MEMORIAL TRIBUTE TO PROFESSOR WILLIE LAVONSA MOORE

The Law community mourns the death of Professor Willie Lavonsa Moore who died in Richmond on October 11, 1992. Professor Moore was the Director of the Youth Advocacy Clinic at the Law School and taught in the Youth Advocacy Clinic, the Criminal Law classroom component in the Externship Clinic. He also conducted a seminar in First Amendment Issues in Criminal Law. Professor Moore was a brilliant and insightful lawyer and teacher who had dedicated his life and career to achieving justice. His work was always directed toward the most oppressed, which included children and persons of color.

Professor Moore, who was an honors graduate from the University of North Carolina, received his law degree from Yale University. After serving a clerkship for a judge on the United States Court of Appeals for the Sixth Circuit, Professor Moore practiced entertainment law with a private firm before deciding that his true calling was criminal defense. Consistent with his dedication to public service and the African-American community, Professor Moore served with the Los Angeles Public Defender's Office where he distinguished himself as a litigator and a defender of the oppressed.

In 1990, T.C. Williams was fortunate to have Willie Moore join the faculty. Although, he was a member of the faculty for only a short time, Professor Moore supported numerous student activities and organizations and made several presentations to national and local organizations.

Although Professor Moore had left his home in Kenansville, North Carolina, to pursue his education and career, he was never far from his roots, his family or his values. He has once again returned to that community and is buried in a family cemetery under a tree his great grandmother planted when she was freed from slavery.

All who had the privilege of knowing Willie Moore mourn his passing but celebrate the fact that he came here and, in a short time, established himself among us a scholar, teacher, mentor and friend. He will be missed.
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by Joseph D. Harbaugh
Dean and Professor of Law
The T. C. Williams School of Law

DEDICATION
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In October, the University dedicated the renovated and newly constructed portions of the Law School building, thereby making the fall '92 term one of the most significant in the 122 year history of T.C. Williams School of Law. The dedication brought to campus some of the eminent contemporary figures in the legal profession. The ceremonies also marked a small plateau in the development of the Law School.

Elsewhere in this issue of Richmond Law are reports on the events celebrating the completion of our "new" legal education facility. There you can learn about the public activities of the distinguished guests who joined us for the two weeks of festivities. I would like to take a moment to share with you some of the comments made by our visitors about the Law School, its building and its educational programs.

Erwin Griswold, Dean Emeritus of Harvard Law School and former Solicitor General of the United States, is one of the most important figures in legal education and public legal practice. Dean Griswold last visited T.C. Williams 38 years ago when he was the principal speaker at the dedication of the original Law School building on the main campus. The Dean was duly impressed with the new facility, as he was in 1954 when the earlier structure was opened. Dean Griswold indicated how effectively the Law School faculty has modified the curriculum to retain the core of the traditional courses while integrating new and developing areas of the law into the educational package.

Robert MacCrate, former President of the American Bar Association and senior litigation partner of New York's Sullivan and Cromwell, was even more laudatory about what is being accomplished at T.C. Williams. MacCrate, primary author of a recent ABA study of the education of lawyers, from law school through the conclusion of their professional careers, visited a first year Lawyering Skills class. He observed our students counseling their simulated clients (role-played by other law students) in a family law/real property problem and in a defamation action. MacCrate expressed amazement at both the substantive and the practical sophistication of entry level students. He concluded that T.C. Williams' new three-year program in lawyering skills and professional values is one of the finest in the nation, putting us in the forefront of educating students for a lifetime of law practice.

Solicitor General Kenneth Starr praised the design of the new Law Library, particularly the individual study carrels and the state-of-the-art legal information network. He was most impressed, however, with the T.C. Williams students. He spent considerable time with the students before and after his inaugural Austin Owen Lecture. He commented on how bright and talented they were in both his formal and informal contact with them. General Starr was impressed with the academic credentials and educational diversity of today's T.C. Williams law students.

Justice Antonin Scalia, our dedication speaker, echoed General Starr's comments about our students. Justice Scalia, a former law professor, had the opportunity to engage our students in the traditional classroom give-and-take. He found them to be well-prepared, sharp and the equal of what he has come to expect of exceptional law students. Justice Scalia also found our new Law School building to be exceptional. He labeled it one of the very finest educational facilities in the nation, a compliment indeed from one who has visited so many law schools.

With the commendations of such distinguished observers ringing in our ears, we begin a new phase in the life of the Law School. Next month we host another notable group of visitors, the members of the Site Evaluation Team representing the American Bar Association of American Law Schools. They will spend more than three days probing into every nook and cranny of the Law School operation as part of the sabbatical accreditation inspection process. The ABA/AALS Team that visited seven years ago expressed concerns about T.C. Williams, concerns that ranged from the size of the faculty to the strength and diversity of our curriculum, from the quantity and quality of the Library collection to the adequacy of the instructional facilities. With the commitment and financial assistance of the University and alumni like you, these concerns have been addressed. Therefore, I expect that the report of this Accreditation Team will repeat many of the comments we heard during dedication. I will recount their observations to you in a future issue of Richmond Law.

For now, we can enjoy the temporary peacefulness of the plateau, content that we have made adjustments that have moved the Law School forward. We cannot rest for long, however, because the law and the legal profession continue to change. We at T.C. Williams will continue to adjust to these changes so that our graduates are prepared to practice law today and tomorrow.
On Friday, October 23, the T. C. Williams School of Law celebrated 122 years of excellence in legal education as it dedicated the additions to and the renovations of the Law School building. It was a time of reflection as well as a time to contemplate the future for the school which began in 1870 with just three professors. As Lewis T. Booker, Rector of the University and representative of the Board of Trustees, commented in his remarks when he presented the building officially to President Morrill: "This is an historic institution which has produced many distinguished alumni in its 122 year history: lawyers, judges and legislators; men and women who have helped shape and define the law of this state and of this nation."
President Morrill accepts the new additions on behalf of the University.

In accepting the additions and renovations on behalf of the University, Dr. Morrill remarked that the building "...combines the grace and elegance of traditional design with the latest technological resources and will provide all students ...with one of the best physical environments in which to study law as well as one of the most beautiful."

Dean Harbaugh, on behalf of the faculty, staff and students of the Law School, expressed appreciation for the beautiful new facilities and thanked the University and the donors to the Law School campaign who had helped make a dream a reality. He also pledged, on behalf of the law school community, to carry on the 122-year tradition of excellence in legal education.

"We who occupy these handsome halls," he continued, "commit ourselves to teaching and learning, studying and achieving so we may better serve our clients, the legal profession, and the greater society as lawyers, judges, community leaders and elected officials.

Following the official transfer of the facilities, Antonin Scalia, Associate Justice of the Supreme Court and keynote speaker, addressed an overflow crowd which filled both the Moot Courtroom and the Thomas classroom where the Dedication ceremonies were broadcast on closed circuit television.

Justice Scalia has a distinguished history of service both the legal profession and to legal education. He received his A.B. degree summa cum laude from Georgetown University in 1957 and, in 1960, was awarded his LL.B. degree magna cum laude by Harvard University where he served as Note Editor of the Harvard Law Review.
He was admitted to the Ohio Bar in 1962 and practiced law with the Cleveland firm of Jones, Day, Cockley and Reavis before joining the faculty of the University of Virginia Law School in 1967. He later served as Professor of Law at the University of Chicago from 1977 to 1982.

In 1982, Justice Scalia was nominated by President Reagan to the United States Court of Appeals for the District of Columbia Circuit, taking the oath of office later that year. Four years later, President Reagan selected Justice Scalia as Associate Justice of the United States Supreme Court, a position which he assumed on September 26, 1986.

The focus of Justice Scalia’s address was the Bill of Rights, but his was no standard, flag-waving defense of the grand first ten amendments. Justice Scalia compared the simple, often ambiguous language of our constitution to the impressive catalogue of civil liberty protections and commands that were contained in the constitution of the former Soviet Union as a way of instructing his audience that a statement of rights is only as good (or as ineffective) as the constitution of the political system that enforces and protects those rights. On that count, Justice Scalia asserted that the basic, though less celebrated, constitutional attributes of bicameralism, separation of powers, and checks and balances deserve as much praise as the hallowed phrases devoted to topics such as free speech and religious rights.

Justice Scalia set the stage for his address by remarking that there is no equivalent in other languages for the word “unAmerican.” There are, for example, no words such as “unFrench” or “unGerman.” The reason, he continued, is that the citizenry of no other country identifies itself so closely with and takes its character from its constitution. At the completion of his remarks, Justice Scalia was awarded an honorary degree from the T. C. Williams School of Law.

