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Winter 1965

UT Lawyer (Winter 1965)

University of Tennessee College of Law

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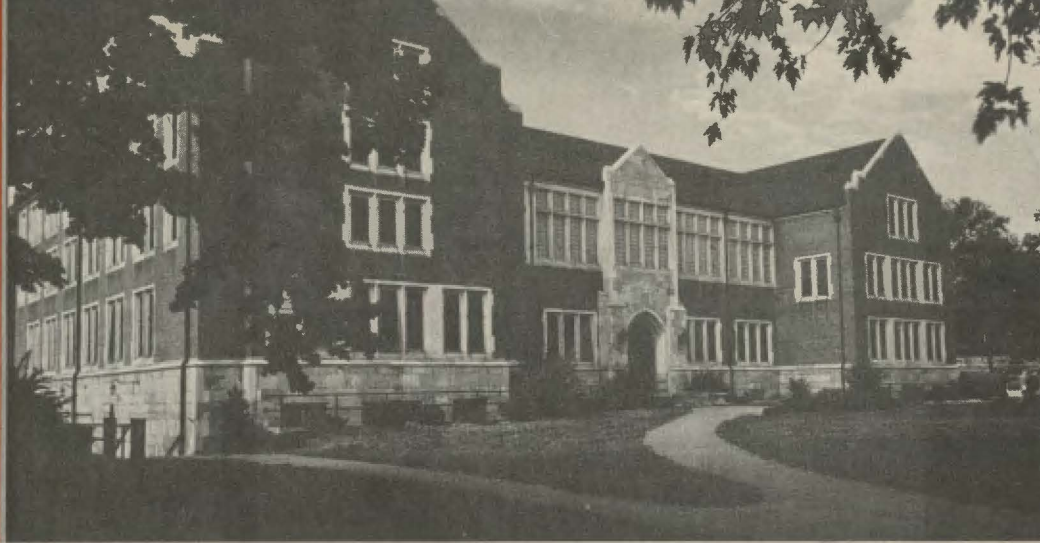
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The U-T Lawyer

PUBLISHED BY
THE FACULTY AND STUDENTS
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OF THE UNIVERSITY OF TENNESSEE



VOL. 3, NO. 2

WINTER, 1965

75th Anniversary of the College of Law

The University of Tennessee College of Law rejoices this year in its Seventy-Fifth Anniversary. To mark the occasion distinguished representatives of the judiciary, of the bar, and of the law teaching profession have been invited to the ceremonies on Friday, April 23, 1965.

The Judiciary will be represented by Roger J. Traynor, Chief Justice of the Supreme Court of California and generally recognized as one of the leading jurists in the nation, and by an outstanding federal judge, William B. Miller, of Nashville, and by our own Chief Justice Hamilton S. Burnett. Likewise, the practitioners will be ably represented by the Hon. Edward W. Kuhn of Memphis, President-Elect of the American Bar Association, and by the president of our own State Bar Association, Hon. J. Olin White of Nashville. The law teachers will be ably represented by Dean John Ritchie, of Northwestern University School of Law, president last year of the Association of American Law Schools; by Professor Fleming James, Jr., of Yale, a leading authority in the field of torts; and by Professor Delmar Karlen of New York University, the Director of the Institute of Judicial Administration.

The College of Law was the first professional department established at the University, in 1890. The student enrollment at that time was a total of eight. No physical facilities were supplied by the University, so the first Dean, Judge Thomas J. Freeman, who had recently retired from the Tennessee Supreme Court, taught these students in a room in an office building.

No special education was required for admission to the Bar at the time the College of Law was established. Nevertheless, a two-year course was provided from the start, and this was regarded as a long step forward, for during the Reconstruction Period most of the courses in the very few law colleges in the South were limited to one year. In place of casebooks, the students used the standard treatises of the time, such as *Cooley on Torts*, *Greenleaf on Evidence*, and *Bishop on Contracts*.

