

Summer 1993

Richmond Law Magazine: Summer 1993

Follow this and additional works at: <http://scholarship.richmond.edu/law-magazine>



Part of the [Other Law Commons](#)

Recommended Citation

<http://scholarship.richmond.edu/law-magazine/30>

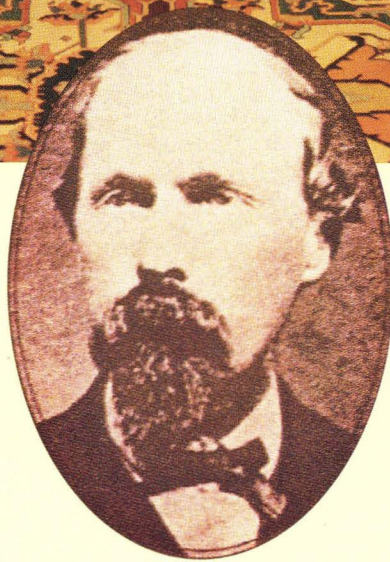
This Magazine is brought to you for free and open access by the School of Law at UR Scholarship Repository. It has been accepted for inclusion in Richmond Law Magazine by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

RICHMOND LAW

THE MAGAZINE OF THE T.C. WILLIAMS SCHOOL OF LAW
UNIVERSITY OF RICHMOND
Summer 1993, Vol. 6, No.2



1867



1993

*The Appeal of
Dr. Samuel A. Mudd*



Albert Lee Philpott
1919-1991

A. L. Philpott Adjunct Chair

A. L. Philpott R'41, L'47, who died in 1991, was one of the Law School's and the University's most distinguished alumni. To quote Jay S. Poole, Director of Government and Community Relations for Philip Morris, Inc.:

A. L. Philpott was one of the greatest men I've ever known. His conscientious obsession with making our Commonwealth the best place in America to live, raise a family and do business is a model for all of us.

A. L. had hoped to share with T. C. Williams' students the expertise he had gleaned from his years of practicing law and his service as a member of the Legislature. This year a distinguished group of colleagues decided to establish the A. L. Philpott Adjunct Chair as a memorial to a man who had served both the Commonwealth and the Law School so well. To date \$88,650 has been raised toward the goal of \$120,000. We invite your participation to help reach this goal. Please designate gifts to the A. L. Philpott Adjunct Chair.

Serving on the Committee are:

Co-Chairmen

Speaker Thomas W. Moss, Jr. '56
Del. C. Richard Cranwell '68
Del. Lewis W. Parker, Jr.

Committee

Sen. Hunter B. Andrews
Del. Robert B. Ball
Sen. Joseph B. Benedetti
Lt. Gov. Donald S. Beyer, Jr.
The Hon. Russell M. Carneal
Walter W. Craigie, Jr.
E. L. "Bill" Crump, Jr.
Del. V. Earl Dickinson
Judy Philpott Divers
The Hon. Elmon T. Gray
Reginald N. Jones, Esq.'68
The Hon. John Wingo Knowles'48
Sen. Benjamin J. Lambert, III
The Hon. C. Hardaway Marks
Del. Clinton Miller
The Hon. William F. Parkerson
Del. W. Roscoe Reynolds
James C. Roberts, Esq.'57
Del. Alson H. Smith
John W. Stadler
The Hon. Mary Sue Terry W'69
William G. Thomas, Jr., Esq.'63
Eva S. Tieg
Charles B. Walker

Donors to the A. L. Philpott Chair are:

Ms. Ann H. Austin
Mr. Robert B. Ball, Sr.
Bassett Furniture Industries
Mr. Charles C. Bassett
Ms. Lucy B. Bassett
Mr. Robert S. Bloxom
C & P Telephone Company
Sen. Robert L. Calhoun
The Hon. Russell M. Carneal
Mr. and Mrs. Robert G. Clark
Ms. Anne G. Coe
Mr. Bernard S. Cohen
The Hon. Kenneth M. Covington L'52
Mr. and Mrs. Walter W. Craigie, Jr.
Mrs. L. Karen Darnier
John J. Davies III, Esquire L'73
Mrs. Dwight L. Dillon
Dominion Resources
Ethyl Corporation
Mrs. Clarke R. Faudree
Garland Gray Foundation
The Hon. Robert E. Gibson L'48
The Hon. Frank Greenwalt, Jr. R'64, L'70
Mr. and Mrs. Irving M. Groves, Jr.
Ms. Mary K. Hart
Mr. and Mrs. William J. Howell
Joseph P. Johnson, Jr., Esq. '60
Reginald N. Jones, Esq. R'65, L'68
C. Hardaway Marks
Mr. and Mrs. Joe R. Meadors
McGuire, Woods, Battle & Boothe
Mr. and Mrs. E. Frank Montgomery
The Hon. Williams F. Parkerson, Jr. R'41
Philip Morris, Inc.
Mr. and Mrs. E. J. Philpott, Jr.
The Hon. Harry R. Purkey
The Hon. Roscoe Reynolds
Mrs. Hal C. Rich
Mrs. W. W. Sale
Mr. and Mrs. John H. Snead
Mr. Vic Thomas
Virginia Power
Mr. and Mrs. George G. Wade
Mr. and Mrs. Charles B. Walker UC'67

The Magazine of The T.C. Williams
School of Law
University of Richmond
Summer 1993, Vol. 6, No.2

Richmond Law is published biannually for the alumni/ae, faculty, and other friends of The T.C. Williams School of Law, University of Richmond, Virginia 23173

Editor / Diane Brust

Design / Rumble & Rumble: Design, Inc.

Class Notes Editor / Deborah Barlett

Contributors / Professor John Paul Jones

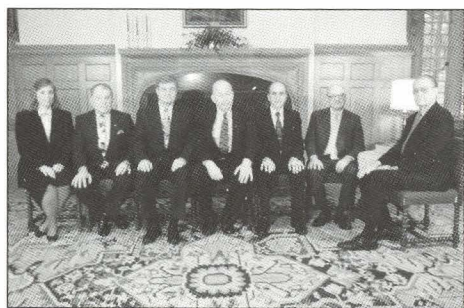
Photo Credits / Doug Buerlein,

Carlie Collier, Charles Street Photography,

La Plata, MD, Dementi-Foster Studios,

Karin Underwood

© Copyright 1993, The T.C. Williams School of Law, University of Richmond. This book may not be reproduced in whole or in part without express permission from the Law School Alumni & Development Office. (Phone 804/289-8028)



About the Cover / Participants in the Mudd Appeal proceeding from left to right: Attorney Candida Ewing Steel, Attorney F. Lee Bailey, The Hon. Walter T. Cox, III, The Hon. Robinson O. Everett, The Hon. Edward D. Re, Dean John S. Jenkins, and Dean John J. Douglass.

Richmond Law is printed entirely on recycled paper.

C O N T E N T S

2

DEAN'S PAGE

Ranking Among The Best

by Joseph D. Harbaugh, Dean and Professor of Law
The T. C. Williams School of Law

3

MUDD APPEAL

The Preparation, The Case, The Decision— An Inside Look At The Proceedings

14

JOGGING ON THE FIRST DAY OF LAW PRACTICE

T.C. Williams' Response To The Argument That American Law Graduates Are Unable "To Hit The Road Running"

by Joseph D. Harbaugh, Dean and Professor of Law
The T. C. Williams School of Law

17

NOTA BENE

Notes and asides from around the Law School

19

FACULTY FORUM

Members of the Faculty report on recent awards, honors, and publications

21

STUDENT CORNER

News from current students

22

CLASS NOTES

News from the Alumni

RANKING AMONG THE BEST

DEAN'S

P A G E

A number of alumni expressed deep concern last year when the first ranking of all 176 U.S. law schools was released by *US News & World Report*. In that 1991 poll, UR Law's rank of 99th placed us at the top of the third quartile. I am pleased that in the latest version of the *US News & World Report* (3-22-93) survey of graduate and professional schools, T.C. Williams was rated 75th in the nation, solidly in the top half of America's law schools.

The Law School jumped 24 places in the ranking by strengthening its position in four of the five categories and remaining in the same place in the fifth section of the survey. The classification scheme and a comparison of 1991 and 1992 rankings of the Law School are set out below.

The Law School's **leap of 55 positions in the placement category** is a tribute to the skill and dedication of Beverly Boone and JoAnn Bowen of our Career Services Office. While the change in rank is attributable in part to an alteration in record keeping to fit the *US News* survey model, the primary reasons we now rank in the top quarter of all law schools in graduates getting jobs are the creativity and organization that Beverly and JoAnn bring to their work. In the face of a nationwide recession and a sharp decline in the legal market, they have put us among the elite schools when it comes to assisting our graduates in landing a rewarding professional position.

UR **vaulted 45 places in our reputation among lawyers and judges** by providing opinion makers in the profession with information about our Law School. We learned in the aftermath of the '91 report that our low position was not based on a negative view of the School. Instead, we found out, few of the surveyed attorneys and judges knew of our Law School. To alter this

lack of recognition, we made a concerted effort this past year to inform the leaders of the legal profession of the existence and strength of the University of Richmond School of Law. That effort has apparently paid off.

Our **rise of 27 positions to the top half in resources allocated to the instructional program** is not due to a sharp increase in funds available to the Law School. Without advance approval of the University, in 1991 I refused to supply *US News* with the Law School's budget. In response, the magazine decided to estimate our per student expenditures, an estimate that turned out to be woefully low. This year I obtained permission to share financial data with *US News*. The 1992 ranking, therefore, reflects accurate information on instructional resources.

The 1992 evaluation of the Law School by legal academics, up 10 places over the preceding year, indicates a steady rise in our reputation. The drop of a single space in student quality is statistically insignificant and suggests we are continuing to attract top students. That conclusion is supported by the fact that we are **tied for 38th among**

Category	1991	1992
Student Selectivity: Entering class GPA and LSAT; percentage of applicants accepted.	63	64
Faculty Resources: Dollars spent per student; size of library collection divided by number of students; student/faculty ratio.	108	81
Placement Success: Percentage of class employed at graduation and after first bar exam results; ratio of on-campus recruiters to number of grads; average starting salaries for graduates.	97	42
Reputation Among Academics: Based on survey of deans and senior faculty.	105	95
Reputation Among Lawyers/Judges: Survey of 2,000 bar leaders, hiring partners and judges.	151	106

the 176 law schools on the median LSAT of our entering class.

While I am very pleased with the progress made in the past year to improve our ranking in the *US News* survey, we need to be cautious about the inferences we draw from the data. The criteria selected by *US News* do not necessarily measure academic and professional quality. Certainly, there are other factors that could be included in a qualitative analysis of legal education in the United States. Some, for example, would say that rating the quality and quantity of faculty scholarship is essential if there is to be a useful ranking of law schools.

Others may argue that scholarship is less relevant than a meaningful evaluation of teaching. *US News*, of course, does not include either of these standards. Nor does the survey take into account the strong and supportive relationships that develop between and among students and faculty here at Richmond, a factor that is consistently cited by visitors to the Law School as critical to professional socialization. On the other hand, the survey does not consider the curricular limitations inherent in a faculty that is half or a third the size of some other schools. All this is to say that while the *US News* report provides a perspective on American legal education, it is neither the only view nor is it a completely accurate vision of professional education in law.

Given this caveat, we should be proud that we rank among the best of the small private institutions and that we compete on even or better terms with many of the larger, publicly-funded schools. Be assured that the Law School administration will strive to improve the academic program according to the criteria selected by *US News* and by the standards that other knowledgeable members of the profession have identified as signaling quality legal education.

THE APPEAL OF DR. SAMUEL A. MUDD



Dr. Samuel A. Mudd— born December 20, 1833; died January 10, 1883

*M*ost of the almost 500 faculty, staff, students and guests who witnessed the Appeal of Dr. Samuel A. Mudd on February 12, 1993 at The T. C. Williams School of Law were absolutely riveted by the proceedings, but they had no idea how the Appeal came into being or how much work went into it. Although the Appeal itself lasted only about three hours, months of planning and preparation ensured a polished and detailed legal performance by all the participants.

THE MUDD APPEAL

The Preparation

by Bruce D. Albertson '94

The catalyst of the entire event was Professor John Paul Jones, a noted Constitutional Law scholar who has taught at T. C. Williams for the past eleven years. In the spring of 1991, Professor Jones was discussing with an attorney from the Army's Judge Advocate General's Corps the Mudd family's on-going attempts to clear Dr. Mudd's name of the charges and the infamy that has been attached to it for over a century. As they talked, the idea of holding a moot appeal for Dr. Mudd at the Law School at the University of Richmond began to absorb more and more of Professor Jones' time and attention. "Finally," Professor Jones recalls, "in March of 1992, I sat in the new Moot Courtroom and decided it was the perfect scene for such an event."

At that point, Jones had no idea whether or not the public and the Law School community would have any interest in the Appeal. After all, even though the family had been declaring Dr. Mudd's innocence for 125 years, it was past history. However, Dean Joseph D. Harbaugh responded with enthusiasm when approached with the idea. According to Jones, "The Dean was more realistic on how much interest would be invoked by the Appeal. I thought I would be lucky to get thirty or forty spectators. The Dean knew we would receive the huge response we did."

As the fall semester began and students arrived back on campus, "Help Wanted" signs appeared on the bulletin boards around the Law School. From those who responded, Professor Jones selected eight students. Of those eight, three were assigned to write briefs for Dr. Mudd: Stuart Greer, Scott

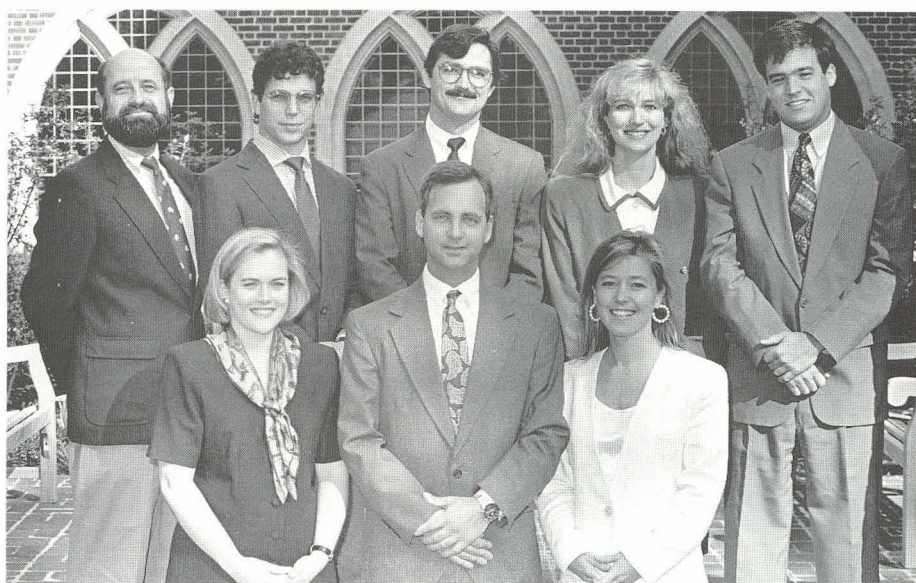
Magargee and John Pendleton. Three other students, Brad Jacob, Sarah Johnson and Lisa Spickler, wrote for the Army, and two, Jason Easterly and Patrick Horne, assisted for the court. As the fall semester progressed, the students, in addition to consulting with Professor Jones, spent hours each week delving into Civil War-era and pre-Civil War-era law, both civil and military.

