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Amicus

Fall 1981

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University of Colorado Law School

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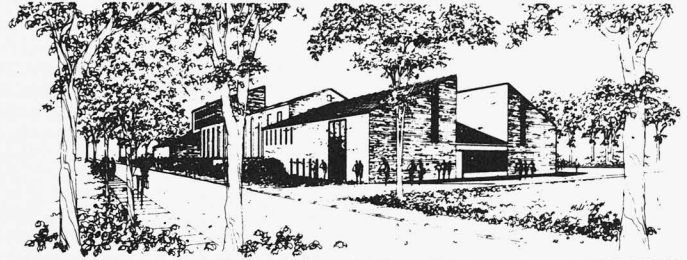
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AMICUS



Notes From The Dean

Although I have only been at the University for a few months, I have been quite impressed with some of the things that I have found at the Law School.

First, I have found a highly talented student body. Competition for a legal education at the University of Colorado School of Law remains keen. We continue to attract nearly nine applicants for each space in the first-year class. Of the approximately 160 students enrolled in this year's first-year class, 19 scored 700 or higher on the LSAT. The median LSAT score is 638. These students are also very well educated. Twenty-three students in the entering class have a master's degree, and three students have their PhDs.

I have also found a very highly talented, dynamic and engaged faculty. The faculty takes its commitment to teaching seriously and spends many hours in perfecting a course and in working closely with students, not only in the formal setting of the classroom, but also outside of the classroom. Our students benefit greatly from easy accessibility to the faculty.

The faculty is also publishing far more than it did in previous years. We are producing research of high quality, which leads not only to a general improvement in the reputation of the school, but also to a lively atmosphere and interchange within the school among both students and faculty. In addition to its many contributions to legal scholarship, the faculty has been active in matters that affect the legal profession, both at the state level and nationally.

Thirdly, I have learned that among the greatest assets of the Law School are its dedicated alumni. I have met many fine alumni who are supportive of the Law School and have not only given money, but what is often much more difficult for busy professionals, have given their time.

One of the reasons why I came to this Law School was because of the unique opportunities and challenges present in the state of Colorado and among its population and institutions. The mushrooming development on the Western Slope, the changing character of Front Range cities

and towns, increasing urbanization, the burgeoning recreational, corporate, and scientific enterprises—all point to significant change for the coming decade in Colorado. Whenever there are such dramatic changes in a society, the law has a significant role to play. The University of Colorado School of Law should and can be in the forefront of this development. This School must become a center of first-class legal training, research, and dialogue on the legal implications of these great societal changes.

Not only is society changing, but we are also moving into an era when the career patterns of those with legal training are both more diverse and subject to more frequent change than was true in the past. This means that continuing command of relevant knowledge about law depends more on qualities of intellectual curiosity and character, on a sense of responsibility to the profession, on skills of self-learning than on the information content of particular law school courses. Thus, "theoretical" courses help lay the conceptual base for 40 years or more of continuing self-learning about an ever-changing set of laws and legal institutions.

But theory cannot be divorced from practice; the two intertwine. The law does not exist in a vacuum; it is shaped by society as is the teaching of law. The Law School is striving to integrate the study and the practice of law. This integration must be informed by communication with alumni and other members of the profession. On the other hand, the practicing bar and the profession are continually fertilized by the legal scholarship and ideas that are developed in the Law School.

With those concerns in mind, the Law School can be transformed into a vibrant community of legal scholars. By community, I mean not only students and faculty, but also alumni and the practicing bar. With your involvement, the Law School can become an environment conducive to intellectual discourse on important questions of law and society.

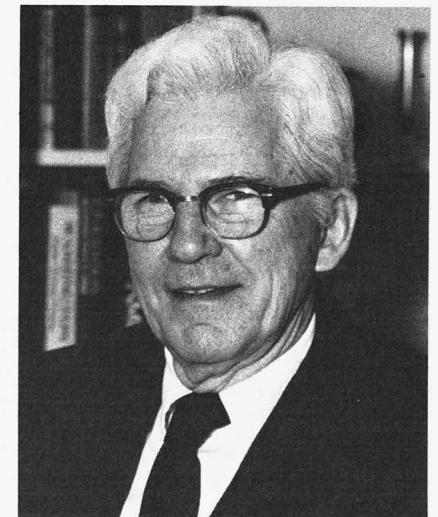
As the Law School continues to build an exceptionally strong faculty, to improve our now inadequate library resources and services, and to develop a spirit of common purpose among students, faculty, alumni, and the bar, we look forward to your increased participation in

our extended activities. Whether it is through the library, the Law School publications, the CLE courses, conferences, workshops, or our practitioner-in-residence and distinguished visitors' programs, we welcome closer and more rewarding interaction with the school's alumni and friends. One of my particular concerns is not only to increase the involvement of our alumni in the life of the Law School, but also to expand the role that the Law School plays in the life of our alumni. I will be looking to you for suggestions as to how we can do this. I urge all alumni and friends to keep in touch with the faculty and with me so that we can know and share our concerns. This is your Law School, and we want you to feel a continuing part of it.

