The Amicus: Vol. 3, No. 3

Valparaiso University School of Law

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LETTER FROM THE EDITOR

To the Class of 1990: Congratulations and best wishes for a smooth transition from student to professional. This is the opportunity you have all worked so hard (19 years of schooling is enough!) to realize. Within the time span of one hour on Sunday, May 20, 1990, you will all evolve from law student to lawyer. What an opportunity, and never one more deserved.

You will find that this is a profession built upon on-the-job training. You have learned a great deal over the last 19 years. In the last three years, you have learned about the law, communication, advocacy, fairness, research, analysis, and even justice. But you have not learned how to practice law. Someone once told me that the transition from law school student to lawyer is like spending three years learning all about hammers, being handed a hammer at graduation and then being hired to build a house for your client. Thus, the anxiety of a third-year student/first-year lawyer.

But when you think about it, if you know where all the tools are and how to use each and every one of them well, how difficult can it be to build that house? As an aside, and stretching the analogy a bit, any attorney can build a house for a client; a good attorney helps her client build a home. Seize this opportunity. Welcome to a profession that never rests. Your formal education is over and the fact that you are graduating from law school is evidence enough that you are very well prepared for the use of all the "tools."

But, the real lessons are just beginning. You will always be a student of the law even though you are no longer a law student.

You should be proud. About one third of those who apply to law schools are accepted, and about 15% of those who are accepted do not earn the opportunity to join the profession. We are proud of you, and we will always remember you. We will also do our best to keep in touch. We have to, you have our hammer....

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

Since this is my last letter as Dean, it seems appropriate to reflect upon the experience and the institution. What started out as a one-year term gradually became a five-year term, exceeding the national average for law school deans. While it was never my ambition to become a dean (now I better understand why), it has been a learning experience. In fact, maybe all faculty members should have the experience for a month to gain a better understanding of how law schools operate!

Our law school, like most others, is experiencing growing pains as a result of the increasing competition for students rather than an increase in size. When the number of applications jumped substantially in the mid-seventies, new law schools opened. It looked like a good business. When applications decreased in the eighties, there were more accredited law schools competing for fewer students. In some ways the competition helped improve legal education because it forced law schools to become more creative and innovative in their curriculum and programs as they looked for ways to gain a competitive edge. The competition has caused other changes which are not so clearly positive.

Today, law school administrators frequently talk about marketing, advertising, public relations, institutional advancement, recruitment, placement and slick brochures. Does this sound too much like a business? When there were multiple applications for every available seat in law schools, the only task for an admissions office was to make the selections. Now most law schools hustle to bring in the applications; after applicants are admitted, they are "courted" as many law schools try to attract the "best and brightest." The bidding wars drive up scholarship offers and often result in some "puffing" of the product being sold to the applicants.

Unfortunately, in my opinion, the quality of legal education available at this law school has not been exaggerated. If anything, the publicity has not yet caught up with the quality of the product. However, due to the efforts of our fine professional staff and many of our graduates, this is changing. The need to "sell" or "market" law schools has resulted in a change in the structure of the institutions. It is no longer feasible to operate with a dean or two, secretaries and a faculty. Faculty committees, while important at the policy level, cannot carry out all of the functions of an admissions office. The faculty cannot meet the placement demands of students. In short, a new level of management, somewhere between deans and faculty, has developed and the roles and status of those occupying the positions have not yet been clearly defined. Thus the growing pains.

While law schools must guard against devoting too many of their resources to administration, they must also guard against loading too many administrative duties on the faculty. Professors must continue to devote the bulk of their time to teaching (both in the classroom and in the office), researching and writing, and service to the community and profession through pro bono, consulting, CLE programs and other activities. Most importantly, law faculties must deliver the education package which is promised in the promotional literature and personal presentations. This requires not only excellence in the classroom, but also good personal relations between faculty and students.

Students and others involved in legal education must realize that the hours spent in the classroom represent only a small portion of the time required to perform all of the duties of a law professor. In the long run, students, alumni and the institution in general benefit greatly from the other activities of the law faculty. Similarly, any educational institution benefits greatly from the performance and accomplishments of its graduates. Thus there are several actors, all with important roles to play in a successful law school. The key is to recognize and understand that while our roles differ, we are very dependent on each other and the well-being of the institution obviously depends on everyone fulfilling her or his responsibility.

The support of its alumni will be even more critical in the future if Valparaiso University School of Law is to continue to strengthen its already excellent educational program. Our graduates' involvement in the school has grown tremendously over the recent years, but it must continue to grow at an even faster pace. Alumni can become involved in many different ways, not just through financial contributions. Through our Board of Visitors, Law Alumni Association, and a variety of special programs dealing with admissions and placement, many of our alumni have made significant contributions to the school. I trust this will continue and grow.

Finally, I will take this opportunity to thank the many people—students, alumni, staff, faculty, family and university officials—who have helped to make this job and the past five years tolerable. I am confident that our next dean, Professor Gaffney, will enjoy the same support.

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

Dear Alumni:

"Cheshire Puss, she (Alice) began... "would you please tell me which way I ought to go from here?" "That depends on where you want to get to," said the cat. Lewis Carroll

Change and new directions are nothing new to a profession built on fast-thinking, legal deadlines, a constant parade of fresh developments and creative ideas, and ever-increasing numbers of lawyers and job opportunities.

Only now there are more changes to consider as well: changes in leadership, methodology and technology, to give a few examples. Such changes seemingly occur at an accelerated pace. Understanding these changes requires a goal or perspective by which one may sort information and arrive at conclusions.

For this spring letter, the goals are modest: to report on the activities of the Alumni Association and to commend the efforts of retiring Dean Bodensteiner and welcome incoming Dean Gaffney.

The Alumni Association participated in many events in the 1989-1990 academic year. During Law Week, Alumni members presented awards for course honors in business associations, trial advocacy, and legal profession, along with a special Federal Bar Association Award. Many of you helped contact prospective law students in the admissions process by writing letters or beginning a personal contact over lunch or a telephone call. This effort alone has had a great impact on applicants who cite the contact as unique among law schools.

The Alumni Association discussed various methods by which law alumni may get more involved with admissions, development and placement activities. These topics will continue to be the focus of the Association's concerns. A more complete discussion of the activities of the Board is found in a later article in this issue of the Amicus.

The Board of Directors of the VUSL Alumni Association unanimously approved a change in the billing date for membership dues. In the past, dues notices were sent in November of each year. Yet, the activities of the Association are more closely tied to the academic calendar of the School of Law, which runs from August through May. In addition, the November cycle did not make it convenient for new graduates to become dues paying members of the Association.

To encourage younger alumni to support the Association, and in order to bring the dues calendar into alignment with the academic calendar, annual dues notices will now be sent out on or about June 1 of each year. New graduates will continue to receive one year's membership for free. Since graduation is in May, the new dues cycle will provide the maximum benefit for our newest alumni.

The new cycle has a natural tie-in with graduation and will allow for the collection of dues over the summer — in preparation for the start of the fall semester in August. Those who have paid their dues from last November's reminder will be given the option of delaying the payment of their 1990-1991 academic year dues until November, 1990.

Of course, we will continue to send an official VUSL coffee mug (midnight blue, with gold print of the VUSL logo and the inscription "Valparaiso University School of Law") to those who support the Alumni Association through the payment of dues. Watch for your dues reminder in June!
Dean Ivan Bodensteiner spoke to the Indiana University-Bloomington Public Interest Law Symposium in January. His topic was mandatory pro bono for law students. Also in January, Dean Bodensteiner spoke on "Public Interest: The Pro Bono Challenge" at the National Association for Law Placement Midwest Regional Conference. Dean Bodensteiner has been appointed to the Association of American Law Schools Planning Committee for the 1991 annual meeting mini-workshop on "Realizing the Professional Ideal of Service: Responsibilities & Possibilities." As part of his duties he attended a planning committee meeting in Washington, D.C., in February.

Professors Robert Blomquist and Jack Hiller traveled in China from March 1st to March 14th as part of a seven-person delegation from Valparaiso University. The delegation visited Hong Kong (where they were hosted by George '74 and Susan Liu), Hangzhou, Ningbo, Shanghai and Beijing.

The purpose of the trip was to explore the possibility of establishing new exchange programs with universities and institutes in Zhejiang Provence. Some exchanges already exist between Hangzhou University and Valparaiso University.

Professors Blomquist and Hiller have begun work on a tentative exchange program with the Law Department of Ningbo University. While at Hangzhou and Ningbo Universities Professor Blomquist lectured on "Prospects for Resolving Global Environmental Problems: The Case for Sino-American Cooperation" and Professor Hiller lectured on "The Divided Brain, Western and Eastern Thought and the Relationship between the Legal and Creative Processes." While at Ningbo Professor Blomquist played some American folk songs on the guitar for Chinese law students.

In Shanghai and Beijing the delegation was hosted by Chinese government entities who are clients of George and Susan Liu. Among other places, the group visited The Forbidden City, The Summer Palace, The Ming Tombs, Tiananmen Square and the Great Wall.

On March 28, Professor Blomquist delivered his Inaugural Lecture as a full professor of law to a group of approximately 150 guests assembled at the Valparaiso University School of Law. The title of his lecture was "Clean New World: Toward an Intellectual History of American Environmental Law, 1961-90."

Professor Blomquist lectured at numerous conferences and speaking engagements during the semester. On January 25, he reviewed the book The Control of Nature by John McPhee at the "Books & Coffee" series sponsored by the Valparaiso University Department of English. On March 24, he served as the faculty coordinator of a continuing legal education forum sponsored by the Midwest Environmental Law Caucus entitled "Litigating Under RCRA and Superfund." On April 6, he lectured at a program sponsored by the Indiana Continuing Legal Education Forum entitled "Environmental Law: Enduring Environmental Exposure" at the Radisson Star Plaza in Merrillville, Indiana.

In January, Professor Blomquist, as faculty coach, accompanied Valparaiso's National Moot Court Team (Sam Brooks, Steven Pletcher and Brian Welch) to the nationals of the Bar Association of the City of New York's Fortieth Annual National Moot Court Competition held in New York City. Valparaiso's team qualified for the nationals by placing second in the Midwest regional competition in November (out of some 26 teams). At the national competition, Valparaiso's team finished in the top 16 teams in the nation.

