

Summer 1971

Gavel Raps, v. 3, n. 4 (Summer 1971)

University of South Carolina School of Law Student Bar Association

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Publication Info

Published in Summer 1971.

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VOL. 3, NO. 4 SUMMER 1971

GAZETTE RAPIDS

NEWSPAPER OF THE UNIVERSITY OF SOUTH CAROLINA STUDENT BAR ASSOCIATION

Record Number Enter Freshman Competition

This year's Freshman Moot Court saw one of the largest competing fields ever with a total of thirty-two jurisprudence candidates debating for the top honors.

The issue turned on whether the attachment of one's property is unconstitutional without an evidentiary hearing prior to such attachment. Mrs. Green, the petitioner, contended due process of law would be denied in accordance to the fourteenth amendment with no pre-attachment evidentiary hearing being afforded. In support of this argument, *Sniadach V. Family Finance Corp.*, 395 U.S. 377, 23 L. Ed2d 349, 89 S. Ct. 68 (1969), was cited whereby the court ruled that garnishment of one's wages without a pre-evidentiary hearing was violative of the Constitution.

The countering argument by the respondent, *Friendly Finance Corp.*, purported that such procedure had been validated by *McInness v. McKay* 127 Mc. 110 141 A. 699, Aff'd Mem. 279 U.S. 820, 49 S. Ct. 606. Court agreed that attachment proceedings in accordance with state

statutes were not violative of the Fourteenth Amendment's due process clause. The respondent further purported that the attachment of one's property could be distinguished from the garnishment of one's wages.

For those interested, an actual case similar in issue will be decided shortly by the Supreme Court in *Fuenta V. Faircloth* 317 F. Supp. 954 (D. Fla. 1970) cert. grant.

A tribunal consisting of Professor Smith, Professor Felix, and Franchot Brown, Esquire, presided over the final round of arguments. The finalists, representing the petitioner were those vocal adversaries Douglas Dent and Victor Rawl. Countering, the respondent was represented by Keith Anderson and Jim Bell. The judges awarded highest honors to Douglas Dent and Jim Bell.

However, this being a totally voluntary project, a hat's off salute should be given to all those diligent students who put additional work to an already burdensome load merely for the satisfaction of a job well done.

Moot Court Team Chosen

The team members representing the University of South Carolina in the Twenty-Second Annual National Moot Court competition (1971) were announced recently by Dean Robert W. Foster. The teams will be composed of three men — two third-year students and a second-year student.

The two seniors both answer to the title of President. Dwight Drake of Wellford, S.C., is the Student Bar Association President for the 1971-72 scholastic year. He is a veteran of several moot court competitions, having taken first place in both the Freshman Oral Argument and the Prince Court Competition. He should give the team invaluable experience in the argument itself.

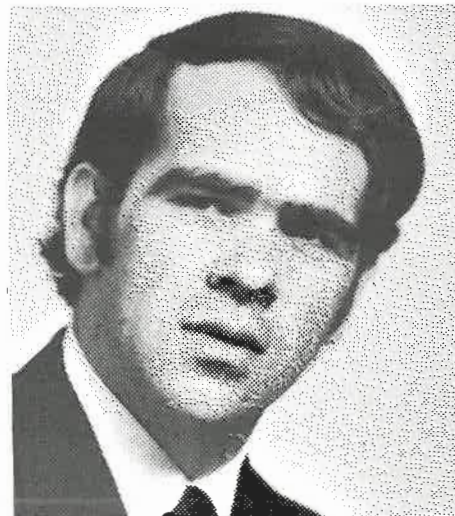
Third-year student Charlie Funk is currently Justice of Phi Alpha Delta Law Fraternity and can also boast a winning

background in moot court competition; he took second place in the Prince Court Competition this past year. A native of East Hyattsville, Maryland, he now resides in Columbia.

Jim Griffin, who walked off with highest academic honors first semester last year will probably be counted on heavily to prepare the brief, an important part of the National Moot Court Competition. A second-year student, Griffin will also be available for oral argument if needed.

Professor David Means will again serve as Faculty Advisor for the local entry.

The problem, released in July, on its face deals with the law of war, military tribunals, civilian atrocities and "massacres". It also bears many striking similarities to the much-publicized Lt. William Calley trial.



