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the Amicus

VALPARAISO UNIVERSITY SCHOOL OF LAW

Spring 1997



■ *A Call for Increased Investment in America's Youth: Jesse Jackson opens Law Review symposium*

■ *Valpo Lawyers in "The Loop": Inside Chicago Mega-firms*

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Once again *The Amicus* features selected alumni who practice law within a common setting. Past issues have looked at the careers of in-house counsel within Fortune 500 corporations; of judges sitting at the trial and appellate levels; and, of lawyers practicing law in the public interest. The last issue focused on alumni in very small or solo practices. Offering a flip-side to that perspective, this issue examines the careers of three alumni who are partners in some of Chicago's largest law firms: Sharon King '57 of Sidley & Austin; Donald Seberger '80 of Jenner & Block; and, Deborah Schavey Ruff '86 of Mayer, Brown & Platt. Although their practice specialties are as different as can be (federal taxation, international transactions, and patent law), all three have found a professional home inside prominent, general practice "mega"-firms.

Also in this issue is a story from the law school archives about Robert Bailey, Class of 1909, a trial judge in West Virginia who, after sentencing a man to be hanged, led the effort to save that same man's life. I hope you will find it as fascinating to read as I did to research.

The Rev. Jesse Jackson visited Valpo in November to open the Law Review's symposium with a compelling speech given before a packed house in the Chapel of the Resurrection. Symposium Editor Michael Terwilliger and his Law Review colleagues, with assistance from Dean Edward McGlynn Gaffney and Professor

Richard Hatcher, put together an impressive two-day conference. Inside, Mr. Terwilliger tells why and how the symposium topic was selected, how the programming was developed, and what it accomplished.

I thank Curt Cichowski for his managing this issue "at arm's length" and, especially, Joy Williams for copy editing the feature articles.

Greg Rutzen

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the Amicus

VALPARAISO UNIVERSITY SCHOOL OF LAW

Volume 10, Issue 1

Spring 1997

Features

Standard of Excellence

Sharon L. King '57 of Sidley & Austin is one of Chicago's premiere federal tax attorneys.

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Intercontinental Lawyer

Donald Seberger '80 negotiates deals from his Jenner & Block office that land in Asia, Europe and South America.

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Patently Original

Deborah Schavey Ruff '86 is thrilled by hockey, science and her practice at Mayer, Brown & Platt. Her clients are thrilled by her passion—and penchant—for winning.

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The Courage of His Convictions

Having sentenced Clyde Beale to be hanged, Judge Robert Bailey '09 successfully campaigned to save him from execution.

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Making a Life

"We make a living by what we get; but *we make a life by what we give.*" –W. Churchill

Recently endowed scholarships are making a difference in the lives of students who receive the awards, and the donors who gave them.

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VUSL Welcomes New Professors

Three faculty members joined the teaching ranks this academic year:

Alex Geisinger comes to Valpo as assistant professor after serving as an adjunct instructor at the University of Connecticut School of Law for four years, and working as an associate in the litigation department of Day, Berry & Howard in Hartford, Conn. His research interests are in the areas of environmental law, legal history and historiography, and civil procedure. Professor Geisinger has an LL.M. from Harvard Law School, a J.D. from University of Connecticut School of Law and a B.A. from Franklin and Marshall College.

John F. Hart, associate professor of law, was an attorney with Chickering & Gregory in San Francisco (1981-84) and GTE Sprint (1984-86). From 1986-1994, he taught at Widener University School of Law. Most recently, Mr. Hart was visiting professor at the University of Illinois College of Law and at DePaul University School of Law. His articles have been published in *American Journal of Legal History*, *Comparative Literature*, *Fordham Law Review* and *Harvard Law Review*. Professor Hart has taught courses in property, contracts, conflict of laws, antitrust, American legal history and professional responsibility. He is a graduate of Yale Law School and Reed College.

Angela M. Marotto comes to VUSL to coordinate the new Labor and Employment Law Clinic. A *cum laude* graduate of Indiana University School of Law – Bloomington, Marotto has practiced labor law with Los Angeles offices of Latham & Watkins, and at Seyfarth, Shaw, Fairweather & Geraldson. Transferring to the Chicago office of Seyfarth, Shaw, Ms. Marotto continued there until leaving private practice in August 1996 to join the Law Clinic. The clinic she runs at VUSL represents low-income individuals across Northwest Indiana with employment discrimination, unemployment compensation, social security, and wage claims. Her students also work on landlord-tenant and other small claims cases.

Ruth Bader Ginsburg to Lecture in Cambridge

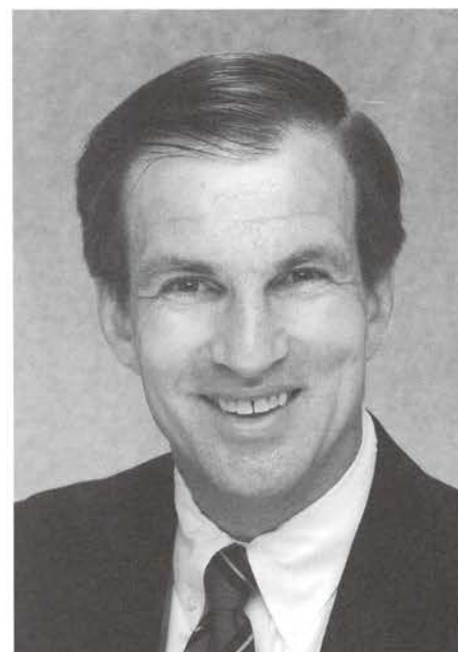
United States Supreme Court Justice Ruth Bader Ginsburg will present a special guest lecture in the course on Gender Discrimination at the VUSL Summer Law Program in Cambridge, England. "Justice Ginsburg also participated in our summer law program in the summer of 1994, and we are delighted that she has found the experience worth repeating," said Dean Edward McGlynn Gaffney, Jr., who will also teach in the program.

Tabor Institute in Legal Ethics Created

Professor Thomas L. Shaffer of the Notre Dame Law School delivered the inaugural Tabor Lecture in Legal Ethics on February 13. Professor Shaffer also conducted a session on ethics with the local bench and bar. Created through an endowment given by VUSL alumni Glenn '58 and



Alex Geisinger



John F. Hart



Angela M. Marotto



Supreme Court Justice Ruth Bader Ginsburg

Patricia '62 Tabor, the Institute will conduct annual continuing legal education sessions and lectures dealing with legal ethics.

Environmental Law and Labor Law Clinics Open

The School of Law expanded its clinical programs last fall to include environmental and labor law. The new clinics join VUSL's family and criminal law clinics.

Eight students, primarily 3Ls, are currently part of the environmental law clinic. The students handle legal issues for clients such as Save the Dunes Council, Grand Calumet Task Force and the Lake Michigan Federation.

Assistant professor Alex Geisinger supervises the clinic. Citing the need for an environmental law clinic in Northwest Indiana, Geisinger notes that "The law suggests individuals and smaller groups somehow will have these clinics or services available to help them with legal issues. We provide that service."

The clinic's efforts are focused primarily on pollution and emission problems, with the intent being to prosecute those intentionally violating permits. The clinic also assists small industries with compliance matters.

In the labor and employment clinic, nine students work primarily on disability cases and cases of discrimination based on race, sex, age, pregnancy or sexual harassment.

As with the environmental law clinic, students in the labor and employment clinic get "real experience." Angela Marotto, adjunct professor and supervisor of the clinic, notes that not many law schools have labor law clinics. "It's a draw for students to VUSL. I had a student argue in the 7th Circuit Court of Appeals in Chicago. Many practicing lawyers haven't had the opportunity to do that."

Health Law Association Sponsors Race

The First Annual "Ambulance Chase" road race will be held on Saturday, April 12, 1997 at 10:00 a.m. The event will include a 5K Run and a 5K Fun Walk around the V.U. campus. The race will bring together all members of the VUSL community for exercise, fun and a chance to see friends and colleagues outside the classroom or court room. Alumni interested in participating should contact Ms. Kristi Fox at 219/259-7509.

Honor Role of Donors Corrections

The report of the 1996-97 Dean's Annual Campaign, distributed to alumni in December, contained the following mistakes:

Marie Greenhagen was inadvertently omitted from the donor list.

The report failed to indicate that Robert Murphy has made gifts each of the past three years.

Valparaiso University School of Law apologizes to Ms. Greenhagen and Mr. Murphy for these inaccuracies.

Jessie Jackson Opens Symposium on Teenage Violence and Drug Use in America

It was standing room only in the Chapel of the Resurrection with the crowd eagerly awaiting the arrival of the Rev. Jesse Jackson. Rev. Jackson would deliver the keynote address to open a national symposium on teenage violence and drug use hosted by Valparaiso University School of Law and the *Valparaiso University Law Review*. Upon receiving word Rev. Jackson would arrive a few minutes late, Dean Edward McGlynn Gaffney took the podium. "Please take out your hymnals and turn to . . ."

The final strains of Amazing Grace were still bouncing around the Chapel rafters when Rev. Jackson arrived. Entering through the main lobby, Jackson proceeded down the long aisle receiving thunderous applause. Law school professor

Richard Hatcher introduced his long-time friend, recounting the many highlights of Jackson's career and his continuing national and international prominence in the realm of social policy and the pursuit of justice.

Recognizing that teenage violence and drug use frequently results from the harmful environment young children must often endure, Jackson called for continued investment in America's children. "Prenatal care, Head Start and day care on the front side is the alternative to jail care and welfare on the back side," said Jackson in an interview after his speech. "Cutting these programs often leads to premature deaths and jails. These are our children. Shall we lift them up or lock them up?"

