

Winter 1994

The Amicus: Winter 1994

Valparaiso University School of Law

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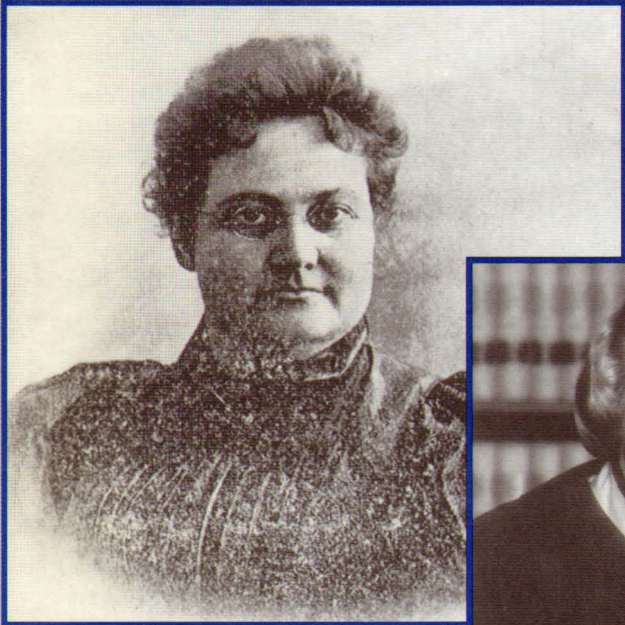
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THE AMICUS

VALPARAISO UNIVERSITY SCHOOL OF LAW ALUMNI MAGAZINE



Antoinette Dakin Leach



Myra Bradwell



*U.S. Supreme Court
Justice
Sandra Day O'Connor*



*Mary Ann G. McMorrow
& Hana Diamond Rovner*



*Vivian Sue Shields, Frances Tilton Weaver,
Pamela Carter & Sarah Evans Barker*

Valparaiso Celebrates First Women in American Law

Winter 1994



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The Dean's Letter

This year the School of Law is hosting a series of events to celebrate the 100th anniversary of the admission of the first woman, Antoinette Dakin Leach, to the Indiana Bar. We have planned the Leach Centennial observance not as a single event, but as a "moveable feast," as we did so successfully during the Bicentennial of the Bill of Rights by a series of conferences on all of the major provisions of the Bill of Rights. We have already enjoyed several of our Seegers events: in October we focused on Antoinette Dakin Leach of Indiana, and in November on Myra Bradwell of Illinois. In each case, the historical retrospective on a significant "first woman" of the nineteenth century was accompanied by a ceremony presenting our First Woman Award to contemporary "first women" from those states: Hon. Sarah Evans Barker, first woman to serve as a federal judge in Indiana; Hon. Vivian Sue Shields, first woman to serve as a state judge in Indiana; Hon. Pamela Carter, first woman to serve as Attorney General of Indiana; Hon. Mary Ann G. McMorrow, first woman to serve as an Associate Justice on the Supreme Court of Illinois; and Hon. Ilana Rovner, first woman to serve on the United States Court of Appeals for the Seventh Circuit. To honor the contributions of Frances Tilton Weaver ('25), first woman to practice law in Porter County, we have established a scholarship fund in her name. We would, of course, welcome your contributions to this fund.

On April 8, Professor Barbara Allen Babcock of Stanford has agreed to speak about Clara Shortridge Foltz, the first woman lawyer in California, and Justice Sandra Day O'Connor has agreed to receive our First Woman Award on that occasion. More details about this event will be sent to all of you, and we will reserve seats for dues-paying members of the Alumni Association.

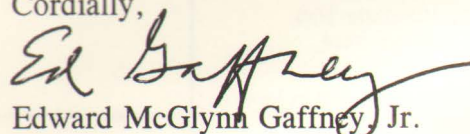
The series will conclude in May, when Professor Sylvia Ann Law of the New York University Law School will address a gathering of our alumni/ae in New York City on the career of Crystal Eastman of New York. The distinguished contemporary "first woman" whom we will honor on that occasion will be Hon. Judith Smith Kaye, Chief Judge of the New York Court of Appeals. Alumni/ae in the New York area will receive further information about this event.

A unifying thread throughout these occasions has been the comment by our honorees on three resolutions presented to the ABA in 1988 by its Commission on Women in the Profession: "that the American Bar Association recognizes that persistence of both overt and subtle barriers denies women the opportunity to achieve full integration and equal participation in the work, responsibilities and rewards of the legal profession; that the ABA affirms the fundamental principle that there is no place in the profession for barriers, including practices, attitudes and discriminatory treatment, that prevent the full integration and equal participation of women in all aspects of the legal profession; and that the ABA calls upon members of the legal profession to eliminate these barriers and to refuse to participate in, acquiesce or condone barriers to the full integration and equal participation of women in the legal profession."

To cap off this "Year of the Woman," Justice Ruth Bader Ginsburg will join us as our Distinguished Professor in our Cambridge program, lecturing with Professor Rosalie Levinson ('73) on Gender Discrimination.

By highlighting the careers of distinguished women on these occasions and by fostering discussion of these themes, I think we have helped to promote the inclusion of all qualified persons, whether male or female, in the legal profession.

Cordially,



Edward McGlynn Gaffney, Jr.
Dean

From the SBA President

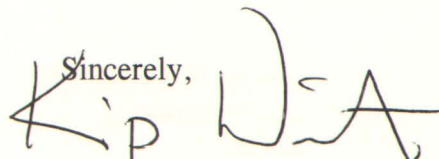
Salutations! I hope each and every one of you were wise enough to invest in wool socks and space heaters. Despite the arctic weather, the Student Bar Association continues to maintain a solid reputation and a clear line of communication with faculty, staff, students and alumni. While the past semester has been quite busy, SBA was able to accomplish much, including:

- ❖ Student input in the discussion of revisions to the first year curriculum.
- ❖ Selecting Professor Bruce Berner as the Class of 1994's Faculty Advisor, and choosing Professors Laura Gaston Dooley, Ivan Bodensteiner and Rosalie B. Levinson as Hooders for the 1994 commencement exercises.
- ❖ Adding a FAX machine for student use.
- ❖ Sending a team of students to a Health Law moot court competition.
- ❖ Publishing a more responsible and readable student newspaper. Much of this credit belongs to the Editor, Mike Thompson, and his staff.

To update you on Wesemann Hall activities, Law Week was even more successful than previous years. Mr. Cornell Boggs III, an attorney at the Monsanto Company, was the speaker during the Law Luncheon. The students enjoyed themselves at the expense of the faculty at the Roast. Barrister's Ball was both debonair and merry, and was well attended. The credit for a tremendous success belongs to Vice President Christine Drager and her assistants. This was the first year the SBA, in conjunction with the Office of Alumni Affairs, formally invited alumni to the Barrister's Ball. The Ball was subsidized by the SBA and is not a fund-raising event. Thank you to all Alumni who attended. We hope you enjoyed reuniting with friends from your VUSL past, and meeting the current VUSL students. We hope to see more of you at next year's Law Week events.

The SBA has committed to expand upon our prior successes during the Spring semester. A few of SBA's goals include: developing a fair and published Professor Evaluation system to ensure that VUSL continues the tradition of excellent educators; gaining a voice in the development and implementation of Valparaiso University's student rules; continuing to support law student organization projects and speakers; continuing the improvement of the student newspaper; improving the relations with the University Administration and the Student Senate; and, working with the Office of Alumni Affairs to build stronger relations with the VUSL Alumni both on a professional and social level.

Valparaiso University School of Law has many outstanding faculty and students. As President of the Student Bar Association, I welcome your support and efforts in continuing to make our school of law the best it can be.

Sincerely,

Kip Winters ('94)
SBA President

From your Alumni Association President

Dear Alumni:

Winter has drawn a blanket of record low temperatures throughout the Midwest. As many here in America's heartland brave the elements to reach our places of work each day, we often find ourselves daydreaming of and longing for the onset of spring.

However, past fall and winter months have not been a dormant period for the School of Law and your Alumni Association. The Alumni Association sponsored alumni receptions at the Fall Meeting of the Indiana State Bar Association in Indianapolis, the Annual State Bar of Michigan Meeting in Grand Rapids, and the Winter Meeting of the Illinois State Bar Association in Chicago. In addition, many exciting programs have commenced and other outstanding events are on the horizon.

The Alumni Association plays an active and critical role in the life of the School of Law. Our mission is one of guidance, support and service to the alumni as well as the law school community. The School of Law Alumni Association is funded entirely from dues payments and does not exist without your support. Your dues payments allow the Alumni Association to fund many programs which serve VUSL and its alumni. These programs include scholarship support, emergency student loan and assistance programs, the publication of The Amicus and the alumni directory, and the hosting of receptions at graduation and at state bar association meetings.

Our circle has grown to nearly 3,000 alumni in 47 states and 5 foreign countries. The contributions of the School of Law alumni to the legal profession are many and diverse. Most alumni are engaged in the private practice of law. Some are members of the judiciary or hold positions in federal,

state and local government. Other alumni hold faculty appointments at various law schools.

There is much that each alumnus can do to assist the School of Law and its alumni. Financial support is very important. There are also other ways each of you can contribute to the School of Law and its Alumni Association:

- Volunteer to serve in the Alumni Student Network program. Alumni can assist Mary Beth Lavezzorio, Director of Admissions, with the recruitment of prospective students. Through this program, alumni contact admitted applicants and serve as mentors throughout their legal education. Last spring more than 300 alumni sponsors contacted over 500 admitted students and assisted in enrolling 175 first-year students.

- Join one of the newly established alumni chapters (Environmental Law Chapter and Indianapolis Chapter) or assist in the establishment of a new chapter in your geographic area. Chapters are presently being considered for Chicago, Los Angeles, Minneapolis-St. Paul and St. Louis.

- Assist Gail Peshel, Director of Career Services, by notifying her of any career opportunities for VUSL alumni.

- Contact the School of Law and volunteer to assist students in fulfilling their *pro bono publico* service requirement. The *pro bono publico* requirement for VUSL students has drawn kudos from the legal world and is a model for other law schools to follow. We can all take pride in our alma mater and the recognition it is receiving.

We are fortunate to have Beth Henning Guria as VUSL's Director of Alumni Affairs. Her efforts have resulted in increased contact with alumni and the offering of new membership benefits and programs to them. Beth is presently working on involving alumni in the visit of Justice O'Connor and arranging for a travel package for alumni who wish to participate in the Cambridge summer program. I want to express our gratitude to Beth for her hard work and efforts to strengthen the bonds between VUSL and its alumni.

As many of you may be aware, Professor Alfred W. Meyer will retire from the VUSL faculty

at the end of this academic year. On behalf of the Alumni Association, I thank Professor Meyer for more than three decades of dedicated service and love for VUSL. He will be greatly missed and we wish him well.

I would like to take this opportunity to thank my predecessor, Jack W. Lawson ('61) for his effective leadership as President and his service to VUSL. I know Jack will continue to support the work of our Association and provide us with his counsel.

I also want to thank those Board members who retired this past October — the Hon. William G. Conover, Jerome Ezell, and Jack W. Lawson — they all made important contributions to the work of our Association during their tenure on the Board.

On behalf of the Board of Directors, I welcome both the new and returning incumbent members of the Board of Directors and look forward to working with them in the year ahead. They include: Bernard A. Carter; Thomas K. Guelzow; Daniel J. Kozera, Jr.; R. Kent Lindquist; John G. Postweiler; Deborah Schavey Ruff and Stephan K. Todd.

Please feel free to share your thoughts and suggestions relating to how the Alumni Association can better serve you and VUSL. Any comments directed to Beth Henning Guria or myself will be brought to the attention of the Board of Directors at its next meeting on April 9, 1994.

It is an honor to serve as President of your Association. The officers and members of the Board of Directors welcome your active involvement in the School of Law Alumni Association and your continued support of VUSL.

Sincerely,

Diane Kavadias Schneider

Diane Kavadias Schneider
VUSL Alumni Association President

LAW SCHOOL ALUMNI ASSOCIATION



Become a dues paying member of the VUSL Alumni Association. Benefits include:

- ❖ Reduced ticket prices for Association events.
- ❖ Fee waivers for VUSL library cards.
- ❖ Invitations to special law school events, including the champagne reception for 1994 law graduates in May.
- ❖ Discounts at local merchants for photography and framing.
- ❖ Reduced airfare on USAir for VUSL events.
- ❖ Discounts on both men's and women's clothing from Jos. F. Bank Clothiers.
- ❖ Reserved seating at VUSL special events, including Sandra Day O'Connor's visit to campus on April 8th!

The Alumni Association plays an active and critical role in the life of your law school. Become a dues paying member of the organization that is here to serve you.

If you have not already done so, you may become a dues paying member of the alumni association. Just send your dues payment (checks made payable to the VUSL Alumni Association) to:

VUSL Alumni Association Dues
c/o Beth Henning Guria
Wesemann Hall
Valparaiso, IN 46383

(Dues for the 1993-1994 academic year are as follows: waived for the class of 1993; \$15 for the classes of 1990, 1992, & 1992; \$30 for all others).

