



**GEORGIA ADVOCATE**

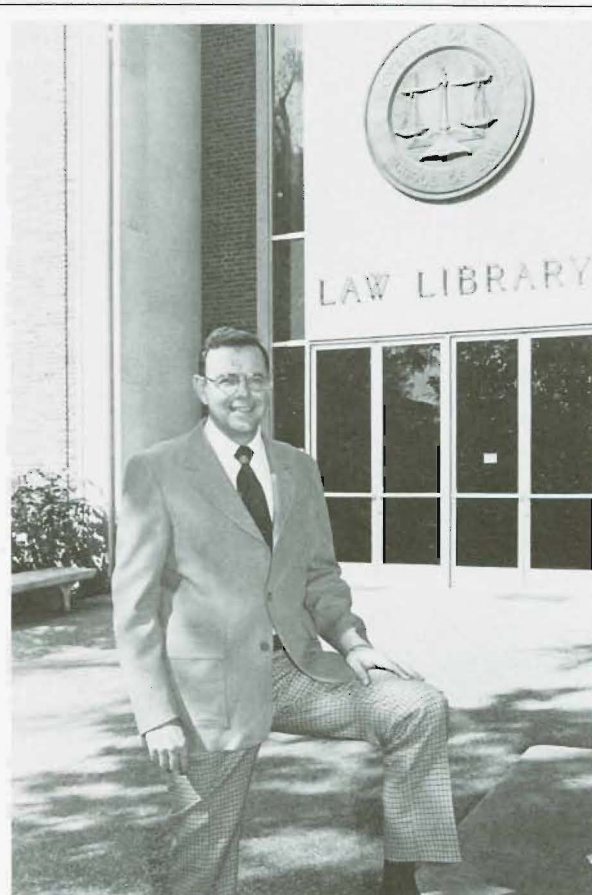


# The Georgia Advocate

Spring 1979

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# DR. FRED C. DAVISON



By Bob Reinhardt

The Law School's best friend is a veterinarian. He is a veterinarian who also holds two doctorate degrees, and could almost qualify for a law degree with the knowledge he has gained as a defendant in legal cases. As an educational administrator, Dr. Davison has gained proficiency in numerous matters relating to the law of higher education. He has a specialist's knowledge in federal regulatory matters—employment, privacy of student records, teaching contracts, and affirmative action. He has the ability to grasp these very complex issues and can interpret them effectively.

Fred Davison's ability, combined with his devotion to the notion that a university must be free to pursue academic excellence, has marked him as an emerging national spokesman on the issue of federal intervention into educational decision-making. In lecture visits to other campuses, speeches to educational associations, and in newspaper columns and magazine articles, Georgia's president has eloquently spoken on educational issues of importance to the University and the University System of Georgia.

If one looks closely at Fred Davison's strong leadership of the University, it is clear that he believes in a strong, vibrant law school. The President directs resources and attention to the School of Law so that it has the people and resources to strengthen its program to the highest possible level. The School, in return, supports his goal of an institution built on a high level of instruction, research, and service.

Furthermore, the law school's relationship is enhanced by the role of its Dean as Counselor to the President.

This mutually advantageous relationship is described by the ABA-AALS inspection team in its reaccreditation report issued





following the group's visit to the campus last spring. The report noted that. . . "While the latter role (counselor) may appear somewhat demanding for a law dean, it serves the useful purpose of providing a close working relationship between Dean Beaird and President Davison. It is a uniquely fortunate relationship. . . ."

The reaccreditation committee made note of the ways and means through which the School of Law received sustenance and encouragement in its pursuit of excellence. Last year, control of the law library's budget was moved from the main library operations to the Law School, thereby making such important functions as book acquisition and personnel autonomous decisions of the Law School administration. The team said, "This is illustrative of the fact that the central administration at Georgia is now keenly aware of the Law School administrative needs and requirements."

"Another indication of the responsiveness of the central administration is the fact that law library growth and faculty office needs have necessitated the construction of a major new annex to the building. . . ." The report went on the state that "yet a further example of the commitment of the University to high quality education is the capital fund-raising drive."

Those privy to the behind-the-scenes work that goes into building a strong national reputation will testify that Fred Davison does more than just sign documents authorizing allocations of the operating budget over to the School. Our tireless and hard-working president has travelled many miles helping the Dean make personal calls to major donors for the development fund, and he willingly visits law alumni groups across the state to assure them personally of his interest in the School and to ask for their support. He works hard to help generate private funding, and he says he feels rewarded when the School brings in a group of distinguished visiting faculty, or awards a good number of scholarships, or performs well on the state bar examination.

Fred Davison and Dean Rusk are next door neighbors—that is—the Rusk Center is across the sidewalk from the Lustrat House, location of the President's Office. The Rusk Center's work in solving international law problems is one of Davison's "hobbies," and he says he is always intrigued by the exciting projects in which the researchers are engaged. He sits on the board of directors of the Rusk Center and was instrumental in its founding.

President Davison is now in his 12th year as head of the University of Georgia, a tenure exceeded by only five of the sixteen persons who preceded him as chief executive of the institution. Prior to assuming office in 1967, Dr. Davison served as vice-chancellor of the University System of Georgia. Before taking that post in Atlanta he was dean of the College of Veterinary Medicine at Georgia. He had earned the D.V.M. degree there in 1952 and went on to earn a Ph.D. in pathology and biochemistry at Iowa State. He and his wife Dianne, also a veterinarian, practiced medicine in Marietta before he began his service in higher education administration.

One of President Davison's key objectives in leading the University is that it be an institution accountable to its sponsoring public. In his annual State of the University message, delivered in December, he said . . .

" . . . The University of Georgia is a sound, strong, and productive institution of higher education. . . . I believe we are a university of enviable quality today because our sponsoring society wants The University of Georgia to be great. The people depend on us and give us their respect. They deserve nothing less than the best in return."

**Bob Reinhardt is the immediate past chairman of the Law School's Board of Visitors. In this capacity as spokesman for the School's official advisory group, he worked closely with President Davison on a range of issues involving legal education. Reinhardt, a 1952 graduate of the Georgia Law School, practices law in Tifton, Georgia. He has been nominated for the office of president-elect of the State Bar of Georgia.**







*Twelve Judges of the Fifth Circuit Bench Visit the School of Law for*



**Dean Baird, Honoree Morgan, and Banquet Speaker Bell**

## **“Judge Lewis R. Morgan Day”**

U. S. Attorney General Griffin Bell was the keynote speaker at ceremonies honoring Judge Lewis R. Morgan of the U. S. Fifth Circuit Court of Appeals last fall.

Bell's address highlighted a day of activities honoring Morgan, a Georgia law graduate who recently assumed "senior status" after 17 years on the federal bench.

Federal judges can assume senior status after reaching age 65 with at least 15 years service. Senior judges are relieved of administrative duties and serve only on cases as active judges when they choose. Senior federal judges often are asked to sit on cases in the other 10 federal circuits in the country.

Chief Fifth Circuit Judge John Brown also spoke at the banquet, and representatives of the Georgia judiciary, the other fifth circuit judges, Morgan's 25 former law clerks and law

school alumni were present for the activities.

Attorneys Homer Drake of Atlanta, Morgan's first law clerk, and Robert Brussack, a law school faculty member and a 1977-78 clerk, presented a retrospective look at Morgan's legal career earlier in the day. Judge Homer Thornberry, also of the fifth circuit, was a speaker during the clerks' ceremony.

Morgan was appointed a federal district judge by President John F. Kennedy in 1961 and was named to the Court of Appeals of United States Fifth Judicial Circuit by President Lyndon B. Johnson in 1967.

A 1935 law graduate of the University of Georgia, Morgan served in the Georgia General Assembly from 1937-39. He is a former president of the Law School Association and received the association's Distinguished Service Scroll in 1974.



## International Society Hosts Regional Round

## UGA Moot Court Team Wins

Georgia's international law Moot Court team placed first in the regional round of the Philip C. Jessup Competition which was held in Athens March 2-3.

The legal rights of third world governments to seize property owned by foreign corporations was debated in the competition, which was hosted by the Georgia Society of International and Comparative Law and the School of Law. Teams from eight southern law schools argued the topic in the 1979 Jessup International Competition. Students prepared written briefs and oral presentations on the question of nationalization of holdings owned by multinational corporations.

A panel of international law experts selected the winning team, which was comprised of second year students Peter Quist, Audrey Winter, Mike Levengood, Betsy Cox and Jere Moorhead. Third year student Griff Doyle was coach for the team. The Georgia team will compete against other regional winners in the national semi-finals in late April during the annual meeting of the American Society of International Law in Washington, D.C. Teams from the United States and 22 foreign countries will then compete in the final round of moot court competition.

The subject for this year's competition was selected by the American Society of International Law and the Association of Student International Law Societies, co-sponsors of the moot court event. The topic was written by Gabriel Wilner, associate professor of law at the University of Georgia.

