

University of Colorado Law School

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AMICUS

Martha Nachman, Editor



Notes from the Dean

Nationally, applications for admission to law schools have decreased rather sharply during the past year, after more than a decade of sustained



Dean Levin

and substantial growth. Between 1983 and 1984, 94% of American law schools experienced a decline in the number of applicants, and at least 23% experienced a decline of 20% or more. The national applicant pool for 1984 totalled 291,000, a drop of 40,000 from the 331,000 who applied to law schools for Fall, 1983, or a decline of 12%. Based on demographics alone (the decline in college students), only a slight decline in applications was expected.

A preliminary study undertaken for the Association of American Law Schools and the Law School Admission Council points out another interesting factor. There has also been a decrease in the applicant pools of other graduate professional schools such as medical, dental, and veterinary schools and, to some extent, MBA programs. The decrease in the applicant pool for law, however, is much greater. The report also documents the significant decrease in the number of males entering law schools nationally. Between 1971 and 1983, the entering classes at ABA-approved schools increased by 14%. However, the number of males enter-

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Dean Levin and Vice Dean Luo Hao Cai, University of Peking.

Dean of Peking Law School Visits CU

The Vice Dean of the law school at the University of Peking, Luo Hao Cai, visited the Law School in early October. Dean Levin had met Dean Luo when she was on a visit to the University of Peking in 1979. Learning that Professor Luo would be visiting at Columbia University School of Law this year, under the auspices of the Committee of Legal Education Exchange with China, she invited him to visit C.U. He also visited a number of other American law schools to learn their methods of teaching and administration. While here, he met with our students and attended several classes, including sections on Administrative Law and Constitutional Law. Over 100 law students attended a "brown bag" lunch to discuss law and legal education in China. Dean Luo also met with a group of alumni and other lawyers who practice international law or who have recently visited China at a luncheon in Denver hosted by Arnold & Porter.

Judge Abner J. Mikva Visits

The Honorable Abner J. Mikva, U.S. Circuit Judge on the U.S. Court of Appeals for the District of Columbia, was the 1984-85 Jurist-in-Residence at the Law School for a week in October. While here, Judge Mikva participated in Criminal Law, Administrative Law, Constitutional Law and Professional Responsibility classes, served as the presiding Judge for the Rothgerber Moot Court Finals and met informally with faculty and students. He gave a special program for first-year students as a part of the Appellate Advocacy program, and a public lecture entitled "How Well Does Congress Support and Defend the Constitution?" He also taught an undergraduate political science class and attended a luncheon meeting with several alumni hosted by Brownstein, Hyatt, Farber & Madden.

Prior to his judicial appointment in 1979, Judge Mikva served five terms as a representative from Illinois in



The Honorable Abner J. Mikva, Jurist-in-Residence, 1984-85

the U.S. House of Representatives. He was a member of the Brown Committee, which provided the main im-

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Notes from the Dean

ing law schools decreased by 21%. Thus, the continued increase in the number of first year law students during that period was due to the rapidly increasing number of female applicants. Last year's decline in the national applicant pool involved a steeper decline in male than female applicants.

At the University of Colorado, applications for the class entering in the fall of 1983 totalled 1,809; by fall of 1984 this figure had dropped to 1,395, a decline of 23%. While this decline may seem startling, it is consistent with the nationwide trend.

The number of students admitted for Fall, 1985, will be chosen from what promises to be a decreasing pool of applicants, for it appears that the downturn in applications will continue. The national data for this year are suggestive of an even greater decline than was experienced last year: by December 1, 1984, there were 28.5% fewer potential law school applicants nationally (as determined by the Law School Admission Council) than at the same time the year before. Although it is still too early to attach any final significance to this number, it is consistent with the downward trend of other indicators such as the number of those who took the LSAT in the fall compared with the number of test takers last year at the same point. In this competitive "buyer's market," our Law School must avoid a drop in the high academic quality of its entering

classes. It is predicted that some law schools will actually be forced to take every student that applies—regardless of the applicant's qualifications. We doubt that CU will ever be in that position—we still had 1,395 applications for 150 places this year. But for 1984, the faculty voted to reduce the target size for the first year class from 162 to 150.

We do not contemplate further reductions in the size of the entering class at this time. Nor do we plan to adopt a strategy of attracting more applicants, as such a strategy promises to be costly and unproductive.

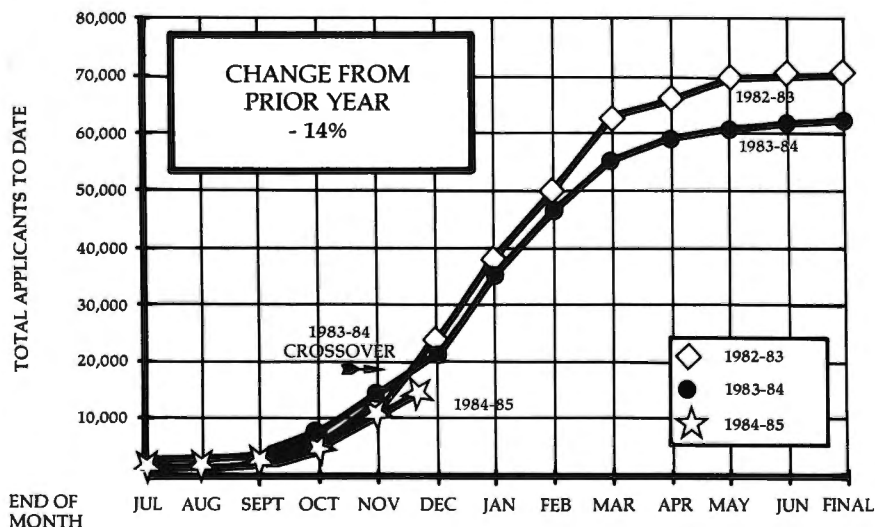
Not all students who are admitted to CU Law School actually register for classes; some change their minds about a legal career and some attend other law schools. The relationship between the number of applications submitted and the number of students who enroll is less significant than the relationship between the number of offers of admission we tender and the number of students who enroll. The percentage of those whom we admit who do attend CU has decreased slightly, requiring us to reach further down into the pool of applicants with our offers of admission. For Fall 1984, we accepted 36.8% of all applications in order to obtain an entering class of 150. The previous year, we only had to accept 27.3% to get a class of over 160, meaning that for every 100 offers of admission that we made in 1983, 33 students enrolled, while in 1984, for every 100 offers of admission, only 30 students enrolled. Of even greater significance is the fact

that those who did enroll were slightly less well qualified, on the average, than those who did not. Although their qualifications are still outstanding, and the entering class is one of which we can all be proud, our concern is that as the applicant pool continues to decline, we will have to reach further down into the pool in order to fill the class. The question is how can we improve our yield ratios, and how can we improve the yield ratios for the students with the best credentials. Law schools with which we compete for students are giving increasingly personalized attention to those candidates whom they admit to improve the likelihood that they will enroll at their school. We, too, must develop strategies that will continue to attract the highly qualified student body that CU has long had. We therefore plan to follow up admissions decisions with correspondence, telephone calls, encouragement of visits to the School and, in general, "red carpet" treatment for our admittees to encourage them to come to CU. Although the availability of scholarship aid at this School is far more limited than at schools with which we compete, we are putting aid packages together early in the admissions process, so that applicants will know where they stand financially as soon as possible. In the long run, however, we will not be able to compete for the most promising men and women unless we are able to raise *substantially* more money for financial aid than we have in the past.

We also need to find ways of presenting CU's advantages, of which there are many, in such a way as to attract the students we want. In this regard, alumni are our best representatives. We greatly appreciate alumni efforts to encourage high quality applicants to consider the University of Colorado School of Law and hope that we can call upon you for assistance.

Nationally, law school deans and others are concerned that if the decline continues, and the size of the entering class remains the same, schools will begin to experience major problems concerning the quality of their graduates and the quality of the classroom experience for their students. The learning experience may be less rigorous, and if law

YEAR TO DATE VOLUME OF LAW SCHOOL APPLICANTS



From Law School Admission Council Data Bulletin, Dec. 15, 1984.

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Colorado Supreme Court Holds Session at Law School

On November 27, 1984, the Colorado Supreme Court held a session of court at the Law School, hearing arguments in three cases. The cases included *Colorado General Assembly v. Lamm*, involving issues of governmental separation of power, and

People v. Lybanger, involving a member of a fundamentalist religious group convicted of child abuse in the death of his child from whom he withheld medical treatment. As of the date of submission of this article, both cases were still pending. The Law School hosted a reception in the Rutledge Lounge in honor of the Court's justices immediately following the arguments.



Homecoming Weekend: Alumni gather for Bratwurst lunch before CU-Iowa State game.

Homecoming Weekend

Homecoming events began early Saturday morning, October 13, as Law School alumni met to discuss the Law School with Dean Betsy Levin over coffee and donuts. At 10:00 a.m., Barbara Allar, Director of Development, took spouses on a special tour of the University Museum, including the special exhibit of Nubian mummies. Meanwhile, Associate Dean Clifford J. Calhoun and Professor Alfred T. McDonnell presented a CLE program on "Offensive Use of Lawyer Disqualification Rules in Litigation" to alumni and other members of the bar. After a relaxed beer and bratwurst lunch, held on the lawn in front of the West Patio of the Law School under glorious sunshine and blue skies, many alumni and their spouses

watched CU beat Iowa State, 23-21, in the Homecoming football game at the Stadium. The highly successful day ended in a reception at the Law School after the game.

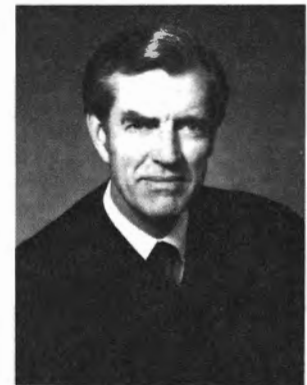
Reception for Denver Recent Alumni

The Dean and faculty of the Law School held a reception for alumni working in the Denver area from the 1980 through 1984 graduating classes the evening of Tuesday, December 11, 1984. Kirkland & Ellis graciously provided refreshments and hosted the event at its law offices. Betty C. Arkell ('75), partner in Kirkland & Ellis, and 1984-85 Chair of the CU Law Alumni Board, presided. The approximately 75 alumni who attended enjoyed the opportunity to reacquaint themselves with former

classmates and reminisce with former professors. If you are a recent Denver area alumnus or alumna who did not receive an invitation, please complete and return to us the "Alumni Information" form at the back of this issue of *Amicus* so that we can include you in future functions.

William Lee Knous Award

At the Annual Alumni Bar Breakfast, held September 29 in Colorado Springs, David W. Enoch ('51), Chief Judge of the Colorado Court of Appeals since 1979, received the William Lee Knous Award as a distinguished alumnus of the Law School who has a record of service to the legal profession. The award recognizes the distinguished public service career of former Colorado governor and federal judge William Lee Knous. In this tradition, Judge Enoch has served in the judiciary since 1961. He is currently secretary of the Appellate Judges Conference, and organized and was first Chair of the Council of the Chief Judges of State Courts of Appeals. He also has a record of distinguished service to bar associations at local, state, and national levels and has received numerous awards for his civic activities.



