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P.A.D. Directory  
1972-73

# THE GEORGIA ADVOCATE

**gilbert**  
LAW SUMMARIES

CIVIL PROCEDURE

University of Georgia Alumni Seminar  
February 9-10

**Athens**

Bogart • Statham • Watkinsville  
with listings of Canton • Colbert • Cordele  
Covington • LaGrange • Decaturville  
La • Milledgeville • Winder

Telephone Directory  
Area Code 404  
December 1972

LAW LIBRARY

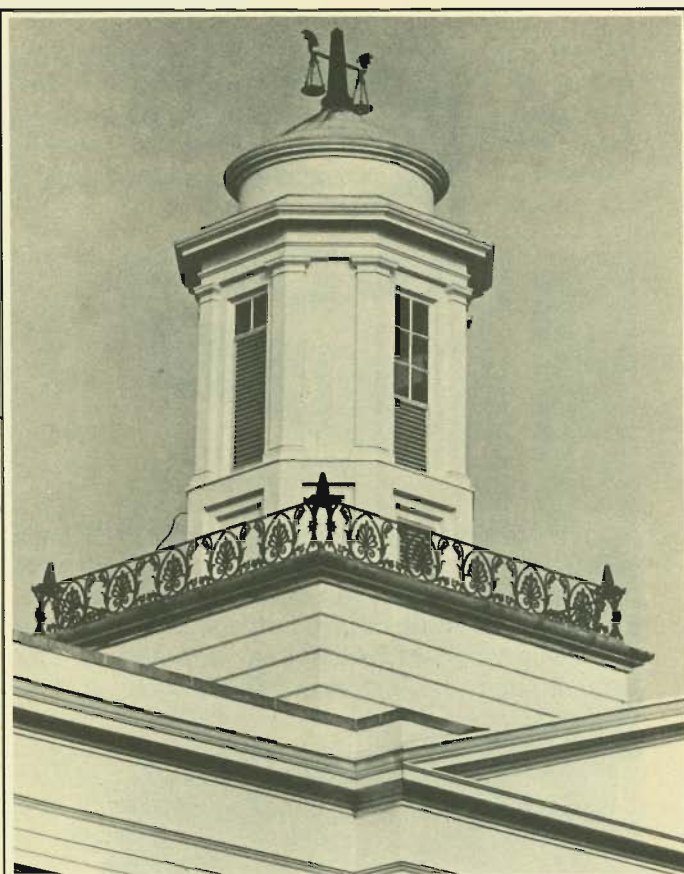


## The Georgia Advocate

Winter 1973

Vol. 9, No. 1

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In mid-February, 1973, the University of Georgia Law Library acquired its 200,000th volume. Although this particular figure may seem arbitrary, it represents the borderline between official size categories established by the Association of American Law Schools and the American Association of Law Libraries.

These categories:

small	50,000 volumes
medium	50,000 to 100,000
medium large	100,001 to 200,000
large	more than 200,000



A sampling of volume count in major law libraries, compiled in July, 1971, reveals Georgia's relative size on the national scale:

Harvard	1,184,939	Texas	245,753
Columbia	515,000	Illinois	235,479
Yale	503,651	Pennsylvania	228,470
Michigan	421,000	Virginia	219,617
NYU	355,597	U. of Cali-	
Minnesota	338,622	fornia	215,566
Ohio State	294,860	Washington	208,900
Northwestern	290,628	Stanford	197,239
Chicago	288,813	Georgia	185,192
U. Cal. at		Iowa	184,115
Berkeley	267,733	Duke	172,867
Cornell	262,741		

## 200,000 VOLUMES

According to law librarian Sewell Brumby, this 200,000 count is based on calculations that the materials required to "permit true legal research" will amount to at least that many volumes.

In 1961, when Brumby was named law librarian, the official volume count was less than 42,000. The growth rate for several years had been approximately 1,000 per year.

In 1965 a documented study was prepared for university administrators for use in determining what materials were needed to upgrade the library.

A special fund of \$1,000,000 was made available in 1966 for expenditure by 1969. The annual allocation of bookmoney has in the last ten years been increased by more than 400 percent. These increases and the special fund made possible an expansion in size that attracted national attention among legal scholars and educators.



Hamilton Lokey, past president of the Law School Association, presents to University president Dr. Fred Davison the 200,000th volume addition to the Georgia Law Library. Mr. Lokey's gift was a set of court records and briefs in the case of **Block v. Compagnie Nationale Air France**, documents of the

proceedings in the 1962 case arising from the Atlanta Art Association plane disaster in Paris. The February 16 presentation in the library lobby was attended by the Law School's Board of Visitors, Athens lawyers, Law School faculty and students.



"... I am highly honored to be presenting to the library today what will be catalogued as volumes 200,000 and 200,001.

Perhaps it is in order here to tell you something about these volumes. On June 3, 1962 an Air France plane, on a charter flight for the Atlanta Art Association, started its take-off from Orly Airfield in Paris, bound for Atlanta. It did not make it. The entire passenger list, and most of the crew, perished in a fiery crash just beyond the end of the runway. It was a sad summer for us in Atlanta, for Atlanta lost so many of its finest citizens in the crash.

Understandably, many of the families of the victims were unwilling to accept the tender by Air France of the damage award fixed by the Warsaw Convention—\$8,300.00 for each death.

It soon became apparent that no single claimant could undertake the financial burden of preparing such a case for trial, so the attorneys for most of the claimants agreed to join forces in a united ef-

fort. It was immediately recognized that there was a need for expert assistance in this particular area and the Atlanta group associated for this purpose Mr. Lee Kreindler of New York, whom we considered to be pre-eminent in the field. The Atlanta lawyers group soon recognized that it was too large for efficient handling of the case, so an Atlanta committee was designated to work in close co-operation with Mr. Kreindler and his associates. On the committee were the late William H. Schroder, Hugh Dorsey and Herbert Ringel. Later there were added as back-up men for trial Charles Gowen and myself.

Under the Warsaw Convention the limit of recovery for any one death, in the absence of proof of "dol" (a French legal term with the rough equivalent of gross negligence with overtones of wilful misconduct) was only \$8,300.00. The first efforts, therefore, were directed toward establishing that the Warsaw Convention did not apply to a charter flight.



For the most part, it is this proposition which comprises the main thrust of these two volumes. A complete transcript, in French, of all the deliberations of the representatives of the various countries who ultimately produced the document known as "The Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air" was located at McGill University in Toronto. Both sides in the litigation employed top-flight, bi-lingual French legal scholars to review these transcripts and provide appropriate translations not only of the words, but their legal meanings under French law, since the agreed international language for use in the Warsaw Convention was French.

It is my sincere belief that the caliber of legal scholarship applied to this issue by both sides was superb. And I think it is a fair statement that in these two volumes is the best and most detailed, and complete, research into the Warsaw Convention to be found in any library in the world. I can make this statement without being in the least immodest, since I contributed not one word to any of the briefs or transcripts contained in either volume. As a research tool in the years to come I would hope they will be of value to the law library.

The question involved was a close one. The decision of the United States District Court for the Northern District of Georgia was appealed to the Fifth Circuit Court of Appeals. That Court held the case for an unprecedented length of time, almost two years, before affirming the District Court by a 2 to 1 decision. Certiorari to the United States Supreme Court was denied.

