3-16-1978

The Forum (Volume 7, Number 7)

Valparaiso University School of Law

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"Lawyers are better to talk with, fight with, and love more than most varieties of mankind."

On this encouraging note, the Honorable Walter F. Rogosheske introduced his talk on "The Administration of Criminal Justice in the United States", held on March 9, 1978, at the Valparaiso University School of Law.

Rogosheske is presently an Associate Justice for the Minnesota Supreme Court. He graduated from the University of Minnesota Law School, in 1939, and then spent 16 years in the Minnesota legislature, fighting, as he so aptly put it, "for the downtrodden and the underdogs." Judge Rogosheske was appointed to the bench at the age of 36 with virtually no trial experience.

However, with his grasp of legal principles, well-spiced with an understanding of the problems faced by those persons entering his court, he soon became an able, perhaps outstanding, trial judge.

After an introduction on the problems of law students and the study of the law in general, Rogosheske turned his discussion to the current dissatisfaction with the criminal justice system in the United States, dissatisfaction expressed both by the public and members of the local community. According to Rogosheske, there is some at this point in time in the full putting blame on judges for the current condition of the system. "For courts, courts have sat on their hands, waiting for the legislature, to pass laws, or do something, that would somehow cure the ills of the criminal justice system."

Finally, judges, beginning to realize that "We have met the enemy, and he is us!", Rogosheske feels that blame can be placed heavily on the supreme courts of all 50 states, and feels that upgrading the ability of trial advocates, as well as an alteration of the rules of criminal procedure, would be useful steps in clearing the backlog and congestion in the criminal courts.

Judge Rogosheske stressed, however, that to maintain our country's reputation as a protector of individual rights, we must consider the liberty and dignity of those individuals accused of crimes. The criminal trial must be maintained at all times. Rogosheske noted that the majority of people caught up in the system are poor, and that how we as judges judge in measured in part by how we treat those persons who violate our laws.

Encouragingly, however, the status of the criminal justice system is no longer patiently waiting for a cure to its ills. Probably the single most comprehensive corrective effort yet made was the development of the Criminal Justice Standards, published in 1972. These Standards cover criminal defense, as well as the substantive law, and range from arrest to post conviction relief. In closing, Judge Rogosheske noted that a criminal trial was analogous to a three-legged stool, the three legs consisting of the trial judge and two advocates. If one of the "legs" is a little shorter, or less competent than the other two, the litigation will run into problems. Therefore, in developing better court systems, we must look to increased competence of both judges and attorneys.

A brief reception was hosted by the SBA directly after the lecture, which provided refreshments, and a chance for more detailed discussion with Justice Rogosheske.

New S.B.A. Officers

Elections for new SBA officers were held on Tuesday March 14, and Wednesday, March 15. The results of the election are as follows:

President--Joe Jaskowiak
Vice-President--Tedd Oyler
Secretary--Sally Stitler
Treasurer--Barb Busch

3RD Year Class Representative
Shell Wright
Chuck McKinnon
Dave Swigert

3RD year Faculty Representative
Fred Dudderen

2ND Year Class Representatives
Karen Knebel
Gene Schoon
Jim Ballard

2ND Year Faculty Representative
Judy Haller
Honor Commission
Steve Anderson
John Junke

Congratulations to our new officers-elect. They will formally take office on Saturday evening, April 8, 1978, at the Law Day Banquet.

THE VALPARAISO UNIVERSITY SCHOOL OF LAW
Volume 7 Number 7 March 16, 1978

Student-Faculty Opinion Poll Results

A poll was conducted last semester concerning four issues body concerning major issues of the day. The results were quite interesting, and sometimes unexpected. Here are the results of the informal inquiry.

