawyers believe that prices for legal services may come down and that quality will not drop.

Prices may well be artificially high, they believe.

The way to ensure that quality of legal services does not drop is for bar associations, courts, and the public to monitor the services very closely.

Bar associations vary in the approaches they are taking to guard against abuse of the public through advertising. Representatives of some associations say their committees on advertising are heading toward the suggestion made by the American Bar Assoc. Board of Governors, which spells out the information lawyers would put in their ads—name, age, firm address and phone number, specialities, previous public office, bar association titles, military service, names of clients if the clients give their consent, language abilities, bank references, and credit cards accepted.

Some representatives say the ABA regulations do not guard against false claims of specialities by less-than-competent lawyers.

Radio and TV Ads Hit

The ABA should also have banned advertising on radio and TV because facial expressions and voice inflections can lead the public astray. The state bar associations will probably suggest more stringent measures, for radio & T.V.

In Massachusetts, attorney Larry Locke, says another approach is better: no restrictions on advertising except the barring of "false and deceptive" advertising. Bar groups could promote quality by setting up institutes that would test lawyer competency beyond that tested in bar examiantions. Participation in such institutes would be voluntary, but consumers should make sure their attorneys, have graduated from them, he said.

Other suggestions are for "certification" of lawyer specialities and ads run by bar associations pointing out the shortcomings of low-fee lawyers.

Contra Punto . . .

(Continued From Page 3)

presently in one of its calmest periods. We are not actively involved in any foreign wars, and by proposing both the new Panama Canal treaty and a Middle East agreement, President Carter appears to be doing his best to keep us out of another one.

Our relations with our allies appears to be as strong as ever. President Carter has successfully negotiated agreements with our trading partners to limit the amounts of certain goods they are exporting to us without starting a potentially self-destructive trade war.

What about Italy, France, Greece, Spain and Portugal, Eddie? Although it's true that certain communist elements have gained strength in recent years, what would you have President Carter do?—expel them from N.A.T.O?—or would mass C.I.A. assassinations of foreign leaders be more expedient?

And who said anyting about aid to Cuba or Japan's "Cuddling" with China? Where do you get these facts?!!

The fact is that President Carter's foreign policy is not only predictable, it is also a reflection of the very American Values that you right wingers have been parading before the pubic for years. Just last week the U.S. pulled out of the International Labor Organiztion, a group that has been extremely critical of U.S. policy for over a decade. By the way, Eddie, he was the first American President with guts enough to do it. Also last week, we joined the entire world in imposing an arms embargo on South Africa. Don't you think it was about time that we recognize the fact that South Africa is violently oppressing over 85% of its population so that the 15% white minority can live in luxury? No president before Jimmy Carter even attempted to expose this international double standard.

The list of President Carter's foreign policy achievements is long. It includes this successful completion of the Panama Canal treaty which is supported by civilian and military leaders around the world. Five other presidents had failed in their attempts. There is the continued improvement in our relations with the Arabs, whose help in negotiations is critical if Israel is to be guaranteed future security, free from the threat of a potentially catastrophic war. President Carter is also nearing the completion of a new strategic arms agreement with the Russians which would help to ease the continuing menace of nuclear holocost. And finally, Eddie, I resent anyone calling the U.S. Ambassador to the United Nation a "court jester". Mr. Andrew Young has done more towards improving America's stock with the countries of the third world than John Foster Dulles, Dean Rusk, Williams Rogers and Henry Kissinger put together. You may not like his style, but you can't question the results.

President Carter took office less than ten months ago. Before the Carter Administration, "Human Rights" was a term not commonly found in America's foreign policy vocabulary, now it is one of our most important goals. When asked recently what he hoped the greatest acheivement of his administration would be, President Carter said the removal of the nuclear threat from the world. I think, Eddie, that America is still the greatest country on earth and that our strength comes not from force, but from our reason and our persuasion.

Punto . . .

(Continued From Page 3)

slipping at home with the voter. While it is a fine thing to be Christian and a moral person, I question the soundness of relying on the Scriptures in exercising Presidential authority in foreign affairs. Hard decisions must be made where the stakes are high and a wrong move could signal W.W. III. Even Jerry Ford's dull but predictable foreign policy was better than unpredictable, irrational actions.

Let's get down to specifics, if ever there was a faithful ally it was Israel. Today there is a deep stab wound in her back and our State Department holds the bleeding knife. Peace in the Middle East is one thing, sacrificing the security and legitimate rights of a nation are not. Current negotiations to establish diplomatic relations with a human rights observer such as Castro may, at best, yield the U.S. some fine Cuban cigars period. It would be ridiculous to send any type of aid to Cuba as the President desires since Castro's avowed goal is to spread his brand of Marxism throughout Latin America. Japan is so terrified at our present "unposition" that in order to secure herself is cuddling up to Peking. Then there's this new Eurocommunism spreading unchecked in Italy, France, Greece, Spain, Portugal and other European countries which, believe it or not are members of N.A.T.O.

Lastly I must mention the First Family. Vice-President Rosalynn adds to all this confusion by pretending to grasp foreign affairs (and Spanish). Miz Lillian falls asleep while representing the American people abroad, and Chip can't even keep his marriage together but is expected to foster goodwill and keep our friends our friends! I am honestly expecting little Amy as our next negotiator at S.A.L.T. II or representative to U.N.I.C.E.F.

One last word, in the interest of maintaining at least a semblance of control over our own destiny, Court Jester A. Young should be canned as ceremoniously as possible. There's an old golfer's adage I believe applicable here, "you drive for show but you putt for dough". So far the Administration in D.C. has been teeing off in every direction without any green in sight.

Who's Who

Seventeen St. Mary's Law students have been selected to appear in Who's Who Among Students in American Colleges and Universities this year:

David E. Chamberlain, Robert E. Corlew III, William R. Crow, Jr., Byron T. Hallstead, Timothy F. Johnson, Patrick J. Kennedy, Willis W. Luttrell, Jr., Geraldine K. Mery, Patricia McNair, Claude M. McQuarrie III, Greg M. Powers, Eileen M. Sullivan, Patricia E. Swanson, Martha O. Tobin, John M. Vaught, Diann M. Wiese, Bradford G. Wiewel.

Men's Law Ass'n.

The Men's Law Association of St. Mary's Law School (MLASMVSLSAT) must now be recognized as a venerable institution after having survived two consecutive meetings.

During its most recent meeting at the International Headquarters (Fatso's), Lynn Radke passed on her ceremonial stein to this week's President For Life Kayo Mullins. Professor Buford Herbert was selected as the monthly Teacher of the Year by default, Solicitor Extraordinaire Jack (Shaggy) Wolfe comported himself in his usual manner. In recognition of the continuing need to hold the line on foreign imports, a considerable dent was again made in local stocks of malt derivative beverages.

Skinned Knees

By the RPW

Ms. Jane Macon is the country's youngest woman city attorney in a city of San Antonio's size. Varied experiences surrounding Ms. Macon's career and the upward rise to her present position were the focal points of a visit with the members of the Women's Law Association on October 11th.

Ms. Macon, a 1970 graduate of U.T. law school headed into the world with a propensity for international law. This goal was soon altered when she and her husband were house counsel of EEOC in Atlanta. It was during this period of "great hope in relieving poverty" that Ms. Macon had many rare experiences. Besides setting up a loan company and specialized land transactions, she traveled extensively with Col. Sanders (of Kentucky Fried Chicken fame) organized a fish farm and prepared fried rabbits with the inhabitants of Appalachia. Also, while in EEOC. Ms. Macon traversed the south, working in civil rights committees and dealing with Georgia's many school problems.

Ms. Macon left EEOC to clerk for a Georgia District Judge. She also clerked in Washington, D.C.

Upon arriving in San Antonio, she was faced with the ultimate question— "can I get a job in San Antonio?" Ms. Macon began pounding the pavement and after many disappointments, secured a position in the City attorney's office. She explained that there are four sections in the office—Tax, Municipal Courts, Trial, and City Hall. About five lawyers are assigned to each section.

Ms. Macon began work in the Tax office where "you learn the basics." Her next assignment was in the Trial Section which deals mainly in defending the city in complaints against the garbage collectors, police, etc. She noted the city attorney's office has started a policy of rotating lawyers between sections, so they can get experience in each of the sections.

Winding up her visit, Ms. Macon pointed out the areas of law where women are scarce: trial law; tax and other facets of business law; federal agencies; and, U.S. Attorney offices. Emphasizing "we mus sell ourselves" in order to get a job, she reinterated "we will never be the last person going through the door of that particular job and we have a duty to do our best for each other." In other words, don't mess it up for the next person.

RECEPTION

Rounding out the week for WLA members was a faculty reception held Friday, October 15th. The reception is an annual WLA tradition enabling students and faculty to get togehter in a more personal context.

A special thank-you to Nila Pitillo for an enjoyable afternoon.

On Nov. 21st, in the library, upper class members of WLA will be on hand to assist freshman members in preparing for exams. Room numbers will be posted.

Judicial Clerkships

St. Mary's Law students, scheduled to graduate in May of 1978, have received judicial clerkship appointments:

Texas Supreme Court
Dave Chamberlain—Justice Sears McGee,
Patrick Kennedy—Justice Price Daniel,
John Banks—Justice Charles Barrow

Texas Court of Criminal Appeals
Brad Wiewel—Judge Leon Douglas,
Tom Broussard—Judge Truman Roberts

Federal District Court
Geri Merry—Judge William Sessions

Austin Court of Civil Appeals
Chris Hale—Judge John Phillips

Selection Of Counsel . . . (Continued From Page 1)

Supreme Court is of only limited use to the public, as most persons do not have problems as simple as those addressed by the Bates and O'Steen-type legal clinic. The Texas Bar Association leaders should be actively searching for a realistic solution to this problem.

This writer would offer a suggestion for such a solution. Legal directories such as the Texas Legal Directory and Martindale-Hubbell presently assist only lawyers. Why can such information as is found in their biographical sections not be made into law directories for the public? The background-type information in such legal directories should be supplemented for the public with the following information:

(a) Where lawyers have no Bar Certified specialty, they could include their "designated" areas of practice, not to exceed three or four areas. The Director and the Bar Association could make clear the difference between Certification and Designation.

(b) Basic fee information as approved by the U.S. Supreme Court, to include the lawyer's basic hourly rate and the percentage charged in contingent fee cases.

Such a public legal directory could be placed in public libraries, banks, courthouses, and other accessible locations and be publicized by the Bar. Most lawyers in time would probably be willing to "advertise" to this extent, and I believe most lawyers would forego using newspaper-type advertising. The latter is more costly if done continuously, and is more likely to appear unprofessional. Since newspaper-type advertising is now legal, why not simply compete with it in this way and give the public a reliable reference source to which they can turn instead of to the newspaper classifieds.

The Bar has always officially outlawed such matters, as in EC 2-9, EC 2-14, DR 2-101(B), DR 2-105, and Bar Opinions 37 and 383. I suggest that to restrict the flow of such lawyer information to the public is contrary to the public interest.

Indians . . . (Continued From Page 1)

financial strain, and willingly sacrificed the material comforts in order to continue in school. I think that there are still many students who are struggling financially, but I feel that the penchant for sacrifice is lacking. I am frequently surprised by hearing of the student who has borrowed large sums of money to defray his apartment and automobile expenses, perhaps considering them a normal expense of his legal education. The ultimate question this raises is whether it indicates a weakening of moral fiber or stamina, and one wonders how this generation would react to a situation where they had no choice but to sacrifice. Should we condition ourselves for times of depreviaton by doing without when it is not absolutely necessary? I repeat that my concern here is vaguely grounded. My ability to observe is limited, and I must admit that this impression may be entirely erroneous.

Law students today are interesting creatures. This fact is a constant. If it were not so, few of us would be in the profession of trying to trick them into learning. A colleague of mine, who has taught here, used to say the law schools would be a great place to work, if we could figure out a way to keep them going without students. I doubt that we can ever find a way, and frankly I think law schools would be rather dull without them.

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Witan

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

PESTICIDE LEGISLATION

by E "Kika" De La Garza

Editor's Note: Rep. De La Garza represents the 15th District of Texas. He received his L.L.B. from St. Mary's Law School in 1952. He currently serves as the 3rd ranking Democrat on the House Agriculture Committee, Chairman of the Agriculture Subcommittee on Department Investigations Oversight and Research, member Merchant Marine and Fisheries, Steering and Policy, and the International Relations House Standing Committees, and serves on the House Select Committee of Narcotics. he is currently serving his 7th term in the U.S. Congress.

In the controversy over pesticide legislation as Chairman of the House Agriculture Subcommitee on Department Investigations Oversight and Research, it has been my responsibility to handle the legislation dealing with pesticides. Needless to say, Federal policy in regulating pesticide use in the United States is particularly controversial because of the difficulties involved in giving proper evaluation to the benefits and risks accruing to our society from the use of pesticides.

The Federal Insecticide, Fungicide, and Rodenticide Act of 1947 was the original statute which provided the Department of Agriculture with the authority to regulate pesticides in the United States. In 1972, that Act, commonly referred to as the F.I.F.R.A., was amended and rewritten by the Federal Environmental Pesticide Control Act (F.E.P.C.A.). The 1972 Act provided a basis for regulating the distribution and use of pesticides in the United States and required that only certified applicators be allowed to apply restricted use pesticides after October 21, 1976. The F.E.P.C.A. process was to include the re-registering of over 40,000 pesticides into restricted and general use categories, and developing training programs and certifying applicators who would be able to use the pesticides classified for restricted use.

This task has proved to be extremely difficult and highly controversial. When funding authorizations scheduled for termination June 30,1975 in evaluating E.P.A.'s (Environmental Protection Agency) implementation of the 1972 Act. The hearings conducted during the year were generally favorable to the Act as written, but were very critical of the E.P.A.'s interpretation of the Act. After lengthy and at times controversial debate, the basic act was extended by Public Law 94-140 with major amendments designed to insure that E.P.A. was cognizant of the possible effects of their actions on the American agricultural community at every step of the decision making process.

To comply with provisions of the Congressional Budget and Accountment Control Act, the Committee on Agriculture held extensive hearings in March of this year with the intention that provisions would be developed, extending the F.I.F.R.A., as amended, and included as part of the Food and Agricultural Act of 1977. Once again, however, there was widespread controversy and lengthy testimony by the witnesses, appearing before the Committee, critical of E.P.A.'s

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CULLEN DAVIS: THE AFTERMATH

by Terry McDonald

Editor's Note: Mr. McDonald is Adjunct Professor of Law at St. Mary's University. He teaches Criminal Law & Criminal Procedure.

In pondering what comments would be appropriate in regard to the acquittal of Cullen Davis, the inescapable conclusion is that the acquittal is totally insignificant and monumentally important. This apparent dichotomy exists when one considers what affect the verdict has had upon our system of criminal justice. Most discussions concerning the verdict focus upon its factual correctness, but the factual guilt or innocence of Cullen Davis is insignificant. As an isolated individual passing judgement, the verdict was singularly important to Cullen Davis as an individual, but from the standpoint of criminal justice the verdict has significance only as it relates to the "process" from which it evolved. Whether Cullen Davis is in "fact" innocent of the charge is of minor importance when assessing the affect of the verdict on our system of justice.

The comments upon the verdict were for the most part expected. Most defense attorneys feel the prosecution was "out-lawyered", most prosecutors feel the jury weak, and most average citizens think two million dollars can buy anything. What must be remembered, however, is that these opinions are based solely on what has been written or reported and are not the result of having heard all the evidence or having viewed the demeanor of the witnesses. From a

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Witan Editorials

SBA Representation

The SBA is a representational entity. It purports to promote, preserve and protect the collective interests of the law students and student organizations in areas greatly affeecting student life at St. Mary's. This representational imperative is it sole raison d'etre.

Our SBA seems to lack a characteristic one would think to be crucial in any such body —an elected membership with a "true" constituency. The present system at the law school would satisfy only the most superficial definition of constituency. What we have instead is a group of free agents whose actions, however highly motivated, constitute their own individual views. No system exists to solicit the views of the students and organizations or to disseminate information back to them.

Until two years ago, certain members of the SBA did have constituences in full meaning of the term. These were the student organization representatives. The various student organizations make an important contribution to the law school and have a stake in the processes of student government. They were excluded from the SBA on the theory that persons who belonged to the organizations were "over" represented. This reasoning totally ignores the significance of the organizations as entities in themselves and as a means to open a dialogue between students and the SBA.

Two years is a sufficient time-frame in which to evaluate SBA effectiveness without organizational representation. Now it's time to bring the student organizations back in.

Law School Foundation

There is an acute need at the law school for a foundation. We're speaking of a foundation which would have as its directors law students, faculty members and alumni.

Its purpose would be to solicit, receive and disburse funds in support of those activities outside of the didactic classroom environment which are important to the total legal education experience. It would provide, for instance, a means to bring St. Mary's into the national dialogue on the contemporary problems of the law and legal systems through a vastly upgraded speaker program, representation at national conferences and forums and research into problem areas in the community and South Texas. Each of us will have an opportunity to consider such a concept in the first few months of the spring semester. Its an idea worth supporting.

Student Mail Boxes

At the present time, it is impossible to get a message to any student at the law school short of mailing it to his or her abode. A viable system involving the utilization of folders, which has been in use at other universities for years, was proposed over a year ago to the SBA. Surely, there has been enough time to study the idea ad infinitum. Let's get it done.

Witan

WITAN STAFF

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Contributors: E. "Kika" De La Garza, Terry McDonald, Susan Jacobson, H. Pamela Schoch, John Norris, Martha Siegel, Howard J. Tozzo, Jr., Steve Palmer, Larry Canter.

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

VIEWPOINTS

A Look At The Water merchants

by Kayo Mullins

It is ironic that Joe Anderson, whose office is replete with antiques, paintings, an over stuffed chair and velvet curtains should criticize the students for their lack of penchant for sacrifice. However, pointing a finger does not address the issue—are students today less willing to do without than those of yesteryear.

If we look at the situation historically, we will find that most of the students' parents wee children of the great depression. The attitude common among these parents is, "I want to provide my children with things I did not have." Such an approach to life is both generous and commendable. In addition to being parents, that generation also runs the government, banks and foundations. The result of this dual role is that more loans and grants are available to students.

Surely Mr. Anderson does not think a car and an apartment are bad things to have. He states that students today are more able but in the same article criticizes the evidence of this intelligence. Students today have, with their collective parents efforts to make life easier, figured out how to go to school and not only provide for life's necessities, but in addition, to obtain a few creature comforts as well.

The question of sacrifice does not even enter the issue. All would be willing to do without but have discovered there is no need to. The money is available.

Our situation resembles the rooky desert traveler buying water and a camel with borrowed money provided for that purpose by seasoned veterns. Mr. Anderson's office looks like a successful water merchant's office and there is nothing wrong with that.

No More War

By David A. Baram

Euphoria swept the world as Egyptian President Anwar Sadat descended from his Boeing 707 jetliner which has the words "Arab Republic of Egypt" and the red, white and black Egyptian flag brilliantly painted along its side. The hearts of every Egyptian, Israeli and Jew pounded a resounding cadence as Mr. Sadat shook hands with, and spoke to the Israeli dignitaries who had engineered four stunning Egyptian defeats in the battlefield. All this was unbelievable in itself, but for many the deepest emotional eruption occured when President Sadat leaned over and kissed that "old lady" Golda Meir, saying, "I've waited a long time to meet you." Certainly no less than a miracle appeared before the eyes of the world. Nobody needed to hear it said just then, as it was embedded in the hearts and minds of every man, woman and child; like the Ten Commandments engraved in the stone tablets on Mt. Sinai—"No More War".

Even though Israel over the past thirty years has relentlessly called for face to face negotiations with the Arab leaders, Sadat's overdue visit was unquestionably welcomed by all. While the tiny country of Israel radiated with enthusiasm and hope, the rest of the Middle East shook with uneasy tremors. Syrian President Assad called for a day of mourning. Libya's radical government decided to break relations with Egypt; Sadat's own foreign minister boldly resigned; but perhaps the most terrifying shock wave emanated from the call by certain P.L.O. factions, for the assassination of President Sadat. The fanfare arrival of Mr. Sadat that had raised expectations out of perspective, gave way to stark reality.

President Sadat's mission of peace was an incredible success. As Mr. Sadat repeatedly emphasized, the most important accomplishment was to shatter the "psychological war" between Arabs and Israelis. The outpouring of friendship was overwhelming.

Mr. Sadat left Israel with other important impressions that have already had an impact on Egyptian policy. With his own eyes Mr. Sadat saw Yad Vashem, the memorial to the Six Million Jews who were slaughtered in the Nazi genocide. After this tour it no longer seemed impossible for an Arab leader to understand why Israel is so essential to Jews around the world, and why Israelis are so adamant about procuring secure borders.

Another major result of Mr. Sadat's trip was that for the first time in thirty years an Arab leader gave de facto recognition to the State of Israel and welcomed her as a neighbor. Finally, Mr. Begin and Mr. Sadat were able to exchange views on the most threatening of Israel's security problems—the PLO.

The evolution and status of the P.L.O. is a most misunderstood phenomemon. The P.L.O. is not an elected body, but was created by the Arab league in 1964. It's executive committee has fourteen members, seven of whom represent terrorist organizations. As such the P.L.O. is often divided on policy decisions and is not a united block except for its claim to represent "Palestinians".

The PLO does not however represent "Palestinians" in the true sense. Palestine as defined by the British Mandate covered the area encompassing modern day Israel. (the West bank included) and also the East bank. Great Britian later divided the mandated area into two parts, designating the west part of Jordan as "Palestine" and establishing the Emirate of Transjordan of the east bank. Accordingly the true "Palestinians" included Israelis as well as Arabs living within this defined territory.

In 1947 the United Nations adopted by resolution the partition of Western Palestine into two states, a Jewish and an Arab. After its declaration of independ-

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Thanksgiving Massacre

Placement News

by Sue Hall

Placement Project

The Placement Committee has expressed interest on the part of the student body in trying to develop a system for locating more jobs. While many jobs in smaller communities are going begging, most of our students are interested in locating in larger cities—and most of those in Texas. The Placement Committee has toyed around with several ideas for making contacts with firms to see if they are hiring, including a WATS line (which is too expensive) and spending several hundred dollars per semester making calls to these firms.

Before we bankrupt the Placement or SBA budget, however, on a project whose value is unknown, we thought we would try a pilot with volunteer students over the Christmas holidays. Now all we need is volunteers. Actually we do have one volunteer for the Dallas area, but more are needed, including for Dallas.

Although the specifics have not yet been worked out, the substance of what you would be doing would be to call a specified list of law firms, identifying yourself as a representative of the Placement Committee of St. Mary's, asking if they were looking for an associate at this time or anticipated needing one within the next year. Depending upon the answer you would then either offer to send some information on our law school for their future reference, or would offer for the Placement Director to contact them further with regard to this position.

The script would not be canned in the sense that you would be expected to say everything in the same order, etc. However, the information would be organized in such a way that the anxiety often associated with making calls to strangers would be minimized. We are willing to have some mock run-throughs for anyone who wishes.

So, if you think you might have an afternoon or more over the holidays in a city in which our students are interested, please come into the Placement Office and identify youself. We can offer you no money for your time, but we will give you lots of "thank you's" and pats on the back.

Make Use of Time Over the Holidays

If you are spending any time over the holidays in an area of interest to you either in terms of summer jobs or permanent employment, plan to spend some of you vacation making contacts. Naturally the first place to start is with people you know who might be of help. After exhausting them—and it doesn't take very long for some of us—start with people you don't know.

We have numerous true stories we can tell you of our students who picked likely firms and began knocking on doors. One student, rather than picking likely firms, picked a likely building and started from the top. Somewhere in the middle he found an attorney who could use a clerk for the summer, and got himself hired for a summer position which eventually worked into a permanent position. Unless you have really fine credentials, don't begin with very large firms for the area, whatever size that is. Most large firms have organized hiring programs, and have probably, by this time, decided on the persons they wish to hire.

Smaller firms, which might not even know they need someone until you tell them, are good bets for this approach. They often have no organized hiring procedures, don't know they can get a top graduate from Harvard for $12,000 (which of course, they cannot, but the media would have us believe they can) and don't know where to go when they decide they do need someone.

The Placement Office has copies of brochures which are general in nature, but focused on placement. The brochures describe most of the programs on campus, show some pictures of our beautiful buildings and intelligent students, and may be helpful for those attorneys who are not familiar with the St. Mary's Law School that has evolved within the last 10

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Non-Placement News

by Larry Canter

Considerable discussion has lately been centered around the function of placement offices. Perhaps the greatest confusion as to how a placement office should operate lies in the placement office itself. In the last issue of Witan, the placement director noted that while the University of Texas has a tradition of numerous on-campus interviews, this is a relatively recent phenomenon to St. Mary's. At first glance it may appear that St. Mary's is finally extending itself to help its graduates, but contained in that same article was a strong implication that the bringing of prospective employers to campus would dissipate the initiative of the students and make things too easy for them. This kind of rhetoric from the placement office evidences a total lack of comprehension of the real plight that faces most of us.

I, for one, am the recipient of more than thirty rejection letters from Houston law firms. Much effort in sending out fifty letters and resumes resulted in zero job interviews, let alone any real job possibilities. If it matters, my credentials include a class rank in the top 15%, a publication in the Law Journal and considerable law clerking experience. I realize that there is a good deal of animosity against St. Mary's in the Houston legal community and it is up to all of us to change this not well-deserved reputation we have had thrust upon us. Obviously this should be a primary function of our placement office.

A recent survey in Juris Doctor Magazine on future job outlooks stated that Northwestern University had scheduled almost 300 interviews for this Fall alone. I do not expect us to compete with Northwestern, nor even with the University of Texas, but surely the placement office could have successfully encouraged more than the twenty or so firms that did come here to interview. If this truly is the best that the placement office can do, they should at least have the courtesy not to say that it is the students who lack initiative.

I choose Houston as an example not only because of my own experiences, but because Houston is the fifth largest city in the country, possesses one of the most lucrative and proliferate legal markets, and is practically in our own back yard. Why is it, then, that only two Houston law firms came to St. Mary's to interview? I have been told by the placement office that if we are lucky, one more Houston firm might come in the Spring. Clearly,

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No More War....

(Continued from Page 3)

ence in 1948 the Arab armies invaded Israel seeking to acquire by force as much land as they could. The newly partitioned Arab state was rejected by all the attacking Arab states. Arab nations even after the 1948 invasion still did not create a Palestinian state. The West bank was annexed to Jordan and the Gaza Strip was placed under Egyptian military rule until the 1967, Six Day War. The Arab refugees were kept hostage as political prisoners by their own countrymen who had also denied them a state.

Despite the confusion and debate about who the P.L.O. really represents, there is much evidence that the P.L.O. is not steadfastly supported by the Arab governments which created it. The events of the past few years show much evidence of animosity by Arabs towards the P.L.O. It was Jordan's King Hussein who waged a military purge of the terrorists from his country. Just this year, Syrian President Assad sent his troops into Lebanon killing thousands of P.L.O. regulars. Lebanon itself is divided in civil war, its southern Christian population repudiating P.L.O. interference in its domestic affairs.

Notwithstanding all the doubts raised so far in this article, about the P.L.O. Israel has had to face the fact that it is being confronted by an organization that dedicates itself to the destruction of the Jewish state. To Israelis this written declaration is very real and there are many scars to show for it. Along with the indelible terrorist activities of the past, the P.L.O. presents a continued threat to Israel's future. The P.L.O. has aligned itself with the most radical of Arab governments. Its life line is linked to the Soviet Union. Indications are that Russian influence and military guidance would be demonstrative in any new Arab state. Major Israeli and Jordanian cities would be within shelling range of an Arafat dominated government. Israel could never allow itself to be placed in such a precarious position.

War has catastrophic effects wherever it occurs. It is especially damaging when it occurs four times within thirty years, confined to a tiny geographical area. Throughout history refugees have always been absorbed by their own countries and allies. Israel has not only absorbed the Palestinian Jewish refugees, but it has opened its doors to the displaced Arabs within it as well. Arabs living in Israel have almost full citizenship rights. They receive the same educational opportunities as Israelis. They participate in government. It is enigmatic that Arabs who can enjoy such rights in Israel don't find it in their interest to protest the unfair deal that they have been given by their own fellow Arabs, who, having such unthinkable wealth and vast territory have themselves been unwilling to solve the refugee problem during the past thirty years.

In any negotiated settlement both sides will have to compromise. If Israel is to permit a new Arab homeland on the West bank there will have to be certain safeguards. I believe such safeguards must include the following items. First the Palestinian Arabs must choose representatives to the Geneva Conference that are not dedicated to Israel's destruction. Second, any new Palestinian homeland would have to be reasonably demilitarized under some sort of outside supervision. Third, safe borders must be guaranteed by implementing some type of buffer protection like a network of radar detection systems. Finally, an overall settlement must include the signing of a peace treaty, open trade, exchange of ambassadors and a final agreement on all border disputes.

Mr. Sadat's courageous venture has once again given new hope and momentum for the resumption of negotiations in Geneva. Those who are opposed to Sadat's efforts cannot be dedicated to peace. Good luck Mr. Begin and Mr. Sadat, War No More!

Xmas & Christmas

by Steve Palmer

A Lost Chapter from Herodotus

Beyond the sea of Atlantis there lies a vast land called Acirema, whose inhabitants, being great in patience and endurance, use the following customs:

In winter, when bitter cold descends upon the land, they celebrate a wondrous festival which they call Exmas, and for two months they prepare for it in the manner I here describe. First of all, every citizen is required to send to each of his acquaintances and kin a square piece of hard paper stamped with a picture, which in their tongue is called an Exmas-card. The pictures represent trees with green prickly leaves, or else men in such garments as the Aciremans believe their ancestors wore two hundred years ago, riding in coaches such as their ancestors used, or houses with snow on their roofs. And the Aciremans are not willing to say what these pictures have to do with the festival, guarding (as I suppose) some sacred mystery. And because all are obliged to send these cards the market-place is filled with the crowd of those buying them, so that there is great labour and weariness.

But having bought as many as they suppose to be sufficient, they return to their domiciles to find like cards which others have sent. And when they find cards from any to whom they also have sent cards, they throw them away and give thanks to the gods that this labour is over for another year. But when they find cards from any to whom they have not sent, they rend their hair and gnash their teeth, uttering curses against the sender; and, having sufficiently lamented their misfortune, they again venture forth into the icy wind and buy a card for him also. And let this account suffice about Exmas-cards.

The Aciremans also send gifts to one another, enduring the same thing as about the cards, or worse. For every man must guess the value of the gift which every friend will send to him so that he may send one of equal value, whether he can afford it or not. And they buy as gifts for one another such things as no man ever bought for himself. For the sellers put forth all sorts of claptrap, and whatever, being useless or silly, they have been unable to market through the year, they now sell as an Exmas gift. And though the Aciremans profess to lack sufficient fuel, paper and metal, yet an incredible amount of these things is wasted each year, being made into the gifts.

But during these days the poorest, oldest and saddest of the citizens don false beards and red robes and parade about the market-place. And the sellers of gifts no less than the purchasers become wan and weary, because of the crowds and the cold, so that any man who came into an Acireman city at this season would think some great public calamity had fallen upon Acirema. This fifty days preparation is called in their barbarian tongue the Exmas Rush.

But when the day of the festival comes, then most of the citizens, being fatigued with the Rush, lie in bed till noon. But thereafter they eat fives times as much as on other days, and become intoxicated. And on the day after Xmas they are very grave, being internally disordered by the eating and drinking and reckoning how much they have spent on gifts and wine. For wine is so dear among the Aciremans that a man must swallow the worth of a talent before he is well inebriated.

Thus are the ways of the Aciremans concerning Exmas. But a few of the Aciremans have also a festival, called Crissmas, on the same day as Exmas. And those who keep Crissmas, doing the opposite of most of their fellow-countrymen, rise early on that day with shining faces and go before sunrise to certain temples where they partake of a sacred feast. And in most of the temples they set out images of a fair woman with a new-born Child on her knees and certain animals and shepherds adoring the child. (The reason of the images is given in a sacred story I do not repeat.)

But I myself asked one of the temple priests why they kept Crissmas on the same day as Exmas; for it appeared to me inconvenient. But the priest replied, It is not lawful, O Stranger, for us to change the date of Crissmas, but would that Zeus would put it into the minds of the Aciremans to keep Exmas at some other time or not to keep it at all. For Exmas and the Rush distract the minds even of the few from sacred things.

But the legend that Exmas and Crissmas are the same is not credible. For first, the pictures which are stamped on the Exmas-cards having nothing to do with the sacred story which the priests tell about Crissmas. And secondly, the most part of the Aciremans, not believing the religion of the few, nevertheless send the gifts and cards and participate in the Rush. But it is not likely that men, even being barbarians, should suffer so many and great things in honour of a god they do not believe in. And now, enough about Acirema.

Bakke Debate

by Elma T. Salinas

St. Mary's Law School hosted a debate on Bakke, a controversial case pending before the U.S. Supreme Court. Arguing Pro-Bakke was William Weaver, a part-time professor at the Law School. Joaquin Avila, Director of the Voter Rights Project and Associate Counsel for MALDEF, argued against the BAKKE decision.

Bakke, an Anglo male, was denied admission to a medical school in California. He sued the University alleging reverse discrimination because several minority applicants were lower scores were admitted under a special admissions program the University had voluntarily implemented.

The Issue before the Supreme Court, and argued by debators William Weaver and Joaquin Avila was whether or not the University can adopt a special admissions program.

Weaver argued that such an admission program would be unconstitutional. He called for an alternative criteria to be employed in special admissions programs which deemphasized color.

Avila countered by saying that color classifications were not unconstitutional per se, explaining that only when color was used as an invidious means of exclusion had it been termed unconstitutional. Avila added color was effective criteria to determine eligibility for programs designed to correct the effects of past racial discrimination.

The Moderator, Neftali Garcia, Assistant Professor of Political Science at St. Mary's University explained the procedure and ground rules of the Debate to the panelists, and audience.

Panelists were invited to ask questions of either of the debaters. The panelists were: Juan Vasquez, KENS TV; Amy Freeman Lee, KTSA TV; Hector Garcia KWEZ TV; and Henry Krausse, St. Mary's Rattler.

The audience was also allowed to pose questions to the debaters. The debate drew approximately 120 people. Several members of the audience did take advantage of the opportunity to ask questions of the debaters.

The Moderator, Neftali Garcia, recognized several students who had worked hard to organize the debate. They were Victor Negron, Alex Viera and Jose Garza.

Despite the fact the Bakke issue is controversial, a general air of amiability ran through the audience and a few of the highlights of the debate drew chuckles from both sides.

MOCKED TRIAL

by John Norris and Martha Siegel

By now almost everyone has heard the tale of poor, pitiful Dennis Ottway, husband, father, provider and public drunkard who was willfully (or was it accidently) shot by another good family man, tough ex-marine Tom Burke, a security guard at a convenience market who boasts three felony assault convictions. Each of these men claims the other attacked him first. Which one do you do you believe?

They say there are two sides to every story. There were 30 to this one—a different story for each of the thirty teams in the recent mock trial competition. Some of the stories stuck pretty close to the facts just stated. Others involved flights of fancy that would put the Brothers Grimm to shame.

The principal problem arose among a few contestants who developed facts beyond those in the given record to an extent that truly shocked the consciences of the more prudent, albeit equally embattled competitors. Some other maneuvers included priming witnesses to deny recognition of demonstrative evidence as a method of keeping that evidence out. This was directly contrary to written mock trial directives. These were but two of a number of incidents that marred the competition.

Resort by a few to these tactics left the other teams wondering if they had erred in failing to be sufficiently devious to develop these same techniques for their own benefit. Fortunately, even after observing such behavior in others, most teams retained their initial practices of fair play. But why was fair play absent in a significant number of instances?

Vince Lombardi, everyone's favorite philosopher on the subject of victory, made the by now immortal comment that "winning isn't everything, it's the only thing." Be it on the football field or in the courtroom, few competitors enter a contest to lose, and there is nothing wrong with a fierce desire to win. Every team in mock trial has a responsibility to argue its case with zeal just as in the courtroom every lawyer has this responsibility toward his client. But again, as in actual practice, each lawyer has a duty to operate within the framework of the law. In the mock trial competition, the rules are analogous to the law.

The mock trial experience is of inestimable value to the law students of this school. It is one of few opportunities to gain practical courtroom experience or indeed any kind of practical experience within the safety of the learning environment. It appears, however, that the true purpose of this activity is in danger of being obscured if not subverted by those whose only goal it is to win the contest.

If such a result is to be avoided, a basic decision must be made. In formulating the mock trial competition should courtroom reality by approximated as closely as possible or should mock trial be an elaborate game? Should the competition test knowledge of the rules of evidence or the artfullness of the contestants in bending and stretching the contest rules? Should a team which objects to every breath opposing counsel takes be rewarded on the basis of sheer numbers, or should judges also be asked to consider that frivolous objections impede the purpose of a trial? In short, should we opt for reality or games and fairytales?

It should be clear at this point that mock trial rules are subject to and in fact the object of broad interpretation by participants as well as judges. It logically devolves on the Board of Advocates to limit the possibilities for such interpretation. Promulgation of more precise standards and definitions appear to be in order, and it will be necessary to impart these with firmness and clarity to the judges and contestants in the next mock trial rounds. This should result in a uniformity of performance and judging practices that is now lacking. In addition, unpleasant as it may be, well publicized procedures and penalties in the event of infractions also appear to be needed. Yet, in recognition of the ethics that should be an integral part of the legal profession, it must be noted that rules, penalties and judges can only provide so much guidance. At some point, every participant must interpret for her or himself what is fair play.

Whether by personal conscience or Board control, many practices seen in the recent mock trial competition should be stopped, just as they would be in a real courtroom. Few judges in a real courtroom would tolerate a lawyer who objected just because it sounded so good to do it. In real life, both sides in an adversary proceeding work with the evidence available, they don't make it up as they go along. In the real world lawyers are expected to obey the law—not such a bad idea if you think about it. One faculty member here is fond of telling his classes that in the courtroom, cases are no longer tried by ambush. For once reality ends more happily than the fairytale.

Regional Mock Trial Team — John Vaught, Bill Crow, Denny Callahan, Joe Patane.

This year's triple elimination Mock Trial Competition was a significant improvement over past single elimination contests in affording maximum opportunity for trial exposure. The WITAN Editorial Board offers its commendation to the Board of Advocates. Congratulations are also in order for the finalists: John Vaught, Bill Crow, Jan Fischer, and Mary Ann Oakley.

I OBJECT

by H. Pamela Schoch

Andrew Carnegie wrote in 1889:

> While the (law of competition) may be sometimes hard for the individual, it is best for the race, because it insures the survival of the fittest in every department. Wealth.

Carnegie wasn't referring to the National Mock Trial Competition held November 7-16 when he wrote these words but he might well have been, that is if "legal profession" were substituted for "race." The "fittest" are those who have been educated, those who have learned the rules, the procedure, and have overcome the fear of a courtroom, a judge, and the first time of having to say "I object...".

If the sixty students that participated in this year's competition haven't overcome these "fears" and feel like they could go to court on a particular case, they have wasted their time and have defeated one of the most important purposes of the competition.

If a student can look past the bad things that happened, which may have prevented a smooth preparation or a victory in a particular round, and see what was actually accomplished, what was learned in terms of skills, then that student is on the way to being one of the "fittest". Because, my friends, skill in advocacy and diplomacy are what it's all about. A good advocate can handle her/himself in any trial situation, be it surprise or what seems like being hit below the belt..

There will always be incompetent judges, who don't know the rules of the game, procedure or evidence, who overrule valid objections, and who don't come prepared for trial. If you handle the situation, you are the better advocate.

This writer spoke to a cross-section of team participants and asked them to give their views on the competition, in twenty-five words or less. Every person responding to the request headed their list of criticisms with "It was a great experience and every student should be encouraged to participate, but..."—then followed a list of general and sometimes individual gripes. The responses went something like this:

1. Some judges failed to criticize at all; others only in such general terms the critique was worthless;
2. Some judges hadn't read the materials in advance;
3. Some judges weren't familiar with the federal rules;
4. Some judges ruled without argument on significant evidentiary matters, thus reducing one of the benefits of the competition;
5. The Board failed to clearly define how far teams could go outstide the record;
6. Three preliminary rounds was too much in three to four days;
7. Having to provide your own bailiff was a needless, last-minute hassle,; and
8. A witness commented that witnesses should have been allowed to view other competitions on their "off-nights" for their

Responses to the request not only brought the above criticisms but also some constructive suggestions for following competitions. New Board members, take heed:

1. A revision of witness selection and use should be looked into;
2. More faculty members should participate as judges;
3. The San Antonio Bar Association should be asked to encourage and support their members to make themselves available as "competent" judges under authority of the Code of Professional Responsibility's mandate to further, and assist legal education.
4. A bailiff pool should be made of First Year students by encouragement from their faculty;
5. A witness pool should be set up so that witnesses, if available, could be used by more than one team;
6. Two-round elimination should be the rule or, in the alternative, give standings after the second round and a choice of whether or not to continue in the preliminaries; and
7. No more than two rounds should be allowed on successive days.

If the reader has anything to add to either list above, write it down on paper and put it into the envelope on the Mock Trial Bulletin Board or give it to a Board member, only in this way can criticisms be acted on affirmatively.

In the Mock Trial Competition, the measure is "how you play the game" — in the "real world" it's not only how you play the game that counts but whether you win or lose. Doing, practicing, polishing, and advocating will not only help you to play a better game, but win as well.