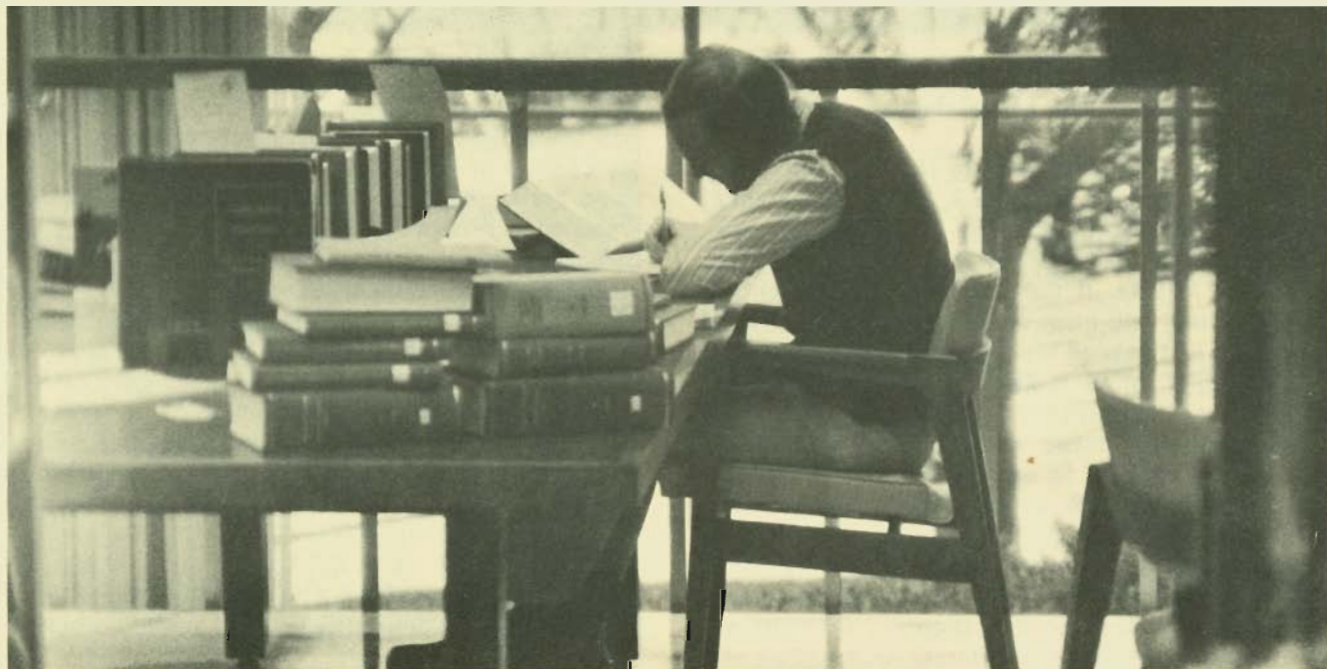
As we were preparing to try the lead case, (Bates Block, Executor of the estate of Baxter Jones, Jr. vs. Air France), on the issue of "dol", the case took

an unusual turn. The Second Circuit Court of Appeals decided in the case of *Alitalia Airlines v. Lisi* that the limitations of the Warsaw Convention did not apply if the ticket issued by the airlines did not give adequate notice of the limitation of damages under the Convention. That case was appealed to the United States Supreme Court by petition for certiorari. The Atlanta claimants, by leave of the Supreme Court, filed a brief *amicus curiae*, urging that the decision of the lower Court be affirmed. It was, and we had a new ball game. During the course of our final pre-trial conference the Atlanta claims were settled for five and a quarter million dollars, the largest single tort settlement of multiple cases to that date.

One more point of interest deserves telling here. It was the Air France disaster which precipitated the change in the limit on damages allowed under the Warsaw Convention. When Secretary of State Dean Rusk had the inadequacy of the award of only \$8,300.00 for a death resulting during international air travel brought home to him as a result of the Air France case, he put the international and diplomatic machinery in motion whereby those limits were raised in this country from \$8,300.00 to \$75,000.00

Had those limits applied in 1962, I doubt that these volumes would have come into existence.

But here they are, and it is with great pleasure that I deliver them to President Davison."





In a statement to the **Georgia Advocate** Assistant Dean C. Ronald Ellington discussed the results of the 1972 Georgia Bar Examination:

"Various reasons, none of which are wholly implausible, may explain the decline in the percentage of Georgia graduates passing the state bar examination last year. Some observers believe that the Class of 1972 was lulled into a false sense of security by the extremely high rate of success among recent graduates in passing the bar. If that is the correct explanation, the Class of 1973 should perform better because they appear to be reviewing diligently.

## For New Bar Members

# It Was Tough

The Class of 1972 performed credibly in the bi-annual effort to become a licensed practitioner of law in the state of Georgia. Of the 137 graduates in the Class of 1972, 121 took the Georgia Bar Examination. Of those 121 taking the examination for the first time, 106 or 87 percent passed.

Those students ranking high in their graduating class performed well with all students in the upper one-fourth of the class passing. Also, more than 93 percent of those students who graduated in the upper three-fourths of the Class of 1972 passed. Overall, 478 of the total 950 applicants taking the Georgia Bar Examination in 1972 met the requirements and were eligible for admission.

Although results of the 1972 graduates were below 1971 when 97 percent of University of Georgia graduates passed, the 1972 performance was better than the years 1967-1970. Of particular note in the past five years is the improved performance of those who ranked in the middle and lower sectors of their class. This reflects the more homogeneous abilities found in the most recent University of Georgia Law School classes.

## Affect of the Multi-State Section:

Quite obviously, the use of the new multistate bar examination could have had a deleterious impact. This objective, multiple choice test covers Contracts, Torts, Evidence, Criminal Law, and Real Property. The student is presented a set of facts and accompanying questions and is asked to ferret out the one **best** answer from those given. As a guide he is instructed that the questions are based on "general law" and that while **most** questions require only the application of traditionally accepted rules and holdings, **some** require a knowledge of trends or recent developments. Even a thoroughly prepared, good student faces a serious dilemma he is asked to choose the one best answer from choices which represent (a) the view of a majority of jurisdictions, (b) the view of leading text writers or commentators such as a Williston, Corbin or Prosser, or (c) the view expressed in a proposed ALI Restatement or by an influential court. Probably, most students remember none of these divergent views and recall only what their law school instructor said about the point, if that. Hence, the one best answer is likely to be elusive even when the question does not require such a subjective decision. By all reports, students who rank high scholastically as well as those who finish near the bottom of the class find the multistate portion of the examination quite difficult.

I do not believe that the objective multistate exam tests legal learning as fairly as an essay exam. By requiring an applicant to answer correctly 132 questions out of 200, the Board of Bar Examiners may have set too high a mark for passing. There are indications that the Board has already moved to reduce the number of correct answers needed to pass the multistate portion of the exam, and I believe that this reduction will lead to a higher rate of success among graduates of accredited law schools on future examinations.

Candor compels me to suggest one other reason for our lowered passing rate even though it is not very complimentary of the Law School. As a result of our rapidly increased enrollment, the number of students in many popular courses (such as those tested on the bar exam) has increased dramatically. I suspect that large classes penalize most those students who most need a teacher's help in mastering the subject matter. Hopefully, a larger teaching faculty will bring about a reduction in the size of many courses and will improve instruction.

While none of these reasons is the complete answer, I believe each influenced the result."



## What the Statistics Say About Job Availability...

Law graduate placement is no longer a simple matter of patronage or personal referral. Institutions of legal education are now faced with the problem of interpreting the current job situation in cold economic maxims: "flooded job market" . . . . "supply outweighs demand."

In a recent article in the American Bar Association Journal, Professor Millard Ruud points out that new admissions to the Bar have grown 67 percent from 1961 to 1970—an increase from 10,729 to 17,922. He projects new admissions nationally to be 27,000 in 1973 and 29,000 in 1974. At the same time the United States Department of Labor in its Occupational Outlook Handbook (1972-73 edition) estimates the average annual openings for lawyers to be 14,000.

On the other hand, Dean Murray L. Schwartz of the U.C.L.A. Law School suggests several recent developments which may greatly expand legal employment opportunities. These include the increase in federal programs for the representation of individual indigent clients, the expansion of the Constitutional right to counsel reflected in Supreme Court decisions and development of new forms of providing legal services.

Dean Schwartz also points out that the same forces that are promoting new delivery systems for legal services are introducing programs such as no-fault insurance for automobile accidents and no-fault divorce systems, which may reduce the need for legal services.

For the University of Georgia Law School, the national upsurge in bar admission statistics alerts one to the fact that some traditionally Georgian job-hunting ground is now a mecca for law grads all over the country.

A placement tally dated March 1, 1973 indicates a partial job outlook for this year's senior class:

- 99 have accepted positions
- 14 have full military obligations
- 11 have 3 months military obligation
- 2 plan graduate studies
- 13 have job offers
- 29 have not listed job offers
- 23 have not enlisted placement assistance

---

191 total

Job eligibility is now seasonal because of the increasing number of students who complete studies several months in advance of the traditional June graduation. Fortunately, this places the class into the market at staggered intervals. For instance, 38 December graduates were able to fill immediate openings for employment and 25 March graduates are sought for current hiring needs as well. The remaining 128 June graduates did well to begin early last fall, when on-campus interviewing maintained a brisk pace in October and November.

In addition to its goal of placing the entire class, the placement office extends services to recent Georgia graduates who return for placement assistance after completing military obligations or because of a desire to re-locate jobs.