THE BENEFITS OF MEMBERSHIP

***The Honorable
Sarah Evans Barker***

In 1972, Sarah Evans Barker became the first woman to serve as the U.S. Attorney for the Southern District of Indiana. She also became the first woman to serve on the U.S. District Court for the same region in 1984 and she now serves as Chief Judge of that court. A graduate of the American University Law School in Washington, D.C., Judge Barker began her public service career as legislative assistant to U.S. Rep. Gilbert Gude of Maryland, and later joined the staff of Illinois Sen. Charles Percy in a similar capacity.

***Attorney General
Pamela Carter***

When she was elected as Indiana's first woman Attorney General in November 1992, Pamela Carter also became the country's first African-American woman to hold such a post. Raised in Indianapolis and a graduate of the city's Indiana University School of Law, Attorney General Carter stepped into this office following a career with Indiana Governor Evan Bayh's office.

***The Honorable
Vivian Sue Shields***

Vivian Sue Shields became the first woman to join the ranks of Indiana trial judges in 1965. She made history once again in 1978 as the first woman to sit on the Indiana Court of Appeals. She is now a Federal Magistrate Judge for the Southern District of Indiana. A graduate of the Indiana University School of Law in Bloomington, Judge Shields began her legal career as an attorney for the Internal Revenue Service and thereafter held the post of deputy attorney general.

First The Contribution of

In commemoration of the 100th anniversary of Indiana's first woman lawyer, Antoinette Dakin Leach, the 1993-1994 Valparaiso University School of Law Seegers Lecture Series has been dedicated to a celebration of pioneering women attorneys from the past century, as well as today's female trailblazers in the profession. To date, distinguished scholars, judges and practitioners have delivered remarks to VUSL faculty and students (and to the community at large) reflecting on the accomplishments of Leach, and of Myra Bradwell, Illinois' first woman attorney and plaintiff in the celebrated U.S. Supreme Court case involving women's entry into the practice of law. The School of Law has presented the Leach Centennial First Woman Award at the culmination of each lecture to notable women attorneys from the contemporary era whose careers exemplify "firsts" in the practice of Law (see the sidebars for career highlights of our honorees from the first two lectures.) The lecture series has also focused on panel discussions of recent American Bar Association and Indiana State Bar Association reports concerning the status of women in the profession.

ISBA Honors Valparaiso Alumnae

At the 1993 fall meeting of the Indiana State Bar Association, forty women attorneys from across the state were recognized at the "Women in the Law" dinner for their outstanding contributions to the profession. VUSL alumnae honored at the dinner included:

Hon. Ronda R. Brown '89
Charlotte Ann Peller '75
Barbara J. Schmidt '73
Frances Tilton Weaver '25

Women

American Women to the Law

The final of the on-campus lectures in this year's endowed Seegers Lecture Series will feature an appearance April 8 by United States Supreme Court Justice Sandra Day O'Connor. Justice O'Connor, who in September of 1981 became the 102nd justice to sit on the nation's highest court and the first woman on this bench, will travel to Valparaiso to accept the law school's *Leach Centennial First Woman Award*.

Professor Barbara Allen Babcock of the Stanford University Law School will deliver the 4 p.m. lecture in the Resurrection Chapel highlighting the life of Clara Shortridge Foltz. Known as the "Portia of the Pacific," Foltz was California's first woman lawyer. Dean Edward McGlynn Gaffney, Jr. will present Justice O'Connor with VUSL's First Woman award following the lecture. A representative of Governor Evan Bayh's office also will present Justice O'Connor with Indiana's highest civic award, the *Sagamore of the Wabash*.

Valparaiso University School of Law
is pleased to announce the creation of the

FRANCES TILTON WEAVER
Student Scholarship

In conjunction with the eleventh annual
Seegers Lecture Series,
First Women:
The Contribution of American
Women to the Law
and
in honor of one of our very own
first women.

Contributions to the Frances Tilton Weaver scholarship should be sent directly to: Assistant Dean Curtis W. Cichowski, Wesemann Hall, Valparaiso University School of Law, Valparaiso, IN 46383.

The Honorable Mary Ann McMorrow

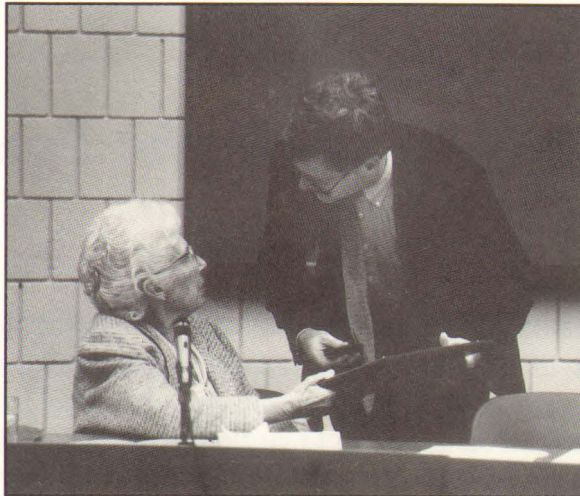
The only woman in her graduating class, Mary Ann McMorrow is a 1953 graduate of the Loyola University School of Law in Chicago, and holds the distinction of being the first woman Justice of the Illinois Supreme Court. Justice McMorrow also holds a special place in the annals of Illinois' history books as the first woman to prosecute major felony cases in Chicago's Cook County while as an Assistant State's Attorney. She was assigned to the Illinois Appellate Court by order of the state Supreme Court in 1985, and was elected to this post the following year. A lifelong resident of Chicago, the people of Illinois in 1992 elected Mary Ann McMorrow as Associate Justice of the Illinois Supreme Court.

The Honorable Ilana Diamond Rovner

Ilana Rovner is a 1966 graduate of the Chicago Kent College of Law, and holds the distinction of being the first woman judge to sit on the United States Court of Appeals for the Seventh Circuit in the Northern District of Illinois. Prior to this appointment, Judge Rovner sat on the bench of the United States District Court for the Northern District of Illinois for almost eight years. Prior to joining the federal court system, Judge Rovner served as Deputy Governor and Legal Counsel to former Illinois Governor James R. Thompson from 1977 through 1984. She is a member of numerous state and national bar associations, and serves on the boards of various undergraduate and graduate schools.

Frances Tilton Weaver

Our own "First Woman"



Frances Tilton Weaver receiving her Antoinette Dakin Leach Centennial First Woman Award from VUSL Dean Edward McGlynn Gaffney, Jr.



Frances Tilton Weaver on her commencement day - 1925.

Frances Tilton Weaver planned to teach. The summer after she graduated from Valparaiso High School, she took courses in business law and public speaking at Valparaiso University, and decided she would rather be a lawyer. So, in 1922, Mrs. Weaver enrolled in Valparaiso University School of Law. The fact that she was the only woman in her class didn't bother her. Mrs. Weaver never considered being a woman as an obstacle to following her dream of becoming a lawyer. She believed that a legal education would help her realize personal goals of developing her intellect and serving her community.

Now 89, Mrs. Weaver credits her parents with instilling in her a desire for learning and a sense of responsibility to her community. She recalls her parents' home as being a place for the "free exchange of thoughts." Mrs. Weaver experienced, first-hand, ideals put into action when, as a child, she accompanied her mother to suffragist meetings and when she rode her bicycle, which displayed a banner promoting women's suffrage, in the suffragettes' parade. Although Mrs. Weaver's father, Ira C. Tilton, was an attorney, he did not encourage his daughter to attend law school. However, both he and his wife supported Mrs. Weaver's career decision.

Upon graduation from Valparaiso University School of Law in 1925, Mrs. Weaver sought to land a job in Chicago, and she believes her naiveté helped her to get a position with the Chicago firm of Vose and Vose. She visited the firm without an appointment and asked the receptionist if she could see the senior partner. The receptionist replied that he had stepped out of the office, and Mrs. Weaver decided to wait. When the senior partner returned, he was curious to find out what this persistent young lady wanted, so he saw her. Mrs. Weaver was hired, first as a law clerk, and then as an associate. She feels that she was treated with respect at the firm, but remembers that the secretary dusted all of the attorneys' desks, except hers.

by Professor Ruth Vance

Although she was not paid on an equal basis with similarly situated male attorneys, Mrs. Weaver was grateful for the opportunity to practice law at a time when many female attorneys were only offered jobs as secretaries. Mrs. Weaver believes that the sex discrimination that has occurred "is shameful and must be corrected."

In following her dream of becoming a lawyer, Mrs. Weaver celebrated many firsts. In the 1920s, the Women's Bar Association of Chicago reported that Mrs. Weaver was the youngest woman to be admitted to practice before both the Indiana and Illinois Supreme Courts. She practiced with the Chicago law firm of Vose and Vose from 1925 until 1932 before joining her father's Valparaiso law practice in 1933 and became the first woman attorney in Porter County. Mrs. Weaver was also the first woman to be appointed special judge of the Porter Circuit Court in 1944, and she was the first woman attorney to sit on the Valparaiso City Plan Commission in 1947.

Mrs. Weaver took seriously the value of community service instilled by her family. In addition to practicing law, she served on the Valparaiso Public Library Board from 1939-1946, served on the Porter County YMCA Board in the 1960s, served as president of the Valparaiso League of Women Voters and organized the Memorial Roll for the Porter Memorial Hospital Guild in 1939.

In 1933, she joined her father's law practice in Valparaiso. She was appointed by Senator VanNuys as the Porter County Fee Attorney for the Homeowners Loan Corporation, which assisted homeowners who were delinquent in their mortgage payments because of the Depression.

Throughout her professional life, Mrs. Weaver says that she found that other women were her worst critics. She attributes this to a lack of understanding regarding her career choice on the part of other women. Mrs. Weaver also observes that "professional women don't support each other like professional men do," and advises professional women to cooperate and support one another. She also believes that women have much to offer their communities and should serve in public office.

Mrs. Weaver believes that the legal profession can boost its tarnished image by returning to the community values of her day and by not starting so many lawsuits. Instead of creating adversaries by suing, Mrs. Weaver devoted much of her practice to bringing people together.

She was a mediator long before the practice gained popularity through the recent widespread adoption of alternative dispute resolution rules.

Mrs. Weaver was recently recognized for all her firsts as a woman lawyer. As part of Valparaiso University School of Law's Seegers Lecture Series on First Women in the Law, Mrs. Weaver received the Antoinette Dakin Leach Centennial First Woman Award. In addition, based on the nomination of the Porter County Bar Association, the Indiana State Bar Association named Mrs. Weaver a "Woman in the Law" honoree at its annual meeting last October. Both awards celebrate the 100 year anniversary of women in the legal profession in Indiana.



"Freshmen Lawyers"

Frances Tilton Weaver (front row center) poses with her law class for a 1923 yearbook photo.

Bradwell Breaks Through Illinois Bar Barriers: A Student Details Second Seegers Lecture

by Jennifer A. Juhala (1L)

November 12th marked the second lecture in the 11th Annual Seegers Lecture Series at VUSL presented in conjunction with the ISBA Task Force on Women in the Law. This presentation honored Myra Bradwell, the first woman admitted to practice in the State of Illinois.

Professor JoEllen Lind, Chair of the 1993-1994 Seegers Lecture Series, described the obstacles Myra Bradwell encountered as she sought admission to the Illinois bar and sought to improve conditions for women in the 19th century. Lind recounted Bradwell's struggle against the prevailing attitude that the woman's place was in the home.

Bradwell first obtained her teaching certificate before developing her interest in the law. Teaching was the one occupation accessible to women of the 19th century. It was through her husband's law firm that Bradwell learned about the legal field. The onset of the Civil War provided a doorway for her to apply her interest in law.

Encouraged by the period of freedom brought about by the "Jacksonian era in the early 19th century," Bradwell continued her legal studies. She also established a respected weekly newspaper called the Chicago Legal News in 1868. She produced and edited this newspaper which provided useful information and new decisions to lawyers in the area. She used this paper as a medium to advocate her opinions.

In 1869, Bradwell made her first application to the Illinois bar. The District Court denied her admission stating that Bradwell was disabled as she was married. Bradwell's second denial came after presenting her case to the Illinois Supreme Court. In anticipating this denial, Bradwell incorporated the 14th amendment into her argument, allowing her to appeal to the U.S. Supreme Court. In presenting the case before the Supreme Court, Bradwell's lawyer argued for a broad reading of the 14th amendment stating that the equal protection provisions promoted by the amendment should apply to women as well as to the slaves. The court rejected Bradwell's argument and chose a narrow reading of the amendment, holding that it applied only to the rights of slaves after the Civil War and did not apply to women seeking independence from their husbands.

Although Bradwell was denied admission, her perseverance and determination encouraged woman to continue the struggle. In 1872, the Illinois legislation enacted a bill that prohibited discrimination against women

Jennifer Juhala is a first year law student from Saginaw, Michigan. She received her undergraduate degree in Biology from Calvin College in Grand Rapids, Michigan.

entering their chosen profession and Myra Bradwell was finally admitted to the Illinois Bar in 1890.