A reception following the Dedication gave students and guests an opportunity to speak directly with Justice Scalia who responded with enthusiasm to student questions and graciously signed hundreds of autographs. The day’s activities drew to a successful close with Fall Gathering which was held for the first time at the Law School allowing alumni to see firsthand the additions and improvements to the building.
OCTOBER 23 WAS A DAY MARKED BY VISIONS FUL-FILLED, THE CULMINATION OF A DREAM THAT BEGAN IN 1989 when President Morrill and Dean Harbaugh discussed what kind of facility would best meet the needs of the new law school curriculum. The building design they chose preserved, as do the law school programs, those elements of the traditional which are viable today while combining them with those features which provide the current technology necessary to prepare T. C. Williams students to practice law in the 21st century.

Students and faculty agree that, whether attending or teaching class in the state-of-the-art classrooms, relaxing in the lovely Stamp Courtyard, completing research in the expanded library or trying a case in the spectacular new Moot Courtroom, the Law School building at the University of Richmond is one of the finest law school facilities in the country today and a place, to quote Dean Harbaugh again, "...where many will prepare for careers in the pursuit of justice."

Law students still use the old entrance which is now considered the rear of the building.

The new entry plaza was well-used earlier this fall whenever weather permitted.

The Camp Atrium is the site of formal gatherings and spontaneous study sessions.

The Sturgill, Thomas and Moore classrooms provide state-of-the-art technology.

Assigned study carrels allow students to enjoy their own professional work space during their time at T.C. Williams.
Chartered in 1840, Richmond College was only 30 years old when it added a Law Department. The initial years were very successful for the new Law Department, but during the difficult financial times that followed the Civil War, legal education was intermittent at Richmond College until 1890. In that year, the family of the late T. C. Williams, Sr., endowed a Professorship of Law, thus assuring the continuous teaching of law at Richmond College.

In 1914, Richmond College, including its Law Department, moved from its location downtown to the present campus. Unfortunately, returning service men from World War I created space problems for the College and the Law Department had to be relocated in the old Columbia Building at Grace and Lombardy streets. In 1920, the Law Department was reorganized as a separate School of Law within what was now the University of Richmond and was named after its generous benefactor, T. C. Williams, Sr.

The Law School was granted membership in the Association of American Law Schools in 1930, and Dean M. Ray Doubles, realizing a need to expand the Law School facilities, initiated a campaign for a new building. However, it was not until 1954, under the leadership of Dean William T. Muse, that the new building was completed on the University campus, re-establishing the Law School as an integral part of the University of Richmond.

The original Law School building was constructed in the collegiate gothic architectural style in which almost all the University buildings are constructed and, after two subsequent renovations, one in 1971 and one 1980, contained 61,000 square feet of space. Today, after the completion of the recent renovations, the building contains 108,000 square feet of space and the library, which in 1981 was named in memory of the much-revered Dean Muse, has grown from 26,000 square feet to 49,000.

The current Law School, whose newest additions were completed in January 1992, stands as a tribute to the vision of all the Deans and University Presidents in its long history who continually sought to provide the very best for their students and to the generosity of those donors who helped make the vision a reality. It is a place of great beauty and high academic achievement, and it will continue to be a source of alumni pride and a "must see" for all alumni who return to campus.
Law School Dedication

This year will be a bright light in the long, dark hallway of memory for many who were at the University of Richmond during this picture-book perfect fall. In addition to hosting the Law School Dedication speakers, Justice Antonin Scalia, Dean Erwin N. Griswold, U. S. Solicitor General Kenneth W. Starr and Robert MacCrate, former president of the ABA, the University was also host to such luminaries as the presidential candidates during the second nationally-televised debate and General Norman Schwartzkoff who gave the keynote address for the Jeppson Leadership School dedication in September. All in all, it was a spectacular fall for the University of Richmond and for the Law School.

The Law School Dedication events began appropriately enough with the Scholarship Luncheon on October 9. This annual event honors the recipients of scholarships and those donors, both private and corporate, whose generosity has helped make a legal education possible for talented students who might otherwise not have had the opportunity to attend the T. C. Williams School of Law. It is at this luncheon each year that the William Green Award is presented to an individual whose work has contributed to the legal profession and whose career and contributions have become a standard of excellence for that profession.

This year's recipient of the Green Award was Erwin N. Griswold, Dean Emeritus of the Harvard Law School and former Solicitor General of the United States. It was most fitting that “The Dean,” as he is referred to by colleagues, should return to T. C. Williams at the University of Richmond campus this year and launch the Dedication events by receiving the Green Award since he was the keynote speaker when the original Law School building was dedicated on October 15, 1954.

Few members of the profession are accorded the respect that Dean Griswold has won from his peers through his continuous service to legal education and to the legal profession. His prestigious career spans seven decades and encompasses private practice, legal education and public service. He has received honorary degrees from over thirty institutions both in this country and in Canada, England, Scotland, and Australia. He has served as the Dean of the Harvard Law School and as the United States Solicitor General. In addition, he is also a past president of the Association of American Law Schools, a member of the House of Delegates of the American Bar Association and served on its Board of Governors from 1966-1969. He is a contributor of articles in numerous legal periodicals and in the Geographical Review and is the author of several books including Ould Fields, New Corne: The Personal Memoirs of a Twentieth Century Lawyer.

Dean Griswold’s thoughtful remarks at the luncheon addressed his concern that the legal profession today has, for too many students and practicing attorneys, become a search for remuneration rather than for truth. He challenged the students and the faculty present to review their goals for entering the legal profession and to align themselves with the goal of assisting clients in finding justice through our legal system. Dean Griswold received a standing ovation upon the completion of his remarks.

On Saturday, October 10, representatives of the Class of 1967 presented their 25th Reunion Class gift to Dean Harbaugh. The class of 1967 named one of the renovated classrooms located on the second floor of the original section of the building after six deceased members of their class: Robert W. Carter, Dean P. Collias, Jack S. Shackleton, Reid A. Simmons, Eugene K. Street, and William O. Tune, Jr.

This was the first time that a Reunion class had made a gift of this size, and Dean Harbaugh expressed his deep appreciation to the class, which under the leadership of Archer L. Yeatts III and Francis M. Fenderson, has pledged a gift of $50,000. Following a tour of the Law School led by Dean Harbaugh, the class met at the home of The Hon. and Mrs. Thomas O. Jones for a reunion party with spouses and guests.
On the following night, Sunday, October 11, the Law School was the site of a reception honoring donors who had named areas of the building or for whom areas of the building had been named.

Alumni expressed surprise and delight at the manner in which the additions and renovations had combined the very latest in state-of-the-art technology while preserving and adding to the beauty of the original structure. Student hosts shared their pride in the beauty of the building and commented that the Law School had become a site not only of classes, meetings and competitions, but that it was also becoming a focus for all kinds of social activities for both alumni and students.

The Atrium, given by the Carrie S. Camp Foundation, for example, has been the location of Moot Court preparations, study groups and, on occasion, a place where weary students have been seen dozing over books and notes. Frequently the window seats in the Mirarchi Gallery which runs along one side of the new Moot Courtroom have been the site of discussions and spontaneous mini-classes on wills and lawyering skills.

Other favorite areas of the new section, particularly in good weather, are the large entry plaza and the smaller, but beautifully landscaped Stamp Courtyard, given by Judge and Mrs. Frederick P. Stamp, Jr. in memory of his parents. These areas, combined with the Atrium and the Moore Foyer given by Janice R. Moore, '81, in honor of her mother, are often the sites of receptions for Law School functions.

In addition to the individually assigned study carrels which make T. C. Williams unique among law schools, the library also offers the Lewis T. Booker Attorneys' Study. The Study, named in honor of Mr. Booker, a partner of Hunton & Williams and Rector of the University, was given by colleagues and associates in his firm. For a small yearly fee, the Booker study will offer attorneys a private place to do research with information transferable equipment available.

The Sturgill, Thomas, Moore and Kestin Classrooms; the Carle E. Davis Faculty Study; the Melchiorna Group Study; the Law School Association Conference Room; the Collier Faculty Office and the Harbaugh/Britzke Client Counseling Negotiation Office all add immeasurably to the beautiful new physical plant, and each augments and facilitates the Law School programs.
The next event in the series of dedication activities was the inaugural Austin Owen lecture on Monday, October 12. The series was given by Drs. Judith and Marbury Hopkins in honor of her father, the Hon. Austin E. Owen ’50. Judge Owen served as a Circuit Court Judge of the Second Judicial Circuit in Virginia Beach from 1974 until his retirement in 1990.

The inaugural speaker for the lecture series was Kenneth W. Starr, Solicitor General of the United States. General Starr, who spoke on the topic of “Tolerance and Accommodation of Religious Expression in Modern America”, recounted several cases which he has presented before the Supreme Court involving religious freedoms. The cases, including one which dealt with the question of whether certain Native American tribes could use a psychedelic drug in their worship rituals and a case not yet heard at the time of the lecture dealing with animal sacrifice, seemed to focus on whether or not the court had the right to interfere with established practices of worship. The consensus from previous court activity thus far seems to reinforce a standard established 30 years ago by the Burger court which, to quote from the Richmond Times-Dispatch October 15th edition, states that, in order to be constitutional, “a law or state action must have a secular purpose, neither advance nor inhibit religion, and create no ‘excessive’ entanglement of government in religion.”

