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Alumni Headnotes (Fall 1974)

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ALUMNI HEADNOTES

The University of Tennessee College of Law

FALL
1974



Editor: Paul Garvan Summers ('74)

FACULTY PROFILE: DIX WEBSTER NOEL

(Editor's Note: In the past issues, *Headnotes* has recognized faculty members who, because of their long-term contributions to the College of Law, are well known to the Law College alumni. To this end, the College of Law expresses gratitude to Distinguished Professor Dix Webster Noel for his many contributions to the school as well as to the legal profession. Member of the faculty for twenty-eight years, Professor Noel has retired from active teaching duties to channel his many talents to other areas of the law. We all wish him the best in his future jurisprudential endeavors.)

On May 2, 1906, in New York City, Dix Webster Noel was born to the union of Annie and Dix Webster Noel. Dix's father, a Harvard Law School graduate, was employed with the New York Legal Aid Society; and his mother was a homemaker and a person dedicated to the upbringing of a family in a religious and moral atmosphere.

Entering Harvard College in 1923, Dix studied English literature, a subject which has remained one of his life-long interests. In 1927 he graduated cum laude from Harvard, and at first he desired to teach English and continue his studies in literature; however, he later decided to attend Harvard Law School in the image of his father. According to Dix, his father wanted to prevent his son's pursuing the "veritably useless" profession of teaching. Fortunately, as his colleagues and students collectively attest, Dix's father did not succeed in that goal. As Dix quite candidly states:

"I didn't enjoy law school as much as I did college. Most of the teachers at Harvard Law School weren't as generally educated as those in college. There were some exceptions to this general rule, however, particularly Professor Scott, with his clarity of thought and expression. I found his treatise most helpful when I (later) taught trusts."

A peak depression year, 1930, saw Dix finishing law school and venturing into the job market. In spite of the depression, Dix found a position with the firm of McLaughlin and Stickles in New York. After gaining experience in general practice with McLaughlin, Dix, five years later, transferred to the legal department of Shell Oil Company. With Shell, Dix ran the experience gauntlet and learned much about corporate legal affairs.

During his stay in Manhattan, Dix's interest in university teaching budded and later blossomed. Believing that advanced collegiate work would enhance his bargaining power in the teaching profession, he took courses in constitutional law and political science; and in 1938 he received the master's degree from Columbia. Dix, however, underestimated his selling powers. Before he obtained his master's degree, Toledo University Law School offered him a position in 1937 of teaching three law courses and one political science course at a salary of \$1,800 per year. Accepting the offer, he found himself immediately buried in his work. In Dix's own words, he reminisces over his first teaching encounter:

"My primary interest was in students; my second interest was in torts and products law. I practiced for five years in New York City in a small firm and was surprised to find practice and teaching quite different. All told, I have found teaching law more enjoyable. The first few years of teaching were very hard work, with three courses to prepare for, one of which I had

not taken in law school (Constitutional Law). I worked ten hours a day at teaching, as I was single then and did not need to give time to my family. I knew I loved teaching from the first day in my first class (Constitutional Law)."

Despite the hard work and diligent application, the two years at Toledo were happy and fruitful ones for Dix. There he discovered that his first love at that time was the teaching of law; and in his learning experience of crystalizing his own goals, he knew then that he would always have the time (or make the time) to help a student. Placing students in the top priority has been Dix Noel's grand accolade throughout his teaching career.

World War II temporarily halted Dix's law college teaching career. He secured employment with the O.P.A. in Washington. Having resigned from the O.P.A. in 1943 and returned to Harvard in pursuit of advanced courses in constitutional law, Dix met and later married Dr. Louise Jacob, a qualifying psychiatrist at the State Hospital. After one semester at Harvard, Dix obtained a teaching position at Temple Law School in Philadelphia where he taught for one year. Moving from Philadelphia to Boston, Dix practiced law and taught night classes at Northeastern University.

Having been offered a teaching position at the University of Tennessee College of Law, Dix began his UT teaching career in the winter of 1946. The transition was not easy for the Noels, with two small children and the sparse post-war housing accommodations available in the Knoxville area. The Law School itself was nothing to write home about; the old four story brick building, which was once a female seminary, stood at the back door of the Church Street Methodist Church.

