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## Law Review Alumni Newsletter (Spring 1990)

William and Mary Law Review

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## ALUMNI NEWSLETTER

Spring 1990

Published by the *William and Mary Law Review*

### Seed Planted for Money Tree

by Clay Campbell



John  
Kruchko

"Well, you can't get anything like this started without funds, so I'll donate \$5,000 to the [William and Mary Law Review Alumni] Association as seed money."

Alumni Association organizational board member John G. Kruchko, class of '75, had spoken with such matter-of-factness that the remaining board members (Anne Shumadine, '83; Lawrence Gennari, '89; Michael Gaertner, '89; W. Neal McBrayer, '89; myself, '90; and Patty Jennings, '90), Dean Timothy Sullivan, Associate Dean Deborah Vick and *Review* advisor Professor I. Trotter Hardy were stunned. It was our first meeting, November 4th of last year, and the board had been trying to figure out how the Association should accomplish whatever it was that the Association was trying to do.

Professor Hardy leaned forward, his chair creaked, someone coughed, and then the table broke out in smiles, applause and assorted exclamations.

Later, Kruchko explained his motives: "My three years in law school were tough, but they were good years. I have a very warm feeling when it comes to the school and the *Review*."

"I know from having started my own firm what it takes to get something like [the Association] started and to ensure

its success. [The donation] was a way to get the Association started and to sort of repay my sense of obligation and loyalty to the school and the *Review*."

The money, Kruchko said, is a way to make sure that the Association's goals of "heightening the visibility and quality of the *Law Review*, and establishing an extensive network of lawyers across the country" are realized.

That Kruchko should make his donation in 1989 is somewhat ironic: He proposed starting a *Law Review* alumni association in 1974, when he was one of the *Review*'s Symposium Editors. At the time, most viewed his idea as "crazy," and the Marshall-Wythe faculty "thought it was whistling in the wind," because at the time, the law school had very few alumni.

Kruchko likened his *Review* experience to "hell," but said that it also provided "good friends and great intellectual challenge." Of his hellish experiences on the *Review*, Kruchko recalls with most "fondness" his experience as a Symposium Editor of Volume 14:

"We had lined up all our Symposium authors, and most were good and on time. But there was this one very prominent author . . ." It seems that every volume has its "author-from-hell." This one sent, "well past his deadline," a 15-page copy of a speech that he had given elsewhere, "with not a single citation or footnote in it," Kruchko said. The author signed his cover letter: "Love and best wishes!" Kruchko said that he and two others stayed up 72 hours putting the article together. "We basically had to rewrite the entire thing."

The experience served him well, however. Kruchko published his Note in Volume 14, and was published again in Volume 15. In fact, Kruchko has written two books, including his master's thesis, *Birth of a Union Local*, which Cornell University Press published. The *Review* experience was "great training in the ability to write and research and put together a good argument," he said.

Beyond writing, Kruchko said, his stint on *Law Review* helped him "land a good job." He went to a large firm in Philadelphia upon graduation, spent two years there, then stayed at a large Baltimore firm for another two years before



# Welcome to the Association



Welcome to the *William and Mary Law Review* Alumni Association! These are exciting times for the *Review*, and the excitement stems from the support and efforts of the *Review*'s alumni.

As you know, your efforts played a major role in the recent LEXIS decision to include the *Review* in its database--we have reprinted a story from the *Advocate* in this newsletter to give you an idea of the process of our inclusion. What you probably do not know is that being on-line at LEXIS was our main lever during negotiations with WESTLAW to include us in its database. WESTLAW agreed to include us, and your support and letters to LEXIS therefore played a direct and substantial role in WESTLAW's decision.

Your role in getting us on-line at LEXIS and now WESTLAW will continue to have a ripple effect on improving the *Review*'s visibility and reputation for years to come. A recent survey ranked the *Review* 23rd out of 285 legal periodicals. (65 *Chicago-Kent Law Review* 195, 204 (1989)). The survey examined judicial and journal citations to review articles printed from 1980 to 1983, and was conducted *before* the computerized databases picked us up. Now that we are on-line, our exposure and "cite-ability" are greater, our rank is sure to improve.

These recent developments are the more obvious ways that your support strengthens the *Review* in the eyes of the academic and professional legal communities. Perhaps your most important contribution to our reputation, certainly in the professional legal community, is your practice. You are good lawyers, and professionals make the connection to your school and, inevitably, to the *Review*.

As current members of the *Review*, soon to be alumni, we appreciate your efforts greatly. And with impending budget cuts--some say up to five percent across the board--your support is all the more essential to the *Review*'s ability to maintain its standards of quality. Items ranging from a new typewriter to computer equipment, a copying machine, paid professional manuscripts and speakers--all are needed to give the *Review* a competitive edge.

Generous donations by John G. Kruchko, class of '75, and Anne B. Shumadine, class of '83, are already collecting interest in a *Law Review* Alumni Association account. In the coming crucial years, however, the *Review* will need to depend even more heavily on the generosity and dedication of its alumni.

The current staff are all eager to seek the next quantum of quality--20th in the country? 15th? Funding will be key to making the next leap. We know that we can depend on Marshall-Wythe's commitment to the *Review*--Dean Sullivan and Professor Hardy and the rest of the administration and faculty's enthusiasm is unwavering--the question centers on the state's ability to remain committed to our quest for constant improvement.

The *Review* Alumni Association is strong, strong enough to continue to support the *Review*'s ambitions. This year's membership drive netted 96 new members, not including the 70 or so renewals from last year, and dues continue arrive. A formal Association board, formed this past summer, has met once and is soon to meet again. Bylaws are being drafted for the Association. The Association is *not* a fuzzy idea, enthusiastically received but soon to be shelved. The Association is already strong enough to switch roles with the *Review*: It no longer needs to be nurtured, but can now carry out its crucial role in sustaining and supporting the *Review*.

We're glad to have you on board. It is comforting to know that we can count on you. Thank you for your continued support and participation in the Association and the *Review*. We hope to see you in Williamsburg April 20 for the Spring Banquet.

