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The Campaign completed...and 30% over goal!
It is with great sadness that The T. C. Williams School of Law reports the death of its first woman graduate, Frances Farmer. Ms. Farmer, a member of Phi Beta Kappa, graduated from Westhampton College at the University of Richmond in 1931 and from T. C. Williams with honors in 1933. While here she also won the Charles T. Norman medal as the “best all-around law graduate.” She was not only the first woman to graduate from the Law School, but the only one to receive her J. D. from the Law School until 1938.

Ms. Farmer refused offers to work with law firms in the Richmond area and chose instead to remain at T. C. Williams as law librarian. After completing her training in library service at Columbia University in 1942, she became the law librarian at the University of Virginia Law School. Ms. Farmer, who was law librarian for the University until her retirement in 1976, presided over a collection which grew under her charge from 30,000 volumes to 350,000. She was described by the institution’s former president, Edgar F. Shannon, Jr., as “the leading law librarian in the country.” She will be missed, but she will be remembered for her commitment to the legal educational system which she served so well and for so long.
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The T. C. Williams School of Law

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Richmond Law is printed entirely on recycled paper.
Reflections on the Fall of '93

During the fall 1993 term, we marked two important moments in the life of your Law School. First, we received the formal evaluations of the American Bar Association and the Association of American Law Schools in the aftermath of their joint accreditation inspection of the Law School. Second, we brought the Law School's capital campaign to a successful conclusion. These two events prompt reflections I would like to share with you.

ABA/AALS SABBATICAL REVIEW

The accreditation analysis that takes place every seven years involves the intense scrutiny of experienced educators who probe every nook and cranny of the Law School's operation. We were fortunate to be evaluated by an outstanding team of inspectors: Deans from Cornell, Houston and Vanderbilt, a professor from the University of Chicago, and the Duke law librarian. With an average of 18 years in legal education, these seasoned academic leaders were well-positioned to comment on the progress of the School.

I am pleased to report that the on-site inspectors were unanimous in their view that T.C. Williams has made great strides since the last accreditation visit. Among the many strengths identified by the inspection team were the high quality and rich diversity of our student body, the experience and potential of our new faculty, our innovative curriculum (particularly the Lawyering Skills program and the first-year required course in Environmental Law), and our well-structured clinical education offerings. Our plan to bring online this year the nation's first law school computer network to link all students and faculty was specially noted by team. Finally, the new Law School building, with its beautiful and functional courtroom, classrooms and public spaces, received high praise from our visitors.

While continued accreditation was never in doubt, the accrediting bodies noted items of concern about the Law School that deserve our continued attention. For example, while noting that the full-time faculty had increased by one-third and the part-time faculty had doubled in the past seven years, the inspectors urged us to add new interdisciplinary courses to our curriculum to ensure that the Law School keeps pace with cutting edge developments in law and legal education. The accreditors also pointed out the importance of maintaining a staffing infrastructure sufficient to support a greatly expanded program of legal education.

I have appointed a Long Range Planning Committee chaired by Professor Ron Bacigal to study the reports of the ABA and AALS Accreditation Committees. The Long Range Planning Committee (sometimes referred to by other faculty as "the vision thing") will work with the Standing Committee on Curriculum, chaired by Professor Paul Zwier, to develop a strategy for further strengthening of the Law School over the upcoming seven years. In this way, we will be well-prepared for our next accreditation inspection in the year 2000.

CLOSING OUT THE CAPITAL CAMPAIGN

This fall the Law School brought to a close the most successful campaign in our 123-year history. As noted elsewhere in this issue, the campaign reached $5.2 million, far exceeding its $3.5 million goal, and ended a year and one-half in advance of its planned conclusion. These are truly remarkable results when we consider the tough economic times in which the campaign was waged.

The campaign achieved so much because of its leadership and the deep commitment of you, our alumni/ae and friends. We were led by Bill Thomas '63 and Jim Roberts '57. With the aid of a team of incredible volunteers, Bill and Jim directed personal contacts of hundreds of generous graduates and benefactors of the Law School. The campaign also benefited from the dedicated services of the two people who served as Director of the Law School's Alumni and Development program during the period of the campaign — Brian Thomas, now the Executive Director of College Relations at Stetson, and Diane Brust. These two talented professionals launched and concluded a well-organized effort to reach all of our constituents.

Most of the recognition for the campaign's success, however, must go to the many donors who stepped up and made significant gifts to the Law School when they were called upon. These gifts, matched by the unprecedented generosity of the University, accounted for the splendid new physical plant, increases in scholarships and grants to needy and meritorious students, expansions of the academic and co-curricular programs and more.

Those of you who gave to the Law School's campaign can point with pride to the strengths noted by the ABA/AALS inspection team. Indeed, it was your donations that helped us attract brilliant students and teachers, create new academic programs and build a stunning new Law School. Because of you we enjoyed a very special fall term. Thank you.
On October 21, 1993, The T. C. Williams School of Law, under the leadership of William G. Thomas '63 and James C. Roberts '57, completed the largest Campaign in the School's history with a total of $5.2 million in gifts and pledges. The Campaign, which began in 1989, was concluded one year early and 30% over the goal of $4 million. Two previous campaigns, one completed in 1972 and one in 1981, raised a total of $2 million dollars to help pay for the then new additions to William T. Muse Library in the Law School. Current campaign gifts will go toward payment on the building additions and renovations and to Law School endowment and operations.
CAMPAIGN FOR THE LAW SCHOOL

On October 10, 1870, Judge William Green, Judge J. D. Halyburton and Dr. J. L. M. Curry, taught the first classes for the Richmond College Law Department. The initial years were very successful for the new Law Department, but because of the difficult financial times following the Civil War, legal education was intermittent at Richmond College, even closing periodically.

T. C. Williams, who served on the Richmond College Board of Trustees from 1881 until his death in 1889, had always believed strongly that Richmond College should have a law department. To honor his memory and to see his dream realized, his widow and children made a gift of $25,000 to establish the "T. C. Williams Professorship of Law," thereby assuring a law department at Richmond College.

Little did the Williams family know when they made that initial gift that ultimately thousands of men and women would graduate from the institution they helped establish and that, because of their generosity, millions of people throughout the world would be assisted with legal services. Fortunately, T. C. Williams, Jr., was able to see the "T. C. Williams Professorship of Law" develop into The T. C. Williams School of Law. Few donors today are able to see such specific results, but the Law School is fortunate that alumni choose to support the school anyway.

By 1989, when President Morrill and Dean Harbaugh discussed the results of the self-study and the ABA On-Site inspection, it became clear that the Law School was once again moving through a period of severe challenge and shortage. To quote from Dean Harbaugh in an article that appeared in the Summer 1990 issue of Richmond Law:

"At present, we have less that 70% of the space per student available at the average U.S. law school. Because of our physical limitations, student space is at a premium, activity areas are virtually non-existent, and there is no more room for faculty offices. Equally important, we project that in a few years we will have no more space in the Law Library for future acquisitions."

Because of the generosity and commitment demonstrated by so many Law School alumni/ae and friends through the years, the University administration and Board of Trustees embarked in 1990 on a fund-raising effort which would impact the School more significantly than anything since the gift made by the Williams family exactly a century before. The total need for renovation, expansion, endowment and operating expenses was $11 million. The University generously committed to $7 million for construction costs on the condition that the Law School would provide the additional $2 million for construction and $2 million for endowment and operating costs. The goals established, the University and the Law School sought the leadership that would be dynamic enough to focus the effort and garner the volunteer
support that would ensure the realization of such an ambitious goal.

William G. Thomas '63, of Hazel & Thomas in Alexandria, Virginia, one of the Law School's most distinguished alumni, agreed to chair the Campaign, but only if the Law School were able to enlist James C. Roberts '57, of Mays & Valentine in Richmond, as vice chairman of the effort. Fortunately for the Law School and the Campaign, both Bill and Jim agreed to assume the leadership positions and began immediately to recruit the volunteer leadership for the Campaign Steering Committee.