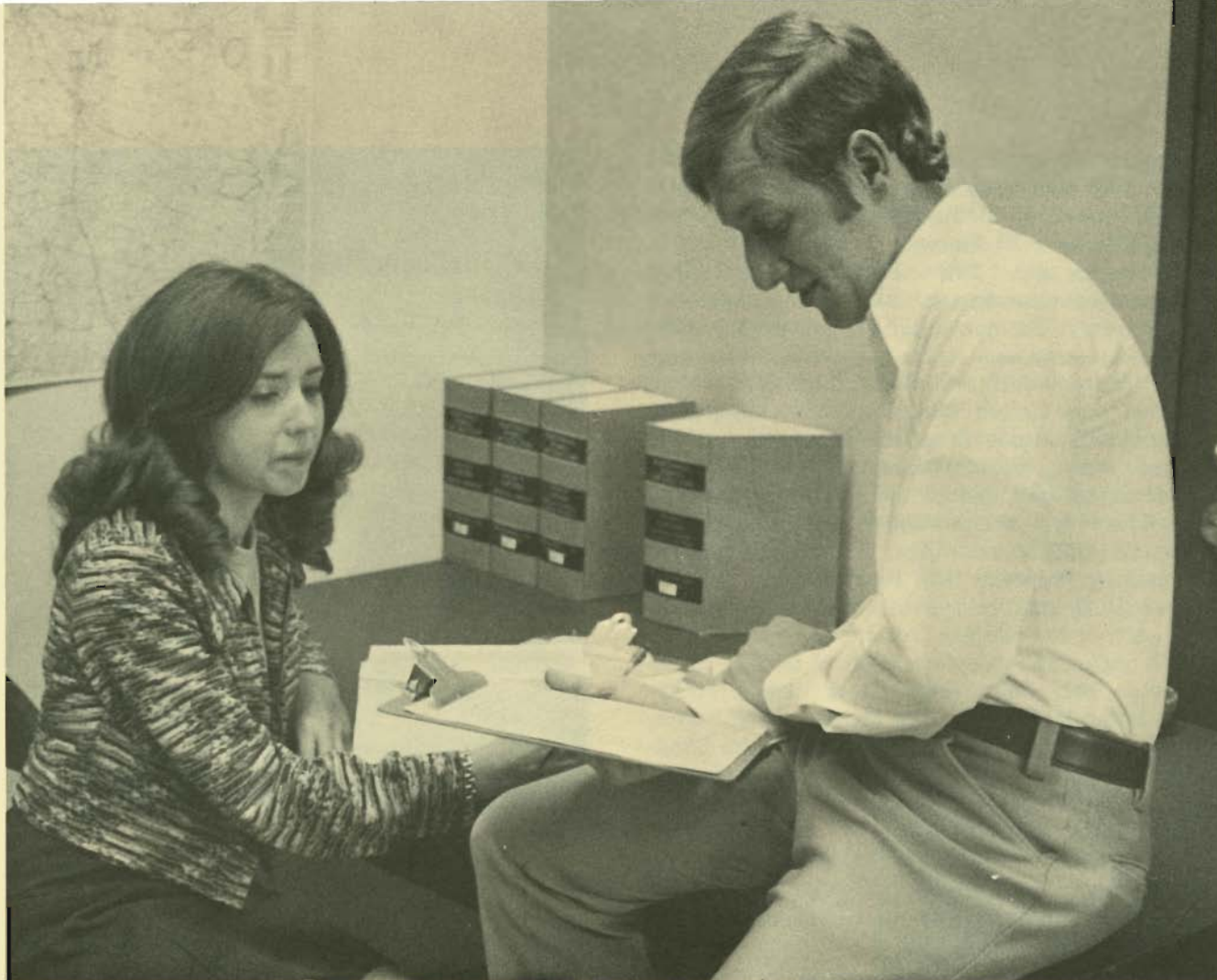
Students are aware of the tighter job situation and are beginning to extend a greater effort in locating employment individually.

On a definite positive side, the Law School is becoming utilized regionally. New contacts include inquiries from firms and corporations in neighboring states. Also, the Atlanta market has reacted favorably this year. Georgia graduates have been placed in large Atlanta firms which have not hired associates recently.

In the period of September 25, 1972, through March 31, 1973, thirty firms, fifteen government agencies and six corporations sent interviewers to the Law School for on-campus recruitment. Another forty-two firms and ten agencies or corporations made contacts whereby information was posted for students and resumes forwarded to the prospective employer.

## And How We Fare...





**Second-year student Bill Tucker finds it hard to decide between interviewing for a law firm internship and continuing summer studies in order to graduate early. Placement director Gwen Yawn points out the advantages and disadvantages of both.**

Placement contact has expanded geographically by a wider circulation of the placement edition of the **Georgia Advocate**. This directory of third-year students was mailed in September and went to 2500 firms in Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, Washington, D.C. and New York.

Firms in the neighboring states were chosen from cities with populations of 50,000 or more. Brochures went to firms in the larger cities of states along the perimeter of the southeastern region. All Georgia firms listed in **Martindale-Hubbell Law Directory** received placement directories.

The placement service is attempting to offer the student placement counseling in addition to the limited operation of a referral center. The Georgia

Law School needs to be aware of national trends and prospects as well as hiring in federal agencies. This communication is being made possible through membership in National Association for Law Placement.

Communication with Law School alumni is vital for continued interest in hiring Georgia graduates. It is hoped that these practicing lawyers might generate additional job opportunities in their areas. The placement office will be glad to make available to any alumnus the names of seniors who are residents of his or her area of practice as well as those interested in associating with a firm in that locality.

The placement director is available to speak to local bar associations and groups who may have questions about current law placement practices.



The Law School provided the program and theme for the 1973 University of Georgia Alumni Seminar held February 9-10 at the Georgia Center for Continuing Education in Athens.

"Civilization at the Dawn of the Twenty-first Century" brought into discussion several prospective developments in man's future economic state, environment, and legal rights.

The Honorable Arthur Goldberg, former U.S. representative to the United Nations and associate justice of the U.S. Supreme Court, delivered the keynote address. Acting Dean J. Ralph Beaird discussed "The Prospect for Individual Freedom." Other topics were "The Prevalence of People" presented by Professor Dean Rusk and "Zero Economic Growth?" delivered by Professor Paul Harbrecht.

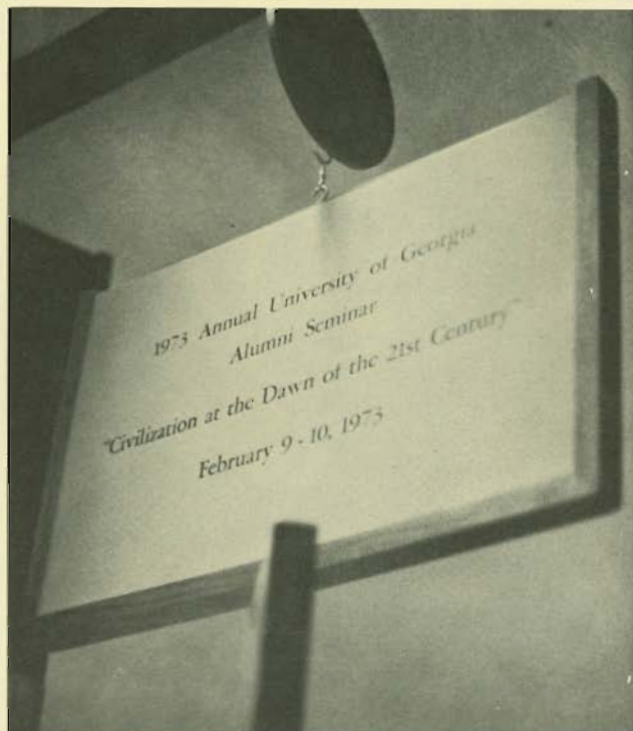
Law faculty members led small group sessions after each of the subject presentations. Discussion leaders included Professors Michael Botein, Boyce Covington, Sam Davis, Roger Groot, Wayne McCormack, Julian McDonnell, Jack Murray, Mack Player, John Rees, Charles Robson, Perry Sentell, Ira Shepard, Floyd Sherrod, Donald Wilkes, Joe Tom Easley, Robert Leavell, Tom Cook, Robert Peckham and Assistant Dean Ronald Ellington.

Georgia alumnus Robert Edge, Atlanta attorney and trustee of the University of Georgia Foundation, concluded the 1973 seminar in a luncheon address discussing the future of the law.