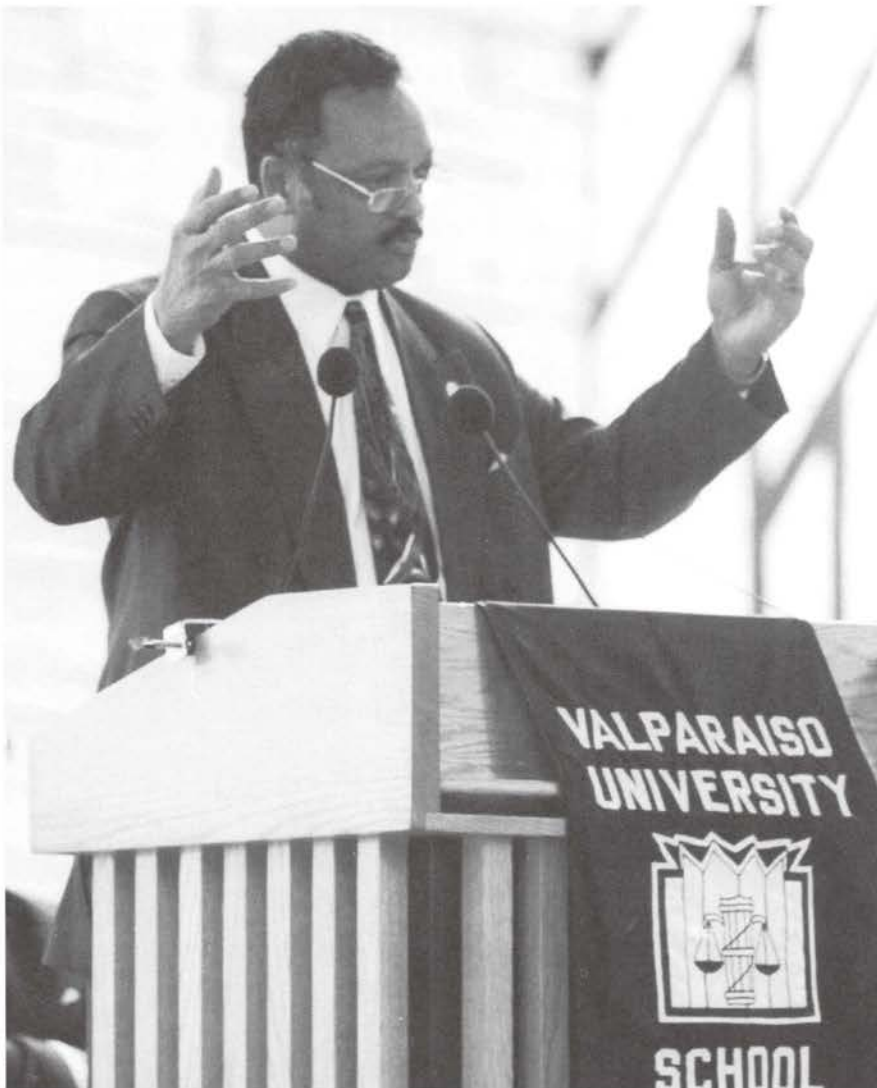
Symposium Editor Michael Terwilliger explains how the two-day conference developed.

-editor

Guns and Gangs, Drugs and Death

While many of our public schools, especially those in urban areas, are decaying, new prison construction is at an all-time high. Public policy in the area of criminal justice seems to favor the allocation of funds to incarcerate more and more youth rather than to prevent crimes committed by them in the first place. How can we expect our inner-city youth to grow up and contribute positively to our society when we do not give them the tools they need to build such a future? Those who view the present crime policy's narrow focus on incarceration as fundamentally at odds with the goals of crime prevention and rehabilitation are left with one option — do something about it. *The Valparaiso University Law Review* is one group who has decided to do something about it.

This past November, VUSL became the gathering place for "heavy hitters" in the area of criminal justice when the *Law Review* hosted a national conference on teenage violence & drug use. The



Photos: Rob Wehmeier

Reverend Jesse Jackson gave the keynote address to the conference at the Chapel of the Resurrection. Attended by more than two thousand people, his comments were a moving and hopeful message that such a conference was worth our time and energy. Five panel discussions followed over the course of the next two days which included the nation's most distinguished criminologists and legal scholars, as well as eminent physicians who have been actively working on the substance abuse issues surrounding the conference.

Professor Jack Hiller initiated the idea for a symposium on crime policy involving young people after reading *The Real War on Crime*. Dean Edward Gaffney then proposed hosting a conference to precede publication of the symposium. After agreeing to such a course of action, the *Law Review* was fortunate enough to have the Dean's help in assembling the highly celebrated panels, many of whom contributed to the book that first sparked the notion for the symposium. Professor Richard Hatcher was also involved in this process and was instrumental in bringing Reverend Jackson to the University. Their collective effort was so successful that Barry McCaffrey, the nation's Drug Czar, sent ONDCP director-counsel Patricia Seitz to attend on his behalf. Ms. Seitz offered the concluding address, predicting that the ideas formulated here would have an important impact on the future of drug policy in this country.

The policy solutions proposed during the conference were diverse. They ranged from legalizing illicit drugs and encouraging law-abiding citizens to carry concealed handguns, to less radical ideas such as coercing drug treatment in lieu of jail time and persuading young people not to start dealing illicit drugs rather than concentrating persuasion efforts solely on not using them. As diverse as the proposals were, they all seemed to carry a similar theme: ultimately, policy solutions to these problems can only come from compassion and respect for young people, not merely self-righteous contempt. The work of Professor David Kennedy at Harvard's John F. Kennedy School of Government perhaps best illustrates this concept. The recent sharp



decline in the homicide rate in Boston is largely due to a dialogue of understanding and compassion which he initiated with rival factions of gang members in that city.

The panelists who attended the conference submitted articles based upon their comments. The *Law Review* will combine these articles to form the symposium issue and will distribute the collection to policy-makers in state and federal government. Further, the *Law Review* will publish the symposium in book form and distribute it to professors of criminology throughout the country. This thoughtful exploration promises to provide insight into what America can realistically do to set in place sensible and practical policies that have a better chance of success than the present crime policy that is failing our nation's youth.

*Michael T. Terwilliger, Symposium Editor
Valparaiso University Law Review*

Professor Richard Hatcher introduced Rev. Jackson as one of the most important figures in the national and international social justice movement.



Michael T. Terwilliger and Dean Edward McGlynn Gaffney.

faculty actions



Robert F. Blomquist

Bruce Berner '67 lectured for two weeks in July at Holden Village, a Lutheran retreat center in Chelan, Washington, presenting 10 sessions on "American Legal Culture". He was also a featured speaker at the 1996 Institute on Law and Pastoral Ministry in November.

Robert F. Blomquist edited the *Indiana Environmental Sourcebook* with William Beranek, et al. (1996); and published "Summum Malum: Ruminations on the Most Compelling Global Environmental Threat at the Brink of the Twenty First Century", 11 *Fordham Environmental Law Journal* (1997); and "Models and Metaphors for Encouraging Private Management of Transboundary Toxic Substance Risk: Toward a Theory of International Incentive-Based Environmental Regulation", 20 *University of Pennsylvania Journal of International Economics and Law* (1997). In July he was invited to moderate a National Association of Counties panel on "Redesigning County Government: Toward the Year 2000" in Houston, Texas. In September he was invited to participate in a Northwest Indiana Sustainable Development Roundtable at I.U. Northwest, and served on the committee until February 1997. In December he was appointed by Indianapolis Mayor Steven Goldsmith to restructure city environmental programs, by serving as special consultant on Urban Environmental Innovations and Policy.

Ivan Bodensteiner presented "Application of Americans with Disabilities Act to Religious Entities" at the Institute on Law and Pastoral Ministry. He also was a panelist for the Indiana Civil Liberties Union program "Separation of Church and State: Government Display of Religious Symbols".

Laura Dooley's "The Cult of Finality: Rethinking Collateral Estoppel in a Postmodern World" was published in 31 *Valparaiso University Law Review* 43 (1996). In October, Professor Dooley gave a presentation on postmodernism and its application to law at the Central States Law School Association in Kansas City.

John Hart's article, "Colonial Land Use Law and Its Significance for Modern Takings Doctrine" was recently published by *Harvard Law Review*.

Richard Hatcher '59 was awarded a \$58,000 grant from the Ford Foundation to study city economics. He wants to test whether cities that form a network and work together can increase their buying power and stimulate the growth of businesses and new jobs. The two-year experimental program has begun with VUSL students researching Interstate Procurement Agreements that limit the authority of states that collaborate on certain agreements.

Government Documents Librarian **Sally Holterhoff** gave a presentation on researching U.S. administrative law to an audience of Canadian and U.S. law librarians at the Third Northeast Regional Conference in Toronto. Since June she has served as Chair of an Ad Hoc Advisory Group on Chapter Relations for the American Association of Law Libraries. She is serving her third year on the Executive Board of the Chicago Association of Law Libraries (as Past President), as well as chairing the CALL Long-Range Planning Committee.

Rosalie Levinson '73 will have "Silencing Government Employee Whistleblowers in the Name of 'Efficiency'" published in *Ohio Northern Law Review*. In July she participated in the Cambridge program, co-teaching a course on "Structural Injunctions" with Justice Clarence Thomas and Dean Gaffney. Also in July, she participated in a workshop on "The New Indiana Constitution: Recent Indiana Supreme Court Decisions Affecting Civil Trial Practice", and also lectured to the Lakeshore Business and Professional Women's Organization on "Sexual Harassment." This fall she taught a constitutional law CLE program in Indianapolis, and did a workshop for First Circuit judges for the Federal Judicial Center in Cape Cod entitled "Employment Law Update." In December she was a guest on WYIN television discussing recent developments in the Supreme Court; and was elected chair



Rosalie Levinson

of the Civil Rights Division of the Association of American Law Schools.

Richard Stith returned to VUSL after teaching for six months in Ukraine on a Fulbright fellowship (his fourth). He lectured at various institutions of higher learning on topics ranging from comparative legal education to the rule of law. He also addressed a week-long seminar and a major rally organized by pro-life leaders of Ukraine. Now in progress is his article entitled "The Rule of Law as the Rule of Judges: Solutions to an Antinomy", which gives special attention to certain problems in the new Ukrainian constitution. Finally, at the annual convention of the National Lawyers Association in September, Professor Stith was elected Vice Chair of the Life Issues section of the N.L.A. He also published

"Unconstitutional Constitutional Amendments: The Extraordinary Power of Nepal's Supreme Court", 11 *American University Journal of International Law and Policy* 47 (1996).

Michael Strauble's "A Coach's Critique of Gender Equity in College Athletics" will appear in 62 *Brooklyn Law Review* 3.

Linda S. Whitton '86 published "Ageism: Paternalism and Prejudice" in 46 *DePaul Law Review* 501 (1997); and co-authored with Paul Brietzke "An Old(er) Master Stands on the Shoulders of Ageism to Stake Another Claim for Law and Economics" (a book review essay of Richard Posner's *Aging and Old Age*) in 31 *Valparaiso University Law Review* 89 (1996).



Linda S. Whitton

Will the Real Professor Smoot Please Stand Up?

Our own Jim Smoot lands role in Grisham's "The Rainmaker"

It all started with a letter from John Grisham to Prof. James Smoot. The letter referred to a fictional Memphis State law professor character named "Professor Smoot" in the Grisham book, *The Rainmaker*, which was being made into a film directed by Francis Ford Coppola. The character in the novel bears some uncanny resemblances to the real Professor Smoot (in the book, the character wears a "crooked bow tie . . . and red suspenders . . . with the stuffed satisfaction of a man who'd just finished a fine meal.") And it turns out the real Professor Smoot also happened to have been on the faculty of the law school at Memphis State before coming to Valpo. The book version of Professor Smoot, however, was a pitiful character with sadly deficient pedagogical abilities.

