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Valparaiso University School of Law

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LETTER FROM THE EDITOR

VUSL 2000. It sounds like some sort of new car - one susceptible to new age advertising like the irritating "Infiniti" ads that never show the car; or the Mercedes ad that shows the car, but the car is always spinning and skidding and is never shown travelling in a straight line.

It is a vehicle, but not one for transporting people and things. It is the vehicle for transporting the School of Law into the twenty-first century, a vehicle for progressive planning.

We are at a very exciting point in time. We have just celebrated the 110th anniversary of the School of Law. Ed Gaffney will become our tenth Dean. The University is progressing well with the overall strategic planning process. The School of Law is actively involved in a long-range planning process of its own - to take a look at what we want to be in the year 2000 and how best to achieve our goals.

It is very comforting to be planning from a position of strength, as opposed to reacting to a crisis. We eagerly await the turn of the century and the next 110 years of VUSL. We will be ready, we always have been.

Unlike those silly Infiniti ads, we are not about to hide anything from our "consumers." There is no reason to do so when you are proud of your product and your product is exemplary. And, we are headed in a straight line.

Curtis W. Cichowski, '81
Editor-in-Chief
LETTER FROM THE DEAN

Contrary to popular belief among law students, one of the most difficult, unpleasant aspects of teaching results from the pain of failure which we all feel when a student is dismissed for academic reasons. This is particularly painful for the faculty members and students who serve on the Petitions and Readmissions Committee, the faculty committee which hears the petitions for readmission submitted by students who have been dismissed. Since we admit only those applicants whose credentials—including prior academic performance, LSAT score, experience, accomplishments, recommendations, etc.—indicate they can succeed in law school, any dismissal for failure to meet the required grade point average (GPA) suggests something went wrong somewhere. Obviously, not all such dismissals can be prevented. However, the faculty recently confronted the question whether the law school is doing enough to avoid academic failure wherever reasonably possible. Many other law schools are struggling with the same issue.

In November 1989 the faculty adopted the recommendation of an ad hoc committee and voted to implement an academic support program beginning with the 1990 spring semester. At the beginning of the spring semester all first-year students, including part-time students who have not completed the first-year curriculum, on academic probation (i.e., GPA below 2.0) were invited to participate in the program. This group includes students whose "prediction index" (reflecting a combination of undergraduate GPA and LSAT) indicates they should have done better; not included in the group is a significant number of students whose "prediction index" indicates they might have trouble in law school. Not surprisingly, the "prediction index" is not always accurate. For that reason, participation in the support program during the second semester is based on law school performance in the first semester rather than the prediction. The best evidence of how well one can do in law school is actual performance in law school.

Participation in the program is obviously voluntary, but those invited are encouraged to participate. At present the program consists of four to six special sessions conducted by each professor teaching a first-year course. The exact number of sessions and the content is left to the discretion of the professors. In addition, each participating student will be assigned to one of the three law students (teaching assistants) employed to help implement the program.

When the program is fully implemented, it will include a special introductory session (several days), which will be held just prior to the beginning of classes in August, and four to six extra sessions during the fall semester. Here, too, participation will be by invitation but, since the beginning students have no law school record, invitations will be based on the "prediction index" referred to above. We anticipate that the participants during the introductory session and the fall semester will include many of the "non-traditional" students admitted despite a lower "prediction index" because of special characteristics, qualities and experiences which add to the diversity of the student body. Thus the program should promote some of the goals of our admissions office.

By next summer we will have selected a director to fully develop and monitor the program. I believe this program is consistent with the law school's reputation as an institution which cares about its students, treats them as individuals, and attempts to create an environment in which each student can maximize her or his potential.

Professor Gromley, who chaired the ad hoc committee which prepared the recommendation, and the members of his committee deserve special thanks for their efforts.

Implementation of the academic support program coincides with an announcement from the Council of Legal Education Opportunity (CLEO) that it approved our proposal to host the 1990 CLEO summer institute for the midwest region. CLEO is funded by the U.S. Department of Education and sponsored jointly by the American Bar Association, the Association of American Law Schools, the Law School Admission Council, the Hispanic National Bar Association and the National Bar Association. It seeks to recruit minority students who might not otherwise consider law school and provide them with a six-week preview of law school. Professor Vandercoy prepared the proposal and will direct the summer institute.

Finally, but by no means least important, I will take this opportunity to welcome Professor Ed Gaffney as the next dean of the law school, beginning July 1, 1990. President Harre's recent announcement that Ed had accepted the offer was received with enthusiasm at the law school. I am confident that you, too, will be enthusiastic when you review Ed's credentials and have an opportunity to meet him. We look forward to Professor Gaffney's arrival this summer!

Dean Ivan E. Bodensteiner
Valparaiso University School of Law
MESSAGE FROM THE PRESIDENT

Dear Alumni:

Welcome to the first issue of the AMICUS for 1990. As we prepare for Easter and the coming Spring, it might make sense to speak of some things to be hopeful about. I have a few in mind:

We seem to be enjoying more than a happy new year. The 1980's were successful for many people. Years of strong growth provided jobs for all but a few, inflation has remained low, and incomes have never been higher. The Cold War is over, offering a solution to the deficit mess. The pattern of steady economic expansion should continue into the 1990's.

We are encountering a renewed sense of cooperation and pragmatism. From a series of "we" and "me" decades, and maybe "greed" decades, a sense of partnership is in the air that is different from the New Deal, the Great Society or the Reagan Revolution. We believe that the academic community, business and government have to work more closely together to address public issues on a consensus basis.

After decades of tearing institutions down, some action is being taken to rebuilding them. And there is no better place to begin than our school. If we can succeed in the 1990's in adapting improvements in legal education, we will have set a positive course for our school into the next century.

A large part of this work has and is being done by those individuals who help the law school and the Association function. On behalf of the Board, I want to recognize and thank the law school staff for their thoughts and time, particularly Dean Bodensteiner as he completes his term; Deans Berner and Cichowski, Gail Peshel of Placement and Kathy Wehling of Admissions. Our past Board officers - Mary Squyres, '82; Donald Seberger, '80; Edwin T. Brown, '51 and our past Board members - Jackie Leimer, '81 and Dennis Logan, '77 all deserve our thanks for their interest and caring.

This year will be one of continued change not only with a new law school dean to succeed Dean Bodensteiner and his achievements, but also with the opportunity for more law alumni involvement. The Board urges you to support local programs for recruitment and placement, and to attend the legal seminars when offered at Valpo.

Your financial support through modest annual dues is vital and must be expanded to include more alumni.

If we are to accomplish these objectives, I need your help. The Board can set the agenda but only you can make it happen. Your current and increased dues is an important first step; your continuing interest and participation will be needed to strengthen our efforts. I urge you to review this issue and our ongoing programs and tell us what you think. Together we will be better for our efforts.

John Lee, '77
President - VUSL Alumni Association

Have you received your official VUSL Alumni coffee mug yet? Have you paid your Alumni dues?

This year, everyone who becomes a dues paying member of the VUSL Alumni Association, and everyone who sustains their status as a dues paying member, will receive an official VUSL mug as a gift of the Alumni Association.

The midnight blue mug has the VUSL logo (in gold) on one side and the message "Alumni, Valparaiso University School of Law" on the other side.

Dues are a mere $30 ($15 for the three most recent graduating classes). To pay your dues, just use the postcard on the back cover addressed to the VUSL Alumni Association. We will send you your mug as soon as we receive your dues!

The official VUSL Alumni mug
Edward M. Gaffney, Jr.

We are very pleased to announce that Edward M. Gaffney, Jr. has been named Dean of the School of Law at Valparaiso University. He will succeed Ivan Bodensteiner, Dean of the School of Law since 1985, who has chosen to conclude his tenure as dean effective June 30 to return to full-time teaching.

Currently a Scholar-in-Residence at Stanford Law School, Ed Gaffney is an associate professor at Loyola University Law School-Los Angeles. He received the B.S. degree from St. Patrick's College, Menlo Park, California, in 1963, the S.T.L. degree, cum laude, from the Gregorian University, Rome, in 1967, the J.D. degree (1974) and an M.A. in legal history (1975) from Catholic University of America, and the LL.M. degree from Harvard Law School in 1976.

He joined the Loyola faculty in 1981 as James P. Bradley Professor of Constitutional Law and Visiting Associate Professor. Prior to that, he had served as Associate and then Director of the Center for Constitutional Studies and Associate Professor of Law, Notre Dame Law School; Attorney-Advisor for the Office of the Attorney General, U.S. Department of Justice; Instructor of Law at Boston University School of Law and Instructor in Law and Religion at Boston College; Researcher with the Congressional Research Service, American Law Division Library of Congress; Associate Director, Secretariat for Human Values, and Committee on Ecumenical and Interreligious Affairs, National Conference of Catholic Bishops; and Associate Professor of Historical and Systematic Theology, St. Patrick's Seminary, Menlo Park, California.

Professor Gaffney is a member of the Society of Christian Ethics, the American Academy of Religion, and the American Law Institute. He serves on the Editorial Board of the Journal of Law and Religion, the Board of Directors of the Counsel on Religion and Law, and the Board of Directors of the Center for Church-State Studies at DePaul. He has also served as academic consultant to The Williamsburg Charter Foundation and as chairperson of the AALS Section on Law and Education and of the Section on Law and Religion.

He and his wife, Anne-Marie O’Healy, have three daughters - Margaret, Elizabeth, and Deirdre. They will move to Valparaiso in the summer, and Professor Gaffney will begin his duties as Dean on July 1, 1990.

Ed Gaffney will be the tenth dean in the 110-year history of Valparaiso University School of Law. Previous deans at Valparaiso have been: Mark L. DeMotte; Milo Jesse Bowman; John Morland; Knute D. Stalland; Louis F. Bartelt, Jr.; Alfred W. Meyer; Charles A. Ehren, Jr.; Peter J. McGovern; and Ivan E. Bodensteiner.

VUSL Moot Court Team Advances at National Competition

The Valparaiso Moot Court Team finished in the final 16 teams during the Final Rounds of the 40th Annual National Moot Court Competition held 29 January - 1 February 1990 in New York City. The competition is sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York. The issue for the competition involved a hostile takeover and included discussion of the Clayton & Williams Acts.

Over 150 law schools entered teams in the regional rounds of the competition which were held throughout the United States in November and early December. Twenty-nine law schools from 14 regions became eligible to enter the final rounds of the competition held in New York City.

In New York, the Valparaiso team defeated Mercer in the first round and Brigham Young in the second round. Unfortunately, the Valparaiso team was defeated by the University of North Carolina at the round leading to the quarter finals. Represented in the final argument were teams from the University of Iowa and Emory University. Emory was chosen winner of the national competition.

