1965

News Letter, Vol. 8, No. 4 (Summer 1965)

William & Mary Law School
James P. Whyte, Jr., Named Assistant Dean

Professor James P. Whyte, Jr., a member of the law faculty since 1958, was named assistant dean of the law school effective with the 1965-1966 session.

A native of Mississippi, Professor Whyte received his A.B. degree from Bucknell University and his M.A. at Syracuse, after which he earned his law degree at the University of Colorado. From 1951 until coming to William and Mary he practiced law in Oklahoma and served two years as county attorney for Pittsburg County, Oklahoma.

He teaches Constitutional Law, Criminal Law, Labor Law and Trial and Appellate Practice in the law school, and also serves as faculty adviser to the moot court team and, until the new session, to the Law Review. Appointed arbitrator for labor disputes.

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Law School Association Sets A. B. A. Reception

The William and Mary Law School Association will hold a reception incident to the American Bar Association annual meeting in Miami. The reception will be held in the Jade East Room of the Hotel Fontainbleau in Miami from 5 P.M. to 6 P.M., on Tuesday, August 10.

Arrangements for the reception have been made by John M. Hollis, recently elected president of the Law School Association. Mr. Hollis has urged all Law School alumni attending the ABA meeting to take advantage of this opportunity to get together. He has pointed out that this is William and Mary's first reception at an ABA meeting and he has expressed the hope that it will set the pattern for successful gatherings at all future ABA meetings.

The Law School faculty will be represented at the reception by Emeric Fischer, Assistant Professor of Law and Secretary of the Alumni Association. The Law School's student body will be represented at the reception by its president, Stanley Barr, who will be in Miami attending the meeting of the American Law School Students' Association.

Summer Enrollment Reaches New High

Fifty law students, approximately one-third of the student body, are attending the 1965 Summer Session. Course offerings and their instructors include Contracts, Professor Woodbridge; Criminal Law Administration and Modern Social Legislation, Professor Whyte; Insurance and Restitution, Assistant Professor Fischer; Current Constitutional Issues, Professor Swindler; and Future Interests, Professor Curtis. Current Constitutional Issues is a first offering, the first part of the course encompassing analysis of the more noteworthy opinions handed down by the Supreme Court of the United States in the past year, and the second part covering recent developments in state constitutional law.

The summer offerings in law comprise a nine-week session, and serve the dual purpose of permitting regular law students to accelerate their degree program and of offering specialized courses complementary to those available in the regular academic year.
Student Organizations Elect Officers For 1965-1966

Stanley G. Barr, Jr., was elected President of the Student Bar Association, the organ of student government for the Law School, for the 1965-1966 session. Other Student Bar Association officers elected were Bradford Coupe, Vice President, and David W. O'Bryan, Secretary-Treasurer. Assemblymen elected were Vincent F. Ewell, Jr., Franklin D. Hochholzer, and Donald A. Zaleski.

The new Justice of the George Wythe Chapter of the Phi Alpha Delta National Legal Fraternity will be Stephen M. Kapral. Other officers of the Fraternity elected were Gary M. Gleason, Vice Justice; William E. Culverhouse, Secretary; Charles H. Rideout, Jr., Treasurer, and William L. Jeffries, Marshal.

The Barristers' Brides, the organization of law students' wives, elected Joanne Goldberg to be their president, Barbara Jeffries as Vice-President and Program Chairman, Carol Gill, Secretary, and Martha Whitehurst, Treasurer.
LAW SCHOOL ASSOCIATION HOLDS ANNUAL MEETING

The printing of a new, up-to-date issue of the Law School Association Directory and the all-out support of College plans for early remodeling of permanent quarters for the Marshall-Wythe School of Law were the main highlights of the annual spring meeting of the William and Mary Law School Association. The meeting was held in the school on May 8, and was followed by a luncheon and program in the Campus Center.

