Alumni Headnotes (Fall/Winter 1973-74)

University of Tennessee College of Law

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IN MEMORIAM

MARTIN J. FEERICK, 1913-1973

With a great sense of loss and sadness, the College of Law must report the untimely death of Professor Martin J. Feerick. Professor Feerick succumbed to a heart attack on October 26, 1973.

A member of the faculty at the College of Law since 1949, Professor Feerick was respected by all who knew him as a teacher, scholar, colleague, lawyer, and above all a person of great integrity and compassion. During the course of his career he greatly influenced the professional development of innumerable Tennessee lawyers, both as law students and as practicing attorneys. He leaves many close personal and professional acquaintances to share the loss of the College of Law.

Professor Feerick received his B.A. in 1935 from Manhattan College. Subsequent to receiving his M.S. and J.D. degrees from Columbia University, he engaged in the general practice of law in New York City. After eight years of private practice, he joined the faculty of the Law College as an Assistant Professor. He was subsequently promoted to Associate Professor in 1952 and was named Professor of Law in 1953.

For more than twenty years, Professor Feerick served as Librarian of the Law College and introduced first year students to the mysteries of Legal Bibliography. He regularly taught Domestic Relations and Trade Regulation and in recent years expanded his teaching to include Torts and Unfair Trade Practices. His skill as a teacher and his manner as a person in the classroom were unexcelled.

In addition to his efforts in the classroom, Professor Feerick was untiring in his devotion to and effort for the Tennessee Law Review. He served as Faculty Editor of the Review from 1951 until his death, supervised the work of more than 100 student editors, and established standards of excellence in legal research and writing well memorialized in the growth and success of the Review. The present Board of Editors is planning a special tribute to Professor Feerick's contribution to the Tennessee Law Review.

Professor Feerick's commitment to legal education went beyond the classroom and the Law Review and indeed beyond the College of Law. A firm believer that a lawyer's legal education must continue beyond law school, Professor Feerick constantly helped with the organization of Continuing Legal Education programs in conjunction with the Knoxville Bar Association and the Tennessee Bar Association. Indeed, only shortly before his death, Professor Feerick had contributed substantially to a successful CLE program on professional negligence. Maintaining close ties with the practicing bar, he did much to expand the educational horizons and therefore the quality of the Tennessee bar.

Professor Feerick's career can be summarized in a word—excellence—and his excellence in all aspects of legal education was appropriately recognized in 1972 when he was presented the Harold C. Warner Teaching Award upon recommendation of fellow faculty members, students, and members of the bar. This award honored outstanding achievement in teaching and further indicated the high regard of those who best knew him and his work.

(continued next page)
ALUMNI BRIEFS

Walter Woods Bussart ('66) is engaged in the general practice of law at his new address — West Court Square, Lewisburg, Tennessee.

William W. Dawson ('73) has returned to his hometown, Seminole, Oklahoma, to enter private practice. He previously worked as a staff member of the Oklahoma Court of Criminal Appeals in Oklahoma City.

Robert L. Jones ('68), formerly of Sanders & Jones, Columbia, Tennessee, has opened an office for the general practice of Law in Columbia.


Walter O. Waddy ('57) has formed the law firm of West and Waddy in Kingsport, Tennessee. Charlton R. DeVault, Jr. ('70) has recently associated with West and Waddy.

Three graduates of the College of Law are presently teaching law. Marvin G. Krier ('48) is a member of the faculty at the University of San Diego School of Law; Ronald D. Lee ('67) is a member of the faculty at Dickinson Law School, Carlisle, Pennsylvania; and James W. Zirkle ('72) is a member of the faculty at the University of Mississippi School of Law.

JAMES THURMAN AILOR MEMORIAL SCHOLARSHIP FUND

Judge and Mrs. Thurman Ailor and their son Earl S. Ailor have established the James Thurman Ailor Memorial Scholarship Fund at the College of Law. The $12,000 fund honors the late James Thurman Ailor, a 1940 Law College graduate and Knoxville attorney who was killed in World War II while serving with the 777th Infantry in the Pacific theater. Income from the endowed fund will provide an annual scholarship to law students who demonstrate both academic ability and financial need.

Judge Ailor is a 1913 graduate of the Law College who practiced law in Knoxville and formerly served on the Tennessee Court of Appeals, Eastern Section. Earl S. Ailor is a 1947 Law College graduate and is presently practicing law in Knoxville.