The program concluded with a roundtable discussion of the Indiana Task Force Reports on the status of women in the law. The discussion focused on whether women bring a different lawyering style to the legal profession. Judge Ilana Diamond Rovner, U.S. Court of Appeals for the Seventh Circuit, argued that women do not have a different lawyering style than their male co-workers. Judge Rovner said that "the law is the law" and women cannot make it different. She also noted that because women have become commonplace in the profession, their style seems less different.

Justice Mary Ann G. McMorrow of the Illinois Supreme Court advocated that women's focus is different from men's in a subtle way and advised female law students to use this difference in style to their advantage. For instance, she noted that women are often more interested in preserving relationships and focus on the humanness in cases which proves advantageous in dealing with both clients and fellow lawyers. Ann Gellis, Professor of Law at Indiana University School of Law and member of the ISBA Task Force, reported that though there may be equality in lawyering style and ability, women are perceived differently than men. As a result, women receive lower salaries. Gellis stated that Task Force reports show that female attorneys do not bring in as many clients as male attorneys which may be a major reason for salary difference. According to Gellis, women and men take differing paths to obtain clients. She stated that females value their free time more than men and are less willing to give it up for a client.

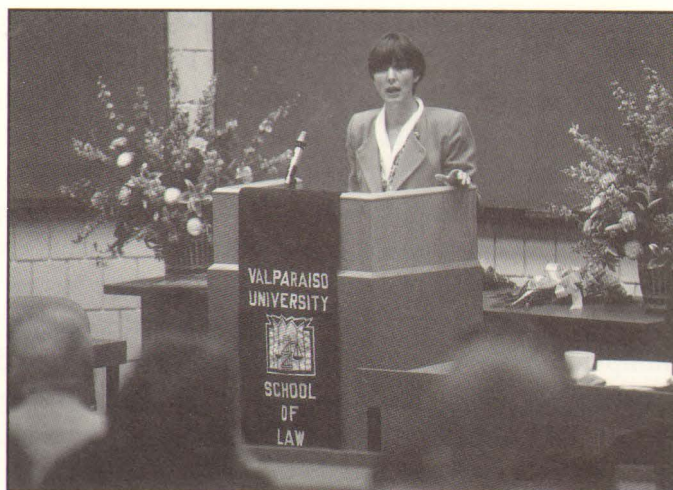
The program ended with assurance from Judge Rovner that gender tensions are not unique to the field of law but are present in all professions. Thus, the movement of women in other professions will produce positive changes for women in law. She left the women present with the encouragement that although "we are moving slowly, we are moving."



(Dean Gaffney, the Hon. Mary Ann McMorrow, the Hon. Ilana Rovner, Professor JoEllen Lind and Professor Ann Gellis participate in the Seegers Lecture Series.)

Women Trailblazers

The Changing Role of Women in American Legal History.



Professor JoEllen Lind presents the history of Myra Bradwell at the November 12 Seegers Lecture.

by Professor JoEllen Lind

Many of those who have attended this year's Seegers Lectures have been surprised to find that so many women became lawyers in the nineteenth century. Because the large influx of female students into law schools only began to occur in the early 1970s, it is often assumed that women did not make inroads into the profession until recently. While before the modern era the number of women attorneys has been extremely small, women's efforts to obtain legal training and to be admitted to practice go all the way back to the female emancipation movement that blossomed in the period after the Civil War and eventually led to women's gaining the right to vote by passage of the Nineteenth Amendment in 1920.

In the Jacksonian period prior to the Civil War, major social changes occurred that historians believe were catalysts to women's emerging desire to change their situation. During this time, there were simultaneous demands made on the American polity for more democratization of the government and more moral perfection in daily life as a counter to the increasing mercantilism of the age. It was in this period that the large reform movements of the nineteenth century had their birth—abolition, temperance, religious revivalism, early organized labor and the woman suffrage movement. Historians believe that as women like Antoinette Dakin Leach, Myra Bradwell and others were drawn up in the reform fervor of the age, especially abolition, they came to see the limitations of their own existence, to apply emerging doctrines of human rights to their own situation, and to embark on self-conscious reformism in their own interest.

The legal condition of women like Bradwell in the years before the war between the states was grim. Elizabeth Cady Stanton often compared it to slavery. This condition was largely a result of the tremendous influence

of Blackstone's common law doctrine of *femme covert*, or coverture, which had been introduced to American law by his *Commentaries* and became sedimented there. According to its tenets, a married woman was to merge her legal existence with that of her husband. As a result, she was unable to own her own property, even her wages or personal effects, to inherit from her husband on his death, to enter into contracts without his consent, to sue or be sued, to obtain a divorce or to have a right of custody over her children. Moreover, American law explicitly recognized the privilege of husbands to beat their wives to subdue them. Finally, women had no political means by which to change these restrictions, for they were not entitled to vote or otherwise have a voice in government.

In addition to the notion that a woman should have no independent existence apart from her husband, it was the dominant view that her activities should be confined to the private domestic sphere. As a result, women were not to seek paid employment outside of the family nor to enter the public forum of politics to speak and agitate for reform. It was these customs and attitudes that women's rights activists like Elizabeth Cady Stanton, Lucretia Mott and Susan B. Anthony had begun to challenge in 1848 when they issued their historic Declaration of Sentiments at the first women's rights convention. They were greatly assisted by the emergence of a female education movement that was also instrumental in providing women who were to become professionals with the basic access to education that they needed.

In the early decades of the 1800s, a general push for wider access to education had taken place. This was the time when public schools began to be widely established, the idea of land grant colleges started to take hold and literacy levels among men increased. Unfortunately, women were often excluded from this process on the theory that being primarily suited for home and family life, they did not need the skills a good education could provide to those destined to enter the marketplace. Although women *had* made some progress toward receiving rudimentary training in the years after the Revolution, they had little opportunity to obtain a more sophisticated, higher form of learning of the sort provided by a college education. This was the case because in the America of the 1830s there was not one college or university that would admit women for matriculation. Nonetheless, in the early decades of the nineteenth century, the female seminary movement gained ground and a number of institutions were created devoted to giving women training in the feminine arts, but also including some advanced courses of study. While not comparable to a university experience, female seminaries and finishing schools gave many middle class women access to better education than they had ever had before and many of the women who were eventually to push to become lawyers in the period after the Civil War were beneficiaries of this phenomenon.

With the social upheaval of the Civil War came the first real opportunity for women to escape customary limitations on their freedom. With its advent, women's activities outside the home became not only

respectable, but patriotic. Women were needed to write to soldiers in the field, to form hospital and sanitary units, to act as nurses, to make and send bandages and other supplies to the front, and to work in traditional male occupations while men served away from home. Like countless others, the women who were to become America's first female lawyers were caught up in these activities. Having tasted the freedom of involvement in public life, they were not content to quietly return to the domestic sphere of the family. As the war wound down, many turned their attention to the general issue of female emancipation, and numbers of exceptional ones among them sought professional licenses as a means to promote their cause. Not surprisingly, the practice of law particularly appealed to them.

During this period and in all jurisdictions, courts made the initial decision on the applications of women to the bar. Whereas some were willing to contemplate their entry into the profession, others were not ready to challenge their own and the public's belief that it was improper social behavior for females to appear in public and advocate in a courtroom. Thus, in many states, women's first attempts to gain entry to the profession were frustrated by the general societal attitude that women were not suited to the competitive world of law practice and ought to stay home in the private sphere of the family. This was an especial problem for the first wave of female lawyers like Myra Bradwell, whose legal challenge to Illinois' refusal to grant her a license went all the way to the United States Supreme Court, where it was rejected on grounds that the ability to pursue a profession was not a privilege and immunity of federal citizenship. But by the 1890s, when Antoinette Dakin Leach sought entry to the practice from the Indiana Supreme Court, things had changed significantly. Her claim was validated and she became one of the most prominent women and lawyers of her era. By the turn of the century, women were finding access to quality higher education and a small but significant number of them went on to obtain law training in some of the most prestigious law schools in the country. Many of them became activists in the social movement for women's rights that resulted in the passage of the Nineteenth Amendment giving females the right to vote in 1920.

Nowadays, we are used to seeing female lawyers in every aspect of the practice, but we often overlook the contribution of the earliest women lawyers to the profession in general and to the opportunities women now enjoy as lawyers. This year's Seegers Lectures have gone a long way toward remedying this situation and provide a fascinating glimpse into the lives of attorneys during the last century.

JUDGING THE UNITED NATIONS AGENDA 21

INDUSTRIAL POLLUTION PREVENTION PROVISIONS: AN ETHICAL & POLICY ANALYSIS

by Robert F. Blomquist

*I*n the last few years — the mid-to-late 1980s through the early 1990s — “industrial pollution prevention” strategies have emerged as compelling institutional responses to intractable problems of environmental contamination facing individual nation-states and the overall global community. As former United States Environmental Protection Agency Administrator William K. Reilly observed in this regard:

We must persuade people to ask questions, before they become polluters, about the possibility of avoiding pollution in the first place. This new perspective, which I call “front-end environmentalism,” is part of a basic reorientation of our approach to pollution that is needed to deal with the demanding environmental problems now facing the nation and the planet.

Tracing their roots to overarching industrial production theories propounded by a few visionary thinkers and business enterprises, followed by more concrete national and subnational pollution prevention laws and policies like the United States’ Pollution Prevention Act of 1990, serious industrial pollution prevention laws and policies began emerging in various countries starting in the mid-1980s. During this nascent period of legal articulation and institution-building at the national level, as countries came “to realize that pollution knows no political boundaries,” they began diplomatic efforts at international industrial pollution prevention. Three examples of relatively early international pollution prevention laws and policies include the Montreal Protocol, the Organization for Economic Cooperation and Development’s (OECD) Clean Technology and Toxic Health Programs, and the Bilateral Pollution Prevention Strategy for the Great Lakes Basin and the St. Lawrence River.

This article is an excerpt from the full paper presented by Professor Robert F. Blomquist to world leaders and international environmentalists on January 13, 1994, at the United Nations in New York City. The conference, “The Ethical Implications of UN Agenda 21,” was a follow-up to the June 1992 Earth Summit held in Brazil. The conference was an effort by world leaders to put the international agreements from the Earth Summit into effect.

“While Agenda 21’s international industrial pollution prevention provisions weave a rich and expansive tapestry of moral rights and duties, categorical imperatives, and sustainable development entitlements, these principles are inadequate in demonstrating that they will, en masse, produce a greater balance of global good than would other possible policy alternatives.”

The United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro from June 3 to June 14, 1992 — commonly referred to as the “Rio Earth Summit” — catalyzed and energized the development of international environmental law and, in the words of Professor Richard N. Gardner of Columbia University, “launched the world into a new era of eco-diplomacy, eco-negotiation and eco-lawmaking.” The Rio Earth Summit of 1992 was the largest international conference ever held, with over 100 heads of state or government in attendance, 8,000 delegates, 9,000 members of the press and 3,000 accredited representatives of nongovernmental organizations (NGOs).

The “central business” of the Rio Conference was the preparation of what became a voluminous document entitled *Agenda 21: The United Nations Programme of Action From Rio* — “a comprehensive action plan on sustainable development to guide the policies of governments for the remainder of this century and into the next.”

Asserting that *Agenda 21* gives rise to “[a] new form of multilateralism,” the official United Nations commentary characterizes *Agenda 21* as implicating six substantive motifs, or predominant themes: (1) *revitalization of growth with sustainability*; (2) *maintenance of a Just World*; (3) *creation of a Habitable World of wholesome and healthy human settlements*; (4) *insuring a fertile world through efficient resource use*; (5) *stewardship of global and regional resources*; and (6) *managing chemicals and wastes in a healthy and habitable Clean World* by “[r]educing waste generation, recycling wastes productively, finding safe means for waste disposal and dealing with the illegal trade in hazardous wastes.” Of these interconnected and interlocking motifs, “industrial pollution prevention” should be thought of as a subtheme of the larger motif of *managing chemicals and wastes in a healthy and habitable Clean World*.

While *Agenda 21*’s international industrial pollution prevention provisions weave a rich and expansive tapestry of moral rights and duties, categorical imperatives and sustainable development entitlements, these principles are inadequate in demonstrating that they will, *en masse*, produce a greater balance of global good than would other possible policy alternatives. The chief defect of the international industrial pollution prevention provisions is their excessive ambition and unbridled policy enthusiasm: in this regard, it seems that *every imaginable policy and program* — from “[i]ntegration of cleaner production approach and hazardous waste minimization in all planning” to “[p]romotion of the use of regulatory and market mechanisms,” from “[e]stablishment of long-term programmes and policies including targets where appropriate for reducing the amount of hazardous wastes” to “[f]acilitation of the establishment of cost-effective policies and approaches to hazardous waste prevention and management, taking into consideration the development of each country” should be attempted simultaneously, and with equal vigor, by the developed nations of the world and by the developing

nations, according to their resources and abilities. Thus, government purchasing specifications, public-private partnerships between governments and industry to establish economic or regulatory incentives, government research and development investments on cost-effective alternatives for processes and substances that currently result in the generation of hazardous wastes that pose particular problems for environmentally sound disposal or treatment, cooperative industrial governmental guidelines and codes of conduct, technology assessment institutes, demonstration projects, national integrated environmental planning legislation and environmental impact statements appear to be of equal importance in achieving the implicit intermediate goal of industrial pollution prevention, sometime in the next several years, and the explicit ultimate goal of sustainable development, sometime in the next century. Moreover, taking what may be coined as a "There-Are-Many-Roads-to-Rome" means-directed approach for achieving the diverse substantive international industrial pollution prevention standards, the UNCED delegates appear to be equally enthusiastic about such proximate means as new and additional financial resources, scientific cooperation and technology transfer, reform of international and domestic macroeconomic policies, national capacity building, integrated eco-development procedures, greater participation by major social groups and greater availability of information.