By the year 1955, the Noel family had enlarged to six children. His family and his teaching were Dix's first and second loves. His third was legal writing. Contributing leading articles to law reviews at a very early stage in his career, Dix progressed the legal profession by the use of his mind and his pen. His articles on retroactive zoning and nuisances were accepted by Columbia, Cornell and Harvard Universities between 1939 and 1943. The United States Supreme Court in *New*



Dix Webster Noel

(continued on p. 3)

ALUMNI NEWS

Charles Wilbur Armstrong ('29), after many years as Head Reference Librarian at the Los Angeles Law Library, has retired and is currently residing at 3409 Camino de la Cumbre, Sherman Oaks, California.

Arden L. Hill ('49), former General Sessions Judge of Carter County, has been elected Judge of the Criminal Court for the First Judicial District (Carter, Washington, Unicoi, and Johnson Counties).

Ray A. Ashley, Jr. ('52), a Dyersburg lawyer, was selected by the Tennessee Supreme Court to serve as State Attorney General for the next eight years. Mr. Ashley will be the first West Tennessean in memory to be named to a full term as State Attorney General. Mr. Ashley also serves as a member of the Alumni Advisory Council to the College of Law.

Charles C. Anderson ('57), former Assistant General Council for the Florida State Treasurer, is now County Court Judge of Jefferson County Florida.

Harold G. Walter ('64) of Memphis, recently concluded a one-year term as president of the Memphis Jaycees, third largest club in the world.

A 1965 graduate, Michael N. Athanason has been elected County Judge in Pinellas County, Florida.

Carl Earl Colloms ('66) was recently elected County Judge of Bradley County, Tennessee.

Frank W. Jablonski ('68) is a partner in the firm of Gillespie and Gillespie in Kearney, New Jersey. He is currently residing at 18 Seeley Avenue, Kearny, New Jersey.

Allen Kelsmith ('68) is currently with the Division of Criminal Justice in New York City.

John L. Cummings ('69), who recently visited the College of Law while on campus for the U.T.-Clemson game, is a partner in the firm of Flynn, Max, Albright and Cummings in Huntington, West Virginia.

John J. O'Brien ('69) has opened his office in Westchester, Pennsylvania.

A 1970 graduate, Joe M. Looney, has associated with the firm of Swafford and Looney in Crossville, Tennessee.

The members of the firm of Goodall and Bone, Gallatin, Tennessee, take pleasure in announcing that Arthur P. McClellan ('70) has become associated with them in the general practice of law.

John D. Horne ('71) has recently finished advanced course work at the U.S. Army Judge Advocate General's School in Charlottesville, Virginia.

Joseph H. McGrady ('71) has indicated that his firm's address is Main and Court Street, Hillsville, Virginia.

Richard H. Allen, Jr. ('72) has announced that he is currently with the

firm of Langford, Mitchell and Langford, Cookeville, Tennessee.

The members of the firm of Galberll, Russell, Killorin, Wade and Forbes of Atlanta, Georgia, are pleased to announce that M. Jane Snyder ('73) has become associated with them in the general practice of law.

J. Wayne Vincent, Jr. ('73) is now Staff Attorney with the Tennessee Department of Transportation.

William B. Petty, Jr. ('74) has announced the opening of his new office on the Andrew Johnson Highway in Jefferson City, Tennessee.

Both June 1974 graduates, Ann Mostoller and Dorothy Stulberg, announce the opening of their new office at 100 Tulsa Avenue, Oak Ridge, Tennessee.

HONOR CODE

During the fall quarter of 1973, the then president of the S.B.A., Joe Fowlkes, appointed a committee of law students to draft an honor code for the College of Law. This initiative was prompted for several reasons, the greatest of which being that law students at U.T. were being tried, not by their peers, but by undergraduate and other graduate students. Realizing the uniqueness of the legal education and the problems particular thereto, the law students wanted to be disciplined by peers who were aware of these particularities.

After many long and voluntary hours, the committee came up with an honor code that was voted on and approved by a majority of the student body and un-animously by the law faculty. The committee took special effort to give the accused law student every possible safeguard, so that once convicted, the conviction would not be overturned. The members of the Honor Council were elected by the students, with Robert "Doc" Hyatt and Susan Callison being chosen chief justice and secretary respectively.

