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*Spring, 1974*



**GEORGIA  
ADVOCATE**

# The Georgia Advocate

Spring, 1974

Vol. 10, No. 1



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Editor:  
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*James May*

**Introduction:**

**Dean of the University of  
Georgia School of Law as of  
July 1, 1974**

Neill H. Alford, Jr.

Date of Birth: July 13, 1919  
Greenville, S. C.

Family: Married to the former Elizabeth Talbot Smith  
of Greenville  
three children:  
Neill H. Alford III  
Margaret D. Alford  
Thomas Alford

Present Position:  
Doherty Foundation Professor, University of Virginia  
School of Law and  
Special Counsel to the President of the University  
Legal Advisor to the Rector and Board of Visitors at the  
University of Virginia

Formal Education:  
B.A., The Citadel, 1940  
LL.B., The University of Virginia, 1947  
Sterling Fellow, Yale University, 1950-51  
J.S.D., Yale University School of Law, 1966.



Military Service: United States Army Infantry [began teaching career at the Infantry School at Fort Benning, Georgia—instructor—1941-1943]  
World War II - Army General Staff officer and infantry battalion commander; overseas combat duties in France, Germany and Austria; Rank of Lt. Colonel

Professional and Honor Memberships: Order of the Coif  
Seldon Society  
American Society for Legal History  
American Society for International Law  
Phi Alpha Delta  
Omicron Delta Kappa

Bar Associations: Virginia; American Bar Associations

Teaching Fields: Wills, trusts, future interests, estate and gift taxation, estate planning.

**Publications**

Books: **Cases and Materials on Decedents' Estates and Trusts,**  
4th ed. (with Ritchie and Effland), 1971.  
**Modern Economic Warfare: Law and the Naval Participant,** 1967

Articles: Ten articles published in law reviews and bar journals,  
1952-1966.

The past decade has been one of real progress for the University of Georgia School of Law. A brief look at four of the areas by which legal education is measured, i.e., library, physical plant, student body and faculty, indicates that Georgia has clearly moved to a new plateau of excellence. Yet, as we all look back with a great deal of pride, we must be mindful of the goals that remain unfulfilled and the challenges not foreseen in the '60s that are now beginning to present themselves.

An outstanding research library is essential to a quality legal education. In the past ten years Georgia's law library has expanded from fewer than 50,000 to more than 207,000 volumes. It has moved up from 70th to 20th in size among the 148 accredited law school libraries. Since 1964 the annual acquisition allotment has increased from \$25,000 to \$150,000 and the full-time library staff has increased from two to 21. Today our library is truly one of national stature. However, new problems have arisen. With a student body of 655, the library is now 90 seats under that required by the Association of American Law Schools accreditation standard. Also, shelving space is now at a premium and unless additional permanent facilities are soon planned, the growth of the library cannot keep pace with institutional demands. Additional space has been acquired in the new Russell annex to the main library. However, this is only a temporary solution. Plans must be developed for an expanded law library.

The planners of our present physical plant estimated that it would meet law school needs into the 1990s. Now only seven years after dedicating a \$2.75 million dollar addition, Hirsh Hall has reached maximum capacity. It could not be foreseen in the early '60s that the demand for legal education would triple nationally and increase sixfold at Georgia. Today only one out of six that apply can be admitted to the Lumpkin Law School. Many Georgians who could successfully complete the law program do not get the chance because of space limitations. Although we have one of the finest physical facilities in the nation, if we are to meet the legitimate demand for state-supported legal education in Georgia the facility in Athens must be expanded.

An intellectually qualified student body is the key-stone of a great law school. In the past decade, great strides have been made in attracting quality students. It is significant that while the average law school admission test scores for the entering class increased from 560 in 1968 to 615 in 1973, the student attrition rate dropped more than 30% during the same period.

One measure of student quality is performance on bar examinations. Last year 180 Georgia Law School graduates took the Georgia Bar Examination and, for the first time in modern history, 100% passed.

With all this, a problem remains with regard to student recruitment. Because of the lack of financial assistance, Georgia still loses some of the state's highest achievers to out-of-state law schools. Although financial assistance has increased from \$14,088 in 1969 to \$90,105 in 1973, it still remains substantially below that of law schools with which we must compete. Two hundred thousand dollars in financial assistance is an unfulfilled goal that must be met in the future.

A quality faculty is essential to a great law school. During much of the past decade the law school's enrollment was expanding so rapidly that it was only possible to recruit faculty at the beginning levels. At the beginning of 1972 over 45 per cent of the faculty were assistant professors. In September 1974, only 20 to 25 per cent will be at that level. With strong administrative and private support the law school is now recruiting vigorously at the senior level. Five senior professors joined our faculty this year on a permanent or visiting basis. It is clear that the 1974-75 law faculty will be one of the most experienced, balanced faculties ever assembled on the Athens campus.

## Upon Review: Dean J. Ralph Beard



A strong private financial commitment is required if we are to continue to attract top quality faculty. The level of our alumni giving must be increased if we are to move into the next decade in the company of the finest law schools in the nation.

Former Chief Justice Earl Warren, responding to several invitations to visit the law school, said after his stay here that he had "never been treated more royally" than he was at the University of Georgia.

The retired head of the U.S. Supreme Court spent two days on the Athens campus as John A. Sibley lecturer for the fall quarter.

Chief Justice Warren pondered the "Constitutional crisis" in his lecture November 2 to an audience which overflowed the law auditorium into an adjoining foyer.

Earlier in the day, he met with some 200 students in an informal question-and-answer session in the student lounge. Superior Court judges from all over Georgia, convening for an ICLE conference, joined Athens community and university guests, law faculty and students for a reception honoring the Chief Justice the evening before his lecture.

The 83-year-old jurist retired from the Supreme Court in 1969 after sixteen years' service.

He led the nation's highest court through years of historic decisions. From public school desegregation to legislative re-apportionment, the Warren Court decisions came to be landmark cases.

A native Californian, Chief Justice Warren began private law practice in San Francisco in 1914. He served as district attorney of Alameda County for 14 years and was elected to three terms as governor of California.

Warren was the Republican nominee for the U.S. vice-president in 1948.

Since his retirement four years ago, the husky-voiced justice has responded to a full logbook of speaking requests throughout the country.

He opened the Sibley lecture with this comment about his coming to Athens:

"I am privileged to be invited to speak to the students at the University of Georgia. This is to some extent due to the fact that I have an affinity for state universities. I am a product of one of them, the University of California, and to be invited to speak at the first state-supported university in the nation gives me an added incentive for being here."