On March 23, Professor Blomquist played the guitar and sang folk songs at the Law School's Second Annual Musicafe held in the Atrium. He was also selected by the graduating class of 1990 as their faculty advisor and was the roastee at the annual Faculty Roast held on April 5.

Director of Career Services Gail Peshel spoke at the National Association for Law Placement National Conference in Chicago in April. She was reappointed Chair of the Research Committee for NALP for 1990-91. Mrs. Peshel authored the Class of 1988 Employment Report & Salary Survey for the National Association for Law Placement.

Professor Richard Stith's recent Newsday op-ed piece ("Was Idaho a Mistake?") has been syndicated to the 550 newspapers on the Los Angeles Times-Washington Post newswire.

Professor Stith has been invited to spend a month this summer at Holy Transfiguration Byzantine (Ukrainian Rite) Monastery in California. He will seek to understand the sanctifying powers of form through participation in the daily life of the monks and through the study of Eastern theology and iconography.

The "Lifetime" cable network recently aired a program entitled "Pro-Voice: 1990." Participants in the program included Gloria Steinem (founder of Ms. magazine), Nat Hentoff (columnist for The Village Voice), Dr. Kenneth Edelin (Chairman, Planned Parenthood of America), Sidney Callahan (professor of psychology, Mercy College), Chris Smith (U.S. Representative, New Jersey), Anna Quindlen (columnist, The New York Times), Ann Lewis (former chair of the Democratic National Committee), and our own Professor Richard Stith.

Professor Ruth C. Vance addressed attendees of the Purdue North Central Women's Conference on March 24, 1990. Her topics included recent developments in Indiana workers' compensation law and sexual harassment in the workplace.

In March, Professor Vance's article entitled "Vocational Rehabilitation Benefits Under Indiana's Workers' Compensation Law" appeared in Volume 24 of the Valparaiso University Law Review.

In April, Professor Vance participated on the faculty of the
Indiana Continuing Legal Education Forum seminar on Practice Skills. She conducted three workshops on negotiation skills and addressed the plenary session on client interviewing and counseling.

Mary Ann Tuytschaevers, formerly Circulation/Reserve Supervisor in the VU Law Library, has accepted a position at the Lake County (Indiana) Public Library. She has been replaced as Circulation/Reserve Supervisor by Angela Glandien.

Law Librarian Mary Persyn was the program chair for the Spring Meeting of the Ohio Regional Association of Law Libraries which was held in Dayton, Ohio, in May. Documents Librarian Sally Holterhoff was a discussion leader at the conference.

Professor Geri Yonover's article "Fighting Fire with Fire: Civil RICO and Anti-abortion Activists" will be forthcoming this summer in the Women's Rights Law Reporter (Rutgers).

ABA Soviet Director Visits VUSL

In addition to the internship of Soviet Law Professor Olga Diugzeva at VUSL, Mr. Steven G. Raikin, Program Director of the ABA Soviet Lawyer Internship Project, visited Valparaiso in February. He and Soviet Intern, Baiba Plaude, met with faculty and students and gave a presentation on "Law in the Soviet Union Today." Ms. Plaude, a lawyer from Riga, Latvia, interned with Jenner & Block in Chicago.

Ms. Plaude began the practice of law as a litigator in property law, housing law, recovery of damages and divorce cases. She now specializes in negotiating business and commercial joint ventures with firms in East Germany, Italy and Vietnam.

Steven G. Raikin

Mr. Raikin negotiated the agreement with the Procurator General of the U.S.S.R. and the President of the Association of Soviet Lawyers, which authorized the ABA to implement the first open competition in Soviet history for Soviet professionals to compete for fellowships to study and work in American corporations, law firms and law schools. In addition to directing the Internship Project, Mr. Raikin is the Staff Director of the ABA Section of Individual Rights and Responsibilities. In this position he directs all activities of the section known as "the conscience of the ABA." Through its 20 committees, the section's 5,000 lawyers address such diverse issues as international human rights; minority rights and equal opportunity; health and environmental rights; immigration and nationality law; national security and civil liberties; and nuclear disarmament and arms control.

Seventh Seegers Lectures

On April 11-12, 1990, Valparaiso University School of Law held the Seventh Annual Seegers Lecture. This year's lecturer was McRoberts Research Professor of Law Robert S. Summers. Professor Summers holds
a B.S. from the University of Oregon (1955), an LL.B. from Harvard University Law School (1959), and a Doctor of Laws (honoris causa) from the University of Helsinki.

Professor Summers taught at the University of Oregon Law School from 1960 to 1969 and has, since 1969, been on the faculty of the Cornell Law School, being named McRoberts Research Professor in 1976. He has taught in the fields of commercial law, contracts, jurisprudence, and legal theory, among others.

His many visiting professorships include several at Oxford and, in 1991-92, he will serve as Arthur Goodhart Visiting Professor of Legal Science at Cambridge University.

Professor Summers has produced a prodigious array of books and articles. Law students probably know best his casebook and hornbook (with Prof. White), each entitled The Uniform Commercial Code, long recognized as the finest in its field.

In his lectures, he defined and defended three main theses. First, he argued that American appellate courts, when explicitly invoking substantive reasons to justify decisions in the general common law of contract, in fact rely almost entirely on what he called rightness reasons and institutional reasons rather than on what he called goal reasons.

Second, he argued that for the various purposes of such substantive common law justification, it is, in general, not necessary for courts to rely on goal reasons. Rightness reasons and institutional reasons are justificatorily sufficient.

Third, he argued that rightness reasons and institutional reasons are superior to goal reasons in major respects. Professor Summers closed his lectures with some remarks on the general significance of the foregoing theses. An in-depth article based on these lectures will appear in an upcoming issue of the Valparaiso University Law Review.

Spring VUSL Alumni Association Board Meeting

Alumni Board of Director members attending the April 7 Spring meeting remarked that the program was one of the best ever. The meeting was well attended and several important changes were discussed.

Highlighting the morning session, Kathy Wehling of the Law School staff outlined the great progress in numbers and quality of current admissions. Assistant Dean Curtis Cichowski followed up with a good proposal for increased development needs and for increased alumni involvement and networking.

Treasurer Jerome Ezell, of Hobart, Indiana, presented an outstanding report on Alumni Association finances, indicating a record high balance of over $7,000 after the receipt of dues from Alumni minus Board expenditures.

In Board action, the Directors decided to begin a new dues solicitation program to encourage more alumni participation and greater benefit to those of us who send in dues. Specifically, the Board moved the solicitation date from Fall to late Spring, and discussed ways by which the school could benefit from licensing of products connected with the school.

Of particular interest was the idea to request that the Law School waive the application fees for children of VUSL graduates. Very recent information from the Dean indicated that the law school has agreed to waive these application fees. This demonstrated a good value for low cost to all Valpo Law School Alumni.

Our outgoing Dean, Ivan Bodensteiner, identified the needs and accomplishments of the Law School. His remarks described not only the bar association receptions and University concerns of the school, but also challenged the Board to consider pressing needs of housing and curriculum development. The Board recognized Ivan for his leadership as Dean.

The next Board meeting will be held at the Law School on Saturday, October 6, during Homecoming. All alumni are invited to attend both the meeting and the annual Alumni dinner/dance that evening.

Environmental CLE/Job Fair Held

The VUSL Midwest Environmental Law Caucus (MELC) held its first annual Environmental Law Continuing Legal Education Seminar on March 24 at Wesemann Hall. Professor Robert Blomquist served as moderator as issues in RCRA/SUPERFUND were presented to a crowd of sixty registrants. George Plews, from the firm Pendygraft Plews & Shadley of Indianapolis, spoke on "Discovery Issues under RCRA and Superfund." Mary Fulghum, from Region Five of the Environmental Protection Agency, spoke about "Settlement Issues Under RCRA and Superfund." John Hamilton, from the firm Doran, Blackmond, Ready, Hamilton & Williams of South Bend, focused on "Citizens Suits under RCRA and Superfund." The final speaker was the noted attorney, Laurence McHugh, of Barnes & Thornburg. As a nineteen-year-veteran practitioner of environmental law, Mr. McHugh discussed "Corporate Issues under RCRA and Superfund." The speakers provided comprehensive materials which are included in the book offered for sale by MELC. (For additional information, please write to MELC in care of the School of Law.)

The Women's Law Student Association, in conjunction with MELC, sponsored a luncheon in the student lounge. Following the lunch, an Environmental Law Fair was co-hosted by MELC and the Career Services Office. Representatives from Barnes & Thornburg; Brown, Todd & Heyborn; EPA Region Five; Management Services; and Randall Wray provided informational sessions for thirty law students from Kansas, Illinois and Indiana.
Employer Activity

Major employers from 25 cities, primarily in the Midwest but also from the western and eastern portions of the United States, sent recruiters to our campus. The Career Services Office participates in 14 job fairs annually. Job Fairs are off-site, out-of-town interview trips to Chicago, St. Louis, Indianapolis, Springfield, and Washington, D.C., and include numerous employers and students from a variety of law schools. The School also participates in two minority recruitment programs each year.

The Career Services Office assists students in organizing individual employment-seeking campaigns in additional locations. The office's contacts with School of Law alumni, who practice in nearly every state, facilitate student efforts to secure summer and full-time career opportunities.

The Class of 1989

Each year the Career Services Office surveys the graduating class to obtain employment, demographic and statistical information. The survey of the class of 1989 indicates that 95% of the 1989 law graduates presently work in law-related positions and five percent are in positions which are not law related. Employment figures have been consistent for eight years.

Demand for Valparaiso graduates remains strong as indicated by statistics for the class of 1989. Six months after graduation, 92% of those seeking employment were employed, and starting salaries continued to rise at a rate steeper than the inflation rate. The average salary for 1989 graduates was $32,300, an increase of 16% over the average salary for 1988 graduates.