The next step in having a working honor system at George C. Taylor Law Center was to get the University administrative approval. The faculty and the Honor Council were quite proud of the code, since it was the students who had taken the initiative; and the provision for mandatory reporting of violations made it clear that it would be the students themselves who would make the system work. The council felt that unless the students ran the honor system, the system would fail. Council member Gary Finch presented the code to the university administration. The administration accepted the code subject to some alterations making it conform with their general guidelines of University disciplinary procedure. These changes must now be voted on by the law student body and approved by the U.T. Board of Trustees before the code can take effect.

Admittedly, the council would have preferred that the administration approve the code as it was originally adopted by the student body and faculty. However, it was felt that a few small procedural compromises were a small relinquishment when the basic goal of an honor system at the George C. Taylor Law Center, governed by the students themselves rather than outsiders, would be the end result. The council members also felt very strongly that the code would help accomplish a much needed goal in today's legal education, that being making future lawyers more aware of basic ethical responsibilities.



PLACEMENT

The Placement Office at the College of Law is continuing in its effort to assist students in the job search process by coordinating interview schedules, counseling students, and generally acting as the middle man between the prospective employer and the student. Our primary aim is to be of benefit to both parties.

The success of our placement effort is determined to a large extent by the economic laws of supply and demand. With the increased enrollment in law school and the large number of graduates in the midst of a slowing economy, competition in the job market is becoming intensified. This trend has continued for several years, and it appears it will continue into the foreseeable future. In view of this situation, our goal is to attempt to locate graduates in localities that are in need of attorneys—particularly in the less urban areas where lawyers are in small numbers as opposed to the major cities where there is an abundance of attorneys. Our alumni may be of tremendous assistance by informing us of such potential opportunities so that we may in turn make our graduates aware of them.

We encourage our graduates to consider the University of Tennessee Legal Placement Office when they are recruiting potential employees. We have many qualified students who could be of value to many employers both within the state and outside of the state. Whether the need is for an experienced attorney, a recent law school graduate for permanent employment, or a law student for temporary clerking, we will be glad to assist by establishing contact with our students or alumni. Please feel free to contact Ms. Joyce Ann Davis at 615-974-4348 if you should be aware of employment opportunities either in your office or in your locality.

(continued from p. 1)

York Times v. Sullivan cited Dix's 1949 article in the *Columbia Law Review* on defamation of public officials. Writing many articles on products liability law, Dix's greatest influence is perhaps on the products law development of negligence of design and warning by manufacturers.

His influence on the law of tort liability and products cases was no doubt a major factor in Dix's election to the American Law Institute in 1964. Although he has continually participated in seminars and has addressed many legal groups across the nation, he has managed to maintain a widespread correspondence with teachers and practicing attorneys concerned with torts and products liability cases. There can be no doubt that Dix is proud of the numerous citations of his articles by the courts; however, he feels that his pride is equalled by the pride that he has taken in giving help to his former students. Again quoting Dix: "Although I have a great interest in torts and products law, my primary interest is in my students." Former students can vouch for the unquestioning warmth and sincerity in that simple statement.

From the very beginning of his tenure at the University of Tennessee, teaching, administrative duties, and honors continued to increase for Dix. In 1966 he was selected Distinguished Professor by the Alumni Association, and in 1973 he was made an honorary member of Phi Beta Kappa. Serving on the Faculty Senate and the Athletics Board were just a few of the many positions that qualified him for these and other honors. Most recently, he has collaborated in writing the book, *Products Liability in a Nutshell*, published by West Publishing Company in April, 1974. In summary, Dix's career varied during his early life, narrowed to a specialty in torts, and finally settled to the more limited but rapidly evolving field of products liability. Both in his writing and in his devotion to instructing students, his drive has continuously been to achieve clarity and objectivity of expression and thought.

Retirement, fortunately for us all, will not result in a termination of Dix's legal activities. He continues to engage in arbitration work, and he often consults with lawyers engaged in tort and products litigation. At the present time, he is collaborating in preparing a casebook on products liability to be published in the fall of 1975.

