

Winter 1970

## Gavel Raps, v. 2, n. 2 (Winter 1970)

University of South Carolina Student Bar Association

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VOL. 2, NO. 2 WINTER, 1970

# GAFFEL RAPPS

NEWSPAPER OF THE UNIVERSITY OF SOUTH CAROLINA STUDENT BAR ASSOCIATION

## SBA Inaugurates Research Service For Scholarships

The Student Bar Association of the University of South Carolina School of Law has organized a Legal Research Service that will offer the services of law students in researching and writing inter-office legal memoranda for a moderate fee.

The purposes of the S.B.A. Legal Research Service are to provide the South Carolina Bar with a valuable and needed service, to provide law students with a rewarding and flexible means of earning money, and to create a scholarship fund from profits received from the service.

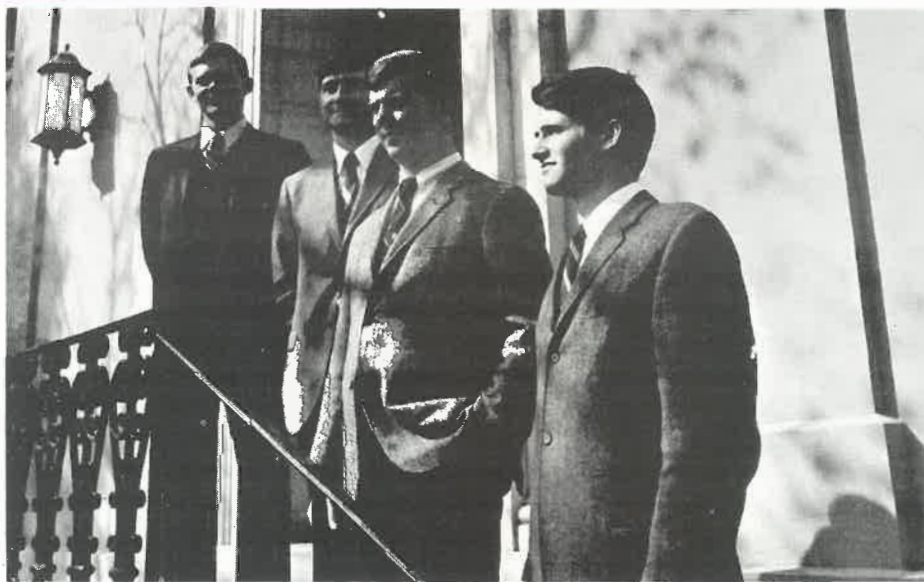
Only second and third year students with an average G.P.R. of 2.5 (C plus) or better are eligible to participate. Each team will be composed of two researchers who will research the problem independently and collaborate only in the writing of the final memorandum. An editor will check the final paper for accuracy and thoroughness.

The charges for this service are \$5.00 per student research hour. For example, if the researchers spent a combined total of 15 hours researching a problem, the attorney's bill will be \$75.00. This money, in turn, will be disbursed by the Legal Research Service in the following manner:

Student researchers	
@\$2.25/hr X 15 hrs.	\$33.75
Editor @ \$2.25/hr X 5 hrs.	11.25
Typing and administrative costs @ 30%	22.50
Balance to scholarship fund	7.50
	\$75.00

Similar services are in successful operation in the states of Illinois and Virginia at Washington and Lee University. It is hoped that this service will also be of value to the South Carolina Bar.

For more information write: Jose A. Mallo, S.B.A. Legal Research Service, University of South Carolina School of Law, Columbia, S. C. 29208.



1969-70 Student Bar Association Officers (left to right) — Ray Chandler, Treasurer; Donnie Myers, Secretary; Carl B. Epps, President; and Chuck Belser, Vice-President.

## Bar Meets At Hilton Head

By Joe Wilson

The Mid Year Meeting of the South Carolina Bar Association held on the weekend of January 31 at the William Hilton Inn on Hilton Head Island was a stimulating combination of recreation and education.

Before rounds of golf and between cocktail parties a business session was held to introduce the new executive secretary of the association, hear a report on the economics of the profession, vote support of efforts for a new law school, accept plans for the annual convention in Charleston, and discuss the new "Code of Professional Responsibility and Canons of Judicial Ethics."

Miss Barbara Babb of Fountain Inn was introduced to succeed Col. Wallace Murphy as the new executive secretary of the association to staff the Columbia office. Col. Murphy has resigned to accept a position with the Public Service Authority in Moncks Corner.

Charleston attorney I.M. Goldberg gave a preview report from the Committee

on the Economics of the Profession. He explained that the committee retained a professional law survey firm from Philadelphia which conducted the study based on responses from 47 per cent of the state's lawyers.

He pointed out the three major findings of the survey: there are not enough lawyers in the state to sufficiently supply legal services; the composition of the bar is changing - to partnership and corporate practice from sole practitioners with a resulting decline in service to the private sector; and a fascinating earnings report - one quarter of sole practitioners make less than \$10,000 and associates do even worse. Associates are usually young attorneys, 81 per cent who make \$10,000 or less, 13 per cent who make \$5,000 or less. Goldberg warned that the low figures may discourage others to practice, thus compounding the bad situation.

Goldberg concluded that by "Knowing the economics of the profession, we can better serve the community."

(Continued on page 4)



# GAVEL RAPS



VOL. 2, NO. 2 WINTER, 1970

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## Editorial:

### The Financial Plight of Legal Education

America's Law Schools are experiencing serious financial difficulties. They are pitifully underfinanced and ill prepared to face the challenge of the times because most educational dollars flow into other channels. If the situation is to be remedied, the legal profession must become aware of the problems, become concerned with their solutions and provide the leadership for better financing.

The financial plight of law schools stem from a limitation of sources of income.

--Engineering schools and physical science departments are heavily financed by the National Science Foundation and federal research grants and contracts. These grants and contracts are not available to law schools.

--Medical schools receive massive direct federal aid without which it would be impossible to continue to function. Law schools receive no federal support.

--Testamentary bequests represent a substantial portion of funding for many parts of the university, including medical schools. Bequests except from lawyers rarely reach the law schools.

--Fine arts, performing arts, music and religion programs are in a position to rely on support from enthusiasts. Law Schools have no such outside supporters.

--Foundations contribute substantially to social science programs. Except in the area of international legal studies, which receives some support from the Ford Foundation, law schools have received little support from foundations.

--Business schools and engineering schools can rely on substantial support from corporations. Law schools have been unable to tap this resource.

The fact that the community at large has not concerned itself with the problems of law schools is not surprising. People assume that the Bar is looking after its own. But the truth of the matter is that the Bar, for the most part, supplies no financial support for legal education, doesn't know what's going on inside the law schools, and is totally unaware of their financial plight.

