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At the beginning of this academic year, I advised President Graves and Rector Peebles of my wish to retire as Dean and Woodbridge Professor of Law as of September 1, 1985. My years as Dean at Marshall-Wythe are among the most memorable of my life. With the help of alumni, faculty, students and friends, our school has been moved dramatically toward fulfilling the promise of its eighteenth century heritage.

When I arrived at William and Mary in the summer of 1976, the College had previously appointed me to serve for six months as Dean-designate while phasing out of my law practice. This interim appointment enabled me to participate in accreditation hearings held in Chicago and Washington and provided time to identify those goals necessary to make Marshall-Wythe competitive among the best law schools. For such goals were identified:

1. A new law building
2. A chapter of the Order of the Coif
3. Establishment of a law school foundation
4. A law school dormitory

The efforts of many, many people — alumni, faculty, students and friends — have brought about the achievement of three-fourths of this agenda. There is promise that the fourth goal will be realized in the next few years.

The cornerstone for the new law building was laid on April 20, 1979, and our handsome facilities were dedicated on September 13, 1980. The following year, on April 24, 1981, a chapter of the Order of the Coif, the equivalent of Phi Beta Kappa for law schools, was established at the Marshall-Wythe School of Law. On August 30, 1982, following approval by the Board of Visitors of the College of William and Mary, the Marshall-Wythe School of Law Foundation received its charter. After five years of discussions, a graduate dormitory, to be constructed immediately to the rear of the law building, gained approval by the graduate council and an ad hoc committee appointed by President Graves. The dormitory project is presently in line for funding and construction in 1988. When this takes place, first year law students at Marshall-Wythe will be studying and working together in close proximity to our library and classrooms.

Often an alumnus will ask: How does our law school rank? Ranking educational institutions is often an elusive exercise, depending on who is doing the ranking and the standards adopted for making judgments. Intangibles such as civility, loyalty, integrity, patience and understanding of human nature, essential ingredients for a successful lawyer or judge, cannot be measured and are not reflected midst the plethora of data found in law school reports.

Professor Scott Van Alstyne, basing his findings in The American Bar Foundation Research Journal upon the quality of law student bodies as measured by standard admissions criteria, listed William and Mary among the top thirty-six law schools in the nation. The Rochester pre-law Indicator, also based largely upon student
growth is remarkable, particularly
to law schools, building. The magic number for li-
collection has grown from
approximately
85,000 to
190,000 volumes. This
growth is remarkable, particularly
when one considers that we purged unneeded duplicates and outdated
volumes before our move to the new
building. The magic number for lib-
aries, when evaluating law schools, is
200,000 volumes. We hope to reach
that total for our collection by the end
of the 1984-85 academic year.
In several subject areas, i.e. taxation,
commercial law, legal history, and
environmental law, we have a superb
collection, and are able to serve well
the lawyers of eastern Virginia and our
students. In other subject areas, i.e. ad-
ministrative law, comparative law, and
international law, our collection needs
strengthening. Professor Ed Edmonds,
our librarian, is seeking to supplement
our collection with the Reports of
several states, as well as practice
materials for those states. He would, I
know, welcome assistance from alumni who know of collections for
sale. The states Professor Edmonds is
concentrating upon are: North
Carolina, Maryland, Pennsylvania,
Ohio, West Virginia, New York, New
Jersey, California, Michigan, and
Texas.
Another factor in evaluating law
schools is teach-pupil ratio. This year,
thanks to three positions funded by the
Institute of Bill of Rights Law, we will
have a ratio of slightly less than 1 to 20.
A significant majority of our alumni
have graduated in the past eight years.
There are, however, yard sticks by
which we may measure. Among them
is the Virginia Bar Examination.
Before reciting statistics concerning
that examination, it should be stated
that we have been pleased by the per-
formance of our graduates in passing
the bar examinations of New York,
Pennsylvania, Texas, Georgia, Florida,
and California where many graduates
have begun practice in recent years.
During the past eight years, 901
William and Mary students have taken
the Virginia Bar Examination. Seven-
hundred sixty-seven passed the
examination with one hundred thirty-
four failing. This is a passage rate
of 86%. During the same period in Vir-
ginia, 10,427 persons took the Virginia
Bar Examination and 6,397 were suc-
cessful, for a passage-rate of 67.9%. We
are confident that our 86% passage rate
compares quite favorably with the
records of other Virginia law schools.
Another measurement is placement
of our students. Elsewhere in this mag-
zine, Dean Schoenenberger reports
where our 1984 graduates are being
located. A reading of his report will
indicate that we are sending our grad-
uates to many parts of the United
States, and that many are being well
placed, despite a depressed job market.
We cannot yet measure the work
performance of our graduates, beyond
scattered reports. We are, however,
struck by the number of firms asking
to visit Marshall-Wythe to recruit our
students. Quite often they come
because one or more have graduates
that are in their firms and doing well.
We are an old law school, but young in
so many ways, particularly in terms of
the years we have been sending large
numbers of graduates into the field. It
will be another decade before the
impact and abilities of these fine
young men and women can be evalu-
ated. It has been a privilege to teach so
many of them and to mark their
progress.
Earlier this year, the General As-
sembly of Virginia, largely through the
efforts of Senator Hunter B. Andrews
and Delegate L. Cleaves Manning,
granted a special authorization to the
Marshall-Wythe School of Law that
has enabled faculty salaries at the law
school to reach the national median.
This additional funding, through tui-
ton raises, will be helpful in faculty
recruiting. We have been handicapped
in recent years, particularly with entry
level recruiting, by not being able to
approach competitive salary levels for
beginning professors. Our salary levels
should compare with those of the other
state-supported law schools among
Professor Van Alstyne's list of law
schools having students of high
quality. Substantial new support from
private funds will be needed to attain
such levels.

Dean Spong talks
with a recent graduate.
Jere Willis, and his wife
at commencement. Jere
joined the law firm of
Shackelford and
Honenberger in Culpeper, Virginia,
after graduation.
The law school presently has six endowed professorships: the Woodbridge Professorship, the Ball Professorship, the Bryan Professorship, the Godwin Professorship, the Cutler Professorship, and the Tazewell Taylor Professorship. Additionally, the Institute of Bill of Rights Law funds the Lee Professorship and an Adler Fellowship. A minimum of two additional endowed professorships are needed.

The declining enrollments projected for law schools in the next decade will result in fierce competition for the better students. We will be hard pressed to maintain the quality of our student body without additional private support for fellowships and scholarships. Funds will also be needed for financial aid for minority students.

Additional scholarship aid will be available to Marshall-Wythe students in the future, as a result of generous gifts from our alumni. Beginning during the 1985-86 academic year, we will be awarding the Robert F. Boyd Fellowship. Robert F. Boyd '52 of Norfolk, initiated our Founders campaign by establishing this Fellowship.

A second fellowship in the Founders campaign was established by Arthur B. Hanson '40. The Hanson fellowship will be first awarded in the 1985-86 academic year.

A third fellowship has been established to honor Herbert V. Kelly '43, former Rector of the College of William and Mary, by partners in the firm of Jones, Blechman, Woltz, and Kelly of Newport News, Virginia. The contributing partners are: F. O. Blechman, Raymond H. Suttle, Harry J. Kostel, John T. Tompkins, III, Edward Dwight David, Conway H. Shield, III and Herbert V. Kelly, Jr. This Fellowship will be first awarded in the 1986-87 academic year.

"Should the institution's ascendency continue along present lines, national recognition of its diplomas should continue to grow. As a note to students looking for an easy three years: Marshall-Wythe is not it. The school is looking to build a solid name by demanding competence and preparation. On the good side, all the hard work adds up to a quality education."

An outpouring of gifts from faculty, students and friends to honor the retirement of Associate Dean Richard E. Walck, yielded sufficient money to establish the Richard E. Walck Scholarship to be awarded beginning with the 1985-86 school year.

