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## SECRETARY RUSK HIGHLIGHTS LAW DAY 1968

*By Gerald Rutberg*

Warmly received throughout his all too brief visit, Secretary of State Dean Rusk touched on many important issues in a Law Day address delivered in the Fine Arts Auditorium, May 4th.

The native Georgian came home to speak before a capacity audience of some 1,800 persons, not including 50 anti-war demonstrators who paraded quietly just beyond the doors of the auditorium.

Prolonged applause greeted Mr. Rusk following his introduction by Law Day Chairman Tom Harrold, who was responsible for bringing Mr. Rusk to Athens. Apparently grateful for the show of appreciation, Mr. Rusk attempted to establish the best rapport possible with his audience under the circumstances of having to deliver a prepared speech.

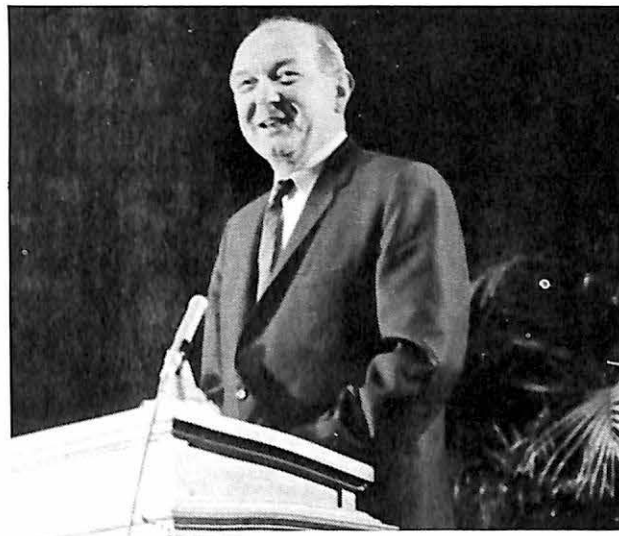
The result was an unusually hushed, keenly attentive audience listening to an at times fatherly lecture from a man who has travelled over 800,000 miles in seven and one-half years of service to the nation.

After completing his prepared remarks, Mr. Rusk removed his eyeglasses and attempted to explain the course of American foreign policy in recent years. These remarks may have been intended as much for those outside the auditorium as for those within.

Mr. Rusk emphasized that the United States is determined to avoid a course of appeasement similar to that which, he said, led "straight into the catastrophe of World War II."

He added that "We shall not have a chance to learn the lessons of World War III. There won't be enough left. So we had better address ourselves to the problem of organizing a world peace. We may have sharp differences as to how this should be done, but

*Cont'd. on back page*



(Advocate Photo By Caldwell)

## Sunday "Blue Laws" Upheld In Moot Court Finals

*By David Groves*

On May 3rd, the finalists in the second year moot court competition met in the newly dedicated Hatton Lovejoy Courtroom as a part of the Law Day activities to argue the constitutionality of a Sunday closing law enacted by the state of Transylvania.

The Court consisted of Hiram K. Undercofler, associate justice of the Supreme Court of Georgia, J. Kelly Quillian, judge of the Court of Appeals of Georgia, William B. Steis, Chairman, Special Judiciary Committee, Georgia House of Representatives, Howell C. Erwin, Attorney at Law, Athens, and D. Meade Feild, Professor of Law at the University of Georgia. In a close 3-2 vote, the team of Jerry Blackstock, Ronald Cooper and Charles Pursley was successful for the state against the team of Mark Silvers, Jimmy Paul and Tom Moran.

The Law Day match ended one of the most successful moot court tournaments in recent years. Professor

Mack Player, recently named to replace Professor Pasco Bowman as head of the moot court program, is already at work planning the program for next year. The first task is to choose next year's national moot court team consisting of four members. Inter-sectional meets are also being planned for next fall against moot court teams from other schools. Other outstanding performers in this year's second year class competition will be invited to participate in these special meets. Another intrastate competition is planned for next spring—hopefully with all three law schools in Georgia participating.

Next year's second year competition program will be planned and administered by Professor Player in conjunction with a new Moot Court Board to be set up. The ultimate goal will be a self-administered student program similar to that of the *Law Review*.

## Dicta

What ever happened to separate graduation? The proposal has been kicked around for several years but seems to have been kicked firmly under the table this year. Each year those students campaigning for Student Bar Association offices offer a vigorous program including promoting a change from the present graduation system where the Law School graduation is held in conjunction with the undergraduate university graduation. Thus far nothing has hap-

pened. With the increased interests shown in the SBA elections this spring and the new slate of officers perhaps something can and will be done. Of course the faculty will probably have to attend the graduation program if it is held in the Law School where it ought to be, but why not?

\* \* \*

The Staff of the *Georgia Advocate* elected new officers for next year at a recent meeting. They are Jim Martin, Editor; David Groves and Dunham McAllister, Associate Editors; and Milton Lefkoff, Business Manager.

## Faculty Activities

*By Mike Kovacich*

Continuing the feature started this year on faculty activities *The Georgia Advocate* presents this report on the activities of some members of the faculty.

*Dr. Chaffin* has recently completed the *Georgia Annotations to the Restatement (Second) of Trusts*. This project was sponsored by the Georgia State Bar Association in cooperation with the American Law Institute and will be published later this year in book form by the American Law Institute. He delivered a paper "Estate Tax Consequences of Creating Descendable Future Interests and Reversions" at the Thirteenth Annual Estate Planning Institute. *Dr. Chaffin* has completed a research report on "Enlargement of Administrative Powers of a Trustee" for the ABA Committee on Modification, Revocation and Termination of Trusts. He will attend the Annual Meeting of the American Law Institute, Washington, D. C., May 22-24.

*Dr. Green* attended the United States Fifth Circuit Judicial Conference in Dallas on April 17-19 at the invitation of the Circuit Judges. He has spent much of the last year in preparatory research, collecting materials and in writing his findings for use by his class in Georgia Practice. He plans to continue his research in the future.

*Mr. Murray* addressed the Athens Chapter of the American Civil Liberties Union on "Equal Enforcement of

the Law." He has made four television appearances on educational television discussing duties and responsibilities of policemen in enforcing the law. *Mr. Murray* has addressed the Georgia Chiefs of Police on "Recent Supreme Court Decisions." He has participated as a member of the Finance Committee of the Law School Admission Test Council, which has met in Washington, D. C. and Montreal. *Mr. Murray* has also continued his membership on the Governor's Commission on Crime and Justice, his membership on St. Joseph's School Board and his supervision of the U. of Ga. Law School Admissions and the Legal Aid and Defender Society.

*Mr. Brumby*, the Law Librarian, continues to be occupied with the acquisition of library materials from the special fund of \$1,000,000 that was made available about two years ago. It is expected that the remainder will be usefully expended during the next year and a half. To complete organization of the materials will require several years longer.

*Mr. Davis* will be active this summer as a visiting professor, for the first six weeks at the University of North Carolina teaching Constitutional Law, and for the second six-week term at the University of Arkansas teaching Contracts.