Alumni responded enthusiastically and by September the Steering Committee was in place. Agreeing to help steer the Campaign effort were the following alumni and friends of the Law School:

**Vincent J. Mastracchio, Jr. L'64**
Major Gifts Committee
Norfolk, Virginia

**Sara R. Wilson L'78**
Special Gifts Committee
Richmond, Virginia

**Lewis T. Booker R'50**
Law Firms Committee
Richmond, Virginia

**Carle E. Davis L'53**
Corporations, Foundations Committee
Richmond, Virginia

**Ralph L. “Bill” Axelle, Jr. L'68**
Metro-Richmond Campaign Committee
Richmond, Virginia

**Assoc. Dean Thomas F. Guernsey**
Faculty-Staff Committee
Richmond, Virginia

**Kenneth E. Powell L'78**
Study Carrels Committee
Richmond, Virginia

**Michael B. Ballato L'80**
Annual Support Committee
Richmond, Virginia

The Campaign began in earnest with a splendid kick-off Celebration on October 11, 1990 at Agecroft, the former home of T. C. Williams Jr. That evening, Dean Harbaugh shared with the Committee the vision for the Law School which had come out of the self-study and his discussions with President Morrill. “The theme of the Campaign,” he announced, “is Preparing Tomorrow’s Lawyers: Building on Tradition, Responding to Change.” He affirmed that the Law School community was both proud and appreciative of the traditions that marked the progress and growth of T. C. Williams. He pledged to use the new additions and renovations, programs and scholarships to continue the tradition of providing a quality legal education, a tradition that has long been the hallmark of The T. C. Williams School of Law throughout its long history: “to be in the forefront of meeting the challenge of changes in the law and the legal profession,” now with the very best in facilities, programs and technology.

The Campaign moved forward rapidly under the leadership of Bill and Jim and with the staff assistance of Director of Law Development Brian Thomas, Campaign Associate Philip Cox and Staff Secretary Susan Hoof. By the summer of 1991, exterior construction of the additions was nearly completed and Campaign totals had climbed to $2.6 million.

Donors were generously naming new or renovated classrooms, and law firms were honoring long-standing members with major gifts to the Law School: Thomas, Moore, Mirarchi, Sturgill, Hunton & Williams and McGuire, Woods, Battle and Boothe were just a few of the names that began to go up on walls, thereby demonstrating commitment as well as support. The faculty generated 100% participation in naming a classroom after Nina “Ricki” Kestin, a much-respected colleague who had passed away immediately prior to the Campaign. And Jean Tarpley, a name that rang with great fondness in the minds and memories of hundreds of alumni, graced the newly-constructed administrative suite of offices.

Unfortunately, the momentum of the Campaign was slowed in January, 1992 by the loss of Brian Thomas who accepted a position as Executive Director of College Relations at the Stetson University College of Law and by the national recession which by then was beginning to impact the economy significantly. Steering Committee members continued their efforts throughout this period with staff assistance provided by Chris Withers, Associate Vice President of Development for the University. In April, staff replacement was completed with Diane Brust, Director of Law Development and Alumni Programs, and Deborah Barlett, Staff Secretary, and the Campaign began to move forward once again, closing out fiscal year 1991-92 with $3.6 million in commitments.

The Campaign for the University as well as the Campaign for the Law School began to move into high gear, and a decision was
made to escalate both and conclude early. A concerted effort to name the new study carrels in the library was launched. Scholarships and lectureships were funded, and a campaign to name an adjunct chair in memory of A. L. Philpott, long-time member of the Virginia House of Delegates and former Speaker of the House was begun. Goode, Stallard, Schelin, Owen and Mattox marked the names of scholarships and new programs. Annual gifts from alumni were coming in daily, everyone wanting to participate in the effort, to help provide for others and join in the long tradition of philanthropy at T. C. Williams.

In the fall of 1993, thanks to the efforts of the alumni volunteers and the outstanding leadership provided by Bill Thomas and Jim Roberts, The T. C. Williams School of Law was able to complete its Campaign one year early and 30% over goal. On the evening of October 21, Bill Thomas, speaking in the new Moot Courtroom and accompanied by Jim Roberts, President Morrill and Dean Harbaugh, announced that the Law School had closed its Campaign with a total of $5.2 million in gifts and pledges.

Addressing Law School alumni and friends attending the celebration, President Morrill spoke of the quality of the Law School programs and the growing national reputation of the School. He also thanked, on behalf of the University and the Board of Trustees, all the donors whose support had helped make possible the new additions as well as the programs, the financial aid and the new technological assistance now available to the students.

Bill Thomas, after announcing the totals, expressed his gratitude to Dr. Morrill and the University for the support provided and the commitment demonstrated by the provision of over half the funds needed to enlarge and renovate the building. Bill went on to recount a conversation he had had early in the Campaign when he had solicited a potentially large donor who felt he really didn't possess sufficient assets to make a significant gift. Bill asked the alumnus if, somewhere in his assets, he didn't have a "lumpy frog." The donor looked puzzled until Bill explained that anyone who has significant assets has, somewhere in his portfolio, a "lumpy frog," a dark, hidden asset from which he wasn't realizing much benefit, but which, if given as a charitable gift, could probably benefit the donor more than by just sitting in the portfolio. The Campaign gained both a significant gift that day and a new term for the development officer's vocabulary.

Jim Roberts expressed his appreciation to the donors of the Campaign, but he also expressed his very deep appreciation to the Law School and to all the donors through the years who have made possible the law school experience for so many. Quietly, he recalled that he had enjoyed his own law school experience immensely, but he shared
that at one point, because of financial constraints, it had looked as though he would be unable to complete his studies. At that point, Dean William T. Muse stepped in and gave him a gift of $500 from an unknown donor. This gift enabled him to finish school and begin his career in the profession which has come to mean so much to him. Jim noted that everyone in Law School receives some underwriting to a greater or lesser degree, and that no one can pay it back except through contributing to the Law School so that future generations of students can enjoy the same opportunities.

Just as the family of T. C. Williams did so long ago, many alumni/e and friends of the Law School stepped up to meet the challenge of raising the funds necessary to ensure the continuation of those opportunities. The Law School and the University of Richmond express their deep appreciation to all those who gave to this Campaign and to those donors whose gifts helped make possible thirty-five study carrels and the Named Areas and Law School Programs listed below:

### NAMED AREAS

The Lewis T. Booker Attorney’s Study
The Carrie S. Camp Atrium

### PROGRAMS

The Virgil R. Goode Scholarship
The William Green Award
The Nina R. Kestin Scholarship
The Law School Association Scholarship
The Conard B. Mattox, Jr. Public Issue Debate
The Mary Corling McCrea Scholarship
The A. L. Philpott Adjunct Chair
The Austin E. Owen Lecture
The Charles E. Schelin Memorial Scholarship
The Beecher E. Stallard Scholarship

The Class of 1967 Classroom
The Boyd F. Collier Faculty Office
The Frank N. Cowan Faculty Office
The Carle E. Davis Faculty Study
The Homer C. Eliades Faculty Office
The Dean Joseph D. Harbaugh and Barbara J. Britzke Client Counseling and Negotiation Office
The E. Ralph James, Jr. Seminar Room
The William A. Juliss Faculty Office
The Nina “Ricki” Kestin Classroom
The Law School Association Conference Room
The Ralph E. Mirarchi Gallery
The Esther Sinnott Moore Foyer
The S. D. Roberts Moore Classroom
The Richard C. and Jean S. Rakes Library Services Center
The Frederick P. and Louise Aul Stamp Courtyard
The William J. Sturgill Classroom
The Jean M. Tarpley Suite
The Henry A. and William G. Thomas Classroom

Dean Harbaugh and Mr. and Mrs. Ashby Allen of Allen, Allen, Allen & Allen enjoy a moment of high hilarity at the Campaign Celebration.
THE T.C. WILLIAMS LEGAL CLINIC: A VERY PRACTICAL APPROACH

The T.C. Williams School of Law has been fortunate to have a functioning legal clinic since the 1979-80 academic year. The Clinic, which is now actually comprised of two clinics: the Youth Advocacy Clinic and the Mental Disabilities Law Clinic, is a vital component of the Law School Program and the educational process.

The in-house clinical program enriches the academic life of participating students by allowing them to represent clients and experience the realities of practicing law. In the Clinics, students represent clients from the initial interview through litigation. As part of the Law School's integrated skills program, the Clinics build upon and reinforce work done in the simulation-based courses as well as traditional course work. In addition to advanced skills training, the clinical setting provides students with an opportunity to apply these skills in real life situations. The Clinics also allow the student to question some of the assumptions and deficiencies in the practice of law generally as well as in specific subject areas. Finally, the clinical experience focuses on issues of self-development, professionalism and professional responsibility in preparing students to become practicing members of the Bar.

