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ALUMNI HEADNOTES

The University of Tennessee College of Law

SPRING
1979

Editor: Curtis L. Wells, Associate Dean



THE DEAN'S CORNER

Institutions, like men and women, experience change over time if they survive and flourish. Your law school, by that test, is a very healthy institution indeed. Some of the changes or developments currently "in the works" are chronicled here briefly. Some of these will be the subject of fuller description in other issues of *Headnotes*.

Academic Calendar. In the fall of 1980—if the Board of Trustees agrees later this spring—the College of Law will move to a semester system in place of its current quarter or three-term system. While the University otherwise will remain on the quarter system, the differences will be minimized by our starting in the fall and stopping in May at the same time as the rest of the campus. The first semester will end in January—just in time for the February bar exam for those graduating midyear. The idea of moving to a two-term system has been debated for a long time in the faculty, and its time seems to have come. Better course coverage, fewer stops and starts, longer exam periods, and a better distribution of holidays over the year are some of the benefits expected from the shift. Most law schools are on the semester plan already—150 out of 165 at last count—a fact also reflected in the way most casebooks are written.

Faculty Size. With the return in the fall of 1979 of two of our faculty away on leave (Dick Wirtz teaching at Cornell and Grayfred Gray doing graduate work at Michigan) and the addition of two new members, our faculty will be at its largest ever. Twenty-eight full-time faculty will be on board, in addition to deans, directors, and staff attorneys. This will give us, with an enrollment of about 600, a 21 to 1 student to faculty ratio. Numbers, of course, do not tell the whole story. Our faculty are also growing in professional recognition nationally, increased research productivity, and teaching excellence.

Clinic Directorship. As mentioned elsewhere in this issue, we note with regret the resignation of Jerrold Becker, director of the Clinic for the last several years and successor to the Clinic's founder Charlie Miller, to enter private practice here in Knoxville. Jerry did a splendid job for us, and his shoes will be hard to fill. A search committee chaired by Professor Durward Jones is now at work trying to identify suitable candidates for this very demanding position. In addition to success as a practicing lawyer either in private practice or with the government, we are looking for high academic achievement as well as some demonstrated administrative capacities. Any nominations or suggestions should be sent directly to the chairman of the Search Committee in care of my office.

Law Library. I am happy to report substantial progress in the area of raising the level of services to our readers in the library, including quicker receipt and processing of statutes, cases, regulations and the like. One of the happy effects of the ABA's reinspection two years ago was to call attention to the difficulties inherent in the bifurcated administrative structure of the library, that is, sharing its administration with the central library system of the whole University. This problem is on the way to being thoroughly resolved, and the sympathetic understanding of the University's administration, Chancellor Reese and his staff, is greatly appreciated.



Law Library Acquisitions. I do not have to tell practicing lawyers who run their own library about the ravages of inflation. The price of the average law book is going up at about 12 to 18 percent per year. When that fact is coupled with the knowledge that legislatures and courts and agencies are turning out decisions, codes, and regulations at a much greater rate than just a few years ago, it is clear that any law library has a problem just staying current with the growth of the law. Our library is no exception, and we have not been able to accumulate as large an acquisitions budget as these needs suggest. In the very short range in the future we are going to have to *double* our acquisitions budget if we are to catch up with the outpouring of law and law-related materials that a comprehensive

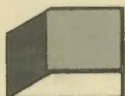
law library like ours should have. The Alumni Advisory Council has been told about this problem and various of its members have volunteered to help in a suitable remedy. More about this later.

Career Counseling and Placement. One of the most dramatic improvements in any aspect of our college has been the remarkable growth in the number of firms and agencies visiting our school to interview our prospective graduates. In the last three years, principally through the efforts of the placement director, Eleanor Nelson, we have tripled the number of firms coming regularly to the school for interviews. And as Eleanor reports elsewhere in this issue, we are working on the other side of the equation as well—helping prepare our students better for these interviews and other opportunities for professional placement after graduation.

Admissions. For year now we have had a steady number of completed applications, on
Continued on page 2.

The College of Law is pleased to announce that James C. Kirby, Jr. has accepted a permanent position at the University of Tennessee. Professor Kirby was in a visiting position at Tennessee during 1978-79, on leave from New York University. Jim will teach courses in constitutional law, professional responsibility, federal courts, and arbitration and labor law. His scholarship is widely recognized in constitutional law, and he is also known for his work on the Congress and congressional ethics.





The Dean's Corner,
continued from page 1.

the order of 1100 or 1200. We have been hearing that the demographic curve would soon force a decline in this applicant pool. And, lo and behold, it happened this year. As of this writing we are down to about 900 application for summer and fall admission. The quality, on the other hand, appears to be holding up just as strong as it was before. In the area of minority recruitment and retention we continue to face a severe challenge familiar to universities all over the country.

Moot Court. A large number of second- and third-year students continue to be meaningfully involved in regional and national competitions. These are reported elsewhere in these pages from time to time. The centerpiece of our greatly expanded programs in this area continues to be the internal Advocates' Prize Moot Court Competition, established a few years ago by an anonymous friend of the college in honor of six prominent East Tennessee advocates. Thirty second- and third-year students worked on this competition this time. The finalists appeared before a distinguished panel of federal circuit judges at the end of April. The judges this year were as follows: The Honorable Pierce Lively of the Sixth Circuit Court of Appeals; The Honorable Paul Roney of the Fifth Circuit; and The Honorable Spottswood Robinson of the District of Columbia Circuit Court of Appeals.



**NEWS OF
THE ALUMNI**

The College of Law regrets to announce the death of **CLYDE W. KEY** ('25), a longtime practitioner in Knoxville. Upon graduation Mr. Key became a partner with W.T. Kennerly in the firm of Kennerly and Key until 1944, at which time he practiced law alone. In 1953 Mr. Key organized the firm of Key, Lee and Layman where he remained a senior partner until his death.

