The Indiana Supreme Court held oral arguments in a case filled beyond its seating capacity at Valparaiso University School of Law on October 30, 1989. The event was sponsored by Phil Deuser, the law school's director, who achieved a success both in turnout and in substance. Attendees had the unique opportunity of observing the Indiana Supreme Court in action behind the podium. His style was characterized by a more exciting and alert atmosphere within the courtroom, and he created the impression that his arguments were not "unreasonably withheld consent. The trial court held that consent could not be unreasonably withheld and ruled in favor of Key Markets. The Court of Appeals affirmed the trial court's decision and consequently, the use of "junk science" to arrive at a verdict likely.

The distinguished lecturer's choice of topic reflects the professional expertise in liability law and safety regulation. Huber graduated from Harvard Law School and earned his doctorate in architecture. He is a Managing Director, M.I.T. He has clerked for Judge Ruth Ginsburg on the D.C. Circuit Court of Appeals and Justice Sandra Day O'Connor of the Supreme Court of the United States. Huber is currently serving as a Senior Fellow of the Manhattan Institute for Policy Research.

First Federal filed a petition for transfer (rehearing). The Court of Appeals denied the petition, and now First Federal asks that the Indiana Supreme Court evaluate the aforementioned issues. The first decision that Key Markets made to First Federal's appeal was procedural. The question was whether the plea for rehearing was timely filed. The deadline was on Martin Luther King's birthday, January 18, 1989, however, First Federal did not file until one day later. First Federal argues that because the deadline was on January 18, 1989, and the deadline was not a legal holiday, First Federal should not be entitled to relief for failing to meet the deadline. This issue was raised first because it was a jurisdictional challenge, which if found in favor of Key Markets would immediately dispose of the case. Thus, the Court would lack the authority to evaluate the case on merits.

The primary substantive issue of the case is one of great controversy in contract law. Key Markets contends that although there is no express or implied contract that requires the refusal of consent to be "reasonable," such a standard is both inherent in the Restatement (Second) of Property, Section 192 (2), which provides that consent for alienation of property by the tenant cannot be unreasonably withhold. First Federal, however, contends that the law in Indiana requires parties to express such rights, duties, or obligations and that where they are not expressed, none exist.

Each attorney was given a half-hour to argue his respective views. Most noticeably in those arguments was the difference in style. The attorney for First Federal demonstrated a much more aggressive style, not only more verbal and more active in movements. While stressing a key point, he often used hand gestures and at the same time placed behind the podium. His style seemed to create more excitement and alert atmosphere within the courtroom. The attorney for Key Markets demonstrated an entirely different style. The first attorney was very low key, almost difficult to hear at times, and for the very reason that his style was less intense than that of his opponent. He created the impression that his argument was so packed with substantive points that any argumentative expression was simply unnecessary. Although both attorneys seemed effective in their own ways, determining which attorney influenced the final judgment was made only by determining whether they were actively searching for their expressions to be heard by the judicial panel.

The opportunity to observe such distinct styles of advocacy was certainly a bonus for the audience who will be attending their appellate briefs next semester. For the issues before the court in this case involved areas of "property B" and "contract", both subjects of the first year curriculum. Interestingly, both attorneys were considered to be those who they learned in law school as persons who were not passive advocates, but those who were actively searching for their expressions to be heard by the judicial panel.

At the close of the argument, Chief Justice Randall T. Shepard invited questions from the audience. The court was then asked about their respective views on the case. The five judges exited the courtroom to deliberate the argument, a reception was held in the law school atrium where students were given the opportunity to speak with the judges.

I. Terryl Booeh speaks with Indiana Supreme Court Chief Justice Randall T. Shepard during the Supreme Court's visit to the School of Law on October 30.
Photography contest planned

By Kristi Brown
News Editor

Hello! Check out this exciting opportunity for students to showcase their photographic talents. The Photography contest planned by PAD, the student newspaper of Valparaiso University Law School, is a fantastic way to develop and display your skills. The contest is open to all students, faculty, and staff, and entries are due January 18, 1990.