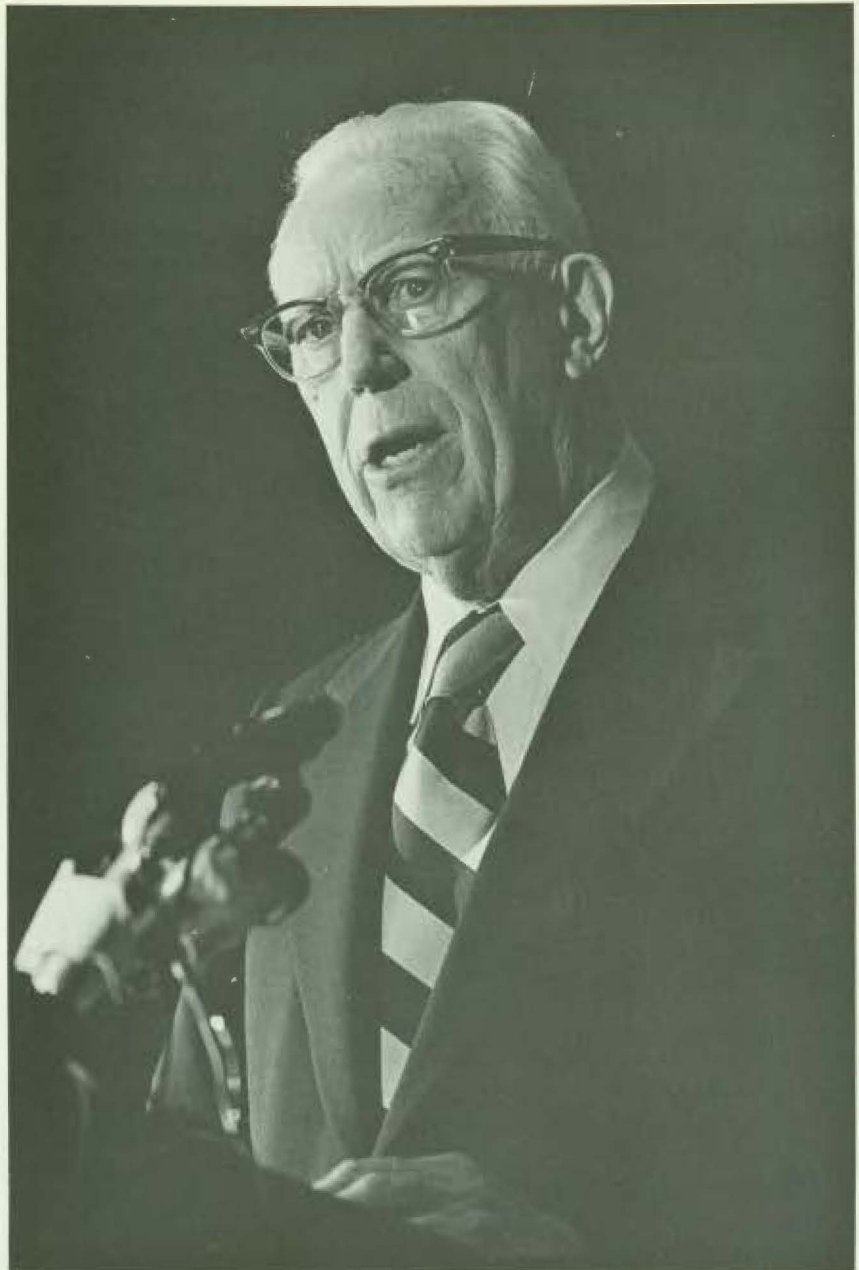
"I want to say to you with all the fervor I possess that our one hope for the security of our freedoms in the third century of our national existence, which begins in less than three years, depends upon the meaningful participation of the young people of this day in the affairs of our government. . . ."

"I also desire to say to you with equal fervor that we are not in any trouble nationally because of any weakness in the Constitution. We are hurting because people are not adhering to it. Instead of following it, people in high station have been secretly violating it until many people now question its efficacy. But it is the basic structure of the American way of life and should be maintained as such.

It is time for us to recall the old adage that we should not destroy good buildings merely because they have bad tenants. Properly maintained, the constitutional structure can protect us against corruption in office, the secretive assumption of personal power, the tainting of the political process, and the pollution of the administration of justice."

# The Honorable Earl Warren Chief Justice of the United States, Retired

Walker Montgomery



"The Constitution was never supposed to be a code for official conduct. It was a document of only five thousand words—about as long as an average magazine article—defining our governmental structure, and the powers of each of its three branches. It has been sufficiently elastic to enable us to govern ourselves in freedom for two hundred years, with but few amendments. It has been my great privilege to live through more than a third of those years and to have served for more than a half century in some branch of government, local state or federal. Throughout that time, I have observed that people can more effectively serve in accordance with the Constitution than by trying either to lightly change or subvert it."

"Of course, there are people who betray their trust in the public service, as some do in every walk of life. The news almost daily tells about scandals in business, industry and the professions, but we do not hear anyone advising young people to shun those fields of activity because they are dirty. Nor would it be right to do so.

The answer is for everyone to choose his own way of life, and then devote his energies to making it a wholesome and satisfying experience. But whatever path one chooses to follow, there is always the added responsibility of citizenship because no one can have true satisfaction unless he does his part in maintaining a free wholesome society."

# The Saga of

A mysterious (and very personal) announcement interrupts the Sanford Stadium crowd noise at the last home game each season: "Professor Sentell, please call Mrs. Palsgraf."

A Western Union telegram relayed this urgent message to the Sentell home on Palsgraf Eve two years ago:

"Dear Perry. Come to New York immediately. Elizabeth went down to the train station and you'll never believe what happened. Helen."

In spite of the unfortunate circumstances which link the name Helen Palsgraf to that of Robert Perry Sentell, there is much merriment and festivity to be found in embarrassing a distinguished yet truly likeable professor for his passionate dedication to the study of tort law.

Indeed, Palsgraf Day has become a traditional observance at the Georgia law school. Mid-winter drabness is broken by an unexpected holiday between Christmas and spring break. Sometime in late January, unbeknown to anyone except the first-year tort classes (or so he thinks) Professor Sentell prepares a lecture on the Palsgraf case.

Suddenly, one morning, crepe paper streamers festoon the halls and banners line the route to classroom G. The rotunda stairwell is bedecked with May Day colors and pastel balloons blossom outside office 312. Landmarks pointing to Rockaway Beach and Long Island Railroad appear throughout the building.

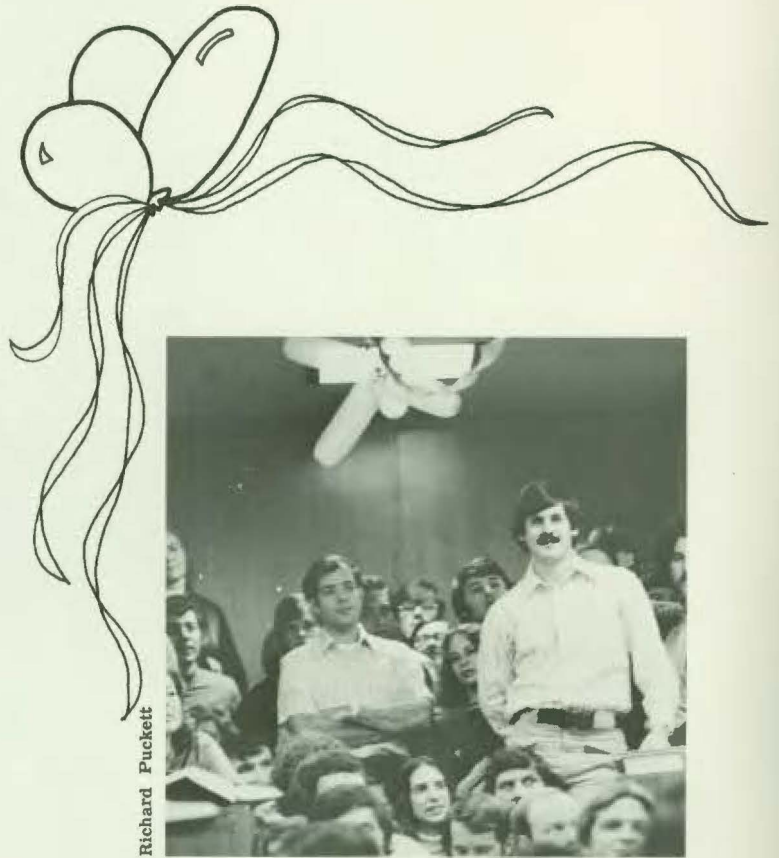
At 9:00 a.m. sharp, a slim, polished instructor strides in, places his notes on the lectern and red-faced explains to the overpacked gallery that "this is just another class." But those honored to study the Palsgraf case under him, and those who can squeeze in the aisles and listen at the door think otherwise. All sit with casebooks open and texts ready.