Valparaiso was represented by second-years, Brian Welch and Steve Fletcher, and third-year Sam Brooks. The team is coached by Professor Robert Blomquist.
Dean Ivan Bodensteiner was a member of a panel discussing "Special Problems in Handling Pro Se Litigation" at the Federal Judicial Center Workshop for Judges of the Seventh Circuit held at Notre Dame in October. Dean Bodensteiner and Professor Rosalie Levinson completed the 1990 supplement (out in March ‘90) for their book, State & Local Government Civil Rights Liability, published by Callaghan & Company.

Associate Dean Bruce Berner attended the annual conference of the National Collegiate Athletic Association in Dallas in January.

Dean Bodensteiner, Associate Dean Berner, Assistant Dean Curtis Cichowski, Assistant to Dean Admissions Katherine Wehling, Director of Career Services Gail Peshel, Professor Alfred Meyer, and Law Librarian Mary Persyn attended the reception for School of Law alumni and friends that was held at the Indiana State Bar Association meeting in Fort Wayne in October.

Professor Ruth C. Vance served as coach to this year’s negotiation team. Team members were Linnea Nelson, 3L, Georgeanne Orlich, 3L, Roger Weitgenant, 3L, Allen Fore, 2L, Noreen Larson, 2L, and Michelle Thompson, 1L. Tony Makin, 3L, drafted problems for the team's practice sessions. The team participated in the American Bar Association/Law Student Division sponsored regional negotiation competition held at Northern Illinois University School of Law in DeKalb, Illinois, on November 18, 1989. Linnea Nelson and Georgeanne Orlich represented Valparaiso at the competition. Valparaiso's team placed 5th out of 10 teams. Our team won both rounds and was only .6505 points away from the 1st place team's score.

Professor Vance attended a conference on Employment Issues for Hoosier Workers sponsored by the Foundation for the Advancement of Industrial Research in Columbus, Indiana, on November 10 and 11.

Professor Vance presented her report entitled "Vocational Rehabilitation Benefits Under Indiana's Workers' Compensation Law" at the Indiana Trial Lawyers Conference held in Indianapolis on November 30 through December 1. Professor Vance was honored at the Indiana Trial Lawyers Awards Banquet for her efforts in the area of vocational rehabilitation. She also conducted a news conference at the State House on November 30 where she discussed the results of the report. The report received statewide media attention.

Sally Holterhoff, Documents Librarian, has been nominated as a candidate for Director on the Board of the Chicago Association of Law Libraries. In November she gave a presentation on current documents issues at an annual workshop for depository librarians at the Indiana State Library. Her book review of Congress and Law Making: Researching the Legislative Process by Geochert and Martin has been accepted for publication in Government Publications Review.

Professor Robert F. Blomquist delivered a number of speeches to numerous audiences during the autumn semester. On October 27, 1989, he delivered a lecture entitled "The Justice of 'Monkeywrenching'" to Professor Stan Goldman's Nature Literature class at Purdue University in West Lafayette, Indiana. On November 30, he delivered a speech to a combined audience of the International Law Society and Environmental Law Society of Indiana University School of Law in Indianapolis. The topic of his speech was "Parts Per Quadrillion: Problems and Prospects of Measuring and Understanding the Global Environment." The following day, on December 1, he was a guest speaker at the Twenty-Fifth Annual Institute of the Indiana Trial Lawyers Association held at the Embassy Suites Hotel in Indianapolis. The topic of his presentation (written materials) was "The Emerging Nature of "Toxic Torts": A View Toward the Nineties."

On October 21 (Homecoming weekend), Professor Blomquist presented a Continuing Legal Education seminar to a number of law school alumni entitled "What Every Attorney Needs to Know About Environmental Law." Written materials distributed at this seminar included an assortment of published and unpublished material on environmental law and policy written by Professor Blomquist.


One of the two Valparaiso Moot Court teams coached by Professor Blomquist placed second (out of a field of over 25 law school teams from the states of Illinois, Wisconsin and Indiana) in the forty-first annual regional phase of the National Moot Court Competition of the Bar Association of the City of New York. The winning team members were Brian Welch, 2L, Steven Fletcher, 2L, and Sam Brooks, 3L. As a result of their stellar performance, these students will compete at the National Competition in New York City to be held during the last week of January.

Professor Blomquist continues to serve as the faculty advisor for the Midwest Environmental Law Caucus (MELC). Numerous environmental programs were held during the fall semester under the able leadership of MELC President Linnea Nelson.

Professor Jack Hiller has contributed an article, "Can Reward Operate as a Legal Sanction?" to be published with the articles compiled as a Festschrift in honor of Professor...
Heinrich Scholler of the University of Munich law faculty. A Festschrift is a volume of writings by different authors presented as a tribute to a scholar. Because of other commitments, Professor Hiller was unable to present his paper orally at the original celebration in honor of Professor Scholler that took place in Germany in October.

Professor Richard Stith has recently published comparative law articles in the Revista de Derecho Publico (Madrid, Spain) and in the Revista Chilena de Derecho (Santiago, Chile). Critical comments by Professor Stith were printed by Second Opinion (the journal of the Park Ridge Center). His most recent comparative commentary was published in the December, 1989 issue of the Journal of Legal Education. In this article he points out that no other liberal democracy has followed the lead of Roe v. Wade in stripping the unborn child of all effective legal protection right up to the moment of birth.

Professor Richard Stith

Last Fall Professor Stith lectured twice in the Purdue-North Central Great Issues Series on the topic “Can Law Survive?” He also spoke to the Evangelical Lutheran Church in America Task Force on Criminal Justice. His work continues to be cited and favorably received in European and other nations. He was recently admitted to membership in the Internationale Vereinigung fur Rechts- und Sozialphilosophie (I.V.R.).

Professor Stith recently testified on abortion law reform before the Public Policy Committee of the Indiana House of Representatives. He emphasized that the unborn child’s need for protection and the mother’s need to know both support requiring informed consent prior to non-emergency abortions.

Law Registrar Nancy Kohlhoff

Nancy Kohlhoff, VUSL Registrar, and Ann Burbridge, Registrar at Texas Tech University School of Law, have co-edited a manual for law school staff whose responsibilities include registration and records. The Law Registrar’s Handbook was published by the National Network of Law School Officers and the Texas Tech University School of Law Press in June, 1989. Partial financial support was arranged by W. Frank Newton, Dean at Texas Tech. Ann and Nancy wrote various sections of the Handbook. Officers from other law schools who contributed sections were Jacqueline St. Germain, Northeastern University; Jerry Brandes, Chicago-Kent; Hilda John, New York University; Barbara Lickteig, University of Colorado; Judith Malen, Northern Illinois University; Sue Robinson, Harvard University; Irmgard Vragel (retired), University of Denver; and Wally Walker, Golden Gate University.

Professor Rosalie Levinson spoke to the Indiana Civil Liberties Union on November 12 on the topic of Affirmative Action. On January 3 she lectured at the Hebrew University Law School in Jerusalem on the meaning of sexual equality, a comparative analysis of Soviet and United States law.


Professor David Myers

Professor David Myers is currently working on the 4th Edition of Nimmer’s Cases and Materials on Copyright and Other Aspects of Entertainment Litigation. The book will be published by West Publishing Company. His co-authors are University of Arizona Law Professor Paul Marcus and Los Angeles Attorney David Nimmer.

Assistant to Dean - Admissions Katharine Wehling reports that for the third consecutive year applications to VUSL have increased. At this early date applications are up about 40% over last year. In fact, we are running out of our application materials. The recruiters this fall, Mary Beth Lavezzorio ’89 and Angela Hughes ’89 talked with prelaw advisors and prospective applicants at over 90 colleges, universities and recruitment programs in 20 states and the District of Columbia. Ms. Wehling stated that both Ms. Lavezzorio and Ms. Hughes are terrific representatives of the Law School. Special thanks also are due to Bill Koch ’88 who represented us at the Montclair State Law Day.

Dean Ivan Bodensteiner, Associate Dean Bruce Berner, Assistant Dean Curtis Cichowski, Professors Mary Persyn, Robert Blomquist, Geri Yonover, Alfred...
Meyer, Cheryl Stultz, Paul Brietzke, Susan Adams, David Myers, and Michael Straubel, Assistant to Dean - Admissions Katharine Wehling, and Director of Career Services Gail Peshel attended the annual meeting of the Association of American Law Schools in San Francisco the first week in January. At the meeting Professor Straubel was elected Chair of the AALS Section for Aviation & Space Law.

Liannea Nelson, 3L, had an article, "A Recipe for Starting Your Own Environmental Law Society," published in vol. 2, no. 2, Fall, 1989, of The NEALS Reporter, the Newsletter of the National Association of Environmental Law Societies.

Public Services Librarian Tim Watts and his wife Cheryl are the proud parents of twin daughters, Brianne Grace and Lacee Katlan, born December 15, 1989.

Director of Career Services Gail Peshel was a speaker at and attended the National Association for Law Placement Midwest Regional Conference in Indianapolis in late January. She also attended the North East Regional NALP Conference in order to attend the NALP Long Range Research Planning meeting in Baltimore, Maryland, on February 2, 1990.


The paper Professor Paul Brietzke presented at a conference in Holskirchen, West Germany, in October, "Rights: Some Origins, Functions, and Futures," will appear in Rechtsentstehung und Rechtskultur (Heidelberg, C. F. Muller, 1990). He has been invited to a conference in Cincinnati in February to help set up a more activist lawyers' network for Amnesty International. He will then present "Accountability in the 'Brave New World' of Development" to a conference in Windsor, England in May. The Nominating Committee of the Board of the African Studies Association has nominated Professor Brietzke for election to the Board.

Professor Mary Persyn gave a speech on developing a collection of legal materials in non-law libraries to a workshop of the Northwest Indiana Area Library Services Authority in late January. On February 2 Professor Persyn, along with Law Librarians Leslie Schaefer and Tim Watts, taught a short course on doing legal research to the library staff at the Westville Correctional Institute.

Assistant Dean Curtis Cichowski attended a workshop on Planned Giving presented by the Associated Colleges of Indiana. The workshop is the first in a series of five ACI workshops on the topic. His attendance was in furtherance of his relatively new responsibility as Director of Planned Giving for Valparaiso University.


The School of Law events, organized by Professor Seymour Moskowitz, included a panel discussion entitled "Civil Rights Act of 1964: A Historical and Personal Perspective" and a mock argument of the Johnson v. Santa Clara County affirmative action case.

The civil rights panel members were participants in the civil rights activities in the South that preceded
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the enactment of the 1964 legislation. The moderator, Jean Thurman, is the Executive Director of Project Justice and Equality of Gary. Other panel participants included: Michael Bayer, former staff member of the Student Non-Violent Coordinating Committee, and Curtis Strong, retired staff member of the Civil Rights Division of the United Steel Workers of America, AFL-CIO.

Participating in the mock argument were Professor Cheryl Stultz, who gave the winning argument, and John Bowman, '75, who argued for the defendants. The day ended with the Julian Bond speech and an all-campus musical event.