Phenomenal opportunities await: Students may submit photographs in color or in black and white, and entries may be submitted as many entries as they wish. However, they must be received by January 18, 1990. Students are responsible for their own identification labels, which will be assigned during the competition. There's no charge for the submission. The contest is open to all students, faculty, and staff, and drinks will be available on site.

The Photography contest is an excellent opportunity for students, faculty, and staff to practice their photography skills and to potentially win prizes. The contest is a great way to practice and develop your photography skills in a creative and supportive environment. I urge all students, faculty, and staff to participate in this exciting contest!

Thanksgiving food and clothes drive

By Kathleen E. Campbell
Contributor

For those out to route the library, classes, or special third day appearance for a composite photograph, it was difficult to pass through the front entrance to the law school without taking notice of the large boxes that were filled with clothes and food. The boxes were part of the Thanksgiving Food and Clothes Drive, initiated by LSA. Donna Goos and Robert Henke, in an effort to provide assistance to the destitute and homeless in the area.

As the holiday season approaches, we are particularly mindful of the disparity that exists amongst members of our society in their ability to meet the most basic elements of sustenance: shelter, food, and clothing. It is the responsibility of all of us, starting with the government and continuing with us as individuals as the future attorneys, to bring along others who are not as fortunate financially, socially, or educationally. Goos commented.

"We have a responsibility to those who, for whatever reason, are living on the streets in the middle of the winter. Since the problem can only be solved by allotting substantial sums of money to the problem, it behooves us to do that, individuals must assume some of the responsibility, and provide the underprivileged with as much help as possible." Goos continued.

Both Goos and Henke were pleased with the generous response to the Thanksgiving Food and Clothes Drive. Their donations received were given to Chapel of the Dunes Church, which furnishes assistance to the homeless in Gary, Indiana. St. Paul's has a food bank which assists these needy individuals and families in the community by providing them with clothes and food, received as donations to the church.

Last Thanksgiving, St. Paul's prepared and distributed over 100 food baskets to families unable to supply themselves with the traditional provisions for a Thanksgiving dinner. According to Henke, there will be another Food and Clothes Drive prior to Christmas vacation and the March break, to make donations of clothes and boxed or canned food. Henke asks cash donations be dropped off either in locker (43) or in Goos' locker (123). Because the organization active for the Thanksgiving Food and Clothes Drive may differ, anyone who wishes to write a check should consider the one who can be reached at telephone number 759-4344.

P.A.D. banquet

By Tim Williams
Assistant News Editor

Phi Alpha Delta held its annual PAD banquet Friday, November 30, at the Gathering Restaurant in Valparaiso. This year's banquet was highlighted by the honorary in-

Lucie, J.C. Anderson, Hobbes, Mark Lang, Jill Madigan, and Jocelyn James Zieba.

Anita Gordon, 3L, and Diana Lederer.

The opinions expressed are those of the by-lined authors and not necessarily those of the School of Law faculty, students, or administrators.

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The Forum

November 14, 1989

Just say no to judicial activism

By Randy Ratje
Staff Writer

Northern Ireland and the Republic of Ireland, East and West Germany, and North and South Korea are but three examples of international separations of people of like cultures that should be brought back together.

These unnatural borderlines are among the most hostile in the world. People blame the violence in Northern Ireland on the rift between Protestants and Catholics. However, what is the root of this conflict? The true source of controversy in Northern Ireland is the British occupation forces that enforce the separation of Ulster from the rest of Ireland. The reason Catholics fight against Protestantism is not so much over religion but over nationalism. The Protestants represents the Church of England, the church of the British conquerors. I truly believe that if the British would withdraw and re-create Northern Ireland back to the Irish the religious turmoil would end.