"This is a red letter day in tort law," Sentell begins. "What can you say about the Palsgraf case? Is it the most important case in tort law? Yes," he answers emphatically. "Could Palsgraf possibly be the most important case in all law? Yes," he exclaims as if from the pulpit. The class is convinced.

The time comes to name the Palsgraf scholar who will stand and recite the circumstances of the case. In a moment of suspenseful waiting, the class listens nervously as Professor Sentell describes the awesome responsibility of this person. He then closes his eyes, runs a finger down the seating chart and finds that Mr. Segal is the honored one.

In order to aid Mr. Segal in his recitation, the professor suggests, in the manner of a drama coach, that the class do "a little something special" for the occasion—one half shall hum while the other softly whistles "Hail to the Chief."

Poor Mr. Segal, or any other unsuspecting first-year student, is admonished for failing to fully characterize this wronged citizen who brought such a famous negligence case against the Long Island Railroad in 1928. Who was this plaintiff? A 43-year old Brooklyn scrubwoman named Helen Palsgraf?



Richard Puckett

"No! Not just a scrubwoman, but a mother of two adorable little girls, who, on the morning of August 24, 1924, were clasping her hands tightly in wide-eyed anticipation, waving their tickets, singing 'We're going to Rockaway Beach!'"

Having implanted this scene, Professor Sentell suddenly lowers his voice and goes on to describe the defendant, one Long Island Railroad. "This just isn't any railroad," he continues the saga. "A television personality by the name of Carson, J. (here the class howls with laughter heretofore repressed through respect) once said that, on any given moment, one may walk out on the sidewalks of New York City, stomp one's feet twice, and five cars on the Long Island line will derail!"

With this initial characterization Sentell has the student describe the case:

"The plaintiff (Helen Palsgraf) and her two daughters were standing on the platform of the defendants' (Long Island R.R.) station after buying tickets for Rockaway Beach [and a well-deserved holiday, Mr. Sentell injected]. A train stopped at the station, bound elsewhere. Two men ran forward to catch it. The train



# Helen Palsgraf

began moving. One man reached it. Another man carrying a package jumped aboard the car but seemed unsteady.

A guard on the car who had held the door open reached forward to help him in as another guard pushed him from behind. In this act the package was dislodged and it fell upon the rails. The package turned out to be a packet of fireworks. They exploded upon impact. The shock of the explosion dismantled a set of scales at the opposite end of the platform many feet away. The scales struck Mrs. Palsgraf and caused injuries for which she sues."

It is the drama of the ensuing chain of court decisions which renders the Palsgraf case its high place in tort law. For here is defined Judge Benjamin Cardozo's principle of "the unforeseeable risk," and here also does Professor Sentell turn to the serious business of exploring proximate cause. As the class period ends, so ends the melodramatic account of the plight of Helen Palsgraf. The next day, the class carefully reviews the New York trial court's finding of \$6000 and the subsequent appeals which finally denied Mrs. Palsgraf of any damage award.

Who is the dynamic orator who champions the cause for poor scrubwomen? He is a senior professor of law and the foremost authority on municipal tort liability and Georgia local government law. And, in spite of his close association with Brooklyn and Rockaway Beach, N. Y., he's a native Georgian and a "home-grown" Georgia law graduate.

The energetic instructor began his law teaching career as an assistant professor with the Institute of Law and Government in 1959. He became associate professor of the School of Law in 1964 and was named professor in 1968.

Professor Sentell earned the LL.M. degree from Harvard in 1961 where he was a recipient of the Ford Fellowship in Law Teaching and the Sarah H. Moss Fellowship from the University of Georgia.

As an undergraduate at the university, he was a scholar and a student leader—having been elected to Phi Beta Kappa, Phi Kappa Phi, Blue Key, and Gridiron.

Scholastic demands of law school could not diminish his intellect, for he achieved the highest academic average during his final year (1958) and was graduated **magna cum laude**.

The 39-year old professor is author of eight books, 32 published law journal articles and is a regular contributor to **Urban Georgia**, a publication of the Georgia Municipal Association.

From his own disciplined approach to studies and writing, Sentell expects the same effort extended by his students. But he is a willing and cheerful counselor for first year students who feel uneasy about approaching a faculty member for assistance.

Purposefully or unwittingly, Professor Sentell's stage presentation instills an unforgettable torts principle. But behind this principle is a human nature principle, he observes. "Students would rather be entertained than taught!"



Richard Puckett

# "Will Counsel Please Approach the Bench..."



In the fall of 1964, sixteen Georgia law seniors approached an Athens trial attorney and asked him if he could conduct a trial practice seminar as a supplement to their course work.

Teaming with another local attorney, the lawyer agreed to try it—once. The following spring, Dean Lindsey Cowen asked him to conduct the seminar again. That year the Student Bar Association won the first-place national award for "Outstanding Student Bar Activity." The trial practice seminar was officially launched, and Nickolas P. Chilivis was from then on roped into the riggings.

Each quarter, for the last ten years, Chilivis has taught the trial practice course as a part-time instructor of the law school. The busy practitioner spends four hours each week in the Hatton Lovejoy Courtroom judging a docket of criminal and civil cases presented to him by "prosecutors" and "counselors" of the third-year class.

Under the continuing leadership of Chilivis and co-initiator Edwin Fortson, partner in the law firm of

Fortson, Bentley and Griffin, the trial practice class has become institutionalized as a curriculum offering. The popular course draws an average enrollment of 16 students each quarter and carries 2 hours of academic credit.

How is trial practice taught?

Chilivis: "The hypothetical case is tried in the same manner as an actual court case. Then, as the jury (university student volunteers) deliberates, we hold critique sessions. I point out mistakes in procedure or use of evidence and weak points in one's argument. The idea behind the course is to provide a practical rather than theoretical approach to trial work."

Practical trial work is certainly Chilivis' forte. He absorbs a large part of the litigation for Erwin, Epting, Gibson and Chilivis, and he is especially knowledgeable in contracts. During his two-year service as Air Force negotiator, Chilivis wrote a widely-used legal manual on methods of settlement in military procurement contracts.

Wills, trusts and estates was his intended field when Chilivis began practice in Athens with Bruner, Chilivis, Paulsen and Jackson.

"That was back in 1952—we were all students," he explained. "A group of us opened practice with an investment of \$12 apiece." The venture was short-lived, however. "After graduation, all the others went home and I left for the Air Force."

Although present-day standards in legal education frown on one's attempt to be a law student and a practicing attorney at the same time, clinical practice programs are recognized, and the trial practice course is one example.

How do you teach one to be a good trial attorney?

Chilivis: "First of all, you teach logic. The student must develop a legal mind—the ability to group things systematically and logically, then draw the correct conclusions from given facts. I used to work individually with boys who had flunked out of law school. We would build up to each point of the case, name the principles involved, then reach a conclusion. Some students naturally have a legal mind. Others achieve it with extreme difficulty."

Chilivis' professors never doubted his legal mind. His pre-med major in his first two years at Georgia quickly gave way to legal studies. A *cum laude* law graduate, Chilivis had served as president of Gridiron, the Interfraternity Council, and Phi Delta Phi.