Robert MacCrater, former president of the American Bar Association and Chair of the ABA Task Force on Law Schools and the Legal Profession: Bridging the Gap, addressed the Legal Forum on October 22. He has served in numerous leadership positions including president of the New York Bar Association, the New York Bar Foundation, the American Judicature Society and has been a member of the New York House of Delegates since 1973. He also devoted time to public service, serving as Special Counsel to the Army for the investigation of the Mylai Massacre and as Counsel to the Governor of New York.

Mr. MacCrater recounted the three-year study by his blue-ribbon committee of practitioners, judges and legal academicians, from their pre-legal academic experiences through their professional training. He emphasized the Task Force’s development of a taxonomy of ten fundamental lawyering skills and four professional values, skills and values essential to the complete education of attorneys. Mr. MacCrater then outlined the Task Force’s proposal to create a National Institute on the Practice of Law to study ways to improve the education of attorneys.

The Dedication events and speakers provided a wide-variety of activities which made good use of the excellent new facilities and concluded with the Annual Fall Gathering which was held for the first time at the Law School. In addition to providing an opportunity for alumni to renew old acquaintances, the Gathering afforded alumni an opportunity to tour the new and renovated sections of the building.

During this two-week series of events, receptions were held in the atrium, foyer, courtyard and faculty study. Speakers met with student organizations and taught classes in the new classrooms which also doubled as forums when overflow crowds necessitated simulcasts from the Moort Courtroom. But the best use of the new facilities is by faculty and students who applaud the generous alumni donors, the supportive friends of the Law School and the far-sighted University administration who made possible one of the finest law school facilities in the country.
Rabbit Moore '61 and family in the S.D. Roberts Moore Classroom.

Jean and Jim Tarpley in the Tarpley Administrative Suite.

Ralph Mirarchi and family members came down from Pennsylvania to see the new Mirarchi Gallery which will house original art.

Lewis Booker stands in the new Attorney's Study given in his honor by the firm of Hunton & Williams.

Dean Harbaugh and wife Barbara Britzke stand in front of the office they gave.

Boyd Collier and family members in front of the faculty office he gave.

Sarabeth Murphy Kawagule and Sean Murphy in the classroom given in memory of their mother Ricki Kestin.
Introduction

As attorneys, we are trained to foresee, analyze, and solve legal problems for our clients and constituencies. In our zeal to do so, it is easy to overlook, or postpone, review and analysis of legal issues relating to our own organizations. This article is designed to provide a brief overview of the impact of two pieces of recent legislation, the Americans with Disabilities Act and the Civil Rights Act of 1991, on the legal workplace. Awareness of and compliance with the ADA and the Civil Rights Act may avoid major litigation and liability, in addition to furthering the statutes' goals of eliminating discrimination.

Congress passed the Americans With Disabilities Act (ADA) in 1990 to eliminate discrimination against the estimated 43 million Americans with disabilities. Such discrimination costs billions of dollars by fostering unnecessary dependency and nonproductivity. Title I, directed at employment, and Title III, directed at public accommodation, became effective in 1992, and directly affect all but very small legal employers. In addition, Congress made major amendments to other civil rights laws in the Civil Rights Act of 1991. Both statutes impact attorneys as employers and employees, and as providers of public accommodations.

Public Accommodation Requirements of the ADA

Title III of the ADA expressly defines law offices with operations affecting commerce as public accommodations. As a place of public accommodation, a law office cannot discriminate on the basis of disability in the "full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations", regardless of whether the firm owns or leases the premises. The public accommodation provisions became effective on January 26, 1992, although businesses with gross receipts of less than $500,000 and less than 10 employees are protected from civil claims under this section until January 26, 1993.

These provisions not only require accessibility to the office, but also require access to services and facilities in an integrated setting. The ADA requires places of public accommodation to modify practices and procedures to insure access for individuals with disabilities, unless the changes would fundamentally alter the nature of the services or facilities. Also, a person with a disability cannot be denied legal services because of the absence of "auxiliary aids or services" which include interpreters, readers, or equipment or devices that would enable communication with disabled individuals, such as those who are hearing or visually impaired.

Architectural and communication barriers must be removed where readily achievable without much difficulty or expense. The cost of the action, the financial resources of the firm, the number of persons employed, and the impact on the operation of the facility will be considered in determining whether removal of a barrier is readily achievable. If removal of a barrier is not readily achievable, access must be made available through readily achievable alternative means. In addition, new construction and substantial alterations to existing facili-
Employment Provisions of the ADA

The employment provisions, contained in Title I, cover employers with 25 or more employees currently and, as of July 26, 1994, will cover employers with 15 or more employees. The ADA prohibits discrimination against "a qualified individual with a disability because of the disability ... in regard to job application procedures, the hiring or discharge of employees, employee compensation, advancement, job training, and other terms, conditions, and privileges of employment." The three key concepts in the employment provisions are: 1) what constitutes a disability; 2) who is a qualified individual with a disability; and 3) what is discrimination.

Disability is defined as "a physical or mental impairment that substantially limits one or more of the major life activities of such individual." Major life activities are those activities that the average person can perform with little or no difficulty, including walking, seeing, hearing, breathing, learning, working, caring for oneself, and participating in community activities. Discrimination against individuals who have a history of disability or are perceived to have a disability, even if they do not, and individuals who have a relationship with an individual with a disability is also prohibited. An individual cannot be denied employment because she is a cancer survivor, has asymptomatic arthritis, or because she lives with a person with AIDS, for example.

In order to bring a claim of discrimination, an individual must establish that she is a qualified individual with a disability, i.e. that, with or without reasonable accommodation, she can perform the essential functions of the job. The essential functions of the job are determined by the employer, but must be based on actual rather than theoretical job duties. Written job descriptions will be considered evidence of the essential job functions. It is important for employers to define accurately the essential functions of all jobs, preferably in writing, before being faced with an issue of disability discrimination or accommodation.

The ADA has a deliberate discrimination, use of standards, criteria, methods of administration or tests that have the effect of discrimination, and failure to reasonably accommodate a qualified individual with a disability. Required reasonable accommodations may include, but are not limited to, making facilities accessible, job restructuring, modifying work schedules, reassignment to a vacant position, acquiring or modifying equipment or devices, or providing readers or interpreters. The employer must make the accommodations necessary to allow a disabled employee to perform the essential functions of a job, unless the accommodations would create undue hardship.

The ADA also prohibits participation in a contractual arrangement or relationship, such as holding a training seminar in an inaccessible facility, that has the effect of subjecting a qualified disabled employee or applicant to discrimination.

The ADA provides several defenses to a claim of discrimination. An employer may justify the use of discriminatory job qualifications, selection criteria or tests by establishing that they are job related and consistent with business necessity. The statute also permits an employer to use a qualification standard requiring that an individual not pose a direct threat to the health or safety of others in the workplace. Finally, an employer may refuse to reasonably accommodate a disabled individual if the accommodation would impose undue hardship, measured by significant difficulty or expense, on the business of the employer. In addition, of course, an employer could defend against an action under the ADA by proving that an individual was not disabled, or not qualified for the position, or that the individual was not discriminated against because of the disability.

Along with the other prohibitions on discrimination, the ADA directly limits the use of medical examinations. A medical exam may be required of an applicant only after an offer of employment is made. The offer may be conditioned on the results of
the exam only if all new employees in the same job category are subjected to the exam, the medical information is kept confidential, and any disqualification resulting from the exam is based on criteria that are job-related and consistent with business necessity. During the hiring process the employer may make inquiries about an applicant’s ability to perform the job, but not about the applicant’s disability.

Legal employers covered by the ADA should be taking the steps necessary to ensure compliance. Appropriate steps include the following: 1) revise applications, hiring, and promotion procedures to omit inquiries relating to disabilities, improper medical exams, and selection criteria that are not job-related; 2) write or rewrite job descriptions to reflect essential job duties; and 3) insure accessibility of the workplace.

Civil Rights Act of 1991

The Civil Rights Act of 1991 made significant revisions in both Title VII of the Civil Rights Act and Section 1981. Among the most important changes are the provisions for compensatory and punitive damages and the right to jury trial in cases of intentional discrimination under Title VII. These changes significantly expanded available remedies in cases alleging discrimination on the basis of gender, religion, national origin, and disability. This expansion of remedies will be particularly important in cases alleging sexual harassment. Unlike the compensatory and punitive damages under Section 1981 for race discrimination, however, the damages available under Title VII are capped on a sliding scale determined by the size of the employer. Since the passage of these amendments, the number of charges filed with the EEOC has increased by 1%

The 1991 amendments also overturned several Supreme Court decisions unfavorable to plaintiffs. Section 1981 now covers all aspects of race discrimination in employment, including harassment and discharge, making uncapped compensatory and punitive damages an available remedy in these cases. In addition, the amendments make it unlawful for an employer to base an employment action on any factor other than race, color, gender, national origin, or religion. If the employer demonstrates that it would have taken the action even without the unlawful motive, the remedy may be limited but the finding of discrimination will be unaffected.

