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LETTER FROM THE EDITOR

A few years ago, the University ran an ad in the greater Chicago area with the tag line "Discover a Secret Close to Home." What a perfect one-liner for VU. Whenever we have a visiting faculty member, judge or practitioner, he/she always leaves very favorably impressed. Yet, most either knew little of who we were or what we were when they arrived.

The issue is reputation vs. notoriety. While we have a very good reputation within the legal education and legal profession circles, Valparaiso University School of Law is not a household word across the country. I suppose that one way to gain national notoriety is to have one of VU's sports teams win some national championship. (Applications at the Villanova law school increased dramatically the year their basketball team won the NCAA championship).

But I am not sure that we really need national notoriety. There is comfort in knowing that our reputation is based on academics; that our graduates constantly report that their legal education has proven to be better than the education of their colleagues that hold a J.D. from a nationally known "big name" law school. A very recent example of our strength is the fact that we have been selected by the ABA to host both Soviet scholars that will be visiting the U.S. this year. (See the article on page 6).

We could be bigger, and we could spend our resources to market our name, but would that make us better? Our priorities are our students, our academic programs and the legal profession. This is one secret that we should be eager to tell, and we are. But, telling the secret must not become our primary mission, lest we dilute the secret - our reputation.

Curtis W. Cichowski, '81
Editor-in-Chief

Cover Photo: "Red Roar (Alley Scene), 1952, oil on masonite, by Avery B. Weaver (1900-1976). Frances Tilton Weaver, LL.B. '25 (pictured at left) presented this award winning oil painting by her late husband, Avery, to the Valparaiso University Museum of Art at the FRIENDS of Art annual meeting. The painting is now a part of the VU Sloan Collection of American Paintings. Another of Avery Weaver's pieces, entitled "Winter Came," is displayed in the Law Library of Wesemann Hall. The FRIENDS of Art is support group of the Valparaiso Museum of Art, and membership is open to the public. Those interested in joining the FRIENDS should contact Josephine Ferguson at (219) 464-5155.
LETTER FROM THE DEAN

Last spring President Harre established a university strategic planning committee charged with responsibility to undertake a comprehensive review of all aspects of the university and to develop plans for the future as we move into the next decade. Some members of the law faculty have been involved in the activity of the university committee and beginning this fall each college, including the School of Law, will be developing its plan within the general framework approved by the board of directors. Independent of the university initiative, a law faculty planning committee was established last spring to consider the future direction of the law school.

This is a particularly appropriate time to engage in planning because we can do so from a position of strength, rather than in reaction to a crisis. Thanks to the efforts of our admissions office and many of our alumni who have assisted, our applications were up again for the class which enrolled in August. While applications increased nationally, our increase was substantially above the national average. Our graduates continue to secure employment and do well on bar examinations across the country. Presumably, success in admissions and placement can be attributed, at least in part, to the quality of the educational program. If things are running smoothly, one might ask why engage in planning or why think of change, i.e., why fix it if it isn’t broken.

We need to constantly look for ways to improve our educational program. Even if the law schools of the eighties will adequately prepare students for the practice of law in the nineties and beyond, there is always room for improvement. However, it is not safe to assume that changes in the legal profession will not demand changes in legal education. Therefore, we need to at least keep informed of trends in the practice in order to assess the continuing adequacy of the educational program.

One approach is to assume that no matter how the practice of law changes, the basic skills required by an attorney remain constant. Thus law schools should continue to teach students how to "think like a lawyer" and how to learn the law so they can continue to do so during their careers as attorneys. In other words, a good, solid liberal arts-type law school background will serve one well as an attorney no matter how significantly the practice of law changes.

Even if teaching students to "think like a lawyer" continues to be the primary purpose or goal of law schools, will thinking like a lawyer mean the same thing in the year 2000 as it did in 1980? Should common law developed through litigation continue to dominate legal education if litigation does not remain the predominate means of resolving disputes? How much will computers affect the practice of law and, aside from learning how to operate the relevant computers, how much will computerization affect what is needed in law school? There are many other questions which should be asked, and will be asked as we proceed with the planning.

Obviously the views of our graduates are important in assessing the trends in the practice of law and whether those trends suggest any changes in legal education. We have some formal means available of obtaining the views of our graduates, such as the Board of Visitors, but your comments and opinions would be appreciated and helpful as we proceed with the planning.

A final note, many of you will remember Lucy Hubbard, the former janitress at the law building. Because of a series of health problems, including a broken hip, Lucy is currently residing in the Willows Rehabilitation Center, 1000 Elizabeth Street, Valparaiso, Indiana, 46383. I am sure she would greatly appreciate cards and letters; believe it or not, Lucy remembers most of you who attended the law school while she worked there.

Dean Ivan E. Bodensteiner
Valparaiso University School of Law

(L-R) 7th Circuit Justice Richard Posner; VUSL Federalist Society President Robert Henke, '90; and Professor Robin Malloy of Tulane - at the recent Federalist Society debate on the topic "Is Law and Economics Moral?"

(L-R) Professor Geri Yonover and Judge Hubert Will of the United States District Court for the Northern District of Illinois. Judge Will visited the law school as a Jurist-in-Residence this fall semester.
MESSAGE FROM THE PRESIDENT

Every year, as a part of the first-year orientation program held for incoming law students, the President of the VUSL Alumni Association addresses the new JLL class. This following message was delivered to our newest class, the class of 1992.

It’s hard to believe that it was ten years ago when I started law school. And look at me now. What has changed in my life? What am I doing differently now that I am a graduate of Valparaiso University School of Law?

Clearly, for most of us anyway, we are practicing law in some form or another. Obviously, we would not be practicing law if we hadn’t gone to law school. One of my ’82 colleagues, when asked this question, said it gave her a justification for being in this country. That’s a fairly heavy response. The truth of the matter is that she probably would be here anyway. After all, she is an American citizen and was before she started law school. (She was born in Argentina; first prize goes to the first ’82 grad who figures out who I am talking about.) What I think she meant by her comment is that she has a real purpose and direction to her life now that was not there before law school. Fortunately for her, she’s very happy with that purpose and direction. She likes the type of law she’s practicing.

That type of satisfaction is probably true for most alumni of Valpo. I do think there’s one common feeling that is true for all of us: each one of us is doing something we probably never dreamed we’d be doing on our first day of law school. What we got is much more than we ever expected. Typically, at the beginning of law school, more than a few of us thought we would be heavy duty litigators in major nationally prominent law suits like a Baby M case or the recent abortion case before the Supreme Court. Well, the fact is, few of us have probably have had that kind of experience. What we’re doing, in fact, is quite different from that expectation. That certainly does not mean we do not like what we’re doing. It just means we are doing something different from what we expected at the start of our legal education.

But we chose law school in order to change our lives, right? And it did. So we got what we bargained for, we just underestimated the value and power of a legal education. In fact, we all got more than we bargained for. For instance, did I ever dream, on the first day of law school, I would spend two weeks in London for depositions? Of course not. I didn’t even know what a deposition was, nor did I ever think the practice of law would take me to England. I thought I was going to practice divorce law in Indiana; instead, I do international intellectual property work for one of the largest corporations in the world. I also met my husband in law school. Did I ever once think I would marry this man during law school? Absolutely not, especially not the first day. But here I am later with this man and two bouncing baby boys and an international law practice. I suppose that all could sound glamorous to some folks. Well, there is some glamour in it.

The point is, Valparaiso University School of Law will take you places you never expected to go. On the whole, I think you really will find that most of the trip will be quite satisfying, although there will be Mad Hatters, big bad wolves dressed up like professors (just kidding, professors), sharks circling above and below, and other assorted challenges along the way. Even if you decide not to complete your legal education, you will benefit from this experience. I can guarantee that. If you decide that the law is not for you, at least you will have learned what is not for you. That is an invaluable lesson in and of itself.

Enough of my soap box. One of my duties is to give a plug for the Alumni Association. You are a member of the Association the very minute you receive your diploma from Valpo. However, as a law student, you are the recipient of the benefits of having an alumni association. When you are graduated and join the Association, I want you to be a regular dues-paying member (this goes for all of you Alumni out there reading this speech, too). Last year, the Board of Directors of the Alumni Association decided that our focus was to be the law students rather than the Alumni. The dues are our sole source of revenue. If we can continue to increase the number of dues-paying members, we can continue to increase our support for the law school and the students.

I guess paying the dues correlates directly with how you felt about the law school. In your case, you are starting to form your overall impressions of the law school right now listening to me and all our other speakers this morning. Hopefully, we all have left you with some warm, fuzzy feelings. For the life of me, though, I can’t understand how someone can spend three years here and not walk out with some good feelings. I know there will be some dark moments. I had them. We all have them. But think what’s at the end of the rainbow. What truly is at the end of the rainbow is a pot of opportunity. The size of the pot and the number and variety of opportunities contained therein depends entirely on what you want to be there and what you build over these three years and thereafter. If you happen to find any gold in the pot, give it to the Association.

Thank you. Enjoy your day and your life.

Respectfully submitted,

Mary M. Squyres ’82, President
VUSL Alumni Association
Associate Dean Bruce Berner has been appointed the Valparaiso University faculty representative to the National Collegiate Athletic Association. In addition, he is chairman of the University Senate for 1989-90. Dean Berner will be writing three essays per year for the Cresset, VU's magazine. The first article, on "The First Amendment and the Flag," is being published in October.

Professor Rosalie Levinson has had a Special Release, Impact of the 1988-89 Supreme Court Term on Civil Rights Statutes, published by Callaghan. The Release is a special supplement to Callaghan's State and Local Government: Civil Rights Liability written by Professor Levinson and Dean Ivan Bodensteiner.

In September, Professor Levinson presented the Constitutional Law portion of the Indiana Law Update program sponsored by the Indiana Continuing Legal Education Forum. Dean Berner presented the section on Criminal Law and Procedure at the same ICLEF. In addition, Professor Levinson spoke at a People-to-People luncheon on developments in the Soviet Union, and she surveyed recent Supreme Court cases regarding civil rights at a program sponsored by the Indiana Civil Liberties Union. In November Professor Levinson will speak at a conference in Indianapolis on Women and the Legislative Process.

Assistant Dean Curtis Cichowski represented the School of Law at the Indiana State Bar June swearing-in ceremony in Indianapolis. Dean Cichowski and Assistant to Dean - Admissions Katharine Wehling attended the 1989 Annual Meeting and Educational Conference of the Law School Admissions Council held in San Diego at the end of May. Ms. Wehling concluded her term as Treasurer of the Midwest Alliance for Law School Admissions but will stay on the Executive Board of the organization as Business Manager.

Mary Moore, Administrative Assistant to the Dean, has been appointed by the Valparaiso City Council to a second four-year term on the Valparaiso Community Schools Board of Education, effective July 1, 1989. During the past year Mrs. Moore has been President of the School Board.

On April 29 Professor Robert F. Blomquist addressed an audience of over 300 governmental officials and environmental activists at Indiana's first Recycling Conference in Kokomo. The conference was sponsored by Congressman James Jontz. On June 26 Professor Blomquist testified before the Porter County Board of Commissioners in his capacity as Vice-Chair of the Porter County Landfill Study Commission. The County Commissioners unanimously endorsed the findings of the landfill study and enacted the first major overhaul of Porter County's landfill ordinance in approximately 20 years. During the summer, Professor Blomquist negotiated on behalf of a citizens' group concerned about the issuance of a hazardous waste landfill permit for the Adams Center Landfill in Fort Wayne, Indiana. In March, Professor Blomquist received an award as a Regional Finalist in the 1988-89 White House Fellowship Competition. Professor Blomquist has been promoted to full professor effective with the 1989-90 school year.