Obtaining the legal participants was only a little more difficult than obtaining the student assistance. The Honorable Robinson O. Everett, former Chief Judge of the U. S. Court of Military Appeals, turned out to be the key. Judge Everett, who is a Professor of

Law at the Duke University Law School, a former counsel to the Subcommittee on Constitutional Rights of the U. S. Senate's Judiciary Committee and a member of the American Bar Association's Standing Committee on Military Law, is widely recognized by the legal community for bringing the Court of Military Appeals of age. When he consented to act as the presiding judge in the Appeal, the other members of the court invited to participate quickly agreed.

Joining Judge Everett and forming one of the most prestigious military courts ever constructed were the Honorable Edward D. Re, Senior Judge (ret.) and Chief Judge Emeritus of the United States Court of International Trade and Professor of Law at St. John's School of Law, and the Honorable Walter Thompson Cox, III, Judge of the United States Court of Military Appeals and Acting Associate Justice of the South Carolina Supreme Court. Judge Re is a Colonel (ret.) in the United States Air Force, and Judge Cox was formerly a Captain in the U. S. Army.

Attorney F. Lee Bailey was the first advocate Professor Jones thought of when considering counsel to represent the Mudd family, but he had reservations about whether or not Mr. Bailey would want to participate. On Judge Everett's recommendation, he sent the invitation to Mr. Bailey and, before he could follow up with a phone call, Bailey was on the phone, very pleased to act as co-counsel for Dr. Mudd.



The T. C. Williams participants who put together the appeal for Dr. Samuel A. Mudd. From left to right: Professor J. P. Jones; Sarah C. Johnson '94; John T. Pendleton '93; Bradford C. Jacob '93 (below); Patrick T. Horne '93 (above); C. Stuart Greer '93 (below); Lisa D. Spickler '94 (above); W. Scott Magargee '93. Not pictured: Bruce D. Albertson '94; Jason T. Easterly '94.



Participants in the proceeding from left to right: W. Scott Magargee '93; John T. Pendleton '93; Attorney Candida Ewing Steel; C. Stuart Greer '93; Attorney F. Lee Bailey, Jason T. Easterly '94; The Hon. Walter T. Cox, III; Patrick T. Horne '93; The Hon. Robinson O. Everett; Sarah C. Johnson '94; The Hon. Edward D. Re; Lisa D. Spickler '94; Dean John S. Jenkins; Bradford C. Jacob '93; Dean John J. Douglass.

Professor Jones had also invited Candida Ewing Steel to represent Dr. Mudd. Ms. Steel, who had been representing the Mudd family in several initiatives, is, interestingly, the great-great granddaughter of Dr. Mudd's original counsel, General Thomas Ewing, Jr. Happily, Ms. Steel also agreed to present the case for the family.

Rounding out the Appeal participants, Professor Jones, with the assistance of Dean Harbaugh, was able to enlist as counsel for the Army two outstanding military jurists: Colonel John Jay Douglass, U. S. Army (ret.), Dean of the National College of District Attorneys and former Commandant of the Judge Advocate General's School, and Rear Admiral John S. Jenkins, U. S. Navy (ret.), formerly the Navy's top lawyer and now Associate Dean of George Washington

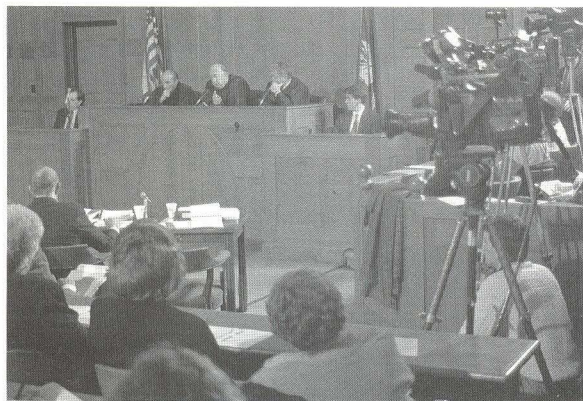
University's National Law Center and Special Counsel to the Secretary of the Navy.

When word of the Appeal was carried by the national press, the Law School was inundated with more than 800 requests to attend the proceedings in the 220-seat Moot Courtroom. In addition, the Appeal was to be taped for possible future broadcast on national television, thereby further limiting seating as several rows were assigned to press and television crews. Fortunately, the Moot Courtroom, which had just been added to the Law School building, was equipped with state-of-the-art communications technology, and arrangements were made to broadcast the proceedings live to three large classrooms accommodating potentially another 300 spectators. Consequently, a limited number of guests were invited and a lottery was held for the remaining seats.

Among the invited guests were 25 members of the Mudd family, including Dr. Mudd's grandson, Richard Mudd, and two of the doctor's granddaughter's, Mrs. Emily Mudd Rogerson from Richmond and Mrs. Louise Mudd Arehart, President of the Dr. Samuel A. Mudd Society which maintains the Maryland home of Dr. Mudd.

Ultimately, over 500 spectators from as far away as Saginaw, Michigan; Ft. Lauderdale, Florida; and Louisville, Kentucky, watched spellbound as the Court declared that the Hunter Commission which had convicted Dr. Mudd originally had not had the jurisdiction to do so. Because the Appeal was being taped, spectators in the Moot Courtroom had been admonished not to react, an admonition which went unregarded when the court announced its decision. Spectators in the Moot Courtroom (as well as those in all three classrooms) broke into spontaneous applause when the court found for Dr. Mudd. In addition, interest in the Appeal was proven when news of the decision was carried in over 500 newspapers and other periodicals.

Later in the evening, at a dinner for the participants, each member of the Court, as well as the attorneys for the Army and for the family of Dr. Mudd, spoke about the significance of the proceedings and the privilege they each felt to have been able to participate. They also expressed their gratitude to and admiration of the T. C. Williams School of Law, Dean Harbaugh and Professor Jones, and the students who had worked on the briefs. They commented that the briefs, in all cases, were as professionally written as any they had ever seen and demonstrated clearly the quality of the legal education which was being provided at the Law School at the University of Richmond.



Even camera personnel found the proceedings fascinating.

THE MUDD APPEAL

The Case for Dr. Mudd

by C. Stuart Greer '93 and W. Scott Magargee '93

At 4 a.m. on April 15, 1865, Dr. Samuel A. Mudd awoke to a knock on the door of his Bryantown, Maryland home. He

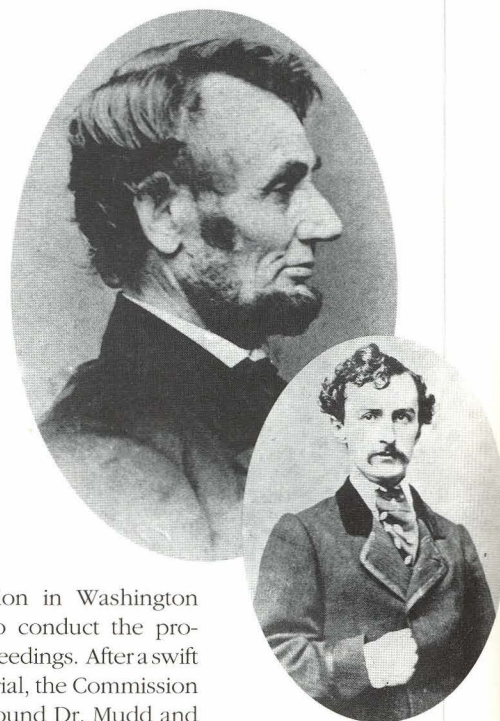
opened the door to find two men, one of whom needed medical attention. Dr. Mudd contended later that he knew neither that the bearded individual with the fractured leg was John Wilkes Booth nor that his patient had, only hours earlier, assassinated President Abraham Lincoln at Ford's Theatre in Washington, D. C. After providing medical assistance to Booth, Mudd was arrested and charged with conspiring to assassinate the President.

Along with seven other civilians, Dr. Samuel Mudd was tried before a military commission. Although the state and federal courts in both Maryland and the District of Columbia were open and functioning regularly during this time, President Johnson assembled a nine-member military commis-

sion in Washington to conduct the proceedings. After a swift trial, the Commission found Dr. Mudd and the other defendants guilty as charged. In retrospect, these hasty verdicts were not surprising considering the tumult and anguish created by the "Great Emancipator's" death. On June 30, 1865, the Commission sentenced Dr. Mudd to life imprisonment. However, it was not until February 12, 1993 that a court would hear Mudd's appeal.

The site for Dr. Mudd's appeal was the new Moot Courtroom in the Law School at the University of Richmond which is located, interestingly enough, in the former capital of the Confederacy. The three-member panel of judges assembled for the mock appeal heard the presentations of the co-counsel for the Mudd family: F. Lee

Bailey, Attorney at Law and Defense Counsel, military trial lawyer since 1956, and former Marine Fighter Pilot and Legal Officer; and Candida Ewing Steel, Attorney at Law and Defense Counsel, court certified mediator and senior



President Abraham Lincoln and John Wilkes Booth, noted Shakespearean actor of the day.



Above: Mr. Bailey receives information from John T. Pendleton '93, one of the three students who prepared the briefs for the Mudd family.

At right: This is a picture of the room in Dr. Mudd's home in which John Wilkes Booth rested after the assassination of President Lincoln.



arbitrator, and former Assistant Corporation Counsel for the District of Columbia. Ms. Steel is also the great-great-granddaughter of Dr. Mudd's original counsel, Union Army Brigadier General Thomas Ewing, Jr.

The panel found that Dr. Mudd had been tried improperly. Two judges concluded that the military commission which convicted Dr. Mudd had lacked the power to try him because he was a civilian living in Maryland where the courts were open and operating. The third judge found that the government had failed to prove Dr. Mudd's guilt beyond a reasonable doubt. Thus, under mock conditions, Dr. Mudd's conviction by the Hunter Commission was declared null and void.

Although the Mudd appeal held at T. C. Williams was not a bona fide legal proceeding, the arguments and victory were very real to the three-student Mudd team and the members of the Mudd family who were present. The team, composed of Stuart Greer, John Pendleton and Scott Magargee, was recruited by Professor John Paul Jones to draft the brief for Dr. Mudd's appeal. While the project sounded exciting and straightforward, the team underestimated the difficulty of working with historical documents. Because the date of the mock proceedings was supposedly set for February 12, 1867, legal research was limited to case law and military treatises written before 1867. The team was thus very fortunate to have access to microfiche collections of military works on loan from the National Archives and several private libraries.

The "Mudders," as named by Professor Jones, divided the brief into three major issues in their attack on the judgment of the military commission. The team worked the entire fall semester on a brief addressing (1) whether the military commission had the power to try a civilian citizen of Maryland; (2) whether Dr. Mudd had received certain rights relating to the conduct of a fair trial; and (3) whether the United States government had met its burden of establishing Dr. Mudd's guilt beyond a reasonable doubt.

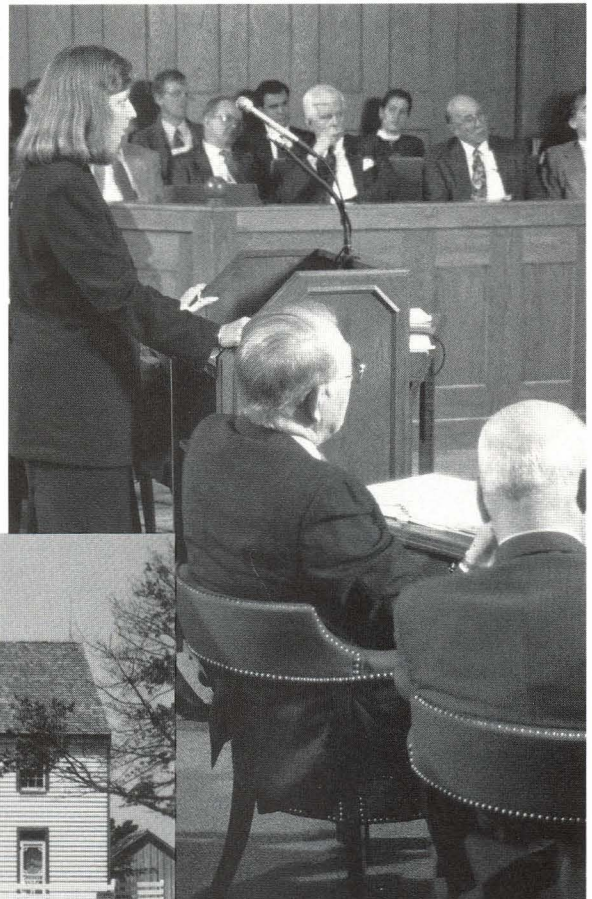
Writing the brief, the students experienced both highs and lows while attempting to create the best possible legal arguments while constrained by pre-1867 law. One day, for example, a student working on the brief for Dr. Mudd reveled upon finding a federal case law favorable to Dr. Mudd's argument. The next day, however, the same student discovered that the Supreme Court had changed its mind and reversed the earlier position.

Fortunately for the "Mudders," Professor Jones was always accessible to assist the team in solving problems and answering questions. Indeed, Professor Jones provided both the teams with direction and advice but in no way interfered with the educational experience provided by an independent study project.

