

1988

The Amicus: Vol.1, No.2

Valparaiso University School of Law

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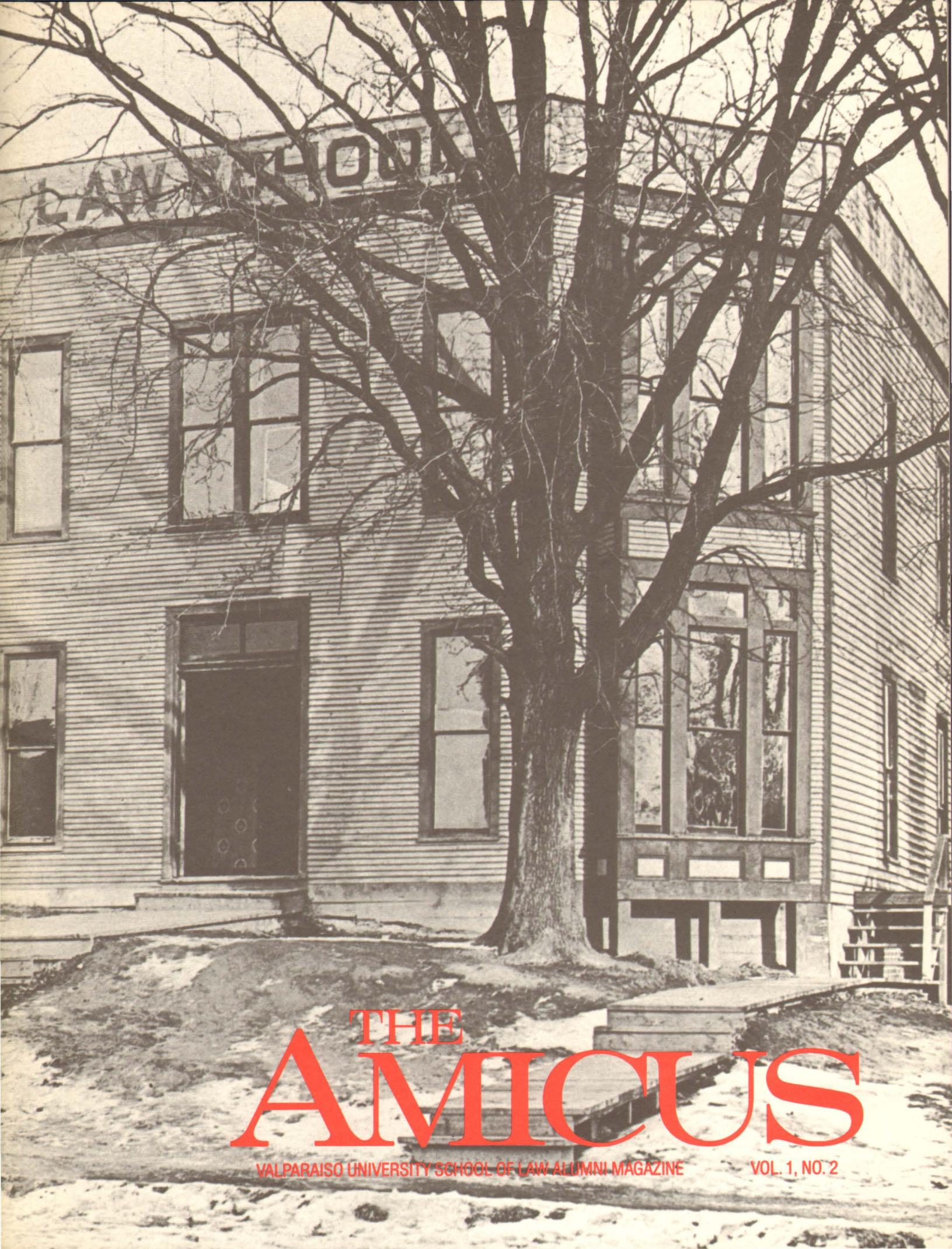


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THE AMICUS

VALPARAISO UNIVERSITY SCHOOL OF LAW ALUMNI MAGAZINE

VOL. 1, NO. 2

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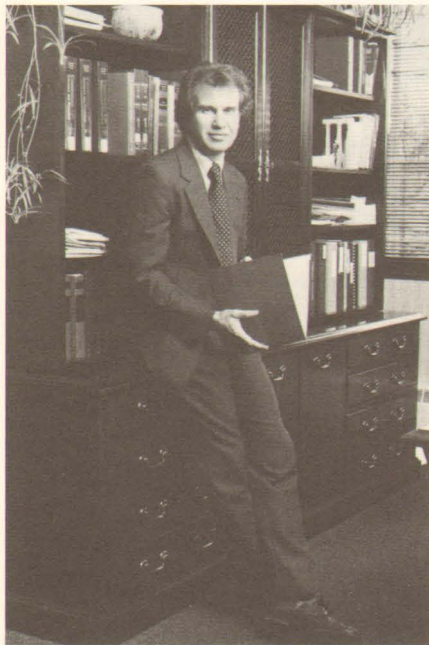


Cover Photo: Original law building, circa 1886. The building was located at 355 Greenwich, three blocks north of the site of the new Wesemann Hall School of Law. Above is a photograph of the class of 1914, sent in by Aldo J. Simpson. Other members of the class included: Mr. R. C. Clark, Mr. A. Colpaert, Mr. J. C. Cornett, Mr. Zalman Dekelbaum, Mr. John J. Flynn, Mr. J. Clark

Glassburn, Mr. E. C. Grossman, Mr. O. Raymond Harth, Mr. E. B. Kirk, Mr. H. D. Lasell, Mr. John B. Maki, Mr. Alexander H. Miller, Mr. Roland Obenchain, Mr. Joseph R. Orrico, Mr. Grover C. Pennell, Mr. L. L. Roberts, Mr. Melville H. Sell, Mr. Aldo J. Simpson, Mr. Joseph Veneziaie, Mr. Walter C. Williams.

LETTER FROM THE DEAN

The role of law schools in preparing students for careers in the legal profession is a topic of constant debate, at least among law professors and law students. Unfortunately, we rarely get the benefit of the views of our graduates.



Ivan E. Bodensteiner

Recently the ABA Section of Legal Education and Admissions to the Bar released its report on "Long-range Planning for Legal Education in the United States." I found it particularly interesting in light of two seemingly inconsistent recent events at the law school:

1. Registration for the 1988 spring semester which reflected a continuing increase in student demand for skills courses; and
2. A discussion at the meeting of the Board of Visitors during which board members (our graduates) seemed to suggest that law schools should leave skills training to law offices and CLE programs.

Disagreement concerning the value and role of skills courses in the law school curriculum is certainly not new. It has existed at least since the beginning of clinical programs in the late sixties.

In a section on objectives, the ABA report identifies three "generally accepted objectives for American legal education." It states:

1. The objective long considered the most important is training in the analytical skills of the profession, sometimes described as training each student "to think like a lawyer." To this end, law schools use the Socratic method, the case method, legal method courses, and an array of appellate opinions. The commonly used moot court contemplates an oral analysis of appellate cases and legal writing to aid students in the analysis of case law and statutes.
 2. A second major objective, training for competence, was, until a few law-student generations ago, little more than a spin-off of case analysis, essentially a byproduct of the case method in the various courses on substantive and procedural law. More recently, competence has been recognized as a far richer concept. In 1979, for example, the Task Force on Lawyer Competency of the American Bar Association Section on Legal Education and Admissions to the Bar commented on the relative unimportance of transmitting specific information about law and legal institutions to the training of competent lawyers. That seeming contradiction derives from two factors: (a) the brief period of law school education lies at the threshold of an immense range of careers; and (b) the information and knowledge pertinent to most areas of practice change at a dizzying pace.
The same report identifies the fundamental skills of lawyer competence to include the ability to:
 - a. analyze legal problems;
 - b. perform legal research;
 - c. collect and sort facts;
 - d. write effectively (both in general and in a variety of specialized lawyer applications, such as pleadings, opinion letters, briefs, contracts or wills, and legislation);
 - e. communicate orally with effectiveness in a variety of settings;
 - f. perform important lawyer tasks, calling on both communications and interpersonal skills:
 - 1) interviewing;
 - 2) counseling;
 - 3) negotiating, and
 - g. organize and manage legal work.
- Of these seven elements of competence training, law schools have traditionally succeeded in teaching only the first two, analysis of legal problems and legal research. But the ability to sort and collect facts does not inevitably result from the study of appellate cases; oral and written communication skills have traditionally been narrowly centered around appellate situations; skills training has only recently come into most law schools and should be further strengthened. Moreover, students are seldom offered training in the organization and management of legal work.
3. A third major objective of legal education, almost ignored until the last decade and a half, requires communication to prospective lawyers of the values and methods of the legal profession and the justice system. It involves training in professional responsibility, not just the specifics of the Code of Professional Responsibility and the Model Rules of Professional Conduct, but as well in the obligations and accountability of a professional dealing with the lives and affairs of clients.
- In a later section of the report, there are several recommendations to the law schools. One of these deals with the law school curriculum and includes the following:
The professional skills training and advocacy programs developed in the last two decades should be maintained, strengthened, and constantly reviewed to insure that they meet newly developing needs of the profession. It is particularly important that "skills" training be fully integrated into the full range of the curriculum in order to insure full student comprehension of its relevance to every aspect of the practice of law.
Law schools are also encouraged to "consider the desirability of adding instruction in the management and economics of law practice."
- I do not want to suggest that the three objectives referred to above are

LETTER FROM THE DEAN

in any way inconsistent. In fact, I believe it is fair to say that most law schools today strive to meet all of these objectives. But, it is no secret that the second objective, training for competence, is the most costly because of the need to substantially limit the student/faculty ratio in courses which emphasize skills. Therefore, there is a constant tension between those who would emphasize the first objective, maybe to the exclusion of the second, and those who believe the second objective is as important as the first. Training in the analytical skills of the profession is obviously very important for all students. However, it may be that the importance of training for competence will vary depending upon the graduating student's first job.

For example, it would seem that training for competence is more important to the student who goes with a small firm or corporate office compared to the student who goes with a large firm or legal department. Large offices have the ability to provide such training while on the job, whereas most small firms expect the new attorneys to "produce" shortly after their admission to practice. It is not unusual for large offices to have in-house skills training through programs such as those offered by the National Institute for Trial Advocacy (NITA). Outside CLE programs are more accessible to new attorneys in larger offices because the office might pay the tuition and the larger office can more easily afford to have the new attorneys out of the office for training. If this is true, then the question arises whether the objectives of law schools should vary depending upon the goals of their students.

While this is not intended as a poll or survey, it would be interesting to know your opinions concerning this issue. One of the most difficult things for a law school to measure is the success or competence of its graduates. Further, it is difficult to obtain an evaluation of the curriculum from graduates who are in a better position to evaluate than current students. If you are so inclined, take a few minutes and send a letter expressing your views on this topic.

Ivan E. Bodensteiner
Dean

V.U. Ranked #1

Valparaiso University received national recognition in the October 26, 1987 issue of *U.S. News and World Report* by being named by the nation's college and university presidents as the best comprehensive institution in the midwestern and western states.

In this third biennial survey of American higher education, Valparaiso was singled out for its innovation in the area of science. The category focuses on colleges which award mostly bachelor's and master's degrees in a mix of professional and liberal arts fields, with a balance in favor of professional programs. One hundred and thirty-seven schools were nominated in the category, and Valparaiso's closest competitors in the category were Santa Clara University and California Polytechnic State University, San Luis Obispo.

The survey was sent to presidents of 1,329 colleges and universities asking them to assess the nation's best and most innovative campuses. Seven hundred and sixty-four presidents — or almost 60% responded to the survey.

ALUMNI RECEPTIONS HELD IN MICHIGAN AND INDIANA

In addition to the special alumni receptions honoring Alumni Association Service award recipients, Ben Vogler and Al Zimmermann, alumni receptions were held in New Buffalo, Michigan, on June 17, 1987; in Indianapolis, Indiana, on October 22, 1987; and in Kalamazoo, Michigan, on November 11, 1987. The southwestern Michigan reception in New Buffalo was organized and hosted by Dominic Farina '42 and Mary and Terry Redamak, both of the Class of '72. The Indianapolis reception was held at the Hyatt Regency during the annual Indiana State Bar Association meeting. The Kalamazoo reception held at the Park Club, was organized and hosted by James Koning '80.

The School of Law wishes especially to thank Dom Farina, Mary and Terry Redamak, and Jim Koning, who underwrote the New Buffalo and Kalamazoo receptions, for their support.



Ann McGuffin, 3L and President of the Women's Law Student Association and the School of Law chapter of the American Trial Lawyers' Association, (center) receiving this year's Indiana Lawyers' Auxiliary Scholarship from Judy Eichhorn (right) and Dean Ivan Bodensteiner.

On September 12, 1987 at the Blair Mansion Inn in Silver Spring, Maryland, the Valparaiso University Alumni Association conferred the Alumni Service Award to Benjamin H. Vogler. Mr. Vogler received the B.A. Degree from Valparaiso in 1951 and the J.D., also from Valparaiso, in 1957. Currently, Mr. Vogler serves the School of Law as the chairman of the Expanded Crusade for Valparaiso University Campaign for the Maryland, Virginia, and Washington, D.C. areas. He is the senior litigation counsel for the U.S. Nuclear Regulatory Commission, Washington, D.C.

Through this award, the Alumni Association honors alumni who have given outstanding service to the University, have participated in and contributed to alumni affairs, and have made a significant contribution to the development of cultural and spiritual life.

We at the School of Law are very grateful to Mr. Vogler for his support of Valparaiso and congratulate him on receipt of this award.