The traditional conception of law schools that lawyers have is based on the 1905 Harvard model built upon the cherished dream that somehow there is in the common law a great, beautiful, coherent, rational/unity that can be absorbed in a three year training period by digesting 1,000 page casebooks of glued-together excerpts from 500 years of judicial utterances in England and in the United States.

Most members of the legal profession also assume that law schools are inexpensive to operate, indeed, and in some cases acutally make money; that they consist of large classes of fee paying students, small faculties and no major library needs; and that new courses and materials are developed at a snails-pace.

This persistent educational and fiscal illusion more than anything else accounts for the present financial crisis--and why no one seems to be doing anything about it. The fact is that law schools are undergoing a metamorphosis and significant changes are predicted for the immediate future.

Some of the external factors that have brought about change are:

1. Entire new areas of law have emerged that were never imagined by the classical curriculum. Examples include, administrative law, air law, income taxation, labor law, government regulation of business, international legal systems, telecommunications, and welfare law.

2. The classical substantive areas have undergone major subproliferation. "Property" for example, has given rise to a dozen new courses dealing with land use controls, zoning, urban renewal problems, real estate financing, water resources, conservation, oil and gas, and several others.

3. Some traditional subjects which have heretofore been ignored are being focused upon. Domestic relations, criminal procedure and poverty law are several examples.

4. The tremendous progress made by the social sciences has reached the point of practical utility for the lawyer. No one would think of teaching criminal law without reference to what penologists, psychiatrists and sociologists have observed about deviant social behavior. No real knowledge of antitrust law can be had without an understanding of oligopolistic price theory.

5. The sheer volume of litigation has increased enormously with our growing population of 200 million people who are more regulated, who have more tribunals, more governing agencies and more legislatures that are no longer reluctant to legislate. The demands made upon a law professor today in terms of investment of time, attention to detail, inquiry and specialization were unheard of in the law school world of the past.

Several internal developments have also contributed to this change.

1. The rising academic quality of students, the introduction of new courses, the development of new materials and the realization of the advantages of smaller classes, where students can work on their own rather than sit like vegetables in large classrooms--all have contributed to this change.

2. The widely held opinion that law schools used to be "practical" whereas today they have become "theoretical" is a myth; the fact is that a good deal of the change has been towards greater emphasis on practical operational skills. Law students



## Editorial (continued)

today spend a good deal of their time in a practice oriented atmosphere, vis-a-vis legal aid and public defender programs, clinical programs and in many states, including South Carolina, they actually appear on behalf of clients in court. Courses in legal writing, appellate advocacy and practice court are quite common. Students today do more library work, write memoranda, and prepare publishable material that in the past was attempted only by law review editors. Research has come to mean something more than presenting the black letter law or asking the unanswerable question. "Law is not words." The concern is how law works, substantiated by data and supported by the methodologies of the social sciences. Instruction in the law is becoming instruction in method and legal dynamics.

3. Today's world calls for increased specialization and the law school can no longer offer the student a panoramic survey of the law. New York University for example, is operating an entire legal program dealing with taxation. Stanford offers a four year interdisciplinary program between the law school and the business school, which yields both J.D. and M.B.A. degrees. Special graduate programs dealing with law and computers are getting under way. Many law schools provide an interdisciplinary program with social science departments yielding both an M.A. and a J.D.

"The old law school was a place of large classes, slow cadence, limited subject matter, verbal analytics, symmetrical theology, classroom enclosure, repetitive pedagogy and compulsory curriculum. The modern law school is, within the limits of its resources, a place of smaller classes, multidisciplinary and diversified subjects, differentiated pedagogy, factual context, in-depth study, research in field and library, operational training, professional community activity and curricular optionality."

All this may at first appear radical. It is no doubt a great deal different from the 1905 Harvard model. But taking everything in context, are these changes really unusual? It can hardly be so, when you consider that the pattern of change is no different from what has transpired in the last fifty years in every other professional school and discipline in the modern university. What is remarkable, however, is that change has taken so long to reach the law schools.

The changes that have come about in legal education have also brought financial dislocation. The university budget appropriation for law schools is usually the lowest. Other university graduate programs have a much lower student-faculty ratio (average 10 to 1), an extensive fellowship structure, sophisticated equipment, and substantial research funding.

The situation is becoming increasingly worse. More law professors must be added to the faculties, salaries increased, more space provided, libraries expanded, improved teaching methods introduced, new programs begun, new research undertaken, and advanced study fellowships established—all at the same time. But the funding patterns and budgets of law schools are based largely on the 1905 model.

"Caught up in a period of increased demand of a superior product and a compelling need to overhaul and modernize their operations, the law schools have, at a time of national inflation, come face to face with the inevitable consequence of at least two generations of underinvestment."

## WHAT CAN BE DONE

While tuition offers a source of income, it cannot supply the investment increment that legal education requires today.

The key to solving the financial dilemma that legal education is confronted with, lies in the legal profession itself. If the Bar, and particularly its leadership, remain uninformed or unconcerned about their own institutions, what help can be expected or solicited from other elements of the community?

If every attorney took it upon himself, when his economic position permitted, to give to his law school an amount equal to the difference between the tuition he paid and the amount it cost to educate him, this alone would substantially alleviate the financial crisis. Unfortunately however, this kind of commitment and responsibility is rare among members of the Bar.

1. EMPLOYERS OF LAW GRADUATES. --Law firms and corporations are regularly supplied with young law graduates and are among the major beneficiaries of the present system of financing legal education. It seems incredible that the law schools should subsidize the lawyer inventory of profit-making companies and law firms.

2. GIFTS FROM LAWYERS. --Although lawyers do occasionally make gifts to law schools, they are extraordinarily rare. This is attributed to the fact that very few lawyers are aware of the serious financial difficulties law schools are facing.

(Continued on page 4)

## Letters To The Editor

To The Editor:

Permit me to congratulate you and your staff for the excellent work provided the students and University in the most recent issue of GAVEL RAPS. You have presented the case of the Law School Building priority in a beautiful and helpful way.

My congratulations again for your excellent work.

Thomas F. Jones

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To The Editor:

I have just received and read with great interest the special edition of "Gavel Raps" outlining the crisis faced by the University of South Carolina Law School. In my opinion it is excellently prepared and extremely effective in presenting the critical needs of the Law School. If there is anything that I can do to help, please let me know.

H. Simmons Tate, Jr.  
Boyd, Bruton, Knowlton & Tate

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Dear Jim:

It was with pleasure that I received and read the recent issue of Gavel Raps. This is a publication which I feel should have been a project of the Student Bar Association years ago.

