50 Years of Excellence: A History of the St. Mary's Law Journal

Barbara Hanson Nellermoe
45th District Court

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ARTICLE

50 YEARS OF EXCELLENCE:
A HISTORY OF THE
ST. MARY’S LAW JOURNAL

BARBARA HANSON NELLERMÖE*

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* B.S., Concordia College (Moorhead, MN); M.A., Minnesota State University (Mankato, MN); J.D., St. Mary’s University School of Law, Editor in Chief of Volume 14 (1982–1983); Senior District Judge, 45th District Court, Bexar County, Texas; and a recipient of the Rosewood Gavel Award (2015). The author is most appreciative of the depth of knowledge she was permitted to mine from the files of Professor Vincent R. Johnson and Martin D. Beirne, Jr., and for the research assistance of John Austin Morales, Senior Assistant Editor, 2017–2018, for the assistance of Kathleen “Kat” Gomez, Business Manager and Jessica Manka, Articles Editor, 2018–2019, and for all the editors, writers, Journal staff, and faculty, past and present, who took the time to remember.
I. INTRODUCTION

For fifty years, the *St. Mary’s Law Journal* (Journal or Law Journal) has consistently produced quality scholarship that has made a valuable contribution to the development and application of American law. Originally built on the foundation of being a “practitioner’s journal,” one that provided the legal community with knowledgeable and relevant legal scholarship,¹ the Journal is today nationally recognized for publishing works that are frequently cited because they are useful to judges on the bench and lawyers in practice.

In Texas, the Journal has been quoted or cited by intermediate courts of appeals in over 800 instances and in about 200 cases decided by the Texas Supreme Court.² Outside of Texas, articles or student works published in the Journal have been cited by courts in thirty-one states (including most state supreme courts), by numerous federal courts, and on three occasions, by the United States Supreme Court.³


². Search Results for Case Citations to St. Mary’s Law Journal, WESTLAW, https://1.next.westlaw.com (select “Texas” as jurisdiction; search for “St. Mary’s L.J.” in search bar; then follow “Cases” hyperlink) [https://perma.cc/G3NW-AKXX].

According to a widely respected annual survey compiled at Washington and Lee University for roughly two decades, the Journal has ranked very high among the law reviews most frequently cited by state and federal courts. However, the St. Mary’s tradition of publishing useful legal scholarship goes back much further. In 1993, the Texas Bar Journal published an article critical of the status of legal periodicals at Texas law schools, but noted one bright exception:

Perhaps the biggest surprise is the overall “winner” in the combined total number of federal and Texas appeals court citations to articles produced during a twenty-year period (1970–1989) in the state’s “front line” law reviews: the St. Mary’s Law Journal. With its emphasis on practice-oriented materials, sometimes authored by distinguished jurists, the St. Mary’s Law Journal barely nudges out the venerable Texas Law Review for the number one position. The St. Mary’s Law Journal’s strength is also reflected in its strong first place ranking in citations by state judges over the same twenty-year period.

The authors of the Texas Bar Journal article endorsed the Journal as “a good buy for any Texas law office.” When John Cornyn ’77, now U.S. Senator


6. Id. at 285.
from Texas, spoke at the Journal banquet that same year, he exhorted the editors and staff writers to continue providing valuable guidance on legal issues to lawyers and judges, and to avoid the mistakes that have made excessively theoretical articles largely irrelevant to the work of the legal profession.7

Various versions of W. Wendell Hall’s article entitled Standards of Review have been continuously cited by courts and in appellate briefs and pleadings. The article was originally published in Volume 21 of the Journal and was updated in Volumes 24, 29, 34, 38, and 42, with the next update scheduled for Volume 50.8 The Standards of Review articles have been cited on over 300 separate occasions9 and have made an unparalleled contribution to the Journal’s high ranking in judicial citations. But there has been much more to the story. For one seven-year period covered by the Washington and Lee University survey, the Journal was cited by courts in thirty-one states, two territories, and three federal circuits—and very few of those out-of-state cases were interested in Texas standards of review.10 The judges who wrote those opinions were drawn to the rich array of other important legal issues that the Journal has long addressed.

One hint of the Journal’s broad impact on American law is that New York state’s highest court cited the Journal’s publications on six occasions between 1996 and 2003.11 Another hint is the fact that Shelley Nieto Dahlberg’s student comment,12 published in 1998 before her graduation, has been cited

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7. Interview with Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, in San Antonio, Tex. (May 10, 2018).
11. Id.
12. Shelley A. Nieto Dahlberg, Comment, The React Security Belt: Stunning Prisoners and Human Rights Groups into Questioning Whether Its Use Is Permissible Under the United States and Texas Constitutions, 30 ST. MARY’S L.J. 239 (1998). Following graduation, Dahlberg clerked at the Fourth Court of Appeals and then took up a career at the Office of the Texas Attorney General where she served as the State’s lead counsel in a recent school finance trial. She was also an active mentor to women lawyers. Sadly, she succumbed to ALS and passed away in January 2018. Obituary of Shelley Dahlberg (1970–2018),
on an astounding fifty-one occasions—twelve times by courts, including the Seventh and Ninth Circuits, the Supreme Courts of California, Indiana, and Kansas, and other tribunals.13

There have been other indicators of the Journal’s success in addressing important contemporary legal issues. Connie Flores Lock recalled the excitement of the citation flurry their hard work generated in 1997–1998:

The National Law Journal included in its “Worth Reading” section approximately three-fourths of the combined published articles/comments from Volume 29, Issues 1, 2, and 3. . . . Suffice it to say, we were encouraged to receive recognition from a respected outside authority given all the work we put into Volume 29.”14

The article by Phil Hardberger, then the chief justice of the Fourth Court of Appeals, on Juries Under Siege15 attracted attention in the Wall Street Journal.

For many years, the editors strove to maintain the Journal’s high ranking. There was pressure on solicitation editors to land good articles for upcoming issues. Kipling Giles stated that Volume 34 of the Journal was among the most cited journals that year, but in the same breath noted that Solicitations Editor Bob Kraemer did a wonderful job.16

The Journal and its many members have climbed the road to excellence. From its grass-roots start in 1968 to the world-class law review it is today—the Journal continues to maintain its prestigious position in the realm of law reviews. A frequent comment heard from more than one source for this

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13. Search Results for Case Citations to The React Security Belt: Stunning Prisoners and Human Rights Groups into Questioning Whether Its Use Is Permissible Under the United States and Texas Constitutions, WESTLAW, https://1.next.westlaw.com (select “All States” & “All Federal” as jurisdiction; search for “30 ST. MARY’S L.J. 239” in search bar; then follow “Cases” hyperlink) [https://perma.cc/SY5X-K9X8].


article has stated, “In essence, the law reviews at St. Mary’s punch way above our weight class.”17

In an attempt to trace the history of the Journal, the author tracked down and interviewed a number of the former editors in chief, other editors and writers, deans, professors, Journal staff, and a few authors to recreate what has been essentially the unwritten story of the birth of a nationally recognized legal periodical. The oral history had become fuzzy to early editors, including this writer, and often extended only a volume or two in either direction. Regretfully, several have passed away, their remembrances lost. And although a number of potential sources proved difficult to contact, other colleagues stepped in to fill the void with their mutual experiences. This account is not so much about the substantive topics published over these last five decades; rather, emphasis on the human side of the Journal’s story is prominent in this history.

II. IN THE BEGINNING

It was 1967. The law school had just moved from its downtown campus on 112 College Street18 (in a building that is now the hospitable Omni La Mansión del Rio on the famed San Antonio River Walk) into the law center’s three new buildings at the university campus. Dean Ernest A. Raba was working on obtaining funds for a $7.5 million grant from the Sarita Kenedy East Foundation to house a new, expanded law library.19 In the midst of all this hustle and bustle, an ambitious group of law students, headed by Martin D. Beirne, pressed Dean Raba and the administration for the opportunity to create a law journal. According to Beirne, interest in establishing a law journal at St. Mary’s had been percolating for several years.

17. Memorandum from Paul Cho, Former Editor in Chief of Volume 48, St. Mary’s Law Journal, to Amy Hardberger, Assoc. Dean & Professor of Law, St. Mary’s Univ. Sch. of Law & Michael Barry, Assistant Dean, St. Mary’s Univ. Sch. of Law & Michael Barry, Assistant Dean, St. Mary’s Univ. Sch. of Law (on file with author); see E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Mar. 27, 2018, 10:16 AM) (on file with author) (“According to many rankings over the past thirty years, we punch way above our weight.”).

18. When describing the downtown campus, Beirne recalls: “To say that the building was in need of everything would be an understatement. You would go in . . . the mornings, and particularly after it had been over a weekend and no one had been in there, it was sort of a dank, kind of wet place right off the river.” Interview with Martin D. Beirne, Senior Partner, Akerman, in San Antonio, Tex. (June 7, 2018).

19. Aloysius A. Leopold, Tribute, A Tribute to Ernest A. Raba, Dean (1946–1978), St. Mary’s University School of Law, 40 St. Mary’s L.J. 3, 5 (2008). More than a decade later, Dean James Castleberry completed the effort to secure funding for the new law library and the former library building was repurposed for faculty offices and renamed the Ernest A. Raba Building.
Well, you know, it had been something that a number of students had been talking about before I came to law school. I think . . . Jimmy Litton, Jack McGinnis, were big proponents of the law review and were talking about it on a regular basis.

. . .

. . . Jim was a very dynamic guy, was going to be a JAG lawyer for a while. He unfortunately was killed in a glider accident about a year after he graduated. But a real personality. Very much involved with the legal clinics in San Antonio, and Jack, likewise. Jack was [also] very, very engaged with the Barristers Association, as it was called back then . . . . So, I was intrigued by it. We were the only law school around that I knew of that did not have a law journal or a law review. So, we talked about it a great deal.

. . . And I even got bids from San Antonio printers to come up with the ways that they may print a law journal.20

Students began passing around petitions and volunteering in other ways in support of the law journal proposal.21 The Student Bar Association (SBA) lent invaluable support to this effort. The SBA leadership divided the task into fourteen study committees: finance, feasibility and opinion survey, law faculty support, law school student support, university board of directors’ support, American Bar requirements, mechanics of publishing, advertising, submission of articles, format arrangement, subscriptions, student administration, faculty advisory, and a projected survey on a five- to ten-year basis.22

Although Dean Raba expressed concerns, he nevertheless appointed a faculty committee to study the feasibility of creating a journal. In Beirne’s view, the faculty committee likewise took a conservative approach to the task. Beirne recalls:

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20. Interview with Martin D. Beirne, infra note 18.
22. List of Proposed Study Committees (on file with author).
The committee found that “there was no need for another conventional law review” and expressed reservations about the organizational and financial commitments necessary to maintain a law journal; nevertheless, the committee ultimately concluded that a well-crafted journal would raise the reputation of the school, its faculty, and its students.

Professor Aloysius Leopold, who headed the committee, phrased it a little differently. Leopold asserted that “Dean Raba had his misgivings, and when he had misgivings, he would punt it to the faculty.” The [faculty] committee [ultimately] reported that it was feasible and desirable, indeed mandatory if the law school was to grow in stature and reputation to have a journal widely recognized by the bar and law schools.

While the committee studied the risks involved in going forward with this idea, the Student Bar Association sent Beirne to attend the Fourteenth National Conference of Law Reviews (NCLR), hosted that year by St. Louis University School of Law on April 4–6, 1968. At the conference, Beirne attended seminar programs, met editors from other law schools, solicited invaluable advice and assistance—most notably from editors of the Houston Law Review and Harvard Law Review—and returned with renewed confidence that this endeavor could be a success.

Beirne and the executive board of the Student Bar Association’s law review committee next appeared before the faculty committee with Beirne’s

23. Beirne, supra note 21, at 12. “[T]he faculty, to their credit, were concerned about what impact it was going to have starting a law review on the scholarship and the ability of these students to finish and graduate, about the time commitments.” Interview with Martin D. Beirne, supra note 18.
24. Telephone Interview with Aloysius Leopold, Professor Emeritus of Law, St. Mary’s Univ. Sch. of Law (Feb. 17, 2018).
25. E-mail from Aloysius Leopold, Professor Emeritus of Law, St. Mary’s Univ. Sch. of Law, to Vincent Johnson et al., Professor of Law, St. Mary’s Univ. Sch. of Law (Dec. 6, 2017, 8:29 PM) (on file with author).
27. Beirne, supra note 21, at 12–13. The NCLR program from that year stated:

The ultimate goal of the National Conference of Law Reviews shall be to assist its Members in better serving the academic and professional legal community. To that end the Conference shall conduct annually a Conference for the interchange of ideas and experiences and shall strive to promote cooperation in confronting common problems through the year.

St. Louis report, “a preliminary budget, a list of . . . financial supporters, and the overwhelming law student response in the form of student petitions.”

Beirne’s report stressed:

Law Reviews serve primarily two purposes: 1. The Law Review provides a medium for the presentation of scholarly analysis and comment upon matters of interest to the legal profession. 2. The Law Review offers to the qualified student the opportunity to engage in products of research and writing, advised and criticized by fellow students and the faculty, and encouraged by the prospect of possible publication.

His report argued that the skills learned on a law review translated into job offers, enhanced the prestige of the law school, and influenced the bench and bar. Finally, it assured the dean and the faculty that “[t] is not our intention to enter into competition with the well-established national law reviews, our objective is to demonstrate[ ] the quality of education of those who study law at St. Mary’s and hopefully to be of service to the legal profession.”

The inaugural subscription rate was $5.20 a year. The proposed budget for the first year was projected to raise $6,675 from 300 student subscriptions, 250 alumni subscriptions, and an additional 500 subscriptions from libraries and other sales, plus an additional $1,250 from advertising. With total expenditures expected to reach $8,700, the first year would realize a loss of $2,025. Nevertheless, the faculty committee:

[Unanimously voted in support of establishing the St. Mary’s Law Journal. Soon after, the faculty selected [Martin D. Beirne] to become the inaugural editor in chief. Within days, [Martin D. Beirne and the faculty committee] selected the editorial board and the rest of the staff. With a board and staff in place, we began a race to publish by May of 1969.]

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30. Id.
31. Id.
32. St. Mary’s University Law Review Budget (on file with author).
33. Id.
The faculty committee recommended that “the Journal focus on articles helpful to the practicing bar.”\textsuperscript{34} That was in keeping with Dean Raba’s vision for the law school—to turn out great trial and transactional lawyers.\textsuperscript{35} As Dean Charles E. Cantú recalls:

Under Ernie Raba, and subsequent to him Jim Castleberry, the mission of the law school could be stated quite simply as being a lawyer’s law school. Students were trained to be lawyers. We knew at the time that not everyone who graduated was going into practice law. They were going to go back to a family business. They had political ambitions. They attended law school for a variety of reasons. But I remember the faculty meeting when it was discussed, and ultimately, decided that regardless of what these various goals and missions were, as far as our students were concerned, we were going to teach them from the perspective of being practicing lawyers. That was our mission, to graduate individuals who could practice law.\textsuperscript{36}

Donato Ramos was a 1L and at the top of his class after the fall semester, so he was eligible to join the Journal in the spring of 1969.\textsuperscript{37} He recalls doing a lot of cite checking and that members of the Journal “pitched camp” in the library, but “[they] eventually got a room.”\textsuperscript{38} Justice James Rankin Norvell, a recent retiree from the Texas Supreme Court, had joined the teaching faculty at St. Mary’s and agreed to volunteer his time in guiding the new endeavor that was the St. Mary’s Law Journal.\textsuperscript{39} Moreover, the head law librarian of St. Mary’s, Paul Ferguson, agreed to assist as did Professor Arthur Yao.\textsuperscript{40} Ramos described the team as having “a loose structure.”\textsuperscript{41}

\textsuperscript{34} E-mail from Aloysius Leopold, supra note 25 (emphasis added). Beirne confirms: “[T]here was a very strong push for it to have more of a practical approach, rather than something highly esoteric. Although both are fine. But that was the faculty’s desire.” Interview with Martin D. Beirne, supra note 18.


\textsuperscript{37} Telephone Interview with Donato D. Ramos, Attorney at Law, Law Offices of Donato D. Ramos (June 4, 2018)

\textsuperscript{38} Telephone Interview with Donato D. Ramos, Attorney at Law, Law Offices of Donato D. Ramos (Jan. 2018).

\textsuperscript{39} Id.

\textsuperscript{40} Id.

\textsuperscript{41} Id.
Editors and staff received a course credit for their work on the Journal. Dean Raba asked editorial board members to teach legal research and writing and arranged for a small stipend to be applied to tuition—a type of tuition remission. Initially, Dean Raba had been hesitant due to his concerns about finances. But ultimately, as recounted by Ramos, financial concerns were set aside and “Marty said, let’s just do it,” so “we just worked our way through it.”

Beirne recalls that his board benefitted greatly from the generous assistance of other law review boards as they began to build a journal organization from the ground up. In particular, Wendell Alcorn and the editorial board of the Houston Law Review offered to help the Journal get set up. Beirne explains:

Once we had the people, the question is, “What do we do with this thing?” And I called Wendell and told him that we were ready to go and would welcome any assistance that he could provide. He and his entire editorial board came to San Antonio for a weekend. They arrived on a Friday. I know we had Mexican food and margaritas. And then we started in earnest on Saturday and Sunday, and basically, they walked us through how to do a law review. Really, really wonderful. They brought all of their handbooks. They brought samples of articles at various stages. And really walked us through the process, walked us through some of the finances, walked us through some of the issues that we might face in the future. It was really a condensed version, less than [seventy-two] hours, of here is law review for dummies. It was really unbelievable.

The Harvard Law Review lent their staff and editorial manuals, fielded telephone calls from editors, and put St. Mary’s in touch with their printer, Heffernan Press of Boston. The Harvard Law Review staff “went so far, in

42. A few years later, Margaret Knodell Hoffman said she not only had to teach research, but how to write a sentence! So, there was a lot of rewriting required by the editors in that first decade. They also stressed plagiarism concerns, that is, teaching how to avoid it while writing and citing. Telephone Interview with Margaret K. Hoffman, Attorney at Law (Mar. 19, 2018).
43. Telephone Interview with Donato D. Ramos, supra note 38.
44. See generally Interview with Martin D. Beirne, supra note 18 ("Wendell Alcorn was the incoming editor in chief. Wendell was a 100 percent Texas guy. He had a [ten]-gallon hat that he wore in the elevators and took [it] off as the ladies would get into the elevator. He was a classic. But a brilliant, brilliant man. Later went on to Cadwalader, Wickersham & Taft in New York to work for them and did a lot of anti-trust work.").
45. Id.
46. Beirne, supra note 21, at 13.
the late stages of the articles, to actually go up there and help us with the printer, go through articles, help us with [citation-checking. Things that we would normally have done had we done it here, locally, but they were so, so helpful.]47 Beirne credits both of these “wonderful journals and their editorial staff” with pulling his board through that first year. Beirne states further: “You have to remember . . . this is before fax machines and Federal Express, so you were sending things up and kind of waiting, and doing things on the telephone. . . . [T]hey were truly a godsend . . . .”48

Members of the faculty who were instrumental in supporting the students included Professor Aloysius Leopold, who had chaired the faculty committee, and then-Professor Charles Cantú. Then-University President Fr. Louis J. Blume, S.M. heralded the establishment of the Journal to the board of trustees, and Dean Raba ultimately delivered his blessing and never wavered thereafter.49

Justice Norvell willingly took on the burden of making the Journal launch successful, recalls Beirne:

[O]ne of the ways he did that was to ensure we were going to have a stream of articles. He took us up to Austin and introduced us to the Texas Supreme Court. And we spent the afternoon meeting with the court, talking [about] where we were going to go, and he obtained a commitment from each justice that they would write an article for the law journal.50

This stream of articles from the high court of Austin boosted the Journal’s stature with the practicing bar who noticed that the Journal was “fulfilling [their] promise” of publishing articles practicing attorneys could actually use.51

The March 1969 issue of Texas Bar Journal announced that the Journal’s inaugural issue would make its debut in May. It included a photo of Governor Preston Smith receiving subscription number one from Editor in Chief Martin D. Beirne and Business and Reviews Editor Stanley Eisenberg.52 A photo of the editorial board and its advisor, Justice

47. Interview with Martin D. Beirne, supra note 18.
48. Id.
49. Beirne, supra note 21, at 13–14.
50. Interview with Martin D. Beirne, supra note 18. This illustrates the esteem with which Justice Norvell was held and the corresponding generosity of the judiciary.
51. Id.
52. New Publications, 32 Tex. B.J. 182, 182–83 (1969). Justice Norvell arranged the meeting and photo opportunity with the Governor for the editorial board. “[N]one of that would have taken place
James R. Norvell, appeared on the next page. The board and staff members all worked at selling subscriptions to the Journal. Beirne explains:

I think it was really a team effort on behalf of the Journal. All of the editors, and even staff members, were actively involved. . . . Stanley Eisenberg was . . . the business manager and reviews editor. He was very, very active, as was Tony Harris, Nick Ribis, Frank Walker, Servando Gonzales, [and] Ronnie Sutton. They were all involved. So, we would go out and go knock on doors. The banking community was wonderful. They all took out ads in the Journal. The local lawyers were very helpful. They wrote checks. Lawyer advertising was not in vogue at that time. So, they were very, very helpful in sort of helping us underwrite some of the projects that went on, but it was an effort. It was almost sort of a daily effort, going in and reminding people. . . . It was small sums of money for a large banking institution, but Frost Bank, [was] extremely, extremely helpful. . . . Probably paid a lot more for the ads than they normally would have, just to give us a little extra cash.

Among the financial supporters were San Antonio attorney Sylvan Lang and Judge George P. Hardy. The process of getting that first issue out was much like one would experience with a start-up company, Beirne said. Everyone wore many hats—editors were teaching 1Ls how to write, while learning how to be an editor themselves, as well as guiding 2Ls with their case note. Beirne observes, “[T]he process of learning and teaching became very interesting. . . . What stands out for me is the sacrifice that these editors [made]. They did phenomenal things, and they did it because they knew that it was important to the university to have this publication.”

Amazingly, the inaugural issue was off to the printers before graduation. Servando H. Gonzales, Jr. was managing editor of the issue and Beirne recalls:

without Justice Norvell. He really was a wonderful person.” Interview with Martin D. Beirne, supra note 18.
53. New Publications, supra note 52, at 183. See infra Appendix.
54. Interview with Martin D. Beirne, supra note 18 (emphasis added).
55. See generally Beirne, supra note 21, at 14 (“Mr. Lang was a wonderful, long-time benefactor of St. Mary’s and an important figure in San Antonio. Judge Hardy’s son was a St. Mary’s law student, so he was very aware of our endeavors.”).
56. Interview with Martin D. Beirne, supra note 18.
57. Id.
His job was to get it out on time. And that was really an unbelievable undertaking.... We had a short span of time they’d operate in, and that is coordinating the various other editors to provide whatever assistance you can to them, dealing with the printer, helping us out, dealing with the finances. He and Stanley [Eisenberg] worked very well together, dealing with the other editors, dealing with the student writers. It was a very big job, and Servando did a wonderful job.58

Beirne described his board as a group of zombies, sleepwalking through classes: “My editorial board got very little sleep from March until May. I vividly recall the delivery date of the Journal: Monday, May 12, 1969. Mother’s Day was May 11th, and my son was born that morning at Santa Rosa Hospital. It was a busy weekend, but somehow we persevered.”59

Volume 1, Issue 1 debuted in spring 1969 with some impressive names. The lead article was authored by Joe Greenhill, then-associate justice of the Texas Supreme Court, and Martin D. Beirne, the Journal’s first editor in chief, and was titled *Habeas Corpus Proceedings in the Supreme Court of Texas*.60

Justice Joe Greenhill, who later became chief justice of the Texas Supreme Court, submitted an article about habeas corpus, which was causing controversy at the time. I worked with him on the research and later prepared a rough first draft. He thanked me in the footnotes for my efforts. Two days before the Journal was to be sent to press, Justice Greenhill submitted his final edits. On the first page, the footnote mentioning my work was circled and an arrow was drawn to indicate that he wanted me credited as a coauthor. Next to that, Justice Greenhill wrote: “Print it like this, or don’t print it at all.” This

58. *Id.* Servando H. Gonzales, Jr. is a litigator in McAllen, Texas. Servando H. Gonzales Jr., *St. B. Tex.*, https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=169387 [https://perma.cc/6DJG-UHX3].

59. Beirne, *supra* note 21, at 15; Interview with Martin D. Beirne, *supra* note 18. Following graduation, Martin D. Beirne served in the Army for two years and then joined Fulbright, ultimately leaving to build an outstanding career as a trial lawyer at Beirne, Maynard & Parsons in Houston, Texas. His firm recently merged with Akerman, where he is a senior partner. Among his many other contributions to leadership, he is currently chairman of the St. Mary’s University Board of Trustees. In 2004, Beirne was named a Distinguished Law Graduate. *See Past Distinguished Law Graduate Honorees, St. Mary’s U. Sch. L. Alumni*, https://law.alumni.stmarytx.edu/alumni/honorees/ [https://perma.cc/H97D-LM3W] (honoring Martin D. Beirne (J.D. ’69) as a distinguished law graduate in 2004).

magnanimous action convinced me that people in the legal community truly wanted to see our young journal succeed.61

Equally impressive was Carlos Cadena62, then-chief justice of the Fourth Court of Appeals in San Antonio, Texas, who wrote an article entitled *Due Process and the Juvenile Offender.*63 Fred Erisman, a Longview, Texas practitioner and former chair to the Judicial Section of the State Bar of Texas, authored *The Contested Will Case.*64 The fourth offering, demonstrating the local legal community’s support, was titled *Indispensable Parties,*65 written by Luther H. “Luke” Soules III, who, then an associate with Matthews, Nowlin, Macfarlane & Barrett, became a Texas legal superstar.