1989-1990 Monsanto Lecture

L-R: President Alan Havre, Peter Huber, and Richard Duesenberg, '53 - Senior Vice President, General Counsel and Secretary of the Monsanto Company.

This year's Monsanto Lecture was delivered by Peter Huber, Senior Fellow of the Manhattan Institute for Policy Research. The lecture, "Pathological Science in Court," dealt with what Huber referred to as "junk science" - spurious correlations, unrepeatable experiments and erroneous conclusions. Unfortunately, "junk science" has entered the courtroom. Litigators have taken advantage of modern juries and jurists who are unfamiliar with "the science of things that aren't so."

Peter Huber is a lawyer and writer. He earned a doctorate in Mechanical Engineering from M.I.T. and taught at M.I.T for six years. His law degree is from the Harvard Law School. He clerked for the D.C. Circuit Court of Appeals for Judge Ruth Bader Ginsberg, and then on the U.S. Supreme Court for Justice Sandra Day O'Connor. His professional expertise is in liability law and safety regulation. He is the author of Liability, and The Geodesic Network. He has also authored a number of articles for scholarly journals, magazines, and newspapers. He is a regular contributor of commentaries to the Insights column in Forbes magazine.

Mr. Huber is the fourth lecturer of the Monsanto Lecture at VUSL. The program is fully endowed by a generous gift from the Monsanto Fund.

YUSL Chosen to Host CLEO

The School of Law has been selected to host the 1990 Council on Legal Education Opportunity (CLEO) Summer Institute for the midwestern region. CLEO is designed to help minority and disadvantaged students enter law school and become members of the legal profession. The program serves those economically and educationally disadvantaged persons who, but for the CLEO program, would have less of a chance to attend an accredited law school. CLEO gives the summer participants a chance to demonstrate their skills.

Established in 1968, CLEO has helped more than 5,000 economically and educationally disadvantaged students to enter ABA-accredited law schools throughout the country.

The six-week summer institute provides selected students with a preview of the law school experience and a concrete means of identifying their capacity for law school study and acclimation to the process. The director of the program at Valparaiso is Professor David Vandercoy. The curriculum, designed by Professor Vandercoy, will emphasize legal methods, abstract thinking and legal analysis. Topics will include Civil Procedure, Property, Torts, Contracts and Legal Methods. In addition, the thirty-six students will attend a Legal Writing class each day.

The program awards an annual living stipend to students who satisfactorily complete the summer program and enter law school in the fall. CLEO is sponsored jointly by the ABA, the Association of American Law Schools, the Law School Admission Council, the Hispanic National Bar Association and the National Bar Association.

Valparaiso is proud to have been selected to host the CLEO program this summer, as it is an extremely successful national endeavor to assist and encourage minority and disadvantaged students to achieve admissions and graduation from law school.

VUSL Celebrates its 110th

On November 11, 1989 the Valparaiso University School of Law celebrated its 110th birthday. The School was founded by Mark Lindsay DeMotte as part of the Northern Indiana Normal School (now Valparaiso University). Dean DeMotte delivered the inaugural address for the Law School on November 11, 1879. The first classes were held in a room in the old College building which was located where the current Wesemann Hall now stands.

In celebration of the 110-year uninterrupted existence of the School of Law, a special chapel service was held in the courtroom to commemorate the anniversary. Former Dean and Professor Emeritus Louis F. Bartelt, Jr. returned to the Law School and spoke about its beginnings, challenges, successes, and about the people whose vision formed the current mission and goals of the School. Highlighting the Law School's history, Professor Bartelt
concluded his remarks with this admonition:

The law school is a decade into its second century. It might be well to ask - whence has it come; wither does it go?

The University's tradition tells us that Oliver Wendell Holmes' admonition to teach law in the grand manner and make great lawyers - the path to a distinguished law school - is not enough. You must strive for this, of course. But to fulfill your destiny, you must also cherish the consonance of law and theology, the consonance of freedom under the law, and freedom and responsibility found in the Gospel - the path of a distinctive law school.

The prophet, Micah, sums it up for us: "And what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"

In its 110 years, the School has occupied five different buildings on the campus of Valparaiso University (old College, South Greenwich Street building, DeMotte Hall, the first Wescemall Hall (now Kretzmann Hall), and the current Wescemall Hall). The School has been led by only nine deans. It almost closed twice - once during World War I and once during World War II - but the University never gave up its support, and the School prospered.

The celebration concluded with a special birthday party, complete with two huge birthday cakes, attended by students, faculty and staff. On to the next 110 years!

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**Board of Visitors Annual Meeting**

The School of Law Board of Visitors held its annual meeting at Valparaiso on November 3-4, 1989. The Board visited a class, met with President Harre, the law faculty, students and heard reports from various committees and administrative officers, including the Dean Search Committee, the Long Range Planning Committee, Admissions, Placement and Development.

Established in 1967 by Dean Louis F. Bartelt, Jr., the Board of Visitors seeks to advance the School's development in its broadest context. Composed of attorneys (mostly alumni), the Visitors understand the philosophy, plans and objectives of Valparaiso University School of Law. They share this understanding with others by serving as representatives of the law school in cities where they reside and in their respective business and professional communities. In addition, by their attendance and active participation in the annual meeting, they assist with the identification of problems and offer solutions as well as help chart the School's growth. They also help generate the financial resources needed by such growth.

While the Board of Visitors does not determine academic policy, it draws on the knowledge and experience of the membership and advises the Dean and administration on matters in which counsel is sought.

Board members are appointed to a four-year term by the President of the University upon recommendation of the Dean and faculty of the School of Law. The current Board members are:

- **DIERDRE A. BURGMAN**, Chair Cahill, Gordon & Reindel New York, New York
- **JULIAN B. ALLEN** Attorney at Law Gary, Indiana
- **MARK J. BREMER** Kohn, Skands, Elberts, Gianoulias & Giljum St. Louis, Missouri
- **RICHARD W. DUESENBERG** Monsanto Company St. Louis, Missouri

- **EDWIN W. EICH JR.** Eich & Franklin Chicago, Illinois
- **GENE H. HENNIG** Rider, Bennett, Egan & Arundel Minneapolis, Minnesota
- **ALAN S. MORRISON** The Sverdrup Corporation St. Louis, Missouri
- **THOMAS H. NELSON** Stoel, Rives, Boley, Jones & Grey Portland, Oregon
- **BARBARA H. RUHE** Attorney at Law Hartford, Connecticut
- **ALAN F. SAAKE** Attorney at Law Chicago, Illinois
- **WILLIAM R. THEISS** Kirkland & Ellis Chicago, Illinois
- **FREDRICH H. THOMFORDE, JR.** Stone and Hinds, P.C. Knoxville, Tennessee
- **WILLIAM A. THORNE** Thorne, Grodnik & Ransel Elkhart, Indiana

Representing the Alumni Association:

- **JOHN D. LEE**, Sears, Roebuck & Company Chicago, Illinois
- **ROGER W. BENKO**, Barnes & Thornburg South Bend, Indiana

L-R: Mary Hart, of the Indiana Lawyers Auxiliary, Julie Ezell, '90 recipient of this year's ILA Scholarship, and Dean Bodensteiner.
The Meaning of Sexual Equality: A Comparison of the Soviet and American Definitions

by Professor Rosalie Levinson

The following is a synopsis of an article written by Professor Rosalie Levinson which will appear in 10 N.Y.L. School J. of International and Comparative Law (1990).

Professor Levinson teaches Constitutional Law and Civil Rights at the School of Law. Her interest in this subject matter is an outgrowth of a visit to the Soviet Union in 1988 as a member of a Citizen Ambassador Delegation, consisting of women attorneys, judges and professors, who spent three weeks studying the Soviet legal system and meeting with various women's groups throughout the country.

"One of the achievements accomplished by the Soviet Union is to have ensured in practice the equality of women. Thanks to the measures effected by the Communist Party and the Soviet government, women have gained their rightful place in the life of the state."

- A. Biryukova

I. INTRODUCTION

A key theme of the Bolshevik Revolution was the proclamation of the total equality of the sexes, and indeed feminists played a prominent role in the Marxist revolt. The introductory statement of A. Biryukova, a female member of the Secretariat of the Central Committee of the Communist Party, claims the Soviet Union has achieved the goal of equality. Article 35 of the Soviet Constitution, the Soviet version of the failed Equal Rights Amendment in the United States, guarantees equal rights for men and women and several statutes have been enacted to realize this guarantee. For example, pregnancy leave and government-sponsored child care, key goals of the women's movement in the United States, have become a reality for Soviet women. On the other hand, a close examination of the laws as well as the culture which has developed in the Soviet Union makes it clear that the concept of total equality is not that propounded by feminists in the United States. Soviet women tend to be concentrated in the lower paid positions, and protective labor laws, condemned in this country as breeding discrimination, abound in the Soviet labour legislation. Further, the law is permeated with a concern for protecting and sustaining the role of woman as the center of family - a type of "fifties" image of American women long since abandoned in this country.

II. HISTORICAL BACKGROUND

Women played an instrumental role in the Bolshevik Revolution - thousands were engaged in the movement and were welcomed into its ranks. Reacting to the downtrodden, oppressed status of women in czarist Russia, a core group of women Bolsheviks set out to destroy all aspects of femininity. They cropped their hair, wore dark blue stockings, and promoted an atheistic, nihilistic ideology. Both in the 1860's and 1870's women played an instrumental role in plotting the assassination of the Czar; in fact, it was a woman who led the successful bombing squad against Czar Alexander II in 1881.

A key feminist leader during this period was Alexandra Kollontai. She wholeheartedly adopted Engels' proposal of total equality between spouses, with children to be reared and educated on a communal basis and household tasks transformed into a public industry. Kollontai envisioned the disappearance of the family structure under socialism, and she advocated that party leaders adopt this as an immediate goal. As a result of feminist pressure, a 1917 decree provided that marriages be established on the basis of equality and mutual agreement of the spouses, and that they be terminable by the unilateral desire of either spouse.

Kollontai's writings prophesizing the demise of the traditional family unit under socialism were denounced and instead family stability became a core concern of the Soviet State. It became the duty of Soviet women to bear children and to assume primary responsibility for their upbringing. In the 1970's the debate regarding the position of women in Soviet society was resurrected. It appeared that the demands placed on women to balance "production and reproduction" was producing a host of social problems which threatened the Soviet state. The proposed
solution to these problems, however, did not include Kollontai's rhetoric regarding equality of the sexes. Further, feminism, as it is understood in the United States, continued to be denounced as bourgeois ideology divisive of the theory of a unified working class: "It connotes separatism and diversion from the path of socialism." Instead, the Soviet solution was to free up women from their outside labor obligations so that they could concentrate their efforts on reproduction and building a stronger family unit.