Sincerely yours,

the *William and Mary Law Review*

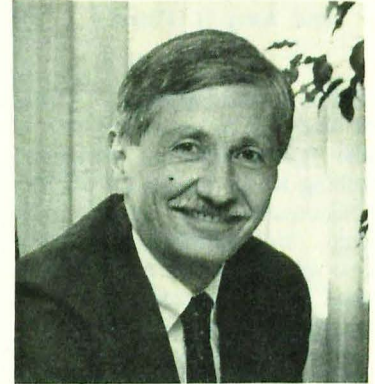


Creation of the *William and Mary Law Review* Alumni Association is among the most encouraging developments of the last five years. The decision to establish an Alumni Association was due entirely to the inspired leadership of successive editors-in-chief, beginning with Larry Gennari ('89) and continuing with Clay Campbell. The *Law Review's* future prospects are brighter because members of the editorial board will now be able to count on the organized help of the alumni.

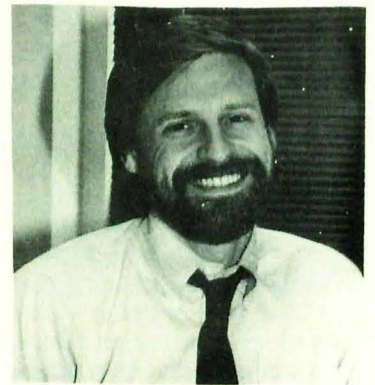
The *William and Mary Law Review* has reached a new stage in its development. Evidence of its eminence is easy to find. The quality of professional articles is consistently higher, the number of good submissions continues to increase and the difficulty in choosing among an abundance of excellent manuscripts grows each year. You will read elsewhere in this newsletter that the *Law Review* has been ranked twenty-third in the country in a recent survey published by *Chicago Kent Law Review*. This survey confirms what we already know: the *William and Mary Law Review* is among the top 16% in the nation.

The *William and Mary Law Review* is well on its way to becoming one of the most respected scholarly journals in the nation. The principal source of my confidence in its continued progress is the *Review's* consistently exceptional student leadership. The additional help provided by the *William and Mary Law Review* Alumni Association will be a material factor assuring that the *Law Review's* long overdue recognition comes sooner rather than later.

## A Message from Dean Timothy J. Sullivan



## A Message from Law Review Advisor I. Trotter Hardy, Jr.



I am very pleased about the *Law Review* Alumni Association this year; we are well on the way toward a strong organization in only our second year of existence.

The creation of the Association is one of the most exciting developments I've seen in my six years as the *Review's* Faculty Advisor. The Association is an important way to continue the *Review's* trends of increasing visibility and recognition. It also provides a great mechanism for forming a strong network among those with the shared experience and background of excellence provided by the *Review*.

I look forward to the next few years as an opportunity to expand and strengthen the Association, benefitting the *Review* and its alumni. The *Review's* growing prestige among the literally hundreds of competing reviews is a real tribute to years of student effort, and to faculty and administrative

recognition--particularly in the last four or five years--that a strong *Review* is to everyone's advantage and is well worth a commitment of resources and support.

Very recently, state-wide budget cuts have imposed a surprisingly quick retrenchment in the College's finances. Dean Sullivan's commitment to the *Review* remains unwavering and strong, but the next few years promise nonetheless to be leaner than before. A build-up of alumni support through the Association, both financial and in the form of advice and counsel, therefore couldn't come at a better time.

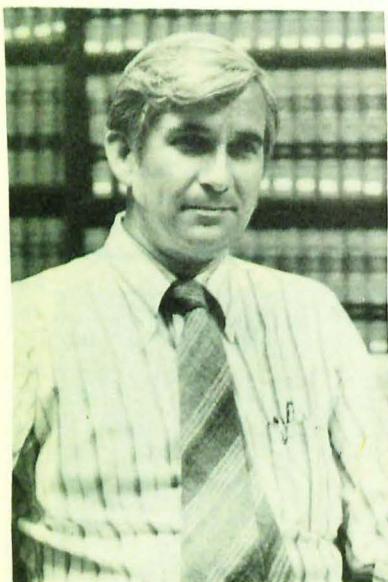
This year's editors and staff are hard working and enthusiastic, and I am confident that the Alumni Association is getting off to a solid and much needed start. I hope to see you all at this year's Spring Banquet (April 20).



# Law Review Alumni Return to Marshall-Wythe as Faculty

by Clay Campbell  
Michael Fuchs  
and Amy G. Pesesky

Maybe it's sentimentality -- warm memories of quiet days spent studying in an atmosphere of quaint colonial charm. Maybe it's a sense of obligation -- a desire to return something to the institution that started them off on shining and successful legal careers. Maybe it's just plain old revenge. But something has caused *William & Mary Law Review* alumni John E. Donaldson, Emeric Fischer and Shepard W. McKenney to return not just to academia, but to Marshall-Wythe, to impart their considerable legal knowledge and experience with the current student body.



John  
Donaldson

When many, if not most, *Law Review* alumni reminisce about Marshall-Wythe, they probably remember learning Trusts and Estates or Federal Income Tax from Professor John E. Donaldson. When Professor Donaldson recalls his days as Editor of the *Review* in 1962, he thinks about how different things were.

The *Review* was an annual publication then, not its current four issues per year, which made for a much more relaxed atmosphere in the *Review*'s office--then on the first floor of Bryan Hall dormitory. "The attitude was that you had a year to get the issue out," Professor Donaldson said. "It was not as crammed up and time-pressured as it is today."

The laid-back attitudes could cause problems, however. Professor Donaldson said that because everyone assumed that they would have plenty of time, "when an author fell down, or didn't meet his deadline, we were in trouble." Still, no major calamities occurred during Professor Donaldson's tenure on the *Review*, and the *Review* became a biannual publication in 1963, the year that Professor Donaldson graduated from Marshall-Wythe.

Upon graduation, Professor Donaldson went into private

practice for two years, and then joined the Internal Revenue Service as an attorney in the Office of Chief Counsel. There, Professor Donaldson found his *Review* experience "particularly helpful." His position required "rigorous writing," including his drafting of IRS regulations and speeches for the Commissioner.

Professor Donaldson left the IRS in 1966, when he joined the faculty at Marshall-Wythe. Since then, he has taught "most of the courses" offered at the law school at one time or another, including Virginia Procedure, Estate Planning and Contracts. He even taught Land Use between 1972 and 1979, during which time he was also a James City County Supervisor.

