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The College of William and Mary
Marshall-Wythe Law Library



Volume 5, Number 5

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ACCESS CD-ROM which contains information available in the 19 volume Standard Federal Tax Reporter. This current information includes "the Compilations, Current Developments, and Topical Indexes...as well as the complete text of the Current Internal Revenue Code, the CCH Topical Index of the Internal Revenue Code, the CCH Internal Revenue Code History documents, and the CCH Citator". ...MWR

FROM THE EDITOR'S DESK

For students planning to remain at Marshall-Wythe over Spring Break, the area on the main floor by the front windows will be unavailable for use on Monday, March 7 and Tuesday, March 8. Carpet is being installed in the Technical Services Department and we must use this area to store furniture removed for the installation. The furniture should be replaced by late Tuesday afternoon.

Mead Data Central just informed us that their FREESTYLE™ feature: "Plain English" searching is now available in both LEXIS and NEXIS. Access is available to law faculty and students from 6 p.m. to 6 a.m. on weekdays and all day on Saturday and Sunday. This new feature allows users to formulate searches in plain english.

CORRECTION: Several issues of volume 5, number 4, were distributed with incorrect information pertaining to data included on the CCH ACCESS Tax Research CD-ROM. We regret any confusion this may have caused. The corrected copy follows.

CCH ACCESS Tax Research Series on CD-ROM. The library subscribes to the CCH

INTERLIBRARY LOAN

**** Fact #1 **** It was in 1876 that Samuel S. Green, Librarian of the Worcester, Massachusetts Free Public Library, proposed that libraries lend books to one another for short periods of time in order to supplement their own holdings.

**** Fact #2 **** The American Library Association adopted the first interlibrary loan code in 1917, although there have been several revisions of the code since. These provide the guidelines for all interlibrary loan procedures.

**** Fact #3 **** The OCLC Interlibrary Loan Subsystem, which became operational in March, 1979, is a library-to-library on-line communication system, which enables libraries to send ILL requests and responses over OCLC terminals. This facilitates the speedy delivery of materials to patrons.

The above facts are brought to you courtesy of the Virginia State Library ILL manual and your ILL facilitator, Joan Pearlstein, who is available for consultation, Sunday through Thursday, from 2 p.m. until 11:00 p.m., in the Circulation Office.
...JP

COLLEGE OF WILLIAM & MARY IN LITIGATION

Over its 300-year history, the College of William & Mary has been sued, or taken action to sue, in numerous cases. Although it is unclear exactly how many lawsuits have had the College as a party, I could easily identify a small number of cases in which the College was a party, thanks to the help of CD-ROM searching on Virginia Law on Disc.

The following is a summary of decisions I found by searching the CD-ROM. Cases are arranged in reverse chronological order. I hope the reader will be motivated to dig out new discoveries along this line, using this source or other creative means.

Lynchburg College v. Cent. Fidelity Bank, 242 Va. 292, 410 S.E.2d 617 (1991)(*reh'g denied*, Jan. 10, 1992).

The College of William & Mary was among the beneficiaries to which a testator made numerous bequests. The will directed that all debts, the expenses of administration of the estate, and the estate taxes be paid as soon as possible after death. Uncertain whether the estate taxes should be apportioned among the beneficiaries, and if not, which fund(s) should be charged with those taxes, the executors filed to seek the court's advice and guidance. The court ruled that the will manifested the decedent's intention to direct the payment of the taxes and administrative costs from the property which would pass under the residuary clause of the decedent's will, and that the apportionment of estate taxes required under law was inapplicable to the specific bequests and devises made in the will. The College joined the other defendants in appealing this ruling, which the Supreme Court of Virginia affirmed.

Jacobs v. College of William and Mary, 517 F. Supp. 791 (E.D. Va. 1980), *aff'd*, 661 F.2d 922 (4th Cir. 1981), *and cert. denied*, 454 U.S. 1033 (1981).

Eloise Jacobs, former women's basketball coach at the College of William & Mary, sued the College on the basis of sex and age discrimination. She claimed that she was paid a

lower salary than male employees doing comparable work, and that the College violated her right to due process by failing to give her proper notice before non-renewal of her contract. After the jury gave a favorable verdict for the plaintiff, the College moved for judgement in its favor or, in the alternative, for the grant of a new trial. The District Court ruled for the College.

Tyler v. College of William & Mary, 429 F. Supp. 29 (E.D. Va. 1977).