Rodney Nordstrom, 3L, received an honorable mention in a national writing contest sponsored by the National Defense Journal. His article, entitled "Hedonic Damages, Wrongful Death and Section 1983 in the Seventh Circuit," is scheduled for publication in a forthcoming issue of the Journal. Mr. Nordstrom is teaching two sections of Principles of Management at VU's College of Business Administration.

Professor Paul Brietzke attended the Law and Economics Center Economics Institute for Law Professors, held at Dartmouth College from June 25 to July 8. He will present a paper, to be published later, at the Development of Rights Conference in Munich on October 28. He has also been invited to present a paper at the April Midwest Economics Association Conference, as part of a panel commemorating the centennial of the Sherman Act.

Susan Adams Brietzke, Adjunct Instructor of Legal Writing, has accepted a judicial clerkship for 1990-92 with Judge Paul E. Plunkett of the U.S. District Court for the Northern District of Illinois, Chicago.

Nancy Kohlhoff, School of Law Registrar, was elected to a two-year term as Executive Director of the National Network of Law School Officers, a professional organization for administrative staff. The Network has over 400 law registrars and admissions officers as members, representing 111 law schools. It is governed by a Board of Directors from law schools in California, Colorado, Texas, Georgia, Illinois, Indiana, Massachusetts, and New York. At the New Orleans Convention in 1990, the Network will celebrate its tenth anniversary. Watch for a story about the Network in the December issue of the American Bar Association Syllabus.

Professor Ruth C. Vance

Professor Ruth C. Vance has been invited to address Indiana legislators and representatives of business and labor at Governor Evan Bayh's conference on vocational rehabilitation for injured workers. She will serve on a panel along with the chairman of the Indiana Workers' Compensation Board, the Indiana Commissioners of Labor and
the Department of Human Services, and directors of vocational rehabilitation from Georgia, Minnesota, and Ohio. Professor Vance will address the need for vocational rehabilitation in a comprehensive workers' compensation program, along with the policy issues that must be resolved before implementing vocational rehabilitation in an existing workers' compensation system. She will also examine several statutory models and statutory provisions that are essential to an effective vocational rehabilitation program. In July, Professor Vance attended the Midwest Legal Writing Conference at Marquette University School of Law. At the conference Professor Vance served as facilitator to a roundtable discussion of classroom teaching methods.

Professor Richard Stith's recent lengthy work on comparative constitutional theory continues to generate favorable responses. It has been translated into Spanish and has been reprinted in the United States, Chile, Great Britain, and twice in Spain. Essays by Professor Stith on the ethics of generosity are forthcoming in the Journal of Value Inquiry and in an anthology to be published this fall by Eerdmans. In September he addressed the annual Indiana Right to Life convention in Indianapolis.

Professor Alfred W. Meyer is one of the eight University faculty serving on the Valparaiso University Strategic Planning Committee - a year-long project designed to prepare a comprehensive institution-wide strategic plan so as to realize the optimal relationship between the institution and its environment.

Professor Meyer attended and participated in the Association of American Law Schools sponsored teaching workshops in Contracts and Alternative Dispute Resolution at Cornell Law School and in Washington, D.C. respectively.

Professor Geri J. Yonover's article, "Preemption of State Tort Remedies for Wrongful Discharge in the Aftermath of Lingle v. Norge: Wholly Independent or Inextricably Intertwined," 34 S.D.L. Rev. 63 (1988) was listed in the "Worth Reading" column of the May 15, 1989 issue of the National Law Journal. Professor Yonover was promoted to Associate Professor effective with the 1989-90 school year.

The Brief of the School of Law Jessup International Moot Court Team placed tenth in the World at the recent International final round. The Team competed with about 250 law schools from 35 countries. Congratulations to the Jessup Team and to coach Professor Michael Straubel.

Law Librarians Mary Persyn, Tim J. Watts, Sarah Holterhoff, and Naomi Goodman attended the annual meeting of the American Association of Law Libraries in Reno, Nevada in June. Also attending the AALL meeting was Leslie C. Schaefer who joined the Law Library staff as Assistant Law Librarian in July. Ms. Schaefer was married September 2 in Wichita, Kansas, to James W. Martin, Public Services Librarian from the University of Arkansas - Little Rock Law Library.

Professor Persyn presented a program on "The Legal Issues of Public Service" for the Indiana Library Association 1989 District 1 Meeting held in South Bend on October 11.

During the past spring and summer Professor Seymour Moskowitz completed the annual update for the 7 volume Discovery treatise published by Matthew Bender. In April Professor Moskowitz presented a faculty seminar on "Pay Equity and State Law," dealing with comparable worth and its implementation through state court litigation.

Professor Jack A. Hiller has had poetry published in both the summer and fall, 1989 issues of The Lyric, the oldest magazine in North America in continuous publication of traditional poetry.
The School of Law Legal Clinic has received two grants totaling $91,500 from two divisions of the federal government. The first grant was awarded by the Legal Services Corporation, Washington, D.C. The one-year grant, in the amount of $46,300, is intended to fund the provision of legal assistance to low income clients through the School of Law's clinical program, which is under the direction of Professor David Vandercoy. Forty-two schools competed for funding under this grant program. Their proposals were reviewed by a panel of clinical educators, law professors, a representative of legal services field programs, and members of the Legal Services Corporation staff. Eighteen schools were recommended for funding.

In addition, Professor Vandercoy wrote a proposal that resulted in a one-year grant of $45,200 from the U.S. Department of Education. This grant, which will become available in January 1990, is to provide training for law students by supplying legal assistance to low income people or to those otherwise denied access to the legal system.

New Faces at the School of Law

Visiting Professor Gregory L. Ogden is a California native who graduated from the University of California at Los Angeles and the U.C.-Davis School of Law. He has graduate law degrees from Temple University and Columbia University. He first worked for the San Mateo Legal Aid Society as a Reginald Heber Smith Fellow, and then worked for a small firm before entering teaching. He has been a professor at Pepperdine University School of Law since 1978 where he teaches civil procedure, administrative law, and professional responsibility.

His writing interests are in the fields of civil procedure, ethics - both legal and governmental, and administrative law. He is a member of the California Bar, and directs the Ira Sherman Center for Ethical Awareness at Pepperdine. As Director, he frequently advises attorneys who have legal ethics questions, and has also written on and presented testimony before the State Bar of California as to current issues in legal ethics. He has worked as a consultant for the Administrative Conference of the United States, and was the editor of a recently published set on California Administrative Law for Practicing Attorneys.

Professor Ogden and his family moved to Indiana in 1988 so that his wife, Daryl, could enroll in a Ph.D. program at the University of Notre Dame. He was a visiting professor at Notre Dame Law School in the 1988-89 academic year. He and his wife have three school-age children.

Mrs. Elaine Moore has joined the Law Library staff as the new Assistant Law Librarian. Ms. Schaefer recently graduated from the Master of Information and Library Studies program at the University of Michigan. She earned an undergraduate degree in European Studies and English at Phillips University, Enid, Oklahoma. She earned the J.D. from the University of Kansas and is a member of the Kansas bar.

As Assistant Law Librarian Ms. Schaefer handles reference questions, assists with the legal research
component of Legal Problems and is responsible for audio-visual services. Ms. Schaefer is a member of the American Association of Law Libraries and the American Library Association. Her outside interests include linguistics, travel and cooking.

Two recent graduates joined the Admissions staff this fall. Mary Beth Lavezzorio and Angela Hughes, both of the class of 1989, will travel throughout the United States to attend graduate and law days held on undergraduate college and university campuses. Mary Beth, who received the Bachelor's degree from Saint Mary's College, has the primary responsibility for the fall travel recruitment program. Angela, who received the Bachelor's degree from VU, will concentrate on minority recruiting, travelling to predominately black colleges in the South and East. We are very pleased to have these two enthusiastic alumni representing the School of Law this fall.

Cheryl Stultz joined the faculty this year as a Visiting Assistant Professor. Professor Stultz obtained the B.A. in psychology from the University of Notre Dame in 1981. After receiving the J.D. from The Catholic University of America, she began practicing with a mid-size firm in Maryland and Washington, D.C. Nearly three years later, she became associated with a general business practice firm in Greenbelt, Maryland. This year Professor Stultz will be teaching Land Transfer, Business Associations and Business Planning.

In her spare time, Professor Stultz enjoys photography, reading, listening to music and watching old movies.

Soviet Professors to Visit the School of Law as Interns

Some months ago the American Bar Association advertised a program in which Soviet lawyers would be assigned to various placements in the United States as interns. Over one hundred law firms, law schools, prosecutor's offices, corporations and other legal organizations applied. Our School of Law submitted an application.

In July, our School of Law was informed that of the thirty law schools that applied for the two available Soviet law professors (among the twelve lawyers selected to come to the U.S.) ours was one of the three finalists (with Cornell and the University of California at Berkeley).

The initial plan was that each of the two Soviet professors would be assigned to one U.S. law school for six months, i.e., that only two law schools would be involved. However, our School of Law was informed by the ABA selection committee that they were so impressed with our School and our application that after one of the two Soviet professors spends three months at Cornell and the other spends three months at Berkeley, both will spend three months at Valparaiso. The School of Law is very pleased to be so honored.

Our guests, beginning in January of 1990, will be Professor Tatiana Zaharchenko, who teaches Environmental Law at Kharkov Law Institute in the Ukraine, and Professor Olga Djujeva, who teaches Family Law at Moscow State University. Professor Zaharchenko will collaborate directly with Professor Robert Blomquist, and Professor Djujeva will work with Professor David Vandercoy and Adjunct Professors Marcia Gienapp and Barbara Schmidt. The Soviet Scholar Intern Program at the School of Law is under the direction of Professor Jack A. Hiller, who submitted the school's application.

Wesemann Hall Featured in ABA Conference

The new Wesemann Hall was featured along with other new law school facilities in a recent ABA Conference on "Bricks and Books." A photograph of our law school was published in a news story about the conference in the June, 1989 issue of the Syllabus, a publication of the ABA Section of Legal Education and Admission to the Bar.
"Don't Give up, Mr. Vaughan..."

The School of Law is proud to announce that Charles R. Vaughan, '57, has been granted the 1989 Valparaiso University Alumni Association Distinguished Alumni Award, the highest award issued by the VU Alumni Association. The award is designed to honor alumni who have enhanced the prestige of the University by virtue of their character and integrity and nationally recognized personal accomplishments.

Charles R. Vaughan has been an active member of the bar and an active supporter of the School of Law. He has served on the Board of the School of Law Alumni Association, lectured on trial tactics and continues to support the trial skills program of the law school with an annual award to the top student in the Trial Advocacy course. He is a Fellow of the American Judicature Society, and a member of the American Bar Associations; a member of the Indiana State and Tippecanoe County Bar Associations; a member and past President of the Indiana Trial Lawyers Association; and also holds memberships in the Association of Trial Lawyers of America, the American Judicature Society, and a charter membership in the American Board of Trial Advocates. His work has been recognized by the bar as well - he was named Indiana Trial Lawyer of the Year in 1987.