Since 1979, most of his former students will remember Professor Donaldson as having taught them Federal Income Tax and Trusts and Estates. Teaching sometimes a hundred or more students Trusts and Estates is quite a change from when Professor Donaldson was a member of the *Review*, when "there were no more than 21 or 22 students in [his] entire class; probably about four or five on the *Law Review*."

The change in size means more than large classes to Professor Donaldson; he said that he sees many of his former students at Virginia Bar meetings, and "quite a few" of his former students call him regularly, with legal questions or just to chat. Does he mind? "I'm quite pleased with it," he said.



Emeric  
Fischer

When the *William and Mary Law Review* needed a leader in the early 1960's, law student Emeric Fischer answered the call. And when the law school's faculty was similarly short-staffed a few years later, law professor Emeric Fischer again stood ready.



Those were busy times for Fischer, who left his job as a certified public accountant in Beaufort, South Carolina to enter Marshall-Wythe School of Law in 1960. The law school was tiny by today's standards, and that meant heavy work loads both for *Law Review* members and fledgling professors.

"We didn't have 100 students in the whole school," Fischer recalled recently of his earlier days. That left a handful of students to publish the *Law Review* -- writing the notes, editing the text, subchecking the footnotes, and handling all the administrative chores. Fischer took the demanding job as editor in 1963.

"The *Law Review* was six to seven people. We were a tiny group, the work was a tremendous load. We didn't want anyone to be in charge for more than one semester. The editor-in-chief had to do all the subchecking, as well as writing an article. I had to do what is now done by several people."

The *Law Review* was published once a year when Fischer took over, but during his reign the *Review* doubled its editions. "I was a sucker for punishment," Fischer recalled with a laugh. "We didn't have enough work with one, we had to do two." By 1966, the *Review* grew to three issues a year. The following year, the *Law Review* added its fourth edition.

While a student in the law school's masters program in 1964, Fischer became a part-time law instructor. The following year, Fischer traded his student status for a faculty position -- but retained his willingness to do whatever was necessary. In his early years, Fischer took on any class than needed a professor. "When I was initially a professor, when they needed something taught, they turned to Fischer," he said smiling. Although he now teaches mainly Trusts & Estates and Insurance, Fischer has taught a long list of classes at Marshall-Wythe. He helped get Agency Law as a permanent course offering. He has led a variety of classes, including Income Tax, State and Local Tax, Property, Evidence, Legal Accounting and Contracts.

Now in his fourth decade of teaching, Fischer looks forward to retirement in June 1991. But that doesn't mean he plans to slow down. Some exotic travel is first on his itinerary. "Australia, New Zealand, Tahiti -- those areas way down there where you fall off the earth," he said, his eyes beaming. Perhaps a trip to Southeast Asia.

But don't think that Fischer plans to leave the law behind. Retirement will give him that chance to finish some long-term projects. He looks forward to completing a tax accounting book begun three or four years ago, and writing a new edition of his casebook on Insurance Law. He also plans to finish a law review article on banking and the insurance industry that he's been researching and writing for two years. Books for his writing projects are piled high on the floor surrounding his desk.

"There's still academic work to do, but I'll have time for it. Preparing for classes takes so much time." And retirement might even lead to a teaching stint elsewhere as a visiting professor. "I'm not the type who likes to move around job-wise. I'd rather stay put," said Fischer, who has been satisfied with his nearly 30 years teaching at Marshall-Wythe. But visiting another law school is an option. "I'd do some visiting -- because I'll have a place to come back to."



Shepard  
McKenney

The *Law Review* was "struggling" when Shepard W. McKenney served as its Editor in 1963. Changes in the *Review* in particular and Marshall-Wythe in general struck him when he returned to the law school as an adjunct professor in 1982, teaching Modern Land Finance. Professor McKenney remarked "how incredibly different" the *Review* and law school seemed when he arrived. Of course, 20 years at that time, now going on 30, will change just about anything; yet Professor McKenney is still amazed that "the *Review* has come so far so fast," with marked improvements in the *Review's* equipment, facilities and resources.

When he was Editor of the *Review*, Professor McKenney said "it was difficult to get anybody outside the law school" to contribute articles--a considerable difference from the current 500-plus unsolicited professional articles that flood the *Review*. Professor McKenney modestly illustrates his point about the dearth of publishable articles with the fact that the *Review* was willing to publish an article that he wrote while at law school, an article that he himself had decided should not be published. To his surprise, the *Review* ran the article, "An Argument in Favor of Strict Adherence to the 'State Action' Requirement," in Volume 5, Issue 2, after Professor McKenney had graduated.

After receiving his J.D. in 1964 from Marshall-Wythe, Professor McKenney went to Kaufman & Canoles in Norfolk, Virginia. He became a partner in the firm in 1968, but left private practice in 1971 to become owner and President of Guest Quarters, Inc., which owned a small chain of hotels. He sold his interest in Guest Quarters in 1983 and purchased Hinkley Co., a yacht building company in South Harbor, Maine.

Professor McKenney now lives in Maryland, which would make for an awful weekly commute to teach his class and perform his duties as President of the Marshall-Wythe School of Law Foundation, a position he has held since 1989. The commute doesn't take nearly as long as one might think, however; he flies to Williamsburg in his private plane.



# First Woman to Sit on Federal District Court Bench in Virginia to Speak at Spring Banquet

by Stephanie E. Burks

Rebecca Beach Smith is probably one of the few Marshall-Wythe Executive Board alumnae who can list among her accomplishments the publication of not four, but five issues of the *Law Review* during her tenure in office. "We played catch-up with one issue" left over from the previous term, said Smith, and "worked very hard" to complete all five before the end of the 1978-79 academic year. Perhaps more noteworthy, however, is the fact that Smith currently sits as the first female federal district court judge in the state of Virginia. Judge Smith will speak at the Annual *Law Review* Banquet on April 20, 1990.

