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Dooley gives inaugural lecture

Professor of Law uses postmodern theory to reexamine doctrine of collateral estoppel

By Gary Shupe
News Editor

Dubbing collateral estoppel the "been there, done that" doctrine, Professor Dooley launched into a thought provoking Postmodern analysis of collateral estoppel at Wesemann Hall.

The program notes for Dooley's address indicate that the practice of delivering an inaugural lecture is less known in America than in Europe where it is widely observed. However, where it is practiced, a professor who attains the height of full academic rank is expected to give a lecture on a topic of the professors' choice within one year of her promotion.

Dooley's address, entitled "The Cult of Finality: Rethinking Collateral Estoppel in the Postmodern Age," focused on a "postmodern" examination of the collateral estoppel doctrine.

Describing the concept of postmodernism as amorphous and difficult to define succinctly, Professor Dooley explained in her introduction that postmodern thought embraces the theory that ideas, principles and even simple facts are not fixed. Rather, they are social constructions. Accordingly, Dooley revisited the questions "When is a fact not a fact?" and "What is a fact, and who gets to say what a fact is?" throughout the course of her lecture.

Collateral estoppel, remarked Dooley, rests on the premise that once a fact is established it is fixed. This is inconsistent with postmodern thought she said, which holds that facts are merely constructions, products of whatever biases the factfinder brings with them into the courtroom. Dooley claimed that collateral estoppel is justified by the fear of inconsistent factual determinations by different tribunals.

In this fear notwithstanding, Dooley, under a postmodern analysis, identified several disadvantages the doctrine can perpetuate. First, Dooley, a strong advocate for the jury system, asserted that juries are small, singly established communities. If facts are social constructions, she said, microcosm of the community, a jury, should do the constructing. Often, however, a judge is the fact finder and the jury's role is usurped. Dooley claimed that such situations were elitist because the academic rank is expected to give a lecture on the undergraduate campus of Valparaiso University.

Professor Lind and local attorney host radio program at WVUR

By Wendy A. Compton
Contributor

"Radio Jazz" program is not Satterlee's first or only radio program. He has been involved with radio for over seven years and, in addition to WVUR, hosts a program out of Michigan City with Judge Lindquist that airs Saturdays from 7-9 p.m. on WIMS 1420.

Although you would never guess it by the way she confidently handles the sound board, Professor Lind's experience with radio is more limited than her extensive knowledge of jazz music from V.U.'s own radio station WVUR 95.1 F.M.

The station is tucked away in a corner of the undergraduate campus and it is where Bill Satterlee, the managing partner of the firm Hoppenner, Wagner and Evans, and law professor JoEllen Lind spend two hours each Sunday (2:00 - 4:00 p.m.) sending mainstream jazz out over the airwaves.

"Radio" is fun, asserts Satterlee who has been a jazz fan for 45 years and mostly plays music from his monstrous personal collection. He "kept pestering" WVUR until he was given a spot on the station for this program. "I wanted to introduce people to jazz.

Professor Lind also agrees that the radio program is fun and further adds that it is "different" and affords her the opportunity to be "away from law and politics." In addition to her love for jazz, Professor Lind enjoys a large variety of music (even some country and opera is actually her most favored. Some of the artists aired on the program include Charlie Parker, Quincy Jones, Miles Davis and George Benson. Satterlee feels that the "most and best jazz comes out of Detroit."

Satterlee prefers instrumental jazz. His favorite artist is an alto sax player, Paul Desmond.

Professor Lind plays jazz, Page 8

Inaction not the answer to bigotry

By Joanne Price
Contributor

By this time, most of the law school is aware of the defacement of the BLSA board was suspected to during the weekend of February 16-19. To address this matter, meetings with the administration and faculty were convened; forums were facilitated and articles were published in The Forum. Yet several questions still remain...What must be done to ensure that this will never happen again? What must be done to heal the wounds inflicted upon the students to whom the epithet was addressed? There are various solutions that can be implemented to respond to the above queries. Nonetheless, stagnation will not accomplish anything.

