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Fall 1972

## Alumni Headnotes (Fall 1972)

University of Tennessee College of Law

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# ALUMNI HEADNOTES

The University of Tennessee College of Law

FALL 1972



## FROM THE DEAN

This is a renewed effort. *Alumni Headnotes* is a direct descendant of *U.T. Lawyers* published regularly for many years up to the summer of 1971.

The faculty and administration of the College of Law believe it important to be able to communicate directly and regularly with our alumni. We want our graduates to know about the principal developments here, and we want you to share our concerns and our hopes. We encourage alumni input as well. Your reactions to items of interest in these pages will be appreciated. We also hope to devote a page in future issues to news about our alumni, particularly items of professional interest, such as changes in position or location. Communication with alumni through this medium is possible only if we have an up-to-date address for you. Please keep our alumni relations—placement office (Ms. Joyce Doss) informed of changes in your address. And if you learn of this newsletter second hand and appear not to be on our mailing list at all, please let us know.

*The last year at a glance.* Changes of substance take time. Nothing of enduring importance, I am convinced, occurs overnight in law or higher education. And no one person or group of people can be singled out as uniquely responsible for substantial changes that do occur. What we have experienced here in the last 12 months or so is an outgrowth of what had gone before. Dean Warner and the faculty of his years brought us to new levels of staffing and enrollment and a new building annexed to the existing Taylor Law Center building. Most important, these preceding years bequeathed to us a legacy of goodwill with alumni and the bar and the continuing support of the University. During this past year these forces have carried us even farther.

*Faculty.* Certainly the most pervasive influence in the continuing life of a professional school is its faculty. It must be adequate in size to meet the challenge of greater numbers of students and it must give excellence in the teaching arts and scholarship. Distinctive progress can be noted during this past year. By the fall of 1971, when it was my privilege to follow Colonel Warner as Dean, our total full-

time faculty had grown to 19 counting the Dean. This included for the first time a law librarian with primary responsibilities as a librarian. During the summer and fall of 1972 we have increased this number to 23. Biographies of these fine new faculty additions appear elsewhere in this issue. Exciting characteristics of these young teachers include either graduate work in law or judicial clerkship or other significant deepening post-graduate experience in the legal profession.

*Curriculum.* While the basic traditions continue, it is also vitally important for a modern professional school to keep abreast of important changes in the structure, nature, and reach of the profession it serves. During this past year the faculty has been intensively involved in reviewing our curriculum. Important new courses have emerged from this process of review. We have also sought through a long questionnaire the ideas of our alumni about the proper content and emphasis of a contemporary law curriculum. Both these developments are described on other pages of this issue.

Similar review efforts throughout the country appear to be taking legal education closer to the realm of the practical training of a lawyer and, at the same time, deeper into the university with its several disciplines, all having insights and data about human behavior and social forces affecting and affected by law and legal processes. The full practical and programmatic implications of this trend are not yet readily apparent, but one reality is certainly the spread of legal clinics to many schools which formerly did not have them. Of course The University of Tennessee has been in the vanguard of that movement. In fact we are this year celebrating the 25th anniversary of our own Legal Clinic—all of it under the inspired leadership of its founder, Professor Charles Miller. Our clinic continues to be an integral part of the total education effort here. The case-load, however, has grown so large (4500 cases per year) that adequate supervision of our student-attorneys is imperilled. We will quickly have to augment the staff of our clinic or find realistic ways to limit the client intake of the clinic.



Dean Penegar

*Library.* Curriculum and the scholarly efforts of faculty depend directly on the resources of its library. We began this past year with about 80,000 volumes and have increased these holdings by another 10,000. Most of these increases were to existing sets of legal periodicals and to duplication of basic teaching sets. For instance, in order to accommodate a greatly expanded student body a second set of the National Reporter System was added over the year. Prior to this, convenient access to such reports was constantly stymied. An interim step was to quadruple the amount of staff reshelving of the existing set of reporters. The collection is housed now (with the annex) in separated sets of stacks and around two main reading rooms. The classification system, formerly in three different modes, is being unified and simplified. Four clerks working full-time will take about another year to finish the project. Without this unified system, scholarly use of the library is greatly hampered.