Smith has quite an impressive record. She received her B.A. from the College of William and Mary in 1971, graduating Phi Beta Kappa, and earned her Masters in City Planning and Public Administration from the University of Virginia. In 1979, Smith graduated first in her class from Marshall-Wythe and received the Weber diploma, which is awarded to the graduate who shows the greatest professional promise. She then clerked for Federal District Judge J. Calvitt Clarke in Norfolk before joining the civil litigation section of Wilcox & Savage. In 1985, Smith

became a federal magistrate for the Eastern District of Virginia and served until her 1989 appointment as district judge.

As a member of the '78-'79 *Review*, Smith served as Student Articles Editor. "I thoroughly enjoyed *Law Review*," remarked Smith. "It really was the highlight of my law school career." Smith said structuring legal arguments and using proper bluebook form became second nature as a result of her *Review* experience and that this knowledge has been "invaluable" to her throughout her legal career. As a result, Smith considers law review experience one of the key criteria in her selection of a law clerk.

Smith has fond memories of her *Review* friendships as well. "We were a very close-knit group," she remarked. During the year following graduation, Smith worked together as co-clerk for the Honorable J. Calvitt Clarke with the Editor-in-Chief, David B. Gifford, who served during her tenure on the *Review*. Smith still maintains contact with several of her *Review* classmates. She said that two former *Review* members attended her swearing in after her recent federal district court appointment and five others sent letters of congratulations.

## Homecoming at Marshall-Wythe

by Catherine A. Lee

The 1989 Homecoming was a great success! William & Mary beat East Tennessee with a score of 34 to 28.

This major win was followed by an enthusiastic celebration at the law school. The *William & Mary Law Review* & the Moot Court Board jointly hosted the Second Annual Homecoming Barbeque. As part of the *Review*'s consistent effort to provide alums with the best of everything, the dinner was catered by the now-famous Pierce's Barbeque. (*Law Review* alums who counted on Pierce's as part of their recommended diet will be pleased to know that a Pierce's concession stand is now in operation at Bloomingdales in New York.)

Twice as many alumni and students attended the Barbeque as last year, making 1989 the most celebrated Homecoming the law school has seen in years. The classes of 1989 and 1979 represented the largest groups at the celebration. Editor-in-Chief Clay Campbell was pleasantly surprised at the large turnout and "hopes that the event will continue to grow

in the following years."

Deborah Vick, Assistant Dean of Alumni Affairs, attributes the success of the barbeque to "the tremendous support given by present and former *Law Review* and Moot Court Board members". She noted that it was "nice to see students participating in an alumni event to support the two programs." Not only did students attend the barbeque in mass, but they contributed homemade desserts to top off the meal.

In addition to providing a great time for alumni and students, the barbeque raised necessary funds for the *Law Review* and Moot Court Board, who shared all proceeds equally. Dean Vick commented that to the best of her knowledge, "Marshall-Wythe is the only law school where student organizations run alumni events for fundraising purposes." Campbell said the *Review* intends to use the proceeds for other *Law Review* Association activities, such as the Spring Banquet, the *Law Review* Alumni Directory and the bi-annual newsletter.





There are tools, and then there are power tools. Editor-in Chief Clay Campbell makes sure the noises inside his head don't disturb the other library patrons.

# New Selection Process for *Law Review* Membership

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This spring marks the onset of a new era in the selection process for the *William & Mary Law Review*. Beginning with the class of 1992, the *Law Review* write-on competition will take place immediately following first year second semester exams, rather than the week before second year fall classes begin, as in previous years. Because the second semester grades are not due for at least a month following the exam period, all first year students interested in obtaining membership on the *Review* must submit the paper required for the write-on competition. However, the selection criteria will essentially remain the same. As in previous years, approximately half the new members will be chosen based on class rank (generally the top 7.5% of the class), while the other 14-15 members will be chosen through the writing competition, which requires each participant to submit a formal law review note on a preselected topic.

Clay Campbell, the *Review's* Editor-in-Chief, stated that the primary reason for the timing change was to facilitate the scheduling problems inherent in the former system. Since half of the *Review* members were chosen through class rank, these "grade-on" members were informed of their selection during the summer preceding their second year, and were therefore able to assume their staff duties immediately upon returning for second year classes. With the writing competition scheduled in the fall, however, the "write-on" members could not assume their responsibilities until well into the fall semester. This created an unnecessary burden for editors of the *Review*. "Everything had to be staggered for two classes of people," said Campbell. In addition, the Executive Board "wanted to do away with the distinction between those who grade on and those who write on," remarked Kimberly Thompson, the *Review's* Research Editor. "We think it serves no purpose," said Thompson. By conducting the writing competition in the spring, all new staff members can begin work at the same time, creating a smoother transition period and avoiding a division between "grade-on" and "write-on" members.

