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ALUMNI HEADNOTES

The University of Tennessee College of Law

FALL
1977



Editor: Curtis L. Wells, Assistant Dean



THE DEAN'S CORNER

DEAN PENEGAR

FRESH OPPORTUNITIES...

There is an annual renewal process in the life of the law schools, and it depends on the arrival each year of eager new students bent upon becoming lawyers. The

joy of first-year students learning to read cases, accurately and creatively, is a great tonic. The pity is that for many the joy is gone well before the end of the third year. For many, too, the joy is rekindled when they discover how useful a good theory can be in serving the practical interests of clients.

It has often occurred to me that much of this "characteristic" malaise is so unnecessary and possibly attributable to a widely held misconception about the scope of a short three-year career in law school. The following insight—admittedly still somewhat limited—of a recent graduate from law school is a worthy one.

"In all modesty, I fancy that I have learned some law, up here in New Haven, and I suspect I learned it because it was taught to me, much of it, oddly enough, in class. Yale taught me three things. I learned to read statutes. I learned to read cases. And I learned to express my understanding of both on paper with some degree of lucidity, terseness and grace. That may not sound like much, but it is, I think, all that a good lawyer can learn about lawyering in school."*

*Albert G. Lauber, Jr., Class of 1977, reprinted from *Yale Law Report*, fall 1977.



TENNESSEE'S MOOT COURT TEAM
Left to right: William H. Haltom, Memphis; Team Coach, Professor Patrick Hardin; Kathy Vines, Johnson City; and W. Gregory Miller, Knoxville.

UT HOSTS REGIONAL MOOT COURT COMPETITION

On October 27-29, 1977, the College of Law and the Moot Court Board hosted the twenty-eighth annual Region Seven Rounds of the National Moot Court Competition. Moot Court teams representing the law schools of the University of Alabama, Louisiana State University, Loyola University of New Orleans, Memphis State University, University of Mississippi, Samford University, University of Tennessee, Tulane University, and Vanderbilt University competed for the Region VII championship and the right to participate in the National Finals held in New York in December.

The winner of the competition was the University of Alabama, which defeated Loyola of New Orleans in the final round. Tennessee lost in the semi-final round and consequently finished in a third place tie with Vanderbilt.

The award for the best speaker was presented to John Bertolotti, Jr. of the University of Alabama. Tennessee gained a measure of satisfaction by tying Alabama for the best brief award.

The Young Lawyers Committee of The Association of the Bar of the City of New York, and The American College of Trial Lawyers sponsor the National Competi-

continued on page 2



KATHY VINES



GREG MILLER



BILL HALTOM

continued from page 1

tion each year to enable law students throughout the country to match their abilities as appellate advocates against one another and to bring together law students, practicing lawyers and judges. One hundred forty-eight schools across the country compete in the final rounds. Last year's University of Tennessee team, Sue B. Bohringer, Gregory Fletcher, and Daniel Lamb, won the National Championship.

Preliminary rounds for the competition were held Thursday and Friday at the College of Law, the U.S. District Court and the Tennessee Supreme Court. Local judges and attorneys presided over the rounds. The final round was held on Saturday in the Moot Court Room of the College of Law, presided over by the Tennessee Supreme Court.

Preliminary round Judges included Curtis Mack, Regional Director of NLRB in Atlanta; R. Lawrence Ashe, Labor Law Attorney from Atlanta; former UT National Moot Court Team members Bernard Bernstein, Anderson Galyon, Robert Murrian and Sue Bohringer from Knoxville; William Brown from Jackson; William Myers, Frank Pinchak, and John Phillips from Chattanooga; Marsha Selcman, Crossville; Gregory Fletcher, Memphis; and Daniel Lamb, Washington, D.C.

Last year's UT National Moot Court team presented to the Region a sterling silver bowl to become a rotating Region VII trophy. The bowl is entitled the Joseph G. Cook Award in recognition of the contributions that Professor Cook has made to the Region VII competition. Teams from UT coached by Professor Cook have won the Region VII competition in 1971, 1972, and 1975, and in 1976 the UT team won the National Championship.

This year's UT team was composed of William Haltom, Jr. of Memphis, W. Gregory Miller of Knoxville, and S. Katherine Vines of Johnson City. The team was coached by Professor Patrick Hardin and the competition was directed by Professor Martha S.L. Black.

NEW AND VISITING FACULTY

Two scholars are new to our law college this year.

Oscar Gray comes to the UT campus from the University of Maryland where he is a professor of law primarily engaged in the teaching of environmental and tort law. In addition to these subjects, he also teaches in the areas of commercial transactions and insurance.

Gray received both his undergraduate and law degrees from Yale. He began his legal career as an attorney-advisor in the Legal Advisor's office of the State Department. Interest and involvement in environmental concerns began in 1957 when

he became secretary and treasurer and later vice president for Nuclear Materials and Equipment Corporation, located in Pennsylvania.

Proximity to the nation's capitol and legal interests have led to involvement in government activities as evidenced by his position as Special Counsel to the President's Task Force on Communications Policy (1967-68) and service as Acting Director of the Office of Environmental Impact of the Department of Transportation.

Prior to his present academic position at Maryland, Professor Gray taught at both Catholic University and Georgetown. In addition to his teaching responsibilities, he maintains an active involvement in the practice of law in the District of Columbia.

During the fall term at Tennessee, Professor Gray is teaching the advanced torts section.

