

9-1972

Gavel Raps, v. 5, n. 2 (September 1972)

University of South Carolina School of Law Student Bar Association

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Publication Info

Published in 1972.

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GAVEL RAPS

Vol. 5 No. 2

September 1972

PROFILE

Legare Bates

Man Of Equity

The purpose of this series is not to give excessive or undeserving praise to the subject of the article. However, after reviewing the senior judge's accomplishments during his tenure in the Richland County Court, and the unselfish devotion to county, state, and country, which is evident from his past achievements, simple praise seems inadequate.



Judge Bates came to Columbia from North, South Carolina when he was only 2 months old. He received his education in the public schools of this city and in a private school in Eau Claire. He attended Clemson College and the University of South Carolina. After receiving his law degree in 1924, he did post-graduate work at Georgetown University in Washington, D.C. He has had a distinguished military career, serving in Mexico in 1916 with the Second South Carolina Machine Gun Company. He also participated in four major offensives in France during World War I with the Thirtieth (30th) Division and was with the Army of Occupation in Germany following the Armistice. He has served in the House of Representatives twice, once from 1932 to 1934, and from 1942 to 1944;

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Prof. Dreher Dies

James Franklin Dreher, 62, Professor of Law at the University of South Carolina, died August 13 at the Richland Memorial Hospital after a brief illness.

Professor Dreher joined the law school faculty 20 years ago. He was the author of *A Guide to Evidence Law in South Carolina*, and had engaged in research in many fields of law. At the law school, Prof. Dreher taught Evidence, Domestic Relations, Equity, and organized and conducted the highly-successful Practice Court.

Mr. Dreher was a son of the late Edwin George and Pearl Oswald Dreher of Lexington. He attended Lexington High School and graduated from the Citadel in 1931. He received a law degree from the University of South Carolina in 1934 and then began the practice of law with the firm of Robinson and Robinson, which later became Robinson, Robinson and Dreher.

During World War II Mr. Dreher served as a captain in the Judge Advocate General's Office in Washington. In Columbia, he served as President of the Town Theatre and as Chairman of the Board of Trustees of the Richland County Public Library. His clubs included The Cotillion, the Centurion Society, the Torch Club, Forest Lake Club and the Palmetto Club.



Moot Court And Prince Court Combined

The Moot Court and Prince Court competitions will be combined this year into a single competition, it was announced this summer. The topic for the new oral argument "tournament" will concern the enforcement of air pollution standards under the Clean Air Act.

Phi Alpha Delta legal fraternity has traditionally conducted a moot court debate known as the Prince Court Competition, in honor of the late Dean Prince. This year at USC, the Prince Court topic is the same as the one to be debated at the National Moot Court Competition, so that the top three entrants in the Prince Court Competition will represent USC at the national level

with a great deal of research already behind them. These winners will also receive the traditional cash awards from P.A.D.

The 1972 topic centers around a fictitious lawsuit, *Peel v. Helter Smelter, Inc.* The four plaintiffs in that action seek to recover personal damages resulting from an industrial plant's alleged air pollution, and also seek a permanent injunction against operation of the plant. Problems of class actions are also involved. The plaintiffs have brought the suit under the Clean Air Act, and find themselves before the U.S. Supreme Court on a writ of certiorari.

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GAVEL RAPS



Vol. 5, No. 2

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Professor Dreher

It is with sadness that we note the recent death of Professor James F. Dreher.

His mastery of South Carolina evidence law will be sorely missed by the law school, the Bench and the Bar; his comprehensive *Guide to Evidence Law in South Carolina* is, and for years to come will continue to be, the starting point for evidence research in his home state.

Less tangibly, but perhaps more importantly, we law students shall miss his wealth of knowledge and practical experience in so many areas of the law, which he so openly, willingly, and often with his own brand of wry humor, shared with us.

Name Change For Gavel Raps?

