Prosecution Proceeds At Winamac

Lyn Ulrich and her cousin Donna were instantly burned to death. Lyn's sister, Judy, died eight hours later in the St. Joe burn unit in Fort Wayne of severe burns suffered in the crash.

The cause of the girls' deaths was the August 10, 1978 collision on a rural stretch of road in Elkhart county in which a van struck the rear of the 1973 Pinto 2-door sedan that Judy was driving.

The gas tank of the Pinto exploded, and the fire burst into flame, looking like, according to one witness, "a big napalm bomb."

The girls died of burns, rather than from any other accident-related trauma. So say the expert pathologists called by the state, as the first round of courtroom skirmish got underway in Winamac, Indiana, on January 14 in the case of State of Indiana v. Ford Motor Company.

The trial, preceded by one week of voir dire beginning January 7, stems from indictments against Ford Motor Co. obtained by Elkhart County Prosecutor Dean Cosentino in September 1978. Cosentino is aiding in the prosecution by his assistant, Terry Shewmaker, and four deputy prosecutors: Professor Bruce Berner, Valparaiso Law School Terrv Klly, Professor of Product Liability at DePaul University in Chicago; Attorney John Umler of Goshen, Indiana; and local counsel, Winamac attorney Dan Tankersley.

Defense attorneys for FordMoCo include James Neal and Aubrey Harwell of the law firm Neal & Harwell of Nashville, Tennessee (Neal is the former prosecutor in the Watergate trials); Malcolm Wheeler of the New York firm Hughes, Hubbard & Reed; and local counsel Lester Wilson.

The prosecution is proceeding against Ford on the theory that the automaker is criminally liable for the girls' deaths under the reckless homicide statute in Indiana. The state believes that the negligent design, manufacturing and sale of the Pinto, coupled with Ford's failure to warn consumers of the car's propensity to explode and burn upon rear-end impact, despite the company's alleged knowledge of the defect, constitutes reckless disregard of probable harm to users of the automobile. Therefore, FordMoCo is guilty of reckless homicide.

Ford's defense, on the facts of the case, is that the force of the impact was great, since the "closing speed" of the two vehicles was high. The state has put on approximately 20 witnesses, and still continuing its direct exam at presstime.

State trooper Neil Graves, Sargent Finaly and other investigators headed the line of witnesses by describing the road conditions, identifying samples and debris, and testifying that Ford released no vapors throughout the interior of the automobile.

Next, Mattie Ulrich, Judy's and Lyn's mother, testified that the car had no modifications, that the girls did in fact drive it that night, that they never returned home, and that she received no warning of the defect until three months after the fatal incident.

Approximately ten eyewitnesses were examined next, followed by several experts in pathology and safety engineering. The experts include Dr. James Benz of Indianapolis; Dr. Robert Steim of Chicago, who served as coroner in the John Gacy multiple murder trial and conducted the pathological investigation in the Flight 191 DC-10 crash at O'Hare Airport; and Byron Bloch, an auto safety engineer from Los Angeles, who testified to the feasibility of alternative designs in placing the gas tank in the cars.

The state expects to rest its case in approximately five day's time, depending on how extensively the defense presents its defense.
When I accepted admission to Valpo, I was not an Iranian.

Valpo Has a New Look?

rumors travelled around classrooms like students with nothing better to do. Two “Dear Counting Car-tons” appeared, one on every door. When I opened mine, the first thing I thought was “Well, at least I didn’t win.” Rumors of the seat closeness were, of course, without foundation. The building was not in a precarious state, and it is difficult to imagine the amount of time a student spends in the library. A summary of these rumors follows:

According to Mr. Downey, these rumors are due to the manufacturers of the furniture. The second largest chair manufacturer, I. U. I., is involved in the controversy. It seems that the chairs were designed and manufactured for the library, but are not suitable for the students. Mr. Downey has written to the manufacturer and has requested that they make changes to the chairs. He is hoping that the changes will be made in time for the start of the new semester.

Chair: In the past, the students have had to make do with the chairs that were available. Some students have complained about the discomfort of the chairs, and have requested that they be replaced. Mr. Downey has written to the university administration and has requested that they consider the students’ requests.

