

GEORGIA ADVOCATE

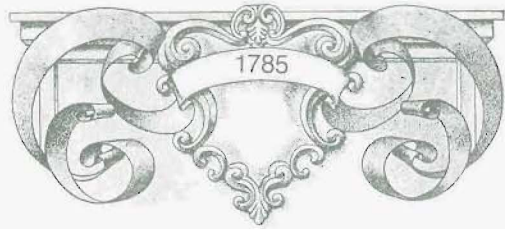
The Georgia Advocate

Winter 1985

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*The University of Georgia
and its School of Law . . .*

Anniversary Years



The *Georgia Advocate* is an alumni news magazine published twice a year by The University of Georgia School of Law

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The Libel Show

The University of Georgia School of Law is celebrating the 125th anniversary of its founding this year. The highlight of the celebration was a weekend of alumni events in October which featured an audio-visual presentation on the history of the school. The presentation included old photographs, memorabilia, narrative and music which re-created the colorful events and personalities of the past.

Alumni and friends of the Law School also attended a dinner theatre production which was patterned after an annual law student comedy production called "The Libel Show." Students, faculty, and alumni acted out a humorous look at the founding of the school and its beloved and legendary professors.

The show was produced by alumni director Gwen Wood and directed by Tom Pender, a Ph.D. candidate in The University of Georgia Department of Drama who has directed more than two dozen plays and is the showcase producer for the Department of Drama.



Davis as Devil

Summary of the Plot . . .

Disturbed by so much injustice in the world, the Deity has decided to create the perfect law school. With thundering off-stage voice, he convenes a tribunal to oversee the project and calls upon Angel Trainees to set up the room and lay out the agenda.

To the tribunal come the white-clad "Good Guys" and take their seats. To the strains of "The Godfather" strolls in the Devil and his assistant, carrying a violin case and dressed as members of the Cosa Nostra.

The Deity decrees that "there shall come into being a center of learning dedicated to truth and justice," and then he leaves it to the Good Guys and the Devil to work out the details while he goes off to watch the World Series play-offs.

After choosing a spot on the globe (305 leagues from the sea and 300 yards north of the Sanford Stadium hedges), the next task of the tribunal is to whip up some founders. In prance three black-robed characters—Lumpkin, Cobb and Hull—who look suspiciously like the Marx brothers. After locating some money to fund the institution (Harpo steals a couple of wallets), the founders perform a school cheer to raise spirits and exit through the audience, Groucho puffing smoke from his cigar and Harpo tooting a bicycle horn.

The next task is to produce some prototypes of ideal students. The Good Guys start out with pure and good angel trainees and the Devil and his aide make certain alterations. The results are that an order is placed for 200 "Gunnerys," 200 "brown-nosers," and a mixed assortment of Duckers and Snowjobbers. The "squirreling" option is added to the dealers price list. This allows the student to "courteously place required texts on the wrong shelves so that only he or she can find them."

After a chorus of "Amazing Gilberts," a tribute in song to commercial course summaries, the students exit.

Next, the search begins for the perfect faculty. Again, the process begins with good-natured, mild-mannered, unpretentious candidates (selected from the audience supposedly at random). The Devil and his assistant lend a few mannerisms, and the result is a transformation into the legendary characters who are feared and beloved by all who studied under them.

Candidate number one, Larry Jones (Class of 1971) gets a bow tie, a lesson on the proper southern accent for "hearsay," a



Kurtz as Co-Founder

large stack of books on evidence, and he goes wandering off, quoting from Wigmore, or was it? Professor Tom Green is born.

Candidate number two is needed to instruct the students in the affairs of the deceased. Upshaw Bentley (Class of 1949) is nominated by his dinner table companions and he comes forward to be coached in the art of moving one's head up and down rapidly. He is asked if his collar is too tight and replies that, yes indeed, yes indeed, he's Chaffin. "Professor Chaffin" gives a discourse on trusts and estates which includes knocking on the coffin to ask the deceased party what was meant by line A, paragraph 2. He ends his dialogue by jamming his foot into a trash can and clanking with it offstage.

Jim Carter, who holds the school's record for the most libelous portrayals of Perry Sentell, came back for an encore after a 15-year retirement. He graduated in 1969 and practices law in Madison. When told that Carter was to portray him, Sentell exclaimed, "Oh, he's dangerous!" With loose shoulders that alternately shrug and hang, he worked up from a mild-mannered, nonchalant, "be-your-friend" counselor to a fire-and-brimstone avalanche pouring down upon an angel trainee who was unprepared for class. A bullwhip was offered by the Devil, but "Professor Sentell" rejected it, protesting that it was much too mild for those who cannot see the glory of torts in their hearts.

Innocent-eyed John Noell (Class of 1965) was escorted to the front for a try-out. Make-up artists hovered over him, stuffing a pillow into a faded blue suit jacket, frosting his hair and drawing it back. When he turned around to face the audience, a gasp arises. It is D. Meade Feild! With a hand brushed against his hair and then thrown forward, "Professor Field" opens his lecture with a "Why, yeass," and calls on Bill O'Callaghan to recite. Unfortunately, Feild discovers that O'Callaghan is using canned briefs (underwear produced from a Hawaiian punch can).

The last candidate to be interviewed is for the position of dean. Lawton Stephens (Class of 1981) saunters forward swinging a golf club and munching candy. He gives a speech on fund-raising which pleases the Devil greatly.

The dean announced that he has placed a cigar box in the faculty lounge for the deposit of small donations. "Larger anonymous gifts should be placed in a plain envelope and brought to the dean's office after working hours."

He said that he was very proud of the student body, especially the first year class. In fact, "to honor the anniversary celebration this fall, we programmed the computer to multiply all their SAT scores by 125 so they could get in."

"Dean Beard" exits through the audience, passing around a silver collection plate as he goes.

The chorus stands to a rousing rendition of "There is Nothing Like a Dean" (tune from the musical "South Pacific").

The Deity appears on stage at the end to personally pronounce the law school open. The cast then wanders off to do whatever it is that lawyers do.



Noell as Feild

The alumni actors included Len Davis as the Devil, Mike Coleman as co-founder, Lois Shingler as co-founder, and "professors" John Noell, Larry Jones, Upshaw Bentley, Jim Carter, and Lawton Stephens.

Faculty performers were John O'Byrne as the Deity, Paul Kurtz as co-founder, and chorus members Bob Brussack, Rick Holmes and Tom Cook.

Student performers included Chris McFadden as the Devil's assistant, Donna Musil and Peter Muller as Angel Trainees, Paula Rafferty as Good Guy #2, and David Smith, pianist.

Also, Randy Lipshutz (Class of 1976) handled lighting and sound, and law student Jan Willy was assistant stage manager.

Evaluating the Evaluators

U.S. Solicitor General Rex E. Lee gave "an evaluation of the evaluators" of the 1983 term of the U.S. Supreme Court in his Sibley Lecture presented October 12.

Lee reviewed what journalists and legal scholars were saying about the term just completed, and he took issue with characterization of the court's decisions as repressive to individual freedom. He listed three themes which run through the commentaries on the 1983 term and responded to each.

The first theme is that government—federal and state—frequently prevailed over the individual in the cases decided. It is true that governments won most of their cases, Lee acknowledged. The cases which attracted the most attention were, in fact, governments versus individuals: *United States v. Leon*, *Massachusetts v. Sheppard*, and *New York v. Quarles*.

"Why is it that governments are on the opposite side of the Leons, the Sheppards, and the Quarles of this world?" Lee asked. "It is not because governments have some inevitable and mysterious compulsion always to oppose individuals," he answered. One of government's jobs, he said, is to "keep its citizens as free as it can from the deprivations of which these three were accused: drug dealing, murder, and rape."

He added that there is a natural inclination to see ourselves as individuals, not as components of government. To have most cases characterized by commentators as "government versus the individual" is an "oversimplification which is inaccurate and unfair," he said.

The second theme of the commentators is that Americans enjoy less freedom today than they did a year ago, and that the Supreme Court is to blame.

Lee said that he responded to a reporter's question the day after the court session ended by stating, "I reject the proposition that we are less free because we are more safe." Two days later, columnist Anthony Lewis took issue with his statement, observing that "the ultimate in safety would occur if we were all locked in jail."

Lee regards the definition of freedom, assumed by many commentators as absence of governmental restraints, as a useful definition but one that is incomplete. A concept as important as freedom, he noted, must mean more than the absence of governmental abuse. "It must also include some element of protection from abuses by other individuals—protection that can only be provided by government," he said. "Very simply—crime inhibits freedom." The thief, the rapist, and the kidnapper "pose a significantly greater threat to our liberties than do the policeman and the jailor."

What about freedom and equal opportunity? Lee noted that problems of inadequate housing or college financial aid and other inequities are legitimate policy questions, but they are not, in his view, freedom questions. "Freedom is impeded when government erects unnecessary hurdles on anyone's track. It is not impeded when government either prevents other people from erecting hurdles; or declines to move the starting blocks several feet forward to compensate for the fact that (some runners)



U.S. Solicitor General Rex Lee, second from left, received a bronze Bicentennial medallion after he presented the Sibley Law Lecture at The University of Georgia School of Law recently. University President Fred C. Davison, left, presented the medallion. Also present were Dean J. Ralph Beard, second from right, and Dan Hodgson, an Atlanta attorney and immediate past chairman of the Loridans Foundation, which sponsors the Sibley lecture series.

came into the world with a less favorable mix of fast-twitch and slow-twitch muscles."

The third commentary Lee evaluated is the notion that the Supreme Court has changed from a protector of constitutional rights to a short-term, cost/benefit analyst. The argument became explicit in the 1983 term's exclusionary rule cases.

