This is the fifth issue of the Colonial Lawyer since its change of format from newspaper to magazine in 1969. Perhaps after all the effort of this year, enough of the rough edges have been eliminated for the readers to understand the direction that the editors of the Colonial Lawyer are seeking.

We are trying to draw together the three basic forces of a law school: the students, the faculty-administration, and the alumni. Only after there is communication and understanding between these forces can this law school begin to achieve its potential. Through the Colonial Lawyer, the student and faculty may become aware of the activities of our alumni. On the other hand, we hope to make the alumni feel that the school cares about more than their pocketbooks.

In addition to this, the Colonial Lawyer should be the impetus for the discussion of issues important to the legal profession and society at large. The Colonial Lawyer is seeking to fill a vacuum not filled in the classrooms and while being far from perfect, we hope that you are satisfied with our progress.
The Colonial Lawyer
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For Your Thought

As the American culture slowly matures, it is becoming aware of many wrongs and inconsistencies within its own flesh, many resulting from neglect, others a result of growing pains. Mike Inman's article on prisoners' rights points out a problem that has been ignored until recently, while Richard Money examines the need for reform within the administration of the judicial system.

Everywhere we look, there is change or someone crying out for change. Professor Williamson examines the judicial process as a potential vehicle for change. Underlying all these articles is the unanswered question: what role should the law school play in seeking social change and in teaching those individuals who desire to change society? A few preliminary remarks might be in order.

Change is coming, it is as sure as the march of time itself. The greatest unknown is who shall lead us forward. Since law is perhaps the major expression of society's will, it would seem that the position of leadership should arise from the legal profession. Yet this does not seem to be the case; check the record of our lawyer-infested legislature. As pointed out in Bill Hawkins' article, Ralph Nader would say much of the blame should fall on the law schools who seem to cater more to the needs of law firms and corporations than to the needs of a changing society.

Law schools must first make a decision as to whom they owe primary allegiance, the "profession" or the society in which they operate. Do law schools have a duty to seek change of the status quo to the financial loss of their successful graduates? Consider the issues of no-fault insurance and divorce.

As you read through this issue, ponder the problems presented. Who is in the best position to seek sensible and orderly change? The law profession? And where should one first begin to think and discuss these issues? Law school?

News Briefs

On March 4th, Marshall-Wythe hosted an INVITATIONAL MOOT COURT COMPETITION, the first of its kind to be sponsored by the school. The competition was judged by a six-member panel including: Justice Tom C. Clark (Ret.) of the U.S. Supreme Court; Judge John D. Butzner, Jr. of the U.S. Fourth Circuit Court of Appeals; Judges Robert R. Merhige and Walter E. Hoffman of the U.S. District Court; and Justices Harry L. Carrico and George M. Cochran of the Virginia Supreme Court.

Although no verdict was reached as to the constitutionality of supporting local schools on the basis of property taxes, the judges did pick the winning team and the best oralist. The home team, composed of Emerson P. Allen, Everett P. Priestley, and C. Curtis Sheffield, was presented the team trophy for first place by President Graves at an awards banquet that evening.

At a circuit conference held in Richmond on March 10, DAVID J. DRISCOLL, a second-year student at Marshall-Wythe, succeeded Richard Salem of Duke as Fourth Circuit governor of the Law Student Division (L.S.D.) of the A.B.A. The Fourth Circuit includes Virginia, West Virginia, Maryland, and North and South Carolina. Driscoll is the fourth student from this school to hold this position in the last six years.

The LAW REVIEW BANQUET will be held on April 29, 1972 at the Ramada Inn in Williamsburg.

Congratulations to the prior editor of the Colonial Lawyer, third-year student ELSIE POWELL, on her appointment by Governor Holton to the Board of Visitors of the College of William and Mary. Mrs. Powell will become an assistant Commonwealth's Attorney for Alexandria this fall. She will be Northern Virginia's first woman prosecutor.

FACULTY ADDITIONS

Marshall-Wythe has welcomed two new professors to the faculty this spring semester. Jerome Curtis received his B.A. at the University of California, Santa Barbara; his J.D. at the University of California, Hastings College of Law; a LL.M. at the University of Virginia School of Law; and was an instructor in the Army J.A.G. School at Charlottesville. Mr. Curtis has found that the classroom proves to be a dynamic forum for the exchange of legal concepts. Questioned as to the relevance of the case-method approach to the study of law, he responded, "It is an effective means of study because case analysis doesn't place a premium on the student's ability to regurgitate what he has learned by rote from a lecture, but rather it requires him to synthesize rules in various factual settings and to acquire the ability to defend his interpretation in the face of criticism by his peers." Mr. Curtis sees Marshall-Wythe's growth as a desirable factor but feels that the anticipated size will be the optimum: "enough size for variety, but not so large that the students will feel institutionalized". Presently he is instructing Trusts and Estates and Civil Procedure.
Timothy Sullivan is a William and Mary College graduate who received his J.D. at Harvard Law School. He was a member of the faculty at Kent State University, a practicing attorney, and was involved with Military Justice while in the Army. Mr. Sullivan instructs Environmental Law and believes that the field stimulates considerable interest outside of class. He observed that Environmental Law incorporates many of the basic areas of law and contains more traditional material than many would expect. He sees Marshall-Wythe as a law school with an excellent future, but he acknowledges strategic needs: improvement of the physical building, a continuance of improving the quality of legal students, retention of experienced faculty members, more alumnæ support, and a recognition of the Law School as an overall community with a need for understanding as well as constructive criticism. Mr. Sullivan expressed his thoughts on teaching law as a career by remarking, "One chooses to teach recognizing certain sacrifices; I hope to make a meaningful contribution to students and the law as a field of scholarly endeavor."

CURRICULUM: the curriculum at Marshall-Wythe has been undergoing a metamorphosis and next year should result in a better balance in both the courses offered and their availability. First year courses will remain essentially the same with the possibility of criminal law replacing one of the semesters of legislative law. The old Constitutional Law course is being expanded to three courses: the Federal system, civil rights, and criminal justice and administration, for a total of eight hours to be taken in two or three semesters. Dean White also hopes to see three additional courses: regulation of industries, modern land financing, and consumer rights and protection. The Dean also hopes to achieve a balance of the new courses and seminars in both the fall and spring semesters.

FACULTY CHANGES: under its expansion policy, Marshall-Wythe has three additional faculty positions to be filled for fall semester. The administration is also going to hire replacements for the two faculty members who are leaving. Associate Dean Donaldson has decided to become a full time professor. Mr. Williamson has been given the job of Associate Dean for Admissions...

On the 27th and 28th of March, PHI DELTA PHI fraternity sponsored a trip to Washington, D.C. The first thing on the agenda was a visit to the Supreme Court where the visitors heard two arguments. This was followed by a lengthy discussion with Chief Justice Burger and Justice Powell of Richmond. Monday evening was marked by a cocktail party attended by alumni and Representatives Downing and Whitehurst.

Tuesday's events began at the Court of Claims where the law students spoke with the Chief Judge and the Chief Magistrate. At a luncheon later in the day, Senators Spong and Church spoke on the topics of busing and foreign affairs respectively. The trip concluded with a visit to the Environmental Protection Agency where the group met with the Deputy General Counsel who explained the workings of the E.P.A.

The 1972 General Assembly decided that there will be no new building for MARSHALL-WYTHE. Instead William and Mary will get a new chemistry building. Once the Chemistry Department moves into its new home and Rogers is remodeled, the Law School will be able to expand its facilities, but do not look for this for at least another two and a half years.

—Timothy Sullivan

—Jerome Curtis
should a young lawyer incorporate?

—Robert Parker

Because of certain federal income tax advantages and the possibility of some limited liability, considerable interest in the incorporation of professional practices has existed for a number of years. Many professionals were reluctant to incorporate, however, at least in part because the Internal Revenue Service took the position initially, despite state statutes, that such professional “corporations” were not bona fide corporations and were not entitled to the tax benefits flowing to corporations. Finally, in August, 1969, after many court battles, the Service generally conceded that professionals could incorporate. Since that time, there has been a profusion of professional incorporations, especially among doctors and certain other professional groups. There is still the risk that the Service will scrutinize professional corporations very carefully on audit and the risk that the Service will look unfavorably upon corporations which have only a single stockholder-employee. Such an individual can, under Virginia law, incorporate, but he must operate his practice with a great degree of care.

The paramount federal income tax advantage to incorporation is that an employee-stockholder of a corporation can currently take advantage of more liberal pension and/or profit-sharing benefits than can an owner-employee (i.e., a sole proprietor or partner for purposes of this article).

Generally, a qualified pension and/or profit-sharing plan permits an employee to receive a deferred benefit in lieu of current cash compensation which would be taxable as ordinary income. The business can set aside an amount in a trust, for which it will still be entitled to a current deduction as though it had paid compensation, but for which the employee will report no current income. The trust will invest the funds, but will pay no income tax on its income. Generally, the employee must include distributions from the trust in his income as ordinary income at the time such distributions are made in later, retirement years when his taxable income and tax rate will presumably be lower.

The following example will illustrate the advantage of a qualified pension or profit-sharing plan in general. Assume A is an individual who is in the 32% federal income tax bracket. Assume further that A’s taxable income (after all exemptions and deductions) is approximately $22,000. A will pay a tax of 32% on his top $2,000 of income or $640. Thus, if $2,000 is paid to him as currently taxable compensation, he will have $1,360 of his top $2,000 to invest in future years. Assume that his investments will yield 10% per year or $136 before taxes. That return will also be taxable at his increasing tax rate or, at best, at one half that rate as long-term capital gains. If that return is taxed on an average rate of 40%, A’s after-tax return will be $82 per year (60% x $136). In thirty years, A would have a total of $3,820 [$1,360 plus (30 x $82)] to account for his initial $2,000 compensation. If instead of paying $2,000 to A as compensation, his employer paid the $2,000 into a qualified pension or profit-sharing trust, the full $2,000 could be invested and the return on such investment would not be taxable until distributed to A at a later date. Assuming the same 10% return over a thirty year period, the $2,000 fund would earn $6,000 (30 x $200). Thus, at the end of thirty years there would be $8,000 in the fund. Assuming that tax rates will remain fairly constant and that A will be able to withdraw the funds from the trust at about a 25% rate in retirement years when he will have a very little earned income, the tax on the $8,000 will be $2,000. Thus, A will have $6,000 to account for the original $2,000 of compensation, compared to $3,820 if payments had been made to him currently. Increase this difference to reflect A’s financial ability to put more and more into the pension and/or profit-sharing plan and multiply the difference by the number of years for which payments will be made to the plan, and the tremendous lifetime advantages of such a plan become apparent.