The scholarly lawyer is not one to deny a little human interest in the educational process, however. In the early days of the trial practice course, Chilivis,

as the bachelor judge, was called upon to render dual judgment in cases involving an attractive jury panel.

The predominantly male trial practice class made it a point to recruit all-female juries. One half of the class was responsible for selecting six jurors, and the other half chose its six.

Underneath the decorum of the trial proceeding, Judge Chilivis' second duty was to rate each juror by "a complicated point system."

"One night they had every single one of the campus queens sitting on the same panel—Miss Pandora, Miss Homecoming, Miss Athens, Miss Gator Bowl—this made it difficult to concentrate on the trial."

The sideline beauty contest judging came to an end, however, when Chilivis discovered that "the boys" had begun betting a dollar on each of the unknowing participants, and the betting progressed to awarding a keg of beer to the winning group of selectors.

But Chilivis did make one lasting judgment before the contest ended. Miss Smile Girl of 1964, sitting in the courtroom as a spectator one evening, later became Mrs. Nickolas Chilivis.

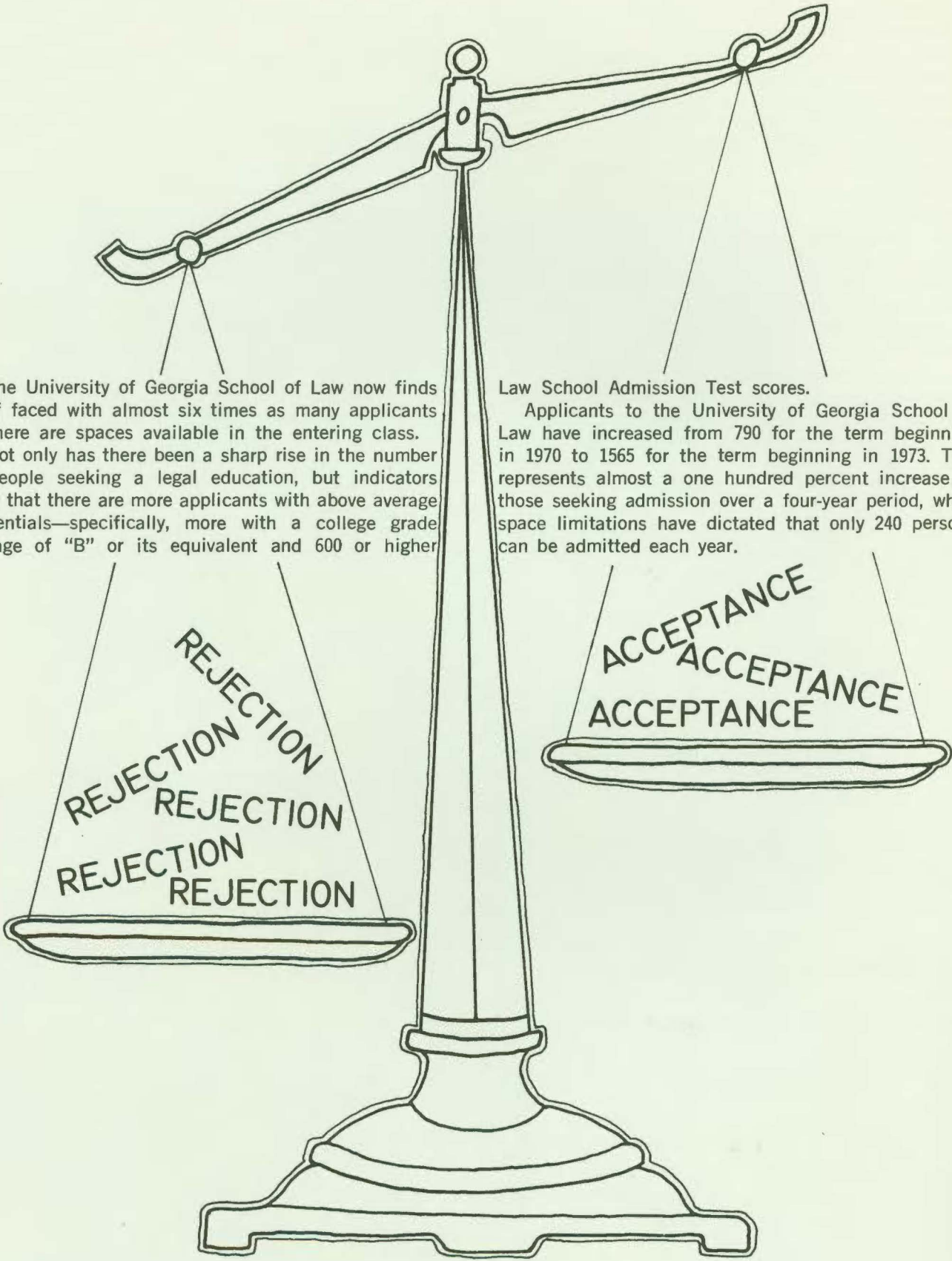
The Chilivis' now have two children and are involved in many community activities which Nick forfeits in order to teach Monday night classes at the law school.

Would he consider full-time law teaching?

"I would enjoy teaching, but I'm too wrapped up in law practice. Trial work is an exciting field to be in, as no case is the same. I like the part-time teaching arrangement just the way it is."

## *Time out for a Critique Session in Judge Chilivis' Trial Practice Class*





The University of Georgia School of Law now finds itself faced with almost six times as many applicants as there are spaces available in the entering class.

Not only has there been a sharp rise in the number of people seeking a legal education, but indicators show that there are more applicants with above average credentials—specifically, more with a college grade average of “B” or its equivalent and 600 or higher

Law School Admission Test scores.

Applicants to the University of Georgia School of Law have increased from 790 for the term beginning in 1970 to 1565 for the term beginning in 1973. This represents almost a one hundred percent increase in those seeking admission over a four-year period, while space limitations have dictated that only 240 persons can be admitted each year.

An understanding of what accounts for this rapid rise is the number seeking entrance to law school may be helpful. This surge is not restricted to Georgia but is nationwide.

Following World War II the "baby boom" was a natural consequence. This group came to the undergraduate campuses in the late sixties, and, beginning with the seventies, these successful baccalaureate earners reached law school entrance age.

Throughout the late sixties, however, many potential applicants refrained from applying to law school because of military obligations. The nation's military commitments had subsided by 1972. This permitted returning veterans to realize their deferred ambition of attending law school and enabled a younger crop of college graduates to apply with little fear of extensive military obligation. In addition, other veterans who may have dismissed law school because of the high costs of post-graduate education found that Veteran's Administration benefits placed them in a better financial position for full-time study.

Recognizing, then, that we have experienced a virtual flood of highly qualified applicants to law school over the last five years, it is worthwhile to note how those charged with admissions responsibility are meeting the challenge of selection at the University of Georgia School of Law.

Fortunately, the basic problem of growth had been foreseen and preparations made to accommodate it. The capacity of the Law School was increased dramatically in 1967 through the completion of its \$2.7 million complex. The size of entering classes was increased from 90 in 1965 to 240 beginning in 1970. This has led to a total student body of about 650, where it should stabilize.

The Office of Admissions, which consists of the Director, an administrative secretary and part-time

# The Admissions Decisions: A Complex Equation

student assistants, has the responsibility of receiving and maintaining qualifying data on each applicant as well as disseminating application material and information about the admissions process. The Director counsels those who have questions about law studies and legal careers.

A faculty committee of three professors, assisted by a third-year student advisor, meets regularly with the Director and reviews with him all applications which have been completed.