L-R: Bill Seeber, Development Director at V.U.; Jessie Vogler; Ben Vogler; President Robert V. Schnabel

MESSAGE FROM THE PRESIDENT

The Alumni Association faces a new challenge for the current academic year: to focus on and define the purpose of the Association as an integral part of the School of Law. A major goal in the Alumni Association's focus on its purpose is the enhancement of the reputation of the law school. I am already quite encouraged by the renewed interest in this subject that I see in the law school itself and the alumni. The *Amicus* is a clear result of a new marketing approach by the law school and its newly created Institutional Advancement Committee. What better way to tout the law school and its unique contribution to the legal profession than a well written magazine by its faculty, students and alumni.



Mary M. Squyres

In addition, I just attended part of the visitation on campus by the School of Law Board of Visitors. The Board of Visitors is a group of concerned alumni who assist the Dean in his overall evaluation of the law school. Not only did the Board offer invaluable insight to the Dean, but they also demonstrated a renewed dedication to the excellence of the law school and its reputation. Concurrently, the University Alumni Association is focusing its efforts on its function in promoting the University. In light of the activities of these other groups, it would appear that the law school organizations and its Alumni Association at this point should work with these other organizations since we all have the same goal. To this end, we will marshal our efforts for 1987-88.

Any input from the Alumni would be more than welcome. All of us serving the Alumni Association realize that the Alumni are tired of fund-raising requests. Though the law school cannot totally obviate that task, the Alumni Association can focus on other issues: What is the mission of the Alumni Association? Is our emphasis on the students or the alumni? Are we a social club, a fund-raising arm, a recruitment network, a placement office, or all of the above? On what functions should we spend our very limited funds? What is our relationship with the University, the law school, the Board of Visitors? Please feel free to contact me (312-875-7144), the Dean (219-465-7834), or Gail Peshel (219-465-7814) on any thoughts you may have on these issues.

Since the last publication of the *Amicus* in August, 1987, a number of activities have occurred. The Alumni board did vote in a new slate of officers at the October meeting: President—Mary M. Squyres (1982), Chicago, Illinois; Vice President—Donn H. Wray (1980), Indianapolis, Indiana; Secretary—John D. Lee (1977), Chicago, Illinois; and Treasurer—Edwin T. Brown (1951), Merrillville, Indiana. In addition, the Board voted in seven new members to serve three year terms: Jack Lawson (1961), Fort Wayne, Indiana; Judge William Conover (1951), Indianapolis, Indiana; Jerome Ezell (1979), Lowell, Indiana; and Ruth Weber (1962), Appleton, Wisconsin, have been elected to the Board, and Robert Bowen, Rudy Kutansky, and John Lee have been re-elected to the Board.

The Alumni Association hosted a reception on October 22nd in Indianapolis at the Indiana Bar Association meeting. The turnout was overwhelming.

The law school itself has been active through hosting a number of events: continuing legal education programs which attracted over 300 lawyers, a visit by the Indiana Supreme Court for an oral argument, a South African symposium organized by the Christian Legal Society, and the second Monsanto lecture delivered by Professor Robert Rabin of the Stanford Law School.

In closing, I'd like to take this opportunity to thank the Board members for their concern for the ongoing welfare of the law school. I would also like to extend a special thanks to Jonathan Potter (1985) for his invaluable contribution to the law school and the Alumni Association. He and his wife Linda (1987) recently joined the Army Judge Advocate General Corps. The Alumni Association also extends heartfelt thanks to Gail Peshel who keeps us on the straight and narrow path. And last, but not least, I think all the Alumni would join me in thanking Dean Bodensteiner for his admirable leadership of a dedicated administrative staff and outstanding faculty who continue to provide a quality education to future lawyers and Alumni.

I trust all of you and your families enjoyed a peaceful and happy holiday season, and look forward to 1988 with renewed optimism about the future of Valparaiso University School of Law.

Mary M. Squyres
President

REMEMBER TO SUPPORT YOUR ALUMNI ASSOCIATION

Alumni dues help pay the publication costs of your alumni magazine, the *Amicus*, as well as some of the expenses of alumni receptions, placement activities and publications, and the Alumni Directory. Annual dues are \$25. Dues for the classes of 1985-1987 are \$15. Please send your check to the Law Alumni Association today, in care of Gail Peshel, Valparaiso University School of Law, Wesemann Hall, Valparaiso, Indiana 46383.



L-R: Dean Ivan Bodensteiner and James A. Holcomb presenting Indiana State Bar Foundation Scholarships to Mary Jane Rhoades, Law Review Executive Editor of Student Writing and Larry Thrall, Law Review Editor-in-Chief

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Associate Dean and Professor Bruce Berner ('67) spoke on search and seizure to the Indiana Prosecuting Attorney's Council at Clifty Falls State Park, IN in October. In November he delivered a paper entitled "The Bill of Rights: A Misnomer" to a conference on "Liberty and the Law: Contemporary Rights, Prohibitions and Controversies," a conference in celebration of the Bicentennial of the United States Constitution sponsored by Purdue University-Calumet's Department of History and Political Science.

Professor Richard Stith worked on an article entitled "New Constitutional and Penal Theory in Spanish Abortion Law" as part of a recent summer research grant. A reprint of the article from the **American Journal of Comparative Law** is available. It will be translated into Spanish for publication in the **Journal of Public Law** in Spain. Professor Stith also conducted a faculty seminar at the law school regarding this topic in October 1987. Students with special interest in this area were also invited to attend.

Professor Michael Straubel recently published "The Commercial Space Launch Act: The Regulation of Private Space Transportation," 52 **Journal of Air Law and Commerce** 941 (1987). Professor Straubel also coached the Valparaiso University men's and women's cross country teams this fall, and is advisor for the University track and field club.

Richard Mills was promoted to Assistant Law Librarian effective July 1, 1987. He finished his J.D. degree in December.

Professor Ruth C. Vance ('82) attended a conference on negotiation for lawyers in September, 1987, and coached the VU Negotiation Team entered in the ABA/LSD-sponsored Negotiation Competition in November.

Professor Rosalie B. Levinson ('73) lectured on recent developments in Constitutional Law as part of the Indiana Continuing Legal Education annual update program in September 1987. Within the same month, this lecture was delivered in Indianapolis as well as Valparaiso. She recently participated in two panel discussions: one, at the Westchester Public Library in Chesterton, IN, concerned the

separation of Church and State and the other considered the nomination of Judge Robert Bork to the Supreme Court and was sponsored by the Indiana Civil Liberties Union. **Dean Ivan Bodensteiner** was also a speaker at this program.

As speaker at the October, 1986, program sponsored by the National Association of Planetarium Directors, Professor Levinson discussed the constitutionality of Christmas programs at public schools and government-sponsored planetariums. By the time this issue of the *Amicus* reaches you, the two volume treatise on civil rights, which she co-authored with **Dean Bodensteiner** should be available from Callaghan & Co.

Law Librarian Mary G. Persyn gave a speech on teaching legal research to law students at the First Northeast Regional Conference of Law Librarians held in Albany, NY, in October. She was promoted to Associate Professor effective this school year.

Margaret Murphy ('87) served as the Law School Recruiter from August through December 1987. Margaret travelled coast to coast on behalf of the Office of Law Admissions talking to prospective law students and their advisors. During the nine week recruiting season, Margaret participated in prelaw programs at some seventy colleges and universities in twelve states.

Nancy Kohlhoff, Registrar, and husband Dean are grandparents to Heather F. Stephenson, born September 8, 1987. Heather's parents are the Kohlhoff's daughter, Kim, and husband, Fred, of LaGrange Park, IL. Nancy is urging that a place for Heather be reserved in the Class of 2012.

On August 29, 1987, **Professor Robert Blomquist** addressed a workshop on legal strategy at the Midwest Leadership Development Conference held at Tippecanoe River State Park. On October 14, he spoke, by invitation, at the Great Lakes Exposition on Hazardous Waste Reduction and Minimization Technology held at Purdue University's Center for Public Policy and Public Administration in West Lafayette, IN. On October 16 he spoke at a conference held at the School of Law entitled "Hazardous Waste Minimization in America: What Legal Strategies Are Advisable?"

Professor Blomquist's article, "Rethinking the Citizen as Prosecutor Model of Environmental Enforcement Under the Clean Water Act: Some Overlooked Problems of Outcome-Independent Values" will be published in Volume 22 of the **University of Georgia Law Review**. During this academic year, Professor Blomquist is serving as the faculty advisor for the Midwest Environmental Law Caucus (MELC), the Moot Court Team, and the Bankruptcy Extern program.

In September Professor Blomquist was selected as special counsel to the City of Gary to advise the city on hazardous waste cleanup responsibilities and remedies against illegal dumpers of hazardous wastes within the city limits. Along with **Dean Ivan Bodensteiner** he has also been representing two environmental groups in a citizen suit in federal court against the U.S. Army Corps of Engineers and the City of Michigan City, under the Clean Water Act.

Professor Paul H. Brietzke has been invited to serve as a consultant in law and economics for the Institut Teknologi MARA, a law school in Malaysia. The University has granted him a spring semester sabbatical for this purpose. His article "Another Law and Economics" appeared in 9 **Research in Law and Economics** 57 (1986), and his "Dworkin Today" appeared in 21 **Val. U.L. Rev.** 321 (1987). The **Valparaiso University Law Review** has accepted his "Constitutionalization of Antitrust." for publication in 1988, and he writes occasional "The Nation" columns for the University's **Cresset** magazine. He attended the African Studies Association Conference in Denver, to keep up in this field and to attend Editorial Board meetings of the **African Studies Review**. He chaired a symposium sponsored by the ACLU on the nomination of Robert Bork to the Supreme Court, and he delivered a lecture, "Is There an Economic Constitution which Parallels the Political One?," as part of Calumet College's celebration of the Constitution's Bicentennial.

Gail Peshel, Director of Career Services, has been asked to speak on "How to Manage a Growing On Campus Interview Program" at the Midwest Regional meeting of the National Association for Law Placement (NALP) in Detroit in

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January. In February she will be in Seattle, WA, as one of the eight elected representatives nationwide of NALP. As a member of the nominations committee she will help draw up a slate of officers for NALP for 1989.

Mrs. Peshel is working with the placement directors from the University of Chicago, Northwestern, Notre Dame and Indiana University-Bloomington to present a day-long Midwest Public Interest Law Career conference. Organizations throughout the Midwest have been asked to participate as well as forty ABA-accredited law schools. The program will be held at Northwestern University School of Law on February 13. Together with the placement directors from Notre Dame, Indiana University-Bloomington, Indiana University-Indianapolis, Northern Illinois and Southern Illinois, Mrs. Peshel is planning a day-long job fair in Chicago for first-year law students. It will be held on February 6. For the third year she co-ordinated the Job Fair at the national meeting of the American Agricultural Law Association.

Assistant to Dean—Admissions Katharine Wehling ('83) organized and hosted the first annual Admissions Retreat for the School of Law faculty Admissions Committee and admissions staff on September 3, 1987. She recently attended the meeting of the Midwest Alliance for Law School Admissions for which she is a member of the Executive Board. With its thirty-three law school members, the Alliance is devoted to promoting professionalism and the exchange of information among midwest law admissions professionals.

Through her efforts the Alliance was recognized as a not-for-profit organization by the State of Indiana on July 17, 1987.

Assistant Dean Curtis Cichowski ('81) assisted the Valparaiso Teachers' Association Professional Rights and Responsibilities Task Force with the formation of a Copyright Compliance Policy. The Policy was unanimously adopted by the Board of Education of the Valparaiso Community School Corporation. Dean Cichowski has also

been named as Chairman of the newly formed School of Law Institutional Advancement Committee. This committee, which includes members from the faculty, administrative staff and student body, is charged with the overall development, marketing and promotion of the School of Law.

Dean Cichowski represented the School of Law in Indianapolis at the October 16 Admissions Ceremony for members of the bar. He returned to Indianapolis on December 4 to attend a joint meeting of the Indiana State Bar Association Committee on Professionalism and the Committee on Legal Education and Admissions to the Bar with the Indiana Board of Bar Examiners. The topic of the meeting was the Character and Fitness Interview requirement for admission to the Indiana Bar. Librarian **Mary Persyn** also attended the meeting as a member of the ISBA Committee on Legal Education.

Public Services Librarian Tim J. Watts has had several bibliographies published by Vance Bibliographies. His recent titles include: "Toys That Hurt: Public Policy Toward Dangerous Playthings," "Legal Rights of Senior Citizens," "Pastoral and Church Liability for Malpractice," "The Critical Legal Studies Movement: A New Way of Looking at the Law," "Public Policy Toward Domestic and Family Violence," "Privatization of Government Services," "The Pharmaceutical Industry: Regulations and Liabilities," and "The Legal System of the People's Republic of China: Materials in English."

Dean Ivan Bodensteiner spoke to the annual conference of the Indiana Consortium of State/Local Human Rights Agencies on "AIDS in the Workforce—Application of Civil Rights Laws." He also spoke at the 10th Anniversary Conference of the Northwest Indiana Open Housing Center on "The Constitution and Racial Discrimination in Housing." Together with **Professor Richard Stith**, Dean Bodensteiner spoke on the confirmation of Judge Bork at a meeting of the American Association of University Women.

On November 24 the professional librarians on the Law Library staff—**Librarian Mary Persyn, Public**

Services Librarian Tim Watts, Government Documents Librarian Sally Holterhoff, Assistant Law Librarian Richard Mills, and Reference Librarian Naomi Goodman—presented a one-day workshop for non-law librarians in Northwest Indiana on using legal materials. The workshop was presented under the auspices of the Northwest Indiana Area Library Services Agency and was held at the Law School.