Judicial Clerkships, Class of 1989

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<tr>
<th>Name</th>
<th>Location</th>
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<tbody>
<tr>
<td>Kathleen M. Allen</td>
<td>Michigan District Court</td>
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<td></td>
<td>Grand Rapids, MI</td>
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<tr>
<td>Timothy A. Baker</td>
<td>U.S. District Court, S.D.</td>
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<tr>
<td></td>
<td>Indianapolis, IN</td>
</tr>
<tr>
<td>Barbara A. Bolling</td>
<td>U.S. District Court, N.D.</td>
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<tr>
<td></td>
<td>Fort Wayne, IN</td>
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<tr>
<td>Matthew R. Cooper</td>
<td>Michigan 9th Cir. Ct.</td>
</tr>
<tr>
<td></td>
<td>Kalamazoo, MI</td>
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<tr>
<td>Susan L. Hartman</td>
<td>U.S. District Court, N.D.</td>
</tr>
<tr>
<td></td>
<td>Hammond, IN</td>
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<tr>
<td>Andrew L. Kraemer</td>
<td>U.S. Bankruptcy Court</td>
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<tr>
<td></td>
<td>South Bend, IN</td>
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<tr>
<td>Gail S. Parkhurst</td>
<td>Michigan 49th Cir. Ct.</td>
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<tr>
<td></td>
<td>Big Rapids, MI</td>
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<tr>
<td>Cynthia L. Phillips Smith</td>
<td>Elkhart Superior Court</td>
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<tr>
<td></td>
<td>Elkhart, IN</td>
</tr>
<tr>
<td>Vicki D. Rau</td>
<td>Michigan Court of Appeals</td>
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<tr>
<td></td>
<td>Lansing, MI</td>
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<tr>
<td>Wanda F. Reed</td>
<td>U.S. District Court, N.D.</td>
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<tr>
<td></td>
<td>Fort Wayne, IN</td>
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<tr>
<td>Lisa M. Sunderman</td>
<td>Chief Immigration Judge</td>
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<td></td>
<td>San Antonio, TX</td>
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<tr>
<td>Jeffrey R. Wright</td>
<td>Allen County Superior Court</td>
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<td>Fort Wayne, IN</td>
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<tr>
<td>Julie L. Zandstra Frazee</td>
<td>Indiana Court of Appeals</td>
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<td>Indianapolis, IN</td>
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Law firm practice continues to be the single largest employer for law school graduates. About 23% of 1989 graduates are presently employed in firms with two to ten attorneys. Nine percent work in small and medium firms, and 16% work in large or very large firms (51 to 100+ attorneys).

Jobs accepted in the public sector increased to 23.3% -- approximately four percent over last year. The number of judicial clerkships increased to 17.3% of the graduates working in the public sector.

Each year the number of graduates electing to practice outside Indiana increases. Approximately 46% of the 1989 class sought and accepted positions outside the state. As more graduates locate in new geographic regions, more employers become aware of the quality of Valparaiso students.

Several factors continue to play important roles in improving job prospects for law school graduates. First, the reputation of the School of Law has grown as graduates continue to move out of state. Students no longer feel tied to a specific region, and the number of out-of-state firms recruiting at Valparaiso has increased. Second, the faculty is supportive and willing to assist students in job searches. Many students who have a particular area of interest talk with specific faculty members about job leads and references. Finally, the students put in the time, effort and hard work necessary to be successful. Most have developed good job search skills, in addition to their studies.

Educational Programs

The placement program emphasizes career-planning as well as job-seeking. Career Services provides individual career counseling, resume help, interviewing assistance, printed information of many kinds, and aid with job-hunting strategies.

To assist students in making informed career decisions, Career Services offers a series of programs each semester. Alumni participate in many of these sessions. The most popular of the 21 programs include "From Diapers to Depositions," a program which presented the importance of balancing career and family; "Success in Summer Employment;" "Chicago Practice;" and "How to Survive an Associate Position." We called on our alumni to help us with these programs, and they responded without hesitation. The assistance of our alumni and
CAREER SERVICES REPORT

their organizations made the students better informed and better prepared to conduct their job searches. The high placement rate for our students is in large part due to the assistance of our alumni. Many thanks to everyone who has assisted our office throughout the year.

Alumni Services

We continue to publish the Opportunity Bulletin each month. Containing positions for experienced attorneys, the Bulletin currently has over 250 subscribers.

We regularly exchange opportunity bulletins with 31 other law schools nationwide and make these bulletins available to alumni for review.

Under a policy known as "reciprocity," most law schools permit graduates of other schools to use their career services offices to explore lateral moves. During the 1989-90 academic year, we arranged reciprocity for Valparaiso graduates at 31 law schools nationwide.

Graduates may receive the Opportunity Bulletin or request reciprocity by contacting the Career Services Office. In addition, Gail Peshel, Career Services and Alumni Relations Director, is available to speak and meet individually with alumni contemplating career moves.

Employer Assistance

If your organization has an employment need for a summer clerk, new or experienced attorney, please contact the Career Services Office (219) 465-7814. We can assist you in soliciting qualified applicants for your available positions.

Class of 1989 Types of Employment

![Class of 1989 Types of Employment Chart]

- Private Practice: 55.6%
- Judicial Clerkship: 17.3%
- Military JAGC: 2.5%
- Legal Services: 2.5%
- Government: 11.0%
- Business & Corporate: 8.6%
- Academic: 2.5%

1989 Graduates Employment Status

![1989 Graduates Employment Status Chart]

- Full-time Legal Positions: 86.0%
- Unemployed Seeking Employment: 7.0%
- Unemployed Not seeking Employment: 1.0%
- Full-Time Non-Legal Position: 4.0%
- Part-Time Non-Legal Position: 1.0%
- Part-Time Legal Position: 1.0%
"CLEAN NEW WORLD": TOWARD AN INTELLECTUAL HISTORY OF AMERICAN ENVIRONMENTAL LAW, 1961 - 1990

by Professor Robert F. Blomquist

The following is an abridged version of the Inaugural Lecture delivered by Professor Robert Blomquist on March 28, 1990. An in-depth article, based on the lecture, will be published in volume 25 of the Valparaiso University Law Review.

The faculty of the School of Law considers the attainment of full academic rank as a significant achievement in the life of a teacher and scholar. Along with that rank come certain expectations on the part of one's colleagues and the public. Accordingly, in adopting its rules and standards for promotion and tenure, the Faculty provided that, within one year after attaining the rank of full professor, a member of the Faculty should deliver an Inaugural Lecture on a topic of the professor's choice. This is a practice in many European universities, but it is little known in the United States.

I.

I am greatly honored by your attendance at my Inaugural Lecture. Mindful of John Dryden's warning about those "who think too little and who talk too much" and cognizant of Ben Johnson's observation that "talking and eloquence are not the same... A fool may talk, but a wise man speaks," I shall try to speak much but talk little.

Indeed, my lecture today will reveal that my thoughts on the intellectual history of modern American environmental law are incomplete and still evolving. As the title of my lecture implies, I present you with a work-in-progress -- with an impressionistic painting only partially shaded; with a bas relief still rough around the edges. Today's lecture represents the cornerstone for a long-term project that will, I hope, lead to further articles and, possibly, a book on the subject a few years from now.

Two main questions that I would like to consider with you can be stated as follows: First, will our knowledge of the dynamics of political give and take between opposing interest groups -- both organized and disorganized, either now or in the future -- suffice to explain all aspects of contemporary American environmental law? On the supposition that the answer to the initial question is in the negative, the second question is: What role have diverse and eclectic intellectual ideas from scholars, writers, and government officials had in the evolution of American environmental law during the past three decades? You will observe at once, I am sure, that the answer to the second question -- in light of a presumed negative answer to the first question -- depends on two crucial details: (1) the quality and quantity of the record of intellectual writings about environmental issues during the sixties, seventies, and eighties; and (2) whether, and to what extent, lawyers and legal decisionmakers in legislatures, courts, and administrative agencies have relied directly or indirectly upon this diverse body of writing.

To probe and ponder the answers to these two overarching questions and related points, I propose to proceed as follows. Initially, I will consider the nature of the staggering complexity in the structure, process, and content of modern American environmental law. Second, I shall briefly explain and survey existing historical literature about "things environmental": from ecological histories to histories of environmental ethics to environmental political histories to futuristic writings about the environment based on historical trends. Third, the lecture will explain the difference of my proposed focus on the intellectual history of modern American environmental law in comparison to existing environmental histories and legal analyses, while placing the proposed study of the intellectual history of American environmental law within the larger tradition of the sociological school of jurisprudence. Finally, I will sketch a historical inventory and prospectus of several categories of intellectual ideas drawn from fields as diverse as biology, economics, and ethics, which have impacted the development of American environmental law over the last thirty years, and in some cases, are still affecting the development today.

* * *

II.

In seeking to better understand and describe the major intellectual contributions to the evolving sweep of American environmental law from 1961 to the present, it is instructive to begin discussion with a general qualitative description of the prevalent structure, processes and content of the environmental legal regime. T.S. Eliot noted that: "As we grow older, the world becomes stranger, its pattern more complicated." Such is the lot of modern environmental law: As it has grown older it has become stranger, its patterns more complicated. Indeed, the overarching idea of complexity is essential to understanding the meaning and operation of modern environmental law and policy.

As I previously concluded in a book review of Professor William Rodgers' two-volume treatise on environmental law, published in the Hastings Law Journal, the idea of complexity in modern American environmental law can be subdivided into three parts: (1) the multiplicity of different interest groups; (2) the notion of evolutionary change in environmental law; and (3) the bipolar principles of absolutism and utilitarianism that are at work in current environmental statutes, case decisions, and administrative regulations.

With regard to the first aspect of complexity -- the multiplicity of different interest groups in modern environmental law -- Professor Rodgers has elegantly observed that: In this field, each statement of facts is a multidisciplinary saga, with loose ends trailing off to the limits of knowledge of a variety of scientific disciplines.
Environmental law arises in a world of many parties, where issues are linked together in mysterious ways, and each "definitive" resolution is but the prelude to future bargaining, compromise and defection. The field presents an ongoing kaleidoscope of tussling organizations, interests, jurisdictions, and states where strategies, goals and outcomes are subject to constant redefinition.