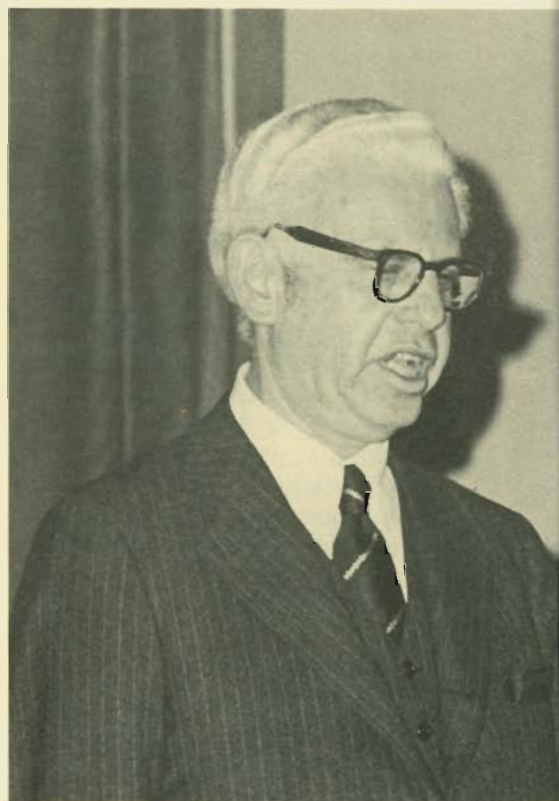
"People obey and respect law not solely out of fear of punishment but also because of what the law does for them: the durability and reliability it gives to institutions; the reciprocity that comes from keeping one's word; and the expectation, grounded in experience that the just processes of law will right their wrongs and grievances.

Whenever just expectations go unrealized—when ever legitimate grievances go unredressed—confidence in the law declines; people become alienated from authority and from the law; instability becomes widespread and violence is restored to."



## Law In The Twenty-First Century

*Goldberg*





## Rusk



"The extent to which an individual may claim immunity from the demands of organized society in the year 2000 will depend upon the extent of society's felt need for collective well-being."

"... Twentieth-century law has emphasized social interest—the demands and claims involved in social life—rather than the qualities of man in the abstract."

"Where there are people, there are problems; where there are lots of people, there are lots of problems. We already know that we have a basketful of problems even if the world's population were stable; but we also know that homo sapiens is exploding in number—with desperate problems on our plate for the future. These include food, housing, jobs, medical care, education, energy, raw materials, transportation, the amenities of life and the environment."

"American public policy on family planning has undergone a revolutionary change within the past ten years. 1974 has been designated by the United Nations as World Population Year. Some seventy nations have active programs in family planning and the expectation is that international cooperation in this field will increase rapidly for those who wish it."



## Harbrecht

"If there are limits to the potential for growth in the areas of natural resources, pollution and agricultural production, we are approaching those limits at a much more rapid pace than population is growing. As long as we could think that the world's resources for the support of people are limitless, or at least so extensive that the limits would not be reached in the foreseeable future, we could rejoice at the news that the increase in industrial output was as high as seven per cent and take comfort in the knowledge that within approximately 14 years the world would be producing exactly double what it is producing now. But when Massachusetts Institute of Technology scientists and their computers predict that we will encounter serious shortages of the means to make production possible, high growth rates are anything but a source of comfort."



## Beird



**Two-thirds of the graduates of the Class of 1972 listed their positions of employment after graduation with the Law School placement/alumni office. Alumni news notes is a significant service of The Advocate. Contributions are welcome.**

## *The Class of '72*

Walter N. Adams  
United States Air Force  
Alfred Lorenzo Allgood  
Smith and Smith  
Gainesville, Georgia  
William Earl Anderson  
Glover and Davis  
Newnan, Georgia  
Robert Lance Andrews  
Detardo and Longo  
Hollywood, Florida  
Roy Eugene Barnes  
District Attorney's Office  
Marietta, Georgia  
Terry Raoul Barnick  
United States Air Force  
Edward Ellett Bates, Jr.  
Westmoreland Hall & Bryan  
Atlanta, Georgia  
John Chapman Bell, Jr.  
Law Clerk, Middle District  
Judge Wilbur Owens  
Thomas Cobb Benedict  
Carter, Ansley, Smith  
McLenon and Quillian  
Atlanta, Georgia  
Kenneth Reid Bergland  
United States Army  
Bob Bequch  
Varnedoe Chisholm  
Savannah, Georgia  
Ninette Sturgis Bragg  
Union Camp Corporation  
Savannah, Georgia  
Richard Albert Brown, Jr.  
Fendig, Dickey, Fending and  
Whelchel  
Brunswick, Georgia  
Malcolm Felix Bryant, Jr.  
United States Army  
Howard Smith Bush  
Harrison & Jolles  
Augusta, Georgia  
Marcus Benton Calhoun, Jr.  
Swift, Page & Chapman  
Columbus, Georgia  
Michael Richard Casper  
Hammond Johnson, Jr.  
Gainesville, Georgia  
Michael Jay Cohen  
North American Acceptance Corp.  
Atlanta, Georgia  
Mark Owen Cooper  
Fiebelman, Freedman, Britton  
and Stetton  
Orlando, Florida  
Robert Paul Constantine, Jr.  
United States Army  
McCarthy Crenshaw, Jr.  
Glickstein, Crenshaw, Glickstein  
Fay and Allen  
Jacksonville, Florida  
Joseph Francis Dana  
Fletcher and Watson  
Lafayette, Georgia

Thomas Clyde Dearing  
Glickstein, Crenshaw, Glickstein  
Fay and Allen  
Jacksonville, Florida  
Sam Glasgow Dickson  
United States Army  
Tyler Charles Dixon  
United States Army  
George Peter Donaldson  
Oliver, Maner and Grey  
Savannah, Georgia  
Lawrence Michael Donovan  
Bouhan, Williams & Levy  
Savannah, Georgia  
Kenneth Lane Drucker  
United States Air Force  
Stanley Robert Durden  
Attorney at Law  
Athens, Georgia  
Sidney Ray Essary  
United States Army  
William Sammy Garner, III  
Custer, Smith and Manning  
Marietta, Georgia  
Michael Charles Garvey  
Internal Revenue Service  
John Trapnell Glover  
Graduate Work  
Oxford, England  
Leonard Herbert Gilbert  
Malone, Drake & Malone  
Albany, Georgia  
George William Griffeth  
Ballard & Thigpen  
Covington, Georgia  
Lyle John Guilbeau  
United States Air Force  
Julian Hue Henry  
Law Clerk, Judge Anthony Alaimo  
Southern District  
Augusta, Georgia

Thomas Jerry Jackson  
Frank Coggin  
Hapeville, Georgia  
Thomas Cleveland James, III  
Jones, Cork, Miller & Benton  
Macon, Georgia  
Larry Samuel Kimel  
Haynes, Bauckolm, & Chandler  
Charlotte, North Carolina  
Kevin Hepard King  
Murray Silver  
Atlanta, Georgia  
George Gerald Joseph Kunes  
G. Gerald Kunes  
Tifton, Georgia  
Mark Allen Lambertson  
Arkin and Hanlon  
Denver, Colorado  
Grayson Poats Lane  
District Attorneys Office  
Savannah, Georgia  
William Roy Leslie Latson  
Thompson & Broadfoot  
Dublin, Georgia  
James Victor Lau  
Holland & Knight  
Tampa, Florida  
Julius Rodgers Lunsford, III  
Kilpatrick, Cody, Rogers  
McClatchey and Regenstein  
Atlanta, Georgia



# Where They Went . . .

Daniel Irwin MacIntyre, III  
Department of Law  
State of Georgia  
Phyllis Pieper MacSheain  
Graduate Study  
In Germany  
Robert William Maddox  
Vaughan & Barksdale  
Conyers, Georgia  
Arthur Eugene Mallory, III  
Law Clerk, Judge Lewis R. Morgan  
5th Circuit Court of Appeals  
Newnan, Georgia  
Ralph Franklin Martin, Jr.  
McDonald, McDonald & McDonald  
Dalton, Georgia  
Cecil James McCallar, Jr.  
Pierce, Ranitz, Berry, Mahoney  
and Forbes  
Savannah, Georgia  
Donald Edwin McGowan  
United States Army  
Gale McKenzie  
United States Attorney  
Gainesville, Georgia  
Donald Lee Mize  
Ingram, Flournoy & Downey  
Marietta, Georgia  
David Montgomery  
Jim Hudson  
Athens, Georgia

