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UT Lawyer (Spring 1967)

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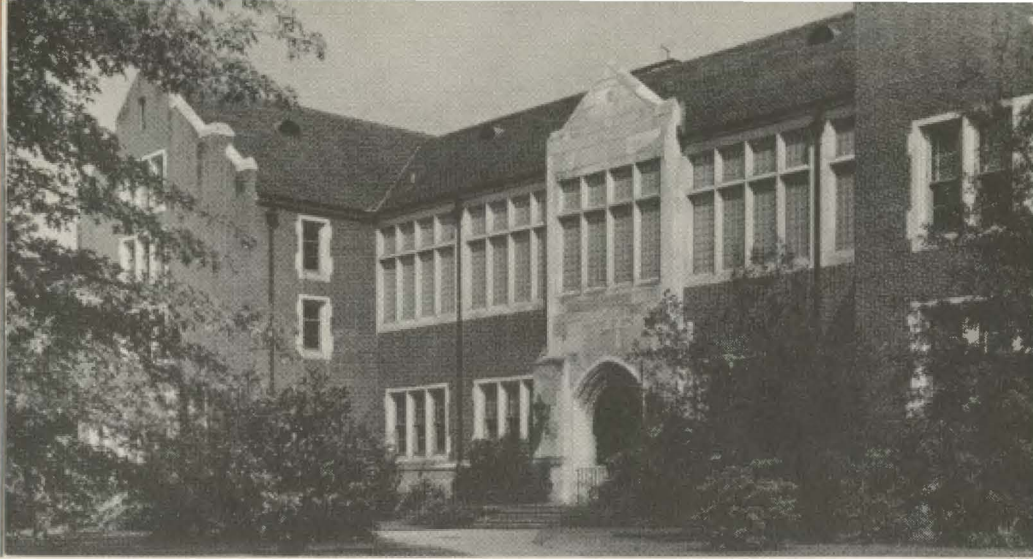
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The U-T Lawyer

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THE FACULTY AND STUDENTS
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OF THE UNIVERSITY OF TENNESSEE



VOL. 5, NO. 3

SPRING 1967

ARGUMENTS, AWARDS SCHEDULED FOR LAW DAY

Trial Advocacy Seminar Offers Practical Hints to Students

U-T law students will be exposed firsthand to some of the practitioners' problems during a Trial Advocacy Seminar to be held on May 5, 1967.

This seminar will be different from institutes held at the College of Law in the past, in that it will be open only to law students. This one-day program will be presented by the American Trial Lawyers Association, in co-sponsorship with the University of Tennessee Bar Association.

Leading practitioners of the courtroom arts will be brought to Knoxville by the American Trial Lawyers Association to demonstrate the latest trial techniques, and to discuss with the students problems encountered in trial practice.

Among the demonstrations that will be presented by these nationally-known attorneys are selecting a jury, making an effective opening statement, presenting medical data to the court, and demonstrating the art of summation. There will be an actual demonstration of an examination and cross-examination of local physicians, utilizing a hypothetical case involving both soft tissue injury and fractures.

Throughout the program there will be ample opportunities for students to present questions to the attorneys, both in the formal sessions and during informal breaks.

The College of Law is indebted to Charles R. Terry, prominent Morristown attorney, for the selection of The University of Tennessee as one of the twelve law schools where the American Trial Lawyers Association will make such a presentation this year. Mr. Terry was recently chosen as Vice-Chairman, Midwest United States, of the Student Advocacy Program of the A.T.L.A.

He will be moderating a similar seminar at the University of Illinois on April 29, and on May 5, at The University of Tennessee.

Students of the College of Law are eagerly looking forward to this session of "practical learning" to add to their increasing stores of "book learning." After attending the Trial Advocacy Seminar, each student will still need advice and wise counsel from senior attorneys, but perhaps he will be able to phrase his questions a little more knowingly.

The two best teams of student appellate advocates in the College of Law will clash in public oral arguments before a three-judge panel on Saturday, April 29, at 2:00 p.m. in the Moot Court Room. The occasion will be the opening of Law Day activities with the championship round of Law Day Appellate Arguments.