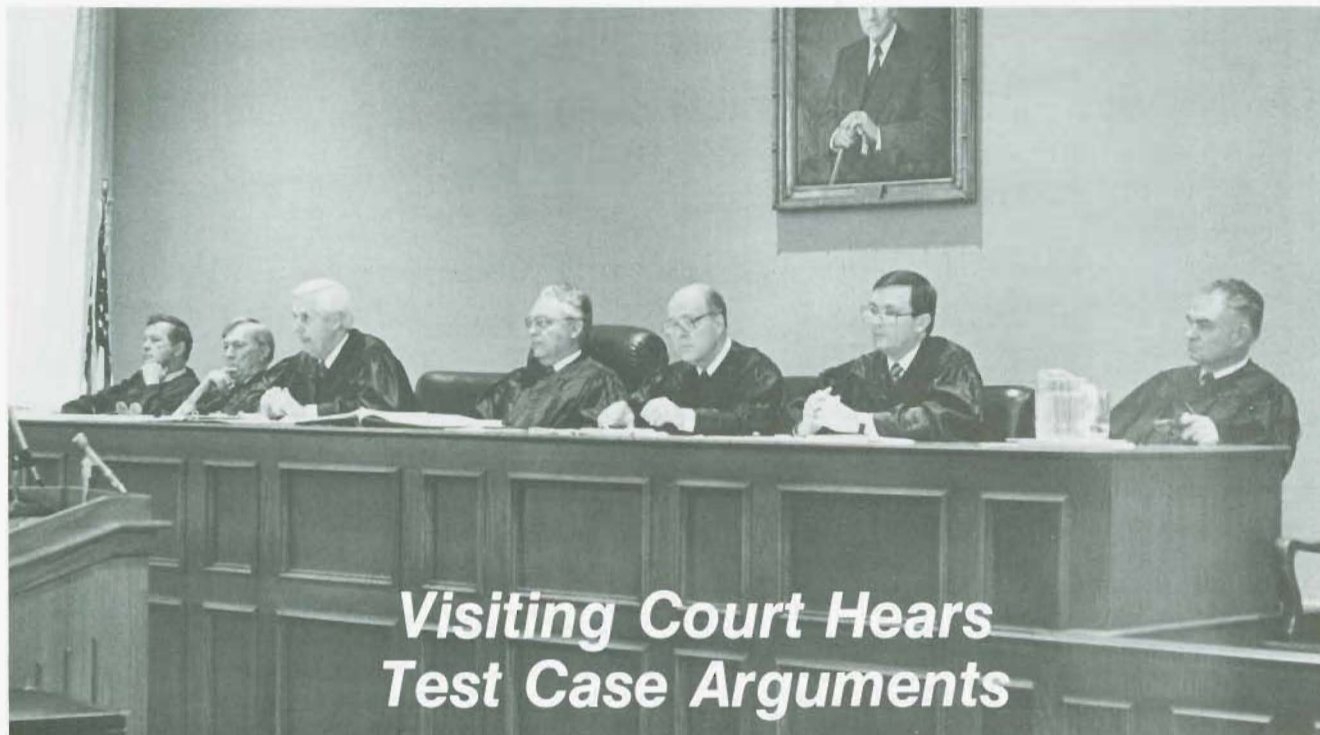
Cost/benefit analysis, in Lee's view, is a balancing process, one of placing competing interests and values on a scale and examining them. In some cases, the courts accord a heavy deference to government by ruling in favor of constitutionality so long as government has acted to solve a problem legitimately within its scope of authority. In other cases, the presumption runs against government, and the government act, "will be held unconstitutional unless it serves a compelling state interest not achievable through less intrusive means."

The cost/benefit analysis, he added, is also consistent with common sense, and with the way most people solve

their everyday problems. As applied to the exclusionary rule provision, Lee commented that the exclusionary rule is a judicially created remedy and it is not a personal constitutional right of the aggrieved party. The issue in the *Leon* and *Sheppard* cases was whether or not there should be a reasonable mistake exception to the exclusionary rule when a search warrant has been obtained.

"Should the courts go through the charade of determining guilt or innocence, all the while ignoring evidence which may provide an answer?" he asked. Balanced on the other hand is that "our basic sense of fairness is offended by permitting law enforcement authorities to use evidence seized by other law enforcement authorities in flagrant violation of constitutional rights."

Deterrence is the "raison d'être" for the exclusionary rule, he said. "Where the police could not reasonably have been expected to know that what they were doing was wrong, there is nothing to deter."



From left to right are Justices Charles L. Weltner, George T. Smith, Thomas O. Marshall, Jr., Chief Justice Harold V. Hill, Jr., Harold G. Clarke, Hardy Gregory, Jr. and Richard Bell.

The School of Law hosted a session of the Georgia Supreme Court on November 5. The justices heard appellate arguments in five cases during the 4-hour session held in the school's Hatton Lovejoy Courtroom.

The Supreme Court visited at the Law School's invitation as an opportunity for students to observe appellate advocacy in Georgia's highest tribunal. The court held session in Athens three years ago, at its inaugural occasion of visiting outside the state capitol to hold regular session.

Of special interest to the Georgia students was the fact that one of their constitutional law professors, Albert Pearson, argued for the plaintiff in one of the cases, *Garland v. State*. Another set of cases provided the first test in Georgia of the "social host liability" issue in auto accident deaths caused by drunken drivers.

The Law School Association hosted a dinner for the justices on the evening before the court session at the Joseph Henry Lumpkin House. The School also provided an outdoor lunch buffet for court personnel after the morning session.

DAC Present Historical Judicial Robes



Dean Beard, Justices Smith, Marshall, Weltner, Mrs. Connell

Three judicial robes, made of royal purple wool and trimmed in lambs wool, were presented to the Law School in ceremonies held November 4. The robes are replicas of those worn by judges of the Colony of Georgia when it was governed by English trustees.

The robes were the result of a year-long funding project by the Georgia State Society of the Daughters of the American Colonists (DAC).

Dean Ralph Beard served as master of ceremonies for the presentation, which was an occasion to formally receive the robes and to express appreciation to the DAC. Assistant Dean Robert Brussack gave a brief history of the judicial system in the Colony of Georgia and described the function of the colonial judges.

Erwin Surrency, Law Librarian and Professor of Law, described the research effort which went to ascertaining the type of robes which would have been worn by the judges. The research and fabrication of the garments was done by Patti Hunt, instructor in the Clothing and Textiles Department of The University of Georgia College of Home Economics.

The coordinator of fund-raising for the gift of the robes was Mrs. George S. Connell, Sr. of Atlanta. Mrs. Connell was State Regent of the Daughters of the American Colonists last year, and she designated the robes campaign as her official state project.

The robes were "unveiled" by having them modeled by Justices Charles Weltner, George Smith, and Thomas Marshall of the Supreme Court of Georgia. Marshall and Smith are graduates of the Georgia Law School, and Weltner is a direct descendant of Chief Justice Joseph Henry Lumpkin of Georgia's first Supreme Court.

The ceremony concluded with a selection of Baroque music from the colonial period performed by flutists Beth Blackburn and Katherine Ingraham.

A funds campaign for the second phase of the robes display has already begun. Erwin Surrency hopes to assemble in the Georgia Law School Library the actual robes or replicas of robes worn by the judges of each of the English court divisions. Because of the materials used (velvet, silk, ermine and other furs), cost of each gown is expected to be expensive. If such a collection of English judicial robes can be located here, however, it will be the only such collection in the western hemisphere, Surrency said.

The University of Georgia ranked 24th among 174 law schools in a recent measurement study of the relative scholarly productivity of law faculties.

The study, conducted by Arizona State professor Ira Mark Ellman, was a 54-month tally of articles and pages appearing in 23 of the most highly respected and competitive law journals. The list of journals was generated by reference to a 1976 study of the frequency with which various legal periodicals were cited.

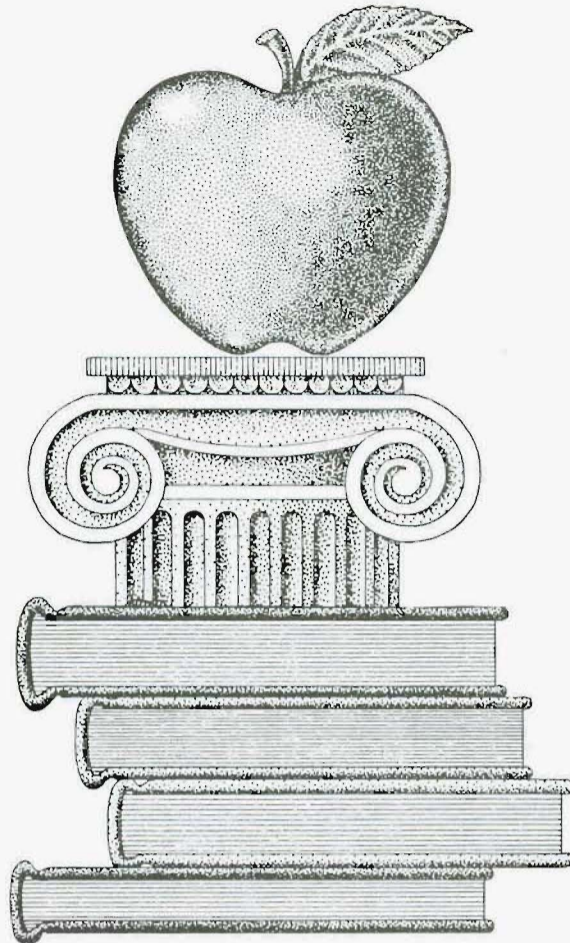
The University of Georgia is one of only six schools among the top 25 in the survey which do not publish journals listed in the study. This is particularly impressive because most of the faculty members at schools listed publish heavily in their own "in-house" journals. For example, if the Virginia Law Review were not included in the survey, Virginia faculty production would decline from 1926 pages to 603, reducing its rank from first to eighteenth place. The survey reports on Georgia faculty writings which are in addition to those that appear in the Georgia Law Review.

"One of the central ingredients of a first class university is a faculty which produces respected scholarship," writes Ellman in an article for the Journal of Legal Education. "Measuring a faculty's scholarly productivity is a tricky business." He noted that any measurement implies some quantification of the effort. Thus, the counting of pages is the methodology.

The important criterion is the selection and use of faculty research pieces in periodicals which are extensively cited and are highly selective in the manuscripts they accept for publication.

The 23 surveyed journals were: law reviews of Harvard, Yale, California, Chicago, Michigan; Law & Contemporary Problems, Supreme Court Review, law reviews of Northwestern, Pennsylvania, Columbia, U.C.L.A., Cornell, Duke; Harvard Civil Liberties-Civil Rights Law Review; law reviews of Illinois, N.Y.U., Minnesota, Stanford, U.S.C., Texas, Virginia & Wisconsin; Law and Economics.

Items of Interest from National Surveys and Rankings



The Georgia Law School is one of the best buys in legal education in the nation, according to a recent article in the *National Law Journal*.

The weekly news periodical published a list of 15 law schools with very highly qualified student bodies and relatively low tuition rates. Among those listed with Georgia were institutions such as the University of California at Berkeley, the University of Virginia and the University of Texas.

The student body ranks among the top 30 in the nation's law schools as measured by performance on the Law School Admission Test (LSAT). The median score for entering classes of the past two years has been 38 on a 48 point scale. Only 15 per cent of all individuals who take the LSAT across the country achieve a 38 or better score on the LSAT.

The resources available to students at the Georgia Law School are among the best in the nation as well. In its resources index, *Barron's Guide to Law Schools* (fifth edition) rated Georgia among the top ten American law schools. The indices were determined by weighing student enrollments against the number of faculty, library size, and physical facilities.

Rusk Center Hosts Trade Law Discussions



Wood Products

On November 1 and 2, the Rusk Center co-sponsored a conference on the legal and financial aspects of exporting wood products at St. Simons Island. The purpose of the conference was to explore the various legal aspects that confront exporters and to discuss financing alternatives. The speakers came from both the private and public sectors and offered extensive experience in the legal and financial aspects of marketing timber and wood abroad. Most of the conference participants represented the Georgia wood products industries. The other sponsors of the conference were the International Trade Development Center at the University, the U.S. Forest Service, the Department of Commerce, and the U.S. Small Business Administration.