Elected to serve as officers for the coming year were John M. Hollis, Norfolk, president; Marvin M. Murchison, Jr., Newport News, vice-president; Emeric Fischer, Williamsburg, secretary-treasurer; and James E. Pointer, Gloucester, sergeant-at-arms. New members named to the Board were Ira B. Dworkin, Flemington, N. J.; Russell A. Collins, Newport News; and William B. Harmon, Jr., Washington, D. C., ex-officio.

Continuing on the Board with unexpired terms are Arthur B. Hanson, Washington; Thomas J. Middleton, Jr., Fairfax; William T. Prince, Norfolk; Donald H. Sandie, Portsmouth; Preston C. Shannon, Richmond; and David O. Williams, Jr., Bethlehem, Pa.

Among other items of business at the meeting was approval of an award of $25 to each member of the winning moot court team, and plans for a reception by the association in connection with the A. B. A. convention at Miami in August.

President Davis Y. Paschall of the College extended a formal welcome at the luncheon meeting, and State Senator William B. Spong, Jr., addressed the meeting on the subject of counsel for indigent accused. He urged members of the bar voluntarily to render such services, not only for the purpose of discharging an implied duty to society but also to improve the public image of the legal profession.

Following the luncheon a reception for Senator Spong was held at the Williamsburg Lodge.

1964 Tax Conference Papers Published

Copies of the Tenth Annual William and Mary Tax Conference Proceedings have been mailed to all Law School alumni and all other attorneys in the State. In addition copies have been sent to all certified public accountants within the State, to all Law School Libraries throughout the country, all tax associations, and to the publishers of tax services, journals and periodicals. The distribution list includes approximately six thousand names.

Plans are now well along for the Eleventh Annual Tax Conference which will be held in Williamsburg on Saturday, December 4, 1965. A description of the complete program will appear in the next Newsletter and the program folders will be mailed during October.

STUDENT AWARDS LISTED FOR 1964-65 TERMS

The West Publishing Company Awards for the highest scholastic average in each of the three law year classes were earned by Gregory L. Evans, Williamsburg, standing first in the graduating class with a quality point average of 2.44; Penelope Dalton Coffman, Hampton, leading the second year class with a quality point average of 2.50; and Joseph Rodney Johnson, Richmond, first in the first year class with a quality point average of 2.77. Mr. Johnson will also receive eight book awards from the Lawyers Co-Operative Publishing Company for making the highest grade in eight of the nine courses which he completed in his first year of law study.

Mrs. Coffman also won the Thomas Jefferson Prize in Public Law for the student publication in the William and Mary Law Review which, in the opinion of the law faculty, best exemplifies the Jeffersonian broad idea of learning and public service.

Her winning article was Sovereign Immunity: The Right of the State Department and the Duty of the Court, appearing in Volume 6, Number 1.

The LAW WEEK Award, given by the Bureau of National Affairs, Inc., of Washington, D. C., to the graduating student who made the most satisfactory progress in his senior year was given to David P. Beach, of San Marino, California.

M. Elvin Byler, of Lancaster, Pa., won the Lawyers Title Insurance Award for proficiency in the law of real property, which is determined by the grades received in Property I, Property II, Future Interests, Trusts and Estates and Creditors’ Rights.

Michael E. Overton, of Portsmouth, achieved the highest average in the courses in taxation, making A grades in eight of the nine tax courses which he took in the Master of Law and Taxation degree program, thereby earning the Seidman and Seidman Tax Award.

The two best entries from this school in the 1965 Will Draftsmanship Contest sponsored by the Virginia Trust Company of Richmond were submitted by John K. Meagher, of Utica, N. Y., and Stanley Lee Morris, Jr., of Norfolk.

The Nathan Burkan Memorial Competition, sponsored by the American Society of Composers, Authors and Publishers was won by Jeffrey M. Graham, of Roslyn, N. Y., for the best paper on a subject of current significance in the field of copyright law. The title of Mr. Graham’s paper was “The Determination of ‘Fair Use’.”

WHYTE NAMED

(Continued from Page 1)

puts by the National Mediation and Conciliation Service, he serves frequently in that capacity.

