

University of Colorado Law School

## Colorado Law Scholarly Commons

---

Amicus

---

Winter 1986

### Amicus (Vol. 9, No. 1; Winter 1986)

University of Colorado Law School

Follow this and additional works at: <https://scholar.law.colorado.edu/amicus>



Part of the [Law Commons](#)

---

#### Recommended Citation

University of Colorado Law School, "Amicus (Vol. 9, No. 1; Winter 1986)" (1986). *Amicus*. 47.  
<https://scholar.law.colorado.edu/amicus/47>

This Book is brought to you for free and open access by Colorado Law Scholarly Commons. It has been accepted for inclusion in Amicus by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact [rebecca.ciota@colorado.edu](mailto:rebecca.ciota@colorado.edu).

# AMICUS

Martha Nachman, Editor



## NOTES FROM THE DEAN

Early in October, together with a group of lawyers and judges, I visited the Soviet Union on a "legal study tour." The group included **Richard C. McLean ('58)**, Boulder district judge, and **Richard W. Wright ('41)**, of Sherman & Howard, and his wife Ruth, several attorneys in private practice in Montana, California, and Arizona, as well as Colorado, a district attorney from Trinidad, a federal district judge, and a federal court



(L-R) Dean Levin, official from Byelorussian Ministry of Justice, interpreter, and Byelorussian procurator

of appeals judge. The purpose of the trip was to provide an opportunity for interchange with our counterparts in the Soviet Union. By comparing and contrasting our two legal systems and our differing approaches to legal problems, we hoped to become informed not only about the system of law under which the Soviets live, but also about the effect of a different culture on approaches to problems. And we wanted to find out what the Soviet citizens are like, something about their culture, their art and architecture, and their history. Of course, two weeks — and only in the European part of the Soviet Union — is hardly enough even to begin to scratch the surface. (We can barely comprehend how vast the Soviet

Continued on p. 2

## INTERVIEW WITH JUSTICE NEIGHBORS

*Colorado State Supreme Court Justice William Neighbors ('65) announced last November that he was resigning from the bench effective February 1. He graciously agreed to be interviewed for the Amicus, and the following are selected portions of the interview.*

**Q.** According to a published excerpt from your letter of resignation, your resignation is for financial reasons. Was your decision purely financial or were there other considerations?

**A.** The reasons were financial. We have two children. Our daughter graduated from CSU on December 18. Our son will start college this fall. Because he wants to play inter-collegiate soccer, he will go out of state, which will, of course, increase the cost. In addition, I want to earn sufficient income to provide some measure of financial security for my family.

**Q.** Was your decision in any way influenced by recent criticism directed at the Colorado Supreme Court?

**A.** No. I would have stood for retention in 1986 for a ten year term. With the salary situation as it is, I do not feel I could serve the entire term. I believe that I should not stand for retention without the intention of serving for the full term. Because I see no indications that the salary will increase by any significant amount, I think it appropriate to leave at this time.

**Q.** A newspaper article reported that the legislature is considering a six to eleven percent pay increase. If the increase were eleven percent, salaries for Supreme Court judges would be



Justice William D. Neighbors ('65)

approximately \$70,000. Would an increase of this kind be sufficient to make a difference?

**A.** No. We have fallen too far behind, not only relative to salaries in the private sector, but also relative to judicial salaries in other jurisdictions. United States magistrates' salaries, for example, are higher than those of Supreme Court Justices of this state.

**Q.** I understand Chief Justice Quinn has recommended a 38 percent raise to approximately \$85,000 which would, according to figures published by the American Bar Association, put Colorado tied for fourth place with Illinois, behind only New York, Alaska and Hawaii. Do you think this figure is too high?

**A.** I think it's in the ballpark. Salaries would then be consistent with those for judges of the U.S. Circuit Courts of Appeal. Judges would still be receiving less than they could earn in the private sector, but the disincentive to be a judge would be ameliorated. *The Denver Post*, for example, recommended that salaries be increased by \$10,000-\$15,000 and that judges receive the same yearly cost of living increase as other state employees. I think that is a realistic approach.

Continued on p. 8

Continued from p. 1  
Notes from the Dean

Union is. For example, Leningrad is closer to New York than it is to Vladivostok.) Nevertheless, I came away with some impressions that I would like to share with you.

We visited four cities — Moscow, Minsk, Kiev, and Leningrad — and met with lawyers in each of those cities. In Moscow, we met with the Chairman (Chief Judge) of the People's Court (the lowest level trial court) of the Vogogradsky District in Moscow. (There are 34 such districts in Moscow, each with its People's Court.) In Minsk, we met with the Chairman of the Information Department of the Ministry of Justice of the Byelorussian Soviet Socialist Republic and with a representative of the Byelorussian Procurator's Office. We also visited Kiev, where we met with legal researchers from the Institute of State and Law of the Academy of Sciences of the Ukrainian Soviet Socialist Republic, and a third year student in the Department of Law at Kiev University. At our final stop, Leningrad, we met with the Deputy Chairwoman of the Leningrad City Bar Association, a judge of the City Court of Leningrad (an intermediate appellate court) and a professor in the Department of Law at the University of Leningrad.

There are a number of similarities between the Soviet and the American legal systems. For example, both legal systems attempt to resolve issues involving contracts and the distribution of goods and property, divorce and child custody, auto accidents and other tortious acts (interestingly, there can be no recovery for pain and suffering, or for insult and slander), employer-employee relations, crimes, and so forth. In both countries, the sources of law include a written constitution, legislation, administrative regulations, and judicial and administrative decisions. The structure of the Soviet judicial system also seems familiar, at least superficially. There are trial and appellate courts of general jurisdiction within each of the Soviet Union's 15 republics, just as there are within our own 50 states. There is also a Supreme Court of the USSR, which hears appeals from the supreme courts of the republics.

Even where there are clear differences between our two systems,

many aspects of the Soviet legal system are similar to that of other continental European legal systems. For example, as in France, there are codes for the various areas of law, and trials — both civil and criminal — are inquisitorial in nature rather than adversarial. And, as is the case with continental European legal systems, Soviet judicial decisions do not establish legally binding precedent for future cases.