Both the Youth Advocacy Clinic (YAC) and the Mental Disabilities Law Clinic (MDLC) handle cases involving the interests of children and adolescents. In the YAC, students represent juveniles charged with crimes or serve in the capacity of guardian-ad-litem in custody cases as well as in disposition hearings on criminal charges. Students in the YAC gain knowledge in the area of juvenile law, and they gain considerable court experience, especially in Juvenile and Domestic Relations Court. Many cases involve working with education, mental health and social services agencies. Since these agencies often have different goals and utilize different approaches for the same client, students learn to wrestle with the problems clients face in a system requiring inter-agency cooperation and planning.

A majority of MDLC cases involve representing children and parents seeking appropriate special education and community based services. Students in the MDLC also represent youth in civil commitment proceedings, and may be appointed guardian-ad-litem for foster care review, termination of parental rights, and custody issues where the youth has a disability. Although the Clinic serves children with cognitive disabilities such as attention deficit disorders, mental retardation, and learning disabilities, the Clinic believes there is an overwhelming need to help those youth with psychiatric disorders or emotional disturbances. Both Clinics have become involved with several cases challenging a newly implemented law, the Comprehensive Services Act, which has failed to provide the type of services to the designated at-risk-population which the Act was intended to provide.

A visitor to the office of the Law Clinics would be struck by both an increase in activity there in recent months and the new space the Law Clinics occupy. The Clinics, which are a vital part of the new curriculum's emphasis on learning fundamental skills, have attracted more students, expanded their services and handled cases making headlines.

The school year for the Clinics began with several personnel changes. Sara Finley came to the school as Assistant Professor and Director of In-House Clinical Programs after nine years of practice and a two-year clinical fellowship at the Georgetown University Law Center. Kathe Klare, who had been serving as Director of both the MDLC and the YAC, continues as Director of the MDLC and has now joined the faculty as an
Assistant Clinical Professor. Robin Hegner, formerly with the Virginia Department of Education, joined the clinic faculty to serve as Adjunct Assistant Clinical Professor in the clinics working with juveniles. Professors Klare and Hegner both have extensive experience in the area of mental disabilities and special education law.

One of the cases assigned to the students in the MDLC this fall, under Prof. Klare's supervision, involved representing four children who had been removed from their permanent foster care placement by Child Protective Services. In spite of the children's request to be placed back in the care of the foster mother, the Department of Social Services filed a petition to remove the children permanently because the foster mother had violated a regulation prohibiting corporal punishment of foster children. The children contacted Prof. Klare, and soon students were in court persuading the judge the foster home was a "fantastic home environment...with a great amount of stability." The judge agreed, and returned the children to the foster mother, after requiring supportive services such as psychological and family counseling and tutoring for the children. The grateful client said, "I thank the Lord for all the people He sent to help us."

In addition to actual representation of clients, a classroom component is part of the curriculum of the Clinic programs. The purpose of the class sessions is to discuss broader issues associated with representation of clients, as well as to discuss specific aspects of the substantive and procedural law applicable to clinic cases. Class sessions frequently involve intensive examination of current Clinic cases, and discussion of strategies and approaches. Students participate in role-play activities where they apply their understanding of substantive and procedural law while demonstrating and developing their ability to interview and counsel clients, question witnesses and present opening and closing statements.

Through representation and discussion, a clinic offers the chance to explore working relationships, whether with co-counsel, opposing counsel, a supervisor, or a client. Discussions about relationships with clients may touch on such issues as what encourages or inhibits full communication between representative and client, how decision-making is allocated, how to handle a case involving a client who is less than fully competent to make decisions or who is making what the representative sees as a poor choice, and how to decide on the appropriate boundaries to representation. Dealing with other lawyers and with court and agency personnel leads to discussion of such questions as what mode of lawyering is comfortable for the representative and beneficial to a client, and whether zealous advocacy should preclude a cooperative approach. Students often find the interaction with other students, which provides the opportunity to realize how many different approaches may be employed in similar situations, is one of the most important parts of their clinical experience.

Beginning in the spring of 1994, the Law School will add another in-house clinic to its curriculum. Prof. Finley will be directing the Worker Protection and Advocacy Clinic. WPAC students will represent workers and former workers in a variety of administrative forums. Issues handled will include rights under state employee grievance procedures, eligibility for benefits based on impaired ability to work, and entitlement to other benefits or services. Although the focus of this clinic is designed to expand the range of clinical opportunities available to students, by offering a different choice of subject matter and client population, it shares with the existing clinics the underlying goals of the clinical experience.

Expansion in the Clinics is possible in part because of the offices provided when the Law School building was renovated. Clients are greeted in a reception area which includes secretarial space and comfortable seating. Opening off of this area are faculty offices and an interview room which is equipped with audiovisual equipment so that activities in the interview room may be observed by supervising faculty or taped for later observation and feedback. A large conference room also contains playback equipment, as well as a small library for clinic use. Students work in carrels in an open workroom, with ready access to clinic facilities and computers. Intensive supervision is a necessary component of a successful clinical experience, and the Clinic office space has enhanced students' ability to discuss issues with their supervising professor.

Students and faculty alike are excited about the expansion of opportunities for students and for service to the community which are afforded by the continually developing clinical programs, and clients through the years have reported high degrees of satisfaction with the help they have received. Students who have participated in the program also report that they have felt confident to move quickly into legal practice and litigation when joining the legal community upon entering practice. As Kelly Combes Necessary, a third-year law student and SBA President, stated, "The Clinic has given me the most practical experience in law school. I can't imagine a better way to prepare for representing clients than to be able to do it under the guidance of a supervising attorney. The Clinic has provided me a chance to actually counsel and represent clients in the courtroom, using the skills I have gained at T. C. Williams in real-life situations."
THE AMERICANS WITH DISABILITIES ACT:

LEGAL UPDATE

By Ann C. Hodges, Esq.

In the short time that the Americans With Disabilities Act has been in effect, it has changed the legal landscape in significant ways. All organizations dealing with the public must reevaluate operating procedures and both organizational and physical structures to insure compliance with the statute. While it is still early in the life of the statute, it is worthwhile to take to the pathbreaking cases to determine how the law will affect lawyers and their clients in the future. The cases highlighted here illustrate the very broad sweep of the statutory anti-discrimination provisions, and suggest that all lawyers should keep the ADA in the forefront of their consciousness when considering issues affecting both their clients and their law practice.

TITLE I - EMPLOYMENT

According to the August 16, 1993 Bureau of National Affairs Daily Labor Report, as of June 30, 1993, almost one year after the effective date of Title I, the Equal Employment Opportunity Commission (EEOC) had received about 12,000 charges alleging violations of the ADA. The report noted that the greatest number of charges were filed in Texas, Florida, Illinois and California, but that Kansas, the District of Columbia, New Mexico and Colorado had the most charges when compared to the size of the labor force. The report suggested that strong advocacy groups and extensive education about the law contributed to the level of complaints in these states. The ADA now accounts for about 16.5% of charges at the EEOC and has increased the backlog of cases at the agency. About half of the charges under the ADA alleges unlawful discharge, while 21.5% allege unlawful failure to accommodate a disability, and 3.0% claim illegal changes in employee benefits.

According to an October 4, 1993 article in Virginia Lawyers Weekly, between July 26, 1992 and August 31, 1993, 397 charges were filed with the EEOC's Virginia offices. The article reported that nationally, the disability most frequently claimed to be the cause of discrimination was back injuries, with 13% of charges alleging such discrimination, while 11% of the charges were based on mental disabilities, and 4% were based on cancer.

Few employment cases have reached the litigation stage because of the lengthy administrative investigation, which is compounded by the EEOC backlog. Several cases have been decided at the district court level, however. In one of the earliest cases brought under Title I, a jury found that a security agency unlawfully terminated its Executive Director because of his terminal cancer, since he was still able to perform the essential functions of his job. EEOC v. AIC Security, 2 AD Cases (BNA) 891 (N.D. Ill. 1993). The employee was awarded back pay, compensatory damages of $50,000, and $150,000 in punitive damages. The magistrate reduced the jury's award of punitive damages from $500,000 because of the statutory cap on damages, but affirmed injunctive relief prohibiting both discrimination and retaliation, despite the fact that the Executive Director was no longer able to work and there was no evidence of discrimination against any other employee. The company was required to notify every employee of the result of the suit and the provisions of the injunction.