Earle T. Hale '70 from Los Angeles, California, had previously made a Founders pledge to the Marshall-Wythe School of Law Foundation. Following the death of Dr. William F. Swindler, Mr. Hale designated the funds from his Founders gift toward establishment of the William F. Swindler Scholarship. All memorial gifts to the Foundation to honor the memory of Dr. Swindler will be combined with Mr. Hale's gift to establish the William F. Swindler Scholarship to be awarded beginning with the 1986-87 academic year.

These five new sources for student assistance are being funded through the Marshall-Wythe School of Law Foundation. A scholarship may be established for $25,000 and a fellowship for $10,000.

In sum, we have made progress in student body quality, pupil-teacher ratio, faculty compensation and are working to increase our library collection. These gains improve the statistical objective criteria upon which law schools are evaluated. It is more heartening, I believe, to read a subjective evaluation that captures the spirit of Marshall-Wythe without total reliance upon statistical data. I quote an excerpt from the recently published, Inside the Law Schools, third edition.

"...The new building and generally concerned faculty have propelled the school from mediocrity to prestige in a very short time. Should the institution's ascendency continue along present lines, national recognition of its diplomas should continue to grow. As a note to students looking for an easy three years: Marshall-Wythe is not it. The school is looking to build a solid name by demanding competence and preparation. On the good side, all the hard work adds up to a quality education."
We must not rest upon our oars. Favorable ratings and appraisals should serve as an incentive to assure that our momentum is sustained. The development of our library collection to the level expected of a national law school is an attainable goal. Elsewhere in this magazine, there are reports of faculty efforts to contribute to the body of scholarly legal literature. These efforts must continue and will require increased support for research. If I were to spell out Marshall-Wythe’s goals for the balance of the eighties, I would list:

1. Increased scholarship aid
2. Faculty development
3. Continued development of the library collection

These goals are suggested from the perspective of one who believes that we have a splendid student body and must work to maintain its quality; that we have a fine teaching faculty which should improve its scholarly production but needs significantly more support to do so; and that private sources of library support should be developed.

The number of Marshall-Wythe alumni has more than doubled in the past eight years. A restructuring of our annual giving campaign, now under consideration by the Board of the William and Mary Law School Alumni Association, and continuing development of the Marshall-Wythe Foundation can produce the financial support needed to meet new goals and assure our school’s continued progress.

I have enjoyed reporting periodically to our alumni during my tenure as Dean, and am appreciative of the support the Marshall-Wythe alumni have provided. It has been a privilege to work with our faculty and staff, with President Graves and many others at William and Mary who have been supportive of law school initiatives.

Please try to join us for Homecoming on November 3rd. We will provide coffee at the law school in the morning and lunch will be served at the Campus Center prior to the football game with Lehigh. The student reception following the game will also be held at the Campus Center. Please mark the weekend of April 19th and 20th on your calendar when our fourth spring alumni weekend will be held at the law school.

Cordially,

William B. Spong, Jr.
A LOOK AT THE HISTORY OF WOMEN LAW STUDENTS

AT WILLIAM AND MARY

By Mary Barton

Mary Barton, a member of the class of 1984, graduated from Sewanee (The University of the South) before enrolling at Marshall-Wythe.

As of Spring 1984, 455 women have received law degrees from Marshall-Wythe. An overwhelming majority of these degrees were awarded in the last decade (413), but women have studied law at William and Mary for more than 50 years.

William and Mary was the first state-supported institution of higher learning in Virginia to become coeducational. Consequently, women were never excluded from admission to the law school, though comparatively few chose to apply until recent years. Women did enroll in courses offered at the law school, then called the Marshall-Wythe School of Government and Citizenship, during the first decade following rebirth of the study of law in 1922. The first woman who attended law school at William and Mary and passed the Virginia Bar Examination was Sallie Rome Morewitz. A graduate of Harrisonburg State Teachers College (now James Madison University), she took courses at the law school though she never obtained a degree. Mrs. Morewitz became a member of the Virginia Bar in 1930 and later practiced for many years in Newport News. But it was not until 1937, when Virginia Mister Walker received her degree, that a woman completed the graduate program at the law school.

Virginia M. Walker attended the Marshall-Wythe School of Jurisprudence in the 1930s and it was very different from the school today. The student body and facilities were quite small. The usual number of students in any one course at the time was twelve. The entire program was housed on two floors of Brafferton Hall. Mrs. Walker was one of the four members of the graduating class of 1937. She was the only woman studying law then at William and Mary and the first woman to earn a law degree from Marshall-Wythe.

Mrs. Walker, the youngest in a family of five daughters, grew up in Capeville on the Eastern Shore of Virginia. She was interested in law from childhood and decided to study it long before she entered William and Mary as an undergraduate. She remembers, "In my family, we were expected to go on to school, study hard, and do our best. I always knew what I wanted to do. I think it's an advantage to know early in life."

When the law school opened its doors in 1922 following 60 years of dormancy in the wake of the Civil War, an undergraduate major in law was offered in addition to the graduate professional degree. Until the late 1960s, it was possible to combine studies in the senior year of college with the first year of law school and complete both an undergraduate degree and a law degree in six years. Like her classmates, Mrs. Walker majored in law as an undergraduate and then entered the law program. "They were small classes. We were all friends from undergraduate days. We studied very hard together; struggled through exams, teased each other about our social lives. We all had the same goal — to get our degrees and pass the Bar."

Even though she was the sole woman in the school at the time, she was never made to feel unusual. At first, she says, "I was a bit awed by being the only woman. But it never occurred to the boys to resent me. Dean Cox was so charming and gracious, I soon forgot about being awed and frightened. There was no dis-
Mrs. Walker graduated from Marshall-Wythe and passed the Virginia Bar Examination in 1937. She decided while in law school that she would like to work with prominent Norfolk attorney James G. Martin and be introduced by him to the local courts. But at that time women lawyers were rarely hired. (The only other woman attorney in the Norfolk-Portsmouth area at the time was Norfolk Commissioner of Accounts Annie Brown). “People told me I was crazy, but I knew exactly what I was doing. I took a six week stenography course at Miss Johnson’s secretarial school and then one day at lunch time went to Mr. Martin’s office. I said I wanted to work for him and was even willing to be his secretary.” As it happened, Martin’s current secretary was leaving and Mrs. Walker was hired. Martin did
introduce her in the Circuit Court of
Norfolk, the Supreme Court of Vir-
GINIA, and the Federal District Court.
"It never occurred to him or anyone to
think it strange of him. I never felt dis-
criminated against by the Norfolk bar
and judges." Mrs. Walker worked
seven years for James Martin.

During World War II, Norfolk was a
vital spot, and Mrs. Walker was active
in war work. Among other things, she
held a volunteer personnel job at night,
chaired the Women's Organization for
the Norfolk Cruiser Drive, War Bond
Committee, and the Committee to
Enlist Army Nurses, and served on the
Salvation Army-USO Club Board. "I had
my finger in the war pie," she recalls,"I
wanted a part of the peace pie too." She
applied for a position at the United
Nations in 1946 when the U.N.
headquarters was established in
New York City. "It was hard to leave
Norfolk, I was well established there.
But New York became my city and was
very good to me."

She worked first as a legal assistant
to the Undersecretary for Treaties and
then transferred to the Legal, Political,
and Secretariat Council Library. "Legal
research was always my great love. I
liked it more than court work."

Though she returned for a brief
period to Virginia in 1953, Mrs. Walker
continued to work at the U.N. for 26
years. She retired in 1975 and now
lives in her childhood home in Cape-
ville.

In 1940, the second woman to earn a
Marshall-Wythe degree, Laetitia
Armistead Hanson, graduated at the
top of her class. The third woman
graduate of the law school, Louise Weiss
Mirandon, has the singular distinction
of being the only member of the class
of 1945, the last year of the Second
World War.

