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THE COLONIAL LAWYER

MARSHALL-WYTHE SCHOOL OF LAW



VOLUME 8 • SPRING, 1978

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Supreme Court Historical
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This Issue is Dedicated in Memoriam to Benetta Rollins Swindler — April 23, 1978

Student Legal Service

By Cynthia Baskett

A new dimension in student aid is imminent at the College of William and Mary. Student Legal Services, which plans to open in the fall, will be devoted to assisting students with their legal problems. It is hoped that this new endeavor will fulfill the needs of students whose financial access to legal counsel is limited. The organization will be headed by Mark Warlick, a rising second year student, who recently attended a national seminar on student legal aid clinics at the University of Wisconsin, Milwaukee. The two day seminar, which consisted of practical workshops and speakers from all over the United States, served as a forum for the exchange of ideas and techniques to facilitate the development of student legal aid programs.

Student Legal Services plans to receive funding from the Student Bar Association. Sam Powell, secretary of the local bar association has agreed to contact the members and has offered his personal services in support of the program.

The legal aid office which plans to operate three days a week, will be staffed by law students and volunteer attorneys. The law students will interview the student to determine if there is in fact a legal problem. The staff member will then confer with an attorney for discussion of the problem and a determination of the areas in which further research will be required. If the problem requires litigation, the student will set up an interview with the attorney at a convenient time to talk over the problem at length in the light of the research that has been done regarding the matter. The legal aid office hopes to devise a reduced fee schedule with the volunteer attorneys for those students with problems that will involve actual litigation. The ultimate aim of the entire program is to offer a forum to students for their legal problems. Rather than detracting from the business of local attorneys, Student Legal Services hope to promote contact with the Williamsburg legal community by serving as a repository for the largely neglected legal problems of students. In addition the organization will provide staff members with invaluable insights and experience into legal practice and procedure as well as one credit hour for their work.

A similar program has been operating successfully at the University of Virginia for several years. In prior years unsuccessful attempts had been made to institute such a program at William and Mary. Student Legal Services, however appears to be on its way to becoming a viable organization at the college. This can only be realized by

the strong support of all involved. The program has received monetary aid from the Student Bar Association, and the approval of the faculty and Dean Spong. We urge alumni support for this worthwhile effort. Please send us your ideas and suggestions. You may write, Student Legal Services, care of the College of William and Mary, Williamsburg, Virginia 23185.

Oyez Oyez

Professor Dennis Brion will be spending a year at Washington and Lee Law School in 1978-'79.

James Brady Murray Jr. was elected as president of the Marshall-Wythe Alumni Association for 1978-'79.

Judge Robert R. Merhige Jr. is the Commencement speaker for 1978. Commencement date is Sunday, May 14th, 1978.

Professor Delmar Karlen who has served as a Visiting Professor of Law at Marshall-Wythe this year will remain with us during the fall of 1978. Professor Karlen has served on the faculty of New York University Law School since 1953, and is currently teaching Civil Procedure at Marshall-Wythe.

Richard H. Soaper, a rising 2nd year student at Marshall-Wythe has been invited to climb Pike Communism in the U.S.S.R. this summer. Pike Communism is the highest peak in Russia reaching an elevation of 24,590 feet.

The Second Annual George Wythe Lecture was held Thursday, April 13th, 1978, in Millington Auditorium. The speaker was Justice Paul C. Reardon, a retired Associate Justice of the Supreme Judicial Court for the Commonwealth of Massachusetts. He was the 1st President of the Board of Directors of the National Center for State Courts. Justice Reardon is a visiting professor of Law at Marshall-Wythe this year. His topic: The First Versus the Sixth Amendment, Fair Trial—Free Press.

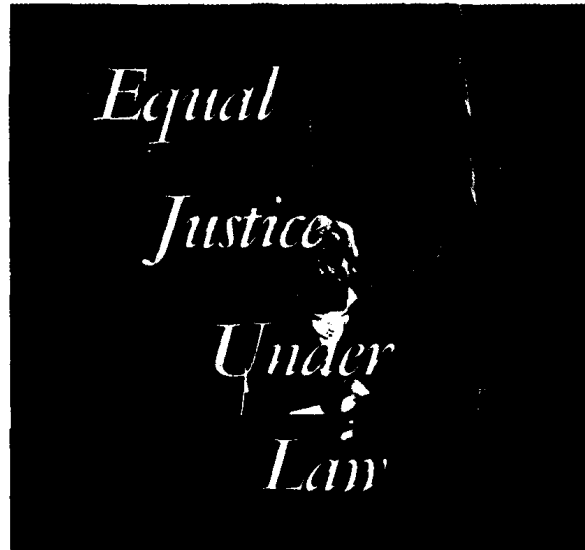
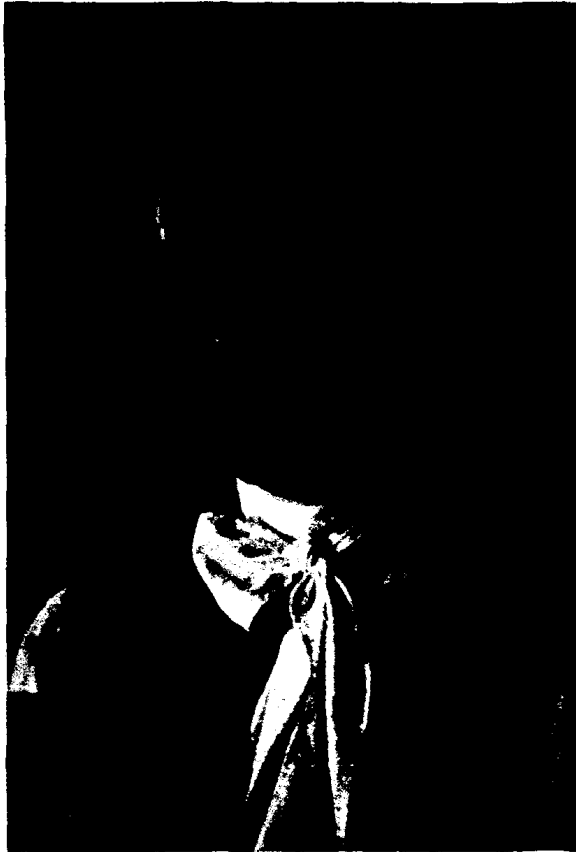
The St. George Tucker Society Awards recognize notable scholastic and service records of students, faculty and alumni of Marshall-Wythe. The following individuals have been selected for induction into the organization.

2nd year

Janet Dunlop
David Gifford
Beverly Karch
Cassie Kennedy
Gwyn Staton
Jocelyn West

3rd year

Robert Brink
James Cox
Patrick Genzler
William Ginivan
Elwood Isley
Jeffrey Hammaker



In the restored eighteenth century environs of Williamsburg, everyone gets into the habit of assuming that persons like Thomas Jefferson and John Marshall are still with us, both of them still studying law under George Wythe. Now a twentieth century electronic memoir—a documentary film series entitled, “Equal Justice Under Law”—has dramatized Marshall’s great constitutional decisions, and in three of the five films has relived the great debates on constitutional rights between Marshall and Jefferson.

The William and Mary connection has also been preserved in the series prepared for educational television by the Bicentennial Committee of the Judicial Conference of the United States. Dr. William F. Swindler, John Marshall Professor of Law at Marshall-Wythe, has served as general consultant to the Bicentennial Committee since 1975, as chief consultant to the film series, and as author of a documentary book which accompanies the films. The book is entitled, *The Constitution and Chief Justice Marshall*, and was published this spring by Dodd, Mead & Co. of New York.

The film series, the first ever commissioned by the Supreme Court and the Judicial Conference, was originally intended to be the judiciary’s contribution to the bicentennial celebrations in 1976. As the demanding job of dramatizing the constitutional issues while satisfying the fundamental



requirements of authenticity went on, it became evident that the series would not be completed in time for the two hundredth anniversary of independence. In addition, there was the fact that the bicentennial of the judicial branch was actually not to occur until the anniversary of the Constitutional Convention in 1987. Finally, there was recognition that the story of the great constitutional principles, by which the Revolution was justified and which the Marshall Court articulated, was significant beyond the time frame of a bicentennial celebration.

Accordingly the Judicial Conference, which had renamed its committee the Committee on the Bicentennial of Independence and the Constitution, approved a longer and more exhaustive production schedule. WQED-Pittsburgh, one of the major television studios producing documentary films for the Public Broadcasting Service, prepared the films from scenarios first produced by Dr. Swindler and then converted into scripts by television editors. These were then reviewed and corrected by a subcommittee headed by Supreme Court Justice Byron R. White; finally, "answer prints" of the films were screen tested before the subcommittee and after last-minute revisions the final prints were made.

The "world premier" of the series took place last September when PBS stations throughout the United States gave the film series its first showing. The showing was repeated this spring, and there are plans periodically to air it over educational stations for the next two years. Meantime, 16-mm prints were prepared and are to be distributed to school and college groups through the National Audio-Visual Center in the National Archives. The U. S. Information Agency is arranging to show the films to overseas audiences around the world.

At Marshall-Wythe on the weekend of Constitution Day (September 17, 1977), itself the 190th anniversary of the Constitution, the Moot Court Room was filled to capacity for a showing of three of the films, under sponsorship of the Law School chapter of the Supreme Court Historical Society. The chapter showed the other two films later in the semester. In August 1977 the **American Bar Association Journal** ran a five-page feature article, with color illustrations from the films, extra copies of which have been distributed to bar groups throughout the country which have used one or more of the series at the annual meetings. Two hundred years after Jefferson founded, and Marshall attended, the law program in Williamsburg,

Constitution Day saw the Moot Court Room filled to capacity for a world premier.

Marbury petitioned the Supreme Court for a writ of Mandamus to compel delivery of the commissions.

the story of their constitutional labors is being told to a worldwide audience.

The synopses for the films—for which the accompanying photographs are literal illustrations—are given below, to encourage readers of **The Colonial Lawyer** to become part of the viewing audience this fall.

Marbury v. Madison. William Marbury and three others were among forty-two persons issued justice of the peace commissions among the "midnight judges" of the outgoing administration of President John Adams. As of 9:00 P.M. on March 3, 1801, the secretary of state, John Marshall, had affixed the great seal of the United States to all these commissions, but a number were left undelivered. The next day Thomas Jefferson became president and, among other events, the undelivered commissions disappeared. Marbury and his associates, perhaps at the instigation of Federalists looking for a case to embarrass the new administration, petitioned the Supreme Court for a writ of mandamus to compel the new secretary of state, James Madison, to deliver the commissions.

Madison, on instructions from Jefferson, ignored the show cause order that Marshall, now chief justice, issued. It was clear that the State Department also would ignore any mandamus that might issue, and the Supreme Court would be caught on the horns of a dilemma, unable to enforce its own mandate or forced to confess a lack of jurisdiction over actions by other branches of government. As every law student knows, Marshall met the challenge by finding that Section 13 of the Judiciary Act of 1789, which had given original jurisdiction to the Court in these cases, was invalid because (as Marshall chose to construe it) the provision was in conflict with Article III of the Constitution defining and limiting original jurisdiction. By reaching the jurisdictional question last, Marshall was able to use the case to assert, relatively gratuitously, that the judiciary had a lawful obligation to protect any individual whose claims against government are lawful, and that process can issue against any official of government whose action is essential to accommodating the claim.

United States v. Burr. The former vice president of the United States, Aaron Burr, was arrested in the wilds of Mississippi Territory in the winter of 1807 and marched to Richmond, Virginia, to face charges of treason and high misdemeanor. No one has ever demonstrated conclusively what Burr was doing or intended to do in the western wilderness

between Blennerhasset's Island on the Ohio River (near present-day Parkersburg, West Virginia) and the mouth of the Mississippi at New Orleans. But there were restless European powers that preyed on the weak American nation, hinted at taking over the vast territory recently acquired from France beyond the Mississippi, and periodically intrigued with various American officials about possible separation of the trans-Allegheny area from the rest of the United States. So Jefferson's alarm at Burr's mysterious behavior was not altogether irrational.

The Burr trial was a criminal proceeding in the old circuit court in Richmond, which had jurisdiction over Blennerhasset's Island, the scene of the alleged treasonable acts. Evidence of Burr's acts was in the form of a series of affidavits submitted by Gen. James Wilkinson, commander of American armed forces at New Orleans, and a renowned "cipher letter" in which Burr supposedly revealed his plans to Wilkinson. Burr, like the astute lawyer he was, suddenly moved to have a subpoena duces tecum issued to the president of the United States to obtain the original copies of these documents. While Jefferson never wholly complied with the subpoena (he turned the documents over to Attorney General Caesar Rodney and United States Attorney George Hay to delete matters relating to "national security"), Marshall was satisfied that he had made a fundamental constitutional point, supplemental to *Marbury*—the answerability of any officer of government, up to and including the president, when the judicial branch of the government requires information from them.

