

University of Colorado Law School

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Amicus

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Fall 1979

### Amicus (Vol. 4, No. 1; Fall 1979)

University of Colorado Law School

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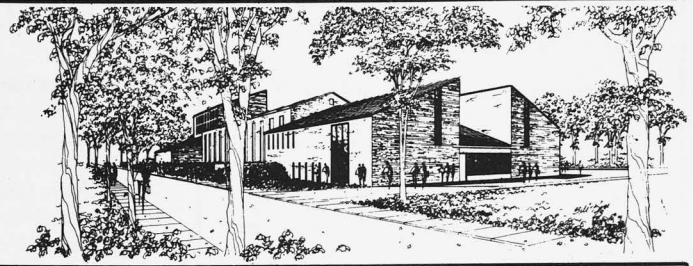
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# AMICUS



## Notes from the Dean

Having been away from the Law School and academic life in general since my graduation in 1964, my friends in the legal community frequently ask me about my general impressions of the state of the Law School—particularly from the point of view of one that has until now spent his entire professional life practicing law.

The Law School's many significant changes since 1964 of course are obvious: the student body has tripled in size and the faculty has doubled; with the addition of the beautiful Rothgerber Library, our library resources have increased not only in size and in number of volumes but also in utility; the present breadth and range of course offerings and clinical programs were only dreamed of in my days as a law student; and finally, everyone benefits from classrooms that are now occupied by a far greater percentage of minority and women law students.

Upon further reflection, however, there are certain fundamental characteristics of the Law School which I am happy to report have changed hardly at all. Beginning first-year students still feel the same thrilling anticipation, and also the same anxieties, which my classmates and I shared in 1961 when we began our law school careers. While upper-class students are possibly more concerned with finding employment than we were, they still eagerly look forward to the day when they can put their largely theoretical learning to practical use. As in my day, students sometimes question the "relevance" of all that they are doing in the classroom, but for the most part they still recognize and appreciate that the type of education provided by the Law School ultimately will prove to be the best preparation for their many years following graduation. And of course the brisk level of classroom humor continues to enrich the whole process.

The faculty is increasingly involved in public service and scholarly activities, producing many casebooks,

treatises, and numerous articles in the country's leading law reviews. However, I am particularly pleased to emphasize that the faculty's primary focus and concern continues to remain with the students. Faculty demands on our students are certainly as great and possibly greater than they were in the early sixties, but so is faculty accessibility to the many students who desire extra help and counsel.

In short, notwithstanding the ever-increasing pressures of lowered legislative support of which we are all familiar, I have returned after 15 years and found an even better teaching law school than the one that I left in 1964 and have rediscovered the same spirit of enthusiasm and dedication among both the students and the faculty that I enjoyed so much as a law student. It's nice to be back.

Thomas G. Brown

## Healy Wins Knous Award

John F. (Jack) Healy, District Attorney for the Fifth Judicial District, is the winner of the 1979 University of Colorado School of Law William Lee Knous Award presented Saturday morning, September 29, at the law alumni breakfast at Colorado Springs.

The breakfast is held in conjunction with the annual convention of the Colorado Bar Association, and the award was presented to Healy by Ira C. Rothgerber, Jr., senior partner in the Denver firm of Rothgerber, Appel & Powers.

The Knous Award is given annually by the Law Alumni Board for outstanding achievement by an alumnus in his or her chosen field, and it is named in honor of one of the most distinguished alumni of the University's School of Law, the late chief justice of the U.S. District Court and former Colorado governor.

In the award citation, Healy was recognized for his work for the state and for the University. He was a Colo-

rado State Senator from 1933 to 1936. From 1941 to 1959 he was Deputy Director of Revenue, appointed by Governor Knous, for whom the Knous Award is named. He was then Judicial Administrator of Colorado from 1959 to 1966, during which time he was instrumental in having established the Colorado Supreme Court Committee on Civil Jury Instructions. He served on that committee from 1964 until 1976. He has been District Attorney for the Fifth Judicial District for the past 12 years.