The benefits of a qualified pension or profit-sharing plan are available to an owner-employee, but a corporate employee-stockholder can shelter much more in such a plan than can an owner-employee. No more than 10% of earned income or $2,500, whichever is less, can be put into an owner-employee’s trust fund in any given year and taken as a tax deduction. On the other hand, up to 25% of the compensation otherwise paid a corporate employee can be put into qualified pension and profit-sharing plans on his behalf. There are also other differences between the treatment of qualified owner-employee plans and qualified corporate plans which strongly favor corporate plans. The ability to shelter more money is, however, the single most important difference and the one which influences so many professionals to incorporate.
Obviously this difference is not particularly important to a young lawyer just beginning his practice. He will be lucky if he can afford to put 10% of his compensation into a qualified trust fund (which 10% will most certainly be less than the maximum $2,500). Thus, a young lawyer would incorporate because of hoped-for, and not present, pension and/or profit-sharing plan advantages. It is far from clear, however, that such a distinction will even exist in the near future. Congress is presently considering a bill submitted by the Administration which will allow an owner-employee to contribute up to 15% or $7,500, whichever is less, to such a qualified trust fund. In addition, the difference in treatment between owner-employees and corporate employees is constantly under general scrutiny. Thus, even if the Administration bill does not pass, another might well become law prior to the time a young lawyer could benefit from the substantial differences. It is doubtful, however, that there will be equality for owner-employees and corporate employees in the near future. The tax law in this area will probably continue to favor corporations to some extent.

A reader might be wondering by now how he would avoid a double tax on the income not put into a pension and/or profit-sharing plan (the corporate tax on income plus the individual tax on any amounts paid to him). The answer has been simple in the past—all of a professional corporation’s income was considered to be from services; therefore, it was reasonable for a professional corporation to pay out nearly all of its income to its professional employees as set salaries or as year-end bonuses. Presently, however, the Economic Stabilization Program may prevent the corporation from increasing salaries or paying bonuses to a sufficient extent to absorb all of the income from the corporation. In addition, a recent line of cases has held that the capital of a corporation is an income producing factor, and that some of a corporation’s income is necessarily attributable to such capital and not to the services performed by the corporation’s employees. The corporation would be taxed at the rate of 22% on the first $25,000 of such income each year. The corporation could retain the balance after taxes, or it could distribute such amount as a dividend which would be taxed again to the recipient. In the case of lawyers, this would probably not be a material consideration since the capital investment would not be substantial. There would be some capital (library, furniture, equipment and the like), however, and, under this line of cases, some income should be retained in the corporation. In the past, most lawyers have advised their professional clients to allow some income to be taxed to the corporation in any event in order to give the corporation more substance. It would seem that a relatively insignificant retention by the corporation should satisfy both the capital return and the substance requirements. The cases have indicated, however, that a return on capital in the range of 15% of pre-tax and pre-compensation income may be required. Obviously, there will be more litigation on this issue. In summary, a young lawyer should be aware that, absent a Subchapter S election, he will be required to have some income taxed to the corporation. The amounts so taxed should not be material assuming the lawyer will not have a substantial capital investment, and assuming that the Economic Stabilization Program will not be long-lasting.

Of course, a young lawyer who incorporates can avoid any corporate tax by having his corporation elect to be taxed essentially as a partnership, but without losing most corporate benefits under Subchapter S (the technical requirements of which will not be discussed in this article). Such an election would cause him to lose the basic advantage of a corporate pension and/or profit-sharing plan which was discussed above. As has been noted, however, that should make little difference in the first several years of incorporation, and the Subchapter S election can be terminated when it is advantageous to do so.

Even at the very beginning, there would be some benefits to incorporating a law practice. First, there are some tax benefits available only to common law employees, which term does not include owner-employees. Primary among such benefits is the ability of a corporation to provide tax-free group-term life insurance and disability, hospital and major medical coverage for all corporate employees, including stockholder-employees. Some protection from personal liability would also be afforded. Most state statutes allow professionals to incorporate only while retaining personal liability; for example, Virginia Code §13.1-547 provides that the professional corporation law shall not be construed so as to alter or affect the liability arising out of professional services. It is generally agreed, however, that a stockholder of a professional corporation is not personally liable for the negligent

(Continued on page 19)
... whoever attentively considers the different departments of power must perceive, that in a government in which they are separated from each other, the judiciary from the nature of its functions, will always be the least dangerous to the political rights of the constitution; because it will be least in capacity to annoy or injure them. The executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary on the contrary has no influence over either the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may be said to have neither Force nor Will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

Hamilton, Federalist No. 78

In a recent issue of the American Bar Association Journal (February, 1972) Professor Millard H. Ruud of the University of Texas School of Law disclosed the extent of the recent growth of law school enrollment and the general increased demand for legal education. According to the article, total enrollment has more than doubled in the past ten years and, perhaps more significantly, demand for legal education, as evidenced by those taking the law school admissions test (LSAT), has increased five-fold over the same period. In the past three years alone, the number of candidates taking the test has increased 45 percent.

The experience at the Marshall-Wythe School of Law is typical of the situation throughout the country. In 1970, the school received a total of 770 applications for 150 positions in the entering class. For the same number of positions in the class entering in September, 1972, we received approximately 2,300 applications, having stopped accepting new applications in mid-February.

To what do we attribute the increased interest in legal education? Professor Ruud suggests a number of factors, including the general increase in the number of college graduates, the larger number of women seeking a legal education, the shortage of employment opportunities for holders of other graduate and professional degrees, and finally, the feeling shared by many young people that law is where the action is and provides a means of working within the "system" for orderly social change.

Although the validity of the reasons for increased interest in the legal profession advanced by Professor Ruud are incapable of proof, I doubt seriously that anyone connected with legal education today would deny that the last of the aforesaid factors is at least partially responsible for the phenomenon. The ramifications of the influence of the "social conscience" of today's law students and young lawyers are just now becoming evident and, in my opinion, are responsible in large measure for the current challenge facing the judicial system, the legal profession, and the law schools of this country. The challenge to which I refer has been articulated by many judges, including the Chief Justice of the United States, in the form of increased concern with the professional conduct of certain of the so-called "movement" lawyers. Law schools are certainly aware of the "radicalization" of law students demanding curriculum changes and changes in the internal decision making process of the schools to permit greater student participation. It is my belief that the judicial system, the legal profession and the law schools, despite short term concern, will emerge from this alleged "crisis" situation stronger institutions, benefiting from the introspection brought about by the new breed of lawyer and law student. Certainly, many of the changes made in the law schools in the past few years were long overdue. The profession has been reminded of its duty to represent clients zealously and without regard to financial considerations. And those who administer
the judicial system have been forced to consider whether a dual system of justice, one for the rich and one for the poor, does in fact exist in this country.

Unfortunately, very little concern thus far has been directed toward finding out why the frustrated “movement” lawyer believes it necessary to engage in disruptive tactics to meet his client’s needs or why those same lawyers, as law students, soon became alienated from the law schools, a feeling which I believe exists today to a far greater extent than is generally known. The extent to which the judicial process, being a system that favors the wealthy, or the law schools, traditionally a training ground for the business practitioner, were at fault will have to be reserved for discussion at a future time.

Instead, this article will discuss the extent to which the difficulties of the judicial system, the legal profession and the law schools are attributable to what I believe to be a false premise under which many students enter law school. The false premise to which I refer and which is an outgrowth of the “social conscience” of the “new” law student and young lawyer is the belief that the judicial process is the best (maybe the only) vehicle through which one can achieve social change working within the system. It is my belief that nothing could be further from the truth, and in fact very little progress would have been achieved in this country in the form of equal rights for all or a better life for the disadvantaged if the judicial process was the only method of achieving social change. The fact of the matter is that the judicial process is a slow, cumbersome process fraught with legal technicalities that can delay decisions indefinitely or result in decisions which, while full of encouraging language, are worth very little in the way of working a significant change. It doesn’t take a very competent lawyer or even a perceptive layman to understand why. First, of course, is the fact that litigation, as a general rule, affects only the party litigants. Further, except in the case of the United States Supreme Court, the logic or prospective value of a decision is limited geographically. Lastly, and most important, a judicial decision, no matter how strongly or wisely articulated, cannot change the attitude of the people who must give substance to such decision, which is, after all, only a piece of paper and, even in the case of the United States Supreme Court, can be overruled.

One need only point to the attempts by the judiciary to abolish segregation in our public school system. In 1954, the Supreme Court declared an end to a dual school system in this country and set the standard for change as one “with all deliberate speed.” It was not until very recently that any significant integration has been achieved through the very controversial (as a constitutional matter) process of busing. The net result of implementation of the Court’s decision in Brown v. Board of Education has been the very real possibility of a constitutional amendment to prohibit busing originating in the Congress. In addition, the still undecided question of congressional control over the jurisdiction of federal courts, with the exception of the very limited constitutionally imposed original jurisdiction of the United States Supreme Court, raises the very real possibility that Congress may act to limit the power of federal courts to order busing of school children to achieve racial balance. The fear of a genuine constitutional crisis that could result from the assertion of such power by the Congress has, in the past, been sufficient to cause it to shy away from the use of such procedure. However, sufficient pressure from a highly organized anti-busing movement, plus the pressures recently applied by the President, could overcome such fear on the part of the Congress and the Supreme Court might be forced to settle, once and for all, the extent of congressional control over its jurisdiction and the jurisdiction of the lower federal courts. The substance of the decision in such a case would be immaterial since the mere confrontation would be sufficient to seriously weaken our constitutionally mandated system of government. “Power to the people” is a two-edged sword and, despite a belief that judicial process is immune from majoritarian control, the majority in fact is omnipotent in our country and can render judicial decisions meaningless through the constitutional amendment process, tampering with the jurisdiction of the federal courts, or the simple abdication of responsibilities by elected representatives.

