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Valparaiso University School of Law

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SPECIAL CONSTITUENTS SURVEY

Center

WHAT ARE YOUR THOUGHTS ON THE MATTER?

As you read through The AMICUS, I am sure that there are some things you agree with, some things you do not agree with, and some things which you would like to know more about. We would love to receive your comments, complaints, suggestions or harangues.

In fact, we would like to add a new feature -- a sort of letters to the editor feature -- that would provide an opportunity for you to express your views and share them with our readers. Obviously, we cannot institute such an addition without your input.

Feel free to address your comments directly to a particular faculty member, alumnus/a or administrator; but please do so by sending your comments in care of the Editor's Office for The AMICUS (the correspondence address is listed at the bottom of this page).

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

Cover photo: In celebration of our new summer study abroad programs in China and Cambridge, the cover photo is of West Lake -- located in Hangzhou, China. West Lake is probably the favorite and most beautiful attraction at Hangzhou. Students who will be participating in the China program will have an opportunity to visit Hangzhou and experience the serenity of West Lake. The first dike erected to create the lake was built by the poet Bai Juyi in AD 821. It was expanded by poets and emperors since then and is frequently mentioned in Chinese poetry and literature. It is a favorite holiday spot for the Chinese and tourists. There are four islands on the lake and it is surrounded by fascinating examples of Chinese architecture. This photograph was taken by Professor Jack Hiller during his visit to China in the Spring of 1990. A special announcement of the new summer study abroad programs can be found on pages 8-9 of this issue.
Dear Friends:

One of the things that makes this law school truly distinctive is its Lutheran character. We exist within a university under the cross. Although agreement might break down when one attempts to apply this general claim to particular aspects of life in this law school, it should be indisputable that the connections between law and religion may be explored carefully and fruitfully here.

As I began to write this letter to you, war had just broken out in the Middle East. This issue of The Amicus was already at the printer when President Bush announced the cease-fire, and the printer literally stopped the presses to allow a few final changes. I have not changed much, but can now add a sigh of relief that the war has come to an end. Because Christianity has had much to say about warfare in general and modern warfare in particular, I thought it would be well to offer some reflections about the war in this letter. I do so not to rile those of you who disagree with the views I express here, but to share with you some of my deepest convictions and to seek from you a response about your own convictions. It speaks well of an institution that those who teach here and those who once studied here can enter into reflective dialogue with one another about critical issues of the day.

Saddam Hussein -- no friend of peace, he -- called this war the "mother of all battles." Our leaders called it a "war of liberation" (liberation theologians, take note!). Both sides have offered the hope of ultimate, if not swift, victory. Whatever such victory might mean, I fear that this war may exceed the limits of our imagination in its destruction of life and in violent, terrorist acts that may plague us for years to come. In any event, I think it is naive self-deception to indulge the fantasy that there will ever be a quick technological fix to the deep problems that have troubled the Middle East for decades.

Many of us lawyers have been committed to devising more effective alternatives to litigation for the resolution of disputes. The current conflict offers all of us a challenge to think creatively about effective, nonviolent, long-term solutions to the problems of the Middle East. At the very least, that means that we must become far more knowledgeable of the history of the region and the different aspirations of the peoples who live there. As the Director of the PBS series on the Civil War noted recently, sooner or later the soldiers withdraw from the battlefields and the contending parties meet around a table. Why not sooner than later? Any time in my view was a good time to offer a cease-fire. And I do not think that unconditional surrender is a sine qua non to achieve the legitimate goals of restoring world order offended by the occupation of Kuwait.

Whatever your views of these problems, I can report no single perspective that unifies our faculty and student body about the legitimacy of this war at this time. But I can report that the Gulf War came home to Valpo in a big hurry. One of our second year students -- Mike Roberts -- was called up for military service the day before his finals. One of my colleagues in the law school has lived in Israel and hopes to spend his sabbatical there next year. Another colleague in the Theology department knows literally thousands of people in the Middle East whose lives will be affected by this war. Shortly after the war broke out, a student who delivered the homily at Morning Prayer shared her concerns for the members of the armed forces in the Gulf, including her mother. Few of us here don't know somebody over there.

And I can report that this law school is a place where men and women of good will may dispute with one another about matters of the highest moment. As I hear the claims, they fall into three groups. The utilitarians among us think of war not in theological or religious terms, but solely in terms of statecraft. Whether they support or oppose the war, they probe the rationality of the use of armed force as necessary or unnecessary to avoid greater destruction and violence, such as the threat of nuclear proliferation or the use of chemical weapons. Although the weapons used in this war remained "conventional," there needs to be greater clarity about the objectives of the war. Without clarity about this basic matter, it is difficult for utilitarians to discern when the balance tips away from continued belligerency. The utilitarians must also ponder whether there is a price too high to pay for a "new world order." How does one reckon that price, in terms of the loss of life on both sides, or of the destruction of the central place of Islamic culture (bombing Baghdad with "precision" is like sparing the cathedral in an air raid on Florence), or of eco-catastrophe? Others who follow the Justifiable War tradition associated with Augustine, Aquinas, and the Augsburg Confession pick up where the utilitarians leave off, expanding the conditions that must be satisfied before war -- which always entails massive infliction of injuries -- can be justified. They concede that some use of force may be justifiable in a flawed, sinful world. But they ask, for example, whether economic and political alternatives to war in the Gulf were exhausted before the dogs of war were unleashed. They require the probability of success before a war may be deemed just. But they doubt that success may be defined exclusively in military terms. The just warriors among us point to the 47 Senators and 183 Members of the House of Representatives who voted against the authorization of use of military force on these sorts of grounds -- the highest level of opposition in Congress to an American war since 1812. But then they are at a loss to explain why anyone committed to the Justifiable War theory would support the war simply because it has started. It is one thing to say that one supports the men and women that our government has ordered to war; it is another to demonstrate that this war is morally justifiable.

A third group is committed to pacifism. For them modern warfare with its weapons of mass destruction is always evil. It may not be used to resolve disputes on the theological ground that the loss of even one life is evil because that life is dear to our Creator or because that life is
infinitely precious in the light of the Cross, where the blood of the Lamb was shed for us all. In the eyes of the world, this claim may seem hopelessly unrealistic, but it is pressed as the most realistic way of expressing hope. Its proponents urge that we will find authentic hope for the human condition in the teaching of the prophets of ancient Israel against reliance on princes and the weapons of war. In the world's eyes this model offers little chance of "success." But the adherents of this model point to Ghandi's tumbling of the British Empire by collective nonviolent resistance and to Dr. King's abiding impact on the America he called to choose between "nonviolent coexistence or violent co-annihilation." The hope of which the pacifists speak should not be confused with a drug of choice -- Marx's "opiate of the people" -- numbing us to both action and suffering. It comes only at the great cost of self-sacrificial love for others disclosed, for example, in the cross.

In my view both agreement and disagreement may be sought on all three claims in this law school. Although many regard the law as thoroughly secular, it is not impervious to the shaping influence of religious commitments. It is especially appropriate that the implications of the cross of Christ should be explored at a Lutheran law school. Most, if not all, Christians accept the centrality of the cross in our religious beliefs, but rarely are we challenged to derive from it the ethical consequence that there is a critical difference between dying and killing.

Overtly Christian claims of this sort may be voiced at Valpo without fear that they would offend the non-Christians among us. I realize that I am treading on more difficult ground here, but I do not think that the assertion of a Christian view excludes non-Christians from the discourse. It merely invites them to reflect on the ultimates from which they derive both their certitude and their doubts.

A series of troubling questions remain even after this war has come to an end. First, how shall we now construct the peace? Will the same broad coalition that came together to impose sanctions on Iraq cohere on a plan that avoids all the mistakes of the Versailles Treaty? If we cannot achieve commonality among us on such theological matters as the identity of Jesus, does that mean that his teachings on nonviolence may safely be ignored? If his cross contains no implications for our social policies, then is the only bond left to us a devotion to Reason or a common allegiance to the "new world order"? Might not Jews and Christians among us. I realize that I am treading on more difficult ground here, but I do not think that the assertion of a Christian view excludes non-Christians from the discourse. It merely invites them to reflect on the ultimates from which they derive both their certitude and their doubts.

War. We will try to share some of these views in the next issue of The Amicus.

While the war was on, we spoke out loud the names of men and women we knew in the Middle East. Our common prayer included the hymn: "O God of ev'ry nation, of ev'ry race and land/ Redeem your whole creation with your almighty hand./ Where hate and fear divide us and bitter threats are hurled,/ In love and mercy guide us and heal our strife-torn world.// From search for wealth and power and scorn of truth and right./ From trust in bombs that shower destruction through the night/ From pride of race and station and blindness to your way./ Deliver ev'ry nation, Eternal God, we pray." Now that this war has ended, I pray that all of us here -- and all of you who once studied here -- can grow in our commitment to the larger task of building a world at peace.

Dean Edward McGlynn Gaffney, Jr.
Valparaiso University School of Law
MESSAGE FROM THE ALUMNI PRESIDENT

Dear Alumni:

Expectations of a new world order of peace were quickly dashed when Iraq invaded Kuwait in August. Now the United States and other members of the allied coalition apparently have succeeded in their quest to restore peace to the region. For those of you who have sons, daughters, spouses, relatives or friends who are part of the effort to liberate Kuwait, we offer you our thanks and prayers.

As my first order of business as President of the Alumni Association, I want to thank John Lee for all he has done as President and as a member of the Board. John’s eloquent messages to us in The AMICUS, his alumni dues letter last June, and his leadership have helped all of us establish a renewed pride in our law school. This pride can be seen in several areas. First, the number of dues-paying members in 1990 increased by 70%. Second, the Dean’s Yearly Giving Campaign is promising to be extremely successful. I encourage each of you to participate in the Campaign by contributing an amount equivalent to or greater than one of your billable hours. Third, our Alumni reception in Indianapolis in October honored more registrants than I.U. - Bloomington, I.U. - Indianapolis or Notre Dame. Last, but certainly not least, is the request by our alumni in Indianapolis (Marion County) to establish the Indianapolis chapter of the Valparaiso University School of Law Alumni.

