1-1973

The Forum (Volume 2, Number 2)

Valparaiso University School of Law

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Another important area discussed was that of the right to privacy as established in Griswold v. Conn. and the Supreme Court of Appeals decision. The implications of this implied right to privacy are major, and hinge on what seems to be an adult’s right to choose his or her own course of private life. In other words, the U.S. Supreme Court did not label abortion as “good” or “bad”, but merely enables a woman and her doctor to make a rational choice concerning an abortion without criminal penalties attaching.

Further questions of retroactivity and problems of the father’s “consent” to an abortion must be answered by closer study of the complete decision which should be available in advance sheets very soon.

The LAW FORUM takes this opportunity to welcome the Class of 1975. It seems appropriate to do so at this time since the first set of exams have been written, the grades have been reported, and you now know with some degree of accuracy who is still here, who will be back next year and the year following.

The editors of the FORUM invite you to participate in the production of the Law School newspaper. It really contains very little news as such but as its name indicates, it provides a format through which you as an individual and prospective lawyer can present your opinion on any topic which interests you. The topic need not be law-related. In fact we encourage the submission of articles concerning areas outside the confines of Weseman Hall as well as articles directed towards specific internal concerns.

The LAW FORUM is published through the financial support of the Student Bar Association and is budgeted for four issues this spring. The editors of the FORUM hope that members of the class of 1975 will join with the second and third year students in submitting articles for publication. As you witnessed during the fall semester the FORUM cannot and will not be published without your contributions and support.

Students and faculty wishing to submit articles may do so at any time to either Dee Bruening or Ed Rich in person or by sliding them under the door of Study Carrel S-3.

The Law School community responded to the death of Professor Bruce Berner’s father, Fred S. Berner, by establishing a Memorial. Through the efforts of many individuals in the Law School, an amount in excess of $150.00 was donated to the Memorial Fund.

Dean Meyer requested that selection of an appropriate Memorial be determined by a committee comprised of a representative from Phi Alpha Delta, Delta Theta Phi, and the S.B.A. Professors Berner and Hiller were asked by the committee to submit suggestions for an appropriate memorial. On the basis of Professor Berner’s suggestion, it was the unanimous decision of the committee that the Memorial Funds be applied to the purchase of a volume of books titled “History of the Supreme Court of the United States”. In eleven volumes, this book edited by Paul A. Freund of Harvard Law School, is a timely and lasting scholarly work on the Supreme Court, and has been many years in the making. The committee felt this choice of volumes was appropriate for several reasons: (1) it is a permanent set with no “new” editions, and will never by outdated; (2) it has a direct relationship to subjects taught by Professor Berner—Criminal Law and Procedure; and (3) it will be of lasting importance and benefit to all students in course offerings such as Constitutional Law and in individual rights areas.

Since the set is comprised of 11 volumes selling for $25.00 a volume, the Library Committee, headed by Professor Hiller and Mr. Hess, has agreed to apply their funds to cover the remainder of the purchase price. Each volume will be dedicated to Professor Berner’s father from the Law School Community.
Editorial:

Who's Afraid of the ERA?

The current conceptual and emotional garbage which has attached itself to opposition of the Equal Rights Amendment is phenomenal — and fascinating — in a perverted sort of way. The amendment has been called everything from a Communist conspiracy to an Establishment trick.

For those of you opposed to ratification of the ERA, the following may be of some help in disposing of your problem.

First, a short history lesson: The ERA had its beginnings in the early part of this century, and was originally proposed to Congress in 1923 by the National Women's Party and two Kansas senators. (As Ms. Catherine East mentioned in the latest Student Lawyer, this was "a most unlikely beginning for a Communist conspiracy."

Since 1923, the ERA has been introduced into every session of Congress. Finally, after nearly half a century, the 27th Amendment is before the states for ratification.

Now that the amendment has made it this far, what are the grounds for current opposition?

Clearly, one such basis is fear — fear of revolution, anarchy, brauners, uppity women and sexually-integrated jobs (in reverse order of course).

More "rational" opponents have expressed fears concerning the draft, so-called protective labor laws, criminal laws and the American family structure.

Let's look at these areas one by one:

1. The draft is the most likely area for drastic changes by the ERA — despite the fact that the draft itself has a doubtful future.

Actually, Congress could draft women now if it chose to; so the ERA would merely subject young women and men to the same military requirements and deferments, probably with an additional deferment for mothers with small children.

