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Charles R. Gromley  1925-1992

"His legacy is literally thousands of lawyers who were profoundly influenced not only by his knowledge, but by his gentle character and common sense."
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EDITORIAL BOARD

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The cover quote was contained in a letter from Judge Allen Sharp received by the School of Law following Charles R. Gromley’s death. The School received numerous letters from alumni and friends reflecting how Charlie had touched their lives. His legacy will most certainly live on in the hearts and minds of his students and colleagues.

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LETTER FROM THE DEAN

Dear Friends:

This year I have started writing a regular column for the student newspaper. Since my first stint as a columnist occurred during a major Presidential campaign, there has been lots to write about. But mainly I’ve been writing about our law school, with some occasional obituaries to commemorate the passing of some of my favorite human beings, like Red Barber, Justice Thurgood Marshall, and Charlie Gromley. Since this issue of The Amicus is dedicated to Charlie’s memory, I thought that I’d share a few thoughts about him in this space. It has been a great honor to have been touched by this sweet and gentle soul, and we shall all miss his wonderful, gracious presence.

The largest room in Wesemann Hall was packed to standing room capacity on February 3, when we held a service to honor Charlie’s memory. Within the University we heard from President Harre, and from Professors Louis Bartlett ’47, Bruce Berner ’67, Jack Hiller ’55, Rosalie Levinson ’73, and Al Meyer ’50. The current students were represented by Kip Winters ’94. You would have been proud of the wonderful turnout of your fellow alumni from around the country. Several gave moving tributes about how much Charlie had meant to them over the years: The Honorable Stephen Buyer ’84, Delmar Hoeper ’54, David Hollebeck ’74, Diane Kavadas Schneider ’82, Alan Morrison ’62, and Barbara Young ’76. Charlie’s son Kevin gave a beautiful response to these tributes on behalf of Norma and all the Gromley family.

Before Charlie came to Valpo in 1960, he had already taught at the University of Nebraska for a year and at Willamette University for five years. For over 32 years in this university, Charlie gave dedicated service.

In the ancient world servants had distinctive roles. Charlie Gromley embodied the attributes of three of these kinds of servants: teachers, heralds, and missionaries. First, there were the pedagogues, the slaves who -- like Aesop -- did their best teaching by telling stories. Who of us will forget an anecdote or two that Charlie told? The beauty of Charlie’s humor was that it was almost never directed at another, but was simply calculated to tickle the funny bone and to raise a laugh. And when he did aim a story at someone, the moral of the story was so subtle that his target sometimes missed the point of his comment. But he would never pound home his point or insist on it; he just shrugged his large shoulders when such a person just didn’t get it.

Which reminds me of one of Charlie’s favorite stories, drawn unsurprisingly from the nation’s pastime, which was almost as important to Charlie as the nation’s history. On this day Sandy Koufax was on the mound for the Dodgers. The pitcher blazed the first one right over the heart of the plate, but the batter never saw it whiz by. Strike one! Sandy roared backed and heaved another fast one. Strike two! In came the third one. Strike three! The batter turned to the umps and said, “That one sounded a little high.”

Charlie will be well remembered as a teacher’s teacher. I was going to say that he taught without even trying, but the truth is that he always worked hard at being an excellent teacher. So good was he at his job as a teacher that it is more fair to say that all of us who knew him, whether as students or his colleagues, learned at his knees without trying very hard. My greatest joy as Dean of our law school was to confer on him the award of “Teacher of the Year” last May. The only hesitancy that I had in reestablishing this award in our law school was how I would ever be able to present the award to another colleague; fine as my colleagues are as teachers, none exceeded the abilities of Charlie Gromley in the classroom. We shall henceforth call it the Charles Gromley Distinguished Teaching Award. He was the kind of professor who took a deep interest in his subject matter, principally the law of property. More importantly, he was the kind of professor who took a deep interest in his students, all of whom mattered to him. That interest was abiding. I guess Charlie would call it a “future interest.” He kept in touch with you years after you left here. You continued to matter to him, and it never occurred to him that his care for you might raise a question in some of you about the rule against perpetuities. Just in case you’re wondering, it doesn’t violate that rule for Charlie to have loved you so perpetually, or for you to have returned that love in the generous gifts that have enabled us to endow a perpetual scholarship in his memory.

Second, there were heralds in the ancient world. Sometimes these servants were noted for the trumpet blasts that accompanied the announcement of their messages (Is. 58:1). Sometimes they accomplished their task not by loud crying or by lifting up their voices, but by their quiet patience and endurance (Is. 42:2). In either case these servants did not trumpet their own personalities or herald their own achievements, but simply made sure that the world did not miss the more exciting news of the presence of a friend.

Charlie Gromley was just such a servant. Because Charlie was a person of so few words at faculty meetings, when he did get around to speaking, the rest of us listened. The most loquacious Charlie ever got was when he was heaping praise on his students and commending you, our alumni, to prospective employers for your excellence. In this respect, he was a true herald who blew clear blasts on the trumpet to announce his good news to all who would listen.

Third, there was another kind of servant in the ancient world. I have called them missionaries, but their principal task was more like that of modern travel agents. These servants attended to all the particular details of journeying, which was a pretty hazardous thing to do in the ancient world. Before computerized reservations, these advance men endured the risk of the journey themselves to make sure that the accommodations were just right. They went on ahead to attend to the details of the journey personally and then returned to assure the followers that all was ready.
LETTER FROM THE DEAN

The Gospel according to John describes Jesus as such a servant: "If I go and prepare a place for you, I will come again and will take you to myself, so that where I am, there you may be also." John 14:3.

Anyone who knew Charlie Gromley would describe him as that kind of servant as well. He loved to travel. He and Norma went frequently out to California, or back to Pennsylvania, or over to Virginia. More to the point was the purpose of these journeys: not to see the sights, but to be with his family, or his high school classmates, or his Seabee buddies from the war. He especially liked reunions because -- like Will Rogers -- Charlie Gromley never met a person he didn’t like.

Every dean should be so blessed as to have a Charlie Gromley as a level-headed counselor. Actually this last thought is a classic Groms understatement. At our law school the benefit of Charlie’s shrewd counsel extended not just to the Deans with whom he served or to his colleagues on the faculty, but to thousands of students whom he guided as a mentor and friend. Because he was such a humble man, he probably had no idea that he had made it possible for thousands of people to be so much better than they otherwise would have been without him.

In one of my favorite films, "A Thousand Clowns," Jason Robards and his girlfriend go over to the lower West Side in Manhattan to join the crowds at dockside wishing well to those about to embark on a transatlantic voyage. Robards calls out to an unknown voyager: "So long, Charlie, have a wonderful time!" We who were privileged to know Charlie Gromley, and who share his faith that in Jesus we have a servant who is an excellent teacher, herald, and missionary, can now greet him with full confidence that he has gone on ahead to prepare a place for us. "So long, Charlie, have a wonderful eternity!"

Dean Edward McGlynn Gaffney, Jr.
Valparaiso University School of Law

LETTER FROM THE SBA PRESIDENT

Dear Law Alumni:

The Student Bar Association has been very busy lately organizing the annual Law Week activities. Marcy Geighes (SBA Vice President) has done a great job organizing several of the events. This year, Law Week will be the week of March 29 through April 3, 1993. On Monday March 29, Professor Jorge Vargas of the University of San Diego will come to Wesemann Hall to present a lecture on the Free Trade Agreement signed last year by the United States, Canada, and Mexico. Professor Vargas previously served as Attorney General of Mexico and presently lectures on International Environmental Law. The annual luncheon will be held on Wednesday at the Valparaiso Expo Center. This year’s luncheon speaker will be Mr. Jay C. Johnson ('71), Vice President, Corporate Staff and General Litigation Counsel, Texas Instruments, Inc. Mr. Johnson will be speaking on jury research done in preparation of cases. The Roast is the next event and will also be held at the Expo Center on Thursday night. The 5th Annual Law School Musicale follows and will be held in the Duesenberg Commons. The last (and best) event is the Barrister’s Ball at the Radisson Hotel in nearby Merrillville. All alumni are welcome to attend any of the events. Contact the SBA office (219.465.7868) for further details and costs of attending the events.

Student activities at the School of Law are rapidly growing, both in membership as well as substantive areas of the law. The Black Law Students Association has been hard at work at putting together several projects in order to increase the law school’s awareness of Black History Month. The Hispanic Law Student Association is presently busy planning its annual golf tournament. The money raised is awarded as a scholarship to an incoming student. Another of the active organizations is the recently formed Environmental Racism Project (ERP). ERP is a collective effort of several student organizations with one goal in mind: to shed some badly needed light on the issue of environmental equity in the Northwest Indiana region. The SBA fully supports the efforts of these student groups.

Student leaders, with help from the faculty and administration, are doing their part to continue the law school’s standard of excellence and to promote diversity and activism within the law school. However, our efforts would be incomplete without the interest and participation of our alumni. You are an invaluable resource for students and I hope you become involved with some of the programs that are available to you. Your assistance will play a great role in shaping the future of the law school.

Trino Lopez, '93
President, VUSL Student Bar Association
MESSAGE FROM THE ALUMNI PRESIDENT

AND ALICE ASKED . . . "would you please tell me which way I ought to go from here?" "That depends upon where you want to get to," said the cat.

Lewis Carroll
Alice in Wonderland

Dear Alumni:

Just as Alice asked her question, your newly-elected Alumni Board of Directors and Officers, at the Annual Fall Board Meeting held in October of 1992, asked, "What are our future objectives and how do we accomplish them?"

YOUR BOARD OF DIRECTORS HAS ESTABLISHED SIGNIFICANT GOALS TO ACHIEVE IN THE 1990s:

• ENCOURAGE AND STIMULATE ALUMNI PARTICIPATION - ESTABLISHING LOCAL ALUMNI CHAPTERS. The Board of Directors encourages all alumni to become more involved in the activities of the Alumni Association, both at the University level and in local community alumni events and activities. Through the leadership and guidance of immediate Past President, Roger Benko, and other board members, the cornerstone and foundational dynamics for achieving this objective has been placed in motion. An enthusiastic and dedicated group of law school alumni have formed the Indianapolis Chapter of Law School Alumni, under the capable guidance of Lew Willis ('88). The Indianapolis Chapter can serve as a model for similar alumni collegiality ventures in other cities throughout the United States.