In his letter, author Grisham explained that he first learned about this unintended coincidence while

lunching with film director Coppola, who had been scouting locations for the film at the Memphis law school. During that scouting trip, Coppola had spotted Smoot's picture in a law school faculty photo. Explaining that the use of the name was totally coincidental and that he scrupulously avoids using real names of real people for any of his characters, Grisham assured Smoot that the portrayal was entirely fictional and not based in any way on the real Professor Smoot, whom he did not know existed until that fateful lunch. The real Professor Smoot said that he accepts this explanation, since the two had never met or communicated before this incident.

That, however, was not the end of the story. When the film's producers subsequently requested a release to permit use of the book character in the film, the real Professor Smoot asked for a copy of the screenplay to learn how the film version of the char-

acter is treated and also asked who was playing the role. No one had been cast at that point and there then ensued a series of discussions that led to an unstructured "screen test" in the lobby of a fancy Memphis hotel in front of half a dozen curious casting professionals. Professor Smoot, who admits to "a total dearth of acting experience or talent," said that he could not even recite his name in proper order, let alone his lines, during this audition ordeal, which nevertheless mysteriously resulted in his landing the role which took three days to film.

"Movie making is hard work—simultaneously fascinating and tedious, exhilarating, and exhausting. I was amazed at the number of people and the number of takes that are required for completing even a simple scene." Professor Smoot reported that he enjoyed the experience but has no plans to quit his day job for the glitter of his childhood home, La-La-Land.

She's a remarkably



Rob Wehmeier

Successful tax attorney



with one of the nation's most prominent law firms who has won federal tax cases at every level including a unanimous victory in the U.S. Supreme Court. She's also a proud, generous VUSL benefactor. But Sharon King's life is not all work, and if she is not in her office on hot summer weekends, scan the surface of her favorite lake; she'll probably be making waves on her jet-ski.

Sharon King's warm smile and dignified manner make you feel right at home, even when "home" is Chicago's huge Sidley & Austin, where she is a partner. In her lapis blue suit and pearls, she embodies the image of the tax attorney you'd want on your side if the IRS came knocking— professional, competent, reliable. Heading to her office she exchanges "good mornings" with colleagues. The greetings are genuine, meaningful. These people like her.

The office is large and uncluttered by the assorted bric-a-brac so often accumulated during a long, successful career. The feeling is one of orderliness and good taste. It is every bit the domain of a prominent attorney. The north wall is glass. Standing close to these huge windows 43 floors up, one feels almost airborne. The view is spectacular; a panoramic windowscape of Chicago's northern downtown, a colossal three-dimensional glass and steel collage, dominated by the John Hancock tower. Scores of people are visible through the windows of neighboring high-rises, too busy to look outside.

From the city's edge, Lake Michigan spreads eastward to form a vast liquid horizon. On stormy days the westerlies send low, dark clouds scudding just above the whitecaps toward New Buffalo. Sharon King can watch all this from her desk. And when she is in her office quite early, or perhaps very, very late, she can watch the dawn break over the water. It's a wonderful office, the sort of office great attorneys earn.

"I was a student at Mount Holyoke College when I decided not to be a teacher," the traditional path of many women graduating in 1954. "I chose to study law because of the flexibility such training afforded. I viewed law school as an entree to many possible careers." A native of Fort Wayne, Ms. King had some insight into Valparaiso's law school. "I chose Valparaiso University School of Law because I was familiar with its tradition of excellence, and the emphasis which is placed on ethics. I was also attracted to the small class sizes at Valparaiso." The Class of 1957 graduated 24 students. She was the only woman.

The result? "Law school for me was a wonderful experience. They were great years." The evidence supports this; King finished first in her class and entered the Attorney General's Honors Program of the U.S. Department of Justice. As the primary method of recruiting new attorneys into the Department, the Honors Program was and remains highly selective, hiring only those new graduates who demonstrate extreme promise.

"There were different Justice divisions from which to choose. It was at this point that I decided on tax law." Ms. King served as a trial attorney with the Department's Tax Division. She recalls with fondness the excitement of building and arguing cases throughout the country. "I believe that I argued cases in all but one of the U.S. Courts of Appeal." Tax law was a good fit, and she earned an

*"Almost immediately
Justice Byron White
challenged, 'That's not the
government's position, is it?'"*

LL.M. in taxation from Georgetown while working at Justice.

Her time in D.C. was enjoyable, but the pull of her Midwest roots was relentless and after four and a half years with the Tax Division, she left the Department of Justice and came to Chicago to join the firm founded by Robert Todd Lincoln, Isham, Lincoln & Beale. "Chicago was then, and still is, the premier legal market in the Midwest. There was no question in my mind that this was the city in which to pursue my career."

She began representing public utility companies in federal tax matters. The work was interesting, challenging and eventually presented a relatively rare opportunity for a tax



Photos: Rob Wehmer

lawyer: arguing a case before the U.S. Supreme Court.

The case was *Central Illinois Public Service Company v. United States*. Ms. King wrote the briefs and on Oct. 12, 1977, argued the case. She smiles broadly as she recalls the experience. "It's very stimulating to be in the courtroom with the nine justices, and the Solicitor General's attorney in his morning coat. I wasn't nervous so much as excited." She took the podium for her half-hour of argument. "I began by stating the government's position on this matter. Almost immediately Justice Byron White challenged, 'That's not the government's position, is it?' I responded by reading from the government's brief that stated its position to be what I had asserted it to be. This set a positive tone for me. My confidence rose higher and the rest of my 30 minutes flew by."

Although the decision would not be announced for weeks to come, King knew as she descended the huge front steps of the Supreme Court building that she had won. And she had—by a unanimous decision. "I could have flown back to Chicago on my own power!"

Ms. King joined Sidley & Austin in 1988. The firm has more than 750 attorneys in offices around the world, but Ms. King asserts that many of the impressions people have of "mega-firms" are not true of Sidley & Austin. "Large law firms do have distinct personalities. They are not legal services cookie-cutters." What she finds at Sidley & Austin is a group of "compatible attorneys and staff who share the philosophy that what we're all about is providing clients with unsurpassed legal service." She readily admits that lawyers in large firms work long hours, but suspects that their days are no longer than those put in by attorneys in other settings.

"Sidley & Austin wants its young lawyers to be fulfilled. There is a collegiality here that encourages the success of each attorney." One important way that she has found fulfillment is by providing *pro bono* legal services to clients unable to afford representation otherwise. During her time at the firm, King has provided legal assistance to a handicapped assistance agency and a church, both in the Chicago area. "This firm takes its *pro bono* responsibilities seriously. We value the work done for these clients." And Sidley & Austin does do a lot—the firm's attorneys devoted 27,625 hours of *pro bono* work in 1995.

Another activity that adds balance to her life is golf. An enthusiastic player, she enjoys the quiet relaxation it provides. And although it's true that golf is sometimes played at what some consider to be a snail's pace, don't think that Ms. King always moves so deliberately. When she feels the "need for speed," she'll ride her jet-ski for a few laps



around the lake she visits each summer. Grinning, she explains, "It's mostly for my nieces and nephews to ride."

It has been almost 40 years since Sharon King graduated from Valparaiso University School of Law. Throughout the intervening years she has remained a constant and generous supporter of the institution. "I am very proud of the law school. One thing I have always recognized is that none of us goes to law school without the support of those who went before us. I support the law school out of a strong sense of pride, and out of a sense of commitment to the students enrolled today as well as those we hope to enroll in years to come." Ms. King served as Chair of the 1995-1996 Dean's Annual Campaign, a successful effort that raised over \$190,000. "I learned how generous VUSL alumni can be, and how important annual support is to the school. I am quite proud of my fellow alumni."

With no immediate plans to retire, her career continues full speed ahead. "For the foreseeable future, I'll keep doing what I do. I love being a lawyer and would encourage motivated individuals to seriously consider it as a career." Sharon King pauses and, with great sincerity adds, "But, be prepared to give the law lots of your time and energy if you want to succeed." Having Sharon King as a role model wouldn't be a bad idea either.

by Greg Rutzen



Photos: Rob Wehmer



From Chicago's "Financial Canyon" to deals in China, Europe and South America, Don Seberger's career has wound its way through the world of banks, Fortune 500 corporations and, on three different occasions, one large law firm. The varied settings share one common denominator: Success.

Don Seberger is a stately man, tall, with silver-gray hair and an ever-ready smile. In the dark suit he wears for this interview, he looks every bit the successful Jenner & Block partner that he is. It's Friday and no one else in the firm is in business attire. "I wore this for the photos to be taken for this interview. Most days I'm not this formal; it's one of the reasons I don't miss working downtown."

After a tour of the firm's quarters at One Westminister Place, we settle in a conference room to talk. "I believe I am the only person to be elected to partnership at Jenner & Block on three separate occasions." Indicating a career path with plenty of curves, Mr. Seberger also notes that the statement is evidence of the understanding of his partners.

A member of the Class of 1980, Mr. Seberger chose the School of Law for several reasons. "I attended VU as an undergraduate. I got to know some of the students at the law school, and through them came to know about the small classes, the excellent faculty-student ratio, and the ideals promoted in the School of Law—professionalism, responsibility, and ethics. It was an easy decision."

"Law school was a good experience for me. My time on the *Law Review* (he was Editor-in-Chief) was a lot of fun and a lot of work. I especially enjoyed working with my classmates and getting to know the faculty much better." One member of the faculty Mr. Seberger came to know well was Bruce Berner. As it turned out, Mr. Seberger was one of four students who worked closely with Professor Berner who was litigating at that time the highly publicized Ford Pinto case (see side bar on page 15.) As a third-year student, Mr. Seberger and class-

mates Kathryn Schmidt, Eugene Schoon and Donn Wray spent long hours in the library researching, drafting briefs, planning strategies, and doing all sorts of litigation support for the high-profile case.

"It was a tremendous experience, especially for a law student. It had all the elements—excellent trial lawyers on both sides, a tremendous amount of national media coverage, and the classic 'David vs. Goliath,' 'good vs. evil'

confrontation. The only thing wrong with the experience was the verdict." Professor Berner remains grateful for all the work the students did for him and the prosecution team during the trial. "They put in long, hard hours and contributed high quality work to the case. They also added a lot of fun to our work."

