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THE COLONIAL LAWYER
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2
CONSTRUCTION PROGRESSES
William B. Spong, Jr.

SCHAUER: NEW PROFESSOR, NEW BOOK, NEW APPROACH
Mary Jane Morrison

7
STUDENT LEGAL SERVICES
OPEN DOORS
Moe Hamilton

8
JACKSON INITIATES LEGAL FORUM SERIES
Reyna Reidland

10
JUGGLING LAW BOOKS AND CHILDREN
Jim Rollings

12
SO YOU WANT TO BE A LAW HUSBAND
Robert T. Cyphers

14
AMERICAN LEGAL EDUCATION CELEBRATES BICENTENNIAL
Cynthia K. Baskett

18
PROOF’S BURDEN
Andy Thurman

Oxford WINDOWS, A GIFT FROM ALL SOULS COLLEGE
William F. Swindler

27
LOYALTY
Judy Brennan

Cover medallion designed by Mel LeBlanc.

Mr. LeBlanc attended Munson William Proctor Institute in Utica, New York, where he studied under the noted American Sculptor Winslow Eves. Among Mr. LeBlanc’s most notable works are “Aftermath of War,” a four-foot plaster of Paris casting depicting the spoils of war, and a bronze casting of a bar relief of Colonel Griffis which was dedicated at the naming of Griffis Air Force Base in Rome, New York. Mr. LeBlanc’s artistic talents extend to television graphics, cartooning, pen and ink renderings, and media publications illustrations. He is presently Chief of Graphic Arts at the Army Logistics Management Center, Fort Lee, Virginia.
Harvey Chappell, a member of Christian, Barton, Epps, Brent & Chappell and past president of the Virginia Bar Association, will be the speaker for commencement ceremonies on Sunday, May 13th 1979.

Toni Marie Massaro, rising third-year student, has been selected as the Editor-in-Chief of the William and Mary Law Review for academic year 1979-80. Ms. Massaro will serve as the first woman editor of the law review.

Nelson Blish a third-year student at Marshall-Wythe, published a collection of his poems. The collection of poems is entitled Some Times and was published by Vantage Press Inc.

The following students have been chosen for membership in the St. George Tucker Society.

Tony Anikeff  
Linda Copinger  
Dennis Crimmins  
Kathy Davidson  
William Fields  
Jay Fries  
Katherine Jillson  
Nancy Kern  
Nancy McBride  
Edward McCullough  
Toni Massaro  
Jay Neal  
Robert Rapaport  
Francis Reynolds  
Ralph Santos  
Craig H. Smith  
Rebecca Smith  
Robin Strickler  
Robert Wooldridge  
Anita Zuckerman

The following is a list of some of the items to be included in the cornerstone which is to be laid on Law Day 1979:

Xerox Copies of photostats of the Inns of Court admissions of Sir John Randolph and his sons, Peyton and John.

Xerox of Jefferson letter referring to his reading law under Wythe, 1762-1766.

Documents on the first period of the law program, 1779-1861

List of all members of the new law faculty

Copy of pen/ink sketch of present building

Current Law School Catalogue and view book

Volume on Marshall-Wythe-Blackstone proceedings of 1955

Issue of William and Mary Law Review; Colonial Lawyer; Amicus Curiae

National Center for State Courts Report

ABA Journal article of December 1978; bicentennial folder; Law Day program and invitation

Dr. William F. Swindler received the Thomas Jefferson Award on Charter Day, February 10th, 1979.
New Law Building

Construction Progresses

By William B. Spong, Jr.

Last April when I wrote a report for the Colonial Lawyer, work had just begun on our new law building. During the past year students and faculty have watched the steel go up and the brickwork being completed. Despite winter snows the architect says that construction is on schedule. Indeed, after the snow melted many were amazed to note the progress made during the winter on the construction.

On April 28th, perhaps before publication of this, Law Day will be observed in Williamsburg with a dual ceremony. First, there will be a program sponsored jointly by the Marshall-Wythe School of Law, Virginia State Bar and the Virginia Bar Association. The program will feature an address by Shepherd Tate, President of the American Bar Association, that will be given at 2 p.m. at Phi Beta Kappa Hall. After the Law Day speech a cornerstone laying ceremony will take place at the new law building. Dr. William F. Swindler has been consulting with the faculty for several months about the contents of the box to be placed in the cornerstone.

There will be brief remarks at the building site by Chief Justice Lawrence W. T’Anson of the Virginia Supreme Court, after which a reception will be held for those in attendance at the two ceremonies. Invitations have been sent to all alumni and students for the Law Day observance which commemorates establishment of the first chair of law in the United States at William and Mary and signals approaching completion of the law building.

We have been fortunate to receive a number of gifts for the building. The William Blackstone and Christopher Wren stained glass windows, given to us by All Souls College, Oxford University, are now being relaided and cleaned for placement in the building at the end of the entrance foyer. Also through the generosity of Mr. and Mrs. Robert Friend Boyd of Norfolk (Bob is a Marshall-Wythe graduate), a handsome portrait of George Wythe is being prepared by Richmond Artist, David Silvette.

As construction has progressed and I have had an opportunity to show picture slides of the building at alumni dinners throughout the State, it has become apparent that a large amount of square footage in the building will be devoted to the library which, with basement, will have three stories. All of us look forward to the day when we will have a law library that can serve the needs of our students and allow them to work in an uncrowded atmosphere. We presently have a library collection of over 125,000 volumes and a projected growth of 9,000 volumes a year. The latest addition to the library is an Environmental Law collection, being purchased with funds given by the Virginia Environmental Foundation.

We have had a faculty committee working with the architect for several months. They have reviewed proposed furnishings with the staff and faculty and are working to assure that the interior of the building will be something in which we can all be proud. The road for the law school at William and Mary has been long and, at times, uncertain. We hope our former students who labored in James Blair Hall, Bryan basement and our present building will have an early opportunity to visit the new structure and will be pleased by what they see.
Frederick F. Schauer this year joined the faculty at Marshall-Wythe School of Law as an associate professor. He came here from the faculty of West Virginia University College of Law, by way of Cambridge University. At Cambridge he was Visiting Scholar and Member of the Faculty of Law and Senior Member of Wolfson College. Professor Schauer earned degrees from Dartmouth College (A.B., 1967; M.B.A., 1968) and Harvard Law School (J.D., 1972). He is currently teaching constitutional law, jurisprudence, and conflict of laws, and is moot court advisor. He is well qualified for this latter duty by his experience as a finalist, best oralist, and team captain of the Ames Moot Court Competition while at Harvard and his substantial appellate practice as an attorney in Boston.

Professor Schauer's special area of interest is the first amendment. This interest is reflected in his many law review articles and his first book, The Law of Obscenity (Washington: B.N.A. Books, 1976). He has recently approached the topic of free speech from a more philosophical point of view; this approach is reflected in a book on which he is currently working, The Philosophy of Free Speech. The following sketch of his views is taken from conversations with him and from the manuscript for that book, which he expects to publish within the next year.
By Mary Jane Morrison

The first thing to notice about speech, Professor Schauer says, is that it can and sometimes does cause harm—to the speaker, to other persons, to the state. It can hurt feelings, damage reputations, lead to revolutions. Thus, freedom of speech cannot be justified by arguing in support of freedom for activities, which cause no harm to others. Speech, Schauer notes, is an inherently other-regarding activity, for the very purpose of speech is to have effects on others. Given these two points, why should speech be protected, and for whom should it be protected? These three questions are part of the framework for the analysis Schauer gives the bundle of concepts making up the concept of free speech.

Professor Schauer's method is philosophical by way of being critically analytic, without also being deeply epistemological or metaphysical. Indeed, he hopes to remain epistemologically neutral, for his purpose is not to give a full-blown philosophy per se but to give an analysis of free speech that yields a free speech principle, namely, a justification for protecting speech in particular rather than a justification for a more general notion of liberty. Schauer's philosophical touchstone throughout is that if "free speech" means anything there must be a distinct principle, for its absence means "governmental power can be applied as effectively and efficiently in the regulation of speech as in the regulation of any other form of conduct." Schauer therefore rejects the justification of free speech in terms of the value of self-expansion, because almost any voluntary conduct is analytically indistinguishable from self-expression.

Schauer identifies one aspect of the argument from truth, however, as being importantly correct: By focusing our attention on our fallibility and making correction of falsity important, the argument from truth affords us partial justification for distinguishing between governmental suppression of opinion and other governmental action. Just as one person may have difficulty in discerning incorrect beliefs, so too may a governmental body. In fact, Schauer argues, history shows governments often have been incapable of distinguishing truth from falsity. To the extent that we have an interest in correcting our own beliefs we should be reluctant to give others authority to decide what is right or wrong, true or false, protected or suppressible.

