Healy denies tenure after getting report

By Robert Schwanenberg

Prof. Jerome Shuman, the first black Law Center professor to be considered for tenure, has been denied tenure by University President Timothy S. Healy, S.J. The decision was announced in a single- sentence memo released June 30.

What remains unknown is if a process shrouded in secrecy, is the final recommendation of the University Rank and Tenure Committee (URTDC). The URTDC had twice recommended that Shuman be granted tenure, but Healy had sent the recommendation back to the committee for further consideration. The Law Center student tenure committee had voted six-to-three to recommend Shuman for tenure, but the Law Center Faculty Affairs Committee and the full GULC tenured faculty both recommended that tenure be denied.

Neither Healy nor any members of the URTDC would reveal the URTDC recommendation of otherwise discuss the case. However, Charles Meng, assistant to the

Reversing his earlier decision, University President Timothy S. Healy, S.J., has granted tenure to Law Center Prof. Larry Ritchie. Father Healy made his decision to grant tenure at the second of two meetings with members of the Law Center faculty, which had formally asked him to reconsider his initial decision that Ritchie should be denied tenure for "insufficient evidence of scholarship."

Law Center Dean David J. McCarthy Jr. and Profs. William W. Greenhalgh and John G. Murphy Jr. met with Healy on the morning of June 27. Greenhalgh said the delegation for about an hour "did our best to persuade him (Healy) to change his mind." After Greenhalgh and Murphy left, McCarthy spoke priously with Healy for another 15 minutes. When he came out, he announced that Healy had decided to grant Ritchie tenure.

Healy, who received word of the decision the same day from McCarthy, said he was "a little surprised" by Healy's final decision. "I didn't expect him to change his mind," he said.

Healy declined to give any reason for his final decision or otherwise discuss the Ritchie case. Greenhalgh said he had stressed Ritchie's importance to the clinical program at GULC and the delegation had tried "several pitches," but he said he had "no specific knowledge" as to why Healy changed his mind.

The final favorable decision came after an intensive campaign in support of tenure for Ritchie by the Law Center tenured faculty, which had recommended that Ritchie be tenured. At a special meeting on June 14, the tenured faculty had unanimously asked Healy to reconsider his decision to deny Ritchie tenure, and on June 22, 24 tenured law professors met with Healy. "The faculty felt this whole issue very intensely," said Prof. Donald E. Schwartz, chairman of the Law Center faculty tenure committee.

Murphy, however, said that much of the initial faculty reaction may have been due to a "misunderstanding." He said it was "not the case at all that an "unwarrantable

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Bernie Burrus dies at 44

By Lori Mayer

Professor Bern¬e Ray Bur¬rus died on July 14 at Suburban Hospital after a brief illness. He was 44.

Prof. Bur¬rus had been a member of the GULC faculty since 1963. His principal areas of interest were Administrative Law and Antitrust. Bur¬rus was on leave during this past semester, but taught Administrative Law and Antitrust in the fall of 1976. He was scheduled to teach two sections of Administrative Law and a seminar in Regulated Industries this fall.

While at the Law Center, Bur¬rus worked to promote the interests of minority students. He served on the Curriculum and Student Affairs Subcommittee on Minority Students this fall.

family has requested that individuals make donations in his memory to the scholarship fund for minority students at the Law Center rather than sending flowers.

A native of Missouri, Bur¬rus received his L.L.B. from New York University, where he was Notes Editor of the Law Review in 1966. He received his S.J.D. from the University of Michigan in 1963. Earlier, he received an M.P.A. from Princeton in 1957 and a B.S. from the University of Houston in 1955.

Burrus was a visiting professor at the University of Texas in 1963, at the University of Illi¬nois in 1968, and at...
Healy gains GULC support with Ritchie vote

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decision" to deny Ritchie tenure had been made in "heavy-handed" disregard of the favorable recommendations of every committee which had considered Ritchie for tenure. Murphy said it appeared that Healy "remorselessly pushed" as to Ritchie's qualifications for tenure "was transparent and obvious when in fact it was not." McCarthy had informed Ritchie on June 9 that Healy had decided to deny him tenure.