Although widely known as a distinguished legal scholar, teacher, and gentleman, we who know him love him best for his warmth and humanity. Both in times of trial and success, his humor, gentleness, and human reason have endeared him to us. Our association with Dix Webster Noel has been in the past, and will continue to be in the future, a very satisfying human experience.

NEW FACES

(Editor's Note: Beginning in the fall quarter of 1974, the College of Law was proud to announce the addition of several new faculty to its ranks.)

Beginning this year, the Law College has established a Distinguished Visiting Professorship; and the first incumbent was Professor *John Ritchie*, who recently retired from the faculty of the University of Virginia. Dean and Mrs. Ritchie spent the fall quarter with us and will return to Charlottesville this winter.

Dean Ritchie received the B.S. degree and the L.L.B. degree from the University of Virginia in 1925 and 1927 respectively, and the J.S.D. from Yale University in 1931. His career includes service at several law schools, including the deanship at three: Washington University, Wisconsin and Northwestern. His longest tenure was at Northwestern where he served from 1957-1972. An authority on decedents' estates, he has a casebook in print in that field. Dean Ritchie also maintains a strong interest in professional ethics and has served on A.B.A. committees which evolved the current Code of Professional Responsibility.

Dean and Mrs. Ritchie enjoyed living in Knoxville and associating with both the faculty and students of the College of Law. During the fall quarter, Dean Ritchie taught the course in wills and a seminar dealing with current problems in the legal profession.

Professor *James S. Covington, Jr.* also joined the professorial ranks of the Law College in the capacity of visiting professor of law for the 1974-75 school year. Professor Covington received the J.D. degree from the University of Texas in 1959 and the L.L.M. degree from Yale in 1968. For five years he practiced in the firm of Fulbright, Crooker, Freeman, Bates and Jaworski. From 1964 to 1966 he served as assistant professor at the University of Houston. From 1966 to 1970 he was chief of the Civil Division of the Houston Legal Foundation, director of the Houston Bill of Rights Institute, and the director of the Southern Legal Education Opportunity Program. He has been an associate professor since 1967 and professor at the University of Houston since 1970. During 1971 he served as director of the Criminal Justice Institute; and in 1973 he directed the Southern Legal Education Opportunity Program.

Professor Covington's major fields of interest are in business organization, property, civil procedure, corporate clinic, and judicial administration. Among his many publications are casebooks in agency and partnership and judicial and court administration. During his visiting year at the University of Tennessee, Mr. Covington is teaching primarily in the areas of private corporations, business organizations, and judicial administration.



Ritchie



Covington



Cohen



Kadish



Kuklin



Sebert



Wirtz

Other persons who have joined the full-time faculty are Messrs. *Donald S. Cohen*, *Lloyd A. Kadish*, *Bailey H. Kuklin*, *John A. Sebert*, and *Richard S. Wirtz*. Mr. Cohen has joined the College of Law as assistant dean and assistant professor of law. He received the A.B. degree in 1967 from Washington University (St. Louis) and the J.D. degree from Northwestern University in 1970. Mr. Cohen was in private practice in Chicago from 1970 until 1972. During the fall quarter of 1974, our new assistant dean for admissions taught a course in torts.

Mr. Kadish, joining the faculty as assistant professor of law, received the B.S. degree in 1968 from the University of Pennsylvania, the J.D. in 1971 from Northwestern University, and the L.L.M. in 1973 from Georgetown University Law Center. He was an E. Barrett Prettyman Fellow at Georgetown University; and he served as Senior Staff Attorney, Criminal Division, D.C. Law Students in Court Program, from the years 1973 to 1974. Assistant Professor Kadish is currently teaching in the Legal Clinic in the field of criminal law.

Mr. Kuklin has joined the College of Law as an assistant professor. He received the B.S. degree in 1963 from the University of Nebraska and the J.D. degree in 1966 from the University of Michigan. He was a teaching fellow at Stanford University Law School in the years 1966 and 1967, and he served as a member of the Peace Corps during the years 1967 through 1969. A Reginald Heber Smith Fellow, Mr. Kuklin served as assistant dean at the University of Michigan Law School prior to his coming to the University of Tennessee. During the fall quarter of 1974, Mr. Kuklin taught the course in trusts.

