Alumni Headnotes (Fall/Winter 1975/1976)

University of Tennessee College of Law

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ALUMNI HEADNOTES
The University of Tennessee College of Law

FALL/WINTER
1975/1976

Editor: Curtis L. Wells, Assistant Dean

ALUMNI ADVISORY COUNCIL

In an effort to continually reassess and enhance its role in providing leadership in the academic community and in the legal profession, the College of Law has sought to expand its opinion leader contacts beyond the confines of the George C. Taylor Law Center.

Changes in the practice of law, admissions policy, strengths and weaknesses of legal education, responsibilities of the law school in the legal profession, and questions of alumni encouragement and support are all illustrative of the significant questions which cannot be answered totally from within.

Consequently, some three years ago Dean Penegar instituted an Alumni Advisory Council to advise, inform, suggest, and yes, even criticize (constructively and benevolently we believe) the posture of the law school as it relates to the areas raised by the questions above. This dialogue has been most beneficial. On the one hand, the college has been induced to take a hard look at existing policies and procedures in the light of council scrutiny. At the same time, we have been provided with an opportunity to explain our actions to persons interested in the welfare of the college and to ask for their advice and counsel.

This process, in turn, has enabled council members to explain to other alumni and interested parties the reasoning behind law college decisions and to encourage alumni support.

Council contacts are both formal and informal in nature. Each year the Council meets at least twice in Knoxville at the law college. In between these meetings, contact occurs continually between the Dean and his staff and members of the Council.

Appointments to the Council are for an indefinite term with new members being appointed periodically to bring new ideas and commentary to the group. At the October 10 meeting, a number of new alumni were added to the membership.

The role of the Council is important to the well-being of the college of law and we appreciate the time, effort and dedication of members both past and present whose names appear on the following list.

ALUMNI ADVISORY COUNCIL DINNER

(L-R) Allen Wade, Bruce Fox, Sylvia Brown, Susan Hartzog, Paul Campbell, Martha Campbell.

(L-R) Mr. Howell Sherrod, Mr. and Mrs. Francis Stewart.

(additional pictures on page 2)

ALUMNI ADVISORY COUNCIL
(Present and New Members)
October 10, 1975

Chattanooga
Alan Cates (new)
Ray Moseley (present)

Knoxville
Bernard Bernstein (present)
Jack Draper (present)
Mont Egerton (present)
Robert Finley (new)
Ed Rayson (new)
Bob Worthington (present)

Memphis
Frank Crawford (present)
Tom Dyer (new)
Fraser Humphreys (new)
Clin Johnson (new)
Tom Prewitt (present)

Nashville
Ray Ashley (present)
Gordon Bonnyfan (new)
Robert Echols (new)
Francis Stewart (present)

Other
Herbert Bacon, Morristown (new)
Walter Bussart, Lewisburg (new)
William H. Brown, Jackson (new)
J. Houston Gordon, Covington (new)
Charles Gore, Bristol (new)
Dicken Kidwell, Murfreesboro (new)
William Leech, Columbia (present)
Robert McLean, Alamo (new)
Charles Murphy, Atlanta, Ga. (new)
Howell Sherrod, Johnson City (new)
Jane Snyder, Washington, D.C. (new)
Edwin Treadway, Kingsport (present)

Jere B. Albright
Humboldt
Charles H. Anderson
Nashville
Edward C. Duke
Memphis
Bruce E. Foster, Sr.
Knoxville
James M. Glasgow
Union City
Lowry Kline
Chattanooga
Carl H. Langschmidt
Memphis
Virginia Moore
Cookeville
David Pack
Nashville
Jack W. Whitson
Cleveland

(additional pictures on page 2)
QUARTERLY HIGHLIGHTS

UT law graduates achieve 95% passage rate on Tennessee Bar Examination for the July 1975 examination. This compares with 90 and 93% for recent years for UT graduates. The overall pass rate for those taking the examination in July was 77% from all schools.

First distinguished counselor-in-residence during week of fall quarter was Peter Coogan, Esquire, of Ropes and Gray in Boston; recognized authority on bankruptcy; formerly adjunct professor with Harvard Law School.

First distinguished jurist-in-residence for a week during the summer term was the Honorable Roger Traynor, formerly chief justice of California.