The saga of Gerald P.J. McGinley stretches from India to Australia to New York City and now to Knoxville.

Professor McGinley was born in Kanpur, India, but has spent most of his life in Australia. He was graduated from Melbourne University Law School with Honors in 1973 and went on for graduate study at Monash Law School in Victoria where he expects to receive his LL.M. in the near future. Interest in a teaching career brought Gerald to New York City where he is a candidate for the S.J.D. degree at Columbia Law School.

While he completed his requirements for the doctorate in law, we were able to persuade him to begin his American legal career at UT. This year Professor McGinley will teach courses in property, research and writing, and international law.



GRAY



MCGINLEY

TENNESSEE LEGAL HISTORY

We are pleased to continue our series relating to interesting and significant events in Tennessee's legal history.

In this edition of the Alumni Headnotes, Professor Carl Pierce has captured the tragedy of a dedicated jurist who sought to accommodate his judicial and personal views with the conflicting demands of sectional interest versus the

preservation of the federal union.

Professor Pierce has been on the faculty of the College of Law since 1972. In addition to his course on legal history, Carl teaches in the areas of corporations, contracts and agency and partnership.



A JUDICIARY DIVIDED: THE IMPEACHMENT OF WEST H. HUMPHREYS, 1862

The election in 1860 of Abraham Lincoln as President of the United States confronted many Americans with a fateful choice. They had to choose between union or secession. For judges and lawyers sworn to uphold the Constitution of the United States, the choice was particularly difficult, and no group of men sensed this more than did the federal judges sitting throughout the South. They grasped fully the great constitutional significance of the impending secession crisis, came to realize that it could not be avoided, and faced with great fortitude their ordeal of decision. No judge ever tried a more difficult case, and West H. Humphreys, United States Judge for the Several Districts of Tennessee, was one of the many southern judges who brought in a verdict of secession. In 1861 he supported Tennessee's ordinance of secession, became a judge in the District Courts of the Confederate States of America, and, because he never saw fit to resign his appointment as United States District Judge, soon faced impeachment in the Congress of the United States. Symbolically at least, West H. Humphreys converted his United States District Court into a Confederate States District Court, and his subsequent impeachment highlighted the political and legal conflict which divided America and her judiciary during the Civil War years.

West Humphreys was a prominent member of the legal community in Tennessee. Born in 1806, admitted to the practice of law in 1828, Humphreys first entered public service as a representative to the Tennessee Convention of 1834. From 1835 to 1838, he served in the Tennessee House of Representatives, and in 1839 he was elected Attorney-General of the state. He served in that capacity and as Reporter for the Tennessee Supreme Court until 1853. In that year President Franklin Pierce named him to be United

States Judge for the Several Districts of Tennessee—an office he held until June 26, 1862 when the Senate of the United States voted to remove him from it and to disqualify him from holding “any office of honor, trust, or profit under the United States.”

When South Carolina passed her ordinance of secession in December 1860, West Humphreys pondered his future and that of his state, Tennessee. He was troubled. “At no time in my life,” he wrote to a Nashville newspaper, “have I had any other desire than the preservation of the Constitution and the Union created by it.” At the same time, however, Judge Humphreys believed that the northern states had inflicted and were threatening to inflict further “revolutionary wrongs” upon the South, and that secession was an appropriate remedy for those states which could no longer tolerate such “oppression.” “I anxiously desire,” he continued, “that the Union of these States should be preserved,” but only “if the rights and interests of the Southern people can be securely protected and maintained.” “A consolidated union,” Humphreys further explained, “governed by a reckless sectional majority, regardless of the articles of confederation, with states divested of all the material features of sovereignty or held as subjugated provinces...—such a union would become the engine of the greatest calamities that ever befell a free people.” This he, as a man of the law, could not tolerate. “While, therefore,” he concluded, “I entertain no feeling favorable to the establishment of a new Union of States so long as the Constitution made by our fathers can be maintained, I fear not that [the people of the South] can sustain themselves amongst the family of nations, if wrong and oppression force them to assume that position.” Humphreys sensed, however, that secession was the only course available for the South, and when the Volunteer State seceded in May 1861, he went with her. Perhaps thinking it was unnecessary to do so, or perhaps to highlight his rejection of the United States government, West Humphreys did not bother to submit a formal resignation of his United States judgeship. One tie to the Union, therefore, remained unsevered—a tie which would permit those Tennesseans who disagreed with Humphreys’ support of the Confederacy to wage war against him in the Congress of the United States.

Having thrown his lot with the Confederacy, Humphreys soon became her servant. In September 1861, he accepted an appointment as Judge of the Confederate Court for the Eastern District of Tennessee, sitting in Knoxville, and there he held court until 1862 when Union armies took control of East Tennessee. West Humphreys had changed loyalties but not jobs. His judicial tasks were similar to those of most wartime judges. He heard some private law suits, but most of his time was spent administering loyalty

oaths—oaths of allegiance to the Confederacy which many East Tennesseans refused to take—and ordering the sequestration of union sympathizers’ property under legislation passed by the Confederate Congress. Not unexpectedly, this judicial role secured for West Humphreys the enmity of East Tennesseans who remained loyal to the Union.

