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News Letter

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# News Letter

MARSHALL - WYTHE SCHOOL OF LAW  
COLLEGE OF WILLIAM AND MARY  
*Williamsburg, Virginia*



Volume Nine

Fall, 1965

Number 1



E. McGRUDER FARIS

## FARIS JOINS FACULTY AS LECTURER IN LAW

The Law School faculty count of full-time and part-time members rose to ten this fall with the addition of E. McGruder Faris, Jr., formerly of Wake Forest College Law School, as lecturer in TRUSTS AND ESTATES. A native Virginian and a recent addition to the Williamsburg firm of Geddy, Baker and Inman, Faris has a wide reputation as teacher, author, consultant and practitioner.

The new faculty member earned his B. S. and LL. B. degrees from Washington and Lee University in 1949 and 1951, respectively. In 1954 he completed his LL. M. degree at Duke University. After a year of teaching at W&L, he went to Wake Forest in 1952 and has taught on the law faculty there until coming to William and Mary.

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## LAW SCHOOL AWARDED LECTURE SERIES FOR '66

A series of lectures, given annually at different law schools, will be delivered at the College under the auspices of the Marshall-Wythe School of Law during the coming academic year. Known as the Oliver Wendell Holmes Memorial Lectures, the series is sponsored by the Holmes Devise of the Library of Congress.

Dean Joseph Curtis has been invited by Dr. Quincy Mumford, Librarian of Congress, to select a specific lecturer from a list of authorities prepared by the permanent committee which administers the Devise. Funds of the Devise are from the will of the late Supreme Court Justice Oliver Wendell Holmes, who died in 1935 leaving the bulk of his estate to the government.

In 1955 the Devise committee established a plan for a multi-volume history of the Supreme Court, each volume being written by a specialist in the particular period of court history covered by that volume. It is expected that the first book in this series will be ready for publication in the near future.

In 1960 the Devise set up the annual lecture series. Under the plan of the lectures, the fund provides all expenses and honoraria for the speakers, and finances the publication of the series through Macmillan publishing company of New York.

It is expected that the lecturer for the William and Mary series will be nominated this fall, and Dean Curtis said that the series will probably be given in the spring. A tentative plan is to have the third and concluding lecture given at the time of the annual William and Mary Law School Association meeting.

The lecturers for the first five years of the series, and the law schools at which they appeared, are as follows: Francis Biddle, former U. S. Attorney General, at the University of Texas; Judge Charles Wyzanski, Jr., at the University of Colorado; Professor Willard Hurst of the University of Wisconsin, at the State University of Iowa; Professor Arthur E. Sutherland, Jr., at the University of North Carolina; and Judge William Hastie, at Washington University in St. Louis.

# The Eleventh Annual TIDEWATER TAX CONFERENCE

College of William and Mary  
December 4, 1965

## MORNING SESSION

Main Ballroom — Campus Center

9:30 A. M. to 12:30 P. M.

### DEVELOPMENTS BEARING ON THE FUTURE OF TAXATION IN VIRGINIA

WALLER H. HORSLEY

Hunton, Williams, Gay, Powell and Gibson  
Richmond, Virginia

### FEDERAL TAX CASES AND RULINGS—1965

LEO A. DIAMOND

Austin and Diamond

New York, New York

### FEDERAL TAX ADMINISTRATION— SIGNIFICANT DEVELOPMENTS DURING 1965

BERTRAND M. HARDING

Deputy Commissioner of Internal Revenue  
Washington, D. C.

### OFFICIAL WELCOME BY THE COLLEGE

DR. DAVIS Y. PASCHALL

President, College of William and Mary

## AFTERNOON SESSION

Main Ballroom — Campus Center

2:00 P. M. to 4:30 P. M.

### Chairman: CARRINGTON WILLIAMS

Bauknight, Prichard, McCandlish and  
Williams, Fairfax, Virginia.

### PROPER TAX ELECTIONS

HOWARD A. RUMPF

Editor of *Taxes Interpreted*

New York, New York

### CURRENT PROBLEMS—Under the Installment Method of Reporting; and, Exchange of In- vestment Property for Like Property.