The new system does, however, require *all* interested candidates

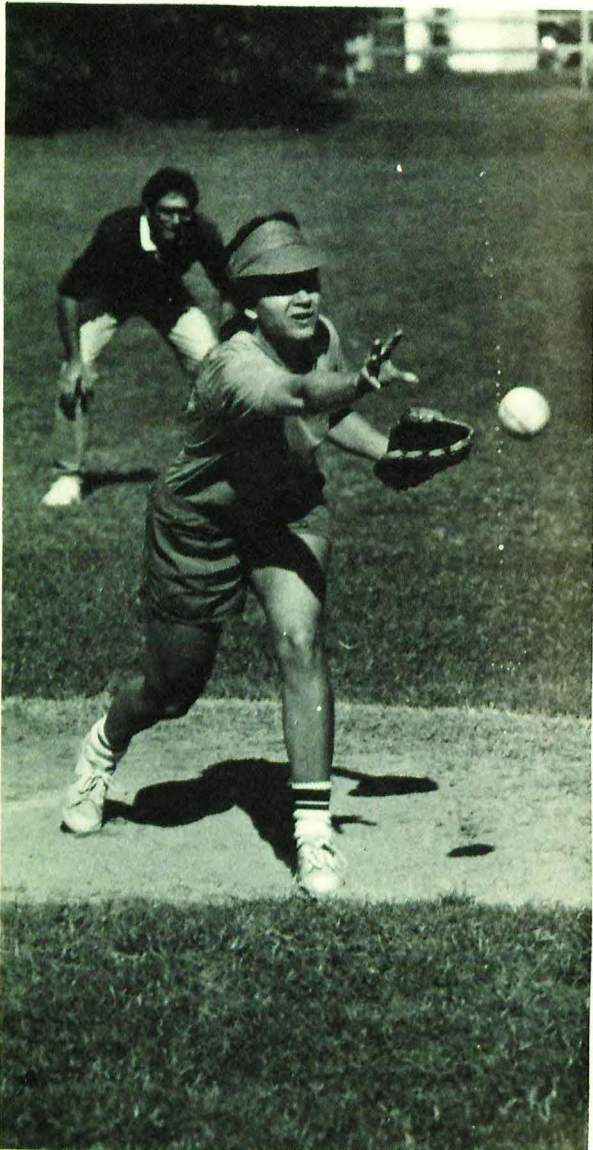
to submit a "good faith effort" towards the writing competition. This means that even those students that eventually "grade on" to the *Review* must "approach the writing competition as if [they] hadn't graded on," said Campbell. Campbell acknowledged that the new system might cause some irritation among the highly ranked members of the class. "I would probably have been upset," he mentioned; "I was a 'grade-on.' But I would have made the effort." Similarly, Thompson declared: "I think the primary controversy over the new system will be among those who feel confident they'll grade on [complaining about] having to write a paper, but given the scheduling there's just no way around it." Campbell stated that although "the change was necessitated by other factors . . . there was overwhelming support for the proposition that all candidates be required to submit [a writing entry]." (The final decision was made by a full vote of all *Review* members, not merely the Executive Board.) Campbell also stressed that "this is an important learning experience. I think the *Review* is important enough to [require] tak[ing] the trouble to write on. Ultimately, we're looking for the best writers, and [entering the competition] will make members better writers. I would encourage everyone to go through the write-on process, regardless of class rank." Kimberly Thompson agreed, adding that the competition papers would serve as a partial basis for *Review* evaluations, conducted at the close of the first semester on the *Review*. "At present, 'grade-ons' totally lack this evaluation tool."

Overall, the *Review* staff seems to feel that the new system is sounder educationally as well as administratively. Erin Brisbay, a second year staff member, strongly approves the upcoming changes. "I support the schedule change because it will help the *Review* better meet its publishing goals, and it will also equalize the competition between those who have summer clerkships and those who don't," said Brisbay. "The 'write-on' competition makes you better prepared for your law review note. It tightens up your writing style and improves your bluebook skills. I think it's great that everyone will participate in the competition."



# Too Much "Spirit" Drowns the Review in Softball Match

by Everette G. Allen III



Professor Lynda Butler demonstrates proper form as she zings her renowned "double secret change-up whammy" at some hapless *Review* victim.

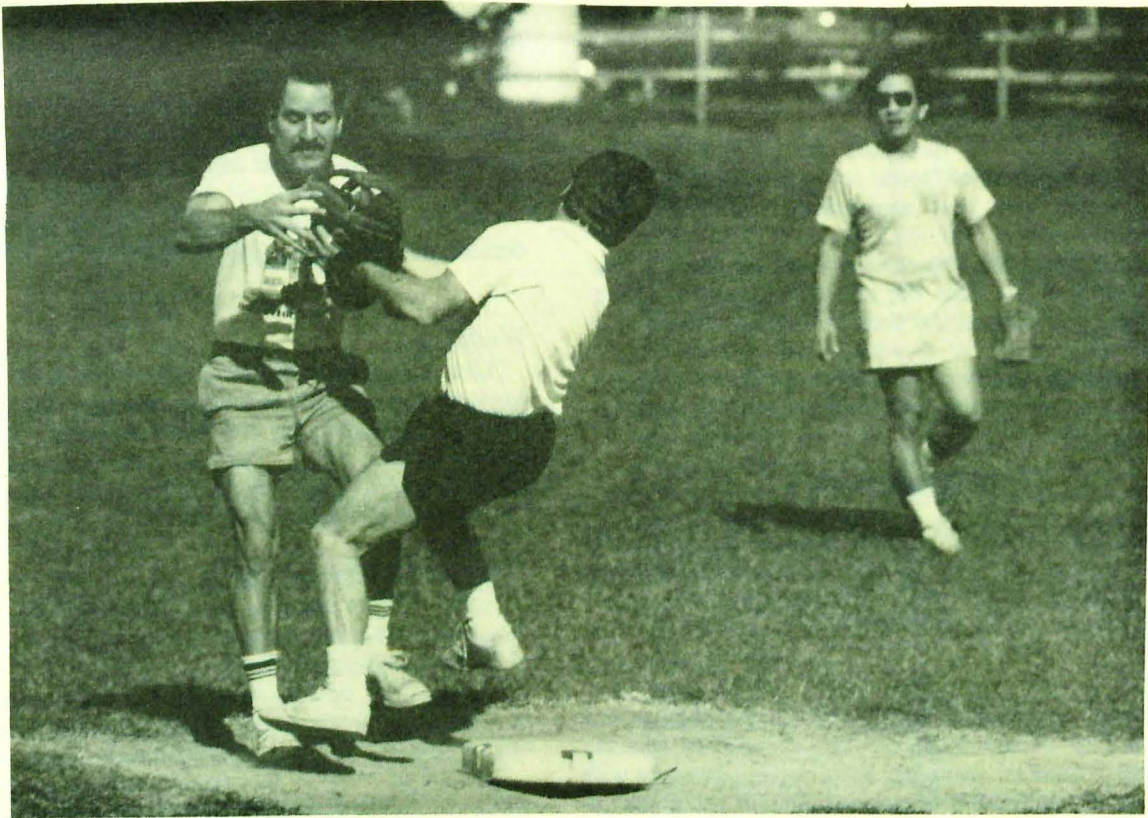
In a bitterly competitive struggle, the Marshall-Wythe faculty proved they are more than a match for their academic apprentices, as the faculty outlasted the Student Publications team 16-11. The student team, composed of the *Advocate* and the two *Law Reviews* (ours and the *Administrative Law Review*), showed support and enthusiasm on the softball field. Unfortunately, they lacked two indispensable elements of a winning softball team -- talent and skill. The keys to this game were continuity and sobriety; the student team lacked both of these elements as well.

