Vice wishes for a successful year to you all!

Forum News Report

VOLUME captured Nazi leaders the reading of a indictment. Twenty-one
the fallen Third Reich
talks with Walter Olson

By Gary Shupe
Editor-in-Chief

Given that this year marked the fiftieth anniversary of the Nuremberg War Trials, it was fitting that Professor Bernard D. Meltzer delivered the 1996 Edward A. Seegers Lecture. Professor Meltzer served as Trial Counsel at the infamous “War Crimes” trial, from 1945-1946. His remarks also proved timely. On the same day Professor Meltzer delivered his lecture at VUSL’s Wesemann Hall, the first suspect held by the Yugoslavian War Crimes Tribunal pleaded innocent to all charges of alleged atrocities against Serbs.

Spry and articulate despite his years and a lingering case of laryngitis, Professor Meltzer recounted for his sizable audience the history of the trial, as well as his own personal involvement and experiences at Nuremberg. The trial, which he described as the greatest in this century and perhaps in all history, began on November 20, 1945, with the reading of a 100 page indictment. Twenty-one captured Nazi leaders of the fallen Third Reich were variously charged on four counts. Count I alleged a common plan or conspiracy against peace, to commit war crimes, and against humanity. Count II, III, and IV alleged the commission of those acts. The unique nature of some of the alleged crimes of the War Crimes Tribunal itself, in addition to the fact that others besides the Nazis had committed cruel or atrocious acts during World War II, recalled Professor Meltzer. Led to question the fairness of the trial. In the end, however, Professor Meltzer said that the trial was justified by the overwhelming depravity of the Nazi leadership, and because Nazi Germany was the initial aggressor.

The prosecution team elected to rely on documents instead of live witnesses as evidence, which avoided numerous practical problems. Professor Meltzer told his listeners. He described the evidence of inhumane as overwhelming, depicting how the Nazi leadership systematically carried out cruel treatment and murder against jews, churchmen, independent labor unions, and dissidents; how the Nazi war machine was particularly vicious in its campaign to defeat Europe; how the Nazis cruelly treated and murdered POW’s; and how the Nazis enslaved laborers. When all was said and done, of the twenty-one accused, three were acquitted, six received prison terms ranging from ten years to life, and twelve were sentenced to die by hanging. Professor Meltzer said the trial served a dual purpose, punishing the Nazi leaders and preserving a record of the atrocities that were committed. This later purpose, he stated bluntly, flatly contradicts the recent revisionism of the Holocaust by some.

Professor Meltzer’s personal involvement in the trial was wide ranging. Among all his many experiences, Professor Meltzer’s audience seemed most astonished by the fact that the Professor interrogated Hermann Goering himself, whom Meltzer portrayed as highly intelligent and diabolical. Meltzer also was charged with presenting the concentration camp case and documenting what had happened in the camps. He called this particular evidence gruesome, “a

See Meltzer, Page 12

New SBA members elected

Forum News Report

The Forum congratulates the winners of the Spring 1996 SBA elections. Best wishes for a successful year to you all! See page five for remarks from the incoming SBA President, Bart Arnold.

President: Bart Arnold
Vice President: Chuck Simono

Treasurer: Eric Doden
Secretary: Linda Beier
3L Faculty Rep.: Ann Gentry
3L Student Rep.: Vincent Cambi
James Jeziar, Kathy Mosgrave
2L Faculty Rep.: Julie Dixon
2L Student Rep.: Marcel Ferre, Jenny Mullennix, Jonathan Richardson
ASA Rep.: Jeremy Sosin

School & Beyond: Dava Naef talks with Walter Olson about legal reform

Contra Mundum: Final Thoughts

News Extra: New in Cyberplay
Best wishes to all at Valpo from a ‘new’ editor emeritus

It’s been a great year for The Forum. As we near finals, I want to take some time to thank everyone who contributed to The Forum. Not wanting to risk leaving anyone’s name out, I’ll just thank everyone generally. You have all been great and have submitted some excellent work to the paper. I hope that everyone who is remaining at school will continue to contribute to their student newspaper. Keep those organization, news, comments, letters to the editor, features, and other stories coming into The Forum.

I also want to thank all of the editors who took valuable time from their busy schedules to put the paper together; thanks, in alphabetical order, Tom Kingston, managing editor, for keeping the business operations of the paper running and for being there during the crunch times; Gary Shupe, news editor and next year’s editor, for all of the hard work and dedication to reporting the news events at the law school; Kim Streen, photo editor, for photographing various events and people at the law school; and Frederick Techlin II, editor emeritus, for his assistance with getting the paper running during my transition from news editor to editor in chief earlier this school year.

The new editor-in-chief, Gary Shupe, will make a fine editor. His contributions throughout this year have been a major portion of The Forum’s success. Please feel free to contact Gary with news tips, contributions, or just to talk about the paper.

This has been a good year, indeed. The Forum was able to secure more funding that enabled it to publish more frequently during the school year than in years past. This has been possible only by the support of readers and contributors. You are the ones who really make The Forum work.

As editor-in-chief, sometimes it is easy to get bogged down. Sometimes, although I’ve tried, sometimes stories get lost (or sometimes inadvertently lost). If you submitted a story and it wasn’t published, please do not become disillusioned with writing and contributing. I am sure that next year’s staff, with Gary Shupe as editor-in-chief, will work diligently to make sure that articles are published in proximity to the time they are submitted. Sometimes space and other reasons demand that a story be held over. If this is the case, please continue to contact the staff to remind them of your story.

Before I close, I also want to thank everyone in the law school administration for their support and contributions. Thanks Dean Gaffney and all of the Dean’s Desk Columns. They’ve added insight into many issues of concern to law students and faculty.

Good luck on finals, have a great summer, and good luck graduating 3Ls! It’s been a great three years and I know we will leave Valparaiso with many great memories.