He goes on to give detailed critical assessments of several other justifications for freedom of speech, e.g. the argument from democracy, and to pick them over for insights worth preserving; but the point Schauer makes about our fallibility becomes the driving force behind these assessments and serves as the point of departure for his own view. That view is that free speech is primarily a right of the individual against government. It is significantly related to the importance of discovering error in received views of government, where an erroneous received view can have the most harmful effects. This right is not one of the individual per se; rather, it is a right of the individual vis a vis government. In Hobbes' state of nature there would be no such right. Nor would that right exist in a world in which government could and did always properly distinguish truth from falsity. This is to say that Schauer's free speech principle is instrumental, for it is parasitic on the government's inability always to know what the truth is. This is not to say, however, that he holds there would be no free speech if government could properly decide, for some speech might still be
The search for truth is not society's only value free as a consequence of a non-instrumentalist principle that liberty is a good in and of itself.

Thus, in critically examining the conventional and old argument from truth—that speech must be free, discussion must be open, if we are to disseminate truth and discover and correct falsity—Schauer does not rest his evaluation of the argument on an enumeration of the problems of justifying our aim for truth, of deciding what truth is or how it can be known. Instead he argues that although openness of discussion may be a necessary condition for arriving at truth, it is not a sufficient condition because truth is not always what survives open discussion. By failing to establish the appropriate link between open discussion and the survival of truth, he says, the argument from truth fails to explain why open discussion is to be prized. Because the search for truth is not the only value of our society, even were we to accept arguendo that open discussion leads to truth, the argument from truth is doomed to failure. It cannot explain and justify the suppression of some speech and must instead result in a virtually absolute freedom of speech.

It is initially counter-intuitive and paradoxical to think of the right to free speech as defeasible by the existence of a more perfect governmental ability to distinguish truth from falsity. Bertrand Russell, praticioner par excellence of the analytic method, once said “the point of philosophy is to start with something so simple as not to seem worth stating, and to end with something so paradoxical that no one will believe it.” Schauer starts with the two obvious points that speech can cause harm and that governments cannot always discern what is true, and arrives at an analysis that free speech may in some possible world be unnecessary. Of course, Schauer's analysis does not end with this paradoxical, and perhaps dryly logical, result, for he goes on to apply the concept to traditional problems arising from the conflicts of free speech and other societal values in areas such as defamation, obscenity, picketing, and national security. Perhaps one of the characteristics inherent in close analysis is that such analysis uncovers more questions than it answers. As Schauer himself says, his analysis presents new ways of looking at old problems and raises more questions than we would have thought existed here. That is a healthy sign of good philosophical analysis in progress.

Mary Jane Morrison
B.A. University of Florida, 1965
M.A. University of Illinois, 1971
J.D. expected 1981
Student Legal Services Opens Doors

By Moe Hamilton

Student Legal Services, located on the second floor of 153 Richmond Road, opened its doors last September to assist students with their legal problems. Mark Warlick, the director of Student Legal Services, has been very pleased with the response from the student body. According to Mark, "this type of service is needed in a student community, and it helps to build a positive attitude among the student population toward attorneys, and the legal system."

The organization which is funded by the board of student affairs of William and Mary, and by a matching grant from the Student Law Division of the American Bar Association, has received much acclaim from local and student news media.

Approximately seventy-five percent of those visiting Student Legal Services last semester qualified as student clients. Those who did not qualify because of the nature of their problem, or for another reason were referred to Peninsula Legal Aid, or the Virginia Lawyers Referral Service run by the Virginia State Bar. The problems encountered by SLS have included college disciplinary proceedings, name changes, immigration and deportation issues, landlord-tenant grievances, summer employment problems, warranties and service problems with organizations selling items to students, and some Freedom of Information Act issues concerning school policies.

The procedure for assisting students at SLS is as follows. Students receive an interview and consultation with a student legal intern. The interns analyse the problem and consider available remedies. Advice is then rendered by the SLS volunteer attorney, Sam Powell, who talks over possible courses of action with the student intern. The client is then given legal advice and together the client and intern decide which course of action to pursue.

Approximately thirty-five law students have been assigned as interns for SLS during the weekday hours of 10:00 a.m. to 5:00 p.m. A secretary has been employed to fulfill the Services clerical needs. Third year practice students have been involved in the courtroom aspects of SLS program.

This spring Student Legal Services will sponsor a forum to address the legal aspects of leases and rental agreements. The forum has been organized by second-year student, Barbara O'Brien. Professor Mike Madison, and representatives from local realty management companies will participate.

Student Legal Services fulfills a need at the college for student representation and participation in the legal system. We urge alumni support so that SLS can continue to be a viable program at the college. Please send us your ideas and suggestions. You may write the office at the following address:

153 Richmond Rd.
Williamsburg, Va. 23185
Jackson Initiates Legal Forum Series

By Reyna Reidland

Sen. Henry M. "Scoop" Jackson

As a new institution begun in the bicentennial year of America's oldest law school, the Student Legal Forum promises to perform a beneficial community service by bringing nationally prominent speakers to Williamsburg for a continuing series of public lectures. The forum is the brainchild of first-year law students Michael Holm and Paul Frampton who, with the blessings of Marshall-Wythe Law School Dean William B. Spong, Jr., hope to enlist student and alumni aid in attracting significant speakers to the program. In addition to assurances of law school funds and offers of assistance from community leaders, financial support for the successful March 18th lecture of Senator Henry "Scoop" Jackson (D-Wash.) has already been received from the American Bar Association, the Graduate School of Business and the Faculty Lecture Series. Encouraged by the favorable response from the students, administration and community, the forum's organizers plan to appear before the Board of Student Affairs this spring to request funding for next fall's projected lectures and possible debates.

Holm, a veteran of a similar lecture series at the University of Virginia, is confident that the area's historical charm, enhanced by the 1976 Presidential Debate held in Phi Beta Kappa Hall, will be a drawing card for such possible future speakers as former President Gerald Ford, columnist James J. Kilpatrick, former Ambassador Adreshir Zahedi of Iran and Senator Edward M. Kennedy (D-Mass.), with whom the organization has already been in contact. Noting that political candidates are typically eager for opportunities to present their views of the world, Holm sees a diverse and fertile field of prospective speakers in the upcoming presidential campaign. Dean Spong, a former senator, is writing to potential speakers, urging many of his past colleagues to accept the forum's invitation to speak on current issues.

There has been a vacuum over the past few years of significant speakers at William and Mary, and the Legal Forum organizers hope to remedy the situation. According to Holm, the Forum would like to sponsor up to ten speakers each year including at least one debate. These would be marketed to the students and community in the form of a series with revenues obtained being used to finance the cost of the series. Of vital importance to the success of the Forum is the support of the community and alumni. The Legal Forum would welcome any contributions or assistance from individuals who could offer help in contacting potential speakers.

Currently, the membership of the Legal Forum numbers around ten, those students who assisted in preparations for the Jackson speech. Officers for the coming year have been elected, however, with Holm as president, Frampton, vice president, and Cindi Cobb, another first-year student at Marshall-Wythe, as secretary.

At the Forum's March 18th premiere, guest lecturer Jackson, who chairs the Senate Committee on Energy and Natural Resources and is a member of the Senate Armed Services Committee, devoted much of his speech to the Mideast, energy and the proposed SALT II agreement. An active question and answer period, stimulated by the Senator's hour-long speech, provided the audience with the chance to probe many of Jackson's comments. In all, the Student Legal Forum's founders were well-pleased with the success of the evening and predict a long future for the organization.
Marshall-Wythe Chapter

Society Ends Successful Year

The Marshall-Wythe Student Chapter of the Supreme Court Historical Society has completed another successful year of activities, bringing an expanded knowledge of the history and operations of the Supreme Court of the United States to the students of the law school.

Among the most successful activities of the Marshall-Wythe Chapter, the first student Chapter of the organization in the nation, was the third annual visit of the society to the Supreme Court of the United States. While at the Court the fifty students viewed the Court’s exhibit halls, which were filled with an exhibit of the drawings of artist Betty Wells, depicting the day to day activities of the Court. Among these works was a drawing of the first group of students of the Marshall-Wythe Chapter to visit the Court speaking with Mr. Justice Powell. In addition, the group attended the afternoon session of oral arguments before the Court. The high point of the afternoon, however, was a meeting with Mr. Justice Stewart, at which the Chapter presented him with the John Marshall Award for Excellence in American Legal History in recognition of the Justice’s devotion to the history of the Supreme Court.