Judge David W. Enoch ('52)

Faculty Workshops

Four Fall Faculty Workshops for Continuing Legal Education for practicing lawyers were held at the Law School on Saturday mornings, and repeated in Denver on weekday afternoons this past fall. The programs included "Offensive Use of Lawyer Disqualification Rules in Litigation,"

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Rothgerber Results

Over 250 students, faculty, and guests watched in the Courtroom or on video as law students Deborah Cooper, Jane Goltermann, and Carol Haller successfully argued an immigration law case against Kristopher L. Hammond (son of Lynn A. Hammond, '60), Ann Kaufman, and Patrick D. Vellone in the finals of the Rothgerber Moot Court Competition. The panel of judges, Abner J. Mikva of the U.S. Court of Appeals for the District of Columbia Circuit, Shirley S. Abrahamson of the Wisconsin Supreme Court, and Alex S. Keller, President of the Colorado Bar Association, commended all the participants on their excellent arguments. Deborah Cooper won the Austin W. Scott, Jr. award for the best oralist.

The Rothgerber Moot Court was founded in 1951 by Ira C. Rothgerber, Jr. ('35), to honor his father Judge Ira C. Rothgerber, who had graduated from the Law School fifty years earlier.



Rothgerber Moot Court Panel (L-R) Alex S. Keller, CBA President, Abner J. Mikva, U.S. Court of Appeals for the D.C. Circuit, and Shirley S. Abrahamson, Wisconsin Supreme Court, congratulate the winning team.

Joel Greenstein Memorial Scholarship Fund

A Scholarship fund, which will provide financial assistance to a deserving third-year law student, has been established in memory of Joel Greenstein by the Colorado Trial Lawyers Association. Mr. Greenstein served as president of the Association in 1980. The firm of Williams, Trine, Greenstein and Griffith, P.C., of which Mr. Greenstein was a member, has also made a substantial contribution to the fund. Mr. Greenstein, who graduated from the School of Law in

1961, won a nationwide competition for a paper on copyright law while he was a student. Notwithstanding the demands of his trial practice and his commitments to many professional organizations, Mr. Greenstein found time to support the Law School in many ways. For three years, he served as a Visiting Lecturer at the Law School, teaching a course on Trial Advocacy. The fund is a fitting tribute to a lawyer described by his peers as a person "who gave more than he received and who multiplied and returned what he did receive."

Scholarship Winners

This year's recipients of scholarships supported by donations from alumni and friends of the Law School are: **Welda and Gordon Allott Natural Resources Law Scholarship** (to a second- or third-year student who demonstrates financial need and a strong interest in natural resources law), George Cave; **William J. Bowe Scholarship** (to a student who demonstrates academic achievement, financial need, and an interest in practicing in the areas of Taxation and Estate Planning), Elizabeth Brown; **Jean S. Breitenstein Law Clerks Scholarship** (to a third-year student who demonstrates high academic achievement, financial need, and intends to practice in Colorado), Charles Beach; **John A. Cross Memorial Scholarship** (to a Colorado resident who is a veteran or a member of the immediate family of a veteran), Linda Perkins; **Davis, Graham & Stubbs Scholarship** (to a second- or third-year student who demonstrates high academic achievement and a commitment to the improvement of the legal profession and enlargement of its contributions to the public interest), Sally Easter; **Bernard J. Seeman Scholarships** (to entering students and continuing students who demonstrate extraordinary academic achievement and potential), awarded to the following entering students: Deanne Andrews and Renee Ozer; **The Fleming Scholarship** (to a student or students who exemplify the achievements of John Donaldson Fleming, Dean of the Law School from 1907 to 1927), Michael Miner; **Lasky Scholarships** (to students in memory of Ida Lasky, the mother of Moses Lasky), Wanda Abel and Stacey Worthington;

Chuck Mau Law Scholarships (to students who are Colorado residents and show exceptional scholastic ability and financial need), Thomas Stover and Sharon Thomas; and the **Leon and Dora Wolf Scholarship** (to second-year students who rank in the top 15% of the class, have financial need, and demonstrate a substantial commitment to work on the *Law Review*), George Cave, Gregory Costello, John Greer, William Mooz, David Negri, and Wendy White.

New Director of Career Services and Alumni Relations

Martha S. Nachman, a 1974 graduate of the University of Chicago Law School, has joined the Law School as the new Director of Career Services and Alumni Relations. Her position will be a half-time position. Before receiving her law degree, Nachman graduated from Tulane with a degree in economics. After graduation from law school, she practiced one year with the firm of Antonow & Fink and four years with Adams, Fox, Adelstein & Rosen in Chicago. While in private practice she participated in all aspects of her firms' hiring procedures. She has also worked closely with the Assistant Dean for Alumni Relations and Development at the University of Chicago Law School.



Martha Nachman,
Director of Career
Services

Visiting Faculty

The Law School has two distinguished visiting faculty for the academic year 1984-1985.

Mary G. Allen ('70), a specialist in civil procedure, taught Civil Procedure I and Domestic Relations in the fall and is teaching Civil Pro-

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Visiting Faculty

cedure II and supervising Appellate Court Advocacy this spring. A 1970 graduate of the Law School, she is currently a partner in the firm of Allen, Foreman & Mueller with a practice primarily devoted to criminal and civil appeals. From 1977-1980, she was Assistant Attorney General in the Antitrust Division of the Colorado Attorney General's Office. As Deputy State Public Defender in the Appellate Division of the Colorado Public Defender's Office from 1973-1977, she was responsible for the preparation of appellate briefs.

Charles F. Wilkinson, who specializes in Indian Law, Public Land Law, and Water Law, taught Public Land Law and Environmental Law in the fall. This spring he is teaching Water Resources and American Indian Law. His books include *Cases and Materials on Federal Indian Law* (1979) and *Federal Public Land and Resources Law* (1982). He has also published numerous articles on these subjects. Wilkinson was the staff attorney for the Native American Rights Fund from 1971-1975. He is currently a professor at the University of Oregon where he received the Ersted Award for Distinguished Teaching in 1982.

Commencement Awards

A substantial number of students were honored at the Law School Commencement last May. Their names and the awards are as follows: **William Arthur Adair Award**, established in memory of William "Pop" Arthur by his daughter Helen Arthur Adair, for the most outstanding comment or casenote in the field of Property Law, *Wayne J. Forman*; **Bureau of National Affairs Award**, to the student showing the most satisfactory scholastic progress since his/her first year, *John R. Jacus*; **Edward C. King Award**, to that student whose outstanding leadership and achievement exemplify the ideals which Dean King has done so much to encourage, *Sharon Maher Feller*; **Law School Award**, to a third-year student who has made the greatest contribution to the classroom learning experience, *James L. Harrison*; **Courtland H. Peterson Leadership Award**, to a

third-year student for outstanding scholarship, leadership and contribution to the *Law Review*, *Judith C. Stafstrom*; **Courtland H. Peterson Writing Award**, to the third-year member of the *Law Review* who has written an outstanding comment or casenote, *Robyn A. Meinhardt*; **Rothgerber Appellate Competition Award**, to the members of the fall 1983 Rothgerber competition, winning team: *Cindy Lang, P. Kathleen Lower* and *Edwin G. Winstead*, runner-up team: *Susan Helene Borgos* and *John Robert Jacus*; **Austin W. Scott, Jr. Award**, to the best oralist in the Rothgerber Competition, Fall 1983, *P. Kathleen Lower*; **Scribes Award**, to the third-year member of the *Law Review* who has written an outstanding comment or casenote, *James Bradley Johnston*; **Section of Urban, State and Local Government Law of the American Bar Association Award**, to two graduating law students excelling in the study of the law of Land Use and Local Government, *James L. Harrison* and *Shelia Porter Main*; **West Publishing Company Book Award**, to the third-year student achieving the highest scholastic average in his/her class, *James L. Harrison*.

SAVE THESE DATES

April 26-27, 1985

Activities for ALL Alumni ALUMNI REUNION WEEKEND

Additional information will be mailed to all alumni. The 1985 Alumni Reunion and Awards Banquet will be held on Friday, April 26th at the Radisson Hotel Denver (formerly the Denver Hilton.) *Mark your calendars!* At the Banquet, we will honor prominent alumni as well as the following special Reunion Classes:

- 1955—Ed Epstein and Warren Martin, Chairs
- 1960—William DeMoulin and Jack Foutch, Chairs
- 1965—John Wittemyer and Dean Vanatta, Chairs
- 1975—Greg Kanan, Stephen Briggs, and Michael McCarthy, Chairs

Computer-Assisted Legal Instruction

Several organizations are now developing computer programs designed to supplement classroom learning in the law schools. For this purpose, a consortium of law schools formed the Center for Computer Assisted Legal Instruction, located at the University of Minnesota, which has now produced a series of computer programs in Evidence, Civil Procedure, Torts, Trial Advocacy and Professional Responsibility. Other programs are being written in such areas as business organizations, taxation, and commercial law. The Law School has now acquired a number of these programs for use on an experimental basis. Professor Michael Waggoner experimented with one of the programs in his Civil Procedure course this fall, and Professor Alf McDonnell used one in his Evidence course. Other faculty members may also be using one or more of these programs after they have had an opportunity to review them and consider whether they will assist the classroom instruction. The Law School is obtaining IBM-PCs for use in the experiment.

Dean Levin Attends Meeting of San Luis Valley Bar Association

On Wednesday, November 7, 1984, Dean Betsy Levin and Dan Vigil, Assistant Dean for Enrollment Services, attended a dinner meeting of the San Luis Valley Bar Association in Monte Vista. Dean Levin spoke on developments in legal education and the Law School's efforts to address them. Among those in attendance were several CU alumni, including Pete Cordova ('81) of Salida, **Richard A. Kadinger** ('79) and **Manuel I. Lopez** ('74) of Alamosa, and **Felix Valdez** ('74) and **Raymond Valdez** ('73) of Valdez & Valdez in La Jara. **Gordon H. Rowe** ('46) and **Michael Trujillo** ('74), of Monte Vista, who are both county court judges, also attended. Dean Levin and Dean Vigil enjoyed the opportunity to meet informally with these alumni during the social hour prior to the dinner meeting.

Mayor Federico Peña's Commencement Address

Denver Mayor Federico Peña delivered the Commencement address to the May 1984 Law School graduating class. He has graciously permitted AMICUS to print edited excerpts of his talk.

One of the key components and necessary ingredients of any great city or community is a great legal community. The quality of life in any community will be profoundly affected by the quality of lawyers to be found there. This quality is not measured by the level of skill and craft in the courtroom, or by the subtlety and impenetrability of a deed or set of answers to interrogatories. The "quality of lawyering" is measured by the extent to which lawyers are devoted to the general public good, rather than to the interests of a particular client or to the cash reserves of a particular law firm. It may not sound fashionable today to speak of a lawyer's obligation to serve his or her community. It is difficult to imagine just how abstract that obligation may seem to you, soon-to-be attorneys, for your experiences are no doubt different from my own. When my law school class at the University of Texas graduated 13 years ago, such a public-service obligation was anything but abstract and esoteric. Indeed, the sense of that obligation was what had motivated many of us to enter law school in the first place. After three years of "learning to think like lawyers," there were still "right" sides to be on and "causes" worth fighting for.