Between 1937 and 1970, a total of 27
women graduated from the law school.
The percentage these women repre-
sented in each of their respective
classes fluctuated enormously, from
100% (1945) to 3.2% (1969). However,
the numbers and percentages alone are
not particularly revealing. Until the
mid-1960's, the average size of graduat-
ing classes at Marshall-Wythe was
eleven. The school grew moderately in
the late 60's and early 70's and the
average class size climbed to 53. With
the school's big jump in enrollment
with the class of 1973, women began to
make up increasingly large percen-
tages of each class. From 4% of the
class of 1973, the number of women
increased to 16.8% of the class of 1976,
to 28% in 1980, and 40.3% of the class of
1994.

In many respects, this history mir-
rors that of law schools and the profes-
sion generally. During the 1960's and
70's, law schools grew rapidly to meet
an increasing demand for legal serv-
ces. Between 1960 and 1969, the num-
ber of lawyers practicing in the U.S.
rose 33%, compared with a 14% growth
rate in the 1950's. From 1970 to 1980,
the figure was 91%. Each year, approx-
imately 30,000 new lawyers join the
profession.8 Eighty-five percent of the
women now practicing law entered the
profession in the last 20 years, 55% in
the last decade.9 From a tiny 3.8% of
the law students nationwide in 1963,
women now make up more than 30% of
the overall law school population.10

"The great increase in the number of
women law students in the 1970's
at Marshall-Wythe and elsewhere coincided
with the peak of the
women's movement in
this country. Like
women at other law
schools across the
country, women
students here formed an
organization to provide support, explore roles
of women as law students and professionals, and examine legal issues
with particular impact on women."

The academic performance of
several recent women graduates of
Marshall-Wythe presages success in the
practice of law — certainly in the
opinion of the faculty. In four out of
the last five years, the faculty has
chosen a woman from the graduating
class as the person showing the
greatest promise for the future. Those
chosen were Toni Massaro, '80; Jane
Vehko, '81; Roberta Colton, '82; and
Gretchen Wolfinger, '84. Massaro and
Vehko served as Editors-in-chief of
the William and Mary Law Review, as
did another outstanding student, Lucie
Moore, '83.

Recent women graduates have
achieved early success. Marshall-
Wythe graduates have made partner in
major firms in Richmond, Norfolk and
Washington. Jane Vehko, now prac-
ticing in Atlanta, was Marshall-Wythe's
first Supreme Court clerk; The
Honorable Eleanor Spence Dobson, '74,
is a General District Court Judge in
Arlington, Virginia; and Elsie Munsell
Williams, '72, is a United States
attorney in Alexandria, Virginia.

Barbara B. Lewis, ML&T '74, is now
Dean of the University of Louisiana
School of Law. Toni Massaro is on the
faculty at the University of Florida;
Mary Jane Morrison, '81, is on the
faculty at Hamline; and Ingrid
Hillinger, '76, is among the dis-
tinguished members of our faculty at
William and Mary.

The changes at Marshall-Wythe
have been dramatic since the years
when the law school was quartered in
the Brafferton. Perhaps even more dra-
matic has been the impact of women
upon the law school during the past
decade. Those women students and
recent alumni who are accomplishing
so much can view with pride the early
efforts of those few who were pioneers
in a profession not always enthusiastic
about educating women.

8 MARSHALL-WYTHE SCHOOL OF LAW

FOOTNOTES
1 A total of 2,372 have been awarded.
2 Two sons, David E. and Burt Morewitz,
are Marshall-Wythe alumni.
3 Cynthia Fuchs Epstein, Women in Law, 16
(1980).
4 "Women in the Law," 69 A.B.A. J.
1384 (October, 1983).
5 Fuchs Epstein, supra note 3, at 53.
Working with law firms and other employers, the placement office continues to record a strong demand for Marshall-Wythe graduates. Employers from more than 20 states now recruit on-campus.

"To help with career planning says Dean Schoenenberger who directs the placement program at Marshall-Wythe, "we offer a broad range of counseling services. The goal of the placement program is to provide our students with information on the available opportunities and to prepare them to make an informed choice of the career paths open to them. Information on permanent and part-time employment is collected and conveyed to our students throughout the school year. Much of this information is collected from a network of alumni who pass along tips on job openings in their area. Our students owe a special thanks to our alumni, Dean Schoenenberger noted, for the employment leads which help them develop their campus interviews and job contracts."

As a result of these efforts, the on-campus programs continue to grow with 117 employers from 23 states conducting in excess of 2500 interviews at the law school last year. In addition, more than 200 employers filed resumes with the placement office inviting our students to apply for positions with their firms.

Off-Campus Programs

The increased recruiting activity is not confined to the on-campus programs. New techniques in recruiting are evolving at the national level and Marshall-Wythe is a pioneer of one approach that is gaining national recognition.

Joining 10 other law schools in the Southeast, Marshall-Wythe is a founding member of a special recruiting conference held each year in Atlanta. The Atlanta Conference meets on one weekend in the fall inviting students from each of the member schools to interview with employers from all areas of the country. In the weekend program held last fall, more than 100 employers from 24 states conducted in excess of 4,000 interviews with students at the conference. Now in its 9th year, the Atlanta conference is the largest and best known off-campus recruiting conference in the nation.

Drawing on the success of the Atlanta conference, four Virginia law schools, including the University of Virginia, joined Marshall-Wythe in organizing a recruiting conference for Virginia firms last spring. With the co-sponsorship of the Virginia State Bar, the conference drew employers from across the state. The program was held in Richmond on March 31, 1984 and provided an opportunity for law firms, corporations, public interest groups and government agencies to interview students from each of the participating schools. More than 500 interviews were scheduled with students attending the conference.

Employment Outlook

Changes in the recruiting environment are creating new opportunities for Marshall-Wythe students. Above average growth is expected to continue in the job market for the remainder of the decade as increased population, business activity and government regulation helps sustain the demand for new attorneys. More jobs are expected to open up with growth firms in areas experiencing strong economic development.

Corporate legal departments are another area of the market slated for substantial growth. To offset expenses, corporations are developing their in-house legal capabilities. Approximately 15 percent of all lawyers now practice in-house and this number has tripled over the past decade.

New techniques in recruiting such as the off-campus recruiting conference are having an impact. Employers can recruit with a greater savings in time and effort by interviewing students from more than one school at one central location.

All of these trends are increasing the recruiting activity at Marshall-Wythe, improving the quality and quantity of job placements. In the last three years, more than half of the Marshall-Wythe graduates have entered private practice. In addition, almost 12% accepted judicial clerkships, 9.9% entered government service, 8.6% took corporate positions, 8.7% entered the military justice system and 5% went into other legally related employment.

A list of the employers of the Class of 1984 report as of August 1, 1984 follows. This is not a complete list since many members of the graduating class will not report their employment until after they receive the results from the summer bar exam.
PLACEMENT

JUDICIAL CLERKSHIPS

BATTLE, Robert Emmett
Law Clerk, Hon. James C. Cacheris
U.S. District Court
Eastern District of Virginia
Alexandria, VA

BRODELL, Albert Peter
Law Clerk, Hon. D. Dortch Warriner
U.S. District Court
Eastern District of Virginia
Richmond, VA

CARVER, Elizabeth Chapman
Law Clerk, Hon. Floyd R. Gibson
Eighth Circuit, U.S. Court of Appeals
Kansas City, MO

CLAUSEN, Mark Alan
Law Clerk, Hon. Keith M. Callow
Court of Appeals
State of Washington
Seattle, WA

GARNIER, Michael James
Law Clerk, Hon. Donald H. Kent
Eighteenth Circuit Court of Virginia
Alexandria, VA

HORVATH, Stephen John, III
Law Clerk, Hon. John D. Butzner, Jr.
Fourth Circuit, U.S. Court of Appeals
Richmond, VA

LEFKOWITZ, Robert A.
Law Clerk, Hon. Hal J. Bonney
U.S. Bankruptcy Court
Norfolk, VA