The point I have been leading up to, rather verbosely I suspect, is that it is time to stop telling young people to work within the system and leaving them with the impression that by the “system” we mean the judicial process. The real change in this country, desired by many, will be achieved through the political process by organizing economically and politically the various oppressed minorities. Like all other activities in our society, the movement will be aided by the advice of lawyers, but the real victory will not be won in the courtroom, but in the city councils, the state legislatures and the Congress.

(Continued on page 19)
Were You Represented

With the November elections just a few months away, the Colonial Lawyer presents its continuing coverage of recorded votes in the Senate and House of Representatives of the United States. Included in this issue are the votes of those Democratic Presidential candidates who also hold seats in the Senate, as well as an indication of the position of the Nixon Administration (either for "+" or against "-") on each piece of legislation. While this is just a sampling of all the votes taken, and the issues must necessarily be narrowed for the purposes of this article, it is hoped that the information presented will aid you in deciding if your elected officials are representing your point of view. The sampling presented here comes from votes taken between the August 1971 recess and March 1972.

**SENATE**

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<tr>
<th>Issue Description</th>
<th>Byrd</th>
<th>Sargent</th>
<th>Humphrey</th>
<th>Muskie</th>
<th>McGovern</th>
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<td>MANSFIELD AMENDMENT declaring it to be the policy of the U.S. that all troops would be withdrawn from Indochina in 6 months dependent on release of POWS; Passed 57-38.</td>
<td>N</td>
<td>N</td>
<td>Y</td>
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<td>To DELETE funds for Safeguard ABM System; Rejected 21-64.</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<td>EMERGENCY LOAN GUARANTEE of up to $250 million for failing major businesses (Lockheed); Passed 49-48.</td>
<td>N</td>
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<td>To allow EQUAL EMPLOYMENT OPPORTUNITY COMMISSION to bring suit against discriminatory employer in Federal Court; Passed 73-18*.</td>
<td>N</td>
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<td>To DELETE COOPER-CHURCH AMENDMENT prohibiting spending funds for U.S. forces in Indochina except for withdrawal; Passed 47-44.</td>
<td>Y</td>
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<td>To INCREASE FEDERAL TAX EXEMPTION to $800 effective Jan. 1, 1972; Passed 40-37.</td>
<td>N</td>
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<td>Y</td>
<td>F</td>
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<td>To DELETE authorization for Dept. of Transportation to set Federal standards to reduce property damage and lower auto repair costs; Rejected 29-64.</td>
<td>Y</td>
<td>N</td>
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<td>To allow each taxpayer to designate $1 of his annual tax payment for contribution to campaign of eligible Presidential candidate; Passed 52-47.</td>
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<td>Y</td>
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<td>CONFIRMATION of Earl Butz as Secretary of Agriculture; Confirmed 51-44.</td>
<td>Y</td>
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<td>N</td>
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<td>F</td>
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<td>Y</td>
<td>+</td>
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<td>CONFIRMATION of William H. Rehnquist to the Supreme Court; Confirmed 68-26.</td>
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21st Century Dockets, 19th Century Machinery

The appellate process of our court structure is facing severe congestion, and is falling from its pillar of virtue in the thoughts of the American public. The National Conference on the Judiciary which was held in Williamsburg in March, 1971 realized this foreboding situation facing the state court system, and it issued a statement to the effect that the appellate process should be re-examined and revised in such a way that appeals become speedy, fair, and inexpensive, so that the court system regains the merit it deserves and the confidence of the public it serves.

The Virginia General Assembly, realizing this situation, in March, 1968 established the Virginia Court System Study Commission. The Commission was to make a "full and complete study of the entire judicial system of the Commonwealth" which included the appellate court system of the state.

The severe strain on the court system and the desirability of administering justice more effectively and swiftly caused the people of Virginia to revise their constitution. The revised constitution, which became effective on July 1, 1971, provided in Article VI, section 2, that the General Assembly may increase the number of justices on the Supreme Court to no more than eleven justices and to no fewer than seven, which is its present size. The General Assembly also revised Article VI, section 1 to provide that it may establish from time to time "such other courts of original or appellate jurisdiction subordinate to the Supreme Court."

We look first at the provision increasing the number of justices to a maximum of eleven; it seems that this will not solve the problem of the workload of the justices by itself. Justice Story, in 1838, made the following comment concerning the effect of increasing the number of members of the United States Supreme Court, "We made very slow progress, and did less in the same time than I ever knew. The addition to our numbers has most sensibly affected our facility as well as rapidity of doing business. 'Many men of many minds' require a great deal of discussion to compel them to come to definite results; and we found ourselves often involved in long and very tedious debates. I verily believe, if there were twelve judges, we should do no business at all, or at least very little." (2 W. Story, Life and Letters of Joseph Story, 296, (1951)). Therefore a greater problem is created if all that the General Assembly does is increase the size of the court. A large court can not function properly if it

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The American people are (obviously) not seriously concerned about the ever-mounting crime rate. Incredible as this statement may seem, it is indisputable truth; the bulk of the proof is present within the walls of any "correctional" institution, almost without exception, where homicide, maiming, homosexual assault, drug abuse, and sadistic acts are a way of life. Our prisons are a breeding place for crime and schools for criminals to the extent that almost one half of prisoners are serving their second or third terms. If a convict emerges a reformed man it is never because of his experience, but in spite of it. These statements are broad, but deliberate and not irresponsible. Penologists, correctional officers and judges will readily accede to them.

Of the approximately 460 federal and state long term institutions for sentenced offenders, twenty-five are over one hundred years old and sixty-one opened prior to 1900. Over seventy-six percent of all misdemeanants and sixty-seven percent of all felons on probation are assigned to a probation officer with a case load of one hundred or more. Less than four percent of probation officers in the nation carry case loads of forty or less. If one is a normal individual he is appalled by all this and asks himself how society allowed this to happen. No one can satisfactorily answer that question but perhaps some contributing factors can be found. Society has always been eager to insure that the means are available to apprehend the offender and to take him out of the community, affording him the means are funds at the risk of undercutting some more popular expedient program. The federal Reform Act, which would establish a twenty-year program to phase out large rural prisons by transition to smaller community-based facilities, is little better; however, in 1971 Senator Birch Bayh took the initiative by introducing the Omnibus Correctional Reform Act, which would establish a twenty-year program to phase out large rural prisons by transition to smaller community-based facilities.

More shocking than this legislative inaction is the fact that it was over one hundred years ago that the first prison reform movement was undertaken. In 1870 in Cincinnati a Prison Reform Conference was convened. At that time it was recognized, among other things, that no purpose was served by pure confinement. Yet today our prisons have not caught up to the recommendations of that conference. In most instances our correctional institutions are little different in terms of goals and programs from the first prison for the punishment of criminals begun in 1681 by the Quakers, who disliked corporal punishment and decided that a workhouse would be more beneficial to both the convict and the community.

APATHY OF THE PEOPLE—ACTIVISM BY THE COURTS

Thus in the face of the apathy of both the legislatures and the citizenry, the aggrieved prisoner turned to the courts. Historically, prior to the past decade, little if any relief was gained by this method. There were numerous reasons which a court might select to justify its decision not to hear a prisoner suit: (1) lack of expertise in the handling of penological problems, (2) the possibility that judicial review would interfere with institutional discipline and hinder officials in the performance of their duties, (3) if in a federal court, the use of the abstention doctrine in deference to the principles of federalism, and, most significantly, (4) while the courts had recognized that prisoners had constitutional rights within certain limitations, these rights remained undefined, difficult to invoke, and therefore nearly meaningless. This reluctance of the courts to review cases of prisoner mistreatment has been referred to as the "hands-off doctrine." and was finally rejected by the Supreme Court in 1964.

Since that landmark suit eight years ago the courts have made decision after decision, enhancing the rights of the prisoner with each one. In recent years we have seen marked advancement in the areas of racial discrimination, religion, and access to the courts, and major inroads have been made into the unregulated and arbitrary authority of prison personnel. But let us not be too easily satisfied with this wave of humanitarianism. While expansion of prisoners' rights will serve to mitigate the deterioration of the spirit which results from prison existence and may be a significant step toward striking a balance between
and Prison Reform—
of a NEW ERA

—Mike Inman

the correctional value of punishment and the dignity of the individual prisoner, it cannot affirmatively help rehabilitation or ease the problems of administration. The courts are judicially and statutorily limited in their role as reformers. The federal statute which has been the vehicle for the majority of prisoner suits is 42 U.S.C. §1983 (1970), under which, to maintain an action, the plaintiff must prove deprivation of a right, privilege or immunity secured by the Constitution or laws of the United States, and that such deprivation resulted from action under the color of state law. In essence this means that courts cannot prohibit a given condition or type of treatment unless it reaches a level of constitutional abuse. Furthermore, 18 U.S.C. §4001 (1970) makes it clear that prison administration is not meant to be a duty of the courts, but that such duties are assigned to the Attorney General.

Additionally there are more practical limitations on the courts; first, they have no direct power over the purse and, second, judicial intervention has been found to incur the antagonism of corrections officials who consequently become uncooperative.

Within these limitations, however, federal courts have utilized primarily two approaches to effect that significant expansion of rights discussed earlier: the eighth amendment’s cruel and unusual punishment prohibition and the fourteenth amendment’s procedural due process requirement.