Those of us who entered the public sector in the early 70s, or committed our skills to serving the needs in legal aid and public defender offices across the country, recognized that there were immense, personal rewards reaped from improving the quality of life for other people. In some instances, only one person might be affected, but on other occasions, our work would impact an entire neighborhood, or affect the entire country.

For those who came through law school during the exhilarating and terrifying 60s, the late 70s brought a sense of accomplishment. Sadly, those hard-won social and political

advances proved to be only transitory. Much of what we thought had been achieved, through law and the courts, is being transformed into elusive and temporary gains. In such a climate, it is all too easy for us as individuals, and as lawyers, to feel helpless. But to become indifferent to the needs of the less fortunate, or to the needs of the society as a whole, would be nothing less than a wholesale rejection of the compassion, public-spiritedness, and generosity that have long been thought characteristic of Americans in general, and American lawyers in particular.

Undoubtedly, the great majority of you will direct your legal careers to some form of private law practice. I do not have the slightest intention of trying to persuade you to do otherwise. But I would like to suggest to you, that in your capacity as lawyers in the private sector, you have a great opportunity to contribute to the general well-being of the community within which you will eventually reside. In Denver, there are countless examples of private attorneys working in partnership with our public agencies to further the public good. A volunteer Management and Review team on which many lawyers served, reviewed the operation of our City Attorney's office and suggested many changes which will surely make our legal department one of the best law firms in the city of Denver. There are many other lawyers who are volunteering their time to other issues ranging from the preservation of Denver's historic buildings and heritage, to helping us plan major inner-city developments, to advising us on how to improve our contract review processes in city government.

I hope that this short list suggests a wide range of opportunities for private attorneys who can work in the public interest on a volunteer basis. I believe that such service is one small way in which you can recognize the many sacrifices that the American people as a whole made to create and preserve the legal heritage which you will now inherit. Looking beyond yourselves and toward the public good is one way you can contribute to a better way of life for your community. By doing so there will be a great deal more to your lives than just being outstanding lawyers. In the 80s, our local governments must

work in real partnership with individuals in the private sector and with the community at large. Our public institutions and our quality of life are shaped by the involvement of the community. And even if you devote only a portion of your professional lives toward these public concerns, you will do much to create a great future for your community, your state, and your nation.

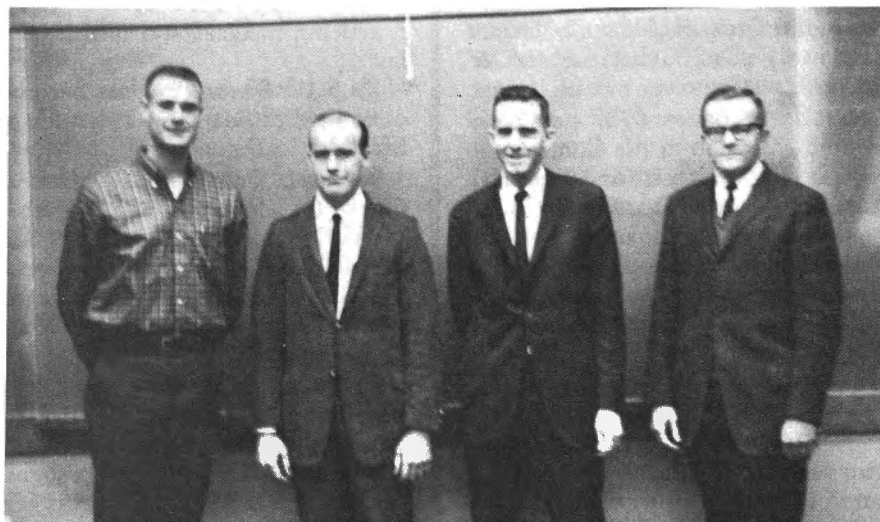
New Assistant Dean

The Law School is pleased to announce the appointment of Sharon M. Feller ('84) as Assistant Dean of Admissions and Financial Aid which began in June 1984. Feller, who graduated from the Law School last May, was President of the Student Bar Association, Chair of the Legal Aid Board of Directors, and a member of Phi Delta Phi. She is also a certified mediator and is on the Mediation Bar Committee of the Boulder County Bar Association. When Feller came to the Law School as a student, she had already had an extensive background in administration, having established and then been the director of a home health agency that served northeastern Nebraska. She was also a top-level administrator at Memorial Community Hospital in Blair, Nebraska from 1974 to 1981. Feller graduated from the University of Nebraska College of Nursing with high distinction in 1974.

Shannon Janes ('67), who had previously held the position, accepted the post of Assistant Vice President for Student Affairs at the University of Texas as of July 1, 1984. In his tenure as Assistant Dean at the Law School, he successfully tackled such problems as computerization of admissions and increasing the school's minority enrollment. In addition, he was a trusted friend and counselor to faculty, students, and staff.



Assistant Dean
Sharon Feller



Can you recognize any of your former classmates? Answer on page 9.

Alumni Notes

William B. Neeley ('24) retired after spending 20 years as a judge of the Superior Court of California. He was recipient of the Norlin Award in 1959. He served as a Technical Advisor to Warner Brothers Studio on filming courtroom scenes and other legal proceedings. He and his wife, Vivian, have travelled extensively, crossing the Atlantic Ocean 23 times and the Pacific Ocean 9 times. They live in Glendale, California.

Merritt W. Oldaker ('25) received a certificate of appreciation from the U.S. District Court in New Mexico. Oldaker, a long time Albuquerque attorney, retired from the court's admissions and grievances committee on which he served for 15 years, mostly as chair, and retired from the practice of law in 1975. In WW II, as a special assistant U.S. attorney, he handled condemnation suits that obtained land for the Los Alamos Laboratory and military bases in the state. The work was secret; he was never told what the properties were to be used for. He and his wife, Eunice, live in Albuquerque, New Mexico.

Theodore D. Schey ('36) has spent the last 50 years as a resident of Longmont and the last 40 of those with his wife, Rocelia. In a recent communique to the *Alumnus*, he notes that he and his wife "have fun, enjoy life, laugh a lot, and travel a little. I am a bit overweight, still laboring at the law, trying to raise a garden, to lower my handicap, and to win a game of 'Trivial Pursuit.'"

William R. Federici ('41) became Chief Justice of the New Mexico

Supreme Court December 28, 1983. He served as Assistant Attorney General of New Mexico in 1942, then resigned to enter the military, serving in the Pacific Theatre. He practiced law for 32 years prior to his appointment to the Supreme Court in 1977. He and his wife live in Santa Fe, New Mexico.

Gordon H. Rowe ('46) is practicing in Monte Vista. He has a general practice, but also does a considerable amount of water law, and serves as a county judge.

Erling Sandene of Norway, who was a special student at the Law School in 1949-50, has just been elected Chief Justice of the Supreme Court of Norway, according to **David W. Enoch** ('51). Election to Chief Justice is by the Norwegian legislature. Prior to that, Sandene had been a member of the Supreme Court, but had taken a leave of absence to be Norway's ombudsman under two different governments.

Howard Current ('58) was appointed Boulder County Court judge by Governor Richard Lamm in August, 1984. He has 26 years experience as a lawyer and leaves a thriving private law practice in Longmont. He was a prosecutor in the Boulder district attorney's office from 1973-75, and was a city prosecutor in Longmont from 1964-72. He was also a Longmont city judge and justice of the peace.

James G. Willson, Jr. ('59) is practicing law with Erickson, Holmes, Nicholls, Kusic & Sussman in Denver. His practice is primarily in the areas of local government law and municipal bond law.

John E. Clough ('60) formerly a partner in the firm of White & Steele of Denver, has joined the law firm of Haight, Dickson, Brown & Bonesteel in Santa Monica, California.

James R. Richards ('60) Inspector General with the U.S. Department of Energy, Washington, D.C., has recently been named Vice Chairman of the President's Council on Integrity and Efficiency.

Joseph S. Fontana ('61) a partner in Winston & Strawn's Washington, D.C. office, has become Senior Vice President and General Counsel of American Export Group International Services, Inc. (AEGIS). The Company is the largest independently owned export management company in the country, and is involved in worldwide trade and investments.

Dale Kenton Lewis ('62) has been named deputy general counsel for Eli Lilly and Co. He had been assistant secretary and associate general counsel since February 1981.

Walter Dennis Bradley ('63) has been appointed an assistant general counsel for the Dow Chemical Co. in Midland, Michigan. He heads the financial and corporate section of the Dow legal department.

Dean R. Vanatta ('65) formerly of Vanatta & Halaby, P.C., has formed a new office named Vanatta & Sullan, P.C.

James E. Hinish, Jr. ('68), formerly the Executive Director of the National Council on Educational Research and Counsel to the Senate Republican Policy Committee, has become associated with the Center for Judicial Studies as Vice-President and Managing Editor of its publication "Benchmark."

Lawrence Klepetko ('68) practices law in Sarasota, Florida. His specialties are tax and commercial law. He received his LLM in tax from the University of Miami several years ago. Following his graduation from CU, he joined the JAG corps of the Air Force, and found it an invaluable experience. He has retained his commission in the Air Force and is about to be made a lieutenant colonel in the reserves.

Robert R. Marshall, Jr. ('68) is chief of the Litigation Section for the firm of Schmidt, Elrod & Wills in Denver.

John A. Purvis ('68) has been elected a fellow of the International Society of Barristers, a group of 500

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Alumni Notes

lawyers dedicated to excellence in advocacy and to the preservation of the adversary system and the right to trial by jury. A partner in the law firm of Hutchinson, Black, Hill, Buchanan & Cook of Boulder, Purvis is also chairman of the Colorado Public Defender Commission. John Purvis is currently teaching a course in Advanced Trial Advocacy at the Law School, a course he taught last year as well.

Leo N. Smith ('68) has become a member of Molloy, Jones, Donahue, Trachta, Childers & Mallamo, P.C., of Tucson and Phoenix, Arizona.

Pepe J. Mendez ('70), who practices law in Denver, was named to the Legal Services Corporation's Board of Directors by President Reagan in November.

Carl A. Eklund ('71), who has recently joined Roath & Brega in Denver, has been selected—over many prominent New York and Chicago bankruptcy counsel—as attorney for the Creditors' Committee in the Storage Technology Corporation Chapter 11 proceedings. In addition to undertaking the momentous task of representing the largest StorageTek creditors, he is also an active trustee of Graland School in Denver and a trustee of the Denver Bar Association, as well as serving on the American Bar Association's Bankruptcy Rules Committee. In his "spare" time, he serves on the Law School's Leadership Gifts Committee.

Brian G. Fraser ('72) received an MBA from the University of Chicago in International Finance, and has been appointed Director of National/International Operations of the ISR Corporation in Chicago, Illinois. He was elected to the National Board of Directors of the National Committee for Prevention of Child Abuse and the Erickson Institute.

Edmundo Gonzales ('72) was recently included as one of eleven outstanding leaders in the most recent issue of *Front Range Magazine*. He is now Vice-President of Mountain Bell, responsible for 7,000 employees in the Denver area. He represented Mountain Bell during the AT&T divestiture proceedings. He recently received his MBA degree in the Executive MBA program at the University of Colorado in Denver.

Richard J. Jacobs ('72) is practicing

with the firm of Motz & Jacobs (formerly DeSouchet, Motz & Jacobs) in Alamosa.