The first *Journal* editors noted that St. Mary’s was long known as “the lawyer’s law school.”66 As the student body transitioned from the downtown campus to the university campus, it became noticeably more youthful with students who had more time, less familial responsibility, and

62. Carlos Cadena (1917–2001) attained his LL.B. from the University of Texas at Austin School of Law, where he served as an editor on the *Texas Law Review* and graduated *summa cum laude* in 1940. *Carlos Cadena*, T ARLTON L. LIBR., [http://tarlton.law.utexas.edu/first-year-societies/carlos-cadena](http://tarlton.law.utexas.edu/first-year-societies/carlos-cadena) [https://perma.cc/MQQ5-7NQM]. In 1952, Cadena began teaching at St. Mary’s University School of Law. While teaching, Cadena took on a murder case pro bono defending a migrant cotton worker named Pete Hernández in a Texas court which routinely struck all Mexican-Americans from a jury. Cadena, with co-counsel Gustavo “Gus” C. Garcia, appealed to the United States Supreme Court. *Id.* Cadena wrote the brief and Garcia argued it. See Steve A. Peirce, *The Message of Gustavo Garcia, SAN ANTONIO LAW.,* May–June 2014, at 5, 10 (describing the litigation team’s preparations, with Cadena credited with authoring the brief). Chief Justice Earl Warren, writing for a unanimous court, ruled that Mexican-Americans and all other ethnicities were afforded equal protection under the Fourteenth Amendment to the United States Constitution and granted Hernández a new trial. *See* Hernández *v.* Texas, 347 U.S. 475, 479–82 (1954) (“The exclusion of otherwise eligible persons from jury service solely because of their ancestry or national origin is discrimination prohibited by the Fourteenth Amendment.”). Cadena was later appointed as an associate justice to the Fourth Court of Appeals in 1965 and ultimately became chief justice of the Fourth Court of Appeals in 1977. *Carlos Cadena, supra; see American Experience: A Class Apart* (PBS television broadcast Feb. 23, 2009) (providing a synopsis on the landmark civil rights case *Hernández v. Texas* and telling the story of the Mexican-American lawyers who challenged Jim Crow-style discrimination all the way to the Supreme Court).
65. *See* Luther H. Soules III, *Indispensable Parties,* 1 ST. MARY’S L.J. 65, 65 (1969) (“The purpose of this article is to suggest to Texas lawyers a usable formula for determining who is an ‘indispensable party’”).
more important, a youthful, intellectual creativity, which led to the establishment of the law journal. Ramos stated:

> What gave the initial Journal credibility was Justice Norvell stepping in to shepherd the thing. This gave Dean Raba some sense of peace of mind on the effort. None of us were going to let it fail, but Dean Raba drew confidence in it with Justice Norvell involved. He was so highly respected.

“The first board took nine months to get the first issue published,” noted the second editor in chief, Miles Mullin. “When they were through, there weren’t many crumbs left on the table.” Professor Aloysius Leopold was even more blunt: “They had nothing left over.” The next board was charged with putting out two issues and it was tough. This inadvertently set a rather awkward numbering trend for the first thirteen volumes, where the incoming board finished up the prior board’s volume with their first issue and then started on the next volume number.

On top of that, Justice Norvell unexpectedly passed away in October 1969, a great loss to the law school and to the Journal. Professor L. Wayne Scott knew the judge from his clerking days in Austin, Texas, first at the Texas Court of Criminal Appeals (1962–1963), then at the Supreme Court of Texas (1963–1964), and Justice Norvell was clearly one of his heroes. Although Scott did not join the St. Mary’s Law Faculty until 1971, he recalled that establishing the Journal at St. Mary’s was one of Justice Norvell’s principal goals in coming to the university.

Professor Orville Walker succeeded Justice Norvell as faculty advisor. Justice Zollie Steakley of the Texas Supreme Court submitted Expert Medical

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67. Beirne, supra note 21, at 11.
68. Telephone Interview with Donato D. Ramos, supra note 38.
69. Telephone Interview with Miles John Mullin, Attorney at Law (Feb. 12, 2018).
70. Telephone Interview with Aloysius Leopold, supra note 24.
71. The first board’s work started with Issue 1 of Volume 1. The second board’s work started with Issue 2, still within Volume 1. This pattern followed with each incoming board releasing their first issue to complete the previous board’s volume until two to three issues were published before moving to the next volume number. This structure continued until the Volume 14 board started the current practice, which is that each board publishes three to four issues per volume and each consecutive board begins a new volume.
72. Telephone Interview with L. Wayne Scott, Professor of Law, St. Mary’s Univ. Sch. of Law (Apr. 3, 2018).
73. Id. Justice Norvell was no stranger to St. Mary’s Law School. He taught classes as an adjunct professor at St. Mary’s during his tenure on the Fourth Court of Civil Appeals prior to his elevation to the Texas Supreme Court. Ernest A. Raba, Dedication, James Rankin Norvell: San Antonio—St. Mary’s University School of Law, 1 ST. MARY’S L.J. xxi, xxi (1969).
Testimony in Texas,\textsuperscript{74} for which the board was grateful.\textsuperscript{75} The editors also posthumously published The Original Writ of Mandamus in the Supreme Court of Texas by James R. Norvell and Ronald L. Sutton.\textsuperscript{76} Sutton was on the previous board and finished up the piece, according to Miles Mullin.\textsuperscript{77} The lawyer’s forum featured an article by San Antonio attorney, Eugene B. Labay, titled Motions for Production of Documents—Texas Style.\textsuperscript{78}

In the spring of 1970, a foreword in Volume 2, Issue 1 announced that “the initial pangs of establishment have passed and the efforts of the editorial board and the staff of the Journal can be directed toward the continued improvement of quality of the published material.”\textsuperscript{79} The Journal settled on an administrative structure of five editors: editor in chief, managing editor, case note-comments editor, articles editor, and a business and reviews editor. The foreword, giving us a hint at the struggles the second board had fought, expressed a hope this reorganization “would alleviate the administrative boondoggle that previously existed.”\textsuperscript{80} The reduction in editors was requested by the outgoing board, which took the Journal from seven editors on the first and second boards to five. Rumor has it the rationale centered around the idiom “too many chiefs, not enough Indians.”

The Journal announced a dual goal of publishing student material and also “present[ing] to the Bench, the Bar and the legal-educational community writings dealing with current legal problems.”\textsuperscript{81} There was a debate taking place—the law students wanted to broaden the scope of the Journal,\textsuperscript{82} while some students wanted to change the name from St. Mary’s Law Journal to St. Mary’s Law Review, because Harvard Law Review, Houston Law Review, and Texas Law Review, being more established, all used that moniker. Dean

\begin{footnotes}
\item[74] Zollie Steakley, Expert Medical Testimony in Texas, 1 ST. MARY’S L.J. 161 (1969).
\item[75] Telephone Interview with Miles John Mullin, supra note 69.
\item[77] Telephone Interview with Miles John Mullin, supra note 69. Following graduation, Sutton clerked for the Texas Supreme Court and served many years as 198th District Attorney in Junction, Texas.
\item[78] Eugene B. Labay, Motions for Production of Documents—Texas Style, 1 ST. MARY’S L.J. 197 (1969). Longtime San Antonio attorney, Eugene Labay, graduated from St. Mary’s University School of Law in 1965 and was an associate at Cox, Smith, Smith, Hale & Guenther at the time the article was published.
\item[79] Editor’s Foreword, 2 ST. MARY’S L.J. vii, vii (1970).
\item[80] Id.
\item[81] Id.
\item[82] Interview with Judge David A. Ezra, supra note 35.
\end{footnotes}
Charles E. Cantú recently remarked, “I have never understood how or why it was not the *St. Mary’s Law Review*, but the name and the very existence of the *St. Mary’s Law Journal* is attributable to one person, and that’s Marty Beirne.”83 The subject came up recently when Beirne was interviewed and he said:

> [A]ll of the other law reviews . . . in Texas were called law review, so we decided to call it a law journal to be different. . . .

> And I think it was sort of a way to stand out, something that would attract attention and be the only law journal in the state.84

The faculty committee ultimately declined to approve the name change.85

According to Donato Ramos,86 one rare, early perk that came to a few of these *Journal* pioneers was the unexpected gift of making final exams optional for the board members. The dean delivered the news just before finals in December 1970.87 When this story was posed to Professor Leopold, he could not confirm it, but said, “Knowing Dean Raba, my money is on Donato.”88

That option came in handy for the editorial board in the spring of 1971 when Professor Carlos C. Cadena flunked the entire graduating class in constitutional law. Everyone was given a fifty-five, which meant they would not be graduating the following week! Dean Raba met with

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83. Cantú, *supra* note 36 (manuscript at 119).
84. Interview with Martin D. Beirne, *supra* note 18.
85. Interview with Judge David A. Ezra, *supra* note 35.
86. Donato Ramos returned to his hometown, Laredo, Texas, and developed a successful oil and gas practice. He served for many years on the Texas Board of Law Examiners and the Texas Wildlife Commission. Telephone Interview with Donato D. Ramos, *supra* note 38.
87. *Id.* According to Judge Ezra, this actually happened. Judge Ezra decided to take exams anyway. He was determined to graduate first in his class and feared that the number two student would surpass him in standings if he just took a passing grade. Interview with Judge David A. Ezra, *supra* note 35.
88. Telephone Interview with Aloysius Leopold, *supra* note 24. Whether the editorial board members took the optional finals or not, many went on to successful careers. For example, Harvey Levine, comments editor for Volume 1, Issue 2 through Volume 2, Issue 1, became a prominent trial lawyer in San Diego, California, known as “Mr. Bad Faith” and for his million-dollar verdicts and settlements against insurance carriers. Levine passed away in 2013. Greg Moran, *Top San Diego Lawyer Harvey Levine Dies*, SAN DIEGO UNION-TRIBUNE (Feb. 6, 2013, 6:08 PM), http://www.sandiegouniontribune.com/sdut-lawyer-harvey-levine-dies-2013feb06-story.html [https://perma.cc/DHM7-69AY].
Professor Cadena and was told the entire class failed because no one understood the concept of the Due Process Clause in the U.S. Constitution. Nevertheless, Cadena subsequently administered a second exam and this time everyone survived.89

The masthead of the next two issues, under Ronald R. Winfrey,90 showed further reorganization of the board. Volume 3, Issue 2 published two lead articles,91 a lawyer’s forum, and an environmental essay, in addition to comments and notes. With four board members, three associate editors, and twenty-three staff writers, a table of contents and a table of statutes index was added in Volume 3. The spring 1972 masthead reveals five associate editors and eleven staff members. Articles of note included Carlos Cadena’s article on presumptions and inferences in Texas92 and a lawyer’s forum on corporate taxation by Malcolm L. Shaw.93

Volumes 4 and 5 evidenced growth and transition, as did the law school. James Cliffe described then-Professor Castleberry, whom Cliffe worked closely with on Journal matters, as “a challenge in the [classroom] and in negotiations for funding and support of the [Journal], never giving as much as we asked but always giving more than we reasonably expected.”94 The Journal grew to three issues annually. The board structure expanded to six editors, five associate editors, and a staff of twenty-nine. The Journal cover changed from gray—which originally was chosen to give homage to the Harvard Law Review and the Houston Law Review for their early assistance in organizing the Journal95—to a cream color to redirect the focus onto the
round building of the law center, which now housed the Journal office and the law library. Specifically, the color theme became cream with brown ink and featured a drawing of the round building with palm trees.

Dean Charles E. Cantú’s article on vicarious liability marked his first appearance in the Journal. He remembers his interaction with the Journal during his long tenure at the law school:

[Both as a member of the faculty as well as while I was Dean, I always enjoyed working with Law Journal staff. I always found them to be friendly, courteous and extremely competent. Truth be told, Legal Research and Writing was not as strenuous back in 1961, when I started my law studies at 112 College Street. As a result, I never learned how to write a footnote. So[,] I imitated my thesis instructor at the University of Michigan. He gave me the idea. I simply wrote what I wanted to say and then gave it to an assistant to find the authority. Very easy, simple and straightforward. No stress! There were several individuals over the years who helped me in this fashion but the ones who stand out in my memory are Marty Truss, Jeff Davis and Ed R. Frnka. My apologies to the many others. Over all it was a wonderful working relationship between me and Law Journal staff.]

In 1972, shortly before five men were arrested for attempting to bug the Democratic National Committee headquarters in Washington, D.C., a future special prosecutor of the Watergate scandal, Leon Jaworski, came

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98. Dean Raba and Leon Jaworski, remembered as the second special prosecutor of the Watergate scandal, served in the Army together, and their friendship proved a great benefit to St. Mary’s over the years. Interview with Judge David A. Ezra, supra note 35. See Leon Jaworski, 77, Dies in Texas; Special Prosecutor for Watergate, N.Y. TIMES (Dec. 10, 1982), https://www.nytimes.com/1982/12/10/obituaries/leon-jaworski-77-dies-in-texas-special-prosecutor-for-watergate.html [https://perma.cc/MK1S-PPB6], for a concise summary of Jaworski’s professional life.
to St. Mary’s on Law Day and humbly accepted the St. Thomas More Award, stating, “[Saint Thomas More] placed his conscience above life itself.”99 The Journal published his Law Day address, *The Unpopular Cause in Times Like These*, in which Jaworski cited a number of historical examples of lawyers (John Adams, Roger B. Taney, and others) who took on a client’s defense in the face of community outcry.100 He expressed concern where he had seen some of his most capable peers shun the opportunity to represent clients due to public disfavor and concluded: “The greatest reward that flows to a lawyer is not measured in riches, social position or popularity. Rather, it comes as an unseen, intangible inner satisfaction that emanates from the faithful discharge of duty. This is truly the lawyer’s highest form of compensation.”101 A very fitting address for such an occasion and at such a time in our history. It is just as relevant today.

Robert W. Calvert, retired chief justice of the Texas Supreme Court, submitted *In the Interest of Justice*.102 Franklin D. Houser published an article on crashworthiness and product liability103 and Page Keeton published an article on *Product Liability and the Meaning of Defect*.104 On a rather peculiar sidebar, this board also noted the passing of Judge Kenneth Koch Woodley, the former presiding judge of the Texas Court of Criminal Appeals, who died in 1972.105 In the dedication, it was noted that after a panel of three federal judges found the Texas law against sodomy unconstitutional,
Judge Woodley stated that opinions of lower federal courts did not bind state courts.106

James Cliffe’s comment focused on the constitutionality of barring non-citizens from bar admission.107 He recalled:

While working on the article I worked part-time in the library with a [third] year student looking forward to graduation but with no path to bar admission because he was a non-citizen. That was 1972 and the topic resonates with me still while we debate how to treat immigrants in our society. I can’t remember Alejandro’s last name but always felt both the Texas Bar and public would have been well served by his admission to the Texas Bar.108

James Cliffe proudly recollects, “My board had the pleasure to name the first female editors to the 1973–[19]74 board.”109 In private practice, Cliffe volunteered in his firm to interview potential clerks and associates from St. Mary’s and recalls:

One such interview was a very intense student named Chris Rulon. We discussed his case note and I expressed interest in reading it. About ten minutes after the end of the interview he returned to my office having printed me a copy from the portable printer in his car. We hired him first as a clerk, then as an associate.110

For several years, James Cliffe’s “firm sponsored a small award given to outstanding new journal members. In the first year of the award, I was as surprised as my son to present the award at the [L]aw [Journal] dinner to Jason R. Cliffe.”111

106. Id. at xii.
108. E-mail from James R. Cliffe, supra note 94.
109. Id.
110. Id. As of this writing, Rulon practices oil and gas law at NuStar Energy. Christopher Curt ‘Chris’ Rulon, ST. B. TEX., https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=154173 [https://perma.cc/FU8D-67NH].
The next board expanded the *Journal* to four issues, under the leadership of Daniel J. Sheehan, Jr., who stated, “We were especially pressed to handle the work because it was the first year of [four] issues. . . . I think all of the board members worked through the summer. I remember being concerned whether we had enough time to generate articles for four issues.”112 Larry Hyden, serving as an articles editor, did yeoman work soliciting enough material to fill them.113 Hyden created a regular offering of student symposia. They focused in depth on an area of law that proved troublesome for attorneys and often suggested solutions. Introduced by a visiting professor or a practicing attorney, the symposia tackled issues such as implied federal jurisdiction,114 creditors’ post-judgment remedies,115 and statutory definitions of a security.116 James Castleberry published an article on *Mobile Home Financing*.117

Daniel Sheehan recalls that the “class [of ’74] had many very good students. We all wanted to write for the [Journal] and later be selected to the editorial board. There were several very qualified candidates that were not selected.”118 By this time, the law student body numbered over 200, but only six were women. This board had two of them as editors,119 Cynthia


113. Id. Sheehan elaborated further:

Larry Hyden was our articles editor and he passed away a few years ago. He was a real character and a very good lawyer in Corpus for many years. He was good friends with Shelby Jordan, who was on the board the year before. Shelby has become a well-known lawyer in Corpus. . . . Both were very serious students. They studied for finals every year at UTSA medical school [now UTHSCSA], which they said was a great place to hide. Believe it or not, they followed a schedule of [eight] hours of study, [four] hours of sleep, then [eight] of study and [four] of sleep each day in preparing for finals.


118. E-mail from Daniel J. Sheehan, supra note 112 (emphasis added).

119. Earlier mastheads reveal a few other women working on the *Journal*: Doris K. Stockstill, associate editor and Karen T. Ruble, staff (Volume 1:1); Louise A. Logan, Joan Dell Weaver, and
Hollingsworth and Ellen Cook. Three of the six editors, Daniel Sheehan, Steve Paxson, and Larry Hyden, were selected as briefing attorneys to the Texas Supreme Court. The faculty advisors were Harold Gill Reuschlein, L. Wayne Scott, and Orville C. Walker.

The 1974–1975 board was a ground-breaker with the Journal’s first woman editor in chief, Margaret Gray Knodell (now Margaret K. Hoffman), and first woman managing editor, George Ann Harpole Maixner. There were very few women studying law at St. Mary’s at that time. Both male and female students have recalled that some professors would give women a hard time in class, calling on them day after day—referring to it as “Ladies Day.” “It taught me to brief really well, and not let up the day after I had to recite,” said Maixner.

The student symposia format continued to shape the focus of the next two boards. The summer 1974 issue produced a symposium with perhaps

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Virginia K. Van Steenberg, staff (Volume 1:2); Eleanor Lou Curry, staff (Volume 2:1); E. Lou Curry, associate editor (Volume 2:2); Jan Weaver Busby, staff (Volume 3:2); Janice C. McCoy, staff (Volume 4:1); Cynthia Hollingsworth Cox, staff (Volume 4:2); Ellen Elizabeth Cook, associate editor and Cynthia Hollingsworth Cox, Phyllis Wilson Gainer, Stacia M. Reed, and Glory Sturiala, staff (Volume 5:1). In Volume 5:2, when two women were selected to the editorial board, Phyllis Wilson Gainer was an associate editor, and Judith Harris Brown, Sue M. Hall, and Mary Q. Kelly joined the staff.


121. E-mail from Daniel J. Sheehan, supra note 112.

It was very unusual to have [three] briefing attorneys from one school (there were only [ten] briefing attorneys at the time, and no staff attorney). One of our fellow briefing attorneys was Tom Phillips (Harvard), who later served many years as a justice (and chief justice) of the court. Two were from SMU, two from Texas[,] and one from Texas Tech.


123. Id. Maixner recalls that the Student Bar Association leaders in her class were also women and that there were early discussions about forming the Women’s Bar Association on campus. Id. The author recalls that “Ladies Day” was still in practice in the early 1980s when she attended St. Mary’s. Professor William P. Francisco, a graduate of the United States Military Academy and the University of Virginia Law School, being the most notorious practitioner of this game, would attempt to make amends for having so much fun at students’ expense by hosting a cocktail party in the spring and inviting only the women in his classes, at which time, he and his wife were most gracious hosts.
the most unique word in a title thus far: *Workmen’s Compensation: A Pandect* of Texas Law, with an introduction by Henry Akin, a retired adjunct professor from Southern Methodist University School of Law. There was enough student material to carry over to the fall issue. This success belies the struggles that existed under the radar. The previous board (1973–1974) had found that “the next year’s class had a real lack of qualified, interested and committed [Journal] members. We actually had difficulty getting the qualified people to even serve on the board for [Volume]s [6, Issue 2 through] 7, Issue 1. It was a disappointing and surprising process.”

As Chris Heinrichs divulged nearly five decades later, a number of the staff interviewed for the editor in chief position. Margaret Gray Knodell was ultimately selected as editor in chief, George Ann Harpole Maixner as managing editor, and Chris Heinrichs was selected as comments editor. Lee Taft was selected as articles editor, David W. Townend as research-business editor, and William R. Garmer as notes editor. Heinrichs recalls, “Interestingly, and unfortunately, neither of the top two in our class, Patrick Sheehan or Charlie Fitzpatrick, interviewed. We would have had a hell of a board with them on it.” Following board selections, Heinrichs explains:

> Then in mid-summer [1974], without warning, . . . Garmer transferred to the University of Kentucky Law School. He was from Kentucky and wanted to go home. . . .

> We tried to find a substitute for Garmer.

> Patrick Sheehan’s brother, Dan, was editor in chief for the 1973–1974 year but Pat was working for a law firm and didn’t want the job. Patrick finished as #1 in our class.

> Charlie Fitzpatrick was one of my best friends and I got him very drunk in an effort to convince him to take the job. He was interested during our period of insobriety but, alas, turned it down as well. Charlie was also working for a

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124. See *Pandect*, BLACK’S LAW DICTIONARY (9th ed. 2009) (defining *pandect* as a complete body of the laws of a country). “Pandect was a ‘Margaret’ word,” said Managing Editor George Ann Harpole Maixner with a chuckle. “There were lots of discussions about it in the board room.” Telephone Interview with George Ann Harpole Maixner, supra note 122.


126. E-mail from Daniel J. Sheehan, supra note 112 (emphasis added).

127. E-mail from Chris Heinrichs, Attorney at Law, Heinrichs & De Gennaro, P.C., to author (Feb. 20, 2018, 4:41 PM) (on file with author).

128. Id.
law firm and, with a small child, needed the money. Charlie finished #2 in our class.

Finally, Stephen P. Dietz agreed to be an editor[,] so we were back to six as the number came to a close.129

However, as the school year started, another board member, David W. Townend, decided to quit the Journal. In spite of these defections, the five-member board pulled together:

[We] compl[e]mented each other well. We felt that with an infant law journal, we had a duty to insure its quality[,] and I think we did that. . . .

Importantly, in an era where there were not that many ladies in law school, there were two female editors on the board before us—Ellen Elizabeth Cook and Cynthia Hollingsworth Cox—and two on ours—Margaret and George Ann.130

The winter 1974–1975 issue also included a symposium on Texas land titles with an introduction by Professor Aloysius A. Leopold, which carried over to Volume 7, Issue 1.131 George Ann Harpole Maixner said it was relatively easy to find topics that were suited to this format and they enjoyed kicking ideas around,132 which proved successful because the symposia often got cited. When Maixner became a briefing attorney at the Fourth Court of Appeals in San Antonio, Texas, she remembers staying in touch with the next board to get them oriented and off to a good start.133 Following a clerkship at the Fourteenth Court of Appeals, Margaret Knodell Hoffman practiced law in Corpus Christi and earned an LL.M. in 1994. From there, she worked in the executive branch of the Texas State Environmental Commission. After retiring from the commission, she was

129. Id.
132. Telephone Interview with George Ann Harpole Maixner, supra note 122.
133. Id.
offered what she referred to as “my dream job” as the Chief Environmental Counsel for Chevron and served in this capacity for ten years. 134

The 1975–1976 board, with Editor in Chief Brian Sokolik at the helm, abandoned the seasonal designations on issues such as fall, winter, and spring, and showcased symposia on special issue submission,135 public utility regulation,136 environmental problems,137 and medical malpractice.138 George H. Spencer, Jr. recalls how he parlayed his Journal duties as a staff writer on the symposium into a lasting relationship:

Very early in my time on the Journal, I served as the courier to return the edits on an article Polly was writing . . . . I called ahead to let her know that I would be dropping them off that afternoon. I knew very generally that the article she was working on was a comprehensive overview of Texas medical malpractice law—an inherently vast landscape of decisions, procedure, and evidence. What I didn’t know was that the time commitment for preparing the article had gone well beyond any reasonable level and that Polly’s mother, Ruth, was extremely upset that “the Journal” was, in her view, destroying her daughter’s life.

When I arrived at the Jacksons’ home, I had barely gotten out of my car when Polly’s mother stormed out the front door and confronted me. Grabbing the papers from my hands while I was still in the street beside my car, she made it totally clear that anyone from the Journal was unwelcome on her property and that I should be off without any delay. Dumbstruck, I complied.

Polly and I started dating shortly after this and Ruth Jackson became my mother[-]in[-]law about a year later. Despite this introduction, I don’t know

134. Telephone Interview with Margaret K. Hoffman, supra note 42.
137. Symposium, Legal Aspects of Environmental Problems: One Region’s Response, 8 ST. MARY’S L.J. 18 (1976). The introduction to the symposium was written by Adrian A. Spears, then-chief judge of the United States District Court for the Western District of Texas. Adrian A. Spears, Introduction, Legal Aspects of Environmental Problems: One Region’s Response, 8 ST. MARY’S L.J. 19 (1976). Topics included air pollution, underground water supplies, urban and rural growth, and development.
of anyone who had a better, more loving, or more gratifying relationship with their mother-in-law than I had.139

Alex Huddleston has questioned George’s memory here:

A likely story. His mother-in-law deserved to be suspicious. George and Polly were dating seriously the last couple of years when we were in law school, so there could have been something other than studying going on when they stayed out late and the “we were studying at the library” alibi seems a little too convenient.140

The 1976–1977 board covered Volume 8, Issue 2 through Volume 9, Issue 1 and published some remarkable articles. Board members benefitted greatly from the services of full-time Administrative Assistant Joy Lancaster, who had been supporting the Journal since Volume 2. Spencer recalls, “She did all the heavy lifting, typing[,] she was so helpful.”141

Following his year as a briefing attorney at the Texas Supreme Court, Patrick Sheehan wrote an article demonstrating the hostility summary judgment appeals faced back then.142 Attorney General John Hill returned to introduce a consumer law symposium.143 This is also the board that


140. E-mail from J. Alex Huddleston, Member, Clark Hill Strasburger, to author (Feb. 27, 2018, 10:16 AM) (on file with author).

141. Telephone Interview with George H. Spencer, Jr., Attorney at Law, Clemens & Spencer (Feb. 14, 2018). Professor Leopold recalled that in the early years of his tenure the faculty did not have secretaries. Indeed, there was only one secretary on staff in the entire law school. At some point, the faculty and the Journal shared one secretary, with her salary budgeted fifty-fifty between the two bodies. Ultimately, the Journal and the faculty each got secretaries. Telephone Interview with Aloysius Leopold, supra note 24.

142. See Patrick K. Sheehan, Summary Judgment: Let the Movant Beware, 8 ST. MARY’S L.J. 253, 254 (1976) (“Thus, in the past eight years the supreme court has held that summary judgment was improperly granted in approximately 70% of the cases it reviewed.”). After a long and successful career in commercial litigation in San Antonio, Texas, Sheehan is currently practicing personal injury law with Dunn Sheehan LLP in Corpus Christi, Texas. Patrick K. Sheehan, DUNN SHEEHAN LLP, https://www.dunnsheehan.com/attorneys/patrick-k-sheehan/ [https://perma.cc/LC7R-FNAC].

published a United States Supreme Court Justice in the Journal for the first time. The article, *A Commentary on Congestion in the Federal Courts*, was written by Justice Tom C. Clark (retired). Editor in Chief Lawrence E. Likar recalled that Articles Editor Jess Rickman worked on it. “Justice Clark’s commentary was for us a ‘big deal.’ It was short, but it covered one of his current interests—the federal docket—that he was actively engaged in during his retirement years. He died, I believe, the year we published the article or the following year.”