*Mr. Jackson* recently spoke to the University of Georgia chapter of the Hillel Foundation on the subject "Is there a conflict in Biblical Law?"

## DEAN'S CORNER



by

*Lindsey Cowen, Dean*

Every so often, about once a year, I guess, I feel like leading a protest against the very existence of the Spring Quarter. It is always so jammed with activities that it seems as though there is not enough time to do anything properly. So, annually, as the Spring Quarter comes to a close, I tell myself that next Spring it will be different, that some activities will be moved to other quarters, and that others will simply not be scheduled. But for some reason I have never been able to accomplish such a re-vamping of the annual calendar.

One of the very real chores of the Spring Quarter, and one which can not be rescheduled, is the preparation of the annual Dean's Report. It is always a headache because there is so much which must be compiled and included in the permanent record. Yet this process of compiling information about the year's activities brings back to mind both the reverses, happily normally few in number, and the many successes which have occurred during the preceding year.

This year's major setback is, of course, the impending retirement of our colleague and friend, D. Meade Feild. Meade has been one of the great strengths of this faculty for many years, and he has earned for himself a place which no one else will ever fill. But our sense of loss in Athens is lessened by our knowledge that he will continue to serve the legal profession in Georgia as a Professor of Law at our sister school at Mercer University.

Our successes have been many. Conspicuous among them have been the dedication of our facilities in the Fall with Mr. Justice Black as the principal speaker, and our Law Day exercises this Spring which featured United States Secretary of State Dean Rusk. Both events focused national attention on the University of Georgia School of Law, although it is not com-

pletely certain whether the TIME article, on balance, was an asset or a liability.

Also during the year, Professor Bowman and his Advisory Committee completed the Corporation Code Study, and as a result of their efforts and those of several dedicated legislators, many of whom are graduates of this School, Georgia enacted a new and modern corporation code.

But in this year, as in the past, the achievements which have counted the most are those of our students. Our National Moot Court team earned a trip to New York by defending teams from Tennessee, Mercer, and Florida in the Region Seven competition. Unfortunately, for the second time in as many trips to New York, Georgia lost in the first round to the team which ultimately became the national winner. It is some consolation that the members of this year's winning team from Boston College were kind enough to say that our team gave them the stiffest competition they encountered in their road to the national championship, and I am entirely willing to take that statement at face value. In mid-April this success was duplicated when another of our teams won the First Annual Intrastate Moot Court Competition held in Atlanta under the auspices of the Younger Lawyers Section of the State Bar of Georgia.

Finally, the achievements of our Senior Class on the Georgia bar examination, reported elsewhere in these pages, must not be overlooked; by anyone's standards, the passing percentages are impressive. Of course, some work remains to be done, but there is justifiable satisfaction in noting the dramatic improvement in bar results.

This is not to say that there are no other problems. There are, but we are working on them. Nothing appears to be beyond solution, although it will take not only the sustained efforts of all members of the Faculty and student body, but also the support of our alumni and friends wherever they may be. Still, the future is bright; and so, all things considered, I think maybe I won't move, at least right now, to abolish the Spring Quarter. No matter how hectic it has been, this year it was clearly worth the effort.

## "Legal Eagles" Hold Fourth Position

By Tom Hicks

With the final results of three out of seven spring contests tallied, our best anticipated performances are yet to come. Although the "Legal Eagles" have been very impressive in the minor sports, the baseball team has been plagued with inequitable fortune. With strong enthusiasm and spirit which has been outstanding throughout spring drills (there is at least five minutes practice before each game), the surprise of the season is the record. With one game left, we are down 2 to 3; but only because fate is not with us. The highlights of the last game were a homer by Charley Swartz (after which he struck out), a double by Danny Tate (which would have been a homer had he not slipped rounding second), and Ron Rogers' getting caught stealing home; with poor breaks like that what can you expect from the boys?

Our net game has been the most outstanding sport thus far. George Connell's "tennis whites" psyched out all his opponents and got him through the finals (blue shorts, yellow shirt, and no socks), but it wasn't enough for the team to win the championship.

However, Jim Wimberly, Dan Weigle, Wendel Johnson and Ralph McClelland put forth sterling performances in bringing us the ping pong championship.

To round out the final results, track and field saw outstanding performances by Andy Heiskel in the 880, Tom Jones in the shot, and Ron Rogers in the 100. Wrestling saw outstanding performances from no one—as a matter of fact, it saw performances from no one.

Our big hopes are riding on the upcoming golf contest. With three scratch shooters, Jack Wotton, Jack Littleton, and Mark Silvers, we should see a definite team win. To couple the golf victory, our tug-of-war team has a good chance to muscle its way to the championship.

With the intra-mural season closing out, the "Legal Eagles" are fighting to hold on to fourth place in the field of ten professional league teams. Al-

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Mike Dover	Gerald Rutberg
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Tom Hicks	Dick James
Kip Kirkpatrick	

though the Governor of Athletics hasn't been overrun with drones of competitors that he'd like to see (there has been an anticipated dearth of first-year men), some all around outstanding efforts have been recorded by people like Ron Rogers and Bruce Kirwan. We can expect to see excellent performances by Hank Spires and Dave Ogilvy next year, along with a host of fresh, newly confident second-year men. We may even see one or two spectators next season. With the newly appropriated SBA trophy for the one who has done most for athletics, presented this year to Charley Swartz, the competition and enthusiasm for next year's squad should be overwhelming. The advocates of justice shall reign supreme on the playing field—it's only just that we do.

## National Moot Court Team Selected

Professor Mack Player, recently appointed head of the moot court program, has announced the selection of the National Moot Court team for next year.

Mrs. Mildred Bell, Mr. Ronald S. Cooper and Mr. Jimmy Paul were chosen by the faculty selection committee with Mr. Allen Keeble chosen as alternate.

## FULLER DELIVERS PROVOCATIVE SIBLEY LECTURE

By Gerald Rutberg

Introduced as one of the brightest stars on the Harvard law faculty, Professor Lon Fuller did his best to live up to that lofty billing with a thought-provoking Sibley lecture delivered in the law auditorium April 2nd.

Prof. Fuller spoke from a prepared text for an hour on "The Law's Precarious Hold on Life." The first portion of his lecture dealt with three areas where Prof. Fuller believes the law fails to be effective. The second portion of his address concerned application of the rule of law among emerging nations.

The role of the police patrolman on skid row was pointed to by Prof. Fuller as a prime example of an area where the law fails to achieve an effective hold on life. He noted that the laws of property don't apply in a skid row type of society for "these people take things so often that no one can tell what belongs to whom."

Prof. Fuller explained that the policeman on skid row is cast in a human wilderness as a participant observer "not on a mission of enforcing rules of law, but in keeping the inhabitants from sinking deeper than the mess they are already in."

He termed the skid row situation a result of projecting forms of law on a society too chaotic to maintain them.