More explanation of the proposed Indianapolis chapter is appropriate. Our Marion County alumni had their organizational meeting in October with approximately thirty alumni present. The driving force behind this concept is Lew Willis (’87), who has been relentless in promoting this marvelous idea. During its October meeting, the Alumni Board enthusiastically endorsed Lew’s proposal. The Board encourages us all to meet as a group to renew friendships and to discuss our common bond -- the law school -- and, where appropriate, to consider the establishment of local alumni associations. Lew and his efforts are featured in the Alumni in Focus section of this issue.

Richard Duesenberg is sponsoring an alumni dinner in St. Louis on February 22, and Bill Thorne and I are sponsoring a meeting of the St. Joseph Valley alumni in April. As President of the Alumni Board, I would be pleased to attend any alumni meeting to discuss the exciting events occurring at our law school. Please call me if you are interested. I can be reached in the office at (219) 233-1171.

Next I would like to welcome our new board members. They are Daniel J. Kozera, Jr. (’66), Bernard A. Carter (’84), Russell Kent Lindquist (’63), and John G. Postweiler (’72). In addition to the new members, three incumbents, Judge William G. Conover, Jerome L. Ezell, and Jack Lawson were re-elected to the Board. The Board serves a very important function to the law school and we are looking forward to having these people on our Board. A complete listing of all current Board members is included on page 19 of this issue. You are encouraged to contact any Board member with any questions, comments or suggestions you have about or for our Alumni Association.

Years ago, the Board authorized the publication of the Valparaiso University School of Law Alumni Directory. The Directory proved to be very successful, and the Board has authorized the production of a revised 1990 edition. We have already secured approximately 300 requests for the new edition of the directory. We believe this directory is a valuable tool to our alumni. Appended to The AMICUS is an order form for this directory. Please complete the order form and return it to the School of Law with your subscription payment. The directory is a tremendous undertaking and could not be done without the assistance of Dean Curtis Ciechowski, Diana Wyman and other members of the Law School administration. A hearty thank-you goes to each and every one of them for their efforts.

Finally, a primary purpose of the Alumni Association is to provide assistance to students and the School of Law. The Association cannot provide this assistance without your financial support. During the past five years, our ability to provide this support has increased because of your payment of dues. In June, I will be sending you a letter soliciting dues for 1991. Please help us by supporting the Alumni Association through your dues payment.

Sincerely yours,

Roger W. Benko, President
VUSL Alumni Association
Several members of the School of Law faculty and professional staff gave presentations at the annual meeting of the Association of American Law Schools held in Washington, D.C. in January. Professor Michael S. Straubel chaired a panel discussion for the Section on Aviation and Space Law of AALS on the jurisdictional and choice of laws problems facing the U.S. sponsored international space station. Professor Ivan Bodensteiner participated in a mini-workshop - "Realizing the Professional Ideal of Service: Responsibilities and Possibilities" and also served on the planning committee for the workshop. Director of Career Services Gail Peshel was a panelist at the Student Services Section meeting on "Professionalism and Career Development in Student Services; Working Effectively with Faculty and Administration." Professor David Myers will be serving as chair this year of the AALS Section on Agricultural Law. Law Librarian Mary Persyn represented the School of Law as its delegate to the House of Representatives of AALS. Other School of Law faculty and staff attending the annual meeting included Dean Edward Gaffney, Associate Dean Bruce Berner, Assistant Deans Curtis Cichowski and Katharine Wehling, Professors Ruth Vance, Paul Brietzke, Robert Blomquist, Geri Yonover, and Rosalie Levinson.

The American Forum for Jewish-Christian Cooperation presented its Menorah Award to Dean Edward Gaffney on the Second Night of Hanukkah, December 12, 1990. Eight persons are honored with this award each year, four from abroad and four from the United States. Among those honored this year were the Ambassadors of Austria, Czechoslovakia, Hungary, and Poland. Dean Gaffney was one of the Americans chosen to receive this award because of work that he has done to advance better relations between Jews and Christians, and because of litigation on behalf of religious minorities (including Jehovah's Witnesses, fundamentalists, and the International Society for Krishna Consciousness) in many federal courts, including the Supreme Court of the United States.

On January 15, 1991, Dean Gaffney gave an address to the Sixth Annual Institute on Law and Pastoral Ministry at Valparaiso University. The subject of his remarks was "The Fall and Rise of Religious Freedom: A Reply to the Smith Case." Copies of his remarks are available to anyone requesting them.

On January 21, 1991, Dean Gaffney participated in a panel discussion on the teaching of Dr. Martin Luther King, Jr. and its relevance for the Gulf War; he also gave a presentation with the Hon. Richard Gordon Hatcher (VU Law '59), former Mayor of Gary, on "Quality and Equality in American Education."

Professor David Myers


On October 24th, he served on an expert panel of government officials and citizens on the subject of solid waste regulation, sponsored by LaPorte County Leadership, Inc.

Professor Paul Brietzke presented a paper, "A Sense of Balance," to the Law and State Workshop held during the African Studies Association Annual Meeting in Baltimore, on November 1-4. He then travelled to Sydney, Australia, to deliver a lecture, "An Introduction to the Law and Economics of the Constitution," to the Law Faculty of Macquarie University. As this lecture was given during Thanksgiving week, he managed seven days in Sydney and two days in Tahiti.

Professor Seymour Moskowitz (and his wife, Linda) have authored the volume on pre-trial processes in a 3-volume set, Advocacy in Family & Matrimonial Cases. The set will be published by Matthew Bender in spring 1991. Sy is the recipient of a 1991-92 O. P. Kretzmann Memorial Faculty Grant from the WheatRidge Foundation for a study of "Alternatives to Traditional Approaches in Elder Abuse." The study will develop alternatives to institutionalization of the elderly and the use of the criminal system in dealing with problems of abuse. Sy is also the editor of the 7-volume Discovery treatise published by Matthew Bender. The 1990 Update and Supplement was released in November.

Professor Seymour Moskowitz

On November 17, Professor Rosalie Levinson spoke at the Women and Legislative Process Conference in Indianapolis. On January 16, she spoke as part of the Law and Pastoral Ministry conference held at VU. Professor Levinson delivered a lecture on "Civil Rights
Enforcement in the Nineties" as part of Martin Luther King Observance Day at VU on January 21.

This fall Professor Ruth C. Vance coached the school's negotiation team. Team members were Drew Dillworth, 2L, Allen Fore, 3L, Noreen Larson, 3L, Lynn Malkowski, 2L, and Michael Moellering, 2L. The team participated in the American Bar Association/Law Student Division-sponsored regional negotiation competition held at the University of Louisville in Louisville, Kentucky, on November 10, 1990. Team members Allen Fore and Michael Moellering won the regional competition and will compete in the national competition in Seattle, Washington, in February. The national competition is held in conjunction with the ABA Mid-Year Meeting.

Professor Vance attended a conference on Employment Issues for Hoosier Workers sponsored by the Foundation for the Advancement of Industrial Research in Kokomo, Indiana, in October. Professor Vance also attended a seminar on the Americans With Disabilities Act in Chicago in November.

Assistant Dean Katharine Wehling is pleased to announce that, even at this early date, applications to VUSL are up by a 40% margin although applications nationwide have only increased by 7%. Along with Assistant Director of Admissions, Mary Beth Lavezorrio, she attended the annual MALSA (Midwest Alliance for Law School Admissions) meeting to discuss current trends in law school admissions and to plan joint fall recruitment programs.

Dean Wehling has been a member of the MALSA Board since its inception and currently holds the position of Business Manager. She also attended a CASE conference for graduate schools on Planning Media Relations for Maximum Results. The conference related to her work on the University Marketing Committee, which is now in the process of preparing a university-wide image audit and a communications audit.

In February, Dean Wehling participated, as a member, in the Indiana State Bar Association Special Committee on Opportunities for Minorities in the Bar. The work of this Committee is to encourage Indianapolis law firms and corporations to seek out minority students to fill summer clerkship needs.

In her role as the university Affirmative Action/Equal Opportunity Coordinator, Dean Wehling has authored the AA/EO Office strategic plan for VU.

Professor Ivan Bodensteiner has been appointed to the Board of Directors of Legal Services of Northwest Indiana. He spoke on a panel for the Practicing Law Institute program on "Civil Rights Litigation" in New York.

Assistant Dean Curtis Cichowski, in his role as Director of Planned Giving for the University, has authored three planned giving articles for the University Alumni Magazine and attended yet another Associated Colleges of Indiana seminar on the subject of planned giving and estate planning. He also spoke to a group of Aid Association for Lutheran representatives during a conference they held on campus.

In November Dean Cichowski attended a Council for the Advancement and Support of Education (CASE) conference on the topic of development for the graduate school. In October, he was appointed by President Harre to act as the interim University Licensing Administrator to administer newly developing trademark/promotion programs and policies of the University.

Professor Laura Gaston Dooley's article, "Equal Protection and the Procedural Bar Doctrine in Federal Habeas Corpus," will be published in volume 59 of the Fordham Law Review.

Director of Career Services Gail Peshel authored a chapter in Barron's Guide to Law Schools, Ninth edition, entitled "The Post-Law School Search for a Job." She also wrote and edited the "Class of 1988 Employment Report & Salary Survey" published by The National Association for Law Placement. She moderated a panel debating pro bono work by students at the February 16 Midwest Public Interest Law Conference held at Northwestern School of Law in Chicago. Professor Ivan Bodensteiner was a panelist on this program discussing mandatory pro bono programs.

Law Librarian Mary Persyn took office as President of the Ohio Regional Association of Law Libraries at the Association's fall meeting in Akron, Ohio. Professor Persyn was the program chair for the meeting.

The VU School of Law faculty has invaded the Indiana University-Indianapolis law review. Seven members of the faculty are contributing articles to the "Indiana Law Update" issue of volume 24 of the Indiana Law Review. They include Associate Dean Bruce Berner and Professors Robert Blomquist, Ivan Bodensteiner, Rosalie Levinson, Ruth Vance, David Vandercoy, and Geri Yonover.
Martin Luther King, Jr. Holiday Observed

In observance of the Martin Luther King, Jr. holiday, the University canceled classes for Monday, January 21st, so that both students and faculty could participate in this commemorative event. Capturing the theme, "Keep the Dream Alive: One World, One Cause," both Reverend William Herzfeld and Mr. Clarence Page addressed the entire University community as the guest speakers.