Murphy also said that Healy "clearly indicated" after the first meeting with the faculty on June 22 that "his mind was open" and said the president "promised any my satisfaction, he's completely reasonable." Other faculty members agreed. "I think Healy gained some respect," said Schwartz. He said Healy "was not hesitant in seeking consultation" but was "subject to any notion that he doesn't have a free hand in making tenure decisions." A resolution sponsored by Schwartz and unanimously passed at the June 14 tenured faculty meeting called by Healy to consult with the Law Center faculty any time he should consider rejecting the law center's tenure with favorable recommendations. Schwartz said he gathered Healy rejects that idea in principle, but "as a practical matter" he has shown interest in the recommendations. Ritchie's tenure application reached the faculty with overwhelming favorable recommendations. At GULC the student tenure committee and the faculty committee had both unanimously recommended Ritchie for tenure, and the tenured faculty recommended tenure 19-9. Nine members of the Law Center faculty also voted to recommend tenure 19-9.

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Students, but not faculty, see race as a factor in Shuman decision

interfere with teaching: "The first response should be to the law students." A Georgetown Law Journal member said "the action against Shuman buttresses the view that Georgetown is essentially an institution which caters to middle upper-class whites and is insensitive to the problems of minority students. Viewed objectively, Shuman's qualifications were equal if not better Ritchie's. By Healey's own evaluation, Ritchie's articles did not meet the established standards, but his comment was not as widely expressed in the student press and correspondence. Absent such deficiencies, there should be a presumption in favor of the student." The Journal member added that "I don't think white students at Georgetown are over-represented among black students or professors. The denial of tenure to a black professor who is qualified, perpetuates the view held and expressed by white students that there are not competent blacks in the legal community capable of being a professor at a national law school. Thus the presence of an all white faculty is norm and acceptable." Prof. Thomas Kretzaenaker, a member of the Faculty Tenure Committee said, "I hope and believe the Shuman decision depends on nothing for the student. The school has standards which can be met and they should be applied to any particular person." He added that he does not believe any member of the faculty cast a ballot across racial lines. "If I would not have been," Kretzaenaker said it was important to attract and maintain a faculty that consistently publishes quality articles. He said to a large extent the credibility of the school rests upon the publishing reputation of the professors.

Dean David J. McCarthy Jr. commented that he has no evidence that the Zaragosa decision will hurt or help minority recruiting efforts. At least he said, it has not affected the commitment of the law school to attract minority students and faculty. He said while recent minority recruitment efforts have not been successful, they may prove beneficial a year or two from now. He cited the inability of prospects to be relieved from government employment for the coming year as the reason.

A common theme running through many of the interviews was the suggestion that the tenure system should undergo a drastic revision. The feeling was that such a closed and subjective process made it difficult for any professor become heavily committed to academic activity--it isothes of the day, student counseling or working in clinical programs--because of the fear of not fulfilling writing requirements and conforming to the "club" model expectations.

McCarty: Shuman decision won't hurt minority hiring

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tiators in Geneva. Fisher is known to have actively supported granting Shuman tenure. Oldham refused to comment on his role.

Shuman's is not the first case Healy has sent back to the URCT for further consideration. Prior to the Shuman decision Healy sent the URCT to reconsider recommendation by a close vote of the denial of tenure to a medical school professor who had received a favorable recommendation by a large majority of the medical school faculty. In Shuman, although a large majority of the Law faculty voted not to recommend tenure for him, the URCT by votes of five-to-four and later of six-to-four recommended tenure for Shuman.

Healy told the Law Weekly he distinguishes between tenure votes of minority bodies like the Law Center's medical school faculties, and votes by the general URCT. "Where the professionals vote by a large majority and the general body votes the other way," he said, "the general body should reconsider." Law Center Dean David J. McCarthy Jr. said the decision will cause some disappointment among minority students at the Law Center but will have "absolutely no impact" on GULC's efforts to recruit minority professors. He denied that Provost Isaac Hunt, a black professor from Catholic University who had been scheduled to teach Corporation here next year, had decided not to come of the the decision. McCarthy said Hunt had decided to join a D.C. law firm instead.

McCarty said the Faculty Recruitment Committee "spent a lot of time in the affirmative action area and the corporate area without too much success," but that some potential professors expressed interest in joining the faculty a year from now.