To understand the functions of the admissions process, let us follow the path of an application from a student who was a college senior in the fall of 1973 until his acceptance to the class entering in September 1974. His name can be John Doe.

John studied history and English at Georgia State University with the idea in mind that he would attend law school. Early in the fall of 1973 he consulted his pre-law advisor at Georgia State who provided him with information about the three accredited law schools in the state and an out-of-state school. One of these was the University of Georgia School of Law.

Our first contact with John was a postcard from him asking for admission information. We followed up the request by thanking him for his interest and posted a packet of application materials to him, including a current bulletin of information about the school. John was instructed to take the Law School Admissions Test at a convenient date during October or December, 1973. He completed the registration form for the test, signed for the transcript analysis service (LSDAS)) and ordered a copy of the **Pre-Law Handbook**. A week later, as instructed, John authorized the registrar's office at Georgia State University to send a copy of his grade transcript to LSDAS. A few days later he received his ticket of admission to the

by

L. Woodrow Cone, Director of Admissions  
and

Professor John F. T. Murray, Chairman,  
Faculty Committee on Admissions

test being administered on October 20. His copy of the **Pre-Law Handbook** arrived (price \$2.75) with data on most law schools in the country. It contained a sample copy of a complete law school admission test. John wisely self-administered the test one week prior to the actual examination. He was then prepared.

John reported to the testing center at Emory University on the morning of October 20 and began the test with other candidates. He was stopped midtest by an official who advised him that a family member had been involved in an accident and was in critical condition requesting his presence at the hospital. John signed out of the test early, but was able to re-schedule the test in December with plenty of time before the April 1 deadline for completed applications at the Law School.

He retook the examination in December which resulted in aptitude in excess of 600 (top 15 per cent) and a writing ability of 62 (top 20 per cent).

In late January the Law School received from the Educational Testing Service a report of John's test scores and a summary of his transcripts from undergraduate studies at Georgia State.

We sent John an acknowledgement by postcard, advising him that the application was not complete and would be considered at the next scheduled admissions meeting. The next day we received two letters of recommendations from his references. They were not required but they wished to recommend John after learning that he had performed well in school during the fall term. We were glad to receive this additional information which added considerably to the Committee's ability to evaluate John's candidacy.

At an initial screening of John's complete folder by a professor on the Admissions Committee, it was realized that John had experienced a "sophomore slump" in grades and then made a good recovery. The Committee member decided that his folder should be considered by the entire Committee in order to determine if John was competitive enough to receive an immediate acceptance offer. When the Committee held its regular weekly meeting, John's folder was examined first.

The Committee determined that John's grades were erratic during his sophomore year but this circumstance was extenuated to a degree by his appearance as his class representative in two intercollegiate debate programs during early December just before final exams. From other documents in his folders, it was learned that John was also a member of the swim team during the same academic year. The Committee's assessment of these factors was most favorable to John in view of his contributions to the schools' extra-curricular programs. After considering these factors, it was determined that John was a strong candidate, but not a completely outstanding one.

By late March, 150 of John's fellow applicants had received tenders of admission, but not John. He was advised that he could expect slightly delayed decision.

Falling just short of the first rank applicants, a decision had to be delayed until responses were in from the first 150. They were not long in coming. We acceptances with tuition deposits of \$50 to reserve individual spaces. By April 1, we knew where we stood enroute to our goal of 240 committed spaces for the fall of 1974. We determined that an additional one hundred and fifty offers could now be made and on April 2 notices went out to that number. John's notice of acceptance was in this second "wave."

He was given a deadline of April 20 to respond. He didn't take that long. Georgia had proved to be John's first choice. In later discussion with the Admissions Director, John stated that the reasonably-low tuition fees at Georgia, made possible through state funding, and favorable consideration to Georgia residents was probably the compelling reason for his decision to attend the Georgia Law School.

John's case is a relatively simple one. At the same time it is typical of those who are fortunate enough to be eventually selected. In reviewing the large number of applications received the Admissions Committee must consider such problems as undergraduate grading systems that use a "pass-fail" in lieu of the normal grading patterns; transcript analysis reports from several different schools where the student had been a transient; or reports on students who had failed as freshmen, left in disgust, only to return several years later and compile a really fine record. What can one do about the student who can't find his way the first two years, is drafted into the combat of Vietnam, returns to college and leads the class from then on?

In general, the most important item considered by the Admissions Committee is the candidate's undergraduate academic record. This record has proven to be the most reliable single factor in predicting performance in law school. The LSAT score and writing ability are next in importance. These first factors are generally mutually supporting and provide a reasonable objective basis on which to predict success in law schools.

What lies ahead for the law school population? We have reason to think our applicant figures will remain at the fifteen hundred range for the coming year, as this is in keeping with a national trend.

Private studies have projected an increase in college graduates for this region during the decade of the seventies. A slight drop is in store during the eighties after which figures will again increase. This, coupled with expanding needs for legally-trained personnel and legal services give promise to the legal profession and those who wish to become a part of it.

Certainly we are centrally-located in a region that has caught national attention for planning growth through the remainder of this century. We can see no drop in requirements for spaces to accommodate new students to this law school. We do feel the competition for spaces will remain at about its present level for the immediate future.

"Dirty Books, Disgusting Pictures, and Dreadful Laws" was the eye-catching title of Walter Gellhorn's winter quarter John A. Sibley lecture at the law school.

But what his audience heard was not a censorship committee's editorial but a case against the Supreme Court's recent delegation of anti-obscenity regulation policies to community standards:

"... In my opinion, [state] legislatures would be wise not to enact new laws (or to reaffirm old laws) which go as far as the court now says would be constitutional, but, at the same time, the states should not abandon controls altogether."

Gellhorn, a widely-known authority on the ombudsman system and distinguished professor of administrative at Columbia University, was referring to the court's 1973 decision in **Miller v. California**.

He explained that basic controls on pornography should be allowed when it is uncertain what impact erotica may have on young children and in cases of obtrusive exposure to those who do not wish it.

"I see no reason at all not to forbid imposition of sexual expression upon an unwilling audience." He added that laws against nudity on the highway are justified not on moral, but on aesthetic grounds.



## Gellhorn on Obscenity

Aside from these controls, the 67-year old lecturer asserted, efforts to "suppress vulgarities" are disturbing because such enactments may endanger basic constitutional guarantees. The vagueness of obscenity statutes constitutes danger for those who cannot know what is protected and unprotected speech.

"... Too much altogether legitimate expression will be stifled lest somebody's hypersensitivity be activated," he said.

Gellhorn pointed out that the first amendment applies to hearers and readers as well as to speakers and writers:

"We have made a constitutional commitment to a do-it-yourself system, in which each person is his own censor. So long as one remains free to read or not to read, to look or not to look, I think society would gain from leaving selection with the consumer."

He questioned the absence of other human virtues from morals legislation: "I favor a redirection of reformist energies toward an attack upon social evils more debilitating than erotica have been shown to be."

Gellhorn objected to the Court's judgment in its assumption that obscenity was already widely outlawed when the constitution was written and it was not counted among kinds of expression meant to be safeguarded from governmental interference.

The Columbia professor's comments on judicial precedents in obscenity reflected his ability as an interpreter of current events for legal education and his philosophy as a public interest lawyer.

He was 1963 president of the Association of American Law Schools, and has served on the Board of Directors of the American Civil Liberties Union. He is presently a member of the Board of the NAACP Legal Defense and Educational Fund, Inc.