This conference is an example of the Rusk Center's continuing commitment to assist Georgia industries in solving problems relating to international trade and investment.

A workshop on U.S.-Japanese trade law that included discussions on Japanese import restrictions was held in Athens in November. Topics discussed included import restrictions, the Japanese distribution system, the liberalization of service trade in Japan, and direct investment in Japanese industry. The workshop was co-sponsored by the Law School's Dean Rusk Center for International and Comparative Law and the Mitsubishi Bank Foundation of Tokyo.

Mitsuo Matsushita, professor of law at Tokyo University, was co-chairman of the meeting along with Thomas J. Schoenbaum, executive director of the Rusk Center. Matsushita, a noted Japanese law scholar, opened the workshop with an introduction to Japanese trade law. Gabriel Wilner, Georgia Law School faculty member, provided comment.

A discussion of direct investment in Japan was led by Yoshiteru Endoh, associate professor of law at Chiba University. Yutaka Hori, attorney with the Tokyo firm of Ohsuga, Iwasaki, Homma and Hori, described the liberalization of the service trade in Japan.

The relationship between Cabinet and Diet in trade problems, and Japanese import restrictions were discussed by Norio Okumiya, lecturer at Fukuoka University, and Sachio Sugimoto, a graduate student of Sophia University. Schoenbaum and Matsushita, and Seiichi Mitani of the Mitsubishi Bank Foundation, concluded the two-day workshop with a summary of the points presented.

Comments for the sessions were prepared by University of Georgia law students Miriam Hollar, Carol Feker, and Eileen Golden. Also participating as commentators were John Steed, attorney with Powell, Goldstein, Frazer and Murphy of Atlanta, and Allan Smith of Kilpatrick and Cody in Atlanta.

Professor Dean Rusk of the Georgia Law faculty was the luncheon speaker for the workshop.

The Rusk Center is preparing a monograph which will comprehensively examine U.S.-Japan trade frictions and propose steps to be considered in improving trade relations between the two countries. The matter is of vital importance to the State of Georgia, which has 130 Japanese companies in operation within the state.

Canada

The United States and Canada have the largest bilateral trade volume of any two nations in the world. And a lot of that investment is coming into Georgia. To facilitate the understanding between the two countries, the Rusk Center has taken the lead in organizing a Canadian Interest Group at the University. On October 11, 1984, a group of faculty and graduate

students from a wide variety of disciplines met to begin to establish the basis for the interest group. The group is currently investigating the possibility of initiating a certificate program in Canadian studies to be administered by the Global Studies Program of the Political Science Department. This program would allow undergraduate and graduate students to take an array of courses on Canada and receive recognition for successful completion of the requirements. The Canadian Interest Group also provides a gathering place for University faculty who have research interests in Canada. Both of these aims will be facilitated by an inventory of Canadian courses, and research at the University recently compiled by Dorinda Dallmeyer, Rusk Center Research Director.

The Canadian Consulate General in Atlanta is actively supporting the program. Jack Silverstone, Vice Consul, and Jeffrey Smith, Public Affairs Officer, attended the first meeting of the group. The Rusk Center will be working closely with them to develop the program.

LSA President



Jule W. Felton, Jr., an Atlanta attorney and 1955 graduate of the School of Law, is the 1984-85 president of the Law School's Alumni association.

Felton, a partner in the Atlanta firm of Hansell and Post, is also president-elect of the State Bar of Georgia.

The Law School Association is the governing body of the school's 4,200 alumni. The association supports the school's academic program by encouraging private giving and volunteer work.

Felton is a past president of the Atlanta Bar Association and is on the executive committee of the State Bar Board of Governors. A fellow of the American College of Trial Lawyers, he served in the Georgia House of Representatives from 1969-1972.

New Scholarship

The General Practice and Trial Section of the State Bar of Georgia has awarded its second scholarship grant to the School of Law. A check for \$1500 was given to Dean Ralph Beard by John Bell of Augusta, who represented the Section in making the award. Others who were instrumental in the scholarship grant program were John T. Laney of Columbus and Paul D. Hermann of Atlanta.

1985 Student Organization Leadership: Almost 100 Percent Female

Women law students have made a clean sweep of the leadership posts in major student organizations this year. While comprising only 31% of the third year class, women have nonetheless been selected as the heads of these co-curricular groups:

President, Student Bar Association:

Editor-in-Chief, Georgia Law Review:

Editor-in-Chief, Georgia Journal of International and Comparative Law:

Chairman, Moot Court Board:

President, Georgia Society of International and Comparative Law:

President, Association of Trial Lawyers of America:

American Bar Association/Law Student Division Representative:

Justice, Phi Alpha Delta:

Wendy Woods

Virginia Looney

Laura Lewis

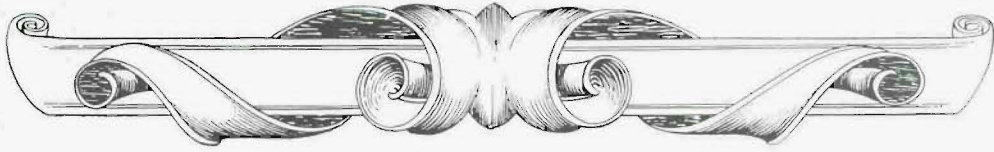
Sydney Cleland

Miriam Hollar

Nancy Vorpe

Kate Smith, Carla Young

Patricia Tanzer



In Memory of Alumni Who Died 1983-1984

George Robert Anderson, Class of 1949,
died October 18, 1983

Claud Brown Barrett, Class of 1918,
died November 17, 1983

Clyde Murrae Basham, Class of 1948,
died March 5, 1984

Bunah B. Bowers, Class of 1922,
died March 3, 1984

Perry Brannen, Class of 1926,
died March 12, 1984

Pope Furman Brock, Sr., Class of 1913,
died July 19, 1983

Rupert Alton Brown, Class of 1916,
died February 18, 1983

Walter H. Burt, Sr., Class of 1914,
died March 30, 1984

James Fletcher Carr, Class of 1955,
died July 25, 1984

Phil Russell Cawthon, Class of 1948,
died March 12, 1984

George Grant Crooks, Class of 1980,
died March 27, 1984

Patricia C. Downing, Class of 1974,
died January 31, 1984

George Frederic Dugger, Class of 1925,
died May 24, 1983

Edwin Jacob Feiler, Class of 1926,
died March 30, 1983

Edward James Goodwin, Class of 1922,
died February 18, 1983

Julian E. Gortatowsky, Class of 1935,
died May 28, 1983

Mary Lois C. Hall, Class of 1948,
died June 21, 1984

Col. William Julian Hatcher, Class of 1926,
died May 7, 1983

Girard White Hawkins, Class of 1951,
died May 18, 1984

Henry Mayhen Henderson, Class of 1934,
died April 17, 1983

Judge Ben A. Hodges, Class of 1950,
died May 18, 1983

Judge Henry Olin Hubert, Jr., Class of 1926,
died December 20, 1983

Freeman Napier Jelks, Class of 1925,
died March 31, 1983

Sam Kaplan, Class of 1930,
died October 6, 1983

Judge Emanuel Lewis, Class of 1924,
died April 23, 1984

Kenneth Steward McBurnett, Class of 1974,
died December 21, 1983

William Thomas Millican III, Class of 1966,
died June 11, 1984

Charles Ernest Moore, Class of 1951,
died April 5, 1984

Richard B. Neville, Jr., Class of 1962,
died April 10, 1984

Col. William H. Quarterman, Class of 1917,
died January 12, 1984

Frank Henry Ramsey IV, Class of 1981,
died October 29, 1983

Andrew J. Ryan, Jr., Class of 1922,
died October 29, 1983

Thomas J. Scott, Class of 1929,
died February 6, 1983

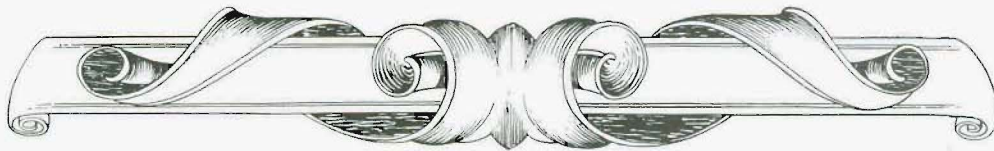
George Paul Shaw, Class of 1940,
died August 12, 1983

R. Wilson Smith, Jr., Class of 1928,
died October 28, 1983

John Hugh Steele, Jr., Class of 1982,
died January 6, 1984

Joseph Henry Thomas, Jr., Class of 1934,
died July 25, 1984

Emory C. Watkins, Jr., Class of 1940,
died February 6, 1983



Professor R. Perry Sentell is called upon each year to speak to the new members of the Law Spouses Association on the mysteries of torts, so that they can gain an understanding of the agony their first year husbands or wives are going through. Professor Sentell was kind enough to share with us the 1984 version of "Introduction to Torts."

Torts: A Lyrical Composition

Apparently, last year, before this organization, I made one of the most convincing addresses of my career. Basically but bluntly, my message was: "Don't ever again ask me to describe Torts in a span of 15 minutes." Sure enough, this year, your invitation requested that my talk not exceed 5 minutes. So—thank you very much.

Torts, Torts, there is no doubt,
Wherever law is discussed, it all comes out,
What torts is, may be forgot,
Perhaps more important, is what it's not.

Torts are not crimes, that's a fact,
Nor procedure, nor property, nor even contract.
Rather, Torts are wrongs—Right?
But then that's like saying Dark is Night.

Torts, they say, are for those who can take it,
For Torts, like life, is what you make it,
In the scheme of things, Torts stand tall,
Indeed, for some, Torts is no less than all.

When you meet them, day by day,
As they litigate and play,
You'll nod, as they pass and snort,
"Good morning—and have a nice Tort."

For some, Torts is a library, filled with books,
Where one aspires to A's, but accumulates "hooks,"
Where one carefully prepares for intellectual display,
Only in class, to be blown away.

For others, Torts is drama, all-consuming and dynamic,
Where tortfeasors cavort, and create panic,
Where harms are done, and then defended,
As though fame and fortune, thereupon depended.

Torts is kicks, and crashes, and dented fenders,
Thrown sticks, mad dashes, and rear enders,
Libels, and slanders, and wrongful death,
Assaults, and batteries, and defense of self.

Invaded homes, and lives, and negligent ills,
Asbestos, toxic shock, and pregnancy pills,
Punctured lungs, vented spleens, and assorted grief,
The law's way of saying: "Here's the beef."

Torts is broken hearts, humiliation, and intentional fright,
A beacon warning not to go gentle into that good night,
A standard of conduct, we all must meet,
The prudent person—put his Guccies on your feet.

Torts is people—famous judges and others,
I don't mean the Beach Boys, or the Smothers Brothers,
Rather, Holmes, and Cardozo, and Brandeis, and that sort,
Not to mention Judge Walpner, on The People's Court.

Torts is great writers, and thinkers, and pensive scholars,
If only for each article read, one could receive two dollars,
Visionaries, and luminaries, and pungent allegories,
Often with the same effect as suppositories.