Building upon the selected theme, the School of Law sponsored several of the University "teach-ins." Specifically the School of Law hosted programs entitled "Quality and Equality in Education: A Panel Discussion" featuring Mr. Richard Gordon Hatcher, '59, and Dean Edward M. Gaffney; and "Civil Rights Enforcement in the Nineties," featuring professors Rosalie Levinson and Ivan Bodensteiner. Throughout the day, students could catch a glimpse of "Civil Rights in Historical Perspective: A Film Forum" -- a series of videotapes shown in Duesenberg Commons.

The School of Law also had the privilege of having alumnus Judge Bernard A. Carter, '84, address several prospective law students and faculty regarding the law school experience and the legal profession during a special MLK admissions open-house luncheon.

Judge Bernard Carter, '84

Pro Bono Program Commended

In a continuing debate of legal services available to the poor, VUSL's Pro Bono program caught the attention of several publications this fall including the Washington Post, Wall Street Journal, and Insight magazine. Currently, there are only three other law schools besides Valpo which requires students to perform pro bono work to graduate.

In a commentary of the October 28 issue of the Washington Post, columnist Mary McGrory wrote, "It's enormously encouraging, and not only to the poor people who will directly benefit from expert, free intervention in their hitherto hopeless quarrels with landlords or bureaucrats. The rest of us can look forward to having lawyers who have been exposed to the real, raw needs of the community and may even understand that there is more to life than a berth at a posh Wall Street firm."

The Pro Bono program relies on volunteer attorneys, judges and non-profit agencies from Northwest Indiana and Chicago who are committed to the provision of pro bono service. If you have a pro bono project and would like the assistance of a VUSL student, or if you would like to participate in the program in some other manner, please contact Gail Peshel, Director of Career Services, Valparaiso University School of Law, Valparaiso, IN 46383; or call (219)465-7814.

Chinese Professor Weng Li Comes to VUSL as Scholar-in-Residence

by Zhao Xiao-hua, 2L, from Beijing, China

Chinese professor Weng Li, of the Hangzhou University Department of Law in Zhejiang, China, has begun his one-year visit as Scholar-in-Residence at Valparaiso University School of Law. An Assistant Professor in the Law Department of Hangzhou University, his visit is part of the exchange program between Hangzhou University and Valparaiso University.

Professor Weng Li taught Criminal Law before he came to the United States. During his stay at Valparaiso, he is attending classes and doing research in the areas of International Business, American Taxation, Comparative Law, and Criminal Law. He will also introduce the Chinese legal system to American students and professors at Valparaiso.

Having received his B.A. in English Language at Hangzhou Teacher's College, Weng Li was graduated with a master's degree in Chinese and International Law from the Southwest Institute of Political Science and Law, Chongqing, China. Since his graduation in 1988, he has published about twenty essays and articles while teaching at Hangzhou University.

When asked about his principal goals here, he said, "My school asked me to focus on American taxation during my study here. In this case, I will be able to open a new course at our Department after I return to China."

"Valparaiso is such a pretty town," he continued. The city was covered with heavy snow when Weng Li arrived in mid-January. The pristine white snow has impressed the Chinese scholar who has not seen much of it in his life because Hangzhou is located in southern China. "Valparaiso is quiet and peaceful. It has beautiful rural scenery that Hangzhou does not have," he said. Weng Li stressed that he misses his wife and son who have remained in China.

The agreement which set up the
exchange program between the two universities was signed in 1987. So far, eight Valparaiso University students have studied at Hangzhou University. Professor Weng Li is the fourth Chinese professor who has come to study at Valparaiso as part of this program, and is the first to study at the School of Law.

A Clash of Two Cultures -- The Fifth Annual Monsanto Lectures on Tort Reform and Jurisprudence.

Professor Richard A. Epstein, James Parker Hall Distinguished Service Professor of Law of the University of Chicago, delivered this year's Monsanto Lecture. The title of his lecture was "A Clash of Two Cultures: Will Tort Law Survive Automobile Insurance Reform?"

In his lecture, Professor Epstein turned from the recent preoccupation with product liability and medical malpractice issues and directed his attention to the question of tort liability for automobile accidents and the insurance industry that surrounds it. His lecture first considered as a matter of general theory the influence that insurance has in shaping the behavior of automobile drivers. Thereafter, he examined the interaction between insurance markets and tort liability under various forms of regulation, including the traditional assigned-risks pools, the more recent regulation that limits the ability of insurance firms to price their product by territory, age, sex and marital status, and, finally, the comprehensive efforts to impose general rate of return regulation on the insurance industry.

Much of the material for his lecture was inspired by his involvement in the major recent efforts in California, New Jersey and Pennsylvania to displace market mechanisms with state regulation in the automobile industry. The complex administrative and constitutional issues that are raised by the regulation feedback into the operation of the tort system. He then gave reasons why we should all be concerned whether, and if so how, the tort liability system can survive massive state intervention in insurance markets. All too often the study of tort law assumes that the major determinant of accident rates and individual precaution is the tort law. Professor Epstein suggests that insurance regulation, and the constitutional and administrative law principles that govern it, may play a far greater role than is generally appreciated. An article, based on his lecture, will appear in an upcoming issue of the Valparaiso University Law Review.

In his lecture, Professor Epstein turned from the recent preoccupation with product liability and medical malpractice issues and directed his attention to the question of tort liability for automobile accidents and the insurance industry that surrounds it. His lecture first considered as a matter of general theory the influence that insurance has in

"Peace, Democracy and Change in the 1990's"

Senator Richard Lugar (R-IN) visited the School of Law last October and spoke to faculty and students about a wide range of topics that centered around the theme of democracy and the world order. The Senator clearly, concisely and with great insight, discussed a number of domestic and international issues of the 1980's and the challenges the United States will face in the 1990's. Coverage included incidents and issues involving the Philippines; the Soviet Union; Poland; Germany; South Africa; Angola; Mozambique; Egypt; China and Iraq. One of his most remarkable comments was his forecasting that Congress would definitely grant a declaration of war in the Middle East should President Bush make the request.
Valparaiso University School of Law
1991 Summer Study Abroad Programs

Ningbo, China and Cambridge, England

Valparaiso University School of Law is pleased to announce the inauguration of its Summer Study Abroad Programs. Sites for the Summer 1991 programs are Cambridge, England and Ningbo, China. Both programs are fully approved by the American Bar Association.

Cambridge Program

Located along the river Cam less than two hours from London, Cambridge is known throughout Great Britain as the quintessential university town -- brimming with students, bicycles, and book shops. The academic rivalry between Oxford and Cambridge is legendary.

Although the Valparaiso University Cambridge Centre was established in 1967, the Summer 1991 program will be the first time law courses will be offered at the University's facilities. Students will live and study at the Cambridge Centre located at 26A Huntingdon Road. The Cambridge program is scheduled for June 3 - July 12, 1991. An orientation program is planned for students who arrive in Cambridge by May 30, 1991. Classes are scheduled for Monday - Thursday, June 3 - July 4, and examinations will be given on July 8 - 11, 1991. Field trips are planned to the Royal Courts of Justice, Parliament, Inns of Court in London, and to Stratford, Oxford and Coventry. Courses will be taught by Valparaiso professors with instruction supplemented by guest lecturers.

China Program

In 1989, Valparaiso University developed an educational exchange agreement with officials from Ningbo University, P.R.C. Founded in 1986, Ningbo University is the first comprehensive university in the Zhejiang region of China. It is located in Banluzhang, Jiangbei, Ningbo. With an enrollment of approximately 2000 students, Ningbo University has divisions of liberal arts, sciences, engineering, law and economic studies. Ningbo is a city of approximately one million residents located on the shore of the East China Sea in the center of China's coastline. Because the city lies on the southeast corner of the Yangtze Delta, it is known as a city of rivers and lakes. The many historical and cultural sites - some dating back 7,000 years - of this coastal city blend with the modern industrial construction and other commercial developments.

The China program is scheduled for June 13 - July 24, 1991 and will begin with a three-day orientation program in Hong Kong. Classes are scheduled for Monday - Thursday, June 17 - July 18, and examinations will be given on July 22-24, 1991. Field trips are planned to Shanghai, Hangzhou and the West Lake area, the Port of Ningbo and the Ningbo Economic and Technical Development Zone.

Faculty

For the Cambridge program, the faculty will include Associate Dean and Professor Bruce G. Berner, who will teach evidence; Assistant Professor Laura Gaston Dooley, who will offer a course on complex litigation; Dean and Professor Edward McGlynn Gaffney, Jr., who will teach a course on English legal history and the American Constitution; and Professor Seymour Moskowitz, who will offer a course on family law.

At the China program, Professor Robert F. Blomquist will offer a course on international environmental law; Professor Jack A. Hiller will teach a course on the judicial process; and Professor Richard Stith will offer a course on comparative law.

Course Descriptions

Cambridge

Family Law. 3.0 Credit hours. An examination of legal theory, statutes and cases regarding 1) the formation or dissolution of family relationships, and 2) the legal rights and obligations that flow from those relationships. As part of this examination, the appropriate roles of public law and
private ordering through contract shall be studied. Topics include: Marriage; Roles and Rights of Husbands and Wives; Legal and Biological Relationships Between Parent and Child; Involuntary Termination of Parental Rights; Matrimonial Breakdown and its Economic Consequences. Readings and lectures will focus on the comparative treatment of these issues by English and Continental legal systems.

**English Legal History and the American Constitution.** 2.0 Credit hours. An examination of English constitutional history, with special emphasis on the historical roots of the Religion Clause, the Free Press Clause, the Self-Incrimination Clause, and the Cruel and Unusual Punishments Clause of the American Constitution. Materials include the sixteenth- and seventeenth-century statutes and cases.

**Evidence.** 3.0 Credit hours. The course is a study of all major issues embodied in the Federal Rules of Evidence and their historical antecedents in America and England. The approach is problem oriented; thus, the Rules, commentary, and problems are the materials for the course. The experience will include visits to trial-level proceedings in the Cambridge locale and presentations comparing and contrasting American and British modes of presenting evidence and resolving evidentiary issues.