The current wave of mass detections from East to West Germany represents the unraveling of a long festering sore, the border between the two Germanys. There is more to these detections than the escape from Eastern Block oppression. This is a cry for national unity by the German people. However, hopes of the reunification of the two Germanys are dashed because the east remains empty because neither of the two Germanys could support a united Germany. The victors of the First and Second World Wars—hitler and Stalin—left the two Germanys divided, respectively.

It is arguable that no one country started the war. In fact, the nations of Europe almost involuntarily stumbled into war as the result of honoring treaty alliances. Most know that the First World War was triggered by the assassination of Archduke Ferdi­ nand of Austria-Hungary by a Serb nationalist terrorist. Serbia, a small nation trying to free itself from the grasp of Austria and Hungary, based on small territorial claims, was neither the first nor the last to give the powerful reason. Why is it that we punish the Germans for the holocaust, but we do not hold the French accountable for the massacre of innocent civilians in the 1944–1945 Germanic occupation of Belgium?

What the war on drugs means is that the second World War was the inevitable result of the conditions focused upon the German people at the signing of the Treaty of Ver­ nalities. That treaty left Germany in financial ruin and paved the way for Hitler to rise to power. In light of these facts it seems judicious to believe that reunifying the two Germanys and nationalistically would lead to another war. If anything, there is a greater threat to world peace by forcing the Ger­ man people to take reunification into their own hands. In these days when we may be witnessing the end of N.A.S.O. and the Warsaw Pact the justification for a divid­ ed Germany worsens all the more.

Perhaps the greatest fear of a united Germany would be its economic potential. West Ger­ many's standard of living already surpasses that of the United States. Likewise, East Germany's economy is the most prosperous in the Eastern Bloc. Together their economic power would be understandingly frightening to the superpowers.

To block the creation of this economic giant, the superpowers also dredge up the holocaust to justify why Germany should never again be united. Undoubtedly, this is a ploy for the superpowers to use as reasons for barrening reunification. To treat the holocaust as an un­ precededented event in world history is to distort the true history beyond recognition. The Holocaust that was neither the first nor the last war. It was a timeless war.

Therefore, we must avoid the war on drugs by following the route taken by the German peo­ ple. By holding the Germans accountable for the holocaust, we force the Germans to keep our country safe by trying to free itself from the control of foreign superpowers. Instead of trying to create a new standard for our time, we should return to the unchangeable laws that were written for the people of all times. We should return to a fore­ going Constitution that was written to protect the people from these unchangeable laws.

By Randy Ratje

The war on drugs is the heaviest burden the U.S. government places on its citizens. Their dog is wearing a red ribbon saying, "I support a drug free America." But the war on drugs is only one of the plethora of laws the government is trying to enforce, and it conflicts with the Constitution. We don't have the right to take away citizens' freedoms.

The analogy to Vietnam is not perfect. In Vietnam we said, "We have to win this war because our dog is wearing a red ribbon saying, "I support a drug free America." But the war on drugs is only one of the plethora of laws the government is trying to enforce, and it conflicts with the Constitution. We don't have the right to take away citizens' freedoms. But in general, most people just don't care.

To have a successful war on drugs, we have to decide as a soci­ ety what drugs are and what drugs are not.

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To have a successful war on drugs, we have to decide as a soci­ ety what drugs are and what drugs are not.

What is an illegal drug? Is tobacco an illegal drug? What about alcohol? The government is trying to ban marijuana, a drug that has been legal in some states for years. Is marijuana an illegal drug? Do we really need a war on drugs?

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Letters
Coalition for choice
Dear Editor:
I am astounded that Coalition for choice has rejected the Federalist Society's challenge to debate Jus Vitae on the issue of abortion. A debate would give CFC an excellent opportunity to justify its position and convince the student body why the killing of the unborn is a woman's choice.