Torts is labor-filled days, and never-ceasing nights,
As long as a cat scratches or a dog bites,
Where, when one's inquisitive stamina is at a low,
Discovery of a new wrong, makes the adrenalin flow.

Torts is passion—from glee to despair,
On the scale of emotions, it's all there,
Fear, anxiety, travail without dispensation,
Exhilaration, delight, *i.e.*, compensation.

Courtrooms, and juries, and bailiffs, and clerks,
Experts, and details, and inexplicable quirks,
Judgment affirmed, or judgment reversed,
The Tort or the retort—which came first?

Torts is knowledge—but tempered by respect,
For what flies today, is tomorrow a reject,
And the difference, between losing and winning,
Is whether your client is seen smirking or grinning.

Torts is power, unadulterated and raw,
But with sufficient uncertainty to quell and to awe,
For absolute power, can absolutely corrupt,
As overdosing on caviar, can induce an upchuck.

Torts requires the best, in commitment and dedication,
Otherwise, you might as well take a vacation,
For to enter the Torts arena, unarmed and untrained,
Would constitute the sin of not using your brain.

For to live a half-life, just getting by,
No pride in the past, or pie in the sky,
To a Torts type, is simply unforgivable,
No way to exist, completely unlivable.

When the going gets tough, and the tough get going,
The Torts type takes deep pleasure in knowing,
That often the answer appears not on the bottom line,
But instead, in an awkward phrase, in, say, paragraph nine.

So—when we come to the end—for it all winds up there,
To do Torts really well, one must really care,
And the sacrifices, and the times of neglect,
A wise spouse must understand, is just part of the heck.

If you desire, sometime, to learn of your role in it,
Well—You're going to have to give me more than 5 minutes.

The Joseph Henry Lumpkin House was formally re-opened in ceremonies November 4. The house, located on Prince Avenue in Athens, had undergone extensive interior restoration in the past nine months.

The School of Law conducted a funds development drive to finance the restoration of the 140-year-old structure. It is presently owned and managed by the Joseph Henry Lumpkin Foundation, a citizens group, which is comprised of numerous trustees who have ties to the Law School or who are interested in historical preservation. A number of the board members are members of the Athens Woman's Club, which owned the Lumpkin House for 56 years before transferring title to the Foundation in 1975.

The charter of the Lumpkin Foundation calls for the house to be used for purposes which further the educational mission of the Law School. It was the home of Georgia's first chief justice, who was also a co-founder of the Georgia Law School.

Dean Ralph Beard served as master of ceremonies for the re-opening ceremonies. The highlight of the occasion was the official designation of the three large downstairs rooms of the house in honor of the first justices of the Georgia Supreme Court: Lumpkin, Eugenius A. Nisbet, and Hiram Warner. Descendants of the three men had joined together to fund a portion of the restoration costs, and their gifts were acknowledged at the ceremony.

Representing the Lumpkin descendants at the ceremony were Mr. and Mrs. Frank C. Lumpkin, Jr. of Columbus. Frank Lumpkin has been interested in the restoration project for several years and has given significant contributions to the University of Georgia Foundation for the Lumpkin House.

The Nisbet family was represented by Mr. and Mrs. Field Yow of Augusta, Mrs. Lamar Fearing of Macon, Mr. and Mrs. Edward Stock of Bealsville, Maryland, and others who contributed to the Nisbet Room. Field Yow, a 1935 law graduate who served on the Law School's Bicentennial Advisory Committee, was the organizer of the Nisbet Room gifts campaign. His wife, Mary Frances, is a direct descendant of Nisbet.



The Warner family contribution was coordinated by Mary Jane Crayton of LaGrange and Render Hill of Greenville, Georgia. Several of the twenty-four family members who contributed were present at the ceremony.

During the ceremony, Lumpkin Foundation President Carroll Leavell acknowledged special groups and individuals, in addition to the restoration donors, who made the re-opening possible. A framed certificate of appreciation was given to the Athens Woman's Club for its care and management of the house during the years the club owned the property, and for its gift of the house to the Foundation. Mr. and Mrs. Albert B. Sams received the applause of the audience for their work in furnishing the home. Mr. Sams, an experienced collector of antiques, has provided, on long-term loan, an extensive and very valuable selection of furniture and art pieces for the Lumpkin House.

Also speaking at the ceremony was former Congressman Robert C. Stephens, a member of the Lumpkin Foundation Board of Trustees. He gave biographical sketches of the three justices who were honored by the room designations.

The assistance of the Georgia Department of National Resources was acknowledged by Carroll Leavell, who introduced Dr. Elizabeth Lyon, head of the Historic Preservation Section.

Following the ceremony, an afternoon tea, English-style, was served in the Lumpkin House dining room. Serving as hostesses were members of the Law Spouses Association, a group which has had an ongoing project to help with the Lumpkin House restoration during the past few years. The club has sponsored yard sales, bake sales, and spaghetti suppers to raise money for the house.



East Parlour

Lumpkin House Re-Opens

Open House Scheduled

An Open House to showcase the upstairs will be held during Law Day, April 20, 1985. At that time, the upstairs guest quarters will be named in honor of Richard Y. Bradley and the State Bar of Georgia. The designation of Bradley, past president of the State Bar and of the Law School Association, is the request of Donald M. Leebern, a Columbus businessman who has made a substantial gift to the restoration efforts. Also, the State Bar Foundation helped launch the first Lumpkin House funds drive in 1976 and made another gift in 1984.

The upstairs portion of the Lumpkin House was in its final weeks of restoration at the time of the November 4 ceremony, so it was not open to the visitors because of construction hazards.

Contributions Welcomed

Contributions are welcomed for the continuing work of the Lumpkin Foundation. The work is not yet completed! Funds are needed for wallpapering, for antique reproduction hardware on the doors, for catering appliances for the kitchen, for landscaping of the grounds, and for many other aspects in making the house the showcase of Greek Revival architecture that it can be.

Your gift can be made payable to the Joseph Henry Lumpkin Foundation or to the University of Georgia Foundation, earmarked for the Lumpkin House, and sent to Dean Ralph Beard of the Law School.



Milner S. Ball, Harmon W. Caldwell Professor of Law, presented papers at a symposium on Indian Law in June held in Santa Fe, New Mexico and at a colloquium for the Section on Legal Education and Admission to the Bar at the ABA annual meeting in August held in Chicago. He was a major presenter at a November colloquium at Washington and Lee University which discussed the manuscript of his new book. He is currently preparing articles on the subjects of Indian law; a response to an article by Professor Burt of Yale; a contribution to a jurisprudence symposium on "Obligation to Obey the Law"; and an article on natural law and a theology of the natural.

J. Ralph Beard, Dean and University Professor of Law, continued as a member of the State Bar of Georgia's Special Committee on Trial Lawyer Competency. A report was issued by this committee in November. He also served as a member of the nominating committee for the national officers of the Association of American Law Schools. He introduced Solicitor General Rex Lee as the fall semester Sibley lecturer and presented Samuel H. Sibley Professor Dean Rusk for a bicentennial medallion at the University's Bicentennial Convocation. He also spoke at the Athens Rotary West and the Gainesville Bar Association on the history of the Georgia Law School. On November 4 he presided at ceremonies at which the Daughters of the American Colonists presented the Law School with three colonial judicial robes and the Joseph Henry Lumpkin House was reopened. On December 14 he presented a paper on lawyer and consultant reporting to an ICLE conference in Atlanta.

Robert D. Brussack, associate professor and Assistant Dean of the Law School, was the banquet speaker for a national conference, "Higher Education: Critical Issues in 1984," sponsored by the Institute of Higher Education of The University of Georgia. Dean Brussack and Dean J. Ralph Beard are preparing a seminar on education law to be offered next year. They are collaborating on a number of research projects in education law, including an article assessing the impact of state open records legislation on college and university governance.

As moot court advisor, Dean Brussack accompanied the Hulsey-Kimbrell Moot Court Team to Jacksonville, Florida, for the annual one-round competition against the University of Florida. Georgia defeated Florida in the round. He also

accompanied the National Moot Court Team to its regional competition at which it compiled a perfect 6-0 record. The team also won the award for Best Brief. In January, Dean Brussack will accompany the team to New York for the national finals of the competition.

Ronald L. Carlson, John Byrd Martin Professor of Law, completed a law review article for the Dunwoody Symposium issue of the *University of Florida Law Review*. To be published in January, Professor Carlson's article entitled "Collision Course in Expert Testimony: Limitations on Affirmative Introduction of Underlying Data."

Carlson also authored "The Hearsay Battlefield," a review article which will appear in *Litigation Journal*. Fall and winter publications included the first annual supplement to *Successful Techniques for Civil Trials* (Lawyer's Co-Operative Publishing Company) as well as the 1984 supplement to *Criminal Law Advocacy* (Matthew Bender) and the 1985 supplement to *Criminal Law and Procedure* (West Publishing Company). The 1985 supplement to the evidence coursebook *Materials for the Study of Evidence* (The Michie Company) has also been completed. Professor Carlson serves on an ABA committee which is studying revision of The Federal Rules of Evidence, and he prepared two monographs for the committee, one on expert witnesses and the other on attacks on jury verdicts.

He gave a lecture on motions in limine at the national convention of the Federal Bar Association in Baltimore in September. He has been selected to speak on "Current Developments in the Federal Rules of Evidence" at the forthcoming ABA National Institute on Advanced Trial Techniques. Speakers along with Carlson at the ABA Institute will include Boston attorneys F. Lee Bailey and James St. Clair as well as Washington lawyer Jacob Stein.

Verner F. Chaffin, Callaway Foundation Professor of Law, attended the fiduciary law seminar held on Hilton Head Island, South Carolina in July. He attended reunions of the law class of 1939 in October and the class of 1969 in November.

Chaffin served as Impartial Arbitrator in labor arbitration hearings held in Kingsport, Tennessee in July; Perry, Georgia in October; Augusta, Georgia and Miami, Florida in December. Also, he served as legal consultant in two estates and trusts cases. He serves on the Executive Committee of the Georgia Chapter of Phi Beta Kappa.

B. Thomas Cook, Director of the Prosecutorial Clinic and instructor in trial advocacy courses, has been promoted to the rank of Major in the Georgia Army National Guard. Cook, an assistant state judge advocate, was the movant before the U.S. Supreme Court in December for the admission of the other members of the Judge Advocate section of the Georgia Army National Guard to practice before the Court. He also led a practical exercise in voir dire at the Prosecuting Attorneys Council seminar at Jekyll Island in July, and spoke at an ICJE seminar for municipal judges in September on the subject of arrest and search warrants. He gave two four-hour lectures on the rules of evidence at the Northeast Georgia Police Academy during the fall.

Samuel M. Davis, professor of law, has submitted an article for publication in the *North Dakota Law Review* entitled "Child Abuse: Pervasive Problem of the 80s." At the

invitation of the *Law Review* Davis will give an oral presentation based on the article at a symposium to be held at the University of North Dakota Law School in April 1985. He also presented lectures to both the Superior Court judges and Juvenile Court judges this fall on evidentiary issues in child abuse proceedings and served as expert moderator for a video replay of an ICLE program on "Family Law for the General Practitioner."