Ten teams of student advocates have been preparing for many weeks for this year's arguments, which will take the form of an appeal to the Tennessee Supreme Court based on a fictitious case in a county juvenile court. Issues involved in the case center on whether the Due Process Clause of the 14th Amendment to the U.S. Constitution applies to juveniles.

After preliminary matches during the week before Law Day, the two teams remaining undefeated will meet on Law Day to compete for the cash prizes and law books that victory in the Law Day Arguments brings. Deciding the case will be three of Tennessee's finest appellate judges: The Honorable Hamilton S. Burnett, Chief Justice of the Tennessee Supreme Court; The Honorable James W. Parrott, Judge, Eastern Division, Tennessee Court of Appeals; and The Honorable Luke M. McAmis, Chief Judge, Tennessee Court of Appeals.

During the evening Law Day program to be held at the Senators Club beginning at 6:00 p.m., the Outstanding Graduate of the Year, the 1965-1966 initiates into the Order of the Coif, and the Law Day Appellate Argument winners will be announced.

The initiation of Chancellor Glenn W. Woodlee into honorary membership in the Tennessee Chapter of the Order of the Coif will be the highlight of the evening's program. Following an address by the Chancellor on "A Nobler Temple of Justice," dancing to the music of the Billy Scarlett orchestra will complete the day's activities.

Tickets now available . . .

Law Day Banquet and Dance

Senators Club, Alcoa Highway

Saturday, April 29 — 6:00 P.M.

\$5.00 per ticket

CALL OR WRITE THE COLLEGE OF LAW
FOR RESERVATIONS.

U-T Law Alumni News Notes

Commander James T. Hawk, '52, a legal specialist, U. S. Navy, is stationed in the Legal Department, National Naval Medical Center, Bethesda, Maryland.

Benjamin B. Simpson, '28, is located in Loudon.

James Franklin Reid, '59, is Administrative Assistant to the Referee in Bankruptcy, U. S. Courthouse, Memphis.

Ewell L. Easley, '33, is a member of the firm of Easley & Weston Brokerage Company, P. O. Box 717, Bristol.

Robert W. West, '50, is Criminal Investigator, Second Judicial Circuit; address: 305 College Street, Newport.

James Edmond Jones, '58, is a Claims Adjuster, State Farm Mutual Automobile Insurance Company, 2600 Poplar Street, Memphis.

Walter F. Emmons, '52, is with the Family Finance Management Corporation, 1101 Brickell Avenue, Miami, Florida.

Gaines A. Tyler, Jr., '52, is with the firm of Ansell and Ansell, 601 Tower Building, Washington, D.C. 20005.

Branson Harvey Coulter, '49, has an office in the Forest City Shopping Center, P. O. Box 3236, Forest City, Florida 32751.

Perry P. Thomas, '47, is with the Internal Revenue Service, Collection Division, 12th and Constitutional Avenue, Washington, D.C.

Winifred Townsend Wells, '42, is a member of Wells & Blossom, Attorneys at Law, 124 Boney Street, Wallace, North Carolina.

Lt. Robert E. Hart, '50, is a Staff Judge Advocate, Third Infantry Division, APO New York 09036.

Orrin H. Bush, '59, is Vice-President and Trust Officer, Hackley Union National Bank and Trust Company, Muskegon, Michigan.

Robert D. Daves, '50, is an associate of Davis & Stephenson, Inc., Insurance Agency, Box 1300, Roanoke, Virginia 24006.

Henry C. Lassing, IV, '50, is Estate and Gift Tax Examiner, U. S. Internal Revenue Service, P. O. Box 4760, 400 West Bay Street, Jacksonville, Florida 32204.

Leonard G. Webb, '53, is with the United Steelworkers of America, AFL-CIO, P. O. Box 37, Alcoa. His home address is 5918 Woodburn Drive, Knoxville.

Ross E. Burchfiel, Jr., '61, is a member of the firm of Bell, '62, Paire, '61, and Burchfiel, Suite 2, Journal Building, 618 South Gay Street, Knoxville.

Lt. Colonel Howard Vincent, '48, is the Staff Judge Advocate of the U.S. Army, Procurement Center, Frankfurt, Germany, APO New York 09757.

Clyde A. Dunn, '64, has opened his law office in Newport. His home address is 207 Washington Avenue, Newport.

