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# News Letter

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



Volume Nine

Winter, 1965-66

Number 2

## PHI DELTA PHI INSTALLS JEFFERSON INN DEC. 4

Ceremonies in the Great Hall of the Sir Christopher Wren Building officially invested the Thomas Jefferson Inn of Phi Delta Phi as the eighty-third student chapter of the international legal fraternity on December 4. Thirteen students and two honorary members were formally initiated at the time, in a ritual conducted by members of the National Council. One student and three other honorary members, unable to be present on this occasion, were to be inducted at later dates.

Ben F. Small, associate dean of the Indiana University School of Law and international president of Phi Delta Phi, conducted the initiation and later presented the charter of the Inn at a dinner meeting held at the Congress Inn. Others of the council in attendance were Robert L. Young, Q. C., of Toronto, member at large; Kenneth H. York of

(Continued on Page 4)

## Government Contracts Short Course Feb. 27-Mar. 4

Approximately two hundred lawyers from all parts of the United States are expected to gather in Williamsburg February 27-March 4, 1966 for a Concentrated Course in Government Contracts. The course is under the joint sponsorship of the Law School and Federal Publications, Inc., of Washington, D. C., Director of the course will be Paul H. Gantt, '42, chairman of the Board of Contract Appeals of the Atomic Energy Commission, and the campus coordinator will be Professor William F. Swindler.

The course will be held at the Williamsburg Conference Center, and will consist of three-hour panel discussions in the morning and afternoon, and a two-hour clinic in the early evening. It is based on a highly successful course held last summer in cooperation with the University of San Francisco,

(Continued on Page 3)



Members of the Law School's 1965 National Moot Court team, which was a finalist in the regional competition in November and continued to the national competition in New York in December, are: S. Strother, Smith, III, Richmond; Thomas C. Palmer, Jr., Williamsburg; and Stanley Lee Morris, Williamsburg. (See Story on page 3.)



Shown above is part of the crowd of accountants and attorneys who attended the sessions of the 1965 Tax Conference in the ballroom of the Campus Center December 4. This year was an all-day Law School affair, with the installation of the new chapter of Phi Delta Phi in the afternoon and evening following the conference. Shown below are the members of the new Thomas Jefferson Inn of the legal fraternity. Front row, seated, left to right, are: Professor E. Blythe Stason, Jr.; Russell A. Kimes, Jr.; Don Blackwell; Thomas C. Palmer, Jr.; J. Rodney Johnson; S. Strother Smith, III; Paul H. Gantt, Esq.; Back row: R. H. Kraftson; Peter H. White; John Mark; Harold J. Busbee; Dr. William F. Swindler; Howard J. Teass; Oldrig J. LaBell; Paul Burns; Col. James R. Troth.



## MOOT COURT TEAM IN NATIONAL CONTEST

William and Mary's moot court team, the first to reach the regional finals and thus qualify for the national tournament in New York, drew a first-round bye and then lost to a highly-praised Boston College team December 17. The three Law School representatives, all seniors, were Stanley Lee Morris and Thomas C. Palmer, Jr. of Williamsburg, and S. Strother Smith, III, of Richmond.

The local team successively defeated teams from North and South Carolina, and in the semi-finals defeated the University of Virginia, in the regional competition in November. In the finals a split vote gave the victory to Duke University, runner-up in the national tournament in both 1964 and 1965. Virginia was a quarter-finalist last year in the national competition.

The National Moot Court competition is annually sponsored by the Young Lawyers' Committee of the Bar Association of the City of New York. It involves the preparation of a brief and delivery of oral argument in a hypothetical case prepared by the committee. The 1965 case involved a suit by an injured party against an insurance company in which the company won the verdict in the United States District Court. The William and Mary team acted as counsel for the appellees.

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(Continued from Page 1)

### CONTRACTS COURSE

and is intended to provide for intensive discussion of major elements in the government contract field.