**Complex Litigation.** 2.0 Credit hours. An examination of the special problems encountered in litigating complex civil cases, particularly those that involve multinational contacts. Topics to be covered include: the structure of complex suits in a unitary forum and the joinder of appropriate parties, the problem of duplicative litigation in separate courts, class actions, managing the complex case, finality problems and choice-of-law issues.

**China**

**Comparative Law.** 2.0 Credit hours. By comparing U.S. approaches to law with those of Europe, this course will demonstrate the diverse unity of the Western legal traditions. Special emphasis will be placed on the differing roles assigned to judges by the American "legal realist" and the European "Legal Science" schools of thought. Socialist, post-socialist, and Oriental perspectives on law will provide final contrasts.

**The Judicial Process.** 2.0 Credit hours. An inquiry into the judicial process at both the trial and appellate levels. Examination of the roles of judges from the perspectives of the lawyers, the legislature and the judges themselves. The decision of law and fact. The role of public policy, the necessity for and technique of reasoned decision-making. Some comparison will be made with alternative methods of dispute resolution. Some emphasis will be placed on judicial decision-making in the Third World.

**International Environmental Law.** 2.0 Credit hours. This course will address major environmental problems which have taken on global proportions in recent years. The first part of the course will provide a framework for analyzing international environmental problems. The second part will concentrate on three key international environmental problems: 1) ozone depletion; 2) acid rain; and 3) global warming.

**For Additional Information**

Requests for further information should be addressed to Director, Summer Study Abroad Program, Valparaiso University School of Law, Wesemann Hall, Valparaiso, Indiana 46383; 1-800-262-0656; 219/465-7829.
The "Indianapolis Connection"

by Lewis E. Willis, Jr. '87

I was asked to write this article for The AMICUS at the School of Law Alumni Association's reception during the Indiana State Bar Association's annual meeting in Indianapolis in October of 1990. At that time I knew exactly what I wanted to discuss - the Indianapolis "Chapter" of the Valparaiso University School of Law Alumni Association which I was attempting to organize. I was using the Alumni Association's reception as an organizational meeting for the local alumni, and that subject was therefore on my mind. I excitedly accepted this task.

As my deadline approached, however, I began to think about the substance of this article. I was pretty sure that second and third-year students would be interested in the existence of a cohesive group of VUSL graduates living and practicing in the greater Indianapolis area. I knew that I would have been extremely glad to have had access to such an organization when I was interviewing. But I realized that in addition to describing the local chapter and its goals and activities, I also needed to write about why I felt it was appropriate to develop this chapter. After all, these are the experiences which I probably share with my fellow local graduates and which I am sure have provided the consensus for the need for creating this special entity.

In late 1986, still several months away from graduation the following spring, I was anxiously looking for an associate position with law firms in Indianapolis. I knew that I wanted to practice in Indianapolis and deluged the downtown firms with my resume. I was surprised at the relatively large number of interviews I was granted and spent many hours on I-65 and in Indianapolis. Unfortunately, offers from most of the firms were non-existent. No one but me seemed surprised. "After all", I was told, "You are trying to break into Indianapolis." Common advice to me at the time, from many sources, was to seek a clerkship with the Court of Appeals or a federal court. Apparently, many who were practicing in Indianapolis at that time had first gone through a clerkship and then entered private practice. (As a side note, Valpo has a long history of providing a great number of clerks for the Indiana courts. While the Indiana University law graduates seemed to have the Indianapolis law firm market cornered, VUSL always took some pride in the fact that those graduates were practicing on the basis of judicial opinions researched and drafted by our fellow alumni/ae). When I asked why these people felt it was necessary that I spend two years clerking before going into private practice, they indicated that this was the only way they knew of to break into the Indianapolis job market. Although I didn't have a particular aversion to clerkships per se, I was extremely anxious to begin practicing.

As the last of my interviews in Indianapolis approached, I began to believe that these people were correct. Many of the law firms with which I interviewed heard of our law school but were unsure of its reputation and unfamiliar with the quality of education it offered. In addition, it was exceptionally difficult overcoming what, in my opinion, was a strong bias of the medium to large-size firms in favor of Indiana University graduates. In fact, at one large law firm in Indianapolis (I forget which one, so don't ask), I was told that although my resume looked fine, I went to the wrong law school! These words, almost verbatim, came from the firm's hiring partner and truly underscored my impression of the misperception held by most of the Indianapolis law firms. I was amazed at these reactions, particularly in light of the favorable views expressed towards Valpo by the firms in Chicago I interviewed with the previous year. Fortunately for me, an enlightened medium-sized firm in Indianapolis hired me and allowed me to begin my career in private practice in Indianapolis.

By mid-1990, I had practiced in Indianapolis for almost three years. My experiences here are everything I hoped for and more. During this time, I kept up-to-date on developments at the Law School through the Alumni Association, but never developed any truly personal contacts. As is common with most of us I presume, I also failed to develop alumni contact on a local level. Although I knew that there were other Valpo Law graduates in this area, I didn't know exactly who they were, and with the exception of one or two individuals, was never in contact with them.

At about this time, I had occasion to speak several times with a friend of mine from law school, Bob Doelling, who graduated a year behind me. He had been in town almost two years at that point and was practicing law at a firm located only a few blocks away. Our practices are somewhat similar, and we were surprised we had not run into each other. During our discussions we discovered that we lived even closer together than we worked, and that his wife managed a shop that my wife frequented. In catching up on each other's lives and experiences as well as news of fellow alumni, we discovered that there was a rather broad base of Valpo law alumni in Indianapolis.

It was at that point in time that the idea of a local chapter of our Alumni Association began to take form. It seemed to me unfortunate that our local alumni didn't have an established network to socialize or exchange ideas. I also...
recalled my own personal experiences in obtaining a position in private practice. I concluded that a local organization of alumni would provide not only a vehicle for fraternization among those of us working in Indianapolis, but would also, hopefully, provide a useful resource for the law school and expand its reputation and notoriety in the process.

In cooperation with Dean Cichowski, I began to contact all of the alumni living or working in the Indianapolis area. I was pleasantly surprised to discover that there are over 80 alumni members living or working in Marion County alone, engaged in a wide variety of occupations. Over 30% of the local alumni expressed a favorable interest in a local chapter, and almost 30 local alumni attended our organizational meeting at the October 1990 reception. Apparently, the desire for a local chapter of the Alumni Association ran quite deeply.

The local chapter is now well underway. We have even put some form to our substance. The chapter functions under a Board of Directors comprised of 10 members, elected by those who attended the organizational meeting. The names of our current Board members are as follows:

Tim Baker ('89)
Bob Doelling ('88)
Rebecca Grogg ('88)
Angela Hughes ('89)
Bill Ivers ('87)
Peter Pogue ('89)
Jim Roehrdanz ('78)
Eve Sweeney ('87)
Lew Willis ('87)
Al Zimmermann ('61)

Each of these individuals continue to express a high level of commitment and interest in promoting the School of Law and its present and future alumni.

One of our first endeavors as a Board was to formulate a direction and goals for the local chapter. After several Board and committee meetings, a Code of By-Laws was adopted by our Board, Article II, Section 1 of which details the chapter's purposes:

The Association is formed to promote and support the welfare of the Valparaiso University School of Law (the "Law School"), and specifically, to unify the alumni of the Law School who live or work in the Indianapolis, Indiana area, for service to the Law School in the areas of development, public relations, recruitment, placement, the encouragement of academic distinction, and in any other way consistent with the needs of the Law School and applicable laws and regulations. The Association shall also identify and advise the Law School regarding the ways the Law School can serve the needs of the alumni in particular and the legal profession in general on a local level.

Those of you familiar with the Alumni Association's By-Laws will recognize this quote as being nearly identical to the "Purposes" provision of the Alumni Association's own By-Laws. From this general direction, our local chapter believes it is of primary importance to expand and build upon the reputation of the School of Law in our community.

The complexion of the Indianapolis job market relative to Valpo graduates has changed significantly in the relatively short time I have been here. There are now many more first, second and third-year Valpo associates at good local firms than there were just three years ago. It is my understanding that many of these graduates did not participate in judicial clerkships prior to their entrance into private practice. For example, one medium-size Indianapolis firm has hired several new associates from the Law School's recent graduating classes. These events are extremely encouraging to me, and I hope that the local chapter is able to complement and expedite this process.

Our Board of Directors recently decided to expand membership eligibility for the local chapter to alumni living or working in counties contiguous to Marion County. Additionally, any alumni member is welcome to join our local chapter with the sponsorship of two existing members. Our first function will be a luncheon with Dean Gaffney on March 22, 1991 at the Columbia Club on the Circle. All alumni are invited to attend (there will be a fee, which we hope to keep to a minimum). If you wish to attend, please call Rebecca Grogg at (317) 573-4848.

On behalf of the local chapter, I would like to extend an invitation to current Valpo law students or local alumni to contact any member of our Board to inquire about the chapter. Just call Dean Cichowski's office for our phone numbers and addresses (219-465-7849). We look forward to serving the law school and its present and future regional alumni for a long time to come.

Editor's Note: The School of Law and the VUSL Alumni Association are very grateful for the efforts of everyone involved in the Indianapolis chapter (especially Lew) and look forward to working with them. Their camaraderie and support for the School of Law is encouraging.

Wish to be Published?

Every alumnus/a of the School of Law is invited and encouraged to submit items for publication in the Alumni in Focus portion of The AMICUS. Your experiences (whether it is the impact of "new law," work on a special case or situation, involvement with a community project, a discovery of the use of "new technology" (such as the fax machine), a paper or presentation, or the balancing of family and profession) are of interest to your fellow alumni.

If you are willing to share your experience and be an "Alumnus/a in Focus" please call or write The AMICUS, in care of Dean Curtis Cichowski -- our address and phone number is printed at the bottom of the inside front cover.
Unlock the Future

Our future lies in our ability to sustain our role as a leader in legal education. The key to our future is in your hands.