In terms of the assignment of soldiers to particular duties, the military would remain the ultimate judge of such assignments. Jobs are often, though not always, related to aptitude and physical qualifications; therefore, the fear that women would automatically be drafted as combat infantry personnel is unfounded.

The idea of women being drafted is certainly not new. Many other countries have either abolished their draft system or made it applicable to all citizens without regard for sex. Positive factors to ascribe to the U.S. draft system are hard to come up with; however, military service for women would enable some to receive vocational training which they could not get elsewhere and use GI Bill benefits for higher education. If nothing else, an equal draft could help to eliminate the negative stigma and stereotype types attached to women who volunteer for the Armed Services.

2. So-called "protective” labor legislation was originally adopted by the states to guard against abuses of women and children working in industrial plants. Although the legislators' intentions may have been admirable, the effect of these laws (the last few decades have been to deny women many jobs they were qualified to handle, and further, to keep women's wages much lower than men's.

Many of these laws have already been repealed, even here in Indiana. Title VII of the Civil Rights Act of 1964 has also helped to eliminate certain discriminatory employment practices in terms of women. However, the ERA is another necessary tool which women need in the combat sex discrimination in the job market. The amendment should have special impact on the federal government which is this country's largest single employer.

Some opponents claim that case-by-case litigation against unequal treatment of women should be brought under the 14th Amendment, thus making the 27th unnecessary. A quick review of Supreme Court decisions in the area of women's equal protection under the law will show, however, that there simply is no equal protection for women. The 14th Amendment has been used to protect the rights of aliens, criminals, unions, etc. — but never women.

For your own information check Mendelcock v. Industrial Welfare Commission (1988), Blaeker v. Mc Michael (1968), Reed v. Reed (1971), and the ever-present Muller v. Oregon (1908) — which to date has not been overruled.

3. Ratification of the ERA would also have a substantial effect on our criminal laws. The first argument from opponents in this area is that the amendment will invalidate rape laws. Sorry fellows — no such luck.

Rape laws in all but two states are written with the definite physiological differences between the sexes in mind, i.e., that only the woman's sexual organ can be forcibly entered or penetrated. Consequently, rape laws would remain on the books in their present form under the ERA unless the very definition of rape were changed.

Other areas in criminal law that should probably be changed after review in terms of the ERA are those of statutory rape, and penal and sentencing laws, particularly as they relate to juveniles. In juvenile "courts," girls are often sentenced and punished for "crimes" such as sexual promiscuity, while boys the same age are not punished. Another such area worth review is that of prostitution legislation which now applies only to women.

IV. Some people have expressed the fear that passage of the ERA will "destroy the family" as we know it. Assuming for a moment that our present family structure is worth preserving, the only effects on it by the amendment would be indirect. A change in labor laws will undoubtedly make it easier for more wives and mothers to find well-paying jobs outside the home. Granted, this may upset a few husbands who enjoy having a free domestic servant in the guise of a "wife." A national survey quoted in a recent publication showed that "In most states of the Union, the most sacrificial act a woman can perform is to get married. There are more than 1000 state laws that discriminate against women's rights to property, inheritance, guardianship, management of earnings, and the control of the family's wealth — and the married woman is their principal victim." The ERA would obviously do a great deal to alleviate married women's status as non-persons.

Also in connection with the family, the area of public education will have to be reevaluated and revamped. Women are not treated as equals throughout our entire educational system, ranging from sex-role stereotyping in the early grades through higher college admission standards and unequal pay and promotion for female school employees.

This has been a brief and incomplete survey of the ERA and its ramifications. Hopefully, though, it has pointed out and refuted some faulty assumptions made by opponents of the amendment. Much more information on this subject is available — and we strongly suggest that both men and women make use of it to gain a clearer understanding of the goals of the ERA and its supporters.

For those of you already in agreement with the ERA and its benefits: WE NEED YOUR HELP — AND NOW!!

The Indiana and Illinois legislatures are currently engaged in debate over ratification of the amendment. So please write your representatives immediately and express your support for ratification.

Names and address of local members of the Indiana General Assembly are:

The Hon. Phillip Gutman
Indiana Senate
Indianapolis, Ind. 46204

The Hon. Kline Telle
1212 Campbell Road
Valparaiso, Ind. 46383

The Hon. Steve Collins
Box 131
Valparaiso, Ind. 46383

The Hon. Walter J. Roorda
RR 2, Box 377
Demotte, Ind. 46380

The Hon. John R. Larson
353 Meadow Lane
(neighborhood Representative)

Summer Session has Advantages

by Ed Elch

As noted in the article concerning the School Law Summer Session, the VU Law School will again be offering evening courses during the summer months. The editors of the FORUM encourage the members of the law school to give consideration to this program.