Participants in the program will be the following: Gilbert J. Ginsberg, office of the general counsel of NASA, on "Contracting Techniques;" Walter F. Pettit, Esq. of San Francisco, on "Contract Specifications;" and Norman P. Singer, director of contracts for Allied Research Associates of Concord, Mass., conducting the clinic, on February 28. Henry B. Keiser, President of Federal Publications, Inc., on "Inspection, Acceptance and Warranties;" Eldon H. Crowell, Esq. of Washington, on "Contract Modifications;" and Paul F. Hannah, Esq. of Boston, conducting the clinic, will feature the program on March 1.

Jack Paul, Esq. of Los Angeles, on "Subcontracting;" William Munves, associate general counsel (procurement), Department of the Air Force, and B. Lee Bird, associate counsel, Bureau of Naval Weapons, on "Technical Data; Government Property;" and Edward J. Renner of Marietta, Ga. conducting the clinic will provide the program for March 2. Gilbert Cuneo, Esq. of Washington, on "Equitable Adjustment and Cost Recovery;" E. K. Gubin, Esq. of Washington, on "Termination for Default;" and Paul G. Dembling, deputy general counsel for NASA, conducting the clinic, will appear on March 3.

Mr. Gubin on "Termination for Convenience;" Lt. Col. Vincent A. Cinquina, chief of the logistics and contract law branch, procurement law division,

## COLUMBIA PROFESSOR TO BE HOLMES LECTURER

Harry W. Jones, Cardozo Professor of Jurisprudence at Columbia University, has accepted the invitation to deliver the Oliver Wendell Holmes Lecture at the Law School next spring. The general title of his three lectures will be, "The Path of the Constitution," and the dates of the lectures have been set as May 5, 6 and 7, 1966. The third and final lecture will be the feature of the annual meeting of the William and Mary Law School Association.

Professor Jones earned his A. B. and LL.B. degrees at Washington University in St. Louis, attended Oriel College, Oxford as a Rhodes Scholar, and received his LL. M. from Columbia University. He is a member of the Missouri and California bars, and has served on the faculties of Washington, Columbia, California and Chicago. In the summer of 1955 and 1959 he participated in the Salzburg seminars in American studies. From 1962 to 1963 he was director of research for the American Bar Foundation, is currently adviser to the American Law Institute's *Restatement of Contracts*, 2d, and has been elected to membership in the American Philosophical Society.

Author or co-author of five books and a large number of articles in professional journals, Professor Jones is also a fellow of the American Academy of Arts and Sciences, and a trustee of the Walter E. Meyer Research Institute of Law.

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## AALS Program Includes Four Faculty Members

Four members of the Law School faculty were featured in key roles in the annual meeting of the Association of American Law Schools in Chicago December 28-30. Dean Joseph Curtis is a member of the Association's committee studying the needs and opportunities for smaller law schools. Assistant Dean James P. Whyte is on the committee for education for professional responsibility. Professor William F. Swindler is chairman of the Legal History Round Table, and Professor E. Blythe Stason, Jr. is on the committee on international law.

Professor Stason also delivered a paper on "A Comparison of Equity and Common Law" at the convention Round Table on Equity on December 29. Dr. Swindler functioned as moderator of the Round Table on Legal History on the evening of December 28, and read a paper on "Magna Carta and the Common Law."

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Department of the Army, on "Disputes and Remedies;" and Joel P. Shedd, vice-chairman, Armed Services Board of Contract Appeals, and Prof. Harold C. Petrowitz, consultant to the Senate Small Business Committee, conducting the clinic, will complete the program on March 4.



## Sherwell Fund Sets New Annual Lecture

A fund to underwrite an annual lecture in the Law School, by a national authority in some area of law, has been established by a gift from Mrs. Maria Sherwell Baumert of Long Island, N. Y. The series, to be known as the Sherwell Lecture, will begin in the 1966-67 academic year, and the lecturer will be chosen by the law faculty.

The Sherwell family were owners and occupants of the George Wythe house in what is now the restored area of Williamsburg, in the nineteenth century. A grandfather of Mrs. Baumert's, William Sherwell, was a student at the College in 1863-65. Mrs. Baumert's gift will memorialize the family and particularly her brother, the late Guillermo Butler Sherwell.

