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On October 3rd, 4th, and 5th, Robert B. Bork, Associate Director of the American Bar Foundation, delivered three lectures entitled "The Valparaiso Experience in the Context of American Legal Education." The foreground speaker on American legal education, delivered a series of three lectures entitled "The Valparaiso Experience in the Context of American Legal Education" in honor of the School of Law's Centennial. President Stevens was born in England, educated at Oxford and Yale, practiced law in London and New York, taught at the Yale Law School and served as Provost at Tulane before going to Haverford. He has written widely on the history of legal institutions both here and in England. His first lecture traced the evolution—during the period of institutionalization—of the structure of legal education. He started with the opening of the law department of the Northern Indiana Normal School (Valparaiso's early name) in the fall of 1879, a time when Indiana, by its constitution, appeared to open the profession to "every voter of good moral character." But, he showed, this had no expansive or leveling effect on the structure of bar or qualitative effect (compared with other states) on the law that flowed through its courts. There was a demand for a legal education, as profession and liberal rules of admission did not have the apparent effect on the court that modern education has had on the court.

Flashing back, he noted that the 1820's had seen the refounding of law schools (after their earlier decline) and a swing to greater interest in "the more organized side of bar life." Those "other changes in the bar and education were the result of "the most laissez-faire society the world has ever seen responding to the desires of a growing middle class."

Law had become a vehicle for upward mobility in America and provided a new "safety valve" to partially replace that which closed with the western frontier. Law became a "boom industry"; the number of lawyers nearly tripled between 1850 and 1880 and the number of law schools more than tripled during the same period. Too, economic and social changes began to produce the larger law firms.

When our law school was launched Columbia was the flagship of legal education, flying under the banner: "All before practice is the true watchword." (challenging practitioners who insofar as they had really kept up with the 1840's and 1850's had required law office apprenticeship). Columbia's educational program was being held up as a model of such apprenticeship held (and controlled) in an academic setting. Such changes were accepted by the bar, and by 1870 the law journals began to appear, quickly becoming strong voices for improvements in institutional legal education and higher standards for the bar. The leadership of the bar was also pushing for a meaningful bar exam. By 1860 all states but Indiana and New Hampshire had a bar exam, though they were oral and informal. The written exam came to be generally accepted by the end of the century, and the "unworthy" had to be excluded. The bar was becoming professional—and undemocratic.

Bar associations sprang up. The ABA was founded in 1878 and set about raising the standards of the profession. From "which successes as American legal education had had before the Civil War had been achieved through the property of the schools. These were generally not part of a four-year liberal arts curriculum but, rather, in competition with it, on law credit instead. A five-year program as was the case when entered the Northern Indiana Normal School. This commenced work on the court that flowed through the end of the nineteenth century. Near the end of the century a second wave of proprietary law schools came along, competing with the growing number of state university law programs. These also appeared legal education in the YWCA. During this period it seemed that other undemocratic forces were at work, this time to keep blacks, Jews and immigrants out of the bar. He traced the growth of standards of the ABA and the AALS (founded in 1917 and 1905, respectively) which required a three-year law school experience and of the prerequisites of graduation from high school. The early 20th century saw other changes including an increase in the number of bar schools, the latter drawing the fire of both ABA and AALS.

By 1917 no state required admission to law school as a condition to taking the bar exam or admission to practice. But the ABA and AALS kept pushing and by the 1920's this effectively insinuated themselves into the profession of influence that they now have.

continued on page 3

DT Lecture: Berner Discusses Pinto Case

Over 100 people attended a speech given by Professor Bruce G. Berner on the Ford Pinto case, which was held on Friday, October 19th, in the court room. Berner was sponsored by DTP Legal Fraternity. Professor Berner is one of two special deputies who were assigned to the sanctions of auto manufacturing fault for an alleged model design defect. There have been cases of a design defect in civil courts pertaining to the Pinto.

Berner continued, "The second accident theory law requires that the manufacturer makes sure the injuries aren't advanced because of the car's design." Berner stated that among the defenses used by Ford were Ex Post Facto, pre-emption and corporation liability. Berner said that Ford put the greatest weight on the pre-emption doctrine. This doctrine provides that federal regulation on the auto industry can run counter to state law. Berner pointed out, however, that the court has ruled that the law is clear enough to support prosecution.