Prof. Fuller identified as a second area of legal ineffectiveness the business practice of using printed forms to restrict contractual relationships. This "battle of the forms" was scored by the white-haired Prof. Fuller as a meaningless exercise.



(Advocate Photo by Caldwell)

### PROFESSOR LON FULLER

Turning to the automobile in drawing a third example of where the law fails to achieve an effective hold on life, Prof. Fuller lashed out at the tort liability requirement of pinpointing fault where fault is, in fact, impossible to prove. A multi-car pileup involving cars travelling at 70 miles an hour on an eight-lane highway is said by Prof. Fuller to be a situation where the law requires proof of negligence in a situation beyond the reach of ordinary powers of human observation and judgement.

As an alternative to the negligence approach Prof. Fuller suggests that compulsory insurance be required with guaranteed compensation, regardless of fault.

In summarizing the first portion of his lecture, Prof. Fuller termed the above three illustrations examples of areas where the law injects itself on

a plane incapable of handling it.

Prof. Fuller devoted the second portion of his lecture to examining the development of the rule of law in emerging nations. He noted that his purpose in doing so was to "expose provincialisms and unconscious biases which seem to cloud our feeling on this problem."

Prof. Fuller defined the problem faced in emerging nations as one of transition from customary law to enacted law "among people who are not used to thinking of law as something made or enacted."

As a means of cautioning those peoples with highly developed legal systems against sneering at the process of law by custom practiced in many emerging nations, Prof. Fuller quickly pointed out some very customary practices seen in the United States today.

He underlined the American custom of withholding criminal action where the wrongdoer is willing to make restitution. Prof. Fuller rapped this customary practice of forgiveness as simply "compounding the felony." He noted that this example of customary law in America should enable Americans to see how custom has developed in the emerging nations.

"In most institutions the internal customary law may be quite different than written rules. They may get in the way of, or promote, purposes of the institution," Prof. Fuller said. "Customary law is primarily one of intimate face-to-face relations," he added.

Prof. Fuller emphasized that the purpose of enacting rules to replace custom in emerging nations is simply to bring diverse cultural systems into one legal order. This he defined as the problem of emerging nations.

Prof. Fuller was introduced by Georgia law professor Wylie H. Davis, who in turn was introduced by Dean Lindsey Cowen. Dean Cowen took the opportunity to announce that Prof. Davis had accepted a permanent position on the Georgia law faculty.

While visiting the law school, Prof. Fuller conducted Contracts classes and was the guest of the managing board of editors of the Georgia Law Review at a luncheon in his honor.

## Russell Elected Legal Aid President

The Legal Aid Society recently elected a full slate of new officers to head the program for next year.

Jerry Bussell was elected as President of the Legal Aid Society. Kip Kirkpatrick was elected as Vice-President of Criminal Affairs while Jimmy Paul was elected Vice-President of Civil Affairs. The offices of Secretary

of Criminal and Civil Affairs will be filled by Don Loggins and Bill Boyett respectively.

The Legal Aid Society also announced the names of the members voted Most Outstanding for the Year 1967-1968. The winners of this honor were David Groves and Kip Kirkpatrick.



## D. Meade Feild Honored At Dinner

*By Dunham McAllister*

It was a different kind of testimony.

The some 250 people—alumni, students, faculty—came to give testimony of appreciation to a retiring professor and legend, D. Meade Feild.

Professor Feild is retiring from the Law School at the end of this quarter after 20 years of continuous teaching at the School. He and Mrs. Feild will move back to Macon where Professor Feild will teach part-time at Mercer where he served as Dean before coming to Georgia.

The appreciation dinner the night before Law Day heard several alumni tell of Professor Feild's classroom, his influence, and his interests.

Judge Sidney O. Smith, 1949, Federal Judge for the Northern District of Georgia, said that students go through three stages of feeling toward Professor Feild—terrified of him, hating him, and loving him.

A plaque presented by Gerald Burrows, and read by John Corry, 1965, was given Professor Feild citing him for his "many years of outstanding service to his fellow man and profession."

And King Cleveland, 1949, presented a check from alumni and friends for \$2,500 to Professor Feild. Norman Underwood, 1966, presided at the event.

But the evening was not the usual appreciation dinner. It was more like a comedy hour with many of the speakers typifying Professor Feild's good humor by using his best known stories, gestures, phrases, and classroom performances to convey their appreciation and admiration.

Dave Daniel, Chief-Justice of PAD to whom Professor Feild was faculty advisor, gave him an item "not to further your profession but your hobby—an ice bucket."

Fred Hand, Jr., 1959, had the impossible task of defending the Flynt River Ah'reah.

Earl Mallard, 1957, gave a "Marvin Griffin speech."

Chuck Driebe, 1958, told of footnotes in Judge Eberhardt's opinions.

And the guest of honor was reported to have "turned down" every Schlitz offered him—or maybe that should be "turned up."

## BAR EXAM RESULTS

With the results of the winter bar exam recently made public, another page has been added to the success story of the University of Georgia School of Law.

Of the 58 students listed as members of the class of 1968 for the spring quarter 1968, 38 have taken the Georgia Bar Examination. The results show not only tremendous support for the program here at Georgia but also indicate the merit of a recent statistical report issued by the Dean of the school of Law, Lindsey Cowen, entitled "Class Standing Does Make A Difference."

Students ranking in the top quarter of the class of 1968 who have taken the bar exam show a percentage passing of 100%. Students in the second quarter of the class who have taken the bar exam report a 90% passing result. The third quarter of the class

shows an 80% passing figure for those who have taken the bar exam. Those in the bottom quarter of the class who have taken the bar exam show a 67% success figure.

The trend is even more impressive when compared to the bar exam results of the Class of 1967 at this time last year. The Class of 1967 reported an 89% passing figure at this time last year for the top half of the class compared with a 95% figure for the top half of the Class of 1968. The bottom half of the Class of 1967 reported a 58% success figure at this time last year compared with 75% passing in the bottom half of the Class of 1968.

These figures speak for themselves and merely echo what many of us at the University of Georgia School of Law have known for some time.

## LAW FRATERNITY NEWS

*By Mike Dover*

In direct defiance of the Spring Quarter work load imposed at the Lumpkin School of Law, a recalcitrant sprout of social life manages to subsist. The two chief proponents of this blatant insurrection are Phi Delta Phi and Phi Alpha Delta legal fraternities, which provide something of an organized social vent for the abraded law student.

Both Phi Alpha Delta and Phi Delta Phi have announced their respective Spring slate of officers. The officers for Phi Alpha Delta are: Justice, Dave Daniel; Vice-justice, Al Bowers; Treasurer, Bob Rowe; Clerk, Don Loggins, and Sergeant-at-arms, Bob Smith. The newly elected officers for Phi Delta Phi are: Magister, Tommy Chambless, Exchequer, Leonard Skiles; Clerk, Ralph McClelland; and Historian, Danny Tate.