Mr. Key was past president of the Knoxville and Tennessee Bar Associations and was a fellow of the American College of Trial Lawyers. In addition, he served on the Knoxville Bar Association Committee which structured the bill creating General Sessions Courts.

In 1975 Mr. Key, along with five other Knoxville Lawyers, was honored by a friend of the College of Law when the Advocates' Prize Moot Court Competition was established.

ARVIN H. REINGOLD ('57) and **Richard A. Schulman** ('72) are pleased to announce the opening of the new partnership of Reingold, Powers and Schulman with John Y. Powers in Chattanooga.

The law firm of Gentry and Walkausas announces with pleasure that **CHARLES A. WAGNER** ('68) has become a member of the firm, changing this Knoxville firm to Gentry, Wagner and Walkausas.

HOWARD R. PEPPEL ('73) has left the United States Air Force to enter private practice with the Memphis firm of Horne and Poppel, P.C.

The law firm of Armstrong, Allen, Braden, Goodman, McBride and Prewitt announces that **THOMAS R. PREWITT, JR.** ('73) has been made a partner of the Memphis firm.

The law offices of Discipio, Martay and Caruso announce with pleasure their new name with **ANTHONY J. CARUSO, JR.** ('74) becoming a partner with this Chicago firm.

LOUIS W. KERSHNER ('74) and **R. MICHAEL SMITH** announce the formation of a professional corporation for the general practice of law under the firm name of Kershner & Smith, P.C., in Virginia Beach, Virginia.

JAMES E. MCCOLLUM ('74), **DANIEL F. MCGEHEE** ('74), and **KENT S. FOSTER** are pleased to announce their association for the practice of law under the firm name of McCollum, McGehee and Foster in Knoxville.

The law firm of Stophel, Caldwell and Heggie take pleasure in announcing that **JOHN B. PHILLIPS, JR.** ('74) has become a partner in the Chattanooga firm.

CHARLES T. HUDDLESTON ('76) reports he is with the firm of Alston, Miller and Gaines in Atlanta, Georgia.

The law firm of Armstrong, Allen, Braden, Goodman, McBride and Prewitt announces that **S. RUSSELL HEADRICK** ('77) has become associated with the Memphis firm.

ROBERT CHADWELL ('78) is practicing law with the firm of Ritchie and Tipton in Knoxville.

The law firm of Hirsch, Westheimer, Block and Wilk is pleased to announce that **JOSEPH H. COHEN** ('78) has become associated with this Houston, Texas, firm.

STANLEY G. EMERT, JR. ('78) is practicing law with the firm of Leibowitz and Watson in Knoxville.

EDWARD F.M. GOOD ('78) has been appointed to the Washoe Public Defenders Office in Reno, Nevada.

CATHERINE L. HANSEN ('78) is practicing law in private practice in Fallon, Nevada.

GEORGE WILLIAM LONG, III ('78) has become an associate with the Atlanta firm of Parker, Johnson and Cook, P.C.

VIVIAN WARNER ('78) has become an associate with the firm of Upchurch and Turner in Crossville.

**JERRY BECKER LEAVES
UT LEGAL CLINIC FOR
PRIVATE PRACTICE**

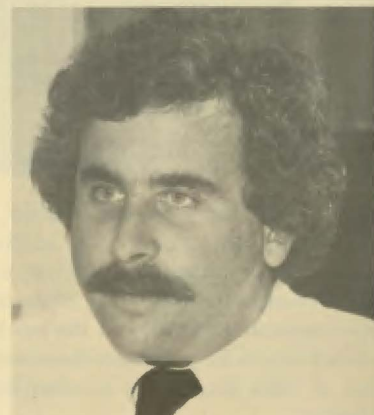
Jerry Becker, director of the Legal Clinic and associate professor of law, recently resigned from the UT law faculty to enter private practice with the newly organized firm of Lockridge, Dougherty and Becker, Knoxville.

Jerry became Clinic director in August 1975. Under his leadership the Legal Clinic program expanded from a University-based educational/public service program with a seventeen-member staff to an institution with three offices and a total staff of forty-one. With these expansions the Clinic broadened its service area

from Knox to Loudon, Blount, and Sevier counties.

In addition to his duties as director of the Legal Clinic, Jerry has been actively involved in many local service organizations. He has served as chairman of the First Region II-A Title XX Advisory Committee, as a member of the Board of Directors of Knoxville Neighborhood Health Services, and as an advisor to the Knoxville Apartment Council and the UT Campus Housing Office on local housing issues. Jerry has also worked with the UT Environment Center in publishing reports and comments concerning the Appalachian coal industry and with the committee to establish a statewide legal services office. He is presently chairman of the civil committee of the National Legal Aid and Defender Association.

The UT Law College and Legal Clinic wish to express to Jerry their gratitude for his past service and best wishes for an exciting future.



BECKER

**CARL ESHBAUGH NAMED
ACTING DIRECTOR OF UT
LEGAL CLINIC**

Carl Eshbaugh has been named the acting director of the University of Tennessee Legal Clinic. Carl received his B.S. and J.D. from UT and has served the College of Law as an instructor/staff attorney since 1974. In 1975 he assumed responsibility for the Economic Development Division of the Legal Clinic, which was the first law school program of its type in the United States. In addition, Carl has been involved in representation of community organizations and the clinical education of senior law students interested in that area. In 1978 Carl became associate director of the Legal Clinic and assumed responsibility for supervising expansion plans in Loudon, Sevier, and Blount counties and coordinating the activities of those county offices.