Prof. Donald Schwartz, chairman of the Law Center committee which had voted to deny Shuman tenure, said the entire process was "personally very painful because Jerry's been such a decent guy." He said Shuman had "shown an awful lot of character." He praised Shuman for his "sense of obligation to his students" and for continuing to teach the end of the year. The professor's desire for tenure was the reason for the vote by the faculty resigning in mid-year after being informed of the negative decision.

Shuman joined the Law Center faculty in 1969 after being a member of the Howard Law School faculty for five years. He took a leave of absence from Georgetown from 1971-4 to direct the Office of Equal Opportunity at the U.S. Dept. of Agriculture. While there he had responsibility for establishment and development of the office, and development of Administration programs in the area of anti-discrimination.

Shuman has taught a number of different courses at the Law Center, including Antitrust, Corporations, Regulation, and Business Planning and Regulation.

While at Howard Shuman published several articles on trade regulation, franchising, and black capitalism. He also served as director of a research project on the economic status of black lawyers in America. After Shuman came to Georgetown he published "Lawyer's Study" in 16 Howard Law Journal in 1971.
Ending contradictions

Father Healy’s decision not to offer tenure to Prof. Jerome Shuman has illuminated contradictions at the Law Center. On the one hand, Georgetown has the reputation of a law school firmly committed to affirmative action and other minority programs—so strongly committed, in fact, that in the Flannigan case the Law Center was found to have discriminated against non-minority students in granting financial aid.

On the other hand, however, the Law Center currently has no tenured and only two non-tenured minority professors. Although race probably played no part in the denial of tenure to Prof. Shuman, there is a taint hanging over the Law Center. Enough of this taint is carried by the minds of some of the students, that this taint exists at all is cause for concern.

The Law Center minority hiring performance is not exemplary. One potential new minority professor refused a professorship here following the law faculty’s failure to recommend tenure for Prof. Shuman. Another minority professor, Isaac Hunt, signed a teaching contract with GULC but brached to join a downtown law firm instead. Because Hunt’s breach occurred after the University Rank Committee had recommended tenure for Prof. Shuman, the fact that the downtown firm offered him $10,000 more than what he would make teaching was probably the decisive factor in Hunt’s decision not to teach here. (The inability of the Law Center to match the salaries offered by downtown firms is a major problem in attracting any professor to teach here.)

Whatever the reason for the lack of minority professors at the Law Center, it is necessary that the Law Center reaffirm its commitment to the future by actively and affirmatively seeking out minority professors. As the Black American Law Students Association has pointed out, the hiring of minority professors should be based on the same standards employed in the recruiting of non-minority staff. Thus, the Law Center should be looking only for the best qualified lawyers to which to offer teaching positions. As stated in an editorial in the previous Law Weekly:

Father Healy and Dean McCarthy must make it abundantly clear that the Law Center is sensitive to the needs of minority students, that it will continue programs such as the tutorial program, which Prof. Shuman was instrumental in initiating, and, most important, that it aggressively recruit minority teachers for the Law Center faculty.

S. S. Minority Hiring?

BALSA sees inconsistencies

By Reginald Turner
and Larry Frazier
BALSA Coordinators

The Black American Law Students Association of Georgetown has reached a final decision on President Healy’s tenure denial for Prof. Jerome Shuman. Now that the final decision has been carried out, the law school faculty must feel that their “will has been done.” The “unusual” process leading to the decision made the appeal procedure less expedient than the dean’s. The appeal department in particular, the manner in which this involuntary departure came about leaves an open wound in the plight of minorities at the Law Center.

We feel that the approach and attitude of the administration and faculty is probably indicative of the things to come in the case of minority students. Instead of looking for the positive aspects in making their decisions involving minorities, they locate and accentuate the negative factors. It appears that minorities still have the burden of proof to “overcome” the negative assumptions of the majority. As a result of integration, affirmative action, and the civil rights movements, most minorities have “overcome” the assumptions of being inferior; yet, for some reason the majority race still subscribes to the notion of being superior to the other race, and this notion will allow such a notion to nurture in today’s society under the guise of progress.

Many professors at GULC give the impression that when it comes to minorities, they are only interested in those minorities who can increase the faculty members’ own individual credibility. They seem to only want “super minorities” (the definition of “super” fluctuates with the stock market) who will aid them in striving to attain the prestige of a Harvard or a Yale.