Mr. Vaughan is probably best known nationally for his representation of Ryan White in the celebrated AIDS case involving Ryan’s fight to attend the seventh grade with his classmates. Charles V. Vaughan, son of Charles R. and a 1985 graduate of the School of Law, also worked very closely on this case. The following is their "practitioners' view" of how the Ryan White case unfolded.

On August 8, 1985, Ryan White filed a complaint in the U.S. District Court, Southern District of Indiana, Indianapolis Division. Ryan White, By His Next Friend, Jeanne White, vs. Western School Corporation of Howard County, State of Indiana, et al. L.P. 85-1192-C slip op. (S.D. Ind. 1985). The complaint alleged that the Western School Corporation's decision to exclude Ryan from school and to provide homebound instruction for him violated his rights under the Education For All Handicapped Children Act of 1975 (EAHCA), 20 U.S.C. § 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 1983, and the due process and equal protection clauses of the United States Constitution. He asked for a preliminary injunction pursuant to Rule 65 of The Federal Rules Of Civil Procedure. The case was heard in Indianapolis on August 16, 1985. Charles R. Vaughan argued that Ryan White should be allowed to attend school with the rest of his classmates at the Western School Corporation, that he posed no threat to other students, and that the medical evidence clearly showed that in a casual contact setting such as a classroom there was no risk of transmitting AIDS to other students. Therefore, homebound instruction for Ryan was not medically justified.

On February 26, 1985, Jeanne White and her son, Ryan, consulted Charles R. Vaughan at the office of Vaughan and Vaughan in Lafayette, Indiana. In December 1984, Ryan had been diagnosed as having Acquired Immune Deficiency Syndrome (AIDS). The Whites sought the services of Mr. Vaughan because they had heard that he was already pursuing an AIDS case for Amy Sloan, a young woman from Lafayette, who had received a transfusion of blood that was tainted with AIDS.

When the case began, the plaintiff, Ryan White, was a thirteen year old who had been a hemophiliac since shortly after birth. Ryan contracted AIDS in the process of receiving a blood product, hemophil, as treatment for his hemophilia. The Defendant in the Ryan White case was the Western School Corporation, located just outside Kokomo, Indiana, where Ryan was attending the seventh grade with his classmates. On July 29, 1985, the Western School Corporation, through its Superintendent, J.O. Smith, informed the Whites that it would only provide educational services to Ryan through homebound instruction via a telephone hookup with the school. The defendant excluded Ryan from attending classes despite the fact that the Indiana State Board of Health had stated that Ryan posed no health hazard to other students if the guidelines for children with AIDS, as adopted by the State Board of Health, were followed.

The District Court, in its entry for August 16, 1985, found that Ryan had not exhausted his administrative remedies. The parties would have to go through the state administrative process before resorting back to the District Court. Judge James E. Nolan determined that once the EAHCA is available to a handicapped child, it is the exclusive avenue the child has to pursue his claim. Thus, to pursue an adverse educational placement, Ryan White was forced to exhaust a mandatory procedural framework under the EAHCA. In the EAHCA, Congress required the States to establish a specific elaborate procedural framework as a precondition to the receipt of federal funds to finance the State's public education of the handicapped. This framework must protect the rights of handicapped children to a "free appropriate public education."

It should be noted that later cases...
conclusively established that a student with AIDS no longer needs to exhaust administrative remedies concerning placement in the classroom. Back in 1985, however, Ryan White was forced to go through the administrative process. In Indiana, the procedural framework required by the EAHCA appears in the Indiana Administrative Code, Chapter 511, Section 7-1-1 et seq. (Cum. Supp. 1985) ("Rule S-1"). Rule S-1 is a four-tiered administrative process designed to determine what is the appropriate educational placement of a handicapped child. In the first level, the superintendent of the school, after consulting with the parents of the child, appoints a case conference committee which makes a recommendation. In the second tier, the superintendent reviews the case conference committee's recommendation and determines what he views is the appropriate educational placement of the child. The third tier of Rule S-1 is to file an appeal of the decision reached by the Superintendent in the second tier and request a hearing in front of a hearing examiner appointed by the Indiana Department of Education. The fourth tier allows the decision reached by the hearing officer in the third tier to be appealed to the Indiana State Board of Education Appeals. A significant drawback to Rule S-1 is the fact that a certain number of school days must expire before the child can appeal to the next tier. Ten school days between appeals could mean several weeks of waiting to go to the next level due to such factors as school holidays and snow days. Mr. Vaughan pushed throughout the Rule S-1 proceedings for the earliest dates available for the hearings at all levels.

In the Ryan White case, the case conference took place on September 19, 1985, and it was determined by the Superintendent that the appropriate education for Ryan White was homebound placement via a telephone hookup with the school. Charles R. Vaughan, seeking to mainstream Ryan into the classroom, appealed the decision of the case conference and the Superintendent and requested a hearing in front of a hearing examiner appointed by the Indiana Department of Education. This hearing took place on November 1, 1985, and was the first time since the suit was filed in August that Mr. Vaughan could present live testimony and other documentary and medical evidence concerning AIDS and the likelihood of its transmission in a school setting. On November 25, 1985, the hearing examiner determined that Ryan should be allowed to attend classes with his classmates. In response, the Western School Corporation initiated the fourth tier of Rule S-1 and appealed the hearing examiner’s decision to the Indiana State Board of Special Education Appeals. On February 6, 1986, Charles R. Vaughan argued to uphold the decision of the hearing examiner as well as advocating once again that Ryan posed no threat to any of his classmates. The Indiana State Board of Special Education Appeals agreed with the hearing examiner and Mr. Vaughan’s arguments and found that Ryan should be placed in the classroom. However, the Board added a fifth tier to the Rule S-1 proceeding by finding that Ryan also needed the permission of the Howard County Health Officer to be mainstreamed into the classroom. On February 13, 1986, Dr. Alan Adler, the Howard County Health Officer, examined Ryan and determined that Ryan should be allowed to attend classes at Western School Corporation.

On February 21, 1986, Ryan went back to school at Western School Corporation for one day and immediately another lawsuit was filed by a group of parents of children attending the Western School Corporation. The parents based their suit on two antiquated Indiana communicable disease statutes, and sought to have the state court issue a temporary injunction to restrain Ryan from attending classes. The state court granted the temporary injunction on February 21, 1986. On the very same day Ryan was allowed back in school after exhausting the administrative remedies in the prior lawsuit, Ryan was once again forbidden to attend classes at Western Middle School.

The temporary restraining order was granted on the basis that Ryan was a person with communicable disease and that, according to Indiana Code 16-1-9-7, persons having custody of any child infected with a communicable disease are not permitted to allow him to attend school or appear in public. Mr. Vaughan strenuously argued that this temporary injunction was a collateral attack on a prior judgment that had already been decided. Mr. Vaughan further argued that Indiana Code § 16-1-9-7 should be read in conjunction with the next section of the Indiana Code (§ 16-1-9-8) which stated that "All school teachers shall exclude a student infected with such communicable disease, unless a written permit to attend is given by the appropriate health officer." He specifically pointed out that Ryan already had the consent of the local health officer to attend school and that it was improper statutory construction not to read these two statutes together. Mr. Vaughan also argued that in order to issue a temporary restraining order, the Court must require the Plaintiffs to post a bond for the payment of all damages, attorneys' fees, and costs. On February 25, 1986, after a hearing before the Court, the Howard County Circuit Court fixed bond in the amount of $12,000.00 for the payment of all damages, attorneys' fees, and costs if the parents did not prevail on the merits of their injunction. Mr. Vaughan requested a change of venue to remove the case from Howard County and the case was transferred to the Circuit Court of Clinton County, Frankfort, Indiana, with Judge O’Neill presiding. The Clinton Circuit Court conducted a hearing on whether to dissolve or uphold the temporary restraining order on April 9, 1986. At the hearing Mr. Vaughan reiterated the arguments he had given at the original TRO hearing. He argued that the plaintiffs could not show that harm would result if Ryan was allowed to attend classes; that the statute upon which the injunction was issued was not based on proper principles of
statutory construction; and that Indiana Code § 16-1-9-7 could not be read in an isolated fashion without properly taking into account Indiana Code § 16-1-9-8 which provides for attendance at school by one who has a communicable disease if he has a written permit from the appropriate health officer. (Since the Ryan White case, Indiana has repealed the statutes in question and replaced them with new statutes that completely encompass AIDS and other communicable diseases). The Court took the matter under advisement. On April 10, 1986, the Clinton Circuit Court read its Order from the bench dissolving the injunction that was issued by the Howard Circuit Court on February 21, 1986. The Court stated that Indiana Code § 16-1-9-7 had to be taken in conjunction with Indiana Code § 16-1-9-8; that Dr. Alan Adler, the health officer of Howard County, had issued a certificate on February 13, 1986, giving Ryan the right to return to school; and that there was no evidence of irreparable harm to warrant the issuance of a preliminary injunction to enforce the provisions of the antiquated Indiana Code § 16-1-9-7 in derogation of the entire Indiana chapter dealing with the prevention and control of communicable diseases.

On April 10, 1986, after nearly nine months of intense litigation, Ryan was finally allowed to be mainstreamed with the rest of his classmates at Western Middle School. From August, 1985, when litigation started, until April 10, 1986, when Ryan White was allowed to go back to school, Charles R. Vaughan worked seven days a week researching and preparing legal arguments, dealing with the press, and talking to noted authorities throughout the world on the topic of AIDS. Mr. Vaughan never doubted for one moment that Ryan should be mainstreamed into the classroom with his fellow classmates, and Ryan was an inspiration in his unyielding attitude of, "Don't give up, Mr. Vaughan, once the people understand about AIDS, they will know that AIDS poses no threat to anyone in the classroom and there is no likelihood of its transmission in a classroom setting." To this day, Charles R. Vaughan keeps in close contact with Ryan and Jeanne White and still plays a major part in their day to day affairs.

The Ryan White case placed AIDS before the American public at a time when Americans were filled with apprehension over AIDS and the certain death that followed contracting it. The case was an instrument through which Americans were forced to become educated about how AIDS is transmitted. Through the case the public learned that, when certain guidelines are followed, AIDS poses no threat or any likelihood of transmission to other people.

The case established a precedent that a child who has AIDS may be mainstreamed into the classroom with the rest of his or her fellow students and may be treated no differently than any so-called "normal" students. It established that no school corporation or educational system in the United States can discriminate against a victim of AIDS, that the risk of AIDS being spread in the classroom is non-existent, and that forcing an AIDS victim to be educated via a telephone hookup, homebound educational placement, or any method other than mainstreaming, is not reasonably related to a school corporation's goal of preventing the spread of AIDS in a classroom setting.

Charles V. Vaughan, '85
Member: Tippecanoe County, Indiana State & American Bar Associations; Indiana Trial Lawyers Association; Association of Trial Lawyers of America.

New Public Service Scholarship

During the summer of 1988, Valparaiso law students were, for the first time, able to take advantage of a new Public Service Scholarship Program. The program is designed to encourage students to accept summer clerkships that are of a public service nature (which normally include only limited compensation). The Scholarship is reserved for continuing law students who successfully complete a summer public service position for which no academic credit is available. "Public service" is broadly construed, but generally includes work for a non-political entity developed for the good of the general public and dependent on a government (state, local or federal) for its existence and exercise.