The finalists this year, as everyone already knows, are Bill Crow and John Vaught. They, together with Denny Callahan and Joe Patane will represent St. Mary's in the regional competition in Dallas in mid-January. I will personally furnish them with a bottle in a brown bag to keep them warm! Let me also let everybody in on a little secret—I and my team member, Mike Wallisch, competed against them all—they're not so tough! Good luck boys—you deserve it!

In closing I would like to remind all participants of the competition to reflect on the valuable experience you have received from the exercise; and I want to encourage all other students to answer at least once when opportunity knocks.

1978 ABA Client Counseling Competition

From American Bar Association

The legal problems of unmarried couples will be the subject to the 1978 Client Counselling Competition sponsored by the Law Student Division of the American Bar Association.

Regional competitions for the competition, titled "Family Law: Unmarrieds Living Together," will take place on March 4, 1978 at law schools around the country. The national competition will be held April 1, 1978 at New York University School of Law, New York City.

The annual competition tests the counselling skills necessary for professional competence in legal practice. This includes the ability to interview a client, to help the client define his or her problems and future course of conduct, the use of preventive law techniques and how the student handles the psychological aspects of the interview.

The consultation situations will be prepared by members of the client counselling committee. Serving on this year's committee are professors Walker Blakey, University of North Carolina Law School; Louis Brown, University of Southern California Law Center; Thomas Shaffer, Notre Dame Law School, and attorneys Alice E. Fried, Harold Rock and Robert Redmount.

New Board of Advocates

The Board of Advocates for the Spring, 1978 semester are:

Chairperson-Patty Wueste; Co-chairmen-Circo Ochoa and Richard Hayes; Members- William Crow; Gary Day; Patrick Dooley; Randy Grasso; Fred Jones; and Pat Mansell.

ABA RELEASES

On Marijuana

The American Bar Association and the American Medical Association called for liberalization of federal and state marijuana laws.

Commenting on the Senate Judiciary Committee's compromise agreement that stops short of decriminalization of the possession of marijuana for personal use, the presidents of both associations—Wm. B. Spann, Jr., of the ABA and John H. Budd, M.D., of the AMA—issued the following statement:

"We believe the time has come to liberalize laws regarding the possession of marijuana for personal use. In too many states statutes exact punishment that far exceeds the crime. We agree with President Carter who showed a humane attitude in asking that the possession of insignificant amounts for personal use should not subject the user to criminal charges."

"Like President Carter, we do not condone the use of marijuana. Its long-term impact on the body and mind has not been suffiently documented to say that it can be used with no ill effects. We do ask, however, for reason and moderation in state as well as federal laws that seek to control its use."

Spann emphasized that he was voicing the official policy of the ABA as established by the policy making House of Delegates in 1973.

Continuing Education

A series of lectures entitled "Federal Civil and Criminal Actions" is now available on audiocassette tapes from the American Law Institute-American Bar Association Committee on Continuing Professional Education (ALI-ABA).

Milton Handler, of the New York Bar, organized the lecture series. The program was instituted to make available post-admission training in trial practice, and in so doing refine the skills and techniques used by members of the bar in litigation.

There are twenty lectures in the program, each of which may be purchased separately. The following is a list of titles and speakers; order numbers appear in parentheses: The Need for Post-Admission Training in Trial Advocacy; Selected Problems of Pleading in the Federal Courts by the Honorable Frederick van Pelt Bryan, Professor Maurice Rosenberg, and Henry L. King, (V400); The Rudiments of Jurisdiction, Venue, and Service by Professor Alfred Hill and the Honorable Charles L. Brieant, Jr. (V401); Discovery by Fred A. Freund and Geoffrey M. Kalmus (V402); Selected Problems in Pretrial Motion Practice Including Class and Representative Actions by Sheldon Oliensis and Bernard W. Nussbaum, (V403); Readying the Case for Trial by Richard E. Nolan and William E. Willis (V404); The Overall Objectives of the Law of Evidence by the Honorable Jack B. Weinstein, the Honorable Bernard Meyer, and Professor Margaret A. Berger (V405); Practical Aspects of Materiality, Relevance, and Hearsay Rules by Professor Irving Younger and Leon Silverman, (V406); Framing Questions on Direct and Cross-Examination by Maurice N. Nessen and Sheldon H. Elsen, (V407); Presumptions, Opinion, and Expert Testimony by Dean Joseph M. McLaughlin and William B. Lawless, (V408); Selection of the Jury, Opening Statement, Summation, and Final Argument by Louis Nizer and Marvin Schwartz, (V409); The Objectives and Techniques of Cross-Examination by the Honorable Milton Pollack and Professor Irving Younger (V410); Trial of a Jones Act or Other Negligence Case by William F. X. Geoghan, Jr. and William M. Kimball, (V411); Trial of a Securities Act Case by Louis A. Craco and Arthur L. Liman, (V 412); Trial of an Antitrust Case by David Klingsberg and Merrell E. Clark, Jr., (V413); The Appeal by the Honorable Irving R. Kaufman, the Honorable Charles D. Breitel, the Honorable David W. Peck, and the

(Continued on Page 13)

Courts and the Press

Federal Judge Irving R . Kaufman blamed poor communications for causing public discontent with the nation's legal system and said the media was largely at fault.

"Judges are forced for the most part to reach their audience through the medium of the press, whose reporting of judicial decisions is all too often inaccurate or superficial,"

Kaufman, chief judge of the U.S. Court of Appeals for the Second Circuit, said the legal profession also must share the blame because "we have failed to appreciate the vital importance of communication between the courts and the public."

He added: "Communication with the public is the very lifeblood of the 'Third branch' of government, and inadequate or confusing communication between the judiciary and the populace is a principal cause of modern discontent with our legal system."

Access to the forum of public opinion "is the secret strength of the judiciary," Kaufman said.

ABA Conference

—The American Bar Association will hold a major conference in New Orleans Dec. 16.17.

"This is a major conference geared to activating the organized bar's commitment to improve the delivery of legal services to all Americans, not just the indigents who get it for free and the rich who can well afford it," said Thomas S. Johnson, Rockford, Ill., chairman of the ABA's Consortium on Legal Services and the Public which is sponsoring the event.

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GOOD NEWS

by Howard J. Tozzo, Jr.

Editor's Note: Mr. Tozzo is a correspondent for the New Haven, Conn. Register. This column originally appeared in the Norwich, Conn. Bulletin, and is reprinted with permission of the author.

NORTH POLE—The International Brotherhood of Elves voted here last night to strike tonight at midnight, leaving open the possibility that toys may not be delivered in time for Christmas this year.

The 40,000 members of the union are claiming Santa Claus has retained too large a portion of the toy profits during the last three years, and Elf Union President Frank "Shorty" Dwarfman claims inadequate working conditions exist at the massive Santa Claus Toy Corp.

"We'd hate to delay Christmas for the first time in history," Dwarfman said, "but we're determined to stick to our toy guns until Santa comes up with a reasonable wage offer. We're human beings," Dwarfman added, "and we demand dignity."

Santa Claus claims the elves have never had it so good, and adds, "Where else are 40,000 little people with pointy hats and shoes going to find a job at this time of the year?"

U.S. Rep. John J. Frost (D-NP) has called for immediate negotiations, noting a strike such as this one can hurt the local economy as well as the nation's toy program severely, not to mention my chances of re-election."

NORTH POLE, Dec. 9 — Striking Elf leader Frank Dwarfman said today he has no interest in flying to Washington for top level meetings with William J. Usery Jr. chief federal labor mediator.

Dwarfman added the union was hoping to get a hefty wage increase, as well as fringe benefits such as warmer working conditions and increased medical coverage, such as aspirin and blankets.

"We catch a lot of colds up here," Dwarfman charged, "and Santa keeps the temperature down to 40 degrees."

They work faster in the cold," shrugged Santa when asked about the charges.

NORTH POLE, Dec. 16 — Fourteen major United States toy manufacturers came out in favor of the striking International Brotherhood of Elves yesterday, urging the 40,000 member union to stay away from work until after Christmas.

"We think they should stand up for their rights, even if they have to stand on chairs," said toy manufacturer Otto Harbinger, noting profits for U.S. toy companies have risen 41 per cent since the strike of elves began Dec. 1.

Meanwhile, the Salvation Army, Goodwill Industries, and the United Nations have come out in favor of "intense negotiations" in an attempt to end the 16-day-old strike.

"We receive a lot more children's clothes when the elves are working," noted a Salvation Army spokeswoman. "At least they look like children's clothes, except for the shoes."

WASHINGTON, D.C. Dec. 20 — President Jimmy Carter announced today he had no intention of invoking the Taft-Harley Act in order to send 40,000 toy-making elves back to work at the North Pole by Christmas.

"Free enterprise must be free to find its own marketplace," said Carter, while announcing a new series of wage and price controls designed to control inflation and reduce unemployment. "I know lots of people, some of them former cabinet members, who would love to have jobs at the North Pole."

"Some of them," Carter reflected, "do, in fact."

NORTH POLE, Dec. 21 — Santa Claus announced today Christmas deliveries from his toy company may have to be delayed up to one month due to the strike of elves, providing a settlement is not reached in the next four days.

Both Santa and the elves are still at odds on a new wage package. The elves want $5 an hour, and free toys and reindeer rides for their children. Santa has offered $4 an hour, but has balked at the reindeer rides.

"I don't mind throwing in the toys," said Santa, "considering they're not worth much wholesale, but why should I have to pay my reindeer overtime to take 40,000 elves' kids for free rides?"

Several contract articles were settled last night, however. Under the new agreement, the elves will no longer have to wear their familiar red and green uniforms to work. They will also be allowed cocoa breaks, a provision lost during negotiations in 1969, when toy production was booming and Santa thought there was "no time for such foolishness."

"I don't even like cocoa," noted elf leader Dwarfman, "but I'll take all the dignity I can get, what with a union election coming up in January and all."

NORTH POLE, Dec. 24 — A settlement was announced this morning between Santa Claus and 40,000 striking members of the International Brotherhood of E lves, who have been out of work since Dec. 1, delaying the production of most of the world's Christmas toys.

The new contract, to go into effect immediately, provides for a $4.50 hourly wage for the elves, free toys for their children, and reduced-rate reindeer rides in the off-season.

The strike settlement also means Santa Claus, as usual, will be on the rooftops again this year, probably right on schedule. He explained today the strike accounts for the increased price this year of toys, but predicted people will continue to buy without protest.

"It wouldn't be the same without toys from Santa Claus for Christmas," chuckled wise old St. Nick when asked about the increased competition from U.S. toy manufacturers. "We still build the finest toys in the world," he added. "The strike should have nothing to do with the $24.5 million in Electric Train contracts we've lost since December 1."

Elf leader Frank "Shorty" Dwarfman said his elves would return to work immediately in order to prepare for the Christmas rush tonight.

"I never had any intention of depriving some poor kids of their toys this year," said Dwarfman, who said yesterday he was currently deciding whether to run for union president again or accept an executive job with Santa Claus Toy Corp.

"I'm just glad it's over," Dwarfman continued, "but I can hardly wait for next year's strike of the Elf Toy Designers Association. I can use the overtime."

The Gauntlet Flung...

The Men's Law Association challenges its female counterpart to a child-bearing contest. Details can be obtained from "Lumber" Jack Wolfe.

PESTICIDE ...

(Continued from Page 1)

interpretation of the F.I.F.R.A. In fact, the Agency's officials themselves, sought Congressional assistance in clarifying provisions of the Act which were proving to be extremely difficult in their implementation.

The Committee on Agriculture reported a simple extention of F.I.F.R.A. on May 6th in order to comply with the Congressional Budget and Accountment Control Act, and we indicated at that time that at a later date, we would resume consideration of the complex and controversial issues involved, such as problems facing manufacturers and formulators, problems facing the farmer as a result of the interpretation of provisions of the Act dealing with the use of a pesticide in a manner inconsistent with it's label, and administrative problems confronting the Agency because of data, compensation, and trade secret provisions of the Act as written.

Our subcommittee went into these issues at great detail following completion of our work on the Food and Agricultural Act, and after full discussion, in which major efforts were made to reach a compromise over the most controversial issues, we were able to develop a legislation which should make the pesticide program more responsive to American agriculture, while at the same time, assuring appropriate safeguards to human health and the environment. The subcommittee measure was further amended by the full committee on Agriculture and reported to the House by a vote of 44 ayes. On October 31st the House gave final approval to legislation dealing with these matters by a vote of 368 ayes to 21 nays.

In the meantime, the Senate developed it's own version of legislation dealing with the various issues, and a bill has been approved by that body. There are, however, significant differences between the House and Senate bills and as a result, a conference committee has been appointed to work out the differences.

It is my hope that we can move to consider the issues in disagreement so that legislation can be developed to reduce and eventually eliminate the continued controversy over pesticide legislation and allow the continuous production of food and fiber to feed and clothe our nation and the world. We must, however, keep in mind at the same time, the need to protect our environment and the lives of all our people, especially the farmers and their employees who are exposed to pesticides in their efforts to supply an ever growing world.

Malsa Reps.

Several representatives from MALDEF traveled to Austin to attend the State convention. Keynote speakers included Paul Moreno, State Representative from El Paso; Ines Tovar, University of Texas faculty member; Matt Garcia, State Representative from San Antonio; Joaquin Avila, MALDEF attorney and U.T. Law School faculty member; and Ruben Bonilla, State Director of LULAC.

State officers held a business meeting which included plans to attend the national convention in Washington, D.C. in early March of 1978.

The agenda also called for workshops on recruiting members of minorities to law school.

On the local scene, MALSA is planning several fund-raising projects next semester. Contact Victor Negron at 435-4419 for more information. Dues are payable to Juan Aguilera (734-8389).

ABA RELEASES...

(Continued from Page 10)

Education...

Honorable Erwin Griswold (V414); Pre-Indictment Representation by Paul J. Curran and Patrick M. Wall, (V415); Post-Indictment and Pre-Trial Representation by Whitney North Seymour, Jr., Thomas D. Edwards, and Jonathan L. Rosner, (V416); The Trial by Peter E. Fleming, Jr., and Rudolph W. Giuliani, (V417); The Trial (Continued) by Michael F. Armstrong and Robert G. Morvillo, (V418); and Sentencing by Morris Kuznesof, John S. Martin, and the Honorable David G. Trager (V419).

The lectures are two-hour programs, contained on two cassettes, and may be purchased individually for $20.00 plus $.94 for postage and handling. The entire lecture series, consisting of forty cassettes, may be purchased for $375.00 plus $10.00 for postage and handling.

To obtain further information or to purchase any of the programs, please contact ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104; or telephone (215) 387-3000.

Press...

As an example of a decision misunderstood by the public, Kaufman cited the 1962 Supreme Court decision on school prayers.

"To a large extent, "Kaufman said, "the opinions were misunderstood, at least in part owing to the tendency of the mass media to communicate and the public to learn of only the barest outlines of the decisions."

The judge said the court and the press did a better job of explaining the 1963 decision on Bible-reading and recitation of the Lord's Prayer.

To help remedy the situation, the judge suggested that schools offer courses on law reporting and called on the bar to provide the major impetus for programs aimed at helping journalists do a better job of covering the courts.

Kaufman also suggested that the organized bar "may be the best agency" to provide the press and public with an objective analysis of vital litigation.

Conference....

The conference features workshops on public education, lawyer referral services, bar sponsored prepaid legal services plans, alternatives for settling disputes, specialization and advertising, legal assistance to the military personnel and the private lawyer's role in poverty law, civil rights and public rights representation.

For futher information, please contact Anne Draznin, American Bar Association, 1155 E. 60th St., Chicago, Ill, 60637, 312/947-3559.

"What's he doing now?"
"probably screwing off somewhere"
"he looks terrible"
"he looks like he's worried"

be that as it may,
(though i will confess frailty)
he soon became bored with the
entertainment and walked away
with a child of the sky line
two mingled strands of mist
to watch the clear place
between the clouds where
the moon bravely tried
to smile

Edward Schroeder, II

Nowhere Else But San Antonio: Sue's City

by Susan Jacobson

Editor's Note: Ms. Jacobson is a columnist for The Daily Commerical Recorder. This article originally appeared in the Oct. 28, 1977 edition of that publication, and is reprinted here with the permission of The Daily Commerical Recorder of San Antonio.

Trouble's a-brewin between the city of San Antonio and Bexar County with regard to management and treatment of prisoners in the Bexar County Jail. Under State statute, County Sherriff Bill Hauck has ultimate authority over jail supervision and control, but some city council members, spurred by CURE (Citizens United for the Rehabilitation of Errants), are dissatisfied with the way the city's prisoners are being treated. With allegations of overcrowding, unprofessional medical care, disrespect for religious preferences, inadequate visitation, poorly functioning complaint committees, and violations of due process and civil rights for prisoners, these council members are advocating separate floors within the County Jail to be under the control of the city and reserved for city prisoners. According to the city attorney, however, such a separation within the county facility may be illegal.

What would not be illegal would be a separate new city jail, for city prisoners only, run by the city in a manner more deserving of its prisoners. If the city/county squabble cannot be resolved, a separate facility may be the only answer. In which case, of course, endless new problems would arise. The following newsleads, identifying some of the potential problems, could well be future news features.

SA CITY JAIL HOLDS OPENING CEREMONIES

Members of the Order of the Alamo, the German Club, and the Texas Cavaliers mingled with murderers, rapists, and thieves at the black-tie dinner dance held last night in the ballroom of the just completed $50-million San Antonio City Jail...

CITY JAIL MAKES NEW PURCHASES

With $3.6 million in federal funds, awarded for its aggressive compliance with Affirmative Action policy, City Jail officials announced the following new purchases for the San Antonio City Jail: 503 king-size Beautyrest mattresses and box springs, 503 Fieldcrest flat sheets (floral buttercup), 503 Fieldcrest fitted sheets (solid buttercup), and 503 Litton Microwave ovens with memorymatic....

CITY JAIL HIRES STAFF

City Jail officials today announce hiring the following fulltime st members: Dr. Michael DeBake Attorney F. Lee Bailey, Consum Advocate Ralph Nader, Designer Ol Cassini, and spiritual leaders Billy Grah Vernon Jordan, and Golda Meir, who w also serve as dietician...

BEXAR COUNTY INMATES RIOT

After watching 37 truckloads Neiman-Marcus petits fours bei delivered to the San Antonio City Jail f tonight's Halloween Masked Ball, inmat of the adjacent Bexar County Jail staged riot this afternoon protesting th inequities which exist between the tw incarcerating facilities...

U.S. JUSTICE DEPARTMENT TO SETTLE CITY/COUNTY JAIL INEQUITIES

Officials from the U.S. Department Justice arrived in San Antonio today begin mediating the alleged discrimi tion between inmates of the Bexar Coun Jail and those of the San Antonio Ci Jail...

CITY/COUNTY JAIL PROBLEMS SOLVED

The U.S. Department of Justi established the Committee to Reconc Apparent Problems (CRAP) to enfor the following regulations governi City/County Jail practices: 1) At 9 a each day El Centro will transport 2 inmates from the Bexar County Jail to t San Antonio City Jail and 253 inmat from the San Antonio City Jail to t Bexar County Jail where prisoners w remain and participate in all schedul activities of those institutions until 5 p when El Centrol will carry them back their respective residences; and 2) Und the Equal Riots provision, residents of t Bexar County Jail will have unlimited u of Ralph Nader...

PARENTS PROTEST BUSING

Parents of San Antonio City J inmates....

PLACEMENT NEWS...

(Continued from Page 5)

years. You are welcome to as many of these as you feel you might use—all for no charge.

Seminars

While in Austin the 22nd of November, I participated with Gary Munneke, Placement Director of UT Law School, in presenting a seminar to their students on negotiating with law firms once offers begin coming in. As a result of my participation in their seminar, Gary Munneke is now in my debt and has agreed to come down here next semester to participate in one of our seminars. A logical one might be a repeat of the Resumes/Interviewing Seminar we had this fall. If you have other ideas, please communicate them to either a member of the Placement Committee or to me.

Other seminars planned for next semester include one on Judicial Clerkships, a variety of practice panel, probably repeats on Resumes and Clerking, and perhaps something on graduate programs in law. Other suggestions have included problems of the older student in finding employment.

The seminar on the 22nd of Solo Practice was well-attended and well-delivered. The speakers were lively and interesting, and our only problem seemed to be lack of time. The speakers included Pat Pape, a 1964 St. Mary's grad and president of the San Antonio Bar Association, Hattie Briscoe, a 1956 graduate of our law school, and Robert Jorrie, a summer, 1974 graduate. All areas solo practitioners in San Antonio.

The seminar was taped and should be available in a cassette in the next few days. This tape, as well as a previous one from the seminar on clerking, can be checked out from the Placement Office.

GOOD LUCK ON FINALS!!

NON-PLACEMENT NEWS...

(Continued from Page 5)

while the students are being left to their own initiative (which really spells connections) the graduating seniors at University of Texas, S.M.U. and Baylor are interviewing on their respective campuses and getting the best jobs. Undoubtedly many of the large Houston law firms that refuse to come here, a paltry 150 miles away, are more than willing to travel thousands of miles to interview at more prestigious schools in other parts of the country.

I will not attempt to pin the blame on anyone in particular as I honestly do not know what efforts have been exerted. Perhaps we are deserving of contempt and ridicule. Perhaps we are all destined to a future of striving to attain mediocrity. Perhaps some students do rely too heavily on placement services. A purpose of placement offices is to assist students in finding jobs, not guaranteeing employment, but for those of us without the connections, no amount of initiative is going to open those doors in Houston or Dallas. Unless the placement office opens those outside doors through a concerted effort, they will always remain closed to the vast majority of St. Mary's graduates. If, however, the placement office chooses to shirk this vital obligation it has to the students, then the placement office serves no function at all.

CULLEN DAVIS. . . (Continued from Page 1)

factual standpoint, therefore, the verdict of not guilty is important to Cullen Davis but inconsequential to our profession for it is not susceptible to fair evaluation. However, the verdict is of monumental significance to the process of criminal justice in that Cullen Davis did not testify and was found not guilty.

In discussing the recent Supreme Court decisions of **Brewer v. William**, 51 L. Ed 2d, 424 (1977) President Nixon's former speech writer, Patrick Buchanan, voices outrage and criticism of our judicial process.

"Our criminal trials have become farce. The objective is not justice; the search is not for truth. It is from some sort of procedural error by police, jailor, prosecuter or judge whereby the patently guilty can be set free."

What is needed is radical reform. If restoring civilized life to our cities entails eliminating the "exclusionary rule," repealing the Fifth Amendment, conviction by a vote of five or six jurors, wholesale use of the death penalty, even an end to the adversary system in criminal trials, so be it.

These words could easily flow from the lips of those who feel the trial of Cullen Davis was a "farce" and the verdict was bought and paid for by a man who can easily afford to buy his way out of trouble. It is true that the quality of defense available to Cullen Davis is not available to all those charged with crimes, but the constitutional right against self-incrimination and the presumption of innocence certainly are secured to all defendants.

The acquittal of Cullen Davis may be considered by some as a two million dollar verdict that was well worth the investment, but to adopt that view one must necessarily believe that the system of criminal justice has either broken down, totally failed, or is a reality only to those who can afford a lawyer the quality of a Richard "Racehorse" Haynes. To accept this as the "reality" of the Cullen Davis trial is tantamount to espousing the position of Patrick Buchanan. The "reality" is that once the case is stripped of its elegant and elaborate window dressing what remains is an accused sitting silent in a courtroom cloaked simply with a presumption of innocence and a constitutional right to remain silent.

The trial was long, the evidence conflicting, and the lawyers for both the defense and state were men of experience, talent, and knowledge. The unknown quantity, as always, was the jury and its capacity to judge the facts and apply the law. This jury and its verdict was the significant aspect of the trial and the true measure of our system of criminal justice. It was this jury of citizens who could listen to the accusations of an eyewitness that were not refuted by the defendant, and who acquit this defendant of capital murder when, as an accused, he chose not to speak in his own behalf.

In the practice of criminal law it is extremely easy to become cynical concerning the ability or willingness of a jury to afford the defendant his right to remain silent, and yet still judge him without considering his failure to testify. The jury, by finding Cullen Davis not guilty did more than reaffirm the vitality of the presumption of innocence and the right against self-incrimination, it once again made them concrete realities that for the moment pushed back the curtain of cynicism that slowly, and at times imperceptibly, envelopes practitioners of criminal justice and the constitutional rights provided all individuals in our society. The jury by its verdict, clearly displayed that a defendant can be afforded these precious rights, and by so doing preserved and enchanced the system of criminal justice in this state.

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Witan

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

Antabuse or Jail

by John W. Bell

EDITOR'S NOTE: The Honorable John W. Bell is Judge of County Court #2, Bexar County, Texas. Judge Bell assumed the bench in Jan., 1975. Before his election to that post, he had an active law practice dealing with general civil and criminal matters. A 1964 graduate of St. Mary's Law School, he holds a B.B.A. from the U. of Texas.

The criminal dockets of the County Courts at Law of Bexar County include a very high percentage of D.W.I. charges; and a sizeable portion of trial time is devoted to the handling of those cases. Many arrests and actions of the police departments of the County concern other alcohol and related offenses, the most common being public intoxication, a Class C misdemeanor.

There can be no doubt that the abusive use of alcoholic beverages is a major problem today in our society — older than written history, as complicated as mankind, and increasingly costly. Recently conducted surveys indicate that on any Friday or Saturday evening, the motoring public of Bexar County faces more than five thousand legally intoxicated drivers on the streets and highways; and some knowledgeable law enforcement officers have expressed the opinion that such a figure is quite conservative.

Recidivism is typical of the alcoholic. Frequently, the alcoholic will take an oath that he will never take another drink, at almost any incentive. Upon facing some personal crisis, however, an alcoholic does take that first drink and can never control the amount of alcohol consumed thereafter.

There is a great deal of evidence that alcoholics generally are above average in ability in work areas from the common laborer to the skilled scientist; and quite frequently we find that alcoholics are of superior intellect. They are people that we can ill afford to waste.

An examination of court records reveals that a sizeable percentage of the D.W.I. cases filed involve recurrent offenders, some with as many as seven offenses, a few having up to fifty public intoxication charges. In addition, theft, malicious mischief, prostitution, assault and other offenses not directly connected with the use of alcohol do involve alcoholics and problem drinkers.

Bexar County and the City of San Antonio have been the recipients of thousands of Federal dollars through the Alcohol Safety Action Project and its related treatment facilities. Though the Alcohol Safety Action Project, as such, is no longer in existence, some of its functions have been assumed by the Bexar County Mental Health-Mental Retardation Center which has, in cooperation with Commissioners Court, undertaken some new programs for defendants charged with alcohol related offenses. Ground has been broken and a new treatment facility is under construction as a jail annex, with an expected completion date in the latter part of 1978. It is contemplated that defendants charged with alcohol related offenses may be processed through booking and incarceration in the alcohol treatment facility.

The program shall include counseling

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Gone But Not Forgotten

By David Baram

Last week Americans mourned the death of a truly great man, Hubert Horatio Humphrey. It was an unprecedented outpouring of tribute for a politician who had never attained the Presidency. Still, Mr. Humphrey left an imprint far greater than most Presidents. The love and respect that people had for him were not attributable soley to the accomplishments of Humphrey the politician, but also to the qualities of Humphrey the man.

Humphrey was an ebullient and persuasive personality. He championed the causes of the poor, the discriminated, and minorities. His political philosophy was not just a product of intellectual dogma. Rather, it combined knowledge and insight with human compassion. When Senator Humphrey spoke about the unemployed, he did so not in terms of incomprehensible statistics, but with heart-felt understanding for the individual. At a time when nobody dared to publicly raise the issue of discrimination and racism, Humphrey did so with unrelenting fervor. And so, Hubert Humphrey was able to combine his political adeptness and his ability to deal in human terms, to become a leading legislator and a spokesman for millions of Americans.

In 1945, Mr. Humphrey at age 34, was elected mayor of Minneapolis. He put together a coalition consisting of Labor, Farm workers, and Democrats. Humphrey was first elected to the Senate in 1948 and served continuously until 1964 when he became Lyndon Johnson's running mate in the presidential election. During his four subsequent years as Vice President, Humphrey had a voice in most decision making matters except those concerning the Vietnam War. Although opposed to the war, Humphrey refused to voice his opposition publicly because as Vice President he believed that he owned a loyalty to the President. Even after President Johnson announced that he would not run for a second term, Humphrey remained loyal to Johnson's

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Where's The End Of The Line?

One would think that after waiting in long registration lines semester after semester that one would develop the patience and tolerance to make that exercise easier each time. Unfortunately, standing in line is not one of those exercises which can be honed to perfection with practice. Instead, standing in the registration line has become a frustrating exercise in "what-ifs?" and "why-nots?".

Undoubtedly, students, faculty, and staff could find an infinite spectrum of other more productive things to do than waiting in, or processing the registration line. Witan repeats the question so often asked by students while waiting in the registration line: Why not have a system of pre-registration? Pre-registration could easily be accomplished by each student filling out a registration form prior to the end of the preceeding semester. Such a form could be devised to include space for alternate course selections should the students first choice be unavailable.

The student could then either return his pre-registration materials prior to leaving for the semester break, or could mail it by a deadline which would give the administration sufficient time to process the forms, and assign courses.

The system outlined here is not, of course, an exclusive remedy. It seems that any system which would obviate the need for the long lines on registration day would be welcome and would save frustration, time, energy, and money for all involved.

Coffee, Tea or--

Much has been said and written about the effectiveness or ineffectiveness of the SBA. Witan offers its congratulations to our SBA on finally getting coffee and soft drink machines in the classroom building. Unquestionably, everyone appreciates being able to get a caffeine or Dr. Pepper fix before class.

The students should also be commended for abusing neither the machines nor the rule against bringing beverages into the classrooms.

Witan Editorials

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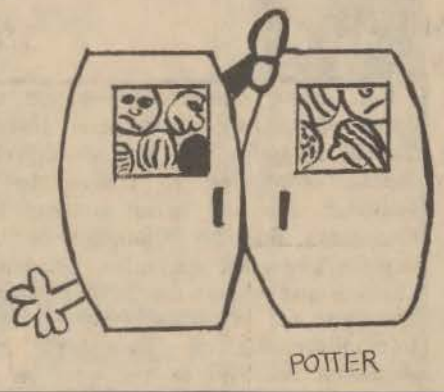

Witan

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Contributors: Karen Amos; David Weiner; L. Wayne Scott, Thomas Black; James Traweek; Eric Jensen; Bill Crow; Jana Johnson; John W. Bell; Sue Hall.

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

VIEWPOINTS

Puerto Rico

PUNTO DE VISTA

by Brad Wiewel and Karen Amos

Puerto Rico, once a tropical paradise and the showcase of the Caribbean, has become an American nightmare. Before U.S. occupation of the island in 1898, 93% of the farms were small and privately owned; 35% of the land area was devoted to edible food; 40% was in coffee production, and only 15% in sugar. Now, thanks to the work of multinational corporations, the small farms have been supplanted by huge sugar plantations, and agriculture accounts for only 4% of the Gross National Product and employs only 7% of the people. An island which was formerly self-sustaining presently imports almost all its food stuffs and manufactured goods.

Operation Bootstrap, which was inaugurated as a "Brilliant prescription for resolving traditional economic problems," is dead. Originally, it was designed to lure mainland industries to Puerto Rico to take advantage of its duty

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CONTRA PUNTO

by Eddie De La Garza

Brad, I'm going to disagree with you again. To cast la Isla Borinquen (Puerto Rico) into the sea of newly founded nations is illogical, naive, and irrational.

I'll spare our readers the chore of digesting statistics and percentages (meaningless anyway) and get down to the harsh facts of reality. Puerto Rico has at all times been given the right of self-determination through plebiscites. Three parties dominate the political scene in Puerto Rico; the Partido Independista, which advocates independence, the Partido Estatal, which advocates statehood, and the Partido Popular, which advocates a territorial status. Which one do you think always gathers over 60% of the vote? Right, the latter party.

It's no small wonder too, look at all the Territory gets in return for nothing. All Puerto Ricans are American citizens by birth, vote in Presidential elections, send a delegate (non-voting) to Congress, may serve in the U.S. Armed Forces, pay

(Continued on Page 15)

AND NOW, HERE'S President Castleberry

By DAVID E. CHAMBERLAIN

There is little doubt that the big man on campus this year is Associate Dean and Professor of Law James N. Castleberry. Why, you say? Because Brother Jim has recently been elected President of the International Fraternity of Phi Delta Phi by a unanimous vote of the delegates to the 43rd Biennial Convention.

I would like to be able to report that our little ole oil and gas man rolled into Ft. Launderdale, Florida, and dazzled the International Convention with his charm and beauty, taking them by storm. But that's just not true. Diamond Jim has been hard at work for years and earned this honor for himself and the law school on the merits. Yep, I mean it.

Professor Castleberry graduated from St. Mary's University School of Law in 1952 after first completing pre-law undergraduate work at the University of Alabama. Subsequently, he flew for the Air Force as a senior pilot in Germay and Korea and taught a little military law on the side. After coming back to Texas, he attained the position of Assistant Attorney General and wiped out over twenty nasty old Insurance Companies in the period of 23 months. Finally, he joined our faculty in 1955, and we know what he's been doing ever since (remember those Water Law grades in the Summer of 1976 — gotcha).

In addition to his Juris Doctor degree, Dean Castleberry holds a diploma from the Institute of Comparative Law of the National University of Mexico, and a diploma from the faculty for the Teaching of Comparative Law, at Strasborg. He is a co-author of the seven-volume treatise "Water and Water Rights", and is also a member of the faculty of the Bar Review Institute of Texas. He is a member of the San Antonio Bar Association and the State Bar of Texas.

When it came down to service to the law school and the Fraternity, Jimbo was the first in line. His service to Phi Delta Phi began in 1955 when he became faculty advisor to Tarlton Inn, a role he was to hold for eighteen long years. In 1969, he became President of Province XVI. During his tenure as Chairman of the fraternity's expansion committee he installed the first Phi Delta Phi Inn in the Republic of Mexico. Our man was elected to the Fraternity's Council in 1973, and during the past two years served as Vice President and member of the Council. He was elected to the 36th Presidency of the International Fraternity at the 43rd Biennial Convention.

Thanks, Diamond Jim. We're real proud.

Bix Biederbecke — Who and Why?

EDITOR'S NOTE: Carp and cavil as some may and others will at Professor Black's article, it cannot help pleasing many. If one is so philistine of temperment as to feel that Bach is forgotten because jazz has won its laurel wreath. "Bix Biederbecke—Who and Why" will appeal to him as a waste of time. If, however, the reader chances to realize that Bach is being consecrated to a more sublime memory, he will find Professor Black's article pleasant reading, and as charming as its author.

by Thomas Black

A persistent question from students, staff and faculty has been, "Who is the 'Bix Lives' on your bumper sticker?" I might feign shock at such ignorance, but I would prefer to answer by explaining who Bix was and why I decorate my car bumper with placard proclaiming his immortality.

The first question—who—is easy tc answer. The Columbia Encyclopedia says of Bix:

"Biederbecke, Leon Bismarck (Bix Biederbecke), (bi'derbek), 1903-31, American jazz cornetist, pianist, and composer, b. Davenport, Iowa. Mainly self-taught, he was influenced by recordings of the Original Dixieland Jazz Band and by the music of King Oliver, Louis Armstrong, and Jimmie Noone. His cornet playing, noted for its brilliant phrasing and its clarity of tone, soon won him a reputation. A sensitive, lonely man driven by artistic ambition, he was forced to play in the large commerical bands. Unhappy and restless, he changed jobs often, drank heavily, was frequently ill, and finally died of pneumonia. His piano compositions, including In a Mist, were influenced by Debussy. See C.H. Wareing and George Garlick, Bugles for Beiderbecke (1958); biographies by Burnett James (1961) and R.M. Sudhalter and P.R. Evans (1974)."

This is adequate except for two observations:

1. Implied in the text is the widely-held view that Bix's excessive drinking was due to his unhappiness with the restrictions of playing with the Paul Whiteman (Commerical) band. The James biography adopts this myth, but I don't buy it. A contemporary said that Bix was happy any time he climbed upon a bandstand. I believe this. He played beautiful things with Whiteman and loved the fame.

If his alcoholism had an environmental cause (and it was probably pure chemistry) it was the fact that his parents, whom he loved and respected, totally rejected his role as one of the greatest Jazz cornetists of all time and insisted that his only acceptable role in life would be as lackey in the family lumber business. It is a well-known fact that he proudly sent all of his fantastic recordings home as they were issued only to find them later in a closet, unopened and unheard. So Bix lovers who point the finger of shame at Paul Whiteman (who loved Bix and give him total support) should redirect their ire to Mama and Papa Biederbecke and all the siblings.

The other myth is that Bix died of pneumonia. Eddie Condon said, "He died of everything," which is closer to the truth. Apparently he died of delirium tremens. Just before he died, a neighbor found him screaming that bandits with daggers were swarming around his bed.

The why is much harder to explain. Fats Waller once told someone who asked him to explain jazz, "If you have to ask, you'll never understand," which is probably all there is to say. I have played Bix to some who loved him from the first, but I have never convinced anyone of his greatness. The first record I ever heard ("I'm Coming, Virginia" in 1943) hooked me permanently. George Finola, who plays a nice "Bix" style horn in New Orleans, proclaims that when he first heard "Singing the Blues" he dropped everything and devoted his life to learning to play like Bix.

But there is more than mysticism. There are tangible reasons for Bix's fame. One is his incredible tone. Listen to any Bix record (sorry as the recordings may be) and compare the tone to any other trumpet or cornet player and you will see that Bix had a unique bell-like-true-

(Continued on Page 12)

From left to right are the Wizards of the Witan: Edward Schroeder, Ray Desmone, Frank Gerold, Denny Callahan, Lawrence Potter, Randy Grasso, and Scott Spears.

New Witan Editorial Board

If you have taken the time to read the staff box lately, you will have noticed it contains some new names.

The reason for the reorganization is the untimely resignation of Kayo Mullins as Editor in Chief. Kayo will be completing his remaining 3 hours of legal study and Bar Exam preparation in Dallas.

At the November meeting of the Editorial Board, Ray Desmone was elected as Editor-in-Chief. Frank Gerold was appointed as Articles Editor, and Edward Schroeder was appointed as Features Editor. Randy Grasso will take over as Business Manager. Scott Spears was added to the staff as Advertising Manager.

There are several openings for positions as Associate Editors. Interested individuals should submit, in writing, a request to be considered for an Associate Editor position. No special skills or prerequisites are required beyond a sincere desire to work toward improving Witan. All students are encouraged to submit articles or help with proof-reading and lay out. Those interested in any or all the above, please contact any member of the Editorial Board. The deadline for articles to be included in the February Edition is Feb. 1.

LAW SCHOOL NEWS

Client Counseling

The Board of Advocates would like to announce that this years Client Counseling Competition will be held on February4th and 6th. This is the second year for this type of competition at St. Mary's with this year's topic being problems concerning unmarrieds living togehter. Preliminary rounds are scheduled for all day Saturday Feb. 4th. Finals will be held Monday night Feb. 6th in the Law Classroom building.

The winning team will represent St. Mary's at the regional Competition on March 4th at Texas Tech University in Lubbock. For further details concerning the competition contact Ciro Ochoa.

Legal Research Board

The Legal Research Board will be offering qualification memos for those students interested in becoming staff writers. The sample memos are used by the Board for the selection process. Participants must have successfully completed Legal Research & Writing and have maintained a G.P.A. of 72.

The function of the Legal Research Board is to provide research work, generally in the form of legal memoranda, for practicing attorneys statewide. Writers are paid for their research.

Notices will be posted giving the time and date of the meeting. Any further questions concerning the qualification memo or Board operations will be answered at that time.

SBA

By Scott Spears

The most exciting news coming from the SBA this semester is an excellent speaker's program. On Jan. 19, Professor Black from the Yale University School of Law spoke on "Capital Punishment."

On March 15, we will be privileged to have Sen. Sam Ervin. This is an interesting breakthrough which could lead to a strong national speakers program for our Law School. Hopefully, we will have a good response as it will enable the student body to continue asking speakers of national prominence. Sen. Ervin will receive $2,500 for his appearance, so let's get our money's worth.

Also pending this semester are speaking appearances from Atty. Gen. John Hill, Comptroller Bob Bullock, and former Gov. John Conally.

The SBA is also involved in possibly arranging a separate graduation ceremony for the law school. This seems to be a popular idea among students who have been to previous graduation programs. Perhaps we could arrange a ceremony that will be more meaningful to us with a format more pertinent to the legal profession.

During the meeting, on Jan. 18, Raymond Desmone was approved by the SBA as editor. This action was necessary since WITAN is by constitution part of the SBA.

Lastly, but of utmost importance, is that a committee composed of Frank Ruttenberg, Barbara Siever, and Don Cosby was appointed to handle the problems students are having with the Student Financial Aid Office. Please contact your senators for assistance.

Phi Delta Phi

by David Chamberlain

Tarlton Inn, the local chapter of Phi Delta Phi International Legal Fraternity, was named winner of the coveted 1977 Inn of the Year Award at the fraternity's annual meeting in August, in Ft. Lauderdale, Florida. The award was made on the basis of the Inn's contributions to the school and to the legal community, as well as on accomplishments of individual members within the fraternity. John Vaught, former Magister of Tarlton Inn, was the voting delegate from St. Mary's, and Ward Blacklock, also a former Magister and presently Assistant Province President, accepted the Inn of the Year Award on behalf of Tarlton Inn and St. Mary's Law School.

Among the Inn's accomplishments cited by the selection committee were the maintenance of an examination file for use by all law students; the offer of tutorial sessions for first-year students prior to fall examinations; the establishment of an annual donation to the law library treatise collection; and the leadership traits of many Phi Delta Phi members in such various organizations and activities as the law journal, the Student Bar Association, the Women's Law Association, the Criminal Law Association, and in a variety of oral advocacy competitions.