SALLY HOLTERHOFF APPOINTED TO DEPOSITORY LIBRARY COUNCIL

by *Mary G. Persyn*

Sarah G. (Sally) Holterhoff, Government Documents Librarian at the School of Law Library, was recently appointed to a three year term on the United States Government Printing Office's Depository Library Council by the Public Printer of the United States, Ralph E. Kennickell, Jr. The Depository Library Council is composed of fifteen librarians from throughout the country who advise the Government Printing Office on the operation of its depository library program. The depository library program places copies of government publications in all types of libraries nationwide without charge. Sally is the first librarian from Indiana to serve on the Depository Library Council.



Sarah G. (Sally) Holterhoff

Mrs. Holterhoff has been the Government Documents Librarian at the Law School since 1981 and holds a B.S. from Ohio State University and

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an M.A.L.S. from the University of Wisconsin-Milwaukee. She is immediate past chair of the Government Documents Special Interest Section of the American Association of Law Libraries and is currently a member of its Executive Board. She recently began serving a two-year term on the Government Documents Subcommittee of the Network Coordinating Committee of the Indiana State Library Advisory Council. She has been elected Vice-Chair/Chair-Elect of the Government Documents Discussion Group of the Indiana Library Association for 1987-88. In addition to taking care of the government documents in the Law Library she is also responsible for the library's microform collection of over one-half million items.

The Law Library has been a selective depository of United States Government publications since 1978 and has recently started a collection of United Nations documents.

AL MEYER APPOINTED TO SEEGERS' CHAIR

by Laurie Bigsby, 3L

Professor Alfred W. Meyer, former dean and professor at the School of Law since 1963, was recently named by University President Robert V. Schnabel to hold the endowed professorial chair established by Edward A. Seegers. Mr. Seegers, a retired attorney and charter member of the Lutheran Bar Association, created Valparaiso University's first fully-endowed chair for the School of Law in memory of his parents, Louis and Anna Seegers. He began building the fund for the endowment in 1954, and Professor Louis Bartelt was named the first Seegers Professor in 1981. Following Professor Bartelt's retirement in 1985, the law faculty nominated Professor Meyer to fill this prestigious position.

Professor Meyer has been a member of the VU School of Law faculty since 1963, and served the Law School as dean from 1969-1977 and as interim dean during the 1982-83 school year. He holds a B.A. and J.D. from Valparaiso and an LL.M. from Harvard Law School. Before returning

to Valpo in 1963, Professor Meyer served three years in the Army Judge Advocate General Corps and taught at the Indiana University School of Law in Bloomington. He has been a visiting professor at the University of South Carolina, Stetson University, and New York Law School. Currently, he is serving as the chair of the University Faculty Advisory Committee to the Board of Trustees in their search for a new president for the University. President Schnabel is retiring at the end of the current school year.



Alfred W. Meyer

Seegers, who is from River Forest, Illinois, recently celebrated his 100th birthday. He is a 1913 graduate of the University of Chicago School of Law. Valparaiso awarded Mr. Seegers its Lumen Christi medal in 1964 in honor of his contributions to the University and his service to the Church and in 1977 he was granted honorary membership by the VU Alumni Association.

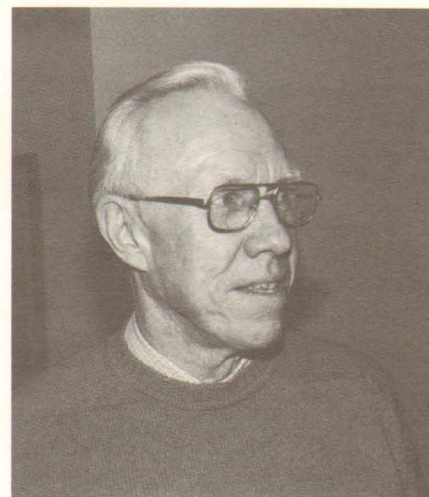
Professor Meyer stated that the Seegers Chair will permit him to indulge in reflective thinking and publishing. He has two specific interests that he wishes to pursue: the study of alternative dispute resolution, and the role of the law school in a religious university. Meyer stated that he was greatly honored by this selection by his fellow faculty members. He holds the Seegers Chair endowment for the remainder of his tenure as a professor at the School of Law.

JACK HILLER SPENDS YEAR IN MALAYSIA

by Kathy Fox, 3L

Professor Jack Hiller spent last year teaching in Malaysia's Institut Teknologi MARA, the oldest law facility in the country. The school is in Shah Alam, which is 14 miles from the capital city of Kuala Lumpur.

While in Malaysia, Hiller taught international trade law in the school's program for an advanced diploma in law. He also taught an ongoing faculty seminar on law and development and gave four public lectures on legal theory and law and development.



Jack Hiller

Hiller received a Fulbright grant to go to Malaysia, where his main role was to serve as a consultant for the school's curriculum reform. He initiated a series of MARA Legal Essays and edited the first volume in the series. This first volume was on white collar crime in Commonwealth countries with an emphasis on India, Singapore and Malaysia.

Hiller assisted in developing the school's "Pre-Diploma in Law" program, which develops reading, writing and studying skills using contextual legal materials. The program had just been begun when he arrived at the school, and he became actively involved in developing the curriculum.

In Malaysia, the students receive their pre-professional training at the secondary level. Then if the student is admitted to MARA's law school in a

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very competitive situation, he spends six months in the Pre-Diploma program.

If the student passes the Pre-Diploma program, he goes on to the Diploma in Law program, which lasts two years. The most successful students in that program may be permitted to go on for a one-year Advanced Diploma in Law training program.

Hiller has also taught at law schools in Tanzania and Kenya. He hopes to return to Malaysia in the future to check up on his projects. He also might visit the Maldiv Islands off the coast of Sri Lanka to study law and development there.

THIRD WORLD LEGAL STUDIES PUBLISHED AT LAW SCHOOL

Third World Legal Studies, the journal of the International Third World Legal Studies Association, is being published at the School of Law. TWLS is an annual publication devoted to a consideration of legal problems in the development of Third World countries. Each issue covers a specific theme relating to the legal problems of the Third World, and its authors are lawyers and legal scholars from around the world with an emphasis on authors from the countries of the Third World. The editorial board of TWLS is also international in scope. Some of the topics that TWLS has covered in its five years of existence include the application of law to rural development; foreign investments in Third World countries; human rights and development; and legal aid in the Third World.

The General Editor of TWLS is M. Lakshman Marasinghe of the Faculty of Law of the University of Windsor, Ontario, Canada. The Editors are Professors Jack A. Hiller and Paul H. Brietzke of the Valpo Law School, and Professor Mary G. Persyn, the VU Law Librarian, is the Managing Editor.

Third World Legal Studies is available either by subscription for \$20.00 a year or by membership in the International Third World Studies Association which is also \$20.00 a year. Contact Mary Persyn of the Law School for more information.

INDIANA SUPREME COURT HEARS ARGUMENTS AT VU

by Kathy Fox, 3L

On October 27, the Indiana Supreme Court heard oral arguments before a packed room at the VU School of Law. The case was a Petition to Transfer from the Indiana Court of Appeals to the Supreme Court the case of *Koppers Co. v. Inland Steel Co.*, 498 N.E.2d 1247 (Ind. Ct. App. 1986).



L-R: Christina Miller, 3L, Justice Richard Givan, and Scott Faurote, 3L and SBA President converse during the reception following Supreme Court arguments.

Inland and Koppers had entered into an agreement for the design, engineering, and construction of 69 coke ovens and a blast furnace to be installed at Inland's Indiana Harbor plant. The agreement included a design-build arrangement which would allow modifications before construction was completed.



Justice Alfred Pivaruk, '51, receiving an honorary membership to the Phi Delta Phi Law Fraternity from Kenneth (Skip) Savage, 3L and President of PDP, and Judy Garner, '87, past PDP President.

The project was completed nearly two years late and cost \$444 million rather than the estimated \$267 million. Inland sued for breach of

contract to hold Koppers liable for most of the cost overruns. Koppers counterclaimed for the rest of its unpaid fee. The jury at the trial level in La Porte Circuit Court found for Inland on its claim and assessed damages at \$73,500,000. The jury also found for Koppers on its counterclaim and awarded \$10,048,000. The court entered judgment for Inland for the net sum of \$63,902,000. Koppers appealed and the Indiana Court of Appeals affirmed the trial court's decision. Koppers then filed a petition to transfer with the Indiana Supreme Court.

Thomas D. Allen of Wildman, Harrold, Allen & Dixon, Chicago, represented Koppers. Stephen C. Neal of Kirkland & Ellis, Chicago, represented Inland Steel.

The Court's visit was hosted by the Phi Delta Phi law fraternity.

Editor's Note: On November 25 the Indiana Supreme Court denied transfer by a 4-1 vote.

LAW SCHOOL ENTERS NEGOTIATION COMPETITION

Valparaiso law students participated in the ABA/LSD sponsored Negotiation Competition for the first time on November 21, 1987. IIT Chicago-Kent Law School hosted the regional competition in which ten schools from Illinois, Indiana, and Minnesota competed.

Valparaiso's team members were second year students Kingsley Regnier and Yvonne Younis. First year students Roger Weitgenant and Tony Makin served as alternates. Team members and alternates practiced negotiation problems during the fall semester under the direction of Professor Ruth C. Vance and student assistant coach Brian M. Stiller.

VU's team placed fourth at the competition, edging out the Indiana schools. DePaul won first place and will go on to compete at the national level in Philadelphia. The team is enthusiastic about the new skills they acquired and is ready to compete again next year.

LAW SCHOOL BRIEFS

SCHOOL OF LAW BOARD OF VISITORS

The School of Law Board of Visitors held its annual meeting at Wesemann Hall on November 13 and 14, 1987. The Board, which is composed of lawyers from outside the academic community, meets annually to discuss the state of the law school with the Dean, students, faculty and staff. Established in 1967, the Board of Visitors acts in an advisory capacity to secure the continued progress of the School of Law.

Members of the Board include:

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Indianapolis, Indiana

DISTINGUISHED VISITORS-IN-RESIDENCE

Professor Kate Stith of Yale Law School and her husband, Judge Jose A. Cabranes of the United States District Court for the District of Connecticut, were the distinguished visitors-in-residence at the Law School, October 26-28, 1987. In addition to delivering public lectures, the visitors spoke in classes and attended various law school functions.

Professor Stith, the Distinguished Scholar in Residence, is an associate professor at Yale specializing in criminal law and political economy. Before joining the faculty at Yale she was an Assistant United States Attorney for the Southern District of New York, Special Assistant to the Assistant Attorney General, Criminal Division of the Department of Justice in Washington, and served as a staff economist, Council of Economic Advisors, Executive Office of the President. She is a *cum laude* graduate of Harvard Law School, and holds a Master's Degree in Public Policy from Harvard's Kennedy School of Government, and a *summa cum laude* degree in economics from Dartmouth College. She is the sister of Professor Richard Stith of the VU Law School.

The Distinguished Jurist in Residence, Judge Cabranes, was appointed United States District Judge for the District of Connecticut in 1979. At the time of his appointment he was serving as the first General Counsel and Director of Government Relations of Yale University. Judge Cabranes holds an A.B. from Columbia College,

a J.D. from Yale and a M.Litt. in Int'l Law from Cambridge. He is the author of **Citizenship and the American Empire** (Yale University Press, 1979) which deals with the legal status of the Puerto Rican people. Judge Cabranes has also been a professor at Rutgers Law School; Special Counsel to the Governor of Puerto Rico and Administrator, Office of the Commonwealth of Puerto Rico; and Consultant to the United States Secretary of State.

JAMES SAVAGE ENDOWED SCHOLARSHIP

The School of Law is pleased to announce that an endowed scholarship has been given to the University in memory of Professor James S. Savage, who taught at the School of Law from 1946 to 1970. Professor Savage, reknowned for a strict Socratic style of teaching, was regarded as a brilliant scholar by both colleagues and students. He received the law degree from Valparaiso University in 1938, and returned to Valparaiso in 1946 to teach courses in Taxation, Corporations, Agency and Partnership Law, and Negotiable Instruments. Professor Savage passed away in 1985, but his legacy will continue at the University through this scholarship. Proceeds from the scholarship fund will be awarded annually to outstanding law students. The 1988 recipients are Brad Soos and John Whitfield. We at the School of Law are very grateful for this generous gift.



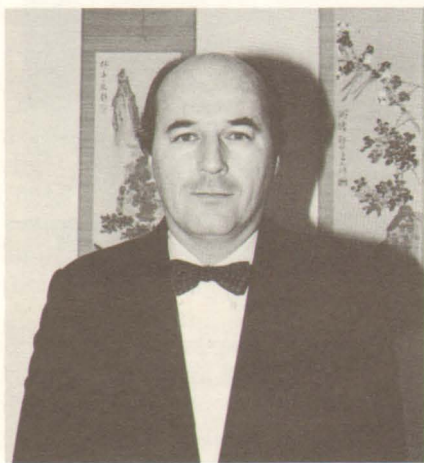
Professor James S. Savage

FACULTY FOCUS

More Than You Ever Wanted To Know About Basis

by John J. Potts*

The Faculty of the School of Law considers that the attainment of full academic rank is a significant achievement in the life of a teacher and scholar. Along with that rank comes certain expectations on the part of one's colleagues and the public. Accordingly, in adopting its rules and standards for promotion and tenure, the Faculty provided that, within one year after attaining the rank of full professor, a member of the Faculty should deliver an Inaugural Lecture on a topic of the professor's choice. This is a practice in many European universities, but it is little known in the United States.