The whole College of Law community is exceedingly grateful to the Ailor family. Scholarship funds are an important ingredient in the vitality of legal education in Tennessee. This contribution, while recognizing the past contributions of James Thurman Ailor, will aid deserving law students to better develop their potential for contribution to the community as future members of the legal profession.

PENEGAR EARL AILOR

THURMAN AILOR

PROFESSOR MARTIN J. FEERICK MEMORIAL

A special drive has been mounted to establish a scholarship in honor of Professor Martin Feerick. Responding to numerous inquiries and evidence of desire to help in such a plan, the Dean of the Law College asked several alumni, current law students and two faculty members to form a committee to design and implement an appropriate tangible and permanent tribute to Professor Feerick.

Asked to serve were Mont Egerton of the Knoxville Bar, Frank Crawford of the Memphis Bar, and Ray Moseley of Chattanooga. The current President of the Student Bar Association, Joe Fowlkes, and the Editor-in-Chief of the Tennessee Law Review, Bill Dunker, also agreed to serve. Members of the faculty in the planning group are Professors Forrest Lacey and Charles Miller.

At the group's first meeting in early December it was decided that the creation of a fund to provide scholarships for law students under generally prevailing criteria within the College would be the most appropriate tribute. It was felt that such a purpose would best reflect Professor Feerick's wide interest in the welfare of the College and his abiding concern for individual students.

Members of the Law College alumni have received direct requests from the Committee. It is expected that additional alumni members will be added to the Committee to assist in the drive during the next few months.

Inquiries and/or contributions of any amount may be sent to the Dean's office on behalf of the Committee, with checks payable to The University of Tennessee, Martin J. Feerick Memorial Fund.

The Committee is confident that many, many alumni will want to remember Professor Feerick in this way. A report to the alumni will be made by the Committee during the spring quarter on the progress of the effort.

(IN MEMORIAM continued from page 1)

Our sense of loss, although difficult to express, is best captured in the comments of a first quarter law student. "It is difficult to write of the dead, or to think of them. For us who entered law school last summer it was sometimes hard to think lucidly of Martin Feerick when he was alive. His gruffness and his blunt remarks intimidated some, but slowly we recognized that those qualities were inseparable from his integrity. I think we first began to appreciate him through his jokes, which were scandalous but delightful. When he died, many of us had only lately begun to realize that he was much more than a quick-witted fellow with a curmudgeonly aspect, although that certainly was part of his peculiar charm. Last Thursday in class, apropos of nothing in particular, he talked of his concern about the ease with which people seem to ignore each other and to treat the sufferings of others with indifference. It was an enlightenment about his character, and we wanted to know him better."

"None of us ever saw him again. I think of him often now, hard as it is. His absence is enormous."

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ous roles in the perspective of an operating law center by discussing his experiences with the University of Oklahoma’s transition from law school to law center.

On the morning of November 16, a panel moderated by Dean Clinton Bamberger of the Catholic University of America Law School considered “Legal Delivery Systems and the Law School’s Role.” Dean Bamberger commenced the panel by urging support for meaningful funding of a Congressional program to support clinical programs. A bill to support law school clinics has been passed, but not funded, and Dean Bamberger believes that substantial public funding is necessary if law schools are going to continue providing quality legal services through clinical programs. Dean Joshua M. Morse III of Florida State University School of Law noted the very high cost of a quality clinical program and emphasized the need for a very low student-faculty ratio (to assure close supervision) and the high overhead costs of any law office, even one connected with a law school. Professor Junius Allison of Vanderbilt Law School conceptualized the provision of legal services by law schools as an appropriate manner of expressing the concern law schools should have about the “gaps and hesitations in the delivery of legal services, especially the problems of full representation of the indigent in criminal as well as in civil matters, including the questions of group legal services, and the activities of public interest groups.” All panelists thought well of the service role played by law school clinics—a view heartily supported by the final panelist, the Honorable Harlan Dodson, Esq., President of the Tennessee Bar Association. Mr. Dodson reaffirmed the Bar Association’s support for the clinical program at the College of Law and the growing role of law schools in the provision of legal services.