In a word, American environmental law is infused and suffused with "politics." Stated differently, environmental law involves competing ideologies of the public good. As noted by political scientist Professor Samuel Hays of the University of Pittsburgh, most environmental debate in recent years has been engendered "through personal circumstances and immediate needs, shared with others through common experience." Indeed, Hays goes on to contend that "environmental affairs [in America] have provoked much action but little focused reflection." On the other hand, Professor Thomas Schoenbaum of the University of Georgia Law School makes a more refined point about the interdisciplinary nature of environmental law and politics by observing that while American environmental law "cannot be separated from politics...[nevertheless], the political debate is usually carried on not directly, but in the context of the legal issues involved."

In my judgment, Professor Schoenbaum's view is more accurate and informed than Professor Hays' critical legal studies perspective that environmental law is essentially equivalent to environmental politics or environmental ideology. Indeed, Professor Schoenbaum's "contextual" view of the indirect effect of political ideologies and interest groups on the development of environmental law implicitly acknowledges the role of larger, more dispassionate, intellectual concepts in the formulation and evolution of American environmental law.

With regard to the second part of the tripartite nature of complexity in modern American environmental law -- the notion of recurring evolutionary change -- it has been argued that each new environmental regulatory effect "produces its own dissatisfactions, gives rise to new 'gaps' to be filled and creates its own demands for more regulation." Continued evolutionary change tends to characterize modern American environmental law "because the facts, players, policies, rules, and strategies invariably drift and move when plotted over time."

These diverse environmental histories can be roughly sorted into four categories: (1) socio-economic-political histories of environmentalism; (2) philosophical and theological histories of environmental issues; (3) histories of ecology; and (4) "future histories" (involving projections and forecasts and speculations based on environmental trends).

With regard to the third part of the tripartite nature of complexity in modern American environmental law, Professor Rodgers, again, sheds penetrating light on the subject of different, apparently diametrically opposed, legal standards at work in current environmental statutes, case decisions, and administrative regulations. In his writings, Rodgers has pointed out the existence of "dramatic collisions between absolute rights and utilitarianism" found, for instance, in the common law principles of nuisance, and in the statutory enactments of the Clean Air and Clean Water Acts.

Indeed, it is my thesis that ideas from a diverse spectrum of disciplines -- including economics, ecology and ethics -- have subtly influenced and continue to influence the development and evolution of numerous aspects of modern American environmental law within a highly-charged political milieu. If we were able to document and understand the way that these ideas have been received by the courts, legislatures, and other legal decisionmakers and how governmental rules and decisions, in turn, have influenced further development of ideas, we would gain a richer, more complete understanding of the dynamics of contemporary American environmental law. I cite by way of aspirational example the remarkable insights that Professor G. Edward White garnered for the law of torts in
his 1980 book *Tort Law in America: An Intellectual History*. I propose, then, to study ideas of intellectual elites -- such as scholars, judges, legislators and administrative staff persons -- as "social facts" in the continuing evolution of American environmental law.

V.

I end my lecture with an inventory and prospectus of several key intellectual congeries of ideas and persons that emerged during the period 1961-90 and that have had significant influences on modern American environmental law. This classification, of course, is tentative and open to further expansion, elaboration, and research. It, nevertheless, forms a blueprint of sorts for my work-in-progress over the next several months. I believe that it also conforms with the standards, articulated earlier in my lecture, for a comprehensive and eclectic proposal for an intellectual history of modern American environmental law. In this lecture, I will sketch out in some detail the first three categories of intellectual ideas that have affected American environmental law. The remaining categories, due to limitations of time, will be outlined without detailed elaboration.

1. Rachel Carson and the Idea of "Silent Spring"

Like Aldo Leopold, her intellectual forebear, Rachel Carson neither earned nor cared to earn a Ph.D. "Her forte was not original research but old-fashioned natural history, colored in every respect with something many modern ecologists have forgotten: love of nature." Born in 1907, she joined the U.S. Bureau of Fisheries -- later to become the U.S. Fish and Wildlife Service -- in 1935 as a writer and editor, after earning a Master's degree in biology.

Rachel Carson published her classic polemic, *Silent Spring*, in 1962 -- one year after John F. Kennedy took the oath of office as the youngest elected president in United States history. In this book, Carson attacked, on scientific and ethical levels, the widespread use of DDT and other chemical pesticides and insecticides by American agriculture. "Carson preferred to think about DDT and the like not as pesticides but as biocides -- killers of life." She was well aware that the chemical poisons "seldom stopped working at a convenient or expected point in the food chain. Creatures that ate the poisoned insects sickened and died. Other forms of life became unintended victims of indiscriminate sprayings. Ultimately, the insecticides infected the entire ecosystem. A 'silent spring' where no birds sang was a distinct possibility along with a sick human society, poisoned as an ironic side-effect of the drive to conquer and dominate nature."

In the final paragraph of *Silent Spring*, Carson attacked the notion of "the control of nature" -- curiously the title of a book just published by John McPhee this past year. The "control of nature," wrote Carson, "is a phrase conceived in arrogance, borne of the Neanderthal age of biology and philosophy, when it was supposed that Nature exists for the convenience of man." As a substitute idea, Carson proposed "reasonable accommodation" between the natural world and people.

The ideas articulated by Rachel Carson in *Silent Spring* and fervently debated throughout the country thereafter were the direct antecedents of legal principles adopted by Congress seven years later in the National Environmental Policy Act of 1969 (NEPA). Drawing directly upon Carson's insights, Congress acknowledged in NEPA's preamble that it recognized "the profound impact of man's activity on the interrelations of all components of the natural environment."

In addition to its obvious impact on the eventual enactment of the [1972 amendments to the Federal Insecticide, Fungicide and Rodenticide Act] was [Rachel Carson's] *Silent Spring* which devoted considerable attention to the carcinogenic nature of some heavy metals and some chlorinated hydrocarbon pesticides." After the publication of Carson's book, the phrase "silent spring" became a shorthand way of expressing the unintended consequences of human manipulation of the natural environment. Several judicial opinions make this type of shorthand reference, including courts in the following opinions: *Morningside Renewal Council, Inc. v. United States Atomic Energy Commission*, 482 F.2d 234 (2d Cir. 1973); *Zabel v. Tabb*, 430 F.2d 199 (5th Cir. 1970); *United States v. Lewis*, 355 F. Supp. 1132 (S.D. Ga. 1973); and *Wood v. Picillo*, 443 A.2d 1244 (R.I. 1982). Other courts cited *Silent Spring* for various scientific facts and views.

2. Garret Hardin and Kenneth Boulding: "The Tragedy of the Commons" on "Spaceship Earth"

A second conger of intellectual ideas drawn from the field of economics has had a significant impact on the development of American environmental law in the last thirty years. Two academics, Garret Hardin and Kenneth Boulding, added intellectual ferment to environmental issues by publication of a technical article and a non-fiction book chapter, respectively. The conceptual phrases which they coined had a profound effect on environmental legal analysis.

Hardin's article, published in a 1968 issue of the journal *Science*, was entitled "The Tragedy of the Commons." In elegant prose, Hardin noted that:

The tragedy of the commons develops in this way. Picture a pasture open to all. It is to be expected that each herdsman will try to keep as many cattle as possible on the commons. Such an arrangement may work reasonably satisfactorily for centuries...
because tribal wars, poaching, and disease keep the numbers of both man and beast well below the carrying capacity of the land. Finally, however, comes the day of reckoning, that is, the day when the long-desired goal of social stability becomes a reality. At this point the inherent logic of the commons remorselessly generates tragedy.

Hardin's article made a big impact on economists. To an economist, Hardin had provided a parable for a problem that they referred to as "market failure" or the "externality problem." Externalities "occur whenever the activity of one person affects the welfare of other persons who have no direct means of control over those activities." In partial response to Hardin's article, the Congress, and ultimately the EPA, took the problem of externalities more seriously. To alleviate "the tragedy of the commons," environmental regulators started to impose pollution penalties which, at a minimum, would recoup the "economic benefit" externality derived by a polluter in failing to conform to a pollution standard when other companies had internalized the cost of pollution by spending the necessary funds to abate discharges into the air and water. Indeed, Section 120 of the Clean Air Act and Section 309 of the Clean Water Act are the intellectual offspring of Hardin's idea for preventing "the tragedy of the commons" through coercive governmental measures to recoup economic benefit derived from legal violation of the commons.


According to Boulding, society might place too much emphasis on maximizing wealth and consumption. Boulding wrote:

The closed economy of the future might...be called the "spacesman" economy, in which the Earth has become a single spaceship, without unlimited reservoirs of anything, either for extraction or for pollution, and in which, therefore, man must find his place in a cyclical ecological system....

Despite the rather esoteric nature of Boulding's thinking, environmental legal scholars have incorporated his view into the case against the "efficiency criterion." Moreover, at least one court in the case of Manufacturing Chemists Association v. Costle, 451 F. Supp. 982 (W.D. La. 1978) has cited Kenneth Boulding's idea with approval in a case involving the efficacy of hazardous waste regulations.

3. Professor Christopher Stone & Justice William Douglas: "Should Trees Have Standing?"

A third intellectual idea drawn from the field of ethics has had an interesting impact on the development of American environmental law in recent years. This basic intellectual idea posits the notion that instead of requiring human beings to assert "standing" to come before courts of law on behalf of natural objects such as trees, rocks, or river valleys, it makes sense that these natural objects should have standing in their own right.

Professor Christopher Stone of the University of Southern California Law School originated this idea in a 1972 law review article entitled "Should Trees Have Standing?" Toward Legal Rights for Natural Objects," 45 S. Cal. L. Rev. 450 (1972). This intellectual idea was given real-world currency by Justice William Douglas' dissenting opinion in the case of Sierra Club v. Morton, 405 U.S. 727 (1972). Drawing upon Stone's insights, Justice Douglas observed that:

The critical question of "standing" would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage.

Other categories of intellectual ideas having significant impact on American environmental law in the last thirty years can be sketched as follows:

4) Judges Leventhal & Bazelon as Environmental Theorists: Hardlook Judicial Review of Agency Decisionmaking;
5) Professor Joseph Sax, Senator Edmund Muskie and the Development of Environmental Citizen Suits;
6) Bureaucrats as Intellectuals: Reports of the Council on Environmental Quality (CEQ) and the Office of Technology Assessment (OTA);
7) Prime Minister Gro Brundtland and the Report of the World Commission on Environment and Development;
8) Environmental Groups and Development of the Valdez Principles.