*Extra-curricular activities.* Believing that law students should be informed and inspired during their three years in law school by other members of the profession in addition to their regular teachers, the College this past year began a speaker series designed to acquaint them with something of the variety and complexity of the modern American legal profession. The series is entitled "Varieties of Modern Law Practice." About three or four speakers per quarter will be heard in this series during the current academic year.

Additionally, during this past year two special trial demonstrations were performed for our students by the American Trial Lawyers Association. Twice during the year, also, students were privileged to attend seminars in the New Federal Rules

of Evidence and in the Uniform Commercial Code. These were jointly sponsored by the Law College and the Knoxville Bar Association as a continuing legal education endeavor. We have been greatly pleased by the response and hope to enter into more of this sort of cooperative program in the future.

*Enrollment trends.* Whatever else is sought to be done to enhance the quality of our total education efforts in the College of Law, one continuing limiting reality is the size of the student body. The growth of our school in this respect has been nothing short of herculean. Our responses to this development are described in another article in this issue. It is sufficient to note here that the capacity for expansion within existing facilities has been exhausted. Our major efforts are now directed toward "catching up" in terms of faculty and library resources. Continuing reports on these and related matters will reach our alumni from time to time.

*Aspirations.* The immediate future of the College promises to be exciting but at the same time filled with many frustrations for students and faculty. Many of our classes are too large for adequate discussion. The halls are jammed. Office space for new faculty and new administrative personnel is non-existent. Yet the morale of the faculty and students appears to be high. We are all busily engaged in the enterprise of educating lawyers of quality. We all believe earnestly in the social usefulness of the task. We sense all around us a new importance in the work of the profession and are eager to test the implications for our own internal functions, techniques, and processes. We expect to continue to turn out first-rate advocates and counselors for the practice of law in Tennessee and beyond. We have the feeling that this will engage most of our energies but we are also desirous of responding to periodic calls to do more. For example, assist in ongoing continuing legal education projects; undertake research projects designed to understand more fully the law and processes of our social order; and begin projects to assist the institutions of justice in Tennessee. This is the full meaning of the term "law center." We aim in the long run to become that kind of an institution. In the meantime we are becoming what the profession and the people of Tennessee expect us to be, a law school of measurable quality and demonstrable utility.

The College of Law was privileged to have Arthur E. Bonfield, of the University of Iowa College of Law, as a visiting professor during the summer quarter. Professor Bonfield taught his specialty, Constitutional Law.

## ADMISSIONS

CARL PIERCE  
ASSISTANT DEAN

The best one word description of the admissions picture at the College of Law is "changing." Beginning students are now admitted in the summer and fall quarters only; those admitted in the summer must demonstrate a clear need for acceleration of their legal education. All applicants must complete a new expanded application form designed to elicit information about extracurricular activities, work experience, and motivation for the study of law; the application includes an essay on why the student desires to pursue a legal education and enter the legal profession. New minimum admission standards are in effect for the next incoming class. Active recruitment of qualified women and minority students is progressing. The number of applicants for admission has almost doubled in the last year, and their pre-law credentials have improved greatly. At the base of this change at the College of Law is a nationwide change: more college students and indeed many of the best ones are seeking legal education.

The class commencing study this summer and fall provides an excellent example of the changes. 1,627 students sought admission to the College of Law. 1,079 of these were non-residents of Tennessee; 543 were Tennesseans. Approximately 300 Tennesseans and 61 non-residents were offered admission in contemplation of enrolling 200 beginners, 85-90% of whom would be Tennesseans. 203 enrolled; 187 were Tennesseans. The number of applicants for 1972 almost doubled the number of 1971!