III. THE CURRENT POSITION OF WOMEN IN THE SOVIET UNION

Today women play a critical role in the Soviet economy. They account for 51.5% of the industrial, professional, and office workers. Almost 85% of the female population between the ages of 16 and 54 hold regular jobs. Women constitute approximately 70% of the physicians, 30% of the attorneys, 40% of all scientists, and 87% of all economists.

The Soviet Constitution, as revised in 1977, provides that women be accorded "equal opportunities of employment, remuneration, and promotion." Soviet law mandates equal wage rates and salaries for men and women with the same qualifications as well as equal access to educational and vocational professional training. Soviet law provides maternity leave with full pay two months before and after childbirth and a partial salary for a period thereafter. Almost 13 million children attend creche-kindergartens and nursery schools subsidized by the state.

Despite these laws, a closer analysis of the Soviet system, both legally and culturally, reveals that the Soviet concept of equality in both the employment and domestic realms is significantly different from that which has developed in the United States over the past two decades. Ironically, many of the laws of which the Soviets proudly boast as evidencing the protected status of women are precisely the types of laws which have been invalidated in this country as perpetuating stereotypical thinking about a woman's inferior position and her inability to compete with males on an equal footing.

IV. THE MYTH OF EQUAL EMPLOYMENT OPPORTUNITY

Although, as mentioned earlier, some 70% of Russian doctors are female, the statistics are somewhat deceptive. Women predominate in the medical profession, but a physician in the Soviet Union earns approximately the same wages as a skilled seamstress; factory workers earn more. In this country it has long been recognized that women tend to be concentrated in lower paying positions such as nursing and school teaching. The Soviet system is no different. Soviet women make up 99.5% of childcare workers, 72% of the schoolteachers, 89% of the health care employees, 85% of the textile workers, 93% of the sewing industry workers, 99% of the typists and stenographers and 95% of the secretaries and clerks. The average salaries of female workers are one-third less than that of men.
women. One prominent Soviet authority writes, for example, that a major goal of advanced socialism is to develop women's rights by "the consistent facilitation of working conditions for women, and providing them with relatively easier jobs." The theme of special protection for women workers has continued with the adoption of the new Soviet Constitution in 1977. Article 35 stipulates that equal rights for women is ensured "by special labour and health protection for women; by providing conditions enabling mothers to work; by legal protection, and material support for mothers and children..." This theme pervades much of the Soviet legislation regarding women's rights. The Fundamentals of Labour Legislation of the U.S.S.R. contains special chapters prohibiting women from working in particularly unhealthy or strenuous positions, such as underground jobs. As of January 1981, 460 occupations, mainly those encompassing arduous jobs in the construction, chemical, and metal industries and driving large vehicles, have been closed to women on the ground that they are harmful to their health. Although some of these protective enactments are aimed at pregnant or nursing women where special needs might survive even a challenge under Title VII, many of the laws are not limited in this fashion, but rather generally reflect the type of stereotypical thinking discredited by scientific evidence and rejected by courts in this country.

According to Soviet doctrine, equality of men and women can be achieved only by "providing the best possible conditions for women to combine harmoniously their equal and broad participation in the life of society and the bringing up of their children." It is stated that this not only represents government policy but also "a moral law of socialist society." Achievement of equality in the Soviet Union contemplates affirmative steps to equalize the sexes by providing special privileges for female workers. Although many American women might welcome this approach to equality, much of the rhetoric resembles the paternalistic, protectionist philosophy which influenced the law in this country some thirty years ago. Arguably, Soviet women are not at the mercy of private entrepreneurs who will be reluctant to hire more expensive female labor. However, the emphasis on maternity and childbirth, and all the special treatment which goes along with that emphasis, certainly carries a double edge in that it solidifies and perpetuates a mentality about women which stymies their ability to succeed in the workplace and which, at the same time, places significant pressure on women to conform to the traditional domestic role model.

V. SOVIET ENTERCHMENT OF TRADITIONAL GENDER ROLES

The distinctive position occupied by women in the Soviet Union is reflected throughout its body of law. The protective labor laws as well as the more specialized laws dealing with pregnancy, childbirth and child rearing all reinforce the role of women as center of home and family life. The constitutional guarantee of equality in Article 35, which provides legal protection for "mothers and child" without mentioning fathers, embodies the Soviet attitude towards women. The Fundamentals of Public Health Legislation of the U.S.S.R. clearly states that "motherhood shall be protected and encouraged by the state." Divorce statutes mandate that a husband cannot, without the consent of his wife, terminate the marriage during the pregnancy of the wife or until one year after childbirth. In addition, women are given a bonus of 50 rubles upon the birth of their first child and 100 rubles for the second and third child, whereas a 6% tax is imposed on childless couples. All of this, of course, is a vast departure from the feminist notions propounded by Kollontai and her followers in the early years of socialism. Rather, as one commentator has noted, this emphasis on preservation of the traditional family unit is much more the product of Stalin's regime than any Marxist theory.

Stalin's traditionalist philosophy has been nurtured and solidified by a female-dominated Soviet government. Women constitute less than a dozen of the 307-member Central Committee, and no woman has served on the all-important 13-member Politburo since the time of Khrushchev. Further, only 29% of the membership of the Communist Party is female. As one authority notes, Soviet ideology regarding women "reflects the needs and priorities of the Soviet state as defined by the male political leadership."

Today there are at least three compelling reasons for Soviet leaders to subjugate women to a traditional role. First, and perhaps most significantly, is the concern of the Soviet state for its shortage of manpower, which makes female reproduction and family stability top priorities. Statistics indicate that the average population increase between 1951-58 was 1.8 percent whereas the figure had fallen to .9 percent for the years 1970-78. The Twenty-sixth Congress of the Communist Party in 1981 adopted a "comprehensive demographic" policy to deal with the stark decline in birth rate. That policy consists of providing incentives for childbirth and easing the burden on women who are balancing this task with their obligation to work.

A second reason for the emphasis on motherhood and the traditional role model for women stems from the policy-makers' belief that by strengthening the family, the problems of juvenile delinquency and alcoholism can be solved or at least ameliorated. It is argued that the entry of Soviet women into the workforce and the concomitant loss of the male position as family breadwinner is the key cause of male antisocial behavior and thus women are urged "to cultivate their feminine qualities in order to rekindle the masculinity of their partners." Third, since the crippling economic austerity facing the state leaves absolutely no finances to undertake the socialization of domestic chores as was promised by the Bolsheviks, women must be encouraged to continue to provide such services without special remuneration. The Twenty-sixth
Congress of the Communist Party decided in 1981 that reinforcement of the traditional maternal role was needed for the betterment of the state, and since there was no feminist perspective at this policy-making level, the steps which have been taken have indeed reified the traditional female role model.

Statements by leaders of the Soviet Union clearly reflect this philosophy. Secretary General Gorbachev in a 1987 address before an international women's conference in Moscow referred to women's inherent functions as "those of mother, wife, the person who brings up children." Later that year in a television interview, he spoke of women's "predestination, that is, as keeper of the home fires." In his book *Perestroika*, he condemns the failure of the Soviet state to attend to "women's specific rights and needs arising from their role as mother and homemaker," and he promises that under *perestroika* steps will be taken "to make it possible for women to return to their purely womanly fashion."

Soviet propagandists have been successful in enlisting the support of both men and women in their cause. The Soviet Women's Committee, the key women's advocacy group in the country, has as a high priority on its agenda the building of flexibility into female work schedules and the allowance of a shorter day for working mothers. In this country such laws might be viewed as creating an impediment to the achievement of full equality for career women, by rendering it extremely difficult for women to attain leadership positions in their fields, but in the Soviet Union they are welcomed as necessary concessions to enable women to fulfill their domestic tasks. One Soviet woman commented, "In our country we have long since ceased to fight for the rights of women. We are fighting for the right to be women."

This traditionalist attitude regarding the role of women is being reinforced throughout Soviet society. It is being taught in Soviet schools, it is discussed in Soviet publications, it is a key item on the agenda of Soviet leaders, and it permeates Soviet law. The propaganda has apparently been quite successful. If asked about any alleged sex discrimination, Soviet women respond with protestations that the Soviet government assures total equality of the sexes, and that any inability to pursue a career results only from a so-called "double-shift," i.e., because of an underdeveloped economy which denies them such conveniences as dishwashers, food processors, freezers, microwave ovens, washing machines and dryers, Soviet working women must spend an inordinate amount of time on domestic tasks. It is estimated that Soviet women spend up to 48 hours per week on domestic chores which is superimposed on a 40-hour work week. This figures contrasts with an approximate fifteen to twenty hours that males devote to their family. One female attorney explains, "Man is a freer person; women do not assume higher positions because they do not want to sacrifice their families." There appears to be little movement today in the Soviet Union towards dividing or socializing household tasks, despite the fact that this was at one time a key platform of the socialist revolution. Rather, it is simply accepted that Soviet women can achieve prominent positions only by sacrificing family and home life. Thus far, the majority of Soviet women appear neither ready to make this sacrifice nor interested in challenging the sexist attitudes which create their dilemma. They seem, instead, content to wait until their economy improves, insisting that with Western conveniences they will be able to compete on an equal footing with males.

VI. Conclusion

Although the Socialist Revolution began with the radical feminist proclamation that total equality of the sexes could only be achieved by guaranteeing that women be unconstrained by the traditional roles of housewife and mother, the modern Soviet State has determined that this goal must be sacrificed for the current needs of socialism where low birth rates, a depressed economy, rampant divorce, alcoholism, and juvenile delinquency are seen as more pressing problems which can best be ameliorated by exploiting the traditional role of woman. Soviet society, as reflected in its laws and its culture, appears to have abandoned the radical feminist ideology of Lenin, Kollontai and Engels and instead has wholeheartedly adopted and perpetuated a very traditionalist attitude toward women.

Although many American women would no doubt welcome the Soviet statutes which guarantee paid maternity leave and which provide child-care centers for working women, they might be less receptive of the Soviet role model of woman in the domestic realm. American women may be equally concerned with the demise of the family, the double-shift, and the pregnancy dilemma, but feminists would argue that many of these social issues can be accommodated by enacting gender-neutral laws and exploring gender-neutral solutions, rather than characterizing these problems as women's issues which can only be remedied by women "accepting their biological destiny."

Although there is no consensus in this country as to the meaning of sexual equality, there is no doubt that the role of American women has undergone a significant transformation over the past two decades and that the meaning of equality will continue to evolve as feminist groups persist in their challenge of traditionalist beliefs. Despite *glasnost*, in the Soviet Union there appears to be little, if any, discussion regarding the problems of female self-determination or the need to eviscerate popular images of masculinity and femininity. The Soviet Union has, in short, reified the traditionalist interpretation of "equality" which assumes that the sexes cannot truly be equal unless the biological differences between men and women are recognized and compensated for in the law. At least at the current time it is this model of sexual equality which pervades Soviet society.
FACULTY FOCUS - A SOVIET RESPONSE

We are very honored to have Professor Olga Duigzeva as our guest for a few months. She is visiting VUSL as a part of the ABA Soviet Lawyer Intern Project (a full profile of Professor Diugzeva is on page 17). When we were planning this issue, we knew that Professor Levinson was going to provide the preceding Faculty Focus article. We did not realize, however, that we would have the opportunity for that article to be reviewed and responded to by someone as qualified as Professor Diugzeva - a woman scholar who is a citizen of the USSR. Who better to provide this "insider's view" on the topic of sexual equality in the Soviet Union?