This "all-things-to-all-people" approach becomes, in metaphorical terms, a chaotic swirl of particles instead of a well-ordered system of interacting elements "seen as a complex of means and goals." Viewed in such a light, *Agenda 21's* international industrial pollution prevention provisions are incomplete since they lack a nuanced account of, or reference to, intermediate and ultimate policy goals of clean industrial technology through pollution prevention measures and sustainable development, respectively. As such, it is exceedingly difficult to interpret what the assorted collection of *Agenda 21's* international industrial pollution prevention provisions *really mean*, in an epistemological sense, since "the language of a legal precept cannot be interpreted appropriately if it is divorced from...conceptions of the goals it is to serve." Indeed, as instrumentalist philosophers have shown, one must infuse the language of a legal precept "with relevant goals (intermediate or ultimate) in order to determine its legal meaning."

But what relevant intermediate and ultimate goals are the "soft law" — in Conference Secretary Maurice Strong's words — international industrial pollution prevention precepts designed to accomplish? In what sequence? What cost/benefit policy scale is contemplated? Are interpreters of these paragraphs and chapters of *Agenda 21* to presume that the drafters intended the achievement of global sustainable development and clean industrial technologies and manufacturing processes to be merely "cost sensitive," in a general sort of way, or perhaps radically "cost-oblivious"? The language of *Agenda 21's* international industrial pollution prevention provisions provides scant attention to these fundamental teleological issues.

Perhaps the deeper problem with these provisions is their ambiguous — and therefore disconnected — human purposes. It is conceivable that this fundamental ambiguity in the international industrial pollution prevention provisions is subsumed by a theoretical flaw in the basic nature of “soft law” international environmental undertakings. In this regard, *Agenda 21* and the related *Rio Declaration on Environment and Development* are based on political agreement at an abstract level of generality, rather than on legal agreement — in precise and specific legal terms — by way of bilateral or multilateral treaties or through recognized customary international law. At first blush, it seems reasonable for the international community to attempt to build “consensus on a particular issue, while leaving more binding commitments for subsequent agreements,” as Maurice Strong has argued. But, upon further analysis, the presupposition that “soft law” environmental standards ineluctably leads to future binding international environmental legal commitments, or provides meaningful guidance for the international community, is problematic. First, what distinguishes law from other social rules is that it is both authoritative and prescriptive and in that sense binding. In this strict sense, law is necessarily hard: to try to describe it as “soft” is a contradiction in terms. Second, and related to the first problem, is that half-way stages in the lawmaking process, especially on environmental and economic matters in the form of codes of practice, recommendations, guidelines, resolutions, declarations of principles, standards and so-called “framework” or “umbrella” treaties do not conform with the legal sources referred to in Article 38(1)(c) of the *International Court of Justice Statute*. A third conceptual problem with the so-called international “soft law” approach is its vagueness and indeterminacy: “a considerable degree of discretion in interpretation and on how and when to conform to the requirements is left to participants.”

In spite of the theoretical shortcomings of “soft law” approaches to international environmental law, in general, and international industrial pollution prevention standards, in particular, a number of arguments support a non-traditional, imaginative use of the sources and scenarios of international law, to create the “new international environmental order for which the 1992 United Nations Conference on Environment and Development has set the agenda.” First, given the consent-based model of traditional international law and the lack of any supreme authoritative body with lawmaking powers, it has always been difficult to secure on a universal basis the consent otherwise necessary to establishing binding rules. As recently pointed out in a treatise on international environmental law:

Given...the political, cultural and religious diversity of contemporary international society, it has become increasingly difficult to secure widespread consent to new rules, whether by treaty or custom. Securing agreement even on issues of urgent importance is fraught with difficulty, results in compromises and ambiguities and is seldom global in scope.... These constraints on the lawmaking process

present particular problems in relation to development of the universal standards for environmental protection that are now widely perceived to be required to deal with urgent problems such as conservation of particular species of wild fauna and flora and their protection against various threats to their survival, and prevention of pollution of the seas and atmosphere from a variety of sources.

Second, while “half-way stages in the [international] lawmaking process” — like the international industrial pollution prevention provisions of *Agenda 21* — are clearly not law in the traditional sense of the ICJ Statute, these provisions “nonetheless...do not lack all authority.” Indeed:

States expect that they will command respect and there is a strong expectation that they will be adhered to in the longer as well as the short-term.

Third, another argument in favor of “soft law” approaches to international environmental problems is that it has great advantage over “hard law” solutions like treaties or authoritative articulation of customary norms because “as occasion demands, it can either enable states to take on obligations that otherwise they would not, because these are expressed in vaguer terms, or conversely, a ‘soft law’ form may enable them to formulate the obligations in a precise and restrictive form that would not be acceptable in a binding treaty.” In particular:

The “soft law” approach allows states to tackle a problem collectively at a time when they do not want too strictly to shackle their freedom of action. On environmental matters this might be either because scientific evidence is not conclusive or complete but nonetheless a cautionary attitude is required, or because the economic costs are uncertain or over-burdensome. Though enforcement presents difficulties, it does not follow that all elements are unenforceable; some may, for example, rapidly become part of customary law, others are found in treaties. Flexibility is, ...in relation to almost all environmental regulation, essential in modern international society. State sovereignty has to be respected but at the same time the inevitability of increasing co-operation is regulating the many problems that cross state boundaries such as those concerning migratory species, waste disposal, discharge of effluents, rivers, the oceans (especially semi-enclosed seas) has to be acknowledged and manifested.

The rub, then, is to reconcile the advantages of flexibility from a “soft law” approach to developing international industrial pollution prevention standards, on the one hand, with the disadvantages of ambiguity with such a non-traditional legal approach.

My proposal for reform seeks to accomplish this conceptual

“[a]nother argument in favor of ‘soft law’ approaches to international environmental problems is that it has great advantage over ‘hard law’ solutions like treaties or authoritative articulation of customary norms . . . ”

“My proposal for reform, therefore, holds the prospect of enabling the international industrial pollution prevention provisions of Agenda 21 to meet the rigor of a teleological standard of ethical review where even ‘soft law,’ in the process of solidifying into ‘hard law,’ can be comprehended and understood as a complex of goals and means for achieving these goals.”

interpretive reconciliation by suggesting a series of key, strategic, *interpretive standards*. The purposes of these are threefold: (a) to provide a ranking of the importance of overall international industrial pollution prevention goals; (b) to more clearly define the projected timetable and sequential institutional means for deliberately moving toward the formalization of international obligations regarding industrial pollution prevention; and, (c) to clarify the meaning of the most important international industrial pollution prevention terminology and concepts. My proposal for reform, therefore, holds the prospect of enabling the international industrial pollution prevention provisions of *Agenda 21* to meet the rigor of a teleological standard of ethical review where even “soft law,” in the process of solidifying into “hard law,” can be comprehended and understood as a complex of goals and means for achieving these goals.

The United Nations should make the following changes in the text of *Agenda 21*'s international industrial pollution prevention provisions. First, in order to more openly, candidly and purposively articulate the pragmatic justification for employing a set of flexible “soft law” principles instead of more traditional treaty and customary international law, a new paragraph should be added to Chapter 1, The Preamble, as follows:

The substance of Agenda 21 candidly reflects what has been euphemistically referred to as “soft law.” While “soft law” is often elusive and difficult to define, and has even been pejoratively described as a merely expedient shorthand to utilize vague legal norms, this Agenda assumes that so-called “soft-law” provisions are more than that and that “soft law” has a vital contribution to make in establishing a workable legal order in such a fast-growing and unsettled field as international environmental law. Indeed, “soft law” guidelines and normative principles express general international consent to certain fundamental principles that are acceptable — or are in the process of becoming more acceptable — for both developed and developing nation states. In this regard, if ultimately followed by state practice, these principles can also lead to evidence of *opinio juris* from which new customary international laws can develop. Simultaneously, “soft law” provisions in this Agenda can enhance diversity, and aid the coordination and harmonization of environmental standards at the global level. The delegates to this Convention agree to reconvene in 1995 to attempt to solidify and harden as many of the soft law provisions in the Agenda as possible. They also agree to undertake the same process in the year 2000. Wherever possible, nation states are urged to enter into multilateral treaties or bilateral treaties specifically incorporating the provisions of this Agenda into those treaties.

For the purpose of encouraging clearcut international leadership and followership among nation states and industries producing goods around the

globe, as well as for the purpose of creating a discernable benchmark “for follow-up after the Rio Conference,” three additional paragraphs should be added to Agenda 21 Chapter on Changing Consumption Patterns under an amended subtitle to be denominated “Pollution Prevention Through Primary Emphasis on Waste Reduction.” The new paragraphs should read as follows:

- There is now a historic opportunity for the developed and developing countries of the world to improve environmental protection while reducing the costs of industry. Applying the concept of pollution prevention to environmental protection, while reflected in some emerging international laws, is a paradigm shift in thinking for nearly everyone. The nation states of the world, industry and environmental interests have not yet committed themselves to preventing rather than controlling pollutants and wastes. In this regard, the conventional method of improving environmental protection has been to impose more “command and control” regulations on industry and to enforce these regulations against industry more vigorously over time. While sporadic progress has been made, the overall environmental results of this strategy have been disappointing. Environmental control technologies have failed to perform as expected, and human mistakes have tended to compound the problem. By way of illustration, it took a considerable time to recognize that land disposal of hazardous waste is generally not a safe option. Waste reduction efforts today founder — not because of a lack of technology — but because of a failure to utilize available technological solutions and to appreciate knowledge and information about industrial processes caused by human, organizational and institutional obstacles in industry and government. Industry’s attention and resources have tended to be directed at regulatory compliance rather than pollution prevention and waste reduction. As governments have pressed companies to ameliorate their prior pollution errors, governments have generally provided little help in preventing future industrial pollution problems. Companies having the worst competitiveness problems are the least likely to be able to study and implement waste reduction measures, even though they need it the most. Moreover, potential economic benefits from industrial pollution prevention and waste reduction are not understood or utilized in a systematic fashion to increase the efficiency of industrial operations.

- The term “pollution prevention” should become the hallmark of international and domestic environmental law and policy in the 1990s and beyond. In short, pollution prevention aims to reduce the amount and/or toxicity of pollutants being generated. It does this through a combination of interrelated strategies: using less toxic inputs; redesigning products; altering manufacturing

processes; and, conserving energy. In contrast to the concept of “pollution control,” the emerging and more purposive concept of “pollution prevention” is distinguished in the following respects:

(a) Pollution prevention means the reduction or elimination of pollutants at their source so that waste is not generated; it contrasts with “end-of-pipe,” “collect-and-contain,” or “release-and-dilute” controls designed to treat or control releases and waste already generated.

(b) Pollution prevention emphasizes the efficient, and therefore more profitable, use of material and energy resources; it contrasts with the costly treatment of resource wastes that often are byproducts of inefficient uses of materials or energy.

(c) Pollution prevention reduces the total amount of pollutants in the environment; it does not just shift them from one environmental medium to another, as so many pollution control strategies do.

(d) Pollution prevention also contrasts with pollution control in terms of its application and strategies. While end-of-pipe measures focus chiefly on large, centralized facilities like power plants and petrochemical plants, pollution prevention can be applied at all levels of economic activity, including personal consumption patterns.

- “Waste reduction” should be given primacy over “waste management” by governmental laws and policies, and by industrial actions. Waste reduction consists of cutting the generation of hazardous wastes to avoid its handling, treatment or disposal in the first place. This, however, also recognizes the social need, albeit less desirable, “waste management” measures that need to be undertaken at times, in the following order of environmental preference: (a) off-site recycling or reuse away from the source of waste generation; (b) treatment or conversion, which physically destroys or chemically detoxifies or otherwise renders waste permanently harmless; and (c) disposal, which puts waste into the air, water, or land (e.g., incineration, landfilling). Both off-site recycling and effective waste treatment are preferred waste management options, but both pose more risks than waste reduction because waste is handled, stored and transported. In particular, accidents can occur at both recycling and waste treatment facilities.

Finally, to provide sharper focus on the pivotal importance of industrial pollution prevention in the overall United Nations plan for “sustainable development,” the title of Chapter 4 of *Agenda 21* should be expanded from the current title, “Changing Consumption Patterns” to the following: “From Pollution to Prevention: Reducing Patterns of Industrial Waste Generation and Consumer Consumption of Resources.”