Conclusion

This article highlights some of the provisions of the ADA and Civil Rights Act that will impact legal workplaces. Attorneys should familiarize themselves with the provisions of these important new statutory provisions, and take the necessary steps to insure that their workplace is in compliance.

1. Title II prohibits discrimination against individuals with disabilities by state and local governments, which frequently are legal employers also. 42 U.S.C. § 12132.

2. 42 U.S.C. § 12181(b) (2). Places of public accommodation with gross receipts of less than $1 million and 10-25 employees were covered effective July 26, 1992. 42 U.S.C. § 12181(b) (1).

3. Exceptions are shopping centers or malls, professional health care offices, and other buildings determined by the Attorney General to require elevators. 42 U.S.C. § 12183(b).

4. The definition of disability applies to all sections of the ADA. While the term physical or mental impairment is not defined, the legislative history provides some definition. See 42 U.S.C. § 12111; Senate Report No. 116, 101st Cong., 1st Sess. at 22.

5. See 56 Fed. Reg. 35734, 35735 (1992) (to be codified at 29 C.F.R. § 1630.2(i)). Inability to perform a particular job or a small number of jobs is not sufficient to constitute a substantial limit on the major life activity of working.

6. 42 U.S.C. § 12111(8). Other evidence to be considered in determining essential functions includes the amount of time spent performing the function, the work experience of incumbents in the job with respect to the function, the terms of any collective bargaining agreement, and the consequences of not requiring the incumbents to perform the functions. 56 Fed. Reg. 35734, 35735 (1991) (to be codified at 29 C.F.R. § 1630.2(i)).

7. Due to space limitations, this article will discuss only the amendments deemed most relevant to legal employers.

8. The enforcement and remedial provisions of Title I of the ADA track those of Title VII of the Civil Rights Act, as amended. 42 U.S.C. § 12117.
On February 12, 1993, the T. C. Williams School of Law will give Dr. Samuel A. Mudd's descendants a chance to clear his name. On that day, which is Lincoln's birthday, a moot court will be held in the new Moot Courtroom to hear an appeal of Dr. Mudd's convictions as a conspirator in the assassination of President Abraham Lincoln.

F. Lee Bailey will defend Dr. Mudd. Bailey's co-counsel will be Candida Ewing Steel, who represents the Mudd family today and who is the great-great granddaughter of the lawyer who defended Dr. Mudd at his trial in 1865.

"We are going to give Dr. Mudd the appeal he couldn't get in 1865," says John Paul Jones, Professor of Law at the Law School. "There was no appeal process for military courts until after World War II, and while the decision of the moot court will not be binding, the review of Dr. Mudd's case promises to be the most thorough ever conducted," Prof. Jones adds.

Dr. Mudd, a Maryland physician, was sentenced to life in prison after he treated Lincoln's assassin, John Wilkes Booth, for a broken leg in the hours following the shooting of the President at Ford's theatre in Washington. Even though he always maintained his innocence of ties to the Lincoln conspiracy, Dr. Mudd was found guilty 127 years ago by a military court known as the Hunter Commission.

Eight law students at the University of Richmond are combing through the 4,000-page transcript of the Hunter Commission's proceedings as well as other nineteenth century sources to produce 50-page briefs for the Army and the defense as well as a bench briefs for the judges. The briefs will center on three issues:

—Whether the Hunter Commission, a military court, had the right to try Dr. Mudd, a civilian.
—Whether the Hunter Commission's proceedings violated 1865 norms of fundamental fairness warranting reversal.
—Whether the prosecution satisfied the correct standard of proof.

"To make this possible we have invented something that did not exist in 1865," says Prof. Jones. "We have created a right to an appeal to a 'Special Court of Military Review' supposedly established by an Act of Congress. The date of our moot court hearing we will presume to be February 12, 1867."

While the University of Richmond's court may be moot, the point of Dr. Mudd's guilt or innocence is not—at least not to the Mudd family. Several descendants of Dr. Mudd are expected to attend the February 12 proceedings. They have pressed vigorously over the years to have their ancestor's name cleared of conspiracy charges. In July of this year, for example, the Department of the Army denied a recommendation of the Army Board for Correction of Military Records (ABCMR) that Dr. Mudd's name be cleared. The ABCMR did not consider the guilt or innocence of Dr. Mudd, but concluded that the Hunter Commission had no jurisdiction over civilians.

In rejecting the recommendation of the Army Board earlier this year, William D. Clark, Acting Assistant Secretary of the Army, said, "Even if the issue might be decided differently today, it is inappropriate for a non-judicial body, such as the ABCMR to declare that the law 127 years ago was contrary to what was determined contemporarily by prominent legal authorities."

The moot court will be held in the University's 220-seat courtroom. In addition, the proceedings will be broadcast in two adjacent classrooms with seating for another 180.

"This will be an excellent way to see history and the law come together," remarked Professor Jones. "It's a case that's 127 years old but still very much alive."
In the fall of 1992, every student registering for class was assigned a study carrel, and that carrel will be an “office” for the duration of the student’s tenure at the Law School. In addition, by 1995, all carrels will be wired so that each student will be able, via a laptop computer (which all 1L’s will be required to provide starting in the fall of 1993), to network with faculty, staff or other students in the Law School. Each student will also be able to access LEXIS/NEXIS and WESTLAW from his carrel, facilitating research and brief preparation. No other law school in the country provides this same advantage for its students, thus making T. C. Williams unique among law schools.

Those who have given carrels thus far are the following:

Mr. and Mrs. Kenneth J. Alcott
Michael B. Ballato ’80
Robert F. Brooks ’64
Mark S. Gardner ’78
C. Thomas Green ’80
Tom Guernsey and Kathie Klare
O. Lelan Mahan ’64
Ronald M. Maupin ’78
J. Waverly Pulley III ’72
Kenneth E. Powell ’78
The Hon. Reid M. Spencer ’51
Mr. and Mrs. J. Thompson Shrader
The Hon. and Mrs. Frederick D. Stamp, Jr.
George D. Varoutsos ’73
Mr. and Mrs. Newton Webb
Nancy G. Williams ’86
Archer L. Yeatts III ’67

The Law School Campaign continues to show strong progress under the leadership of Chair Bill Thomas ’63 and Vice Chair Jim Roberts ’57. Helping to realize the goal of $4 million are Major Gifts Chair Vince Mastracco ’64, Special Gifts Chair Sara Wilson ’78 and Carrel Campaign Chair Ken Powell ’78. The major emphasis of the campaign between now and June will be the drive to name the Carrels.

The study carrels provide wonderful naming opportunities for alumni who want to make gifts in support of the Law School. Nancy Williams who gave a carrel in honor of her husband stated: “My husband Mickey made a lot of sacrifices so that I could attend Law School at the University of Richmond, and I was delighted to learn of this opportunity to name something at T.C. Williams in his honor.”

As part of this campaign, several area committees have been established to chair the carrel effort in their areas. The Law School is most grateful to the following leadership:

Fredericksburg:
Thomas L. Bricken

Petersburg:
Peter D. Elidades

Richmond:
Herbert A. Claiborne, III
William W. Muse

Roanoke:
Olin R. Melchionna
S. D. Roberts Moore
Richard C. Rakes

When the Law School Association met on October 24, 1992, the Board voted to continue making annual and capital funds available from the Association which would provide grant monies to students on a need-basis. The Board also voted to make a gift to the Law School Campaign which would name the second floor conference in the new section of the Law School. This conference room is used by student and faculty groups as well as, on occasion, groups from other areas of the University. It is appropriate and significant that the Law School Alumni Association should be noted as having made this kind of visible contribution to the campaign which furthers the mission of their Alma Mater.
1992 CLASS REUNIONS

On Saturday, October 10, the class of 1967 became the first class to make a 25th Reunion gift to the Law School. The class, under the leadership of Archie Yeatts and Francis Penderson, made a commitment to the Law School of $50,000. This is the largest gift ever made by an individual class, and it was given to name a classroom in memory of their deceased classmates (see mention made on page 8).

The Columbia grads were hosted at a luncheon at the Law School by the Law School Association. The luncheon took place in the newly renovated and redecorated Carle E. Davis Faculty Study. The Reunion parties ranged from a barbecue under a tent in the backyard to dinner at La Petite France. It was a festive time and the Dean, his wife Barbara Britzke, and Diane Brust, the Alumni Director, managed to attend each party to share in the fun and the memories.

A Silver Anniversary for Judge Merhige

On Saturday, August 22, 1992, Judge Robert R. Merhige, Jr.'s law clerks, both past and current, honored Judge Merhige's 25-year tenure on the bench with a gala event at the Downtown Club in Richmond. Joining Judge and Mrs. Merhige were the clerks who had served with Judge Merhige during the past twenty-five years, their spouses and guests, the Judge's secretary Brenda "Twiggy" Munford and his long-time court reporter Gil Halasz.