WILLIAM H. WESTPHAL

A. M. Pullen and Company

Greensboro, North Carolina

### 1964 TAX LAW—REVIEWED ONE YEAR LATER

LAWRENCE PHILLIP ROSEN

Daniels, Turnbull and Freeman

Newport News, Virginia

## Hanson, '40, Delivers Lecture On Free Press

Arthur B. (Tim) Hanson, B. C. L. '40, was one of the two main speakers at the first annual Justice Jackson Lectures of the Albany Law School in September. He joined with Jack J. Day, Esq. of Cleveland, Ohio, in a discussion of "Free Press and Fair Trial" at the opening of the series designed to honor the late Justice Robert H. Jackson of the Supreme Court of the United States, a former student of the Albany Law School.

Hanson, who is general counsel for the American Newspaper Publishers Association, is past president of the William and Mary Law School Association and the recipient in 1955 of the Distinguished Service Medal of the Society of the Alumni of the College. He is managing partner and senior partner in the firm of Hanson, Cobb, O'Brien and Tucker in Washington, D. C.

Hanson is the co-author of two books on legal aspects of the newspaper industry—one on libel

(Continued from Page 1)

## FARIS ADDED

A member of the Virginia and North Carolina bars, Faris is also the author of a widely-used book, *Accounting for Lawyers*, which was issued in a second edition in 1964. He has contributed to a number of law reviews and has addressed a number of bar and tax accounting groups. From 1956 to 1957 he was a member of the Virginia Bar Association's Special Committee for Revision of the Income Tax Laws, and more recently has served on the North Carolina Bar's study group on Articles III, IV and V of the Uniform Commercial Code.

Among other professional honors the new Law School lecturer can list election to the Order of the Coif and membership in Phi Delta Phi professional fraternity.

Faris is married and he and his wife, Helen, have two children—Ann, 14, and Douglas, 11.

and the other on anti-trust and related laws affecting the press. Both are scheduled for publication early in 1966.

## 11th TAX CONFERENCE SET FOR DECEMBER 4

The eleventh annual Tidewater Tax Conference sponsored by the Law School will be held at the Campus Center on the College of William and Mary campus on Saturday, December 4. The program is set out on the accompanying page. As in the past, the conference is under the direction of Dean Joseph Curtis, Dr. Thomas C. Atkeson, professor of taxation, with the assistance of Emeric Fischer, assistant professor of law and Mrs. Anne L. Ware, executive secretary.

Programs announcing the conference have been mailed out this month to accountants and attorneys throughout Eastern Virginia.

Seven experts in various phases of state and federal tax law and accounting have been named to lead the discussions at the 1965 program. They include Leo A. Diamond of New York, associate professor in the Rutgers University Law School and revising editor of *Mertens' Law of Federal Income Taxation*; Bertrand M. Harding of Washington, deputy commissioner of internal revenue; Waller H. Horsley, of Richmond, lecturer in taxation at the University of Virginia Law School and member of the firm of Hunton, Williams, Gay, Powell and Gibson; Lawrence P. Roesen, '61, of Newport News, member of the firm of Daniels, Turnbull and Freeman; Howard A. Rumpf of New York, editor of *Taxes Interpreted* and author of the *CPA Tax Manual* and other books; William H. Westphal of Greensboro, N. C., widely known writer and speaker on tax accounting; and Carrington Williams of Fairfax, member of the firm of Bauknight, Prichard, McCandlish and Williams.

The Law School sponsors the annual tax conference in cooperation with the bar association of Hampton, Newport News, Norfolk, Portsmouth and Richmond, and the Peninsula and Tidewater Chapters of the Virginia Society of Certified Public Accountants.

## Law School Association Board Holds Fall Meeting

A dozen members of the Board of Directors of the William and Mary Law School Association attended the annual fall meeting of the board at the Law School on October 10. Present were Mr. John M. Hollis, president; Messrs. William H. Harman, Thomas J. Middleton, J. Edgar Pointer, Ira Dworkin, Russel A. Collins, Marvin Murchison, David O. Williams, William T. Prince, Preston Sharman, Emeric Fischer and Dean Joseph Curtis.