A recent Virginia case dealt with reasonable accommodation of an employee with bronchial asthma. Harmer v. Virginia Electric and Power Co., 1993 U.S. Dist. LEXIS 13199 (E.D. Va. 1993). The complaint in Harmer alleged that the company failed to reasonably accommodate the employee by providing a smoke free environment. Assuming for purposes of the defendant's summary judgment motion that the employee had a disability, the court ruled that the employee could perform the essential functions of his job with the limits on smoking that the company established. Therefore, he was not entitled to a complete ban on smoking. The court also rejected arguments that the company retaliated against the employee because of his complaints, finding that the company had legitimate reasons for reducing the employee's purchasing authority and failing to promote him.

Several other cases that have been filed but not litigated illustrate the EEOC's position on employment discrimination issues. The EEOC has concluded in two cases that limitations on insurance coverage for HIV-related conditions violate the ADA. Employee benefit issues may raise the most complex questions under the ADA.

Section 501(c) of the statute allows employers to continue current benefit practices so long as two conditions are met. First, any exclusions or limitations on coverage must be grounded in the provisions of a bona fide benefit plan, based on underlying risks, classifying risks, or administering risks. Second, the benefit plan cannot be used as a subterfuge to evade the Act. The legislative history indicates that Congress did not intend to disrupt current insurance underwriting practices or current regulation of insurance, but to prohibit denial of insurance or provision of different insurance to disabled employees, regardless of risk. The theory of the EEOC's actions in the AIDS cases, which are based on recently issued policy guidance, appears to be that singling out a particular catastrophic illness for benefit caps without actuarial evidence that it differs from other catastrophic illnesses violates the statute. These recent cases may resolve some of the questions about the impact of the ADA on employee benefits.

The EEOC has also filed suit against an employer that refused to reinstate a thirteen year employee returning to work from an approved medical leave for a back operation. EEOC v. H. Hirschfeld Sons Co., No. 93-CV-10259-BC (E.D. Mich. 1993) reported in BNA Daily Labor Report, September 7, 1993. The complaint alleges that the employee is able to perform the essential functions of the job, but that he was fired because of employer concerns about liability insurance.

In an additional development worthy of note, the EEOC has filed a brief in which the agency takes the position that obesity can constitute a disability where it is of sufficient duration and has a long term impact on a major life activity. The EEOC's brief argues that obesity should be analyzed like any other condition in assessing whether it is a disability under the statute, rejecting arguments that it is not a disability because it is voluntary and not immutable.

TITLE II - DISCRIMINATION BY PUBLIC ENTITIES

Lawyers representing or dealing with state and local governments will be interested in early cases under Title II. Two courts have held that no exhaustion of administrative remedies is required prior to filing suit against a public entity. In Petersen v. University of Wisconsin Board of Regents, 818 F. Supp. 1276 (W.D. Wis. 1993), the employee sued the University for failure to renew his contract because his “personal needs resulting from his disability did not mesh with the [employer's] needs.” Id. at
In one of the most interesting public accommodation cases to date, the federal district court in Arizona enjoined Little League Baseball from enforcing its ban on base coaches in wheel chairs. Anderson v. Little League Baseball, 791 F. Supp. 342 (D. Ariz. 1992). The court, rejecting the defendants' safety argument, found that the absolute bar to wheelchairs in the coaches box, regardless of the field conditions or the coach's disability, fell "markedly short of the requirements enunciated in the Americans with Disabilities Act and its implementing regulations." Id. at 345.

In another case of interest to lawyers, the United States District Court for the Western District of New York ordered the New York State Board of Law Examiners to provide the requested accommodations to a law school graduate sitting for the bar exam. D'Amico v. New York State Board of Law Examiners, 813 F. Supp. 217 (1993). The plaintiff, who had a visual disability, requested the Board to allow her to take the exam over a four day period rather than two days. While the Board agreed to give her unlimited time on the two days scheduled for the exam, it relied on its expertise in testing in refusing to grant her request for a four day exam. The Court accepted the evidence from plaintiff's treating physician that the Board's proffered accommodation would exacerbate her problem, noting that the Board had not offered any contrary medical evidence. The Board's "testing expertise" was insufficient to counter the strong medical evidence supplied by the plaintiff.

In another development under Title III, the Department of Justice recently filed suit against several dentists who refused to treat persons with AIDS. These cases may foreshadow similar cases against lawyers who decline to accept cases from disabled clients or maintain inaccessible offices.

**RESOURCES FOR LAWYERS**

In light of the wide reach of the ADA, the availability of resources is crucial for lawyers. The Department of Justice has issued Technical Assistance Manuals on Titles II and III of the Act, while the EEOC has issued a Technical Assistance Manual on Title I. These manuals are published in the Bureau of National Affairs, Labor Relations Reporter's Fair Employment Practices Manual, Volume 8. In addition, copies are available through the issuing agencies. BNA also has a service entitled "Americans with Disabilities Act Cases" which is a part of its Labor Relations Reporter Series. In addition, a number of books have been written on the ADA already and Continuing Legal Education programs abound.

The American Bar Association's Commission on Mental and Physical Disability Law and Legal Problems of the Elderly recently published "Opening the Courthouse Door, An ADA Access Guide for State Courts" through a grant from the State Justice Institute. This publication provides useful guidance for courts dealing with individuals with disabilities and for lawyers with clients with disabilities who may face access problems in the court. The Commission on Mental and Physical Disability Law has also published "The Americans with Disabilities Act Manual: State and Local Government Services, Employment and Public Accommodations" which analyzes the act in depth. Software entitled "Autobook: ADA," and a bimonthly reporter, the Mental and Physical Disability Law Reporter, are also available from the commission. A list of these Commission resource materials is contained in the February 1993 issue of the ABA Journal. These materials are available from ABA Order Fulfillment, 750 N. Lake Shore Drive, Chicago, IL 60611, (312) 988-5555.

**CONCLUSION**

The ADA will continue to affect the practice of law in many ways not yet foreseen. Although the Circuit Courts of Appeals and the U.S. Supreme Court have not yet addressed the ADA, the cases at the district court level illustrate the potential of the statute to affect the way in which almost all organizations, including law offices, conduct business. Knowledge of the legal developments is the first step in insuring that you and your practice benefit from the opportunities offered by the ADA and are not caught by the potential pitfalls that await the unaware. It was not the questions themselves that were discriminatory, but rather the extra investigations that were triggered by an affirmative answer.
Scholarship Luncheon

On November 19, 1993, approximately 120 students, faculty and guests attended the Law School's Eleventh Annual Scholarship Luncheon. The luncheon, which was begun in 1982 and which quickly became one of the major events of Law Week, honors both scholarship recipients and the donors, firms and foundations which make the scholarships and financial aid possible. Each year, representatives of the donor families and organizations have the opportunity to meet and talk with the recipients whose legal educations they have helped make possible. It is a time when donors can learn first-hand about the legal education offered at T. C. Williams and students can talk with and receive advice from practicing members of the profession in which they have chosen to serve.

The Scholarship Luncheon is also the time each year when the Law School honors a member of the profession who has brought distinction to the legal profession through his or her practice of law. Each year the Dean of the Law School presents the William Green Award for Professional Excellence, named for one of the founders and first faculty members of The T. C. Williams School of Law. This year, Dean Harbaugh and members of the Law School faculty were very pleased to present the William Green Award to the Hon. John Decker Butzner, Jr., Senior Judge, U.S. Fourth Circuit Court of Appeals.

Judge Butzner received his B. A. Degree in 1938 from the University of Scranton and his LL.B. from the University of Virginia Law School in 1941. He began practicing law with the firm of Butzner & Butzner in Fredericksburg, Virginia, but interrupted his law career in 1942 when he joined the U. S. Air Force. After the war he rejoined Butzner and Butzner and remained there from 1946 until 1958 when he was appointed Associate Judge and later Judge of the Virginia Circuit Court. In 1962, President John F. Kennedy appointed Judge Butzner to the U. S. District Court for the Eastern District of Virginia, and in 1967, President Lyndon B. Johnson elevated him to the U. S. Court of Appeals for the 4th Circuit.

Among his many committee appointments and activities, Judge Butzner has served on the Subcommittee to Examine Possible Alternatives to Jury Trials in Complex Protracted Cases from 1979-84, the Judicial Ethics Committee from 1980-84 and as Chairman of the Committee on the Administration of the Criminal Law from 1983-87. He currently serves as Judge of the Division of the U. S. Court of Appeals for the District of Columbia Circuit for the Appointment of Independent Counsel. In addition, he has lectured at the University of Virginia's Law School in the areas of real property and trial practice and has published an article in the Washington and Lee Law Review in 1985 entitled "Certification: Assuring the Primacy of State Law in the Fourth Circuit."