Plans for the new lecture series are still tentative, but it is expected that the first lecture will be part of several events in a program marking the occupancy of its new quarters by the Law School in the next academic year. It is also expected that the lecture will be published in an issue of the *William and Mary Law Review*.

## 300 ATTEND TAX MEET AT SCHOOL OF LAW

A record of more than 300 persons was set by attendance at the eleventh annual Tax Conference of the School of Law held December 4. Dr. Thomas C. Atkeson, Professor of Taxation who has been the chief planner and "sparkplug" of the conferences since their beginning, commented that this year's audience was enlarged by an unusual number of business representatives in addition to the normal enrollment of attorneys and accountants.

Papers were given, and question-answer sessions held, on subjects ranging from the sales tax and other elements of future tax development in Virginia, to key cases and rulings of the 1965 tax year, new federal policies of tax administration, proper tax elections, installment methods of reporting, exchanges of like property, and a one-year review of the 1964 tax law. The Conference papers are now being prepared for printing and should be available for distribution in March.

The Tax Conference is held each year on the first Saturday in December as a part of the educational services offered by the Marshall-Wythe School of Law to its students, tax practitioners and businessmen throughout the state. It is particularly significant for students in the Law School's program leading to the degree of Master of Law and Taxation.

### ATKESON TO IRS SESSION

At the request of Commissioner Sheldon S. Cohen, Dr. Thomas C. Atkeson joined with other members of the Advisory Groups to Commissioners of Internal Revenue in Washington December 14. The all-day session was devoted to a discussion of important administrative problems currently confronting the Internal Revenue Service.

## Mrs. Phelps, Law Faculty Wife, Dies

Mrs. Grace Rowell Phelps, wife of Professor Arthur W. Phelps, died November 23 in Richmond after an extended illness. Funeral services and burial were at Smithfield on November 25.

A native of Smithfield, Mrs. Phelps had served for a number of years as a hostess for Colonial Williamsburg. Besides her husband, she is survived by two daughters, Mrs. W. Donald Rhinesmith of Charlottesville and Miss Margaret Phelps of Williamsburg, and a twin sister, Mrs. George F. Whitley, Jr. of Smithfield.

Mrs. Phelps had been a member of the faculty family of the Law School since 1945.

### PHI DELTA PHI

(Continued from Page 1)

Topanga, Calif., editor of *The Brief*, the fraternity magazine; and William R. Jarnagin of Beverly Hills, Calif., secretary-treasurer.

Assisting in the initiation ceremonies were Dr. William F. Swindler, faculty adviser to the Thomas Jefferson Inn, and Professor D. Orville Lahy of the T. C. Williams School of Law, University of Richmond. Professor Lahy and three student members of the Madison Inn at the University of Richmond attended the December 4 ceremonies, and a congratulatory message was sent by the Minor Inn of the University of Virginia.

Honorary members initiated with the student members included Paul H. Gantt, '42, chairman of the Board of Contract Appeals of the Atomic Energy Commission; and Professor E. Blythe Stason, Jr. of the law faculty. Accepting bids, pending formal initiation at a later date, were A. B. Hanson, '40, of Washington, D. C.; Blake T. Newton, Jr., '38, of New York; and Otto Lowe, Sr. '26, of Washington, D. C.

The ceremonies climaxed a rapid organizational effort which began in the spring of 1965 and led to a formal application by five members of the then Thomas Jefferson Legal Fraternity for membership at the Phi Delta Phi national convention in Quebec in September. Following the installation in the Wren Building, a reception and dinner was held for members and wives or dates. Dr. Davis Y. Paschall, President of the College, and Dean Joseph Curtis were special guests for the occasion and delivered brief messages at the after-dinner ceremonies.