The rapidly expanding Marshall-Wythe Chapter also sponsored several lectures and a showing of the authoritative film series, *Equal Justice Under Law*. Under the auspices of the Supreme Court Historical Society and other law school organizations, Richard Clutterbuck, internationally recognized expert in the field of terrorism, spoke to the college community. In addition, the Marshall-Wythe Chapter was honored to have Professor Frederick F. Schauer discuss problems associated with the First Amendment and prior restraint with students of the Chapter.

In recognition of the bicentennial of American legal education, celebrated at the Marshall-Wythe School of Law this year, the Society, at the suggestion of Professor William F. Swindler, faculty advisor of the group, also arranged for Mr. Mel Le Blanc’s presentation of his design for a bicentennial seal to the law school. The seal commemorates the establishment of the chair of law and police at the College of William and Mary in 1779. As this year’s officers, Ann Morrison (President), Rebecca Smith (Vice President), Carol Hill (Vice President), Anita McFalls (Secretary) and Terry Diamond (Treasurer), left office, plans had already begun for a fourth successful year for the Society at Marshall-Wythe in 1979-1980.

Mary and William Conference Draws 200

A conference on Women and the Law highlighted the year’s activities of the Mary and William Women’s Law Society, according to Nancy McBride, president of the Society for 1978-79. The spring conference drew more than 200 participants from across the state.

Participants had the opportunity to attend four of the 19 workshops offered during the day-long gathering, covering topics as diverse women and the constitution, property and inheritance rights of women, and procedural aspects of Title VII litigation, McBride said.

The main speakers at the conference were New York attorneys Mark and Brenda Feigen Fasteau, who told the group at a luncheon gathering of the many experiences they have had in the women’s movement, McBride said. The luncheon also provided the setting for the presentation of a student award to Ingrid Hillinger, a Lecturer in Law at Marshall-Wythe and a 1976 graduate. Hillinger founded the Mary and William Women’s Law Society when she was a law student.

Bessida White, chairwoman of the 1979 Conference on Women and the Law.

McBride said that society members hope to make the conference an annual event and welcome alumni support of the conference and membership in the Society. Anyone wishing to join the society or to be placed on the group’s mailing list should write to the secretary of the Mary and William Women’s Law Society, in care of the law school, she said.
Juggling Law Books and Children

By Jim Rollings

Among this year’s Marshall-Wythe School of Law graduates at William and Mary, more than ever before, women with children are joining the respected ranks of the legal profession.

Men have been both fathers and lawyers all along. But that is precisely why society takes them for granted. It is the newness of the mother/lawyer combination that still makes it extraordinary.

Not unexpectedly, these goal-minded women do not consider themselves particularly unusual. They work very hard, and seem to have no time for the socializing, shopping, and T-V watching that many of their friends do. But to themselves, they are simply following through on the choices they’ve made, postponing the time when life will resume a hectic pace, rather than the superhuman juggling act it now is.

“I make a list every day; that includes everything from wake-up time to a trip to the drycleaners,” says Christie Cyphers of Williamsburg.

Ms. Cyphers was a high school dropout. Her husband Bob is a former schoolteacher turned plumber; he holds a Master’s degree in education. Their two children -- David, 10, and Jennifer, four -- are “just your average normal children.”

“David plays soccer and basketball and he’s in Scouting. Bob is an assistant Scout leader. They’re all very helpful to me,” she says.

“Each of us has our responsibilities around the home. We all have our jobs we’re supposed to do. That’s not to say they always get done, but it’s a good system anyway,” says Ms. Cyphers.

According to Ms. Cyphers, good baby sitters are hard to find, and hard to afford once you find them. So she and her husband both make extra efforts to spend their time with the family.

“I guess any mother has to cope with some guilt over leaving her kids with a sitter while she goes off to school or work, but I’m convinced that it’s the quality more than the quantity of time spent with children that’s important,” says Ms. Cyphers.

Doris Perry of Portsmouth shares that sentiment. Also the mother of two -- Patrice, six, and Andre, one -- the added burden of commuting to Williamsburg each day has left little time for her to do anything else.

“‘I’m fortunate because the children have grandma and their aunts and uncles at home to look out for them. I think it’s much better for the relatives to care for them, and I couldn’t have done it without their help,’” says Ms. Perry. The grades have suffered because my family has to come first.

Another commuting mother seeking a Doctor of Jurisprudence is Judith D. Cook of Virginia Beach. A divorcee. Ms. Cook has undertaken the impossible. She has two teen-age sons--ages 16 and 15--a nine year-old daughter and a hankering to hang out her own shingle.

Up every morning at 6:30. Ms. Cook tries to time her study activities to coincide with her children’s homework time. But even the best-laid plans can go awry.

“The night before my corporate law exam, my son came home with a sprained ankle. So it was off to the emergency room for treatment, bandages, crutches, the whole thing. Then my daughter came home ill before my tax exams. Well. I had to just let the studies go. but it shows up in the grades.” Ms. Cook says.

Though each of these women has a different set of circumstances at home, and different reasons for applying themselves to the awesome task of obtaining a law degree, they each share many things in common.

First, and probably foremost, is their extreme self-discipline. A regimen of classes/study/children/classes etc., etc., would drive most people crazy if not kill them altogether. But law school, and especially law school at William and Mary, makes the study burden many times heavier. One wonders why they didn’t choose something easy like solving the problems of the Middle East.

Second is the active support of the immediate family members. Of course, male law students usually have their families’ support also. But for women, and particularly women with children, that support is crucial.

Third is careful organization. Ms. Bessida White of Richmond, put it succinctly.

“It takes an abundance of hard work and organization to raise a family and study law.

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“I live by a list. If it’s not on my list, it doesn’t get done. Even relaxation has to go on my list, and for me relaxation means not thinking of anything on my list,” says Ms. White.

And fourth is a belief in equality of opportunity for both sexes. Whether by active support or simply by belief and lifestyle, women’s rights are a factor for these dedicated Moms.

“I’ve been active in the women’s movement for eight
Comparing notes from their classes are (clockwise from lower left Christy Cyphers, Judith Cook, Doris Perry and Judy Foster.

or nine years," explains Ms. White. "My husband and I have lectured on the topic in most of the high schools and colleges in Virginia. And it should be said that caring for a family while carrying on a career or education is equally difficult for the mother or father. If it’s not, someone isn’t pulling their load," Ms. White asserts.

Ms. White, like many of the other mothers, has brought her child—a two-and-a-half year old girl named Lauren—to the William and Mary campus to show her the Marshall-Wythe School of Law. This helps create an understanding of where Mommy goes during the day, and what she is doing.

The question "Why?" is one they all admit to hearing several times, and they all have different answers to explain their motivations.

Judy Foster of Williamsburg says that because her father is a certified public accountant and a lawyer, she has always been surrounded by law books and legal jargon. So it seems only natural for her to go to law school.

"It’s difficult with a six month old, but I think it’s easier to handle than a full-time job," Ms. Foster says.

after graduation, Ms. Foster and her son Samed Michel will go to Iraq to join her husband, Dr. Sabah Wali. Dr. Wali is head of the physiology department in the medical center at the University of Kufa in Iraq.

"So much money changes hands in the Middle East, there must be room for someone with a law degree over there," explains Ms. Foster.

Doris Perry says that civil and social law will be her field, and she already has a job with the Roanoke Legal Aid Society.

"Just having the education and being able to accomplish things I want to do are my reasons for getting the degree," Ms. Perry states.

Besida White states similar objectives, with an emphasis on human rights and criminal law.

Judith Cook wants to go into general practice, preferably on her own or with a small firm.

Corporate law and large firms don’t appeal to me.

"Corporate law and large firms don’t appeal to me. I think a broad view and experience will make me a better lawyer," Ms. Cook says.

Dianne Wilcox, who probably will give birth to her first child before this story sees print, shares her experiences in order to "round out" the women law student’s viewpoint.

"I had my first job interview recently," says Ms. Wilcox. "The interviewer took one look at my stomach and my chances went down the drain. But I still feel I
"Congress really breach-birthed that one!"

"Once the teacher was discussing the new securities and exchange laws, which had been rushed through by Congress at the end of the session. "Congress really breach-birthed that one!" he said. Then he looked at me with wide eyes and turned beet-red," Ms. Wilcox says.

If these women and their stories seem a bit unorthodox, it's because they are. Few individuals have the circumstances or the desire to accomplish what they are doing. Fewer still would have the sheer physical stamina to keep it up for three years.

Whatever the reactions of society in general, it is impossible not to respect the amount of will-power and effort these women have generated. And they all want their kids to be proud of them when they say, "My Mom, the lawyer."

Editor's note: Dianne Wilcox, pictured above was delivered of a healthy son, Victor Nathaniel on March 5, 1979.