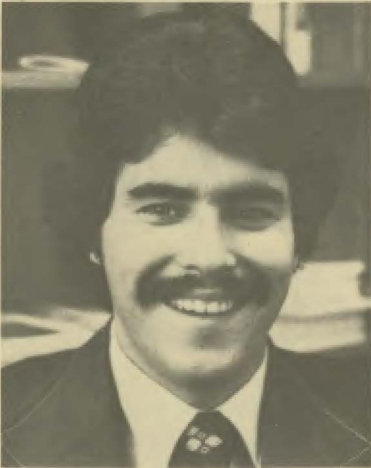
Carl has authored *A Clinical Work Manual on Trial Advocacy*, contributed to *A Handbook on Substantive and Procedural Issues for the Practice of Poverty Law*, and written several articles of interest to lay persons which have been published in *Successful Business*, *The Graduate* and *18 Almanac*. He is a member of the Board of Directors of Knoxville's West House, the Inner-City Neighborhood Coalition, and the Knox County Association for Retarded Citizens. Carl is also chairman of the By-Laws Committee for the Regional Title XX Advisory Committee to the Department of

Human Services and of the structural/organizing committee for the Knoxville Neighborhood Housing Services.

With regard to the Legal Clinic, Carl is presently addressing the issues of (1) strengthening the clinic's educational activities and planning a curriculum for the semester system, (2) upgrading staff positions, (3) implementing programs in light of priority-setting activities, (4) developing improved systems for evaluating the quality of staff performances, and (5) identifying additional sources of funds for clinical operations.

We at the Law College and the Legal Clinic extend to Carl congratulations and look forward to continued growth of the Legal Clinic.

GIVING TO THE LAW



by Dave Rule

I am pleased that Deans Penegar and Wells have given me the opportunity to write this article on giving to the Law College. During recent months, I have had a great deal of contact with the school and have seen firsthand that the generosity of UT lawyers and other friends among the Tennessee Bar has been of immeasurable aid to the school. I want to focus on three especially noteworthy gifts in this issue. There are quite a few other recent gifts in the \$5,000 to \$10,000 range which will be featured in subsequent issues.

THE WILLIFORD GRAGG PROFESSORSHIP IN LAW

The school was pleased to receive the first professorship which was recently established in honor of Mr. Williford Gragg, '36, a native Memphian who now resides in Baltimore, Maryland. Mr. Gragg is chairman of the board and chief executive officer of the United States Fidelity and Guaranty Company, whose directors honored him with a gift of \$100,000 to the Law College. The gift will be used as a permanent endowment and its income will provide both a salary topping and a research stipend to an outstanding member of the law faculty. Many alumni are unaware that, although the state of Tennessee has been generous within its means, the Law College is \$5,000 to \$7,000 per year behind such schools as Georgia, Florida, North and South Carolina in law faculty salaries. The Gragg Professorship in Law represents an important investment by USF&G in this area of critical need.

THE JOSEPH N. HUNTER SCHOLARSHIP

Through the good offices of Mr. John Morgan, '55, and Mr. Walter Lusk, '55, UT lawyers from Chattanooga, the school was introduced to Mrs. Grace Hunter, widow of the late Judge Joseph N. Hunter, also of Chattanooga. Mrs. Hunter generously established the Joseph N. Hunter Scholarship in Law, a \$30,000 endowment which will provide aid to UT at Chattanooga graduates coming to the Law College.

Judge Hunter presided over the Third Division, Sixth Judicial Circuit in Chattanooga. He was a graduate of the Chattanooga School of Law and a longtime member of the Chattanooga Bar Association. He served on the bench from 1951 until his retirement in 1973.

Currently the school is able to assist only 5 percent of law students with some form of financial aid, but it is hoped that this can be increased to at least 10 percent over the next several years. The Hunter Scholarship is a fine addition to the scholarship program and provides an especially good example for other potential donors to follow.

THE JAMES THURMAN AILOR AND JUDGE THURMAN AILOR MEMORIAL SCHOLARSHIP AND STUDENT EMERGENCY ASSISTANCE FUND

In 1973 Knoxville attorney Earl Ailor, '47, and his father, Judge Thurman Ailor, '13, endowed the James Thurman Ailor Scholarship Fund in memory of Earl's brother, a 1940 College of Law graduate who was killed in World War II. The fund's income has since provided scholarships for a number of deserving law students.

Judge Ailor passed away in 1977, and Earl recently told the school of his plans to honor his

father by making additional gifts to the existing fund and expanding its purposes. In addition to its traditional role of funding scholarships, the endowment income will provide emergency assistance money to meet critical student needs. The Ailor Fund now stands at \$17,000, and this latest dimension Earl has added will allow the school to respond in a humane and compassionate manner to students experiencing emergency situations.

ADDITIONAL GIVING

Recent gift statistics confirm your generosity to the Law College. Of 2,942 living law alumni, 597 (20.2 percent) made gifts to the school during the 1977-78 academic year—this with *no* special solicitation from the school.

Another indicator of your generosity is the high percentage of participation in the Presi-



UTK Chancellor Jack Reese (left) and Dean Ken Penegar (right) visited with law alumnus Williford Gragg (center) in his office in Baltimore, Maryland. Gragg, a '36 graduate, is chairman of the board and chief executive officer of United States Fidelity and Guaranty Co. and a member of UT's Development Council. The company gave \$100,000 to the Tennessee Tomorrow Campaign in honor of Gragg. The funds will be used to establish the Williford Gragg Professorship in the College of Law at UTK.

New Scholarship Funded—Present in Chattanooga for the establishment of the \$30,000 Joseph N. Hunter Memorial Scholarship in Law were, from left, Dean Kenneth Penegar, Mr. Walter Lusk ('55), Mrs. Joseph N. Hunter, UTK Chancellor Jack E. Reese, and UT Executive Vice President Joe Johnson. (Photo by George Baker, Chattanooga Times)



dents Club; 8.2 percent of Law College contributors are Presidents Club members as compared to a University-wide average of only 3.6 percent. But by far the most impressive statistic is that 96 percent of 1978-79 Law College contributors hold membership in the Century Club, the University 500, or Presidents Club, compared to 30.6 percent for the remainder of the University's contributors.