UT's team in the National Moot Court Competition (sponsored by the Association of the Bar of the City of New York) won all the honors at the regional tournament during October. Best team, best brief, best individual advocate. Team will go to the national tournament in New York City during December.

The Law College's Alumni Advisory Council entered its fourth year this fall with an expanded membership from all parts of Tennessee and some beyond. Elected new chairman: Bill Leech of Columbia who succeeds Frank Crawford of Memphis. Authorized and endorsed plans to launch major fund raising drive with and through all our law alumni.

Jerry Becker succeeded Charles Miller on September 1 as Director of the Legal Clinic as this program goes into its 29th year.

NEW ADDITIONS TO THE FACULTY

This year at the College of Law we have four new additions to the faculty. The two visiting professors are Jerry Black and Roger Stetter. Jerry Black is a graduate of Vanderbilt, class of "68." Since his graduation he has served as staff attorney for the legal services of Nashville, Director of Clinical Legal Education and Administrator of Clinical programs at Vanderbilt Law School. In 1972 he was named as an assistant professor of Law at Vanderbilt. Jerry will be teaching Legal Clinic his first quarter here at the U.T. College of Law.

Roger Stetter received his J.D. in 1971 from the University of Virginia. Following his graduation, he served as Staff Attorney for the Legal Aid Society of Roanoke Valley. Presently, Roger is an assistant professor of Law at Louisiana State. This year he will be teaching Legal Clinic and Criminal Law.

We welcome our visiting faculty.

The two permanent additions to our faculty are Patrick Hardin and Jerald Wilkerson. Pat is a graduate of the University of Chicago, class of "65." He was in private practice in Chicago for two years, and then left to accept a position as trial attorney for the Civil Rights Division of the U.S. Department of Justice. In 1969 he was the attorney-in-charge for the New Orleans Field Office, Civil Rights Division, U.S. Department of Justice. In 1970, he was Chief Counsel to the Chairmen for the National Labor Relations Board. The following year he held the position of Associate General Counsel with the Division of Enforcement Litigation, National Labor Relations Board. Pat will be teaching Legal Process, Labor Law and Evidence this year.

Jerry Wilkerson comes to us from private practice in San Francisco, California. He was an associate with the firm of Cooley, Godward, Castro, Huddleston & Tatum and worked principally in the firm's litigation division.

Jerry is a graduate of Washington University in St. Louis and Yale Law School. While in New Haven, Jerry served on the Board of Editors of the Yale Law Journal and found time to teach and do research under Professors Fleming James, Arthur Leff and the late A.M. Bickel.

Jerry's areas of interest are torts, criminal law, civil practice and procedure, evidence and comparative law.

We welcome Pat and Jerry and their families to Knoxville.

ALUMNI ADVISORY COUNCIL DINNER

Mr. Robert Worthington and Mrs. Robert (Judy) Worthington.

Don, Cohen, Dean Penegar, Elvin Overton

Mr. Ray Mosley, Jerrald Becker, Charles Miller

Francis Stewart, Joseph King.
Distinguished Visitor

While the spotlight focuses on decisions of the U.S. Supreme Court, the work of competent juristes at the state and local level often goes unnoticed. But few of us who attended law school in the 1950's and 60's will forget the seemingly endless array of landmark decisions in the fields of constitutional and criminal law handed down by the California Supreme Court. More often than not, the decisions were signed, Traynor, C.J.

The name associated with the legend is that of Roger J. Traynor, former Chief Justice of the California Supreme Court. Justice Traynor began his career in the law as a law professor at the University of California at Berkeley. After some ten years he was nominated as an associate and served in that capacity from 1940-64. In 1964 he was elevated to the position of Chief Justice, a post he held until his retirement in 1970.

Since 1970, Judge Traynor has been engaged in teaching at the Hastings College of Law and at various law schools and colleges both in the United States and abroad.

Returning from a visiting lectureship at Cambridge University, Justice Traynor and his lovely wife, Madeline, joined us for a week this summer as our Jurist-in-Residence.

Arriving in Knoxville on Saturday evening, Judge and Mrs. Traynor had little time to rest before the start of a very busy week. Monday began with a visit to a class in Federal Courts followed by a luncheon with the law faculty.