So You Want To Be A Law Husband

Robert T. Cyphers

My wife and I have been married for six years, and for all of those years my wife has been in school -- the first three years in undergraduate school and the last three years in law school. Thus there haven't been any traumatic adjustments in my life by virtue of the fact that she is now in law school. I don't mean to imply that law school has been a breeze for either of us. We've had our share of problems, such as money, babysitters for our two children, etc.

Our major problems have centered around delegation of household and parental duties. Upon moving to Williamsburg, I started my own plumbing and heating business. This has meant that I often put in as much as eighteen hours a day. This leaves me precious little time for doing my share of the housework. Between classes and studying, my wife also has very little time for such chores. The result is a messy house! Actually, the day-to-day chores get done because everyone in the family has designated chores. For example, our ten year old son, David, takes out the trash, cleans his room and runs the vacuum cleaner. Our four year old, Jennifer, makes her own bed, helps to fold clothes, and feeds our dog and cat. Things may not always get done, but I've learned to adjust.

One major concern of both myself and my wife is that we don't get to spend as much time with our children as we would like. Nonetheless, I believe our children have received a positive benefit from my wife's attendance in law school. Jennifer is very independent and loves staying with her babysitter where she learned at a very early age how to socialize constructively with
her peers.

David really has very little time for us. He has soccer practice three times a week, games twice a week, tap dancing and disco dancing lessons, and a paper route. He is also very active in the youth group at church. At this point in his life, having to spend an evening with his family is quite dull.

I must admit there are some bad times around our household. Exam time is the worst. Everything falls apart, including my wife. She hibernates to our bedroom wearing the most ragged robe she owns, props herself up in the bed, surrounds herself with books, cigarettes and Diet Rites, and emerges only to get food and drink. It is during these times I realize just how much my wife ordinarily does in the way of housework. By the end of the exam period, it takes a shovel to clear a path clear through our house. It seems that when she doesn’t do her share of the work we all fall apart. Thank goodness, exams are only given twice a year.

As a “law husband” my major gripe is law school parties. This may seem facetious and unimportant and as any good lawyer would point out, “neither law spouses nor law students are required to attend said parties.” This is true, but one attends such gatherings in the hope that conditions will improve. My wife is also a strong influence on my decisions to attend. Thus we generally make our appearance and after an appropriate length of time, we sneak out to our favorite local disco. Having indicted (picked this word up at a law party) law parties as my major complaint, I think it only fair that I explain my reasons. The main reason is that law parties are attended by law students and law students simply don't know how to party. The majority of law students attending these parties are bores. Before attending the first of these parties I had expected to meet a group of interesting, intellectual and diverse individuals. To my surprise, law students tend to talk only about law and law professors. The law can be interesting, even to a layman such as myself, but only when spoken in an intelligible language. Law students speak in code, e.g., torts, vicarious liability, res ipsa, corpus delicti. I often wonder if these law students will be able to communicate with clients when they become lawyers.

I realize this complaint isn't earthshattering, but I appreciate having been given the opportunity to air my grievance.

I have sketched out my life as a “law husband” but I haven't told you the main reason for accepting and even encouraging my wife to go to law school. It's really very simple -- I'm looking forward to an early retirement!
By Cynthia K. Baskett

Members of the American legal profession will celebrate a milestone in their history this year. December 4, 1979, marks the two hundredth anniversary of American legal education. Thomas Jefferson, while he was governor of Virginia, established the first American chair of law at the College of William and Mary. The establishment of the William and Mary chair of law and police followed by only twenty-one years the founding of the first (vinerian) chair of common law in the English speaking world at Oxford University in 1758. The occupant of the first English chair of law was Sir William Blackstone, author of Blackstone's Commentaries on The Laws of England.

George Wythe, styled by Jefferson as the American Aristides, was the professor elected by the College's board of visitors to occupy the chair of law and police. Among the members of the board were Thomas Jefferson, James Blair, James Madison, Edmund Randolph, Thomas Nelson, and Benjamin Harrison. Wythe was born in 1726 in Elizabeth City County, Virginia. After finishing his course at the College of William and Mary, he studied law in a law office, was admitted to the bar at the age of twenty and rose rapidly in his profession. He was a member of the Continental Congress and became the first Virginia signer of the Declaration of Independence. He also served as a member of the Constitutional Convention and later presided over some of the Virginia Convention Sessions and chairman of the Committee of the Whole. But for Wythe's services in the Convention of 1788, Virginia would not have ratified the Constitution of the United States as it stood, and the entire course of American history may have been materially changed.

Wythe became sole high Chancellor of Virginia. In 1782, while serving on the High Court of Chancery in the case of Commonwealth v. Coton, 4 Call (Va.) 5 (1782), twenty-one years before the celebrated case of Marbury v. Madison, Wythe unequivocally stated:
"Nay more, if the whole legislature, an event to be deprecated, should attempt to overstep the bounds prescribed to them by the people, I, in administering the public justice of the country, will meet their united powers at my seat in this tribunal; and pointing to the Constitution, will say to them, 'here is the limit of your authority; and hither shall you go but no further'."

This was one of the earliest known instances stating that a court may hold a legislative act unconstitutional.

Jefferson said of Wythe, "He was my ancient master, my earliest and best friend, and to him I am indebted for first impressions which have had the most salutary influence on the course of my life."

The William and Mary chair of law and "police" - the latter term simply meaning the complete organizational scheme of government in eighteenth century usage - was intended to train both lawyers and civil servants for the new nation. Wythe assumed his duties in 1779 and continued to serve as professor of law until 1791. From the start the new school was a success. On July 26, 1780, Jefferson wrote to Madison:

"Our new institution at the College has had a success which has gained it universal applause. Wythe's school is numerous. They hold weekly courts and assemblies in the capitol. The professors join in it, and the young men dispute with elegance, method and learning. This single school by throwing from time to time new hands well principled, and well informed into the legislature, will be of infinite value."

Wythe's success as a teacher was phenomenal. Among his students (before, during, and after he occupied the first chair of law in America) were Thomas Jefferson, James Monroe, John Marshall, Edmund Randolph, and Henry Clay. Wythe's course, which was both thorough and practical was based on Blackstone as a textbook, supplemented with lectures.
Succeeding Wythe was the second professor of law, St. George Tucker, a native of Bermuda.

comparing English and Virginia law. John Brown, afterwards one of the first senators from Kentucky, wrote on July 6th, 1780:

"My Wythe, ever attentive to the improvement of his pupils, founded two institutions for that purpose, the first is a moot court, held monthly or oftener in the place formerly occupied by the General Court in the Capitol. Mr. Wythe and the other professors sit as judges. Our audience consists of the most respectable of the citizens, before whom we plead causes given out by Mr. Wythe. Lawyerlike, I assure you. He has form'd us into a Legislative Body consisting of about forty members. Mr. Wythe is speaker to the house and takes all possible pains to instruct us in the rules of Parliament."

Succeeding Wythe was the second professor of law, St. George Tucker, a native of Bermuda, who had been one of the last products of Wythe's preceptorship before the resolution. Tucker was interested in promoting a broad educational base for the aspiring practitioner, and during his dozen years of teaching seems to have been instrumental in establishing a formal prerequisite of a liberal arts education to qualify for the Bachelor of Laws degree. Tucker was also the author of Tucker's Blackstone, the first legal textbook published in America. His annotations show fairly well the character of the course at William and Mary at that time. Tucker's Blackstone was published in five volumes in 1803. The set contained Tucker's opinions on the federal and Virginia constitutions and variations in American (particularly Virginia) common law doctrine.

Tucker and Wythe were followed by a distinguished line of law professors including William Nelson, Robert Nelson, James Semple, Nathaniel Beverely, Tucker, George Parker Scarborough, Lucian Minor and Charles Morris who acted until 1861 when the college was closed on account of the hostilities of the war between the states.

The twentieth century reactivation of the chair of law at the college came about on January 14, 1922 when the college formally opened the Marshall-Wythe School of Government and Citizenship. The gradual reactivation of the law program was the dream of several prominent individuals including, Dr. J.A.C. Chandler, then president of the College; Judge Oscar Lane Shewmake, Robert M. Hughes Sr., a Norfolk attorney who in 1921 published an article in the American Bar Association Journal entitled, William and Mary's Pioneer American Law School; James Goold Cutler whose generous donations helped to maintain the Marshall-Wythe School of Government and Citizenship; Judge Alton B. Parker who gave his fine law library to the college; John Garland Pollard, later governor of Virginia; and many others.