The experience of the Pinto trial had a number of effects on Mr. Seberger. "It was a firsthand lesson in power—the power of the state, the power of a large corporation, and the power of money. It also helped me know to a certainty that I did not want to be a litigator. As a 'search for truth,' the trial left me very frustrated since I saw only portions of the total picture presented to the jury. Other important aspects of the case were kept from the jury through a series of motions, objections and other tactics employed by skilled trial lawyers. But I wouldn't have missed it for anything."

It was the nature of transactional work, of putting deals together, that best fit Mr. Seberger. His first job out of law school was with the law department of Continental Bank in Chicago, then the sixth largest bank in the country and growing. "It all seemed very glamorous to be working on LaSalle Street in the

'Financial Canyon' with the Board of Trade and the Federal Reserve Bank as neighbors. I was doing bank regulatory work, including product and market expansion, at a time when the large banks had just begun to break the barriers against interstate banking and other now-common activities. Continental Bank was on a roll at the time, with revenue records being set every quarter. It was fun, particularly for someone straight out of law school." Seberger learned, did well and gained experience.

"I was fortunate enough to be in the right place at the right time. Jenner & Block was looking for a lawyer with two years experience in bank regulatory matters. I talked with them, we liked each other, and the firm hired me." Four and a half years later he was elected to partnership with this prestigious firm. In early 1987 Mr. Seberger was among the four partners who opened Jenner & Block's Lake Forest office. "The quality and level of work continued to be good and the people were great. I began to feel some professional restlessness, a desire to try something new."

Although he did not actively network for a new position, he kept his eyes open "in case something interesting came along." The "something interesting" that surfaced in late 1989 was an opportunity to join Western Publishing Company, the publisher of *The Little Golden Books*, as its Vice President and General Counsel. "I saw an ad in *The Wall Street Journal*, it sounded interesting and I applied on a lark." He accepted an offer and joined Western Publishing in 1990. "Being general counsel forces you to be a general practitioner and to think and act like a business person." In addition to supervising in-house and outside counsel on legal issues, he had general management responsibility for Western's business in the United Kingdom and Australia. "I learned a great deal about management and corporate politics. For the most part I had a great time being associated with a really wonderful group of people and a great product."

In late 1992 Mr. Seberger was re-elected to the partnership of Jenner & Block for what turned out to be a limited engagement. One of the firm's clients, Tenneco Inc., was about to announce a worldwide restructuring program for one of its subsidiaries, Case Corporation. One of his senior partners, Ted Tetzlaff, asked Mr. Seberger to go in-house at Case to oversee all of the legal aspects of the restructuring program. This was a special assignment and one that offered incredible opportunity and experience. "I traveled extensively. I was going back and forth to Europe every two to three weeks. In addition, I made several trips to China and the Far East. The work professionally was both extraordinary and challenging. The best part, for me, was the opportunity to meet a lot of wonderful people and make new friends. The worst part of traveling so much is that it can wreak havoc on your personal and family life. I am blessed with a very understanding wife and two great sons."

Following the successful completion of two public



offerings and substantial completion of the restructuring program, Mr. Seberger returned to Jenner & Block in early 1995. Given the choice of either the firm's Lake Forest or Chicago offices, he opted for the closer-to-home, no-traffic-commute of the suburban site. "The electronic information age with its fax machines, computer networks, modems, and other gadgetry in many ways makes location irrelevant. The key is accessibility, being available for a client at a time and place convenient to that client." The firm's Lake Forest office has all the advantages of a large firm, including the opportunity to work on complex and sophisticated transactions and the support of 300 lawyers 30 miles away.

At noon on a Friday, Lake Forest feels like it could be 3,000 miles away from downtown Chicago. Continuing our conversation as we walk from Mr. Seberger's office to the comfortable dining room of The Deer Path Inn (owned by Herbert Stride '56), we enjoy the stroll in relative quiet. There is little traffic along the town's shop-lined streets this time of day. It's easy to understand why, after years of enduring the crush of downtown Chicago day in and day out, Mr. Seberger decided to work here. Over our exceptional lunches, he reminisces about VU and eagerly listens to a description of a campus that looks so different from the one he discovered as a college freshman. Different than it looked when he left law school 17 years ago. He remains very proud of Valpo.

Don Seberger still travels and works internationally, but on a far less hectic basis than in the midst of the Case restructuring. He is currently working on transactions in China, South America and Europe. Working overseas gives one a different perspective on life and priorities. "Not everyone around the world places the same degree of emphasis on time and the setting and meeting of dead-



lines. Few people around the world place as much importance on lawyers and procedures as do Americans. There are still a lot of places where a handshake or a two-page letter or memorandum are used for a transaction that would require 50 or more pages to document in the United States. Many find Americans too aggressive and pushy. Americans tend to think of our foreign counterparts as being too slow and indecisive."

It took Mr. Seberger more than a little time to appreciate the slower pace and less formal business and legal approach that still prevails in many countries in Europe and South America. "I probably traveled to Paris a dozen times before I ever brought along a camera or did any sightseeing. I never built into my schedule time for anything other than work. I find that working with other people used to a different pace has had the effect of forcing me to slow down." He now carries a camera with him when he travels. Last year he and his wife Linda and their sons, Will and John, all traveled to Europe and he finally saw some of the things that he had missed in the past. Acknowledging that Americans and their overseas counterparts remain worlds apart on some things, the Don Seberger of today might well say "*vive la difference!*"

Finishing the interview in his office filled with prints of Native Americans, Mr. Seberger seems content with where he is in his work. Will his career path curve again along the way? That's hard to say, but if it does it will surely lead to another job well done. Don Seberger wouldn't have it any other way.

by Greg Rutzen



Remembering the Ford Pinto Trial

It was a criminal trial that lasted nearly 12 weeks. The State of Indiana v. Ford Motor Company, better known as the Ford Pinto Trial, was considered by legal experts to be a landmark case. It was the first criminal prosecution of a corporation for an alleged products defect.

Ford was charged with three counts of reckless homicide in the 1978 deaths of three teen-age women whose 1973 Pinto exploded when struck from behind by a van. Prosecutors argued that Ford knew the Pinto's fuel system was likely to leak in a rear-end collision, but sold the cars anyway. Ford argued that the Pinto was as safe as other subcompacts of the time.

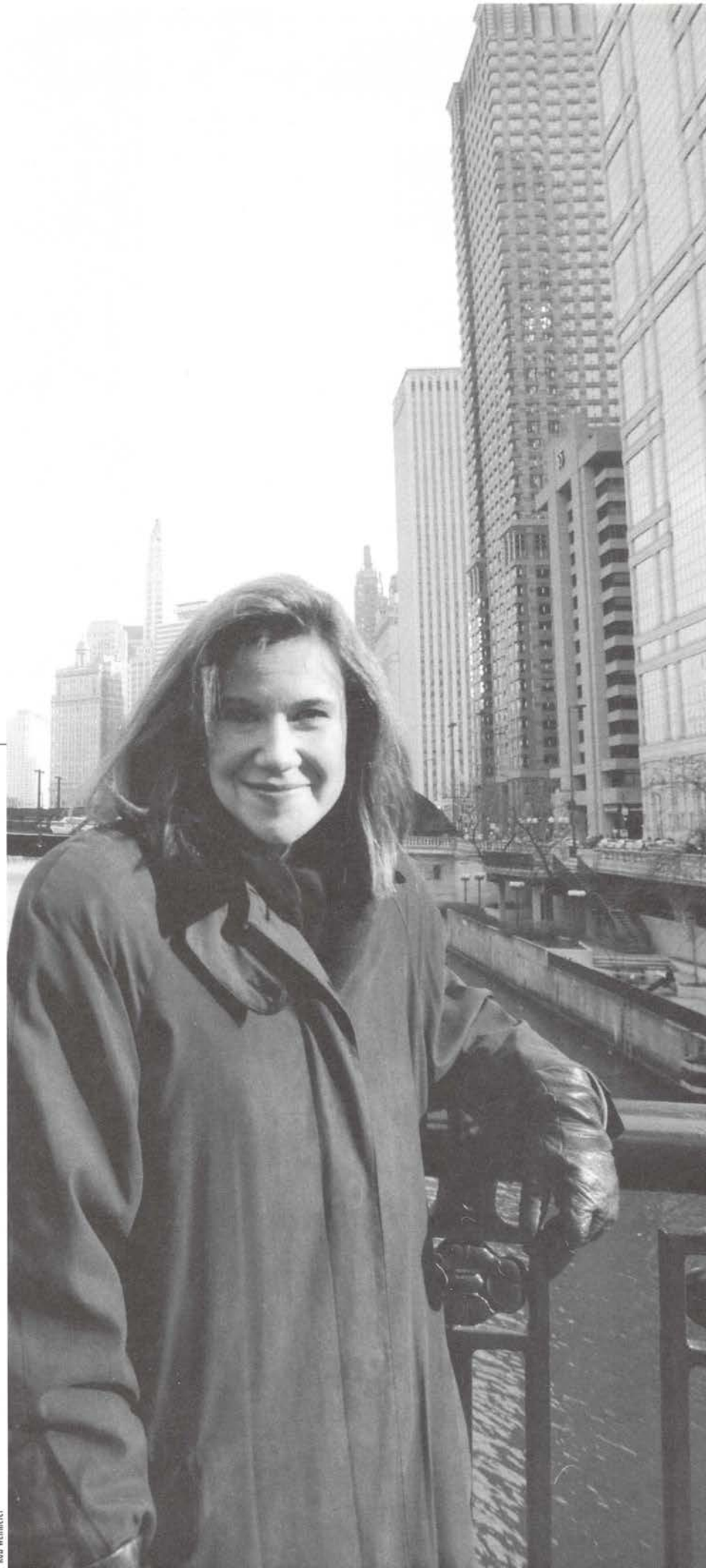
The trial lasted from Jan. 5 to Mar. 24, 1980. On the fourth day of deliberation, the jury returned its verdict: Ford Motor Company was acquitted.

Valpo law professor Bruce Berner was on the prosecution team headed by Elkhart County prosecutor Michael Consentino. Not mentioned in the record are the names of Valparaiso law students who were of tremendous assistance to the prosecution. During the motion to dismiss phase it was Dierdre Burgman, Daniel Lane and Kathryn Schmidt. Burgman and Lane had graduated by the time the trial started, but Schmidt remained on the trial team along with classmates Gene Schoon, Don Seberger and Donn Wray.


Berner recalls that they were all great. "Eventually though, it was Seberger and Schoon who were carrying the heaviest load. Their drive from Winamac (site of the trial) to Valparaiso got them home with little time before the law library closed. I told them that if they couldn't figure out a way to use the library after hours, there was nothing I could do to help them. I never asked how, but they spent many long nights in that library."