Richard Lanier Moore  
Kopp & Peavy  
Waycross, Georgia  
James Herbert Morawetz  
Georgia Indigent Legal Services  
Gainesville, Georgia  
Jack Osborn Morse  
Kenneth Henson  
Columbus, Georgia  
George Emil Mudter, Jr.  
Binkley and Binkley  
Nashville, Tennessee  
George Edward Mundy  
United States Air Force  
Groze Murphy, Jr.  
Coleman & Allen  
Augusta, Georgia  
Orgierd Nicholas Ordway  
Graduate School  
Georgia State University  
Robert Persons, III  
Hurt, Hill & Richardson  
Atlanta, Georgia  
Simmons Larry Phillips  
Hull, Towill, Norman, Barrett  
& Johnson  
Augusta, Georgia  
Richard Layton Powell  
Cooney & Atkins  
Augusta, Georgia  
Thomas Elton Raines  
Levine, D'Alessio & Cohn  
Atlanta, Georgia  
Stephen Edward Raville  
Morris, Redfern & Butler  
Atlanta, Georgia  
Charles Emory Rawlins  
Aultman & Fowler  
Thomasville, Georgia

William Michael Schiller  
Van Gerpin & Bovis  
Atlanta, Georgia  
William Beck Simpson  
Law Clerk, Judge Joel J. Fryer  
Atlanta, Georgia  
Judson Hawk Simmons  
Law Clerk, Judge Dyer  
5th Circuit  
Miami, Florida  
Stanton James Singleton, Jr.  
Federal Home Loan Bank  
Atlanta, Georgia  
J. D. Smith, Jr.  
Kenyon, Hulsey & Oliver  
Gainesville, Georgia  
Norman Smith  
Vaughan and Barksdale  
Conyers, Georgia  
Russell Louis Smith  
Interstate Commerce Commission  
Washington, D.C.  
James Edward Spence  
United States Air Force  
Martin Steckel  
Smith, Currier & Hancock  
Atlanta, Georgia  
Paul Hash Talmadge, Jr.  
Hurt, Hill & Richardson  
Atlanta, Georgia  
Thomas Robert Taggart  
Attorney at Law  
Savannah, Georgia  
William Carroll Tinsley, II  
Assistant District Attorney  
Douglasville, Georgia  
Robert Moore Travis  
Powell, Goldstein, Frazier  
& Murphy  
Atlanta, Georgia  
Arnold Anderson Vickery  
Judge Advocate General Corps  
James Moore Weaver  
Webb, Parker, Young & Ferguson  
Robert Bruce Wedge  
Gambrell, Russell, Killorin  
Wade & Forbes  
Atlanta, Georgia  
Donald Lynn Wetherington  
Westmoreland, Hall and Bryan  
Atlanta, Georgia  
Thomas Miller Witcher  
Brunswick Legal Aid  
Brunswick, Georgia  
Steve Lorin Wilson  
Jones, Cork, Miller & Benton  
Macon, Georgia  
Peter M. Wright  
Jones, Bird & Howell  
Atlanta, Georgia  
Gordon Robert Zeese  
Albany Legal Aid  
Albany, Georgia



# A Trial Judge's Judge

In the winter quarter Sibley lecture, Judge Charles E. Wyzanski addressed himself to current problems of trial judges and the court system. He expressed concern regarding the increasing amount of litigation in the American legal system, and suggested that lawyers should attempt to reach out-of-court settlements more frequently. He also stated that the courtroom has become a moot court for young attorneys who often "place their desire to practice ahead of the merits of the case."

The Judge commended litigation reducing legislation, as in no-fault insurance. He rejected the suggestion that more judges are needed, and instead suggested that greater effort be made toward selecting outstanding men for the current number of positions.

Judge Wyzanski then reviewed what he believed to be three problems facing trial judges. First of all, the job of a trial judge is to find the facts. The judge must be careful not to alter the facts to fit his conclusions, according to Wyzanski.

A second problem faced by the judge is the need to develop a sensitivity to the people and issues involved in the case. The third and most perplexing problem facing a trial judge is sentencing. Wyzanski questioned the wisdom of failure to have sentences subject to review on appeal or by a panel of judges. He called for widespread academic thinking on sentences and sentencing procedures in the United States.

## *"The Activist Judge"*

In his thoughts on the role of a judge, Wyzanski noted that a judge is not an intellectual leader but a magistrate. An effective bench is one which is composed of men who possess a variety of talents. He stated that innovative trial judges are "unsettling" and that trial judges should carefully follow guidelines of appellate courts. The Judge was careful to note, however, that this statement did not reduce the role of the judge as an "activist." He commended Judge Sirica for his aggressiveness in the Watergate case. Most importantly, Judge Wyzanski concluded, the trial judge should welcome the forces of change which are so vital for the continued growth and vigor of the judicial system.

The Law School was host to Senior U.S. District Judge Charles E. Wyzanski, Jr. as the John A. Sibley lecturer for winter quarter.

Wyzanski, federal judge for the district of Massachusetts, discussed "The Activist Judge" in a 4 p.m. lecture February 15 in the Law Auditorium.

After arriving in Athens from Boston the afternoon before his lecture, Judge Wyzanski spoke to a combined audience of labor law and property classes.

He met informally with interested students who overflowed the Dunlap Room the next morning for a coffee hour and opportunity to meet the lecturer. The Judge captivated the group with his profile descriptions of leading jurists, drawn from his personal associations with them. He also furnished unpublished background opinions and issues in **United States v. United Shoe Machinery** and other cases for which he is known.

Judge Wyzanski was guest at a luncheon hosted by Dean Emeritus John A. Hosch, who was his contemporary in the Scott Law Club at Harvard.

A reception at the Taylor-Grady House that evening honored the judge.

Judge Wyzanski's hour lecture, delivered entirely without notes, was well received by a full auditorium. He was introduced by Assistant Professor Joe Tom Easley, who became acquainted with the Judge while serving as a law clerk in Boston for Judge Bailey Aldrich, First Circuit Court of Appeals.



Charles E. Wyzanski has served as judge and chief judge of the Federal District Court of Massachusetts for three decades. Although he retired in 1971, he remains active in the federal district court system as a senior judge.

He earned the A.B. and LL.B. degrees, magna cum laude, from Harvard University and received the honorary doctor of laws there in 1958.

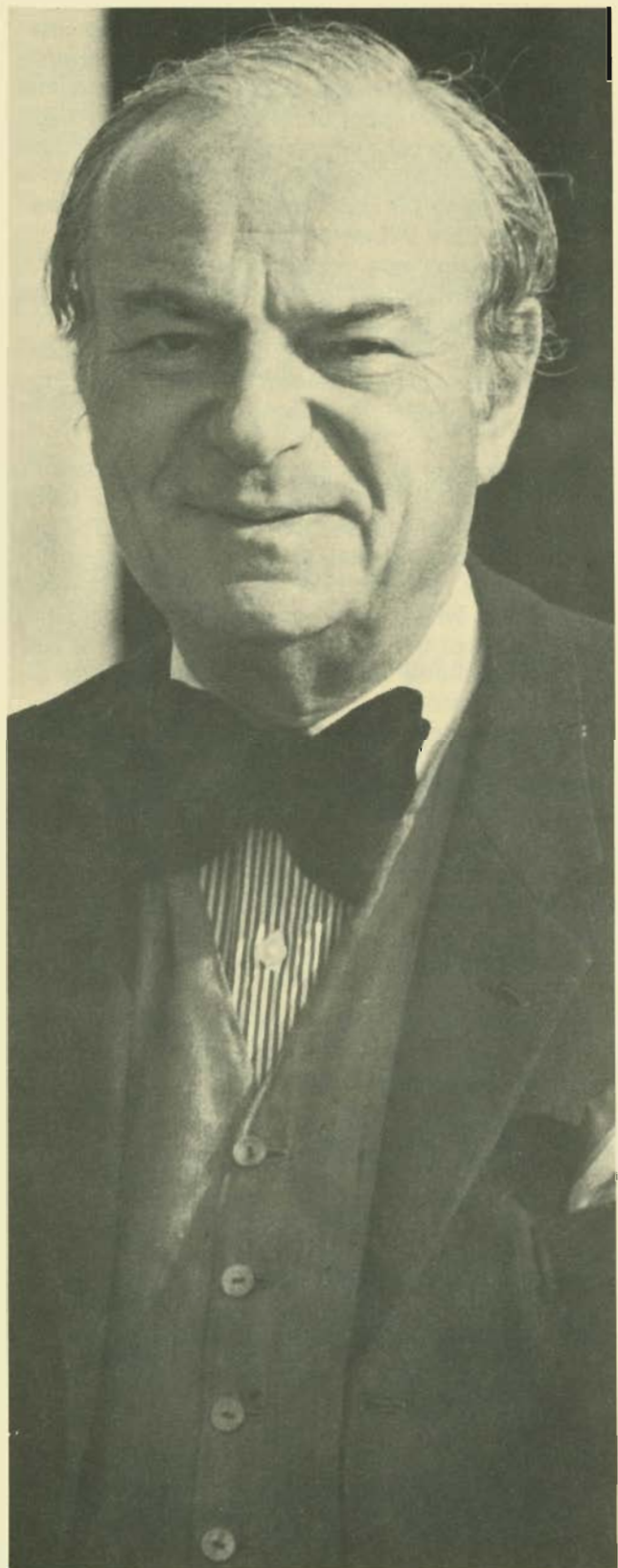
Following graduation he spent a year as law clerk to Judge A. N. Hand and served another clerkship with Judge Learned Hand when both were sitting on the Court of Appeals for the Second Circuit.