The game began on a promising note for the students. They jumped out to an early 9-1 lead behind the pitching of Editor-in-Chief Clay "Catfish" Campbell, the bat of Mike "Babe" Fuchs, the enthusiasm of Lisa "Spikes" Cahill and Patty "Dizzy" Jennings, and the speed of "Shoeless" Mark Hedberg. The students thoroughly enjoyed the game's early innings, freely imbibing from the 27 cases of beer on their side of the field and mocking their noticeably serious and sober adversaries.

The faculty waited quietly on the other side of the field, however, as the student's false sense of security and increasing state of intoxication produced a hysteria never witnessed before on a softball field. After six innings, the faculty had cut the deficit to 10-8, and the collectively blurred vision of the students proved fatal. Veteran pitcher Lynda "The Goose" Butler settled down after a rocky start to shut down the student bats. Player-manager Campbell, doing his best Frank Robinson imitation, attempted to remedy the situation, shuffling 39 players into the game, but he could not find the proper chemistry. Rookie prospects Mike Flannery, Joel Ankney, and Tom Cody entered the game, all recently called up from Triple A, but the pressure was unyielding. A combination of errors, intoxication, and lack of clutch hitting culminated the student collapse, giving the faculty the victory.

The shocked and discombobulated students did manage to maintain their poise and sportsmanship. When asked how he felt about the loss, Campbell responded, "See if we publish any of them this year!"





Third-year *Review* member Chris Heimann (right) tries desperately to break up a double play by tackling Librarian Jim Heller.



Professors Butler and Walter Felton exchange "high fives" as the faculty takes the lead in a hard fought game.



...It seems Professor Felton is willing to congratulate anyone, even members of the opposing team. Here, he offers Symposium Editor Lisa Cahill a high five after she took second base on a string of faculty errors.



## Alumni News

**Daniel J. Perry**, '73, accepted the position of Vice President, General Counsel-North America, with REHAM, Inc., a \$4 billion per year corporation headquartered in Switzerland.

**Terry L. Polley**, '73, was recently elected chair of the Taxation Section of the State Bar of California, after having served in the same capacity for the Los Angeles County Bar for the 1985-86 year.

**Rebecca Beach Smith**, '79, was sworn in as a United States District judge for the Eastern District of Virginia on November 3, 1989.

## Staff Members

Who says you can't mix business and pleasure in law school? Members of our *Law Review* staff certainly seem to find time for extracurricular activities in spite of demanding schedules. Here's a peek into the social lives of the 1989-90 staff.

### Engagements

Love is in the air at Marshall-Wythe. Would you believe that 8 of the current *Law Review* members have decided to take the plunge in the past 9 months? And talk about mixing business with pleasure! Several of our soon-to-be married couples can expect to become very familiar with the conflict of interest rules, as they have chosen to wed other lawyers!

- Editor-in-Chief **Clay Campbell** is engaged to Marshall-Wythe graduate **Liz Besio** ('89), who is a first-year associate at Hunton & Williams in Richmond, Va. The couple will be married on August 4th in Richmond and plan to reside in Richmond.

- Professional Articles Editor **Gene Elder** married college sweetheart **Deb McFadden** in Charlottesville on March 3rd. Deb is a fourth-year medical student at the University of Virginia. The couple met at Kenyon College in Ohio during their sophomore year.

- Board Editor (and distinguished co-author of this article) **Patty Jennings** is engaged to **Bo Sweeney**, a 1989 alumnus. Patty has accepted a judicial clerkship in Wilmington, Delaware, where Bo is a first-year associate at Prickett, Jones, Elliott, Kristol & Schnee. Patty and Bo will be married on October 13th at Bruton Parish in Williamsburg.

- Board Editor **Beth Meinicke** and **Howard Jacobs** got engaged in September. Howard and Beth are both 3L's at Marshall-Wythe. They plan to marry on May 19th in Washington, D.C. (Symposium Editor **Cathie Amspacher** will wear a lovely Laura Ashley gown in the wedding party.) The couple will live in Los Angeles, where Beth will join the firm of Latham & Watkins.

- Board Editor **Mark Hedberg** is engaged to long-time sweetheart **Lois Ashburn**. Lois, a critical care nurse at Henrico Doctor's Hospital, is Mark's "hometown honey." The newlyweds plan to live in Richmond, where Mark has accepted a position with Hunton & Williams.

- Third-year staff member **Mike Fuchs** finally got engaged to **Penny Bender** this past September. Penny, a journalist with the *Daily Press* in Newport News, first caught Mike's eye when she worked as his subordinate on the local newspaper in Lynchburg. The couple will live in Washington, D.C., where Mike will join the firm of Akin, Gump, Strauss, Haver & Feld.

- Second-year staff member **Robert Garnier** found time between *Law Review*, Moot Court and interviewing this past fall to ask **Marnie Crannis** to marry him. Marnie is a graduate

Education student at William & Mary. The couple will interrupt the interviewing season again next fall -- they plan to marry on October 6th in Richmond.

- Second-year staff member **Mukta Srivastav** got engaged on New Year's Eve to **Sunil Ohri**, a law student at Fordham University. The couple has wedding plans for sometime in the future.

So far no inter-*Law Review* couples that we know of have decided to take the plunge, but there are possibilities. Stay tuned

### Weddings

Law school and *Law Review* may not keep us too busy to get engaged, but it seems to keep us too busy to actually get married. Over the past year, only one lone *Law Review* member has actually heard wedding bells. Second-year staff member **Jarrett Arp** married **Laurie Clark** on May 16, 1989. Laurie is a behavioral counselor at Cumberland Hospital.

### A Report from the Stork

Some staffers came to the *Law Review* already married. But they haven't stopped there, as we are pleased to announce the birth of some junior staff members.

- Third-year staff member **Chris Abel** became the proud father of a bouncing bundle of joy between his first and second semesters of law school. Baby Benjamin is now almost 18 months old.

- Good news is on the way for second-year staff member **Joel Ankney**. Joel and wife **Jennifer** expect the birth of their first child in August. The couple has been married for three years.

- And finally, **Anna Engh** ('89), Managing Editor of Volume 30, gave birth to a 7 lb. 11 oz. baby girl on June 27, 1989. Both Catherine Sara and Anna are happy, healthy and doing just fine.