Wood Receives Knous Award

Lawrence M. Wood, member of the Class of '38 and long-time sole practitioner in Denver, is this year's recipient of the William Lee Knous award. The presentation was made at the 25th Annual Alumni Bar Breakfast sponsored by the University of Colorado School of Law and held at the Broadmoor Hotel on September 26.

(Continued)



Larry, as he is affectionately known to Colorado lawyers, received his undergraduate and law degree from the University of Colorado. He was admitted to the Colorado Bar in 1939, and has maintained a general practice in Denver as a sole practitioner ever since. Despite the demands of a solo practice, he has nevertheless undertaken a wide variety of activities for the organized bar at the local, state and national level. He has served as first vice president of the Denver Bar Association (1964-65) and as president of the Colorado Bar Association (1972-73). In addition, he was a member of the Colorado Supreme Court Grievance Committee from 1974-79 and its Chairman in 1979. During his tenure, he contributed vast amounts of time and energy to the leadership of the committee and helped improve the standards of the legal profession. Currently, he is chairman of the Colorado Supreme Court Unauthorized Practice of Law Committee.

At the national level, Larry has been president of the American Prepaid Legal Services Institute, an ABA affiliate, created to stimulate development of prepaid legal services. He has also been a member of the House of Delegates to the American Bar Association for the past five years.

Larry has also influenced many other areas of the legal profession throughout his career. He has contributed, for example, to the judicial selection reform process, the adoption of a screening plan for medical professional liability claims, and to the formulation of a rule mandating C.L.E. for Colorado lawyers. He also participated in a study on specialization for lawyers in the state. That Larry has dedicated his time and talents to these and other bar concerns is a tribute to his high sense of professional responsibility and to his untiring selflessness.

The Knous Award is presented annually by the Law Alumni Board for outstanding achievement by an alumnus in his or her chosen field. It is in honor of William Lee Knous, a distinguished CU alumnus, who as Governor, federal judge and statesman, devoted his career to public service. Lawrence M. Wood has indeed followed in the Knous tradition.

Development Report

The fiscal year that ended on June 30, 1981 was very successful in terms of fund-raising. In addition to the annual fund campaign which raised over \$200,000, the law school received several special gifts as well. Norman Brownstein and John Madden, of Brownstein, Hyatt, Farber & Madden, are to be congratulated for their efforts in spearheading the Dean's Development Fund Campaign. This Denver-based project raised almost \$30,000 for use by the new Dean. The Hill Foundation made a grant of \$35,000 to the law school, enabling the school to add an additional

member to the faculty roster for the 1981-82 academic year. And, in memory of Professor Bowe, the faculty established the William J. Bowe Scholarship Fund earlier this spring. Contributions to that fund reached \$6,600 by the end of the summer. It is hoped that this fund will increase sufficiently to generate an income permitting a \$1000 scholarship annually.

A number of new giving programs are introduced with the new fiscal year. The Silver and Gold Society will include donors who contribute \$1,000 or more on an annual basis. Membership in the Society is open to all individual alumni and friends of the University. (Corporate and firm gifts will be treated separately.) The chairman of the Silver and Gold recruitment campaign for this fiscal year is former dean Tom Brown. The Dean's Club Annual Fund chairman is Gary Greer of Sherman & Howard. Although

alumni who contribute \$100 will be invited to join the Dean's Club, members will be urged to increase their gifts to \$500 in an effort to keep abreast of inflation. Alumni and friends will be asked to join the Dean's Club or the Silver and Gold Society through a phonathon contact, a written communication, or through personal solicitation. Gifts to the Silver and Gold Society and to the Dean's Club may be restricted or unrestricted. However, unrestricted gifts are most useful since they allow us to direct the funds wherever the need is greatest in a particular year. With the continued support of loyal alumni (many of whose names appear below as Dean's Club members) and others, it is anticipated that the new year will be even more fruitful than last.

The following are gratefully acknowledged for their gifts during fiscal year 1980-81.

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(Continued)

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Endowment To Benefit CU Law Review

Mr. Marvin Wolf, Class of '54, and his wife, Estelle, recently established a sizeable endowment on behalf of the CU Law School. The fund, which will receive contributions amounting to \$250,000 over a ten-year period, is specifically designated to enhance the University of Colorado Law Review. Endowment income will be used to make scholarship awards to students who meet special qualifications. In order to be eligible, a student must be in the upper 15 percent of his class, must have financial need and must make a substantial commitment to the CU Law Review.

Five Leon and Dora Wolf Scholarships were offered for competition this fall. In addition to submitting an application form detailing their eligibility, students also presented outlines of their proposed law review casenote or comment. The quality of applications submitted indicates that students responded enthusiastically to this new scholarship program. The first five Leon and Dora Wolf Scholarship recipients are James Campbell, Lynn G. Guisinger, Curt Kriksium, Carrie Rehr and Jane Silverman. Each will receive \$2,500 for the 1981-82 academic year.