Apparently, the anti-life group has come to the realization that defending its position as an afternoon pro-abortion meet is infinitely easier than debating pro-lifers where the issues are actually addressed.

Respectfully,
Coalition for Choice doesn't agree with me on that position either.

Coalition For Choice

Challenge
Dear Editor:
This letter is in response to the Federalist Society's challenge to debate and inquiry as to our whereabouts in the last issue of the Federalist Society's challenge to Jus Vitae on the issue of abortion. Coalitio

Dear Editor:

In Response to Mr. Ratje
Dear Editor:
If Mr. Ratje had intended to find out why "a single student felt so compelled to strike the controversy," I would think he would have met with Bodensteiner, or Angela Williams to seek out that particular student. I did not, I can assume that his interest was less objective--as his subsequent discussion on affirmative action demonstrated.

Stephen Whitfield
November 14, 1989 Viewpoints
Abortion

Dear Editor,

The recent lengthy pro-life letter, signed by 2000 people and distributed to everyone at the law school, contained an important omission.

The letter was correct in saying that the right to abortion is a legal right, and that the law allows abortion at certain times in pregnancy. However, it is important to note that abortion is not a legal right in any country outside the United States. In fact, most countries around the world prohibit abortion entirely or restrict it to certain circumstances, such as cases of rape or incest or when the life of the mother is in danger.

The letter also stated that abortion is a moral issue. However, it is important to recognize that the question of abortion is complex and multifaceted, involving legal, moral, and medical considerations.

Sincerely,

[Your Name]

Subject: Abortion

Dear Editor,

Re: Abortion

As a legal student, I was concerned to see the omission of the legal perspective in the recent pro-life letter. The letter failed to mention that abortion is a legal right in the United States, protected by the U.S. Constitution.

The Supreme Court's decision in Roe v. Wade, in 1973, established a woman's right to abortion, subject to certain state regulations. This decision has been upheld by the Court in subsequent cases, and the right to abortion remains a legal right in the United States.

It is important to recognize that the law provides a framework for deciding when abortion is appropriate, and that the decision to have an abortion is a complex one, involving medical, personal, and legal considerations.

Sincerely,

[Your Name]

Subject: Abortion
By Allen Fore
Editor-in-Chief

**Faculty profile**

**Sue Collins**

Most people find legal writing class tedious and time-consuming, however, Sue Collins believes that legal writing is rewarding. Collins is training to be an adjunct instructor in Legal Writing. She is presently starting the workload with Sue Britzka, the mentor, but she intends that she is also taking the course herself as a student.

Collins' interest in legal writing comes from her background in the field. Collins was a manuscript editor for a professor at the University of Wisconsin Law School, and she was also a manuscript editor for the Wisconsin State Bar Continuing Legal Education program. She received both her B.A. in Journalism and her Master's degree in literature at the University of Wisconsin.

According to Collins, "taking the legal writing class at Valparaiso has taught me a lot in addition to what I've learned through my background in the field." She added, "Although a lot of information is covered in the class, the main aspects of library research and writing, the program does a good job teaching the materials."

Collins gave birth to a baby girl last week, and much of her time is taken for family life. Although her new baby Anna and her daughter Lauren will receive their mother's attention, Collins intends to continue her efforts in improving the VU legal writing program.

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**Student Profiles: 1L's**

**Alex Brown and Cindy Dunbar**

Photography by Doug Lalonde

Alex Brown

Most about the Soviet Union was how open the people had a special interest in the Soviet Union by taking a number of courses from a professor who had a special interest in the area," Brown said. "They have always spoken well of the school."

The son of a retired Army Lt. Colonel, Brown is familiar with frequent traveling. He had the opportunity to voyage to the Soviet Union last year.

"I developed an interest in the Soviet Union as a result of a number of courses from a professor who had a special interest in the area," Brown said.