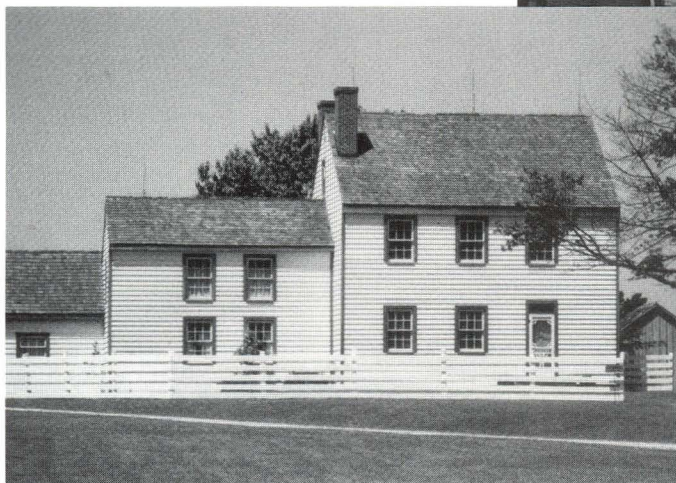
Although the brief for Dr. Mudd's appeal was completed in December, the students' involvement in the project was far from over. As the date of the appellate proceeding approached, the students spoke with counsel on several occasions in order to prepare for the oral argument. Finally, the day before the trial, both Mr. Bailey and Ms. Steel arrived and received the final copies of the briefs. After consultations with the students, Ms. Steel and Mr. Bailey departed to study the briefs independently, appearing the next day for the appeal to make presentations which were exciting and thorough and which quite literally kept

spectators on the edges of their seats. Ms. Steel argued the jurisdictional question that Dr. Mudd was entitled to a civilian trial by jury rather than a court martial by officers and close associates of the deceased president. Mr. Bailey argued that the government had failed to produce evidence that Dr. Mudd was a knowing member of a conspiracy rather than an innocent bystander only slightly acquainted with John Wilkes Booth, the assassin.

The Mudd team, both co-counsel and the students, were rewarded when, at the end of the proceedings, the mock panel ruled in favor of Dr. Mudd's appeal. All the students involved in preparation for the appeal agreed that the appeal and the preparation for it was a tremendous educational experience for future attorneys who hoped to one day argue before a similarly distinguished court.



Above, Ms. Steel responds to a question from the Court.



The Charles County, Maryland home of Dr. Samuel A. Mudd which is now owned by the Dr. Samuel A. Mudd Society, Inc. The president of the Society is Louise Mudd Arehart, one of Dr. Mudd's granddaughters.

THE MUDD APPEAL

The Case for the Government

by Bradford C. Jacob '93

The threshold question and the issue that legal scholars have wrestled with for decades concerning Dr. Mudd's case is whether the Military Commission had the jurisdiction to try the case against Dr. Mudd in 1865. As a civilian with no connection to the military, why wasn't Dr. Mudd tried in the civil courts that were open at the time? Was a military commission the proper forum in which to try Dr. Mudd? To resolve these questions, it was necessary for the Government's student team preparing for the Appeal to pour over a myriad of hand-written documents and other information dating back as far as the late 1700's.

As in any criminal case, the Government had the burden of proving jurisdiction to try the defendant. In seeking to uphold the conviction of Dr. Mudd, the Government therefore had to show that Dr. Mudd was properly tried before a military commission

rather than in a civilian court. Without knowing all of the facts and circumstances in 1865, one might easily conclude that Dr. Mudd should have been tried by the open civilian court rather than by a military commission. However, when all of the facts were revealed, it appeared to the Government's team that the proper venue to try Dr. Mudd was before a military commission.

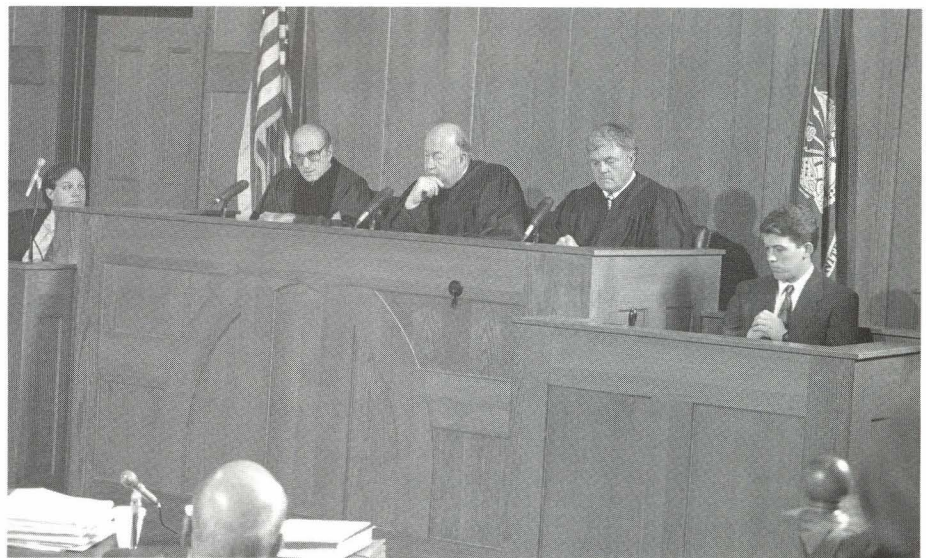
The Civil War was still officially in progress when Lincoln was assassinated on April 14, 1865. Although General Lee's troops surrendered in Richmond on April 9, 1865, other troops were still fighting in the South. Jefferson Davis continued to govern the Confederacy after Lee's surrender and after

Johnson's surrender on April 26, 1865. Even after Davis was captured on May 10, battles continued to be fought for the independence of the Confederacy. The Civil War, therefore, was not over when President Johnson established the Hunter Commission by executive order on May 1, 1865. The battle near the Rio Grande was fought on May 12, 1865 and resulted in a Confederate victory. Confederate warships continued to attack Federal ships until November 6, 1865. During Dr. Mudd's trial, Washington D.C. remained a fortified city and headquarters for the directing of military operations against the rebels. Sentries manned and controlled the flow of people into and out of the city which was fully guarded by national forces. Washington was, indeed, a city policed by soldiers with the army as the protector as well as the defender of the Capitol. President Andrew Johnson did not declare martial law over and announce peace within the United States until August 20, 1866.

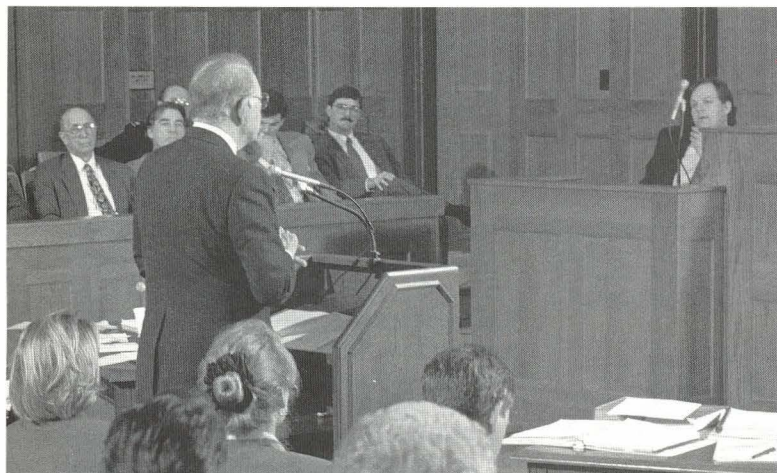
It was during this period of hostilities that President Abraham Lincoln was assassinated within the fortified city of Washington. It was believed that Dr. Mudd assisted in the conspiracy to assassinate the supreme military target, the Commander-in-Chief. Thus, Dr. Mudd appeared to be an active participant in the Civil War, engaging in a conspiracy against a military target within a military jurisdiction. It was Dr. Mudd's own apparent actions that subjected him to the laws of war. It was the government's contention that the Commission convened to try Dr. Mudd had that jurisdiction because



Dean John S. Jenkins addresses the Court.



Judges Re and Everett confer before continuing the proceedings while Professor Michael Wolf, who served as bailiff, looks on. Bruce Albertson '94, on Judge Cox's left, assisted Professor Jones in the logistic preparation for the Appeal.



Dean Douglass emphasizes his point before the Court.

the specified offense occurred during a time of war and against a military target.

Before any final determination could be reached as to the jurisdiction of the Commission, the Government had to prove that such jurisdiction was consistent with the Constitution of the United States. Under Article I, Section 8, Clause 11, the President has the power to carry out war. In accordance with this power, Lincoln proclaimed on September 24, 1862 that "all rebels...shall be subject to martial law and liable to trial and punishment by a court martial or military commission." (This proclamation was later ratified by Congress by the third Act of March 3, 1863.) In discovering how the Constitution permits the existence of military commissions, it is important to look at the relationship between the law of nations and the laws of war.

Dr. Mudd's offense was an offense against the laws of war. There are offenses against the laws of war for which a man may be deprived of his life, liberty or property that are not civil crimes. For example, it is an offense to break a blockade, the resulting punishment being a loss of property. Similarly, if a military target is killed during wartime, it is a violation of the law of war, notwithstanding that it may also be the civil crime of murder. The Fifth and Sixth Amendments to the Constitution deal with trials for crimes or criminal prosecutions. Trials for offenses of the laws of war are not embraced or intended to be embraced under those provisions of the Constitution. If they were, then any person who killed another in time of war would be subject to civil murder laws. If these provisions of the Constitution were applicable to the laws of war, then no prisoners could be taken without subjecting the capturing soldier to a

civil conviction for false imprisonment. Furthermore, the Fifth Amendment specifically excepts out cases "arising in the land or naval forces or in the militia, when in actual service, in time of war or public danger."

The Fifth and Sixth Amend-

ments did not apply to Mudd's case because he was accused of violating the laws of war. Mudd was not charged with a civil crime for which these Amendments were relevant. He was charged with an offense against the laws of war — conspiracy to kill the Commander-in-Chief of the forces of the United States. The civil courts have no more right to prevent the military in a time of war from trying an offender against the laws of war than they have a right to interfere with or enjoin battle. Because Dr. Mudd was charged with a military offense directed against a military target situated in the military capital, not only was it appropriate for a military Commission to try him, it was mandatory that the commission do so under the constitutional powers conferred during a time of war.

The government defended Dr. Mudd's conviction against two other attacks: that the

commission denied Dr. Mudd an adequate opportunity to defend himself and that the Government failed to carry its burden of proving Dr. Mudd guilty. The Commission, using its discretionary power, denied Mudd's request to sever his trial from that of the other conspirators because Dr. Mudd did not have a right to the severance. Therefore, no error could be assigned for refusing separate trials, absent gross prejudice to the accused resulting from the Commission's decision. The record is devoid of evidence of any prejudice Dr. Mudd could have suffered. Therefore, the Government replied to Dr. Mudd's appeal that the Commission's decision not to sever should not be overturned.

Finally, the prosecution needed only to provide enough evidence so that Mudd's guilt was a certainty in the understanding and conscience of the Commission members. Such was the standard for military tribunals in those Days. Several nineteenth century treatises reported that the standard of proof for a military commission was less strict than the "beyond a reasonable doubt" standard then emerging in civilian courts. Nonetheless, the Government more than satisfied the requisite standard proving Dr. Mudd guilty beyond a reasonable doubt. The Government at the time of the original trial contended that Dr. Mudd intended to and did enter into a conspiracy to accomplish the murder of the President. The Military Commission inferred Dr. Mudd's intent from evidence of his actions and convicted him on May 30, 1865.



Television cameras and press staff packed the already full Moot Courtroom.

THE MUDD APPEAL

The Court's Decision

by Jason T. Easterly '93

In the end, the appeal of Dr. Mudd was decided on the fundamental constitutional question it raised. One judge decided for Dr. Mudd on the basis of the insufficiency of evidence so eloquently argued by Mr. Bailey, but the majority, basing its decision largely on *Ex Parte Milligan* (1867), in which the United States Supreme Court held that military commissions could not try civilians when civilian courts were open and operating. Thus, for different reasons, the moot court held unanimously that Dr. Mudd's conviction was erroneous.

Three eminent and experienced judges comprised the court. Judge Robinson O. Everett acted as the Chief Justice of the Special Court of Military Appeals. Judge Everett is retired from the U. S. Court of Military Appeals where he served for ten years as the Chief Judge. He also served for three years as Counsel to the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. He is currently a Professor of Law at Duke University School of Law.

Judge Edward D. Re is the Chief Judge Emeritus of the U. S. Court of International Trade and former Chairman of the U. S. Foreign Claims Settlement Commission. He has also served as Assistant Secretary of State for Educational and Cultural Affairs.

Judge Walter Thompson Cox III is a sitting Judge of the U. S. Court of Military Court of Appeals and formerly served the state of South Carolina as both Circuit Judge and Acting Associate Justice.



Judge Cox responds to Counsel.

The moot court played but one trick with history. At the time of the Mudd case, there simply was no appeal from the final decision of a court-martial or a military commission. The U. S. Special Court of Military Appeals, therefore, came into being only in the imagination of the project's participants and audience. In all other aspects, the moot court remained faithful to history, limiting the admissibility of facts to only those known at the trial and the application of principles of law to only those recognized in 1867.

The burden lay with Dr. Mudd's counsel to convince the Special Court that the Hunter Commission had committed error sufficiently grave as to necessitate reversal. The appellants' first claim of such error was that the Commission had acted beyond the scope of its powers in trying a civilian who was a resident of a state loyal to the Union when that state's civilian courts were open and operating. As authority for this proposition of law, Ms. Steel relied heavily on the U. S. Supreme Court's 1867 decision in *Ex Parte Milligan*. Milligan, head of the Copperhead movement of northern pacifists and Confederate sympathizers, had been convicted by

a military commission in Indiana of conspiracy to commit various acts culminating in the liberation and rearming of thousands of rebel prisoners of war. The Supreme Court, reviewing a lower federal court's denial of Milligan's writ of *habeas corpus*, ordered his release, concluding that, in loyal territory, military commissions could only try civilians when the civil courts were incapable of doing so. Responding to Dr. Mudd's appeal, Dean Douglass and Admiral Jenkins argued for the government that Mudd's case differed from Milligan's in ways that dictated a different outcome. They argued both that Mudd was tried for a crime against international law while Milligan was not and that, at the time of Mudd's trial, southern Maryland and the District of Columbia were within a theater of war while, at the time of Milligan's trial, Indiana was not.

