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William & Mary Law School

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“POPULATION EXPLOSION” HITS STUDENTS, STAFF

A record expansion in both the student body and the faculty of the School of Law this academic year has produced both new opportunities and new problems. The latter are essentially matters of space—pointing to the early need for a new facility to replace the remodeled library into which the Law School moved three years ago. The former reflect a greater variety of offerings in the curriculum which also led to a series of revisions in course requirements and format.

At the same time, the Law Library reflected the new dimensions of the school by doubling or even tripling many of the basic reference materials required for the large first-year class, although this also accentuated the problem of available space.

Six new assistant professors, three of whom filled additional positions, brought the teaching staff to eighteen to keep pace with the 180 first-year students who swarmed into the building in September. The total enrollment for the Law School during the first semester was finally counted out at 307. The volume count for the Law Library as of the end of December 1970 was approaching 58,000 and almost certainly would pass 60,000 by next June.

The need for the state-supported institution to meet the steady demand for larger admissions, according to Dean James P. Whyte, dictated the decision to expand the program and the student body as far as practicable and conformable with the present standards of qualification for admission. It is presently anticipated that a total enrollment of between 400 and 450 students will eventually be maintained.

New members of the Faculty of Law are as follows:

- Gary L. Bahr, B.S. and J.D., University of South Dakota; LL.M., New York University.
- Ronald C. Brown, J.D., University of Toledo; LL.M., University of Michigan.
- Tom A. Collins, A.B. and J.D., Indiana University; LL.M., University of Michigan.

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Dean James P. Whyte addresses the luncheon session of the annual William and Mary Tax Conference at the Williamsburg Conference Center in December.

Dean Whyte, left, and Professor Emeritus Thomas C. Atkeson, right, flank speakers and guests at the Tax Conference: Randolph W. Thrower, U. S. Commissioner of Revenue, James P. Boyle, director of the Richmond regional IRS office, and Carter O. Lowance, Executive Vice-President of the College.
TAX CONFERENCE AND MAGAZINE ADD TO SCHOOL SERVICE

For the second consecutive year, the intensive training program for junior executives in tax will be conducted by the Law School in association with the Tax Executives Institute, in June between the end of the regular academic year and the beginning of summer school. This program last year brought more than 70 management representatives from a number of eastern corporations to the 1970 training session.

In addition, effective July 1, the Law School will assume the editing of Tax Executive, the quarterly journal of the TEI, thus bringing a second periodical into the Law School publication program. This journal will complement the quarterly William and Mary Law Review, as well as the annual publication of the proceedings of the William and Mary Tax Conference.

The tax magazine, now in its twenty-third volume, carries authoritative and sophisticated articles on various aspects of tax law and administration. According to present plans, a member of the Law School faculty will be designated as an associate editor, and selected students in tax law will participate in the editorial work.

Coming at a time when the graduate work in taxation is being revised and expanded, these closer associations with the Tax Executives Institute will insure the program's greater effectiveness both for graduate law students and for the profession generally, according to Professor John E. Donaldson, Associate Dean of the Law School.

On December 5 a successful enrollment marked the Sixteenth Annual Tax Conference held at the Williamsburg Conference Center. Professor Emeritus Fischer directed the program in association with Dean Whyte, Associate Dean Donaldson, Chancellor Professor (Emeritus) Thomas C. Atkeson, Associate Professor Don W. Llewellyn and Assistant Professor Anthony J. Santoro. Significant changes in tax law as affected by the 1969 Tax Reform Act were the main theme of the meeting.


The concluding number on the program was a panel discussion of the individual income tax return form for 1970, conducted by John F. Barrett of the Richmond district IRS office. Morton L. Bresenoff of Norfolk and Howard J. Busbee, J.D., '67, M.L.&T., '69, Lynchburg.