Berner explained that if Ford is found guilty of reckless homicide, the court could fine the corporation $10,000 on each of three counts in addition to a jail sentence. Since a corporation cannot serve time, there is a possibility that the fine could be increased through application of the alternative sentence statute. Professor Berner stated that this statute allows the court to fine in excess of the maximum penalty. After the lecture, a reception was held.

continued on page 3
...
The period from the '20s to the present day has brought more increased standards for the ABA and AALS in an effort to improve the quality of legal education and therefore the bar. By 1950 three years of professional law was the norm and four years by the early 1960's. The two-year law school grew to three, and the bar was more "elite" with the good and bad that that implies.

The second lecture dealt mainly with the evolution of legal education. Corporation law and the opening of Valparaiso University School of Law (under its former name) were the birth of the modern law school. Professor Columbia taught a case method and the appointment of the first genuine academic lawyer (James Barr Ames 11/17) along with the Harvard curriculum to name the "scientific" approach to law as a university subject. Langdell, Stevens said, law was only as scientific as the case method and "the practical way to legal competence." Langdell's method spread widely throughout the American law schools, but not everyone accepted willingly. Many law teachers and deans resisted it. However, appearance of the "new orthodoxy" was invariably linked with rising standards wherever it went, the law reviews sang its praises. So did college or university presidents, for it proved financially attractive as well. The AALS also approved. By 1961 Valparaiso was two years too little time was spent in the first year on too much on legal doctrine, and the bar was more "elite".

In the 1920's was at Valparaiso the first law school to undertake a course of this nature. It was the first to attempt to teach legal reasoning skills and teaching methods of legal practice and make modifications in the course as it progresses, the first year of legal work may take three years. However, with the continued support of the faculty and teaching assistants, and the patience and enthusiasm of faculty and teaching assistants, and with the support of the students, we hope to continue in our curriculum to meet sound educational and professional goals.

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PPL is designed to achieve a number of goals through traditional and innovative teaching methods. Research and writing continue to be emphasized in the course. More and different forms of legal writing are being done, although assignments are generally shorter than those formerly required in Legal Problems. Civil Procedure is taught, partly by having students use the FRCP in simulated cases, drafting pleadings and using the discovery tools. Introductions to the legislative and administrative processes are included, with emphasis on the interrelationship of the more public processes with the judicial process.

Laying skills research and writing will be explored. In this first year, students will conduct interviews, draft pleadings, statutes, and regulations, negotiate a pre-trial order, and present oral arguments at the trial and appellate levels.

THE FORUM

Valpo Pioneers 'Perspectives'

Video taping interviews, learning the legal process, writing opinion letters, proposing agency regulations, drafting interrogatories--as upper-level students watch their first-year colleagues in action, they may well wonder what is happening. The cause of all of this activity is Perspectives and Problems in the Law (PPL), a five-credit, per-semester course in the first-year curriculum.

Directed by Professor Bodenstein, and taught by him and Professors Goodwin, Gianapp, and Downs, PPL is the result of an ongoing study of the school's curriculum. The faculty felt that in the past, too little time was spent in the first year on the public processes of law. Many law professors opposed teaching students about constitutional law and space resources. Next semester, participants will enroll in a three-credit Civil Procedure course which will detail areas such as jurisdiction, venue, complex litigation, and res judicata.

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The change in the first-year curriculum will obviously have an impact on the school as a whole, more significant than additional use of the library and space resources. Next year, PPL participants will enroll in a three-credit Civil Procedure course which will detail areas such as jurisdiction, venue, complex litigation, and res judicata. After the first two years of law school, PPL participants will enroll in a three-credit Civil Procedure course which will detail areas such as jurisdiction, venue, complex litigation, and res judicata. PPL participants, and with the support of the students, we hope to continue in our curriculum to meet sound educational and professional goals.

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SBA Picnic Features Food, Softball Tourney

On September 29, the law school community celebrated the driest month in Valparaiso history at the SBA picnic. With the contributing support from most of the other law school clubs, Krodel’s Kouncil provided students, faculty, administration, and their families with a fun-filled day at Bicentennial Park.