Gavel Raps, like most other publications, is growing and changing. New services and other changes were announced in the last issue, and several more are apparent in this issue.

Some of us associated with *Gavel Raps* believe that it is time for a new name for the paper. Before we make any decision, however, we believe that our readers should have a chance to suggest alternatives, or to express their support for our present name. So send your suggestions to us by September 15 (to *Gavel Raps*, U.S.C. Law School, Columbia). Suggestions, along with the Editorial Board's choice, will appear in the next issue.

From Dean Foster...

My welcome to the Class of 1975 to the School of Law extends also to welcoming you into the legal profession. Upon graduation and admission to the Bar three years hence, your status will change from law student to "student of the law." In the meantime, you are junior members of the profession.

The standard of professional responsibility which will govern your conduct is the Honor Code promulgated and administered by your fellow students, analogous to the Canons of Professional Responsibility governing the conduct of the practicing Bar. The Law School's Student Bar Association, which directs most of your extracurricular activities, parallels the State Bar Association.

Your present professional status is recognized by the American Bar Association, which encourages membership in its Law Student

Division, and the South Carolina Bar Association by the appointment of law students to a number of committees of that organization. The South Carolina Supreme Court has expressed its confidence in the professional ability and status of third-year law students by a rule which permits court appearances and active representation of indigent clients. And finally, the Law School has been expanding student involvement in the School's policy decisions by voting membership on committees and, more recently, by student participation in faculty meetings.

This new and sudden role in which you now find yourselves carries with it professional obligations and responsibilities. The commitment and dedication to the study of law, similar to that of your senior colleagues at the bar, is required. Dignity in appearance

and conduct, which contributes to public confidence, is essential at all levels of our profession.

Having been admitted to this class under substantially raised admission standards, you have all of the apparent aptitude, intelligence, and motivation for the successful study and eventual practice of law. If you are to assume the responsibilities imposed on the lawyer today, it is not enough to become learned in the law and develop lawyering skills. As a true professional, you must also conduct yourself as a lawyer in all of your activities, beginning with this initial entry into the profession.

Finally, I congratulate you on your wise choice of selecting the great profession of law; and on behalf of the faculty, I pledge to you all of our resources to provide the highest quality legal education.

Where Have All The Freshmen Gone?

The present junior class, although regarded as one of the most highly qualified entering classes in recent years, suffered an unusually high casualty rate last year. The ranks of the class, over 350-strong at its freshman registration, have thinned to only about 225 one year later. Slightly over one-third (33.6%) of the freshman class had a year-end cumulative grade average of below 2.0 (a C average), the minimum requirement to stay in school.

Admissions Policy

The law school's admissions policy consistently has been that as many persons as possible should have a chance to obtain a legal education at USC. Such has continued to be the law school's approach, although admissions standards have gradually improved as the number of applications has risen.

Great Expectations

Expectations were that, as admissions standards became stricter, and thus as the entering law school classes became more highly qualified, the attrition ("flunk-out") rate would drop. This proved to be the case with the freshman class two years ago (the present senior class), which lost only about 22% of its members its first year (down substantially from over 33% the year before). Many expected that the following year's figure would drop for the first time ever below 20%. But this apparent downward trend did not continue with the last freshman class, as the high attrition rate demonstrates.

Why?

Several explanations have been offered for these recent academic woes. One administration official attributed such differences in class performance to variances in class attitudes concerning the

necessity for hard work and study in law school, and pointed to the pivotal role played by the attitude of "leadership elements" in each class.

Still another source pointed to an often-overlooked fact — the extraordinary number of *high* freshman grades (A's and B's) last year. He believes that, due to the prevalent practice of most professors of "grading on the curve," the much larger number of outstanding examination papers resulted in D's and F's for those students who might have received "gentleman's C's" in an earlier day.

Small Number Readmitted

Of the approximately 125 freshmen who fell below the 2.0 minimum, about 35 were readmitted (on probation). Most will have only a semester in which to make up their deficits remaining at the end of last year.