NATIONAL CONFERENCE ON JUDICIARY MARCH 11-14

Chief Justice Warren E. Burger and Attorney General John N. Mitchell are among the featured speakers who will appear on a four-day National Conference on the Judiciary at the Williamsburg Conference Center March 11-14. The conference, which has received an initial grant of nearly $62,000 from the Law Enforcement Assistance Administration, is expected to bring together chief justices, attorneys general, officer of state crime commissions, prosecution and defense counsel, and other law enforcement and judicial personnel from each of the fifty states.

Professor William F. Swindler of the Law School is conference coordinator, acting in an extension of his former work as director of the Virginia Court System Research Project. The present conference is substantially an outgrowth of that state project, although it has subsequently enlarged its scope and has drawn co-sponsorship from a number of the major professional associations in the country.

The Hon. Tom C. Clark, retired Associate Justice of the Supreme Court and former director of the Federal Judicial Center, is the national chairman for the conference. The Hon. Linwood Holton, governor of the Commonwealth, and Chief Justice Harold F. Sneed of the Virginia Supreme Court of Appeals are serving as conference hosts together with Attorney General Andrew P. Miller and Justice Lawrence W. T'Anson, chairman of the Virginia Court System Study Commission.

Co-sponsoring organizations include the American Bar Association, the American Judicature Society, the Conference of Chief Justices, the Federal Judicial Center, the Institute for Court Management, the Institute of Judicial Administration, the National Association of Attorneys General, the National College of State Trial Judges, the National College of Court Administrative Officers, the National Council on Crime and Delinquency, and the Virginia State Bar.

Primary sponsors are the Research and Development Committee of the State Council of Higher Education, the Division of Justice and Crime Prevention, and the national LEAA.

William B. Spann, Jr., chairman of the A.B.A. House of Delegates, and Chief Justice Robert Calvert of Texas, president of the Conference of Chief Justices, are other speakers announced for the conference. The main portion of the conference will consist of plenary sessions at which experts will present papers on the subjects of judicial reform listed below, followed by workshops in which the participants and invited delegates will discuss and qualify the propositions set out in the panel.

The 1971 Williamsburg conference will be the first such national meeting since 1959, when the American Judicature Society and the New York University Institute of Judicial Administration conducted a conference on judicial selection and tenure.

The subjects of the National Conference on the Judiciary are as follows: 1st Plenary Session: keynote address by Chief Justice Burger; 2nd Plenary: general lectures on the external and internal relationships in a court system, by Richard W. Velde.
Members of the executive board of the Student Bar Association for the current year, above, include Russell Hatchl, secretary; Doug Wood, treasurer; Duncan Garnett, president; Tom Reaveley, placement director; Wilson J. Jefferson, Jr., vice-president. Below are members of the editorial board of the Law Review: H. Robert Mayer, editor-in-chief; Bruce E. Titus, executive editor; Mrs. Susan Bundy Cocke, notes editor; G. Richard Gold, article editor; Fred K. Morrison, current decisions editor; Ray C. Stoner, executive editor; and Michael E. Kris, managing editor.
Above the production staff of the COLONIAL LAWYER include (top row): Wilson C. Jefferson, Jr., Jack Guarnaccia, Earle Lees, Richard Potter, Everett Priestley; (front row) David Favre, Al Enderle, Elsie Powell, Ellen Lloyd, Tom Wright, Ron Burgess. Shown below are members of the BAR NOTES staff (top row): Bob Mayer, Tom Meyerer, Ray Stoner, Bill Funk; (front row): John Scanelly, Stan Hirsch, Barbara Bausenue, Fred Morrison, Michael Krie.
For almost a quarter of a century, Segal has been active in many of the judicial reform and civil rights movements throughout the country. Presidents Eisenhower, Kennedy and Johnson appointed him as chairman or member of several government commissions and committees.

D. C. APPEALS JUDGE GIVES SHERWELL LECTURE

The police, who have lately come under the gun both literally and figuratively, are in dire need of creative legal thinking to help them meet the constitutional limitations on their investigative methods, according to Judge Carl McGowan of the U.S. Court of Appeals for this District of Columbia.