Credit for these very positive statistics must be given to several individuals and groups. First to Dean Warner for his vision in originating the Centurion Fund and urging law alumni to join the Century Club in designating their gifts to the Law College. Next to the able and dedicated volunteers across the state who conceived the idea of naming this fund in honor of Dean Warner. They enlisted the aid of numerous colleagues and put together the 1972 campaign which resulted in the present Harold C. Warner Centurion Fund, an endowment of over \$185,000 which funds the bulk of Law College scholarships. Finally, credit must go both to the hundreds of generous law school contributors who have continued their gifts to the Warner Fund, and to Dean Penegar and his administration who have encouraged these contributors to continue in their generous ways.

I look forward to meeting many of you in my travels across the state. The future for law school giving looks bright. The involvement and support of the Law Alumni Advisory Council has been crucial to the current achievements. UT lawyers are, without question, among the most generous of the University's alumni!

Editor's Note: David S. Rule, Business Administration, '72, is associate director of development for UT Knoxville. He has been assigned by Chancellor Reese to work with law alumni during the University-wide Tennessee Tomorrow Campaign. He will be pleased to answer inquiries about gifts to the Law College. His address is 414 Student Services Building, University of Tennessee, Knoxville 37916; his phone is (615) 974-5045.



NATIONAL MOOT COURT COMPETITION

The finals of the National Moot Court Competition, sponsored by the City Bar of New York, were held on January 29, 30, and 31, 1979. Thirty law schools participated, all of which had placed first or second in their regional competitions last fall. Region VII was represented by the University of Tennessee (first place), and Vanderbilt University.

Pairings for the first round (including two "byes") were determined by a random drawing. The winner of the rounds was determined by a combination of the score given to the brief submitted by the team and the score given to the oral argument of the team. The briefs were judged by a panel prior to the beginning of the



national competition (independent judging is done prior to the regionals), and the score given to the brief of each team was factored into every argument in which they participated. The oral judges do not see the briefs of the teams they are judging, nor do they know the scores on those briefs. (The contestants likewise do not know the scores on any of the briefs.)

After hearing the oral argument, the judges determined a score, based on a hundred point scale, for each team, and these figures were delivered to the tournament director. A combined score was then determined, composed of 60 percent of the oral score and 40 percent of the written score. The director then advised the bench as to which team won, and the identity of that team.

Tennessee met New York University in the first round and was victorious. In the second round (octa-finals), Tennessee was matched against Vanderbilt. The oral judges determined that Tennessee had convincingly won the oral argument, but the difference in the *brief* scores was such that Vanderbilt won the round by less than one point.

Following the final round, in which Fordham University defeated the University of the Pacific, Vanderbilt received the award for the best brief submitted in the competition.

Vanderbilt also received the award for the best brief at the regional competition, but the difference from the Tennessee brief had been only two points, and Tennessee had won both rounds in which the schools met.

Melinda Branscomb and W. Gregory Miller for Tennessee argued for the Petitioner against New York University. Katherine Vines and Miller argued for the Respondent against Vanderbilt. The team won all the oral arguments in which it participated, both at the regional and the national competition. Miller was selected the outstanding oralist at the regionals.

Congratulations and thanks are due to all the members of the team, as well as to the faculty advisors, Professors Marty Black and Joe Cook.

REGIONAL CLIENT COUNSELING COMPETITION

After winning the local competition in February, two University of Tennessee law students, Van French and Sherman Ames, competed as a team in the Regional Client Counseling Competition held on March 10, 1979, in Birmingham, Alabama. This annual competition, sponsored by the ABA Law Student Division, now involves most ABA approved law schools. The competition was initiated in order to promote greater knowledge and interest among law students in the counseling and preventive law functions of legal practice. It is hoped that students participating in the program will thereby develop their interviewing, planning, and analytical skills.

In practice rounds held the week before the regional competition the team was coached by

Associate Professor Gary Anderson and Associate Professor Jerry Black, Jr., both of the UT Legal Clinic. The UT Moot Court Board made arrangements and supplied the clients for these practice rounds. Professor Anderson accompanied the team to Birmingham and coached them in the regional competition.

The team of French and Ames won the first round of competition, defeating teams from the University of Miami and Mercer University. In the final round, which had the teams interview a lawyer-client charged with slander and malpractice, the UT team came in second by a 2-1 split decision, to a team fielded by Stetson University in St. Petersburg. The three judges announced that the decision was extremely close.

This is the second year that the University of Tennessee has competed in the regional competition.



UT COMPETES IN THE JESSUP INTERNATIONAL MOOT COURT COMPETITION

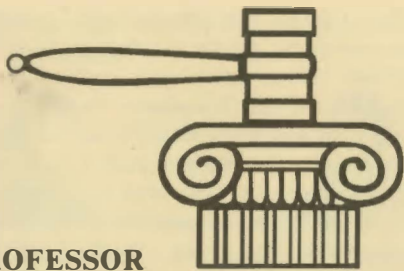
After a hiatus of several years the Law College this year fielded a team in the Philip C. Jessup International Moot Court Competition. While the University of Tennessee team, composed of Helen de Haven, Paula Godsey-Prince, and Larrimore Burton Rogers, did not win the regional competition, they came very close to carrying off the prize.

The Jessup Competition, sponsored by the American Society of International Law and the Association of Student International Law Societies, provides an excellent opportunity for written and oral advocacy on complex questions on international law and policy. Students from most American law schools participate in the competition, as do student from approximately twenty other countries.

The team was required to prepare two twenty-five-page briefs ("memorials"), one for the applicant and one for the respondent country, concerning a hypothetical case scheduled for argument before the International Court of Justice. The problem this year concerned a developing nation's expropriation of technology transferred by a corporation to its subsidiary located in that country.

At the regional competition in Nashville our team was required to argue before four different judging panels, twice for each disputant. The teams against which Tennessee argued were The University of Kentucky, Louisiana State University, Washington and Lee University, and Wake Forest University. Our team defeated the first three teams (including Washington and Lee, the ultimate winner) outright; all three judges voted in our favor. Tennessee prevailed over Wake Forest by a 2-1 vote. Scoring on the memorials decided the outcome of the contest.

The team members are to be congratulated for their fine performance. With the experience gained this year UT confidently expects to do better in next year's competition.