The Philip C. Jessup competition, now in its 20th year, is named for a former judge of the International Court of Justice. Law student members of the University of Georgia Society for International and Comparative Law who coordinated the event include second year students Kenneth W. Mauldin, Catherine A. Modling, Luanna L. Bennett, Robert W. Scholz, Mary N. Lewis, David W. Lovett, Richard A. Bacon, J. Thomas Morgan III and Renzo Wiggins.

Judges for the competition were Atlanta attorneys John Gornall, Michael Horton, Edwin Marger, William Poole and Cecil Phillips.

Also judging the competition were Hope H. Camp Jr. of Chicago; Mrs. Tatina deMaekelt of Washington, D.C.; Professor F. V. Garcia-Amador, University of Miami Law School; Professor Christopher Osakwe, Tulane University School of Law; Myron Renick of Charleston, W. Va.; Dr. Robert Clute, professor of political science at the University of Georgia; Everett Noland of Raleigh, N.C.; and R. Robbins Pancake of Washington, D.C.





The title of champion for the Law School Telethon volunteers clearly belongs to William C. (Bubba) Head, graduate of the Class of 1976 and practicing attorney in Athens. Head led in the number of alumni contacted who agreed to become donors. On the first night of the Telethon, within a two hour period, he recorded 18 new donors to the Law School Fund. He didn't stop there.

Armed with names and telephone numbers of his classmates, the graduates of 1976, Bubba returned to the School for three more nights of "solo calling." During one lonely vigil, an ice storm knocked out the building's power lines, and he stopped phoning only because he couldn't see the telephone numbers in the darkness. When the totals were in, he had contacted a large percent of the Class of 1976 and negotiated \$800 in new gifts and pledges to the Law School Fund. Dean Beaird sent him a bottle of champagne.

When asked about his approach to calling fellow graduates, Bubba said, "I take the time to talk with these classmates and give them an update on the School and its progress. We talk about our law practices and our families, too. It makes them feel that there is a continuing interest in them. Also, I can solicit with ease because I am asking them to do no more than I've done." (He recently joined the President's Club of the University of Georgia Foundation, and is one of the two youngest law graduates to make a pledge to this highest gift level of the Foundation.) Bubba is pictured below with his Class of 1976 Telethon cards.



## Annual Giving

Unlike the Jerry Lewis version, the Law School Fund's first telethon centered around telephones and not t.v. screens. However, the impact, although on a smaller scale, was much the same. New donors came forward, and the alumni body in general learned more about the Law School by catching up on news with the volunteer callers.

Who were the callers? Approximately 40 law students, Athens alumni, and law faculty members spent their evenings at the telephones January 15-17. The calls were made from a bank of ten phones at the UGA Alumni House. Advance mailers were sent to 700 alumni letting them know to anticipate a call.

Who was called? Those graduates who have never made an alumni gift to the University or, more specifically, to the School of Law were contacted. These alumni graduated within the last fifteen years, and the classes of 1978 and 1977 were excluded.

The results? Approximately 305 law alumni pledged to make some gift this year for the Law School Fund. These are all first-time donors. The amount anticipated from the workers' efforts is \$5,500.

## Law School Fund Telethon: A First





## THE UNIVERSITY OF GEORGIA

### SCHOOL OF LAW DEVELOPMENT CAMPAIGN

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Message from the Chairman of the Development Council  
and the Chairman of the Development Fund

We wish to thank all of the firms, foundations, friends and alumni for their strong financial support of the Law School during our Development Campaign. Your contributions will help the Law School maintain the high standards that we all desire.

To all Area Chairmen, Division Chairmen and Committee Members, we want to express our appreciation for your help and cooperation. In the event your assignment has not been completed, please keep working until the job is done!

If you have not made a donation, we ask you to help The University of Georgia School of Law move forward in its "Quest for Excellence" by making a generous gift and/or pledge to The Talmadge Fund through the University of Georgia Foundation. Or, should you prefer, we will be glad to talk with you about a Special Endowment Program or a Living Memorial Opportunity. With your participation, we should exceed the \$3,000,000 goal before the end of the year.

Again, our deepest thanks to all of you who have given so generously to help make this Development Campaign a success and for your continuing and thoughtful concern for the Law School.



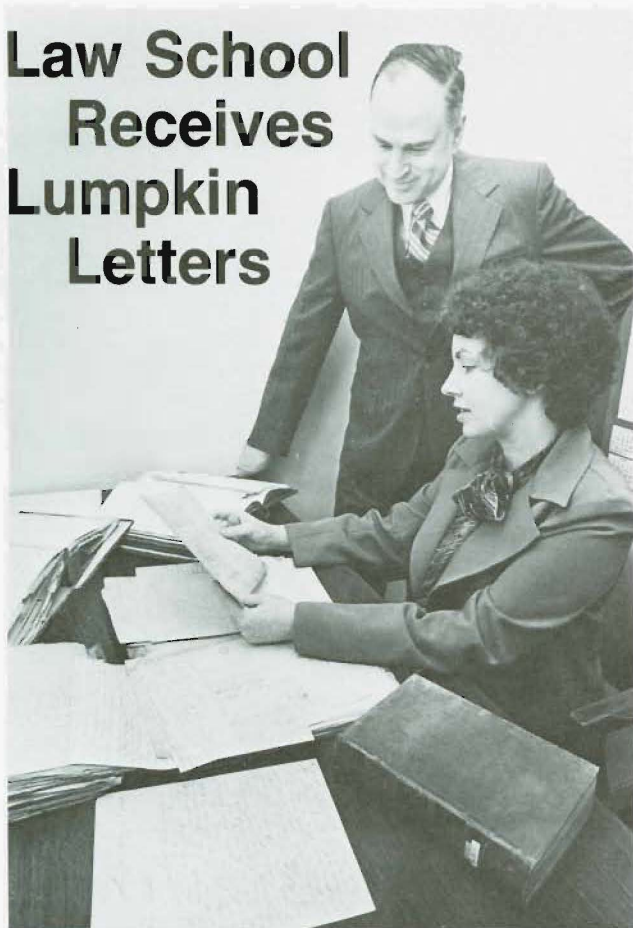
CHARLES H. KIRBO  
Chairman, Development Council



JAMES A. DUNLAP  
Chairman, Development Fund



# Law School Receives Lumpkin Letters



**Historical research writer Gail Dendy and Law Librarian Erwin Surrency review the letter collection, which will be placed in the Law Library's rare book room.**

Joseph Henry Lumpkin was born in Oglethorpe County, Georgia on December 23, 1799. He entered Franklin College at age 17 but went on to graduate from Princeton when the infant UGA suffered a leadership crisis and had to suspend classes from 1816 to 1819.

He returned to Lexington to study law and was admitted to the Georgia bar in 1820. About this time he experienced a deep personal conversion and thereafter served the Presbyterian Church in various lay capacities.

Lumpkin was elected to the state legislature in 1824-25 and subsequently served on Governor Troup's staff in Milledgeville. But this brief exposure to politics left him determined to make his own mark in the legal rather than political arena.

He built a varied and successful practice which gained him the state-wide respect that led to his 1845 appointment to the first Georgia Supreme Court. His two colleagues on that court so admired his legal acumen that he was *de facto* Chief Justice long before the position was formalized in 1866. Contemporaries praised his commitment to the scope and spirit of the law as opposed to a rigid letter of the law approach, crediting Lumpkin with helping to lay the foundation for acceptance of the then controversial concept of a court of review.

In 1859, along with his son-in-law and partner T. R. R. Cobb and William Hope Hull, he organized the Lumpkin School of Law as a part of the University of Georgia.

He served as Georgia's first Chief Justice until his death on June 4, 1867.

*"To My Dear Child . . .  
Affectionately, Your Father J.H.L."*

by Gail Carter Dendy

The Law School which bears his name has recently received a collection of letters that affords a unique glimpse at the personal side of Joseph Henry Lumpkin. For more than a century these letters, written primarily by Georgia's first Chief Justice to his daughter Callender ("Callie"), have remained in private hands.

Chief Justice Lumpkin's great granddaughter, the late Carolyn King Ragan, recognizing their historical significance, bequeathed the letters to the School of Law. Careful and lengthy scholarship will eventually enable us to correlate references in the letters with major trials, political developments and social trends in antebellum Georgia. But these potential avenues of research should not blind us to a special value of this collection.

In these letters we have preserved a private testimony by a nineteenth-century public giant to some of the most enduring facets of Southern character: devotion to family, pride of place and deep spiritual commitment.

Chief Justice Lumpkin's epistles of advice, confidence and selected news items reveal a man diligently pursuing his professional calling, but often lonely at the necessary separations from his loved ones. His frequent classical and Biblical allusions throughout the letters demonstrate an active life of the mind apart from, yet enriching, his daily regimen.

The pages literally sparkle with a keen wit and a prose style that seems as effortless as it is eloquent. Yet his unguarded comments to a beloved daughter show us that this great man of noble spirit could harbor human resentments, grow weary and yield on occasion to despair.