I would urge you to enter the Gavel Raps in the newspaper project contest of the Law Student Division of the American Bar Association at its next annual meeting. From some of the newspapers that I had the opportunity to judge over the last several years, I feel that your paper would have no problem in placing.

I commend you and your staff on such an excellent publication.

O. Wayne Corley

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Dear Jim:

This is just a note to say how well received was the latest edition of Gavel Raps. I was delighted to note that every member of our firm received a copy of the publication; you are evidently doing well at "spreading the word" about the School of Law. Since I had something to do with the first edition of Gavel Raps, it gives me a great sense of personal satisfaction to see the progress which you and your staff have been able to bring about in this long needed publication. Keep up the good work.

Phillip M. Grier



## Editorial (continued)

3. GIFTS FROM NONLAWYERS. --It is often ethically possible for a lawyer to suggest a charitable institution as a beneficiary for a client's estate. In fact, clients very often need and request such guidance. As a result, the university regularly receives gifts and bequests because of suggestions made by lawyers. For some inexplicable reason however, these funds are never earmarked for the law schools.

4. CORPORATE GIVING. --No one has a greater vested interest in the smooth functioning and preservation of legal order than the business community. Business regularly places its fortune in the hands of attorneys, to say nothing of the heavy reliance on law schools for its executive manpower. In addition, lawyers usually staff the taxing, regulatory and administrative agencies, they also represent a large percentage of America's governmental leadership.

It seems strange that corporations support the fine arts and the humanities--as well as medical research, engineering, and business administration--but can find no reason to lend assistance to the schools that more than any other provide the governmental leadership of our country.

5. FEDERAL SUPPORT. --In the final analysis, law schools will probably have to be supported like other areas of education, by federal funds. This has been a very sensitive area in that nowhere is there a greater need of freedom from political interference than in the field of law.

### LEGAL PROFESSION'S LEADERSHIP IS ESSENTIAL

Investment in legal education is relatively inexpensive in relation to the high rate of return. Law schools produce most of our professional problem solvers. They have an enormous impact on the political life of our country. In their research function, law schools could help solve many of the social problems plaguing our country.

Would it not have been worth our while to have had advance warning of the growing alienation between the black community and white law and white policemen? Is not support of sociological research less expensive than riots, to say nothing of the toll upon humanity? Is it not more worthwhile to spend a few thousand dollars to improve our family courts than to spend millions on market surveys to ascertain the best toothpaste flavors?

Is it not as profitable to spend thousands to cultivate the leadership of future generations in the traditions of law and the functioning of democratic government as it is to spend billions to reach the moon? Can we justify our scale of priorities when we invest unlimited resources in the improvement of technology while we ignore the improvement of our governing institutions?

The plight of our law schools is a matter which should concern everyone. But it will continue to be a matter that concerns no one until the legal profession itself assumes a role of active, concerned leadership.

(Note: The above editorial is based on Bayless Manning's excellent article, Financial Anemia in Legal Education: Everybody's Business, ABA Journal, December, 1969, Volume 55, 1123.)

## State Bar Endorses New Law School

(Continued from page 1)

Student Bar Association President Butch Epps was the next speaker and warned the bar that the Law School faced the possibility of losing accreditation if the present over-crowded

trouble and only the leadership of the bar can keep our Law School competitive," William Watkins of Anderson moved a resolution to urge all lawyers to contact legislators to support the construction of a new law school. It passed unanimously,

The following resolution passed unanimously at the South Carolina Bar Association meeting at Hilton Head January 31.

**Whereas the South Carolina Bar Association is deeply interested and concerned for legal education in this State.**

**Be it resolved that all Bar members are urged to contact members of the Legislature on behalf of the effort for a new School of Law at the University of South Carolina.**

conditions were not alleviated. He proposed more cooperation with the bar with Law School support of the Continuing Legal Education program, model proposed legislation and the model curriculum.

Following his plea that "We are in

and the special edition of Gavel Raps with enclosed Law School bumper stickers were distributed.

Joseph H. McGee Jr., chairman of the Convention Committee, announced initial plans for the convention to be

## Dean Figgs Urges Change With Time

Charging his audience to "accommodate their minds to change and to entertain new thoughts, lest they find themselves an anachronism in their own age," Dean Robert McC. Figg, Jr. bade farewell to the Spring graduates at the University of South Carolina commencement exercises held January 31 in the Carolina Coliseum.

"The power of growth," said Figg, Dean of the School of Law at USC, "is the capacity to adjust to the changes which are inevitable in a constantly changing world." In this manner, the phenomenon of the generation gap could best be dealt with, he said.

He stressed the tradition of liberal learning whereby education is a life-long process. To attain the power of growth requires "a broad and liberal mind, one which is willing to entertain a new thought or idea" while seeking and considering information on all sides of the issue of the day. To do so, Figg suggested, does not involve departure from a single basic principle of one's belief or a blind rush into a new way of life. From such growth flow broadened views, widened sympathies, and deepened insights. He expressed little doubt why growth and intellectual and moral narrowness are eternally at war.

Turning to the United States Supreme Court, Dean Figg presented a brief and concise review of the Court's more notable decisions--both historic and more recent--and concluded that, while a part of our tradition and heritage is the right to criticize individual judges and particular decisions, "it behooves us to take care that we do not exercise this right in such a manner as to undermine the power and prestige of the Court as an institution"; for that institution is the final safeguard against de facto autocracy in our national government.

held in Charleston April 30 - May 2. Activities will center around the new Civic Auditorium with a visit planned to the newly-opened Tricentennial Center at Charles Towne Landing and a unique tour of nine historic Church Street houses.

Four outstanding attorneys presided over a panel discussion of the new "Code of Professional Responsibility and Canons of Judicial Ethics." David W. Robinson, former president of the Bar from Columbia, led the presentation with Tom Bryant of Orangeburg, Ed Johnson of Spartanburg and Charles Spencer of Rock Hill discussing various canons.

The attorneys praised the clarity of the disciplinary rules and ethical considerations and urged they be adopted in South Carolina. The Bar Association has endorsed the draft and it is now before the State Supreme Court for implementation.



## New Curriculum Promotes Practicality

The following article outlines the last three semesters of the Model Curriculum proposed by the Ford Foundation sponsored Curriculum Study Group. The first three semesters are included in the fall edition of GAVEL RAPS.

The group included Professors Meyers, Felix, Krahmer and McCullough and resulted in a model curriculum which is both suitable for other law schools and is especially adaptable for the needs of South Carolina. While no model is ever a panacea, the proposed curriculum does eradicate many of the problems associated with the case method of study. There is a new exposure to practice-oriented problems.