The appellant's second claim was simply that the government had failed to furnish enough evidence of Dr. Mudd's involvement in a criminal conspiracy to permit the Commission to find him guilty. Mr. Bailey for the appellant dwelt most heavily on the apparent unreliability of the government's witnesses whose testimony had furnished the key evidence that Dr. Mudd had not only known John Wilkes Booth and the others, but that he had plotted with the group before the attack on the President and the Secretary of State. Dean Douglass replied by emphasizing the respect traditionally paid by courts of appeal to the judgments about witness credibility made by the trial judge who had actually seen the witness and heard both his testimony and that of others offered to contradict him.

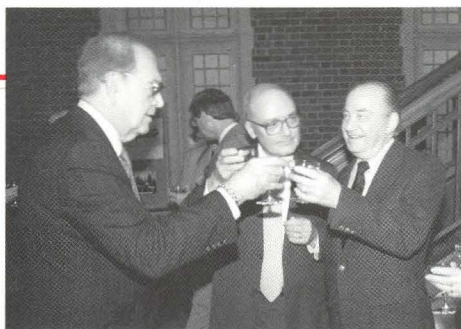
Finally, Dr. Mudd's counsel offered several claims that Dr. Mudd had been denied fundamental rights guaranteed by the constitution to criminal defendants, including adequate access to his defense counsel and sufficient time to prepare a defense. The government responded by noting the failure of Dr. Mudd's lawyer to register an objection on either of those grounds at the time. In reply to appellant's additional claim that Dr. Mudd ought to have been allowed to testify on his own behalf and to present the corroborating testimony of his wife, the government again noted that he had failed to offer such testimony to the Commission, probably because, at that time in legal history, defendants were never permitted to testify as to their innocence and wives were not allowed in cases such as this to testify for their husbands.

Judge Re and Judge Everett agreed that the Hunter Commission lacked jurisdiction to try Dr. Mudd. Dr. Mudd was not a soldier in the traditional sense, neither was he an "irregular," a guerrilla, a spy nor an insurgent. Consequently, he was not subject to the international laws of war. The acts charged to Dr. Mudd most resembled the legislatively and judicially cognizable crime of treason. Before the adoption of our constitution, a military commission might have had the authority to try Dr. Mudd for treason, but the Constitution had erased such power—at least when civilian courts were available to do so.

Judge Cox accepted the government's depiction of the hostilities and, given that state of affairs, did not "believe that it was an unreasonable exercise of the powers of the President to call into [being] a military commission to hear the evidence and decide the case before us."

However, Judge Cox went on to find that the government's evidence was insufficient to convict Dr. Mudd. "I find from the evidence taken in the light most favorable to the government suggests the following: that Dr. Mudd was acquainted (acquainted is the word I believe best describes it) with John Wilkes Booth at some time prior to the night in question. I find, in the light most favorable to the government, that, at the time Dr. Mudd treated John Wilkes Booth, he knew who he was, notwithstanding his disguise, and notwithstanding some hearsay evidence denying that. I find nothing in this evidence which suggests that Dr. Samuel Mudd agreed, participated in, or aided and comforted in the assassination of President Lincoln."

In closing, Judge Everett concluded that "although two of us have one rationale and one has a third, the members of the court have unanimously come to the conviction that Dr. Mudd's conviction by the military tribunal must be set aside..." The court's split decision should be of import to constitutional scholars and to the Mudd family alike. Legal scholars will be interested in the way this Court resolved the jurisdictional issue and its impact on the thousands of convictions by military commissions during the official hostilities from 1861-65. The Mudd family, on the other hand, will now have a stronger case for clearing their ancestor's name with Judge Cox's analysis of the government's evidence and his conclusion that it was insufficient to prove Dr. Mudd guilty.



Conard Mattox '51, (right) a former Naval aviator, toasts fellow retired military officers, Dean John Jenkins (center), USN, and Dean John Douglass (left), USA.

Judge and Mrs. Everett share a lighter moment with F. Lee Bailey, Co-Counsel for the Mudd family.



Dean Jenkins explains some of the finer points of the Army's argument to Tom Bricken '73 (back to camera) from Fredericksburg and Diane Brust, Alumni and Development Director for the Law School, as Mrs. Jenkins looks on.



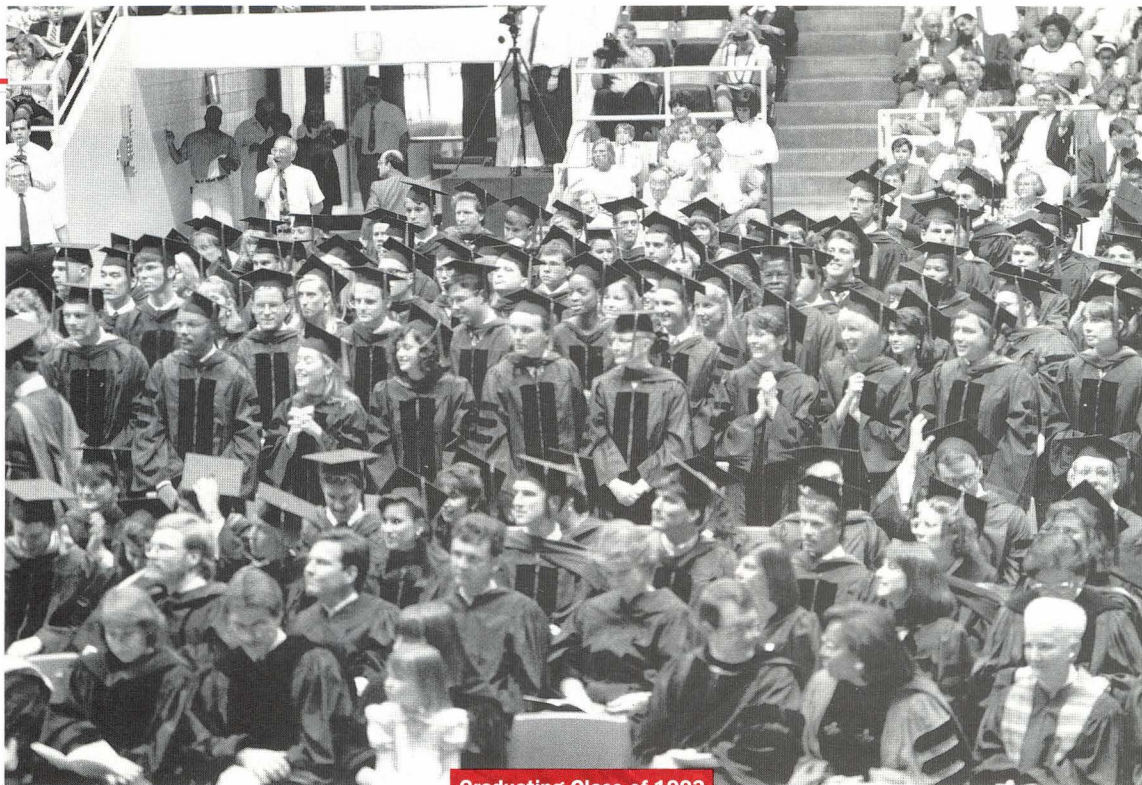
Candida Steel and Deans Jenkins and Douglass respond to questions from guests who attended the Appeal.



Professor Jones and staff secretary Nancy O'Brien enjoy a well-earned moment of celebration after months of hard work.



Members of the Mudd family gather around Richard Mudd (seated), grandson of Dr. Mudd.



Graduating Class of 1993

T. C. Williams 122nd Commencement

On May 8, 1992, The T. C. Williams School of Law celebrated its 122nd Commencement, and 135 graduates received their Doctor of Jurisprudence degrees. Almost 1,000 guests attended the ceremony in the Robbins Center and relaxed afterwards at a reception for the graduates on the lawn beside Sara Brunet Hall.

As is the tradition each year, the third-year class elected a speaker to represent the student body and one to represent the faculty. After President Richard Morrill welcomed the graduates and their families, C. Randolph "Randy" Sullivan, Editor-in-Chief of *The Law Review*, spoke on behalf of the student body. Randy spoke about the importance of the role of the attorney in society today and noted that members of this class, with their training and skills, are in a position to make positive contributions to the legal profession and to society.

Speaking on behalf of the faculty, Associate Dean Thomas F. Guernsey admonished the graduates not to be afraid of change or of trying to change things to better



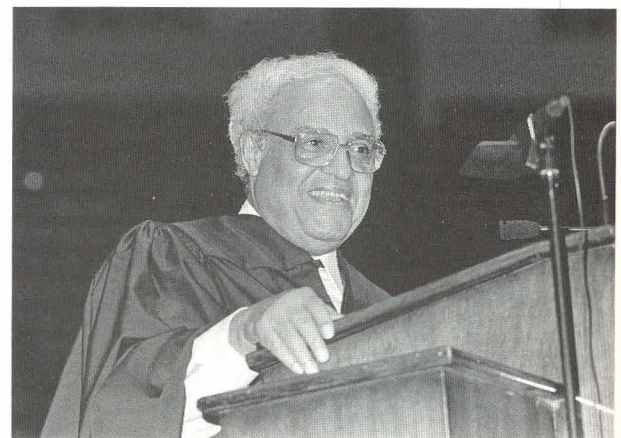
Randy Sullivan, Editor-in-Chief of *The Law Review*, addresses Commencement guests on behalf of the graduating class.

the world and the condition of all men and women. Following the presentation of awards and honors by Dean Harbaugh and the conferring of degrees by President Morrill, the President of the Law School Alumni Association, The Honorable Edgar L. Turlington, Jr., '59, welcomed the newest members of the Alumni body.

The Commencement speaker this year was Dr. Benjamin L. Hooks, retired Executive Director of the NAACP. After receiving his J.D. degree from DePaul University, Dr.

Hooks entered the practice of law in Tennessee. He served as an Assistant Public Defender from 1961-1965 at which time he was appointed judge of the Shelby County Criminal Court in Memphis, making him the first black judge in the post-Reconstruction South.

In 1972, President Richard Nixon nominated Dr. Hooks to become the



Commencement speaker Dr. Benjamin L. Hooks, retired Exec. Director of the NAACP, enjoys a lighter moment during the delivery of his address.

first black member of the Federal Communications Commission on which he served until he resigned in 1977 to assume the position of Chief Executive Officer of the NAACP. Dr. Hooks is also Pastor-on-Leave from the Middle Baptist Church of Memphis, Tennessee and the Greater New Mount Moriah Baptist Church of Detroit, Michigan.

Dr. Hooks began his remarks by recounting the story of a tribal warrior who knew that if he could confound the sitting chief, he, the young warrior, would ascend to the



Dr. Hooks receives an honorary degree from President Morrill.

position. At a tribal conference, he approached the ancient chief with a small bird enclosed in his hands and asked the chief if the bird were alive or dead. If the chief said "alive," the young warrior would quickly squeeze and kill the bird. If the chief replied "dead," the warrior would release the bird, thus confounding the chief in either case. The old chieftain, reflecting the wisdom of his years and experience, replied, "Whether alive or dead, the answer is in your hands." "That," Dr. Hooks continued, "is my word to you today. The answer is in your hands."

Using as his resource the lives and works of four outstanding African-Americans who have contributed greatly to the American culture, Dr. Hooks then added four more words of wisdom: Vote, Dream, Try, and Believe.

Recalling the words of Frederick Douglas who was born a slave in 1817 but who lived to become a great orator and an adviser to the President, Dr. Hooks reminded the audience that "Slaves cannot vote themselves free, but free men can vote themselves slaves." "Our right to vote is precious," Dr. Hooks cautioned, but "when we fail to vote intelligently or fail to vote at all, we are voting ourselves slaves."

things would change. It was dreams, he continued, that allowed the great diversity in the 1993 T. C. Williams graduating class.

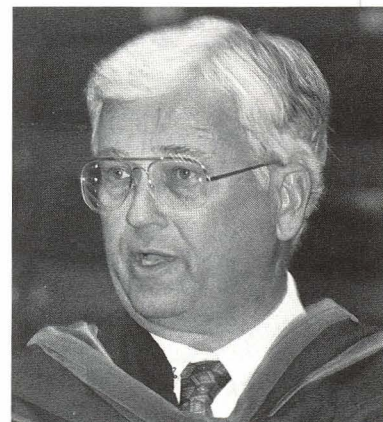
Benjamin Elijah Mays, former president of Morehouse College, holder of three earned degrees and representative of the President on many occasions in foreign countries, sadly lamented several years ago that he was unable to vote in his home state of Georgia. However, he kept trying because he knew that one day, all men and women in this country would have the right to vote. Dr. Hooks advised that we must continue to try to make this country better and not settle for a situation that is intolerable to so many. "The tragedy of life," he continued using Dr. Mays words, "doesn't consist of having tried and failed, but in never having tried at all."

Finally, Dr. Hooks quoted from Dr. Mary McCloud Bethune who helped establish Bethune-Cookman College in Florida. Dr. Bethune recalled riding cross-country in a train on an occasion when she had great concern about administering the College and finding adequate financial aid for her students. As she looked out the window she realized that the God who had the power to create the beauty of the countryside through which she was passing could meet her

needs as well. It was Dr. Bethune who later, with her friend Mrs. Eleanor Roosevelt, was instrumental in arranging to have the great contralto, Marian Anderson, sing at the Lincoln Memorial when she was denied the right to do so at Constitution Hall.

Dr. Hooks concluded by recalling his own anger at being passed over for promotion in the Courts of Memphis and how he subsequently resigned his position, only to be nominated to that same bench by the governor of the state. "I am a Baptist preacher," he concluded, "and I make no apologies. Even in this day of skepticism and cynicism, I still believe there is a God above who rules and that if we do our best, God will do the rest. If you vote right, if you dream, if you try, and if you believe, you can make it to the top of the mountain. God bless you and God keep you. Thank you."

As he returned to his chair, Dr. Hooks received a standing ovation, led by the Class of 1993.



Judge Edgar L. Turlington, Jr. '59, President of the Law School Alumni Association, concludes the ceremony by welcoming T. C. Williams' newest alumni.



Relatives and friends share moments of exultation and quiet pride as they take photographs of loved ones receiving their degrees.



Karen Friar waves proudly to members of her family.

Jogging on the first day of law practice...

...T.C. Williams' response to the argument that American law graduates are unable to "hit the road running"

"Given the economics of law practice and the salaries paid to recent graduates, we can't afford to invest years in training new lawyers to do the simple tasks they should have learned to do in law school."