Phi Delta Phi's contributions to the social scene have been the co-sponsoring with the S.B.A. of the cocktail party on Friday of Law Day weekend and also a Combo party Saturday night, which according to Frank Allen was a striking success. Phi Delta Phi also furnished the band for the band, beer and shrimp party

held April 26 in conjunction with Phi Alpha Delta.

In addition to helping with this party Phi Alpha Delta also has had an enviable steak and beer party and has initiated a series of "happy hours" which will continue throughout the quarter.

Both fraternities were active in organizing the supper honoring Mr. Feild, and Phi Alpha Delta presented Mr. Feild with an engraved ice bucket in appreciation for the many years he has served as faculty advisor for the P.A.D.'s.

In recognition of outstanding accomplishments at the University Law School, both fraternities presented awards at the Law Day ceremonies. Phi Delta Phi honored Boyce Connell as the outstanding graduate and David Carnahan for having the highest average in last year's first year class. Phi Alpha Delta recognized Bill Goodman as the brother of the year.

I'm sure this sketchy survey of the quarter's activities is not complete, but it does touch upon some of the more noteworthy activities of the fraternities. To the fraternities go many thanks for their untiring efforts in the pursuit of pleasure within the confines of the Lumpkin Labor League.

## FACULTY FORUM

*With this issue, the Georgia Advocate boldly initiates a new column. To be called simply the faculty forum, this will hopefully provide a place for interested faculty members to make known ideas that they have developed or interests about which they wish to comment.*

*The Advocate has asked Professor Wylie H. Davis to be the first in our series of commentators. He is particularly qualified in his subject area for this article having studied law at Mercer and Harvard and having taught law at the Universities of Arkansas, Illinois, Texas and Georgia. Most importantly, however, he always has something to say and always says it in a way that makes people listen and remember.*

*By Wylie H. Davis*

Like the course of the common law, curricular change in American law schools has been typically slow and timid. The "core" subjects, for example, offered at the Harvard Law School in 1876 were Real Property, Contracts, Torts, Criminal Law and Procedure, Evidence, and Equity. In this aspect, things are about the same in 1968. The Harvard Law Faculty recently eliminated all required courses after the first year.

Again like the common law, our national curricular trend over the last hundred years — while supposedly wise and reasoned — has lagged behind a pervasive and explosive revolution in the American way of life. But new, strong forces are at work in both legal education and the administration of justice. Most of our law schools are said to be in a state of ferment: certainly they are generating some heady goings-on, and the matter of what to do about curricular structure and content is a constant preoccupation of law faculties, bench and bar, professional organizations, and even, lest we forget, law students. (A few brave faculties, in fact, are now adding students to their curriculum committees; and I view this view this as a good move as well as a shrewd one.)

Of course, these winds of change blow up much division and controversy. I have seen law teachers, who have no peers in nitpickery, verge on purple apoplexy in debate over the curriculum. The whole academic business is fraught with vested interests, gored oxen, ground axes, pet peeves, visionary schemes, and intractable inertia. Not infrequently, the controversial curriculum issues will be resolved by compromises and trade-offs that really satisfy nobody. A few schools, however, can afford the chaotic luxury of letting professors offer whatever they enjoy, if it's remotely related to law. Since no one can define "law," this sort of franchise has few, if any, limits. A professor I know at another law school applied this year for a year's sabbatical leave and foundation grant (to support field research) in order to work up a new seminar entitled "Sex et Lex."

This interdisciplinary enrichment of law curricula and social-science research method naturally attract scholars who dislike the musty restrictions of law-book research. And so offerings like Law and Technological Change (dubbed "Fission, Fusion, and Flux" at one school) and Legal Aspects of the Vietnamese War will continue to proliferate, usually without the slightest objection or even interest by professorial colleagues whose sole concern is to squat protectively on their own established courses like brooder hens. (The eggs, I might add, are often infertile.) The one-worldly trend, in fact, is irreversible. Several American law schools now offer Soviet Law, International Commercial Transactions, and Comparative Law in many approaches and variants. A few others offer courses or seminars on Red Chinese Law and Mandarin Metaphysics.

Many pressures nudge our thinking about modern law curricula, and at times one or another will predominate. For years some practitioners and some teachers (most in both groups have glanced at the fray disinterestedly) have quarreled with one another about "practicality" versus "theory" in the law schools. Aside from the fact that the theoretician

often proves to be the most practical man around — as Einstein demonstrated — and the educated realist must often be as pointedly eggheaded as any academician, there is an inherent obstacle to curricular "balance" between theory and practice: Most law teachers, and the best of those who aspire to teach, have generally had brief experience in law practice, or none; and it is a lamentable but firm fact that experienced, mature lawyers usually make poor teachers, even in the "practical" procedure and evidence courses. More and more law schools, however, including the University of Georgia, are at least gnawing on this problem with such incisors as legal aid, trial practice, and the encouragement of pre-graduation, summer employment of law students by practitioners.

Other forces are equally influential. A stunted curriculum, like a mediocre faculty or physical plant, may be dictated by anemic funds. No law school can concoct a sophisticated curriculum without generous backing for the recruitment of excellent teachers and students, and the support of research. The University of Georgia's posture in this respect, albeit a threshold one, is now more favorable than that of most American law schools. Another influence, and one that goes about as far as money to explain the wide spectrum of American law curricula, is the innovative compulsion of superior law faculties. I have already alluded to some of our orbital offerings around the country, and even the first-year "basic" courses are by no means immune from such disturbing tinkering — disturbing, that is, to the first-year professor who has intoned the same stuff for twenty years or more and isn't going to let curricular rock 'n roll upset his golf game, or even put him out of work, if he can help it. Some years ago a young law teacher had the effrontery to propose in the *Journal of Legal Education* a merger of Contracts and Torts. Presumably he would have called it "Contorts," but in any event he made this silly suggestion in cavalier disregard of the palpable fact that a contortionist would have to be hired to teach it.

Probably most law professors today, and certainly most law students, would agree that the usual third-year

program in legal education is sterile and uninspiring — in short, a big bore. Various nostrums for this condition have been urged. One professor in the May, 1968, *Journal of Legal Education* suggests, among other adjustments, trying the English system of outside examiners: "... the teacher of a course does not himself prepare the questions or grade the examinations." This might indeed add an element of excitement; and all law professors, I'm sure, would applaud such a change on other grounds as well. Personally, I am skeptical about the efficacy of anything less than dancing girls as a gimmick for relieving the ennui of third-year law students. We need more than gimmicks for this thorny problem. One radical solution is a two-year course to graduation. This has been seriously proposed by a prominent Harvard law teacher (Prof. David Cavers), and not — in my opinion — without merit.

I believe, however, that the best solution to this problem is two-fold: (1) To encourage and offer ample opportunity for subject-matter specialization in both the second and third years — a "tracking" approach; and (2) to replace all of our customary third-year offerings, and some in the second year, with problem-oriented, multi-subject offerings that emphasize library and empirical research, practical internship, and legal writing. Such a program would be expensive, as well as unpalatable to many established professors. But those who raise the money and pay the bills might bear in mind the possibility that legal education, as presently pursued, is the least expensive of all professional education in terms of student-teacher ratios, relatively modest hardware requirements, and auxiliary services.