The work done by Valpo law students was so good, in fact, that Berner recalls the day "one of Ford's people said to me 'How do your volunteer law students keep out-researching our 200-person legal department?' The answer was, we had the right law students doing the job."

The prosecution team was disappointed with the verdict, but for Seberger, Berner and all the others, the Ford Pinto trial was one of the most exciting chapters of their careers.



Rob Wehmer



Deborah Schavey Ruff '86 is a Chicago rarity—a woman who earned a piece of the mega-firm pie by specializing in intellectual property law. Having mastered the technicalities and exactitudes of patent law, she prospers in a practice area dominated by men. It comes as no surprise to Ruff; she's been competing among "the boys" since the family hockey games of her youth.

The world of biotechnology patent prosecution, patent infringement, and trade secret litigation rests at the most technical end of the law practice specialties spectrum. In fact, only lawyers with engineering or science degrees can be registered to practice before the United States Patent and Trademark Office.

The rank-and-file of engineering firms and science laboratories have long been mostly male. Not surprisingly, patent law has traditionally been the realm of men. Of course many women are successful intellectual property attorneys, but most of them are in "boutique" firms that do only this sort of work, or are in-house patent or trademark counsel with corporations. Only a very few of these women are partners in large, general practice firms; the kind of firms that list intellectual property as one of dozens of practice groups they have. As Deborah Schavey Ruff puts it, "It's a pretty short dance card." She should know; she's on it.

Ms. Ruff's smile is quick and engaging, her aura all energy. Meeting her for the first time, she'll put you completely at ease, making you feel you've known her for years. She is open and eager to help you understand what's on her mind. With an easy candor she speaks about her career's challenges and rewards, punctuating her thoughts with expressive hands. It comes as absolutely no surprise at all to learn that she is very successful in the courtroom.

"Hockey helped shape my personality. I grew up in a family of guys, and we played hockey on a frozen lake in Hobart every winter. I never considered myself, or was treated as, anything other than another player even though I was often the only girl." The memory of one particular hockey incident has stayed with her in vivid detail. Ask any player or fan and they'll tell you the hockey stick can be a dangerous piece of wood, hence the sport's admonition to "keep your stick on the ice."



How Rare is Rare?

Number of general practice
law firms with Chicago offices
of at least 100 attorneys: 32

Total number of attorneys
in those offices: 6,437

Number of women partners in those
firms who list intellectual property
as their only practice specialty: 9

(Source: 1996 Martindale-Hubbell Legal Directory)

"I got slashed near my temple by one of the boys' sticks. It was bleeding and so I went in the house to have my mom take a look at it. While patching me up mom and I discussed whether I should go back outside to show the boys I was as tough as they were, or stay inside and read with her. Mom thought either option was a good one and left it up to me. I returned to the game and I guess in a way I've been 'showing the boys' ever since."

Still capable of a mean slap shot, she remains an ardent hockey fan. Pointing to a bare wall in her recently occupied office she indicates where a Colorado Avalanche championship banner and a Chicago Blackhawks hockey stick will soon hang. The Avalanche won the Stanley Cup, hockey's World Series, in its first season as Denver's National Hockey League franchise. But the Mile High City might have chosen a different name for its team if Ms. Ruff and one of her partners had not iced a deal on behalf of a nearby minor league squad. "Vail has a minor league hockey team called the Avalanche, and when the NHL club in Denver announced that they had selected the same name for the new team, the Vail team contacted a lawyer who happened to be in my firm. We threatened to enjoin the Denver team from using the name, but we happily reached a negotiated settlement—season tickets for the kids on the Vail team."

Listening to Ms. Ruff discuss her work is at once fascinating and a bit bewildering. She talks about the properties and tolerances of metals in the same casual manner that most people discuss the weather or current events. With interlocked curved fingers Ms. Ruff demonstrates how cogs and gears should work. She ably describes how printing machinery can be so exact and unique that the production of substantially similar machines by former employees is evidence of the misappropriation of trade secrets. She is good at this. Even the most techno-phobic juror could understand her.

If it's true that people fill their offices with items of personal and professional interest, then Ms. Ruff's office could easily be mistaken as space shared by two or more attorneys. It displays the amalgam of her

interests. Shelved among patent law books are such titles as *Animal Physiology*, *Cell Biology* and *DNA Replication*. A black metal welder's mask, one of several client products in the room, lies atop a pile of legal periodicals; by the *Patent and Trademark Reporter* binders are three hockey pucks. A "Purdue Pete" figure stands on a cabinet, next to a framed certificate thanking her for serving as a member of the VUSL Alumni Association Board of Directors. Pictures of her son and her retriever adorn her desk.

Debbie Ruff is obviously excited by her techno-legal career. One gets the impression that there is nothing else she would rather be doing for a living. The fit between Ms. Ruff and her job seems custom-made, like the perfectly matched workings of a Swiss watch. And like a quality timepiece, her work is precise, reliable and excellent.

The career fits her so well one would imagine that Ms. Ruff had known early on she wanted to do this, but in reality her intent when she enrolled at Purdue University was to become a veterinarian. What she did instead was remain at Purdue after graduation to teach biology as a visiting instructor, while doing graduate research in molecular genetics.

"Somebody asked me during this period if I'd ever considered combining all this science with a law degree. I hadn't, but I was intrigued and explored it." Ruff had been in West Lafayette for enough years to get the Big Ten, big school experience, and specifically sought out a smaller institution for law school. She selected Valparaiso because it was highly regarded, small and near Chicago.

"I loved my experience at VUSL. Law school was very different from my science education where no one spoke in class. We just copied everything from an overhead projector as quickly as possible. The course work required lit-



tle writing, having instead a great deal of lab work." But both required analytical problem-solving skills, and she adapted quickly.

During her second summer Ms. Ruff clerked with a patent boutique firm, Neuman, Williams, Anderson & Olson in Chicago. The job provided work in the courtroom for the first time, igniting her desire to litigate. She joined the firm after graduation. She was not the only woman attorney at the time, but five years later there were 49 men and Ms. Ruff, proving she could still play with the boys. The firm dissolved over management differences, and she was hired by Keck, Mahin & Cate for its start-up intellectual property group.

"Looking for a job is like dating. The firms see if they like me, I see if I like them. If we do like each other, we court a bit trying to get each other to make a commitment." For Ms. Ruff, it was her first taste of life in a large, general practice law firm. During her time there, Ms. Ruff worked with other intellectual property attorneys with whom she became close. When Mayer, Brown & Platt decided to develop an intellectual property practice group, Ms. Ruff and two other partners from her firm were hired. In all, Mayer, Brown & Platt added 12 attorneys, instantly providing patent and trademark legal services for its clients. Ms. Ruff's practice is divided between litigation and client counseling/portfolio management. "I love a large general practice firm, particularly Mayer, Brown & Platt. The work is very high quality. I get to work with interesting clients with unique legal problems, and there's a lot of support within the firm to provide our clients with excellent legal services."

Part of Ms. Ruff's professional success stems from her ability to identify and meet clients' demands. "What they want is creative thinking. They want workable business solutions to their legal problems, they rightfully expect excellence."

"I was fortunate to get a mentor who provided me with good work early on. My mentor, who is now one of

my partners, gave me the opportunity to work on high profile cases and matters that gave me direct client contact. I wasn't treated as if I were on the 'short hitter' track of 'here now, have a child, gone

tomorrow.' Finding a good mentoring relationship is so important, but often not easily done. I have tried to repay my mentor by becoming one myself, giving young lawyers the opportunity for hands-on involvement in important matters."

Ms. Ruff has also been an instructor in the paralegal studies program at Roosevelt University, teaching a three-session introduction to intellectual property law. "Most of these students have no idea what IP law is all about. I try to take the mystery out of it by having them consider all the IP aspects of the Koosh® ball—a toy made of springy rubber quills. We discuss how the name Koosh® is protected as a registered trademark, the design and packaging are protected by a copyright, how the method of affixing color might be a trade secret, and how the entire item is protected by a patent. This brings intellectual property to life for them. It's a lot of fun."

Having just finished her first 10 years in practice, Ruff offers a few insights to those considering a legal career. "The intellectual challenges and the sense of professionalism are very real. Practicing law can be extremely rewarding in many ways, but if you let it, it can take a toll on you. Law can wear you down. To avoid that, I've learned not to take negative comments or behaviors personally, and I've nurtured my sense of humor. I also work with a group of people who will share the ups and downs. It makes all the difference."

In other words: Hustle, be a team player and keep your stick on the ice.

by Greg Rutzen




“To be hanged by the neck until

dead.” The 12-man, Mingo County, W.Va., jury returned its guilty verdict on July 28, 1926. They convicted Clyde Alonzo Beale of first-degree murder in the slaying of Miss Rissie Perdue. The verdict contained no mercy recommendation, making it incumbent upon Judge Robert D. Bailey (VUSL '09) to set the date of execution. The hanging was scheduled for September 7, 1926. Beale appealed.

While the West Virginia Supreme Court considered Beale's appeal, prosecution witness Minnie Layne informed Judge Bailey that she and her daughter, Maudie, had lied during the trial. Judge Bailey was convinced that Beale's conviction had been based largely on this perjured testimony. Sure of the condemned man's innocence, the judge who had pronounced that Beale must die on the gallows, set out to save his life.

The Supreme Court denied Beale a new trial, remanding the case to Bailey's court so “that proper action may be taken to have its sentence carried into execution as directed by law.” Judge Bailey was certain that Clyde Beale was no murderer, and ignored the appellate court's mandate for eight months.

Finally on July 18, 1928, Beale came before Judge Bailey for sentencing. The Supreme Court had instructed Judge Bailey to set a new hanging date, and so it astonished prosecutor Lafe Chafin and many others when Bailey issued a sentence of life



*Judge Robert D. Bailey
stands on the right in the
front row.*

imprisonment instead. This was outside the scope of Judge Bailey's authority, but he had vowed not to execute an innocent man. An outraged Chafin sought a writ of mandamus requesting that Judge Bailey be ordered to withdraw the life sentence and impose death by hanging.

Commenting on its editorial page about the judge's dilemma, the *Huntington Advertiser* observed: "However impersonal a judge may strive to be while sitting in judgment over the rights and liberties of men, there comes a time when the human equation rises to the surface, as it certainly must under the circumstances that now confront Judge Bailey. The law tells him to be a mere automation of justice in his present dilemma. His conscience, no doubt, tells him that he will have the blood of an innocent man upon his hands if he complies with the supreme court's demand for the death penalty.

"It is an unenviable position in which Judge Bailey finds himself, and we suspect that about ninety-nine percent of his fellow citizens would settle the situation as human beings rather than as an automatic fixture of the law."