A 1929 graduate of the University of Colorado Law School, Healy was an All-Conference End at C.U. in 1923, 1924, and 1925. He first practiced with the firm of Rothgerber and Appel, from 1929 to 1933.

## CLE Conferences Malpractice

The Law School and the CU Medical School are cosponsoring a conference on medical malpractice to be held in Denver, December 7-9, 1979. The conference will focus on assessing the extent and causes of the current medical malpractice crisis, theories of medical malpractice liability, alternatives to tort liability, new legislative developments, and bioethical problems confronting the physician.

Among the participants will be Justice Jim Carrigan of the Colorado Supreme Court; Robert Brittain, President of the Medical Liability Consultants Program, Inc.; Roger Johnson, Denver practitioner; Judge Sherman Finesilver of the United States District Court; and Jeffrey L. Kravat, Director, Patients Compensation Panels, Supreme Court of Wisconsin.

An application for 15 hours of continuing legal education credits has been submitted to the Colorado Board of Continuing Legal and Judicial Education. For further information, call (303)394-5241.

(continued on page 2)

## Conferences

(continued from page 1)

### Libel/Access

A conference on Laws of Libel/Laws of Access will be held on November 9-10, 1979, at the University Memorial Center in Boulder. The conference will include workshops on libel law and federal and state laws governing access to information as well as addresses by William Hornby, president of the American Society of Newspaper Editors, and Richard Schmidt, General Counsel, American Society of Newspaper Editors.

The conference is cosponsored by the University of Colorado School of Law, the School of Journalism, and the Colorado Press Association. Credits for Continuing Legal Education should be available. For information, call the Law School, 492-8047.

## Assistant Dean Leaves for North Carolina

Assistant Dean Tom Trujillo left the Law School on September 7 to become assistant dean at the University of North Carolina law school in Chapel Hill, N.C. He had been with the Law School since January 1977.

Frequently described as "The Assistant Dean for Everything," Tom handled financial aid, organized tutorial assistance, set up speakers to discuss matters of interest to students, and acted as faculty-student liaison. He also started the publication of the *Amicus*.

He will be missed by students, faculty, and staff.

## Environmental Symposium

The Environmental Law Institute, a law student group, is sponsoring a symposium on Mineral Development in the Rocky Mountains: The Environmental Legal Problems to be held at the Law School about April 1, 1980. If you can lend any support, financial or otherwise, or desire further information, contact John Haried, ELI President, care of the school.

## Clinic Staff Attorneys

### Norm Aaronson

Norm Aaronson, one of the new clinic attorneys in the Legal Aid and Defender Program, comes to the Law School from Colorado Rural Legal Services, where he was interim deputy director. Before assuming that position, he was education specialist for the program. Norm was an attorney with CRLS in Alamosa, Colorado, from 1973 to 1978. He has had substantial teaching experience as a Peace Corps volunteer in Iran for two years and as an instructor in school law at the University of New Mexico and at Adams State College, Alamosa. In addition, he served as the 1979 chairman of the Colorado Developmental Disabilities Council.

Norm received his B.A. from Brandeis in 1967 and his J.D. from Boston University in 1973. He and his wife, Martha, live in Denver.

### Robert J. Dieter

Rob received his undergraduate degree from Yale in 1968 and attended both Vanderbilt Law School and CU, where he received his J.D. in 1972. Rob was a deputy D.A. for the Seventh Judicial District in 1974-75 after which he began a private practice. Most recently, he has been engaged in private practice in Durango.

Rob enjoys photography and outdoor activities. He, his wife Gwynneth, and children, Nicholas and Megan, live in Boulder.

### James (Jay) B. Breese

Jay comes to the Law School from the clinical education program at University of Denver Law School. Before his year at DU, he was engaged in private practice in Denver. Jay graduated from Harvard in 1969 and Northwestern Law School in 1973. Jay is an avid fisherman and backpacker and enjoys ski touring.

## Faculty Notes

Albert Alschuler gave one of three invited addresses at a criminal law seminar at the University of Washington Law School in Seattle in June. Professor Alschuler's article "Plea Bargaining and Its History" recently appeared in *79 Columbia Law Review*; a somewhat shorter version of the article appears in *13 Law and Society Review* 211.