First and second year students—have fun clerking, relaxing, studying, and traveling. I might not have been able to meet everyone, but from what I’ve seen, you have been a great couple of classes. Also, best wishes to the new SBA members. I hope your plans are successful.

I wish everyone the best of luck for continued success in law school and in life!

Dean Gaffney sings while Liz Ellis plays the piano at Strongbow Inn last Thursday. Dean Gaffney and Ellis were at a reception for Professor Bernard D. Meltzer after his Seeger’s Lecture on the prosecution of Nazi war criminals after World War II.

CONTRA MUNDUM
By Felix Sternfels

Almost two hundred years after the birth of Christ, a meeting was held in Rome among the pagan leadership. They had a problem that was easy to diagnose: Christians, but the solution was the hard part. Bickering back and forth, one of the new members finally spoke up. In fact, this new member was a recent “convert” from Christianity. He offered that controlling these “fanatics” would be a simple task, knowing their personality. It was a simplicity he knew, however, that exemplified their way of life, and it was threefold: the way they reared their young, cared for their old, and respected their dead. The meeting was shortly thereafter adjourned and the rest, as they say, is history.

History, however, seems to have come full circle. Now, our society sits at the banquet of life reserved for the healthy middle-aged and wonders which day-care center our children (if not aborted) can put in and which “rest” home we can discard the elderly. It seems that the only ones we still have respect for are the dead, but I can only wonder how long this will last. Unfortunately, this cultural disorder does not seem to be confined to the United States and arguably didn’t even start here. I can’t imagine Sweden taking a back seat on this one. There are signs of hope (or mere remnants of the past) in some Catholic Latin American countries and pockets of southern Europe, but they are not in any position to lead. So what now? Quo Vadis?

As a graduating senior in law school, I have been wondering whether we have a role to play in our culture or whether we are just to be cogs in a financial machine. The education we have received leads me to think the latter is the answer. I was warned by some friends my freshman year that I was embarking on a three-year course in positivism, where the law was the law and no further questions were to be asked. Apply it and get out. I found this hard to believe, and I was actually part right in thinking so. Unfortunately, we discovered our legal system to be trapped in legal relativism, where the law is whatever you want it to be. This is, of course, unless you want it to be laws of tradition or God’s law. Change is the name of this game. How else do we get abortion, euthanasia, mass pornography, and rapid fire divorce?

Editors have assisted in the perpetuation of these monstrosities and merely seem to be going with the flow in order to gain financially, particularly in the “Family Law” field, or do I like to call it, Break up the Family Law field. I’ve even had a professor (not here) tell me that a six month waiting period is too long for a couple seeking a divorce. The limit, he said, should be thirty days. Was this guy kidding? Why don’t they just hand out divorces at the local DMV along with driver’s licenses, first come first serve? Sure a less stringent time requirement would make it easier on the system (and his firm), but what about keeping families together, for better or for worse?

If we as lawyers were put in a position to get us into this mess, then we must at least try to get us out. Our World War II generation fought valiantly but is too tired to start another war. Their children, the Baby Boomers, appeared to be waking up, but then they gave us Bill Clinton. So I guess it is up to us, the first generation of the third millennium to begin to remedy these wrongs. The recession, however, will have two fronts: one at home and one at the office. If we continue to ignore God’s law and the traditions of our heritage, particularly the family structure, the banquet of life will be destroyed, leaving us lawyers with nothing else to do but pick up the pieces.
**‘Dinotopia:’ CD-Rom fantasy comes of age**

By Dan Fefferman
For News USA

(NU) - Computer games have come a long way since the days of 5 1/2-inch floppy discs, monochrome screens and a mere 64K of RAM.

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special effects on screen.

The story begins as 17-year-old Nathan (that’s you!) finds himself washed up on a deserted beach after a shipwreck. His twin sister Constance is nowhere to be found.

Nathan wanders into a rain forest and discovers Dinotopia — a lost civilization of dinosaurs and humans. Entering the city of Volcaneum, he must master the ways of Dinotopian culture as he advances in his quest for the missing Constance. From Volcaneum to Waterfall City and finally to the World Beneath, Nathan and his dinosaur friends must decipher cryptic puzzles, overcome cultural barriers, explore dangerous habitats, face moral challenges and even create music.

“Dinotopia: Living the Adventure” (estimated price $50) proves that the CD-ROM medium is finally beginning to hit its stride. It’s a game that’s appropriate for children and adults, boys and girls, adventure seekers, and ecology enthusiasts alike.

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**Portage blast felt in Valpo**

By Tony Pearson
Via Email

Wednesday morning, March 27, Joel Baar (IL) thought he heard someone knocking on his apartment door. Elsewhere around town students heard a similar noise, like someone slamming a door or knocking.

In fact, it was a steel plant blast in Portage that we all thought was a morning visitor. Three men died in the blast for which the cause remains undetermined.

Sources say the blast emanated from the basement of the plant and may have had something to do with an overpressurized water heater.

The blast was powerful enough to be heard and felt in many towns within a thirty mile radius, including Valparaiso and Michigan City, Indiana. In addition debris was thrown great distances. A neighboring asphalt plant found a chunk of metal weighing "a couple of tons" one-quarter mile from the scene.

Injured workers were treated in Hobart and at Valparaiso's Porter Memorial Hospital.

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BAR REVIEW

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M & M's study guide for serious students

By Malini and Marianne

"We're Here!!!!" Hey... did you miss us? And where are all those Spring Break Photos? Well, even if you didn't hand them in, we love you anyway and to prove it, we're going to give you the gift of a lifetime... the M & M guide to

The students also had a tour of the Board of Trade floor when it opened at 9 AM. (Incredible rush, if you have not been there.)