Readmission Procedure

When a student's *cumulative* average in law school falls below a 2.0 after any semester (except his first semester), he receives a letter from the Dean of the law school informing him of his performance, and telling him that he may (before a certain date) ask a faculty committee to reconsider his case in the light of extenuating circumstances.

Readmission Standards

In examining a student's application for readmission, the faculty looks for circumstances, responsible for the poor performance, which have changed sufficiently to give promise of greatly improved work in the future. The faculty also attempts to discover whether the student's performance has been such that he *can* recover in one semester, and also looks at the student's record prior to law school.

Law Center To Open July 1973

By Jim Bogle

On or about July 10, 1973, the University of South Carolina Law Center will be completed. This is the date called for in the construction contract, and, barring any major difficulties, it is expected to be met. In fact, it was conceded in an interview with Dean Robert Foster and University Physical Facility Planning Director Tom Faris, there is no other alternative, especially with respect to the auditorium section scheduled to open this fall.

The auditorium section seats 452 in individual classrooms. With partitions removed, seating can be increased to at least 508. At this writing, difficulties were being experienced with the subcontractor supplying the partitions and plans were under consideration to obtain them directly from the manufacturer. Other similar difficulties were occurring, but these were termed normal, by Faris, in a construction this size. In any event the building would be open despite some temporary inconveniences.

All but five freshman sections will meet in the Law Center this fall; upperclassmen will meet two classes and two seminars there. Noise interference from construction of other sections of the Center will be minimal according to Faris.

The principal, and perhaps most impressive, feature of the Law Center will be the library, consisting of four floors — each of which is comparable in floor space to the present facility. In an interview, Associate Professor of Law and Law Librarian John Schultz speculated that the move from Petigru would probably take place next summer. In addition, Schultz singled out two features as significant: first, the completed structure will contain certain room for expansion in the basement and half-floor "subbasement"; second, there will be between six and seven hundred individual study carrels in the library, 300 of which will be lockable. Schultz noted that there would be faculty offices on most floors of the library, and that an effort would be made to put "basic reference materials" on each floor. Additional features will range from a typing room to a tunnel under Assembly Street connecting the Law Center with the Coliseum.

Total cost of the Law Center, including land, will be just over \$6 million.

FREE CLASSIFIED ADS

Want to buy or sell books? Rent an apartment or sell a house? Start an organization? Why not put a free classified ad in *Gavel Raps*? If you're a law student, you get five free lines per issue. Leave your signed ad (typed or legibly printed) with a secretary in room 106, with instructions to put it in the *Gavel Raps* mailbox.

REGISTRATION PARTY

Wednesday, August 30

9:00 p.m. to 1:00 a.m.

Hiers House (Fairgrounds)

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Informal Dress

B.Y.O.L. — Mixers will be Provided

\$2.00/couple; guests \$3.00/couple

SBA President's Report

"Welcome Back." This is an old cliché, but nonetheless appropriate for me to say to the Student Body. It is with mixed emotions that each of us return for this forthcoming year — some with eagerness, some with apprehension, but all with anticipation. This anticipation should be the catalyst for all of us to make this coming academic year the best ever, both from the academic view and from the standpoint of anything any member of the Student Body should attempt. It is with this anticipation that this year can be and will be the best ever that I restate my "Welcome Back" and sincerely solicit your active participation in all Student Bar Association activities.

It is of the essence that our Student Body present a unified front in problems that arise here at the Law School. Any causes can be more effectively presented if we can all unite behind them. So again let me issue the invitation for all students to present their problems to any Legislative Council member no matter how menial the problem may seem, in order that the problem can be considered and appropriate action taken upon it. The Student Bar Association has as its primary program this coming year the aim of becoming more relevant and open to the Student Body. You, the individual student, can be extremely helpful in assisting us in achieving this primary end by coming to the Student Bar Association representatives with your problems and letting us present the united front that I have previously mentioned.