VI.

In closing, let me note that while I believe that an intellectual-historical approach to American environmental law holds great promise, in the final analysis it, too, is insufficient for complete understanding. Perhaps the poetry of the farmer, Wendell Berry, best expresses this truth:

And the world cannot be discovered by a journey of miles, no matter how long, but only by a spiritual journey, a journey of one inch, very arduous and humbling and joyful, by which we arrive at the ground at our feet, and learn to be at home.

Only when we learn to truly be "at home" on this planet -- in sustainable balance with other life forms and natural forces -- will we truly fulfill the ultimate purpose of environmental law: to live together in productive harmony.
An Exit Interview

Much has been written in legal education journals about the rapid turnover in law school deans. The current tenure of deans at ABA law schools in this country averages a mere two years. We have been fortunate enough to exceed that average by a wide margin.

In the last issue of the AMICUS, we announced the appointment of Edward M. Gaffney, Jr., as the tenth Dean in the 110 years of our uninterrupted existence. The founder and first Dean was Mark L. DeMotte. He was succeeded by Milo Jesse Bowman; John Morland; Knute D. Stalland; Louis F. Bartelt, Jr.; Alfred W. Meyer; Charles A. Ehren, Jr.; Peter J. McGovern; and, in July of 1985, Ivan E. Bodensteiner.

For a law school, a change of Dean is a special event. It is an appropriate occasion to reflect on recent accomplishments and review our corporate goals for the future.

The tenure of our ninth Dean, Ivan Bodensteiner, has been an especially positive one for VUSL. Under his leadership we have accomplished much and have set even more demanding goals for the future.

Some examples: In comparing figures of 1985 with those of today, the number of applications received by the law school has increased 63%. While the total five-year tuition increase was 37%, the increase in the amount of financial aid made available to law students increased 94%. The library collection has increased by 40,000 volumes. The faculty has increased, with a notable increase in the number of women on the faculty and the hiring of the first minority faculty member. Computers have come to the law school in force. Since 1985 we have had an increase of 400% in the number of computers available for student, faculty and administrative use.

Not the least of accomplishments was the move to the new law building in the fall of 1986, which almost tripled the amount of available space. The Alumni involvement has increased visibly, both with the Alumni Association as well as the Board of Visitors. We now have our own fund-raising program and our own alumni magazine. The law school has become a center for continuing legal education for the Indiana Bar. Curricular, extra-curricular and co-curricular programs have flourished. Service to the profession and the students has been complemented with the Pro Bono requirement, public service scholarships, the part-time program and the academic support program.

Under the leadership of Dean Bodensteiner, we have developed many new strengths. We have accomplished a great deal; we have learned a great deal. We are well positioned for the future.

What follows is an "exit interview" -- from Ivan's perspective, comments and thoughts on VUSL, legal education, and the legal profession.

I. How has VUSL changed since you have been Dean?

The most noticeable change is in the physical facilities. With the move, during the summer of 1986, to the new building our available space nearly tripled. The enrollment has increased from around 360 in the fall of 1985 to a projected 416 full-time and 60 part-time students in the fall of 1990. Our part-time program, which is limited to 20 new students each fall, started in 1986 and the first students enrolled in the program will graduate this spring.

Computers have been made available for student use and in the past few years computers have been placed in most faculty offices. Professors with computers have access to both WESTLAW and LEXIS.

There has been a significant increase in the programs available at the law school. Thanks to a generous contribution from the Monsanto Fund, we now have a second endowed lecture series; this spring the first Swygert Memorial Moot Court competition was held; each year two or three distinguished visitors are invited to spend a few days at the law school and participate in selected classes, present a public lecture and be available to meet with students and faculty. I am pleased that the faculty implemented an academic support program, which started in January 1990, for students whose credentials suggest they may need help during the first year or whose performance during the first semester demonstrates a need for special attention. A second-year writing requirement was added, effective with the 1990-91 academic year, and a requirement that third-year students spend twenty hours working with an attorney on pro bono or public service matters will be effective in the 1991-92 academic year.

Funds available for grants and scholarships have nearly doubled since 1985. Public service scholarships are available to several first and second-year students who spend the summer working in public service positions. Ten full tuition scholarships are available each year through the Presidential, Jurist and Diversity scholarship programs.

The number of full-time faculty members has increased from 17 in the fall of 1985 to 19 in the fall of 1990. More significantly, next fall we will have 6 female professors and our first black professor. An Associate Dean was added in 1985 and since 1988 the Assistant Dean has a joint appointment (law school and development), with responsibility for law development. Also, the law school has added an assistant librarian, an assistant in the Career...
Services Office, a secretary in the clinic and a secretary in the Admissions Office.

For the past several years fund raising efforts have concentrated on the new law building. Since 1986 the annual operating budget has been supplemented by contributions through the Annual Giving Campaign. A substantial increase in the CLE programs made available to practicing attorneys has raised funds for a number of special projects, including this publication -- The AMICUS.

Finally, since 1987 law students have enjoyed a separate graduation ceremony. This has made it possible for law students to invite more family and friends, most of whom attend a reception at Wesemann Hall immediately after the ceremony.

What accomplishment during the past five years stands out in your mind?

First, it should be noted that Deans do not accomplish anything without the cooperation and participation of students, staff and faculty. No single event stands out in my mind, but I believe we have made progress in law school/university relations, in hiring women and racial minorities on the faculty, in adding to the diversity and quality of the student body, and in establishing an independent law development program.

What, if anything, of your "agenda" remains to be accomplished?

Because I did not seek this job with its "normal" term, I did not have an agenda when in 1985 I agreed to serve for a year. Thus I can leave without unfinished business. However, similar to many small law schools, areas where improvement is needed include faculty productivity, faculty and staff salaries, student/faculty relations, availability of grants and scholarships to offset increases in tuition, and participation of alumni in support of the law school.

What are the current strengths and weaknesses of legal education?

At its best, law school provides a continuation of a liberal arts education rather than a trade or vocational education. Therefore, a legal education is a versatile education which will serve one well in a variety of careers and professions in addition to the legal profession. I believe most law schools do a good job of teaching analysis and legal reasoning, but I'm less confident that law schools prepare students to be good attorneys. Here I do not refer to a lack of so-called practical knowledge; rather, I wonder if we convey the importance of service in the profession. If it is true, as some studies suggest, that a legal education tends to erode the ideals which students bring to law school, that is a major weakness.

Several recent articles have been critical of what has been called a gap between the law school curriculum and the needs of new lawyers. Is this a justified criticism of legal education? If so, why and if not, why not?

If the criticism refers to a lack of practical knowledge about the practice, it may be accurate but not a matter of serious concern. Practicing attorneys must assume some responsibility for the education and training of new attorneys, and this seems to be the best area to delegate to them. Law school should teach skills, often through use of the clinical method, but this does not necessarily include how to practice. Law schools, and the profession in general, should do a better job of conveying to students the fact that there is time to learn how to practice after law school.

Are there too many lawyers?

There may be too many lawyers practicing in some geographic areas and in some areas of specialty. However, there is a shortage of attorneys representing the poor, the elderly, and those with unpopular cases. Thus, the problem is in the distribution rather than the number. Further, for reasons stated above in discussing the strengths of a legal education, I do not think there are too many people with a legal education.

How do you see the role of the legal profession changing in the 1990s?

 Obviously, new areas of specialty will develop and many experts have identified these areas. Other than the greater need for computer literacy, I don't believe these changes in areas of specialty require a significant change in legal education. Alternative methods of resolving disputes will become more common, but litigation skills will remain important and usable regardless of what methods of resolving disputes are utilized. I fear that large law firms will continue to grow and the cost of operating such firms will continue to grow, thus driving the billable hours requirements even higher. This really converts the profession into a business, with too many decisions controlled by the profit motive.

What are your plans?

During the 1990 fall semester I will take a leave and work on some writing projects and civil rights litigation. My current plan is to return to teaching in the 1991 spring semester.
The team of second-year students Phred Mackraz and Brian Welch won the School of Law's First Annual Luther M. Swygert Moot Court Competition on Monday, April 2. They defeated second-year student Steven Fletcher and first-year part-time student Mary Schwartz in the final round of the competition which was held in the Stride Courtroom.

Chief Judge for the final round was Judge Harlington W. Wood, Jr. from the United States Court of Appeals for the Seventh Circuit. The associate judges were Chief Justice Randall T. Shepard from the Indiana Supreme Court and Judge Linda L. Chezem from the Indiana Court of Appeals.

The Swygert Competition and Award was established in memory of the late Judge Luther M. Swygert, of the United States Court of Appeals for the Seventh Circuit, by Mrs. Gertrude (Geri) Swygert and Michael I. Swygert '67, his wife and son. The competition is judged on oral advocacy skills and the eight competitors are chosen from the top four competitors in the spring moot court tryouts and the top two oralists from each of the two sections of first year appellate advocacy. This year's competitors were Laura Beck, Laura Brown, Allen Fore, Phred Mackraz, Steven Fletcher, Mary Schwartz, Craig Van Ess and Brian Welch.

The preliminary rounds of the competition, which were held on March 26 and 27, were matches between individuals and were judged by professors from the School of Law. In the preliminary rounds Mary Schwartz defeated Laura Brown, Phred Mackraz defeated Laura Beck, Steve Fletcher defeated Craig Van Ess, and Brian Welch defeated Allen Fore. Judges for the preliminary rounds included Dean Bruce Berner, Professors Paul Brietzke, Charles Ehren, Jack Hiller, Alfred Meyer, Seymour Moskowitz, Richard Stith, Cheryl Stultz, Ruth Vance, David Vandercoy, and Geri Yonover.

For the final round of the competition the winners from the preliminaries were teamed together.

Steve Fletcher and Mary Schwartz represented the Petitioner, Michelle Davis, and Phred Mackraz and Brian Welch represented the Respondent, The People of the State of New Columbia.