Judge McGowan delivered the Fourth Sherwell Lecture on October 15 at the Marshall-Wythe School of Law.

"There is a visible under-commitment of resources to the police of this country," said Judge McGowan. "But of no resource is this more true than the one of imaginative legal assistance and planning, directly available to the police themselves from lawyers who are familiar with police operations, and who can design new ways of achieving legitimate police objectives which also take account of constitutional necessities."

Judge McGowan addressed himself specifically to the dilemma of police when seeking visual identification evidence. They cannot conduct a formal lineup without an arrest warrant and the requisite probable cause to so obtain a warrant. Any other form of visual identification outside of the courtroom will probably be violative of constitutional rights. And, said Judge McGowan, experience has shown that juries look upon in-court identification with a jaundiced eye.

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Anthony J. Santoro, A.B. and J.D., Boston College; LL.M., Georgetown University.

Richard E. Walck, USAF/JAG; A.B., Penn State; LL.B., University of Virginia.

Richard A. Williamson, B.B.A. and J.D., Ohio State University.

Among various changes in the curriculum structure this fall, the faculty voted to make elective courses beyond the first year in law, with certain restrictions as to prerequisites and graduate tax courses. It also instituted a policy of grading examinations anonymously. These provisions, long standard in schools with large enrollments, further attest to the passing of an era in academic history for the historic law program at William and Mary.
RALPH NADER SPEAKS TO "SRO" GATHERING

Under the sponsorship of the Jefferson Inn of Phi Delta Phi, consumer crusader Ralph Nader spoke to a "standing room only" crowd at Phi Beta Kappa Hall on October 20.

Nader's subject was "Legal Education" and the thrust of his speech was that law schools are simply not producing lawyers who are prepared or oriented toward meeting the pressing problems of modern society, the foremost of them being "institutionalized illegality." At the root of the problem are irrelevant curricula that result in student: contracting torts and torturing contracts." Closely related are somnambulant law professors who have parlayed the Socratic teaching method into an exercise in frustration for even the most dedicated student.

Nader's appearance was attended by over 800 persons. Nader did not disappoint his audience, the majority of whom were not of the legal profession. After relating the problems he saw in legal education he launched into his controlled tirade against the ills of American society, the ills that, in his eyes, well-trained and motivated lawyers and citizen advocates should dedicate themselves to eliminating.

"People need to wake up and exercise their rights of citizenship," he said, in contending that the country is being run by a small clique which represents their own bureaucracies and interests. "People haven't tried to take control of society and have let the country slide out of their grasp, while watching with the glazed eyes of TV viewers."

Nader exhorted his audience to organize themselves into corps of citizen advocates to bring pressure to bear on polluters, price-fixers and other perpetrators of illegality. Lawyers, he said, should shift their attention from defending corporate polluters to opening wider the channels of justice. "We have a growing population, a growing economy, and a growing demand for public rights. Yet, we have courts that still operate like they did when we wrote with quill pens. If we tell the people to work within the legal system, we'd better give them one which is capable of handling their visions and problems. Rights don't mean much unless effective legal representation is available to combat tyranny."

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Associate Administrator, LEAA, and Ernest C. Friesen, Jr., director of the Institute for Court Management, University of Denver; 3rd Plenary Session and Workshop: organization of a state court system; 4th Plenary Session and Workshop: organization of trial courts; 5th and 8th Plenary Sessions: court administration and management; 6th Plenary Session and Workshop: judicial selection, retirement and discipline; 7th Plenary Session and Workshop: problems of criminal justice; 9th and 10th Plenary Sessions: summary of findings and plans for implementation.
LAW REVIEW PUBLISHES POST-CONVICTION STUDY

The Documentary Supplement to the Fall issue of the William and Mary Law Review featured the results of a two-year research project for the Federal Judicial Center, under the title of “State Post-Conviction Remedies and Federal Habeas Corpus.” A number of reprints of the study, undertaken by the Law Review editorial staff in cooperation with the State-Federal Relations Committee of the Center, have been ordered both by the Center and by the planning committee for the National Conference on the Judiciary.