Professor Potts

*On November 5, 1987, Professor John J. Potts delivered his inaugural lecture as a full professor. The lecture was based on his article, "Did Your Law Professor Tell You Basis Means Cost? The Recognition Theory of Basis," which will be published as the lead article in 22 **Valparaiso University Law Review** No. 2. An overview of the article is given here.*

Teachers of United States income taxation law have long taught that basis means cost. This was the core idea of basis although there were recognized exceptions. Depreciation, for instance, would lower basis without changing the historical fact of the purchase price. Professor Potts' position is that basis has never meant cost. Instead, basis is simply a record of the previously recognized income associated with the object whose basis is in question.

The article first explores the history of the initial uses of the word "basis," a word whose use seems so complex that the word has come to be considered a technical term of art. By examination of use of the word "basis," in the Revenue Acts of 1913, 1916 and 1918 and the use in associated legislative history, it is shown that creation of a technical tax term was not intended by Congress. The word "basis" is used in a way that reveals its plain meaning was intended.

None of the uses of the word "basis" in the Revenue Act of 1913 have to do with cost. Nor do they have to do with subtraction. In the Revenue Act of 1916, the word "basis" is used to refer to an amount to be subtracted, but cost is not involved. The use is to allow for subtraction of the value as of March 1, 1913, in the case of sales after passage of the Sixteenth Amendment, or property acquired before passage. A mere transition problem was being addressed.

This 1916 use was continued in the Revenue Act of 1918. There the alternative of subtracting cost in the case of sale of property acquired after passage of the Amendment was made statutory.

In all these instances, the plain meaning was intended. Thus it can be seen that in the 1918 formulation of basis as either March 1, 1913 value or cost, the meaning is that these amounts are simply the base from which income shall be calculated.

Thereafter the article carefully examines the use of basis in a series of standard modern transactions. Through these transactions the article shows that cost as a conceptual reason for subtracting basis fails coherently to explain the subtraction. The article attempts to demonstrate: 1) that "amount previously recognized" accurately calculates the subtraction amount; 2) that this view of basis inherently contains a coherent justification for subtraction; and 3) that amount recognized is the only coherent explanation. In short, the article develops a doctrine of basis justification by recognition alone.

**Professor John Joseph Potts received his B.A. from the University of New Mexico, a J.D. from Boston College, and an M.S. in Accounting from Northeastern University. He is a member of the bar of New Mexico, and before coming to the VU Law School he was in private practice in that state. In addition to his interest in tax law, Professor Potts is active in the Right-to-Life Movement.*

The Challenge of Being an Environmental Lawyer

by Robert F. Blomquist*

Introduction

I speak today of "The Challenge of Being an Environmental Lawyer." And yet the major theme of my talk—and the fundamental idea behind my founding of the Midwest Environmental Law Caucus—can be summed up in four, apparently contradictory, words that describe the meaning of environmental law and policy: the beauty of complexity.

Marshall McLuhan—that influential media guru of my generation—expressed the idea that given the enormous reach of electronic communication technology that tends to "shrink" the world into

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fifteen-second segments on the nightly news, juxtaposed with the interdependency of the problems facing humankind (war, population growth, resource depletion and transboundary pollution) the earth was, in reality, a "global village." McLuhan went on to quip that "in the global village everything is related to everything else." And so it is, most assuredly, in the realm of modern environmental law.

Environmental Law and the Environmental Lawyer

In thinking about the meaning and significance of environmental law I draw first upon deep reading and reflection: (1) from John Muir's musings on the wilderness, to Frederick Jackson Turner's thoughts on the importance of the frontier to the American spirit; (2) from technical scientific reports on acid rain and toxic groundwater plumes, to government studies about ocean dumping; (3) from law review articles on "best practicable" technology standards, the bubble concept of air pollution regulation and the problems of fashioning legal rules in the face of great scientific uncertainty, to books on solar energy, wind power and hazardous waste minimization. But, in coming to grips with environmental law, I also draw upon nine valuable years of experience in litigating cases before the state and federal courts: (1) from representing a rural New Jersey farm family who successfully shut down a pesticide cropdusting operator who carelessly sprayed chemicals on neighborhood children, to defending a nuclear power plant in a class action lawsuit where property owners adjoining Barnegat Bay alleged that their wooden docks and jetties were destroyed by hungry tropical shipworms which, in turn, were attracted to the Bay's waters by the heated discharge coming from the nuclear plant; (2) from representing the Sierra Club and National Wildlife Federation which forced the owners of an Atlantic City casino to build its hotel away from valuable salt water wetlands, to being the lawyer for suburban homeowners suing a town for decreased property values due to escaping methane gases from a closed landfill.

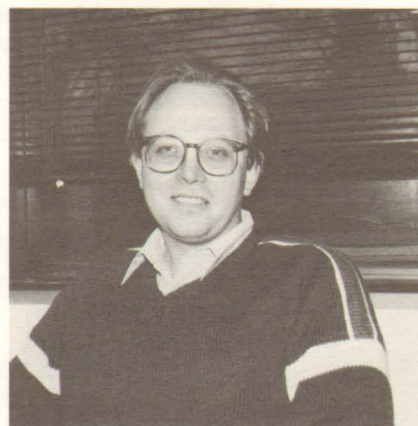
In pondering the meaning of this practical "real world" experience juxtaposed with my scholarly research and reading, I have concluded that five key challenges confront a man or a woman who would be an environmental lawyer. While some of these challenges also face litigators who labor in other complex areas, they are, I contend, uniquely present in environmental lawsuits.

First, every environmental lawsuit is really a "big case." There is no such thing as a small or unimportant environmental lawsuit: the term "small environmental lawsuit" is a classic oxymoron like "fast turtle," "hot ice cream," or "laid back law student."

For example, as I experienced in my days as solicitor for a government planning board, even the apparently run-of-the-mill land use planning case, involving the impact of clearing a mere one-half acre of woodland to

allow construction of a health club, involves a host of sophisticated and troublesome questions:

- (a) What are the water run-off patterns predicted to come from this site during a heavy rainfall?
- (b) What grade of underground storage tank should be used to hold the oil to heat the facility?
- (c) What species of birds and mammals will be disrupted and is an alternative habitat available?
- (d) What was the prior use of the land and what cleanup liability does the current owner face for wastes discarded by prior owners?



Professor Blomquist

A second recurring problem facing the environmental lawyer is understanding and applying mind-boggling concepts and terminology from scientific disciplines. For example, hydrogeology, chemistry, nuclear physics, microbiology, limnology, geography, toxicology, botany, meteorology, pathology, econometrics, engineering, malacology and oceanography are all subjects that I have had occasion to dip into in the course of my environmental cases. But, how is one individual — without having multiple advanced degrees — capable of approaching and understanding these technical disciplines? Indeed, I can attest to the midnight trepidation that can confront a lawyer trying to prepare for cross-examination of one of the nation's leading experts on tropical shipworms — a highly specialized subfield of the rather obscure discipline of malacology (the study of mollusks or, in lay terms, clams).

Third, the environmental lawyer plays a game of high stakes. Borrowing from the analogous paraphrase of Chief Justice John Marshall's comment that we must never forget that it is a *Constitution* we are called to interpret that will have impacts on generations yet unborn, so it is that the environmental lawyer must never forget that it is *life itself* and the future of the planet that she is dealing with. Not whether a dusty old will gives money to Beneficiary A or Beneficiary B, but whether or not a hazardous waste facility will be sited near a fragile source of drinking water for thousands of people; not whether the contract for delivery of widgets provides for liquidated damages, but whether or not a breeding ground for finfish and shellfish in a coastal

FACULTY FOCUS

estuary will continue to yield life as it has for tens of thousands of years, or be plowed up to make way for beach condominiums. A person tends to be awed by the problems of the "greenhouse effect," population explosion, depletion of the ozone layer, nuclear winter, and toxic contamination because they are not just environmental problems; they define the future of our very existence and our way of life.

A fourth challenge of the environmental lawyer is understanding the arcane language and concepts of modern environmental statutes and court decisions. Indeed, Professor William Rodgers when discussing the Clean Water Act and Clean Air Act remarked that these statutes were of "astonishing complexity." According to Chief Justice Rehnquist, the provisions of these environmental statutes "virtually swim before one's eyes." With this complexity has come drafting ambiguities and cumbersome qualifiers. Where else but in the Clean Air Act is it necessary to keep in mind that "no light-duty trucks are light-duty vehicles, and that some light-duty trucks are heavy-duty vehicles, and that some light-duty trucks are heavy-duty vehicles, but others are not?" Or that a "so-called clean air area for a given air pollutant may include an area that for the same pollutant would be classified as a nonattainment area if sufficient data existed?"

The recent 1986 Superfund Amendments and Reauthorization Act ["SARA" for short] is comparable to the Federal Bankruptcy Code or the Tax Code in its cross-references, obscure terminology and dense legislative history. This legislative profundity, in turn, leads to unwieldy judicial decisions (often in excess of 100 pages) that parse, interpret, distinguish, and intuit "congressional intent" — a concept exceeded in obscurity only by the "reasonable person" standard of tort law or the notion of "the sanctity of the contract" in contract law.

Fifth, and finally, an environmental lawyer must often labor for untold years — and sometimes decades — in preparing for and trying a case. There are often hundreds of witnesses to be questioned, scores of engineering reports and environmental impact statements to read, assorted experts to consult with or prepare to cross-examine, not to mention the hours and hours that can be consumed in researching the law and writing motion briefs, trial memoranda and comprehensive pre-trial briefs.

If the environmental lawyer is lucky, a glimmer of glamour comes into his life: arguing before a United States court of appeals, presenting arguments to the United States Supreme Court, or making "new law." But, as Thomas Edison once said about his work, success for an environmental lawyer is "99% perspiration and 1% inspiration." There are hundreds of hours of tedious work in poorly lit county law libraries and smoky conference rooms, for every minute of time standing before an appellate court or a TV camera.

The Beauty of Complexity

These five challenges (multiple issues, difficult scientific concepts, high stakes, tortuous legal principles, and hard, hard work) are constant companions of the modern American environmental lawyer. In a word, these five challenges present the overarching problem of *complexity* — understanding and managing multiple, often conflicting, ideas, interests and parties in a climate of great urgency.

And yet, the ultimate fulfillment of the environmental lawyer is to seek order out of chaos, beauty out of complexity. Like the wonderful, but involved patterns of snowflakes, the intricate designs of frost upon the windowpane, or the swirls and whorls of the rapid flow of a mountain stream, the study and practice of environmental law involves patterns that are infinitely complex but infinitely beautiful. There is no better subject to work at or to marvel about.

**Associate Professor, Valparaiso University School of Law. An earlier version of this article was delivered at the founding meeting of the Midwest Environmental Law Caucus (MELC) given at the law school on February 11, 1987.*

In conjunction with the Annual Indiana State Bar Association Meeting in Indianapolis, the University hosted a reception on October 22, 1987 at the Columbia Club to honor Albert W. Zimmermann. Mr. Zimmermann was awarded the Valparaiso University Alumni Service Award from the Alumni Association. About 50 alumni from the Indianapolis area were present for the ceremony and reception.

Mr. Zimmermann received the B.A. degree in 1955 and the J.D. degree in 1961, both from Valparaiso University. He is a partner in the Indianapolis firm of Collier & Zimmermann, specializing in tax, probate and corporate law. Mr. Zimmermann served two terms on the Law Alumni Association Board of Directors; two years as president. In addition he served as the Law Alumni Association representative to the University Alumni Association's Board of Directors.

We at the School of Law wish to express our sincere congratulations and appreciation to Mr. Zimmermann for his continued support.



L-R: Carla Zimmermann (V.U. '55); Robert Zimmermann (V.U. '83); Lanie Zimmermann (V.U. senior); Al Zimmermann; Dean Ivan Bodensteiner

PERSPECTIVES

Robert Rabin Delivers 2nd Annual Monsanto Lecture

by Kathy Fox, 3L

This annual series is endowed by a generous gift from the Monsanto Fund, the eleemosynary arm of the Monsanto Company. The gift enables Valparaiso University to invite distinguished scholars and professionals critically to reexamine the deep theory of tort as it has evolved in this country and to explore avenues for its reform. This may include comment upon the contingent-fee practice, punitive damages, strict-liability concepts, the use and misuse of expert witnesses, the problem of causation in science and law, the role of insurance, the manner of bearing "process costs," even the jury system itself.

Each year, the manuscript, of which the lecture is a distillation, will be published by Valparaiso University as a monograph and republished as an article in the Valparaiso University Law Review.

Last year's inaugural lecture, "Modern Tort Law and its Reform," was delivered by Professor George L. Priest of the Yale Law School.

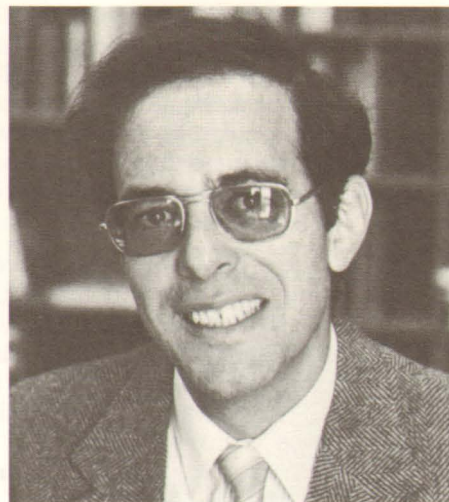
Valparaiso University wishes to give special acknowledgement to two men whose vision and hard work have nurtured this project — alumnus Richard W. Duesenberg, Senior Vice President, General Counsel and Secretary of the Monsanto Company, and John L. Mason, President of the Monsanto Fund.

