



Summer 1974

## Alumni Headnotes (Summer 1974)

University of Tennessee College of Law

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# ALUMNI HEADNOTES

The University of Tennessee College of Law

SUMMER  
1974



## HOODING CEREMONIES MARK 1973-74 COLLEGE OF LAW GRADUATIONS

In December and June, the College of Law held its second and third hooding ceremonies in honor of its graduating students. The hooding ceremonies are held on the evening prior to the University's general commencement exercises, for the purpose of recognizing the special academic and professional accomplishments of our students. Each graduate is presented with the academic hood appropriate for the J.D. degree, which hood is then worn in the general commencement ceremonies the next day. Each hooding ceremony features an address by a distinguished member of the bench or bar on a subject of particular interest and importance to future members of the legal profession, and in 1973-4 the College of Law was honored to have as its speakers the Honorable Chesterfield Smith, President of the American Bar Association, and the Honorable Charles Anderson, United States Attorney for the Middle District of Tennessee.

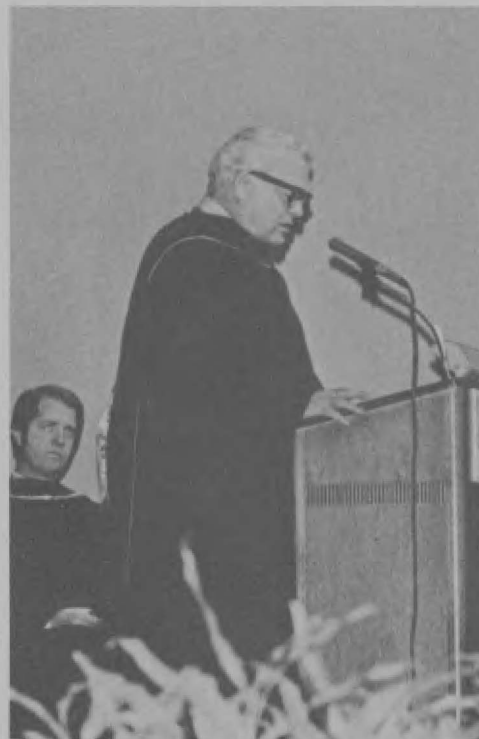
### Fall Quarter, 1973: Chesterfield Smith and "Reactions to Watergate: Threats to Justice?"

Mr. Smith addressed the Fall Quarter, 1973, graduates on the subject of "Reactions to Watergate: Threats to Justice?" Mr. Smith expressed his belief that the United States is embroiled in one of the grave political crises of its history. The president for many months has been under severe and sustained attack from all quarters. Widespread distrust of the Federal Government at all levels is pervasive among the people. He was deeply concerned about the long-range impact of the revelations that politics has played a dominant role in the decision-making processes of those who traditionally have been entrusted with national law enforcement.

As never before in the nation's history, Mr. Smith indicated, many of the citizens suspect that a large portion of the acts of national law enforcement officials are politically motivated. Watergate and the other sordid events surrounding the presidential election of 1972 have emphasized

that all Federal law enforcement agencies must be depoliticized if they are to fully regain public acceptance. Political motivations directed toward winning elections have no place in our justice system, even though admittedly it is true as an evolutionary matter that the bringing of politics into the justice system has been a bipartisan mistake involving both Republican and Democratic administrations.

Mr. Smith pointed out that the beauty of our justice system as it has evolved over the last several hundred years is that in a very real sense it has worked. The fundamental basis of the system is due process. We have over the years found that in an adversary proceeding involving equal advocates in which due process is observed, the truth can be ascertained, the verity of evidence can be determined. Through the contending forces of balanced opponents in a proceeding presided over by an impartial judge, we have found that justice is obtainable.



CHESTERFIELD SMITH

The substantial majority of the people seems to think that the President is in some way blocking a full investigation of the White House, and of his close friends and associates. They believe that his powers as President are such that the adversary system will fail, that he can and may use Presidential authority to prevent court proceedings from being effective. However, we must remain true to the basic principles of justice. Mr. Smith admonished the audience to at all times reserve to those who have been accused the constitutional rights guaranteed to all citizens. While Watergate is admittedly a unique situation without parallel, due process is not a principle to be thrown out the window in special or even emergency situations. Due process requires that no one be convicted on hearsay, innuendo, speculation, or assumed transgression, no matter how ostensibly apparent.