During World War II, Professor Whyte served on active duty with the Navy and is presently a Commander in the U. S. Naval Reserve.

Professor Whyte is married to the former Martha Ann Jones of McAlester, Oklahoma, and the Whytes have three sons, James, Ward, and Scott.
35 LAW DEGREES
AWARDED IN JUNE

The Class of 1965 is expected to number thirty-eight of whom eighteen completed the degree requirements in February, seventeen in June, and three are August hopefuls.

The February graduates were named in the preceding issue of the Newsletter and the June graduates are: Paul Auster, B.S., Hunter College; David Philip Beach, B.A., Northwestern University; James Robert Bray, B.S., Hampden-Sydney College; Charles Lacey Compton, Jr., B.A., College of William and Mary; R. Lowell Coolidge, B.A., American University; Roland W. Dodson, B.A. Hampden-Sydney College; Joseph A. Giuffre, B.S., St. Francis College, M. S., Pennsylvania State University; Jeffrey McKenzie Graham, B.A., College of William and Mary; Douglas Barry Hill, B.A., College of William and Mary; Nathan Southard Howard, B.A., College of William and Mary; Michael A. Ialongo, B.A., Providence College; Kevin Kent, B.B.A., Old Dominion College; Gerald Philip McDermott, B.A., St. Michael's College; John Kirby Meagher, B.A., College of William and Mary; John Carnes Stephens, Jr., B.A., University of Florida; John Richard Tarrant III, B.A., Providence College; and Peter Haynes White, B.A., College of William and Mary.

The Master of Law and Taxation degree was conferred upon Michael Edward Overton, B.C., College of William and Mary, and LL.B. Yale University, of Portsmouth, Virginia, and who is now practicing in Norfolk.

Preceding the commencement exercises held on Sunday, June 6, the reception given annually by the law faculty for the graduating students and their guests was held at the Williamsburg Inn.

Six New Graduates Introduced To Supreme Court of Appeals

On Monday, June 7, the day following their graduation from the Law School, six graduates were introduced to the Virginia Supreme Court of Appeals by Dean Emeritus Dudley W. Woodbridge. These six had passed the Virginia Bar Examination given last December and became eligible to enter practice upon completion of the degree requirements in June.

They include Paul Aster, who will enter New York University this fall to pursue a Master of Law degree program; James Robert Bray, now serving a clerkship with Justice Lawrence W. T’Anson; Charles Lacey Compton, entering commissioned service in the United States Army; Jeffrey M. Graham, entering Georgetown University School of Law in a law graduate degree program; Douglas Barry Hill, who will associate with Prentis Smiley and Jack Brendel in practice in Yorktown; John K. Meagher, in Washington on the staff of a Congressman from New York; and John C. Stephens, Jr., associated in practice with Duane Holloway in

Faculty News Notes

Dr. William F. Swindler is the author of a new book, Magna Carta: Legend and Legacy, which is to be published this fall by Bobbs-Merrill Co. of Indianapolis and New York. Last spring Professor Swindler gave lectures in Indianapolis and Charlottesville on the 750th anniversary of Magna Carta, and is scheduled to give a series of other lectures on the subject this fall.

Professor Swindler is also the author of a review-essay on “The Law Practice of Alexander Hamilton,” which appeared in the March issue of the Yale Law Journal. His annotated collection of Magna Carta Documents is to be published this fall by the Virginia Magna Carta Commission as part of its monograph series.

Dr. Thomas C. Atkeson addressed the meeting of the Board of Directors of the Virginia State Chamber of Commerce in Williamsburg on May 12, in respect of certain sales tax issues being considered by the Chamber’s special sales tax study committee of which he is chairman. Professor Atkeson also appeared before the Committee to Study Grants-in-Aid to Localities, an agency of the Virginia Legislative Advisory Committee, held in Richmond on March 29; he reported there on the status of the Chamber’s sales tax study.

Professor James P. Whyte served as arbitrator in cases involving Allied Chemical Co. and the United Mine Workers, April 12 and May 22. He has been appointed to the panel of permanent arbitrators for the Kroger Co. and the Teamsters Union.