Fourteen students applied for the new scholarship, and seven were awarded. Their employers included: the Porter County Prosecutor's Office, Victim Assistance Unit, Valparaiso, Indiana; the Appellate Criminal Division of the Rhode Island Attorney General's Office; Legal Services Organization of South Central Michigan; United States Department of Justice, Criminal Division, Southern District of New York; the Cleveland Tenants' Organization; and the office of United States Senator Dan Coats, Washington, D.C.
A bright, warm August day provided the backdrop to the official beginning of the 1989-1990 academic year. One hundred seventy-seven new students registered as Valparaiso law students on August 18, 1989. The 159 full-time, 16 part-time and two transfer students bring the total enrollment at the School of Law to 399 full-time and 43 part-time students.

The Orientation programs, jointly sponsored by the law school and the Student Bar Association, serve to familiarize enrollment at the School of Law to 399 full-time and 43 part-time and two transfer students bring the total enrollment at the School of Law to 399 full-time and 43 part-time students.

The Orientation programs, jointly sponsored by the law school and the Student Bar Association, serve to familiarize the new students with the School of Law community. Besides the official registration activities on Orientation Day, new students meet with their faculty advisors and SBA members, participate in a Student Organizations' Fair, and attend an all-law-school picnic.

The Class of 1992 is the largest new class enrolled at Valparaiso. Applications to Valparaiso increased 33 percent over last year, while nationally, applications to all ABA law schools increased 17 percent. Women account for 39 percent of the new class and minorities comprise 9 percent. The average age is 24, but 26 percent of the class is over age 25. Twenty-five students are married, and 14 have a parent or spouse who received a degree from Valparaiso University.

Eighty undergraduate colleges and universities and 29 majors are represented in the class. Eighteen students have advanced degrees including M.A., M.S., M.P.A. and M.Div.

Several members of the new class had careers before coming to law school, including banking, engineering and sales. Other occupations include, accountant, journalist, pastor, teacher, baseball coach, nurse, police detective, financial consultant, paralegal, psychotherapist, corporate officer, computer specialist and officers in the U.S. Army and Air Force.

When asked about future career plans, the majority of the new students indicated that they are interested in private practice with a law firm. However, a number of students indicated an interest in teaching, legal services, and various legal careers in business and with the government. Regarding interests in specific areas of the law, international law and environmental law were mentioned most often. Students indicated that they will be seeking positions in Chicago; Indianapolis; Washington, D.C.; Boston; Los Angeles; Milwaukee; Grand Rapids, MI; New York; Minneapolis; Denver and Hartford, CT to name a few.

Over one-third of the new students mentioned that they were prompted to apply to Valparaiso by a member of our alumni. When asked what factor most influenced their decision to attend Valparaiso, the School's favorable location and strong reputation and image were most often cited.

The new students were quick to mention that they particularly appreciated the contacts they had with alumni as part of the Alumni Admissions Network. Your honest assessments and enthusiasm for the School of Law are important factors in influencing students to attend Valparaiso University School of Law. Thank You.

### ALUMNI ADMISSIONS NETWORK 1988-1989

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ORIENTATION 1989

Alumni Admissions Network, continued

John E. Longwell '85
Michael N. Lygnos '86
Jane Malloy '86
Brenda Marcus '87
Patricia Marshall '83
Michael T. McCormick '88
Dock McDowell '75
Ann M. McGuffin '88
Judith A. Menor '88
Ray Merritt '82
Christina J. Miller '88
Craig S. Morford '84
Alan Morrission '62
Cheryl L. Moultrie '88
Thomas Nelson '73
Tallam Ngui '86
Wade Nichols '84
Marylind Nickell '87
Daniel Nieter '83
Roland W. Norris '88
Paul K.S. O'Connor '88
Doris B. Owens '87
John N. Pangere '85
Matthew P. Pappas '88
Eugene Parker '82
William Parkhurst '86
Cindy M. Penn '88
Linda Peters '86
Alicie Pickett '86
Roy Portenga '81
Wesley Ratliff '50
Thomas Reitz '88
Maria Remschachis '86
Marlene M. Remmert '81
James Roege '71
John Ruck '67
Barbara Ruhe '76
Jonathan W. Ruhe '87
Michael Rush '73
Patricia Morris Sarkisian '83
Kenneth W. Savage '88
Sally Kaminsky Schalk '83
Frederick Schellgell '85
Kathryn Schmidt '80
Mark Schmidtke '81
Diane Kavadjas Schneider '82
Susan Schulze-Claessen '79
Patrick Schuster '81
Bruce M. Scott '88
Robert B. Scott '88
Donald Seberger '80
Laura Sevier '86
Jill Sisson '80
Steven Skahn '81
Danny M. Smolnik '86
Michelle A. Snell '86
Anthony Soderman '71
Theodore Spyes '88
Mary Squyres '82
James F. Stephens '88
Jennifer Stocker '85
Robert Stroebel '55
Eva Shoemaker Sweeny '86
Glenn J. Tabor '58
Chris M. Teagle '85
Mary Kay Thanos '88
Lucretia Thornton '82
John Tribbett '86
Michael Troemel '82
Colleen Gunder Truden '82
Vytas Urba '88
Roberto Vasquez '87
Charles V. Vaughan '85
Karen Walker '83
Jeffery B. Wampler '86
Brett Warning '88
Paul E. Wenzlaff '77
Warren Wenzlaff '88
Joanne C. Whalen '87
John H. Whitfield '88
Lewis E. Willis '87
Donn Wray '80
Warren Wyeneke '50
Eric Yandt '77
Barbara Young '76
Dean A. Young '81
Terry Zabel '84

School of Law Calendar of Events

SCHOOL OF LAW ACTIVITIES

November 2  
**Monsanto Lecture:** "Pathological Science in Court" by Peter W. Huber - Senior Fellow, Manhattan Institute for Policy Research

November 3-4  
**VUSL Board of Visitors Meeting**

November 8  
**Jurist-in-Residence:** Judge Kenneth Ripple, U.S. Court of Appeals, 7th Cir.

November 10  
**Special Morning Prayer:** Celebration of the 110th Anniversary of VUSL

January 16-17  
**Institute on Law and Pastoral Ministry:** "First Amendment Reassessed: The Significance of its Free Exercise Clause for the Church and its Clergy.

March 28  
**Faculty Inaugural Lecture:** Professor Robert Blomquist, "Clean New World: Toward an Ideological and Intellectual History of American Environmental Law

April 2-7  
**Law Week**

April 11-12  
**Seegers Lectures:** by Robert Summers - McRoberts Research Professor, Cornell Law School

CONTINUING LEGAL EDUCATION SEMINARS

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In every fall issue of the AMICUS, we include the commencement address from the law school graduation ceremony held in the spring. While very few, if any, of us remember anything of substance from the addresses delivered during our own commencement exercises, the messages are always worth hearing - for the members of the class of 1989 as well as members of every earlier class.

This year's commencement address was delivered by Professor Michael I. Swygert (A.B. Valparaiso University 1965, J.D. Valparaiso University 1967, LL.M. Yale Law School 1968) of the Stetson University College of Law.

It is always a special privilege to return to Valparaiso University, to my alma mater; even more so on this occasion because it is a distinct honor to address these wonderful graduates and to be a small part of their great achievement.

Twenty-two years ago, nearly to the day, I was sitting where you graduates are now seated, in this magnificent chapel, waiting, like you, to get that piece of paper, which you have received, that would proclaim to the world (or at least to my wife and bar examiners) that I had successfully endured the challenges, attempts at humor, and the occasional perceived humiliations of the likes of AI Meyer, Lou Bartelt, Jack Hiller, and Charlie Gromley, among others.

You too have successfully navigated these same individuals, plus others, including my dear friend and classmate, Professor and Associate Dean Bruce Berner. Back then we called Bruce, Bunson Berner. He was for us and, I am sure, was and is for you, a flame of brilliance.

In thinking back to Professor Berner's and my graduation from law school, I am unable to recall who the graduation speaker was. As to the topic, forget it. I haven't the foggiest. Now, a law and economics scholar such as Judge Richard Posner might say that an efficient graduation speaker would sit down at this point. But wait...

What might a law school commencement speaker have said, twenty-two years ago, that would have made a difference in my life and in the lives of my classmates? Graduates - Floss your teeth! Yes, floss, floss - no excuses, no exceptions, no days off; otherwise, be prepared to make repeated inter-vivos transfers of your professional earnings to periodontists in exchange for some painful considerations. I speak from experience.

So graduates, I cannot be Judge Posner's efficient graduation speaker and sit down now. But neither, I trust, will I emulate a Posner opinion and go on, and on, and on.

To listen to me then is your final sentence, or as Professor Brietzke or AI Meyer might frame it - your sitting through this oration is a condition subsequent to the University's duty of tendering, or commencing to tender, to you your diploma and to your correlative right of taking exclusive receipt and control thereof. Moms and Dads, we taught them to speak like that. Please forgive us.

Your sentence to sit through my speech reminds me of the fellow who had been found guilty of killing a man and stealing his mule. At the sentencing, the judge stated: "Sir, because the evidence of where you actually committed these crimes is unclear, you may elect to be sentenced under either Texas or Arkansas law."

"I choose Arkansas law," the wrongdoer replied. "In that case, I discharge you for stealing the mule but sentence you to death for killing the man," the Judge retorted. "Oh, wait Judge," interjected the wrongdoer, "on second thought, I think I would prefer Texas law." "All right," replied the Judge, "Under Texas law I fine you for killing the man and sentence you to be hung for stealing the mule."

You see - there's no escape. After three years of being talked down to, talked at, and, occasionally, talked with, it is happening again - still another law professor with words springing forth like the waters of Buckingham Fountain gushing up, falling back, and draining out of consciousness. Well, maybe and maybe not. For I do have a few serious thoughts to share with you, thoughts about your future and your new roles as members of the lawyering profession.

The first thing I wish to discuss is the critical importance of being a complete lawyer, and how that relates to the linkage between law and justice.

Jacob Bronowski, in his book The Origin of Knowledge and Imagination, wrote that a complete scientist can no more talk about chemistry without thinking about peace (and I would add, the environment), than he or she can talk about peace without thinking about chemistry.
Similarly, I submit that a complete lawyer is one who can no more talk about law as it applies to any legal situation without thinking about justice, than he or she can talk about justice without thinking about law.

The point is - law and justice are linked and need to be always linked in a lawyer's mind. By law I mean the rule, the given, the now, the obligatory, the permissible, the is. By justice I mean the principle, the right course, the desirable, the could be, and the ought to be.

Now, I could describe more esoteric theories of justice, like James Rawls' original position, contractarian view, but I prefer instead to go with Plato's marvelously simple yet profoundly to-the-point description of Justice as set out in The Republic. There he has Socrates proclaim that justice comes down to "the dealings of citizens with one another." I repeat: justice concerns "the dealings of citizens with one another." Justice, in short, is a process of people interacting with each other in such a manner that, what ought-to-be, in fact occurs. It is, to use the legal philosopher Ronald Dworkin's phrase, a matter of reaching "right outcomes."

The Bible, literature, poetry, art - they have always proclaimed that justice as "right outcomes" involves not simply laying down the law followed by strict adherence to it. Rather, justice encompasses a compassionate, loving, and caring attitude reflected constantly in one's daily activities.

The great novel of Victor Hugo, Les Miserables, as many of you know, focuses on two disparate views of justice. One, typified by the convicted felon Valjean, portrays justice as compassion, justice as caring, justice as love. The other, the rigid, inflexible legalistic portrayal of justice is represented by Javert, the police official in pursuit of Valjean. Javert views justice as uncompromising consistency to the rules and commands of temporal authority. This view may be considered justice as procedural consistency, or essential fairness, but in the end fairness is not fair if it lacks compassion.