Red Square, St. Basil's Cathedral, and Lenin's Tomb, outside Kremlin Wall

However, socialist legal systems differ in certain fundamental ways from Western European systems as well as from our common law system. The unique feature of socialist constitutions is that they provide not only the framework of government but also provide for other social relations, particularly economic ones. Thus, the Soviet Constitution provides for state industry and property and the distribution of goods and services. The other significant difference is the role of the Communist party in influencing the Soviet legal system. Article 67 of the Soviet Constitution states that "the leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations, is the Communist party of the Soviet Union." The Communist Party pervasively affects the administration of the Soviet legal system, and Soviet laws are designed to further the objective of advancing the society towards socialism and Communism. This means that although the Soviet Constitution contains a comprehensive statement of the rights, freedoms and obligations of Soviet citizens, these rights and freedoms can only be exercised in a manner that is consistent with the goal of socialism. Individual liberties and freedoms must be subjugated to the collective rights of Soviet society and the ideology of the Communist Party.

We examined the criminal justice system, looking both at substantive criminal law and criminal procedure. As I have already noted, the Soviet Union, not unlike many civil law countries, uses the inquisitorial system rather than the adversarial system. Professor Osakwe of Tulane Law School, who has studied the two systems, has concluded that a factually *innocent* defendant should prefer trial under an inquisitorial system, while a factually *guilty* defendant should prefer trial under an adversarial system. Among the unique features of the Soviet inquisitorial system: defense counsel will generally not be permitted to engage in any independent pre-trial fact-gathering or participate in any phase of the pre-trial investigation, the argument being that the presence of counsel will obstruct the search for objective truth; there is no prosecutorial discretion once the procurator has reached an "inner conviction" that the crime has been committed; if the defendant pleads guilty, the court considers the plea as part of the evidence of the case, but must proceed independently to determine his guilt or innocence; there is no plea bargaining; social accusers and social defenders — representatives of the public elected at meetings of those who work or live in the same place as the defendant — take part in the trial essentially as character witnesses for and against the defendant; there is no equivalent of the exclusionary rule — all reliable evidence is admissible despite any procedural violations involved in gathering the evidence (police or investigators who do obtain evidence illegally can be punished); only attorney-client communications are privileged — spousal or other communications are not.

Long before a case goes to trial, it has been extensively and thoroughly processed in the pre-trial phase. One student of the Soviet criminal system estimates that about 60% of all criminal cases initiated are dropped in the pre-indictment phase and about 10% of the remaining 40% are dropped at the conclusion of the preliminary judicial conference. Over 99% of the cases that do go to trial result in convictions. Because so much is done in the pre-trial phase, Soviet trials are quite efficient — the average duration of a Soviet trial is

Continued on p. 4

## CLASS OF 1988

Last fall the Law School welcomed an entering class of 175 students chosen from nearly 1,100 applicants. The students came from 29 different states and attended 96 different undergraduate institutions. Eleven percent have advanced degrees, including three students with Ph.D.'s. The class includes 48% women and 10% minority students. The students range in age from 20 to 50 and have an average age of 26. More than one-fifth of the class is over thirty and at least a fourth are married. Nearly 60% of the students had full time jobs before entering law school. Included among members of the class are a former County Commissioner, a Navy cryptologist, a gold mine operator, the coordinator of rural education in Swaziland for the Peace Corps, the manager of a Title IV Resource Center for Indian tribes in South Dakota, a zoo keeper, a minister, several university professors, and a number of world class athletes. The median undergraduate grade point average is 3.35, and median LSAT is 38, which puts the Law School's median first year student in the 84th percentile nationally.

## LEGAL AID CLINIC TAKES CASE TO COLORADO SUPREME COURT

The Legal Aid and Defender Program filed briefs with the Supreme Court last summer in *Monroe v. Vista Village Mobile Home Park, et al.* The issue before the Court is whether the Court of Appeals erred in adopting the rule that a landlord's consent to an alienation by a tenant cannot be unreasonably withheld unless the lease specifically gives the landlord an absolute right to withhold consent. The case was originally tried in Boulder District Court in April, 1982. *Pro bono* assistance on the briefs was provided by three law school graduates; Julee Willets ('84), Robert Starrett ('84), and Stephen Doyle ('84). Ms. Willets and Mr. Starrett, along with Matthew Frucht ('84), worked on the case while students at the Clinic.

## STANDING ROOM ONLY FOR LAW SCHOOL MUSICAL

With the arrival of Visiting Professor Willard H. Pedrick (please see Pedrick article), who calls himself the "Johnny Appleseed of Law School Musicals," CU Law School joined the ranks of other law schools and professional organizations which good naturedly satirize the profession in song and dance. Professor Pedrick, who has produced three musicals for



Students perform "Judgment Day"

the Association of American Law Schools and more than 15 at his own Arizona State Law School, believes that many of the qualities which make a good performer also make a good lawyer. The qualities include versatility, ability to master material in a short period of time, and physical poise and presence. In the production, Professor Pedrick and Visiting Professor Darrell Johnson played Jesse Underwhelms and General Eastlessland, respectively, who visited the Law School for the purpose of evaluating its curriculum.

The nearly two dozen students who performed and wrote the musical parodied many well-known songs in the satire. Stealing from "Some Enchanted Evening," they summed up the operative rule regarding Law School parking permits—"Once you have got one, never let it go." "Sixteen Tons" will never quite be the same now that Eric El-liff, a second year student, has written these immortal words:

*You work sixteen hours, what  
do ya get?*

*Another day older and deeper  
in debt.*

*Prof, don't call on me cause I  
don't know.*

*I haven't been prepared since  
a week ago.*



(L-R) Kelley Green, Kristy Klein ('87), Professor Hiroshi Motomura, Bruce Sarbaugh ('86), and Professor Emily Calhoun

Professors Emily S. Calhoun and Hiroshi Motomura joined in the fun as members of a bluegrass band. A large contingent of faculty members surprised the student cast as well as the audience by coming on stage half way through the musical to perform several songs written by Professor Pedrick.

In addition to commenting on the Law School experience, students also targeted the U.S. Supreme Court, wealthy lawyers, President Reagan, Governor Richard Lamm, the Law Review, and U.S. Attorney General Edwin Meese.



Board of Visitors watches "Judgment Day."

## COLORADO SUPREME COURT HOLDS SESSION AT LAW SCHOOL

The Colorado Supreme Court again held a session of court in the Lindsley Memorial Courtroom of the Law School last fall. The Court heard arguments in two cases. In *MacGuire v. Houston*, the issue involved the constitutionality of Colorado's election judge statutes. The issue on *Conrad v. City and County of Denver* involved the constitutionality of Denver's nativity scene display. The Law School hosted a reception in the Rutledge Lounge in honor of the Justices immediately following the arguments.

between one and two *days* for serious crimes. Courts must issue their decisions (in either criminal or civil cases) from the bench immediately after the trial and, by law, a court may not hear a new case until the old case has been decided.