The Province President, Professor J. Hadley Edgar, will be on campus on February 23 to meet with the officers of Tarlton Inn, and will be honored at several fraternity-connected receptions while in San Antonio. The officers for the current semester are Bill Crow, Magister; David Chamberlain, Vice Magister; David O'Neil, Exchequer; Valin Woodward, Clerk; Bernie Delia, Historian; Ann Livingston, Parliamentarian; Scott Breen, Social Chairman; and Doug Wright, Rush Chairman.

Criminal Law Association

Jan. 31
General Membership Meeting (we are hoping to have The County Medical Examiner speak).
Feb. 14
Luncheon-Mr. Charles Butts
Feb. 17
Field Trip-Huntsville State Prison
Mar. 2
Speaker—Richard "Racehorse" Haynes
Mar. 6
General Membership Meeting—Elections
Mar 25
St. Mary's Oyster Bake

Law Wives News

by Jana Johnson

The St. Mary's Law Wives, officially Delta Alpha Delta, awards $200.00 scholarships each year. This year's recipients are John Davidson, a first year student, and Bob Sheppard, a second year student.

On December 11, 1977, children from the Victoria Courts Day Care Center attended the annual Christmas party for under-privileged children. There was an excess of gifts purchased for these underprivileged children, and these were donated to another group to be used as intended.

Tickets for Santikos Movie Theaters are available at a reduced price. For more information call Cynthia Horn (690-9884) or Margaret Fano (824-0390).

At the January meeting, Gayle Cook from Aerobic Dancing of San Antonio presented a program on Aerobic dancing which is comparable to jogging for fitness, but much more fun.

Upcoming Events
Bake Sales: Feb. 1, Feb. 15, March 1, and March 15.
Wine Tasting Party: Feb. 11.
1950s Party: March 18.

* Client Counseling
* Legal Research Board
* SBA
* Phi Delta Phi
* CLA
* Law Wives
* Assault & Flattery
* Mock Trial
* Law Journal
* Super Sunday

Assault & Flattery

by Joe Patane

It's time for the Fifth Annual Assault & Flattery. For those of you who are not familiar with A & F it is a comedy production "assaulting" and "flattering" our beloved law school and law professors. That's right, now it's OUR TURN! We need help in all areas, including portraying a professor, dancing, singing, writing, stage crew, etc. All students are eligible to partake in this wondrous event. All interested in helping out watch the bulletin boards for notice of meetings or contact Joe Patane. So jump on the band wagon for a guaranteed good time with the biggest event of the year!

Mock Trial

The Board of Advocates begins the spring semester with a schedule of four competitions designed to attract law students from all levels of legal training. Heading this list will be the spring mock trail competition which will take place on Thursday, February 23 and will continue to Monday, February 27.

This years mock trial is being directed by Bill Crow who, together with John Vaught, Denny Callahan, and Joe Patane, will represent St. Mary's in the upcoming regional mock trial to be held on Jan.

(Continued On Page 14)

Law Journal Update

by David E. Chamberlain

Third-year student Eileen Sullivan has been selected for publication in the Workman's Compensation Law Review. The case note, Workmans Compensation Claims Must be Disclosed Under the Texas Open Records Act, was first published in Volume 9 of St. Mary's Law Journal last summer.

Student writers scheduled for publication in Volume 9 are Pete Carrol, Richard Sames, Linda Moore, James East, Mike Davis, Rand Riklin, Cathy Randall, and Ann Livingston. Comment writers published are Debby Becker, Pat Tielborg, and Bob Sheppard. Scheduled for publication in the Environmental Law Symposium issue are Larry Dale and Curtis Vaughn.

Super Sunday

by Gary W. Hutton

DELTA THETA PHI sponsored its first annual Super Bowl Party in the Brass Lamp on Sunday, January 15th. A group of about 40 students alumni and guests braved energy saving heat measures and cheered their teams heartily. The group was evenly split for Denver and Dallas. And although Dallas luckily bounced its way to victory, the enthusiasm of Denver fans never diminished.

A large keg of beer helped keep the spirits high. Soft drinks and snacks were also served. Three color televisions lined one wall offering easy viewing. Another black and white set was strategically placed next to the keg of beer so that no one would miss a moment of action.(it is not true that there was a TV in the bathroom-but we considered it).

Thanks go out to all those who helped set up the party and congratulations to all the winners (Dallas included).

Despite our geographical location and the potential suicidal effects of making such a statement, I must say-GO ORANGE.

Women Sorcerers

by D. Callahan

The inside jacket cover calls Carlos Castaneda's most recent book, The Second Ring of Power, an extraordinary journey into the world of sorcery, a brilliant assault on the reason, and a dramatic and frightening attack on every preconceived notion of life. Yeah, all the way to the bank.

Not only did Castaneda not tell us what happened when he and Pablito jumped into the abyss at the end of his last book, Tales of Power, he also failed to even significantly advance any discussion of the problem he has so brilliantly proposed in his last four books; namely, how a human being might go about perceiving the inherent realms of all creation, the Tonal and the Nagual.

From the book we again learn that the Tonal is what average people in the ordinary world of everyday life have the capacity to perceive and of which they are usually aware. The "attention of the Tonal" is our first ring of power. The Nagual is something we rarely become aware of in a nonordinary world. Castaneda speaks about it often in metaphors and calls it once the kingdom of heaven. To our reason, the Nagual is like an insane relative that we keep locked in a dungeon. The "attention of the Nagual" is our second ring of power; one which sorcerers reach by dreaming and stopping their internal dialogue one which the rest of us will reach only at death, and one which, paradoxically, when attained prevents the sorcerer from dying.

No question that Castaneda is a fine story teller, poet, mystery suspense writer, and eclectic philosopher. Additionally, he has played the psychologist and tells us for the first time about women as sorcerers. "A male sorcerer is very difficult to train because his attention is always closed, focused on something. A female, on the other hand, is always open because most of the time she is not focusing her attention on anything. Especially during her menstrual cycle."

Castaneda clearly is telling a story seriatim Edgar Rice Burroughs style. The Second Ring of Power, for all the resolution it provided, should have ended like a comic book--"(to be continued)."

To tell of Tom Black and Sales isn't easy;
There's much more to say than we're scared of U.C.C.

For day-in, day-out the Code was a headache;
Analysis of problems we really did fake.

For Absolute rules it seemed pretty plain,
If you look in the Code, you're looking in vain.

With Warranties, we saw, the Code is well-stocked:
But Buyer, beware, that Goods have been hocked.

Those Products Defective, he cursed as a riddle;
But Nobility Homes relieved us a little.

Of Transfer of Risk, with Breach or without,
Black gladly taught and left little doubt.

Then came the Remedies that few dare explore,
But Schroeder and T-shirts helped lighten the chore.

We felt much confused with creditors' liens,
But Black praessed on bravely, with help from Finkelsteen's

One's losses, when covering, he shall not enhance,
But you're probably safe if it's cheapest in France.

We learned very soon, our hands not to raise,
For questions were answered in Black's paraphrase.

Once in a while, though, our trusting hearts sank,
Those times when he cried, "My mind is a BLANK."

When taking exam we gave it our best,
But we all know by now: Good Faith ain't the test.

David Mad Dog-gerel Weiner

Staten Island, 1973

Alone I stand remote aloof
Inspired by trailing gulls
A cold wind cuts my breath
Manhattan faded in fumes
Me, I just watch content to glide.

Lines of piles wait like staggered phalanxes
Helmsmen await their bells
My hands grip the rail
Unloved by scurrying hordes.

Cranes and concrete forms command the hill
Freighters toil as I grow restless
Moody malcontents sip Swiss-Up
Fancy men pat their hair
Planes blinking pathetic lights
Rise over the waves.
Gabrielle, who will you be?

As a child I remember being left
Long hours to my own devices
Running—on the go, you see—
Off to destroy with Granpa's swords
Prickly pear armies stealing towards our home.

Starch and creases,
The lost language of laundries,
And Sunday best; I knew them well
In my go-to-meetin' shoes.
Iced tea in Bama jam glasses
Quailted pallets when friends came.

James Traweek

Inner Song While Watching a Square Dance

calico cantle scythe and snath
meadow mountain river-path
swing on your corner like swingin on a gate
now to your own if you're not to late
the blood of you in every state
blood of your temple wrist and thigh
coursing imperceptibly

wherever they stop at a filling station
whever they beg to renew a note
wherever the sundown makes you love
and the new moon grips your throat

do-si-do your lipstick
swing your corner lady
promenade your cigarette
and swing her twice around
promenade o promenade
oregon and the everglade

and the dance goes on and on and on
and the centuries go bare
but around the ring you hop hop hop

and you skip skip skip
and you run run run
and your permanent wave is melting down
and your white gardenia's edging brown

one little two little three little injuns
hurry — take my hand!
till the constellations burn you down
and o it's dark from here to town

Steven O. Palmer

All Things Considered

EDITOR'S NOTE: Professor Scott, long known as a legal scholar, is man whose house has many rooms; rooms seldom visited. We are honored to reveal one of them to you—Scott the Poet. All poets fashion their words in a mode that will express their belief. Poe used stark beauty; Hopkins, agape. In "The Masses," Professor Scott laments the ravages of conformity without losing his sense of humor.

THE MASSES

Tell in mass
So the mass
Buy in mass

Three million burgers
Sold this week
Eaten this week

From stand like stand
Each bland like the bland
One eaten blandly before

The mass will buy
Anything publicly told by lie
To massly buy

Rush before the millions are gone
Spend the millions until gone
But the mass will grow, never gone

Until blandly massed to death
Burgered to death
Sold to death

Born together
Educated together
Buried together

Saved together
Lost together
Damned together

Dressed alike
Fed alike
Giving alike

The mass are in the masses
Forget the classes
There are only the masses.

L. Wayne Scott

Trial by time

out of the old transgressions of the seas
we come
no vestige of beginning
no prospect of an end
salt of the blood is ocean bathing still
each cell of brain and heart burning uphill

out of the tide-slime credulous we come
singing our latest god stabbed and perfumed
springing the eye of the enemy from the pocket
building a ladder to a broken bird
meadow and wime to the pocket
dream to the world

out of the sluggard butcheries we come
cowering so at night in a white cold sweat
staring at hills and lovers

yet strange
with a fairer courage
to us of all beasts given
to meet with flaking hair and nostril numb
the ice-long dream of peace on earth
somewhere on earth
or peace in heaven

Steven O. Palmer

SKINNED KNEES

by RPW

"Too many people bought the American Dream—Girls grew up to get married and let someone take care of them—when the marriage was over, unskilled women were out looking for jobs.' So states Dolores Farrell, a practicing attorney and native Texan from Western State University Law School, who is now the director of the womens law center in Dallas, Tex. She now runs a thriving organization, whose main objective, to assist and train unsupported and unskilled women into the labor market and counsel in all areas of family law has been a major success.

Ms. Farrell, spoke of the long drive upward to this point. In 1974, as a law student, realizing that it was not possible to make a living practicing womens law, opened the doors of the first womens law center in Tuston, Calif.. The center was complete with one telephone and kitchen table. However sparese, it was effective. Women came from all areas to find out exactly what the law was—economically and competently. By a combination of foundation grants, public relations, and a $1 membership fee to all women, the women's law center got its foot into the door of legal services. Eventually with the backing of a panel of attorneys, after dealing with legal problems such as employer's inflated insurance rates in hiring older women, child non-support and displaced homemakers, the California State Bar stamped their seal of approval on the center.

Ms. Farrell, proceeded to open such a center in Dallas. Again, devoid of finances, she pounded the pavement for support. At the centers lowest economic point, a sizable grant was received from Mac Monny foundation. Recently, the center received a grant from the federal govt. At this date, Ms. Farrell has hired over 20 "unemployable" women to staff the Dallas office and has collected a working capital of over $170,000.

The womens law center is designed to provide services to women who are unable to obtain help, because they cannot pay the attorneys fees. Ms. Farrell, emphasizing the "no-fault" divorce law in Texas, stated that a woman who is married for 30 years, working for her family or voluntarily in the community is left with no legal recourse one divorced because they have no financial resources.

This center also acts as "listening post."' Mr. Farrell stated that many of the problems which were brought to the center could have been cleaned up by a single phone call had the woman been able to obtain advice.

The womens center extends help to all women through its projects. One of the programs was the passage of the Displaced Homemakers Bill which set up a fund to train unskilled women so that they can enter the job market in order to support themselves and their families. This bill was passed. The funds were put into the hands of Charles Schnahel, who transferred the funds to the University of Texas at Arlington. UTA cut the monies allocated to the women's center on campus by the amount of the funds it received under the Displaced Homemakers Act. There is a legislative investigation looking into this matter at this time.

Another project the center is involved in deals with child-support. The problem lies with divorced fathers who do not pay their court-ordered support. To survive, a jobless mother and children can receive welfare—$117 per month. In effect, the taxpayer supports the family of the delinquent father.

The program works to enforce the support statues by assisting the sheriff's office in serving warrants upon these fathers, sponsoring parent-location services and by making known that non-support is a criminal offense under 25.05 of the Texas Penal Code.

In the near future Ms. Farrell will establish the Texas Family Law Clinic. This program will offer counseling services to both men and women in pensioning.

Ms. Farrell, would like to see womens law centers established in San Antonio and across the country in major metroplexes. Women need to know that there is help available and people are willing to listen. These centers will give women the support they need to discover that they can accomplish what they decide to. As Ms. Farrell remarked, "My worse trait came out in setting centers. I never knew something could not be done—I just went ahead and did it."

On March 21st in San Antonio, The Far East Foundation, S.F. will present a workship on grantsmanship. The program is funded by Womens Educational Equity Act. Place to be announced later. For further information, contact Maria Torres Knox, the New Horizons For Women Office in Chaminade Hall.

High School Program Readied

by Victor Negron Jr.

The legal profession is one of the great vocations recognized by organized society and one which places great demands on those who would be its practitioners. Service, both public and private, is its keynote. It is in preparation for the legal profession that we, as members of the SBA High School Mock Trial Program, pursue this goal of service to the community. Our primary goal is to serve as some benefit to the community through the introduction to area high school students of certain aspects of our judicial system.

Specifically, the Program is directed at area high school senior government and civic students. A presentation is made by 2 law students, one representing plaintiff's counsel and one representing defendant's counsel. A judge, defendant, plaintiff and one or more juries of 12 students each are chosen from the classes. A fact situation involving a tort action for assault and battery is given, and the various steps of a trial are explained as the "trial" progresses. Thus, the students will learn through participation. This is the Programs' third year, and response from the various schools has been enthusiastic and encouraging in the past.

This year, the Program is coordinated by Victor Negron. Anyone interested is encouraged to call Victor at 227-0111 weekdays from 1 p.m. to 5 p.m.

GEMS OF WISDOM

"It is really a natural trend to lapse into taking oneself gravely, because it is the easiest thing to do...for solemnity flows out of men naturally, but laughter is a leap. It is easy to be heavy; hard to be light. Satan fell by the force of gravity."-G.K. Chesterton.

MONEY IS EVERYTHING

by Eric D. Jensen

President Carter's sudden decision not to reappoint Arthur Burns as Chairman of the Board of Governors of the Federal Reserve System (Fed) for a third term came as little or no surprise to most investors and observers. The dollar skidded on the international exchanges, but the Dow Industrials hardly winced at all. The inevitable fate of the internationally acclaimed economist and money manager, who was said to be the only person "who gave a damn about the dollar," was old news and severely discounted throughout most of last year. The recent weakness in the Dow stocks, however, reflects the same old story—the prevailing and apparently terminal uncertainty of Carter's success as a work-study student of economics. Although the President's dubious attitude toward private enterprise remains a fertile free-for-all worthy of further exclamation, the remainder of this essay deals with the Fed itself.

The Federal Reserve Act of 1913 provided America with a central bank whose primary purposes were to instill confidence in the national banking system and to formulate monetary policy. Monetary theory—the availability and expense of credit at acceptable levels of macroeconomic instability—was as its embryonic stage at this time. The same may be said for the fiscal theory, the prominence of which did not emerge until the early 1930's. The fiscalists implored the government to use its powers of spending and taxation to spur economic expansion. Ironically enough, the rise of the fiscal theory was due in part by the Fed's disastrous inaction during the boom and bust periods of the middle 1920's and the early 1930's, respectively. During the 1920's, the nation's money supply grew at a rapid and uncontrolled rate. The Fed failed to stem this growth by not raising the interest rate (discount rate) banks had to pay the Fed on money borrowed to meet reserve requirements, and by failing to remove excess money from the economy by selling U.S. Treasury securities to major banks. The early 1930's marked by a similar inaction, but in the opposite direction. During this period banks were in terrible need of funds to meet customer withdrawls. The Fed failed to provide banks with sufficient money to meet the demand and confidence in the banking system worsened until literally thousands of banks collasped under the feet of stampeding depositors anxious to retrieve their money. Shamefully, many depositors lost their entire fortunes since FDIC was not then in existence.

From the New Deal onward, the bulk of the Fed's operations has been defensive in nature. Defensive operations do not change existing monetary circumstances; it merely prevents the occurrence of factors that cause undesirable changes Consider, for instance, Carter's $50.00 rebate program. Most economists, including Arthur Burns, thought the program was inappropriate since consumer demand had gallantly and single-handedly rescued the economy from its most recent recession. The 'pause' in the recovery was thought to be caused

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ABA RELEASES

Writing Competitions

Criminal Law

The American Bar Association's Section of Criminal Justice announced sponsorship of a writing contest for law students.

Open to all students enrolled in ABA-approved law schools, the Alan Y. Cole Law Student Writing Contest seeks entries on the topic: "Access to Justice: Prospects for Developments in Criminal Law.'

Deadline for entries is May 1, 1978.

The winner will receive a set of ABA Standards for Criminal Justice and a free trip to the Association's annual meeting in New York City next August.

The winner will be invited to present an abstract of the paper to section officers and council members during the meeting. The section also plans to print the winning manuscript in an ABA publication.

Here are the entry rules:

Deadline—Entries must be postmarked no later than May 1, 1978, and must include the contestant's permanent and temporary addresses with telephone numbers.

Entries should be submitted to: Ms. Susan Hillenbrand, Coordinator, Law Student Contest, ABA Criminal Justice Section, 2nd Floor, 1800 M Street, N.W., Washington, D.C. 20036.

For further information, please contact Susan Hillenbrand at 202/331-2260.

Family Law

The essay may be on any aspect of family law. The suggested length is 3,000 words. Essays must be the work of a single author and must not have been published previously. Prizes range from $500 to $200. Write to: Howard C. Schwab Memorial Award Essay Contest, Section of Family Law, ABA, 1155 East 60th Street, Chicago, Illinois 60637, requesting an entry form, which must be completed and returned with six copies of the essay. Entries must be postmarked on or before April 17, 1978.

Taxation

The American Bar Association's Section of Local Government Law has announced sponsorship of a $1,200 essay contest for students enrolled in ABA-approved law schools.

Students will be competing for prizes of $500, $300, $200, $125 and $75. Deserving entries will be published in the section's official publication, "The Urban Lawyer.'

Students will be asked to write on the topic "Taxation and Revenue: the implications of Article 9 (4) of the U.K. Tax Treaty for state and local tax purposes.'

Full details, including a suggested preliminary reading list, can be obtained by writing to Ms. Mary Lou Cox, American Bar Association, 1155 E. 60th St., Chicago, Ill. 60637.

Deadline for entries is April 14, 1978.

ABA-LSD Membership Drive

by Bill Crow

The American Bar Association-Law Student Division (ABA-LSD) has mounted a spring membership drive designed to bolster the present national membership of 30,000 law students. For $5 per year, an ABA-LSD member receives a subscription to the Student Lawyer magazine and has acess to health and life insurance plans designed specially for future members of the legal profession. For $1.50 more, one may receive a year's subscription to the ABA Journal. In addition, section memberships are available in 23 areas of substantive law, which entitle the interested law student to receive for an extra $3 to $5 per year many professional publications in particular areas, as well as advance notice of seminars and practice institutes throughout the country and the state.

St. Mary's currently boasts 230 ABA-LSD members in good standing, or 33% of the total student enrollment. For third-year students who choose to join, in addition to the benefits of membership previously mentioned, a full year's free membership in the American Bar Association is granted upon one's admission to the bar. Applications for membership in ABA-LSD, as well as forms of health and life insurance plans, are available in the Student Bar Association office. Information on membership or any of ABA-LSD's incidental programs may be obtained from Bill Crow, the St. Mary's ABA-LSD Representative. (736-5790).

Bix . . .

(Continued from Page 5)

pure-tone. This is because he had perfect pitch. Even in his preschool days, Bix was able to play any tune he heard on the piano. In the last days of his life, when he was chronically too drunk to play, Bix made his living by betting that he could identify the notes in chords played on a piano. In his heyday, when he blew a note, he pre-heard it, was ready for it, and pounded it out like a bell.

Another reason is his ability to improvise—not by doodling in the manner of pedestrian jazz musicians—but by lyrical, poetic, individual compositions based upon, but always improving upon, the basic theme.

The third reason is his attack. If you listen to Bix closely, you will observe that each note, though played spontaneously, is carved out—articulated and modified on its own—and the total effect is as though a master composer had carefuly preplanned each note and phrase, revised them—and finally, after years of toil and striving and beseeching prayer, released his work as an example of perfect dynamics. When Bix was sober—even half-sober—his music was perfect.

Listening to Bix is not easy for young ears. The recording techniques were poor (his best days were 1927-1928) and few of his co-musicians were his "Peers." It is necessary to concentrate on Bix's cornet and ignore the accompaniment—which may not be too difficult for persons accustomed to culling out the good from the bad in "rock" — although competent musicianship seldom emerges even from the most careful listening to "rock."

I would suggest turning the "treble" up and the "bass" down totally. Listen to "I'm Coming, Virginia," "Riverboat Shuffle," and "Ostrich Walk" with Frank Trumbauer—and/or "Sorry," "Royal Garden Blues" and "Since My Best Gal Turned Me Down" by "Bix and His Gang." If you like these and want to hear Bix as a poet, go to "Lonely Melody" or "Dardanella" with Whiteman or "Clementine" with Gene Goldkette. If you still don't like what you hear, forget it.

A good friend of mine, Chad Oliver, who writes science fiction, once described Bix's playing as "springwater pure." The poet Gerard Manley Hopkins, who died before Bix was born, wrote that "the thrush through the echoing timber does so, rinse and wring the ear, it strikes like lightning to hear him sing."

This is what Bix is to me. A song so "springwater pure" that "it strikes like lightnings to hear him" play.

Placement News

by Sue M. Hall

As the new semester gets underway, so will a continuation of the Placement seminars begun last term. Among those tenatively planned for this spring are Judicial Clerkships, repeats of resumes and interviewing, and repeat of clerking for law firms, graduate programs in law, and a general seminar on variety of practice. Signs will be posted around the school; so keep watch.

Job Search Project

You may remember a call for volunteers to contact firms in major cities over Christmas from the last issue of the Witan. The response was not overwhelming, but a few dedicated individuals did spend considerable time making calls for us in both Dallas and Houston. The result is some job prospects and additional possibilities for the future.

The Placement Committee will be looking over the data on the 23rd, and after that the Placement Office will be making contacts and posting job leads. If you are interested, you may also look over the raw data on your own.

Our special thanks to volunteers Susan McDonough, Randy Grasso, Nila Patillo and John Vaught.

Judicial Clerkships

As you know from previous Witan articles and from word around campus, St. Mary's is doing very well this year in judicial clerkships. But there are many possibilities that our students missed this year because the timing was off. Many judges begin interviewing this spring for clerkships that begin in September, 1979. So, if you are a second year student, now is the time to begin giving clerkships some thought.

The Association of American Law Schools recommends that students not begin sending resumes before April 15, and that judges not begin interviewing students or receiving resumes before that time. Some students and judges will begin earlier, but St. Mary's has made something of a commitment not to assist students in submitting resumes before that date. Remember that this is April 15, 1978 for clerkships that begin in the fall, 1979.

If you are interested in federal clerkships with judges who follow the "timetable", you probably should pace yourself so that you resume is prepared and ready to be mailed by the 15th of April. Watch for the seminar on clerkships and/or come by the Placement Office for a chat.

Spring Interviews

Those scheduled to date:

ARTHUR ANDERSON (accounting firm), February 16.

ARCO, February 22.

ACTION (Vista, Peace Corps), February 28.

Loan Repayment Plan

Legal Services Corporation, the agency which funnels monies into legal aid programs throughout the country, has announced a special project for loan repayments for attorneys employed with legal services. Anyone interested must fill out an application and mail it to the corporation. A lottery (remember before the all-volunteer Army when that used to be a bad word?) will be held to select recipients on a random basis.

For those individuals who do not have a job with legal services, the deadline for submitting the application is February 20 and, if chosen, the deadline for finding a job with a legal services project is June 30 1978. Payments for 1978 graduates will begin in June 1979 and go through September, 1980.

Anyone interested should come to the Placement Office for further details and applications.

Professor Charles Black, a voice of humane sanity, from New Haven, spoke on life and death to an audience at St. Mary's on January 19, 1978. Here on the right he poses with his brother, our Thomas Black.

Aphorisms

By Edward Schroeder, II

1. Times feet have grown winged, while we've grown but old.

2. Weeks, months, even years all rush by relentlessly, but the very hours seem interminable.

3. Idleness is next to godliness.

4. When the hatchet becomes rusty it is best buried. Vengeance requires, at least, passion.

5. Whether it be live-to-work or work-to-live, to work one's life away is the ideal of our society. It is one of the more obvious modes of suicide, subtly cloaked as slavery.

6. Time opens all wounds. And memory rubs salt in them.

7. For the truly sane man whose eyes and heart have seen the terrors of reality, it is, after all, an undisguised blessing to be mortal.

8. It is such a pity that coffee never tastes as good as it smells.

9. One must not assume that there is a scarcity of snakes — there are just as many, but they have learned to walk upright. Eden had a message for all.

10. A person upon a pedestal is not without charm, but those scrabbling to mount are vulgar.

11. When two people suffering from a similar sorrow commune for the purpose of mutual consolement, they invariably remind each other of their recent loss. Each loves the color of the others blood, for it reminds him of his own.

12. The ultimate aim of art is perfection of expression, and at the moment of creation the artist is involved in a passionate attempt to communicate, to share, as it were, the newly-fashioned mode of beauty. It is at that very moment that the lonliness of the world becomes overwhelmingly evident.

13. Little ears have big mouths.

14. The body can be cured by the most indifferent, even callous doctor, but the heart can be healed only by love.

15. The enchantment of falling in love is the true fountain of youth.

Mock Trial

(Continued from Page 7)

26-28. Assisting Bill will be two other Board members, Richard Hayes and Randy Grasso.

In a general meeting on January 17, Bill briefed all interested mock trial participants on the new problem and on some of the changes the Board will introduce into this year's contest. These changes should cure some of the ills which developed in last falls competition. Due credit must be given to Patricia McNair and to Jan Fisher who went to great lengths to working out most of the pitfalls and gaps in the problem. Their diligence should make this competition more challenging for the participants.

In an attempt to force contestants to develop their cases more effectively and to deal more fairly with all concerned, the Board voted to shorten the terms allowed for direct and cross examination of witnesses and to make the fact statements of the witnesses more complete in order to reduce inferences from outside the record. Additionally, the Board has provided a guest lecturer who will instruct the participants on finer points of Texas evidence and criminal procedure.

The sign-up deadline for mock trial is Wednesday, February 1 and all interested second and third year students are encouraged to participate. Any questions may be directed to Bill Crow, Richard Hayes, or Randy Grasso and answers to any problem areas to develop during trial preparations will be posted for all participants on the Board of Advocate's Bulletin Board.

Punto . . .

(Continued From Page 3)

free shipments and low wage scale. In cold numbers the results were impressive. The G.N.P. almost quadrupled from 1950 to 1976, and per capita income increased about two and a half times. These statistics, however, are deceptive. Many of the industries that relocated in Puerto Rico because of cheap labor found even cheaper labor in Dominican Republic, Taiwan and other third world countries. The apparent prsperity that resulted from Operation Bootstrap was not one of long term economic security, but rather an economic windfall to the wealthy elite.

Puerto Rico has been forced to grow for the benefit of the mainland corporations but prevented from developing its own viable economy. "Growth" can be achieved by pouring enough outside capital into a nation and thereby increasing its gross national product. "Development', on the other hand, requires that a country accumulate its own capital and invest it in industries that can provide a degree of self-reliance. Development also connotes an economy in which the nation produces most of its own food, improves its living standard and, in essence, creates a system that is relatively independent of foreign interference. This is not the case in Puerto Rico.

Puerto Rico has experienced tremendous growth but little development. Reports of water shortages are frequent. Waste dumped into rivers has driven many fishermen out of business, and coastal fishing catches have declined 50%. One out of eight families in 1973 had an income of less than $500 a year, and almost one in four families had incomes of less than $1000 per year. Now conditions are even worse. 40% inflation is coupled with an unemployment rate of over 30%. 70% of the population are eligible for food stamps, 60% actually receive them, and food prices are 18% higher than on the mainland. Almost everything costs more because 90% of all commodities are imported.

Statehood, however, would only worsen the plight of the average Puerto Rican. Apart from tourism and raw material exploitation, there would be fewer jobs and fewer prospects. With the tax incentives gone, the people could become like Indians living off a big reservation with no industry, no agriculture and their culture destroyed. Militant opponents might attempt armed terrorism to achieve their goals. Only independence, slowly but surely, is the solution. By slowly weaning the people of their dependence on mainland welfare, the culture and native ambition of the Puerto Rican people can be maintained and enhanced.

Contra . . .

(Continued from Page 3)

no import or export taxes, have free access to the mainland and now for the nothing, they pay no federal income taxes. In essence, the island is in the same situation Hawaii was in prior to her becoming a state.

If the people of Puerto Rico were to accept your point of view it would be disasterous. The island has no economic base since its major commodity is tourism, fruit, a little copper and that evil demon rum. Independence would force a socialist form of government and the appearance of the freedom loving scoundrel CASTRO. Who incidentally always seems to favor the Partido Independista; I wonder why?

La Sr. Dahlia Cordero-Torres de Soroka, Y.A., in a phone interview told this writer that the average Puerto Rican wants to maintain the status quo because to gain statehood would force the loss of culture and would Americanize the island, and to take the Independence route is unthinkable. As for Operation Bootstrap, I was advised it failed for the very reason many American businesses failed—inflation.

As for your point of foreign interference, the U.S. cannot interfere in one of its own territories as a foreigner. It can, however, aid in raising the standard of living and helping the islands economy.

Now my position is that Puerto Rico should continue to be allowed to determine which route to take. I personally favor statehood since federal projects and monies could be injected into the state. Puerto Ricans have for years served and died in the service of this great country of ours. To become the 51st state would be a tremendous boost to the island, and we could say to the world, "there may be many things wrong with us, but Puerto Rico has chosen to join our union and help make us better."

Money . . .

(Continued from Page 11)

by insufficient capital investment and tax cuts for business were more desirable at that stage. The Fed vocally protested the President's insistence, threatening to counteract the massive influx of new money by selling government securities of an equal amount to major banks. Thus, this operation would have frustrated the President's short-sighted intent to increase the money supply, decrease short term interest rates, create a demand for money, and eventually create new jobs in the private sector. Quixotic substance, but ill-conceived form.

The Fed is almost totally independent of political pressures and is entirely self-supporting since it holds billions of dollars worth of interest bearing U.S. securities. Since its support does not emanate from the blessings of either the President or Congress, the Fed is able to look beyond the next election and examine long term effects of fiscal and monetary policy. Consider again the $50.00 rebate fairy tale. To many people, the money would have been spent or saved and that was that as far as they or the economy were concerned. Such is not entirely the case. If you receive $50.00 and put it in your checking account, the bank will deposit a certain portion of it with the Fed (reserve requirement), the remainder of which is loaned out and spent. The money spent will again be deposited at a bank, a portion deposited at the Fed, and the remainder borrowed, spent, and again deposited. And the process continues until the entire $50.00 on reserve at the Fed supports deposits and loans of amounts considerably greater than the initial $50.00. The rebate program was inflationary and deserved abandonment.

The above example demonstrates how the economy creates new and usable funds. Too many money decreases interest rate, causing a greater demand for loans to buy a given amout of goods and services; too little money bids up interest rates, effecting a contraction for the demand for loans.

The Fed, on a daily basis, monitors a variety of indicators of the economy's performance. It adjusts the supply of money upwards and downwards to balance the needs of the economy as the situation dictates. Many factors are involved in the Fed's calculations and, unfortunately, it has little or no control over some of them.

President Carter had no choice but to replace Arthur Burns. Politicians do not need respected authorities vocally protesting vote-getting, pet programs. Hopefully the recent controversy surrounding the Fed's role in the economy will enlighten voters enough to question hastily conceived Executive and Legislative policy.

Antabuse . . . (Continued from Page 1)

and screening services so that appropriate treatment may be ordered in each individual case. It is contemplated that the drug Antabuse may be included in the treatment program for some of the more severe cases involving multiple offenders.

The drug Antabuse, more properly termed Disulfiram, administered orally in pill form on a daily basis produces a marked intolerance for alcohol; and, when included in an alcohol treatment program, has proven very effective. First investigated in 1921, its use has been generally accepted by many authorities eminently qualified in the treatment of alcoholics; however, the use of the small white pill Antabuse has not been very widespread to date.

Bexar County is indeed fortunate in having, at the present time, Dr. Ronald w. McNichol, M.D., one of the highly qualified medical authorities with experience in the Antabuse Treatment Program, working with the County Mental Health Officer, Reverend Robert E. Pugh.

Some of the County Courts at Law in Bexar County have offered recurrent defendants charged with D.W.I. the choice of entering an Antabuse Program, as opposed to jail time and direct sentencing under Article 6701 1-I. A defendant must make the choice; and the Court may only order the inclusion of Antabuse after a complete physical examination by a competent physician.

The limited experience of the Courts in the Antabuse Program to date is very encouraging; and no recidivism has been experienced among those actually taking the pill. Certainly, the pill is not a magic potion; and must be used only after careful physical examination and in connection with an alcohol treatment program or active participation in Alcoholics Anonymous.

The granting of probation, with a special condition of the supervi Antabuse Program — coupled w counseling — may well be the m effective means of rehabilitation. The t Judge has absolute and unreviewa discretion to refuse or grant probat (See Trevino vs. State, 519 s.W. 2d, 86 with certain limitations as provided Article 42.13 of the Code of Crimi Procedure, and coupling probation w the Antabuse Program can provide effective alternative in sentencing.

Because of the extreme seriousness the problems facing our society in alco related offenses and the relatively p record of rehabilitation experienced a many of the various expensive alco treatment programs, it is encourag that a possible alternative to incarcerat is being investigated. The advantages a obvious — the defendant can maintain employment, support his dependents, a contribute as a taxpayer to the costs society.

Our experience shows that jail is not t answer for many alcoholics because forces families to be on welfare; t experience breaks down further the pri and character of the defendant, a frequently drives him to drink even mo By locking them, we are, to some exte ignoring the underlying problems th bring about the D.W.I. offense, as well other criminal acts, loss of proper personal injury and even death.

Gone . . .

(Continued from Page 1)

Vietnam policy. The bloody 1968 Chicago convention left Democrats deeply divided and Humphrey's labor and liberal support waned until the final weeks of the campaign. Even after he adopted his own Vietnam policy his image remained tarnished. Toward the end of the campaign there just was not enough time for Humphrey's gaining popularity to peak, and Senator Humphrey lost to Mr. Nixon by less than one-half of one percent of the vote.

In 1972 Humphrey again tried for the Democratic nomination but was defeated by George McGovern. In 1976 the "non-candidate" watched his last hope of becoming President vanish as Mr. Carter captured the nomination and the office. Still, Mr. Humphrey worked diligently for what he believed in, and became an ad hoc adviser to and peacemaker for President Carter. Up until his death, Senator Humphrey was actively working on matters such as the Humphrey-Hawkins bill, the Panama Canal Treaties, the Middle East negotiations and Civil Rights.

This nation learned a good many lessons from Senator Humphrey during his career. As Vice President Mondale noted, Hubert Humphrey taught us how to win, how to lose, how to live and how to die. Perhaps most of all, many of us will remember the way in which Mr. Humphrey coped with impending death. President Carter in his valediction said, "The only thing more couregeous than the way in which he led his life was the manner in which he left it."

Now the "Happy Warrior" is gone. Yet his spirit and his "Politics of Joy" linger on. As many has already noted, we may never again during our lifetime see the likes of Hubert Humphrey. America has lost a great leader, but the many accomplishments and standards that Hubert Humphrey gave us will forever remain an important part of our history.

Volume 5, No. 7 FEBRUARY, 1978

Witan

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

On Winning Lawsuits

by Fred Shannon

Editor's note: The Honorable Fred Shannon is judge of the 131st District Court, Bexar County, Texas. Judge Shannon practiced law in San Antonio from 1968 to 1974, and assumed the bench in January, 1975. He holds a B.BA. from Loyola Univ., New Orleans, and a J.D. from the University of Texas.

The best advice about trying civil lawsuits I ever received as a young lawyer was "research the relevant authority and prepare for the Court the issues, instructions and the definitions which the Court should give in the Charge in your case immediately after deciding what remedy your client seeks and before taking any other action in the case."

Actually, this advice came to me in the form of what you might call "work orders" from a very fine and highly respected lawyer for whom I had the good fortune to work when fresh out of law school. At the time it seemed to me that such a requirement was premature. The Rules of Civil Procedure we studied clearly indicated to me that the Court prepared the Charge after the close of the evidence. However, in my experience as a lawyer and trial judge that "work order" has proved to be one of the best bases for winning in court.

Let's examine briefly the application of this rule. First, by following this advice the lawyer will learn exactly what must be proven or disproven. A "good idea" of what the issues will be has caused many a heartbreak after the evidence is closed. One of the most memorable was a false imprisonment case arising from a suspected shop-lifting wherein counsel for Plaintiff failed to realize that the Court would instruct the jury under VATCS, Article 1d about the privilege to investigate theft. That case was tried by Plaintiff on the issue of arrest, but the real issue was reasonableness of detention.

Knowing exactly what must be proven in advance will save time and expense in discovery. What is relevant evidence can be determined and sought directly without exploring what will likely prove to be many "rabbit trails" to the attorney or investigator with no clear sense of direction. And a lawyer who knows the issues will also be ready to object at trial on grounds of relevance and materiality. Advance knowledge of the issues controlling the remedy sought will help one anticipate and solve problems relating to the admissibility of evidence at trial. How a question, instruction or definition is phrased and what words are used are often as important as legal accuracy. There's usually more than one error-free way to set forth in writing controlling issues and principles. For example, which

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SENATOR SAM TO SPEAK HERE MARCH 15.

(See page 17)

DEAN RABA ON ADMINISTRATION (SEE PAGE 3)

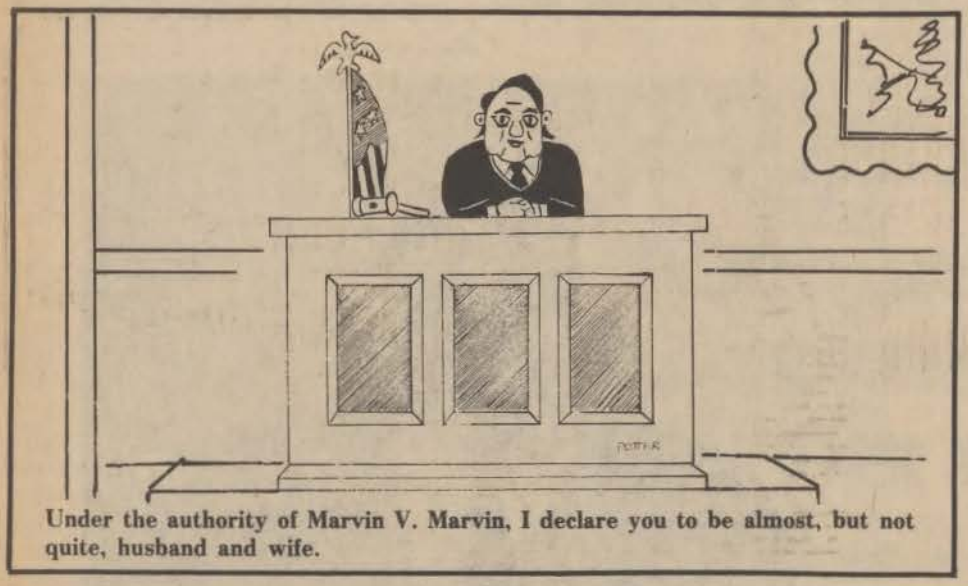
Help Us Grow

The publication you are reading is many things to many people. To some it is a constant source of irritation, to others it brings pleasure and information. To its meager staff it alternately brings pride, headaches, and ego highs. A publication such as this, however, can only be what the student body makes it. Witan is constantly striving to improve its content, commentary, and composition. Over the past several months, Witan has achieved some firsts: for the first time enough advertisements are being sold to pay the entire cost of each edition; for the first time in many months Witan is enjoying a convivial relationship with the Law School Administration.

However, what a student publication needs more than anything else is the support and active participation of the students. We realize that the constantly worsening job market spurs fierce competition for grades. Moreover, we recognize that high grades are a noble goal, and that legal education is the primary reason for attending law school. However, if students are willing to expend a little effort, a lot of enthusiasm, and a proper measure of time, participation in Witan can be an educational and profitable experience. For example: several law schools, Georgetown among them, grant academic credit to the editors of the student newspaper; many others including St. John's and the University of Michigan, give either scholarships or stipends to the student editors; most important, the ABA-LSD gives annual awards for excellence in student publications. Such an award would bring a greater measure of national recognition to our school. With your support and participation the possibilities are infinite.