Judge Luther Swygert, for whom the competition is named, was a 1927 graduate of the Notre Dame Law School. After serving as an Assistant United States Attorney for the Northern District of Indiana, President Franklin D. Roosevelt nominated him District Judge for the Northern District of Indiana in 1943. He served as Chief District Judge until 1961, when President John F. Kennedy nominated him to the Seventh Circuit. Judge Swygert served as the Seventh Circuit's Chief Judge from 1970 to 1975. He became Senior Circuit Judge in July 1981, but continued to serve the Seventh Circuit as well as other courts of appeals until 1987. He died in 1988.

Judge Swygert had a special relationship with Valparaiso. He was awarded an honorary doctor of laws degree from Valparaiso University during the dedication ceremony for the first Wesemann Hall School of Law in 1963. He was the first Jurist-in-Residence at the School of Law, and in 1984 taught an innovative seminar at the law school on "Language and the Law." In addition, his son Michael graduated from the law school in 1967 and was a member of the board which inaugurated the Valparaiso University Law Review. Throughout his years as a federal justice, Judge Swygert maintained a special interest in moot court programs.

This year's problem for the competition was Davis v. People of the State of New Columbia, the 1988 National Moot Court Competition problem which involved Sixth and Fourteenth Amendment rights to a trial by a jury of one's peers. Michelle Davis was convicted of second degree murder for the shooting death of her lawyer husband following five years of physical and psychological abuse of herself and to a lesser extent, her children. During the jury selection, the prosecutor used her 10 peremptory challenges to strike women from the jury. The defense struck one potential female juror. Although the venire for the trial consisted of 48 women and 42 men, the final composition of the jury was 9 men and 3 women.

Defendant/Petitioner claimed that the prosecution's use of gender-based peremptory challenges violated her Sixth Amendment right to a fair trial by a jury of her peers, and her Fourteenth Amendment right to equal protection under the Constitution.

Special guests for the competition included Mrs. Geri Swygert and Collins Fitzpatrick, the Circuit Executive for the Seventh Circuit.
Proving that law students and law professors are more than just highly trained intellectuals, the Second Annual Law School Musicale was presented at Wesemann Hall on March 23, 1990. Sponsored by the School of Law Fine Arts Committee, the musicale featured the diverse talents of both faculty and students. Performances were as varied as selections by Mendelssohn and Debussy on the piano, folk songs on classic guitar, Haydn on the viola, and electric guitar selections.
REGULATION OF HAZARDOUS WASTE UNDER CERCLA: THE FUTURE ISN'T WHAT IT USED TO BE

by Christopher Renn Fitzpatrick, '85

"We have met the enemy, and he is us." (From the comic strip "Pogo," by Walt Kelly)

I. INTRODUCTION

After decades of sweeping the nation's hazardous waste "under the carpet," the past is catching up with us. This article summarizes federal regulation of previously-disposed-of hazardous waste under the Comprehensive Environmental Response, Compensation, and Liability Act. This article is intended as a brief introduction to the Act's mission and scope.

II. BACKGROUND

In 1980, President Jimmy Carter signed into law the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund) 42 U.S.C. § 9601 et seq. CERCLA's primary purpose was "to provide the beginning of an equitable solution to the environment and health problems created by decades of reckless and irresponsible disposal of chemical wastes." H.R. Rep. No. 1016, 96th Cong., 2d Sess. 63. reprinted in 1980 U.S. Code Cong. and Ad. News 6119, 6139. CERCLA confers broad powers upon the United States Environmental Protection Agency (EPA) to investigate and cleanup (remediate) sites where hazardous substances have been deposited and where the release of the substances into the environment is either actual or threatened. Thus, CERCLA primarily deals with old, abandoned waste sites.

The passage of CERCLA was stimulated by media attention to Love Canal, New York, and Valley of the Drums, Kentucky. Love Canal was the subject of extensive media attention and is relatively well known. The "Valley of the Drums" site, 12 miles south of Louisville, Kentucky, covers 13 acres. The site was used as a drum recycling center and chemical dump from 1967 to 1977. From 1979 until 1981, the EPA removed about 17,000 drums from the site, and installed a system to control and treat contaminated runoff from the site.2

In enacting CERCLA in 1980, Congress authorized the expenditure of $1.5 billion over 5 years, 87% of which was funded through taxes on crude oil and 42 commercial chemicals. CERCLA was substantially expanded by the Superfund Amendment and Reauthorization Act of 1986 (SARA).3 President Ronald Reagan signed SARA into law after its passage in Congress by an overwhelming majority, despite strong industry opposition. Congress authorized the expenditure of $8.5 billion over five years.

CERCLA is called the "Superfund" law because of the fund Congress established to cleanup waste sites as soon as possible after they are identified. The EPA can ameliorate the immediate harm to the environment and thereafter seek reimbursement from the responsible parties. And, the Superfund makes it possible to clean-up waste sites where no solvent responsible parties can be found. In practice, the EPA sends a notification letter (under CERCLA's § 107) to entities it has determined bear some responsibility for hazardous substances being located at a waste site. In response to this "Potentially Responsible Party (PRP) notification letter," the PRPs, realizing it is much cheaper to plan and undertake the cleanup themselves, usually organize in the form of a committee. If the number of PRPs is large, a steering committee will be formed to coordinate the efforts of all PRPs.

A threat is also presented by corrosion or leaking drums containing incompatible wastes in a common area.5

III. SCOPE OF LIABILITY

A. Who is liable?

CERCLA is broad in terms of the liability it imposes, and in the limited nature of the defenses it provides to that liability. "Persons" liable under CERCLA are owners or operators of sites, former owners or operators of sites, generators of hazardous substances, and transporters of hazardous substances (but only those who select the disposal site).6

B. Scope of Liability

A person meeting the definitions set forth above is liable for (a) virtually all costs of removal or treatment of hazardous substances,
where the costs are incurred consistently with federal guidelines, (b) any other necessary costs incurred consistently with the federal guidelines, (c) damages for injury to, or destruction of, natural resources, and (d) the costs of studies to determine health effects of the release of hazardous substances.

C. A "Hazardous Substance"?

"Hazardous substances" include at least 724 specific substances (as of August, 1989), including hazardous air pollutants under the Clean Air Act (42 U.S.C. § 7401 et seq.), imminently hazardous chemical substances under the Toxic Substances Control Act (15 U.S.C. §§ 2601-269), wastes designated hazardous under the Resource Conservation and Recovery Act (42 U.S.C. § 901 et seq.), hazardous substances under the Clean Water Act (33 U.S.C. § 1251 et seq.), and such substances which, when released into the environment, may present substantial danger to the public health or welfare or the environment. Petroleum and natural gas are specifically excluded CERCLA's definition of hazardous substances. Thus, even though an oil or gasoline spill may involve lead, benzene, and xylene (substances which would otherwise be deemed hazardous), CERCLA has no application to these spills.

D. How Many Hazardous Waste Sites Exist?

Approximately 31,000 abandoned waste sites are currently listed in the EPA Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database. Approximately 20,000 additional sites are currently being examined by the EPA. The EPA has indicated it expects to list 2,000 on the National Priorities List (NPL), making them eligible for government funded clean-up. The Congressional Office of Technology Assessment expects EPA to list 10,000 sites on the NPL. Currently, approximately 10,080 sites are listed on the NPL, and 137 additional sites have been proposed for listing.

In July, 1987, the average bill for cleaning up a CERCLA site was approximately $10.5 million. Future clean-up costs are expected to be as high as $25 to $50 million per site. Costs of cleaning ground water contaminated by hazardous waste could run into the hundreds of millions of dollars.

E. Strict Liability

CERCLA imposes strict liability. Negligence is not an issue. Compliance with federal, state, and local laws has no bearing on liability.

F. Joint and Several Liability

CERCLA imposes joint and several liability. United States of America v. Northeastern Pharmaceutical and Chemical Company, Inc. 20 E.R.C. 1401 (W.D. Mo. 1984). Thus, each Potentially Responsible Party (PRP) is potentially liable for the entire costs of cleanup, regardless of its actual contribution of waste to the site. Frequently, the EPA will name a relatively small group of PRPs in an action to recover clean-up costs; those PRPs, in turn, determine the additional entities who may have sent waste to the site and add those entities as third party defendants. The latter process repeats itself until most of the solvent, significant contributors of waste to the site are defendants in the action. Thus, the EPA can name a few "deep pocket" defendants and let those defendants do the additional work necessary to determine who else should be liable. Joint and several liability has only been avoided where a defendant has demonstrated that the damages are divisible and there was a reasonable basis for apportioning the harm.

G. Retroactive Liability

It is well established that CERCLA imposes liability for acts of hazardous waste disposal which were legal when committed.

H. Punitive Damages.

Punitive damages are available to the government against PRPs who refuse to comply with an EPA

I. Defenses

CERCLA is subject to only a few, very narrow, defenses. A PRP may escape liability if it can establish by a preponderance of the evidence that the release (or threat of a release) of a hazardous substance, and the damage resulting therefrom, were caused solely by (1) an act of God (although no one has yet been able to arrange the necessary deposition), (2) an act of war, or (3) an act or omission of a third party (other than the PRP's employee or agent, and other than one whose act or omission occurs in connection with a contractual relationship). In addition, these defenses are available only if the PRP establishes, by a preponderance of the evidence, that (A) it exercised due care with respect to the hazardous substance, taking into consideration the characteristics of the substance, and (B) it took precautions against foreseeable acts or omissions of the third party and the foreseeable consequences thereof. The term "contractual relationship" includes, but is not limited to, land contracts, deeds, or other instruments transferring title or possession.

J. Corporate Liability

The EPA has taken the position that a corporate shareholder may be held liable under CERCLA. And, recent cases suggest that corporations will increasingly find liability under CERCLA.

K. Municipal Liability

Municipalities can be held liable as "persons" under CERCLA and can be (and have been) named as PRPs. A municipality may be liable as a generator, transporter, site owner or operator, or as a person who
arranged for disposal of hazardous substances. There are currently about 6,000 municipal landfills on the EPA CERCLIS. And, approximately 20% of all sites listed on the NPL are municipal landfills. The EPA has issued a public statement regarding its policy on municipal landfills as CERCLA sites.