When not involved in a scheduled event, he spent a large portion of his time in informal discussions with students, faculty and other visitors to the college. These small group encounters were well received by all in attendance.

The week was highlighted by two major addresses. The first was concerned with the judicial process, both reflective and prospective, the second, with thoughts and impressions on conflicts of laws. The latter is an area of current interest and concern to Judge Traynor as evidenced by his research and teaching at Cambridge.

Exposure beyond the law college was provided by a series of luncheons and receptions to which members of the Knoxville Bar, Tennessee Judges, and other departments of the University were invited.

Students heard him lecture in Civil Procedure, Constitutional Law, and Criminal Procedure in addition to meeting him informally at lunch and in the faculty lounge.

The college was certainly enriched by this visit and we are privileged to have served as host to a distinguished legal scholar.

FACULTY ACTIVITIES

Professors Dix W. Noel and Jerry J. Phillips sent their manuscript to West Publishing Company in September 1975 for a book of cases and materials on products liability. The book should be published by March of 1976. Professors James J. Gobert and Neil P. Cohen sent their manuscript to West during the same month for a book of problems in criminal law and a teacher's manual to accompany the book. Their materials should also be published by the spring of 1976.

Professor Jerry J. Phillips is addressing the ALI-ABA continuing legal education series in New York on October 18 and 19, on the subject of "Recent Constitutional Developments in the Law of Defamation and Invasion of Privacy."

Assistant Dean/Assistant Professor Donald Cohen has been appointed to the project planning committee of the Tennessee Environmental Council (Nashville). The planning committee is developing a series of symposia on "TVA and the Environment" under a grant provided by the U.S. Office of Education.

Professor Toxey Sewell will participate in a forthcoming U.T. continuing legal education seminar on the New Tennessee Uniform Administrative Procedure Act to be held in Nashville, Chattanooga, Memphis and Knoxville. In addition to the oral presentation, Professor Sewell will prepare an article for inclusion in a Symposium edition of the Memphis State Law Review.


When he's not busy writing, Joe uses his "idle" time to serve as Reporter for the Speedy Trial Act planning group for the federal district court for eastern Tennessee and to lecture at the Tennessee General Sessions Judges Conference (September 25-26 in Memphis).

Colonel MacDonald Gray continues to devote considerable time and effort to his role as consultant for the Criminal Subcommittee of the Committee on Pattern Jury Instructions of the Tennessee State Bar and to lecture at the Tennessee General Sessions Judges Conference (September 25-26 in Memphis).

Assistant Professor Zygmunt Plater returns to campus from a research trip to England and Germany (Ford Coal Research Project) where he prepared (continued on page 4)
source material and identified study areas to be utilized by a six man UT Research team in a comparative environmental, health-safety and labor conditions study of the United States, United Kingdom and West Germany. In addition, Zyg has prepared a study of Special Concerns for Multilot Land Sales and Second Home Developments. The 75 page report was funded by and published by the UT Institute for Public Service.

Assistant Professor Grayfred B. Gray was instrumental in preparing and serving as a lecturer in a recent public service forum, "Your Laws—Your Right to Know." The program's intent was to make the law more intelligible to the layman. The program was cosponsored by UT's Institute for Public Service and the Public Law Research and Service Program at UT College of Law.

Carl Pierce is on leave this year to participate in the Law and Humanities program at Harvard Law School under a grant sponsored by the National Endowment for the Humanities.

Associate Professor Neil Cohen is a fellow at the Institute of Criminology at Cambridge University for the 1975-76 academic year.

Associate Professor Gary Anderson is on leave for one year to teach at his alma mater, the State University of Iowa.

Associate Professor Bob Moberly is on leave this quarter at the University of Cambridge University for the Institute for Public Service and the Public Law Research and Service Program at UT College of Law.

Professor Dward Jones spoke recently at the Southern Federal Tax Institute in Atlanta. His topic was: "The Gift Tax: Special Transfers and Complexities." In December, he will speak at the University of Kentucky on Federal Taxation in Louisville.

Associate Professor John Sobieski was appointed by the State Supreme Court as Reporter for the Committee to draft new rules of appellate procedure.

Assistant Professor Martha Crow Black will appear on a U.T. Continuing Legal Education program on November 7 to discuss the Law of Damages in Tennessee.

