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News Letter

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



Volume Eleven

Summer 1968

Number 3-4



THOMAS H. JOLLS

CHICAGO BANK OFFICER JOINS LAW FACULTY

An expert in commercial law will join the College of William and Mary faculty this fall as a professor of law in the Marshall-Wythe School of Law.

He is Thomas H. Jolls, former vice president of the Northern Trust Co. of Chicago, Ill.

A graduate of the University of Michigan, Jolls was in charge of the corporate trust division of Northern Trust until his retirement this year. He joined the company in 1937, was promoted to second vice president in 1946, and to vice president in 1955.

A member of the Illinois Bar since 1933, Jolls has been active in revising the investment securities section of the Uniform Commercial Code. At Northwestern University and at sessions of the Illinois State Bar Association and the American Institute of Banking, Jolls lectured on the code.

At the University of Michigan, Jolls was a staff member of the Michigan Law Review. He is

LAW PROFS SERVING ON 3 STATE STUDIES

Three members of the Law School faculty are serving on as many state commissions this summer and fall, as part of the broad study of problems of reorganization and modernization of Virginia government. A fourth College representative is Dr. Davis Y. Paschall, giving William and Mary a top-flight record of public service in this context.

Dean Joseph Curtis is a member of a nine-man commission appointed by Governor Mills E. Godwin to make an intensive study of conflicts of interest in state government. The 1968 General Assembly authorized creation of the commission to explore any and all conflicts arising from government contracts or other relations between public office and private activities.

Dr. Thomas C. Atkeson, nominally retiring from the law faculty this year, has been named a member of the commission on revenue resources, another program authorized by the recent legislative session to study the prospective developments in the state economy.

Dr. Paschall is a member of the Virginia Commission on Constitutional Revision, an agency currently making an exhaustive study of the 1902 state constitution with a directive to report to the governor by January 1 on recommended changes. Dr. William F. Swindler of the Law School faculty, a longtime specialist in state constitutional law, is serving as general counsel to the commission, and Assistant Dean James P. Whyte is a member of the advisory committee on the Bill of Rights.

a member of Phi Delta Phi legal fraternity and of the Order of the Coif.

Before joining the Northern Trust Co., Jolls served for five years with a Chicago law firm, with primary experience in real estate and probate.

For 12 years, he has been a member of the Chicago Bar Association Corporation Law Committee, serving both as vice chairman and chairman.

Jolls will teach courses in trusts and estates and related commercial law subjects.

LIBRARY
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Shown above are officers of the Student Bar Association for 1967-68: Front row, Scott Swan, Vienna, Andy Parker, Lakeside, Ohio, and Terry Light, Virginia Beach. Second row, Dennis Hensley, Centralia, Ill.; Rob Elliott, Hopewell, and Thomas Horne, Falls Church. Below are members of the editorial staff of the Law Review for the coming year: Front row, Karen Atkinson, Newport News; Charles Friend, Williamsburg; Gilbert Bartlett, Rockville, Md.; Jon Bruce, Auburn, Ind. Second row, Jim Stewart, Quincy, Ill.; Gary Legner, Alexandria; Paul Holzmuller, Eaton, Ohio; and Paul Morley, Inglewood, Colo.



LIBRARY ANNOUNCES TWO GIFT COLLECTIONS

Two new gift collections have added several thousand volumes to the Law Library, according to Mrs. Anna B. Johnson, Law Librarian. One set of volumes was received from the State Corporation Commission, through the special assistance of Judge Lester B. Hooker. The other set came from the United States Court of Appeals for the Fourth Circuit through the special aid of Sam Phillips.

In addition to a number of general legal references, the SCC gift includes reports of the annual conferences on public utility valuations, a complete set of the Commission reports and findings, and a variety of Virginia legal materials. The bulk of this collection will go into the new faculty reference library on the second floor of the Law Building.

The Fourth Circuit material includes a unique collection of briefs, records and opinions for the Court of Appeals from its founding. This provides the Law Library with a complete set of court papers for one of the leading circuits of the United States, complementing the substantial collection of case papers for the Virginia Supreme Court of Appeals which has been built up in recent years.