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Help us unlock the future by participating in the School of Law’s primary private-fund development program—the Dean’s Yearly Giving Campaign. While a gift of any amount on the notion of “one-billable hour” is appreciated, this year’s campaign is built around the equivalent of one of their billable hours will receive a special commemorative key ring minted with the logo of the School of Law. A response form and additional information can be found on the opposite page.

One hour of your time will make a difference.
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  Please use my gift to maintain and expand the law student computer support program.

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Faculty Focus

A TIME OF REFORM FOR INDIANA'S WORKERS' COMPENSATION LAW

by Professor Ruth C. Vance

I. INTRODUCTION

During the last two years, the Indiana legislature and Governor Bayh have focused attention on Indiana's Workers' Compensation Act, which has remained largely untouched since its passage in 1929. In 1989, a reform occurred when the legislature added a chapter on vocational rehabilitation to the Workers' Compensation Act. In 1990, a larger reform effort began when Governor Bayh appointed a task force to study Indiana's workers' compensation system and recommend changes. The task force's work is completed, and their recommendations, in the form of a legislative proposal, is now before the House Labor Committee. This article will briefly review the vocational rehabilitation amendment and the reform recommendations of the task force.

II. VOCATIONAL REHABILITATION

A. Indiana's Statute

While most states provide for some sort of vocational rehabilitation in their statutes, there is no commonly accepted definition of vocational rehabilitation.1 States and commentators fashion definitions responsive to their own philosophic goals. For example, one state defines vocational rehabilitation as "[a]ssisting in the return of an injured worker to gainful employment at a justifiable cost, within a reasonable time after he is injured, or contracts an occupational disease."2 Another state defines vocational rehabilitation in terms of its purpose "to return the injured worker to a job related to the pre-injury employment or to employment in a different work area at an economic status as close as possible to that which would have been enjoyed without the disability."3 The International Association of Industrial Accident Boards and Commissions, in its model program, defines vocational rehabilitation as "the restoration of an occupationally disabled employee to his/her optimum physical, mental, vocational, and economic usefulness."4 A common thread in the foregoing definitions is that they focus on the subjective goals of vocational rehabilitation rather than objectively setting forth the process for vocationally rehabilitating the occupationally disabled employee. Indiana's new statute states that its goal is "to restore the employee to useful employment,"5 but does not define the term "useful employment." Similar to other state statutes, Indiana's statute focuses on a subjective goal.

In 1972, the National Commission on State Workmen's Compensation Laws issued a report that included eighty-four recommendations for improving workers' compensation systems.6 Of the eighty-four recommendations, twelve concerned rehabilitation.7 The commission concluded: 'In general, workmen's compensation is not doing an effective job of assuring that workers with work-related disabilities be helped to recover lost abilities and to return to their previous jobs, or, where this is impossible, to learn substitute skills.'8 In response to the commission report, the majority of states established vocational rehabilitation programs. In 1976, only 27 states had some type of rehabilitation program.9 The January 1990 analysis of workers' compensation laws prepared and published by the United States Chamber of Commerce lists South Carolina as the only state without a specific statutory provision regarding vocational rehabilitation.10 Moreover, the Indiana Legislative Services Agency's Sunset Audit of the Industrial Board (now the Workers' Compensation Board) recommended the addition of a vocational rehabilitation program to the Workers' Compensation Act.11 Presumably in response to the Sunset Audit, the Indiana legislature considered vocational rehabilitation for the first time in the 1988 spring session.12 Although the reform activity during that session focused on increasing workers' compensation and occupational disease benefits, vocational rehabilitation was also an important issue.13 Senate Bill 402, essentially a benefits bill, was amended to include a relatively comprehensive vocational rehabilitation provision.14

Professor Ruth C. Vance

The amended bill passed the House of Representatives, but the Senate dissented from the House amendments on vocational rehabilitation, which were subsequently stripped from the bill in conference committee.15 The benefits element of SB 402 became Public Law 95.16 Although vocational rehabilitation did not survive the conference committee, it remained alive as an issue worthy of study, assigned to the Interim Study Committee on Insurance Issues.17 In fall 1988, the Interim Study Committee on Insurance Issues Subcommittee on Vocational Rehabilitation held three meetings.18 By consensus, the committee approved two recommendations on vocational rehabilitation:

1. The General Assembly should examine mandating the compilation of certain statistical data by the Worker's Compensation Board.

2. The General Assembly should impose a requirement that worker's compensation recipients be informed by either the employer, the worker's compensation carrier, or the Worker's Compensation Board.
that vocational rehabilitation services are available through the Office of Vocational Rehabilitation of the Indiana Department of Human Services. The notice shall be given in writing, on a form devised by the Worker's Compensation Board.19

In the 1989 spring session of the General Assembly, companion vocational rehabilitation bills were introduced in the House and Senate.20 Reform recommendations that had been rejected by the Interim Study Committee provided the basis of Senate Bill 543, authored by Senator Bushemi, and its companion House Bill 1385, introduced by Representative Boatwright.21 Like the earlier proposed amendment to SB 402, this bill also specified when an injured worker is entitled to vocational rehabilitation, how to determine if the rehabilitation goal has been reached, and who is to pay the cost. SB 543 went beyond the SB 402 amendments in clearly placing the control and direction of vocational rehabilitation with the Workers' Compensation Board by establishing a vocational rehabilitation division within the board. The bill also authorized the hiring of additional staff, provided a framework for determining eligibility, and required certification of providers of vocational rehabilitation services. Like the SB 402 amendment, this bill contained a fifty-two-week limit for vocational rehabilitation benefits.

House Bill 1385, the companion to SB 543, died without a hearing in the last days of the session. Representatives opposed to workers' compensation reform failed to attend the remaining meetings, depriving the committee of the quorum needed to conduct business.22

Senate Bill 543 was referred to the Standing Pensions and Labor Committee, where the bill was held by the chairman until late in the session.23 Interest groups took the same position relative to proposed SB 543 as they had taken relative to the vocational rehabilitation amendment to SB 402 during the 1988 session.24 The Indiana Trial Lawyers' Association, providers of rehabilitation services, individual labor organizations, and employee interest groups supported the proposed vocational rehabilitation bill.25 The Indiana Manufacturers Association and the Indiana Chamber of Commerce, consistent with their testimony before the Vocational Rehabilitation Subcommittee, would only support referral of injured workers to the existing federal/state program with no obligation on employers to pay for the vocational rehabilitation.26

Senator Bushemi was forced to cut significant parts of his proposed bill and accept a simple referral mechanism, or SB 543 and vocational rehabilitation would have died in committee like the companion HB 1385.27 After consultation with supporters of workers' compensation reform, it was decided that a simple referral or notice provision would be at least a first step in a long-term reform effort. A stripped-down SB 543 proceeded through the legislative process to become Chapter 12 of Indiana's Workers' Compensation Act.28 Had SB 543 been enacted into law as proposed, Indiana would have had a solid foundation for a comprehensive vocational rehabilitation program. Instead, the legislative process of compromise yielded statutory provisions that are vague and lacking in administrative direction.

B. Policy Issues In Implementing Vocational Rehabilitation In A Workers' Compensation System

1. Goals and Obligations of Vocational Rehabilitation

A comprehensive vocational rehabilitation scheme must have a clearly stated and objectively measurable goal. The goal provides the basis for key policy decisions such as who should be eligible to receive vocational rehabilitation benefits, what types of services should be provided, and who should administer vocational rehabilitation.

The 1989 vocational rehabilitation amendment to the Indiana workers' compensation law fails to establish a clearly stated and objectively measurable goal.29 The new statute provides that the goal of vocational rehabilitation is "to restore the employee to useful employment."30 Yet, the term "useful employment" is not defined and therefore invites litigation. The statute offers no guidance as to whether the goal is to return the worker to or near the worker's pre-injury earning capacity, or whether a minimum wage position or sheltered workshop position constitutes "useful employment."

Indiana's vocational rehabilitation statute places the entire burden of managing vocational rehabilitation within the workers' compensation context with the federal/state program, even though the goals of vocational rehabilitation in the context of workers' compensation differ fundamentally from the goals established by the federal regulations that control federal/state vocational rehabilitation programs.31 The goal of rehabilitation within the workers' compensation context is the prompt return of the worker to gainful employment, while rehabilitation within the federal/state vocational rehabilitation program--the Indiana Office of Vocational Rehabilitation--is a much broader mandate, the maximization of human potential.32 Efforts to maximize the human potential of an injured worker are beyond the purpose and scope of the workers' compensation system.

These differing goals raise issues concerning whether the goals of the Workers' Compensation Act or the goals of the federal/state program will control an injured workers' eligibility for vocational rehabilitation and the content of the program.

2. Who Should Receive Vocational Rehabilitation

Not every worker who has been injured on the job is entitled to vocational rehabilitation benefits.33 To be entitled to rehabilitation benefits, an injured worker must be left with a disability that brings the worker within the eligibility criteria established either by statute or by administrative rule. In Indiana, an inability to perform work for which the employee has previous training or experience makes the employee eligible for vocational rehabilitation.
under the Workers' Compensation Act.34 Without statutory definition or administrative clarification, the eligibility criteria in the vocational rehabilitation provision are problematic. Does the "work for which the employee has previous training or experience" refer to the injured employee's customary occupation, or to any previous gainful occupation? Courts in jurisdictions with similar entitlement criteria have held that such work does not mean all work for which an injured employee may have had previous training or experience, but rather the employee's customary occupation.35 To avoid litigation over the eligibility criteria, Indiana should promulgate a clarifying statutory definition or an administrative rule.

Indiana Code § 22-3-12-4(b) states that "the office of vocational rehabilitation shall determine the eligibility of the injured employee for rehabilitation services." This provision raises a question about which agency's eligibility criteria control. Will the Office of Vocational Rehabilitation make use of each agency's eligibility criteria, or will the eligibility criteria in the workers' compensation statute be ignored? The lack of legislative guidance on coordinating the workers' compensation system and the federal/state program, each with its individual goals and distinct eligibility criteria, threatens the administrative viability of the vocational rehabilitation provisions.

