Moot Court Argues

by Cindy Hodge

The Moot Court team, representing the Valparaiso University School of Law, go into their second round of competition in the National Moot Court Regionals, which began meeting November 2, and 3 at the Chicago Civic Center. The teams of Victor Callegari and David Allen, and Cindy Hodge and Richard Van derburg presented the argument for and against the question of what an attorney can be held liable for in the context of a malpractice suit.

Critical of the law student went beyond that in his law review note entitled "Educational Malpractice Law in Pennsylvania." In his note, the student takes the position that Pennsylvania law can recover from a teacher for his failure to learn because of the lack of supervision. If other professionals are held liable for their actions, why not the professor who holds himself or herself out as a professional educator?

It was Professors self who said, "The law of torts is anything but static, and the limits of its development is not yet to be determined." It comes clear that the plaintiff's intent is entitled to legal protection against the conduct of the defendant, the mere fact that the claim of tort is made will not of itself operate as a bar to the matter. (Benedict v. Scheppele 145 Pa 343)

Can you imagine the fascinating implementation of this new area of the law? Law students are likely to think of theories of negligence, intent, and malpractice as it relates to the teacher. The teacher or professor has a duty to teach the student non-negligently. The professor, the judge, the student, the teacher, the student or the difference a poor teacher would make.

Proponents of the standard for the professional: "skill and learning comparable to other members of the profession in good standing." Real torts will be realized from this approach. Some law students are used to upgrade the "community" of law, but it would be unrealistic to say that the standard would be the minimum applicable to the professional, no matter what the student's experience. However, the negligence theory could be used against one another in the same way.

Intentional tort is not usable because of the difficulty in proving. False claims have been very customary in all such matters. They are applied to mental distress and therefore is probably inapplicable (of other schools), Vanderburg added, "there is no other way to answer this question." He pointed out that the thinking of the team's briefs has improved this over year over years. Judges and law professors grade the teams, basing their judgment on the briefs (40%) and the oral arguments (60%).

The student team has been kept informed all about the efforts of the hypothetical law suit, "I took to heart the thought of whether or not we can prepare a claim. In addition, the team has studied the rules and regulations of law that would apply to the case. It seems that we would have to make sure that we do not have any conflicts of interest with respect to the case."

The Vanderburg and Pete Healer were not attending the National Moot Court Competition held in New York City. The national competition is sponsored annually and is usually attended by the Young Lawyers Committee of the Bar Association.

The last time a VU team attended the competition was in 1974. In 1979, the team of Victor Callegari and David Allen won the competition, defeating 4 teams from Indiana, Wisconsin, and Illinois, who would be chosen by the same procedure as this year's round on Saturday.

The team of Van derburg and Healer included Victor Callegari, 3rd-year law student, and Vanderburg, 4th-year law student.

Law and Malpractice Spectre

by David Allen

Have you ever wondered what our children will inherit? Some say, "between reasonableness, rationalness, or minimum negligence."

Critical of the law student went beyond that in his law review note entitled "Educational Malpractice Law in Pennsylvania." In his note, the student takes the position that Pennsylvania law can recover from a teacher for his failure to learn because of the lack of supervision. If other professionals are held liable for their actions, why not the professor who holds himself or herself out as a professional educator?

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Law Review Note Raises

Ed. Malpractice Spectre

The VALPARAISO UNIVERSITY SCHOOL OF LAW

First Students Attend State Bar Meeting

by Andrea Knish

Indiana's State Bar Association returned to the French Lick Sheraton Hotel for its annual meeting October 21st. The General Chairman welcomed Valparaiso's Dean Meyer and Professor John Steinem to speak on the "right to trial representation in the association's history." The House of Delegates debated a proposed resolution supporting a change in lawyer advertising to allow concentrations and limitations of a practice to be mentioned. The resolution was substantially defeated. The association also debated a resolution recommending to the Indiana legislature the establishment of an Indiana Tax Court, and passed a resolution recommending the proposed state constitution amendment which would limit the inherent power of a court to mandate adequate finances. Attorney General Theodore Steinem said, "If there were, of course, many problems in this, it would be helpful of course. Refer to the article for a discussion on proof. And always remember that, "The law of torts is anything but static."

Wake up, third-year students, and the law now stands: 1) removal of the teacher and replace the competent one; 2) provision of, 3) medical instruction; or 4) mone­ tary compensation for diminished future income. A good teacher, observant of his or her duties, who will not of itself operate as a bar to the matter. (Benedict v. Scheppele 145 Pa 343)

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The VALPARAISO UNIVERSITY SCHOOL OF LAW

November 5, 1976 Volume 6 Number 1

Steenem to Speak

by Ray Berger and John Lanning

On Tuesday, November 1, 1976, the S.B.A. met during chapel break and reviewed certain school and sanitation policies. The most important policy consideration involved closing of the law library at 5 p.m. on Saturday. As upperclassmen recall and first-years understandably realize, maximum research time is necessary to effective participation in the Legal problems class. This early closing time was adopted by the administration in an effort to minimize theft. Some reporters feel that students

preserved for time may "borrow" the necessary authorities in order to complete their papers in time for their deadlines.

other areas of discussion included providing practice exams for first year students prior to their first set of finals and absen­teeism by representatives at scheduled S.B.A. meetings. Chairman Hoffmann called attention to the by-laws which provide that no representations may be made during regularly scheduled meetings, and that violation will result in expulsion or impeachment. Karen Anderson was absent again.
The Law School Year
A Time for Reflection

The goal of the average law student is to obtain a law degree, pass the bar exam and become a member of the legal profession. The expectation is that such membership will open the door to a variety of things—including a place of esteem. However, current public figures suggest that such expectations are not always met. Nevertheless, such a sacrifice would be worth it. The faculty, once committed to such a project could successfully complete it. Over a year ago, the school gambled and built an addition with hardly any funds in the bank. Such a move required faith and just plain guts. If the school can leap into the unknown, so can the readers, local papers and magazines. The results demonstrated in ways in which legal education could be made more effective.