A student publication cannot function without people to assign and write articles, report news, sell ads, compose lay-outs and do art work. There are still associate editor positions open, and people are always needed to help with all the production activities associated with making Witan a successful publication. We're betting that there are enough talented and/or determined students at St. Mary's to make this publication one of the finest in the nation.

Witan Editorials



Under the authority of Marvin V. Marvin, I declare you to be almost, but not quite, husband and wife.

Witan

WITAN STAFF

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Contributors: Fred Shannon, Earnest A. Raba, Hobart Rowen, Stanley Thames, Sue Hall.

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Dean's Desk

by Earnest A. Raba

The administrators of the Law School thought it might be a good idea to inform the students just exactly how the School of Law is governed.

All matters of curriculum and policy are determined at Law Faculty Council meetings—all full-time faculty members, the President of the Student Bar Association and the Editor in Chief of the Law Journal are voting members. This is the only law school in the United States that has two student voting members on its Faculty Council. Resource persons who represent campus organizations are frequently invited to inform the Law School Faculty Council concerning various matters that affect their individual organizations.

The Law Faculty Council considers all policy matters, changes in rules and regulations, and additions and deletions from curriculum, etc., but within the accrediting rules of the American Bar Association, and the Association of American Law Schools.

Minutes of the meetings are published and distributed to the members of the Law Faculty Council, the Academic Council (presided over by the Dean of Faculties with a membership of the various deans of the University), and the Executive Council (presided over by the President of the University with a membership of all of the vice presidents of the University). Any fundamental academic changes are considered first by the Academic Council and then forwarded to the Executive Council for approval or disapproval; non-academic fundamental changes are forwarded to the Executive Council for approval or disapproval and are usually sent to the Board of Trustees (Board of Directors of the corporation known as St. Mary's University of San Antonio, Texas) for final determination. The recommendations of the Faculty Council when finally approved by the University governing authorities are then carried into execution by the law school deans.

Resolutions and recommendations from the Student Bar Association must be referred to the Law Faculty Council through the Student Bar Association President for consideration.

It is sometimes rather difficult for the students to realize that the law school deans and the faculty have delegated certain authority to faculty committees, and it is essential that any suggestions for change or amendment in law school policy, curriculum, etc. must go through the committee or the individual who is the advisor to the campus organization before it can be considered by the Faculty Council; overall law school problems that affect the student body must be by resolution of the Student Bar Association and presented to the Law Faculty Council by the President of the Student Bar Association. It is hoped that this will give the student body a greater insight into the steps that must be taken by the Faculty of the School of Law to insure an orderly operation.

It is to be noted that jurisdictionally, direct action has been taken by the Executive Council of the University and its Board of Trustees—this has occurred only on very few occasions.

COMMENT

FRUSTRATION OF FINANCIAL AID

By Scott Spears

Oct. 10, 1977. Money's running out. $75 to the State Board of Law Examiners. $110 for books and all are used except the ones I had to buy new. $15 for parking (highway robbery). $30 for Student Services. (That's a lot to pay for the privilege of buying beer in your own pub and the right to play pinball, pool, and foosball on broken-down machines) I was running through the money I saved faster than I believed possible. I had to do something.

Two friends and I trekked across campus to the 4th floor of Chaminade into the Office of Student Financial Aid. We had heard that jobs in the library were still available. Sure enough, there were work-study jobs which paid $2.30 per hour. That was great! The pay wasn't particularly good, but it was steady and an income. But, even though all three of us were going to school on loans only one of us could "qualify." Myself and another student could not get a job, but instead we were given a grant — free money. It amounted to $102 each semester, totalling $204.

I thought to myself — that's odd logic. I came for a job and they give me money for free. It certainly isn't enough, nevertheless it's free. No wonder this country's work ethic is going to hell.

Does this sound familiar? It probably does considering 75%-80% of the entire St. Mary's student body is on financial aid according to Mr. Arthur Tyler, Director of the Student Financial Aid Office.

In order to qualify for federal aid including interest benefits and deferred payments you must answer "NO" to the following questions: 1.) Did you live with

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PRACTICAL ALTERNATIVES?

by Frank W. Gerold

The first year of law school is the painful forge of the process called legal thinking. Almost every waking—and sometimes sleeping—hour is spent in development of logical and legal thought patterns. By the time the first year has passed, a fair portion of the starting class has been culled out by grades, and most students have a fair idea of how to survive law school. It is apparent that once the crucial first year has passed, the basis of legal thought has developed—or at least, the average student has a perfected method of study that will get him through. Unfortunately, that is not the case, in the long run.

All of this is to no avail, if there is little practical application of book knowledge. Instead of "trying to get through," each

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Letters

To The Student Body:

I realize the quality of help nowadays is not what it was, so we can't expect the libary staff to keep up with the pigs who call themselves law students. I refer to those among us who use the library facilities and trash them up. It is my sincere belief that one must posess a modicum of intelligence and a reasonable amount of maturity if one attends a professional school. I am rapidly becoming disabused of this obviously idealistic notion.

I do not think it is too much to ask that a person who takes a book from a shelf replace that book in the position it was orginally in...unless the reader has absolutely no sense of direction, in which case he should stand right there and read his case. Someone else may need that volume.

It is disgusting to open a book and discover another party has not only read the case before you(torn, smudged, wrinkled pages), but has also thoughtfully book-briefed the case for those to come after him.

I despise the creeps who rip or razor-blade cases, or parts thereof, out of the books. Slime like that have no place in a law school—or in the legal profession. One wonders what these dirty tricksters will do when (if) they become attorneys.

Oh, lest we forget: The dorks who hide books so no one else can get the cases. Perhaps they do this because they are just very S-L-O-W readers, and they don't actually "hide" the books at all.

I am sure there also some light-fingered people among us seeking five-fingered discounts.

When the freshmen working on legal research or outside cases for some course, or mid-laws and seniors doing research board or journal or outside reading can't find what they need because the book isn't there or is mutilated, remember: These are your friends. This is where your money goes.

For myself, it makes me sick to think that these people have no respect for books and the value of the printed word. I wonder how they could have been raised. But then I see their destruction around me and I know: Like pigs in a barnyard.

Marsha Halpern

VIEWPOINT

PUNTO DE VISTA

by Eddie De La Garza

Brad, I suggest that the neutron bomb is a necessary evil that must be deployed in Western Europe. I realize the weapon sounds Strangelovish and disgusting since it only kills people and leaves buildings intact, but let's try to put the situation into proper perspective. The weapon is a clean, precise device that can destroy enemy troop concentrations and allow civilian populations and their cities to survive.

The Soviet Union today has over 40,000 tanks and well over 3 million Warsaw pact troops that can overrun Western Europe in less than 5 days. NATO has less than a million troops that can be mobilized in coordinated fashion to respond to aggression. All of the land based nuclear weapons are of the Omega type; in other words if they are ever used Europe will cease to exist.

If an attack is unleashed from a Warsaw pact country the neutron bomb kills only the field soldiers and spares the takeover of the cities, if we continue to rely on our present defense force it will be all over before it begins. When people continue to develop weapons some day some nut is going to want to use them and isn't it better that we limit the destruction and misery by destroying military targets and not the innocent?

The weapon's main asset is its ability to spare non-military targets, and I don't believe that since this is a factor somebody will be more prone to use it than a dirty one. It is a deterrent that should be deployed with haste. Looking at it from a practical standpoint the neutron bomb in the event of a large scale war in Western Europe would save much more than it would destroy.

NEUTRON BOMB

CONTRA PUNTO

by Brad Wiewel

Eddie, I don't think I've ever read anything more contradictory in my life. First you say that as long as people continue to develop new nuclear weapons, sooner or later "some nut" is going to use them. Then, Eddie, you say we should deploy the bomb with haste!! This is a patently absurd. The only way we are going to prevent "some nut" from using these new weapons is not to develop them in the first place.

My objection to the neutron bomb is two fold. First, although the neutron bomb is clean relative to the tactical atomic weapons now in place, who are we protecting from destruction? If a neutron bomb is detonated in any major city, there will be no one left alive to occupy the buildings that have not been destroyed. It makes more sense to me to develop a weapon that only destroys buildings and leaves people intact. Also, if the Soviets feel we will be hesitant to use the bomb on cities, that is where their main troop concentrations will be.

Second, I don't believe that we will ever see the day when the neutron bomb will be needed or used. It is apparent to me that if the Soviet Union and its Warsaw Pact Allies ever invade Western Europe, the U.S. and N.A.T.O. will be drawn into a full blown nuclear war in which the neutron bomb will be worthless. Even if we were the first ones to use it as an attempt to limit the conflict, the Soviets would have no option but to relatiate with the only weapons at their disposal, I.C.B.M.s.

The expense involved in developing the neutron bomb outweighs any practical value it might have. To advocate a weapon that leaves a city intact while destroying its inhabitants is the height of folly. When will the people of this planet reach the realization that all atomic weapons spell the doom of mankind, and take steps to dismantle, not to assemble them? Let's just hope we reach it in time.

Placement News

by Sue M. Hall

PLACEMENT SEMINARS

Following are the tentative dates of placement seminars to be held this spring:

February 16: Graduate Programs in Law

March 3: Clerking for a law firm (10:30 a.m.)

March 9: "How to get your Foot in the Door or Your Voice Through to Someone with Authority"

April 6: Panel of Lawyers from a Variety of Types of Practice

Unless otherwise indicated, the seminars will begin at 7:30 in Room 103-104 of the Library Building. Although the spring calendar is filling rapidly, if you have other suggestions, please communicate them to members of the Placement Committee or to us in the Placement Office.

NO APPLICANTS

A somewhat disconcerting thing has occurred recently which I thought I might share with you. The problem that we most often think of in job listings, is the lack of them. A different problem has been occurring recently - job listings, but no applicants. One job in particular seemed ideal. Small community just outside Dallas, well-respected, small firm, with a St. Mary's alumna as an associate. We scooped all the other schools in Texas by getting an exclusive listing - for a month. At the end of that period they felt compelled to open it up as they had had not a single applicant from St. Mary's.

A second job was with an agency in El Paso. We have a particularly faithful alum in El Paso who passes job openings along to us almost as soon as he hears a rumor of them. He is involved in their hiring and is constantly on the lookout for St. Mary's people. For jobs before this last group, they got applications from UT and from University of Houston (perhaps others — that's all I remember), but none from St. Mary's.

I do not advocate anyone going anyplace they do not wish to go just to make the Placement job easier. But I tell you this for two reasons: One, to let you know there are two sides to almost every issue and two, to see if some students might be encouraged to consider places other than San Antonio, Dallas & Houston. For those of you who refuse to consider other than the Big 3, however, you might be interested in knowing that we have not lessened our efforts to help with job prospects in those cities.

By the way, the seminar on the 9th of March - the "Foot" seminar - is being presented by some of our students who have been out there in the major cities trying to find job openings - some for themselves and some for the placement committee. If you anticipate having to make that scene in the future, don't miss the seminar.

THREE HIRING SEASONS

For those of you third year students who are beginning to panic because you do not yet have a job and it is a mere 10 months before you expect your bar results, take heart. Your employability in some respects will continue to increase as time goes on.

The first hiring season begins in the spring, summer & fall before the 3rd year

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LEGAL REVOLUTION

Editor's Note: This article is reprinted with the permission of the Associated Press.

WASHINGTON (AP)—A quiet revolution is brewing in the confines of the staid legal profession. Lawyers are coming out to where the people are.

This new approach promises cheaper legal services and more help for the average citizen, who often suffers because he needs a lawyer but for various reasons fails to consult one.

Neighborhood lawyers who live and work among their friends and neighbors, something which for the most part went out with buggy whips, may be coming back.

Storefront legal clinics, which post their prices up front and cater to the common man's problems, are cropping up.

And millions of Americans are covered by the new legal insurance plans, similar to health insurance plans, which guarantee services of a lawyer, or at least reduced rates, in return for prepaid premiums or membership fees.

What's more, a lot of these consumer-oriented lawyers charge fees you can afford, and they take credit cards. cards.

The trend so far is just a beginning toward breaking down the traditional barriers between lawyers and most of the public. Two-thirds of those people questioned in a recent study by the American Bar Association had never seen a lawyer or had consulted one just once.

Studies indicate that a lot of people are afraid of lawyers and fear that they will be fleeced if they hire one. The ABA survey found that 62 percent of the public thinks lawyers charge more for their services then they are worth.

A survey conducted by East Tennessee State University showed that respondents greatly overestimated the actual average costs of various legal services.

The Yellow Pages list nothing more than each lawyers's name, address and telephone number. More informative legal directories usually are found only in well-stocked libraries, but most consumers are unaware of them.

Yet consumer groups figure the public loses millions of dollars each year by not getting legal advice, say, on redress of small frauds, a costly contract imprudently signed, a contract unfulfilled by the seller.

Meantime, law schools are churning out 30,000 graduates a year and jobs in law practice are available for only slightly more than half of them, the Bureau of Labor Statistics estimates.

"A lot of lawyers are starving while there are people who need their services and can't get them," says Sandy Dement, executive director of the National Resource Center for Consumers of Legal Services. "There's no mechanism to bring them together.

"We have a tremendous number of lawyers. We have a vast market. But we have only the crudest distribution system," Dement adds.

The prevailing distribution system is the law firm, anything from one lawyer to several hundred. It depends almost entirely on reputation and word-of-mouth reference for business.

The first break came in 1975. The Supreme Court ruled that fixed minimum fee scales imposed by bar associations were illegal.

That enabled a lawyer to offer more attractive rates, but he had no way of telling the public. Advertising by Lawyers was banned by the bar in 1908 to restore some dignity and discipline to a profession whose members in that era hawked their services with all the zest—and often the scruples—of a sideshow barker.

Seventy years later the bar still was contending that lawyer advertising would be "extravagant, artful, self-laudatory and brash," and that the public would "fall prey to every huckster with a promise, a law license and a law book."

"Many comparatively simple matters can well be handled by lawers through the clinic method," says William Spann of Atlanta, president of the American Bar Association who has been in practice for 40 years. "This (method) probably will prove more effective and less expensive because they'll be streamlined to handle this type of matter. This is sound; it presents an opportunity to young lawyers, and we will likewise see it develop rapidly."

The Supreme Court's advertising decision resulted from charges brought by the Arizona Republic early last year drew the disapproval of the state bar and the Arizona Supreme Court, which wanted to suspend the two from practice before the U.S. Supreme Court rescued them.

Separate Graduation

by Buddy Luce

I have talked with many classmates regarding the progress being made on the possibility of a separate law school graduation ceremony. Ever since a petition was signed last semester with assurances of success labeled as "a good chance," I assumed all was on course. My research has unearthed a less favorable estimate. This disturbs me and, as I have observed, many others. There does exist a bond among us which is truly personal and special due to the past three years we have all spent together. I feel this attitude can only be adequately represented and preserved in a separate ceremony.

Please do not take this as an attitude of arrogance, but only a practical, courteous, and satisfying alternative. A separate ceremony will afford the faculty, students, graduates, family, and friends the chance to participate more personally in the total ceremony, and, which will truly allow the interested combination of parties to share those past memories and present thoughts while striving for the future.

Some argue that the combined ceremony lends prestige to the graduation. I feel, that the only prestige lent is falsely placed and one which the participants and their friends or families ignore.

After watching the entire undergraduate bachelors "run for the roses", my family will be relegated to watching me while some parents leave, others talk and laugh since their offspring has been finished an hour ago; then encountering further distractions by a large, generally disinterested crowd.

My only desire is to prevent such an event by assuring existence of a ceremony both meaningful and important to all who attend. A separate ceremony is the alternative and can be the answer.

Shortly before or after the publication of this edition, a decision will be made on this issue. If the decision is as I suspect, the May graduates should organize their own ceremony. If need be, small donations could assure an event which will satisfy and exhibit the needs, desires, and qualifications outlined above so that graduation exercises will be remembered and cherished by all in attendance.

Look for May graduate meeting posters in the near future.

ABA RELEASES

Marvinizing

Cohabitating, living together, "Marvinizing,' or living in sin. No matter what it's called when the relationship is continuing, there is only one good description for its ending: trouble.

That's the message of an article in the current issue of Student Lawyer, the publication of the American Bar Association's Law Student Division. Author Bernadette Doran says a major new area of litigation has been spawned as a result of the California Supreme Court's recognition that Michelle Triola has a right to sue Lee Marvin for a division of property.

Doran attributes changing attitudes and acceptance of "Marvinizing,' as one California attorney now calls living together, to the fact that the case will be tried. When the case comes to actual trial, at issue will be an alleged oral promise by Marvin to split the property they acquired during the live-in time

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Litigation Section Seeks Assistant

The Associate Editor of the "Litigation News,' a quarterly publication of the Litigation Section of the American Bar Association, is interested in having a Law Student Division member help with the preparation of a quarterly column entitled "The Teaching of Trial Advocacy.' The column focuses on trial advocacy and practice programs in law schools around the country. The student chosen would work with the Associate Editor via telephone and correspondence.

A second-year student would be preferred, but any Law Student Division member is welcome to apply. Interested students should contact: Barry Curtiss-Lusher, Esquire, Cohen, Brame, Smith & Krendl, P.C., 1518 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264.

Disbarment

State disciplinary agencies disbarred 124 lawyers last year, reports the American Bar Association's Standing Committee on Professional Discipline.

The committee said another 47 lawyers resigned with disciplinary charges pending, 27 were suspended for failure to pay fees as required, 231 were suspended for other reasons and 74 received public discipline less severe than suspension. This is the first time the committee has released data gathered by the ABA's Center for Professional Discipline.

The figures were obtained on a voluntary basis from the individual state lawyer disciplinary agencies and do not necessarily reflect all actions taken against lawyers. Data on individual cases is retained on a confidential basis for release only to the highest court in the jurisdiction and official state disciplinary agencies who request it.

New York led in disbarments last year with 37. Virginia was next with 15 followed by California with 11. No other state had more than five.

The total number of public discipline actions reported by the states to the ABA center in 1977 was 503 compared to 614 in 1976, 573 in 1975 and 419 in 1974.

FTC Probe

Wm. B. Spann, Jr. president of the American Bar Association, issued the following statement on the announcement by the Federal Trade Commission that it is launching an investigation of the "regulation of legal services."

"The American Bar Association, as well as state and local bar associations, has been intensively examining the kinds of issues that the FTC plans to investigate for several years. Unlike the FTC's study, the legal profession's examination has been open to public and media scrutiny and will continue to be. Many reforms have been instituted. Many others are in the research and development phase. For example, we have just completed and published an expensive six year research project on legal needs and the public. We granted funds for a model clinic which began operating over a year ago. We continue to support prepaid legal plans. We are vigorously investigating how to provide more information to consumers of legal services. And we have been working for years on the questions about specialized practice now being raised by the FTC."

For further information contact Richard S. Collins, American Bar Association, 77 South Wacker Dr., Chicago, Ill. 60606; 312/621-9240.

Citizens Dispute Settlement Center

Court congestion can be relieved by establishing neighborhood dispute centers, an American Bar Association report said today.

The ABA said the concept is being used successfully in a project it sponsors in conjunction with the Orange County Bar Association in Orland, Fla.

Established to help relieve overcrowded court conditions, the "Citizen Dispute Settlement Center" offers a free forum for citizens to air their grievances without the expense and formality of lawyers, court and judges.

How it was organized, facts and figures about its operation and innovative approaches used to resolve family and neighborhood disputes at informal hearings are covered in a recently released report.

The report, "The Citizen Dispute Settlement Program—Resolving Disputes Outside the Courts," describes strengths and limitations of using informal mediation techniques to resolve minor criminal and civil disputes.

The three-year-old project has assisted persons involved in simple assault, menacing threats, harrassments, trespassing, disorderly conduct, minor property damage and family and neighborhood disputes.

With the help of a volunteer attorney, disputing parties can avoid possible arrest, conviction and jail. Serving as mediators or hearing officers, the lawyers discuss the problems during the bar association's informal hearing sessions held four nights a week.

A hearing officer acts as an independent observer, allowing each party to tell his or her side of the story. The mediators try to get the parties to solve their own problem, but sometimes offer a solution if the participants are unable to agree on one. Although it is not enforceable, an agreement is signed.

The study concluded, the project succeeded in finding short-term settlements for specific complaints. Although the underlying or long-term problem remained unresolved, the report added that most participants were generally satisfied with the settlement.

A copy of the 40-page report is available for $2 from BASICS, American Bar Association, 1800 M Street, N.W. Washington, D.C. 20036.

★Marvinizing ★FTC Probe ★Prepaid Legal Services ★On Discovery
★Litigation Section ★Citizens Dispute ★Plea Bargaining ★New Student Services
★Disbarment

Prepaid Legal Services

The American Prepaid Legal Services Institute said recently it is starting the first phase of a major actuarial study of prepaid legal services plans.

Financed by a Ford Foundation grant, the institute will seek data on benefits, membership, operating expenses, reserves and financing. Membership information sought includes age distribution, sex, occupation, average income and residence (metropolitan, suburban or rural).

The institute, an arm of the American Bar Assoc., said the data is being collected and analyzed by Prof. Claude C. Lilly, University of Southern California.

Institute president, Lawrence M. Wood, Denver, said it is hoped the data will help establish criteria for setting prepayment rates and assist in developing a reliable methodology for determining such rates.

"This actuarial information would then be passed along to future planners of prepaid plans," Wood said.

Plea Bargaining

The benefits and pitfalls of the "plea bargaining" process are laid out in a monograph issued by the American Bar Association's Section of Criminal Justice.

The publication, "Plea Bargaining; Nemesis or Nirvana?," features the views of six criminal justice system professionals, ranging from those who wholeheartedly support its use to those who have experimentally eliminated the practice.

The monograph is based on a Criminal Justice Section program presented during the ABA's 1977 annual meeting last August.

Former Vice President Agnew's defense attorney, Judah Best, discusses "the truth" about nolo contendere pleas. He traces their origin back to 14th century England and points out their practical benefits to "white collar crime" defense attorneys today.

The monograph also presents the experiences of:

—A Texas judge who eliminated "plea bargaining" during a 20-month experiment in his court, through use of sentencing guidelines;

—A Chicago criminal defense lawyer who strongly defends plea negotiations, and describes a variation—the use of a "slow plea" of guilty;

—A Portland, Ore. district attorney who has eliminated court docket backlogs and increased prosecution of robbery and burglary cases through elimination of charge reductions;

—A nationwide study of a "plea bargaining" project director, who has observed the variations in the practice nationwide and offers view on the need for openness in its application.

Former New York City Dist. Atty. Richard Kuh, who served as moderator, discusses his experiences in the Manhattan prosecutor's office when he issued guidelines in 1974 for all assistants to follow in handling plea negotiations.

The program was presented by the section's Pleas Negotiations Committee, which recently published a pamplet entitled, "What are Plea Agreements?" This explains—in simple language—the benefits and drawbacks of plea negotiations for laypersons.

The monograph is available from the Section of Criminal Justice, 1800 M St., N.W., Washington, D.C. 20036, at a cost of $3.00.

On Discovery

A special committee of the Section of Litigation of the American Bar Association is calling for comment on its proposals to substantially amend rules governing discovery procedures in federal court suits.

The proposals came in response to an ABA task force finding of alleged widespread abuse of discovery, "serving to escalate the cost of litigation, to delay adjudication unduly and to coerce unfair settlements."

The task force had been formed to seek solutions to American justice system problems underscored by the 1976 Roscoe Pound Conference in St. Paul.

Circulating the proposed amendments to the Federal Rules of Civil Procedure is the Litigation Section's Special Committee for the Study of Discovery Abuse, which in October submitted a detailed report together with explanations of the reasons behind the proposed changes.

The American Bar Association's Board of Governors approved the section's report and authorized wide circulation of it.

Special Committee Co-chairman Paul Connolly, Washington, D.C., and Joseph Ball, Los Angeles, said comment is being sought from federal judges, state and local bar associations and other interested persons.

The committee will review their comments for possible inclusion in the proposed rule changes.

Major amendments proposed include:

—To narrow the scope of discovery from "the subject matter involved in the pending action" to "the issues raised by the claims or defenses of any party."

—To delay filing of discovery papers until they are required for the disposition of some motion or proceeding rather than having to file all of the papers with the court as soon as the lawsuit has been filed.

—To provide for a discovery conference to define the issues to be tried at an early stage in any action, to prepare a plan and schedule of discovery preoceedings, to limit discovery and for other matters.

—To allow taking of depositions by telephone and to allow recording of them by other than stenographic means.

—To limit the number of interrogatories permitted as a matter of right to 30.

—To limit abuses in responding to an interrogatory by saying "look at my documents."

—To require an orderly presentation of required documents, preventing those producing them from deliberately mixing critical documents with others in the hope of obscuring their significance.

—To allow imposition of stiffer sanctions on anyone who abuses the discovery process.

New Student Services

The Natural Resources Section of the American Bar Association is interested in telling you more about what it is doing. There may be something in this area of law to help make your law school experience a little brighter. Whether you are considering a career in this field of the law or are merely interested in knowing more about the laws concerning our natural resources, membership in this Section can keep you informed.

Special student membership is only $5.00 per year.

To join the Section, fill out the membership card in the Student Lawyer. To become more involved, write and briefly describe your interest and background to: Robert Kutler, ABA/LSD Liaison, 735 E. Nora Street, Spokane, Washington 99207 or phone 509/327-9579 (days) or 509/483-6785 (evenings).

Age Discrimination Legislation

by Hobart Rowen

Editor's Note: Mr. Rowen is Economics Editor of the Washington Post, and a Nationally Syndicated Columnist. This article is copyrighted and is reprinted here with the permission of the Washington Post Company.

A vital piece of legislation dealing effectively with the problem of age discrimination now faces the threat of being seriously weakened because—in the absence of a highly paid lobby—no one is paying attention to what is going on.

Prodded by Rep. Claude Pepper (D-Fla.), the new session of Congress is likely to pass landmark legislation that bands mandatory retirement in the federal jobs sector, and prohibits discrimination because of age in private jobs for those 40 to 70.

Currently, this protection extends only to age 65.

There are many good reasons for this legislation, a move toward the principle that anyone should be allowed to work as long as he or she is able and willing to do so, and someone else is willing to hire him or her. The bill doesn't go quite that far, but at least it bans mandatory retirement until age 70.

Nor does the bill interfere with those who want to leave their jobs earlier. The trend in this country still is toward early retirement. A recent Roper Poll shows that two out of every three workers want to retire by age 62, and one out of every three would like to quit before 60.

But to fail to acknowledge civil rights of those who want to work longer is not only a cruel disregard of older persons' talents, but places an unnecessary burden on the Social Security system. When they work, people put dollars into the system instead of taking them out.

But curiously enough, the legislative conference on the bill has bogged down on two points, both raised by the Senate version.

One provision would exempt tenured college professors, allowing universities to retire them at 65. The other would not give the anti-discrimination protection to persons whose pensions (apart from Social Security) exceed $20,000 annually.

Universities have, so far, successfully lobbied in the Senate, using the curious argument that since tenure protects professors until 65, regardless of ability, the only way that women and minorities can be given a bigger role on university faculties is through mandatory retirement at 65. If so, the tenure systems may need modernization. But the universities should not be allowed to practice age discrimination in the guise of abolishing race and sex discrimination.

The other exception proposed by the Senate is even more bewildering and—because there is no organized lobby capable of fighting it—threatens to stick.

On the face of it, it might seem logical to believe that those entitled to a pension of $20,000 can take care of themselves (although no one can explain the figure, or say how it derived). Besides, its backers claim, an exemption of this kind would preserve for corporate management the flexibility needed to shuffle or dump top executives.

But, in fact, $20,000 at today's rate of inflation is not an enormous sum, and the language of the Senate bill would sweep up more than the corporate fat cats.

The House Select Committee on Aging has heard from many middle-management businessmen who would be pushed out of their jobs at 65 by this exemption, if the Senate has its way. But they are afraid to go to the public with their complaint.

"Any exemption of business executive which is not job-related, but based on a purely arbitrary and meaningless dollar limit is simply not justified on any rational basis," a vice-president of a major Midwest manufacturing company wrote Pepper.

Another businessman wrote: "I am forty-eight years old, the senior personnel officer of a large corporation. I am deeply concerned that once again the political process is going to emasculate, on an inequitable basis, a principle which makes good sense..."

And a thirty-year-old lawyer, who volunteered his services to fight the bill in the courts asked: "Why is that only those on limited incomes are freed from the ravages of age discrimination? Racism and sexism affect all economic groups, as does age discrimination."

He pointed out that the exemption doesn't deal with those who might have other income over the arbitrary $20,000 level, and added: "The cost of educating my children for at least a few years after I reach 65 probably will exceed my pension benefits despite the fact that these benefits will exceed the $20,000 figure.

Pepper noted the other day that forcing retirement is "an insidious form of planned obsolescence. Unlike washing machines and stereo systems, the warranties on human beings do not expire on some set date."

He's right, of course. There is a fundamental point that the Senate-House conferees should be guided by when they meet in a few days.

And that is, if they intend to pass a bill giving citizens the right to be protected from discrimination on grounds of age, that ought to be a universal principle with no exceptions. It should extend to all. Even tenured professors. Even those with big or little pensions.

Faculty Votes to Select Competitors

by Bill Crow

On Thursday, Feb. 2, 1978 the faculty council voted on a proposal submitted by Tom Black and Judge Jack Miller which was outlined in a memo provided to all faculty members.

The memo spoke of the sponsors returning from the Regional Mock Trial Competition after "suffering the usual humiliating experience of watching both St. Mary's teams lose rather decisively in the first round."

To remedy this "persistent condition" it was recommended as being "absolutely essential" that, "intramural competitions be separated from the choosing of regional competitors." "Winners of intramural competions shall have no right to be chosen, and participation in intramural competition shall not be prerequisite to being chosen on the regional teams."

The memo went on to comment on the fact that the Board of Advocates or any other student organization should have nothing whatsoever to do with choosing participants in the regional competitions because"....students, even though acting in good faith, do not have the knowledge or experience to determine who will or will not do well in these competitions and tend to base their choice on popularity rather than on an effort to utilize the best talent available in the Law School for the particular contest at hand."

The memo advised that the recommendations be "adopted as conditions to the credit given to participation in regional competitions."

Patricia Wueste, Chairperson of the Board of Advocates, was given six minutes to present the views and opposition of the Board of Advocates and other students involved in the advocate programs. The Board had learned of the proposal only the day before the vote, and then only after asking for a copy of the memo.

The faculty council accepted the resolution and henceforth the teams sent to the regional competition in National Mock Trial, National Moot Court (Walker Competition) and Client Counseling will be chosen by a faculty member, abandoning the past process of sending those individuals who have won the competitions at St. Mary's.

At the Regional Mock Trail competition one of the teams that was sent from St. Mary's lost by only one point, and was told by the judge of the round that they had made a mistake in failing to introduce certain evidence at a given point in the trial. The other St. Mary's team lost to the team that eventually won the entire competition. One of the St. Mary's teams that was sent to the competition last year was defeated after advancing to the quarterfinals, and tied for fourth place. This can hardly be considered "decisive" or "humiliating."

To suggest that St. Mary's has developed a "persistent condition" in losing and is the only school in Texas to perform poorly (i.e. not win) is inaccurate. National Mock Trial was started in 1974 with the first regional competition held in the Spring of 1975. Logic, if nothing else, shows that only four schools could have won during the period since 1975 and that St. Mary's is not alone in defeat since there are fourteen schools who participate in our regionals. As a point of fact, only three teams—University of Texas, Baylor, and University of Houston—have even been in the regional finals in the four years of the competition. All eight Texas law schools participated in the first competition and seven have participated every year since then.

Another area of misleading information was the indication that the Board of Advocates participates in deciding who will be on the regional teams. The fact is, with the exception of Mock Trial, the Board in no way participates in choosing team members. The Board, on the contrary, has worked to develop the competitions so that they are as objective, fair and impartial as possible. All of the competitions consist of several rounds (usually three or four) that take place before panels of three attorneys in the same environment and using the same problem that will be presented at the regional competition. All scores are averaged to avoid the possibility of unfairness. The high scorers then participate in elimination rounds and eventually advance to the finals. Finalists, in the past, who have proved their competence by emerging from this process have been sent to the regionals. Now, however, the faculty sponsor may pick and choose whomever he sees fit, for whatever reason he may decide, and allow those he personally designates to represent the school, whether or not they have exhibited interest in the program by competing.

The only reason the Board of Advocates has participated in the selection process for National Mock Trail is because two teams are sent instead of just one. It was suggested to the Board by the faculty sponsor one year ago that the best method to follow would be that "at the end of fall intramural competition the Board together with the faculty sponsor pick teams based on individual performance breaking up the teams if desirable." This was the process that was followed as per the sponsors' recommendation. In the past, the winners of the competition and one other team were sent to regionals but this will no longer necessarily be true. Now, regardless of who wins or even competes, the faculty sponsor will have full, final and singular authority to decide who will be on the regional team.

The interesting thing about all of this is that it is the students who initiate, implement, organize, develop and promote the advocate programs. It is the students who have returned from regional competitions and taken it upon themselves to improve the school's programs. It is the students who realize that the ultimate purpose of these programs is to develop professional ability and competence. It is the students who are put in the position of begging for faculty support and recognition.

In 1973 the Moot Court Board was organized at a time that St. Mary's participated only in Norvell State Moot Court and was developing a Freshman Moot Court program. In 1974, National Mock Trial started. In 1975, St. Mary's first sent a team to National Moot Court. In 1976, St. Mary's first entered the nationwide Order of the Barristers. In 1977, the first team was sent to the Client Counseling Competition. In 1978, the first Texas Mock Trial Competition has been started. The programs, with the time and work of the students, have increased threefold in five years. In the academic year of 1976-1977, advocate programs involved almost 300 students in various capacities as competitors, witnesses, clients, bailiffs, administrators etc. and involved over 100 interested members of the local bench and bar who acted as orals and brief judges and gave their time and support to what they consider a worthwhile and important program.

Now, because we have not won in the four times we have gone to National Mock Trial, the three times we have gone to National Moot Court and the only time we have gone to Client Counseling, suddenly the programs built slowly and carefully are not efficient and faculty control is "absolutely essential". What is truly amazing is that the faculty made this decision although the vast majority of them have never taken the time to even attend one of the advocate programs, much less actively support them.

THE CON-CON

Editor's note: Mr. Stanley Thames is a native of Jackson, Mississippi. He graduated from the Univ. of Miss. and received his Ph.d. from Duke Univ. He has lived in Texas since 1963 and is a professor of political science at North Texas State in Denton. Mr. Thames is 52 years old. Reprinted from Understanding Texas Politics with permission of West Publishing Co.

In July 1974, the first constitutional convention to be held in Texas in almost a hundred years adjourned without producing a new constitution. This failure ended for the time being the hopes of many people in and out of government, and it raised several questions for the Texas political system. In the following comments, four pertinent questions will be raised and some basis for the answers suggested. The four questions are: (1) was the draft constitution (which had passed the constitutional convention piecemeal but failed when consolidated) worth submitting to the people of Texas?; (2) why did the new constitution fail, or why did the Con-Con (The constitutional convention quickly acquired the nickname of "Con-Con". This name is used here, with no derogatory connotation.) fail?; (3) what are the real issues involved in revising the Texas constitution; in other words, was anything of importance at stake?; and (4) what can be salvaged for the future?

Taking these question in turn, was the Con-Con's draft worth adopting? There are some whose answer to this question is no. They fall into two groups: those who think that the Con-Con draft did not go far enough, and those who never wanted a new constitution anyway. The argument here is that both these groups are wrong, and that the draft could have been an important step forward for Texas government and poliltics. Briefly, the Con-Con's draft did the following: (1) it retained most of the essentials of the present (1876) constitution of Texas, and was, in no sense, a drastic change; (2) it reorganized the material in the constitution to group all related topics in a logical and intelligible way; and (3) it introduced some changes which were not revolutionary in themselves, but would have made some immediate changes for the better and would have opened the way for more important reforms in the future. All three of these features are important positive steps. The people of Texas have not demanded a wholesale renovation of their state government and, indeed, almost certainly would not have approved a drastic change if proposed. This is what is wrong with the arguments of the purists who disapproved the Con-Con draft because it did not go far enough. The reorganization of the constitution is probably the least important of the features, but is not one to be ignored if a constitution is to be understood by the public. In descending order, the new draft proposed the most drastic changes in the judicial branch of government, considerably less in the legislative branch, and very little in the executive branch. The proposed changes in the court system would not make much sense to the ordinary citizen. Suffice it to say that anything that would increase the efficiency of our state courts should be encouraged, and that no significant group opposed these changes as approved by the Con-Con. In the legislative area, Texas will not get adequate responses to its problems until the Texas legislature becomes an essentially full-time, adequately financed decision-making agency.

The opening wedges for annual sessions and adequate funding were in the new draft and are lost, at least temporarily, with its defeat. On the whole, the new draft was a good compromise; it contained some badly needed reforms in state government, and was not so drastic as to frighten the voters and offend the special interests who hold the power to cause its defeat.

The second question is, why did the Con-Con fail to pass the draft constitution it had worked so long to produce? Several answers have been volunteered to his question. Some followers of Texas politics take the cynical position that the Con-Con's failure was inevitable, given its nature. The convention, of course, consisted of the membership of the Texas legislature sitting together in one body. As the legislature is weak and indecisive in the first place, this line of thought goes, it should never have been given the job of writing a new constitution. A related argument finds fault with the provision in the constitutional amendment of 1972 authorizing the convention, which required a two-thirds majority to pass the constitution through the convention. This criticism has some merit in that a simple majority was available in support of the final draft, and it did fail for lack of the required two-thirds vote. The special majority, however, is in line with the regular amending process in the 1876 constitution. Moreover, if "The Lobby" does, in fact, have a veto over significant acts of the legislature, it could have vetoed any proposal permitting adoption of a new constitution in convention by simple majority.

The person who was put in the most embarrassing position by the convention's failure was its president, the incumbent Speaker of the House, Price Daniel, Jr. In a public statement after the convention adjourned, Mr. Daniel placed the responsibility for failure on two sets of shoulders. He put part of the blame on Governor Briscoe, for his inaction or failure to exert positive influence, and the rest on organized, or union, labor. Some other legislators and some newspapers in the state agreed with Mr. Daniel that union labor was the villain. Where is the truth to be found? The most probable answer is that several individuals and groups share the blame. As presiding officer of the 181-member convention, Speaker Daniel must himself bear part of the responsibility for its outcome. Some observers of the Con-Con believe that he misjudged the political situation near the end of the convention and adopted a wrong strategy in his efforts to pass the draft. However, Mr. Daniel was surely right in putting part of the most prestigious and influential politician in the state; and Mr. Briscoe has been a noncontroversial governor for the most part. In the particular circumstances of Texas politics, with a generally conservative political culture in the background and a lack of public interest in a new constitution in the foreground, neutrality or inaction on the part of the incumbent governor was the equivalent of opposition. In other words, strong positive support for the new constitution by Governor Briscoe could probably have insured its passage; his remaining out of the picture helped insure its defeat. The only public interest shown by the governor in the new constitution was a demand that two or three provisions originally included be dropped or face his active opposition. The objectionable provisions were dropped by the Con-Con, but this action did not gain the governor's active support. It may be inferred that the governor was at the most only lukewarm, if not indifferent, to the whole question of constitutional reform.

Finally, the special interests on both sides must share blame. The Texas AFL-CIO actively opposed the adoption of the convention's draft, and was pleased with its show of strength. But the issue which brought labor into the fight was the so-called right-to-work provision, which should have been a non-issue for the Con-Con. If labor was shortsighted in helping scuttle the new constitution over

ND ITS FAILURE

by Stanley Thames

such a non-issue, then the Texas branch of the national right-to-work organization is equally at fault for injecting the issue into the Con-Con in the first place. It is a tragedy that an essentially statutory or policy issue of this kind, which should not have been in the constitution at all, should have been the occasion for its defeat.

The third question is whether anything of real value was at stake in the fight over a new constitution; if so, what were the issues? First, to many special interests in the state, the real idssues were whatever their interests dictated. To some business and financial leaders, it was to get right-to-work out of the constitution. To some, it was to outlaw pari-mutuel betting; to others the issue was the defeat of the antibetting provision. Most authorities on constitutions agree, however, that questions such as these should be in the legislative domain, that of statutory law, rather than in a constitution. They are of concern only to special groups in the state, and should be handled in the normal workings of representative government.

From the constitutional point of view, there were real issues at stake. When looked at whole, they boil down to one basic issue, however. For reasons drawn from the history of its adoption, the present Texas constitution is not so much a charter for governing as it is a straitjacket to impede effective government. It is a horse-and-buggy constitution surviving into the jet and space age, and it is a real handicap to effective, flexible government in the state. The real issue at stake at the Con-Con, then, was whether or not Texas should have a constitution which supports effective government. In most of the new provisions in the Con-con's final draft, the common factor was a thrust toward more effective government, more flexibility to meet a changing environment, and the removal of shackles around the government as it now exists.

The final question is whether anything can be salvaged for the future. In the period following the Con-Con's failure, it is not possible to give a confident answer to this question. On the negative side is the long history of failures in repeated efforts at constitutional revision. In looking at past failures, students of this question have pointed to public apathy and lack of positive leadership from the top echelons of state government as being major roadblocks to change. Lack of interest from the general public and from the governor's office seem to be still very much a part of the picture. There is a real question whether the legislature, after having some so close and failed, can do the job again while carrying on its normal work of budget adoption and other legislation. On the positive side, however, there will be at least an effort made to pass individual sections of the Con-Con draft in the form of regular amendments to the 1876 constitution, in the same manner as the 200-plus other amendments which have been adopted previously.