In following years Wyzanski served as U.S. representative to the International Labor Organization, Solicitor of the Department of Labor, and Assistant Solicitor in the Department of Justice.

After a brief period of private practice, he was appointed to the federal bench in 1941.

He has served lectureships at several universities and was a trustee of the Ford Foundation from 1952 to 1971. Judge Wyzanski is author of a book, *Whereas, A Judge Premises* (1963) and several magazine and journal articles.

The Judge is known for his landmark decisions in criminal and labor law as well as in anti-trust proceedings.





Gabriel Wilner is modest when he tells students that it was more important for him to absorb his law school courses in international law than to simply "be around" such institutions as the International Court of Justice in The Hague, Netherlands.

Georgia's new associate professor of international law has taken the opportunity to do both extensively. He was director of summer studies at The Hague Academy of International Law at the same time he was completing his own advanced degrees in law.

Moreover, Mr. Wilner brings to the classroom the kind of training one could expect from a master staff of international lawyers—the General Legal Division of the United Nations.

Mr. Wilner's work with the UN's "house counsel" was only one aspect of a maze of international legal services and research sponsored by the 134-nation body.

His four years of UN experience was centered in the International Trade Law Branch of the Office of Legal Affairs. This section works toward the unification of international trade law as a means of developing a smooth flow of commerce between nations. Mr. Wilner's area of specialty was shipping and revision of the 1924 Convention on Bills of Lading. He continues to serve as a consultant to the Trade Law Branch.

The 35-year old lawyer also became acquainted with the complexities of administration-employee relations among different cultures. He served as secretary of the executive committee and legal advisor of International Civil Service, a group which functioned as a staff union for UN employees. Although the union is based on individual work contracts and has no power of collective bargaining, Wilner's role was nonetheless one of negotiator and conciliator.

"Imagine 134 different countries represented by 134 different ideas about what are suitable conditions of employment," he said.

"For example, more than a few cultures are geared to a fragmented working day with long afternoon breaks and are not accustomed to the eight-hour cycle. There are also differing customs as to a formal or informal relationship between the supervisor and person working under him."

Professor Wilner noted that this development of administrative law within the United Nations is an example of the flexibility of international law.

"International law must and will expand as international activities and transactions become more varied and complex," he said.

Before assuming a public role in international law, Mr. Wilner crossed national borders in private practice as well. His first legal position was that of associate in the legal department of the American Arbitration Association in New York. He was later



## *UN International Trade Lawyer Joins Faculty*

associated with a firm in Brussels, Belgium where he counseled U.S. enterprises doing business in Europe.

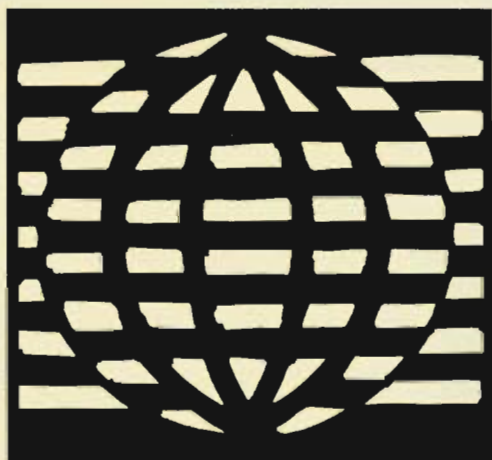
Born in Beirut, Lebanon while his Polish father was on business in the Middle East, Mr. Wilner's family background lends a support to a career in international law. His mother is Dutch. His wife, the former Giselle Desmedt of Ypres, Belgium, teaches French in Georgia's foreign languages department. The Wilner family lived in France and Latin America before moving to New York in 1950, where Gabriel grew up.

A legal scholar who has twice crossed continents to earn advanced degrees, Mr. Wilner particularly values his association with Professor Wolfgang G. Friedman, Director of International Legal Research at Columbia Law School. He was Professor Friedman's assistant in the preparation of Dr. Friedman's textbook **Legal Theory** (fifth edition) and **Changing Structure of International Law**.



Although Mr. Wilner comes into university teaching on a full-time basis for the first time, he has always found time for continual academic advancement. He is completing the thesis for the doctorate degree in international law from University of Brussels. A 1959 graduate of the College of William and Mary, Professor Wilner studied at the University of Exeter, England and earned the diploma in public administration. He completed the LL.B. and LL.M. degrees from Columbia University where he was editor-in-chief of the Columbia Journal of Transnational Law and president of Columbia Society of International Law.

Professor Wilner's spring quarter classes are taking up "legal problems in transnational setting." This course is designed for the American lawyer who will deal with transactions which cross national boundaries. He also teaches "international economic organizations" with a view of their impact on the work of the American lawyer.



Georgia's Law Day, 1973, has become the center of a regional international law conference which will bring seventeen distinguished speakers on campus.

The American Bar Association's Section on International Law and Committee on Education about Communism will sponsor its annual conference in Athens April 27 and 28.

East-West trade relations is the subject under discussion as representatives from the U.S. Department of State and Soviet Ambassador's staff meet with international corporation lawyers, trade councils and legal scholars to present views on trade policies and practical transactions.

Law Day speaker is Joseph T. Sneed, deputy attorney general, United States Department of Justice. Sneed was formerly dean of Duke University's School of Law.

## ABA Conference Speakers:

Evgeniy V. Bugrov

—Counselor (Economic Affairs) Soviet Embassy

William J. Casey

—Undersecretary of State for Economic Affairs  
former chairman of the Securities & Exchange Commission

Victor Hoa Li

—Professor of Law, Stanford University

Roger Sullivan

—Deputy director for Asian/Communist Affairs  
U. S. Department of State

Chesterfield Smith

—President-elect, American Bar Association

Peter Flanigan

—Assistant to the President for International  
Economic Affairs

Jeremy Russell

—Representative of Shell International Petroleum  
London, England

Benjamin Busch

—Chairman, American Bar Association Section of  
International Law

William C. Mott

—Chairman, American Bar Association Committee  
on Education about Communism, former Judge  
Advocate General-United States Navy

Charles Hodgkins

—Vice president and General Counsel  
Coca-Cola Export Corporation

Dean Rusk

—Professor of Law, University of Georgia  
former U.S. Secretary of State

Gabriel Wilner

—Associate professor of Law  
University of Georgia

Jacobus Severiens

—Assistant professor, College of Business  
University of Georgia

Reg Murphy

—Editor, Atlanta Constitution

David Winter

—Attorney, Baker and McKenzie, London, England

Donald Clark

—Attorney, McClain, Mellen, Bowling and Hickman, Atlanta, Georgia

Alumni Law Day events continue throughout the two days so that conference participants may attend all activities.

The annual Intramural Moot Court Finals and Russell Competition will take place Friday, April 27.



Three Georgia attorneys have been named to the Law School's Board of Visitors.

Thomas E. Dennard, Jr. of Brunswick, James L. Dunlap of Gainesville and A. Felton Jenkins, Jr. of Atlanta are the recent appointees to the advisory panel established by the Board of Regents of the University System of Georgia.

Dennard, a 1960 graduate of the Georgia Law School, practices with the law firm of Nightingale, Liles and Dennard in Brunswick. He is the immediate past president of the Younger Lawyers Section of the State Bar of Georgia and 1969-70 president of the Brunswick Bar Association.

Dunlap was a member of the Board of Regents from 1960 to 1973 and served as chairman of the Board from 1963 to 1967. The Gainesville attorney is a partner in the firm of Whelchel, Dunlap and Gignilliat. He earned the LL.B. degree from the university in 1946.

Jenkins, a partner in the King and Spalding law firm in Atlanta, is a native of Madison. He graduated from the Georgia Law School in 1965 and is currently president of the Younger Lawyers Section of the State Bar. Jenkins has served as chairman of the University of Georgia Young Alumni Committee.