Part of our experience was testing the law in theory against its reality. A number of commentators have concluded that there is a good faith effort made to respect the due process rights of non-political criminal defendants. These due process rights are spelled out both in the Constitution and in legislation. However, we learned — not from our official hosts but from visits with “refuseniks” (Jews who have sought to emigrate from the Soviet Union but have been refused permission to do so) and other political dissidents — that *political* defendants are denied the due process protections that ordinary criminal defendants receive, and the law itself authorizes this denial.

Another glaring gap between the law in theory and in practice is in the area of international law — the right to emigrate from one’s country. The 1975 Helsinki Agreements, signed by the Soviet Union, states that “Everyone has a right to leave any country, including his own.” The Universal Declaration of Human Rights, also signed by the Soviet Union, articulates the same principle. Yet the only permitted ground for emigration in the Soviet Union is “family reunification.” We were told by some Soviet lawyers that anyone can leave the country who desires to do so, although they noted that people can be denied permission to emigrate if they have had access to state and military secrets and thus might be a security risk, if their emigration would damage the rights and interests of their minor children or elderly parents who do not want to leave the Soviet Union, or if they have not met their military obligations.

However, several of us met with “refuseniks” who fell into none of those categories. Their “crime” was to apply to leave the Soviet Union for a country where they could worship freely. Many of these refuseniks had been dismissed from their positions after they applied to emigrate. They then were prohibited from taking other jobs appropriate to their educa-



Ruth and Richard W. Wright ('41) at Ukrainian Feast

tion and training. Those who fail to take the menial jobs given them, and some have even been denied permission to take those jobs, can be charged with “parasitism,” which is refusing to comply with the duty to work or to be a productive citizen. Article 39 states that “enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state.” And Article 59: “Citizens are obliged to observe the Constitution and Soviet laws, comply with the standards of socialist conduct, and uphold the honor and dignity of Soviet citizenship.” Seeking to leave the country is interpreted as disparaging the country and undermining socialism, and thus the protections accorded ordinary citizens do not apply.

Our discussions with Soviet lawyers indicated that they believe that rights and freedoms must also include social and economic rights. Thus, the Constitution guarantees the right to work, to education, to housing, and so forth. However, one cannot freely choose where to work or what kind of work one does. For example, the young law student with whom we met in Kiev indicated that he would be given a choice of three jobs when he graduated from law school, the desirability of those jobs being dependent upon his rank in class. However, the graduating student must accept one of the three positions offered. If he wished to work in Moscow, he could not do so if none of the jobs he were offered were located there. Moreover, people must carry an internal passport showing where they are permitted to live and work. One cannot be in Moscow if one is a Soviet citizen without a passport authorizing him or her to be in Moscow.

With regard to the constitutional guarantee of housing, we learned that the most frequent reason for “sham” marriages was to obtain an apart-

ment. While the housing shortage has improved tremendously, there are still problems. Everyone *is* provided housing at an extremely low rent (amounting to 3 to 5% of the average person’s income), but a Soviet citizen cannot move freely from one apartment to another. One is assigned an apartment and generally retains that apartment for life. Much of the court load, we were told, involved disputes with regard to the apartment — not only who has the right to the apartment in the case of a divorce, but whether the adult children or the parents have the right to the apartment. We heard stories of couples getting divorced who, after the divorce proceedings, had to return home to the apartment they had been sharing with the parents of one of the spouses.

A quick overview of my impressions: There is no graffiti on the subway which, in each city, is efficient, easy to use, and clean, and often the stations are elaborately decorated with sculpture or paintings. The store windows, because there is little need to advertise, have displays that are not particularly interesting or eye catching. The abacus instead of the cash register is used in nearly every store and old-fashioned manual typewriters rather than electric typewriters or word processors are used in offices. There are propaganda posters everywhere.

As foreigners, we were isolated from Soviet citizens — by our lack of knowledge of the language, of course — but also by our rigorous schedule. We were kept going from early in the morning to late at night, with almost no free time, probably to keep us from wandering off on our own. (Some of us did depart from the group and even met a Russian or two, but it was difficult for us to do so. However, we were never actually prevented from going where we wanted.) We were accommodated in hotels that were for foreigners only. Our hotels in each city with the exception of Kiev were far out from the center of town and we were bused in large Intourist buses to all our meetings, to museums, and to other sights. Every hotel has a checkpoint at the front entrance manned by two officers. Any person entering the building must show his identity card. No Russian could enter without special permission. In every hotel there is a

Continued on p. 6

## RECEPTION FOR COLORADO SPRINGS ALUMNI

Lee Wills ('56), Chair-Elect of the Law Alumni Board, and his wife Mary, hosted a beautiful reception for Colorado Springs area alumni at their home last August. The reception, which honored Dean Betsy Levin, provided the area's Law School graduates an opportunity to reminisce about the past and learn about plans for the future of the Law School. Alumni from more than 20 different graduating classes, ranging from the years 1929 through 1983, attended. They also enjoyed meeting three second year law students, Mike Theis, Craig Stifler and John Haberland, who provided assistance for the event.



Betsy Levin & Jack Fouch ('60), at Lee and Mary Wills' Alumni Reception

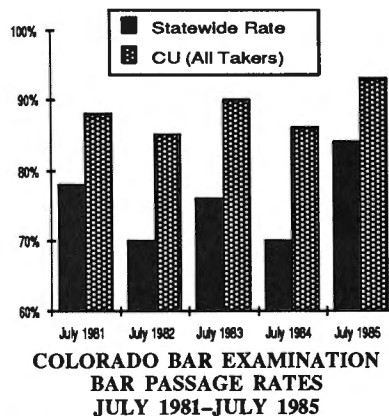
Among alumni attending the reception were: Frederick Henry ('29), William Baker ('37), Robert Aman ('49), Larry Hecox ('56), Lee Wills ('56), Alfred W. Metzger, Jr. ('58), Lindsay Fischer ('59), Jack Fouch ('60), Roger Hunt ('60), Malcolm MacDougal ('62), Sandy Kraemer ('63), Al Jensen ('64), Chuck Painter ('64), Peter Goldstein ('70), Larry Rodriguez ('74), Charles Berry ('75), James Reed ('76), John Suthers ('77), Bruce Kolbezen ('78), Juanita Rice ('81), Kent Gray ('82), Tom Kennedy ('82), Elizabeth Hollister ('83), William Wills II ('83).