Upon graduation in 1933 from Columbia's School of Law, Gellhorn was clerk for U.S. Supreme Court Justice Harlan Fishe Stone, and he later returned to Columbia as assistant professor of law.

He was chairman of the National Labor Relations Board, Region II during the second world war. In 1957 Gellhorn was named Betts Professor of Law at Columbia. In his years as an educator, Gellhorn has written or co-authored fourteen books including **Administrative Law; Case and Comments**.

During his two-day visit to the law school, Professor Gellhorn met with student groups and spoke to Charles McManis' administrative law class. He was frequently asked about his study of the Scandinavian ombudsman system and its applicability to problems of "red tape-cutting" in American government.

## Bar Exam: One Hundred Percent

One hundred per cent of the 1972-73 graduates of the University of Georgia School of Law who took the Georgia Bar Examination were successful in qualifying to practice law in the state.

During the 1972-73 academic year, 189 seniors were graduated by the Lumpkin Law School. Of that number, 40 completed studies in December, 1972 and took the state bar examination in February, 1973.

In March and June, 1973, 149 students earned the J.D. degree from the university, and 140 took the July examination. The passing percentage for both examinations was 100.

The nine remaining graduates have accepted jobs outside Georgia and have taken bar examinations in other states.



Jane Mosher

Newly-elected Student Bar Association officers are (left to right) Sam Chesnutt, Secretary, Dave Garrett, president, Hal Hinesley, treasurer, and Ken Millwood, vice-president.

# For and About Students

The Law School's Southern Moot Court team has won all categories of the Southern Moot Court Competition held February 15-16 in Durham, North Carolina.

Team members Mike Johnson of East Point, Roger Mills of Atlanta and Keith Vaughn of Bluefield, West Virginia were the debaters who captured first place scores in all three categories.

In addition to the Best Team designation, Georgia's entry was selected as Best Brief and team member Roger Mills was named Best Oralist of the competition. Bob Bockman of Atlanta was alternate speaker for the team.

Student teams from Duke, Miami, North Carolina and Tulane Universities were Georgia's opponents.

## Moot Court News

Georgia's National Moot Court team won the regional finals in last fall's national competition.

Team members James Poe of Kingsport, Tennessee, Terry Readdick of Brunswick, Patricia Cain of Columbus and alternate Lois Deutschberger of Athens took top honors in the competition held in Atlanta November 8-9.

The Georgia delegation won over seven other teams from law schools in South Carolina, Georgia, Florida and Puerto Rico.

Poe was named best oralist in the competition. The award for the best brief went to the University of Miami. Georgia's brief placed second.

Participating teams presented arguments on a hypothetical situation involving racial discrimination in the provision of municipal services to non-residents. Each team submitted a written brief and summarized its argument before a three-judge panel.

The two-day competition was co-sponsored by the younger Lawyers Section of the State Bar of Georgia and the American College of Trial Lawyers. The Georgia team faced winning teams from other regions in the national competition in New York November 26-28.

Associate Professor Mack A. Player is faculty advisor to the Georgia Moot Court program.



## Law Forum

Five attorneys from the Younger Lawyers Section of the State Bar of Georgia were panel members for a "Law Forum" conducted for first and third year students November 16.

Chaired by 1961 alumnus Tom Daniel of Perry, the group offered new and graduating law students a look at the nature of law practice in Georgia with a view point of "what you can expect."

## Client-Counseling Competition

Second-year students Peggy Cook and Frank Edenfield were named the winning team in intraschool finals of the National Client Counseling Competition.

The three-week competition placed 30 teams of two students each in the roles of law partners engaged in office practice. "Clients" (Athens area residents) presented to each team a problem or inquiry requiring legal counsel. After interviewing the client each partnership prepared memoranda on action to be taken in the client's behalf.

According to Assistant Professor Ira B. Shepard, who initiated and coordinated the local competition, a client-counseling exercise is designed to develop a law student's ability to interview and advise where legal problems exist.

Davidson Burch of Athens, William Anderson of Newnan, Hylton Dupree of Marietta and Robert Miller of Atlanta described their practices and gave the students some idea of the individual's responsibilities in large, medium, and small firms. They outlined different types of firm management and specialization.

The panel members also answered questions about salaries, job selection, and job-hunting.

Volunteering their time as competition judges were thirteen members of the Athens Bar Association. The practicing attorneys and eleven law professors critiqued each team's preparation, interview techniques, and utilization of the interview to obtain necessary information.

Team members Cook and Edenfield faced competitors from six other southern law schools in a regional meet held in Athens February 2. The University of Miami took the top title for this event.

The National Client Counseling Competition is sponsored by the Law Student Division of the American Bar Association. Will-drafting, trusts and estate planning was the subject of this year's final competition.



Athens attorney Sandy McCormack (left) and law professor Ira Shepard (standing) served as coaches for the client-counseling competition. Winning team members Peggy Cook and Frank Edenfield dictate a post-interview memorandum.

Vaughn C. Ball's current research interest will have a direct bearing on the future direction of legal education. The new faculty member is preparing a monograph on the projection of future law school enrollment for the American Bar Association monograph series. This project arises from Professor Ball's previous work for the ABA's Task Force on Professional Utilization.

The primary teaching specialties of this experienced educator however, are evidence and appellate procedure. He is author of a text on evidence (1966) and is a contributing author to **McCormack on Evidence**, a widely-used casebook.

Professor Ball joined the Georgia law faculty in January, 1974, after eight years as Legion Lex Distinguished Professor at the University of Southern California. He began his law teaching career at Ohio State University in 1948.

He earned the A.B. and J.D. degrees from Washington University in St. Louis, and studied at Yale University as a Sterling Fellow.

Ball engaged in private law practice in St. Louis for five years before going into government and U.S. Air Force service during World War II. He worked in the Office of the Solicitor, U.S. Department of Labor, and served as Deputy Division Counsel, Office of Price Stabilization, and Assistant General Counsel for the office of Defense Mobilization.

He is a former board of trustees member of the Law School Admissions Council and chairman of the Council's Test Development and Research Committee.

In addition to his textbooks on evidence, Professor Ball has written two manuals on trial practice and had published articles in other coursebooks, bar reviews and law journals. He also co-edits a magazine on suretyship and bond cases.

## New Faculty- An Impressive Cast

**Within the last two years, the University of Georgia School of Law has directed much time and attention to faculty recruitment. From a foundation of full support by the university administration and pledges of**

**alumni gifts for incentive salary supplements, the Law School's beacon went out to the nation's outstanding legal educators—inviting them to come share in and contribute to Georgia's growth.**

Apparently the signal transmitted clearly the long distance to California, Michigan, Chicago and New York, because the very finest from those areas responded and joined the law faculty as visiting professors in 1973-74.

This impressive cast includes Richard Wellman of the University of Michigan, Vaughn Ball of the University of Southern California, Allison Dunham, University of Chicago, and Ray Forrester, former dean of Cornell's law school.

Whether it be a mild Athens winter, a generous showing of Southern hospitality, or (hopefully) the vigorous pursuit of excellence by the Georgia Law School, two visitors have told Dean Beard their plans to stay with this law faculty.

**Professors Ball and Wellman—the Lumpkin School of Law applauds your decisions and welcomes your contributions as permanent faculty members.**

Richard V. Wellman is the first occupant of the Robert Cotten Alston Chair, a law professorship established by the trustees of the Loidans Foundation of Atlanta.

A nationally-recognized authority in trusts and estates law, Professor Wellman had taught at the University of Michigan School of Law for 19 years before coming to Georgia in September, 1973 as a visiting professor.