On March 24 Professor Emeric Fischer attended a meeting on a state sales tax, held in Charlottesville by the Virginia Retail Merchants Association. On June 9-10 he attended a seminar in Washington sponsored by the American Institute of Certified Public Accountants. On July 12 he spoke to the 1965 Boys’ State on the William and Mary campus on the subject of budget and tax systems in Virginia. Professor Fischer is serving as parliamentarian for the Williamsburg Community Council for 1965-66.

Professor Arthur W. Phelps, as chairman of the Virginia State Bar Association’s Committee on Legal Education and Admission to the Bar, presented the committee’s report and resolution for greater law school emphasis on criminal law, at the association meeting in Hot Springs July 5-7. He also introduced Judge Harry L. Carrico of the Supreme Court of Appeals, who spoke on the problems of indigent defendants in Virginia.

Professor E. Blythe Stason, Jr. and Mrs. Stason are in the Middle East and Europe for the summer. Professor Stason has visited several law centers in the course of his travels.

Poquoson.

Kevin K. Kent, presently associated in practice with a Norfolk firm, also passed the December Bar and graduated in June, but was unable to attend the introduction ceremonies.
New Law Fraternity Formed: Seeks National Affiliation

A second legal fraternity has been formed at the Law School with a charter membership of eleven students. Thomas C. Palmer, Jr., Magister of the new fraternity, stated that it was the feeling of his group that the increased enrollment in the School could now readily support two fraternities and that the competition provided by a second one would inspire the student body to new heights of interest and activity.

The new organization was formed as a local under the name of the Thomas Jefferson Legal Fraternity, but hopes to affiliate with the Phi Delta Phi International Legal Fraternity at the latter's convention this summer in Quebec. Letters have been sent to all of the member chapters of Phi Delta Phi introducing the William and Mary group and asking for support of their petition for affiliation, which will be formally presented in person at the Quebec meeting by a number of the group.

In addition to Palmer, a third year student and a member of the School's moot court team, the other officers include Strother Smith, Associate Magister and Program Chairman, and Rodney Johnson, Clerk and Historian. Smith, also a member of the moot court team, is a Goodwin Scholarship student and business manager of the Law Review. Johnson, a rising second year student, stands first in his class academically.

Summer Tax Program Takes Third W & M Student

Gus John James, II, a second year law student, was selected by the Internal Revenue Service's Chief Counsel for the 1965 Summer Internship Program and is now engaged in work on cases in the Refund-Litigation Division of the Chief Counsel's office in Washington.

The program is highly competitive as it was open this year to only sixteen students to be selected from the second year class of all Law Schools throughout the country. The selection was based on general academic achievement and demonstrated ability or potential in Federal Tax Law. Those selected are performing various types of legal assistance to tax attorneys in the Internal Revenue Service.

Mr. James is the third student from the Marshall-Wythe School of Law assigned to the program since it was inaugurated four years ago. The other students were Rexford R. Cherryman, who is now associated with the Norfolk Law firm of Kaufman, Oberndorfer, Spainhour and Hall; and Joseph C. Wool, Jr., who is now an attorney in the Legislation and Regulations Division of the Chief Counsel's office, Internal Revenue Service.

Faculty adviser for the local fraternity is Professor William F. Swindler, a member of the University of Nebraska chapter of Phi Delta Phi.
LAW LIBRARY REPORTS
RAPID 4-YEAR GROWTH

A current periodical list of nearly 200, and a
now-complete collection of the current codes of the
fifty states, are among highlights in the report of
the Law Librarian for the 1964-65 academic year.
The total collections in the library are now approxi­
mately 37,000 books, bound periodicals and other
catalogued items. Mrs. Anna B. Johnson, Law Libra­
rian, points out that this represents about a 20
percent increase in the size of the library in the
past four years.