Later the College of Law was given space in the basement of Ayres Hall. Judge Freeman was succeeded by Deans Henry H. Ingersoll, Charles W. Turner, and Malcolm McDermott. During Dean McDermott's tenure, the casebook method was adopted as the predominant system of instruction. It also was during this period, in 1926, that the College of Law moved to a separate building, Tennessee Hall. This represented a considerable improvement over the quarters in Ayres Hall, and was reasonably adequate to meet the needs

of the student body at that time.

Dean McDermott was succeeded by Henry B. Witham, who served from 1930 to 1944. During this period the faculty was increased to six full-time members and the library, originally much helped by a gift of 10,000 volumes in 1931 from the Knoxville Bar Association, was built up to something over 20,000 volumes. Dean Witham made considerable efforts to improve the standards for admission to the Bar in Tennessee, and it was during his tenure that the Supreme Court, in 1938, prescribed at least two years of law study and two years of pre-law study as requisite for admission to the Bar.

Dean William H. Wicker served for the long period from 1944 to 1963. During this period the Faculty was increased to nine full-time members. The library was greatly strengthened to about 60,000 volumes. It was during Dean Wicker's administration, in the year 1950, that the College moved from Tennessee Hall, which had become quite inadequate to meet the needs of the expanded College, to its present modern building. Another landmark during this period was the admission of the College of Law to the National Order of the Coif. The College also established, in 1947, one of the few outstanding legal clinics in the country.

The administration of the present Dean, Harold C. Warner, began in 1963. Since that time enrollment has increased steadily until it now stands at approximately 343 students. Publication was begun of the *U-T Lawyer*. This publication has been one of many factors leading to the greatly strengthened relations of the College with its growing body of alumni. Near the beginning of Dean Warner's administration in 1963, the Law Division of the Government-Industry-Law Center was established. The full-time faculty has increased to eleven, and it is planned to add another full-time teacher this fall. This expanded faculty and student body have made possible a considerably enlarged curriculum, which includes several seminars in addition to the standard courses.

The *Tennessee Law Review*, one of the best established law journals in the country, was started back in 1922 and became the official organ of the Tennessee Bar Association in 1930. It is received by all judges and Bar Association members in the state, as well as by many subscribers outside of Tennessee, with the result that it now has a circulation, unusual for a law review, of over three thousand. It has

(Continued on Page 2)

U-T Law Alumni News Notes

Robert C. Sanders, '59, has announced the opening of his law office at 206 First Farmers and Merchants National Bank Building, Columbia, Tennessee on November 1, 1964.

Frank N. Seal, '59, has announced the opening of his law office in Suite 542, Pioneer Bank Building, Chattanooga, Tennessee.

Richard E. Ladd, '63, formerly an associate in the firm of Gore & Gore, has been named a partner in the firm as of January 1, 1965. The name of the firm is now Gore, Gore & Ladd, Central Building, Bristol, Tennessee.

Lloyd C. Hawthorne, '62, has announced the opening of his office for the general practice of law at 208 S.E. 6th Street, Fort Lauderdale, Florida.

Glenn C. Stophel, '61, has been made a member of the firm of Stophel, Caldwell & Heggie, 450 MacClellan Building, Chattanooga, Tennessee.

Max Shelton, '63, is now associated with the firm of Chandler (Walter '09) Manier & Chandler (Wyeth '55) with offices in the Home Federal Building, Memphis, Tennessee.

Walter F. Emmons, '52, is now Assistant Secretary and Associate Counsel for the Family Finance Management Corporation. The corporate offices were recently moved to Miami, Florida. The address is 1101 Brickell, Post Office Box 2210, Main Post Office, Miami, Florida.

John Lynch Davis, Jr., '16, retired from Rutgers University and accepted the position of Dean of Students, Alderson-Broadus College, Philippi, West Virginia. Subsequently he retired from this position and is now serving as a consultant.

Roy D. Cummons, '57, is an attorney in the law offices of Samuel P. Orlando, 1007 Wilson Building, Camden 2, New Jersey.

Eugene F. Miller, '30, is now Assistant Secretary, Claims Department, The Aetna Casualty and Surety Company, Hartford 15, Connecticut.

Warren B. Miller, '40, is in the practice of law in Dixon, Kentucky. He is also the County Attorney.

Commander R. H. Nicholson, '50, is now stationed at Oak Harbor, Washington, and his address is Route 2, Box 235B.