Emily Calhoun is organizing conferences to be jointly sponsored by the Law School and the Schools of Medicine and Journalism. A conference on medical malpractice will be directed at lawyers and physicians. A second conference entitled "Laws of Libel/Laws of Access" will be sponsored with the School of Journalism.

Homer Clark's article, "Constitutional Protection of the Illegitimate Child?" was recently published in the *University of California at Davis Law Review*.

James Corbridge has been named to a newly created University post, Vice Chancellor for Academic Services, pending a search for a permanent appointee. Professor Corbridge will retain his principal teaching responsibilities at the Law School.

David Getches co-chaired in 1978-79 a Committee on Natural Resources Law Teaching sponsored by the Rocky Mountain Mineral Law Foundation. The committee conducted a national survey of law school natural resources curricula and held a conference on the subject in Denver of teachers from more than 30 schools. Professor Getches also serves on the editorial board revising Felix Cohen's *Handbook of Federal Indian Law*.

Howard Klemme has completed the editing of a new edition of the *Colorado Civil Jury Instructions*, to be published this winter.

Robert Nagel's review of *American Constitutional Law*, by Laurence H. Tribe, appeared at 127 U.Pa.L.Rev. 1174 (1979). Professor Nagel also attended a conference sponsored by the Edna McConnell Clark Foundation on jail reform and *Bell v. Wolfish* on June 27, 1979, in New York City.

Norton Steuben will participate in the ALI-ABA Course of Study, *Advanced Tax Planning for Real Estate*, to be held in Denver October 11 and 12. Professor Steuben has also completed the 1979 Supplement to the Teacher's Manual to accompany his co-authored text, *Problems in the Taxation of Individuals, Partnerships and Corporations*.

Mimi Wesson received a grant from the Samuel E. Zeigler Educational Fund to write an article in mental health law during the past summer.

Stephen Williams has recently published two articles: "Implied Covenants for Development and Exploration in Oil and Gas Leases—The Determination of Profitability" in the *Kansas Law Review*, and "Solar Access and Property Rights: A Maverick Analysis" in the *Connecticut Law Review*.

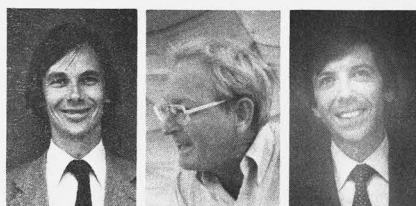


# Admissions Profile Fall 1979

Applications to the Law School were down 17 percent from last year. A total of 1,077 students applied, compared to 1,300 in 1978. Over 450 students were offered admission to assure filling the 154 spaces available in the first-year class.

Although only 38 percent of this year's applicants were residents of Colorado, 71 percent of the first-year class (110 students) are residents. This high percentage of resident students reflects the Law School's continued interest in serving the people of the state. Women represent 32 percent of the class with 50 students enrolled. The average of the Law School Admission Test scores remains at a high level (649), but the grade-point average has declined slightly from last year, from 3.46 to 3.38.

## Visiting Faculty



Applebey

Chidlaw

Lowenstein

**George Applebey** received an LL.B. from the University of Glasgow in 1969 and an M.C.L. from Tulane University in 1970. He was a law clerk in New Orleans from 1971 to 1972 and a lecturer at the University of Kent at Canterbury from 1972 to 1973. Currently, he is a member of the faculty of law at the University of Birmingham, England.

His research interests are small claims courts in England and occupational safety and health.

**Professor Applebey's** specialty subjects are contracts, torts, jurisprudence, and welfare law. He is teaching a jurisprudence seminar this fall.

**Ben Chidlaw** received his law degree from the University of Colorado School of Law in 1955. He was the editor of the *Rocky Mountain Law Review* as a student. From 1955 to 1978

he was a partner in the Denver firm of Holland and Hart and now is counsel to the firm. Last year he taught part time in the College of Business and Administration.