J. Albert Bauer ('73) has been elected chairman of the Continental Divide Bar Association (Summit, Lake, Eagle, and Clear Creek Counties) and vice chairman of the Real Estate Section of the Colorado Bar Association. Bauer's firm in Breckenridge specializes in real estate and business law.

After ten years of practice with a Denver law firm, Renno L. Peterson ('73) has become a speaker—speaking to a variety of professional, business and trade groups around the nation—a tax attorney and consultant, and a writer. He has co-authored *The Handbook of Estate Planning* (1983); *Incorporating Your Talents, A Guide to the One Person Corporation* (1984); *The Inter-Vivos Trust for Attorneys* (1984); and *An Estate Planning Compendium* (1984). *The Handbook for Estate Planning* and *Incorporating Your Talents* were, respectively, the featured and alternate selections of the McMillan Business Book Club. In addition, Mr. Peterson has co-authored a national course on estate planning and estate and gift taxation. Renno Peterson and his co-author are currently completing three new books: *The Complete Handbook of Small Business Planning*, *Where There's a Will There's a Better Way*, and *How to Form an Estate Planning Practice*. Mr. Peterson now resides in Sarasota, Florida, with his wife and son.

Raymond Valdez ('73) and Felix Valdez ('74) are practicing as Valdez & Valdez in La Jara, Colorado.

Manuel I. Lopez ('74) is practicing in Alamosa. He was remarried on August 25, 1984.

Michael Trujillo ('74) practices in Monte Vista, and serves as a county court judge.

Brad Selgestad ('74) received his M.D. degree from the University of Colorado Health Sciences Center in May, 1984. While studying medicine, he continued his work as a health law attorney with the Health Sciences Center and co-authored the article "Fetal Versus Maternal Rights: Medical and Legal Perspectives," concerning a court-ordered cesarean section, published in *Obstetrics and Gynecology*. He has just joined the firm of Vogt, Sanchez & Meadville, in Encino, California and will be

practicing medical and health care law.

Jill B.W. Sisson ('74) has become of counsel to Bearman, Talesnick & McNulty in Denver.

Wayne L. Cole ('75) of the firm of Clarke & Cole has opened a new office in Denver with special emphasis on the defense of accused persons. The firm will continue to conduct a general practice from its current location in Boulder.

Paula M. Connelly ('76) has become an associate with the firm of Gorsuch, Kirgis, Campbell, Walker & Grover in Denver. Her husband Thomas D. Lustig ('74) is an attorney with The National Wildlife Federation and teaches a Natural Resources Litigation Clinic and a seminar entitled "Natural Resources Law: Protection vs. Development" at the Law School. Their son, Reid, was born on July 7, 1984.

Isidoro Rodriguez ('76) has left his appointment as Director of Civil Rights, U.S. Department of Agriculture, and accepted a position with a U.S. firm constructing a \$3 billion coal mine operation in Columbia, where he is responsible for all the firm's negotiation and litigation.

Frederick B. Skillern ('76) has become an associate with the firm of Carpenter & Klatskin, P.C. He specializes in real estate and commercial litigation.

David P. Herskovits ('77) has opened an office in Denver, Stowe & Herskovits. The practice will emphasize local government law, municipal finance, tax and corporate law.

Jason James Lazzeri (formerly Rhanja Joseph Lazzeri) ('77) now lives in Berkeley, California. He writes: "I am presently residing in the Bay Area, enjoying its ambience. After passing the Colorado Bar in 1978 and briefly practicing with Boulder County Legal Services, I decided to pursue a dream of mine; writing poetry. The Bay Area proved a fertile ground. My writing has flourished. Publications seek my copy. I often feel that the stars sometimes wink my way. But, alas the Law is a jealous and patient mistress. I now am actively seeking work in a legal capacity in the Bay Area. Wish me luck!"

James S. Lockhead ('78) has been a shareholder with the firm of Leavenworth, Patrick & Lockhead,

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Alumni Notes

P.C., in Glenwood Springs, Colorado since 1980, practicing water, municipal, and real estate law. He was appointed by Governor Richard Lamm to the Colorado Water Conservation Board in September, 1983. He also serves on the Western Slope Water Advisory Council. In June, 1984, he visited Finland as a member of the Rotary International Group Study Exchange Team from Colorado.

William A. Paddock ('78), formerly First Assistant Attorney General and Chief Water Rights Counsel for the State of Colorado, has become associated with the Montrose firm of Mathis, Koonce & Reed, P.C.

Leslie Abrams Pizzi ('78) has become a partner in the Denver firm of Clanahan, Tanner, Downing & Knowlton.

Cynthia R.S. Schiesswohl ('78), formerly Deputy District Attorney, Fourth Judicial District, is now associated with the Denver law offices of John G. Salmon, P.C. specializing in personal injury litigation.

Mark A. Fogg ('79), formerly Chief Deputy District Attorney, Complex Prosecution Unit, City and County of Denver, is now associated with the firm of Burns, Wall, Smith & Mueller.

David W. Heckenbach ('79), formerly Chief Deputy District Attorney for Denver Legislative Liaison to the Colorado District Attorney's Council, has become associated with the firm of Halaby & McCrea in Denver.

Richard A. Kadinger ('79) is practicing with Carlos Lucero's firm in Alamosa.

Ken Kuhlman ('79), of Kuhlman & Kuhlman, P.C. in Denver, recently represented 1200 *Denver Post* employees in a class action against The Heller Bonfils Foundation and obtained a judgment of \$1.725 million. He and his wife, Sharon, had a baby girl, Heather Dawn, in October, 1984.

Frances J. Pottick ('79) has become associated with the law firm of Wegher & Fulton in Denver.

Thomas S. Rice ('79) has become a partner of the law firm of Greengard & Senter in Denver.

Richard P. Brady ('80) is the manager of the legal department of

the Manville Corporation in Denver.

Christine Ann Carney ('80) is a deputy district attorney for Pueblo, Colorado. She handles various types of cases in the Pueblo County Court.

John T. Hyland ('80), formerly Public Defender & District Attorney for the First Judicial District, has entered private practice in Denver with an emphasis on domestic relations, and civil and criminal litigation.

John Edward Maas ('80), has become associated with the firm of Roath & Brega, P.C., in Denver.

Michael A. Roads ('80) has become a shareholder with the firm of Frye & Sawaya, P.C., in Denver.

Wendell R. Young ('80), formerly Deputy District Attorney for Jefferson County, has opened his own law practice emphasizing criminal defense, DUI, traffic, and civil litigation.

Pete Cordova ('81) is now practicing law in Salida. He has plans to open an office in Denver and one in Alamosa.

Dean G. Panos ('81) is an associate with the firm of Miles C. Cortez & Associates of Englewood.

Martha J. Ridgway ('81) is associated with the firm of Krendl & Krendl of Denver.

Ronald M. Sandgrund ('82) has become associated with the firm of Vanatta & Sullan, P.C., of Denver and Boulder.

Anne Collett ('83) has become an associate with the firm of Twining, Nemia, Hill & Steflik in Binghamton, New York.

Dorothy M. Huysman ('83) has become associated with the firm of Pryor, Carney & Johnson, P.C., of Englewood.

Jane Silverman ('83) joined the litigation department of the firm of Davis, Polk & Wardwell, New York City, in the fall of 1984, following a year of clerking with Judge William Doyle on the Tenth Circuit. She was the first Colorado applicant to the firm that they could remember. Although most of the 36 lawyers in her associate class are from the so-called Ivy League schools, she felt that CU had prepared her as well as, or even better than, the Ivy League schools prepared her fellow associates. She reports that she very much appreciates the preparation that she had at CU Law School. Jane finds that it is hard to adjust to the

fact that money seems to be no object to her firm. The firm's library is extensive but, if something is not available, they will send for it by Federal Express. When she has to do some research outside the building, a paralegal accompanies her to assist her. She is also getting to see a lot of New York night life, including black tie dinners, courtesy of the law firm.

Peggy A. Wallis ('84) and **Mary Jo Zeimet ('84)** are associated with the firm of Eileen Bisgard, P.C., in Longmont, Colorado.

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Notes from the Dean

schools fail to apply strict academic standards, there will be a significant impact on the quality of the bar. Should law schools have an open admissions policy and take everyone who applies, but be prepared to fail those who prove unable to handle the work? Is this approach, in effect before we had such predictors of successful law school performance as the LSAT, appropriate today in light of the much greater complexity of the law? Are we likely to be able to attract the best professors if the quality of the student body seriously declines? Will faculty be able to cope with a very wide range of abilities in their classes? If law schools fail to maintain the high standards that they have in the past, will the bar take responsibility for maintaining the high standards of the legal profession? These are serious questions for the future that do not have easy answers.



Dean

Photo Quiz Answer

The National Moot Court Team in 1962: (L-R) Stanton T. Hadley, Robert G. Good, Joel C. Davis, and David L. Wood, all of the Class of 1962.

Christopher R. Brauchli's Address to Law Alumni Board

Christopher R. Brauchli ('61), of the firm of Brauchli and Jevons, and member of the Law Alumni Board, was the speaker at the Law School's 28th Annual Alumni Bar Breakfast at the Colorado Bar Association Convention last September. He has graciously permitted AMICUS to print edited excerpts of his talk.



One of the things I wonder about from time to time is why in my professional life I have avoided litigation, notwithstanding my fondness for getting up and expressing my views publicly and frequently. There are probably two answers. For one thing, I am not a particularly competitive person. However, the second and more important is that when I began practicing law, litigation included a lot of games, both when dealing with opposing counsel and when dealing with parties who were not represented by counsel. I was uncomfortable making my living by gamesmanship. As a result of my reflection, I have reached certain conclusions as to what my role as a lawyer is.

First, my role is to perform services for my client. To best serve my client, I obviously must be technically competent. I must then consider whether I best serve my client as an advocate or as a problem solver. Most clients, most of the time, are better served by effective problem solving than by effective advocacy. That statement is not without its exception. Many of the great cases which changed the direction in which our country moved and changed the laws of our land were the result of advocacy. Furthermore, there are many areas of the law such as civil rights, personal in-

jury, and criminal law where advocacy is an essential part of the practice. However, most of the time most of us are not dealing with cases or areas of the law where effective advocacy is required. Most of the time we are dealing with problems whose quick and effective resolution enables us to best serve our clients. Whether or not we are able to do that depends on our attitude, including the attitude with which we approach clients.

When clients present us with fact situations needing resolution, our initial response should be to treat what is presented to us not as an issue to be litigated but as a problem to be solved without third party intervention in a manner that safeguards not only our clients' rights but also those of the other party. That is sometimes impossible, but more often than not issues are cloudy and rights are not clearcut. Unless the problem poses unique legal questions, we and a reasonable attorney on the other side should be able to apply the law to a given situation as well as a court. We and reasonable counsel on the other side are as able to untangle the facts as a jury. A jury, after all, only has access to the facts the rules of evidence permit us to introduce, whereas we frequently have access to additional information which can help us reach a fair resolution.

The advantages to our clients are many if we think of ourselves primarily as problem solvers instead of advocates. Three are obvious:

- Costs of litigation today are exorbitant. If we solve problems rather than litigate them, we will save clients untold dollars.
- The time involved in litigation can be years. As problem solvers we can resolve disputes in a matter of months, if not weeks.
- We as problem solvers retain control of the case. Once it has been turned over to a judge and a jury, even though we may be extremely effective advocates, we can never be sure of the outcome.