Professor Seymour Moskowitz delivered a public lecture in October 1993 at the Valparaiso University School of Nursing on "Legal Responses to Elder Abuse and Neglect." The audience included academics and other professionals who deal with the elderly. He spoke on the same topic at Notre Dame Law School in November. Professor Moskowitz presented a paper at the Bioethics and the Law Conference on Legal Issues presented by the Human Genome Project. The Project is a 15 year, \$3 billion effort by the federal government to map and sequence the 50,000-100,000 genes in the human body.

This past fall, **Professor Ruth C. Vance** coached the law school's Negotiations Teams that reached the final round at the regional competition at Wayne State University.

In December, Professor Vance addressed the Valparaiso University Women on negotiation in the workplace. She also spoke on Indiana's ADR rules at a forty-hour basic civil mediation training held by the Indiana Continuing Legal Education Forum in Merrillville, Indiana.

In January, Professor Vance attended the American Association of Law Schools annual meeting in Orlando, Florida, where she was appointed to the program committee for the section on Legal Writing, Reasoning & Research.

Professors Rosalie Levinson and Ivan Bodensteiner published a textbook and teacher's manual in November titled *Civil Rights Legislation & Litigation*.

In September, **Professor Rosalie Levinson** delivered a lecture on recent state and federal court developments in the area of constitutional law at the Indiana Update Program in Indianapolis. In October, Professor Levinson presented an Indiana Continuing Legal Education Forum/VUSL Pro Bono program on constitutional law. She also attended the American Association of Law Schools conference in Orlando, Florida in January.



On November 11th to 13th, **Professors Richard Stith and Jack Hiller** attended the annual meeting of the American Society of Comparative Law at Syracuse University School of Law. This was a joint meeting with the Roman Law Society. The subject of the meeting was the development of a *Ius Commune* in Europe from Antiquity to the Present Day.

Professor Linda S. Whitton conducted a half day CLE program on Durable Powers of Attorney and Advance Health Care Directives in December. The program was co-sponsored by Legal Services of Northwest Indiana, Inc., and Valparaiso University School of Law for attorneys who provide pro bono representation. Professor Whitton's article "Durable Powers as a Hedge Against Guardianship: Should the Attorney-at-Law Accept Appointment as Attorney-in-Fact?" will be published in *The Elder Law Journal* in June 1994. Professor Whitton will also present a paper on this topic at the Third Annual Meeting of the Association for Practical and Professional Ethics in February.

Professor Robert F. Blomquist presented a paper at the United Nations in New York City on January 13, 1994 on the topic "Judging the United Nations Agenda 21 Industrial Pollution Prevention Provisions: An Ethical and Policy Analysis." The topic of the conference was *The Ethical Implications of UN Agenda 21*. Invited speakers from the United Nations in several countries around the world spoke at this international conference, following the Rio de Janeiro 1992 Earth Summit.

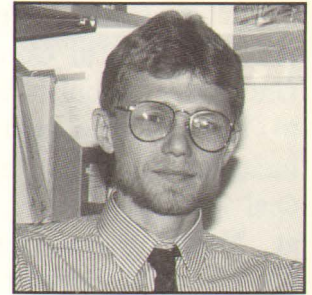
During the last semester, Professor Blomquist published the following articles:

- "The Dangers of 'General Observations' on Expert Scientific Testimony: A comment on *Daubert v. Merrell Dow Pharmaceuticals*," 82 *Ky. L.J.* (1994) (forthcoming);
- "SARA's Offspring? Some Principles and Priorities for Superfund Reform," 9 *J. Nat. Resources & Envtl L.* (1994) (forthcoming);
- "Emerging Themes and Dilemmas in American Toxic Tort Law, 1988-91: A Legal-Historical and Philosophical Exegesis," 18 *So. Ill. L.J.* (1993) (forthcoming);
- "Turning Point: The Foundering of Environmental Law and Policy in Indiana?," 26 *Ind. L. Rev.* (1994) (forthcoming);

During the fall semester, Professor Blomquist chaired the law school's Curriculum Committee and helped to craft a proposal for major structural change in the first year curriculum, winning faculty approval for the plan.

In October, Professor Blomquist presented a paper on pollution prevention law and strategy at the Second Annual Governor's Conference on the Environment in Indianapolis. In November, he debated with other members of the Valparaiso University faculty, speaking in favor of the North American Free Trade Agreement (NAFTA) before a University audience at Christ College. In November, Professor Blomquist joined Professor Ivan Bodensteiner in a panel discussion, sponsored by the Federalist Society, on the national issue of date rape on college campuses.

Professor Michael Straubel chaired an American Association of Law Schools panel discussion comparing the legal regime of the Warsaw Convention, which covers airline liability for international air crashes - limited liability, and the Hamburg Rules, which cover liability-limited-for damage to sea cargo. Among the panel members was Mr. Lee Kreindler, lead counsel in the Lockerbie, Scotland air crash. Professor Straubel is also the immediate past chair of the American Association of Law Schools section on Aviation & Space Law and continues to serve on its Executive Committee.



In September, **Professor Ivan Bodensteiner** presented a CLE program at the Judicial Conference of Indiana on the new Indiana Rules of Evidence. He also taught similar programs for the Indiana Prosecuting Attorney's Council's winter conference and the Indiana Continuing Legal Education Forum in Indianapolis.

Professor JoEllen Lind's article, "Liberty, Community, and the Ninth Amendment" will appear in the February issue of the *Ohio State Law Journal*. Her in-depth study of the nineteenth century female emancipation movement entitled "Dominance and Democracy: The Legacy of Woman Suffrage for the Voting Right" has been completed and sent to law reviews for publication. She will also be publishing a piece called "Professional Women and the Female Emancipation Movement" in the special symposium issue of the *Valparaiso University Law Review* commemorating the Seegers Lectures "First Women" series and she

has proposed to give a paper on "Law and the Family in Nineteenth Century America" at a conference in April sponsored by the American University on issues relating to the family.

In addition to her writing, Professor Lind has been involved in organizing the Seegers Lecture series commemorating the first women lawyers of Indiana, Illinois, New York and California and notable contemporary female attorneys who have been first in their fields.

In October, she traveled to Santa Clara University, along with **Professor Laura Gaston Dooley**, where she gave a short talk on how our system of federalism impacts on the attempts of under-represented social groups to have access to the courts. She also attended the American Association of Law Schools Meeting in Orlando in January and she will be involved in writing for the AALS Section of Civil Procedure's Newsletter, which surveys significant developments in the law of procedure and is distributed nationwide to section members. Professor Lind has volunteered to participate on AALS inspection teams charged with traveling to other law schools around the country to develop information about them to determine their eligibility for re-accreditation.

This spring, Professor Lind will give a presentation on recent developments in the area of punitive damages for a *pro bono* panel. She will also be involved in training advocates for the University's new program designed to assist sexual assault victims. Professor Lind recently received tenure and is hoping to finish her philosophy dissertation before another year passes.

Professor Richard Stith published "On the Strength of its Human Dignity" in the Summer 1993 volume of *The Human Life Review*.

Professor David Vandercoy has become the new Associate Dean at VUSL. Dean Vandercoy assumed the position following Bruce Berner's "retirement" and return to full time teaching in July. Dean Vandercoy has taken a leave of absence from his position as director of the Legal Clinic. **Professor Marcia L. Gienapp** is now serving as Director of the Legal Clinic.

Professor Laura Gaston Dooley delivered a paper to the Stanford Law School faculty on November 3, 1993 entitled "The Feminine Mystique of the Jury." In that paper, Professor Dooley examines the power dynamic between judge and jury in the courtroom and explores its historical roots and its cultural implications. Professor Dooley also served on the planning committee for the Civil Procedure section of the Society of American Law Teachers which met for a teaching conference in Santa Clara, California. In conjunction with that event, she delivered remarks to the section on incorporating gender issues into the study of the civil jury system.

Professor Dooley's co-authored article on the allocation of kidneys for transplant was featured in numerous media stories, including ones in the *Economist*, *Newsday*, the *Washington Post* and in front-page stories in the *Birmingham Times* and the *Gary Post-Tribune*. The paper was also the subject of a CNBC news program, JAMA Medical Rounds.

During the University's observance of the birthday of Dr. Martin Luther King, Jr., Professor Dooley led a focus group session with Professor Bodensteiner on the topic "Hidden Discrimination — Selective Indifference."

Professor Mary

Persyn, Director of the Law Library, attended the AALS annual conference in Orlando. At the conference she served on a panel for new law library directors offered by the Section on Law Libraries. Professor Persyn attended the annual meeting of the Ohio Regional Association of Law Libraries in Cleveland in November. Professor Persyn continues to serve as Secretary for the Private Academic Library Network of Indiana (PALNI), an organization funded by Lilly Endowment that is providing automated library services to the private, academic colleges, universities and seminaries of Indiana.



attended the ABA annual meeting in New York City. At the end of September, Ms. Peshel attended the MacCrate Conference co-hosted by the ABA Section on Legal Education and Admissions to the Bar and West Publishing Co. in Minneapolis.

In October, Ms. Peshel attended the National Association for Public Interest Law Conference in Washington, D.C., and in November attended the AALS meeting also in Washington.

Ms. Peshel also attended the AALS Conference in Orlando, Florida in January. In February, she attended the ABA mid-year conference and moderated a discussion between deans and hiring attorneys at the National Association for Law Placement's Dean's breakfast.

During March, Ms. Peshel will chair the NALP meeting held in conjunction with the New York City Bar meeting in New York City.

The School of Law welcomes **Magdalena "Maggie" Aguilar** as its new Director of Marketing. Ms. Aguilar comes to VUSL with a diverse background in the advertising, marketing and public relations fields. She also holds a law degree from the Northern Illinois University College of Law, from which she graduated in 1993. Ms. Aguilar will be primarily responsible for developing advertising, marketing and public relations communications programs targeted to internal and external audiences. Prior to law school, Ms. Aguilar was with the corporate communications departments of the Illinois Bell and GTE telephone companies, and later established her own advertising agency and in-house graphics shop.

Documents Librarian **Sally Holterhoff** has been nominated for the office of Vice-President-Elect of the Chicago Association of Law Libraries. In November, she received the 1993



Outstanding Service Award of INDIGO (Indiana Networking for Documents and Information of Government Organizations), which was presented at the INDIGO annual workshop held at the new university library at Indiana University-Purdue University-Indianapolis. She was also one of the speakers on the workshop program. She is a contributor to the recently published revision of the Federal Depository Library Manual of the U.S. Government Printing Office.

The past semester has been a busy one for Career Services Director **Gail Peshel**. In July, Ms. Peshel was the keynote speaker at the Army JAGC conference in Charlottesville, Virginia. She also

Students Court Swygert Honors

by Deven Klein ('3L)

Stride Courtroom served as the location of the fifth annual Judge Luther M. Swygert Memorial Moot Court Competition. Robert Null (2L), Richard DiTomaso (2L), David Wilson (1L-PT), and Scott Scarpelli (3L) argued in the final round of the competition. Chris Crawford (3L), committee chairperson, organized this year's competition. Mr. Null and Mr. DiTomaso argued about the constitutionality of firing a town manager solely because of her support and active campaigning of defeated incumbents in a public election.

Mr. Wilson and Mr. Scarpelli's case focused on the Establishment Clause — whether a thanksgiving float displayed in the town square depicting pilgrims praying and accompanied by a passage from the New Testament constituted an unconstitutional establishment of government sponsored religion. Mr. Scarpelli received the best oral advocate award for his performance.

The three presiding judges included Richard D. Cudahy from the U.S. Court of Appeals, seventh circuit, **Judge George B. Hoffman ('51)**, and **Judge William C. Conover ('51)**, both from the Indiana Court of Appeals.



l. to r., Richard DiTomaso, Hon. William Conover, Hon. Richard Cudahy, Chris Crawford, David Wilson, Hon. George Hoffman, Robert Null and Scott Scarpelli.

Future Clerks "Brush Up" Skills

by Naomi Goodman, VUSL Catalog Librarian

Law students headed for summer employment can brush up their research skills at the Clerking Review Sessions held by the librarians at the School of Law each March. The importance of students and young lawyers bringing good research skills was emphasized by a 1991-92 survey of Chicago law firm hiring partners conducted by the American Bar Foundation and published in the November 1993 issue of the *ABA Journal*.

The partners who were surveyed were asked which skills should be brought to the job and which should be developed in practice. Library research, oral communication and written communication were skills which over 90% of the hiring attorneys believed young lawyers should have mastered before joining the firm. By contrast, negotiation, counseling and drafting legal documents were important areas which a strong majority of the partners felt new lawyers should develop later, while practicing.

Like many of the other academic law librarians throughout the country who hold similar review sessions, VUSL librarians conduct fall semester surveys of students who clerked during the previous summer. The results help with tailoring the sessions to the situation of VUSL students.

