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William & Mary Law School

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LAW SCHOOL MEDAL CREATED FOR AWARDS

A bronze medallion, bearing on its face the profiles in bas-relief of John Marshall and George Wythe, has been commissioned by the Law School for annual presentation to outstanding leaders of the bench and bar in the United States and abroad. The model for the medal was designed and prepared by Professor Carl A. Roseberg of the College’s Department of Fine Arts.

A photograph of the medals, similar to the one shown here, was to be displayed at the midwinter meeting of the Virginia State Bar Association and the concurrent midwinter meeting of the William and Mary Law School Association. Casts of the medal were displayed among the examples of art faculty creations at the Charter Day exhibit in the new Robert Andrews Hall of Fine Arts, dedicated on the same weekend.

(Continued on Page 3)

LAW STUDIES IN ENGLAND SET AS SUMMER PROJECT

A Summer School of Law in England, believed to be unique among the educational programs of American law schools, will be inaugurated in July by the Marshall-Wythe School of Law in cooperation with the University of Exeter. Viewed as a logical next step after the professorial exchange between the two institutions which was begun during the current academic year, the Summer School of Law will offer American law students a series of courses accredited by the College of William and Mary and transferrable to their own institutions.

Enthusiastically endorsed by the College Board of Visitors in January, and approved by the joint committees on accreditation of the American Bar Association and the Association of American Law Schools at their midwinter meeting in Houston February 9, announcements of the projected Summer Program of Studies in Law have been dispatched to

(Continued on Page 2)

The bronze medallion to be awarded by the Law School to outstanding men of the legal profession is shown at the left in the form of the cast from which the final medal will be struck. One award will be made each year, except in special circumstances.
ENGLAND

(Continued from Page 1)

all of the accredited law schools in the United States.

Dr. Dominik Lasok, Exeter Exchange Professor at the Law School this year, will return to England in the early summer to arrange details of the project and offer some of the courses. Professor E. McGruder Faris, director of the program of studies for the summer, will also serve on the faculty in England. The remainder of the faculty will be determined by the number of students from various law schools who show an interest in attending.

The tentative curriculum includes Administrative Law, English Legal System, Future Interests, Insurance, International Law, and Jurisprudence. The latter two courses will be taught by the combined Exeter and William and Mary faculties. Other subjects will be added as enrollment may warrant.

Field trips will be included in the six-week program to provide on-the-spot opportunity to observe English law in action.

Primary objective of the program is to afford basic law courses through an accredited American law school, in the environment of the parent stock of the English common law. Some English law students are expected to enroll in the program, but the major portion of the enrollment will be from American law schools to which the Marshall-Wythe School of Law will forward transcripts of the work completed.

Living accommodations, including room and board and all regular classes, will be offered at "Crossmead," a private estate in the suburbs of Exeter which is operated by the university as a residence hall in its regular academic year. The law library at the university law faculty center, with essential American law library materials for the courses offered, will be available to participants in the program.

Applicants for the first year are limited to men over 21 years of age who present certificates of good standing from their regular law schools. The six-week program will begin July 3 and run through August 12. While the schedule will fully conform to the class-hour requirements of the law accrediting agencies, two long weekends, on the second and fourth weeks, will be provided for travel throughout the British Isles or nearby Continental European points.

Administration and faculty members of the Law School hope that the 1967 program will be successful enough to develop the summer offering into an annual feature of the school's educational program.

As this issue of the News Letter went to press, Professor Faris reported an encouraging flow of applications for the 1967 program, in spite of the relative lateness of the announcements.
GOVT. CONTRACTS COURSE SET FOR FEB. 19-24

With advance registration exceeding last year's highly successful Concentrated Course in Government Contracts, the 1967 version of the week-long program will be offered the week of February 19-24 by Federal Publications, Inc. of Washington and the Marshall-Wythe School of Law. As this News Letter went to press advance registrations were approaching 350 persons from more than twenty states.

Materials for the course have been revised from the 1966 program in the light of experience and commentary from participants. The format will remain the same, with three-hour lectures each morning and afternoon and a question-and-answer clinic each evening. The substantial workshop of materials prepared especially for the Concentrated Course in Government Contracts has been described by those who receive it as being a major reference work on the subject.

Henry B. Keiser, president of Federal Publications, Inc., stated that the first year of the program at Williamsburg had exceeded all expectations and that every indication was that the 1967 program would be even better. Paul H. Gantt, B. C. L. '42, is director of the course and Professor William F. Swindler of the Law School is administrator.