Admissions Report

Contrary to national predictions that the number of applicants to law schools was declining, the University of Colorado received a larger number of applications (1428) for this fall's entering class than it has received in any year since 1974. For the past two years the Law School has had increases in the total number of applications over 15% a year. Among those applications, the number received from women has steady increased, and for the first time in the history of the Law School, 50% of the registrants in the entering class are women. In 1974 women made up only 24% of the class. The Law School now has the largest number of students ever enrolled (470); women represent 42% of the entire student population.

Of the 1428 students who applied, 513 were admitted in order to fill this year's class of 162. The average undergraduate grade point is 3.42 and the average Law School Admission Test score, 631. In addition, there has been a noticeable increase in the number of students who have graduate degrees in other disciplines and are choosing to change their careers. The average age of the first year students has risen from 24 in 1974 to 26 this year; the oldest registrant this year is 49. Nonresident students comprise 35% of the class and hail from 29 different states. And, due partly to increased recruitment efforts, the number of minority or diversity students who registered this year rose slightly.

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Lisle T. Woodford
Gary Woods
Earle N. Wright

Richard W. Wright
Roger L. Wright
Ruth M. Sponner Wright
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John M. Yeager

Marsha Baer Yeager
Harold H. Yokoyama
Christine Maria Yuhas
Robert S. Zinn

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F. G. Cooley
Gordon H. DePaoli
Flora Feder
David Getches
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Constance Lewis
Douglas McHenrdrie
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Attracting and enrolling the best possible students is becoming increasingly difficult. This year the Law School will call upon alumni to assist in recruiting top students from throughout the country. It is especially helpful to have out-of-state alumni available to speak with highly qualified applicants in the area who have been admitted to the Law School and need to speak with someone familiar with CU before making a decision about which school to attend. Alumni who are willing to assist in meeting occasionally with prospective students should contact the Dean's office at (303) 492-8047.

Placement Opportunities

Recognizing an increasingly competitive market for lawyers in the metro Denver area, Mrs. Quigley, the placement director, is working to expand the scope of employment opportunities for CU students and graduates. In addition to providing opportunities for students to interview with law firms in the metro area, attorneys and firms from other parts of Colorado are being contacted on behalf of students. Students are also referred to public and private agencies that have vacant positions in legal departments.

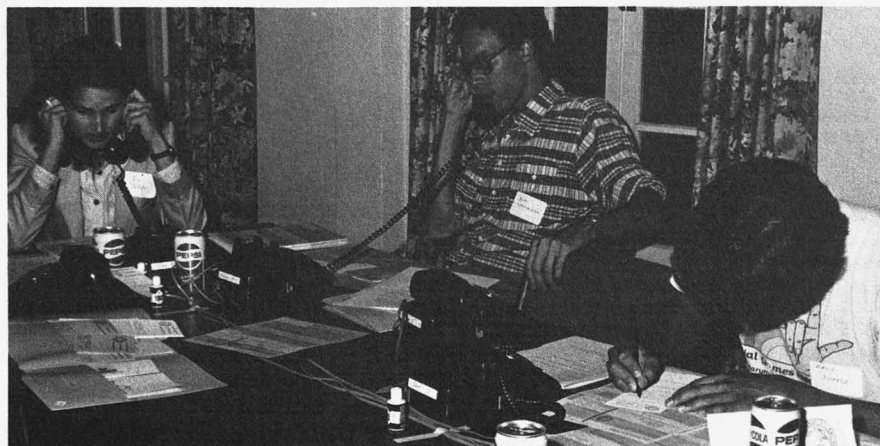
In efforts to educate students about expanded opportunities, Mrs. Quigley has scheduled a series of seminars to be presented by persons who bring a different perspective than that normally encountered by students. These sessions, scheduled throughout the academic year, include, for example, a panel discussion by practitioners from different parts of Colorado, i.e. the western slope, rural areas, resort areas, and suburbs, who will share their experiences with students about advantages and disadvantages of practicing outside of the metropolitan area. Expanding on the notion that attorneys need not concentrate in this metropolitan area, Mrs. Quigley is seeking to gather information for students and graduates about opportunities throughout the country. She invites you to submit the form provided on page 8 if your firm may be hiring new associates. She then will solicit applicants and forward information to you. With this new system, Mrs. Quigley hopes to assist graduates as well as current students.