William Baker ('37), at Lee & Mary Wills' Alumni Reception

## CLASS OF '85 BAR PASSAGE

The members of the Law School class graduating in May, 1985 passed the July Colorado Bar Exam at a record setting 94% rate. This rate compares favorably with the overall state passage rate of 82%. In each of the last five years, the Law School's graduates have had a passage rate that exceeds the state rate by not less than 12 percentage points. The Law School believes that the success of CU Law graduates results, at least in part, from the Law School's emphasis on a sound legal education with a thorough grounding in legal analysis. Dean Betsy Levin and Associate Dean Clifford Calhoun attended the swearing-in ceremonies which were held on November 1 at Boettcher Concert Hall. It was a very joyous occasion for the Law School's graduates and their families and friends.



## ROTHGERBER MOOT COURT RESULTS

A very large crowd of students, faculty and guests watched in the Lindsley Memorial Courtroom or in two overflow rooms on video as law students Martha Bohling, Dwight Shellman, and Stacy Worthington successfully argued against Nettie Rosenthal-McCoy, Cheryl Hara, and Donald Quick in the final round of the Rothgerber Moot Court Competition. The case involved a cable-television company's efforts to obtain a franchise from city officials. This year's panel of judges consisted of Judge Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit, Judge John Moore, of the U.S. Court of Appeals for the Tenth

Continued on p. 9

## DANIEL VIGIL, ASSISTANT DEAN FOR STUDENT AFFAIRS AND PROFESSIONAL PROGRAMS



Assistant Dean Daniel Vigil ('82)

Daniel A. Vigil ('82), who has been serving as Assistant Dean for Enrollment Services since 1983, is now the Assistant Dean for Student Affairs and Professional Programs. In addition to his responsibilities as Director of the Summer Diversity Program and in the area of recruitment, he now supervises student academic counselling, acts as liaison with student organizations, and coordinates student organization activities. As Assistant Dean for Professional Programs, he coordinates all continuing legal education programs presented at the law school, including the annual Fall Faculty Workshops. After graduating from the Law School in 1982, Mr. Vigil served a one-year clerkship with John F. Sanchez, a Denver district court judge. He then practiced with the firm of Vigil and Bley in Denver. Before entering Law School, Mr. Vigil worked for Mathematical Policy Research on a study conducted for the U.S. Department of Labor.

## CONFERENCE ON HIGH TECHNOLOGY COMPANIES

The University of Colorado School of Law's Second Annual Institute on "Representing High Technology Companies" was held on February 13-14, 1986, at the Denver Marriott Hotel-City Center. Co-chaired by Associate Professor Mark J. Loewenstein and Joel D. Kellman, Esq. of Fenwick, Davis & West in

Continued on p. 16

"key lady" posted on each floor. We could not quite ascertain the function that these hotel employees performed, although some thought they were there to watch our comings and goings. Others, as do I, believe it was part of their resolution of the problem of unemployment. The Soviets boast that there has been no unemployment in the Soviet Union for 50 years, but there is tremendous underemployment in menial, deadend, "make work" jobs.

One impression that no one failed to obtain is the overwhelming effect that World War II, which is referred to as the Great Patriotic War by the Russians, has had on their lives. Minsk was almost totally destroyed during World War II —there were only five public buildings left standing. It was also the site of a number of concentration camps and crematoria. There were war memorials in every city we visited. Another impression is of tremendous governmental support for the arts. Each of the four cities that we visited had a permanent circus (and circus building), a ballet company (with ballet house), an opera house where opera is performed six nights a week, and theaters. We also learned that there are differences even among the European republics that we visited —the Byelorussian Republic, the Ukrainian Republic, and the Russian Federated Soviet Socialist Republic. In Kiev, for example, we heard some anti-ethnic Russian sentiment.

One gets an oppressive feeling about the system. In Kiev, while walking along the street, a young man came up to several of us and asked if he could talk with us to practice his English. As we walked, he asked questions about the United States and we asked many questions about the Soviet Union. He commented that he was born in Kiev and would die in Kiev; he would not be allowed the opportunity (either financially or otherwise) to travel around the Soviet Union. He also pointed out that his parents, who had lived through the Stalinist era, would be extremely upset if they knew that he was taking the risk of talking to foreigners. At one point, he said he would like to read something contemporary in the English language — the only English language book to

which he had access was Shakespeare. When members of our group offered to give him copies of the paperbacks that they had with them, he refused to go with us to our hotel to get the books. He said he feared he might be arrested by the police who watch the hotel for Russians who make contact with foreigners. He thought he might be accused of receiving drugs between the pages of the books.



Richard C. McLean ('58) and others at Russian dinner in Leningrad

Unlike other European countries, the only English language newspapers or magazines available even in the hotels for foreigners were those published by the Communist Party (the *Daily World* from the United States, for example, and its British equivalent). The international edition of the *Herald Tribune* or of *Time* was not available. Indeed, we heard stories of Americans entering the Soviet Union whose copies of *Time* or *Newsweek* were confiscated. As we were leaving the country, and going through customs in Leningrad, several of us (we think randomly) were stopped and had our luggage searched. However, I was detained for nearly an hour while every scrap of paper, my pocket dictaphone and cassettes, law review articles, notes on our meetings with our Soviet counterparts, and other pieces of paper were taken and examined by various military officials. I was finally released, without any explanation of what they were looking for or why I was held. Some people have told me that this is done just to harass and intimidate visitors.

This does not mean that we did not meet Soviet citizens who were friendly to us, although they were few because of our isolation from them and our lack of knowledge of the language. As we were taken through a museum, one little old woman who was a museum guard in one of the rooms said as we came through, both in Russian and in English, "Good morning! USA and

USSR, Peace." Another woman we encountered on the subway smiled at us and then offered us the flowers that she was taking home from work. She spoke no English and we spoke no Russian but she smiled and waved to us as we left the subway. Our Intourist guides were extremely courteous, knowledgeable, friendly and, in some instances, quite candid.

As one commentator has noted, every private citizen is expected by Soviet political ideology as well as compelled by Soviet law to report to the authorities knowledge of any suspected unlawful activity by any other citizen. Even though we were there only a short time, we picked up some sense of the atmosphere that creates. We came home thankful for the protections in the U.S. Constitution and our legal system that we too often take for granted.