The Chidlaws and their three children live in Boulder, and Ben is finding it a pleasure to walk to work after 23 years of commuting. Backpacking and other outdoor activities have been lifetime interests.

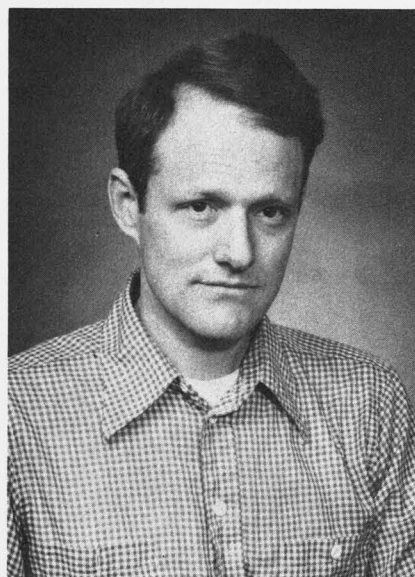
He is teaching real estate planning and wills and trusts as a visiting professor this year.

**Mark Lowenstein** received his B.A. degree from the University of Illinois in 1969 and his J.D. from the University of Illinois College of Law in 1974. While he was in law school he was assistant editor of the *Illinois Law Forum*. He was an associate in the Chicago firm of Altheimer and Gray specializing in general corporate, securities, and real estate law and was a teaching assistant in the College of Commerce at the University of Illinois.

He will be at CU for the entire 1979-80 academic year. The first semester his courses will be securities law and professional responsibility, and second semester he will teach corporations and accounting for lawyers.

He lives with his wife, Linda, and his outside interests include hiking, jogging, racquet ball, and golf.

## Faculty Profiles



Williams

**Professor Stephen Williams** received his undergraduate degree from Yale University and his LL.B. from Harvard

Law School, where he was editor of the *Harvard Law Review*. He practiced with a private firm in New York City and was also an assistant U.S. attorney for the Southern District of New York prior to coming to Colorado. He has been a visiting professor at UCLA and will be visiting the University of Chicago for the academic year 1979-80.

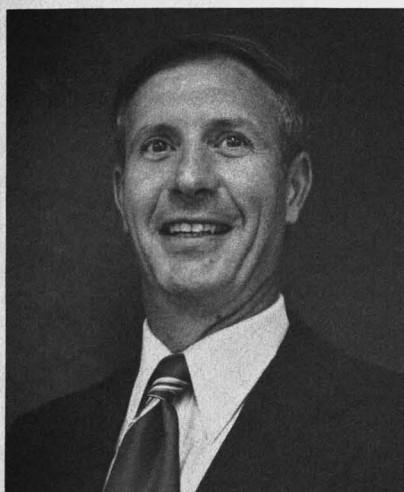
Professor Williams has not observed any major changes in the school over the past decade. Contrary to prevailing opinion in the media, he finds that "Today's students seem to come in the same great range of varieties that they did 10 years ago. There always seem to be many with lively, inquiring minds and a willingness to work hard, and some who fail to inquire and apply themselves. I know everyone says that today's students are more 'careerist' than those of the late sixties, but I'm very doubtful. People want a decent living, the esteem of colleagues, and a sense of doing something useful. I doubt if there has been much change in the way they weigh those things." Steve adds that "the faculty is a lot stronger now than 10 years ago." He also feels that, while relationships vary from person to person, compared with most schools CU has "more of a sense of community, perhaps because so many students and faculty live in a pretty small city and every so often run into each other outside of school life."

One well-publicized trend that Professor Williams does consider significant is the increasing complexity of the legal system, "which has forced attorneys into specialization." Unfortunately, specialization "makes it harder for attorneys to play the role of public citizens. I wish we could see more lawyers really helping the legislature (either from inside or outside), warning people of the implications and complexities that are likely to follow from legislation that seems very simple." Steve is afraid that "if the trend to complexity continues, lawyers will become more than ever a breed apart from others, and everyone will lose in the process."