### Miscellaneous

Our report would not be complete without mentioning extracurricular academic achievements by *Law Review* members. **Chris Heimann** has already had his day in the engagement and marriage columns. He has been married to **Cynthia Alvalis-Heimann** for three and a half years now. Knowing that he had to do something else outstanding to make the *Law Review* Social News, Chris applied and was accepted as the Draper Scholar for the 1990-1991 school year. Chris will spend the year in London getting an L.L.M., then will join the firm of Wilmer, Cutler & Pickering in Washington, D.C.

### Review Accident Victim Recovering

**Jon Hudson**, who was a second-year *Law Review* staff member last year, is currently recovering from an automobile accident. Jon was hit by a drunk driver on May 27, 1989 near Springfield, Massachusetts. **Laurie Patarini**, another Marshall-Wythe student, was killed in the accident.

Jon was in a coma for nearly a month following the accident, but he has since made great progress. He is living with his family in Alamogordo, New Mexico, and hopes to return to Marshall-Wythe soon. Jon has kept in touch with several of his friends from Marshall-Wythe, and he recently wrote, "I'll be among the crowd, and I won't be forgotten."

Jon would love to hear from his friends from Marshall-Wythe. His address is:

1815 Miracerros  
Alamogordo, NM 88310  
(505) 437-3306



# The Current Staff: Look for Us Here

As the end of the school year approaches, the *Review's* third-years are bracing themselves for the bar, and then the "real world" of firms or clerkships. Meanwhile, the second-years are getting psyched for fat paychecks and "work" at summer programs around the country. Here is what everyone at the *Review* will be doing:

## THIRD YEARS

**CHRISTOPHER ABEL** - United States Coast Guard, New York, NY

**CATHERINE L. AMSPACHER** - Shearman & Sterling, New York, NY

**PAUL D. BARKER, JR.** - judicial clerk, Hon. Walter Black, United States District Court for the District of Maryland, Baltimore, MD

**MICHELLE L. BODLEY** - judicial clerk, Hon. Harry Michael, United States District Court for the Western District of Virginia, Charlottesville, VA

**LISA ANN CAHILL** - judicial clerk, Hon. T. F. Gilroy, United States District Court for the District of Connecticut, Bridgeport, CT

**CLAY CAMPBELL** - Mays & Valentine, Richmond, VA

**BETTY CHANG** - Montgomery, McCracken, Walker & Rhoads, Philadelphia, PA

**JEFFREY CRAIG** - Saul, Ewing, Remick & Saul, Wilmington, DE

**KELLY A. CUNNINGHAM** - Brown & Wood, New York, NY

**EUGENE EVERETT ELDER** - judicial clerk; Hon. J. Calvitt Clarke, Jr., United States District Court for the Eastern District of Virginia, Norfolk, VA

**JOHN FENDIG** - judicial clerk, Hon. Walter E. Hoffman, United States District Court for the Eastern District of Virginia, Norfolk, VA

**MICHAEL FUCHS** - Akin, Gump, Strauss, Haver & Feld, Washington, D.C.

**JAMES B. GRUSSING** - judicial clerk, State of Vermont, Burlington, VT

**MARK STEVEN HEDBERG** - Hunton & Williams, Richmond, VA

**CHRISTOPHER M. HEIMANN** - Draper Scholar; Wilmer, Cutler & Pickering, Washington, D.C.

**JAMES RUSSELL JACKSON** - Cravath, Swaine & Moore, New York, NY

**PATRICIA A. JENNINGS** - judicial clerk, Hon. Albert J. Stifftel, Superior Court of New Castle County, Wilmington, DE

**CATHERINE A. LEE** - judicial clerk, pro se clerk, United States District Court for the Eastern District of Virginia

**ELIZABETH A. MEINICKE** - Latham & Watkins, Los Angeles, CA

**KATHLEEN PALIOKAS** - Gibson, Dunn & Crutcher, Washington, D.C.

**AMY G. PESESKY** - Hofheimer, Nusbaum, McPhaul & Samuels, Norfolk, VA

**RANDEL STEVEN SRINGER** - Dinsmore & Shohl, Cincinnati, Ohio

**KIMBERLY O'D. THOMPSON** - Jackson & Walker, Dallas, TX

**BRENDA WILLIAMS** - Drinker, Biddle & Reath, Philadelphia, PA

## SECOND YEARS

**CHRISTINA L. ADAMS** - Shaw, Pittman, Potts & Trowbridge, Washington, D.C.

**EVERETTE G. ALLEN III** - Little, Parsley & Cluverius, Richmond, VA; Hirschler, Fleischer, Weinberg, Cox & Allen, Richmond, VA

**R. JOEL ANKNEY** - McGuire, Woods, Battle & Boothe, Richmond, VA; Hunton & Williams, Richmond, VA

**D. JARRETT ARP** - Gibson, Dunn & Crutcher, New York, NY and Washington, D.C.

**H. ALLEN BLACK** - United States Coast Guard, Fifth District, Portsmouth, VA

**ERIN BRISBAY** - Hunton & Williams, Fairfax, VA

**TOM BROADHEAD** - Gordon, Thomas, Tacoma, WA; McGuire, Woods, Battle & Booth, Richmond, VA

**STEPHANIE E. BURKS** - Zuchert, Scoutt & Rosenberger, Washington, D.C.; Poyner & Spruill, Raleigh, N.C.

**VICTORIA L. CALKINS** - McCutchen, Doyle, Brown & Enerson, San Jose, CA

**THOMAS P. CODY** - Robinson & Cole, Hartford, CT

**LAURA M. DALTON** - Drinker, Biddle & Reath, Philadelphia, PA

**TAD DEMARET** - United States Attorney's Office, San Francisco, CA

**CHRISTOPHER M. DETORO** - United States Army

**NICOLE M. DOUCETTE** - Gibson, Dunn & Crutcher, Washington, D.C.

**MICHAEL J. FLANNERY** - McKenna, Conner & Cuneo, Washington, D.C.

**ROBERT L. GARNIER** - Wilcox & Savage, Norfolk, VA

**JULIE B. GREENISEN** - Thompson, Hine & Flory, Cincinnati, Ohio

**VANESSA W. GRIFFITH** - Schenck, Price, Smith & King, Morristown, NJ.

**ROBERT L. HARRIS, JR.** - Hirschler, Fleischer, Weinberg, Cox & Allen, Richmond, VA; Williams, Mullen, Christian & Dobbins, Richmond, VA