What follows are the comments of Professor Diugzeva.

The political changes in the USSR during the last five years intensified the interest of American scholars in the different aspects of Soviet reality. Still, nobody focused on the legal status of Soviet women. Professor Levinson's article is the unique comparative research on women's roles according to Soviet laws and according to the practice and application of these laws. The research is based not only on legislative materials but also on the author's personal contacts with Soviet women. It makes her arguments more convincing.

I want to start my comments with the brief reference to the "mother" of Russian feminism, Alexandra Kollontai. She was born in an aristocratic family. Her father and first husband were generals of the czarist army. She left all the advantages of her life to struggle for a new form of society - a form with more just rules. Her political and private lives were full of victories, defeats and controversies. Professor Levinson is correct in her reporting that Kollontai insisted on the immediate disappearance of the family structure under socialism. But, at the same time, Kollontai was the first woman who was married under the new Soviet decree on marriage. She married Pavel Dybenko, a famous revolutionary man, a sailor, who was 17 years younger than she. After Dybenko was executed in 1938 and her son was killed in the beginning of the World War II, Kollontai had a stroke and resigned her post of Soviet Ambassador to Sweden. The last years of her life she spent in a wheelchair dictating her memoirs. She is still the only Soviet feminist and one of the favorite revolutionary women of Soviet youth.

Equality of the sexes was not a key theme of the Great October Socialist Revolution, as is pointed out by Professor Levinson. I guess that the key theme was the abolition of the exploitation of man by man and the establishment of the proletarian dictatorship. In old Russia, with its large illiterate population and traditional anti-feminism, the call to women's equality would have created more harm than benefit. But immediately after the Revolution, a number of legislative enactments declared the equality of sexes, monogamy, freedom of divorces, and abolished the disadvantages of illegitimate births. All of these acts had the same goal: to improve the legal status of women and to involve them in the social life. I am grateful to Professor Levinson that she does not follow the Sovietologists who suggest that the only reason for the women's equality in Soviet Russia was to increase the number of workers at the factories. From 1917 until 1930 there was a problem of unemployment; and it was not easy to find a good job, even for a man with a good profession. The reasons to declare women equal with men at that time were very humane and free of any practical interest.

Everything changed for the worse in Stalin's era. The cult of personality is dangerous in many aspects, especially when the private life of a single politician influences federal policy. Stalin did not respect women. Raised among Christians - but very close to the Muslim environment - his disrespect for women was instilled in him since childhood. Stalin's daughter mentioned in her memoirs that his attitude to his wife was selfish and violent. This personal attitude was emphasized in the Soviet legislation of the 1930's and the 1940's. The abolition of abortions was Stalin's response to the unsatisfactory results of the last census. During the mass hunger of 1930, which was caused by forced collectivization of the farmers, hundreds of thousands of people died. Many illegally left the USSR through the southern borders, and thousands were executed. The Soviet state needed more workers and more soldiers. Stalin decided to increase the population by prohibiting abortions. As a result,
thousands of women died because of homemade abortions and thousands of unwanted children were sent to the orphanages.

The next step of Stalin's antifeministic policy was a decree issued by the Presidium of the Supreme Soviet of the USSR on July 8, 1944. Professor Levinson mentions only that this decree established the special order and medal for the "multichildrened" mothers. But this decree also abolished the paternity procedure. Sovietologists are on target calling this decree a "Charter of Casanova" because it made Soviet men absolutely free from any responsibility for their illegitimate children. Even the legitimation by common application of mother and father was prohibited. The burden of raising children was totally on women. To be honest, the state shared this burden - by paying mothers a ridiculously small amount of money every month. The official reason for the new policy was to improve the legal family and to stop the sexual freedom created by World War II. The real reason was to increase the population by making male's sexual behavior free of any disadvantages and responsibility. As to the order and medal for mothers with many children, this survival of Stalinism is still alive. According to the law, all "multichildrened" mothers have a right to receive the honor - regardless of the "social quality" of their children. One can see a mother with a medal on her dress in the jail visiting all her children one after another. Still she has a title of "Mother Heroine."

Some Sovietologists consider the payments for unmarried mothers, the title, and other advantages for mother-heroines to be an attempt to make motherhood equal with employment: mothers are paid for giving birth and raising their children. They can become heroines, not in a war battle but within their apartments. I do not agree with this opinion. The community had the goal to make motherhood more prestigious.

According to contemporary legislation, Soviet women are totally equal to men. But they have some advantages and disadvantages because of their natural roles as mothers. The main controversy is that while the advantages are guaranteed by law, the disadvantages exist in applying the law. For instance, women employees have a right to a two-year leave after the birth of a child. They may interrupt their maternity leave at any time. This rule makes it difficult to hire another person to replace a woman on leave, since it is difficult to determine the exact length of the leave. That is why the administrators of any kind of enterprise do their best not to hire women of a fertile age. The same controversy exists with the mothers of small children. According to the labor legislation, mothers have a right to a leave if their children are sick, again with a right to return. Small children are not very healthy in the USSR and if a mother is taking regular leaves, who will work instead of her?

For the same reasons, the average salaries of Soviet women are less than that of men, yet their educational rate is higher. At the employment market a man will be hired for the more important and better-paying job, because he is supposed to work constantly without any maternity leaves.

The main problem which now faces Soviet women is not their professional career. Soviet women want to have a right to make a choice between raising children or practicing their profession. One working spouse does not have enough income to support a family. Women have to work even if they do not want to work. To my mind, the Government must do their best in supporting women to return to their families. During the last seven decades the USSR cultivated the type of business women with social - not family - priorities. The new generations of women lost the best traditions of household and raising children. The results of women's emancipation are the high rate of divorces and juvenile delinquency.

According to the statistics of the United Nations, the USSR almost ties the USA for the lead in number of divorces. The rate of juvenile delinquency increases from year to year. The male population of the Soviet Union, which is so busy now with political, economic and military aspects of "Perestroika", does not believe that success in the reconstruction of the socialist society can be achieved only after the successful reconstruction of the family. This is one of the main slogans and beliefs of the contemporary Soviet feminists. I guess the new feminists are right.
The Trademark Law Revision Act of 1988

by Jacqueline A. Leimer, '81

The Trademark Law Revision Act of 1988 (the "1988 Act") which became effective November 16, 1989 (Public Law 100-667), represents the first comprehensive change in federal trademark law in the more than 40 years since passage of the Lanham Trademark Act of 1946 (the "1946 Act"). While much of the Lanham Act remains intact, the 1988 revisions include technical corrections as well as structural and conceptual changes in the very nature of the law.

The purpose of trademark law has changed little since 1946. However, the 1988 Act reflects the changes in the marketplace over the last forty-three years and addresses the needs of the United States business community to effectively compete on an international basis. The changes, enthusiastically supported by business, impact on virtually all business, marketing and legal aspects of trademarks.

The trademark registration system under the 1946 Act had two basic premises: (1) use of the trademark was required before an application could be brought; and (2) first use of the mark established priority of rights, not first filing of the application.

There are three significant changes in the 1988 Act. The most significant change, one that brings the United States in line with every other developed country in the world, is the "intent-to-use" provision which allows persons and businesses to apply for federal trademark registrations without having used the mark in commerce. Now, as long as an individual has a "bona fide intention to use" a mark, an application may be filed with and examined by the United States Patent and Trademark Office to determine registrability.

While the registration will not be issued until after the applicant uses the mark in commerce, this differs greatly from provisions under the 1946 Act, which required use in commerce by all United States applicants prior to filing.

Another important change, which addresses the concerns of the business community, is a provision that helps eliminate inactive marks from the Trademark Principal Register, making it easier to avoid conflicts. Last, the 1988 Act significantly expands Lanham Act Section 43(a), which provides causes of action for unfair competition and false advertising. A brief introduction and explanation of each of the three significant changes follows.

Intent-to-Use

The pre-application use requirement in the 1946 Act is the one requirement in United States trademark law which most perplexed American businesses. Alone, it created concerns serious enough to prompt Congress into action. The first concern was that a pre-application use standard was unrealistic in today's marketplace. Bringing a new brand to market is a costly investment in time and money. Forcing a business to invest resources in brand development before it receives some assurance that it might register or protect that brand is illogical. Further, the uncertainty created by the pre-application use requirement of the 1946 Act led businesses to file applications based on "token use," a commercially invisible system of contrived sales for the sole purpose of acquiring rights in the name.

This last practice - filing an application based on "token sales" - was clearly counterproductive. It perpetuated "dead" marks that clogged the Principal Register and created legal uncertainty among marketers as to potential conflicts. A secondary concern was that not all businesses were able to take advantage of the "token sales" practice - how does a restaurant "token" use its name before opening? Is it feasible to "token" ship expensive or large pieces of machinery? How do drug manufacturers "token sale" new drugs when the regulatory agencies inhibit or preclude even experimental use of those drugs until agency approval is obtained?

Another issue with the pre-application use requirement was that it unfairly discriminated against U.S. businesses as compared to foreign businesses. All other developed nations have had intent-to-use systems in place for some time. Foreign businesses could circumvent the U.S. use requirement through treaty obligations by basing their United States applications on registrations in their home countries, where such prior use is not a requirement. The 1988 Act resolves these concerns by setting out a two-tiered application process for federal trademark registration: either actual use or intent-to-use may be the basis for the application. Use-based applications are examined as they have been in the past, and the law relating to these use-based applications remains intact. Intent-to-use applications must state "a bona fide intention . . . to use a trademark in commerce." The intention to use the trademark must be in good faith and "not merely to reserve a right in the mark."

Applicants may apply for any class or classes of goods for which they have the requisite intent.

The process at the Trademark Office for intent-to-use applications closely resembles old procedures for securing a trademark registration. Intent-to-use applications are examined for substantive and procedural errors by Trademark Examining Attorneys upon receipt. If the Examining Attorney deems the mark registerable (on all issues except those relating to "use"), the mark is published for opposition in the Official Gazette (the Trademark Office's official publication reporting all significant Office proceedings). If no third-party challenges are brought, a Notice of Allowance issues. Once the applicant submits proof of actual use, the registration issues - but only for those goods and services for which actual use has commenced.

A key element of this new
procedure is that the applicant may have a period of up to 36 months (upon a showing of "good cause") after the Notice of Allowance issues within which to actually use this mark. Another critical change is that the filing date of either an intent-to-use or use-based application constitutes constructive use of the mark and sets the priority date.