A Faculty Perspective

Robert F. Nagel

When asked to give a talk on "A Faculty Perspective," to the entering class, my thinking kept turning instead to the perspective of a student. In fact, I found myself thinking about when I was in grade school. I distinctly remembered a certain feeling I had when I sat in my classroom. I was utterly convinced that my teachers could not really see me from the front of the room. I would pass notes, chew gum,

(Continued)



Students and faculty participate in phonathon.

or stare out the window, and it never occurred to me that the teacher standing only a few yards away surely could see what I was doing. Now I am fairly sure that I was not the only student who had this odd illusion of invisibility. In college the same phenomena takes the form of a student slumping in his chair and napping or openly cheating on exams. If you think about it you will probably recognize the feeling in yourself — by some perceptual quirk, students just tend to feel that, although the teachers are there, somehow they really do not see the students.

Until I began teaching law, I always attributed this quirk to the low self-esteem of students. I supposed that because the role of the student is thought to be subordinate, students feel unimportant and therefore feel as if they are not really there. But now I think something more complex takes place. To illustrate, I will tell you about an experience that I had a few years ago.

I was at a local bar association cocktail party, having a pleasant conversation with a local practitioner. He asked me how things were at the law school, and we had other small talk. Then, without any change of mood or tone, he said, "I could teach those students more in three weeks about practicing law than they learn in three years at the law school." Now, what surprised me was not the idea that this man thought he could do my job better than I could. That might have been true, and everyone, including teachers, has to expect criticism from time to time. What was surprising was that the practitioner did not seem at all embarrassed or awkward about what he had said. He did not even seem to be aware that I might have been insulted. I stood there expecting him to add some softener — perhaps adding "except for a few of the really good teachers, like you." But he didn't add anything and he didn't seem to expect me to argue or to be offended. He was perfectly nonchalant. In short, to this individual I wasn't really there. I was not a person who could be insulted. Thus, I have come to think that the feeling of invisibility I had as a student was due to the fact I didn't fully recognize that there was anyone at the front of the room to look back and see me. It was my teacher who was invisible.

I predict that as you go through law school you will experience the same perceptual quirk. Of course, you will see your teachers at the podium, you will listen to them and watch them, but in some strange and partial way you will not really believe that a person is actually there. I predict you will depersonalize and limit your teachers over the next three years in various ways.

You will come to believe, at least from time to time (and some of you permanently) that your teachers do not notice or care about you. You will find evidence for this in that the teacher does not seem to remember your name as you meet in the hall, or in that he passes too quickly over a point that you made in class, or in his apparent disregard of how the classroom experience is affecting you. He might

seem to ignore your discomfort or make light of an idea that you consider serious. Notice how close this perception is to my grade school example. This is the adult version of "my teacher cannot see me." From a faculty perspective, I can tell you that I have heard many of my colleagues remember students by name years and even decades after they had graduated. I have heard anecdotes and even accounts of specific answers given to questions that occurred years ago. Moreover, your teacher probably notices your discomfort in class — or at least assumes you are somewhat uncomfortable — but cannot take the time to respond openly to your discomfort. After all, the teacher is there to teach and has his own objectives to accomplish. I can tell you that teachers are acutely sensitive to whether you are interested, whether you seem to be learning, whether the class is going well. Teaching is our occupation and our self-esteem hinges on it. If classes do not go well, your teacher will probably just walk out without a change of expression, but after he leaves, he cares as much, if not more, than you do about what went on in that classroom.

Another example of the same perceptual quirk will be to believe that your teachers are trying to hurt your feelings in class. You will come to believe that teachers are a self-selected group of the meanest of the legal profession. They seem to get a personal thrill out of browbeating students. Every reasonable answer begets just another question, and you feel frustrated and embarrassed to be put on the spot. But to think that the teacher is trying to hurt you is to confuse your reactions and your feelings with the motives and objectives of the professor. You are trying to ignore the teacher as a person in his own right with his own objectives. The teacher's aim is to get you to be able to respond under pressure even in situations where at first you think you have no response. His objective is to get you to find out that you can think and communicate even more precisely than you believe you can. He wants to do these things because you are being trained to be a professional advocate and communicator. As a professional, your arguments cannot be merely adequate or normal or bright. They must be excellent. They must be effective. You will be paid to be more than normal in your skill. You will be paid to be, and you will have a professional obligation to be, moving and sometimes brilliant in your communications. Your client will count on you to do this even when you feel embarrassed, even when you are distracted, even when at first you think you have no response.

A third example is the belief that the teacher knows everything. At first blush, I know that this perception does not appear to fit my model because it acknowledges and may even enlarge the capacities of the teacher. But, in reality you will want to believe that the teacher knows everything in order to justify the conclusion that it would be unreasonable to expect the student to approximate what the teacher's

standards seem to be. If a teacher has a kind of inhuman excellence or perfection, you will be excused from paying attention to the standards he is trying to communicate to you. In short, you can ignore him. In fact, of course, teachers do not normally ask questions for which they have ready answers. They are ultimately seeking to get you interested in questions that they are honestly interested in and uncertain about. The teacher thinks the questions put to you are difficult questions; they are worthy of your attention and thought because they are tough. He surely does not assume that there is a clear answer to the questions, let alone that he holds the answer.

