A Bit of Law" FROM ENGLAND

by Marie Failinger

Economic Regulations and Insurance are being taught with a British flair this semester, due to the arrival of a new professor on campus. He is Professor Geoffrey Powell, who received his degree from the Honors School of Jurisprudence at Oxford University. Mr. Powell's education has been classical, mainly Latin and Greek, directed toward languages and ideas since the age of ten. In accordance with the British school system, he studied broadly in the law as an undergraduate, learning Roman law in Latin, the French constitution, and ancient law and jurisprudence.

He maintained a practice in London for thirty years concentrating in commercial and corporation law. About six years ago he decided to take his first teaching position at Trent Polytechnic in Nottingham. For two and a half years he taught "a bit of law" to students who would need it in accounting, engineering, etc.

Later, Powell taught taxation and revenue law as an outside lecturer at the College of Law at Guildford, England. The College is a rigorous practical six-month course which all law students must take in order to pass the examinations admitting them into outside work including seven papers, discussion. Students are responsible for outside work including seven papers, literally devoting their lives to the law during this course.

Powell also spent time in New Zealand, where he taught corporation and finance law at the University of Auckland. New Zealand's legal education is divided into undergraduate and law schools as in the US. One problem which Powell experienced in class was in getting students to speak up, since most of them were shy and distrustful of one another. He also noted their lack of historical background before 1917.

Powell and his wife decided to come to the United States motivated by their pro-American feelings and their desire to see more than their native London. Although Powell has been to the US before, his experiences were confined to the East and West Coast cities, which is what Europeans think of when they imagine the US, he said. His first impression of Midwesterners is that they are "genuinely kind" and take more time to be helpful and hospitable to strangers than people in the East. Still, he was surprised to find that everyone seemed to be equally well-educated, mentioning as possible explanations the innovations in transportation and the media in this country.

Powell's initial reaction to the relationships between law faculty and students here is that they are "outstandingly good." This is currently a problem for some English professors who aren't sure what kinds of controls they are expected to place on their relationships with students. He was happy to find that reports that American students tried to monopolize classes with poor understanding of the issues were not true. Students' caution in waiting until they understood points before they used them in arguments impressed him.

As far as clinical opportunities in England, Powell said that the College of Law largely stresses academic theory through moot competition, turning out fine trial lawyers. The College is only beginning weekend pilot schemes to portray legal problems in actual transactions, such as conveyancing.

Powell approves of a legal education which has both a practical and a theoretical aspect. He points out that the early English history of the law involved mostly clergymen, who found law worthy of study for its own sake. Powell feels that education should not just fit a person for a path in life and that it would be useless to try to teach all of the law in school. Rather, he affirms the value of an education which gives a practical knowledge of the law yet develops students for the intellectual life of their society, for enjoying life and helping others to enjoy it.

S.B.A. NOTES

The S.B.A. is giving major attention to Law Day festivities, occurring March 15 and 16. Instead of following the national topic, VU will study "The Slippery Slope," the crisis in ethics in the legal profession.

Present plans call for a luncheon at a minimal charge accompanying a seminar and discussion at the Union on Friday, March 15. The annual softball tournament is tentatively scheduled for Thursday, Friday, and Saturday of that week. Panel discussions for Friday and possibly several weeks before Law Day have been mentioned.

Law Day will be observed by students, faculty, and alumni with a banquet on Saturday evening, March 16, at Serbian Hall in Portage. The dinner, which is free to law students, will include a brief speech, an awards ceremony, and a band. Tickets for guests will be on sale.

No speakers have been confirmed for Law Day yet; however, invitations have been sent to Chesterfield Smith, A.B.A. president, and to the deans of the Indiana law schools.

Elections for S.B.A. offices are tentatively scheduled for Wednesday, March 13. Three representatives from each class and a president, vice-president, secretary, and treasurer will be elected.

S.B.A. will join Student Senate in bringing Ralph Nader to campus on April 10. Nader will probably speak at the law school in the morning, though no topic has been chosen yet.

S.B.A. will be discussing the selection process for summer school faculty as well as teacher evaluations in the near future. The student-designed program for recruiting women into Valpo's law school was approved as a sem-ester project by the ABA/LSD., which will match funds with S.B.A.