The drama got plenty of press coverage, with much of it supporting Judge Bailey. The *Charleston Gazette* editorialized, "No one with a drop of human blood in his veins would want to see the law compel a judge to sentence to death a man he firmly and honestly believed to be innocent. Defiance of higher courts is bad. . . . But sending innocent men to the scaffold is infinitely worse. The *Gazette* cannot but commend Judge Bailey for his courageous stand. . . ."

The Supreme Court met on September 5, 1928 to consider the writ. Judge Bailey addressed the five justices, stating he would refuse to set an execution date regardless of the court's decision. Conceding that much of the public would applaud his setting a hanging date, Bailey continued stating that "Good conscience and peace of mind, with the satisfying realization that I have saved an innocent life, is more desirable. I would rather be right than [continue to be] judge."

The Supreme Court issued the writ, writing that "To allow a trial judge . . . to change the sentence and impose one not authorized by law would set a dangerous precedent and place upon the trial judge power and discretion not authorized or contemplated by law." In other words, if Beale's life is to be spared, it's up to the governor and

not Bailey. Once again, Judge Bailey was ordered to schedule the execution. Bailey's tenure on the bench was nearly over, but he was obligated to preside over the November 1928 term. In order to keep his vow not to schedule Beale's hanging, Judge Bailey refused to preside. Another judge was dispatched from a neighboring county and he sentenced Clyde Beale to hang on May 11, 1929.

Judge Bailey continued his efforts to save Beale's life, working to get Beale's sentence commuted to life in prison and, in 1933, a conditional pardon. Beale had been imprisoned nearly seven years. Judge Bailey was unwavering in his efforts to see justice done. His skill and tenacity were instrumental in Beale finally receiving an unconditional pardon on March 29, 1949, 23 years after first being thrown in the Mingo County jail.

Robert Bailey's legal career continued throughout those 23 years and afterward. Always actively concerned with public issues, he twice made unsuccessful bids for the Democratic gubernatorial nomination. The VU archives contain an old letter written by a bank teller who had frequent contact with Judge Bailey. In it he states that the judge "was quite successful and a well-respected, influential member of the community."

His was a career which brought great success, but it's difficult to imagine that any case Robert Bailey ever won or any settlement he ever reached, meant more to him than the one required judicial act he refused to per-

form while serving as Mingo County judge.

Clyde Beale was forever grateful for Judge Robert Bailey's moral courage and determination to do what he believed was the right thing. And rightfully so; for it was the strength of those convictions that kept Clyde Beale from the gallows.

Judge Bailey died in 1961 at the age of 78.

by Greg Rutzen

[Special thanks to Mr. Bob Miller of Charleston, W.Va., who brought Judge Bailey's story to the Law School, and graciously allowed The Amicus to borrow generously from his writings in the preparation of this story; to the Bailey family for the photograph of the judge, and to VU Archivist Melvin Doering who uncovered the bank teller's letter.]

**"Defiance
of higher courts is
bad. . . . But sending
innocent men to the
scaffold is infinitely
worse. The *Gazette*
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Making a Life

Regardless of when you graduated from VUSL, your legal education was supported by VUSL alumni and friends who came before you. This marvelous tradition of private higher education continues, as evidenced by the following stories of alumni who have recently established endowed student scholarships at the School of Law.

These particular scholarship stories cover a wide range of motivations and methods (outright gifts, multi-year pledges, memorial gifts, stock gifts, and bequests). While all of them will provide much needed support for our mission, they each have their own distinct personality.

-Curtis Cichowski

*"We make a living
by what we get,
but we make a life
by what we give."*

Winston Churchill

The Professor Jack Hiller Scholarship

As co-trustee of the Mabel Burchard Fischer Grant Foundation (the creation of a former client), Robert Beer, '63, was instrumental in having the law school become one of the organizations to receive funding from the trust. The first grant from the Foundation came in support of the Professor Charles Gromley Memorial Scholarship.

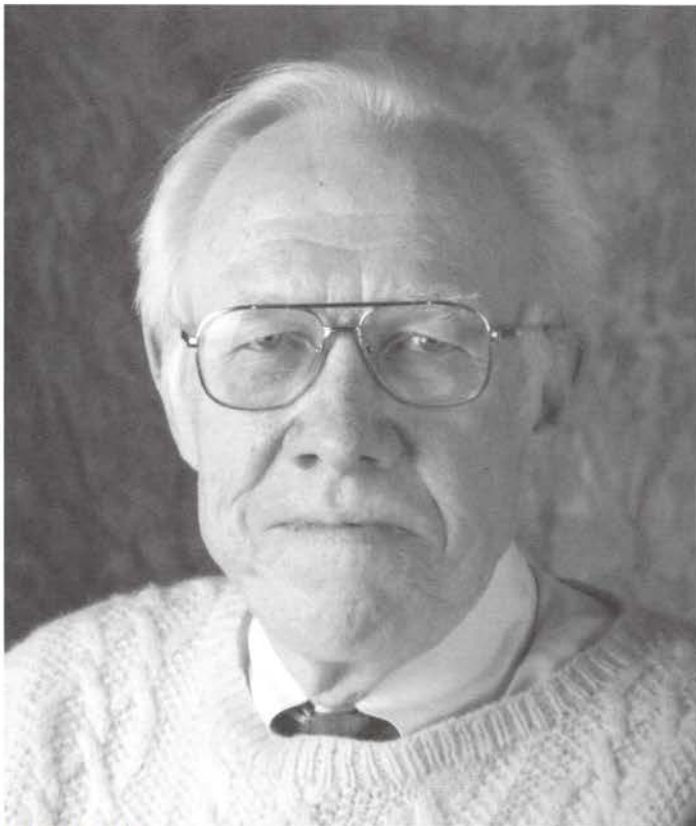
The second grant did the same, but was made in memory of Bill Hiller, a classmate of Bob.

That was just the beginning. Since then, two other foundation grants have been received to establish two other endowed programs. First, an annual faculty service award program was created to reward outstanding law school faculty members. This award was made in honor of, and named after, Bill Hiller's brother, Professor Jack Hiller — a dedicated VUSL faculty member who Bob counts to this day as a friend and mentor. The timing of the faculty service program creation coincided with last year's announcement of Professor Hiller's retirement.

The fourth and most recent grant established an endowed law student scholarship, also in honor of and named after Professor Hiller.

Of course, Jack remembers Bob well. He relates a story where he traveled to New Haven, CT, to lunch with Bob. On their way to lunch, Jack accompanied Bob to the office of an attorney who was to conduct a character and fitness interview for Bob's application to the Bar. Professor Hiller sat outside the office while the interview was taking place. During the interview the attorney questioned the appropriateness of Bob's submitting as a character reference a letter from one of his teachers (who he thought could not really know him that well). The lawyer was impressed and astounded at Bob's response: "Well, he is sitting out in the hall to join me for lunch."

That sort of story cannot be told about many law schools, nor can it be told about too many law professors. Jack cares for his students. And Bob remembers.



Professor Jack Hiller

The Professor Charles R. Gromley Memorial Scholarship

Charlie Gromley. His name evokes the warmest and most positive of memories in every VUSL student, staff or faculty member blessed to have him as a teacher, friend and colleague. Immediately after his passing in December of 1992, alumni, law firms, colleagues, and friends responded to a call to establish the Professor Charles R. Gromley Memorial Law Student Scholarship.

The response was fantastic, yet, no one individual or firm has done more to establish this scholarship than Charlie's wife, Norma. Thanks to the generosity of hundreds of Gromley students from several generations, and thanks to the annual munificence of Norma, the balance in this endowed scholarship has reached the \$250,000 mark.

"My husband, Charles, had great respect for the law and was a dedicated teacher whose goal was to instill in his students not only understanding but appreciation for the law. Because of his devotion to the students, the family felt it appropriate to express our love for this wonderful man by establishing a law student scholarship at the School of Law, the place which allowed him to pursue his life's chosen work." Norma Gromley.

Magnificent.

The Burton and Maureen Langer Scholarship

The greater Valparaiso community is rich with graduates from our University and our School of Law. One very special component of this community are those who are

"Because of his devotion to the students, the family felt it appropriate to express our love for this wonderful man by establishing a law student scholarship ..."

-Norma Gromley

Valpo natives; those whose life's mission is to serve the people of their home community. One such Valpo family is the Langer family, and of this family, one such VUSL graduate is Steven Langer. A Langer scholarship already exists on the undergraduate campus through the philanthropy of Steven's parents, Burton and Maureen.

Now, in honor of his father and mother, Steven and his wife, Diana, have committed to the creation of a student scholarship at the School of Law. This particular scholarship is to encourage and support Porter County residents to follow the Langer lead — to take full advantage of the educational opportunities available here and to then work within the community to make it a better place for everyone who calls it home.

Steven's motives are simple, "My wife and I desire to create this scholarship to show our appreciation to VUSL for giving me an opportunity to attend law school and to assist, monetarily, future Porter County residents who wish to attend VUSL." In modesty, he did not mention directly the desire to honor his parents, but that is patently clear in his choice to name the scholarship not after Diana and himself, but for Burton and Maureen.



Mrs. Gromley and this year's Gromley scholars, Jonathan Richardson (left) and Jeremy Sosin (right.)

The Stephen E. and Elaine S. Lewis Scholarship

Bequests are yet another way to establish a scholarship fund at the School of Law. Shortly after being sworn in to the U.S. Supreme Court Bar, through a



Stephen E. Lewis

special VUSL swearing-in day orchestrated by Dean Gaffney, Stephen informed the law school that he and his wife, Elaine, had made a provision in their will to create an endowed law student scholarship.

In talking with Stephen, he related their motivation: "Both as an undergraduate and law student at Valparaiso University I benefited from caring and personal attention as well as Valparaiso University's high academic standards. As newlyweds, Elaine and I received financial assistance while matriculating through law school. As a result of this education and God's beneficence Elaine and I have received personal and financial gifts beyond measure."

The magnanimous bequest will provide the bulk of the funding for the scholarship endowment; but, Stephen and Elaine decided to bring the scholarship to life well before the realization of the bequest. To do so, they have committed to funding the Stephen and Elaine Lewis Scholarship through a multi-year pledge. By doing so, they have chosen to reap the benefits of seeing their scholarship in action during their lifetimes.

"Having been recipients of such gifts, it is our responsibility to give to others. To this end, we have established

"As a result of [our Valpo] education and God's beneficence, Elaine and I have received personal and financial gifts beyond measure. It is our responsibility to give to others."

-Stephen Lewis

this scholarship. It is not only given out of responsibility but with thanksgiving for these gifts and a love of our Savior."