The students then had lunch at the Berghoff Restaurant and proceeded to the Environmental Protection Agency for the afternoon. Several professionals as well as an EPA lawyer gave presentations and told the students about environmental projects in hazardous waste and the current state of environmental affairs at the EPA and in the country in general. Students who attended found the trip exciting, informative, and enjoyable.

On April 2nd, MELC officers received news that VUSL's bid of $151.88 for the SO2 emission credit was successfully accepted. The SO2 credit which VUSL/MELC bought is one less credit that an industry can use to pollute and the program provides an incentive to further reduce emissions.

A year to remember? or to forget?

By Malini and Marianne

So2... The First year was

4. Make a dart board with all the names of legal professionals as targets. You can honestly point with the administration with the recycling program.

1. I might have learned more had I attended class.
2. I'm sorry, but I did not enjoy it 100%, and why is tuition up 10%?
3. You got out of what you put in to it.
4. More challenging than people in public believe it to be.
5. Why the tuition increase? I think the school should get their act together!
6. The First year was O.K. until you decided not to publish my comment on the vandalism of BS&A's Bulletin Board.
7. Surprisingly, an abundance of immaturity and pettiness still exist at this level of professional education.
8. I've become tired of Malini as king what I think about this year.
9. It is astonishing to me that this law school is stuck where all other institutions were in the 1970's, in terms of racial and gender progress. - Melanie Loy.
10. Mixed bag of emotions. Approached the brink of insanity a number of times. I can honestly say this has been the most difficult year of my life— breaking my stamina and confidence. Somewhat disappointed with school administration and apathy of many students.
11. It was quite a time for every conceivable emotion, trial or tribulation.
12. I think I am being educat-
ed beyond my intellect.
13. I never want to read a book again.
14. It was the best of times, it was the worst of times!
15. The hardest, most boring, interesting, exciting year of my life.
16. I was visually frustrated, confused, dazed, disoriented, but will be back next year!
17. It didn't suck too much!
18. The drive wasn't too bad—Treat it like a job!
19. It's screwed up.
20. It was everything I feared it would be, and more.
21. It was anything I feared it would be, and more.
22. I can't figure out how it lasted 2 years.
23. The sex was great.
24. Looks no longer matter, rank is all there is!
25. The writing program is organized well to introduce students to legal writing.
26. I loved all the sexy men!
27. I can't think anymore.
28. It was very, very time consuming.
29. When I wasn't in the hospital, I was fine.
30. It was great, now only if we can get the Chicken and the Paralgal to shut up.
31. Watching the ears get redder, and redder, andredder was consuming.
32. Conglomeration of strange personalities.
33. Difficult, but not impossible.
34. My professors were good, however, I was extremely disappo-
ticed with the administration and the general poor handling of student activities funds. Audra Wilson.
35. Great overall impression. Good folks, good subject, good times. But too little academic engagement.
36. It's easier than real life.
37. I was impressed with the school, and faculty but the city of Valparaiso leaves a little to be desired.
38. It gave me great hope.
39. All the courses were very interesting and enlightening with the exception of legal writing which was a travesty.
40. Overpriced, Overestimated, and Undergraded.
41. I don't know, it's O.K.
42. What a Circus!
43. Challenging, but fun.
44. I met Marianne and Malini and now life is worthwhile.
45. Scary!
46. Like a roller coaster ride, not sure you want to be on it and can never get off when you really want to, by the end, you feel sick to your stomach and enjoy it at the same time.
47. It was cool. It was antici-
pated, and it's over now!
48. It was swell. See you next year.

Our personal favorite was #45. We don't encourage #39 and #25 to get together anytime soon. Thanks for all the comments.

Please recycle!

It has been disappointing to see that our school has not com-

plied with the recycling program. Midwest Environmental Law Caucus requests each and every one of you to and strongly urges you to RECYCLE!!! ! ! ! and to put recyclables in the proper containers.

It might interest you to know (and even scare you to know) that Indiana is rated even lower than New Jersey when it comes to Environmental Pollution. (No bad feelings Austra)

Marianne and Malini

VUSL's Midwest Environmental Law Caucus (MELC) has successful bid at Chicago Board of Trade's EPA allowance auction

By Malini and Marianne

MELC was awarded a bid for an emissions credit in the annual EPA Allowance Auction which took place at the Chicago Board of Trade on March 25, 1996. On Wednesday, March 13th, a group of Valparaiso Law School Students along with Professor Blomquist went to the Chicago Board of Trade to make a bid for a SO2 emissions credit in the amount of $151.88.

By Malini and Marianne

What did I'll's think of their 1st year? This list serves not to bring negativism to the class or to bring morale down, but to show the honest, frank, views of the VUSL 1L class. If anything, after reading this, we will all know that we're in it together! We may even develop dinners, in addi-

tion to solidarity.

1. I might have learned more had I attended class.
2. I'm sorry, but I did not enjoy it 100%, and why is tuition up 10%?
3. You got out of what you put in to it.
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Marianne and Malini
Walter Olson talks about Sonny Bono, the Hangover View (and Legal Reform) in an Interview with Daya Naef

By Daya Naef
Contributor

Walter Olson is a Senior Fellow at the Manhattan Institute, a New York-based research group that studies various issues, including the effect of government policy on the economic situation and more generally, society. I had the privilege shown agitation in the shift to the American-style system.

Fee-shifting in this country is misleading as it has been done for the last few decades, limited to one way-fee-shift in special cases, mainly environmental and socially conscious. The crucial distinction between our system and the Europeans' is that in America's system only the plaintiffs can set that”. European fee-shifting has these mechanisms that we would do well to study because, we are making mistakes in our own experiments in fee-shifting. One of them is not looking just to who won overall, but to understand the arguments to argue about, what the necessary issues were, whether claims were saturated, even if claims prevail in European fee-shifting and the person is asked for more than it is found that they are entitled to there is often a fee-shift against the person who asked for too much damages.