3. What Types of Services Should Be Available

Once eligibility is determined, the next step, according to Indiana Code § 22-3-12-4(b), is for the Office of Vocational Rehabilitation to "develop an individualized rehabilitation plan for the employee." An individualized rehabilitation plan is a projected combination of services designed to achieve a specific goal.

Federal/state programs are client-centered: the client selects an educational objective, and the agency then determines whether the objective is feasible, given the client's capability.36 If the agency finds that the educational objective is feasible, the agency formulates a plan and supportive services designed to help the client reach the educational goal.37 For example, if a client and the agency agree that a college degree is necessary to reach the client's career objective, the agency will supply college tuition and related expenses even though a less costly plan could return the client to work.38

Under workers' compensation rehabilitation programs, the statutory goal is to expediently return the employee to gainful employment, usually under a scheme of priorities.39 A plan designed to meet this goal would require different services than a plan designed to meet the federal/state program goal of maximizing human potential.

4. Who Should Pay for Vocational Rehabilitation

Workers' compensation benefits, a recognized cost of production, should not be shifted from the employer to the general public. Rehabilitation services are an inherent part of the workers' compensation system, a system based on the exchange of common law rights between employees and employers and governed by the same rationale; this cost of production should be borne by the industry and the consumers of its goods.

The National Commission on State Workmen's Compensation Laws recommended that "the employer pay all costs of vocational rehabilitation necessary to return a worker to suitable employment and authorized by the workmen's compensation agency."40 The 1977 report of the President's Inter-Departmental Workers' Compensation Task Force also recommended that:

The carrier/employer have the primary responsibility for developing and implementing a physical and/or vocational rehabilitation plan for any claimant whose prospect for re-employment and return to former earning capacity would thereby be significantly improved. The carrier/employer should be fully liable for all rehabilitation costs, including maintenance and necessary travel expenses.41

Not only is employer responsibility for vocational rehabilitation consistent with the underlying philosophy of workers' compensation, foundation studies and organizations within the workers' compensation system recommend it.

In response to these and other concerns regarding the implementation and administration of Indiana's new vocational rehabilitation statute, Governor Evan Bayh called a conference on vocational rehabilitation for September 29, 1989.42 This conference was the first step in providing an educational forum to discuss alternative methods of providing vocational rehabilitation services to Indiana citizens injured in the workplace. In issuing his call for a conference on vocational rehabilitation, Governor Bayh questioned whether a taxpayer supported system is best. The Governor also recognized the need for Indiana to decide on an administrative structure to supervise vocational rehabilitation, monitor plans, collect data, and resolve disputes. As Indiana's statute stands, there is no monitoring of vocational rehabilitation services, and therefore, no method of enforcing the notice provision. Also, the statute provides no guidance on resolving disputes arising under vocational rehabilitation. Further, the statute lacks a mandate to collect data, which is necessary to study the system's cost and efficiency.

If the legislature and the Workers' Compensation Board do not address these issues, the Indiana courts will have to provide answers on a piecemeal basis. Employees and employers will be forced to resort to the uncertain, time-consuming, and costly litigation process--the very problem that the workers' compensation system was originally designed to avoid.

III. GOVERNOR'S TASK FORCE ON WORKERS' COMPENSATION AND OCCUPATIONAL DISEASE LAW REFORM
In his 1990 State of the State Address, Governor Bayh stated that Indiana's Workers' Compensation Act, which had been originally passed in 1929, is in desperate need of in-depth analysis and reform. The Governor then proposed a task force to study the current law and make recommendations.

In June, Governor Bayh appointed six members to the task force; the task force was made up of three representatives of labor and three representatives of management. Rogelio Dominguez, Chair of the Workers' Compensation Board, was appointed Chair of the task force. To provide technical guidance, John H. Lewis was hired as a consultant to the task force. Mr. Lewis served as General Counsel to the National Commission on State Workers' Compensation Laws. He has also been hired as a consultant to several other governors and state legislatures to analyze state workers' compensation systems and make recommendations. Most recently, Governor Thompson hired Mr. Lewis to analyze and recommend changes in the Illinois workers' compensation system. Governor Bayh also appointed twenty-six people to a resource panel to assist the task force. The members of the resource panel included representatives of business, labor, the legal profession, the medical profession, and academia.

The resource panel was divided into five sub-committees: agency infrastructure and data management, cost, self-insurance, medical care and physical rehabilitation, and compliance and safety initiatives. The subcommittees analyzed Indiana's workers' compensation system in their designated areas and reported their findings and recommendations to the consultant. The consultant used the subcommittees' findings and recommendations in preparing the report that he presented to Governor Bayh in December 1990.

Lewis' extensive report dealt with many areas of Indiana's workers' compensation system, including administration, medical care, temporary and permanent disability benefits, benefit delivery, occupational disease, and methods of insurance. Lewis fully discussed each area by relating the historical background, comparing Indiana's system to other states' systems, and suggesting alternatives for improving Indiana's system to make it efficient, cost-effective, and responsive to the needs of both employees and employers. Of all the areas needing reform in Indiana's workers' compensation system, Lewis focused on three as essential: medical care, benefit levels, and administration.

The overriding concern in the area of medical care is the choice of the treating physician. Currently, the employer has the statutory right to choose the injured employee's physician. According to Lewis' surveys of workers' compensation recipients, the statute does not have a significant impact on how the physician is actually chosen. In many instances, the emergency room physician becomes the treating physician. Lewis concluded that although medical costs are not significantly affected by the method of choosing the treating physician, the dispute resolution process is affected. An advantage in the dispute resolution process belongs to the party controlling the choice of physician because the treating physician's opinion, presumed to be favorable to the party choosing the physician, will probably be accorded great evidentiary weight. Furthermore, if the employer chooses the physician, the employee will likely be forced to pay for an outside expert opinion in the event of a dispute. Lewis recommended that an option to change physicians be granted to the party who does not have the initial choice, with the added option of immediate recourse to the Workers' Compensation Board.

Other medical care issues concerned cost and dispute resolution. Lewis noted that Indiana's medical costs have historically been low, but that may be because of the low number of serious injuries in Indiana. To contain medical costs, Lewis offered the possibility of the state instituting a fee schedule for the insurers monitoring medical costs. Additionally, Lewis suggested that claimants should be protected against lawsuits brought by medical providers to recover unpaid bills associated with workers' compensation injuries by only allowing lawsuits against the employer and insurer. Lewis also recommended the use of independent medical examiners in disputes involving medical issues to reduce the delay and the cost of each party hiring its own experts.

Lewis addressed both temporary total disability benefits and permanent disability benefits in his report. The report stated that temporary disability benefits, which help to replace income lost during the healing process, are limited to a maximum weekly benefit of $294, which is 71% of the state's average weekly wage. This maximum weekly benefit is one of the lowest in the country. The National Council on Compensation Insurance reported that increasing the weekly benefit maximum to $401 would increase employers' insurance premiums approximately 1.6%. Lewis noted that although many states' maximum weekly benefits fluctuate according to the state average weekly wage so that legislative action to change benefit levels is unnecessary, fixing a dollar amount for the maximum weekly benefits allows the legislature to control costs.

As in most states, Indiana's permanent impairment cases represent a small portion of all cases, but the permanent impairment cases account for most of the benefits paid. Even so, Indiana's maximum weekly benefit for permanent impairments of $120 is less than half of the benefit paid in several other states. Because raising Indiana's maximum weekly benefit to equal the benefits paid in most of the other states would increase insurance premiums at least 14%, Lewis recommended giving greater benefits to those with more serious impairments who are likely to suffer a greater wage loss. The insurance premium increase to raise the benefit level of an injured worker with a 25% impairment from $15,000 to $20,000 would be 7.1%.

The Workers' Compensation Board administers Indiana's workers' compensation laws on an annual budget of approximately $985,000, which is about 10% of the national
The Board collects minimal data and has no computer system that permits meaningful access to the data. Data access is important to understanding and solving problems in any workers' compensation system. Lewis recommended the purchase of hardware and software with the capabilities of networking with other agencies and receiving electronic reports of insurance carriers. Lewis estimated that such a system would require an initial investment of $1,000,000 and annual maintenance of $300,000.

Lewis also discussed the existing controversy over the ability of the employer or its insurer to unilaterally terminate temporary benefits without first conducting a hearing. Lewis then suggested several alternatives that would accomplish the same purpose as holding a full Board hearing before terminating benefits.

Most of the recommendations in Lewis' report to Governor Bayh were incorporated into legislation introduced in the House this spring in the form of House Bill 1517. House Bill 1517 proposes twenty changes to Indiana's workers' compensation and occupational disease statutes. House Bill 1517 was scheduled for a hearing by the House Labor Committee on January 28, 1991. Because of the broad makeup of the task force and resource panel, HB 1517 should enjoy wide support from representatives of both labor and management.

IV. CONCLUSION

Historically, Indiana has maintained a conservative position regarding workers' compensation. The addition of the 1989 vocational rehabilitation statute, which only provides that injured workers be notified of existing services, is recent evidence of the strength of that conservative position. The task force's organized method of studying the workers' compensation system has yielded proposed legislation that will reform Indiana's system to be responsive to the needs of management and labor. The conservative stance historically taken by the legislature may change if the 1991 General Assembly enacts the task force's reform recommendations. Nevertheless, the General Assembly will have a crucial role in shaping the future direction of Indiana's workers' compensation law.