Dean

## DEVELOPMENT REPORT

I am delighted to let you know that we have recruited some of our most distinguished alumni as fundraisers for our new fiscal year which began July 1. The Leadership Gifts Committee has been appointed and those involved are: Presidents' Club Chair, Tom Brown ('64); Silver and Gold Society Chair, Bob Slosky ('61), with team members Betty Arkell ('75), Paul Benedetti ('63), Tim Campbell ('59), Carl Eklund ('71), Jim McCotter ('69), Jim Scarboro ('70), and Larry Theis ('75); and Dean's Club Benefactors Chair Steve Briggs ('75), with team members Bob Backus ('64), Jim Bayer ('50), James Bull ('68), Tom Farley ('59), Greg Martin ('59), Clark Weaver ('69) and Chuck Woodruff ('67). Paul Snyder ('67) and Greg Kanan ('75) have taken charge of the Boulder Alumni Phonathon and Denver Alumni Phonathon evenings, respectively.

Our Alumni Reunion Banquet will be held on Saturday, May 17, 1986. The following individuals have agreed to serve as Reunion Chairs for the special reunion classes:

Continued on p. 9

## DEAN LEVIN MEETS WITH ALUMNI

While visiting several cities for faculty recruitment and other purposes during early December, Dean Betsy Levin had the opportunity to meet with a number of alumni.

Her first stop was Chicago where she visited with **Stanton T. Hadley ('62)**, who is now Senior Vice President for Administration and Secretary, U.S. Gypsum Corporation. In that capacity Mr. Hadley has been involved in several major transactions, including a corporate acquisition and a stock split. Mr. Hadley, who is the son-in-law of Judge **Horace B. Holmes ('42)** of Boulder, and his family often return to Boulder to visit friends and family in the summer. Dean Levin also met with **Alan W. Brothers ('72)** who has his own law firm, Carney & Brothers, in downtown Chicago. The partnership has two associates, but expects to add another in the near future. The firm primarily does real estate work, including real estate litigation, for corporate clients. While in Chicago she also met with **Paul N. Yannias ('83)** who is doing real estate work for Ticor Corporation, and spoke with **William E. Grubbs ('49)** who retired early from Bankers Life Casualty Company where he served as its vice president and counsel. Mr. Grubbs informed Dean Levin that he misses working and is contemplating a return to practice.

In New York, **Nicholas Doman ('35)** and his wife Katherine (Kitsie) graciously hosted a dinner for the Dean in their home. Dean Levin also met with **Bethuel M. Webster**, of Webster & Sheffield, who was the Law School's 1981-82 Practitioner-in-Residence. In addition, she spoke with **Mary Beth Ritger ('76)**, who is now with the firm of Wolf, Haldenstein, Adler, Freeman & Herz in Manhattan, where she specializes in trusts and estates, and with **Eoanna Combothekras ('72)** who has a practice in Astoria, New York.

In Philadelphia, where Dean Levin was attending meetings of the American Law Institute Council, she met with **Harold (Hal) Sprague ('85)**. He is enjoying his work in the enforcement division of the Regional Office of the Environmental Protection Agency. He reports that he has not yet found a good squash partner.

## TWO FACULTY MEMBERS NAMED TO CU ADMINISTRATIVE POSITIONS



Professor Emily Calhoun



Professor James Corbridge

Law Professors James N. Corbridge, Jr. and Emily M. Calhoun have been named Vice Chancellor for Academic Affairs and Associate Vice President for Human Resources, respectively. As Vice Chancellor, Professor Corbridge will be responsible for recruitment and promotion of faculty and deans, long range academic planning, and coordination of the academic program with budget planning and preparation. Professor Calhoun will have responsibility for coordinating staff and faculty development and affirmative action efforts. Both appointments are on an interim basis. The University will conduct national searches to fill the positions.

## BOARD OF VISITORS

On November 7 and 8, the distinguished members of the Board of Visitors met at the Law School for the purpose of providing guidance and suggestions for the future growth and direction of the Law School. The Board was established in 1983 in order to provide the Law School with a group of informed and interested outsiders who could serve as a bridge to various communities beyond the campus. The Board advises the Dean and Faculty in their efforts to enhance the quality of legal education for students and to promote the

Continued on p. 15

## KIRKLAND & ELLIS HOSTS RECEPTION FOR RECENT DENVER AREA ALUMNI

For the second consecutive year, the Denver office of Kirkland & Ellis hosted a lovely reception for alumni working in the Denver area from the last five years' graduating classes. **Betty C. Arkell ('75)**, partner in Kirkland & Ellis and 1984-85 Chair of the CU Law Alumni Board, presided over the evening. The many alumni who attended the reception enjoyed renewing acquaintances with former classmates and discussing their work with the Dean and members of the Law School's faculty.

## HOMECOMING WEEKEND

In what has become an extremely popular annual Law School tradition, a full program of activities was scheduled for the alumni who returned for Homecoming on October 12, 1985. Associate Dean Clifford Calhoun and Assistant Deans **Daniel Vigil ('82)** and **Sharon Feller ('84)** presided over the 9:00 a.m. forum to discuss the Law School. Many alumni and other members of the Bar then attended Professor William Pizzi's CLE program "Criminal Procedure Update." Alumni had the opportunity to enjoy beautiful 70 degree weather during a casual beer and bratwurst lunch, which was held on the west patio of the Law School. Alumni were then delighted to attend the CU/Missouri game, which resulted in a 38-7 victory for CU. The day ended with an outdoor reception at the Law School.



Alumni enjoying lunch on Law School west patio



**Q. In other words, you would be looking at not only an immediate increase, but also a commitment to keep salaries competitive?**

**A.** That's right. I think most judges are looking for some commitment from the legislature in terms of adequate salaries.

**Q. Isn't your situation unique? Very few attorneys become Supreme Court justices in their early forties. Haven't most appointees reached a different stage in family life by the time they are appointed?**

**A.** Yes. However, we are seeing younger lawyers appointed to the bench. I think the problem will recur, in part, because many of the judges now being appointed are coming from the public sector — district attorneys, public defenders, county attorneys, and so forth. Fewer appointees are from the private sector. If the appointees are younger and come from the public rather than the private sector, increasing numbers of judges will be influenced by the need to attain some measure of financial security for their families. Because the gap between private sector and public sector salaries is so great, skilled lawyers from the private sector simply are not inclined to serve as judges.

**Q. Who should be applying to be a judge? According to a law review article which I read on judicial salaries, compensation should be set at a level sufficient to attract and retain "persons of the highest quality." How would you define "persons of the highest quality" for this purpose?**

**A.** I think the most important qualities are complete integrity and outstanding legal ability that has been demonstrated in the courtroom, classroom or office. Applicants should also have wide experience in diverse legal fields because the Supreme Court hears a vast array of cases. In short, applicants should have broad experience in civil and criminal fields with some specialization.