Associate Professor Fred LeClercq has several articles to his credit. "State Immunity and Federal Judicial Power—Retreat from National Supremacy" appeared in the Florida Law Review (27 Fla. L. Rev. 361); a second article entitled "The Emerging Federally Secured Right of Political Participation" can be found in the Indiana Law Review (8 Ind. L. Rev. 607). Scheduled for publication this fall in the South Carolina Law Review is a work entitled "The Constitutionality of Dureational Residency Requirements for Political Candidacy."
During the 1975-76 academic year, several distinguished visiting faculty members will be on campus.

Professor Allan D. Vestal, Carver Professor of Law from the University of Iowa joined the faculty for the summer term to teach a course in Federal Courts.

Professor Vestal has been on the faculty at Iowa since 1949, teaching in the areas of federal jurisdiction, land use and practice and procedure. Among his numerous books and articles are *Iowa Practice*, 1974; *Res Judicata/Preclusion*, 1969; and *Federal Courts*, 1972.

In addition to his teaching responsibilities, Professor Vestal has served on the Commission for Uniform State Law since 1964, on the Joint Editorial Board of the Uniform Probate Code, as vice president of the National Conference of Commissioners on Uniform State Laws since 1972, and as an adviser for the Restatement of Judgments, Second.

During the fall quarter, Peter F. Coogan will be our Counselor-in-Residence. Mr. Coogan has been an associate and partner in the noted Boston law firm of Ropes and Gray since 1942. At the same time, he has been a lecturer at Harvard Law School, practitioner-in-residence at Duke University (1973-74), and a visiting professor at the University of Virginia since 1974. Mr. Coogan has been an active participant in continuing legal education, as is evidenced by his work on behalf of The American Law Institute-American Bar Association Committee on Professional Education.

Each of you will be hearing more about the opportunity (not only to give) in this vital work in the months ahead. In the meantime please be assured that planning for such an effort is in the capable hands of your newly elected chairman, William Leech of Columbia. He will be consulting with me and other members of the faculty and of course other members of the Alumni Advisory Council in structuring the plan and the spearhead committee to go ahead with this kind of an effort.

Also in the meantime please remember that in your annual giving to the University that it is possible (and from our point of view desirable) to earmark your contribution to the Century Fund or other particular program of the University's overall program in favor of the College of Law. The quality of your College of Law depends in no small measure on its financial resources. This is a time of real stringency for public institutions of higher learning everywhere. It would be a pity for this particular institution which has done so much for its College of Law in recent years not to have that additional margin of support which would sustain it in its efforts to increase its quality during these particularly hard times.

So much of what has been reported to you in these pages in the last few years reflects change and growth. I am happy to report that part of our growth has now stabilized. Our enrollment has leveled off at approximately 600 students per year, our faculty is over 30 in size, and our budget for library acquisitions continues to grow. The profile of our students continues to improve from year to year. Our students continue to do well on the state bar examination—and indeed in every state bar examination they attempt. Our curriculum has been greatly enriched by several years. Indeed there is much that our alumni can be proud of here in these developments. At the same time our alumni should also know that the College of Law faces some real financial stringencies in the next immediate years ahead.

Basically these were the topics presented at our fall meeting of the Law College Alumni Advisory Council on Friday, October 10. The College of Law will need additional sums of money beyond that which the state is likely to afford us, in order to catch up, let alone stay abreast of, or even exceed the levels of compensation, for example, paid to faculty at competitive schools in this region, such as Kentucky, Alabama, Georgia, Florida, North Carolina. We also need additional sums for financial aid for many deserving students who otherwise are forced to dilute their experience here by working more than is good for their studies. These and other points were made to the members of the Alumni Advisory Council. It was indicated that with a substantial endowment, enough funds could be yielded annually to make a difference in these two programs and perhaps others as well.

The membership of the Alumni Advisory Council was very enthusiastic in endorsing the idea of a general appeal to our alumni and friends over the next year or two. This would be an appeal in addition to regular contributions that alumni might be making to the College through the University's annual giving drive. We hope that we will continue to maintain those contributions as well.

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2 Knoxvillians Win Law Prize

UT law students, William Henning and Kenneth Miller of Knoxville, have won the first Advocate's Prize, established in the UT College of Law from an endowed fund honoring six Knoxville lawyers.