Why should this school attempt such a project? The simple answer is that you don’t gain recognition by always following. Sometimes you have to take a chance. Failure is always a possibility. But I have faith that this faculty, once committed to such an idea, will follow through. One day, perhaps, the students will be able to look back and realize what a possibility they once had. They will be able to say, “I could have made a difference.”

Because of sparse limitations in this issue and our desire to coordinate the financial aspects of President Huegli’s interview with other material, the third installment of the Forum will appear in the following issue of FORUM for the semester. The Editors.

Letters

Dear Editor:
I would appreciate it if you published this letter in a future issue so that others can share in my experience.

Sincerely,
Lew Holcomb
Vibrations
by John Johnson
The climate surrounding the action being undertaken by the University of California that is circulating among students is one of uncertainty. The anticipated strike has not been accompanied by a detailed explanation of why it is necessary, nor has it been accompanied by a detailed examination of the issues involved.

The administration has stated that the primary reasons for the strike are the need for better pay and working conditions for the striking employees. However, these reasons are not sufficient to justify the strike, and the administration appears to be using them as a means of deflecting attention from more fundamental issues. The administration has also indicated that the strike is part of a nationwide movement seeking to improve working conditions for all employees.

The atmosphere on campus is one of frustration and uncertainty. Students are concerned about the impact of the strike on their studies and their ability to continue their education. The administration has assured students that classes will continue, but many students are skeptical of this promise.

The strike has also had an impact on the local community, as the University is a major employer and source of economic activity. The administration has stated that the strike is hurting the local economy and is causing financial problems for many employees.

In conclusion, the atmosphere on campus is one of tension and uncertainty. The administration has failed to provide a clear and comprehensive explanation of the reasons for the strike, and the students are left with many unanswered questions. The impact of the strike on the local community is also of concern, and the administration should take steps to address these issues and work towards a resolution of the dispute.

Law School Impressions
by Majan Nelson
While staying in law school, we do not end up wondering what goes on in the outside world as we study the course. We can make a rough estimate of what life out there can be like. To make the most of our time, we need to have a realistic view of what law school is like.

The typical law student's day begins early, usually around 7am, with classes starting at 8am. Classes last for 2 hours, with a break in between. The day usually ends around 9pm, after attending classes, doing homework, and reading cases.

Law school is a challenging environment, but it is also rewarding. It allows us to learn about the law and how it affects people in their daily lives. It also helps us develop critical thinking and analytical skills.

In conclusion, law school can be a challenging and rewarding experience. It is important to have a realistic view of what life as a law student is like, and to take advantage of the opportunities that come with it.

Gary Hospital Situation Requires Concern
by John Johnson
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The tourney is underway and THE Seen Cross first round results available at trek with an impressive 21-20, various law school football and while Scott press time.

It was apparent from the start of the race that it was going to be BARD's day. First year student and eventual winner George Lihvarchik and the others were runners-up with 94 points each. And eventual winner George Lihvarchik and the others were finishing, chants of "Yellow Fever!" echoed between the Union and the law school. The wrestler finished second followed by Fal kenstein, Carter, Boos, Tenck and Lee, Ruld Hoff finished 15th, Hugh "Scrungy" Krarmer 37th, and Randy Sproule finished (see accompanying article). However the race this year was once again plagued by incompe- tence management. Originally scheduled for October 13, Intramural Director John Kraemer let it be known on that morning that it was to be postponed, because of a conflict with the football play-offs. The course itself was changed several times, and even then the runners were directed a different way than was explained at the pre-race meeting. The end result made it all worthwhile, however as BARD once again brought honor, fame, and glory to the Law School.

Fem V-ball Takes Off by Dave Myers The two feminine law school volleyball squads have announced their season slates. Under the tutelage of Ann Bowman, the Legos (who had more than mine, not mine) will meet the Axes on 1 November, the KAPPAS on 8 November and the KTAO on the 15th. The Solicitors will tangle with the Axes on November 5, the White House Gang on November 10 and the Alumni 3rd moved on November 17. The championship series, featuring the winners of the four leagues will be held on November 28th in a single elimination for- mat. All contests will be held at the V.U. Gym.

Soccer Squad Squashed by Dave Myers A season which began with high hopes has slowly disintegrated. The Law School soccer club slipped to a record of 2-4-1 with back to back losses this past week. The BARD booters picked up a forfeit win on the afternoon of October 24, but then dropped a tough 2-1 loss to the Theta Chi and were outmaneuvered by the Phi Delta. Against the Thetas the comedians slipped behind 2-0 in the early going before Bruce Van Hinkelmen's head shot off Scott Walden's corner kick made it 2-1 at intermission. The BARD dominated the second half outshooting the Frosh by about 15-5, but could not put the ball in the goal and were thereby saddled with their third loss of the year. In tangling with the strong Phi Delta squad, the lawyers were outclassed by a strong front line and contributed by poor defensive miscues. The fraternity jumped off to a 2-0 lead and the BARD missed a couple of scoring opportunities, a common story this season as the season half ended. The second half was most the same story as the offense stayed hidden and the BARD de­ fense stayed porous. The loss was particularly disappointing since the BARD had played well against the Theta Chi.