The Delta Theta Phi Law Fraternity finished last semester with a bowling tournament on behalf of a local leukemia victim. Law School participation was strong, and a number of teams comprised solely of law school members were entered.

The law review team swept half the trophies by nailing down high team game and high team series. Dean Meyer rolled a 201 to pick up the high men's score for law school participants. Barb Young's 169 was tops for women law school bowlers.

The drive netted over $450.00 in bowling revenues and merchant donations, raising total collections for the leukemia fund over the $16,000 mark.

'He wouldn't have rolled over a 140 if the prize had been a stuffed toy,' noted Weidner.
THIRD YEAR REFLECTIONS

by Don Evans

My law school experience is almost over, and I would share some thoughts on legal education here at Valparaiso University School of Law in the hope that they may be salutary for those who follow. I do this in the sincere belief that many of these ideas are shared by others who have chosen to remain silent. Perhaps this is because they do not seek the hostile resistance with which such comments are often met, or perhaps past experiences have so embittered them that their only desire is to ensure a tranquil finish to a law school career which has been too frequently turbulent.

The poor class attendance and the general malaise that pervades much of the small child cannot be wholly attributed to normal gripping or a lack of seriousness on the part of the student body. Such a self-serving analysis by the faculty would be superficial and would fail to recognize that many who are not satisfied with classes are either clerking or deeply involved in the clinical program. But the present clinical program is an isolated effort that may be limited in the future to the fortunate few, and it is a sad comment that many other students feel the need to clerk outside the law school in order to develop professional expertise.

It is apparently believed that there is an inherent dichotomy between theoretical and practical training and that practical training undermines the hard-earned reputation of an academic institution. Such a viewpoint belies the inextricable connection between learning and doing and allows too many faculty members to consider their job done when they have lectured from the same old notes and given tough grades. The doing aspect of learning need not involve the activation of the mental processes upon which legal principles are based but may instead be a vacuous recitation of key phrases by those having no comprehension of the rationale and genius of the law. Perhaps this vacuum could be filled through a teaching approach that encourages reflection rather than the mechanical memorization of cases and their concomitant principles.

The approach that is often used presently may be effective for first-year students because their fears of thinking out sustain motivation. The role of fear, however, diminishes eventually in spite of faculty efforts to the contrary, and the case method loses much of its impact sometime during the first year. The legal teaching profession is certainly capable of more innovative techniques that justify the respect that is so often either ill-avoided given, or expected, or both.

If this law school is really concerned with standards, it will strive to make legal education a more meaningful experience while judging its success on the enthusiasm of students and the accomplishments of alumni rather than on the maintenance of a highly competitive grading system that too often brings out the worst in people and has a dubious relationship to legal competence. Many of the top graduates of the existing system are presently busy in Washington, D.C. revealing potential by-products of such a system, and it should be remembered that tough grades reflect on a teacher's ability to communicate as much as on a student's ability to comprehend.

Jurisprudential theory is not fully understood except through a personal realization of its inherent association with the realities of the profession. This is a challenge to teaching method rather than a plea for an artificial separation of clinical education from the more traditional approach. Why do faculty members persist in the case method while faced with perennial third year doldrums and growing unrest among law students generally? This phenomenon is not limited to that "childish, immature" third-year class.

Could it be that the passive, paternalistic, pedantic case method is easier and more convenient than a dynamic system that integrates theory and practice? Some subjects are admittedly not very susceptible to other than casebook or theoretical teaching, but most subjects are. The cost of cohesive, dynamic teaching is imagination and effort whereas the cost of the present system is disenchantment and apathy on the part of many students who came here with high expectations and will leave with significantly smaller pocket books and an increasing cynicism toward Valparaiso University School of Law that will have a negative impact on our support when the grading process is reversed after graduation. Of course, the cost to those members of the public who will be retaining our services is inestimable.

Valparaiso Law School has tremendous potential, but it must seize on this opportunity to refine its curriculum and teaching method so as to do forth the latent enthusiasm of students. The faculty must not abrogate its duty to scrutinize itself and its curriculum and to prune those elements which are counterproductive of the Catholic goals of the entire Law School community.