**Q. Is the diversity on the bench being diluted because so many people are coming from the public sector? Or is this really not a problem since so many cases are in fact criminal?**

**A.** Although there certainly are a lot of criminal cases, decreasing diversity on the bench is a problem. There are many cases involving divorce, child custody, commercial disputes, personal injuries, medical malpractice, products liability, administrative law, zoning, land use and environmental issues. Experience in at least some of these areas is very important.

**Q. You mentioned that you felt you should not stand for retention unless you could serve for the entire ten year term. Do you think a ten year term is too long and that there would be advantages to a five year term?**

**A.** I think a ten year term is appropriate and essential to ensuring the independence of the judiciary. People need to understand that courts make decisions not on the basis of what is popular but on the basis of legal principles.

**Q. Do you agree with the charge that relatively low judicial salaries when compared to those earned in the private sector will cause, as some have charged, only the "wealthy, the young, or the mediocre" to be attracted to the judiciary?**

**A.** Yes. Prestige and honor are powerful attractions in the abstract. But when you go to the grocery store, buy clothing, get a tuition bill or the car breaks down, you can't pay those bills with prestige or honor.

**Q. If the salary structure is not changed, do you foresee people serving in the judiciary for a short time, to satisfy personal ambitions or to build their resumes, and then leaving the bench.**

**A.** That certainly is a possibility, but I can't speculate as to whether lawyers will do it just to enhance their reputations.

**Q. Surely there are nonmonetary rewards in being a Supreme Court judge. What have been the most rewarding aspects to you?**

**A.** The most satisfying aspect to me has been the opportunity to have some impact on the law. Also, the justices here are all extremely competent and it has been a joy to work with them. It will be difficult to give up these personal associations. In addition, there is some prestige associated with the job.

**Q. Aside from financial considerations, what has been the least**

**satisfying aspect of being a state Supreme Court judge?**

**A.** We spend too much time on fact specific cases, such as those involving extradition, search and seizure, public utilities, and water law. Many of these matters simply do not involve significant legal issues that have an impact on the law of this state. I think our efforts would be better directed to legally significant cases. In addition, the isolation and lack of contact with people is a negative factor.

**Q. What changes would you recommend to increase the amount of time spent on more legally significant issues?**

**A.** The jurisdiction of the Supreme Court should be changed and, at some point, it should become an all certiorari court. However, we should continue to have original jurisdiction over cases that we want to take, but the court ought to have total discretion as to the kinds of cases that will be heard.

**Q. Why did you choose to go into a private arbitration service with Judge Richard Dana (former Chief Judge, Boulder District Court) instead of private practice?**

**A.** If my choice had been staying here or going into private practice, in all likelihood I would have stayed on the court. Mediation and arbitration by former judges is providing a much needed service for lawyers who have significant cases and want to avoid court delays and maintain privacy in resolution of their clients' disputes. My experience as a Supreme Court justice and ten years in the district court has equipped me with the tools necessary to meet the challenge of providing private judicial services in an exciting new field. The salary will be considerably more than I am earning here. An additional positive aspect is that I will again have contact with litigants, lawyers, expert witnesses, etc.

**Q. Do you think Colorado will follow other jurisdictions in allowing litigants to hire their own judge, in effect the "rent-a-judge" system?**

**A.** Yes. Lawyers have asked Dick Dana whether he could serve as a judge, particularly in cases where everyone is prepared for trial, witnesses have been brought from all over the country at enormous ex-

Continued from p. 8  
Justice Neighbors

pense, only to have their case bumped. I don't know whether it is possible at present.

**Q. Do you think the growth of alternative dispute mechanisms is really an indictment of our judicial system and an acknowledgement of its inability to serve the people?**

A. Perhaps. We constantly hear about a litigation explosion, but I believe the problem is really a function of the population explosion. The number of cases filed per capita has not really increased over the years. It's also a function of our increasing urbanization and the many dealings we have with people we do not know. In smaller communities, people tend to resolve disputes among themselves rather than in court. In many ways the cost of litigation is the fault of the court system. We have neither fully developed nor mandated simplified discovery, nor have we really addressed the problem of alternative means of resolving disputes. The problem does, however, get back to the issue of adequate funding. Past appropriations for programs in these areas have been a mere drop in the bucket.

**Q. What can or should judges do to enhance public confidence in the fairness of our judicial system?**

A. The judicial system needs to aggressively insist that the schools educate students about the judicial system so that people understand the role of judges in our system of government and what they can and cannot do. When an infamous convict is paroled, you hear that the judicial system has failed. But the judges have nothing to do with the parole board. Because, generally, only the rich and the poor can currently afford to litigate, the courts must attempt to find a way to become more accessible to the vast majority of people. Two partial solutions are increasing the limits in jurisdiction of the small claims courts and requiring simplified discovery. Even though public dissatisfaction is sometimes expressed about the judicial system, most often in the criminal area, more and more people are turning to the courts out of frustration with the other branches of government. When neither the executive nor the legislative branch address legitimate concerns, the people then turn to the courts for a solution.

## CECIL D. ANDRUS NATURAL RESOURCES VISITOR

Cecil D. Andrus, Secretary of the Interior from 1977-1981 under President Carter, was the Law School's Distinguished Natural Resources Visitor last fall. Before his appointment as Secretary of the Interior, Mr. Andrus served four terms as an Idaho State Senator before being elected Governor of Idaho in 1970 and in 1974. While Secretary of the Interior, Mr. Andrus strove to maintain a balance between environmental protection and economic development of public lands under his control. Under his leadership, Congress set aside over 100 million acres of land in Alaska to be protected as new national parks, wildlife refuges, wild and scenic rivers, and U.S. Forest Service lands. During his visit to the Law School, Mr. Andrus participated in classes and interacted informally with students and faculty. He also gave a formal talk during the evening to students, faculty, members of the University community, alumni and other members of the bar on "The Conservation Movement: Where We've Been and Where We're Going." Andrus' message was that "compromise is not a dirty word." More progress will be made in protecting the environment by negotiation than by litigation. Extremists on either side of the development versus preservation spectrum damage American natural resources policy. In addition, he spoke at a luncheon meeting attended by several alumni and other practitioners and hosted by Davis, Graham & Stubbs. After his visit Mr. Andrus wrote to Dean Levin that the Law School was "to be commended on the caliber of the student body."