As Walter Olson, in Switzerland the first order of business on the part of the lawyer when a plaintiff walks in with a good claim is that the lawyer establishes if it really is a good claim. Then to the correct amount to ask for is based on the amount the court has typically awarded for that type of injury. It is clearly not desirable to ask for too little (unfair to client) or to ask for too much - that risks a partial offsetting fee shift that is deducted from the award. Any American lawyer who practiced that way would probably be sued for malpractice.

I would not be surprised to see its progress come more incrementally based on categories of litigation. Comfort level is higher in areas where businesses are fighting other businesses, we know there are bunch of areas in the statute books where that is the typical format of litigation, for example: trademark, antitrust.

I wanted to use this scenario to introduce introducing fee-shifting in areas like that giving us more track record in the federal courts, I would feel more comfortable with a body of precedent of this kind since it usually works and then move on to the type of areas using the one way fee shift.

I would like to look at these one way statutes and make them decide would you like no way or two way. Whatever we do, let not be intrinsically unfair and hop-sided with fee-shifting only for the benefit of plaintiffs: if so it would feel more comfortable that reform is the necessary thing, to do things on the federal level.

I have never been one to place my main confidence in Washington to reform things because this is state law, most of it is in state courts, most of it is intrastate transactions, and there is good reason for the general run of litigators of a legal system to look for state resolutions. Remember though that a large body of law in court is a federal cause of action. Who else is going to reform litigation over federal causes of action, if not Washington? So, that is one place we start.

Why has there been so much talk over products liability?

There is a reason why products liability gets in line a little bit ahead of other kinds. It is not just because that reform organized earlier and more vocally, although it did, it's because products liability should be handled long, because the case has been made for longer. More hearings have been held on it and it's more interstate than other things. Therefore, says the Senate, let's just reform product product. Product is just one small faction of the general litigation problem, and because, the federal role is a lot wider than just product.

What role does the Academia play in all of this?

We are coming from a time when the ways to get a law review article that was talked about was to invent a new cause of action, or at second best a new argument for someone else's cause of action or a new type of damages to get. It was all an entirely unsolved process whenever we are fighting for a system could do everything. It was clear for what allied society, whether it came to correcting parents in their treatment of chil­dren or for each other, for everything from mental hospitals to universities themselves, to the military. We are in for a good long hangover over the new argument for someone else and more so many other people who get involved in the litigation here.

Often people who win their lawsuits will say the same thing as those who lose it, "I won, I feel as though I have lost because it was so awful to go through it all". Many of the people I disagree with most talk about the unheard voices. It is finally getting through to a few of us, that the unheard voices are people devastated by the legal process itself. It reminds us that whenever we are battling for a legal process, it is at the cost of another of these people who have been living their life, and suddenly found themselves, perhaps for years, under the microscope. Under the loss they bring with them this sense of just how powerful their own tools are and how much they hurt. Lawyers should remember to be strictly less and not press their clients interest at the expense of their conscious.

I have veered here in a sensi­tive and abrupt way from the topic of legal theory to the topic of fee-shifting and litigation and its destruc­tion, but to me it is all part of the same issue. We must seek too in our destruction to shield people from the full harshness of the legal system.

Do you find that most people do not understand or even know about legal reform?

Continued to Page 7
Olson advocates fee-shifting for the United States

Continued from page 6

I find it odd to see it become so popular and to go on unopened. That explains the issues that have not been made popular before, but then it does affect everyone's lives. When it is done that way the effects are more on the municipal system than on the legal system. People are beginning to understand more of the dimensions of it. The difference between now and ten years ago, is now there are two players on the field on each side. Trial lawyers with a super-large organization, and perhaps, people with medical representatives who, back then, weren't treating it as if it were a battle of ideals that they would have to win. Now, they know that it is.

What about your experience arguing before the House, is there a large interest in legal reform?

One person who has become very active in Congress is Sonny Bono. He is a breath of reality and a breath of fresh air, because he waited by seniority for his turn and finally he began to ask some questions. And, he being the mayor of Palm Springs, a fairly big American city, he simply began talking about their experience and how they got through it. And into that stuffy atmosphere who, back then, weren’t helping itself, if there is kind of a goldilocks legal reform?

It is kind of a plateau of the system. Some states have reformed medical malpractice and in some it seems to have a real moderation of lawsuits. With that not happening in some states on some issues then we would think that no legal reform ever worked. I think it does sometimes work on some issues. But, we are not seeing across the board moderation of the legal system in general because other areas contending lawsuits are getting hotter than ever.

In your book, you said "Lawyers are said to create each other's demands: as the old saying goes, a town too small to support one can provide a decent living for two and a feast for three. But more likely the great influx of talent into the profession in recent decades has been a response to, rather than a cause of the steady expansion of demand for lawyers' services. Despite the occasional slowdown in one or another specialty, that expansion has continued." (p. 10) Do you believe that this is still true?

Clearly, the demand for lawyer services is a sector-by-sector thing. It has its ups and down cycles. The thing about the demand for lawyers that it really isn't quite like the demand for shoe stores, or skating rinks, or whatever. In fact, lawyers really do create each others demands and when it is easy to file marginal counts of litigation, it saves more work for the defense bar and frequently, at one remove, it saves more work for the transaction planning power because they have to go back and correct contracts that prevent litigation. One of the really disturbing things that you see in debates over how much litigation there should be and how for it can be formed to create new causes of action, is the bar often having a rather sinister solidarity in which they fail to resist some of the ideas that would lead to more litigation.

Do you believe then that the ABA and the legal profession can no longer self-regulate?