Melvin G. Cooper, '50, is at the Warfare Systems School, Air University, Maxwell AFB, Alabama.

James P. Chase, '06, has retired from the practice of law and now operates the J. P. Chase & Son farming operation. His address is Route 4, Box 322, Millington.

A. Stanley Robinson, '55, is a member of the firm of Katz, Robinson & Brog, 10 East 40th Street, New York City, New York.

Donald W. Aaron, '52, is with the FBI and is stationed in Newark, New Jersey. His address is U.S. Post Office and Court House, P. O. Box 1158, Newark, New Jersey 07101.

Patricia A. Eaves, '66, is Assistant Counsel, Legal Services, Department of Public Welfare, State of Tennessee; her address is 406 State Office Building, Nashville.

Charles N. Vance, '42, is Adjudication Officer, Employment Security Commission of Arizona. His address is 632 W. Washington Street, Phoenix, Arizona.

Ira B. Spraker, '60, is a member of the firm of Smith, Elliot, Schwalbe and Spraker, with offices at 512 Barnett Building, Jacksonville, Florida 32210.

William E. Hancock, '41, is owner and operator of Hancock Buick Company, P. O. Box 5696, Columbia, South Carolina.

Henry T. V. Miller, '58, has been named a member of the firm of McDonald, Kuhn, McDonald, Crenshaw, and Smith, with offices at 150 E. Court Avenue, Memphis.

Captain Robert A. Mangrum, JAGC, '65, and Captain Edward Christenberry Jagg, '65, are in the United States Armed Forces, Claims Service, Korea, APO, San Francisco 96301.

Douglas Meyer, '56, is now associated with Crawford Bean, Pioneer Bank Building, Chattanooga.

James Hyde, '51, is now a member of the firm of O'Rear, Lankin, Wassir, and Hyde, with offices in the Pioneer Bank Building, Chattanooga.

William G. Mitchell, '51, is with the firm of Giles, Hedrick, & Robinson, Orlando, Florida.

William H. McLaughlin, '39, is with the United Aircraft Corporation, South Administration Building, 1S 400 Main Street, East Hartford, Connecticut 06180.

David M. Pack, '48, is Commissioner, Department of Insurance and Banking, 114 State Office Building, Nashville.

THE U-T LAWYER

James H. Toms
Editor-in-Chief

John E. Buifaloe, Jr.
Managing Editor

Copy Editor John W. Wheeler
Editorial Assistants James Trotter, Gordon Jackson
Reporters Charles C. Baker, John Burpo, James E. Hall, Polly Ann Olsen, Gerald V. Robertson, Robert Strong, Thomas F. Smith

SPRING, 1967

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PLACEMENT SERVICES

The Law College offers to law firms, corporations, and government agencies an opportunity to interview undergraduates and graduates for full or part-time legal positions.

If you are interested in this service, kindly communicate with:

The U-T Law College Placement Office
1505 West Cumberland Avenue
Knoxville, Tennessee 37916

Legal Aid Clinic: Law Office for Everyman, 1967

Delta Theta Phi Sponsors Institute for Pre-Law Students

Catron Senate of Delta Theta Phi law fraternity sponsored a day-long Pre-Law Institute at the College of Law on April 15.

The program was designed to acquaint pre-law students and faculty advisors for these students with some of the problems facing law students, and provide ideas to help the pre-law student prepare adequately for his law study in future years.

The institute, attended by forty pre-law students and faculty advisors from eight Tennessee colleges, began with a lecture by Dr. Elvin E. Overton of the College of Law faculty on "Pre-Law Preparation." Next, a seminar on the case method of law study featured discussion between Dr. Forrest Lacey, Professor of Law, and William Forrester, Thomas M. Burnett, and Gordon M. Jackson, law students.

After a lunch hosted by the College of Law in the University Center, a panel discussion on law school curriculum convened. This group was composed of Dean Harold C. Warner of the College of Law, Assistant Professor of Law Joseph G. Cook, and law students Frank Jablonski and Edward M. Ellis.

The final session of the institute was a panel discussion held in mid-afternoon on the topic of "The Role of the Lawyer in Society." Four distinguished attorneys from Tennessee served on this panel—Oris Hyder, Criminal Court Judge; Raymond Moseley, trial attorney; James Winkles, Chief Counsel of the Atomic Energy Commission; and H. M. Harton, corporation counsel.