Charter members of the Jefferson Inn are as follows: Thomas C. Palmer, Jr., Williamsburg, magistrate; S. Strother Smith, III, Richmond, vice-magistrate; J. Rodney Johnson, Richmond, exchequer; Donald P. Blackwell, Richmond, clerk; Peter H. White, Hopewell Jct., N. Y., rush chairman; and Russell A. Kimes, Jr., New Canaan, Conn., publicity chairman. Also Paul A. Burns, Williamsburg; Harold J. Busbee, Falls Church; John F. Deal, Sandston (subject to later initiation); Oldrig J. LaBell, Fairfax; R. H. Kraftson, Williamsburg; John F. Mark, Alexandria; Howard A. Teass, Jr., Williamsburg; Col. James R. Troth, Williamsburg.



Attending the installation dinner of the Thomas Jefferson Inn of Phi Delta Phi December 4 were William R. Jarnagin of Los Angeles; Dr. William F. Swindler, faculty sponsor; Dr. Davis Y. Paschall, President of the College; Dean Ben F. Small of Indiana University; Robert L. Young of Toronto; and Professor D. Orville Lahy of Madison Inn, University of Richmond.

## PHI DELTA PHI LISTS YEAR'S GROUP OF SPEAKERS

A Virginia supreme court justice, educators from three different law schools, and several leaders of the practicing bar make up the list of speakers for the Jefferson Inn of Phi Delta Phi during the current academic year.

Dean Ben F. Small of the Indianapolis branch of the Indiana University Law School was the speaker at the December 4 meeting which climaxed the formal ceremonies of installation. (See separate story.) George E. Allen, Sr., senior partner of the Richmond law firm of Allen, Allen, Allen & Allen and past president of the American Trial Lawyers' Association, will speak January 6 on "Personal Injury Practice." Mr. Allen is the most recent recipient of the association's National Award for Courageous Advocacy.

February will bring Mr. Justice Thomas C. Gordon to speak on "Practical Aspects of Appellate Practice." This meeting is tentatively scheduled for February 18. March and April speakers have been tentatively selected but their names and topics have not yet been announced.

May 5 marks the spring meeting of the Inn, at which the honored guest will be Professor Harry W. Jones of Columbia University Law School. Professor Jones, as reported in another story in this issue, will be inaugurating the Oliver Wendell Holmes Lectures at the Law School on this date.

Previous speakers at the monthly Inn meetings have been Edward S. Hirschler, senior partner in

## RECENT ACQUISITIONS SELECTED BY LIBRARY

Recent acquisitions of the Law Library, of interest to alumni and practicing lawyers of the Williamsburg and Eastern Virginia area, are listed below:

CARROL, Forms of Commercial Transactions Under the Uniform Commercial Code.

COWANS, Bankruptcy Law and Practice.

DEVLIN, Samples of Law Making.

DOUBLES, Virginia Jury Instructions.

LINDESMITH, The Addict and the Law.

MacKINNON, Contingent Fees for Legal Services.

MANNING, Federal Conflict of Interest Law.

PAUL, U. S. Government Contracts and Subcontracts.

SPEISER, Lawyer's Aviation Handbook.

SZASZ, Law, Liberty and Psychiatry.

TREBACH, Rationing of Justice: Constitutional Right and Criminal Process.

WASHINGTON, Indemnifying the Corporate Executive: Business, Legal and Tax Aspects.

the law firm of Hirschler and Fleischer, Richmond, and professor of law office practice at the University of Virginia, who spoke on "Practice with a Medium Size Metropolitan Firm" in October; and Professor Charles M. Davidson of the University of Virginia, who spoke on opportunities in corporate law practice at the November meeting.



Professor E. Blythe Stason, Jr. of the Law School faculty, in November was awarded a commission as a Kentucky Colonel. Presenting the award in Professor Stason's office as a representative of Governor Edward Breathitt of Kentucky is Jack Tompkins of St. Paul, Va., a pre-law student at the college. (See accompanying story.)