Since 1961, through gifts and special funds as
well as an increased book budget, a concerted effort
has been made to fill in a number of gaps in the
collections. Two years ago a new reading room was
opened and a new reserve book office constructed.
Complete sets of all of the leading American law
reviews are now available. Exchanges of Virginia
material for official legal publications—especially
session laws and court reports—in other states
are in the process of being worked out.

The law collection serves, in addition to the
students and faculty of the Marshall-Wythe School
of Law, a number of undergraduate courses in the
social sciences and practicing attorneys of Eastern
Virginia. The Law Library maintains a photocop­
ying service where certain documents may be duplica­
ted for a nominal fee.

Among special gifts and funds presented to the
Law Library in this period have been the admiralty
law collection from the estate of the late John W.
Oast, Jr., of Norfolk; the collection of treatises and
related works on banking and business law inaugu­
rated with a gift in memory of Herbert S. Larrick
of Winchester; the bequest of the late Dr. Charles
P. Sherman of New Haven, Conn., former lecturer
at the law school, which supplements the Sherman
collection on Roman law and related civil law sub­
jects; and the monthly gifts of the Lawyers’ Liter­
ary Club.

An unusual resource in the William and Mary
law collection is a series of current municipal codes,
for Virginia and a number of other states. This
supplements the recently added service of the Na­
tional Institute of Municipal Law Officers (NIMLO)
and the legal services of the Council of State Gov­
ernments, to give the library a strong reference
collection in state and local law.

Microfilm and related microcopy files of legisla­
tive histories, case papers and administrative
rulings are being gradually expanded. The need
for audio-visual space and readers is one of the
chief practical obstacles to the full effective use
of this type of material.

Mrs. Johnson calls attention to some representa­
tive acquisitions of recent years, selected at ran­
dom from the current year’s report:
Berry, Criminal Proceedings in Municipal and
County Courts (1964)
B. N. A., Civil Rights Act of 1964
Campbell and Thompson, Common Market Law
(1962)
Casey, Federal Tax Practice (1963)

Law Review Staff
Enlarged to Twenty-four

Acting on recommendation of the Editorial
Board of the Law Review, the faculty has approved
a new method for the staffing of the Law Review
which will result in a staff numbering twenty-four
students, eight from each of the three classes.

The new method involves the selection of the
first ten academically ranking students at the end
of the first semester of their first year to compete
for eight staff positions to be determined at the
commencement of the following fall semester. The
candidates must write two notes on current decisions
or one of each to be considered by the Editorial
Board for publication in the Law Review and the
authors of the best eight receive appointments to
the staff.

In addition, the candidates will be required to
attend seven one-hour classes during the spring
semester to be conducted by members of the Board
on the various functions of law review work. Thus
eight new members are added to the staff in each
year as well as filling vacancies from the second
and third year classes occasioned by February gradu­
ation.

The new method is designed to insure continuity
on the staff, provide additional materials for
publication, and indoctrinate students in the work
of the staff before they undertake to assume re­
ponsibility for its accomplishment.

Cavitch on Business Organizations (1963)
Doubles, Virginia Jury Instructions (1963)
Freeman on Products Liability (1960)
Haley, Space Law and Government (1963)
Hellmuth, Modern Trust Forms (1963)
Hoffman, Anti-Trust Law and Techniques
(1963)
Inbau, Criminal Interrogation and Confessions
(1962)
Lawyers’ Guide to International Business
Transactions (1965)
Lowndes, Estate and Gift Taxes (1962)
Matthews on Municipal Ordinances (1963)
Mellinkoff, The Language of the Law (1963)
Municipal Legal Forms (1964)
Munn, ed., Encyclopedia of Banking and
Finance (1962)
O’Neal, Close Corporations — Law and Prac­tice
(1963)
Planiol’s Civil Law Treatise (6 vol., tr. by
Louisiana Law Inst.)
Rice, Supreme Court and Public Prayer (1964)
Rubin, Law of Criminal Correction (1964)
Schwartz, Commentaries on the Constitution
Schwartz and Jacoby, Government Litigation
(1964)
Shellon and Drover, Practice and Law of Bank­
ing (1962)
Skinner’s Notaries’ Manual (1963)
U. C. C. Coordinator Annotated (1963)
Smith-Palmer Team Moot Court Victor

The spring intramural appellate argument, on the question of the constitutional right to marry, was won by the team of S. Strother Smith III, and Thomas A. Palmer. The runner-up team won the award for the outstanding oral argument, presented by Stanley L. Morris. The proposed project was drafted by the students with the advice of faculty members, and formally approved by the Law School faculty at a meeting during the past academic year.