Law schools are not made or re-made in a day. Judge Shewmake accepted the position of Professor of Government and Law, and emphasized history, philosophy and governmental aspects. William A. Hamilton became Professor of English Constitutional History, and John Garland Pollard served as Professor of Constitutional History and Law. Shewmake resigned in 1923 and Hamilton was denominated dean of the School of Economics, Business Administration, and the Law. Pollard was named dean of the School of Government and Citizenship. In November of 1926 the Cutler Foundations grant to the latter resulted in Pollard's being named John Marshall Professor of Government and Citizenship. In 1929 Pollard resigned to run for governor and Dudley Warner Woodbridge was named to the faculty.

The mingling of the courses distributed between the business and government schools was accomplished by 1932 when the American Bar Association formally extended accreditation to the new School of Jurisprudence on December 13. In September of 1953 the name of the law school was changed from the Department of Jurisprudence to the Marshall-Wythe

The American Bar Association extended accreditation to the new School of Jurisprudence on December 13, 1932.
Christopher Wren Building, America's Oldest Educational Building.

School of Law in honor of these two great men.

The law school has continued to provide its students with excellent legal instruction under the administrations of such men as Dean Dudley Warner Woodbridge, Dean Joseph Curtis, Dean James P. Wythe, Acting Dean Emeric Fischer, and our current Dean William B. Spong, Jr. Over the course of the years other chairs of law have been added at Marshall-Wythe in addition to the John-Marshall Chair of Law endowed by the Cutler grant and currently being held by Dr. William F. Swindler. These include the Dudley Warner Woodbridge Chair of Law currently occupied by Dean William B. Spong, Jr.; the Tazewell Taylor Visiting Professorships in Law established in 1976, currently held by Delmar Karlen; and the Thomas Conner Atkeson Lectureship in Tax Law held by Meyer Rothwaks.

Students, faculty, and alumni of the Marshall-Wythe School of Law have a history rich with tradition. American legal education has come a long way since 1779 and looks forward to an exciting future.

Bibliography


Swindler, William and Mary Marks Bicentennial of Its First Chair of Law, 64 A.B.A. Journal 1872 (1978).

2 Wm. & Mary L. Rev. 424.

Ms. Baskett has served as editor-in-chief The Colonial Lawyer for the past two years. She received a B.A. from Virginia Wesleyan College in 1976, and will graduate from Marshall-Wythe in May 1979.
(A few of my fellow students have commented, from time to time, that they have enjoyed the two prior products of my pen that have graced this magazine. Particularly, they tell me, they have enjoyed the characterization of some of this school’s professors; the professors involved have commented, when they comment at all, with grace. I hope that those who enjoy these efforts will not be disappointed by the lack of faculty, and those students that, due to oversensitivity, feel that they recognize themselves, will respond with the same grace.)

Studying in the third-floor lounge was impossible anyway, John Quintus Smith IV told himself as he turned his attention to the latest distraction of many that morning. She was a particularly pleasant one known as Tommi Canner. Tommi, despite her name, was thoroughly female; a tall, slender, dark-haired second-year student with lovely luminous dark eyes and massive intensity and her not inconsiderable intelligence on John, and he was somewhat taken aback at the onslaught.

"I just know he likes me!" she said passionately.

John sighed and made an affirmative noise. He had discovered long ago that the reason why his fellows were always coming up to talk to him was not that he was interesting, or witty, or even in the case of the women, good-looking. Rather, he combined an endless good nature with what had become, of necessity, an almost endless capacity to listen. Women found him harmless and easy to talk to because he was engaged and soon to be married; men because he kept his mouth
shut. In the case of either gender, he was seldom required to actually speak: an air of attentiveness and a few encouraging noises sufficed.

“The problem, of course.” Tommi said darkly, “is law review.”

John sighed again. He, like all students, was familiar with the law review. Like most law students, he was nowhere near smart enough to have anything to do with it. It was an organization perpetuated for the apparent purpose of allowing the intellectual cream of the school to get together to discuss arcane legal trivia, stay up all night writing or editing boring papers, and developing incredible preprofessional jealousies. It was a mysterious organization, known and feared by all, and, as far as John was concerned, far beyond the comprehension of his mundane mind.

“You see,” Tommi continued, her voice quivering with frustration, “Mark and Carolyn were having that affair.” John nodded more vigorously, the affair of Mark, the object of Tommi’s affections and present discourse, and Carolyn, a law review heavyweight, was a matter of common knowledge. “A lot of people on the review say that’s why he chose her paper, he’s the student editor, you know. Mine was much better. But now their thing is on the rocks, but he still won’t talk to me, because he thinks I’m mad about the paper. But I know he likes me, and ‘her voice quavered and John became flustered, fearing tears, ‘I don’t care about the damn paper, I care about him!’”

John nodded wisely and spent five minutes uttering solemn and cheering platitudes about it all working out. “I guess I’ll have to think of something. See you around.”

Clifford Davis was the editor of the law review. As such, he had a reputation for being unable to speak simple English, having no capacity for humor, and an absolute inability to descend to a human level. John knew him only slightly, but in their few brief encounters had developed the suspicion that Davis was actually a pleasant, if shy and modest and intelligent fellow.

John, feeling particularly brave, risked a suggestion. “Why don’t you talk to Tommi about all this?”

“No,” Mark frowned, “I don’t think that’s a good idea.” He got up, still talking pensively. “I guess I’ll have to think of something. See you around.”

John got in almost an hour’s uninterrupted study before an unfamiliar voice spoke behind him. “Ah, John...?” He looked up.

Clifford Davis was the editor of the law review. He was not there long, however, when a friendly male voice spoke from behind his back. “What’s up, John?”

John swiveled in his chair and grinned at Mark Breeden, reflecting the while on life’s coincidences. “Not much Mark,” he said, “how’s it going with you?”

Mark frowned as he sat down next to John. “Not so hot” he muttered, and put his feet up on John’s books for a stay.

“So what’s the problem?” John had to struggle a little for his tone of sympathy. Mark Breeden was a man easy to envy. For one thing, he was the heartthrob of almost all of the women in the law school, with Tommi not the least desirable among them. For another, he was both a spectacular athlete and a superior intellect. Finally, in

Law Review: an organization perpetuated for editing boring papers and developing incredible pre-professional jealousies.

Clifford Davis: the editor of the Law Review who had a reputation for being unable to speak simple English.
"Davis pushed blithely ahead, calm in his omnipotence, and John knew he must follow."

intoned jovially, "I shall be delighted to lend you what small assistance I am able." The two walked out of the lounge together, and John could not help but inquire, solicitousness dripping from his words, "Tell me Cliff, the miscreant didn't take the footnotes too?"

And to John's immense surprise, Clifford Davis laughed.

At the door of the law review office, John's newfound confidence diminished, and he hesitated. There were several reasons for his insecurity. He had seldom passed those hallowed portals, and knew himself not worthy. Furthermore, and more to the point, some female within was screeching like a banshee. But Davis pushed blithely ahead, calm in his omnipotence, and John knew he must follow. Trembling with trepidation, he crossed that sacred threshold.

The screecher was Carolyn Wilcox, who was standing next to her large briefcase near a long table directly in the center of the room. She was a very small, slight girl, with dark curly hair and delicate, pretty features, but she had a hell of a voice. The screechee was the aforementioned Tommi. The only other person in the room was Mark, whom John caught a glimpse of around a corner as he entered.

The room was one as befits an enterprise of such moment. It was a long, narrow room that sat on the top floor of the south wing of the building, and sunlight flooded through the arched windows that covered three of the room's four walls. The room was not as messy as the haunt of intellectuals should be: there were neatly ordered library shelves with several desks in the bays, the one long table with a few papers stacked neatly on it, a few dusty books piled on a large briefcase in one window sill, and several bare desks around the perimeter of the room. It was a large, quiet, friendly, sunny place, and John was a little surprised; it was not what he had expected.

Carolyn did not cease her screech, but merely focused it on John Clifford as they came in. "One of the two of them stole my paper" she went on, and John noted that the reason for her volume was that she was close to tears, "and it's not fair. Just because we broke up and she thinks her paper is better."

John knew Carolyn pretty well, and had always found her quiet and friendly, as well as a pleasure to look at. After a moment's reflection, he decided that with her the direct approach was best.

"Carolyn," he commanded, "shut up!"

Somewhat to his surprise, she did.

"Now," John continued briskly, "let's get on with it. When were the proofs taken?"

"Sometime in the last hour." Mark spoke, unseen, from his corner.

"I can answer that." Davis, on his own territory, had lost his hesitant speech. "I had been sitting at my desk," he waved a hand in the general direction of the editor's office, a little alcove outside and to the right of the main room, which, to John's knowledge, no one ever entered except Davis and the select few he invited to an audience there, "where I can see the door. Mark came in about an hour ago and hasn't left. Tommi has been in and out several times. Carolyn has been in and out once.