McCAFFREY, Donna Susan
Law Clerk, Hon. Michael Lesniack
Administrative Law Judge
Pittsburgh, PA

PARKER, Gary Marsh
Law Clerk, Legal Research Staff
Supreme Court of Virginia
Richmond, VA

RHEIN, David Robert
Law Clerk, Hon. Charles Clark
Fifth Circuit, U.S. Court of Appeals
Jackson, MS

RUSSO, Philip Lee
Law Clerk, Hon. Walter Hoffman
U.S. District Court
Eastern Division of Virginia
Norfolk, VA

SABO, Kathleen A.
Law Clerk, Legal Research Staff
Connecticut Superior Court
New Haven, CT

STANLEY, Julie Anne
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Carlton F. Bennett
Attorney at Law
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Current enrollment at the Marshall-Wythe School of Law represents students from 177 undergraduate institutions.
Moot Court teams have a great year

By David Rhein

David Rhein, a member of the Class of 1984, graduated from Rutgers before enrolling at Marshall-Wythe. He will be a clerk for Chief Judge Charles Clark, U.S. Court of Appeals, 5th Circuit, in Jackson, Mississippi.

The Moot Court program at Marshall-Wythe has enjoyed increasing success over the past several years. In both national and regional competition, the performance of our moot court teams has steadily improved, and the breadth of our program has expanded.

The 1983-1984 academic year proved to be no exception to this trend. This past year, four of Marshall-Wythe's ten moot court teams captured first place in a variety of regional competitions. Of the remaining six teams, one reached the finals, two reached the semifinals, and three reached the quarterfinals of tournament competition. In addition, two teams advanced from regional competition to compete on the national level.

Three years ago, moot court teams from Marshall-Wythe began competing in the annual American Bar Association National Moot Court Tournament. This national tournament begins with regional competition in the spring of each year, and teams that advance from the regionals meet in a national competition held in conjunction with the annual ABA convention. In the past three years of competition, the Marshall-Wythe team has advanced to the national level every time.

The promise of success for the moot court program for 1983-84 was evident early as Marshall-Wythe sent the team of Mark Clausen, Kitty Devoid, and Ken Newman to Chicago in late October for the Benton competition on Information Law and Privacy. In its first year at the Benton tournament, Marshall-Wythe overwhelmed the competition, and captured first place. Mark, Kitty, and Ken returned to the law school with a $2,000 award for the general scholarship fund.

One week later, Marshall-Wythe's two national teams left for the National regional competition in Charlottesville. The tournament problem this year was based on the Racketeer Influenced and Corrupt Organizations Act (RICO). Our National B team consisted of Ellen Margolis, Brian Marron, and Joan Schwarzkopf.

Each spring, Marshall-Wythe sends the two teams that are going to compete in the National tournament to the Irving R. Kaufman tournament at Fordham University in New York City. One purpose of the trip is for the teams to gain valuable tournament experience before competing in the National tournament in the fall.

At the Fordham tournament, Ellen, Brian, and Joan had advanced to the final round and taken second place in the tournament. The experience evidently served them well, as they managed to prevail in the preliminary rounds of the National Tournament regional competition and advance to the quarterfinals.

The National A team of Eleanor Andrews, Joy Cantrell, and Cheryl Foster were disappointed early in the competition as they were eliminated by Wake Forest in the preliminary rounds. The team's frustration was compounded when they later learned that they had received perfect oral scores in the preliminary round and had written the second best brief in the regional competition. Unfortunately,
Wake Forest had written what turned out to be the best brief, and also received perfect oral scores in the preliminary contest against Marshall-Wythe — the first time in the history of the regional competition that two teams received perfect scores in the same round.

After a three-month break in the tournament schedule, competition began again with the Jessup International Moot Court Competition. The Jessup regionals were held on February 18-19 in Washington, D.C. Holly Hazard, Michael Heikes, Cary Levitt, and Shaun Tomaselli represented Marshall-Wythe in this tournament, which presents the teams with an international law issue each year. The team captured third place in the regional competition.

One week after the Jessup regionals, Marshall-Wythe hosted its own moot court competition, the William and Mary Invitational Moot Court Tournament. The William and Mary tournament is highly regarded by moot court programs at other law schools because, unlike most other moot court tournaments, the William and Mary tournament relies exclusively on federal circuit and Virginia Supreme Court judges to judge each round of the competition. Also, the competition is aided by the Virginia Trial Lawyers’ Association, whose members critique the competitors’ arguments.

The annual William and Mary tournament is based on a federal courts and federal jurisdiction problem and attracts teams from across the nation, as well as several local law schools. This year’s problem involved the rights of surrogate mothers and section 1983 of the Civil Rights Act of 1871.

Planning for the tournament begins almost a year in advance as the Marshall-Wythe moot court board solicits judges and teams for the competition. Each year, Marshall-Wythe fields one of its own teams for the tournament in addition to those invited from other schools.

The Marshall-Wythe team for this year’s William and Mary invitational consisted of Peter Brodell, John David Epperly, and Barbara Johnson. Peter, John David, and Barbara won the tournament with a strong showing in the final round against the Wake Forest team, which finished second. Peter Brodell also received the award for best oral advocate in the competition.

Shortly after the William and Mary invitational, the Marshall-Wythe moot court board sent Alec Donaldson and Donna McCaffrey to the Craven tournament at the University of North Carolina. The tournament problem this year was based on the application of the equal access fairness doctrine to cable television.

Alec and Donna had to argue both sides of the issue in the tournament because the third member of the team had to withdraw from the team at the last moment. Although seeded fourteenth in a field of sixteen, the Marshall-Wythe team nevertheless defeated number three-seed Fordham in the preliminary rounds. Alec and Donna ultimately advanced to the quarter finals.

The regional competition for the 1984 ABA National Moot Court tournament was held on March 8-10 in Washington, D.C. The tournament problem was based on homosexual rights and the First Amendment. Second-year students Ann Burke, Amy Holt, and Carter Reid represented Marshall-Wythe.

After a preliminary round that appeared to foreclose any hope of advancing to the national competition, Ann, Amy, and Carter made a stunning recovery and won the tournament. As last year, the team returned to Marshall-Wythe to begin the preparation for the national competition — a process that consumed most of the summer. This year, the national competition will be held in Chicago. In preparation for the 1984 National tournament to be held this fall, Marshall-Wythe again sent two teams to the Irving R. Kaufman tournament at Fordham University at the end of March. The Fordham tournament is based on a Securities law problem each year — a topic that is particularly difficult for many of the second-year students who compete on behalf of Marshall-Wythe before having an opportunity to take the law school’s course in Securities Regulation.

Sustaining what appears to have become almost a traditional rivalry at the Fordham tournament, both Marshall-Wythe teams advanced to the semifinals this year, and faced the two Fordham teams to determine who would enter the finals. Marshall-Wythe’s A team of Bill Mergner, Sue Stern, and Jon Smith-George were defeated by Fordham in the semifinal round. Marshall-Wythe’s B team, however, defeated the second Fordham team.

In the final round, therefore, Marshall-Wythe’s B team of Tim Jenkins, Doug McDaniel, and George Vitelli, met the Fordham team that had previously defeated the Marshall-Wythe A team. Turning in a solid performance in the final round, the Marshall-Wythe B team defeated Fordham and took first place in the tournament.

Reflecting on the accomplishments of the moot court teams this past year, much of the credit for the outstanding level of overall performance has to go to the faculty and to the moot court board at Marshall-Wythe. Both groups give generously of their time to provide an opportunity for the teams to

The William and Mary invitational team: pictured left to right are John David Epperly, Barbara Johnson and Peter Brodell. David will join the law firm of Tolbert, Smith, FitzGerald & Ramsey in Arlington. Barbara will join the legal department of Dow Chemical Company, Midland, Michigan, and Peter will clerk for Judge D. Dortch Warriner, U.S. District Court, Richmond.
practice their arguments before com-
petition — practice that is seen by
many of the team members as critical
to their tournament performance. Marsha Dula, a member of the 1983
ABA national team, stated that “the
support and assistance we received in
preparing for the regional and national
competitions was invaluable. Without
the help of the faculty, we would have
never gotten as far in the ABA tourna-
ment as we did.”