Two advantages to participants appear to be available. First, the first-year student may, by participating in both sessions for two consecutive summers, accelerate his or her graduation by one semester. This results in a December graduation enabling the student to obtain a jump on the job market and take the spring Bar Exams. Several of the present second-year students have exercised this option and are presently pursuing an accelerated course of study.

The second advantage, one perhaps less thought about, is the opportunity to take additional courses which cannot be scheduled during the regular term. To this writer, the latter is an exciting option. The small class size evident in the summer session enables student-faculty and student-student relationships to be thoroughly satisfying and rewarding both academically and personally.

We hope that you will give the program its deserved consideration.
BALSA

by Rayfield Fisher

The Black American Law Students Association has acknowledged itself as the Law Student Division of the National Bar Association. (The NBA is the Black counterpart of the ABA.) As the Law Student Division of the NBA, BALSA will participate in all activities conducted at NBA conventions. This participation will include attendance at plenary sessions, workshops, planning sessions, social functions, and meetings of various standing committees.

The local BALSA chapter, as a segment of the Law Student Division of the NBA, will become affiliate members of local and/or regional bar associations in an effort to develop, perpetrate and implement similar policies and goals.

The Valparaiso Chapter was well represented at the BALSA Regional Caucus hosted by the University of Cincinnati Law School Chapter on February 23, and 24, 1973.

There was a Mid-West region made up of nine-state area which includes Michigan, Indiana, Ohio, Kentucky, Illinois, Missouri, Iowa, Wisconsin, and Minnesota. Scheduled activities will be election of regional officers, preparation of proposals for constitutional amendments, and the slating of candidates for officers to be considered at the national conference being held in San Francisco during March, 1973.

Presently, the Valparaiso Chapter is actively engaged in recruiting minority students, soliciting funds to finance projects, and finalizing plans for the Second Annual Black Law Day to be held in March or April. Also planned is a cultural exhibit displaying Black art and literature.

LORD, THIS CHAMBER FAIRLY SNAPS AND CRACKLES WITH POWER. ITS VOLTAGE WILL SHORTLY RUN OUT OF HERE ON INVISIBLE LINES, TINGLING SOME, SHOCKING OTHERS; WARMLING SOME, BURNING OTHERS. UNTIL IT TOUCHE NEARLY EVERY AFRICAN AMERICAN WOMAN AND CHILD IN THIS STATE. THOSE MOST VULNERABLE TO ITS THREAT AND MOST NEEDFUL OF ITS SUPPORT ARE THE MOST POWERLESS. THE GUY AT MICHIGAN CITY MAKING LI-CENSE PLATES; THE ENERGIZER BUNNY EATING HIS STARCH AT BOYS SCHOOL; THE WOMAN WITH THE VACANT STARE WEAVING POT-HOLDERS AT BEATTY HOSPITAL; THE WELFARE MOTHER TRYING TO MAKE TWENTY-FIVE DOLLARS LAST THIRTY DAYS; THE SECOND-GRADE LEARNING TO READ WITH A TATTERED TEXT.

IT IS TRULY AN AWESOME RESPONSIBILITY - WIELDING THIS KIND OF POWER. THESE MEN AND WOMEN HAVE COURAGEously ACCEPTED ITS FEAR-SOMENESS. LET THEM NOW ENJOY THE LIGHT OF YOUR WISDOM SO THAT IN THEIR LEGISLATION THEY MAY BALANCE CAUTION WITH BOLDNESS, AND A DISPASSIONATE STUDY OF COMPLICATED PROBLEMS WITH A HUMAN CARING. BUT MOST OF ALL THEY NEED COMPASSION IN ORDER TO HELP TO HEAL THE BRUSES WITH WHICH DAILY BRUSHES WITH UNFAIRNESS. INJUSTICE AND HARDSHIP MARK US ALL. I REALIZE THAT THESE ARE DIVINE Attributes. I AM ASKING FOR BUT NOTHING LESS WILL DO THE JOB. AMEN.

PHI ALPHA DELTA

by Tom Hill

Halleck Chapter of Phi Alpha Delta is hosting a Wine Tasting Party on Friday, February 23, 1973 at Johnias Hall. This event, arranged with the California Wine Growers' Association, will precede the SBA function held that same evening. All members of the Law School, their spouses, and/or their dates are invited to attend. The program will be presented by the Association's representative and is intended to introduce you to the various types of California wine and their individual qualities. Cheese, crackers, and wine will be supplied for your enjoyment.