President Hollis reported that the first Law School Association reception at the A. B. A. Miami meeting was a definite success. Dean Curtis reported informally on prospects for remodeling and converting of the present general library building into a law building (see story on page 5).

Other routine committee reports were made. It was also agreed that Dean Curtis would draft a form, to be filled out by graduating law students, for the use of the Association's placement committee which was organized a year ago. The function

## Student Bar Conducts Orientation Program

The usual three-day orientation program of the Student Bar Association, which annually introduces incoming students to the Law School, was held September 17-19. Academic briefings, formal introductions of faculty and new students, and several social affairs highlighted the program, under the general direction of President Stanley Barr.

On September 17 an informal reception was held in the Dodge Room of Phi Beta Kappa Memorial Hall, where President Barr introduced Dean Joseph Curtis. Dean Curtis, after noting that this year's reception was the largest in the history of the orientation program, gave a brief biographical sketch of each member of the Law School staff as he was introduced. Mr. Barr then introduced each of the incoming students. Refreshments were served after the formal program.

The customary academic orientation was conducted on the morning of September 18 at the Law School. Various pieces of printed literature, introducing students to different facilities in the school, were distributed. President Barr reviewed the College and Law School honor code, parking regulations, intramural athletics and scholarship programs. He was followed by Professor James P. Whyte, assistant dean of the Law School, who discussed case briefing and study habits essential to getting new students off to the right start.

Mrs. Anna B. Johnson, Law Librarian, outlined general regulations for the use of the Law Library, and representatives of various intramural activities—the law review, the *News Letter*, moot court competition and the chapters of Phi Alpha Delta and Phi Delta Phi described their programs.

The Student Bar Association climaxed its program September 19 with a picnic at Jamestown Beach where the acquaintances of new students and old, and of faculty, were renewed more informally. Approximately one hundred students and wives attended.

## Three Summer Graduates At School Of Law

Three students completed the degree requirements in the 1965 Summer Session and received their Bachelor of Civil Law degrees at the graduation exercises held on August 14. The recipients were Rosser J. Pettit III, of Baltimore, B.A. College of William and Mary; Nicholas J. St. George, of Williamsburg, B.A. College of William and Mary; and Linda Louis Watkins, of Hampton, B.A. Mary Washington College.

Miss Watkins and Mr. St. George were introduced to the Supreme Court of Appeals of Virginia by Dean Woodbridge on October 8. Mr. St. George is presently with the Trust Department of the Virginia National Bank in Norfolk.

of the committee is to bring prospective employers and graduates together on the basis of the preliminary data sheet.



JEFFREY GRAHAM

## Graham, '65, Wins Post-Graduate Honors

Jeffrey M. Graham, '65, of Arlington was announced this fall as the first-place winner for the Marshall-Wythe School of Law of the annual Nathan Burkan Memorial Copyright Competition. Graham, a native of New York, graduated second in his class last June and in Law School served as associate editor of the law review and chief justice of the Law School Honor Council. Graham's locally winning paper was entitled, "The Determination of 'Fair Use'."

Graham became the first William and Mary law graduate to be chosen under the Attorney General's annual Honor Law Graduate Program, and has been associated with the Department of Justice criminal division for several months. In November he expects to begin a tour of duty with the U. S. Air Force as a first lieutenant, Office of the Judge Advocate General.

## ALUMNI ACTIVITIES

John P. Scozzari, '59, has become a member of the firm of Baggett, Souter and Stonaker of Princeton, N. J.

Fred B. Devitt, '60, presently trust officer for the National Bank of Delray Beach, Fla., will join the firm of Byrd and Whitley in Delray Beach in January.

Capt. Charles A. White, Jr., '63, is on the staff of the JAG Corps in Viet Nam.

Paul Gantt, '42, participated in an intensive short course in government contracts, given for government attorneys and counsel for private contractors west of the Mississippi, at the University of San Francisco Law School last summer.

## FALL ENROLLMENT SETS NEW RECORDS

Twelve states and 28 colleges and universities are represented among the fifty-one members of the entering class of the Law School this fall. Virginia leads in the geographical distribution with 27 of the incoming students, while other states are New York (5), Illinois (4), Massachusetts (3), Maryland (2), New Jersey (2), Ohio (2) and Pennsylvania (2). There is one each from the District of Columbia, Iowa, North Carolina and Rhode Island.