Many of the suggestions from the Bar in the 1969 Bar Attitude Survey are reflected in the model curriculum. Many lawyers urged an introduction to practical experience and this has been incorporated in the curriculum.

In conclusion, the Faculty Curriculum Committee has surveyed the Bar and consulted the students to formulate a new curriculum. Perhaps this is a major step towards more and better cooperation between the Bar and Law School.

Copies of the Model Curriculum may be obtained by writing Prof. John Krahmer. However, only a limited supply is available. Several copies are also on reserve in the Law Library.

### SECOND SEMESTER — SECOND YEAR

It is the obligation of legal education in the last three semesters of law study to give due credit to students for the skills they have already learned and present them with courses that are sophisticated in content, form and instructional method.

In the fourth semester, we have elected to fulfill the obligation discussed in the preceding paragraph by providing an opportunity for intensive study in a variety of course areas to complete the necessary informational foundation for a third year composed almost entirely of problem-solving exercises, seminars and clinics. We propose that the fourth semester be made up of two nine-week instructional sessions with each session to be treated, functionally, in a full semester. Courses offered in each of the intensive sessions would be taught three times each week, resulting in a total of 27 instructional hours (about the same as a semester long two hour course). The normal student load would be four courses in each of the intensive sessions and one seminar that would run during both sessions.

By the fourth semester, this looking at problems through interdisciplinary spectacles should become explicit and the list of courses and seminars for this semester should include some offerings of a skill-broadening of knowledge-broadening nature, for example, a seminar in sociological method or a course in economic theory. In addition to courses of cultural nature, such as jurisprudence, legal history of comparative law.

An illustrative list of courses (and/or seminars) that might be offered in this intensive semester program are: administrative law, admiralty, bankruptcy, bills and notes, corporate tax and accounting, domestic relations, equity, estate tax, evidence, federal jurisdiction, government contracts, jurisprudence, legal process, local government, psychiatry for lawyers, remedies, workmen's compensation, and many more.

### THIRD YEAR RECOMMENDATIONS

We have seriously considered the possibility of two years for law school, but several considerations, perhaps only local in nature, have led us to believe that this Law School can best accomplish its principal responsibility of training capable lawyers for practice in South Carolina by retaining the third year. Many of the areas of law presented in the first four semesters of law study can be most effectively tied together in the third year with intensive and challenging

problem-solving exercises. It is not sufficient to say that the student will receive on-the-job training in many sophisticated aspects of legal work after he graduates from law school because much of the law practice in South Carolina is made up of sole practitioners or small firms engaged in general practice without a sufficient flow of cases in many areas to provide adequate training exposure in those areas.

Unless law school can adequately present training in an understanding of such problems likely to be encountered in the actual practice of law, adequate representation will take place only in the most common mill-run cases and matters of any complexity will either be handled in a second-best fashion or handled not at all.

To overcome the boredom and apathy of the third year and to simultaneously improve the legal training which future bar members receive while they are in law school, we propose that the last year be composed of problem-solving that cuts across traditional course lines, clinical experience, and interdisciplinary study in various fields. Our goal is to create a final year of study during which the student assumes the role of a lawyer, but within a controlled working environment that enables him to obtain the benefits of actual of simulated experience on the one hand and helpful supervision and counsel on the other. The closest existing analogy to the situation we envision is the relationship that might exist between senior members of a large law firm and junior, apprentice lawyers who have recently joined the firm, with the juniors able to obtain advice, be subject to criticism, but also having a real share of responsibility in the handling of the firm's case load.

An increased sophistication of teaching methods must be encouraged and experimentation with both methods and materials must be supported. These obligations will represent a major investment of time, talent and money on the part of the law school but we firmly believe the commitment will result in tremendous dividends, not only for the Law School, but for every law-consumer of the skills of our graduates.

With the possible exception of conflict of laws, the third year should be entirely free of courses which use the traditional case analysis methodology and final examinations as a means of evaluation. We have elected to retain conflicts in the third year because of its difficulty and because it provides a synthesis of earlier learning at practical and jurisprudential levels. All other third year courses should utilize cases as tools for the solution of problems rather than as the actual vehicle of instruction.

The curriculum catalogues third year offerings in four major categories: 1.) perspective courses, 2.) clinics, 3.) seminars, and 4.) law practice courses.

In the first category would be perspective courses such as jurisprudence, legal history, comparative law, international law, Roman law, law and behavioral sciences, and American legal history.

Offerings in the clinic category would be: public assistance law (welfare presentation clinic), internal law of academic institutions (legal aid to students), poverty law (legal services for the poor clinic), family law (family clinic), and corrections (corrections clinic).

Seminars would include: labor law history, medico-legal problems, psychiatry and the law, products liability (The method of instruction should consider the process and the preparation of file.), legal problems of environmental control, consumer credit seminar, law in the urban matrix (A comprehensive survey of the role of the law and the judicial process in the creation, development, management and control of urban areas.), law in communication, community land use, commencing new businesses (interdisciplinary with the Business School. This course would concern itself with the financial and legal problems facing new businesses and the manner in which they should be formed. The students would be given experience in solving the problems of new businesses as well as proper planning

(Continued on page 8)



# Student Bar President's Report

I would like to express my thanks to the entire student body for the support given the Student Bar Association during the December press conference. It was essential for the students to act in a unified manner and certainly no lack of enthusiasm or unanimity has been evident during this present campaign for the new law building. Your support has been and will continue to be keenly appreciated.

The general public has been made aware of our plight and in this our program has been a success. If you, collectively and individually, continue to assert our position to the legislators and other leaders in government as well as members of the Bar generally, our chances for getting a new law school are good. We must simply do our fair share.



Carl B. Epps, III

The Student-Faculty Liason Committee met during December and asked that grades be posted by February 16. The faculty agreed to that date as the date for all grades to be turned in; they are to be posted as soon as possible thereafter. If the deadline is met

as agreed, it will break the record set, I believe, in the winter of '28.

The remaining social functions sponsored by the SBA are Law Day being planned by Robert Currin and his Law Day Committee for May 1, and the post-exam party following Spring finals. Your dues are apportioned to pay for these events and every effort should be made to attend.

Although the election of next year's SBA executive officers and Legislative and Honor Council members does not occur until April, you should begin now to give serious thought to the selection of qualified candidates. Each year these students seem to play a larger role in the operation of the Law School and the possibilities for next year are unlimited. Thus, the selection of the proper officers might even be considered more important than in past years. The president and vice president are elected from the rising third-year class and the secretary and treasurer from the rising second-year class. Members of the Legislative and Honor Councils are elected from each class, respectively. If you feel someone is particularly qualified you should begin now to encourage him to offer himself for these elected posts of responsibility.