Born in 1939, Robert L. Rabin earned the B.S. (1960), J.D. (1963) and Ph.D. (1967) degrees from Northwestern University. After four years of law teaching at the University of Wisconsin, he joined the faculty of the Stanford Law School where he is now the A. Calder Mackay Professor of Law. Professor Rabin has authored books on tort law and on the administrative process, as well as numerous articles on these subjects and environmental law. He has held fellowships with the Center for Advanced Study in the Behavioral Sciences, the Centre for Advanced Studies (Oxford University), and the U.S. Environmental Protection Agency. He was the Reporter (chief legal consultant) to the ABA Action Commission to improve the Tort Liability System and authored its report in 1986. Professor Rabin currently serves as Visiting Professor of Law at the Harvard Law School and lives in Massachusetts with his wife and three children.

On November 12, Robert Rabin presented the second annual Monsanto lecture. His topic was "Tort Law in Transition: Tracing the Patterns of Sociolegal Change."

Rabin said the purpose of his talk was not to explore possible reforms of the tort system; instead, he wanted to identify the ways in the tort system that major reforms have occurred in the past 25 years.

Prior to the 1960s, tort law was considered a "torpid backwater subject." Since the '60s, though, tort law has become dynamic and is now "constantly in turmoil."



Robert L. Rabin

In his lecture Rabin focused on "accidental harms," and not willful or intentional injuries. Specifically, he talked about medical malpractice, products liability, mass torts and the duty of due care.

Doctrinal change in tort law has gone hand in hand with changing societal attitudes. Critics of the recent tort reform say a tort crisis is occurring, while proponents say that tort law is finally becoming attuned to the needs of plaintiffs.

Before 1960, medical malpractice was governed by a fault standard, but this was not a very charitable version of the fault standard. Custom was treated as conclusive evidence, and as long as the doctor conformed with the custom of his locality, he was not at fault. Very few cases were brought under this standard (two claims were filed for every 100 doctors at this time).

Since the '60s, medical malpractice law has been revised and has seen the erosion of the "same locality" rule in determining the relevant custom. Now a national standard is used to determine the custom the doctor should conform to. Also, the informed consent doctrine has been expanded, and the jury can make an independent determination of what the doctor should have told the patient.

A more robust negligence principle and an increase in claims, has developed as a result of the tort reform in this area, Rabin said. Now, 16 claims are filed for every 100 doctors.

In the products liability area, the case of *McPherson v. Buick Motor Co.*, 207 N.Y. 382, 111 N.E. 1050 (1916) overturned the privity principle that the manufacturer and the consumer had to be in privity before the consumer could recover damages for his injuries. A negligence principle was fully recognized in this area.

Until the '60s, alternatives to negligence were rebuffed. However, in the '60s the Restatement of Torts, Section 402(a) said that strict liability should be imposed. The idea that activity should bear all of the costs of the injuries it creates had previously been used

PERSPECTIVES

in industry but not in other areas. The enterprise liability doctrine did not develop until the '60s, nor did consumer groups.

The "enterprise liability" doctrine is the new way of looking at products liability. Before the '60s, it never really occurred to claimants that a product was negligently made; an injury was actionable only if negligence happened. Now a standardized version of product liability is up for question, Rabin said.

"Enterprise liability" began to dominate in the '60s. Consumers felt that liability was an ordinary part of production and its costs could be spread over manufacturing. This doctrine does not stop at mere negligence; it has been implemented in a very expansive fashion.

In mass tort cases, the major problem is causation, because the injury might not be revealed until 20 or 30 years later. This makes it difficult to identify who caused the injury, what the actual harm was and what caused the harm.

The *Sindell* solution developed in the case of *Sindell v. Abbott*, 26 Cal. 3d 588, 607 P. 2d 924 163 Cal. Rptr. 132 (1980), is that the plaintiff can join a sufficient number of manufacturers to represent a substantial market share of those who produced the harmful drug. Then, the costs are split among these manufacturers. This solution has really been applied only to fungible goods, Rabin said.

The duty of due care has also seen expansion in recent years. The unreasonable condition of the product must now be accepted as given.

The mystique of the professions has been receding, and the enterprise liability theory now attaches to the professions as well as to manufacturers. The theory now is that costs should be passed on to the users of the accountant or the attorney.

Besides new harms being recognized in the tort system, status relations (that used to keep people like the churches immune) have been eroding in the past 25 years or so, too, Rabin said. This reflects the belated notion that the autonomy of the individual may be misplaced in some circumstances.

Negligence law never had much structure. The field of operations was always highly constrained by the burden of proof, immunities and various other factors. This buttressed the long-standing "corrective justice" model of the law and kept the costs of operating the system within operable means.

Part of the change in tort law is due to changes in technology and social attitudes. One of the consequences of these changes is that it put a tremendous strain on a system which was designed to do justice.

All this is leading to the courts' ability to handle cases being outstripped by the number of claims being filed. This will lead to alternative dispute resolutions,

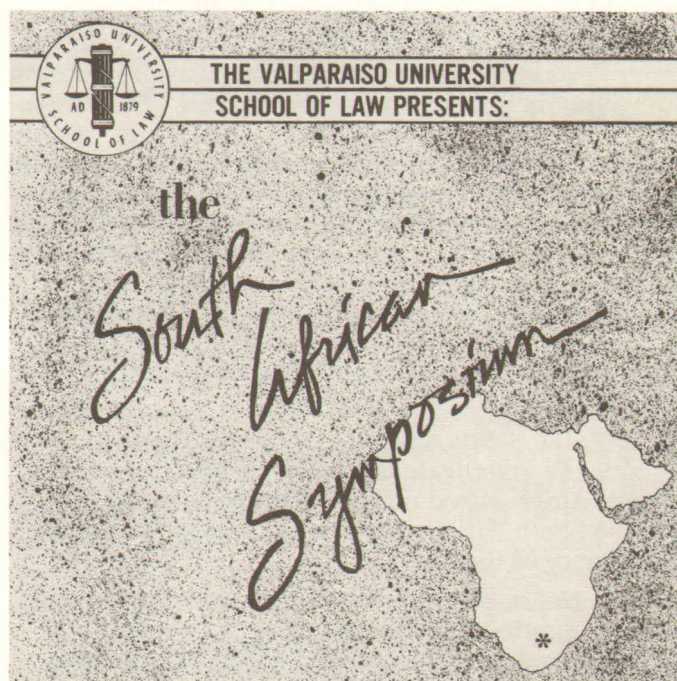
such as the workmen's compensation system which has developed.

A no-fault system is possible for the future. These reforms, Rabin concluded, are likely to be with us for some time to come.

Editor's note: The full text of Prof. Rabin's lecture will be published in the upcoming volume 23 of the Valparaiso University Law Review.

SOUTH AFRICAN SYMPOSIUM: A SYNOPSIS

by Kathy Fox, 3L



In South Africa, blacks are rejected by God and unacceptable to the devil, every inch human but not part of the human race, present yet always absent, said Simon Farisani. He was the keynote speaker at the South Africa Symposium held at the law school October 28-31.

Farisani is exiled Dean of the Evangelical Lutheran Church of South Africa. He was "detained" by the South African government a total of four times, although never formally charged with any crimes. The third time he was detained, beginning in November, 1981, he was horribly tortured. He lived "a constant horror," and the physical torture was incomprehensible. But this made his white captors happy because they felt, mistakenly, that they had finally disciplined him.

To the South African government, the only alternative to apartheid is communism, Farisani said.

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But, when the United States refuses to help blacks fight apartheid, then people like Farisani are forced to accept help from China, and they are, as a result, erroneously dubbed Communists. However, until President Reagan and the United States convince him that they are concerned with the disappearing South African children, Farisani said he will associate with everyone.

In 1954, the South African Congress of Trade Unions (SACTU) was formed. According to Peter Mahlangu, Canadian Coordinator for SACTU, this was the first time that unions were organized on a nonracial basis, a major departure from previous policy.

The union leaders realized their country's problems were not just a result of racial division. The governmental system was exploiting everyone, and the only difference between blacks and whites was the degree to which each was exploited. Mahlangu said union leaders realized they could not keep whites from participating in unions, even if unions dealt with apartheid, because the system affects everyone, regardless of color.

When the National Party came to power, its system destroyed all challenging parties. SACTU, like many other unions, then decided to go underground because many of its leaders had been arrested or killed. In January, 1973, a wave of labor strikes swept the country, which Mahlangu himself participated in. Afterwards, the unions wanted to organize the strikers, but many strikers were uncertain they could trust the unions that had been underground for so long.

In 1977, the South African government created a committee to investigate the problems affecting unions in South Africa. Based on the committee's report of 1979, the South African government legally recognized the existence of the unions.

C.R.D. Halisi, professor at Indiana University, said unions in South Africa are struggling for political democracy and have directly challenged the capitalist management of the state. Black workers have become aware of their power and their present strategy is to develop industrialized and generalized unionization.

The union movement is a magnet for progressive intellectuals. Moreover, the workers have developed a unique sense of what their struggle means, and the political sophistication and autonomy of workers has rapidly increased.

According to Peter Walshe, professor at the University of Notre Dame, the Dutch churches in South Africa are associated with the rise of Afrikaanderdom and contribute to the justification of apartheid on theological grounds.

Historically, Anglicans were the only activists and the only whites to condemn apartheid in South Africa during the first part of the 1900s. By the 1950s, though, the churches began a defiance campaign in South Africa. In the 1960s, when shootings and the banning of the

ANC occurred, a conference of churches was called. The report issued by the conference was only mildly critical of the government.

The Dutch churches were present at this conference and most of them signed the report. However, most signers recanted after the government put pressure on them. In 1968, the Christian Institute and the South African Council of Churches began vocally objecting to apartheid. Justice was required in South Africa, and this required Christians to take an active role in shaping public policy.

In October, 1977, the Christian Institute and other groups were banned from South Africa, and thus forced to go underground. Spin-off effects of this included increased black leadership in the churches and an emergence of daughter churches (like the black church that developed from the Dutch Reformed Church).

In 1979, the South African Council of Churches asked for a new constitution, Walshe said. In 1984, this new constitution was created; however, it was condemned by the opposition churches because it continued apartheid.

Church leaders have developed a renewed Christian faith in justice and in being co-creators of the new kingdom that will develop in South Africa. The churches want to help develop a political culture that will provide a basis for a legitimate government in the future.

Bonganjalo Goba, professor at Chicago Theological Seminary, helped develop *The Kairos Document*, which he said is a theological response to the crisis in South Africa.

The churches involved with the document first met in 1985. They began with a critical analysis of the churches and what the churches were doing, then looked at alternatives. A sense of urgency permeated this meeting.

Delegates wanted to challenge the churches and the Christian community as a whole to become involved. The churches themselves had been part of the problem because they too often had supported the state.

The Kairos Document, Goba said, poses a challenge to theologians to develop a political consciousness and in a sense "detheologize" the Christian community. Justice, according to the document, must emerge from a grassroots struggle, and the churches must take sides and help those who are struggling.

The significance of the document are its notions of tyranny and that the current South African government constitutes an illegitimate state. Church leaders cannot enter into a significant dialogue with an illegitimate state. Instead, the churches are obliged to challenge an illegitimate power.

Gordon Spykman, professor of theology at Calvin College, said that from the Afrikaaner perspective, freedom and identity are at stake in the South African struggle. Afrikaaners feel an intense and desperate

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loyalty to their "blood and soil." They maintain a proud defense of the Afrikaaner language, the concept of "one nationhood" and capitalism.

Historically, racism in the segregated churches in South Africa was fueled by the Boer War and the Boers' defeat. Afrikaaner forces were remobilized then so they could take leadership positions in the churches. They wanted to achieve a national, ethnically pure church system.

The domination of Afrikaaners, Spykman said, makes other churches seeking changes important when those other churches bring pressure on Afrikaaner churches to open up their closed system. As a result, segregated churches are slowly being forced into ecclesiastical isolation.

Robert Seidmann, professor at Boston University School of Law, said that South Africa's experience is very similar to that of its neighboring country, Zimbabwe. Seidman served as consultant to the Ministry of Justice of Zimbabwe, which gained its independence from a white minority a few years ago.

However, after several years of independence, whites still dominate the businesses, professions and government of Zimbabwe. Very few changes have been made to improve the lot of the majority of blacks since the revolution. The government is much the same as it was before—the only difference is a black majority in parliament.

Most decisions that affect Zimbabweans are still made in the ministries, to which blacks have no access, rather than in the parliament, where blacks are favorably represented. Other than improved medical help and roads, little more has been done. The blacks that were put in power got nice cars, new houses and chauffeurs, which made it very difficult for them to want to change the situation for the majority of blacks who still remain poor.

Seidmann said that institutions should be changed through law, because no changes will occur simply because new black faces are in Zimbabwe's government. The people in positions of power were rapidly seduced by their new-found power.

Seidmann stressed the importance of avoiding repetition of the Zimbabwe experience in South Africa. Zimbabwe had only anti-discrimination clauses in its constitution that prohibited the majority from discriminating against the minority. However, the minority was discriminating against the majority, so these clauses did not help fight apartheid in Zimbabwe. Seidmann recommended that affirmative action clauses be written into a new South African constitution.

Zimbabwe has a further problem of controlling corruption and promoting the legality of the government. Seidmann recommended that an ombudsman is needed to root out the corruption. Also, most Third World countries have planning commissions, even though these are not provided for in the countries' constitutions. The legality of these commissions should have a place in the constitution.

Winston Nagan, professor at the University of Florida School of Law, said that the Anti-Apartheid Act of 1986 is popularly viewed as a sanctions bill against South Africa, but the act is much more than that. It rewrites the United States' relations with South Africa.

The Act is a Congressional initiative and acts against the Executive, who normally deals with American foreign policy. It repudiates Reagan's policy toward South Africa and is an important stick in dealing with the Botha regime.

The Reagan administration sees the Act as an imposition, and it is not likely that this administration's compliance will be with the spirit of the act, Nagan said. The President's policy will be minor compliance, and, where possible, Reagan will undermine the Act's mandate.