In 1974 the principle enunciated in the Burr trial was cited by the modern Court in the renowned Watergate tapes case (*United States v. Nixon*, 418 U.S. 683).

The trial of Burr for treason enabled John Marshall, sitting as circuit justice with District Judge Cyrus Griffin, to define the crime of treason in terms set out in the Constitution: an actual levying of war against the United States, or giving aid and comfort to its enemies, as established by testimony of two witnesses to the same overt act. With this precise definition, as against traditional common law definitions, Marshall required the most complete protection of the defendant against general allegations by the government. As a consequence, Burr was acquitted both of the charge of treason and the charge of high misdemeanor (a military effort against a friendly neighboring nation). No one was particularly enthusiastic about the former vice president's getting off altogether. Everyone, including both Jefferson and Marshall, believed that Burr had been up to no good, but the principle that in a capital case the proof must be beyond all reasonable doubt was more important.

McCulloch v. Maryland. The Bank of the United

States was almost anathema to the small farmers and tradesmen who made up the Jeffersonian majorities in many states of the early nineteenth century. In its early years the bank did little to overcome its bad image, and a number of states took legislative steps either to lay burdensome taxes on its circulating paper or to forbid its operation within their borders. James McCulloch, cashier of the Baltimore branch of the bank, seemed a choice target for an attempt by Maryland to cite the bank in the state courts for failing to use state-taxed paper for the printing of its notes.

In the trial and state appellate stages of this litigation, Maryland won virtually on a stipulation of the facts, so that when the case came on for review in the Supreme Court the only question on the record was the constitutional one: Can a state lay a burden on an agency of the federal government or in any way qualify its right to do business within the scope of its own authority? Marshall had been waiting for a case like this. As early as 1805, in *United States v. Fisher* (2 Cr. 358), he had declared that the "necessary and proper" clause gave the government a necessary freedom to choose appropriate (even though not indispensably necessary) means of implementing its powers. Now, in the great "bank case," he was able to declare, first, that a congressionally chartered bank was an appropriate means for implementing the monetary and tax powers of the government, and second, that when Congress had a constitutional authority to act, its actions could not be qualified or limited by state action.

The implications of the case were horrendous, as far as the anti-Federalists were concerned, and the *McCulloch* opinion provoked such violent attacks in the partisan press that Marshall felt compelled to depart from judicial tradition and publish some pseudonymous rebuttals. With the *McCulloch* case, Marshall's constitutional rationale certainly approached its zenith: the Constitution and the laws and treaties enacted under it are the supreme law of the land, and all state and national officials are to be bound by them.

Gibbons v. Ogden. Robert Fulton's invention of the practical steamboat led to a lucrative monopoly for a company, Livingston and Fulton, on the waters in and around New York State. A number of licensees enjoyed the benefits of the monopoly, including a former governor of New Jersey, Aaron Ogden, and a former Georgia lawyer and jurist, Thomas Gibbons. Gibbons, however, was joined to the monopoly by a license for New Jersey waters issued under authority of a congressional coasting and navigation law, and eventually he broke with Ogden and challenged the legality of the New York license with reference to interstate transportation.

While the monopoly had been upheld in a long list of state challenges in the New York courts, Marshall recognized this case, which came on ap-

A Simple Gesture

Convincing Disillusioned Students

By Brian L. Buckley

It has been a recent trend in academia to seek more fruitful sources of motivation for students than those typically offered. Although this inclination is well intentioned, it is open to the charge that it represents the proverbial changing of horses in midstream. Teachers for years have sought to motivate students to study, to read and to learn by trying, at least, to impress on them the value of knowledge. Indeed, so desperate have some teachers become that they have turned from emphasizing the value of the goal sought to stressing the sanctions to be imposed for failure to seek it; this creates in some students an unnecessary antipathy towards education in general. All of this is merely to say that when those who purport to educate you lose your confidence in the sincerity of their goal, something has gone awry. What does this mean for students at Marshall-Wythe?

It means, as I will try to explain, that we need a little more attention paid to the Marshall-Wythe law library by people in responsible positions. Law students are no different, in the important respects, from students in general. They need and want the best educational tools available, if not specifically to acquire knowledge then at least to avoid the immediate results of a failure to acquire it. Our library falls short in this regard and it is offered as an example of this deficiency that we do not even carry a subscription to the *Wall Street Journal* or the *New York Times*. The answer that students ought to carry personal subscriptions if they want these materials is deceptive because the purpose of the library is to provide students with these types of educational materials. "We can't



Brian Buckley, Editor-in-Chief, Amicus Curriae, 1977-78, B.A. Dartmouth College, 1976, J.D. expected 1979.

afford everything, so we get what we can afford," it might be answered. I may it might be answered, because when I asked, in an editorial in the law school newspaper, why the library didn't carry these journals, the silence was deafening.

Some students argue that the library cannot keep more materials on hand because there is no room for them. This is perhaps a better answer. In January and February one of the two reading rooms in the library was closed to students so that construction workers could convert part of it into another office. One student compared the attendant noise to the Richmond Symphony Orchestra Percussion Section during a practice session.

During this time, the entire first year class was working on its first large writing assignment. It was an inexcusable mess and only continuous and vocal student protest put an end, temporarily, to the construction. Some of these students were disillusioned and how can they be blamed? In 1775, four years before the law school was founded, Samuel Johnson asserted that "a man will turn over half a library to make one book." Whether that man would do the same for an office is questionable at best. What is not questionable, however, is that the students at Marshall-Wythe deserve greater consideration, in terms of library planning, in the future.

The new law school is still two years away, people are fond of saying. It doesn't take that long to subscribe to the *Wall Street Journal*. A simple gesture such as purchasing that subscription could go a long way towards convincing the disillusioned students that our teachers are interested in educating us.

Equal Justice Under Law

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peal from New York, as the means of fashioning an instrument for carrying into effect the sweeping federal power asserted in 1819 in the bank case. By making an equally broad assertion of the power of Congress over interstate commerce in general, he expanded the *McCulloch* doctrine into a paramount federal power. It rounded out the basic constitutional principles the Court had been developing for more than a quarter of a century. It also ensured that the United States would become a common market—a free-trade economic unit that could expand from coast to coast.

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Dudley Warner

By Julia Oxrieder

Any reasonable man, woman, or child would readily concede to the scientific fact that there are twenty four hours to a day. However, reasonable people are often prejudiced by their own experiences and emotions. There are people who would practically swear on a stack of Bibles that Professor Dudley Warner Woodbridge somehow did have a day of more than twenty four hours. For how else could he have led such a full life, affecting the lives of so many others?

The first to attest to such an astronomical impossibility would be the children. They took him into their world of fun and fantasy as they would no other adult. One lady recalls that he did so much for her and her peers that it seemed he existed solely for their convenience and entertainment. To be sure, the young people all knew he was an important person at the Law School, but, at least while they were still of grade school age, they had the idea that he performed those duties only when he wasn't busy with them.

The good Dean felt that every child should know the joy of riding a bicycle. Even though the professor lived in Williamsburg during the days of legalized school and housing segregation, he never accepted such views and when he said "every child" he did not limit himself to "every white child." During those years poor Black families lived on the west side of South Henry Street, directly opposite the Eastern State Hospital grounds and Cedar Grove Cemetery. Guiding as many bicycles as he could, Mr. Woodbridge would walk to the circular driveway in front of the old Brown Building. Not knowing how they knew he was coming but knowing all the same, the children would be there, waiting a turn to gain confidence and balance on a two wheeler.

On one such occasion a nurse watched for a while, telling herself there just had to be something wrong with a white man who spent his time teaching black children to ride bicycles. Convinced that he was undoubtedly a patient from one of the other buildings, she began to question him. Where did he live? Where did he work? He finally persuaded her that he was sane and sober, and he returned to the social group completely alien to her world.

Professor and

The cycling, as well as hiking and tennis, were usually confined to warm weather, but Mr. Woodbridge was a man of all seasons in his associations with children. He was never heard to complain of the cold or heat, the rain or snow. On the coldest of days, he would be found at the College Pond (now called Crim Dell) or on Lake Matoaka assisting the young people in the art of ice skating. Mr. Woodbridge didn't skate himself. Nevertheless, he was the master teacher and overseer. Parents knew their children were having a safe and exhilarating experience with him.

One woman remembers the ice skating. "Of course, by the time I learned how to skate (this was after he taught me to tell time and ride a bike) I just assumed that Dean Woodbridge would have anything we wanted, anything that was necessary for our recreation. But I was just amazed! I went into his basement one time to get ice skates, and he had boxes of ice skates up to the ceiling. He even had skates to fit me, and I had big feet then. He had skates in every size for men and women. There wasn't a child in the neighborhood that he didn't lend skates to. And he would go down to Lake Matoaka and take a large walking stick out onto the middle of the lake before he'd let any of the children go out onto the lake. He'd stomp around on the lake and pound the lake with that stick. And then he'd build a fire over on the side of the lake so that the children could come off the lake and warm up. I guess he just generally supervised what went on down there. A lot of the neighborhood children would spend all day down there. I don't know what happened at the college while Dean Woodbridge was down supervising all the children ice skating."

Actually, young people came from all over the town to go ice skating. Mr. Woodbridge's daugh-

Woodbridge

Humanitarian

ter is greeted every once in a while by someone who says, "I'll never forget ice skating with your father at Lake Matoaka."

It is easy enough to think of recreational activities for nice weather, for cold weather, for snowy weather. But for rainy weather? Mr. Woodbridge's imagination and fantasy were equal to the task. The woman quoted above remembers well. "I must have been about six or seven. The top of the bike shed attached to his house was shingles, and the way the shingles were laid, there'd be a slot between each shingle that's like an elongated 'u'. It's really like a coin slot in a coin belt. And he told me once that when it rained, it always rained pennies onto that roof. Of course, I believed him, because it was Dean Woodbridge telling me this, and if anybody in the neighborhood was going to have a magic roof, it might as well be Dean Woodbridge. And so I went over across the street one day after it had rained, and I reminded him that he had told me this outrageous tale about it raining pennies on his roof. He lifted me onto that bike roof and said, 'Yes, surely, there must be some pennies, because there had been a recent rain.' And sure enough, I looked around on that roof and stuck into those elongated 'u' slots were little pennies just as if they had been stuck into a coin purse. And I probably collected five or ten cents that day. And, of course, every time it rained, I just zipped over to his house."

This person went on to mention receiving her first Dr. Seuss book from the Dean and playing ping pong in his bomb shelter. She said, "I remember when he built the fall-out shelter, how special it made us feel to know he'd built it for the children. Of course, I wasn't aware of any nuclear threat at that time. It was just another neat thing



Dean Woodbridge had done, as far as I was concerned."

Finally, she summed up her experience by saying, "Well, we must have spent hours and hours together, total, the two of us. I was too young to realize that I was making demands on a busy man's time. He was just like any other playmate we had, you know."

This same girl commented, "When you consider all the other children he was also spending time with, it's a wonder he got anything done at work." But Mr. Woodbridge did get something done at work. In fact, he did his job so well that he was nominated as one of the country's outstanding professors in 1950. His students described him in such a way to reporters that the opening line of the caption in "Life" (international edition, Oct. 23, 1950, p. 47) is "A normal work-day for William and Mary's Woodbridge is 15 or 16 hours." These students never knew about Mr. Woodbridge's interest in younger children, and yet their own experience must have demonstrated time and time again that somehow his day did extend for more than twenty-four hours.

Every week had seven days, and Mr. Woodbridge never hesitated to do even more teaching on Saturday and Sunday. One alumnus, now a Baptist minister, recalls, "When I faced my last term in law school I needed a two hour course that was offered only alternate years, and that was the wrong year! I had gone to summer school at the University of Tennessee Law School the summer before and both semesters that school year carried an overload of classes in an effort to accelerate my graduation because of financial difficulties. Dr. Woodbridge, who already carried a full load of class work, volunteered to devote his Saturday mornings to help me out. I went to his home each Saturday of that term for two hours, and he taught me as carefully and fully as if I had been multiplied in number."

At another time there was a crippled Negro man in Richmond who wanted to review for the Bar Examination, and he was recommended to Mr. Woodbridge by the Department of Rehabilitation. Since the segregation laws of the state prohibited the man's presence in the professor's coach class, Mr. Woodbridge taught him privately on many Saturdays.

During his first years in Williamsburg, Mr. Woodbridge regularly tutored a Jewish shopkeeper on Sunday mornings. In return, the merchant taught German to the oldest Woodbridge child, Hensley. The professor was a great believer in the barter system and he taught others on much the same terms. He instructed the lady who became the city attorney, and in exchange she taught his daughter to type.

Professor Woodbridge's students held him in high esteem for his knowledge of the law. His last class engraved on a radio they gave him these words from "The Deserted Village:"

"And still they gazed, and still the wonder grew
That one small head held all he knew."