1. Should Congress extend the period for ERA ratification? Yes---78
No---11
Undecided---11

2. Should "addiction to TV violence" be recognized as a crime? Yes---8
No---159
Undecided---8

3. Should states recognize marriages between persons of the same sex? Yes---32
No---95
Undecided---32

4. Should a skilled lawyer earn more money than an skilled worker? Yes---5
No---1
Undecided---1

5. Should judges have less discretionary power in imposing criminal sentences? Yes---5
No---1
Undecided---0

DTP To Roast Judge Willis

DTP will sponsor the Judge Russel Willis Roast at 8:30, April 7. The affair will be held at strongbow's, and include numerous speakers from both the lawschool and surrounding community.

SBA Prez- Final Note

Briefly--Law Week Celebration: A series of events have been scheduled for the week of April 3-8 to celebrate Law Week. I hope that all of you will come to enjoy all of the programs. We have tried for the most part to avoid any conflicts in the schedule so as to allow full participation by students, faculty, staff, administration and the community at large. Law week is designed to appeal to the intellectual as well as the social interests of the law school community. The SBA and the other organization sponsoring these events have attempted to create a variety of programs. We hope to see all of you there--the success of Failure of Law Week depends on your participation.

Please come and enjoy yourselves. Special thanks to David Myers who has worked long and hard on this event. Finally, the year is quickly coming to an end and with it the current SBA administration and the beginning of a new one. (12 midnight of April 8) will be exactly one year. I would like to thank each member of this year's SBA executive Board for myself and also on behalf of the student body. These people were a good group and a good show for one position so personally enjoyed. Through the efforts of this group and its committees, this year has seen the creation, (and hopefully, implementation) of a new Honor Code system, the rise of a fledging speaker's program, and the acquisition of a number of student lockers, among other things. It is my hope that the new SBA administration will continue to work and support these programs and will set off in new directions--there is still much to be done. Good luck to the New Board and best wishes to all of you in your future endeavors.

NOTE TO THOSE WHO SUFFER FROM TAX ADDICTION

Your gift to the School of Law is deductible as a tax deduction on your federal income tax, if you itemize your deductions. Some states, such as Illinois, also allow a tax credit for contributions to colleges. For example, the SBA has been able to receive, thus far, a 1100 gift to the law school from an Indiana resident in a 20 per cent tax bracket is about 130 (a 50 tax credit would be applicable in this situation).
To Whom It May Concern, I would like to thank Sue Kellock for the time and effort she spent in developing WLSA’s “Women in the Workplace” program. My thanks are also due to Lynda Blackburn for her work on the program’s publicity. However, despite the efforts of those two women, I cannot help but feel the program was a failure. Our four panellists addressed a standing room only crowd of 10 people. Once again, there were no faculty members present. Apparently, there was a cocktail party at the dean’s that evening. Naturally, there was absence was a severe disappointment to us all.

Also notably missing were members of the law school student body. Apparently students either didn’t know about the program or didn’t have the time to attend. WLSA had 50 posters printed and distributed and the event was publicized in local newspapers, but still no one showed up to the program. One student told me she had seen our posters. But, because one of the largest words on the poster was the word “bouquets,” she did not concern him and did not bother to read the entire poster. Apparently, there was no improvement over past years.

Let’s face it, the student body was either turned down, or covered with obstinacies. This year we are only be to create a bond. Yet, despite all the others’ apathy, we still could have presented a respectable program. If all the members of the body had bothered to show up, WLSA members, you would have seen WLSA present this year. You knew weeks in advance when our guests would be here. Why possible excuse could there be for an organization’s membership destroying its own program?

Was it the lack of time that kept many away? We can’t be sure. That seems to be the most acceptable excuse these days. People band us that every year. But let’s be honest, the real problem is one of attitude, it has nothing to do with time. You challenge anyone of you to come here and practice your own law mine; and yet, I’ve always found the time to work for WLSA or the law review. Well, all that is over now. I have taken classes, I’ve been busy and tired of trying to make something out of nothing. And that is exactly what WLSA is--a big zero. And it is going to stay that way so long as this student body continues to mandate their “I don’t give a damn” attitude.