Communication Problem

There are many facets of this coming academic year that have never been faced before by any Student Body at the Law School. The foremost is the Student Body has to meet in two different locations. The Freshman classes are going to be held in the new Law Center, while the Junior and Senior classes will meet in Petigru College and the surrounding buildings as last year. This is creating an extreme communication problem in that the Freshman class will feel more segregated than in past years. We are attempting to alleviate this communication gap by setting up a Student Bar Association Bulletin Board as well as having Student Bar Association meetings in the new building on a scheduled basis. It is with this unique problem in mind that I issue an appeal for all students to make an extra effort to make this Freshman class feel a part of the Law School Student Body and also urge the Freshman class to become active in a committee of the individual Freshman's choice and to attend and participate in all the events that we have here at the Law School.

For the first time here at the Law School there is an Administrative Assistant to the Dean in the form of Mr. Ashley Thrift. This is indeed a great asset to the student-faculty relations. Mr. Thrift is very knowledgeable in all aspects of students' problems and should be a valuable avenue of communications between the Student Body and the Administration. Mr. Thrift also has an excellent knowledge of the functioning of the different departments here at the University of South Carolina and in this respect should also be of value to the Student Body.

SBA Committees

The Student Bar Association has been extremely active this summer. Peter Fuge and Neal Dickert have been very busy in assembling the orientation program for the Freshman Class, as well as accomplishing all of the required mailouts that have to occur before the actual day of orientation. Carl Ellsworth has been active in his role of Vice President as well as doing an excellent job of chairing the committee for the proposed Student Inquiry Committee. The Student Body will be receiving more information on this project in upcoming issues of *Gavel Raps*. Steve Savits has been very busy in setting the ground work for enabling the Student Body here at the Law School to present programs to the different county bar associations in order to inform the attorneys throughout the State of exactly what is transpiring here at the Law School, both from an academic point and from the aspect of all our many and diverse activities. The Speakers Committee has been under the competent guidance of Bill Turnipseed. Bill has contacted several possible speakers and has an exciting Speakers Program planned. Richard Lovelace has had an active

(Continued on page 5)

Law Review Wins

ABA Grant

With the aid of a grant from the American Bar Foundation, four students on the Law Review here at the University will be seeking to determine empirically the success or failure of a federal housing program, commonly known as 235 housing.

"The program was designed to give lower and moderate income families homes of their own," states Bill Traxler, coordinator of the study, "and in so doing to give these people a stake in society. We want to know how it's working out."

Along with Traxler, Jim Griffin, Boone Aiken and John Milling will seek to determine what specifically the Homeowners feel is good and bad about 235. For twelve weeks the four law students will be out in the field personally interviewing the 235 owners. David King, an assistant professor in the Sociology Department is helping the students develop their research strategy.

"So many people think of the Law Review as a passive organization," says Griffin. "This study will symbolize the active participation in the law which will characterize the Law Review from now on." Aiken adds, "We feel publication of the results will not only bring prestige to our Law Review, but will also be a valuable contribution to the understanding of the program's operation."

The grant from the American Bar Foundation is one of several awarded each year to encourage students of Law Review caliber to develop empirical research skills.



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P.A.D.

By Bill Bauer

PHI ALPHA DELTA NEWS

Pinckney Chapter of Phi Alpha Delta is pleased to announce the association of the following students with the largest professional legal fraternity in the world: Bob Krell, Ned Tupper, Belton Weeks, and Joe Lumpkin. These new associates of the fraternity joined during March and April.

The spring initiation was held at the United States Court House on Laurel Street with Chip Brooks, David Clark, Mike Galloway, Bob White, Henry Grimbald, Lee Sturkey, Mike Spivey and Allen Jeffcoat becoming active members. The initiation was followed by the April dinner meeting at the Sportsman's Restaurant.