Judge Butzner began his remarks by commenting that it made him very proud to be honored on an occasion which also honored students and the donors whose generosity helped make possible their legal education. Honoring hard work and philanthropy, particularly in the legal profession, he continued, is very important to him. He addressed the remainder of his remarks to the students, reminding them that there are basically two kinds of people in the world: those who create problems and those who provide solutions. "As lawyers," he told them, "you are in a unique position in our society to be part of the solution." He challenged them to use their legal training to better the world by solving problems.

Judge Butzner is regarded by his peers as one of the brightest judges on the Court of Appeals, "judicious, well-prepared and one whose opinions are un-biased and well-written." He is the seventh recipient of The William Green Award for Professional Excellence.

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In the fall of 1992, approximately 100 alumni and guests attended reunion parties for their classes. This Fall, the alumni office is pleased to report, almost 300 T. C. Williams graduates and guests attended reunions in Richmond. Parties ranged from backyard barbecues on what turned out to be a perfect fall afternoon to an evening of elegant hors d'oeuvres catered by Chef Paul of La Petite France. It was a memorable time of catching up and recalling events, and plans are already being put in place for next year's time-honored tradition of sharing stories and histories.

Columbia Graduates
For two years in a row now, the Law School Association Board of Directors has hosted a luncheon for alumni who attended Law School in the Old Columbia building downtown and who graduated before the current facility was completed in 1954. This luncheon is now held in the remodeled Carle E. Davis Faculty Study, and members of the Board along with Dean Harbaugh and Alumni Director Diane Brust host tables for the graduates and their spouses. Dean Harbaugh toasted the graduates and presented each with a T. C. Williams letter-opener to commemorate the occasion. Members of the earliest graduating class attending were Mr. and Mrs. Archie C. Berkeley and Mr. and Mrs. Robert Randolph Jones, representing the Class of 1933. Mr. and Mrs. Harry Shaia, Jr., from the Class of 1953 represented the latest class attending.

Class of 1958
It was a family affair for Bill Smithers and his wife Dorothy. Bill and Dorothy hosted the Class of 1958 and members of the Class of 1959 in their lovely home overlooking the James while their daughter Kim Smithers Wright '83 hosted her class' Reunion just a few miles down River Road. Eighteen classmates, spouses and guests enjoyed the cuisine of Chef Paul while sharing lifetimes and recalling tales of Law School.

Class of 1953
The Class of 1963 began their Reunion in the home of hosts Judge George Tidey and his wife Joyce but moved after about an hour and a half to Sal Frederico's to enjoy camaraderie and a fine meal. Judge Tidey reported that it was interesting to find that only one person from their class, Susan Haggerty, (that they could recall) practices outside of the state of Virginia. An enormous highlight of the evening for the Class of 1963 were the appearances at the Reunion party in the Tidey's home of special guests Jean Tarpley and Harry Sneed.

Class of 1968
The 25th Reunion party was hosted by Ralph "Bill" Axselle and his wife Anne. The Class of 1968 held its 25th Reunion at the Country Club of Virginia in Richmond. The reception and dinner were attended by approximately 40 classmates and guests. Everyone had a great time catching up on the news since the last reunion. As has become a tradition at such reunions for the class, Lucine Cox called the roll of classmates and made some very insightful... if not entirely accurate... comments about
them, whether in attendance or not! Host Bill Axselle noted that "the class has nine members who are judges, but everyone else has done very well!" (It was obvious to all in attendance that Bill is no longer doing litigation work.) The class also paid tribute to deceased classmate Gene Street in whose honor the class is establishing a scholarship.

Class of 1973

Twelve members of the class of 1973 along with their spouses and guests attended the 20th Reunion party which was held in the Carrie S. Camp Atrium at the Law School. Co-hosts, Bill Muse, George Varoutsos, and Ken Weiner decided to hold their reunion at the Law School so that members of their class could see and enjoy the new facilities. George noted that it was interesting that theirs was the first class which had a majority of its classmates practicing outside the state of Virginia.

Class of 1978

Sara Wilson and her husband Dr. Claude Wilson hosted the Class of 1978's 15th Reunion at their beautiful home on River Road. Over 40 classmates and guests attended the reunion which featured, among other items, Mexican cuisine. A topic of conversation at the party was the piece of information that one of their classmates, Peter W. D. Wright, had argued a case before the Supreme Court — and won.

Class of 1983

Because of the great organizational efforts of Pia Trigianni, Ricky Wallerstein, Kimberly Smithers Wright, John Ivins and Ann Setien Gibbs, the Law School Class of 1983 held a well-attended reunion at the home of Kim Wright and her husband, Gibson. Over 60 alumni and guests enjoyed a delicious barbecue dinner while catching up with old (former, that is!) classmates. Robert Clark travelled the longest distance to attend, flying in from Florida, but Jackie Maykranz Kraeutler and her husband Hal Miller and his wife also deserve recognition for visiting from Philadelphia and Burlington, Vermont, respectively.

Interestingly, most class members, according to Ann Gibbs, looked the same as they did 10 years ago, but all had made major professional and personal strides. The class missed those who were unable to attend and sends an invitation to come back for the 15th, if not before!

Class of 1988

The Class of 1988's fifth year reunion was a great success with people staying hours later than the reunion was expected to end and, reports one of the guests, the only thing better than the food that day was the company. Thirty-one classmates and guests (with assorted babies) attended a backyard barbecue at the Monument Avenue home of J. and Sharon Moon. The beautiful setting and golden fall afternoon were perfect for the reunion. Special thanks go to Gloria Freye, Lisa Stiles Licata, Kimberly Pinchbeck and Martha Saine Coneyles for their help in planning and promoting the reunion. The Class of 1988 also compiled a questionnaire which was sent to classmates and to which a large number responded. These were distributed at the party and will be sent to all those who responded. All in all, reports co-organizer Gloria Freye, "it was great fun and we're all looking forward to our next reunion in 1998."
Fall Gathering

Kicking off the weekend was the Law School's annual Fall Gathering, which took place on October 22, the night before the reunion parties. It was also a great success this year. Almost 500 alumni from a well-represented cross-section of the classes came to see the new areas of the Law School as well as to enjoy the benefits of the renovations and additions, which have now provided several areas which are perfect for entertaining. An added benefit was seeing old friends and visiting with professors who, in some cases, have taught two decades of T. C. Williams graduates.

Incredible food from McFaddens was spread throughout the first floor of the Law School, and returning alumni as well as faculty, staff and students were greeted by a huge T. C. Williams banner which stretched from one end of the Atrium to the other. Alumni from the Class of 1942 up to current students were entertained by the music of ABSOL, a.k.a. St. Boatwright's Society of the Lake (with apologies to Neville Meriner), and several members of Reunion classes got a head start on their Reunions.

Alumni Highlights

Many alumni have been unable to return to campus to see the new additions and renovations to the Law School building or to learn first-hand about Law School programs. In order to speak with alumni who have not been back, Dean Harbaugh has begun visiting areas around the state to meet with alumni in small group settings that allow alumni to ask questions about the Law School and its programs.

Kicking off this series of events was a luncheon hosted by Bill Julias '60 at his firm in Harrisonburg on December 3. Alumni heard from the Dean about the Law School programs and then participated in an hour-long question-and-answer session. Similar events are planned in the spring for the Tidewater and Northern Virginia areas.

Alumni Director Diane Brust is introduced to retired Prof. Harry L. Snead, Jr., by Jean Tarpley, retired Director of Admissions.

Dean Harbaugh enjoys talking with current students Deborah Hines '96 and Carlos Hopkins'96 on the Plaza at the new front entrance to the Law School.

Bill Muse '73 and fellow alumni Ralph Mirarchi '65 enjoy sharing a quiet conversation at Fall Gathering.

Dean Harbaugh talks with Harrisonburg alumni at a luncheon in the Law offices of host Bill Julias '60 (left of the Dean).

Ralph Mirarchi '65 and wife Dorothy hear about the new programs at the Law School from a current student.

Winter 1994
The Members of the Board as well as the Law School community would also like to express deep appreciation to those members of the Board who demonstrated their commitment to the Law School by providing leadership on the Board since 1990. Going off the Board after three years of service are Aubrey M. Daniel, III, '66; Garrison duPont Lickle '80; The Hon. Reid M. Spencer R'48, L'51; Kenneth R. Weiner '73.