## LAW FACULTY MEMBER MADE KENTUCKY COLONEL

An honorary Kentucky Colonel was added to the Law School faculty in November when Professor E. Blythe Stason, Jr., was presented with membership on behalf of Governor Edward T. Breathitt of Kentucky. James R. Tompkins of St. Paul, Va., a pre-law undergraduate at the College and a representative of the Kentucky governor, made the presentation, which is the highest honor which can be bestowed by the sister Commonwealth.

Tompkins pointed out that Kentucky Colonels are public and professional leaders who are recognized for their conspicuous service to fellow men, and that Governor Breathitt had approved the award in consideration of Professor Stason's "broad humanitarianism and interest in students."

President Davis Y. Paschall of the College was an earlier recipient of membership in the society of Kentucky Colonels, at a ceremony held early in the fall.

Professor Stason came to the Law School in 1963. A native of Michigan, he received A. B., M. A. and LL. B. degrees from the University of Michigan and LL. M. from Harvard Law School. Before coming to William and Mary he was on the faculty of the Indiana University School of Law.

## FACULTY ACTIVITIES

On December 15 the Law School's three administrators—Dean Emeritus Dudley W. Woodbridge, Dean Joseph Curtis and Assistant Dean James P. Wythe—attended the regular meeting of the State Bar Examiners in Richmond following the December bar examinations.

The fall issue of the *Reading Guide* published by the University of Virginia will carry Dr. Wilfred F. Swindler's review of "The Case for Liberty," by Helen Hill Miller.

## GIFT BUILDS COLLECTION ON MEDICAL LAW

A substantial collection of references in medical jurisprudence has been developed in the Law Library as the result of a series of gifts made in recent years by Dr. J. Paul Kent of Altavista. Dr. Kent inaugurated the gift in recognition of the education received from the College by his wife, the former Eleanor A. Martin (A. B. '35), and his sons, James P. Kent, Jr. (A. B. '61 and B. C. L. '64) and Gordon M. Kent (A. B. '64).

The Kent gifts have made possible the addition of a number of important references in the field of law and medicine. Mrs. Anna B. Johnson, Law Librarian, pointed out that it is the Law School's policy to devote such gifts to the acquisition of law books in the field of the donor's special or professional interest, wherever possible. In the case of this and similar contributions, a special book plate acknowledgment of the acquisitions is provided.

Representative titles acquired or to be added by the Kent gift include the following: Louiselle's Trial of Medical Malpractice Cases; Schmidt's Attorney's Dictionary of Medicine; Frumer on Personal Injuries—Actions, Defenses and Damages; and authoritative monographs of the Law-Medicine Center of Western Reserve University and proceedings on legal medicine conferences conducted by bar associations in Connecticut and New York.

Professor James P. Wythe has been engaged in extended labor arbitrations for the Titmus Optical Company this fall.

Professor Emeric Fischer addressed the League of Women Voters in October, and the conference of the Virginia State Chamber of Commerce in November. Both talks covered the problems and need for a state sales tax, and the November speech was televised.



## Grooms, '63, Works On Argentine Labor Issue

An intensive practical course in comparative labor law fills the working day of a 1963 Law School graduate. Tommy L. Grooms, who has been in the law division of the John Deere Company, writes from Rosario, Argentina, where he was sent in September to devote six months to a year of trying to straighten out a union-management dispute in the Argentine branch of the company.

Aside from 104-degree heat without air conditioning in the negotiations, Grooms describes two basic problems which lie behind the efforts to reach an agreement. One is the fact that, although the company won its court test over a discharge of subordinate employees, the peronista sympathizers by violence and intimidation compelled the re-employment of the discharges.

The other, says Grooms, is the fact that the current negotiations are proceeding without any determination of their effect upon the already existing labor contract. "No one in the government labor service will acknowledge that this is a question worth consideration," writes the Law School alumnus.

Finally, he reports, aside from "the people I have had following me," there are two other inhibiting factors. One is the fact that both the union and the labor department keep minutes of the meetings. The other is that meetings can only be conducted for an hour or two each day because the labor department stops work at 1:00 p. m. And, he concludes "we still don't have a table" at which to meet.