After the morning session, the symposium participants attended a luncheon in honor of Professor Miller. Ms. Irma Greenwood, a member of the Knoxville bar and a former student of Professor Miller, served as toastmaster, and recognized the many contributions of Professor Miller to the College of Law and clinical legal education. Professor David Cavers of Harvard, Professor Forrest Lacy of the Law College, Mr. William Pincus of the Council on Legal Education for Professional Responsibility, and Professor Jacob of Ohio State University Law School, Mr. William Pincus of the Council on Legal Education for Professional Responsibility, and Professor Howard Rosenberg of the University of Denver. Taking off from the basic theme that the primary purpose of a Legal Clinic is the better preparation of law students for the practice of law, Professor Jacob emphasized the need for a clinical program to include a variety of cases, not just those related to poor people. Students in clinical programs, Professor Jacob contended, “should represent middle class and well-to-do clients as well. Different types of clients have different kinds of problems, and one way to provide variety is to enable students to represent different types of clients.” Professor Rosenberg focused on the peculiar benefits of clinical experience and concluded that it provides “a real environment in which the goals of legal education are maximized by: 1) utilizing law school links to the Bar, and to the community, and by creating an atmosphere of professional responsibility through a process of reality-testing of initiative, competence and social sensitivity, through formal institutionalized service mechanisms; 2) building upon the skills of the legal educational process; and 3) providing an alternative method of learning through cognizance of the role of the attorney and sensitivity to external and internal human factors.” Mr. Pincus then continued the theme of education for professional responsibility, and visualized the clinical experience as peculiarly well suited to the development of professional attitudes as well as skills.

In addition to the panel discussions, the symposium featured two major addresses. On Thursday evening, Professor Gerhard Casper of the University of Chicago Law School spoke on “Two Models of Legal Education—the German and American Experiences.” Professor Casper contrasted the German model, which features a 4-5 year curriculum of lectures on substantive law followed by a government-prescribed rotating internship of two years’ duration, with our American model. German students commence their legal training upon graduation from secondary school, and there is, as yet, no screening of applicants. According to Professor Casper, German law schools may have as many as 3000 students with a professional staff not much larger than that of an average American law school. Upon completion of the law curriculum, the students must pass a state examination similar to our bar exam. If they are successful, they enter their internship, in which they are regarded as civil servants and are required to serve as clerks to a civil court, a criminal court or a prosecutor’s office, an administrative agency, an attorney, and one other legal capacity of their own choosing. Upon completion of this program, the intern must take another comprehensive examination. If he is suc-
cessful, he is then licensed to practice law.

On Friday evening, Professor David F. Cavers of Harvard University spoke on "The 'Law Center' Concept: Substance or Semantics?" Considering the conditions that would distinguish a law center from a law school, Professor Cavers noted that the central focus of today's law school is the traditional program in legal education leading to the J.D. degree—processing young college graduates for entry into the legal profession. Law Centers, in order to deserve their new name, must go beyond this traditional orientation and pursue additional undertakings, such as 1) a graduate program in law, 2) a program of paralegal education, 3) community legal services, civil and criminal; 4) a broadened program of continuing legal education, 5) a research oriented institute of comparative law or legal history, 6) a law reform program, 7) public service activity of law faculty as advisers on public issues, and 8) development of programs of instruction in law and its processes for college undergraduates and for secondary school students. While recognizing that many law schools engage in some, if not all of these functions, Professor Cavers classified such present efforts as fringe activities of a law school, rather than programs of a law center. For a legal center to represent an institution distinct from a law school, these additional functions must be accorded greater attention, both in terms of manpower and funding. While teaching students law must rank first in priority, even in a law center, Professor Cavers asserts that such an instructional function must be seen as standing *primus inter pares*—first among equally important functions. Only then may law schools legitimately adopt the name "law centers."

The symposium concluded on Saturday morning with the Southeastern Legal Services Roundtable, chaired by Mr. Don Bradley of the O.E.O. Legal Services Program, and a workshop on law school placement programs chaired by Mr. William Cloud of Emory University and Ms. Anne Brandt of Vanderbilt University.

Far-reaching in subject matter as it was, the three-day symposium provided a fitting tribute to the Legal Clinic on its 25th birthday and to the constant effort of Professor Miller to develop and improve clinical education at the College of Law.

**NEW FACES ON THE FACULTY**

ROBERT B. MOBERLY joined the faculty as an Associate Professor in September, 1973. He received his B.S. and J.D. degrees from the University of Wisconsin. After clerking for the Wisconsin Supreme Court, he served from 1968 to 1971 as an arbitrator, mediator and trial examiner with the Wisconsin Employment Relations Commission. In private practice from 1971 to 1973, he specialized in labor arbitration. Professor Moberly is teaching Labor Law, Arbitration, and will be developing an interdisciplinary negotiation and dispute settlement curriculum. He is particularly interested in public sector employment problems.