The time span of the letters, most sent between the early 1840's and the late 1850's, covers in many ways the natural life-cycle of a father-daughter relationship: teasing advice on boyfriends and marriage to an eligible young girl, attempts to reconcile family squabbles, the compassionate faith of a lifetime projected to assuage Callie's grief at the death of her first-born.

Limitations of space and the fact that many of the letters are undated cause a certain violence to context. But the excerpts that follow are selected to convey something of the flavor of the collection:

" . . . I suppose you have not been troubled with beaux since I left.—Plague on these men.—They are not to be trusted.—And I would not sacrifice much for any of them.—Besides there is often luck in leisure . . ." (c. 1840's from Decatur)

" . . . Callie . . . God grant my child that your husband whoever he may be—may love you—with one hundredth part of the ardor and devotion—that I feel for your precious mother . . ." (c. 1840's from Milledgeville)

" . . . O I never longed to see you all so much. I have been away an age . . ." (same)

" . . . Poor women—how we men drag them up and down the world.—Well in Heaven we wicked men—will cease to trouble them.—For while it is their native Home—just—as much so as Africa is the Home of Ham and his posterity—but few men will live there! Women & children! What an assembly of purity & innocence—without the contaminating influence of men . . ." (c. 1840's from Athens)

" . . . Callie I want to talk over the events of the French Revolution with you so bad.—It abounds with so many interesting incidents—The gallantry of the Parisians toward the Queen—their respect for private property. . . ." (c. 1840's)

"My Dear Child.—I fear from Porter's [Callie's husband, Porter King] note to Muggy that you been called upon by your Heavenly Father to endure one of the most fiery of all earthly trials for a mother—surrender up to Him who gave it her suckling babe.—How natural to exclaim with Rachel—I will not be comforted because my little one—my precious innocent is not! This is the voice of nature &



"Callie I received to-day by way of home a most astonishing communication—The official notice—that I had been elected to deliver the next anniversary address before Yale College.—I was told that this appointment was announced in the Papers.—I did not believe it—for not long ago I wrote the Professor of Languages of Yale abusing New

"Dearest—I was made very happy this morning by the receipt of your letter.—The wife of my youth has lost none of her power to charm her husband.—The fragrance of her girlhood—is now gathering the rich ripe-fruit of autumn.—And who would not prefer the fruit to the flower?—The very sight of your writing agitates me. Would that all my sons & sons-in-law could realize in the morning of marriage—the interminable reward of living a life of intimacy & devotion to her who has sacrificed all for them! Although in the city—you and you alone are my companion—in the streets & thoroughfares.—And then when alone in my chamber & on my bed at night—how sweet to mingle all my waking thoughts & sleeping dreams with you.—Dearest . . ."

[illegible]





**Francis Allen,  
University of  
Michigan Law  
Faculty**

When Frank Allen, in his fall quarter Sibley lecture, spoke on the topic "The Decline of the Rehabilitative Ideal in American Criminal Justice," he wasn't reporting on a trend to condemn all criminals as incorrigible.

What he did address, however, is the emerging manner in which Americans view the role of penal institutions and the purpose of criminal sanctions.

Individuals may believe that human nature is changeable and open to rehabilitation, he said, but at the same time they may be "profoundly pessimistic about the capacities of official agencies to effect desirable change in human behavior."

Allen identified this pessimism as an outgrowth of the current period in which Americans feel a loss of confidence in their basic institutions and their abilities to cope with problems. He gave, as an example, the literature on pathologies of the American family. There has been, in fact, a "diminishment of confidence in the family as a primary determinant of basic and desirable attributes."

The trend of the last few years toward de-emphasizing rehabilitation is a major bedrock-shattering experience, Allen said, because the official theory of American penology for the past seventy-five years has been the theory of rehabilitation. Early products of this movement were the establishment of juvenile courts, systems of parole and the indeterminate sentence. The rehabilitative ideal dominated university research and was upheld as a valid aspiration by most public officials.

Evidence of the falling away from the ideal, Allen contends, comes from an examination of the statute books and sentencing laws in the 1970's. A new series of laws attacking the concept of discretion exercised by parole boards is one such indicator. The tone and mood of criminology scholars began to change, he said. The new motto became: "the promises of the law to punish people who violate its terms must be kept."

It is this sense of failure to keep a promise that prompts one to shift from rehabilitation as an ideal. Allen issued a warning: "If we, in fact, do not know how to make people better in our persons and in our penal institutions, we certainly have learned how to make them worse. . . . What is troubling is—if the rehabilitative ideal is completely extricated, from where will the impetus come for elementary decency?"

He called for a new ethic which asserts the proposition that persons ought never to be denied opportunities for self-improvement while they are under confinement: "It is wrong and it is short-sighted to deprive anyone, however heinous he may be, of hope."

The new mood of prison reform, Allen said, must take into account opportunities for those who do want to change for the better while at the same time recognizing the institution's limitations in compelling all felons toward self-improvement.



**United States  
Solicitor General  
Wade McCree**

Wade H. McCree, Jr., Solicitor General of the United States, delivered the winter quarter Sibley Lecture at the School of Law March 8.

His lecture, entitled "The Academy and the Court," will be published in a forthcoming issue of the Georgia Law Review.

McCree is the federal government's lawyer in cases before the U.S. Supreme Court. He decides which government cases will be appealed to the next highest court level, and his office supervises all appeals matters conducted by the U.S. Department of Justice.

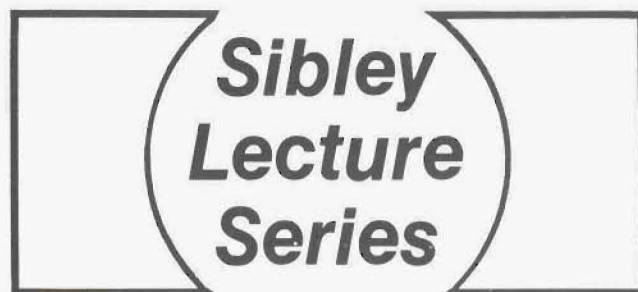
The solicitor general's office was established in 1870, and McCree is third in rank in the justice department.

McCree was named solicitor in 1977 after serving 11 years on the U.S. Sixth Circuit Court of Appeals. He has been a circuit judge in Michigan and was U.S. district judge for the Eastern District of Michigan.

A native of Des Moines, Iowa, McCree received a bachelor's degree from Fisk University and a law degree from Harvard University. He practiced law in Detroit and served as Workmen's Compensation Commissioner before beginning his judicial career in 1954.

The University of Georgia Law School's Sibley Lectureship was established in 1964 by the Charles Loridans Foundation of Atlanta to bring outstanding legal scholars to the University to speak and meet with students and faculty members.

The lectureship honors John A. Sibley, honorary chairman of the board of Trust Company of Georgia and a director of the Coca-Cola Company. A 1911 graduate of the University of Georgia Law School, Sibley practiced in Milledgeville and Atlanta before entering the banking field.



Francis A. Allen is the former dean of the University of Michigan School of Law and a widely published author of articles and books on criminal justice and family law topics. He is a past president of the Association of American Law Schools. Allen was chairman of the committee that drafted the Illinois Criminal Code. He now holds the Edson R. Sunderland Professorship at Michigan.



Erwin C. Surrency has been named law librarian and professor of law at the University of Georgia.

Surrency assumed the head librarianship in January after serving 28 years on the law faculty of Temple University in Philadelphia. He had served as law librarian and professor of law at Temple since 1960, and was named assistant dean there in 1972.

Surrency, who was born in Jesup, Georgia and received three degrees from the University of Georgia, is responsible for one of the 20 largest law libraries in the United States.

He succeeded Sewell M. Brumby, who retired last year after 17 years as law librarian and associate professor of law.

Surrency joined the Temple faculty in 1950, when the school's law library had 35,000 volumes. He built the library into a large and comprehensive collection, only to see it almost totally destroyed by a \$4 million fire in 1972. Within six weeks, he replaced 50,000 volumes. Over the years, he rebuilt the library to its present level of nearly 300,000 volumes of books and microform. The University of Georgia law library has more than 250,000 books and some 45,000 volumes in microform.

Surrency graduated from the University of Georgia with a bachelor's degree in 1947, earned his law degree in 1948 and received a master's degree in 1949. He also earned a master's degree in library science from George Peabody College.

He is a former president of the American Society for Legal History and is the founder and only editor of the society's publication, the American Journal of Legal History, which he started 22 years ago.