The Act's purpose is to come up with a complete framework for the United States to bring an end to apartheid. The Act also sets out the Congressional belief that the American ambassador should meet immediately with the leaders of the opposition movement in South Africa. The Act further requires the liberation movement to be truly independent. Congress does not want the movement to be an instrument of the Soviet Union, but it recognizes that the opposition is a group to be reckoned with.

Nagan said the implications of the Act are substantial. It allows blacks to resist through economics, and it also recognizes that the liberation movement is a process, not a single step. The policies of the act are closer to the United Nations' position than Reagan's policies are.

The Act clearly requires South Africa to accept a "rule of law" for all races and also requires political prisoners and opposition leaders to be released by the government. It says that government negotiation with opposition leaders must occur and others must be allowed to participate fully in the political process.

The major weakness of the Act (and U.S. policy as a whole), Nagan felt, was that Americans view the problem through the lens of ideological competition with the Soviet Union. Americans think that the African National Congress (ANC) is controlled by Communists and, in Nagan's view, this is short-sighted.

ALUMNI IN FOCUS

The Corporate Campaign

by Curtis W. Cichowski, '81

Susan Kellock received her B.A. degree in Sociology from Keuka College in 1969 and her Juris Doctor degree from Valparaiso in 1979. After law school, she spent a number of years in Gary, Indiana, helping displaced steelworkers and other city residents with such things as housing reform, tenants' rights, and relocation assistance. Currently, she is Senior Vice President and Director of the Corporate Campaigns Department of the Kamber Group in Washington, D.C.

She has been instrumental in the development of the corporate campaign as an effective new tool for unions and union workers. This Alumni Profile is based on information received directly from Susan as well as: text from a symposium on "Economic Warfare in the 1980's, Strikes, Lockouts, Boycotts and Corporate Campaigns," found in **Industrial Relations Law Journal**, Volume 9, No. 1, 1987; Verespej, "The New Battleground," found in **Industry Week**, Apr. 6, 1987, at 40; and Quade, "Labor of Love and Law," an interview with Susan Kellock, found in **14 Barrister**, Summer 1987, at 21.

Recently, the Chicago Building Trades Council (CBTC) was concerned over the development of low-budget hotels in the Chicago area by a hotel chain that used non-union workers. Their concern was over the encroachment of non-union contractors and the development of the Associated Builders & Contractors (ABC). They suspected a connection between the hotel chain and the ABC. Historically, the CBTC has done a very good job of maintaining union jobs in the Chicago area. Afraid of the dilution of their union strength, they needed a way to deal with the threat presented by the hotel chain.

As many other unions have done, the CBTC turned to Susan Kellock ('79). Susan currently holds the position of Director of the Corporate Campaigns Department of the Kamber Group, Washington, D.C.'s largest public relations firm. On behalf of the CBTC, Susan instituted a "corporate campaign." Through a great deal of investigation and research, Susan and her staff discovered a number of pressure points that were successfully used to block the construction by the hotel chain in the Chicago area.

A financial profile of the hotel chain was developed, which was not easy since it was a privately held company. The building record and reputation of the chain was researched, only to discover that the record and reputation were very poor. The tax revenue issue was investigated on behalf of the local community—comparing potential financial benefit of this construction as opposed to other types of establishments. Noise and zoning restrictions were researched as well. All of this information was then relayed to the

homeowners' association in the area where the hotel chain had planned to build its next hotel. The association quickly allied with the CBTC. Together, and only with the information gathered from the campaign, they were able to convince City Hall not to issue a zoning variance to the hotel chain. This was a victory not only for the CBTC, but for the homeowners in the area as well.

The CBTC case is but one example of how a corporate campaign may be used on behalf of a union organization. According to Kellock, they are effective in situations like that of the CBTC, in organizing drives, and in collective bargaining situations.



Susan Kellock

With regard to collective bargaining, the traditional method for a union to place economic pressure on management is the strike. Yet, as Kellock points out, the effectiveness of the strike has been eroding over the last decade. In fact, an argument can be made that the strike is no longer a viable tool for the unions, especially with regard to the formation of a collective bargaining agreement. Kellock believes, however, that the theory of the strike—placing economic pressure on the employer—is still a very effective concept. It is the method of applying the theory that is in need of revision.

In most situations, strikes are in response to a collective bargaining dispute. Yet, says Kellock, the environment of union organizing and collective bargaining has changed drastically. Management brings extensive economic and financial information about their company to the bargaining table. Often this information is developed to include elaborate cost analysis of work rules. In effect, they have normally overwhelmed union representatives with financial information that the the representatives either did not know of or knew little about.

ALUMNI IN FOCUS

To counter, unions have begun to develop their own financial information and are beginning to respond to the company's economic analysis with their own financial experts and their own analysis. Kellock's corporate campaigns are a way to assist the union in developing such information—doing the necessary analysis and bringing the information to the bargaining table. In doing so, the union's position is strengthened in as much as they may now adequately respond to management's information.

Kellock indicates that any corporate campaign can be described in three phases: research and analysis, developing a strategy, and campaign implementation. The first step, research and analysis, is often the key phase. Every campaign begins with an extensive analysis of every link a company has with its local community, outside the bargaining table. The image of the company is investigated through newspapers as well as NEXIS and other database searches to get a sense of what the national image is of the particular company.

According to Kellock, an important element of a campaign, included in this stage, is the development of a financial and economic analysis of the company itself. This includes a detailed examination of how the company operates, what its relationships with other companies and financial institutions are, who sits on whose Board of Directors, its debt-to-equity ratio, and whether its profits are increasing or decreasing—and why. Other considerations are the company's product lines, plans for expansion, position within the industry, and relationships to the community and to governments. If the financial information is not available from management, Kellock turns to alternative sources. For example, members of the Board of Directors are researched and often contacted. In addition, any regulatory or government agency the company must report to or has contact with can provide relevant information. Obviously, the purpose of the research and analysis phase is to learn as much about the company as possible, and to discover any pressure points.

The second phase, developing a strategy, is where the information gathered in phase one is reviewed with an eye towards developing the most effective way to use that information. Kellock considers the best strategy to be one that employs a number of actions which are designed to apply and intensify pressure on a company over a period of time. The types of activities often used as strategy include law suits, public hearings and regulatory challenges. According to Kellock, the nature of the strategy depends on the current situation of the union involved in a particular campaign. If a union is already in a crisis situation (strike), there is little time to gather the information and develop a carefully planned strategy.

Kellock states: "A union that is considering a corporate campaign should allow for as much time as possible for development. It is always best to anticipate possible problems that may arise in a collective bargaining situation and have the research done in advance. Campaigns used as a 'quick fix' for a crisis situation are by far the least effective. Developing a campaign well in advance can often result in the avoidance of a strike." Once the research and analysis has been completed, and an effective strategy planned, the remaining question is when best to implement the campaign.

Corporate campaigns are currently being used a great deal in the collective bargaining situation. Kellock feels that information obtained through a campaign is the type of information that every trade unionist should know about his employer at all times. The union should keep on top of the company financial record. Doing so allows the union to maintain the best position.

Kellock also points out that another critical component of the campaign is media relations. Trade unionists must begin to feel more comfortable with the media and learn how to use the media to promote their interests. Information obtained and maintained in a campaign that is of community interest should be provided to the media, especially if it is to the benefit of the union campaign.

Kellock does not recommend corporate campaigns for everyone. The simple fact that a union has a dispute with a company and believes that there will be problems does not automatically warrant a corporate campaign. "The decision will be based on how inequitable the situation actually is, the nature of the dispute and whether or not the pressure points are there to raise the position of the union employees."

Kellock states: "An important objective of corporate campaigns is to lay the groundwork for the union to maintain activities on an ongoing basis. Unions must begin to understand the importance of an ongoing coalition program, not only to the union, but to the community as well. These campaigns represent an increasing realization by unions of the power that their workers' knowledge of industry gives them and how to use it."

In addition, Kellock stresses that union members must not forget their roles as taxpayers in the community. "The role of the worker is not just in the workplace, but in the community as a resident and voter. Through corporate campaigns, unions can serve as a focal point for a coalition on issues and show that what benefits the union benefits the community. If it doesn't, the community support will not be there." Unions are just beginning to realize that "they can take the message out of the union hall and into the community."

Corporate campaigns are helping redefine the role of a union. They are expanding the definition of a worker to a member of the community and are changing both the union's self image and the public's perception of unions.

CLASS NOTES

1937

Raymond Wolff and **Francis Householter**, '37, were conferred the title of Senior Counsellor by the Illinois State Bar Association on June 20, at a dinner meeting at the Abbey on Lake Geneva, Fontana, WI.

1949

Chris I. Pappas has relocated in Crown Point, IN from Merrillville, IN.

1950

Loren E. Schnack of Loos, Schnack & Siebers in Quincy, IL has been appointed to Circuit Representative for Illinois Institute for Continuing Legal Education's 1987 Capital Fund Campaign. IICLE is the not-for-profit continuing education service of the Illinois State and Chicago Bar Associations and Illinois law schools.

1955

William R. Martin has relocated in Phoenix, AZ from Carmel, IN.

1956

Robert J. Mueller has relocated in Chicago, IL from Barrington, IL.

1959

Richard Hatcher, mayor of Gary, IN, currently heads the campaign team for the Rev. Jesse Jackson who officially entered the Presidential Primary of the Democratic Party, on October 10, 1987.

1961

Wayne B. Anderson has relocated in Kent, WA from Napa, CA.

1966

Herman L. Barber is City Judge in Crown Point, IN.

Fredrich H. Thomforde, Jr. was the speaker at the first separate opening convocation for the VU School of Law this fall. A law faculty member 1969-71 at Valpo and later at Tennessee and Southern Illinois Univ., he is now an attorney with Stone and Hinds in Knoxville, TN specializing in administrative law, corporations, and securities regulation.

1968

David J. Hessler, was recently appointed to the University Board of Directors. Mr. Hessler is active in numerous Lutheran organizations in the Cleveland area and served on a county board studying the problem of illiteracy. He is a senior partner at Wegman, Hessler & Vanderburg, Cleveland, OH.

1971

Darlene W. Mears, Senior Judge of the Superior Court of Lake County Juvenile Division, was presented the Robert J. Kinsey Award, for support and service to the children and community, by Randall T. Shepard, Chief Justice of the Indiana Supreme Court and the most prestigious Sagamore of the Wabash Award (for those who have rendered a distinguished service to the state, the highest honor which the Governor of Indiana can bestow, a personal tribute) by Governor Robert D. Orr on June 17, 1987 at the Annual Indiana Juvenile Judges Symposium in Nashville, IN. She also supervised a "Placement Fair," co-sponsored by the Lake County Department of Public Welfare and the Indiana Association of Residential Child Care Agencies, for child-care professionals and volunteers in November at Hoosier Boys Town in Schererville.

1972

Roger W. Benko, an attorney with Barnes & Thornburg, has moved to their South Bend, IN office.

Karen L. Hughes announced the relocation of her office for the general practice of law from Valparaiso, IN to Knox, IN.

Tom Jaffke of New Century Bank of Frankenmuth has now joined **Robert Stroebel**, '55 and Meyer in their Frankenmuth, Michigan firm. The firm now becomes Stroebel, Meyer & Jaffke.

Paul J. Stier has become associated with the firm McMenemy & Severson in Apple Valley, MN, and practices in the areas of real estate, banking and commercial law.

1973

Jan Paul Benedict is an attorney in private practice in Lansing, MI.

Michael K. Deardorff is now Director of Advance Sales and Qualified Plans with Business Men's Assurance Company in Kansas City, MO.

Ed Nielson and his wife Nancy, announce the birth of their twins, Jennifer and Edward, born February 27, 1987.

Charlotte Peller and **Michael Herman** were united in marriage at the First Presbyterian Church, Valparaiso, IN. Charlotte is Lake Superior Court

Referee. Michael is a Federal Probation Officer. Both are instructors at Indiana U. Northwest.

Allan R. Rexinger is working with The Proprietary Association, in Washington, D.C.

1974

Donald Evans has been appointed to the Kankakee Valley Indiana Private Industry Council. He continues to practice with his firm Evans & Evans in Valparaiso, IN.

Randolph W. King, Jr. is now associated with the Department of the Navy in Washington, D.C.

Thomas L. Luekens has relocated in Huntington Beach, CA from Pittsford, NY.

George Liu is practicing law in Hong Kong, a partner with the Chicago, IL firm of Winston & Strawn.

Keith L. Milbrandt has relocated in Santa Ana, from Costa Mesa, CA.

Alan F. Saake, an attorney with the firm Antonow & Fink in Chicago, IL has recently authored the "Single-Employer Plan Terminations" chapter for the 1987 edition of Employee Benefits Law to be published by the Illinois Institute for Continuing Legal Education.

Paul Seltz and his wife, Valori are living in St. Paul, MN. Paul is involved in private law practice, specializing in personal financial management, business law, family law, and real estate.

Victor Trygstad has relocated in Anchorage, AK from Helena, MT.

1975

Lawrence M. Bauer joined the State's Attorney Appellate Prosecutors Office-District 2, Elgin, IL on August 1, 1987. Wife Sharlene is a teacher in the Harlem school district. Their daughter Laurel is now 4 years old.

Myrna Hart has relocated in Puunene, HI from Captain Cook, HI.

John L. Peterson is employed by the Olin Corporation as a Librarian at the Chemicals Group Research Center in Cheshire, CT.

1976

Kristine "Kit" Kreilick, is an Assistant Director for Public Services at the Fordham U. School of Law Library in New York, NY.

CLASS NOTES

Chet W. Vahle was sworn in as Associate Judge for the 8th Judicial Circuit in Illinois. He has worked for the past ten years as a Public Defender, Assistant States Attorney, and in private practice. He and his wife, Barbara (VU '74) have four children.