Problem solving instead of advocacy is not limited to disputes. It applies to every situation in which there are two parties, including contract negotiations. The negotiating of an agreement is not an opportunity to best the other lawyer, but rather

an opportunity to express what both sides want clearly and concisely with a minimum of ambiguity. It is neither the time nor the opportunity to seek an advantage over the other party.

What are the qualities of a problem solver? There are probably many, but patience and a sense of fairness may be the two most important. A problem solver must have the patience to analyze a problem from all sides and to engage in the give and take which is part and parcel of problem solving. A lawyer who says, "I'll see you in court" is not a skillful lawyer confident of winning, but an impatient lawyer unwilling to take the time and make the effort required to solve problems. He prefers to let the judge solve the problems. A problem solver must also have the patience to educate the client. Clients have been taught to expect fierce partisanship and bellicosity from lawyers. When confronted with a lawyer who refuses to believe that virtue finds repose solely in their cause and evil a home in their adversary's, they are quick to assume they have hired a pussycat rather than a lawyer. The legal system is not a system to get even. It is rather a system to avoid disputes or, when disputes exist, to solve them when the participants are unable to do so without outside help.

Fairness is the other required quality. When representing clients in matters involving another party, we should comport ourselves in our dealings with the other party exactly as we would were there another attorney present. Lawyers should routinely include provisions in agreements which have no particular adverse effect on either party but are beneficial for the party that includes them.

What about dealings between opposing counsel? No matter how good an attorney's relationship with the client, his ability to represent him successfully will be marred unless the lawyer also enjoys a good relationship with opposing counsel. To attain such good relationships, an attorney should control his clients, refuse to be a tool for delay, deal candidly with opposing counsel, respond to all inquiries promptly and have a reputation for being fair. Every lawyer should have as his goal the attainment of a professional status in which not only his own client but opposing counsel will feel confident that he is being fair.

Faculty Notes

Professor Albert W. Alschuler published "Interpersonal Privacy and the Fourth Amendment," 4 *Northern Illinois Law Review* 1 (1983), and "Bright Line Fever and the Fourth Amendment," 45 *University of Pittsburgh Law Review* 227 (1984). Professor Alschuler resigned this August after having taught at CU Law School for eight years, to accept a position on the faculty of the University of Chicago School of Law. He will be greatly missed by all of us.

Associate Dean Clifford J. Calhoun presented a Fall Faculty Workshop on "Offensive Use of Lawyer Disqualification Rules in Litigation" with Professor Alfred T. McDonnell. The talk was also presented to a meeting of the American College of Trial Lawyers.

Associate Professor Emily Calhoun published "Thinking Like a Lawyer," 34 *Journal of Legal Education* 507 (1984). She was re-elected for a second year as Chair of the University's Faculty Council. She presented the eleventh annual Austin W. Scott, Jr., Lecture in November, entitled "Of Voting Rights, Interstellar Black Holes and Other (Heretofore) Nebulous Concepts." Earlier that month she participated in "90 Minutes," a lecture series given by the faculty of the University of Colorado, with a lecture on "Comparable Worth." She is currently working on a book on Colorado Products Liability Law.

Lois Calvert, of the Library faculty, is currently serving as President of the Southwestern Association of Law Libraries. She was on sabbatical leave this past fall, taking courses at the University of Wisconsin.

Professor Homer H. Clark is on sabbatical this year, completing the second edition of his *Law of Domestic Relations in the United States*.

Associate Professor Richard B. Collins is currently working on law review articles on interstate commerce in water rights and on the Federal Government's trust relationship with Indian tribes. He has had an article on "Indian Allotment Water Rights" accepted for publication in the *Land and Water Law Review* (Spring 1985).

Professor James N. Corbridge, Jr. is serving as a member of the editorial

board of the *Public Land and Resources Law Digest*. Co-organizer of the NRLC's Conference on Special Water Districts in September 1983, he has just edited the papers presented at that Conference. He is also working with Associate Professor David H. Getches on a Water Law casebook. In 1984, he co-organized the NRLC conferences on The Federal Land Policy and Management Act (FLPMA) and The Federal Impact on State Water Rights.

Professor Ted J. Fiftis published a book review "On L. Loss' *Fundamentals of Securities Regulation*," in the *Journal of Accountancy* (August, 1984) and also in 39 *Bus. Lawyer* 1911 (1984). He participated in the Annual SEC Rocky Mountain State-Federal Securities Conference, was a group discussion leader for the SEC's Conference on Small Business Capital Formation in Washington, D.C., and was a participant in the Arthur Young Professors' Roundtable on 50 Years of SEC Regulation in Reston, Virginia. He is currently working on a law review article on corporate governance and tender offers.

Associate Professor David S. Hill continues his work as a member of the Board of Trustees of the Law School Admissions Council and is also serving as a member of its Audit Committee. He is currently preparing the second edition of his book *Landlord-Tenant Law in a Nutshell*.

Professor Howard C. Klemme continues to serve as reporter and editor for the Colorado Supreme Court Committee on Civil Jury Instructions. He is on sabbatical this year, completing a law review article entitled "Land Use Regulations as Takings."

Dean Betsy Levin spoke to the San Luis Valley Bar Association this past fall. She was recently appointed to the National Advisory Board for Stanford's Institute for Research on Educational Finance and Governance; and she continues to serve on the National Board of Directors of the Society of American Law Teachers; the Colorado Committee for the Selection of Rhodes Scholars; the Editorial Advisory Board for *Contemporary Education*; the Membership Committee of the American Law Institute; and the Executive Committee of the Association of American Law Schools. She is currently a member of the University's

Presidential Search Committee. Betsy Levin published "In Defense of Lawyers," in *Bryn Mawr Alumnae Bulletin* (Spring 1984), and has just completed an article entitled "Equal Educational Opportunity for Children with Special Needs: The Federal Role in Australia," to be published in *Law and Contemporary Problems*. She is also editing the papers and proceedings of the Law School's symposium on "Education Equality Thirty Years After *Brown v. Board of Education*," held last April.

Associate Professor Mark J. Loewenstein published a book review on "Dina Kaminskaya's *Final Judgment*," 55 *University of Colorado Law Review* 337 (1984). He also organized and chaired, as well as presented a paper at, a conference on "Representing High Technology and Start-Up Companies in the 1980s" this past fall in Denver. He has just completed a chapter on "Private Litigation Under Section 14(e)" to appear in a book entitled *Tender Offers—Developments and Commentaries*; and his article on "Tender Offer Litigation and State Law" will be published in the *University of North Carolina Law Review* this spring. He is currently working on an article entitled "Some Thoughts on the Business Judgment Rule."

Associate Professor Daniel B. Magraw chairs a subcommittee of the American Society of International Law (ASIL) on activities of the U.N.'s International Law Committee. He is Co-chair of the Committee of Space Law and Policy of the University's Task Force on Space Science and Policy and advised the University's Space Interest Group. He is currently serving as the Associate Editor of the *International Lawyer*, the ABA's international law journal. In May he spoke to the Regional Meeting of the ALIS on "International Debt Problems." His article, "Telecommunications and International Law" was recently published in *The Harvard International Review*. He is finishing a law review article on the jurisdiction of the United States Court of Claims over cases involving treaties between the United States and other countries. He is also undertaking a study of the relationship between "black money" (cash or cash equivalents concealed in such a way as to evade taxes) and economic development in third world

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Faculty Notes

countries. He traveled to India in December to further his research on this topic.

Professor Alfred T. McDonnell presented a Fall Faculty Workshop on "Offensive Use of Lawyer Disqualification Rules in Litigation," with Associate Dean Clifford J. Calhoun, this past fall. The talk was also presented to a meeting of the American College of Trial Lawyers. He spoke to the Colorado Judicial Conference in Vail on "1983-84 Comparative Negligence Cases." Professor McDonnell continues as President of the Board of Directors of Continuing Legal Education in Colorado, Inc. He is currently working on a law review article to be entitled "The Relational Interest in the Bystander Case."

Professor and Law Librarian Oscar J. Miller was a panelist on a program at the annual meeting of the Southwestern Association of Law Libraries in Austin, Texas.

Associate Professor Hiroshi Motomura has completed a book review of "F. Madl, *The Law of International Transactions*," which will be published in the *American Journal of Comparative Law*. He is also completing a law review article on collateral estoppel and judgments as evidence.

Professor Robert F. Nagel recently published a book review of "V. Blasi, ed., *The Burger Court: The Counter-Revolution That Wasn't*," in the *Columbia Law Review*. He was a visiting professor at the University of Michigan Law School last summer. He is on sabbatical leave this spring, working on a book tentatively entitled *A Theory of Judicial Restraint*.

Professor Courtland H. Peterson continues to serve on the Board of Directors of the American Association of Comparative Law and as its National Treasurer and Executive Committee member. He has completed a manuscript entitled "Moderne Americkanische Internationale—Privat-Rechts Theorie," based on the paper that he delivered in Ludwigsburg, Germany in Fall 1983.

Associate Professor William T. Pizzi continues as a member of the Ethics Committee of the Colorado Bar Association, and as a Board member of Continuing Legal Education in Colorado, Inc. He is com-

pleting a law review article on "The Privilege Against Self-Incrimination."

Professor William E. Rentfro was elected to the Board of Governors of the National Academy of Arbitrators and appointed to the Program Committee for the 1985 Annual Meeting. The principal purpose of the Academy is "to establish and foster high standards and competence among those engaged in the arbitration and mediation of labor-management disputes on a professional basis."

Professor Don W. Sears continues as an active member of the Colorado Supreme Court Grievance Committee. He currently serves on the University Student Recreation Center Board of Directors.

Associate Professor Peter N. Simon published *Civil Procedure: Cases and Materials*, with R. Casad, this past fall, as well as a monograph, *The Anatomy of a Lawsuit*. He presented a Fall Faculty Workshop entitled "Taking Your Consumer Client Through Bankruptcy: An Introduction to Chapter 13." He is currently working on the Teachers' Manual for his Civil Procedure casebook, and an article on the use of juries for the interpretation of written contracts.

Professor Norton L. Steuben submitted his manuscript for *Problems in the Fundamentals of Federal Income Taxation* to Foundation Press in October. He was a speaker at the Law School's conference on "Representing Start-Up and High Technology Companies in the 1980s" this fall, and also presented a Fall Faculty Workshop on "Tax Aspects of Real Estate Investment After The Tax Reform of 1984." He was elected Vice Chair of the Boulder Housing Authority. He is currently working on *Problems in the Taxation of Partners and Partnerships and Shareholders and Corporations*, scheduled for publication this spring, as well as a monograph entitled *The Deduction of Interest and Related Expenditures*.

Professor Arthur H. Travers, Jr. presented a Fall Faculty Workshop on "Antitrust Law for the General Practitioner." He co-authored and edited a monograph for the ABA entitled *Interlocking Directorates Under Section 8 of the Clayton Act* (in press). He also has nearly completed the manuscript of his book *Economic Analysis of Law in a Nutshell*.

Associate Professor Michael J. Waggoner has been working with both the Colorado Bar Association and the Boulder Bar Association to develop procedures to promote the settlement of disputes. He has completed an article on "Consumption Taxes," which will be published by the *Harvard Journal of Law and Public Policy*, and is working on an article on "Section 1404 Transfers Between Federal District Courts."