Erich Fromm in his book, The Art of Loving, notes that love, as a trait of good character, must, by necessity, exist in all of one's relations, not only those involving family and friends, but also those with whom one has contact in one's daily work and profession. This may sound a bit strange, but love in this context simply means deeply caring about all people.

Former Notre Dame Law School Dean and current Professor Tom Shaffer has written that a lawyer has a moral obligation to care, to sincerely care for his or her client. This may mean going out in the middle of a blizzard one night to aid a client in distress. To be concerned for one's client may mean discussing with that client the advisability of taking a course of action not legally required but morally or ethically indicated, such as the client paying a real estate commission to a performing realtor although no signed writing exists to make the admitted oral agreement legally enforceable.

Moreover, caring for one's client must always mean putting the client's best interests above a lawyer's own financial well being.

There is a story about a highly-regarded American lawyer in the nineteenth century, Joseph Hodges Choate, who received in his chambers a client embroiled in a boundary dispute with his neighbor. The client told Choate: "My neighbor claims this fence that runs between his place and mine encroaches a few rods on his land. But I rather think that the way the fence is put, he's encroaching on mine. What do you recommend?"

"Well," said Choate, "if I were in your shoes, I'd go over and take your neighbor a drink and settle the dispute in ten minutes. But, seeing that I am in my shoes, I'd advise you to let me sue him for you. Let no arrogant, domineering, insolent, ingrati, pirate like your neighbor trample on your sacred, natural, statutory, and constitutional rights. Besides, I need the money."

The client presumably got the message, thanked Mr. Choate, and settled the dispute quickly and efficiently with his neighbor. Now, that's combining law and justice - that's good lawyering. Mr. Choate demonstrated good character and in the process earned a good reputation.

One might suppose character and reputation are the same thing. They are not. Thomas Paine distinguished them. He said: "Character is what God and the angels know of us, reputation is what men and women think of us." Both are important, especially to a lawyer. Indeed, good character and good reputation are a lawyer's most precious assets.

The Procession - (L-R) Professor Michael Swygert, Dean Ivan Bodensteiner, Vice President Richard Baepler.
Good reputation derives from a caring disposition. The greatest sense of fulfillment you can experience as a lawyer will be in helping others by caring about their total well being. Often this will mean not going to battle for them, but rather effecting compromises of their disputes.

Gandhi, in his autobiography, *All Men Are Brothers*, in writing about his twenty years of law practice in South Africa before returning to India, stated that the true function of a lawyer is to "unite parties driven asunder." He noted that the largest part of his lawyering time was spent "bringing about private compromises of hundreds of cases," adding, "I lost nothing thereby - not even money, certainly not my soul."

And that, my friends, is the heart of the matter - you need not lose your soul in the practice of law. Indeed, you will have countless opportunities to strengthen it.

You surely will strengthen your soul if you become concerned not primarily with personal gain - wealth and power - but with the public good. As Alan Bloom concluded in his intriguing albeit controversial book, *The Closing of the American Mind*, the problems of our society today are so great and their sources so deep that we need philosophers more than ever. I agree that our society more than ever needs men and women concerned about the fate of our world, concerned about its fragile environment, and concerned about those easily shattered beautiful crystals, known as human beings, who dwell upon its surface.

I also agree with that portion of Bloom's thesis where he says that we are losing our sense of community. Even in terms of nationalism, it appears to be true, sadly, that America is experienced not as a common project, but as a framework within which we all live primarily as momentary individuals,unknowing of our past and uncertain about our future. It may be that for many of us, the inherent community impulse that causes people to plan and act for the welfare of future generations already has been attenuated to the point, as Bloom says, that it is hardly experienced at all.

On the other hand, happily, a sense of community persists in certain smaller settings. One such place is this great University and its School of Law. Indeed, the men and women who have given and continue to give much of their lives to this University and to this Law School have cared and continue to care about you - both when you were students and presently as you are about to become alumni. Now, graduates, it is your turn to enter and care for your new communities - your firm, company, agency, etcetera - as well as those in which you are already a member - your church, synagogue, town, city, state, nation, and world.

 Understand that all the communities in which you will live and labor share a common purpose - attainment and preservation of the common good. That must be a large part of your life's mission. Work for the betterment of your communities - the reduction of crime, the elimination of poverty, the preservation of the environment, the peaceful resolution of disputes. To these and other socially desirable ends, donate a significant portion of your time. Represent voluntarily those unable to pay your fees. Give of yourself to local charities and civic groups. And most important, in my view, run for public office - even at a sacrifice of lower public pay. Good government requires good people and good people require good government. And, our children require both.

When we help others and our communities we feel a satisfaction unmeasurable by dollars. Now, I know that at this stage in your lives, many of you being deeply in debt as a result of having to borrow to finance seven or more years of higher education, that to even suggest that financial rewards are not important sounds of pure heresy. Financial gains are important but they are only a part of our overall rewards in life. I have little doubt that fifteen, twenty, or thirty years from now many of you will agree with the proposition that service pays the highest dividends in terms of the satisfactions it engenders. Although many of you will have done very well financially by then, each of you will understand that your sense of happiness is keyed more to fulfillment of your community mission than it is to private gain and personal wealth.

To pursue community service you will need to work well in groups. To work well in a group, you will often have to sit on your ego and rein in your sense of individualism. To succeed, you will have to work for Michael-Jordan-type triple-doubles, meaning you will have to cooperate, to pass off, to play hard aggressively, but always, and this is crucial, always within the rules. In the end, you will know that you
never did it alone. Success is always a team effort. The key is cooperation.

Rabbi Harold Kushner, author of the book, *When Bad Things Happen to Good People*, quotes biologist Lewis Thomas that nature's great law for all living things is not survival of the fittest, but the principle of cooperation. We cannot go through this life on our own efforts. We cannot go it alone.

When the hippies "dropped out" in the late 1960's, somebody estimated that over 5,000 persons assisted each dropout - farmers, packagers, wholesalers, transporters, retailers, clothing makers, designers, advertisers, bead makers, polishers, harmonica manufacturers, and on and on. Even those who went to homestead in Alaska took tools, clothing, plastics, steel, leather, polyester, and wool made, processed, distributed, sold and serviced by others.

Nor are we alone in our normative thinking. Regardless of how specifically we may see ourselves as being religious or not in our thoughts and actions, each of us, probably everyone in this Chapel at this moment, is a product of our common Judea-Christian heritage and tradition.

That tradition includes an ethic of personal responsibility; a community ethic of concern; an ethic of thought as well as action. It is a positive ethic; it is one of hope and one of compassion. It is one that has and will continue to influence each of us - in our common revulsion to murder, rape, and violence; in our common affinity for men and women of good will and charity; and in our shared belief that integrity in our personal and professional undertakings is necessary for our society to function properly. Moreover, personal integrity is necessary for the continuation of the rule of law, and the rule of law is necessary for the continuation of our civilization.

Above all we share an ethic of care - an ethic that this great University and this marvelous School of Law so passionately and continuously have represented over the decades reaching back to the era of President O.P. Kretzmann and before.

At Valparaiso University, people - teachers, staff, administrators, and, most importantly, students - care for one another. I know, I spent eight wonderful years here first as a student and then as a teacher. Moreover, many believe God cares for this University. He certainly cares for each of us. And that, new graduates, is a source of great comfort.

For secular human society, as Kushner has stated, can only judge a person by results, by achievements. Did you win or lose the lawsuit? "But God alone," Kushner adds, "also can judge us on the basis of what we are, not only on what we have done. He sees into our hearts. God not only forgives our failures; he sees successes when no one else does. Only God can give us credit for the angry words we did not speak, the temptations we resist, the patience and gentleness little noticed. . . Just being human gives us value in His eyes, and trying to live with integrity makes us successful before Him." We in turn must reflect that love, that caring in our attitude and actions toward our clients, even toward our adversaries.

What a grand opportunity! What a fabulous time to start law practice and to commence a professional life of service to others. What a magnificent opening for each and every one of you. Law school is past, now but a dream. Look to this day! An opportunity to work for the common good, and in doing so, to lose nothing, not even your soul. Congratulations, law graduates of Valparaiso University, Class of 1989.

Congratulations also to your mothers and fathers, brothers and sisters, uncles and aunts, husbands and wives, sons and daughters, grandparents and friends, who share this achievement with you; who sacrificed in big and little ways to help make your accomplishment a reality. They cared for you. Thereby, they showed you love. Now, as you begin to use your newly acquired legal skills, spread that love around the world. Welcome to the legal profession. God bless you.
The Regulation of Commercial Space Activity

by Professor Michael Straubel

The following is a synopsis of the first portion of the thesis submitted by Professor Straubel for an LL.M. degree in Air and Space Law. This past summer, his thesis was approved by the McGill University of Montreal, Canada.

Outer space is no longer the sole domain of governments. The recent launch of a private expendable launch vehicle (ELV) by the McDonnell Douglas Company serves as evidence of the commercialization of space. However, the age of innocence in space commercialization is over. The unbridled optimism of early predictions has been replaced by a sober realism. More realistic market predictions, based on hard experience, have replaced the early predictions of billions in profits from commercial space ventures.

The expansion of business into space will raise yet unfaced legal dilemmas. For example, when the planned United States sponsored international space station is in orbit, several of the station's modules will belong to other countries. When, as they undoubtedly will, questions of products liability, labor relations, and patent rights arise, a yet unanswered question is which country's laws will govern. Perhaps even more difficult will be questions of individual rights. Within the fragile environment of a space station will an individual have the same human rights that he possessed on earth?

These and many more questions will have to be asked and answered as business goes into outer space. To date, the basic tenants, at least most, of international space law have been formed by the four widely accepted space treaties: the Outer Space Treaty, the Liability Convention, the Registration Convention, and the Rescue Agreement. The time has now come to develop national laws to deal with the specifics of space business and fulfill our international obligations. What follows is a "Reader's Digest" version of the United States' effort to regulate transportation and telecommunications.

I. Private Space Transportation

The United States has, and to a large extent still does, dominate launch services and space activity. Recently, though, China, Japan, the Soviet Union, and the French company, Arianespace, have demonstrated marketable launch capabilities. This internationalization of launch capabilities has added many variables to the business climate for launch services. With government-backed competitors in the field, factors such as national prestige, military considerations, and the acquisition of foreign capital have become important. These factors can lead a government to subsidize its launch charges.

Therefore, the international nature of the launch service business will make the going rough for new private launch companies.

Within the United States, the National Aeronautics and Space Administration (NASA) has had a lock on the market. However, one result of the Reagan Administration's critique of the U.S. space program following the shuttle Challenger accident is the decision to limit NASA's commercial launch activity. On August 15, 1986, President Reagan announced that, NASA will no longer be in the business of launching private satellites . . . NASA and our shuttles can't be committing their scarce resources to things which can be done better and cheaper by the private sector.

Instead, NASA and the four shuttles should be dedicated to payloads important to national security and foreign policy, and even more, on exploring, pioneering and developing new technologies and uses of space. NASA's stranglehold on the market has ended.