## Faculty Presents Case For New Law Building

The following letter was sent to University President Thomas F. Jones signed by all members of the law faculty on December 19.

Dear Dr. Jones:

For a number of years the University administration has been aware of the critical needs of the School of Law. In light of the needs, it has been openly stated on a number of occasions that the construction of a new building to house the law school and its library was the number one priority in the University's capital improvement program. The public announcement of December 8, 1969 is the first indication that that program has undergone a change.

The mission of the School of Law is one of great public concern. This school, the only law school in South Carolina, is an extension of the educational process not only of the University of South Carolina but of all accredited colleges and universities in this state. It discharges the function of educating the young men and women who will

constitute the state's bench and bar and staff the machinery of justice. Thus, the University does not own the processes of legal education in the sense that it might be said to own its athletic program. It is, instead, the trustee of the state's interest in legal education. Its duty in this regard is a high fiduciary one. It must call upon the state for help to enable it properly to perform its duty; it cannot subordinate its trust obligation to even an overpowering consideration without first accounting to the state and seeking assistance to conquer the impediment.

The faculty of the School of Law is convinced that the discharge of the University's public responsibility compels the immediate provision of new law school facilities. The faculty believes that public communication of certain basic facts justifying this position is appropriate.

During the past decade legal education has been undergoing substantial change. New courses have been developed to meet changing needs. Law teaching has

become interdisciplinary. Legal research has grown both in scope and in quality. Clinical legal education has become a reality. The large class has been recognized as unsatisfactory. (In fact, a survey of the South Carolina bar conducted in the summer of 1969 revealed that an overwhelming majority of respondents considered large classes as either making no contribution or as being positively harmful to their legal education.) Because of inadequate facilities at the School of Law, many classes number 100-150 students or more, and the average class is 82. An important development in legal education in most, if not all, law schools, has been the provision of seminar experience for every student. For some years the law school has required each student to take a seminar, but the present building does not have a single seminar room! These small groups have had to meet in large classrooms, inefficiently tying up valuable space. To provide the small classes, seminars and clinics essential to an efficient development of legal skills, and to improve the student-faculty ratio (at 33:1 the worst in the southeast), more faculty are desperately needed. But all available office space is utilized, and to scatter the faculty elsewhere on campus deprives the separated professors of

(Continued on page 7)



## Faculty Letter...

(Continued from page 6)

proper access to library and students, and disrupts the community of professionalism in which law schools take pride.

The School of Law has recently emerged as a pioneer in developing curriculum innovations that are in the forefront of legal education, and many schools have shown interest in adopting some of these curriculum improvements. But the school finds itself in the ironic position of a recognized innovator unable to adopt its own innovations because of inadequate building facilities.

Under existing circumstances, the School of Law has been able to recruit faculty on the assurance bespoken by its number one priority status that relief of its emergency conditions can be expected at an early date. Failure to provide prompt relief could have only a discouraging effect on the present faculty and a destructive one on the school's recruitment program.

It has been felt that this assurance of relief of the emergency conditions would suffice to safeguard the school against any question as to its non-compliance with a number of accreditation standards in the interim if such relief were in sight. Certainly no parade of horrors is needed to illustrate the consequences of loss of accreditation.

Because of the high risk to accreditation involved in continued operation at an enrollment level of 500 students with no new facilities in sight, a substantial enrollment limitation would be the only feasible alternative in order that the school might maintain its accreditation, respectability and faculty. The public should know that an admissions cut-back would result in denying the opportunity for a legal education to a large number of young men and women in South Carolina. The public should be apprised that any reduction in the number of persons entering the legal profession, in a state that already has the lowest number of lawyers per capita in the nation and generates a demand for legal services that cannot be met even at the present graduation rate, could only work to the serious detriment of the administration of justice. Enrollment limitation would be, therefore, a drastic and undesirable step. But the members of the faculty have the ultimate responsibility to safeguard the school's accreditation which it has had since 1924. In their dual professional roles as lawyers and educators, they are convinced that unless new facilities are soon provided, this step is one that must be taken.

The members of the faculty of the School of Law, all of whom are dedicated to its mission, are gravely concerned.

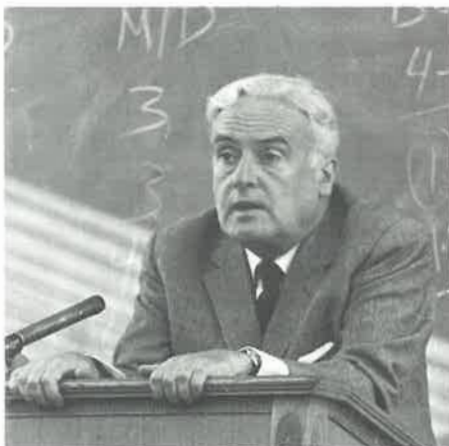
Very truly yours,

Robert McC. Figg, Jr.  
Dean

## A.C.L.U. President Addresses Students

By George W. Cox, Jr.

Edward J. Ennis, the new National Chairman of the American Civil Liberties Union visited the University of South Carolina School of Law on November 5, and his message was clear: the modern lawyer is now and will continue to be an integral part in the preservation and extension of civil liberties in America.



Edward J. Ennis

## Legislative Council Approves Hoods

Academic hoods of the Juris Doctor degree will be worn for the first time by the 1970 Law School graduates at the University's spring commencement exercises.

In a unanimous vote, the Legislative Council moved to begin the new tradition. Heretofore, USC has awarded hoods only to PhD candidates. With the change to the J.D. degree law students also became eligible for the doctoral hoods as well as doctoral robes.

Carolina follows the American standard design in hood styles: the outer velvet color signifies the kind of degree awarded, and the satin lining is made of the school colors.

The newly-made hoods therefore will be purple velvet with a garnet lining crossed by black bars. Purple is the law color. The school colors are "flipped" out on the stage during the exercises.

Hoods from numerous universities will be on display at graduation as each member of the faculty procession will be wearing the colors of his alma mater.

Any students anticipating further use of the J.D. hood as a faculty member, future trustee or commencement speaker may purchase the hood for approximately twenty dollars from the hooding company.

"The modern lawyer," said Ennis, "must be willing to litigate controversial issues which are troubling this nation today". The dapper, silver-haired leader of the 130,000-member organization suggested that if only volunteer legal services can raise and resolve these issues, then such services should be proffered.