That knowledge came from diligent pursuit of the jealous mistress, a lesson continually preached and modeled to his students.

One former student recalls an instance that not only illustrates the Dean's devotion to the law, but also his expectations of his students. "One example that comes to mind is the review session following the Virginia Bar Examination. I had the misfortune of missing a question on Negotiable Instruments, and I realized my error shortly after having turned in my paper. At the session in the Dean's office, he asked me how I'd answered that question, and I rather cavalierly stated that I had missed the answer, but that the proper answer was —. At that point a somewhat annoyed Dean stopped me short. 'You missed that question?!? How could you miss it? It was number one in the notes!' He, of course, was right. One of his students should not have missed that question. He demanded more."

Mr. Woodbridge had a set of index cards for each class. Each student's name was written on a card. The professor called on students in the order they appeared in that deck of cards, and since he shuffled them before each class meeting, no one ever knew when he might be called upon to recite. Nor did one ever know when there would be a 'pop' quiz. So, one can well believe that "if in each semester a student decided that he was going to devote himself to being well prepared in one course, you may be assured that one course was taught by Dean Woodbridge."

One student who was caught unprepared still remembered the occasion years later. "During that same semester I came to class unprepared because of a weekend spent as a reserve naval aviator at the Norfolk Naval Air Station. Hoping that my luck would hold out and that I not be called upon, I found the opposite situation as

Doctor Woodbridge asked me to recite. After indicating I was unprepared I noted the Doctor marking something in a little book on his desk. Thinking I should at least attempt to explain the reason for my non-preparation, I approached Doctor Woodbridge after class and explained that I had been flying for the Navy over the weekend and did not get home in time the night before to prepare myself for class. He looked me in the eye and stated, 'That's all right, Mr. H—. You are entitled to be not prepared one time in my class.' His admonition made a very strong impression on me, and I always managed to be prepared for all of his subsequent classes."

The Dean did not leave the law in the classroom; he was constantly conscious of it and applied it to his daily life. This point is made so well by the alumnus who wrote:

During the summer of 1953, while a law student, I worked for Dr. Woodbridge, helping him revise his bar notes and also hoping in the process to absorb some knowledge through summer-long exposure to that great mind.

Dr. Woodbridge had to go to Richmond one day and had planned to go by bus. Since I had a car, I insisted on taking him, and he reluctantly agreed. When I stopped to buy gasoline at a filling station on Richmond Road, he offered to pay for the purchase and seemed quite dismayed when I repeatedly refused to accept his offer.

"We had driven about a mile in complete silence when Dr. Woodbridge observed in all seriousness and in his finest professional tone: 'You realize, of course, that this means you owe me a duty of only slight care.'

Mr. Woodbridge's students respected him for his knowledge of the law, his devotion to the law, and his application of the law in his daily life. But, over and above all this, they respected him as a man of wisdom and integrity. While many have groped for just the right words, one former student expressed those feelings so well when he wrote: "The best testimonial that one can give another is to say, 'I want my children to be like him.' None of my children have ever met Dr. Woodbridge, but they know Dr. Woodbridge."

Another alumnus wrote, "I regard him as the most ethical and moral person I have ever met, and I take pleasure in submitting the following incident. His extremely demanding moral code is revealed in the legendary visit to the drugstore. Dean Woodbridge and Mr. J— were in the local pharmacy on their way to the law school. Mr. J— stopped on the way out to glimpse at the headlines of a newspaper on the stand. Immediately, Dean Woodbridge saw the moral ramifications. 'Well,' he said, 'you've used the man's newspaper, so you are obligated to buy it.' The legend continues that Mr. J— bought the newspaper without noting an appeal."

The writer of another letter in Mr. Wood-

bridge's album attests to his honesty in this story: "I remember an occasion in front of the Coca-Cola machine in the basement of Bryan Hall. Dean Woodbridge was accustomed to having a Coke at the conclusion of his 9:00 a.m. class. The Coca-Cola machine we had at the time was a noted short-changer, although apparently it had the good sense never to shortchange Dean Woodbridge. On this occasion, I walked past Dean Woodbridge, standing in front of the machine with a half finished Coca-Cola in one hand, a nickel in the other, and his text book under an arm. I could see he was in a dilemma. He asked me if I had a solution to his problem. He told me that he had deposited a nickel in the machine and had received a Coca-Cola and a nickel in change. His first reaction was, he said, to return the misdelivered nickel to the machine, but it had occurred to him that in doing so he would receive another bottle of Coca-Cola. (Nothing was said about this, but we both realized that this would be compounding a felony, because the Dean shouldn't have been even drinking the first Coke.) I told Dean Woodbridge that that machine had robbed me so often that if I were in his position I would feel justice was being served. After a moment of quick reflection, the good Dean allowed as how he had never been shortchanged. Then the solution appeared to him. He would keep an eye peeled out his office window for the agent of the Coca-Cola company and would return the nickel at the first opportunity. I never felt it necessary to ask him if he had remembered to return the nickel."

As the alumni searched their subconscious to write letters for Mr. Woodbridge's album to be presented at his retirement party, they remembered not only his stature as a teacher, a man of character, but also a man of wit. The following story serves as an excellent example.

"During my stay at the law school at the College of William and Mary Mr. A—, also a student in the law school, unfortunately was blind and required assistance in the reading of assignments. For almost two years I read the cases to Mr. A— in preparation for the daily work and he and I studied together for the examinations and actually studied together for the bar exam and took the bar exam together which we both passed in the summer of 1942.

"My recollection as to the wit of Dean Woodbridge involves the fact that on one particular day he inquired of me as to certain facets of the factual situation involved in a case assigned to us for study that particular day. I had to admit to Dean Woodbridge that I did not remember the particular facets and, therefore, was unable to answer the question. Having thereupon turned to Mr. A— and asking the same question and Mr. A— having come up with the correct answer Dean Woodbridge, knowing that Mr. A—'s complete knowledge of the case came as a result of my

reading the case to him, commented, 'There is an example of water rising higher than its source.'"

No account of Mr. Woodbridge's activities on behalf of his students would be complete without mentioning his authorship of the bar review notes. The esteem for this study aid is best expressed in the editorial written when the Dean became the first William and Mary recipient of the Thomas Jefferson Award.

"Once upon a time, a young law student sat in one of the classrooms of the venerable College of William and Mary, preparing for the state bar examinations in a special session of coaching aimed at those exams.

"Not long afterward, the young student, now a fledgling lawyer, stood before the bar of one of Virginia's courts, arguing his first case. Asked for a reference for his legal point, he said, 'Virginia Bar Notes,' and the Judge nodded, accepting the authority for the point under discussion."

However much the law students felt the name of Dudley Warner Woodbridge to be synonymous with the Marshall-Wythe School of Law, the Dean loved the College as a whole and supported it well with his time, talents, and monetary contributions. He served on the Publications Committee for many years. He stayed up late countless nights advising the Discipline Committee and the Honor Council. Even though he was not a member of any church, he was chosen to be the advisor to the Student Religious Union. During the war years he assisted those students who were preparing for certain Army and Navy programs. During the thirty-nine years of his career, there were undoubtedly times when he disagreed with certain administrative policies. Yet, not only did he remain loyal but he counseled those whose actions might have been interpreted as being detrimental to the college.

If one peruses the correspondence file of those years when Dr. Woodbridge served as dean, one is impressed with the courteous manner in which he replied to all letters. Above all else, the letters show a respect for human dignity whether they were addressed to an alumnus, the concerned mother of a student seeking financial aid, a man serving a prison term, or someone whose thinking did not coincide with his own.

When the schools were closed in Prince Edward County in 1959 and public education was denied the black students, the Dean published his views in the Richmond Times-Dispatch. One reader wrote the Dean: ". . . Your remarks against the people of Prince Edward County show your abysmal ignorance of the freedom of choice the integrationists have spawned upon the public school system of Virginia to bring about its destruction. . . . As badly as William and Mary needs additional funds to carry on its program as a better institution, it is a dismal shame the Administration is shackled with your calibre to hinder it in its efforts. As a taxpayer I hate to see my funds go in support of an institution with faculty members

eager to forment trouble in the guise of personal expression. We have reached the place in Virginia, when those high and low who would consort with the enemy and permit themselves to be duped into support of alien ideology, should be taken off the taxpayers' shoulders. Such a viewpoint I intend to express to the numerous members of the General Assembly (personally known) until our State supported colleges are rid of those who would end Virginia's wonderful traditions, ways, customs and mores of the white race." Mr. Woodbridge replied: "I was glad to have your views as expressed in your letter of September 25th even if they are quite different from mine. With best wishes, I am, Sincerely yours, D. W. Woodbridge (signed)"

Dean Woodbridge was known as well in the greater Williamsburg community as in the College. If a child broke her leg, it was he who wrote stories for her amusement and visited her daily so she wouldn't get behind in school. When young people were experiencing difficulty in algebra or Latin, they turned to him for tutoring. If a poor farmer wanted assistance with his income tax, he called on Mr. Woodbridge; payment was nominal, consisting perhaps of a coathanger fancied up a bit with crocheting by the man's wife. If an elderly neighbor had snow on her steps and sidewalk, again it was Mr. Woodbridge who did the shoveling.

Both Mr. and Mrs. Woodbridge worked hard to earn money. Mrs. Woodbridge took in tourists and servicemen. She typed Mr. Woodbridge's famous **Bar Review Notes**. Yet, for all the effort put on earning it, money had almost no value to the Woodbridges. They didn't own a car. Their home furnishing, their clothing, their meals were inexpensive but adequate. Anything more was deemed an extravagance and a waste. They felt that once the essential necessities were provided, some money was to be saved so that one would not be a burden in his old age and the rest was to be used in assisting those less fortunate than themselves. They believed that the best investments, those that paid the highest rate of interest in personal satisfaction, were those investments made in people. They, singly and together, performed acts of kindness for the poor in such number that it would not be believable to anyone who did not know them personally.

During World War II Mr. Woodbridge served as an air raid warden and as the Home Service Chairman of the Red Cross.

Dean Woodbridge did everything he could to improve race relations in Williamsburg. Dr. Trudier Harris, the English professor who won the most recent Thomas Jefferson Teaching Award, has said that he was one of the first people she heard about from the Black community when she moved to Williamsburg several years ago.

There is a prevalent notion that those who have demanding professions neglect their own families. It is only natural to raise the question: After

spending so much time with the law students and the children of the community, did Mr. Woodbridge have any time, energy, and enthusiasm for his own wife and children? The answer would be an unqualified yes. The late Dean Landrum once remarked that she had never seen a man who enjoyed his children any more than did Dr. Woodbridge.

The dean taught his children that their waking hours should be divided into three parts: one third for work, one third for study, and one third for recreation. He himself directed the activities in each of these areas. His children carried newspapers. Not only did Mr. Woodbridge teach them the elements of good service, but he pitched into help in bad weather, if a child was sick, or if the papers were late. Today when the oldtimers complain about turnover among their paper carriers, they are heard to say, "Oh, for the good old days when the Woodbridge children carried the paper."

If Mr. Woodbridge loved teaching law students, he loved teaching his own children even more. First and always, he taught them the love of learning. He read them **Carpenter's Geographical Readers** and drilled them in multiplication tables, fractions, algebra, English grammar, Latin, French, even wills. His broad classical education in the natural and social sciences, ancient and modern languages, and literature, coupled with his retentive mind enabled him to assist his children, no matter what they were studying. He read to them, beginning with fairy tales and progressing through the great English poets and authors. He shared Shakespeare with his son when he was only seven or eight. Later he read Uncle Tom's Cabin to his family. He loved "The Pied Piper of Hamelin", and particularly enjoyed the contractual principles of the poem. When his eyesight failed him, Mr. Woodbridge memorized this poem and his other favorites such as "The Rime of the Ancient Mariner" so that he could have them at instant recall.

Mr. Woodbridge taught his children that care of the body was just as important as care of the spirit and intellect. He taught them the elements of track and field sports as well as tennis and ping pong. When the weather permitted, he took his children bicycling or hiking through Matoaka woods on Sunday afternoons. He went to see home football games and interpreted the game for professors from other countries. Recreation was a vital part of his life, and he enjoyed it to the fullest.

Life was truly rich for Mr. Woodbridge, and whenever there was an opportunity to make life a little bit richer for someone else, he seized it. He always had the time. Perhaps, just perhaps, his day did consist of more than the prescribed number of hours. After all, as the lady might have said, if anybody was going to have a magic day, it might as well be Dean Woodbridge.

Trial Lawyers

In the second year since its inception, the Association of Trial Lawyers of America, Marshall-Wythe Student Chapter, has become the largest student organization in the law school. Its increasing membership can be attributed to its practical orientation and its success in providing students with needed exposure to the realities and intricacies of trial practice. Supplementing the practical aspects of the ATLA are the valuable materials each member receives including monthly copies of Trial magazine, a copy of the ATLA Law Journal, and the ATLA newsletter, a monthly summary of current developments in the field of litigation.