Finishing out the 1976–1977 year, the Journal published its first comparative law topic. Covey T. Oliver, a professor of international law at the University of Pennsylvania, spent a summer session as a visiting professor at St. Mary’s. “Professor Oliver was a diplomat and former ambassador to Colombia.” Likar recalls that “[t]he article by Covey T. Oliver was a significant coup for us.” Likar explained that he took a course on international law from Oliver in the summer and later made an agreement with Oliver to write the article. “He was working on the project that summer for another organization and received permission from that body to publish it with [the Journal].” Likar had a good relationship with Professor Oliver, but when Oliver submitted his draft of the article to the Journal, it needed editing. Likar and other members (Jess Rickman and George Spencer) edited Professor Oliver’s draft and greatly improved it; however, when Likar sent the edited version to Oliver for his comments, the author disagreed with the board’s decision to edit his article. Likar responded:

I wrote back and asked him to wait for our final edit and to compare that final draft with his original (what he felt was final) draft, and if he still preferred his draft we would run it exactly as he had written it. [Oliver] agreed and once he

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145. E-mail from Lawrence E. Likar, Professor & Chair of the Dep’t of Justice, Law, & Sec., La Roche Coll., to author (Jan. 13, 2018, 1:59 PM) (on file with author).
147. E-mail from Lawrence E. Likar, supra note 145.
148. Id.
149. Id.
150. Id.
compared the final edited draft with his unedited draft, he decided that our edited draft was better. He approved the final draft and we ran it.  

Oliver later told Likar that the Journal had improved the piece and he was grateful.

Student writers were guided by the note and comment editors on the board. Alex Huddleston remembers that he and George Spencer split the work up between [them]... As I recall, the student writers were asked to submit comments and case notes on [a designated] topic[ ] and the board selected those to publish. George and I then worked with the student authors whose works were selected to polish up their comments and case notes before publication.

Located in “Military City,” the St. Mary’s law student population in the 1970s included a number of retired military as well as Vietnam veterans who mustered out if they were lucky enough to return home somewhat intact. Among them was Editor in Chief Miles Mullin, who came out of the Marines to earn his degree and then returned as an Army JAG officer before entering private practice in the Rio Grande Valley. Editor in Chief Larry Likar had served in the Special Forces. After earning his law degree and a short stint with Dresser Industries, Likar was recruited by the FBI where he specialized in violent crime and terrorism, culminating his career there as a Supervisory Special Agent of the Violent Crime and Major Offenders Squad in Pittsburgh, Pennsylvania. Editor in Chief Willis Luttrell had retired from a military career before entering law school. There are many more throughout the years who have served our country and sought to expand their education at St. Mary’s University School of Law. John Vaught, class of 1978, expressed how the Journal experience prepared him:

Because I had spent six years in the Navy before law school, I had not written a serious research paper since college. Add to that, the last three plus

151. Id.
152. E-mail from J. Alex Huddleston, Member, Clark Hill Strasburger, to author (Feb. 26, 2018, 8:36 AM) (on file with author). Huddleston is a member of Clark Hill and is board-certified in four areas: civil trial law, personal injury law, civil trial advocacy, and civil pretrial practice advocacy. John A. Huddleston, CLARK HILL, https://www.clarkhill.com/people/john-a-huddleston [https://perma.cc/B827-5GQB].
153. E-mail from Lawrence E. Likar, supra note 145.
years of my Navy career were spent as a department head at the US Naval Communication Station in Italy. The Navy valued brevity in its official communications. As a result, use of acronyms and other abbreviations were the way I wrote in the three plus years before joining the Law Journal. To the editorial staff’s credit, I learned to write (and to research) again. They retaught me how to compose full sentences and paragraphs! Similarly, when I became an associate editor, the opportunity to review and to edit the work of others was invaluable. Expressing to others what needed to be added or deleted to improve a work product was not as easy as it might seem and doing so greatly improved my analytical writing. And, of course, clerking for a federal circuit judge demanded all the skills I had learned while on the St. Mary’s Law Journal and otherwise. Finally, as I have edited briefs for the past forty years in private practice, I cannot imagine not having learned Bluebook form and editorial notations while in law school. While it seemed I already had a very full plate when I joined the Law Journal, I cannot imagine my professional life without that experience.154

In addition to these fine students, a common remark from those the author interviewed stressed how impressed they were with the quality of students they encountered and what a hard-working and brilliant bunch of Journal editors and staff they were privileged to know.155

Alex Huddleston, a note and comment editor from that era, reminisced about life on the Journal board in the seventies:

One of the biggest differences between then and now was the lack of computers. All submissions were manually typed on a typewriter. The Journal editors would mark up a document with a pencil and send it back to the author to revise, retype[,] and resubmit. We manually checked all citations using books because Westlaw and Lexis weren’t available to us. When the

154. E-mail from John M. Vaught, Senior Counsel, Wheeler Trigg O’Donnell LLP, to author (Apr. 11, 2018, 2:02 PM) (emphasis added) (on file with author). Following graduation, Vaught clerked for Judge Robert H. McWilliams on the Tenth Circuit Court of Appeals and is currently senior counsel for Wheeler Trigg O’Donnell LLP in Denver, Colorado. His practice focuses on complex insurance defense. Among other clients, Vaught is one of two national counsel representing USAA. John M. Vaught, WHEELER TRIGG O’DONNELL LLP, http://www.wttrial.com/john-m-vaught [https://perma.cc/7QFB-2UXE].

155. See, e.g., Telephone Interview with George H. Spencer, Jr., supra note 141 (reminiscing on his encounters with Journal members and recalling how “uniformly outstanding the Journal staff were as law students and how well they have done as lawyers”). Spencer is board-certified in civil trial law at Clemens & Spencer and was named the Distinguished Law Graduate in 2017. Attorney George H. Spencer, Jr., CLEMENS & SPENCER, http://www.clemens-spencer.com/our-attorneys/george-h-spencer-jr/ [https://perma.cc/Y5AC-EJ3K].
editorial process was complete, a typist employed by the [Law Journal (Joy [Lancaster] . . .) typed everything again into a final manuscript. We reviewed Joy’s manuscript for typos, had her make any corrections, and then we sent it to the publisher. The publisher produced “galleys” which were printed on long sheets of paper. You could see what the pages would look like[,] but they were printed on a continuous sheet of paper. We marked up the galleys and sent them back to the publisher. As you can see[,] the editing process was much more tedious and time consuming without computers. We had a small, cramped office in the round building which was the library before the current library building was constructed. In those days, the law school consisted of three buildings: the library (round building); the classroom building (closest to the parking lot[]); and the faculty office building. The Sarita Kenedy East Library building was built later. My editorial board was a congenial group and we spent a lot of time together producing each issue.156

The 1977–1978 board expanded to eight editors. The mastheads of the next three volumes also indicate that the Journal was a member of the National Conference of Law Reviews Executive Committee.

Leroy Jeffers, a former president of the State Bar of Texas, authored Government of the Legal Profession: An Inherent Judicial Power Approach.157 Symposia focused on the Limited Partnership Act158 and environmental litigation.159 The next volume, the tenth anniversary issue, opened with a tribute to Dean Raba, as he stepped down after thirty-two years as dean.160 Contributions praising his leadership and service were written by such legal luminaries as University of Texas Law Dean W. Page Keeton and Leon Jaworski.161 The lead article was an essay by Yale Law Professor Charles L. Black, Jr. titled Reflections on Opposing the Penalty of Death.162 The Journal also published an article by Fulbright partner James B. Sales, a prolific

156. E-mail from J. Alex Huddleston, supra note 152 (emphasis added). Donato D. Ramos, who was managing editor of Volumes 2:2 and 3:1, adds: “Proofreading galleys was the nasty part of the job.” Telephone Interview with Donato D. Ramos, supra note 37.
161. W. Page Keeton, Remark, On the Retirement of Dean Ernest A. Raba, 10 ST. MARY’S L.J. viii, viii (1978); Leon Jaworski, Remark, A Tribute to Dean Ernest A. Raba, 10 ST. MARY’S L.J. is, is (1978).
legal writer, on the service-sales transaction.¹⁶³ And James N. Castleberry, Jr., who succeeded Raba as dean of the law school in 1978, contributed an article on the division of marital property.¹⁶⁴

In 1979, the Journal featured a timely lawyer’s forum on insurance company advertising and whether it raised new problems in voir dire. Professor L. Wayne Scott introduced the issues to which W. James Kronzer of Houston and Michael A. Hatchell of Tyler responded with pro and con essays.¹⁶⁵ Professor David Dittfurth contributed an article on the Younger Abstention Doctrine, and Francis Rooney wrote on the Regulation of Foreign Banking Activity in the United States.¹⁶⁶ Two board alumni from Volume 5, Daniel Sheehan and Cynthia Hollingsworth, wrote an article on the Allocation of Peremptory Challenges Among Multiple Parties.¹⁶⁷

Issue 3 also included a comment by Taylor Boone recommending that the Texas Bar follow a system the Florida Supreme Court had established, where client trust funds would be invested in interest-bearing accounts for the benefit of organized bar associations to support public legal programs.¹⁶⁸ Part II of his comment continued the discussion in Volume 11, Issue 1, arguing that the IRS should recognize the interest earned as tax-free because it would support public legal programs.¹⁶⁹ This


¹⁶⁹. Taylor S. Boone, Comment, A Source of Revenue for the Improvement of Legal Services, Part II: A Recommendation for the Use of Clients’ Funds Held by Attorneys in Non-Interest-Bearing Trust Accounts to Support
concept has become a national model for using the interest earned on client trust funds or IOLTA accounts to support the appointment of lawyers to represent indigent clients, although Boone humbly takes no credit for spreading the idea.  

The fourth issue of Volume 10—the symposium issue—marked the first time the symposium editor’s name rose to the top of the masthead. The editor in chief of that issue, Richard E. Sames, selected the topic Texas Usury Law and it included five articles by practicing lawyers and a student survey of Texas case law dealing with usury. Sames said:

I don’t have any explanation about the masthead—it was probably Curtis [T. Vaughan III’s] doing. I do recall that my issue came out after the school term ended and I spent a good part of the summer after graduation working on it. It may have been his way of acknowledging that. The story I always tell about that issue was it came out in [’]79, when interest rates were 20% plus and there were not a lot of bankers interested in publicizing that particular field of law.

In another way, this board marked the end of an era. Editors Rand Riklin and Richard Sames claim that they “were the last [e]ditorial [b]oard to have a bar in [the] office and from time to time Dean Castleberry came by and had a drink or two with [them].”


170. In Texas, the Equal Access to Justice Program created Interest on Lawyers’ Trust Accounts (IOLTA), which requires that attorneys deposit all client funds into a separate interest-bearing account and the interest is then sent directly to the Texas Equal Access to Justice Foundation where it is parceled out to regional legal services providers who serve indigent clients. See About TAJF, TEX. ACCESS TO JUST. FOUND., http://www.teajf.org/about_tajf/funding.aspx ("Interest generated by [IOLTA] accounts is dedicated to helping nonprofit organizations that provide free civil legal services."); see also E-mail from Taylor S. Boone, Member, Clark Hill Strasburger, to author (May 31, 2018, 3:04 PM) (on file with author) ("I’m not aware that my two comments had any impact on Texas or any other state[] adopting the IOLTA account program.").


172. E-mail from Richard E. Sames, Attorney at Law, Sames & Werstak, LLP, to author (Jan. 11, 2018, 3:48 PM) (on file with author). Sames mentioned that both he and Note and Comment Editor Keith Davis clerked at the Fifth Court of Appeals after graduation. Sames practices law in Laredo, Texas with the firm Sames & Werstak, LLP. Id. Davis focuses his practice on estate planning in McKinney, Texas. KEITH E. DAVIS, http://www.keedavislaw.com/attorney-profile [https://perma.cc/J4A2-QE32].

173. E-mail from Rand Riklin, S’holder & Dir., Goode Casseb Jones Riklin Choate & Watson, to author (Mar. 14, 2018, 4:13 PM) (on file with author). Riklin earned an LLM, from the University of London, London School of Economics and Political Science in 1984. He is a shareholder
Taylor Boone was selected as editor in chief for the 1979–1980 editorial board. Professor Faye Bracey described a staff writer’s life in those days:

I joined the [Journal] in the summer of 1979, after my first year of law school. Back then we were tasked with writing a case note during the summer. Some of us landed law clerk positions at what was then Groce Locke & Hebd[on], an insurance defense firm in the Frost Bank building in downtown San Antonio. We would do memorandums for the firm in the [A.M.] and work on our case[ ]note in the afternoon, as the firm had a better law library than St. Mary’s at the time! (St. Mary’s law library was on the second floor of Raba then.)

During the fall of 1979 my friends and I wrote our comments and immersed ourselves in all things [Law][Journal]. I remember hosting a dinner party at my home for friends and their dates after our comments were turned in in November.174

The Journal devoted an entire issue to the Bankruptcy Reform Act of 1978.175 Volume 12, Issue 1 offerings included Judge Sam Houston Clinton and Brian William Wice on Assistance of Counsel in Texas176 and a blockbuster by Professor Colin Kaufman, The Scientific Method in Legal Thought: Legal Realism and the Fourteen Principles of Justice.177 The first few sentences of this latter article are worth repeating here because they demonstrate how quickly the Journal matured into an influential journal:

Legal realists have long believed that judges make an instinctive decision about the just result in a case, and then invent law (manipulate the precedents) to justify their conclusions. In this article I intend to show that not only is this what judges do in fact, but moreover, this is exactly what judges should do. To do this it is necessary to show that the true purpose of the law is to achieve justice. To do this it is necessary to show how we can tell what purposes of

174. E-mail from Faye M. Bracey, Counselor to the Dean, St. Mary’s Univ. Sch. of Law, to author (Nov. 7, 2017, 10:47 AM) (emphasis added) (on file with author).
176. Sam Houston Clinton & Brian William Wice, Assistance of Counsel in Texas, 12 St. Mary’s L.J. 1 (1980).
the law are. To do this it is necessary to explain how legal realists use the scientific method.\textsuperscript{178}

Written entirely in first-person, Professor Kaufman explains how he settled upon fourteen principles of justice, beginning with “Rule 1: Justice Demands that No One Should Profit by His Own Wrong (i.e., by Defeating the Reasonable Expectations of Others).”\textsuperscript{179} A personal favorite is “Rule 7: People Don’t Have to Be Perfect[,]” followed by “Rule 8: Justice Is Served When the Powerful Must Treat the Weak [A]s Equals.”\textsuperscript{180} Rules 9 and 10 are also fundamental: “Justice Demands that Like Cases Be Treated Alike,” and that “Different Cases Be Treated Differently.”\textsuperscript{181} He concludes with “Rule 14: Courts Should Assume that Legislatures Expect Them To Do Justice Until Legislatures Demonstrate Otherwise.”\textsuperscript{182}

Under Taylor Boone’s leadership, a new editorial position briefly made its appearance—administrative editor—and Faye Bracey filled that role for Volume 11, Issues 3 and 4 and for Volume 12, Issue 1. Bracey described the administrative editor position as “a one-time gig,” stating:

In the spring of 1980, I became the first and only administrative editor of the \textit{Journal}. This is because after ten years and no business manager[,] things in the \textit{Journal} office were a mess. At that time \textit{Journal} occupied the office on the first floor of Raba in what is now senior faculty offices. I remember a meeting with Dean Castleberry where he admonished me for dropping many of our alumni who had been receiving the \textit{Journal}, but not paying for it. Well, I told him I was sorry, but we needed to be paid! Thereafter, he would send a list of the Dean’s Friends who got subscriptions and the account number where he could be charged for the subscription!\textsuperscript{183} Bracey advanced to editor in chief for the 1980–1981 year. The board expanded to eleven editors, while the staff went from forty to thirty-one members. Professor Robert Hobbs chaired the faculty advisory committee with Professors Dittfurth, Kaufman, and Scott. Instead of a secretary, the

\begin{thebibliography}{9}
\bibitem{178} Id. at 78 (footnote omitted).
\bibitem{179} Id. at 89.
\bibitem{180} Id. at 100.
\bibitem{181} Id. at 101.
\bibitem{182} Id. at 106.
\bibitem{183} E-mail from Faye M. Bracey, supra note 174 (emphasis added). The term “Dean’s Friends” as used here was not meant to disparage. Indeed, anyone who has worked in private education institutions knows that friends are essential to the success of the institution and its mission.
\end{thebibliography}
board functioned with an administrative assistant named Janice Elkins. As Bracey was only the second woman to serve as editor in chief, Dean Castleberry continued to be challenged by this development. She recalls:

In May . . . 1980, after graduation was over, I came out to the [Journal] office for the sole purpose of cleaning it; therefore, I was wearing shorts. Well, I wasn’t on campus more than [ten] minutes when I received a call from the Dean’s secretary, Sophie (the current Law School Registrar’s, Yvonne Olfer’s, mother), that the Dean would like to see me. I went over and he proceeded to regale me with the reasons I, as [editor in chief], had to obey his no shorts policy. I tried to explain that I was there just to clean and had chosen a time when few people were on campus; but, alas, he was adamant. Therefore, I left campus, in my shorts, and a dirty [Journal] office to boot!\(^{184}\)

Nevertheless, the Journal’s output was significant. One issue focused on the new rules of civil procedure. Professor Walker, who taught the course for years, wrote the introduction\(^ {185}\) and an impressive array of Texas legal luminaries contributed the articles: Supreme Court Justices Charles W. Barrow and Franklin Spears,\(^ {186}\) Chief Justice of the Fifth Court of Civil Appeals Clarence Guittard,\(^ {187}\) and two members of the Supreme Court Advisory Committee, Luther H. Soules III and Sam Sparks—a future federal judge.\(^ {188}\) In the midst of the Great Recession, with high inflation, rising interest rates, and a new Congress committed to banking deregulation, the Journal put out a massive symposium issue focused on real estate financing issues, under the direction of Symposium Editor Sara Dysart.\(^ {189}\)

\(^{184}\) Id.


\(^{188}\) Luther H. Soules III & Mary M. Potter, Distress Warrant and Trial of Right of Property Under the 1981 Texas Rules, 12 St. Mary’s L.J. 693 (1981); Sam Sparks, Judicial Recusal: Rule 18a—Substance or Procedure, 12 St. Mary’s L.J. 723 (1981).

\(^{189}\) Symposium, Real Estate Finance—An Emphasis on Texas Law, 12 St. Mary’s L.J. 805 (1981).

This board was the last to turn out an entire Journal the old-fashioned way. The transition to new technology was on the horizon, as Bracey recalled:

During my tenure as [editor in chief], the Dean decided that the [Journal] needed a computer. Remember, this is 1980 and we were still hand marking our edits on the papers and sending the marked[-]up documents via overnight air run by the airlines as our printer was in Atlanta, Georgia. I had no idea what a computer could do for the [Journal], and no time to find out, as I was pregnant and trying to get our books out and graduate in May. B[ut] I went with the Dean to look at several computers in the spring of 1981 and was astounded at the size requirements of the machines . . . . [W]e would basically [lose] our library that opened to the outside of Raba where law success instructors are now. I couldn’t imagine[ ] but decided to go along with it as the Dean had the money and who knew when that would happen again. S[o], we selected the W[ang] machine. It was delivered and it sat in that library space until John Cayce, the next [e]ditor in [c]hief[,] took over that summer. My board continued to handle the manuscripts in hard copy with editing marks. Despite that, we were able to get all four editions of the [Journal] completed before graduation, except for one article that came in at graduation and was turned around in June.

Oh, how times have changed. Now the Journal works almost solely with digital copy. How much easier to receive the manuscripts and get them edited and cite checked and through the review process. Of course, they miss the opportunity to have an all[-]night read along for one issue, as my board did, using Raba as our “living room[.]”

190. E-mail from Faye M. Bracey, supra note 174 (emphasis added). By this time, the Journal had “survived” a number of firsts for women on the board. Volume 5 boasts the first women selected for the editorial board (Cynthia Hollingsworth Cox and Ellen Elizabeth Cook). Volume 6 was ably led by the first women to hold the top two positions on the board (Editor in Chief Margaret Gray Knodell Hoffman and Managing Editor George Ann Harpole Maixner). The Volume 12 board was led by the first pregnant Editor in Chief Faye Bracey. Soon “firsts” mattered less for gender issues because there were seconds and thirds. Indeed, Parks Brown recently remarked:

The board for Volume 44 was interesting in that it consisted of mostly women and only three men. There were a lot of exceptional female students in the Class of 2013 and that was reflected in the board, which included the valedictorian (Lauren Valkenaar). Lauren was a very hard-working executive editor and she practices law in San Antonio with Norton Rose Fullbright.

E-mail from Parks Brown, Attorney at Law, Uhl, Fitzsimons, Jewett, Burton & Wolff, PLLC, to author (Apr. 13, 2018, 3:25 PM) (on file with author). The irony continues as Volume 50 is composed of ten women and two men, the somewhat mirror opposite of the Volume 5 board on which the first two women sat.
John Cayce said he does not “remember much about the computer except that I didn’t touch it! What it did obviously do is enable us to bring in-house some tasks that the board typically farmed out to the printer, and, consequently streamlined the editing and publication process.”\(^{191}\) The law school hired a business manager who presided over the Wang and was responsible for inputting all the hidden codes that went into the production process. The first business manager was Janet K. Williams, who worked with Cayce’s board on Volume 13, Issue 2 through Volume 13, Issue 5.

By including the previous board’s final issue, Volume 13, Issue 1, and putting the next four issues into the same volume, the *Journal* adjusted from the rather awkward volume carryover to one numerical designation per board. In a tribute by Dean Raba, Volume 13, Issue 2 was dedicated to the much-loved Professor Arthur Yao, who retired after twenty-three years on the faculty.\(^{192}\) There is also an in memoriam on the passing of Justice James G. Denton by Joe R. Greenhill, then-chief justice of the Texas Supreme Court, who recalled Justice Denton’s distinguished career, that last hard-contested primary election which he won, and his untimely death on the seventh tee of the Pecan Valley Golf Course in San Antonio, Texas.\(^{193}\)

Texas appellate courts underwent a major reorganization at this time. The *Journal* published *Changes in Appellate Review in Criminal Cases Following the 1980 Constitutional Amendment* by Judge Carl E.F. Dally and Patricia A. Brockway, which described the expanded intermediary appellate review and the reorganization of the Texas courts of appeal.\(^{194}\) Cayce recalls: “I learned a lot from the criminal appellate article that prepared me for the

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\(^{191}\) E-mail from John H. Cayce, Jr., Partner, Kelly Hart & Hallman, to author (Dec. 11, 2017, 3:24 PM) (on file with author).


Chief Justice Greenhill’s memorial tribute to Justice Denton is memorable for the fact that Justice Denton’s sudden death occurred the summer before I joined the [c]ourt as Justice Barrow’s [briefing attorney]. He and Barrow were the closest of friends and everyone at the time privately blamed his heart attack on his opponent, Justice Kilgarlin. To prove what a small world it is, Joe Greenhill III (the late CJ’s grandson) is one of my associates and Justice Denton’s son, Tommy, was a *Fort Worth Star-Telegram* editor with whom I struck up a close friendship after my election to the court of appeals.

E-mail from John H. Cayce, Jr., supra note 191.

work of [the] court of appeals a little more than a decade later.”195 He went on to serve as “chief justice of the Second Court of Appeals for [fifteen] years and sat twice on the Texas Supreme Court by gubernatorial appointment as a visiting justice.”196

In addition to technological advances, the 1981–1982 editorial board was historic for another reason as well. Six members of the board were selected that year to become briefing attorneys at the Texas Supreme Court: Joe Hood,197 Patricia Rant,198 Laura Worsham,199 Susan Shank, Molly Snyder,200 and John Cayce. No law school had ever placed as many graduates to the Texas Supreme Court in the same year.201

In these early years, every board seemed to recall that they had pulled long hours after final exams concluded to finish up their last issue and study for the bar exam. And yet, nearly every incoming board was greeted with galleys to be proofed before the last issue went to print. Volume 13 was no different, but the incoming board decided to include their last issue as Issue 5 to wrap up their body of work and give the new board a fresh start.

Volume 14 was led by Barbara Hanson Nellermoe as editor in chief and John Milano, Jr. as executive editor. The faculty committee consisted of Professors Hobbs, Gerald Beyer, and R. Glen Ayers. Thelma M. Flores joined the staff as business manager for the next three volumes, fully in command of the Wang. Anticipating the spring 1983 groundbreaking for the new law library, to which the Journal editorial board would soon relocate,
the board redesigned the cover, adopting the deep blue school color with white lettering to replace the palm tree-adorned round building cover.202

The first issue was dedicated to Chief Justice Joe R. Greenhill on his retirement after twenty-five years of public service, written by Justice Charles W. Barrow.203 The chief justice had been a very good friend to St. Mary’s and its fledgling law journal. Recently retired Chief Justice Robert W. Calvert submitted an article illuminating the distinctions in declaratory judgments that exist between federal and Texas law.204 Phillip R. Spicer, Jr. explained plea bargaining.205 The Journal published more on usury206 and an article on franchising.207 James B. Sales submitted his second article, The Emergence of Punitive Damages in Product Liability Actions: A Further Assault on the Citadel.208 The gun lobby sent in an article entitled Turning the Gun on Tort Law: Aiming at Courts to Take Products Liability to the Limit.209 The authors, from a conservative think tank and public interest law firm, argued against tort liability for gun manufacturers.210 Volume 14 also covered such diverse topics as the Federal Juvenile Delinquency Act,211

202. Barbara Hanson Nellermoe, Forward, 14 ST. MARY’S L.J. xii, xii (1982). The use of “forward” was arguably a word-play on “foreword” or an editorial error, reader’s choice. Unbeknownst to the board, there was some dissention to the cover change at a faculty meeting, mourning the loss of the round building on the cover. Telephone Interview with L. Wayne Scott, supra note 72. The board for Volume 14 also tweaked the architectural drawings for the present Journal offices.


210. Id. at 475.

Reciprocal Agreements in Shopping Center Developments,212 and two articles on
doing business with Mexico.213

The symposium issue, under Editor Sharon Callaway Dittfurth, who
finished first in her class, focused on selected topics on constitutional law
with the lead article on equal protection authored by Professor
David Dittfurth.214 Ricardo Gonzalez Cedillo215 and Professor Glen
E. Thurow216 also submitted articles, along with six student comments on
a variety of subjects.