Ennis declared that the ACLU views the Bill of Rights as a living, working, and independent federal judiciary which may be and should be expanded. Toward that end, he feels there is in society an obligation to publicize and hopefully resolve controversial laws and practices which breach these civil liberties.

Following his speech, Ennis entertained questions from the audience which covered the broad spectrum of ACLU involvement and he delighted the gathering with his frank and pointed answers.

On Morality Crimes: "What consenting adults wish to do in their private sex lives is their business and the criminal law should not interfere."

On abortion: "We (the ACLU) have just won a big victory in California. In our democracy, a line is drawn between the powers of the government and the private and privileged relationships of individuals. A doctor and his patient form just such a relationship".

On juvenile delinquents, and high school and college demonstrators: "Due process of law requires that basic civil liberties be enjoyed by juvenile delinquents and participants in peaceful demonstrations, regardless of their age or level of education".

Ennis, who has been on the ACLU Board of Directors since 1947 and who has argued many test cases before the United States Supreme Court, was in Columbia for several engagements in conjunction with the University Union speaking series.

## Prince Court

James Paslay won the finals of the annual Samuel L. Prince Intramural Oral Argument Competition February 20 at the U.S. District Court House in Columbia.

Serving as judges in the final event were Robert McC. Figg, Robert W. Hemphill and Daniel McLeod. The runners-up in the competition were Arnold Coodstein, Joseph McElveen, and David Jennings.

The problem of the competition concerned the right of state employees to organize and bargain collectively. Prizes were provided by Phi Alpha Delta - a full scholarship for first place, a \$60 book scholarship for second, a \$15 hornbook for third, and a \$10 hornbook for fourth.



## International Law Society Hosts Banquet

B. Thomas Mansbach, an international lawyer employed by the State Department in the Agency for International Development, spoke to the first official meeting of the International Law Society February 24 at the Gatehouse Restaurant.

He explained the current methods of foreign expropriation of American investments abroad. It is rare now he pointed out for foreign governments to seize enterprises outright, rather they have

become more sophisticated by forceably "purchasing" 51 per cent interest in the companies and paying for this with government bonds which yield less than actual profits prior to "joint ownership." Mansbach also warned of greater collusion between the underdeveloped countries to plan for "joint ownership."

Marshall Mays, a graduate of USC Law School from Greenwood and now an official of the State Department, was instrumental

in securing Mr. Mansbach for the meeting. Frank Partridge was chairman of the dinner.

At the December meeting of the Society, officers were elected for the coming year: Heyward Clarkson, president; Woody Cleveland, vice president; and Nikki Setzler, secretary-treasurer. Faculty advisors are Professors George D. Haimbaugh and James L. Underwood.

The Society is presently conducting intramural moot court competition in preparation for the regional competition to be held at Sanford University in Birmingham on March 21-22. The three best entrants in the competition will be selected to go to the regional semifinals and hopefully to the national finals. Phi Delta Phi Legal Fraternity has contributed \$75 as first prize for the winner of the intramural competition.

## Law School Co-Sponsors Legal Service Conference

The USC School of Law, in conjunction with the Legal Aid Service Agency of Columbia, co-sponsored the South Carolina State Legal Service Conference on November 14.

The Office of Legal Services has the central responsibility for the programs which provide advocates for the poor in their dealings with social institutions. It operates on the theory that one of the central problems of our time is the sluggishness of many institutions, at all levels of society, in responding to the needs of individual citizens. Disadvantaged persons, in particular, must be assisted so that they fully understand the lawful means of making their needs known and having them met.

Attendance at the meeting included over thirty staff members and interested parties from throughout the state. Topics of special interest were "Housing and the Indigent Tenant" and "Consumer Protection". Included on the program were workshops on the above topics in addition to a Southeastern regional report and a panel discussion on the reform approach as opposed to the case load approach in operating a Legal Aid Service Office. Separate panels represented opposing views of the issue.

The Housing and the Indigent Tenant Workshop focused on the glaring inadequacy of adequate shelter. Housing

has been found to be wanting in both quality and quantity. From the viewpoint of the indigent or non-indigent tenant, the recognized concept of the land itself, as opposed to the house on it, is an antiquated doctrine. While the tenant is not concerned about the physical plot of land upon which his leased dwelling rests, the law in most jurisdictions is land and landlord oriented. Since no court reform can be anticipated without landlord-tenant legislation, the goal of the Legal Aid Service is clearly to facilitate change in the area of indigent tenant protection.

In the afternoon session, Professor Robert Foster led the Consumer Protection Workshop which consisted of a discussion on the developing case law to protect the consumer in South Carolina. Major interest was directed at recent state decisions in this important field of the law.

The conference ended with a discussion of both the desirable and undesirable affects of the reform approach over the case load approach in the operation and administration of a Legal Aid Service Office. All aspects of the question were thoroughly discussed by panels consisting of three staff members.

The organization is now planning another conference for the Spring, and participation by students and interested parties is invited.



B. Thomas Mansbach

### "TRUE JUSTICE"

There ain't no Justice  
In this here Land  
I just got a divorce  
From my old man  
But I had to laugh  
At the Judge's decision  
'Cause he gave him the kids  
When they weren't his'n.

Barrister Bill

## Curriculum...

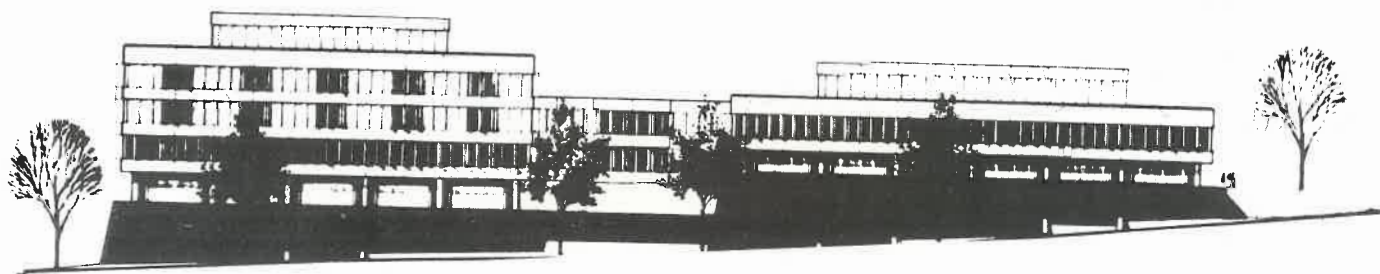
(Continued from page 5)

of same.), investments, international trade and economic development, fiduciary administration (Planning problems with written solutions and preparation and maintenance of records and files of fiduciary administration.