In the end, however, most of the
credit for the consistently high per-
formance of the teams has to go to the
team members themselves. As Mike
Garrett, the chief justice of the 1983-
1984 moot court board noted: “The
accomplishments of the moot court
teams this past year are a tribute to the
efforts of a variety of individuals. But
the persistence and determination of
the team members themselves are
what made this past year one of the
most successful in the history of the
Marshall-Wythe moot court program.
The obvious willingness of the stu-
dents here at Marshall-Wythe to work
tirelessly not just for themselves, but
for the school as well, surely will con-
tinue to make the moot court program
one we can all be proud of.”

ORDER OF THE COIF

Arthur B. Hanson ’40, shown here with Dean Spong,
was made an honorary member of the Order of the
Coif at the induction ceremony for the Class of 1984.

Members of the Class of 1984 inducted into the Order
of the Coif: Front row: Albert P. Brodell, Julie A.
Stanley, Elizabeth C. Carver, George R. Martin, Ellen
G. Margolis, Katharine B. Devoid, Mary P.
Mastrobattista, Beth S. Schipper. Back row: Stephen J.
Horvath, III, Mary Jo White, Steven E. Keller, Steven
H. Theisen, Mark L. Tysinger, Cary A. Levitt, Michael
J. Garnier, Gretchen Wolfinger and Patrick Toomey.
Professor Richard Walck, who served as Associate Dean of Administration during the last three years, retired after teaching summer school. The Colonel, as he was affectionately known to hundreds of Marshall-Wythe students, will teach next year at Delaware Law School. The faculty dinner in May honored Dick and Becky Walck and featured an announcement of the establishment of the Richard E. Walck Scholarship, funded by students, faculty, and friends of Dick Walck.

The 1984-85 academic year began without two faculty members who have made significant contributions to our program of instruction at Marshall-Wythe. Professor Frederick Schauer, Cutler Professor, accepted an appointment at the University of Michigan Law School. Professor Schauer, a prolific scholar, was a member of the Marshall-Wythe faculty for six years and has achieved a national reputation.

Professor John Pagan who joined this faculty in 1979, has returned to his home in Little Rock, Arkansas to join the faculty of the University of Arkansas Law School. John was particularly active, as was Professor Schauer, in teaching and advising Marshall-Wythe's several Moot Court Teams.

This year we have three visiting faculty members: Professor Robert Kamenshine of Vanderbilt is visiting Lee Professor. He is teaching Constitutional Law and Media Law, and is the second visiting Lee Professor following Professor David Anderson of Texas who was with us last year.

Professor William Marshall of DePaul is teaching Civil Procedure, Federal Courts and a seminar on Religion and the First Amendment. Professor Marshall received a summer grant from the Bill of Rights Institute and is writing on the many Constitutional questions involving religion.

Professor Douglas Besharov, a widely published authority on Juvenile Law, is teaching Torts, Juvenile Law, and Family Law. Professor Besharov is preparing a casebook on Family Law.

The late Dr. William F. Swindler proved a prolific scholar even after his death. Recently published in the Missouri Law Review was his article on "Minimum Standards of Constitutional Justice: Federal Floor and State Ceiling." Dr. Swindler prepared this article in connection with the National Conference on State Constitutions, sponsored jointly by Marshall-Wythe and the National Center for State Courts, which met last March at the Law School.

Professor Timothy Sullivan, absent from the faculty for the past three years, first as a visitor at the University of Virginia and later as counsel to Governor Charles Robb of Virginia, returned to the faculty this year as John Stewart Bryan Professor of Jurisprudence.

Several members of our faculty received summer grants, either from the College of William and Mary, or from alumni annual giving:

Professor B. Glenn George received a summer grant for work on an article about an employer's duty under the National Labor Relations Act to bargain about a decision to relocate bargaining unit work.

Professor Tom Collins is working on research in the area of media law and the right of access for the press.

Professor John W. Lee received a grant to work on two articles involving start-up costs and capitalization theories and the annual accounting principles and correlative adjustments.

Professor Ingrid Hillinger received a grant for work on "Llewelyn's Merchant Concept and the Court."
Professor Ronald H. Rosenberg received a grant to write on "Federal Pollution Control Law and the Military."

Professor Paul R. LeBel received a grant to write on "The Positivist Underpinnings of Intersystemic Certification." Other articles he has written this year are "11th Circuit Survey — Administrative Law 1982-83" published in the Mercer Law Review, Summer 1984, and "Defamation and the First Amendment: The End of the Affair" published in the William and Mary Law Review, August 1984.

Professor Bernard Corr received an alumni grant to study Collateral Estoppel in the Federal Courts. Articles he has written are "Retroactivity: A Study in Supreme Court Doctrine As Applied" published in the North Carolina Law Review and "Interest Analysis and Choice of Law: The Dubious Dominance of Domicile" published in the Utah Law Review.

Professor Lynda Butler has been working on three articles: (1) a short article for the Virginia Bar Association Journal on public consumptive rights in Virginia's rivers and streams, (2) a longer article on allocating consumptive water rights between public and private users and (3) a definitive book on water rights in Virginia written under a grant from the Lawyer's Title Insurance Corporation in Richmond.

Professor Doug Rendleman received an alumni grant to conduct research for the Supreme Court of Virginia on Virginia's attachment, garnishment and detinue statutes.

Professor Doug Besharov received an alumni grant to work on a problem oriented casebook in Family Law.

Professor Trotter Hardy received an alumni grant to prepare an article about respiratory therapists' liability.

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Professor Robert C. Palmer, Adler Fellow of the Institute of Bill of Rights Law, has completed two articles since joining our faculty in August 1983. The first is "The Parameters of Constitutional Reconstruction: Slaughter-House, Cruikshank, and the Fourteenth Amendment." It will be published in September or October of 1984 in the Illinois Law Review. The second is: "A Social-Legal Framework for the Origins of the English Common Law of Property: 1153-1220." It will be published in May or June of 1985 in the Law and History Review, the official publication of the American Society for Legal History put out by Cornell Law School. The second article was aided by a grant from the National Endowment for the Humanities.

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Dean William B. Spong, Jr. has served during the past two years as Chairman of the Governor's Commission on Virginia's Future. The Commission is studying ways the Commonwealth of Virginia might be preparing for the year 2000. Professor Timothy Sullivan is serving as the Governor's counsel to the Commission.

In April, Dean Spong addressed the Richmond Bar Association on the "Origins and Uniqueness of Legal Ethics." In March he addressed the criminal law sections of the Virginia State Bar, meeting in Williamsburg and Fredericksburg, on the effect of the Virginia Revised Code of Professional Responsibility upon criminal practice.

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Professor Elmer Schaeffer is the author of "Basing-Point Pricing Establishes Illegal Vertical Agreements," which will appear in the 1984 issue of the Georgia Law Review.

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Professor James Zirkle, in addition to his administrative duties as Deputy Director of the Institute of Bill of Rights Law, is currently working in the area of constitutional law and national security law.

