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College of William & Mary

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TWO HUNDRED AND SEVENTY-FOURTH YEAR



1966-1967

The College of
William and Mary
IN VIRGINIA

Marshall-Wythe School of Law¹

PROFESSORS CURTIS (*Dean of the School of Law*), WHYTE (*Assistant Dean of the School of Law*), PHELPS,² ATKESON, SWINDLER, FARIS and LASOK.³ ASSOCIATE PROFESSOR FISCHER. ASSISTANT PROFESSORS STASON and DONALDSON. LECTURERS ANDERSON and ATKINSON.

PARTICIPATING FACULTY FROM OTHER DEPARTMENTS:

ASSOCIATE PROFESSORS REECE (*Business Administration*), and SCHIFRIN (*Economics*).

HISTORY

The School of Law was originally established December 4, 1779, when, by resolution, the Board of Visitors created a professorship of Law and Police. Antedated by the Vinerian professorship at Oxford, established twenty-one years earlier and held by Sir William Blackstone, and perhaps by the chair at Trinity College, Dublin, the chair of law at the College of William and Mary thus became one of the earliest in the English-speaking world and the oldest in the United States.

The part played by Thomas Jefferson in placing laws among the subjects taught at his *Alma Mater* is told briefly in his *Autobiography*.⁴

On the 1st of June, 1779, I was appointed (elected) Governor of the Commonwealth and retired from the legislature. Being elected also one of the Visitors of Wm. & Mary College, a self-electing body, I effected during my residence in Williamsburg that year, a change in the organization of that institution by abolishing the Grammar School, and the two professorships of Divinity & Oriental languages, and substituting a professorship of Law & Police, one of Anatomy, Medicine and Chemistry, and one of Modern Languages; and the charter

¹See also Marshall-Wythe School of Law Bulletin, 1966-67.

²On leave of absence, 1966-67.

³Visiting Professor, 1966-67.

⁴Ford's edition, I, 69-70.

confining us to six professorships, we added the law of Nature & Nations, & the Fine Arts to the Duties of the Moral professor, and Natural history to those of the professor of Mathematics and Natural philosophy.

The Board of Visitors elected as the first law professor George Wythe in whose office Jefferson had studied. A signer of the Declaration of Independence and styled by Jefferson the American Aristides, Wythe was a judge of the Virginia High Court of Chancery and one of the earliest judges to enunciate the doctrine of judicial review.

The elevation of Wythe to the sole chancellorship of Virginia, ten years after the chair of law was established, necessitated his removal to Richmond and his resignation from the faculty. He was succeeded by St. George Tucker, whose edition of Blackstone is a legal classic and one of the first law books published in America. Among the last to hold the professorship at Williamsburg prior to 1861 was Lucian Minor, a member of another Virginia family intimately associated with the law.

Soon after its foundation, and probably from the very beginning, the law school of the College of William and Mary demanded an academic baccalaureate degree as a requirement for a law degree, the College statutes compiled in 1792 providing:

For the degree of Bachelor of Law, the student must have the requisites for Bachelor of Arts; he must moreover be well acquainted with Civil History, both Ancient and Modern and particularly with Municipal law and police.

In May, 1861, with the closing of the College, because of the exigencies of war, the law school ceased to function. When the College resumed operation, financial stringency resulted in the granting of leaves of absences to some of the faculty. Among these was the professor of Law. This leave of absence continued indefinitely. During the precarious years in the life of the institution following the Civil War the Law School remained largely dormant. Its revival, begun in 1920, was completed with the session of 1922-23.

The School of Law is registered by the State Department of Education of the University of the State of New York, is approved by the American Bar Association, and is a member of the Association of American Law Schools.

LIBRARY

The Library of the Marshall-Wythe School of Law contains 45,000 volumes, and includes the National Reporter System, the American Digest System, all the Reports of the Supreme Court of Appeals of Virginia, all the United States Supreme Courts Reports, and up-to-date statutes for all of the states. Also available are legal periodicals, session laws, state and municipal codes, digests, general and legal dictionaries and encyclopedias, texts, citators, and reports of many courts of last resort. The Law Library is administered by the Law Librarian, and during the regular session is open a total of 100 hours per week.

WILLIAM AND MARY LAW REVIEW

The *William and Mary Law Review* is published semi-annually by the students of the School of Law with the cooperation of the faculty. Its primary objective is to provide an opportunity for student legal composition. The editor each year is a student selected by the faculty, and he is aided by an editorial board. The editor in 1966-67 is Cecil Jerry Franklin.