1977

Charles Enslen has relocated in Hammond, IN from Highland, IN.

Ann (Hartmann) Crane has recently married Warren Crane and resides in Hickory Hills, IL.

Michael Haughee has relocated in Griffith, IN from Crown Point, IN.

Thomas K. Hoffman has relocated in Crown Point, IN from Merrillville, IN.

John D. Lee and his wife Berta announce the birth of their second child, Stephanie Nicole, on July 9. Their other daughter, Christina, is 2. John is an attorney with Sears, Roebuck and Co. in Chicago, IL.

William A. Murrain has relocated in Atlanta, GA from Jackson, MS.

Thomas A. Murto and his wife Lauren were married in April of 1985. They have two sons, Andrew, 16 mos. and David, 1 mo. and make their home in Goshen, IN.

Alwin M. Tamosius has established his own firm specializing in international law. Alwin currently resides in London, England.

Milan Tesanovich has relocated in Portage, IN from Hammond, IN.

1978

Arthur C. Boos and his wife Rose have moved from Houston to Dallas, TX. Art resigned from his position as an attorney with Merichem Company in Houston. He has joined the law firm of Johnson, Bromberg & Leeds where he is in the corporate and general business section.

Louis D. Fisher has been elected an Assistant Vice President by the board of directors of Lincoln National Life Insurance Co., Fort Wayne, IN. He is an Associate Director of financial reinsurance within the reinsurance division. Also a CPA with an MBA from Indiana U-Fort Wayne, he joined the firm in January, 1986.

Gail K. Hamm has been named "Woman of the Year" by the Norwalk Business and Professional Women's Organization of Norwalk, CT. She has

been a legislative aide to former State Representative John Mannix of Wilton; a special project clerk with attorney Paul McNamara of Ridgefield, a participant in Project Justice, Federal Courts Clinic and a self employed attorney from 1980.

Paul D. Stanko of Crown Point, IN is a Lake County Court Judge.

1979

Robert R. Clark has joined the firm of Henderson, Daily, Withrow & Devoe in Indianapolis, IN.

Cliff Dugan is a law partner in the Crown Point, IN firm of Dull & Dugan and serves on the staff of the Lake County Surveyor's Office.

Brian Higgins is an attorney with the law firm of Hisaw and Associates in Chicago, IL, where he resides.

Mark Higgins is an attorney for a firm in Casa Grande, AZ.

Charles W. MacKinnon has moved from Houston, TX and is working in Glenview, IL.

James W. Myers, III and his wife, Barbara, announce the birth of their first child, James Woodrow, on June 27, 1987. Jim resigned his position with Leonard M. Ring & Associates on December 31, 1986 to open his private practice in Crown Point, IN.

Clare Kragel Nuechterlien is an attorney with the U.S. Department of Education Office for the Civil Rights in Washington, D.C. Husband **Christopher, '76 J.D.**, a trial attorney with the Department of Justice Criminal Fraud Section, traveled to Manila, Phillipines, twice during 1986 to confer with members of President Aquino's cabinet about cases he was investigating. They live with children Carl 7, and Anna, 6, in Rockville, MD.

Marshall S. Wolfram and his wife, Laurie (VU '77) announce the birth of their fourth child, Benjamin Seth on April 14, 1987, joining Kristopher (7), Joshua (6), and Stephanie (2). Scott is a partner in the firm Lohrmann, Parker and Wolfram in Walla Walla, WA.

1980

Scott D. Byerly has relocated in Elmhurst, IL from Griffith, IN. Scott is an attorney with a State Farm Insurance Company in Chicago, IL.

Wendell W. Goad II and Ann Anglemeyer were married and make

their home in Crown Point, IN. Wendell is a partner with the firm of Goad & Goad in Merrillville. Anne is a director of the Northwest Indiana Vocational Educational consortium in Highland, IN.

Gregg Haifley has relocated in Indianapolis, IN from Fort Wayne, IN and is currently the Executive Director of Indiana Legal Services Support Center.

Stephen M. Maish has been in private practice in his firm Maish & Mysliwy in Hammond, IN for a year and a half. He was formerly in-house General Counsel for Brant Construction in Griffith, IN.

Gregory A. Vega, after having spent four and one half years with the U.S. Attorney's Office in Hammond, IN, has transferred to the San Diego, CA, U.S. Attorney's Office Special Prosecutions Unit. Greg will investigate white collar crime and defense contract fraud.

1981

David Braatz and Rhonda Jackson were united in marriage at the Chapel of the Resurrection. David is a partner with the firm of Sims and Braatz in Cedar Lake, IN. Rhonda is attending the VU College of Nursing.

Brian L. Dean has moved from Sarasota to Venice, FL and is associated with the law firm of Kanetsky, Moore, DeBoer, Horlick & Whatley.

Mark A. Lienhoop practices in LaPorte, IN with Newby, Lewis, Kaminski & Jones. He and his wife, Dorothy, announce the birth of their first child, David Ryan, on June 12, 1987.

1982

Tonatzin Alfaro-Garcia is an Assistant Attorney General with the Attorney General Dept. in Lansing, MI.

Marta C. Bukata is Director of the South Chicago Legal Clinic's Domestic Violence Program.

Mark A. Dabrowski has been promoted to Chief Counsel, Indiana Department of Correction in Indianapolis, IN.

Steve K. Frazier has relocated in Yukon, OK from Oklahoma City, OK.

Rick Gikas and Rhonda Cartwright exchanged vows in a wedding ceremony conducted by **Bryce Billings '52** in Deep River Park, Lake Station, IN.

CLASS NOTES

Dean L. Johnson left his employer of five years to begin his own law practice in San Rafael, CA. He is busy with his business ventures which include a real estate company, import/export company, and pharmaceutical company. He resides in Marin County.

Colleen (Gunder) Truden has married and moved to Indianapolis, IN. She is clerking for Indiana Supreme Court Justice Brent Dickson.

Diane Kavadias Schneider is Court Executive to the Superior Court of Lake County—Juvenile Division in Gary, IN.

Roland D. Meisner transferred from the U.S. Army Trial Defense Service at Camp Casey, Korea to the Office of the Staff Judge Advocate at Fort Carson, CO.

Lt. David M. Shippert has relocated from Juneau, AK to Skaneateles, NY.

Friedrich A. Siekert has relocated in Edina, MN from Indianapolis, IN.

Howard G. Skolnick married Evelyn Andres Dans in March, 1987. He went into private practice in July, 1987 in Houston, TX where he specializes in Employment Law.

1983

Steve Affeldt has relocated his law offices in West Allis, WI.

Frank Lattal is an associate with Connell, Foley & Geiser, attorneys at law of Newark, NJ.

Christa States Laurin and her husband Keith, announce the birth of their first child, Benjamin Andrew, born on April 24, 1987. This past June, Christa accepted a position as Deputy Prosecutor in the LaPorte County Prosecutor's Office. She continues to maintain a private practice with the firm of Kenefick, Gilmore & Bergerson in Michigan City, IN.

Sheilia V. Hayden announces the relocation of her law office to Munster, IN.

Patricia Morris has been promoted to Financial Services Officer in the trust department at Gainer Bank in Valparaiso, IN.

George Pavsek has relocated in Milford, CT from Newport News, VA.

Joy L. Phillips is an Assistant Public Defender in Barton, FL handling capital murder cases. Joy currently resides in Valrico, FL.

20

1984

Bonnie Coleman and her husband Mark announce the birth of their daughter, Laura Marie, April 13, 1987.

Jayne Davis Dewire has become associated with Borgelt, Powell, Peterson, & Frauen of Milwaukee, WI. She currently resides in Franklin, WI.

Rocco J. deGrasse is an Assistant U.S. Attorney with the Criminal Section in Raleigh, NC.

Lawrence A. Marmolejo has relocated in Hobart, IN from Merrillville, IN.

Wade Nichols has become associated with the firm of Mitchell, Hurst, Pinkus, Jacobs & Dick in Indianapolis, IN.

Michael Philippi and his wife, Cheryl, are the proud parents of a son, Anthony Michael, born August 23, 1986.

1985

Cornell Boggs will be starting work soon with the Department of Justice in Washington, D.C. He was one of 25 candidates chosen for departmental positions in early December.

Patrick Fujawa is currently Contract Attorney and Captain in the U.S. Army, Office of Staff Judge Advocate, in Fort Sheridan, IL. His wife, **Ellen, '85**, is also Captain in the U.S. Army, Recruiting Command, Fort Sheridan, IL. They are expecting their second child in March, 1988.

Aris J. Gallios is associated with the Arizona firm of Mueller & Luikens and currently resides in Phoenix, AZ.

Deborah Hale has joined the Office of County Counsel in Los Angeles, CA. She handles children services dependency cases.

Lisa A. Lutz is now associated with Krieg, DeVault, Alexander & Capehart in Indianapolis, IN.

Christopher A. McQuillin changed jobs in May, 1987 from LaPorte Co. Prosecutor's office to Porter County Deputy Prosecutor. He is also associated with the Law Office of Ronald P. Nelson.

Michael J. Metzger became a member of the Florida State Bar in 1985 in addition to being a member of the Indiana State Bar, 1985.

Jonathan Potter is an Army JAG Corps officer and is stationed at Falls Church, VA.

Irma Reinumagi has joined the staff of the Indiana Legislative Services Agency in Indianapolis, IN.

Donald E. Schlyer has relocated from Marietta, GA to Valparaiso, IN.

Michael D. Schwartz has relocated in Naperville, IL from Longmeadow, MA.

Douglas B. Stebbins has associated with the firm of Eichhorn, Eichhorn & Link of Hammond, IN.

Karyn Zervos has joined the firm of Hayt, Hayt & Landau in Chicago, IL.

1986

Joseph Banasiak is associated with the law firm of Bamber, Stodola & Bosch in Hammond, IN.

John D. Clark is now associated with Hall, Ricketts, Marky & Gurbacki in East Aurora, NY.

John M. Evans has become Assistant Professor of Administration, teaching Education Law and Collective Bargaining at San Jose State University in CA.

Betty Gloss has joined the Park Ridge, Illinois firm of Judge & Knight.

Terry Golobish is studying for an LL.M. in Taxation at Dickinson School of Law.

Jeffery Herrold is a tax attorney with USX Corp. in Pittsburgh, PA.

Phillip E. Houk has been named Probate Commissioner for the Allen Superior Court in Fort Wayne, IN. He will oversee the administration of estates, guardianships and trusts.

Paul Kohlhoff has joined the IRS, Office of Chief Counsel, in Nashville, TN.

Ben Llaneta, Jr., having had second thoughts about his announced June wedding, announces that his wedding is scheduled for June 4, 1988. Anniversaries could be tough.

Frederick MacDonald is an associate attorney with Pruitt, Goshee & Fletcher in Murray, UT.

James Scott McMahan has become associated with the firm Otten, Johnson, Robinson, Neff & Ragonett, P.C. of Denver, CO.

Gwendolyn Morgan has become a partner in the Fort Wayne, IN, law firm of Wyss, Myers, Stucky & Stauffer.

CLASS NOTES

P. Thomas Murray, Jr. joined the Indianapolis firm of Lewis Kappes Fuller & Eads after clerking for the Chief Judge of the Indiana Court of Appeals, **Wesley W. Ratliff, Jr.**, '50.

Hope Pinkerton is working as an A.P.A. in Eaton County, MI and resides in Grand Ledge, MI.

Randolph E. Ruff has recently co-authored the "Lender Liability" chapter for the 1987 edition of *Advising Illinois Financial Institutions* to be published by the Illinois Institute for Continuing Legal Education.

Steven J. Shalla has relocated in Schererville, IN from Lombard, IL.

Danny Smolnik is an attorney with Tarlow, Levy, Mandell, & Kostin, P.C., in Farmington, CT.

David W. Van Zyl has become associated with the firm of Steinberger & Kline in Southfield, MI. Currently, he resides in Wixom, MI.

Linda S. Whitton will join the Indianapolis firm of Henderson, Daily, Withrow & DeVoe as an associate when her clerkship with Federal District Court Judge S. Hugh Dillon concludes next August.

1987

Drew Adams is an associate with Warrick, Weaver & Boyn in Elkhart, IN.

Jeffrey Ahlers is an associate with Kahn, Dees, Donovan & Kahn in Evansville, IN.

John Archer is a trust officer with Citizens National Bank in Columbia City, IN.

William J. Barath is an associate with Rooks, Pitts and Poust in Chicago, IL.

Douglas Bates is an associate with Isham, Lincoln & Beale in Chicago, IL.

Brian Bauer is an associate with Braun, Kendrick, Finkbeiner, Schafer & Murphy in Saginaw, MI.

Diana Bauer is a judicial clerk for Magistrate Gene B. Lee, U.S. District Court sitting in Fort Wayne, IN.

Joseph Beatty is a judicial clerk for the Allen Superior Court in Fort Wayne, IN.

Hugh Bell is an associate with Taylor, Brion, Buker & Greene in Miami, FL.

Joseph Biel is an associate with Borns, Quinn, Heintz, Bowman & McPhee in Merrillville, IN.

Aaron Black is an associate with Torborg, Miller, Moss, Harris & Yates in Fort Wayne, IN.

Nancy Bogren is an assistant prosecuting attorney for Berrien County, Niles, MI.

Andrea Borucki is a patent attorney with Dow Chemical Company in Midland, MI.

Rebecca Boyer is an assistant state's attorney in Winnebago County, Rockford, IL.

Talmadge Brenner is an attorney with the accounting firm Crowe Chizek & Co., in South Bend, IN.

Gregory Brown is an associate with Enslin, Enslin, & Matthews in Hammond, IN.

