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Volume IX

April 1968

LAW DAY 1968

Law Day 1968 at the University of Missouri - Columbia School of Law will be Saturday, April 27. Approximately 700 alumni and friends are expected. Law Day has become one of the largest annual gatherings of attorneys in the state, and the Law School extends a cordial invitation to its alumni and friends to be present. Special awards will be conferred upon Clarence O. Woolsey, Springfield; Lowell Knipmeyer, Kansas City; John Hendren, Jefferson City; and Judge Paul A. Buzard, Kansas City.

The annual Alumni Dinner will be Friday, April 26, at the Daniel Boone Hotel. The classes of 1918, 1923, 1928, 1933, 1938, 1943, 1948, 1953, 1958, and 1963 will hold reunions. On the same evening the Law School Foundation will sponsor the annual Edna Nelson Dinner for students on the staff of Missouri Law Review and all first year students. Professor F. H. Lawson, former Professor of Comparative Law at Oxford University, the R. B. Price Distinguished Lecturer at UMC this year, will speak at the dinner.

On Saturday morning Phi Alpha Delta will hold a breakfast in the Hawthorn Room of Memorial Union. Later in the morning the Law School Alumni Association will hold its annual meeting. Following this ceremony there will be a meeting of the Law School Foundation. Concluding the morning activities will be the annual initiation and meeting of the Order of the Coif. D. Jeff Lance, St. Louis, will be initiated as an honorary member.

The annual picnic lunch will be held at noon on the lawn west of Tate Hall. In the event of rain it will be held in Brewer Field House.

Final arguments for the second year moot court competition will be held in the courtroom at 2:00 p.m. Phi Delta Phi and Phi Alpha Delta will hold initiations at 5:30. Both initiations will be followed by receptions.

Law Day will close with the annual banquet at 6:30 p.m. in the Memorial Union Ballroom. William T. Gossett, President-elect of the American Bar Association, will be the speaker.

MARGIN FOR EXCELLENCE CAMPAIGN NETS \$115,000 IN GIFTS FOR LAW SCHOOL

The University of Missouri Law School Foundation has just completed the most successful fund raising drive in its history. Initiated by Professor John S. Divilbiss and led by Lowell L. Knipmeyer, the general chairman of the drive, approximately fifteen thousand dollars more than the announced goal of one hundred thousand dollars was pledged. The Law School is grateful to its alumni for this tangible and very important indication of support for its program. Special thanks go to those who did such splendid work during the campaign.

The vice-chairmen for the drive were Gerald B. Rowan, Kansas City; Kenneth Teasdale, St. Louis; and A. D. Sappington, Columbia. City chairmen were Scott Orr, Columbia; John Hendren, Jefferson City; Karl Blanchard, Joplin; Irvin Fane, Kansas City; O. W. Watkins, St. Joseph; Richmond C. Coburn, St. Louis; and Clarence O. Woolsey, Springfield. Zone chairmen were Ike Skelton, Jr., zone one (northwest Missouri); Paul Hess, zone two (northeast Missouri); Lynn M. Ewing, Jr., zone three (southwest Missouri); Weldon W. Moore, zone four (south central Missouri); and James E. Reeves, zone five (southeast Missouri).

The amounts pledged from each city and zone were: Columbia—\$9,760; Jefferson City—\$17,605; Joplin—\$3,510; Kansas City—\$29,601; Springfield—\$10,480; St. Joseph—\$2,150; St. Louis—\$13,525; zone one—\$3,450; zone two—\$6,010; zone three—\$5,551; zone four—\$2,130; zone five—\$4,130; other states—\$6,030.

FROM THE DEAN

The Law School is approaching a Rubicon of sorts. Looking back, we can point with pride to our accomplishments. Looking around us, it is fair to conclude that we have never been stronger. Looking ahead, we face challenges which present great opportunities but which could impair our present strength if we fail to confront them wisely.

First a word about our present strength. The size and quality of the student body has increased steadily. Enrollment for 1967-68 is approximately three hundred and sixty. While it looks as though the implementation of the new draft law will reduce enrollment next year, the only long



term impediment to a steady increase in the size of the student body is the lack of adequate physical facilities. We continue to ask a great deal of our students, and as a consequence, the typical graduate who obtains the J. D. degree is capable, well trained, and highly motivated. The alumni of the Law School are among the outstanding members of the bar and judiciary throughout the state and the nation. Not only do the alumni show by their works what the Law School has accomplished, but their pride in the Law School encourages other promising students to come here. Through the Margin for Excellence campaign, the alumni have recently given vivid evidence of their support. The record of faculty scholarship and service described elsewhere in this issue testifies to the strength of the present faculty. The new additions to the faculty described in this issue of Law School News represent the fruits of a very successful faculty recruiting effort. In sum, we have every reason to be proud of our tradition and our present performance, those who have graduated and those who are working toward graduation.