As part of his call to increased involvement, Steve asks that "if you have good things to say of us, tell your friendly local legislator. If you have suggestions for our improvement tell us; I think we do really listen, although not every suggestion automatically produces action."

Professor Williams has found enjoyment in teaching, which has given him "some sense of accomplishment in having helped at least some people find their own skills at analyzing problems." He also enjoys writing. He spends most of his free time with his family and enjoys taking them swimming and to soccer matches. He has

worked for Historic Boulder. He also enjoys playing the piano and is justifiably proud of playing Chopin's Waltz in A flat Major.



Steuben

**Professor Norton Steuben** arrived at the Law School in 1968. Prior to that he taught at the State University of New York at Buffalo Law School and was in private practice in Buffalo. He received his B.S. and J.S. at the University of Michigan, where he was assistant editor of the *Michigan Law Review*. He is the author of a textbook on real estate planning and another on taxation.

Professor Steuben chose to teach here because he felt that "as a public supported institution the school had the potential to be among the best in the country." He has observed little change over the past 10 years: "The Law School is one of the better public ones but it hasn't reached its potential to be among the best schools, public or private."

Professor Steuben lists three elements of a good law school: students, faculty, and library. He believes that the qualifications of the students on paper and their ability to master legal concepts in class "are as good here as anywhere. I'll compare them favorably with any around." However, he notes serious problems with the library, which he feels is inadequately funded and lacking in research materials. "It is hard to attract top names when there isn't a good library collection for them to work with." He is not speaking of the practice used at some schools of attracting certain professors "just for the prestige of their names or just to teach one seminar." Rather, he feels that the school should be attracting top people "who will teach a full load and yet are also vitally interested in an area." He adds that there should be no dichotomy between teaching and research: "Even those who don't want to do in-depth research still must do some in order to

teach well. It is hard to be a fine teacher without being fascinated by your subject areas, and you need a good research library in order to satisfy the curiosity and promote the individual development of the faculty as teachers. In order for me to help students really understand I've got to be on top of the subject matter and that requires research into trends and contemporary thought. The library adequately affords students the basic tools, but it doesn't contain enough material to bring them into the trends of today. We can't just simply feed yellowed class notes to our students." Professor Steuben feels that the inadequacy of the library has kept the Law School from becoming a major one and has also hindered faculty recruitment and development.

Professor Steuben adds that despite its limitations, the school still attracts "a pretty good faculty" because of its environment. "We don't have to pay top salary. However, you can't expect people to just live off mountains; at some point, when the salary differential makes a real impact on your living and your family, the larger salaries provided by other schools will pull faculty away."

Professor Steuben believes that active alumni can make the difference between "a pretty good institution and one that excels." Schools must increasingly look to alumni as a source of funds and as representatives. Alumni need their school "because if an institution doesn't maintain and improve its inherent quality the value of the degree drops. Beyond that, alumni should care that their successors (including their own children) receive as good an education as they did. Finally, the school is now taking a larger part in CLE and other activities but needs the support of the alumni to do the things the alumni would like it to do."

When he is away from his classes, Professor Steuben's first interest is being with his family. He also enjoys participating in city league basketball and softball, tennis, fishing, hiking, cross-country skiing, and reading. He has also been a member of the Boulder Philharmonic.

This year's problem is set in the United States Supreme Court and involves a challenge to a ruling by a lower court that a demand for a jury trial need not be granted where the trial judge has concluded that a lay jury could not reasonably be expected to apply the law to the facts on a rational basis due to the complexity of the subject matter of the litigation. The lower court concluded that the Seventh Amendment right to a jury trial does not require a trial to a jury of issues which by their nature are beyond the practical abilities and limitations of a randomly selected group of lay persons.

Arguing for the petitioner will be William Nagel, Paul Spivak, and Joel Thompson. Arguing for the respondent will be Zach Miller, Margaret Rosegay-Kott, and Owen Rouse.

## Miscellany

Did you know? . . . That the first woman to appear before the Colorado Supreme Court was Mary Florence Lathrop. She graduated from the University of Denver in 1896 and was admitted to the bar in the same year. Her presentation to the Court, in 1902, involved the law of charitable bequests in Colorado. (See *Clayton v. Hallett*, 30 Colo. 231, 70 P. 429 [1902].)