PERSONAL INJURIES

by Gary Matthews

Phi Alpha Delta law fraternity presented personal injury litigation attorney Ben Elias to the law school student body, faculty, and guests last Tuesday evening. The Chicago-based lawyer spoke for nearly an hour and a half in the law school courtroom on the topic of "No-Fault Insurance." "Handling a Personal Injury Case," and "How to Run a Law Office."

Speaking on the first topic, no-fault insurance, Mr. Elias stated that the big problem with such laws was that an injured party was forced to relinquish his common law right to a trial by a jury of his peers. This somewhat extreme example of a jury, without no-fault laws, could jury award of between $200 and $6000, or settled in court with a jury award of between $5000 and $15,000. According to Mr. Elias, this somewhat extreme example shows how the proposed no-fault statutes, only the insurance companies are the big winners.

On the topic of handling a personal injury case, Elias, who graduated first in his class from DePaul Law School in 1959, emphasized that the major problem was determining what your case is worth. As a kind of rule of thumb, he suggested that personal injury lawyers will usually settle out of court for about $4 per every dollar of damage to the client, while the insurance companies will settle for about $3 per every dollar of damage.

Elias pointed out that since 95% of all personal injury cases are settled out of court, it was better to be the "best" settler of a case rather than the best trial of a case in court. He quickly added, though, that unless one was a good trial attorney, an insurance company would not be as willing to settle out of court feeling that they would get a lower judgment from a jury than what was being asked for in settlement.

Speaking in response to a question about how much he charged for his services, Mr. Elias gave these general guidelines: generally, one-third of any recoveries; if the case involves a minor -- 25%; -- a death claim -- 25% of the workman's compensation claim -- 20% (paid by Illinois law); and if the case seems to be a real "loser" -- 40%.

Mr. Elias seemed to present his views quite candidly and enthusiastically. Although everyone did not agree with his views, it was obvious that everyone enjoyed his performance.

Mr. Elias' presence at our law school was achieved primarily through the efforts of John Pera and Rick Federico.

HAPPY VALENTINES DAY

MAKING BIG TIME

On Friday afternoon a couple weeks ago, 3rd year students Don Weidner and Kirkland argued a motion for the plaintiffs in front of Judge Sharp in the Federal District Court in Hammond, Indiana. The case was Newlin v. Pruitt which sought to enjoin several Lake County public officials, such as auditor and sheriff, from employing artificial separations of clinical education from the more traditional approach. Why do faculty members persist in the case method while faced with perennial third year doldrums and growing unrest among law students generally? This phenomenon is not limited to that "childish, immature" third-year class.

Could it be that the passive, paternalistic, pedantic case method is easier and more convenient than a dynamic system that integrates theory and practice? Some subjects are admittedly not very susceptible to other than casebook or theoretical teaching, but most subjects are. The cost of cohesive, dynamic teaching is imagination and effort whereas the cost of the present system is disenchantment and apathy on the part of many students who came here with high expectations and will leave with significantly smaller pocket books and an increasing cynicism toward Valparaiso University School of Law that will have a negative impact on our support when the grading process is reversed after graduation. Of course, the cost to those members of the public who will be retaining our services is inestimable.

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By sharing some thoughts on my law school experience, I hope to rekindle your interest in law and the law school system. I believe in the potential of our law school system and I believe that it is possible to change the present system to one that is more conducive to a better education and a better profession.
Tomorrow will be a rough day for all us kids on this island. If only we would not have broken the shell. Rex and Sovny are going to fight to see who will be boss. Unless they kill each other, whatever the winner says will be law. Both of them are so big that all of us will do whatever they say because we're scared of them. I'm like Huckleberry Finn, "up a stumps." I don't know which way to turn or which way to lean.

I remember when I was very young I would obey my parents, because if I didn't, I would feel Dad's belt. But as I grew up and started to think about things, I began to feel that I "ought" to obey them because they were my parents. I would even feel a little sick in the stomach if I didn't obey them. They had the authority and I recognized it. Or, did I recognize them as boss and this recognition gave them authority to say what was what? Every time I think about this my head spins and I almost fall off my stump. All I know is that we wouldn't have the troubles we have if we all would not have broken the shell.

