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Notre Dame Law School Student Bar Association

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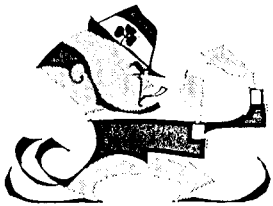
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# Dooley's Dictum

A Newspaper of, by and for the Fighting Irish Lawyers of Notre Dame

Vol. 1 No. 3

Notre Dame, Indiana

Feb. 8, 1971

## Murphy named acting Dean

# Lawless resigns as Law School Dean

BY GREGG ZIVE  
Dictum News Editor

Six months short of the expiration of his three-year contract, William B. Lawless has resigned as Dean of the University of Notre Dame Law School.

Lawless' resignation became effective Feb. 1 and Acting Dean Edward Murphy stepped into the leadership position as of that date. He will remain acting dean until a permanent successor to Lawless is selected. The new dean should be selected by the start of the fall semester.

The former dean resigned to take a position with the firm of Mudge, Rose, Guthrie and Alexander of New York. He will head the firm's litigation department. Prior to 1969 the firm's name was Nixon, Mudge, Rose, Guthrie, Alexander and Mitchell.

Lawless said he left before the expiration of his contract because it was felt that the new dean should start as soon as possible and that there would be more time to select a permanent replacement.

At a talk with the students Jan. 18 Lawless stated that he didn't want to leave the impression that he was "dropping the basket and running away." He explained he had been offered five college presidencies and had other dean offers but that his only interest in education is at Notre Dame.

Lawless arrived at Notre Dame in July 1968 after resigning from the New York Supreme Court. He says he agreed to become dean with the understanding he would prepare an expansion program for the Law School.

He said there were three alternatives: keep the same school; build an addition to the present building; or, build a new center. He decided on the third



### No more for me

After thirty months as Dean of the law school, William B. Lawless has left to become a partner in a New York law firm. His resignation came in early January.

idea and has steadily worked to get the Law Center Program functioning.

Lawless told the students that \$2.5 million has been raised in cash and pledges and that the rest of the monies should be available by the middle of April. He said the new dean would have \$6 to \$7 million for the new facility.

In stating his accomplishments, Lawless listed doubling the size of the student body, the London program, strengthening the faculty and enlarging the number of minority students and female students at Notre Dame.

"The condition of the Law School has never been stronger or I would not be leaving," he told the students Jan. 18.

He compared 1965 statistics to 1970 figures to prove his point. In 1965 there were 675 inquiries and 477 applications which mushroomed to 2,374 inquiries and 1,109 applications in 1970. Approximately 1,500 applications are expected

this year with the projected requirements for admission being at least a 3.0 grade point average and a score of 600 on the LSAT. The class will be limited to 150 students.

Lawless will be in South Bend most weekends as his family will stay in the area for six months. He said he would like to remain a part of the law school in some capacity if it could be arranged.

## Inside Today

good afternoon

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## Who shall be Dean?

—**Bob Lueck**

Question: what does the Harvard Law School, the Boston College Law School and the Notre Dame Law School have in common with each other?

Answer: all are in the market for a new Dean. At Harvard, Dean Derek Bok has been selected as the next president of that university; Father Drinan has left the halls of Boston College for the halls of Congress, and here at Notre Dame, William B. Lawless has opted to become the head of the litigation department of a large, prestigious New York law firm rather to remain as head of a large, prestigious law school.

While it was common knowledge that Mr. Lawless would be leaving Notre Dame this coming August—his three year contract expiring then—his early resignation came as a surprise to nearly everyone. He has accomplished much in his brief tenure here but above all that he has given this law school a new feeling of dynamism, meaning and purpose—all of which are necessary if the law school is to keep on the course it has been set on.

Just how well the law school stays on its course of improvement in excellence of education and reputation depends in a large measure on the type of person who is picked to become the permanent Dean. At this early stage of the selection process, it is unwise if not impossible to say just who should be Dean but it is not impossible to describe some of the characteristics which we should be looking for in the person we want to be our next leader. Here then are some suggested criteria.