BALSA’s volleyball set-up created entertainment and thrills all afternoon. For future reference: if you want to insure a victory in a volleyball game, just have Professor Stevenson play for you and keep score. I guarantee that you will score at least 18 points in a 15-point game.

The tennis tournament was also a forum for athletic highlight of the picnic with the softball tournament. Bodenstein barristers annihilated three different student teams by a final unofficial total of 20-3. (See The faculty only “annihilated” one of the student teams in the tourney. See petulant, whining article elsewhere in this issue. — Ed.) Sterling performances were turned in by the entire faculty but special praise goes to Prof. Berner and “Boog” Breitak.

Every good picnic mixes food with the games and the estimated 280-300 guests feasted on a classic menu. With Mike Drayton operating three grills, the crowd walloped down 100 wiener, 160 “Drayton burgers”, 30 pounds of chips, and 20 pounds of cole slaw.

The crowd chased this grub with 100 cans of soda pop, and one keg and several cases of brew. The major flaw in the planning of this picnic was the inadequate supply of soda pop. Hopefully this problem will be solved for the next party or picnic.

Special acknowledgements go to WLSA for picking up the burgers, chips, and hot dogs, and to Jill and Mike Drayton for cleaning up the mess early the next morning.

Everyone enjoyed themselves but probably no one more than Jon Dilts who spent the better part of the afternoon on the playground.

— Jeff Eggers

CAPTIONS (from top to bottom)

1. Prof. Doug Kanele gallops around the keystone sack as two members of the student softball squad wait for the ball from the outfield.

2. “Doughboy” Mike Drayton fries up some burgers and tube steaks for scores of voracious students, faculty, and family members.

3. Prof. Ivan Bodenstein, who captained the faculty softball team, makes contact with the ball in the fourth inning of the student–faculty contest.

4. First-year student Deb Williamson offers up a serve to ready (?) opponents during volleyball action.

5. Acting Law Librarian Matt Downs (here acting as an athlete) kills a faculty rally with a weak pop-up to the right side of the infield.

6. Student spectators enjoy the sunny weather as DTP member Dave Braatz imbibes a refreshing brew after displaying three innings of incompetence on the softball diamond.
my perceptions and pass them out in the bar. Everyone gets a fragment. Except perhaps the woman. There is no connection between this me and this woman. We have been looking for it for hours. With clumsy words I try to tell her about the context, the links in an (unordered) chain. "I can’t talk to you," I tell her, "for you, I can only uneasy. You have to love me!" I might be transparent. You might be astute. Words are, after all, clumsy, but humor can be peripherally refined; e.g., "I keep all my mysteries in a brown paper bag, with an empty beer bottle to keep them fresh.") My reflection in the Tarot deck is the Knight of Cups. I know all about sex. I have on twelve rubbings right now" says the Four of Spades, a varnished fellow. He dropped out of law school to become the prairie dog for Taylor’s group. "When," I reply, a poly- ester vampire attacks, grab a hot iron and hold it out in front of you. He can’t tell I’m not myself and let it drop. All you have to pay is everything you have. Otherwise it’s a certain form of quitting. Small sentences are (at least) sentences.

4.

I am sleeping away the pain. I am writing a letter to my grandfather (be of the firm and exacting, eye), to tell him I have perceived a woman clearly in black and white. To tell him I have performed all the magic I know to conjure her again. And failed, at the magic or patience. I have a caterpillar. It eats everything. I go through a prodigy of eating, and I begin to feel empty.

The old forms are abandoned. In spite of them. I ask everyone I meet, "Is consistency a virtue? Or is inconsistency a virtue?" Hotchkiss and I add responsibility for all my actions. Would you have given me my iliconceived questions and leave me to make straw baskets to learn how to read the texture of visual phenomena (the thing itself, not its image). Pang turns his back on poetry, and maybe God made a special hell just for him. Just because we’re his children, must we

follow him like shadows of sheep, like sheep of shadows in the cave? Heraclitus will have to teach us how to swim.

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SOCCER, Anyone?
Due to lack of interest the BARD soccer team eliminated itself. However, before self-destruction the team gained one win through forfeit. The one win netted 100 All-Sports Trophy points. A value in apathy? Only at Valparaiso!