Yes, the shell was the prettiest piece of this island. I remember we all ran to where Rex was when we first heard its commanding sounds. We all quit what we were doing and like puppets on a string danced to its music. That was the first feeling of safety I had since leaving my parents at the boarding ramp in Hong Kong. An unexplainable magic made us recognize the shell as something perfect. Rex proposed that the holder of the shell be boss. The boss would organize us and give us rules. He suggested a vote be taken. The person with the most votes would be boss and hold the shell. I asked if I could still do whatever I wanted to do after we voted. There was no answer. I guess there was no answer because there was no boss. After we would choose a boss I wouldn't like what he says. On the other hand, if we don't get organized we would probably die because we naturally needed each other. I was ready to vote for Sovny.

I had no idea these kids had given so much thought to things. They each seemed to have a different idea of what was the best way to organize and why it should be done their way. They all had one common thread of having a founda-

tion upon which to build their thinking. I thought all of them were a bit shaky at times.

Logi had an idea. I didn't trust Logi much because he was fat, wore old English glasses and looked greasy. The kind of person you can never pin down to anything or anything particular. Everyone laughed. I said we could sell sand to the sea shore. Everyone but Logi. Logi said that shell doesn't mean anything. I wouldn't say it, but if it didn't mean anything, why had Logi danced to its music before? Logi's idea was to form what I would call a quasi corporation. We would consent to live by the rules. We will know what rules to make because nature has guidelines to be interpreted. Anyone who digresses from the rules should be punished. Shorty couldn't understand why we were obligated to keep our word.

I really didn't care for this idea too much. The shell played no role in this system. We had seemed to accept the shell as something special. Besides the shell missing, Logi's company didn't have any idealism or deity in it. Don't get me wrong, if a bolt of lightning would have carved the words, "Consent to a corporation," in a stone tablet, and deposited them at our feet, my hand would have been up first. Then I thought, even if lightning did the carving, it probably would be in Greek, and no one could understand it.

As our discussion continued I found out that Aquarius believed the tablets had been written and that all we had to do was figure out the words. Tommy Goodness was really his name but everybody called him Aquarius. I liked Aquarius' thoughts because he placed an importance on the shell. He felt that the shell represented an order about us. The shell was part of a natural order of things which was eternal. Besides the shell, even the kids were a part of this natural law.

But, unlike the shell we can reason and control our actions. Our reasoning should be promoted to try and figure out the puzzle of nature and the perfection of man. We ought to band together and form a community to utilize our brains to an understanding of the higher order of things. A human law will be needed to direct and control our actions in accordance with the natural order of things which natural order will be figured out. Aquarius said a lot quickly. He tried to shove 10 pounds of knowledge into my 5 pound head.

Because I got confused easily by deep thinking, I always have to make a picture in my mind. I usually picture things in terms of a building. In this case the building was a heap of sand upon which the building rests is what Aquarius called the Eternal Law.

Eternal Law was God's expression of his mind. This law never changes. There are no new developments. The pilings driven into the earth are the Natural Law. The forces which maintain the composition of the pilings and the gravitational pull are all segments of Natural Law which man hopes he has conquered. Then the structural steel represents man's efforts at conforming to the Natural Law. If the steel isn't thick enough, if it is high, or if it is too wide, the building will collapse because the contractor has wavered from the path by allowing substandard materials. Human law seems to say how much, how big and when to put what where. But, human law is not constant. It can change as man develops new techniques of understanding Natural Law, such as hydraulic jacks under large buildings to compensate for earth movement. Even Aquarius' Divine Law is expressed at every dedication or on a cornerstone. An appeal to a higher virtue of faith in God, love of God, and a hope that God lets the building stand is present.

After I had finished painting Aquarius' picture in my mind, I was ready to make a law. I was ready to build my way down to bedrock. I felt great. I was part of something. Then Lucky decided to address the group.