The Ohio native earned both the B.A. and J.D. degrees from the University of Michigan. He practiced law in Cleveland and Mt. Vernon, Ohio before joining the Michigan law faculty.

In 1966 he was named Chief Reporter for the Uniform Probate Code project, a national program for the improvement of state inheritance laws sponsored by the National Conference of Commissioners on Uniform State Laws and the American Bar Association.

Beyond the final approval of the Code in 1969, Wellman has continued to assist in uniform code drafting on both the state and national level. Since 1971 he has served as the educational director for the Uniform Probate Code. In his seven months of teaching at the Georgia law school, Professor Wellman has testified before subcommittees of the California and Illinois legislatures concerning the Code and addressed the Western Trust Conference in Honolulu, the American Association of Law Schools national meeting in New Orleans, a Department of State conference on the proposed International Will, and a Georgia ICLE estate planning seminar.

He is co-author of two legal textbooks, one dealing with basic principles of wills and trusts and the other with future interests. He has written numerous articles on probate law revision for legal journals and publications.

*Professors Wellman, left, and Ball*



Charles R. McManis joined the law faculty in September, 1973. He teaches administrative law and torts. The assistant professor is a 1972 graduate of Duke University School of Law where he was note and comment editor of the Duke Law Journal, scholarship recipient, and member of Order of the Coif. He also earned the M.A. degree in philosophy at Duke.

McManis came to Georgia from a year's clerkship with Frank M. Johnson, Jr., Chief Judge, U. S. District Court for the middle district of Alabama. He was a U.S. Navy officer from 1964 to 1968.

Walter Ray Phillips came to the Georgia law faculty from the Commission on Bankruptcy Laws of the United States where he was staff attorney. The new professor is also former Referee in Bankruptcy for the U.S. District Court, Northern District of Georgia.

The 42-year old professor has taught in the law schools of Texas Tech, Florida State and Baylor Universities as well as the University of North Dakota.

He is a 1957 law graduate of Emory University. Phillips earned the LL.M. degree at Emory in 1962 and later spent a year at Yale University as a Sterling Fellow. His undergraduate degree is from the University of North Carolina.

Phillips was in private law practice for four years first with Jones, Adams, Paine and Foster of West Palm Beach and then Powell, Goldstein, Frazer and Murphy in Atlanta.

Because of his extensive knowledge in bankruptcy law and related laws affecting consumer transaction, Professor Phillips has been frequently called upon for research and consultation in creditor and debtor rights.

He was commissioned to draft the Georgia Consumer Credit transactions Code for presentation to the 1974 General Assembly. In his nine-months tenure here, he has spoken to or advised seven community and professional groups about consumer credit problems.

*Professors Phillips, left, and McManis*



# Law Day Plans

Law Day, 1974 promises to be an event-filled weekend for alumni heading back to Athens for a spring get-together.

The Student Bar Association has announced that Senator Edward (Ted) Kennedy has accepted its invitation to be Law Day speaker. Senator Kennedy's speech is scheduled for 11 a.m. Saturday, May 4.

Traditional Law Day events include the Moot Court Competitions, Student Bar Association Reception and the Law School Association luncheon.

The Moot Court's Russell and Law Day Competitions will be conducted Friday afternoon, May 3. The SBA reception, which is open to alumni and guests, will be held that evening. The LSA luncheon is set for the Georgia Center following Senator Kennedy's address. Alumni Distinguished Service Scrolls will be awarded at the luncheon.

Student awards and academic prizes will be presented at Law Day Exercises Saturday morning preceding the main speech.

The Board of Visitors plans to conduct its quarterly meeting Friday morning so that members can remain in Athens for the weekend events.

Reservation forms will be sent to all 2608 alumni and friends of the Law School. Those who do not receive notices because of incorrect addresses or other error should write or call the school, 1-404-542-2511.

## Memorials

### Troutman

The Robert Battey Troutman Memorial Fund has been established in the University of Georgia Foundation by the King and Spalding law firm.

The fund honors the memory of Mr. Robert Troutman, a 1911 University alumnus who devoted much time and attention to law school programs.

Contributions from private foundations and gifts from Mr. Troutman's friends and associates have been added to the initial grant, the annual income of which will be designated as awards to the rising third-year law students who have been chosen as editor and executive editor of the **Georgia Law Review**.

In accepting the Troutman Fund contributions, Dean Beard told donors that these financial awards fill a critical law school need. With financial assistance, he said, **Law Review** editors will be able to devote full time to law studies and production of a quality journal.

## New Lecture Series

The Oliver Wendell Holmes Devise Committee has designated the University of Georgia School of Law as host for the 1974-75 Holmes Lecture Series.

The annual lecture visits are sponsored through the estate of the late Oliver Wendell Holmes, Jr., Associate Justice of the United States Supreme Court. A distinguished legal scholar is invited to deliver three public lectures at the selected law school.

At Dean Beard's invitation, Professor William B. Lockhart of the University of Minnesota Law School will be the Holmes lecturer. Lockhart was chairman of the United States Commission on Obscenity and Pornography appointed by President Lyndon B. Johnson in 1968.

### Wiggins

The Law School Association, in its mid-winter meeting in Atlanta, adopted a resolution honoring the memory of Morton M. Wiggins, Jr. who died October 7, 1973 in Albany.

Wiggins had been appointed by President McAlpin to the LSA Council post for the Second Congressional District and was to have attended his first meeting on October 13 last year.

A 1958 graduate of the Law School, Wiggins was mayor of Albany at the time of his death. He was a past president of the Albany Bar Association, a member of the Board of Governors of the Georgia Bar Association, a vice-president of the Albany Trial Lawyers Association and president of the Second Congressional District of the Georgia Municipal Association.

### Shackelford

Memorial contributions from friends of Francis Shackelford have been used to establish an instructional fund at the Law School.

Mr. Shackelford, a partner in the law firm of Alston, Miller and Gaines, died November 30, 1973. He was chairman of the Board of Trustees of the Loridans Foundation, an endowment fund which supports the Law School's John A Sibley lecture series and the Sibley and Alston professorships in law.

It is anticipated that the Shackelford Fund will eventually be sufficient to endow a professorship in tax.

Taking the Law School on the road and within easier reach of its alumni was the idea behind a recent series of state-wide visits by Dean Beard and several faculty members.

Georgia law graduates in Columbus, Savannah and Macon gathered for the social meetings which were sponsored by individual Law School Association Council members.

Mr. and Mrs. Kenneth Henson invited all Columbus area alumni and wives to their home October 18 for an evening reception. Guests from Athens included Dean and Mrs. Beard, Professor Dean Rusk, Assistant Dean Sam Davis, Alumni Coordinator Gwen Yawn, and Dr. Donald Elam, Assistant Vice-President of Development for the University.

Charles Wessels, Law School Association Council representative from Savannah, was host for an after-work social hour at the Chatham Club of the DeSoto Hilton Hotel November 27. Dean Beard, Professor Rusk, Dr. Elam, Miss Yawn and Professor Richard Wellman met with the group of 62 lawyers and afterwards had dinner with Spence Connerat, alumni meeting and fund-raising co-ordinator for the LSA Council.

Mr. and Mrs. Carr Dodson held an eighth district alumni meeting at their home in Macon February 26. Lawyers and spouses attended the reception and heard Dean Beard describe Law School progress and goals. As in the previous meetings, Dr. Elam explained University of Georgia Foundation gift programs, and Mr. Rusk commented on the Law School's quality image.