The attack upon West Humphreys began on January 8, 1862, when Horace Maynard, a Knoxville lawyer and United States Representative from Tennessee, demanded an investigation of allegations that Humphreys had failed to hold ses-



sions of the federal district court, and had “accepted a judicial commission in hostility to the Government of the United States, and [was] assuming to act under it.” The investigation was undertaken, and on May 19, 1862, the House of Representatives adopted seven Articles of Impeachment against West H. Humphreys, judge of the United States District Court for the several districts of Tennessee.

Article 1 charged that “regardless of his duties as a citizen of the United States, and unmindful of the duties of his...office, and in violation of the sacred obligation of his official oath to administer justice without respect to persons,” West Humphreys had, in December 1860, endeavored “by public speech to incite revolt and rebellion...against the Constitution and Government of the United States,” and declared “that it was the right of the people..., by an ordinance of secession, to...absolve themselves from all allegiance to the Government of the United States, the Constitution and laws thereof.” Article 2 added his support for Tennessee’s ordinance of secession.

Articles 3, 4, and 5 specified his support of the Confederacy. Humphreys, Article 3 charged, unlawfully organized armed rebellion against the United States and “levied war” against them. The words of the Article were carefully chosen, and the charge was no less than treason. Article 4 specified further that he had opposed by force the authority of the United States, and Article 5 charged that the Judge had, “with intent to prevent the due

administration of the laws of the United States...,” and “to aid and abet the overthrow of the authority of the Government,” and “in gross disregard of his duty as judge,” failed to hold federal court since July 1, 1861.

Articles 6 and 7 attacked Judge Humphreys for his service in the Confederate judiciary. Humphreys had, “with intent to subvert the authority of the...United States,” and “to hinder and delay the due execution of the laws of the United States,” and “to oppress and injure citizens of the United States,” unlawfully acted as judge of “an illegally constituted tribunal...called the district Court of the Confederate States of America,” and “then and there assumed and exercised powers unlawful and unjust.” Particular specifications not unexpectedly included his administration of Confederate loyalty oaths and his supervision of proceedings under the Confederate sequestration acts. For these and for all the other Articles of Impeachment, the Representatives demanded that West H. Humphreys “be put to answer the high crimes and misdemeanors...charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.”

Judge Humphreys did not appear for his trial in the United States Senate. Indeed, as the Sergeant-at-Arms of the Senate was proclaiming “Oyez! Oyez! Oyez! All persons are commanded to keep silence on pain of imprisonment, while the grand inquest of the nation is exhibiting to the Senate of the United States articles of impeachment against West H. Humphreys,” the judge was in Confederate-held East Tennessee, listening perhaps to the clerk of his court proclaiming “Oyez! Oyez! Oyez! The Honorable District Court of the Confederate States are now in session! All ye having business before the Court draw nigh and ye shall be heard! God save the Confederate States and bless this honorable Court!” The vote in the Senate seemed as inevitable as had, to some at least, the Civil War itself. The Senators voted, either unanimously or with only one dissent, to convict Humphreys on all but three of the articles and specifications against him. The only specification against Humphreys for which he was acquitted involved the charge that he had presided over sequestration proceedings against two loyal and well-known Tennesseans—Andrew Johnson, later to be President of the United States, and John Catron, Associate Justice of the United States Supreme Court. For want of evidence. Humphreys was acquitted of that one specific charge against him, but overall the guilty verdict was overwhelming. The first votes cast by the Senators operated solely to remove Humphreys from the judgeship he had already abandoned. A second vote followed on the question of whether Humphreys should be forever disqualified from

holding "any office of honor, trust, or profit under the United States." Revealing their sentiments about federal judges who sided with the Confederacy, the Senators voted 36-0 to forever ban West Humphreys from the public service of the United States.

The impeachment of West Humphreys, a conscientious judge who acted in accord with his understanding of the Constitution, reflected judiciary in the South. Not all judges followed the example of the Tennessean who traded his federal judgeship for a Confederate judgeship. Some remained loyal to the Union. Others resigned their federal judgeships before siding with the Confederacy—a matter of form which saved their reputations from the stigma of impeachment. Others left the judiciary altogether—some to fight and others to pass the war as civilians. The judiciary, however, bore the scars of the Civil War, and prominent among those scars was the impeachment and removal from office of West H. Humphreys, a man who all at one time was United States Judge for the Several Districts of Tennessee, secessionist, and Confederate States Judge for the Eastern District of Tennessee.

SOURCES

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- Hinds, Asher C. *Precedents of the House of Representatives of the United States*. (Washington, D.C.: Government Printing Office, 1907), Vol. 3, pp. 805-20.
- Robinson, William M., Jr. *Justice in Grey*. (New York: Russell & Russell, 1968), pp. 1-26.
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ties, it was incumbent on us to have a facility which would allow us to hold receptions attendant to the organized events.

The furniture selected for the room is largely modular in design and fits the need for informality; but, at the same time, it is easily movable allowing us to clear out the room to facilitate receptions.

One wall of the new facility is lined with floor-to-ceiling trophy/display cases. At the present time, the cases contain trophies from our national moot court victory in 1976, and various plaques and trophies highlighting past accomplish-

ments. In addition, it is anticipated that the cases will be used for display of art objects and other special projects.

Finally, the room will be used as an art exhibition gallery for both established and budding artists. A system of track lighting on the ceiling enables us to focus on the paintings on display. Mrs. Betsy Worden, a noted water colorist, was our first exhibitor; her works were displayed from late October through mid November 1977.

We cordially invite you to stop by to see this new feature of the College.