William and Mary also leads the list of colleges which provided the pre-law education, with fifteen students. Other institutions are the University of Virginia (3), Oberlin College (3), East Carolina College (2), University of Massachusetts (2), University of Michigan (2), Old Dominion College (2), and one each from the Babson Institute, Belmont Abbey College, Brooklyn College, Catawba College, Dakota Wesleyan University, Denison University, Drexel Institute, Duke University, Georgetown University, Gettysburg College, Harvard University, University of Illinois, University of Kansas, Monmouth College, Mount Union College, Notre Dame University, Providence College, Richmond Professional Institute, Rutgers University, United States Naval Academy, and West Virginia University.

Two students have been admitted with advanced standing as candidates for the B. C. L. degree, and three have been admitted to the graduate program in Law and Taxation, their first law degrees respectively having been earned at the American University, the College of William and Mary and Washington and Lee University.

Total fall enrollment for 1965-66 is 156 students.

## Some New Acquisitions Listed By Law Library

Recent Law Library acquisitions of general interest to professional patrons are listed as follows: BAER. Admiralty Law of the Supreme Court. BUNN. An Introduction to the Uniform Commercial Code.

CONFERENCE ON SPACE AND SPACE LAW, UNIVERSITY OF OKLAHOMA, 1963. Proceedings.

FALCONBRIDGE. Essays on the Conflict of Laws. GAZAN. Trial Tactics and Experiences.

LEFAVE. Arrest.

MARYLAND-DISTRICT OF COLUMBIA-VIRGINIA CRIMINAL PRACTICE INSTITUTE

RHYNE. Codification of Municipal Ordinances.

SHADOAN. Law and Tactics in Federal Criminal Cases.

SOKOL. A Handbook of Federal Habeas Corpus.

STOKES. Church and State in the United States.

VALENTINE. Court of Justice of the European Communities.

YOKLEY. Municipal Corporations.



The soon-to-be vacated library of the College, shown above, will be remodeled beginning early in 1966, to become the permanent home of the Marshall-Wythe School of Law.

## LAW BUILDING PLANS NEARING TARGET DATE

With the prospect that the College's new general library will be ready for occupancy late this fall, the pace is stepping up on the planning for remodeling the present library building as a permanent home for the Marshall-Wythe School of Law. It is expected that actual work on remodeling will begin early in 1966.

Since 1953 the Law School has occupied quarters in Bryan Hall, a men's dormitory, where the first floor has been given over to faculty offices and the ground floor of Bryan and adjacent dormitory units have been converted to classroom and library facilities. With the rapid growth of law student enrollment in the past three years, instructional and library space has been exhausted.

Tentative architectural plans for the remodeling of the present library call for a modern moot court room which can be converted by folding panels into smaller conference rooms; special enlarged facilities for the law review and the student organizations; a faculty-student lounge, audi-visual room, graduate seminars and a central reading room for the law library.

Completion date for the remodeling is not settled at this time, but the expectation is that during the fall of 1966 or the early part of the 1966-67 academic year, the Law School will at last have a place to call its own.

## FALL CURRICULUM ADDS TWO COURSES

One new course—in Admiralty—has been added to the fall offering of the Law School, and another course—in International Law—has been transferred from the Department of Government. A total of twenty-two courses are offered by the Law School during the first semester.

Assistant Professor E. Blythe Stason, Jr., is in charge of the new ADMIRALTY course, which has been sought for inclusion in the curriculum for several years. A faculty spokesman pointed out that, with the substantial amount of admiralty practice in the Hampton Roads area and the Law Library's unusually strong collection on the subject, it was a natural addition to the local offerings.

The INTERNATIONAL LAW course is now being offered by Professor William F. Swindler, who took his doctorate in the subject at the University of Missouri. This course, too, has been described as a long-sought addition to the Law School curriculum, in view of the growing emphasis in professional legal circles on the subject.

