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The Forum (Volume 22, Number 4)

Valparaiso University School of Law

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Governor appoints Blomquist to environmental panel

**The Return of the Forum**

By Lisa Meyer

Aust. News Editor

Valparaiso University School of Law recently announced that Visiting Associate Professor of Law Derrick A. Carter has agreed to become a permanent member of the faculty.

Many students are already familiar with Carter, who taught Criminal Law and Pre-trial skills this past semester. Carter will be starting in the fall of 1992 as an Associate Professor of Law, and will most likely be teaching courses in Criminal Law, Pre-trial skills, and possibly, Advanced Appellate Advocacy.

Carter brings with him a wealth of experience from his sixteen years of practice at the Michigan Appellate Defender’s Office, where he has prepared approximately 700 appeals. Carter handled criminal appeals in the Michigan Supreme Court, the Michigan Court of Appeals, and the United States Supreme Court.

**Inside The Forum**

By Kevin Anderson

Environmental Editor

Thanks to the efforts of Jamie Matchinski and her MELC committee helpers, students from the law school are now involved in an externship program at the U.S. EPA Region V offices in Chicago. Both Jamie and Matthew Voortman are participating in the program which gained faculty approval last in 1988. The students commute into Chicago Two days per week where they each work a total of sixteen hours at their assigned departments. The externship promises valuable experience and insight into the inner operations of the agency in addition to the three semester hours earned through participation. Environmental Law is a course prerequisite for the externship participants, likely to be at an advantage in competing for available jobs with the EPA upon graduation.

Last month MELC sent a delegation to the National Association of Environmental Law Societies (NEALS) annual conference in Austin, Texas. 2L’s Andrew Riedmaier and Kevin Anderson and 1L Jennifer Sackett represented MELC. The conference, which was attended by over 200 law students and environmental lawyers from across the country, consisted of a series of lectures and panel discussions.

**MELC students participate in conference**

By Kevin Anderson

Environmental Editor

On January 24, 1992, Professor Robert F. Blomquist of Valparaiso University School of Law was appointed to an expert environmental and natural resources policy review panel of the Governor’s Government Operations Committee for the State of Indiana. This Nonpartisan group has been charged by Governor Evan Bayh to provide him with fresh perspectives on ways to improve government efficiencies, eliminate redundant services and dissolve inactive government units in the policy cluster of state government agencies that deal with environmental and natural resources matters.

The Governor’s Government Operations Committee was commissioned by Governor Bayh in 1988 to oversee a series of efficiency reviews of State government. The blue ribbon committee is comprised of executives from both the public and private sectors. Volunteer professionals from the private sector, both active and retired, as well as academics, assist the committee. State agency officials also participate.

Professor Robert F. Blomquist is the only academic named to the environmental and natural resources panel. The other members consist of engineers, business executives, and consultants from corporations, including Eli Lilly and Company, IBM, Digital Equipment Corporation, Allison Gas Turbine Division of GM, and Curry & Associates.

Professor Blomquist has published over twenty articles in the area of environmental law and policy and has consulted with a variety of governmental and business clients in the Midwest regarding environmental issues. During the summer of 1991, he taught a course in International Environmental Law to a group of American students studying abroad at Ningbo University, People’s Republic of China. Professor Blomquist also currently serves as the Chairman of the Porter County Solid Waste Management Advisory Committee. He lives with his wife, Maura, and two children in Valparaiso, Indiana.

School commemorates Dr. King

By Daniel Buksa

Contributing Editor

The Valparaiso Law School Community commemorated the birthday of slain civil rights leader Dr. Martin Luther King, Jr. on Saturday, January 25, 1992.

Unique to this year’s event was a mock -forum on several issues of interest from the perspectives of an overview of the 1991 Civil Rights Act. Following this, each panelist participant gave a general outline of “his” philosophy to Civil Rights issues from yesterday and today, as well as what they saw were the solutions to existing problems.

Among the topics discussed were the philosophical differences between King and Malcolm X, women’s issues, affirmative action and quotas, and the political future of Duke.