The purpose of the study was to identify in detail the practice in each of the fifty states with reference to post-conviction procedure relating to persons convicted under state criminal laws who allege that a constitutional or federal right has been denied. The volume of habeas petitions seeking to have this question tested in United States District Courts not only has created a problem of congestion in the federal courts but has pointed out the inadequacies in state procedure which, if remedied, would dispose of the issue by justifying the refusal of federal habeas.

Other articles in the Fall issue include “Federal Tax Exemption for Private Segregated Schools: The Crumbling Foundation,” by John M. Spratt, Jr., Rhodes Scholar and recent graduate of Yale Law School; “The Accumulated Earnings Tax and the Reasonable Needs of the Business: A Proposal,” by Homer L. Elliott, J.D. ’69, and currently a member of the Washington law firm of Steptoe and Johnson; and “Military Reservations: Ports or Parks?” by Robert Gerwig, an attorney with JAG.

Work progresses on the National Conference of Law Reviews, for which the local editorial staff will serve as host at the Williamsburg Conference Center March 18-20. Michael E. Kris is the national chairman for the program, with executive chairmen G. Richard Gold, Ray C. Stoner and Bruce E. Titus. H. Robert Mayer, editor-in-chief, is ex-officio a member of the conference committee.

The editorial work on the second and third numbers of the quarterly Law Review is expected to be out of the way in time for final planning on the conference. Advance information indicates a record attendance.

FIFTH SUMMER SCHOOL IN ENGLAND IN 1971

Five members of the Law School faculty from Williamsburg will join with three faculty members from the University of Exeter to offer a total of twelve courses for American law students at Exeter for the summer of 1971. This will be the fifth consecutive year that the Williams and Mary Summer School of Law in England has been conducted. The sessions begin July 5 and run through August 13.

Dean James P. Whyte will offer Administration of Criminal Justice. Courses offered by other staff members will include Comparative Administrative Law and Conflicts of Law by Professor Bolling R. Powell; International Business Transactions and Military Law by Assistant Professor Richard E. Walck; Consumer Rights and Protection and Admiralty by Assistant Professor Robert E. Scott; Law and Medicine and Urban Land Use by Assistant Professor Richard A. Williamson; Legal History and English Legal System, by Peter English, International Law, by John Bridge, and Introduction to Civil Law, by Professor Dominik Lasok, all of Exeter.

Since the summer program was inaugurated in 1967, several hundred American law students have enrolled in the courses, representing more than sixty law schools. The courses are offered at Crossmead, a special facility of the University of Exeter which serves as the equivalent of an American continuing education center. Instructional and residential facilities for both students and faculty are available on the grounds.

BAR REVIEW COURSE SET UP IN LAW SCHOOL

A four-month resident program for candidates for the June bar examinations begins February 4 at the Law School. Offered by the Olveron Bar Review Comprehensive Course which has been conducted for a number of years in Northern Virginia, this program will be readily accessible to third-year students in the Law School as well as others in the Tidewater area preparing for June examinations. Stan Hirsch and Tom Meyerer of the Virginia Bar Notes Research Association are the local coordinators for the course. A completely revised edition of the Bar Notes is currently being printed and will be recommended for use by the enrollees in the course.

Classes will be held on Thursday and Friday afternoons, from 2 to 5 p.m., from February 4 to May 1, 1971. The meetings will be in the Moot Courtroom of the Law School. Each student will be entitled to personal guidance and consultation on problems which particularly concern him. As a supplement to the course, playback tapes for all session will be available in June, and during the third week in June there will be oral clinical sessions on past questions and answers to previous bar examinations.

The fee for the entire course, including the tapes and oral clinic, is $150, payable in monthly installments in February, March and April.
ANTI-TRUST SYMPOSIUM
DRAWS LARGE ATTENDANCE

A two-day symposium on "Anti-Trust and Related Issues and Their Solutions in International Trade and Productive Investment" October 9 and 10 drew nearly 100 persons to the Law School. Under the direction of Associate Professor E. Blythe Stason, Jr., the symposium was jointly sponsored by the Law School and the American Society of International Law.