Not only is the College of Law attracting large numbers of applicants, but it is also attracting highly qualified students. The average undergraduate grade point of the Tennesseans admitted was approximately 2.85 on a 4.0 scale; for non-residents the average was 3.03. A student with a 2.85 average at UT, for example, would have been in the 70th percentile of his class; thus, if UT is representative of the colleges from which we draw our applicants, the average admittee to the College of Law was in the top 1/3 of his college class. Similarly, the average Law School Admission Test score of Tennesseans admitted was 578; for non-residents the average was 609. A 575 on the LSAT would place a student in the 70th percentile of all who took the test.

Because of the increased demand for legal education and the improved credentials of those seeking admission, the Law College changed its admission process. In the first place, the faculty adopted new minimum admission stand-

ards. A student must have an undergraduate average of at least 2.3 on a 4.0 scale, an LSAT score of at least 475, and a composite index (GPA x 200 + LSAT) of at least 1000 before the Admissions Committee will consider his application. In effect, the minimums would exclude from consideration students who score in the bottom one-third of all who take the LSAT and, just as an example, the bottom one-third of the graduating class at UT. It is the belief of the faculty that such students have not demonstrated the achievement and aptitude requisite for success in law school.

For all students whose credentials are above these minimums, admission is competitive. In March all applicants are considered comparatively on the basis of undergraduate average, LSAT score, writing ability score, extracurricular activities, work experience, letters of recommendation, and an essay on why the student desires to pursue a legal education and enter the legal profession. The best applicants in the judgment of the Admissions Committee are then offered a place in the beginning class. Undergraduate performance and LSAT scores are the basic credentials and are quite reliable as predictors of relative success in law school, but the Law College do weigh with care the other non-quantifiable indicators that relate to potential success in law school and the legal profession. Through this process, the Admissions Committee seeks to reach conscientious decisions on each individual application and to admit those students who will benefit most from their work at the College of Law, and will contribute most to the school and the profession when they have completed their law school training.

For 1973, the numbers appear to be mounting. The Admissions Office has already answered close to 3,500 requests for application forms and bulletins, and the requests are still coming in at the rate of 150-175 per week. From this applicant pool, the College of Law hopes to attract what will prove to be the best class ever to enter the school.

## SUMMER AND FALL ADMISSION ONLY!

Beginning this academic year, the College of Law will enroll beginning students in the summer and fall quarters only. Prior to this change, the College admitted beginning students four times per year and was probably the only accredited law school in the United States that had such a practice.

The change to two admission dates will achieve a number of desirable results. Repetition of required beginning courses will be reduced, releasing substantial faculty teaching units to be devoted to other courses in an expanding curriculum. The new scheme will permit the Law College to offer a single, graduated series of courses in legal research and writing beginning in the fall quarter and continuing through the spring quarter of each academic year. Students will have a greater sense of class cohesion that should make possible greater sharing of educational and extracurricular experiences than was possible under the former system. The College also expects that the administrative burden of processing applications and orienting new students each quarter will be greatly lessened.

Students entering in the summer quarter will be those who express the desire and demonstrate a need to accelerate the normal three year program and finish in two years and one quarter. Most students, however, will enroll in the fall. As the capacity of the Law College is approximately 600 students, approximately 200 students will enroll in each beginning class. Anticipating that graduation (in December, March, and June) would reduce overall enrollment before a new entering class would enter in summer-fall, 1973, the College allowed enrollment to rise above 600—our realistic capacity. Enrollment reached an unprecedented 725 in fall, 1972, but the average enrollment over the next three quarters is expected to be 650 or less. It should take about two years for the new enrollment pattern to emerge, but eventually there should be approximately 200 students in each of the three law school classes. Principal times of graduation will most likely continue to be June and December—the optimum times for graduates who anticipate taking the Tennessee Bar Examination in July or February.