The Frances Tilton Weaver Scholarship

The year 1993 marked the 100th anniversary of women in the Indiana Bar. The Indiana State Bar celebrated the anniversary by awarding the Antoinette Dakin Leach award and \$500 to each honoree. That year, one of our own women pioneers, Frances Tilton Weaver, VUSL '25, received recognition both from the Indiana State Bar Association and the School of Law for her life-long service to the Bar. Among her countless accomplishments, Frances was the first women attorney in Porter County. The VUSL recognition came as part of that year's Centennial First Women Program, which had as its guest speaker Justice Sandra Day O'Connor.

Frances gifted the monetary element of her award to the School of Law to support student scholarships. Alumnae Barb Young, '76, and Ann Bowman, '77, then came up with the idea of using the money Frances donated as seed money for the creation of an endowed scholarship in honor of Frances. Frances was celebrating her 90th birthday that year, so Barb and Ann went to



Frances Tilton Weaver

members and groups of the local community and asked folks to make a birthday gift — a contribution to the School of Law to complete the funding of the Frances Tilton Weaver Scholarship. Their efforts were successful, but it was Frances herself that made the scholarship a reality.

The friends of Frances are many. They are also dedicated and sincere. Friend Justice Sandra Day O'Connor wrote to Frances after the occasion of meeting her on our campus, stating "You are one of the women legal pioneers who helped pave the way for me and my colleague, Justice Ginsburg."

Frances was honored by all the attention, although characteristically modest. "It was my intention just to create an endowed scholarship simply for the purposes of encouraging and aiding law students to receive a law degree from Valparaiso University."

The Charles and Elizabeth Rau Scholarship

In February of 1996, Charles and Elizabeth (Schowalter, VU '64) Rau transferred shares of appreciated stock to the School of Law to establish a substantial, endowed law student scholarship in their name. "As a graduate of the School of Law who met his wife at Valpo, this is our gift to say thanks for the education provided us and the sense of Christian fellowship and obligation which encompassed us during our Valpo years and those which followed."

The purpose behind the Rau Scholarship is to encourage students to attain a level of performance which reflects their individual gifts. In furtherance of this intention, the renewable scholarship will be awarded to a first year law student who, in Chuck's words, "maximizes the gifts God has given to him/her in achieving academic excellence relative to that person's abilities, irrespective of grades or economic status."

Chuck (VU, '59, VUSL, '62) currently serves as Vice President and Tax Counsel for MCI Communications Corporation, headquartered in Washington, D.C. His long list of professional involvement includes current service as Chairman of the Corporate Income Tax Subcommittee of the National Association of Manufacturers (NAM); membership on the Finance-Executive Committee of the Board of Directors of The Tax Council; membership in the International Fiscal Association; service as a trustee of the American Tax Policy Institute; membership on the Taxation Committee of the American Bar Association; and, as past International President of the Tax Executives Institute.



Charles W. Rau

In addition to their desire to encourage students to attain a level of performance befitting their God-given abilities, this scholarship "... also reflects Beckie's and my thankfulness for the many blessings God has bestowed on us and we believe is consistent with Valpo's emphasis on combining academic achievement with Christian values."

Interested in finding out more about how you can establish your scholarship at the School of Law? Contact Assistant Dean Curtis Cichowski at 219-465-7841.

Reunions Held

Golden Gavel Society meets during Homecoming - Once again the Golden Gavel Society held its reunion dinner at the Strongbow Inn on Homecoming evening. Society members are VUSL alumni who graduated 40 or more years ago. Nearly 100 alumni and guests joined co-chairs Ken Roeh and Harold Couillard, for an evening of good food, warm laughter and terrific memories. The 1997 Golden Gavel Reunion will be held on Saturday, October 11 at the Strongbow Inn once again. Members of the Class of 1957 will be welcomed to the Society at that time.

10 Years for Class of 1986 - The Class of 1986 held a reunion to celebrate their first decade out of law school. The events were kicked off by class member Professor Linda Whitton and her husband John Harris, who hosted classmates and friends in their home on Friday evening. Following a Saturday brunch at the law school, alumni and guests met for dinner

at the Marriott Star Plaza in Merrillville. Memories were shared, and many photos of children were proudly passed around.

Alumni Association Board of Directors News

The Alumni Association wishes to express its sincere gratitude to the five Board members whose terms expired in the fall of 1996. Their effort on behalf of fellow alumni and the Law School is a prime example of the commitment to service that so many Valpo lawyers demonstrate every day. "Retiring" from the Board are: Bernard A. Carter '84, Daniel J. Kozera, Jr. '66, Russell K. Lindquist '63, John G. Postweiler '72 and Deborah Schavey Ruff '86.

New Board members were elected in 1996 to begin their three-year terms, and two current members were elected to second terms. Re-elected to a second three-year term were: Thomas K. Guelzow '72 and Stephan K. Todd '70.



Class of 1971 gathers in Valpo - Reunion chair George Walsh was one of the members of the Class of 1971 who came back to Valparaiso to celebrate their 25th Year Reunion. Alumni and friends enjoyed a golf outing hosted by class member

Mayor David Butterfield. The Law School hosted a picnic for the Class on Saturday afternoon. The alumni then reconvened at the Valparaiso Country Club for dinner and more "catching up" with one another.

alumni news

Newly elected to the Board:



Deborah Hale '85 is a Senior Attorney with Dependency Court Legal Services in Monterey Park, California, a non-profit firm representing abused and neglected children.

Phillip E. Houk '86 is a Magistrate in the Allen Superior Court Civil Division.



Carol Colby Kaesebier '83 is Vice President and General Counsel for the University of Notre Dame.



Peter H. Pogue '89 is an attorney with Locke, Reynolds, Boyd and Weisell in Indianapolis.

Jennifer J. Stocker '85 practices with Walters Bender & Strobbeln in Kansas City, Missouri.

class actions

1955

William Berning has joined the law firm of Helmke, Beams, Boyer & Wagner in Fort Wayne. He joins fellow VUSL alumni *Walter Helmke '52* and *Trina Glusenkamp Gould '82*

1958

The Greater Valparaiso Chamber of Commerce has honored *William Wagner* with its Distinguished Leadership Award. Citing his fund-raising expertise and his community activism, the Chamber found Wagner to be a "very successful businessman" who "feels a real commitment to the community." He is a partner in the firm Hoeppner, Wagner & Evans, and main legal counsel for Valparaiso University.

1959

Judge Raymond D. Kickbush is retiring after nearly 20 years on the Porter County Circuit Court. Prior to his tenure as judge, he worked in the bond claims department of a Chicago insurance company for 11 years, was a deputy Porter County prosecutor for nearly two years, and for five years he was a state industrial board hearing officer. His seat on the bench has been filled by *Mary Rudasics Harper '75*

1967

Allen L. Landmeier is currently serving as President of the Kane County (Illinois) Bar Association. Mr. Landmeier practices in Geneva, Illinois.

Donald H. Martin has become Of Counsel to Foster, Swift, Collins & Smith in Lansing, Michigan. Formerly Ingham County Prosecuting Attorney, he will work with the firm's litigation department primarily in the areas of civil litigation, family law, and white collar crime.

John C. Ruck, VU '64, VUSL '67 was appointed by Michigan Governor John M. Engler as a Circuit Judge for the

County of Muskegon in June. Judge Ruck lives in Whitehall, Michigan with his wife, Marilyn J. (Fischer) Ruck, VU '64, and their children David and Katie.

1973

Mary McClintock Kennedy reports that she is working with the bankruptcy group of Spector, Gadon & Rosen in Philadelphia, PA. Her practice primarily involves Chapter 11 debtors work.

Thomas H. Nelson has announced his departure from Stole Rives, LL.P. and the continuation of his practice of public utility law at 1001 S.W. Fifth Avenue, Suite 1900, Portland, Oregon 97204.

1974

John F. Hoehner, who is currently serving as Assistant General Counsel and Assistant Secretary to the Sverdrup Corporation in St. Louis, an international architectural and engineering firm, was admitted to the practice of law in Missouri in September. The former U.S. Attorney for the Northern District of Indiana and former President of the VUSL Alumni Association observed, "Admission by reciprocity is very much preferable to admission by exam. I recommend it highly."

1975

Becky Dahlgren has relocated her law practice to 1100 Jorie Boulevard, Suite 260, Oak Brook, Illinois 60521, (630) 368-0518.

Judge Mary Rudasics Harper has left her seat on the Porter Superior Court in order to join the Circuit Court Bench as circuit and juvenile court judge. Replacing Harper is *Julia Jent '82*

1978

Christopher B. Hunt was named to a list of "Super Lawyers" this past August. Compiled by the American Research Corporation (ARC), the annual list names the "leading consumer lawyers in



Col. David V. Sweigart '79



Tahoe Gathering: Some Members of the Class of 1981 and Guests Come together "Fifteen Years After"

submitted by Roy Portenga '81

"I touched his vest!" "No way, Jackie."
"Yeah, Ted Kennedy still wears a bullet-proof vest!"

Jackie explained how she ended up at the Massachusetts' Delegate party at the Chicago Democratic Convention—and a host of other stories commenced.

The scene was an old, crowded cappuccino/waffle house in South Lake Tahoe, California. The occasion was the first morning of our week-long, 15th year, law school reunion at "Top O'Tahoe", a seven bedroom, eclectic home on a mountain-side overlooking Lake Tahoe. The participants included Steve and Jackie Leimer '81, Mike '81 and Terese '91 Massa, Bob Caflisch '79, Diane Kunz, Nelson Chipman '81, Barb and Jeff '81 Eggers, Liz and Dean '81 Young, my wife, Ann, and

myself. While our group traditionally gets together for a "Big Chill" weekend every September, we had decided to splurge for our 15th.

Group members are starting to feel our age: a few pounds have been added and gray hair is in fashion. Beds were crashed consistently by midnight. People actually got up for breakfast. Dean had to do a phone dep and Jackie stayed in touch with her office by laptop.

Nonetheless, the group's magic prevailed: humor; spontaneity; curiosity; compassion; and, especially, care for each other. I shall never forget Jeff's toast to and for the group. Respectfully, I would like to conclude it now: "And may we all resume life's journey together."

Minnesota." Hunt is a shareholder and director of Messerli & Kramer, P.A. in Minneapolis. He works in the fields of estate planning, business succession planning, probate and related areas. Hunt is a Fellow of the American College of Trust and Estate Counsel and serves on several boards and committees related to probate and estate law.