By this time, the Journal had reached a certain stable plateau of adequate
staffing, a standard procedure for production of a quality journal, a
professional business manager, one glorious computer, and a regular output
of four issues a year. Dean Raba credited Professor Orville Walker for his
initial guidance, explaining “Orville served as the [f]aculty [a]dvisor to the
Law Journal for the first six years of its existence, laying the foundation for
the success and prominence it presently enjoys.”217 Indeed, successive
boards have continued to climb the road to excellence.

III. RECRUITING STAFF CANDIDATES

There currently are two paths to follow to be selected for the Journal. Top
students, those who make the Dean’s List at the end of the first semester,
are invited to what is often referred to as the “grade-on” path.218 The
second path is to “write-on.”219 Each spring, students who have completed
their required courses and are in good academic standing are encouraged to
enter the competition.

The current two-track system for joining the Journal is similar to the
selection method used from at least the mid-1980s until the early 1990s.

219. Id.
From the mid-1990s until about 2010, there was a three-track selection process. Under that regime, no one graded onto the Journal without participating in the writing competition. From among those who successfully completed the writing competition, twelve staff writers were selected solely based on grades, another twelve based solely on their writing, and the final twelve based on a combination of grades and writing. The problem with this three-track method of filling what was then thirty-six seats on the Journal was that it required the board to invest a huge amount of time in grading write-on essays from every applicant—time that needed to be spent on publishing the Journal. Put differently, too much time was spent on figuring out who was on the team and not enough time was left for editing and cite checking. Changing the selection method so that students in the top 10% (Dean’s List) would automatically qualify for membership reduced the burden imposed on the editors by the writing competition. During the last three decades, the writing competitions have been very competitive. The format evolved over the years, and in the last decade it has consisted of an essay written on a topic with materials selected by the board. The papers are graded anonymously by the board, and scoring is based on legal analysis, use of authorities, Bluebook citation form, and grammar. Using these two methods, the board selects its staff writers—currently up to forty. Among several other duties, a staff writer must write a comment during their fall semester and must serve on the managing executive editor’s cite-checking team. Depending on the quality of the work performed, a staff writer may receive credit hours and a writing requirement fulfillment for the J.D. degree. In addition, it is from this pool of staff writers that future editorial boards are selected.

220. Many articles have presented cite-checking challenges. For example, University of Texas Law Professor Hans Baade’s history of Texas water law contained more than 500 footnotes, many citing sources published in Spanish. Hans W. Baade, The Historical Background of Texas Water Law—A Tribute to Jack Pope, 18 ST. MARY’S L.J. 1, 98 (1986). Baade’s subsequent history of the Texas Supreme Court ran nearly 200 pages and contained almost 1,000 footnotes. Hans W. Baade, Chapters in the History of the Supreme Court of Texas: Reconstruction and “Redemption” (1866–1882), 40 ST. MARY’S L.J. 17, 203 (2008).

221. See ST. MARY’S L.J. BYLAWS, supra note 218, at 6 (summarizing the writing competition guidelines and the procedures for selection).

222. Id. at 7.

223. Id. at 7.

224. Id. at 7–8.

225. Id. at 16; cf. E-mail from Matt Compton, Staff Attorney, Fourth Court of Appeals, to author (Apr. 25, 2018, 12:47 PM) (on file with author) (“As much as I learned as a staff writer, I learned even more as executive editor.”). Matt Compton elaborates further: “We were also the board that
Faculty participation has expanded considerably in the last few years. The faculty advisory committee does not generally engage in day-to-day operations of the student-led Journal, but it does review pre-publication selected articles and proposed amendments to the bylaws. Laura Burney joined the faculty in 1985 and was appointed to the Journal’s faculty advisory committee in 1991. Burney explains:

As a faculty member, I did enjoy being part of a move to have more faculty oversight and involvement under Dean Aldave. That effort has continued as current rules require that the board have at least two faculty members edit articles in their fields. I do that frequently since the Journal has been publishing oil and gas articles. I’m always impressed with how hard the students and the boards work to put out good pieces.

In 2015, Dean Stephen M. Sheppard directed the committee to provide “meaningful review and comment by a faculty member for each note prepared by a student if that student receives academic credit.” Thus, every student writer receives guidance from a faculty member and an editor throughout the writing process. The faculty advisory committee now has twelve faculty providing oversight to the Journal and to the St. Mary’s Journal on Legal Malpractice & Ethics.

IV. COMPETITION WITH THE SCHOLAR

In the spring of 1999, The Scholar: St. Mary’s Law Review on Race and Social Justice (Scholar) published its inaugural issue with an editorial board of six and

226. See E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to Mary Hazlewood, Former Editor in Chief of Volume 36, St. Mary’s Law Journal & Nathan Mechler, Former Exec. Editor of Volume 36, St. Mary’s Law Journal (Jan. 13, 2005, 12:21 PM) (on file with author) (“You folks run the show and make the decisions. However, I am going to try to point you in the right direction on this one . . . . But the decision is up to the board.”).

227. E-mail from Laura Burney, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Jan. 22, 2018, 11:05 AM) (emphasis added) (on file with author).


229. See infra Part XII where the St. Mary’s Journal on Legal Malpractice & Ethics is discussed in greater detail.
twenty staff writers. They celebrated their twentieth volume publication in 2017 and are to be congratulated. With the creation of a second journal, the Journal board noticed some competition in recruitment, particularly with respect to minority writers. In 2004, the Journal faculty committee sponsored a program to recruit students to enter its spring writing competition and featured five recent minority alumni of the Journal: Pamela M. Bell ’02, Akin Gump, San Antonio, Texas; Soña Ramirez ’02, Baker Botts, Austin, Texas; Cynthia Ellis Rosen ’02, Matthews & Branscomb, San Antonio, Texas; Vanessa M. Villanueva ’00, Akin Gump, San Antonio, Texas; and Joe R. Hinojosa ’98, Oppenheimer, Blend, Harrison & Tate, San Antonio, Texas. The theme of the program was Why Writing for the St. Mary’s Law Journal Is Good for Your Career. The underlying message conveyed was that “talented minority students should consider writing for the Law Journal.”

V. All in the Family

St. Mary’s University School of Law has a family atmosphere, and in several instances, it has had a genetic component. The Journal has at least three father-son ties, one father-daughter tie, and two sibling ties that the writer detected while researching its history. Barry Snell was an associate editor for Volume 2, Issue 1 and his son, David Clay Snell, was an articles editor for Volume 30. James R. “Jim” Cliffe was editor in chief of Volume 4, Issue 2 to Volume 5, Issue 1 and his son, Jason R. Cliffe, was

230. From the Editors, 1 SCHOLAR v, v (1999).
232. E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to Pamela Bell et al., Attorney at Law (Mar. 25, 2004, 12:50 PM) (on file with author).
233. Why Writing for the St. Mary’s Law Journal Is Good for Your Career (Apr. 7, 2004) (unpublished announcement) (on file with author). The law firms noted in the text above reflect where these alumni were then practicing law. One of the alumni featured at the program noted, “The student-run Law Journal was the best thing about law school for me.” E-mail from Joe R. Hinojosa, Managing S’holder, Barkhurst & Hinojosa, P.C., to author (Apr. 19, 2018, 11:20 AM) (emphasis added) (on file with author).
234. E-mail from Vincent Johnson, supra note 232 (emphasis added).
an associate editor for Volume 25. 236 Stuart W. Bowen, Jr. served as research, note, and comment editor of Volume 22 and his son, Marshall Bowen, 237 was the solicitations and articles editor of Volume 49. David T. Bright was an associate editor for Volume 17 and his daughter, Ann Bright, is a staff writer for Volume 50. 238 The Mechler brothers were executive editors: Nathan on Volume 36 and Shawn on Volume 42. 239 Team Cusenbary worked together in 1991–1992: Lee was executive editor of Volume 23 while his sister Karen was a staff writer, and thereafter was selected as articles and symposium editor for Volume 24. 240 Then there are those who married—with the exception of Parks and Susan Stahlman Brown—after graduation, clerkships, or completion of the bar. There are likely more who might be noted here.

Over the years, Professor Johnson and his wife, Jill Torbert—an articles editor for Volume 18—have hosted many cocktail parties and dinners for Journal members in their lovely Monte Vista home and garden. Often the occasions coincided with the announcement of comments to be published, first issue releases, or outreach to Journal alums. 241

236. See E-mail from James R. Cliffe, supra note 94 (explaining that his firm sponsored an award to outstanding Journal members and how surprised he was to present the award to Jason R. Cliffe, his son).


238. David Bright is a catastrophic injury attorney working primarily in the Corpus Christi office of Sico Hoelscher Harris, LLP, where he is of counsel. Meet David Bright, SICO HOELSCHER HARRIS, https://www.shhlaw.com/attorneys/david-bright/ [https://perma.cc/2ESP-YTER].


241. See E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Apr. 21, 2018, 10:08 PM) (on file with author) (highlighting a reception held at Professor Johnson’s home for Journal members and alumni).
VI. FROM THE GALLEYS TO ELECTRONIC EDITS

From the spring of 1981 and the purchase of the Wang computer going forward, developments in technology were changing the way a journal was produced. Stephan Rogers was executive editor of Volume 19 in 1987–1988 and, like all Journal editors, has never forgotten a proofreading gaffe:

I remember getting our first books back from the printer; it was such an exciting day. Like all law journal staffs, we had worked our [butts] off on the articles. Back then we had to take carts out and physically load up all the case reporters and statute books cited in the articles, so we could cite check everything the authors wrote.

So[,] when the big day came, I opened up the box and breathed in that lovely new-book smell. Pausing for dramatic effect, I cracked open the first book at a random page . . . and the first thing my eye fell upon was three llls in a row, as in three lower-case letter Ls. My eyes clouded up as I tried to think of any English words that had three Ls in a row. Sadly, there are no such words. I was crestfallen—proofreading was one of my main functions. The misspelled word was buried in a footnote, but still, it stung.

Today’s spell check functions solve many of these problems—my computer really did not want to let me type the misspelled word in the last paragraph—and lugging around piles of those tan case reporters (remember those?) is a thing of the past, but putting together a good journal is still a huge undertaking, especially for law students who are already sleep deprived and busy converting coffee into class outlines. But it was an honor and experience none of us will forget.242

The law school invested in personal desktop computers for the Journal offices in the late 1990s. At first, just the editor in chief and the executive editor had them, plus one in the boardroom for everyone. Editor in Chief Connie Flores Lock (1997–1998) recalls:

I believe we had three computers to share among the editorial board, associate editors, and [Journal] staff members. We handed out packets to the [Journal] staff to cite check and revise text. All revisions were written on the packets and then the editorial board would review the packets and make

additional changes. Kate Fleming and Gloria Valenzuela, both of whom worked in the business office, would revise the packets (each had a computer) and we would start the process over to ensure accuracy. I also remember that we could not submit an entire issue to the publisher by email. Portions of our work were submitted in hard copy and the publisher would reproduce it, which required that we check the publisher’s work for errors.

We spent countless hours debating grammar, usage, and writing style. Even though we all had our own point of view (and most of us had strong personalities), we decided to be consistent in our approach and, ultimately, we felt confident with the work we produced in Volume 29.243

Often, the other members of the board would work from their own laptops rather than a dedicated journal computer.244 However, Jeffrey Walsh recalls:

Even from 1997–[19]99, our editing was very paper-intensive, with edits written in red ink by staff writers and the articles/comment editors, blue ink by the [e]xecutive [e]ditor, and purple ink by the [e]ditor in [c]hief (or [s]ymposium [e]ditor). The [b]usiness [m]anager and [b]usiness [c]oordinator would then input all changes into the Word version, which was eventually used by our publisher to create proofs for further review and edit until we were satisfied that the issue was ready for publication.245

By 2002–2003, desktop computers were added at every cubicle and they were networked. “It was great because this was way before public [Wi-Fi], so it gave us . . . much needed access to the Internet[,]” said Sam Houston.246 The board used them for research and word processing, “but

243. E-mail from Connie Flores Lock, supra note 14 (emphasis added).

244. See, e.g., E-mail from Jason B. Binford, Partner, Foley Gardere, to author (Feb. 27, 2018, 10:21 AM) (on file with author) (“I believe that the other board members used their own laptops rather than a dedicated journal computer.”) (emphasis added)). Accord Telephone Interview with Connie Flores Lock, Attorney at Law, New Braunfels Utils. (Feb. 28, 2018). Jason B. Binford is a partner at Foley Gardere in Dallas, Texas. J ason B. Bin ford, FOLEY GARDERE, https://www.foley.com/jason-b-binford/ [http://perma.cc/8FAR-78US].

245. E-mail from Jeffrey A. Walsh, Attorney at Law, Barton Benson Jones, to author (Jan. 11, 2018, 6:39 PM) (on file with author). Walsh also recalls: “Professor Johnson introducing us to comparison software, so that we could send authors comparison versions with our proposed edits.” E-mail from Jeffrey A. Walsh, Attorney at Law, Barton Benson Jones, to author (Mar. 3, 2018, 6:53 AM) (on file with author).

246. E-mail from Sam Houston, Partner, Houston Dunn, PLLC, to author (Mar. 2, 2018, 1:09 PM) (on file with author). Houston states further: “Stephen Dennis decided to find an old video of Kermit the Frog singing ‘Rainbow Connection.’ He blasted it from his desktop speakers. It was so
we were still using paper for editing . . . . Everyone was just getting [into] the ‘redline’ process when I joined the Journal,” said Mary Hazlewood Barkley. Authors and staff writers submitted comments on floppy disks; however, editing remained paper intensive until 2005. Caleb Rackley noted:

When I became [editor in chief] in the spring of 2005, we transitioned for the first time to electronic editing. In order to adopt our electronic editing process, we spoke with editors at the Texas Law Review, the Texas Tech Law Review, and the South Texas Law Review. To my knowledge, the Journal still uses the same process.

VII. 25 YEARS AND GOING STRONG

Professors Laura Burney and Marsha Cope Huie co-chaired the faculty advisory committee, serving along with Professors Haddock, Scott, and Teeter, for the Volume 25 anniversary edition (1968–1993). Volume 25 Editor in Chief Jo Beth Eubanks recalls, “Probably my most enduring memory is memorizing the hyphenation section of The Chicago Manual of Style, as Marsha Huie, our faculty advisor, was a fanatic on the subject. I still mentally take note of hyphen errors when I read!”

247. E-mail from Mary Hazlewood Barkley, Partner, Cantey Hanger LLP, to author (Feb. 26, 2018, 8:03 PM) (emphasis added) (on file with author).
249. E-mail from J. Caleb Rackley, Legal Writing Instructor, St. Mary’s Univ. Sch. of Law, to author (Jan. 10, 2018, 12:37 PM) (emphasis added) (on file with author).
250. Professor Douglas Haddock, a popular member of the law faculty from 1980 to his retirement in 2013, spent many extra hours as a member and chair of the Journal’s faculty advisory committee. Charles Epps Ipock, Tribute, To a Professor: Douglas Haddock Retires, 44 ST. MARY’S L.J. 767, 768 (2013).
251. John W. Teeter Jr. joined the St. Mary’s law faculty in 1991 and teaches administrative law, criminal law, labor law, and torts. Among his many teaching honors, he was the recipient of the St. Mary’s University Alumni Association Distinguished Faculty Award. John W. Teeter Jr., ST. MARY’S U. SCH. L., https://law.stmarytx.edu/academics/faculty/john-teeter/ [https://perma.cc/4NW4-5A8M].
252. E-mail from Jo Beth Eubanks, Attorney at Law, to author (Feb. 27, 2018, 8:45 PM) (emphasis added) (on file with author).
Lead articles featured contributions by faculty and distinguished alumni on such varied topics as civil rights cases, social security, bankruptcy, criminal law, and anti-trust issues. In addition, the board published several commentaries. Barbara Bader Aldave, St. Mary’s first female law school dean, wrote about three female Texas legal pioneers: the first woman lawyer, the first woman judge, and the first woman law professor.\textsuperscript{253} Michael S. Ariens looked back over twenty-five years of constitutional law and the judges who shaped them to expose the myth of the great judge.\textsuperscript{254} Faye Bracey assessed the changes to the legal profession in the past twenty-five years.\textsuperscript{255} Charles E. Cantú surveyed the development of strict product liability law over the last quarter century.\textsuperscript{256} Mark Wright Cochran wrote his entire commentary on tax reform in verse, supported by twenty footnotes.\textsuperscript{257} John Cornyn wrote on the underlying tension that exists between the federal system of judicial selection by appointment and the Texas model of judicial accountability through partisan political elections.\textsuperscript{258} Significant changes in family law over twenty-five years was the subject of Victoria Mikesell Mather’s essay.\textsuperscript{259} Bonita K. Roberts, wordsmith extraordinaire, rounded up this delightful series of essays with \textit{The More Things Change, The More They Stay the Same}, which focused on the employment-at-will doctrine in Texas.\textsuperscript{260} And that was just the first issue!

The rest of Volume 25 covered oil pollution, corporate duty to its creditors, pregnant substance abusers, the Texas DTPA, the takings clause, conflicts of interest, severe emotional distress claims, tax issues in

\begin{thebibliography}{99}
\bibitem{254} See Michael S. Ariens, \textit{Constitutional Law and the Myth of the Great Judge}, 25 \textit{ST. MARY'S L.J.} 303, 313 (1993) (“Not only will the myth of the Great Judge likely continue for some time, but so will the perception that the Court’s decisions have some moral authority.”).
\bibitem{255} Faye M. Bracey, \textit{Twenty-Five Years Later—For Better or Worse?}, 25 \textit{ST. MARY'S L.J.} 315, 315–16 (1993).
\end{thebibliography}
bankruptcy, and appellate procedural reforms. The symposium issue featured NAFTA topics under the editorial leadership of Kelly Patrick Brown. On reviewing her bound Volume 25, Editor in Chief Eubanks stated:

I really don’t remember any amusing anecdotes about my time as editor. I was working too hard! I am always amazed when I look at the bound copy of my year. I must have read every single word in those 1,561 pages at least a dozen times. And I mean that literally! I wore out at least two copies of *The Bluebook,* and ended up having the whole thing memorized, right down to the page numbers for common citation forms. I was a real whiz at citation . . . (do they still do those massive string citations in the footnotes, where the text was one or two lines on the page, and the rest was footnote?![ w]hich, of course, served me well in my legal career as an appellate attorney.261

The next board hosted the 1995 National Conference of Law Reviews on campus. Toby W. Burke, now board certified in construction law and practicing in Fort Worth, Texas,262 chaired the host committee. The keynote address, *The Shading of America,* delivered by Antonia Hernández, then-president and general counsel of MALDEF, was published in Volume 26.263

Volume 26 also cast a spotlight on hot topics such as legislative redistricting, home equity issues, a symposium on human rights, and Ellen

261. E-mail from Jo Beth Eubanks, Attorney at Law, to author (Mar. 31, 2018, 10:04 PM) (on file with author). Jo Beth Eubanks, J.D. ’94, continued:

Serious, going to law school at the age of [forty-four] and being the editor of the *Journal* set me on the path for the second half of my (our) life. I draw a direct line from the editorship to Chief Justice Chapa, to Akin Gump, to retirement in Hawaii. I was so fortunate to have been chosen as a member of the *Journal,* and was shocked to be named [editor in chief]. My highest aspiration was to be a note and comment editor. The full-ride scholarship wasn’t bad either, as I left law school with no debt.

Id. (emphasis added).


Bloomer Mitchell’s *Appellate Review of Criminal Cases in Texas*,264 with a foreword by Texas Court of Criminal Appeals Judge Charles F. Baird.265

From very early in the development of the journal, staff writers were expected to write a case note in the fall of their second year and a comment in the spring semester. The board for Volume 27 recommended that the requirement for staff writers be reduced to one more in-depth piece, and the faculty advisory committee agreed. Since that time, students have been able to devote more time and effort to their comment.266

The thirty-fifth anniversary of the founding of the Journal came in 2003–2004. With Jason Binford and Meredith Matheson Thoms at the helm, the board, infected with Professor Johnson’s enthusiasm over this milestone, “all felt that something special had been entrusted to us.”267 Several of the notable articles and essays of this year hit topics such as default judgments, the jury system, and school vouchers. Professor Cantú wrote “whimsically” about the true meaning of the term “product,”268 and the *Lawrence v. Texas* opinion was explored.269 Gilbert Eric DeLeon’s comment on telemedicine in Texas270 generated buzz around the country and is still being cited.271

VIII. ST. MARY’S IS A CATHOLIC AND MARIANIST UNIVERSITY

As a Catholic university inspired by the Marianist tradition of education, St. Mary’s University and its School of Law “promote the Catholic qualities of respect for all people and traditions, social justice, [and] leadership for


266. E-mail from Laura Burney, *supra* note 227.

267. E-mail from Meredith Matheson Thoms, Attorney at Law, Meredith Thoms Law, PLLC, to author (Apr. 20, 2018, 2:18 PM) (on file with author). Thoms recalls that as a 1L, she did not expect to develop a great affection for *The Bluebook*, but she did, and credits that and her Journal experiences as the true starting point of her career. She is “proud to see the Journal celebrate this [fifty]-year milestone.” Id. Thoms practices law in Beeville, Texas.


the common good.” 272 People of all faiths are welcomed at St. Mary’s. “Every Catholic and most Church-related Universities claim that ‘educating the whole person’ is central to their mission. . . . [And the St. Mary’s focus is to educate] for practical reason and wisdom that combines a critical mind with a compassionate heart.” 273

These core values have shaped the development of the Journal to some degree as well. Following the decision in Roe v. Wade,274 the issue of abortion and conservative anti-abortion legislative proposals became recurring topics for submission.275 The school prayer issue generated several articles for a symposium in Volume 32.276

In 1990, the Journal published Stuart W. Bowen, Jr.’s comment Is Lemon a Lemon? Crosscurrents in Contemporary Establishment Clause Jurisprudence, which advocated that the United States Supreme Court abandon its analysis of Establishment Clause issues under the Lemon test and replace it with a test that focuses more directly on the original intent of the framers.277 His comment has been cited by the United States Court of Appeals for the Tenth Circuit278 and in numerous law journals.279

272. E-mail from Sr. Grace Walle, Law Chaplain, St. Mary’s Univ. Sch. of Law, to author (Feb. 26, 2018, 10:44 AM) (on file with author). Sr. Grace Walle serves as campus minister at St. Mary’s University School of Law.

273. Id.


277. Stuart W. Bowen, Jr., Comment, Is Lemon a Lemon? Crosscurrents in Contemporary Establishment Clause Jurisprudence, 22 ST. MARY’S L.J. 129, 133–34 (1990). Stuart Bowen, Jr. was a research, note, and comment editor for Volume 22. He clerked for Justice Raul Gonzalez on the Texas Supreme Court and then served as an assistant attorney general of Texas. Former President George W. Bush tapped him to be a senior attorney and advisor both in the governor’s office and in the White House and thereafter as a Special Inspector General for Iraq Reconstruction. He currently resides in Austin, Texas. E-mail from Marshall Bowen, supra note 237.

278. Bauchman for Bauchman v. West High School, 132 F.3d 542, 551 (10th Cir. 1997).

Sr. Grace Walle, the law school’s beloved law chaplain, published an essay on justice, stating, “Through my position as campus minister I have come to believe that a true understanding of justice is crucial to its successful implementation.” Among other things, she advocated for clinical programs that are intended “to make the law more responsive to the needs of the poor,” in part, to develop lawyers with a sensitivity to the needs of citizens. “Lawyers should be taught concern, not only for their own clients, but also for moral outcomes for everyone involved in a particular case. Moral outcomes are what true justice is all about.” Walle concluded, “The role of the Catholic law school, therefore, is to link the profession of justice with the practice of justice.”

IX. Hall’s Standards of Review in Texas

Without doubt, the most impactful publication in the Journal’s first half-century has been W. Wendell Hall’s Standards of Review. The first version hit the desks of lawyers across Texas in 1990 and was widely cited. To date, it has been updated five times. The first update, Revisiting Standards of Review in Civil Appeals, came with a foreword by Justice Nathan Hecht. Editor in Chief Renée Forinash (now Yanta) remembered that it took nearly a year to complete the cite checks on the update. She credited Executive Editor Fred Wilson with building a strong team of cite checkers for this update.

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281. Id. at 632–33.

282. Id. at 633.

283. Id. at 634.


287. E-mail from Judge Renée Yanta, Bexar Cty. 150th Civil Dist. Court, to author (Feb. 18, 2018, 10:05 PM) (on file with author).
endeavor. Connie Flores Lock’s board handled the second update in 1998.

In 2002, the next update filled the entire first issue of Volume 34. Kipling Giles remembers (as do all the editors who worked on Hall updates) that it was a bear to cite check. “The library director gave us a key to the law library, so we could stay after hours, and we did on many, many weekends to get [the cite-checking] done.”

Executive Editor Sam Houston adds:

The Hall article was quite an undertaking. Our system at the time was probably not the most efficient. We photocopied the cases out of the Southwest Reporters to do the cite checking. We had apparently convinced ourselves that we couldn’t trust the Westlaw online version. It was so much work that Kip’s wife and my wife actually came up to help make copies. They figured it was the only way that they were going to see us. I had no idea at the time that Wendell’s article would be such a resource to me as an appellate lawyer.

Despite the heavy load it created, Houston asserts, “We were so lucky to have the article, as we had the most cited Journal that year. The hard work really paid off.”

Caleb Rackley recalls that in 2006, while he was editor in chief, they published an update to Wendell Hall’s landmark article, Standards of Review in Texas.