With the help of this information, and in response to students' requests, refresher sessions emphasize the review of basic, practical research. Topics covered include "quick and dirty" research strategy, statutes, digests, Shepard's Citators, and federal and state administrative materials in the first session. The second session includes forms, (formbooks, practice and transactional forms, forms on computer disk, "form" jury instructions and ULA), state practice sets and loose-leaf services and continuing legal education materials.



VUSL Alumna Joins Rank of First Women

On Saturday, January 8, 1994, a VUSL alumna joined the ranks of "first women" when **Tula Kavadias '84** was installed as the first woman President of the Lake County (Indiana) Bar Association. Tula was honored during the installation dinner by the Hon. Betty R. Barteau, Court of Appeals for the 5th District of Indiana. She is a partner in the firm of Kavadias & Wyatt in Crown Point, Indiana. As President, Ms. Kavadias has committed to encourage attorneys to increase their commitment to *pro bono* work with the economically disadvantaged within Lake County and to take a leadership role in presenting the law to students in area high schools. The Lake County Bar Association has over 700 members. Other VUSL graduates installed as officers include **Charles Enslen '77**, President Elect and **Deborah McPhee '77**, Treasurer. **Robert Stochel '78**, **Thomas Stefaniak '90** and **Paul A. Leonard, Jr. '82** are members of the Board of Directors of the Bar Association.

The Lake County Bar Association also recognized the outgoing officers for their service to the organization. Outgoing Officers included President **James L. Weiser, '72**, Secretary **Diane Kavadias Schneider '82** and Past President **David R. Yoder, '74**.

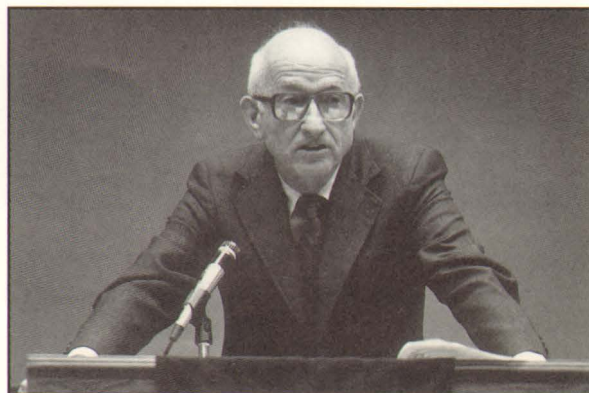
Public Policy without Politics: Distinguished Judge and Scholar Delivers Monsanto Lecture

by Deven Klein (3L)

Former Oregon Supreme Court Judge and Professor Hans A. Linde spoke to a standing-room only crowd in the Tabor Auditorium on November 4, in the eighth annual Monsanto Lecture on Tort Reform and Jurisprudence. His lecture was titled "Public Policy Without Politics: Elusive or Illusion?"

Justice Linde, who served on the Oregon Supreme Court from 1977 to 1990 and is currently a visiting professor at Hastings College of Law, discussed how judges can assert policy decisions without being labeled political lawmakers. In answering the question, Linde asserted that judges employing the policy style of decision-making must point to some identifiable public policy source usually found in statutes or common law if judges are to avoid acting as legislators.

Professor Linde graduated from the University of California-Berkeley School of Law. During his legal career he served as a law clerk for Justice William O. Douglas of the U.S. Supreme Court, an attorney for the State Department's Office of the Legal Division and as legislative assistant to United States Senator Richard L. Newberger. He has also taught at the University of Oregon, New York University and the University of California.



Seventh Circuit Asks & Answers Questions

by Jessica Bowman (2L)



On Friday, October 29, the law school hosted the United States Court of Appeals, Seventh Circuit Justices Ilana Diamond Rovner, Kenneth F. Ripple and Michael S. Kanne. The Court heard arguments on three cases: *Wildlife Express Corp. v. Carol Wright Sales, Inc.*; *Herman Jordan et al. v. Indiana High School Athletic Association*; and, *Waldridge v. American Hoechst Corp et al.*

Student interest in observing the oral arguments was considerable and closed circuit television was set up to handle the overflow of spectators from the Stride Courtroom. Students believed that viewing the arguments provided useful insight into the differing approaches of oral advocacy.

Following a faculty luncheon, the Seventh Circuit Panel joined students in the Stride Courtroom for an informal question and answer session regarding the practices of the court and the practice of law.



First-Year Curriculum Altered

by Linda Kibler

First year students at Valparaiso University School of Law will participate in an “innovative structural reform” of the curriculum beginning in the fall of 1994, according to Professor Robert F. Blomquist, chairman of the Faculty Curriculum Committee.

At that time, students will switch to a “semesterization” approach, which will result in most first year courses being taught in one semester, rather than over two semesters. Thus, under the plan which was approved in December of 1993, first year students in the fall 1994 semester will enroll in Civil Procedure (five credit hours); Criminal Law (three credit hours); Contracts (four credit hours); Legal Writing, Reasoning and Research (two credit hours); and Ethics (one credit hour).

The course load for the second semester will be Constitutional Law (four credit hours); and Legal Writing, Research and Reasoning (two credit hours). In addition, in the fall of their second year, students will be required to take an additional two credit advanced course in Constitutional Law.

The proposal for the change came after intensive study by the Faculty Curriculum Committee. Professor Blomquist said that from the outset of its deliberations, the committee “made a conscious decision to open the process to all constituencies of the law school committee.” The committee encouraged comments and suggestions from students, staff, faculty and deans, while comparing the VUSL curriculum to curricular developments in other AALS law schools, before presenting its proposal to the General Faculty.

The changes, according to Professor Blomquist, are designed primarily to prevent a law school teaching model overemphasizing substantive law “coverage” detracting from rigorous legal thinking, and to encourage analytical reasoning through a more focused and intensive first year experience.

ABA Plays Active & Visible Role at VUSL

by Chris Koenig (2L)

School accreditation; classroom standards; work restrictions — these are just a few of the ways that the American Bar Association (ABA) touches the lives of law students. But there's much more to it than this. The ABA includes a Law Student Division that operates as a separate voting assembly within the ABA structure, and that is represented in the ABA's House of Delegates by three representatives. The Law Student Assembly, composed of two voting members from each law school across the country, met August 5-8, 1993, in New York City. I was privileged to attend this year's Law Student Division conference as the ABA Representative from Valparaiso University School of Law.

The Law Student Assembly votes on resolutions proposed by law student representatives. Twenty three proposals were offered for consideration this year on topics ranging from student loans to writing requirements. The most debated issue centered around the ABA's controversial 1992 decision to affirm a pro-choice stance on abortion. The law student assembly approved part of a resolution urging the ABA's House of Delegates to rescind their vote on that issue in favor of a neutral stance. The second half of the proposal addressed the issue of germaneness, requesting that the ABA limit its agenda to issues related to, and directly affecting, the legal profession, the practice of law and legal education. It failed after being separated from the retraction issue by a vote of the assembly. Although the assembly did not pass the germaneness issue, it will continue to be a topic of discussion within the ABA and the Law Student Division in the years to come.

Wide attention at the meeting was focused on the *pro bono* requirement. Because Valparaiso was a pioneer among law schools in mandating *pro bono* work for graduation, our name was in the forefront of the debate over whether to make this a nationwide requirement for obtaining a law degree.

I believe this issue will be gaining increased attention, and people will continue to look to our school as a model.

Closer to home, I have been given invaluable help by numerous students this year in working to ensure that the ABA plays a more active and visible role at Valparaiso, especially through the implementation of two new programs. Jennifer Herman (2L), worked throughout the fall semester to establish V.I.T.A. (voluntary income-tax assistance), a program that will use the resources of students interested in tax law to help people in the community to file their returns. Because of Jennifer's efforts, the response to this program has been tremendous, and more than sixty students have expressed an interest in donating their time.

Our other major project was participation in the ABA's nationwide "Work-a-Day" event, held annually on the last weekend in January. This year, more than 5,000 law students from across the country were expected to spend the day lending a hand to needy people and charitable organizations in their communities. Work-a-Day gave us the chance to come together as a group, to help some people in need, and to have some fun while doing it. Heike Cockerill (2L) and Amy Reinsch (2L) co-chaired this event, and through their extraordinary efforts they organized more than thirty students to volunteer time with three organizations in the community. Some students spent the morning working at the Gibson Woods Nature Preserve, others played floor hockey and table games with children at the Boys and Girls Club, while others shared their afternoon with the residents of the Whispering Pines Nursing Home. With the generous financial assistance of Bar/Bri Bar Review, everyone who participated in Work-a-Day gathered for pizza and refreshments at the close of the day. We are looking forward to building on the success of this program next year.

ON THE LAW SCHOOL RECRUITING ROAD

by Jennifer Freeman ('93)



After travelling many miles across our vast country, I learned to appreciate the current competitive atmosphere surrounding law school admissions, and the determination of today's law student. I journeyed to over 40 colleges and universities, and attended several law school forums in major U.S. cities over the span of three months. During this time, I have seen the admissions process in a different light. Since embarking upon the admissions process myself four years ago, I have noticed a significant change in the outlook of the students, and the manner in which they approach admission to law school.

During my term as Admissions Recruiter, I noticed an increased popularity of schools with an emphasis on public service. Many students inquired about Valparaiso's existing programs and organizations, and were impressed with our *pro bono* requirement. As a devoted champion of VUSL's legal clinic program, I could advocate this form of public interest service without reservation.

I also noted that many candidates expressed concern for the need to have more than the required bachelor's degree under their belt. On more than one occasion, I was asked whether or not a candidate would be more competitive in the admissions process with a masters degree, M.B.A., or other graduate degree.

Finally, a concern I encountered at almost every school focused on the employment crisis facing recent law school graduates. Prospective students are conscious of the trials and tribulations (pun intended) that new attorneys across the country are facing in their search for a position that will enable them to repay the rising costs of higher

education. Many students believe that things will be different when they graduate from law school in three years. I admire this optimism, and while I feel that the concerns of incoming students are real, I believe that they don't necessarily need to stand in the way of a life-long ambition or well-thought-out career choice. I was honored to represent VUSL in the fall 1993 recruiting season and will continue my efforts to benefit the law school community and the profession.

Jennifer Freeman is a 1993 graduate of the Valparaiso University School of Law. She received her B.S. from Ball State University. Jennifer is a member of the Indiana Bar and currently practices with the Valparaiso law office of David C. Appel.

Inns of Court Checks into Porter County



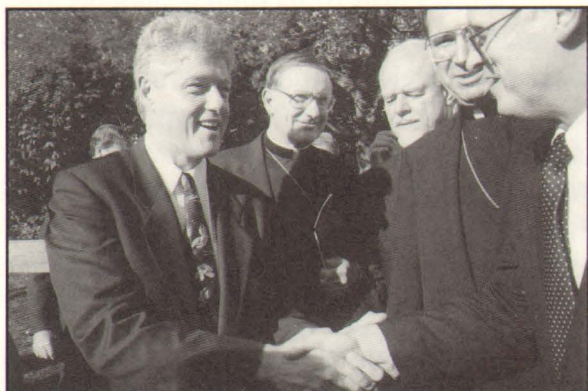
Portraiture by J. Gilbert

(l. to r. Howard T. Markey, Prof. Sherman L. Cohn, Thomas Paul Wombwell.)

A group of VUSL alumni was instrumental in the formation of an American Inns of Court in Porter County, Indiana. The Inns help develop and enhance the techniques and ethics of lawyering, and improve communication between the bench and bar.

Dean Howard T. Markey, Chairman of the Board of American Inns of Court and Professor Sherman L. Cohn, President, presented the Porter County Inns of Court charter to **Thomas Paul Wombwell ('92)** at the Annual Meeting of American Inns this past summer in Chicago.

Dean Gaffney Joins President Clinton at the Signing of RFRA



An expert on the religious freedom clause of the Constitution, Dean Edward McGlynn Gaffney, Jr., was present at the White House in November when President Clinton signed the Religious Freedom and Restoration Act (RFRA) into law. Dean Gaffney, who last year testified before Congress in support of the federal legislation, says RFRA was necessary following a series of judicial opinions beginning in the early 1980s in which the Supreme Court struck down several direct assaults on the free exercise of religion. He notes it was a 1990 case from Oregon, *Employment Division v. Smith*, which prompted outrage among civil and religious groups. In *Smith*, the court occasioned a ban on the use of peyote by Native Americans during religious ceremonies.

The Religious Freedom and Restoration Act was also the focus of VUSL's Ninth Annual Institute on Law and Pastoral Ministry January 24 and 25 in Stride Courtroom. Rev. Richard John Neuhaus, acclaimed as one of the foremost authorities on the role of religion in the contemporary world and President of the Institute on Religion and Public Life, was also a presenter at the Institute.