Speakers and subjects for the week-long program are as follows: February 20: “Contracting Techniques,” Gilbert J. Ginsberg, Office of the General Counsel, NASA; “Contract Specifications,” Walter F. Pettit, partner in the firm of Allan, Miller, Groezinger, Pettit, Evers and Martin in San Francisco; evening clinic led by the two lecturers and Professor John W. Whelan of Georgetown University Law Center.


EXCESSIVE BIDS CURTAIL LAW BUILDING PLANS

With the lowest bid substantially above the appropriated amount for the renovation of the old College library for use of the Law School, plans for the work were cut back sufficiently to permit a start of the project. The local firm of Bryhn and Henderson was awarded the contract, which calls for completion of a basic remodeling of the main floors of the building.

College and Law School officials expressed the hope that other units of the construction plan, in whole or in part, could be added to the program if additional funds could be found while the work was in progress. The alternative prospect was to complete the basic unit on the present time schedule — with possible occupancy next fall — and prepare a request for a supplementary appropriation to cover the remainder at the next session of the General Assembly.

The chief loss to the planned law facilities under the basic construction plan would be the much-needed moot court room and the two large classrooms, all of which were to occupy the former stack area of the old library building. Every effort is being made to secure supplementary funds in order that these essential features may be included in the current renovation. A progress report will appear in the next issue of the News Letter.

STUDENT BAR PRINTS PLACEMENT BOOKLET

A placement booklet for the 1966-67 graduating seniors in the Law School was published this year under the auspices of the Student Bar Association. Several hundred copies were distributed to law firms and other prospective employers throughout Virginia and selected outstate areas.

The booklet contains a photograph and detailed information on each of the prospective graduates, including his job preferences, military service status, law school activities, and the like.

AWARD (Continued from Page 1)

Financing the new award was made possible through a private gift to the Law School which is administered by the William and Mary Law School Association.

The purpose of the award, according to Dean Joseph Curtis, is to provide the nation's oldest law school with its own distinctive medium for conferring recognition upon outstanding men in the legal profession. Candidates will be approved by vote of the Law School faculty.

The medal shows the profiles and dates of Marshall, later Chief Justice of the United States, and George Wythe, first American professor of law, with the name of the Law School and its founding date running around the border. On the reverse is the seal, name and founding date of the College.
Plans for the ground floor and main floor of the old library building, as these are being converted to Law School use, are reproduced here. Above, the basement floor plan shows the projected remodeling for library stacks, assistant librarian's office, audio-visual room and related facilities. Below, the first floor plan is substantially as shown except for the shaded area for which funds are presently unavailable.
Impressions of W&M Exchange Professor in England

Note: The following informal observations were written for THE NEWS LETTER by Professor Arthur W. Phelps, who with his daughter Margaret is spending the current academic year at Exeter University.

It has been a wonderful experience being here in England studying her institutions and educational facilities. I do hope that a reasonable number of students will sign up for the contemplated summer school program which the Marshall-Wythe School of Law plans to institute this summer at the University of Exeter. Mr. Stason and I examined the dormitory, Cross-Mead, located in a beautiful setting on top of a hill overlooking Exeter. It is quite suitable for the purpose, being a self-contained unit with nearby class-room space and eating facilities. It is my opinion that the program, with good emphasis on English law, will be most profitable and interesting to the participants. Many other things make it attractive. Exeter is very well located for travel, for instance, London is only three hours away with service every two hours.

In visiting the courts here I find a different atmosphere than exists in American Courts. The judge here is in full control of the case and makes a meticulous summary of the evidence. He is usually very fair to both sides, but can and does comment on the evidence if he thinks it would be of benefit to the jury. The type of comment many times would constitute a reversible error in an American court.

The process of examination and cross-examination of witnesses is done with great gentility and has none of the harshness often found in American courts. An accused, even though obviously guilty, is treated with consideration and respect by counsel and court alike. The application of traditional principles of evidence is almost nonexistent, and much evidence which would be inadmissible in the United States is freely admitted here. The case is tried, not with an attitude toward the eventual appeal of the case, but with basic justice in mind. Often defense counsel will bring out from his witnesses matter which is obviously truthful but rather damaging to his case from an American point of view. There is great emphasis on a full and fair development of the true evidence by both the prosecution and the defense. Great deference is paid to the testimony of the police. In some cases it may be that their superior knowledge of the effect of certain evidence may make them a little inclined to put their testimony in a form the facts do not entirely justify.