Trophies in the case at left were won by UT's Moot Court Team in the 1976 National Competition.



Watercolors and weavings were exhibited by Mrs. Betsy Worden.



ART GALLERY, INFORMAL LOUNGE, TROPHY DISPLAY AREA, FORMAL RECEPTION AREA

How many functions can a room serve? In assessing our needs last fall, we felt that it was essential to provide a place close to the hub of the law school to serve a variety of needs. The existing Room 116 had served as a seminar room and general meeting room but was generally unsuited for these purposes.

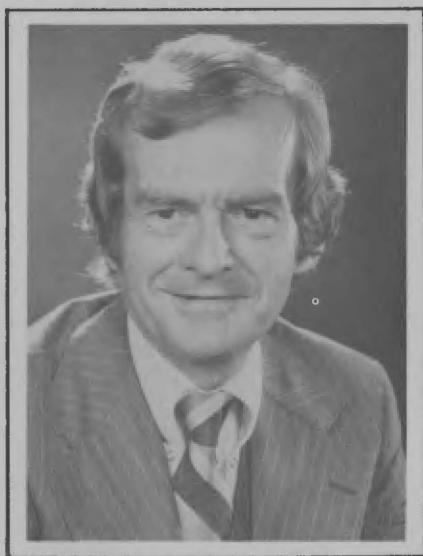
The renovation project was planned with the idea that the room could serve multiple functions. Because of its central location, the room was ideally suited as an informal lounge for students. It would provide a quiet, informal spot for a break between classes or for social discourse.

Secondly, with a growing number of special events, including distinguished visiting speakers, regional moot court competitions and other law school activi-

In my role as Assistant Dean for career counseling and placement, I have given considerable thought to the subject of alternatives to traditional legal practice. Many of our graduates have gone on from George C. Taylor Law Center to interesting and varied careers in government, banking, manufacturing and retailing.

Many individuals came to mind and would have been worthy of mentioning in this edition of the Headnotes. However, as I narrowed my decision, the fall season descended upon Knoxville. Now fall connotes the beginning of a new school year, and with it, the thrills and agonies of Tennessee football. And thousands of Tennessee fans associate this latter annual phenomenon with the "Voice of the Vols" and your classmate, John Ward ('50).

Editor's Note



THE VOICE OF THE VOLS: Class of 1950

While he has achieved national recognition in his primary field of TV advertising, John Ward is probably best known for his coverage of University of Tennessee sports on radio and TV.

Ward is the "Voice of the Vols" on one of the largest college football and basketball radio networks in the country, and co-hosts the UT football and basketball TV shows on a TV network seen in twelve southern states each week. He appears with UT Football Coach Johnny Majors on a statewide daily radio show.

As vice president of a Knoxville advertising agency, John Ward has been primarily responsible for the creative development of national, regional and local TV advertising for the agency's clients. Commercials written and produced under his supervision have won three Gold Awards in the Advertising Federation of America's National Competition, and have won Gold Awards in the AFA Deep South competition five different years.

In the field of sports broadcasting,

Ward was named in 1976 the best college announcer in the country by *The Gold Sheet*, a nationally circulated sports weekly.

He has received the National Sports-casters and Sportswriters Award as Sportscaster of the Year in Tennessee for nine years. He graduated with a Doctor of Jurisprudence degree from the UT College of Law ('50), and also has a B.A. in political science from the University of Tennessee.

The interview with John Ward was conducted through a series of letters in which I suggested several questions to which he might respond. Set forth below are the questions I asked and his responses.

1) Would you provide us with background information?

John responded that he was born in Knox County, grew up in south Knoxville and was educated in the Knoxville City public schools.

His father served as principal of the Tennessee School for the Deaf for thirty-five years until his death in 1958. In honor of his service to the school, the present administration building was dedicated and named for him two years ago by the state of Tennessee.

His mother taught at the School for the Deaf until her retirement five years ago. She resides in the Island Home section of south Knoxville.

2) What prompted your decision to enter law school?

"I had always enjoyed history and civics at the junior high and high school level and felt most interested in pursuing law as a career when first enrolling at UT. At that time the six-year B.A.-LL.B. program was in effect which further prompted my interest in law."

3) I next asked John to share with us his impressions or remembrances of his law school days—courses, professors, colleagues.

"To me, man's best friend was alphabetical seating. The policy put Ward next to Winston, and Frank Winston became the horse for Ward to ride through school.

"After I had paid my first quarter fees, there was nothing left for books. I borrowed two books, slightly outdated but usable, and started two other courses without books. Fortunately, I could look over Frank Winston's shoulder in class.

"With Frank conducting cram sessions, with borrowed books, and public speaking experience gained in radio and TV coverage of high school and some college games, I managed to make it into my third year. By virtue of moonlighting (two jobs) I even managed to buy a book—*Tennessee Procedure II*, in order to finish with a flourish."

Not exactly a flourish, John recalled, for in his final pregraduation conference with Colonel Warner (Dean Harold Warner) he was advised that he had pretty well wasted time for both the college and himself.

But all was not lost, for John believes today that his experience and learning, particularly his exposure to legal method and language, were invaluable in both his advertising and communications careers.

4) I next asked John whether he had thoughts of practice upon graduation or whether his other interests were becoming paramount.

"Yes, I intended to practice until my seventh or eighth quarter when I became convinced it would be best for me if I continued a career in communications."