To honor Mr. Hall for his many contributions to the article over the years (and, in turn, to the Journal), we invited him to speak at our banquet. He did a masterful job, sharing career and life advice. He was particularly moving

288. Id.
289. W. Wendell Hall, Standards of Review in Texas, 29 ST. MARY’S L.J. 351 (1998). See generally E-mail from Connie Flores Lock, supra note 14 (noting Connie Flores Lock was part of the Volume 29 board).
291. Telephone Interview with Kipling D. Giles, Senior Counsel, CPS Energy (Feb. 28, 2018). Sam Houston thinks the “library director” at the time was Professor Bernard Reams. E-mail from Sam Houston, supra note 246.
292. E-mail from Sam Houston, supra note 246.
293. W. Wendell Hall, Standards of Review in Texas, 38 ST. MARY’S L.J. 47 (2006); E-mail from J. Caleb Rackley, supra note 249.
when he recalled his interactions with and love for his daughter, who passed away at a young age after she became ill.294

The latest reiteration of this iconic work is now Hall’s Standards of Review in Texas by W. Wendell Hall, O. Rey Rodriguez, Rosemarie Kanusky, and Mark Emery.295 It was published with a foreword by Texas Supreme Court Chief Justice Wallace B. Jefferson, whose remarks were spoken as he presented Hall with the State Bar of Texas Appellate Section’s first Lifetime Achievement Award on September 11, 2009.296 The chief justice pronounced Hall’s Standards of Review “a must-read for any appellate practitioner.”297 Relying on this article as “the gold standard” reference,298 many judges, including this author, and practitioners across the State of Texas have always kept the latest edition of Hall’s Standards of Review handy on the bench or desk. For example, D. Todd Smith, editor in chief of Volume 26, posted in Texas Appellate Law blog:

I had the privilege of working with Wendell for a number of years and consider him one of my most influential mentors. From Wendell, I learned that knowing and discussing the standard of review is critical in every appellate matter. My entire career, I have kept a copy of the article’s then-current version within reach of my keyboard. With the possible exception of a Westlaw or Lexis subscription, Standards of Review is the single most important resource available to Texas civil appellate practitioners.299

294. E-mail from J. Caleb Rackley, supra note 249. Rackley is a member of the law faculty at St. Mary’s.

295. W. Wendell Hall et al., Hall’s Standards of Review in Texas, 42 ST. MARY’S L.J. 3 (2010). Although Hall retired after many years as chair of the appellate section at Fulbright and Jaworski, many are committed to carrying on his legacy with this work. See, e.g., Wallace B. Jefferson, Foreword, Hall’s Standards of Review in Texas, 42 ST. MARY’S L.J. 1, 1–2 (2010) (“Wendell Hall does not lecture to us, he inspires enlightened advocacy in us. . . . Those are the standards we have all observed in Wendell. I try to emulate them today.”).


297. Id. at 2.


Mary Hazlewood Barkley, editor in chief a decade later for Volume 36, agrees, “The Law Journal article which has most impacted my practice is the Standards of Review in Texas. I still rely on it in my appellate work.”300 Hall, a 1981 graduate of St. Mary’s University School of Law, was named a Distinguished Law Graduate in 2005.301 The next update of W. Wendell Hall’s Standards of Review in Texas will be published in Volume 50, Issue 4.

X. AWARD-WINNING ARTICLES

Since 1977, the Texas Bar Foundation has presented an award for outstanding law review article published in a Texas law review or law journal at its Fellows Annual Meeting and Dinner.302 The authors of the outstanding law review article receive a memento and a contribution of $1,000 is awarded to the publishing law school’s scholarship fund.303 The honor has been bestowed on the Journal six times.304 Here are brief summaries of those award-winning articles:

1979

Jack Pope & William G. Lowerre305

*The State of the Special Verdict—1979*

11 ST. MARY’S L.J. 1 (1979)

In 1973, the Texas Supreme Court revised Texas Rule of Civil Procedure 277 to allow for broad issues to be submitted in civil cases—

300. E-mail from Mary Hazlewood Barkley, Partner, Cantey Hanger LLP, to author (Nov. 10, 2017, 4:09 PM) (emphasis added) (on file with author).
303. Id.
304. Texas Tech Law Review takes top honors with nine awards, Baylor Law Review holds five awards, Texas Law Review has three, and the other Texas law school publications trail behind them. See id. (listing the past recipients of the Outstanding Law Review Article Award).
rather than specific issues with distinct elements.\textsuperscript{306} This revision adjusted the “system for submission of a case to the jury in civil trials.”\textsuperscript{307} The purpose of the revision was to remedy waste of judicial resources and confusion amongst civil jury trials. The focus of the rule revision was to “establish a jury system that would operate in the same way in negligence cases as it successfully had served in all other kinds of cases.”\textsuperscript{308} Ultimately, the rule allowed for those filing civil cases to draft complaints with broad legal issues rather than specific issues. The new rule “established that an issue is no longer objectionable merely because it ‘is general or includes a combination of elements.’”\textsuperscript{309}

1980

Sam Houston Clinton & Brian William Wice\textsuperscript{310}

\textit{Assistance of Counsel in Texas}

12 \textsc{St. Mary’s L.J.} 1 (1980)

This article discusses the guidelines for appointed and retained counsel and the circumstances representing ineffective assistance of counsel. The framers of the U.S. Constitution intended that an accused be afforded the right of assistance of counsel in criminal proceedings.\textsuperscript{311} This right does not have a bearing on whether the defendant is indigent. Moreover, the right of assistance of counsel does not merely mean a presence of counsel; the attorney must also be competent because the defendant’s life is on the line. The assistance of counsel must be effective.\textsuperscript{312} The Supreme Court has held that when an attorney is designated as appointed counsel and is


\textsuperscript{307} \textit{Id.}

\textsuperscript{308} \textit{Id.} at 2.

\textsuperscript{309} \textit{Id.} at 3.


\textsuperscript{311} Clinton & Wice, \textit{supra} note 176, at 4.

\textsuperscript{312} \textit{Id.}
then sued for malpractice, they may not “defeat the action by a claim of ‘absolute immunity.’”313

1986
David E. Keltner & Melinda R. Burke314
Protecting the Record for Appeal: A Reference Guide in Texas Civil Cases
17 ST. MARY’S L.J. 273 (1986)

While at trial, attorneys must not only consider the trial at hand, but also “present cases in such a manner that successes are defensible and losses are reversible.”315 Trial attorneys must always have an appeal in mind when presenting their case and, therefore, protect the record. This article highlights the common dangers that may arise during trial at pre-trial rulings, motions, discovery, and summary judgment, as well as in trial rulings and post-trial motions. The authors discuss the procedural steps to “indicate the proper method by which to preserve appeal, protect the record, and protect trial successes.”316

1997
Barbara Hanson Nellermoe & Fidel Rodriguez, Jr.317
28 ST. MARY’S L.J. 443 (1997)

The Texas Disciplinary Rules of Professional Conduct replaced the Texas Code of Professional Responsibility, effective in 1990, and new Rules 3.01 through 4.04 govern attorneys’ conduct during discovery and throughout

313. Id.
316. Id.
317. Judge Nellermoe is a Senior District Judge in San Antonio, Texas. Fidel Rodriguez, Jr. is board certified in personal injury trial law and a senior partner at the Law Offices of Fidel Rodriguez, Jr. in San Antonio, Texas.
This article examined every significant state and federal case and ethics opinion which interpreted these rules with the aim of providing a thorough and practical guide to each of the rules. The reader is encouraged to reassess the practices developed over time and refresh one’s professional code of conduct.

In 1988, Thomas Phillips was appointed Chief Justice of the Texas Supreme Court. Shortly thereafter, in 1989, Nathan Hecht joined the Texas Supreme Court. Two years later, “conservative, activist judges” held the majority on the court and it was through this leadership that the court shifted in how it decided cases. This article focuses on how the Phillips/Hecht Court decided cases in health care, insurance, governmental immunity, employment, and premises liability, resulting in reversal or limits on potential recoveries of injured parties. The court’s treatment of stare decisis impacted the jury system in a manner that eroded the avenues by which a plaintiff may present a case to a jury.


319. Id. at 449.


322. Id.

323. Id. at 12.
An effective discovery practice includes the use of requests for admission. However, admissions can be a double-edged sword—admissions may streamline the process and become a cost-saving mechanism; however, they can bring disaster when a party neglects to answer them in a timely or proper manner. A frequent frustration with admissions as a discovery mechanism has brought on a tendency to limit their use to authenticating documents. Common frustrations are grounded in being served too many admissions or when asked to admit disputed facts in the case. This article serves as a means of clearing the air and explaining how to properly use requests for admission and how to properly respond to them pursuant to Texas discovery rules.

XI. TOPICAL TRENDS THROUGH THE YEARS

The Journal has been ranked in the top 4% of the most-cited law reviews in both state and federal courts nationally and in the top 3% of the most-cited law reviews worldwide. Publications from the Journal have been cited in nearly all of the United States highest courts, as well as courts in

326. Id. at 658.
327. Id.
Puerto Rico and the Virgin Islands.\textsuperscript{329} In addition to the Journal's recognition in state court, publications from the Journal have gained national notoriety by being cited in various United States District Courts, in the United States Court of Appeals—specifically in the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuit Courts,\textsuperscript{330} and most notably, the United States Supreme Court.\textsuperscript{331} Over the years the selection of articles for publication has been key to this success.

Board members have felt a sense of high expectations as they performed their duties—and this is especially true of the solicitations editor. The solicitations editor selects and develops topics, communicates with and screens prospective authors, and “bears the responsibility of ensuring that at least three (3) manuscripts are in-house and are passed on to the incoming [e]ditorial [b]oard.”\textsuperscript{332} Jason C. Petty, who was the solicitations/articles editor for Volume 39, sought the position. He recalls:

I specifically asked for that job because I wanted to manage the inbox of incoming articles from professors and attorneys. Some stuff was really esoteric and I wouldn’t spend much time skimming the article, but when something was right up our alley (at the time we were really interested in practical, Texas-specific stuff) we really had to jump on it and try to get the author to agree to publish with us and not one of the other journals.\textsuperscript{333}

\textsuperscript{329} Press Release, Rob Leibold, supra note 3.

\textsuperscript{330} Search Results for Case Citations to St. Mary’s Law Journal, WESTLAW, https://1.next.westlaw.com (select “Texas” and “All Federal” as jurisdiction; search for “St. Mary’s L.J.” in search bar; then follow “Cases” hyperlink) [https://perma.cc/AW8T-XWVU].


\textsuperscript{332} ST. MARY’S L.J. BYLAWS, supra note 218, at 21. The solicitations editor also performs all the duties of an articles editor. Id. at 21–22.

\textsuperscript{333} E-mail from Jason Petty, Attorney at Law, Andeavor, to author (Apr. 13, 2018, 8:07 AM) (on file with author). Petty added:

Being on the [b]oard was great because, if the article you wrote as a 2L staff writer wasn’t selected by the prior year’s [b]oard, you could probably convince your current [b]oard members to publish your article if you worked them hard enough . . . We actually ended up with at least three good articles our year just from our own [b]oard members that the prior year’s [b]oard just hadn’t had room for when we were 2Ls.
Certain trends in solicitation have become evident over the last fifty years.

A. The Crisis in Funding Texas Public Schools

Several times the Journal has cast the spotlight on some aspect of the continuing funding crisis in Texas public education. In 1989, Edgewood Independent School District v. Kirby reached the Texas Supreme Court. Mikal Watts and Brad Rockwell, recently serving as briefing attorneys for Chief Justice Phillips and Justice Hecht, respectively, submitted an article titled The Original Intent of the Education Article of the Texas Constitution. The next year, the board published Applying Edgewood v. Kirby to Analysis of Fundamental Rights Under the Texas Constitution by Albert H. Kauffman and Carmen Maria Rumbaut. While practicing law at MALDEF, Professor Kauffman was lead trial attorney for the plaintiffs in Edgewood and argued that the holding in the case offered the opportunity for Texas to recognize an expansion of fundamental human rights. More than a decade later, special interests were active in the Legislature again and the Journal published an essay by Cecil C. Kuhne III entitled School Voucher Programs: Has the Supreme Court Pulled Up the Gangplank to Establishment Clause Challenges? As the voucher issue continued to gain strength in legislative elections and subsequent bills, Professor Kauffman lamentingly wrote The Texas School Finance Litigation Saga: Great Progress, Then Near Death by a Thousand Cuts. The issue of school finance continues to confound the Legislature, the courts, and those who elect them.

B. Capital Punishment in Texas

Beginning in 1995, Journal editors and authors have maintained a steady focus on death penalty issues for twenty years. That year, Articles/Symposium Editor Melanie P. Douglas selected Human Rights in the

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337. Id. at 69, 113–14.
As the symposium topic, highlighting the case of a Mexican national on death row who did not get the opportunity to seek assistance from the Mexican consul before his murder trial. The inmate in question was recently executed and the issue continues to be a difficult diplomatic concern with our neighbor to the South.

Sister Helen Prejean, C.S.J. was invited to deliver the Sixth Annual Dean’s Lecture by Dean Barbara Aldave, and her address was published by the Journal in 1995. Having devoted her life to ministering to death row inmates, her book *Dead Man Walking* (now a major motion picture) cast light on the otherwise dark existence of the condemned. A new habeas corpus procedure for death-row inmates got the editors’ attention. Two years later, Shannon P. Moralez selected *Thoughts on Death Penalty Issues 25 Years After Furman v. Georgia* as the topic for Volume 29’s symposium issue. It was jam-packed with legal, social, and moral issues with titles such as *Killing Kids Who Kill* by death penalty defense specialists Richard Burr and Mandy Welch of Houston, *A Catholic Lawyer’s View of the Death Penalty* by Kevin M. Doyle, and *Will Religious Teachings and International Law End Capital Punishment?* by Robert F. Drinan, S.J., as well as a number of essays. The following year, Professor Jeffrey J. Pokorak published an essay...
called *Dead Man Talking*, the title being a play on words identified with Sister Prejean’s work.

In 2003, Donny Perales’s comment on death row inmates as organ donors attracted the attention of Professor Joan M. LeGraw, R.M., J.D., M.P.H. She listed his comment as required reading for her course, Bioethics in American Law, at the New England School of Law. In 2014, at a time that the Innocence Project was achieving astounding successes across the country, the Moores’ article in Volume 46 on extraterritorial application of the Fifth Amendment was joined by a recent development concerning the Texas Legislature’s passage of the Michael Morton Act.

C. Terrorism and War

Since the attack on the United States on what is now known as “9/11” and the ensuing wars which the United States has engaged, several articles indicate that the legal issues raised continue to be controversial. In 2003, the *Journal* published *Terrorism, Grand Juries, and the Federal Material Witness Statute*. Congressman Michael T. McCaul and Professor Ronald J. Sievert defended the decision of the Administration to adopt military commission rules of due process and utilize Guantanamo as a prison for captured suspected terrorists. Robert Bejesky submitted *War Powers Pursuant to False Perceptions and Asymmetric Information in the “Zone of Twilight,”* covering the George W. Bush and Obama Administrations. Professor Jeffrey F. Addicott authored *The Strange Case of Lieutenant Waddell:*

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351. E-mail from Jason Binford, Former Editor in Chief of Volume 35, St. Mary’s Law Journal, to Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law (Dec. 17, 2003, 12:42 PM).

352. Moore & Moore, supra note 342.


How Overly Restrictive Rules of Engagement Adversely Impact the American War Fighter and Undermine Military Victory.\textsuperscript{357} The Journal also published a comment by Lauren A. Valkenaar suggesting a response to stolen valor cases,\textsuperscript{358} and another comment titled “What We Owe the World Are Thoughtful War-Crimes Trials that Do Justice Without Unduly Jeopardizing Innocent Lives by Compromising Vital Intelligence” by Sherry M. Barnash.\textsuperscript{359} The 2013 chemical weapon attacks in Damascus spurred former Editor in Chief Paul Cho to “contemplate[ ] a hypothetical prosecution of its alleged mastermind, President Bashar al-Assad of the Syrian Arab Republic, under the auspices of the International Criminal Court” for war crimes and crimes against humanity.\textsuperscript{360} Professor David A. Schlueter analyzed the reforms Congress enacted in the Military Justice Act of 2016, which he described as “a sea of change in American military justice.”\textsuperscript{361}

D. Mexico/U.S. Trade Issues

St. Mary’s University School of Law has long nurtured a close relationship with Mexico through permanent faculty, visiting professors, conferences, and a spring break study abroad program at the University of Guadalajara.\textsuperscript{362} The symposium issues of Volumes 22 through 25 covered a variety of legal issues of interest to practitioners as trade opportunities with our neighbor to the South ripened. Symposium Editors Nancy McCamish


\textsuperscript{358} See Lauren A. Valkenaar, Comment, Civil Liability Approaches to the Stolen Valor Epidemic, 44 ST. MARY’S L.J. 835, 877 (2013) (“Practitioners and lawmakers should actively consider and pursue civil tort liability for stolen valor cases”).


\textsuperscript{362} Recent events include: The U.S. Legal System and the Mexican Oral Trials Course; La Constitución Política de los Estados Unidos Mexicanos de 1917: A Centennial Conference and Celebration; and a Bilingual Conversation on Mexican Women, Their Empowerment in Mexico and Their Contributions in the United States. E-mail from Roberto Rosas, Research Professor of Law & Engrichardt Research Fellow, St. Mary’s Univ. Sch. of Law, to author (Mar. 26, 2018) (on file with author).
(1990),\textsuperscript{363} Susan B. McGee (1991), Karen A. Cusenbary (1992),\textsuperscript{364} and Kelly Patrick Brown (1993) all focused on trade topics as they shepherded their issues. The next year, Melanie Douglas extended the symposium topic further south with \textit{Human Rights in the Americas}\textsuperscript{365} and published Shank and Quigley’s \textit{Foreigners on Texas’s Death Row and the Right of Access to a Consul}.\textsuperscript{366} The subject remains one of intense discussion among diplomats and in the courts to this day. In 1996, Symposium Editor Gerald G. Staton focused the symposium issue on environmental issues and the North American Free Trade Agreement (NAFTA).\textsuperscript{367} Most recently, the \textit{Journal} highlighted another long-standing issue—the Rio Grande water dispute.\textsuperscript{368}

\textbf{E. Evidence and Procedure}

Evidence and procedure have always drawn ink in keeping with the original intent of the \textit{Journal}. Professor L. Wayne Scott opined that these were dominant topics “that fit Texas at the time and thus, brought lots of citation attention.”\textsuperscript{369} Major legislative and Texas Supreme Court rule adoptions provided a treasure trove of topics. Professor Orville Walker published an introduction to the new 1981 civil procedure rules,\textsuperscript{370} and thirty-five years later, Professor Scott intrigued readers with \textit{The Dilemma of Interpreting Rules of Civil Procedure: A Proposal for Elastic Formalism}.\textsuperscript{371} Criminal

\textsuperscript{363.} Nancy McCamish has retired from the practice of real estate law in San Antonio, Texas. Nancy McCamish, ST. B. TEX., https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=17824 [https://perma.cc/97QQ-FDG9].

\textsuperscript{364.} Karen Cusenbary passed away in 2006. E-mail from Lee Cusenbary, supra note 240.


\textsuperscript{366.} Shank & Quigley, supra note 341.


\textsuperscript{369.} Telephone Interview with L. Wayne Scott, supra note 72.


procedure,\textsuperscript{372} juvenile justice,\textsuperscript{373} and preservation of error\textsuperscript{374} are frequent foci.

Case law often generates a topic.\textsuperscript{375} For instance, Castleberry\textsuperscript{v.} Branscum: A Divided Texas Supreme Court Increases Shareholder Liability for Corporate Contractual Obligations, written by Michael J. Shearn and Peter M. Koelling, criticized the creation of a new remedy for corporate torts, calling it “a sham to perpetrate a constructive fraud.”\textsuperscript{376} Professor Richard Flint has written about mandamus review,\textsuperscript{377} and Justice Rebecca Simmons\textsuperscript{378} and Judge Xavier Rodriguez\textsuperscript{379} have written on pleas to the jurisdiction and spoliation. A number of articles have raised the alarm on the shrinking numbers of jury trials.\textsuperscript{380}

\begin{thebibliography}{9}
\bibitem{376} Michael J. Shearn & Peter M. Koelling, Castleberry\textsuperscript{v.} Branscum: A Divided Texas Supreme Court Increases Shareholder Liability for Corporate Contractual Obligations, 19 ST. MARY’S L.J. 245, 246, 275 (1987).
\end{thebibliography}
Other enduring topics that continue to interest the Journal and its readers include immigration,\cite{381} judicial selection in Texas,\cite{382} ethics,\cite{383} and oil and gas law.\cite{384} Parks Brown, articles editor for Volume 44, commented on the never-ending effort to be timely and relevant:

The Eagle Ford Shale boom was still in full force in 2013, so we published one article in each of our issues addressing oil and gas legal developments. There was a lot of oil and gas legal and title work happening in South Texas at the time and Professor Laura Burney assisted us on some of these articles.\cite{385}

Before St. Mary’s expanded globally with its Institute on Chinese Law and Business, which today focuses “on the law of representing clients doing business with China,”\cite{386} the Journal published the Chinese Scholar Lecture Series in 1999–2000. The series contained an introduction on Chinese Law and American Legal Education by Professor Vincent R. Johnson\cite{387} and four Chinese Fulbright Scholars presented lectures on a variety of recent

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\begin{itemize}
\item  Michael S. Ariens, American Legal Ethics in an Age of Anxiety, 40 St. Mary’s L.J. 343 (2008); Nellermoe & Rodriguez, supra note 318; Catherine M. Stone et al., Civility in the Legal Profession: A Survey of the Texas Judiciary, 36 St. Mary’s L.J. 115 (2004). In addition, the symposium issues of Volumes 33, 34, 35, 36, 38, 39, 40, and 41 all focused on legal malpractice and professional responsibility topics.
\item  E-mail from Parks Brown, supra note 190.
\item  Institute on Chinese Law and Business Summer Program, St. Mary’s U. SCH. L., https://law.stmarytx.edu/academics/special-programs/china/ [https://perma.cc/Y3LC-54KA].
\end{itemize}
\end{flushright}
legislative developments in China, including contracts, bankruptcy, intellectual property, and the reform of China’s state-owned enterprises. More recently, the Journal published The Development of Chinese Constitutionalism by Professor Chenglin Liu.

Throughout, issues have been dedicated to classmates who died while enrolled in law school. There are also financial contribution acknowledgments from law firms noted from time to time.

XII. THE DEVELOPMENT OF THE SYMPOSIUM ISSUE

In the very early years, particularly in Volumes 5, 6, and 7, the editors settled on the student symposium format in which a professor or a visiting professor guided several law students in writing short pieces on related issues of a general topic and the professor would write an introduction that tied it all together. For example, Professor Al Leopold introduced Texas Land Titles for student comments in Volume 6, Issue 4 and Volume 7, Issue 1. W. Page Keeton, the storied Dean of the University of Texas School of Law, led a student symposium on medical malpractice law. Attorney General John Hill shepherded symposia on public utility regulation, consumer law, and so on. This seemed an excellent opportunity for law students to get published.

A symposium editor was added to the board to select a timely topic and the entire board worked under that editor to solicit and edit the symposium issue, which was usually the third or fourth issue. The masthead for Volume 7, Issue 2 indicates that the research-business editor had morphed

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390. See infra Appendix for list of Tributes and Memorials.


393. Hill, supra note 136.


395. Some years proved better than others. For example, Volumes 18, 19, and 20 published twenty-three, twenty-four, and twenty-one comments, respectively. Volumes 40 to 43 carried three, five, and six, respectively. The faculty advisory committee chair has encouraged the board to strive to publish approximately ten student works a year. E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Apr. 21, 2018, 11:29 AM) (on file with author).

For more than fifteen years the symposium editor had the privilege of selecting a topic of interest. In 1982, the topic was oil and gas law,397 and in 1983, the topic was constitutional law.398 In 1984, Kevin Beiter399 selected urban renewal land use and scored an introduction from Henry G. Cisneros.400 In 1985–1986, John P. Kincade401 selected water rights law as the symposium topic and the Journal hosted a Water Rights Law Conference—a new development.402 In the 1990s, the symposia for Volumes 22–25 and 27 focused on United States–Mexico trade issues and NAFTA. Jeff Gately, editor in chief for Volume 23, commented:

We . . . had a great symposium on “Doing Business with Mexico.” It was very well attended and very timely. This was done in the midst of the NAFTA era so there was a lot of ground to cover. Because NAFTA was new, it was a real scramble to get topics and authors. Susan McGee [articles/symposium

396. See E-mail from Richard E. Sames, supra note 172 (claiming he did not know why the masthead changed, but that it may have been a way of acknowledging all the hard work he put in over the summer after graduation).
397. Symposium, Selected Topic on Oil and Gas Law, 13 ST. MARY’S L.J. 719 (1982).
399. Beiter is a partner with McGinnis Lochridge in Austin, Texas. He is board certified in oil, gas, and mineral law. Kevin M. Beiter, McGINNIS LOCHRIDGE, http://www.mcginnislaw.com/attorneys/kevin-m-beiter [https://perma.cc/BF7U-B3RF].
editor] handled the job with aplomb both as to the Journal issue and the conference.403

It was not until 2001, with Blakely Latham Fernandez as symposium editor, that the topic legal malpractice and professional responsibility was selected—and ultimately became the permanent topic. Professor Vincent Johnson, who has occupied a consistent seat on the faculty advisory committee since 1997, recommended that this become the permanent topic so that the Journal could build a reputation in the field of legal malpractice and ethics.404 Fernandez recounts the organizing efforts that supported this decision:

[When I was appointed to serve as the [s]ymposium [e]ditor, I met with Professor Johnson about developing a recurring theme for the [J]ournal and symposium to create some depth and legacy. The [L]aw [J]ournal had a stand-alone symposium publication and conference tradition, but the topic changed each year. Attendance and outreach were a little spotty depending on the editor. As you can appreciate, waiting until the next board is selected to identify a topic for the following year does not provide a lot of time to solicit articles. And, with topics changing by year, the mailing lists didn’t really carry over and identifying a good audience list was a challenge. . . .

We reviewed the other Texas journals to identify existing topics and determined that legal ethics and malpractice had the best potential for both ongoing relevant articles and attendance, as a stand-alone CLE requirement.

We took the proposal to the Law Journal [b]oard and then to the [law] faculty . . . which actually took some convincing. In the end, I believe the vote was unanimous (though there may have been one no).

We hosted the first annual symposium on legal ethics and legal malpractice and published the first journal. I was about [six] or [seven] months pregnant! We held it at the Plaza Club and had a full house! The outreach to the legal community and the setting both seemed to add some professionalism at a

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404. E-mail from Vincent Johnson, Professor of Law, St. Mary's Univ. Sch. of Law, to author (Feb. 25, 2018, 8:03 AM) (on file with author).
time the school was otherwise being primarily recognized for low bar passing rates.

I have attended each year and have found that the conference is consistently well attended and well done.405

This decision set the topic and annual symposium for the next nine years. With the focus generally on legal malpractice, as opposed to professional responsibility, the board enhanced the publication’s reputation in this area of the law.406

On an interesting side note, in the ninth year of this track (2009–2010), the Volume 41 editor in chief was Christopher M. West and the symposium editor was Collanne Bramblett-West. As Dean Charles E. Cantú remembers it, this was the first time a married couple served on the editorial board.407 When asked how their marriage survived their board year, Chris only remembers the good times:

[When it came down to it, we were busy at the same time with very similar things. She understood when I had to hang back over Christmas vacation to finish up a few of the articles because she knew the importance of what we were trying to do. Then she had control of the fourth edition on malpractice and legal ethics and I feel like I was there to help when needed (and in the same vein, be quiet when needed)! Overall[,] it was a fantastic experience

405. E-mail from Blakely Latham Fernandez, Partner, Bracewell, to author (Feb. 26, 2018, 9:35 AM) (emphasis added) (on file with author); accord E-mail from Soña Ramirez, Member, Clark Hill Strasburger, to author (Apr. 15, 2018, 12:20 PM) (on file with author) (“In the midst of raising a two-year-old and being pregnant our entire third year, [Fernandez] started the Annual Symposium on Legal Malpractice and Ethics, now in its [seventeenth] year.”). Fernandez is a partner at Bracewell with its public finance section in San Antonio, Texas. Blakely Fernandez, BRACEWELL, https://bracewell.com/people/blakely-fernandez [https://perma.cc/L2TZ-WPFJ]. The Plaza Club, where the first ethics and legal malpractice symposium was held, has been the site of several of the conferences. Other years it has been held at local hotels such as La Mansión del Río, La Mansión del Norte, Hyatt, and one year, it was held on campus. E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Feb. 26, 2018, 8:44 PM) (on file with author).