When they set themselves up against society, they have to expect that society at some point will notice what has happened. Society will step in and you know the dreadful objection, the shock horror of all shock horrors, the idea of regulation of the legal profession by non-lawyers. You've seen Judge Silverman of the D.C. Circuit's remarkable speech, "Judges should consider that it is a conflict of interest to belong to the ABA, because it is too much of a interest group." The idea that the legal profession has become a lobby first interest with an agenda that it not always the same as that of the general public, not at all distinguishable from the way the steel business lobbies against steel in points and against public interest and its way, or the chemical industry with its own lobbying agenda.

It is something for the legal profession to think about long and hard if they admit themselves into a lobby at odds with the interest of the wider society. Do you believe then that the ABA and the legal profession can no longer self-regulate?

I mentioned the family law environment because of the types of family law like New York's productible distribution which has resulted in drastic and dramatic figures. A middle-class family divorce suddenly costing fifty-thousand dollars instead of five-thousand. That is great for the New York divorce bar, but dreadful for middle-class people in New York whose marriages are breaking up. The bar has to wrestle with ethical issues whenever they are asked for their advice and whether to reform the law in one of those ways. To the extent that they are giving in to their own temptation to think only of their own self-interest, they are setting themselves up directly against the interest of the wider society.
LET'S BAN LAWYER TV ADS

By Rom Byron
Contributor

I bet that you have seen many eye-grabbing fluorescent billboards that scream "INJURED?" while you drive along the highways like the proverbial doomed crawling desert hiker who sees the growing shadows of vultures looming overhead. Do you cringe when you see them? Or, when you see a lawyer advertisement on television (perhaps following an ad by a rating used car salesman) do lawyer jokes come to mind? The legal profession should be on a higher plane.

Admittedly, that may be an idealist assertion, especially when made in response to Shakespeare's Henry IV, 1598, oft-mimicked rallying cry, "Let's kill all the lawyers!" Although battles can still be won, it's been an uphill war to protect our elves.

Non-print lawyer ads, even billboards, because of their immediacy and shock value, are often abused. We lawyers, as we should and must, will push the line almost to its infinity for our clients. There can no demarcation to illuminate what is a dignified lawyer TV ad, nor can there be—it is too subjective. All of these ads damage the public's perception of lawyers and the justice system. If you simply think changing the channel is the answer to lawyer TV ads, you will be up all night.

Yes, all lawyers should be easily accessible. Lawyer ads should be in the public forum and easy to understand, and without any pictures, especially those patronizing cartoons of a bald eagle, Lady Justice, or the American flag rustling in the breeze. With such props we are fooling no one and kidding only ourselves.

Some may say, even with a straight face, that society's poor must have lawyer TV ads available to them in order to protect their rights. There is no doubt that the substance of that argument is undeniable and laudable. I stand on no elitist soapbox here. I stand in the dirt, horrified in the face of that undignified spew, which is overblown, unnecessary, and counter-productive. Lawyer ads should be limited to newspapers and the phone book.

Lawyer TV ads must go. Non-print ads, even billboards, because of their immediacy and shock value, are often abused. We lawyers, as we should and must, will push the line almost to its infinity for our clients. There can no demarcation to illuminate what is a dignified lawyer TV ad, nor can there be—it is too subjective. All of these ads damage the public's perception of lawyers and the justice system. If you simply think changing the channel is the answer to lawyer TV ads, you will be up all night.

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The public's access to lawyers is not the only issue. Lawyer ads, especially those on TV, damage the professional standards of lawyers, damage the justice system, and damage the public's trust in the law. By state statute the means for lawyers to advertise can be constitutionally restricted to newspapers and phone books, if not merely banned from TV.

This tailoring of Bates is then less a commercial free speech issue than a states' rights issue. Lawyers are the face of the interface, which holds a state's laws and its people together. A state has the reserved right and important interest to regulate its lawyers and to encourage its citizens to public to seek redress for their injuries. Non-print lawyer ads, especially those on TV, inflame society's contempt for lawyers and foster a sense of futility with regard to the legal system. The state courts now set the sail of the profession's standard for lawyers. But the courts don't know where they are taking us, nor do we as attorneys for see that we are headed for the rocks.

We can change the states' laws to restrict the time, place, and manner of lawyer ads by restricting lawyer ads to newspapers and phone books, or by at least ending lawyer TV ads. On TV, justice is a widget. Now picture this filling your TV screen: A lawyer selling you free info-tapes and the widget of justice. Then an advertisement for new-and-improved detergent. Then a slick used car salesman who hawks dented cars (which he calls previously owned) while he bears a smile and proclaims that he will beat any competitor's price. Disgusted, you change the channel and become a little surprised to see a Chia Pet. Then another revolutionary cheeseburger. Then, you guess it, on the TV auction block appears another widget of justice. We are out of control.

Let's ban TV lawyer ads and restrict all other ads to print in the newspaper and phone book. When there is so much we cannot control, like the outcomes of famous trials and the media unfairly pointing out the exceptions to the rule of law, there is one thing we can control: Ourselves.

RECIPES

Uniquely Thai, Universally Tasty

(NU) Among the cuisines of Asia, the aromas and flavors of the food of Thailand are unique. Simple to cook, Thai cuisine distinguishes itself by its successful blend of ingredients. Where else can one find fresh coriander (cilantro), chilies, coconut, garlic, fish sauce and citrus flavorings, all married to cook, Thai cuisine distinguishes itself by its successful blend of ingredients. Where else can one find fresh coriander (cilantro), chilies, coconut, garlic, fish sauce and citrus flavorings, all married to

Thai cuisine.