**PROFESSOR
MORTON J. HORWITZ
DELIVERS
THE ALUMNI DISTINGUISHED
LECTURE IN JURISPRUDENCE**

On April 3, Professor Morton Horwitz of Harvard Law School delivered the Fifth Annual Alumni Distinguished Lecture in Jurisprudence. Professor Horwitz spoke on "The Problem of Causation and the Decline of the Classical Theory of Adjudication."

Morton Horwitz's career has been a unique blend of law and history. In 1964 he received his Ph.D. in history from Harvard and, three years later, his LL.B. After serving as a law clerk to Judge Spottswood W. Robinson, III of the U.S. Court of Appeals for the District of Columbia, Professor Horwitz returned to Harvard Law School as a Charles Warren Fellow in American Legal History. His subsequent teaching and research at Harvard have been devoted to the interaction of law and history.

In 1977 he authored a book titled, *The Transformation of American Law, 1780-1860*. The significance and importance of the book are evidenced by the prestigious honors accorded it. In 1978, Professor Horwitz was awarded the Thomas J. Wilson Prize by the Harvard University Press for the best first book published in the previous year. In addition, Professor Horwitz's work was awarded the Bancroft Prize in American History (1978). The Bancroft Award is presented by the American Historical Society for the best book in a particular field of history and is an award highly coveted by historians.

During his visit to the College of Law, Professor Horwitz shared his time with students and faculty alike. The interaction in the classroom setting and in informal discussions provided an enriching dimension to our legal community.

**COLONEL R. MCDONALD GRAY
PRAISED FOR HIS WORK ON
TENNESSEE'S FIRST PATTERN
JURY INSTRUCTIONS FOR
CRIMINAL CASES**

In 1970 the Tennessee Judicial Conference initiated a project dedicated to preparing pattern jury instructions for Tennessee. The original Pattern Jury Instructions Committee eventually split into two committees, one working on civil instructions and one working on instructions for criminal cases. Colonel R. McDonald Gray, emeritus professor of law, University of Tennessee, acted as consultant for the criminal instructions.

West has just published the criminal instructions volume, and in the foreword the Commit-

tee on Pattern Jury Instructions (Criminal) recognizes Colonel Gray's contributions with these words of praise:

Colonel Gray's contributions to this project have been immense. His guidance has shaped the drafting of these instructions, and the accuracy of the legal principles contained in them is the product of endless hours of research and supervision on his part. His wise counsel to the committee and his dedication to its work are deeply appreciated.

The College of Law congratulates and commends Colonel Gray for his work on this major contribution to Tennessee jurisprudence.

**CHARLES H. MILLER
LECTURE SERIES
ON PROFESSIONAL
RESPONSIBILITY**

On October 25, 1978, Thomas Ehrlich, president of the Legal Services Corporation, inaugurated the Charles H. Miller Lecture Series on Professional Responsibility. The series was established by the faculty of the College of Law as a means of honoring Professor Miller for his outstanding service to the law school and for his significant contributions to the study of professional responsibility. Throughout his tenure as director of the UT Legal Clinic, Professor Miller focused his students' attention on their individual and collective responsibility for understanding and adhering to the ethical dictates of their future profession. In so doing, he helped to develop a large number of lawyers who are both sensitive to and accepting of the rigorous precepts laid down by the Canons of Ethics, and later, the *Code of Professional Responsibility*. This series, then, is one way in which the College of Law can insure that discussion in this area will continue in the future.

In being chosen to be the first speaker of the series, the Law College had in President Ehrlich a person who was the embodiment of the principles enunciated by Professor Miller. Here was a person who not only was the leader in the movement to provide legal services to the poor, but also was constantly challenging and encouraging the private bar to accept a greater responsibility in this service delivery area. Secondly, he was named to the ABA committee studying possible revisions in the *Code*, and as such, offered interesting insights into current



From left to right, Dean Kenneth Penegar, Mrs. Charles Miller, Thomas Ehrlich, Charles Miller, Chancellor Jack Reese, and Jerry Becker.

problems in professional responsibility. Finally, President Ehrlich was a man who knew very well the rich history of the Clinic and was very supportive of the teaching and public service practice engaged in by the program. His presentation was thoughtful and provocative. In short, he set a high standard of excellence for future speakers to emulate.

The series will be offered every other year. The Law College has established a mechanism for endowing the series, so that it will continue to attract individuals who are making substantial contributions to the development of the study of professional responsibility.

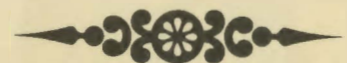
**NEIL COHEN SELECTED
PUBLIC CITIZEN
OF THE YEAR**



Neil Cohen, associate professor at the University of Tennessee College of Law, was selected as "Public Citizen of the Year" by the Knox County Chapter and the Tennessee Chapter of the National Association of Social Workers. He was honored by the Knox County Chapter on March 14th in Knoxville at an awards banquet. The Tennessee Chapter will honor Neil at the Second Annual State NASW Conference in Memphis in October. Neil has also been entered as a National Nominee from the state of Tennessee.

Neil is being recognized for his outstanding contributions as chairman of the Knox County Foster Care Judicial Review Board. In this capacity, he has made numerous public appearances to discuss the process, problems, and progress of the Foster Care Review program, has traveled across the state to advise potential county judicial review boards, and has encouraged policy changes that would speed up the process of terminating rights so children can have permanence without undue bureaucratic delays. In addition, Neil attends court hearings for individual children to advance the prospect of a stable home environment.

Congratulations to Neil for his fine efforts in Knox County and throughout Tennessee.



**DEDICATION OF
THE KOLWYCK COLLECTION**

In the Winter/Spring 1978 issue (Volume 6, No. 1) of the *Alumni Headnotes*, the beginning of the UT College of Law Library's Tennessee historical legal collection was announced. The collection consisted of the legal and other ma-

terials used by Mr. Clarence Kolwyck, a Chattanooga attorney, member of the College of Law class of 1928, and a past president of the state bar. Mr. Kolwyck gave his law library and oak bookshelves to the Law College upon his retirement in 1978.