Mr. Sebert, associate professor of law at the University of Tennessee, received the A.B. degree in 1964 and the J.D. degree in 1967 from the University of Michigan. He served as an attorney in the Office of the General Council, Department of the Air Force, Washington, D.C., during the years 1967 through 1970. Prior to his coming to the University of Tennessee College of Law, he was an associate professor of law at the University of Minnesota. During the fall quarter of 1974, he taught sales and contracts.

Mr. Wirtz has come to the University of Tennessee as an assistant professor of law. He received the B.A. degree in 1961 from Amherst College, the M.P.A. degree in 1963 from Princeton University, and the J.D. degree in 1970 from Stanford University. During the years 1963 through 1967, Mr. Wirtz served in the Peace Corps, Washington, D.C.; the New York Anti-Poverty Agency; and the Office of Economic Development, Washington, D.C. Prior to his coming to the University of Tennessee, he served as law clerk in the U.S. Court of Appeals for the Fifth Circuit

during the years 1970 and 1971; and from 1971 through 1974, he engaged in private practice in Seattle, Washington. During the fall quarter of 1974, Mr. Wirtz taught legal process.

We at the Law College welcome the new faculty to our legal community. We hope that they find their association with the George C. Taylor Law Center a rewarding experience.

S.B.A. ACTIVITIES

The accompanying photograph of a pulchritudinous pair of law students, Zane Bailey and Willard Rooks, illustrates one of the most popular services offered by the Student Bar Association—George C. Taylor Law Center T-shirts. A variety of colors have been offered, from basic patriotic blue to passionate pink. Zane and Willard are garbed in the latest fall line acclaimed by designers as the epitome of high fashion in T-shirt apparel.

The S.B.A. is not soliciting orders for shirts; but if a sufficient number of alumni order them, we will certainly comply with the requests.



Willard Rooks and Zane Bailey model the George C. Taylor Law Center T-shirts.

ADMISSIONS OFFICE

"With so many lawyers involved in Watergate plus the scarcity of jobs when we graduate, why would anyone want to go to law school today?" With the exception of "What grades and L.S.A.T. score do I need to get in?", this question has become the most frequent inquiry of Assistant Dean Cohen this fall as he visits colleges and universities to provide general information and to interview prospective law students. It is easy enough to respond to the indictment of the legal profession argument by pointing out that not all of the Washington conspirators were attorneys and that the ones who were are indeed a small number compared to the profession as a whole, but the apprehension over finding jobs is less easy to allay.

What has this job pessimism done to our admissions outlook and approach? In the first place, contrary to what one might suppose, the number of inquiries directed to our College of Law remains high. Applications are coming in as rapidly as ever, and the student response to Dean Cohen's meetings is extremely encouraging. Second, this feeling seems to be serving as a catalyst for a subtle shift in the student make-up of the Law College. Because the prospective students are vividly aware that commendable law school academic records are crucial in securing satisfactory positions in today's marketplace, we see fewer and fewer persons entering the Law College because they "were not particularly interested in anything else, and law seemed to be what was left." The people entering are as a group more firmly committed to the study and practice of law and the academic rigors a legal education entails than ever before. This motivation is reflected in their enthusiastic approach to studies and classroom experiences and in increasing interest in learning and service opportunities such as the U.T. Legal Clinic, the *Tennessee Law Review*, and local clerkships.

This positive shift in student motivation has influenced other indicia also. The persons applying and admitted to the first year class continue to be better qualified than ever before. There were over 1,200 applicants this past year of the 260 spaces in the summer and fall entering classes. This, of course, means that admission is quite competitive. The average credentials of persons admitted consisted of a grade point average of better than 3.25 on a 4.0 scale and a Law School Admission Test score of over 600, highly respectable qualifications. The persons applying also tend to have stronger backgrounds in the nonquantifiable areas bearing on admission such as work experience, undergraduate extra-curricular and co-curricular activities, leadership qualities, and desire to pursue a legal career. As a result of this increased educational maturity and continuing upgrading of credentials, particularly over the past three years, the attrition rate for academic reasons has plunged to its lowest point ever, approximately 5-1/2% in the first year and 1-1/2% in the second year, indicating again that our students more than ever are willing to work and truly "want to become lawyers."