Mrs. Johnson pointed out that with the wealth of material on Virginia's highest court and now the material on the Federal appellate circuit which includes Virginia, the library is "two-thirds of the way" toward a definitive collection of records and briefs for major American courts of direct importance to the Law School curriculum. The final "third," a microcard collection of the papers of cases before the Supreme Court of the United States, will depend upon a gift of funds sufficient to cover the substantial purchase price.

LOUNGE WILL FEATURE MARSHALL HEIRLOOM

An heirloom table, owned by four generations of descendants of Chief Justice John Marshall, has been presented to the Law School by the brother and sister of the late Judge Robert McGuire Jones, a College alumnus. The table will be one of the principal items in the faculty lounge which will be furnished and ready for use this fall, as part of the renovation of the Law School building.

Mrs. Douglas Thomas and her brother, Edward C. Jones, both of Montross, Va., recently gave the table to the Law School in memory of Judge Jones, and their father, the late James Fitzgerald Jones. The elder Jones was a son of Anne Marshall Jones, the granddaughter of the Chief Justice. The table had been originally acquired by Marshall's niece, Anne Marie Marshall, who married William Strother Jones early in the nineteenth century. Their son, the first James Fitzgerald Jones, married the Chief Justice's granddaughter and the table then came in direct descent to the present.

The lounge, adjacent to the main entry vestibule of the Law School, is to be furnished in period pieces reminiscent of the school's eighteenth cen-

LAST STAGE OF WORK ON BUILDING BEGINS

Looking like a bombed-out structure in a war zone, the back portions of the School building are now in process of final remodeling. The third floor of the main section of the building, used the past semester for overflow classes in temporarily partitioned rooms, has now been cleared of all fixtures and is being renovated for various offices, primarily for student organizations.

The main stack area of the former library building, two tall stories high, has been cleared of the old steel shelving and flooring, preparatory to constructing two permanent floors—one to accommodate a moot court room which can also serve as a small auditorium, and the other to provide two large classrooms for first-year classes.

The small annex at the very back of the building, formerly serving as cataloguing and administrative offices for the general library, will provide rest rooms and a main stairway to the large classrooms.

Optimistic predictions are that the remodeling will be completed in time for use by the Law School in the fall of 1968.

STUDENT OFFICERS FOR 1968-69 CHOSEN

Officers for the Student Bar Association and members of the editorial staff of the Law Review have been announced for the 1968-69 academic year by the College of William and Mary Law School.

Student bar leaders include Andrew Parker, Lakeside, Ohio, president; Scott Swan, Montgomery, Ala., vice-president; and Terry Light, Virginia Beach, secretary-treasurer. Associated with these officers on the executive council are Robert Elliott, Prince George, Dennis Hensley, Centralia, Ill., and Tom Horne, Williamsburg.

Charles Friend of Williamsburg, recently announced as editor-in-chief of the William and Mary Law Review, has announced the following editorial staff: Karen Atkinson, Newport News, literary editor; Gilbert Bartlett, Williamsburg, operations editor; Glenn Sedam, Virginia Beach, managing editor; Jon Bruce, Auburn, Ind. and Gary Legner, Alexandria, research editors; Paul Morley, Englewood, Colo., articles editor; James Stewart, Quincy, Ill., notes editor; Paul Holtzmuller, Eaton Ohio, current decisions editor.

tury founding and reflecting significant events in legal history. At present it contains portraits of Marshall and George Wythe, a display case with a replica of the royal mace of England from the 1965 Magna Carta anniversary exhibits, and the greeting from Oxford University on the 1955 Marshall-Wythe-Blackstone Bicentennial.

The lounge will be used for receptions for distinguished guests of the Law School and for other special occasions.



At the head table for the Law School Association luncheon, Dean Joseph Curtis spots returning alumni among the other tables; Mrs. Melville Jones savors the opening course; Mrs. Dudley W. Woodbridge and Dean Emertius Woodbridge reflect on various former students seated before them; Mrs. Davis Y. Paschall chats with Chief Justice Roger J. Traynor; and Robert Quinn reflects the relief of a man who has completed his term as association president.