When a court selects the eighth amendment’s approach it asks the question: is the punishment given, because of its excessive length or severity, greatly disproportionate to the offense charged? This cruel and unusual punishment protection extends to a panoply of deprivations: corporal punishment, punitive segregation (e.g. solitary confinement), living conditions, personal security, medical care, and finally, in aggravated cases, mail censorship and loss of “good time.”
Where the claim presented involves arbitrary exercises of power by lower echelon officials, inmates are best protected under the fourteenth amendment’s due process requirement. Generally courts attach a presumption of validity to administrators’ actions, merely asking whether or not there was a rational basis for the act. The better approach, however, is to allow the prisoner to overcome the presumption of validity by showing a prima facie case of arbitrary treatment, thereby shifting the burden to the official to prove the reasonableness of his action. The better prisons (primarily federal) have written procedural requirements which are an affirmative advantage—not only for prisoners, but also for administrators who have records to rely upon in punishing, thereby gaining the respect of inmates.

As is evidenced in the footnotes, the Fourth Circuit has been more active than most in effecting basic rights for prisoners. But no decision to date has had the express scope of relief found in Federal District Judge Robert R. Merhige’s five-month-old decision in Landman v. Royster. Not only was the decision unique in terms of scope, but the court heard the testimony of eighteen prisoners among whom the following deprivations of rights were found: imposition of twenty to forty days of solitary confinement for such “misbehavior” as writing a letter to a local newspaper, “writ-writing” for fellow inmates, advising other inmates of their rights, informing others of a court decision about prisoners’ rights or attempting to contact an attorney; bread and water diets; loss of all accumulated “good time” for reading aloud a letter from a senator (the effect of which was to extend the sentence over a year); handcuffing and chaining to cell bars without release for elimination of waste because of screams for medical attention; keeping men nude in a bare meditation cell for seventeen days for refusal to surrender a food tray; confinement of four to seven men in a one man cell in “solitary”; corporal punishment by means of nightsticks. This list is far from exhaustive.

While a “discipline committee” seems to have existed for some time, only certain types of offenses or administrative actions were entitled to, or received, review. When hearings were conducted no written charges were served, the charging guard did not testify, there was no confrontation, no factfindings were made and no appeal allowed—all of which are required by Landman.

Most stunning of the facts in this case is that until October 1, 1970, the Virginia Penal System had no substantive written regulations on inmate discipline procedures. The procedures employed were those passed down and invented as the need arose. Even the new written rules were vague and left much to the discretion of higher echelon administrators.

Judge Merhige employed both the eighth amendment and the procedural due process approach. He held that corporal punishment, bread and water diets, chaining to cells, crowding of cells, use of tear gas, enforced nudity, and inhibition of access to the courts and counsel, constituted cruel and unusual punishments, and that failure to provide hearings, with all the attending due process rights, for in-prison violations for which punishment was given or “good time” taken, violated the fourteenth amendment. The Virginia corrections administrators were enjoined from employing the offensive practices and were ordered to file, within fifteen days, a list of rules and regulations concerning standards of behavior expected of inmates.

In so ordering, Merhige added weight to a minority method of giving relief in prisoner suits. This method consists of the court coming forth with a plan aimed at all aspects of prison life. Although the order is directed at specific constitutional violations, it, in effect, forces corrections officials to deal with a broader scope of improvement. The majority of recent decisions has been typified by a plan, directed at a specific abuse, which has had wide implications, usually involving due process, racial discrimination or freedom of religion.

Landman v. Royster also illustrates a federal judge’s utilization of one of three devices used to effect the desired relief. The first device, used in Landman, consists of requiring prison administrators to come forth with a plan to correct constitutional violations, with the court laying down certain guidelines that must be
noted that most states do not have correctional programs, only ten to twenty per cent of all prison systems’ budgets is spent on programs of corrections, and only twenty per cent of institutional personnel are assigned correctional duties. In addition, Mr. Mitchell announced plans for a National Corrections Academy, more federal aid for correctional systems, a national clearing house for criminal justice architecture and education, and a goal of one-third minority employment in prisons. A multitude of much-needed reformatory measures was proposed and discussed at the conference and the concepts presented below are those which appear to have earned the endorsement of the majority of the participants.

It was the opinion of Norval Morris, the Director of the Center for Studies in Criminal Justice at the University of Chicago, that society must reject the futility and inhumanity of the mega-prisons which characterize most state systems. This idea was ratified by other correctional experts who pointed out the need for small correctional units, “communities” of two hundred offenders with a ratio of staff to inmates that would permit rapport and trust to grow, so that rehabilitation could be more of a reality. When Chief Justice Warren E. Burger addressed the conference he noted that many problems flow from the oversized institutions which are poorly located so as to be inaccessible to families, and too far away from facilities for work release programs.

But the Chief Justice’s primary area of concern was that contemporary prisons are not providing a balanced educational-recreational program for men who have mental and physical energy to burn up. He bemoaned the fact that he had, in visiting prisons, “seen the terrible effects of the boredom and frustration of empty hours and a pointless existence.” He asserted that if society decides to place a man in confinement, it takes on an obligation to try to change the person. In view of the astounding percentage of inmates who cannot read or write and the even larger percentage who have no marketable skill, the Chief Justice urged the development of “sentencing techniques to impose a sentence so that an inmate can literally learn his way out of prison as we now try to let him earn his way out with ‘good behavior.’”

Perhaps the boldest and most utopian reformatory measure urged is the community treatment center-work release idea, and it has many vocal advocates. Logically since nineteen out of twenty men who enter prison return to society, correctional efforts should... (Continued on page 20)
Ralph Nader is often pictured as a zealous crusader attacking corrupt, greedy corporate leaders again and again. Always on the offensive, Nader is depicted as a true muckraker searching for a newsworthy exposé. Although this description accurately illustrates his tactics it falls far short of providing a clear portrait of his personality. In reality, Ralph Nader is on the defensive. As an ordinary citizen he is distressed, disappointed and shocked by the hot war on the consumer.

A sensitive, idealistic and occasionally paranoid person, Nader sees himself not as a general leading a charge but more like Davy Crockett defending the Alamo. No sooner has he begun erecting the walls for consumer protection than he must stop to plug the gaps and leaks that spring up almost immediately. The forces he feels most threatened by are the corporate giants, but law schools are also viewed as vile by Nader since they are hand-in-hand with his number one enemy.

Nader has a way of fighting an enemy known only to those who have been heavily outnumbered. An analysis of his views should help us understand his driving force and deep commitment that makes him one of the most influential men in Washington.

Crime in the suites

"If we were as lenient toward individual crime as we are toward big-business crime we would empty the prisons, dissolve the police forces, and subsidize the criminals" he charges. "Where is the free enterprise system?" he asks, a sly smile lighting up his face. "I'm trying to find it. Is it the oil oligopoly, protected by import quotas? The shared monopolies in consumer products? The securities market, that bastion of capitalism operating on fixed commissions and now provided with socialized insurance?"

To support his arguments Nader offers a stream of facts, statistics and contradictions. In a typical speech he would reveal the following:
1) While the federal government is determined to stop $50 thieves, million dollar price-fixers get off with a warning.

2) General Motors claims it cannot afford funds for a pollution study and then spends $250 million to change its signs to read "G.M.—Mark of Excellence."

3) The auto industry knew for years that the non-collapsible steering column was causing thousands of unnecessary deaths and refused to improve it until forced by law—250,000 deaths later.

4) The federal government subsidizes the coal industry even though the industry refuses to acknowledge 100,000 black-lung victims who cry out for safe working conditions.

When Nader discusses the plight of the miners one realizes that he doesn't rattle off the statistics with delight. He is practically sick at having to tell his audience that about 100,000 miners have been crushed, burnt and choked to death in this century—and at least half of these fatalities could have been avoided by safer conditions.

Ironically, his enemy—the big business kings—have done more to make him powerful than his moving oratory. General Motors started his career when its plan to 'get something on him' backfired. Nader was cast in the role of giantkiller as he exposed the G.M. blackmail attempt. The old 'photograph him in bed with a prostitute trick' was not very sophisticated. However, compared to other attempts to ruin Nader like spreading rumors that he is a communist, homosexual, or liar, G.M. showed that it was the sharpest of the big boys.

Trade schools

Insofar as Nader is concerned, the legal community and its hallowed training grounds are responsible in large part for big-business insensitivity.

"It is not easy to take the very bright young minds of a nation, envelop them in conceptual cocoons and condition their expectations of practice to the demands of the corporate law firm. But this is what Harvard Law School did for over a half century to all but a resistant few of the 40,000 graduates," says Nader.

On the legal crisis in general Nader invites, "Anyone who wishes to understand the legal crises that envelop the contemporary scene—in the cities, in the environment, in the courts, in the marketplace, in public services, in the corporate-government arenas and in Washington—should come to grips with this legal flow chart that begins with the law schools and ends with the law firms, particularly the large corporate law firms of New York and Washington."

On legal education per se Nader is highly critical. After enjoying four years at Princeton he 'endured' three years of Harvard Law.

"The mixing of the case method of study with the Socratic method of teaching...transforms intellectual arrogance into pedagogical systems that humble students..." he charges.

"Law professors take delight in crushing egos in order to acculturate the students to what they call "legal reasoning" or "thinking like a lawyer," he continues, "The process is a highly sophisticated form of mind control that trades off breadth of vision and factual inquiry for freedom to roam in an intellectual cage."

"Normative thinking—the 'shoulds' and the 'oughts'—was not recognized as part and parcel of rigorous analytical skills. Although the greatest forays in past legal scholarship, from the works of Roscoe Pound to those of Judge Jerome Frank, proceeded from a cultivated sense of injustice, the nation's law schools downplayed the normative inquiry as something of an intellectual pariah."

To Nader, the greatest failure of the law schools—a failure of the faculty—was not to articulate a theory and practice of a fair deployment of lawyers. With massive public interests deprived of effective legal representation, the law schools continued to encourage recruits for law firms.