For the fall semester, Associate Prof. Patricia A. King will be the only minority instructor. Associate Prof. Curtis R. Smothers will be on leave for the entire academic year. Ironically, Isaac Hunt, a black man who had been hired as an adjunct professor to teach the same courses Prof. Shuman did, left in the wake of the Shuman tenure decision Hunt, formerly of the Catholic Law School, has decided to join a law firm instead of coming to Georgetown. Hunt is not the first minority professor to turn down GULC’s offer of employment and unless the tenure process and its administrators change their policies he won’t be the last.

President Healy and Dean McCarthy and Fegal have repeatedly “re-announced” their commitment to minority concerns and the promise to all students of a multi-cultural educational experience. With a faculty consisting of zero (0) Hispanic profs.; zero (0) Asian profs.; zero (0) Native Americas and zero (0) of Middle East nationality, Prof. King will be called upon quite frequently to provide enough culture to vary the GULC experience. Furthermore, it is important to note the burden of the potentiality that Prof. King now bears alone will be even more difficult in light of the fact that she will be embroiled in her own fight for tenure this year.

It is a commonly held hypothesis around GULC that the reversal of the Ritchie decision was accomplished because of the effect a denial would have upon the clinical program. The effect of the tenure denial for Prof. Shuman will have a far greater impact upon present minority programs and projects, and a near fatal effect for those planned for the future. It is extremely clear that the “good ole boys” concept made famous in the old south is alive and festering at Georgetown.

Jerome Shuman, a talented instructor and lawyer did not fit the “good ole boy” mold. Though not a good ole boy, Prof. Shuman’s credentials were strong enough for an independent body to recommend him for tenure twice before the committee finally succumbed to reorganization and external pressure which produced the final negative vote.

Can black students expect the same kind of inconsistent procedures to be applied against them when confronted by academic problems? If the “Shuman Treatment” is an indication of our poor policy, then the answer is a resounding yes. Blacks and other minority students must expect and prepare for this “reeducation to minority affairs,” since the majority of us are no better suited racially, financially, or morally for admission as “good ole boys” than was Prof. Jerome Shuman.

BALSA will continue to support and work with Prof. Shuman in any future endeavors that will advance and benefit the academic destiny of minority students at Georgetown.

First Year Students

The Law Weekly Wants You!

Why wait a year to make journal? You can be a hot shot on the Law Weekly before you even attend your first class. We need writers, editors, artists and photographers to help with our special “how bad it really is” orientation issue. Send us a letter, or call any of the editors listed below when you arrive in D.C.

Stephen Ivey
or Kevin Handly - 544-0506
Bob Schwaneberg 546-3487

Contributions policy

The Law Weekly welcomes letters and other contributions from its readers regarding topics of interest to the Law Center community. These should be typewritten double-spaced and the author’s name and phone number should be included. Letters should not exceed 400 words, and other contributions should not exceed 1000 words. The Law Weekly reserves the right to edit letters and other contributions.

Have you visited your psychiatrist lately?
A look at the selection of the Hanafi jury

By Wendell Robinson

Editor's Note: as the Law Weekly goes to press, the jury has begun its deliberations in the trial of the Hanafi Muslims who occupied three buildings in the District this past Spring.

The selection of a jury for the trial of the twelve Hanafi defendants posed a slight problem for the D.C. Superior Court.

The twelve defendants each had an attorney who was convinced that his client could not receive a fair trial in D.C. because of the publicity and notoriety of the case. However, the District of Columbia Code has no removal provisions. The Superior Court chose to have a special jury panel because of the large number of defendants, and the difficulty of finding jurors who had not been exposed to publicity concerning the case.

I was one of 600 or more prospective jurors who were instructed to report to the Pension Building at 8 a.m. Most prospective jurors, fearful of arriving late, arrived at 7:15. Realizing that the judge would not come until around 10 a.m., I arrived at 9 a.m. After checking in, I was led to a room by a usher and was told to sit down.

There were well over 600 people in a large open area of the Pension Building when I was seated. I, like most other prospective jurors, had brought a newspaper to pass the time. Around 10 a.m. and many other prospective jurors began to rest and wonder when the judge would arrive. I went outside to take a walk with the usher immediately told me to sit down and wait for the Honorable Judge Nunzi to arrive.

At 10:20 Judge Nunzi finally showed up. Many of the other prospective jurors complained about arthritis and rheumatism pains caused by their long immobility. It seemed rather ridiculous to require the prospective jurors to remain seated before Judge Nunzi was present. People became angry and questioned the ability of the District Government and the Superior Court to handle this type of case.