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The Institute of Bill of Rights Law begins its second year of full-time
operation in 1984-85. The Visiting Lee Professorship, established within the Institute to bring to the school each year a distinguished teacher and scholar working in the area of freedom of expression and the first amendment, will be filled this year by Professor Robert D. Kamenshine of Vanderbilt University School of Law. In addition, Deputy Director James Zirkle is currently working on plans for several upcoming Institute projects. Early in the fall, the fifth book of the William and Mary Law Review will be published, which contains the proceedings of the first annual symposium, "Defamation and the First Amendment: New Perspectives," held in April of 1984. Later in the first semester, the Institute will sponsor the annual George Wythe Lecture. Professor Lee Bollinger of the University of Michigan Law School will be the lecturer this year and will deliver a two-part talk on "Tolerance and the First Amendment," November 7 and 8, 1984, at the Law School. And in the spring semester, on March 29 and 30, 1985, the Institute and the William and Mary Law Review will cosponsor a second annual symposium, "National Security and the First Amendment," which will bring to the law school distinguished professionals and academics in the area of national security law and civil liberties for discussion of current issues in the field.

Professor Charles Koch's year has been dominated by efforts to complete a handbook on administrative law. The book will attempt to explain administrative law in a way that will be useful to practitioners. Early this summer he submitted the manuscript to the West Publishing Co. and the book should be published this fall. An article on judicial review of administrative agency decisions will soon be published by the Missouri Law Review. In addition to these scholarly activities, Professor Koch developed an instructional program to be used with his casebook; the program is an attempt to make the course in administrative law more realistic. He also lectured for the National Judicial College program for administrative law judges.

Professor Glenn Coven has had two articles published, one on the taxation of corporate distribution in the Tax Law Review and another analyzing the Subchapter S Revision Act of 1982 in the Tennessee Law Review. Professor Coven spoke on the Subchapter S Revision Act at the William and Mary Tax Conference. This past Spring he spoke on recent developments in federal income taxation at the Spring Alumni Weekend.

Dean Richard Williamson, who spent the past academic year visiting the McGeorge School of Law in California, continued his scholarly activities, completing the 1983 supplement to "Defending Criminal Cases in Virginia."

A Lively Heritage." Dean Williamson also lectured on Criminal Law and Procedure at the Recent Developments in the Law Seminar held in conjunction with the 1984 Virginia State Bar Meeting.

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Professor Emeric Fischer continues to direct the Marshall-Wythe Tax Conference which in December will be presented for the thirtieth year. Professor Fischer also serves as Director of the Exeter program, which has just completed its eighteenth session. In May Professor Fischer spoke to the Tax Foundation Incorporated, on the subject, "Court Cases and Pending Litigation Since the Container Corporation Case." This talk will be published in the Proceedings of the Tax Foundation’s "State Income Taxation of Multi-national Corporations." In June, Professor Fischer spoke to the Accountants Society of Virginia on "Tax Aspects of Liquidating a Corporate Business."

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Professor Doug Rendleman, Godwin Professor of Law, has had a productive year. He was co-author with Professor Owen Fiss of Yale of the Second Edition of Injunctions published by Foundation Press last December. Professor Rendleman is co-author of the Fourth Edition of Remedies to be published by the West Publishing Company later this year. He is also the author of "How to Enforce an Injunction," published in Litigation, Fall, 1983 Edition.

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Professor Walter Felton serves as the Administrative Coordinator for the Commonwealth Attorney’s Association in addition to his teaching duties and coordinates the research assistance and training seminars for prosecuting attorneys throughout the Commonwealth.

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Professor John Donaldson, Ball Professor of Law, has spoken at several conferences and seminars. He gave a "Review of Recent Virginia Supreme Court Decisions" at a seminar sponsored by Virginia General District Court Judges; he spoke on "Estate Planning for the Charitably Disposed Client" at the Old Dominion University Tax Conference; on "Selected Estate Planning Techniques" at the Virginia Society of CPA’s Annual Tax Conference at Virginia Commonwealth University; on "Proposed Revisions to Virginia’s Wills Statutes" to the Medical College of Virginia Foundation Estate Planning Council; on "Selected Problems in Probate Evidence" to the American College of Probate Judges; and on "Tax Pitfalls for the General Practitioner" for the Virginia Law Foundation’s Committee on Continuing Legal Education. Professor Donaldson was the author of "Suggested Revisions to Virginia’s Wills Statutes: Part Two," published in the Virginia Bar Association Journal, Fall, 1983A

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Professor Walter Williams was on the faculty of the Exeter Program in England this summer where he lectured on Admiralty Law and the Law of the Sea. While in Europe, Professor Williams lectured in Spain and consulted with EEC officials in Brussels, Belgium. Professor Williams recently published an article on the law of war and is working on an Admiralty law article and a book on international law and the termination of armed conflict.

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Professor Frederic Lederer, recently appointed Associate Dean for Administration, has been appointed by the Chief Justice of the Virginia Supreme Court to the drafting committee of the new Rules of Evidence Advisory Committee. During the past year, Professor Lederer has been active in a number of areas. He has written the introduction to the forthcoming scientific evidence symposium issue of the William and Mary Law Review; participated in the
1984 microcomputer program of the Virginia Law Foundation's Committee on Continuing Legal Education; addressed the Homer Ferguson Conference on Military Appellate Practice in Washington, D.C.; and continued work on Military Criminal Procedure, a text being written for the Michie Company. In addition to his evidentiary drafting duties, Professor Lederer is now preparing the 1984 supplement of Criminal Evidence, a West text of which he is co-author, and is working on two evidentiary articles.

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Professor Trotter Hardy, a computer scientist before attending law school, has brought his computer knowledge and legal training together at Marshall-Wythe. He has published an article on the legal restrictions that govern the international exchange of information, and has completed another article on the application of the copyright laws to computer programs. For the past two years he has addressed the Virginia Bar's annual continuing legal education meetings on the use of computers by lawyers. He recently delivered a lecture on his second area of interest, law and medicine, at the annual meeting of the Virginia Society of Respiratory Therapy.

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Two new adjunct professors will join our faculty in the 1984-85 academic session: Gregory Keith Spence, a Harvard law graduate who now serves as the Associate Chief Counsel of the Food and Drug Division, Department of Health and Human Services, will teach a seminar in food, drug and cosmetic law; and Raymond A. Jackson, a graduate of the University of Virginia law school who now serves as an Assistant District Attorney for the United States District Court, Eastern District of Virginia, will teach trial advocacy.

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Professor John Levy has spoken on Ethics and Alternative Dispute Resolution at a conference of the Old Dominion Bar Association, and on The Law and Spouse Abuse at a conference on Domestic Violence in Danville, Virginia. He has participated in a Colloquium on Powerlessness and Legal Change at the Francis Lewis Law Center, Washington and Lee University, and attended the AALS National Clinical Teachers Conference at Duke University School of Law. A shorter version of his article on "The Judge's Role in the Enforcement of Ethics" which was originally published in the Santa Clara Law Review, was reprinted in the American Judges Association's Court Review.

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The faculty was saddened during the year by the deaths of the wives of two former faculty members. In May Alice Karlen, wife of Delmar Karlen, former Tazewell Taylor Professor of Law, died after a long illness. This past summer, Virginia Welton Phelps, wife of Professor Emeritus Arthur W. Phelps, passed away. Both were residents of Williamsburg.
“Bill Swindler was a caring teacher, a thoughtful colleague, a devoted husband and an exemplary parent. His generous spirit, boundless energy and abiding enthusiasm touched the lives of many people. We are grateful that he passed this way.”

WILLIAM F. SWINDLER

Editor’s note: This eulogy was delivered by Dean William B. Spong, Jr. at Bruton Parish Church in Williamsburg on May 8, 1984.

We are assembled to celebrate the life of William Finley Swindler, who spent the last twenty-five of his three score and ten years in the Williamsburg community.

On such an occasion, it might seem appropriate to recite the numerous academic degrees received by Dr. Swindler, or to name the many scholarly books and articles he wrote, or the various occupations and job titles he held. Such a litany would give evidence to a full and energetic life, a variety of talents, and a wide, diverse range of interests. Such a recital would not, however, give flavor or full measure to the uniqueness of Bill Swindler, to the spirit of the man, or to the irrepressible enthusiasm with which he embarked upon a myriad of endeavors.