VUSL Receives Major Gift for Creation of the Colonel Erwin A. Jones Faculty Development Endowment

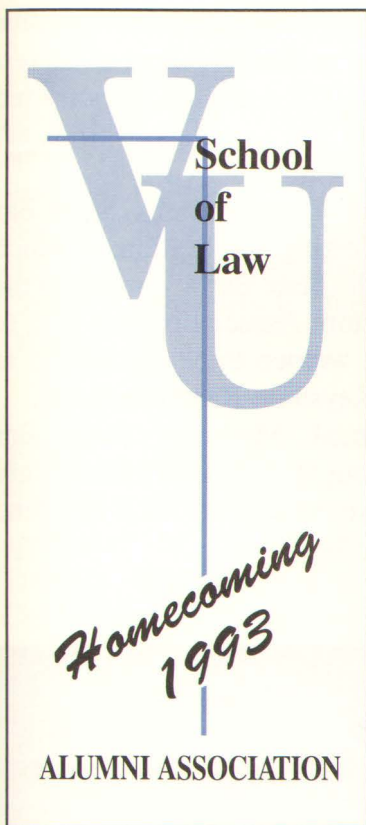


Members of the classes of 1958-1973 are sure to remember faculty member Colonel Erwin A. Jones. Through the generosity of his son, Dr. Erwin A. Jones, Jr., a new endowment has been created in memory of the Colonel.

The purpose of this endowed fund is to promote the professional development of the VUSL faculty and their visibility and participation throughout the world of legal education. Activities such as research, publication, teaching effectiveness, delivering lectures and participation in professional programs will be funded through the Jones Endowment.

Any work and activity that a faculty member performs under the auspices of the endowment will be identified and known as work completed and made possible through the Colonel Erwin A. Jones Faculty Development Endowment.

The entire VUSL community gratefully acknowledges the generosity of Dr. Jones and his family. We are honored to have this very special endowment fund as a complement to our faculty development program.



Homecoming 1993 at Valparaiso University School of Law kicked off with the traditional convening of the Board of Directors of the Alumni Association. The retiring Board members were recognized for their service and dedication to the organization. The retiring Directors included: the Hon.



(l. to r. James H. Douglas, David J. Hessler, Richard Treichel and Mark H. Holtan celebrate their 25th anniversary.)

William G. Conover ('51), Indianapolis; Jerome Ezell ('79), Lowell, Indiana; and, Immediate Past President Jack W. Lawson ('61), Fort Wayne. New Directors included incumbents: Bernard A. Carter ('84), Crown Point, Indiana; Daniel J. Kozera, Jr. ('66), Grand Rapids, Michigan; the Honorable R. Kent Lindquist ('63), Gary; John G. Postweiler ('72),

Orland Park, Illinois; and first term directors Thomas K. Guelzow ('72), Eau Claire, Wisconsin; Deborah Schavey Ruff ('86), Chicago; and Stephan K. Todd ('70), Pittsburgh.

The Homecoming Banquet at Valparaiso's Strongbow Inn recognized the 10th, 25th and 50th Reunion Year classes. The Honorable William G. Conover was the keynote speaker at the lively event. Judge Conover discussed his impending retirement from the Indiana Court of Appeals, civility among



William Conover ('51) presents the keynote address at Homecoming 1993 Banquet.

lawyers and the call to public service. At the conclusion of the Judge's remarks, Dean Edward Gaffney presented him with an engraved clock in recognition of his service to the bench and to the VUSL Alumni Association Board of Directors.



Class of 1983- 10 year reunion.

(l. to r. Katharine E. Wehling, Trish Morris Sarkisian & Tammy L. Kirby join in the Homecoming festivities.)



Chicago alumni and current VUSL students gathered to sample the wares of the Goose Island Brewing Company. Hot stuffed peppers and cold pitchers of beer provided the group with good times and good cheer.

MARK YOUR CALENDARS FOR THESE EXCITING ALUMNI ASSOCIATION EVENTS!

April 28, 1994 ISBA VUSL Alumni Reception
in our own back yard!
Radisson Hotel at the Star Plaza,
Merrillville, Indiana

July 9 - 17, 1994 VUSL's Spotlight on
London-Cambridge

Travel with fellow alumni to jolly old England and take part in a CLE program featuring the Honorable Ruth Bader Ginsburg team teaching a mini-session course on Gender Discrimination with Rosalie B. Levinson.

July 29 - 31, 1994 VUSL Class of 1984 - 10th Reunion

Arrive early on the 29th to golf with your classmates at the Valparaiso Country Club. Enjoy cocktails at the Rinkenberger Estate in Valparaiso later that evening. Saturday, July 30, will feature dinner and dancing. Watch your mail for details from the planning committee of Patrick Hansen, Brian Hurley, Tom Massey and Mike Philippi.

October 8, 1994 Homecoming and Celebration of
Class Reunions

The VUSL Alumni Association is ever active and on the move, visiting numerous points of interest in the latter part of 1993. The Association sponsored receptions at three state bar meetings — Indiana, Michigan and Illinois.

Alumni gathered at the Indiana State Bar Association Fall Meeting reception, which immediately preceded the State Bar's Women in the Law banquet. The Alumni Association was able to "pre-honor" the VUSL women to be recognized at the dinner held at the Keystone Radisson Hotel.

The 58th Annual Michigan State Bar Association Meeting brought together VUSL alumni from across the great lakes state at the Amway Grand Plaza Hotel.



In December, VUSL alumni wished each other pre-holiday cheer at the Illinois State Bar Association Mid-Year Meeting at the Sheraton Chicago Hotel & Towers. In addition to visiting with classmates and professors, alumni were able to take in the splendid Chicago skyline.

1950

The Methodist Hospitals announced that **Hilbert L. Bradley** was appointed to their Board of Directors. Hilbert is also the founder and general chairman of the Indiana Coalition for Black Judicial Officers.

1956

Ronald E. Gother was appointed to the Board of Trustees of Pomona College, Claremont, California. Ron is a senior partner in the Los Angeles firm of Gibson, Dunn & Crutcher. He also serves as a director of the Los Angeles Children's Hospital, Big Brothers of Greater Los Angeles, the Lawrence Welk Foundation, Town Hall of Los Angeles, Paulist Productions and the Criminal Justice Legal Foundation. Ron holds an LL.M. from Harvard Law School.

1963

Angelo A. Buoscio is serving as Chair of the Delegates Committee of the Lake County (IN) Bar Association. He is a partner in the Merrillville, Indiana, law firm of Buoscio, Pera, Kramer & Nowak.

1966

Frank J. Gray was elected President of the Benjamin Harrison Chapter of the American Inn of Court in Fort Wayne, Indiana. He formerly served as Secretary-Treasurer of the organization. He is a partner with the Fort Wayne, Indiana, firm of Beckman, Lawson, Sandler, Snyder & Federoff.

1971

Richard K. Rothschild has been named national director-government affairs for Sears Merchandise Group. He will represent Sears in federal and state legislative and regulatory affairs.

1972

Irving M. Einhorn announces the relocation of the law offices of Einhorn & Edgerton to Olympic Boulevard in Los Angeles, California.

1973

Indiana Senator **William E. Alexa** was recently presented the 1993 "Honorary Realtor of the Year" by the Duneland Association of Realtors Inc. at the annual installation of the 1993-94 officers. Senator Alexa was honored for his personal dedication to improve the area communities, outstanding educational

achievements and his unselfish cooperation and dedication to uphold and upgrade the real estate profession.

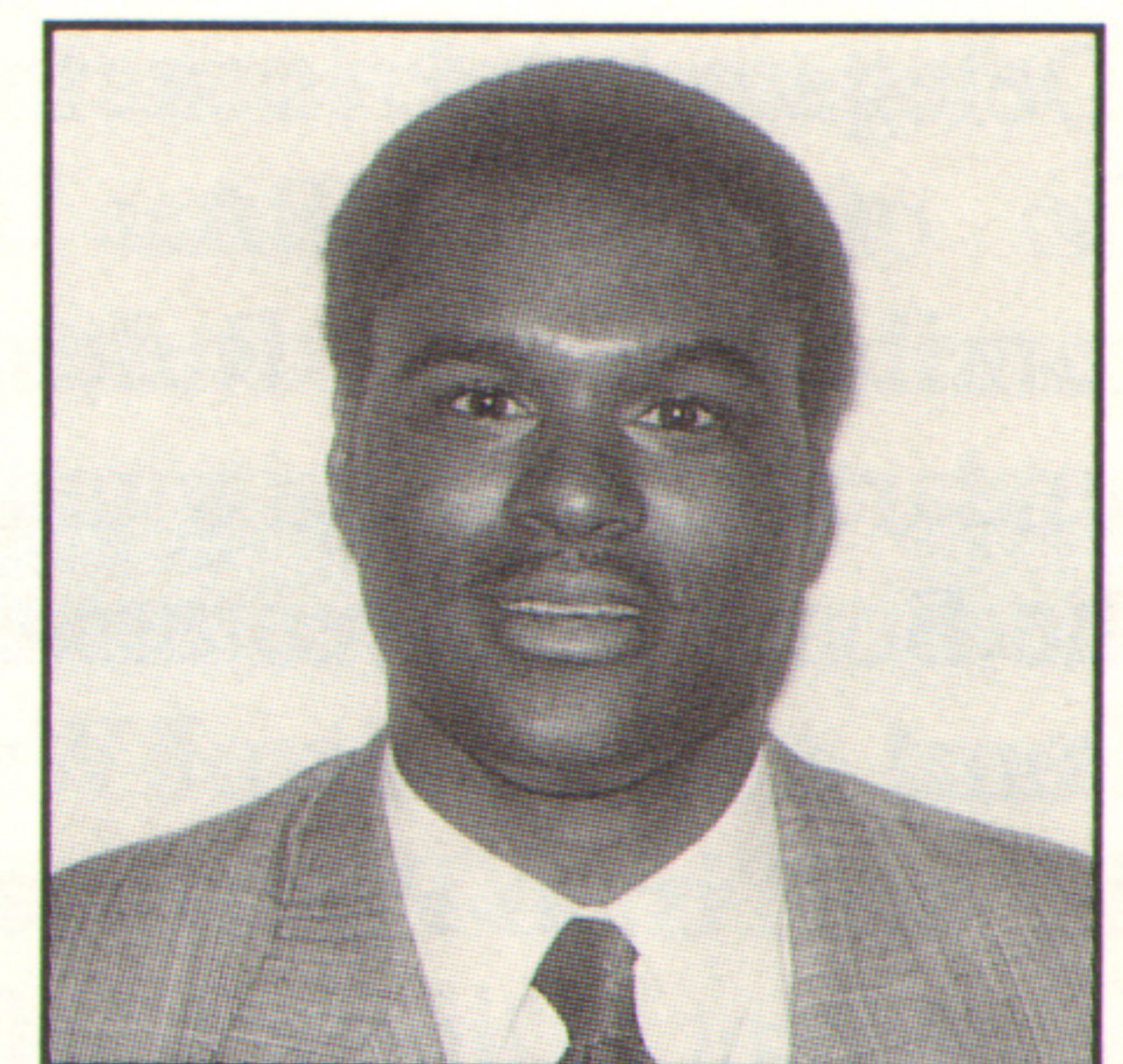
1974

Gerald E. Bowman, partner in the Merrillville, Indiana, law firm of Bowman, Heintz, Boscia & McPhee, was a panelist at an Indiana Continuing Legal Education Forum and Indiana State Bar Association seminar titled "Collections: From Written Off to Paid Off."

The Honorable **Charles H. Graddick**, Gary City Court, is serving on the Board of Advisors of Indiana University Northwest.

Paul F. Seltz is practicing in Copenhagen, Denmark. He primarily works with small to medium size Danish companies who have limited operations in the United States, as well as American firms.

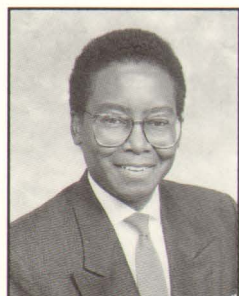
1975



Professor **Derrick Carter** addressed the Valparaiso

University Black Alumni Association Scholarship dinner during the Homecoming 1993 weekend. His presentation was titled "Education for 2000 - From an African American Viewpoint." He also serves as a Director on the VUSL Alumni Association Board.

Richard R. Hammar serves as the editor of the CHURCH LAW & TAX REPORT, a review of legal and tax developments affecting ministers and churches. He is with the Assemblies of God in Springfield, Missouri.



Dock McDowell Jr. has been appointed by the Indiana State Bar Association as Counsel to the President. He is a partner in the Merrillville firm of Dock McDowell & Associates. Dock is a member of the ISBA House of Delegates and is a former chair of the ISBA House Committee on Rules & Calendar. He is also a member of the Board of Directors of the National Association of Wabash Men, and is a Past President and current Director of the Urban League of Northwest Indiana.

James W. Mueller, partner in the Phoenix, Arizona, law firm of Mueller & Gallios, was recently installed to the Valparaiso University Board of Directors.

1976

Karen M. Coulis, of Rubin, Rubin & Mayer, in Merrillville, Indiana, is serving as the Chair of the Lake County (IN) Bar Association Program & Social Committee.

John J. Horeled of Crystal Lake, Illinois, recently served as a program coordinator and moderator for the General Practice Update of the Illinois State Bar Association General Practice Section Council. He also presented a session on managing, servicing, changing and marketing a "mature" law practice.