5) After law school, John related the following events in his life leading to the present:

"I was drafted and served in the U.S. Army for two years. During that time, I broadcasted sporting events at Fort Benning on Armed Forces Radio and locally on the base.

"After my discharge, I returned to Knoxville and spent two years with var-



ious radio and TV stations broadcasting high school football and basketball games. In addition, I was the play-by-play announcer for Knoxville professional baseball and did UT basketball games on radio in 1957-58.

"In 1958, I joined a Knoxville advertising agency as an account executive specializing in radio-TV accounts and creative development of commercials and campaigns. I became vice-president in 1960 and have maintained my relationship with the agency (Lavidge, Davis & Newman) and its successors since that time.

"At the present time, I am President of Ward Productions Inc., which serves as production and coordinating agent for UT football and basketball programming, and which produces sales and advertising films, videotapes, etc. for area businesses.

6) Was it choice or accident which led to your career in broadcasting?

"I got into broadcasting by accident. I started working to help defray law school costs and worked in the sports department of the *Knoxville Journal*. When the WKGN sports announcer left town sud-

denly, the station manager came to the *Journal* sports department and asked, "Do you know anyone who can broadcast the basketball game tonight?" Jokingly I replied that I was covering for the paper so I would just broadcast it as well.

"But upon arriving at the gym, the station engineer came up and said, 'Hurry up, you're supposed to broadcast this game.'

"That's how it started, and I've gone steadily downhill ever since."

7) Next I asked John how long had he been "The Voice of the Vols"—how did his association with the UT Athletics Department begin?

"My present association with the UTAD began in 1966, when I began broadcasting basketball on radio. I had done some basketball games in 1954, on radio, and did the first live telecasts of SEC basketball games—the UT games in the 1956 season.

"Then, the advertising agency suggested I cease broadcasting sports and dedicate 100 percent to sales and business development, so there was a ten-year hiatus, until Coach Woodruff and Coach Mears influenced me to begin broadcasting again in 1966. From the basketball start, I moved into covering football on radio and TV in 1968, and have served in that capacity ever since. In 1967, I became host and producer of the UT Football TV show and in 1970 Director of Radio/TV for UTAD. Radio and TV stations have been instrumental in promoting the University and its athletics program throughout the state. In 1966 there was one station carrying UT basketball. This year there will be forty-five in all parts of Tennessee.

"In 1968 there were fifty-five stations carrying football; this year we have over 150 AM and FM stations.

"TV coverage has grown from sixty minutes on one Knoxville channel to sixty minutes in all major markets in Tennessee, and in Atlanta as well. It is the primary contact for people with their University, and in this way, UT athletics maintains involvement and interest of alumni and friends of the University in a way no other activity can."

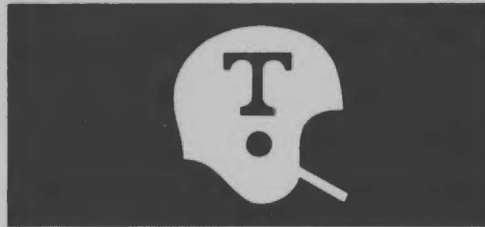
8) Could you characterize some great moments in Tennessee sports history—important plays, individual heroics?

1. Football

"Most memorable games would be the Alabama and Florida games of 1970. It was Coach Battle's first meeting with his former Coach Paul (Bear) Bryant of Alabama, and it was former Coach Doug Dickey's first return to the UT campus, after his emotional departure one year before. Tension was amplified on both Saturdays, and Tennessee played as well as it has played in the past decade...winning over Alabama 24-0 (the first time Alabama had been scoreless in over 100 games), and the next week defeating Florida 38-7."

2. Basketball

"Most memorable games. . .Tennessee's come-from-behind overtime wins at Kentucky in 1976 and 1977. The Vols were fourteen points behind with seven minutes to go at Lexington in 1976, and sparked by Bernard King, who made an unbelievable shot flat on his back, and Ernie Grunfeld (shooting free throws for anyone in sight), Tennessee came back to tie, then win in overtime. Lightning struck twice, because the same comeback occurred in 1977, again sparked by King and Grunfeld. Kentucky's fans, perhaps the most knowledgeable in the country, were stunned and silent. It was an exhilarating moment for UT fans. Five straight wins over Kentucky basketball.



"As for individual performances, in football I think first of the play of Eddie Brown in the Kansas game at Memphis in 1973. He blocked a punt, blocked a possible winning field goal, lost five teeth in one play, later intercepted two passes, and finally returned a punt seventy-four yards to give the Vols a 28-27 win.

"In basketball, I think of Bernard King's performances against Kentucky in '76 and '77; Ernie Grunfeld in the 1975 Sugar Bowl Classic, when he scored seventy-two points in two games; and Ron Widby's thirty-nine points in UT's triple overtime win at Mississippi State in 1967—a game that gave UT the SEC championship for the first time in twenty-five years."

9) What are some of the lighter moments in your broadcasting career?

"We try to avoid bloopers by preparation and consequently we haven't experienced some of the incidents that normally make good broadcast humor.

"There was one occasion when AT&T switched the origination lines at Auburn, so the Auburn broadcast was fed to the UT stations, and our broadcast went to the Auburn network. The situation was corrected at halftime, but some wag commented that the first half of the Auburn-Tennessee broadcast on the Vol network sounded great...Something happened so that Ward finally sounded halfway decent."

10) Have you some goals still to be fulfilled?