A law school Dean should have good qualifications in the three academic dimensions:

- He must be thoroughly imbued with the historians sense of understanding the history of law and its process of change through the centuries. This we may call the dimension of hindsight.
- He must be able to readily understand the relationships between law and the other academic disciplines found in the modern higher institutions of learning. This is an era of more flexibility and experimentation with interdisciplinary programs such as the JD/MBA program, one of the many possibilities that exist today. This we may call the dimension of peripheral vision.
- He must be able to comprehend the potential and direction of law in the future. If we are living in a "law revolution" as Melvin Belli claims, the shape of legal careers tomorrow may be far different than they are today and the three years spent in law school may be wasted in part if law students are not prepared to practice law as it may be in the future rather than as it was in the past or even the present. Above and beyond this, lawyers today and tomorrow are realizing that they are expected to be the solvers of society's problems and there is good evidence that today's law students are not turning away from this challenge. A good Dean should be able to recognize this future aspect. This we call the dimension of foresight.

Additionally, the new Dean should have a strong exposure to the legal process in action as well as some re-ignited competency as a scholar. He must be a competent administrator, have unlimited energy, and the capacity for rapport with the various groups and individuals with whom he comes into contact. He must not be afraid to experiment with new concepts in legal education and, finally, he must be willing to maintain the trend of making Notre Dame one of the nation's leading law schools. The promise of excellence is present but like all promises it is useless without fulfillment. May the search for a new Dean be successful.

## On the Docket

**Feb. 8**

Basketball—Butler at Notre Dame

**Feb. 13**

Basketball—DePaul (away)

**Feb. 15**

Basketball—Valparaiso at Notre Dame

**Feb. 17**

Gray's Inn—Professor Pedro David, criminologist and sociologist at the University of Argentina will speak in the auditorium.

First Year Moot Court—respondents brief due.

**Feb. 18**

Basketball—Fordham at Madison Square Garden (N.Y.)

**Feb. 20**

Basketball—West Virginia (away)

**Feb. 22**

First Year Moot Court—Oral arguments through Feb. 26.

**Feb. 23**

Second Year Moot Court—semi-finals, arguments begin 7:30 pm Hayes-Healy Business Center in rooms 120 and 124.

Basketball—NYU at Notre Dame.

## Dooley's Dictum

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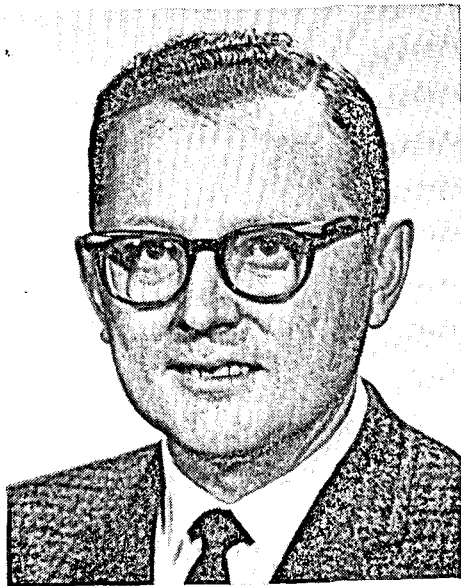
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# # #

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DEAN MURPHY

## Gray's Inn lists program

Several well-known personalities in the legal profession and in other fields are scheduled to address the law school community during the spring semester, courtesy of Gray's Inn.

Among the noted speakers planned for the Inn's activities are two renowned defense attorneys, a former advisor to the late Senator Robert F. Kennedy, and Notre Dame's own Rev. Theodore M. Hesburgh, C.S.C., president of the University.

On Feb. 17, Professor Pedro David of the University of Argentina, and world-renowned criminologist and sociologist will relate several facets of problems which confront the people of his country and their relation to similar difficulties facing this country.