Another PAD news: February 1, 1973 was the date of another PAD "Chambers" presentation. The "Chambers" series of programs has been designed to provide a format through which PAD members and their guests can become better acquainted with members of the faculty and local law oriented persons. Last Thursday's guest speaker was Assistant Dean Phil Brockington who discussed his ideas on "The Pitfalls of the New Lawyer."

Two more "Chambers" programs are presently being planned. The next will host Judge Willis and center around his "View from the Bench." A later program will host the Gary Chief of Police and director of a Gary half-way house. These individuals will share their views on the legal and personal problems faced by the drug addict.

"Chambers" programs are open only to PAD members and their guests. If you are interested in PAD membership or in attending a "Chambers" program as a guest contact Tom Hill in S-2 or Ed Eich in S-3.

The Valparaiso Law Forum

Editor: Dee Bruening
Managing Editor: Ed Eich

The VALPARAISO LAW FORUM is published during the academic year by the students of the Valparaiso School of Law. The views expressed herein are not necessarily those of the students, faculty or administrators of the School. Signed articles are the opinions of their authors. Unsigned articles were written by the editor and are expressions of her opinions. The FORUM is located in the Student Bar Association office at the Valparaiso School of Law, Valparaiso University, Valparaiso, Indiana 46383.

Summer Session Announced

by Ed Eich

The Valparaiso University School of Law has recently announced its tentative course offerings for the 1973 Summer Session. The Law School will conduct two sessions of seven weeks each: the first from May 21 through July 6 and the second from July 9 through August 24, 1973. Each course offered is contingent upon demand. That is, a minimum of 15 students must enroll to insure that the class will be taught.

FIRST SESSION

Administrative Law or Labor Law 3 hrs
Insurance 3 hrs
*Clinical Program 3 hrs

SECOND SESSION

Debtors' Protection and Creditors' Rights 3 hrs
Federal Practice 3 hrs
*Clinical Program 3 hrs

*It is possible that if the Clinical Program is offered it will be extend over the 14-week period, in which case 3 hrs credit will be given at the end of the Second Session.

Thus far, the following number of students have pre-registered for the courses offered:

Insurance 18
Administrative Law 10
Labor Law 1
Debtors' & Creditors' 9
Federal Practice 11
Clinical Program 11

These courses, with the exception of the Clinical Program, will meet in evening sessions. Admission is open to any VU Law student, and students in good standing at other Law Schools.

Non-Law students or interested persons from the area may be admitted with permission of the Dean of the Law School. The tuition rate is $60.00 per credit hour. There is a general fee of $15.00. For further information write to Dean Alfred Meyer, Valparaiso University Law School, Valparaiso, Indiana 46383.
Faculty at least this is what he is told. In
with any degree of accuracy the
nurtured for others. His primary
passion he might have previously
concern is to graduate at all costs;
or is stripped of any and all com-
participation by each student possible."

This ratio does not, however, reflect
"very favorable" ratios based on total
enrollment, most second-year and
third-year classes are small, making
maximum participation by each stud-
ent possible. Easy access to faculty
members for personal consultation
and advice is a Valparaiso

The faculty has taken one step in
the right direction by moving classes
out of the Le Bein Lecture Hall. Pro-
fessor Gromley has personally found
a way to split his Trust and Estates
class into two sections as has Pro-
fessor Bodensteiner with his Intro.
to Legal Aid course. Perhaps the
other professors who are similarly
burdened by overly large class size
can also find a way to section their
respective classes before the semes-
ter is too far gone.

### Favorable Student - Faculty Ratio: Myth or Reality?

"Despite its unprecedented growth
during the past few years, the School
of Law is still relatively small. Re-
cognizing the distinct advantages of a
small law school, the faculty is
determined to limit enrollment and
to maintain a very favorable faculty-
student ratio. Even with the increased
enrollment, most second-year and
third-year classes are small, making
maximum participation by each stud-
ent possible. Easy access to faculty
members for personal consultation
and advice is a Valparaiso tradition."

(1972-73 Law School Catalog, p. 21.)