The day that the "act of cowardice" was discovered, BLSA hosted Ms. Sandra Leek, Executive Director of the Indiana Civil Rights Commission. When asked which avenues she thought BLSA should pursue for the matter, she suggested that the organization present the administration with a list of requests and mandates. As an organization, BLSA suggested that it not only do the previously discussed efforts be undertaken, but that, among other things, encased student boards be acquired and follow-up forums be conducted. Additionally, Ms. Leek's office forwarded copies of various articles and handbooks that outline ways to confront and respond to bias crimes and incidents.

While perusing these materials, I discovered a section on building a community-based coalition against acts of bigotry. The text stated that a coalition allows all segments of the community to become involved in plans and strategies and thus, "own" both the problems and solutions. One of

Inaction not the answer to bigotry, Page 4

School & Beyond:
Daya Naef talks about legal reform

From Russia with love:
Professor Stith sends a message from the Ukraine

From the Dean's Desk:
US News & World Report doesn't know the truth about VUSL

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Photograph by Christopher Hedges
Thoughts on Ukrainian living

To the Editor:

Never have I been so grateful for your newspaper. If it weren’t for the copies of the Forum that Pat Freeman forwards to us, we would be unable to read about what’s happening back in America. For a couple of weeks we could watch the NBC Nightly News, but then that channel stopped broadcasting. Not that there aren’t plenty of newspapers, but Ukrainian newspapers have twenty-four different forms and styles. We have never experienced such a high level of culture before. For fifty cents you can read a professional opera or ballet almost every evening. We just returned from a performance of opera in our 17th century university library of Bach, Stravinsky, Hindemith and Schubert by the Kiev Camerata, with its brilliant 18-year-old conductor. One would think that just surviving would absorb all their efforts, but they somehow still have the talent and self-discipline to excel. And not only in music.

The public parks are filled with bold sculpture and many art galleries are active. There are a number of theatres within blocks of where we live. Even the circus is a triumph of will. Although they receive only a dollar fifty for their best seats, they try to put on a highly extraordinary exhibition of human and animal prowess for two hours twice a day, and all with great humor and showmanship. While the Russian bear grows, the Ukrainians are drafting a noble constitution: Article 3, for example, states that “the human being, his/her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value.”

As the title suggests, she, and I assume the First Husband, believe that times have changed so much in America that no longer can parents be trusted to bring up their own children, but need assistance from the village, i.e. the government. But will this be all bad, and what would the village look like?

At one time in American history, before the 20th century, the villagers could be valuable to a family. When this country was notably more agrarian than it is now, neighbors would always help neighbors who were in need. This was particularly visible when there was an illness and crops needed to be brought in or to rebuild a barn that had just been burned to the ground. Even in more drastic situations, where the husband would suffer a sudden death in war or illness, extended family and neighbors were of the utmost importance to the widow and children. Not being any life insurance or welfare to speak of, they would actually become dependent on those around them. But I don’t think this is what Hillary is talking about.

One day in America, before the 20th century, the villagers could be valuable to a family.

Richard Stith
KMA University
Kiev, Ukraine

Photograph by Christopher Hedges

Pat Buchanan campaigns on St. Patrick’s Day in Chicago.

CONTRA MUNDUM
By Felix Sternfels
It takes two parents, Hillary

By the time this column gets printed, Hillary should have wound up her world-tour promoting the Clinton-Clinton agenda through her tome, It Takes A Village. As the title suggests, she, and I assume the First Husband, believe that times have changed so much in America that no longer can parents be trusted to bring up their own children, but need assistance from the village, i.e. the government. But will this be all bad, and what would the village look like?

At one time in American history, before the 20th century, the villagers could be valuable to a family. When this country was notably more agrarian than it is now, neighbors would always help neighbors who were in need. This was particularly visible when there was an illness and crops needed to be brought in or to rebuild a barn that had just been burned to the ground. Even in more drastic situations, where the husband would suffer a sudden death in war or illness, extended family and neighbors were of the utmost importance to the widow and children. Not being any life insurance or welfare to speak of, they would actually become dependent on those around them. But I don’t think this is what Hillary is talking about.