Alumni and students of the University of Georgia School of Law will be glad to know that Dean Cowen has recently constituted a special committee to examine the School's curriculum and make recommendations. Personally, I make no claim to insightful genius; but all of us on occasion get flashes that are fresh and promising. One such idea has been blinking at me of late, and I intend to press it upon the special curriculum committee. In a nutshell, my proposal is

to abolish all of our existing offerings and to substitute therefor a single course: Mule Law I through XXIX. All segments would be required and a single (very thick) casebook, supplemented by dynamic mimeographed problems, would be used for the entire three years. I will, of course, edit and publish the casebook. The following small sample of cases (efficiently collected by Editor Jerry Blackstock) will demonstrate the vast legal range of such an offering:

*United States v. Mittry Bros. Const. Co.*, 4 F. Supp. 216 (D. Idaho 1933) (claim for purchase price of mules and horses furnished by materialman was not covered by government contractor's bond); *United States v. Matlock*, 26 F. Cas. 1208 (D. Ore. 1872) (word "cattle," as used in the Indian Intercourse Act of 1834, included mules); *Atlantic Coast Line R.R. v. Carroll Mercantile Co.*, 206 Ala. 320, 89 So. 509 (1921) (disposition of mules to buck was judicially noticed); *Jones v. State*, 10 Ala. App. 152, 65 So. 411 (1914) (crime to sell or exchange mules knowing them to be diseased and with intent to defraud); *Alaska Lumber Co. v. Spurlin*, 183 Ark. 576, 37 S.W.2d 82 (1931) (mules will occasionally walk or run away); *Terry v. Little*, 179 Ark. 954, 18 S.W.2d 916 (1929) (mules do not drive themselves: it is necessary for someone to control their work); *Taylor v. State*, 44 Ga. 263 (1871) (under the Georgia Code "horse" stealing includes a mule or ass, and both sexes thereof, without regard to any artificial alternations); *McLamb & Co. v. Lambertson*, 4 Ga. App. 553, 62 S.E. 107 (1908) (word "horse" is generic and includes mules and asses, but term "mare" does not describe a female mule); *Miller v. Kelly Coal Co.*, 239 Ill. 626, 88 N.E. 196 (1909) (where master furnishing mule to servant knew of the animal's vicious disposition and servant was kicked by the mule, master was liable); *Toledo, W.&W. Ry. v. Cole*, 50 Ill. 184 (1869) (railroads have a duty to erect and maintain fences sufficient to prevent mules from getting on the tracks); *Winbigler v. Cliff*, 102 Kan. 858, 172 Pac. 537 (1918) (operation of a horse and mule market in a residential district was a public nuisance); *McElveen v. Goings*, 116 La. 977, 41 So. 229

(1906) (being within the term "work horses" as used in a constitutional exemption provision, mules are not subject to seizure by a creditor); *Meredith v. Kidd*, 147 So. 539 (La. App. 1933) (in suit for death of mules struck by an auto, trial court properly excluded testimony about expense and time required to obtain a new pair of mules); *Sparks v. Brown*, 46 Mo. App. 529 (1891) (a mouse is a small rodent quadruped; it follows that a mouse-colored mule is one whose color is that of a mouse); *Commonwealth v. Davidson*, 4 Pa. Dist. 172 (1894) (reward for apprehension of horse thief does not apply to apprehension of a mule thief); *Goldsmith v. State*, 38 Tenn. (1 Head) 154 (1858) (crime of horse-racing included running of a mule race); *Allison v. Brookshire*, 38 Tex. 199 (1873) (mules exempt under statute exempting two horses for each family); *State v. Gould*, 26 W. Va. 258 (1885) (cruelly beating a mule is within statutory prohibition of cruelly beating a domestic animal).

This bold vehicle would explore every legal "subject" from Administrative Law to Zoning, from Corporate Reorganization to Lunar Law. It would be tightly integrated, and as an incidental advantage it would give fitting recognition to a noble animal. For every law professor, moreover, who fancies himself to be a latter-day Socrates in his classroom method, this curriculum would offer new potential. About three years ago I put the following Contracts case to a Chicago-type student:

Davis: Mr. Hohfeld, suppose A makes an agreement with B to sell the latter a brace of mules, Nellie and Kelly, for \$100 per animal. Unknown to either party at the time of contracting, Kelly has just died of a coronary. Upon discovery of this fact, is B, the buyer, legally excused from the contract on the rationale that a mutual, *material* mistake of fact excuses both parties?

Hohfeld: Why sure. Fess Baby. Kelly's death was material because it prevented B from using the mules for breeding purposes.

Obviously, the adoption of my proposal would put us a horse up on every other law school in the country.

## FACULTY SEMINARS FEATURE LEGAL EDUCATORS

By Thomas R. Cooper, Jr.

The University of Georgia School of Law has instituted a series of faculty seminars featuring discussions with nationally known leaders in the field of legal education.

Professor Maurice Rosenberg of the faculty of the Columbia University School of Law led the first seminar, which dealt with a modern approach to legal research. Attended by faculty from several departments of the University, the meeting provided an exciting exchange of ideas.

In a fast paced, hair-raising view of the near future Professor Rosenberg "spread the deck" of several problems he saw facing legal researchers.

The transplantation of vital organs of the human body raises questions of which interests in society should be represented in making the decisions determining which recipient gets an organ where several patients are in desperate need of such a transplant. Prof. Rosenberg suggests that doctors should decide by not only medical standards, but by standards including other community interests as well.

In questions of copyright and infringement of labels and trade names the outcome of the suit often turns on the question of whether the members of the general public are being misled by the defendant party's label or product name. Social Science research has produced methods of determining this fact. These fact finding methods provide a technique for testing many legal assumptions which have until now remained unexamined. For example, does the striking from a criminal jury of all conscientious objectors to capital punishment tend to produce a jury more likely to vote for guilt and so deprive the accused of a fair trial?

Further problems concern the ability of the law to cope with the problems of environmental pollution. In addition, the law will be called upon to completely reexamine its position on the so-called "right to die," mercy killing brought on by the capacity of medicine to keep a miserable human vegetable alive until the family runs

out of money to maintain it or the doctor sooner shuts off the tap of life-preserving care.

Prof. Rosenberg pointed to three factors as responsible for these problems — the technological revolution, changes in people's values, and the population explosion.

To enable the law to resolve these issues, legal research must venture outside the law library. Researchers must use tools developed by the social

sciences such as the opinion survey and the use of models with computers to test various possible solutions.

The greatest task will be to draw standards of official conduct in many unexplored areas into which the law must venture. It will be the job of the lawyers to blend the ethical, religious, and pragmatic aspects of these problems into a form that will enable the society to meet these changes in our world.