And the final category of law practice courses in addition to teaching substantive law can be utilized to teach "practical" skills needed by contemporary attorneys. Included would be: collective bargaining and negotiation, problems of proof in personal injury cases (A course directed toward the problem of litigating and settling a personal injury suit. The course would include an analysis of the evidentiary problems and an evaluation of how quantum is substantiated.), land use and

development, land transactions, practice court, estate planning I (tax problems facing the family unit and would include an exercise of drafting instruments and planning family estates), estate planning II (estate problems of the closely held business and should also include drafting of instruments and financial planning), tax planning I (income tax problem solving and planning of personal income tax problems), tax planning II (tax problems at a local and state level of both businesses and persons), tax planning III (federal tax problems of partnerships and trusts), business planning I (corporate recapitalizations and public financing and the drafting of the proper instruments), business planning II (laws affecting merger, acquisitions, reorganizations and dissolutions and would involve the student in planning and drafting solutions to problem situations), law practice and office management (This course would be sixth semester offering to orient students in some of the mundane problems he is likely to face after graduation - law office administration, time accounting, information retrieval, docket control, and general office management.), and conflict of laws.





Architect's drawing of Law School as it will appear from Devine Street.

## Proposed New Law School

Architect's drawings of the new School of Law appeared in the December edition of the University of South Carolina Magazine, the official publication of the University of South Carolina Alumni Association - Education Foundation.

The following description accompanied the drawings.

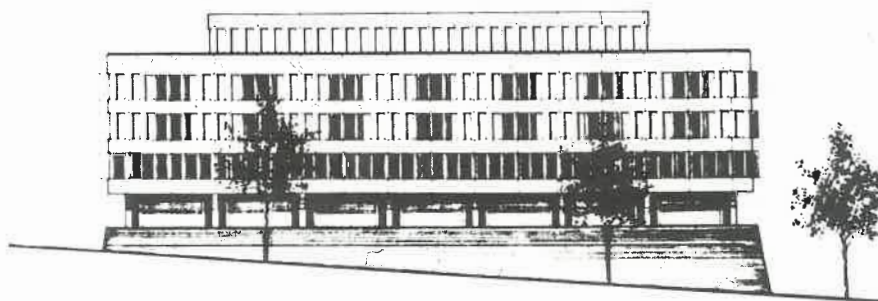
"Petigru College, present location of the School of Law, was designed to hold 250 students. Law School enrollment this semester is 496. No additional students can be accepted and new faculty members are being located in other buildings. The Law Library is over capacity with over 20,000 books in storage and needs substantial expansion.

"The increased industrialization of the State has increased the demand for lawyers and even now South Carolina ranks last among the states in the ratio of lawyers to the population. As the only Law School in South Carolina, the University is obligated to provide adequate facilities. The Law School has a public obligation to replenish the State's Bench and Bar as well as an educational obligation to the students who want to study law.

"Status: Design for a new 161,000 square foot building has been completed. A 94,000 square foot garage that can later serve as expansion is included in the design.

"Architects: Gill and Wilkins.

"Cost: \$5,400,000."



Architect's drawing of Law School as it will appear from Assembly Street.



## Freshman Score Football Victory



Freshmen make another first.

An unprecedented event occurred Friday, October 31, when the Freshmen upset the Upperclassmen by a score of 7-0 in the annual Law School football game.

Drizzling rain fell sporadically, keeping many spectators away, but the spirits of the two teams were never dampened. The teams were evenly matched; the game was always quite a contest.

From the beginning the game was a defensive one hampered by numerous penalties. While the upperclassmen, coached by Jeter Rhodes, moved the ball quite well, time and again penalties halted their drives. Their only score was nullified by a penalty. But the officials were not the only problems. Offensive linemen Tron Breeke, Larry Brant, and Jim Johnson had the unpleasant task of trying to keep out the Taylor brothers, George and Henry, two freshmen defensive linemen. The freshmen did a terrific job in their defensive secondary through the efforts of Buster Holland, Tommy Kelly, Wes Greaves, and Walt Stroman. Not being able to throw the "long bomb," the upperclassmen resorted to the short passing game with Donnie "Rabbit" Myers tossing to Buddy Small, Henry Herlong, and Paul Infinger. Tommy Player had the difficult assignment of blocking the Taylors, who fought through the front three repeatedly.

Although they moved the ball consistently on the ground, the freshmen, coached by Hugh "Buddy" Reams, never made a serious offensive threat due not only to penalties but also an experienced upperclass defense. Ronnie Ward, calling the signals, mixed his running with passes to Johnny Gregory, the former USC

"flash;" Jimmy Faysoux, and Henry Ragle. The offensive blocking of Bill Robinson, Dale Cobb, and Charlie Funk gave Ronnie time to throw and run. The few times that the freshmen backs got outside defensive ends Glen Thomason and David Ward, defensive backs David Turnipsedd, Frank Seigniers, and Mac Sellers would keep the gain to a minimum. Stan Kirkland, Jim Coffas, and Larry Brandt provided an impenetrable defensive middle.

Freshman defensive back Buster Holland thoroughly spoiled the entire game plan when he intercepted a Donnie Myers pass late in the game and raced 60 yards for the touchdown which gave the freshmen their victory. The upperclass offense looked as though it would bounce back in the waning moments of the game, but they just could not cross the goal line.

The referees, probably the best defensive players of the game, said afterwards that it was the cleanest game they had officiated all



Upperclassmen plan strategy.

year. However, they somehow forgot that the upperclassmen were supposed to win and officiated the game with unprecedented fairness. As a result it is now uncertain how many freshmen will pass Legal Bib.

Following the game the beer kegs rolled out at the Wheat Street Club, and the keen adversity that existed on the field turned into warm friendship and merriment. When the kegs ran dry, a hat was passed to refill them. No better medication could have been prescribed to cure the aches and pains caused by the earlier conflict (nightmare).

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## Phi Alpha Delta

The Pinckney Chapter of Phi Alpha Delta had as its speaker for the November meeting a group of officers of the U.S. Army from Fort Gordon who gave a report on what the United States is doing to prevent and control violence in this country.

The December speaker was Judge J. M. Spigner who explained the role of the Domestic and Juvenile Relations Court in South Carolina. Judge Spigner has been most cooperative in allowing law students to work in his court for practical experience under the auspices of the Family Court Clinic taught by Professor Wedlock. Phi Alpha Delta has sponsored under the supervision of Judge Spigner the "Richland House," a halfway house for juveniles temporarily without a home. Jim Hale is chairman.