Law Students Form Legal Aid Committee

A new professional intramural service inaugurated by Law School students this spring is the Legal Aid Committee which will henceforth assist members of the local bar in handling work for indigent clients. The proposed project was drafted by the students with the advice of faculty members, and formally approved by the Law School faculty at a meeting during the past academic year.

The threefold objectives of the Legal Aid Committee are (1) to provide for practical experience for students in handling and meeting clients, and in accumulating materials for a specific case; (2) to assist members of the Williamsburg bar who have been assigned as counsel for indigent clients; and (3) to assist members of the bar in cases of indigents not specifically assigned, but where the students will be able to provide the preliminary work to aid the attorney in preparing the case.

The project follows the practice of many law schools in making the facilities of the law library available to the bar, through the service of individual students, on cases of this type. The actual work to be done by the student—library research, drafting of papers, investigation of facts—would be determined by the attorney requesting the aid. The work would be done either under the direct supervision of the practitioner or in consultation with the faculty adviser.

The Legal Aid Committee is to be under the direction of a chairman, who is the general administrator of the program and responsible for the completion of committee work on schedule. The chairman and members of a managing committee schedule assignments for specific students, maintain liaison with the local bar, evaluate the performance of individual students, and post an up-to-date docket of local cases for the information of interested persons.

Among the research projects undertaken by the committee to date have been: (1) a study of the bail bond system in Virginia and (2) details of the process of providing counsel for indigent defendants. This summer a third research project under way concerns the rights of juveniles in the state courts.

A number of attorneys from various parts of the state have written the committee requesting research service. Local Williamsburg and York County lawyers have used committee members for interviews and gathering of factual data in preparation of certain cases.

Chairman of the committee for the current year is Edward Day of Philadelphia. Faculty adviser is Professor Emeric Fischer.

The only problem encountered by the committee to date has been presented by a client held in York County jail; he saved out the bars and disappeared.

The first edition of the directory was published in 1959.

TRAVIS BRANCH, '59, DIES OF AUTO INJURIES

Louis Travis Branch, a 1959 graduate of the Law School, died July 16 of internal injuries sustained in a traffic accident in Virginia Beach. His appointment as full-time judge of the Juvenile and Domestic Relations Court in that city had become effective two days before his death.

A native of Hopewell, Branch served from 1948 to 1953 in the Coast Guard, then as court reporter for the Norfolk Naval Recruiting Station. He then earned his undergraduate degree at what is now Old Dominion College in Norfolk, and his law degree at the College of William and Mary.

In 1961, after almost two years of practice in Norfolk, Branch was appointed assistant judge of the Virginia Beach police court. Upon the merger of Virginia Beach and Princess Anne County, he was appointed traffic court judge and assistant judge of the municipal court, and the post he held at the time of his death.

Branch was married to the former Joyce Etheridge of Back Bay, and is survived by his wife and two children, Melissa Hope, 5 and Courtney Travis, 3.

Progress Reported on New Directory

The revised edition of the Directory of the William and Mary Law School Association, authorized by the May meeting of the association, is now being prepared for the printer. Professor Emeric Fischer has the general supervision of the project, and the editorial work is being done by Mrs. Anne L. Ware, Law School secretary.

Approximately 430 individuals are to be listed in the directory, with data on degrees, present addresses and present positions. Complete information will be provided in the alphabetical list, while a geographical list will recapitulate the names of alumni, former students and friends of the Law School.

There will also be a listing of graduates by classes, and the text of the constitution and by-laws of the association.
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