United States ELV manufacturers have jumped head first into the new launch services competition left by NASA's exodus. Thirty commercial launches have been scheduled for the next four years with the Office of Commercial Space Transportation. If the full potential of some predictions is met - the Center for Space Policy predicts a high of $2.4 billion in revenues by the year 2000 - commercial space transportation activity will be extensive. With this possibility, the matter of regulating the launch industry has become very important.

A. The Commercial Space Launch Act

In the early days of the commercial launch industry the state of government oversight and regulation was a nightmare. Early entrepreneurs had to run a gauntlet of seemingly unrelated federal regulations and uncoordinated federal agencies.

The lack of coordinated federal oversight of private launches led the Reagan Administration to conduct an inter-agency policy review. The result of that review was the May 16, 1983, Presidential Directive on the Commercialization of Expendable Launch Vehicles. According to the directive, a basic goal for the government should be to "encourage the private sector development of commercial launch operations." To help realize this goal, the directive stated that regulation would be kept to a minimum and that government facilities would be made available on a reimbursable basis.

To implement the objective of the 1983 directive, President Reagan issued Executive Order 12465 on February 24, 1984. That order designated the Department of Transportation (DOT) as the lead federal agency for encouraging and facilitating private commercial ELV activities. To handle this new responsibility, the then Secretary of Transportation, Elizabeth Dole, established the Office of Commercial Space Transportation (OCST) within the DOT. The Secretary's order described OCST's primary responsibility to be the "[f]ocal point within the federal government for private sector space launch contacts and licensing related to commercial expendable launch vehicle operations and for promotion and encouragement of a commercial expendable launch vehicle industry."

As the Administration was making progress, Congress took steps to codify administrative developments discussed above. Congress enacted and sent to President Reagan the Commercial Space Launch Act
(Act) partially in the hopes that a change in administrations would not result in a modification of the steps already taken toward ELV regulation.

1. Persons and Activities Covered

The Act prohibits the launch of a "launch vehicle" or operation of a launch site by any person within the United States or any United States citizens outside of the United States unless authorized by a license issued under the Act. A "launch vehicle" is defined as any vehicle for "operating in, or placing a payload in, outer space and any suborbital rocket." This definition appears to bring expendable launch vehicles and reusable launch vehicles under the Act's coverage.

The Launch Act does not automatically give DOT licensing authority over the payloads aboard a launch vehicle. A launch license holder must, though, comply with all regulations and laws applicable to the payload before it is launched. If a license or permit is required for the payload, DOT need only ascertain that the license has been obtained. When a payload licensing scheme does not cover a proposed payload, DOT has the responsibility of assessing the potential for harm to the public, property, national security, or foreign policy interest of the United States and, if necessary, to prevent the launch.

2. License Application Process

Before the OCST will issue a license for an unmanned launch, the applicant must obtain mission and safety approval. This bifurcated licensing process allows the government to effectively review its two major areas of concern and the process allows an applicant to receive approval of certain matters during the planning stages of a launch. The safety review process is designed to ensure that a proposed launch and any accompanying payloads do not endanger public safety. The mission review process focuses primarily on the payload to be launched. If another agency is responsible for licensing a payload, the OCST need only ascertain that a license has been issued and the mission review process for the payload ends there. When no licensing process otherwise exists, the OCST, in consultation with the Department of Defense and the Department of State, examines any foreign policy and national security implications a proposed payload launch may present.

B. Evaluation

The Commercial Space Launch Act is a good start. It creates the framework for developing a workable regulating bureaucracy. However, without quick work to keep the momentum going, the objective of developing a viable private launch industry will be in danger.

In the short run, four specific steps should be taken. First, the OCST's staff should include personnel capable of dealing with the technology of space transportation rather than relying on consultation with NASA or other agencies. When the OCST has to rely upon NASA or the Air Force for technical advice during the Safety Review process, three potential problems come to mind: (1) in addition to the extra time for paper shuffling between agencies, NASA personnel will not always be able to immediately respond to requests from the OCST, thus delaying the licensing process; (2) because the line of communication between technical personnel and the decision makers will be long and very structured, the quality of communication and thus the quality of the decision will be adversely affected; and, (3) NASA, the Air Force, and any other agency involved have their own turf to protect; perhaps their advice will be colored by that fact.

The second step which should be taken in the short run is the promulgation of some minimum technical safety standards. With known minimum standards in place, common industry practices could be developed. Common industry practices would take some of the uncertainty out of the regulatory process and reduce the time and effort required for obtaining a license.

The third step, similar to the second step, should be the promulgation of specific criteria or standards to be used when identifying "national security or foreign policy interest(s) of the United States" during the mission review process. The publication of at least minimum standards - even if subject to change during the mission review process - would help to stabilize the private launch industry and streamline the license application process.

The fourth short run step which should be taken is the creation of an environment conducive to the development of a private space transportation industry. Such a step would involve political decisions as well as modification of the existing legal regime. For example, the Administration and NASA should announce a firm policy on NASA's future commercial activity. Further, to cover assembly line start-up costs, a guaranteed market for expendable launch vehicles, probably through military contracts, should be created. To create some certainty, a policy governing access to government launch facilities and charges for facility use should be enacted. Finally, launch services should be brought under the coverage of any new General Agreement on Tariffs and Trade Services Code.

In the long run, the need for streamlining the entire regulatory system will be necessary. As the launch of ELVs becomes regular, and particularly when a space shuttle system or a hypersonic space plane is privately operated, a very quick, if not automatic, licensing process will be necessary. A one-time licensing of the operator with continued oversight by the government, similar to the system used to regulate private airlines, might be best.

While this one-time licensing scheme may appear to ignore some of the governmental obligations to monitor private space activity created by the Outer Space Treaty and the Liability Convention, sufficient procedures to meet those obligations can be created. Just as the United States establishes airworthiness standards for United States registered aircraft engaged in international flight, the United States could
establish spaceworthiness standards for space transportation systems. Such spaceworthiness standards would cover the Safety Review processes concerns.

Further, to monitor private space activity, a route approval or flight-plan-filing system similar to that used in the airline industry could be established for space transportation. Such a system would be activated when a space transporter filed a flight plan with a launch site operator. The launch site operator would first check the flight plan for compliance with federally established flight regulations (including nonpermitted space activity). Then, second, the launch site operator would clear the flight plan with a national and even possibly an international space flight control center.

As is suggested by the call for a national and an international space flight control center, in the long run the efficient regulation of private and governmental space transportation will require the creation of an international space agency. An organization similar to the International Civil Aviation Organization, but modified to meet the needs of space technology, must be created. Just some of the matters an international space agency must address include the control of space traffic, the promulgation of rules of the road for space, protection of the space and earth environment, and the prevention of armed conflict in space. While the Commercial Space Launch Act provides a good start for regulating private space activity on a national level, an effective structure for regulating private and governmental space activity must reflect the international nature of the space medium. If space activity regulation does not move beyond the national level, the peaceful exploration of space for all of mankind may not be realized.

II. Telecommunications Satellites

The construction, deployment, and use of telecommunication satellites is the most mature and lucrative of the space dependent businesses. By the year 2000, the Center for Space Policy expects between forty-seven and fifty-four U.S. domestic telecommunication satellites to be in orbit. Predicted domestic revenues for both telecommunication satellite services and satellite sales in the year 2000 will be between $8.8 and $15.3 billion annually.

The geostationary orbit and radio spectrum (orbital-spectrum), both used by telecommunication satellites, are limited natural resources. Telecommunication satellites are essentially radio stations in earth orbit. As radio stations, if satellites utilize the same radio frequency too close to each other, harmful interference with their transmissions will occur. Therefore, the Federal Communication Commission (FCC), on the domestic level, and the International Telecommunications Union (ITU), on the international level, have created rules for the use of the orbital-spectrum. However, the increasing demands placed upon the orbital-spectrum are forcing the ITU and FCC to re-evaluate their respective rules.

Even if technological improvements permit closer spacing, the geostationary orbit will remain a limited resource. Therefore, sound international and national regulation of the orbital-spectrum is necessary to realize its maximum use.

A. International Regulation

The radio spectrum is a limited physical resource which does not respect national boundaries. International regulation of the radio spectrum and accompanying geostationary orbital positions (orbital-spectrum) is managed by the ITU and its accompanying conventions and regulations. Presently, under the "first-come, first-served" system used by the ITU, the first step in licensing use of the geostationary orbit is "allocation." Allocation is the distribution of radio frequencies among service categories and occasionally individual countries. Allocation is given effect by the International Frequency Registration Board (IFRB) through the second step in the first-come, first-served system: "registration."

Registration is the process by which a country obtains use of a portion of the spectrum (and orbit in the case of geostationary orbit use) for individual users (e.g., T.V. stations, radio stations, and telecommunication satellites). Before a country proceeds with the registration process, that country will "assign" individual users a spectrum position. Once an assignment has been made by a country, that country will initiate the registration process with the ITU.

If the IFRB finds that the assignment conforms with the regulations and causes no harmful interference, the assignment is registered in the Master Register of frequencies. Once registered, an assignment obtains a right to continue using that frequency to the exclusion of other users.

Despite its efficiency, not all ITU members like the current first-come, first-served system. Many less developed countries (LDCs) fear exclusion from the orbital-spectrum. Though the ITU has adopted a resolution stating that frequency assignments do not create permanent priority rights in the frequency assignment, existing telecommunication satellites have priority over later coming satellites which might interfere with the existing satellite. Therefore, because of this priority system and the extensive use of the geostationary orbit by developed countries, the LDCs have pushed for an assignment system which guarantees their access to the geostationary orbit. Many LDCs have endeavored to replace the first-come, first-served system with an "a priori" system for obtaining orbital-spectrum slots.

In response to these concerns the ITU has adopted a two-step approach for ensuring equitable...
FACULTY FOCUS

access (dual-plan) for all countries to the orbital-spectrum. First, an allotment plan, guaranteeing at least one orbital position to each ITU member for domestic satellite service, was approved for parts of the expansion bands. The allotment plan gives each ITU member sufficient positions in the orbital-spectrum to provide complete national coverage.

Second, "an improved procedure," consisting of periodic multiplanning meetings (MPMs), was developed for the distribution of orbital positions outside the allotted expansion bands. MPMs are to be used only when a country has experienced major coordination difficulties. While any administration may call an MPM, countries are not obligated to participate. Further, the results of an MPM are considered to be agreements between participants only and neither bind nor prejudice the rights of non-participants.

B. United States Regulation

Shortly after the utility of the geostationary orbit had been demonstrated, attention within the United States began to focus on the private, commercial use of telecommunication satellites. In 1965, the American Broadcasting System's request for permission to orbit a telecommunication satellite for domestic use (domsat) prompted the FCC to initiate a comprehensive study of the regulatory issues raised by the use of domsats.

By 1970 the FCC had completed the initial phase of its policy review. In Establishment of Domestic Communication-Satellite Facilities by Non-Governmental Entities (Domsat I), the FCC announced that the national public interest would be best served by licensing non-governmentally owned and operated telecommunication satellites. However, the FCC was unsure how to best use this licensing authority to serve the public need.

Two years after Domsat I, the FCC, in Domsat II, decided that the best way to test and develop satellite technology was through a multiple entry policy; later dubbed the "open skies" policy. The Commission rejected selecting a single system or conducting comparative hearings, reasoning that both methods would not realize the Commission's objectives.