—*A senior partner in charge of a division of a major New York City firm of 400+ lawyers.*

... ..

"Not only can't law school graduates draft motions, write wills, or craft contracts, they can't even write simple English sentences. What're they doing in the law schools?"

—*A federal judge sitting in San Francisco.*

... ..

"Today's law graduates don't have the 'people skills' they need to interview and advise clients, deal with opposing counsel, or be effective in court.

Can't the law schools do something to better prepare young lawyers for law practice other than teach them more and more substantive law?"

—*A partner in a small general practice firm in Richmond.*

by Dean Joseph D. Harbaugh

Have you heard colleagues on the bench or at the bar utter comments similar to those quoted above? Have you voiced such thoughts yourself? Do you believe that law school graduates should be able to "hit the road running" on the first day of law practice? I suspect that, like many members of the profession, your response to at least one of these questions is in the affirmative.

A widespread concern that a "gap" exists between the skills students acquire in law school and those needed to begin the practice of law has caused bar leaders on both the regional and national level to take action.

* Two years ago, then President-elect of the Virginia State Bar, William Rakes convened a two-day Conclave on the Education of Lawyers because criticism of the legal education product had mounted to an alarming level. Sixty representatives of the profession, equally divided among the judiciary, the practicing bar and the legal academy, met to exchange candid views on the roles and responsibilities of these three constituent groups within the legal profession for the training of lawyers, and to hammer out a consensus statement that has led to the creation of a new State Bar Section on the Education of Lawyers. The Section will continue the constructive dialogue begun at the Conclave and develop strategies to enhance the education of lawyers during and after law school.

• The 1992 report of the ABA's "Task Force on Law Schools and the Profession: Narrowing the Gap" contains the most com-

prehensive study ever undertaken of the expectations of the profession and the realities of legal education. The document deals in a frank and open way with the rising conviction within the bar that law school graduates are not ready to assume their professional places and the equally firmly held view of legal educators that judges and lawyers fail to recognize or appreciate the content, value and limitations of today's law school experience. The seminal accomplishment of the report is the articulation of the fundamental skills and values that a lawyer must acquire before assuming ultimate responsibility for a client.

Both the ABA report and the Virginia Conclave concluded that instead of a "gap," the more accurate vision of the relationship between legal education and the practicing bar is that of an educational "continuum." In the words of the Task Force report:

"The skills and values of a competent lawyer are developed along a continuum that starts before law school, reaches its formative and most intense stage during the law school experience, and continues throughout a lawyer's professional career. Legal educators and practicing lawyers should stop viewing themselves as separated by a "gap" and recognize that they are engaged in a common enterprise—the education and professional development of members of a great profession."

The Virginia Conclave consensus statement and the ABA report include specific recommendations to those in charge of the several stages of the education continuum through which lawyers travel during their professional careers. For example, among other things, the reports suggest that legal educators should:

- Make far greater utilization of new instructional methods that permit the teaching of skills previously considered learnable only through experience in practice;
- Stress to students that their appreciation of the fundamental values of the profession is as important in preparing for professional practice as the acquisition of substantive knowledge;
- Teach legal writing at a better level than is now being done;
- Design, supervise and evaluate externship programs that let students ob-

serve and work alongside practicing attorneys;

- Develop clinical education opportunities directed by full-time faculty that allow students to assume responsibility, under close supervision, for legal work on behalf of actual clients; and

- Make greater use of skilled and experienced practicing lawyers and judges in the instruction of students in professional skills and values.

More than two years ago, the T.C. Williams faculty, anticipating the conclusions of the Virginia Conclave and the MacCrate Report, debated and approved one of the most comprehensive professional skills education programs in the nation. I want to share with you how the Law School has addressed the growing concern that the men and women entering the legal profession cannot meet the demands of today's law practice.

There are three stages in the Law School's professional skills program. The first phase, the Lawyering Skills program, uses the advanced pedagogical techniques of simulation to introduce all T. C. Williams students to the fundamental skills identified in the McCrate Task Force report. In the second stage, the Legal Externship, the observation model is employed as students are assigned to work with experienced practitioners. In the third and final phase of the program, students participate in the representation of actual clients in our Legal Clinic. Simulation, observation and participation—carefully-constructed educational building blocks that help us prepare our graduates for the real world of lawyering.

Lawyering Skills

T. C. Williams' innovative Lawyering Skills program is a two-year, eight credit required course that exposes students to legal reasoning, writing and research as well as interviewing, counseling, negotiation, pre-trial motion practice, discovery, trial and appellate practice. Each first- and second-year student is assigned to a 16 person "law office" headed up by an experienced lawyer/adjunct faculty member. Under the direction of their "senior partner," students study the principles and theories of effective interviewing, counseling, negotiation and advocacy. Then, each student interviews and counsels clients, role-played, by other

students, with life-like legal problems. Later, students negotiate a transaction or a dispute, prosecute or defend a pretrial motion, conduct a set of depositions, appear as counsel in a jury trial and present an appellate argument. Many of these lawyering exercises are videotaped for review and analysis with the "senior partners."

Each of the several "cases" the students handle over the two years of Lawyering Skills is based on a realistic file or record (e.g., the appellate case includes the full trial transcript and exhibits instead of the two or three page "canned" description of problem typically provided in most law school moot court settings). In this way, students get to see and "feel" the documents (such as letters, legal instruments, interrogatories, pleadings, and transcripts) that make up the files of most lawyers.

In connection with virtually every action skill exercise, students are required to prepare a significant legal writing. Objective memoranda, client advice letters, settlement proposals, draft interrogatories, contracts, and persuasive briefs are among the written assignments students must complete. Once submitted, the students' legal writings are intensively reviewed and critiqued by the adjunct faculty.

To give you an idea of the "cases" handled by our Lawyering Skills students, consider the following examples of assignments from the past year. Students interviewed a minority stockholder of a closely-held corporation who claims she has been "frozen out" of the operation of the business; counseled the director of a childcare cooperative who allegedly defamed an applicant for membership; drafted a non-compete contract for a group of physicians; negotiated the personal injury claims of a teenage trespasser against an industrial defendant; argued a motion for a summary judgment where a buyer claims the real estate agent made fraudulent misrepresentations in the sale of a house; prepared a fact investigation plan and conducted discovery in a dispute involving the risk of loss when shipped computer parts disappeared; tried to a jury a civil arson case where the defendant alleged that the plaintiff/decedent was the arsonist; and pursued an appeal of a jury's punitive damage award as violative of the Haslip standard.

As you can see, these "cases" are similar, in terms of subject matter and complexity, to those that a new lawyer is likely to work on

in many private law firms. In this way, the Lawyering Skills simulations better prepare students for the realities of practice.

The Externship Program

The Externship program, available to students in both the second and third years, advances student understanding of the attorney's role in society by allowing them to observe and work one-on-one with lawyers and judges in real rather than simulated legal cases.

Each semester, eight to ten students enroll in one of three divisions of the Externship program and spend 20 hours per week in fieldwork. The Civil, Criminal and Judicial branches of the Externship Program expose our students to different aspects of the profession. Students in the Civil branch work with lawyers in both private and pro bono practice on both litigation and transactional matters. Criminal branch participants are paired with a staff lawyer in a Commonwealth Attorney's or Public Defender's office. Those enrolled in the Judicial division of the extern program work as law clerks for state or federal trial or appellate judges.

Close contact is maintained between the Law School and the students' field supervisors. Professor Clark Williams and Adjunct Professor Margaret Bacigal, who serves as Externship Administrator, visit students at their assignment sites and keep in touch by phone with the supervising attorneys. Field supervisors formally evaluate their externs and pass their conclusions back to Professor Williams who issues the actual grades in the program.

Externship students also participate in a weekly two-hour seminar that seeks to relate their specific experiences to an overall appreciation of the roles of lawyers and judges in our justice system. It is in this classroom setting that the three adjunct faculty members who direct the Externship divisions draw on their practice backgrounds to inform students about the values that bind together all members of the legal profession.

The T.C. Williams' Externship program was the first in the nation to receive financial support under the Federal Clinical Experience Project. Grant administrators concluded that our approach was a model of how to integrate practicing lawyers and judges into the legal education process. Other law schools have since followed our

lead in seeking assistance for their own externship programs.

The Legal Clinic

Richmond's Legal Clinic, housed in a model law office located next to the new Downunder, provides third-year students with the opportunity to handle actual cases. Historically, the Clinic focused on cases involving children caught up in the juvenile justice system. The Clinic in recent times has expanded to include other legal matters encountered by children and their families. Professor Sara Finley, who has just joined the faculty, serves as the Director of the Clinic. She and the other clinical faculty member, Professor Kathe Klare, accept the cases and supervise the students who provide the representation to the clients.

The Role of Adjunct Faculty

There is significant effort by full-time faculty and staff to make the externship a success. We could not achieve our goals, however, without the time and the talent of our adjunct faculty, lawyers and judges who devote hours to the training of the next generation of attorneys.

In the six years I have been dean of the Law School we have experienced a 35% increase in the size of the full-time faculty, from 17 to 23 professors. In that same period the number of adjunct faculty has grown a full 100%, from 24 to 48 lawyers and judges who serve the educational needs of T.C. Williams' law students. Our Law School far exceeds the average U.S. law school where the part-time faculty is only two-thirds the size of the full-time teachers.

While we are proud of a professional skills program that equips our graduates well for the rigors of practice, we must be honest. Our graduates cannot "hit the ground running" when they graduate; they cannot immediately assume ultimate responsibility for representation of clients. On the other hand, they are prepared to handle many significant lawyer duties under the continuing guidance of an experienced member of the bar. Just as important, new lawyers with a T.C. Williams' degree have been taught to recognize when they need to ask a more senior lawyer for assistance.

The T.C. Williams' graduates set the proper professional pace in their first days of practice; "jogging" as they continue to learn the work of a lawyer.

1. The ten Fundamental Lawyering Skills are: Problem Solving; Investigation; Communication; Counseling; Negotiation; Litigation and ADR Procedures; Organization and Management of Legal Work; and Recognizing and Resolving Ethical Dilemmas. The four Fundamental Professional Values are: The Provision of Competent Representation; Striving to Promote Justice, Fairness, and Morality; Striving to Improve the Profession; and Professional Self-Development.
2. "Legal Education and Professional Development - An Educational Continuum," Report of the Task Force on Law Schools and the Profession: Narrowing the Gap 3 (ABA 1992), hereinafter referred to as the "MacCrate Report."
3. The MacCrate Report makes 25 recommendations concerning enhancing professional development during law school. The six identified in the text are contained in the following numbered suggestions: 13, 14, 17, 20 and 24. *Id.* at 330-334. The similar views expressed in the Virginia Conclave consensus statement appear in 41 *The Virginia Lawyer* 14-15 (July, 1992), a special issue devoted to the education of lawyers.
4. The Law School's full-time staff designs the curriculum and the problems for the adjunct faculty who teach in the program and provides needed administrative support. Professor Paul Zwier, Associate Professor and Library Director Steve Hinckley, Associate Dean Ann Gibbs and I devote considerable time to Lawyering Skills.
5. It is worthwhile to note that at least half of the Lawyering Skills "cases" raise significant professional responsibility problems.

SARA WILSON RECEIVES MOST DISTINGUISHED ALUMNA AWARD:

On Friday evening, May 7, 1993, **Sara Redding Wilson '78** was one of four recipients of the University's Award for Distinguished Service. These awards are given each year to alumni/ae who have brought distinction to the University through either their service to the University or to their profession. In Sara's case, the award was given because of the distinction she has brought to both, and she became the first woman graduate of T. C. Williams to receive the award.

After a year at Westhampton College, Sara transferred to Hamilton College from which she received her B. A. She did graduate work at Columbia University before returning to attend T. C. Williams from which she received her J. D. degree in 1978. She began her legal career with Signet Banking Corporation as a corporate attorney and is now their senior corporate counsel. As head of Signet's law department, Sara is highly regarded for both her legal expertise as well as her managerial skills.



Sara Wilson L'78 (seated, right) with (clockwise) Betty Ann Allen Dillon WC '48, G '49; Robert S. Jepson, Jr. B'64, G '75, H '87; and Dr. J. Donald Millar RC '56, the University of Richmond's most distinguished alumnae/alumni for 1993.

Professionally, Sara has served the American, Virginia and Richmond Bar Associations on several special committees, and is past chair of the Virginia Bankers Association Legal Affairs Committee. Currently she is Vice President of the American Bankers Association Bank Counsel Unit.

Her alumni and civic responsibilities include her current presidency of the Hamilton College Alumni Association and her service as Past President of the Law School Association Board. She is also Vice President of the Board of Managers for the Jackson Field Homes for abused and troubled young women and is deputy for the Virginia Foundation for Independent Colleges and on the Board of Directors for the Dispute Resolution Center for the Better Business Bureau Foundation of Virginia. As if all this were not enough, she is listed in Outstanding Young Women in America, Who's Who in American Law, and Who's Who in America.

In addition to her husband Dr. Claud Wilson and three of their four children, members of the Law School board were on hand to wish Sara well. Joining in the congratulations were two other law graduates who are former recipients of the award, James C. Roberts '57 and Archer L. Yeatts, III, '67. Previous recipients of the award are:

- 1976 **M. Ray Doubles '26,**
Former Dean
- 1977 **Albert L. Philpott '41, '46**
- 1979 **Robert R. Merhige, Jr. '42**
- 1980 **Carle E. Davis '52**
- 1982 **Frederick T. Gray '48, '50**
- 1983 **Marvin F. Cole '43, '48**
- 1984 **Thomas W. Moss, Jr. '56**
- 1985 **Reginald N. Jones '65, '68**
- 1986 **W. Birch Douglass, III '68**
- 1987 **Archer L. Yeatts, III. '64, '67**
- 1988 **Donald H. Kent '60, '63**
- 1990 **Vincent J. Mastracco, Jr., '64**
- 1991 **S. D. Roberts Moore '61**
- 1992 **James C. Roberts '57**

Conard Mattox, Jr., B.A. '49, M.A. '49, J.D. '51, talks with Commencement Speaker Dr. Benjamin L. Hooks following the Law School Association luncheon at which his gift of the Conard B. Mattox, Jr. Public Issue Debate was announced.



Conard B. Mattox, Jr. endows Public Issue Debate

At the Law School Association Board luncheon on May 8, 1993, Dean Harbaugh formally announced The Conard B. Mattox, Jr., Public Issue Debate which was endowed by Mr. Mattox this spring. Over the years, Mr. Mattox has consistently supported the Law School and has expressed on many occasions his deep gratitude for the legal education he received from T. C. Williams.

