



# DOCKET CALL

BAYLOR UNIVERSITY SCHOOL OF LAW

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## “Picture Perfect”

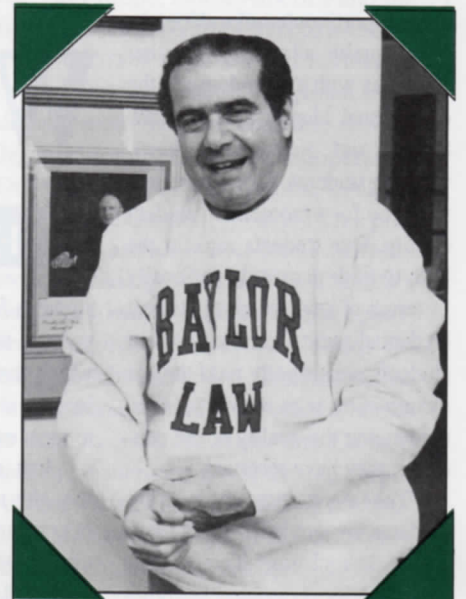
*From the High Court to Hungary, Visitors Agree Baylor Law School Is Worth a Thousand Words*

**B**aylor School of Law this spring continued to attract the attention of distinguished personalities in the national and international legal field. The Attorney General of the United States, William Pelham Barr, gave the keynote address at the annual Law Day banquet April 11. A few days later, Associate Justice Antonin Scalia of the United States Supreme Court visited the school on April 14,

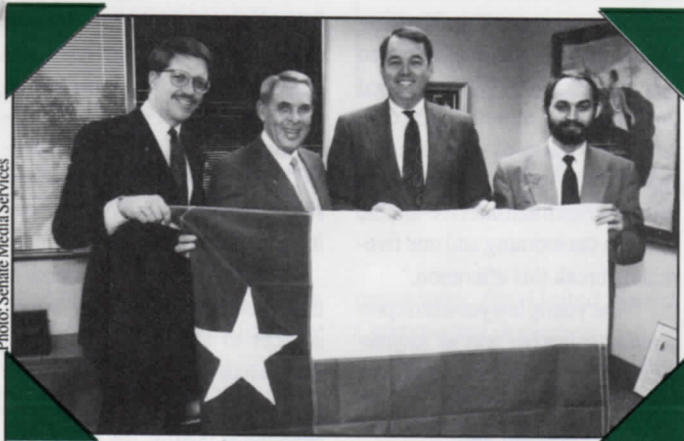
by the American Bar Association.

Attorney General Barr, who judged the finals of the Strasburger and Price Moot Court competition during his visit, was impressed by the performance of Baylor's students.

He told his audience at the banquet, “The outstanding quality of the oral advocates that I heard this afternoon really confirms the high caliber of this school and its students.” He added, “I didn't have to leave Washington to find that out. I've had the honor of working with two of the distinguished alumni of this institution, Fred McClure (1981) at the White House and, of course, Judge (William) Sessions (1958), with whom I work at the FBI.” (McClure served as a special assistant for legislative affairs to both President Ronald Reagan and President George



*Justice Scalia dons a Baylor School of Law sweatshirt – a perfect fit!*



*On a visit to Texas' Capitol, Dean Toben, Lt. Gov. Bob Bullock, Sen. David Sibley and Dr. Miklos Szabo unfurl the Lone Star State's flag.*

lecturing to law students, faculty and members of the local bar.

The week before, a visitor from Eastern Europe, Dr. Miklos Szabo, vice dean of Miskolc University Faculty of Law, in Miskolc, Hungary, spent a week at Baylor Law School under a new “sister law school” program sponsored

Bush; today, he is the director of a banking investment firm in Dallas. Sessions serves as director of the FBI).

Justice Scalia also observed Baylor law students in action during his visit and sat in on a practice courtroom session taught by Professor Gerald R. Powell, who serves as the Abner

V. McCall Professor of Evidence.

At a luncheon in his honor, Justice Scalia received several mementos of his Baylor visit, including a Baylor Law School sweatshirt. He was even persuaded to try the shirt on for size!

A full, week-long schedule of activities awaited Hungarian visitor Dr. Miklos Szabo. He attended classroom sessions and faculty meetings, and enjoyed various social activities with students and faculty, including the traditional Law Day volleyball game and chili cook-off in Waco's Cameron Park.