Drake Elected SBA President

Dwight Drake of Spartanburg is the newly-elected President of the Student Bar Association to serve during the 1971-72 school year. Elected with Drake were Danty Busbee, vice president; Gene Morehead, treasurer; and Ray Williams, secretary. Drake and Busbee are rising seniors; Morehead and Williams are rising juniors.

A new Legislative Council was elected, composed of five seniors and five juniors. Five freshman representatives will join the Council in the fall. Harold Glassberg, Alvin Neal, Ricky Paul, Dick Tapp, and Henry Taylor represent the seniors and John Breeden, Gedney Howe, Allen Jeffcoat, Hap Pearce, and Bill Taylor are the junior Council members. The Legislative Council, together with the SBA officers, are the policy-and-decision-making organs of the SBA.

The Law School's newly elected representative to the American Bar Association's Law Students Division is Brown Johnson.

Five of the six representatives on the Honor Council also were elected: Dave Armstrong, David Gravely, Mike Layman of the senior class and Jim Griffin and Don Sellers of the junior class. The freshman class will elect a sixth representative in the fall. The Honor Council's primary function is the enforcement of the SBA Honor Code.

GAVEL RAPS



Vol. 3 No. 4

Summer, 1971

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GAVEL RAPS is the official publication of the Student Bar Association of the University of South Carolina School of Law. GAVEL RAPS is published six times per academic year with four regular editions and two special editions (orientations and Law Day). Contributions are welcomed and encouraged. Permission is hereby given for republication of any article appearing herein providing that proper credit is given both to the newspaper and the author of the article.

The views expressed herein are those of the newspaper and do not necessarily reflect those of the Student Body, Administration or Faculty unless otherwise specifically stated.

A Friend Departs

The staff of Gavel Raps would be remiss were it not to note the exiting of Professor William H. Ledbetter from the Law School scene. Mr. Ledbetter, who was a staunch supporter of the academic progress of the Law School, has departed in favor of private business. We can only say that the business community's gain is our loss.

Bill Ledbetter gained a reputation here as a man with tremendous professional touch in the classroom. His wit and handling of his students allowed him their highest honor — attendance. Few students cut his classes, not because he struck the fear of the Almighty into them, but because he kept it light and fast-moving.

This newspaper owes a special debt of gratitude to Professor Ledbetter. As the advisor to this publication since its inception in May, 1969, Bill Ledbetter has exhibited the qualities that every editorial board dreams for in an advisor — objective, free with constructive criticism and firm in direction, but never approaching censorship.

His background at Richmond, Yale, Duke and USC law schools should serve him well in his new endeavors. Our only hope is that the School of Law — and this newspaper — can find a worthy replacement.

Meeting The Ideal

While many in the legal profession pay lip service to the rehabilitative ideal so vital to any system of punishment and correction, we find it heartening to follow the progress of an inmate who appears to be making the most of his difficult situation — amateur boxer Bobby Hunter.

Hunter, an inmate at the Manning Correctional Institute near Columbia, has earned a spot in the Pan American Games to be held in South America in July on the basis of his pugilistic prowess in New Orleans and at Ft. Bragg. But although the Pan American Games pays for Hunter's expenses, no funds are available from the Department of Corrections to pay for trainers and correctional officers to accompany him.

Thus, the Alston Wilkes Society, with the state Department of Corrections, is cooperating in a fund-raising effort to meet these expenses. Donations are tax-deductible and may be sent to the Bobby Hunter Fund, c/o The Alston Wilkes Society, P.O. Box 363, Columbia, S.C. 29202.

There are reports that the Olympics in Munich could be a reality for the native Charlestonian if he wins in South America. Quite a step for a young man who had to sleep on the floor of the New Orleans City Jail after winning the AAU National flyweight title due to crowded conditions. We endorse the fund-raising drive, and hope interested persons will donate to the project.

Letters . . .

To The Editor:

Having been graduated from the University of South Carolina Law School a decade ago and, as one no longer qualified in the South Carolina Bar Association as a young attorney, I would like to commend the senior Class and the committee of law

students who put on the Law Day Conference.

I attended both the State Bar Convention and the Law Day Banquet at the Carolina Coliseum and, of the two, the students far surpassed the older members of the Bar in ingenuity, organization and performance.

Sincerely,

Calhoun Thomas Jr.
 Beaufort, S.C. 29902



Dean Foster joins Admiral Mott and Law Day Committee Chairman Frank Gibbs in looking over the program for Law Day.