In addition to making a gift of $10,000 to fund the Merhige Center for Environmental Law Negotiation Competition, Judge Merhige's former law clerks also gave him a five-year update to a book of memories which they had compiled for him on the occasion of his 20th anniversary with the bench.

In recognition of Philpott's dedicated public service and his many contributions to the University of Richmond, the Law Review has published "remembrances" by former Governor Gerald L. Baliles, Attorney General Mary Sue Terry, Delegate Lewis W. Parker, Jr., and State Corporation Commissioner Theodore V. Morrison, Jr. The contributors' accounts of Mr. Philpott's thirty-three years in the Virginia General Assembly are a testimony to the admiration and respect which his colleagues and associates had for the former Speaker of the Virginia House of Representatives. And, as politics imitates life, there are humorous anecdotes as well.

Commissioner Morrison closes his remarks about the former Speaker by saying, "Measured by the sheer volume, importance, and quality of his contributions to the public good, we have lost one of the greatest Virginians of this or any age."

Ken Powell Assists in the Republic of Georgia

Ken Powell '78, spent two weeks in the Republic of Georgia last summer as part of a delegation of American businessmen attempting to find ways to ease that country's transition to a market economy. Georgia is the only former Soviet Republic which chose not to join the Commonwealth of Independent States.

Ken reports that those trying to develop a market economy "have little concept of profits and interest, much less depreciation, marketing or ways to develop the human resources necessary to support free enterprise." When he pointed out the amount of business that flourishes untaxed outside the official economy, the first reaction of Georgia's leaders was to create a ministry of small business to control entrepreneurial activity. "Government officials don't understand," he said, "that businesses need leadership from government, not control."

Ken foresees the possibility of trade with this country in pharmaceuticals, cigarettes and alcohol products and believes that long-term planning and commitment are important for law firms developing an international practice with Georgia.
Law School Association Elects New Directors

The Law School Association is pleased to announce that the Hon. Edgar L. Turlington, Jr. '59, was unanimously elected at the Annual Alumni meeting on October 24, 1992 to serve as President of the Association, and George D. Varoutsos '73 was elected to serve as Vice President. Both officers will serve a term of two years. Sara R. Wilson '78 will continue to serve on the Board as Past President where her expertise will be invaluable to the Board which she has served so ably, first as a Director, then as Vice President and President.

The Law School Association is also pleased to announce the election of five new members of the Board to serve terms of three years and one new member to fulfill the term of office of George Varoutsos. The Association is grateful to Ken Alcott '83 who chaired the nominating committee.

The Board would also like to express its deep appreciation to its retiring members who demonstrated strong leadership during their tenure in office. Retiring after three years of service as Directors are Steven D. Barnhart '84; William M. Baskin, Jr. '76; Henry P. Custis, Jr. '70; Carl C. Gillespie, Jr. '57; and Jane S. Glenn '83.

Bruce A. Beam received his undergraduate degree from Virginia Tech in 1956. After serving as an officer in the United States Navy from 1957 to 1961, he attended the University of Richmond School of Law, receiving in J.D. in 1964. That same year he joined the American Electric Power System at Appalachian Power Company’s Roanoke office. His present position with AEP is Vice President of Government Affairs in the company’s Washington, D.C. office, where he is responsible for the company’s relations with the United States congress, the Administration and relevant federal agencies. Bruce continued serving in the U.S. Naval Reserve from which he retired in 1988 after 31 years of service.

Boyd F. Collier is senior partner and shareholder of Allen, Allen & Allen. He received his B.A. from Wake Forest University in 1961 and his J.D. from the University of Richmond in 1964. He is the Past President of the Central Virginia Legal Aid Society and of the Richmond Trial Lawyers Association. He is also a past member of the Board of Directors of the Richmond Bar Association. Boyd has served as substitute judge of the 13th Judicial District and is currently a Council member of the Virginia State Bar and a faculty member of the National College of Advocacy.

John C. Ivins, Jr., received his B.A. from Virginia Tech in 1979 and his J.D. from T.C. Williams in 1983. He joined Hirschler, Fleischer, Weinberg, Cox & Allen in 1984 after serving one year as a staff law clerk at the Virginia Supreme Court. John was elected a shareholder in his firm in January, 1992 and is a member of the firm’s litigation section and Chair of its Marketing Committee. He currently serves on the Executive Committee of the Young Lawyer’s Section of the Virginia Bar Association. He also serves on the Board of the Universe Society of the Science Museum of Virginia and is president of the Hugenot Farms Civic Association.

Jane A. Lawrence, after graduating from T.C. Williams in 1991, began working with the firm of Bouhan, Williams & Levy in Atlanta where she is currently concentrating on business litigation. While in Law School, Jane was a member of Law Review and served as Editor of the Annual Survey of Virginia Law.

Burke F. McCahill, after graduating from the College of William and Mary in 1975, received his J.D. from the University of Richmond in 1976. Currently Burke is in private practice with Hanes, Sevila, Saunders & McCahill in Leesburg, Virginia where he specializes in domestic relations.

Richard Cullen, who received his law degree from T.C. Williams in 1977, has been elected to fulfill the term of George Varoutsos. Richard is the U.S. Attorney for the Eastern District of Virginia, but has practiced as a litigation partner in the firm of McGuire, Woods, Battle & Boothe. He 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 Hearings. Richard also served as special counsel to Sen. Paul Trible during the Iran-Contra hearings in 1987. Earlier he was political advisor to Republican Governor John Dalton and Attorney General Marshall Coleman.
The Hon. Edgar L. Turlington, Jr., now serving as President of the Law School Association, received his B.A. in Political Science from the University of Richmond in 1954 and his LL.B. from T.C. Williams in 1959. He practiced law from 1959 till 1980 when he was appointed Judge of the General District Court of the City of Richmond, Civil Division. He has served on numerous committees of the Supreme Court of Virginia, including Rules, Law Revision and the Board of the Conference of General Court Judges. He has also served as a board member of the Virginia Association of District Court Judges representing the 7th Congressional District. He has served on the Law School Association Board of Directors since 1987.

George D. Varoutos, a native of Arlington, Virginia, graduated from Richmond College in 1970 and, upon receiving his J.D. from T.C. Williams in 1973, clerked for U.S. District court Judge Oren R. Lewis. He then joined the firm of Varoutos, Koutoulakos, Arthur & Dolan. George opened his own firm in 1976 and now specializes in criminal and personal injury litigation. He is a past president of the Arlington County Bar Association and is currently a substitute General District Court Judge and a member of the Virginia State Bar Council. He has served on the Board since 1987.

Admissions Update

The Law School experienced many remarkable accomplishments during 1992 and the area of admissions was no exception. After thoroughly reviewing 1845 applications, 155 outstanding individuals were admitted to the Class of 1995.

This class represents 74 undergraduate institutions, 14 states and includes 32 students of color. It is the first class in the history of our school to be comprised of more women than men - 51% women and 49% men. In addition, this is the youngest class in recent years with the average age of 24. This new "youthfulness" is attributable to the economy which has discouraged many prospective students from leaving established jobs to begin a new career path. Finally, these students achieved an average LSAT in the 89th percentile and an undergraduate GPA of 3.3.

Perhaps one of our most successful innovations this year was the Richmond Applicant Video Essay (RAVE) program. Students who were qualified for admission based on the traditional numerical indicators and activities but whose credentials were virtually indistinguishable from one another were invited to submit a short video interview. These students were provided with three questions from which they were instructed to select one to answer on the tape. Two hundred and forty students were invited to participate; eighty five actually submitted a tape. A small group of alumni agreed to aid the Law School in the process of reviewing the tapes and commented on applicants who "stood out from the crowd." These comments were passed on the the Admissions Committee to consider as they reviewed the entire application. Sixteen students who submitted a video were admitted to the class and 10 others were admitted to the Approval By Performance Summer Program. The RA VE program has attracted national attention in the National Law Journal, the Miami Herald, Public Radio and most recently in Newsweek magazine. In addition, other law school administrators have contacted the Admissions Office to use this program as a model at their institutions. Once again, T.C. Williams is on the cutting edge of a new trend!

All in all, the Admissions Committee, the professionals and staff of the Admissions Office, and many supportive alumni have led us through an exciting and productive year. The thoughtful admissions process has attracted outstanding students and allows the University to continue its tradition of producing outstanding lawyers.
Ronald J. Bacigal's biography of Judge Robert R. Merhige, Jr., entitled *May It Please the Court*, has been published by University Press of America. This unauthorized biography, which provides a view of one of T. C. Williams’ most respected, admired and controversial alumni, studies Judge Merhige in the context of ten particular cases over which he has presided which caused him to be the focus of great public scrutiny. The book is available in the University of Richmond bookstore.