A fourth variation on this theme is the belief that teachers are single-mindedly interested in legal thinking, in legal problems, in law. They have no self-doubts, and they insist arrogantly that you master the profession's conventions and skills even when you do not want to. The teacher does not seem to know about your other needs, does not recognize that all this seriousness will corrupt your pleasant, fun-loving personality. He has no sense that there is something a bit narrow and even threatening about how lawyers think. In short, the teacher sees little of the broader world, is a reduced person with reduced vision. The truth is that teachers are loaded with self-doubt. They have already mastered the skills that you are trying to learn and they are well accustomed to the conventions of the profession. They have seen legal skills in action and they know that these skills can do a lot of harm — they have seen legal arguments intensity and even initiate disagreements rather than resolve them; they have seen students who have just learned to say "inter alia" or to divide their arguments into three numbered sections (and even perhaps to remember the third part of the argument) — begin to feel that because of these skills they have somehow become superior to other citizens. Professors have seen first year law students become disdainful of "fuzzy" thinking of other citizens or even of their spouses and friends, so that they exhibit a kind of aggressive, over-confident pushiness that is sometimes never outgrown even as they become experienced attorneys. We are well aware of lawyers who create problems rather than resolve them, of judges who think that they have some special skill that entitles them a superior place in resolving almost any of society's problems. Teachers love their craft and the skills of their profession but are as aware as anyone of the limitations. They spend a great deal of their academic effort questioning basic assumptions about how law is used, at attempting to locate and define the limitations of law. They want you to master the techniques and then transcend them — they want you to recognize the limitations of your own skills.

Sooner or later (and this misperception tends to last indefinitely) you will come to believe that your teacher knows nothing,

(Continued)

is not there at all. The most common version of this belief is that teachers are not interested in practical things. I will tell you bluntly that the reason you will come to believe this is that your teachers will insist that you continue thinking about problems even after you are tired of thinking about them. You will believe your teachers are too abstract, too impractical, too academic, but these are merely euphemisms for your exasperation. Most members of this faculty have practiced law, many still do, and some will return to the practice full time. Of course, faculty academic interests may be different from yours from time to time, but do not ever deceive yourself: the skills that they are trying to teach you are the skills that you need in practice. They are trying to teach you to be precise, to develop the capacity to foresee potential weaknesses in your own argument, to be orderly, to be complete, to be imaginative in the construction of legal arguments. These are the intellectual skills that the practice of law requires.

In summary let me say that I do not mean to welcome you with a self-serving speech on behalf of the faculty. Do not misunderstand me — I am not saying there is not some truth in each of the misperceptions that I have described. Every faculty member has weaknesses. But you need not add to them. You are about to go through three years of fairly rigorous education and you will experience some real frustrations and some real disappointments. Some of them will be caused by members of the faculty. But I hope the partial failures do not cause you to give in to caricature. I hope you do not shape and reduce the professors that stand before you so that they become responsible for all the difficulties and inadequacies that are associated with becoming educated in law. When you start placing blame on your teachers, what you are really trying to do is avoid taking responsibility for your own education. I urge you, instead, to look ahead and see what is really there and available for you.

Austin Scott Lecture

The seventh annual Austin W. Scott, Jr. Lecture will be presented by Prof. Steven Williams on November 12 at 8:00 p.m. The lecture will be held in the Lindsley Memorial Courtroom and has been accredited for one hour of CLE credit. The Austin W. Scott Lectureship was established in memory of Austin W. Scott, Jr., a member of the University of Colorado School of Law faculty for twenty years.

Prof. Williams, who has written widely on energy issues, will speak on "Federalism and Energy: The Supreme Court's Role in Preserving a National Common Market." His discussion, centered around the Supreme Court's recent decision on Montana's 30% coal severance tax, will focus on, among other issues, the economic and political obstacles to states' efforts to garner wealth at the expense of outsiders.

At the conclusion of the lecture, members of the audience will have an opportunity to pose questions to Prof. Williams. A wine and cheese reception following the lecture will be held in the West lobby of the law school. All are invited to attend.

90th Anniversary

To celebrate the 90th anniversary of its founding, the Law School is planning a two-day alumni program, to be held on April 16 and 17, 1982. Friday's activities will include a general placement session and meeting of the Law Alumni Board, followed by cocktails. An awards banquet at which several distinguished alumni will be honored is scheduled for Friday evening. On Saturday morning the school will present a program of continuing legal education. Alumni class luncheons with members of the faculty are scheduled for Saturday noon.

Further details will be mailed out early next year. In the meantime, mark your calendar for a memorable weekend in Boulder.

Alumni Notes

CHARLES E. GRAVES ('59), a Carter appointee as U.S. Attorney for the District of Wyoming, has resigned his position and returned to private practice with the firm of Graves, Hacker & Phelan in Cheyenne, Wyoming.