### Dr. Stone Winter Sibley Lecturer

By Charles Krumbein

Dr. Ferdinand F. Stone, this year's second John A. Sibley lecturer, was introduced to the group in the law school auditorium on February 29, 1968, by Dean Cowen and Professor Leavell. Professor Leavell, a personal friend of Dr. Stone's since their association at Tulane, indicated that Dr. Stone was particularly qualified as a Sibley lecturer because of Dr. Stone's many outstanding achievements both in this country and abroad.

Dr. Stone received his B.A. and M.A. from Ohio State University. While a Rhodes scholar at Oxford University, England, he received a B.A. in Jurisprudence and a B.C.L. Later he received an M.A. from Oxford. In 1936 Dr. Stone received his S.J.D. from Yale University and in 1966 was awarded a *Docteur honoris causa* from the University of Grenoble, France. He has been a member of the Tulane University Law faculty since 1937 with the exception of three years absence for active duty in the United States Navy as Lt. Commander during World War II. Dr. Stone is now W. R. Irby Professor of Law at Tulane and Director of the Institute of Comparative Law. Dr. Stone has published, lectured, taught, and been recognized in England, France, Germany, Italy and Holland.

As a final introductory remark Professor Leavell told the audience of Dr. Stone's interest in nature. Dr. Stone has a summer home in the mountains and is reputed to have spent many hours photographing and watching the animals nearby. This sidelight was most appropriate as it

opened the way for Dr. Stone's unorthodox lecture.

Dr. Stone began, "I have here a legal, academic, and esoteric paper replete with a plethora of footnotes. With your kind permission," he continued, "I will drop it off in the law review office before I leave. In its place tonight I will read two small stories about Animals. You see," he added as further explanation, "off-times the animals I watch so closely know more of our existence than we humans."

In the first story, "The Cockroaches' Dilemma," Dr. Stone related how the cockroaches overcame man's eradication effort through education. "The Badgers and the Grey Ground Squirrel," the second story, told how an interloper, the squirrel, had with little effort destroyed the utopian society which the badgers had created.

The first story perhaps suggested that much of the educational process is often accidental and infrequent rather than regimented, but is still very much worth the effort. Administrators, teachers, and students are not always able to work together smoothly for their common good.

The second story perhaps was intended to suggest that we hold fast to our ideals and not stray from a proven course of action without just reason.

In the literary form Dr. Stone chose the listener is free to interpret and apply the message to his own situation: the beauty as well as the purpose of the fable as a literary form is to provoke thought by analogy. Dr. Stone demonstrated an uncommon expertise in this medium.





Managing Board of Editors for Volume 3 are, left to right, standing: Jerry Blackstock, Bob Rowe, Rick vonUnwerth, Bob Sterrett. Seated: Charles Pursley, Nat Slaughter, Mildred Bell. Not Shown: Dick Stephens.

## LAW REVIEW REVIEW

By Boyce Connell

The masthead of the *Georgia Law Review* contains the following statement: "Published Four Times a Year by Law Students of the University of Georgia." Despite this bold proclamation, the Fall 1967 issue of the *Review* was published in the Spring of 1968. And although certain cynical faculty members have challenged the ability of the *Review* Editors to count to four, the Editors' Page of the most recent issue of the *Review* rashly predicted the completion of Volume 2 on schedule.

Regardless of the disjointed publication schedule, the contents of the *Review* continues to elicit favorable responses from members of the bench and bar.

After complimenting the Summer 1967 issue, one federal district judge wrote, "As a long time subscriber to the Columbia and Harvard Law Reviews, I don't remember enjoying an edition as much as I enjoyed this one."

If the number of comments and requests for reprints are an accurate measure of merit, then the articles by Perry Sentell of the law school faculty on reapportionment, and Hunter Taylor, also of the faculty of the law school, are among the more meritorious articles published in the *Review*.

Requests for the Sentell article have been numerous, many coming from federal judges. The Taylor article has received similar recognition, many requests for copies of the article coming from law students. Several student letters have requested immediate mailing, citing the rapid approach of their criminal law examinations. The students at Columbia University were more fortunate — Professor Monrad Paulsen personally requested several reprints of the Taylor article for use by his classes.

A practicing attorney in Atlanta wrote, saying that the Taylor article was the most beneficial aid he had discovered for reviewing the current status of criminal procedure. He had worn out his first copy of the article and wrote requesting a replacement copy.

In addition, several student works have received laudatory comments, and practicing attorneys have requested copies of these works.

Although favorable reception by the recipients of the *Review* is some indication of its stature, much of the *Review's* merit is in its educational value. Even though this attribute may not be noticed by its readers, the staff sees this as a primary value of law review experience.

## LL.M. Program Begins in Fall

The first candidates for the LL.M. degree from the University of Georgia School of Law have recently been accepted.

Dr. Chaffin, head of the Graduate Studies Committee, announced that two outstanding law graduates with experience as practicing attorneys have been accepted for next year. There is a possibility that one more position will also be filled.

The program is projected eventually to involve about five graduate students each year. The new program will require one year in residence and 36 quarter hours of work to be divided between course work and research. A flexible schedule is planned to be tailored to each individual accepted. The graduate students will also assist the first year legal writing program and perhaps the second year moot court competition.

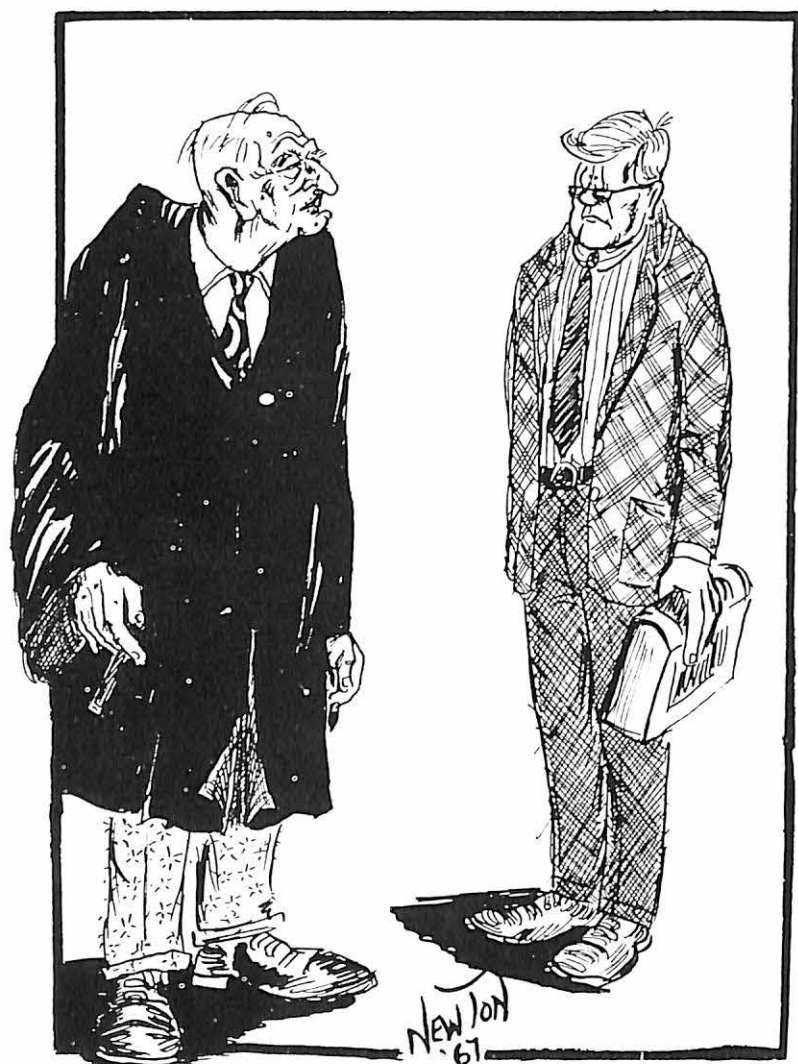
Dr. Chaffin stressed that fellowships are available for this program and that further information can be obtained by contacting the admissions office.