• 2000 BY 2000 CLUB. Another direction and goal of your newly-elected Board of Directors is to stimulate each law school alumni to become a member of the "2000 by 2000 Club." You ask, "What is this for?" The answer is simple in that we strive to have 2000 dues-paying members of the Association by the year 2000. One-fourth of that goal was achieved in 1991 when the Association membership achieved an all time high of 500. (The total number of living law school alumni as of this writing is 2,771). With the addition of Beth Henning Guria ('89) as the new Law School Director of Alumni Affairs, the Alumni Board believes that the ability to make greater contact with the alumni will bring about corresponding alumni membership growth and support for the Law School, the Alumni Association, and the University. A philosopher once said, "The reach should exceed the grasp." We will keep reaching out to those of you who have not joined the Association yet or, for some reason or other, have lost contact with your School of Law. Join now and mail your 1993 alumni dues.

• ALUMNI DIRECTORY. The Board of Directors encourages all alumni to utilize their copy of the VUSL Alumni Directory. This is a valuable resource in your library for both professional and social use, as well as learning where former VU Law School classmates now reside and practice. "Networking" is a most important concept in the high tech 1990s. Through use of the VUSL Alumni Directory, you might be surprised to discover how many Valparaiso University Law School graduates are in your community or your state. Many alumni have found that VU Law School graduates are a ready source of assistance in discussing practice problems, case issues, and to serve as local counsel when the occasion arises. Fellow law school alumni also provide good companionship when out of town for a luncheon or dinner. The objective of this goal is to encourage and promote collegiality among VU Law School alumni you already know and to develop new friendships with existing alumni and those law students who will become your fellow alumni members in the future. For those without a Directory, a new edition is projected to be published in October 1993.

• ALUMNI SUPPORT OF THE LAW SCHOOL PROGRAMS. A continuing objective and goal of the Alumni Association is to support, encourage, and assist the students, the faculty, and staff of the School of Law. Student loan programs, scholarship support, financial assistance to The Amicus, and contributions to other special law school projects, can only continue with your personal encouragement and financial support. We cannot achieve these goals alone, we need your help and support.

THANKS TO THE OLD AND WELCOME TO THE NEW. As your new President of the Alumni Association, it is traditional and important to acknowledge the services of those individuals who have served your Association well as board members and officers. The members who retired from the Board as of October 10, 1992 are:

Roger Benko '72, South Bend, IN
Roland Herrmann '57, McHenry, IL
Alfred Kirkland '74, Elgin, IL
Marilyn Nickell '87, Grand Rapids, MI
Edward Nielson '73, Chicago, IL
Mary Redamack '72, New Buffalo, MI
Charles R. Vaughan '57, Lafayette, IN

All have made significant and beneficial contributions to the Association during their tenure as Board members and officers. Special thanks goes to Roger Benko for his capable and effective leadership as President of the Association during his two-year term.

I welcome our new Board members and look forward to serving with them and the present members:

N. Cornell Boggs '85, St. Louis, MO
David Clark '90, Merrillville, IN
Harold E. Couillard '52, Santee, SC
Dominic J. Farina '42, New Buffalo, MI
Amy Lawrence Mader '92, South Bend, IN
Jayne S. Walker '89, Washington, D.C.
John H. Whitfield '88, Biloxi, MS

Sincerely,

[Signature]

Andrea O'Neill
President
MESSAGE FROM THE ALUMNI PRESIDENT

YOUR LAW SCHOOL'S MISSION AND STATEMENT OF PURPOSE. VUSL has developed a strategic plan, a part of which is its Mission and Statement of Purpose. Points of the Mission and Statement of Purpose emphasize:

1. The fostering of a learning environment in which law students will receive effective training in the human and technical skills so that they may become competent and compassionate lawyers.

2. To maintain teacher-scholars committed to excellence in legal research and publication which will contribute to the development of the law.

3. Creating a vital and dynamic interaction between the professional demands of the law and the Lutheran heritage of Valparaiso University through critical reflection, respect for others, and service.

Each of these points, as found in the Mission and Statement of Purpose, could be the subject of an entire monograph. The important focus, however, is to remember that all graduates of the Valparaiso University School of Law are a part of this Mission and Statement of Purpose, no matter what our individual heritage or backgrounds may be. The VUSL Alumni Association is a complex and integrated mosaic of many faiths and religious beliefs, cultural heritages, ethnic and diverse political philosophies. Together, we have many varied talents and contributions that are needed by the faculty, staff, and students. All of us working together and supporting the Law School and the Alumni Association will continue to attain and reach for the goals and purposes of the Valparaiso University School of Law and the Alumni Association.

While you were a student at Valparaiso University School of Law, many who had gone before you were supporting in various ways - the University, the Law School, the Alumni Association, and you! That duty and trust is individually and aggregately ours to continue to fulfill. If you have not done so, make the connection now and continue to support the Mission and Purposes of your Law School and University.

Under the capable leadership of Dean Gaffney, the VUSL faculty and staff are striving to implement the Mission and Purposes of the Law School. I wish all alumni could spend two days at the Law School, as I recently did on November 13 and 14, 1992 as a member of the Board of Visitors. Distinguished practitioners, professors, and judges convened to evaluate and review the programs and activities of VUSLs and give advice and counsel to the faculty, Dean, and students. It was refreshing to sit in on several law school classes and witness the quality, dedication, and excellence of professors, staff, and students in their discussions of case law, legal issues, and symposium topics.

Several distinguished members of the Board of Visitors, who are not graduates of the Law School or University, commented on the quality of the Law School programs, as well as the excellent physical facilities. The Board of Visitors Program is an important and constructive link among the Law School, the legal profession, outside contributing professors, and the judiciary. All alumni can be proud of the continuing pursuit of excellence at the Law School.

IN MEMORIAM AND TRIBUTE TO PROFESSOR CHARLES GROMLEY. Sadly, and as all of you know by now, the Alumni Association, students, professors, staff, and friends will be without the fellowship and continuing encouragement of Professor Charles Gromley who died on Saturday, December 5, 1992. Charlie was always available to assist the beginning practitioner and continued as a mentor to all Law School graduates who, from time to time, might request Charlie's capable and valuable advice and insight concerning problems and issues that needed to be solved in our day-to-day practices or other professions.

Charlie was a master in bringing out the potential in students to achieve more than they ever thought possible. He was a scholar committed to excellence in teaching methods and to assist the neophyte practitioner in developing and improving legal skills. Charlie has left a legacy far more precious than material possessions. He instilled in all of his students the desire and drive to do a complete and thorough job with whatever tasks or responsibilities that would be set before us in our future professional lives. His memory, spirit, and encouragement need not be gone, but can be enshrined in the hearts and lives of all who knew and loved him.

In this tribute to Charlie, I reflect upon a phrase that former University President O.P. Kretzmann often used, "... and all the trumpets sounded for him on the other side.” Thanks, Charlie! Your contributions to our lives will long be cherished and our memories of great times with you will long be revered.

THE LAW SCHOOL’S FUTURE IS IN YOUR TRUST.
To achieve our goals and fulfill our Mission and Purpose, the Law School, staff, students, and the Alumni Association need your continued trust, support, and prayers. Your Board of Directors anticipates and welcomes your active involvement in the Association and continued support of the Valparaiso University School of Law.

"... keep safe that which has been entrusted to you."

1 Timothy 6:20

Jack W. Lawson '61
President
VUSL Alumni Association
The School of Law is pleased to announce the creation of an Alumni Affairs and Development team. The creation of this team arises in part from the VUSL strategic plan to guide the school into the next century. This strategic plan recognizes the fact that for VUSL to fulfill its Mission and Statement of Purpose, each member of the law school community must do his/her part; alumni may and should play a critical part in the fostering of an enriched learning environment.

In recognition that the acquisition of knowledge is a never ending process, the Alumni Affairs and Development team will provide greater services as well as enhanced continuing education and networking opportunities for both alumni and alumni-in-residence. The expansion of alumni services will include geographically based alumni receptions, coordination of homecoming and reunion events, enhanced networking within specialized practice areas, improved VUSL fundraising activities, as well as assisting in the facilitation of alumni-in-residence and alumni mentoring relationships.

The "Team" consists of Assistant Dean and Adjunct Professor Curtis W. Cichowski, Director of Alumni Affairs Beth Henning Guria, and Carolyn Hardman, Administrative Assistant for Development and Alumni Affairs. Curt, a 1981 graduate of VUSL joined the school administration in 1982 after previously practicing law in the area of insurance defense and products liability. Curt's primary responsibility entails the management of a comprehensive development program for the School of Law. Curt recently served an appointment for the University Office of Institutional Advancement as Interim Vice-President. Curt additionally serves as an Adjunct Professor of Law in the intellectual property field.

He has authored a copyright and computer compliance policy for the University as well as assisting with the creation of a trademark and licensing program for Valparaiso University. Curt also serves on the Bylaws Committee of the Association of American Law Schools, Section on Institutional Advancement.

Beth Henning Guria most recently served as the Lake Superior Project Attorney for the National Wildlife Federation, Great Lakes Natural Resource Center located in Ann Arbor. Since graduating in 1989, she has specialized her practice in the area of environmental law. She taught as an Adjunct Professor of Law at the Thomas M. Cooley Law School in the areas of Environmental Law and Land Disposal of Hazardous Waste. Beth also has experience on the defense side of environmental law, formerly being associated with a large Bloomfield Hills, Michigan law firm. She began her career as an Assistant Regional Counsel with the U.S. Environmental Protection Agency in Chicago, practicing in the Solid Waste and Emergency Response Branch of the Office of Regional Counsel. Recently, she was appointed as a member of the Indiana State Bar Association's Legal Education and Admissions to the Bar Committee.

A native of Michigan, Carolyn Hardman comes to the team after serving as an Assistant to the VUSL Registrar. She holds a Masters of Public Affairs from the School of Public and Environmental Affairs at Indiana University -- Bloomington and a Bachelor of Arts from DePauw University. Carolyn served as a Development Intern in the Office of Development and Sponsored Research at the University of Michigan -- Dearborn. She also worked in the Office of the Registrar at Wayne State University, Detroit, Michigan.