The Hon. F. Bruce Bach graduated from Wake Forest College in 1963 with a B.A. degree and received his J. D. degree from T. C. Williams in 1967. While at T. C. Williams, Judge Bach was a member of the McNell Law Society, Captain of the Moot Court Team and the last Editor of the University of Richmond Law Notes. Upon graduation he worked as an Assistant Commonwealth's Attorney and as Chief Assistant Commonwealth's Attorney in Fairfax County. Subsequently, Judge Bach went into private practice with Gilliam, Sanders and Bach. He was appointed Judge of the General District Court in Fairfax in 1978 and has served as a Circuit Court Judge since 1979.

Richard Cullen, who received his law degree from T. C. Williams in 1977, has been elected to a full term on the Board after fulfilling the position left by George Varoutos who was elected to serve as Vice-President in 1992. Richard has served as Press Secretary to Rep. M. Caldwell Butler in the early 70's when the 6th District Republican was involved in the House Judiciary Committee's Watergate Hearing. He then served as Special Counsel to Sen. Paul Trible during the Iran-Contra hearing in 1987. In addition to serving as political advisor to Republican Governor John Dalton and Attorney General Marshall Coleman, Richard served as the U. S. Attorney for the Eastern District of Virginia from 1991-93. He currently practices with the firm of McGuire, Woods, Battle & Boothe in Richmond.

Martha "Mollie" Withrow Elder graduated magna cum laude from Marymount College of Virginia in 1983 with a Bachelor of Arts degree. She received her Juris Doctorate in 1986 from The T. C. Williams School of Law where she was a member of the National Moot Court Team and the Moot Court Board. Mollie had been with the firm of Rilee, Cantor & Russell since 1990, but due to a merger of the Norfolk office of the firm at the beginning of 1994, she now practices with the Virginia Beach firm of Pender & Coward.

Richard S. Rueda received his B. A. degree from LaSalle University in 1962 and his L.L.B. degree from T. C. Williams in 1965. He began his legal career with Fox, Rothschild, O'Brien & Frankel in 1965 but later became the Vice President and General Counsel for Tose Trucking, Inc. In 1974, he took the same position with Shulman Trucking and, in 1978, began his own trucking company which is now known as Trans Freight Systems, a moderate-sized regional conglomerate involved in trucking, warehousing, consolidation and distribution.

Thomas R. Scott, Jr. received his B.A. in 1974 from Hampden-Sydney College and his J. D. from T. C. Williams in 1976 where he was a Law Student Advisor, President of Phi Delta Phi, and served on the Moot Court Board. Since 1977, Tom has been with the firm of Street, Street, Scott & Bowman where he is a named Partner. He serves on the National Board of Trial Advocacy, The American Board of Trial Advocacy and as a Substitute Judge for the 29th Judicial District.
Martha B. Conway L'39 was the third woman to receive a law degree from The T. C. Williams School of Law and only the second alumna to actually practice law in the Commonwealth of Virginia. In fact, she was one of the first women to receive a law degree from a Virginia law school.

After graduating from high school in 1932 at age 14, Ms. Conway attended classes at the College of William and Mary Extension (which later became Virginia Commonwealth University). However, since this was during the height of the depression and money was scarce, she quit school and took advantage of an opportunity to work for a printing company in downtown Richmond. In 1937, Ms. Conway decided to take a night course in business law at The T. C. Williams School of Law which was then located in Columbia Hall in downtown Richmond.

Her professor, David J. Mays, she recalls, was excellent, and he made the law come alive for her and the other members of the class. "That," she remembers, "was when I realized that practicing law was what I wanted to do." She enrolled at the Law School that fall and graduated two years later from a class of twelve. There had been 24 in the class until February 1939, but half the class, she remembers, was dropped that month. "I was the only woman in my class, although Esther Weinberg was in the class before me. We had wonderful professors—Smithers, Muse and Dean Doubles. I never experienced any discrimination or condescension. I was just part of the class."

She found it more difficult once she received her degree, however, and was unable to secure a position with a firm upon graduation. Undaunted, Ms. Conway set up her own office in the Central National Bank building. It was a rough year, and she recalls making barely $10 a week, but she loved practicing law (mostly domestic and real estate) and litigating. In 1941, she took the Patent Bar Examination and became a patent attorney.

While serving as Secretary to the Commonwealth from 1952-1970, Ms. Conway exercised considerable influence and served on several important commissions, among them The Commission on the Status of Women.

By the mid-1940's, Ms. Conway had become very involved with politics and ran for the legislature. Even though she lost her election, she had become a force to be reckoned with and was able to wield considerable power among the community of professional women, a fact not unnoticed by the Democratic party. When Governor William Battle ran for election in 1951, he asked Ms. Conway to organize a function at which he could address women voters. She rallied over 500 women to attend Gov. Battle's event and, in 1952, after his election, Gov. Battle appointed Ms. Conway as Secretary of the Commonwealth.

She served five governors in that capacity and sat on many committees, among which were the Commission on the Status of Women and the Interstate Cooperation Committee. During her terms as Secretary of the Commonwealth, Ms. Conway also chaired the Voting Rights Commission, served on the Board of Directors of the First Virginia Bank and was president of both the National Association of Secretaries of State and the AAUW in Richmond.

In 1970, when Gov. Linwood Holton, a Republican, was elected, Ms. Conway lost her position, but enthusiastically accepted a position with Virginia Commonwealth University as Grants Administrator for the Medical College of Virginia. She recalls with pride that the medical school was receiving about $5 million a year in grants when she joined the staff, but by the time she retired in 1981, the institution was receiving almost $30 million.

Ms. Conway continued to serve on a number of boards for organizations in the city and in volunteer capacities. "I worked the equivalent of several full-time jobs with all my volunteer activities," she states emphatically, "but I'm slowing down a bit now."

In 1991, Ms. Conway moved to Westminster Canterbury after selling her home on Grove Avenue to another T. C. Williams woman graduate, Lee Melchor L'86. "Lee," adds Ms. Conway, smiling, "is Assistant Attorney General, you know." She enjoys knowing that the tradition of T. C. Williams women graduates practicing law in the Commonwealth, a tradition she helped establish, is a vibrant and living legacy.

Today Ms. Conway enjoys her retirement and tries to maintain a lighter schedule than in the hectic days of political service.
Ronald J. Bacigal published an article, "The Right of the People to be Secure," in the fall 1993 issue of the Kentucky Law Journal. The article addresses the Rodney King case in light of the United States Supreme Court's most recent decisions on the definition of a Fourth Amendment seizure. Professor Bacigal is currently working on a book on Criminal Law and Procedure for the West Publishing Company.

Hamilton Bryson gave a presentation on reports in the English equity courts to the conference "Case-Law in the Making" in Leiden, the Netherlands in July. The presentation was entitled "Comparative Studies in Continental and Anglo-American Legal History." Professor Bryson also presented a paper this summer to the British Legal History Conference in Exeter, England on the subject "Seventeenth Century English Law Reports." In addition, Volume 29 of his Virginia Circuit Court Opinions was published in August, 1993.

Lynda Frost, a new member of the T. C. Williams faculty, gave a talk at Millersville University in Pennsylvania on "The Regional Prosecution and Prevention of Human Rights Violations in the New World Order." She also has an article, "At-Risk Constructs: An Examination of Theoretical Constructs Underlying Legislative Approaches to Deviance in the Public Schools," which will be published in the winter issue of The Journal of Law and Education.

Ann S. Gibbs, Associate Dean of the Law School, was voted by the faculty to an appointment as Assistant Professor of Law and Director of the First Year Lawyering Skills Program. She has served as Co-Director of Lawyering Skills for the past 2 1/2 years but, beginning in academic year 1994-95, will be the developer and director of this portion of the curriculum.


Aziza al-Hibri was a delegate to the Parliament of the World's Religions in September. She delivered several papers, including the keynote address on International Law and Islamic Jurisprudence, and was chosen as one of the Presidents of the Parliament. In October, she served on a panel at the 22nd Annual Conference of the Association of Muslim Social Scientists and consulted on Religion, Politics and International Relations at Georgetown University. She also served on a panel entitled "Religious Fundamentalism in America," organized by the District of Columbia Jewish Community Center and participated by invitation in a panel held on Capitol Hill, entitled "Islam and Human Rights."