\* \* \*

The ability to analyze and write are necessary qualifications for *Review* membership, but a vitally important function of the *Review* is to develop further these qualities in its staff and editors.

Finally, the *Review* requires a quality of dedication in its editors. Long hours and hard work are essential to a respectable publication. The persons recently selected for positions on the Managing Board of Editors for Volume 3 of the *Review* have this quality of dedication. They are: Editor-in-Chief, Nat Slaughter; Executive Editor, Charles Pursley; Articles and Book Review Editors, Bob Sterrett and Jerry Blackstock; Notes Editor, Rick vonUnwerth; Georgia Editor, Bob Rowe; Recent Decisions Editor, Dick Stephens; and Research and Projects Editor, Mildred Bell. Also, Bill Boyett was named Business Manager for Volume 3.

In their hands, the *Georgia Law Review* should do well. Perhaps they will even put out four issues a year.



"I find for the appellant—you write up a decision telling me why and have it on my desk Thursday morning."

Courtesy The Colonial Lawyer, Marshall-Wythe College of Law

## GEORGIA SWEEPS STATE MEET

On Friday, April 19, teams representing the University of Georgia School of Law swept all available honors in the First Annual Georgia Intrastate Moot Court Competition. Each of the three accredited law schools in the State (Emory, Mercer, and Georgia) was invited to enter two teams. Emory declined to participate. The competition took place in the federal court rooms of the Old Post Office Building in Atlanta.

In the opening round of the competition, both Georgia teams were victorious over their Mercer opponents. The two Georgia teams met in the championship round, with the team of Albert Bowers, James Carter and Rick vonUnwerth gaining a close decision over the team of Mildred Bell,

Allen Keeble and Joe MacNabb.

These two teams were chosen from members of the second year class who had been eliminated during the course of the second year moot court competition. Rick vonUnwerth was named the outstanding speaker in the championship round.

State Bar President Dave Gambrell presented awards to the winning team and to Mr. vonUnwerth. Messrs. Bowers, Carter, and vonUnwerth will be present at the annual meeting of the State Bar in Augusta on June 7 to receive a suitably inscribed plaque which will become the permanent property of the law school. The competition was sponsored by the Younger Lawyers Section of the State Bar.

## Awards Presented At Law Day

*By S. Christopher Hall*

At the annual Law Day observance held Saturday, May 4th in the Fine Arts Auditorium, Secretary of State Dean Rusk was not the lone recipient of attention. Perhaps less well known, but no less worthy of recognition were several students of the Lumpkin School of Law, these persons having shown their mettle by excellence in academics and scholarship. Those honored at the Fine Arts Auditorium were Boyce Connell as the most outstanding senior in Phi Delta Phi, Bill Goodman receiving this same honor from Phi Alpha Delta. Honored for election into Who's Who In American Colleges and Universities were Dick Stephens and Jerry Blackstock. Recipient of the U.S. Law Week Award was Howard Turner. The idol of every first year student, David Carnahan, received recognition as having survived first year trials and tribulations with the highest grades in that class.

Moving to the Georgia Center for Continuing Education, more honors were bestowed, these included both present students and honored alumni. The class of 1933's Award for excellence in the study of Torts was at that time undecided, however, since the Law Day banquet a determination has been made with the award going to David Carnahan. Of special esteem at the banquet were those receiving Distinguished Service Scrolls, the highest award conferred by the University of Georgia Law School Association. Acting as "instant master of ceremonies," Mr. Howell Erwin presented these awards to the Honorable S. Ernest Vandiver, Governor of Georgia, 1959-1962, LL.B., Georgia, 1912, and the Honorable Roy V. Harris, Member of the Board of Regents, University System of Georgia, LL.B., Georgia, 1919. In addition to their qualifications for these awards, mention must be made of Mr. Harris' wit concerning "coeds and hippies". Perhaps he should receive a mini-Oscar for his thoroughly entertaining performance.

## NEW STUDENT BAR OFFICERS CHOSEN

*By Kip Kirkpatrick*

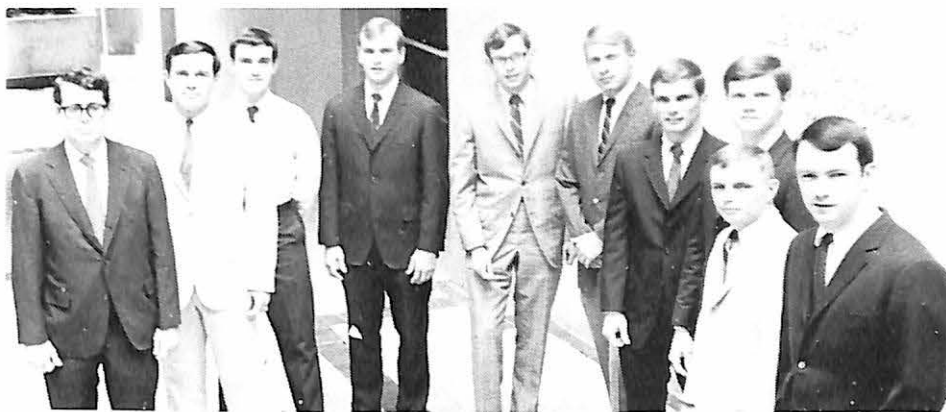
As far as the University of Georgia School of Law is concerned, Campaign '68 ended on May 9, 1968 when the student body went to the polls to elect officers for the coming year. A heavy voter turn out saw 98.8% of the registered voters cast ballots to determine new Student Bar Association and class officers.

Absent a miracle machine to furnish computer election forecasts, the election officials decided to count the votes. The vote counting began with a solemn Chief Justice Hansford announcing that the ballot box key had been lost. Yet, the democratic process was not to be denied as William Cunningham, in the presence of witnesses, stepped forward to break the lock and let the voice of the people be heard.