On March 14, 1979, the Kolwyck Collection, located in the faculty study room on the fourth level of the Law Library, was dedicated to Dean Emeritus William H. Wicker. In attendance at the dedication ceremony were: Mr. and Mrs. Clarence Kolwyck; Dean Emeritus and Mrs. William H. Wicker; Dean Kenneth Penegar; Associate Dean Curtis Wells; Donald Hunt, director of Libraries; David Rule, UT Development Office; Gary Anderson, College of Law faculty member and chairman of the Library Committee; Bardie Wolfe, law librarian; Professor Robert Maxwell, College of Engineering and first cousin of Mr. Kolwyck; and Eleanor Nelson, College of Law placement director.

A picture of Dean Wicker was unveiled at the dedication ceremony and placed in the faculty study room. This picture is a reproduction from an original portrait which hangs in the Moot Courtroom in the law school.

The Kolwyck Collection of Tennessee legal materials contains over 740 bound volumes of basic research materials and a large number of law review issues. The law review issues have been bound and all of the sets will kept up-to-date. The basic collection contains complete sets of the following titles: *Tennessee Reports*, *Court of Civil Appeals Reports*, *Court of Appeals Reports*, *Chancery Appeals Decisions and Reports*, *Cooper's Chancery Reports*, *Shannon's Cases and Thompson's Cases*, *The Public and Private Acts of Tennessee*, *The Tennessee Code Annotated* and *The Tennessee Digest*. There are form books and other treatises in the collection.

The Kolwyck Collection has been enhanced by the addition of several older Tennessee legal treatises from a recent gift from the estate of Robert W. Kemmer, Spring City, Tennessee. Mr. Kemmer was a member of the Tennessee Senate Education Committee, 75th General Assembly, at the time money was appropriated to construct the law school building.

As other gift materials are received, they will be evaluated to see if their books will fit into the Kolwyck Collection. It is the Law College's desire to develop the Kolwyck Collection into the most complete historical collection of Tennessee law materials in the state.

From left to right, David Rule, Professor Robert L. Maxwell, Gary Anderson, Eleanor Nelson, Donald Hunt, and Curtis L. Wells.



As the Kolwyck Collection grows, it will be necessary to expand the shelving. The school wants to continue using the oak-glass bookshelves, and additional sections of the shelving will be needed. If there are alumni who would like to donate sections of the oak-glass shelving, they should contact Mr. Wolfe. At the same time, if there are books that alumni think would fit in the Kolwyck Collection, the Law Library would appreciate knowing of these.

The Law College and Law Library are very pleased to bring to the attention of the alumni the formal announcement of the Kolwyck Collection and its dedication to Dean Emeritus William Wicker. The Law College and the Law Library welcome the use of the Kolwyck Collection whenever alumni are at the school.

THE TERROR OF TELlico PLAINS, THE MEMOIRS OF RAY H. JENKINS



Book Review by Dr. William J. MacArthur, McClung Historical Collection (reprinted from Knoxville-Knox County Public Library's "Bookings," vol. 8, no. 3)

For many years an almost legendary figure in the courtrooms of East Tennessee, Ray H. Jenkins tells here for the first time the fascinating account of his career. The best stories of eighty years of living and of fifty-nine years at the bar, including as he says, "the kind with brass rails," are packed into Jenkins' narrative. In addition there is much of Jenkins' philosophy of politics, religion, marriage, and morals.

"The Terror of Tellico Plains," as he was styled by *Time* magazine in 1954, was born in the mountains of Western North Carolina. As a boy Ray Jenkins moved with his physician father and family to Tellico Plains, Monroe County in East Tennessee, the region where he gained his fortune and first fame. In his narrative Jenkins evokes much of the flavor of life in the rugged back country. He tells of his schooling at Maryville College, his soldiering on the Mexican border, his Navy service during World War I, and his student days at the University of Tennessee College of Law.

From left to right, Law Librarian Bardie C. Wolfe, Dean William Wicker, Mrs. William Wicker, Mrs. Clarence Kolwyck, Mr. Clarence Kolwyck, and Dean Kenneth L. Penegar.



But it is the "Lifetime of Trials," especially those involving people accused of murder or mayhem, which established Jenkins' reputation as king of East Tennessee's courtrooms and which make this book memorable. For decades he defended and sometimes helped to prosecute in the region's most famous or notorious cases. Jenkins has defended more than 600 accused murderers without losing a single client to the electric chair. He recounts the most interesting of these trials complete with jury selection strategies and final summations, and in doing so he has written a historical chronicle fully as intriguing as the best novel.

As a result of his reputation as a courtroom lawyer in Tennessee, Jenkins was summoned to Washington in 1954 to act as special counsel to the U.S. Senate Committee investigating the Army-McCarthy controversy. His fairness in the proceedings is attested by the way in which he was assailed by partisans of both sides. In a chapter which is of interest to students of national politics, Jenkins gives his candid appraisal of the men and issues involved in this famous case. Other chapters contain vignettes of Jenkins' "most glamorous client," Hazel Davidson, and of his colleagues and his family life.

These memoirs are a robust and candid self-portrait of one of our region's best known and most remarkable men.

THE RECRUITMENT AND SELECTION PROCESS



by Eleanor R. Nelson, Director, Career Planning and Placement

Among the more satisfactory aspects of being a career planning and placement director is that of serving as a liaison between the law student and the lawyer. In past articles I have looked at the legal recruitment and selection process mainly from the point of view of the student. The need to look at the situation from the point of view of the firm is evidenced by the rising cost of on-campus interviewing, lost billing time while away from the office, and the expense of student follow-up visits for further interviewing.