"Lawyers labored for polluters, not anti-polluters, for sellers, not consumers, for corporations, not citizens, for labor leaders, not rank and file, for, not against, rate increases or weak standards before governmental agencies, for highway builders, not displaced residents, for, not against, judicial and administrative delay, for preferential business access to government and against equal citizen access to the same government, for agricultural subsidies to the rich but not food stamps for the poor, for tax and quota privileges, not for equity and free trade. None of this troubled the law schools," he concludes.

Conclusion

We are faced with the almost unbelievable picture of "white collar crime" in this country at least in part because the law schools have failed to turn out men who would question the status quo and a system where a corporation has no responsibility to the public.

Nader sees the law schools as archaic vestiges of the past, more fit to turn out cracker-barrel lawyers than space age solicitors. He attacks the heavy emphasis in law school curriculums of the 'bread and butter' courses.

Only the most fundamental alteration in the philosophy underlying legal education will produce the atmosphere which will encourage law students to question their profession, the corporate mystique, and their own view of society. This reform will entail more than new directions in curriculum, it will require the beginnings of true dialogues in the class room. ■
The 1972 Virginia General Assembly was faced with 1716 pieces of legislation in their 60 day session which ended March 11th. However, the quantitative figures are virtually meaningless since there are few legislative bodies which are not similarly inundated. The better measure of the General Assembly's success or failure is in the quality of legislation passed. At least in some respects this session was close to extraordinary.

The Assembly was faced from the outset with a distinct power vacuum left by the retirement of most of both houses' aged members. The leadership ranks of both parties were decimated by Father Time's unflinching hand. With around 40 new members out of a body of 140, there were bound to be problems. Add to this the increased representation from the state's urban areas and the stage was set for potential pyrotechnics.

Some political observers felt that the election of Independent né Democrat Henry Howell carried a more or less direct message to the legislators who gathered to hear Governor Holton deliver his state of the State message in January. The message was that it was time for the Virginia General Assembly to begin to legislate for the good of all the citizens of the Commonwealth—not just the "big boys."

Since the major bills before the General Assembly have been fully discussed by the news media it might be wise to look at some of the legislation that was not so favored by television and the daily papers. What follows is a list of some of the bills which passed. Each bill's sponsor and code Section affected are in parentheses.

A judge now has the alternative of committing a convicted drug offender to a treatment center instead of prison. (Fears, New S. 54-524.102)

- It is now against the law to show certain motion pictures. For instance, those considered obscene to juveniles where the movie can be seen from a public way or a place of public accommodation. (Brault, S. 181-236.7)
- In certain cases, witnesses to a will may now sign a document instead of making a personal appearance in court when the will is being probated. (Brault, S. 64.1-87.1)
- There is now a new form for filing garnishment proceedings. (Fidler, S. 8-441)
- A series of reforms were passed in order to bring the commonwealth income tax structure into closer conformity with the federal system. This includes moving the filing date to April 15th. (Slaught, 58-151.02 etc.)
- One new addition to the Code was the Retail Franchising Act. (Carneal, S. 13.1-55 to 13.1-574)

There were, of course, a number of bills either shelved or killed outright. It is safe to predict that most will be reintroduced in 1973. For instance the bills requiring open dating and unit pricing will definitely be reconsidered next year, as will no-fault auto insurance—in some form. In action on election laws, the Assembly decided not to hold a Presidential primary in Virginia and not to institute voting for Governor, Lieutenant-Governor and Attorney General by party slate. Environmental measures passed included a wetlands protection bill, a strip mining bill and a Land Use Policy Act. All three were weakened substantially before passage and efforts to strengthen each of them can be expected.

In terms of future legislation reference should be made to several newly created state study commissions. What follows is a list of the major studies to be undertaken in the next few years. Included is the sponsor of the Resolution and the date their report is due.

(Continued on page 23)
The General

The other day I was in Washington, D. C. in search of a large modern office structure along Seventeenth Street, N.W., a search made very dusty and shattering by the blasting, rumbling, and impact of steel against steel, as the city constructs its Metro. My quiet morning stroll along Seventeenth Street increased to a worrisome pace as I wondered if passers-by from Williamsburg were protected from the ultra-hazardous operations by strict liability imposed on Metro contractors. I was most relieved to duck into the entrance of 888 Seventeenth Street, N.W., the home of law offices of Hanson, O'Brien, Birney, Stickle and Butler, and particularly the office of one Major General Arthur B. "Tim" Hanson, United States Marine Corps Reserve, Marshall-Wythe Class of 1940, a senior partner in the firm.

I was thoroughly prepared to interview "The General," gather a few ideas from a prominent alumnus concerning Marshall-Wythe's alumni programs and be on my way. I had prepared a list of questions to break the ice. My interview, I reasoned, would be rather formal, not especially exciting, and rather one sided with my prepared questions being rather quickly exhausted. I would then be back on my way exposing myself to Washington in the mid-Metro era without a hardhat, at the most forty-five minutes later. I was most confident as I announced my name to the firm's receptionist and stated that I was present at the appointed time to meet and talk with Mr. Hanson about our law school.

I was greeted by a man of dynamite with a cigar that shook the confidence of a first year law student the way his two stars and cigar must shake the eagerness of a newly commissioned Second Lieutenant. He greeted me pleasantly and motioned for me to follow. I followed. We entered the office of dark wood and leather of the senior partner of a Washington law firm. His desk-side stenographer was in position waiting to resume her shorthand. The office was also the office of a Major General of the Active Marine Corps Reserve. Momentos of General Hanson's Marine Corps career were displayed. Various campaign awards and the Bronze Star, awarded General Hanson for valor in battle, were framed and displayed recalling the General's World War II participation in the battles of Roi-Namur, Tinian, Saipan, and Iwo Jima. At present, General Hanson is Chairman of the Board of the Marine Corps Reserve Officers Association and President of the Marine Corps War Memorial Foundation. He has served on the Marine Corps Reserve Policy Board appointed by the Secretary of the Navy several times and is presently its President. General Hanson was appointed to the Reserve Forces Policy Board in the Defense Department by Secretary Laird for a term of three years beginning in October 1971.

The subject of my interview resumed his dictation in an effort to clear up the last of Monday morning's correspondence. I nervously fingered for my pen and jotted down a few notes, now and then, as Mr. Hanson fired bits of correspondence my way for a reading that would acquaint me with the scope of his law
practice. He is General Counsel for such organizations as: The American Newspaper Publishers Association, the American Chemical Society, the American Pharmaceutical Association, the National Geographic Society, and the United States Capitol Historical Society.

From doing my homework in preparation for my interview, I discovered that Mr. Hanson had authored various articles as well as a treatise on Libel and related torts. I nervously mentioned that we were studying defamation in Torts class. I was directed to read Hanson on Libel and Related Torts.

With the dismissal of the stenographer, I changed chairs to be closer to my subject and we changed topics from libel suits to our law school in Colonial Williamsburg. I began to relax. Mr. Hanson is a William and Mary graduate of 1939, and a Marshall-Wythe alumnus, receiving his B.C.L. degree with a class of twelve in 1940.

As a student at Marshall-Wythe, Mr. Hanson distinguished himself by serving as Aide to the President of the College from 1938-1940. He was instrumental in organizing student opposition to a Board of Visitors resolution to abolish the granting of law degrees in 1939. As a graduate, Mr. Hanson has become further distinguished. He is a former member of the Board of the William and Mary Law School Association and a past President of the Association. He was a recipient of the school's Alumni Medallion for Distinguished Service and Loyalty in October 1955. He was elected to the College's Endowment Board in 1970. Mr. Hanson has served as a member of the Alumni Board of the College of William and Mary. He has faithfully served other institutions as a member of the Board of the Old Boys Association of the Episcopal High School, Alexandria, Virginia, President of that Association, and a Trustee of the High School. Mr. Hanson has served as Chairman of the Board of Governors of the National Cathedral School, Washington, D.C.

I entered Mr. Hanson's office to interview and seek the opinion of a dynamic Marshall-Wythe alumnus on the current struggle to increase alumni interest and overall support for our law school through a coordinated program. Mr. Hanson's insights were most thought provoking for he immediately shifted the burden of developing alumni programs onto the shoulders of the student.

Most of our law school alumni, reasoned Mr. Hanson, maintain an overall attitude of good will toward the law school that can be channelled into one of active participation provided an innovative, professional effort is expended by the law student-law faculty base. Such an effort, if it is to develop into strong alumni support through a thoroughly active alumni program, must rest primarily on the shoulders of Marshall-Wythe students. The practicing alumni, reasoned Mr. Hanson, is a man in demand in the community; nevertheless, the alumnus is available to respond to the efforts of an interested and dedicated law school student body that is willing to seek an expansion of innovative effort to increase alumni support.

Mr. Hanson, further expanded his belief that the burden must be sustained by the law school student by expressing a belief that such an effort to increase alumni support, if exercised by the student body, will serve a dual purpose of manifesting itself in a degree of cohesiveness within the student body that would counterbalance the school's increased enrollment and diversification. Cohesiveness would, thus, also serve as a base upon which to support active alumni programs, thereby, serving to provide a circuity of result and a finer law school as a consequence.

Further observations of Marshall-Wythe by Mr. Hanson were focused on the requirement that the law school develop a sense of professional responsibility within the law student. Professional responsibility would manifest itself in fostering a supportive attitude for all law school programs and develop a similar supportive attitude for the law school faculty. Professionalism, according to Mr. Hanson, along with cohesiveness and active internal support and effort to increase alumni participation, is likewise bearing heavily on the shoulders of the law student as he progresses toward a professional career. A professional sense of responsibility at the student level must likewise come from the student, and if properly focused, will bind student, faculty, and alumnus into a coordinated effort for a better Marshall-Wythe.