General Chairman Alan Kalsmith indicates that the fraternity hopes to make the institute an annual event at the College of Law.

Law Wives Club Meets, Serves

In a variety of activities throughout the Winter quarter, the Law Wives Club sought to give wives of law students enjoyable meetings and opportunities for service to the law students.

A covered dish supper followed by a marathon bridge session was one of the first meetings held during the quarter. A fashion show and cosmetic demonstration were presented during later meeting programs. Toward the end of the quarter, wives of graduating law students were presented the degree of LL.B.—Mrs. by Dean Warner and the president of the Student Bar Association.

A well-received service project of the Law Wives during final exam periods was the fresh coffee provided by the club during the day and evening hours for law students. Once a month, a bake sale was conducted in the law school, which gave law students opportunities to enjoy some home-made baked goodies, and enriched the Law Wives Club's treasury.

Consider a law firm which takes in from 20 to 40 new junior partners every three months, loses an equal number, handles cases at the rate of more than a thousand a year, will not handle a case for a wealthy client and never collects a fee. There is such a firm in Tennessee. Rather than being alarmed about it, those who know the whole story are quite proud of it.

The University of Tennessee Legal Aid Clinic fits the foregoing description, and people other than Tennesseans have recognized its excellence. The Clinic was called the best in the United States by the National Council on Legal Clinics Law School Deans' Conference in 1965. Besides being at the top of the list for excellence, the U-T Legal Aid Clinic is one of the oldest in the country. It was opened in 1947.

Professor Charles H. Miller, the Clinic director, is a graduate of Duke University and a pioneer in the development of university-related legal aid clinics. U-T's Clinic serves a dual purpose. It provides an opportunity for law students to gain practical experience in the actual operation of a law office and, possibly more important, it makes available high-quality legal services for indigent residents of the Knoxville area.

ONLY INDIGENT CLIENTS ACCEPTED

Indigency is the chief criterion for anyone seeking the services of the Clinic. No one able to pay an attorney's fee is accepted as a client. When a prospective client first contacts the Clinic he is asked to complete a data sheet on which he indicates, among other things, the nature and sources of his income, the kind and value of his property, the source of his referral to the Clinic and the nature of his problem.

The Clinic proceeds on the theory that to deny any person equal representation before the law simply because he cannot pay a fee is to deny him one of the fundamental rights of our democratic system. The federal Office of Economic Opportunity has recognized the value of the services performed by the Clinic and made a grant which became effective September 1, 1966, enabling the Clinic to expand its program. The grant primarily provides for the construction of three neighborhood law centers to be located in areas with high concentrations of indigent residents. Expansion of the Clinic staff will also be possible with the help of the grant.

Cases handled by the Clinic range from the enforcement of child support orders already granted to the defense of clients accused of murder and rape. Factual situations presented range from the most routine to the most bizarre, and one case eventually was heard by the United States Supreme Court where the Clinic's contention prevailed and an important precedent was set.

The case which went to the Supreme Court involved a mother who visited the Clinic seeking help for her daughter who, while living with her husband, a military man stationed in Germany, had been convicted by a military court and sentenced to a federal prison. After an investigation, it was determined that the court which tried the case had no jurisdiction. The Supreme court ultimately upheld that position, and the case became a landmark in military law.

A student can, if he wishes, spend a full academic year working in the Legal Aid Clinic. The course is divided into

(Continued on page 4)

Thomas M. Keeling Honored by Phi Delta Phi Inn

The brothers of Roosevelt Inn of Phi Delta Phi law fraternity have chosen Thomas M. Keeling, who will graduate in June, as the local inn's nominee in the PDP National Graduate of the Year competition.

Mr. Keeling, of Knoxville, is Editor-in-Chief of the Tennessee Law Review, and he holds the Green Scholarship, largest academic financial award made by the College of Law. He has served as Secretary of the U-T Bar Association, and was a member of last year's National Moot Court Competition team from The University of Tennessee. Mr. Keeling is a graduate of The University of Tennessee with a Bachelor of Science degree in Chemical Engineering. He is a member of Sigma Chi social fraternity, and has served as President of the local chapter. He also is a member of numerous honorary societies from his undergraduate days.