Objections are not made during the progress of the case, and it is surprising how this shortens the trial and keeps it directed to the facts. Technical appeals are almost nonexistent, the appeal usually being on important points of substantive law where there is no guiding authority. I am sure this is a better system than our present one with its over-emphasis on technical objections together with extravagant appeals on minute questions of evidence and procedure which no rational man would think could possibly affect the result.

In the past the English courts have been reluctant to interpret legislation. There is a new tendency, perhaps taken from the American courts, to fill in gaps in parliamentary law to a surprising degree. I think this is a wise move, for the administration of law gives the courts a type of experience in understanding novel situations, which, with self-restraint, enables them to implement legislation meaningfully in a way the legislature will never be able to do by exact wording of legislation. Without this sort of flexibility, wisely administered, law can never be just. It is refreshing to find evidence of this fact in the changed attitude of the English courts.

They have a Magistrates' Court here made up of ten to twelve leading citizens, sometimes with all sitting, usually with a lesser number, such as three, for special purposes as in domestic proceedings. These magistrates are not paid anything, but they have a jurisdiction comparable to our County Courts. They administer justice firmly but in a rather flexible manner. The magistrates consider it a duty and an honor to participate in the process of justice. This court works because the average Englishman has a much better understanding of law than the average American. While the system has been criticized it seems to operate fairly well here, with the clerk of court supplying points of law that might be overlooked by the magistrates.

The main university here in Exeter is in a beautiful location and the many new buildings, including ones for physics and chemistry, have been well-grouped to take advantage of the terrain. Unfortunately, the law school is located in downtown Exeter about three-fourths of a mile from the main campus. The building is the old university building before the acquisition of the new campus. While the classroom space and office space is reasonably adequate, just as in the case of the Marshall-Wythe School of Law, a new law school building properly located on the new campus would be of great help to the whole university complex. The law library in terms of British materials is fairly good, but it needs a librarian, much more space than will ever be available in the present building, and modern organization of stacks, files, etc.

The students here are intelligent and alert, with excellent pre-university training in wide fields of knowledge. Since the law program is simply another university program, and is not oriented to professional education in law for practice to any great extent, the students deal with it much as they would any other university program. While we stress the uncertainties in our study of law, or in any other field of university work, here everything is classified and memorized to an amazing degree. There is also similarity in the reasoning and conclusions of all the students. Ask a question and eighty-five percent of the students will give you the same rather excellent answer. Probably the nature of the examination system tends to produce this "package deal."
Phil Delta Phi Sponsors D. C. Tour For Law Students

A highly successful project of the Thomas Jefferson Inn of Phi Delta Phi was carried out December 3 when a College bus load of 34 law students traveled to Washington, D. C., for a professional study tour of the Supreme Court and the Department of Justice. The enthusiasm for the project has already indicated that it will probably become an annual event for the legal fraternity.

Two faculty members — Dr. Dominik Lasok, visiting professor from the University of Exeter, and Dr. William F. Swindler — joined the students in the nation's capital for the occasion. A guided tour of the Supreme Court building and an informal seminar on court procedure by John F. Davis, clerk of the court, was the feature of the morning. In the afternoon, the students and faculty members met with Ramsay Clark, Deputy Attorney General and Acting Attorney General, and with Judge Thurgood Marshall, now Solicitor General of the United States.

The day concluded with a tour of the FBI laboratories and a talk by Mr. Dalbey, director of legal research for the bureau.

Other fall activities of the Inn have included a formal initiation of Blake T. Newton, Jr., of New York as an honorary member. Newton, B. C. L. ’38, is executive director of the Life Insurance Institute. On December 8 the Inn held its regular dinner meeting with the main talk being given by Boyd Leedom, trial examiner and past chairman of the National Labor Relations Board, and former judge of the supreme court of South Dakota.

A pre-Christmas party for the members of the Inn, and a January program featuring a talk by Professor William F. Swindler has been named a member of a special publications committee of the Jamestown Foundation, which is planning a series of monographs for the 350th anniversary of the first legislative assembly in America, to be observed in 1969.

Ernest W. Goodrich of Surry on specific problems of legal ethics, completed the first semester activities. Monthly speakers for February through May have been scheduled and will be announced in the local press.

On the other side of the coin the student has a great deal of freedom to make of his education what he wishes in terms of his reading. My daughter Margaret likes the free system here. She finds it conducive to broader reading for its own sake provided. There seems to be some discontent among the faculty and students with the present English university system, but no one can quite fathom where the difficulty, if any, exists. Certainly my short stay here does not qualify me to make more than casual observations. There is no question that they know more than our students and can articulate it verbally with great ease, although we are closing the gap rapidly. Whether this enables them to cope creatively with the modern world in any better fashion than our students is a serious question. I am inclined to think our students need to know more, but their students need to learn to deal more creatively with ideas. Their early training is rigorous indeed and they become adult early. When they get to the University many rely on this and do not study as hard as our students.