In the fall, The Trial Lawyers Association sponsored a mock drug trial with Marshall-Wythe professor Bud Furr as judge, Charlottesville attorney John Lowe as defense counsel, and Newport News Commonwealth Attorney Willard Robinson in his accustomed role. Due to the success of last year's criminal law seminar on jury selection and jury decision-making processes, the Trial Lawyers sponsored a second criminal law seminar, continuing what is to become an annual event. This year's seminar on bifurcated trials and appeals under Virginia's new capital punishment statute featured: Matthew Ott, senior partner in the Richmond firm of Ott, Morchower, Thompson & McMullan; Alfred Swersky, a 1966 Marshall-Wythe graduate and presently a criminal defense lawyer in Alexandria; and James Wood, a 1971 Marshall-Wythe graduate who litigated the first case under the new procedures and presently practices in Williamsburg. Also planned in April is a debate between Marshall Coleman, Attorney General of Virginia, and Ted Morrison, a Newport News attorney and a member of the Virginia House of Delegates, on the issue of mandatory sentencing in Virginia.



ATLA Officers (from left): William Breit, Barbara Swatling, Frank Ferguson, Gwyn Staton, Susan Troia.



Mary & William Society Officers: Jocelyn West, Janine Bourassa.

Mary & William Society

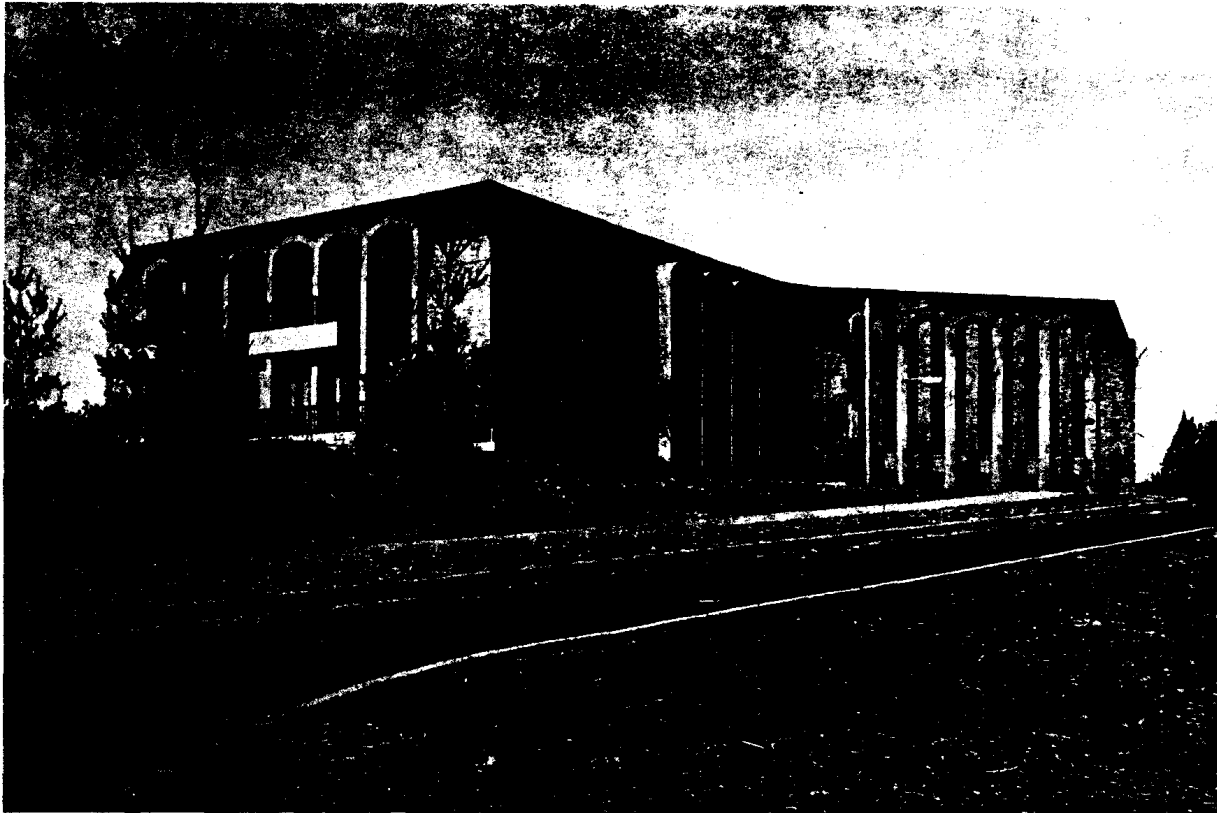
The Mary and William Society is an organization at the Marshall-Wythe School of Law which was founded by students several years ago. The Mary and William Society pursues topics in the law of interest to its members, and undertakes a variety of projects for the school and the community. Every year the group sponsors a speakers' program. Among those who were invited to come and speak to the students were Ruth Harvey Charity, National Democratic Committee woman; Mary Marshall, a Virginia delegate, Denny Cockran, Public Defender from Virginia Beach and Carrol Shackelford, counsel to the women delegates. The Mary and William Society also co-sponsored Winifred Cavanaugh, British magistrate who was touring the United States. The lectures are all open to the whole student body.

The society also sponsors a spring symposium, attended by students, faculty and members of the Williamsburg community.

Other projects are undertaken at the members' request. Because of the interest in the passage of the Equal Rights Amendment in Virginia, the Mary and William Society chartered a bus to take students to Richmond to attend the E.R.A. Rally. A member of the Society was given a chance to address the audience.

This year, members have also worked closely with the Williamsburg Legal Aid Society and Richmond Neighborhood Legal Aid in a survey of the conditions at the Goochland Women's Prison facility.

Although all students are welcome to join the group, the membership of Mary and William is predominantly women.



National Center The Inside Story

By George L. Neuberger

By the time this edition of "The Colonial Lawyer" sees print, our new law school should be under construction—finally. Although the site is a muddy hole right now, we are privileged to get a sneak-preview of how the new building will look. We're so fortunate because the National Center for State Courts, has recently occupied its newly-constructed building next door to the law school. The National Center, of course, was organized in 1971 as a result of the Williamsburg Conference on the Judiciary but spent its first seven years in rented quarters in a downtown Denver office building.

According to Southeast Regional Director, Alex Aikman, and National Deputy Director, Arne Schoeller, this is the first permanent home for the National Center. And quite a new home it is. Designed simultaneously with the new law school, the Center's headquarters is intended to complement the law school architecturally, professionally, and intellectually. If first glimpse of the new building is any indication of what's to come, Marshall-Wythe's association with the National Center should be pleasant and enduring.

The building takes maximum advantage of a great view overlooking the Parkway, and its architecture is a treat: a pleasant break from colonial pillars and panes but picking up the colonial theme and blending attractively into the Williamsburg environs, the inside will put your eyes out. The offices are bold and bright; everything that an office building—or a law school—usually isn't. If Marshall-Wythe looks like this three years from now, I'll be back for my MLT.

The accoutrements are not, however, what the Center or this article is really all about. When asked what intellectual and professional rapport he anticipates between Center and school, Deputy Director Schoeller suggests a whole shopping list of ideas and hastens to add that these are really just the few possibilities developed during informal talks with Dean Sprong and others. He points out that even greater potential exists, as "we will have people with unique knowledge and capabilities," and he promises that these people will be channeled into the law school and college community in ways that will manifest themselves as the relationship unfolds. Some ideas already on the drawing board:

As the result of a recent, significant bequest, the expanded Moot Courtroom has received much attention in the press. Regarding the Moot Court, the Center's role will be three-fold: first, the Center is assisting the law school in seeking additional federal funding through the LEAA. Once funding

is final, the National Center will provide technical assistance. Working closely with the architect and the law school, the Center's technical team is developing the concept for a technically expansive Courtroom. Finally, this technical cooperation will continue once construction is complete, with the Center's continued consultation concerning the best possible use of sophisticated equipment and techniques.

Schoeller is quick to point out that while this is not the first experimental courtroom in the country, it is unique. He points, for example, to the courtroom at the McGeorge Law School at U. Cal., Davis, emphasizing that each of these courtrooms is "experimental" only in the sense that it is "one guy's idea of how a courtroom ought to be. It's engraved in granite. Here, the concept is flexible; it's to experiment; to try an idea and find out if it works."

There will be nothing "moot" about this courtroom. It's meant to be a laboratory; a place where hypotheses about judicial administration and courtroom management will be developed, tested, changed, and retested many times, with most of them being turned inside out or scrapped along the way. Nothing, according to Schoeller, will be engraved on granite.

The National Center should also benefit Marshall-Wythe in the area of visiting scholars. This may come about in several ways.

The Center is now experimenting with a visiting fellow program under the auspices of which it is sponsoring Columbia professor Maurice Rosenberg's sabbatical year at Stanford. Though his manuscript is not yet available for review, he is developing a treatise on "Legal Communications." Aikman and Schoeller expect him to address traditional aspects of courts' public relations as well as some extra-judicial themes, including the use of language, messages, and instructions to effect a sense of justice. If the program is successful, future visiting fellow programs might bring influential legal academicians to Williamsburg and Marshall-Wythe.

The National Center also has a visiting dignitary staff position. This chair currently is filled by Justice Paul C. Reardon, of the Supreme Judicial Court of Massachusetts (ret.), who is also serving as a member of the law school faculty. As increased financial resources become available, the visiting dignitary staff may be expanded.

The Center also conducts a continuing series of special programs for prominent members of the legal community. For example, they sponsor orientation sessions for Members of Congress on a regular basis. This fall, the National Center will play host to a group of foreign jurists studying our system. The National Center also has unofficial ties with groups of academicians, such as the Brookings Institute, throughout the country. When in Williamsburg, these people will be available to the law school as their schedules permit.

Some of these ideas already have been put into practice. Justice Reardon is teaching a seminar in judicial administration with Alex Aikman. Aikman first offered this seminar last year with former Alabama Chief Justice Howell T. Heflin and has been pleased with student response. Likewise Judge Ketcham is offering a seminar in Juvenile Law, along with his responsibilities in the same vein with the Center. Additionally, two Center staffers are teaching a course in judicial behavior at the undergraduate level.

Recently, however, the Center has received a great deal of publicity for reasons quite apart from their move to Williamsburg and their important though often unnewsworthy projects. On Sunday, March 19, the Williamsburg Conference Center was the scene for a conference on the theme, "State Courts: A Blueprint for the Future." Dubbed "Williamsburg II", the conference addressed the formulation of specific goals and methods for the state court improvement during the remainder of the century. In this capacity, Williamsburg II was the logical outgrowth of the 1971 Williamsburg Conference on the Judiciary which resulted in the establishment of the National Center for State Courts, the sponsor of this conference.

When asked why another national gathering was scheduled, Deputy Director, Arne Schoeller of the National Center suggested that the 1971 conference helped to articulate the problems facing state courts while Williamsburg II placed an emphasis upon implementation. The conference reviewed modern concepts of courtroom procedure and developed ideas on court reform.