The School of Law is committed to greater Alumni and institutional interaction, facilitated through the Alumni Affairs and Development Team. Alumni comments and suggestions for greater service are certainly welcomed. With this extension of services provided to both Alumni and Alumni-in-Residence, the School of Law is confident of its continued growth and success in the 90s, and beyond.
**ACTIVITIES**

Dean Edward Gaffney was a featured speaker at Springboard Toward 2000--Preparing the Way, the 44th annual Pastors' Seminar of the Lutheran Association of Larger Churches, held in Chesterton, Indiana. In a four-hour session, he spoke and led discussion on "A Church-Side View of Church and State."

In June, Professor Linda Whitton was a faculty member for the Elderhostel program held at Valparaiso University. Her class, "Living Life Your Way," explored various legal planning tools for facilitating personal preferences with respect to health care decisions and property management. Professor Whitton was also a part of the summer teaching faculty at Holden Village, located in the Cascade Mountains of Washington State. She presented two lecture series while there on the topics of eldercare and finding spirituality in the professional life. This fall Professor Whitton also spoke to several community groups in the Valparaiso area on the subjects of living wills and durable powers of attorney; and supervised student volunteers who then prepared living wills and durable powers of attorney for area seniors on a pro bono basis. In October, Professor Whitton co-presented a program titled "The Art of Negotiation" with Professor John Harris of the Valparaiso University MAABS program to the Case Management Society of America.

This fall, Professor Ruth C. Vance coached the school's negotiation teams. Team members, James Thompson 3L, Kim Newby 2L, Pat Scanlon 3L, Robert Cap 3L, and alternate Kelly Markham 2L, participated in the regional competition sponsored by the American Bar Association/Law Student Division at Wayne State University. Mr. Thompson and Ms. Newby placed fourth out of eighteen teams. They were only .08 points away from advancing to the Nationals.

Professor Vance attended the national conference of the Legal Writing Institute last July at the University of Puget Sound. In September, Professor Vance served as a presenter in a Porter County Bar Association continuing legal education program. Her topic was what attorneys should know about practicing under Indiana's new alternative dispute resolution rule. In addition, she has served as an assistant trainer in mediation training sponsored by the Indiana Continuing Legal Education Forum.

In September Professor Rosalie Levinson delivered an "update" lecture on State and Federal constitutional law at an ICLF Seminar in Indianapolis. In October she conducted a 3 hour ICLF seminar on constitutional law as part of VUSL's pro-bono exchange program with Gary Legal Services.

December 10 Professor Levinson spoke at a seminar for Judges in Indianapolis sponsored by the Indiana Judicial Center.

Professor Ivan Bodensteiner has been appointed by Chief Justice Randall Shepard to the Indiana Supreme Court Committee on Rules of Evidence. The Committee is to propose rules of evidence for adoption by Supreme Court. In November Professor Bodensteiner taught a CLE program on federal employment discrimination laws. The program was sponsored by VUSL and Legal Services of Northwest Indiana.

Professor Robert F. Blomquist was an invited participant by the Gruter Institute in a week-long conference at Squaw Valley, California, between June 18 and 25. The conference -- entitled "The Use of Biology in the Study of Law" -- was attended by law professors, as well as experts from a variety of other disciplines (psychology, political science, economics, ecology, philosophy, neurology, ethnology and brain chemistry). This conference, hosted by the Gruter Institute, was a first-of-its-kind endeavor to introduce biology as a major explanatory factor in the development of law. In keeping with the themes of the conference, the participants explored biological considerations across the spectrum of American law: environmental law, torts, family law, constitutional law, evidence, contracts, and criminal law.

Professor Blomquist has been invited by the Gruter Institute to be a guest participant in a second conference on "The Use of Biology in the Study of Law" at Squaw Valley in June of 1993. In June, Governor Evan Bayh appointed Professor Blomquist to a four-year term as one of ten members to the newly-established Indiana Pollution Prevention Board. The Indiana Pollution Prevention Board was established by the Indiana General Assembly under the Industrial Pollution Prevention and Safe Materials Act of 1990. Under the legislation, the Indiana Pollution
Prevention Board still plays a significant role in the development of pollution prevention policy. It is specifically charged with selecting a university or not-for-profit corporation to establish a pollution prevention institute; appointing the director of the institute; consulting with the institute and the Department; and acting as a public policy forum for discussion of pollution prevention environmental issues.

Professor Seymour Moskowitz presented an Indiana Continuing Legal Education Forum (ICLEF) lecture to practicing lawyers on Oct. 22, 1992. His topic was "Practice Before Federal Administrative Agencies."

Professor Richard Stith made the following presentations in recent months: "Can Practice Do Without Theory?: Differing Answers in Western Legal Education," at the First International Comparative Law Conference, Peking University, April 1992; and "The End of the Ends," to the Philosophy and Law course in the Philosophy Department, Purdue University, November, 1992.

Professor Stith recently appeared on a panel at the biannual conference of the International Legal Science Association. The conference theme was "Individualism and Communitarianism in Contemporary Legal Systems." Professor Stith's presentation was entitled "On Church and Sport: the Free Exercise Clause and the Right to Exercise Freely."

Professor Stith also spoke on "Why the Taint to Religion?" at the International Legal Science Association meeting at Brigham Young University in September.

Administrative Assistant to the Dean Mary Moore was elected for a second term as president of the Valparaiso Community Schools Board of Education, 1992-93.

Leslie Schaefer, former Assistant Law Librarian, gave birth to a baby boy, Charles Colin Martin, on January 7, 1993. Leslie and her husband, Jim Martin, live in Rockville, MD.

Dean Edward Gaffney, Assistant Dean Curtis Cichowski, Professors Ivan Bodensteiner, Paul Brietzke, Derrick Carter, Laura Dooley, Rosalie Levinson, JoEllen McGuigan, Mary Persyn, Ruth Vance, David Vanderey, Geri Yonover, and Director of Career Services Gail Peshel attended the annual meeting of the Association of American Law Schools in San Francisco in January.

NEW LIBRARIAN JOINS VUSL STAFF

Hugh Breyer joined the Law Library staff in October as Educational Services and Research Librarian. Hugh came to VUSL from the Law Library at Rutgers University-Newark where he was Reference Librarian. Hugh replaced Leslie Schaefer, whose husband accepted a position at the Law Library of Congress in Washington, DC.

Hugh has his undergraduate and library degrees from Indiana University and his law degree from the University of Cincinnati. Before entering the library field he practiced law in Illinois and New Jersey.

He has written several pieces for publishing, including an article appearing in the JOURNAL OF LAW & EDUCATION. His article entitled "Introducing Expert Testimony in Battered Wife Syndrome Cases" was published in the Criminal Law Bulletin and the Washington State Bar News both in 1992.

PUBLICATIONS

Professor Rosalie Levinson published an article "State and Federal Constitutional Law Developments Affecting Indiana Law," in 25 Indiana Law Review 1129 (1992). She also published an article "Demise of the Supreme Court as the People's Court" in Advocate, the Indiana Civil Liberties Union newspaper in August.

Professor Robert F. Blomquist will publish an article entitled "American Toxic Tort Law: An Historical Background, 1979-87" in Volume 10 of the Pace Environmental Law Review. He is currently working on a number of environmentally-related writing projects during his sabbatical during the spring semester of 1993.


Professor Stith's forthcoming articles include: "Images, Spirituality, & Law" (forthcoming in a Festschrift honoring Boniface Luykx and in Journal of Law and Religion); "Why the Taint to Religion?" (forthcoming in the Brigham Young University Law Journal); and "Can Practice Do Without Theory?: Differing Answers in Western Legal Education" (forthcoming in the Asia Pacific Law Review, Hong Kong, and in Chinese at Peking University).
VUSL OLYMPIC TORCH BEARER

While the past summer has long left the minds of law students who have welcomed the reality of their legal studies, for one Valparaiso law student, the summer of 1992 will take some time to slip away. Third-year law student, Ellen Pelnar, was selected as the Wisconsin representative to carry the Olympic torch in the past summer Olympic games in Spain. Pelnar carried the torch in Alicante, Spain, as part of the International Olympic Torchbearers Program, sponsored by the Coca-Cola Company. Pelnar joined nearly 30 Coca-Cola sponsored torchbearers representing the United States in carrying the torch on its 3,449-mile route through Spain. Aside from her Olympic moment, Pelnar spent the majority of her summer clerking for a judge at the Wisconsin Court of Appeals in Waukesha.

SWYGERT FINALISTS COMPETE

In early September, four law students came together before a distinguished panel of judges to compete in the final round of the "Judge Luther M. Swygert Memorial Moot Court Competition." Third-year, Ann Glaser along with second-year Joanne Jacoby won the final round; Glaser walked away with the "Outstanding Oralists Award." The Honorable Frank H. Easterbrook, United States Court of Appeals, Seventh Circuit; the Honorable Richard M. Given, Supreme Court of Indiana; and the Honorable Betty Barteau, Court of Appeals of Indiana deliberated over the final round.

The competition focused on two issues: Whether random drug testing of public high school students by school officials violates the students' Fourth Amendment rights to be free from unreasonable searches and seizures; and whether a public high school's prohibition of race biased speech violates a student's First Amendment rights. All participants submitted a brief prior to arguments and were judged on both the brief and the oral argument.

Established by Mrs. Luther M. Swygert and Michael Swygert, '67, in memory of the late Judge Luther M. Swygert, the Swygert Competition and Award is an endowed program at the School of Law. A graduate of Notre Dame Law School, Judge Swygert was awarded the honorary degree of Doctor of Laws from Valparaiso University School of Law. Judge Swygert served as a Senior Judge of the U.S. Court of Appeals for the Seventh Circuit. This memorial competition recognizes the special interest and dedication that Judge Swygert took in VUSL.

SEVENTH ANNUAL MONSANTO LECTURE

The School of Law hosted its seventh annual Monsanto Lecture on Tort Reform and Jurisprudence this past November. This year's speaker, the Class of 1962 Professor at the University of Virginia, Kenneth S. Abraham, entitled his lecture, "Cleaning Up the Environmental Insurance Mess." Professor Abraham addressed the interplay of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the cost of clean up of contaminated hazardous waste sites under comprehensive general liability insurance policies. Coverage of toxic clean ups is governed on a state-by-state basis. In his lecture, Professor Abraham considered the feasibility of uniform national coverage rules prescribed by federal legislation.
HARVARD'S PARKER DELIVERED SEEGER'S LECTURE: "Here the People Rule."