Bill Swindler was born in the midwest, at a time when America’s continental frontiers had been determined and our nation was nearing an era when war in Europe would turn us from introspection to world leadership. It was a time when a schoolboy who was a voracious reader and an eager pupil might well have become enrap- tured by the political genius of the founding fathers. It was a time when America’s energy and resources seemed boundless. It was an age of innocence and of optimism.

Bill Swindler was always an optimist. His unfailing penchant for seeing the bright side of things, despite adversity, is all the more remarkable when one considers that Bill spent the greater part of his life in two occupations — first as a newspaperman and later as a law professor — where cynicism abounds.

Bill Swindler was enthusiastic. He was enthusiastic about anything of which he was a part. His love of constitutional history was great, but it was
exceeded by his love of the Marshall-Wythe School of Law. He joined the faculty of the law school at a time when the school was small, yet a decade away from the time when growing pains would bring drastic changes in faculty and student body. Bill Swindler always believed, despite the school's inadequate facilities, a pitifully small library and limited resources, that one day Marshall-Wythe would take a rightful place among the nation's better law schools, measuring up the heritage of Jefferson, Wythe, and St. George Tucker. No one was happier when the law school, after nomadic survival during nearly fifty years, was moved into the magnificent building on South Henry Street. The stained glass windows, given by All Souls College of Oxford University, are, in large measure, also Bill Swindler's gift to the law school. It was Dr. Swindler, mindful of the influence of the Vinerian Professorship at All Souls on Jefferson's proposal for a Chair of Law and Police at William and Mary, who persuaded the fellows of All Souls to make a gift of the Blackstone and Wren windows for the new building. Dr. Swindler, with characteristic generosity, gave the faculty's gift to him upon his retirement, a fine print of Thomas Jefferson, to the law school where it hangs in the library's Rarebook Room.

The mark of Bill Swindler is inseparably a part of the law building where he worked and wrote, but a deeper mark is upon the many students who were privileged to enjoy his companionship at Marshall-Wythe. The editors of the William and Mary Law Review, on the occasion of Dr. Swindler's retirement wrote, "his comprehensive knowledge of the origins and evolution of western legal thought and institutions has aided many students to understand our legal system with a depth and richness impossible without his guidance. His irresistible optimism and unshakable dedication to the retention of humanistic values in the law have acted to counterbalance the legal cynicism that is too often a concomitant of law school education."

Bill Swindler was a caring teacher, a thoughtful colleague, a devoted husband, and an exemplary parent. His generous spirit, boundless energy and abiding enthusiasm touched the lives of many people. We are grateful that he passed this way.
A Tribute To Professor Thomas H. Jolls

Editor’s note: the following tribute to the late Professor Emeritus Thomas H. Jolls, who died on March 2, 1984, was prepared by Professor Elmer J. Schaefer.

We here at William and Mary have vivid memories of Tom Joll’s second career, as a law professor. We also were well aware that before coming to Williamsburg Tom had enjoyed a long and successful career as a lawyer in Chicago. We all — faculty, students, and staff — benefited from the learning, wisdom, and judgment developed in those years of sophisticated experience. He of course brought to us more than his skills as a lawyer. Tom’s tact and good humor, I am sure, would have been well-developed even if he had never practiced law.

Tom Jolls graduated from the University of Michigan Law School, where he had distinguished himself academically and served on the law review. This was 1933, not, as Tom once remarked, the easiest time for a young lawyer to start out. The career which Tom began then took him during the next thirty-five years through most of the areas of business law. At the time he concluded that first career and began his teaching career, he was Vice-President of the Northern Trust Company, one of the great Chicago banks, in charge of the Corporate Trust and Stock Transfer Division. At that time he had long since earned along LaSalle Street the kind of accolade which means so much among professional people: “He is a good lawyer.”

Tom’s new career did not alter dramatically the nature of his intellectual involvement with the law. He simply changed from being a scholarly practitioner to being a practical scholar.

In both careers Tom played an active role in the development of the law, publishing a number of articles before and after he shifted his activities from Chicago to Williamsburg. The majority of those articles were published in The Business Lawyer, that stimulating mixture of practical analysis and theoretical insight which is by far the most widely read of the law reviews. One of his articles, “Can We Do Without Stock Certificates?,” in the July 1966 Business Lawyer, was the first in legal literature to address that issue.

Tom also participated extensively in bar association activities, especially those addressed to the analysis and revision of statutes. He served on and was Chair of the Corporation Law Committee of the Chicago Bar Association, a committee which has had major drafting responsibilities for amendments to the Illinois Business Corporation Act, one of the most influential corporation statutes. He served on the committee which drafted the Illinois Act for Simplification of Transfers of Securities by Fiduciaries. He participated in revision of Article 8 of the Uniform Commercial Code, as a member and Chair for four years of the Subcommittee on that Article of the Section of Corporation, Banking and Business Law of the American Bar Association.

Tom’s other professional activities were many and varied. His participation over decades in the American Society of Corporate Secretaries, the professional organization for secretaries of companies listed on major stock exchanges, included a term on the national board of directors. He appeared before a number of non-legal audiences, participating in a series of seminars organized for the investment industry by a major accounting firm and lecturing at the University of Wisconsin Graduate School of Banking. For a number of years he was a member of the Board of Directors of the Mutual Trust Life Insurance Company.

Tom was a generalist. At William and Mary he taught securities regulation, trusts and estates, and commercial law. All these courses grew out of Tom’s varied experience as a lawyer: he had dealt with these subjects, and others besides, in his daily practice. Law teaching is somewhat specialized, and when Tom retired in 1975, a number of changes in the teaching schedule eventually had to be made. A teacher of corporations law took over the securities regulation course. An estate planning expert ended up teaching trusts and estates. Contracts professors taught Tom’s commercial law courses. Thus it took at least three people to replace Tom Jolls.

Any period of seven years is a time of change for a law school, but Tom’s seven years here were a time of great change for this law school. Between 1968 and 1975, the student body more than doubled in size, and at the same time the number of faculty members increased significantly. Along with the growth came improvement in just about everything: the students were better qualified, the curriculum became deeper and more sophisticated, the library collection was strengthened, faculty research increased, and the administration of the school adjusted to the greater size and complexity. Our alumni spread the reputation of the school to places that had never before encountered a lawyer from William and Mary. At the same time, the foundations were being laid for continued progress in all these areas.

It was an exciting time. Through all these changes Tom Jolls provided intellectual strength, practical experience, good counsel and good cheer. At the end of his relatively brief second career, he had not only taught a number of students a lot about the law, he had assisted in significant improvement in the law school itself, improvement which he continued to follow after his retirement in Williamsburg.

I know most, of course, about Tom’s contributions to faculty activities. As a colleague, he was wonderful: good-natured, wise, and kind. As a conversationalist, he was delightful: cheerful, quick-witted, and thoughtful. In faculty governance, he was a quiet source of strength: courteous, decisive, and sensible. As new faculty members came, Tom went out of his way to give us support, encouragement, and companionship. I can see him now: his hands are in his pockets, his head is cocked to one side, and he is laughing.

He is very much missed.
TO THE
ALUMNI
OF THE
MARSHALL-WYTHE
SCHOOL OF LAW:

As of June 30, 1984, at the end of the fiscal year, the Marshall-Wythe School of Law Foundation had a cash balance of $112,724.69, representing gifts plus interest earned after deductions for legal expenses.

The Trustees determined that during 1984, solicitation efforts would be concentrated on gifts and pledges at a minimum of $10,000, with donors to be listed on a plaque in the foyer of the law building as "founders" of the Foundation. The Trustees and Dean Spong have been making calls upon selected alumni asking that they become founders. Thus far the Foundation has been pledged $165,000 by thirteen founder donors. Our cash and pledges now total approximately $250,000.

After the founders campaign ends in December, there will be broader solicitation on behalf of the Foundation with concentration upon law firms, foundations, and testamentary gifts for additional support for scholarships, faculty research, and library needs.