The effect of the constructive use provision as it pertains to intent-to-use applications is profound. The following example proves how:

On March 1 ABC Company files an intent-to-use application to register the mark STYLESS for women's clothing.

XYZ Corp. begins using the mark STYLESS on September 1 on women's fashion accessories.

ABC Company begins using the mark in commerce the following spring. XYZ Corp. has no actual knowledge of ABC Company's filing. ABC Company's registration ultimately issues.

XYZ Corp. claims priority and XYZ sues ABC. Who wins?

Under the 1946 Act, XYZ Corp. would have prevailed because it was the first actual user of the trademark. Under the new law, ABC Company would prevail based on their earlier filing of the mark. XYZ Corp. could prevail if and only if it used the mark prior to ABC Company's filing.

Constructive use is essential for an intent-to-use application for a number of reasons. First, it prevents the type of conflict set forth in the example: priority claimed by a party when use began after an applicant's filing date but before an applicant's use. Also, it prevents "trademark piracy" - the practice of monitoring the Official Gazette for a desirable mark (or a pending application for a mark submitted by a successful corporation), taking that mark and establishing priority in the mark through a token sale, and then selling the mark, for profit, back to the original applicant.

Some piracy will likely result under the new law, despite the constructive use provision. For example, although the new law provides that an applicant may not file simply to reserve rights in a mark, the applicant's "bona fide intention to use the mark" will only be tested through private party litigation. The Trademark Office will make no independent evaluation of this issue.

To the extent companies will stretch the good faith requirement - or simply go into the business of filing for and later selling trademarks - is yet to be seen.

Elimination of Deadwood

A basic tenet of trademark law is that substantive rights exist only while the owner actively uses the mark - in other words, use it or lose it. Despite this rule, the Principal Trademark Register presently includes thousands of marks which have become abandoned through non-use. This "deadwood" impairs the utility of the Register by needlessly discouraging the use of marks which are actually and legally available.

Under the 1946 Act, a federal registration provided a twenty-year term, policed only by the applicant's filing of a continued use statement (Section 8 Affidavit) six years after registration issued. It was possible to apply for and receive additional twenty-year renewal terms, often with no more than a token sale supporting the renewal application. If a trademark was abandoned due to non-use before the term expired, the registrant could voluntarily cancel it. However, voluntary cancellations were rare. Therefore, interested third parties had to bring challenges before the Trademark Trial and Appeal Board or a federal court to secure cancellation - a time-consuming and expensive endeavor.

The new law attacks the deadwood issue in three ways. Most significantly, the term for a new registration is reduced from twenty years to ten years. This shorter term will reduce the need to seek cancellation of marks which have been abandoned. Of course, a registration may still be renewed; however, the renewal term is correspondingly reduced to a ten-year period rather than a twenty-year period.

Supporting the shorter term is the stricter "use in commerce" standard discussed earlier. The new standard will preclude issuance or renewal of a registration based on token use. Last, when filing Section 8 Affidavits, registrants are now held to a higher standard of use of the mark on all goods recited in the registration and must delete any goods on which continued use is not shown.

Unfair Competition

When enacted in 1946, Lanham Act Section 43(a) intended to prohibit certain false designations or representations as to the geographical origin of products. For many years, Section 43(a) was virtually ignored by the courts and litigants. More recently, however, the section has been widely interpreted to create, in essence, a federal law of unfair competition. It has become an avenue of relief against infringement of unregistered trademarks; unfair competition arising from the copying of trade dress and certain configurations of goods; false advertising; and, most recently, violation of one's right of publicity.

In the course of broadening the judicial interpretation of Section 43(a), some conflicts arose. The most notable was with regard to the relief available for false advertising claims. While on its face original Section 43(a) made no distinction as to false representations concerning (1) the defendant's goods; (2) the plaintiff's goods; or (3) a comparison of the plaintiff's and defendant's goods, some circuit courts allowed a cause of action only when a defendant made false claims against his own products. In other words, no relief was allowed when the
defendant disparaged the plaintiff's products.

The logic in these rulings is strained, especially in comparison advertising cases when a false statement by the defendant about plaintiff's product would seem to have the same detrimental effect as a false statement about defendant's product. Either way, it would tend to mislead the buying public about the relative merits and qualities of the products.

Congress agreed. The 1988 Act clearly proscribes false representation or disparagement of another's products, services or commercial activities, as well as false claims about one's own product or services. Moreover, the Section has been modified to expand the availability of monetary relief (profits, attorneys' fees, and treble damages) to false advertising cases, as well as the traditional trademark infringement cases.

In many ways, the Section 43(a) amendments are notable for what they did not include. Although the courts have disagreed on the issues of consumer standing and preemption of state unfair competition laws, Congress chose not to resolve these disputes. Also, Congress rejected an attempt to characterize Section 43(a) as a broad-based unfair competition law. Last, attempts to create a separate cause of action for trademark tarnishment and disparagement were deleted because of a concern that it would violate First Amendment rights of free speech.

The rejection of these proposals could become relevant in future unfair competition litigation.

Practical Considerations

Numerous other important changes were made by the 1988 Act, many of which are primarily of interest to trademark practitioners and, therefore, not summarized here. It is important to note that the vast number of technical changes alone have required a fairly extensive overhaul of Trademark Office procedures. The Trademark Office has already received a high volume of intent-to-use applications since the new Act's effectiveness date and expects the total number of filings under the new law to rise from about 80,000 per year to 100,000 annually. Although staff has been added in anticipation of this increase, some predict that the new filings and procedural changes will burden an already overworked system. Obviously, the full effect of all these events is yet to be seen.


Jacqueline Leimer, '81, is a corporate attorney with The Quaker Oats Company in Chicago, Illinois. She handles all of Quaker's domestic trademark and licensing matters. The Quaker Oats Company includes five major food divisions and one major toy division.

Soviet Professor Diugzeva Begins Internship at VUSL

Visiting Soviet Professor Olga Diugzeva has begun her three-month internship at Valparaiso and is already active in her research and participation in classes, staff conferences and other programs at the School of Law.

Professor Diugzeva teaches criminal law at Moscow State University Law School. While at Valparaiso, she is working with Professor David Vandercoy and participating in the Clinical Law Program. Besides attending clinical classes, Professor Diugzeva is participating in staff conferences to gain an understanding of the theory of American family and juvenile law. She is observing cases in juvenile courts in Lake and Porter counties to gain insight as to how judges handle juvenile matters, and is attending conferences with public and private service providers, such as private counseling organizations.

While at Valparaiso, Professor Diugzeva will continue the research on American family law, which she began during the first three months of her U.S. internship at Cornell Law School.

The internship program which brought Professor Diugzeva to Valparaiso is a cooperative effort of the American Bar Association Soviet Lawyer Internship Project, the Soros Foundation-Soviet Union in New York, the International Foundation "Cultural Initiative," and the Fund for Justice and Education.

The Soros Foundation and the ABA created the program in anticipation of the growth in the U.S.-Soviet business, cultural, and other ventures. The goal of the program is to foster legal education, professional contacts, and mutual understanding while providing the Soviet legal interns with in-depth training in international and American law practice, international business practices, jurisprudence and scholarship. The seventeen Soviet lawyers selected to participate in the program are working in American law firms, corporations, law schools, and prosecutors' and public defenders' offices throughout the United States.
"LUCY"

In Memory of Mildred Lucy Hubbard

This memorial tribute to Lucy is authored by Michael I. Swygert, Professor of Law, Stetson University, who was a member of the VUSL Faculty from 1969-1972, and a 1967 graduate of the School of Law.

Harvard Law School rightfully may brag of legends -- the likes of Langdell, Beale, and Holmes, and Yale of its Corbin, Frank, and McDougal; but the Valparaiso University School of Law has one to beat them all, "Lucy." And, although she never authored a treatise or formally lectured to a law school class, she will be remembered, loved, and respected by every student, faculty member, and staff person who was fortunate enough to be at the law school during her tenure.

What has made the Valparaiso Law School a special place for so many of us? It was not the instructional methods, nor the casebooks and other teaching materials, not even the curriculum. What has made this law school a special, different kind of law school from most has been its special, caring people -- various students, faculty, staff, and custodians.

Yes, custodians! For Mildred Lucille Hubbard, "Lucy" for short, was custodian at the Law School from 1967 to 1976, a custodian in the highest sense of the term. On November 1, 1989, she died. She was 72 years young.

Lucy was a gem, a priceless jewel who gave of herself unselfishly to the entire Law School community, year after year. Throughout her days at the University she epitomized what the nearby Chapel of the Resurrection in part symbolizes - a life of love, compassion, forgiveness, and caring. Hers was the way of the good shepherd. Students, faculty, and staff were her sheep.

She guided and cared for us in countless ways: First, by making it a point to know each of us, by name, where we were from, what our ambitions were; then, by making sure we made class, on time, and were prepared. "Evert, did you study contracts last night? Why not? Do you think law school is some cake walk? Well, it ain't!"

Although her English did not always imitate the King's version, her notions of student responsibility were forever on the high ground. Lucy shepherded students off to class, making sure that no cups of coffee also took the journey. Throughout, she counseled us on the virtues of hard work, good humor, and personal integrity. Not only did she counsel, she exhibited these traits daily.

She was always a caring person. She gave us birthday cards, cakes (which she paid for herself) and other gifts, all from the heart, seeking nothing in return. She continually expressed a loving concern for us all even while mopping hallways, scrubbing on her hands and knees the bathroom floors, wiping up spilled drinks in the lounge, and forever bending over to pick up carelessly discarded scraps of paper, cigarette butts, and other odds and ends. And she worked amidst laughter and smiles.

This is not to suggest that Lucy could not get angry. She could, for example, when one new teacher, trying to impress students with colored chalk-drawn diagrams on the courtroom blackboard, unwittingly used colored paint sticks which would not erase. Lucy let this neophyte pip squeak know that such behavior would not be tolerated. (I never used colored paint sticks again in teaching.) Characteristic of Lucy, she would relate this story time after time when alumni (which she pronounced allfimenI) of that era would come back, always laughing and exclaiming, "Mike, I sure put you in your place, didn't I." She sure did. And I loved her for it.

Lucy not only worked hard, she played hard. She loved to go to student and alumni parties. She danced until the band quit playing. She always had a good time, shouting out to all, smiling, laughing, giving of her love. And the love was reciprocated.

One measure of the love for Lucy was the number of Christmas cards she would receive from Valparaiso alumni, former staff, and teachers. Whenever I went back to Indiana, I would stop in and see her, as did many alumni. She always had the stack of cards and messages near at hand. In going through the stack, I would learn about alumni marriages, births, and changes of jobs. In recent times Lucy still received up to 100 cards a year from Valparaiso Law School connections even though many years had passed since she had last seen them. And many of these cards contained personal messages, along with news, and all with expressions of love for Lucy.

Several former students and faculty wrote messages to her every year. These included Tom Guelzow, Tom Nelson, Darlene and Dave Mears, Col. Jones, Jim Savage, Gene Hennig, and Tom Barefoot, among others.