. . . That the first two volumes of Colorado Reports contain selective reports of cases determined in the Supreme Court of the Territory of Colorado during the period 1864-1875. These early cases were compiled and reported by Moses Hallett, who served as Chief Justice of the Supreme Court of the Territory of Colorado from 1866 to 1877. Many of the territorial cases dealt with mining law, thus earning Hallett the label of being the "father" of mining law in Colorado. In 1877, Judge Hallett was appointed to the United States District Court for the District of Colorado, a post he held for 29 years until his resignation in 1906.

. . . That the same Moses Hallett was also the first dean of the University of Colorado School of Law, serving in that capacity from 1892 until 1902. He taught courses in federal jurisprudence and Constitutional law.

. . . That the University of Colorado Law Library held 29,000 volumes in 1946. By 1961, the collection had more than doubled with holdings of 61,100 volumes, and in 1976, the collection had again more than doubled with a total holding of 133,000 volumes. As a rule of thumb, research library collections will normally double their volume holdings every 14 years.

## Rothgerber Competition

The final round argument in the Rothgerber Moot Court Competition will be held on Friday, October 19, in the Lindsley Memorial Courtroom at 3:00 p.m.

# Law School Calendar 1979-80

## September 1979

- 3 Labor Day Holiday
- 4 Schedule Distribution and Law School Orientation for First-Year Students
- 5 Classes Begin
- 10 Information Placement Meeting for Second- and Third-Year Students with Millie Danielson at Noon
- 10 SBA Meeting
- 10 Rolinski Lecture and Reception
- 13 Resume Workshop, Placement
- 14 Law Alumni Board/Class Chairmen Meeting
- 24 SBA Meeting
- 28 Cocktail Party for Alums and Faculty—Broadmoor, Colorado Springs, 5:15 p.m.
- 29 Bar Breakfast, Alums and Faculty—Broadmoor West, 8:00 a.m. (Knous Award Presentation)
- 29 Bar Swearing-In

## October 1979

- 2 Placement Meeting—I.R.S. and Smith Fellowship
- 8 SBA Meeting
- 19 Rothgerber Competition Finals
- 19 Cocktail Party: Deans Club—Faculty Club Lounge
- 20 Homecoming/Law School: Pre-Game Brunch—SBA Post-Game Reception
- 22 SBA Meeting
- 31 Placement Meeting, Department of the Interior, Solicitor

## November 1979

- 5 SBA Meeting
- 9-10 Workshop on Laws of Libel/Laws of Access (Cosponsored by Law School, Journalism School, and the Colorado Press Association)
- 10 Faculty Workshop, Professor Steuben
- 13 Austin Scott Lecture
- 19 SBA Meeting
- 22-25 Thanksgiving Vacation
- 24 Faculty Workshop, Associate Professor Nagel

## December 1979

- 3 SBA Meeting
- 4-7 Preregistration
- 7-9 Medical Malpractice Conference (Cosponsored by CU Medical School and Law School)
- 15-22 Final Exam Period/Plan *Amicus* for Spring
- 21 Faculty/Staff Winter Holiday Party
- 22 First Day of Winter Vacation

## January 1980

- 21 Schedule Distribution for Spring Semester
- 22 Spring Semester Classes Begin

## March 1980

- 24-30 Spring Vacation

## April 1980

- 12 Law Review Banquet
- 12 Board of Governors Meeting, Law School
- 19 Third Annual Fleming Sports Day

## May 1980

- Bar Swearing-In and Reception
- Law Alumni Board Meeting
- 14-20 Final Exam Period
- 23 University Commencement, 10:00 a.m. Law School Ceremonies, 2:00 p.m.

## June 1980

- 6 Registration for Summer Classes
- 9 Summer Classes Begin

## July 1980

- 4 Independence Day Holiday

## August 1980

- Plan *Amicus* for Fall
- Final Summer Exam
- 16 Summer Commencement

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