**FREDERICK P. HELM** - McGuire, Woods, Battle & Boothe, Richmond, VA; Klinedinst & Fliehman, San Diego, CA

**CAROL S. HOLMES** - Latham & Watkins, Washington, D.C.

**DAVID J. IGNALL** - Paul, Hastings, Janofsky & Walker, Los Angeles, CA

**RAMONA MEEKER** - McKenna, Conner & Cuneo, Washington, D.C.

**ROBERT L. MILLER** - Ober, Kaler, Grimes & Shriver, Baltimore, MD

**TRACEY L. NELSON** - Gibson, Dunn & Crutcher, Washington, D.C.

**MARK J. PAYNE** - Gibson, Dunn & Crutcher, Newport Beach, CA

**KATHLEEN M. PERILLO** - Gibson, Dunn & Crutcher, Washington, D.C.

**KRISTINE H. SMITH** - Clark & Stant, Virginia Beach, VA; Williams, Mullen, Richmond, VA

**MUKTA SRIVASTAV** - Howrey & Simon, Washington, D.C.

**TAMALA M. WAYNE** - Woods, Rogers & Hazelgrove, Roanoke, VA



# Law Review On-Line with LEXIS

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LEXIS officials confirmed recently that the *William and Mary Law Review* will soon be online with LEXIS. This new recognition was the result of a concerted effort by *Law Review* members, the faculty and administration and many *Law Review* alumni around the country. According to *Law Review* Editor-in-Chief, Clay Campbell, the complete collection of *William and Mary Law Review* articles and notes, from the 1982-1983 academic year through the present, should be accessible on LEXIS approximately at the end of the spring semester.

LEXIS and WESTLAW seemingly base their decisions as to which journals will be available online upon such objective indicators as the number of times the journal has been cited in federal reporters and in other scholarly articles and other publications. However, the *William and Mary Law Review* has a relatively high visibility in such sources. According to Campbell, the *Law Review* has been cited in Supreme Court opinions (475 U.S. 767 (1986)) and recent research by members of the staff revealed that the *Law Review* has 232 references in the Index to Legal Periodicals and appears in 23 ALR citations and 27 federal appellate cases. Additionally, the *Law Review* has published works of such notable jurists as Warren Burger, Sandra Day O'Connor, Richard Epstein and Gerhard Caspar. Considering such acknowledgment from the judicial and academic community, Campbell believed that the nonrecognition from LEXIS and WESTLAW was unwarranted.

Upon marshalling such evidence, Campbell wrote to LEXIS and presented the case that the *Law Review* is an important resource that should be online. After receiving a lukewarm response, Campbell consulted the faculty and the administration for assistance. Among those who helped plan the method of approach were Dean Sullivan and Professors Trotter Hardy and Jim Heller. First, almost all faculty members wrote letters to LEXIS to exert

more persuasion. When the decision was made to draw on alumni support, Dean Vick was instrumental in identifying and contacting former *Law Review* members. "The thing that impressed me the most," reflected Campbell "was the way everyone pulled together. I was especially impressed by the strength and responsiveness of the alumni." The net effect of the inundation of letters from faculty members, law review members and *Law Review* alumni (who wrote in the capacity of practicing attorneys and LEXIS subscribers standing to benefit from such online access) was that LEXIS conceded in a matter of weeks and agreed to enter a licensing agreement with the *Law Review*.

The *Law Review* staff and the faculty and administration are very excited about the recent victory. When asked to comment, Dean Sullivan responded "This is long overdue given what an outstanding publication [the *Law Review*] is." According to Campbell, "Getting online at LEXIS is an objective certification that the law school and the *Law Review* are doing well." Campbell went on to describe the "snowball" effect that is set in motion when a journal is available online: Practicing attorneys begin to cite the material in briefs and legal memoranda. Subsequently, clerks cite the materials and the references are used in published court opinions. Eventually, the material is cited by higher appellate courts and the Supreme Court. Meanwhile, academicians analyze the content of the materials cited and comment on it in their own publications. This increased visibility results in more prominent scholars submitting works to the journal and in increased subscriptions. The reputation of the journal and the law school publishing it is greatly enhanced. According to Campbell, an acclaimed law review is "one of the elements of a quality law school."

*Editors' Note:* Since the writing of this article, WESTLAW agreed to include the *Review* in its law review database. The fact that LEXIS had already made such an agreement was a crucial factor during the negotiations with WESTLAW.

## Kruchko

Continued from Page 1

starting his own practice. "I started as a solo practitioner in 1979, using the dining room table of my house," he said. Hard work and concentrating on white collar, professional service industry labor law paid off. Kruchko's firm, Kruchko & Fries, now has three offices: in Baltimore, Tyson's Corner and Washington, D.C.

Since graduation from Marshall-Wythe, Kruchko has remained busy, devoting his energy to more than just his burgeoning practice. He lectures at Towson State University on Labor Law, is active in the American Bar Association as co-chairman of the Public Sector Bargaining Committee, the Maryland Chamber of Commerce as chairman of its Drug Testing Task Force and the Virginia Chamber of Commerce, for which he serves on several committees.

Now, Kruchko has taken on another interest: the *Review's* Alumni Association. In addition to promoting the *Review*, Kruchko said he hopes to help the Association draw on the experiences of *Review* alumni in order to "establish a strong network throughout the country to help young alumni getting started and throughout their careers, and to help all alumni find specialists or other people" to whom cases can be referred "as co-counsel."

"*Law Review* was sort of like war," Kruchko said. "It is like surviving something like that. It gave us all, no matter what year, a common experience that tends to bind us together."

## MASTHEAD

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*Editors' Note:* Everyone is encouraged to submit any *Review* alumni news--from marriages and babies to partnerships and business achievements. Please send your news items to The *William and Mary Law Review*, Marshall-Wythe School of Law, the College of William and Mary, Williamsburg, Virginia 23185. Or, phone in your news to the *Review*, 804/221-3860.

The *Review* wishes to thank the *Advocate* for all its help in publishing this newsletter, and especially Associate Dean for Development and Alumni Affairs Deborah S. Vick for her insight, advice and coaching.