Though the people were heard, their voice was not decisive. With all precincts reporting no candidate for a Student Bar Association position had received a majority of the votes. A run-off election, conspicuously lacking in recent Georgia elections, was scheduled for May 10th. The run-off for president of the S.B.A. pitted Gerald Rutberg against Tom Harrold. Jerry Blackstock and Dick Stephens, both current S.B.A. officers, opposed each other in the vice-presidential run-off. The remaining two S.B.A. run-offs matched prospective second year students. David Douglas against Jeff Sewell for secretary and Oscar Cook against Craig Goodman for the treasurer's job.

While S.B.A. candidates awaited the May 10 run-off, candidates for class officers already knew their political destinies. Charles Hatcher was elected president of the third year class, and Mickey Avrett running unopposed took the vice-presidency after fighting off a flurry of individual write-in movements. Phil Wright and Spencer Lee became the president and vice-president, respectively, of the second year class. In an earlier election Mike Dover was elected the law school's representative to the University's Student Senate.

The run-off election of May 10 produced a new S.B.A. regime head-



(Advocate Photo by Caldwell)

New SBA Officers include (L-R) Charles Hatcher, Mickey Avrett, Mike Dover, Jimmy Paul, Gerald Rutberg, Dick Stephens, David Douglass, Oscar Cook, Spence Lee, Phillip Wright.

ed by Gerald Rutberg. Dick Stephens, current S.B.A. secretary, moved into the vice-presidential position formerly held by Tommy Chambless while David Douglas replaced Stephens as S.B.A. secretary. Oscar Cook was elected to fill the office of treasurer which outgoing treasurer Jerry Blackstock leaves in a shaky but solvent condition.

In compliance with the law school's Honor Code the names of the Justices for next year's Honor Court were submitted to the student body for approval or disapproval. Al Bowers, Joe Bruckner, and Jimmy Paul were approved as the Justices for the rising third year class. Jim Humes and Bill Montgomery will serve as the Justices from the rising second year class. Jimmy Paul was chosen in a close run-off with Al Bowers to be the next Chief Justice of the Honor Court.

Outgoing S.B.A. president Lowell Fine modestly conceded that in the past school year the Student Bar Association had aided in several significant accomplishments. He cited the Law Day activities featuring Secretary of State Dean Rusk as the most noteworthy. The S.B.A. petition in support of the J.D. degree, the establishment of a Student Advisory Committee to further improve faculty-student relations, and the establishment of a scholarship fund for second year students were other highlights of the year. In addition the S.B.A. provided the student lounge with an audio—sometimes visual device to enhance the school's academic environment

and sponsored numerous tributes to Baccus including the annual Barrister's Ball.

President Fine suggested that the new administration consider the well-worn proposal of a student book exchange. He urged continuation of S.B.A. luncheon forums similar to last year's luncheon with Charles Weltner and continuation of the Teacher Evaluation Program scheduled to begin this spring.

Following his run-off victory, President-elect Rutberg held a press conference at which he expressed pleasure with the election result and the interest which the election created. He urged that the law students unite, heal the wounds of political conflict, and prepare themselves for the common tasks which lie ahead. In a prepared statement Rutberg said, "Working together we are going to make 1968-69 a landmark year in the history of this school. Both Bill and Tom were highly qualified and most capable candidates. Their shadows make me aware of the faith that has been placed in me. I shall do my best to see that no one is disappointed."

Though the future appears optimistic, the new administration must be cautioned in that the University of Georgia School of Law can only move toward a national status if the students and student leaders move in that direction also. This is the challenge and opportunity resulting from Election '68.

And that's the way it was, May 10, 1968.



## Rusk . . .

(Cont'd. from page 1)

let's hope we can all agree that is the actual question."

Organizing a world peace was the overriding theme of Mr. Rusk's address. He said that this goal could be achieved through collective security. "In a world beset by violence, unrest and, at best, uneasy peace, the burden of maintaining world security must be shared. The United States will always do its part, but this country will not and cannot be the world's policeman. Joint action has protected freedom in Europe, in Latin America, in Korea and in Viet-Nam, and only joint action can offer hope for the future by warning those who commit aggression that they cannot succeed," Mr. Rusk said.

Secretary Rusk arrived in Athens at 9:30 a.m. Saturday morning aboard a gleaming silver "United States of America" jet.

Whisked by motorcade to the Fine Arts Auditorium, Secretary Rusk opened his remarks with a reference to the law's role in society. "Law is the guardian of the presumption of good faith which is the cement which holds our society together. It permits us to pursue our own eccentric orbits with the minimum risk of collision with each other."

Mr. Rusk next turned to the role of the United Nations in organizing world order. Though he later sharply criticized the U.N. for foot-dragging

and timidity all too often in the face of crisis, Mr. Rusk emphasized the peace-building purpose of the world body.

The blue-suited Mr. Rusk next spoke briefly on the Viet-Nam conflict. He noted that the eve of Paris peace talks was no time for "euphoria or bombast." He recited the U.S. position on Viet-Nam as follows: "American assistance to South Viet-Nam is rooted in our belief that only by cooperation in the community of nations to resist and suppress aggression can peace be established and freedom survive and flourish in the world."

Secretary Rusk proceeded to outline specific steps that he feels could be taken to "heighten the prospect of a stable world." Ranking first in Mr. Rusk's eyes is a halt in the arms race, particularly in the area of nuclear weapons because it "maintains in the hands of frail human beings the capacity to destroy, in a few hours, most of civilization and perhaps to doom the human race."

He added that the U.S. seeks a negotiated settlement of the Vietnamese conflict in the hope that "we can convince North Viet-Nam that its own future lies better in peaceful cooperation in development of the entire Southeast Asian region rather than in a costly and wasteful effort to overcome the South by force."

Mr. Rusk then summarized the major points of potential conflict in the world including Latin America, the Near East, Eastern Europe, and

most of the world's other hot spots over the past 20 years. He called on the middle and smaller nations of the world to join the larger nations in recognizing "their stake in international peacekeeping. They must accept and act upon the proposition that the common good, including the welfare of all members of the world community, requires attention and effort, and sometimes sacrifice."

Expressing optimism in spite of the monumental challenges lying ahead, Mr. Rusk termed faith in the law the basis of his hope for the future. He talked of further world cooperation in the exploration of the seas and the heavens, and in the battle against world-wide poverty.

"Humanitarianism should suffice as a reason for all industrialized countries to join in making the world fit for human life. But even those whose hearts may be hardened to the plight of others must recognize that the bell is tolling for them as well," Mr. Rusk said.

Mr. Rusk concluded his prepared remarks as follows: "As we engage our efforts to build a world based on law, we have to see that we are entering a new phase of the world's history. It is a phase in which the nations of the world must recognize their shared interests and accept their shared responsibilities."

Moments later, Mr. Rusk was given a lengthy, standing ovation, and short minutes later he was airborne once again on another mission as America's prince of peace in a troubled world.

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