I offer this letter as my resignation from the office of President of the Student Law Women Students Association, effective Tuesday, January 17, 1978. I offer this resignation in the hope that my successor (should there be one) will be a more interested assessor of my office) will find a more interested faculty and student body.

Very truly yours,

Debra L. Luzietti

Jill Olson

From:

The President’s Desk

THE COMPLIENCY IN LAW

mock trial

To Mock Trial Team Members:

It began several weeks before Christmas. It ended a couple weeks ago in Chicago. Between those two dates, three hundred and thirty-three third year students—Bob Stochel, Ed Goodman, Frank Develis, Jeff Holstrom, Steve Tuck, and Kent Schnack—tried the case of Outway v. Outway. It consisted of five trials, each lasting from six to eight hours depending on the complexity of the case. I wanted to thank the judges, practicing attorneys, faculty, and students, who were involved.

Mock Trial is a national competition between law schools. The competition centers around a concocted trial in which the participants will attempt to exhibit their skills in trial advocacy. It is, in short, an advanced class in Trial Ad.

The carried in bad grade book, what a form of malpractice among academic professionals. The malpractice among teachers, who speak and write TO students, who certainly do not employ the legal system. And yet we are faced with an apparent form of improper treatment.

New York law school dean has stated that 75 percent of his students are "patently illiterate"; however, one American law school recommends an undergraduate background in English. More significantly,岂 is not to be published in the Pre-Law Handbook. Thus, we are affected by no inkling of the caliber of writers involved. Our other courses are affected in a similar manner. The legal education system should be excused for failing to prevent such incompetency. A poorly written paper was nearly unreadable, but it received a remarkable grade in the mid-90’s. To see our paper stands as an exception among honor papers. Nevertheless, it is an embarrassing situation. In that grade possibly justified? I submit it cannot, unless the object of legal education is something other than producing lawyers able to communicate effectively. This must be the case.

The object of legal education is to give form to substance. Writing is the very cornerstone of the law, and without that foundation of clear expression, the legal system would collapse. Legal writing should make of our potential statutes, and legal opinions a Tower of Babel, the legal education system is inherently more valuable than law education.

In this case, we are asked to communicate on behalf of the judge. We are to draft a legal memorandum, a legal brief, and a legal brief, answering questions asked by the judge. We are to make arguments, ask questions, and write the briefs. Who will write the briefs? Who will write the opinions?

It may be argued that writing should not be graded in law school because such a system would destroy its own program. However, I argue that the law school program is exactly as it should be. The law school program is exactly as it should be. It is designed to communicate, to write arguments, and to ask questions. Legal writing is not a means to an end. Legal writing is an end in itself. Our program is designed to educate, to teach, and to learn. Legal writing is a means to an end.
That a legal education makes a concentrated effort to solid students' minds into instruments for legally correct analytical thought is a proposition that is neither new nor refuted. As a result of this effort we, as students, graduate from time.

In Search of Humor

clients, structured writing. But in many familiar to the entire profession.

When they are presented in a form simple motions are best under--our creativity and our sense of important sacrifices that we make--our creativity and our sense of

In the search of humor.

We are taught to think like lawyers. This ability manifests itself most clearly in our professional speech and writing. When we open our mouths in a courtroom or take pen in hand, we, theoretically at least, should be at a professional apex. We attempt to persuade and structure legal precedent and when all else fails, legal policy.

But in our communication with citations and/or Latin phrases. In sum we should be able to characterize quill, as a writer, as a legal writer. Certainly, some legal writing must be confined to a certain formality and structure. Most pleadings and the whole range of simple motions are best understated and at their most concise when they are presented in a form familiar to the entire profession. A drastic departure from the norm in the one instance or the other would, ultimately acceptable, would tend to cause confusion, misunderstanding.