Bearing the burden, as a Marshall-Wythe student, to increase alumni support, to develop cohesiveness within the student body, and to develop a sense of professionalism, I departed the law offices of Hanson, O'Brien, Birney, Stickle and Butler, for Seventeenth Street five hours later, my forty-five minute interview and my list of prepared questions being merely foolish ideas of a person who had never met "The General". I was not quite sure of how I was going to accomplish and sustain the burdens placed on my shoulders. However, I was certainly inspired to bear the burden rather than shift it.

Mr. Hanson supported his belief that the law student of Marshall-Wythe must sustain the burden of providing an innovative alumni program by referring to the relatively few Marshall-Wythe alumni until the recent law school expansion and effort at diversification of the student body. The relatively few alumni, many of whom have distinguished themselves outside the legal profession, stated Mr. Hanson, have made external alumni organization a difficult chore. The increasing number of law students has shifted the burden of providing alumni programs aimed at increasing alumni support to within the law school, specifically, to the shoulders of the student body.
acts of other stockholders not under his immediate control and supervision. (A partner is, of course, personally liable for the negligent business acts of his partner.) Finally, there are two practical reasons for preferring a corporate rather than partnership practice. First, it is much easier to transfer shares in a corporation and thereby transfer an interest in such business than it is to transfer an interests in a partnership. In addition, it might be more comforting to some professionals to have their business carried on in a clearly separate entity such as a corporation.

One consideration can be weighed only by the lawyer himself—the reaction of the public to his corporate status (such status, by the way, must be reflected in the name of his firm). It is difficult to judge whether the public has or will react favorably or unfavorably to such incorporation. Public reaction certainly has had no adverse affect on the incorporation of medical practices. With the advent of so many professional corporations, it is doubtful that the public reaction should be particularly persuasive one way or the other.

Especially if a lawyer has not yet begun his practice and will start a new business, he should consider the relative differences between changing from a corporation to a partnership or from a partnership to a corporation in a later year. Although the issue is not totally settled, a partnership, at the present time, can transfer all of its assets, including accounts receivable (for which no income would have been recognized by a cash basis partnership) to a corporation without the recognition of any gain or loss. A corporation, on the other hand, would probably be unable to transfer its accounts receivable without first recognizing income. To the extent of any appreciation in value, a stockholder would also probably have capital gain upon the distribution of other assets in a complete liquidation of a corporation. Although there are some unresolved questions in this area, it can probably be said that it is easier to incorporate a partnership than to liquidate a corporation and form a partnership.

In summary, for those who can take advantage of substantial contributions to pension and/or profit-sharing plans, incorporation at the present time is clearly advisable. On the other hand, for those who cannot make substantial contributions and who will not be able to do so in the very near future (as will be the case with most young lawyers), the decision of whether or not to incorporate is a difficult one. On balance, there may be a slight advantage to incorporating presently and electing to be taxed under Subchapter S until such election becomes unfavorable from a tax standpoint since there are some advantages which can be enjoyed presently, and other advantages which can be enjoyed in the future unless the law is changed considerably. Especially where a young lawyer will be beginning a new practice, incorporation might be advisable because of the present benefits, the hoped-for future benefits, and the likelihood that a future change of entity would otherwise be desired.

I realize that my description of the lack of power of the judicial branch of our government runs contrary to the popular conception in this country that the judiciary has usurped many of the functions of the executive and legislative branches and has become itself omnipotent. However, a close examination of the political effect of the decisions of the courts definitely points to a different conclusion. The decisions of the courts, perhaps with the exception of those dealing with criminal procedure, that have generated the most controversy have only been decisions which have reflected the changing mores and morals of our culture and society. In other words, the courts have not brought about any political change but have pronounced constitutional decisions which the majority sooner or later would accept or had already accepted anyway. Examples are numerous, but one can easily point to decisions protecting civil and political rights of communists and other fringe political associations, protecting rights to read and distribute pornography, abolishing mandatory public school prayers, and supporting state aid to parochial schools. Only when the courts have tried to lead the majority, as in the case of busing, does the kind of opposition we are seeing today develop and show the true power of such majority.

Until such time as the limitations of the judicial process are understood by all, the feeling of frustration on the part of lawyers and law students will continue to evidence itself in our courts and in our law schools. It is time to make known and accept the fact that the judicial branch of our government really is, as described by Hamilton, the least dangerous branch in the sense of its oppressive powers, and, a fortiori, the least likely to succeed as an affirmative vehicle to bring about any meaningful social change in our society.

The courts will play a significant role in bringing about social change in our society, but the role of the courts will not be to lay down the framework for such change, but only to protect the rights of those seeking change through the political branches of our government.

The observations I have previously made do not represent a condemnation of the judicial process. Instead, I believe they represent a realistic appraisal of human nature and the limitations inherent in the system. To the idealistic college student determined to participate in meaningful social change, to use a worn out yet appropriate cliche, I say, "Right on!" There is a place for you in the legal profession. Those seeking social change through the political process, as well as the poor, desperately need representation. Recognize, however, that the legal services performed for those groups may be routine and not very glamorous. In addition, recognize that every ill in our society is not capable of being solved through class litigation. But, by all means, recognize that the judicial process is not the only (and certainly not always the best) means of "working within the system."
and must emphasize the process of reintegration into the community as the best way of protecting it. Furthermore, it is fiscally advantageous to place corrections within the community because its resources can be more efficiently utilized in the rehabilitative effort. This method also avoids the isolating effect of institutionalization, and permits the building of sound social ties between the offender, his family and the community.

The community treatment center, popularly referred to as a "halfway house," is not a new idea, but experiments have been sporadic and without much interchange of ideas. The result has been failure for varied reasons. But now, under the leadership of the U.S. Bureau of Prisons, a coordinated effort is being made to insure the success of these endeavors by setting out guidelines for planning and operating such centers. In one publication on the subject, the Bureau points out that "[g]eneral public acceptance and some degree of public sharing in deciding [principles, policies and procedures] is the first vital step," and advocates establishment of citizen advisory committees. In general the largest group for such treatment is the low-risk, young, male offender who will only be debilitated by confinement in a large institution, yet is not judged prepared for parole or probation. Individuals are often sent to federal centers, by the courts, for observation and study prior to sentencing; also parolees and probationers in need of a stabilizing experience are assigned without full violation proceedings.28

The primary community resource which is made available by such centers is employment, allowing an offender to maintain some semblance of normalcy in his life and also enabling him to pay for his room and board. These work-release programs depend, of course, on employment opportunities being made available by local businessmen willing to hire a convict. The cooperation problems are obvious.

Employment is not the only instance of public resistance. Halfway houses are typically established in residential areas, whether in refurbished houses or new structures, and the record shows that people have a strong aversion to having a commune of convicts for neighbors. Perhaps when and if more funds become available for this type of program more "inoffensive" locations can be selected.

Another very new and recently implemented correctional technique is pretrial intervention or deferred prosecution. This method involves low-risk, first, and in some cases second, offenders in crimes not involving violence. They are interviewed with the purpose of selecting those who, in the opinion of the administrators, can be better reintegrated without conventional punishment. The offender appears before a judge for his review to determine if a pretrial probation program is the best solution. If so, indictment is postponed for six months to two years while the offender undergoes the therapy program.29 Such programs are being successfully operated in Philadelphia and Baltimore (and perhaps more cities). An interesting feature of the Baltimore program is that it is administered by ex-convicts.

I have been speaking of new methods and techniques, but equally important is the improvement of correctional personnel. This is a formidable task involving consideration of three areas of great scope—recruitment, training, and career planning. The prison guard of today is not a popular individual from any viewpoint—the inmate resents him (often justifiably), higher echelon administrators use him, and society shuns him. Worse yet, inmate resentment often takes the form of outright killing, which, of course, causes a morale problem among guards.30

It only makes sense that if we're going to fight the recurrence of crime we should recruit qualified people and properly train them for the job. A prison employee, from top administrator to lowest guard, should be selected particularly for his temperament and attitudes, among other qualifications, and then specially trained for his particular role in rehabilitation. In response to this need we have the Attorney General's proposal to establish a National Correctional Academy to educate personnel for every level of the correctional effort. A significant increase in the ratio of trained staff to inmates could be a determinant in the decrease in the crime rate.

In order to successfully recruit qualified employees, corrections must be given a career structure similar to other occupations with opportunity for advancement and a comparable pay scale.

Perhaps the proposal which we can implement most quickly is the improvement of classification procedures. Recognizing that the mega-prison will be with us for many years to come and further recognizing that the high price we pay for inadequate classification procedures is, in the words of Chief Justice Burger, "a mingling of youthful offenders and first offenders with recidivists, incorrigibles, drug addicts and others who are seriously mentally disturbed." 31 A priority should be given to a systematized separation of prisoners dependent upon such factors as "prison experience," psychological characteristics, intelligence and educational background when possible.
CONCLUSION

It should now be apparent that philosophically we have progressed a great distance from that seventeenth century Quaker workhouse, but practically we have been at a virtual standstill.

Many people are critical and hesitant about any attempts at reform—they point to the recent revolts at Attica and San Quentin, both modern facilities, as examples of the result of expansion of prisoners’ rights. However, a valid retort to such pessimism was voiced by Norval Morris when, addressing the Corrections Conference, he admitted no surprise “that reform and revolt have moved in the same harness. As one begins the difficult task of reform, one tends to lay bare the inner contradictions of the system.”

I submit that prison revolts are merely an inevitable outer manifestation of the suppressed and latent maladies which afflict our correctional systems. These eruptions only make the need for remedies more clearly urgent. When we consider the failure of our systems and the tragic consequences, it is obvious that we must be bold with our reforms. When we consider that two-thirds of offenders are on probation or parole it is obvious that communities must play a more active role in rehabilitation.