**MOOT COURT SOCIETY GEARS UP FOR SWEYGERT**

By Drew Dillworth

Editor

Immediately following spring break the Moot Court Society will hold the first inter-society Swygert Moot Court competition. This new approach to Swygert allows for a greater number of participating students, including twenty-four this year. The competition will consist of four rounds: opening, quarterfinal, semi-final, and final. The pairings will begin on March 17, at 6 p.m. followed by See Swygert, next page.
To The Editor:

Dear Editor:

In this day and age of fitness, no one with an education beyond junior high school would seriously question the link between a fit body and a fit mind. In spite of this rudimentary proposition, the administration feels free to close the ARC to all other activities whenever a basketball game is played. When an Elvis impersonator comes to the ARC, is it entirely unreasonable to leave the weight room and raquetball courts open when there is another activity taking place at the ARC? I don't think so.

The intramural weight room hours are limited to 2-3 hours in the evening and slightly more on the weekends. These hours apply to students who are not on one of the athletic teams. Students who are on one of the athletic teams have the benefit of special hours during which other students may not use the weight room. Counter to logic and common sense, however, Valpo team members are not forbidden from using the weight room during the limited intramural hours. On the surface this may not appear to be much of a problem, but when one attempts to use the facilities during the intramural hours the problem becomes apparent. Last I was mistaken about this is not a problem created by athletes who clearly have a legitimate need for use of the equipment. Rather, this is a problem created by the administration which fails to provide adequate access to the ARC for a majority of the student body.

This might all be tolerable were it not for the fact that as a graduate student at this school I pay in excess of $1,000 per year. Count them, that's three zeros. Given this amount of money and the extreme importance of maintaining physically fit, it seems obvious that one of two things need to happen. Either the ARC hours must be extended to accommodate the rest of the students who are not team members and who are clearly being discriminated against.

By James Drew Weerts, 3L

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Smygert, from front page

the second round on March 19, at 4 p.m. The semi-final and final round will be held on March 24, at 4:30 and March 30 at 4:30, respectively. This year format offers an excellent opportunity to see fellow students compete in oral advocacy as the quarterfinal round will be held on Thursday, February 13 in classroom A at 3:30 to discuss the cases. Anyone interested is invited to attend.

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...and then there were seven

By Alex Moskovic

I imagine their meetings sounding something like this: "Six classes just isn't enough for first-year law students. Let's really make them squirm and impose another required course. I know, we'll add another ethics course! We can shrink their lives and discuss them in class! We'll teach them about integrity and loyalty." The newly required course is called Ethics -- not the Professional Responsibility course required of 2L and 3L -- and I am amazed and embarrassed that the administration feels justified in imposing such a ludicrous requirement.

The course meets Wednesday mornings from 8:00 to 8:30 a.m., and it is worth one credit, pass/fail. According to the syllabus, there are three course requirements: 1) Students must attend at least four movies and write a paper about the ethics of a good lawyer in light of each film; 2) students must regularly attend class and participate in class discussions; and 3) students must carefully read the textbook and occasional handouts.

Some of the films students must choose from include Pacific Heights, War of the Roses, The Verdict, and All the President's Men. Each film is about two hours long and must be watched either Tuesday or Thursday nights.

This additional course is an unnecessary imposition on law students, especially the class of 1994. At best, such a class should be offered as a seminar that students could choose to take. As I reflect back on my first year at VU School of Law, I vividly recall the anxiety I experienced merely having heard the horror stories about how difficult law school would be. I also recall reading about the first-year required courses at VU and noticing that there were six required courses per semester. When comparing this to the first-year curriculums of other schools in which I considered enrolling, I noticed that the other schools required only four to five courses (at most). Even with six classes, I found myself wishing I had more time to devote to my classes. Imposing another thing, among other things, requires students to sit through movies undoubtedly takes valuable study time away from a student.