The constitutional issues which have been raised by the President in this crisis are real and significant. The President originally raised the issue of the confidentiality of presidential papers in a proper way. The fact that later the courts ruled against the President's contentions should not prejudice anyone against the President because he raised them. The prevailing attitude of our people must concern us to the extent that grave Constitutional issues are decided not on the merits but on the basis of suspicions of the motives of the one who asserts them.

Mr. Smith indicated his belief that the traditional presumption of innocence must be applied in the Watergate matter. Its purpose has been to require that those prosecuting a criminal charge discharge the initial burden of presenting a proof of guilt. The presumption of innocence, however, has never meant that we as a people could not look at the totality of the facts as we perceive them and then arrive at a conclusion. The presumption is a rebuttable one which can be quickly overcome by conclusive evidence of guilt. But we do not yet have the totality of the evidence, and regardless of the presumption of innocence, however, fairness dictates that we give him the benefit of doubt until all the evidence is available.

Mr. Smith concluded by stating that those who are suggesting that the Presi-

(continued on p. 3)

## ALUMNI NEWS

After retiring from the Federal Government with 26 years service, John L. Cleary ('48) has returned to Tennessee and set up a private practice in Spencer, Tennessee.

Melvin G. Cooper ('50) has become the Executive Director of the Alabama Ethics Commission from March 1, 1974. He was stationed at Maxwell AFB's Air University from 1963 to 1968, and retired from the military in 1972 as a lieutenant colonel. Previous to his recent appointment, he has been a real estate broker and an instructor at Auburn University in Montgomery, Alabama.

Charles T. Branham, Jr. ('52) is a judge of Industrial Claims, State of Florida, Department of Commerce, Bureau of Workmen's Compensation, in Coral Gables, Florida.

Sanford Cohen ('62) is a partner in the firm of Romano and Cohen at Prel Plaza, Orangeburg, New York.

Michael Murphy ('64) was appointed judge of the Rutherford County General Sessions and Juvenile Court in Murfreesboro, Tennessee.

Harlan C. Stientjes ('69) is engaged in the general practice of law in Greeley, Colorado. He had previously worked as a staff attorney for the University of Colorado.

Edward W. Arnn ('69) is a Trial Attorney with the Interstate Commerce Commission in Atlanta, Georgia.

Robert E. Altenback ('70) has formed the firm of Somers and Altenback in Atlanta, Georgia.

William J. Lovas ('70) has opened an office for the general practice of law in Dover, New Jersey.

Thomas L. Reed, Jr. ('70) is engaged in private practice in Murfreesboro, Tennessee. He is a Murfreesboro City Attorney.

Ray Harold Ledford ('71), after 2 years in private practice, was recently employed by the Housing Litigation Bureau of the Housing and Development Administration of the City of New York as a specialist in tenant-initiated actions for New York County.

John Kocsis ('72) has become a partner in the firm of Dowd and Kocsis in Sayre, Pennsylvania.

Grey C. Edwards ('73) was admitted to the Virginia Bar in January 1974. He is employed by Norfolk and Western Railroad and is specializing in labor relations.

Jerry Hacker ('73) is employed by the Federal Aviation Administration, Regional Counsel's Office in Des Plaines, Illinois.

Russell T. Kivler ('73) is engaged in private practice in Trenton, New Jersey. He was recently appointed as the attorney for the Trenton Board of Health.

## PLACEMENT: ARE THERE TOO MANY LAWYERS?

With the greatly increased number of students presently enrolled in law school, both lawyers and law students are focusing attention on the job market for law graduates. Are law graduates in general and UT College of Law graduates in particular finding rewarding professional opportunities?

Joyce Doss of the Law College Placement Office reports that 313 students graduated from the College of Law between March 1973 and March 1974. 264 of these graduates have informed Ms. Doss of their placement situation.