Thomas A. Eaton, associate professor of law, was guest commentator of WGST (Atlanta radio station) talk show on "The New Reproductive Technologies—Legal, Medical and Ethical Implications" in August. In September he spoke at the Georgia Trial Lawyers Association seminar on the topic of "Damages: What Lies in the Horizon." Also in September he addressed the Athens General Hospital's Emergency Room In-Service unit on the topic: "Legal Issues in Emergency Care." He was a speaker for the ICJE Fall Seminar for Superior Court Judges and his topic was "Death With Dignity: The Unanswered Questions." He was a guest speaker for The University of Georgia College of Veterinary Medicine classes on the topic, "Animal Rights: The Emerging Issues" (November). He served as faculty coordinator for the Fall 1984 University of Georgia Intramural Mock Trial Competition.

C. Ronald Ellington, Thomas R.R. Cobb Professor of Law, has been appointed to a three-year term as a member of the AALS Committee on Courts. He also has been appointed to serve as a member of the State Bar of Georgia's Law Revision Committee. Along with Bert Gary, he authored an article entitled, "Trial Practice and Procedure" in the "Annual Survey of Georgia Law" which appeared in Volume 36 of the *Mercer Law Review*.

Walter Hellerstein, professor of law, presented a paper entitled "Legal Perspectives on the Interstate Shifting and Incidence of State and Local Taxes" at the annual North American Meetings of the Regional Science Association, held in Denver, Colorado in November 1984. His paper will be published in the *International Regional Science Review*. Hellerstein presented a paper entitled "State Taxation and the Supreme Court, 1983-84 Term" at the third annual New York University Institute on State and Local Taxation in New York in December 1984. His paper will be published in the proceedings volume of the institute. The *Georgia Law Review* will publish an article by Hellerstein entitled "Political Perspectives on State and Local Taxation of Natural Resources," which is a chapter for his forthcoming two-volume work on state and local taxation of natural resources, which will be published by the Section of Taxation of the American Bar Association in early 1985. Hellerstein testified before the Subcommittee on Agricultural and Energy Taxation of the Senate Finance Committee on S. 463, The Severance Tax Equity Act of 1982, in Washington, D.C. in July. His testimony will be published in the hearings volume issued by the Finance Committee.

Eric M. Holmes, professor of law, is the co-author with William F. Young, Columbia Law School, of *Cases and Materials on Insurance Law* which will be published in early 1985. He is currently preparing materials for the fourth edition of a textbook he authors with Robert Corley, *Fundamentals of Business Law*. Along with Corley and Peter Shedd, professors

in the UGA College of Business Administration, he is the author of *Officers and Directors' Desk Book of Business Law*, published by Prentice Hall. Also, a book co-authored with Shedd, *A Guide to Secured Lending* is now complete and awaiting publisher's review.

Holmes spent the 1983-84 year teaching at the University College, Galway, Ireland. He held the Jefferson Smurfit Chair of Business Law. At the end of the academic year he gave the Jefferson Smurfit Lecture to a university-wide audience, as is the custom with the professorship. He spoke on the topic of products liability.

Ellen R. Jordan, Associate Dean and associate professor of law, is scheduled to teach a new course entitled Negotiation and Alternative Dispute Resolution this spring and she is preparing course materials. She participated in a week-long program on bargaining and negotiation last summer at the Massachusetts Institute of Technology, and attended the Institute on Corporate Dispute Resolution held at Northwestern University Law School in November.

She has been compiling the Law School's "Self-Study" report and preparing for the scheduled re-inspection of the Law School by the ABA and AALS.

Paul M. Kurtz, professor of law, completed the annual supplement to his criminal law treatise, *Criminal Offenses in Georgia*, published by the Harrison Company. He completed an article with Professor Al Pearson entitled "The Abortion Controversy: A Study In Law and Politics" which will be published as part of a book entitled *Abortion and the Law*. It will also be published in law review form by the *Harvard Journal of Law and Public Policy*. He completed a survey article on domestic relations law in Georgia which will be published by the *Mercer Law Review*. Kurtz served as an evaluator for the Little, Brown Publishing Company on a manuscript for a proposed criminal law casebook.

He attended the Mid-Year Editorial Board Meeting of the *Family Law Quarterly*, and he attended the AALS Recruitment Conference as chair of the Law School's recruitment committee. Kurtz serves as a member of the University Council and the University Curriculum Committee.

Robert N. Leavell, professor of law, has completed and is currently circulating an article for publication entitled, "Corporate Social-Reform, the Business Judgment Rule and Other Considerations." He is preparing materials for the fourth edition of Leavell, Love and Nelson's *Equitable Remedies and Restitution* to be published in 1985. He participated in a variety of activities as a member of the Lumpkin Foundation Board of Trustees to assist in the completion of the restoration of the Joseph Henry Lumpkin House.

Sarajane Love, associate professor of law, participated as a faculty member for the Medical College of Georgia's alumni symposium on "Your Practice, Your Money, and Your Family." She made three presentations: "Trusts," "Ingredients of an Effective Will," and "Post-Mortem Estate Management." The symposium was held in August.

In November, she wrote a brief for the Fiduciary Law Section of the State Bar of Georgia, as Amicus Curiae, in *Hill v. Newman*, a case in the Georgia Supreme Court involving interpretation of Georgia's law on intestacy.

Julian B. McDonnell, J. Alton Hosch Professor of Law, has been working on an article entitled: "Bank Liability for Defective Checks: The Clash of Utilitarian and Populist Creeds Under the Uniform Commercial Code." His book, *Common Law & Equity Under the Uniform Commercial Code* (with Nickles and Hillman) will appear early in 1985. Professor McDonnell served as special master in a complex contracts case, *Abernathy v. Stinging Bee Ranch*, which involved a week of hearings in November.

Albert M. Pearson, professor of law, has completed 1984-85 supplement to Green's Georgia Evidence for publication. Pearson was the speaker for the fall meeting of Georgia Superior Court judges on "The Burger Court and Fourth Amendment." He is a member of the planning committee for the Institute for Continuing Judicial Education program on the state constitution and he serves on the University Area Advisory Committee on promotions. He was a faculty member of Emory Trial Advocacy Institute held in January.

Pearson briefed and argued *Garland v. State* before the Georgia Supreme Court at its session held in Athens on November 5.

Walter Ray Phillips, Joseph Henry Lumpkin Professor of Law, has been appointed Phi Alpha Delta Law Fraternity's law-related education coordinator for the State of Georgia. Phillips served as panelist at the legal ethics seminar held by the Family Law Section of the State Bar of Georgia in Savannah and in Atlanta in August. The paper was entitled "Impact of the Model Rules of Professional Conduct on the Family Law Practitioner." Phillips served as panelist at the National Business Institute Seminar held in Atlanta in September. His paper was entitled "Substantive Changes in the 1984 Bankruptcy Amendments." Also, Phillips served as panelist for a December seminar sponsored by the Institute of Continuing Judicial Education in Athens. His paper was entitled "What Should Judges Do to Enforce Rules of Ethics?"

He was a program participant in the American Bar Association's bankruptcy meeting held in Denver in October. Phillips spoke to the Athens Ministerial Association in November on the topic of "Legal Problems of Pastoral Counseling."

Mack A. Player, Regents Professor of Law, was a speaker at the Mid-West Labor Law Conference in Columbus, Ohio in October. His topic was "Employment Discrimination: The 1983 Term of the Supreme Court: Tinkering and Tailoring." He also completed "Instructors' Notes" as a supplement to Player's *Employment Discrimination Law*, published by West.

James F. Ponsoldt, associate professor of law, has just completed the article, "Accomplice Accusations in the Criminal Process." He is author of "The Ideological Shaping of the Federal Judiciary," which was printed in *New York Times*, editorial page, September 6, 1984; and "Reagan's Antitrust Policies," which appeared in the *Washington Post* National Edition, editorial page, July 16, 1984.

Professor Ponsoldt has served as co-counsel in obtaining settlement for a class of Georgia law students in an antitrust action against Harcourt, Brace and Jovanovich, publishers of bar review course materials. Consent judgment was entered in October. He also serves as legal advisor for a citizens group,

Concerned Water Users of Clarke County, in pending litigation (May 1984-present).

Richard D. Reaves, Executive Director of the Institute of Continuing Judicial Education of Georgia, has written several law reference papers for use in ICJE training, including: "Liberty After Arrest: The Georgia Law Regarding Bail and Pretrial Release," and "The Georgia Law on Conduct of Committal and Pre-Committal Hearings." These papers were presented in May and September programs conducted for magistrates and municipal court judges. An update of his monograph on "Georgia Judicial Ethics and Discipline, Immunity and Liability" was distributed to superior court judges, juvenile court judges, state court judges, municipal court judges and magistrates at programs in May, September, October and December.

Dean Rusk, Samuel Sibley Professor of International Law, was a participant in the Secretaries of State Conference at the Southern Center for International Studies held in Atlanta. Also in Atlanta, he spoke to audiences of the Midtown Business Association, Inquiry Club, Consular Corps. The University of Georgia's National Conference on the Future of University Research and the Southeastern Regional Association of Physical Plant Administrators of Universities and Colleges had Rusk as the spokesman for their meetings. He addressed the Prospects for Peacemaking conference at the Hubert H. Humphrey Institute in Minneapolis, Minnesota. Also, he was invited to speak at Stetson University in Deland, Florida. Rusk was guest speaker for the Northeast Georgia Council, Boy Scouts of America in Gainesville and guest speaker for the Gwinnett Town Hall Lecture Series held in Snellville.

Rusk testified at the Senate Committee on Governmental Affairs and at the House Subcommittee on International Security and Scientific Affairs in Washington. At The University of Georgia Bicentennial Convocation, Rusk was recipient of the silver medallion.

Rusk was interviewed by several television networks: Asahi Broadcasting Corporation in Japan, National German Television, NBC "Today", Cable Network News, and NBC News.

Thomas J. Schoenbaum, Executive Director, Dean Rusk Center for International and Comparative Law and Rusk Professor of Law, is the author of *Admiralty and Maritime Law: Cases and Materials*. Published by the Michie Company in May 1984, the book has become the largest selling casebook in the field of admiralty law, adopted as a text in more than 30 law schools across the nation. In December, the second edition of *Environmental Policy Law* was published by Foundation Press. The first edition has been the largest selling casebook in the environmental law field, used in 60 law schools and 20 other university programs across the nation. Schoenbaum's article, "Trade Friction with Japan and the American Policy Response," 82 *Mich. L. Rev.* 1647 was published in 1984. He has signed a contract to write a book on *Municipalities and Environmental Law* for the Callahan Company. Also, he has obtained a contract to write a *Treatise on Admiralty and Maritime Law* with West Publishing Company.