406. E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to Nicole Mignone, Former Symposium Editor of Volume 37, St. Mary’s Law Journal (Mar. 19, 2005, 3:01 PM) (on file with author). Mignone was symposium editor in 2005 and graduated magna cum laude. She clerked for four bankruptcy judges in Texas and New York and is currently a research attorney with Freeman Law, PLLC in Arizona. Nicole Mignone, FREEMAN L., http://www.freemanlawfirm.com/nicole-mignone/ [https://perma.cc/YL8N-56WJ].

407. E-mail from Collanne Bramblett-West, Dir. of Alumni Relations, St. Mary’s Univ. Sch. of Law, to author (Apr. 10, 2018, 3:07 PM) (on file with author). Bramblett-West is the Director of Alumni Relations at St. Mary’s University School of Law. The author has learned during this project that a number of Journal members tied the knot after they graduated. You know who you are.
for the both of us and made our time at St. Mary’s that much more enjoyable. I believe that what we learned on the editorial board and how we handled the stress of going through that while being married only strengthened our marriage and gave us both the confidence and skills to be able to manage our respective practices and job responsibilities while growing our relationship together.408

Then in the tenth year, 2010–2011, with Justin Roberts as editor in chief and Shawn Mechler as executive editor, the board resolved to publish the symposium as a stand-alone, separate journal, noting that with malpractice claims increasing, this journal creates a “scholastic niche set aside solely for the purpose of legal analysis and comment on these topics.”409 The St. Mary’s Journal on Legal Malpractice & Ethics (Legal Malpractice & Ethics Journal) copyright page asserted:

[This topic-specific journal addresses issues pertaining to legal malpractice and ethical lawyering. It is the only printed law review in the nation focused specifically on legal malpractice issues. The Journal also hosts an annual Symposium to educate practitioners and judges about innovative topics in the fields of legal malpractice and ethics.410

Some thought was given to establishing an online component to the ethics journal; however, the board felt it was too understaffed to undertake the project at that time.411 There was considerable discussion among the faculty advisory committee and Roberts concerning the need for transparency regarding the fact that the stand-alone volume and the traditional Journal were produced by the same editorial board. It was ultimately decided, and the bylaws were amended accordingly, that board


409. Editors’ Foreword, 1 ST. MARY’S J. LEGAL MAL. & ETHICS 1, 1 (2011). The cite form is quite long, but it was important to the faculty advisory committee and the faculty that “St. Mary’s” be part of the citation. E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to Justin C. Roberts, Former Editor in Chief of Volume 42, St. Mary’s Law Journal (Feb. 24, 2011, 11:11 AM) (on file with author).


411. E-mail from Justin C. Roberts, Former Editor in Chief of Volume 42, St. Mary’s Law Journal, to Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law (Jan. 27, 2011, 4:54 PM) (on file with author).
members would only list the Journal on their resumes, rather than listing that they were on two journal boards.\textsuperscript{412} If, however, a member’s work was published in the ethics journal, such reference to it was appropriate.\textsuperscript{413} In addition, Roberts corresponded with the administrator of the Washington and Lee University annual citations survey and reached agreement that citations to both the Journal and the Legal Malpractice & Ethics Journal would be combined for purposes of journal rankings.\textsuperscript{414}

The traditional title of symposium editor transferred to this new publication. Laura E. Cauley\textsuperscript{415} became the first symposium/legal malpractice & ethics editor of the new journal. They selected a cover design in a cream background with blue print, a gold scales of justice, and adopted the AGaramondPro font family.\textsuperscript{416} The articles included an abstract and author biography. The first issue carried six articles dealing with the pro se attorney,\textsuperscript{417} the duty to report misconduct,\textsuperscript{418} mediation,\textsuperscript{419} ethical handling of privileged information,\textsuperscript{420} ethical prosecutorial conduct,\textsuperscript{421} and practicing before the IRS.\textsuperscript{422}

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\item \textsuperscript{412} See ST. MARY’S L.J., BYLAWS, supra note 218, at 1 (“All members of the organization shall be considered members of the St. Mary’s Law Journal only. A member may not indicate membership of the St. Mary’s Journal on Legal Malpractice & Ethics on their resume.”).
\item \textsuperscript{413} Id.
\item \textsuperscript{414} Memorandum from Justin C. Roberts, Former Editor in Chief of Volume 42, St. Mary’s Law Journal, Proposal: Separately Titled Symposium Issue to Law Journal Faculty Comm. 1–2 (Sept. 10, 2010) (on file with author).
\item \textsuperscript{415} Cauley served as a briefing attorney to Chief Justice Sandee Bryan Marion and is currently a career law clerk for the United States District Court for the Western District of Texas. Laura Cauley, LinkedIn, https://www.linkedin.com/in/laura-cauley-54122219/ [https://perma.cc/X54D-PZAP].
\item \textsuperscript{416} See generally E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Apr. 22, 2018, 9:14 AM) (on file with author) (noting that great “care was taken in selecting the font for the new journal”).
\item \textsuperscript{417} Margaret Raymond, Professional Responsibility for the Pro Se Attorney, 1 ST. MARY’S J. LEGAL MAL. & ETHICS 2 (2011).
\item \textsuperscript{418} Vincent R. Johnson, Legal Malpractice Litigation and the Duty to Report Misconduct, 1 ST. MARY’S J. LEGAL MAL. & ETHICS 40 (2011).
\item \textsuperscript{419} Tracy Walters McCormack, Susan Schultz, & James McCormack, Probing the Legitimacy of Mandatory Mediation: New Rules for Judges, Mediators, and Lawyers, 1 ST. MARY’S J. LEGAL MAL. & ETHICS 150 (2011).
\item \textsuperscript{420} James M. Fischer, Ethically Handling the Receipt of Possibly Privileged Information, 1 ST. MARY’S J. LEGAL MAL. & ETHICS 200 (2011).
\item \textsuperscript{421} Enrico B. Valdez, Practical Ethics for the Professional Prosecutor, 1 ST. MARY’S J. LEGAL MAL. & ETHICS 250 (2011).
\item \textsuperscript{422} C. John Muller IV, Circular 230: New Rules Governing Practice Before the IRS, 1 ST. MARY’S J. LEGAL MAL. & ETHICS 284 (2011).
\end{itemize}
In the year of the stand-alone *Legal Malpractice & Ethics Journal* launch, Volume 42 of the *Journal* contained only three issues, but in 2012, Volume 43 returned to a standard four-issue output, plus one issue for the *Legal Malpractice & Ethics Journal*. That second volume published articles on social networking and judicial ethics, the need to proofread fee agreements, attorneys as testifying experts, and civility. The *Journal* subscription price increased from $25 to $35 per year—the first increase since 1969—and has since risen to $40.423 The number of staff writers for both journals increased from thirty-six to forty to generate more material and edit the increased workload.424 Volume 3 of the *Legal Malpractice & Ethics Journal* produced six articles, a comment, and six case notes. The use of case notes had been abandoned by the *Journal* since 1995. When asked about their revival in Volume 3, Symposium/Legal Malpractice & Ethics Editor Susan Stahlman Brown said:

> For the case notes, we made it completely voluntary for people to write them and made it specific to the *Legal Malpractice & Ethics Journal*. It gave the staff writers, editors, and board members an additional opportunity to be published, and several took advantage of it. However, it led to a non-voluntary editing session over winter break that was less well-received by the board members. The chocolate chip cookies I brought [into] the office in January helped a little! Because we are the only malpractice journal in the country, I wanted to provide some case law updates to our readers. But we inevitably ran into the same issue affecting most law journals today—how to get quick case updates to the public without risking the quality of our work. I wanted to get the case law updates online as soon as possible, but the editing process takes time.425

In 2013, the *Legal Malpractice & Ethics Journal* gained Legal Malpractice & Ethics Articles Editor Stephen A. Hebert426 and together with

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423. E-mail from Kathleen Gomez, Bus. Manager, St. Mary’s Law Journal, to author (Apr. 12, 2018, 4:02 PM) (on file with author).
424. E-mail from Vincent Johnson, *supra* note 404.
425. E-mail from Susan Stahlman Brown, Attorney at Law, Family Violence Prevention Servs., Inc., to author (Apr. 14, 2018, 11:18 AM) (emphasis added) (on file with author). Brown added, “I don’t remember there being any issues with the board members transitioning from the *Journal* to the *Legal Malpractice & Ethics Journal*. I think we had a great group of people on the board.”
426. Stephen A. Hebert practices commercial litigation with Bush & Ramirez in Houston, Texas. *Stephen Hebert, BUSH + RAMIREZ*, http://bushramirez.com/our-attorneys/stephen-hebert/ [https://perma.cc/CSD5-GVXN]. The new articles editor position was proposed by Symposium/Legal Malpractice & Ethics Editor Susan Stahlman to the faculty advisory committee in...
Symposium/Legal Malpractice & Ethics Editor Elizabeth Germano, they put out ten articles and one comment for Volume 4. Germano, the board, and Professor Johnson supported an effort to change the symposium editor’s title to editor in chief. The incoming Legal Malpractice & Ethics Editor in Chief Clement Hayes said:

If you look at the responsibilities of the [legal malpractice & ethics editor in chief], they closely resemble the other [editor in chief] position with a bit more editorial functions. While planning and holding the symposium is a huge part of the position, the position also selects all of the articles and is the final read. Thus, it made complete sense to change the title. 427

The next year, 2014–2015, Volume 5 of the Legal Malpractice & Ethics Journal expanded from one to two issues to make it easier to recruit authors who might not want to wait a year to get their articles into print. 428 Legal Malpractice & Ethics Editor in Chief Clement J. Hayes published his comment entitled The Qualified Privilege of Texas Lawyers to Defend Their Reputations. 429 Other topics included intra-law firm communications, proof of exoneration, characterizing ghostwriting, controversial defenses, professional courtesy, and a choice title by Professor Michael Ariens, The Agony of Modern Legal Ethics, 1970–1985. 430 Gerry W. Beyer, a former faculty advisory committee member and prolific legal writer, submitted Avoid Being a Defendant: Estate Planning Malpractice and Ethical Concerns. 431

Jurisdiction, judicial recusal, civility, marketing, and grievance avoidance were highlighted in Volume 6. Volume 7 revisited judicial recusal, along with...
with ambulance chasing, electronic social media, and a number of other interesting articles and comments. Volume 8 boasts some alluring titles, such as *It's a Trap! The Ethical Dark Side of Requests for Admission* by Colin E. Flora and *Keep Suing All the Lawyers: Recent Developments in Claims Against Lawyers for Aiding and Abetting a Client's Breach of Fiduciary Duty* by Katerina P. Lewinbuk. In 2016, the *Legal Malpractice & Ethics Journal* was cited by journals ninety-eight times and in cases five times.

Although the *Legal Malpractice & Ethics Journal* is described as a standalone journal, it is still tied to the original Journal and the entire Journal board and staff. As Professor Vincent Johnson disclosed, “I explain to each new malpractice [editor in chief] that he or she is a feudal lord who owes duties to the feudal overlord,” referring to the editor in chief of the Journal. The *Legal Malpractice & Ethics Journal* is well on its way to building a niche of strong, legal scholarship that serves the legal community in an ethical, moral way.

### XIII. Board Selection Evolves

Earlier board selection seems to have focused on interest, ambition, and willingness to do the tremendous amount of work required. At one point, students who were in the top twentieth percentile at the end of their first semester received an invitation to apply to become a Journal member. Law students who missed that line were given the opportunity to write a comment and submit it to the board for consideration. These students provided the pool from which the board was eventually selected. John Milano, Jr. recalls from the early ’80s:

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435. E-mail from Vincent Johnson, *supra* note 404. One might reasonably suspect that Professor Johnson was taking a deep dive into his research on the 800th anniversary of the Magna Carta when he came up with that explanation. See Vincent R. Johnson, *The Ancient Magna Carta and the Modern Rule of Law: 1215 to 2015*, 47 ST. MARY’S L.J. 1, 6–7 (2015) (acknowledging the hierarchical organization of feudal society).

We formally applied for the positions we sought. . . . We interviewed with the entire board and then a list was posted. We met with our predecessors to get briefed on the details of our duties, contacts at vendors we did business with . . . . I seem to recall receiving a letter from [the] dean . . . . I recall we got busy right away.437

One would assume that the faculty had an opportunity to approve the board’s selections before the list was posted.

Sara Murray, who was a note and comment editor in 1990 for Volume 22, mentioned their board “changed the criteria for being on Journal because many students whose grades put them in the top 10% of their class could not write very well. To protect the quality of the Journal, we developed qualifying criteria that considered both grades and writing ability on a sliding scale.”438 Regina Stone-Harris remembers that by 1996, “The [editorial board] application asked an applicant to select three positions and rank the positions in the order of preference. The person then-serving in each position recommended a replacement from the applicant pool. The [e]ditorial [b]oard then voted on applicants by position.”439 She also explained her board’s efforts to expand diversity representation:

At the outset, my board committed to increasing minority participation on Journal, without affirmative action. We achieved the goal by: (1) addressing each first-year section and student group to solicit applications, (2) using an anonymous three-tiered approach to select new writers (one-third grade-on, one-third write-on, and one-third grade-on/write-on), and (3) assigning comment editors to assist students who had difficulty with writing. The board required all applicants to complete a write-on paper. These efforts resulted in several minority writers which, in turn, provided a pool of minority writers for consideration for board positions. The writer-selection process no longer


438. E-mail from Sara Murray, S’holder, Langley & Banack, Inc., to author (Mar. 23, 2018, 3:56 PM) (on file with author).

439. E-mail from Regina L. Stone-Harris, Legal Writing Instructor, St. Mary’s Univ. Sch. of Law, to author (Mar. 13, 2018, 5:30 PM) (on file with author). Following a long career of judicial clerkships in Texas and Arkansas, Stone-Harris joined the law faculty at St. Mary’s. Regina L. Stone-Harris, ST. MARY’S U. SCH. L., https://law.stmarytx.edu/academics/faculty/regina-stone-harris/ [https://perma.cc/QA9B-NWM5].
requires students who meet the grade-on criteria to submit a write-on paper, to alleviate the work required to read write-on papers. 440

Stephen Gordon felt well-prepared to join the editorial board for Volume 29. He recalls:

The [b]oard that came before ours did a great job of explaining to us how the process worked and what our duties were. I remember Regina Stone-Harris and Donna Coltharp in particular mentoring us on how to deal with all the stress and pressure we were about to get ourselves into. They also walked us through how to deal with the various authors we were going to be publishing in terms of being diplomatic with our editing style.

We had a great group of people on our [e]ditorial [b]oard, and Connie Flores Lock[] and Joe Hinojosa made a great [editor in chief] and [e]xecutive [e]ditor team. They kept things running pretty smoothly and we all got along really well. 441

Hinojosa added, “We were simply law nerds trying to do a good job.” 442

When it came time to select the next board, Gordon recalled:

One of the more interesting parts of the job required reviewing all the writing competition submissions from the next group of aspiring [Journal] members. I believe there were over [fifty] packets submitted. It is not an easy task to read that many submissions and try to fairly judge each one in the span of [two] weeks. Somehow[,] we all managed to get through the process. 443

In 2010, the interest in the write-on competition rose to 164, where it had averaged eighty to ninety applications in the previous decade. 444

440. E-mail from Regina L. Stone-Harris, supra note 439 (emphasis added).
441. E-mail from Stephen H. Gordon, supra note 298.
444. E-mail from Justin C. Roberts, Former Editor in Chief of Volume 42, St. Mary’s Law Journal, to Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law (May 9, 2010, 5:53 PM) (on file with author).
In recent years, there is a new focus on compatibility. Matt Compton, executive editor of Volume 39, shared glowing thoughts about the Volume 39 board and recalls that Editor in Chief Erin Higginbotham “was the face and the heart of the Journal and our board—and we had a great board! We shared a common vision and purpose, and we all sacrificed other interests to achieve our goals.”

Stephanie Green, editor in chief of Volume 47, would encourage every member of the Journal to run for the board. She explained:

While grades and rank are factors, we also placed significant emphasis on the review of the staff writer’s work by their SAE, the application, and the interview. For example, some applicants indicated in the interview that they were only interested in one position or that they wouldn’t be willing to accept a different position [from] their top choice or that they would quit Journal altogether if they didn’t get selected for [board]. I don’t think those responses were particularly helpful to those applicants. We tried to select a group who would be hardworking, demonstrate leadership, and maintain the integrity and quality of the Journal’s scholarship. It’s amazing how seriously you take the task when you consider the organization’s legacy.

Green added, “I loved our year and the experience. Our [board] was incredibly hardworking, talented, and we got along famously. That helps make the difficult work, long hours, and shrinking scholarships a little more tolerable.”

The board gratefully relied upon the institutional knowledge of their business manager, Renée Higgins. “She knew how to anticipate

445. E-mail from Matt Compton, Staff Attorney, Fourth Court of Appeals, to author (Apr. 25, 2018, 12:47 PM) (on file with author).

446. E-mail from Stephanie M. Green, Attorney at Law, Office of the Solicitor Gen., to author (Mar. 28, 2018, 5:34 PM) (emphasis added) (on file with author). Upon graduation, Green clerked for Justice Jeff Brown on the Texas Supreme Court and then served as a Gregory S. Coleman Fellow for the Texas Solicitor General. She will join the Austin firm of Duggins, Wren, Mann & Romero at the conclusion of her fellowship. E-mail from Stephanie M. Green, Attorney at Law, Office of the Solicitor Gen., to author (Mar. 30, 2018, 11:05 AM) (on file with author).

447. E-mail from Stephanie M. Green, Attorney at Law, Office of the Solicitor Gen., to author (Mar. 28, 2018, 5:34 PM) (on file with author).

448. Renée A. Higgins joined the Journal professional staff as business manager in 2007 with Volume 39 and served until Volume 47. Executive Editor Matt Compton said:

Renée Higgins was a tremendous help to us as well. She came in with desktop publishing experience, and with a strong work ethic. She helped organize the office, and because of her skills, we were able to send edited PDFs to the publisher instead of Word docs—that the publisher would reformat, take time to do, and charge us for. We saved a substantial sum by
and avert the missteps that had occurred in prior years."449 At their journal banquet, the board presented Higgins with “a replica of Thor’s hammer, Mjölnir, to represent what a superhero she was in our eyes.”450

As of this writing, the process has continued to evolve. Paul Cho, editor in chief of Volume 48, stated:

Regarding the application, we continued the in many ways incremental evolution from our predecessors. . . . [E]ach year the questions asked on the application evolved by either re-wording one of the short essay questions or by adding a new one. Essentially, I think the continuing lesson relearned again and again and incrementally advanced each time was that a successful [b]oard needed to be composed of people possessing both quality in personal character as well as a high level in skill. Obviously[,] each position had required abilities as well as desirable traits that we looked for in the applicant pool. There was (in my year) a certain amount of deference by the [b]oard from the then-current position-holder as to who were the preferred candidates for the job, but this could be easily overruled by the popular vote of the [b]oard. Additionally, since there are twelve [b]oard members, the [editor in chief] traditionally does not vote except to break a tie.

With regard to the incoming [b]oard’s collective makeup, I know that there were huge personality conflicts for several years prior to . . . Volume 47 (my immediate predecessor). Based on some lessons learned, Volume 47 was chosen, at least in part, based on social compatibility with each other (in addition to being individually skilled editors). That idea continued into the selection of my [b]oard and my [b]oard’s selection of our successors in [Volume] 49.451

E-mail from Matt Compton, Staff Attorney, Fourth Court of Appeals, to author (Apr. 25, 2018, 12:47 PM) (on file with author).

449. E-mail from Stephanie M. Green, Attorney at Law, Office of the Solicitor Gen., to author (Mar. 28, 2018, 5:34 PM) (on file with author).

450. Id. Green noted:

“Being on Journal can be stressful. Several occasions I had students in my office dealing with major life issues and sometimes ready to quit. Usually there’s a way to handle it if you’ve been managing your work and time. My managing executive editor would joke that my office was “Stephanie’s Safe Space for Feelings.””

Volume 49 has followed the same course. Daniela Mondragón said that they evaluated “applicants in a holistic manner, assessing their work product, grades, work ethic and personality.”\textsuperscript{452} She broke the process down thusly: “(1) the application, (2) meetings on the staff writer’s work ethic and work product, (3) interviews, and (4) a final selection meeting evaluating the previous three components.”\textsuperscript{453} Mondragón admitted that this was one of the most challenging times she had encountered—“a year full of growth.”\textsuperscript{454} She expressed deep gratitude to the other members of the board, “I respect and admire my board and am fortunate to call them my friends. We hope to pass on the same legacy to Volume 50.”\textsuperscript{455} Her colleague M. Alejandra Salas, who was editor in chief for the \textit{Legal Malpractice \\& Ethics Journal}, agreed and noted other perks that came with their positions. Both were “invited to participate in the William S. Sessions American Inn of Court where [they had] the opportunity to meet well-respected judges and attorneys from the San Antonio community.”\textsuperscript{456}

XIV. THE WORKING BOARD AND THE FACULTY ADVISORY COMMITTEE

The Journal is a student-run operation. The faculty advisory committee is appointed annually by the dean and has an oversight role. The bylaws define that role as “assisting the editorial board in formulating policy and may also provide guidance regarding budgetary concerns, public relations, scheduling, and legal sufficiency of articles and student works.”\textsuperscript{457} The bylaws are to be construed by the editorial board with a right of appeal to the faculty advisory committee whose decision is final.\textsuperscript{458} To illustrate this relationship between the board and the committee, a question of co-authorship arose on an article in 2005. The lawyer author wanted to credit

\begin{itemize}
  \item \textsuperscript{452} E-mail from Daniela Mondragón, Judicial Clerk, U.S. Bankr. Court for the S. Dist. of Tex., to author (Mar. 26, 2018, 12:02 PM) (on file with author).
  \item \textsuperscript{453} Id.
  \item \textsuperscript{454} Id.
  \item \textsuperscript{455} Id. Mondragón is a law clerk to Judge Marvin Isgur in the United States Bankruptcy Court for the Southern District of Texas in Houston, Texas. E-mail from Daniela Mondragón, Judicial Clerk, U.S. Bankr. Court for the S. Dist. of Tex., to author (May 2, 2018, 1:35 PM) (on file with author).
  \item \textsuperscript{456} E-mail from M. Alejandra Salas, Judicial Clerk, U.S. Dist. Court for the W. Dist. of Tex., to author (Apr. 23, 2018, 11:39 AM) (on file with author). Salas accepted a clerkship with United States District Judge David Counts in the Western District of Texas, Midland Division. E-mail from Daniela Mondragón, supra note 455.
  \item \textsuperscript{457} ST. MARY’S L.J. BYLAWS, supra note 218, at 3.
  \item \textsuperscript{458} Id. at 1.
\end{itemize}
his law student research assistant with co-authorship because her contributions to the article had gone beyond editing to writing and reorganizing the article. With input from the author, student co-author, and editor, the board sought policy guidance from the Committee Chair Vincent Johnson, who responded thusly:

You folks run the show and make the decisions. However, I am going to try to point you in the right direction on this one.

I think that the persons listed as authors of an article should be the ones who wrote it. If there is a judgment call as to whether someone is an author, as opposed to a research assistant, I think that call should normally be made by the lead author. I do not think that authorship should be determined by an artificial rule—e.g., that a student who is not on the Law Journal cannot be listed as an author—especially if that rule has not been previously made clear. I remember Marty Beirne’s story at the Distinguished Law Graduate Dinner about how in Volume 1 Chief Justice Greenhill insisted that he be listed as a co-author, even though Law Journal editors who work hard on an article are virtually never listed as co-authors . . . .

So, I would list them both. But the decision is up to the board. 459

Throughout this history, faculty helped in other ways, too. They have always been available to guide a student writer through the organization and development of a chosen topic. A recent example comes from Brian Bagley, who, after the legislature passed HB4, wrote his comment arguing that Texas courts should recognize a seat belt defense. 460 He provides:

[D]uring the time that I was writing the comment, Professor Johnson (Associate Dean of Academic and Student Affairs at the time) was critical to the process—he talked through the position I was planning to take in the piece, proposed edits, and even helped me pick the title (“Just make it straightforward!”). 461

459. E-mail from Vincent Johnson, supra note 226 (emphasis added).
461. E-mail from Brian Bagley, Partner, Akerman, to author (May 10, 2018, 3:36 PM) (on file with author).
Bagley served as a comment editor for Volume 36 and then entered private practice. “I was also proud to be on the Law Journal knowing that—after law school—I would be working for the Journal’s first [editor in chief] and co-founder, Martin Beirne, at Beirne, Maynard & Parsons in Houston,” he said.462  A case involving the seat-belt defense eventually reached the Texas Supreme Court and recognized Bagley’s work. He explains:

When first sitting down to write a Law Journal comment, it is impossible to predict how the relevance of a particular topic will evolve over the years. Several fellow lawyers have called since 2004 to discuss my article, mainly inquiring about the state of the law on the seat belt defense. Much to the various callers’ chagrin, I would always respond, “Wait and see!” Occasionally, I was able to help practitioners find additional sources. Imagine my surprise, [eleven] years later, when a lawyer friend of mine forwarded me a congratulatory email upon reading the Texas Supreme Court’s 2015 citation to my Comment. I was honored to think my work as a law student was being applied to real cases.

In my work in complex commercial litigation here at Akerman, it is not unusual for my peers to come across the article during their research. A friend who was a lawyer at another firm actually treated it like it was a sporting event, tracking the Comment’s citation history and periodically updating me (the Colorado Supreme Court cited to it, another [l]aw [r]eview cited to it, etc.)!

At the time I was writing it and when it was published, I never thought it would get any attention at all—so I have been pleased over the years to see that it has provided some guidance to courts, assistance to practitioners, and footnotes for academics.463

According to Professor Johnson, Bagley’s comment illustrates the importance of choosing a topic with shelf-life. It took more than a decade for Bagley’s comment to be cited by the Texas Supreme Court. That occurred on a Friday. So much time had passed since the comment was published that, on the following Monday, Bagley was named a partner in his firm.