164 graduates, or 62%, report that they are engaged in the private practice of law. 124 of these students have associated with law firms engaged in general practice, 21 have associated with corporate legal departments, and 19 have hung out their own shingle.

23 graduates have secured positions with federal governmental agencies, (Department of Interior, Justice Department, Internal Revenue Service, National Labor Relations Board, I.C.C.); 10 are employed by state government (State Attorney General's Office, Law Revision Commission, Legislative Council Committee, Department of Labor, Department of Public Health); and 4 are employed by municipal governments. In sum, 14% of our graduates are employed in some variety of public service.

Additionally, 9 graduates are serving in judicial clerkships for both federal and

state judges; 8 are fulfilling their military obligations, 4 are working for legal services, and 2 are teaching law. On the less positive side, 15% of the reporting graduates had not finalized employment plans as of June, 1974.

Ms. Doss reports that most of our graduates are seeking a general practice of law with a preference for medium size law firms in Tennessee or the Southeast. Of those graduates desiring to practice in Tennessee, most would prefer locating in one of the major cities: Nashville, Memphis, Chattanooga or Knoxville. Ms. Doss notes, however, a desire on the part of an increasing number of students to practice in smaller communities.

After general practice, students' preferences are as follows: trial practice, tax practice, corporate practice, criminal practice, government service, judicial clerkships, labor practice, and public interest practice.

If your law firm is seeking a young attorney, please feel free to contact the College of Law Placement Office. Ms. Doss will make every effort to assist you find the right person. The Placement Office phone number is (615) 974-4348.



ERNEST GELLHORN

## VISITING PROFESSOR

Ernest Gellhorn, Professor of Law at the University of Virginia Law School, visited the College of Law during the Winter Quarter, 1974. He taught the course in Antitrust: Trade Regulation. Professor Gellhorn is well known in the fields of trade regulation and administrative law. He is the author of *Administrative Law and Process in a Nutshell* and a co-author of *McCormick on Evidence*. Professor Gellhorn has been a consultant for the Federal Trade Commission since 1972, and a consultant for the Senate Committee on Government Operations since 1972. He is very active in many other professional organizations and was very well received by the faculty and students at the College of Law.

SMITH (continued from p. 1)

dent resign his office are ignoring basic elements of due process which in the end could set a very bad precedent—a precedent which could ultimately cause tremendous mischief to governmental stability. If President Nixon is to leave office before his term expires, he should only do so as a result of the Constitutional impeachment process. His ouster should not be through resignation brought on by public clamor.

(Editor's Note: Readers should be alert to the fact that Mr. Smith's remarks were delivered in December, 1973, long before the tumultuous events of this summer. Notwithstanding the intervening events, Headnotes reports this speech in the belief that many of Mr. Smith's concerns transcend the immediate crisis that provoked them.)

#### Spring Quarter, 1974: Charles Anderson and "The Cutting Edge of the Law"

A native of Chattanooga, an alumnus of the University of Tennessee and its College of Law, a private practitioner in Nashville prior to 1969, and the U.S. Attorney for the Middle District of Tennessee since 1969, Charles Anderson was well qualified to address our June graduates on "The Cutting Edge of the Law."

Mr. Anderson admonished the new graduates to do everything possible to be ready to assume the responsibility of their profession. Noting that competence is a primary duty in a society of free men, he indicated that successful lawyers are people who excel at their profession, not because they necessarily like all their work—90 per cent of legal work is drudgery; the other 10 per cent makes it worthwhile—or because of aptitude or ability, but because they have the drive to work hard on the cases they undertake. "If you believe in the 40-hour-work-week; if your immediate goal is the 'good life'; if you are concerned with how to occupy your leisure time, please don't practice law; we don't need you," he said; "I tell my assistants that if they're not working or studying 60 to 70 hours a week, they are not practicing law."

Mr. Anderson reminded the audience that lawyers are in a unique position to give more than they receive. Frankfurter called lawyers "specialists in affairs." Because of their training, they dominate our government and influence many major institutions. Consciously or unconsciously, lawyers play a major role in the formation of our law and with it, shaping our society. Contemporary America reflects, more than it is willing to admit, the ethical and moral values of its lawyers.