A problem of the problems is a laudable goal, and one that is adequately achieved by formal structured writing. But in many other forms of legal writing, formality and structure are not necessary. In fact, I submit, this style of communication often gets in the way of clarity, conciseness, and originality of thought, of remembered assertions. An appelatte brief, a court memorandum, and other similar types of legal documents should be written to be logical, assertive, and persuasive.

Unhappily, most of these lawlessly written assertions are written in a style that is most adequately described as dignified. Although an unspoken and often unspoken demand seems the absolute prerequisite to an acceptable legal argument that is usually gripped with dignity. Humor is banned, satire is banned, cynicism is banned--all in the interest of seriousness. For dignity's sake we write with a detached reserve; we use large unpronounceable words, we create words of art to express the unexpressable. We boffo, and we end up sounding like a bunch of pompous asses. Even in the most potentially creative cockpit of legal writing, law reviews, dignity prevails. A structure is imposed, stately style and solemnity, and once again humor and satire are forbidden.

Law reviews should function, at the very least in part, to represent the legal profession and its products. Most law reviews are written in that stuffy laborsome style that produces articles that are dead and staid yawn. Even so, if the author has something worthwhile to say, the reader can't find the argument for all the legal jargon he can sleep. It has been said that the best way to get a laugh out of a law review is to get very drunk and then read an article, any article, just anywhere. Now that the article is over and done, that can really be funny.

All my sarcasm is not meant to be taken as an expression of hostility, but should read like a juicy Harold Robbins

Whatever or not the high Court rules in favor of Alan Bakke, his suit's impact has already begun to set the regressive wheels of race hatred, so much a part of this land of opportunity, back into legal motion. The truth of the matter is that the Civil Rights Act and its Affirmative Action progeny were reactions of white paranoids.

Prior to their inception, the late Dr. Martin Luther King Jr., became increasingly disenchanted with the argument for all the.


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And flippance would be inappro--the search of humor.

To persuade with legal principles, we open our mouths in a courtroom or take pen in hand, we, as students, graduate from time. But in many familiar to the entire profession.

Now that the potential number of blacks and other minorities has been thrown crumbs by way of token jobs and seats in professional schools, we as an oppressed class have all but ceased to demand what is rightfully ours; first class citizenship.

As a result, the forces that be have become anxious to reinstate a laissez-faire approach to Jim Crow.

Notwithstanding the fact that Alan Bakke's credentials could not have secured him a place in the Davis medical School because there were at least sixteen selecti--students ahead of him, I must ask, how can those in power actually discriminate against themselves? The dominant race in American makes the rule of sex novel or a script from "Laverne and Shirley." On the other hand, there is no reason why our courts should not cross between a 19th century sermon and a treatment on higher mathematics. As with most things, a balance between the two extremes is preferable. Many of the tasks we will undertake as attorneys will be extremely seri- our and important to log, and to some extent, the game, holds all the cards and knowledge of the game. If Bakke had anything to fight with, his comrad--would have found him a place in medical school.

But he did not, and America's minorities have been losing the little footage previously gained in their struggle for freedom.

Take the case of a Federal District Court Judge who recently overruled a lower court decision that required his state to set 10 per cent of its construction contracts aside for black contractors. The construction industry, like most entities of American society, perpetuates racial discrimination.

This is accomplished through virtual while exclusivity. It is beyond all comprehension why the multi-million dollar construction industry can not spare a meagre 10 per cent of its cake.

It seems to me that regardless of the lawsuit's outcome, the written is on the wall. As a concomitance in the struggle so aptly phrased it, "Affirmative action is for the black children in 9th grade whose environmental impediments would make it impossible to reach the same heights as other professionals." Now they and all of America's minorities have been dumped in a pool with the startling realization that Brown v. Board of Education and the Civil Rights Act are not worth the blood shed for them and served only to forestall America's inherent inten- tion to keep minorities in the back of the bus.