Associate Professor Marianne Wesson currently serves on a committee to develop questions for the Multi-State Bar Examination for the National Conference of Bar Examiners. She spoke on "The Colorado Constitution as an Independent Source of Defendants' Rights in Criminal Cases" to the Colorado Judicial Conference last fall. She spoke on "Equal Employment Opportunity Risks During Drastic Corporate Changes" at an ALI-ABA Conference on Advanced Labor and Employment Law, held at the University last summer. She was appointed by Governor Lamm to serve on the Judicial Nominating Commission for the 20th Judicial District. She was also appointed to the Colorado Supreme Court Committee on the Rules of Criminal Procedure. Her article on "Historical Truth, Narrative Truth, and Expert Testimony" will be published in *The University of Washington Law Review* in March.

Professor Stephen F. Williams gave a talk on market-based systems of water rights in Hawaii at a Water Management Symposium sponsored by the Land Use Research Foundation of Hawaii and the Hawaiian Sugar Planters' Association. He was also a panelist at two seminars organized by the Law & Economics Center of Emory University on "Liberty as a Value in Constitutional Law," at Williamsburg, Virginia, and on "The Economic Foundations of Republicanism," at Pine Mountain, Georgia. He is currently working on a chapter entitled "European Economic Integration and the American Federal Experience" for a project of the European University Institute, as well as a paper for the Federal Trade Commission on possible approaches the Federal Energy Regulatory Commission could take to encourage competition in the natural gas industry. He is also working on revisions of *H.*

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Faculty Profile— Peter N. Simon

When Peter N. Simon tells you he prefers teaching at the University of Colorado School of Law to doing anything else, you can be sure he means it. After trying his hand while an undergraduate at numerous odd jobs ranging from shoe salesman to glue maker, he enrolled in the University of Wisconsin Medical School. During his third year of studies, however, Simon realized he was far more interested in the work of his roommate, who was a law student, than in his own. Simon completed medical school, receiving his M.D. in 1966 and, in deference to his family, an internship. He finally fulfilled his ambition to attend law school by matriculating in Boalt Hall School of Law at the University of California, Berkeley. While in law school, Simon supported himself by practicing medicine twenty hours a week. In spite of his substantial out of class commitments, Simon excelled and was appointed Chief Note and Comment Editor of the Law Review. After graduating in 1970, Simon clerked for Chief Justice Kenneth J. O'Connell of the Oregon Supreme Court. Ironically, the roommate who inspired Simon to pursue a career in law never completed his legal education.

In summarizing why he prefers law to medicine Simon says, "The study of law is much more analytical. In medicine, you become an expert on an area and lecture other doctors who take notes. In areas outside your area of expertise, you take notes. There is no give and take and very little room for argument."

Since joining the faculty in 1971, Professor Simon has taught a wide range of courses including Contracts, Administrative Law, Constitutional Law, Professional Responsibility, Conflicts, Creditors Rights, and Evidence. His main area of interest has always been Civil Procedure. Simon started developing his own teaching materials for the course in 1973. The materials went through ten annual mimeographed editions and were published as a textbook this past June. "It is delightful," says Simon, "not to be struggling with mimeographed materials any longer."

Simon's monograph, *The Anatomy of a Lawsuit*, was also published this year. This book takes the



Professor Peter Simon

students through a fairly typical auto accident case, starting with the accident and ending with the Colorado Supreme Court opinion which ultimately decided the case. Though not as academic as his other work, "The Anatomy" is Simon's favorite. "It's fun and it really tells a story. Most importantly, it gives some glimpse of how a lawsuit affects the parties themselves—something it is easy for us to overlook." In addition to his two books, Simon also published an article titled "Liberty and Property in the Supreme Court: A Defense of Roth and Perry" in the January, 1983 issue of the California Law Review. The article analyzes the twelve year old procedural due process doctrine that "legislatures create property, and courts protect it." "What made this article unusual in the academic literature," comments Simon, "is the fact that it defends the Supreme Court's position in this area."

Notwithstanding his many professional responsibilities, Simon devotes himself to his responsibilities as a father to his four children: Joshua, 15, Jeremy, 13, Eleanor, 11, and Jessie, 8. His office is lavishly decorated with his children's art work. When not working, Simon is often seen bike riding, sailing, skiing, or camping with his family.

With the perspective of a person who has had a wide range of experiences, Professor Simon is now very content. He reflects, "I am doing what I should be doing. I am very happy to be teaching here. I like the students, the faculty, Boulder, the intellectual freedom and the atmosphere. It's a wonderful job."

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Faculty Notes

Williams, R. Maxwell & C. Meyers' Cases on Oil & Gas. He will be included as a co-author in the 5th edition.

Colorado Lawyer "Hall of Fame"

William Robert Kelly (1883-1981), who graduated from the University of Colorado Law School in 1907, was selected for the Colorado Lawyer "Hall of Fame" in June, 1984 as one of the greatest judges and attorneys in Colorado legal annals. Only eleven others have ever been selected for that honor. These lawyers are selected from a list of distinguished nominees who "have exemplified the high ideals of the legal profession; made significant contributions to the Bar Association; have been of aid and assistance to other lawyers, particularly younger lawyers; were active in civic and community affairs; were instrumental in accomplishing some significant changes in the law; promoted public confidence in the legal profession; and demonstrated competency in the practice of law."

Mr. Kelly, who practiced in Greeley for more than 60 years, was described as "Mr. Water Law" because of his expertise in the area of water law. He was president of the Colorado Bar Association from 1939 to 1940, and served on the Board of Law Examiners for 17 years. He served as a water referee from 1911-1925, and as a city attorney for Greeley. In the 1930s, he was special counsel for Colorado in litigation over apportionment of interstate streams. He helped create the Water Conservancy District in 1937. In 1961, he was the recipient of the William Lee Knous Award given to a distinguished Law School alumnus or alumna by the alumni and the Law School.

Class of 1987

The Fall 1984 entering class was composed of 150 students chosen from nearly 1,400 applications. Our entering students came from 24 states and the District of Columbia, and attended almost 80 different colleges and universities. Seventeen percent have advanced degrees, and over two-thirds of them had full-time jobs before entering law school. The first-year class includes 43% women and 17% minorities. The students range in age from 21 to 54 with a median age of 25 and an average age of 26.



Calhoun



Wesson

The Developing Law of the Toxic Workplace

by Associate Professors
Emily Calhoun and
Marianne Wesson

It sometime happens that two superficially unrelated legal topics develop along their separate paths until, to the surprise of all but a few prescient thinkers, they collide. Something very like that sort of legal collision has occurred in the arena known as the toxic workplace, where the law of environmental protection and the law of employment discrimination have combined to create a situation in which employees are uncertain of their rights and employers equally uncertain of their liabilities.

The stage was set for the collision when Congress enacted Title VII of the Civil Rights Act of 1964. As originally proposed, Title VII would have prohibited discrimination in employment on the basis of race, color, national origin, or religion. How gender came to be included as a prohibited basis of discrimination is quite ironic; Title VII's opponents amended the the statute on the floor of the House of Representatives by adding "sex" to the list of forbidden sorts of discrimination, believing that such an addition would doom the legislation. They had, however, overestimated the horror with which the bill's supporters would regard a prohibition against sex discrimination, and Title VII was enacted with the amendment. Hence one of the most powerful legal tools ever enjoyed by the women's movement was enacted by miscalculation. At the time Title VII was passed, it apparently occurred to few to ask what impact the Act would have on the

protection of female workers in the toxic workplace, and when such questions were asked they were usually dismissed as the recriminations of an unregenerate few who wanted to exercise "romantic paternalism" to keep women out of the work force.

The tension between Title VII and occupational health concerns became more apparent, however, with the 1978 Pregnancy Amendments to Title VII. In a 1976 case, *General Electric v. Gilbert*, the Supreme Court held that employers who discriminated against pregnant employees did not violate Title VII. The Court's reasoning lent itself to caricature (it said, for example, that pregnant employees were not a class composed of women, but rather a class composed of "pregnant persons"), and its ruling generated a scornful and angry outcry by women's and other civil rights groups. In consequence, Congress amended Title VII in 1978 to provide that the statute's prohibition against sex discrimination included a prohibition against treating any pregnant employee differently from other employees "not so affected but similar in their ability or inability to work."

With the Pregnancy Amendments, the collision between Title VII's requirements and employers' general and specific obligations to protect employees from hazards in toxic workplaces was imminent. Even before the Pregnancy Amendments, employers who wished to exclude women from work environments where there were believed to be substances that could damage female reproductive capacities faced liability for violating Title VII if they resorted to the simple expedient of limiting jobs in those environments to men. But with the Amendments, the employers' dilemma has become more acute: now it appears that excluding pregnant women even from work environments where there are documented dangers to developing fetuses (for example, where there is ambient lead in the atmosphere) violates Title VII's prohibition against discrimination on the basis of sex.

In recognition of the seriousness of the employers' predicament, the EEOC and the Department of Labor sought at one time to promulgate joint regulations that would resolve the conflict created by the collision of employment discrimination concerns with employee protection principles

in the area of threats to reproductive health. The proposed regulations were published in February of 1980, but were later withdrawn. No final regulations were ever published. The proposal and later withdrawal of the regulations may be a measure of the intractability of the problem, but the inability of the federal agencies most concerned with the problem to provide employers with any guidance must be counted a great failure.

It is sometimes suggested that the employer has little to fear by excluding women of childbearing age or pregnant women from the toxic workplace so long as the employer's motivation is genuinely one of protecting the worker, but this view has little warrant in the language of Title VII. The statute does provide that sex (and inferentially pregnancy) can be the basis for discrimination if gender (or non-pregnancy) is a "bona-fide occupational qualification" for a job. But the cases interpreting the so-called BFOQ defense approved of discrimination in general only when the employee's gender might create a hazard to other workers, clients, or customers—for example when the presence of a female guard in a very violent prison environment might endanger fellow guards or prisoners who could be injured in a riot. In cases in which the employer has argued that sex-based discrimination is necessary to protect a woman who might herself be injured on the job, for example in working as a telephone line worker, the courts have been much less sympathetic; they rule that it is the employee herself who must decide whether she wanted to expose herself to whatever risks the job that she seeks might entail.

Is it appropriate to take the corresponding view that it is the woman herself who must decide whether she wants to expose her reproductive health or her unborn child to the risks of the toxic workplace? If so, then employers should abandon all efforts to exclude especially vulnerable employees from toxic workplaces and confine themselves to making the risks known to those who must decide whether to accept such employment with its accompanying hazards. Although one can find some support in a few cases for this view, it is not one that has found great favor, at least when a fetus already

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Toxic Workplace

conceived may be exposed to danger at the option of its mother. One argument against requiring the employer to give pregnant employees the option to work in toxic environments is that the employer who permits a pregnant worker to expose her unborn child to environmental hazards may face a later ruinous lawsuit if the child is born defective or injured, a lawsuit that he cannot avoid by soliciting a release of liability from the employee since the rights of the third party—the fetus—are at stake and cannot be waived vicariously. Whatever the merits of this argument, it appears to many that a rule that requires the employer to give his workers the option to expose their unborn children to serious hazards creates a "marketplace" situation where it is not appropriate; a legal system that prohibits the sale of babies cannot, consistent with the principles underlying that rule, permit parents in need of well-paying (and often hazardous) jobs to bargain away their unborn children's opportunity to be born healthy in order to satisfy their immediate economic needs.