In August, Schoenbaum delivered a paper, "Liability for Discharges and Spills from Vessels" at the American Bar Association Annual Meeting in Chicago. In September, he

delivered the same paper at the University of Florida Conference on International Environmental Law. In October, he participated in the Conference on Admiralty Tort Liability at Louisiana State University.

In November, Schoenbaum was chairman and organizer of the U.S.-Japan Trade Study Group Conference on U.S.-Japan Trade Relations. Sessions were held in Athens and New Orleans. The conference was sponsored by the Mitsubishi Bank Foundation.

In December, Schoenbaum delivered a paper entitled, "The Shipping Act of 1984," to the Japan-U.S. Trade Study Group in Tokyo, Japan. Also in December he delivered a paper, "The Legal Regulation of Nuclear Power in the United States," at the Fourth Asian-American Conference on Environmental Law in Bangkok, Thailand.

R. Perry Sentell, Jr., Talmadge Professor of Law, authored a monograph, *Georgia Local Government Law's Assimilation of Monell: Section 1983 and the New "Persons,"* an account and analysis of the experience of Georgia local governments in the federal and state courts during the six years since the U.S. Supreme Court's decision in the *Monell* case. The monograph was published by The Michie Company. He authored the article "Survey of Georgia Local Government Law 1983-1984," which will appear in the next issue of the *Mercer Law Review*. That same issue of the *Mercer Law Review* will also carry his previously written article, "Claims Against Counties: The Difference A Year Makes." In addition, he is author of the article, "Courts, Statutes, and Sanitary Landfills," which will appear in the November 1984 issue of the *Georgia State Bar Journal*.

Sentell addressed the following: "Recent Judicial Developments in Georgia Local Government Law," an address to the Institute for Georgia City and County Attorneys, held in Athens in September; and "Torts," an address to the Law Spouses Organization of the Law School in October.

James C. Smith, visiting assistant professor of law, is the co-author, with Professor Alan Samansky of Ohio State College of Law, of a forthcoming book, *Real Property and Federal Income Taxation*, to be published in early 1985 by Law Journal Seminars-Press. The book will analyze, in one volume, the tax consequences of the acquisition, ownership, and disposition of commercial real estate and owner-occupied housing. Smith regularly teaches at the Ohio State University College of Law. This past summer he taught at the University of Texas.

Louis B. Sohn, Woodruff Professor of International Law, has participated in numerous conferences and has addressed audiences in the United States and abroad. In July he took part in a United States-U.S.S.R. Workshop on the International Negotiation Process, organized by the Harvard Negotiating Project. In August he presented a paper on disarmament negotiations to the Cambridge Forum on Arms Control at Harvard Divinity School. In September he took part in the conference of the Foundation for International Conciliation, held at St. George's House, Windsor Castle, England. Also in September he delivered a paper on the "Implications of the Law of the Sea Convention Regarding the Protection and Preservation of the Marine Environment," at the meeting of the Law of the Sea Institute at San Francisco. In October a

group of his former students presented to him a volume of essays in his honor, entitled *Contemporary Issues in International Law*, at a ceremony held at the Washington College of Law of the American University, Washington, D.C., where he also delivered the Mooers Lecture on "The Law of the Sea: Customary International Law Developments." In October he presented a paper on "Approaches to Resolving Canada/United States Disputes with respect to Extraterritoriality," at the Canadian Council on International Law, Ottawa; participated as U.S. Counsel in the oral presentation of the United States position in the Nicaraguan Case before the International Court of Justice, The Hague, The Netherlands; and received the Grenville Clark Prize at Dartmouth College, Hanover, New Hampshire, where he also delivered an address on "How to Attain Peace, Security and Justice." In November he made four speeches in Athens: the Emmanuel Episcopal Church on "International Negotiations," at the B'nai Brith Lodge on "Proposals to Settle the Middle East Crisis: Is There Some Hope?," to the Political Science Department on "United National and Human Rights," and at the Monday Club of the University Health Service on "International Negotiations on the Settlement of International Disputes."

Sohn's publications include the following:

The Law of the Sea in a Nutshell (with K. Gustafson, 1984); "The Role of Arbitration in Recent International Multilateral Treaties," in *Resolving Transnational Disputes Through International Arbitration* (6th Sokol Colloquium; T.E. Carbonneau, ed., 1984); "The Law of the Sea Crisis," *St. John's Law Review* (1984); "Clyde Ferguson and the Shift in United Nations Procedures Concerning Petitions from Individuals," *Harvard International Law Journal* (1984); "The Security Council's Role in the Settlement of International Disputes," *American Journal of International Law* (1984); "Interdiction of Vessels on the High Seas," *The International Lawyer* (1984).

Erwin C. Surrency, law librarian and professor of law, gave a speech entitled, "The Beginnings of American Legal Literature," in October before the American Society for Legal History in Newark, New Jersey. He will give a talk at the Institute of Continuing Judicial Education Seminar for the Justices of the Peace in January and July 1985. He attended the organizational meeting of the Georgia Society for Legal History held in Atlanta in November.

Maxine Thomas, associate professor of law, is currently working on an article concerning heirship property entitled "Saving the Old Homeplace." She is doing research on black land loss. Thomas serves on the American Bar Association's Special Committee on Housing and Urban Development.

Michael Wells, associate professor of law, spent the summer working on an article studying the civil law system at the University of Sherbrooke, Quebec. He recently completed an article, "The Allocation of Constitutional Decision-Making Between Federal and State Courts: Of Doctrinal Foundations and Institutional Roles," which will appear in the *Georgia Law Review*.

Donald E. Wilkes, Jr., professor of law, completed the 1985 Supplement to his book, *Federal and State Postconviction Remedies and Relief* which was published by the Harrison

Company in December. In October the *Georgia Defender*, newsletter of the Georgia Association of Criminal Defense Lawyers, published Wilkes' article, "De La dibus Habeas Corpus."

Larry E. Blount, associate professor of law, is the author of "Claim of Right Doctrine after 1984" which was published as a monograph by Prentice Hall. In the process of publication at Prentice Hall is his book, *Tax Shelters*. Blount appeared as an expert witness in recent criminal tax litigation. He also wrote three appellate briefs in criminal tax cases.

Fredrick W. Huszagh, professor of law, is the co-author of an article entitled, "International Barter and Countertrade: A Futures Option," in *International Marketing Issues* published by the Marketing Science Institute.

He discussed the monetary aspects of barter at a workshop held by the Institute in Cambridge, Massachusetts, and served as a commentator on basic research concerning marketing in less developed countries at the Academy of Marketing Science Annual Meeting in New York. Currently he writes a weekly memo on banking regulation, monetary policy and investment which is distributed to bank executives in the United States. As a permanent member of the Economic Policy Council in New York, he now works on a "Parents and Work" panel which is preparing recommendations for a national family policy.

John C. O'Byrne, Francis Shackelford Professor of Law, serves as farm editor of the *Journal of Taxation*. He is the coordinating editor of *The Study of Federal Tax Law*, a series of four casebooks on income taxation, corporate and partnership taxation, international taxation and estate and gift taxation.

He has completed the 1985 edition of *Federal Income Tax Code and Regulations—Selected Sections*, which is published by the Commerce Clearing House, Chicago. O'Byrne also wrote the 1985 annual supplement to the *Farm Income Tax Manual* (seventh edition) published by The Allen Smith Company, Indianapolis. He also completed the annual revision of the chapter, "Sales and Exchanges of Property" in *The Study of Federal Tax Law-Individuals* published by Commerce Clearing House.

O'Byrne spoke on the subject of partnership taxation at a meeting of the State Bar of Georgia Fiduciary Law Section held in Hilton Head, South Carolina, in July. He spoke to the Heart of America Tax Institute in Kansas City in October on the subject of special income tax problems of farmers. He gave a day-long presentation on partnership taxation at the South Carolina Bar Association meeting in Columbia in November. He presented day sessions on the subject of farmers' income taxes to seminars sponsored by the Cooperative Extension Service of The University of Georgia. The sessions were held in Macon, Statesboro, Gainesville, and Tifton. He taught during the summer of 1984 at Northeastern University School of Law in Boston.

Visiting Faculty

James C. Smith, former associate with Baker & Botts of Houston, is visiting with the Georgia faculty this year. He was assistant professor at Ohio State University, where he taught property, real estate transfers and finance, and oil and gas law.

Smith earned his law degree at The University of Texas, where he was articles editor of the *Texas Law Review*. He served as law clerk to Judge Walter Ely, U.S. Court of Appeals for the Ninth Circuit, after his graduation in 1977.

Peace Prize

Louis Sohn, a Georgia law professor who is one of America's leading authorities on international law, received the 1984 Grenville Clark Prize at Dartmouth College.

The prize, which includes a \$15,000 honorarium, recognizes those who have advanced the causes espoused by the late Grenville Clark, a lawyer whose papers are housed at Dartmouth. Those causes include world peace, good government, academic freedom, civil rights and personal liberty.



Sohn

A 571-page volume of essays in honor of Louis Sohn was published in November. The book, *Contemporary Issues in International Law* was edited by Thomas Buerghenthal, dean of American University Law School. It is a compilation of 25 articles written on the subjects which Sohn teaches and researches: human rights, law of the sea and the environment, and international legal organizations. Its authors include law professors from nine American law schools, seven foreign law schools (including institutions in Spain, the Federal Republic of Germany, Venezuela, Greece, Canada and Australia); and practicing attorneys in Washington and Mexico City.

Another contributor was Elliot L. Richardson, former U.S. Cabinet member. Richardson was Chief U.S. Representative to the United Nations Law of the Sea Conference, and Sohn was counsel to the delegation. Richardson was in the first class Sohn taught at Harvard in 1946.

Another member of that class was Kingman Brewster, former president of Yale University. Brewster gave the remarks at the Dartmouth ceremony at which the Grenville Clark Prize was awarded to Louis Sohn.

For the fifth time in six years, The University of Georgia School of Law will represent the Southeast region in the New York City finals of the national Moot Court Competition. The team of Bob Hunter, Bill Rogers, and Nancy Vorpe defeated Emory Law School in the final round November 16 to win the regional competition. The team also received the award for Best Brief among the ten briefs submitted.

In the four preliminary rounds held in November, Georgia defeated Florida State, South Carolina, Nova, and Miami. In the semifinal round, Georgia defeated Georgia State.

The bench for the final round was composed of Judges Tuttle and Clark of the United States Court of Appeals for the Eleventh Circuit, and Justice Weltner of the Supreme Court of Georgia. The regional competition took place in the federal district courthouse in Atlanta.

Some thirty teams from around the country will compete in New York in January for the national moot court title. Over the past six years, Georgia has reached the semifinals once and the quarterfinals three times in New York.

Another win for the moot court program was the result of the Hulsey-Kimbrell Competition held November 9 in Jacksonville, Florida. The competition, now in its third year, matches teams from the Universities of Georgia and Florida on the day before the Georgia-Florida football game. Georgia was judged to be the winner in the competition, which dealt with libel and defamation issues. Andrew Beal and Frank Hanna were the winning team.