## A CHANGING CURRICULUM

Significant revisions and additions have been made to the curriculum of the College of Law for the current academic year. Over the past year, the Curriculum Planning Committee has undertaken a comprehensive evaluation of the educational experience afforded our students, in the process of which it made a comparative analysis of current curricula in American law schools, consulted with experts in curriculum planning, surveyed our alumni and student body on felt needs in legal education, and on the basis of the conglomerate data assembled sought to project and implement educational goals.

Major alterations in the first year curriculum have been an intensive development of oral and written communication skills and the addition of a first year seminar. All first year students now take a three quarter sequence in Research and Writing in which a variety of legal skills from rudimentary research to appellate advocacy are taught and practiced under faculty supervision and criticism. Among the included assignments will be legal memoranda, client letters and the drafting of instruments.

While most classes remain large, the efficacy of a contrasting experience in the first year to permit the student the opportunity for independent thinking and writing in a more intimate faculty-student context led to the inclusion of a third quarter seminar. The several professors conducting these seminars will announce in advance the subject matter, and to the extent possible first year students will be permitted to elect the section of their choice.

Other changes in the first year curriculum include some modifications in the hours credit for courses, and a restructuring of some courses, such as the merging of real property and personal property into a property sequence, a fairly common event in the contemporary evolution of law school curricula.

Changes in the upper-class curriculum consist primarily of a reduction in required courses and area requirements and the addition of a sizable number of new courses and seminars. Beyond the first year, required courses are Constitutional Law, Legal Clinic, Legal Profession, and Trial Moot Court. Students are still required to take a minimum number of courses in designated areas; however, these requirements have been substantially reduced, with a concomitant increased flexibility for the student in planning his law school career.

New courses and seminars include Environmental Law, Law and Mental Health, and Business Planning and Consumer Protection. Offerings have been expanded in such subjects as Property, Local Government, Criminal Process, Jurisprudence, Constitutional Law, International Law, Legal Research, Administrative Law, and Trade Regulation.

The Committee and the faculty anticipate a process of continuing evaluation and revision, and the further addition of courses and seminars during the current year.



The Lawyer's Cooperative Publishing Company has announced the final publication of *Pre-Trial Rights of the Accused* by Professor Joseph G. Cook of the College of Law.

## NEW FACES ON THE FACULTY

CARL A. PIERCE came to the College of Law in June, 1972, as Assistant Dean and Assistant Professor. He holds B.A. and J.D. degrees from Yale University and is admitted to practice in Tennessee. Mr. Pierce's administrative responsibilities center upon admissions, and he will be teaching Legal Process, Research & Writing, and Legal History. He is also interested in corporate finance and securities regulation and recently authored "A Vacancy on the Supreme Court: The Politics of Judicial Appointment 1893-94," 39 Tenn. L. Rev. 555 (1972).

JERROLD L. BECKER joined the faculty as an Assistant Professor in June, 1972, upon completion of a Ford Urban Fellowship at Columbia University. He holds a B.A. from the University of Michigan, a J.D. from Rutgers University, and is admitted to practice in Kentucky. Prior to his Ford Fellowship, Mr. Becker served as a Reginald Heber Smith Fellow in Louisville, Kentucky. He presently divides his time between the classroom,

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Carl A. Pierce



Jerrold L. Becker



Fredrick H. Thomforde



Neil P. Cohen

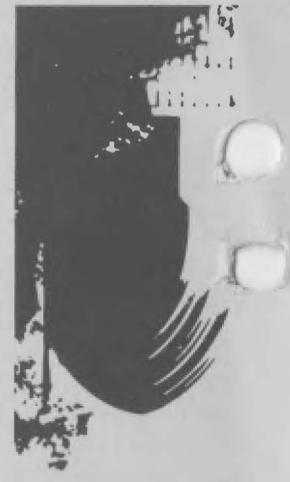


Judith B. Ittig



John L. Sobieski

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where he teaches Legal Process, Research & Writing, and a Military Law seminar, and the Legal Clinic, where he is coordinator of Economic Development projects. Professor Becker is also supervising "A Death in the Family," an interdisciplinary (law, architecture, and planning) community development project, and authored "The Supreme Court's Recent National Security Decisions: Which Interests Are Being Protected?" 40 Tenn. L. Rev. 1 (1972).