Some writers have argued that a pregnant woman whose fetus is not yet "viable" (a term of increasingly ambiguous definition) must necessarily have the right to expose it to danger, since she has the right to destroy the fetus if that is her choice. But there is a difference between her right, based on the constitutional concept of privacy, to end a pregnancy, and her right to impose on others, including the child and the society into which it will be born, the burdens created when a child is born defective or damaged. If the woman has chosen an abortion, she may make that choice promptly, and avoid any need to choose between her child's chances for health and her desire to keep her job in a toxic workplace.

To many, the most appealing resolution of the problem is to insist that employers create workplaces that are safe enough that any worker, male or female, of or beyond childbearing age, pregnant or not, can safely work in them. But any solution must, to be sensible, take account of the cost that the creation of toxin-free workplaces would entail; someone, whether consumers,

government, or investors, must pay that cost. Probably few would advocate that a workplace that is safe for all but 1% of the working population must be modified at an eventual cost of three times the gross national product to protect the rights of those workers to job opportunities. Advocates of the universal clean-up solution must determine how much of a cost is reasonable or desirable to impose on an employer whose workplace is safe for most but not all workers. For example, if making a lead battery plant safe for pregnant women workers would increase the cost on an average automobile battery from \$50 to \$250, should the employer be required to incur the costs and pass them along, or is the exclusion of pregnant workers the better solution? If this is the appropriate inquiry, then Title VII's prohibitions in the toxic workplace would begin to resemble the provision of that same Act that requires employers to make "reasonable accommodations" to the religious practices of their employees. The "reasonable accommodation" cases in the religion area inquire into the cost of the accommodation, requiring the employer to make it only if the cost is reasonable. Perhaps some similar analysis might resolve the dilemma faced by the employer who wishes to protect his most vulnerable employees from exposure to toxic working environments. For one court's discussion of this and similar issues, see *Wright v. Olin Corporation*, 697 F.2d 1172 (4th Cir. 1982).

Of course, some workplace hazards may be unacceptably risky for all employees, or equally dangerous to all. In such cases there is no conflict between Title VII and employee protection. If the workplace is equally or unacceptably hazardous to all workers, there is no justification for offering employment there only to men, or only to sterile or nonpregnant employees.

This brief discussion has not taken account of many serious remaining issues on the topic of toxic-workplace employment discrimination. There is in some cases, for example, a legitimate question concerning whether the employer's exclusionary practice is really motivated by solicitude for his female or pregnant employees, or is on the contrary motivated by a dislike for such workers, for which his expressed con-

cern is a pretext. There are cases, for example, in which a hazard that threatened the health of both men and women of childbearing age has been advanced as a justification for excluding only women. There are serious issues, involving an employee's rights to a certain amount of privacy, concerning how pregnancy, fertility, or other relevant characteristics of an employee may be ascertained. How these issues might be resolved remains uncertain. But what is certain is that thoughtful and creative lawyers will be intimately involved in the solution of this conflict, which calls for great analytic skill, sensitivity, and humanity. No more challenging legal problems can be imagined than those generated by the collision of two legal principles of the magnitude of those contending here: the principle that employment opportunities should not be determined by the gender of the employee, and the premise that all employees should have the right to a working environment that is safe for them and their particular vulnerabilities.

Law School Awarded Grant

The Law School Admission Council (LSAC) has awarded the Law School \$29,400 under its Minority Enrollment Challenge Grant Program to be spent over the next two academic years. CU was chosen as one of 21 schools receiving funds out of a total of 84 law schools that applied. CU cited statistics demonstrating the underrepresentation of minorities as members of the Colorado bar as well as nationally. The LSAC's Minority Enrollment Challenge Grant Program is concerned about both recruitment and retention of minority students. Funds will be used, in part to broaden minority recruitment, to expand a two week summer preparatory course to a five to six week session introducing students to study skills and legal reasoning, and to provide upper class tutors to minority students to reduce attrition. For the 1984-85 academic year, CU was granted \$15,935. The remaining \$13,465 will be funded if the first portion is matched on a dollar for dollar basis. Those desiring to contribute funds to help us match the grant funds should send contributions to Barbara Allar, LSAC Grant.



Dean Levin briefs alumni callers at the Denver phonathon. (L-R) Stephen C. Briggs ('75), Victoria Fowler ('75), Robert J. Kapelke ('66), Daniel J. Sears ('68), James T. Bayer ('51), Michael S. McCarthy ('75), Martha Nachman, Director of Career Services and Alumni Relations, and Dean R. Vanatta ('65).

Development Report

The 1984/1985 academic year started off with the appointment of our Leadership Gifts Committee. Those appointed were Robert A. Backus ('64), Paul C. Benedetti ('63), Christopher Brauchli ('61), Thomas G. Brown ('64), Timothy L. Campbell ('59), Carl A. Eklund ('71), Thomas T. Farley ('59), Donald Giacomini ('53), Neil C. King ('56), Gregory Martin ('59), Charles E. Matheson ('61), Fred W. Mattson ('63), Robert A. Ruyle ('59), John M. Sayre ('48), Chester P. Schwartz ('70), Robert Slosky ('61), B. Lawrence Theis ('75), Clark E. Weaver ('69), Lee R. Wills ('56), and Charles N. Woodruff ('67).

The Chairs for the special Reunion Classes include: Ed Epstein and Warren Martin, 1955; William DeMoulin and Jack Foutch, 1960; John Wittemyer and Dean Vanatta, 1965; and Greg Kanan, Steve Briggs and Michael McCarthy, 1975. The student chairs during this fiscal year's phonathons were: Hal Bruno (third-year), Damian Kassab (second-year), and Jolein Paulding and Amy Naudet (first-year). With this type of leadership and the support of the phonathon volunteers, this should be a fantastic year.

We would like to express our appreciation to Charles Casteel ('75), Don Cordova ('64), Dave Goens ('79), Gary Jackson ('70), and Pepe

Mendez ('64) for their dynamic role in assuring the establishment of several minority scholarships funds. In addition, we would like to thank Bob Slosky ('61) and Greg Kanan ('75), at the firm of Rothgerber, Appel & Powers, for hosting a luncheon for the Leadership Gifts Committee at the kickoff of the Leadership Gifts Campaign, as well as for contributing their superb facilities for our Denver Alumni night phonathon. We are also very grateful to the firms of Arnold & Porter and Brownstein, Hyatt, Farber & Madden for hosting luncheons for Vice Dean Luo Hao Cai and Judge Abner J. Mikva, respectively.

Denver and Boulder area alumni as well as students representing all three classes came out to show their support of the Law School in November. We are very grateful to Robert J. Kapelke ('66) and Paul Snyder ('67) for their stewardship of the Denver and Boulder alumni nights. An alumnus who wishes to remain anonymous generously offered a challenge grant to our phonathon callers. He agreed to match, dollar for dollar, the increased portion of all gifts over \$100. This provided a tremendous incentive for alumni to increase their gifts. Our efforts this year were extremely successful, and produced a total of \$47,284 in pledges. Thank you to all of those alumni whose warm response created this successful outcome. We encourage all alumni to

pay their pledges as soon as possible since this helps us contain our fund-raising costs.

It is our hope that many more of our alumni will become involved in the life of the Law School during this academic year. Your counsel and your support are something that we deeply cherish.

Barbara S. Allar

Barbara S. Allar
Director of Development

Schedule of Events

February 28

Young Scholar-in-Residence
Professor Judith Resnik,
University of Southern
California School of Law

March 4 and 7

Phonathons

March 5

Court of Appeals visits the Law
School

March 9

Women in the Law Day

March 14

Coen Lecture: Judge Harry T.
Edwards, U.S. Court of
Appeals, D.C. Circuit

March 15

Minorities in the Law Day

April 13

Colorado Bar Association Board
of Governors Meeting

April 26

Law Alumni Board of Directors
Meeting
Fourth Annual Alumni Reunion
Banquet

May 7

Classes end

May 24

Commencement

May 29-31

Fourth Annual National Institute
on Securities Regulation

June 3-5

Natural Resources Law Center
Conference: Western Water
Law in Transition

June 10-11

Natural Resources Law Center
Conference: Public Lands
Mineral Leasing



Charles J. Meyers

Natural Resources Law Center

Chaired by Clyde O. Martz, of the law firm of Davis, Graham & Stubbs, a committee of fifteen alumni raised the \$500,000 needed to meet a challenge grant of \$250,000 for the Natural Resources Law Center, offered in 1982. Support for the Center came from individuals, law firms, corporations, and foundations.

In addition to the two conferences presented by the Center in June (see *AMICUS*, Vol. VII, No. 1), the Center cosponsored, with Western State College in Gunnison, a conference on "Acid Rain and the West: Direct and Indirect Effects" in July. Widely attended by scientists, government regulators, and attorneys from around the nation, the conference's impact was heightened by the announcement in the keynote speech by John G. Welles, regional director of the Environmental Protection Agency and a member of the Natural Resources Law Center's Advisory Board, of an interstate task force to study the acid rain problem. In December, the Center cosponsored, with the Boulder Bar Association, a Saturday morning Continuing Legal Education program on current legal issues under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, more commonly called the Superfund. Several programs are being planned for 1985. The topics currently include

a short course on western water law, state regulatory effects on natural gas, and a long-term look at Colorado's system of water law.

Charles J. Meyers was the Natural Resources Law Center Distinguished Visitor at the Law School last spring. Mr. Meyers, who is with the Denver office of Gibson, Dunn & Crutcher, was on the faculty at Stanford Law School for 20 years and was Dean for the last six. A graduate of Columbia University School of Law, he has authored leading casebooks in the areas of oil and gas and water law. During his visit to the Law School, he lectured to both sections of the course on Water Law on the development of the law related to the Colorado River. He also gave a talk to all interested students on the practice of natural resources law and met informally with both faculty and students.

The Center is hosting two Research Fellows during the spring 1985 semester. Barbara Lausche, formerly with the Congressional Office of Technology Assessment, will be working on international issues related to natural resources. Ms. Lausche spent the fall at the IUCN Environmental Law Center in Bonn, West Germany. A second Fellow, James L. Kennedy, Jr., of Kennedy, Crabtree & Hansen in Ketchum, Idaho, is researching zoning techniques which would minimize avalanche hazards.

Three articles by Adrian Bradbrook, Research Fellow from the University of Melbourne, Australia, in spring 1983, have been published by the Center as the first of an Occasional Papers Series. These papers include: "Nuisance and the Right of Solar Access," "Tortious Liability for the Operation of Wind Generators," and "The Access of Wind to Wind Generators." These are available from the Center for \$5 each. The Center has also just published the proceedings of a workshop held in September 1983, *Special Water Districts: Challenge for the Future*, edited by Professor James N. Corbridge. Center Director Lawrence J. MacDonnell presented a paper, "The Oil Import Premium Revisited," at the November meeting of the International Association of Energy Economists in San Francisco. MacDonnell's article, "Regulating Socioeconomic Impacts: Comparing the Colo-

rado and Wyoming Approaches," will soon be published in the *Land and Water Review*.