## PRO GRID STAR TO ENROLL IN FEBRUARY

A standout rookie fullback for the San Francisco 49ers will become a first-year law student at William and Mary next month. Ken Willard, former University of North Carolina griddier and native of Varina, Va., will begin his law studies with two other mid-year students who have been approved for admission. The others are David C. Agatstein of New York, who is completing his undergraduate work at Queen's College, and Douglas C. Robinson of Tacoma, Wash., a graduate of the University of Washington.

Willard, whose performance with the 49ers has been acclaimed by sports writers as the best of any fullback in the Western Division of the National Football League, has been unable to begin his law study until the close of the season. He received his A. B. from North Carolina last June.

Fifteen law students are expecting to complete their degree requirements in February. They are Penelope Dalton Coffman of Hampton; William Culverhouse, Virginia Beach; John F. Deal, Sandston; Gary M. Gleason, Westfield, Pa.; Robert E. Kane, Williamsburg; Stephen J. Kapral, Watkins Glen, N. Y.; William C. Kucewicz and Stanley L. Morris, Williamsburg; Daniel D. Portanova, Trumbull, Conn.; John T. Roth, Silver Spring, Md.; Charles H. Rideout and Lacy L. Scoggin, Williamsburg; Winton G. Snyder, Virginia Beach; Alfred Swersky, Norfolk; and James M. White, Williamsburg.



Notables at the 1965 Tax Conference included Bertrand M. Harding, above left, Deputy Commissioner of Internal Revenue; Dr. Davis Y. Paschall, President of the College of William and Mary; James P. Boyle, District Director of the Richmond IRS office; and Dr. Thomas C. Atkeson, professor of taxation and "prime mover" of the Conference for the past eleven years.



## Lawyers' Literary Club Chooses Professor's Work

Dr. William F. Swindler has been advised by the Lawyers' Literary Club that his new book *Magna Carta: Legend and Legacy*, has been chosen for one of the forthcoming distributions of the Club to its membership. The book, published by Bobbs-Merrill Company of Indianapolis and New York, goes on sale at bookstores throughout the country this month.

The Lawyers' Literary Club is a professional book club which has several thousand members. It distributes both current books of topical interest to members of the bar, as well as fine editions of legal classics.

A product of the 750th anniversary of the Great Charter which was celebrated last year, *Magna Carta: Legend and Legacy* is intended for the general reader and for the lawyer who is not a specialist in legal history, to explain why the Charter survived its own medieval origins and became a cornerstone of Anglo-American constitutional and common law.

The title, Professor Swindler explains, attempts to evoke the dual objectives of the book itself. As a household phrase, *Magna Carta* has come to mean many things to many people—some of them highly inaccurate. The first part of the book is a narrative of English and American history showing how the legend of *Magna Carta* developed. The second half reprints the documents—the original charter of King John in 1215 and the definitive reissue of King Henry III in 1225—which represent the legacy that has descended to modern times.

## LAW BUILDING PLANS BEING DISCUSSED

With the Christmas holidays marking the actual removal of the old College library to its impressive new quarters in the Earl Gregg Swem Library, plans for the renovation of the vacated building for the use of the Marshall-Wythe School of Law have begun to accelerate. The College has requested a minimum of \$365,000 for the renovation from the 1966 General Assembly which opens in Richmond this month.

Officials at William and Mary pointed out that the building, which is structurally sound and has served as a general College library since 1928, is more appropriate for adaptation to Law School use than to any other academic function. This is because of the unusual integration of law library and law teaching and research—a building designed originally for library functions can thus most efficiently and economically be converted to a teaching program which is based so broadly on library resources.

Tentative plans for the remodeled building call for a general reading room adapted from the present reading room of the old library, with adjacent rooms for the graduate tax library and a browsing room for general periodicals and references. The main stack area will also have a number of "carrells" or inclosed study cubicles for graduate students. The existing stack area will be converted into classrooms and a moot courtroom which will also serve as a small auditorium for conferences and guest speakers.

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