What this means to you as an interested alumnus is not that we are creating a law school population of total "bookworms." It means that we have the same academically healthy, heterogeneous student body the Law College has always had, but which as a group is more firmly dedicated to the legal profession than ever before. This dedication is something for which, in these times, we should all be grateful.

THE DEAN'S CORNER

(Editor's Note: Dean Ken Penegar, during the last several months, has spoken to various groups at seminars, symposia, and alumni gatherings across the state. In conjunction with his other decanal activities, he talked with alumni and other members of the bar at Columbia, Murfreesboro, Cookeville, and Memphis about present and future trends in legal education. Of the sundry presentations made by the Dean during the year a synopsis of his Gatlinburg address, the topic of which is certainly in today's public eye, appears below.)

On May 17, 1974, Dean Kenneth L. Penegar spoke to the Sixth Circuit Judicial Conference in Gatlinburg on the subject of "Dimensions of a New Professionalism." Dean Penegar announced at the outset that his speech was not concerned with Watergate or the tumultuous events pertaining thereto. Rather, he addressed the conference on subjects of fundamental concern to the legal profession everywhere in the United States; most of these topics predated any of the sordid activities associated with the Watergate scandals.

First, the Dean discussed some of the basic sources of popular dissatisfaction with our legal profession. He delved into such issues as costs of legal services; com-

petency in trial advocacy; public confidence and integrity in the profession; and "down-to-earth" professionalism. He assured the group that we cannot lightly discuss the complaints of many members of the public, nor can we disregard the witness of our brethren in the bar.

Secondly, Dean Penegar identified some pervasive observable trends within the legal profession. He noted the increasing number of persons entering the profession; the increasing demand for legal services; more specialization in the profession; greater and greater concentration of lawyers at the seats of commerce and government; and several other dynamic forces operating within our legal system having direct bearing on the profession. He surmised that there is, in short, a real problem of identity in the profession. The Dean stated that the general public, however, is a good deal less confused about our identity crisis; that is, many of the public's complaints are directed at all of us who call ourselves lawyers.

Thirdly, the Dean briefly discussed several points of conflict both between the public and the legal profession and within the legal profession itself. Such points are consumerism and why the movement hasn't caught up with legal services; de-

terminations as to what is a law task; determination of the quantum of minimum competence in a knowledge of the law; the problem of "quality control"; and definitions of the scope and proper role of the lawyer in varying relationships.

Finally, while he conceded that he had no panaceas for these various serious conflicts, he did express that he believed at least four points were worth suggestion and exploration. First, the private sector bar should move a bit closer to a free market model with greater public awareness of lawyers' special competence. Secondly, the entire profession should recognize our greater complexity today—even the pluralism of our profession. Thirdly, we should reflect this recognition in a more complex governing and regulatory structure for the profession. Fourthly, we should develop a more coherent scheme for the preparation of lawyers and their continued education.

In sum, Dean Penegar called for a greater sense of community within our very large and complex profession or set of professions. With a heightened sense of community within our profession, there should be greater possibility for mutual support and effectiveness than has been the case in the recent past.

TENNESSEE LAW REVIEW 1974

Beginning its forty-second year of publication, the *Tennessee Law Review* is issuing a products liability symposium containing articles by America's foremost torts scholars. Contributions by Jeffrey O'Connell, John Wade, and others will make this issue an invaluable research tool and evidence the *Review's* continuing interest in developments in torts law. Appearing in a later issue of Volume 42 will be a special staff project on Tennessee torts law, a first in a proposed series of Tennessee surveys. Of more general interest, a ten-year index will be published early next year.

Part of the success of the *Review* is attributable to excellent contributions by the faculty of law (articles by Professors Pierce and Ittig, for example, received special mention in the *A.B.A. Journal* last year), but a large part depends on the quality of the staff and editorial board. In the last two quarters, the staff, selected on the basis of superior academic work and writing ability, has doubled in size; and, as a concomitant, there are now three assistant editors and a special projects editor.

Any statement about the *Review* must mention the late Professor Martin Feerick, faculty advisor and friend to members of the staff for many years. In his honor, a special issue was published this year and all income from student sales was donated to the Feerick Scholarship Fund.