Some constitutional experts have believed for a long time that piecemeal amendment is a better strategy than the one grand constitutional convention which Texas tried this time. The prospects for successful constitutional change through this device are strengthened by several factors. One is that the movement to revise the constitution has broad support among a variety of informed and concerned groups in the state. The political thrust for change is still present. Second, it is important that the Con-Con finally failed over a basically nonconstitutional issue, the right-to-work question. Two-thirds majorities had already voted for all of the basic parts of the draft. If these majorities can be mustered in the legislature again for some or all of the individual sections, then the work of the Con-Con will bear fruit, assuming public approval in a referendum, which was required in any case.

Factors which might help salvage the work of the Con-Con are these: a lot of people's time and energy has gone into this effort so far; a great deal of the public's money has been spent in the last two years, which will go down the drain unless something is retrieved from the present failure; and finally, a number of people are politically embarrassed by the Con-Con's failure and would like a chance to escape that embarrassment. Someone has pointed out that the present legislature, by virtue of having spent several months sitting s a constitutional convention, is the best educated legislature in recent Texas history on all the ramifications of constitutional revision. This should be another positive factor in lookilng to the future. One would like to think that on a question of such importance to the people of Texas as a new constitution, the political leaders could drop personal and special interest differences. It would be good for the state to get a constitution adequate for the twentieth century before the twenty-first century arrives. Realistically, however, the adoption of a constitution is a political act and is certain to be affected by the same mixture of self-interest and public interest that enter into all other politics. Future developments in this area deserve the attention of the people, who will have to live with the results, whatever they may be.

My Humble But Priceless Opinion

by David M.D. Weiner

Law students tend to think in three's. They really have no choice. Consider: (1) three years of law school; (2) the general rule, the exception, and the exception to the exception; and (3) three-week and three-month vacations. So it seemed logical (and easiest) to pose three questions to first-year students to find out how their attitudes toward the law-school experience have sharpened, mellowed, soured, or whatever. The questions simply were: What do you like most (if anything) about law school?; Like-least (keep it short)?; What are you indifferent to? The respondents (oooh!) were encouraged to express themselves in any mood they cared to, and just about every mood had its spokesperson. The responses were further classified into "serious," "not too serious," and "judge for yourself." Apologies are extended to anyone who resents this secret classification, but then again, they asked for it! There was a total of only 33 responses (didn't plan it that way), but what was said seems fairly representative. So here it is.

LIKE MOST: SERIOUS—Grades of 75 and up; mature treatment of students and faculty's guidance and encouragement; responsive teachers (2); friendly atmosphere (2); San Antonio; camaraderie; study material and helpful attitude of fellow students; variety in age and backgrounds of student body; effect on self-disicipline; exercise of mind and working toward a goal; emphasis on practical rather than theoretical; small classes; Mr. Hobbs (4); Mr. McDonald (2); Mr. Soto; Property; programs of Board of Advocates, and able, professional library staff; don't know yet (Ed.—never will).

NOT TOO SERIOUS—Having copies of the Student Lawyer and Prosser on Torts lying around my apartment to impress friends; color in textbooks; canned briefs (2); walks (2); clean restrooms and an efficient grapevine; Xeroxing persons' faces, feet, etc. during finals, and "happy hour" before, between, and after classes; Pecan Grove outings and night tennis.

JUDGE FOR YOURSELF—Men's Law Association meetings; non-school organizations that make things more bearable; relevancy of the law and the bar next to the law school; ZIP!; the cafeteria; faculty and the Xerox machine; the conceptual continuity of the learning process which enables one to master the art of legal mumbo-jumbo; prestige of being a "law" student; the girls; sexual fantasies; my sexual fantasies; stimulating people; occasional profundity and length of classes; the relatively non-compedtitive atmosphere; law (2); classes (2); the day after my last final and graduation; finding another M. Dog to howl with.

LIKE LEAST: SERIOUS—55; (Ed.—a whole lot of library beefs); teachers' failure to let students know what's expected on exams; 8 A.M. classes (2); expediency (sic) of the financial aid office in aiding the student body; scheduling of classes across the whole day (2); registration (2); inadequate time between end of classes and finals, policy on shorts and sandals; the cost (2) legal bib. (3); confinement, confusion, frustration, etc.; inability to see tests after they're graded; no requirement that teachers make an answer sheet to exam available upon request, smokers, litterers, "no-shelvers", and no fresh fruit; takes too damned long to get grades (2); grade distribution and not knowing where my $1350+goes and $15 per semester parking; the grading system (2); campus food (3); second-class treatment by law school faculty, staff, and undergrad administration; upperclassmen telling first-year students not to worry about classes or doing homework; lack of clinical programs; lack of women; lack of girls (2); shortage of girls; lack of honest emotion on part of students; preparing briefs every day and insufficient time spent on individual legal points; administration's seeming inability to organize anything efficiently; finding grades; lack of time to do anything including work; the grading system, peer pressure to conform, people who always answer in class, finals, professors who teach by the book "Winning through Intimidation," outside cases; students' lack of sense of humor.

NOT TOO SERIOUS—Professors with bad voices; Shepard's; buzzing lights in library; feeling of martyrdom created by the five minutes of relevance condensed (sic) into fifty minutes of B.S. in Contracts; standing in line in the womens' bathrooms; double-knit seizure suits; three-piece suits, carrying big books, and trying to recite to Col. Godwin with three lines of facts.

JUDGE FOR YOURSELF—Legal research and short men; women, professors, and books; too much drinking, football, and ad hominem; day after my first final; the small dictatorship of teachers too old to teach; students who think they're God's gift to man-womankind because they've gotten to law school; pompous law students who are more brilliant than thou; classmates' small minds; Neil Harrington; surveys (2); opinion polls.

INDIFFERENT: SERIOUS—Grades of 70; grades (3); other students' grades; fraternities, jobs, and everything you're supposed to worry about; student government; courses and parties; professors' scare tactics; shop talk; arguments about bad effect of competition; student apathy; library; size of classes; upperclassmen telling me how to learn law; contracts, cafeteria, and hornbooks; usually have no opinion.

NOT TOO SERIOUS—W.P. Francisco, because indifference is the only reaction that would really bother him; can it wait?

JUDGE FOR YOURSELF—I don't know; A&P; studying (2); work; Mr. Francisco; the rest of St. Mary's and junk food in classroom building; sleep; who needs a sense of humor in law school, anyway; nothing (3); no response (2); most things (2); first day of new semester; surveys; this survey; M. Dog; Witan (coupons save it from least-liked.)

For what it's worth, the pollster's responses (which you may judge for yourself) would be: (1) Most—three-week and three-month vacations; (2) Least—three years of law school; and (3) Indifferent—the general rule....Thank you to everyone who contributed and to those who would have had there been more time.

All Things Considered

Know It or Blow It

Now that we've muddled through Evidence One,
We'll tell our sob story, since it's better than none.
Why can't you show a character malevolent?
Is it due to some prejudice, or is it just plain irrelevant?
On prior convictions Impeachment does thrive,
Should our witness be warned: if you drink, you should drive?
If good reputation is blindly averred,
Should you ask, "Do you know?" or just, "Have you heard?"
Polygraph might tell if witness was lying,
But most courts reject it, so why bother trying?
(It's not that a Science is always unsound,
But of all things to trust, why pick the blood hound?)
Get to the crux of this competence business,
Can you tell us who can be and can't be a witness?
Dying won't always conceal one's behavior,
But what in the world are the grounds for a Waiver?
If expert of layman may freely opine,
Should we give up all hope of drawing a line?
Do you still need a jury with powers defective,
And require the witness to give Facts Collective?
Cross-X may be a valuable tool,
But are you sure Texas ain't with the Restrictive Rule?
The grounds for Objection, you must clearly apprise,
But wouldn't it save sweat if we used the three I's?
What is the status of photos Demonstrative?
Can they stand by themselves, or are they only Illustrative?
(In any event, it's all right to use 'em,
But what about times when they're just too damn gruesome)?
O, Evidence One, let's call it a day,
We've had it with you, not to mention Hearsay.

David M. Dog Weiner-rhymer

This Trail

we may have been coming up a misty spring
a summer of long fire
some autumn when those mountains over there
were first thrown up to make a purple windrow

but we needn't talk
of the breaking down of a skull or blossom
or whether the hair lives longer than the heart
or how improbable it always was
that we should ever walk this trail
together

this is no night for winding clocks
i love you

by Steven O. Palmer

Law Students Lament

A Witty Saga

When I was young I had but one flaw,
I yearned to grow and practice the law
And help out old Perry and Judd and the Gang
To cut loose the good guys and let the rest hang.

But that was long before I'd run
Beneath the muzzle of L. Waynes' Gun.
And long before I'd ever chanced
To brave Francisco's deadly glance.
And long before the Grade Board aired
My views of property were not shared.

And not too long before the day
What Dr. Yao giveth, Orville taketh away.
And often were times the class got a treat
When I'd open my mouth just to change feet . . .

But now it has passed that my dreams are all dreamt,
My grades are all low and my money all spent
Yet there've been lots of times I wouldn't have missed
But Legal Research doesn't quite make the list.
And although at this school I may never shoot par
I'll still be there sitting with you at the Bar!

by Wayne Christian II

St. Mary's Law Journal Footnotes

We're doing our best to earn a good repute,
By publishing ideas you just cant refute.
Of current developments we keep you abreast,
While Fifth Circuit and Texas are usually stressed.
Till into the limelight our Journal arrives,
Well work day and night, and give up normal lives.
When discussing the issues we get to the kernel,
That's why we're considered the working man's journal.
To St. Mary's Journal the courts often cite,
'Cause on unsettled law, it's known to shed light.
We're proud of the way we've built circulation,
They read us down under, and throughout this here nation.
The quality's high, we're true legal scholars,
And we've kept the prize down to a measly ten dollars.

David M. Dog Weiner-rhymer

St. Valentine's Day

by Edward Schroeder

There lived in Rome during the third wave of religious persecutions a man called Valentinus. Although not a Christian, he was certainly not an 'Empire man' and was condemned to death for aiding and abetting hiding Christians. He was confined in a dungeon awaiting execution in the Coliseum. The jailor had a daughter - a creature of exquisite loveliness and unutterable kindness, and Christian, but alas! blind. He was overwhelmed by her, and she by him...

So it was through the love of a woman that Valentinus embraced Christ and Christ bestowed still another gift upon the blessed man - the gift of healing. And with the gift he made his beloved to see.

She was absent on the day, whimsically selected, for his death, and he carved a simple message of love and hope for her on the wall of his cell.

He was later canonized and we celebrate the 14th of February as his feast day.

LAW SCHOOL NEWS

Query: Representative Government

by Denny Callahan

On February 1, 1978, our law student senators met and committed the following overt acts:

1. Applauded a vote of confidence for WITAN.

2. Took no position on the tuition plebiscite presently being lead by Mid-law citizen Charles Davis.

3. Listened without protest to President Greg Powers as he told them how Dean Raba has himself written new rules on the S.B.A. law making process (these rules will be published in WITAN).

4. Listened without comment to President Greg Powers as he told them that the long discussed possiblity of a separate law graduation ceremony in May has yet to be discussed by the law school faculty council before it can be referred to two separate committees of the undergraduate school.

5. Unanimously passed Mid-law Senator Richard Hayes' motion recommending that the Dean Selection Committee meet with and question the Deanship candidates!

6. First declared the Committee on University Affairs to be dead and then, upon Vice-President Linda Zuflach's motion, merged with it the Committee on Pre-registration.

7. Passed President Greg Powers' motion to indefinitely suspend Third-year citizen Linda Lampe's previous authorization to contract the speaking services of former United States Senator Sam Ervin—unless of course she had already exercised that authority. President Powers, who has been heavily supporting Ervin's appearance, could not account for agent Lampe's absence at the meeting. Freshman Senator Don Cosby asked Treasurer Carter Crook what the S.B.A.'s bank balance will be after Ervin's $3,000 fee. Treasurer Crook said "About forty dollars after our prior budgeting needs are met." Although Senior Senator Brad Wiewel suggested canning the whole Ervin affair in favor of something more worthwhile and cheaper, the S.B.A., after suspending agent Lampe's above mentioned authorization, adopted Mid-Law Senator Richard Hayes' motion recommending an unspecified admission

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MALSA Meeting

by Jose Garza

MALSA's monthly meeting was held on February 2, 1978. Several topics were discussed at the meeting, including a fund-raising project for February, participation in the Annual St. Mary's Oyster Baker to be held in March, establishment of a scholarship fund, the annual La Raza Law Student National Convention to be held at George Washington University in Washington, D.C., next month, and the election of officers for the next academic year.

MALSA will have a tamale sale the week of February 20th in the SUB, and plans to take part in the Oyster Bake by setting up a booth and selling bunuelos.

A committee was formed to present a slate of nominees for the membership's consideration. The presentation will be made at the March MALSA meeting, and elections will be held at the April meeting.

Additionally, MALSA agreed to form a committee in conjunction with the Mexican-American Student Organization (MASO) "on the hill" to plan a proposed Hispanic Heritage Week for the week of the 16th of September.

If anyone (students or faculty, need not speak Spanish) is interested in helping out with any of our proposed activities, or is interested in becoming a member of MALSA, please call Victor Negron at 227-0111 for information.

Client Counseling

by Randy Grasso

The Board of Advocates extends its congratulations to Patty Wueste and Richard Hayes, the winners of the spring client counselling competition. They met and defeated Mark Freeland and Francisco Enriguez in Monday nights final round. This year's topic was "unmarrieds living together" and all twelve teams participating expressed the opinion it was a very successful competition. All the teams agreed that the pre-law students from Trinity Unviersity proved to be exceptional "clients" and our thanks is extended to them for their help.

We are very fortunate to have the support of the legal community of San Antonio for the competitions seen by the Board. These local attorneys have repeatedly volunteered their time to judge our events and have expressed their interest in an advocacy program. We pay special thanks to Ms. Patricia Grant, Ms. Cheryl Witson and Mr. Donald Baucum, all family law specialists, for judging the final round.

On March 4, Patty Wueste and Richard Hayes will go to Lubbock to represent St. Mary's in regional competition. From there it is but a short step to the nationals. We congratulate them on their fine effort and the efort of all the members of the twelve teams who participated.

Assualt & Flattery Invitation

Play

Time: Friday, March 10, 1978, 7:30 p.m.
Place: Thiery Auditorium, Our Lady of the Lake

Party

Time: Immediately Following Play
Place: C.E.C. Cafeteria, St. Mary's
Price: 5 Tickets $1.00, Additionals .25c

[*Skits Still Needed*]

SBA

by Gary Hutton

SBA MAILBOX SYSTEM - What is it? It's a system of distributing information to all law students & law organizations. If an organization wants to inform its members of a meeting it simply drops a flier in the student's folder. Likewise, students may make suggestions/complaints to the SBA, Criminal Law Association, etc., by placing messages in the organization's file. This system does not replace the bulletin board announcements so check the board. In order to make the system work you must check your folder daily. It's location: In the locker's area along the far left hand wall and towards the rear. Note: Special recognition to Roland Jeter and Frank Rivas who worked hard to construct the "mailbox."

DEAN SELECTION COMMITTEE - If you have specific questions for prospective candidates contact Jack Wolfe or Gail Dalrymple. The committee is in the progress of interviewing candidates at this time.

OTHER PROJECTS:

These are projects going on this semester and the people to contact for suggestions. Pre-Registration - Roland Jeter; Exam conflict and earlier posting of exam schedule - Debbie Ulrich or Gary Hutton; Teacher evaluations - Greg Powers or Rob Yaquinto; Seperate graduation - Greg Powers.

Austin Luncheon

by Frank W. Gerold

On Thursday, January 26th, members of the St. Mary's Criminal Law Association journeyed up to Austin to lunch with the judges of the Court of Criminal Appeals. This function is considered to be the highlight of the year's activities, and it gives students the opportunity to meet with the judges in a highly informal atmosphere.

Having braved the legendary gauntlet of the Selma police force, fifty stalwart members of the Association moved on toward the Westgate Hotel in the center of Austin. Once there, the group funneled up to the penthouse restaurant to meet with the judges over cocktails. At this point, each student melted into whatever group surrounded the judge of his or her choice, and the battle of words began. The battles continued during the meal, and a proverbial good time was had. Once the meal was over, judges and students moved en masse to the actual court of Criminal appeals, where presiding judge John Onion gave a short talk on the function and procedure in the court. At this juncture, the meeting was adjourned, and the students proceeded to San Antonio to prepare for the next day's classes.

Speaking from my experiences at two successive luncheons, I can understand the popularity of this annual event. One has the opportunity to speak with the judges on a very personal basis - learning their reasons for pursuing a career in law, their feelings towards equal rights for women and other choice topics relative to the world outside the law. This type of gathering lends insight into the makeup of each judge, and makes them more human in the eyes of those who most probably met them first in cases assigned in class. It is somewhat disconcerting to know a man's opinion well before you actually meet him in person, and this type of function serves to make the two ends meet.

Sam Erwin Speaks

by Linda Lampe

Chairman of the Senate Select Committee to investigate the "Water gate" activities, Sam Ervin, will address the law school on March 15 at the Incarnate Word College Auditorium. The former Senator is a graduate of the University of North Carolina at Chapel Hill and Harvard Law School. He has been a judge in the Burk County Criminal Court and the North Carolina Superior Court. He was an Associate Justice on the North Carolina supreme Court until 1954 when he was appointed to the U.S. Senate by Governor Umstead. During his career in the Senate, Mr. Ervin was appointed Chairman of tlhe Committee on Government Operations and the Select Committee to Investigate censure charges against Joe McCarty. He was instrumental in enacting the Privacy Act of 1974, the Speedy Trial Act, the Military Justice Act of 1968, and the Bail Reform Act of 1976.

WLA

For those of you who jump at the chance to speak with an attorney who practices in a specialized area of law, please be sure to mark Tuesday, March 7, 1978 on your calendar as such an opportunity.

The W.L.A. will sponsor a pot luck dinner and seminar tentatively featuring the following areas of practice:

Criminal Law with the D.A.'s office;
Immigration Law;
Consumer Advocacy;
Trust Law in a banking situation; and
Property Title Examination.

Dinner will begin at 6 p.m. in the Brass Lamp at the C.E.C. Speakers will begin at 7 p.m. Please check the bulletin boards for further details, or call Kathie Bird at 733-1930.

Delta Theta Phi

Delta Theta Phi Law Fraternity entered the lists for rush on the 20th of January, by holding a Smoker (and Drinker) at La Risa. A conservative function of the multi-faceted fraternity passed out the traditional 'seegars' in a valiant and vain attempt to maintain the delicate balance between smoke and drink, but drink prevailed. The revelry closed up at 1:00 p.m.

Sue Hall Trustee

by Edward Schroeder

We are proud to announce the election of Sue Hall to the Board of Trustees of the Bexar County Mental Health and Mental Retardation Center. It should help to disprove any popularly held notions that lawyers are unconcerned with non-legal issues and also kindle curiosity as to how our own Sue Hall, the object of so many school-boy crushes, first became involved in mental health. She goes back a long way in that field - she holds a Master's degree in Social Work from Washington University and served for three and one-half years on the drug dependence advisory committee of Bexar County MH/MR, ultimately chairing it. Thus we see that she is no tyro in grace, law, or concern for her fellow-beings.

Placement News . . .

(Continued from Page 6)

of school (well, to some extent it begins in the fall of the 2nd year for those who are competing for summer interships with large firms in big cities). These jobs include judicial clerkships and positions with larger firms.

The second wave comes between spring semester and the taking of the bar and includes firms who have suddenly decided they need someone in the summer or early fall and are willing to take a chance that a certain person will pass the bar.

The third - and for many the most productive - period is when the bar results arrive, you are licensed as an attorney and your wife (husband/mother/landlord/creditors) have about given up on you. Many firms and even more governmental agencies - including the local District Attorney's Office - do not want to talk to anyone who is not licensed (or very, very close to being). Their needs are such that they cannot commit themselves ahead of time, and their slots must be filled when a vacancy occurs.

I have seen many a discouraged graduate fall into an enviable job during this period because something came open and they were available. Most recently this happened with one of our graduates with his heart set on Corpus Christi, who got a great job with a small PI firm because he was available when they were ready. It was worth his wait.

Now, this does not mean for everybody to wait until the last minute to begin looking. Please don't. But if you don't have a job when you get out of school and everyone else you know does (you must not know very many people) - keep on truckin'; it will work out.

Query Government...

(Continued from Page 16)

fee to Ervin's talk to be charged to non-law students.

8. Ignored the Committee on the Library's pleas for help with the real and as yet unsolved problems in the law library; i.e., unshelved books, missing books and excessive noise. The S.B.A. praised the services of Mrs. Van Eck. Also overlooked was a library plebiscite currently lead by Freshman Senator Scott Spears.

9. Rejected four alternative proposals submitted by Assault and Flattery, through Third-year citizen Joe Patane, seeking financial support for their yearly presentation. Instead, the S.B.A. adopted a Richard Hayes'—Martha Tobin motion which provides, first, that the legal fraternities pay for the play itself, and second, that the S.B.A. would finance a post party in the cafeteria (no band) five beer tickets selling for $1.00, and additional tickets for .25c each). The expressed purpose of the party was to foster student-faculty relations and to placate faculty members who had complained last year that the band was too loud.

10. Adopted Mid-Law Senator Richard Hayes' motion to abandon the S.B.A. Police Action Project on the grounds that spring semester already offered enough student activities.

11. Took no position on Honor Court Justice Jeff Winkle's letter informing the S.B.A. that another student has violated the Honor Code.

12. Instructed Mid-Law Senator Rob Yaquinto to procure a more aesthetic Senatorial Service Diploma more suitable for framing.

It is for the above reasons that I query our representative government. Election time is drawing near: vote carefully.

BALLOT

Help The WITAN Recognize The Best Professors At The Law School By Completing This Ballot And Returning It By March 1. Indicate Your Choices Of The Top Five Professors In Each Category Below By Ranking Them From 1 To 5 (1 Being Highest). Results Will Be Published In The March WITAN. Check One 1st Year☐ Mid Law☐ 3rd Year☐.

FACULTY NAMES	KNOWLEDGE OF SUBJECTS	UP TO DATE IN FIELD	TEACHING SKILLS	ABILITY TO COMMUNICATE IDEAS	INTEREST IN STUDENTS LEARNING	PROFESSIONALISM
Joe E. Anderson						
Roderick Glen Ayers, Jr.,						
Thomas Black						
Shirley W. Butts						
James N. Castleberry, Jr.						
David A. Dittfurth						
Paul F. Ferguson						
William P. Francisco						
George E. Glos						
James E. Godwin						
Sue M. Hall						
Bueford G. Herbert						
Robert Hobbs						
Aloysius A. Leopold						
Jack B. Miller						
Orville C. Walker						
Arthur Yao						
Joe Frazier Brown						
William H. Ferguson						
Clyde E. Johnson						
Keith E. Kaiser						
William R. Lozano, Jr.						
Terrence W. McDonald						
Peter J. Parenti						
William Scanlan						
Randolph P. Tower						
Joseph M. Westheimer						
Peter H. Wolverton						
James D. Krause						
Ernest A. Raba						
Harold Gill Reuschlein						
Edwin Morgan Schmidt						
Leonard Wayne Scott						
Robert Soto						
Vincent F. Taylor						

Alternatives...

(Continued from Page 4)

student should try to find some outlet wherein he can see and work through some of the actual applications of the "law" to the real world. For some, clerking at a law firm presents the best answer to this problem. For the majority of students, this alternative is not possible in terms of the work load assigned, or scheduling problems.

I personally agree that the case method of study is quite effective as a learning tool. It helps to cultivate and hone the thought processes inherent in the legal profession. Once the first year has passed, the remaining time in law school is directed toward a broadening of the basic foundations. Different types of law; procedural problems, conflicts of law, constitutional law—these all serve to extend the knowledge of the law student, and not to sharpen his skills as a practicing attorney.

What I present here, is my own belief, that there should be more practical methods available to a student in law school. Here, at St. Mary's, there are several programs available, that can enhance the practical skills of future attorneys. These are the various competitions sponsored by the Board of Advocates. Participation is voluntary, and this is the point where I feel some work is needed. If this type of program could be enlarged and absorbed into the curriculum, I think that the students could benefit from these opportunities for a more practical overview of the law. Mock trial is a far cry from briefing a case for class, but the difference is that briefing skills are part of the whole trial framework—and not the be all and end all here.

A mock trial situation presents one with a problem to read and brief—and more importantly, clients to defend and witnesses to work with on the stand. Moot Court does the same for practical experience in an appellate situation. This type of learning should be a part of the law school experience. Good, sound, practical knowledge and skill can be developed in such ways, and by putting it off, we are selling ourselves short—and perhaps our future clients. Why wait for the school of hard knocks to point out what skills should be developed? Let's try to get some hard knocks in school—develop some of the basic courtroom skills—before our first day in court becomes a baptism of fire.

The First Five

by E. Schroeder

While looking over the class photographs in the faculty fortress the other day, we were overcome by a sense of curiosity as to what became of the pioneers — especially the first five members of the Class of 1937. That class, as you well may know, was the first issue of lawyers who began at St. Mary's as freshman law students and graduated. (The others began in our ancestor, the San Antonio Bar Association's school of law.)

Well, unable to resist curiosity's temptation, we sought knowledge at our secret source.

We learned that Alfred C. Baass is a successful attorney and erstwhile judge of the justice court in Victoria.

Archie S. Brown, Jr. taught law at St. Mary's for twenty-five years, practiced law, served as a Criminal District Judge and Commissioner of the Court of Criminal Appeals.

Joseph T. Kenny took his LL.B. without planning to practice. He enlisted in the Coast Guard and served in Naval Intelligence during World War II. Upon mustering out, he entered the realm of business and is now an insurance broker and builder in San Antonio.

George F. Keene, Jr. joined the Army-Air Force and many times defied death in his flights over 'The Hump' in the Asian Theatre, attaining the rank of Colonel.

And Ernest A. Raba, our Dean needs no mini-biography. Praise embarrasses him. Suffice it to say that he graduated at the head of an illustrious class.

Two war heroes, two judges, and a Dean. Good show.

Courtroom Shorts

In a recent State criminal proceeding, Percy Foreman asked a prospective juror what other questions he might ask of the juror concerning the juror's attitude toward the pending case. This is what followed:

Juror: If I were you, I would ask me why I raised my hand when you talked about the Raza Unida Party.

Foreman: Well, I am not going to ask you that question, not because of the Raza Unida, because I respect that and always have, but because it commences with why. No lawyer who has had any experience would ever ask a question beginning with why. Actually, why is a Leaf of time. What, when, who, where, but no why. Thank you, sir.

Financial Aid...

(Continued from Page 4)

your parents for longer than 2 weeks! 2.) Did your parents give you $600 or more? 3.) Did your parents claim you as a deduction? The answers must be "NO" for last year, this year and next year.

For students going to a private law school responsible for a 9-month tuition of $2800 the preceeding requirements can have very severe results. For example, if you got $600 from your parents this year you could not get federal money for two years despite the fact your parents cannot afford any more money in the future.

If a problem concerning qualifying for aid is not the source of your troubles I bet actually getting that money is.

I applied for a TEG and was granted one on Oct. 10, 1977. A batch of applications left St. Mary's on Oct. 29, 1977. Mine wasn't one of them, but it was sent instead on November 18, 1977. Today is Jan. 18, 1978 and I have not received it yet. When I asked Mr. Tyler why there was a delay in St. Mary's processing my application he replied, 'I think you know why. We have a shortage of personnel.'

At the present the Student Financial Aid Office employs five full-time people and fourteen part-time people in the work-study program. The office has requested two more full-time people whom Mr. Tyler believes the office will get.

Another reason for the delays is that the Austin office is also backlogged in their processing. In addition, the Austin office must reapprove your TEG.

In reference to loans, the director of the St. Mary's Financial Aid office has the final authority as to what amount of money a student is to receive as long as the student meets the federal requirements previously stated. Many students feel that the office at times lacks understanding and is continually inefficient and inept. Unfortunately, student comments were asked to be kept anonymous so as not to jeopardize their contingent aid.

It is disappointing that the administration of the entie financial program from the University to the State is so poor. For a school that depends on financial aid for 75-80% of the student body, it is unwise not to have their program at peak efficiency. If it were, I project, St. Mary's financial worries as well as those of the students would be lessened and the students' content increased. Something must be done. I just hope it's for the betterment of everyone.

On Winning . . . (Continued from Page 1)

of the following definitions of exemplary damages would you want the Court to give if you were representing the Plaintiff? Pattern Jury Charge 12.07 states that: "Exemplary Damages means an amount which you may in your discretion award as an example to others and as a penalty or by way of punishment, in addition to any amount which may have been found by you as actual damages." The following was approved in ALLISON VS. SIMMONS, 306 S.W. 2nd 206 at 211 (Waco, 1957, nre): "Compensation allowed by law in addition to actual damages by way of punishment and as an example for the good of the public, and may also include compensation for inconvenience, reasonable attorney's fees, and other losses too remote to be considered under actual damages." Which of these would you choose if you represented the Defendant? And although both of these are acceptable, you could prepare another which might be just as correct and serve your client even better!

However, on this matter of "favorable phraseology" be careful of over-reaching, that is, stretching the turn of phrase close to the limit called "reversible error". It's disappointing to lose a case at trial, but it is traumatic to win big at trial only to have success crushed by a reversal on appeal.

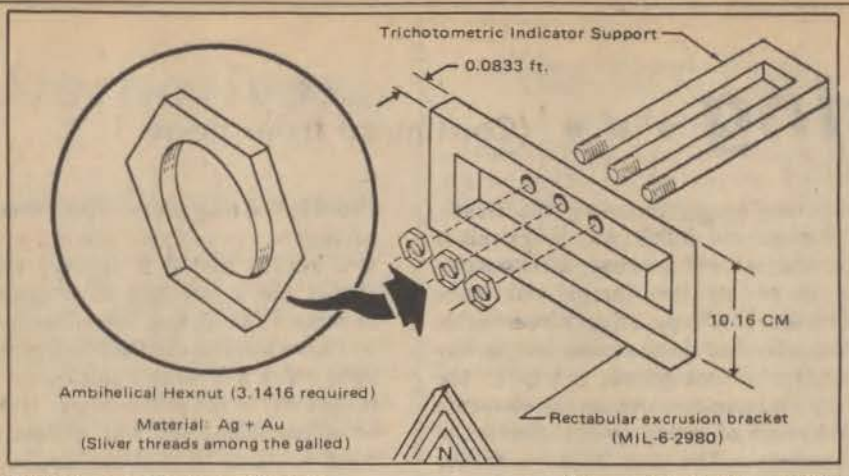
If you have written out your issues, instructions and definitions in the way most favorable to your side, and can prove to the Court that your work is error free by the citation of authority, you are indeed poised for victory when the evidence closes. If you have not, your case is in jeopardy. To fully understand this you must be completely familiar with Texas Rules of Civil Procedure 271 thru 279 inclusive. The Court must and will draw the Charge, including the issues, instructions and definitions. After this is done, counsel will be given a reasonable time to review the Charge and make objections. How long a time is reasonable varies according to the case, but in any event, it will not permit a trip to the library for basic research on the elements of the cause of action or the niceties of phraseology. The case is "down to the wire" and you must be prepared with your objections because any objection not made is waived. In addition, you must be ready to present your requested issues, instructions and definitions because the failure of the Court to give any of them will not be grounds for your reversal of an unfavorable judgment unless you have presented them in accordance with the rules at this time. This is the moment of truth and you can loose a cinch by overlooking a proper objection or failing to request properly - errors brought about most likely by the failure to prepare these items in advance. If you get to this stage of the trial without heeding the advice set out above only luck can help and that's a poor predicate for success.

On the other hand, if you are prepared you can expect not only a favorable Charge to the jury, but your summation has been outlined for you and your arguments are essentially ready. Perhaps best of all you are primed to affirm a favorable judgment or reverse an unfavorable one on appeal since most of your basic research will have been done.

In order to make a couple of final points let's think again about the very beginning of the case. If you research and write out the issues, instructions and definitions in exact form as your first step in the case you will likely learn then, and not after the evidence closes, whether you should be in Court in the first place. Just think of the savings to you and your client if your case is a loser! And if it appears that you should file a law suit after taking the important initial step recommended, you will have learned the basic law of the case upon which a favorable settlement can be made early in the proceedings. If that can be accomplished you win without all the wear and tear of trial and appeal.

As a matter of practice, I usually conduct a pre-trial settlement conference with the attorneys. If the lawyers are willing to discuss the issues in an effort to settle the case we actually work out and write down the issues, instructions and definitions before jury selection. It is more often than not productive of settlement. The lawyers learn in advance what they will have to prove or disprove if they were not aware of it before, and can more easily assess the effect of their evidence. Interesting, however, is that sometimes a lawyer will not want to discuss the issues in advance. Watch out if this happens! It usually means he or she is well prepared and "laying behind the log" on opposing counsel.

Perhaps the best testimonial to the worth of this advice was given by my good friend and bailiff, Jim Cheetham. Jim completed one highly successful career unrelated to the legal profession, and came out of retirement to help out in the 131st about three years ago. His "trial expertise" has been picked up largely by observation in the Courtroom, and he is perceptive indeed. A couple of years ago I asked Jim what he thought of a hotly contested case, just after the evidence closed. His reply was "I don't know, Judge—it all depends on the questions you ask the jury." So true! And Jim's reply reveals, in summary, the best insight I can lend you in closing.



Trichotometric Indicator Bracket (Mensa Bulletin Nov., 1977)

Berkeley Law Foundation

Last year, a group of 1976 graduates of the Boalt Hall School of Law pledged a percentage of their anticipated annual income to establish and fund the nonprofit Berkely Law Foundation to make grants to San Francisco Bay area public interest law projects. Now in its second year of existence, the Foundation has received approximately $40,000 in renewed pledges and in pledges from new members. In 1976, BLF was able to fund only one project. This year, they made grants to four groups: The Employment/ Labor Project of the Asian Law Caucus, and to three other new projects—a disability law center at the Center for Independent Living; a lesbian rights project, in cooperation with Equal Rights Advocates; and a family day care law project, in conjunction with the San Francisco Lawyers Committee on Urban Affairs.

For more information, write to the Berkely Law Foundation, Boalt Hall School of Law, University of California at Berkely, Berkely, CA 94720.

Critical Access Case

In Re Smith, 46 U.S.L.W. 3041, raises the very different but equally important question of what constitutes improper solicitation of clients under the American Bar Association's Canons of Ethics. An ACLU cooperating attorney named Edna Smith met with a number of South Carolina women who had been sterilized on the threat that, if they were not, they would no longer be eligible for welfare. After the meeting, Ms. Smith sent a letter to one of the women indicating that the ACLU would like to file a damage action against the doctor who had performed the sterilization. That letter was an improper solicitation of clients, according to the South Carolina State Bar, because if the ACLU were to win the suit, it would stand to receive a large attorneys' fee award. That potential financial benefit made Ms. Smith's solicitation on behalf of the ACLU improper.

Many important public interest cases have grown out of actions like Ms. Smith's: a lawyer identifies a situation in which some public right is not being vindicated and then offers the free services of a nonprofit organization, like the ACLU or the NAACP Legal Defense and Education Fund, to bring suit to redress that right.

The revelry of Mardi Gras ('Fat Tuesday') is over-the Lenten season began on 8 February 1978. (Incidentally the Chinese New Year also began on that cold and drear day—the Year of the Horse.) Ash Wednesday, the prelude to forty days of fasting and contemplative prayer, paralleling Christ's forty days in the desert, is also one of the two days of the year still set aside for Roman Catholics to forego the pleasures of carnivorism.

In order to more fully prepare for the Resurrection, St. Mary's students gathered in the CEC Auditorium to receive upon their foreheads the ashen cross, symbolic of the dust to which we shall return, and then took Holy Communion in Assumption Chapel.

E. Schroeder, II

Renaissance

We behold now the full fruition of a gradual change that has been taking place in our School for the past year, a change we can only describe as the greening of the Law School. Poets are in bloom all over, even among the faculty. From the grim humour of Professor Scott to the doggerel of Mad David, it fills us with wonder and joy to witness the union of the two most noble professions — Art and Law.

E. Schroeder, II

Martinizing

(Continued from Page 8)

together in exchange for her giving up her career and acting as his wife.

"All of a sudden, cohabitation has jumped out of the closet and landed on all four feet in the courtroom, and there are a lot of problems because of it,' the author writes.

She suggests unmarried couples will be encouraged to press suits involving, "landlords who want rent, insurance companies who won't give coverage, and credit companies who wont give credit to live-togethers,' and cites examples of several that already have been filed.

And one lawyer interviewed by Doran pointed out that other potential issues involved whether the right to sue found by the supreme court in the Marvin case is limited to one male and female only or whether it might be extended to apply to gays who live together or to roommates who share possessions but have no sexual-familial relationship.

"Until the Marvin case is decided, whatever the possibilities it holds are still only possibilities,'Doran points out. "And whatever the outcome, the case will be only the first, with a lot of ground left to be covered by cases that queue up in the courtroom behind it.'

ANNOUNCEMENT

On February 2, 1978, twenty-six graduates from St. Mary's Law School organized the Dallas Chapter of the Alumni Association. One item of business was to recommend that the law school choose a new dean from outside its own house.

For Information, Write To: **1001 TURNER Dallas, Tex. 75208**

Legalize Education

by Raymond A. Desmone

There is some bright news on the legal job market horizon—colleges & universities are beginning to "legalize" their so called liberal-arts programs. The Christian Science Monitor reports that Brown University in Rhode Island has begun to offer courses which have a legal perspective, and has organized a Center for Law and Liberal Education. The thrust of the program is to give students a background in the workings of the legal system and how it affects many aspects of academia which are not traditionally associated with the law. For example, Brown is offering such courses as "The Legal Process and Energy Policy." In one political science course students are studying the Boston school desegregation case with the emphasis on getting students to "understand the complexities of legal questions" and how such questions (and decisions) affect their lives and various academic disciplines.

The good news is that Brown is hiring lawyers to teach such courses, and seems that the program is catching Yale University and Rice University currently considering "legalizing" th liberal-arts programs, and with a lit luck, colleges & universities will adopt t Platonic ideal that law is one of the ch principles of organization in liber education.

If you're looking for an alternative practicing law, this might be your cha to get in on the ground floor of expanding market.

Volume 5, No. 8 March, 1978

Witan

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

Crime & Punishment

by Carlos C. Cadena

Editor's Note:
The Honorable Carlos Cadena is Chief Justice of the 4th Court of Civil Appeals, Bexar County, Texas. Justice Cadena received both the Bacalaureate and J.D. degrees from the Univ. of Texas, graduating with highest honors.
While at U.T. he was a member of the Order of the Coif and Phi Delta Phi. He was Professor of Law at St. Mary's Univ. from 1951-54 and 1961-65. He was appointed Associate Justice of the 4th Court of Civil Appeals in 1965, and was appointed Chief Justice in Aug., 1977. Justice Cadena was chosen Man of the Year by Sembradores de Amistad in 1973, and received the Rosewood Gave Award from St. Mary's Univ. in 1976.

The purpose of our Penal Code, according to § 1.02, are among others (1) to insure the public safety through (a) the deterrent influence of the penalties provided for the commission of crime; (b) the rehabilitation of those convicted of crime; and (c) such punishment as may be necessary to prevent likely recurrence of criminal behavior; *** (3) to prescribe penalties that are proportionate to the seriousness of offenses and that permit recognition of differences in rehabilitation possibilities among individual offenders; ***.

Article 6166a of the Revised Civil Statutes declares the policy of the State, in the operation of the prison system, is to manage the system in such manner that those sentenced to imprisonment in the penitentiary shall have "humane treatment and be given opportunity, encouragement and training in the matter of reformation."

There can be little disagreement with the notion that the purpose of any system of criminal justice should be the prevention of crime. Traditionally, the principal tool in the effort to prevent crime has been punishment of the criminal. But there has been continuing controversy concerning the moral justification for punishment and the purpose for which punishment is inflicted.

Perhaps the oldest theory, commonly referred to as the retributive theory, which holds that the primary purpose of a system of criminal justice is to make the wrongdoer suffer. This view is probably rooted in the instinctive and emotional nature of man. Those who defend it insist that punishment shall not be inflicted as a means to some other end but only because the person on whom it is inflicted has committed a crime. He pays the penalty because he owes it, and for no other reason. If punishment is inflicted for any other reason than because it is merited the punishment is wrong. As Kant argued, "One man ought never to be dealt with merely as a means subservient to the purpose of another." Under this view, if punishment of the wrongdoer has the effect of deterring him from committing other crimes, or to deter others from anti-social acts or if it has the effect of bringing about the rehabilitation or reform of the criminal, these beneficial results are merely incidental and are to be regarded as windfalls.

The term "retributive" is, of course, highly charged with emotion. To many, it refers to the notion of requiting an evil (the crime) by inflicting another evil (the suffering which results from punishment).

Even if it be true, as some claim, that the retributive view is rejected in "intellectual" circles today, it cannot be doubted that it finds wide acceptance in the "popular" mind. We still speak of the criminal "paying his debt to society." There is some satisfaction in learning that a criminal "got what he deserved", and complaint when a criminal "gets off lightly."

Those who have adopted the "utilitarian" theory insist that the primary purpose of punishment is deterrence. The

(Continued on Page 12)

Distribution of Lawyer Income

by Fred Biery

When I was asked to write this article, it occurred to me that the most helpful information for the reader might deal with a subject particularly close to the young lawyer's heart--making a living. Traditionally, the distribution of net income has been accomplished through subjective means resulting in mystery and misunderstanding which can lead to discontent among members of the firm. This can be particularly true of the young lawyer who wants and needs some way of knowing how the fruits of his or her labor will be divided and whether or not that labor is in fact being justly rewarded.