"To expand and improve our coverage of all sports; to try new concepts and ideas in football and basketball network coverage as we are doing this year with additional postgame scoreboard and coach's show; to involve more young people, especially UT students, in the production of UT sports"—these are some of the goals ahead for John Ward.

John also seeks "to maintain UT's position of leadership in broadcast coverage, as we move into a period of expansion in electronic communications." The advent of cable TV, home satellite reception opening up all ninety-six known channels for coverage of all kinds of sports and special events, more of subscription or pay TV, an increase in leisure time for Americans—all of this means more coverage of more sports. "I can see live coverage of tennis, track, swimming and other sports in the near future on TV and radio. There will be a growth in other sports also, probably with intercollegiate competition in soccer, volleyball, other sports...as the impact and revenue from TV mushrooms.

"In summary, I honestly believe whatever success I might have had in broadcasting and advertising can be traced directly to the way law school helped me learn the language and its use. To respond under pressure of time and events, quickly and concisely, to know what *not* to say, which is more important than knowing what to say, to eliminate happenings which are not pertinent, to enforce a discipline of selection—these are the things the professors at UT taught. These are things for which I shall always be indebted to teachers and my classmates.

"Finally, I view with pride the advances made by the College of Law. It's a cinch no one could make it through without a book today, and that's good, because as more laws grind out of Washington and Nashville, the need for true professionalism in the legal area grows daily."

ALUMNI NOTES



JIM ZIRKLE

We regret to announce the death of JUDGE BEN L. CAPELL ('04) of Memphis.

ERNEST C. ONKS, SR. ('50) has established law offices in Buffalo Valley.

Our congratulations to CLETUS W. McWILLIAMS ('52), who has been appointed as Executive Secretary of the Tennessee Supreme Court.

CHARLES HILL ANDERSON ('53) and Randall L. Kinnard are pleased to announce the formation of a partnership for the general practice of law with the firm

name of Anderson and Kinnard, offices in Nashville. Mr. Anderson was formerly United States Attorney for Middle Tennessee and Associate General Counsel for Life and Casualty Insurance Company of Tennessee.

JAMES ALFRED CLODFELTER ('56) has been appointed to the newly established office of Director of Legal Services of the General Assembly in Nashville.

LARRY E. PARRISH ('67), formerly Assistant United States Attorney for the Western District of Tennessee, has entered private practice in Memphis.

The firm of Happell, Williams, Hofstetter & Waldschmidt is pleased to announce the opening of its offices in Nashville. PERRY R. HAPPELL ('68) and JAMES W. HOFSTETTER ('74) are members of the firm.

WILLIAM RAY ('73), TOM KERR ('70), and BOB RULE ('75) have opened offices in the Burwell Building in Knoxville.

The college is proud of its graduates who have gone on to serve in Knoxville's city government: RANDY TYREE ('67) was elected Mayor of Knoxville in 1975; JON G. ROACH ('69) was named Law Director of the city in 1976; FRANK R. ERICKSON ('73) was named Deputy Director for the City of Knoxville and W. MITCHELL CRAMER ('73) was named Deputy Director of Law for the city. In addition Assistant City Attorneys include CLIFFORD LEWIS WALTON, III ('74), ELLIS A. SHARP ('76), KATHERINE LOVINGOOD ('76) and SHARON BOYCE.

RICHARD L. ROSE ('74) has moved his practice to the Houston offices of Leonard, Koehn, Rose & Webb.

HARRY P. OGDEN ('75) announces the opening of his law office in the Hallmark Building, Knoxville.

BRUCE D. FOX ('76) back from a year at Cambridge University is now an associate with the firm of Ridenour, Ridenour, Ridenour, Bowers & Shumate located in the United American Bank Building, Knoxville.

Witt, Gaither, Henniss & Whitaker, a Chattanooga firm, announces that G. KEITH NEDROW ('76) has become an associate.

LEWIS L. COBB, JR. ('76) has become associated with Waldrop, Hall, Tomlin & Farmer in Jackson.

We are saddened by the untimely death of CHARLES LARRY ROMANS ('76), who died as the result of a motorcycle accident in Johnson City where he was practicing law.

CAROL YARD LYNCH ('77) has become associated with the firm Thomas, Leitner, Mann, Warner & Owens of Chattanooga.

STEVEN R. SEIVERS ('77) has become an associate with Oak Ridge attorney Harry Lillard in the firm Lillard & Seivers.

Laughlin, Halle, Reagan, Clark &

Gibson of Memphis are pleased to announce the addition of GREGORY G. FLETCHER ('77) to their firm. Greg was a member of UT's winning national moot court team in 1976.

We have just been advised and are saddened by the news of the untimely death of ROBERT B. WILLSON ('56) of Asheville, North Carolina.

Congratulations are in order to JIM ZIRKLE ('72) on his appointment as Associate Dean of the Yale University Law School. Prior to moving to New Haven, Jim had served on the faculty of the University of Mississippi College of Law.