IV. CONCLUSION

If CERCLA seems to be grossly biased in favor of the EPA and against entities contributing hazardous substances to waste sites, you have come to appreciate the balance struck by Congress in enacting CERCLA. The fact is CERCLA negotiation and litigation does not take place on "a level playing field." Congress has decided that hazardous waste sites must be cleaned up now; that generators should ultimately bear the cost of cleanup, and that the EPA needs powerful enforcement tools to accomplish these goals. And, after a decade of criticism for its relative inactivity in hazardous waste enforcement, the EPA is becoming much more aggressive in carrying out CERCLA's mandate.

We have met the enemy, and he is us. But we -- speaking through the Congress -- have recognized that simply sweeping our waste "under the carpet" does not make it go away. Everything must go somewhere. And, everything in the environment (the land, the air, and the water) is connected to everything else. But there is reason for hope, as William Ruckelshaus, the first Administrator of the EPA, has wryly observed: "The bad news is that the Cuyahoga River is not fishable, swimmable, or drinkable. The good news is that it is no longer flammable."

By the time our generation hands the reins to the next one, the Cuyahoga may be fishable. After our children have done their work, maybe it will be swimmable. Perhaps our grandchildren may be even able to drink it. The future isn't what it used to be, but at least it's improving.

Christopher Renn Fitzpatrick is in the New Albany, Indiana, office of Brown, Todd & Heyburn. In his practice, he concentrates in the areas of litigation and environmental law. His work involves government and private-party Superfund suits, toxic torts, and environmentally-related insurance coverage issues.

Chris is admitted to practice in Indiana and Kentucky and is a member of the Indiana, Louisville, Kentucky and American Bar Associations. He resides in Clarksville with his wife, Debbie, and his children, Ben (age 6) and Megan (age 4).

(Editor's Note: Footnotes have been omitted due to space limitations. For a copy of the footnotes, please write to the correspondence address listed on the inside cover.)

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### School of Law Calendar of Events

#### School of Law Activities

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>May 21-July 6</td>
<td>- Summer Session Classes</td>
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<tr>
<td>June 11-July 20</td>
<td>- CLEO Summer Institute</td>
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<tr>
<td>August 17</td>
<td>- New Student Orientation</td>
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<tr>
<td>August 20</td>
<td>- Classes Begin, 1990-1991 Academic Year</td>
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<tr>
<td>September 10</td>
<td>- Career Services - Fall Career Week</td>
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<tr>
<td>October 9-10</td>
<td>- Distinguished Jurist-in-Residence</td>
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<tr>
<td>November 1</td>
<td>- Fifth Annual Monsanto Lecture on Tort</td>
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<td></td>
<td>Law Reform</td>
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<tr>
<td></td>
<td>by Richard A. Epstein</td>
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<td></td>
<td>James Parker Hall Professor</td>
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<td>University of Chicago</td>
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<td></td>
<td>- Admissions Open House</td>
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#### Alumni Activities

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<tr>
<td>August 6</td>
<td>- Alumni Reception, 5:00-7:30 p.m.</td>
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<td>ABA Annual Meeting, Columbus Hall A&amp;B of the Hyatt Regency Hotel, Chicago, IL.</td>
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<tr>
<td>October 5-7</td>
<td>- Homecoming</td>
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<td>5th - Alumni Board Meeting, 2:00 p.m.</td>
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<td>6th - Annual Alumni Banquet</td>
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<td>The Spa, Porter, IN</td>
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<tr>
<td>October (TBA)</td>
<td>- Alumni Reception</td>
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<td>Indiana State Bar Association</td>
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<td></td>
<td>Annual Meeting, Westin Hotel, Indianapolis, IN.</td>
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#### Continuing Legal Education Programs

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<tr>
<td>June 7</td>
<td>Probate Litigation</td>
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<tr>
<td>June 14</td>
<td>Abuse, Support and Bankruptcy</td>
<td>6</td>
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<tr>
<td>July 19-20</td>
<td>Trial Practice</td>
<td>12</td>
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<tr>
<td>July 26</td>
<td>Advising Small Business Clients</td>
<td>6</td>
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<tr>
<td>August 9</td>
<td>Basic Insurance Law</td>
<td>6</td>
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<tr>
<td>August 16</td>
<td>Mechanics Liens</td>
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<tr>
<td>August 23</td>
<td>Construction Laws</td>
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A FAREWELL TO THE CLASS OF 1990

Looking over the photographic composite of the Class of 1990 for a "sense" of what the class was all about led me to observe an aura of energy and enthusiasm coming from the 122 odd faces in the picture. Whether an individual student's photograph was characterized by bright eyes, a gleaming smile, or a jutting jaw, I was taken by the projection of determination and persistence on the faces of all of the graduates.

It is a good thing that the Class of 1990 believes in persistence and determination. A wise (and to my research anonymous) person once said: "Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful people with talent. Genius will not; unrewarded genius is almost a proverb. Education alone will not; the world is full of educational derelicts. Persistence and determination alone are omnipotent." I would add to this that I hope every member of the Class of 1990 also carries an abiding sense of humor in his or her heart. The world out there is crazy and the things that lawyers are expected or asked to do are truly outrageous at times. It always pays to be able to laugh at yourself and the circumstances to get through to the next day. P.S. There is no truth in the rumor that J.C. Anderson and I switched coats and ties for the composite photograph. Good luck and best wishes.

Professor Robert Blomquist
Faculty Advisor -- Class of 1990.

Congratulations to the Class of 1990

Adams, Susan Johanne  
B.A., University of Wisconsin  
M.A., University of Wisconsin

Anderson, John Charles IV  
B.A., Purdue University

Ashbaugh, John David  
B.S., Valparaiso University

Baldwin-Meurer, Rita Joy  
B.A., Franklin College

Begeske, Matthew Karl  
B.S., Southern Illinois University

Boles, Susan Clancy  
B.A., Vanderbilt University

Brack, Gregory Herbert  
B.A., Marquette University

Brannon, Christine Ann  
B.S., University of Scranton

Bratch, Ralph Judson  
B.S., Ball State University

Bratch, Robert Joseph  
B.S., Ball State University

Brooks, Samuel Darrell Jr.  
B.S., The University of Illinois

Bunce, Craig Eric  
B.S., Western Michigan University

Calabrese, Jeannene Elizabeth  
B.S., Saint Mary-of-the-Woods

Callahan, John William  
B.S., Northeastern University

Caster, Susan Faye  
B.S., East Carolina College

Clark, David George  
B.S., Valparaiso University

Cleveland, Scott Evan  
B.S., Ball State University

Cox, James Steven  
B.A, Indiana University

Cox, Jeffrey Leighton  
B.S., The University of Michigan

Cramer, Chris Todd  
B.A., Bradley University

Dassow, Robert Thomas  
B.A., Beloit College

DeJong, Henry Alan  
B.A., Trinity Christian College

Donaldson, William Carter  
B.S., East Tennessee State University

Ezell, Julie Lynn  
A.B., Western Kentucky University

Ferris, Stephen M.  
B.B.A., University of Wisconsin

Garjian, Paul George  
B.A., The American University

Godfrey, Steven Otis  
B.S., Ball State University

Godshalk, Randy Alan  
B.A., Purdue University

Gordon, Anita Kushner  
B.S., Valparaiso University

Graves, Richard Stohler  
B.S., Purdue University

Gustafson, Richard Hunter  
B.A., Kalamazoo College

Hazian, Gregory Paul  
B.A., Rhode Island College

Hellested, Karl  
B.A., Rhode Island College

Henke, Robert John  
B.A., Trinity College

Herrick, John William  
B.S., University of Wisconsin

Hill, Debra Lee  
B.A., Valparaiso University

Hitinger, Joseph Brian  
B.S., Indiana University

Inabnit, Brent Emerson  
B.S., Ball State University

Jackson, Benjamin Scott  
B.A., Wabash College

Jackson, Trenis Mercer  
B.A., Clark College

Janes, Edward Lee  
B.S., Ball State University

Jarjour, Samuel Wilson  
B.S., Ball State University

Johnstone, Tamela Jo  
B.A., Purdue University

Jusko, Michael John  
B.A., Purdue University

Kever, Andrea Louise  
B.S., Arizona State University

Kolb, Bruce Robert  
B.S., Indiana University

Krebes, Michael Paul  
B.S., Indiana University

Krentz, Stephen Lee  
B.S., Valparaiso University

Lang, Marcus Dieter  
B.A., Carleton College
A FAREWELL TO THE CLASS OF 1990

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Lark, Matthew David</td>
<td>B.S., Indiana University</td>
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<td>Lembrsas, Maria N.</td>
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<td>Leonas, Theodore Stanley Jr.</td>
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<td>Loughnane, Mary E.</td>
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<td>Lucero, Timothy David</td>
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<td>Lembessis, Maria N.</td>
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<td>Loughnane, Mary E.</td>
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<td>Zappia, Mario Joseph</td>
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1943

John W. Ruge, former Valparaiso, Indiana, City Court Judge and longtime Porter County court clerk, continues to reside in Valparaiso in retirement. He spends time playing golf and talking about his son John, a neurosurgeon at Children's Memorial Hospital in Chicago and professor of neurosurgery at Northwestern University.

1950

H. James Albe, a retired Vice President of Precision Industries, Miami, Florida, and currently residing in Ft. Lauderdale, Florida, has recently returned from St. George's, Grenada, where he served as a volunteer with the International Executive Service Corps (IESC). Jim was recruited by IESC to assist Jonas Browne and Hubbard Ltd., general merchants and manufacturers representatives, with modernizing a shopping center. He also helped develop expansion and upgrading plans with architects and reviewed specific improvements such as traffic flow, painting, lighting, and planting.
October 8, his grandson Frederick Gerhardt, who is the fifth-generation Frederick Voigtmann, was baptized at St. James Lutheran Church in Columbus, Ohio, where the baby's father, Frederick William, attends Ohio State U. The baptism was performed by the child's great-grandfather, Rev. Frederick Herman, whose late father was Frederick Gustaf.

James W. Zerrenner, of Grand Rapids, Michigan, was elected to the Fellow American Academy of Matrimonial Lawyers in November, 1989.