USC Honors Law Day

Over two thousand persons attended the special Law Day Conference activities April 30-May 1 which were highlighted by an address by former Secretary of State Dean Rusk.

The Conference was the largest ever held at the Law School and was probably the largest Law Day observance in the United States. Participants came from around the state, nation and world.

It was sponsored by the American Bar Association's Standing Committee on Education about Communism and Its Contrast with Liberty Under Law in cooperation with the University of South Carolina School of Law and the Department of International Studies at USC.

The conference consisted of two sessions on Friday afternoon and two Saturday morning at the Town House Motor Inn on Gervais Street. Each of these sessions had a main speaker with commentary afterward by two other scholars and a question and answer period.

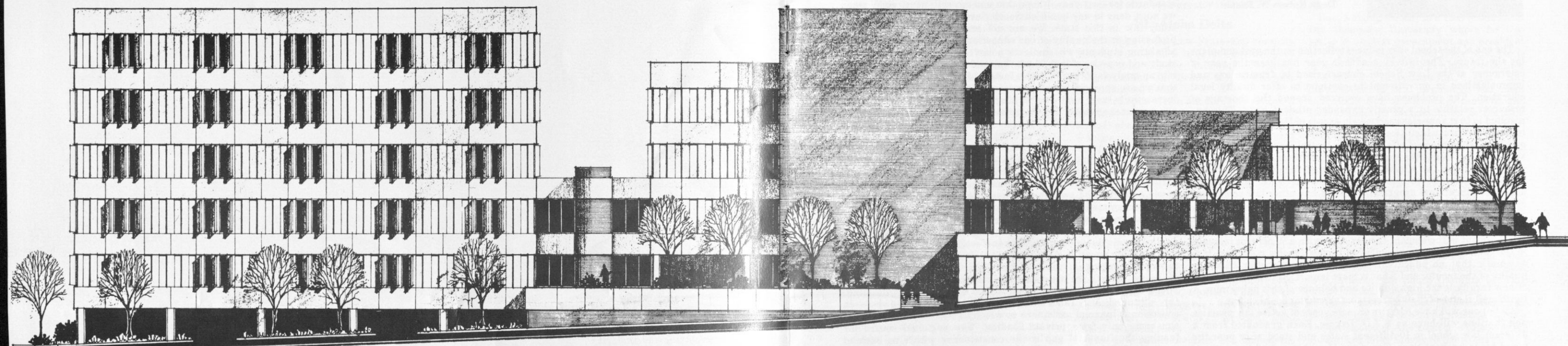
Participating as main speakers were Prof. Jerome A. Cohen of Harvard Law School; Prof. Dietrich Andre Loeber of Stanford University Law School;

Prof. Leon Lipson of Yale Law School; and Bryan Crozier, editor-director of the Institute for Study of Conflicts, Ltd., of London.

Commentators and moderators included Prof. George Haimbaugh of USC Law School. Dr. Richard L. Walker, director, of the Institute of International Studies at USC, Dr. Bernard A. Ramundo of Georgetown University Law School, Prof. Joseph Schiebel, director of the Russian Area Studies Program at Georgetown University, Prof. Victor H. Li of Columbia Law School, Frank R. Barnett, president of the National Strategy Information Center in New York, Prof. Oswald P. Backus of the University of Kansas, and Eugene Methvin, association editor of Readers Digest magazine.

The conference was part of the ABA Committee's continuing law student-educator program. The committee conducts studies and educational programs on communist strategy, tactics and objectives in order to illustrate the contrast between life under communist rule and liberty under law.

The theme for the two-day conference was "channel change through law and reason."



Plans Completed For New Buildings

By Allen Jeffcoat

Plans for the new law school have been completely redesigned and, as a result, bids for construction estimates will not go out until September. Current plans, designed with student consultation, call for a complex of three functionally specialized, interconnected buildings: an auditorium, a classroom building, and a library-office building.

The complex will occupy the block formed Green, Main, Devine and Assembly streets. The new law school is designed for a student body of 1,000; present enrollment is 665 and growing; Petigru College, the present law school building, has a design capacity of 250. A refreshing change from the Petigru facility, the

new buildings will be fully carpeted, heated, and air conditioned.