The Center is currently researching the effects of the Endangered Species Act on water development of the South Platte River in Colorado. The project has received financial support from the Colorado Water Resources Research Institute, which will publish the results of the research.

Anyone interested in receiving the Center's quarterly newsletter, *Resource Law Notes*, should contact the Center at (303) 492-1286.

Summer Session

Last year, the Law School's summer session was taught by an exceptionally distinguished group of instructors. Last summer's faculty included:

Robert D. Bartels, a member of the faculty of Arizona State University College of Law, where he teaches Evidence, Civil Procedure, Environmental Law, and clinical subjects, taught here in academic year 1975-76 and formerly was on the Iowa faculty. He taught Evidence this past summer.

Alfred F. Conard, Henry M. Butzel Professor Emeritus at the University of Michigan Law School, was our distinguished Charles Inglis Thomson Professor for 1983-84. A leading scholar in the area of business organization, and author of *Enterprise Organization, Corporation in Perspective*, and other books as well as numerous law review articles, he has been a member of the faculty at Illinois and Kansas City, and has visited at Arizona and Berkeley. He taught Agency-Partnership this past summer.

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Alfred F. Conard

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Faculty Workshops

presented by Associate Dean Clifford J. Calhoun and Professor Alfred T. McDonnell; "Taking Your Consumer Client Through Bankruptcy: An Introduction to Chapter 13," presented by Professor Peter N. Simon; "Antitrust Law for the General Practitioner," presented by Professor Arthur H. Travers, Jr.; and "Tax Aspects of Real Estate Investment After the Tax Reform Act of 1984," presented by Professor Norton L. Steuben.

The Law School has the following Continuing Legal Education video tapes and materials available for bar associations outside the metropolitan Denver-Boulder area. If you are interested in using any of these materials, contact Associate Dean Clifford J. Calhoun, School of Law, Campus Box 401, Boulder, CO 80309. (303) 492-8047.

1983 Fall Faculty Workshops

"Should Colorado Keep the Code of Professional Responsibility or Adopt the ABA Model of Rules of Professional Conduct?" Professor Don W. Sears (two hour taped program, 9 page outline).

"Agricultural Law," Visiting Associate Professor Phillip E. Harris (three hour taped program, 88 page outline).

"The Federal Tax Lien and Article 9 Security Interests Under the Uniform Commercial Code," Professor Clifford J. Calhoun (two hour taped program, 21 page outline, with 12 page Appendices).

"An Introduction to Employment Discrimination Law," Associate Professors Emily Calhoun and Marianne Wesson (three hour taped program, 94 page outline, with 35 pages of Appendices).

1984 Fall Faculty Workshops

"Offensive Use of Lawyer Disqualification Rules in Litigation," Professors Clifford J. Calhoun and Alfred T. McDonnell (two hour taped program, 47 page outline, with 10 page Appendix).

"Taking Your Consumer Client Through Bankruptcy: An Introduction to Chapter 13," Associate Professor Peter N. Simon (three hour taped program, 24 page outline, with 79 pages of Code provisions and Rules and 23 forms).

"Antitrust Law for the General

Practitioner," Professor Arthur H. Travers (three hour taped program, 25 page outline).

"Tax Aspects of Real Estate Investment After the Tax Reform Act of 1984," Professor Norton L. Steuben (three hour taped program, 84 page outline).

Order of the Coif

The University of Colorado School of Law Chapter of the Order of the Coif has elected Daniel S. Hoffman, Dean of the University of Denver College of Law from 1978-1984, to an honorary membership. As Dean, Hoffman brought to completion the new tripartite law center of the University of Denver College of Law. He has had an outstanding career in the Colorado Bar Association, having served on its Board of Governors, and its Executive Council, and as Vice President. He became its President in 1976. In 1961, he was the President of the Colorado Trial Lawyers' Association and was Chair of the Colorado State Committee of the American College of Trial Lawyers in 1975-1976. He is now a Fellow of the College. He is also a Fellow of the International Society of Barristers and of the American Bar Foundation. He recently became a partner in the Denver law firm of Holme, Roberts & Owen. Dean Hoffman was presented a certificate and a key, marking his election to the Order of the Coif, at the University of Colorado Law School commencement on Friday, May 25, 1984, at Chautauqua Park in Boulder.

In Memoriam

The Law School only recently learned that Henry Wilson Seaman ('14) died in January 1979 at age 87 in San Jose, CA. He served as city attorney of Loveland, Colorado, for many years and was in private practice there until his retirement.

Stanley T. Wallbank ('18) died on July 1, 1984 at the age of 90. A prominent Denver civic leader, Wallbank served as president of Rocky Mountain Osteopathic Hospital from 1958-69. He was a director and associate general counsel of Bankers National Life Insurance Co. from 1929-71, and director and general counsel of United American Life In-

surance Co. from 1950-72. He was president of the Denver Bar Association in 1924-25; president of the Legal Aid Society of Denver 1924-27; a member of the Colorado Board of Bar Examiners 1925-50; vice president of the Colorado Bar Association 1938-39; chairman of the National Conference of Bar Examiners 1939-41; a member of the House of Delegates of the American Bar Association 1939-41; and a director of the American Judicature Society 1930-38. He was national president of Phi Gamma Delta fraternity from 1955-60. He also had headed the Denver Chamber of Commerce, the Denver Council of Boy Scouts of America, the Denver Symphony Society, and Goodwill Industries of Denver.

Harry Tarkoff ('23) died December 18, 1983, in Englewood, Colorado, following a heart attack. He was an independent agent for Travelers Insurance Co. for over 50 years and had retired in 1981.

Charles J. "Slide" Kelly ('25) died September 28, 1984 at the age of 92. His law firm, Kelly, Stansfield & O'Donnell, was legal counsel for Public Service Company of Colorado. Mr. Kelly was a PSC board member from 1954-72. He also was a director of the Silver State Savings and Loan Association and executive secretary of the Colorado State Railroad Association. Charles Kelly served as president of the Denver Bar Association from 1951-52 and was a fellow of the American Bar Foundation. In 1967, he received the William Lee Knous Award given to a distinguished Law School alumnus or alumna by the alumni and the Law School. A memorial fund has been established at the Law School in his name. Friends may contribute to the Charles J. Kelly Memorial Fund, University of Colorado Foundation, Campus Box 462, Boulder, Colorado, 80309.

The Law School has recently learned that J. Hartley Murray ('36) died on November 8, 1983.

Robert A. Fisher ('48) died April 1, 1984. He practiced law with the firm of Anderson, Fisher, Shannon, O'Brien & Rice in Stevens Point, Wisconsin, for more than 35 years. He was Chairman of the Board of the Bank of Park Ridge, and a director of the First National Bank and of First Affiliated Bancorporation. During

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In Memoriam

the 1950s, Mr. Fisher served as chairman of the Citizens Committee for Public Schools.

The Law School recently learned that James C. Melli ('55) died of cancer. He practiced with the firm of Welch & Melli in Riverside, California. Nearly 15 years after he graduated from Law School, he wrote Professor Don Sears that "I have always been grateful to the University's School of Law for the fine legal training I received there."

The Law School recently learned that Brian Maguire ('66) passed away several years ago.

William F. Dunn, III ('73) died on June 24, 1984. Mr. Dunn had entered with the Class of 1974, but received

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Summer Session

Lucy S. McGough, professor at Louisiana State University, formerly was on the faculty at Emory University. In addition to Domestic Relations, she teaches Juvenile Law, Trusts and Estates, and clinical subjects. She is co-author of *Handbook on Deprivation Proceedings in the Juvenile Court; Let Them Be Judged: The Judicial Integration of the Deep South*; and *Georgia Juvenile Court Practice and Procedure*. She taught Family Law this past summer.

Stefan A. Riesenfeld, who was our Charles Inglis Thomson Professor in 1979, is the author of a leading Creditors' Remedies casebook and long-time member of the National Bankruptcy Conference. He is one of the authors of a casebook on international law, has served as a consultant to the Legal Counsel for the State Department for a number of years, and has participated on behalf of the United States in briefs and arguments before the World Court, most recently in a case involving Nicaragua. Professor Riesenfeld is a professor emeritus at Berkeley and a professor at Hastings. In addition to Creditors' Rights, he teaches Admiralty, International Law and Real Property. He taught Creditors' Rights at CU this past summer.

Joseph L. Sax, a member of our faculty from 1962 to 1965, was appointed University Distinguished Visiting Professor by the University

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Recent Professional Activities _____

Recent Awards, Honors, Other _____

Please submit this form to *Amicus* Editor, University of Colorado School of Law, Campus Box 403, Boulder, Colorado 80309.

of Colorado for the summer term. He teaches Environmental Law, Land Use Planning, Natural Resources, and Water Rights at the University of Michigan Law School, where he was named Philip A. Hart Distinguished University Professor in 1983. Professor Sax is a leading expert and scholar in environmental law, and has written *Mountains Without Handrails: Reflections on the National Parks*, *Defending the Environment*, *Law and Justice*, a casebook on water law, and numerous law reviews. He taught Environmental Law this past summer.

Continued from page 1

Abner J. Mikva

petus for current efforts to recodify the criminal laws of the United States. After graduating *cum laude* from the University of Chicago Law School in 1951, where he was Editor-in-Chief of the Law Review, he clerked for U.S. Supreme Court Justice Sherman Minton. Following his clerkship, he returned to Illinois to private practice, where he was a law partner of Justice Arthur Goldberg. He is the co-author of a political science textbook, *The American Congress: The First Branch* (1983) as well as numerous law review articles.

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In Memoriam

his degree in December 1973. He practiced law in Amarillo, Texas.

Terrell C. Drinkwater ('33), an aeronautical law specialist who became a leading executive in the airline industry, died at the age of 76. Mr. Drinkwater, after practicing law for five years, joined Continental Airlines as general counsel in 1938. He became the airline's executive vice president and general manager in 1942. In 1944 he was named a vice president of American Airlines. He resigned three years later to take the position as Western Airlines president, becoming the nation's youngest chief executive of a scheduled airline. He remained in that position for 22 years, building the company from a

regional carrier to an international airline, and retired in 1970.

James Pughe ('51), a well known water law specialist, died on December 29, 1984. Mr. Pughe was appointed to the Moffat Tunnel Commission by Governor John Love in 1970 and had been re-elected last November. He also served on the board of the Colorado River Water Conservation District based in Glenwood Springs. Mr. Pughe was president of the Colorado Bar Association in 1968-69 and a past president of the Craig Chamber of Commerce and of the Craig Kiwanis Club. The Law School has received several contributions in Mr. Pughe's memory. Friends may contribute to the University of Colorado School of Law, Campus Box 403, Boulder, Colorado 80309.

Clarence R. Morris ('25), the Law School's 1984 recipient of the Award for Distinguished Achievement in Legal Education, died in February. Mr. Morris was a recognized authority on torts and Chinese legal thought. After receiving an LLM degree from Columbia Law School in 1926, he taught law at the University of Wyoming, the University of Texas, and at the University of Pennsylvania. For his accomplishments Mr. Morris was awarded numerous degrees and fellowships including the Brandeis Fellowship at Harvard Law School, Cambridge University Law School's Fulbright Research Fellowship and an Honorary Doctorate of Law from the University of Colorado in 1975.

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