Selected as the guest lecturer for Valparaiso's ninth annual Seegers Lecture, Harvard Law School Professor, Richard Parker, delivered his lecture, "Here the People Rule," reviewing American constitutional law and attitudes against the backdrop of fine literature.

Professor Parker received his undergraduate degree from Swathmore College in 1967 and his law degree from Harvard Law School in 1970. After clerking for J. Skelly Wright and Justice Stewart Potter, Parker worked as a speechwriter in the 1972 Democratic presidential campaign and as a lawyer at the Coudert Freres in Paris and the Childrens Defense Fund in Cambridge. In 1974, he joined the faculty at Harvard Law School where he now teaches Constitutional Law and Criminal Law as well as advanced courses in constitutional theory, rhetoric and law and literature.

A THANKSGIVING FEAST

As tradition has it, while students had Thanksgiving week off to gear up for finals, most stay around town to get in some studying before the rush of the semester's end. On the Tuesday preceding Thanksgiving, faculty and staff provided a home-cooked meal for those students who decided to stay in Valparaiso for the holiday. The home-made aromas of a turkey with all the trimmings, numerous salads, fresh pies and plenty of other treats pulled the best of diligent students from their books and into the student lounge for a Thanksgiving feast fit for the best of law school deans.

VUSL FACULTY VOLUNTEER WITH CLE PRO BONO PROGRAM

Legal Services of Northwest Indiana and the faculty at Valparaiso University School of Law combined efforts this past fall in a Pro Bono project with Indiana's Continuing Legal Education. With legal services only reaching one fourth of the clients in need, this joint project focused at involving more attorneys and more clients in legal services. Valparaiso's law faculty provided Pro Bono CLE training for lawyers in Northwest Indiana who would then provide pro bono services to more legal aid clients of Legal Services in Northwest Indiana. Session presenters included Professors: Charles Gromley, "Inter-vivos Transactions;" Rosalie Levinson, "Recent Developments in Constitutional Law;" Ivan Bodensteiner, "Employment Discrimination;" Bruce Berner, "Hearsay;" and Edward Gaffney, "Legal Ethics: Lawyers as Story-Tellers and the Duty of Civility."

HOMECOMING '93

Mark your calendar for October 2, 1993. The VUSL Alumni Association Board will meet in the morning, followed by the Alumni Banquet. The football team of Valparaiso University will take on the University of San Diego. The Reunion Classes of 1943, 1968 and 1983 should mark their calendars! Specific details will be forthcoming this summer.
WEHLING ACCEPTS VICE PRESIDENTIAL POSITION

After approximately ten years of service to the School of Law community, Katharine Wehling, '82, joined the administration of Valparaiso University as Vice President for Admissions and Student Financial Planning. On December 1, 1992, Kathy left her post of Assistant Dean for Enrollment Management at the law school to bring a new direction to the main campus.

Kathy's commitment and dedication do not go unnoticed at the School of Law. During her tenure at the School of Law, Wehling's efforts assisted in bringing the School of Law into the forefront of legal education. Wehling has held several key administrative positions at the law school: admissions recruiter, director of recruitment and special projects, director of admissions, and ultimately, assistant dean for enrollment management.

In addition to her responsibilities at the law school, Wehling has played a key role in the University's Strategic Planning Coordinating Committee. Wehling has assisted the University on Marketing/Public Relations and Enrollment Management Committees and on the Executive Committee of the Environmental Scanning System. She also served as the University Affirmative Action/Equal Opportunity Coordinator. While Kathy's dedication will be missed at the School of Law, as Vice President, the School of Law remains within her jurisdiction and will continue to benefit from her leadership.

STUDENT PUBLICATIONS RECOGNIZED ON THE NATIONAL LAW JOURNAL'S "WORTH READING" LIST


VUSL WELCOMES DISTINGUISHED MEMBERS OF THE BENCH TO A DISCUSSION AND RECEPTION ON JUDICIAL CLERKS

In recognition of VUSL's long-standing tradition as a provider of law clerks, the Judicial Clerkship Committee hosted a federal/state clerkship program for all VUSL students on October 23, 1992. Special guests included the Honorable Pasco Bowman, U.S. Court of Appeals for the Eighth Circuit; the Honorable Marvin E. Aspen, U.S. District Court for the Northern District of Illinois; and the Honorable Wesley W. Ratliff, Jr., Chief Judge of the Indiana Court of Appeals. In addition, VUSL graduates who held positions as law clerks returned to share their views on clerking as a career choice.

The program, and the following reception, provided students with a wide-range of net "clerking" opportunities. This was the first year for such a comprehensive clerkship program, combined with an alumni reception. The Judicial Clerkship Committee -- Professors Laura Gaston Dooley, David Myers, Linda Whitten, Geri Yonover, and Director of Career Services Gail Peshel -- hope to make this an annual event.

The Honorable Pasco Bowman of the U.S. Court of Appeals discussing clerking opportunities with VUSL students.
IS IT A GAME OR A GAMBLE?
by William A. Thorne, '49

Bill is a partner in the Elkhart, Indiana firm of Thorne, Grodnik & Ransel. He is also a member of the VUSL Board of Visitors.

In a recent sermon, one of the ministers in my church used a text from 2 Timothy, Chapter 4 Verse 7, where Paul writes "I have fought the good fight, I have finished the race, I have kept the faith." When we have finished the race it is my belief that all of us would like our epitaph to include those words. In the same sermon, my pastor used the reference to our work life as being like a game in that we need to get in the groove, have a sense of ambition, be driven by momentum and strive for excellence. Groove. Ambition. Momentum. Excellence.

Having engaged in a certain amount of plagiarism to come to this point in my monograph, (I hope my pastor will forgive me, she is a charming and generous person) I will now plunge recklessly on to remind you that not only is life a game, it is likewise a gamble. And a successful professional life must also have the elements of balance and luster. Entering into the practice of law is not unlike making an investment, the greater the risk, the greater the reward. That is the sense in which I liken the practice of law to the sometimes unsavory word gamble. Groove. Ambition. Momentum. Excellence.

Momentum quite often comes from forces outside the moving body. However, in this situation the most valuable momentum is that which we provide from within ourselves. I have worked with lawyers who provided their own inward momentum and with those who more resemble a disconnected freight car. It is only the former who continue to progress when the way becomes steep and when the opportunity comes to get to the top. Those lacking their own momentum can sometimes be helped by a little push from their peers. Whether the push is of value can only be determined when we observe where they end up, either on a side track where their talents rust away or, in the rare instance, gaining such exultation from the acceleration that they learn that they have a calling in the law and go on to prove their own worth.

I have had over forty years of fun, challenge, and fulfillment in practicing law in a relatively small city which is part of what is now becoming a growing commercial and industrial market area. I hope in this article to share with my readers what has made it intellectually rewarding and also has provided our family with a moderately comfortable livelihood. But it is not economic success that is the subject of this article. Rather, I speak here of personal satisfaction -- the kind that we hope merits our hearing someday that greatest of all accolades, "Well done, thou good and faithful servant."

I remember in the early years of the practice that my personal goals were: as to the practice of law, to be a good lawyer; as to my wife, to be a good husband; as to my children, to be a good father; and as to my community, to be a good citizen. It is for others to judge which if any of those goals were attained. Some times it seems that these goals tend to impinge on each other, but that is for another article. Out of the goal to be a good lawyer arose several principles that I believe every young and aspiring lawyer may find of value.

1. There was no ready made practice for me to step into. I started with a Valpo graduate from the late twenties. He was not overburdened with generosity but he did provide a room and a desk and a sprinkling of matters for me to handle. He also made me a guest in his home for several months while I awaited the results from the bar exam and admission to practice. The matters he provided were not enough to support my wife and me but fortunately my wife still had her job teaching at V.U. In January, 1950, shortly after I started practice, the local credit bureau hired me as counsel to handle their large volume of retail collections. Shortly thereafter a finance company hired me to sue for balances owed them by customers whose cars they had repossessed. This was not the sort of practice that I envisioned while sitting through classes on torts and constitutional law. Nevertheless, I treated those cases as breach of contract law cases and treated the defendants with dignity. One of the first law suits I ever filed was against a local automobile dealer for breach of implied warranty. The dealer paid my client for the cost of proper repairs. Not many months later the same dealer came to my office for legal services; his son is still a client of our office forty years later.
The point is that in whatever community you practice, the people with whom you are involved will recognize competence, integrity and dignity if you as a lawyer make those traits manifest in your daily work.

2. In the late 1950's a prospective client came to my office to have me review a lease for a proposed retail sales lot for travel trailers. Not a very promising piece of legal business and it resulted in a fifteen dollar fee. A few months later "Tom" was back. His lot had become fairly successful but he and a competitor had discovered that many of their customers would "whipsaw" them by saying, "I like your trailer but "Jim" down the street has an almost identical unit for $200 less." Being savvy business men it didn't take Tom and Jim long to decide to become partners in each others lots. Tom and Jim not only became corporate clients but they started a related business that became very successful which I was able to represent for several years and then represent Tom and Jim when they sold out to a public company. It would turn this article into a book if I were to go on with the chain of events that arose from this simple lease transaction, including helping to form a local manufacturing corporation the stock of which is now publicly held. The principle readers may gain from this is that a small piece of business done well leads to larger matters and the kind of law practice that provides the challenges and the rewards that lead us onward to success in our profession.

3. As a part of my early practice I began to handle what are known in the general law practice as commercial claims. Obviously, when businesses begin to encounter financial difficulties one of the first things that happens is the business's creditors experience a slowing of payment of their accounts. Ultimately those accounts are forwarded to commercial collection agencies such as Dun and Bradstreet that in turn forward these (breach of contract) to local attorneys. When these companies ended up in bankruptcy or state court receiverships I as the attorney represented a large portion of the aggrieved creditors. From that vantage point I began to represent the trustee in bankruptcy or the state court receiver and also to learn a great deal about bankruptcy. When one of my friends from a nearby large firm needed help with a major Chapter XI proceeding he came to me for help. My friend and I worked as co-counsel. As time passed and I persevered, I became somewhat of an expert. Other's knowing little about the field brought their cases to me. Success wasn't always possible in those cases, but there are companies in business today which survived with a lot of hard work on their part and some help from a lawyer who remembered his high school principal/algebra teacher who once said, "It's not important that you know everything that is in the book, but it is important that you learn how to find it." The principle involved here is to be willing to keep learning after admission to practice law. I started to attend seminars on bankruptcy and related matters long before Indiana adopted mandatory continuing legal education.