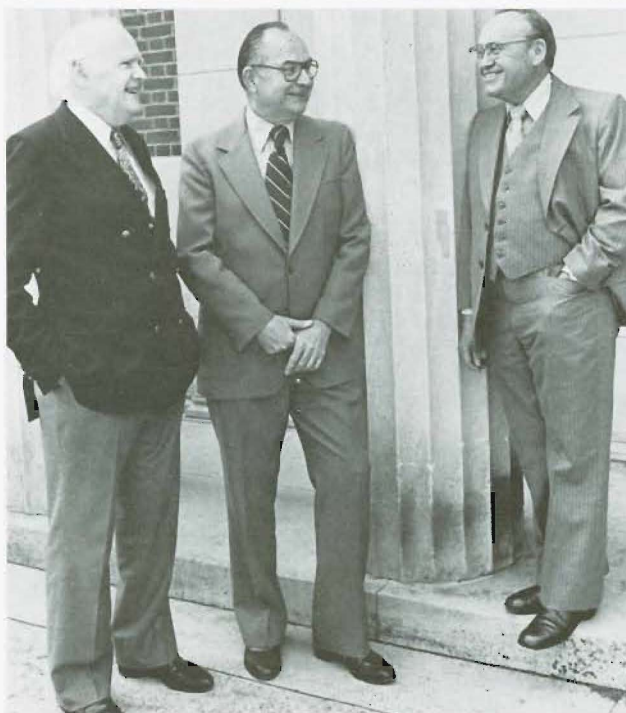
He has also served as president of the American Association of Law Libraries. U. S. Supreme Court Justice Burger recently appointed Surrency to a special committee to recommend acquisition of historical legal items and memorabilia for display in the Supreme Court Building.

The author of three books and many articles in professional journals, Surrency taught courses in legal bibliography and American legal history while he was on the Temple law faculty. He was a visiting professor at Queens University in Belfast, Ireland in 1963-64.



## New Law Librarian

## Visiting Professors



**Professors Coogan, Cooperrider and Johnson**

Joining the teaching staff as visiting professors in 1979 are Professors Peter F. Coogan, Luke K. Cooperrider and Corwin W. Johnson. All three professors are teaching during the winter and spring quarters.

Coogan returns to the Georgia Law School after teaching six months here last year. He is "of counsel" to the Boston firm of Ropes and Gray, and until recently was part-time lecturer at Harvard Law School. He has also taught on the law faculties of Yale, Duke, Virginia and the University of Southern California. Coogan's specialties are secured transactions and corporate reorganization. While on the Georgia faculty, Coogan lectures in the judicial seminars sponsored by the Institute of Continuing Judicial Education, and continues to be a leader in the Practising Law Institute and ABA for corporate reorganization programs.

Professor Cooperrider is visiting on leave from the University of Michigan law faculty, where he has taught since 1952. Prior to joining the Michigan faculty he practiced with Squire, Sanders and Dempsey of Cleveland, Ohio. His subject fields are evidence, restitution and torts. He has authored some 20 significant pieces, principally in the torts area.

The William C. Liedtke Professor at the University of Texas, Corwin Johnson teaches property and an environmental law seminar during his visit to the Georgia campus. He is the author of *Cases and Materials on Property* (with Crebbet and Fritz), and has taught on the law faculties of Iowa and Texas and visited the faculties of Pennsylvania and Brigham Young. He began law teaching in 1946.



Gregory S. Alexander, assistant professor of law, has prepared an article on ante-mortem probate which will appear in the spring, 1979 issue of the *Michigan Law Review*. It is entitled "The Conservatorship Model: A Modification." The issue is a symposium in honor of Professor George Palmer.

Milner S. Ball, professor of law, co-authored with Professor Dean Rusk an article on the law of the sea which appears in the spring edition of the *Georgia Journal of International and Comparative Law*. His research in progress includes pieces on jurisprudence, federalism and marine resources.

Ball spoke to government officials in March at the Woodrow Wilson Center of the Smithsonian Institution on the subject of federalism. He spoke on "Exports and the Constitution" at a conference of the National Governors Association at the Rusk Center in December. He periodically lectures to the continuing legal education courses of the Florida appellate courts on "Jurisprudence and Decision-Making."

Vaughn C. Ball, Thomas R. R. Cobb Professor of Law, attended several meetings in connection with his work as a member of the Board of Trustees of the Law School Admission Council. He met with the Test Development and Research Committee in April in Denver, Colorado, and attended a trustees meeting in Washington, D.C. in early May. The annual meeting of the Law School Admission Council will take place May 30-31 in Huron, Ohio.

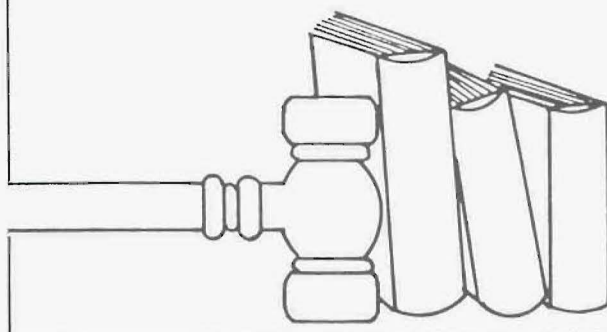
Dean J. Ralph Beaird, University Professor of Law, is a monthly columnist for the Athens newspapers. He writes on constitutional issues which are of current interest. He has recently prepared a number of papers which he presented to professional and education groups. These include "The Constitution and the Campus" delivered to the Columbus Lawyers Club at its meeting at Fort Benning in February; "The Constitution and Federal Regulations As They Apply to Educational Institutions" delivered to a ICJE-sponsored seminar in February; and "New Bar Rules, 'A Comity of Errors?' A Review from Academe" delivered to the Law Faculties-State Bar meeting in Atlanta in March.

Dean Beaird also addressed the medical auxiliary of Crawford Long Hospital, the Rotary Club of Elberton, Georgia, the Superior Court Clerks seminar, and the Georgia alumni chapter of the Washington, D.C. area. He was a participant in the Dean's Workshop at the mid-year meeting of the American Bar Association, and was a member of the inspection team for the ABA-AALS reaccreditation of the University of Arkansas Law School in April. He served as chairman of the University of North Carolina reaccreditation inspection team. He is the author of the article "Due Process—the Constitutional Wild Card" which appeared in volume 13 of the *Georgia Law Review*.

Larry E. Blount, assistant professor of law, is co-author of *Tax Deductions*, which was recently published by Gorham, Lamont, Inc. The *Missouri Law Review*, in its April issue, carries his article entitled "Family Partnerships: Who Must Recognize the Taxable Income?" He has written a piece for the April issue of the *Georgia State Bar Journal* entitled "Tax Conduits and the Revenue Act of 1978."

Blount presented papers on "Legal Requirements of Doing Business" at Clayton Junior College and West Georgia College as a program of the University of Georgia's Small Business Development Center. He spoke to the employees of the Georgia Department of Human Resources on "Liability of Public Employees" as a program of the University of Georgia Institute of Government. He explained the new targeted jobs credit program to the regional conference of Opportunities Industrialization Centers of America, Inc. in Louisville, Kentucky in December. He gave a presentation on "American Black Business Enterprise" to a number of business and professional groups in November, February and May. Blount was selected for participation in "Leadership Georgia" for 1979.

## Faculty Publications & Activities



Jerome Braun, executive director of the Institute of Continuing Judicial Education, compared the proposed Georgia Unified Appeal System with the ABA Standards Concerning Post Conviction Relief before the Conference of Chief Justices at its meeting in Atlanta in February.

Robert D. Brussack, assistant professor of law, prepared an article entitled "Judge Lewis R. Morgan: A Partisan Retrospective" which appeared in volume 13, number 1 of the *Georgia Law Review*. Brussack gave a presentation to the judges of the Fifth Circuit and Judge Morgan's former law clerks on October 20. His talk was an overview of Judge Morgan's judicial career.

Verner F. Chaffin, Fuller Callaway Professor of Law, is the author of a new book published by the Michie Company and released in February. It is entitled *Studies in the Georgia Law of Decedents' Estates and Future Interests*. Chaffin presented a paper on current developments in Georgia fiduciary law to the ICLE estate planning institute in Athens in February. He researched materials on the judicial career and opinions of Judge Alexander A. Lawrence, Senior United States District Judge, for the introduction of Judge Lawrence as the University of Georgia Founders Day banquet speaker in January.

Chaffin was selected to receive the UGA Alumni Society Special Alumni/Faculty Service Award during Alumni weekend ceremonies in April.

As a part of his service as reporter for the Georgia State Bar Fiduciary Section, Chaffin met with the Probate Revision Committee for a two-day conference in March. He has also recently served as arbitrator in several labor-management disputes.

James W. Curtis, Director of the Institute of Continuing Legal Education, spoke to the Domestic Relations Section at the annual meeting of the State Bar of Georgia during the summer of 1978 on Designation, Specialization and Mandatory Continuing Legal Education Programs throughout the United States. He also spoke to the Decatur Bar Association on this subject. During the year he made three reports to the Board of Governors of the State Bar of Georgia regarding Continuing Legal Education. He has further served as a member of the board of Visitors to the Judge Advocate General's School in Charlottesville, Virginia.



Samuel M. Davis, professor of law, has completed the 1979 Supplement to *Rights of Juveniles: The Juvenile Justice System*. The book, published by Clark Boardman Company, Ltd., will appear in May. Davis' book review of Ellen Ryerson's *The Best-Laid Plans: America's Juvenile Court Experiment* appears in the April issue of *The Civil Liberties Review*. Davis was a workshop leader in a program for judges, lawyers, medical professionals and social workers who deal with child abuse. The workshop was held in Savannah in December.