EDITOR'S NOTE: Regretfully, space limitations precluded the inclusion of the footnotes for this article. Copies of this article, complete with footnotes, are available for the asking. Please refer to the correspondence address at the bottom of the inside front cover.
<table>
<thead>
<tr>
<th>Name</th>
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</table>
| Mr. Mark A. Bates, '81      | Assistant Administrator | Indiana Supreme Court  
|                             |                     | Room 311, State House  
|                             |                     | Indianapolis, IN 46204                                                 |
| Mr. Roger Benko, '72        | PRESIDENT           | Barnes & Thornburg  
|                             |                     | 600 1st Source Bank Center  
|                             |                     | 100 North Michigan  
|                             |                     | South Bend, IN 46601                                                  |
| Judge Bernard Carter, '84   |                     | 3913 Evergreen Street  
|                             |                     | East Chicago, IN 46312                                                |
| Mr. Derrick A. Carter, '75  |                     | State Appellate Defender  
|                             |                     | 1200 6th Avenue, 3rd Floor  
|                             |                     | Detroit, MI 48226                                                     |
| Judge William Conover, '51  |                     | 1188 Merchants Plaza  
|                             |                     | South Tower  
|                             |                     | Indianapolis, IN 46204                                                |
| Mr. Jon P. Dilts, '81       | SECRETARY           | Associate Dean and  
|                             |                     | Associate Professor  
|                             |                     | I.U. School of Journalism  
|                             |                     | Ernie Pyle Hall  
|                             |                     | Bloomington, IN 47405                                                 |
| Mr. Jerome Ezell, '79       | TREASURER           | Indiana State Police  
|                             |                     | 1550 East 181st Ave.  
|                             |                     | Lowell, IN 46356                                                     |
| Judge Roland Herrmann, '57  |                     | McHenry County  
|                             |                     | Government Center  
|                             |                     | Woodstock, IL 60098                                                   |
| Mr. Alfred Y. Kirkland, '74 |                     | Brady, McQueen, Martin,  
|                             |                     | Collins & Jensen  
|                             |                     | 80 Fountain Square Place,  
|                             |                     | Box 807  
|                             |                     | Elgin, IL 60121                                                      |
| Mr. Daniel J. Kozera, '66   |                     | Lewis, Brown & Kozera  
|                             |                     | 745 Trust Building  
|                             |                     | Grand Rapids, MI 49503                                                |
| Mr. Jack W. Lawson, '61     | VICE PRESIDENT      | Beckman, Lawson, Sandler,  
|                             |                     | Snyder & Federoff  
|                             |                     | 2110 Fort Wayne Bank Building  
|                             |                     | Ft. Wayne, IN 46802                                                   |
| Mr. Robert D. Lee, '66      |                     | Room 502-4  
|                             |                     | 205 West Jefferson  
|                             |                     | South Bend, IN 46601                                                  |
| Judge Russell Kent Lindquist,'63 |                 | U.S. Bankruptcy Court  
|                             |                     | 610 Connecticut Street  
|                             |                     | Gary, IN 46402                                                        |
| Ms. Marilyn S. Nickell, '87 |                     | Smith, Haughey, Rice &  
|                             |                     | Roegge  
|                             |                     | 200 Calder Plaza Building  
|                             |                     | Grand Rapids, MI 49503                                                |
| Mr. Edward H. Nielsen, '73  |                     | Pretzel and Stouffer,  
|                             |                     | Chartered  
|                             |                     | One South Wacker Drive  
|                             |                     | Suite 2500  
|                             |                     | Chicago, IL 60606                                                     |
| Mr. John Postweiler, '72    |                     | Schreiber, Mack & Postweiler  
|                             |                     | 10600 West 143rd Street  
|                             |                     | Orland Park, IL 60462                                                 |
| Ms. Mary E. Redamak, '72    |                     | Farina & Redamak  
|                             |                     | 9 East Merchants St.  
|                             |                     | New Buffalo, MI 49117                                                  |
| Mr. Donald P. Seberger, '80 |                     | Jenner & Block  
|                             |                     | One IBM Plaza  
|                             |                     | Chicago, IL 60611                                                     |
| Ms. Mary Squyres, '82       |                     | William Brinks Olds Hofer  
|                             |                     | Gilson & Lione  
|                             |                     | 455 City Front Plaza Drive  
|                             |                     | Chicago, IL 60611                                                     |
| Mr. Charles R. Vaughan, '57  |                     | Vaughan & Vaughan  
|                             |                     | P.O. Box 498  
|                             |                     | 909 Bank One Building  
|                             |                     | Lafayette, IN 47902                                                   |
| Mr. Donn Wray, '80          |                     | Pendygraaff Plews & Shadley  
|                             |                     | 1346 N. Delaware St.  
|                             |                     | Indianapolis, IN 46204                                                |
Chief Judge Wesley W. Ratliff, Jr., of the Indiana Court of Appeals, was re-elected to a two-year term as a member of the Executive Committee of the Council of Chief Judges of Courts of Appeals, at the Council's meeting in New York held last fall. Judge Ratliff has been a member of the Court since 1980 and has served as Chief Judge for four years.

Richard W. Duesenberg, Senior Vice President, General Counsel and Secretary of Monsanto Corporation, spoke to Memphis State law students, faculty and local attorneys. The Duesenberg lecture suggested that the legal system in the United States has made business less competitive. Duesenberg mentioned that business leaders as well as members of the legal profession and the American Bar Association have voiced concern about major problems with the legal profession. According to Duesenberg, "most of the chief executive officers in this country agree with the statement in Fortune to the effect that if the lawyers in America were moved to Japan, the United States could become competitive within 24 hours." He concluded his lecture by saying that lawyers must "maintain a high level of professional integrity and must continue efforts for improvement through both the courts and the legislature."

Richard Gordon Hatcher, former Mayor of Gary, Indiana, was notified last fall of his election to the Kennedy School of Government Alumni Executive Council at Harvard University. Hatcher will serve a four-year term, from the fall of 1990 to the fall of 1994. Council members work closely with the Office of Alumni Affairs on a growing number of issues and activities. Hatcher expressed surprise and pleasure upon learning of his election. "I'm honored and will work very hard to represent midwestern concerns on the Council while addressing those issues of interest to Kennedy School alumni around the country."


Kenneth N. Beth, formerly City Attorney of the City of Urbana, Illinois, has recently become "Of Counsel" to the firm of Evans & Froehlich, Champaign, Illinois, and will concentrate in local government law, economic development and public and municipal finance.

Keith D. Cermak has been elected President of the Macomb County Bar Association.

William E. Alexa, along with Herbert K. Douglas, Bradley Koeppen, '83 and Brian Hurley, '84 have formed a new partnership for the general practice of law. The new firm name is Douglas, Alexa, Koeppen and Hurley. Leo J. Clifford, '39 is Of Counsel with the firm, and Diane Hyatt, '89 is an associate with the firm.

George H. Liu and wife Susan P. Liu (a Valparaiso University graduate '74), formerly Liu & Liu, are now heading up the Fulbright & Jaworski office in the Asia Pacific Region (Hong Kong).

Donald W. Weidner, General Counsel & Executive Director for the
Florida Physicians Association, is a legal advisor for approximately 5,000 Florida doctors. Along with the duties associated with this position, "he is expected to be in the national spotlight in a fight with the Federal Trade Commission in what may be a precedent setting case for the medical industry," according to the Jacksonville Business Journal. At issue is the right of the South Bank group (for whom he is legal advisor) to organize, set prices and negotiate competitively with health insurance companies. In addition to these responsibilities, he is a single father of three daughters; he deems parenting "a much harder job than the one at the office."

**1975**

Becky Dahlgren-Bostrom has formed the new law partnership of Kulerski and Dahlgren in Burr Ridge, Illinois, effective November, 1990.

**1976**

Russell Rybolt has accepted a position of Labor Relations and Safety Counsel with Domtar Gypsum in Ann Arbor, Michigan. Domtar Gypsum manufactures wallboard and related products in the U.S. and Canada.

**1977**

Judge Robert D. Rucker, Jr. and Indiana Governor Evan Bayh.

Congratulations to Judge Robert D. Rucker, Jr., who was sworn in as a member of the Indiana Court of Appeals on December 14, 1990.

**1978**

Kenneth L. Anderson has been elected Vice President, Administration for the Northern Indiana Arts Association. Anderson will serve in this position until June 30, 1991.

**1981**

Robert J. Cole, formerly a Vice President and General Counsel for Sportmart, Inc., is now Vice President and General Counsel for G.O. Parking, Inc., Chicago, Illinois.

Roy Portenga and his wife, Ann, are proud to announce their newest family addition -- daughter Elizabeth Ann, who joins her two brothers Eric, and Ryan.

Leslie H. Reed, Jr. and wife, Brenda, are living in Okinawa, Japan. Reed is in his ninth year of service in the Marine Corps and is currently serving as Trial Counsel. He was selected for promotion to Major in March, 1989.

**1982**

Mary Alice McKenzie, President of the John McKenzie Packing Co., Inc. in Burlington, Vermont, is married to William Sorrell, a Chittenden County State's Attorney. The couple has two children, McKenzie Ester, 3, and Thomas William, 20 months.

Mary M. Squyres is joining the law firm of Willian Brinks Olds Hofer Gilson & Lione, Chicago, Illinois, effective February, 1991. She formerly worked in the law department at Sears as a Corporate Identity Attorney.

**1983**

Daniel Avila married Elaine Korba of Indianapolis, on October 13, 1990. Elaine teaches physical therapy at Indiana University Medical Center-Indianapolis.

Susan Hay Hemminger, of Hofer & Hemminger, was elected Judge of LaPorte Superior Court #4, Michigan City, Indiana, on November 6, 1990.

Jane Ryan Taylor and her husband, David, are expecting their second child in March, 1991. The new baby will join 10-month-old Allison, 14-year-old Jessica and 11-year-old Leslie in the Taylor household.

**1985**

Karen T. Davis became a staff attorney for the State Department of Public Welfare on September 17, 1990. She will be concentrating her efforts on the Medicaid Program.

Christopher R. Fitzpatrick has accepted a part-time teaching position in Environmental Law with the University of Louisville. The course is for undergraduates and will be the first environmental law course the university has offered at the undergraduate level. Chris is an associate at Brown, Todd and Heyburn in New Albany, Indiana.

Bienvenido M. Llaneta, Jr. joined Intercargo Corporation, Schaumburg, Illinois, as Claims Counsel on October 22, 1990. Llaneta was previously in private practice as an associate with Eich & Franklin, Chicago, Illinois.

Dugal S. Sickert is presently working for Dow-Illano in Indianapolis, Indiana. This corporation is a merger of Dow and Eli Lilly.

**1986**

Jeffrey W. Herrold and wife, Karen, announce the birth of their first child, Nicholas William (7 lbs. 7 oz.), on September 24, 1990.

David A. Sirugo married Linda Backer on September 30, 1989. They are happy to announce the birth of their daughter, Annamaria Francesca, on August 23, 1990.