After much discussion and debate, our firm established a "formula method" for income distribution several years ago with the benefits of removal of questions concerning division of profits and a potential source of discontent. As a result, the distribution of income is based upon objective criteria. Each lawyer's share will vary according to how well the lawyer performs in each of several areas.

In order to give credit where credit is due, let me say that this formula was not an original creation of our firm although

(Continued on Page 14)

Castleberry Chosen New Dean

Going Down The Road Feeling Good

This is the last issue of WITAN which will be produced by the present Editorial Board. WITAN, however, will continue to grow & flourish.

A new Editor-in-Chief will be chosen in April, and since the election procedures have been changed, we will take this opportunity to inform you of the new system.

Article IV, Section 2 of Witan Constitution sets out the procedure:

"Any student enrolled in the School of Law may be a candidate for Editor-in-Chief. The nominations will be held on the first Monday in April, unless a majority of the Editorial Board shall vote to change the date of the election, but in no case shall the election of the candidates for Editor-in-Chief vary more than thirty (30) days from the first of April.

Each member of the Editorial Board and of the Staff shall be entitled to one (1) vote for the nomination of Editor-in-Chief. At least two (2) but not more than three (3) candidates for the office of Editor-in-Chief will be nominated. The nominees will be those candidates who receive the most votes. In case of a tie, there shall be a run-off.

All voting shall be done by secret ballot.

From the candidates nominated, the Student Bar Association Senate shall elect one to serve as Editor-in-Chief."

Once the SBA has chosen an Editor-in-Chief, the person elected will appoint all other members of the Editorial Board.

Being affiliated with this publication has been a rewarding experience in many ways, not the least of which has been having the opportunity to work with a fine Editorial Board. The people whose names appear in the Staff Box at the bottom of this page have worked diligently month after month to provide the student body with a quality publication.

Looking back on my two years of Witanry, I remember only the good times & good friends. When the classroom building disappears in my rear view mirror for the last time, I'll be going down the road feeling good.

Witan Editorials

Lawyer's Coat Of Arms: Flaming Egos Rampant On A Field Of Minutiae And Dollar Signs

NEXT ISSUE:

JUDGE BARLOW ON THE ENGLISH LANGUAGE

Witan

WITAN STAFF

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Contributors: Bill Hayes, Martha Warren, Robert Gardana, Joe Ruppert, Maida Modgling, Mike Robbins, L. Wayne Scott, Jon Gill Bently, Sue Hall, Carlos C. Cadena, Fred Biery, William Francisco.

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

Volunteer Army

Placement News

by Sue M. Hall

Well, here comes my regular pitch to use school vacations for placement purposes. I know no one will be studying and there must be a lot of you who cannot afford either skiing or a trip to the Virgin Islands. So why not plan to use your time doing some sparework for later.

For instance, you want a clerking job in the summer in your hometown of XYZ, but you don't know any lawyers there. With your resume in hand, plan to make some contacts over the break.

By the time this issue of The Witan comes out, we should already have had the seminar on "How to Get Your Foot in the Door." But we are planning to tape it and should have a cassette which you can borrow for ideas on approaching firms, if you missed the seminar.

JUDICIAL CLERKSHIPS

Second-year students interested in federal judicial clerkships when you graduate, don't forget to begin getting your resume together soon.

STATISTICS

We have just completed our statistics on the 1976-77 class (Aug. 76 - May 77) for the National Association for Law Placement. If that seems like a long time ago, remember that the May graduates only got their Bar results in November.

The raw data is available now for inspection by St. Mary's students. By the time this issue of The Witan is released, I hope to have an analysis completed on the data, which will also be available for your perusal.

In short, here are the results, with information on 85% of the class:

90% were employed

5% had passed the bar and were unemployed

5% were not eligible for legal employment in that they had either not taken or not passed a bar exam.

If you subtract the group that has not passed the bar and redo the percentages, our employed increase to 95% of the qualified graduates. This compared very favorably with the 92% employed nationwide in last year's survey.

Isn't this encouraging?

Punto De Vista

by Eddie De La Garza

The volunteer Army has failed in several areas that stand as proof that the draft should be reinstated. I realize the position that I express sound repulsive to those of us who faced extinction during the Viet-Nam War if we had been drafted, but I will of course proceed.

I contend that the volunteer Army has proven to be much more expensive than originally predicted and has drawn less educated personnel to it's ranks. In order to meet recruitment quotas necessary to maintain an efficient defense force the Congress has been forced to provide monetary incentives. These incentives include salaries, promised educational benefits, medical services, etc. All of these "bennies" cost money and with a draft I contend that the extras wouldn't be needed.

My second point is that without a draft that snatches up the average Joe and the above average Brad off the street and puts him in uniform, the Armed Forces are quickly filling their ranks with uneducated, low morale, and loafers. (no offense Don, Craig, Pat, et al). In other words, by reinstating the draft a citizen's Army will insure that alll eligible men and women (that's ERA) can serve their country and that not only uneducated citizens answer the call.

A citizen's Army also provides a very important ingredient in maintaining peace. The eventual result of a volunteer Army is that professional soildiers are produced. It's sad fact Brad that professional soldiers make war, so by drafting you and I, who I can make a safe bet would rather love than fight, our country would be less reluctant to go to war. By providing for a mandatory two year enlistment our armed forces would be filled by soilders who just want to do their time and get the hell out.

Most importantly, a citizen's Army would allow or require (considering which way you look at it) every citizen to serve his country and instill the type of patriotism that is so sorely lacking in our time.

Contra Punto

by Brad Wiewel

The Volunteer Army, like every other government endeavor, has its share of problems. In spite of the drawbacks, however, it remains the most equitable and efficient way to run the military. The problems plaguing the program are capable of solution without a return to conscription.

Eddie, everyone agrees that the Volunteer Army has problems. Expenses are too high and recruiting has not attracted the high number of inductees once envisioned.

Most critics point to the high salaries as an example of wasteful spending, but should compulsion be used as a crutch for paying men and women in the Armed Forces ½ or ⅔ of what they could be making in the civilian manpower market? David P. Taylor, Assistant Defense Secretary for Manpower and Reserve Affairs, challenges the high cost argument and says that spending on personnel would come down only $1.7 billion if the draft were reinstated.

The Congressional Budget Office has found that if fundamental policy changes are made, an all volunteer system can survive in the long run with no increase in cost: (1) a substantial increase in female recruits and a relaxation on their assignment to combat units and vessels; (2) a lowering of physical standards to allow non-combat jobs for men who are not physically qualified for combat. The C.B.O. also states that $1.4 billion can be saved by making training more efficient, and $1.2 billion could be recovered by increasing the re-enlistment rate.

Eddie, the fundamental argument for the Volunteer Army is that it is just and fair. A draft is good and necessary in war, but in peace time only a few are eligible and those not drafted get an enourmous advantage. People are in the army now because they want to be. They are not forced to and in peace time, that is the way it ought to be. The program is also attracting a higher quality of recruit. In 1968, only 68% of all inductees were high school graduates, and in 1976, 75% were high school graduates.

One final note, Eddie, it is easy to succumb to the tendency to argue for conscription once we have reached the age where we are no longer eligible. But imagine if you had been drafted right after college or even right out of college. Not only would our entire perspective be different but our career would be set back two years. In today's competetive market, I'm mighty thankful to be graduating this year and not two years hence.

Letters

Dear Editor:

An "announcement" appeared in the February 1978 addition of the Witan concerning the organizational meeting of the Dallas St. Mary's Law Alumni Association which in my opinion "was ill-conceived, poorly displayed and somewhat misleading." It appeared to represent a paid advertisement submitted on behalf of the Dallas Alumni Organization. To my knowledge the Dallas Alumni Association did not submit officially to the Witan any statement regarding the business conducted at our initial meeting and certainly no funds were tendered for an advertisement; the Dallas Alumni Association, at this time, has no treasury from which a paid advertisement could be funded. The "announcement" gave me the impression that any response to inquiries regarding the alumni organization would be transmitted in an unmarked brown paper envelope.

I am very proud that Dallas is the first city to initiate an alumni association chapter. Approximately 30 alumni attended the February 1, 1978 organizational meeting at the Dallas Atheletic Club. Many Dallas alumni worked diligently for over one year in conceiving and organizing this association and I sincerely regret that these efforts have been tainted by the "announcement" printed in the Witan. I think our association is significantly more professional than the "announcement" infers.

The organization did discuss, among other business, the departure of Dean Raba and the selection of his successor. A resolution was passed suggesting that the Selection Committee make a diligent effort to interview, consider and attract qualified candidates from outside the current faculty. In my opinion, the resolution was not intended as an unfavorable comment upon the St. Mary's Law School faculty. It was simply felt, I believe, that the selection of a dean from outside the current faculty could offer, among other things, a creative fresh perspective to the current programs and goals of the law school, and that the Selection Committee should be cognizant of such positive attributes. The Dallas Alumni Association wants to assist in the continued improvement and success of the law school, and I believe it was appropriate for the organization to comment on the selection process of Dean Raba's successor.

That comment, however, was not intended to be, in any fashion, a slur upon the current faculty, and it was to be communicated personally to those individuals involved in the selection process. The statement was not to be communicated in the form of a paid advertisement in the school newspaper.

I sincerely hope that our organization can be a true asset to the law school and its students, particularly in the area of employment opportunities, and I hope that our efforts and intentions have not been misinterpreted nor tainted by the Witan "announcement."

Sincerely,
Donald C. McCleary
Dallas Alumni Association

To the Editor:

The University Administration's position on a separate law graduation ceremony has proceeded from summary rejection to "considered" rejection to an offer of "compromise": we, law class of '78, to attend both our grudgingly legitimated ceremony and the official one, in exchange for the legitimacy alone.

Being no diplomat, I will welcome instruction in how the University, making no concession beyond an ad hoc arrangement for our benefit (while giving nothing to future law graduates), expects to have us cede, in exchange for its transitory blessing, our conception of the dignity with which our degrees ought to be conferred: separate, apart from the congeries of interests the baccalaureate hosts. Doesn't academic "graduation" import the sense of superseding previous attainments? Then what the hell are law students doing "graduating" with their juniors, their former selves?

I, for one, cannot suppose this University to be worthy of survival if it persistently seeks the short-term solution, as here. Mere expediency is soon seen for what it is—and sooner or later law alumni munificence must match the University's parsimony.

William Bryan

ELECTION RESULTS (Run-Off Tues. & Wed.)

SBA PRESIDENT (Runoff)
WOLFE — SCHROEDER

SBA VICE-PRESIDENT (Runoff)
TRICE — DELIA

SBA SECRETARY—*HEINRICHS*

SBA TREAS.—*RUTTENBERG*

ABA-LSD REP.—*SPEARS*

HONOR COURT
GEROLD — GREEN

En route to his pedagogical duties we heard Dean Raba remark that he wished a contract with this season's Assault & Flattery cast could be procured. "It's better than anything I've seen on television in a good while."

Wild Bill

by Doug Wright

This column is the first in a series that will feature our professors outside of the classroom. Everyday we see them as they teach—but little is known about their hobbies, projects, and activities. My initial interview was with Professor William P. Francisco.

Currently Mr. Francisco is preparing the final draft of his dissertation for an S.J.D. from the University of Virginia where he received both his J.D. and L.L.M. degrees. He also did a portion of the rewrite for FEDERAL INDIAN LAW which was originally written by Felix S. Cohen. Mr. Cohen was responsible for the first significant collection of legal history pertaining to the American Indians, and enactment of statutes protecting their rights. Mr. Francisco's Editor in Chief is Dr. Rennard J. Strickland, the Schepply Research Professor of Law at Tulsa University. Dr. Strickland was formerly a member of the St. Mary's University Law School faculty.

Mr. Francisco is perhaps best known as "El Pastor" for the tacos which are sold in a most interesting booth at Night in Old San Antonio. This booth is operated almost entirely by St. Mary's law students, with the proceeds going to the Conservation Society, for restoration of old San Antonio Homes.

His hobby is another kind of conservation. His special interest, he explained, is helping maintain a healthy dove, quail, and deer population. He does this by harvesting a sufficient abundance eacy year. He also enjoys golf and an occassional canoeing or fishing trip.

Mr. Francisco said he really enjoys his job at St. Mary's. His main goal is to aid law students to approach the mission of solving other people's problems by an organized and informed approach instead of by memorization.

THE FINAL FAREWELL OF A VICTORIOUS ASSAULT

ABA RELEASES

★ Federal Criminal Code Bill
★ Sham Admission Standards

Sham Admission Standards

--As anyone knows who has applied to law school recently, getting accepted is tougher every year. What standards do schools use to judge applicants? That's the subject of an article in the current issue of Student Lawyer, which details the struggle of one unsuccessful Harvard Law candidate.

In "Selecting the Chosen Few," author Joel Seligman writes that it is not enough to have high academic achievement, a perfect law school exam score and be an alumnus of Harvard to get accepted at Harvard Law School. That's what Kenneth Krohn found out, at any rate.

Krohn, one of 6,057 applicants to Harvard in 1975, was rejected along with 5,000 others. But, unlike the others, he chose to sue Harvard, challenging the admission procedures. Seligman notes that Krohn charged that the school's admissions office standards bear " 'little or no relation to the selection of those applicants most qualified to pursue a legal education and/or the legal profession, or that such standards do not exist at all.' "

Seligman also charges that the Law School Admission Test (LSAT) is biased in a number of ways and criticizes law schools for giving so much weight to high scores in assessing candidates.

Other articles in the current issue of Student Lawyer concern an advertising agency that specializes in lawyers, and discussion of what's happening to once all-male clubs which now admit women members.

Federal Criminal Code Bill

The American Bar Association urged Congress to move quickly to enact a federal criminal code bill.

At House Judiciary subcommittee hearings, William Greenhalgh, chairperson of ABA's Criminal Justice Section Committee on Criminal Code Revision, voiced strong support for efforts to reform and codify the federal criminal code.

Further, he suggested that Congress not address such controversial issues as gun control and obscenity in the context of the code bill.

Greenhalgh took issue, however, with preventive detention provisions in the Senate version of the legislation. They would permit denial of pretrial release to individuals charged with certain serious crimes when the judge determines they would pose a continuing danger to the community, and would be changing current law.

"At the heart of the problem is the inherent difficulty in making predictions of dangerousness with sufficient accuracy," he said.

Greenhalgh also disputed a provision to allow special grand juries to report on any misconduct of both appointed and elected public officials.

He said it was too broad and expansion of the provision to elected officials offers an "unbounded opportunity" for getting rid of officials for political reasons.

Greenhalgh applauded provisions to provide compensation to victims of federal crimes.

Provisions on sexual assault follow the trend to remove the special burdens on the victim in rape cases.

LAW SCHOOL NEWS

★SBA ★Judge D. Russell ★Delta Theta PHi
★Phi Delta Phi ★Run Off Election ★Board of Advocates
★Mock Trial Crown

SBA

Gary W. Hutton

SEPERATE GRADUATION which had passed both the SBA Senate & Law Faculty Council was voted down by the St. Mary's University Executive Committee. The SBA is now negotiating with the University Administration—details to be forthcoming. Elections for SBA and Honor Court positions were March 14 & 15; runoffs are scheduled for March 21 & 22. At that time the Law School Student Constitution will be presented to the students for ratification (changes such as chairman to chairperson not having been made).

AN ORGANIZATIONS MEETING was held to facilitate communication between the Law School groups and to establish guidelines to avoid conflicting events-only 4 of 13 groups were present.

EXAM SCHEDULE-has been posted. If you have an exam conflict contact Debbie Ullrich, Barb Siever or Gary Hutton.

(Continued on Page 15)

Phi Delta Phi

by David E. Chamberlain and Zoleta Courtney

On February 23rd and 24th Professor J. Hadley Edgar visited San Antonio as the guest of the Tarlton Inn of the International Legal Fraternity of Phi Delta Phi. Professor Edgar teaches at Texas Tech Univesity School of Law and is the Province President of the International Legal Fraternity of Phi Delta Phi.

Several activities were planned for Professor Edgar's visit to the Alamo City. On Thursday, February 23rd, the San Antonio Barrister Inn of Phi Delta Phi held an organizational meeting and cocktail reception at the National Bank of Commerce Building. About 40 interested attorneys, judges, and professors were in attendance. Professor James Castleberry, President of the International Legal

(Continued on Page 15)

Mock Trial Crown

by Bill Crow

Did Jessie Robertson have the effective consent of Priscilla Caldwell to be in her apartment after the appointed time for the completion of the bathroom tiling job he was hired to do? Was the seductive Ms. Caldwell merely bent on retaliating against Jesse for thwarting her advances? How could Sgt. Martin pass himself off as an expert in fingerprints and blood analysis, when he had never heard of that masterwork, You Too Can Be a Detective in Three Easy Lessons by Raoul Fuddpucker? As for the mysterious Bernice Schillor—could she possibly have committed the alleged burglary, and pulled off the biggest con game of all?

These and other "reasonable inferences" surfaced in the recent "trials" conducted as part of the 1978 State Mock Trial Competition, held for the first time this year. The Board of Advocates sponsored the competition over a five-day period. Preliminary rounds were argued on three successive nights beginning February 22. Each of the 17 entering teams argued once for the Prosecution and once for the Defense in the preliminary competition. At the conclusion of the first 3 nights of the event, the eight top-ranking teams were selected, based on win-loss records and speaker ranks, and these competitors then faced single elimination rounds commencing with the quarterfinals round on Saturday

(Continued on Page 15)

Judge D. Russell Speaks

Judge Donald Russell, of the United States Court of Appeals for the 4th Circuit, will be a guest and speaker at the Annual St. Mary's Law Journal Banquet on March 17, 1978 at the San Antonio Country Club.

Judge Russell is a former Governor and United States Senator from South Carolina. Currently in his 9th year with the U.S. 4th Circuit Court of Appeals, he makes his home in Spartanburg, South Carolina.

The annual event is held to announce the new Board of Editors for the professional publication of St. Mary's Law School. The Journal, in it's 10th year, has subscribers throughout the United States.

The dinner will be attended by the 75 staff members of St. Mary's Law Journal as well as the law faculty, university officials and members of the state bar and judiciary.

Run Off Election

by Mark Thornton

A run-off election for the constitution of the Student Senate will be held Thurs. and Fri., Mar. 16, 17. It has been called following the returns of the election of Fr., Mar. 10. All three possible constitutions will be in the run-off election, because the Election Committee felt that the Mar. 10 ballot was "unfair." The original purpose of the run-off was to choose between the two new constitutions which together received 17 more votes than the old constitution alone. The Student Senate voted that the election of Mar. 10 be declared void, but the Constitution Committee declared the vote by the senate void and the election valid. The legal basis for the run-off election is uncertain.

The Student Senate elections were cancelled at the senate meeting Monday. The constitution was amended one month ago requiring that the election be held Mar. 15, 16, 17; but by executive decision the constitution was ignored. Although 430 students signed a petition calling for the election as scheduled, the executive officers felt that it would be unfair to the student body to have the elections, apparently because they felt the students were unaware of them.

Board of Advocates

MARCH
17: Applications for the Order of Barristers due
7:00 & 8:30 First round of Norvell Moot Court competition
18: 1:00 & 2:30 Second round of Norvell Moot Court competition
21: 7:00 Final round of Norvell Moot Court competition
30: 7:00 First round of Freshmann Moot Court competition
31: 7:00 Second round of Freshman Moot Court competition

APRIL
3: 7:00 Final round of Freshman Moot Court competition
7: Applications due for membership on Board of Advocates

Delta Theta Phi

The initiation of new members into the mysteries of Delta Theta Phi took place in the bowels of the Bexar County Courthouse on 4 March 1978. After the ceremony the initiates gathered at the Cos House in La Villita for an informal dinner, wine and general merriment. Heedless of the inclement wheather they toured the San Antonio River on barges Anthony and Cleopatra.

Rush week was rewarding forty six new brothers and sisters pledged, great plans are astir for the next academic year.

Why I Always Wanted To Be a Lawyer

by Mike "Kiche Ho" Robbins

"When Panhandle Pete's pistol popped, she petered, for which the poundkeeper paid Pete a pair of pesos." Although this sounds like a quote from creative writing of the type often found here in the pages of Witan, it isn't. Rather, it is a quote from a reported opinion rendered by a Texas appellate judge. City of Canadian v. Guthrie, 87 S.W. 2d 316, 317 (Tex. Civ. App. - Amarillo 1932, no writ). It is a fine example of that legal misfit, the demented case. Being able to research and read dementia in the law is one of the perquisites of our learned profession, a bit of lagniappe to top off that hard evening of studying in the library.

Demented cases may be found by looking up "dirty words" in the legal encyclopedias, by talking to an exponent of the cult, or purely by accident. The last-named method is the most enjoyable, but the least fruitful, way of doing it.

These underground cases take many forms. Some, like City of Canadian, supra, are great merely because of their linguistic style. Others are demented because of the very parties to the suit. See United States ex rel Mayo v. Satan and His Staff, 54 F.R.D. 282 (W.D.Pa. 1971) (suit dismissed because of lack of jurisdiction over defendant). The infamous blue laws sometimes provide interesting holdings. In Grapico Bottling Co. v. Ennis, 106 So. 97 (Miss. 1952), a plaintiff in a breach of warranty action lost because the soft drink which contained the dead flies had been purchased on a Sunday. In the same vein, have YOU ever found an unpackaged prophylactic in a Coke bottle? The plaintiff in Wallace v. Coca-Cola Bottling Plants, Inc., 269 A.2d 117 (Me. 1970), did.

A person had better watch his language if he desires to keep out of court. In City of Pascagoula v. Nolan, 184 So. 165 (Miss. 1938), the use of language which is the stuff of dull prime time TV jokes today was held to be criminally obscene. See also Moss v. Sanger, 75 Tex. 321, 12 S.W. 619 (1889), in which certain rather racist language used by counsel at trial in referring to one of the parties to the suit, to-wit, "the old he-Jew of all," was vigorously condemned by the Texas Supreme Court in a refreshing attack on southern attitudes after the Civil War.

The weirdest of the weird are the X-rated cases. It's not for nothing that Professor Scott calls me "Obscenity." I shall not list more than one of these. Before proceeding further, I believe a caveat is in order: the following case is for mature audiences only. The all-time greatest case of this ilk is Larson v. State, 12 So.2d 305 (Fla. 1943), which reads like a porno novel and thus can't be quoted here.

This essay is especially dedicated to those who find law school a drag and have concluded that the law isn't much fun. I hope the cases cited herein will dispel that myth and will result in many resounding fits of laughter being heard in the library in the near future.

All Things Considered

A Memory

In winter at my grandmother's house
There were cold linoleum floors
And heavy comforters on each bed.
Arms and legs were held prisoner,
Bound by downy mountains of quilts.

Years have passed.
Strangers live in those rooms now
While my grandmother sleeps
Beneath a blanket of earth.

It's seldom cold in our carpeted house.
Central heat keeps covers light, movement free.
But when I remember my grandmother
And the safe, satiny winter prison of her beds,
I regret my freedom, and I mourn my loss.

—Maida Modgling
the "Porno Poestess"

The attendant poems are the work of a self-exiled Texan dwelling in the Ladyrinthine mysteries of New Mexico. A student of letters, Mr. Jon Gill Bently is publisher of English Plug and a poet of distinction being often and widely published. He is frequent guest at the Southwest Poet's Conference.

The first poem, untitled, is a song of sorrow and triumph, charting its author's soul's sojourn in rare and fearful places "mytholog" is a vision.

The Moon

the moon cried, purest pearls drifting
into the warm, drunk sea like drowners
whose bodies fall through depths
amorously
the leaves of the mountain oak laughed
a gay, embarrassed, rubicund whispering
sound
it was the best of times, when the sea was
a desert
when crying was an instument of joy
the sea was the moon's stammering lover
slowly calling the old words

Mythology

veins of air spout enigmas
in the quiet of murder a unicorn sheathes
his glinting penis in virgin-leather
all of this mythology makes me angry
seemingly, there are no real people
anymore
but the imitations do a damn lousy job
of keeping their idols upright
I open my umbrella to keep the feathers
off &
slyly sign Margaret Mead on the card
which the undertaker hands me, hoping
I am the right size for Ulysses

THE THREE ROSES

From white roses you have nothing to fear
They say only that I am here.

From yellow roses you need not hide
For they indicate only a door open wide.

But red roses,
Oh my dear,
They are red roses.

L. Wayne Scott

ST. PATRICK'S DAY

Edward Schroeder

The most august day in March (providing that the first Sunday after first full moon after the 21st of March (the vernal equinox) is not in March) is 17 March, the feast of St. Patrick, or Sucat in the Celtic tongue.

He was abducted by pirates in 404 and enslaved in idolatrous Erin until his escape to the Continent in 410. Even during his bitterly-dealt childhood he envisioned Ireland as Christian; and upon his escape he stayed with the months of Lerins and Auxerre. Then to Eire where he is said to have seen God and received the Promises-among which is the promise that the Irish would be judged by Patrick on the Last day. It is said now that he is no longer a saint and must now be referred to as Mr. Patrick!

Oscar Wilde said that the saints were those who were the most loved. Truly the love of the Irish people for Patrick cannonized him for more perfectly and eternally than the rules of his beloved church ever could.

NEVER STEP ON A DREAM

If words could freely
  Find their way
With no harm or hurt,
  How would they flow today?

What thoughts would words,
  Free of consequence,
Convey? Would they be true
  Words, honest in eloquence?

How to know
  What freedom could be granted
When the past still dwells
  So long planted

Rooted deeply,
  Snarling even free, private,
Thoughts of moments
  When all seemed to elevate.

But the moments seemed, and only seemed.
  For certainty is no more.
Fear has occupied
  The space behind each cells door.

Dreams came
  Before in mists of abandon
Of certainty, of honesty,
  Only to be trod upon.

Misunderstood and trampled,
  Dreams do not return.
Try to sleep again
  And the dream will burn

Away into the cells
  Lining the wall,
To be held forgotten,
  Sealed by a dream's fall.

Words, then granted freedom
  Cannot open doors shut,
Sealed, and forgotten
  In chains not to be cut.

The words free to speak,
  Themselves ache.
They press past vacant cells
  Of hope they forsafe,

Past days of buried, locked
  Mists that should not rise
To envelope fresh
  Moments of a new wife.

Even in a place
  With a new face
Liking the pace,
  The place, and the face.

Words truly free
  Can never be
Written to see
  The result of their plea.

Truth then is known
  By silence, when there should be more;
Pain is shown then by the smile
  When the silence is as before.

Truth, then is shown
  In pleasure accepted,
But not given in return
  For fear of pain expected,

In the past
  Pain did not tire
Beyond the rideable wave,
  Beyond the last, lingering, fire.

So cold then would be words spoken
  Freely, without consequence,
That it would be nonsense.
  To release the tokens!

Of thought to fly
  Past the watery wave,
And beyond the fire
  To be rejected and die a slave

Of the past
  That is here today;
That will last
  To final day.

L. Wayne Scott

Indians Are Different

by Prof. William Francisco

Indians have always been different from the non-Indian Europeans, Africans and Asians in the area now known as the United States. They are still different. Those whom we know at St. Mary's Law School are taller, smarter and better baseball players than most of our students even though their appearance and speech cannot be differentiated from those of non-Indians. Their difference is legal and constitutionally protected. The extent of the difference is particularly significant only if they are tribal members of a federally recognized tribe.

How are tribal Indians different from those of us who are non-tribal Indians (hereafter referred to as "non-Indians")? Since the difference is a legal one it is one of either rights or duties or penalties. First, let us dispose of the similarities. Indians are citizens of the United States and of the state of their domicile in exactly the same manner as non-Indians. The differences remaining are tribal in origin.

Those of you who have sat at Dean Raba's feet and learned the fundamentals of Constitutional Law know that nations have inherent sovereign powers even though they do not have a constitution or charter. When the European came to this hemisphere he found the local inhabitants were organized into self-governing nations the members of which shared a common racial background. The continent had been divided into national areas the boundaries of which shifted with the ebb and flow of military power of the organized occupants; the languages, customs and gods varied between tribes. Although the Europeans by force, guile or both seized the continent they did destroy (directly) the Indian nations (tribes). It follows then that if they still exist as tribes they retain their inherent sovereignty and whatever else belonged to them which was not legally taken from them. But then you know about the New England tribes whose land was illegally purchased from them in violation of the provisions of the Non-Intercourse Act of 1790 and whose land will be restored (or paid for) if the tribe is held to be in existence today.

Did you also know that tribes have the power of self-government on their reservations even though the land may have been conveyed to the federal government and in turn conveyed to non-Indians? While the reservation may lie wholly within the borders of a state so that the tribal Indian inhabitants are citizens of the state and the state has jurisdiction on the reservation, the jurisdiction of the tribe over its members prevents inconsistent exercise of jurisdiction by the state over members who are also state citizens in both civil and criminal cases. Cases now in the courts will decide whether the jurisdiction of the tribe may be extended to persons on the reservation who are non-Indians or Indians who are not members of the tribe.

In discussing the powers of nations and the powers of tribes, it is essential to remember that control of land was the basic factor in defining a nation and is the basic factor in establishing the jurisdiction of the tribe today. Although some tribes have banded together on a common reservation, most federally recognized tribes have their own reservations on which the tribe exists as a political entity. Originally the tribes were forced back into areas recognized as "Indian country." As the non-Indians encroached upon the wide reaches of land controlled by individual tribes, a series of treaties were made whereby the tribe conveyed most of its land to the federal government in return for various benefits and "reserved" the remaining portion as its own land in fee and as dependent sovereign. These areas became known as "reservations." As the American nation moved westward following the War Between the States, there was a great pressure to make the Indians' hunting land available to non-Indian settlers. The hunting civilization and the agricultural civilization were incompatible even without the conflict of racial and language differences. The industrial civilization is even more incompatible.

While the non-Indian population grew the Indian population remained constant and its life style did not change, except for the Five Civilized Tribes in what is now Oklahoma. The pressure on the Federal government to obtain the reservation land for the non-Indians continued to grow and illegal self-help was often attempted by land hungry non-Indians. A solution seemed to be to take the Indians, the great American and Christian tribe, and thus protect them.

University Indian

Father Prucha, the Marquette historian, has given an excellent resume of the efforts of the reformers and the intended results in his book, Americanizing the American Indian. The General Allotment Act of 1887 was intended to do away with tribal ownship of land and substitute it with separate ownership which would cause the Indians to disappear into the general population and the tribal organization just to disappear. Suffice to say that it didn't work and the larger unallotted tribes seem to be growing. The Indians who received the allotted lands find themselves with a new difference. They can neither convey or dispose by will their allotted property except in accordance with the rules and regulations of the Congress and the Secretary of the Interior. That the Indians can resist the onstaught the bureaucrats and reformers so long and so effectively is further evidence that they are truly different.

As to individuals classified as Indians there are many benefits available from the Federal government solely because they are so classified; hiring precedence, medical attention, schooling, etc. The Indian classifications just issued for the preferential hiring are interesting: members of any recognized Indian tribe now under Federal jurisdiction; descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation; all others of one-half or more Indian blood of tribes indigenous to the United States; Eskimos and other aboriginal people of Alaska, and for the next three years, a person of at least one-quarter degree of Indian ancestry of a currently federally recognized tribe whose rolls have been closed by an Act of Congress. Of course, this regulation contains a "grandfather clause."

Yes, Indians are different in that they have lost some of their freedom to the tribe to which they belong. I assure you that an Indian may sever the tribal connection at will by virtue of birth alone. The state statutes of limitation do not apply to the contracts of sale of land made by their ancestors after 1790. The conveyance of certain property is governed by Federal statutes, and discrimination in his favor based upon race is not unconstitutional. Also they can call everyone else "gringos."

Twenty Second Law Day

From the Dean's Desk

ST. THOMAS MORE AWARD

The 22nd Law and Awards Day of the School of Law will be held on Thursday, April 13. Cocktails will be served at 7:00 p.m. in the Pecan Grove, followed by the banquet at 8:00 p.m. in the University Cafeteria. On that occasion Erwin Nathaniel Griswold, A.B., A.M., Oberlin College, LL.B., S.J.D., Harvard, will be the recipient of the 22nd annual St. Thomas More Award.

From 1950 to 1969 Griswold occupied the Langdell Professorship of Law and was the Dean of Harvard University School of Law 1946-1967; from 1967 to 1973 Dean Griswold was Solicitor General of the United States. He is now in private practice in Washington, D.C. The honoree is a Phi Beta Kappa and a past president of the Association of American Law Schools.

The award is given to a person for outstanding achievements in the field of law, and contribution to the legal profession.

ANNUAL GAVEL AWARD

Each year, on Law Day, the School of Law presents the Gavel Award to an outstanding jurist. This honor will be conferred on the Honorable Charles W. Barrow, Associate Justice of the Supreme Court of Texas. Judge Barrow hails form Jourdanton, Texas; he is the son of the late Judge and Mrs. H.D. Barrow. The honoree received his J.D. degree from Baylor University in 1943. He was appointed Judge of the 45th District Court of Bexar County, Texas in January of 1959 and elected to that office in 1960; the judge served in that judicial capacity until May 11, 1962, when he filled the unexpired term of his father as Associate Justice of the Fourth Court of Civil Appeals. Judge Barrow was elected Chief Justice of that court in 1967 - his written opinions number more than 500; our honoree was appointed Associate Justice, Supreme Court of Texas, on July 25, 1977.

ALUMNUS AWARD

The 6th annual Distinguished Alumnus Award will be presented jointly to brothers Ronald J. Herrmann and A. Don Herrmann. A. Don Herrmann graduated from the School of Law with a J.D. Degree in 1955, and Ronald J. in 1959, for their outstanding support of legal education at this law school.

JUDGE JAMES R. NORVELL MOOT COURT AWARDS

Also to be presented at the banquet will be the recognition and awards in the 24th Judge James R. Norvell Moot Court competition. These will be presented by Professor Orville C. Walker, coach of the moot court team.

DELTA ALPHA DELTA AND STUDENT ACHIEVEMENT AWARDS

The various student achievement awards presented by the various student organizations and the School of Law together with the Delta Alpha Delta Awards will be announced earlier in the afternoon and presented at 5:30 P.M.

LAW JOURNAL

The editorial board of the St. Mary's Law Journal will be recognized at the banquet.

POST SCRIPT

A full length large portrait of the Dean by the famous Gittings Portrait Studios will be presented on this occasion by the donor of this expensive portrait, Mr. C.B. Lilly, J.D., St. Mary's University, 1949, as one of the Dean's last finales.

INFORMATION ON TICKETS FOR THE LAW DAY FESTIVITIES WILL BE ANNOUNCED AT A LATER DATE.

CRIME AND

infliction of suffering is justified only when it results in some social benefit. Punishment is justified only to the extent that it tends to modify the future conduct of the convicted person and, perhaps more importantly, of others who might be tempted to commit crimes.

The notion of deterrence has two facets: (1) The person being punished will be inhibited from committing other crimes. This effect upon the person punished is generally identified as "special deterrence" or "intimidation." (2) Punishment of the convicted criminal will deter others from criminal activity for fear that they, too, will be made to suffer it they depart from the accepted social norms. This effect upon others is generally referred to as "general" deterrence.

The notion that punishment tends to prevent or reduce the commission of crime by the person being punished has been subjected to unrelenting criticism in recent years. This condemnation is usually based on statistics concerning recividism. Despite disagreement over specific figures and over their significance, it cannot be denied that persons who have served their sentences have a high rate of reconviction. However, these statistics, even if accepted without question as to their reliability, are, at best, of doubtful relevance, since we have no means of determining how much higher the rate of commission of additional crimes would be if the offender had not been convicted and punished for this first crime.

The high incidence of recividism, of course, tells us nothing about the deterring effect of the threat of punishment on those other than one who is punished. Nor do statistics showing an increase in the crime rate provide any basis for a conclusion that punishment results in general deterrence. Unless we know how high the crime rate would be if we did not punish offenders, statistics reflecting an increase in the rate of crime are beside the point.

Perhaps one observation may be made with some degree of certainty. In order for the threat of punishment to be effective as a deterrent only if punishment is, at least, relatively certain. Men will take risks if they think that there is a good chance of winning. While there are many who are willing to take long chances, the tendency to gamble is generally decreased as the chances of failure are increased. This may be the reason for the lack of attempt to rob Fort Knox.

Those who cavalierly dismiss the notion of punishment as a deterrent reflect the abuse of absolutism in the discussion of practical issues. To prove the utility of medicine it is not necessary to prove that doctors always prevent death or cure all instances of disease. It is enough to show that life is often prolonged and suffering often diminished. Similarly, it is not necessary to prove that punishment always prevents crime by its deterrent effect. It should be enough to demonstrate that there would be more crime if all punishment were abolished.

Of course, so long as we keep a man in prison we necessarily restrict his capacity to commit crime. Execution, of course, results in the total incapacity of the person executed to commit further crime, and solitary confinement for life results in near-total incapacitation.

But incapacitation as a justification for punishment rests on the assumption that a person who has committed a crime will commit further crimes or, at least, further crimes of the same nature. To the extent that the prediction is valid, we can justify the use of punishment for incapacitative purpose. It is doubtful if our present knowledge is such as to justify reliance on the validity of the prediction.

A third notion which, presently, has gained wide acceptance among commentators justifies punishment on the ground that of the offender that he will be able to become a law-abiding citizen. This view, sometimes referred to as the "rehabilitative ideal", simply states that the purpose of punishment is to reform, rather than to intimidate.

Adherents of the rehabilitative ideal often take pains to avoid the use of the word "punishment." However, such linguistic camouflage is misleading. It seeks to hide the fact that what is being done to the offender is being done by compulsion and for the sake of society rather than for his sake. Perhaps the reluctance to use the word "punishment" has as its purpose the avoidance of Kant's observation, "One man ought never to be dealt with merely as a means subservient to the purpose of another." Rehabilitation may be the most humane goal of punishment, but the fact remains that it is a goal of punishment.

If rehabilitation is the goal, we are interested in the nature of the offense only because of the assumption that it gives us a clue as to what is required to rehabilitate the delinquent. But we must not lose sight of the fact that the nature of the crime is only a rough clue. The rehabilitative ideal accepts the notion that each offender must be treated as an individual with whom we can deal effectively only if his needs and problems are known as fully as possible. There can be no assumed equivalence between the offense and the punishment as is the case with the retributive and utilitarian theories of punishment.

Since the rehabilitative system is offender-oriented, the intensity and duration of punishment depend on what is thought to be required in order to change the delinquent's personality. The controlling factor is not how dangerous the criminal is. The pertinent inquiry concerns his amenability to treatment. Since the sentencing authority cannot know at the time of sentencing how much and what kind of treatment will be required, the sentencing authority cannot determine the duration of the punishment. The punishment ends only when those in authority decide that he has been reformed. Implicit in this approach is the proposition that if he does not yield to treatment and continues to be a danger he will not be released.

If rehabilitation is made the goal of punishment, we encounter difficulty immediately because it must be confessed that we do not know how to rehabilitate offenders. The rehabilitative ideal seeks to impose upon our system of criminal justice tasks which are beyond its competence at the present time.

So long as we remain ignorant of who is likely to commit crime and the circumstances which cause them to violate the criminal law, punishment for the purpose of rehabilitation may be nothing more than cruelty. Perhaps, if we are willing to commit more resources for the purpose of educating the illiterate, to teach offenders a useful trade and to accomplish similar purposes we may realize some success. But there is little or no reason to postulate the existence of a general connection between these measures and the prevention of future criminal conduct.

There is danger that the rehabilitative ideal will result in a tendency to

PUNISHMENT

(Continued from Page 1)

encourage increasingly long periods of incarceration. This is due to the fact that a clearly identifiable fruit of the rehabilitative ideal is a tendency toward wholly indeterminate sentences. The result is that the values of individual liberty may be endangered by claims to knowledge and therapeutic techniques that we do not, in fact, have, and by failure to confess our ignorance.

Perhaps one of the problems is that we tend to believe that one of the theories furnishes the only approach to our problem. Given the paucity of our present knowledge concerning human nature, it would be rash to put all of our eggs in the rehabilitative basket. To the extent that a man may be rendered more prudent about engaging in anti-social conduct because of what he has suffered on account of his past offenses, he can be said to be rehabilitated to the extent that we can accomplish with present knowledge. It is doubtful if there will ever be general acceptance of the notion that retribution is not an acceptable justification for punishment. The retributive theory contains an element of truth which only sentimental fools can ignore. The sentiment that injury must be avenged cannot be ignored.

One of the weaknesses of the rehabilitative theory is starkly underlined by the hypothetical case of a person who we are certain will not commit the given offense again. In such a case, there is nothing more that can be achieved by punishment for the sake of reform. Are we to close the account and release the offender? If we do so, can there be any doubt that such action would arouse general resentment. To say that there should be no punishment for one who is no longer likely to do harm not only runs counter to the general feeling that wrongdoing deserves punishment, but it overlooks the fact that the law contemplates not only the individual before the court but also all others who might be tempted to commit similar offenses even under conditions not quite the same.

The unavoidable fact is that the problem of punishing those who violate the law is one of the most disheartening tasks that faces us. But the effort to find an answer must continue. If the continuing effort is to produce any degree of success, however, we must be careful to guard against untenable factual assumptions as well as value judgments that pose serious policy questions for our society. Nor can we lose sight of the fact that social institutions as complex as those involved in the administration of criminal justice do not serve a single function or purpose. Social institutions are multi-valued and multi-purposed. Values and purposes on occasion may prove inconsistent, producing conflict and tension. A solution which reflects concern for only one purpose will, at best prove to be only a partial solution and unsatisfactory. At best, it can be dangerous.