PETER W. GROSS, Associate Professor of Law, comes to the College of Law from the United States Commission on Civil Rights where he served for four years as Assistant General Counsel. He received his B.A. and J.D. degrees from Harvard University, served as a law clerk for Judge Harold R. Tyler, U.S. District Judge for the Southern District of New York, and engaged in the private practice of law for three years prior to joining the Commission on Civil Rights. Professor Gross is teaching Constitutional Law I, Constitutional Law II, and Research and Writing, and he recently authored "Law School Training in Analytical Skill," 25 J. Legal Ed. 261 (1973).

Associate Professor GARY L. ANDERSON is the newest faculty addition in the Legal Clinic. Professor Anderson is Director of the Clinic's Criminal Advocacy Program. He will be supervising students enrolled in Clinic IIA and IIB and will be seeking to develop greater student participation in criminal trials in Knox County. Professor Anderson received his S.B. from Iowa State and his L.L.M. from Harvard University. After two years of general practice, he served as county attorney in Union County, Iowa. From 1966 to 1968 he was a Teaching Fellow at Harvard Law School, and from 1968-73 he was a member of the faculty at the University of Missouri-Columbia School of Law.

MARTHA S.L. CROW joined the faculty as Assistant Professor upon her graduation from the College of Law in August, 1973. Ms. Crow received her B.A. from Mount Holyoke College and did graduate work at Rice University prior to her enrollment at the College of Law. At UT she was twice awarded the John W. Green Scholarship for outstanding academic achievement, contributed to the *Tennessee Law Review*, and was a member of the 1972 Na-
ON BECOMING A LAWYER

On September 17, 1973, Dean Penegar welcomed 194 new students to the College of Law and offered to them some insights about the process of becoming a lawyer. His comments are reprinted below.

Welcome. You are beginning the process of becoming a lawyer. It is a long process, yet a rewarding one. You are preparing for more than a job. Your goal is to be a member of the legal profession—a profession that possesses and uses a corpus of knowledge that has been systematically built, yet is constantly changing. You pursue a profession that must be committed to the ideal of service to others who need assistance in their dealings with the law. Finally by entering the legal profession you must commit yourself to working within the constraints of a commonly held code of professional conduct—embodied in the American Bar Association’s Code of Professional Responsibility.

With this goal in mind, you should consider what a law school can do and cannot do in preparing you for the legal profession. Let us also consider the faculty’s expectations of you and what you should expect of us.

While in law school you can acquire a speaking acquaintance with many of the large set of rules that make up the doctrinal content of the law. You can develop an understanding of the processes of our legal system and our institutions of the law—courts, legislatures, and administrative agencies. You can acquire some skill in the finding and analysis of the sources and materials of the law, such as statutes and judicial opinions. You can cultivate a very modest skill in legal writing and the drafting of legal documents and develop a taste for oral disputation and argument. Thus, much is available to you in law school, and perhaps we might note one potential although unintended acquisition: a certain disenchantment about the limitations of the law and the interstitial and minuscule patterns of change of which the law seems capable.

Although law school offers much for the preparation of a lawyer, there is much that we cannot offer. We cannot, for example, offer you the mastery of any field of substantive law. Nor can we offer you a mastery of any one, let alone all of the skills needed in practice, such as negotiation, counselling, strategies of settlement, advocacy, and fact-marshalling. You will not learn how to set a fair and reasonable fee, how to operate your law office efficiently and profitably, or how to use legal assistants effectively. Although your studies will certainly help, we will not teach you how to pass the bar exam, nor can we teach you how to be a judge, legislator or other public official.

In short, you will not be a full-fledged lawyer when you leave us. But the public will not know that! So while you are here, develop a commitment to continued legal education and a hope that the experienced practitioners with whom you will initially associate can be as effective teachers as those you will have here at the College of Law. If you have acquired in the course of your study at the College of Law a strict discipline of the mind and the discipline of hard work, are committed to continuing legal education, and seek wise tutelage from more experienced members of the bar, you can become an effective and well satisfied attorney. At the College of Law, however, we can only seek to put you on the right track.