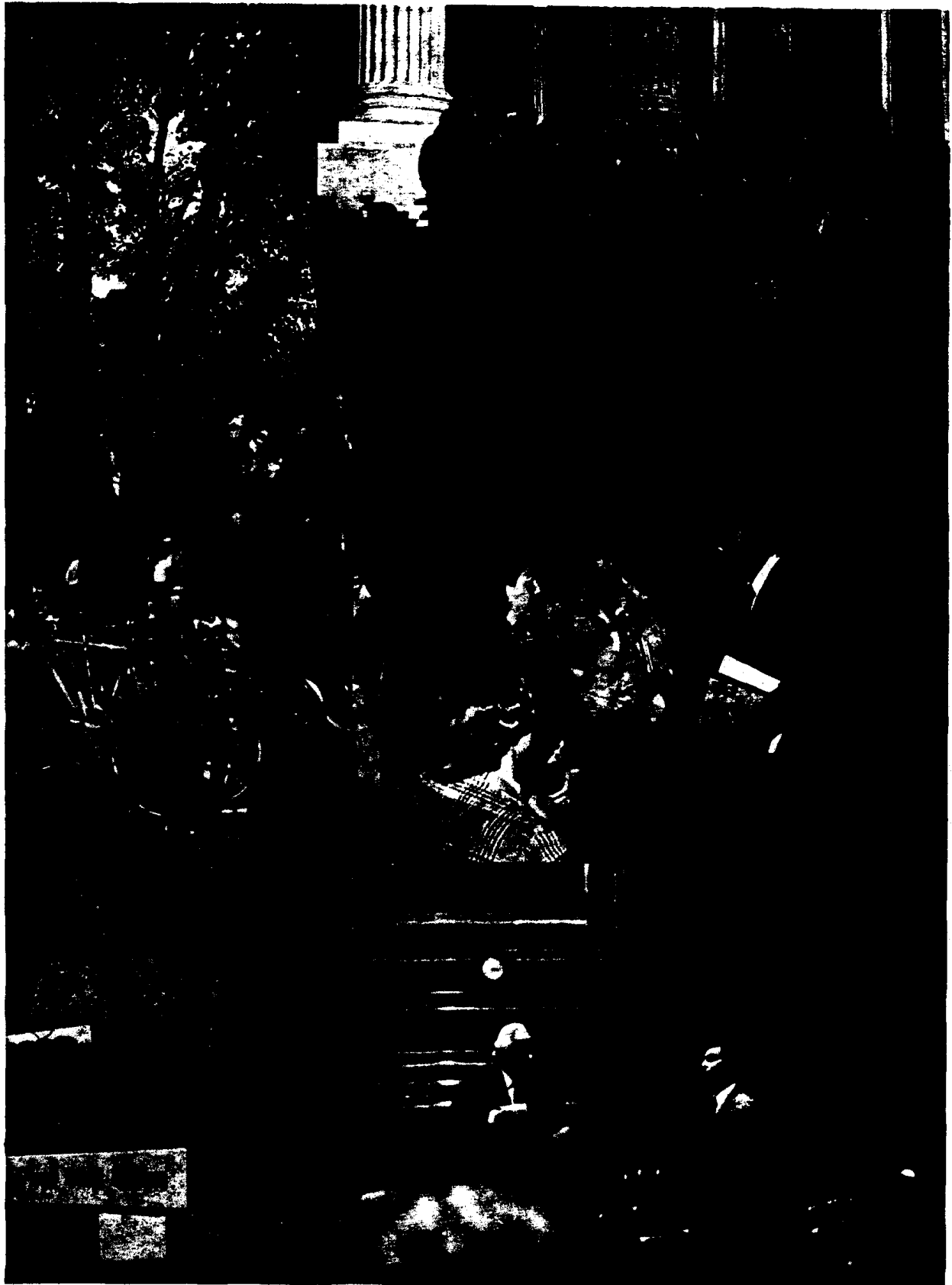
The national new media lavished a good deal of attention on the Williamsburg II conference and with good reason. Many prominent people were involved in the planning of the conference. Attorney General Bell, several of the Supreme Court Justices, and members of Congress were present for the event. Senator Edward Kennedy addressed the conference on Judicial Reform.

Williamsburg II was noteworthy for some of the relatively less noteworthy people as well as for the big names. Representatives of groups essential to effective judicial policy implementation were present including; State and Federal legislators and Executive branch officers, citizens and lobbyists, media experts, representatives of business and industry as well as distinguished jurists from several foreign countries.

Although the Conference steering committee regretted the decision, Williamsburg II was not open to the public. The committee cited severely limited Conference Center facilities as the reason. All interested persons were kept well informed of the daily activities by the extensive press coverage that the conference received.

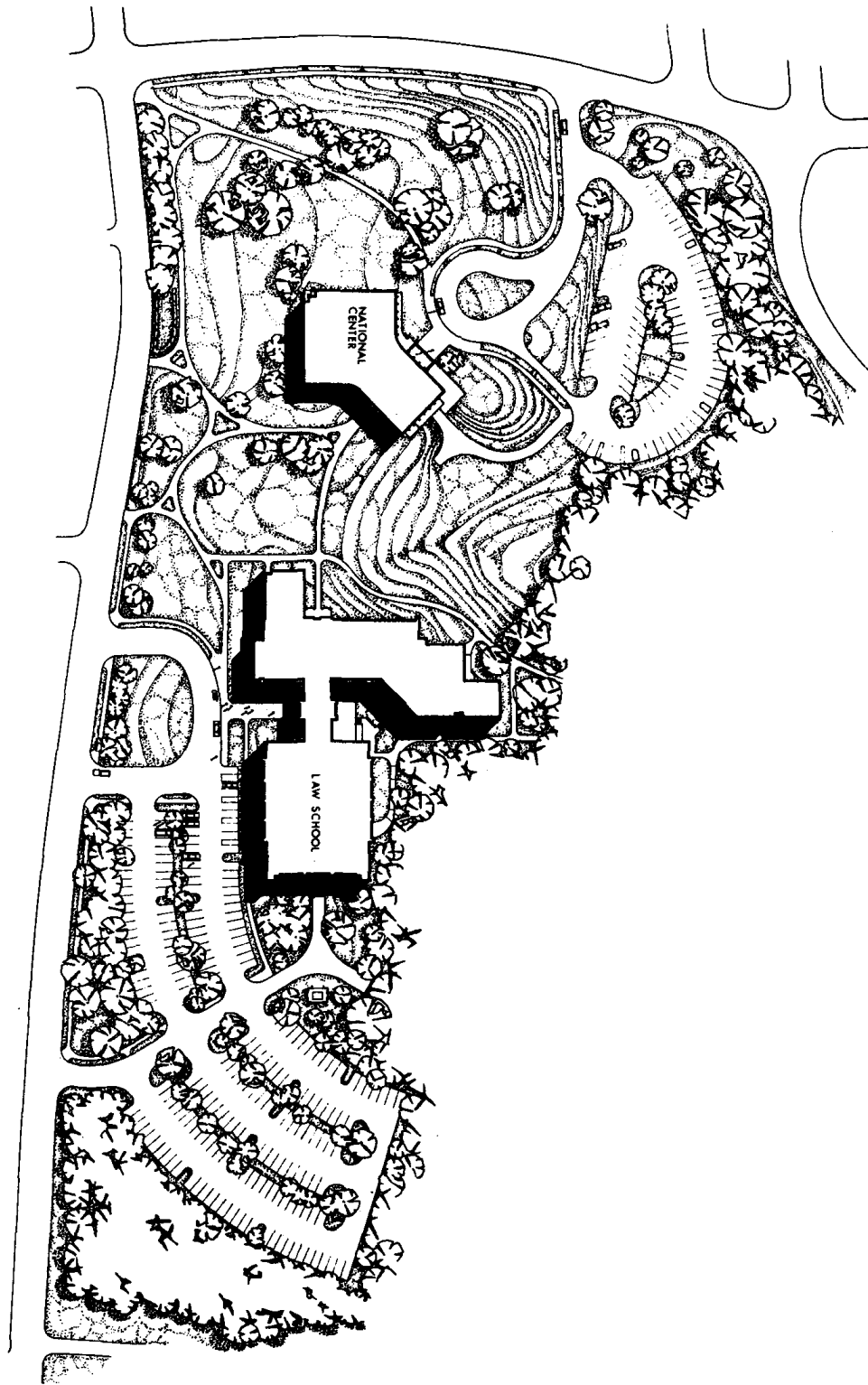
George Neuberger, B.A. Colby college 1975; J.D. expected 1979.





Marshall White School of Law

The College of William and Mary



Site plan for the new National Center for State Courts and the New Law School.



Artist's Rendition of the New Law School Building, Hubert Jones, Architect.

Construction Has Begun

Details from Dean William B. Spong

Construction of the new law building began on Wednesday, March 22nd when the W. M. Jordan Construction Company of Newport News rolled in their bulldozers and began work. The building is the first capital improvement to get under way as a result of the bond issue voted favorably upon in last November's referendum. The contract calls for construction to be completed late in 1979 and we expect the building to be furnished and ready for occupancy for the 1980-81 session.

The College of William and Mary was able to get the project started so soon after the sale of the bonds because building plans had been available for some time and the site had been cleared under a previous General Assembly appropriation.

One substantial change has been made in the plans and approved under the contract. Miss Caroline Heriot, the Librarian, who came here in July of 1976 advised us that it was quite possible that

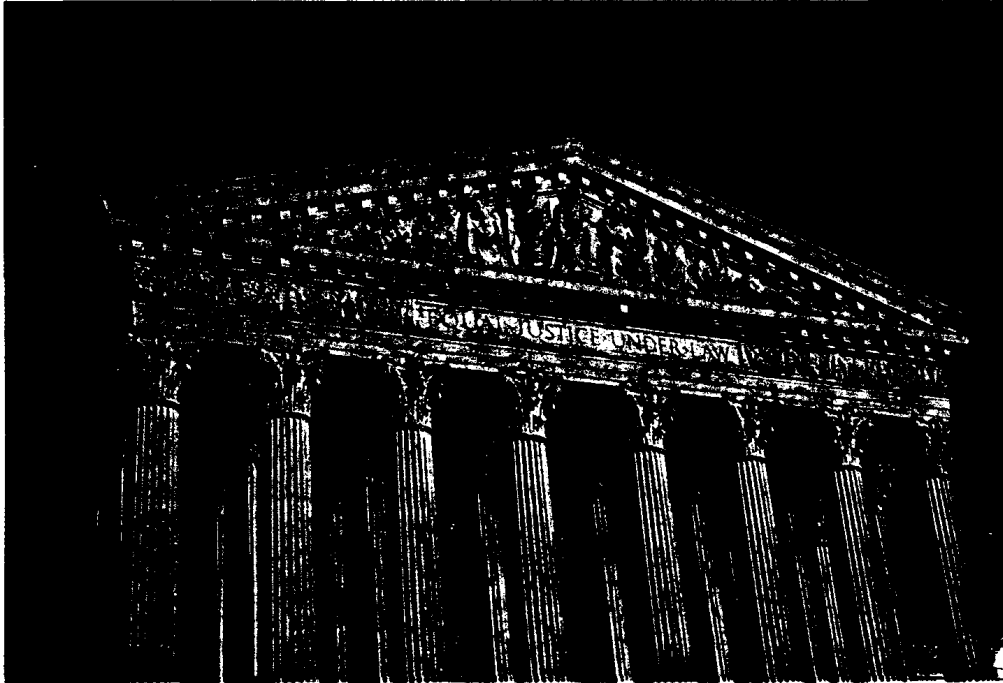
the law volume capacity of the new library would be almost completely used by the time the building was occupied. After working with the architect, additional shelving space has been made available. Also, the ground under the proposed library will now be excavated and finished off to provide space for 50,000 additional volumes.

I have appointed a committee from the faculty and student body to work with the architect. They will act in an advisory capacity, consulting with the architect as the work progresses.

Students, faculty and alumni, will want to visit the new headquarters of the National Center for State Courts, dedicated on March 19th. The same Architects, Wright, Jones and Wilkerson, of Richmond designed both the Center and the new law building. The buildings are meant to compliment one another.

We have been fortunate to receive money to help equip the new Moot Courtroom. The Cabell Foundation of Richmond and the Law Enforcement Administrative Agency have made it possible for our Moot Courtroom to become one of the most modern in the United States where electronic equipment will help our teaching and will assist the work of the National Center.

One cannot discuss the new building and watch the work being done without realizing how many people contributed to the efforts that have made it a reality. Alumni, students and friends of the College of William and Mary have worked with the General Assembly of Virginia to assure that we will offer legal instruction to future generations in a superb physical facility.



Society Begins First Chapter

A new and exciting organization is providing a needed dimension in the professional extracurricular activities of our law school. Since its inception, the Marshall-Wythe Student Chapter of the Supreme Court Historical Society has attempted to interest students and the community in the exciting history of the United States Supreme Court. The Marshall-Wythe chapter was the first student chapter in the United States and its organization and activities have served as a model for other student chapters throughout the United States.

The Historical Society has been very active in

Continued on page 24

Medical Politics



Medical Politics by Claude T. Moorman, II, M.D.