To the Editor:

I am writing to express my concern about the new furniture in the library. The chairs are uncomfortable and are not suitable for long periods of study. I urge the university administration to take action to improve the situation.

-Buddy Balogh

I'm still teaching, say teachers, of course, prospective students would have to take into account the need for more chairs in the library. The University of Chicago, for example, has a 1,000-student limit and is therefore unable to accommodate the demand for chairs. The University of Michigan, on the other hand, has a policy of only allowing one chair per student. This policy has been criticized by some students, who feel that they are being denied access to the library because they do not have a chair.

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The Forum
JEWELRY

January 30, 1980

by Kevin Conley

President, second-year student Jerry Jarrett said, the University maintained BALSA’s duty to recruit students to reach this year's selection of first-year law did not rise in proportion to the number of “what conceivable,” he added university must be able to prove that they students, all but one returned this fall. $400, Association, and matched by the university.

P.M. in the New Buzzard, the national executive director for of Lake County and a Valparaiso Law School graduate, will be a guest speaker at one of the group’s regular meetings. to together and talk about integrating their Feb. 2 and a ski trip to Crystal Mountain in Michigan with a number of neighboring law

Porter County Superior Court Judge Jack Allen, a Valparaiso Law School graduate, will speak to the group on Feb. 13 at 6:00 p.m. in the New Seminar Room. On Law Day, CLS will sponsor Lynn Buzzard, the national executive director for the organization, to lecture to the alumni and differ in legal organization.

In April, John Burke, Deputy Prosecutor of Lake County and a Valparaiso Law School graduate, will be a guest speaker at one of the group’s regular meetings.

Goad stated that the Valparaiso CLS chapter is also trying to get Lake County Judge James Clement to address one of the meetings. “Having such speakers provides an opportunity for law students to be brought together and talk about integrating their faith into their practice,” Goad added.

It is also sponsoring a bowling party on Feb. 2 and a ski trip to Crystal Mountain in Michigan with a number of neighboring law schools' CLS chapters. The purpose of our group is to provide a time for fellowship and sharing. We want to be an influence in the community we are in to our fellow law students. The impact has been good. We are a recognized group,” Goad stated.

The organization holds bi-weekly meetings at 6:00 Wednesday evenings, and conducts prayer meetings every Tuesday at 11:40 during the free hour in the Gloria Christi at the chapel. All are invited to attend both these functions. The Christian Legal Society has planned many events for the spring semester, according to the organization’s president, Pepper Goad. Goad, a third-year student, said that, in addition to the bi-weekly and informal meetings, the group also schedules various speakers, plans social activities each month, and is involved in national and regional student conferences.

The Legal Defense Fund of Americans United for Life announces the third annual David W. Louisell Legal Internship Program. Between two and six fellowships will be awarded for summer 1980 to law students in good academic standing who have completed the first or second year of their legal education. A stipend will be given sufficient to cover all expenses for a period to coincide with the students' full-time summer employment. The recipients are expected to demonstrate an interest in the ideal of guaranteeing through law the civil right to life of individual human beings at all stages of biological development. The fellowship provides an opportunity for qualified students to prepare briefs for submission to the United States Supreme Court, as well as other federal and state trial and appellate courts. Students will also participate in the preparation of publications on abortion, euthanasia and related topics.

For those interested in participating in the program, please send a resume and letter stating qualifications and interest in the position to the AUL Legal Defense Fund.

Valparaiso, Indiana University of 42 members and its members for writing honor papers.

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Welcome to the first semi-annual Professors' Performance Awards. This awards program is designed to honor those professors who have gone above and beyond the call of duty and made their classes interesting, as well as challenging. This year, the awards will be confined to first-year profs because they are the only ones whom our selection committee (me) has had time to observe in action. So be patient, Professors Stevenson, Hiller, Levinson, Brockington, Long, Martz et al., your turn comes next year!

Our first category is Best Performance in a Single Class Period. This term’s award goes to Professor Doug Kmiec for his lecture on air rights, complete with “takings and land-offs.” Also to be commended is Professor Kmiec’s remarkable recovery from that slip of the lip (it’s hard to crawl under one of those podiums!).