Two other course changes were also announced by the Law School. One was the transfer of law credit from Economics 426, Government and Business Enterprise, to Economics 425, INDUSTRIAL ORGANIZATION, necessitated by the transfer of the anti-trust matter from the former to the latter. The other was the division of Legal Research into two special sections—Law Review credit, for which no grade is given, and Will Draftsmanship.

## 21 LAW STUDENTS RECEIVE ANNUAL GRANTS

Twenty-one students were announced by Dean Joseph Curtis as recipients of scholarships or grants in aid for the 1965-66 academic year. Seven of the scholarships are for general preparation for the first professional degree, while two are for the Law School's special program in law and taxation.

The three W. A. R. Goodwin Scholarships available to entering students in the amount of \$1,000 each were awarded to Mr. John R. Flanagan, of Berwick, Illinois, Robert A. Hendel of Brookline, Massachusetts, and Robert E. Scott of Newport News, Va., for this 1965-66 session. These scholarships are conditionally renewable for each of the recipient's succeeding two Law School years.

Mr. Flanagan received his B.A. degree from Monmouth College, Mr. Hendel from Boston University, and Mr. Scott from Oberlin College. Goodwin Scholarships were renewed for upperclassmen Peter Paul Broccoletti of Brookneal, Va.; Robert N. Lent of River Edge, N. J.; Strother Smith III of Richmond, Va.; and James L. Tucker of Dublin, Va.

Recipients of Goodwin Grants-in-Aid include Austin J. Canning, Jr., Penelope Dalton Coffman, Cecil J. Franklin, Gary M. Gleason, Oldrich J. LaBell, Joseph R. Johnson, Alan D. MacDonald, Osborne F. Morgan, Jr., George C. Overman, Jr., Alfred D. Swersky, Lloyd C. Sullenberger, and Donald A. Zaleski, all of whom have attained at least a B average in their law school work.

The J. D. Carneal, Jr. Tax Scholarship for a graduate student engaged in the Master of Law and Taxation degree program was given to Mr. William Lewis Leigh, Jr., of Chantilly, Va. Mr. Leigh earned his B.S. degree from Virginia Polytechnic Institute and LL.B. degree at Washington and Lee University School of Law. The J. D. Carneal, Jr. Law and Taxation Grant-in-Aid for an undergraduate law student having the Law and Taxation goal was given to Mr. Gus John James II of Danville, Va., who is expected to complete his Bachelor of Civil Law degree requirements in June, 1966, and engage in the Master of Law and Taxation degree program in the following session.

## VOL. 7 OF LAW REVIEW GOING TO PRINTERS

Articles on legal history, comparative contract law and county liability will feature Volume 7, Number 1 of the *William and Mary Law Review* which went to the printers early this month. Robert J. Tilden, lecturer in law at Boston University Law School, is the author of "Forerunners of the Public Authority," the lead article. Robert Johnston, Feb. '65, and a specialist in Latin American law, is the author of "Party Autonomy in Contracts Specifying Foreign Law." D. Barry Hill, '65, a member of the Virginia bar, is the author of "Tort and Contract Claims Against Counties."

The usual departments of notes, comments and reviews will fill out the student-edited portion of the issue.

## FACULTY ACTIVITIES

Dean Joseph Curtis in mid-September attended a Conference of Law School Deans on Education for Professional Responsibility at Asheville, N. C. Sponsored by the National Council on Legal Aid Clinics, to acquaint law schools with current experimental projects on the subject, the three-day meeting heard reports on eight law school projects as given by their respective directors.

Assistant Dean James P. Whyte represented the Law School at the annual Southeastern Conference of Law Schools at Asheville, N. C., in August.

Dr. Thomas C. Atkeson, professor of taxation, met September 28 at Fredericksburg with the board of directors of the Virginia State Chamber of Commerce, on whose special sales tax study committee he serves as chairman. On October 5 he spoke at Roanoke on the subject of the sales tax before the seventeenth annual meeting of the Virginia Association of Chamber of Commerce Executives.

Professor Atkeson has been appointed by Governor Albertis S. Harrison, Jr., as a delegate to the National Tax Association's Conference on Taxation at New Orleans November 8-12.

Dr. William F. Swindler attended a seminar on municipal law, sponsored by the Practising Law Institute, in New York August 18-20. He also served as a member of the committee of experts at the World Conference on Peace Through Law in Washington September 13-18.