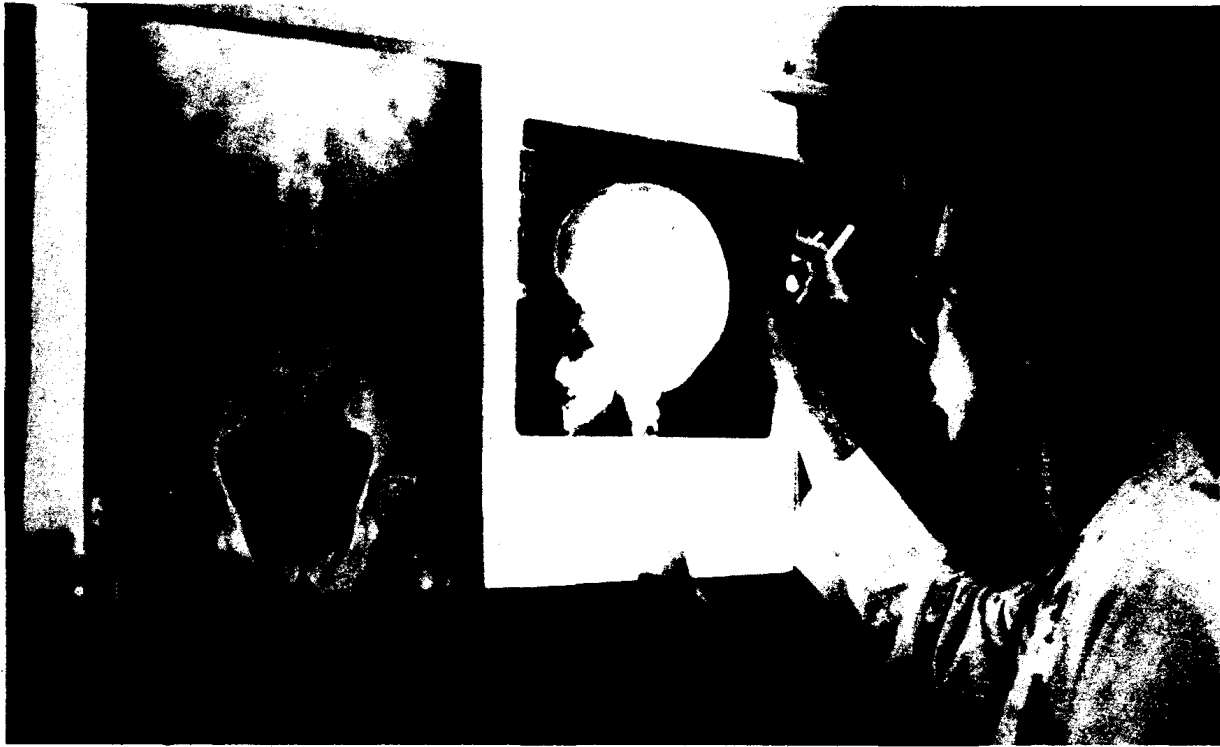
There are numerous topics, which I lump together into what I call **Medical politics**, which inspired me to leave medical practice and seek a J.D. at The Marshall-Wythe School of Law. Each of these topics would provide enough material to construct articles considerably longer than this. As one can appreciate, subjects with a great deal of diversity, and philosophical overtones make it difficult for me to give a concise statement of my reasons for making the decision.

When all is said and done, the bottom line is, practicing medicine in a tempest is not enjoyable. I fear for the future of American medicine. I hope that I can be helpful in preventing its inevitable decline to mediocrity. Medical politics has little to do with the 'art of medicine' which is reserved for the narrow situation of doctor helping patient; however, it permeates every facet of the practice of medicine. To survive in the present and future environment of the practice of medicine, each practitioner needs to know far more than the mere essentials of diagnosing and treating disease. His domain has been invaded from every direction by those who are not trained in the art, and who would seek to control his practice. The practitioner is expert in one life pursuit. He knows little of the

desires or methods of those who seek to frustrate and restrict him. Obviously an expert in the medical art, the practitioner is either disinterested, or lacks the requisite expertise in medical politics.

Those who have the greatest interest in medical politics are interested in domination of the 'artist' for their own selfish reasons, and speak in terms foreign to his understanding but certainly not beyond his capacity to understand. These terms are presented in legal language because the invaders are not physicians. Until one understands the intent and language of his adversary, he cannot effectively counter the adversary's moves. I believe I can be of help in explaining these legalities to the medical practitioner in his terms and making him aware of what the adversary system means in relation to the practice of his art.

Physicians are placed in a relationship based upon cooperation. The whole effort is working with the patient to defeat the common enemy, disease. Everyone involved is interested in the successful treatment of the patient. It is hard for one so trained, to suspect the pitfalls inherent in dealings outside the doctor-patient relationship. Nothing in an insurance policy, a simple contract, a State law, Hospital by-laws, or in a partnership



agreement would be suspected of causing the doctor difficulty. The doctor expects those who deal with him on these terms to do so in the spirit of cooperation, and with an interest in his well being. This naivety has gotten the doctor in the nearly irreversible position of scapegoat, without a remedy. For example, he has contracted away his influence and control over hospitals. Today the hospital administrator controls hospital finance and policy. At least two thirds, 67%, of American hospitals have no doctors on their Boards of Trustees or Directors, and the remaining one third have token doctor representation. Competition among hospital administrators has led to duplication of services, equipment, and a surplus of hospital beds, (judged by the bed occupancy rate) all at the public expense through higher fees and the use of tax revenue subsidies. They have had a marked effect on nursing care and medical staff composition by irrational cost cutting and political decisions in areas in which they lack expertise.

Physicians have lost influence over medical suppliers, which include some giants of American industry. I cannot understand why a stainless steel screw purchased from a hardware store for \$.20, or from a marina for \$.60, should cost \$7.00 when inserted into a bone. The cost of medical supplies is unnecessarily prohibitive.

Physicians have delegated the authority and control once enjoyed in the health insurance industry to civilian executives and employees. Physicians have slept through federal and state legislation which has subjected them to liability for the

actions of others and significantly reduced their freedoms in practice.

Doctors have allowed the rise of "Paramedicalism". While it is admitted that help is needed to increase the ranks of health service man-power, substandard pseudo-professionals are not desirable. Doctors are still trained in the traditional manner combining theoretical knowledge with practical techniques. More professions could benefit by training their students in this manner. Too many are infatuated with the theoretical at the expense of the practical, probably because the instructors lack in practical expertise and confidence. Take note of many modern nursing schools which graduate students who have given shots to mannequins and 'played hospital' in campus labs. Imagine what kind of doctors one would have if a student could read a few books under the nearest tree and obtain a M.D. diploma.

Physicians must become more involved in the educational processes of other health professionals. Physicians are asked to police their own ranks but are not given the requisite grant of power to do so. I have been confronted many times by the uninformed suggestion that the American Medical Association and American medical schools are involved in a conspiracy to control the number of physicians produced in the United States. I am no great admirer of the AMA which I believe to be an 'ex post facto' organization not nearly militant enough, or the medical academia which I believe has lost contact with the real world. It takes dedicated individuals, a specific number of sick

people, specimens, equipment, and the performance of techniques in a controlled environment over a period of years to manufacture a doctor. The AMA and the medical community wish to insure that doctors graduated by American schools are of the highest quality and competence. It is stated that this country does not have a doctor shortage and will have a surplus by 1980. There is, however, an apparent maldistribution of physicians which is understandable in view of the public desire for specialists, and the equipment they require. There is no question that American Medicine is the best the world has seen. If you disagree, I would invite you to pick a country, visit it, and make up your own mind. The recent medical malpractice crisis, which has now spread uncontrolled to other professions, helped to focus the medical community's concentration on medical politics. Many of my colleagues have related little interest in the final direction American medicine will take as long as they have five or six more years in relative freedom in their present status-quo. I believe such an attitude is disturbing, albeit justified. Although helping the public is their main goal, physicians have learned not to trust the public. It is tough to donate one half of your life expectancy preparing for an idealistic pursuit only to find disillusionment and frustration among peers and the public alike. The attitude of eternal service is slowly replaced by the selfish realization that one does owe oneself some enjoyment.

With the massive influx of government pressure and control which reduces the joy of practicing medicine, more and more excellent physicians are turning to other pursuits. This is depriving the public of a tremendous resource and service. How can the public stop this seepage of doctors? Certainly not by legislation or importation but by understanding. Doctors are people first, subject to every need and emotion of the human experience, and doctors second. They can be pushed only so far and trying to force their service is asking for rebellion. The American public has convinced itself of the total dissolution of the right/privilege dichotomy. The great American principle of awarding those who work and strive is slipping into the stagnation of 'equality'. With this push for equality comes mediocrity and eventually the American socialistic and welfare state, with a quality of medicine to match.

The tragedy which will befall American medicine will not be realized by those who have had the most to do with its downfall, but like most things, will be suffered by the generations to come. Although we are presently turning out more, excellently trained doctors than ever before, look twenty to thirty years down the road. If a youngster is facing a career in a socialistic system without opportunity for choice of speciality or geographic location, without compensation in relation to amount of work and merit, and with intense pressure to never be mistaken, I feel confident in

predicting first, a lower quality and quantity of medical graduates, and second, a quality of medicine substantially below our present standard.

What are the possibilities, and how do I fit in? If most of the medical politics topics are settled in a non-governmental free enterprise setting, I believe I will be of use presenting and representing the doctor's point of view. Contractual agreements involving doctors with partners, hospitals, insurance companies, and work situations require both legal and medical background. Other possibilities might be seeking public office, lobbying, public relations and trial work in medically related areas. If medical politics becomes mainly a governmental solution, an administrative approach would be necessary. Agency practice, public relations and lobbying on the federal level would be mandatory. Collective bargaining would be essential to guarantee proper working conditions for those physicians wishing to continue practice. Regardless of the character of the solution, massive unionization of doctors is always a possibility and may well become the only effective way American physicians can recapture their rightful position in the system. If none of this becomes necessary and my services as a doctor representative are not needed, I will return quietly to the practice of medicine having enjoyed this expensive experiment.

1. "Medical Politics" includes; Medical Economics, Professional Malpractice, Fee Fixing, Insurance Availability, Medical Licensure, Insurance Payability, Recertification, Medical Privilege, Intra-Professional Policing, National Health Service, Socialized Medicine, Hospital Czarism, Para-medicine, Governmental Intrusion, F.D.A. and H.E.W. Directives, Consumerism, Public Opinion, Cost of Medical Supplies and Equipment, Medical Facility Planning, Medical Education, PSRD, Medical Service Availability, Intra-Professional Politics, Medical Contracts, Statutory Provisions, Hospital Politics, Governmental Legislation, Bio-Medical Considerations, Medical Legal Conflicts, Unionization, and Free Enterprise Medicine.

Claude T. Moorman II, M.D. A.B. Duke 1961 on full football scholarship; All-American End 1960, M.D. Duke 1966; Captain Army Medical Corps 1967; Civilian volunteer in Viet Nam 1970-71; J.D. expected 1979.

Society

Begins

First

Chapter

Continued from page 20

the last year and a half. The two major events have been the organization of two bus trips to the United States Supreme Court. The popular Supreme Court trip has turned into an annual event with bus seats having to be reserved two or three weeks in advance.

At the Supreme Court, students were taken on a "behind-the-scenes" tour which included a visit to the Justices' dining room, the oak paneled library and the architecturally unique five story self-supporting staircase. In addition to the tour, students viewed the exhibits and paintings that line the marble corridors. During both trips the Marshall-Wythe contingent was allowed to remain in the courtroom for nearly two hours of oral arguments.

The highlight of both trips was when one of the Justices talked to the group. In 1977, Justice Powell discussed the "Role of the Supreme Court in our System of Government" and then answered a limited number of questions.

This year, Chief Justice Warren E. Burger candidly answered student questions for nearly 40 minutes. The Chief Justice discussed questions ranging from judicial administration to legal education. After the "off the record" question and answer session, the Chief Justice was awarded the John Marshall Award for Excellence in American Legal History.

The John Marshall Award is presented annually by the SCHS Marshall-Wythe Student Chapter to individuals who make a significant contribution in the field of American Legal History. Other recipients of the 1978 John Marshall Award were Professor William F. Swindler (John Marshall Professor of Law and Faculty Advisor to the Marshall-Wythe Student Chapter), Elizabeth Hughes Gossett (SCHS National President), William H. Press (SCHS Executive Director), and Gail Gallo-way (Curatorial Director at the Supreme Court).

Two days before oral arguments were presented in the *Bakke* case, the Historical Society presented their first annual John Marshall Lecture. The lec-



Supreme Court Historical Society Officers (from left): Guy Sibilla, Robert Roskovich, Carol Hill, Ann Morrison, Jeffrey Lee Schieber.

ture was delivered by William W. VanAlstyne, the William R. Perkins Professor of Law at Duke University. Professor VanAlstyne discussed the constitutional implications of the *Bakke* case to over 300 students and faculty who had crowded into the moot court room that evening.

Earlier this fall, the film series "Equal Justice Under Law" was presented by the Marshall-Wythe Student Chapter. The films, which depict the great cases of the Marshall Court, included dramatizations of *Marbury v. Madison*, *United States v. Burr*, *Gibbons v. Ogden* and *McCulloch v. Maryland*.

The films were commissioned by the Committee on the Bicentennial of the Judicial Conference of the United States and produced by WQED in Pittsburgh. Professor Swindler served as a consultant on the films. Law students at William and Mary were shown the movies two weeks before they were shown nationally on Public Broadcasting Service stations.

The busy year for the Marshall-Wythe Student Chapter concluded on March 30 when Chief Federal Customs Judge Edward D. Re delivered a lecture on the "Role of the Lawyer in the Judicial Process."

The success of our student chapter indicates an interest at the Marshall-Wythe School of Law in the Supreme Court and its colorful history. It is this writer's hope that a national SCHS student organization—started at our law school—will truly honor the history of the Supreme Court as "a symbol of our Democracy."

Jeffrey Lee Schieber, author, has served as president of the Supreme Court Historical Society, 1977-78; B.A. received Wayne State University 1975; J.D. expected 1978.