L. T. Belmont, '08, retired from the practice of law in 1955. He resides at 810 W. 21st Street, Austin, Texas.

James E. Drinnon, '62, is a Special Agent, Federal Bureau of Investigation and is assigned to the New York Office. He resides at 358-D Crowells Road, Highland Park, New Jersey.

Lt. David F. Bautista, '63, is now stationed at Fort Bragg. His address is 359 Spear Drive, Corregidor Courts.

Robert L. Echols, '64, is a law clerk for Judge Marion Boyd, United States District Court, Memphis, Tennessee.

Don C. Stansberry, '62, is now associated with the firm of Baker (Howard H. '24, deceased), Young (Robert S., Jr. '35), Young (Lindsay '35) & Baker, (Howard H., Jr. '49), Burwell Building, Knoxville, Tennessee.

Richard T. Harle, '64, has accepted a position with the Federal Trade Commission. He will be located in Falls Church, Virginia.

1st Lt. John R. Seymour, '62, is now stationed in Korea. His address is 314th Air Division, Box 117, APO San Francisco, California, 96570.

John Jerry Foster, '64, is associated with the firm of Roberts, Weill & Ellis, Volunteer Building, Chattanooga, Tennessee.

Robert W. Hill, '64, is law clerk for Judge Frank Wilson, United States District Court, Chattanooga, Tennessee.

Charles J. Gearhiser, '61, has been appointed Assistant United States District Attorney, Chattanooga, Tennessee.

Rollie L. Woodall, '62, has been appointed Assistant United States District Attorney, Nashville, Tennessee.

Edward D. Lynch, '55 is associated with Noble L. Free-mon, Jr., '47. Their address is 104 Court Square, Waverly.

SEVENTY-FIFTH ANNIVERSARY

(Continued from Page 1)

grown in size from 73 pages in the first volume to an average length of over 1,000 pages for each year.

The University is proud that its College of Law is a charter member of the Association of American Law Schools. The College never has been content, however, merely to meet the prescribed standards of the Association. With these developments, and with the continued support of its loyal Alumni, the Law College rapidly is becoming an outstanding legal center both for research and for instruction. The quality of the student body is being strengthened by increased standards for admission, and by the generous response of many persons to Dean Warner's constant efforts to secure increased scholarship funds.

THE U-T LAWYER

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8. The known bondholders, mortgagees, and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages or other securities are: none.

I certify that the statements made by me above are correct and complete. (signed) Dean Harold C. Warner

Fleming James To Speak At Seventy-fifth Anniversary

Mr. Fleming James is the Lafayette S. Foster Professor of Law at Yale Law School, where he has been teaching since 1933, except for a year as visiting professor at Harvard, and a year as Acting Dean at Utah. He also has served as Acting Dean at Yale. He is author or co-author of several



FLEMING JAMES

casebooks and treatises. His latest book is a text on Civil Procedure. His outstanding accomplishment, perhaps, is the three-volume treatise on *The Law of Torts* which he and Professor Harper published in 1956, and which is constantly relied on by the courts as standard authority in this field. As one of the more active advisors to the American Law Institute, he has contributed much to the *Restatement of the Law of Torts, Second*.

Before going into teaching, Mr. James tried tort cases for five years for the New Haven Railroad. More recently he served as co-counsel for the trustees charged with the reorganization of the New Haven Railroad. He also served as head of the Litigation Division of the Office of Price Administration. He has been Chairman of the Connecticut Board of Labor Relations since 1955, and frequently has acted as an arbitrator in labor disputes.

This will not be his first visit to Tennessee, for his father was Dean of the School of Theology at the University of the South at Sewanee. His father, like himself, was a writer, and published several scholarly books concerning the Old Testament.

While Mr. James has left this rural state for the populous East, he still manages to live near the land, in a remodeled farmhouse surrounded by attractive acreage.