Lisa Traylor-Wolff and husband, Barry, joyfully announce the birth of their son, Zachary, on June 6, 1990.

**1987**

James DalSanto became the husband of Patricia Zapinski of Merrillville, Indiana. James is an attorney for
DalSanto and Harris in Highland, Indiana. Patricia is a respiratory therapist at St. Margaret's Hospital and Health Centers in Hammond.

Marilyn Nickell was featured in the Michigan Lawyers Weekly for her work as plaintiff's counsel in a childhood sexual abuse claim. As a result of this case, the Michigan statute of limitations for such cases may well be extended beyond the normal statutory period. Marilyn is with the Grand Rapids, Michigan, law firm of Smith, Haughey, Rice & Roegge.

Charlotte A. Weybright is now in solo practice and has opened an office in Columbia City, Indiana. She is also Secretary-Treasurer and Board Member of Columbia City Optimists since 1989.

1988


1989

Beth A. Henning married Peter Guria on October 13, 1990.

1990

Susan Adams is clerking for Federal District Court Judge Paul E. Plunkett in Chicago, Illinois.

J.C. Anderson has become an associate with Stults, Custer & Kutansky in Gary, Indiana.

Susan Clancy Boles is working for Rooks, Pitts & Poust in Chicago, Illinois.

Ralph Bratch is practicing law in Indianapolis, Indiana.

Samuel Brooks is clerking for U.S. Claims Court Judge Harkins in Washington, D.C.

Craig Bunce is employed with the law firm of Cunningham, Mulder & Breese, P.C. of Holland, Michigan.

David G. Clark has accepted an associate position with Hodges, Davis, Gruenberg, Compton & Sayers of Merrillville, Indiana.

Scott Cleveland is practicing law in Brownsburg, Indiana.

Jeffrey Cox has accepted employment with Pace University in White Plains, New York.

Robert T. Dassau is an associate with Locke, Reynolds, Boyd & Weisell in Indianapolis, Indiana.

William Donaldson is working for the Commonwealth of Kentucky, Department of Public Advocacy in Morehead, Kentucky.

Julie Ezell is a Deputy Attorney General in Indianapolis, Indiana.

Stephen Ferris is practicing law with Dye, Thomas, Luebs & Mort in Riverside, California.

Randy Godshalk has become an associate with the law firm of King & Meyer, P.C., Gary, Indiana.

Gregory Hazian is clerking for the Superior Court of Rhode Island in Providence.

Robert Henke is employed with Schlyer & Associates of Griffith, Indiana.

Debra Hill has accepted an associate position with J.J. Stankiewicz and Associates in Merrillville, Indiana.

Joseph Hittinger is employed with the Arthur Anderson Company in Chicago, Illinois.

Brent Inabnit is practicing law with Mayer, Brown & Platt in Chicago, Illinois.

Trenis Jackson is an attorney with the Cook County Public Defender's Office in Chicago, Illinois.

Edward Jones is an associate with Whitted & Buoscio in Merrillville, Indiana.

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Return the Favor

The AMICUS and your fellow alumni (especially your classmates) want to keep up with you. This section of the magazine is, by far, the most popular feature. So it goes with similar alumni magazines across the country. The reason is obvious; it is a great way to catch up with friends with whom we often lose touch over the years.

Return the favor -- share your news with us through The AMICUS. Items such as a change in career or firm; a move to a new location; marriage; births; promotions; partnerships; membership; selection or appointment to positions within professional or civic organizations; special activities; a feature article or mention of you in a professional or trade journal or your local paper are just a few examples of the type of information we like to receive for publication.

Whenever possible, please include a photo (black and white preferred) to accompany your news. All photos will be returned.

There is a post card on the back cover for alumni news items. Do not let that post card limit the length or number of your submissions! Envelopes bulging with news and photos are always welcome.

Please send all items in care of The AMICUS News & Notes Editor, Valparaiso University School of Law, Wesemann Hall, Valparaiso, IN 46383-6493.
Tamela Johnstone has accepted an associate position with Anderson, Tauber & Woodward, P.C. in Merrillville, Indiana.

Michael Krebes is an associate with Walter P. Alvarez, P.C. in Merrillville, Indiana.

Matthew Lark is clerking with the Allen Superior Court of Fort Wayne, Indiana.

Timothy Lucero is practicing law with the law firm of Kautz & Lucero in Merrillville, Indiana.

Mark McCann is employed with the Howard County Deputy Prosecutor's Office in Kokomo, Indiana.

Ann Molis is on the Senate Republic Research Staff in Des Moines, Iowa.

Daniel Moore is practicing law in Indianapolis, Indiana.

Thomas Moran is an Assistant State's Attorney in Chicago, Illinois.

Jocelyn Murphy is with the Human Resource Administration Office of the City of New York in New York.

Mark Mustybrook is an associate with Greve, Clifford, Diepenbrack & Paras in Sacramento, California.

Linnea Nelson is a public defender with LSCI in Waterloo, Iowa.

Jeffrey Nichols is practicing law with the firm of Riodan, Crivello, Carlson, Mentkowski & Steves of Milwaukee, Wisconsin.

Robert O'Keefe is employed with the Dow Chemical Company, Office of Patent Counsel, in Midland, Michigan.

Mark Obliger is employed with CadCom, Inc., Marietta, Georgia.

Georgeanna Orlich Nehrig is clerking for the Allen Superior Court in Fort Wayne, Indiana.

Mark Palm has become an associate with Trimble & Jewell, P.C. in Evansville, Indiana.

Dean Panos is an associate with Jenner & Block in Chicago, Illinois.

Dominic Polizzotto is an associate with Ice, Miller, Donadio & Ryan in Indianapolis, Indiana.

Randall J. Ratje is an attorney with the Town of Brookhaven, New York.

Scott Reno is an associate with McKenna, Storer, Rowe, White & Farrug in Chicago, Illinois.

Peter Richert is practicing law with the firm of Lennard & Graham in Monroe, Michigan.

Robert Rigg is an associate with Neuman, Williams, Anderson & Olson in Chicago, Illinois.

Wanda Rodgers Hayes is employed with the Planning & Development Department for the City of Gary, Indiana.

Gonzalo Rodriguez is an assistant Public Defender in West Palm Beach, Florida.

Margaret Ryan is a Deputy Prosecutor in Lake County, Crown Point, Indiana.

Mary Ryan is a Deputy Prosecutor in Lake County, Crown Point, Indiana.

Curt Rypma is clerking for the Michigan Court of Appeals in Grand Rapids, Michigan.

Madge Sanders is an attorney with the Cook County Public Defender's Office in Chicago, Illinois.

Gregory Shinall is an associate with Bell, Boyd & Lloyd in Chicago, Illinois.

Thomas Stefaniak is a Deputy Prosecutor in Lake County, Crown Point, Indiana.

Katherine Tabor is an associate with William Brinks Olds Hofer Gilson & Lione in Chicago, Illinois.

Karen Tallian is an associate with the Law Firm of Hilbrich, Cunningham & Schwert of Highland, Indiana.

Helen Thornton is a Deputy District Attorney in San Bernardino, California.

Carolyn Trier is an associate with Hunt, Suedoff, Boris & Ellbacher in Fort Wayne, Indiana.

Mark Vandenbosch is clerking for the Honorable James H. Brickley, Michigan Supreme Court in Lansing, Michigan.

Roger Weitgenant is an associate with Blachly, Tabor, Bozik & Hartman in Valparaiso, Indiana.

David Welter is an associate with Spangler, Johnson & Associates in Merrillville, Indiana.

David Woodward is an associate with Lucas, Holcomb & Medrea in Merrillville, Indiana.

Brad Woolley is practicing law in Indianapolis, Indiana.

Mario Zappia is practicing law with Anthony M. Zappia in South Bend, Indiana.

IN MEMORIAM

The entire Valparaiso University School of Law Community extends its sympathy to the family and friends of the following deceased alumnus:

Alan B. Holmes, '55

November 15, 1990
School of Law Activities

March 22
BLSA Reception for Judge Robert Rucker

March 26
Distinguished Guest-in-Residence
Mr. Holger Franke
"Legal Problems of German Reunification"
Classroom C; 4:00 p.m.

April 1-6
Law Week
April 1 - Final Round of the Swygert Memorial Moot Court Competition
April 3 - Law Day Luncheon
April 6 - Barrister's Ball

April 8-9
Eighth Annual Seegers Lectures
Professor Mark Tushnet of Georgetown Law Center
"The Constitution Outside the Courts: A Preliminary View"

April 18
Faculty Inaugural Lecture/Admissions Open House
Professor David Vandercoy

April 20
Law Review Annual Banquet

May 19
Commencement

Alumni Activities

February 22
St. Louis Area Alumni Reception

April 5
Law Alumni Association Board Meeting

May 3
Law Alumni Reception
Indiana State Bar Association Spring Meeting
Evansville, Indiana

Continuing Legal Education Seminars

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<td>February 13</td>
<td>Labor Law</td>
<td>6</td>
<td>April 10</td>
<td>Corporate Law - Cradle to Grave</td>
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<tr>
<td>February 20</td>
<td>Providing Damages</td>
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<td>Clean Air Act</td>
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<td>March 27-28</td>
<td>Basic Real Estate</td>
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<td>May 29-30</td>
<td>Bankruptcy</td>
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</tbody>
</table>

For information about alumni events, contact Diana Wyman, 219/465-7849.

For information about continuing legal education events, contact Jan Zoladz, 219/465-7810.
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. Copies of articles and photographs are welcome.

We also want to give you ample opportunity to order a copy of the new 1991 edition of the VUSL Alumni Directory. Copies are available for $25.00 each.

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: ___
Home Address:

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

Firm Name: ___________________
Firm Address: ___________________

News or Comments: (Attach additional sheets, if needed, or copies of articles. Photos are welcome!)

VUSL 1991 Alumni Directory Order Form

Name: ____________________ J.D. Year: ___
Home Address:

Firm Name: ___________________
Firm Address: ___________________

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

Send Directory to: ___ Home ___ Business

# of directories ordered @ $25.00 per copy: ___ Total Enclosed: $ ______

Please make checks payable to: VUSL Alumni Association

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:

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