During the fall semester of 1972 the
Valparaiso School of Law had
twelve of its faculty members actively
engaged in classroom work. The stu-
dent body enrollment for the same
period was 352. These figures result in
the "very favorable" faculty-student ratio of one to twenty-nine which is
referred to in the passage above.
This ratio does not, however, reflect
with any degree of accuracy the
faculty-student ratio as it exists in
the second-year and third-year classes
which are billed in the catalogs as
"... small, making maximum parti-
cipation by each student possible."

The following is a listing of the
"very favorable" faculty-student ratio by course during the fall semes-
ter. The figures are from the Dean's
office.

<table>
<thead>
<tr>
<th>Course</th>
<th>Students per Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Corporations</td>
<td>1-82</td>
</tr>
<tr>
<td>Evidence Sec. B</td>
<td>1-78</td>
</tr>
<tr>
<td>Evidence Sec. A</td>
<td>1-58</td>
</tr>
<tr>
<td>Law of the Poor</td>
<td>1-50</td>
</tr>
<tr>
<td>Debtors &amp; Creditors Sec. B</td>
<td>1-50</td>
</tr>
<tr>
<td>Administrative Law</td>
<td>1-43</td>
</tr>
<tr>
<td>Debtors and Creditors Sec. A</td>
<td>1-40</td>
</tr>
<tr>
<td>Appellate Advocacy</td>
<td>1-35</td>
</tr>
<tr>
<td>Securities Regulation</td>
<td>1-29</td>
</tr>
<tr>
<td>Admiralty</td>
<td>1-23</td>
</tr>
<tr>
<td>Legal Problems of the Poor</td>
<td>1-23</td>
</tr>
<tr>
<td>International Law</td>
<td>1-12</td>
</tr>
</tbody>
</table>

In addition there are ninety-four
people enrolled in various seminars.
It appears to this writer that empha-
sis should be placed on immediately
reducing the in-class faculty-student
ratio. It is senseless to speak of "very
favorable" ratios based on total en-
rollment when the figure is not re-
flected in the classroom. It is sense-
less to speak of second-year and
third-year classes which are "small,
making maximum participation by
each student possible" when those
who have control over such matters
failed to provide a sufficient number
of useable seating spaces in the
Le Bein lecture hall to seat all of the
135 students enrolled in Constitu-
tional Law. It is senseless also to
schedule elbow to elbow sections of
fifty and more people in classrooms
A & B.

This writer recognizes the many
problems of budget and scheduling
with which the Dean's office is faced.
But the Valparaiso School of Law is
presently failing to attain and main-
tain the standard of excellence in the
classroom situation and in the over-
al faculty-student relationship which
has been its hallmark in the past.

Hopefully the faculty and its com-
mitties are already taking action to
improve the in-class ratio for future
semesters. This is a problem area
which goes to the very essence of a
quality education and a remedy should
be provided now. There is no time nor
any reason to delay until "next year."
In this writer's opinion, there have
been too many "next years" in the past.

The faculty has taken one step in
the right direction by moving classes
out of the Le Bein Lecture Hall. Pro-
fessor Gromley has personally found
a way to split his Trust and Estates
class into two sections as has Pro-
fessor Bodensteiner with his Intro.
to Legal Aid course. Perhaps the
other professors who are similarly
burdened by overly large class size
can also find a way to section their
respective classes before the semes-
ter is too far gone.

### Student Loan Limits Raised

Beginning March 1, 1973, impor-
tant changes will be made in
the government's guaranteed
loan program for students. Local
lenders such as banks, savings and
loan associations or credit unions
will be able to offer more financial
assistance, especially to graduate
students.

The maximum loan per year will
be raised from $1500 to $2500. Also,
the limit for graduate students
for total educational expenses will
be raised from $7500 to $10,000. Includ-
ing undergraduate loans.

For the federal government to accept
the 7 per cent interest until nine to
twelve months after graduation, a
student must have a recommendation
from the financial-aid office of his or her college. Family
income of less than $15,000 a year
will no longer automatically qualify
a student for the loan program, how-
ever.

This particular loan plan is only
one of four administered by the U.S.
Office of Education. Others are 1)
outright grants based on need (up
to $1000 a year); 2) direct govern-
ment loans to students with no in-
terest until after graduation and then
3 per cent during repayments (eg.
National Defense loans); and 3)part-
time jobs financed mostly by federal
funds (eg. work-study program).
Universities and colleges determine
who eligible for this aid.

Further information on these pro-
grams is contained in a leaflet called
"Information for Students," that can
be obtained free from the Bureau of
Higher Education, U.S. Office of
Education. Washington, D.C. 20202.