Lucky was probably the most per sistent person I have ever known. If he believed he was right, he would persist at changing the system until he had nailed down his set of guidelines explicitly. Right off the bat, Lucky crumbled my bedrock of Eternal Law by indicating there is no Eternal Law. God's will is supreme over everything. There is nothing above nor on the same plane as God's will. All is below God's will. Lucky indicated that we ought to look to God's will for the law. Lucky felt the purpose of the law was to bridle the sinful nature of man. Since man has a sinful nature there is no order to things and God's will imposes order.

It sounded like man didn't have a snowball's chance in hell. I was wondering how to figure out what God's will is, if it can change and even contradict itself. Do we figure out what God's will is; or is God's will what we figure? Again I was hoping for some lightning carved tablets to appear. I would have even settled for some writing in the sky or paper in a bottle with some rules. We needed something to get us going.

Hardy directed his time to rules. Rules are needed for organization. The purpose of rules is to determine witch behavior should be punished or corrected. Hardy switched his proposition coinciding with the way we felt about the shell. He thought we needed something that was recognized and accepted as authority. In this way the rule would be valid. Hardy proposed that we continue along the same basis as before. We recognize the shell as giving the holder the authority to make rules which we accept as being binding. We recognize something or somebody as having authority to make binding rules which we accept.

Everyone had the same idea. The shell is the key. Whoever has the shell will be boss. I learned something quickly. Whenever everyone wants the same thing it is either lost or broken, and will be irreplaceable. When the shell was crushed, we lost the significance it had and found that its qualities which we had accepted were irreplaceable. We gazed at the remnants in silence.

Then what I hoped would not happen, occurred. They wanted me, a person I had given this idea some thought while listening to the others. I began by a "ought" theory. It reminded me of arguing faith and believing. Some say, "Prove it to you on Judgement Day." The future verification concept always ends the conversation.

I could give an "ought" statement and build up a theory of rules and laws from the bedrock of ought. I had thought about saying, "We ought to do justice," or "We ought to promote progress." But these "oughts" to concepts finally end up on the same shelf labeled "acceptance." A theory cannot prove his starting point is correct. "Prove me wrong" or, "I'll verify it in the future," is the only (cont. on next page)
ACROSS

1. If all of us only —bikes.
5. Harvest
9. Oral
10. Highest space in building
12. Pronoun
13. Performance by professional dancing girls
16. River in Italy
17. Below carbon on the periodic table
18. Part of a meal
19. Chicago’s answer to energy crisis
20. Carry
22. Teaching Assistant
23. Wad of money (slang)
25. Most cars have this many passengers
26. Pilot of first fictional nuclear submarine
28. Viet Nam has produced many
29. Chinese unit of length
30. Type of fish
32. Unless before (Latin abbr.)
33. This doesn’t help the energy crisis
35. Played a lawyer on TV
37. Hold tight
39. Many lawyers handle these
40. This type of day helps us stay warm (Old English)
44. Article
46. They’re now protecting our highways
47. Musical note
49. All must practice this

DOWN

1. Simon hopes to avoid this
2. Conjunction
3. Recipient
4. Ardor
5. Unecological use of autos
6. Distillate of alcohol
7. In the vicinity of
8. Through Canada or through Alaska?
9. Weapons
10. Economy may suffer this due to energy crisis
11. Complete
12. Hobo
15. Tellurium
21. Type of British Order (abbr.)
22. No (slang)
24. Expression of surprise
26. Bends sharply
27. Better than nice
28. Through Canada or through Alaska?
30. Virginia
33. Type of electrical current
34. Unadulterated
35. Negative of 36 Down
36. Negative of 36 Down
37. Judgment notwithstanding the verdict
38. Ancient Tibetan fertility dance
39. Type of electrical current
40. Ancient Tibetan fertility dance
41. Type of electrical current
42. Type of electrical current
43. Type of electrical current
44. Type of electrical current
45. Type of electrical current
46. Type of electrical current
47. Type of electrical current
48. Type of electrical current
49. Type of electrical current
50. Type of electrical current
51. Type of electrical current

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The solution to last issue’s crossword puzzle appears below.

Crossword workers are encouraged to turn in their final solutions with their names to S4. We are currently trying to come up with some good gimmick to add to your desire to submit solutions.