Active, unselfish participation in the organized bar; willingness to serve as legislators, prosecutors, court-appointed



CHARLES ANDERSON

defense counsel, and on law revision groups are contributions one can make in the shaping of our laws. One should not subscribe to the philosophy of historical fatalism that events are controlled by inexorable forces, or mystical laws, or economic trends; that we are all prisoners of the past; that the individual plays no role in the shaping of history; or that we must be carried along in the tide of human inertia. As men and women particularly trained to serve a free society, lawyers are the best equipped to exercise and develop our governmental institutions, especially our judicial process.

Mr. Anderson concluded by observing with concern the trend in the last decade, particularly in the federal courts, of judges to engraft their personal philosophies on the Constitution. (An example from a recent Supreme Court decision: "The death penalty is immoral and therefore unconstitutional.") While the inadequate judicial process takes on more of the basic decisions of operating the government, including pushing the country "along the paths of virtue," the courts are involved more and more in essentially political decisions. Using the courts to bring social reform which cannot be obtained through proper political process invites and requires political reaction. There are governmental processes for bringing change provided by the Constitution. As lawyers it is our unique opportunity and part of our peculiar responsibility to assist the public "engineer" changes into our system, assure the proper function of the governmental machinery, and preserve the system. While the courts have the power, our job is to help the courts avoid abuse of this power by working within appropriate limits where the courts can most effectively function.

## EXPANDING PUBLIC SERVICE

The College of Law's effort to combine faculty and students with more opportunities for work with government law while providing public service to the government goes into its second year this summer. Known as the Public Law Research and Service Program, the effort is coordinated by Assistant Professor Grayfred B. Gray. The Program has several projects underway and has completed others.

The Program began last year with a cooperative effort between the College of Law, the Tennessee Coordinator of Elections, Mr. Shirley Hassler, and the Center for Government Training of the University of Tennessee Institute for Public Service. The venture was a series of five one-day training programs held around the state for County Election Commission registrars-at-large. The program was well received and was the first major step by the Coordinator of Elections in training the state's election administrators in the new law which took effect on January 15, 1973.

In the fall of 1973 the Program aided the Department of Mental Health in planning and conducting a two-day symposium on the determination of competency to stand trial and criminal responsibility held at Nashville. Assistant Professor James Gobert was one of the principal speakers. The program was attended by mental health professionals from all over the state and featured a mock trial presided over by Criminal Court Judge Joe Duncan of Knoxville. The trial is now available on video-tape. Attorneys in the trial were Assistant District Attorney James Hall of Memphis, J.D. Lee of Madisonville, James Neal of Nashville and Henry Rothblatt of New York.

Later in the year Professors Gobert and Gray assisted the Department of Mental Health in the preparation of a proposed new forensic services law which was adopted by the General Assembly in 1974 as Public Chapter No. 464.

During the winter quarter the Program, operating under a grant from the Government-Industry-Law Center of the Institute for Public Service, provided two law students as drafting aides for the Legislative Council Committee of the General Assembly during its Adjourned Session of 1974. The students prepared legislation under the joint supervision of Mr. James J. Mynatt, Executive Director of the Council, James Clodfelter, Senior Legal Analyst of the Council, and Professor Gray. The students were based in the capitol building and worked directly

with members of the General Assembly and with the professional staff of the Council. We anticipate having a similar program during the next session of the General Assembly.

During the spring quarter the College of Law launched a two-year experimental training program for legal assistants to serve in public or private law offices. This project is being performed under a contract with the Knoxville-Knox County Community Action Committee as part of the New Careers program of the U.S. Department of Labor. In addition to training six students during the two years, under guidelines laid down in large measure by the A.B.A. for approval of legal assistant education programs, the program will generate training material specific to Tennessee to prepare legal assistants for work in Tennessee law offices. The Legal Assistant Training Program provides both classroom education and on-the-job training. Each of the students works half-time in a public or private law office. Unlike most law school courses, the legal assistant courses are for the most part very practically oriented and light on legal theory.