C. Ronald Ellington, professor of law, has completed *A Study of Sanctions for Discovery Abuse*, an empirical research project sponsored by the U.S. Department of Justice which was designed to investigate how effectively the present system of sanctions in the Federal Rule of Civil Procedure 37 is working to curb discovery abuses. He spoke on the results of the study at a civil procedure seminar sponsored by the Institute of Continuing Judicial Education in Atlanta in March.

Ellington presented a paper on the "Law of Race Relations: Past, Present, and Future" at the Georgia Alumni Society Seminar on The American South in Athens and in Atlanta during the winter quarter. He was the luncheon speaker for the Gwinnett County Bar Association in March. He spoke on recent developments in Georgia practice and procedure. Ellington will attend the annual meeting of the American Law Institute in Washington, D.C. in May as a participant in the discussion on the "Tentative Draft of the Restatement (Second) of Judgments."

J. William Futrell, professor of law, prepared an article on Georgia land use law which appeared in the *Mercer Law Review*, volume 30. He addressed a section meeting of the annual meeting of the Association of American Law Schools on the topic of recent developments in environmental law. The annual meeting was held in Chicago in January. In April, Futrell served as co-chairman of the National Conference on Urban Environment which was held in Detroit. He was guest lecturer at Tufts University in Boston in November. His topic was citizens' participation in environmental issues. Futrell currently serves as consultant to the U.S. Congress' Office of Technology Assessment on Nuclear Waste Disposal.

Futrell will spend the 1979-80 academic year in Washington as a Woodrow Wilson Fellow of the Smithsonian Institution.

Walter Hellerstein, associate professor of law, wrote the article "Constitutional Constraints on State and Local Taxation of Energy Resources" which appeared in volume 31 of the *National Tax Journal*. An article by him appeared in the recent issue of the *University of Chicago Law Review*. It is entitled "Construing the Uniform Division of Income for Tax Purposes Act: Reflections on the Illinois Supreme Court's Reading of the 'Throwback' Rules." Hellerstein was a speaker and panel member for the Legislative Policy Clinic of Property Tax Stabilization which was part of the Biennial Institute for Georgia Legislators. The institute was held in Athens in December.

Eric M. Homes, associate professor of law, is the author of "Who Makes the Offer At the 7-11? An optional Analysis" which will appear in a forthcoming issue of the *Commercial Law Journal*. Holmes was elected vice-chairman of the section on commercial law of the Association of American Law Schools at its January, 1979 annual meeting. He was the principal speaker at the University of Georgia's Annual Pre-Pharmacy Conference in November. His topic was tort liability of teachers.

These reports cover the period from November, 1978 to June, 1979

Fredrick W. Huszagh, associate professor of law and executive director of the Rusk Center, recently prepared and presented two papers in hearings before congressional committees. These include: "Export Administration Act: Agenda for Reform" (hearings before the Subcommittee on International Relations), and "Export Administration Act Review" (hearings before the Subcommittee on International Finance of the Senate Banking Committee).

Two articles by Huszagh, co-authored with Dr. Sandra Huszagh, were published in volume 13 of the *Georgia Law Review*. The articles are "Production and Consumption of Informal Law: A Model for Identifying Information Loss" (winter, 1979) and "A Model of the Law Communication Process: Formal and Free Law" (fall, 1978).

Huszagh was a panel member at a meeting of the American Society for Testing and Materials in New Orleans last fall. The discussion concerned procedures for measuring the economic value of environmental damages in a legal context. He was also a panel participant in an American Marketing Association workshop on government marketing held at Yale University in early May.

Ellen R. Jordan, assistant professor of law, prepared a review of Braucher and Riegert's *Introduction to Commercial Transaction* which appeared in the summer issue of the *Georgia Law Review*. Her article on parol evidence in the law of commercial paper will appear in a forthcoming issue of the *Review*. She co-authored a piece with economics professor Paul H. Rubin on "An Economic Analysis of the Law of False Advertising" which will appear in the June issue of the *Journal of Legal Studies*.

Paul M. Kurtz, associate professor of law, prepared last fall two monographs on the domestic relations issues involved in two cases which were then pending before the U.S. Supreme Court. One concerned the rights of the fathers of illegitimate children and the other was related to the rights of husbands to alimony. Since that time, Kurtz' commentary has been widely quoted by the news wire services and by Ellen Goodman, a nationally syndicated columnist.

In February, Kurtz filed petition for certiorari in the U.S. Supreme Court on behalf of an indigent criminal defendant seeking state habeas corpus relief in a death penalty case. Professors Kurtz and Al Pearson jointly prepared the petition. Kurtz prepared introductory remarks on the academic influence on the judicial process as he presented the winter quarter Sibley lecturer, U.S. Solicitor General Wade McCree.

Robert N. Leavell, professor of law, has completed revisions for the third edition of his book, *Equitable Remedies and Restitution*, published by West. Co-authors are Professors Grant Nelson and Jean Love. He has completed the manuscript for an article on corporate governance.

Julian B. McDonnell, associate professor of law, has prepared a note on the Georgia Contracts Code which will appear in volume 13, number 2 of the *Georgia Law Review*. He is also working with Professor Peter Coogan on revisions for Coogan's book on secured transactions. McDonnell was a panelist in the ICLE program on banking law presented in Atlanta in November. He spoke to two judicial seminars on commercial law litigation sponsored by the Institute of Continuing Judicial Education.

John C. O'Byrne, Francis Shackelford Professor of Taxation, has completed the 1978 supplement to his *Farm Income Tax Manual*, which is now in its fifth edition. He has also completed the 1979 supplement to the *Tax Guide for Farmers* which is published by the Doane Agricultural Service in St. Louis. O'Byrne gave a lecture on developments in federal income taxation to the University of Oklahoma City School of Law and the Oklahoma Bar Association Tax Institute in November. He was a participant in a conference on United States taxation and developing countries last fall which was



sponsored by the Columbia University Center for Law and Economic Studies.

During the spring of 1979 O'Byrne has been lecturer for National Practice Institute programs on federal income taxation of partners and partnerships. The programs were held in Boston, Atlanta, Seattle, Denver, Chicago and Milwaukee.

Robert D. Peckham, assistant professor of law and director of the Athens Legal Aid and Defender Society, gave a speech before an LEAA-sponsored meeting in Washington, D.C. last fall. It dealt with prisoner legal counseling. Acting on behalf of the Law Enforcement Assistance Administration, Peckham evaluated the prisoner legal counseling program for the State of Texas, and participated in the development of counseling programs for the departments of corrections of South Dakota and Oklahoma. Peckham serves as a member of the special committee on confinement facilities for the State Bar of Georgia.

Walter Ray Phillips, associate dean and professor of law, has been named to chair the specialization subcommittee of the Consumer Bankruptcy Committee of the American Bar Association's Section of Corporation, Banking and Business Law. He was recently named to the editorial board of the *Annual International Survey of Bankruptcy Law*. Dean Phillips addressed the Oklahoma Continuing Legal Education Institute at its session in Tulsa in February. His topic was "The New Bankruptcy Court and the United States Trustee System." Phillips presently serves as director of a system of faculty committees which are preparing the University of Georgia's Self-Study for its periodic reaccreditation review scheduled next year. He is currently under contract for two books—a casebook and a textbook—for the Matthew Bender Publishing Company and the Harrison Company which will provide interpretive material on the 1978 federal bankruptcy act.

James F. Ponsoldt, assistant professor of law, joined the law faculty in July, 1978. Prior to that time he was an attorney in the appellate division of the U.S. Department of Justice. He has continued to informally advise the Justice Department concerning pending cases which he helped prepare last summer. He drafted the brief and presented the oral argument for the United States in *National Association of Recycling Industries v. United States* (C.A.D.C.); *Institute of Scrap Iron and Steel v. United States* (C.A.D.C.); and *Midwest Video Corporation v. United States* (C.A. 8, S.Ct.). He drafted the brief for the United States in *United States v. Society of Independent Gasoline Marketers, et al.* (C.A. 4).

Ponsoldt is in the process of completing research for four articles in the anti-trust field.

Dean Rusk, Samuel H. Sibley Professor of Law, accepted numerous speaking engagements during the fall of 1978 and the winter of 1979. He was the keynote speaker for twelve business and professional groups, including the Georgia Business and Industry Association, which awarded to him its 1978 Georgia Medal. He gave addresses at ten colleges and universities, including the Harvard Law School Forum, Dartmouth College and Howard University. His speaking schedule included eighteen visits to civic and church groups throughout the State of Georgia. He also met with thirteen campus groups, including journalism classes, ROTC, agriculture and political study groups and alumni reunions. In addition to meeting his schedule of classes and speaking engagements, Rusk continues to advise the State Department and to testify before committees of the U.S. Senate and House of Representatives.