Second, we have Best Professor in a Supporting Role for Comedic Student Performances. This award is given to Professor Al Meyer, hammers down, for reacting so calmly to “Twenty-five, twenty-five, do I hear thirty?” Professor Meyer’s “Could you elaborate on that statement?” will go down in Wehrmann Hall history as one of the kindest responses a teacher has ever made to a student faux pas.

Category number three: Best Choreography. Who else deserves this accolade but Bruce Berner. Bruce exhibits creativity and versatility while executing graphy: Who else deserves this accolade but Bruce Berner. Bruce exhibits creativity and versatility while executing.

Juicy praise. While I plod the straight and narrow And shall I ask, Is Madness vast? No ravage by Routine? Still the soft-loud Siren’s song Of leaving this line the balance.

For Soul is asleep, drowning til Dawn When Tomorrow masquerades as Today.

-Taco Day-
-Beer Day-
-Taco’s Our Specialty

The Write Right Award is bestowed upon Professor Goodwin also for lecturing in place of the closing lines.

The Pluch-Hilt award goes to Professor Richard Stith for lecturing in place of the ailing Bruce Berner. In addition to covering the material, Professor Stith allayed our fears that Professor Berner would be wheeled in and deliver his lecture from a hospital bed.

The Down to Earth Award goes to Professor Paul Briezke for standing around and chatting with students at the DTP house. We realize that many of our professors do this, but Professor Briezke is the only one clad in a corduroy sportcoat and blue jeans, reminding us that he is not so very far removed from being a student himself.

The awards that all professors are looking forward to are forthcoming. As we have waited in breathless anticipation for our grades, so must they for their awards...the Testing Awards. Each semester, the professors compete to see who can write the funniest exam, the most difficult exam and the most perplexing exam. This semester, they all did not present some task or even more than we were bargained for.

Funniest Question in a Single Exam goes to Professor Kmiec for his timely question concerning Hans and Fritz, Professor Kmiec will give the two free passes to the Deutsch­land Disco and a year’s supply of Brunn­hilde’s sauerbraten.

Funniest Examination: This highest honor is given to Professor Meyer for the Fly-By-Night Travel Agency, Born Bruzer, Luigi Bartelt and Good Bertwin. We laughed until we cried (when we realized what you were really asking for.)

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BARD Undefeated

The upstarts basketball court at Hilltop Gymnasium last Sunday night was, to put it tritely, the scene of a massacre. Yet it was a scene that had taken place five weeks before during this intramural basketball season, and will most likely occur again.

The BARD basketball team demolished the Lambda Chi Psi squad 34-0 to tip the law school team’s record to 6-0 for the season. BARD showed a superb collection of talent throughout the game, directed from the sidelines by Coach James Bly, husband of BARD showed a superb collection of talent throughout the game, directed from the sidelines by Coach James Bly, husband of third-year student Vanita Bans.

The squad consists of all first-year students except “Old Man” Jerry Jarrett, from the second-year class. Jeff Galey plays center, with Jim Canonie subbing as forward-center at times. Jarrett, Eugene Pinkston, George Gartolis and Roy Brandes as forwards.

BARD will play three more games this season before the tournament: February 5 at 6:30 p.m. in the upstarts gym; and February 10 at 10:00 p.m. and February 12 at 8:00 p.m. on the main gym floor.

The Forum will feature individual profiles of team members in the next issue.

February is the peak deadline for all the following intramural sports: Team Swimming, Team Volleyball, Individual Wrestling, Individual Bowling, Individual Billiards, Individual Badminton, Individual Table Tennis, and the Individual Free Throw Competition. The free throw contest will be held February 3 at noon in the Hilltop Gymnasium.

Sign-up sheets are posted on the bulletin boards upstairs to the left of the glass case, and downstairs on the east wall of the lounge.

FJC Sponsors Visiting Scholar

The Federal Judicial Center in Wash­ington, D. C. is sponsoring a Visiting Scholar Program to allow one or more individuals with research interests that coincide with those of the Center to spend a year in residence at the Center.

Applicants should have well-developed interests, evidenced in relevant publications or experience, in areas that coincide with the needs and interests of the Federal Judicial Center.

Congress created the Center in 1967 as the federal courts’ agency for research, systems development, and continuing education. Center research and development deals first-hand with numerous aspects of federal trial and appellate court administration.