UPCOMING CONTINUING LEGAL EDUCATION PROGRAMS:

| | |
|-------------|--|
| February 10 | Financing, Control and Compensation in Small Businesses Memphis |
| February 17 | Evidence: Federal Rules Revisited and Tennessee Law Compared Knoxville |
| March 16 | Creditor's Rights Nashville |
| March 17 | Financing, Control and Compensation in Small Businesses Nashville |
| April 14 | Evidence: Federal Rules Revisited and Tennessee Law Compared Memphis |
| April 21 | Tennessee Appellate Practice Knoxville |
| May 5 | Southeastern Practice Institute (program to be announced) Knoxville |
| May 19 | Tennessee Appellate Practice Memphis |
| May 20 | Tennessee Appellate Practice Nashville |
| June | Mini-Institutes: Possible subjects— Quality of a Lawyer's Life Anatomy for Lawyers Advanced Business Planning (dates to be announced) |

THE COLLEGE OF LAW'S JUDICIAL SYSTEM EDUCATION PROGRAM

The Judicial System Education Program is an arm of the Public Law Research and Service Program of the University of Tennessee College of Law, and is funded in part by the Tennessee Law Enforcement Planning Agency.

JSEP's primary activity is developing materials, teaching and planning expertise to use in conducting continuing education institutes and seminars for court related personnel on all levels of the Tennessee Criminal Justice System.

The *Judicial Newsletter* is a quarterly publication of the Judicial System Education Program. Two current JSEP-based programs are the Juvenile Justice and Service Program (JJSP) and the General Sessions Judges Training Program (GSJC).

The Juvenile Justice and Service Program's aim is to assist and improve the work of juvenile court service officers, and to inform other community agencies about the functions and authority of the juvenile court and the intensive problem-solving responsibilities of its service officers.

The General Sessions Judges Training Program will provide two education seminars for judges of general sessions courts. Study topics for the programs will be drawn from throughout the wide scope of subject matter jurisdiction inherent in the general sessions court, with added emphasis on court administration tasks, updating on criminal law, procedure and evidence, and charting a clear path through areas of property and commercial law that are commonly confused with or antecedent to criminal prosecutions.

January 10-12, 1978
Regional Seminars for Juvenile Court Service Personnel (JJSP)

February 7-9, 1978
Instructor Judges Institute (JSEP)

March 7-9, 1978
Regional Seminars for General Sessions Judges (GJSC)

March 14-16, 1978
Regional Seminars for Juvenile Court Service Personnel (JJSP)

April 4-6, 1978
Regional Seminars for Juvenile Court Judges (JSEP)

May 9-11, 1978
Regional Seminars for Juvenile Court Service Personnel (JJSP)

May 30, 31, June 1
Urban General Sessions Judges Institute (JSEP)

May 30, 31, June 1
Constitutional Policy and Procedure Institute (JSEP)

FROM PLACEMENT TO CAREER DEVELOPMENT: CHANGING DIRECTIONS

By Eleanor Nelson, Placement Director

The Placement Office in the George C. Taylor Law Center has changed a great deal within the past year, away from the clerical function of the past toward a more comprehensive approach to career planning. Career counseling for law students can no longer be considered as an expendable luxury. Career education is now being implemented to encourage the maximum development of the potential inherent in each student. My role as a career counselor is to facilitate this development by teaching the necessary skills for each student to better her/his own career within the legal profession, whether in a private firm, government agency, judicial clerkship, public interest law, or in choosing an alternative to law.

Workshops are now available each quarter in résumé writing, value clarification and interview skills. Initial contact with the Placement Career Development Office should take place in the first or second year rather than in the latter part of a student's third year when graduation suddenly becomes a present reality instead of a distant dream. Too often in the past a job just happened rather than a career being planned.

Ideally, career planning begins with a thorough examination of personal and professional values. In a recent workshop on value clarification, the emphasis was on knowing who you are before deciding what you want to do. Joyce Diftler, who cofacilitated the workshop with me, emphasized the fact that examining values enables the participant to relate to others in a way that increases both personal and professional credibility. The issue of time well spent was a frequently recurring theme within the four-week period of the workshop. Early on, the necessity for every law student to establish priorities as to how best to balance course work and activities within the law school environment with a satisfactory personal life-

style becomes a primary challenge that continues through a lifetime.

Either at a point when a clerkship seems desirable or at a point when the student begins to recognize law school as that process which eventually leads to a professional career, significant time is often measured in thirty-minute intervals. Thirty minutes, more or less, is the time period of the initial job interview. The interview is a face-to-face interaction that, for the moment, determines success or failure. The before and after results of the workshop that I cofacilitate quarterly with Monique Anderson on Assertiveness Training for Job Seeking Skills are predictably positive. Given the fact that the nature of the law student is that of an achiever, learning interviewing skills comes easy.

Assertiveness as a behavioral approach to communications skills has been widely recognized since Robert Alberti and Michael Emmons published *Your Perfect Right* (Impact Press, 1974). The principles of assertiveness encompass standing up for personal rights without undue anxiety and expressing honest feelings without discomfort, while, at the same time, continually recognizing the rights of others: "I'm important and so are you." Assertiveness training in law school not only leads to success in an ever-tightening job market but presents an opportunity to the student to emerge as an assertive person.

If Career Planning and Placement is to continue to move in a direction that helps facilitate the emergence of successful law graduates, the traditional role of the past is no longer appropriate. Dr. Lawrence Simpson, Director of Career Planning and Placement at the University of Virginia, recently described the traditional approach as "reactive" rather than *active* in discharging its responsibilities to students. The present direction is not only to have each student leave George C. Taylor Law Center with a job but also to leave with the awareness that career development is a lifelong process within a profession that naturally presents an ongoing opportunity to maximize human potential.



Professor John Sobieski and Tom Prewitt ('48).