But we also face imposing challenges. Everyone recognizes that teaching has first claim upon the skill and energies of the faculty. It is also generally agreed, however, that a state university has an obligation to help meet the needs of the state by use of the knowledge and skills at its disposal. We have decided that the time has come for the Law School to increase the already substantial contribution it is making toward meeting these needs. The Law School has knowledge and skills which can be put to use in such fields as continuing legal education, legislative research and drafting, legal aid and public defender programs, and extension services involving legal matters. The demand for legal research on behalf of individuals, foundations, corporations, associations, and the state, local, and federal governments has never been greater. In order to make a contribution in these areas, we will need to obtain new physical facilities and expand our teaching, research, and clerical staff. What is contemplated is not just an improved school of law but a true legal center.

It would be unrealistic not to recognize that such a course of action poses risks as well as opportunities. For example, research and service projects unrelated to teaching, particularly those involving the management of a large staff, can have a demoralizing effect upon what goes on in the classroom. Most of the truly significant contributions to learning have been initiated by individual researchers with interests in particular areas, but when large sums of money are available for research in specified areas, there is a tendency for the scholar to work in these areas rather than those areas in which his true interest and insight lie. Most law teachers know of law schools that have sacrificed quality for frenetic activity, or that have diminished their effectiveness because they tried to do too much. Thus we must be prudent at the same time that we are ambitious. We must continue to remind ourselves that our primary responsibility is to our students. If we can walk the narrow line between complacency on the one hand and activity as an end in itself on the other hand, we should be able to make an important contribution in the areas described above without impairing our ability to discharge our most important responsibility—the training of lawyers.

MISS MASON TO RETIRE

Miss Esther Mason, Secretary to the Dean, will retire in August after twenty-five years of service to the Law School. She obtained her A.B. from the University of Missouri and worked in the Office of the Secretary for the University for thirteen years. She joined the Law School staff during the war when enrollment was less than thirty students. At that time the only other member of the secretarial staff was one part-time law review secretary. Miss Mason has seen the secretarial staff increase to six, the student body grow to three hundred and sixty, and the faculty double in size.

She has been much more than a secretary. She has done everything from registering and counseling students to serving as business manager of Missouri Law Review. Through the years she seemed to know every student and most of their problems. Miss Mason has watched with pride as these students have achieved distinction in public life and in the legal profession. One of these students is now Governor, one is a Congressman, several are judges, and many are among the outstanding lawyers in the state and nation.

Miss Mason's contributions to the Law School cannot be described by a simple listing of her responsibilities and achievements through the years, though these have certainly been substantial. She has given her time and her talents, but she has also given her loyalty and her concern.



Upon her retirement, Miss Mason will take with her the gratitude and affection of the faculty and thousands of former students. She will also take with her the knowledge that she has played an important part in the lives of many people.

FACULTY NOTES

Dean Joe E. Covington is a member of the Committee on Admissions to the Bar of the Association of American Law Schools, and is serving as a representative of the Association on a joint committee with the National Conference of Bar Examiners which is working on a digest of rules for admissions to the bar. He will speak at an August meeting of the National Conference of Bar Examiners in Philadelphia. Each law school accredited by the American Bar Association is visited periodically by a representative of the Section on Legal Education, and Dean Covington was recently designated by the Section on Legal Education to visit the law schools at Drake University and the Universities of Iowa and Nebraska. He is chairman of the Committee on Honorary Degrees for the Columbia campus. He is a member of Scribes and of its committee on Improvement of Law Student English. He is a member of the following committees of the American Bar Association: the Policies and Projects Committee of the Section on General Practice, and the Committee on Equal Protection of the Law and the Committee on Religious Liberty of the Section of Individual Rights and Responsibilities. His Missouri Bar committee assignments include the Legal Education Committee and the Skills & Methods Committee. He is a Fellow of the American Bar Foundation and continues to work actively in the American Judicature Society and the American Law Institute.