ALAN F. HEATH ('68) was recently appointed Vice President, Secretary and General Counsel for Squirt and Company in Holland, Michigan. The company is engaged in diversified beverage operations. Mr. Heath also continues in his capacity as chairman of the Board of Refre-Mex, S.A. de C.V., the Squirt and Company affiliate located in Mexico City.

ROBERT N. MILLER ('65), has been nominated by President Reagan to fill the position of U.S. Attorney for the District of Colorado. His confirmation by the Senate is pending. Mr. Miller has been the District Attorney for the Nineteenth Judicial District since 1970.

J. DAVID PENWELL ('62), has recently returned to Bozeman, Montana after participating as a member of the faculty in the National Land and Law Conference held in Washington, D.C. in mid-June, 1981. Mr. Penwell spoke on the legal documentation required for ownership timesharing and on management contracts for condominiums.

ROBERT D. SEAMAN ('69), General Counsel to the Dept. of Defense's Office of Civilian Health and Medical Program of the Uniformed Service, received the Distinguished Federal Attorney Award from the Denver Federal Executive Board for his service to OCHAMPUS. The award was presented at a luncheon held on September 3 to honor federal government employees.

Faculty Notes

PROF. ALBERT W. ALSCHULER, is a visiting professor this fall at the University of California Law School in Berkeley. During the summer, he was a visiting fellow at the University of Chicago Law School, where he continued his research on plea bargaining. His article on the same topic: "The Changing Plea Bargaining Debate," appeared in the May, 1981, **California Law Review**, and his short paper with a long title, "The Preservation of a Client's Confidences: One Value Among Many or a Categorical Imperative?," was published in the Spring, 1981, **University of Colorado Law Review**.

PROF. CLIFFORD CALHOUN will make a presentation on "Legal Problems in the Enforcement of Municipal Tax Claims" before the Colorado Association of Municipal Tax Auditors in Boulder on November 13. Earlier this year, at the Colorado Bar Convention, Prof. Calhoun was elected to the Executive Council of the Corporation, Banking and Business Section of the C.B.A.

PROF. JONATHAN B. CHASE participated on a case, *Zobel v. Williams*, that was argued before the United States Supreme Court in early October by Mark Sandberg, Class of '75, of Anchorage, Alaska. The case is a challenge to a 1980 Alaska statute in which state moneys received from oil leases are distributed to all state residents on the basis of one share (worth \$50 in 1980) for each year of residency since statehood, 1959. Prof. Chase worked with Mr. Sandberg in developing a novel constitutional theory, connecting the right to interstate migration to a right of equal citizenship contained in the first sentence of the Fourteenth Amendment. Plaintiffs argue that the right of equal state citizenship precludes a state from discriminating against its citizens on the basis of when citizenship was established.

PROF. TED FIFLIS participated on a panel of securities law experts for the Securities and Exchange Commission's 1981 Annual Regional Cooperative Enforcement Conference to discuss the SEC's recent comprehensive integrated disclosure proposals. Other panelists included A.A. Sommer, former SEC commissioner and three SEC staff members.

A current article by Prof. Fiflis entitled, "Accounting for Mergers, Acquisitions and Investments," will appear in the November issue of the **Business Lawyer**, and is scheduled for reprinting in a corporate law treatise co-authored by William P. Hackney and F. Hodge O'Neal. Prof. Fiflis' latest article on choice of state on federal law for violations of professional responsibility under securities laws is scheduled for publication by the **New York University Law Journal**. In addition, he is also currently working with Homer Kripke on a third edition of his casebook, **Accounting for Business Lawyers**.

Prof. Fiflis has also been selected to revise a leading treatise, **The Law of Corporate Officers and Directors**, by Joseph W. Bishop of Yale Law School.

PROF. HOWARD C. KLEMME delivered a presentation on "Premises Liability" before the Colorado State Judicial Conference. The conference was held in Denver on September 22, 1981.

DEAN BETSY LEVIN was an invited participant at a conference in Washington, D.C. on "Judicial Power in the United States: What are the Appropriate Constraints?" sponsored by the American Enterprise Institute, on October 1 and 2. On the following week, she delivered a paper entitled "**Financing Urban Education in the Eighties**" before the Rockefeller Foundation Conference on Urban Education in New York City.

In addition to her participation at these conferences Dean Levin has also taken numerous opportunities to initiate alumni contacts both within and out of Colorado. She met with alumni in the Washington, D.C. area, as well as in New York during her trips to the East coast. She has also scheduled visits to Grand Junction and Ft. Collins to address the local bar associations. In early December, she will meet with alumni in Chicago.

Dean Levin was also invited to give the Centennial Address at the CU School of Education's Centennial Celebration on October 17. Her topic was "The Educational and Legal Effects of Federal De-regulation."

PROF. ROBERT F. NAGEL also attended the conference on judicial power in Washington, D.C. His recent article entitled, "Federalism as a Fundamental Value: **National League of Cities in Perspective**" will be published in the 1981 **Supreme Court Review**.