The winners were announced at the annual Law Day banquet at the Hyatt Regency. Judge William E. Miller of the Sixth Circuit Court of Appeals spoke.

Mr. Henning and Mr. Miller defeated Deborah Cantrell and Barbara Glustoff in the finals of the appellate moot court competition at the law college to take the honor.

The losing team won the best brief award and Mr. Henning was named the best oral advocate.

The Advocate's Prize honors long-time Knoxville lawyers, John Doughty, Clyde W. Key, Ray Jenkins, William P. O'Neil, the late Frank Montgomery and the late Herbert McCampbell Jr.

January 16 (1/2 day)
HANDLING SUBCHAPTER S CORPORATIONS
Knoxville

January 30 (1/2 day)
HANDLING SUBCHAPTER S CORPORATIONS
Memphis

February (2 days)
ORGANIZATION, OPERATION & TERMINATION OF
THE SMALL BUSINESS
Nashville

March 12
ENFORCEMENT OF JUDGMENTS
Knoxville

April 30
TENNESSEE CIVIL PROCEDURE: PREPARATION FOR TRIAL
Memphis

May 7
TENNESSEE CIVIL PROCEDURE: PREPARATION FOR TRIAL
Chattanooga

May 14
TENNESSEE CIVIL PROCEDURE: PREPARATION FOR TRIAL
Nashville

May 21
TENNESSEE CIVIL PROCEDURE: PREPARATION FOR TRIAL
Knoxville

June (3 or 3½ days)
INTRODUCTION TO THE UNIFORM COMMERCIAL CODE
Knoxville
FRESHMAN ORIENTATION

Faculty and incoming students gather for fall orientation.

Members of the first year class: (L-R) Robert McCabe, David Eberspachu, Tom McCarthy, Phillip Baddour, and Scott Baker.

A trio of new students (L-R) Al Purdue, Carl Clifford Shirley and Mike Powell.

A break in the orientation process.

Dean Penegar (center) and Professor Fred Thomforde welcome George Caudle to the college.
Michael J. Diamond ('68) is presently the Attorney General for the State of Vermont. Prior to assuming the Attorney General's post, Mr. Diamond had served as Windham County State's Attorney and as law clerk to the late U.S. District Judge Ernest Gibson.

J. Houston Gordon ('70) of Covington is defense counsel for Lt. William Calley and was instrumental in obtaining Calley's freedom (federal district court). Recently, the 5th U.S. Circuit Court of Appeals reinstated Lt. Calley's court-martial conviction and Houston indicated he would appeal to the U.S. Supreme Court.

Richard D. Shapiro ('69) Chief of the Special Prosecutions Division of the United States Attorney's Office in New Jersey has been selected by the Federal Bar Association as one of its 1975 Young Federal Lawyer Award Recipients. While at the College of Law, Mr. Shapiro was Editor-in-Chief of the Law Review and elected to the Order of the Coif.

Thomas M. Donnell, Jr., ('72) has become a partner in the Nashville firm of Steart, Estes & Donnell.

C. Claiborne Carter ('73) announces the opening of his office in Nashville for the practice of patent law.

Brent E. Zepke ('73) presently with the Gulf Oil Company in Philadelphia has published a book entitled, Product and the Consumer. Brent credits Dix Noel with providing the impetus for his effort.

Ray H. Mosley ('51) was recently selected for membership in the American College of Trial Lawyers. The College is a national association whose aim is to improve the standards of trial practice and administration of justice and the ethics of the trial branch of the profession. Membership, which is a post of honor, is by invitation of the Board of Regents.

David S. Engle ('71) announces that he is now engaged in the general practice of law in Atlanta, Georgia.

Louis W. Kershner ('74) announces the opening of his office for the general practice of law in Virginia Beach, Virginia.

John C. Baugh ('37) general counsel to the University of Tennessee and Secretary to the Board of Trustees retired September 1. Many of you will remember that John taught at the law college from 1947-65.

In early October the Dean was the principal speaker at a luncheon meeting of the Kingsport Bar. During the same visit the Dean had individual conferences with various law firms in Kingsport.

Later in the fall Dean Penegar expects to visit towns and cities in northern-central Tennessee including the Clarksville area.