To be sure we all have a certain amount of creativity and wit tucked deep within us, at the appropriate time, and in moderation, these gifts can be most valuable.

It is insisted upon, and once again, the avoidance of the problems is a laudable goal, and one that is adequately achieved by formal structured writing. But in many other forms of legal writing, formality and structure are not necessary. In fact, I submit, this style of communication often gets in the way of clarity, conciseness, and originality of thought, of remembered assertions. An appelatte brief, a court memorandum, and other similar types of legal documents should be written to be logical, assertive, and persuasive.

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BARD Wrestlers Take Fourth!!

by Dave Myers

After several days of intense competition, the BARD wrestling team managed to capture fourth place in the intramural competition. Four of the five BARD entries managed to place in the competition but Steve Pursell weighing in at 158 lbs. was defeated in first round action by Don Currie. Frank Davila amased and entertained all those who watched his 126 lb contest with Sig Ep wrestler Rich Rafarelli. After capturing an early 6-0 lead, Frank's inexperience showed as he was caught off balance and pinned. However, Frank went on to finish 3rd at the 126 lb. weight class.

VOLLEYBALLERS

VICTORIOUS

Led by the height of "too Tall" Tuuk, the intensity of 
"Bloo-Boo" Walden, the wisdom of "L/Rev." Stek, and the glare of 
C. Hunt's forehead, the BARD Volleyballers boosted their sea-
son's match record to 4-2 with a 3-0 win over the DePauw Theta 
Six last Tuesday evening. The B. V. V. B. took the closely contested opener with a 15-12 win, then pulled away to a 15-10 win, and 15-9 victory. Earlier in the evening the Weseman squad recorded a 3-0 forfeit win over the Steer. The tall killing gave the legal netsters a 12-6 game record, and kept alive their hopes for another IM title. Rounding out the squad are "Jumping Jeffery" Holmstrom, Buddy "Bad Bounce" Balogh, and Dan Blauweiss plus other misc. derelicts.

L.Rev's

LONGSHOT?

Yes, it's true. Ed Grafton just signed a 1st year "free agent" to command the mound for the much improved L. Rev. softball team. Who is this mystery man? Why do they call him dancing Don? Why has he laid dormant throughout the intramural season, only to pop up now on the L. Rev. pitching squad? Can he make up for the L. Rev's personnel losses to BARD and other competitors? Was it necessary for Grafton to explain to S. Stek and this reporter that "We'd rather have him pitching for us than against us."?

What does this ace have? Or, does he have anything? Is this just more buffalo meat coming from the L. Rev. camp? Only time and future L. Rev. opponents will tell.

VOLLEYBALLERS VICTORIOUS

We'll begin by tipping the grubby BARD cap to the ping pong squad of Stek, Schnack, and Duggan for posting the Law School's fourth sports crown. Cross country, soccer, and football have also been captured by legal types. F最后一round out after the last edition that the lady who types my copy for the paper does not like to type quotation marks. Not using "I in my stories is like Bartell teaching torts without Prosser. Please!!! Kathy, put them in..." Life goes on, and so does the snow. A local sports editor once had dreams of playing softball before break. Joke is on local sports editor... Speaking of softball, the season will get underway on Monday, April 3, so don't overslept in Florida. As we go to press, it appears that there will be two five team league across the country and up the inter-division games. The four top teams from each circuit will enter the single elimination play-offs. Commissioner Chris Hunt will hold the organizational meeting later this week. Take me out to the ball game... 

Pong Pong Title To BARD

The terrible Trio of the Table Tennis wars, better known as Stanley J. Stek, Kent "Pong," schnack, and Clifford "Pong" Duggan, cemented another feather in the BARD hat last Monday evening as they nailed down the IM Table Tennis Title with a 9-0 win over the Pikes. The victory gave the legal paddle carriers a perfect 11-0 record in league matches and boosted their game tallies (9 games per match) to 92-7. 

SPECIAL BULLETIN

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