Recent Developments

Class of '39

Charles Penrose is assistant librarian of Bethany College, Bethany, West Virginia and is a member of the staff of Clarkson College Library, Potsdam, New York, a position he has served in for nearly 30 years now. He served four and a half years in the Army during W.W.II and although he passed the Virginia and Ohio bar exams he chose a library career. Four years ago he and his wife enjoyed a year on sabbatical in Cambridge, England. A hobby of his is geneology and he has given several talks on "Digging Up Your Own Roots" including a radio interview. His other hobbies include mountain climbing with his oldest son during the summer and swimming during the winter. Dr. Penrose was very kind to furnish us with the following letter in response to **The Colonial Lawyer's** request for any personal reminiscences of Dean Woodbridge, which we were especially grateful to receive since the Dean was Charles Penrose's uncle:

"Dean Woodbridge was most kind and thoughtful. I think everyone who knew him was impressed by his fairness. Also I especially remember his great love for children. He had three and adopted a fourth. He loved to go to the tennis courts and play with the neighborhood youngsters.

I believe I did introduce him to two things that he really appreciated. One was the **Sunday N.Y. Times**. The other was chess. I don't know how he had missed learning the game but I taught him how to play. In a way I regretted it as he wanted to play 3 games a day all the year I lived with his family. I liked chess but not that well.

Also he liked the comics and would read them with great enjoyment. He was an interesting combination of a brilliant mind with a child-like enjoyment of simple things. Formal functions bored him and he was often conveniently forgetting to let his wife, Ruby, know about them until they were over with. I remember once there had been a faculty party in Richmond and it must have been quite a party as even the students heard about it. When I asked him about it he said "The news will leak out." He never drank himself. I remember asking him if he objected if I drank. He didn't try to tell me I couldn't though I was under his roof for a year but said he thought it was a foolish habit. I only partially followed his advice.

As you can see I have a very warm spot in my heart for him and his family. The year before I moved into the college dorms they took me into their home and made me feel like a member of the family."

Class of '51

Bruce Lester was appointed judge of Division No. 1 of the 6th Appellate District of Kentucky on August 17, 1976 and elected to fill the balance of the eight year term in that year's November elections. He notes that Virginia is not without representation in the Kentucky Court of Appeals composed of fourteen judges, three of whom graduated from Virginia law schools.

Class of '52

Robert E. Mellon has been practicing all phases of law in Waterbury, Conn. since 1953. He is associated with another alumnus, "Tocco" Sullivan. Their office handles criminal matters, as well as domestic matters, property closings, etc. He is married to the former Judith Baker and they reside in Waterbury.

Class of '55

Nathaniel Beaman III lives in Norfolk and finds it easy to keep up on the news at Marshall-Wythe since his son, Chip, is a member of the second year class.

Class of '59

Theodore Bliss, M.D. and Fellow of the College of Legal Medicine, is practicing in Norfolk. His main interest is in the field of medico-legal law.

Class of '61

Allan C. Brownfeld resides with his wife and daughter in Alexandria, Va. He writes a column appearing three times a week in numerous papers across the nation and participates in several other journalistic endeavors. He also is a consultant to several members of Congress and lectures throughout the country for Freedoms Foundation of Valley Forge, Pa.

Class of '62

Ronald L. Buckwalter is District Attorney for the County of Lancaster and also a partner in Shirk, Reist and Buckwalter, the second largest law firm in Lancaster County. In response to **The Colonial Lawyer's** request for any personal reminiscences of Dean Woodbridge, Ronald was very kind to furnish us with the following letter:

"I had the great opportunity to be a student of Dean Woodbridge. He is the most memorable professor I have ever had in all my years of formal education.

Two of the stories I remember best about him are probably ones which you have heard before. In any event here they are.

First of all by the way of explaining that it was the substance that counted and not the form he would ask a student a question as follows: "Mr. Smith, if I told you that a dog's tail was his leg,

how many legs would a dog have?" Invariably, Mr. Smith would answer five legs to which Dean Woodbridge would reply, "Why Mr. Smith just calling a tail a leg does not make it a leg."

Secondly, the other favorite reminiscence I have of Dean Woodbridge is the time he set forth a factual situation and then asked one of the law students whether based on that factual situation, the defendant in the case could argue that plaintiff had assumed the risk. Then after the student had given a lengthy explanation as to why the defendant could use the argument of assumption of risk, Dean Woodbridge would say, with that twinkle in his eye, "Well Mr. Law Student, that was the precise argument which counsel for the defendant used in *Commonwealth v. Jones*—and lost.

Obviously the above two stories were the type that you had to be present in the classroom to appreciate them fully. But as one of Dean Woodbridge's former students I can tell you that we enjoyed not only his great teaching ability but his great sense of humor as well."

Class of '62

Peter Haynes White is still on all four corners of White's Corners, Hopewell Jct., N.Y. 12533 or White's Corners, Wappingers Falls, N.Y. 12590. He is a merchant, and his corporation owns one store, a small mail order business, and the family farm. White is the chairman of the Beacon Merchant Association, the director of the Howland Library Restoration Association, a Town and County Committeeman for the Republican Party, and the Treasurer of the Town party. He was last year's "designee" for County Legislator.



Mrs. Anne Forbes greets alumni at homecoming.

Class of '65

John Meagher is Minority Counsel of the Committee on Ways and Means, U.S. House of Representatives. He and his staff of sixteen provide legal counsel, policy and technical assistance to the twelve Republican Congressmen on the committee. Another Marshall-Wythe graduate, **Paul Auster**, joined the staff in 1976 as a specialist in foreign tax law.

William Joseph "Tocco" Sullivan became associated with Attorney Robert Mellon upon his discharge from the U.S. Army. He served as Director of Connecticut's Vietnam Bonus Office for two years and is presently Corporation Counsel for the City of Waterbury in addition to his private practice. He is married to the former Mary Lou Christiano and resides in Waterbury with their three sons.

Class of '67

William C. Atack is a partner in the law firm of Connelly & Atack in Bunnell, Florida, and was very kind in furnishing us with the following letter in response to the **Colonial Lawyer's** request for any personal reminiscences of Dean Woodbridge:

"My first contact with Dean Woodbridge was in 1964 as a first year law student. He was my professor for Torts, Negotiable Instruments, Real Property and Contracts. Our first semester in the basement of that dormitory with this man who wore the same blue suit day after day still reminds me of Thomas Jefferson's dislike for that part of Virginia. The hot and humid summers caused Mr. Jefferson to build a University in the mountains of Virginia—Dean Woodbridge looked like he had stayed behind.

He would perspire so much that he would have to take off his blue, sweat-stained suit coat. The ritual never varied: he would fold the coat carefully, then throw it on the floor of the classroom. He would then proceed with his lecture while at least one fly would buzz around his head, invariably landing on the side of his face or mouth. In what would seem an eternity, his hand would slowly come up to the side of his face or mouth in a hopeless attempt to hit the fly.

Rodney Johnson got some of the best grades in our class, but there are those who said that Rodney sat so far away and was so blind that he couldn't see what was happening and consequently never got distracted. Everyone who knew Dean Woodbridge can tell you what an excellent teacher and fine person he was—but the flies had to really love him."

Class of '67

Jerry Jebo is a partner in the firm of Dalton and Jebo in the general practice of law in Radford, Va. He is the chairman of the Planning Commission of the City of Radford and a member of the Board of Directors of the Radford College Foundation and the New River Legal Aid Society.

Class of '68

Worth D. Banner is an associate with the firm of White, Reynolds, Smith, Winters and Lucas in Norfolk, Va. He wrote the appellee's brief and presented his first argument before the Supreme Court of Virginia this past year. The trial court's demurrer was sustained.

Richard H. Harding is a partner in the 40-attorney San Francisco, Ca. law firm of Little, Mendelson, Fastiff & Tichy. The firm specializes in the practice of labor law representing management clients. Richard, his wife Sue, and two sons live in Walnut Creek and enjoy the northern California life style.

Class of '70

Michael M. Collins is a partner in the firm of Collins, Wilson, Collins & Singleton in Covington, Va.

Stephen R. Crampton is a partner in the second largest Vermont firm, Gravel, Shea, and Wright, located in Burlington. He has served as Director of Burlington Junior Achievement and Director and Vice President of the Vermont Epilepsy Assn. His family includes wife Susan, a practicing C.P.A., and two children. He would be glad to talk to any graduates about law practice north of the Mason-Dixon line.

Charles F. Midkiff was elected Secretary of the Virginia Bar Association, Young Lawyers Section in 1976. During the prior year, Chuck served as Treasurer of the organization. In addition, he has been reappointed to the position of Editor of the Young Lawyers Section, Virginia Bar Association **Journal**. For the last six years, Chuck has been associated with the law firm of Christian, Barton, Epps, Brent & Chappell in Richmond, Va.

George Wright has been a teacher at Monmouth College since 1970 and has been in private practice in New Jersey since 1973. He is married and has two daughters.

Class of '71

After serving as a law clerk of the U.S. Court of Claims in Washington, D.C. for one year immediately following law school graduation, **Nicholas J. "Nick" DeRoma** joined the legal department of the IBM Corporation. He is currently a staff attorney, Office of Counsel, General Systems Division, IBM Corporation, Atlanta, Ga.

Bradley K. Jones served four years in the U.S. Army following law school graduation. He voluntarily resigned from active duty in August, 1975, was admitted to the North Carolina Bar by comity, and has been a sole practitioner in Fayetteville, N.C. ever since.

Robert Haldane Mayer joined the U.S. Supreme Court staff in June of 1977 as Special Assistant to the Chief Justice. Mr. Mayer serves as the senior legal assistant. His duties include responsibility for the judicial side of the Chief Justice's activities. (The Chief Justice has a separate staff for his many administrative responsibilities.) Mr. Mayer personally handles some of the matters which are



Alumni gather at homecoming cocktail party.

directed to his office and directs a staff of approximately 20 people who handle the remainder of the work. He expects to remain with the Supreme Court staff for 3-4 years. He was previously employed by the firm of McGuire, Woods, and Battle in Charlottesville and taught at the University of Virginia.

Fred Morrison left the Army after twelve years service in the summer of 1975. He had served in the Army JAG and spent one year teaching Criminal and Constitutional Law at West Point. He is an Associate Professor at the McGeorge School of Law, University of the Pacific, Sacramento, Ca. and is teaching mostly criminal law related courses. He has four sons; the eldest, Bill, is a sophomore in college at University of Pacific.

Class of '73

Ed Miller works for the Vermont state legislature preparing and amending legislation. He participated in the first impeachment trial in over 200 years in Vermont. He and his wife, Sarah, live in Montpelier.

Class of '74

David G. Altizer became a partner with Gillespie, Chambers and Combs of Tazewell, Va. in January 1977. He is the proud father of a daughter, Carolyn Anne Riley, born on July 4, 1976.

Kent R. Nilsson completed his Ph.D. in Economics and Finance and established a consulting firm for attorneys which prepares and presents financial and economic evidence. He is living in Charlotte, N.C.

Kenneth H. Taylor was named assistant director of the Virginia Employment Commission's appeals division in February, 1977. He had joined the VEC as an unemployment compensation hearing officer in December, 1975, and is a native of Atlanta.

Class of '75

Louis K. Campbell served briefly in the Army and then as Asst. Commonwealth's Atty. of Botetourt County, Va. He is in private practice in association with E. C. Westerman, Jr. in his hometown of Fincastle, Va.

Stanley C. "Clint" Spooner is practicing patent law with the law firm of Holman & Stern in Washington, D.C. He and wife, Sandra, reside in Alexandria, Va.

Class of '76

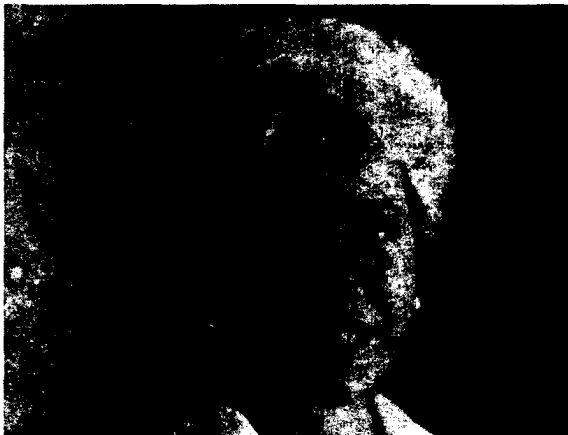
John L. Carver is engaged in the general practice of law with a three man law firm in Belfast, Maine. He deals largely in criminal and trial practice with real estate predominant in the non-winter months. Anyone desiring information on the New England area should contact John, Blake and Hazard, Belfast, Maine.

Richard M. Foard is engaged in the general practice of law, as well as the practice of patent law, in Hayes (Gloucester County), Virginia.

Robert B. Goldman is a registered securities salesman with Shields Model Roland, Inc. in New York City. He is handling retail customers, including estate and trust business, as well as pension funds.

Unable to find a job with a firm or government agency, **Sharon A. Henderson** opened up practice in Fairfax County using her home as her office. Business is improving every day and she's learning more and more about the practice of law that they didn't teach in law school. As of last year, she was writing a section on "Marriage and Its Consequences" for a booklet on **Women and the Law in Virginia** that was to be published by the Virginia Women's Bar Association.