Judge Nunzi never apologized for being late. He did apologize for the inconvenience of the facility but also reminded us that it was our duty as citizens to bear the inconvenience for the sake of justice.

Judge Nunzi told us to fill out a form which had been given to each prospective juror. Instead, he read the entire questionnaire aloud and explained each question. The questionnaire contained the following questions:

a. Can you serve on a jury which could result in you being sequestered for 6-12 weeks?

b. I cannot serve on a jury because of the following:

   Fill in your excuse:
   c. I have been exposed to TV and Radio reports on this case and feel I have formed an opinion about the guilt or innocence
   d. I have been exposed to TV and Radio reports on this case and feel that I have not formed an opinion about the guilt or innocence.
   e. Have you or any member of your family been the victim of a kidnapping or assault?

After this questionnaire was completed the court recessed for lunch until 2 p.m. After the recess, those persons who had indicated they had formed an opinion were excused for some unexplained reason. After the first day, only 182 prospective jurors,

Or, 'How I almost spent my summer vacation' by Anna Dow

Even though this spring's writing competitions were successful, journal invitations out by month's end

Fenton also was pleased with the way the library plan worked. Her staff worked for three weeks copying materials for those writing the papers. The documents were placed on blind reserves, with the thesis staff giving out the materials only upon specific request. Library personnel told Fenton that the work load during the week of competition was one of the heaviest ever. However, no complaints were turned in to the Journal office.

The papers were read three times by Journal staff before final decisions were made in each case and Fenton said that he had formed an opinion about the guilt or innocence.

Fenton asked those who participated in the writing competition to pick up their papers during the first week of May and each student was informed of the topics of the Journal. The staff has written comments on the papers.

The Alumni Association has said it will give $300 for the picnic.

On Friday, John Blazer, SBA night division president, will recommend a causer for the picnic to the Board. The Board is required to permit Gordon-Bergen and Mariotti, which supplies food on the main campus, to submit bids.

The Executive Board will also decide on Friday whether it will put a notice about the picnic in the orientation packet. Wendell Robinson, SBA president, said he does not expect this will be done. He said the picnic probably will be publicized through announcements at orientation and posters.

David Grant of the Tax Lawyer was equally pleased. Approximately 160 to 170 people turned in papers to the competition and Grant said that the papers were pretty good.

The Tax Lawyer will try to divide its invitations equally between those based on grades and those based on their writing competition. Grant stated. However, he added, that which papers are picked is contingent on what the Journal likes.

"Basically I'm a realist. If we pick the 20 best papers, then they will go to the front," Grant said.

Grant said that his journal wants to get as many students as possible and the procedure of selecting those who will be invited will be based on that principle.

The cut-off grade point for each first-year section will depend on what the American Criminal Law Review (ACLR) and Law and Police do, Grant said, but he added that the Tax Lawyer will probably invite the top 20 to 25 percent.

Bob Sieidman of ACLR estimated that the top 20 percent of each section will be picked for that journal. But he added that, regardless of the invitation, some spaces will be left open for those who compete in the publication's writing competition this fall.

ACLR and Law and Police will hold a joint writing competition immediately after classes begin in late August. "We want to give people enough time so that they can do it and it doesn't create any clutter to their work," Sieidman said. The questionnaire will be designed to allow students to demonstrate their writing talents rather than their research abilities, Sieidman added.

Vernon Bradford of Law and Police said that his staff would not make any decisions until the grades were ready. The ratio of invitations based on grades to invitations based on the writing competition varies from year to year, he stated, as does the percentage of students selected from each section. The choice is discretionary, he said, and thus no decisions can be made until the grades are received.

SBA plans welcome back party

The Executive Board of the Student Bar Association decided to spend $1,250 on an orientation picnic. The picnic will take place the first weekend after school begins on Healy Lawn on the main campus. It will be free for all Law Center students.

The meeting was held pursuant to permission granted by the entire SBA this spring. The Executive Board was permitted to spend $1,000 at its own discretion.

The Board voted to donate $50 of the SBA money to the Law Center's minority student scholarship fund in the memory of Prof. Berrie Ray Burris, who died on July 14. His family requested that persons make donations to that fund rather than sending flowers.

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