The topics and speakers for the program were as follows:

PANEL I: "SURVEY OF NATIONAL AND SUPRANATIONAL ANTI-TRUST AND RELATED LAWS—OLD AND NEW."


"Supranational Antitrust Laws: Function and Problems."

"Foreign Policy Aspects of Foreign and United States Antitrust Laws," Jared G. Carter, Assistant Legal Adviser for Economic Affairs, Department of State.

"The Proper Extraterritorial Scope of United States Antitrust Laws." James A. Rahl, Professor of Law and Director of Research, Northwestern University; and Counsel, Chadwell, Keck, Kayser, & Ruggles, Chicago.

PANEL II: "ISSUES ARISING FROM OVERLAP AND CONFLICT OF WORLD ANTI-TRUST LAWS: THE IRRESISTIBLE SOURCE AND THE IMMOVABLE OBJECT."

"Overlap and Conflict: Some Dimensions of the Problem." Mr. Rahl.

"Selected Patent Licensing, Price-Fixing, and other Problems in International Antitrust and Related Areas. Mitsubishi/Westinghouse/Quinine? R. P.?"

Speakers:
a. Lawrence F. Emm, Area Counsel to The Area Divisions Latin America and The Far East, General Electric Corporation, Former Professor of Law and Director of International Legal Studies, Stanford University. Author of numerous works in the area of this symposium.
b. Sigmund Timberg, Attorney-at-Law, Washington, D. C. Former Professor of Law, Georgetown University.


9:30 - 12 noon — PANEL III: "HARMONIZATION OF WORLD ANTI-TRUST AND RELATED TRADE-REGULATORY LAWS: A SOLUTION FOR THE DILEMMA?" Speakers and Round-Table.

A. Speakers:

"Harmonization of World Antitrust Laws." Mr. McAllister.

"Solutions for Overlap and Conflict in the Areas of Tariff and Non-tariff Barriers to International Trade."

GATT.
a. Stanley D. Metzger, Professor of Law, George Washington University. Former Chairman, United States Tariff Commission.
**FACULTY ACTIVITIES**

Dr. William F. Swindler delivered an address on “Congress, the President and the Supreme Court,” to a group of British attorneys and judges at the Law Society’s Hall, Chancery Lane, London, July 13. The address was sponsored by the British Institute of International and Comparative Law and was published in the Institute’s October Quarterly.

Dr. Swindler gave an alumni lecture to the College of Law, University of Nebraska, November 11, on the subject, “State Constitutions for the 20th Century.” It will be published in a forthcoming issue of the *Nebraska Law Review*.

Professor E. Blythe Stason, Jr. delivered the inaugural lecture in a series established by the Student Bar Association of Suffolk University, Boston, November 13. His subject was “Selected Aspects and Problems of United States Domestic and International Anti-Trust Law.”

Professor Thomas H. Jolls again was a speaker at the annual seminar for 80 invited attorneys, bankers and mutual fund officers offered by the public accounting firm of Lyband, Ross Bros. and Montgomery. His subject this year, at the meeting in Boston, was, “Elimination of Stock Certificates.” He was also a speaker at last year’s seminar held in New York.

Dean James P. Whyte spoke July 3 to the Virginia State Bar Association on “Student Unrest.” On October 21 he addressed the Regional Civil Service Employees in Norfolk on “Arbitration Planning,” and on November 10 he spoke to the Roanoke Bar Association on “Crime and the Constitution on the Campus.” In October he also arbitrated a dispute between Goslin-Birmingham Co. and the United Steelworkers of America.


Dean Whyte, Professor Fischer, Associate Professor Stason and Assistant Professors Bahr and Collins attended sessions of the Association of American Law Schools in Chicago during the Christmas holidays.

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