He also visited a number of prominent Baylor law alumni and friends of Baylor Law School who are serving in legislative, executive and judicial capacities in Austin. Accompanied by Dean Brad Toben, and Sen. David Sibley, a 1989 Baylor law graduate, Dr. Szabo visited

*(Continued on Page 6)*

## INSIDE:

**U.S. Attorney General Barr Blasts “Bureaucratic Behemoth”**  
(See Page 8)

**September 11 & 12: Litigation Institute, Golf Tournament, and Reunions for Classes of 1942, '47, '52, '57, '62, '67, '72, '77, '82, '87, '92**



## "Picture Perfect"

(Continued from Page 1)

Texas Lt. Gov. Bob Bullock, Federal Judge Sam Johnson and five members of the Texas Supreme Court, including Justice Jack Hightower, who hosted Dr. Szabo's visit to the Supreme Court.

Dr. Szabo's visit to Baylor was arranged under the ABA's Central and Eastern European Law Initiative (CEELI), which is designed to support the process of law reform underway in Central and Eastern Europe. Baylor Law School was one of the first law schools nationwide to request participation in the CEELI program.

Associate Dean Leah W. Jackson said the visit could lead to a program of cooperation between Baylor Law School and the Hungarian school, along with other European law schools.

Dr. Szabo said such a program "could and should emerge," allowing an exchange of students and faculty between his school and Baylor. "I think that would be a very fine thing for our two schools," he said.

Dr. Szabo also visited the University of Illinois School of Law at Champaign, Ill, and the Nova University Center for the Study of Law at Fort Lauderdale, Fla., during his visit to America.

(Separate stories detailing speeches by Attorney General Barr and Justice Scalia can be found in this issue of *Docket Call*) ♦

### BAYLOR LAW SCHOOL M.C. & MATTIE CASTON LAW LIBRARY

#### REGULAR HOURS OF OPERATION

Monday - Friday 7:30 a.m. - Midnight  
Saturday 8:00 a.m. - Midnight  
Sunday 1:00 p.m. - Midnight

Reference Librarian available on  
Sundays 4:00 - 8:00 p.m.  
(except during holiday periods)

## White Collar Crime

(Continued from Page 5)

of unanswered questions. "The case law is still developing as far as what level of intent or knowledge is even required. It's possible, for example, for corporate executives to be held criminally liable for the violation of some regulation, even though they didn't know anything about the violation.

"There's a lot of regulatory crime such as this where Congress has just made a decision that the regulated areas are important or critical to the public welfare and that people should be held responsible, regardless of their knowledge of what is going on."

Miller says more and more attorneys will be making their living advising corporations on regulatory issues. "There are a lot of policy-making implications. There are a lot of decisions that a company has to make with respect to policy and personnel and how it will handle investigations, and how it will handle suspected violations," she points out. "There are many day-to-day issues before an actual criminal case evolves that really impact business lawyers who in the past would never have thought about the criminal implications of what's going on with their corporate clients." Miller's practice work involved her heavily in the business area with an emphasis on banking. She also

did transactional work and commercial litigation, and general corporate work. She joined Naman, Howell, Smith and Lee after distinguishing herself as top student in her class and the high scorer in the state of Texas (first of approximately 1,430 candidates) in the July 1985 Texas Bar Exam.

"I thoroughly enjoyed my practice and it was a very difficult decision to make that change," she says of her decision to teach. "But I have not regretted it once, and I have really enjoyed teaching for several reasons. I enjoy the students immensely and Baylor provides an atmosphere where you can get to know the students and assist in more ways than just imparting information in the classroom.

"It has been very enjoyable to me to expand my knowledge base in an area where I had some background and to be able to relate it to the practical side with which I'm familiar from practice."

Miller's practice expertise is proving invaluable as Baylor Law School revises its business law curriculum in a continuing effort to produce effective, practicing lawyers.

"We really made a 'catch' when we got Beth last year," says Dean Brad Toben. "She has joined the faculty with great success among her colleagues and the students."

## Baylor First in Passing Bar Exam—Again!

Baylor law students led the state of Texas in the passing percentage of the Texas State Bar Exam.

Topping all other law schools in the state, Baylor had a 97.14 percent passing rate in the bar exam taken in February this year. The bar exam is given twice each year and Baylor has placed first 15 times since 1983, when the board of law examiners decided to make comparative law

school results public.

The University of Texas was second with a 90.67 percent passing rate, followed by the University of Houston at 89.89 percent, and South Texas School of Law at 85.38 percent. Others were Texas Tech University with 85.29 percent, Southern Methodist University at 81.82 percent, St. Mary's University at 78.26 percent, and Texas South-

ern University at 47.62 percent. The overall passing rate of the eight schools was 84.11 percent.

Dean Brad Toben said the first-place result reflects the hard work and dedication of Baylor's students and faculty.