The arguments were heard by Judges Anthony Alaimo and Susan Black of the U.S. District Courts of Southern Georgia and Middle Florida, and Judge Gerald Tjoflat of the U.S. Court of Appeals for the Eleventh Circuit. The competition is named in honor of two Florida trial attorneys who are outstanding graduates of the respective schools: Mark Hulsey, Florida alumnus, and Charles Kimbrell, Georgia alumnus who practices in Miami.

Moot Court and Mock Trial



Beaird and Vorpe

Keeping in mind the Law School's commitment to skills training, the co-curricular program has greatly expanded in the last few years to encompass mock trial competition as an alternative for student participation.

The moot court program continues to maintain a high visibility, and the school's trial teams are moving into the same level of successful activity.

At the National American Bar Association meeting in Chicago in August, a Georgia student was named Best Oralist in the finals of the National Appellate Advocacy Competition co-sponsored by the ABA and the American College of Trial lawyers. Nancy K. Vorpe received the honor, after her team competed in the finals. The team of Vorpe and Buddy Hendrick represented the Georgia Law School, as did the team of Robert Paige and Jim Kelley, who won the southeast regional round of the competition last April.

In the five years in which the regional competition has taken place, teams from Georgia have won four times.

The intramural Mock Trial Competition was held at the Law School in November. Joan B. Cravey and Michael O. Horgan were named winners in the competition, which was judged by Wilbur Owens, Chief Judge for the U.S. District Court, Middle District of Georgia. More than 30 practicing attorneys and law professors helped in the intramural competition by judging the preliminary rounds. A competition for second year students will be held in the spring.

Associate Professor Thomas Eaton is advisor to the Mock Trial Program. Joining him as advisor this year is Professor Ronald Carlson, who came to Georgia as the John Byrd Martin Professor. Carlson is a nationally renowned educator in the evidence and trial practice subject areas. The student team which Carlson coached at Washington University Law School won the national title in the 1983 ABA competition.

The ABC's of Law Alumni Giving

Because of your professional degree and perceived earning power, you are considered to be a prime target in any college funds campaign. This is true of law alumni in major universities throughout the country, not just at The University of Georgia.

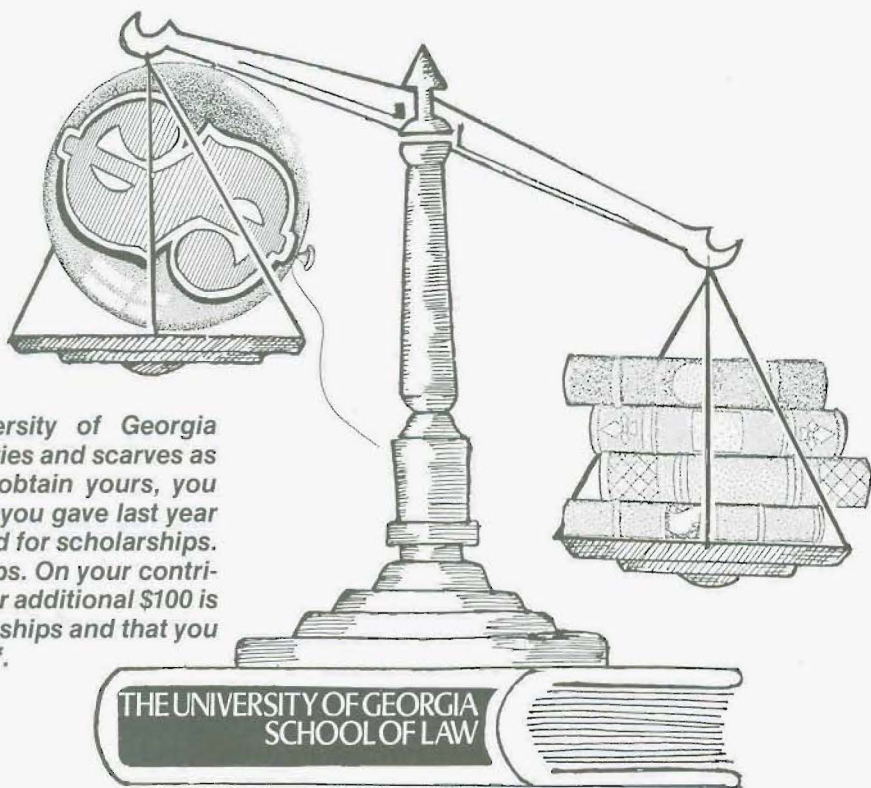
Likewise, most universities consider their law schools to be rich with endowment and not in need of any annual funds development. In fact, many other universities look upon their law schools as cost recuperation centers to syphon money for more expensive instructional units. Medicine and engineering, for example, require huge outlays in equipment and facilities which are not met by tuition income. Fortunately, this "Robbing Peter to pay Paul" practice does not occur at The University of Georgia. There is a perception, however, that the Law School will always have resources through bequests and deferred gifts because of the nature of its graduates' careers. This is not generally the case. The School depends on the annual and capital gifts of its graduates. Thus, the problem:

Annual gifts by law alumni have a way of traveling to other units of a university unless their donors specifically earmark them for the Law School Fund.

This practice is called "unrestricted giving." Last year, 471 of the Georgia Law School's 1111 alumni who were donors made their gifts in the category of "unrestricted." This is in contrast to the 555 who made their gifts directly to the Law School Fund or to other law accounts in which they have an interest (memorial scholarships, law lecture series, moot court, law review). If the 471 had earmarked their gifts, the Law School could have doubled the amount of financial aid it presently has available through the annual giving program.

Even though there was a 22 percent increase in the amount contributed to the Law School Fund in 1983-84 over the previous year, there was a decrease in the number of donors. More startling is the fact that the largest capital gifts in last year's annual fund drive were made by non-alumni.

Many non-graduates are generous and faithful supporters of specific programs in the Law School which they consider to be worthwhile; and yet they were not beneficiaries of a legal education at Georgia. The school's own graduates should do no less. Please earmark!



NEW POLICY: The University of Georgia Foundation has a new set of ties and scarves as donor recognition gifts. To obtain yours, you would give at the same level you gave last year plus \$100 which is designated for scholarships. These can be law scholarships. On your contribution card, indicate that your additional \$100 is for Law School Fund scholarships and that you wish to receive a tie or scarf.



Callaway Gift

Callaway Foundation of LaGrange, Georgia has made a \$25,000 gift to the Law School for its project of renovating the Joseph Henry Lumpkin House.

The Callaway gift was made in honor of Hiram Warner, one of the three original justices of the Supreme Court of Georgia. The west parlor of the house was named for Warner, a native of Meriwether County near LaGrange.

Kirbo Trust Gift

The trustees of the Thomas and Irene Kirbo Charitable Trust have made two grants to the School of Law for the Harmon W. Caldwell Professorship in Constitutional Law. The first grant of \$10,000 was made in 1983, and the second grant of \$50,000 was made in 1984.

The gifts enable the corpus of the endowment to expand and thus make income available to provide a salary supplement for the work of the Caldwell Professor. The post is named in honor of Harmon W. Caldwell, who taught constitutional law on the Georgia faculty before becoming dean in 1932. He served in that capacity until 1935, when he became President of the University and then Chancellor of the University System.

The Kirbo Trust gifts were announced by Charles Kirbo, law class of 1939, who practices in Atlanta, and Bruce W. Kirbo, law class of 1951, who practices in Bainbridge. Charles is a former member of the Law School's Board of Visitors and chairman of the Development Council of the Law School's successful capital funds drive completed in 1980. In practice with Bruce is his son Bruce, Jr., who is also a Georgia law graduate.

Milner S. Ball holds the Caldwell Professorship. The former editor-in-chief of the *Georgia Law Review* and first honor graduate, Ball teaches and writes in the subject area of constitutional law and jurisprudence.

Harris Scholarship Fund

Roy V. Harris died January 15, 1985 at the age of 89. Harris was a legislative leader and dominant figure in the state's public life for many years. He was speaker of the Georgia House of Representatives, and he served three seven-year terms on the Board of Regents. Until his retirement, he practiced with Harris, McCracken and Daniel of Augusta. A recent sale of stock has boosted the endowment of the Roy V. Harris Scholarship Fund at the School of Law. The gift was made by Clay Adamson of Augusta in honor of Harris, a 1919 graduate of the Georgia Law School. Additional contributions to the scholarship fund in memory of Roy Harris may be sent to the School of Law Alumni Programs Office.

Downing Scholarship Fund

A scholarship fund has been established at the Georgia Law School in honor and in memory of Patricia Carter Downing, Class of 1974.

Pat Downing died in an automobile accident caused by deep snow and severe weather conditions last winter near her home in Delanson, New York. January 31, 1985 will be the first anniversary of her death.

She held the position of Public Service Commission Administrative Law Judge for the State of New York, to which she was appointed at the age of 32. She had previously served as an attorney with the Commission for four years.

While in law school, she served as executive editor of the *Georgia Law Review* and was an honor graduate in 1974. She held a federal district court clerkship with Judge Anthony Alaimo, then served as an attorney for indigent legal services in Gainesville, Georgia before moving to upstate New York.

Pat Downing was born in Bloomington, Illinois but she had lived most of her life in Morton, Illinois before coming to Athens with her husband, Leslie L. Downing, professor of psychology. The Downings had a daughter, Emily, who is now seven years old.

Patricia A. Cain, a close friend of Pat Downing's and a co-graduate of the Class of 1974, has made a Presidents Club-level pledge to the University of Georgia Foundation for the purpose of establishing the endowed scholarship. The fund will also consist of memorial gifts made at the time of her death and the contributions of classmates in the Classes of 1973, 1974, and 1975 who will be contacted by a mailing in January.

Patricia Cain is a Magna Cum Laude law graduate who was a member of the National Moot Court team which reached the national finals in 1973. She joined the University of Texas School of Law as its first female professor.

**University of Georgia Law Alumni and Friends
who have Joined The Presidents Club
since May 1, 1984 and who have Earmarked All
or Part of their Gifts for the
School of Law**

Clifford L. Adams, Jr.	Elberton, Georgia
John F. Allgood	Stone Mountain, Ga.
Alvan S. Arnall	Atlanta, Georgia
Patricia A. Cain	Austin, Texas
Harmon W. Caldwell, Jr.	Atlanta, Georgia
James L. Carmichael	Swainsboro, Georgia
Mr. and Mrs. John S. Dalis	Augusta, Georgia
Mr. and Mrs. H. Lane Dennard, Jr.	Greenville, S.C.
Thomas D'Alessio	Atlanta, Georgia
Dr. and Mrs. Karl J. Duff	Canton, Georgia
Michael C. Garrett	Augusta, Georgia
John T. Glover	Atlanta, Georgia
Harry N. Gordon	Athens, Georgia
Mr. and Mrs. Gerald Handley	Atlanta, Georgia
Charles H. Hyatt	Decatur, Georgia
Byron Mathews	Newnan, Georgia
Judge and Mrs. Frank Mills III	Canton, Georgia
Robert C. Norman	Augusta, Georgia
Mr. and Mrs. William L. O'Callaghan	Duluth, Georgia
Mr. and Mrs. Gerald P. Thurmond	Bethesda, Maryland
Mr. and Mrs. C. Wilbur Warner	Atlanta, Georgia
Mr. and Mrs. R. Barry Wood	Athens, Georgia

The Presidents Club

Membership Plans

- \$10,000 or more at one time.
- \$3,333 or more per year over three years.
- \$1,000 or more per year over ten years.
- A matching gift combination, payable over ten years: A personal gift of \$5,000 and a matching corporate gift of \$5,000.
- \$500 or more per year over ten years and a deferred gift of \$15,000.
- Deferred gift of \$25,000 through means of:
 - Permanent Life Insurance
 - Bequest
 - Unitrust Agreement; income reserved to donor or donor and survivor.