After graduation from Marshall-Wythe and passing the Bar in February of 1976, **Everett P. Shockley** was employed by the law firm of Frith & Pierce in Blacksburg, Va. In September 1976, he opened his own general practice in Dublin, Va., where he is now a sole practitioner.



Mrs. Robert Kaplan organized the 1972 class reunion this fall.



Sandra R. Spooner clerked last year for the U.S. Court of Claims in Washington, D.C. She began work as an attorney at the Department of Justice in the Attorney General's Federal Clerk's Honor Program this past fall.

Class of '77

Janet B. Rubin received a direct commission as a Captain in the Judge Advocate General's Corps, United States Army in September of 1977. She is stationed at the 25th Infantry Division, Schofield Barracks, Hawaii. She is the first woman attorney at this division and as trial counsel she prosecutes court martials. Captain Rubin writes that the weather and surroundings are beautiful!

In searching for graduation dates for this column, we discovered several discrepancies between the information supplied and our computer print-out. Please excuse any resulting error and assist us in the next issue by including your year of graduation with your information. It will be appreciated.

We have included some new listings of alumni to this year's **Alumni News** and have also reprinted the listings in last year's edition. We are trying to remain as current as possible and hope you will excuse any inaccuracies in this year's section. Please send us your news and updates for future issues as well as any comments you have so that we may be able to better report on what Marshall-Wythe's former graduates are doing.

Stained Glass

By Andrew F. Thurman

It would be a prevarication, and a useless one at that, to claim the characters in the following incident are imaginary. It is the mystery writer's unpleasant craft to describe sometimes real places, populated with sometimes real people engaged in wholly imaginary misdeeds. This writer can only hope that anyone recognizing himself in the following story will take it in the spirit offered. Remember, that to be included in invented mayhem is but the gentlest of jests.

It was a lovely sunny April day. The warm light filtered through the dense campus greenery, shining off the aged burnished brick of the law school's small building. In the cramped, busy little Dean's office in the tiny building John Quintus Smith IV escaped the constant clatter of the typewriters that surrounded him by occasionally closing his eyes, imagining himself sitting outside on the law school steps, soaking up the warmth that bathed the outside. The atmosphere in the Dean's office was oppressive; from where he sat, John could not even see a window. He sat in the reception room, right off the law school's main lobby. Besides the two secretaries, complete with desks and typewriters, the room contained several large easy chairs. John occupied one of these. In another, sat the law school's distinguished trusts and estates visiting professor, L. Harvey Landford.

From where he sat, John could see through a half-opened door into the book-lined, windowless cubbyhole which passed as an office for Associate Dean Tom Mulligan. A few feet to the right of Mulligan's door, the door to the Dean's office was firmly closed. Yet, Dean Mulligan's high-pitched voice, raised in anger, clearly issued from the Dean's office. John consequently assumed either the connecting door from Mulligan's office to the Dean's office, or the door from the Dean's office to that of his private secretary, Mrs. Boar, was open. From where he sat, John could see the open door to Mrs. Boar's office; but he could not see inside.

John was slipping into a particularly pleasant daydream built around the lightly clad young women he had seen tripping about the campus in the April sunshines, when an unusually high-pitched whine of Dean Mulligan's followed by the distinct base rumble of the Dean's voice, snapped him back into wakefulness. He arched an eyebrow only to catch Prof. Langford grinning to himself at the sounds of strife within.

"Mah goodness," the professor observed to the room at large in his impenetrable southern drawl, "they seem to be having a ruckus in there." John smiled slightly in agreement, and a secretary who had momentarily paused in her typing looked up and sighed.

"Yes," she said, "things have been getting rather rough. They have the architect for the new building, you know, in there with them and Dean Mulligan is getting upset."

"Really?" Prof. Langford interrogated.

"Yes, you see, it's the window." John and Langford looked suitably blank. "Dean Mulligan's office here doesn't have a window, and the plans for the new building don't include a window for his office either." John nodded sagely. "Dean Mulligan really likes the sunshine," she continued, "As it is he spends half the day in the Dean's office, whether the Dean is there or not, standing behind his desk, staring out the window."

The formidable Mrs. Boar bolted through the door to her office at the tail end of this last observation. She fixed a cold glance on the hapless secretary. "Apparently, Florence," she said icily, slamming down an enormous stack of typing, "Dean Mulligan isn't the only one in this office who shirks their work." John winced at the grammar and Mrs. Boar's glare. "It's true, though," the redoubtable woman added. "Those plans are an outrage. Why, do you realize they haven't even increased the size of my office!" With that, the Dean's secretary disappeared into her lair.

"Well," John said, sensing that Florence might need some soothing. "Surely you folks," he included the other secretary with his glance, "must be looking forward to the new building."

"Oh, yes," the other secretary smiled, pleased with his attention. "It should be wonderful." The four of them continued to chat as the typing resumed.

Not too many minutes later, a slim, short, harried looking man, whom the blueprints under his arm identified as the architect, emerged from the Dean's office. In his passing he left the Dean's door slightly ajar and just as Prof. Langford, having risen, was about to enter, the Dean's distinctive voice rumbled from within. "Florence, hold the next visitor for just a moment please." Prof. Langford returned to his chair and John smiled at the Dean's voice. His accent was easily as thick as Langford's, but instead of a mellow tenor, the Dean's was a deep, rasping bass infallibly reminiscent of a bullfrog.

Almost simultaneously with the Dean's utterance, Dean Mulligan popped his head through the door to his office, having apparently entered through the connecting door while the Dean was speaking. "I am free for visitors, Florence," he piped, still flushed from his argument. Then he swung his door wide open and settled down at his desk in John's plain view.

After a minute or two Florence looked up from her typing and said, "I'm sure you can go in now, Prof. Langford." The professor arose and entered through the door.

"Hello Bill," he drawled as he strolled in, closing the door behind him. "I just need that probate magazine of yours for a day or two, if I can find it on the shelf here."

Scarcely a minute later, Langford slid from the office, again closing the door, and with a friendly wave to all, exited. John was just rising to go in when Mrs. Boar barked through her office door, "Hold Mr. Smith, please—I have some papers to give the Dean." Her connecting door was heard to open and then to close.

John had scarcely settled back into his seat when Mrs. Boar screamed very loudly from the Dean's office. Florence gasped and stopped typing. Dean Mulligan sat up shortly, taking his feet off his desk. But John was quicker than any of them. He jumped out of his chair, shot through the Dean's door, and in two strides came up to catch Mrs. Boar from behind as she staggered back from the Dean's desk. As he gripped her above the elbows and leaned her against his chest, Dean Mulligan popped his head through the connecting door. "Dean Mulligan," John commanded, "please call an ambulance and the police, in that order. Then see to it that someone gets hold of Prof. Langford and the architect and gets them back here."

The Dean's desk was right angled to the door, so that it could not be seen from the receptionist's office. It was set about four feet in front of a large window from which the bright sun streamed in. All four walls of the office were lined with books, whose covers glowed in the friendly sunlight. The massive brown leather visitor's chair was empty. Dean William Sprong was slumped in the desk chair in a most informal pose for receiving visitors, with his head cradled between his arms. He was dressed in a conservative gray suit with a blue and white striped shirt. In the center of a shaft of sunlight fresh blood shone from the staved-in back of the Dean's head. The agent of this damage, a small bust of George Wythe, which usually rested on the windowsill, still sat cockily in the wound.

John slid around the desk, treading lightly on the thick carpet. He put his fingers to Sprong's throat and felt the steady beat of the Dean's pulse. He bent closer and could hear the ragged breathing. Then he began to glance around the room, noticing a space on the shelf at the far end of the room, all the time keeping his fingers on the steady pulse, waiting.

The police came first, and took a few pictures before the ambulance men carried him away. John shuddered at their cold-bloodedness. He walked out into the receptionist's area, only to be intercepted by his friend Lieut. Evers, who immediately ushered him into Mrs. Boar's deserted office.

"Ah, Lieut." John smiled slightly as he settled himself behind the desk. "Is it a privilege of your acquaintance that I do not have to give a statement to the minions as the others are?"

Evers grinned and took a chair across from John. "You," he lightly replied, "always seem to be on top of the bloody doings around here. I thought, considering your successful criminological experience, that I would take your statement myself."

"Very well," John relaxed. "Where shall I begin?"

"Why not some character sketches?"

"Fair enough. I'll begin with the victim. Speaking of whom, by the way, is there any report?"

"He'll live." Evers briefly replied.

"Ah." The tense lines around John's mouth relaxed. He leaned back and stared at the ceiling. "Well, Dean William Sprong. Former diplomat. Slid into his present position when he was slid out by the present administration. For all that, he has done an excellent—and on the whole, popular—job. Forthright, pig-headed, and often abrasive. Talks and looks like a frog. But very smart, very well organized, and dedicated.

"Now, as to possible attackers. The only people with Sprong from the time I came in, until the time I found him, were the architect, Mulligan, Langford and Boar. Assuming something fairly straightforward and unpremeditated, as this appears to be, those are the only ones who could have done it. I don't know the architect, but he and Mulligan were in there together, and I don't think they are in cahoots.

"Mulligan. Associate Dean. Admired and feared contracts professor. Noted classroom actor and ventriloquist. Tyrannical and hated administrator. Smart, sometimes in an obnoxious and condescending way, and somewhat temperamental.

"Langford. Archetypal southern gentleman and absent-minded professor. Conceals under an unbelievable southern accent a very good wit and a tremendous mind for his subject—trusts and estates. Considered nutty, in an amicable way."

Mrs. Boar. Her name seems to suit. Reported to actually run the place. She is certainly very efficient. Despite her fierce reputation, is actually rather nice if you can get up the courage to face her."

"There you have it."

"Now," the Lieut. produced his standard line, "tell me about it."

John told him. In a concise and organized fashion, but with a wealth of detail. He told him of his entrance, the overheard argument, the conversation with Florence, the architect's exit, the Dean's remark, Mulligan's appearance, Langford's visit, Boar's interruption, the scream, the discovery, and his observation of the office. Evers listened carefully and leaned back with a happy sigh when John finished.

"Well," said the Lieut. grinning like a hungry shark, "if it's as you say, I don't need much Sherlocking. After Sprong last spoke, you kept Mulligan and the secretaries in sight the whole time. So it can only be Langford or Boar."

"Mrs. Boar," John still judiciously addressed the ceiling, "as you have noticed, looks none too light on her feet. I don't think she could have nipped around and bashed him before she screamed and I got there."

"I agree," Evers said with deep satisfaction, "so it's Langford."

"Well, but . . ." John tore his eyes from the ceiling and frowned at Evers.

"But what?" that man growled, a trifle beligerently.

"It would be just like Harvey to walk in, say hello, root around for a magazine—there's a space empty on the shelf—and never notice Sprong sitting there mangled. That's Harvey's style."

Evers firmly shook his head. "Can't be." he grunted. "Sprong can't have been attacked before Langford went in. You said yourself that the Dean was alone from the moment he spoke until Langford went in."

"Yes," John bleakly replied, "he was certainly alone." He stood up from behind the desk. "Let's go outside for a moment. It's so nice outside."

The Lieut. followed him, somewhat perplexed, out through the lobby where the others giving their statements eyed them curiously, and onto the building's steps. It was only late afternoon, and the sun had lost none of its glory. John sighed and leaned happily against a pillar. Evers was not so sanguine.

"Well," he growled, "what's buggin you? It better be more than an urge to look at the scenery."

John shook his head regretfully and tore his gaze reluctantly from the perusal of a pretty girl to Evers' less satisfying features. "In the end," he said, "I think that's all there was to it."

"What," Evers understandably moaned, "do you mean?"

John looked through the doors into the building. "Take a few of your men," he said dreamily, "and go ask Mulligan to throw his voice for you." Evers stared, and John continued slowly, "Then ask him to do his Sprong imitation, and then arrest him."

John waited in Sprong's office, standing behind the blood stained desk and staring out the window. In a short time Evers joined him.

"He didn't seem surprised," the Lieut. observed. "He confessed right away."

John answered him without turning from the window. "He knew he was lucky as it was, you see. He had no plan. He was just so mad that right after the architect left he grabbed old George and fetched the Dean a clout in the back of the skull. He did his act as he passed between the offices just to give himself a little time to think, or maybe to make a break. He had no reason to believe that ol' Harvey would putter around in here without even noticing Billy and the blood."

Evers nodded. "how did you know?"

John shrugged, still looking out the window. "I think I probably knew as soon as I saw the Dean had been hurt and I remembered what Florence said. I couldn't visualize how any of the other candidates would come to be standing behind the desk with the Dean sitting at it. But Mulligan did it all the time." John turned from the window and smiled sadly at Evers. "Standing and staring out the window, wishing he had one of his own."

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