FACULTY ACTIVITIES

Professor James P. Whyte has been named one of the first Heritage Fellows in the College faculty, for the year 1968-69. Ten such Fellows were designated under a special endowment fund created in honor of the College's 375th anniversary. Professor Whyte also has been advanced from Assistant Dean to Associate Dean of the Law School.

Associate Professor E. Blythe Stason, Jr., attended the annual meeting of the American Society of International Law in Washington April 26.

Professor Thomas C. Atkeson was named Chancellor Professor of Taxation at the Charter Day convocation in February. The appointment was made retroactive to the beginning of the 1967-68 academic year.

Professors Joseph Curtis, Stason, and William F. Swindler attended the 1968 sessions of the American Law Institute in Washington May 21-24.

Dean Curtis was the first recipient of the Student Bar Association Service Award, established this year to recognize annually an individual "associated with the Marshall-Wythe School of Law," who has effectively promoted the interests and betterment of the institution.

Professor Stason is the author of "Swift to Erie/York, Hanna and Beyond: Proposed Solutions for a Major Problem of Diversity Jurisdiction," in Volume I, Number 1 of *Prospectus: A Journal of Law and Reform* just inaugurated by the University of Michigan.

Professor James P. Whyte has been advised by the University of Colorado that he is entitled to the degree of Juris Doctor *nunc pro tunc*. Professor Arthur W. Phelps similarly received a retroactive

VSBA TABLET ON WYTHE HUNG AGAIN IN LAW SCHOOL

A "long lost" tablet commemorating George Wythe, presented to the College of William and Mary at the time of its bicentennial in 1893, has been refurbished and hung in the vestibule of the new Law Building. Originally commissioned by the Virginia State Bar Association, then only five years old, in 1892, it was presented to the College the following year and hung in the chapel of the Sir Christopher Wren building until its restoration in the early 1930s.

After an equally long period in storage, the heavy brass tablet was delivered to the Law School this spring with other "legal" artifacts, thoroughly cleaned and relacquered, and has recently been fastened to the wall of the main vestibule. There it complements the busts of John Marshall, Wythe and William Blackstone, and another brass table containing the names of persons contributing to the busts and participating in the Marshall-Wythe-Blackstone ceremonies of 1955.

The Wythe tablet pays tribute to "his courage as a patriot, his ability as an instructor, his uprightness as a lawyer, his purity as a judge."

J. D. degree from the University of Cincinnati.

Assistant Professor John E. Donaldson, who has long held the title of most eligible (and only) faculty bachelor, was married in June to the former Sue Sheldon. The newlyweds will spend much of the summer in Washington, D. C., as Donaldson, who has been engaged part-time in research on the tax exempt status of non-profit organizations in collaboration with Arthur B. White, visiting professor at

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Dr. Davis Y. Paschall and Mrs. Rogert J. Traynor exchange thoughts over the grapefruit; former Governor Colgate Darden and Mrs. James P. Whyte and Dean Melville Jones and Mrs. Robert Quinn pair off in conversation, and Associate Dean James P. Wyhte digs in.

LAW REVIEW COMPLETES LARGEST ANNUAL VOLUME

With its summer issue dedicated to retiring Professor Thomas C. Atkeson and bulging with articles by tax authorities throughout the eastern United States, the *William and Mary Law Review* has completed a monumental 1,230 pages of professional contributions during 1967-68. Meanwhile, the staff is still receiving compliments from the bar throughout the country for its unique special edition on international law which appeared early in the spring.

Dean Joseph Curtis and C. H. Morrissett, Virginia State Tax Commissioner, introduce the current issue with tributes to Dr. Atkeson. Dean Curtis noted that it was the second time within three years that the Law School had reeled "from heavy blows dealt by revered faculty members reaching mandatory retirement age," recalling that in 1966 he had inscribed a comparable dedication to the *Law Review* issue honoring Professor Emeritus Dudley W. Woodbridge on his retirement.