I must agree with those writers and judges who assert that the people, our legislatures, and county governments, rather than the courts, are the optimum media for reform. There is no question that sufficient funding is fundamental to any meaningful efforts, and the people—through the legislatures—control the purse. If a reform effort is to be sustained it must come from the people, not from an order by a judicial body, for it is the community which has the resources for the “new penology.” Furthermore, by means of grants from the federally-funded Law Enforcement Assistance Administration, states and municipalities can receive more aid for corrections this year and hereafter than has ever been available.

We know, therefore, what must be done, and the resources exist with which to begin; all that remains is for us to take action. Let us be militant moderates, proceeding with determination, content with modest victories; but let us not fail to make the steady progress necessary to attain those victories.

FOOTNOTES

2. Marshaling Citizen Power for Corrections, published by The Chamber of Commerce of the United States, 1972. Virginia escaped from being part of these statistics by 4 years—the A cellblock building at the Spring Street Penitentiary was occupied in 1904.
5. Id. at 1038.
8. Spaeth, supra note 4, at 1033-37. See also Coffin v. Reichard, 143 F.2d 443, 445 (6th Cir. 1944) cert. denied 325 U.S. 887 (1945).
15. Note, supra note 9, 57 VA.L.REV. 848-49.
18. Id.
19. Holt v. Sarver, 300 F.Supp. 826 (E.D. Ark. 1969), where the entire Arkansas prison system was held unconstitutional as cruel and unusual punishment.
20. Lee v. Washington, 390 U.S. 333 (1968), aff’d 263 F. Supp. 327 (M.D.Ala. 1966), where complete desegregation of Alabama prison system was ordered and in putting the order into effect numerous consequential reforms resulted. See Note, supra note 9, 57 VA.L.REV. at 879-80.
24. Tort, habeus corpus, and others.
26. Spoken in an address to the National Conference on Corrections on December 7, 1971.
28. Id. at 3.
30. Remarks of Raymond K. Procuriner, Director, California Department of Corrections, at the National Conference on Corrections, December 6, 1971.
31. Id. note 26.
32. Remarks of Norval Morris, Director, Center for Studies In Criminal Justice, University of Chicago, to National Conference on Corrections, December 6, 1971.
33. Chief Justice Warren E. Burger, addressing the National Conference on Corrections, December 7, 1971: James D. Crawford, supra note 29, at 1068-67. There are some commentators who feel that the courts have a heavy burden in reform beyond declaring relief in constitutional rights violations cases. They consider the courts responsible for administration of prisons, parole and probation with a right to demand adequate funds. See, Spaeth, supra note 4, at 1041-43.
34. The LEAA was created in 1968 and its powers enhanced by the Omnibus Crime Control Act of 1970. States may submit requests for “action funds”, technical assistance or educational aids. In a press conference at the National Conference on Corrections on December 6, 1971, Richard W. Velde, Associate Administrator of the LEAA, stated that $225 million had been set aside for corrections oriented grants to states and localities for this fiscal year.
remains tied down to old forms of procedure. There
will be more debates, more conferences, and more
dissent if the courts function as they have in the past.

In order to overcome this potential breakdown of
the administration of justice by the Supreme Court,
procedural changes are also needed. Changes as to
the process of particular justices writing opinions, as
to the reading of briefs submitted to the court for
review, as to the hearing of oral arguments, and as to
rulings upon petitions for appeal are procedures in
which rumination is required in order to achieve the
needed results. The revised Virginia Constitution,
Article VI, section 2 provides, "The Court may set and
render final judgment en banc or in divisions as may
be prescribed by law. No decisions shall become
judgment of the Court, however, except on the con­
currence of at least three justices . . . ." Hence panels
and divisions of less than the entire court may dispose
of the bulk of the cases which burden the Court and
lower its efficiency.

In Virginia, appeal is usually not a matter of right
but discretionary by the Court. The standard of dis­
cretion used by the Virginia Supreme Court in the past
has been that no case will be declined review where
there is shown to have been a substantial possibility
of injustice in the lower court. The court's standard
of discretion, which is so important to the efficacy of
justice, has not been prejudiced by social or juris­
prudential pressures but has been based on the merits
of each case. Today, as the burden of the court in­
creases, the court must begin to decline cases by way
of a standard less than just, a standard not in the
ideal of justice but a standard regulated by over­
population and an increase in crime. The General
Assembly must help the courts with its new Constitu­
tional power to provide a system which produces sub­
stantial justice in relation to the realities of our society.
We now look to reform external to the functions of
the Supreme Court; the revised Constitution of Vir­
ginia permits the General Assembly to establish sub­
ordinate courts of appellate jurisdiction. A lower
appellate system will relieve the Supreme Court of a
majority of its burden and let the Supreme Court
retain its expertise of top quality control on matters of
social and Constitutional importance. This lower ap­
pellate court should be terminal in its nature thus
relieving the issue of double appeals. In eleven of the
twenty-four states which have adopted the use of a
lower appellate court they are terminal rather than
intermediate, in the sense that the Supreme Court's
business usually comes directly from the trial courts
and not as a second appeal.

In order to avoid the problem of double appeal and
the cost which ensues, the division of the Supreme
Court's jurisdiction to the lower appellate court must
be decided carefully. The significance of the appeal
on the legal system as a whole and also of the particular
parties, eg. a life sentence or death sentence imposed,
may be used to determine if the appeal has the merit
to go to the Supreme Court, or if it can be tried justly
in the lower appellate court. As this is an important
issue, decisions regarding its outcome will meet with
various forms of acceptance from the society which it
will serve. It may not be the ideal form of justice, but
the exigence of the situation in society today requires
that the Supreme Court retain its expertise without the
burdens of economics, population, and increases in
Legislative and Constitutional rights from destroying
what is left of its honor and integrity.

The revised Constitution is the stepping stone for
the General Assembly of Virginia to provide a more
credible system of justice to its citizens. Without the
confidence of the public in the system of justice as it
is known in this country, a state of anarchy will
develop. Chief Justice Warren Burger, in an address
to the Judicial Conference at Williamsburg stated,
"We are rapidly approaching the point where this
quiet and patient segment of Americans will totally
lose patience with the cumbersome system that makes
people wait two, three, four or more years to dispose
of an ordinary civil claim while they witness flagrant
defiance of the law by a growing number of law
breakers who jeopardize cities and towns and the life
and property of law-abiding people, and monopolize
the courts in the process. The courts must be enabled
to take care of both civil and criminal litigants without
prejudice or neglect of either." In order for the courts
to decide issues on the merits, society must realize
that the times are changing, and what was efficient
yesterday is not of value today, except in history
books. The courts have not completely fallen from
their pillar of virtue; that which is essentially good in
them may still be brought out of the shadow of their
burden into the light of justice by achieving mean­ing­
ful reform and modernization to meet the realities of
society today.

Note: For further discussion of the problems facing
appellate justice see, "Appellate Justice: A Crisis in
Virginia," Virginia Law Review Vol. 57, Number 1,
RICHMOND (from page 16)

Senate Joint Resolutions:
\#7 (Gray, F. T.) memorializing Congress to amend the Constitution of the United States to forbid busing to achieve racial balance in the public schools.
\#11 (Waddell) creates a commission on bad check losses—to seek methods to reduce losses. (Sept. 1, 1973)
\#16 (Brault) commission to study the cost and administration of health care services. (Dec. 1, 1973)
\#26 (Gray, F. T.) directs the Code Commission to study the extent to which the Uniform Vehicle Code may be usefully adopted. (Nov. 1, 1972)
\#28 (Bateman) to continue the work of the Consumer Credit Study Commission. (Nov. 1, 1973)
\#36 (McNamera) directs the Virginia Advisory Legislative Council to study the Compensation Board. (Nov. 1, 1973)
\#37 (Moody) recommending that the State Corporation Commission adopt rules of practice and procedure.

House Joint Resolutions
\#8 (Lane) directs Virginia Advisory Legislative Council to study the possibility of establishing an office of Ombudsman in Virginia.
\#15 (Heilig) creates a commission on separation and divorce. (Nov. 1, 1972)
\#19 (Diamonstein) creates a commission on the compensation of victims of crime. (November 1, 1973)
\#20 (Philpott) creates a commission to study the system of alcoholic beverage control in Virginia and recommend any changes—or the elimination—of the board. (Jan. 1, 1974)
\#35 (Carneal) direct Virginia Advisory Legislative Council to study feasibility of creating a state agency to assist localities in determining the impact of a new industry in a community. (Nov. 1, 1973)
\#41 (Diamonstein) creating a commission to study the laws regulating professions and occupations and their administration. (Dec. 1, 1972)
\#44 (Slaughter) creation of Land Use Study Commission. (Dec. 1, 1973)
\#50 (McMurrant) directs Virginia Advisory Legislative Council to study the possibility of consolidation of all environmental agencies of the state into one department.
\#121 (Michie) direct state Department of Health to study the advisability of increasing and expanding birth control programs. (Dec. 1, 1972)

When one considers the problems faced by the General Assembly in this session, their record is by and large a good one, especially when compared to some past dismal sessions. Some small, tentative steps were taken into heretofore virgin ground such as consumer and environmental protection. A number of controversial items were given to study commissions and if the legislature will seriously consider the results of the Commissions reports, and not merely bury them in the ever increasing work-load with which they must contend, the future of our Old Dominion will be a bright one.

Alumni News

CLASS OF 1926

We have learned that JUDGE PAUL ACKISS is now serving a new eight-year term as Judge of the Twenty-Eighth Judicial Circuit of Virginia.

CLASS OF 1929

WALTER E. HOFFMAN, District Judge for the Eastern District of Virginia, widowed in the early part of 1971, has recently remarried. The newlyweds vacationed in Europe for their honeymoon. In June, 1970, Washington and Lee University conferred a Doctor of Laws Degree on Judge Hoffman.

CLASS OF 1933

Listed since 1964 in Who's Who in the East is REVEREND BENJAMIN ROGERS BRUNER. Reverend Bruner was elected Vice-President of the Maryland Baptist Convention for 1970-71. He currently resides at 523 Bedford Street, Cumberland, Maryland.