A Feeling of Jazz

with Professor Joellen Lind and Bill Saterlee

Sundays from 2 to 4 p.m. only on WVUR 95.1 FM
Valparaiso University radio

Simple Thai Salad

Makes 4 to 6 servings

Salad

2 cups soaked cellophane noodles (15 minutes in warm water to cover)
4 ounces poached chicken, cut into 1/4" x 1" strips
4 ounces peeled shrimp, boiled one minute
1 onion, cut into thin wedges
1/2 cup sliced fresh mushrooms, blanched and cut coarsely chopped cilantro
1 tablespoon minced fresh ginger

Sauce

5 tablespoons fish sauce*
1/2 cup lime juice
1 tablespoon sugar
1/2 teaspoon monosodium glutamate

*Taste is not available, prepare this substitute: one teaspoon of soy sauce, 2 tablespoon of water and three anchovy fillets. Soak the fillets for at least one hour. Remove anchovies. Make two tablespoons of fish sauce.

For a free brochure on Thai cooking, send your name and address to Ajinomoto USA, Dept. NU, 500 Frank Narr Blvd., Teaneck, NJ 07666.

Perk

Bi-rb uck School

April 18 – May 10, 1996

8
High Court down two recent decisions

AN E-BULLETIN FROM THE LEGAL INFORMATION INSTITUTE

CORNELL LAW SCHOOL

VIA EMAIL: hi@lil.law.cornell.edu

The following Supreme Court decisions just arrived on the ftp site ftp.cwru.edu. These are not the decisions themselves but summaries (syllabi) prepared by the Court's Reporter of Decisions. Instructions for accessing or ordering the full text of any of these decisions are provided at the end of this bulletin.

O'CONNOR v. CONSOLIDATED COIN CATERERS CORP.

Docket No. 95-354—Decided April 1, 1996.

At age 56, petitioner was fired by respondent corporation and replaced by someone outside the age protected class. The latter is more reliably indicated by the Age Discrimination in Employment Act of 1967 (ADEA). The District Court granted respondent's summary judgment motion, and the Court of Appeals affirmed, holding that petitioner failed to make out a prima facie case of age discrimination under McDonnell Douglas Corp. v. Green, 411 U.S. 792, 1973. The latter is more reliably indicated by the ADEA limits its protection to those who are 40 or older, it prohibits discrimination against those protected employees on the basis of age alone. That member of the protected class lost out to another member is irrelevant so long as he lost out because of his age. The court is more properly indicated by the fact that his replacement was substantially younger than by the fact that his replacement was not a member of the protected class.

LONCHAR v. THOMAS

Docket No. 95-5015—Decided April 1, 1996.

Petitioner Lonchar was sentenced to death for murder nine years ago. In the years following the affirmation of his conviction, he filed, and then had dismissed, a first federal habeas case. In dismissing Lonchar's habeas petition, the district court in part denied his request for equitable relief. Third, Rule 9(a) - which permits courts to dismiss a habeas petition when "it appears that the state habeas court has prejudiced in its ability to respond . . . by delay in [the petitioner's] filing" - specifically and directly addresses the delay factor that led the Court of Appeals to dismiss Lonchar's petition. The Supreme Court was not asked to, and did not make a finding of prejudice in this case, where as the Rule's history makes plain that the prejudice requirement represents a critical element in the balancing of interests undertaken by Congress and the Rule's framers, which courts may not undermine through the exercise of their discretion.

Fourth, contrary to the Court of Appeals' view, Gomez, supra, at 653-654, did not authorize ad hoc equitable departures from the Habeas Corpus Rules and did not purport to work a significant change in the law applicable to the dismissal of habeas petitions.

Fifth, the fact that Lonchar filed his petition at the "eleventh hour" does not lead to a different conclusion. Gomez, supra, at 654, and, e.g., Sawyer v. Whiteley, 505 U.S. 333, 1992, distinguished. The complexity inherent in developing fair and effective rules to minimize the harms created by last-minute filings in capital cases offers a practical caution against a judicial attempt, outside the framework of the Habeas Rules, to fashion reforms concerning first federal habeas petitions.

Sixth, a different result is not warranted by the special circumstances involved in this case, including the "next friend" petitions filed by Lonchar's siblings, his filing and withdrawal of his own state habeas petition, and the fact that his motive for filing this federal habeas petition was in part to delay his execution. The Court expresses no view about the outcome of the Rule's application in this case, but here, in the Rock's application in this case, not that in the middle of the night.

You say this memo in the middle of the night, you get a memo, memo, memo, you just wait and see. That's why you call your VA in the middle of the night, you say this memo, this memo, this memo, this memo, legal issues on my mind a good case, it is so hard to find. Should you argue sentimental? You know the judge can be so tempermental. Well I'm not looking for an A in the class, I know what I need, and I need to pass. There's one thing in common all law students share. It's the need for caffeine anytime anywhere.

You get a memo, Dang memo, this memo, this memo is going to be the death of me. This memo, memo, memo just you wait and see, this memo is killing me.
By Gail Peshel
Director of Career Services

Most employers hire year-round as needs arise and budgets permit. The following job strategies work!

Network. The most effective method of obtaining a position is to network with people who work in your field of interest. Most positions are filled through recommendations from colleagues rather than by reviewing submitted resumes. Therefore the more contacts you maintain, the greater your chances of finding employment. Networking is a process that takes some time and energy but definitely reaps positive results. As you make new contacts within your interest area, you will become familiar with attorneys that work in the area, and they in turn will become more familiar with you. There are many networking options available to you including volunteer positions, internships, summer employment contacts, faculty and alumni contacts, and informational interviews.

Volunteer. If you have never worked in a law-related position and don't know many people who have, your first step is to volunteer. Volunteering is a great way to gain contacts and experience. For names of potential employers, review the employer files, directories, and descriptive materials available in Career Services. (We will help you find the resources you need and the office is open all summer!) Keep in mind that a volunteer position is still a job. Be reliable and show up on time. One of your goals is to get a good recommendation if not a permanent job offer. Your resume can be greatly enhanced by volunteering because both volunteer and paid positions are listed under one category: “Experience.” Many students serve as volunteer clerks the summer after their first year of law school. Other students volunteer during the school year. A volunteer position provides exposure to an area of law and enables a student to make more informed decisions as to career choices. Therefore, if you are uncertain as to what type of work you wish to pursue, a volunteer clerkship can provide an opportunity to evaluate a career option.