2L Make Playoffs, Finish Fourth Overall

A new team arrived on the scene this year to represent the law school in the intramural football league. The name of the team was 2-L, and in its first year of existence the squad fought its way into the playoffs after being stopped by Theta Chi 12-6. Before meeting Theta Chi, 2-L faced Dau South in the first round of the playoffs. The result was a 34-0 romp as Tom Storm paced a rejuvenated offense by passing for five touchdowns.

On the receiving end of two of those aerials was Nelson Chipman, while Mike Langer also flagged down two Storm passes in the backfield. The defense, which had carried the team through the first half of the season, recorded another shutout and also contributed two points to the final tally by forcing a safety.

In the second round of the playoffs, however, 2-L's fortunes were to take a turn for the worse as they ran straight into the team that was eventually to win the league championship. Theta Chi began the game by scoring a quick touchdown on a quarterback roll that caught 2-L's defense drawing up to stop the run. This was followed by a one-point conversion on a quick look in the backfield.

Midway through the first half, however, with Theta Chi leading 12-0, James Smierkowski, a team member of the intramural league, scored to return it all the way for the TD; Theta Chi, 19-0.

This was to be all, the scoring for the 2-L unit, though, as Theta Chi added six points in the second half to preserve the victory. Two-L did threaten late in the game, but on fourth and long Storm's pass chased wide receiver Mike Langer just out of the endzone to end the threat and 2-L's season.

The season featured a number of promotions, in an attempt to make 2-L a household name. Among the promotions featured during the season were: picture day, fan appreciation day and of course a game day coming. The promotions, the brandishment of defensive cornerstone Doug Bobillo, with the most part successful, except for picture day which was marred by center Jeff Eggers Rotter fared better posting wins of 46-49 and 10-3.

The tourney is a single elimination bout with the first round set to begin for BARD on Friday the 29th of September two weeks ago with a heartbreaking loss to Theta Chi, 7-4, in the intramural touch football championship.

The runner-up team, quarterbacked by third-year student Jay Polkman, started the scoring in the second half with a pass to Ed Diersen flying a straight pattern down the left side of the field. The aerial connected on the 10-yard-line and Dienstik took it in the 76th of the game.

Theta Chi came back two plays later, though, with a TD and then converted the extra point to take the lead. Although BARD posted a substantial threat in the final few minutes of the game, Theta Chi gained possession for the final minute of the round of tournament action.

The law school squad then edged out the Phi Peis, who handed BARD its only loss during the season, 6-0, and blanked the Phi Sig 9-0 to reach the final game.

BARD posted a 4-1-2 mark during regular season play to capture second berth in the Frat A League.

BOAT AGAIN
Saturday the 29th of September saw law school tennis action at Andover Park. "Singles" was the name of the game as 15 athletes participated in the intramural single elimination shootout. The faculty representatives, Al Meyer and Bruce Van Hunkelen, made appearances but fell by the wayside in early rounds. Play was set to begin at 10:00a.m. and by 3:000 the afternoon four players remained.

Pepper Goad beat David Kolbe by a 10-0 score to reach that spot and he faced Rich Cagen, who came off a win over Cliff Johnston for the quarterfinal. Ivan Bodenstein defeated Mark Frauderker for his spot in the quarter finals and beat the battled Mark Smith, who beat "Florida" Meyer, 10-1.

Goad and Smith squared off for the final match after beating their respective opponents 10-7 and 10-6. The championship was regular set play, best two-of-three. Goad defeated Smith 6-3, 6-3 to take the crown.

TEAM GOLF
The boys with the sticks edged their way up in the standings by posting a 5-1 record with two matches yet to be played. Play is by a team of three each playing a particular opponent (as in tennis). The team gains a win or loss based on the performance of each team member.

Against DTP the team was between Irvin Sonne and Brad Hartmann who had finished second the previous season. The team members include such veteran talent as Rapid Robert Palmer, Ted "Hammer" Unmell, Leapin' Lee Smeister-play, and Greg "Hot" Rotter. Newcomers Jeff "The Stretch" Gaylen, Jim "Hot Hands" Hudson, and James "Dashing" Dungy, and second-year student Dave "Kraah" Kolbe round out the team.

The tourney is a single elimination bout with the first round set to begin for BARD on October 30 at 8:00 p.m. Good luck, gentlemen.

To see the entire story in print, please call us at 462-2665 or contact your local printer or newspaper.