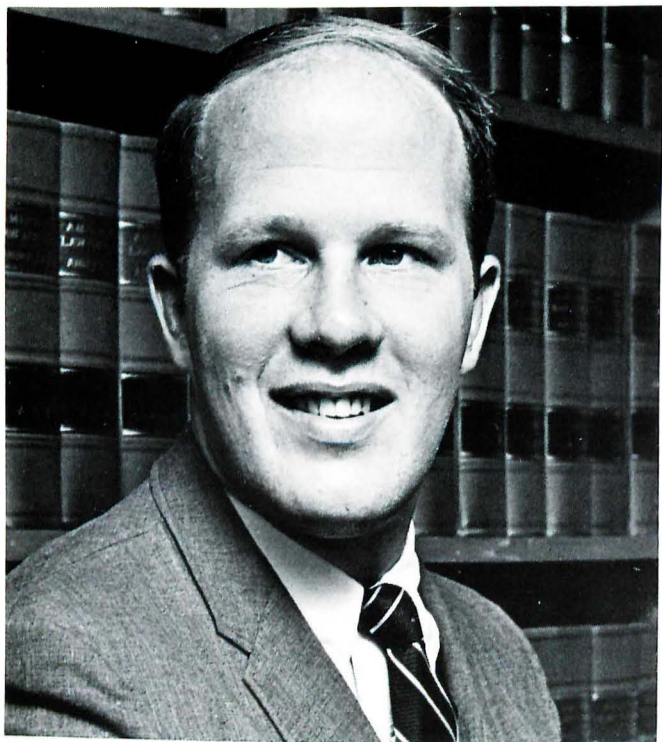
Among the articles featured in the current issue are the following: "Simplification and Equity as Goals of Tax Policy," by Stanley S. Surrey, Assistant Secretary of the Treasury for Tax Policy, and Gerard M. Brannon, Director of the Office of Tax Analysis for the Treasury; "Planning and Research: Its Evolution and Role in the Internal Revenue Service," by Sheldon S. Cohen, Commissioner of Internal Revenue; "The Reincorporation Problem in Subchapter C," by R. P. Herzog, IRS Associate Chief Counsel; "The IRS Program to Up-Date Published Rulings," by Harold T. Swartz, Assistant Commissioner, IRS; "Federal-State Cooperation in Tax Administration," by James R. Turner, Director

of the IRS Research Division; and a major study on "Rental Real Estate Corporations," by William P. Oberndorfer, T. Howard Spainhour and Michael E. Overton of the Norfolk firm of Kaufman, Oberndorfer and Spainhour.

Also "Tax Ruling Procedure Revisited," by Norman A. Sugarman of the Cleveland law firm of Baker, Hostetler and Patterson; "The Treatment of Income and Deductions in the Case of Controlled or Related Entities," by William H. Westphal, past president of the North Carolina Association of CPAs; "New Dimensions to the Thin Corporation," by Waller H. Horsley of the Richmond law firm of Hunton, Williams, Gay, Powell and Gibson; and "Problems of Private Claimants under Miller Act Payment Bonds," by Paul H. Gantt, '42, chairman of the Board of Contract Appeals, AEC, Robert D. Wallick, District of Columbia CPA, and James R. Proctor, District of Columbia attorney.

* * *

Plans for the future volumes of the *Law Review* were discussed at the second annual editorial awards dinner held by the editorial staff early in May. At this time, attractive new certificates especially designed for the occasion were presented to graduating members of the staff, including Editor-in-Chief Bob Scott, and Messrs. Kent B. Millikan, Robert A. Hendel, Mark S. Dray, David K. Sutelan, Don L. Ricketts, Charles E. Kent, Cyrus E. Phillipps II and Thomas G. Clark. A special citation was given to Mrs. Glenn H. Sedam, Jr. for her assistance in "computerizing" the mailing lists of the *Law Review*.