These are just three examples of how I had found my groove, generated my ambition to be a good lawyer, developed momentum as a result of an expanded client base, and, with a commitment to excellence, entered the game. But, the quality of life is more than the mere game -- it is the gamble.

In almost every profession there are those who merely play the game, and they certainly contribute much to our world. But it is those who are the risk takers who reap the greater rewards of satisfaction, joy, excitement, and fulfillment. For me, the risks have been worth taking and the rewards are enough to make me feel a sense of joyful acceptance of the hand I was dealt and played.

What remains is balance and lustre. Balance is what is needed to recognize that the real joy comes from giving of yourself. In the more than forty years of community life I have been privileged to share with my wife, we have been active in our church where both of us have served in a significant number of ways including teaching church school classes. We shared in the founding of our local Mental Health Association chapter. I was an unsuccessful candidate for public office four times (remember we are talking about risk taking). I serve on the board of two Methodist agencies -- a small seminary and a home for troubled children. Our four children (two of whom are lawyers) and our seven grandchildren are among our closest friends. All of this takes time away from my chosen profession. If it were only a game, I might not have invested so much time outside of my practice. But, I have been willing to gamble, to take the risk, that these things are a part of the recipe for a proper balance. All together, there is lustre in what has been an exciting career in a great profession.

It is all of this that makes me respond to others when they ask, "When are you going to retire?" that "I don't know, I'm still having too much fun doing what I am doing to worry about that, after all, I'm only sixty-eight." Perhaps you, too, might best serve and be served not in just playing the game, but by taking the gamble.
On December 5, 1992, the Valparaiso University School of Law community was saddened to learn that a beloved colleague, mentor and friend had passed on. Professor Gromley was born May 24, 1925. He taught at VUSL for thirty-two years, sharing his knowledge and love of life and the law with hundreds of students. Charles Gromley graduated from Kent State University and received his law degree from the University of Kentucky Law School. He also received an LL.M. from Georgetown University.

Professor Gromley is survived by his wife, Norma, and his sons Colin, Kevin, and Bret, also by his sister, Isabel Oren, of Fresno, California.

Professor Gromley received the School of Law Distinguished Teaching Award in the spring of 1992. He was the recipient of the Valparaiso University Distinguished Teaching Award in 1973. In honor of Professor Gromley and his exceptional pedagogical skills, the Distinguished Teaching Award will be renamed; additionally, the School of Law has established a scholarship fund in his name.

The Burial Service for Professor Gromley was conducted at the Chapel of the Resurrection on December 8, 1992, by the Reverend Daniel C. Brockopp, University Pastor. Alan F. Harre, President of Valparaiso University, and Dean Edward Gaffney spoke at the service on behalf of the University and the School of Law. Professors Bruce Berner, Robert Blomquist, Ivan Bodensteiner, Jack Hiller, and Alfred Meyer, and Professor Emeritus Louis F. Bartelt served as pallbearers.

The School of Law held a tribute to the life of Charles Gromley on February 3, 1993, at the Tabor Auditorium. The room was packed with former students, colleagues, and members of the bench to hear reflections of his life. The invocation was delivered by David H. Kehret, Valparaiso University Associate Pastor and Associate Dean of the Chapel. Participants included: Dr. Alan F. Harre, President, Valparaiso University;

In the classroom, knowledge was offered to the students as are the words from a Grandfather reading a story to his grandchildren. Real Property was his favorite story. He knew it well, as if he was the original author. For thirty-two years he told the same story to a new crop of VU Law students. But to close each semester he found a new twisted ending to bewilder his class. His exams were respected, even feared, but no matter the grade - no one uttered a vulgarity towards the man in the corner office.

-Kip Winters (2L)
Since Charlie’s untimely death much has been said and written about him. The common theme is that he was a great person and a great teacher, and I have met no one who disagrees. Unfortunately, I never had the opportunity to learn from Charlie in his role as a great teacher in the classroom. However, I did learn from him and I believe that all of us in the legal profession can continue to learn from him.

Even if Charlie had not been a teacher, we would be using the same words in describing him - kind, caring, humble, good sense of humor, hard-working, intelligent, well-prepared, friendly, ethical, honest and thoughtful. Just as important in understanding what made Charlie a great person are some of the words not on this list, such as arrogant, aggressive and greedy. The point is simply that Charlie would have been great in any career he might have selected in our profession. Why is that?

I believe it is because Charlie the teacher cared about his students in the same way Charlie the attorney would have cared about his clients. Can you imagine a client, not entirely satisfied with the result in a matter handled by Charlie, even considering a malpractice action? Charlie, as a practicing attorney, would have treated his partners and opponents as he treated his colleagues here at the law school. Can you imagine opposing counsel even considering Rule 11 sanctions in a case handled by Charlie?

Each of us will benefit from periodically asking ourself “how would Charlie have handled this tough situation?” How would he have dealt with this difficult client or opponent? How would he have addressed this issue in the classroom? We can all benefit from using Charlie as the standard - our role model. To me, that is why Charlie was a great person, why I respected him so much and why I miss him so much.

-Professor Ivan E. Bodenstein
About ten years ago, Professor Gromley and I were sitting at a VU basketball game when a stranger, who had struck up a conversation with Charlie, asked, "And what do you do for a living?" "I'm a teacher," Gromley said simply and without hesitation. A teacher. Not a "lawyer." Not "a law school professor." Not "VU teacher of the year." All true. But not exactly the way Gromley saw himself. He did not on the other hand say with feigned modesty "Just a teacher." I don't think he would ever put a "just a" in a sentence that already contained "teacher." He said he was a teacher because that is what he was and that is what he was proud of.

... His passing leaves me with inexpressible sorrow. I learned a lot more from him than Property and so did everybody else. He was the consummate teacher. And while he now is gone, so long as VU law students of the past thirty-odd years walk the land, he will never be forgotten. Since 1964 I have never been able to think about the Rule Against Perpetuities without smiling, because the Rule, like so many things, cannot be disassociated from the giant who first taught me about it, who cared for it, who cared for me, and who cared that I learned it. And now, when I think of it, there will be tears too; but the smile will last longer.

-Professor Bruce Berner ('67)
While compiling news stories and photos for this edition of *The Amicus*, I came across the November 1992 edition of the law school student newspaper, *The Forum*. A controversy had apparently arisen in a previous edition from the printing of a story that portrayed some members of the School of Law community in an unkind light. Charlie Gromley was noted for his quiet observations of life. When Charlie Gromley spoke, he was certain to convey thoughts of wisdom, experience and most of all, kindness. On this occasion, he chose to write a letter to *The Forum* to express his thoughts on the situation.

Professor Gromley recalled a reading he had encountered shortly after the conclusion of World War II. He said that the reading made sense to him as a young man and it made even more sense to him today. Charlie Gromley shared the following thoughts which bear repeating for us all to contemplate:

People grow old only by deserting their ideals. Years may wrinkle the skin, but to give up wrinkles the soul. You are as young as your faith, as old as your doubt; as young as your self-confidence, as old as your fear; as young as your hope, as old as your despair. In the central place of every heart there is a recording chamber; so long as it receives messages of beauty, hope, cheer and courage, so long are you young. When your heart is covered with the snows of pessimism and the ice of cynicism, then and only then are you grown old.

-Editor

VUSL Faculty, 1961 (Professor Gromley is second from right)
ALUMNI ASSOCIATION BOARD MEETING

The Law School Alumni Association Board of Directors held its annual fall meeting on October 10, 1992. The Board heard reports from Career Services, Admissions, Dean Gaffney and the Indianapolis chapter of the Alumni Association. The Board greeted new members of the Board as well as holding elections for officers.

Several alumni approached the Board with the idea to form an alumni chapter of the Association focusing on environmental laws and regulations. The chapter would be patterned in large part after the Indianapolis chapter structure. Bylaws for the formation of the chapter will be submitted to the full Board at the spring meeting. Alumni with an interest in forming geographic or practice area chapters of the Association are encouraged to contact Beth Henning Guria, VUSL Director of Alumni Affairs at 219.465.7916 for further information.

UNIVERSITY WIDE ALUMNI ACHIEVEMENT AWARD TO '82 LAW GRAD

Katherine M. Gerken ('82) was awarded the 1992 Alumni Service Award by the Valparaiso University Alumni Association at the V.U. Homecoming festivities. Kathy was honored for her outstanding service to the University. She recently completed her term as the President of the University Alumni Association.

GREEN THE EARTH

The Midwest Environmental Law Caucus sponsored a tree planting event to cap the VUSL Alumni Association meeting. With the assistance of Dean Gaffney, Professors Brockington and Hiller, Assistant Dean Cichowski, and Vice President Wehling, numerous MELC members and alumni helped in a project of landscaping a proper environment for Wesemann Hall.

ALUMNI BANQUET

Saturday, October 10, 1992, marked the date for the annual VUSL Alumni Homecoming Banquet, held at Wingfield's Indian Oak Inn located in Chesterton, Indiana. The law school classes of 1942, 1952, 1967 and 1982 celebrated their 50th, 40th, 25th, and 10th year reunions.

THE 25TH YEAR REUNION -- CLASS OF 1967

CLASS OF 1982 -- 10 YEAR REUNION

EXPOSURE TO TOBACCO SMOKE IS MORE THAN OFFENSIVE, IT IS CRUEL AND UNUSUAL PUNISHMENT

By Jeffrey S. Kinsler ('89)

Jeff is a Visiting Professor for Spring semester 1993. He is an associate at the Chicago law firm of Mayer, Brown & Platt.

When the framers of the Constitution prohibited "cruel and unusual punishment," they undoubtedly envisioned punishments such as flogging and branding, not to mention disembowelment and the rack. Such forms of physical punishment are unquestionably cruel and unusual. But what if the government does not inflict physical punishment upon a person, but merely compels him to live in an environment that endangers his health, for instance, a prison cell filled with environmental tobacco smoke ("ETS")? Surely to most nonsmokers prolonged exposure to ETS is offensive, annoying, obnoxious and irritating. But does it constitute "cruel and unusual punishment"?

In McKinney v. Anderson, the Ninth Circuit Court of Appeals recently found that compelled exposure to ETS may constitute cruel and unusual punishment. The Fifth, Seventh and Tenth Circuits have reached the opposite conclusion. Accordingly, the Supreme Court has granted certiorari to resolve the issue.