R. Perry Sentell, Jr., Regents' Professor of Law, has written two articles which appeared in volume 13 (1979) of the *Georgia Law Review*. They are entitled "The Omen of Openness in Georgia Local Government Law" and "Georgia Local Government Officers: Rights for Their Wrongs." Volume 30 (1979) of the *Mercer Law Review* carries two articles by Sentell. They are entitled "Unlawful Special Laws: A Postscript on the Proscription" and "Local Government Law." The fall, 1978 issue of the *Georgia Law Review* carried an article on local government home rule written by Sentell. In addition to the five law review articles written during the last six months' period, Sentell also wrote an article for the magazine *Urban Georgia* published by the Georgia Municipal Association. It is entitled "Ante Litem Notice: Cause for Pause." Sentell recently spoke to two campus groups at the University of Georgia. He gave an introduction to the study of torts to the Law Spouses Association and a review of some legal aspects of medical practice to the third year class of the School of Veterinary Medicine.

Erwin C. Surrency, law librarian and professor of law, is the author of a book published in 1978 by the Oceana Publications of Dobbs Ferry, New York. It is entitled *Guides to the Use of the Code of Federal Regulations*. He is the editor of a microfilm project which catalogs the English Reports and American State Reports prior to the National Reporter System.

Donald E. Wilkes, Jr., associate professor of law, is working on a book entitled *Federal and State Post-conviction Remedies and Relief* which will be published next year by Clark, Boardman and Company, Ltd. Wilkes delivered a speech entitled "Non refert quomodo: The Burger Court and Factual Guilt" to the Georgia Association of Criminal Defense Lawyers last fall. He was interviewed for a documentary on the history of the grand jury system which was produced last fall by a Savannah television station.

Gabriel M. Wilner, associate professor of law, was visiting adjunct professor at Vrije Universiteit Brussel in October-December, 1978. He participated, as legal consultant to the Secretariat, in the United Nations Conference on a Code of Conduct for the Transfer of Technology in Geneva, Switzerland. He was the UNCTAD observer in preparatory meetings for a proposed code of conduct on transnational corporations.

Wilner spoke at the annual meeting of the Indian Society of International Law in New Delhi in March. He also spoke at a seminar on technology and its transfer sponsored by the Indian National Productivity Board in Bangalore. He was the author of the problem used in the 1979 Jessup International Moot Court Competition.

In November 1978, Governor Busbee was appointed chairman of the National Governors' Association Committee on International Trade and Foreign Relations. Governor Busbee, in turn, appointed Dr. Fredrick Huszagh as staff co-chairman of the committee, and asked the Rusk Center to provide support for the committee's activities.

The Center convened a seminar on export issues to brief governors' assistants in December 1978 and prepared for the governors' approval an export policy statement. Center staff members briefed the governors' meeting with Vice-Premier Teng of China on U.S.-People's Republic of China trade issues and provided the governors with relevant questions to post to Teng; prepared several memoranda regarding coordinated federal-state action regarding exports to be presented to federal officials on behalf of the governors; and planned a seminar for the annual governors' meeting in February.



Construction costs for a \$1.6 million annex to the law library have been approved by the Georgia General Assembly. The annex is part of an \$11 million construction package for the University of Georgia which will come from the state's fiscal year 78-79 supplemental budget voted upon by the General Assembly February 22.

The three-story annex will include shelf space for 106,000 volumes, 44 carrels, a reading and study area for students, faculty offices, conference rooms and an audio-visual resources center.

It is anticipated that construction for the annex, which will be located on Bocock Drive adjacent to the present law library, will begin in June. An 18-month construction period is expected.

Annex  
Construction  
Approved

Books  
and Gifts

An all-out call for book gifts to the law library has been issued by Erwin Surrency, law librarian. He indicated that the objective of the law library is to acquire at least one copy of all Georgia law books including law reports, texts, court rules and the local ordinances for Georgia cities. Some original titles are not to be found in any library of this state, he said. One example is the Georgia Penal Code of 1816, which was the first comprehensive criminal code in America.

"The author of a paper about this code had to borrow the book from the Harvard Library," Surrency said.

Another rare group of Georgia books are the first printing editions of T. U. P. Charlton (published in 1812); R. M. Charlton (1838); Dudley (1834) and the Georgia Decisions (1844). Surrency welcomes these volumes as gifts from alumni who may have them in private collections.

One such gift was received last October by Sewell Brumby, law librarian who retired at the end of the year. Harold A. Hunter of New York, former editor-in-chief of the Edward Thompson Publishing Company, sent four books to the law library, including Cooley's *Blackstone* (fourth edition, 1899, two volumes) and Campbell's *Lives of the Chief Justices of England* (two volumes). These books filled missing gaps in the library's collection.

The law library has recently been granted government depository status by the U.S. Government Printing Office. This means that it will receive, without charge, government documents which the library staff designates.

## *The Law Library*



Mrs. Joel T. Fryer, center, and her husband, Atlanta Superior Court Judge Joel Fryer, have established a fund for special enrichment projects in the University of Georgia law library. Mrs. Fryer is shown presenting certificates for \$1,500 to Dean J. Ralph Beard. The Fryers' son Keith, left, is a second-year law student at the university.



The Student Bar Association officers for 1979-80 were recently elected and took office immediately after Law Day. They are: Dana Miles, president; J. Tom Morgan, vice president; Jane Haverty, secretary; and Ken Mauldin, treasurer.

The SBA has developed plans to establish a legal counseling service for University of Georgia students. The plan, which calls for the hiring of a full-time attorney and participation by second and third year law students, would be funded by student activity fees and administered by the UGA Office of Judicial Programs. The counseling service will not engage in actual lawsuits or criminal proceedings, and it will not be used in matters pertaining to disputes with the University.

As a means of acquainting students with the new status of the People's Republic of China in U.S. trade and diplomacy matters, the Georgia Society of International and Comparative Law presented a forum with Professor Dean Rusk on the problems raised by diplomatic recognition, and with Atlanta attorney Don Clark concerning the legal environment of future trade with China.

In another forum, the Society invited Atlanta attorney John Gornall to discuss qualifications for the practice of international law. The Society hosted this program to aid students in planning their legal education and in producing effective placement materials.

The University of Georgia chapter of the Law Students Civil Rights Research Council (LSCRRRC), in cooperation with the Black American Law Students Association (BALSA), recently conducted a retention program for first year law students. Sixteen students participated in the study program, which was designed to assist students in keeping up with course work in order to avoid attrition.

The application procedure for LSCRRRC summer and internship placements was completed recently. Last summer 230 students participated in the program nationally and six UGA students worked in regional LSCRRRC internships.

During the fall and winter quarters, third year students in the Prosecutorial Clinic conducted preliminary hearings, Grand Jury presentments and trials of felony cases. Case investigations were carried out by second year students. Clinic members wrote an in-depth appellate brief to the Supreme Court of Georgia in a major murder case last fall.

Prosecutorial Clinic alumni continue to meet with success in positions in District Attorney offices throughout the State of Georgia.



*New Student Bar Association Officers Haverty, Miles and Morgan  
Not pictured: Mauldin*

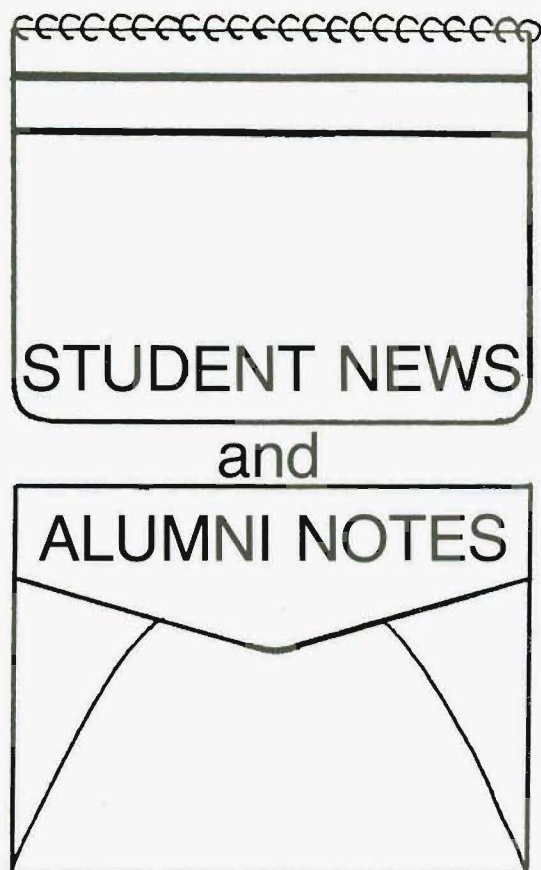
*Washington meeting planning group: (L-R) Kassinger, Mays, Hunnicutt,  
Roth, Smith and Carr*



**The Georgia Law Alumni Association of the Washington, D. C. area held its second annual cocktail party/meeting December 14. The event attracted approximately 60 graduates who live and work in the Washington metropolitan area. As invited speaker, Dean Ralph Beard gave a brief update on the state of the School and featured in his remarks the Rusk Center for International and Comparative**

**Law. The School's new 20-minute film was also shown. Planning coordinator for the meeting was Terry Smith, who is working on the legal staff of the U. S. International Trade Commission after a year of graduate study in Belgium. Other hosts were Charlie Hunnicutt, Class of 1975; Rhond Roth, Janice Mays and Ken Klein, Class of 1976; John Carr and Ted Kassinger, Class of 1978.**





The Class of 1974 celebrates the fifth anniversary of its graduation this June, and the way it chose to mark the occasion was to assemble a scholarship in the name of the class, according to Louis Polonsky, project chairman.