Late in the fall, Professor al-Hibri participated in a conference at Columbia University which was sponsored by Queen Noor of Jordan and in a panel entitled "Religion, Society, and the Position of Women." She also lead a workshop entitled "Legal Rights: Family Law Issue (Marriage, Divorce, Custody, Inheritance Laws)."


John Paul Jones recently, as Amicus Curiae, briefed the Constitutional Court of Lithuania on the constitutionality of a new arrest and detention law. In early November, Professor Jones also addressed the annual convention of the Virginia Association of Administrative Law Judges and Hearing Officers.

J. Rodney Johnson published one article in the University of Richmond Law Review entitled "Recent Developments in Wills, Trust & Estates Law," and a second article in the Virginia Bar Association Journal on "The New Simultaneous Death Act."
Welcome Changes for Donative Transfers.

In addition, Professor Johnson was appointed Chair of the American Bar Association Committee on Planning and Administration of Small Estates and Trusts, and he helped draft legislation to be introduced in the 1994 Session of the Virginia General Assembly dealing with (a) the 1991 Uniform Simultaneous Death Act, (b) inheritance rights of children of assisted conception, and (c) validity of inter vivos trusts. Professor Johnson also completed the Marine Corps Marathon.

Robert E. Shepherd, Jr. was honored by the Virginia Council of Juvenile and Domestic Relations District Court Judges at their annual meeting in early fall. The Council presented him with a Resolution recognizing his advocacy on behalf of children and families, especially his work on behalf of the new Family Court in Virginia. In addition, he served on the Board of Fellows of the National Juvenile Justice Center in Pittsburgh, the research arm of the National Council of Juvenile and Family Court Judges. Professor Shepherd was also appointed to serve on the Advisory Committee for the National Study of Violent, Serious and Habitual Juvenile Offenders of the National Council on Crime and Delinquency in San Francisco. This study was commissioned for the Federal Office of Juvenile Justice and Delinquency Prevention.

Jonathan K. Stubbs published “Persuading Thy Neighbor to be as Thyself: Constitutional Limits on Evangelism in the United States and in India,” in the UCLA Law Journal and a second article, “Lawyer Competence: Perceptual Prisms, Self-Scrutiny, and the Looking Glass,” which appeared in the Journal of the Legal Profession under the auspices of the University of Alabama School of Law and which he delivered at the Old Dominion Bar Association’s Annual Meeting in June of 1993. Prof. Stubbs delivered a second paper entitled “Perceptual Prisms and Racial Realism: The Good News About a Bad Situation” at the Southeast/Southwest People of Color Law Scholarship Conference at the University of New Mexico in Albuquerque. He also discussed an article in progress, “Perceptual Prisms: A Reality Underlying American Legal Realism,” at the Midwestern People of Color Legal Scholarship Conference which was sponsored by Case Western University Law School.

Peter N. Swisher has co-authored a family law treatise entitled “Understanding Family Law” (Matthew Bender, 1993) and taught a pre-bench orientation program on family law issues to new Virginia judges at the summer Judicial Institute in Charlottesville, Virginia. Professor Swisher also published an article entitled “Products Liability Tort Reform: Why Virginia Should Adopt the Henderson-Twerski Proposed Revision of Section 402A, Restatement (Second) of Torts” in the 1993 Summer issue of the University of Richmond Law Review. Also, Prof. Swisher and his wife Karen, Assoc. Prof. of Health Law at the Medical College of Virginia, presented a joint program on American tort reform law to British health care administrators in Washington D.C. under the auspices of the Kings’ College Fund and the American Association of University Programs in Health Administration. In January, Prof. Swisher served as Program Chair and Moderator at the American Association of Law Schools Family and Juvenile Law Section Program in Orlando.

Michael Allan Wolf published an Op-Ed piece nationally in Scripps-Howard newspapers and, as “Fighting for Enterprise Zones,” in the July 28 1993 issue of the Journal of Commerce. He also testified twice before Congressional Committees on the Clinton Administration’s Empowerment Zones and Enterprise Communities proposal—in May before the House Committee on Banking, Finance and Urban Affairs, Subcommittee on Economic Growth and Credit Formation; and in June before the Senate Committee on Small Business, Subcommittee on Competitiveness, Capital Formation and Economic Opportunity. In addition, Prof. Wolf spoke this fall at the Conference on Empowerment Zones and Enterprise Communities sponsored by George Washington University and at the Conference on Enterprise Zones: Rebuilding Urban Communities sponsored by the Hudson Institute in Indianapolis. For the past year, he has also served on the Welfare Reform Subcommittee of the Virginia Commission to Stimulate Personal Initiative to Overcome Poverty chaired by Lt. Gov. Don Beyer.

Paul J. Zwier has been appointed to the Program Directors Executive Committee of the National Institute for Trial Advocacy. He will serve as NITA’s program director for the Appellate Advocacy Program which will be held at Georgetown Law School in March. Professor Zwier has also helped design and conduct (with Deans Harbaugh and Guernsey) a new skills training program for Shearman and Sterling of New York entitled “Interviewing in the Corporate Litigation Setting.” In addition, he recently conducted Trial Advocacy and Deposition Training for the Federal Trade Commission, the New York Stock Exchange and several private law firms.
Meet New Faculty: 
Mary Heen

Mary L. Heen, joined the Law School faculty in the fall of 1992, coming to Richmond from New York City where she taught in the Graduate Tax Program at New York University School of Law as a visiting Acting Assistant Professor from 1990 to 1992. Prior to teaching, she practiced law for three years as a tax associate with Patterson, Belknap, Webb & Tyler in New York City. When the opportunity arose to teach tax full-time at NYU, from which she received her J.D. in Taxation in 1987, she took a leave of absence from her firm “to do something I’ve always wanted to do.” At NYU, she taught Tax Policy and Timing Issues Under the Income Tax (in the Graduate Tax Program), and Basic Federal Income Tax (in the J. D. Program). Prof. Heen also serves as Assistant Editor of the Tax Law Review, a faculty edited journal. She “enjoyed her experience in academia immensely,” and, when the University of Richmond offered her a position, she decided not to return to practice. She now teaches Basic Federal Income Tax, Corporate Tax, Legislation, and a Tax Policy seminar.

Prior to practicing tax law, Prof. Heen was a litigator for several years with a special interest in gender-based discrimination and constitutional issues. “One of the highlights of my time as a litigator,” recalled Prof. Heen, “was arguing a case before the U. S. Supreme Court after arguing the same case before an en banc panel of the Ninth Circuit. It was a formative experience for me in terms of better understanding certain aspects of the law reform process. The case raised the question of whether the exclusionary rule, which operates to exclude evidence obtained in violation of the Fourth Amendment, applies in deportation proceedings. The Court heard the case in the same term that it narrowed Fourth Amendment protections as applied to workplace searches for illegal workers and otherwise limited the application of the exclusionary rule in the context of criminal proceedings. At the same time, Congress was considering major legislative changes to our immigration laws.”

Before practicing law in New York City, Heen served as a law clerk for the Hon. James M. Fitzgerald, Federal District Judge for the District of Alaska. She received her J. D. from the University of California at Berkeley (Boalt Hall), an M.A.T. from Harvard University, and A.B., magna cum laude, with Honors in English, from Yale College.

Her recent scholarly interests focus on the relationship between tax policy and social policy. An article entitled “An Alternativ n

The Law School will be hosting a CLE program on May 20 and 21, 1994, entitled “Legal Linkages: Counseling Those affected by Breast Cancer.” The program, which will provide dual sessions for lawyers and other advocates, will cover such issues as medical diagnosis and treatment, third party payers, rehabilitative services, employment discrimination, social security and private disability, life planning decisions and community advocacy.

There will be opportunities for networking among legal and non-legal participants.

For further information, contact the Virginia Breast Cancer Foundation at (804) 285-1200 and materials will be mailed to you.

Life in Richmond is very different from life lived in New York City, but both Profess or Heen and her family (she is married and has two children) are very happy with the change. She is also very pleased with the students she is teaching and the scholarly environment at the University that not only allows, but encourages personal scholarship.