During the spring quarter Assistant Professor Neil Cohen, under a contract with the Center for Government Training and the Tennessee Department of Corrections, conducted a training program and developed training materials for parole revocation hearing officers of the Department. The training program was very well received and continues at this time.

At the end of the spring quarter the Tennessee Law Enforcement Planning Agency announced approval of a grant to the College of Law to fund a Judicial System Training Program for one-year to provide continuing and advanced education for General Sessions and Juvenile Court Judges, new Assistant District Attorneys General, Sessions court clerks, and investigators in the offices of the District Attorneys General. This effort will include the preparation of many practice-oriented materials on Tennessee criminal law and practice as well as the conduct of courses ranging from three days to two weeks. This is the first major university effort we know of in Tennessee to develop a continuing education program for the judicial system professionals and staff.

The Public Law Research and Service Program is a modest beginning for the state's College of Law, but it is underway and is providing opportunities for faculty and students to keep in touch with the law in Tennessee government and further developments in the practice of law. Down the road, in addition to continuing projects, we foresee further cooperation with state agencies, including those with which we have already been active, and the development of closer working rela-

tionships with other levels of state and local government in Tennessee.

The Program complements the Legal Clinic, which provides direct representation to individual clients in Knox County. Together they constitute our main institutional programs of public service. With the development of our Continuing Legal Education Program later this year, these will round out a full program of service to the public and to the bench and bar of Tennessee.

## FACULTY PROFILE: PROFESSOR ELVIN "E.O." OVERTON

(Editor's Note: In past issues, *Headnotes* has been introducing the many new faces on the faculty. In this and subsequent issues, *Headnotes* will recognize faculty members who, because of their long term contributions to the College of Law, are well known to most Law College alumni.)

Professor Elvin E. Overton, known to colleagues and to many students as "E.O.," has met with many students in his favorite subjects, Conflict of Laws and Equity, and in his other curricular interests of Restitution, Civil Procedure, Damages, Constitutional Law, Agency & Partnership. Over a teaching career that spans thirty-three years, however, E.O. has taught just about every course a law school curriculum might offer and enjoys them all. As he says, "I love teaching. There is nothing else I enjoy as much."

Elvin Overton was born in Chicago, Illinois, and received the major part of his early education, including high school, in Peoria, Illinois. He attended Bradley Polytechnic Institute for three years and in 1928 received the Ph.B. degree from the University of Chicago. He then pursued his legal studies at the University of Chicago and received his J.D. (cum laude)



"E.O." OVERTON

in 1931, having served on the Law Review and been elected to the Order of the Coif. After an interim of nine years of teaching, Professor Overton enrolled at Harvard University Law School in 1940 and received his S.J.D. in 1943.

Professor Overton commenced his teaching career at the University of Arkansas in 1931. After two years at Arkansas and one initial year at the University of Tennessee, he joined the faculty at Mercer University. He taught at Mercer from 1934 to 1942 and served as Dean from 1937 to 1942. From 1942 to 1946 he was Professor of Law at Temple University, but was on leave from 1942 to 1945 serving in the United States Naval Reserve. In 1946 he joined the faculty of the University of Tennessee as Professor of Law and has served the College of Law continuously since that time.

During his teaching career, Professor Overton's principal contributions to the literature of the law have been: "Review by the United States Supreme Court of State Decisions in Conflict of Laws under the Due Process Clause," 22 Ore. L. Rev. 109 (1943); "State Taxation of Interstate Commerce," 19 Tenn. L. Rev. 870 (1947); "The Judicial System in Tennessee and The Potentialities for Reorganization," 32 Tenn. L. Rev. 501 (1965); and "Constitutional Problems and Policy Decisions in Drafting an Escheat Statute," 34 Tenn. L. Rev. 173 (1967). He is presently working on an article about collateral estoppel and the Supreme Court.