PRE-LEGAL STUDIES

While no specific academic subjects, apart from the general requirements for the baccalaureate degree, are required for admission to the School of Law, students who expect to proceed to the law degree are urged to complete the general degree requirements before commencing the work in Law. It is recommended that such students consult with the pre-legal adviser of the School as early in their college careers as possible regarding the scope and distribution of their academic work.

ADVANCED CREDIT

With the discretion of the faculty of the School, credit may be allowed for subjects satisfactorily completed at approved law schools, not to exceed the equivalent of 60 semester credits.

EXCLUSION BECAUSE OF POOR SCHOLARSHIP

Any student who has been admitted to candidacy for the degree of Bachelor of Civil Law and who does not maintain a quality point average of at least 1.0, or who fails more than five hours in any semester will be permitted to continue his course only with the consent of the faculty of the School.

DEGREE REQUIREMENTS

THE BACHELOR OF ARTS DEGREE—SIX YEARS COMBINED COURSE

Students who have completed three years of pre-legal work will be awarded the Bachelor of Arts degree on the satisfactory completion of the first year's work in law. The first two years of such pre-legal work may be done in any accredited college or university provided that the requirements of the College of William and Mary as to the nature and quality of the work are met. By proceeding in this way it is possible for students to receive both their arts and law degrees within a period of six academic years. For further detail regarding this program, see sub-heading Combined Six-Year Program at page 96.

THE BACHELOR OF CIVIL LAW DEGREE

Students holding an academic baccalaureate degree from an institution of approved standing, who have been in residence in the Law School for at least ninety weeks (or, in case advanced credit has been allowed have been in residence in this school at least during their last year), who have completed satisfactorily at least ninety semester credits in law with a quality point average of 1.0 or better in *all* the law work undertaken, and who have demonstrated their ethical fitness, will receive the degree of Bachelor of Civil Law (B.C.L.), the historic law degree of the College of William and Mary in Virginia. This degree is a professional degree in law and the equivalent of the more usual bachelor of laws degree.

MISCELLANEOUS INFORMATION

Method of Instruction. While each instructor has full liberty to adopt his method of teaching, the plan most generally used

consists of the discussion of cases and legal problems. Students are encouraged from the beginning to make the fullest use of the law library.

Scholarships and Prizes. Matthew Gault Emery Law Scholarship, the Paul M. Shapiro Memorial Scholarship, the Lawyers Title Insurance Corporation Award, the Seidman & Seidman Tax Award, the William A. Hamilton Prize, and the William A. R. Goodwin Memorial Fund Scholarships. See Scholarships.

ADMISSION REQUIREMENTS

The following persons may be admitted to courses in Law:

1. Students holding an academic baccalaureate degree from an institution of approved standing who have the equivalent of a 1.4 average in all work taken and a satisfactory score on the Law School Admission Test given by the Educational Testing Service of Princeton, New Jersey, may be considered for admission to the School of Law and take any subject or course of study approved by the Dean of the School; provided, however, that students who are candidates for the degree of Bachelor of Civil Law shall follow the regular course of study.

2. Undergraduate students who desire to be admitted to courses in law must have finished three-fourths of the work required for a baccalaureate degree with a quality point average of 1.5. For further detail regarding law credit for such courses, see sub-heading Combined Six-Year Program at page 96.

3. Students of academic junior standing who have completed one-half of the work and who have earned one-half of the quality points required for a baccalaureate degree within a period not exceeding five semesters may take a limited amount of work for elective credit (but not for law credit), with the consent of the Dean of the School.

4. Within the discretion of the faculty of the School, persons of exceptional promise who fail to meet the above requirements may be admitted as special students¹ and may take subjects in law approved by the Dean of the School.

¹The number is limited in accordance with the recommendation of the Legal Education Section of the American Bar Association.

Any person who is not in good standing, academically or otherwise, at any institution previously attended will not be eligible for consideration for admission.

Subject to the above provisions, registration is the same as for the College at large. Inquiries should be addressed to the Dean of The Law School.

COURSES OFFERED

Adjective Tax Law. Second semester; conferences two hours; two credits. MR. DONALDSON.

Administrative Law. First semester; lectures three hours; three credits. MR. ATKINSON.

Admiralty Law. Second semester; lectures three hours; three credits. MR. LASOK.

Advanced Income Taxation. Second semester; lectures four hours; four credits. MR. ATKESON.

Agency. Second semester; lectures two hours, two credits. MR. FISCHER.