Student Bar Officers Elected

In November, 1964, Student Bar officers for the Winter and Spring quarters, 1965, were elected by the Law School student body. The following students were selected to lead the student government for the following two quarters: President: Charles S. Ramsey, Tullahoma, Tennessee; Vice President: Ralph Golden, McKenzie, Tennessee; Secretary: Bob Knolton, Jackson, Tennessee; Independent Representative: Bill McPheeters, Dayton, Tennessee; A.L.S.A. Representatives: Walter Bussart, Springfield, Tennessee, and John Officer, Livingston, Tennessee.

These students, along with the presidents of the two legal fraternities, serve as the executive committee — the governing and judicial body for student activities and conduct.

The Student Bar Association is a charter member of the American Law Students Association, and has as its primary objectives to provide enlightening and informative speakers for its bi-monthly meetings, to promote the Law School and its student body by service to the legal profession and general public, and to act as the students' voice and servant in all law school activities.

With continued cooperation by the faculty and students, the Bar's Executive Committee hopes to further promote the excellent reputation and high standards of our Law School.

Justice Traynor To Speak On Products Liability

The Honorable Roger J. Traynor, Chief Justice of the Supreme Court of California, will be one of the featured speakers at the Seventy-fifth Anniversary of the founding of the law school. Justice Traynor was born in Utah, but after service in the Army in 1918, he settled in California.



JUSTICE TRAYNOR

His academic career was promising; he graduated from the University of California with highest honors, and while in law school became Editor-in-Chief of the California Law Review.

Justice Traynor has received many honors, including honorary degrees from the Universities of California, Chicago, and Utah. He is one of the few men who has secured eminence both in practice and as a law teacher. Most of his practice was in the area of taxation. He has drafted tax laws and regulations both for the federal government and for his own state of California, where he became Deputy Attorney General in charge of tax litigation.

Most of his teaching was at the University of California, where he taught from 1927 until his appointment to the California Supreme Court in 1940. Many of his opinions have found their way into the casebooks, and have become familiar to a generation of law students. He continues to have a lively interest in legal education and in students. He still finds some time for law teaching, in the summers, at such places as the Universities of Chicago, Stanford and at seminars for appellate judges in New York and California.

Noel Elected To Law Institute

The American Law Institute, a group of outstanding judges, lawyers and law professors devoted to the task of clarifying and improving the law, recently elected Professor Dix W. Noel of the College of Law to membership. Professor Noel has been contributing to the meetings of the Institute during the past few years, and his publications in the Harvard, Yale, Columbia and Tennessee law reviews pertaining to the field of torts, particularly in the areas of nuisance, products liability, and defamation, have been cited as authority in recent decisions handed down by the federal supreme court, and in recent decisions affecting the law of New York, Illinois and Texas. Professor Noel is now engaged in further writing in the field of products liability, with special reference to recent developments in Tennessee.

Plan to Attend

*Seventy-fifth Anniversary
and
Law Day*

THE SENATORS CLUB
BANQUET AND DANCE
FRIDAY EVENING, APRIL 23, 1965

Legal Clinic Provides Briefing Services

The Legal Clinic of The University of Tennessee opened its offices in September 1947.

The purpose of the Clinic is to impart the skills and professional responsibilities of a practicing lawyer to a third-year student and to participate in the legal aid program of the Knoxville Bar Association.

It is not the purpose at this time to explore all the clinical experience of the law student or the public service that is rendered by him. One of the attributes of a good lawyer is his ability to take factual situations, relate them to theories of law, pick out questions of law that are raised by these theories, and present them, with answers, in a logical, concise manner with supporting court decisions. The Clinic gives the student an opportunity to demonstrate his abilities along this line and at the same time to make contacts with an attorney in the community where he would like to practice. This is done by contacting the attorney and requesting that he forward to the Clinic "live questions of law" on which the student can demonstrate his ability to prepare a brief, either trial or appellate, or a memorandum of law. Although these are carefully supervised by the professional staff of the Clinic and not founded upon the student's research which has been demonstrated in previous law school courses, the resulting work is entirely that of the student. These memoranda or briefs are forwarded to the attorneys for their use in the actual cases that they have under preparation. The acceptance of these briefs by the lawyers has more than justified the time spent on them by the students. Although the work was not so intended, often the lawyers have submitted the briefs to the court just as they were submitted to them by the student.