Professor Hal M. Bateman published an article entitled "Post-Bankruptcy Transfers: An Old Problem in Need of a New Solution" in the January 1968 issue of *Cornell Law Review*. The article will be reprinted in the July 1968 issue of the *Journal of the National Conference of Referees in Bankruptcy*. He assisted in the preparation of the second edition of *Missouri Creditors' Remedies* and spoke on "Garnishment and Attachment in Missouri" at the Missouri Bar program on creditors remedies held at Macon, Missouri in October 1967. Professor Bateman is a member of Missouri Bar Committees on Commercial Law and Corporation Law & Business Associations.

Professor Frederick Davis will publish an article on "Tort Liability and the Statutes of Limitations" in the Spring 1968 issue of *Missouri Law Review*. He addressed the St. Joseph Bar on recent developments in tort law and spoke to a meeting of the Missouri Association of Claimants' Attorneys on changes in the doctrines of governmental and charitable immunities. His paper on changes in the doctrines of governmental and charitable immunities will appear in a forthcoming issue of the

MACA Bulletin. His Association of American Law Schools committee assignments include the Program Committee and the Committee on Supreme Court Decisions. He continues as a member of the Board of Editors of the *Administrative Law Review*.

Professor Willard L. Eckhardt is currently serving as chairman of the Faculty Council on University Policy for the Columbia campus. He will continue work this summer on a water law research project under a federal grant. He is helping to organize a campus short course for the Missouri Land Title Association to be held in May 1968, and he will lead a panel discussion on Judgment Liens and Tax Liens at this meeting. Professor Eckhardt is a member of the Property Round Table Council of the Association of American Law Schools, the Committee on Title Aspects of Real Estate Transactions, Real Property Law Division, Real Property, Probate and Trust Law Section, of the American Bar Association, and the Executive Council of the Property Committee of the Missouri Bar. He is also serving as Treasurer and Counsel for the Boone County Historical Society.

Professor William F. Fratcher is serving as the first chairman of the newly-established Missouri Bar Committee on Military Law. He has continued to serve as a member of the Missouri Bar Probate and Trusts Committee and of American Bar Association committees on Military Justice, Revision of Probate Code and Current Literature Relating to Real Property. This year he has also served on Association of American Law Schools committees on Libraries, Cooperation with the American Association of Law Libraries, Index to Legal Periodicals and Legal History Round Table, and as Vice President for Army of Missouri Chapter No. 6, Reserve Officers Association of the United States. His article, "Powers of Appointment to Unspecified Charities," was published in the fall issue of *Missouri Law Review*. His work as General Reporter on Trust Law for the *International Encyclopedia of Comparative Law* included attendance at a conference in Houston, Texas. Professor Fratcher's work in connection with the Uniform Probate Code is described elsewhere in this issue of the Law School News.

Professor Edward H. Hunvald is the project director for a study of the effects of Missouri's implied consent law on drunk driving, a project sponsored by the American Bar Foundation. He published a note on Missouri's habitual criminal statute in the *McGill Law Review*. He spoke at Girl's State last summer. Professor Hunvald assisted in the representation of a substantial number of indigents seeking various types of relief in the state and federal courts. His Missouri Bar activities include service on the Executive Committee of the Criminal Law Committee and the special committee to revise the Missouri Code of Criminal Procedure.

Professor Joan M. Krauskopf published a two part article on "Products Liability" in the Fall 1967 and

Winter 1968 issues of *Missouri Law Review*. She reviewed "Law and Psychology in Conflict" in the Winter 1967 issue of *Missouri Law Review*.

Professor T. E. Lauer is the co-editor with four professors from other law schools of a new casebook: *Modern Commercial Code Cases and Materials*. His paper on "Liability of the Company Director" will be published in the "Proceedings of 71st Annual Convention, National Association of Mutual Insurance Companies." He was a member of the faculty of the Midwestern School for Mutual Insurance Company Personnel held at the University of Illinois in June 1967. He maintained an active speaking schedule before both bar and lay groups. He will continue work this summer on a study of Missouri water law under a federal grant. He was appointed by the Missouri Supreme Court and the Circuit Court of Boone County to represent indigent criminal defendants. Professor Lauer is a member of the Trade Association Committee, Section of Antitrust Law, American Bar Association. His Missouri Bar committee assignments include the Legal Research Committee, the Antitrust Law Committee, and the Commercial Law Committee. He is also serving on the Legal Aid Committee of the Boone County Bar.