"This is our way of celebrating our fifth reunion and helping the School carry on its scholarship program at the same time," he said in a letter to class members last July.

The scholarship gifts are sent to the Law School Fund of the University of Georgia Foundation. Scholarship grants are made from the Law School Fund each year, but two grants were specifically tagged as the Class of 1974 Scholarships for seniors graduating in June.



**Polonsky (center) congratulates Carol Baird and Richard Carlson who were selected to receive the Class of 1974 Scholarships. Both are seniors graduating in June.**

R. Ben Reid was elected chairman of the Florida chapter of the Law School Association at its annual breakfast meeting held last June during the Florida Bar Convention in Hollywood. He succeeds J. Tom Watson, who served as the chapter's first chairman after it was founded through the efforts of Charles Kimbrell in 1977.

The next annual meeting of all Georgia law graduates practicing in Florida will be held Saturday, June 16 at Walt Disney World. Those interested in attending should make a reservation in the appropriate slot provided by the Florida Bar annual meeting reservation materials.

#### IN MEMORIAM

The offices of Raymond Alhadeff, law graduate of the Class of 1953, reported to the Georgia Advocate the news of his death on December 3, 1978. He was a practicing attorney in Atlanta.

King D. Cleveland, law graduate of the Class of 1949, died November 26, 1978. He was formerly chairman of the board of the National Bank of Georgia.

If you are a Class of 1974 alumnus who wishes to make your first gift to the Law School Fund this year and have it count as a part of the fifth anniversary scholarship, address your check this way: THE UNIVERSITY OF GEORGIA FOUNDATION. Designate on the check: LAW SCHOOL FUND.

Mail it to: The University of Georgia Annual Fund  
Alumni House  
Athens, Georgia 30602

All gifts for the current fund year are to be received by June 30, 1979. The average gift amount for those who have contributed thus far is \$32.



by James Dunlap

William B. Gunter is a lawyer's lawyer. He is not only an intellectual but a pragmatist with consummate skill as an advocate.

Bill was born and reared in Commerce, Georgia, and, after having attended the Commerce public schools, graduated from the McCallie School in Chattanooga, Tennessee. He then attended the University of Georgia and became an accomplished debater as well as a campus activist, both socially, politically and scholastically. He received his A.B. degree in 1939 and his LL.B. from the Law School in 1942, graduating *magna cum laude*, after becoming a member of both Phi Beta Kappa and Phi Kappa Phi.

Upon graduation, he was employed by District Judge Robert L. Russell. It reveals something of Bill's tenacity and ambition that when he learned one of the requirements of the job was to be able to take shorthand, he immediately told his prospective employer he could do so, went out and bought himself a shorthand book and, several days before reporting for duty, learned to take shorthand and to do the necessary typing. He became Judge Russell's companion, secretary, law clerk and chauffeur.

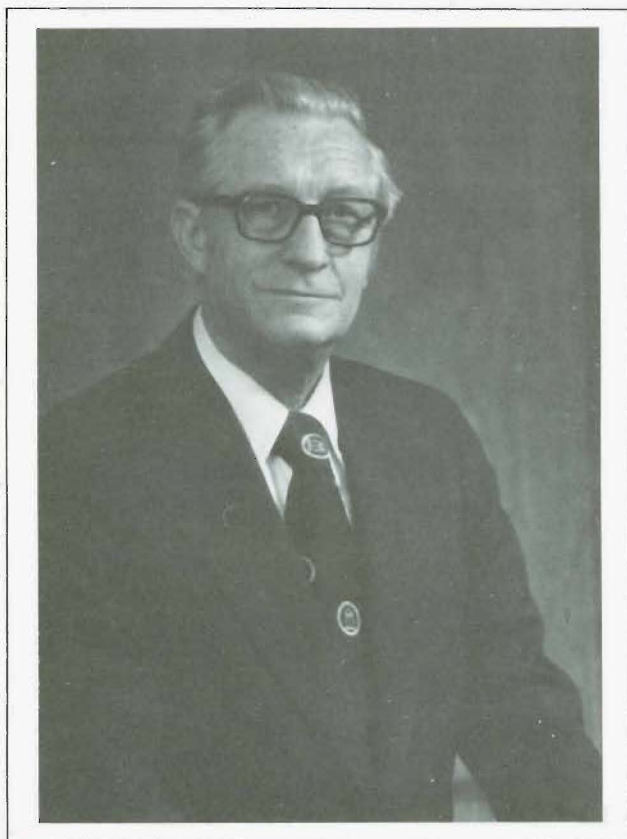
While in law school, he also was in the Reserve Officers' Training Corps, and upon graduation he obtained his commission as a Second Lieutenant in the United States Army. Bill was a participant in the invasion of North Africa and campaigned through Sicily as commanding officer of one of the reconnaissance platoons of the 3rd Infantry Division. He later participated in the landing at Salerno, Italy, and fought in the fierce Italian Campaign, including the landing on Anzio Beachhead.

After returning from Italy in 1945, Bill was stationed at The Calvary School at Fort Riley, Kansas and became acquainted with Betty Gail Parker, whose father was a professor at Kansas State University. He pursued Betty Gail with great zeal. After she enrolled in an art school in New York City, he followed her there, and they were married in 1946 at the "Little church around the Corner." After the marriage, he settled in Gainesville, Georgia, and became a partner with A. R. Kenyon and his father, E. D. Kenyon. Bill had known Dick Kenyon in law school and had served with him in the 3rd Infantry Division. The firm soon became Kenyon, Kenyon & Gunter, which it remained from 1946 through 1972. During this time, Bill was actively engaged in the political affairs of the city, county and state. He actively participated in most of the controversies during this period, as it was not his nature to be only an observer. He was in the forefront of the effort to desegregate the public school system of the state as well as the abolition of the county unit system. He served in the General Assembly of Georgia as a representative from Hall County from 1952 through 1958.

In 1966, he persuaded a young state senator, whom he had only recently met on the State Democratic Executive Committee, to throw his hat into the ring and run for governor. Bill organized a group behind Jimmy Carter, and it was through his skill and organizational ability that a statewide organization was whipped into shape in a very short period of time. As you all know, Jimmy Carter nearly became the governor.

While in the practice of law in Northeast Georgia, which included service as city attorney of Gainesville, Bill actively participated in the alumni affairs of the University of Georgia Law School. He was president of the Law School Association in the 1974-1975 period, having served as president-elect from 1973-1974. He was the representative to the Law School Association from the 9th Congressional District and a member of the Board of Visitors from January, 1971 to January, 1973. He served as a member of the Georgia State Board of Bar Examiners from 1967 through 1971. He has supported the objective of building a "quality law school" at the University of Georgia.

Following Jimmy Carter's successful campaign in 1970, in which Bill was an integral part of the "inner circle," Governor Carter appointed him to the position of Associate Justice of the Georgia Supreme Court where he served with distinction from January 3, 1972 to April 1, 1977. During this period of time he participated in cases too numerous to mention, but some of them involved decisions concerning obscenity, death penalties, procedural problems and other constitutional issues.



## Gunter and Smith Selected to Receive

Even though in the quiet and secure position of an Associate Supreme Court Justice, Bill was able to maintain some degree of his controversial status by writing some penetrating dissents on several of these issues. Although he many times opposed the majority view, he always maintained the utmost respect and personal affection of his colleagues.

In 1977, Bill could no longer resist the charms of an active, busy law practice. He resigned from the Supreme Court of Georgia to join his friends Harry Baxter and Gus Cleveland, with whom he was in law school, in the Atlanta firm of Kilpatrick, Cody, Rogers, McClatchey & Regenstein. Since August, 1977 he has been in the litigation department of that firm. He served for a time as Special Representative of President Carter for Indian Affairs and dealt with problems arising out of the State of Maine.

Bill Gunter is an outstanding person. He has weathered hard times as well as times of prosperity. He has exemplified the admonition as set forth in Micah—"He has shewed thee, O Man, what is good and what doth the Lord require of thee, but to do justly and to have mercy, and to walk humbly with thy God?"

I know of no person who is more entitled by his varied activities to be honored by the Distinguished Service Scroll from the University of Georgia Law School Association.





## Law School Association Distinguished Service Scrolls

By Dan Hodgson

The task assigned me this Law Day is to present to my friend and partner Sidney O. Smith, Jr. one of the Distinguished Service Scrolls awarded annually by the University of Georgia Law School Association. How could one be given a more enviable opportunity?