Mr. Mattox, who was the first person to receive three degrees from the University of Richmond (B.A. '49, M.A. '49 and J.D. '51), began his long and distinguished association with the Law by working as the law librarian at T. C. Williams from 1951-52. He went on to serve as the City Attorney for Warwick, Virginia from 1952-56; as Senior Assistant City Attorney for Richmond from 1956-64; and finally as the City Attorney for Richmond from 1964 until his retirement in 1981.

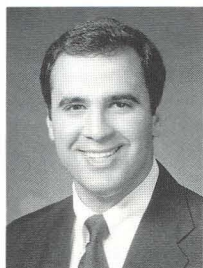
Mr. and Mrs. Mattox now travel extensively and enjoy working in their beautiful gardens. They have two sons, William H. Mattox and Conard B. "Matt" Mattox, III, who received his degree from T. C. Williams in 1977.

The Conard B. Mattox, Jr., Public Issue Debate will be held each winter at the Law School and will focus on an issue which is of significant interest to the members of the General Assembly and to the citizens of the

Commonwealth of Virginia. Dean Harbaugh will invite representatives from each side of the issue to debate the question in the Moot Courtroom in the Law School building. The debate will be open to the public and covered by the press.

KIRK SCHRODER RECEIVES AWARD FOR ASSISTING THE ARTS

The Washington Area Lawyers for the Arts awarded **Kirk T. Schroder '87** the 10th Anniversary Honorable Mention Volunteer Attorney Award at their awards luncheon in the Kennedy Center for the Performing Arts in Washington on May 12, 1993. Kirk was one of several attorneys who received this award for their legal contributions to the Washington Art Community, but the only one living outside of the Washington area.

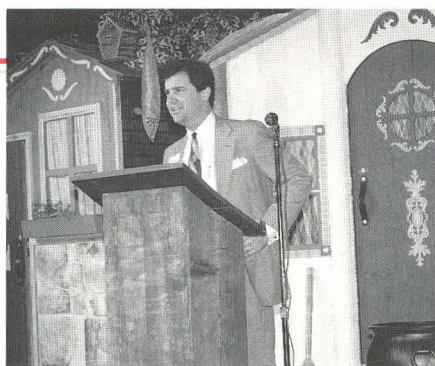


Kirk Schroder '87

An adjunct professor at T. C. Williams, Kirk's private practice includes arts and entertainment law, and he lectures on occasion on related issues at Virginia Commonwealth University's School of the Arts. He is Chairman of the Virginia State Bar Lawyers for the Arts Committee and is on the Advisory Board of the Virginia Film & Media Center, a division of the Virginia Foundation for the Humanities.

PETER ELIADES CHAIRS EFFORT FOR THE UNIVERSITY

Peter D. Eliades '84 is co-chair of the University of Richmond's Area Campaign for the Petersburg/ Hopewell area. Peter, who has a general law practice with his sister Sherri Eliades '90 and their father Homer, spoke at the opening celebration of the area campaign in March at the Swift Creek Mill Playhouse with his campaign co-chair **Allen W. Flannagan, Jr., RC '46, G '47**. The event was attended by law, graduate and undergraduate alumni of the University.



Peter Eliades '84 introduces Dean Harbaugh at the Kick-off Celebration of the Petersburg, Hopewell, Colonial Heights Area Campaign for the University.

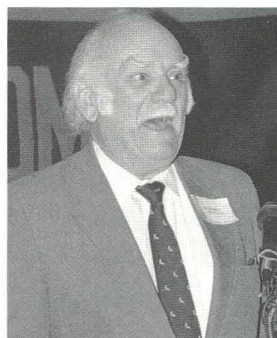
In addition to all these responsibilities, Peter recently received the Democratic nomination for the 62nd District House of Delegates seat and kicked off his "Campaign for Good Government" in April after the University event. Peter also serves part-time as the Assistant Commonwealth's Attorney for the County of Prince George. He and his wife Christy live in Hopewell.

TWO ALUMNI RECEIVE THE ALUMNI MEDAL OF MERIT FROM THE UNIVERSITY

It began to look as if someone were playing mind games when the University of Richmond awarded its Medal of Merit to T. C. Williams graduate Joe Johnson and again to T. C. Williams graduate Joe Johnson. Fortunately, the Law School community was able to take pride and pleasure in the recognition of two of its graduates named Joe Johnson.

Joseph R. Johnson, Jr., RC '49, L '52, is sole proprietor of the Lynchburg, Virginia law firm of Joseph R. Johnson, Jr. & Associates. In

February, he was awarded the Medal of Merit for his distinguished achievements in professional and civic activities and in support of the University of Richmond. In addition to his other activities, Joe has served as a chapter leader for Richmond alumni in the Lynchburg area where he represented both the Law School and the larger University community of alumni.



Joe Johnson, Jr., RC '49, L '52 receives the Medal of Merit in Lynchburg.

Joseph P. Johnson, Jr. '60, is a named partner with the firm of Johnson, Scyphers & Austin, P. C. in Abingdon, Virginia. At an Abingdon alumni chapter meeting June 12, 1993, he also received the Medal of Merit from the University for his distinguished achievements in professional and civic activities in the Abingdon area. Joe is currently finishing his second term as a delegate in the Virginia State House of Representatives and will begin his third term in January. He is Chair of the Board of Trustees of Emory and Henry College. Joe's son Sage is a second-year student at the Law School.



Delegate Joe Johnson, Jr., '60, winner of the Medal of Merit in Abingdon, Virginia.

JIM NACHMAN: WHITE HOUSE VOLUNTEER

Jim Nachman '89, chairman of the Richmond Democratic Committee, received a call in May from the White House. It seems the Clinton administration is receiving more than twice the amount of mail received by either the Bush or Reagan administrations.

This combined with the fact that President Clinton has cut the White House staff by 25% has left the administration a little short-handed, and they're having a hard time handling all their mail. Searching for their own "Thousand Points of Lights," they've asked Jim and other Committee chairs in near-by areas to send help.

Jim, who worked with over 1400 volunteers during the Presidential Campaign, is in the process of organizing volunteers to work at the White House from either 9:00 a.m. till 5:00 p.m. on Saturdays or from noon till 5:00 p.m. on Sundays. Responsibilities will include opening, reading, distributing and, in some cases, responding to questions. The reward: Participating in a day in the life of the White House with a possible tour of the Oval Office, providing it's chief occupant is not in residence at the time.

FACULTY

F O R U M

Okainer Christian Dark spoke in the Poverty and Law Section of the Annual Meeting of the AALS and served on a panel which discussed Model Anti-Harassment Policies in the Law School. Professor Dark was also the Black History Speaker at the University of Minnesota School of Law. In March, she was the Ben J. Altheimer Lecturer at the University of Arkansas at Little Rock School of Law. Her presentation, entitled "Plato, Womanist Theory, and 'Carvin' Out Spaces," will be published in the University of *Arkansas Law Review*. She is Chair Designate for the Minority Affairs Committee of the Law School Admission Council and Chair of the Planning Committee for the 1994 AALS New Law Teachers Conference. She is also a finalist in the 1993 Kellogg Foundation National Fellowship Program as well as in the 1993-94 White House Fellows Program.

Ann C. Hodges, who authored the article in the Winter '93 issue of *Richmond Law* entitled "Is Your Workplace In Compliance?," recently published an article in the *Wayne Law Review* entitled "The Preclusive Effect of Unemployment Compensation Determinations in Subsequent Litigation: A Federal Solution." She also published an article written with Melissa Barsotti in the March 1993 issue of *Virginia Lawyer* entitled "Application of the Civil Rights Act of 1991 to Pre-Existing Claims: The Judicial Dilemma." Ms. Barsotti is a December 1992 graduate of T. C. Williams.

Michael J. Herbert, who teaches Contracts; Bankruptcy; Sales and Leases; and Secured Transactions, recently co-authored a newly-published treatise, *Uniform Commercial Code*. The treatise is in five volumes and is published by Little, Brown and Company.

Azizah al-Hibri has spoken recently both at the University of Richmond and at Virginia Commonwealth as well as at various local civic organizations on topics as wide-ranging as "Women and Islam," Islamic Jurisprudence, and "The Arab Middle East in Context: An Intellectual Overview." At the Kevorkian Center for Middle Eastern Studies, Dr. al-Hibri spoke on "American Muslim Jurisprudence for a New World," and

at Simmons College she participated in an international conference, "Prospects for Democracy in the Arab World," and presented a paper on the subject from a jurisprudential point of view. She has most recently presented a lecture at Harvard University entitled "Islam and Women's Rights: An Oxymoron or a Promise to Be Fulfilled?" In addition, Dr. al-Hibri served as a panelist on the Preparatory Committee for the United Nations' International Conference on Population and Development which will be held in Cairo in 1994.

Steven D. Hinckley was a member of the faculty at the American Bar Association's National Conference on Components of the 21st Century Legal Learning Environment at Ohio State University College of Law in March. Professor Hinckley served as both a panelist on the use of technology in law schools and as a discussion group leader on the subject of required student ownership of computers. In addition, he spoke at the Virginia Library Association Region III meeting in Norfolk on the subject of malpractice and unauthorized practice of law considerations for librarians providing legal reference assistance. In May, the University's Board of Trustees approved Professor Hinckley's promotion to the rank of Associate Professor of Law.

J. Rodney Johnson wrote an article, "Writing Standing Wills for a Married Couple: Is Consent to Mutual Representation Required?," for the Virginia State Bar's Trusts and Estates Newsletter, and prepared a Virginia Handbook and Video Program, *The Augmented Estate & Spousal Property Rights at Death* for the Professional Programs Associates, Inc., of Williamsburg, Virginia. He also spoke on "Fiduciary Legislation — The 1993 Session" to the Trust Administrators' Council of Richmond and was appointed by Virginia Chief Justice Carrico to membership on the newly created standing Committee on Commissioners of Accounts of the Judicial Council of Virginia. In addition, Professor Johnson was appointed Chair of the Virginia Bar association subcommittee to study the revised Uniform Simultaneous Death Act (1991). He is also proud to report that his son Will just graduated from the University of Richmond with a B.A. in History and Political Science.

John P. Jones spoke in May to a delegation of Albanian jurists on the theory and practice of judicial review for the United States Agency for International Development. Professor Jones, a constitutional law scholar, has been helping the nation of Albania draft a democratic constitution.

Gary C. Leedes delivered a talk entitled "Law and Religion under the United States Constitution" at the University of London's Institute of Advanced Legal Studies in May. He will also be teaching at the Institute during the summer as a Visiting Scholar. In addition, he recently published an article in the *Indiana Law Review* entitled "Rediscovering the Link Between the Establishment Clause and the Fourteenth Amendment: The Citizenship Declaration."

Michael A. Wolf delivered a talk, "The Supreme Court's Takings Term II: The Impact on Environmental Regulation," at the Environmental Law Symposium sponsored by the Northern Illinois University Law Review in DeKalb, Illinois. He also provided an update on federal, state, and local enterprise zone activity at the Virginia State Enterprise Zone Administrators Meeting which was sponsored by the Department of Housing and Community Development, and during the 1993-94 academic year, Professor Wolf will be a Visiting Professor at the Washington College of Law at American University.

Paul J. Zwier has been Team Leader/Program Director for the Federal Trade Commission's Trial Advocacy Training Program. He also served as Team Leader for the Southeast Regional Trial Program at the University of North Carolina and will be Team Leader at the University of California at Berkeley. During the summer, Professor Zwier will be on the teaching team in Boulder Colorado and is creating a training program with Deans Harbaugh and Guernsey for Shearman & Sterling entitled "Interviewing the Corporate Witness."

Meet New Faculty: Dr. Azizah Al-Hibri

Azizah al-Hibri was born, raised and educated in Beirut, Lebanon. After graduating from The American School for Girls, Professor al-Hibri received her undergraduate education from the American University of Beirut. At that point, Prof. al-Hibri moved to the United States to pursue graduate studies at the University of Pennsylvania and received her Ph.D in Philosophy in 1975.

After teaching at Texas A&M University and Washington University in Saint Louis, Missouri from 1975-1983 and publishing in a wide variety of areas in her field, Dr. al-Hibri developed an interest in the Law and decided to obtain a law degree. During her third year at the University of Pennsylvania School of Law, she was re-recruited to join Sullivan & Cromwell upon graduation but, before joining the firm, she accepted a one-year position with the Harvard Divinity School and the Harvard Center for the Study of World Religions as a Visiting Scholar.

While at Harvard, Dr. al-Hibri met and married her husband, Ahmad al-Haidar, a native Saudi Arabian who was pursuing graduate studies at the University.

In January, 1986, Dr. al-Hibri joined Sullivan & Cromwell where she was active in the firm's securities practice. During this time, Dr. al-Hibri became increasingly interested in international joint ventures and left Sullivan & Cromwell in 1987 to join Debevoise & Plimpton where she practiced until 1992. At that time, she decided that she wanted to return to her first love, which was teaching, and began interviewing with several law schools. It was then that she met a number of T. C. Williams professors at a conference in Washington, among them Professors J. P. Jones and Clark Williams. She recalls that she was impressed with their intelligence and understanding of their fields of study as well as with their professionalism and collegiality. It was at that point that she decided to give serious attention to the University of Richmond.

Dr. al-Hibri states emphatically that her first impressions were borne out by the rest of the faculty upon her arrival on campus last fall. She has spent this past year teaching

Corporations, Securities Regulation, Corporate Finance and a course very close to her heart, Islamic Jurisprudence. She has lectured widely and written copiously as evidenced by the information she shares in the Faculty News section of the magazine each issue, but it is her enjoyment of her students and faculty colleagues that ensures her tenure at T. C. Williams.

The intimacy of the University and the quality of both students and faculty continues to impress her. She has been tremendously excited by the wide diversity of the curriculum at the Law School, and she has come to appreciate the culture of the institution and the traditions which make T. C. Williams a very supportive school in which to study or to teach. Whether speaking or just traveling, Dr. al-Hibri has become more than an advocate, she has become an ambassador for the Law School.



Dr. Azizah al-Hibri.