Professor Henry T. Lowe is currently serving as chairman of the Student Conduct Committee for the Columbia campus and as vice-chairman of the Taxation Committee of the Missouri Bar. He spoke to the Boone County Bar on retirement plans for self-employed persons and to the Estate Planning Council for Greene County on avoiding probate. He will appear on a panel at an estate planning seminar to be held in Columbia in April 1968. In May he will speak at seminars on the federal estate tax sponsored by the Missouri Bar in St. Louis and Kansas City.

Professor William P. Murphy returned to the Law School in September after a year in Washington, D.C. as special assistant to a member of the National Labor Relations Board. In November he delivered a paper entitled "The National Labor Relations Board—An Appraisal" at the Fourteenth Annual Institute on Labor Law sponsored by the Southwestern Legal Foundation in Dallas, Texas. This paper was published in the March 1968 issue of the *Minnesota Law Review* and will appear in a bound volume of the proceedings of the Institute to be published by Matthew Bender & Co. In December 1967, Professor Murphy was selected as chairman of the Labor Law Group, which is composed of professors of labor law at twenty-four law schools throughout the country. The Labor Law Group has published three volumes in the field of labor law, one of which is a standard casebook now in its 3rd edition and in use at forty-two American law schools. Professor Murphy's duties will be to plan and coordinate the activities of the group. Upon returning to Columbia, he resumed his labor arbitration activities in the Midwest area. He is a member of the Missouri Commission on

Human Rights. Professor Murphy's book, *The Triumph of Nationalism*, is described elsewhere in this issue of the Law School News.

Professor William H. Pittman was named as one of the thirty outstanding faculty members on the Columbia campus by *The Savitar*.

Professor Elwood L. Thomas published an article on "Rehabilitating the Impeached Witness with Consistent Statements" in the Fall 1967 issue of *Missouri Law Review*. He spoke at the Conference of Missouri Association of Farm Mutual Insurance Companies and at an Income Tax Workshop for Iowa lawyers held at Webster City, Iowa. He attended the Advocacy Institute held at the University of Michigan.

Professor James E. Westbrook published an article entitled "Municipal Home Rule: An Evaluation of the Missouri Experience" in the Winter 1968 issue of *Missouri Law Review*. Last summer he served as project director of an internship in local government law. He was appointed to Governor Hearn's Advisory Council on Local Government. As a member of the Council's Subcommittee on Constitutional Charter Cities, Professor Westbrook prepared a subcommittee report recommending an amendment to the Missouri Constitution. During the past few months, he addressed pre-law students at seven colleges and universities throughout the state. In June he will participate in the National Conference on Education in the Professional Responsibilities of the Lawyer to be held at Boulder, Colorado.

PROFESSOR NELSON JOINS FACULTY

Grant S. Nelson joined the Law School faculty as an Assistant Professor of Law in September 1967.

Mr. Nelson received his B.A. in 1960 and his J.D. in 1963 from the University of Minnesota. As an undergraduate he was initiated into Phi Beta Kappa and was awarded a Woodrow Wilson Fellowship. While in law school he was a member of the Board of Editors of the *Minnesota Law Review* and the Order of the Coif.

Professor Nelson has served as an instructor at the law schools of the University of Minnesota and the University of Michigan and as a 1st Lieutenant in the United States Army at Ft. Leonard Wood, Missouri. He practiced law for approximately two years with the Minneapolis law firm of Faegre & Benson, one of Minnesota's leading firms.



NEW FACULTY

Two outstanding new men will join the Law School faculty next fall. We were able to obtain commitments from these men in the face of what was perhaps the stiffest competition in history for top faculty prospects. Robert L. Ross, who obtained his A.B. in 1947 and his LL.B. in 1949 from the University of Missouri, will have the rank of Associate Professor. A member of Order of the Coif, Mr. Ross graduated first in his class. He was also a member of the Editorial Staff of *Missouri Law Review* and was awarded the John D. Lawson Prize. From 1949 until the present he has engaged in the general practice of law in Albany, Missouri.

Gary L. Anderson will join the faculty as an Assistant Professor. He received his S.B. from Iowa State in 1960 and his J.D. from the University of Iowa in 1962. He will receive an LL.M. degree from Harvard in June. First in his class at Iowa, he was elected to Order of the Coif and to the Board of Editors of the *Iowa Law Review*. He practiced law in Creston, Iowa for two years. He was then elected prosecuting attorney and served in this position for a year and a half. Mr. Anderson has been a Teaching Fellow at the Harvard Law School for the past two years.

