The University of Alabama
School of Law
Box 1435
University, Alabama 35486

Office of the Dean

April 21, 1972

Mr. and Mrs. Levi Watkins
1135 Thurman Street
Montgomery, Alabama 36104

Dear Mr. and Mrs. Watkins:

At the request of your son, I am enclosing a copy of a memorandum from this office dealing with the law school's Moot Court Program. This memorandum points out that your son did extremely well in the Moot Court competition and that , but for an error in judgment by the student Moot Court Committee, he and his partner would have been in the final argument itself.

Sincerely,

Thomas W. Christopher

Thomas W. Christopher
Dean

TWC:rv

Enclosure

The University of Alabama
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April 18, 1972

TO: Mr. Thomas Krebs, Chairman, Moot Court Board
Mr. Dag Rowe, President, Student Bar
Messrs. Donald Watkins and J. D. Whetstone

FROM: T. W. Christopher, Dean, School of Law

SUBJECT: Objection to method of selecting 1972 "finalists" by Moot Court Board.

1. On Friday, April 7, 1972, Messrs. Donald Watkins and J. D. Whetstone delivered to me a written challenge as to the "finalists" in the Moot Court Competition scheduled for Saturday, April 8, 1972. The challenge appeared to me to present a serious question that merited investigation. I responded in writing on the same date that I would appoint a committee to investigate the matter, and that the Saturday arguments would be held subject to the outcome of the investigation; a copy of this notice was placed on the official bulletin board, and also an oral announcement of this challenge was made at the Saturday arguments.

The substance of the challenge was that the Moot Court Board altered the announced criteria of the contest at a point in time after the contest had begun; that by the original criteria the challengers would have been finalists at the April 8 arguments; and that such change was unfair and unwarranted, to the prejudice of the challengers.

2. On Monday, April 10, 1972, I began consultation with the parties as to a suitable committee to investigate. After discussion, it was agreed by the parties to have a committee composed of four faculty members, and one outside lawyer.

The committee, as appointed by me, was as follows: Professors Clarke, Samford, Sands, and Harrison (Chairman), and Mr. U. W. Clemon.

Both parties requested an immediate hearing, and Wednesday, April 12, 1972 was agreed on.

3. An open hearing was held at 3:30 P.M. in Room 209 of the law building, lasting about two hours. Both parties were present and participated.

The Committee filed a written report with me on April 13, 1972, the report being unanimous on all points. The Committee found:

(a) "The Moot Court Board acted in good faith in making selections for the final round of the 1972 Moot Court Competition."

(b) "Through a mistake in judgment, the Moot Court Board departed from the criterion which it had announced at the beginning of the competition and as a result the team of Watkins and Whetstone was not selected for the final round. It is the opinion of the Committee that the Board should have adhered to the standard first announced and that Watkins and Whetstone should have been selected as finalists."

4. It is true, of course, that not all mistakes in judgment call for a reversal or for correction. For one thing, the judgment of one person may not be the judgment of another. For another, decisions must be made and there comes a time when a matter must be set down as final -- thus, in a civil lawsuit, at some reasonable point, the matter must be settled in final fashion.

It is also true that all people make mistakes in judgment. Highly competent trial judges, for example, may have rulings reversed.

In the present matter, the Committee felt that the error in judgment was of such a nature that it needed to be publicly announced in the law school, as a matter of justice to the challengers, and that further relief would be in order.

5. I accept the two findings of fact by the Committee. The following things will be done:

(a) A copy of this memorandum will be transmitted to the Moot Court Board -- for the purpose of stating to it in official fashion that an error in judgment was made, and that Messrs. Watkins and Whetstone should have been selected as finalists.

(b) A copy of this memorandum shall be placed on the official bulletin board in the student lounge for a period of five school days

(c) A copy of this memorandum shall be placed in the law school files of Messrs. Watkins and Whetstone; further, copies will be made available to Messrs. Watkins and Whetstone on request.

(d) Prize moneys will be paid to Messrs. Watkins and Whetstone as if they were finalists.

(e) If desired by the challengers, a match between the winners of the April 8 argument, and Messrs. Watkins and Whetstone will be arranged by this office at a time and with judges agreeable to the parties.

Messrs. Watkins and Whetstone stated at the hearing that they did not desire to have further competition. If they desire to take advantage of the offer above, they should notify my office within 24 hours of the receipt of this memorandum.

If no further competition is held, then the team of Galbraith and Ashbee will be the official winners of the 1972 Moot Court Competition.

6. I believe this dispute has been handled in an expeditious manner, and with all fairness. The issue was clear cut, and both sides could not win. Both parties acted throughout in a manner that speaks well for the students of this law school, and both sides used restraint and legal ability. I am pleased with the actions of both parties.

It is not pleasant, of course, to the Moot Court Board to have one of its actions in effect reversed, but I point out again that this frequently happens to judges, business leaders, and law deans. I have complete faith in the Moot Court Board, and in its dedication to this law school. I have never worked with a Board that was more energetic, dedicated, and capable, and I hope that next year's Board will equal this one.

To Messrs. Watkins and Whetstone, I say in simple words that an unfortunate error was made that prevented them from appearing in the final arguments, that as dean I accept the responsibility for this error, and that I personally appreciate their constructive and fair attitudes in the resolution of this matter.

To the law students in general, I want to point out that differences of this kind are inevitable if we are to have an active, live, growing law school. The essential thing for us is to make certain that disputes and differences are handled promptly and in a fair manner, and that such matters be kept in context. We have to have decisions, and we need finality.

It is important now that this matter be closed and that everyone deal with the future, including final exams.

This 18th day of April, 1972.

Thomas W. Christopher

Thomas W. Christopher
Dean

TWC:dk