ACHIEVEMENTS

Phi Alpha Delta is proud to announce the recipient of the Certificate of Excellence for Scholastic Achievement was T.C.R. ("Tom") Legare, Jr., and for outstanding Phi Alpha Delta active member was George W. Cox, Jr. Gerry Finkel of the Columbia law firm of Kohn and Finkel was chosen outstanding Phi Alpha Delta Alumnus. Gerry is now serving as head of the Phi Alpha Delta Alumni Chapter of South Carolina. The Fraternity also extends its congratulations to Senior Charlie Funk for his successful participation in the National Moot Court competition.

Moot Court

(Continued from page 1)

All entrants will have until the last week in September to write their briefs and prepare for oral arguments. The top contestants in the Prince Competition will then have until November 1st to rewrite their briefs, if necessary, before submitting them to the National judges.

The members of P.A.D. and the faculty hope to assist outstanding participants in the Prince Court Competition in the establishment of a Moot Court Board, which will become the nucleus for a continuing extracurricular activity for those students interested in researching, writing, and orally arguing realistic and demanding legal issues. This activity will enable students to develop valuable legal skills, and may also become the primary method of selecting Legal Writing instructors for the following year.

Anyone interested in participating in this program should write or call Mr. J.C. Nicholson, 813 Brandon Avenue, Columbia, S.C. 29209 (phone 776-6946) at the earliest opportunity.

Phi Delta Phi Pledges

By Carl Ellsworth

Phi Delta Phi had a great Spring semester. Due to the conscientious efforts of Joey Wright, Don Sellers, Bill Taylor, Carl Ellsworth, Jimmy Knight and Jim Bell, Phi Delta Phi pledged 55 freshman into membership in Calhoun Inn. Four of the pledges were women, the first in the history of Calhoun Inn, which was founded in 1927.

On April 13 at the Federal Courthouse Calhoun Inn activated 27 members. This is always a memorable event which will be cherished by Phi Delta Phi's now as students and in years to come as practicing attorneys. Dean Foster and the officers of Calhoun Inn presided over the ceremony.

Two of the senior members of Phi Delta Phi received awards at the Law Day

banquet. Henry Taylor received the Cy Young Award and Bob Herlong received the Claude Sapp Award. Henry Taylor has also been selected as the regional Graduate of the Year of Phi Delta Phi and is representing Calhoun Inn and this region in the national Graduate of the Year competition.

Phi Delta Phi is pleased to announce that the officers for next year will be:

Don Sellers — Magister
 Jimmy Knight — Exchequer
 Bill Taylor — Clerk
 Bob Harte — Historian
 Henry McMaster — Social Chairman

S.B.A. President's Report

(Continued from page 4)

summer, as evidenced by the Student Bar Association Handbook. Wade Kolb, as the Treasurer of the Student Bar Association, has had his full complement of work, both by working with the different committees set up by the Student Bar Association this summer, as well as by handling all of the financial aspects relating to the Student Bar Association.

Social Activities

Jimmy Knight has agreed to chair the Social Committee and has been the driving force in arranging the Social Events for this upcoming year. An excellent example of Jimmy's committee's work is the Orientation Party on August 30 at the Hiers House, with the entertainment being Major Lance accompanied by the City Council, a band that can play everything from hard rock to beach music. Jimmy has enlisted the welcome assistance of the Law Wives in aiding in the publicity for this party. Nancy McLeod, president of Law Wives, and Elaine Morehead, the Social Chairman for the Law Wives, have been most

accommodating in assisting the Social Committee with this party. I hope to see all of the Student Body at the Hiers House for this party.

Gavel Raps

As evidenced by this issue of the *Gavel Raps*, Allen Jeffcoat has been busy this summer. Allen, along with a small group of students, has put together two excellent issues of *Gavel Raps*. I would like to invite any member of the Student Body who is interested in assisting with the *Gavel Raps* to please contact Allen. I can guarantee the individual that he or she will be warmly received and assigned an active part in the publication of this valuable student newspaper.