**Board members ended their February 16 meeting by participating in the Library's 200,000th volume presentation: (Left to right) Mr. Barwick, Justice Gunter, Mr. Hodgson, Mr. Dennard, Mr. Crenshaw, President Davison and Judge Mathews. Mr. Jenkins and Mr. Dunlap were present earlier.**

## Board of Visitors

The creation of the nine-member advisory committee was authorized in 1964 with the purpose of "counseling with the president and making recommendations concerning the needs and requirements to be met and policies to be followed in developing the School of Law into a nationally-recognized institution of outstanding quality."

Other members of the Board of Visitors are Daniel B. Hodgson, chairman, Atlanta attorney with Alston, Miller and Gaines; Justice William B. Gunter of the Supreme Court of Georgia; Judge Sidney O. Smith, U.S. District Court for the Northern District of Georgia; Cook Barwick of Barwick, Bentley and Binford in Atlanta; Judge Byron H. Mathews, State Court of Coweta County, and McCarthy Crenshaw, partner of Glickstein, Crenshaw, Glickstein, Fay and Allen.

The Board meets three times a year at the law School.





The Georgia Code of Public Transportation, enacted by the 1973 General Assembly in its final week, was drafted for legislation by the Georgia Law School's Office of Special Studies.

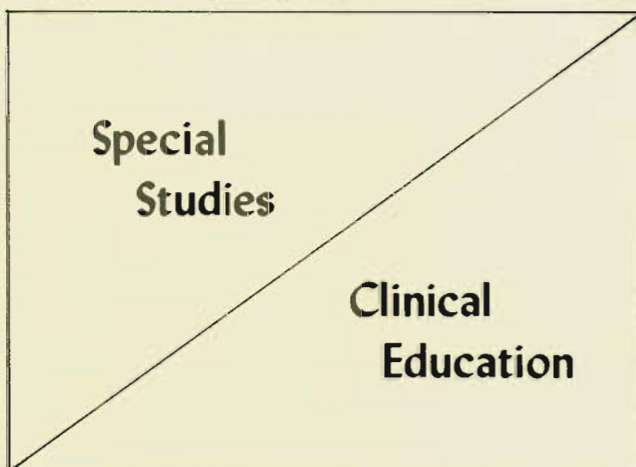
The bill was designed to consolidate, codify and modernize state laws relating to transportation, according to Robert C. Kates, director of special studies. The resulting new code determines procedures for the planning, construction, maintenance and regulation of public roads and airfields in the state.

The transportation laws study was initiated by the state department of transportation in 1968 and placed under a federally-sponsored contract with the Law School. The act is a product of more than four years of intense study which involved conferences with officials and board members of the Georgia Department of Transportation; the Senate and House Highway Committees; the State Department of Law; the Association of Georgia County Commissioners, and the Georgia Municipal Association.

Other interested groups were consulted: representatives of railroads, utilities and trucking associations, representatives of bonding companies underwriting Highway and Tollway Authority bonds, and officials of U.S. Department of Transportation.

The previously existing laws, many of them dating back to the Revolutionary War, were haphazardly scattered throughout the Georgia Code, Kates said. Transportation regulations could be found under titles 23 (Counties); 36 (Condemnation Procedures); 43 (Department of Parks and Recreation); 69 (Municipal Corporations); 92 (Taxation); 94 (Railroads); and 95 (Roads, Bridges and Ferries).

Many "statutory anachronisms" remained on the books which were unadaptable to modern needs. As an example, Section 103 of Title 95 of the Georgia Code required a county to maintain a road in a state of repair sufficient to guarantee that horsemen will not be unseated by overhanging branches of trees. The new code repeals 180 such obsolete sections of Georgia highway law.



## *Transportation Code Enacted*

The code also incorporates recent legislation brought about by state government reorganization and gives greater autonomy to local governments in managing road systems, Kates said.

State Transportation Commissioner Downing Musgrove expressed appreciation to Kates and members of the research staff for the "long and arduous task" of compiling the transportation laws, which he said has resulted in the "finest transportation code in the United States."

## *Clinic has New Director*

The Proscutorial Clinic's new director has established weekly seminars for clinic members in a program he refers to as "experience transfer."

Tom Cook views his job as one which must "insure that the students get a rigorous and comprehensive clinical education in criminal procedure from the prosecution's point of view."

The 1971 Georgia Law School graduate joined the faculty in November as instructor and director of the clinic. He is assistant district attorney for Clarke County.

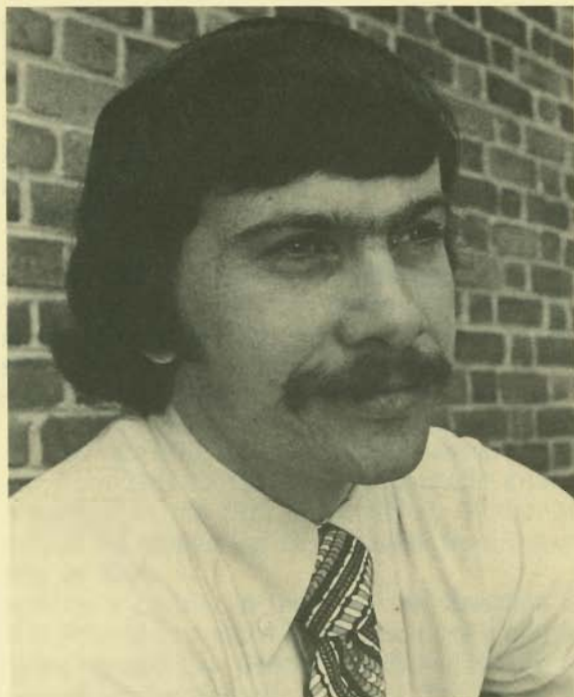
The purpose of the seminars is to enrich clinical education, according to Cook. The 34 clinic members review such topics as plea bargaining and grand jury procedures.

Cook said that a new responsibility has been added to the law students' role in criminal case preparation: clinic members now prepare the actual case file used by the district attorney before the grand jury at the committal hearing.

Cook supervises all presentations and writing of appeal briefs by students. As assistant district attorney, he handles approximately one-third of all criminal cases which reach trial in Clarke County Superior Court.

A native of Memphis, Tennessee, Cook graduated from Davidson College in 1968 and came to Georgia where he was chief justice of the Law School Honor Court and president of Phi Alpha Delta fraternity. He spent a year with the Michie Company, law publishers in Charlottesville, Virginia where he became senior editor.





## Hinton Elected 1973 - 74 SBA President

The 1973-74 president of the Student Bar Association is Jackie Hinton, a rising law senior from Columbus.

A former government and history teacher at LaGrange High School, Hinton entered law school with an interest in becoming involved with the litigation of constitutional issues.

A 1967 graduate of LaGrange College, Hinton was active in the student judicial system and was named as one of ten outstanding seniors at the college.

With a B.A. degree in history and political science, Hinton taught three years at LaGrange High School where he coached the baseball team to a district championship.

Within his first two years at the Georgia Law School, Hinton was a finalist in the annual Russell Moot Court Competition and member of the Georgia Law Review. He will be employed this summer in the Georgia Attorney General's office.

The Student Bar Association will become a more positive link between students, faculty and administration in Hinton's plans for next year.

Early projects include a revamping of registration procedures and a feasibility study of the use of closed-circuit television originating from local district courtrooms as devices for practical instruction.

The SBA plans to continue faculty evaluation surveys, according to Hinton. Another area of interest is promoting active SBA participation in the Law Student Division of the American Bar Association.

## *Moot Court's Third Regional Title*

The Moot Court Executive Board announces the results of the Southern Intercollegiate Moot Court competition held in New Orleans March 3.

Best team—University of Georgia

Best brief—University of Georgia

Best oralist—Jim Poe (Georgia)

Tulane University hosted the competition which assembled teams from Duke, University of North Carolina, Tulane and Georgia Law Schools.

Team members Jim Poe, Eugene Dabbs and Martin Chitwood took the top honors for Georgia, which has placed first in the event for three consecutive years.

The question before the court asked for an interpretation of an Internal Revenue Code provision which would determine a definition of "home" for income tax purposes.

The case was argued in three rounds before federal district court judges and justices of the Louisiana State Supreme Court.

Chairman for the Southern Moot Court Competition is Jason Archambeau. Other members of the team are Joe Campbell and Mil Hatcher.

## *Law Dames Initiate Benefit*

The UGA Law Dames sponsored a benefit spaghetti supper February 23 to raise money for the Law School Emergency Loan Fund.