His interests in many areas of the law, and Tennessee law in particular, are reflected in the policy of the *Review* to provide its nearly fifteen hundred subscribers with a journal of national scope while emphasizing legal developments within the state.

HEADNOTES WANTS TO KNOW ABOUT YOU!

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FALL 1974

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FACULTY HIGHLIGHTS

(Editor's Note: The Summer 1974 issue of *Headnotes* introduced "Faculty Highlights", a column designed to inform our alumni of some of the recent activities of the faculty. The listings in "Highlights" are by no means exhaustive; however, they are designed to provide a few examples of some of the many activities undertaken by the faculty of the Law College.)

Professor Emeritus DIX W. NOEL and Professor JERRY PHILLIPS are hard at work on their newest joint publication, a products liability casebook to be published by the West Company next year.

Professor JOSEPH G. COOK is working on the third volume of his multiwork set of books dealing with the criminal process. The first two covering pre-trial matters and the trial, this third volume will cover post-trial issues as they are reflected in constitutional litigation. The series is published by the Lawyers' Co-operative Publishing Company.

Professor DURWARD S. JONES has recently made several speeches at various seminars conducted in the state. On September 19th Professor Jones spoke to the Estate Planning Council of Knoxville on the subjects of life insurance and estate taxation; and on November 6th, he lectured to the Tax Forum on recent developments in federal income taxation.

Professor R. McDONALD GRAY continues in his second year as consultant to the Tennessee Judicial Conference Committee drafting model jury instructions in criminal cases for Tennessee courts.

This fall Associate Professor DOUGLAS Q. WICKHAM, through the invitation of Florida Senator Collins, appeared before a subcommittee holding hearings on a proposed federal open meeting

statute. Professor Wickham's statement, which will be appearing in the hearing's report on the bill, grew out of his earlier work on the "Sunshine Law" published last year in the *Northwestern Law Review*.

RICHARD H. SURLES, law librarian and associate professor, presented a paper in one of the panels of the Southeastern Conference meeting of the American Association of Law Schools this August at Hilton Head. The topic of his paper was "Buying a Law Library."

This summer the University was notified that it had been awarded a \$75,000 grant for an inter-disciplinary study dealing with the coal industry. Of the eight faculty involved, three are from the College of Law, namely Messrs. ROBERT MOBERLY, JERROLD BECKER, and ZYGMUNT PLATER. Basically, the study is to be an international comparison of institutional arrangements in the coal industry: health, environment, and labor relations. Those countries to be studied are Great Britain, West Germany, and the United States.

Associate Professor JAMES GOBERT and Assistant Professor NEIL COHEN, who have a contract with West to publish a book of problems in criminal law, are experimenting in their own classes with drafts of problems they are considering for inclusion in the book.

This summer Associate Professor ROBERT MOBERLY was appointed by the National Mediation Board to serve on its arbitration roster. This involves labor disputes in the airline and railway industry. He was also recently selected by the unions and the U.S. Postal Service to membership on the expedited arbitration panel established by their national labor agreement. Most significantly, Professor Moberly was also elected in May to the National Academy of Arbitrators. This is an honorary organization of arbitrators and

scholars established to promote scholarly study of arbitration, to foster high standards among arbitrators, and to improve the arbitration process.

Assistant Professor ZYGMUNT PLATER has received a small grant from the University's Institute of Public Service to undertake an empirical study of the "second home" phenomenon in East Tennessee. The objective of this study is to promote a better, more comprehensive understanding of the legal, political, and economic issues of these developments.

Assistant Professor JOSEPH H. KING recently published his second article in *the Tennessee Law Review*, entitled "The Right to Counsel Fees in Public Interest Environmental Litigation," 41 *Tenn. L. Rev.* 27 (1973) (with PLATER). He has also created a seminar on medical malpractice which was offered for the first time this summer. Professor King has prepared his own *Cases and Materials on Medical Malpractice* which is used as the primary class materials for this seminar.

DONALD F. PAINE, member of the Knoxville Bar and adjunct professor of law at the University of Tennessee, has recently published a hornbook on the Tennessee law of evidence. This publication, entitled *Tennessee Law of Evidence*, came off the Bobbs-Merrill Company's press in April of 1974. Mr. Paine has indicated that periodic supplements to his treatise are planned to keep the text current.