HONORS AND AWARDS

The following awards were voted by the faculty for the 1966-67 academic year: Judge Shepard Barclay Prize—James Bowles; Law School Foundation Prize—B. D. Simon III; James S. Rollins Scholarship—John L. Oliver; Law Student Association Award—Donald Gonnerman, Kenneth Suelthaus; John D. Lawson Prize—Kenneth Suelthaus; Alexander Martin Prize—John L. Oliver; Estate Planning Awards—Paul Lyon, 1st, and David Rawlings, 2nd; Bernard T. Hurwitz Prize—John L. Oliver; Lawyers Title Award—Juan D. Keller; West Publishing Company Awards—1st year: Donald Gonnerman and Kenneth Suelthaus; 2nd year: John L. Oliver; 3rd year: B. D. Simon III; American Law Book Company Awards—1st year: Larry Schultz; 2nd year: Wallace C. Banta, Jr.; 3rd year: David M. Roberts; Law Week Award—William Zollmann III; Ike Skelton Award—David K. Hardy, Jr.

CURRICULUM CHANGES

A thorough review of the curriculum by the faculty has resulted in several very significant changes. This review was initiated by the faculty curriculum committee and was assisted by a student committee appointed by the president of the Law Student Association. The student committee provided the faculty with specific recommendations for curriculum changes and with the results of a questionnaire eliciting student views on existing courses. On the basis of the student recommendations, its own views, and independent study of curriculum developments

at leading law schools throughout the country, the faculty curriculum committee prepared a series of reports that were considered at ten faculty meetings which began in February and ended in May. The changes that were approved are now being implemented. We are confident that they will make an important contribution to the ability of the Law School to provide our students with the kind of training that will enable them to meet their responsibilities as members of the Bar in a rapidly changing society.

Among the more important changes are those which will enhance the training in legal writing afforded our students. For many years first year students have been required to write appellate briefs as part of the moot court program. Beginning this year, each student had an individual conference with a practicing attorney who made a detailed critique of the student's brief. A second year writing program was also implemented this year. Four required courses were structured so that each student was assigned to one small section of approximately twenty-five students. The instructors for these sections assigned one or more pieces of legal writing and provided each student with a critique of his work. Beginning next year, each third year student will be required to elect at least one seminar in which in-depth research and writing are required. The goal of the writing program is to involve each student in supervised research and writing every year of his law school career.

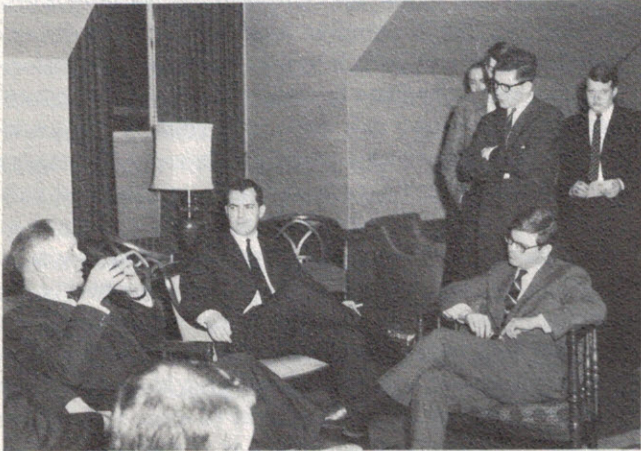
The first year curriculum was changed by deleting Legal History as a required course and offering it as a second and third year elective. In lieu of Legal History, students were required to take a course in Legal Process. Beginning several days before the start of regular classes this fall, the first sessions of Legal Process were designed to serve as an introductory or orientation period for beginning students. The rest of the course provided students with a "critical" introduction to judicial and legislative processes. Among the topics covered were *stare decisis* and the development of new law; the respective functions of courts and legislatures; differences among statutory, common law, and constitutional decisions; and some of the basic concepts in public law and administrative procedure.

Changes in the second year curriculum have enabled students to take more electives during their second year in law school. Remedies was changed from two 2 hour courses to one 3 hour course. Corporations was reduced from four to three hours. Beginning next fall, students enrolled in Legal Accounting will report for classes approximately one week early and will complete one half of the course before the start of regular classes.