Horace Greeley's definition of a cigar as "a fire at one end and a fool at the other" may find support in recent studies which discuss the deleterious effects of ETS. In the last ten years, studies have unequivocally linked ETS to lung cancer, heart disease and other fatal ailments in nonsmokers. These health risks were confirmed by the Environmental Protection Agency (EPA) in a report released on January 7, 1993, eight months after the Ninth Circuit rendered its decision in McKinney.

In light of recent studies linking ETS to fatal diseases in nonsmokers, the Supreme Court should affirm the Ninth Circuit's ruling in McKinney. The relationship of inmates to prison officials is one of entrustment. Prison officials are bound to protect inmates not only from physical harm, but also to provide them with safe living conditions. Compelling prisoners to live in hazardous environments, such as smoke-filled cells, is as dangerous, if not cruel and unusual, as many of the punishments envisioned by the framers of the Constitution. It is time for courts to insist that prisons ban smoking or, at the very least, restrict it to certain cell-blocks within the prison.

Section I of this article examines the history of the Eighth Amendment's ban on cruel and unusual punishment, particularly as it relates to prison conditions. Section II explores the medical evidence linking ETS to lung cancer, heart disease and certain other health risks in nonsmokers. Section III analyzes the Ninth Circuit's decision in McKinney v. Anderson and proposes that the Supreme Court uphold the Ninth Circuit's decision, especially in light of the EPA's 1993 Report condemning ETS.

I. Cruel and Unusual Punishment Is Determined By Society's Evolving Standards of Decency

The Eighth Amendment proscribes punishments which, although not physically barbarous, involve the unnecessary and wanton infliction of pain. Among unnecessary and wanton inflictions of pain are those totally without penological justification. Although there was a time when constitutional protections were not afforded to prisoners, it is beyond question today that individuals convicted of crimes retain certain constitutional rights. One of the rights not "checked" at the prison door is the right to be free from cruel and unusual punishment.

A prisoner's conditions of confinement may constitute cruel and unusual punishment if such conditions are not part of the penalty that criminal offenders pay for their offenses against society. An Eighth Amendment analysis of whether prison conditions constitute cruel and unusual punishment "must draw its meaning from the evolving standards of decency that mark the progress of a mature society." Whether a practice violates the "evolving standards of decency" is not determined by each judge's subjective views of society's current standards. Rather, standards of decency are determined by objective factors to the maximum possible extent. These objective factors include current and enlightened scientific evidence as to the conditions necessary to insure good physical and mental health of prisoners. Society's evolving standards of decency are also ascertained by examining statutes and regulations enacted by governmental bodies.

In the last few years, the Eighth Amendment has been applied to a variety of situations relating to the maintenance of a prison inmate's physical well-being. The decisions in this area reflect a well-reasoned principle: while the Constitution does not mandate that prisons be comfortable, the state must provide inmates with a healthy, rehabilitative environment. Exposing a prisoner to an unreasonable risk of a debilitating or terminal disease offends the evolving standards of decency.

In cases involving prison conditions, an Eighth Amendment claim has two parts: an objective component and a subjective component. The objective component is established if the deprivation is sufficiently serious. The subjective component is met if the defendants acted with deliberate indifference to the deprivation.
ALUMNI IN FOCUS: Tobacco Smoke Exposure

To satisfy this two-prong test in an ETS case, an inmate must show that prolonged exposure to ETS posed an unreasonable risk of harm to his health and that the prison officials were deliberately indifferent to the problem.30

II. Exposure to ETS Causes Debilitating and Terminal Diseases

The health risks associated with the direct ingestion of tobacco smoke were initially acknowledged in the Surgeon General's Report of 1964.31 That report suggested a possible link between smoking cigarettes and lung cancer. As a result of the 1964 Report, Congress enacted the Cigarette Advertising and Labeling Act which mandated that the following warning be placed on all cigarette packages: "Caution: Cigarette Smoking May Be Hazardous to Your Health."32 Since 1965, Congress has twice amended the Cigarette Advertising and Labeling Act to strengthen the warnings concerning cigarette smoking.33

The first indication that tobacco smoke was potentially harmful to nonsmokers came in the Surgeon General's Report of 1979, which declared that tobacco smoke is a significant source of indoor air pollution.34 Three years later, the Surgeon General reported that "[a]lthough the currently available evidence is not sufficient to conclude that passive or involuntary smoking causes lung cancer in nonsmokers, the evidence does raise a concern about a possible serious public health problem."35

The breakthrough came in 1986 when the Surgeon General released a report entitled "The Health Consequences of Involuntary Smoking."36 In the preface to the 1986 Report, the Surgeon General declared that "[i]t is now clear that disease risk due to the inhalation of tobacco smoke is not limited to the individual who is smoking, but can extend to those who inhale the smoke emitted into the air."37 The 1986 Report reached three major conclusions:

(1) Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers;

(2) The children of parents who smoke compared with the children of nonsmoking parents have an increased frequency of respiratory infections, increased respiratory symptoms, and slightly smaller rates of increase in lung function as the lungs mature; and,

(3) The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.38

The Surgeon General, indeed, noted that some studies indicate that ETS may be more carcinogenic than the tobacco smoke directly inhaled by smokers.39

The 1986 Report is not without its critics.40 The tobacco industry flatly denies that ETS is harmful.41 Concerning these critics, the Surgeon General warned:

Critics often express that more research is required, that certain studies are flawed, or that we should delay action until more conclusive proof is produced. As both a physician and a public health official, it is my judgment that the time for delay is past; measures to protect the public health are required now. The scientific case against involuntary smoking as a health risk is more than sufficient to justify appropriate remedial action, and the goal of any remedial action must be to protect the nonsmoker from environmental tobacco smoke.42

Studies issued since 1986 have shown that ETS kills more than 53,000 Americans each year.43 About 3,700 of these deaths are the result of lung cancer; most of the rest are caused by heart disease.44 The studies also show that a burning cigarette fills the air with more than 4,000 chemicals, 43 of which are known carcinogens.45

On January 7, 1993, the EPA released the latest study documenting the health hazards of ETS.46 The Report classifies ETS as a first-class carcinogen, rating it along side of benzene and asbestos.47 The EPA estimates that ETS causes more than 3,000 lung cancer deaths per year in nonsmokers.48 That means that one-fifth of all lung cancer deaths caused by factors other than direct ingestion of tobacco smoke are due to ETS.49 This is a risk of one in 1,000 -- higher than that of almost any chemical the EPA regulates.50 The spouses of people who smoke face an even higher lung cancer risk: two in 1,000. The EPA also reported that exposure to concentrated ETS, such as in cars or small offices, is especially dangerous.51

The 1993 EPA Report confirms the deleterious effects ETS has on the children of smokers. The agency blamed ETS for 300,000 cases of bronchitis and pneumonia and other lower respiratory infections in children under eighteen months.52 Up to one million children with asthma suffered worse symptoms as a result of other people's smoking.53 The Report also linked ETS to ear infections in infants.54

The 1993 EPA Report has renewed calls for bans on smoking in public buildings.55 It has also renewed criticism from the tobacco industry.56 The tobacco industry contends that the results are premature, that more testing should be done and that its tests have not shown any adverse effects of ETS on nonsmokers.57 These are the same criticisms the Surgeon General rejected in 1986.58
The 1993 EPA Report was released eight months after the Ninth Circuit ruled that compelled exposure to ETS may constitute cruel and unusual punishment. The 1993 EPA Report was recently added to the official record in McKinney. With the addition of this Report, the Supreme Court has every reason to affirm the Ninth Circuit's decision.

III. McKinney v. Anderson

In McKinney, a pro se inmate ("McKinney") brought a civil rights action against officials of the Nevada Department of Prisons. McKinney was confined in a poorly-ventilated, six-foot by eight-foot cell with a roommate that smoked five packs of cigarettes per day. McKinney also faced ETS outside his cell; nearly two-thirds of the inmates in the institution smoked and the prison had very few smoke-free areas. As a result of these conditions, McKinney was constantly exposed to ETS.

In his suit, McKinney claimed that compelled exposure to ETS constitutes cruel and unusual punishment. McKinney allegedly suffered nosebleeds, headaches, chest pains and loss of energy as a result of such exposure. McKinney sought damages and injunctive relief to remedy the alleged cruel and unusual punishment.

At the district court, the magistrate judge found that compelled exposure to ETS does not, as a matter of law, constitute cruel and unusual punishment. The district court also found that McKinney had failed to prove deliberate indifference on the part of the prison officials and had failed to establish a nexus between his various ailments and exposure to ETS.

The Ninth Circuit, reversing in part the district court's ruling, observed that "it is established that exposure to ETS by people who are sensitive to ETS because of pre-existing conditions may constitute cruel and unusual punishment." On October 15, 1991, the Supreme Court granted defendants' petition for writ of certiorari, vacated the judgment and remanded the case to the Ninth Circuit for further consideration. On remand, the Ninth Circuit reinstated its earlier judgment. On June 29, 1992, the Supreme Court again granted defendants' petition for writ of certiorari.

IV. Conclusion

Approximately 53,000 nonsmokers are dying from ETS exposure each year in this country. Millions more are suffering serious ailments due to ETS. The persons most likely to be affected are those exposed to ETS in small offices, cars or poorly-ventilated prison cells. In 1986, the Surgeon General warned that measures to protect the public from ETS are now required. The EPA renewed this warning last month. It is now time for the courts to step in and protect the public from exposure to ETS. This protection should start with one of the most vulnerable groups: inmates who are involuntarily exposed to dangerous levels of ETS.

Ed. note: Due to space limitations, the endnotes to J. Kinsler's text were not reproduced. Upon request, free copies of the complete article will be furnished.
Malcolm Anderson retired approximately four years ago. In his spare time you may find him leading a worship service, singing, or giving residents a biblical message at the Chesterton Health Care Facility. He visits the nursing home several times a year to lead worship services. He is there the first Sunday of every other month and substitutes when scheduled clergymen can't show up. The visits also give him a chance to visit his father, who will be 101 years old on January 10. In addition to his religious activities, Malcolm is a member of Veterans of Foreign Wars Post 2511 and chairman of the political action committee for the state VFW. He was post judge advocate for 18 years, a position through which he performed legal work for the post. He made his living as a Chesterton attorney. Although he's been retired for four years, he continues to go to the office to do legal work. Malcolm comments, "Some people tell me retirement is boring. I don't see how. The world is so full of so many things, you just can't get them all done. You can't keep up. There aren't enough hours in the day."