The administration might argue that one more credit would not unduly burden the students. The problem with such an assertion is that it fails to recognize the obvious: The number of credits assigned to a particular course has little, if anything, to do with the amount of work that is required of the students. The baseline is the addition of this ethics course to the already lengthy list of required first-year courses means that students must juggle seven courses in one semester. I wonder, did anyone involved in setting this requirement have seven responsibilities to worry about when they were in their first year of law school? Even assuming that the school is justified in imposing a seventh class, why Ethics? The first-year ethics course does not discuss the Code of Professional Responsibility but rather, seeks to instill a high degree of morality in the future lawyers who are held to some required course; they call it Ethics" every Wednesday at 8:00 a.m. As previously mentioned, we already have a required course called Professional Responsibility. This course is specifically designed to teach the rules of ethics they need to know as law students. I'm not sure how many law students (and Texas, from front page regarding current issues in environmental law. In addition, the program included a guided tour of a wilderness refuge near the Texas state capital. Besides sunny and warm days the class would be called "Morality, Movies, and the Law." Does the administration hope to instill the same degree of morality and respect that it has shown its students?

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THE FORUM
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Welcome Back!

By: Drew Dillworth

[Paragraph on the image regarding the rekindling of a previous relationship with the audience, emphasizing the importance of staying engaged with their audience.]

Greater input from the community.

...The objectives of The Forum is to provide a medium through which we can have a place to discuss our issues. By end of next issue, deadline February 28, we will begin accepting disks with material for publication. The new school year begins, and we promise you to give a derisive discourse, as well as experience it elsewhere polarizing our tolerant society. This is, of course, of the abortion issue.

The issue of life and death, as well as all of its attenuating circumstances is so vast complex as to be void. Would not energy be better spent on more meaningful consideration, such as the rule against perpetuities? For my part, after considering this question, I discerned a definitive solution toward the contentious concern which abortion has become.

- The movement has also resorted to distortions, or lies, to support massive expenditures to build an environmental movement among white collar professionals. The middle and lower classes spend their time worrying about a better job, and a place to raise a family. The annual salary of a Sierra Club member is $76,000 and the World Wildlife Fund has an annual budget of over $50 million. This is not as mainstream as its made out to be. The movement with the current national debate about the environment, notably "global warming" and "acid rain", is that human activity, and it should be cleaned up as soon as the benefits of clean up outweigh the costs.

The problem with the environmental debate is that environmentalism has been portrayed as a philanthropic enterprise, not as a matter of competing interests.

And as Stanford University Economist Alan Miner has said, "Realize that the trade off is not between industry profits and the environment. It is in between spending this money on the environment or rebuilding our information, education system, or spending money on medical research or to regain our lost competitiveness. We can not have it all. And if after spending these vast sums of money it turns out that the environmental activists were wrong, and this, evidence they rest their claims, on is rather weak, who will be there to pay the same for ruining our economy for a generation to come, and for putting millions of people out of work?"

The two major problems: "acid rain," and "global warming," are magnificent and there is much public discussion, but not debate. In response to these problems, Congress has passed the Clean Air Act and President Bush has signed into law. This act imposes tough new standards on industry, which will impose enormous costs on American businesses, and in the end, the American consumer. The results of this act will be that the industry can expect a price tag of
Cliche, from p. 3

Cliche, from p. 3

Growing concern over the state of the environment has led to the green and yellow bumper sticker in pre-convention 1980 declared, "Bush in the White House." Unfortunately, rather than address the problems confronted in the environment, Bush merely.OUTLOOKS & PROSPECTS

It is an old story. A destruction of the nuclear arsenal. 


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4 The Forum February 12, 1992 Viewpoints

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Lectures

For the Law Student who "thinks" that he knows everything in D & C:

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As An Appeal

By Daniel Bukas
Contributing Editor

2L Scott Wagenblast and IL Philip Moore recently exhibited their musical talents during a performance of the Valparaiso Symphony Orchestra. Wagenblast is a tenor saxophone and Philip Moore is a baritone saxophone.

Wagenblast, a Valparaiso native, has played the saxophone for over thirteen years. A 1985 graduate of Valparaiso High School, he placed first in All-State Honors Band in both 1984 and 1985. Wagenblast continued to pursue his musical education at Indiana University, studying under the world-renowned saxophonist, Dr. Eugene Rousseau. Wagenblast received his Bachelor's degree in Music Performance in 1989.