Allen Tyler, a former College Assistant Professor of Modern Languages and Literature, brought action against the College, charging that the College's refusal to grant him tenure deprived him of property without due process of law. The District Court found for the College on the basis that plaintiff failed to prove that he enjoyed actual or implied guarantees of continued employment, or a legitimate claim of entitlement to continued employment in a formal tenure system, or a claim of entitlement supported by rules or mutually explicit understandings under a de facto tenure system. Judgment was rendered for the defendants.

Norris v. State Council of Higher Educ. for Va., 327 F. Supp. 1368 (E.D. Va. 1971), *aff'd sum nom.*, *Bd. of Visitors of the College of William & Mary in Va. v. Norris*, 404 U.S. 907 (1971). Plaintiffs, black faculty members and students of Virginia State College and black high school students, filed a lawsuit to enjoin the escalation of predominantly white Richard Bland College from a 2-year institution to a 4-year college. Such escalation, the plaintiffs argued, would frustrate the efforts of Richard Bland College's neighbor, predominantly black Virginia State College, to desegregate. Among the named defendants was the College of William and Mary, which was categorized by the plaintiffs as a predominantly white state institution. At the plaintiffs' request, the District Court enjoined the proposed escalation.

Hundley v. Hundley, 182 Va. 14, 27 S.E.2d 902 (1943).

Alberta Hundley, wife of a janitor of the College of William and Mary, who died of an accidental injury while performing his work

duties, and Luvinia Hundley, mother of the deceased, filed separate claims for compensation against the College. The state Industrial Commission granted 20% of the compensation to Luvinia Hundley on the basis that the wife, prior to her husband's death, had voluntarily abandoned him. On appeal, the Court of Appeals reversed the lower court's decision.

President and Professors of William and Mary College v. Hodgson, 20 Va. (6 Munf.) 163 (1818).

A testator had devised to the College of William and Mary 500 Winchester bushels of Indian corn for the use and benefit of a free school to be established in the center of James City County, and pledged 1,000 acres of his Hot Water tract of land for the full and complete execution of this devise. The College sued the executor, alleging that the estate generally was liable for the annual delivery of the corn bequeathed to the College, and that the pledge of 1,000 acres of land was only an additional security. The trial court dismissed the College's claim, and the dismissal was sustained by the Court of Appeals.

Bracken v. William and Mary College, 5 Va. (1 Call) 139 (1797).

Plaintiff, a professor of the Grammar School of the College, was discharged due to the closing of the Grammar School. After failing to have his professorship restored by a writ of mandamus, he brought action against the College to recover 553 l. sterling in arrears of salary due him. The District Court rendered a judgement in favor of the College, and the Court of Appeals sustained this judgment.

Bracken v. The Visitors of William & Mary College, 7 Va. (3 Call) 573 (1790).

Plaintiff, who was appointed as grammar master and professor of humanity at the College, was removed by a statute of the Board of Visitors of the College. Plaintiff petitioned the General Court for a writ of mandamus to restore his office, but the Court of Appeals declined to issue such mandamus.

If you would like to find more cases in this regard on Virginia Law on Disc, my search

strategy may prove helpful. I ran my search in the databases of MJURIS (Michie's Jurisprudence), VACASES (Supreme Court Decisions and Court of Appeals Decisions), and VAFCASES (Federal Cases). Tables of Cases databases are also accessible.

The query used was: **College William Mary**

After a search was executed in a specified database, the system indicated how many records matched my search terms. To view the search results, I pressed ENTER to retrieve the first folio displaying the context in which the terms "College William Mary" appeared. By pressing TAB I moved the cursor onto the tiny symbol of a reverse triangle preceding the cite I wished to read and pressed ENTER to retrieve the text of the decision. (Press the ESCAPE key to get back to the previous screen).

Since the databases cover a specific period of time (e.g., inclusion of Virginia Supreme Court cases is from January 1925, whereas coverage of Virginia Court of Appeals decisions is from August 1985), full text of historical decisions could not be found on the disc, so I located these decisions in the printed reporter. Despite this hinderance, the disc allowed me easy access to cases which would be hard to track down in printed sources.

If you would like to find more cases in this regard, here are two additional citations: *William and Mary College v. Powell*, 53 Va. 372 (12 Gratt. 1855) and *President and Professors and Masters of William and Mary College v. Hodgson*, 12 Va. 557 (1808). Detailed instructions on the use of Virginia Law on Disc are available at the CD-ROM terminals.

...HBH

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