★ ON THE CAMPAIGN FRONT ★

In a recent conversation Dean Harbaugh shared the following thoughts:

"Our education, in large part, defines who and what we are. Our undergraduate education may well determine who we are, but it is our graduate education that determines what we are. What we are able to do with our lives and for our families is largely due to our professional education, and the Law School is grateful, indeed, to those alumni who have recognized this and have chosen to support their law school financially."

As the Campaign for the Law School moves toward completion this fall, the Law School faculty, staff and students would like to thank those alumni who have given their time and their gifts to help make the Campaign a success and to fund the construction, programming and financial aid costs involved in providing one of the best legal educations in the nation. The Campaign, under the dynamic leadership of Chair William G. Thomas '63 and Vice-Chair James C. Roberts '57, owes its success thus far, not

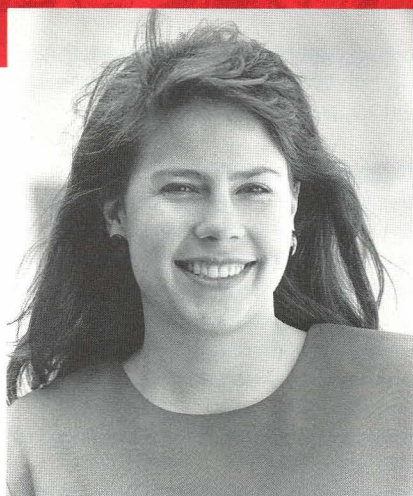
only to the leadership and to efforts of the volunteers, but also to the hundreds of alumni who have chosen to demonstrate their appreciation for their legal education received here at T. C. Williams by supporting the Law School at this crucial time in its history.

Among the many gifts received this fiscal year, the Law School would like to note with deep appreciation gifts received from or made possible by the following alumni which added significantly to the Campaign for the building or scholarship and programming funds:

Dennis P. Brumberg '70
Frank N. Cowan '62
Aubrey M. Daniel, III '66
Sherri P. Eliades '90 and
Peter D. Eliades '84
Harry W. Garrett, Jr. '61
William A. Julius '60
Harry L. Lantz '43
Conard B. Mattox, Jr. '51
Ronald M. Plotkin '69
Richard C. (L) '51 and Jean Rakes
The Hon. John A. Snead '47
Russell C. Williams '84

In addition, the Law School is pleased to announce that carrels have been given or made possible by gifts this spring from the following alumni and friends of the T. C. Williams School of Law:

H. Woodrow Crook, Jr. '65
Aubrey M. Daniel, III '66
Marvin Friedberg
Joseph P. Johnson, Jr. '60
Jerry and Helen Luecke
Harry L. Mapp, Jr. '55
William W. Muse '73
Mrs. William T. Muse
J. Randolph Nelson '76
Margaret Nelson Phillips '87
John E. "Lucky" Pappas '64
William E. Phillips '85
William M. Phillips '57
Mrs. James C. Roberts
James C. Roberts, Jr.
Patricia L. Roberts
Charlotte S. Roberts
Ronald B. Zedd



Kelly Combs Necessary '94, SBA President for 1993-94.

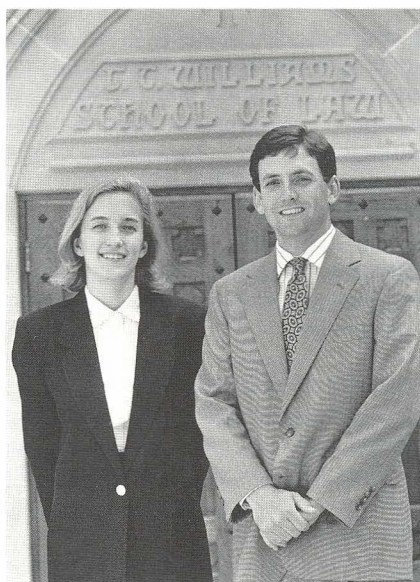
Every year is a busy year for students at the University of Richmond Law School, but no previous year in recent memory seems to have held such a dazzling array of guest speakers, activities and accomplishments. Beginning last fall, the SBA University Relations Committee guided T. C. Williams students into working positions with the Presidential Debate, one of the biggest events in the University's history. Law students participated in every aspect of the event, from setting up behind the scenes to assisting the press on the night of the event. A few fortunate students even got seats in the Robbins Center and were spectators at the Debate.

Back "on their own turf," law students from the SBA Alumni Affairs Committee assisted the Alumni Office during the dedication ceremonies in October as well as during the many events which preceded the actual ceremony. In addition, they called alumni during a student phonathon this spring and raised over \$19,000 in just two nights of calling.

The SBA's Legal Forum Committee was able to bring a number of noted speakers to T. C. Williams this year for the benefit of the whole Law School community including alumni. In addition to bringing in Robert MacCrate, Chair of an ABA Task Force and Past President of the ABA, who spoke during the Dedication activities last fall, and sponsoring, in part, the appeal of Dr. Mudd this spring, the Legal Forum also brought in William Rakes, President of the Virginia Bar Association, and John Shepherd, former ABA president. Last, they ended the year with a lively debate between Rachel McNair, President of Feminists for Life, and Bill Baird, who has appeared before the Supreme Court several times as an advocate of pro-choice legislation.

The SBA has also served this year as an official conduit between the students and the Dean's office as well as the library staff. Many students and student organizations have used this opportunity to bring concerns to the attention of the administration and seek resolutions to those concerns.

On the lighter side, the SBA was instrumental in getting cable television placed in the Downunder. For reasons that are clear to anyone who has ever attended Law School, it is beneficial to have a mechanism for relaxing from time to time. Also, having cable television in the Downunder enables students to tune in to CNN when late-breaking news events are televised.



Ellen Firsching Sohn '93 and Mike Ewing '94..

The SBA is also proud to report that several students won competitions and national honors this year. Among them were Ellen Firsching Sohn '93 and Michael S. Ewing '94 who won the East Coast Regionals of the American Intellectual Property Law Association's Patent Law Moot Court Competition. Although they did not win the finals, they placed second at the national level.

Also placing second at the national level after winning the regional competition were Deborah M. B. McConnell and Kara L. Gibbon, both first year-students, who participated in the American Bar Association Negotiation Competition put on by the Law Student Division. The fact pattern this



Student winners Deborah McConnell '95 (left) and Kara Gibbon '95.

year dealt with family and child custody law in an abuse case.

Also taking honors and rounding out a year of student accomplishments was Capt. Jeremiah I. Rupert, USMC, '93, whose essay "Individual Rights and Arms: What the Constitution Says" took second place in the 1992 Fire Arms Civil-Rights Legal Defense Fund Writing Contest. The essay dealt with the historical and contemporary support for an expansive interpretation of the individual and collective right to own and use firearms without governmental limitations or restrictions as guaranteed in and by the Constitution of the United States and the first ten Amendments.



Capt. Jeremiah I. Rupert, USMC, '93.

CLASS

NOTES

News received by June 15, 1992

20s

Leon (Lee) Wahrman '26 reports that he is still active in his furniture business in Savannah, Georgia.

30s

J. Lewis Ames '37 is serving a third year as President of Lancaster County Crime Solvers.

40s

Walter W. Regirer '49 has been elected to serve as President of the Richmond chapter of the Federal Bar Association.

50s

Nicholas A. Spinella '50 has been elected as President of the Executive Committee at the law firm of Spinella, Owings & Shaia.

J. Mercer White, Jr. '52 proudly announces he has three grandchildren, Austin B. May (4 yrs.), W. Mercer May (7 mons.) and Emma White (5 mons.).

James C. Roberts '57, a senior partner at the Richmond-based firm of Mays & Valentine, has been named by the Criminal Law Section of the Virginia State Bar as the first recipient of the Harry L. Carrico Professionalism Award.

Gerald Press '58 has become counsel to the law firm of Beale, Balfour, Davidson, Etherington & Parker.

William L. Gulley '59 retired on 2/1/93 as Vice President-General Counsel for National Casualty Company of St. Louis, Missouri after 28 years of service with National and Nationwide Insurance.

60s

Frank N. Cowan '62 has been inducted as a Fellow of the American College of Trial Lawyers.

Boyd F. Collier '64 has been named a member of the Board of Directors of the American National Lawyers Insurance Reciprocal and the Lawyers Management Corporation.

H. Franklin Taylor, III's '65 son, Hayward F. Taylor, IV, completed T. C. Williams in December 1992, and plans to join his father's firm during Summer 1993.

John R. Amos '66 has been named Manager of Reynolds Metals Co.'s Energy, Environment, Industrial Hygiene and Safety Department. Mr. Amos joined the firm in 1973 and had been Manager of Energy Resources.

Paul C. Kincheloe, Jr. '67 was sworn in as a member of the Randolph-Macon College Board of Trustees on March 6, 1993. Mr. Kincheloe is a partner in the firm of Kincheloe & Schneiderman in Fairfax, Virginia.

W. Birch Douglass III '68 has been elected a Fellow of the American College of Trust and Estate Counsel, an international association of lawyers who have been recognized as outstanding practitioners in the fields of estate and trust planning and administration, related taxation, business succession and insurance planning, employee benefits and fiduciary litigation.

Reginald N. Jones '68 has joined the firm of Williams, Mullen, Christian & Dobbin as a shareholder.

Eugene M. Desvernine '69 was appointed Executive Vice President at Reynolds International, Inc., with responsibility for Latin American operations, the international aluminum can business, and export sales and marketing.

70s

Donald K. Butler '71 has been named Secretary-Treasurer of the Virginia chapter of the American Academy of Matrimonial Lawyers.

Charles F. Witthoefft '72 has been named a director of the law firm of Hirschler, Fleischer, Weinberg, Cox & Allen for 1992-93.

L. Neil Steverson '73 was elected Managing Partner of the Executive Committee at Spinella, Owings & Shaia.

John H. Milne '73 has joined Virginia Asset Management as Director of Tax and Benefit Planning with primary concentration in sophisticated tax, deferred compensation and estate planning.

Sterling E. Rives III '73 is now in his sixth year as Hanover County Attorney where the

distinguished legal department includes fellow T. C. Williams alumni **Barbara Rose '81** and **Andrea Erard '89**.

Thomas O. Bondurant, Jr. '74 has formed the Richmond law firm of Bondurant & Benson, P.C. in partnership with fellow T. C. Williams alumnus, **W. Todd Benson '82**. Bondurant & Benson will operate as a general law practice with special emphasis on litigation, criminal law, real estate, environmental law, land use and local government law. Mr. Bondurant was formerly with the firm of Press, Jones & Waechter.

Lawrence M. Cardon's '74 son entered T. C. Williams in May 1993 following graduation from William & Mary. Mr. Cardon and his daughter, Rebecca, both set American and world bench press records in 1992. In October 1992, they both appeared on "Good Morning America." Rebecca enters George Mason University in the Fall 1993.

Charles J. Ferneyhough III '74 has been appointed Vice President of New Options Group Inc., a Glen Allen outplacement and career development counseling firm.

W. Richard Kay, Jr. '74 was elected to the Board of Directors of The Kay Company of Charleston, West Virginia. Mr. Kay also participates as a faculty member at the American Bankers Association/George Mason University School of Law, Banking Law School, lecturing on Outsourcing Considerations.

Robert D. Perrow '74 of the law firm of Williams, Mullen, Christian & Dobbins, heads the furniture practice group to serve clients in the furniture industry.

Katrin Colamarino '76 is Vice President and Technology Counsel for a division of Citibank in New York. Ms. Colamarino is involved with large computer outsourcing transactions and corporate restructuring deals which involve travel outside the United States. Ms. Colamarino reports that her husband's international law practice is also exciting and her 17-year-old daughter will be a senior in high school in Fall 1994.

John G. Mizell, Jr. '76 has been elected Secretary of the Executive Committee at the law firm of Spinella, Owings & Shaia.

Thomas W. Williamson, Jr. '76 was inducted as a Fellow of the American College of Trial Lawyers.

Robert L. Flax '77 of the law firm Flax & Embrey, has been appointed Excheator for Henrico County, Virginia.

R. Leigh Frackelton '77 was given tenure and promoted to Associate Professor at Mary Washington College; teaching Federal Income Tax, Business Law, and Principles of Accounting. Mr. Frackelton joined the firm of Goodpasture, Purvis & Frackelton, P.C. where he continues to practice in the fields of wills, trusts, estates and taxes.

Roger W. Kronau '77 has been appointed Senior Title Attorney with Lawyers Title Insurance Corporation. Mr. Kronau has responsibility for managing the new service office of the Roanoke branch.

Oliver L. Norrell III '77 has been elected to serve as Secretary of the Richmond chapter of the Federal Bar Association.

Steven Stone '77 and his wife, Lynn, proudly announce the birth of their fourth child, Samuel Paul Stone, on March 29, 1993. Samuel has two sisters, Marcia (5 1/2) and Deborah (2) and a brother George (4).

A. Lynn Ivey III '78 has been named to head Scott & Stringfellow Inc.'s Public Finance Department.

Mary M. Mahon '78 is serving as Of Counsel to Kear & Hughes, a firm specializing in the sale and development of real estate, commercial leasing, business law, transactional law, and domestic relations. Ms. Mahon is General Counsel of Chief's Auto Parts, Inc.

Sara Redding Wilson '78 received the Award for Distinguished Service at a dinner held at the University of Richmond honoring four distinguished alumni on May 7, 1993. Ms. Wilson, Senior Corporate Counsel with Signet Banking Corporation and Past President of the Law School Association, was recognized for her years of distinguished service to the University, the Law School and the Richmond community.

Frank B. Atkinson '79 has been named a partner in the Richmond office of McGuire, Woods, Battle & Boothe in Richmond.

Steven D. Benjamin '79 has formed the law firm of Steven D. Benjamin and Associates.

John M. Claytor '79 of the law firm Harmon, Claytor, Corrigan & Wellman, was elected

President-elect of the Virginia Association of Defense Attorneys.

David L. Hausrath '79 has been named Assistant General Counsel with Ashland Oil, Inc. Mr. Hausrath is responsible for general corporate and securities law functions.

William D. Heatwole '79 was elected to take a seat as General District Judge in the 25th District and will serve as needed in the 26th District.

Debbie Russell '79 and her husband, Dave, are pleased to announce the birth of their daughter, Emily Rebecca. Emily was also welcomed by her brother, William David (4 yrs.). Debbie is a partner in the Richmond office of McGuire, Woods, Battle & Boothe.