E.O.'s interests are not limited to academia. A family man, he has been married for 42 years, and he and his wife Holly have two grown children, Roger and Nancy, and six grandchildren. Active in the affairs of his church, he serves as an elder and is active on various church committees. Recreationally, E.O. is well known (some say infamous) for his skill at billiards and snooker, but he insists that he has lost his eye and is out of practice. He played bridge avidly, but again he insists he is now out of practice, but also that he never really was very good. Finally, volleyball commands the attention of Professor Overton, who is known as a good set-up man. Although he has been sidelined since January with an injured thumb, he plans to return to the courts. Watch out—he is a strict observer of the rules!

Over his many years of teaching, Professor Overton notes as his greatest disappointment that "students do not realize how much work is involved in getting a good legal education, and in practicing law." On the more positive side, his greatest joy in teaching has been "watching my students grow and develop and become successful and now and then having them say that I contributed something." One expects that the joys have been numerous.

## JUSTICES STEWART AND BLACKMUN VISIT THE COLLEGE OF LAW

En route to Gatlinburg for the meeting of the Sixth Circuit Judicial Conference, Supreme Court Justices Potter Stewart and Harry Blackmun visited the Law College and spent more than an hour an-

swering questions from students and faculty. Pictured with the Justices are Dean Penegar, Suzanne Bailey, and Joe Fowlkes.



STEWART

BLACKMUN

FOWLKES

BAILEY

PENEGAR

### FACULTY HIGHLIGHTS

(Editor's Note: As a new feature in *Headnotes*, "Faculty Highlights" is designed to inform our alumni of some of the recent activities of the faculty. The listings are by no means exhaustive, but are designed to provide a few examples of some of the many activities undertaken by the faculty of the Law College.)

Alumni Distinguished Professor DIX W. NOEL and Professor JERRY J. PHILIPS have co-authored *Products Liability in a Nutshell* (West Publishing Co., 1974).

The 1974 recipient of the Harold C. Warner Award for Excellence in Teaching, Professor JOSEPH G. COOK, has

written *Trial Rights* (Lawyers Cooperative Publishing Co., 1974). *Trial Rights* is the second volume in Professor Cook's multi-volume *Constitutional Rights of the Accused*. Additionally, Professor Cook recently addressed the annual meeting of the Tennessee Trial Lawyers Association and is participating in an interdisciplinary conference sponsored by the Society for Religion in Higher Education, Williams College, Massachusetts.

Associate Professor ROBERT B. MOBERLY has been admitted to the National Academy of Arbitrators and has co-authored *Public Employment Labor Relations* (1974). In addition, he has been awarded a University of Tennessee research grant to study the adequacy of state public employee bargaining in laws.

A regular contributor to the column "Looking at the Law" in the Federal Probation Quarterly, Assistant Professor NEIL P. COHEN has published "Tennessee Civil Disabilities: A Systemic Approach" 41 Tenn. L. Rev. 253 (1974) and a book review of Harry Subin's *Criminal Justice in a Metropolitan Court*, 62 Ky. L. Rev. (1974). Professor Cohen also conducted a course on parole revocation for the personnel of the Tennessee Department of Corrections.

Assistant Professor ZYGMUNT JAN B. PLATER was the keynote speaker at the 4th Annual Industrial Air Pollution Control Symposium. He recently published "The Takings Issue in a Natural Setting: Floodlines of the Police Power," 52 Tex. L. Rev. 201 (1974) and is engaged in research on stripmining and second home developments.

Assistant Professor ERIC M. HOLMES received an Outstanding Teaching Award presented by the Student Bar Association and the Phi Alpha Delta legal fraternity. He was the principal speaker at the Seventh Annual Meeting of the Georgia Defense Lawyers Association on the topic: "Environmental Litigation and Insurance: Do We Insure Pollution?" Professor Holmes has been awarded a Krulemitch Fellowship at Columbia University Law School for graduate law study as a J.S.D. candidate for the academic year 1974-5.

### LAW DAY APPELLATE ARGUMENT

Arguing about due process in parole hearings before a panel of judges composed of United States Senator Howard H. Baker, Nashville attorney Joe P. Binkley, and Knoxville attorney Bernard Bernstein, six second- and third-year students vied for honors in the Annual Law Day Appellate Argument.