"We are pleased that this accomplishment brings to the Law School high profile recognition of our mission in developing effective, practicing lawyers," he added.



# SCALIA SPEAKS OUT

*"Don't Rely on Legislative History,"  
Chief Justice Tells Crowd*

discuss the differences in the way legislative affairs were originally handled as opposed to today.

"Originally, legislative history was genuine and not contrived as it is now," he pointed out. "The days where the floor was crowded with debate or with lots of Representatives there to listen are gone because they are all in Committees. Those people reading wonderful speeches are reading them to an empty room."

Justice Scalia said it is a "routine task of Washington lawyer lobbyists" to write leg-

islative history in their office, submit it to a sympathetic legislator who may read it to an empty floor, or worse, put it in a committee report which has not been read by the committee members. He gave several examples of committee reports where committee members, when later confronted, had not read the published committee report and did not even know who had written the report. Similarly, he told of floor speeches reported in the Congressional Record as made by a particular Senator, when in reality the Senator did not read or speak or even know of the speech.

Justice Scalia suggested legislative reports are only valid and useful if it can be proven that the legislators knew of the

reports. However, he acknowledged that use of committee reports may be more appropriate by an administrative agency charged with administering the statute in question when the agency has a greater involvement with the committee, such as is the case when the committee has the ability to affect the funding of the agency.

While Justice Scalia believes it is improper to use legislative history in interpreting a statute, he acknowledged that attorneys will have to cite it because most courts use it and are persuaded by it, and attorneys who do not use it might be facing a malpractice claim. He said today's Supreme Court spends much less time reviewing legislative history. ♦

Justice Antonin Scalia spoke to more than 400 Baylor Law School students, alumni and friends in the Cashion Academic Center of Baylor's Hankamer School of Business on April 14, 1992. Justice Scalia was in Waco as the keynote speaker at the J. M. Dawson Institute on Church-State Studies on April 13.

Justice Scalia emphasized to the lawyers and future lawyers in attendance the importance of not relying on legislative history for the purpose of interpreting statutes.

He said he believes in the traditionalist view of Justices Holmes, Frankfurter and Jackson—that courts should not search for "the true intent of the lawmakers, but the true intent of the law" by looking solely to the language of the statute. He said he does not think the goal of legislative construction is or should be to find the intent of the legislature, saying "We are a nation of laws, not of men." Because of this, the law should be interpreted without determining the intent of the men and women in the legislature.

Justice Scalia went on to

## *In Memoriam*

**James Weldon Dilworth** (1953) of Houston died in May, 1992, at the age of 64. A veteran of the United States Army (1946-47), Mr. Dilworth, a trial lawyer, was a retired partner of Andrews & Kurth, with whom he had been associated since 1953. He was listed in Who's Who in America and was a member of the planning and zoning commission of Piney Point Village since 1973. He is survived by his wife of 47 years, Marie Miller Dilworth, two daughters and one son.

**C.D. Starr, Jr. (1949)** of Bedford died in November, 1991, at the age of 70. A World War II veteran, Mr. Starr worked for Cities Service Oil, Co. in Bartlesville, Okla., from 1949-56,

when he established his own law firm in Midland. In 1960, he became Midland County attorney. Until his retirement in 1986, Mr. Starr served as Tarrant County assistant district attorney. He is survived by his wife, Vivian Reid Starr and son, John Mark Starr, both of Bedford.

**Benson Blank (1973)** of Amarillo died in October, 1991, at the age of 64. Mr. Blank was a sole practitioner in Amarillo from 1973 until his death. He is survived by a son, Robert R. Blank of Virginia Beach, Va.; and two daughters, Beth Ann Houghton and Karen Friedlander.

**C.C. Mock (1941)** of Fort Worth died in June, 1991, at the age of 73. Mr. Mock practiced law in Wichita Falls from 1944-69 and in Fort Worth from 1969 until his death. He is survived by

his wife, Elizabeth McGee Mock of Fort Worth; and three sons, Tim, Donald, and T. Randall Mock.

**Wayne Harold Massey** (1977) of Fort Worth died in June, 1991, at the age of 41. Mr. Massey is survived by his mother, Inez Massey Kent; and stepfather, J.M. "Jep" Kent, both of Benbrook.

**Mike Beard** of Waco died in June, 1991, at the age of 64. Mr. Beard, a U.S. Navy veteran of World War II, practiced law in Waco with his father H.S. Beard until 1954, with the partnership of Beard, Kultgen & Beard from 1954-64, and as a sole practitioner from 1964 until his death. Survivors include a daughter, Caryn Beard of Houston; and two sons, Will Beard of Houston and Horace Beard of Waco.