Perhaps a peak into what Mrs. Clinton did before his and her run for the presidency will give us a better idea. Most should know by now (no thanks to the press) that she was president of the Children’s Defense Fund, which she gladly resigned from in order to be alongside Bill during his “journey.” Hillary was put in that position by the founder of the organization, Marian Wright Edelman, who in turn, was put on the board of the Citizens Transition Project that wrote the transition report for the incoming Clinton administration entitled: “Changing America: Blueprints for the New Administration.” This blueprint favored the Freedom of Choice Act and taxpayer funding of abortions, not to mention other left-wing agendas. What happened to this blueprint?

Just recently, the UN passed its Convention on the Rights of the Child, which was fully supported by the White House and the Children’s Defense Fund. Clinton has sent this treaty to the United Nations for ratification, so it can become the law of the land. This treaty would give the child the right to express his own views freely on all matters, the right to for him receive information of all kinds through “the media of the child’s choice,” the right to choose his own religion, the right to use his “own language,” and the right to enjoy “rest and leisure.” It takes a village to do what, create monsters?

Speak for yourself, Hillary, but I’ll take the two-parent family, and if you want to call it a antiquated village, I will.

Everything from the explosion of unwanted pregnancies to the violence on our streets can be attributed to this. It is unfortunate that we have a president and a first lady that have yet to figure this out.

“Finally, be strong in the Lord and in his mighty power. Put on the full armor of God so that you can take your stand against the devil’s schemes. For our struggle is not against flesh and blood, but against the rulers, against the authorities, against the powers of this dark world and against the spiritual forces of evil in the heavenly realms. Therefore put on the full armor of God, so that when the day of evil comes, you may be able to stand your ground, and after you have done everything, to stand.”

Ephesians 6"10-13 (NIV)
Earned income credit helps law students

By Mike Stewart and Troy Clayton
VITA Co-Directors

The Volunteer Income Tax Assistance (VITA) program has been started by a small group of law students here at the law school. VITA was established by the Internal Revenue Service as a means of helping lower income tax payers prepare their income tax returns.

Our experience has shown us many students don't realize that they may be eligible for the Earned Income Credit (EIC). The EIC is a refundable tax credit that lower wage earners receive from the government above and beyond what they would normally receive from their refund.

The following information is intended as a general guide to qualifying for the credit. It should not be viewed as determinative, and it is recommended that anyone who wishes to verify if they qualify or not, should review the actual tax form instruction booklets, or else seek professional assistance.

In order to be eligible for the EIC, the taxpayer must have at least some earned income for the tax year. In general, earned income is defined as any wages, salaries, tips, self-employment income and long-term disability income.

There are income caps for the credit. Single and married taxpayers have the same cap.

If the taxpayer has no qualifying children, he may earn no more than $9,230 and still qualify for the credit. The income cap increases to $24,396 if there is one qualifying child, and to $26,673 if there are two or more qualifying children.

The corresponding credit increases in a like manner. A taxpayer without a qualifying child must have been at least age 25 during the 1995 tax-year, and must not have been able to be claimed as a dependent on someone else's return.

For married taxpayers without a qualifying child, they must file using any status except married filing separately and one of them must have been at least age 25 during the tax-year.

There is no age requirement for taxpayers with at least one qualifying child.

Helpful examples:

1. Taxpayer 1 is single, age twenty-six during 1995, earned $4,000 clerking in the summer and could not be claimed as a dependent by his parents.

   Taxpayer 1 would be eligible for the EIC, and would receive an additional $308 above and beyond his normal refund amount.

2. Taxpayer 2 is single with a qualifying child, age 23 during 1995, earned $6,000 clerking part-time throughout the tax year, and could not be claimed as a dependent by her parents.

   Taxpayer 2 would be eligible for the EIC, and would receive an additional $2,032 above and beyond her normal refund amount.

3. Taxpayers 3 and 4 are married filing jointly, taxpayer 3 was age 24 and taxpayer 4 was age 22 during 1995, their combined income was $16,000 and neither could be claimed as a dependent by their parents.