Richard W. Duesenberg was appointed to the Board of Directors for the Lutheran Brotherhood in September 1992. Richard commented upon the announcement, "I've known LB for many years. One of my earlier recollections of Lutheran Brotherhood's fine fraternal work goes back several decades to a Bach Cantata vespers given in New York. LB was a supporter of that program, making available to contemporary worshippers the finest of Lutheran church tradition. I look forward to serving Lutheran Brotherhood. It's a unique institution, a living witness to the very best of Lutheran Heritage. I intend to serve it well, and am deeply appreciative of the opportunity." Richard is senior vice-president, general counsel and secretary of the Monsanto Company in St. Louis, Missouri.

Delmar R. Hoeppner, of counsel with the Valparaiso, Indiana office of Hoeppner, Wagner & Evans, is co-chairing United Way's Commodore Porter Society.

Judge Anthony J. Cefali of Hobart was recently honored by Governor Evan Bayh with the Sagamore of the Wabash Award. The Honorable Peter Visclosky, United States House of Representatives, presented the award for Governor Bayh at a celebration honoring Judge Cefali's retirement as Hobart City Judge. This award is the highest award the State of Indiana can give to a private citizen. Judge Cefali was Hobart's first city judge, and served in that capacity for 28 years.

Judge Raymond Kickbush of the Porter Circuit Court, was the opening speaker for an Indiana Continuing Legal Education Forum divorce mediation training course held October 13-17 in Merrillville, Indiana. Judge Kickbush was invited by the Southlake Center for Mental Health to address child custody issues, Indiana family law, and the Indiana Supreme Court's administrative rules on alternative dispute resolution.

Pat (Bushong) Tabor is the Executive Director of the Family House, an agency which, in part, provides a neutral setting for non-custodial parents to visit with their children; to maintain that all important contact despite conflicts caused by bitter divorces. In addition, Family House works in conjunction with local school systems, runs latchkey seminar programs to arm children with the information they need to keep themselves safe when they are left alone. The agency also provides a transfer service, affording a neutral drop-off and pick-up point for visitation at the non-custodial parents' homes.

Paul Lacy and his family have relocated to Taipei, Taiwan. Paul is with the accounting firm of Deloitte & Touche.
1967

Michael I. Swygert, Professor of Law at Stetson University College of Law, wrote "Teaching Morality to Law Students: A Response." The article appeared in the summer 1992 issue of the Stetson Law Review. Professor Swygert was also elected into the American Law Institute; he has been appointed to the ALI Consultative Committees for the Restatement of Suretyship and for Article Nine, Secured Transactions, of the Uniform Commercial Code.

1971

Valparaiso Mayor David Butterfield has been appointed vice chairman of the legislative committee of the Indiana Association of Cities and Towns. The committee consists of approximately 40 members from throughout the state. The group will formulate legislative policy and goals, and react to legislation which has been introduced that impacts cities and towns. The committee has also been active in state solid waste planning and studying local government financing.

1972

James Wiesner and Melanie Sterba, 83, are pleased to announce the birth of their daughter, Carlee Renee, 7 pounds 2 ounces, born September 19, 1992.

1973

The Honorable William E. Alexa, Indiana State Senator, has been appointed to the newly created Commission for Juvenile Code and Youth Gang Study to recommend changes in the law to reduce juvenile crime and improve the administration of juvenile justice. Bill was also honored by the Indiana Trial Lawyers Association with the Legislator of the Year Award.

Judge J. Gregory Householter was recently appointed as a new Associate Circuit Judge for the Twenty-First Judicial Circuit of Illinois. Judge Householter has been in private practice with his father in Kankakee since November 1973. Subsequent to private practice, he was a Special Assistant Attorney General handling workers' compensation cases. He also served as a public defender. Since 1990 he has been the statewide president of the board of directors of Prairie States Legal Services. He is also a past vice president of the Kankakee County Bar Association.

Robert J. Lindvall has been appointed to the editorial board of the Illinois Bar Journal of the Illinois State Bar Association, and to the Bench and Bar Section Council of the Illinois State Bar Association.
1975

Stephanie (Schwartz) Gerdes, CPA and manager for Geo. S. Olive & Company, will chair the Porter County United Way's professional division in the coming campaign.


1976

Jeffrey Cefali of Valparaiso, is now in practice with his father, the Honourable Anthony J. Cefali ('55), at the law firm of Cefali & Cefali, P.A., in Hobart, Indiana.

Gregory S. French was recently awarded the Paul Lichterman Award for Outstanding Achievement in Legal Services for Older Persons. Greg, the director of ProSeniors, a non-profit legal advocacy agency for the elderly of Southwestern Ohio, was presented with the award at the Fifth Annual Joint Conference on Law and Aging in Crystal City, Virginia. The Award is presented by the ABA, AARP, the National Senior Citizens Law Center and the Center for Social Gerontology. Greg has also assisted in the development of the area of guardianship reform as well the drafting of a new living will and durable power of attorney for health care forms which were jointly endorsed by the Ohio State Bar and State Medical Association. Greg, his wife Dianne, and their three children reside in Cincinnati, Ohio.

Steven A. Hale has been appointed LaPorte County chief deputy prosecuting attorney.

John J. Horeled was recently appointed to serve on the governing body of the Illinois State Bar Association's General Practice Section Council, a group of approximately 5,000 attorneys throughout the state engaged in the general practice of law. John maintains a private practice in Crystal Lake, Illinois.

Paul Kruger is employed by Hill International, based in Willingboro, New Jersey, where he specializes in investigating construction claims. He has been stationed in England with the Channel Tunnel Project since May 1990. The tunnel runs beneath the English Channel. Paul has been involved in this construction for the past two years. Paul commented: "Considering the complexity, uniqueness and magnitude of the project, I don't think it's unusual to have problems that need arbitration." He said his degrees in engineering and law have proved invaluable. While his work has been behind the scenes, Paul was down in the tunnel twice before the boring broke through, connecting England and France. The tunnel project is actually three tunnels - a tunnel for France-bound trains or shuttles, one from France for England-bound trains, and a service tunnel between them. The distance is approximately 35 miles. The tunnels lie approximately 150 feet below sea level. Paul hopes to ride one of the early shuttles through the tunnel before it is opened to the public.

Sally Cannon Loehrer was sworn in as a District Court Judge in the Eighth Judicial District of Nevada on January 4, 1993. Sally becomes the second woman on the District Court. She began her legal career following graduation from VUSL as a defense lawyer in Prescott, Arizona. She then went to work in the Clark County, Nevada District Attorney's office in both criminal and family support divisions.

She left the D.A.'s office in 1984 to join the Las Vegas law firm of Wanderer and Wanderer. Sally was appointed by Governor Bob Miller to take over a department vacancy left by an election to the Supreme Court of Nevada.

Barbara Young, a partner with the law firm of Hoeppner, Wagner & Evans, is directing this year's Porter County United Way program. She has served two terms on the board of directors and was elected President in 1985.

1977

Paul J. Schlesinger and his wife Leslie, are pleased to announce the birth of their son, Neil Jeffrey, born September 11, 1992, weighing 9 pounds 7 ounces.

1978

Judge Paul D. Stanko retired from the Superior Court of Lake County, Indiana on September 15, 1992. He is opening a law office and mediation practice and will be doing court and management consulting. Paul also joined the Schererville office of Century 21 Heritage as a Realtor Associate. Paul writes a bi-monthly newspaper column for the Lake County Star on legal topics.
Wiley H. Wells has been appointed Vice President of Contracts for Magnavox in Fort Wayne, Indiana.

Steven Purtell has become associated with Fidelity Investments as a stockbroker. Steve is also a reserve Judge Advocate at Ft. Bragg, North Carolina.

1979

Diedre A. Burgman has been named Senior Vice President and General Counsel of the New York State Urban Development Corporation.

Glen Dobosz and his wife, Suzanne, spent last year traveling the Amazon studying environmental issues; this year they traveled to Churchill, Manitoba to study polar bears. Glen is a partner with the law firm of Brady, McQueen, Martin, Collins & Jensen in Elgin, Illinois. Glen also teaches taxation part-time. They have two children, Adam, 11, and Dana, 7. They reside in Dundee, Illinois.

1980

Mary Jill Sisson of Hoeppner, Wagner & Evans married Paul Rake, of Eichhorn, Eichhorn & Link on January 2, 1993.

1981

Roy Portenga was appointed to the Board of Directors of the Muskegon Community College Alumni Association. Roy was featured as their 1992 commencement speaker. He is a partner of the Muskegon, Michigan law firm of Libner, VanLeuven, Kortering, Evans & Portenga.

1982

Rick Gikas was appointed Crown Point Assistant City Attorney by Crown Point City Attorney John Kopack. Rick is replacing Roy Dominguez, '82.

Rogelio (Roy) Dominguez, Chair of the Indiana Workers’s Compensation Board, was elected Vice President of the Central States Association of the International Association of Industrial Accident Boards and Commissions. He will succeed to the presidency in 1994, when the Central States Association is slated to meet in Indianapolis.

1983

Scott Chase married Michelle Miller on March 2, 1991. On January 22, 1992, Scott and Michelle welcomed their first child, Austin Towasley. Scott is associated with the law firm of Nigro & Westfall in Glendale Heights and Michelle is an attorney with O'Donnell, Murtaugh & Coghlan in Lombard. They reside in Aurora, Illinois.

Walter M. and Sally (Schalk) Kaminsky are pleased to announce the birth of their son, Stephen Michael, born June 13, 1992. He joins brother Tom, 5, and sister Anne Marie, 2. Walter is a partner in the firm of Terpstra, Black, Brandell, Kaminsky and Hoffman, in Elk River, Minnesota.

Christa States Laurin has become a partner with the law firm of Kenefick, Gilmore, Bergerson & Laurin, P.C., in Michigan City, Indiana.

Frank Lattal is pleased to announce the birth of his daughter Sarah Lorraine, born June 21, 1992. She joins sister Emily Ann, age 3. Frank is with the law firm of Connell Foley & Geiser in Roseland, New Jersey.