Lawyer Income... (Continued From Page 1

we have modified it to meet our particular needs. We first learned of the formula from the firm of Hoppin, Carey & Powell of Hartford, Conn.

The formula which we use assumes that the lawyer's share of the profits should be directly related to the lawyer's contribution to the firm in past years. In making this evaluation, we utilize three areas: (a) base amount; (b) longevity credit and (c) collections and management credit.

BASE AMOUNT

This base amount figure is established by agreement and has been the amount of salary that would be paid to an associate immediately prior to the associate's becoming a shareholder in the professional corporation. We have used the figure $14,400. This amount is allocated to each lawyer-shareholder regardless of performance or number of years associated with the firm. It is a minimum living income but no more and would not allow for any luxuries if the lawyer is not receiving other income producing credits. The base amount needs to be at least as high as the highest paid associate's salary; otherwise, the risk would be run that a new shareholder might receive less income than an associate.

LONGEVITY CREDIT

The longevity credit is an amount divided on the basis of how long a lawyer has been in practice and thereby compensates that lawyer for the element of experience that he or she brings to the firm. After subtracting the base salaries from the net distributable income, we have assigned twenty percent of the balance as the longevity credit fund.

COLLECTIONS AND MANAGEMENT CREDIT

This figure represents the balance of the net distributable income and is based upon two factors: (a) the amount of income collected by the lawyer and (b) the contribution that the lawyer makes in terms of internal management of the firm. We have agreed upon a figure of $5,000 as an amount to be allocated for internal management. Each lawyer keeps time records of management duties just as he would for client work. At the end of the year, the $5,000 fund is divided on a pro rata basis with the lawyer doing more internal management obtaining more of the $5,000 management credit.

APPLICATION OF FORMULA

As a way of seeing how the formula operates, assume a five lawyer partnership with a net profit of $200,000. Partners "A" and "B" originated the firm and have seventeen years of experience. Lawyers "C", "D" and "E" have fourteen, seven and three years experience respectively. For purposes of the illustration, the base salary figure is tagged at $12,000.

Since the base amount is set by agreement, each lawyer's account is automatically credited for $12,000 or a total of $60,000 ($12,000 x five lawyers) leaving a balance of $140,000 for distribution.

The longevity aspect of the formula accounts for twenty percent of the balance remaining. Accordingly, $28,000 is available for distribution under this aspect of the formula.

As one can see, the bulk of the longevity credit is divided among those lawyers having the most years of experience. This compensates them for that experience after all, it is often the older lawyer who has established the clientele, furnished much of the capital for office equipment, library, etc. and otherwise put together the going operation of the law firm. On the other hand, the amount allocated to longevity credit must not be too high in order to make sure there is a sufficient fund to reward the lawyers who produce the income regardless of their years of experience. We have been satisfied with the twenty percent approach.

The collections and management portion of the formula rewards the lawyer's effort over the past five years. In order to have the formula function properly, it is necessary to keep accurate records of the amount of income produced by each lawyer. When the formula is first initiated, it may be necessary to assign fictitious figures for previous years if there are no such records available.

From the total collected by each lawyer over the past five years is deducted the amount received by way of base amount salary. For example, Lawyer "A", having received $60,000 in base amount salary over the past five years (five years x $12,000 per year) is debited $60,000. On the other hand, Lawyer "E" is debited $36,000 because of only three years base amount salary. The net collections are reduced to units and a ratio is determined based upon the net amount produced by each lawyer. For example, of the 969 total units, lawyer "B" produced 260 units or 26.8 percent. That percentage is then multiplied times the amount remaining for distribution ($112,000) and it is determined that Lawyer "B" will receive $30,016 as his or her share of the collections and management allocation.

After having computed the base amount, longevity credit and collections management credit, the final step is to add the three figures together in order to arrive at the total compensation for each lawyer.

ADDITIONAL CONSIDERATIONS

Over the years of experience with the formula, we have found that it allows the new lawyer-shareholder to move smoothly from the status of salaried associate to shareholder. As the formula is applied, the new shareholder finds that his or her salary increases more quickly than the other lawyers. This is because he or she has been in the formula fewer years.

On the other hand, the formula also provides an element of stability, that is if a lawyer has a particularly bad or good year, the effect of that extraordinary year is not as great because of the five year averaging feature. This also allows for the lawyer who is gradually withdrawing from the firm.

The formula does not speak specifically to the issue of credit for the originator of the business. We have resolved that issue by giving credit to the originator of the business at the time that the fee is received and the originator then credits that amount as a part of his or her collections.

It should not be thought that the adoption of the formula can be accomplished overnight nor is it a panacea for every possible problem that can arise regarding the division of income. It does, however, provide an objective basis for the distribution of profits and further provides the stability necessary to avoid discontent concerning this particular area of the law practice. This is, I believe, particularly important for the young lawyer who is seeking to establish a professional career and justifiably desires to know that his or her efforts will be reasonably rewarded, while at the same time providing due consideration for those more experienced members of the firm who have developed the law firm.

Law School News . . .

(Continued From Page 7)

SBA

ANNOUNCEMENTS-the SBA passed a resolution charging Greg Powers, SBA President to investigate why grades are posted so late in the semester and what penalties are prescribed to professors who are late in grading their examinations. He is to report his findings in March issue of the Witan. Motions passed: a system of critquing your exams in the classroom mailbox system in the classroom hallway and a new teacher evaluation. The SBA has a new office in the University Center, and will also return the old office in the Law Classroom Building.

The SBA has designated students to make "homeroom" announcements of upcoming events to keep students informed of activities and to overcome the tendency of most professors not to read those announcements.

Events include:
March 15 Sam Ervin 7:30 P.M. Incarnate Word Auditorium.
April 13 Law Day

Phi Delta Phi

Fraternity of Phi Delta Phi, and Ward Blacklock, Tarlton '76, addressed the group.

Professor Edgar was kept busy on Friday with three planned events. Early in the afternoon, Professor Edgar was joined by the Tarlton Inn officers and the 1978 Graduate of the Year nominees for lunch at the elegant french restaurant, La Louisianne. After enjoying a fine meal, Professor Edgar was entertained at a reception for all St. Mary's law faculty and students in the faculty lounge of the administration building. Professor Edgar was able to slip away from this reception just in time to put on a pair of jeans and head towards Helotes to the Flore Country Store for the fraternity's spring rush party. Rumor has it, that the Province President was seen skipping around the dance floor to the tune of the Cotton-Eyed Joe!

Mock Trial Crown

morning. On Saturday afternoon, the semifinals competition produced the two finalist teams-David O'Neil and John Norris, for the Defense, and Donald Bayne and Patty Wueste, for the State.

The final round of the competition was argued Monday evening, February 27, before a crowd of approximately 100 students and guests. The panel of distinguished judges for the final round included Judge Preston Dial of the 227th District Court, Mr. Gerry Goldstein, and Mr. Pat Priest. When all the arguments were over, Bayne and Wueste emerged as winners of the competition.

The time limitations for examinations and arguments were scaled down for this intramural competition in order to avoid late-night rounds, such as were experienced several times last semester. Also for the first time, the first-year class participated extensively in an upper-class competition, by serving as witnesses, bailiffs, and jurors. Such participation is required for any student who aspires to a position on the Board of Advocates.

Despite the time factor, some very good arguments were made, beginning with the respective opening statements of Donald Bayne and John Norris; continuing through direct and cross-examinations of each witness; and finally winding up with the closing arguments by David O'Neil and Paty Wueste. This was certainly one occasion where Patty got to argue for the entire 10 minutes she was promised. To use the immortal words of Dean Raba, good going, "little girl," and congratulations to both teams in the finals.

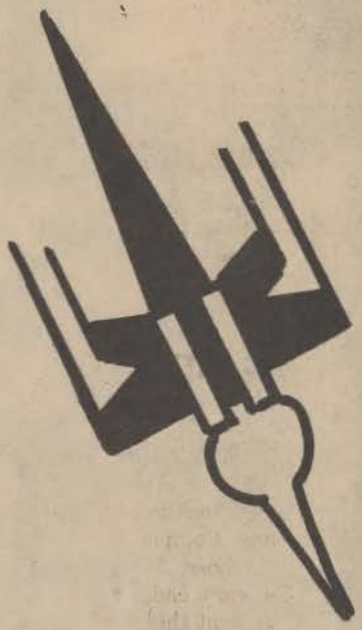
Volume 5, No. 9

April Fool, 1978

WITAN LAWWARS COMIX

STUDENT PUBLICATION OF ST. MARY'S UNIVERSITY SCHOOL OF LAW

Editor's Log



WITAN DATE: 10978.40-Editor's Log.

As we approach Mission's End at Star Base Realty the staff grows restless. We've been roving the Sellular System since Witan Date: 10975.826, and as I look back on this oddessy I can only share their anxiety to be out of this space gas and back in the Ozone again.

I know the staff is suffering from chronosynclastic infundibula, because just this morning my Managing Officer—who can be in two temporal locations at once—was nowhere at all. The Feature and Articles Officers were both seen chasing the Faculty Wookies across the control bridge, and the Copy Officer locked himself in the decompression activator with a copy of Midnight in hopes of achieving true interface.

WITAN DATE: 10978.41-Editor's Log

The chronosynclastic infundibula is spreading. Most of the staff is on a crying jag.

WITAN DATE: 10978.42-Editor's Log

Star Base Reality is now only 1.382 Legenos away, and we will be there by Witan Date: 10978.43. The chronosynclastic infundibula is in check, but there are new reports of planetoid hair loss and terminal acne. The staff is eager to reach home, and so I fear nothing because I know the staff can make it. If they made it through Witan Date after Witan Date in this stifling star cruiser star cruiser, star cruiser...they can, I can, we can make it to Reality Reality Reality....

WITAN DATE: 10978.43-Editor's Log

We are cleared to land. I'm distraught over the fact that nobody will be sad to leave Law Wars. May the Farce be with us.

WITAN LAW WARS COMIX STAFF BOX

Commander-In-Chief—Ray Kink
Managing Officer—Denny Splat
Articles Officer—Frank Uhurrhu
Feature Officer—Ed Kcumhcs
Copy Officer—Pitter Patter-3
Business Officer—Randy Tribble
Staff Mentat—Emot 3A-3
Staff Androids—R3-D1; 3ZAQ-A1; X-1Z; 8 AP4; 2 CP-4B; 4 RAD; 9 VDC; 8 ES; 2FG; 9 LAP 3; 2 HGR-X; O-IQ.
Staff Jeddadoiz—Barf Grader; Scarf Trader; OB-2—Snowshoe
Faculty Wookie—R. Kungon

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

DISPLACEMENT NEWS

Interviews

An interviewing team from Roto-Rooter will be on campus from 1 to 3 p.m. on Witan Date: 10978.41, seeking graduating seniors in the top 10% of the class for skin diving positions.

Also interviewing on April 1st will be the Intergalactic Insurance Institute. Only dehumanized Mentats and Androids need apply.

Seminars

How to Space Out Your Legal Practice. 8 PM, Witan Date: 10978.41.

How To Get Your Foot Out of Your Mouth. 7PM, Witan Date: 10978.41.

Interplanetary Patent Law. 7 AM, Witan Date: 10978.41.

How To Move For Mistrial In The Milky Way. 8 PM, Witan Date: 10978.41.

Collateral classification in other constellations. 8 PM, Witan Date: 10978.41.

Litigating through the light years. Forever on Witan Date: 10978.41.

Passing the Mars Bar. 7 PM, Witan Date: 10978.41.

Meeting black-hole burden of proof. 6 PM, Witan Date: 10978.41.

Taking big dipper depositions. 4 PM, Witan Date: 10978.41.

Job Openings

Interplanetary Law Clerk Needed. Must have transportation from Tralfamadore to Andromeda—4.

Experienced star ship attorney to fill position as ship counsel. Benefits are out of this world.

Small family practice firm on Betelguese 4 seeking briefing clerk for quadrigamous polymorphic type 8 forms litigation.

Naptha and Methane attorney position in Jovian system is open, must be knowledgeable in trivalent bivariant heredidaments.

Wookies Overrule Court of Galactic Appeals

On Witan Date: 10978.321, the Judges of the Court of Galactic Appeals heard the annual arguments for the Interplanetary Moot Court Competition. The Honorable Judges chose 3 outstanding interplanetary advocacy cadets from the final rounds to represent the Star Ship at the Universe-Wide competition.

On Witan Date: 10978.322, the Wookie Council, in their omniscience, overruled the decision of the Court of Galactic Appeals. Rationale for this "Absolutely Essential" action was the fact past decisions of the Court (composed of two humanoid mentats and a judge-android-4CGA Type 3) had resulted in "humiliating defeat."

When asked to comment, the Wookies said that the singles judge-android- 4CGA Type 3 does not have the interplanetary experience to know who will win in Universe-wide competitions.

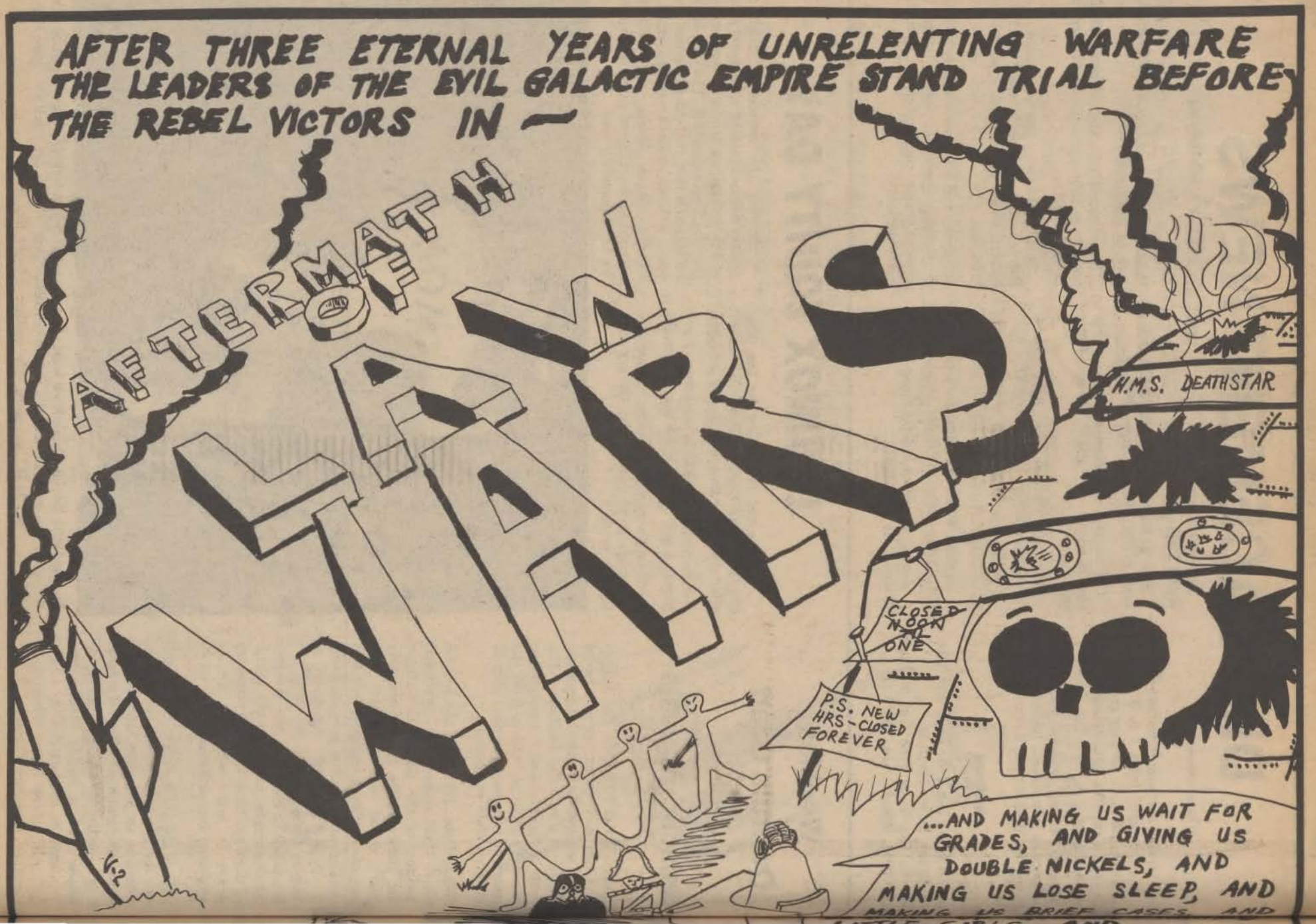
In place of the three cadets chosen by the court, the Wookies have chosen three competitors in an objective, unbiased & knowledgeable manner. The Wookies chose two androids—a C9JO Type 4 competition, and a highly compatible 2C6 — and a Jeddadoid–Oldy-1-But Mouldy. All three are Freshmen Interplanetary Advocacy Cadets.

EQUINOX EQUITY DAY

A gala event is planned for the Star Ship's annual Equinox Day. A blanket offer was made that any faculty member would receive $3,000 in exchange for a promise not to speak. (When we sought information concerning the transaction, one said rather cryptically, "Every man has his price.")

Following the wondrous ritual, the masses will be placated with watery swill and the ubiquitous tamales— mainstays of the Star Ship's social life. The tamales will be plentiful this year as numerous stray jawas were murdered by space shuttles on Camino Santa Maria and promptly scraped up by diligent cafeteria Wookies for the impending feast.

Intergalactic Boxing Committee hands heavyweight crown to Mad Dog. Asked how he felt about the decision, the new titleholder remarked: "Please don't call me "Mad Dog," "M. Dog," or "M.D." anymore. My mother doesn't like it."


AFTER THREE ETERNAL YEARS OF UNRELENTING WARFARE THE LEADERS OF THE EVIL GALACTIC EMPIRE STAND TRIAL BEFORE THE REBEL VICTORS IN —
AFTERMATH
LAW WARS
H.M.S. DEATHSTAR
CLOSED NOON TIL ONE
P.S. NEW HRS - CLOSED FOREVER
...AND MAKING US WAIT FOR GRADES, AND GIVING US DOUBLE NICKELS, AND MAKING US LOSE SLEEP, AND

MAKING US BRIEF CASES AND LITTLE GIRLS, AND ...

ETC, ETC, THROUGHOUT THE LENGTHY TRIAL CUSTOMARILY ACCORDED VILLAINY.... BUT AT LAST,

GUILTY!!

So BE IT!! BUT NOW IT BECOMES MY SOLEMN BOUNDEN DUTY TO PRONOUNCE SENTENCE ON YALL DEFENDANTS...

NAMELY, WHAT'S THE VILEST, MOST DEVASTATING BLOW WE CAN DEAL YALL CONSISTENT WITH OUR - THE REBELS' - RENOWNED SWEETNESS, GOODNESS, AND LIGHT ???

WILE BILL DONIAL & THE GUYMEN

PRINCESS LAIDLO, P.J.

.... LATER (& ACCORDING TO SENTENCE) .....

OL

YORE A GRAND OL' REAL LEGAL MACHINE

A REAL

ET ET CET, ET ETC

ET ET CET

TO BE CONT'D.

★★★ STAR SHIP NEWS ★★★

Barristers and Women's Law Association

Last week, two large tins of tamales and two kegs of beer were provided, the guest speaker hung like a spider in a corner, those in attendance buzzed around (some even landed), and then, when the provisions were consumed, everyone scattered as if the place was on fire. Of course, the honoree ate a tamale with the shuck on and everyone nearby rushed in to talk about President Ford.

Criminal Law Association

Last week, two large tins of tamales and two kegs of beer were provided, the guest speaker hung like a spider in a corner, those in attendance buzzed around (some even landed), and then, when the provisions were consumed, everyone scattered as if the place was on fire. Of course, the honoree ate a tamale with the shuck on and everyone nearby rushed in to talk about President Ford.

S.B.A.

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Alumni Organization

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Phi Alpha Delta

Delta Theta Phi

San Antonio: At a recent garage sale, the frats had a tremendous success. Only 20% of the sales were retained by the organization. A mere 70% of the proceeds was paid to the garage owner who hosted this gala event—and of course, 10% of the money earned was paid to the Witan Law Wars Staff for producing this write-up.

Four hundred and twenty-five thousand dollars in proceeds were parcelled out in a smoke-filled room to the above named parties, Supra at 425,000. Greedy and hot little hands eagerly palmed the crusty bills among snorting chuckles and hearty guffaws. None of the items offered for sale were in fact sold. The surprising sum garnered was earned by the frantic consumption of over two billion tamales—handcrafted by the master chef himself, Glen Ayers. By the way, he has not, as of yet, filed his income tax return.

Honor Court

Last week, two large tins of tamales and two kegs of beer were provided, the guest speaker hung like a spider in a corner, those in attendance buzzed around (some even landed), and then, when the provisions were consumed, everyone scattered as if the place was on fire. Of course, the honoree ate a tamale with the shuck on and everyone nearby rushed in to talk about President Ford.

Phi Delta Phi M.D.P.

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St. Thomas More

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Delta Alpha Delta

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Malsa

Last week, two large tins of tamales and two kegs of beer were provided, the guest speaker hung like a spider in a corner, those in attendance buzzed around (some even landed), and then, when the provisions were consumed, everyone scattered as if the place was on fire. Of course, the honoree ate a tamale with the shuck on and everyone nearby rushed in to talk about President Ford.

M.L.A.

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Board of Advocates Law Journal

Last week, two large tins of tamales and two kegs of beer were provided, the guest speaker hung like a spider in a corner, those in attendance buzzed around (some even landed), and then, when the provisions were consumed, everyone scattered as if the place was on fire. Of course, the honoree ate a tamale with the shuck on and everyone nearby rushed in to talk about President Ford.

Legal Research Board

Last week, two large tins of tamales and two kegs of beer were provided, the guest speaker hung like a spider in a corner, those in attendance buzzed around (some even landed), and then, when the provisions were consumed, everyone scattered as if the place was on fire. Of course, the honoree ate a tamale with the shuck on and everyone nearby rushed in to talk about President Ford.

Faculty

Yesterday, the law faculty threw a BLT party. The freshmen class sued under the DPTA—it turned out to be a Beer, Law and Tamale party.

New SBA President Flunks Humanity Screening Test

Seen here without his human make up, cerebus lupus 176, a Centian from Sirius in Canibis Major has been posing as a Quasi-human. When confronted with the facts by a Witan Law Wars Comix reporter and asked if he intended to resign, CL 176 distained to be questioned but did make the following comment: "Ordinary human intelligence has never been needed for the job in the past, why should it be now?" It is understood that a plan is underway to seek court action if a copy of the law school constitution can be found.

Honour Chamber Opinion

In a decisive, far-reaching opinion today, the Galactic Honour Chamber ruled that photocopying blue books and handing them in as original work during examinations is a technical violation of the Honor Manifesto. All violators will be severely disciplined, such discipline to include and not be limited to deozonation, wrist slapping, tongue lashing, and a one light year tour of duty on the interplaetary garbage scow.

Planned revision of the Honour Manifesto is anticipated sometime in early Witan Date 10999.1231

ALIEN REVIEW

Flash! Conclusive proof that Ambrose Bierce, author and malcontent, was an alien from Remulak. He will appear as guest host Saturday Night Live at an undisclosed future date. Our information is hot from the Time Gate (Trekkies: episode 498, Stardate 527.028remember?); we overheard the following conversation between Bierce and an alien cohort:

LUNARIAN: Then when your Congress has passed a law it goes directly to the Supreme Court in order that it may at once be known whether it is constitutional?

TERRESTRIAN: Ono; it does not require the approval of the Supreme Court until having perhaps been enforced for many years until somebody objects to its operation against himself—I mean his client. The President, if he approves it, begins to execute it at once.

LUNARIAN: Ah, the executive power is a part of the legislative. Do your policemen also have to approve the local ordinances that they enforce?

TERRESTRIAN: Not yet—at least not in their character of constables. Generally speaking, though, all laws require the approval of those whom they are intended to restrain.

LUNARIAN: Isee. The death warrant is not valid until signed by the murderer.

TERRESTRIAN: My friend, you put it too strongly; we are not so consistent.

LUNARIAN: But this system of maintaining an expensive judicial machinery to pass upon the validity of laws only after they have long been executed, and then only when brought before the court by some private person—does it not cause great confusion?

TERRESTRIAN: It does.

LUNARIAN: Why then should not your laws, previously to being executed, be validated, not by the signature of your President, but by that of the Chief Justice of the Supreme Court?

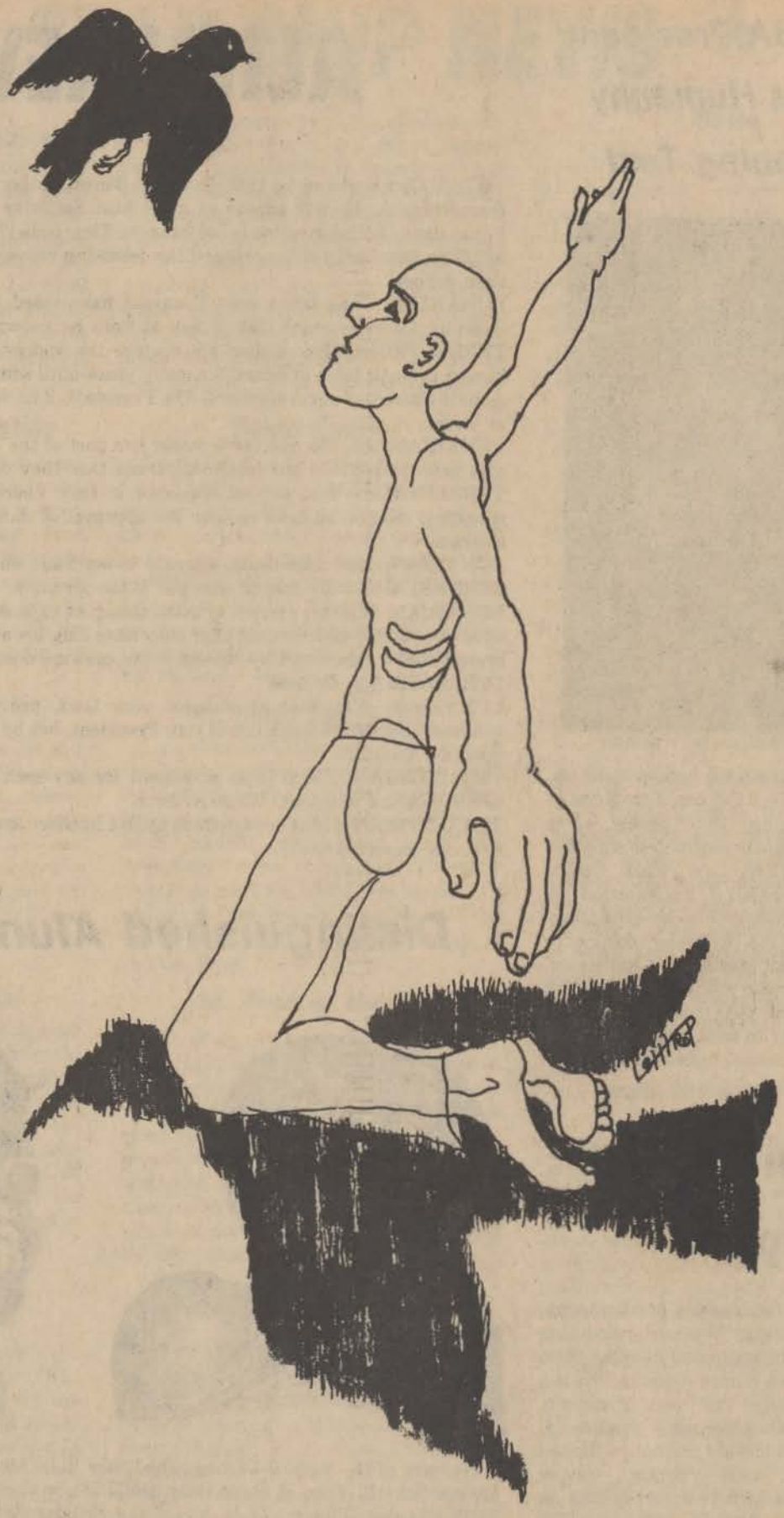
TERRESTRIAN: There is no precedent for any such course.

LUNARIAN: Precedent. What is that?

TERRESTRIAN: It has been defined by five hundred lawyers in three volumes each. So how can anyone know?"

Distinguished Alumni Awards

Winners of the Annual Distinguished Star Ship Alumni Award are pictured here. Mentat-Orky 72 (Class of Witan Date: 10927.58), on the left, currently heads the firm of 7Z,7Z,6X, and Klingon. 7Z is one of the Sellular System's foremost authorities on Brizazt conservation. Jeddadoid-Chrono Rast-Q Type (Class of Witan Date: 10936.53) serves as the Quark Judge of the Interplanetary Court of Blarquinic Appeals. Both of this year's winners reside on Earth's Moon A-7.



WINNING TEAM: MOCK TELEKENETIC COMPETITION.
TOP TO BOTTOM: JAW A-AQ-6, MENTAT-EMOT TYPE 6X, ANDROID-TUTU U-2, FLIGHT TYPE.

Volume 5, No. 10 May, 1978

Witan

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

LAWYERS & LANGUAGE

by James Barlow

Editor's Note: The honorable James Barlow is Judge of the 186th District Court, Bexar County, Texas.

No person can oppose change and last very long in any field. Nevertheless, I believe that we are fast approaching a situation where a law student will be able to go through the entire process with a minimum of experience in the field of writing. Most of the public schools now have gone to objective testing—that is the use of true-false, multiple choice, and like types of questions. I also understand that most ordinary college courses are being graded on an objective basis.

Law school examinations have been increasingly oriented in this direction, and I now understand that for the first time the Texas Bar Examination will be entirely objective. This trend follows the move to the Multi-State type Bar Examination.

It may be possible for a law student to go through the whole process and, except for some themes in Freshman English or some high school themes, not have to write papers at all. If some of us have some doubts as to the kind of lawyers some of these students are going to make it is apparent why; although, they may be better or worse than we are.

It seems to me that there is a difference in the ability to read and the ability to write. You can read very well, and have trouble composing yourself and all you have to do is try it to see the difference.

II.

To be a lawyer is to be a member of the world's great literary profession. Judges alone produce more printed material for any group their size than any other group in the world. You can already see by reading any case book, but you will really get the point when you begin to buy a law library.

There is no doubt that some of the world's great literature and great documents were drafted by lawyers. There is also no doubt that some of the worse use of English that can be imagined has been foisted upon the public by attorneys.

It was Warren Burnett that pointed out that while the members of the Medical profession were still primatively treating their clients by bleeding them with leeches, the lawyers were writing the Constitution of the United States. We are all familiar with the documents of that time, authored primarily by attorneys, that have a stirring quality and even today ring with freshness and beauty that is hard to define.

Daniel Webster, writing on Justice, is one of my favorites of this type when he says:

"Justice is the great interest of men on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands,

(Continued on page 14)

YOU OUGHTA PRACTICE LAW

by Jeff Wentworth

Editor's Note: Jeff Wentworth served as state chairman of the law student committee in 1971 which secured the passage of the bill which allows law students to try court cases under supervision. He was also president of the Texas Tech Student Bar Association and national president of the American Bar Association Law Student Division. He is immediate past president of the San Antonio Young Lawyers Association and currently serves as County Commissioner in Precinct 3 of Bexar County.

If you are halfway through law school, you can go to court and try a case.

It's not quite that simple, but almost. If you're armed with a card from the General Counsel of the State Bar of Texas, and you have a supervising licensed attorney in tow, all you need is the permission of the Court and the parties to the suit, and you're in business.

Voir dire, jury selection, opening statement, direct and cross examination, objections, closing argument, the whole ball game. Just like a real, live, grownup licensed attorney.

It wasn't always so. Used to be only persons who were licensed to practice law could try cases in Texas courts. And that probably sounds like it was okay.

After all, why should anybody else be allowed to try cases?

The answer to that one is that law students nearing completion of their legal education should be allowed to try court cases for the very same reason education students are allowed, without a teaching certificate, to go into classrooms under proper supervision and student teach. It makes both lawyers and teachers, when

(Continued on page 13)

Law Students Win On Hill See Page

Witan Editorials

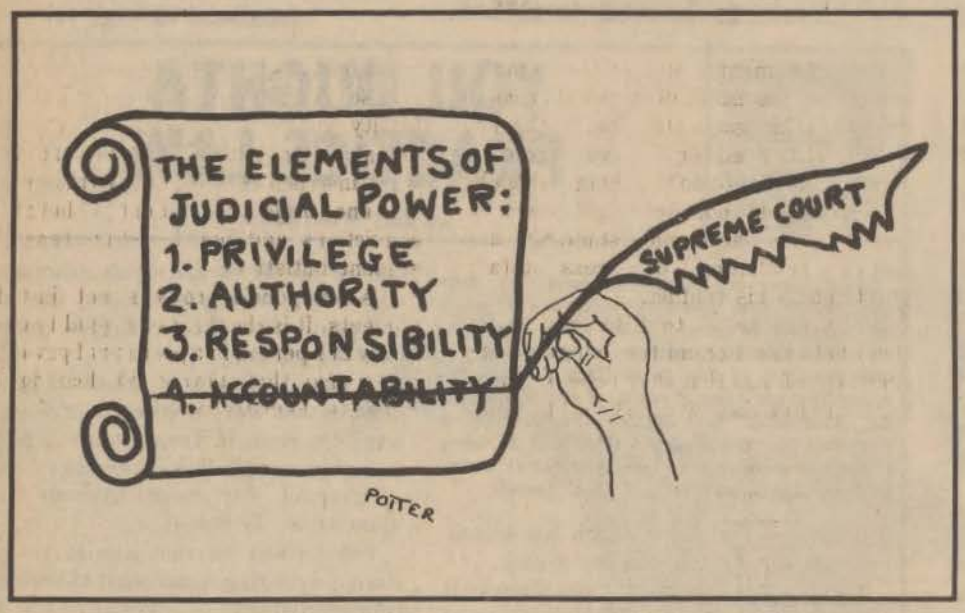
"We the students of St. Mary's University, School of Law, in order to provide on reasonable forum open to the law school community, in which there can be a free flow of self-expression, truthful information, candid opinions, and sincere constructive criticism, do establish this our Constitution..."

Thus did its authors set forth the goals of the WITAN, goals that shimmer in idealistic luminescence through the tedious Constitution. Perhaps they are more idealisitc than real especially when they run the gamut of imprimatur and economics, but then they are of human issuance and we so often fall short of the mark. Could you imagine the boredom of things human made perfect by the absence of the follies that adorn them so charmingly? The crown of wild olive was desirable in spite of its plenitude.

And lo! Already I descry the wonderment — "what is Schroeder trying to say in such a left-handed style?" Well, I have long watched the Witan wend a perilous path beset by the rooks of free speech and of censure. Only a damned and chosen few disbelieve in freedom of the press and yet our paper is partially funded by the University. Even in America the rule holds fast that they who pay the piper write, at least in part, the ethic. We speak for both the students and the School of Law.

Tribalism, despite its attraction, is not the WITAN philosophy. We will not suffer personal attacks for they are unworthy of the WITAN and unworthy of you.

Dean Castleberry told me that if the WITAN were financially independent and divested of its logo it could print anything. From a practical standpoint that would lead us to utter rack and ruin for we would then be essentially an underground organ and at such cut off from contributions from faculty and distinguished members of the legal profession. We need not walk the Via Dolorosa or the road to Emmaus but rather seek to uplift the School of Law. We are on the threshold of a Pax Romana.



LAST ISSUE:

FOUR MONTHS TO READ IT, SO SAVOUR EVERY WORD.

WITAN's appointment of an Alumni Editor is a new effort to foster a journalistic forum for alumni contributions, requests, bequests, ideas and announcements. Yearly Alumni subscriptions to WITAN may be obtained by mailing ten self-addressed stamped envelopes to:

St. Mary's Law School
One Camino Santa Maria
San Antonio, Tex. 7822

Witan

WITAN STAFF

Editor-in-Chief ..... Edward Schroeder
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Contributors: Jeff Wentworth, Jim De Petris, Lynette Tandy, Mike Hernandez, Pat Priest, Claude Ducloux, James Barlow, Ken Odin, Joe Ruppert, Sue Hall.

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

COMMENT

'Hearse Horse's Snicker'

By Pat Priest
Attorney at Law
San Antonio, Texas

If you have not read Sandburg's poem, do so before graduating from law school. It succinctly states the position held by what is probably a majority of your fellow citizens about lawyers. We are viewed by many of our lay peers as minimally necessary evils, and little more.

A prime reason for this public attitude toward us is the advocacy system, which some lawyers and most laymen simply do not understand. The notion is abroad in the land that it is the business of lawyers - or at least ethical ones — to "do justice," or to "see that justice is done," in some abstract sense. On the bottom line, to which our business brethren like to refer, it is certainly the business of lawyers to help find justice; however, (and this is the part not always understood by our detractors), we do so, under our system, through vigorous advocacy on behalf of him to whom we owe total dedication, our client. Our system assumes a high degree of adversarial zeal on each side of the docket, whereby each party litigant has his case presented in its most favorable light and is given an opportunity to deflate the opposition's case as best he may. Because we are civilized, we have an arbiter, presumably learned in the law, including the rules of evidence and procedure, who sees to it that each side remains within the bounds of propriety and fairness. Finally, the finder of fact — who, under our system, may be a jury or judge, as the parties may elect — having ideally heard each side of the case presented "best foot forward," decides where justice lies.

If a lawyer, retained or appointed to represent the interests of a client, allows himself or herself to make value judgments about the client and the case — if, in short, the lawyer seeks to determine where justice lies — then the lawyer assumes unto himself the roles of all the participants in the entire system and effectively substitutes personal judgment for the combined wisdom of several

(Continued on Page 10)

Letters

Dear Editor,

We've got a problem here. The problem is, I'm afraid to write this article. In the past two years as I have gotten to know this place and to feel a little more at home here, I naturally have taken more of an interest in the way the law school is operated. Not surprisingly there have been things that have happened from time to time that I haven't liked. That's not unusual, I don't expect the administration, the student government, even my close friends to agree with me on everything. As Prof. Francisco might say, "everyone's entitled to her own stupid opinion."

The problem is that in other settings, especially other schools, I have not felt afraid to assert my opinions and to act upon my beliefs even when others disagreed. At St. Mary's, that is not the case.

In dealing with the leaders of student organizations, the editors of the newspaper, and students in general, one very soon realizes that there is a pervasive reluctance to oppose the administration and faculty with any real zeal for fear of what the consequences might be for the opposing individual in areas like grades, recommendations, etc.

The newspaper has been censored in the past years on several occasions. Every time I have discussed the problem with an editor of the Paper, he has told me that, whether I believe it or not, he truly feels that to vehemently oppose the administration on the issue of censorship could jeopardize his good standing in the law school. Every editor I have talked to actually felt that to do the things which he felt he should do, he might have to sacrifice his academic standing and sustain retaliation in areas totally unrelated to his conflict.

When you speak to SBA leaders, to Dean Selection Committee members, etc. and they tell you that they believe that to fulfill the role they were elected to fulfill, they would be sacrificing their own standing it's not hard to understand why the student's interests are sometimes not forcefully represented. Not many people want to spend several thousands of dollars, and alot of time and energy to become a martyr with a story to tell.

I am not saying that a contract automatically goes out on whomever rocks the boat. I am saying that there is some evidence of irrational hostility toward students, student leaders, etc. when conflicts arise, as they are bound to do. And the real problem is that whether such retribution occurs or not, many feel that it is a risk you take when you choose to oppose. In short, maybe it doesn't happen but most believe it could.

This is not a healthy relationship for a faculty and administration to have with its students. I want a newspaper editor who's not afraid to be candid nor afraid to oppose undue interference from the faculty. I want an SBA leadership that is not afraid to take independent action. I want instructors and administrators who will encourage the student to honor his convictions and not feel threatened by student initiative.

It's everyone's problem, not just the students. It is the duty of a good teacher, of any fair person in a position of power, to not abuse that power by leaving his integrity open to speculation.

We should all assume the best about each other, but it is not a graceful use of power to be so noncommittal or unconcerned that your integrity is depended on only by those who are bold enough or stupid enough to test it without assurance or prior indication of what the consequences of relying on you might be. The doors should open from the inside.

I have been a student for a long time and have done a little teaching also. I don't believe a repressive atmosphere is good for either students or instructors.

Next year I would like to feel a change for the better.

Ken Oden

There is a difference between censorship and freedom of expression.

H.G.R.

LAW SCHOOL NEWS

Vanquished but valiant, the WLA softball team following their ill-fated game with the faculty on 8 April, 1978.

Legal Research

Interviews for officer positions on the Legal Research Board were held March 16th. The following individuals were selected to continue operations for the 1978-79 school year:

Chairman:
Steven Sherwood

Business Director:
Jim Ginzkey

Client Relations Director:
Lee Elms

Writing Directors:
Joe Ruppert
Philip Eisele
Tim Dorsey
Joe Tedesco

These students and the remainder of the Legal Research staff assisted in the L.R.B.'s most productive and financially successful semester since its inception in 1973. Twenty-nine memos were received from attorneys state-wide during the past summer and fall semesters grossing the Board over $2,800.00, of which $1,400.00 was paid to writers. The L.R.B. is completely self-sustaining financially, receiving no funds from the law school budget. Writers receive, on the average, about $40.00 per memo, with some writers earning $80.00-$100.00.

Other law schools (University of South Carolina, Duke University, Toledo University), noting the success of St. Mary's Legal Research Board, have requested assistance in organizing their own student research program.