"Okay. Who has been here in the last hour?"

"I did not! I would not steal her stupid paper, no matter how bad it is!"

Carolyn hissed and stepped towards her, but John slid in between them and put his arm around Tommi. "Wait a moment," he said gently, "Cliff. how large are the proofs?"
And since in detective stories the hero must always prevail, the proofs, of course, lay nestled there for all to see.

Davis considered for a moment. "Very thick. about a foot, and the length of a legal sheet."

"Did you see Tommi carrying anything when she left that was anywhere near that size?"

"She was carrying nothing." Davis spoke with quiet finality.

John looked down at the girl on his arm, noted her attractive, well-tailored clothes, and permitted himself a small smile. "Could she have secreted them on her person?"

Clifford Davis surprised everyone with a small, embarrassed laugh. "I can absolutely vouch for the fact that the line of Ms. Canner's figure was unsullied. I took the trouble to notice." He had the grace to blush. "I might also add that the time Carolyn left she was carrying nothing."

"Ahhh ... " John was pleased. He winked at Tommi. "So there we have it. Mark came and never left. Tommi and Carolyn came and left with nothing. No one else came. The proofs are gone. As a hero of mine once said, "When you have eliminated all the possibilities ... ""

"Ah, yes," Davis interrupted, and flabbergasted John for the second time within the hour. Sherlock Holmes. I read Doyle avidly. "Whatever remains, however improbable, must be the truth."

"Precisely," John said, in a small huff; the wind had been taken from his sails.

"But it's no good here. I'm afraid. We searched the room thoroughly before I fetched you."

"Impossible," John said, "there is no other solution. It must - no, wait! Do the windows open?"

"No!" Carolyn snapped, "I thought of that."

"Did you look everywhere?" John's eyes strayed about the room.

"Everywhere" Davis said decisively.

"Everywhere?" John asked almost plaintively. Then his eyes lit on the window sill. "How about the briefcase?"

"Nonsense," Davis piped, a little flustered. "That was a Christmas present from first year. I never used it. Those are my first year books on top of it: it's been there that long."

John smiled confidently. "Open it."

Mark carefully slid the briefcase out from under the books and walked over to the table with it. He put it down, and, with a fine sense of the dramatic, paused for a moment. Then he flipped the latches and opened the case.

And since in detective stories the hero must always prevail, the proofs, of course, lay nestled there for all to see.

After the women had been ushered out and Mark had been set to task proofing the proof, Clifford Davis invited John into his office and waved him into the easy chair beyond the desk. John sat gingerly, expecting much the same spell as the Seige Perilous, but the chair was only moderately warm and quite comfortable.

Davis smiled at him. "Thank you." he said simply. John shrugged. "A pleasure. It was pretty simple really. The person who put them there really didn't mean a permanent theft. I don't think."

"Yes," Davis sighed. "And that leads us to the question. I really do need to know who did it. you know. All three are integral to the review, and I can't afford to have someone of their importance doing that kind of thing."

John nodded. "I'll see what I can do. Tell me. can you see from where you sit whether the door to the office is closed?"

"No."

John frowned. "Give me an hour or two. It shouldn't take any longer than that." He winked at Davis. "All for the rag. or whatever."

And that notable laughed. "Absolutely. If you bring the culprit to bay. I'll put you on the masthead. Personnel editor, or some such."

John walked out of the little alcove and into the office. He wandered for a while, looking at the books, until he finally found his way back to Mark's desk. Without saying anything, he pulled up a chair and sat down to watch the man work.

Marks concentration broke before John's silence. "What can I do for you?" "It was such a juvenile thing to do," he spoke almost peevishly, "a terrible breach of responsibility and so pointless. Why did you do it?"

"How did you know?"

"Elimination, really. But two things made it obvious. First, opportunity: neither of the women would have done it without first checking to see that the room was empty, but all you had to do was wait until they both left and then get up and lock the door. Second, the briefcase: When I was looking around, you couldn't see my eyes, but when I suggested 'briefcase', instead of going for Carolyn's you went straight at it. You knew the proofs were there."

Mark nodded. "I figured if Carolyn's proof was missing for a while, I could get to know Tommi - her's would be the next paper up - on a professional level."

Neither of the women would have done it without first checking to see that the room was empty.
Dr. William F. Swindler is pictured with the All Souls Crest.

Among the bicentennial "birthday gifts" to the Marshall-Wythe School of Law, probably the most unusual are the so-called "Oxford windows" -- two stained glass panels depicting Sir William Blackstone and Sir Christopher Wren, presented by the warden (executive director) and faculty of laws of All Souls College. Both Blackstone and Wren were fellows of All Souls who have familiar relationships with the College of William and Mary. The windows, executed by a London studio in the 1890's and removed from a hall at Oxford to protect them from possible bomb damage on the eve of the second World War, when permanently installed in the new law building at Marshall-Wythe will attest to the traditional ties between the law programs of both institutions.

There are several parallels between the beginnings of the two curricula. Blackstone was the first occupant of the Vinerian chair of English law established at Oxford in July, 1758. The William and Mary chair of law and police, established December 4, 1779, and first occupied by George Wythe, was modeled in part on the Oxford chair, since its primary purpose was to provide professional study in the "Americanized" English common law. Blackstone's famous Commentaries of the Laws of England, the four volumes of the first edition being published between 1756 and 1769, were edited with their first American annotations by St. George Tucker in 1803.

The Oxford and William and Mary law programs had their high and low points in history: After Blackstone's...
tenure (1758-66) and that of his immediate successors, Sir Robert Chambers (1766-77) and Richard Wooddeson (1777-93), the professorship declined in significance with a succession of less able occupants (including Blackstone's son James) and did not experience a renaissance until the great Albert Venn Dicey (1882-1909) came to the position. The history of the law program at William and Mary, of course, suffered seriously from the disruption of the American Civil War and the long interval until its revival in 1920-21 (see accompanying story). Finally, there is the fortuitous fact that the Marshall-Wythe bicentennial, extending through the 1979-80 academic year, will overlap the two hundredth anniversary of Blackstone's death in 1780.

The current successor to Blackstone, retiring this spring as Vinerian professor, is Sir Rupert Cross (1949-64), an internationally renowned specialist in criminal law. Next October, as part of the 1979 national meeting of the American Society for Legal History, held in Williamsburg, he will deliver the fourth annual George Wythe Lecture, which has been designated as the official bicentennial lecture.

While Blackstone's famous Commentaries are widely known throughout the common law world, Cross will point out that his two distinguished successors also wrote exegetical works: Chambers' lectures, which have been unpublished until recently, and Wooddeson's Systematical View of the Laws of England, which some scholars feel is a more profound analysis of legal institutions than Blackstone's. In any case, the Marshall-Wythe law library plans to assemble, and keep complemented by succeeding volumes, a bookshelf of all the works of the Vinerian professors as a further intellectual testimony to the relations between the two law curricula.

St. George Tucker seized upon Blackstone's volumes as a made-to-order reference for the new "American" common law, particularly of the Commonwealth of Virginia. Since 1770 there had been various American paintings of the Commentaries, but they boasted that they were published "page for page" from one of the English editions. After the Revolution, with American procedural and substantive law beginning to move into new paths, the Blackstone volumes remained fundamentally valuable as a general summary of the continuing common law, but obviously called for an annotated edition concerning the differences now recognized in the new jurisdiction.

Tucker made his original agreement with his publishers, William Burch and Abraham Small of Philadelphia, in 1797, but six years were to elapse before he delivered the completed manuscript, based on the eleventh London edition of 1795, edited by Richard Burn and John Williams. Tucker was able to examine the twelfth edition by Edward Christian, the first professor of common law at Cambridge, and added from these volumes "such of the Notes as appeared to him most likely to be of use to an American student."

Marshall-Wythe's bicentennial will overlap the 200th anniversary of Blackstone's death in 1780.

The current successor to Blackstone as Vinerian Professor is Sir Rupert Cross.

Tucker's annotations, supplemented by extended essays on the developing dimensions of American law in general, expanded the original four volumes of Blackstone to five.