Perry C. Rocco is a founding partner in the new Chicago, Illinois law firm of Menges, Mikus & Molzahn. The firm is comprised of six partners and seven associates, specializing in personal injury and product liability litigation matters. Perry and his wife are pleased to announce the newest addition to their family, daughter Carly, born September 1, 1992. She joins brother, Kyle, age 6 and sister, Heather, age 3.

Frances M. Jagla, '84

Frances M. Jagla was recently elected to the Board of Directors of the U.S. Trademark Association. She joined Abbott Laboratories in 1989 and is a senior trademark attorney. She began her career as a trademark attorney at Miles, Inc. in Elkhart, Indiana. Abbott Laboratories is a worldwide manufacturer of health care products.

1984

Congressman Stephen Buyer conducted much of his successful campaign for the Indiana 5th Congressional District seat by going door to door. He defeated incumbent Jim Jontz by a 51% to 49% margin. Prior to his run for Congress, Stephen was in private practice, specializing in family law.

John T. Savee is an attorney for Radio Free Europe/Radio Liberty in Munich, Germany. Previously John served with the Milwaukee City Attorney’s Office and then served with the Department of the Army Claims Service in Europe.

John Zervos has been promoted to Trust Officer of NBD-Gainer Bank. His responsibilities include administration of pension, profit sharing, self-employed retirement plans, and rollover of IRAs. He joined NBD-Gainer Bank in 1990.

1986

Vernon A. Kowal received his LL.M. in taxation from DePaul University School of Law. He is a principal with the law firm of Athas, Foley and Kowal, Ltd. in Chicago, Illinois.

Michael Lucas and his wife Jean are pleased to announce the birth of their son, Joshua Connor, born July 1, 1992.

Mark W. Rutherford was reelected for the 1992-93 term as Chair of the Criminal Justice Section of the Indiana State Bar Association. Mark appointed Julie A. Newhouse, '87, and Brad L. Varner, '86, to an additional one year term on the Section’s council. James F. Stephens, '88, was appointed to serve his first one year term on the council.

Julie M. Spanbauer received her LL.M. degree from Northwestern University School of Law in August 1992. She is employed as an Assistant Professor at the John Marshall Law School in Chicago where she teaches constitutional theory, employment discrimination law, and lawyering skills.

1987

Joan Dufault and husband Roy are pleased to announce the birth of their twins, Jonathan Roy, 6 pounds 11 ounces, and Suzanne Mary, 6 pounds 7 ounces, born October 26, 1992.

Linda J. Kibler formerly of Eichhorn, Eichhorn & Link, is now associated with Jeanne B. Blumenthal & Associates in Chesterton, Indiana.

1988

Perry Browder has become associated with the Environmental Litigation Division of Kemper Insurance located in Long Grove, Illinois.

Robert B. Scott and his wife, Spencer, are pleased to announce the birth of their second child, Connor Bradley, born March 9, 1992. Robert is associated with McHale, Cook & Welch, P.C., in Indianapolis, Indiana.

1989

Timothy A. Baker received the Best Article Award from Res Gestae, the Indiana State Bar Association’s magazine, at the Annual Assembly Luncheon held during the ISBA’s November meeting in Indianapolis. Tim’s article, Litigating Claims Under the Civil Rights Act of 1991, appeared in the July 1992 issue of Res Gestae. He practices in the area of labor employment and civil rights law for the Indianapolis office of Barnes & Thornburg.

Barbara Bolling is a new committee member of the Lake County Bar Association Committee on Women and Minorities in the Profession.

Jeffrey S. Kinsler is a Visiting Professor at Valparaiso University School of Law for the spring 1993 semester. Jeff is teaching Commercial Transactions II and Trusts and Estates II. He is associated with the Chicago law firm of Mayer, Brown & Platt.
J. Brian Hittinger has associated with the law firm of Hoeppner, Wagner & Evans in Valparaiso. Prior to joining the firm, Brian worked for Arthur Anderson and Company in Chicago, Illinois. Brian and his family reside in Valparaiso.


Daniel L. Moore has formed an Indianapolis law practice, Robinson, Nice & Moore.

Scott Reno has affiliated with the law firm of Menges, Mikus & Molzahn in Chicago, Illinois.

Allen Fore was Campaign Manager for Dave Syverson who ran for the state senate. Allen has been appointed to the Illinois Human Rights Commission. He is with the law firm of Brassfield, Cowan & Howard in Rockford, Illinois.

Michael King has published an article for the Fall 1992 Indiana University Legal Studies Forum, entitled, "The Problem with Meaning in Legal Education". The article, co-authored with Randall Haugen, a clinical psychologist, integrates developmental social science concepts in a critique of the law school curriculum.

Douglas P. LaLone and his wife Joanne are pleased to announce the birth of their son, Nicholas Peter, 9 lb. 10 1/2 oz., born October 23, 1992. Doug, Joanne and Nicholas reside in Bloomfield Hills, Michigan. Doug practices with the Troy, Michigan firm of Harness, Dickey & Pierce.

Timothy Williams married Cameo Christie of Cadillac, Michigan on October 17, 1992. Tim has associated with the Law Office of La Rae G. Munk in Beulah, Michigan.


James R. Admire has associated with the firm of Jones, Johnson & Gray in Franklin, Indiana.

William J. Beggs is an associate with the firm Burger Robertson Kelly & Steger in Bloomington, Indiana.

Terry R. Boesch has become associated with the law firm Spangler, Jennings & Dougherty, P.C., in Merrillville, Indiana.

Jane E. Brockman is Staff Counsel for the National Legal Center for the Medically Dependent and Disabled in Indianapolis.

Alexander Brown has associated with the firm Drager, O'Brien, Anderson, Burgy & Garbowicz located in Eagle River, Wisconsin.

Gary L. Colasessano is a Public Defender with Marion County Municipal Courts in Indianapolis.

Kathleen Campbell has become associated with the firm Burke & Lipton in White Plains, New York.

Jill Marie Droster has joined the Highland, Indiana firm of Hilbrich, Cunningham & Schwert.

David A. Farmer has become associated with the firm Self & Giampoli, Ltd., in Aurora, Illinois.

Carolyn Fehring is an associate with Spangler, Jennings & Dougherty, P.C., in Merrillville, Indiana.

Jill Marie Fogg is employed with Legal Services of Eastern Michigan in Flint, Michigan.

Gina Folta Bartozek has associated with the firm of Thomas, Burke & Phillips, P.C., in Phoenix, Arizona.

Nicholette A. Giuffre is President of Terra Purus, Ltd., Environmental Consultants in Milwaukee, Wisconsin.

Leonardo R. Hernandez has become associated with the firm of Ravich, Kostek, Tobin, Oleckna, Reitman & Greenstein in Rahway, New Jersey.

Craig P. Jennings is clerking for Attorney Dean S. Jennings in St. Joseph, Michigan.

Morris Kelsay has opened a private law office in Marion, Indiana.

Lori L. Likes associated with the Valparaiso law offices of James V. Tsoutsouris, '67.

Richard Lobbes has opened a private law office in Allendale, Michigan.

Amy Lawrence Mader has joined the South Bend office of Baker & Daniels as an associate.

Kathryn Makra has been appointed Deputy Prosecuting Attorney for the Porter County Prosecutor's Office in Valparaiso.

Lynn Malkowski is an associate with the firm Ruman, Clements, Tobin & Holub in Hammond, Indiana.

Judith Massa has become associated with Eugene C. Ryding, Attorney at Law, in Portage, Indiana.

Teri L. Meade has become associated with the Chicago law firm McKenna, Storer, Rowe, White & Farrug.

Mark A. Miller is an associate with the firm Berry, Moorman, King & Hudson, P.C., in Detroit, Michigan.

Erik W. Nielsen has joined the Chicago firm of Clausen Miller Gorman Caffrey & Witrous, P.C., as an associate.
CLASS ACTIONS

William J. Nelson, Jr. has associated with the Law Offices of Craig V. Braje in Michigan City, Indiana.

John D. Papageorge is an associate with the firm Timothy F. Kelly & Associates in Munster, Indiana.

Michael Resener has associated with the firm Zoeller & Zoeller in Indianapolis.

Kris Sakelaris and Donna J. Guydan, have formed the firm Costa-Sakelaris & Guydan, P.C., in Hammond, Indiana. Kris is President and Donna is Secretary/Treasurer.

Ericka J. Schumacker is an Assistant State's Attorney for Macon County State's Attorney in Decatur, Illinois.

Karen M. Smolnicky has associated with the firm of Peter L. Benjamin in Merrillville, Indiana.

Matthew D. Soliday associated with the law firm of Rice & Rice in Portage, Indiana. Matthew recently married Karen Guenther of Chesterton. The couple resides in Valparaiso.

Christine Sulewski is an associate with the firm Newby, Lewis, Kaminski & Jones in LaPorte, Indiana.

Michael A. Trippel has become associated with the firm of Thorne, Grodnik & Ransel in Elkhart, Indiana.

Bernard L. VanWormer is a Revenue Officer with the Internal Revenue Service in Merrillville, Indiana.

Tod A. Wanta has associated with the firm Trapp & Hartman in Brookfield, Wisconsin.

Ralph D. Wyngarden has joined the Grand Rapids, Michigan law firm of Twoney Maggini as an associate.

Zhao Xiao-hua is interning for the Reporters Committee for Freedom of the Press in Washington, D.C. The committee provides legal advice to journalists throughout the country.

IN MEMORIAM

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

Aldo J. Simpson Class of ’14
Florentino Prieto-Azuar Class of ’25
Alvin M. Arnold Class of ’30
Rudolph G. Smatlak Class of ’36
William J. Grotheer Class of ’47
Help the new Alumni Affairs Team by locating lost graduates. The School of Law has no current mailing address for the Alumni listed below. If you have any information regarding your fellow Alumni, please contact the School of Law at (219) 465-7849 or write to Alumni Affairs, Valparaiso University School of Law, Wesemann Hall, Valparaiso, Indiana 46383.

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Class of 1936
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Carl M. Franceschini
Gilbert W. Herberg

Class of 1937
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Raye Anderson Thober
William F. Yelsik

Class of 1940

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Ralph Weatherwax
L. Michael Yoder

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Frederick D. Lowrance

Class of 1990
Michael Jusko
Madge Sanders
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News or Comments: (Attach additional sheets, if needed, or copies of articles. Photos are welcome!)

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