These scrolls are presented in recognition of and appreciation for contributions toward the mission and well being of this law school. They also recognize the achievements of the honoree in professional and civic life . . . for this, after all, is the ultimate fulfillment of the

school's educational objectives.

May I confess to what may—or may not—be a personal disability at my task? I was not a member of the awards committee . . . and no one on that committee has made me privy to the deliberations of the committee. In other words, I don't know why they selected Sid for the award . . . but I've some strong feelings about why I believe it is a first class decision.

First, Sid's a stalwart and loyal Georgian, with family roots deep in the red hills and valleys of Hall County, and the Red and Black is first and foremost of educational institutions on his mind and in his heart . . . this despite preparatory work at Middlesex School in Concord, Massachusetts, from which he graduated *cum laude* in 1941, and further indoctrination at a well worn little school in Cambridge, Massachusetts from which he graduated *cum laude* in 1947. You may wonder why it took our hero six years to get out of Harvard. For one thing, he played varsity football for Dick Harlowe, whose systems were so intricate that only the Harvard players were confused right up to the season finales against the Yales. For another, he got called to the United States Varsity Team in 1943—being discharged as a Captain in 1946.

Having been fully educated in the ways and wiles of Yankees, Sid came home and zipped through our law school with all the honors they give: L.L.B. *summa cum laude*, Bar Journal, Honor Court, Phi Beta Kappa, Phi Kappa Phi, Gridiron . . . and socially he only had friends.

Second, he is the ever loyal and helpful alumnus: When called upon, he willingly and enthusiastically responds with time, talent and means. His various offices are but slight evidence of his persistent and effective interest: Presidents Club of the University of Georgia Foundation, Law School Board of Visitors (1971-74)—Chairman in 1974—and as a trustee of the Loridans Foundation, which actively supports the school through scholarships, sponsorship of faculty chairs and the Sibley Lectures. (He is known to his fellow trustees as "that Bulldog Bandit".)

Third: He is a man to be proud of—as lawyer—as judge—as citizen. He engaged in the general practice in Gainesville for 13 years, attaining an enviable reputation in civil litigation—and for 10 of those 13 years he carried a heavy load of criminal litigation as Assistant District Attorney for the Northwestern Circuit. He served on the Board of Bar Examiners in 1961 and 1962. Having conquered the private and public practice, he turned to the bench and served as Superior Court Judge for the Northeastern Circuit from 1962 until August 1965, when he became United States District Judge, and Chief Judge of the Northern District in 1968.

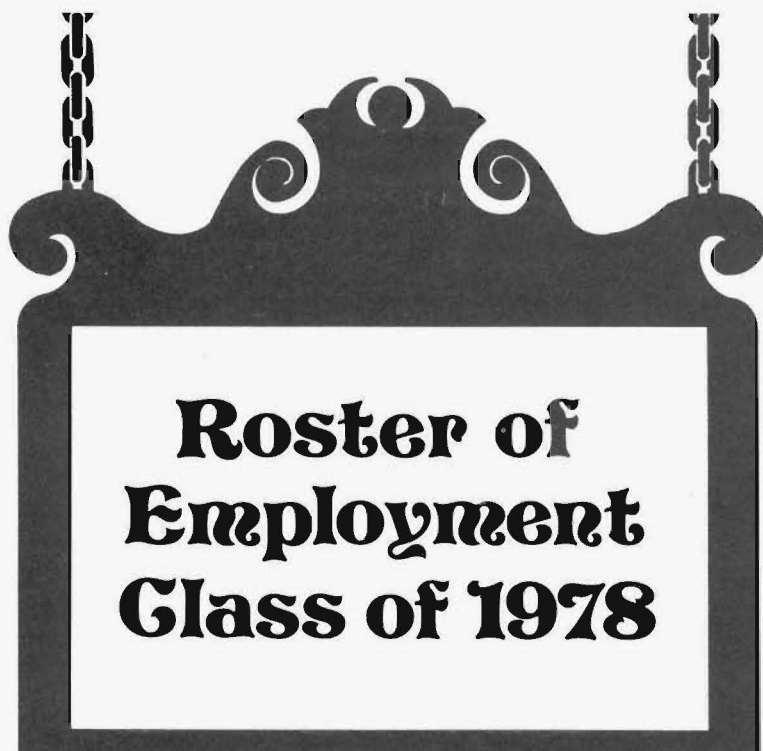
He served there until he returned to the private practice in 1974 . . . which is to answer a question I will pose: Why did a man who had succeeded at the practice; who was overwhelmingly re-elected to his post as Superior Court judge; who was found faultless and flawless by the F.B.I. on his appointment as federal judge; who was head and shoulders polled to be the best United States trial judge by all the lawyers who know him . . . why did such a man—this Eagle Scout—this Bronko Nagurski—this Cary Grant (if you know the ever lovely Patsy Horkan Smith you know what I mean by that)—this Perry Mason—this Harold Medina—this darn Superman—why did he leave the bench to become a senior partner in an Atlanta law firm? Perhaps the pay was better. Perhaps it was the challenge of trying to manage the unmanageable, to-wit: Lawyers.

I think it was for better reason than that. I think it was to face new and different challenges in the practice, and more particularly enlarged challenges to the citizen/lawyer that are not available to the judge.

He serves on the Judicial Procedures and Administration and Federal Legislation Committees of the State Bar, the Judicial Selection and Tenure Committee of the Atlanta Bar; he is clerk of the Federal Merits Review Council; he is a director of the Federal Defender Program in Atlanta; he lectures at multiple CLE programs; he is chairman of the Board of Trustees of Brenau College and of the Gainesville Art Association; and is active in his church in Gainesville.

And so Sid Smith, stalwart Bulldog, superior student, diligent practitioner, able judge, effective leader, good citizen . . . to you my friend and partner I am proud to present the Distinguished Service Scroll of the University of Georgia Law School Association this Law Day of 1979.





# Roster of Employment Class of 1978

## A

Vicki Carter Affleck  
Athens Legal Aid and Defender Society  
Athens, Georgia

Benjamin Allen  
Georgia Legal Services  
Augusta, Georgia

Wendy R. Anderson  
Keith, Mack, Lewis & Allison  
Miami, Florida

Stephen Hoyt Andrews  
Andrews and Andrews  
Thomasville, Georgia

W. Steven Askew  
Law Clerk, Judge M. Hartley  
Lyons, Georgia

Dana A. Azar  
Clarke County Solicitor's Office  
Athens, Georgia

## B

Gina E. Bailey  
Georgia Legal Services  
Valdosta, Georgia

Elizabeth J. Barry  
Office of Hearings and Appeals  
Board of Land Appeals  
Arlington, Virginia

Randall K. Bart  
Bouhan, Williams & Levy  
Savannah, Georgia

William P. Bartles  
Law firm of Alfred D. Fears  
Jackson, Georgia

William C. Berryman, Jr.  
District Attorney's Office  
Eastman, Georgia

Richard W. Bethea, Jr.  
Stophel, Caldwell & Heggie  
Chattanooga, Tennessee

James E. Blanchard  
Nixon, Yow, Waller & Capers  
Augusta, Georgia

Dana F. Braun  
Law Clerk, Judge Newell Edenfield  
U.S. District Court  
Northern District  
Atlanta, Georgia

Joseph P. Brennan  
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Announcements  
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Open House  
from noon to 6:00 p.m.  
June 6, 7 & 8, 1979  
at the  
Desoto Hilton Hotel  
in  
Savannah

This year the University of Georgia  
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friends of the Law School

Please come visit during  
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**Wanted:**  
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The law library would appreciate donations of these law books for its collection. The library cannot purchase them, for they are generally printed under contract and are not sold. Please contact us if you have volumes you wish to give to the School of Law.

*Erwin C. Surrency*

Erwin C. Surrency  
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Anyone having information about the existence or location of letters, papers, journals or other documents of Benjamin H. Hill, Jr. (1849-1922) is urged to contact Professor Donald Wilkes (404-542-7661) at the School of Law. Hill was the first Chief Judge of the Georgia Court of Appeals.

The State Bar of Georgia's Committee on the Legal Status of Women has established a research and drafting service to serve the dual purposes of (1) providing occasional legal assistance to small and medium sized law firms and sole practitioners and (2) enabling attorneys who require or prefer part-time work to continue to exercise their legal skills.

Those interested in the project should contact Elizabeth Bassett of the State Bar of Georgia (522-6255 or, toll free, 800-282-5851).

**Florida Chapter**  
**Georgia Law School Association**  
**Breakfast Meeting**  
**Saturday, June 16, 1979**  
**8:00 a.m. Contemporary Hotel**  
**Walt Disney World**  
**Florida Bar Convention**

I encourage all Georgia graduates practicing in Florida to attend the annual meeting. This breakfast will not only provide an opportunity to get an update on the Law School, but it will be a time to meet other University of Georgia alumni in Florida. I hope to see many of you there in June.

*R. Benjamin Reid*

R. Benjamin Reid  
Chairman



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