When he is not playing baritone with the Quartet, Wagenblast plays alto saxophone. Wagenblast said that he enjoys playing the sax because it provides an opportunity to relieve stress, as well as take a break from his law school studies. He

Bar, from previous page

Examiners. The addresses of State Board of Bar Examiners are listed in the BarBri magazine.

WHAT IS THE MPRE?
The Multistate Professional Responsibility Exam is a separate day of testing. Offered three times each year, the MPRE is a requirement for admission to practice in 42 states. Indiana recently adopted the MPRE requirement. Professor Gramley provides a review course for it — the next MPRE review course is March 1st. States vary with regard to the length of time an MPRE score is honored before passing the state bar. States also vary as to the minimum score accepted. Dean Berner stated that Indiana requires a score of 80 — that is not a percentage but an adjusted score. Individual state requirements are listed in the BarBri magazine.

PASSTHEBAR

Roger Weitgenant, '90, offered these suggestions for successfully passing the bar. Relax, don't panic. Run, job, walk, swim — exercise to control stress levels. Balance your study of bar review materials over the entire six week period. Take the bar review study courses. Read your outline for the bar review prior to going to that particular class. Highlight points you consider important. In a different color highlighter, highlight those pages pointed out as important during the bar review. Reuse mini outlines. For every ten pages of provided outlines, condense those ten pages into one page. Consider the bar review your career for that six-week period. Remember it is only six weeks. During the exam, take a one or two-minute break when your mind starts to feel "fuzzy."

Julian Allen, a member of the Indiana Board of Bar Examiners, suggests that you look at old bar exams to understand the proper answer format. Mr. Allen strongly recommends that you learn how to write an answer within 25 to 30 minutes by practicing. Write answers to a few of the old bar questions within the prescribed time. Mr. Allen further advises not to shotgun your answer — there isn't' enough time. But if you are not sure of an answer, write everything you know. He says that the worst answers he has read are short, draw conclusions, and are not supported by any principle of law.

Proposal, from page 3

The economically-best host for the fetus will still be generously compensated for her trouble. And, being economically rational, most aborting females will certainly await the maximum maturation of the fetus before going to the butcher. Furthermore, they will be able to exercise this fundamental right as playing and teaching the sax has in fact helped him in his legal studies. "Since I have so much to do, I have to manage my time more efficiently," he stated.

School Winter Concert on February 23. He invited all of his fellow law students to hear him perform the Introduction and Samba for alto saxophone. A reception is to follow the performance.

The Northern Indiana Saxophone Quartet; IL Philip Moore, top right; 2L Scott Wagenblast, bottom left.

Wagenblast said that he prepares for a performance by getting plenty of sleep, and then focuses only on the piece that he is about to play, putting everything else aside, including law school. Wagenblast said that he intends to continue playing and performing with his saxophone in some capacity, such as church services. He would also like to keep several promising students. "I enjoy sharing the interpretation aspects of the music with my students and opening their ears to their own playing," he said.

Wagenblast will be a guest soloist at the Valparaiso High School Winter Concert on February 23. He invited all of his fellow law students to hear him perform the Introduction and Samba for alto saxophone. A reception is to follow the performance.

This proposal contends limitless possibilities for the future. Countless wholesale and retail jobs will be created; indeed, new industries will rise up. In fact, a whole new field of law will be created. Contract and property rights will need to be explored. This proposal will generate gainful employment for all of us. It is a most modest proposal, worthy of consideration.