Okaner Christian Dark recently published *Cosmic Consciousness: Teaching on the Frontiers*. In addition, she has spoken at several conferences including the annual meeting of the Virginia College Placement Association, the Alpha Kappa Mu Conference at St. Paul's College, the LSAC Academic Assistance Training Workshop, the John Marshall Teachers Institute, and the AALS New Law Teachers conference. Titles of presentations include “Campus Scholar: An Endangered Species or The Bench Mark?” and “Creating an Environment That Fosters Cultural Diversity.” She also presented a paper at American University sponsored by the *Journal of Gender and the Law*. Professor Dark continues to serve on the LSAC/LSAS Minority Affairs Committee, is a member of the 1992-93 Leadership Metro Richmond Program and was recently appointed to serve on the Virginia State Bar Committee on Judicial Nominations.

Thomas F. Guernsey was appointed Associate Dean at the Law School in the summer of 1992. Professor Guernsey joined the faculty in 1980 after receiving his LL.M. in Clinical Skills Education from Temple University School of Law. At T. C. Williams, he has taught Evidence, Civil Procedure and Property, as well as a number of skills courses such as Negotiation, Interviewing and Counseling, and Trial Practice. He recently published a book, *Trial Practice*, and has two books at press: one a treatise, *Virginia Evidence*, and the other another treatise produced with Kathie Klare entitled *Special Education Law*: As Associate Dean, Tom will administer the School’s academic program and continue to teach half time.

Steven D. Hinckley, Director of the Law Library and Assistant Professor of Law, spoke at the Virginia Library Association Annual Meeting, held on November 13, 1992 in Richmond. Professor Hinckley’s talk focused on safeguards librarians must take when providing legal reference assistance to avoid liability for unauthorized practice of law.

Ann C. Hodges has recently published an article in the Chicago-Kent Law Review entitled “The Steelworkers Trilogy in the Public Sector.” The article was part of a symposium on “Labor Arbitration Thirty Years After the Steelworkers Trilogy” which was composed of a series of articles by labor law scholars about the Steelworkers Trilogy.

J. Rodney Johnson published “Recent Developments in Wills, Trusts & Estates Law” in the *UR Law Review*; introduced a new course, Elder Law, in the Law School curriculum; and helped draft legislation to be introduced in the 1993 Session of the Virginia General Assembly dealing with transfers of property by and to churches, transfer on death registration of stocks, revocation of spousal insurance beneficiary designations upon divorce, and notice in probate. He has also been appointed a member of the Reporter’s Consultative Group for the Restatement of Property, III, and has prepared a video program entitled “Legal Ethics in Estate Planning and Administration.” Lastly, Professor Johnson competed in the Richmond Marathon and participated in a two-week mission/construction project at Tahi National Baptist Assembly in Hungary.


Robert E. Shepherd, Jr. was appointed by Presidents Sandy D’Alemberte and Michael McWilliams of the American Bar Association to serve on the ABA Work Group on the United Nations Convention on the Rights of the Child. In addition, he has been appointed by Presidents Ninian Edwards and Roy Willett of the National Council of Juvenile and Family Court Judges to serve as a member of the Board of Fellows of the National Juvenile Justice Center in Pittsburgh, the principal research center on juvenile law concerns in the world. Professor Shepherd is also serving as one of the three lay members of the Task Force on Serious Juvenile Crime established by Virginia House Joint Resolution 36 passed at the 1992 General Assembly session.

Peter N. Swisher is writing a treatise, *Understanding Family Law*, with Professor John Gregory of Hofstra University Law School and Professor Sheryl Scheible of the University of New Mexico Law School. The treatise will be published in 1993. Professor Swisher also lectured to the Virginia Circuit Court judges at the 1992 Judicial Conference on Domestic Relations Law and spoke at the Pre-Bench Orientation Program for Juvenile and Domestic Relations Court judges on Child Custody and Visitation issues. In the fall, he completed a law review article entitled...
"Products Liability Tort Reform: Why Virginia Should Adopt the Henderson-Twerski Proposed Revision of Section 402A, Restatement of Torts."

Michael Allan Wolf was named the Law School's recipient of the University of Richmond's Distinguished Educator Award. Professor Wolf's most recent publications include "Mixité des operations: l'expérience américaine," an article on inclusionary zoning that appeared in the December, 1991 issue of Etudes Foncières, and "Saving the Honorable Court," the closing essay for the University of Richmond Law Review symposium on the Supreme Court (1992). In June, 1992, Professor Wolf testified on federal enterprise zone proposals before the Economic Stabilization Subcommittee of the House Committee on Banking, Finance and Urban Affairs, and presented a talk on "Federal Enterprise Zone Initiatives" as part of a Congressional Research Service seminar. Also in June, he published Op-Ed pieces on enterprise zones in the Wall Street Journal and the Journal of Commerce.

Paul J. Zwier submitted for publication to the Practicing Law Institute a manuscript entitled "Ethics in Litigation: From First Client Interview to Trial" (expected publication 1993). Professor Zwier continues as Program Director for NITA's Persuading the Appellate Court Program which will be held March 10-12, 1993. Professor Zwier has also been appointed by NITA as the Coordinator/Program Director for Litigation Training Programs at the Federal Trade Commission.

Ellen Firsching (3L) and William Atkinson (3L) won the Annual Carrico Moot Court Competition, held October 30, 1992, in the new Moot Courtroom. Chief Justic Harry L. Carrico of the Virginia Supreme Court, the Hon. George F. Tidey '63, Judge of the Henrico Circuit, and Judge David Lowe, United States Magistrate for the Eastern District of Virginia, presided. The petitioner was a felony child abuser who agreed to birth control using Norplant as part of her parole, with six years imprisonment as her alternative. The petitioner sought to have the Norplant requirement removed due to violations of Fourteenth Amendment Equal Protection and Due Process, and violation of a constitutional right to informed consent. Finalists Patrick Coll (2L) and Kendrick Cleveland (2L) represented the State in this outstanding competition.

The 1992 Annual Negotiation Competition was also a success again this year, with Deborah McConnell (1L) and Kara Gibbon (1L) winning a close contest against Thomas Winn (3L) and Sara Bugbee (3L, Visiting Student). Both teams will represent T. C. Williams in the Regional Competition in Delaware.

Hugh Aaron (3L) won First Place in the annual student writing competition sponsored by the Medical and Law Committee of the Tort and Insurance Section of the ABA. The article, "The Reverse Kickback: Application of the Medicare and Medicaid Anti-Kickback Statute to Business Arrangements Between Hospitals and Hospital-Based Physicians," was printed this fall in the Annals of Health Law.

Notes from the SBA Office

The officers and committee members of the Student Bar Association have worked diligently this year to make the SBA something more than just a social committee. New committees have been formed and the missions of 163 existing committees have been revisited to ensure that the SBA is meeting the needs of the student body.

The University Relations Committee will make Law students and other University students aware of the educational, cultural, and social activities of the other student groups, and will bridge the gap that currently exists between the Law School and University populations. Additionally, the SBA has formed a Constitutional Review Committee to revise the Constitution to accommodate the new focus of the SBA.

SBA representatives Marcia McCarthy, Bill Atkinson, Laurie West, Mike Feinmel and Lisa Spickler at ABA meeting in San Francisco.

The Juris Publici, the student periodical, changed its format from journal to a newspaper, increasing the size of each edition and the number produced each year. It has also added several features including an editorial and a Point/Counter-Point section.

The Legal Forum has continued in its tradition of bringing renowned scholars and practitioners to the Law School to address the Law community. This year the Legal Forum has brought John C. Shepherd, past president of the American Bar Association, who delivered a talk entitled "Professionalism in the Law: The Role of the Lawyer in the Community—Past, Present and Future," and co-sponsored Robert MacCrate, another former president of the ABA, to speak on "The Legal Profession: Bridging the Gap Between Law School and Law Practice." This year the Legal Forum is working with Professor Jones to convene the mock military appeals tribunal to hear the appeal of Dr. Samuel A. Mudd, and will bring two scholars to the Law School sometime in the next few months to debate issues surrounding the death penalty.

All SBA committees and students have made a strong commitment to action this year. Consequently, 1992-93 is shaping up to be a year of accomplishment for the SBA.
News received by November 15, 1992

40s
Alvin Guttag '47 is enjoying retirement at Ashbury Methodist Village in Gaithersburg, Maryland.

Robert L. Garian '58 retired from the Virginia Alcoholic Beverage Control Department after more than 31 years of service in the capacities of Assistant Secretary to the A.B.C. Board and more recently as Deputy Board Member for Regulation. He has since served on a time basis, as a consultant to the A.B.C. Board and as a member of a special task force created to preliminarily review recodification of Virginia's alcoholic beverage control laws.

50s
Allen S. Buffenstein '65 has joined the law firm of Mezzullo & McCandlish. Mr. Buffenstein heads the Bankruptcy and Reorganization Section and his areas of practice include business and real estate workouts and Chapter 11 reorganizations.

Alfred J. Owings '65 was elected President and Managing Partner of the Richmond law firm of Spinella, Owings & Shaia for 1992-1993.

Shockley D. Garner, Jr. '65 has been elected to the Board of Directors of the Atlantic Rural Exposition which operates the State Fair of Virginia.