The Tucker "American Blackstone" of 1803 became the standard general reference work for American lawyers until Chancellor James Kent of New York published his Commentaries on American Law (1826-30). No one attempted to annotate the subsequent English editions of Blackstone with American cases, on a scale comparable to Tucker's work, until 1852, when a complete edition was published by John Wendell, a New York court reporter. Between 1860 and 1900, four editions by Thomas M. Cooley became the definitive American editions emulating the original work by Tucker prepared between 1799 and 1803. Throughout the nineteenth century, English or American editions of the Commentaries accompanied the bench and bar in the westward movement of American settlement, an ultimate testimony to the pioneer contributions of the first Oxford law teacher and the second William and Mary professor who adapted him to the needs of a new national system of law.
Recent Developments

Class of '48

Ira Bernard Dworkin finds it hard to believe 40 years have passed since he entered William and Mary as a Freshman. He thanks God he is still in excellent health at age 56; happily married to his wife Shirley for almost 28 years, and the father of two -- their son Jonathan, 24, a graduate of Drew University and M.A. candidate in Urban Planning; and their daughter Barbara, 18, a freshman at Guilford College, North Carolina. God spared him through 3 years of service in the Army in World War II, including combat in Europe as a sergeant in the 97th Infantry Division. Mr. Dworkin also has had a fascinating career in the New Jersey Bar since 1949, including 15 years in solo practice, 2 years as a trial lawyer for the N.J. Attorney General, and the past 12 years as a Referee, Formal Hearings (the only judgship in N.J. based on competitive civil-service examination) in their State Worker's Compensation Court. He also expects to publish his first work of fiction this year, namely, "Sherlock Holmes in Modern Times" (already copyrighted). He taught a course entitled "Sherlock Holmes Cross-Examined" for 3 years in the Hunterdon County (N.J.) Adult Education Program and finds this all "quite an avocation!" Mr. Dworkin was very kind in furnishing us with the following letter in response to The Colonial Lawyer's request for any memories about the physical facilities at Marshall-Wythe during his tenure as a student:

"As far as my memories of Marshall-Wythe, I best recall the friendships between faculty and law students, and the camaraderie of us W.W. II veterans studying law on the GI Bill of Rights! The esprit-de-corps at our Law School in those days was outstanding; the classes small and the faculty (headed by Dean Woodbridge, a genius of the law, plus a great human-being) was outstanding both in their teaching and their willingness to help law students master the intricacies of the law of future interests, negotiable instruments, conflict-of-laws, etc. That was the true greatness of the W&M Law School in those days. I appreciated the W&M environment since I had attended Columbia Law School for 2 semesters and fortunately transferred to W&M before suffering a nervous breakdown at Columbia -- where the pressure and cut-throat atmosphere (a la "The Paper Chase") made life miserable for most law students.

"Physically, in those days the Law School classes were held on the 3rd floor of Marshall-Wythe, and the Law Library was on the 3rd floor of the present Law School building (which was then the College Library building). After I received my B.C.L. degree in 1948, the Law School moved into the basement of Bryan Dormitory, which was a great improvement. I look forward to visiting the new 5-million-dollar law building now under construction -- but for me, the greatness of our Law School can never be expressed in bricks and mortar. The great minds who taught here and learned here -- from Wythe to Woodbridge and on to the present faculty -- make our law school great. Truly great. I am very proud to have earned both B.A. and B.C.L. (and later J.D.) degrees from William and Mary."

Class of '52

Robert F. Boyd is the senior partner in the Norfolk law firm of Boyd, Payne, Gates, & Farthing and has just been elected chairman of the board of Holly Hill Lumber Co., one of the largest privately held lumber companies in the Southeast. A Virginia Beach resident, Boyd has served on the Holly Hill board for 12 years. He is listed in several professional directories, including "Who's Who in Finance and Industry," and serves on numerous philanthropic foundation boards in Tidewater and throughout the nation. Boyd is vice president-finance and a member of the board of Norfolk-based Stewart Sandwiches, Inc., and is chairman of the Judiciary Committee of the Virginia State Bar. Mr. Boyd was recently elected to the board of directors of Dundee Cement Company, Dundee, Mich. He is vice chairman of the board of trustees of Virginia Wesleyan College, a trustee of the endowment association of the College of William and Mary, and vice president of the board of trustees of Randolph-Macon Academy.

Class of '59

William T. Prince is the President of the Virginia State Bar, and was very kind in furnishing us with the following letter in response to The Colonial Lawyer's request for any memories about the physical facilities at Marshall-Wythe during his tenure as a student:

"I was a graduate of the law school in 1957. It was a very large entering class -- perhaps 17 to 20 students. By graduation time, however, we had only 9 or 10. I believe our class was the first class to enter in the Bryan Dormitory Basement. The three classrooms for the law school were in the basement of one wing and the library was in the basement of another. There was a lounge area in the basement of the main building, which we shared with the students of the dormitory.

"The faculty numbered nearly as many as the graduating class. In addition to Dean Dudley W. Woodbridge, there were Arthur Phelps, Joseph C. Curtis, Joseph Cormack, Thomas E. Atkeson, C. Harper
Anderson and Librarian Chester Baker. Mrs. Ann Ware was secretary to the Dean.

"I will never forget the time when sitting on the steps of the dormitory, two men walked by and one pointed out the law school to the other, commenting that it afforded poorer people in the state an opportunity to study law.

"There are a dozen stories which go with each student, faculty member, classroom, class and chair. I wish I had time to go through them all."

**Class of '66**

Stephen M. Kapral has been practicing law as a sole practitioner at 2008 Libbie Avenue, Richmond, Virginia, since October 1976. He and another 1966 Marshall-Wythe graduate, John Deal, 1966 were in partnership from March 1968 until October 1976. In November of 1973, Mr. Kapral had the honor of arguing a defamation labor law case before the full Supreme Court of the United States, at which time he adds that Chief Justice Burger had just been elevated to the Chief Justice of the Supreme Court. He, Justice Requist, and Justice Powell unanimously voted in favor of his client, but unfortunately the rest of the full court, including Justice Douglas, voted against his client. He lost the case by a six to three decision.

**Class of '68**

John T. Buxton has affiliated with the law firm of Charles C. Wentworth II to form the firm of Wentworth and Buxton, with offices in the First and Merchants Bank Building in downtown Newport News. Buxton, who is formerly associate general counsel and corporate attorney for Newport News Shipbuilding and Drydock Company and general counsel to Newport News Industrial Corporation, has served as executive director of the National Dividend Foundation, Inc. for the past four years. The National Dividend Foundation is a Florida based economic research organization concerned with corporate tax reform and improvement of national fiscal policy. Mr. Buxton is currently writing a book for the Foundation entitled "Alternative to Revolution," which is planned for publication this spring. He is also active with the National Association of Business Economists and the Navy Reserve Association. He and his wife, Mary, and their two children make their home in James Landing in Newport News, Virginia.

**Class of '74**

After taking and passing the Virginia bar examination in July 1974, Jack E. Call spent three years in New Orleans as a legal specialist with the U.S. Coast Guard. The bulk of his duties with the Coast Guard consisted of work in the military justice system (prosecuting, defending, and reviewing court-martials) and in the field of oil pollution (processing civil penalty cases, giving advice to oil pollution hearing officers, and processing oil pollution cleanup claims on behalf of the government). In August 1974, he and his wife moved to Athens, Georgia. His wife, Debra (William and Mary, 1973), is attending the School of Veterinary Medicine there. Mr. Call has been doing graduate work toward a doctorate in political science. Recently, he returned to work full-time with the Criminal Justice Division of the Institute of Government. His job is as project coordinator of a Law Enforcement Assistance Administration grant to provide training workshops for treatment personnel in programs designed to assist in the deinstitutionalization and diversion from the juvenile court system of juvenile offenders, particularly status offenders. He is also continuing work on his doctorate.

Allen A. Barna serves as an attorney-advisor for the real property section of the U.S. Army Corps of Engineers, Washington, D.C. He reviews appeals forwarded to the Chief of Engineers by Corps field offices on behalf of individuals and businesses seeking increased benefits under the Uniform Relocation and Real Property Acquisition Policies Act, as well as recommends and drafts changes in applicable regulations. Since graduation he has served on active and reserve duty as a Captain with the Judge Advocate General's Corps. Before starting his present job in July, 1978, Mr. Barna served as Assistant Staff Judge Advocate with the Office of Post S.J.A. at both Fort Eustis, Virginia, and Fort Meade, Maryland, and...

Students at work in Marshall-Wythe Library.
worked as Assistant Counsel in Litigation of the U.S. Army Corps of Engineers, Washington, D.C.

Richard P. Hackman is the Division Counsel for Litton Industries in Drexel Hill, Pennsylvania.

Class of '76

Everett P. Shockley is currently engaged in the general practice of law as a sole practitioner in Dublin, Virginia.

Terry N. Grinnalds, the editor of The Colonial Lawyer during the 1975-76 school year, moved to Athens, Georgia, after graduation, passed the bar, worked as a sole practitioner, underwent the obligatory divorce and returned here to Virginia last summer where he became and currently is an associate of Mr. Hoyle in the Newport News law firm of Hoyle, Corbett, Hubbard and Smith. They do a mixed practice, including a lot of trial work which he finds "interesting, a lot of fun, and sometimes a pain in the ass. Depending."