462.  Id. (emphasis added).
463.  Id. (emphasis added).  Bagley is part of the Beirne, Maynard & Parsons firm that recently merged with Akerman, where he continues to focus on complex commercial litigation cases. His firm bio indicates he also served as co-editor of the Texas Association of Defense Counsel’s Insurance Law Update from 2012 to 2016. Brian T. Bagley, AKERMAN, https://www.akerman.com/en/people/brian-bagley.html [https://perma.cc/6ZR2-VMJS].
In recent years, the size of the faculty advisory committee (FAC) has increased, resulting in greater supervision of individual staff writers by members of the committee. Dean Bill Piatt has an appreciation for this expanded role:

Working with the students on the Law Journal was one of the most rewarding aspects of my deanship. I was honored that the editors of Volume 39 dedicated Issue Number 1 to me in 2007. Since resuming full-time teaching it has been my good fortune to serve on the Journal’s faculty advisory committee, working with staff writers and reviewing submissions from time-to-time. And, the Journal published one of my articles in 2008, giving me the opportunity to witness first-hand the dedication and skills our Journal students bring to their work. As Dean, faculty member, and author, I am truly grateful for the opportunity to participate in the incredible work of the St. Mary’s Law Journal.

According to Stephanie M. Green:

Vol[ume] 47 marked a turning point in the role the faculty played. The FAC has a more involved role in the scholarship the Journal produces.

Participation as a staff writer involves writing a comment for which credit is awarded and the law student’s writing requirement is satisfied. When the law school went through its ABA review, one of the concerns raised was that we needed a higher level of faculty involvement and supervision for writing credit to be awarded to staff writers. Vol[ume] 47 worked with Professor Johnson to implement a solution. Staff writers are paired with a faculty member who supervises and provides guidance in the comment-writing process. The board still assists the student in selecting an original topic and ensuring that topic is not preempted by another publication. Now, the student will meet with their faculty advisor to discuss the topic and anticipated approach. They meet again after submitting an initial draft to gain any insight from their advisor. And finally, the board reviews all completed comments verifying that they meet the minimum requirements for credit and the faculty member performs a final review to recommend the granting of academic credit (or presumably reject that determination[,] if necessary).

Our board pulled ideas for comments from interesting cases, reported circuit splits, and any emerging issues we could find. We had a list of ideas for incoming staff writers who needed inspiration. Almost all of them ended

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464. E-mail from Bill Piatt, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Apr. 26, 2018, 12:17 PM) (emphasis added) (on file with author).
up being used. And, wonderfully, they were transformed into brilliant commentary and interesting scholarship from our group.465

Starting with Volume 47, part-time law students and those from the night school program were eligible to join the Journal. Scheduling for staff meetings proved a challenge, as did balancing full-time work and classes with journal duties.466 Further, when night-student staff writers seek a board position, there is the issue of limitation of outside work that all board members face.467

XV. BANQUETS AND RECOGNITION

The end of the year Journal banquet is a time of reflection, recognition, and anticipation, as evidenced in Editor in Chief Paul Cho’s opening remarks to the Volume 48 banquet guests, “We are delighted that you could all come and celebrate with us a year full of accomplishment in our ongoing mission to further . . . advance [justice in law] through legal scholarship.”468

Records of the earliest banquets are incomplete and sketchy. Donato Ramos remembers the first several boards using the banquet as a fundraiser.469 Faye Bracey remembers that the Volume 12 board celebrated

465. E-mail from Stephanie M. Green, Attorney at Law, Office of the Solicitor Gen., to author (Mar. 28, 2018, 5:34 PM) (emphasis added) (on file with author). To be clear, the bylaws state, “Grades are assigned by the [chair of the] faculty [advisory] committee. The [chair shall consult with the editor in chief and shall consider the recommendation of the editorial board, but is not bound by that recommendation.” St. Mary’s L.J. Bylaws, supra note 218, at 8.

466. E-mail from Stephanie M. Green, supra note 465; see E-mail from Christopher West, Former Editor in Chief of Volume 41, St. Mary’s Law Journal, to Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law (Feb. 26, 2009, 3:06 PM) (discussing the process for implementing part-time night students into the Journal program).

467. The St. Mary’s University School of Law website lists the first-year student profile for 2018–2019, which reveals 197 students in the day program and forty-two students in the evening program. First-Year Student Profile 2018–2019, St. Mary’s U. Sch. of L., https://law.stmarytx.edu/admission/applying-j-d/class-profile/ [https://perma.cc/PQ46-PXYQ]. The bylaws specifically state that an editorial board position is a full-time job and that no “member shall engage on- or off-campus employment during the fall or spring semesters, unless the [faculty] advisory [committee] has granted permission to that [board member],” unpaid internships excepted. St. Mary’s L.J. Bylaws, supra note 218, at 23. The current FAC chair has a policy of denying such waivers where the board member is enrolled in eight or more credits. E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to St. Mary’s Law Journal Editorial Bd., Senior Assoc. Editors, and Assoc. Editors (Mar. 2, 2007, 4:12 PM) (on file with author). The FAC chair also stated that he does not recall this presenting an issue with evening students.

468. E-mail from Paul Cho, Attorney at Law, to author (June 4, 2018, 11:46 AM) (on file with author).

469. Telephone Interview with Donato D. Ramos, supra note 38.
at the San Antonio Country Club. Instead of a speaker they had a band, paid for by Luke Soules—the San Antonio attorney who published an article in Volume 1. Here is a sampling of speakers over the years:

- Volume 13, Justice Charles Barrow, Texas Supreme Court
- Volume 14, Justice Franklin Spears, Texas Supreme Court, at the Gunter Hotel
- Volume 21, Kenneth Starr, Solicitor General of the United States, at the Witte Museum
- Volume 27, Michael Tigar, University of Texas School of Law
- Volume 28, Justice Rose Spector, Texas Supreme Court
- Volume 37, W. Wendell Hall, Fulbright appellate attorney
- Volume 39, C. Lee Cusenbary, General Counsel, Mission Pharmacal Company, at Oak Hills Country Club
- Volume 40, Howard L. Speight, Houston patent attorney, at the Westin Riverwalk
- Volume 41, Justice Paul Green, Texas Supreme Court, at Oak Hills Country Club

470. E-mail from Faye M. Bracey, Counselor to the Dean, St. Mary’s Univ. Sch. of Law, to author (Nov. 10, 2017, 4:18 PM).
471. E-mail from John H. Cayce, Jr., supra note 196.
472. E-mail from Matthew Sullivan, Partner, DuBois Bryant & Campbell, to author (Oct. 12, 2018, 3:33 PM) (on file with author).
473. E-mail from Regina L. Stone-Harris, Legal Writing Instructor, St. Mary’s Univ. Sch. of Law, to author (Jan. 15, 2018, 8:58 PM) (on file with author).
474. Id.
475. E-mail from J. Caleb Rackley, supra note 249.
• Volume 42, Peter Koelling, American Bar Association, at Oak Hills Country Club

• Volume 43, Judge Barbara Hanson Nellermoe, 45th District Court Judge, at Oak Hills Country Club

• Volume 44, Justice Sam Griffith, Twelfth Court of Appeals, at Oak Hills Country Club

• Volume 46, Judge Burt Richardson, Texas Court of Criminal Appeals, at the San Antonio Museum of Art

• Volume 47, Stuart Bowen, Texas Health Inspector General, Bright Shaw

• Volume 48, Texas Representative Four Price, at Oak Hills Country Club

• Volume 49, Justice Melissa Goodwin, Third Court of Appeals, at the Omni La Mansión del Rio

Recognition of a year of hard and excellent work is presented in several forms. The editor in chief moderates the program and gives a speech highlighting the past year. Law firms and alumni have generously sponsored awards to Journal writers and editors as follows:

• Publication Awards: $250.00 per student recipient


Credit with Honors Awards: $250.00 per student recipient
Outstanding Staff Writer Award: $250.00 for student recipient
Outstanding Senior Associate Editor Award: $250.00 for student recipient
Editor’s Excellence Award: $500.00 for student recipient
Recent Development Awards: $100.00 per student recipient

The Beirne Foundation established a Journal Endowment Fund in 2003 with an initial contribution of $100,000 from the law firm of Beirne, Maynard & Parsons, and income from the endowment may be used for banquet expenses and student monetary awards. It also pays some expenses for the annual ethics symposium and other Journal events. Other frequent sponsors listed in banquet programs over the last decade include: Drought, Drought & Bobbitt, LLP; The Eric Riester Family; Hornberger, Sheehan, Fuller & Beiter, Inc.; Clemens & Spencer; Jackson Walker, LLP; Stumpf Farrimond; Fulbright & Jaworski, LLP; Hanor, Lively & Cernyar, PLLC; Strasburger & Price, LLP; Cox Smith Matthews, Inc.; Dykema Gossett PLLC; St. Mary’s School of Law Office of Career Services; Mazurek & Holliday, P.C.; and Goldstein, Goldstein, Hilley & Orr.

Best brief writers from the 1L classes are also recognized at the Journal banquet. According to Professor Bonita Roberts:

[S]he Journal administers, but does not finance, the awards. All [legal research and writing] professors can submit one nominee from each small group they instruct directly to the [business] manager, who removes the student’s name and assigns an anonymous number by section, e.g., A-1, etc. Panels of Law Journal board members read and select each section winner and then another panel selects the best of the four section winners for the “super brief” award.

486. E-mail from Kathleen Gomez, Bus. Manager, St. Mary’s Law Journal, to author (Apr. 30, 2018, 9:19 AM) (on file with author). The monetary awards are sent to the Financial Aid Office and the student’s school account is credited accordingly against tuition and school costs. Id. Sponsorships in 2017 and 2018 came from the Beirne Foundation, Jackson Walker, LLP, and Mazurek & Holliday, P.C. Id.; Program from St. Mary’s Law Journal Volume 48 Awards Banquet, supra note 484.
487. E-mail from Kathleen Gomez, supra note 486. As of March 31, 2018, the corpus stands at nearly $200,000, with additional contributions from Martin Beirne and others. E-mail from Joel Lauer, Exec. Dir. of Law Advancement, St. Mary’s Univ. Sch. of Law, to author (May 1, 2018, 9:29 AM) (on file with author). There is also a dedicated symposium restricted fund, out of which symposium expenses are paid. A third restricted fund, the Law Journal Editor’s Award fund, supports a variety of Journal operating expenses, such as stipends and computer upgrades. Id.
Funding derives from alums such as Laveta Casdorph, Bryan Jones, the appellate sections of SABA, and Langley & Banack. Each section winner receives $500, and the “super brief” award is an additional $500.

The idea for the Law Journal to administer this process is based on the premise that it will encourage future Journal participation (this has provided the Journal with any number of [b]oard members), and it removes the process from the [legal research and writing] faculty and administrators.\textsuperscript{488}

Perhaps the most anticipated portion of the annual banquet is the introduction of the next editorial board and the passing of the torch, so to speak. Gratitude is abundantly expressed to the business manager, the faculty advisory committee, and its chair.

More than one editor in chief in these last fifty years has reprinted on the banquet program. For example, the Volume 40 banquet program states:

There is the matter of the law review. We have in law schools an aristocracy of a peculiar kind. We may almost say it is a perfect aristocracy. One achieves membership exclusively in terms of his performance. Membership carries honor, but the honor that it carries is the duty to work and slave and drive oneself as no other student is expected to. A perfect aristocracy, then, because continued membership is based on higher performance than is demanded of non-members. Now this law review is a scientific publication, on which in good part the reputation of the school depends. Here is a thing American. Here is a thing Americans may well be proud of. There is not so far as I know in the world an academic faculty which pins its reputation before the public upon the work of undergraduate students—there is none, that is, except in the American law reviews. Such an institution it is a privilege to serve. Such an institution it is an honor to belong to. And by virtue the terms of tenure of office, of this you may be sure: to earn that honor is to earn an education.\textsuperscript{489}

\textsuperscript{488.} E-mail from Bonita Roberts, Professor of Law, Co-Director of the Legal Research & Writing Program & Englehardt Research Fellow, St. Mary’s Univ. Sch. of Law, to author (May 2, 2018, 9:56 AM) (emphasis added) (on file with author).

XVI. JOURNAL SCHOLARSHIPS

The dedication required of Journal members has been a constant in this history and many top students found they had to choose between Journal and other opportunities. Professor Laura Burney recalls: “As a student, I wanted to continue focusing on advocacy competitions[,] so I decided not to go for a board position. Instead, I did get published and then worked as a senior associate editor. I also took the Bar early, which limited my [J]ournal work my [third] year.”490 Some students have gotten a foot in the door of a law firm that felt like a good fit or one that promised greater opportunities, and like Patrick Sheehan and Wendell Hall, opted to clerk there until they were licensed. Others have often faced the need to pursue short-term financial gain just to support themselves and their families. Over the years, the deans and faculty have recognized the financial tension that Journal editors experience.

A number of the editors on the first board clerked with law firms, but by January 1969, they found that it was not physically possible to hold down a job and give the Journal its due. Thus, the editors agreed to a self-imposed sacrifice, no outside work. “[F]or a number of our editors, that was very difficult. Very, very difficult.”491 From the very early years, some of the editors received financial assistance in the form of stipends, scholarships, or work-study funds.492 In the first dozen years, editors were required to teach research and writing to 1Ls—essentially teaching the citation rules in The Bluebook and The Greenbook—in exchange for tuition assistance. According to Professor Leopold:

When the [L]aw [Journal] was started, the [L]aw [Journal] was like being enrolled in a class. For that, you had to pay tuition. You had to pay tuition to be on the [L]aw [Journal], to get the credit for that class. I think that went on for [ten] or so years. And then the faculty decided, and the [L]aw [Journal] people said, “Look, other law journals don’t have this problem. They don’t pay . . . tuition for being on the law journal. . . .

490. E-mail from Laura Burney, supra note 227 (emphasis added).
491. Interview with Martin D. Beirne, supra note 18.
492. Board members also received free Bar Exam review courses from the companies teaching them. E-mail from Lawrence E. Likar, Professor & Chair of the Dep’t of Justice, Law, & Sec., La Roche Coll., to author (Mar. 30, 2018, 4:51 PM) (on file with author).
So, the faculty decided that the Law Journal people would not have to pay tuition. I think, later on . . . instead of simply forgiving the tuition, they were then given scholarships to take care of it.493

When James Castleberry became dean in 1978, he focused on improving scholarship at the law school.494 One component of this goal was to tie faculty pay raises to faculty publications[,]495 and this likely provided additional material for the Journal as well as other publications. By 1979, the editorial board received partial tuition remission for their third year, and the next year it was increased to a full ride, essentially a $5,000 scholarship at that time.496 In fall 1981, the law school gained Legal Research and Writing Professor Bonita Roberts, who reorganized those courses, and by fall 1982, no more teaching was required of the editors.497 The purpose of full

493. Cantú, supra note 36 (manuscript at 120 n.50) (emphasis added) (quoting Transcript of Audio tape: Oral History of Charles E. Cantú, comments of Aloysius A. Leopold made to Vincent Johnson (Nov. 9, 2017) (on file with author)).
494. E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Mar. 27, 2018, 9:17 AM).
495. Cantú, supra note 36 (manuscript at 140).
496. Taylor Boone recalls being offered a partial scholarship in 1979–1980, “which I declined personally and persuaded admin[istration] to allocate to other members of the [b]oard who were in worse financial situations.” E-mail from Taylor S. Boone, Member, Clark Hill Strasburger, to author (Mar. 30, 2018, 12:39 PM) (on file with author). To which John Cayce offered, “Any [editor in chief] who declined a scholarship for the benefit of less fortunate board members should have a bronze [statue] erected in their honor in front of the Raba Law Building!” E-mail from John H. Cayce, Jr., Partner, Kelly Hart & Hallman, to author (Mar. 30, 2018, 1:29 PM) (on file with author); see E-mail from Faye M. Bracey, Counselor to the Dean, St. Mary’s Univ. Sch. of Law, to author (Mar. 30, 2018, 12:27 PM) (on file with author) (confirming that full scholarships were offered to the board in 1979–1980 and 1980–1981).
497. E-mail from Bonita Roberts, Professor of Law, Co-Dir. of the Legal Research & Writing Program & Englehardt Research Fellow, St. Mary’s Univ. Sch. of Law, to author (Mar. 1, 2018, 02:02 PM) (on file with author). Professor Roberts recalls:

The year before I arrived (AY1980–1981), the course was “taught” entirely by 3Ls, though supervised by a faculty member, Bob Galligan. When I began teaching the course in AY 1981–1982, we used 3Ls (not required to be members of the editorial board), as student assistants, whose job involved devising the research assignments, scoring them, and helping students make corrections. The fall grade (no longer pass/fail) was entirely determined by a final exam, consisting of short answer and a long essay question. The spring semester involved memo writing and an appellate brief. The student assistants served as “editors” but did not assign grades. Did I mention that I taught the entire 1L class for my first two years?! I read every test and graded every memo and brief from 270 students. Immediately thereafter, we hired Linda Schlueter, and Bob Summers took a section, so we each had “only” one section to grade as noted above. Then Bob Summers phased out, and Faye Bracey took a section.

Id.
scholarships “was to compensate the editors for opportunity cost” because board members were prohibited by the bylaws from working off campus during the fall and spring semesters. “[E]ditors were expected to devote their full time to the Journal,” however, summer clerkships were encouraged by the dean and the faculty.

According to Professor Johnson, who joined the faculty in 1982 and has served on the faculty advisory committee for the last twenty years, “The scholarships remained at full tuition until sometime after [Barbara] Aldave became dean in 1989.”

Matthew Sullivan, editor in chief for Volume 21, elaborated further:

Dean Aldave told me at our first meeting that she was thinking about taking away the scholarship benefit that was provided to members of the editorial board. She indicated that she wanted to use those funds for other purposes. . . . [B]ack then the board members each received [twenty-seven] hours of credit towards our third[-]year tuition. Like me, a number of other board members were married students and we questioned whether we could afford to serve as editorial board members if we didn’t receive a scholarship in exchange for the significant time commitment. My meager income as a part[-]time student assistant to Ken Redden (a visiting professor from the University of Virginia) certainly wasn’t enough to cover the cost of [twenty-seven] hours of tuition. The board banded together and we contacted other board members at various law journals and reviews around the country. We prepared a detailed analysis that showed most of the universities provided significant financial support to the boards of their respective law reviews. The board’s effort paid off (for a time) since Dean Aldave said that she wouldn’t take any action for 1989–1990. I don’t know if the university still provides this benefit to the editorial board, but it should.

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498. E-mail from Vincent Johnson, supra note 494. Professor Johnson continues:

For the last several years I have argued that the Law Journal scholarships are not compensation for work done, but for the loss of the opportunity for outside employment. Editors normally have very high class rankings, and it is quite likely that they could secure outside employment, but for the no [outside] work rule.

E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Mar. 31, 2018, 6:25 AM) (emphasis added) (on file with author).

499. See ST. MARY’S L.J., BYLAWS, supra note 218, at 23 (stating an editorial board member may not engage in outside employment).

500. E-mail from Vincent Johnson, supra note 494 (emphasis added).

501. Id.

502. E-mail from Matthew Sullivan, supra note 472.
Under Dean Aldave’s leadership, the administration sought to provide greater financial assistance to students who were not at the top of the class and might not have the same lucrative opportunities that were expected to come to Journal board members. “So, the scholarships were reduced and never returned to full scholarships.”

While Bill Piatt served as dean from 1998 to 2007, with Professor Johnson as associate dean, the scholarships received an increase equivalent to the faculty salary pool because scholarships were treated as compensation. This type of raise, which was likely about 3%, occurred a few times. In the spring of 2006, the Volume 38 board proposed that an annual fundraiser be instituted to solicit contributions to fund associate editor scholarships. Although this idea apparently never launched, in the fall of 2006, Dean Piatt allocated scholarship funds for associate editors “in an amount equal to the tuition that they otherwise would pay for their work on the Journal.” Thus, associate editors received a two-credit scholarship of $1,436 and senior associate editors received up to a four-credit scholarship of $2,872. The following fall, however, there was a change in administration and the associate and senior associate editor scholarships were eliminated, creating angst for these editors and the faculty who heard their cries. Apparently, scholarship budgets were reallocated to establish

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503. E-mail from Vincent Johnson, supra note 494. Faye Bracey added, “I revisited this issue when Dean Cantú was dean and the cost per year today is prohibitive in allowing full tuition rebates now.” E-mail from Faye M. Bracey, supra note 496.

504. E-mail from Vincent Johnson, supra note 494.

505. Memorandum from John G. George, Former Editor in Chief of Volume 38, St. Mary’s Law Journal, to Bill Piatt, Former Dean & Professor of Law, St. Mary’s Univ. Sch. of Law (Apr. 10, 2006) (on file with author). Professor Johnson noted that such a project might need to be placed before the university’s funding priorities committee for approval. E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to Shelayne Clemmer, Former Exec. Editor of Volume 38, St. Mary’s Law Journal (Apr. 18, 2006, 3:18 PM) (on file with author). In the spring of 2011, another effort was made to organize an outreach to former editors for support, but it apparently still was not ready for prime time. See E-mail from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, to Justin C. Roberts, Former Editor in Chief of Volume 42, St. Mary’s Law Journal (Mar. 8, 2011, 10:28 AM) (on file with author) (urging the board to continue to build goodwill with board alumni at the Journal banquet).

506. Memorandum from Bill Piatt, Former Dean & Professor of Law, St. Mary’s Univ. Sch. of Law, to John G. George, Former Editor in Chief of Volume 38, St. Mary’s Law Journal (Aug. 24, 2006) (on file with author).

507. Id.

508. See E-mail from Willy E. Rice, Professor of Law & Englehardt Research Fellow, St. Mary’s Univ. Sch. of Law, to Ahsan Nasar, Former Assoc. Editor for Volume 39, St. Mary’s Law Journal (Sept. 1, 2007, 2:35 PM) (on file with author) (discussing the controversy surrounding the loss of scholarship funds).
board scholarships for the *Scholar* as a way to put that board on equal footing with the *Journal*.

In the 1990s, a second law journal received a green light to focus on minority issues. The *Scholar*, now completing its second decade, has carved a niche in the area of diversity and the issues of traditionally disenfranchised peoples. Beginning in 2009, under the tenure of Dean Charles E. Cantú, the *Scholar* board of editors also began receiving scholarships. The *Scholar* bylaws, however, did not prohibit outside employment, while the *Journal* bylaws did. This continued enforcement of the employment ban caused great discontent among *Journal* members. Professor Johnson had authority to waive the prohibition, but usually would not do so unless the editor was enrolled in ten or fewer credits, “because being on the board is a full[-]time job.”

As tuition rose, the amount of financial support has risen as well. For the 2016–2017 academic year, the maximum board stipend per semester was $7,500, or $15,000 for both fall and spring semesters. However, as Paul Cho noted:

> [T]his maximum amount would be automatically decreased by the amount of any pre-existing scholarships from the school. As an example, if an [e]ditorial [b]oard member had a scholarship from the school (starting from 1L year) for $3,[000 per semester or $6,000 per year], then he/she would receive $4,500 per semester [or only $9,000 for the third year's board scholarship] upon becoming a member of the [e]ditorial [b]oard.

The effect of this policy meant that some editors were compensated for their editorial work and other editors were not. An editor who had an annual $15,000 academic scholarship would not get any *Journal* compensation. An editor with a $10,000 academic scholarship would get an additional $5,000 in *Journal* compensation. Editors who had no academic

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509. In the spring of 2009, Associate Dean Rey Valencia announced at the *Scholar* banquet that *Scholar* editors would be recipients of the same scholarships that *Journal* editors enjoyed. E-mail from Benjamin Landgraf, Former Editor in Chief of Volume 40, St. Mary's Law Journal, to Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law (Mar. 28, 2009, 11:47 AM) (on file with author).
510. E-mail from Vincent Johnson, supra note 494.
511. E-mail from Paul Cho, Attorney at Law, to author (Mar. 22, 2018, 10:04 AM) (on file with author).
512. Id.
513. E-mail from Vincent Johnson, supra note 494.
Although this situation was likely inadvertent or unintentional on the part of the administration, it caused discontent among board members. In the last few years, the administration has reacted by taking the position that the editors were not entitled to any compensation and that the scholarships were not the equivalent of compensation. Knowing that this interpretation might become the new policy, the tensions between choosing the *Journal* or seeking other compensatory opportunities has returned.515

It is important to remember that these stipends support the executive boards of three law reviews: *St. Mary’s Law Journal, St. Mary’s Journal on Legal Malpractice & Ethics,* and *The Scholar: St. Mary’s Law Review on Race and Social Justice.* As the *Journal* ends its fiftieth year with rising costs and tuition at more than $30,000 per year,516 the current policy is as follows: “All *Journal* and *Scholar* executive board members who agree to forego outside employment during the academic year will receive a scholarship of $6,000 credited against tuition.”517

514. Id.

515. In 2016, Johnson argued that “[a]n appropriate editorial stipend would be in the range of $8,400 to $11,200,” based on “28 weeks x 20 hours x $15 = $8,400” or “28 weeks x 20 hours x $20 = $11,200.” Memorandum from Vincent Johnson, Professor of Law, St. Mary’s Univ. Sch. of Law, Law Journal Editor Stipends (Sept. 1, 2016) (on file with author). According to Dean Hardberger, “most law schools do not provide any money to journal boards.” E-mail from Amy Hardberger, Assoc. Dean & Professor of Law, St. Mary’s Univ. Sch. of Law, to author (Mar. 22, 2018, 9:16 AM) (on file with author). To which Johnson replies, “The fact that other law schools may not pay editors is meaningless without information about whether other schools impose an outside work restriction. Of course, no one has ever provided any such information. I am not aware of other schools imposing such a restriction.” E-mail from Vincent Johnson, supra note 498. In addition, it would be useful to compare the relative value of the academic scholarships offered or available to board members of those law schools.

516. Law school tuition rates in effect from August 1, 2018 until July 31, 2019 for J.D. students are: $1,270 per hour (for one to seven hours or greater than seventeen hours), $12,150 per semester (for eight to eleven hours), and $18,275 per semester (for twelve to seventeen hours). *Tuition and Fees for Law Students, St. Mary’s U. Sch. L.*, https://law.stmarytx.edu/admission/financial-aid/ tuition/ [https://perma.cc/D3JH-DNYG].