Since 1972, despite the pressure of increased demand for orbital locations, the open skies policy has retained its fundamental character. Rather than employing an alternative method, such as comparative hearings or auctions, the FCC has been able to continue the open skies policy by adjusting and tightening licensing requirements and conditions. While an argument can be made that the FCC has rendered the open skies concept empty by withholding licenses from all but the clearly financially qualified, the nature of the telecommunications market naturally excludes unsupported new entrepreneurs. When the cost of constructing a telecommunication satellite, launching the satellite, insuring the satellite, and providing ground control services are added together the total will likely exceed $300 million. Such a cost barrier will exclude all but experienced operators or the well-financed who can afford to buy experience.

C. Evaluation

During the formative years of telecommunication satellite technology and telecommunication market the open skies policy served the United States well. Competition, both in the market place and for orbital slots, led to the rapid development of satellite technology. However, the proliferation of domsats and satellites from other countries has forced a day of reckoning for the FCC. The geostationary orbit can no longer accommodate all who wish to use it. Technological advances will help deal with the crunch, but technology will not solve the problem. The time for the FCC to adopt a new system of awarding licenses has arrived.

With what system will the FCC choose to replace the open skies system? Considering the FCC's recent decision strictly enforcing qualification standards and the FCC's responsibility for protecting the public interest, comparative hearings are the best bet. Any system which depends wholly on market forces will invariably neglect some public interests. The FCC must be able to choose applicants who will serve broader public concerns such as the smaller user. The FCC must also be able to impose obligations on applicants. Comparative hearings will best allow the FCC to pick among all capable applicants.

III. Conclusion

The foregoing survey demonstrates that when the need arises, the United States can competently regulate commercial space activity. However, one glaring problem appears to be the disjointed and piecemeal nature of that regulation. Separate agencies within the federal government tend to, often by necessity, focus on the narrow problem before them and fail to consider the broader ramifications of the decision they reach. For example, the decision to commercialize LANDSAT and the implementation of that decision has had an impact beyond the world of commercial remote sensing and the Department of Commerce's concerns. LANDSAT's data is important to other countries (thus creating foreign policy concerns), the intelligence community, the military, and the scientific community. Unfortunately, these other concerns are not being fully considered.

The solution to this problem may lay with the National Space Council chaired by Vice President Dan Quayle. The Space Council is a policy level body capable of coordinating all the different agencies and bodies involved in space activity. Hopefully the Space Council will be staffed with knowledgeable people and Vice President Quayle will provide the leadership to bring together such entities as NASA, the Department of Transportation, the Department of Commerce, the Federal Communications Commission, and Congress. Such coordination is necessary to avoid counterproductive misregulation. Ultimately, the Council may evolve into a National Department of Space.
1939

F. Jack Foersterling received the Illinois Bar Association Senior Counselor Award at the Association’s meeting. Mr. Foersterling was honored for his 50 years of service to the bench and bar.

1955

Judge Anthony J. Cefali, of the Hobart, Indiana, City Court, has been noted for his innovative and highly successful approach to court room management. Faced with a tightly constrained city budget, Judge Cefali turned to local educational institutions to assist with Court Reporting, Probation, and Pauper Counseling. Working with the College of Court Reporting, Inc., the Indiana University Northwest Criminal Justice Department, and Valparaiso University School of Law, Judge Cefali instituted a program whereby top students from those schools help provide these needed services to Hobart in exchange for valuable practical experience, and in some cases college credit. Judge Cefali's volunteer program benefits the city and the students, and has made the Hobart City Court the most cost-efficient court in the country.

1958

William W. Winterhoff has recently co-authored the "Independent Administration and Summary Administration" chapters for the 1989 edition of Illinois Estate Administration Handbook published by Illinois Institute for Continuing Legal Education.

1959

Richard G. Hatcher received a prolonged standing ovation when he was introduced at the African American Summit in New Orleans. Richard is serving as chairman for the Summit.

1964

Jeffrey A. Malak

Jeffrey A. Malak Associate Judge of the Circuit Court of Cook County, Probate Division, has recently co-authored the "Independent Administration and Summary Administration" chapters for the 1989 edition of Illinois Estate Administration Handbook published by the Illinois Institute for Continuing Legal Education.

1968

Thomas M. Hafner has been appointed Vice-President and General Counsel of Philips Consumer Electronics Company.

1972

Irving M. Einhorn, after 17 years with the Securities and Exchange Commission (most recently as Regional Administrator of Los Angeles Regional Office), joined Pacific Brokerage Services, Inc., a New York Stock Exchange Member firm, as Executive Vice-President and General Counsel.

Thomas Kent Guelzow of Eau Claire, Wisconsin, was recently elected vice-president by The Wisconsin Academy of Trial Lawyers for 1988-89.

Cletus F. Epple has been promoted to Executive Vice-President and Senior Trust Officer for Calumet National Bank in Hammond, IN. He began his career at the bank in 1978.

1974

Dee Bruening McKinney is now Corporate Counsel for McDonnell Douglas Corporation. She is presently working out of the St. Louis office.

1975

Dock McDowell, Jr., and his wife Cynthia Minor are pleased to announce the birth of their daughter Dalen Alexis, born May 3, 1989.

1976

Milan D. Tesanovich has been appointed Assistant U.S. Attorney for the District of Arizona. Milan was also appointed Vice-Chairman of the Aviation & Space Law Committee of the ABA.

1977

Thomas K. Hoffman & Robert E. Stochel '75 have formed the law firm of Hoffman and Stochel in Crown Point, IN. The firm specializes in general, civil and criminal law. Thomas Hoffman has practiced in Northwest Indiana for 11 years and Robert Stochel has been in practice for 10 years. The firm is in the One Professional Center in Crown Point.
1977

Larry S. Warkoczewski was elected Vice-President, Newsletter/Publicity for the American Marketing Association, Knoxville Chapter. Larry is Vice-President of Marketing and Planning for the Baptist Health System of East Tennessee, a multi-hospital system.

1979

Willie Harris was named by Governor Evan Bayh to a four-year term on the state's Workers' Compensation Board. He is the first black man to ever sit on the Workers' Compensation Board or its predecessor, the Industrial Board.

1978

Dr. William Maakestad has been presented the Faculty Excellence Award at Western Illinois University. The award recognizes superior teaching, scholarly and creative achievement, and service to the profession and the university.

1981

Jon Dilts participated in the Gannett Center for Media Studies Sponsored 1989 Leadership Institute for Journalism and Mass Communication Education. The program, which promotes academic and professional leadership, brought 22 deans of journalism and communications schools, department heads and aspiring administrators to Columbia University, where the Center is located, from June 18 through 23.

Mark Lienhoop and his wife Dorothy are pleased to announce the birth of their daughter, Kimberly Michelle. Their son David is two years old.

Sheila Moss has been appointed director of the Child Support Division of the Lake County Prosecutor's office. She is Vice President of the James C. Kimbrough Law Association and is a member of the Urban League of Northwest Indiana's Advisory Board.

Thomas L. Storm has been appointed Fond du Lac County, Wisconsin, corporation counsel. Thomas previously was director of the Senate Republican Caucus staff in Madison.

1982

Diane Kavadias Schneider Court Executive, has been appointed to the position of part-time juvenile court referee. Diane will assist Judge Darlene Wanda Mears '71 and the court's three magistrates in hearing juvenile matters in addition to her duties as court executive.

1983

Joseph Helm and Lana Lee Helm ('85) are pleased to announce the birth of their second child, Heather Lee, born May 17, 1989. Joe has also been re-elected to the Village Board of Menomonee Falls. Joe and Lana Lee both practice at the Law Offices of John J. McLario in Menomonee Falls, WI.

Jack Hires spoke on 'Legal Definitions of Alcoholism' to Valparaiso University faculty at a luncheon presentation on April 13th.

We hear from Ellen Parker that she has opened her own law office in Gary, IN, and is sharing the office with Julia Jent ('82). She is also pleased to announce her marriage to Eric M. Berg on May 9.

1984

Frances Gaseor Jagla writes from Abbott Park, Illinois, that she has taken a new position as Senior Attorney at Abbott Laboratories. The position is responsible for the trademark function for Abbott Laboratories. Frances and Leon are in the process of relocating to the Chicago area.

Kathleen McCain practices with the law firm of Rubinstein & Perry, in Los Angeles, CA.

Wade R. Nichols, an associate with the Indianapolis firm of Mitchell Hurst Jacobs & Dick, co-authored the article "Title Insurance Checklist" which appeared in the April, 1989 issue of Res Gestae. The Title Insurance Checklist is designed for use by both the attorney for the buyer and the attorney for the lender.

Stacey Saunders is working as an investigator for the Alaska State Commission for Human Rights. In May, Stacey was appointed to the Commission on Judicial Conduct by the Governor. She is one of nine commissioners hearing claims of judicial misconduct. Stacey will be married in September of 1989 to Michael Cohn. Michael is an attorney in private practice.

1985

N. Cornell Boggs

N. Cornell Boggs has accepted the position of environmental attorney with Monsanto Company in St. Louis, MO.

Deborah Hale is a panel attorney with Children's Dependency Services representing parents' interests for the County of Los Angeles. Debby married Arno Lucas on April 22. They reside in Santa Monica, CA.

Dugal S. Sickert recently passed the February 1989 Ohio Bar examination. He is currently an attorney with Merrell Dow Pharmaceuticals Inc., in Cincinnati, Ohio. Dugal resides in Loveland, Ohio.

Anne Marie Vicari has become engaged to Walter Diambri of Highland Park, IL. Walter is an attorney with Paul P. Diambri in Highwood, IL.
CLASS NOTES

1985

The Winston-Salem (North Carolina) firm of Craige, Brawley, Lipfert and Ross informs us that Gregory C. Ward has associated with the firm.

1986

Nancy Jane Dean and Daniel Robert Berning '77 both of Valparaiso, Indiana, were married at the First Church of the Nazarene in April, 1989.

MaryLu Cianciolo recently became associated with the law firm of Harvitt & Gekas, Ltd. in Chicago, and is working on an MBA at the University of Chicago.

Dennis R. Favaro has become a partner in the firm of Thill, Kolodz & Favaro, in Palatine, IL.

Jeffrey W. Herrold of USX has been named an attorney in the arbitration department in Pittsburgh, PA.

Christi Megna was hired by Legislative Services of Indiana and has relocated to Plainfield, IN.

Beth A. North is a Deputy Prosecutor for the Marion County Prosecutor's Office in Indianapolis, IN.

Randolph E. Ruff, an associate with the firm of DeHaan & Richter, P.C. in Chicago, has recently co-authored the "Lender Liability" chapter for the 1989 supplement to Advising Illinois Financial Institutions published by the Illinois Institute for Continuing Legal Education.

Laura & Dennis Sever are pleased to announce the birth of their daughter, Amanda Rose, born April 19, 1989.

Danny M. Smolnik has become a partner in the law firm of Fauliso & Katz in Hartford, Connecticut. He will continue to practice in the areas of commercial law and civil litigation.

David William Van Zyl is an attorney with the law firm of Kline and Van Zyl in Grand Rapids, MI. David now resides in Kentwood, MI.

Jeffrey E. Wallace, '87 an attorney with the law firm of Wyatt, Tarrant & Combs in Louisville, Kentucky, has been selected the first Kentucky participant in the Foreign Legal Fellows Program in Japan. Sponsored by the Tokyo law firm of Anderson, Mori & Rabinowitz ("AMR"), the international program invites lawyers associated with prominent law firms all over the world to interact on an extensive basis within the Japanese legal system.