Anti-Trust Regulation. First semester; lectures three hours; three credits. (This is *Industrial Organization*, Econ. 425.) MR. SCHIFRIN.

Business Associations. First semester; lectures four hours; four credits. MR. STASON.

Civil Procedure. First semester; lectures five hours; five credits. MR. ANDERSON.

Conflict of Laws. Second semester; lectures three hours; three credits. MR. STASON.

Constitutional History of Modern England. Second semester; lectures three hours; three credits. MR. McCULLY. (This is Hist. 412.)

Constitutional Law. Second semester; lectures four hours; four credits. MR. WHYTE.

Contracts. First semester; lectures four hours; four credits. MR. CURTIS.

Creditors Rights. Second semester; lectures four hours; four credits. MR. STASON.

Criminal Law. Second semester; lectures three hours; three credits. MR. WHYTE.

Equity. First semester; lectures two hours; two credits. MR. STASON.

Estate and Gift Taxation. Second semester; lectures three hours; three credits. MR. CURTIS.

Evidence. First semester; lectures three hours; three credits. MR. FISCHER.

Family Law. Second semester; lectures two hours; two credits. MR. LASOK.

Federal Income Tax Law.¹ First semester; lectures three hours; three credits. MR. DONALDSON.

Federal Taxation.¹ Second semester; lectures three hours; three credits. MR. REECE.

International Law. First semester; lectures three hours; three credits. MR. LASOK.

Jurisprudence. First semester; lectures two hours; two credits. MR. LASOK.

Labor Law. First semester; lectures three hours; three credits. MR. WHYTE.

Legal Accounting. Second semester; lectures three hours; three credits. MR. REECE. (This is Bus. 410 in College Catalogue.)

¹Federal Income Tax Law and the Federal Taxation course can be taken only in the alternative and credit for both will not be allowed.

Legal History. First semester; lectures three hours; three credits. MR. SWINDLER. (Not offered 1966-1967.)

Legal Method and Writing. First semester; lectures three hours; three credits. MR. SWINDLER and MR. WHYTE.

Legal Profession. Second semester; lectures two hours; two credits. MR. SWINDLER.

Legal Research. Any semester; hours to be arranged; credit according to work done.

Legislation. First semester; lectures two hours; two credits. MR. SWINDLER.

Municipal Corporations. Second semester; lectures three hours; three credits. MR. ATKINSON.

Negotiable Instruments. Second semester; lectures three hours; three credits. MR. FARIS.

Practice Court. Second semester; trial laboratory one hour; one credit. MR. WHYTE.

Preparation of Tax Forms. Second semester; lectures two hours; two credits. MR. ATKESON.

Property I. First semester; lectures four hours; four credits. MR. FISCHER.

Property II. Second semester; lectures three hours; three credits. MR. ANDERSON.

Sales. First semester; lectures two hours; two credits. MR. FARIS.

State and Local Taxation. Second semester; lectures three hours; three credits. MR. FISCHER.

Survey of Tax Literature. First semester; lectures three hours; three credits. MR. ATKESON.

Tax Administration and Procedure. First semester; lectures three hours; three credits. MR. ATKESON.

Tax Research. Either semester; conferences to be arranged; credit according to work done. MR. ATKESON.

Torts. Second semester; lectures four hours; four credits. MR. ANDERSON.

Trial and Appellate Practice. First semester; lectures two hours; two credits. MR. WHYTE.

Trusts and Estates. First semester; lectures four hours; four credits. MR. FARIS.

Virginia Procedure. Second semester; lectures three hours; three credits. MR. FARIS.

THE FOLLOWING COURSES, ALTHOUGH TAUGHT BY MEMBERS OF THE LAW FACULTY, ARE DESIGNED FOR THE COLLEGE UNDERGRADUATE AND DO NOT CARRY LAW CREDIT.

Business Law I. First semester; lectures three hours; three credits. MR. DONALDSON.

A study of the more important aspects of the law of contracts, agency and negotiable instruments. Excerpts from selected statutes, textual matter, problems and cases will be used as a basis for discussion and analysis.

Business Law II. Second semester; lectures three hours; three credits. Prerequisite: Business Law I. MR. DONALDSON.

Continuation of Business Law I. Topics studied are partnerships, corporations, property, sales, security transactions, suretyship, insurance, trusts and estates, business torts, trade regulations and labor law.

Introduction to Law. Second semester; lectures two hours; two credits. MR. STASON.