Mr. Keeling will now compete with nominees of other PDP inns in regional competition, and the regional winners will compete on the national level, for the final awarding of the citation of PDP National Graduate of the Year to one member.

PAD Chapter Provides Leaders for District of Law Fraternity

The quarterly Phi Alpha Delta rush party was held at the Air Force Officers Club on April 8. Julian and the Epics provided music for dancing, and a capacity crowd of happy law students attended.

In other activities during the past quarter, Phi Alpha Delta provided entering law students with kits containing sample casebook abstracts, outline maps of library materials, and information about the fraternity.

Chapter Justice Thomas F. Smith and past marshall and clerk Ronald Montgomery have brought back good news from the 1967 Phi Alpha Delta District Ten conclave in Birmingham, Alabama. The 1968 district conclave will be hosted by McReynolds Chapter at the U-T College of Law. Smith has been elected district justice, and James O. Trotter of the local chapter has been elected district clerk, for terms of office ending in April, 1968. District Ten consists of chapters from eight law schools in four states—Tennessee, Alabama, Mississippi, and Kentucky.

Legal Aid Clinic . . .

(Continued from page 3)

Clinic I and Clinic II. The Clinic II course is elective and covers two quarters. Clinic I is a required course.

In Clinic I, normally taken during the student's sixth or seventh quarter in law school, the emphasis is on learning the procedures required in an efficiently run law office, becoming acquainted with filing systems, learning to interview clients and gaining experience in drafting legal correspondence and pleadings. Each student is assigned a certain number of cases for which he will be responsible during the quarter. He works under the supervision of a licensed attorney, and takes all action necessary for the orderly progress of the case toward a proper conclusion.

In Clinic II there is strong emphasis on professional responsibility. Much emphasis in Clinic II is on the handling of criminal cases. Under a recent ruling of the Tennessee Supreme Court, U-T Clinic students may be certified to practice before the courts of the state. Using the new ruling, students can have the invaluable experience of actually trying cases in court. Students are, of course, under the supervision of a licensed attorney at all times, but the student is allowed to try his own case in his own way so long as he makes no error for which the client could suffer.

CLINIC HAS OWN FACILITIES

The Legal Aid Clinic was established when the present College of Law Building was built in 1950, and the building was the first in the nation to provide offices specifically designed for the operation of such a clinic. With the increased enrollment in the College of Law and the expanded services offered by the Clinic, there came a need for expanded facilities. U-T met the need, and the Clinic has taken over considerable additional space.

Offices are provided for the director and associate director of the Clinic as well as for the attorney-supervisors and the secretarial staff. There are also comfortable inter-

view rooms where the student-attorneys can hold conferences with their clients, waiting areas for clients, working areas for the students and space for maintaining frequently used books.

Clinic students and the professional staff also have access to the law library and all other facilities of the College of Law.

Professor Miller directs the Clinic's programs, and in the fall of 1966 an associate director was added. He is Associate Professor Toxey Sewell, a retired Army colonel who, like Professor Miller, teaches some courses in addition to his duties in the Clinic.

The Clinic has been referred to as "one of the largest law firms in the South," and if one were inclined to give it a name it might, with considerable justification, be called Miller, Sewell and Everybody. Every student who earns a law degree at U-T is, for at least one quarter, a junior member of the firm. One of the precepts to which Professor Miller adheres is that there is no student-professor relationship in the clinic. The relationship is, rather, that of a senior partner in a very large law firm.

Currently, about 70 students are participating in Clinic I and Clinic II each quarter, and from 1,000 to 1,400 cases are being handled each year. If this creates administrative problems for Professor Miller, Col. Sewell and the College of Law administration, the problems are gladly accepted because of the benefits of the Clinic. The program insures that every U-T law graduate will have at least three months of practical experience in handling cases when he gets his degree. It also makes available to more than 1,000 indigent people each year high-quality professional legal services which they might otherwise be denied because of their inability to pay a fee.

Those responsible for the Clinic program know that it enables U-T to produce a better, more competent lawyer. They hope it will also produce a heightened respect for the law in the people who find that, through it, they can be assured of fair treatment before the law despite the fact that they cannot pay for legal services.