The new Board tentatively plans to hold a meeting, May 31 - June 7 for students interested in writing for the upcoming semester. Notices will be posted on the L.R.B. bulletin board.

Tarleton Inn

by Bill Crow

David Chamberlain joined a long line of distinguished St. Mary's graduates when members of Phi Delta Phi (Tarlton Inn) selected him to receive the coveted Graduate of the Year award for 1978. The recipient of the honor will compete against other representatives from Province XVI schools for the title of Province Graduate of the Year. Ultimately, an International Graduate of the Year will be selected from the Province winners chosen.

The award is bestowed on the basis of scholarship, extracurricular activities, and service to the school and the fraternity. David has excelled in every category. Currently he is ranked in the top five percent of students in his class. He is a Notes and Comments Editor on the St. Mary's Law Journal, and has had two publications since his affiliation with the Journal. He has been a participant in Freshman Moot Court, and has served Phi Delta Phi as an officer for three semesters. Twice elected Parliamentarian, he was responsible for the revision of Tarlton Inn's by-laws. Currently he is serving as Vice Magister of the fraternity. In addition, he was selected last fall by a faculty committee for inclusion in Who's Who in American Universities and Colleges.

Although the award carries no monetary value, David will receive a certificate designating him as Tarlton Inn's Graduate of the Year. With the certificate come the best wishes of the members, for his continued success in the next phase of the Graduate of the Year selections.

Congratulations

Jim De Petris

It does happen here. All too seldom feelings and romance are brushed aside in our anxious desires to climb ahead in law school. But when two energies meet and blend perfectly together, there is no adverse environment that will restrain them. Lynn Radke and T. Marc Perkins have announced their intentions to marry this July here in San Antonio. Best wishes to a perfect match.

★ Legal Research
★ Tarleton Inn
★ Congratulations
★ University Senate
★ Elections Return
★ Delta Theta Phi
★ Seniors Hood

University Senate

In a Democratic coup, several law students have bridged the chasm between Law School and the pinnacle by sweeping recent university student senate elections.

Mark Thornton, mid year, vanguard of the "Spirit Party", was elected university senate president by a landslide by 349 votes. In Texas, a landslide is any amount greater than 13 votes). Ken Oden, mid-year, was elected first vice-president by a similar margin.

Five fellow law students also won the five law/graduage senate seats. Sarah Cristol, Rex Easley, John Roehm, Frank Ruttenberg and John Talbot, will assume their duties as student solons at the close of this semester.

Elections Return

Newly elected SBA officers and members are as follows: President - Jackie Wolfe, Vice-President - Mary Jo Trice, Secretary - Julie Heinrichs, Treasurer - Frank Ruttenberg, ABA-LSD - Scott Spears; Jester - M.D. David Weiner (by acclamation)

Third year Senators are: Ken Oden, Dan Monaghan, Tom Donahue, Jim Ginzky, Les Romo, Frank Rivas, and Fred Jones; 2'nd year Senators are Martha Warren, Don Cosby, Gary Davis, David Jones, Diane Hepford, Denny Voight, and Beverly Clay.

New Honor Court Justices-at-large are Frank Gerold and Scott Breen.

Linda Moore is the new 3rd year justice and Buddy Barretto is the new 2nd year justice.

Delta Theta Phi's new officers are: Dean - Jim DePetris, Vice-Dean - Mary Jo Trice, Exchequer - John Vance, Tribune - Mary Jay Najvar, Clerk of the Rolls - Janet Riola, Master of Rituals - Eddie Rodriguez, and Bailiff - Kim Simpson.

Phi Alpha Delta's new officers are as follows: Justice - Bruce Neyland, Vice-Justice - Richard Hayes, Marshall - Steve Lee, Treasurer - Robert Etlinger, and Clerk - Barbara Parker.

Phi Delta Phi's new officers are as follows: Magister - Charles Beckman, Vice-Magister - David O'Neil, Exchequer - Keith Davis, Clerk - Debbie Becker, Historian - Linda Moore, Rush Chairman - Bruce Hill, Social Chairman - Karen McHugh, Parliamentarian - Ike Lasater, and Senator - Hal Walker.

"I was pleasantly surprised with the enthusiasm and support at the law school," Oden said. "I hope we can get some clout on the hill, it couldn't get any worse," he said.

The torch will be passed to Thornton and Oden at the next university senate meeting.

Delta Theta Phi

by Jim DePetris

Delta Theta Phi is looking ahead to a promising fall semester with over 140 members and a new crew of motivated officers. Big events and activities are on the drawing boards for next spring.

On April 12, 1978, Delta Theta Phi's officer initiation party took place at Laura Bertetti's residence of 126 E. King's Highway. The festivities included refreshing brew and catered Mexican food complete with pinatas. Some of our more musically inclined members brought their guitars out for a bit of impromptu entertainment. Members, faculty members, judges, and respective guests enjoyed the festive merriment.

Seniors Hood

As the end of the tunnel draws ever closer, graduation becomes increasingly more significant. The Graduation Committee has finally solidified the plans for the Hooding Ceremony and Reception. The printed material set out above includes all pertinent details. Printed announcements for the Hooding Ceremony and Reception may be picked up free of charge in the St. Mary's bookstore. All graduating seniors are encouraged to submit the $15.00 fee to the receptionist as soon as possible. Guest tickets will be sold in the classroom building April 10-12 and again April 17-18. All admission will be by ticket only. Those persons not desiring to attend the reception may pick up complimentary tickets in the classroom building on the above dates. Everyone is encouraged to attend the ceremony and open bar reception afterwards. Any inquiries may be directed to the Committee: Richard M. Roberson, Chairman; Tom Turner, Dick O'Neil, Bob Fano, Ray Desmone and Don DeCort.

ST. MARY'S UNIVERSITY
School of Law
HOODING CEREMONY & RECEPTION
On the 7th day of May

Nineteen hundred and seventy-eight
2:00 to 5:00 p. m.
Alzafar Shrine Hall
I H - 10 & Huebner Rd.

Senator Sam Ervin circumvents the perils of tamales and weaves words about life with Greg Powers and Bunny Reed.

PLACEMENT NEWS

by Sue M. Hall

Since this is the last issue of the Witan for this academic year I want to tell those of you who are graduating in May and August the services that are available to you after graduation.

First of all, you are still eligible to read and check out any of the placement materials that we have that are available to you as students. We also continue the counseling (career-oriented), assistance with resumes and interviewing techniques, etc.

For graduates only we have what we refer to as our "mailing list" which is a service where we send weekly job offers that come into the office which are normally posted on the job board. The mailing is normally done on Fridays which means the jobs would reach you Saturday or Monday.

In return we ask little, and, at this time, no money. We ask only that you let us know when you no longer need to receive job listings, that you tell us when you have obtained employment to your satisfaction and that you return to us a job questionnaire which we complete on each graduate.

And speaking of the questionnaire. If you are graduating in May or August and have already obtained employment, please come into the office before you leave campus and complete the questionnaire. It saves us time, money and hassle. Thanks.

Hernandez Comments On Justice

"An indictment can destroy a young person's life. All too often a young person winds up in jail and insensitive handling of the indictment permanently damages his opportunity for a normal career," said Mike Hernandez, candidate for DA, at his birthday celebration at La Villita Assembly Hall with over 1000 supporters present.

"We need to direct our energies through agency representatives and also develop cooperation with members of the community to help instill a sense of stability in our community and our children."

Hernandez said, "Special emphasis and priority will be given to the prosecution of sensitive crimes of sex."

Hernandez cited over 350 returned indictments on career criminals. Out of these only 43 life sentences were rendered showing that plea bargaining is still implemented, "this is not justice applied equally".

We need to work with youth by sending investigators and prosecutors to schools to work with school officials and counselors. We need to educate the children on the judicial process by tours of criminal courts, student participation in mock trials, and active participation in a system with a Citizenship Award for the young people."

RULES FOR THE LAWYER'S WIFE

by Mrs. Alex R. Tandy

Editor's Note: Lynette Tandy is a published author of childrens' (and parents' literature), and a reading specialist with Texas Christian University. She and her husband Alex, two children live in Weatherford.

1. RESPECT your husband's time. Some evenings he must return to the office. Some week-ends and out-of-town trip will be necessary. In the wee hours of some mornings he may be called to the jail. Just make the uninterrupted hours as pleasant as possible.

2. RETAIN the friendship of your husband's secretary — no matter the cost. If she is an efficient legal aide, she is invaluable to your husband and also to you as she makes his working day bearable and enjoyable.

3. REPORT personal grievances directly to your lawyer-husband before Domestic Court action is necessary. Talk to him about your feelings and listen to him as he expresses his. Settle misunderstandings before much time passes.

4. REMEMBER that your husband is the lawyer — not you. Don't give advice to clients who call at home. Never quote a law as an absolute; laws sometimes change without our husbands mentioning it to us.

5. REGISTER compliments with your husband periodically. He hears only complaints all day long; change the aura of unpleasantness which might follow him home. Be supportive of him.

6. RECOGNIZE that conversations with your spouse are confidential. My husband and I have understanding that he never mentions a client's name or case if I have a relationship with that person in which I might be tempted to express sympathy or disdain, or any other emotion.

7. REALIZE that your husband has many interesting, many attractive clients but chose YOU as his life's companion. Be not jealous of confidantes. Be flattered that those lovely ladies sought him out for legal advice.

8. REVITATLIZE your contract with your lawyer-husband periodically. Most marriages require TLC; the marriage between a lawyer and his mate is no exception. An occasional trip together does wonders even if it means hiring an overnight babysitter.

9. REQUIRE all family members to honor your husband's right to privacy. Everyone needs some quiet time. No conversation, I have learned, does not necessarily mean lack of love but a need for solitude to rehash the day's activities.

10. RELAX by having a hobby in which you can gain expertise and pleasure. No one is more boring than the lawyer's wife who has nothing to discuss except her husband's job. Become an expert on raising roses - but leave my depression glass alone.

REVIEW

THE DEVIL'S DICTIONARY

Law study is a serious undertaking; so serious is it that the temptation is strong (and many of us indulge it) to immerse ourselves in it to the exclusion of nearly everything else. A convenient preventive and antidote for this condition, incipient lawyerly stodginess (or, incipit tumidus iurisconsultus, for those insistently terminal cases among us) is The Devil's Dictionary by Ambrose Bierce.

I am pleased to report that the most dedicated law student may read this book without serious distraction from his orthodox regimen. Mr. Bierce was so well acquainted with the law that he is able to impart current law in a most epigrammatic form. Witness two examples of procedures:

"Nose, n. The extreme outpost of the face. From the circumstance that great conquerors have great noses, Getius, whose writings antedate the age of humor, calls the nose the organ of quell. It has been observed that one's nose is never so happy as when thrust into the affairs of another, from which some physiologists have drawn the inference that the nose is devoid of the sense of smell.

There's a man with a Nose,
And wherever he goes
The people run from him and shout:
"No cotton have we
For our ears is so be
He blows that interminous snout!"

So the lawyers applied
For injunction. "Denied,"
Said the Judge: "the defendant prefixion,
What'er it portend,
Appears to transcend
The bounds of this court's jurisdiction."
Arpad Singiny"

"Forma Pauperis (Latin). In the character of a poor person — a method by which a litigant without money for lawyers is considerately permitted to lose his case.

When Adam long ago in Cupid's awful court
(For Cupid ruled ere Adam was invented)
Sued for Eve's favor, says an ancient law report,
He stood and pleaded unhabilimented.

"You sue in forma pauperis, I see," Eve cried:
"Actions can't here be that way prosecuted."
So all poor Adam's motions coldly were denied:
He went away - as he had come - nonsuited.

G.J."

This book may also serve them well who find themselves becoming unduly grave by their study of law. For those susceptible of falling into pomposity and thereby losing their ability to, as someone once wrote, see themselves as others see them, a palliative:

"Accomplice, n. One associated with another in a crime, having guilty knowledge and complicity, as an attorney who defends a criminal, knowing him guilty. This view of the attorney's position in the matter has not hitherto commanded the assent of attorneys, no one having offered them a fee for assenting."

Finally, it is said by some in law that the compleat lawyer will serve his client well while keeping an eye out for opportunities to reform the law where needed. Mr. Bierce addresses himself (more or less) to this point in his definition of a branch of government co-equal with the judiciary:

Executive, n. An officer of the Government, whose duty it is to enforce the wishes of the legislative power until such time as the judicial department shall be pleased to pronounce them invalid and of no effect.

Nor is law all that is examined for the reader by Mr. Bierce. Politics, art, philosophy, religion, and more, are shown also in unusual aspects. Warning: there are often secondary and sometimes tertiary detonations in the meanings. Come to this book armed with a good dictionary (a conventional one, of course).

by William Bryan

All Things Considered

BIX BLACK AND DADDY HOBBS

Once again I'll be exploring the other side of our faculty. This article will feature Professors Black and Hobbs.

Mr. Black is currently a reporter for the Speedy Trial Planning Group of the Western and Southern Federal Districts of Texas. In this capacity he is a consultant and analyst trying to devise a plan so that these districts can comply with Speedy Trial Statutes. He also has a soon-to-be published article on Evidence appearing in the South Western Law Journal. This feature will compare Texas law with the Federal Rules of Evidence.

On the lighter side he plays the coronet on what he described as a "purely amateur basis." This is in keeping with his love of all music, especially jazz. He also enjoys going to bull fights and is a loyal New York Yankees fan.

We will all miss Mr. Black next year as he goes to S.M.U. for a one year visit to teach Evidence and Procedure.

Next door to Mr. Black in the faculty building is "Daddy" Hobbs. Mr. Hobbs has done a great deal of work in the area of Probate. He was Chairman of the A.B.A. Commission on Significant Current Trends in Probate and Trust Law and Chairman of the Bar Commission on the Uniform Probate Code. He recently finished a comparison of the Uniform Probate Code and the Texas Probate Code which he will testify about before the Texas House Judiciary Committee. He has put in many years with the Real Estate, Probate and Trust Section of the Texas Bar Association of which he is a past chairman. He wrote a book entitled HOW TO LIVE AND DIE—WITH TEXAS PROBATE and co-authored the Texas Land Titles Text book.

His hobbies include cooking, fishing, travel, photography and lapidary.

Mr. Hobbs has certainly been a welcome addition to the St. Mary's Law Faculty coming here after 25 years of practice in Ft. Worth, Texas.

by Doug Wright

MS. DEMEANOR

Some of you probably wondered about the photo in last month's (pre-Comix) WITAN which pictured a troop of beaming, sweat-drenched female faces. If you weren't able to guess, that was our own impregnable Ms. Demeanors women's basketball team, which went undefeated on its way to capturing this year's intramural championship. Nobody at St. Mary's has ever done it like that. A 19-14 see-saw victory over G.D.I. provided a sparkling finale to the unblemished season. One's breath is stolen upon consideration of individual standouts (as well as sit-outs and foul-outs). Sue Andrews provided indispensable leadership, playmaking, fast-break artistry, and generally reduced the opposition to a quivering mass of girlish fear. Summing up her feelings about the season, Sue said, "I never had any doubts." Sally Swanson, ever-alert and agile on her toes, maneuvered through defensive formations and seemed to be in her element in the 10-20 ft. range. Sally remarked, "We COULD HAVE done it without Sue." Linda Moore impressed the spectator (when he/she showed up) with her muscular versatility and cool, unselfish teamplay. Someone overheard Linda blurt out, "I agree with Sally." Mary Najvar was a real defensive standout; she pursued and clung to the enemy with almost perverse energy. "I did it for my kids," was all Mary could say when it was all over. Her kids added significantly, "What did she do?"Kathy Randall, a question mark in many minds at the beginning of the season, proved the value of question marks to many bewildered opponents. As if that werent enough, Kathy exclaimed, "You must have missed my hot games." Melissa Hirsch, who made several cameo appearances, often stumbled into the happy, timely accident. Melissa was more philosophical than the others about the team's success: "The secret was lots of hustle, and very little hustling." Kathy Leach, a study and silent competitor all the way, looked us straight in the eye and said, of course, nothing. A key element in the Ms. Demeanors' attack came from the likes of Janette Hinrichs, Trina Nordstrom, and Patty Lankford, who were always ready to relive the front-line at the skip of a breath. Although the attendance was seldom worthy of the performance on the floor, those who dropped by enjoyed every unpredictable moment. One anonymous stray wag, with the benefit of houndsight, observed that those Ms. Demeanors are in a class of their own."

The players celebrated their unprecedented accomplishment amidst the inappropriate elegance of the Bull Moose. The festivities, which included numerous on-stage toasts from appreciative strangers, were marred by the discovery that one stranger was so appreciative that he/she ripped off the championship trophy. The authorities refused to investigate the villainy upon learning that the women had already had their day on court.

Note: For complete text of players' comments, see any of the reporters.

by M.D. David Weiner, Sylvia R. Andrews, and Kimball Simpson

PHOTON BUTTERFLY

MOOD: Ambushed and groaning butterfly on impulse power only, armed with wings of tiny photon torpedoes.

Oh just locate this essay somewhere in the art section, new WITAN editorial board. Call it creative. Not news, not an editorial, not a viewpoint — you now decide because I simply want to write as a Citizen.

For six semesters I have been with WITAN and was on the editorial board itself under four different editors. I write now no longer shackled with a burden of false propriety, no longer wondering how to print articles hoping to ameliorate the apathy of most law students, no longer worried about WITAN's month-to-month financial existence, and no longer willing to be silent on the existent chilling effect of saying freely yet pleasantly what's on my otherwise calcifying mind. I write with the authority of my experience, with no malice, with truth, and with an Orville Walker idea of being constructive.

WITAN, I am amazed that you're even alive considering the journalistic hassle you've endured each and every of these past five struggling years. Yet, I applaud the recent (February) oral understanding, given to ex-editor-in-chief Raymond Desmone by Dean Raba, to the effect that WITAN would be required to submit before publication only those articles which WITAN itself considered to be controversial, using, in that case, its own wise discretion. I urge WITAN to reduce this oral agreement to an SBA-approved, constitutional amendment to itself.

I would not have thought my urging necessary, however, until WITAN's March edition. In that month the reader surely noticed that absolutely no news coverage was given to a front page headline. A front page headline, mind you. Behind this untold story, at least in part and in my opinion, lies the latest and blatant example of faculty prior restraint and its subsequent chilling effect.

Yeah, yeah, I know. No state action involved here. So what if the First Amendment is here technically inapposite (although I believe the presence of state action is arguable?) So, as I suggested, locate this essay in WITAN's art section.

Another March edition must not happen! March WITAN was a wholesale retreat from the fine agreement mentioned above. Rather than printing the factual truth, which in an abundance of caution was submitted by WITAN prior to publication for faculty advisement, and which was subsequently considered to be politically ugly and sensitive, and rather than risking a renewal of prior restraint, WITAN said nothing. It ran a front page headline and said nothing.

Look at the WITAN situation: WITAN compromised and here everyone was compromised. Butterfly, WITAN, fire photon torpedoes.

by Denny Callahan

★ Family Violence
★ Legal Advertising

ABA

Family Violence

WASHINGTON, D.C., March 10 — Action must be taken to combat the overwhelming number of wife beatings and child abuse incidents that occur each year in this country, the American Bar Association told Congress today.

Family violence is an extremely serious problem affecting all races and economic classes in America, said Sara-Ann Determan, co-chairperson of ABA's Section of Individual Rights and Responsibilities' Committee on Rights of Women.

Testifying at a Senate Human Resources Subcommittee hearing on domestic violence, Ms. Determan said, "The victims of family violence are usually unable to protect themselves because of their economic and psychological dependence on their abusers and their inability to alter the pattern of family violence."

Therefore, she said, federal legislation is needed "to establish a priority for combatting family violence and to implement a national strategy involving coordination of existing programs and research looking toward the initiation of new programs and efforts in this area."

She pointed to FBI statistics showing the number of domestic beatings are three times as large as the number of rapes — "and there is a rape reported every three minutes."

Further, she said, the FBI estimates these figures represent less than 10 percent of the total number of "wife-beatings" that occur.

Determan also pointed out that one-eighth of all homocides in the United States are spouse killings and one-fifth of all police officers killed annually die while responsing to domestic disturbance calls.

"Child abuse, too, is a serious national problem," she told the committee.

"It is currently estimated that annually one million children in the United States are victims of child abuse and neglect," Determan said.

She added that a recent Senate report estimates that child abuse is involved in 2,000 child deaths annually.

For these reasons, she said, "it is imperative that the government take action to combat the crimes of woman battering and of child abuse."

Hearse Horse's . . .

(Continued from Page 3)

hundred years of Anglo-Saxon jurisprudence.

By refusing to make just such judgmental decisions, and by refusing to arrogate the right to decide where justice lies, however, the lawyer exposes himself to accusation — he is slick, he is available for sale to the highest bidder, he is amoral, he is immoral, he is dishonest, and the hauling away of his bones is a fit and proper occasion for the snickering of the hearse horse.

On the other hand, being an advocate doesn't necessarily mean trying every case. Experience, combined with legal learning, will enable a lawyer to predict, with some degree of accuracy, the probably outcome of proposed litigation, and it is, rather obviously, the duty of the lawyer to advise some disposition short of trial in many cases. This is, however, fundamentally different being from a mere ombudsman. Informed evaluations of the probabilities surrounding lawsuits are a major part of the lawyer's function, as are decisions relating to how to proceed, but deciding where justice lies is not.

Taking as the major premise that the lawyer's primary duty is zealous representation of his client, and assuming the minor (for purposes of this syllogism only) premise that the client's notion of good representation is a good outcome in his case, it follows that the lawyer's duty includes the recommendation of settlement in many cases, for the reason that frequently that is how the best result is obtained. In such cases, the advocacy takes place in settlement negotiations with opposing counsel (in the civil setting) or in plea bargaining with the prosecution in criminal cases.

Advocacy in the plea bargaining or settlement situation has a little different flavor than it does in a jury trial. Jurors are not professionals, and don't know what the "going price" for the case at hand may be the lawyer on the other side of a negotiated settlement will, however, bring to the settlement discussions of his own background and experiences, just as you will, and will have a good general idea of what the case is worth. At this stage, discussions can become a little like playing poker. Judgments must be made as to how much to disclose to the opposition — if you hold back too much, agreement cannot be reached, and if you disclose too much and do not reach agreement you may have impaired your position at trial. Of course, modern discovery rules have eliminated a lot of surprise from the trial of a case, but there are still subtleties and nuances which may profoundly affect the trial of a case which will not be ferreted out by the best discovery procedures. In this context, advocacy becomes the art of convincing the opposition that he has overrated his own case or undervalued yours.

This "back room" dealing in legal controversies and human lives probably exposes lawyers to as much contempt and distrust as any aspect of the legal profession. It does, however, lead to two desirable results. First, a degree of uniformity is introduced which tends toward making justice truly equal for all. (Any trial lawyer will tell you that a given set of facts could result in any verdict from "Plaintiff take nothing" to Hundreds of Thousand of Dollars, or from "Not Guilty" to life imprisonment). Second, the citizens continue to have access to the courts without exorbitant tax burdens which would result from every case being tried.

So long as our system of justice continues, the lawyer's duty — to the court, as well as to the client — will continue to be representation of that client, within the limits of candor, with all the zeal at his command. So long as there are unpopular clients with unpopular causes, lawyers will be misunderstood and mistrusted.

If popularity is your goal, you should have gone to Med School.

RELEASES

Legal Advertising

Lawyers consider advertising the single most important issue facing the legal profession, according to LawPoll, a new feature of the American Bar Association Journal.

LawPoll, conducted for the Journal by Quayle, Plesser, and Company, Inc., found that advertising and other aspects of lawyer's relationships with the public are of much more concern to the legal profession (71 per cent) than the practice of law (33 per cent), conditions of the bar (30 per cent) and the system of justice (21 per cent).

Based on a random telephone survey of 602 ABA members in August, LawPoll found that 42 per cent of the respondents listed advertising as their top individual concern.

Lawyers' image before the public ranked second followed by ethics, legal services for the middle class, legal services for the poor and specialization.

Unequal justice ranked as the least element of concern.

Sixty-eight percent of those interviewed said they disagree with the premise that lawyer advertising will lead to more competitive pricing, resulting in a general fee decrease.

On behalf of Phi Delta Phi, Ann Livingston and Bill Crow present the traditional book award to Paul Ferguson.

Career Guidance Without The Great Weight of Authority

by Claude Ducloux
(Exclusive to the WITAN)

As I approach the milestone marking my first complete year after the bar exam, I reflect upon the past year's (mis)adventures and I arrive inevitably to the one inescapable conclusion: I should have been a dentist. Dentists always seem so happy, they know where they're going, they have Wednesday off, and find a great deal of satisfaction and profit in being "down in the mouth." (Sorry)

However, there must always be something salvageable from misfortune, even if it's being secure in the knowledge that although financially you border indigence, you are, in fact, smarter than Billy Carter. (What a hit I'll be when my brother becomes President.) But seriously, I feel if one person in pre-alumnus land can benefit from my misjudgments, it was a valuable experience. We must take the good with the bad, the sweet with the sour, the Agency with Partnership and so forth. In some ways we can all benefit from the indiscretions of others. For example, do you think that Jimmy Carter has a tape recording system in the White House? Do you think David Marston's successor will prosecute politicians? Do you think Mr. Francisco has a heart?

There exists, of course, in the minds of idealists the notion that nothing can be gained from instant success. Those idealists have co-authored a book (fiction): The Uniform Commercial Code. For many young hopefuls, the answer has been to find a vehicle with which to hitchike up the road to success. After all, where would Justice Andrews be without the Palsgraf case? Where is Sonny without Cher? Liver without onions? David Dittfurth without Federal Procedure?

My chief mistake was to endure law school and the bar exam, only to leave the jurisdiction to attempt employment in the entertainment industry. This principle faux pas was of course accompanied by many collateral indiscretions, all resulting from lack of foresight or knowledge. Fortunately, the majority of my mistakes are subject to the "harmless error" rule, vitiating the necessity to file for retroactive birth control on behalf of my parents. But for those of you "actual notice" fans, a few selected hints on life, as it were, on the west coast while attempting employment in the big time. All of this, of course, despite the calculated risk of becoming the law school's "Rona Barrett in Abeyance."

First, bring along a few comfortable cars; you'll be spending a great deal of time in them. By statute, you are not allowed to drive less than 40 miles at one sitting. You've heard of jury duty? In Los Angeles they have "freeway duty" wherein the highway patrol requires that certain freeways remain terminally clogged. They claim it keeps away earthquakes.

Secondly, and more importantly, bring along an alter ego. No one in the city is allowed to be what they seem to be. For example, your waitress is actually an actress, the guy at the filling station is a singer between jobs, the clerk at Safeway is a writer, and every person in West Hollywood is really weird. (Had Star Wars been filmed in Hollywood, the money they could have saved on makeup!)

The next requirement gives you an option. If you want a job, you have the option of being independently wealthy or being Gerald Ford's offspring. If, by some cruelty of fate, you should find yourself in neither of the above categories, you have the option of making a pact with the devil (which is arguably a violation of Article 9 of the A.B.A. Code), or waiting in line for interviews along with all the other young hopefuls who are destined to well-deserved anonymity. You find yourself running into literally thousands of people who rely on the credo that if one waits long enough, there will be a fleeting moment when you will be "at the right place at the right time" and land that glorious go-pher position for a rich producer. This initial niche will supposedly put you on the ladder to traditional advancement.

But alas, there has never been a credible "merit system" in show biz: for every role performed there are thousands of actors who can do a comparably meritorious rendition; for every script performed, literally hundreds of scripts will be shelved.

The entertainment industry, it seems, has developed into a highly stylized if not overly-large clique. It is governed by official (that is, Studios and trade unions) and unofficial (agents and casting companies) organizations, all adhering to an unwritten code of conduct based on self-preservation. (Yes, I suppose it is a bit like Congress). This code dictates, to a very large part, who will get a job, who will do the work, and of course, who will get credit for that work done by another for the guy who got the job. The successes of the "independents" are growing fewer and farther between, although the public is deliberately notified of such success in a calculated token tribute to the "American Dream." This is not to say that success is unapproachable for the newcomer, but one must certainly be willing to play the game, using their rules.

The next requirement is mental preparation. Brush up on the staples of show biz: Astrology, ESP, TM, etc., and be prepared for a mental drought in the area of meaningful conversations or interesting discussions. After three years of more or less intense mental stimulation (more or less depending on whether you had Orville Walker or Vince Taylor), I found myself now discussing whether the Dentyne people are looking for a "wide laughing smile" or a "soft kissy smile" for their next commercial. For this, amigos, I was unprepared.

I decided to stick with it, however, and forearmed with a much more reasonable sense of perspective than has been my usual acquaintance, I have begun making a comparative analysis of the ambition to be in show biz versus the ability to be a lawyer. From this analysis, certain "general rules" have emerged (which, as Dr. Yao will tell you, are never 100% true, but useful nonetheless).

First of all, if you have the desire to perform, couldn't you do it in court? It would seem that one could obtain much greater satisfaction out of the real thing than in doing the most marvelous impersonation of a lawyer on stage. (And just think, our Mock Trial team couldn't even do impersonations!) Secondly, can the thrill of applause match the thrill of a directed verdict in your favor? Applause may be transitory, but thrilling courtroom victories may be forever noted in Southwestern Reporter. Finally, the lawyer job market may be bad, but do you realize that 85% of the Screen Actors Guild live at or below the poverty level? Materialism may be a vice, but where would Oral Roberts be without it?

You want fame, you say. Think of all the obscure ways to become famous as a lawyer. Defend millionaires. Champion the causes of the downtrodden, like minority groups, rapists, dental assistants, mass murderers. Write a book on Agency and Partnership. (The list is endless.)

As for me, my future is uncertain. I'll just keep pluggin' away at the world for awhile. You know, if I could just be at the right place at the right time...

You Oughta Practice...

(continued from page 1)

they finally are admitted to their respective professions, better prepared and more competent to do what they're supposed to do.

It's just as clear to me now as it was in 1971 when I was a third-year law student that improvement is needed in the process of legal education and law licensing. Granted we've made some headway. When I was in law school, I couldn't try cases; today you can.

But that practical experience of courtroom work is optional, only voluntary. I'm not sure it shouldn't be required. I think we as a profession owe a duty to the public to be more qualified to practice law than most newly-licensed lawyers feel they are.

Although, I will not argue against a strong theoretical and intellectual basis for the process of learning to "think like a lawyer," for surely that is essential, I will and do argue that it is insufficient by itself.

How is it that I was allowed, along with countless thousands before and after me, to go through three years of law school, graduate and pass the bar exam without ever being made to draw up one contract, draft even one will, prepare so much as a single pleading? And why does that situation continue? Do you believe it should be allowed to continue?

How competent do you think you will be the first time you're in practice and a client asks you to perform any one of those normal, regular, routine things? We're not talking about the Uniform Commercial Code, or anti-trust, or federal constitutional questions or class action suits. We're talking about bread and butter legal services.

I think you'd be surprised to learn that the bill that was finally passed by the Texas Legislature in 1971 allowing third-year law students to try cases under supervision had heavy and powerful opposition, and that it had died in the previous regular session in 1969. Also, the board of directors of the State Bar of Texas voted in 1971 to oppose the bill and lobby against it.

The story of its final passage is absolutely fascinating and one which would take more space to tell than I've been allowed. Suffice it to say, however, that St. Mary's University School of Law was among the white hats in that battle. Dean Raba wrote a letter endorsing the bill, the St. Mary's Student Bar Association helped finance the law student committee which ramrodded the effort, and Paul Rich, then president of the SBA, was one of the 12 members of that statewide committee.

Since passage of the bill seven years ago, approximately 4,000 law students, or 500 to 600 per year, have taken advantage of the opportunity to gain a little practical, first-hand courtroom experience before being turned loose on the public. But that represents only about one-fourth of the law students who were eligible to do so.

If you're halfway through and haven't yet availed yourself of this opportunity, I sincerely urge you to do so.

LAWYERS AND

and so long as it is duly honored, there is a foundation for social security, general happiness and improvement and progress of our race."

And whoever labors on this edifice with usefulness and distinction; whoever clears its foundations, strengthens its pillars, adorns its entablatures or contributes to raise its august dome still higher in the sky, connects himself in name and fame and character with that which is and must be as durable as the frame of human society."

Then on the other hand, there are samples of the horrible kind. One of the first to come to mind is the Texas Warranty Deed. It is one sentence from the top to the bottom and so it is hard to get the full scope of how bad it really is, but to cite one claue is sufficient:

"To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said grantee,□□□□, his heirs and assigns forever; and we do hereby bind our heirs, executors and administrators to Warrant and Forever Defend all and singular the said premises unto the said grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof."

Of course, what the lawyer is trying to do is give a full fee title and warrant it as well. Since such language has been approved by courts from the beginning of time in this state, no attorney would probably dare to use any other language. I have to admit that I have used the same language over and over for as long as I practiced law. It still seems that there should be a more graceful way to do what you want to do in such a deed without this tortured language.

III

Appellate Opinions

Law students spend most of their time (at least, they use to) reading appellate opinions. This is their introduction to law. It has always appeared to me that most opinions fit into three categories.

1.The first of these is what I would call the "paper doll" type opinion. In the paper doll opinion, the judge does not come up with any kind of original thought at all (at least if he has ever had any, it does not show.) What he does is that he takes previous opinions, cuts them into paragraphs and strings them together to make his opinion. Thus, he literally evokes stare decisis, and contributes nothing original. The form of such opinion is as follows:

a. The facts of this case show:

b. As the court said in Jones v Dumbcluck:
As the court said in Wierd v Strange:
As the court said in Hatfield v Haymaker:

c. We hold:

2. The second type of opinion is more difficult to define. It involves the opinion that is a shrewd and admirable piece of advocacy . It rolls like the sea. Cardozo has the ability to write this type of opinion and so did Judge Norvel to a great extent. The test is that when you finish it, you either (depending upon the side you are on, or the views you hold) think:

a. That is magnificent—one of the smartest things I ever saw; or

b. How could a smart Judge like that come to a decision as manifestly stupid as that.

3. The third type of opinion is the one in which the Judge comes to a more or less

LANGUAGE (Continued From Page 1)

predictable result, but launches an essay on a field that has little if anything to do with the case, showing that he has an active and intelligent mind and needs something to do with it. Judge Fly of the Court of Civil Appeals in San Antonio at one time wrote an essay on the Galvestion Flood right in the middle of a civil case. This is an extreme example of what I am talking about. A current example is the decision of Chief Justice Warren in the Miranda case in which he undertakes to outline how police officers must handle a criminal defendant in every case and what they must tell him. Obviously, all of it is dicta since it is in a case in which the police officers did not tell the defendant anything. It is a less outstanding example, but sort of the same thing.

Sometimes both the lawyers and the Judges get carried away. If you can get out of law school without having read Guthrie v Cjty of Canadian, 87 S.W. 2d 316, where both the attorneys and the court started making rhyme with the plaintiff's case, I think your education has not been complete.

Sooner or later when you get out of Law School, you are going to have to learn to write. Form books will be useful to help you begin, but sooner or later, you are going to have to state what the position of the Plaintiff is in his claim, or what the position of the Defendant is in his defense. It also helps if you can state it so that the Judge can understand it, and it also helps if the Jury can understand it too.

Also, you will be required in your practice to write appellate briefs. Now appellate briefs are totally misnamed. "Brief" was probably inserted by a forgotten Legislator with a sense of humor. They are not "brief" but are in fact, elongated written expositions of the argument for your side. I hope that it is not a terrible shock the first time you have to write one. Actually, my experience is that many young lawyers just cannot produce one. I don't know why, but they just can't do it. Many produce briefs that are hardly worthy of the profession when they do produce one.

I don't think that you are going to begin by being Daniel Webster, Cardozo or Judge Norvell, but I hope that we educate you until you can at least, say what you mean and let us know what your point is.

IV.

Correspondence

A lot of what you are going to be required to write involves various types of letters. You are going to be demanding payment, resisting payment, demandilng the settlement of claims, resisting the same, entering negotiations, firming up contracts, and on and on. Our profession actually originated with a group of people that could read and write and supplied this service to ancient peoples that could not. It still carries the prejudice that people who do not understand hold for people that can put things down in writing that are legally binding.

I have a sample of a letter that in my opinion reaches the highest form of expression, in my collection of legal humor and mismash. The letter was stolen from the files of the Advocate General from Sheppard Air Force Base by a friend of mine and given to me. The letter was written by an officer that I never knew but who I would like to. The names have been changed to protect the guilty.

Dear Mr. Smith:

This will acknowledge receipt of your letter dated October 14, 1956, pertaining to the indebtedness of Airman First Class John Doe, which has been referred to me for reply.

Upon receipt of your letter, I immediately contacted Airman Doe to ascertain why he had failed to liquidate this obligation for which you have a judgment in the amount of $803.73 plus court costs and accrued interest. During the course of that interview, the following information was elicited which I have detailed below for your information.

It appears that in the month of May, 1955, Airman Doe purchased a new 1955 Two-door Plymouth sedan from Morgan Motors of Wichita Falls, Texas, at a total price of approximately $2800.00. The down payment on this vehicle consisted of $400.00 cash and surrender of a 1951 Four-door Chevrolet sedan worth approximately $800.00, but upon which $400.00 was still owing. The contract called for monthly payments of $75.00 per month. After making the first three payments, Airman Doe found himself with insufficient funds to meet the full amount of the fourth payment. He informs me that he contacted the representatives of your principal asking for permission to pay $35.00 with a fifteen day extension in which to produce the balance.

Your people were adamant in declining to postpone payment, and shortly thereafter repossessed the car. From your letter, I conclude that, subsequently thereto, a deficiency judgment against Airman Doe was returned in the amount of $830.73 with costs.

While I fully recognize the validity of the judgment held by your principals, it is not difficult to understand why Airman Doe is less than completely satisfied with the development in this case, inasmuch as he has paid more than $1000.00 for the use of a vehicle for about three months. I mention this, not in the sense of justifying his dereliction in failing to pay the indebtedness, but merely to convey my impression of his present humor concerning this matter, as it has a direct bearing upon what follows.

Airman Doe, like so many of our personnel, is of a deeply romatic turn of mind, and has recently contracted a new marriage to a widow with four children for whom he is the sole support. He is, moreover, responsible for the support and maintenance of another child by a prior marriage. This, as you will doubtless agree, would be a heavy responsibility for a person of substance, which I can assure you Doe is not. He is, instead, an Airman First Class who draws the princely sum of $159.90 per month, from which is withheld a Class "Q" allotment of $60.00 per month. This leaves him with a monthly take-home pay of considerably less than $100.00 per month. Nor has he any assets so far as I am aware. Thus, even if, Airman Doe were deeply concerned about this indebtedness and felt a pressing necessity for liquidating it, which he does not, some difficulty would be incurred before that laudable objective could be achieved.

Anxious as I am to see that this indebtedness is paid, it appears unlikely that it will be liquidated so long as he remains in the service. He will, of course, inevitably leave the service eventually. At that time, again, he will be in a far better position than at present to liquidate this obligation by virtue of his increased earnings. That day, however, is not yet at hand since it appears that only recently Doe reenlisted until 1961. As he is a career airman he will probably then reenlist for another six year term. If you are prepared to forego liquidation of this indebtedness until Dow leaves the service permanently you might well secure a complete repayment of the debt owing. this would, of course, require a degree of patience but it is well worth considering, although you may conclude that the delay is excessive.

One other alternative remains. That is for you to compromise this indebtedness with Airman Doe by scaling down the amount owing for a quick cash settlement. I have spent some time with him dwelling upon the subject of his obligations and the military requirement that he manage his personal affairs in an exemplary manner. I believe that, as a result of my interview, Airman Doe is fully cognizant of his responsibilities and has undergone a complete change of outlook in this matter.

As you are aware, it is my desire to see that Airman Doe deals with you in the most honorable manner and satisfies you in all respects. He is now, I believe, as anxious as I am that he reestablish his reputation with your principal and earn your own good will by complying, in so far as he is financially able, with your request for liquidation of this indebtedness.

Full repayment of this obligation at the present time is, of course, utterly impossible, and it seems apparent that the only way this matter can be satisfactorily resolved is by settling the whole debt on a reasonable but reduced basis. Taking all the foregoing factors into consideration, including Airman Doe's domestic responsibilities, his earnings and general finances, he has authorized me to offer you as a final settlement of the entire indebtedness, the sum of $22.50. While you may be inclined to think that this is too modest a sum for settlement of an indebtedness amounting to more than $850.00, you should give mature consideration of the fact that $22.50 is considerably more than zero dollars and no cents, which will probably be the net receipts for your efforts if you decline this offer. Moreover, while $22.50 is not a large sum it does constitute one half of the cost to which Airman Doe would be put if he filed a petition for voluntary bankrupcy. Accordingly, the arrangement suggested appears singularly equitable since your principal, his largest creditor, will receive something in the way of compensation rather than nothing, if Doe is obliged to be discharged as a bankrupt.

While I fear that you may not be as pleased as I would like for you to be about this proposal, I feel confident that after mature reflection upon all the circumstances, you will agree with me that this is a fair, I might even venture to say, a generous offer upon Airman Doe's part.

Unfortunately, the implementation of this plan must be delayed until December as Doe is again, as usual, out of funds. Moreover, due to the demands of the Holiday Season, Doe will not, I am sorry to relate, be able to make this settlement in a lump sum. He has authorized me to say, however, that if you are agreeable to this proposal, he will pay you the sum of $2.50 in cash during the month of December, to be followed by four equal monthly installments of $5.00 each.

With kindest personal regards, I remain,

Sincerely,

In conclusion, it is important for students of the law to know that the ability to read and understand law is as important as the ability to write law which is understandable.