*Members in this category are required to make a cash contribution of at least \$200.00 per year, designated for The University of Georgia Foundation (unrestricted).

For more information about The Presidents Club, and for answers on how this giving level can specifically benefit the School of Law, contact J. Ralph Beard, Dean, (404) 542-7140.

Alumni Directory Telephoning to Begin

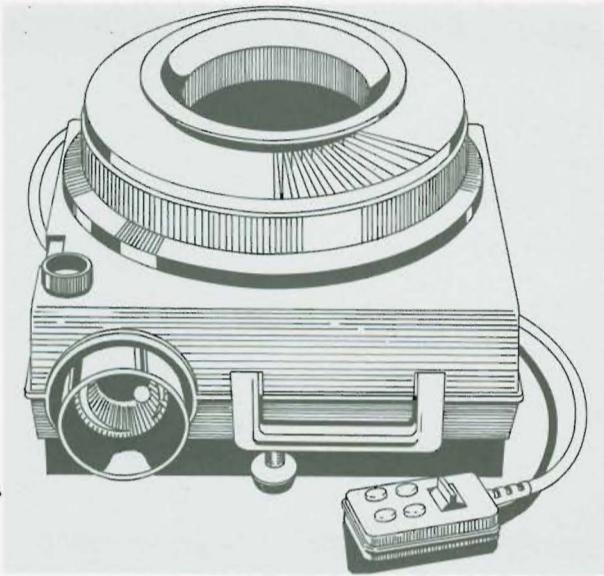
Beginning in February, the Harris Publishing Company of White Plains, New York will conduct telephone follow-ups to alumni for verification of the information to be printed in the directory tentatively slated for release in July. At the same time, the telephone representatives will be inviting alumni to order personal copies of the volume.

The telephone call is a follow-up to the two questionnaire card mailings sent to all alumni with verified addresses. If you have not received your questionnaire, please let the alumni office know immediately.

Since the cost of the directory is self-

liquidating through directory sales, these requests are made on the part of the Harris Company with complete approval. These procedures enable us to make the book available to alumni at no cost or obligation to the Georgia Law School and, as a by-product, the Harris Company provides us with completely updated alumni records.

The directory will provide a complete listing of all living alumni with current addresses including a biographical sketch on each alumnus with name, class year, residence address and phone number, and business or professional information where available.



An audio-visual presentation on the history of the Lumpkin Law School is available for use as a program for alumni meetings and civic clubs.

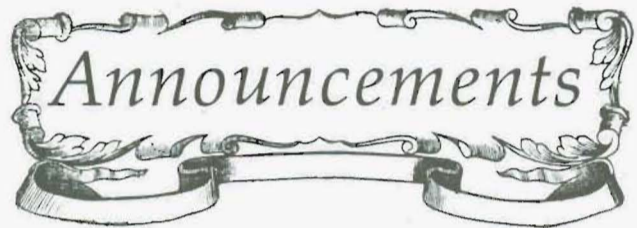
The new presentation is a slide show with narrative and music. It is fourteen minutes in length and it is suitable for showing to non-lawyer audiences as well as to law alumni.

The presentation can be shown to your business or professional group by Gwen Wood, Alumni Programs Director, or by another Law School staff member. Please contact her at 1-404-542-7959 to reserve the equipment.

Dean Ralph Beard has accepted a number of speaking engagements at civic club and circuit bar association luncheons, and he is available for these purposes.

Correction

The story on Associate Professor Sarajane Love in the last issue of the Georgia Advocate incorrectly listed the number of first honor graduates who teach on the law faculty. Omitted was Dr. Verner Chaffin, who was the valedictorian of the Class of 1942. The editor regrets this error.

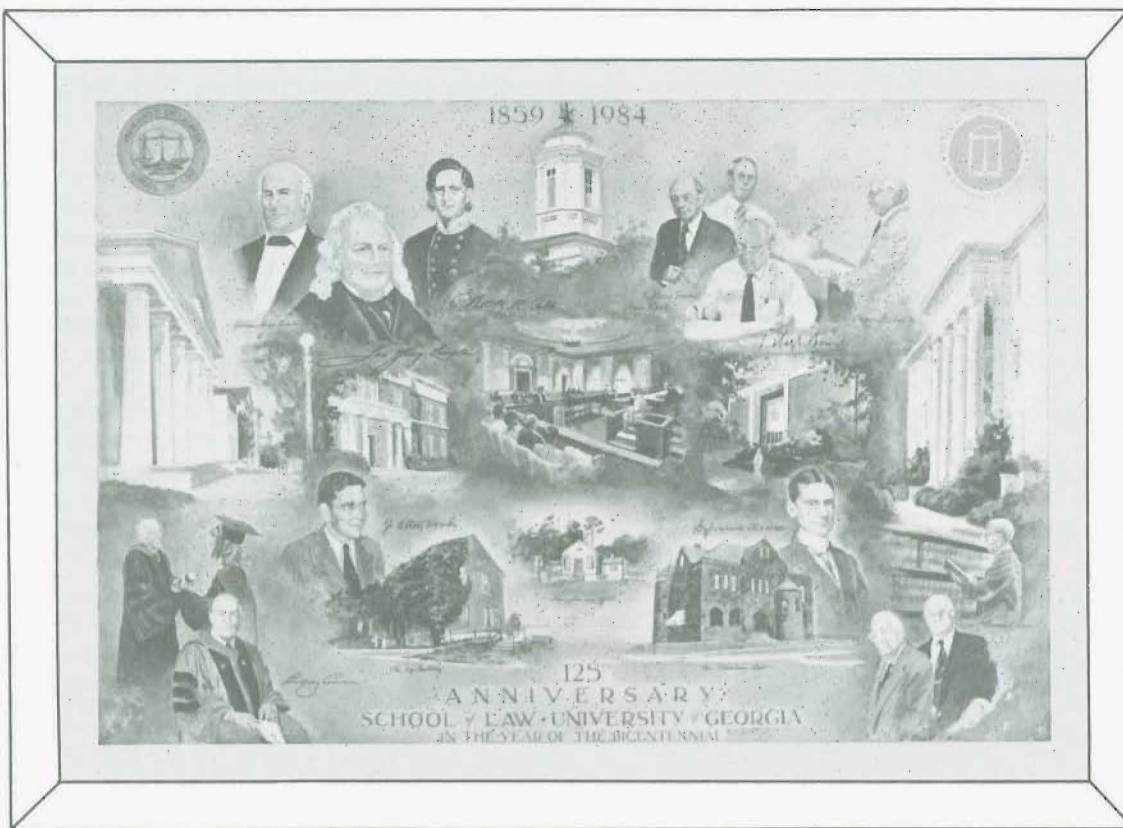


The Law School's Placement Office is available to assist employers seeking to hire lawyers with one to five years experience. The Placement Office publishes a bi-monthly *Alumni Newsletter* which contains job listings for experienced lawyers.

There is no fee charged to employers who wish to advertise their need for an experienced lawyer in the *Newsletter*. Georgia alumni who receive the newsletter are directed to correspond directly with the employer by mailing a letter of interest and a resumé. However, if an employer desires anonymity, the Placement Office can have the alumnus send his or her resumé to the Placement Office and then forward the materials to the employer without revealing the employer's name to the alumnus.

Employers seeking experienced lawyers are encouraged to contact the Placement Office at 542-7541 and avail themselves of this service.

The employment rate for new graduates continues to be cautiously optimistic. Of the 196 seniors who graduated last May, 176, or 90 percent, have reported their employment positions to the Placement Office as of December 6, 1984. Most of the Class of 1984 (63 percent) chose to enter private law practice. Judicial clerkships accounted for another 14 percent of the new positions, and seven percent went into business firms. Others took positions in the military JAG program, in public interest work, in government positions, in teaching, or in graduate work.



Commemorative Painting

1. **University of Georgia "Night Around the World"**
 Founders Banquet, Coliseum
 January 26, 1985. This is the high point, or actual birthday celebration, of the University's Bicentennial. Concurrent banquets or other celebrations will be held in each of the 159 counties in Georgia.
2. **Edith House Lecture**
 March 7, 1985
 Lecturer: Justice Shirley Abrahamson, Supreme Court of Wisconsin.
3. **The John A. Sibley Lecture**
 for the spring semester, March 27, 1985
 Lecturer: Sir Zelman Cowen, Provost of Oriel College, Oxford and former Governor-General of Australia.
4. **Scholar-in-Residence Visit**
 by Professor Louis Loss, Harvard Law School
 subject area: securities regulation
 March 23-27, 1985
5. **Law Day**
 April 20, 1985
6. **UGA Bicentennial Exposition**
 April 27, 1985. This will be a campus-wide open house and fair to demonstrate the instruction, research, and service outreach of The University of Georgia. It will be an enjoyable day for the entire family.
7. **Annual Meeting—Law School Association**
 June 14, 1985, 8:00 a.m.
 Hyatt Hotel - Savannah

A painting to commemorate the Law School's 125th anniversary has been commissioned. The artwork, completed in November, depicts scenes from the Law School building and the UGA campus, sketches of deans and professors who have played major roles in the School's history, and glimpses of student life.

Georgia artist Alan Campbell, known for his murals of coastal views and familiar street scenes in Georgia cities, painted the piece, which will hang in the Law building. It was commissioned by four Athens law firms under the chairmanship of John Noell, Class of 1965. Noell, an Athens trial attorney, initiated the project when he served on the Law School's Bicentennial Advisory Committee.

"I am pleased to see the spirit and heritage of the Georgia Law School come to life in this panorama," Noell said. Other sponsors of the painting, in addition to Noell's firm of Cook, Noell, Tolley, Aldridge and Morris, are Fortson Bentley and Griffin; Blasingame, Burch, Garrard and Bryant; and Winburn, Lewis and Barrow.

The Law School Association will have limited edition lithographs made of the original and they will be for sale to law alumni and others as a fund-raising project for law library acquisitions. Orders for the lithographs are being taken now. The pre-printed price on advance orders is \$50. Purchasers should contact Gwen Wood, Alumni Programs Director, School of Law. Proceeds from the sales will be used for book purchases by the law library.

GEORGIA ADVOCATE
The University of Georgia
School of Law
Athens, Georgia 30602

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