The design changes will not, however, mean any change in projected completion dates: the auditorium is to be ready for use when classes begin in September, 1972; the remainder of the complex will be available by January, 1973.

AUDITORIUM

The auditorium, which seats 430, may be separated into three smaller sections of 112, 112, and 206 by means of electrically operated partitions. Located on the corner of Main and Devine streets, the auditorium will be used primarily for lectures during the fall semester of 1972.

CLASSROOM BUILDING

The classroom building will contain 23 classrooms, with varying capacities from 15 to 112 each; total capacity will be near 1,000. The building's more prominent features include: a large, well-equipped practice court room, state headquarters offices of the S.C. Bar Association, a student handbill and printing office, 2 student publications offices, 3 placement offices, 6 clinics offices, a student lounge/food area, and locker space for 786.

LIBRARY — OFFICE BUILDING

The library-office building will consist of four main floors and two sublevels. The library will occupy most

of all four main floors; one of the sublevels will be reserved for future library expansion and for law review storage.

In addition to stack space for 200,000 volumes (compared to space for only 65,000 volumes in the present library), the new library area will contain more than 300 individual study carrels (with seniors and juniors having priority thereto), 24 small-group study carrels, a typing room with space for 30 typists, a student smoker, and library administrative offices.

The building will also house 43 individual faculty offices, a faculty research library, and a kitchen-equipped faculty lounge. Law Review facilities will be greatly expanded, from a present single library/lounge and office area in Davis College, to a nine-room, kitchen-equipped complex.



The Dean's Column

Dean Robert W. Foster

The end of the school year induces reflection on the past and plans for the future. The 1970-71 academic year has been the year of emergency at the Law School characterized by frustrations and improvisations in our attempt to continue to offer quality legal education. The problems have centered around the shortage of resources relative to a greatly expanded student body. This has resulted in first year class sections in excess of 150 students, grossly inadequate library facilities, and the inability to further implement our curriculum plans of offering a substantial increase in seminars and small sections to the students in the last three semesters of law school. Through the efforts of a dedicated faculty and staff, we somehow managed to provide our students with at least an adequate educational program. I doubt if any other law school has done so much with so little.

Despite these most difficult times, there is reason to view the future with optimism. Next year we will see a substantial improvement in the student-faculty ratio with a 50 percent increase in the faculty by the employment of 11 new faculty members. It is axiomatic that no educational program can be better than the quality of the faculty and what is more important than the number of new faculty is the high quality and balance of this new group. A thumbnail sketch of their background should make this point.

All but one will have had two or more years of active law practice and that one will have an S.J.D. Degree. Each graduated from a different law school in 10 different states and stood at or near the top of his law school class. Ten of the 11 will have had one or more years of graduate legal education at Harvard, Yale, Columbia, the University of Michigan, New York University, the University of Chicago, and the University of Illinois. The only one who has not

been in a graduate law program has been a clerk to a Judge of the United States Court of Appeals and subsequently specialized in the practice of labor law for several years. Two are presently deans at other law schools.

While we face another year of inadequate physical facilities, relief is now in sight. The funds to construct a new building have been provided and the basic building plans have been completed. Construction should begin by late summer or early fall with occupancy expected by January of 1973 in time for the beginning of the spring semester. In designing this building, we feel that we have provided for all of the physical needs of a great state law center.

The quality of raw material with which we work, i.e. our students, will improve with substantial increase in our admissions standards for next year. I hope that one day will never come when we must deny to any qualified South Carolinian the opportunity to study law in this state. We are not serving the interest of our profession or the quality of our educational program, however, by admitting students who indicate a low chance of success in the study and practice of law. Much time and effort this year have gone into an analysis of the predictive factors of this success. We feel now that we are approaching a more accurate formula for screening the increasingly large number of applicants so that we can concentrate our resources on those with the greatest potential.

For the first time in the history of our Law School, all of our graduates have been asked to provide us with direct financial assistance by designating their donations to the University to the newly established Law School Discretionary Fund. Early returns have been promising which is perhaps the most important reasons for optimism in the long run. Public support from state funds and tuition have given us a start in expanding the resources required for quality legal education today. Financial support from this source will probably never be adequate to provide a salary level necessary to employ and retain the very best legal scholars and teachers. While we hope to see a substantial increase in our library budget allocated by the University when we move into our new building, this will necessarily fall short of our goal of an advanced research collection. Financial assistance to worthy and needy law students can come only from private funding. The principal source for funding the financial gap is the constituency which we seek to serve, the Bench and Bar of South Carolina.