Continued from p. 5  
Rothgerber Moot Court

Circuit, and Judge José Cabranes of the U.S. District Court, Connecticut. Stacy Worthington won the Austin W. Scott Award for the best oralist. The Rothgerber Moot Court was established in 1951 by Ira C. Rothgerber, Jr. ('35) in honor of the 50th anniversary of the graduation of his father, Judge Ira C. Rothgerber ('01), from the Law School.

Continued from p. 6  
Development Report

- 1951 Frank Cooley, Hank Hutchinson
- 1956 Skip Athearn, Lee Wills and Don McMichael
- 1961 Chuck Matheson, Chris Brauchli
- 1966 Bryon Chrisman, Bob Kapelke
- 1971 Dave Harrison, Roland Brumbaugh
- 1976 Jim Bayer, Jon Kottke

These individuals will be contacting many of our alumni in order to ensure a good turnout on Saturday, May 17th, as well as to make a significant class gift.

We would like to take this opportunity to thank Lee Wills ('56) for hosting a lovely cocktail party for Colorado Springs' alumni. We would also like to thank Davis, Graham and Stubbs for sponsoring a luncheon for our distinguished Natural Resources Law Center visitor Cecil Andrus, and Kirkland & Ellis for hosting the Denver reception for recent alumni. We are also very grateful to the firm of Brownstein, Hyatt, Farber & Madden for hosting a luncheon for Willard Pedrick, our Distinguished Thomson Professor, as well as for the firm's very generous offer to provide a challenge grant to match the increased portion of all gifts over \$1,000.

Barbara S. Allar  
Director of Development



Rothgerber Moot Court Panel (L-R) John Moore, U.S. Court of Appeals for the Tenth Circuit, Mary Schroeder, U.S. Court of Appeals for the Ninth Circuit and José Cabranes, U.S. District Court, Connecticut

**PROFESSOR  
WILLARD  
PEDRICK, VISITING  
THOMSON  
PROFESSOR**



Willard H. Pedrick

Our distinguished Visiting Thomson Professor for 1985-86, Willard H. Pedrick, has brought more than his expertise in Federal Income Tax, Estate Planning, and Torts to the Law School this year. He has also brought his own philosophy and incredible energy. The well-known lecturer and author, whose publications include *Death, Taxes and the Living* and *Cases on the Law of Torts*, is the founding Dean and Professor Emeritus of Arizona State University Law School. His career path to Arizona, however, was by no means a straight one.

Professor Pedrick, who began his teaching career at the University of Cincinnati Law School, also taught at the University of Texas Law School and, for 20 years, at Northwestern University Law School. In 1966 he accepted the founding deanship of the College of Law of Arizona State University. He has also received two Fulbright awards to teach in Australia. His experiences, however, have not been limited by ivy covered walls. He has served in the government at various levels and in a variety of capacities — as a marine in Okinawa during World War II, as a Special Assistant to the U.S. Department of Justice, Tax Division, as a consultant to the U.S. Office of Education, and as Chairman of the Cook County, Illinois, Board of Zoning Appeals. He has also been an arbitrator for the U.S. Mediation and Conciliation Service. With characteristic unlimited energy, he has also managed to serve on many professional and civic organizations.

Continued on p. 11

**PHI DELTA PHI  
SPONSORS FIFTH  
ANNUAL  
RACE JUDICATA**

Although this year's race took place one week later than the originally scheduled September 29, 1985 date because of a surprise ten-inch snowfall on Boulder, the event proved to be a success not only for participants and spectators, but also for the Law Library, which is the beneficiary of all funds raised by the race. This year's race earned approximately \$2400 (including a generous contribution by Dean Betsy Levin) for the Law Library. The largest sponsor of the event, Hutchinson, Black, Hill & Cook, has received recognition in the form of a wall plaque which is permanently displayed in the Law Library.

Professor and Law Librarian Oscar Miller was the event's official starter. A mere 16 minutes, 55 seconds later, **Jim Christoph ('82)**

Continued on p. 11

**CU REMEMBERS  
PROFESSOR  
DAWSON, FORMER  
THOMSON VISITOR**

John P. Dawson, Professor of Law Emeritus at Harvard Law School and Distinguished Visiting Thomson Professor at the Law School in the Fall of 1981, died last October at the age of 83 after a long illness. Before joining the Harvard Law School faculty in 1957, Professor Dawson taught at the University of Michigan Law School. In the 1930s he served as Chief Counsel in the rent section of the Office of Price Administration and as Chief of the Middle East Division of the Foreign Economic Administration. A fine teacher and respected scholar, he introduced members of the Law School class which graduated in 1984 to the study of law when he taught a first semester course in Contracts. He also taught Restitution to upper class students. He and his wife Emma were much beloved by students and faculty here and he will be greatly missed.

**SCHEDULE OF EVENTS**

January 20	Martin Luther King's Birthday
January 22	Spring semester classes begin
February 11	Scott Lecture
March 1	Women in the Law Day
March 5	Lecture by Scholar-in-Residence Professor Aviam Soifer Boston University
March 5	Colorado Court of Appeals
March 14	Minorities in the Law Day
March 24-28	Spring Break
April 11	Coen Lecturer Professor Marc Franklin, Stanford University
April 11-12	Media and the Law Conference
May 1	Law Day Awards Ceremony
May 17	Alumni Reunion Banquet
May 23	Commencement
May 28-30	Fifth Annual National Institute on Securities Regulation
June 9	Summer School begins
June 2-4	Natural Resources Law Center Conference, "Western Water: Expanding Uses, Finite Supplies"
June 9-10	Natural Resources Law Center Conference, "Getting a Handle on Hazardous Waste Controls"
June 16-20	ALI-ABA Course, "Advanced Labor and Employment Law-1986"
June 23-27	ALI-ABA Course, "Environmental Litigation"
June 29-July 25	National Institute of Trial Advocacy
August 16	Summer Commencement
September 2	Fall semester classes begin

Continued from p. 10  
Professor Pedrick

In addition to teaching class and serving as Law School Musical Impresario (please see Judgment Day Musical article), he presented a public lecture entitled "A Somewhat Lighthearted Approach to Death Taxes" at the Law School and spoke at a luncheon in Denver, hosted by the firm of Brownstein, Hyatt, Farber & Madden, on "How to be Happy in the Practice of Law." He also co-presented, with visiting scholar Charles Wilkinson, a colloquium on teaching methods to the Law School faculty. Professor Pedrick's message to students, practitioners and faculty as well, is that "lawyers do great work and are well equipped to deal with the challenges of our society because of their skills of critical analysis." Professor Pedrick enjoyed his visit to CU, but certainly no more than the Law School enjoyed having him here.