CHARGE OF THE LAW SCHOOL BRIGADE*

Half a league, Half a league
Into the city of Valpo
Drove the 200
Forward to Wesemann Hall
Charge for the classes all
Into the Valley of Death
Go the 200
Theirs not to reason why
Their but to do and die
Into the classroom of death
Go the 200
Torts to the Right of them
Contracts to the left of them
Professors in front of them
Volleyed and Thundered
Boldly they go and well
Into the jaws of death
Into the mouth of hell
Go the 200
Asking their queries there
Trying the class to scare
Stripping the student bare
Debasing this IL
While all the class wondered
On through the year they strive
Struggling just to survive
Into the exams they dive
Shattered and subdued
They have survived first year, but not
Not the 200
Con Law to the right of them
Evidence to the left of them
Professors in front of them
Still volley and thunder
They that had fought so well
Came through the jaws of death
Returned to the mouth of Hell
All that is left of them
Left of 200
When will their troubles fade
When will they finally get paid
All the class wondered
Honor the sacrifice made
Honor the Law Brigade
Noble 200

*an adaptation of Alfred Lord Tennyson's "Charge of the Light Brigade" by 2L Doug Rocks

Lifestyles

SUMMER LAW STUDY

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Mexico
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Foreign Law Programs
Univ. of San Diego School of Law
Alcala Park, San Diego, CA 92110

University of San Diego

Book Review:

The Justice From Beacon Hill

By Greg Copp
Contributing Assistant Editor

Very few United States Supreme Court Justices are worth reading for their writing. Oliver Wendell Holmes, Jr., is at the top of the list of those who are.

And a weakness of Liva Baker's new biography of Holmes, "The Justice from Beacon Hill," is that she gives us too little chance to hear Holmes speak in his own voice.

H.L.A. Hart, another legal giant, considered Holmes a "heroic figure in jurisprudence" because he "magically combined imaginative power and clarity." Whatever his prejudices — and Baker demonstrates that he had some impractical ones — Holmes could be a powerful conjurer with words. But Baker gives us only snatches of Holmes speeches and decisions. Even Holmes brief dissent in Lochner (which Richard Posner describes as "merely the greatest judicial opinion of the last hundred years") is choppy trimmed to a few sentences.

We get Liva Baker telling us what Holmes said instead of what Holmes said. For all his fame as a jurist, Holmes certainly must have had some glowing things to say. These uniforms were found in his safety deposit box. Holmes was born in time to serve in the Civil War and lived long enough to have his nineteenth birthday celebration broadcast live over the CBS Radio Network in 1931. Holmes had some glowing things to say about Holmes: "He is one of the small number who have determined not merely the course of the law but the premises and quality of legal thinking. For this great judge is one of the true great philosophers of the English-speaking world... This, they will say, is how to live, and this is how to stop, with every power used to the fall, like an army resting, its power gone but with all its flags flying."

Other Commentators looked to Holmes' reputation as a cynic, a non-believer and a convinced Malthusian and were less generous in their judgments. Westbrook Pegler included Holmes a "brutalitarian," and Grant Gilmore (hired by Holmes' own executors to write his biography) said the real Holmes was a "savage, harsh and cruel, bitter lifelong pessimist who saw in the course of human life nothing but a continuing struggle in which the rich and powerful impose their will on the poor and small." Holmes certainly must have enjoyed Lippman's martial tribute. When Oliver Wendell Holmes died, a paper parcel was found in his safety deposit box. Inside the parcel were two musket balls and a note saying they had been taken from his body during the Civil War. Two Civil War uniforms were found in his bedroom closet. A paper pinned to them read: "These uniforms were worn by me in the Civil War and the Stain upon them are my blood."

For all his fame as a jurist, Holmes just might have considered those humble items as his greatest legacy.


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Come join The Forum staff and become more involved with your school community.

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Recognized by the American Bar Association Law Students Division in 1989 as having the third best student law school newspaper in the nation.

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Law Student Membership in the Illinois State Bar Association offers many practical benefits, including the opportunity to meet and learn from active members of the bar.

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By joining before June 1, you’ll begin receiving benefits three months early — free State Bar membership for three months, at this already discounted rate.

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• Free admission to ISBA LAW ED Series programs, ISBA Annual and Midyear Meeting programs, and Young Lawyers Division seminars
• Participation in your future profession

Please enroll me as an Illinois State Bar Association student member. Enclosed is $10 for one school year (or $25 for up to four years of law school).

Name
Mailing address
street
city, state, zip

Home Address
street
city, state, zip

Telephone number

Law School
Year in Law School

Year of Graduation

Signature

For more information, call the Membership Services Department 1-800-252-8908