This course explains the nature and functions of law in society as processes resolving civil and criminal disputes, maintaining

historical continuity and doctrinal consistency, protecting voluntary agreements and resolving acute social conflicts. Examples from criminal, tort, contract and labor law illustrate these processes. The student is also introduced to Federal and state court structures through which these processes are conducted and becomes familiar with the nomenclature of law.

THE DEGREE OF MASTER OF LAW AND TAXATION

OBJECTIVES

The program leading to the Master of Law and Taxation degree, the first of its kind to be offered by a college or university, is designed to fill a need for competently trained persons to serve the nation in any capacity in which a thorough comprehension of all phases of taxation is an essential requirement. In the present complex status of our tax law it requires joint consideration by a lawyer, an accountant, an economist, a political scientist, and an expert in business management in order to analyze properly all aspects of a tax matter. While the program does not presume to accomplish expertness in each of these fields, it is intended to equip the student with fundamental groundwork in all and as much of advanced study in each as relates directly to the field of taxation. This required foundation in the related fields, coupled with the twenty-five semester hours of specialized tax study, is designed to provide intensive training in tax law and ability to comprehend all of its diverse facets.

PREPARATION AND PROGRAMS OF STUDY

The Bachelor of Arts (in Business Administration—Accounting), Bachelor of Civil Law, and Master of Law and Taxation degrees may be undertaken in seven years, in which the requirements for the first two degrees are completed in a six-year combined arts and law program and the seventh year devoted to the specialized study of tax law. In addition to the courses required to be completed for the arts and general law degrees, the following courses are included by students in the taxation program, either as electives or in pursuing their field of concentration in their undergraduate work:

Mathematics: six semester hours credit in college mathematics.

Business Administration: *Financial Management* (Bus. 323), and a minimum of twenty-four semester hours credit in courses in Accounting.

Economics: *Principles of Economics* (Econ 201, 202), *Money and Banking* (Econ. 311), *Principles and Methods of Statistics* (Econ. 307), *Public Finance* (Econ. 421), *Fiscal Policy* (Econ. 422), *Industrial Organization: Enforcement of Competition* (Econ. 461), *International Financial Policy* (Econ. 472), and either *Senior Seminar* (Econ. 494) or *Seminar in Accounting* (Bus. 407), or the equivalent in credit hours and content of these courses if the baccalaureate degree was earned at a college other than William and Mary.

PROGRAM FOR COMBINED COURSES

Leading to A.B. in Business Administration (Accounting) in four years, B.C.L. in six years, with preparation for both Bar and C.P.A. Examinations, and Master of Law and Taxation in seven years.

FIRST YEAR

	1st Sem.	2nd Sem.
Grammar, Composition and Literature (Eng. 101, 102)	3	3
Foreign Language	4	4
Mathematics (Math. 103, 104)	3	3
Science	5	5
Physical Education	1	1
	—	—
	16	16

SECOND YEAR

English Literature (Eng. 201, 202) or Humanities 201, 202	3	3
Foreign Language	3	3
Principles of Accounting (Bus. 201, 202)	3	3
Principles of Economics (Econ. 201, 202)	3	3
Introduction to Government and Politics (Govt. 201, 202)	3	3
Physical Education	1	1
	—	—
	16	16

THIRD YEAR

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Intermediate Accounting (Bus. 301)	3	Intermediate Accounting (Bus. 302)	3
Principles of Psychology (Psych. 201)	3	Human Relations in Administration (Bus. 412) ..	3
Cost Accounting (Bus. 303) ..	3	Financial Management (Bus. 323)	3
Principles and Methods of Statistics (Econ. 307)	3	Auditing (Bus. 304)	3
Money and Banking (Econ. 311)	3	International Trade and Policy (Econ. 472)	3
Fundamentals of Marketing (Bus. 311)	3		—
	—		15
	18		

FOURTH YEAR

<i>First Semester</i>	<i>Credits</i>	<i>Second Semester</i>	<i>Credits</i>
Advanced Accounting (Bus. 401)	3	Advanced Accounting (Bus. 402)	3
Accounting Systems and Data Processing (Bus. 409)	3	Business Policy (Bus. 416)	3
Contracts	4	Agency	2
Seminar in Accounting (Bus. 407)	3	Federal Taxation	3
Legal Method and Writing ...	3	Torts	4
	—	Criminal Law	3
	—		—
	16		18

A.B. DEGREE

The fifth, sixth and seventh year programs leading to the B.C.L. and the Master of Law and Taxation Degrees are specified in detail in the Law School Bulletin.

For complete course descriptions, details of the graduate program, and other information relating to the Marshall-Wythe School of Law write to the Dean of the Law School for the Bulletin.