Tentative plans also call for the appearance of U.S. Supreme Court Justice William O. Douglas in March although these have not yet been finalized, according to Gray's Inn directors.

In April, the noted and sometimes controversial San Francisco attorney, Melvin Belli will visit the law school and an appearance is also scheduled by another well-known defense lawyer, Henry Rothblatt.

Also in April, the Inn will host Father Hesburgh and a former aide campaign assistant to the late Senator Kennedy, John Segenthaler, presently editor of the Nashville Tennessean.

Rounding out April's activities will be the appearance by U.S. Representative the Rev. Robert Drinan, S.J., of Massachusetts and former Dean of Boston College's Law School.

# Dean Murphy: intellect is our major work

BY WAYNE F. WEILER

Edward J. Murphy, now acting Dean of the Notre Dame Law School, has moved into his new office and is in control of the administration following the resignation of the former Dean William Lawless.

Acting Dean Murphy was deliberate and responsive when asked about his attitudes and ideas in taking on his new administrative role. A letter informing students of the change in administration described the new Dean as "not anxious" to leave his career of writing and teaching for the new post. "That was, perhaps, an unfortunate statement," said Dean Murphy. "I did not accept this job grudgingly. I am happy to be here," he said.

**The acting Dean does not see his new duties as a complete departure from his academic career. "I think administrative tasks here can be solved relatively easily," he said. "The problems of the intellect are our major work. In this law school we have a tradition of hard work which gives us a quiet strength and the ability to approach matters with confidence."**

When asked if he would institute any major changes in the policies of the law school, the new Dean responded, "We must not allow our school to disintegrate because of internal politics. There really is not that much policy to be made here except that we must all work to shape our students into solid professionals."

In reply to whether or not he would suggest more social action and involvement by students, Dean Murphy stated, "Intellectual integrity must rise above the ordinary political and social involve-

ment of the day. I think students today are more interested in action than thinking. Many universities react favorably to such an attitude, but the situations encountered are rather transient and thus the contribution is often superficial."

"We have too much potential here to waste away on trivial pursuits. However, we can experiment with programs where both intellectual and social interests can be satisfied," Dean Murphy said.

About the planned expansion of the law school, the acting Dean stated, "I do not think we can resist expansion, but we must be careful not to lose the value of closeness that we already have. We have a real community here which is grounded in quiet things, such as each professor's rapport with his students."

With regard to Notre Dame Law School's ranking in relation to the nation's other law schools, the new Dean stated, "I would rather we were good than to simply have people think we are a good school. Yet I think we are now a good law school and people are recognizing that fact."

The formal process to select former Dean Lawless' official successor should be complete by the fall of 1971. Acting Dean Murphy says that he does not consider being an "interim" dean as a hindrance. He said that he feels he can respond fully to all the normal duties of the Dean's office.

When asked if he would accept the Deanship permanently if formally selected by the University, Murphy stated, "I would accept it. However, I feel the office of Dean should be for a limited term to allow for fresh ideas in what is a demanding job."

## Live and learn law in England

Notre Dame Law School  
Summer Law Program  
at Brunel University at Uxbridge  
in suburban London

Program extends June 28 - August 10  
Distinguished British and  
American Faculty  
Courses Fully Accredited

Contact Professor Thornton  
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# Kommissioner's Korner Intramural Cage season off to big, big start

BY PAT HERALD

The intramural cage season is off and running. Through the undaunted efforts of Jerry Mackey, overcoming seemingly impossible scheduling problems, intramural basketball is a welcome addition to the law school's sports program.

The Law School league in its initial season is composed of twelve teams—five first year, three second year, and four third year teams. Many of these rosters carry the names of former college hoop stars: Notre Dame's Dwight Murphy, Seaton Hall's ex-captain John Suminski, St. Francis of New York's Ray Scotto, Tuskegee Institutes' Bennett Webb, the Citadel's Dave Bornhorst, Neil Schram of the University of San Diego, and last but not least, John Carroll's Fred Kuhar, just to name a few.