Two of Lucy's closest friends whom she loved dearly, and who reciprocated by caring for her unselfishly during her difficult final year, were Hugh and Kathy Martz. Hugh, who taught at the Law School during a portion of Lucy's time here, recently volunteered an
"LUCY"

explanation of why Lucy was so beloved by so many Valparaiso Law School people. Hugh wrote:

I would estimate that 200 to 300 former students, past and current faculty, and other Law School family members maintained contact with Lucy by letter, phone, and personal visit. . . . It is interesting that many alumni maintained contact with Lucy. . . . She was the one they remembered most fondly from their law school experience. In the quagmire of law school study, Lucy emerged as the solid, genuine, and caring person with whom they bonded most deeply.

Lucy's commitment to students and faculty was, on one occasion, returned. In the late 1960's and early 1970's, America's colleges and universities were in upheaval, largely due to the Vietnam war and the national debate it engendered. Valparaiso University was no exception. Student prooests, marches to the Courthouse square, even the tragic and senseless arson of the administration building on old campus - apparently in anguish reaction to the student deaths at Kent State University - occupied much of our thoughts and energies at the Law School. In the midst of these local, national, and international concerns, another protest quietly but effectively took place in the hallways and courtroom of Wesemann Hall. This protest was over a planned staffing change.

Valparaiso University's Vice President for Administration had informed Lucy that she was to be transferred from the Law School building to another campus facility. Well, students and faculty would have none of this! Lucy was more than our cleaning woman. She was our conscience; our moral guide; our partner in learning. So we protested. We called a meeting to which we invited the vice president. He came, but before entering the courtroom (which was packed with Lucy supporters), he had to walk through students carrying signs, mops, and placards. No, these signs did not call for the U.S. to get out of Vietnam, they called for Lucy's remaining at the Law School. The vice president's last name was "Gram." One sign, acknowledging Lucy's ample physique, said it all: "Lucy cannot be weighted in Grams."

The vice president tried to begin the meeting by suggesting that "a more efficient" law building maintenance system was needed, but the microphone was quickly handed over to a professor, Burton Wechsler, who suggested that the meeting was to inform the vice president of what the students and faculty thought, not the other way around. In short order, the battle was won. Lucy was allowed to remain at the Law School for several more years.

Lucy Hubbard, although finishing only one or two years of high school, was a wise and generous human being. She was surprisingly articulate, had beautiful handwriting, and was deeply perceptive. To again quote Hugh Martz, "Lucy could spot a phony in about thirty seconds." She never learned the art of double talk or used euphemisms. The department of Development and Alumni Relations was simply "the begging department." She was brutally honest.

She gave most faculty members alternative names: Lou Bartelt, for example, was the "EX" (for ex-dean); Al Meyer was the "Fearless Leader"; Dick Stevenson was the "Hot Rodder"; Sy Moskowitz was the "Lone Ranger." She loved to use these names and expected that everyone knew those to whom she was referring.

She would always go out of her way to do things for people. During my three years on the faculty, Lucy would daily come to each of our offices and light incense. None of us complained so as not to offend her. She believed we welcomed this odorous interruption. We would typically say: "Thanks, Lucy, what a lovely incense." In fact, several of us years later admitted that we did not particularly care to be periodically smoked out of our offices. But her motive was clearly kindness.

Lucy's private life was more unsettled than her university one. She married Irvin Cash when she was 16 or 17. They had two children, one son and one daughter, Bob and Betty. Betty preceded her in death, dying suddenly after heart surgery in 1981.

After her marriage to Irvin ended in divorce, she married William Hubbard. If she was a princess, Bill was a prince -- what a glorious couple. They were deeply in love through the moment of his death in 1978 from throat cancer, with Lucy at his side. She was heartbroken.

Bill and Irvin were close friends over the years. There were no hard feelings. They both cared deeply for Lucy. A few years after Bill's death, Lucy moved back in with Irvin. He also was in ill health. She cared for him for the final years of his life, he too dying slowly with Lucy by his side for the agonizing months involved. Despite the loss of her loved ones, she remained upbeat and loving until the end.

Now Lucy has left us. The oft-quoted statement: Each of us who knew her is a better person for the experience, is, in the case of Lucy Hubbard, emphatically true.

Valparaiso University seeks to instill Christian virtues of love, compassion, and forgiveness. Mildred Lucille Hubbard's life was a testimonial to and a demonstration of a life of love, compassion, and charity. Hers was a genuine reflection in the truest form of "sacrifice." God surely loves her. Those who knew her always will. May she rest in His peace.

EDITORS NOTE: At the request of her friends, the School of Law has established a "Lucy" memorial fund. Contributions should be sent directly to the Lucy Hubbard Memorial Fund c/o the Dean, School of Law.
1914

Aldo J. Simpson is Director of Salem Bank & Trust Company in Goshen, Indiana, and he is currently with the law firm of Simpson & McLaughlin.

1950

Richard Homan has retired from the practice of law and is residing in Mt. Home, Ark.

Wesley W. Ratliff, Jr., has been reelected to a second three (3) year term as Chief Judge of the Indiana Court of Appeals. Members of the Court of Appeals select their own Chief Judge. He also is a member of the Executive Board of the Council of Chief Judges of Courts of Appeals.

1952

Bryce Billings has been appointed by the Indiana Supreme Court to serve as pro-tem judge until the seat vacated by the death of Porter Superior Court Judge Bruce Douglas has been filled. Bryce retired December 31, 1988 from Porter Superior Court.

1960

Raymond Hall is practicing law in Bloomington, Minnesota with emphasis on real estate.

1971

Mayor David A. Butterfield has been appointed chairman of the Insurance Committee of the Indiana Association of Cities and Towns. The Insurance Committee monitors the insurance needs and problems of various cities and towns throughout the state. It also reviews and comments on various pieces of legislation affecting insurance. He is currently serving in his fourth term on the executive board of the association.

David has also been appointed by Governor Evan Bayh to a new committee that will review capital projects seeking funding from Hoosier Lottery revenue.

1972

Bruce Dumas has announced his candidacy for Porter County Prosecutor. The office is to be vacated by Daniel Berning, '77, at the end of next year.

Thomas Kent Guelzow is President-Elect of the Wisconsin Academy of Trial Lawyers.

Karen Osmond Hughes will remain President of the Porter County Council. She was the first woman selected as president of the Porter County Council. Karen will continue to represent Porter County at the Northwestern Indiana Regional Planning Commission.

James L. Wieser and Melanie M. Sterba '83 are pleased to announce that they shall engage in the general practice of law as Wieser & Sterba with the relocation of their offices at Schuyler Square in Highland, Ind.

1973

Patrick L. Kirk has been re-elected District Attorney of Herkimer County, New York. He resides in Herkimer with his wife Cheryl. Their son Kevin will attend the University of South Carolina Medical School in the fall. Their son Travis is a freshman at the University of Buffalo.

1974

Paul Seltz is a partner with Capital Management Associates, Inc., an investment and financial advisory firm in the Twin Cities.

Thomas Webber, Sr., was appointed Porter Superior Court Judge, filling the vacancy created by the death of Judge Bruce Douglas in November. He was appointed by Governor Evan Bayh, who said, "Webber brings to the bench an outstanding background as a police officer and experienced attorney." He will serve the remainder of Douglas' term, which expires Dec. 31, 1990.

1975

Susan Huber Nelson became a partner in the law firm of Cotner Andrews Mann & Chapman in Bloomington, Ind. Susan and her husband Charles have two children, Sarah, 14 and Christopher, 5.

Stephen Wolaver and his wife Sue are pleased to announce the birth of their daughter, Lindy Allison, born June 2, 1989. Steve has been promoted to Chief Trial Counsel of
the Greene County Prosecutors Office. Also, Steve has a law practice in Fairborn, Ohio: Wolaver & Welch.

Leonard Pranschke, legal counsel for the Lutheran Church Missouri Synod, has prepared a second pro-life amicus brief on behalf of the LCMS for submission to the U.S. Supreme Court this month. Pranschke described the brief to members of the National Pro-Life Religious Council (NPRLC) at a recent meeting in St. Louis. The brief will be submitted in the case of Hodgson vs. Minnesota, which is expected to be reviewed by the U.S. Supreme Court in its next session. That case will test the constitutionality of a Minnesota law that requires parental notice 48 hours before an unemancipated minor can obtain an abortion.

The Synod's brief affirms a long line of Supreme Court cases that support parents' civil rights and show how abortion cases have undermined family integrity. It also maintains that the ruling interferes with the civil rights of parents as previously recognized by the Court. The brief defends the right to life of the unborn child and the rights of parents to guide their children.

The NPRLC, which includes representatives of more than a dozen denominations, was formed in 1987 to work for pro-life policies within those church bodies.

1976

Jeffrey Cefali was selected to receive an environmental achievement award at a national environmental conference in Washington, D.C. on October 6-8, 1989, in recognition of his advancement of environmental protection. He has provided legal services at no cost to environmental organizations throughout the Midwest for the past 8 years. He practices law with his father, Anthony J. Cefali, '55 in Hobart, Indiana. Jeff and his wife, Leslie (Nordstrom) '75 reside in Valparaiso, Ind.

Robert M. Corbin has been named Vice President and General Counsel for St. Anthony Medical Center Inc., in Crown Point, Ind. He has practiced in Merrillville as a partner with the firm of Walker, Fleming, Corbin & Greenberg, P.C., since 1976.

William Maloney has moved his Loop office to Des Plaines, Ill., and he is residing in Kildeer, Ill.

Marilyn H. Kortenhoven has been re-elected chairman to the Board of Directors of the First Bank of Whiting.

1979

Robert R. Clark has become a partner with the firm of Lowe Gray Steele & Hoffman in Indianapolis, Ind., and he will continue his practice in environmental law and civil litigation.

Angela Pasula is currently an Assistant Prosecutor in Berrien County. She is seeking appointment to the Berrien Prosecutor position. Before joining the Prosecutor's staff, Angela worked for 15 months with the Kalamazoo County Prosecutor's Office where she handled probate, appellate and criminal matters.

1981

Jon E. DeGaullo has been appointed by Governor Evan Bayh to the Indiana Criminal Law Study Commission. The commission consists of 20 judges, legislators, educators, public defenders, law enforcement officers and prosecutors. Its purpose is to review and propose legislation for consideration by the General Assembly in the areas of criminal law, juvenile law, corrections and traffic codes. Jon has also been elected to the Board of Directors of the Association of Indiana Prosecutors. The bipartisan board has 14 directors elected by the Association's 180 members. Jon is with the law firm of Wieser and Sterba in Highland, Ind. On November 29, Jon was honored at the seventh annual Awards Dinner given by the Highland Democrats. Those honored were state and county officials from Highland.

Roy J. Portenga has been named to the Board of Directors of Libner, VanLeuven, Kortering, Evans & Portenga, P.C., in Muskegon, Mich.