   They aren't eligible for the EIC, because they don't have a qualifying child and their income exceeded the $9,230 income cap. In addition, at least one must be age 25 in order to qualify.

This information was provided by the Valparaiso University School of Law VITA Program. It was intended to make students aware of a tax benefit that might normally go unnoticed.

The information provided is only meant to be a guide, and should not be viewed as determinative when applying for the Earned Income Credit. Any questions or help in preparing the appropriate tax forms may be directed to VITA members during the last income tax form preparation day being held on Monday, April 8th, between 5 p.m. and 9 p.m. in the St. Louis Seminar Room, located in the Valparaiso University School of Law.
Spring SBA candidates

By Gary Shupe
News Editor

The SBA will hold elections on April 8 and 9 to fill positions for the 1996/1997 academic year. Competition will be stiff as nearly thirty students compete for only 13 positions. The candidates who registered by 5:00 P.M. on Friday, March 29, are as follows:

President: Bart Arnold, Steve Duckett, Jason Paradis.

Vice President: Jenna Griffith, Derek Johnson, Paul Rossi, Chuck Simono.

Secretary: Linda Beier, Brendan Maher.

Treasurer: Travis Crowell, Eric Doden, Mark Gumz.

2L Faculty Rep.: Rachel Allen, Julie Dixon.

3L Faculty Rep.: Ann Gentry.

2L Student Rep.: Marci Ferree, Christine Gordon, Kimberly Kihlsinger, Jenny Mullenix, Jonathon Richardson, Ted Roe.

ABA Rep.: Jeremy Sosin, Paul Stracci.

The Forum spoke with the three candidates for SBA President for the 1996/1997 school year. Here is what each of them said about what they want to accomplish and why you should elect them.

Steve Duckett

What he hopes to accomplish: Bart told The Forum that he feels the SBA has not been representative of the entire student body. As President, Bart said that it would be his first goal to represent all students, not just some or certain students. To that end, Bart wants to encourage students outside of the SBA Board to get involved with the budget committee, Law Week, and various SBA sponsored social events.

His second goal as President, said Bart, would be to promote a sense of unity among the students at VUSL. Bart plans to achieve this goal by setting more clearly defined guidelines as to how student organizations can obtain SBA funds. He believes that confusion about funding has led to some groups being treated unequally. Bart mentioned that he also hopes to promote unity by considering everyone's interests when planning SBA events.

Lastly, Bart stated that he wants to spend SBA funds more responsibly. This he maintained could easily be done without eliminating social events or free beer.

Why you should vote for him: Bart said that he felt he was known as a person who is accessible to the student body. He also asserted that he felt he was known as a person that students could be proud of as their representative, a good leader. Bart expressed the conviction that it would be his goal as President to see that the student body thinks that SBA does a responsible job. SBA has to do more than parties, he said. Bart declared that he was the one who could get things done as President.

Mike Glisson

What he hopes to accomplish: Mike told The Forum that if he doesn't find a job next year he would like to come back to VUSL as SBA President. He indicated that he is willing to come back only if the position is full time, but would work pro bono.

Why you should vote for him: Mike said you should vote for him because he hasn't found a real job yet and because he would work for free. And darn it, he loves you guys!

Jason Paradis

What he hopes to accomplish: Jason expressed the desire to encourage all students to vote in the upcoming SBA Elections.

The Forum would like to encourage all students to vote in the upcoming SBA Elections.

When: April 8 & 9

Where: The Atrium

How: Bring your student ID and fill out your ballot.

See you at the polls!!

BLSA offers solutions

Continued from page 1

The first suggestions that the hand book puts forth is that the community based coalition should include representation from all the various racial, ethnic, religious, and socio-economic groups that make up the community, as well as from any group that is a likely target for bigotry.

After reading this section I recalled some of the statements made during and after the February 28th forum. One such statement was professed by a first year law student and member of the Jewish Law Students Association that proposed the formation of what can be considered a student "coalition." Additionally, other students have expressed interest in developing some type of organization that would serve as a means through which the interests of those students and/or groups of students most likely to experience bias crimes and incidents can be protected.