Progress has been made and the momentum has begun. Now we look with exciting and enthusiastic optimism toward our goal of a great state law center second to none in excellence.

Student Bar President's Report

By Dwight Drake

With the memory of campaign promises still fresh, Law Students are naturally asking what is being done by those elected. Some of the promises have already been met and other programs are being planned.

The problem most talked about during the election was the length of time between exams and posting of grades. Dean Foster has been very helpful in giving his personal assurance that this semester's grades will be out not later than July 1. Other methods than posting in a single location are being considered, such as the possibility of professors notifying each student via a self-addressed post card supplied by the student at the time of the exam.

Dean Foster has also pledged the SBA that students will have one class-free period during each week, most likely each Wednesday from 10:00 to 11:00 a.m. Such a free period will provide the opportunity for all students to attend the Speakers Program. This period will also assure the availability of the entire faculty for discussion with individual students.

Plans to alleviate the communications problem call for the publication of a SBA Handbook and the use of the above mentioned free period for "rap sessions" with the Dean and faculty. Dean

Foster feels he can assuage the idea of his unavailability to students through such sessions and by meeting with a representative of the SBA on a weekly scheduled basis.

The Legislative Council held its first meeting April 29. Expenditure of funds in the amount of \$200.00 for the publication of the SBA Handbook and \$650.00 for the President and the LSD Representative to attend the LSD Convention in New York during July. This \$650.00 will be defrayed by contributions of members of the Bar. Other business discussed was the selection of committee members. While these selections are incomplete, the Publication, Orientation and Law Day Committees are already working. A Finance Committee was appointed and through the hard work of Gene Morehead held hearings May 6 to gather information for a proposed budget.

On May 3, 4, and 5, the SBA sponsored the Office Practice Procedures Seminar which was tremendously successful due to the organizational efforts of Ron Motley. This seminar will be held again next year at a time not so close to exams so more students will be able to attend.

Law Wives Elect New Officers For Year

By Elaine Morehead

On May 3, 1971 the annual Student Bar Association Auxiliary Banquet was held. Dean Foster and Mrs. John West presented the graduating seniors' wives with their PHT degrees (Putting Hubby Through). The newly elected officers were installed, and a fashion show was given by Trula's Shop for Pappagallo. It was certainly a perfect way to end a very successful year.

Presently the Law Wives look forward to a meaningful year beginning next fall. It will be gaining new enthusiasm and ideas from the incoming freshman wives. Their abilities combined with those of the able present members will insure interest, enjoyment and much achievement.

The officers which have been elected for 1971-1972 are as follows: President — Elaine Morehead, First Vice-President — Dee Dee Chewning, Second Vice President — Weebie Keels, Recording Secretary — Elaine Knie, Corresponding Secretary — Linda Butler, Treasurer — Barbara Bailey, and Historian — Sue Ketchin. Mrs. David Means and Mrs. Charles Randall will serve us graciously once again as co-sponsors.

During the summer Law Wives does not meet regularly. Plans will be made for the orientation of the freshman wives and for the monthly meetings for next year. Wives of Law students, please plan to participate next year. Your involvement and support is much desired and needed.

Fraternity News

PHI DELTA PHI

Phi Delta Phi fraternity has concluded another successful year by pledging fifty-three members this spring. Officers for the coming year were elected, and are as follows: Traywick Duffie, president; Mike Layman, treasurer; Dave Gravely, scribe; and Joey Wright, Historian.

The fraternity is looking forward to the prospects of an even greater 1971-1972 year.

Phi Alpha Delta

Phi Alpha Delta Law Fraternity recently held its District 15 & 16 Joint Conclave here in Columbia. Charles Cotesworth Pinckney chapter of the USC School of Law was host for the annual event.

PAD chapters from almost every school of law between Georgia and Maryland were in attendance for the three-day weekend, April 2-4. Special high-lights include professional workshops on rushing, finances and community relations. Guest speakers were James Mozingo, prominent trial lawyer from Darlington, and Harry S. Dent, special advisor to President Nixon.