FREDRICK H. THOMFORDE joined the faculty in September, 1972, as an Associate Professor, having received B.A. and J.D. degrees from Valparaiso University. He was a trial attorney with the Securities and Exchange Commission for two years, taught at Valparaiso University Law School for two years, and spent the last year as a Ford Urban Fellow in Law at Columbia University. He is admitted to the bar of Illinois. Mr. Thomforde is teaching Corporations, Legal Profession, Administrative Law, and Securities Regulation, is a consultant for the Administrative Conference of the United States, and is supervising a compilation of all law affecting the new Tennessee Department of Transportation.

NEIL P. COHEN came to the College of Law in September, 1972, as an Assistant Professor. He received his B.A. from Yale University, his J.D. from Vanderbilt University, and his LL.M. from Harvard University. Subsequent to his graduation from Vanderbilt, he clerked for Judge William E. Miller of the U.S. Court of Appeals for the Sixth Circuit. Mr. Cohen is teaching Criminal Law, Domestic Relations, a seminar on Drugs and the Law, and is particularly interested in juvenile courts and corrections. He is the author of "Special Project, Public Housing" 22 Van.

L. Rev. 875 (1969) and "Civil Disabilities: The Forgotten Punishment" 35 Fed. Prob. 19 (1971) and is conducting a study for the National Institute of Mental Health on the effect of Tennessee's new drunk driving law.

JUDITH B. ITTIG, who joined the faculty as an Assistant Professor in September, 1972, holds B.A. and J.D. degrees from the State University of New York, Buffalo, and is a candidate LL.M. from the University of Illinois. She is admitted to practice in New York. Prior to coming to the College of Law, she was a Teaching Assistant at the University of Illinois Law School. Ms. Ittig is teaching Property and Research and Writing and is interested in the problems of women and the law. She is advisor to the Women's Law Caucus.

JOHN L. SOBIESKI, JR., who joined the faculty as an Assistant Professor in September, 1972, came to the College of Law from the U.S. Navy Judge Advocate General Corps, where he served as a Lieutenant. He holds a B.S. from Loyola University (Chicago), a J.D. from the University of Michigan, and is admitted to practice in Illinois. Prior to entering the service, Mr. Sobieski clerked for Judge Walter V. Shaefer of the Supreme Court of Illinois. He is teaching Civil Procedure, Property, and Labor Law and a seminar on Freedom of the Press.

Professor Toxey H. Sewell is currently on a leave of absence from the College of Law. During this academic year, he is at the University of Oklahoma College of Law as a visiting professor.

### ALUMNI SURVEY: INTERIM REPORT



In late June, we mailed each of you a questionnaire seeking information about your professional lives and about your opinions concerning legal education at UT. Among the items we asked about were your reactions to your own law school experience, your opinions and recommendations concerning the current curriculum, some direct measurements of your professional life, and your desires for continuing legal education programs.

Your response to date has been very gratifying. Of 1674 polled, over 600 have responded. We take this opportunity to thank those of you who took the time to respond; we would like to ask those who haven't yet done so to contribute about half an hour of your time towards broadening the base of alumni input into the decisions made about the life of this law school. We would like to have a majority response so that we can have greater confidence in the statistical validity of the final tabulations. We have begun to prepare the data for computer processing, and will publish the results in *Alumni Headnotes* so that you can have the benefit of this information.

If you did not receive your questionnaire or if you have misplaced it, you can receive a duplicate by writing Dean Penegar. We encourage all of you to respond so that there can be no doubt of the validity and the strength of your positions on these important issues.