1968

Thomas Hafner has been appointed Vice President and General Counsel of Philips Consumer Electronics Co., Knoxville, Tennessee. He and Joy Roller, VU '66, reside in Jefferson City, Tennessee. They have five children, Mark, a Georgia Tech Junior, Sharon, a high school senior, Matthew, Michael, and Martin.

1971

Jay C. Johnson is Corporate Counsel and head of litigation for Texas Instruments Inc. in Dallas, Texas.

1972

Robert M. Keenan was recently appointed Resident Circuit Judge in Illinois, covering a 12 county area.

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 to Highland, Indiana.

1973

Bill Alexa has been elected to the Board of Directors of the Valparaiso, Indiana, Parks and Recreation Foundation. An attorney with Clifford, Claudon, Alexa & Koeppen and former Porter County Deputy and Chief Deputy Prosecutor, he was elected to the State Senate in 1988.

1974

Don Evans, of Valparaiso, Indiana, has resigned as Program Director and cut back on his time at Porter County PACT (Prison and Community Together) to devote more time to his local law practice.

Leonard Pranschke, Manchester, Missouri, legal counsel to The Lutheran Church-Missouri Synod, has prepared a second pro-life amicus brief on behalf of the Church for submission to the U.S. Supreme Court in the case of Hodgson vs. Minnesota.

Robert E. Stochel of Crown Point, Indiana, and Thomas K. Hoffman ’77 of Lowell, Indiana, have formed a partnership for the practice of general, civil, and criminal law. The firm, Hoffman and Stochel, is located in Crown Point.

1975

Nancy Meyer, VU Assistant Professor of Communication, published her article entitled "Assuring Freedom for the College Student Press After Hazelwood" in the Fall, 1989 Valparaiso University Law Review. Professor Meyer is currently working on a textbook on communications law in Indiana. Nancy is also the newly appointed director of Valparaiso University's freshman seminar program.

1976

Chris Hunt & Sheryl Hazlet live in Minneapolis, Minnesota, with their two children, Laura, 4, and Jason, 2. Sheryl is a legal assistant specializing in personal injury litigation and has served three years as Second Vice President of the Minnesota Association of Legal Assistants. Chris is a partner attorney specializing in probate, estate planning and corporate law at Messerli & Kramer.

Steven E. King, LaPorte Circuit Court Probate Commissioner, LaPorte, Indiana, is this year's recipient of the Liberty Bell Award by the Indiana State Bar Association. This award honors and recognizes community service that strengthens the American system of freedom under the law.

Steven E. King

Commissioner King was recognized for his work in the LaPorte Teen Court, a program for teenage first offenders who admit guilt to the offense which they are charged. The offender appears before a jury of his or her peers and is represented and prosecuted by peer members.

Unlike the standard juvenile justice program, jury members in teen court are allowed to ask questions. The jury is also allowed to make an optional statement to the defendant.

Sentencing usually involves community service, but may also include a written essay, an apology and financial restitution. The defendant is required to complete the sentence within 90 days. Failure to do so results in the offenders return to the regular juvenile justice system.

This program is the first of its type to be employed in Indiana. The average courtroom session involves 30 to 40 people, 20 of whom are observers. Since 1988, over 300 students have been exposed to teen court, giving them a better understanding and appreciation of the law and the legal system.

Donn Wray has associated with Pendygraft Plews & Shadley in Indianapolis, Indiana. Pendygraft Plews is an environmental firm.
1978 continued

Stephen M. Tuuk of Grand Rapids, Michigan, has become a partner in the state-wide law firm of Miller, Canfield, Paddock and Stone. Steve joined the firm as an associate in 1985. His principal practice area is financial transactions and corporate law with an emphasis in securities, mergers and acquisitions.

Stephen M. Tuuk

1980

Nancy Vaidik, part-time Deputy Prosecutor for Porter County, Indiana, has been named Chief Deputy Prosecutor of Porter County, a post she held full time from 1983 to 1986. Nancy also is the Portage Plan Commission attorney and has a private law practice in Merrillville with her husband, James J. Stankiewicz, '73.

1981

Rick Cory and his wife Denise have recently purchased a home in Evansville, Indiana.

William M. Demmon has been promoted to Assistant Vice President of Claims for Design Professional Insurance Company in Monterey, California. He will remain responsible for supervision of nationwide claims operation of DPIC, the nation's second-largest underwriter of insurance for design professionals.

Sheila Moss of Gary, Indiana, was appointed Director of the Child Support Division by Lake County Prosecutor Jon E. DeGuillo. Sheila was previously Chief Deputy of the Gary City Court Division.

Michael and Terese ('91) Massa are pleased to announce the birth of their son, Corbin Christopher, on April 6, 1990.

1982

Robert Breshock is a manager in the tax division, specializing in family wealth, of the Chicago, Illinois, office of the Arthur Andersen & Company accounting firm.

Roy Dominguez, named by Governor Bayh to be Chairman of the Indiana Workers' Compensation Board a year ago, was given a day in his honor by the Governor. Roy worked in the Lake County Prosecutor's office for seven years before taking the state post. He also is Chairman of the Governor's Task Force on Workers' Compensation and Occupational Disease Reform.

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. The Meyers reside in Littleton, Colorado.

Robert James McCune, Jr. is with the State Attorney's Office in Ocala, Florida.

Brenda Gorski & Dana Razzano are parents of Maria Lynn, 3, and Joseph William, born January 16. Dana is Assistant Vice President of First National Bank in Clifton, Illinois, where they reside. Brenda is First Assistant State's Attorney in Kankakee County.

Ted Habermann, Corporate Counsel for Sound Stage Studios, Inc., has been named in the Sixth Edition of Who's Who in American Law. Admission as a biographee in Who's Who is based on incumbency in a defined position of responsibility and attainment of a significant level of achievement.

1983

Ted Habermann

1984

Katherine R. Forbes has resigned as Porter County Chief Deputy Prosecutor and joined the firm of Harper & Rogers in Valparaiso, Indiana.


Brian Hurley was selected by The Greater Valparaiso Chamber of Commerce to be a 1990 Board Member. Brian is a partner with
1984 continued

Douglas, Douglas & Hurley in Valparaiso, Indiana. He also serves as an attorney for the County Plan Commission and Board of Zoning Appeals and part-time Deputy Prosecutor for Porter County.

Jeanne A. Van Egmond and her husband Tom are pleased to announce the birth of their son, Andrew Thomas, born November 1, 1988. They reside in Gross Pointe Woods, Michigan.

Terry Zabel is with the District Counsel's Office and has been transferred from Cincinnati, Ohio, to Grand Rapids, Michigan. Terry and Linda have a son Tony, 4, and a daughter Melissa, 1.

Randall J. Zromkoski has become a partner in the law firm of Blachly, Tabor, Bozik and Hartman, in Valparaiso, Indiana.

1985

Mark W. Doty has become engaged to Stephanie Marie Shireman of Elkhart, Indiana. They plan to be married in October of this year. Mark is self-employed as a practicing attorney in Elkhart.

Ellen Fujawa is a member of the 186th JAG Detachment, which provides legal assistance to service members at Fort Benjamin Harrison.

1986

William Buckley is now working for Phoenix Capital, a company in Chicago, Illinois.

John M. Evans, previously a Professor of Educational Law, Policy and Collective Bargaining at San Jose State University, is now a Professor of Law at San Joaquin College of Law in Fresno, California. He will be teaching contracts, commercial law, and educational law.

Teresita M. Khayyat has opened her own general practice firm in Chicago, Illinois. She resides in Oak Park, Illinois.

Mark Rutherford was married to Linda Hensley in 1989. They reside in Indianapolis, Indiana.

Lance E. Ryskamp has opened his own practice in Highland, Indiana.

1987

Andrea Borucki has become a member of the United States Patent Bar and has been promoted to Attorney Level II with The Dow Chemical Company in Midland, Michigan.

James Scott Dal Santo has become engaged to be married to Patricia Lynn Zapinski of Merrillville, Indiana. They will be married in September, 1990. Jim is a partner in the law firm of Dal Santo & Harris in Highland, Indiana.

1988

George S. Brasovan has become an Associate in the law firm of Lucas, Holcomb & Medrea in Merrillville, Indiana.

Mary Kay Thanos has associated with the Merrillville law firm of Spangler, Johnson and Associates.

Marilyn Vasquez, of Hebron, Indiana, was selected to serve another year as Acting Chair of Indiana University-Northwest's Division of Business and Economics. A faculty member at IUN since 1979, she is also Director of Undergraduate Programs.

1989

Christine Alsop is an Assistant Attorney General for the State of Missouri in Jefferson City, the state capital.

David Barker has become associated with the firm of Van Valer & Williams in Greenwood, Indiana.

Nadine R. Dahm is Assistant Prosecuting Attorney for the Kent County Prosecutor's Office in Grand Rapids, Michigan.

Timothy Eddy has become associated with the law firm of Brusso, Gantz & Smyth in Chicago, Illinois.

Angela Hughes is a staff attorney with UAW-GM Legal Services Plan in Indianapolis, Indiana.

David A. Mathies is a legal analyst with the Office of the Commissioner, Department of Revenue, in Indianapolis, Indiana.

Kingsley G. Regnier is associated with the firm of Goodman Ball & Van Bokkelen in Highland, Indiana.

Christian Sands is the Deputy Prosecutor in Peru, Indiana.

Rick Svetanoff, is a partner in the 10-year-old certified accounting firm Svetanoff & Associates, P.C., which has seven employees.

Timothy E. Vojislavek has become an associate with the firm of John P. Bushemi in Merrillville, Indiana.

IN MEMORIAM

The entire Valparaiso University School of Law Community extends its sympathy to the families and friends of the following deceased alumni:


A. John Briel '34, August 14, 1989, Sun City, Arizona.

Kurt Schnellbaecher '34 October 12, 1989, Milwaukee, Wisconsin.

Rex G. Bostwick '51 November 17, 1989, Kansas City, Missouri.

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. Dues are free for the first year following graduation, $15 for the next three years and $30 per year thereafter. The annual dues are payable as of JUNE 1 of every year. Every alumnus/aa who pays dues will receive a specially designed VUSL 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 free for the year immediately following graduation, $15 for the next three years and $30 per year thereafter -- payable on June 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