The season will consist of an 11 game schedule (hopefully) with each team playing about once a week. The schedule and team rosters have been posted (after an academic eligibility probe) on the Intramural Bulletin Board.

The league champions will receive individual trophies purchased with part of the \$10 entry fee posted by each league team. The SBA, in keeping with its new policy of emphasizing athletics in the law school, has allotted to the athletic association funds with which to employ referees for the games. The referees are headed by Dave Posatko.

All in all the program seems to stack up with any law school intramural program in the country—bar none. Any problems, suggestions, or criticisms should be addressed to Jerry Mackey or Pat Herald, care of this newspaper.

# Murder, Pollution set as Moot Court Issues

BY TOM DOVIDIO  
Dictum Co-editor

Whether air pollutants blowing across state lines constitute interstate commerce and whether the unitary trial system is constitutional will be argued in this year's Moot Court semi-finals.

The field of the competitive second year program has been narrowed down to the final eight advocates. Their appellate abilities were recognized through a total point system used in the preliminary competition in which the following men excelled: John Suminski, Dennis Tushla, Dennis Hauptly, Tom Dovidio, Barry O'Connell, Jim Gorman, Mark Morely, and Joe McFadden. Gorman chose not to continue into the semi-finals due to prior commitments and was replaced by first alternate Pat Herald.

In the case of *Bishop Processing Co. v. United States*, air pollution and the 1967 Clean Air Act are at issue. Bishop is appealing an injunction issued against its animal rendering plant in Maryland from which air pollution allegedly emanates and travels downwind into Delaware. Co-counsel for appellant, Dovidio and Hauptly, will attempt to have the injunction lifted by arguing lack of substantive air pollution, lack of interstate commerce, and inequities in the administrative procedure of the Clean Air Act. Bishop is the test case of this Act's validity.

Co-counsel for the respondent is Tushla and Morely. Their position is that Bishop, in fact, did cause pollution and that the administrative procedures afforded Bishop every remedy to stop the pollution and avoid trial.

The other semi-final bracket will argue the case of *Crampton v. Ohio*, a case presently before the U.S. Supreme Court. Defendant Crampton has a history of armed robbery, court martial, transporting a vehicle across state lines and state mental hospital incarceration resulting

from drug abuse. He is presently appealing from a first degree murder conviction whereby he alleges his wife's death was accidental. He was tried, convicted and sentenced under the unitary trial system. Such a system allows the jury, impaneled to determine the question of guilt, additionally to determine the sentence to be imposed.

*Crampton* will be decided with a companion case, *McGautha v. California*, on the issue of whether a jury should be allowed its discretion to decide between a death penalty or life imprisonment, where judicially there are neither standards nor criteria upon which to base such a decision.

Arguing the appellants position are Suminski and Herald. They will advance theories of due process and equal protection, thereby questioning the constitutionality of the lower court's decision.

The respondents, O'Connell and McFadden, will attempt to have the *Crampton* and *McGautha* convictions affirmed.

The Moot Court arguments are slated for Tuesday, February 23, at 7:30 p.m. in the Hayes-Healy Business Center. The Bishop case is in room 120, and the *Crampton* case is in room 124.

Sitting as judges to hear these cases will be Circuit Court Judges Dempsey and Kopac, practicing attorneys Hoffer and Blackmond, and law professors Link and Beytagh.

Both cases promise to be exciting because they deal with contemporary and complex legal issues. The eight student advocates are expected to present superior performances as all were highly praised by the attorneys sitting on their preliminary cases. From these eight, three will be chosen on the basis of their two performances this semester. The three, plus one finalist from a similar competition among the students in London, will comprise next year's representative team from Notre Dame to the national Moot Court competition.

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## Oh, really...

It wouldn't be at all surprising if the taxpayer were first of America's natural resources to be exhausted.