PROF. NORTON L. STEUBEN this past summer completed a supplement to his casebook on real estate planning as well as supplement to the Teacher's Manual for his and Prof. William Turner's book, **Problems in the Taxation of Individuals, Partnerships and Corporations**. In August, Prof. Steuben prepared and presented a paper for Real Estate Securities and Syndication Practices seminar. His specific topic was "Some Common and Some Not So Common Federal Income Tax Concerns in Real Estate Syndications." In October, he presented a seminar on "Federal Income Tax Considerations in Institutional Joint Ventures."

PROF. STEVE WILLIAMS has completed several articles that were published in August, 1981. "An Energy Policy Perspective on Solar Hot Water Equipment Mandates" is included in 2 **UCLA J of Env. L. & Pol.** 135 (1981). A second article, "Implied Covenants in Oil & Gas Leases: Some General Principles," in 29 **Kan L. Rev.** 153 (1981), will also be Prof. Williams' topic at an advanced oil and gas law course in Dallas sponsored by the State Bar of Texas and the Natural Resources Law Section.

Faculty Profile

Professor Clifford J. Calhoun, characterized by his quiet and friendly manner, has been on the faculty since 1969. His students

know him as a very thorough teacher who is always ready to discuss questions they may have. Professor Calhoun primarily teaches courses in the areas of Commercial Transactions (UCC), Creditors Remedies, and Bankruptcy. In addition to his law school teaching, Prof. Calhoun also devotes a large amount of time to projects directed to Colorado practitioners. He works closely with Colorado Continuing Legal Education, Inc. in preparing updates of Colorado law in commercial areas for inclusion in the Annual Survey of Colorado Law offered by CLE, Inc. Additionally, he actively participates in live CLE presentations, as well. Last spring, for example, he presented a session on "Warehouse Receipts and Bills of Lading" in Denver; recently he participated in an Ethics seminar conducted at the law school at which specific ethical problems were considered. He discussed the professional responsibility of the corporate lawyer. He also serves on a number of local and state bar association committees, lending his expertise in numerous ways. With the Colorado Bar Association, for example, he has conducted legislative research and drafting as well as making presentations before legislative hearings. Through these varied activities, Prof. Calhoun demonstrates his interest, not only for his students, but also for the practicing bar.



Born in Iowa, Clifford Calhoun headed east for his education. He received undergraduate and law degrees from Harvard. After graduation from law school, he clerked for the Honorable Bailey Aldrich of the United States Circuit Court of Appeals for the First Circuit. He then became an associate with the firm of Jones, Day, Cockley and Reavis in Cleveland. He remained with the firm for five years, specializing in general corporate law. In 1969 he was invited to join the faculty at the University of Colorado School of Law as an associate professor. Three years later he was granted tenure, and in 1975 he was awarded a full professorship. In 1979, Prof. Calhoun was invited as a visiting professor to the University of Iowa College of Law. During his twelve years in academe, Prof. Calhoun has also conducted research in his specialty areas. Recent articles include "The Federal Trade Commission's Expansion of the Holder in Due Course Rule" and "A Practicing Lawyer's Guide to the Magnuson-Moss Warranty Act," both published in the University of Iowa College of Law Commercial Law for **Lawyers and Bankers**, and "A Review of Suretyship for the Iowa

Lawyer," in the University of Iowa College of Law publication **Lawyer's Review**. He also has research underway on the subject of suretyship and the new bankruptcy code.

The school is proud to have this quiet, conscientious faculty member who demonstrates his interest in legal education beyond the Law School walls.

Miscellany

Law Review

The University of Colorado Law Review is proud to announce the publication of two special issues devoted entirely to symposia of natural resources law and water law. Featured in these issues will be a two-part article entitled "Multiple-Use, Sustained-Yield Management on the Public Lands" by George Scoggins. Also included will be articles by William Rodgers on Resources Management Agency decisions; two articles on coal development and taxation by Prof. Steven Williams and A. Dan Tarlock; a critique of state prohibitions on water exports by Steven Clyde; groundwater law analyses by Jon Kyle and David Aiken, and finally an analysis of the reuse of municipal waste water for agricultural purposes.

The special subscription rate for the two issues is nine dollars. Please write to the University of Colorado Law Review to reserve your copies of these informative issues.

Phi Delta Phi

The University of Colorado Thomas Inn received special mention in Division A during this year's International Inns of the Year competition. Inns of the Year are selected on the basis of academic excellence, Inn activities, individual member achievement, single project awards and overall improvement during the academic year.

Correction

In the summer issue of AMICUS, a listing of students inducted into the Order of the Coif was given. Regrettably, the name of John Thomas Macdonald was inadvertently left out. Congratulations to Mr. Macdonald on his important achievement.

Coen Lecture

The University of Colorado School of Law will present its 26th Annual Coen Lecture on April 12, 1982 at 8:00 p.m. Former United States District Judge Marvin Frankel will deliver the lecture. Judge Frankel, who has been a critic of certain aspects of the adversary system, will discuss some of his concerns. Alumni are encouraged to plan to attend this presentation.