The alumni who have thus far become Founders are:

Robert F. Boyd '52
Howard J. Busbee '68
R. Harvey Chappell '50
Peter G. Decker '60
A. Robert Doll '51
Mark S. Dray '68
Earle T. Hale '70
Arthur B. Hanson '40
William B. Harman, Jr. '56
Herbert V. Kelly '43
Shepard W. McKenney '64
Robert C. Stackhouse '51
Hillsman V. Wilson '53

The Trustees have been limited in the number of alumni they could call upon personally for Founder contributions. If you have not been contacted, and wish to become a Founder of the Foundation by contributing $10,000 over the next three years please contact me or write to Dean Spong. We will be accepting Founder gifts and pledges through the end of this year.

The donor reports for this past year are evidence of what having a Foundation can do. In the short period we have been established, special funds in memory of Professors Jolls and Swindler and the scholarship created for Professor Walck have attracted several gifts. Elsewhere in this magazine, Bob Dutro '69 answers questions about the many ways gifts and bequests may be made to the Marshall-Wythe School of Law Foundation. It is apparent that the margin of excellence needed to sustain the momentum of the law school will be dependent upon private funds to supplement state support. The first gift to the Foundation is a splendid example of what might be done. Professor Mary Jane Morrison '81, pledged sums equivalent to the scholarship aid she received during her years of law school. She has now paid that pledge.

Robert C. Stackhouse '51
President

THE FOUNDATION

MARSHALL-WYTHE SCHOOL OF LAW FOUNDATION

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R. Harvey Chappell '50
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The Honorable John C. Thomas of the Supreme Court of Virginia was speaker at the Marshall-Wythe commencement on Sunday, May 13, 1984.
AN INTERVIEW
WITH ROBERT S. DUTRO '69
DIRECTOR OF
ESTATE PLANNING

Editor's note: Robert S. Dutro is the Director for Estate Planning at the College. Mr. Dutro received his B.A. from Miami of Ohio University in 1959 and his J.D. from Marshall-Wythe in 1969. Mr. Dutro also serves as legal counsel to the Endowment Association of the College.

Q. Where should a person begin when planning a major gift to the law school?
A. The most important first step is to contact the Dean or the Office of Development. We have a wealth of information on the various gift arrangements. Careful planning can result in substantial benefits to the donor and the law school.

Q. Do you have much flexibility in planning the gift?
A. Yes, we certainly do. There are several gift arrangements which will protect your family, preserve your property and benefit the law school.

Q. Are the gifts made directly to the law school?
A. It depends on the nature of the gift. If the donor wishes to make a major gift for endowment, the gift should be made to the Marshall-Wythe School of Law Foundation.

Q. What is the Foundation?
A. It is a non-profit Foundation organized in 1982 to "aid, strengthen and extend in every proper and useful manner" the work of the law school. Gifts to the Foundation are tax deductible to the donor.

Q. Why was the Foundation organized?
A. The Foundation was organized to help the law school develop an endowment. To encourage gifts for endowment, the trustees of the Foundation have established a special Founder's Fund.

Q. How do you make a gift to the Founder's Fund?
A. Under the rules established by the trustees, the donors who make an initial gift of $10,000 or more will be recognized as the Founders of the Foundation and their names will be included on a special plaque in the lobby of the new law school building.

Q. Can you make a pledge to the Founder's Fund?
A. Yes. The donor may pledge to pay the gift over a three year period.

Q. How are major gifts usually made to the Foundation?
A. There are three basic ways to make a gift (1) outright gifts of cash, securities or other property, (2) deferred gifts, and (3) gifts made in a will.

Q. What are the advantages to an outright gift of cash?
A. Cash gifts are especially welcome because of the immediate benefit they provide. The donor is entitled to an immediate income tax deduction for the entire value of the gift. Thus, a gift of $1,000 may actually cost you only $600 if you are in the 40% tax bracket and only $500 if you are in the 50% tax bracket. In addition, you may be entitled to a deduction from your state income tax.

Q. Do you have to make a contribution in cash?
A. No. In fact, you may find even greater tax advantage in contributing stock, real estate or other property which has appreciated in value. Donations of appreciated stocks or real estate held long-term have maximum tax benefits.

Q. What are the advantages of making a gift of appreciated property or securities?

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A. In general, the lifetime gift of appreciated property (or securities) qualifies for an immediate tax deduction and avoids the long-term capital gains tax on your paper profit. The full fair market value of the property is deductible in the year of the gift. If the gift, alone or in combination with other contributions exceeds 30% of your adjusted gross income (the maximum deduction allowable for most gifts of appreciated property), the excess may be carried over and deducted in subsequent years.

Q. Are there other lifetime gift arrangements?

A. Yes. An increasing number of donors find they have “hidden assets” which can be given. Antiques, paintings, and other “collectibles” can be valuable assets for giving. A common “hidden asset” for giving is a life insurance policy that is no longer needed for its original purpose. Let’s assume that your family has grown and that there is no longer a real necessity for retaining a $50,000 policy purchased many years ago. The policy has a cash value of about $20,000. You can assign ownership of the policy to the Foundation and continue to pay the premiums. You’ll gain an immediate tax savings of $7,220 (a $20,000 deduction at an assumed 36% income tax rate). And you’ll gain additional tax savings for the premiums you pay in future years. And the full $50,000, with no reduction for the estate tax, will pass to the Law School to benefit future generations.

Q. What is a deferred gift?

A. Sometimes a donor would like to make a substantial gift during life, but cannot afford to give up the income the gift property produces. In such a case, a charitable remainder trust often proves to be an ideal solution.

Q. How does the charitable remainder trust work?

A. In general, the donor transfers gifts assets to the Foundation to set up a trust fund. The trust pays the income produced by the assets to you or your spouse or your children for life. Then, the assets pass to the Foundation.

Q. What are the advantages of a deferred gift in trust?

A. The donor has the satisfaction of making a sizeable lifetime gift. The income from the gift assets is preserved to protect your family. Careful planning of a gift in trust can often increase the spendable income available to your family through tax savings in income, gift and estate tax deductions.

Q. Are there other forms of deferred gifts?

A. Yes. If you own your home or farm — or even a vacation home — you may be able to make a gift of the property, obtain an immediate tax deduction, and still continue to use the property for as long as you wish.

Q. How does this work?

A. Simply give the property to the law school, but retain the right to use it for your life. You can continue to live in your home, or work your farm, just as before. Only after your death will the property pass to the law school. By setting up this gift now, rather than in your will, you will receive an immediate income tax deduction for the present value of the law school’s future right to receive your property.

Q. What if a person simply cannot make a lifetime gift?

A. Perhaps they might want to consider a bequest in their will. Bequests can be tailored to fit your personal circumstances. You may decide to bequeath a fixed percentage of your estate, a specific amount, or an amount which remains after other named beneficiaries have received their bequests. Bequests may be for real property or virtually any kind of asset, and they may be made in the body of the will or codicil to it. Whether gifts to the law school are large or small, they still express the same ideals and hopes for the future. But again, the individuals who are contemplating a gift to the law school in their wills should contact the Office of Development for advice on the proper wording of the bequest to ensure that it accurately reflects their wishes and the long-term best interests of the law school.
OXFORD WINDOWS

Two large and imposing stained glass windows — a gift from All Souls College of Oxford University to William and Mary in 1979 — are featured on the front and back covers. The "Oxford Windows" which depict Sir William Blackstone and Sir Christopher Wren were given to the law school in 1979 in commemoration of the 200th anniversary of the first chair of law in America.

Blackstone was the first occupant of the Vinerian chair of law at Oxford which served as the model for the chair of law and "police" established at William and Mary in 1779. Wren, the great English architect of the late 17th century, provided sketches for the first building of the colonial college in 1695.

The stained glass windows measure about 9 feet in height and were installed in the lobby of the new law school in 1980.