“I hope that each student at the Law School will begin what should be a lifetime involvement in efforts to improve the law, through service as a practicing lawyer on bar committees, or as a legislator or advocate for the under-represented. I’d like to promote that process in my Basic Tax course, and what better place to begin thinking about such issues than with tax, where social and economic policy so complexly intersect with the law?”
by Kelly Combs Necessary '94

The Student Bar Association began the academic year by working in conjunction with the Dean's Office to produce a resource document which is both a student directory and a student handbook. In addition, the SBA created an Academic Support Committee that has been instrumental in helping first-year students learn effective study skills, and Juris Publici, a scholarly newspaper published by the SBA, has now published an unprecedented four editions in the first semester.

This year the SBA is reviewing the SBA Constitution and the Honor Code in order to decide whether or not to formulate a Code of Ethics, a timely issue and one to which the third issue of Juris Publici was primarily devoted last fall. Also last fall, the Legal Forum in conjunction with the American Bar Association, Black Law Students Association, the Federalist Society and the Public Interest Society planned and executed a "Crime Week" which focused on the war on drugs, while the Alumni Affairs Committee teamed up with the ABA to offer their second annual mentor program. This program has proven very effective for our students and was well-received by both the alumni and the local area legal community as well.

T. C. Williams students are again participating in major regional competitions. The ABA asked the Law School to send three teams (instead of the usual two) to the regional Negotiation Competition. In addition to running their intraschool client counseling competition, the Client Counseling Negotiation Board is planning its third annual Robert R. Merhige, Jr. National Environmental Negotiation Competition which will be held March 4-5. Teams from law schools throughout the country will travel to T. C. Williams to compete using their expertise in both Dispute Resolution and Environmental Law.

Two teams competed here in Richmond in the ABA's Moot Court Competition at the U. S. Court of Appeals for the Fourth Circuit. The first team, comprised of Jeanine Koch '94, Melissa Anemojanis '94 and Jeanne Walsh '94 reached the semi-finals by defeating teams from Campbell, Washington & Lee and the University of Virginia. The second team, comprised of Pat Coll '94, Kendrick Cleveland '94 and Sam Tarry '94, was stopped in the quarter-finals by Wake Forest University, the eventual champions. The brief submitted by Coll, Kendrick and Tarry tied for first place in the region. Finally, the Carrico competition took place in November with Kim Satterwhite '95 and Tim Dorsey '95 taking the honors.

T. C. Williams has also demonstrated strength to the ABA in another respect. Six students attended the National Convention in New York, with one, Laurie West '93, serving as the National Chair. Again this year, T. C. Williams boasts another National Officer, Lisa Spickler '94, who is serving as the National Vice Chair in Charge of Membership this year. The Law School is also a strong contributor to our Circuit, with four active officers on that level, and our Fourth Circuit is currently working on a computer network that would connect all twelve law schools in Virginia, West Virginia, and North and South Carolina.

The students have a number of speakers, competitions and activities planned for the spring as well. The hope is always to make the alumni proud and to establish high standards for those who will follow here at T. C. Williams.

Lisa Spickler '94, ABA National Vice Chair in Charge of Membership for 1993-94.

Carrico Moot Court Competition finalists pose with the Court. From left to right: Tim Dorsey '95 and Kim Satterwhite '95 (who won the competition), Justice A. Christian Compton, Chief Justice Harry L. Carrico, Judge William L. Wimbish, Deborah McConnell '95 and Brian Wainger '95.
Mackenzie joins brothers, Marshall (4) and Parker (2).

Stephen B. Wood '86 has joined the firm of Williams, Mullen, Christian & Dobbins. Mr. Wood's practice includes real estate-related financial transactions, real estate developments and creditors' rights.

Jeffrey L. Galston '87 has joined the law firm of Hyder and Lowe, where he will practice general law with concentration in disability and personal injury. The firm is now known as Hyder, Lowe and Galston.

Andrew Protogyrou '87 has been named a partner in the firm of Knight, Dudley, Dezen & Clarke in Norfolk, Virginia. He announces the birth of his first child, Anthony, born July 27, 1993.

Kirk T. Schroder '87 has been appointed to the governing board of the American Bar Association's Forum Committee on Entertainment and Sports Industries for a two-year term.

James C. Thompson, Jr. '87 and his wife, Mary Catherine, had their second daughter, Jessica Dallas, on August 18, 1992. Jessie joins her sister, Kelly (4). Mr. Thompson is a Senior Associate with the law firm of Wickwire Gavin, P.C., with offices in Washington, D.C.; Vienna, Virginia; Rockville, Maryland; Madison, Wisconsin; and Los Angeles, California.

Craig M. Burshem '88 is an assistant in the Mental Health and Social Services section of the Human and Natural Resources division.

Karen D. Minter '88 has been elected to serve as Treasurer of the Richmond Criminal Bar Association.

Grey Sweeney Berriman '89 was promoted to Director of Professional Liability for MCV Associated Physicians in July 1993. Ms. Berriman has developed an in-house medical malpractice litigation program in the two years since joining the Corporation as Staff Counsel in Richmond.

Sarah G. Crowley '89 is an associate with the firm of Smith & LaQuercia in Trenton, New Jersey.

Charles E. Wall '89 has joined the firm of Williams, Mullen, Christian & Dobbins. Mr. Wall's concentration is on business and health care law and commercial transactions.

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William R. Culbreth '90 has joined the law firm of Wright, Robinson, McCammon, Oshimer & Tatum specializing in medical malpractice cases.

Thomas Lambert '90 has been assigned as the Staff Judge Advocate for the Naval Amphibious Base, Little Creek. He has also been appointed a Special Assistant United States Attorney and was awarded a second Navy Achievement Medal for his work in Federal District Court on behalf of the Navy.

Mary E. Shea '90 is an assistant in the Correctional Litigation Section of the Public Safety and Economic Development Division.

Warwick F. M. Spencer '90, his wife and daughter have moved to Memphis, Tennessee on January 1, 1994.

Patrick Brennan '91 is an associate with the firm of Smith & LaQuercia in Trenton, New Jersey.

Gerald C. Canaan, III '91 is an associate at the Richmond law firm of O'Brien & Associates.

W. Scott Johnson '91 and his wife, Sharon, are pleased to announce the birth of their daughter, Amanda Barrett, born August 30, 1993. Mr. Johnson is an associate with the firm of Crews and Hancock in Richmond.

Victor Narro '91 has joined the staff at the Mexican-American Legal Defense and Educational Fund (MALDEF) in Los Angeles. Mr. Narro is working in the areas of immigration, political access, language rights and education.

Mary M. Poffenberger '91 announces the her engagement to Stephen V. Groh, a graduate of the University of Virginia Law School. A September 1994 wedding is planned.

Kirsten Barron Rowe '91 has joined the law firm of Van Grack, Axelson, Williamsowsky & Jacobs, P.C. Ms. Rowe will concentrate her practice in domestic, contract and personal injury law.

James H. Shoemaker, Jr. '91 has joined the Newport News law firm of Patten, Wornom & Watkins, L.C. as an associate. Mr. Shoemaker's areas of practice include litigation in all courts, environmental and employment law.

Kirsten Barron Weight '91 and Eric Michael Weight '91 were married on October 16, 1993 in Mountain Lake, Virginia.

Wyatt S. Beazley IV '92 is a member of a newly-formed computer and intellectual property law practice group in the firm of Williams, Mullen, Christian & Dobbins.

Jennifer V. Dragas '93 has become an associate with the Norfolk office of the law firm of Kaufman & Canoles, P.C.

Carey Williams Getis '93 married Joel B. Getis on August 21, 1993. Ms. Getis is a Law Clerk at the Supreme Court of Virginia.
At the conclusion of the Campaign, Bill Thomas, Jim Roberts and members of the Steering Committee were presented with prints of this drawing by local artist Edith Schermerhorn. Prints of the drawing, which was commissioned for the occasion and which shows the new entrance to the building, are now available in the University Bookstore.

**DRAWING OF THE NEW BUILDING:**

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**Do You Have Information About Yourself or About An Alumni/ae Event?**

*Richmond Law* is published twice a year, in January and July, but copy for each issue is usually completed a month in advance. If you have information you would like to share, are aware of an alumnus/a who has done something particularly noteworthy or would like to report on an alumni/ae-related event, please send the information to the address below and include photographs whenever possible:

Attn: Diane K. Brust  
Law Development and Alumni Programs Office  
T. C. Williams School of Law  
University of Richmond,  
Virginia 23173
Because of the vision and generosity of 19th century philanthropist T. C. Williams, the University of Richmond has a Law School today—and because of the continuing vision and generosity of alumni and friends, the Law School today continues to fulfill the vision of its first donor.