Natural Resources Advisory Committee

The University of Colorado Law School has appointed a Natural Resources Law Advisory Committee which includes distinguished and experienced individuals from academia, the practicing Bar, and

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industry. A number of alumni will be serving on the committee. The committee will advise the Law School on curriculum (both for law students and practicing lawyers); on developing areas in which legal research could be useful; on ways in which the Law School might collaborate with other disciplines to make a contribution to the field of Natural Resources Law, such as through research, conferences, and seminars; and finally, on how the Law School can increase its financial support for natural resources law-related efforts. Among the fifteen members of the committee are Raphael Moses ('37), David Phillips ('66), Marvin Wolf ('54), Ruth M. Wright ('72), Stanley Dempsey ('64), Guy R. Martin ('67), and Leo N. Smith ('62). The committee will have its first meeting on November 12 and 13.

CLE Course

Plans are underway for the Law School to offer a short course for members of the bar on Partnership Taxation. The course, tentatively scheduled for January 12-15 from 4-6 p.m., would be taught by Prof. Norton Steuben. He plans to teach the course by analyzing a series of problems in the partnership area. Anyone interested in this course should contact the Dean's Office.

Student Award

Sally Tambor, third year student, won first prize at the University of Colorado in the 1981 Nathan Burkan Memorial Competition sponsored by the American Society of Composers, Authors and Publishers for her paper entitled, "Privacy, Publicity and the 1976 Copyright Act." The paper is being considered in the national competition. If selected it will be published in the ASCAP Copyright Law Symposium.

In Residence

Mr. Bethuel Webster, who received his undergraduate degree from CU and his law degree from Harvard, was this fall's practitioner-in-residence. Mr. Webster has had a distinguished legal career that spans more than fifty years. He has held numerous important governmental positions during his career. In 1927 he became a Special Assistant to the U.S. Attorney General in the Anti-Trust Division; in 1929, he became the General Counsel for the Federal Radio Commission, and in 1949 and 1951, he was a consultant to the U.S. High Commissioner for Germany. He also served as a member of the Permanent Court of Arbitration under the Hague Conventions from 1959 to 1965. Subsequently, he received a commission as Ambassador for the United States to mediate a dispute between the United Kingdom and Guatemala over the ownership of British Honduras from 1965-68. Throughout much of this time, he has also maintained an active law practice with the firm of Webster and Sheffield in New York City. His firm, which he describes as "medium-sized," numbers 90 attorneys and engages in general practice. In addition to practicing law, Mr. Webster has also devoted time to public service. For instance, from 1972 to 1979, he served as chairman of the Drug Abuse Council which, among other accomplishments, conducted numerous studies that resulted in enlightened data about drug abuse.

During the week of Sept. 21, Mr. Webster again gave of his time to share some experiences and insights with faculty and students at the University of Colorado School of Law. While in residence, he visited classes in antitrust and administrative law, led a discussion on the public service role of the lawyer and presented a colloquium on drug abuse with Mr. Dale Tooley, Denver District Attorney. All who

attended the sessions with Mr. Webster departed with a better understanding of the versatility afforded by a legal career to one willing to take challenges.

Mr. Bethuel Webster became the second Practitioner-In-Residence since the program was started last year. Mr. Moses Lasky, a 1928 graduate of CU, initiated the program last February.

In Memoriam

GARRETT FONDA ('49), a widely known Pueblo attorney, died of cancer on August 6, 1981. Fonda, a partner in the firm of Peterson and Fonda, was a past president of the Pueblo Bar Association, and in 1980, received the Award of Merit, the highest award conferred by the Colorado Bar Association.

MARJORIE F. KELLY, wife of Charles J. Kelly ('25) and daughter of former dean John D. Fleming, died on August 22, 1981. Mrs. Kelly had close ties not only to the law school through her father and husband, but to the University as well. She earned her bachelor's and masters degrees in romance languages from CU, and also served on the faculty for a time.

She is survived by her husband; a son, John F.; a daughter, Mrs. Thomas P. Owen; and a sister, Mrs. Frederick H. Wadley. Her family asks that memorials or contributions be made in her memory to the CU John D. Fleming Scholarship Fund.

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Schedule of Events

- | | |
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| November 2 | Rothgerber Moot Court Argument, followed by reception |
| November 6 | Brown bag talk - Dean Levin |
| November 12 | Austin Scott lecture |
| November 12-13 | Natural Resources Advisory Committee meeting |
| November 17 | Colorado Court of Appeals session |
| November 21 | Faculty workshop |
| November 26-28 | Thanksgiving holidays |
| November 30 | Classes resume |
| December 12-19 | Final examination period |
| December 19 | Christmas holidays |
| January 6-9 and 12-15 | Trial advocacy intersession |
| January 20 | Spring semester begins |
| March 22-27 | Spring vacation |