STEPHEN D. HARRIS

MOOT COURT RESULTS HELD ENCOURAGING

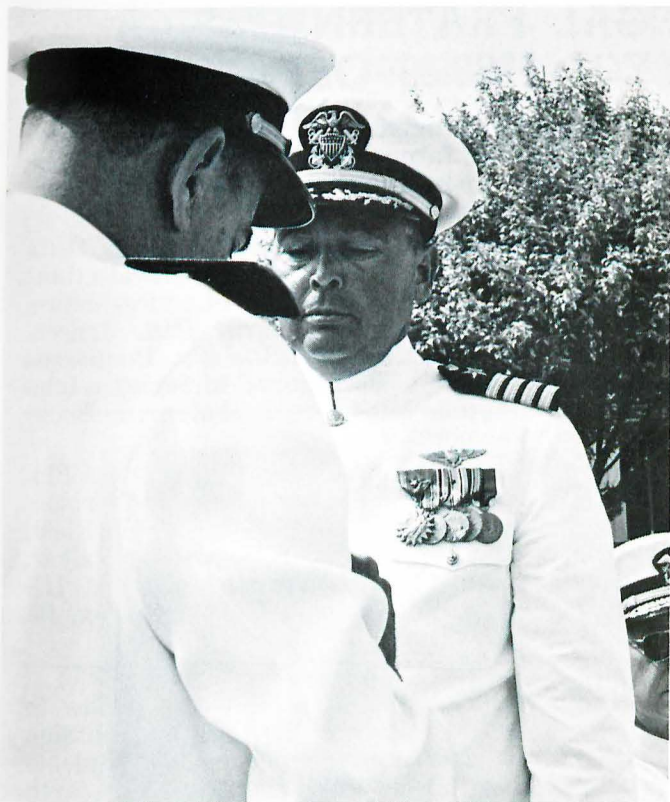
With what faculty observers felt was some of the most competent dispositions of their assignments in recent years, law students in the first and second year classes contested vigorously for the top places in the intramural moot court competition this spring. It should presage a strong team for the national competition this fall, according to Professor James P. Whyte, faculty coordinator of the intramural program.

For the first year competition, finalists were listed as William R. Register of Temple, N. H. and William Scott of Fairfax; John Sabourin of Millington, Mich., and Hal Bonney of Norfolk; Stewart Spirn of Williamsburg, and George S. Newman of Green Valley, Ariz.; Douglas Bergere of Newport News, and Harry Saunders of Belleville, Ill.; Gerald E. Voyer of Nashua, N. H. and Saul Pearlman of Charleston, S. C.

Finalists in the second year competition were Jerry Robertson of Newport News and William C. Field of Charleston, W. Va., school champions; and John Gaidies and John Steger, both of Williamsburg, runners up. The National Moot Court Competition team from the Law School will be Field, Gaidies and Edward Newton of Norfolk.



The bust of John Marshall looks down upon the dining table belonging to his niece and granddaughter, recently given to the Law School as a central piece for the new faculty lounge. Gathered at the table to examine law books of Marshall's day are Patrina Fabbri, Rosemary Friend and Frances Gaidies. Mrs. Friend and Mrs. Gaidies are wives of law students.



CAPTAIN WARD BOSTON, JR.

CAPTAIN BOSTON, '49, GIVEN NAVY MEDAL

Captain Ward Boston, Jr. recently was awarded the Navy Commendation Medal for "exceptionally meritorious conduct" while serving as legal counsel to the president of three separate courts of inquiry on "matters of utmost national and international importance." The award was made during a change of command ceremony in Naples, Italy, where Captain Boston is serving with the United States Sixth Fleet in the Mediterranean.

A fighter pilot in the Pacific during World War II, Captain Boston after graduation from the Law School entered private practice in Providence Forge and also served as a special agent for the Federal Bureau of Investigation. He reentered the Navy in 1951 as a law specialist, and presently is staff legal officer for the Commander of Fleet Air Mediterranean.

One of the investigations in which Captain Boston participated during 1967 involved a classified operation, and another the grounding of a naval vessel off the Island of Rhodes. His most widely publicized investigation had to do with the incident involving the *Liberty* during the "six-day war" between Israel and the Arab forces. In all of these investigations, said the citation, the swift and thorough collection of factual information reflected the professional skill and physical endurance of Captain Boston and resulted in their being "rapidly concluded without prejudice to any party."

TRAYNOR URGES LAW SCHOOL EMPHASIS ON LEGISLATION

The second annual presentation of the Marshall-Wythe Law School Medallion climaxed the annual spring meeting of the William and Mary Law School Association on April 27. Chief Justice Roger J. Traynor of the California Supreme Court, recipient of the medal, spoke informally on acceptance of the award and stressed his conviction that increasing emphasis on the role of statutory law in contemporary practice should be given by law schools.