As you pursue the training the law school can make available to you, the faculty expects your mental and physical presence and participation. We expect you will give full attention to your work, make a good faith effort to attend class, be prepared for class, and talk about law with your teachers and fellow students. We expect you to be intellectually detached and rigorous. Do not be turned off by the demeanor of a teacher and do not be tempted to try the “shortcuts” just because you can “get by” that way. Look critically at ideas or factual assertions before adopting them as correct; learn to distinguish between the proven, the provable, and the asserted!

The faculty also expects from you an ethical engagement in our joint enterprise. Remember, especially if at some point you feel tired, discouraged or bored, why you came to law school. Remember the values and social purposes you thought law ought to serve. Do not confuse the “is” of the law with the “ought,” but do not forget your values either while in law school or after you enter the profession.

As the faculty expects this of you, so should you have expectations of the faculty. You should expect that each faculty member will have a strong commitment to the idea and ideals of a legal profession. The faculty should be willing to listen to your ideas although not necessarily agreeing with them, and they should show an interest in seeing you succeed to the fullest extent of your capacity. The faculty should stand ready to explore with you the frontiers of the law and should always be seeking mastery of their subject areas. We expect that you would hold the faculty accountable for law school policies that affect you and our profession and demand of us a willingness to explore reasonable alternatives consistent with our responsibility to the legal profession and society. In sum, as the faculty expects you to be a professional, so you should expect high standards of professionalism from the faculty.

We are pleased that you are here. You are our link with the timelessness sought by all. To the extent we challenge your minds, then to that extent do we influence the future course of the law and its practice.
PROFESSOR MILLER COMMENTS: THE LEGAL CLINIC

On the occasion of the Legal Clinic's 25th Anniversary, Professor Miller noted that the working philosophy of the Legal Clinic was the same in 1947 as it is now. The clinical program, he indicated, was, and still is, designed to "establish a law office within the curriculum of the law school to give students a chance to observe and participate in the practice of law under supervision and in a controlled setting."

Looking back to 1947, Professor Miller remembers a class of 23 students, one part-time attorney, and one secretary. He remembers the challenge of the clinical innovation and occasional resistance from law professors who were tied to the traditional classroom methods of instruction.

1973 presents a much different situation, for now Professor Miller works with three other full time faculty members, seven staff attorneys, two part time attorneys, 11 secretaries, and approximately 100 students each quarter. The 25 years of Legal Clinic have also brought acceptance of Professor Miller's basic philosophy that "to study the phenomena of law in society without books is to sail an uncharted sea, while to study books without clients is not to go to sea at all."

Students at the Law College clearly went to sea. In 1972 the Legal Clinic accepted 5,495 cases and turned down an additional 3,369 cases because of financial ineligibility or other reasons that made the problems inappropriate for the Clinic assistance. The Clinic assists its clients with consumer, employment, administrative, housing, and family problems, and in effect carries most of the responsibility for representing individuals in Knox County who cannot afford a lawyer.

Professor Miller cautions, however, against over-emphasizing the service function of the Legal Clinic. The Clinic's primary goal is the better preparation of future lawyers and the major theme in that preparation is professional responsibility: According to Professor Miller, "Our main purpose is still to give the student the opportunity to develop a philosophy of professional responsibility relating to his practice of law since he will become a member of a professional monopoly. He should learn responsibility for delivery of legal services, for his role as a citizen, as a leader, as a molder of public opinion, and as a professional person with responsibilities to his client, his profession and to himself."

SEX DISCRIMINATION IN EMPLOYMENT

On November 1 the Law Women of the University of Tennessee presented a series of workshops on sex discrimination in employment. The workshops explored the psychological, institutional and legal aspects of sex related job discrimination.

The participants discussed discrimination in higher education, the psychological barriers to equal employment, the workshops explored the psychological, institutional and legal aspects of sex related job discrimination. The participants discussed discrimination in higher education, the psychological barriers to equal employment, the workshops explored the psychological, institutional and legal aspects of sex related job discrimination. The workshops also considered the special problems faced by minority women and pre-employment problems of interviewing and testing.

Featured speakers and discussion leaders included Eliza Paschall and Laverne Tisdale of the Equal Employment Opportunity Commission; Gwendolyn Gregory of the Office on Civil Rights, Department of Health, Education and Welfare; Joan Green of the Department of Labor; George Rice of the U.S. Civil Service Commission; Charles Smith of the Department of Defense; and Robert Moberly of the UT College of Law.