80s

Bonnie C. Davis '80 was installed as General District Judge on June 10 to serve the 12th Judicial District Juvenile and Domestic Relations Court. Ms. Davis is the first woman to be appointed to the bench in Chesterfield County.

C. Thomas Green III '80 has been named a member of the Richmond-based law firm Hirschler, Fleischer, Weinberg, Cox & Allen. Mr. Green focuses his practice on business and general corporate matters.

Gregory F. Holland '80 has been named a partner in the firm of Mays & Valentine. Mr. Holland is in the product liability and personal injury practice group.

David D. Hudgins '80 and his wife, Ann, announce the birth of their daughter, Grace McAllen Hudgins.

P. Dawn Bishop '81 has been hired as counsel of the law firm of Sands, Anderson, Marks & Miller.

Herbert A. Claiborne, III '81 is currently General Counsel and a member of the Board of Directors of E. R. Carpenter Company, Inc., a Richmond-based corporation with operations in the U.S., Canada, Mexico, England and France.

Gladys Bailey Harris '81 is pleased to announce the relocation of her office to 416 West Franklin Street, Richmond, Virginia.

Shelly Sveda Holt '81 has been elected to serve a four-year-term as a District Court Judge for New Hanover and Pender Counties.

Donna J. Katos '81 has been appointed as Litigation/Risk Management Counsel for Barnett Banks, Inc. Ms. Katos resides in Coral Gables, Florida with her husband, Michael.

W. Todd Benson '82 has formed the law firm of Bondurant & Benson, P.C. in Richmond in partnership with fellow T. C. Williams alum, **Thomas O. Bondurant, Jr. '74**. The firm is a general law practice with special emphasis on litigation, criminal law, real estate, environmental law, land use, and local government law. Mr. Benson currently serves as adjunct professor at T. C. Williams, and acting director of the Law School's Robert R. Merhige, Jr. Center for Environmental Studies.

Martha Blevins Brissette '83 was appointed Regulatory Counsel at the corporate headquarters in Richmond of Lawyers Title Insurance Corporation.

Russell G. Henshall '83 married Polly A. Foster of Richmond and has recently purchased a new home in Centreville, Virginia.

Robert M. Tuck '86 moved his law practice to the Colonnade Building at 4050 Innslake Drive, Suite 111, Glen Allen, Virginia.

Victoria V. Humphreys '83 has opened a solo, private practice in April 1992.

Ms. Humphreys' practice concentrates on bankruptcy, domestic relations, social security disability and personal injury.

Jacqueline MayKranz Kraeutler '83 Senior Counsel for Elf Atochem North America, Inc., is serving as the company's labor/employment law and employee benefits attorney. Ms. Kraeutler and her husband, Eric, who is a litigation partner at Morgan Lewis & Bockius, reside in Swarthmore, Pennsylvania. They have two children, Matthew (5 yrs.) and Caroline (1 yr.).

Carl W. Nelson '83 has been named a principal in the Franklin, New Jersey law firm of Koch, Nelson & Koch. Mr. Nelson concentrates his practice in areas of real estate, land use, municipal and general civil law. Mr. Nelson and his wife, Erin, announce the birth of their daughter, Caroline Elizabeth on February 10, 1993. Caroline has one brother, Kyle Fitzgerald (21 mons.).

Lucia Anna Trigiani '83 has been named a principal of the law firm of Rees, Broome & Diaz, P.C.

Michael D. Ward '83 was promoted to Executive Director of the Virginia Petroleum Council, a subsidiary of American Petroleum Institute.

Patrick O. Gottschalk '84 has been named to serve as an officer of the Instructive Visiting Nurse Association.

Donna DiServio Lange '84 has joined the firm of Virginia Professional Underwriters Inc. as Director of Marketing for the Lawyers Division.

Marianne Nelms Macon '84 has been named a partner of the law firm, Sands, Anderson, Marks and Miller. Ms. Macon is a member of the Litigation Department and practices in the areas of workers' compensation, risk management and employment law.

Michele M. Metcalf '84 has been hired as counsel to the law firm of Sands, Anderson, Marks & Miller.

Kathryn R. Sommerkamp '84 was promoted to major in U.S. Army J.A.G. Corps. Major Sommerkamp is currently serving as the Chief, Administrative Law Division, at Fort Stewart, Georgia.

Clayton L. Walton '84 has joined the Environmental Law Group of the firm of Williams, Mullen, Christian & Dobbins.

Kelley Brandt Bartges '85 is currently with the Public Defender's Office - Juvenile Court in Richmond.

Harry E. Cohn '85 has joined the Richmond law firm of Dozier and Associates, P.C., which is involved exclusively in collection law throughout the Commonwealth. Mr. Cohn is a member of the litigation department and assumes the responsibilities of Director of Marketing and Client Development.

John "Jay" W. Steele '85 has been named a member of the Richmond-based law firm of Hirschler, Fleischer, Weinberg, Cox & Allen. Mr. Steele concentrates his practice on commercial real estate.

Michael Wells '85 is an associate attorney with the firm of Wells, Paris, Blank & Brown, P.C. Mr. Wells' practice is primarily personal injury litigation, wills and estates. Mr. Wells is married to Sarah Badgett Wells, and they are the proud parents of Andrew Kennedy Wells (2 1/2).

Aubrey Russell Bowles, IV '86 has been named a partner in the law firm of Bowles and Bowles where he practices with his father. The firm was founded in 1932 by his grandfather and is located in the historic Hancock-Wirt-Caskie house in downtown Richmond.

Paul D. Georgiadis '86 has been in private practice since 1990 with the Richmond law firm of Thompson, Smithers, Newman & Wade specializing in civil litigation, primarily attorney malpractice defense. Mr. Georgiadis is the proud father of a son, Dimitri Paul (1 yr.).

Eileen Lampe '86 has joined the law firm of Montgomery, McCracken, Walker & Rhoads as an associate in the litigation department.

Michael A. Moore '86 has been named a partner in the central Pennsylvania law firm of Barley, Snyder, Senft & Cohen. Mr. Moore specializes in labor and benefits law.

Peter S. Philbin '86 has been named a principal of the law firm of Rees, Broome & Diaz, P.C.

Derrick E. Rosser '86 was elected Treasurer of the Executive Committee of the law firm of Spinella, Owings & Shaia.

Christopher A. Stump '86 has been named a partner in the central Pennsylvania law firm of Barley, Snyder, Senft & Cohen. Mr. Stump specializes in health law litigation.

Stefan Mitchell Calos '87 opened a general practice law office in Hopewell, Virginia in January 1993.

Leisa Kube Ciaffone '87 and her husband, Gerry, announce the birth of their daughter, Mia Elizabeth on February 14, 1993. Mia joins her brother Gabriel (3).

Kenneth H. Edwards '87 has joined the law firm of Williams, Mullen, Christian & Dobbins as head of the firm's residential real estate practice.

Melody Gunter Foster '87 has accepted a position as Assistant General Counsel to the Dalkon Shield Claimants Trust. Mrs. Foster and her husband, Peter, are the proud parents of a daughter, Chelsea Grayce, born September 25, 1992.

Virginia E. Hench '87 has accepted a tenure-track Assistant Professorship (teaching 4th, 5th & 6th Amendment Constitu-

tional Law) at the University of Hawaii's William S. Richardson School of Law in Honolulu.

Kirk T. Schroder '87 was awarded the 10th Anniversary Honorable Mention Volunteer Attorney Award by the Washington Area Lawyers for the Arts.

Margaret Blake Todd '87 has moved to Wichita, Kansas where her husband, John J. Todd, Jr., is Vice President, Acquisitions and Business Development, for Pizza Hut, Inc. Mrs. Todd is practicing business litigation with Grace, Unruh and Pratt. The Todds have two sons, John J. Todd III, born in October 1991, and Samuel Scott Todd, born June 17, 1993.

William J. Benos '88 has been appointed Legal Counsel on the Board of Trustees for the Central Virginia Chapter of the National Multiple Sclerosis Society for 1993. Mr. Benos is with the law firm of Williams, Mullen, Christian & Dobbins.

David Edgren '88 is Alaska Legal Services Corporation attorney for Kotzebue, Alaska and the Northwest Arctic Borough, a governmental unit located north of the Arctic Circle in Northwest Alaska. As far as Mr. Edgren knows, he is one of only 10 or so attorneys practicing above the Arctic Circle.

Theodore M. Galanides '88 is associated with the law firm of Beale, Balfour, Davidson, Etherington & Parker.

Ronald Paul Herbert '88 has been named an associate with the law firm of Sands, Anderson, Marks & Miller. Mr. Herbert is an adjunct faculty member with The T. C. Williams School of Law.

Dana G. Schrad '88 is staff attorney for the Virginia State Crime Commission. Ms. Schrad currently is working on a special project for Lieutenant Governor Donald Beyer as staff to the Legal Issues Subcommittee on the Committee for the Reduction of Sexual Assault. Ms. Schrad's husband, Ken, is Information Director for the State Corporation Commission.

Kurt Winstead '88 is with the Nashville, Tennessee law firm of Cornelius and Collins, a civil litigation firm, since 1988. Mr. Winstead's practice involves torts, products liability, medical malpractice and labor. Mr. Winstead and his wife, Beth, have a daughter, Bridget (2) and are expecting their second child in July 1993. Mr. Winstead is

a Captain in the Tennessee Army National Guard, J.A.G. branch.

William J. Dinkin '90 has joined the Environmental Law Group of the firm of Williams, Mullen, Christian & Dobbins.

Wendy B. Gayle '90 and her husband, Alan announce the birth of their third daughter on January 6, 1993. Ms. Gayle has "retired" temporarily to be at home with the family and to enjoy a break from the hectic life of lawyering.

Thomas J. Lambert '90 has returned from South America (Chile, Peru, Ecuador, Colombia, Panama, and Venezuela) where he served as Staff Judge Advocate, United States Commander, South Atlantic Force. Lieutenant Lambert was awarded the Navy Achievement Medal for his work in sea and international law.

Harry W. Mulford '90 has been named as an associate of the law firm of Hazel & Thomas.

Carla H. Thomas '90 has joined the law firm of Williams, Mullen, Christian & Dobbins.

K. Ruppert Beirne '91 and his wife, Danise, announce the birth of their second son, Daniel Louis Beirne, on March 13, 1993.

Carl H. Bundick '91 is associated with the law firm of Mapp, Mapp & Klein of Keller, Virginia.

Steven B. Chaneles '91 is associated with the law firm of Silver & Garvett, P.A. in Coconut Grove, Florida.

Jeffrey A. Cohen '91 has joined the law firm of Wells, Paris, Blank & Brown as an associate.

Steven D. Goodwin '91 has joined the firm of Steven D. Benjamin and Associates as an associate.

George L. Hiller '91 has accepted a new position with the Division of Export Development of the Virginia Department of Economic Development. Mr. Hiller works with graduate business and law students at Virginia universities to develop international business plans for Virginia companies.

Caroline L. Osborne '91 completed her LL.M. in tax in May 1992, at Emory Univer-

sity. Ms. Osborne is currently practicing in Winston-Salem at the law firm of Womble Carlyle Sandridge & Rice.

Nancy L. Quinn '91 has joined the firm of Steven D. Benjamin and Associates as an associate.

Wyatt S. Beazley IV '92 has joined the law firm of Williams, Mullen, Christian & Dobbins.

Charles H. Crowder '92, following his fourth month of practice, argued a petition for an appeal before the Virginia Supreme Court. Mr. Crowder has been appointed 10th Circuit Representative for the Young Lawyers' Conference of Virginia. Outside of his practice, Mr. Crowder raises beef cattle and schedules as much time as possible for sports and play!

William T. Fitzhugh '92 has joined the law firm of McSweeney, Burch & Crump as an associate.

Vernon C. Howerton '92 is an associate in the Richmond law firm of Parvin, Wilson, Barnett & Guynn.

Keith N. Hurley '92 has joined the law firm of Cawthorn & Picard.

Peter Alan Koort '92 has joined the law firm of Cawthorn & Picard.

Manoli Lonpassi '92 is a law clerk for the Honorable James B. Wilkinson, Circuit Court of the City of Richmond. Mr. Lonpassi currently is co-hosting a local sports call-in show every Sunday from 7:00 p.m. - 8:00 p.m. on AM 910, WRNL.

Jeffery K. Mitchell '92 has been named as an associate with the law firm of Hazel & Thomas.

John D. Ott '92 is associated with the Los Angeles office of Wright, Robinson, McCammon, Osthimer & Tatum.

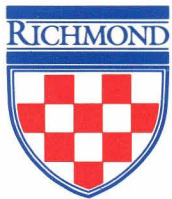
David N. Payne '92 is an associate with the law firm of Williams Kelly & Greer, P.C. Mr. Payne practices in the area of general litigation.

Henry C. Spalding III '92 has joined the law firm of Sands, Anderson, Marks & Miller as an associate.

Kathleen M. Wulff '92 has joined the law firm of Jay Tronfeld & Associates as an associate. Ms. Wulff specializes in personal injury law.

In Memoriam

John B. Boatwright, Jr. '41	March 13, 1993
Stephen J. Boyle III '50	May 1, 1993
George Albert Davis '50	November 22, 1992
Homer W. Hanna, Jr. '49	January 28, 1993
The Honorable Roszell D. Hunter, III '63	February 14, 1993
Charles W. Kent '36	May 10, 1993
The Reverend Frank Garland Laine, Jr. '49	February 24, 1993
Max O. Laster '35	May 20, 1993
Robert J. Lumpkin '59	April 29, 1993
Walter V. Moore, Jr. '54	November 22, 1992
Reginald P. Morris '64	November 2, 1992
William S. Sullivan '54	March 8, 1993
D. Gardiner Tyler '26	March 29, 1993
Joseph T. Weaver '65	November 22, 1992



The T. C. Williams School of Law
Development Office
University of Richmond
Virginia 23173

Non-Profit
Organization
U. S. POSTAGE
PAID
Permit No. 1
University of
Richmond



Shown standing between Diane Brust, Alumni and Development Director (left) and Dean Harbaugh (right) at the recent alumni breakfast during the Virginia State Bar is E. Ralph James '24. Mr. James, a former president of the Virginia State Bar, is the oldest alumnus of the The T. C. Williams School of Law. After graduating from the College of William and Mary in 1916 (where he is also the oldest alumnus), Mr. James married and taught school in Richmond for several years while attending T. C. Williams at night. Mr. James, now 97 years old, retired from his practice in Hampton three years ago.