CLASS OF 1948

Who's Who in The East has also recognized IRA BERNARD DWORKIN recently. Mr. Dworkin served as Vice-President of the Hunterdon Country Bar Association in New Jersey last year.

CLASS OF 1950

MYERS N. FISHER and family enjoyed touring Northern Europe last summer while Mr. Fisher attended the 1971 American Bar Association Convention in London, England.

CLASS OF 1951

The Class of 1951 has two current mayors among its members. RALEIGH M. COOLEY is serving as mayor of the town of Hillsville, Virginia and W. ROBERT PHELPS, Jr. is honorary mayor of Denbigh, in Virginia, for 1971-72. Mr. Phelps this past January attended the Rutman National Convention in New York City.

CLASS OF 1952

ROBERT FRIEND BOYD was recently listed in Marquis' Who's Who in Finance and Industry. He is already listed in Who's Who in the South and Southwest and Who's Who in the Methodist Church.

The 1972 Virginia General Assembly has recently elected PRESTON SHANNON to a seat on the State Corporation Commission. Mr. Shannon was counsel for the Chesapeake and Ohio Railroad before joining the SCC as Commerce Counsel in 1969.
CLASS OF 1953

DIKRAN V. KAVALJIAN, JR. is presently serving as president of the Alexandria Bar Association in Alexandria, Virginia. On September 12, 1970, the Kavaljians had their third child, son Dikran V. Kavaljian, III.

CLASS OF 1954

Susan I. Athey, the third child of MR. AND MRS. THOMAS W. ATHEY, was born on May 29, 1971. Mr. Athey is currently judge of the York County Court and Juvenile and Domestic Relations Court of York County, Virginia.

CLASS OF 1955

As of January 1, NATHANIEL BEANMAN III assumed the elected position of vice-chairman of the Board of Trustees of the Norfolk City Employees Retirement System.

In her new position as deputy assistant legal advisor for U.N. affairs, MISS JULIA W. WILLIS, will advise diplomats in the U.N. section of the Department. In addition to this office, Miss Willis is currently the Alternate U.S. Representative to the U.N. Committee on Defining Aggression and a legal advisor to the U.N. Subcommittee on Outer Space. She will attend a meeting of the latter in Geneva, Switzerland in April of this year. During the past several years, Miss Willis' attention has focused on the co-authoring, with chief author Marjorie Whiteman, the fifteen volume Digest of International Law, a work covering World War II to present. The purpose of the Digest, to be published this spring, is to synthesize what the law has been stated to be through U.S. practice and that of other countries. An excellent article about Miss Willis and her work can be found in the March 8 issue of "The Christian Science Monitor."

CLASS OF 1956

FRANK W. McCANN is now a full time distributor with Success Motivation Institute, Inc. of Waco, Texas. His current address has been changed to P. O. Box 1018, Roanoke, Virginia, 24005.

We are happy to announce that a member of the 1972 House of Delegates of the Virginia General Assembly was ROBERT E. QUINN.

FLORIAN BARTOSIC is now a Professor of Law at Wayne State University. He is on the roster of Arbitrators, Federal Mediation and Conciliation Service, as well as being a member of the Michigan Employment Relations Commission and American Arbitration Association.

CLASS OF 1959

FREDERICK AUCAMP has been appointed as the City of Virginia Beach's first Juvenile and Domestic Relations Judge by Senior Circuit Court Judge R. S. Wahab, Jr.

CLASS OF 1960

The 1970 president of the Savannah Chapter of the Federal Bar Association was SAMUEL WEAVER. He is presently the President-Elect of the Metro-Kiwanis of Savannah, Georgia.

FRED B. DEVITT, JR. is the director of both the First and Second National Banks of Delray Beach, Florida. Fred, a real ski buff, went on a ski trip to Austria this past February and is taking a trip to Aspen this April.

CLASS OF 1961

A third child, Samuel, was born to MR. AND MRS. DANIEL U. LIVERMORE, JR. this past January.

CLASS OF 1962

We are proud to announce that W. KENDALL LIPSCOMB, JR. was re-elected as Commonwealth Attorney of New Kent County, Virginia in November, 1971.

CLASS OF 1963

Who's Who in American Politics has recognized EDMUND L. WALTON, JR. Mr. Walton is presently seeking nomination as a delegate to the Republican National Convention. As of May 1, 1972, he will be residing at 4021 University Drive, Fairfax, Virginia.

MR. AND MRS. ALLAN H. HARBERT are the proud parents of two girls, Marion, born June 20, 1970 and Mary Lee, born November 18, 1971. Mr. Harbert was named Outstanding Young Man of the Year of Bridgeton, New Jersey in 1969.

CLASS OF 1964

Following trips to Hong Kong and Taiwan, ALLEN BROWNFIELD has recently completed a visit to Iceland. He is presently working on a new book on crime to be published in 1973, having already had published his works Dossier on Douglas and Hung Up on Freedom. Mr. Brownfield has also contributed articles to such journals as the "Texas Quarterly", "The Christian Century" and "The Commonweal" and is currently a columnist for "Roll Call" and editor of "Private Practice Magazine". He is quite active in Freedoms Foundation at Valley Forge, Pennsylvania.

THOMAS A. SHIELS is now an attorney to the Delaware General Assembly and his current business address is Legislative Council, Legislative Hall, Dover, Delaware. Tom recently attended the Governor's Convocation on Environmental Control in Ann Arbor, Michigan and a convention for Legislative Council attorneys at Boulder, Colorado.

CLASS OF 1965

J. ROBERT BRAY has been appointed Chairman of the Federal Legislation Committee of the North Atlantic Ports Association. He is currently serving as Assistant Secretary of the Board of Commissioners.
of the Virginia Port Authority and is a member of the Legislative Committee of the American Association of Port Authorities.

CLASS OF 1966

A son was born to MR. AND MRS. WINSTON GODWIN SNIDER on June 7, 1971. The boy has been named after his father.

CLASS OF 1967

In addition to his duties as a Major in the Army Reserves, FREDERIC BERTRAND is acting as a member of the Board of Appeals for the City of Montpelier, Vermont and is vice-chairman of the Montpelier Republican Committee. He was recently honored as Outstanding Young Man of America.

J. RODNEY JOHNSON has been promoted to Professor of Law at T. C. Williams School of Law effective August, 1972. In May of this year, he will be attending the ACLEA National Conference on the Uniform Probate Code, in Denver. Mr. and Mrs. Johnson are expecting their second child this April.

CLASS OF 1968

KENT MILLIKAN is now acting as director of a three county legal services program in northwest section of the state of Washington.

F. PRINCE BUTLER has recently become a partner in the Patent Law Firm of Griffin, Branigan and Kindness which has offices in both Richmond and Arlington, Virginia. Prince spent a week of skiing in Canada this April.

DAVID GIBSON, a graduate of our Law and Taxation Program, is acting as regional Counsel for the IRS in San Francisco, California.

GARNETT SAUNDERS is an international tax specialist for Price, Waterhouse and Company.


JOHN GOODRICH, JR. is now associated with the firm of Gordon, Muir and Fitzgerald in Hartford, Connecticut.

CLASS OF 1969

WILLIAM C. FIELD has filed for re-election to the House of Representatives in the West Virginia Legislature for the seat he is presently occupying. He is a member of the firm of DiTrapano and Mitchell in Charleston.

L. KENT WILCOX is now a Special Agent/Attorney for the State of Florida Department of Law Enforcement. The Wilcoxes present address is 1400 NW 10th Ave., Aut. 15L, Miami, Florida 33136.

Having completed his military tour of duty as Staff Judge Advocate for the Fourth Transportation Command, FREDERICK GRILL is now associated as an attorney for the real estate division of the G. C. Murphy Co.

JAMES A. ROY has opened his own office in association with H. K. REVELEY, JR., class of 1968. Mr. and Mrs. Roy are presently expecting their second child.

CLASS OF 1970

Haley Collins, the second child of MR. AND MRS. MICHAEL MCH. COLLINS, was born this past February. Mr. Collins has recently moved into private practice with the firm of Collins and Wilson, located in Covington, Virginia.

STUART D. SPIRN has been appointed Chief of Military Affairs/Administrative Law Division of the Staff Judge Advocate's Office on the Rykyu Islands. His work involves the co-ordination of the reversion of the Rykyu Islands (Okinawa) to Japan. Stuart relates that he recently vacationed in Taiwan while President Nixon was visiting Peking. He comments that "the people of Taiwan were in a complete press blackout as to what was happening on the mainland," and that "it was a rare occasion and in private surroundings that we could talk about it." Once the trip became known, he continued, the reaction from the people on the street was quite negative. In the past 19 months, the Spirs have also traveled to Bangkok, Thailand, the Republic of Singapore, Jahore Baru and Kuala Lumpur in Malaysia, the Phillipines, and Hong Kong.

STEPHEN R. CRAMPTON is presently a member of the firm Gravel and Shea in Burlington, Vermont. He is building a vacation house on Martha's Vineyard and sends out a welcome to fellow alumni who find themselves in that area.

CLASS OF 1971

A son, Christopher Jeffrey, was born to the R. RICHARD GOLDS on October 27, 1971. They are living at 1236 Rolling Meadow Rd., Pittsburgh, Pa. 15241.

FRED K. MORRISON has been admitted to the bar of the Army Court of Military Review and United States Court of Military Appeals. After July, 1972, his address will be Office of the Staff Judge Advocate, 9th Infantry Division, Fort Lewis, Washington.

On November 5, 1971 Mr. AND MRS. ROBERT CARR NICHOLS had their second child, a boy named Timothy Peter. Robert is now an attorney with the Newport News Shipyards and Drydock Company.

We would like to thank everyone for their quick responses to our letter, and once again we would invite all alumni to drop us a short note informing us of any important changes or events in your career. Write to:

The Colonial Lawyer
Greg Pomije and Jean-Lorraine Leitgeb
Marshall-Wythe School of Law
College of William and Mary
Williamsburg, Va. 23185