Proceeds amounting to \$200 were added to the Loan Fund which now totals \$300. Additional contributions are expected from a "white elephant" sale to be held in the spring.

The Law School Emergency Loan Fund was established last year to provide temporary financial assistance to law students, according to Carolyn Hatcher, Law Dames president.

The law wives auxiliary plans to continue the spaghetti supper and other fund-raising events each year in order to supplement the capital available for loans. Laurel Kracen was project chairman.

In other service projects, the Law Dames were hostesses for the University's Alumni Seminar participants February 10. The seminar's Saturday morning sessions were held in the Law Auditorium. Law wives guided the 140-alumni group on an 8:15 a.m. tour of the Law Building and served coffee and doughnuts between programs.

In regular monthly meetings for the winter quarter, the Law Dames have conducted panel discussions by lawyers' wives, and arranged talks on cake decorating and interior design. Special interest groups are organized for those wives or couples involved in crafts, bridge, books and gourmet cooking.



## New Staff Member

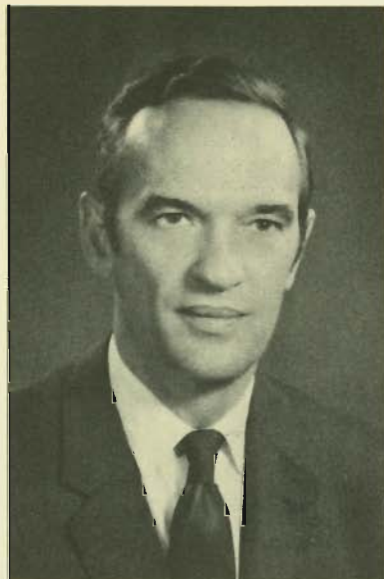
Colored cards keyed to job categories have replaced the standard 3 x 5 white index cards on the placement bulletin board. Office 216 now features pink and blue sign-up sheets, a decorative map of Georgia cities (to locate firms), two house plants and an occasional vase of flowers.

The placement operation is under new management, and it's a woman. Miss Gwen Yawn joined the Law School administrative staff in November as assistant to the dean for placement and public relations.

She came to Athens from Georgia State University in Atlanta where she was information specialist in the office of public relations.

A native of Savannah, Miss Yawn is a University of Georgia graduate in journalism. She was an associate justice of the university's Judicial Council, and is a member of Phi Beta Kappa and Sigma Delta Chi, professional organization of journalists.

As assistant to the dean, Miss Yawn handles the Law School's alumni relations, information services, and publications. Public relations activities such as special events coordination and institutional tours are part of her job.



## Wellman Named to Alston Chair

University of Michigan law professor Richard V. Wellman has been named a visiting professor for 1973-74 at the Law School.

Wellman will be the first occupant, either visiting or permanent, of the Robert Cotton Alston Chair named in memory of a distinguished Georgia lawyer and former president of the Georgia Bar Association.

The Alston Chair is one of two named professorships established by the trustees of the Loridans Foundation of Atlanta. Foundation funds bring to the School noted national authorities in various fields of law.

The Foundation was established in 1952 by Charles Loridans, a French engineer who pioneered in reinforced concrete construction in Atlanta.

Professor Wellman is a 1949 graduate of the University of Michigan School of Law. He practiced law in Cleveland and Mt. Vernon, Ohio before joining the Michigan faculty in 1954.

His teaching fields include property law, trusts and estates, future interests, and fiduciary administration.

Wellman is a co-author of two legal casebooks and has written a number of articles on probate law revision for legal journals and publications.

He was chief reporter for the Uniform Probate Code project, a national program for improvement of state inheritance laws sponsored by the National Conference of Commissioners on Uniform State Laws and the American Bar Association.

The Alston chair, which Wellman will fill in September, honors the man who was instrumental in the organization and development of some of the South's largest business firms, including The Coca-Cola Company, Georgia Power Company and Retail Credit Company.



In an address delivered on the occasion of the dedication of the new College of Law building at the University of Illinois in 1956, Harvard Professor James A. Casner articulated two principles which make for greatness in a law school.

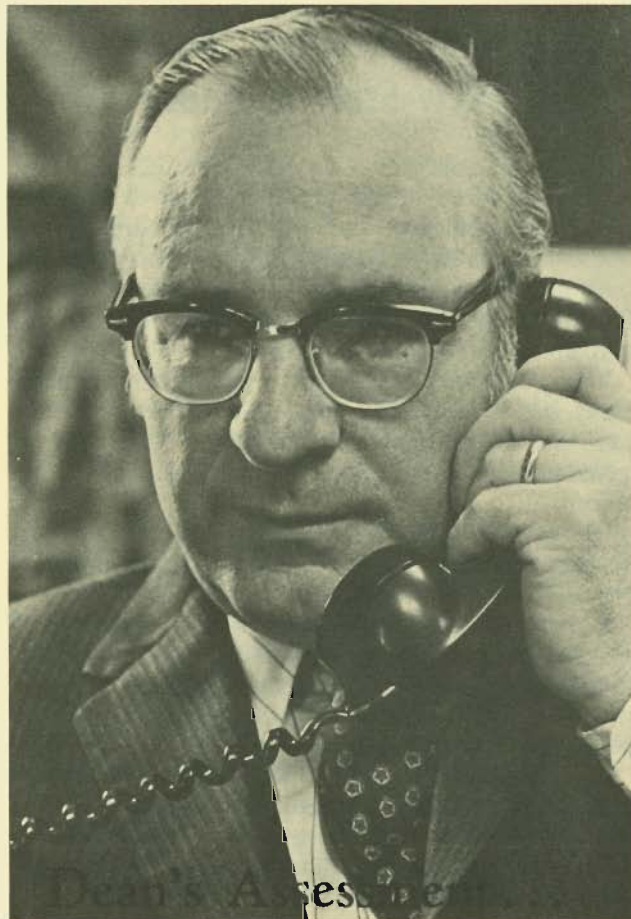
"... A great law school strives to make its students ... masters of the art of relevancy. In other words, it provides a program of instruction designed to develop in them the ability to ascertain the factors that are relevant in coming to a conclusion in regard to a legal problem and to formulate a sound judgment on the basis of such factors. Second, a great law school, through its faculty and as an institution, plays a significant part in the continuing development of the law."

With respect to his first principle, Professor Casner notes that since legal education has within it a heavy ingredient of self-education, one of the most significant factors in the development of a sense of relevancy is the comparison by one student of his thinking with other students. The value of this interchange, however, is dependent on the intellectual quality of the students. A great law school, therefore, makes sure that no person who is intellectually qualified is denied an opportunity for a legal education because of a lack of financial resources. It is clear that the whole system of legal education is enhanced to the extent intellectually superior students are admitted.

Although last fall's entering class was the best qualified group ever to enter the University of Georgia School of Law, there is one aspect of the 1975 class selection that should, measured by Professor Casner's principles, trouble us all. Many top quality applicants who were accepted chose not to attend the Lumpkin Law School because financial assistance was not available to them. A total of 370 first year applicants were accepted with 241 ultimately enrolling. Of the 129 who were accepted but did not enroll, 54 per cent indicated that their decision not to attend was based on the availability of substantial financial assistance elsewhere. Among these were a number of high achievers in undergraduate school and many were Georgia natives. Experience indicates that many of the top-flight students who leave the state never return.

The real loser in such a situation is the State Bar and ultimately the people of Georgia.

A great law school must be in a position, therefore, if it is to maintain excellence in legal education, to financially assist highly qualified applicants. Last fall we were not capable of implementing an adequate financial assistance policy. Out of an entering class of 241 students, only three scholarships were available which would finance basic law school expenses. Fifteen others provided grants which partially cover one year's tuition. The number of scholarships awarded last fall among all 657 law



## Toward Top Quality

students totaled 50, or seven per cent of the student body. A recent spot check of other law schools in this region reveals that we are near the bottom of the list when it comes to aiding our students financially. On a national basis, we are well below Columbia's 45 per cent financial assistance and Case Western's 40 per cent scholarship funding to students.

However, things are looking up for the 1973-1974 academic year. In February, the University of Georgia Foundation received from an anonymous donor a grant of approximately half a million dollars, the income from which is to be used to provide law student scholarships. In March an initial gift of \$10,000.00 was received from the Milton M. Ratner Foundation for the same purpose. While large individual gifts such as these are greatly improving our situation, for the foreseeable future the success of our program will still depend on annual individual alumni giving.

It is not too late to make a contribution or to have your contribution earmarked for the law school fund. With your help, true excellence can be achieved.



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1972-1973

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