Ralph "Bill" L. Axelle, Jr. '68 assisted in the preparation of a free summary of legislative action passed by the 1992 Virginia General Assembly that effects small- and medium-size businesses. Mr. Axelle is with the law firm of Williams, Mullen, Christian & Dobbins.

Edward D. Barnes '72 has recently opened the law firm Edward D. Barnes & Associates.

W. Thomas Hudson '72 has been elected Secretary-Treasurer of the Virginia Society of Association Executives. Mr. Hudson is the President of the Virginia Coal Association.

James L. Polley '72 was appointed Branch Counsel for Lawyers Title Insurance Corporation in its Richmond, Virginia branch office.

John L. Gregory III '73 has been appointed to the Executive Committee of the Virginia Bar Association. Mr. Gregory is with the law firm of Young, Haskins, Mann & Gregory in Martinsville, Virginia.

David S. Mercer '73 is a principal of the law firm, Rees, Broome & Diaz, P.C.

William W. Muse '73 left the Office of the Attorney General after seven years in the Criminal and Finance & Transportation Divisions, and has been appointed Assistant Counsel to the Judicial Inquiry and Review Commission.

W. Richard Kay, Jr. '74 was elected to the Board of Directors of the Mathematics & Science Center Foundation. Mr. Kay is Senior Counsel for Signet Bank.

Jane R. Stafford '74 adopted a son, Joshua Dwyer Stafford, from El Salvador. Joshua (aged 3) was naturalized in a ceremony performed by the Honorable Robert R. Merhige, Jr. in July 1991.

F. Dixon Whitworth, Jr. '74 has been elected Treasurer of the Winchester-Frederick County Bar Association.

Thomas P. Olivieri '75 was sworn in as a Judge of the Superior Court of New Jersey on February 21, 1992 following his appointment to the bench by Governor Jim Florio.

William D. Teveri '75 has been appointed as Assistant Counsel for Lawyers Title Insurance Corporation in the company's Pacific States office in Universal City, California.

E. Baxter Lemmond '76 received a master's degree in Alcohol and Drug Rehabilitative counseling from Virginia Commonwealth University. He is a member of the Virginia, Florida and Washington, D.C. bars. He is now practicing law in Richmond, Virginia.

Thomas W. Williamson, Jr. '76 has been elected Vice President of the Virginia Trial Lawyers Association for 1992-93. Mr. Williamson is with the law firm of Emroch & Williamson.

Theodore L. Chandler '77 was elected Vice President for Marketing of the Richmond-based law firm of Williams, Mullen, Christian & Dobbins. Mr. Chandler also has been elected to the Board of Directors of Lawyers Title Insurance Corporation.

Robert L. Flax '77 attended the Bar Leaders Workshop presented by the General Practice Section of the American Bar Association in Dallas, Texas, during the mid-year meeting from January 31 - February 2, 1992. Mr. Flax has been
elected to be the chairman of the General Practice Section of the Virginia State Bar. His term of office will be from June 19, 1992 to June 19, 1993.

Grant S. Grayson '77 has joined the law firm of Rilee, Cantor & Russell as a shareholder and director.

Charles T. Baskerville '78 has been elected President of the Prince George County Bar Association.

Thomas F. Eubank '78 was elected Vice President of the law firm of Spinella, Owings & Shaia for 1992-1993.

Ned M. Mikula '78 has been elected President of the Chesterfield-Colonial Heights Bar Association.

Michael Glasser '78 and Lori are the proud parents of two sons, Bern (3 1/2) and Jake (1 1/2).

Bernard C. Pattie '78 has been elected President-Elect of the Virgin Islands Bar Association to serve during 1993.

Kenneth E. Powell '78 was elected as a director of the Richmond-based law firm of Hazel & Thomas. Mr. Powell is chairman of the firm’s business/tax section.

Michael C. Allen '79 and Jody announce the birth of their fourth and last child, Margaret Lee Allen, on January 10, 1992.

Brian Buniva '79 has been named a Director of Mezzullo & McCandlish, responsible for Environmental and Land Use Law Department. Mr. Buniva joined the law firm last year.

John M. Clayton '79 has co-founded the law firm of Harman, Clayton, Corrigan & Wellman. The firm is located in the Innisbrook Corporate Center in Henrico County.

Herman C. Daniel III '79 was elected Vice President of the law firm of Spinella, Owings & Shaia for 1992-1993.

P. Christopher Guedri '79 has been named a partner and a member of the Board of Directors of the Richmond law firm of Allen, Allen, Allen & Allen.

James V. Meath '79 has been elected Vice President of the Richmond-based law firm of Williams, Mullen, Christian & Dobbins.

Janet L. Rockafellar '79 is Vice President in the Estate Administration Department of First Kentucky Trust Co., Louisville, Kentucky.

80s


Gregory F. Holland '80 has been named a counsel with the law firm of Mays and Valentine.

H. Taylor Williams, IV '80 opened an office as sole practitioner on September 3, 1991 in Franklin, Virginia.

John M. Carter '81 has been named Vice President, Major Transactions Counsel for Lawyers Title Insurance Corporation.

John W. Dozier, Jr. '81 has been elected President of the Virginia Creditors Bar Association, the statewide bar association for collection attorneys.

India Early Keith '81 is currently “of counsel” to her firm and thoroughly enjoying her five children: Dowd (7), Graeme (6), Barrett (5), Tanner (3), and Cody (9 months).

Robert B. Lloyd, Jr. '81 and Lisa Anderson-Lloyd '82 are assigned to the office of the Judge Advocate U.S. Army Europe in Heidelberg. Rob works in the contract law division and Lisa in administrative law.

Scott A. Milburn '81 has become a partner in the Seattle, Washington office of Preston Thorrinson Shidler Gates & Ellis, where his litigation practice emphasizes commercial law.


Sarah Hopkins Finley '82 assisted in the preparation of a free summary of legislative action passed by the 1992 Virginia General Assembly that affects small- and medium-size businesses. Ms. Finley is with the law firm of Williams, Mullen, Christian & Dobbins that prepared the summary of legislation which took effect July 1, 1992.

Deborah Fletcher '82 of the law firm of Hunton and Williams, has been elected as Secretary of The Metropolitan Richmond Women’s Bar Association.

Raphael Ferris '82 is practicing in Roanoke with concentration in criminal defense and plaintiff’s personal injury litigation. He has two children, Kristina (5) and Andrea (2).

Robert A. Leggett III has been named to the Henrico Advisory Board of Fidelity Federal Savings Bank.

Elizabeth Karn Manley '82 has been on "sabbatical" from law practice since December 1988, and she is enjoying the life of a full time mother of two sons, Thomas Maxwell Manley (5) and Jack Evans Manley (2). Along with husband Tom, they have recently moved to Wake Forest, North Carolina.

Jeannie L. Pilant '82 and husband, Phil Pollack, had their first child, Matthew Lewis Pollack on October 17, 1991.


Scott F. Breidenbach '83 formed a new law firm with his brother, Breidenbach, Breidenbach, Troncelliti & Bresnan effective September 1, 1991.

Edward L. Davis '83 and Jane had their first child on January 27, 1991, a son, Curtis Anton Davis.

Elizabeth F. Edwards '83 has been named as a partner of the Richmond law firm of McGuire, Woods, Battle & Boothe.

G. Carter Greer '83 joined the firm of Young, Haskins, Mann & Gregory in Martinsville, Virginia as an associate.

Patricia L. Harrington '83 married Mark A. Krueger, Deputy Assistant Commonwealth’s Attorney for Chesterfield County, Virginia, on December 27, 1990. Patricia Krueger is now the Chief Deputy Clerk for the Supreme Court of Virginia and is an adjunct faculty member of The T. C. Williams School of Law. Ms. Krueger teaches the criminal law clinical class.

John C. Ivins, Jr. '83 was elected as a shareholder in the law firm of Hirschler, Fleischer, Weinberg, Cox & Allen effective January 1992.

John Miller '83 announces the birth of his first child, Jennifer Terese, on October 16, 1991.
David R. Ruby ’83 has been named a principal in the Richmond law firm of McSweeney, Buritch & Crump, P.C. Mr. Ruby concentrates his practice in areas of business, tax and bankruptcy law.

John W. Steele ’83 announces the birth of a daughter, Margaret Shaw Steele, born July 9, 1991.

Lucia Anna Trigiani ’83 has been appointed to serve on the Virginia Real Estate Board as the first citizen member of the Board. Ms. Trigiani is with the law firm of Rees, Broome & Dias, P.C.

Thomas Tukdarian ’83 married the former Eva Griffin on November 16, 1991. They honeymooned on Maui and are living in Winter Park, Florida. Tom moved his law practice to Winter Park. Eva is a CPA with the Coopers & Lybrand office in Orlando.

Anita G. Vaughn ’83 has been elected as a shareholder in the law firm of Hirschler, Fleischer, Weinberg, Cox & Allen.