Sarah Burkholder is an associate with Whitehead, Zunker, Gage, Davidson & Shotwell in Cheyenne, WY.

Patricia Caulfield is an associate with Karon, Savikas & Horn in Chicago, IL.

Roberta Cioe is an associate with Cifelli, Baczynski & Scrementi in Chicago Heights, IL.

Cindy Coldiron has accepted a position as attorney with the Environmental Protection Agency in Washington, D.C.

Keith Conlee is a member of the technical staff at A.T. & T. Bell Laboratories in Naperville, IL.

Donald Cooley has joined the Federal Bureau of Investigation.

K. Lee Cotner is a partner in the law firm Fox & Cotner.

Andrew Crosmer is an associate with Galvin, Galvin & Leeney in Hammond, IN.

James Dal Santo is practicing law with **Jeffrey Harris**.

Theodore Danchi is an associate with Young, Moore, Henderson & Alvis in Raleigh, NC.

Todd Dawson is an associate with Oltsch, Knoblock & Hall in South Bend, IN.

Joseph Doele is an associate with Idema, Polowski, Kaiser & Stanley in Grand Rapids, MI.

Barbara Drews is an assistant state's attorney in Will County, Joliet, IL.

Debra Dubovich is an associate with Singleton, Levy & Crist in Highland, IN.

Joan Dufault is an associate with the Law Offices of Saul I. Ruman in Hammond, IN.

Frank Fila is a deputy prosecutor for Pima county, Tucson, AZ.

Richard Fox is a partner in the New Albany, IN law firm of Fox & Cotner.

John Gannon is an associate with Riecker, George, Van Dam and Camp in Midland, MI.

Judith Garner is an associate with Hoepfner, Wagner & Evans in Valparaiso, IN.

John Goots married Kristie Rene Eberhardt in August, 1987. The couple reside in Richmond, VA where Kristie is a student at Richmond University.

Philip Gundlach is an attorney with the Indiana Judicial Center in Indianapolis, IN.

Jeffrey Harris is practicing law with **James Dal Santo**.

Michael Hoeferkamp is a staff attorney with the Missouri Senate Research Office in Jefferson City, MO.

Clark Holesinger is practicing law with **Gary Germann**, '73, in Portage, IN.

Julie Hughes is an associate with Hughes & Young in Rushville, IN.

William Ivers is a judicial clerk for Chief Judge **Wesley W. Ratliff, Jr.**, '50, Indiana Court of Appeals, Indianapolis, IN.

Mark Jones is an associate with Vernon, Vernon, Wooten, Brown & Andrews in Burlington, NC.

Christopher Kehler is an associate with Lavender Law Office in Warsaw, IN.

Linda Kibler is an associate with Eichhorn, Eichhorn & Link in Hammond, IN.

Claudia Kramer is an assistant attorney general for the State of Illinois, Ottawa, IL.

Stanley Kroh is a staff attorney with UAW Legal Services in Kokomo, IN.

Ronald Kurpiers is a deputy prosecuting attorney for Lake County, Waukegan, IL.

Edgar Lantis is practicing law with a firm in Buchanan, MI.

Jeanne Longworth is an associate with Baker & Daniels & Shoaff in Fort Wayne, IN.

CLASS NOTES

Lynelle Looker is an associate with Richard J. Doyle & Associates in Danville, IL.

Suzanne Loughlin is an associate with Bloom, Bloom, More & Miller in Fort Wayne, IN.

John Martin is an associate with Salberg & Weiss in Merrillville, IN.

James McDonald is an associate with McDonald & McDonald in Princeton, IN.

Mark Mullican is an associate with Rogers & McElhaney in Cheyenne, WY.

Margaret Murphy is Admissions Recruiter for the School of Law.

Marilyn Nickell is an associate in the Grand Rapids, MI office of Dykema, Gossett, Spencer, Goodnow & Trigg.

Tina Nommay is an interim law clerk for the U.S. District Court for the Northern District of Indiana, sitting in Hammond, IN.

Phillip Norman is an associate with McCoy, Husmann & Stemmer in Union City, IN.

Lillian Oliver is a deputy prosecutor for Lake County, Crown Point, IN.

Doris Owens is an associate with Sonnenschein Carlin Nath & Rosenthal in Chicago, IL.

Linda Potter is a Judge Advocate for the U.S. Army. She is stationed at Fort Stewart, GA.

Marybeth Pritschet is a judicial clerk for the Honorable John F. Foley, Kalamazoo County Circuit Court, Kalamazoo, MI.

June Quillen is an attorney with State Farm Insurance, Lafayette, IN.

James Rice is an associate with Sachs & Hess in Hammond, IN.

Jonathan Ruhe is an associate with **Barbara J. Ruhe**, '76 in Hartford, CT.

Thomas Sawyer is an attorney in the Tax Division of the U.S. Department of Justice, Washington, D.C.

Kevin Schmidt is an attorney with Touche Ross, Chicago, IL.

Todd Simonson is an associate with Sowers, Larson, Riebenack & Connelly in Fort Wayne, IN.

Steven Slater is an attorney with West Michigan Disposal in Cadillac, MI.

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Dorothy Smith is Vice President for Business Affairs, Valparaiso University, Valparaiso, IN.

Robin Smith is an associate with Oosterbaan, York & Cooper in Kalamazoo, MI.

Monique Spotts is an associate in the Phoenix, AZ office of Chapman & Cutler.

David Stallter is a staff attorney for Crowe Chizek in Oak Brook, IL.

Robert Sykes is an associate with O'Connor, McNamara & O'Keefe in Ionia, MI.

Andrew Thomas is an associate with Thomas and Thomas in Brazil, IN.

Richard VanKalker is an associate with Sidley & Austin in Chicago, IL.

Mark VanSlooten is an associate with Kramer, Butler, Simeri, Konopa & Laderer in South Bend, IN.

Roberto Vasquez is an associate with Pannos & Mindel in Merrillville, IN.

Mark Vermeer is an assistant prosecutor for Kent County, Grand Rapids, MI.

Stephen Vernia is an associate with Greco, Pera & Bishop in Merrillville, IN.

John Voor is an attorney for Northwestern Mutual Insurance in South Bend, IN.

John Vouga is an associate with State Farm Fire and Casualty Company, Merrillville, IN.

Jeffrey Wallace is an associate with Wyatt, Tarrant & Combs in Louisville, KY.

Lewis Willis, Jr. is an associate with Stark, Doninger, Mernitz & Smith in Indianapolis, IN.

Kimberly Wilson is an associate with Croegaert & Clerk in Olney, IL.



Margaret "Peg" Burns, who served as law librarian and assistant to four deans, passed away on August 7, 1987 in Rochester, New York. Upon receiving the J.D. from Valparaiso University in 1927, she became a partner in the College Inn restaurant at College Ave. and Union St. She also worked for several local companies and then began to work for the School of Law in 1952. She served as the law librarian and secretary to Dean Morland from 1952-1955. During the 1955-56 academic year, Peg assisted Stetson University in the move of its College of Law to St. Petersburg, Florida. She returned to Valparaiso in the fall of 1956 to become administrative assistant to incoming Dean Stalland and continued in that capacity under Dean Bartelt and Dean Meyer. She retired in 1972.

ALUMNUS NAMED TOP TRIAL LAWYER IN INDIANA

Charles R. Vaughan '57, who won readmission to school for teenage AIDS victim Ryan White, has been named Indiana's top trial lawyer for 1987.

The 1,200 members of the Indiana Trial Lawyers Association selected Mr. Vaughan for his success in trying civil lawsuits for personal injuries, wrongful death and other damages. In 1985-86, he defeated Howard County school officials and parents who tried to keep Ryan White from attending classes, fearing that their children could contract AIDS. Ryan, a

IN MEMORIAM

1924

Beatty R. Julien of Berkeley Springs, West Virginia died on March 15, 1987 of a heart attack.

1957

Sidney O. Strasburg, age 71, died on August 31, 1987. He had retired from the bar and resided in Crown Point, IN.

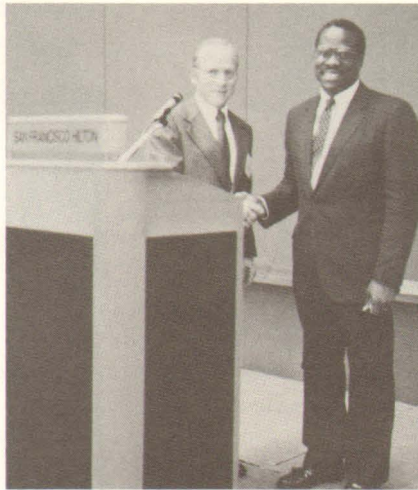
CLASS NOTES

hemophiliac, contracted the disease from a blood treatment.

Mr. Vaughan practices law in Lafayette with his son, Charles V. Vaughn, a 1985 graduate of the School of Law.

Richard W. Duesenberg, '53, Senior Vice President, Secretary and General Counsel of the Monsanto Company, greets Clarence Thomas, Chairman of the Federal Equal Employment Opportunity Commission, following his presentation at the Annual Business Luncheon of the American Bar Association Section of Corporation, Banking and Business Law, in San Francisco.

Mr. Duesenberg chaired the Section during 1986-1987, and retired from this post at the Annual Luncheon. In previous years, he had served as Chairman of the Uniform Commercial Code Committee, four years as a council member, and then as Secretary, Vice Chairman, and Chairman-elect. As Vice Chairman, he also served as editor of the Section's widely distributed publication, *The Business Lawyer*.



Richard Duesenberg (L) greets Clarence Thomas

In addition to his service to the bar, he serves as Chairman of the American Society of Corporate Secretaries, a Director of the American Arbitration Association, and a Fellow of the American Bar Association. Long-term memberships in the American Law Institute, New York Stock Exchange Legal Advisory

Committee and local bar associations further attest to his public and professional commitments.

Mr. Duesenberg has co-authored the Matthew Bender publication on **Sales and Bulk Transfers under the Uniform Commercial Code**. In addition, he is the author of **Missouri Practice, Uniform Commercial Code Forms** (Volumes 13 and 14) and of numerous law journal articles. He is a frequent lecturer for continuing legal education groups, bar associations and national institutes.

Mr. Duesenberg currently serves on the University Board of Directors and chairman of the School of Law Board of Visitors. Most recently, Mr. Duesenberg assisted the law school in introducing the Monsanto Lectures on Tort Law Reform and Jurisprudence. The Commons area of the new Wesemann Hall is named for Mr. Duesenberg, his brother Robert '53, and their spouses, Phyllis (Buehner), VU '54 and Lori (Hall), VU '56-57.

HOME COMING 1987

There was record attendance at the homecoming dinner and annual meeting of the law alumni association this year. The dinner was held at the Porter County Expo Center October 3, 1987 where classmates and friends were reunited. Members of the classes of 1937, 1952, 1957, 1962, 1967, 1972, 1977 and 1982 were on hand to celebrate their 50, 35, 30, 25, 20, 15, 10 and 5 year anniversaries of their graduation from the School of Law. Although some classes planned other gatherings of their classes which encompassed the

entire weekend, everyone was on hand to help make the homecoming dinner an especially festive occasion.



Albert Anhold '37 & his wife Virginia



Class of 1952: L-R; Ken Roeh, Norman Cobb, Bill Johnson, Ernest Opplinger, & Harold Couillard. Don Waskom also attended but is not pictured.

HOMECOMING 1987



Some of the members of the Class of '62 reunited at Homecoming; L-R: Larry Evans, Jack Allen, Don Fellows, Al Morrisson & Dale Anderson. Gale Saint is not pictured but also attended.



Lowell Enslen '52 and Ed Brown '51



Class of 1977 Reunion
L-R seated: Nancy Meyer, Marcia Gienapp, Carol Ann Bowman. L-R middle row: Tom Hoffman, Dennis Logan, Fran Schafer, Rich Wolter, Charles Enslen.
L-R back row: Mike Bush, Scott Bromann, Pete Poznar, Tim Schafer.



L-R: John, '58 & Phyllis Lyons; Roland, '57 & Frances Herrmann; Bill, '58 & Betty Wagner; Al, '61 & Carla Zimmermann.



Members of the Class of '83 also attended homecoming festivities. Pictured, L-R sitting: Jim Abernathy, '83, Lee Abernathy, Sha Clark. L-R standing: Mike Clark, '83, Debbie Koeppen, Brad Koeppen, '83, Perry Theodoros, '83, Liz Theodoros. Also in attendance but not pictured: Kathy Wehling, '83 and Jack Hires, '83.



Professor Al Meyer, '50 & Bob Lee, '66

Alumni Change of Address

Name _____

Firm or Employer _____

Business Address _____

City State Zip

Office Phone _____

Home Address _____

City State Zip

Home Phone _____

Return to: Gail Peshel, School of Law, Valparaiso University, Valparaiso, IN 46383.

Alumni News

Please note recent changes in your address, employment, professional activities, or personal life which you would like to share.

Name _____ Class _____

Address & Phone _____

 New Address

News _____

Return to: Gail Peshel, School of Law, Valparaiso University, Valparaiso, IN 46383.

LAW SCHOOL CALENDAR

February 15-16, 1988

5th Annual Edward A. Seegers Lectures
Professor Quintin Johnstone, Yale Law School.
Topic: "Land Transfers: Process and Processors"

February 25, 1988

Faculty Inaugural Lecture
Professor David Myers
Topic: "Conjectures on a Functional Analysis of Regulatory Takings"

April 11-16, 1988

Law Week
Events: 13th — Law Day Luncheon
14th — Faculty Roast
16th — Barristers' Ball

May 22, 1988

114th Annual Commencement

Attention Northeastern Michigan Alumni: Reception to be held in Frankenmuth in March or April.
Watch for details to follow.

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