Until recently, with the exception of the large firm and its recruitment committee, the "cousin-and-so's boy is graduating just in time to help us out of this bankruptcy case" method or the "wait and see who knocks" approach has been widely used. In "Legal Employer's Handbook,"

Gary Munneke offers the following insights into hiring practices:



Effective recruitment should be systematic and should maximize the attorney's selection by attracting a sufficient number of qualified candidates. Unfortunately, in more instances than not, today many small law firms and some large ones tend to eschew any organized approach in recruiting. The two examples which follow are repeated too often to count:

Attorney X in City A contacted the University of Texas Law School to say that he needed to hire an associate immediately. His decision was made because he was quite well-off financially, and he found a growing caseload prevented him from devoting sufficient time to his golf game. He wanted to pay "five or six hundred a month" and was astonished to learn that it had been some time since new associates were going for that rate. He found few takers and six months later was still without help.

Attorney Y in City B had heard that the law school placement services were aimed primarily at the big cities and couldn't help a rural lawyer like himself. So for almost five years he worked seventy hours per week and still turned business away. One day, Z, a recent law school graduate, appeared at his door ready to work. The kid seemed bright enough and able to learn quickly. Y hired him on the spot.

Did X and Y make the most economically sound choice in their attempts to deal with their recruitment problems? Was it necessary for Z to reverse the great state of Texas in the hope that he might find Y out there waiting for him? The answer to both questions is "no." There is too much at stake for the attorneys to treat the problem in such haphazard fashion.

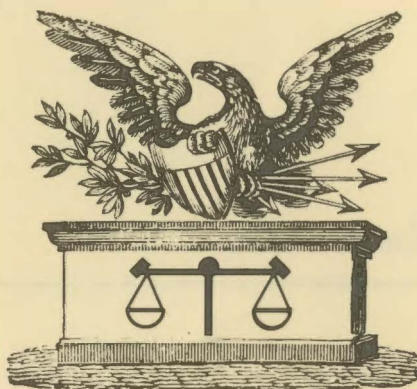
In addition to the "wait and see who knocks" approach to making contacts, another common-but-risky method is to use personal contacts. Friends, friends of friends, relatives, in-laws and business associates may be ready and willing to suggest a name, but such a selection process is apt to be tainted with favoritism; and friendship, no matter what else it may be, is no substitute for competence.*

The need to examine what constitutes successful legal recruitment is crucial. Until we know a better way, the interview remains the most effective method of determining whom to hire or not to hire. The interview can be defined as a guided conversation between two people. Accordingly, an unstructured interview is like starting out on a tour of a strange area without a map. All of the area to be explored might eventually be covered but the wear and tear on the traveler in lost time, expense, and wasted energy would be unnecessarily costly.

FEDERAL MAGNETISM DRAWS LAW FIRMS

BY STEVEN V. ROBERTS
Special to The New York Times

Editor's Note: Felix Laughlin, College of Law alumni from the class of 1967, "runs the Washington office of Dewey, Ballantine, Bushby, Palmer & Wood, a New York firm that, like many from around the nation, has found a branch office in the capital necessary." This article first appeared in *The New York Times* on Wednesday, January 11, 1978. It is reprinted here with the permission of *The New York Times*.



WASHINGTON, Jan. 9—The law firm of Dewey, Ballantine, Bushby, Palmer & Wood is one of the most distinguished in the New York bar. For years it maintained a small hideaway here for visiting firemen, but last March the firm opened a full-fledged Washington office for the first time.

"The old school said that you could sit in New York and do everything, or maybe get on a plane and come down here for a day," said Felix Laughlin, the partner who opened the office. "But if you're here full time you're in almost daily contact with the regulatory agencies, and you get things done a lot faster. Some of the partners didn't understand that until they saw it happening."

Dewey, Ballantine is one of dozens of law firms from around the country that have started or expanded their Washington operations in recent years. This influx tells something about the way Washington works these days, and the way decisions made here affect the rest of the nation.

In a sense, Washington is no longer just a political capital, but a financial and legal capital as well. Wayne S. Bishop, managing partner of the Dallas-based firm of Akin, Gump, Hauer & Feld, put it this way: "Washington is the boom town of the world."

The main reason for this explosive growth is the vast expansion of federal control over business affairs, particularly in such fields as energy and the environment. "Washington," Mr. Bishop said, "is the place where every national or multi-national company has a pocketful of problems."

Moreover, many institutions from outside the Eastern Seaboard—banks, manufacturers, traders, law firms—have now achieved a national or international stature. Richard Warner of O'Melveny & Myers, a Los Angeles-based firm that opened an office here in 1976, said: "Our decision was a reflection on what was happening in the business world in California. The major companies in the Far West have come into their own."

Firms from different regions sometimes

have different reasons for making their move. New Yorkers, for example, often considered Washington lawyers to be little better than lobbyists or influence peddlers. The New Yorkers held their noses and took the plunge only when it became economically necessary. A partner in a major Wall Street firm here conceded: "The solid rock of clientele that New York firms used to have is no longer so secure. There's more competition, and New York's monopoly has ended."

Firms Come of Age

For the younger, more dynamic firms from west of the Hudson, the Washington office signifies a coming of age, a challenge to the established baronies of the past. Gerald Parsky, a partner in Gibson, Dinn & Crutcher, a Los Angeles firm that started here in May, said:

"We feel we have the talent and ability to provide service of a national and international nature. That shouldn't be exclusive to New York law firms. Why shouldn't we be able to provide as good a service as anyone?"

The biggest surge has come from the Texas-based firms, who tend to specialize in energy issues. Like the Californians, they resent what they feel is Eastern snobbery toward "the poor provincials," as one put it. Gordon Gooch, a partner in the large firm of Baker & Botts, insisted: "If we're a Houston firm, then Exxon is a Houston corporation. We don't consider ourselves a Houston firm or a Washington firm. We're a national firm."

Despite these differences, all firms are affected by the changes sweeping Washington, and the most important is regulation. In the past, major corporations dealt with the federal government primarily on such issues as taxes and securities. Only a few industries, including transportation and communications, were closely regulated.

Most lawyers agree that the new era began in 1971, with the imposition of wage and price controls. Mr. Bishop had just opened the office for Akin, Gump here, and he recalls spending endless hours pouring over the new regulations, trying to become an expert. After he won a variance from the controls for one client, five more asked him to do the same thing.