The Pinckney Chapter will be sending delegates to the annual conclave of Phi Alpha Delta in Baltimore, Md., in March. Jim Hale and Bob Rhodes are both officers of the conclave this year. Delegates from PAD chapters throughout the region come together to discuss mutual problems of how to better serve their schools and the bar.

The local chapter of PAD will have its annual rush for pledges from the first year class during the month of



Herbert Morgan

February. The election of officers to lead the fraternity for the new year and to take office immediately was held at the last meeting. The new officers are as follows: Herbert Morgan, Justice; Dan Causey, Vice Justice; David Sale, Clerk; Sam Banov, Treasurer; and Jeter Rhodes, Marshal. Professor C. H. Randall continues as faculty advisor.

## Christmas Dance

The Student Bar Association's annual Christmas dance was held in the Hampton Building at the State Fair Grounds on Friday, December 12. Music was furnished by the Entertainers, a local Columbia group.

The highlight of the evening was the contest for the First Annual Silver Tongue Award. It consisted of seven skits,

characterizing various law professors, which was courageously conducted by Mike Featherstone, the master of ceremonies. The winner was selected by audience response as recorded on a scale ranging from Silver, Gold, Brass, to Mealy-Mouth. The "winner" proved to be Dean McFigg (alias Dean Figg) who was so excellently characterized by Ray Lathan.

The evening proved to be a great success, with some extra, non-planned, student participation adding to the enjoyment. The most familiar line of the evening proved to be a Law School house-hold phrase, "See F. Bailey 105."

The SBA committee in charge of the dance consisted of: Donnie McDonald (chairman), Merwin Rogers, Jack Howard, Billy Jenkinson, and Bob Herlong.

## Phi Delta Phi

Calhoun Inn of Phi Delta Phi concluded another successful semester with a party following the Carolina-Clemson football game. Immediately after the game the champagne party was held at the Knights of Columbus Hall and this was followed by a combo party featuring "The Persians" - and several students.

To officially conclude the semester Phi Delta Phi held activation for 52 new members at the Richland County Courthouse. Several members of the faculty took part in the ceremony. After the initiation there was a cocktail party and banquet at the Town House Motor Lodge. Attorney General Daniel R. McLeod was the guest speaker.

As second semester gets under way Phi Delta Phi is looking forward to rush and is getting to know freshmen better. The rush party was held on February 13 and all freshmen were invited. At the present time the fraternity is completing plans for second semester including such activities as a beer bust, a combo party, rush, and initiation.

Phi Delta Phi has held elections for Spring Semester and the following officers were elected: Ken Thornton, Magister; Wendell Cantrell, Exchequer; Nikki Setzler, Clerk; and David Wilkinson, Historian. Professor Ledbetter will again act as advisor.



Ken Thornton

## Lecturer Evalutes Library As Being "Excellent, but..."

"Excellent, but..."

In a candid interview with Gavel Raps, Mr. Frederick E. Martin, the field representative and guest lecturer of the West Publication Company, discussed the adequacy of the library at the U.S.C. School of Law.

As a starting point, Martin dismissed the notion that quantity is quality regarding the usefulness of any law library. "A law library of a million volumes doesn't necessarily meet the needs of a law school any better than one which contains only half of that amount. There is a tendency within the legal educational community to consider a school of lesser holdings to be inferior to one of more numerous holdings. Such notions are fantasies," Martin said.

The lecturer, who had just concluded a four-day series of Legal Bibliography talks to the first-year class, examined the Petigru College Library thoroughly during his stay. He emphasized the important (and, unfortunately, all too prevalent) dependence on budget allocations and alumni contributions in attempts to upgrade a library.

"All too often," Martin said, "a librarian is faced with the choice of two or more reference works, all of

which the library actually needs, and funds available for only one selection." When asked how such questions are resolved, Martin replied that many librarians often seek help in such decisions rather than make the choice alone. It is at this point, Martin feels, that the faculty of an institution may and often does play an important part in the direction in which a library moves. In support of his point, Martin then digressed a bit, recalling heated inter-faculty exchanges regarding such choices to which he had been a part.

Martin admitted that while the facilities at the Law School are "excellent", the size of the present student body casts doubt on just how long such terms will apply. He expressed satisfaction that a new School of Law is contemplated by the University in the near future.

Martin warmly complimented Miss Sarah E. Leverette, librarian, and her staff, both permanent and student, for the sound and efficient policies of the U.S.C. Law Library.

In concluding, he thanked the students who had attended his lectures and expressed hope that all had gained by the experience.



## Law School Needs Placement Program

As graduation approaches for the first class of the Seventies, what is in store for them in the way of placement? The role that placement plays in the future of the graduating law student has become increasingly more important as the Law School grows.

In today's legal employment market, the maximum effort must be made to place qualified law graduates in the top jobs throughout the state and nation. These graduates will carry with them the reputation of the Law School into jobs never before filled by USC graduates.

In the past, the functions of the law school stopped at education. After graduation, the law graduate would have to search for a job on his own often taking a position he does not want but must take for economic reasons or spend months going from firm to firm seeking an opening. The disadvantages of the above method are too obvious to mention.

In the case of our Law School it takes on an even greater significance since this is the only law school in the state. Each graduating class becomes an extremely valuable resource to the state and to the bar in particular, for these are the lawyers who will be joining them in practice.

What is the present status of the placement program at the Law School? At best, it is a passive one. The major cause of the present situation stems from the fact that there is no specifically - designated administrative personnel tasked with the duties of placement on either a full or part-time basis. Presently, Prof. Robert Foster does all he can on a voluntary basis to maintain some

sort of clearing house for inquiries and offers. However, Professor Foster is a full-time faculty member with a full academic load which leaves very little time for active recruiting of positions and placement.

The issue now is how to remedy the situation. What can be done to help alleviate the growing crisis of placement at the Law School? The best solution would be the addition of an administrative assistant to the Dean with the primary duty of placement. Only such a qualified person can bring to the job of placement the continuity and determined effort that the position requires.

What can be done now for the present class of 119 students scheduled to graduate this coming June? I think the bar can help. Most of the firms are within a few hours drive of Columbia. A pre-arranged time could be set aside for each firm wanting to interview prospective graduates. In this way the firm could get to see a maximum cross-section of the class and an opportunity for the interested students to learn more about the firm. Also many firms have large corporate clients who are often looking for qualified law graduates for their legal departments. Since these corporate legal staffs are probably in touch with the firms on a regular basis, inquiries could be made for possible positions with that corporation and then reported to the Law School.

The time has come when our graduates must have an opportunity to demonstrate not only in South Carolina but throughout the United States the kind of quality legal education the Law School has to offer.

Speros D. Homer, Jr

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