Again let me state my original message — "Welcome Back." If there is any problem that you the Student Body should have arise, please do not hesitate to confront me with the problem and both the Legislative Council and the Executive Council, as the Student Body's advocate, will attempt to seek a just remedy.

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Profile - Judge Bates (con't)

and he has served as Chairman of the City Democratic Executive Committee. But one cannot claim that Judge Bates is politically oriented, since he has not been opposed for his office since his first election. There are a number of organizations and activities to his credit. He was secretary to United States Senator Cole Blaise and he was a member of the Board of Trustees of the University of South Carolina. He holds an honorary life membership in the Elks Lodge in Columbia. He served as President of the Columbia Club for ten years. Presently, he belongs to the Palmetto Club, the American Legion, and the VFW.

Judge Bates presides over the Richland County Court, which, as many know, is in the same county as the Law School. But, it is with only slight prejudice that we chose him to be the subject of our first profile article. His court represents the road of progress the law has traveled in South Carolina, as much as does that day when the new law center opens its doors to the first student. On March 6, he completed the twenty-seventh year at his judicial post, but during his tenure this court has not lost its vitality or freshness; on the contrary, Judge Bates has been able to adeptly combine the technical aspects of the law with everyday concepts of justice and fairness — all of which points to the theme of this profile, and a title which is so very suitable to Judge Bates — A MAN OF EQUITY. He applies the practical aspects of the law as the situation calls for it, in order to achieve one purpose — to see that justice is served. He does this with a technique that is exclusive to Judge Bates, and with such consistency that no man has ever walked from his courtroom with a feeling that he had not been given an honest trial. Moreover, Judge Bates has the ability, when it is proper, to blend humor with solemn court proceedings. A few years ago Judge Bates and an attorney were discussing a very technical point of law in the courtroom. The judge said, "Mr. Attorney, if you can show me the law on

that, I will pay you fifty dollars." Whereupon the attorney presented the applicable law. Judge Bates quickly looked it over, hesitated slightly, then turned to the opposing attorney, "Counselor, have your client pay Mr. Attorney fifty dollars."

One indication of change in this court, and one that is most impressive to "hard-core legalists," is the expansion of its jurisdiction from \$3,000.00 to \$15,000.00. Above all, this expansion shows the explicit confidence the Bar has in his ability to render decisions in important controversies.

While Judge Bates' written record speaks for itself, in order to get the full picture of what this man has done, and what he means to Richland County, it was necessary to turn to several of the attorneys to get a more objective viewpoint. Many of these attorneys have had their baptism of fire in the arena of his courtroom and many must give credit to this man for most everything they know about the trial of the case. And without fear of being contradicted, I can say that the responses were so overwhelmingly favorable that the immediate impression received from attorneys who have both won and lost in his courtroom, was true endearment in their hearts for this great man. One of the most difficult things to put into words is "feeling," but suffice it to say, that all have tremendous admiration and respect for Judge Bates. This "feeling" was aptly worded by an attorney in a speech honoring this same man — "Judge Bates has treated us and our clients with courteousness, conscientiousness, and he has been at all times, friendly, and he has imparted to this office the dignity that has tremendous value in and of itself..."

For twenty-seven years, Judge Bates has faithfully served Richland County, being readily available to the attorneys to conduct business in his court. And, speaking for all of those who know him, I selfishly wish that it were possible that he could give this county twenty-seven more years of his services.

Reminder

REGISTRATION PARTY
Wednesday, August 30
9:00 p.m. to 1:00 a.m.

Hiers House (Fairgrounds)
featuring
Major Lance & City Council
Informal Dress
B. Y. O. L. —

Mixers will Be Provided
\$2.00/couple; guests \$3.00/couple



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