A second development has involved environmental protection. A New York lawyer recalled that a large paper company, an old client of his firm, had customarily operated with hardly any government supervision. When limits were placed on the amount of mercury that could be discharged into streams, the paper company faced a major crisis and called for legal help.

The Consumer Product Safety Commission, created in 1972, has spawned a whole new field for lawyers. Anthony Essaye, a partner in the New York firm of Rogers & Wells, cited a company that made mattresses and needed Washington counsel when the commission set new standards concerning the flammability of the product.

Energy Regulations

Also in 1972 ("a good year for lawyers," Mr. Bishop said) the Equal Employment Opportunity Commission was given the power to bring suits against companies that allegedly discriminated in hiring. Today, Mr. Bishop said, his firm has eight or ten lawyers who do nothing but ad-

*Gary Munneke, "Legal Employer's Handbook," *The University of Texas School of Law, Austin, Texas, (1978), 19. In addition to being assistant dean and director of placement, he is past president of the National Association of Law Placement.*



SPRING 1979

Volume 7, Issue 1
The University of Tennessee College of Law,
1505 W. Cumberland, Knoxville, Tennessee 37916

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wise companies on how to satisfy equal employment regulations.

Perhaps the biggest development has been federal regulation of energy, referred to fondly by one lawyer as a "public service employment program for lawyers." At least half a dozen Texas firms have moved here in the last several years, primarily to represent oil and gas companies before regulatory agencies and on Capitol Hill. But limitations on energy use affect all companies. A paper mill finds that it cannot get enough natural gas; an airline has to run on rationed jet fuel. Everybody wants more, and asks a lawyer to get it for them.

Some customary areas of Washington practice, such as the Civil Aeronautics Board, demand long experience and are difficult to crack, but when it comes to all the new regulations the fledglings have an equal chance to develop expertise and attract clients.

Reading a new regulation back in Dallas or New York cannot provide that sort of expertise. "The regulatory process in Washington is influenced by political factors," said Laurence Silberman, a former government official now associated with Dewey, Ballantine. "It's awfully important to understand the nature of the decision-making process, to know what is decided at what level and by whom."

Many companies complain about the increase in government regulation, but they heartily approve of government programs that carry benefits. One lawyer described their attitude: "Don't bother me, unless it's with money." For example the Export-Import Bank is now taking a larger role in the financing of American exports, and this new reliance on government help also increases a company's reliance on Washington lawyers.

Competition plays a role too. When the top firm in Los Angeles or Cleveland moves here, the rest usually follow. So far, the trend shows no signs of stopping. As Mr. Essaye of Rogers & Wells said, "It's hard to think of any government agency that's less active than it was a few years ago."

CONTINUING LEGAL EDUCATION CALENDAR 1979-1980



March 30-31, 1979—*A Triple Header Program: Problem Areas in Civil Procedure/Practical Will Drafting, 1979/Nuts and Bolts Problems in Estate Administration*, Fairfield Glade, Crossville, Tennessee.

April 20, 1979—*Selected Problems in Appellate Practice*, Memphis, Tennessee.

April 21, 1979—*Selected Problems In Appellate Practice*, Knoxville, Tennessee. The Reporter for the new Appellate Rules looks at existing problem areas and the effect the new rules will have on appellate practice.

May 4, 1979—*Southeastern Practice Institute*, Knoxville, Tennessee. Morning: tax problems of a closely held corporation; defense of the DUI case and other intoxication-related cases; the economist as an expert witness. Afternoon: federal and state tax practice and procedure; Tennessee rules of criminal procedure; anatomy for lawyers.

May 18, 1979—*Public Employee Collective Bargaining*, Nashville, Tennessee.

June 30, 1979—*New Tennessee Rules of Appellate Practice*, Nashville, Tennessee.

August 13-18, 1979—*Second Annual Advanced Development Program*, Knoxville, Tennessee. In-depth courses for lawyers in the areas of law, medicine and business: estate planning; balance sheet accounting for lawyers; finance for lawyers; medicine for lawyers.

August 19-24, 1979—*Third Annual College of Trial Advocacy*, Knoxville, Tennessee. Co-sponsored by the Tennessee Trial Lawyers Association, the Tennessee Association of Criminal Defense Lawyers and the University of Tennessee College of Law. An exciting learning-by-doing approach to improving civil and criminal trial advocacy skills.

September, 7-8, 1979—*Legal Issues Relating to Mental Health, the Handicapped and the Elderly*, Gatlinburg, Tennessee.

October 5, 1979—*Construction Contract Disputes/Insurance Negotiation and Litigation/Mergers and Acquisitions*, Memphis, Tennessee.

October 12, 1979—*Mergers and Acquisitions/Engineering Aspects of Products Liability Cases*, Knoxville, Tennessee.

October 26-27, 1979—*Part I - Medicine for Lawyers; Understanding and Evaluating Injuries/Diseases in Workmen's Compensation Cases*, Gatlinburg, Tennessee.

November 2, 1979—*Psychology of the Trial and the Trial Lawyer*, Knoxville, Tennessee.

November 9, 1979—*Southeastern Practice Institute*, topic to be announced.

November 30, 1979—*Tax Aspects of Real Estate*, Knoxville, Tennessee. Co-sponsored by the Tax Section of the Knoxville Bar Association and the University of Tennessee College of Law

January 25, 1980—*Part II - Medicine for Lawyers (Psychology, Psychiatry); Psychic Injury, the Insanity Defense, Incompetence and Diminished Capacity*, Knoxville, Tennessee.

February 15-16, 1980—*Honing Trial Advocacy Skills*, Nashville, Tennessee. A shortened version of the summer program employing a learning-by-doing approach to trial advocacy.

March 14, 1980—*Rehabilitating the Troubled Business*, Memphis, Tennessee.

March 28, 1980—*Rehabilitating the Troubled Business*, Knoxville, Tennessee.