The older generation seems to have a real affection for Americans. The younger ones are highly critical especially of our Viet Nam policy, and are suspicious of our attitudes and intentions in the world. Some government people in the policy field seem to spark this to some extent. Perhaps it is good to keep a balance, forcing a testing of our policies from time to time. The British Broadcasting Company, while occasionally giving a balanced program concerning America, seems too often to delight in giving a distasteful and inaccurate view of Americans. On other subjects the BBC is often objective, then suddenly it reverts to propaganda in what many people would regard as an “improper” and “unfair” and “insidious” form calculated to challenge all concepts of basic morality, democratic ideals in the best sense, and the continuity of civilized institutions. The origin of the programs could only be from persons who seriously intend to produce important changes in the attitudes of the listeners, not simply to encourage them to think in greater depth about the subjects under consideration. I would not say this type of propaganda does not also occur in American television, but certainly not to the degree nor in the form represented here.

For intelligence, honesty, genuine hospitality, a buoyant participation in life from day to day, and an inborn sense of decency and morality you cannot beat the English.

I shall now retire to the local Pub, which by the way, Watney’s intends to bring to America in its “pristine” form. It should be successful there.

FACULTY ACTIVITIES

Professor James P. Whyte has been named a member of the National Academy of Arbitration. Since November, Professor Whyte has heard several arbitration cases including one involving the District of Columbia Typographical Union No. 101 and the Washington Post.

Visiting Professor Dominik Lasok is the author of an article comparing the legal position of children in English law, published in Revue Internationale de Droit Compare in Paris.

Assistant Professor E. Blythe Stason, Jr., attended a conference in admiralty law at Tulane University in November. Between semesters he was in England expediting plans for the 1967 program of summer studies in law, and filling engagements arising from his membership in the British bar.

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College Begins Project On John Marshall's Papers

Under the joint sponsorship of the Institute of Early American History and Culture and the College of William and Mary, a major editorial project involving the papers of Chief Justice John Marshall got under way during the current academic year. Dr. Stephen G. Kurtz, director of publications for the Institute, will serve as general editor of the project, and Dr. Herbert Johnson, New York attorney and legal historian, will serve as associate editor.

Professor James P. Whyte of the Law School has been named a member of the Advisory Board for the project, and Professor William F. Swindler is one of the consulting editors.

The project on the Marshall papers was made possible by matching grants from the National Historical Publications Commission and the General Assembly of Virginia. The project will join a distinguished series of scholarly editorial works which have been identified with leading educational institutions. Among those of significance to the legal profession are the Papers of Thomas Jefferson, edited by Julian P. Boyd of Princeton; the Adams family papers, edited by Lyman Butterfield of the Massachusetts Historical Society with the legal papers, in three volumes, prepared by Hiller Zobel and Kinwin Wroth of Harvard Law School and the University of Maine; the Alexander Hamilton papers, under the direction of Harold Syrett of Columbia University with the sub-series of legal papers edited by Julius Gobel of the Columbia Law School.

Judges' Workshop Set Here For March 12-14

The Marshall-Wythe School of Law is co-sponsoring the eastern regional meeting of the North American Judges Association to be held in Williamsburg March 12-14 at the Conference Center. The Conference planning committee is composed of Albert B. Logan, Executive Director of the Association, Judge Robert E. Quinn, B. C. L., 1956, of Hampton, Judge Philip M. Fairbanks of the Peoples' Court, Rockville, Maryland, Judge Milton S. Kronheim, Jr. of the Court of General Sessions, Washington, D. C., and Professor James P. Whyte of the law school.

The conference will feature workshops on problems of sentencing, alcoholism, representation of indigents and traffic problems. Lieutenant Governor Fred G. Pollard and President Davis Y. Paschall will extend greetings on behalf of the Commonwealth and the College to Judges from Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina and West Virginia.

AALS Meeting

Taking advantage of the location of the 1966 convention of the Association of American Law Schools in Washington December 27-30, seven members of the Law School faculty attended the sessions. Dean Joseph Curtis, Professors Dominik Lasok, E. Magruder Faris, E. Blythe Stason, Jr., Emeric Fischer, William F. Swindler and John Donaldson made up the William and Mary delegation.