Anderson, Mori & Rabinowitz, one of the largest firms in Japan concentrating in the areas of Real Estate Transactions, Commercial and Financial Institution Representation and Multinational Business Transactions, established the program nearly 30 years ago to provide participants with in-depth exposure to a variety of transnational legal problems.

"It's a unique opportunity to work with Rabinowitz," Wallace said of the offer. "I'll receive training that could not be duplicated in the United States and while the interaction with Japanese businessmen and legal practitioners would be of great benefit to our clients, the experience which I will gain during my participation in the program should further my understanding of the role our profession will play in the developing global economy."

The series of events which led to Wallace's selection was timely for the Wyatt firm in responding to the pressure on the marketplace due to the expanding Japanese business investment in the Midwest. Additionally, because of the increasing presence of Japanese investment in Tennessee, Jeff's selection also ties nicely with the firm's recent merger with the Nashville law firm of Gilbert & Milom.

Jeff's experience with Anderson, Mori & Rabinowitz should reinforce the firm's representation of Japanese clients as well as other regional and national businesses interested in expanding in the Pacific Rim.

Most of the 120 attorneys who have participated in the program during its long history have come from the United States, but attorneys have also been selected from such diverse geographical areas as Australia, Singapore, New Zealand, Canada and the Philippines.

"Because of the restrictions placed on non-Asians practicing law in Japan, the majority of my work will be for American clients doing business in Japan," Wallace said. Anderson, Mori & Rabinowitz also acts as general counsel to a large number of foreign corporations which have significant operations in Japan as well as the United States.

"We're extremely excited about the move," Wallace said. "While it will entail a lot of work and cross-cultural adjustment, the chance to experience Japan first-hand, both socially and professionally, is truly a unique opportunity."
1987

Rebecca Jill Boyer & Scott K. Laue were married May 28, 1989, at Fisher Chapel, Rockford. Rebecca is employed by the Winnebago County State's Attorneys Office, and Scott is employed by Edwards Bakeries. Rebecca and Scott reside in Rockford, Illinois.

Gregory W. Brown formerly with Enslen, Enslen & Mathews of Hammond, IN, is now an associate with the firm of Brown and Brown in Merrillville, IN. Greg is the son of Edwin T. Brown, Jr. '51.

Kimberly Wilson Crays married Duane Crays in November of 1987. Kim and Duane reside in Floria, IL. Duane is a journalist with the local newspaper and Kimberly is an associate with the law firm of Croegaert, Clark and Hough, Ltd. in the nearby town of Olney, IL.

Barbara A. Drews has joined the firm of Barrett & Trott in Des Moines, Iowa.

Karen Johnson has associated with the law firm of Rolewick & Kenny, P.C. in Wheaton, IL.

Richard Van Kalker, formerly of Sidley & Austin, has joined Carry Companies of Illinois as Vice President & General Counsel.

1988

We hear from John A. Hallacy in Battle Creek, MI. that he has passed the February, 1989, Michigan Bar and is currently working for the Calhoun County Prosecutor's office as Assistant Prosecutor, as of October, 1988.

William Koch is practicing law with the firm of Gluck and Kelso in New Brunswick, New Jersey.

James M. Macalka has accepted an associate position with the firm of Walter Alvarez, P.C., in Merrillville, IN.

Susan Matyus is working in the legal department of Daniel Edelman, Public Relations Inc., in Chicago, IL.

James Stephens has been appointed a trustee for the Kendallville, IN, Public Library.

Brett Lee Warning has taken a position with the United States Environmental Protection Agency in Chicago, IL.

Jeffrey Wehmuller & Mary Ann Relsert ('89) were married in May of 1989. Jeff and Mary Ann reside in Indianapolis, IN.

1989

Henry Antonini has associated with the Antonini Law Office in Clinton, IN.

Randall K. Arndt has associated with the firm of Tofaute & Spelman in Terre Haute, IN.

Timothy A. Baker is clerking for the Honorable Larry J. McKinney of the U.S. District Court in Indianapolis, IN.

Timothy A. Balko has associated with the law firm of Kalamaros & Associates in South Bend, IN.

David J. Barker has associated with the law firm of Pollen Brazill & Bennett in Indianapolis, IN.

Philip C. Benson is working for Arthur Anderson in Chicago, IL.

Barbara Bolling is clerking for United States Magistrate Gene B. Lee in Fort Wayne, IN.

Jeffrey C. Boulten is working for Legal Assistance Foundation of Chicago in Chicago, IL.

Matthew R. Cooper is clerking for Judge Philip D. Schaefer, Michigan 9th Circuit Court, Kalamazoo, MI.

Jonathan H. Costas has associated with the law firm of Barnes & Thornburg in Indianapolis, IN.

John H. Daerr has associated with the law firm of Locke, Reynolds, Boyd & Weisell in Indianapolis, IN.

Nadine R. Dahm has associated with the law firm of Clary, Nantz, Wood, Hoffius, Rankin & Cooper in Grand Rapids, MI.

Martin DeVries has associated with the law firm of Smith & Peckham in San Bernadino, CA.

Scott E. Ellis has associated with Cadence Chemical Resources, Inc. in Michigan City, IN.

Lisa M. Hancock has associated with the law firm of Rice and Rice in Portage, IN.

Susan Hartman is clerking for The Honorable Andrew P. Rodovich, U.S. Magistrate in Hammond, IN.

William K. Hefron has associated with Terry Johnston, Assistant Public Defender in Valparaiso, IN.

Beth Henning has accepted a position as Assistant Regional Counsel for the United States Environmental Protection Agency in Chicago, IL. Beth resides in Chesterton, IN.

Jonathan E. Irwin has associated with the law firm of Tressler, Soderstrom, Maloney & Priess in Chicago, IL.

Heidi Jark has associated with the law firm of Hoeppner Wagner & Evans in Valparaiso, IN.

Jeffrey S. Kinsler has associated with the law firm of Mayer, Brown & Platt in Chicago, IL.

Andrew L. Kraemer is clerking for Judge Henry C. Dees, U.S. Bankruptcy Court in South Bend, IN.

Albert T. Kundrat has associated with the law firm of Burke, Murphy, Costanza & Cuppy in Merrillville, IN.

Kurt B. Larson has joined the United States Marines J.A.G. Corps.

Mary Beth Lavezzorio is working as a recruiter for the Valparaiso University School of Law.

Rebecca L. Lockhard is the Assistant Prosecutor heading the department.
on Child Abuse/Custody in Evansville, IN.

Paul S. Marchand has associated with the Law Offices of Alan Rosenberg, in Hollywood, CA.

David A. Mathies has associated with the accounting firm of Coopers & Lybrand in South Bend, IN.

Michael B. McVickar has associated with the law firm of Chapman and Cutler in Chicago, IL.

John J. Murphy has associated with the law firm of Galvin, Stalmack & Kirchner in Hammond, IN.

John M. Niermann has entered the Department of the Army, Judge Advocate General's Office.

Adrian Overman has associated with the law firm of Terry & Terry in Fort Myers, FL.

Wanda Reed is clerking for the U.S. District Judge William C. Lee in Fort Wayne, IN.

Gail Parkhurst is currently clerking for the Honorable Lawrence C. Root in Marion, MI. He is the Circuit Court Judge for Michigan's Forty-Ninth Circuit, which covers Mecosta and Osceola counties.

Peter H. Pogue has associated with the law firm of Locke, Reynolds, Boyd & Weisell in Indianapolis, IN.

Vicki Rau is clerking for the Michigan Court of Appeals in Lansing, MI.

Debra D. Reusze has associated with the law firm of Kitch, Saubier, Drutchas, Wagner & Kenny, P.C. in Detroit, MI.

Paul W. Ritsema is clerking for Magistrate Hugh W. Brenneman, Jr. in Grand Rapids, MI.

Daniel Rustmann has associated with Butzel, Long, Gust, Klein & Van Fiel, P.C. in Detroit, MI.

Bradley M. Soos has associated with the law firm of Fritz & Childers in Mesa, AZ.

Kevin P. Speer has associated with the law firm of Hall, Render, Killian, Heath & Lyman in Indianapolis, IN.

Brian M. Stiller will associate with the law firm of Blachly, Tabor, Bozik & Hartman in Valparaiso, IN.

Jeffrey Sturm has associated with the law firm of Singleton, Levy and Crist in Highland, IN.

Lisa M. Sunderman is clerking for the Office of the Chief Immigration Judge in San Antonio, TX, through the Department of Justice Honor Program.

Steven N. Tsangaris is working for Canonie Engineers in Chesterton, IN.

Timothy E. Vojslavek has associated with the law firm of Chudom & Meyer in Schererville, IN.

Jayme S. Walker is clerking for the Treasury Department, Washington, D.C., through the Justice Department Honor Program.

Charles K. Wilbur, Jr. has associated with the law firm of Barnes & Thornburg in Elkhart, IN.

Jeffrey R. Wright is clerking for Allen County Superior Court in Fort Wayne, IN.

Lisa A. Wyatt has associated with William J. Cohen in Elkhart, IN.

Yvonne J. Younis is working for Defenders Association of Philadelphia in Philadelphia, PA.

Julie L. Zandstra is clerking for Chief Judge Wesley W. Ratliff, Jr., '50 in Indianapolis, IN.

Stephen Zollman has associated with the firm of Orner & Wasserman in Chicago, IL.

IN MEMORIAM

Benjamin H. Vogler '57 died on July 20, 1989.
The *AMICUS* invites and encourages Alumni to write to the School of Law with news of interest for publication in the *Alumni* News section of the magazine. Items such as a change in address or career; status within your firm; births; marriages; membership, selection or appointment to positions within professional organizations/associations are a few examples of the types of information we like to receive and publish.

We also want to give you ample opportunity to become or sustain your status as a dues paying member of the VUSL Alumni Association. The dues are a mere $30 ($15 for the first three years following graduation). The annual dues are payable as of November 1 of every year. Starting this fall, every alumnus/a who pays dues will receive a specially designed VUSL "Alumni" coffee mug as a token of appreciation from the Alumni Association.

We also wish to receive notice of any employment opportunities you may have or may know about for VUSL students or graduates. If you are interested, you may receive a copy of the VUSL Monthly Job Bulletin, published by the Office of Career Services and Alumni Relations.

The "post cards" on the back of the *AMICUS* are designed for your use for any of these items. Please complete the appropriate card(s) and send them in!
Alumni News

Name: __________________ J.D. Year: ______

Address: ________________________________________________

___________________________________________________________ (check here if new)

Telephone: Home: (____) ________ Business: (____) _______

Firm Name: _____________________________________________

Firm Address: ___________________________________________

News or Comments: _______________________________________


VUSL Alumni Association Dues

Name: __________________ J.D. Year: ______

Address: ________________________________________________

Firm Name: _____________________________________________

Firm Address: ___________________________________________

Telephone: Home: (____) ________ Business: (____) _______

Current Areas of Practice: ________________________________

Jurisdictions Admitted: ________________________________

Dues are $30 ($15 for the first three years following graduation) per year, payable on November 1 annually.

Placement Opportunity

Name: __________________ J.D. Year: ______

Business Address: _______________________________________

Telephone: Business: (____) __________________

____ Employment opportunity for a VU Law Student - please identify and describe:

___________________________________________________________________________

___________________________________________________________________________

____ Employment opportunity for a VU Law Graduate - please identify and describe:

___________________________________________________________________________

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* Please send me a copy of the VUSL Monthly Job Bulletin