On May 23, the brothers of Phi Alpha Delta converged on the Capital Cabana for their final dinner meeting of the school year. Dean Foster was the guest speaker. Formal election and installation of new officers was presided over by Professor Charles Randall, faculty sponsor of Pinckney chapter. New officers are: Justice, Charley Funk; Vice-Justice, Bill Byars; Clerk, Dave Armstrong; Treasurer, George Cox; Marshall, John Allen.

The new administration has hosted the first of its summer dinner meetings, (an innovation for the benefit of PAD brothers remaining in town during vacation) on June 24th. Plans are underway for a formal initiation of new pledges in July, and a pool party in August.

George Cox Elected Editor

The Editorial Board of GAVEL RAPS is pleased to announce the election of George W. Cox, Jr. of Norfolk, Virginia, to succeed Addison G. "Joe" Wilson to the post of Editor-in-Chief for the 1971-72 scholastic year.

Cox, a rising senior, is a 1968 graduate of Old Dominion University where he was active in student government and president of Pi Kappa Alpha social fraternity. He is presently treasurer of Phi Alpha Delta Law Fraternity International, and has participated in oral argument and moot court activities. A member of the Editorial Board since his matriculation at the Law School, Cox is elevated to his new position from that of associate editor.

The new Editor-in-Chief will assume the duties of outgoing Editor Joe Wilson. Wilson, who was graduated from Washington & Lee University and is a native Charlestonian now living in West Columbia, will remain on the Editorial Board as Editor Emeritus, fulfilling the duties of managing editor. He is a member of the Columbia staff of U. S. Congressman Floyd Spence and this summer is serving as the Student Assistant U.S. Attorney for South Carolina working with U.S. Attorney John K. Grisso.

Other new appointments to the Editorial Board of the Law School publication include the promotion of Allen Jeffcoat to Associate Editor and Mike Spivey to Assistant Editor. Two additional positions will be filled early in the academic year.

The departure of Professor William H. Ledbetter, Jr. also creates a vacancy in the Faculty Advisor post. His replacement should be announced shortly.

ELS Accomplishes Year's Goals

The Environmental Law Society (ELS) accomplished several of its goals during the 1970-71 school year.

It stimulated limited opposition to the issuance of a Corps of Engineers permit to dredge the Congaree River for commercial exploitation of sand.

In December, we invited Columbia attorney Townsend Belser to speak to the ELS on the now-controversial construction of a nuclear fuel reprocessing plant at Barnwell, South Carolina by Allied-Gulf corporation. After this meeting, and before the organization was funded by the Student Bar Association and the Law Student Division of the ABA, the Society mimeographed several dozen copies of Belser's brief in opposition to the proposed facility and mailed it to all local and state governmental representatives and other appropriate persons with an ELS cover

letter endorsing his position, which has been criticized in many circles.

In March, the ELS received a \$430 grant from the SBA which in April was matched by the Law Student Division of the ABA. The projects for which this money was appropriated include: (a.) the preparation of a citizen's environmental abuse remedy handbook describing the various common law, state and federal remedies available to correct misallocations of our natural resources; and although this project has not been completed, upon printing the booklet will be distributed to the law school student body next year; (b.) stimulation of public interest in and education of the facts surrounding the BNFP to be built by Allied-Gulf. This is our most significant accomplishment in view of the fact that when we began work on this issue, Mr. Belser had been involved in trying to get someone to listen to him for two years.

State Senator Waddell was invited to speak on his highly controversial Tidelands bill at the Law School, and a Society member subsequently participated in a public hearing on that bill held by the Senate Judiciary sub-committee.

Also addressing the organization was Colonel Burke Lee, District Engineer of the Charleston District Army Corps of Engineers, who spoke on his responsibilities as they affect the coastal ecosystems.

Some of our members aided in the organization of an environmental coalition in the Columbia area, and Tony Merck is slated to serve as the chairman of the legal and political action committee next year.

New officers of the Environmental Law Society for the 1971-72 academic year are: President, John Grimbail; Vice President, Bill Dean; Secretary-Treasurer, Harris Beach.

Grades---

THEY SAID IT COULDN'T BE DONE

According to new SBA President Dwight Drake, Dean Foster has said that grades will be out around July 1.

Many incredulous students say that the only way it is possible is if the professors formulate a new grading method such as on the right.

But the GAVEL RAPS staff is confident the faculty will meet the calendar deadline without these drastic measures.



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