While declining to rule on the merits of the case, the court held that the team of Janet Sloan and Howard Hines presented the best oral argument. Ms. Sloan was named the outstanding participant in the arguments. Other participants included Andrew Lewis, Michael Mahn, Richard Banks and Richard Harris. All were complimented by the court for the quality of the presentations.

The appellate argument was one part of the College of Law's Law Day observances, which included the presentation of student academic awards, an address by noted columnist James J. Kilpatrick, a seminar on Tennessee practice sponsored by the Knoxville Bar Association, and an address by the Senate Watergate Committee's minority counsel, Mr. Fred Thompson of Nashville.

#### HEADNOTES WANTS TO KNOW ABOUT YOU!

Address Change?  
Professional Activities?  
Civic or Community Involvement?

Name \_\_\_\_\_

Year Graduated \_\_\_\_\_

Business Address \_\_\_\_\_  
\_\_\_\_\_Home Address \_\_\_\_\_  
\_\_\_\_\_

Send to: ALUMNI HEADNOTES  
College of Law  
University of Tennessee  
1505 W. Cumberland Ave.  
Knoxville, TN 37916

Comments \_\_\_\_\_



## TENNESSEE SUPREME COURT JUSTICE WILLIAM D. FONES ADDRESSES COLLEGE OF LAW

Justice William D. Fones, the first UT College of Law graduate to sit on the Tennessee Supreme Court, spoke at the Law School on April 8, after spending a part of the day visiting the library and viewing the work of the Legal Clinic. Justice Fones led a wide-ranging discussion of the state of the legal profession and the judiciary.

Pointing out that the students would shortly be entering the bar, Justice Fones urged all persons interested in improving the Tennessee Bar to investigate the concept of the unified bar, of which he admitted being a devoted advocate. "Every person owes some of his time to upbuilding his profession," he said, and pointed out that the only states that have made any progress at all in legal discipline are those with a unified bar, probably because of the increased availability of funds. Since Tennessee's disciplinary funds come exclusively from only slightly more than half of the practicing bar, there can be no prompt action or thorough follow-through on reported cases of attorney misconduct. An additional area where the voluntary bar is unable to properly function, Justice Fones pointed out, is that of continuing legal education programs, which he termed "an absolute necessity."

Justice Fones endorsed the recent proposal of Chief Justice Warren Burger, calling for the certification of specialists

in trial advocacy. He noted that it is unfortunate that lawyers believe that a degree and a license qualify them to try any case in any court, which he says is not true.

In a word of advice to the students, Justice Fones said they must be prepared and learn to accept with grace public criticism of the profession, but they must also be aroused to action by this criticism because of the failure of the profession to deal with misconduct and incompetence.

In a question and answer session after his discussion of the mechanics of the writ of certiorari and direct appeal, Justice Fones noted that there is debate among members of the judiciary about the effectiveness of oral argument and added that in some cases, where the subject is properly briefed, oral argument is not needed or helpful. The court, he said, should be allowed the discretion of dispensing with oral argument in such cases.

The Justice called for the enactment of the Judicial Redistricting bill. He noted that in 1974, Tennessee has courts with conflicting, concurrent and confusing jurisdiction, with the system underutilized in some areas and overloaded in others.

He ended his talk with a challenge to the students in the audience to "come to grips with the problems I suggest exist" and work toward an improved profession.

## TENNESSEE BAR ASSOCIATION CONVENTION: UT LAW ALUMNI BREAKFAST

One of the highlights of the annual convention of the Tennessee Bar Association is the breakfast meeting of UT law alumni. As in the recent past, Dean Penegar attended and used the occasion to give a report to "the stockholders." This year there was a group of approximately 100, including Supreme Court Justice William Fones ('40), the President of the TBA, the Honorable Graham Bartlett of Knoxville ('48), and Colonel Tom Elam ('31), member of UT's Board of Trustees. The meeting was chaired by Francis Stewart ('41) of Nashville, a member of the Alumni Advisory Council to the Dean. Among other topics covered in the report were faculty expansion, curriculum changes (including some special attention to the Clinic), admissions policies and enrollment trends.

Next June the convention will be in Gatlinburg, and Graham Bartlett has promised improvement in the way the breakfast line-up is handled.