In the third year curriculum, Estate Planning was increased from two to three hours. A two hour seminar in Securities Regulation and a three hour course in Business Planning were added to the curriculum. In Business Planning, students consider a series of problems involving common business transactions with emphasis on the close-

ly-held corporation. The hours required for graduation were increased from 84 to 86. An effort is now being made to expand our seminar offerings in order to enrich the curriculum and broaden the base of the third year writing program.

The faculty recognizes that while these changes represent a notable step forward, the task of keeping the curriculum up to date is a never ending one. It has thus committed itself to continuous review and study of the curriculum.



WALTER GELLHORN DELIVERS EARL F. NELSON LECTURE

Walter Gellhorn, Betts Professor of Law at Columbia University, gave the 1968 Earl F. Nelson Lecture on March 8 in the Arts and Science Auditorium. Mrs. Edna Nelson of St. Louis was guest of honor at the lecture. Following the lecture, Professor Gellhorn met with students of the law school at an informal coffee.

Professor Gellhorn described the development of the laws relating to the poor. He pointed out that until recently poverty was regarded as a self-inflicted wound that deserved little attention by society at large. Embracing the view that the government could freely choose whether to grant any benefit at all, the courts concluded uncritically that government could attach any conditions it wished to the grants it chose to make. A major change has now occurred. While the government can still decide to do nothing at all to relieve misery, the courts have begun invalidating conditions which impinge on constitutionally protected rights. For example, tenants in publicly supported housing cannot be required to give up their rights of expression in order to retain their tenancies. Professor Gellhorn also suggested that increasing attention was being devoted to the way our social welfare laws are administered as contrasted with the way they are written. He stated that the administrative judgments involved in executing our social welfare programs are unbelievably numerous and very broad in their consequences. Increased awareness of the importance of these administrative judg-

ments is resulting in a sharper look by the courts at the way officials apply our welfare laws.

A native of St. Louis, Professor Gellhorn received an A.B. degree from Amherst in 1927 and a Bachelor of Laws degree from Columbia University in 1931. He joined the Columbia University Law Faculty in 1931. He was president of the Association of American Law Schools in 1963. He gave the Oliver Wendell Holmes Lecture at Harvard in 1966. He was visiting professor at the University of Manchester, England in 1951 and at Tokyo University in 1958. Professor Gellhorn is one of America's outstanding legal scholars. He is the author of *Ombudsmen and Others*, *When Americans Complain*, *Security, Loyalty and Science*, *Children and Families in the Courts*, *Individual Freedom and Governmental Restraints*, a casebook on Administrative Law, and numerous law review articles.

R. B. PRICE DISTINGUISHED PROFESSOR OF LAW FOR 1968

Professor Frederick H. Lawson, formerly Professor of Comparative Law at Oxford University, will be the R. B. Price Distinguished Professor of Law for 1968. He will speak at the Edna Nelson dinner on April 26.

Professor Lawson is currently serving as Maurice Frankel visiting Professor of Law at the University of Houston College of Law. He has been Secretary General of the International Association of Legal Science since 1964. He took both arts and law degrees at Oxford University with highest honors and proceeded to the Doctorate in Civil Law in 1947. He holds honorary doctorates from the Universities of Glasgow, Frankfurt, Louvain, and Paris. He has the distinction of being a Fellow of the British Academy, which limits its membership to 100 fellows.

Professor Lawson has been a visiting professor at the Universities of California, Michigan, and Pennsylvania. He gave the Thomas M. Cooley Lectures at the University of Michigan Law School in 1953. He has published *Cases in Constitutional Law*, *Negligence in the Civil Law*, *The Rational Strength of English Law*, *A Common Lawyer Looks at the Civil Law*, *An Introduction to the Law of Property*, *Constitutional and Administrative Law*, and various articles on Roman and comparative law.

PROFESSOR MURPHY PUBLISHES BOOK

Professor William P. Murphy is the author of *The Triumph of Nationalism*, recently published by Quadrangle Books, Inc., Chicago. On the basis of his research, Professor Murphy argues that the framers of the Constitution intentionally sought to eradicate the state sovereignty that had prevailed under the Articles of Confederation, that they wrote the Constitution to accomplish this purpose, and that it was understood in the state ratification conventions that the Constitution would have this effect.

Professor Murphy concludes that today's exercises of national power are historically legitimate, a fulfillment of the founders' grand design. Indeed, he believes that the nationalism of the leading framers was "startling" even by modern standards. In this respect his book differs from many historical studies which have portrayed the Founding Fathers as being more state-minded than Professor Murphy finds them.