Mark E. Schmidtke has been named a partner in the Valparaiso law firm of Hoeppner, Wagner & Evans.

1982

Mark Folmsbee will become the Associate Director and Head of Public Services at Washburn University School of Law Library in early 1990. He is currently Reader Services Librarian and Assistant Professor at Gonzaga University School of Law.

Dennis D. Meyer and his wife Valerie are pleased to announce the birth of their daughter, Alexandra Elizabeth, born June 16, 1989. Their son Gregory is 3 years old. They reside in Littleton, Colo.

Howard G. Skolnick has relocated his practice from downtown Houston to the Brookhollow area of Houston. He is engaged in general civil practice with emphasis on employment law.

1983

Mark Dvorscak is now a patent attorney with the U.S. Department of Energy in Argonne, Ill.

Ted R. Habermann has accepted a position as General Counsel for the Music and Real Estate divisions of Kerr and MacKenzie, at its corporate headquarters in Nashville, Tennessee, specializing in entertainment law and shopping center development.
Thomas R. Hamilton and his wife Edie are pleased to announce the birth of their third child, Courtney Ann, born September 19, 1989. They reside in Elkhart, Ind.

Miles Stipanovich, Jr., has been named manager-governmental affairs, for USX Corporation. Miles’ responsibilities will include working with the state and local government officials of Indiana. He will return to Northwest Indiana from Pittsburgh where he was a corporate attorney with the law department of USX.

1985

J. Patrick Fujawa accepted a position in June with General Motors Military Vehicles Operation (MVO). His wife Ellen ‘85, is a Captain with the 136th JAG Detachment, Fort Benjamin Harrison, Ind.

Kimberly (Ewing) Hardesty and her husband Randy, have two daughters: Lynn Catherine, born March 27, 1988 and Carol Anne, born April 17, 1989. Kim is in charge of continuing education offerings at Madisonville Community College, a division of the University of Kentucky.

Jonathan Potter married Teresa Langton, and they are residing in Annandale, Vir.

1986

David Goodnight, an LL.M. student at Yale Law School, recently attended the first meeting of Yale’s Pro-Life Group.

Kathryn Johnson has opened her own office in LaPorte, Ind. She is a sole practitioner involved in general practice.

Teresita M. Khayyat has opened her own law firm in Chicago, Ill.

Mark Rutherford married Linda Hensley in 1989, in Indianapolis, Ind.

Lance Ryskamp is opening his own practice in Highland, Ind.

Eve S. Sweeney is a staff attorney in the Administrator’s Office of the Indiana Supreme Court. Eve has two children, Matthew, age 3, and Michelle, born August 28, 1989.

1987

Roberta Cloe Buoscio married Dr. Joseph R. Buoscio of Lansing, Ill. on November 4, 1989 at St. Agnes Church in Chicago Heights, Illinois. Roberta is associated with the Chicago Heights law firm of Cifelli, Baczynski & Scrementi, Ltd. Her husband is a dentist in Lansing, Ill.

Jennifer Jewell, an associate with the law firm of O’Connor and Tushia in Cassopolis, MI, has been named Young Careerist for 1990 by the Dowagiac Business and Professional Women’s Organization. Jennifer also teaches part-time in the legal assistance program at Southwestern Michigan College, is on the Board of the Legal Aid Bureau of Southwestern Michigan and is a representative of the Cass County Bar Association to the Michigan State Bar Association. In addition, she was the first woman admitted to the Dowagiac Rotary Club and has been named as a Director.

Brenda Marcus has associated with the law firm of French Rogers Kezelsis & Kominarek, P.C. in Chicago, Ill.

Monique R. Spotts has joined the Lakeland office of Holland & Knight, Florida’s largest law firm, as an associate in the bond area. Before relocating to Lakeland, the Michigan native practiced at the law firm of Chapman and Cutler in Phoenix. She is a member of The Florida Bar and the State Bar of Arizona.

1988

John Hallacy has been an Assistant Prosecuting Attorney for the County of Calhoun, in Michigan, for the past year. He resides in Marshall, Mich.

Marilyn Vasquez, Associate Professor of Business Administration, has been named chairman of the Division of Business and Economics at Indiana University Northwest.

Lisa Woons has associated with the firm of Ryan, Jamieson & Hubbel in Kalamazoo, Mich., as of July, 1989.

1989

Timothy Balko married LeAnn
Keen, a registered nurse. They will be residing in Valparaiso, Ind.

**Jeffrey Boulden** recently passed the Illinois Bar.

**Susan Hartman** recently passed the Illinois Bar.

**Bonde Johnson** passed the Florida Bar and is working for the State's Attorney's Office in Lakeland, Fla.

**Rebecca Lockard** is a Deputy Prosecutor in Clark County, Jeffersonville, Ind. She is working in the Title IV-D Child Support Enforcement Division as well as Juvenile Prosecution.

**Paul Ritsema** passed the Michigan Bar. He has become associated with the law firm of Miller, Johnson, Snell & Cummiskey in Grand Rapids, Mich.

**Jayme S. Walker** has been awarded a one-year honorary membership for the 1989-90 year by the National Association of Women Lawyers. Jayme recently passed the Illinois Bar.

Alumni Directory Needs Your Response

The Career Services Office recently notified all School of Law alumni of the upcoming Valparaiso University School of Law Alumni Directory and asked for their input. If you have not already done so, please return your verification form today. This will ensure that your personal information will be accurate in this new reference book.

To reserve a copy of the Valparaiso University School of Law Alumni Directory, please complete the attached form. The Valparaiso University School of Law Alumni Directory will be printed and mailed this summer.

1990 Valparaiso University School of Law Alumni Directory Order Form

Name: ____________________________________________

Firm/Organization: ____________________________________________

Address: ____________________________________________

City, State, Zip: ____________________________________________

Day Phone (_____) ______________

No. of Copies: _____ ($25 per copy) Total Enclosed: $ _______

Please mail this form and your check to Valparaiso University School of Law Alumni Association, Wesemann Hall, Valparaiso, IN 46383.

The Directory will be mailed to you in July.

IN MEMORIAM:

Avis Worstell Kaub '32
11/29/89

Floyd Roy Cunningham '28
1/16/89

Paul W. Roberts '48
1989

Benjamin H. Vogler, '57
7/20/89

Benjamin H. Vogler

A recipient of the 1987 Valparaiso University Alumni Service Award, Ben was a senior litigation attorney who specialized in antitrust matters at the Nuclear Regulatory Commission in Washington, D.C. Ben worked for the FBI and the Federal Trade Commission before joining the NRC. He received a special recognition certificate from the agency in January, 1989. Ben was a member of the D.C. and Ohio Bars and was admitted to practice before the Supreme Court.
CALENDAR

School of Law Activities

March 20-21 **Distinguished Jurist-in-Residence Judge Kenneth Rippie**, U.S. Court of Appeals, 7th Circuit
"Processes of Constitutional Decision-Making" - March 20, 4 p.m., Classroom D

March 23 **Second Annual Law School Musicaie** - 3:45 p.m., Wesemann Hall Duesenberg Commons

March 24 **Midwest Environmental Law Caucus (MELC) CLE Program & Job Information Exchange**
"Litigating Under RCRA and Superfund"

March 28 **Faculty Inaugural Lecture of Professor Robert Blomquist**
"Clean New World: Toward an Ideological and Intellectual History of American Environmental Law" - 4 p.m., Classroom D

April 2-7 **Law Week**
April 2 - Judge Luther M. Swygert Memorial Moot Court Competition
April 3 - WLSA sponsors a talk by Sarah Weddington, Esq.
April 4 - Law Day Luncheon and Awards Ceremony
April 5 - Faculty Roast
April 6 - Alumni/Student Barbecue
April 7 - Barristers' Ball

April 11-12 **Seventh Annual Seegers Lecture** by Robert S. Summers, McRoberts Research Professor, Cornell Law School - "Rights, Reasons, and Institutional Reasons in Judicial Justification - with Special Reference to Contract" - 4 p.m., Stride Courtroom

May 20 **The Annual Commencement**
10:30 a.m. - Baccalaureate - Chapel
1:30 a.m. - Commencement - Chapel
3:00 p.m. - Reception - Wesemann Hall

August 29 **University Opening Convocation** - Edward M. Gaffney installed as the 10th Dean of the Valparaiso University School of Law - 10 a.m., Chapel of Resurrection

Alumni Activities

April 6 **Alumni/Student Barbecue** - 3:30 p.m., Duesenberg Commons

April 7 **Alumni Board Meeting** - 10 a.m., Wesemann Hall

April 26/27 **Alumni Reception** - Indiana State Bar Association Spring Meeting - Marriott Hotel, South Bend (tentative - exact date not yet confirmed)

August **Alumni Reception** - American Bar Association Annual Meeting, Chicago (tentative, reception dates not yet confirmed)

Continuing Legal Education Seminars

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The *AMICUS* invites and encourages Alumni to write to the School of Law with news of interest for publication in the *Alumni News* section of the magazine. Items such as a change in address or career; status within your firm; births; marriages; membership, selection or appointment to positions within professional organizations/associations are a few examples of the types of information we like to receive and publish.

We also want to give you ample opportunity to become or sustain your status as a dues paying member of the VUSL Alumni Association. The dues are a mere $30 ($15 for the first three years following graduation). The annual dues are payable as of November 1 of every year. *This year, every alumnum/a who pays dues will receive a specially designed VUSL "Alumni" coffee mug as a token of appreciation from the Alumni Association.*

We also wish to receive notice of any employment opportunities you may have or may know about for VUSL students or graduates. If you are interested, you may receive a copy of the VUSL Monthly Job Bulletin, published by the Office of Career Services and Alumni Relations.

The "post cards" on the back of the *AMICUS* are designed for your use for any of these items. Please complete the appropriate card(s) and send them in!
Alumni News

Name: ___________________________  J.D. Year: _______

Address: _____________________________________________________

   (check here if new)

Telephone: Home: (____) __________  Business: (____) __________

Firm Name: ___________________________

Firm Address: ___________________________________________________

News or Comments: _______________________________________________


VUSL Alumni Association Dues

Name: ___________________________  J.D. Year: _______

Address: _____________________________________________________

Firm Name: ___________________________

Firm Address: ___________________________________________________

Telephone: Home: (____) __________  Business: (____) __________

Current Areas of Practice: __________________________________________

Jurisdictions Admitted: _____________________________________________

Dues are $30 ($15 for the first three years following graduation) per year, payable on November 1 annually.

Placement Opportunity

Name: ___________________________  J.D. Year: _______

Business Address: _____________________________________________

Telephone: Business: (____) __________

   Employment opportunity for a VU Law Student - please identify and describe:

   _____________________________________________

   Employment opportunity for a VU Law Graduate - please identify and describe:

   _____________________________________________

*Please send me a copy of the VUSL Monthly Job Bulletin