Pat Gray and Mr. and Mrs. Frazier Humphreys with Professor Fred LeClerq (back to camera).



DEAN'S ALUMNI ADVISORY COUNCIL MEETING November 4-5, 1977



DEAN'S ALUMNI ADVISORY COUNCIL

Left to right: Ed Parrott, Knoxville; Houston Gordon, Covington; Charles Gore, Bristol; and Dick Kidwell, Murfreesboro/Second row, left to right: Chancellor Jack Reese, UT Knoxville; Bob Worthington, Knoxville; Walter Bussart, Lewisburg; Bernie Bernstein, Knoxville; Frazier Humphreys, Memphis; Dean Kenneth Penegar; Herbert Bacon, Morristown; Jane Snyder, Washington, D.C.; Robert Echols, Nashville; Howell Sherrod, Johnson City; and Ed Treadway, Kingsport.



Professor Joe King chats with Houston Gordon ('70).



Tom Prewitt ('48) and Professor Carl Pierce.



Mr. and Mrs. Robert Echols and Professor Overton.



Eleanor Nelson, Ann Gore and student Patrice Woeltjen.



Left to right: Polly Peterson ('76), Professor Durward Jones, Jane Snyder ('73), and Howell Sherrod ('71).



Professor John Sebert, Professor Gerald McGinley and Herbert Bacon ('50) with daughter, Susan (back to camera).



Students Teresa Murray and Don Sproles listen in on a conversation between Charles Gore ('36) and Placement Director Eleanor Nelson.



Left to right: Professor Glen Coven, Ed Rayson (background talking with Professor Fred Thomforde), student John Bowers and his wife, Jeannie.



Left to right: Mr. and Mrs. Dick Kidwell visit with law students Larry Trail (back to camera), and Don Sproles.



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TENNESSEE TRIUMPHS IN BIRMINGHAM

By Curtis L. Wells

It was a "sporting" contest but it wasn't played at Legion Field and the "Bear" wasn't there to influence the outcome.

The competition was among law students from nine southeastern law schools for associate and clerking positions with major law firms, corporations and government agencies from around the country.

A little over three years ago, UT joined with eight other law schools in the southeast region to form the Southeastern Law Placement Consortium. The basic premise underlying the organization was that no one school could entice sufficient recruiters to its campus to meet the placement needs of its students. Together, we stood a chance of fulfilling that need.

The benefit to the participating firm is substantial in terms of both time and money. By investing one weekend a year in recruiting, a firm can interview a qualitative selection of second- and third-year students from William and Mary, Kentucky, South Carolina, Cumberland, Alabama, Memphis State, Georgia, Emory and Tennessee.

During the second annual placement consortium which was held in Birmingham on October 7-9, a total of 204 law students interviewed thirty-two firms, corporations and agencies, with the total of interviews adding up to approximately 842. This meant that each student averaged a little over four interviews. UT students exceeded the average; twenty students went to Birmingham and received 110 interviews (over five per student).

Although the final results are not yet in, it seems that proportionately UT has done exceedingly well. Approximately half of our students received invitations for a second visit and/or bona fide offers of employment.

Following is a list of the interviewers who participated this year:

Bradford, Williams, McKay,
Kimbrell, Hamann & Jennings
Miami, Florida

Witt, Gaither, Richardson,
Hennis & Whitaker
Chattanooga, Tennessee

Stophel, Caldwell & Heggie
Chattanooga, Tennessee

Carrington, Coleman, Sloman,
Johnson & Blumenthal
Dallas, Texas

Morrison & Foerster
San Francisco, California

Ross, Hardies, O'Keefe,
Babcock & Parsons
Chicago, Illinois

Bootheel Area Legal Assistance
Program
Caruthersville, Missouri

Eldridge, Goggans & Weiss
Dallas, Texas

Touche Ross & Co.
Birmingham, Alabama

Gambrell, Russell,
Killorin & Forbes
Atlanta, Georgia

Cabaniss, Johnston, Gardner,
Dumas & O'Neal
Birmingham, Alabama

Massachusetts Mutual Life
Insurance Company
Birmingham, Alabama

Securities and Exchange
Commission

United States Marine Corps

Thomas, Taliaferro, Forman,
Burr & Murray
Birmingham, Alabama

Jacksonville Area Legal Aid, Inc.

Exxon Company, U.S.A.

Sirote, Permutt, Friend,
Friedman, Held &
Apolinsky, P.A.
Birmingham, Alabama

Fuselier, Ott, McKee & Flowers
Jackson, Mississippi

King & Ballow
Nashville, Tennessee

Florida Rural Legal Services

Bradley, Arant, Rose & White
Birmingham, Alabama

Wynne & Jaffe
Dallas, Texas

Georgia Legal Services, Inc.

Neighborhood Legal Services
Charleston, South Carolina

Weintraub, DeHart,
Robinson & Coggins
Memphis, Tennessee

This is an opportunity which alumni and their colleagues might wish to explore for future hiring needs. It is designed for the small-to-medium sized firm as well as the larger firm.

Additions to List of College of Law Contributors

The College of Law regrets the omission from its list of contributors the name of Parker L. Carroll ('51) of Houston, Texas. Mr. Parker has been a generous contributor to both the University of Tennessee and to the Dean Harold Warner Centurion Fund at the Law College.

Also, contributions for the past two years are gratefully acknowledged from Joe Beene ('75) of Memphis.