"The thing that surprised me most about the Soviet Union was how open the people were," he continued. "We were told that people..."
Thirty plus by Buffie Collins Staff Writer

Numerous advantages exist in being an older law student. Despite being an older student than most, I have worked and raised my babies, worked in the yard, and managed property. Experience aids in identifying with the problems we study. Many of us have formed contracts with other parties, have managed property, and worked efficiently come occasion to learn over the years. Thirty plus years of experience and working efficiently come at a substantial cost. Although I have worked for corporations, tax agencies, state agencies, medical facilities, law firms, management of businesses, paid taxes, and raised children. We have learned through first-hand involvement. The terminology and processes we study are familiar to us. In short, we can relate in a substantial manner to the words we read. That combination can be extremely help in understanding the legal concepts and ideas that we study. Whether at work or school, that connection is priceless.

There is a vast difference between the protected environment of school and the actual world, as many of us have had occasion to learn over the years.

Those of us who have worked for a number of years before law school, and those of us who continue to work during school find that our work experience is extremely helpful in many ways. The disciplines learned on the job such as organizing time, establishing priorities, developing concentration for the task at hand, putting the exigencies of life in their proper perspective, solving problems, and working efficiently come more easily. Job-related experience aids in identifying with circumstances discovered in the hundreds of cases that we read. Many of us have contracts with other parties, have bought, sold, or managed property, have been involved with litigation on a personal basis, have worked for corporations, tax agencies, state agencies, medical facilities, law firms, management of businesses, paid taxes, and raised children. We have learned through first-hand involvement. The terminology and processes we study are familiar to us. In short, we can relate in a substantial manner to the words we read. That combination can be extremely help in understanding the legal concepts and ideas that we study. Whether at work or school, that connection is priceless.

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Kap's Komer: Soviet invasion

By Jim Kapitan

Colombia University

This year, the NBA and the NHL will take on an international flavor as several of the Soviet Union's best basketball and hockey players invade the American professional ranks. Two questions which are to be debated in the TV lounge in the months to come are: First, why is the Soviet Union allowing these players to play in America? And, second, just how good are the Soviets?

During his four-month stay in the U.S., Alexander Makarov, the 23-year-old right winger for the Buffalo Sabres, has been considered one of the best players in the world by hockey fans. He has shown outstanding ability to elude the opposition's defense and has scored six goals and eight assists in his first 13 games this season. The Sabres have scored more than they have before, and Makarov has been a major part of that.

However, there are some concerns about Makarov's ability to adjust to North American ice hockey. He has a selfish style of play which got him into trouble with his teammates and club officials. Makarov has been known to hog the puck and not look for teammates, which has led to his being benched in some games. It remains to be seen if Makarov can adjust to the North American game and become a productive player in the NHL.

In the world of politics, the Soviet Union has been making moves to expand its influence. The fall of the Berlin Wall and the dissolution of the Soviet Union have led to a new era of international relations. The U.S. is trying to navigate this new landscape and work with the new powers that have arisen.

The Forum's perspective on this issue is that the U.S. should focus on building strong relationships with these new powers and working towards a peaceful and stable world. This will require a great deal of effort and patience, but it is essential for the future of the world.

IM Football Champs

By Steve Gould

Sports Editor

The Law School's intramural football team, Barristers, have won the right to head down south after winning the final round of the playoffs. This year the team did not walk away disappointed. The Barristers accomplished a perfect 7-0 record by defeating the Sig Eps 13-6 in the Men's Intramural Football Championship. After receiving a bye in the first round of the playoffs, the Barristers advanced to the championship game by defeating their next two opponents 19-18 and 20-19, in two very close and exciting games. The championship game was marked by a strong defensive performance. The game remained scoreless going into the second half. During the second half the Bar­risters defense continued to stop the Sig Eps attack. Sig Eps were forced to punt on their first possession. The punt was returned by Alexander Volkov (Atlanta Hawks) for 60 yards to the 11. Volkov's power allowed him to score a touchdown.

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