Although no longer sovereign, the states were intended to continue as autonomous subordinate units for the performance of numerous functions not feasible for national determination. Professor Murphy believes that this historic role of the states is more important today than ever before.

SCHOLARSHIPS

As a result of solicitations by the Law School Foundation, funds for annual scholarships in varying amounts are provided by the following contributors: Allen, Woolsey & Fisher, Springfield; Blanchard & Van Fleet, Joplin; Ewing, Ewing, Ewing, Carter & Wight, Nevada; Hendren & Andrae, Jefferson City; Jayne, Oswald & Cottey, Kirksville; Judge C. A. Leedy, Jr. & William H. Leedy, Kansas City; Mann, Walter, Burkart, Weathers & Schroff, Springfield; Margolin & Kirwan, Kansas City; Shook, Hardy, Ottman, Mitchell & Bacon, Kansas City; Spencer, Fane, Britt & Browne, Kansas City; Strop, Watkins, Roberts & Hale, St. Joseph; and John M. Dalton Educational Trust.

GRADUATING SENIORS

The armed services will again take the largest single group of graduating seniors. While forty percent of this year's class expect to go into the service, most of this group will enter the practice of law in Missouri upon completion of their military obligation. A third of the class will go directly into private practice in Missouri, and five percent will enter private practice in other states. Six percent of the class plan to work for corporations. The state and federal governments will employ four percent. Three seniors will work as law clerks for judges upon graduation, and an equal number will continue their education. At least one member of the class will enter the accounting field. One graduate will work for the University of Missouri Medical Center in the field of forensic medicine.

OUR LAW SCHOOL'S CONTRIBUTIONS TO THE UNIFORM PROBATE CODE

In an article published in the *Journal of the American Judicature Society* in 1940 Professor Thomas E. Atkinson, who taught the course in wills and administration in this law school and was the author of the standard text on wills, suggested that the American Bar Association

Section of Real Property, Probate and Trust Law prepare a model probate code for the guidance of state legislatures. The suggestion was accepted and resulted in the publication in 1946 of the Model Probate Code, which covers intestate succession, wills, administration of decedents' estates and guardianship of the persons and property of minors and mental incompetents. Professor Atkinson was a principal draftsman of this code. Many provisions of the Model Probate Code were included in the Missouri Probate Code of 1955 and in the legislation of a dozen other states.

In 1962 the American Bar Association Section of Real Property, Probate and Trust Law and the National Conference of Commissioners on Uniform State Laws appointed special committees to cooperate in the revision of the Model Probate Code into a Uniform Probate Code with a view to adoption of the complete code by all the states. Professor William F. Fratcher of this law school, a member of the American Bar Association committee, was appointed research director to initiate the project. Working in Tate Hall and at New York University School of Law with several research assistants in the spring and summer of 1963, he prepared a bibliography, studies of particular problems, and a lengthy questionnaire to ascertain the views of judges, lawyers and scholars as to numerous questions involved. A description of this preliminary work was published in the *Pennsylvania Bar Association Quarterly* in 1964. During the fall of 1963 and the winter and spring of 1964 Professor Fratcher studied the English methods of handling the problems covered by the proposed code, working at the University of London as a Ford Foundation Law Faculty Fellow in International Legal Studies. He described the results of his English studies in an article published in the *New York University Law Review* early in 1965 and in a book published this year.

After his return to this country, Professor Fratcher became one of nine reporters charged with drafting the Uniform Probate Code. Working in Tate Hall in the summer of 1965, he prepared the initial draft of the Title of the Code covering guardianship of the persons and property of minors and mental incompetents. This draft reflected suggestions made by Professor Fratcher in an article published in the *Iowa Law Review* in 1960 and republished as part of a symposium in 1968. He described the draft in an article published in the *Michigan Law Review* early in 1966. During the summer of 1966, Professor Fratcher worked on the project at the University of Michigan Law School. While there he prepared the initial draft of the Title of the Code covering intestate succession and the execution, revocation and interpretation of wills. He described this draft in an article published in the *New York University Law Review* late in 1966. During the summer of 1966 Professor Fratcher also collaborated in the preparation of the initial draft of the Title of the Code covering probate of wills and administration of decedents'

estates, which incorporated a number of features suggested by his English studies.