517. E-mail from Michael Barry, Assistant Dean, St. Mary’s Univ. Sch. of Law, to Amy Hardberger et al., Assoc. Dean & Professor of Law, St. Mary’s Univ. Sch. of Law (July 24, 2018, 10:41 AM) (emphasis omitted) (on file with author). The email explains that scholarships will not be capped, “which means that every member of the *Journal* and *Scholar* executive boards can receive their full scholarship award.” Id. Dean Barry confirms:

The purpose of this scholarship is to compensate the executive board members for some of the opportunity cost of the outside work they otherwise forgo because of their commitment to the *Journal* or the *Scholar.* The scholarship is calculated to approximate a local, part-time position[ ]
Royalties from the *Journal* and the *Legal Malpractice & Ethics Journal* would likely only cover a full-ride scholarship for one editor. Royalties from William S. Hein & Co., Inc., Thomson Reuters, and LexisNexis are deposited into the Editor’s Award Fund. Business Manager Kathleen Gomez stated:

Over the past [ten] years, royalties have funded the annual awards banquet and monetary awards for students, some of the Best Brief awards, bar study grants, computer purchases, furniture, books, *Law Journal* branded items such as T-shirts and mugs, board member appreciation gifts such as padfolios, software licensing for Dropbox accounts, office supplies, photography, postage, printing, board member business meals, refreshments/meals for staff writer monthly meetings, the National Conference of Law Reviews participation for incoming editors in chief and managing executive editors, lodging and travel costs for banquet and ethics symposium guest speakers, ethics symposium speaker travel reimbursements, social and networking/teambuilding events, bindery for hardbound copies of the *Law Journal*, refreshments, website hosting, a new refrigerator, and stationery.518

and amounts to $6,000 per year. (This is in the middle of the range that students may make, and we recognize that some make more working outside the law school.)

Id. 518. E-mail from Kathleen Gomez, Bus. Manager, St. Mary’s Law Journal, to author (May 1, 2018, 9:49 AM) (emphasis added) (on file with author). According to Gomez, royalty amounts over the last ten years are:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017–2018</td>
<td>$31,592.49</td>
</tr>
<tr>
<td>2016–2017</td>
<td>$39,403.47</td>
</tr>
<tr>
<td>2015–2016</td>
<td>$30,246.76</td>
</tr>
<tr>
<td>2014–2015</td>
<td>$30,957.12</td>
</tr>
<tr>
<td>2013–2014</td>
<td>$34,262.63</td>
</tr>
<tr>
<td>2012–2013</td>
<td>$25,602.95</td>
</tr>
</tbody>
</table>

2011–2012: Unknown—Editors Award shows no royalty deposits but mentions “contra account” in Deposits field; no royalties appearing in operational account either

2010–2011: $16,470.95 (the Direct Revenue entries for this year aren’t that descriptive, so the royalties may have been higher)

2009–2010: $9,886.23

2008–2009: $19,829.20

Id.

Director of Financial Records Maria Rodriguez clarified that for the 2011–2012 year, the royalty amounts were $10,851.74. As she explained, “It looks like [Finance] made a correction to the entire account line, but regardless [$10,851.74] were the royalties . . . received that year.” Email from Maria
Indeed, unless a special scholarship fund is created by board alumni and others who highly value the scholarship and reputation of St. Mary’s University School of Law, this tension will continue to challenge top students, editors, staff writers, and the administration.

XVII. SO, IS IT WORTH IT?

Few of the Journal editors knew the amount of work that would be involved in publishing four issues of the Journal before graduating from law school. Sara Murray noted that the Volume 22 board “was comprised mostly of older students who had previously worked in other professions. We were the first board to have individual carrels in the Journal office, which we treated as our own little law firm.”519 She explains, “Mostly, we considered ourselves to be trustees of the Journal, with responsibility to preserve and protect its long history of excellence.”520 Lee Cusenbary, executive editor of Volume 23, stated, “Our board was a good team, but still found ourselves working nights and weekends to edit articles. There were a few articles that stood out as being in need of detailed editing. One such article was by a professor who spoke English as a second language.”521 Ever resourceful, Cusenbary found a solution:

To stay on target, we [spent] evenings up in the Journal office trying to get through cite-checking with some very tired staff writers. I had moved a futon couch into my office so I could sleep every once in a while and keep editing into the night. It was worth it, however, to see the published Journal.522

He affirmed the effort, “Being part of the Journal board was the first legal team experience I had. I think it helped me in my law career to have gone through the experience.”523 Judge Scott Roberts agrees he received “valuable lessons such as working in an office environment with a group of

519. E-mail from Sara Murray, supra note 438. Murray is an appellate attorney and shareholder with Langley & Banack, Inc. in San Antonio, Texas.
520. E-mail from Sara Murray, Shareholder, Langley & Banack, Inc., to author (Mar. 23, 2018, 4:06 PM) (emphasis omitted) (on file with author).
522. Id. (emphasis added).
523. Id. (emphasis added).
peers and managing the inevitable issues that arise in that context. I learned to get a group of people to work together to meet deadlines. A very important skill in the practice of law."\textsuperscript{524}

David Clay Snell summarized the value he gleaned from the Journal:

I served on the \textit{St. Mary's Law Journal} from 1997 until 1999, first as a [s]taff writer and then as a member of the [e]ditorial [b]oard as [a]rticles [e]ditor. My experience on the \textit{Law Journal} was by far the most important component of my legal education. The two years I served on the \textit{Law Journal} allowed me to hone my writing, research, and editing skills more than any other law school class. The skills I developed serving on the \textit{Journal} have helped me tremendously in my legal career, and I rely on them daily in drafting pleadings, researching case law, and writing letters to clients or opposing counsel. Of course, my service on the \textit{Journal} also gave me an intimate familiarity with the rules of citation from [\textit{The Bluebook},] and the habit of being a stickler for proper case citation remains with me to this day.

Serving on the editorial board also prepared me for the rigors and demands of a legal career. The demands of editing and publishing four editions of the \textit{Journal} required at least 40 hours of work a week, which was in addition to the hours spent studying and attending class. I was typically at the \textit{Journal} offices seven days a week, often late into the evening, checking citations, performing legal research for articles, and conducting countless proofreading sessions to ensure that no mistakes made it through to the final product.

I even remember working at the \textit{Journal} office the Saturday of the historic November 1998 flood in San Antonio. We heard on the news reports of flooding throughout town, but those of us in the office that day worked until late in the afternoon. The flooding outside did not matter to us. We had to finish our editing. Leaving early would have threatened to disrupt the crucial schedule for getting the articles to the publisher.

Crucial deadlines for returning drafts, completing edits, or checking citations loomed almost daily. Those of us on the [e]ditorial [b]oard were forced to learn how to manage time, maintain composure in the face of deadlines, and work efficiently to keep up with the ambitious schedule we set early in the year. I can honestly say that I now have more free time as a practicing lawyer than I did as a member of the [e]ditorial [b]oard in law school.

\textsuperscript{524} E-mail from Judge Scott Roberts, Bexar Cty. Court 12, to author (Apr. 10, 2018, 9:48 AM) (on file with author).
The most interesting experience of my Law Journal service came during my last semester, the spring of 1999, when I was assigned to serve as editor for a highly anticipated article by Chief Justice Phil Hardberger. As part of my role as editor, I was required to meet with Judge Hardberger, go over the article with him, and offer editorial advice. I was a nervous wreck as I walked up the stairs to the Fourth Court of Appeals for a meeting with him. Scenarios played through my head about how I, a lowly third-year law student, would offer editorial advice to the Chief Justice of the Court of Appeals. However, when I walked into Justice Hardberger’s chambers, he greeted me warmly and spoke to me as if I were an experienced litigator or one of his colleagues on his court. I found him to be one of the most humble and kind people I had met in my life. We had a pleasant discussion about his article and, as we continued the process of editing his article, he was a true pleasure to work with. Having met with the Chief Justice definitely prepared me for the many encounters I would have with judges as a lawyer.

Finally, the bonds I developed with my colleagues on the board were some of the strongest I made in law school. One would think that the editorial board members would have developed deep dislikes for each other given the amount of time we spent in our cramped cubicles next to each other and under the pressure of so many deadlines, but some of my best friends today are those with whom I shared the Law Journal experience.

My St. Mary’s Law Journal editorial board certificate hangs proudly in my office today, right next to my diploma and law license. The bound volume of the four issues we published that year graces the bookshelf in my office, alongside my Bluebook and Greenbook. Though my two years on the Journal were tough and demanding, I count it as one of the most important experiences in my life.525

Paul Cho, editor in chief for Volume 48, summarized the commitment required in a 2017 memo to Professor Vincent Johnson:

On average, the Law Journal’s editorial board for a given volume expends the following amount of time in their duties:

April–early-May (2L year) = 10–15 hours per week (5 weeks)

525. E-mail from David Clay Snell, Attorney at Law, Bayne, Snell & Krause, to author (Apr. 20, 2018, 4:52 PM) (emphasis added) (on file with author). Snell practices law with Bayne, Snell & Krause in San Antonio, Texas.
*Training period for the editorial board with their predecessors where one or two articles for the upcoming volume undergoes an abbreviated editing process

[Early-May–mid-August] = approximately 10–15 hours per week (12 weeks)
*Additional editing by the new board for 2–3 articles or comments to be published in the upcoming volume; evaluating the write-on applications

[Mid-August–early September] = 30–40 hours per week (2 weeks)
*Orientation preparation and orientation for the new [s]taff [w]riters. SAEs begin their contributions to the Law Journal starting here

September–mid-December (3L year) = 30–40 hours per week
*Normal editorial process with the new [s]taff [w]riters and SAEs

Mid-December–early January = 15–20 hours per week
*Abbreviated editorial process by only the [b]oard.

January–mid-May = 30–40 hours per week
*Normal editorial process with [s]taff [w]riters and SAEs.

*After the next [b]oard is selected, the old [b]oard trains the incoming [b]oard by participating in the editing process for the next Volume’s first issue. Additionally, the old [b]oard continues the editing process for their respective Volume until it is complete and published.

***This data is gathered from both the [e]ditorial [b]oards of Volume 47 and Volume 48 (as it has functioned so far). While pre-Volume 47 data is unavailable, I believe it has not varied significantly from the current traditional practice (under the 6 issues per year output). It does not count time allotted to school work or internships.

***SAEs only participate during the [f]all and [s]pring school semesters and the week before school starts ([o]rientation preparation). However, they average around 20–25 hours per week.526

The decision to compete for a spot on the Journal roster is a personal one. A decision that is tied to what career expectations a student has, whether one wishes to pursue a court clerkship and wherever that may lead, and whether one likes to write, or would rather talk one’s way onto a successful professional path. It may be tied to any number of other goals, but this article is not really about any of that. Regardless, a number of former Journal

526. Memorandum from Paul Cho, supra note 17.
editors offered up a sense of satisfaction with having served on the *Journal*. In many ways, it was the camaraderie from that period that is still valued today. For example, “We had a great board and I would have to say that it worked well primarily because of Lee Cusenbary,”527 said Editor in Chief Jeff Gately. He continues:

I would often be at my wits end and Lee would be a calming presence that would come in with a solution rather than yet another problem. I also thoroughly enjoyed working with Kate [Kathryn M. Fleming] and Gloria [Valenzuela] in the *Journal* office. I’m not sure how many times I caused Kate to exclaim “Oh Sugar!” but I don’t think I ever really pushed her over the edge.528

Looking back, Sam Houston recalled:

The *Journal* office was really the center of my universe for my 2L and 3L years. If I was eating on campus, I was eating in the *Journal* office. I ate so many frozen meals during that time that I can’t bring myself to eat them anymore. Aside from the horrible frozen meals, I have such fond memories. We did a lot of laughing and complaining. Sometimes the laughing got us in trouble with folks in the library for being too loud.529

Judge Roberts recalls “getting deeply familiar with *The Bluebook* . . . [S]hooting the breeze with discussions about all kinds of things including music since Eric Friedland of Los Din[n]ers No. Two was on our *Journal* board that year[.]”530 The board of Volume 16 [was] competitive at times:


528. E-mail from Jeff Gately, *supra* note 403 (emphasis added).

529. E-mail from Sam Houston, *supra* note 246 (emphasis added). Houston clerked at the Fourteenth Court of Appeals, is board certified in civil appellate law, and is a partner at Houston Dunn, PLLC in San Antonio, Texas. *Sam Houston, HOUSTON DUNN,* https://hdappeals.com/sam_houston.html [https://perma.cc/S3T9-YR3J].

530. E-mail from Judge Scott Roberts, *supra* note 524 (emphasis added). Eric Friedland was an articles editor for Volume 20. He handles environmental litigation for the City of San Antonio. *Eric ‘Eric’ Friedland, St. B. Tex.,* https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=168191 [https://perma.cc/44PR-RBH5]. Los Dinners No. Two, as Scott remembers them, morphed into Los #3 Dinners, and thirty years later is “a mainstay of San Antonio’s diverse music scene.” *Los #2 Dinner, DISCOGS,* https://www.discogs.com/artist/2909192-Los-2-Dinners [https://perma.cc/JH3R-RGDJ].
“There was a nerf basketball and small toy basketball hoop on the journal office door, which would sometimes result in full-scale, strenuous, often violent shooting tournaments, with serious defense being played and the occasional injury.”

But there were quiet times too, as David Bright remembers:

Late at night, a small handful of us in the journal office editing papers, very quiet, so quiet we could hear each other breathing, feeling like we might be the only people awake on planet Earth, occasionally a funny remark is quietly made, and a real closeness develops. It's hard to describe, but some of those friendships that started so quietly have endured for decades.

... Friendship were and are the most significant thing.

Susan Stahlman Brown’s taste buds are tweaked with memories. She recalls:

One of the events I remember is when our [e]ditor[ ] in[ ]chief, Charles Ipock, had the board over to his house. Charlie and his wife are from South Carolina. They had a house in Castroville with several acres of land, including a horse, a donkey, chickens, and other animals. We went to their house at the beginning of the year, and Charlie’s wife cooked an amazing southern meal and hosted all of the rest of us busy and haggard law students. There was fried chicken, all of the traditional Southern sides, and lots of delicious desserts. We then got to hang out with all of the animals. It was a great bonding experience for everyone. Charlie and his wife moved back to South Carolina after she finished her residency at the UT Health Science Center.

Susan’s spouse, Parks Brown, recalls another bonding moment for their board:

---

531. E-mail from David Bright, Attorney at Law, Sico Hoelscher Harris LLP, to author (Apr. 11, 2018, 4:09 PM) (emphasis added) (on file with author). Bright is Of Counsel to Sico Hoelscher Harris LLP and focuses on catastrophic personal injury and product liability cases. Meet David Bright, SICO HOELSCHER HARRIS, https://www.shhlaw.com/attorneys/david-bright/ [https://perma.cc/2E5P-YTER].

532. E-mail from David Bright, supra note 531 (emphasis added).

533. E-mail from Susan Stahlman Brown, supra note 425.
We found that most if not all of the members of the board were adept with firearms, so on at least one occasion the board met at the San Antonio Gun Club and participated in clay pigeon shooting on the target range. The board members who stayed in San Antonio and Austin after graduation occasionally would get together at the same location to shoot, then meet for lunch at the Quarry.534

Connie Flores Lock, who now is general counsel for a public utilities company in New Braunfels, Texas, talked about the strong bond her board formed:

It has been almost twenty years since we worked on the Journal together and I still talk with a number of Journal members. What I really appreciate is that, even if we haven’t spoken in a long while, I am able to call so many of my fellow Journal members and we resume our relationship as if no time has passed.535

Jeff Walsh, editor in chief for Volume 30 said, “The most enduring memories I have are of the devotion and work of the editors and staff writers, [a] sense of shared purpose among everyone associated with [the] Law Journal in delivering a high-quality and relevant publication, and the strong support of our faculty advisors.”536 He still appreciates the preparation they received as they took over Volume 30. “I especially remember the leadership of the editors from our previous board (Volume 29) and the high standards that they set. I am thankful to them for the confidence that they had in us.”537 The Volume 30 editorial board also deserves great credit for drafting the current version of the Journal bylaws—after twenty years, only minor amendments have been required.

Some editors contacted linked their current professional standing to their Journal experiences. “I am very appreciative of the opportunities that the St. Mary’s Law Journal has afforded me[,]”538 wrote Mary Hazlewood Barkley. She explains further:

534. E-mail from Parks Brown, supra note 190.
535. E-mail from Connie Flores Lock, supra note 14 (emphasis added).
536. E-mail from Jeffrey A. Walsh, Attorney at Law, Barton Benson Jones, to author (Jan. 11, 2018, 6:39 PM) (emphasis added) (on file with author). Walsh practices commercial real estate law at Barton Benson Jones in San Antonio, Texas. Jeffrey A. Walsh, Barton Benson Jones, https://www.bartonbensonjones.com/member/jeffrey-a-walsh/ [https://perma.cc/5KXP-Z3CT].
537. E-mail from Jeffrey A. Walsh, supra note 536.
538. E-mail from Mary Hazlewood Barkley, supra note 300 (emphasis added).
I was hired as a briefing attorney by Chief Justice John Cayce at the Fort Worth Court of Appeals in 2005. Judge Cayce was a former editor in chief of the St. Mary’s Law Journal and hired me, at least in part, because of my position as editor in chief. My work for Judge Cayce then helped to land me at Cantey Hanger LLP, in which I am now a partner with a diverse trial and appellate practice. My experience with the Journal aided my legal writing and editing ability and certainly fueled my inner grammar nerd—which I believe is an essential trait in our profession. I feel confident that I would not be where I am today [but for] my experience with the St. Mary’s Law Journal.

I look back very fondly on the time with the Law Journal and still keep in touch with several of my fellow board members. One of the other editors worked with me as a briefing attorney at the Second Court of Appeals. Several other board members went to work at the San Antonio Court of Appeals. Many Journal members credit their year on the Journal as forging their path to a judicial clerkship and what that meant to their careers. For example, “during my tenure, the Journal adopted the slogan, ‘Reputation Is Everything.’ The Journal continued using that slogan for a number of years[,]” said Caleb Rackley. He continues: “Serving on the Journal enabled me to obtain a clerkship with Justice [Paul] Green in Austin. That experience opened the door for me to practice at Cox Smith, which opened

539. Id. (emphasis added).
540. Indeed, some have become career judicial clerks. For example, among several editors for Volume 21 who clerked after graduation, Gloria Christmas and Joani Harrison Sullivan have continued to clerk for Judge Fred Biery for more than twenty years, after working in other courts. Also from that board, four others clerked in various courts: Colleen Carey for Judge Emilio Garza; Martha Hardy for Judge Bill Davis and Judge Frank Maloney at the Texas Court of Criminal Appeals; Louise Joy at the Texas Supreme Court for Justice Raul Gonzalez; and Phil Lionberger for Justice Franklin Spears and Justice John Cornyn. E-mail from Gloria Christmas, Judicial Clerk, U.S. District Court for the Western District of Texas, to author (June 6, 2018, 9:38 AM) (on file with author). Joani Harrison Sullivan started with Judge George P. Kazen and then joined Judge Biery’s team at the Fourth Court of Appeals where Gloria Christmas was already onboard. They then followed him to the federal district court in San Antonio, Texas in 1994. E-mail from Gloria Christmas, Judicial Clerk, U.S. District Court for the Western District of Texas, to author (June 5, 2018, 4:17 PM) (on file with author). This author managed to do three federal clerkships (Judges Fred Shannon, William S. Sessions, and Edward C. Prado) and then, after a ten-year stint in law firms, spent six years as a staff attorney with the Fourth Court of Appeals in San Antonio, Texas.
541. E-mail from J. Caleb Rackley, supra note 249. Business Manager Kathleen Gomez confirmed the “Reputation” sign is still hanging above the door. E-mail from Kathleen Gomez, Bus. Manager, St. Mary’s Law Journal, to author (Apr. 11, 2018, 05:24 PM) (on file with author).
numerous other doors due to the knowledge I attained and the contacts I made.”542 Jason Petty noted this as well:

Several board members from Volume 39 went on to clerk for federal judges and state appellate courts. Our Executive Editor, Matt Compton, is a longtime [s]taff [a]ttorney at the Fourth Court [of Appeals] and they’re lucky to have him. I clerked for a federal district judge in Louisiana and Paul Green on the Texas Supreme Court, and wouldn’t even have gotten interviews with them if I hadn’t served on the Journal. In my opinion[,] there’s nothing better than working on a journal to prepare a young lawyer to assist a judge in thinking through issues and cranking out thoughtful, effective legal writing. When I hire lawyers I’m definitely biased in favor of folks who served on a journal.

I did appellate work and law-heavy motion practice for a few years after my clerkships were over. The same skills that helped me serve judges helped me jump right into litigation teams on dispositive motions or handle issues on appeal. I wouldn’t have been as good at that stuff if I hadn’t put in the time to hone my research and writing skills on the St. Mary’s Law Journal.543

Soña Ramirez refers to the Volume 33 board as her best friends to this day. They posed for a group portrait in front of the Alamo “because we wanted to be remembered—just like the Alamo.”544

What I loved most about our group was that everyone had incredible hearts, great senses of humor and all were humble, kind and giving. It made our last year a lot less stressful, and we learned to depend on each other and support one another. As we left law school, and life took over, we continued to be there for each other—through jobs, marriages, children, aging parents and all the other things that life can throw at you. I was blessed to have found that group of people.

I clerked for Justice Phil Hardberger at the [Fourth] Court of Appeals, and later for Judge Phyllis Speedlin. Abigail Ottmers clerked for Judge Ronald B. King at the United States Bankruptcy Court. She later worked at Haynes and Boone and is now Deputy General Counsel at CPS Energy. Our [Editor in Chief] Curt Brockmann is also a Deputy General Counsel at CPS Energy. Russ Brown owns his own law firm, Brown Fox, in

542. E-mail from J. Caleb Rackley, supra note 249.
543. E-mail from Jason Petty, supra note 333 (emphasis added). Petty is counsel for Andeavor’s (formerly Tesoro) Mexico operations and resides in Mexico City, Mexico.
544. E-mail from Soña Ramirez, supra note 405.
Dallas. Alex Eyssen is now Vice President of Student Housing at the Bainbridge Companies in North Carolina. Melaine Martin, Paola Guerrero, Jim Griffis, John Saba and Reed Runnels are all in private practice and very successful.545

Charles Ipock served as editor in chief for Volume 44. He recalls:

Probably the best story I can give is that as I sit here at my desk, straight across from me are all the covers and masthead framed of Volume 44. The experience is the highlight of my legal career, as the information I learned about patience, working with others, respecting opinions, and most important—diligence—have all been traits that have served me well.

My mentor, George Spencer knew that I would not stay in San Antonio long-term, and rather, that I would be returning to the Carolinas . . . . He mentioned to me that being on [journal] was an attribute that traveled. I didn’t understand what he meant, but what he explained was that no matter where you go—northeast, southwest, south—everyone knows what being an [editor in chief] of the law review means. He was right. I got just the job I wanted when I moved back east and with the skills learned through [journal], have excelled. It’s also interesting that I work with other [editor in chiefs] at my law firm from other schools such as the University of South Carolina. Even though we’re from different schools and different parts of the country, that common background is an instant connection that goes a long way.546

Paul Cho, while in the final months of his year as editor in chief of Volume 48, wrote to Professor Vincent Johnson:

[E]veryone on the [e]ditorial [b]oard is a true believer in the Law Journal’s mission of advancing the Law through legal scholarship. Their respective devotion in advancing the name, prestige, and quality of the Law Journal has unquestionably been far more than I rightfully should be able to ask of them.547

Seventeen years after Walsh’s comments about his board, Cho was marveling at the same fervor and dedication he humbly observed. He continues:

545. Id.
547. Memorandum from Paul Cho, supra note 17 (emphasis added).
They are all in their respective positions (including the SAEs) essentially because they love the Law Journal in spite of the hardships it imposes on them. It is also quite evident that all of the members of the board understand the importance and value of the Law Journal experience and what it will mean to their future careers.\footnote{Cho clerked for Judge Bert Richardson on the Texas Court of Criminal Appeals and will focus on a career in government service. E-mail from Paul Cho, Attorney at Law, to author (Apr. 1, 2018, 8:19 AM) (on file with author). Several of his colleagues on the Journal also took clerkships: Kristie Torkildsen with United States Bankruptcy Judge Craig Gargotta in San Antonio, Texas; Allison Ebanks with Texas Supreme Court Justice Jeff Brown; William Calve with a federal court in Brownsville, Texas; William “Sumner” MacDaniel with Texas Court of Criminal Appeals Judge Kevin Yeary; and Katie Neidig with a bankruptcy court in Austin, Texas. E-mail from Paul Cho, supra note 511. Four editors from the Volume 49 board have accepted judicial clerkships starting in 2018. In addition to three named elsewhere (Salas, Bowen, and Mondragón), Eduardo Mendoza has lined up two successive stints with the courts: 2018–2019 with U.S. Magistrate Judge Renee H. Toliver in the Northern District of Texas and U.S. District Judge Marina Garcia Marmolejo in the Southern District of Texas for 2019–2021. E-mail from Daniela Mondragón, supra note 455.}
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PHOTO OF THE FIRST EDITORIAL BOARD

Photo of the first Editorial Board: seated L-R: Anthony Harris, Fort Worth, case note editor; Frank Walker, El Paso, articles editor; Martin D. Beirne, Jr., Houston, editor in chief; Servando Gonzales, San Diego, managing editor; and Nicholas Ribis, Linden, N.J., comment editor. Standing are Stanley Eisenberg, San Antonio, business and reviews editor; Ronald Sutton, Junction, research editor; and Justice James R. Norvell, research professor of law and faculty coordinator. Published in the Texas Bar Journal, p. 183 (March 1969).
Photo of Governor Preston Smith accepting the first subscription to the St. Mary’s Law Journal from Martin D. Beirne, Jr., editor in chief, and Stanley Eisenberg, business and reviews editor. Published in the Texas Bar Journal, p. 182 (March 1969).
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David Bright’s autograph collection of the board for Volume 16 (1985), with his translation in his email to author dated Apr. 11, 2018:

Somehow, I had the presence of mind to ask my fellow Journal members [to] sign an issue of the Law Journal. Twenty years later, I ran across it in some old papers and was knocked out. It’s attached.

Top comments:

“I fought the law and the law won” — Fred Streck

“Reword” — John Kincade

“Words are a wealth of knowledge” — Daniel Webster

“Anything” [obviously, the conversation went something like “What do I write?” “Just write anything.”] — Craig Chapman

“Maybe see you by the beach” — Steve Berry

“Great combo of L.J. nerdness and moot court greatness” — Mike McCrum
“All of my love, all of my kisses, you don’t know what you’ve been missing” —Jamie Parker

“Dave, I’ll always have room for you.” —Chris Clark

“Compliments of a friend” —John Carroll

“The days we loved” —Scott Hennis

“You are my very BEST friend” —Waylon Allen

“Richard Gregory Brooks Esquire”

“Good luck in the important things—no, not school” —[unknown]

“We love the law” —Anne Cofer

“For when you are in the mood for leisure reading, think of this.” —Bennett Stahl

“I barely made it, but I did.” —Shayne Moses

“Best of luck, Law Journal forever!” —Mandy Balch