Professor Swindler's review of Fowler Harper's "Justice Rutledge and the Bright Constellation" appears in the fall issue of the *Indiana Law Journal*.

C. Harper Anderson and E. McGruder Faris were elected president and secretary, respectively, of the Fourteenth Circuit Bar Association at its meeting early in October.

## BARRISTERS' BRIDES LAUNCH YEAR'S ACTIVITIES

The Law School Barristers' Brides, organization of student law wives, has begun its current program for the academic year under the presidency of Mrs. Barbara Goldberg. In addition to the regular monthly meetings of the group, it is planned as in the past to work closely with the Student Bar Association in the social functions of that group.

A coffee hour and reception for new members was held in the Campus Center on September 18, while the husbands were attending the orientation program at the Law School. An early fall meeting is planned with Assistant Dean James P. Whyte to acquaint the wives with details of the Law School curriculum and program.

Periodical meetings with faculty wives of the Law School, and various social events are also on the agenda for 1965-66. The organization makes a practice of helping new families locate housing, and maintains a small loan fund for emergency cases arising among its members.

Other officers of the group are Mrs. Joanne Jeffries, vice-president; Mrs. Carol Hill, secretary; and Mrs. Martha Whitehurst, treasurer.

THE ELEVENTH ANNUAL

# TIDEWATER TAX CONFERENCE

Time: Saturday, December 4, 1965

Place: Campus Center, College of William and Mary

Program: See page 2 of this issue

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## Phi Delta Phi OK's Chapter At School

Five members of the Law School student body returned with a mission accomplished last month when they successfully presented a chapter charter request to the Phi Delta Phi national convention in Quebec. The national meeting September 6-9 approved the petition prepared by the members of the local Thomas Jefferson Legal Fraternity, which will be formally installed as the Jefferson Inn of the national organization late this fall.

Presenting the petition at Quebec were Thomas C. Palmer of Williamsburg, magister (president) of the local, and S. Strother Smith III of Richmond, vice-magister. Other brethren attending the convention were J. Rodney Johnson of Richmond, exchequer and historian; Peter H. White of Hopewell Junction, N. Y., rush chairman; and Russell A. Kimes, Jr., of New Canaan, Conn., publicity chairman.

Tentative plans have been set for formal installation of the new Phi Delta Phi Inn on or about December 4. In addition to this being the founders' date for the Law School, it coincides with the Tidewater Tax Conference Weekend and offers a chance for a general "law weekend" in Williamsburg. A committee of the local group is in charge of plans for the ceremonies, which will be conducted by a delegation from the national offices of the fraternity.

Phi Delta Phi, founded in 1870, is the oldest legal fraternity in the United States and now has an affiliation with the oldest law school. There are approximately eighty student inns and fifty barristers' inns; the term "inn" is used for chapters,

## PAD Sets Schedule Of Fall Activities

Six pledges of the George Wythe Chapter of Phi Alpha Delta were initiated October 7 in ceremonies in the Great Hall of the Sir Christopher Wren Building, opening the activities for the current academic year for the fraternity. The following evening, the membership and their wives and guests honored the newly initiated brothers at the Wedgewood Dinner Theater production of "Picnic."

The initiates included Stephen D. Harris, Canton, Ohio; William J. Kucgicz, Williamsburg; William Lehner, Nanuet, N. Y.; Wayne O'Brien, Richmond; Henry Wolf and Robert Wolf, both of Williamsburg.

PAD has also scheduled among its October activities a party on October 16 and a reception for all alumni of the chapter on Homecoming, following the football game, at the John Yancey Motor Hotel. Several speakers and another initiation are scheduled for November.

The local chapter of Phi Alpha Delta was established at the Law School in 1953.

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deriving from the ancient centers of legal study in England, the Inns of Court.

The Jefferson Inn-elect has begun a series of monthly dinner meetings, the first of which was held October 7. Edward S. Hirschler, senior partner of the Richmond firm of Hirschler and Fleischer and a lecturer at the University of Virginia Law School, spoke on "Practice in a Medium-Sized Metropolitan Firm—What to Expect."

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