Special guests of the Law School awards luncheon, attended by more than 150 persons in the Virginia Room of the Conference Center, were members of the subcommittee of the Virginia Commission on Constitutional Revision. They included Dr. Davis Y. Paschall of the College, former Governor Colgate Darden of Norfolk, and Professors Thomas S. Currier and A. E. Dick Howard of the University of Virginia. Professor Howard is executive director of the commission.

Preceding the luncheon was the annual business meeting of the association, at which a motion to increase membership dues to \$25 annually was unanimously adopted. Judge Robert E. Quinn, retiring president, acted as chairman for the meeting which heard reports from the Law School administration, the secretary-treasurer and the *Law Review* adviser.

Paul H. Gantt, '42, was unable to attend the meeting at which he succeeded to the presidency of the association. With his term, the presidency becomes a two-year tenure. The new vice-president is Stephen D. Harris of Williamsburg, while Johnston Brendel of Grafton was elected sergeant at arms. Professor Emeric Fischer continues as secretary-treasurer.

The association business meeting was held on the third floor of the new Law School building, in a temporary classroom. Dean Joseph Curtis reminded the members that as soon as the current semester was completed the temporary facilities would be dismantled preparatory to beginning the final stage of remodeling of the entire building. It is expected that next spring's meeting can be held in the new moot court room of the Law School.

On the Friday preceding the Law Day program, a special "open house" for the present facilities was held by the Law School faculty. Members of the College faculty and of the Williamsburg community were the principal guests at this time.

FACULTY ACTIVITIES

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Southern Methodist University, will work with White this summer completing the research report.

Professor Swindler appeared on a panel of lawyers on the subject of "Privacy and the News" at the annual meeting of the Virginia Press Association in Williamsburg June 15.

Mrs. Anna B. Johnson, Law Librarian, is to attend the Philadelphia area workshop sponsored by the American Association of Law Libraries, June 29th.

SUMMER PROGRAMS ROLLING IN VA. & ENGLAND

Transatlantic operation of summer programs in law on two campuses, in the face of furnace-like heat in Virginia and torrential rains in western England, have presented interesting but not insurmountable problems to the Law School this year. Both operations, in fact, seem to be thriving on these challenges, and the aggregate enrollment of William and Mary-accredited summer law students is something over 125 persons.

Half of these are at the University of Exeter, where they represent seventeen states and more than thirty-five law schools. The enrollment in the program in England has thus doubled over 1967 when the unique overseas curriculum was first established. This year's program is divided into two four-week terms, the first offering courses in Restitution, English Legal System and International Law while the second offers courses in Comparative Law and in Insurance.

As the summer program at Exeter develops, Dean Joseph Curtis pointed out, greater emphasis will be placed on courses offering American law students the greatest opportunity to study the process of revision and modernization of the common law, where English experience offers a model for American practice in the same field.

Meantime, in old Virginia, the most novel feature of the summer program is the assignment of

LEGAL FRATERNITIES ELECT 1968-69 OFFICERS

Winding up successful years of work with brilliant plans for the future, the two legal fraternities held elections for the officers who will guide them to that future come fall.

The George Wythe chapter of Phi Alpha Delta announced the following results of their election: Justice, Harry Saunders, Belleville, Ill.; vice-justice, Robert Wick, Williamsburg; clerk, Paul Jensen, Richmond; marshal, Sidney Insley, Poquoson; treasurer, Joel Shane, Baltimore; historian, John Sabourin, Millington, Mich.; rush chairman, Douglas Bergere, Newport News.

For the Thomas Jefferson Inn of Phi Delta Phi, the new officers are: Magister, Jerry Robertson, Newport News; vice-magister, William C. Field, Charleston, W. Va.; exchequer, Douglas Walker, Williamsburg; secretary, C. Vernon Spratley, III, Williamsburg; historian, Joseph Kelley, Colfax, Ill.

the seminar on Current Constitutional Issues to serve as a task force for the Virginia Commission on Constitutional Revision. Two dozen law students are engaged in a series of concentrated research projects for the commission, as special problems are fed to them by the commission staff. The class traveled to Richmond in mid-July to attend one of the formal public hearings of the commission.

RETURN POSTAGE GUARANTEED

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