Another reason for volunteering is that it provides a change of pace from textbooks and discussions of legal theory.

Informational Interview. If an employer is not hiring, you may wish to set up an informational interview. The purpose of this interview is not to obtain employment but rather to glean information about a particular practice area or about the organization in general. Before your scheduled meeting, learn some general information about the organization and prepare some questions to ask. Attempt to obtain the names of two or three attorneys who work in your field of interest. Attorneys are familiar with other firms and organizations, and most attorneys are willing to provide some assistance. If you didn't make your resume to the interviewer prior to your meeting, bring a copy with you. Remember that this is not a job interview. However, the information you receive and the rapport you establish may help you secure a position in the future. At the interview and in a subsequent letter, express your appreciation to the attorney for taking the time to meet with you. This contact and the additional names you obtain will be valuable to you for future networking. To enhance the effectiveness of your networking activities, consider the following suggestions: 1) respect the time constraints of the attorneys with whom you speak 2) keep in touch by sending updated resumes or letters apprising the attorney of your job search progress; and 3) send a thank you letter for any assistance you receive.

Keep in Contact with Career Services. Immediate job openings will be mailed frequently throughout the summer to graduates and returning students. Be certain we have your summer address! Thanks — good luck with finals — and have a great summer!

**Career Opportunities**

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<thead>
<tr>
<th>Location</th>
<th>Position</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Staff Attorney</td>
<td>Susan Pink, Esq., California Legal Aid Bureau, P.O. Box 250, 1043 Main Street, San Francisco, CA 94110</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Associate Attorney</td>
<td>Amanda Green, Esq., Pennsylvania Legal Services, P.O. Box 1234, Harrisburg, PA 17102</td>
</tr>
</tbody>
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**CLERKING OPPORTUNITIES**

**INDIANA, Michigan**

Law Clerk—2L to begin immediately and extend through the summer. Send resume and letter to: Edward Kalamaros, Kalamazoo & Biblau, P.C., 4156 S. Michigan Ave., Kalamazoo, MI 49001.

**INFORMATIONAL INTERNSHIP—Legal Aid Bureau of Northwestern Michigan, Inc.**

Seeking an applicant with a particular interest in public defense law. The position will be filled with a young graduate who is available during the summer. Send resume, letter, and transcript to: Ward F. McDonough, Jr., Executive Director, Legal Aid Bureau of Northwestern Michigan, Inc., 201 Kalamazo Avenue, Room 308, Kalamazoo, MI 49007.

**MISSISSIPPI, JACKSON**


**NEW HAMPSHIRE, AMHERST**

Law Clerk in June/Attorney in October—work as a law clerk in June and continue as an attorney in October. Areas of practice include criminal, civil litigation, commercial law. Send resume to: B. Conley, Conley Legal Aid Assistance, Inc., P.O. Box 2600, 181 D St., Maysville, KY 49007.

**OREGON, MEDFORD**

Associate—7-person firm seeks a graduating third year student interested in a non-traditional application of their legal training. Graduates with a background in education, communications or public relations may be interested. Send resume to: Richard McCoy, Esq., Bar Institute, P.O. Box 250, 1043 Main Street, Medford, OR 97501.

**Pennsylvania, Harrisburg**

Staff Attorney (2 positions) 1995 or 1996 graduates: PA Bar Association, 104 S. Market St., 507/537-0700. Send resume and letter to: Robert V. McKenney, Esq., Bar Association, P.O. Box 1234, Peru, IN 46970.

**MINNESOTA, MARSHALL**

Associate—must have a law degree and be a recent graduate who will have Bar results no later than October, 1996. Duties include general practice of law with a special emphasis in the family law and real estate area. Salary range: $22,500-$27,000. Mail or fax cover letter and resume to: Barbara J. Runyeh, Runyeh, Louwagie & Wellman, P.O. Box 1043, 533 West Main Street, Marshall, MN 55255. Fax: 507/373-0518. DEADLINE: May 1, 1996.
CAREER OPPORTUNITIES

CAREER OPPORTUNITIES

MAY 10, 1996

Chief Justice in the internal management of the Supreme Court with responsibilities for personnel, general administrative policies and other administrative matters.

Attorney within the Consulting Group. Employee Benefits Consultant/Attorney employment experience in the field of tax law. These recent graduates.

Persons having a strong business and technical background, 3: the management of complex organizations. Position requires excellent analytical, organizational and writing skills; 2) positive personality and a sense of humor; 3) abilities to: synthesize information accurately quickly, work as part of a team, and accept criticism, edits and rewrites. Send to: Shirley J. Wilgenbusch, Research Director, State of Illinois, Appellate Court, Fourth District, Supreme Court Building, Springfield, IL 62701 217/782-3528.

MISSOURI, KANSAS CITY—Associate—JD or recent graduate. Send resume and cover letter to: Stephen L. Gordon, Hiring Partner, Beverage & Diamond 40th Floor, 437 Madison Avenue, New York, NY 10022.

MINNESOTA, MARSHALL—Associate—JD or recent graduate who will have Bar results not later than October, 1996. General practice of law specializing in real estate law. Send resume and cover letter to: Stephen L. Gordon, Hiring Partner, Beverage & Diamond, 40th Floor, 437 Madison Avenue, New York, NY 10022.