Prisoners and Community Together (PACT) presented the first Jim Bradley Award to **Ronald P. Kuker**. Ron has served on the PACT Board of Directors for almost nine years and as treasurer for the last four years. The award recognizes service to the organization beyond the call of duty; it is named for one of the individuals instrumental in the founding of PACT's Michigan City halfway house. Ron is an attorney with the Valparaiso law firm of Hoepfner, Wagner & Evans.

INDIANAPOLIS MONTHLY featured **Thomas R. Ruge** as one of the top Immigration Law practitioners in Indianapolis. He was voted to this honor by fellow attorneys, judges and business leaders in Indianapolis. He is with the law firm of Lewis & Kappes.

Dawn E. Wellman married John L. Denison in Indianapolis. Dawn, a partner in the law firm of Brand & Allen in Greenfield, Indiana, also is a Director of the School of Law Alumni Association Board.

1977

William J. Boklund was appointed to judge of Superior Court in LaPorte County, Indiana. He formerly served as LaPorte County Deputy Prosecutor.

1978

Ralph R. Huff was installed to the ISBA Board of Governors for the Second District during the 1993 Annual Meeting. He is a partner in the firm of Huff & Palmer located in Plymouth, Indiana. Ralph also serves as President of the Plymouth Board of Aviation Commissioners and is a Past President of the Plymouth Rotary Club.

1979

The Lake County (IN) Election Board announced that **Paul D. Stanko** was elected to the Lake County Election Board. The Board serves to nominate new Superior Court judges. Paul formerly served as a Superior Court judge.

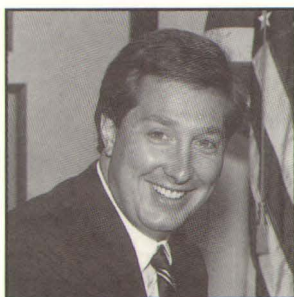
1980



Avery J. Bradley was recently elected commissioner and chair of the Detroit Charter Commission. He is a partner in the Detroit law firm of Bradfield, Bradley & Brandy.

Judith M. Haller is Chair of the Practice & Procedure Committee of the Lake County (IN) Bar Association. She is with Legal Services of Northwest Indiana.

1981



Upon recommendation of Attorney General Janet Reno, President Clinton nominated **Jon E. DeGuilio** as the U.S. Attorney for the Northern District of Indiana. Jon formerly served as the Lake County (IN) Prosecuting Attorney.

Timothy L. Kern married Marsha Ellen Best on May 22, 1993, in Lafayette, Indiana. Tim is currently serving as the deputy prosecutor in Tippecanoe County, Indiana.

1982

Marta Camafreyta Bukata is serving as Deputy Director of the Chicago Legal Clinic, Inc., where she directs the Domestic Violence Program. Marta also serves on the Munster Community Hospital board.

Law Alumni Association President **Diane Kavadias Schneider** has been appointed by Judge Nicholas J. Schiralli as a magistrate of the Lake

County Court, Division I. She will preside over small claims, criminal and traffic cases. Diane formerly served as the Court Executive and Referee of the Juvenile Division of the Lake Superior Court.

1983

The Buffalo, New York, law firm of Hiscock & Barclay elected **Paul W. Kucinski** to partnership. Paul concentrates his practice in consumer and mortgage banking.



Frank A. Lattal co-authored an attorney's guide to New Jersey insurance law, titled **NEW JERSEY INSURANCE LAW**. Frank, a partner in the Roseland, New Jersey, firm of Connell, Foley & Geiser, concentrates his practice in insurance related matters. He is an active member of the American and New Jersey Bar Associations in the areas of insurance and environmental law. Frank is also a trustee for the New York/New Jersey World Cup '94 Host Committee.

1984

Governor Evan Bayh appointed former Lake County (IN) Superior court Judge **Bernard A. Carter** to the post of Lake County Prosecutor. He is the county's first African American prosecutor.

1985

N. Cornell Boggs and his wife, Teri, are proud to announce the birth of their daughter, Emily Nicole. She was born on November 11, 1993. Cornell serves on the VUSL Alumni Association's Board of Directors. He has been with the Monsanto Company for five years.

Ellen K. Fujawa, an Administrative Law Judge for the Indiana State Department of Health, and Family and Social Services Administration in Indianapolis, Indiana, published an article of the new Office of Government Ethics regulations. The article, "Do Look a Gift Horse in the Mouth, If You Want To Keep Your Career," appeared in the April 1993 volume of *ARMY LAWYER*. She also serves as a part time professor at Indiana University - Purdue University, Indianapolis, in the Business Law Department of Indiana University.

Michael Metzger has joined the Washington, D.C. office of Rogers & Wells. He previously

worked for the Securities and Exchange Commission in Washington, D.C.

1986

MaryLu Cianciolo has received her MBA from the University of Chicago. She is now executive vice president and general counsel for Hoerner Therapy, Inc., a rehabilitation management company in Chicago.

Jeffrey E. Kehl, his wife Susan, and sons, David and Jacob, have relocated to the Chicago area. Jeffrey has become associated with the Chicago law firm of Dowd & Dowd.

Clarence D. Murray has been appointed to serve as a Magistrate in the Lake Superior Court, County Division. He formerly served as Deputy Prosecutor with the Lake County (IN) Prosecutor's Office.

Mark W. Rutherford recently established his own law practice in Indianapolis. He will concentrate in the areas of criminal defense, civil rights, bankruptcy, commercial litigation and nonprofit corporations and small businesses. During the recent Indiana State Bar Association Annual Meeting, Mark chaired the Criminal Justice section. Mark was also elected to a term

as President of the Lambda Chi Alpha Home Association of Wabash College, Inc.

The South Bend, Indiana, law firm of May, Oberfell & Lorber announced that **Bradley L. Varner** has joined the firm as an associate.

1987

Roberta Cioe Buoscio and her husband, Joseph, celebrated the birth of their second child, Alexander Francis, on November 26, 1993. Roberta is associated with the Chicago Heights, Illinois, law firm of Cifelli & Scrementi, Ltd.

Rebecca Boyer Laue and **Scott K. Laue ('86)** announce the birth of their son, Austin Nicholas on October 11, 1993. Rebecca reports that she is taking a sabbatical from the Winnebago County (IL) State's Attorney's Office to spend time with Austin. Scott is serving as a Corporate Trust Officer for Bank One.

Ozinga Brothers, Inc., of Orland Park, Illinois, announced the appointment of **Richard A. Van Kalker** to General Counsel.

Lewis E. Willis has been elected partner in the Indianapolis law firm of Stark Doninger & Smith. Lew is the President of the Indy Chapter of the VUSL Alumni Association.

1988

Ronald W. Frazier and his wife Denise are pleased to announce the birth of their son, Alexander Blake. Ron is with the Indianapolis law firm of Harrison & Moberly.

1989

Timothy E. Balko is an attorney with the Valparaiso law firm of Blachly, Tabor, Bozik & Hartman. Tim and his wife, Leann, are pleased to announce the newest addition to the Balko family, Jessica Marie.

H. Jonathon Costas has formed the Valparaiso, Indiana, law firm of Costas & Norman with **Phillip A. Norman ('87)**.

Beth Henning Guria has been named to serve as a Vice Chair on the ABA, Section of Natural Resources, Energy and Environmental Law's Special Committee on Toxic and Environmental Torts.

Jeffrey S. Kinsler has joined the faculty of law at Griffith University in Brisbane, Australia.

The Chicago-based Recycled Office Furniture Systems, Inc., recently named **Michael B. McVickar** as general counsel. The company specializes in the refurbishing and sale of top quality office furniture. Mick will also handle legal issues of two subsidiary companies,

Stenbro Ltd., a Chicago interior space management and design firm, and King of Instruments, a pipe organ manufacturer. Prior to joining Recycled Office Furniture, Mick served as a law clerk to the Honorable Charles R. Norgle of the U.S. District Court, Northern District of Illinois, and as an associate at the Chicago office of Chapman and Cutler.

Debra L. Reusze has joined the law firm of Stephen M. Kelley, P.C., in Grosse Pointe Woods, Michigan. The firm's practice is concentrated in environmental law and complex litigation matters in Michigan and throughout the Midwest. Third year student **Bradford Moyer** will also join the firm upon graduation.

1990

Anita Gordon has been conferred an LL.M. in Health Law from DePaul University.

Helen Thornton Jackson and **Trenis Jackson** are pleased to announce the birth of their son, Forrest Mercer, on January 28, 1994. He weighed in at 8 pounds and measured 20 1/2" long.

1991

M. Elizabeth Flores has joined the Lake County (IN) Department of Family Services.

Cheryl A. Kuechenberg has become an associate with the Merrillville, Indiana, law firm of Greco, Pera, Bishop & Vernia.

The Rochester, New York, office of Lawyers Cooperative Publishing named **Julie Griffith Riethmeier** to Associate Editor.

1992

Thomas L. Brooks, Jr. has been appointed as the attorney for the Lafayette (IN) Police Civil Service Commission. He is with the Lafayette firm of Mayfield and Brooks.

Doss & Associates, P.C., Holland, Michigan, announced that **John P. Hintz** has become associated with the firm.

Douglas R. Krause has joined the Valparaiso firm of Hoepfner, Wagner & Evans.



Nicole L. Nordman's daughter, Josie, born in June 1993, has been diagnosed with Cystic Fibrosis. This genetic disease affects the lungs and pancreas of its victims, causing severe upper respiratory illness and weight loss. Josie needs

round-the-clock care and treatment and protection from respiratory infection. Donations to assist with the cost of Josie's medical care can be directed to: The Josie Nordman Fund, Bank of Homewood, 2034 Ridge Road, Homewood, IL 60430.

John D. Papageorge has joined the Franklin, Indiana, law firm of Jones, Drury & Hoffman.

Linnea A. Shogren and **David A. Farmer** were married at St. Mary's Church in Buffalo Grove, Illinois. Fellow '92 classmates in the wedding included **Jayme Matchinski** and **Kim Downham**. Linnea and David have opened the law offices of Farmer & Shogren in Denton, Texas.

Xiao-Hua Zhao is associated with the Washington, D.C. law firm of Soble & Associates. She focuses her practice in international law matters.

1993

Michael G. Apolskis has accepted a position with VASA North Atlantic Insurance Company in Indianapolis, Indiana.

James D. Dimitri has joined the Indianapolis, Indiana, law firm of Frank & Kraft as an associate. He will focus his practice in the area of estate planning.

Adam Ferrandino has accepted a position with the Buffalo, New York, law firm of Allen, Lisspes & Shonn. He reports that he has passed both the New York and New Jersey bar exams.

Jacqueline R. Gipson has joined Legal Services of Northwest Indiana.

Hammerschmidt, Amaral & Jones announced that **Gregg A. Hixenbaugh** has become associated with the firm. Their offices are located in South Bend, Indiana.



Gordon Kuang-hua Hsin has been admitted to the Ph.D. program of the School of Oriental and African Studies of the University of London. He will begin classes in the fall of 1994.

The LaPorte, Indiana, law firm of Newby, Lewis, Kaminski and Jones has announced that **David P. Jones** has joined the firm as an associate. Prior to law school he worked for the Indiana Department of Natural Resources, the U.S. Environmental Protection

Agency, the U.S. Army Corps of Engineers, as well as environmental engineering and consulting firms.

Gina Roccaforte recently accepted a position with the Legislative Reference Bureau in Springfield, Illinois.

Yingmaw (Morris) Teng is an Associate Professor at Soochow University, School of Law in Taiwan, where he is teaching an introductory course on Anglo-American legal systems, and U.S. criminal law and criminal procedure. Additionally, he joined an international law firm in his hometown. Classmates may write to him at 110 Tong-Haw St., Kaohsiung, Taiwan.

Katherine C. Torres is with the Skokie, Illinois, law office of Boris Parad & Associates, P.C. She is primarily practicing in the personal injury and family law areas.

In Memoriam

The entire Valparaiso University School of Law community extends its sympathy to the families and friends of the following deceased alumni:

<i>Charles Boomershine</i>	<i>1937</i>
<i>Cletus Brault, Jr.</i>	<i>1969</i>
<i>Alan Saake</i>	<i>1974</i>

" . . . [w]e, the alumni, are strong in number and collectively powerful in ability. . . [n]ow, we can rely on *ourselves* to sustain and enhance the true substance of the educational institution which warmly binds us together.

Collectively, we are what makes our law school possible. Its reputation is ours, its successes are ours, and its very existence is ours to maintain.

The time is long overdue for our taking financial responsibility for our law school. The Dean's Annual Campaign is nothing more than an organized method to help us do so.

This year, join me in accepting the responsibility that is ours -- make a special effort to recognize the contributions of the law school in your life -- contribute to the Dean's Annual Campaign. It is time for far greater alumni support."

Dominic J. Farina, '42, 1993-1994 Chairman

The Dean's Annual Campaign

Send your contributions (by June 30) to: Dean's Annual Campaign
Valparaiso University School of Law
Wesemann Hall
Valparaiso, IN 46383

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