To give an indication as to how well these briefs were received by the attorneys for whom the student prepared them, we have selected the following excerpts from letters which were received from the attorneys.

(1) An attorney with a firm in East Tennessee made the following comments concerning the brief submitted by one of the Clinic students;

"I have gone over this memorandum and it is excellently prepared and the subject matter fully covered and written in a concise and excellent manner. Mr. _____ has considered the question very well and the authorities cited reflect that this student has spent considerable time and effort in the preparation of this memorandum. . . . As I have said many times before, I feel that Legal Clinic is a vital and important part of legal training and that Mr. _____, by the quality of work that he has exhibited and shown in this memorandum, will be an outstanding member, in the near future, of the legal profession in Tennessee."

(2) The following comments were from a firm in Elizabethton, Tennessee:

"I have received the Memorandum of Law prepared by your student . . . which came at a propitious time as the hearing has been set for March 27 in Johnson City before Circuit Judge"

"The brief evidences hours of research and labor for which I wish to acknowledge appreciation. I am sure it will be an invaluable assist in the trial of the case."

"The services you are rendering the law student, as well as the trial lawyer, in the legal clinic by directing their research into the current problems of practice, will perhaps be their most memorable—and perhaps most beneficial—experience."

"This memorandum exhibits style. He has developed in chronology the answers to questions of law propounded. He is to be congratulated."

(3) From a firm in Chattanooga we received the follow-

ing comments:

"I thank you very much for the Memo of Law prepared by Mr. _____. I am exceedingly proud of this job. As a matter of fact it is better, in my opinion, than the brief we prepared in the same case. It is fuller and more precise"

"I am proud of the Legal Aid Clinic that can aid a student in preparing such an able and capable brief. My law partner has just finished reading the brief and he joins me in congratulations for the fine job he has done. I intend to have three copies of the brief made and present one to each of our Circuit Judges, who, I am sure will be pleased to have it in their file."

(4) A firm in Spartanburg, South Carolina had the following comments to make concerning the brief prepared for them:

"This is a very exhaustive brief and will be of great value to us in the trial of the case which we have. We wish to congratulate you upon the thoroughness of your analysis of the problem and, also, upon the authorities which you have found affirming all of your conclusions."

"We are pleased that the Law School is giving you some practical application of the theories you get in the lectures. You will find this very profitable to you in the practice."

(5) This letter came from another leading law firm in East Tennessee:

"This will acknowledge receipt of your letter by which you forwarded us the memorandum of law which had been prepared for us by Mr. _____. Since that time, we have prepared a brief for use in the trial of a pending case and we have used this memorandum to good advantage."

"This memorandum is an excellent piece of work. It reflects Mr. _____ ability to understand a complex question and search out the authorities which bear on the issue. Not only did he find a number of authorities which have been quite helpful to us, but this memorandum was written in excellent form and was well worded"

(6) From Newport, Tennessee:

"This memorandum covers the matters in issue thoroughly. I am very pleased with this work, and it will be of great help and assistance to me in the preparation and presentation of our defense in the Court of Appeals"

As stated above, the purpose of this briefing service is to put the student in contact with an attorney in a community where he would like to practice. He is allowed to suggest to the Director of the Legal Clinic the name of the attorney stating that the student would like to prepare a brief for him. When the material is returned to the Clinic the student discusses the problem with the Director and prepares the memorandum or brief. Before the final typing, the brief is carefully reviewed with the student. It is then forwarded to the attorney requesting his suggestions and criticisms which are then in turn discussed with the student. This is not only a means of giving the student an opportunity to demonstrate his ability as a legal analyst and researcher, but also gives him the opportunity to get someone in the community where he plans to practice to know him as a future attorney. This results, quite often, in the student being brought in for an interview with resulting employment.

In addition to the benefits coming to the student, the service primarily is one for teaching. This calls for close supervision by the staff and a great deal of time on the part of the student. We cannot hold this service out to all attorneys and still do the quality of work we would like and for that reason it is limited to one attorney per student each quarter, the attorney to be selected by the student who is to prepare the brief. The reports from lawyers, students, and former students indicates that this briefing service to lawyers accomplishes all the desired purposes.