FLORIDA, FT. LAUDERDALE—Seeking 2 new associates who are graduating or graduated; top 20% of class. The firm specializes in commercial and banking law litigation. Send resume to: Attorneys in top 1/3 of class. General Civil practice focusing primarily in insurance defense. Send resume to: William B. Weist, Levin, Mattson, Orr & Geraci, 4520 Eastern Ave. Suite 210, Towson, MD 21204. Closing Date: April 22, 1996. Job description in C.S. Office.

FLORIDA, LAKELAND—3L or recent graduate interested in estate planning, real estate law, probate law, corporate law and some mediation. Send resume and cover letter to: Attn: Mark Clements, Attorney at Law, Box 8817, Lakeland, FL 33807. Fax 813/860-8817 914687-2287.

FLORIDA, FT. MYERS—Staff Attorney—3L or recent graduate. Send resume and cover letter to: Stephen L. Gordon, Hiring Partner, Beverage & Diamond, 40th Floor, 437 Madison Avenue, New York, NY 10022.

MISSISSIPPI, VICKSBURG—Judicial Clerkships commencing for 1996-97 and 1997-98. Ten-week Summer Interns. Send resume and cover letter to: Isadore W. Patrick, Circuit Court 7th Judicial District, P.O. Box 351, Vicksburg, MS 39181-0352.

DC, WASHINGTON—Law Clerk—1 year clerkship beginning on or about September 1, 1997. Send resume and cover letter to: Judge Teel, U.S. Bankruptcy Court for the District of Columbia, U.S. Courthouse, Washington, DC 20543. Mark the envelope "Law Clerk Position." The position will be available only until filled.

ILLINOIS, SPRINGFIELD—Law Clerk Positions (possibly 4 August vacations)—Applicants should forward: resume and cover letter; references; law school transcripts; class rank; LSAT score (if available); and writing samples. Only complete applications will be considered. Fourth District Clerkship Requirements: 1) excellent analytical, organizational and writing skills; 2) positive personality and a sense of humor; 3) abilities to: synthesize information accurately quickly, work as part of a team, and accept criticism, edits and rewrites. Send to: Shirley J. Wilgenbusch, Research Director, State of Illinois, Appellate Court, Fourth District, Supreme Court Building, Springfield, IL 62701 217/782-3528.

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1996 Telechallenge raises $25,000 in Pledges

Forum News Report

The annual law school Telechallenge hit a new peak, raising more than $25,000 in cash and pledges from VUSL alumni. A traditional component of the Dean's Annual Campaign which raises monies for operational expenses, student scholarships, the Law Clinic, computer equipment, and other important projects, the Telechallenge is a vital part of the DAC (more than $164,500 in cash and pledges has been raised to date in the Dean's Annual Campaign) — and this year there was a new twist.

In past years, the Telechallenge was staffed by volunteer law student callers. This year, however, the Telechallenge received a boost from the professionally trained student callers who work with the University's undergraduate telefundraising program. Kristin Jass, Director of Alumni Relations (and coordinator of the Dean's Annual Campaign efforts) and Virginia Griffith, J.D., coordinated this year's new program.

"This was a wonderful opportunity for the law school," Jass said of working with the undergraduate program. "The University's student callers are well trained and enthusiastic. They were terrific representatives for the School of Law and helped us significantly increase our fundraising goal this year." Griffith explained that during the evenings law school alumni were called, VUSL staff or students were always present to supervise the callers and answer specific alumni questions. She noted that law school alumni were almost uniformly positive about their experiences with the student callers, and that the program's structure allowed more alumni to be contacted during this year's Telechallenge.

Griffith, who has had professional tele-marketing experience, assisted Jass with creation of a new telefundraising script for the student callers, and with organization of a training program to acquaint the undergrads with the School of Law. "Jenna's corporate experience was a big plus for us," Jass said. "This was a new venture for the Development Department and I really valued her input and suggestions."

Although the Development Department is now reaping the rewards of the new and improved Telechallenge, Jass and Griffith say they are already making plans for the 1997 program. "Overall we were really happy with this year's effort, but next year we'll have a higher fund-raising goal to reach so we'll need to brainstorm creative ways of reaching more alumni and making our pitch for the law school even more effective," Jass said.

West Bar Review wishes you all the Best of Luck on Finals!

96 Grad's: Congratulations on your upcoming Graduation!

‘97 Grad’s: Congratulations on being over half way there!

‘98 Grad’s: Congratulations on completing your 1st year!

Hope you all have safe and enjoyable summers!

P.S. If you haven’t yet signed up for West Bar Review and want to freeze your bar review price before it goes up next semester, please stop by the West Bar Review table before April 30th to place a $75 deposit.

Professor Meltzer

Continued from Page 1

Meltzer concluded his remarks by making some comparisons between the Nuremberg tribunal and the Yugoslavian tribunal. The biggest problem currently for the Yugoslavian tribunal, and in sharp contrast to the tribunal convened in Nuremberg, is that only a few "small fry" are presently in custody. He stated that it was his belief that no lasting peace will prevail in the former Yugoslavia unless and until all those charged with war crimes, including those who now lead differing factions, are in custody and subsequently tried.

Professor Meltzer is currently Assistant to the Chairman of the SEC in Washington D.C., Consultant to the National Defense Commission in 1940, Special Assistant to the assistant Secretary of State and also Acting Chief of the Department of State's Foreign funds Control division from 1941-1943.

In 1945 he was appointed to the U.S. prosecution team at the Nuremberg war trials. Afterwards, he returned to the University of Chicago Law School as a Lecturer and then Professor Law, primarily teaching courses in labor law. Professor Meltzer is currently the Edward H. Levi Distinguished Service Professor Emeritus at the University of Chicago Law School.

Recent previous Seegers lectures include Derrick Bell, Visiting Professor, New York University School of Law, and Sandra Day O'Connor, Associate Justice, United States Supreme Court.