Eddie W. Wilson ’83 has changed the name of his law firm, formerly Wilson & Associates, to Wilson & Hajek. Mr. Wilson has joined in partnership with Francis Hajek TCW ’84.

J. William Boland ’84 has been named a partner in the Richmond law firm of McGuire, Woods, Battle & Boothe.

Benjamin W. Emerson ’84 has been named as a shareholder in the firm of Sands, Anderson, Marks & Miller.

Francis Hajek ’84 is a partner of the law firm of Wilson & Associates and the firm name has been changed to Wilson & Hajek.

Phillip W. Jones ’84 and Patricia Iroler Jones announce the birth of triplets, Caitlin Elizabeth, Mary Alden and William Phillip who were born on September 24, 1991. The triplets have two older sisters, Laura Leigh (3), and Ashley Ann (5). Mr. Jones is a sole practitioner in Hillsville, Virginia, and is the County Attorney for Carroll County.

George A. Neskes ’84 is an associate in the Norfolk law firm of Decker, Cardon, Thomas, Weintraub and Courcans. Mr. Neskes is working in the domestic relations section of the firm.

David J. Pierce ’84 is a member of the law firm of Kaufman & Canoels. Mr. Pierce’s practice includes medical malpractice defense, construction law and general commercial litigation.

Brewster S. Rawls ’84 has been named a Shareholder and Director of the Richmond law firm of Rice, Cantor & Russell. Mr. Rawls joined the law firm as an associate last year.

Robert M. Reed ’84 announces the birth of his second child, Robert M. Reed, Jr., born on June 16, 1991.

Paul Black ’85 and wife, Bobbie, have a daughter, Anna Christian, on May 27, 1992. Anna joins a sister, Elizabeth (19 months).

Mary K. Costello ’85 has joined the law firm of Shaljian, Cammarata & O’Connor of Jersey City, New Jersey on March 2, 1992 specializing in civil litigation and police liability defense.

David T. Doot ’85 has been elected as partner of Day, Berry & Howard in the firm’s Hartford office. He practices in areas of general corporate law, including mergers and acquisitions, with an emphasis on public utility law.

Sharon Gregory ’85 of Morschower, Lutxon & Whaley, was elected to serve as Vice President of The Metropolitan Richmond Women’s Bar Association.

Mark B. Rhoads ’85 has been named as Director of the Richmond law firm of Mezzullo & McCandlish. Mr. Rhoads joined the firm in 1988 and concentrates on litigation.

Bonnie Stotsky Salzman ’85 has been named Director of Investigation and Adjudication at the Virginia Department of Commerce.

Roderic Slayton ’85 was elected Mayor of Town of Orange, August 1991.

R. Griffith Thomas ’85 married to Barbara Page Bethune Robinson, April 1992, at Trinity Episcopal Church in Upperville, Virginia. They reside in Georgetown. Barbara is a graduate of the University of Virginia ’85 and is publisher of the Congressional Digest.

Michael Owen Wells ’85 is Associate Attorney with Wells, Paris, Blank & Brown, P.C. He is married to Sarah Badgett Wells and has a son, Andrew (2). Also, he is active in the theatre, including portraying Patrick Henry in recreation of “Liberty or Death” speech at St. John’s Church.

Karen Lebo ’86 of the office of the Attorney General, has been elected as President of The Metropolitan Richmond Women’s Bar Association.

Kirk R. Levy ’86 is associated with the firm of Sykes, Carnes, Bourdon, Ahern & Shapiro, P.C. of Virginia Beach. Mr. Levy concentrates his practice in the area of landlord-tenant/property management representation and commercial/civil litigation.


Derrick E. Rosser ’86 has been named as a partner in the Richmond law firm of Spinella, Owings & Shaia. Mr. Rosser was elected to serve as Secretary of the law firm for 1992-1993.

Annmarie Lantz Gover ’87 and husband, Matthew, are the proud parents of a son, John Franklin, born December 11, 1991.

Eric S. Jensen ’87 has formed the law firm of Smith & Jensen in Richmond. The firm will specialize in civil litigation.

Richard C. Lawrence ’87 has been named a principal in Meyer, Goergen and Mann. He was previously at McGuire, Woods, Battle & Boothe.

Stanley P. Wellman ’87 and Mary Lou Wellman have a daughter, Sarah Elizabeth, born May 5, 1992. Mr. Wellman is the founding partner of Harman, Clayton, Corrigan & Wellman, P.C., effective December 1991.

Jeffry C. Burden ’88 and his wife, Kathleen, announce the birth of their first child, Alexander Taylor, on May 16, 1992. Mr. Burden is the Staff Counsel with the Sheet Metal National Pension Fund in Alexandria, Virginia.


Donald J. Thornley ’88 is attending USMC Command and Staff College as of June 1992. DJ, Sarah, Max, Hilary &
Meriel will be in southern California (Camp Pendleton). He returned from Kuwait in June 1991.

Gloria L. Freye '88 joined the law firm of McGuire, Woods, Battle & Boothe and is a member of the firm's land use team in the real estate department.

Annette Miller '88 is a resident in the Virginia Beach offices of the Richmond law firm of Parker, Pollard & Brown. Ms. Miller's practice includes workers' compensation, personal injury and family law.

Karen Minter '88 has been elected a director of the Women's Optimist Club of Greater Richmond. Ms. Minter is the Assistant Commonwealth's Attorney in Richmond.

Kimberly Pinchbeck '88 has been elected Treasurer of the Virginia Women Attorneys Association.

Lisa B. Stiles '88 has joined the Pinkerton Group as Corporate Counsel. She was an associate at the Mays & Valentine law firm in Richmond.

Amy Ashworth '89 is an associate at the law firm of Christian, Barton, Epps, Brent & Chappell. Ms. Ashworth works in the creditor-relations department of the Richmond law firm.

Lisa Comber Hall '89 married John L. Hall, December 1990; received an LL.M. in taxation from Villanova University, May 1992; and joined the firm of Gawthrop, Greenwood & Halsted in West Chester, Pennsylvania.


Sharon Kathleen Eimer Nolley '89 and George W. Nolley '89 were married on August 1, 1992 in Rockville, Maryland. Mr. Nolley has a sole practice in Rustburg, Virginia and Ms. Nolley has taken a position as Assistant Public Defender in the Lynchburg City Public Defender's Office. They reside in Lynchburg, Virginia.

90s

Niall A. Paul '90 associate with the Charleston, West Virginia, law firm of Spilman, Thomas, Battle & Klostermeyer, has published an article entitled, "The Civil Rights Act of 1991: What Does It Really Accomplish?" in the winter publication of the Employee Relations Law Journal. Mr. Paul practices in the labor and employment law section of his firm.

Edward J. Powers '90 has joined the law firm of Vandeventer, Black, Meredith & Martin. Mr. Powers practices in the General Litigation Department of the Norfolk firm.

Kristi Todd Sansonetti '90 employed as Staff Counsel to the Judicial Officer, United States Postal Service. Her husband is the Solicitor, Department of Interior. Ms. Sansonetti is currently enrolled in the Graduate Studies Program, George Washington University earning her Masters in Law degree.

Joy E. Barbour '91 is an associate at the Richmond law firm of Williams, Mullen, Christian & Dobbins. Ms. Barbour practices in areas of bankruptcy, creditors' rights and banking law.

Steven B. Chaneles '91 recently joined the firm of Silver & Garrett in Coconut Grove, Florida. Mr. Chaneles specializes in commercial litigation and business transactions.


R. Temple Mayo '91 is an associate with the law firm of Williams, Mullen, Christian & Dobbins in Richmond, Virginia. Mr. Mayo's concentration includes commercial and construction litigation, administrative practice, insurance defense and professional malpractice.

Victor Narro '91 effective October 1992 has relocated to 1430 Colby Avenue, #202, Los Angeles, California 90025, phone (310) 478-8765.

Jodi P. Power '91 is an associate of the firm of Taylor & Schockeynoehl, P.C. Mrs. Power concentrates her practice in the area of medical and hospital negligence.

James H. Shoemaker, Jr. '91 is an associate with the firm of Kaufman & Canoels, P. C. Mr. Shoemaker practices in the Litigation Section of the Norfolk office.

William A. Truban, Jr. '91 is an associate with the Richmond law firm of Williams, Mullen, Christian & Dobbins in their Chesterfield office. Mr. Truban's practice includes business law and tax and estate planning.

In Memoriam

Anthony J. Baroody '35        April 12, 1992
F. L. Fleenor, Jr. '56        April 13, 1992
B. T. Franck III '28         August 12, 1992
Albert M. Heiter '45         August 16, 1992
Howard E. Hill '80           July 26, 1992
Willie L. Moore              October 11, 1992
Russell R. Stallard '56      June 3, 1992
Robert I. Stevenson          May 16, 1992
Howard G. Turner '48         November 5, 1992

Winter 1993
February 12, 1993—The descendants of Dr. Samuel Mudd seek to clear his name of conspiracy charges. The Moot Courtroom is the site to witness history and law come together. For more detail, please see page 15.