1979

David V. Sweigart has been promoted to the rank of Colonel in the Michigan Air National Guard, a reserve component of the U.S. Air Force. Beginning his service with the U.S. Air Force in 1959, Colonel Sweigart was commissioned in 1978 and since then has served as an Administrative Officer, Personnel Officer, Director of

class actions



Mark Rutherford '86

Personnel, Commander of the 110th Resource Management Squadron, and Deputy Commander for Resources. The civilian side of his life finds him employed as a Business Planning Specialist with Lincoln National Life Insurance Company in Fort Wayne, Indiana, where he lives with his wife Rose.

1981

Jacqueline Leimer has joined the legal department of Kraft Foods, Inc. as Chief Trademark Counsel.

1982

Dan Banina was sworn in as judge of Superior Court of Miami County, Indiana on January 17. Formally the chief deputy prosecutor in Franklin County, since 1987 Banina had served as chief deputy prosecutor of Miami County. He lives in Peru, Indiana with his wife, Helene, and three children.

Julia Jent was sworn in as Porter Superior Court judge on January 20. More than 100 Porter and Lake County notables, friends and family members filled Court No. 3, making it one of the largest official welcoming ceremonies for an individual ever witnessed in Porter County. Jent replaces *Mary Rudasics Harper '75*.

Eugene Parker successfully negotiated a \$48 million contract for his client Emmitt Smith of the NFL's Dallas Cowboys. Parker negotiated a \$35 million deal for Smith's teammate Deion Sanders last year. According to the NFL Players Association, Parker is among the top 10 agents in the league. Parker works from his offices in Fort Wayne, Indiana.

Diane Kavadias Schneider has been selected to serve as a member of the 1996-1997 Indiana State Bar Association Board of Governors. Currently a magistrate in Lake County Superior Court, she is also vice chair of the ISBA Improvements in the Judicial System Committee, and a member of the Valparaiso University School of Law Alumni Association Board of Directors.

1983

Governor Evan Bayh appointed *Joan Kouros* the newest Lake County Superior Court judge on January 19. She will assume jurisdiction over the felony docket of Criminal Division Room Three in Crown Point.

Laurie Pangle Watrol has been promoted to General Counsel of Fifth Third Bank of Northwestern Ohio in Toledo, where she had served as Senior Legal Counsel since 1992.

Katharine Webling, Valparaiso University Vice President for Admissions and Financial Aid, successfully wrote a grant proposal resulting in a \$1.6 million award from the Lilly Foundation. The money is to be used in efforts to attract Indiana high school students from school districts that have traditionally had a low percentage of their graduates attend college.

1984

Steve Buyer, Republican Congressman from Monticello, Ind., was named Chairman of the Military Personnel Subcommittee. The group oversees various issues relating to personnel, including their pay and benefits and the delivery of health services. Buyer, who served in the Persian Gulf War and is the only member of Congress with Gulf War illness, plans to turn up the heat on the military brass regarding the illness and other issues. He has already been active in investigating charges of sexual abuse of Army trainees.

1985

John P. Shanahan has become Porter County's first juvenile court magistrate. He will hear delinquency, child neglect and other juvenile court cases that, until now, have been handled only by the circuit court judge.

1986

Mark W. Rutherford lectured at a 1996 ICLEF seminar: "DWI: Beyond the Nuts and Bolts." Mr. Rutherford's topic was

"Double Jeopardy, Refusals and License Suspensions". (*Lee Cotner '87* chaired the program.) He was recently re-elected president of the Lambda Chi Alpha Home Association of Wabash College, Inc., and elected vice-president of the National Junior Tennis League of Indianapolis, Inc. Mr. Rutherford practices with Laudig George Rutherford & Sipes in Indianapolis.

1987

Diana C. Bauer has been named a partner at Miller, Carson, Boxberger & Murphy in Fort Wayne. Ms. Bauer's practice is insurance defense with an emphasis in civil rights defense and medical malpractice defense.

Dorothy Paulsen Smith received an honorary doctor of humane letters from Whitworth College in Spokane, Wash. A 1955 graduate of Whitworth, Dr. Smith was recognized as "a shining example of the ideal of lifelong learning." Smith earned her master's degree in nursing at Case-Western Reserve University, and her Ph.D. in sociology from Yale University. During the 1980s she served as V.U.'s vice president for admissions and financial aid, and began part-time study at the School of Law. Most recently she served Valpo as vice president for business affairs. Now a professor emerita of V.U., she lives in Valparaiso.

Jamie Marie Wallace, 3, daughter of *Jeffrey E. Wallace* and Kayleen S. Wallace, happily welcomed her new brother, Adam Jeffrey, to the family in June. Miss Wallace also notes that her father has been named to the Japan/America Society, Inc. Board of Directors. Mr. Wallace is a partner with Wyatt, Tarrant & Combs in Louisville who spent more than two years practicing law in Tokyo with Anderson Mori. Finally, Mr. Wallace has been named by *Business First* magazine as one of the "40 under 40" individuals in the Kentucky/Southern Indiana region who are the 40 most influential business, civic and professional leaders under 40 years old.

1989

John H. Daerr has become a partner with Locke Reynolds Boyd & Weisell. John concentrates his practice in general and commercial litigation, as well as in immigration, divorce, and family related matters.

Heidi B. Jark was recently engaged to architect Steve Kenat. A graduate of the University of Cincinnati, Mr. Kenat is employed by GBBN Architects in Cincinnati. They are planning a November wedding. And speaking of planning . . . Heidi is Development Director for Planned Giving at Valparaiso University. Ms. Jark helps alumni and friends of the University make gifts to VU through their estates. She can be reached at 219-464-6905.

Jeffrey S. Kinsler, associate professor of law at Marquette University Law School, has co-authored *Wisconsin Practice Volume 8: Civil Discovery*. West Publishing, Co. published the 1996 work.

Mary Beth (Lavezzorio) and Brian Maite were blessed with Marisa Elizabeth's birth in March.

Peter H. Pogue has become a partner with Locke Reynolds Boyd & Weisell in Indianapolis. Peter practices in the areas of medical malpractice defense, drug and medical device litigation, as well as mental health and confidentiality matters. Peter was elected to the VUSL Alumni Association Board of Directors in October.

Dan Rustmann and wife Lydia had twin daughters, Julia Christine and Sarah Kathleen, born April 28, 1996

1990

Scott G. Reno and wife Jonna Pabst (VU '90) were blessed by the birth of their daughter, Lauren Taylor Reno, in March of 1995.

Mark A. VandenBosch recently joined the firm of McShane & Bowie in Grand



John Daerr '89



Heidi B. Jark '89



Mark A. Vandenbosch '90

class actions

Rapids, concentrating in the areas of construction and real estate litigation. Mr. VandenBosch joins the firm after five years as a construction and commercial litigation specialist in private practice and one year as judicial law clerk to Justice James A. Brinkley of the Michigan Supreme Court.

1992

Deborah L. Chubb received a scholarship to attend the ABA Family Law conference in Washington, DC in October. Ms. Chubb was a recipient of an award recognizing her *pro bono* activities in the field of family law. Ms. Chubb's practice is in Michigan City, Indiana.

1993

Monica Conrad has married Chris Hoham. Ms. Conrad is practicing with Brydges, Riseborough, Peterson, Franke & Morris in Chicago, concentrating in school law. Mr. Hoham is a chemist for Core Laboratories in Valparaiso.

Gregg A. Hixenbaugh opened an office for the general practice of law on September 3, 1996. His office is located at 113 South Main Street, Suite 201 in Mishawaka, Indiana 46544. Hixenbaugh has also been appointed as an Instructor in the Paralegal Studies Program at Ivy Tech State College in South Bend.

1994

Kim Newby is an associate with the firm of Preston Gates & Ellis in their Hong Kong office, working with resident partners *George Liu '74* and Susan Liu (who did her first year of law school at VUSL). Her friends may contact her at:

Preston Gates & Ellis
2901 Central Plaza
18 Harbor Road
Wanchai, Hong Kong
e-mail: newby@prestongates.com

Christopher Petersen is a newly appointed Deputy Prosecuting Attorney in Elkhart County Superior Court #5. Mr. Petersen

also maintains a solo practice in Elkhart.

Kip Winters recently became an associate with McKaig & Balice in Ionia, Michigan. Prior to joining the firm, Mr. Winters was an Assistant Prosecutor in the Ionia County Prosecutor's Office. An "Official Lions Fan," he lives in Ionia with his wife Michaeline.

1995

Christine C. Drager, currently clerking for U.S. District Chief Judge James Singleton, Jr. in Anchorage, Alaska, is staying busy by serving as Secretary of the Anchorage Inn of Court; as a member of the Board of Directors of Anchorage Young Lawyers; and by teaching at the Anchorage Youth Court. "Enjoying the Alaska outdoors!"

D. Tyler Fellows has become an associate of Alpert & Gregorski in Manitowoc, Wisconsin. The firm focuses on personal injury and matrimonial law.

Dave and Anita *Kuker* welcomed daughter Erin Louise in February.

Ilse K. Masselink and *Andrew Saewert '97* are engaged and planning an August 1997 wedding. Ms. Masselink practices with Cholette Perkins & Buchanan in Grand Rapids.

Richard W. Schulte has opened a law office in Miamisburg, Ohio.

1996

Tina J. Coffey announces the opening of an office for the general practice of law at 115 West First Street, Suite 150, Dixon, Illinois 61021.

Stephen Cook, *Michelle Couch* and *Scott Smith* have passed the Colorado bar exam and are practicing law in that state.

Daniel J. Goeman has joined the Merrillville law firm of Greco Pera & Bishop.

In Memoriam...

Quentin A. Blachly '59
Jerome C. Carroll '53
Kenneth J. Lowenstine '75
Gus A. Marks '38
Harry A. Psimos '54



LADIES AND GENTLEMEN OF THE JURY . . .

OUR CASE:

Joining the VUSL Alumni Association is good for you and Valparaiso University School of Law.

THE EVIDENCE: EXHIBIT A

Alumni Association membership dues fund: 10th Year, 25th Year and Golden Gavel Class reunions, Annual All-Alumni Homecoming Picnic and Gathering, and regional alumni receptions and other special events.

Your dues also buy all the coffee students drink during finals (which they enjoy A LOT), and the Champagne Reception and gifts for each graduating class.

MORE EVIDENCE: EXHIBIT B

Benefits of Membership: Free use of the VUSL Law Library, discounts at the University Bookstore, and buy-one-get-one-free ticket privileges for performances of the Departments of Music or Theatre and Television Arts.

SUMMATION:

Joining your Alumni Association is a win-win proposition! To sign-up, use the special envelope enclosed for your convenience, or use the on-line form at <http://www.valpo.edu/law>.



WE REST OUR CASE.

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For information, call the Alumni Relations Office 800-262-0656

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