The visits to Georgia cities were initiated by Dean Beard as an informative effort designed to broaden alumni interest and support throughout the state. The idea received full endorsement from Law School Association officers at executive meetings held last summer.

Additional visits are planned for other geographical areas represented by Law School Association Council members.



**Judge Sidney O. Smith, Jr. of Gainesville is the new chairman of the Board of Visitors. He was elected to succeed Dan Hodgson, whose term ended December 31, 1973. Judge Smith was appointed to the advisory board January 1, 1972 for a three-year term.**

## **Board of Visitors**

Three new members joined the Board of Visitors in its winter meeting February 22 at the law school.

Kenneth Henson of Columbus, Wyck Knox, Jr. of Augusta, and Robert Struble of Toccoa are recent appointees to the nine-member advisory committee.

Henson, a 1947 law alumnus, is the immediate past president of the Law School Association. The Athens native now practices law in Columbus with Henson, Waldrep and Williams. He is a former president of the Columbus Lawyers Club and the Younger Lawyers Section of the State Bar of Georgia.

Knox is a partner in the Augusta firm of Hull, Towill, Barrett, Norman and Johnson. The 1964 Georgia law graduate is a member of the Legislative Com-

mittee of the State Bar of Georgia and trustee of the Richard B. Russell Foundation.

Struble is a member of the Board of Governors of the State Bar of Georgia and past president of the Stephens County and Mountain Circuit Bar Associations. He practices law with McClure, Ramsay and Struble of Toccoa. Struble graduated from the Georgia Law School in 1954.

According to statutes establishing the Board of Visitors, new members are appointed by the chairman of the Board of Regents, the president of the University, and the Law School Association president. Each board member serves a three-year-term.

*by Tom Dillon*

Daniel B. Hodgson is a rare individual — tireless and seemingly ubiquitous.

A court of law, a stage, a squash court, a board room, a concert hall, a mountain slope, a law office, at home and in church — all are settings in which this 1948 Georgia Law School graduate plays out his active life.

"You might say he's addicted to involvement," Hodgson's law partner Ronald Reed says in describing his associate and friend. "To achieve a distinguished law career is one thing, but then to busy one's self in so many other areas, and in such a productive fashion, is truly remarkable."

Born in the shadow of the University of Georgia, Hodgson was educated in the Atlanta public schools and received a Bachelor of Arts in American history from Yale University in 1941. World War II then interrupted additional educational ambitions and following his graduation he entered the armed forces, serving as a staff sergeant in the Air Force.

He returned to Athens after his discharge and began his law pursuits, receiving his LL.B summa cum laude in 1948. While at the Law School he was elected a member of Phi Kappa Phi honorary society, was a member of the Honor Court, and was on the Editorial Board of the Georgia Bar Journal.

Hodgson joined Alston, Miller & Gaines in October, 1948, and is now in his 26th year of practice with the prominent Atlanta firm. He holds membership in the American Law Institute, American Bar Association, State Bar of Georgia, Atlanta Bar Association, and Lawyers Club of Atlanta.

In service to the State Bar, in which he is currently a member of the Board of Directors, Hodgson has chaired the committee on Uniform State Laws and the Section on Corporate and Banking Law. In addition he has lectured and written several articles on the Uniform Commercial Code as part of his State Bar involvement. Hodgson has also served in several capacities, including president (1964-65), in the Atlanta Lawyers Club.

Among many activities outside the professional sphere the energetic Hodgson maintains close ties with his alma maters. He has just completed a three-year term which included the chairmanship of the Law School's Board of Visitors, and is a member of the executive committee of the Yale University Council, as well as a former chairman of the Alumni Board of Yale.

His activities in Atlanta include serving as a governor of the Stadium Club; vice president and a director of the Piedmont Driving Club; board of sponsors of the Atlanta Symphony and chairman of the Symphony's by-laws committee; a vestry-man and former senior warden of All Saints Episcopal Church, and a trustee of the Loridans Foundation.

Relaxation from this full schedule takes several forms for Hodgson. It could be a game of paddle ball or squash at which he excels. It could be a jeep ride



over a lonely road in his beloved mountains of North Carolina. It could be a performance with the Huff'n Puggs, a well known Atlanta singing group which he formed a number of years ago.

Or it could be just relaxing at home with his wife Frances and their three daughters. But Dan Hodgson is the first to admit that in this later organization he has very little voice.

His varied activities make him an ideal choice to join the other distinguished recipients of the Distinguished Service Scroll from the University of Georgia Law School Association.

# Distinguished Service Scroll Recipients 1974



*by Tom Daniel*

From beneath the Arch of the University of Georgia has come another great Georgian to receive the Distinguished Service Scroll for his outstanding achievements and contributions to the University of Georgia, the legal profession, his state, and his nation.

Born July 14, 1913, in the rolling red hills of Troup County, Lewis Render (Pete) Morgan was educated in the LaGrange public schools system. He completed pre-law studies at the University of Michigan and earned the L.L.B. degree from the Lumpkin Law School in 1935.

The young graduate entered private law practice in LaGrange where he remained for the next 26 years. During this time he served as the city attorney for the City of LaGrange (1944-46) and as the county attorney for Troup County (1957-61). He represented Troup County in the Georgia General Assembly from 1937-1940. During World War II he served in the Signal Corps of the U.S. Army.

On August 10, 1961, Morgan was appointed judge for the U.S. District Court, Northern District of Georgia by President John F. Kennedy. In April, 1965, he became Chief Judge of the Northern District of Georgia. President Lyndon B. Johnson appointed Judge Morgan to the U.S. Court of Appeals, Fifth Circuit, where he is presently serving.

He is a member of the Georgia Bar Association, the American Bar Association, the American Law Institute, and the American Judicature Society.

Always the advocate when representing his clients and truly the lawyer's jurist when sitting on the bench, Judge Morgan is recognized by both Bench and Bar as the "Humanitarian." He is always interested in his fellow man and in assuring that with justice there is also respect and understanding of those involved in each proceeding.

Judge Morgan takes a very active role in civic, church, and professional activities. As a college student he was a member of Chi Psi social fraternity and Phi Delta Phi legal fraternity. He is an Elder of the First Presbyterian Church in LaGrange, and in 1957 was the recipient of the Distinguished Service Award of the LaGrange Chamber of Commerce.

Mrs. Morgan is the former Sue Phillips of LaGrange. Their two children are Parks Healy Morgan and Mrs. Sue Ann Morgan Everett.

Judge Morgan has been most active and interested in the University of Georgia School of Law, its students and faculty. He served on the law school's Board of Visitors from 1968-1971.

Throughout his legal career, Judge Morgan has by word, deed and example shown himself to be the advocate, jurist and statesman deserving of the recognition and appreciation now shown to him by the University of Georgia Law School Association. His way of life and philosophy are the personification of the ideals which one can look upon and say, "He is a great Georgian!"

Walker Montgomery



The University of Georgia celebrated its 189th birthday in January with a week-long exhibit at Lenox Square in Atlanta. The colorful display of films, photographs, video tape and instructional equipment highlighted the university's contribution to the economic and environmental growth of the State of Georgia. Following the theme "Partners in Progress," the Law School's exhibit depicted how Georgia benefits from legal research, instruction, and service.



# TALMADGE

Senator Herman E. Talmadge, Jr. was guest of Law School alumni and students on two occasions last fall. He spoke to a joint breakfast meeting of the Law School Association Council and Board of Visitors October 13, and led an informal discussion session with law students in a visit to the campus in November. The Senator plans to attend Law Day exercises and the Law Day luncheon May 4.



Glover Housman

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