However, when I consider what type representation such a coalition would require, I realize that in order to function as an effective resource, it would necessitate full participation from most, if not all, of the student organizations. Not all of the groups have been the subject of attack and do not appear to be concerned with the fact that such animus possibly resides in our law school community. Moreover, there seemingly exists an organization through which most concerns about bias crimes can be addressed...the SBA.

Regrettably, it is at this point that I choose to refrain from further discussion about the formation of a coalition of SBA's duties to the student body, for this article's purpose is merely to suggest that we cannot afford to be stagnant. We must address the matters as they come to the fore and not hide our faces in hope that it will all merely disappear.

VUSL prides itself in its ability to offer its students a diverse/multi-cultural environment in which to study law. Enrollment of people whose presence has not traditionally been part of the law school population helps distinguish VUSL from other law schools of the type and size. As a progressive institution, neither VUSL, nor its presently enrolled student body can stand to isolate the gender and racial "minorities" that help thrust VUSL into the fore in classifications of similarly situated law schools.

Although the semester is quickly coming to an end, it is necessary that efforts by the students, student groups, organizations, faculty and administration initiate so that provisions for resources and processes to safeguard against the repetition of such acts of bigotry can be installed.

Bart Arnold

What he hopes to accomplish: Bart told The Forum that if he doesn't find a job next year he would like to come back to VUSL as SBA President. He indicated that he is willing to come back only if the position is full time, but would work pro bono.

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Have a story idea? Please contribute to The Forum.

Call 415-281 or e-mail the Forum editors at forum@wesmannan.wawapo.edu

Until end of April

Next deadline: April 11, 1996 at 5 p.m.

THE PRESIDENT'S COLUMN

By Renee S. George

SBA President

Renee reflects on her year in office

April 1, 1996

...
an awful lot more about the other 176 ABA-accredited law schools than I do, and I have already admitted that I regard myself as inca- pable of giving a fair qualitative evaluation of all of these schools. There are particular instances where one of my colleagues will know more than I do about a particular institution, either because they studied there or because they taught there. For example, even though I have served for over ten years on the editorial Board of the Journal of Law & Religion published at Hamline University School of Law, I am sure that Dean Vandercyck knows a lot more about this law school because he recently served on the AALS site evaluation team. This duty entails the reading of a detailed, lengthy self-study and its accompanying documents, as well as close-up careful inspection of the facility, including extensive, probing conversations with the faculty, students, staff, and alumni of the school.

Although I know many of the faculty at UCLA, Chicago, Columbia, Cornell, and Yale, I am also confident that Professor Lind knows more about UCLA, Professor Dooley knows more about Chicago, Professor Ehren knows more about Columbia, Professor Blomquist knows more about Cornell, and Professors Bemer and Hiller know a lot more about Yale because they studied or taught at these law schools. But having better information about these schools doesn't translate into getting a ballot from the USNWR. By the same token, my year in the LL.M. program at Harvard and my year as a scholar in residence at Stanford enabled me to come to know a lot about these schools. But I report, I would never dream of trying to rank the law schools of America. The really careful line of evaluation is whether or not a law school possesses muster with the ABA and the Association of American Law Schools. The standards of our accreditors are high and our adherence to them is rigorous. As I said, reputation is a tricky thing; it always lags well behind reality. I think that anyone who is aware of the changes we have made here at Valpo will acknowledge that we have been working hard to improve our reputation. For example, the participation of Supreme Court Justices in our Cambridge program, and the visits of members of our High Court to our campus is a real honor to our law school. Justices of the Supreme Court.

See USNWR, Continued on page 7
Tips on landing a position with a small firm

By Gail Peshel
Director of Career Services

Clerking: Area firms often hire clerks by relying on their exiting clerks to refer other students to them. Therefore, let upperclass students know if you wish to remain in the area to clerk this summer!