Sharon a. Henderson is a sole practitioner in Alexandria, Virginia, and she likes specializing -- 90% of her practice is in the domestic relations field. She is treasurer of the Northern Virginia Young Lawyers for the second year in a row and is also an active member of the Fairfax Bar Association. She is Chairperson of the Directory Subcommittee that put out the Fairfax Bar Association Directory of Attorneys for the public -- the first of its kind in Virginia. The directory lists 350 members and gives such basic information about each attorney as: educational and professional background, year admitted to the Virginia Bar, number of years in private practice in Fairfax County, office hours, language proficiency other than English, and, in some cases, fee information. Public response so far has been favorable and the group is hopeful the public will find the directory a valuable guide to selecting an attorney. It is available free of charge in various locations around the county, such as in county office buildings, and may also be purchased directly from the bar association.

Class of '77

Muriel N. Hopkins was employed for one year by Hill, Tucker and Marsh, a prominent civil rights law firm located in Richmond. Last August, she joined the Office of the Attorney General as an Assistant Attorney General. Her agencies include the Virginia Supplemental Retirement System (State pension and retirement system) and the special education division of the State Department of Education. In response to The Colonial Lawyer's request for any memories about the physical facilities at Marshall-Wythe during her tenure as a student, Ms. Hopkins was very kind to furnish us with the following letter:

"One of my most memorable occasions occurred in the library during my first semester, just prior to our exams. Space was at such a premium that if one left a seat to visit the water cooler, he would leave a reserved sign at the place where he was sitting so that he could
be assured his seat would be there when he returned. Also during exam times, due to the cramped quarters in the library, we would rub elbows while turning pages at a maddening pace.

"In spite of the infirmities, I think that Marshall-Wythe School of Law provided me with an excellent legal education. I am happy that I did not choose any other law school. Now that our new building is under construction, more attention will be focused on the nation's oldest law school."

Mark and Margaret Gregory ’77 are living in Colorado Springs and both work at the Staff Judge Advocate Office at Fort Carson. Mark is a defense attorney and Margaret is an administrative law attorney (staff advisor). She also serves as counsel to the post Child Protection Council. Their daughter, Megan, is now 1 year old and they are expecting another child this June. The Gregory’s write that the skiing, hiking and camping out there are fantastic and that visitors to Colorado are urged to stop by. Their home address is 617 Gilcrest, Colorado Springs, CO. 80906. With one (and almost two) little ones, they tend to stick close to home and welcome visitors.

Class of ’78

DeRonda M. Hudgins is currently practicing law with Short, Short, Telstad & Kerr, P.C. in Newport News and loves every minute of it.

Victor Neubaum, Jr., is working for the Executive Secretary of the Virginia Supreme Court, whose immediate supervisor is the Director of Research and Planning.

Frank Snead Ferguson is the new assistant Commonwealth attorney in Suffolk, Virginia, and he will be handling general criminal cases. While in law school he was a member of the executive board of the student division of the Association of Trial Lawyers of America and also program director for the criminal law seminar at William and Mary.

George L. Neuberger is the junior partner in a five man law firm Nieman, Hibbard, Schumann, Ultsuik & Neuberger. located at 600 East Main Street, Watertown, Wisconsin 53094. The firm is general practice and does a lot of probate, and real estate work. George passed the Wisconsin bar in July and has been practicing with the firm since January 1st, 1979.

Loyalty: Affirmation Out of Pride and Love

By Judy Brennan

Loyalty.

What does the word mean in the lingo of 1979, in the common vernacular, in the mind of the reasonable man? The word has become so overused that it has acquired a panoply of meanings: there is "product loyalty" and "loyalty" to a favorite sports team. But does this word, this concept, encompass nothing else?

Perhaps the concept became tarnished in the early 1950’s. Most people knew within their hearts and minds that their loyalties were and would be to their nation, this "land of the free." Yet suddenly, without much freedom, they were required to take a loyalty oath and--deep within their souls--they realized that affirmation out of fear is a far different thing from affirmation out of pride and love.

Is the idea of loyalty, so besmirched that it has become meaningless or trite? The answer must be no, but the answer is not resounding and not without qualifications.

One loyalty not yet mentioned is loyalty to one’s alma mater. In whom is this posited and how defined must it be temporally?

On a general level, one might say it should be present in the graduates and present students of a school. On a specific level, I contend it is indeed present in the graduates and students of Marshall-Wythe, but all too often it is hidden or suppressed. This school has given and continues to give us opportunities--through education and association--that we might not have had otherwise. If one feels compelled to comparisons, why not compare all those whose wishes to attend went unfulfilled? Perhaps in them lay the core of our problem in definition, the trait of negativism that seems so pervasive. Nothing is accomplished but regrets, and regrets only serve to impede movement, progress, and dreams.

Another group has the potential of loyalty: the students yet to be. On their behalf, perhaps it is time to stimulate another plateau of loyalty, that posited in our legislature. We, as a state school, derive benefits from the legislature’s actions, but are these benefits sufficient to fulfill the remarkable potential this institution had, has, and will have?

The tense of the previous verb provide the scope of time: loyalty is not momentary, but constant; not occasional, but consistent: not a matter of lip service, but one of commitment.

And how might this commitment be expressed? Surely money is one sign, but not the only sign. Contributions can come through the offer of time, the willingness to both voice one’s own pride and compel others to feel and act similarly, the offering of services, the investment of creative thought. All are indicative of the loyalty germinating within each of us and waiting to flourish.

To those who have already made such commitments, we thank you for your example. To those who have wished for more. work to make your wishes into realities. For each of us, in this our bicentennial, let us strive to realize the loyalty we have and will have for Marshall-Wythe. Let this become an affirmation out of pride and love.
Proof's Burden

Continued from page 21

and take it from there. Then I would have found Carolyn's paper - it's already ready for press - and the review would have been okay. I wouldn't have hurt the review.

John was silent for a long while, staring up at the ceiling. Mark looked at him for a time, and finally gave in. "What are you going to do?"

"Tell me," John looked at him and chuckled, have you ever seen "Fiddler on the Roof?"

"Yes, dammit!" Mark was mystified and exasperated.

"Well, I always liked the part of the matchmaker. Some gentlemanly blackmail is in order. Mark frowned. "You," John firmly commanded, "explain it all to Tommi. I will refrain from explaining it all to Cliff. Deal?"

Mark smiled, an almost-happy smile. "Do I have any choice? Deal."

John got up and returned to his studies, not even pausing as he passed the Davis alcove.

Several hours later, as John walked book-laden down the hall, headed for home, Clifford called him over. The two stood in the doorway of the review office, talking quietly.

"Well?" Davis said.

"Well?" John replied.

"Do you know who did it?"

"Yes."

"Well?" Davis was becoming impatient.

"I'm not going to tell you." Davis frowned mightily, and John, fearing the editor's wrath, went on quickly, "Sherlock Holmes again. 'I think we must ask amnesty in that direction'." As he spoke, John's eyes slid to the corner of the room, and Davis followed his gaze.

Mark and Tommi were sitting in the corner. He was talking quickly and earnestly to her, his features flushed and both hands holding one of her's. She was saying nothing, and not moving, but her luminous eyes shone clear across the room, and those eyes spoke volumes.

Clifford Davis studied the oblivious pair for a judicious moment, and then turned back to John, his face assuming its most awful aspect. "No," that man spoke, "Doyle is not appropriate here." John trembled as he continued. "Rather Shakespeare, I think. 'Men have died, and worms have eaten them, but not for love'."

"But..." John stammered.

"No buts." Davis grabbed John's elbow and piloted him firmly down the hall. "You are an honorable man Brutus, and your secret is safe. There are few things more important than the review, but that is one. I shall not ask my men to die for me." He saw the relief in John's face, and laughed. "We shall forget it all. Let's go get a beer."

"Let's." John said.
Editors Note:

I have really enjoyed working on The Colonial Lawyer for the past three years at Marshall-Wythe. The Lawyer is fulfilling a need in the law school community, that of serving as a liaison between faculty, students, and alumni. We cannot, however, continue as a viable organization without the support of all three groups. I feel strongly that The Colonial Lawyer is a magazine that we, as members of the Marshall-Wythe community, have a right to be proud of. Use the Lawyer, make it a forum for your thoughts, and ideas. As members of the legal profession we understand that communication is a powerful tool. I believe that we should continue to communicate to one another through this medium. I urge your continued support of this worthy cause as we celebrate the Bicentennial of American Legal Education instituted here at William and Mary in 1779.

Cynthia Karen Baskett
Editor-in-Chief