Interested persons may obtain more information concerning the Center and the Visiting Scholar Program by writing to:

A. Leo Levin, Director
Federal Judicial Center
1520 H St., N.W.
Washington, D. C. 20005

SUMMER LAW STUDY ABROAD

Oxford, ENGLAND


Strasbourg, FRANCE


Tokyo and Kyoto, JAPAN


Hong Kong

Focus will be on the legal situation for China and Southeast Asia. Courses include Law of PRC, Financing and Taxa­tion of International Transactions. Internship possibilities.

New Delhi, INDIA

Focus will be on the Legal Situation in Developing Countries. Academic Program at Indian Law Institute at Supreme Court of India. Studies will cover Constitutionalism in Economically Disadvantaged Countries, Gover­nment Regulation of the Economy.

For Information

Director, Summer Overseas Pro­grams
School of Law
University of Santa Clara
Santa Clara, CA 95053

To reserve your place, please include $50 deposit.

ABA Proposes New Code; Hearings Begin in February

Attention: Legal Profession students!

The American Bar Association’s Com­mittee on Evaluation of Professional Stan­dards will present its discussion draft of the model rules for governing lawyers’ conduct for discussion and revision at the Association’s midyear meeting in February.

In the January issue of the ABA Journal Chairman Robert J. Kutak discusses some of the proposed rules which the commission has been working on for two years.

“The draft must now be reviewed, weighed and debated by every thoughtful member,” Kutak says. He expects the ensuing debate to be lively. “Were it not, I would think we had failed in our mission, for we would have avoided the tough prob­lems.”

The discussion draft consists of two sections, the first of which is divided into seven parts concerning “The Practice of Law.” The second section has three parts concerned with “The Responsibilities of a Public Profession.”

THE PRACTICE OF LAW

The new rule on lawyer competency uses the present code as a base and has expanded from there to include standards which have been established by recent practical experi­ence acted on judicially.

Conflicts of interest are spelled out in a series of “thou shalt nots” which can be considered a commentary of the profession’s stand ethically on several situations which are thought of as inherent conflicts of interests.

The obligation of duty for the corporate attorney is a growing area of concern that is addressed specifically under the proposed rules on client-lawyer relationship. The lawyer’s responsibility is seen as one to the organization and not to any of its individual parts, i.e. the board of directors, individual officers or other staff members.

Client perjury presents a unique problem for the advocate. The proposed rule in criminal cases recognizes that a lawyer’s duty to the court of complete candor is qualified by the law’s own definition of due process and the right to counsel. However, the attorney’s duty is to avoid falsifying any evidence and this includes being involved in any way in perjury.

RESPONSIBILITIES OF A PUBLIC PRO­FESSION

Kutak proposes the code recognizes that each lawyer has a responsibility to provide free legal assistance to the poor. The commission decided that a mandatory program requiring that a specific number of hours be given to such work would not be advisable for several reasons. The new rule would require lawyers to report each year how they have complied with this duty. It is the belief of the commission that self­reporting will “encourage individual con­tributions of time and skill on a basis and in amounts that are most effective under the lawyer’s particular circumstances.”

Many people don’t know what legal services are available to them and what the general cost will be. The commission’s work in this area is aimed at removing these barriers that may have kept people in the dark and insure the widespread availability of legal services.

“The proposed rules are not so much a penal code for the profession, although the part they are,” Kutak says, “they are . . . statements of the practice of ethical lawyer­ing . . . in the closing decades of the 20th century.”

The discussion draft will undergo public hearings this year. Those hearings will begin in Chicago on February 3 and end the summer before the ABA’s annual meeting in Honolulu. Testimony taken at the hearings as well as written submissions will serve as the basis for any revisions to be made. The final proposed rules will be submitted to the ABA House of Delegates for its consider­ation in February of 1981.

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For Information

Director, Summer Overseas Pro­grams
School of Law
University of Santa Clara
Santa Clara, CA 95053

To reserve your place, please include $50 deposit.

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It Happens Every Friday
From Four p.m. to Ten p.m.
The Process

From one machine, through another machine to the walling wall. We have tried to recreate in pictures what transpired last semester. Some careers were made, others were broken. Now with the return of the cold January winds, and thoughts of spring, the process continues anew.

Welcome To The Machine

Part 2