Associates: Nation-wide, smaller-sized firms indicated that they consider the following characteristics when hiring associates:

- geographic connections
- substantive course work
- practical skills courses
- clinical experience
- clerking experience
- personal client counseling, negotiation team participation
- a fit with personality, values, and work ethic
- potential ability to attract clients
- willingness to practice in a range of areas
- recommendations received from any attorneys or law school faculty
- common sense
- appearance/confidence
- previous professional experience
- maturity
- academic standing.

Smaller-sized firms "advertise" openings by:
- talking to other attorneys practicing in the area
- hiring when someone applies
- placing ads in newspaper and bar journals

USN&WR doesn't know truth about Valpo law

Continued from page 6

don't routinely visit all the law school programs, but instead look for the programs that endear them to be pretty selective. It says something about the way they regard us when they are willing to include us on their list of favored schools. In recent years we have visited by Chief Justice William Rehnquist and by Justices Antonin Scalia and Sandra Day O'Connor. The Chief Justice and Justices Scalia and Ruth Bader Ginsburg have taught in our summer programs. Higher courts of the United States have lost their noblest aspirations or are ready to make improvements wherever they can truly be proud of. A good lawyer's practice. For example, our pro bono requirement at Valpo helps to instill in our graduates a high regard for the duty of all lawyers to serve clients who cannot afford to pay us a fee. This day is an integral component of the work of lawyer; who have long-standing aspirations or sold their souls will have no long-lasting impact on the law or on our society. These are things that the USNWR ranking system does not appreciate or value.

We are not a perfect law school, but we are a full-service law school ready to make improvements wherever we can serve you better. That, in my professional judgment as a legal educator, we are a dynamic law school trying not simply to meet, but also to exceed the standards of our accreditors. We are truly a school on the move, and if you can truly be proud of the solid legal education you receive in this school. So don't let a fifth rate newsmagazine (ask Time or Newsweek, Forbes or Fortune, how to rank USNWR) get you down.

You know more about Valpo Law School than the U.S. News & World Report; you know the truth.
Jazz

continued from Page 1

prefers vocalists, especially singer Joe Williams.

Satterlee and Lind do showcase talent from all over the country, including, of course, Chicago and even Valparaiso (notably trombonist, Milt Bernhart). They also frequent several jazz clubs in Chicago so they can keep fresh jazz on the air. Their favorite spot is Andy's where they have the opportunity to meet the performers in a setting that is relaxed, comfortable and safe.

Even for those of us who, admittedly, know very little about jazz, this program is worth listening to. The fun that Satterlee and Lind have hosting the program is apparent and you cannot help but to enjoy the good-natured conversations that go on between the two.

Satterlee and Lind even accept phone calls from their loyal listeners (so ILs with Civ Pro questions now know where to find her on Sundays). The number to call is 464-MORE. Perhaps the best reason to tune in is because, as Professor Lind put it, they are "pathetically pleading for more listeners."

To listen to the "Feeling of Jazz," tune your radio to WVUR, 95.1 FM on Sunday afternoons from 2 p.m. to 4 p.m. For more information about WVUR, call 464-MORE.

Dooley

continued from Page 1

A communal perspective is lost.

Secondly, even when a jury is the factfinder problems may arise. Dooley maintained that because the voices of women and minority jury members are less heard, their social factual constructions are often left by the wayside. This results in a diminution of the meaning and purpose of communal perspective under a postmodern regime, she said.

Lastly, Dooley stated that the courts current application of the collateral estoppel doctrine is inequitable. Because courts are much more likely to apply defensive non-mutual collateral estoppel than offensive non-mutual collateral estoppel, defendants, who frequently are the larger and more powerful litigants, have a built in advantage.

All these factors, concluded Professor Dooley, indicate that it is time to reassess the doctrine of collateral estoppel. Dooley remarked that the lure of finality that collateral estoppel promises, is an elusive and ephemeral goal. What costs finality, she said, if a cult-like dedication to finality sacrifices the interests of the least powerful litigants.

He is not here; he has risen!

Luke 24:6 (NIV)
Happy Easter from The Forum

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