The reporters for the Uniform Probate Code worked together at the University of Colorado School of Law for five weeks in the summer of 1967 and during shorter meetings held in Chicago, Houston and Tempe, Arizona, to perfect the initial drafts. Professor Fratcher described the parts of the Code relating to the international and interstate recognition of wills in an article published in the Michigan Law Review in January, 1968. He explained portions of the drafts to the Committee of the Whole of the National Conference of Commissioners on Uniform State Laws at meetings held in Hollywood-by-the-Sea, Florida, in 1965, Montreal in 1966, and Honolulu in 1967, and will attend the meeting in Philadelphia in 1968 for this purpose. It is anticipated that the completed Uniform Probate Code will be adopted and promulgated by the National Conference in 1969. Before then it is planned to add a title covering trusts that will incorporate the Uniform Trustees' Powers Act, which reflects suggestions made by Professor Fratcher in an article published in the New York University Law Review in June, 1962. The Uniform Trustees' Powers Act was promulgated by the National Conference in 1964 and has been enacted in several states.

MEMORIALS

Winfield Scott Essex, '82; Fort Worth, Texas
Frank A. Davis, '99; St. Joseph, Missouri
Mrs. Hattie Greensfelder (Ebert), '05; St. Louis, Missouri
Eben L. Taylor, '07; Tulsa, Oklahoma
J. G. Clift, '08; Duncan, Oklahoma
W. Virgil Smith, '09; Seattle, Washington
Lewis Jack Somers, '10; Meriden, Connecticut
Louis V. Stigall, '10; St. Joseph, Missouri
Warren Vaughn Tompson, '10
W. H. "Bud" Saunders, '11; Galesburg, Illinois
Rollin E. Talbert, '11; Teaneck, New Jersey
John C. Atterbury, '13; St. Louis, Missouri
Ralph H. Missman, '14; Evansville, Indiana
Joseph P. Davies, '22; Ponca City, Oklahoma
Claude E. Curtis, '24; Lebanon, Missouri
J. Carrol Combs, '31; Lamar, Missouri
Charles E. Murrell, Jr., '33; Kirksville, Missouri
John Daniel Irvine, '37; Vandalia, Missouri
John Stanley Divilbiss, '49; Columbia, Missouri
Glenn A. McCleary, '65 (Dean Emeritus); Columbia, Missouri

GLENN AVANN McCLEARY

Dean Emeritus Glenn A. McCleary died October 15, 1967. Dean McCleary earned his A.B. at Ohio Wesleyan University in 1917 and his J.D. at the University of Michigan Law School in 1924. He pursued graduate studies at Northwestern University, the University of Chicago and Harvard, where he received the S.J.D. degree in 1936. He practiced law with a Toledo firm and taught at the College of Wooster, the University of Chicago and the University of North Dakota before joining the Missouri Faculty as an associate professor of law in 1929. He was promoted to professor in 1931 and served as Dean of the Faculty of the School of Law from 1939 to 1958.

Dean McCleary prepared the Missouri Annotations to the American Law Institute Restatement of the Law of Torts and contributed more than forty leading articles to law reviews. He filled the roles of legal writer, law school administrator, and teacher with distinction and dedication. None of the many students who took his difficult but rewarding course in torts will ever forget the meticulous care with which trial examinations and negligence analyses were read and corrected. Those who were close to him know that he never spared himself when effort might help a confused student to learn and understand. The bench, bar, and people of Missouri owe a great deal to Glenn Avann McCleary.

JOHN S. DIVILBISS

Professor John S. Divilbiss died October 19, 1967, at age forty-four. Professor Divilbiss earned his law degree at the School of Law of the University of Missouri. He served in the United States Air Force during the Second World War as a transport pilot in the China-Burma-India theater. Professor Divilbiss practiced law for eleven years, first as a general practitioner and later as a member of the legal staff of Southwestern Bell Telephone Company and American Telephone and Telegraph Company. He joined the Missouri Faculty in 1960 and was promoted to professor in 1965.

Professor Divilbiss wrote a number of law review articles and served as Reporter of the Missouri Supreme Court Committee on Jury Instructions, which produced the Missouri Approved Jury Instructions. He was a superb classroom teacher.

Shortly before his death, Professor Divilbiss conceived and was a guiding spirit in the School's Margin for Excellence campaign. He did not live to know that the drive achieved substantially more than its goal. In part, at least, this was one tangible way in which the alumni expressed their deep appreciation for all that he had given to his School and to his profession.