---

## C.U. LAW ALUMNI QUIZ

How many Colorado Bar Association Presidents since 1950 have been alumni of CU Law School?

Turn to p. 20 for the answer.

---

Continued from p. 10  
Race Judicata

crossed the finish line. He finished 50 seconds ahead of the next closest contender. Participants in this year's event included three judges: U.S. District Court Judge Jim Carrigan, Chief Judge, Boulder District Court, **Michael Enwall** ('69), and Boulder District Court Judge **Morris Sanstead** ('67). Leading the faculty contingent was Dean Levin. She finished ahead of Professors William Pizzi, Ted Fflis, **Dennis Hynes** ('60), Daniel Magraw, Emily Calhoun and Associate Dean Clifford Calhoun. After the last entrant crossed the finish line, the happy crowd headed to the Rutledge Lounge for the announcement of official times, the awarding of prizes, and refreshments.

## NEW LAW ALUMNI DIRECTORY

In response to many alumni requests, the Law School has arranged for the publication of a new alumni directory. The last alumni directory for the Law School was published approximately 5 years ago. The directory will have three major sections which will list alumni alphabetically, geographically, and by class year. Each listing will contain name, class year, residence address, phone number and, if provided, business or professional information.

Alumni should soon be receiving a questionnaire directly from Harris Publishing Company, the publisher retained by the School. The questionnaire will ask alumni to verify the information now shown in CU alumni records and will contain purchase information. Alumni who have not received a questionnaire by March 30, or who do not wish to be listed in the directory, should contact the Law School Alumni Office at Campus Box 403, Boulder, CO 80309-0403, (303)492-8651. We urge all alumni to complete and return the questionnaires to the publisher as soon as possible so the information in the directory will be current and complete. With the cooperation of our alumni, the publisher predicts that the directory will be available by next fall.

## WILLIAM LEE KNOUS AWARD



Courtland H. Peterson ('53)

At the annual Alumni Bar Breakfast, held in Colorado Springs last October, Professor **Courtland H. Peterson** ('53) received the William Lee Knous Award. The award, which recognizes the distinguished career of service of former Colorado governor and federal judge William Lee Knous, was awarded to Professor Peterson for his extensive and dedicated service to the Law School and to the University community. Professor Peterson has been a member of the Law School faculty since 1959, serving as its dean from 1974 to 1979. He is a dedicated teacher and a recognized scholar in the areas of International Law, Comparative Law, Conflicts of Law and Civil Procedure.

Professor Peterson also has a record of active involvement with bar associations and other professional organizations at local, state, and national levels. In 1979 he received the Robert L. Stearns Award for his outstanding service to the Law School and University.

## SAVE THIS DATE

**Saturday, May 17, 1986**

## ALUMNI REUNION BANQUET

The 1986 Alumni Reunion and Awards Banquet will be held on Saturday, May 17, 1986, at the Radisson Hotel in Denver. (Mark your calendar!) At the Banquet, the Law School will honor prominent alumni as well as special reunion classes. The Reunion Class Chairs include:

1951	Frank Cooley and Henry Hutchinson
1956	Forden Athearn, Lee Wills and Donald McMichael
1961	Charles Matheson, Christopher Brauchli
1966	Byron Chrisman, Robert Kapelke
1971	David Harrison and Roland Brumbaugh
1976	Richard Bayer and Jon Kottke

Additional information and reservation forms will soon be mailed to you.

## NATURAL RESOURCES LAW CENTER

How to maximize beneficial use of Colorado's water was the subject of a two-day conference sponsored in October 1985 by the Law School's Natural Resources Law Center in conjunction with CSU's Colorado Water Resources Research Institute. Held at the Regency Hotel in Denver, this long range look at *Colorado Water Issues and Options: the 90's and Beyond* attracted 280 participants. Papers prepared by an outstanding group of attorneys, engineers, government representatives, and academics focused on the legal and institutional changes taking place within Colorado's water systems. The speakers included David H. Getches, Executive Director, Colorado Department of Natural Resources (on leave from the Law School), CU Law Professor Stephen F. Williams, Raphael J. Moses ('37), William A. Paddock ('78), and Glenn E. Porzak ('73). Among the issues addressed at the conference were water administration, water use efficiency, nontributary ground-water, plans for augmentation, basinwide management, water exchanges, and interstate transfers. The Center is editing the papers and proceedings for publication in book form.

In September the School of Law welcomed Distinguished Natural Resources Visitor Cecil D. Andrus, former Secretary of the Interior under President Carter and former Governor of Idaho. During his two day stay, Governor Andrus met informally with faculty and students, and presented a public lecture "The Conservation Movement: Where We've Been and Where We're Going." (Please see Cecil D. Andrus article.)

The Center had two Research Fellows in residence during the fall semester. Steven J. Shupe, a Colorado water attorney and consultant, presented a paper at the Colorado Water Issues conference on "Wasted Water: the Problems and Promise of Improving Efficiency Under Western Water Law." N. Earl Spangenberg, Associate Professor of Water and Forestry at the College of Natural Resources, University of Wisconsin, Stevens Point, studied the relationship between non-point source pol-

lution control legislation and management practices in forestry and agriculture, comparing the Wisconsin and California experience. During the spring semester Research Fellow David Mastbaum is addressing the issue of external threats to national parks caused by large-scale development adjacent to park boundaries. Mr. Mastbaum is an attorney with more than 15 years of experience in litigation, much of it in natural resources. The Center is planning to host a conference in the summer of 1986 on the issue of external park threats.

For its annual program in June 1986 the Center will again sponsor two sessions — one on water conservation and the other on hazardous waste regulation.

During 1985 the Center completed two major research reports. Both were supported in part by grants from the Colorado Water Resources Research Institute. The first concerned the effect of the Endangered Species Act on water development activities. Special attention is given to issues raised by development within the South Platte and Colorado River basins. Major conclusions of the research are that in spite of recent efforts to narrow its application, the Endangered Species Act has an extraordinarily broad reach and that its potency for preventing development should be redirected toward solutions that would enhance the protection of endangered species.

The second report addressed the subject of protection for the areas from which large amounts of water are taken — so-called areas of origin. Although the appropriation doctrine generally permits the diversion of water from its source to any location where it will be beneficially used — even out of the basin of origin, many states have established some kind of legislative restrictions. The objective of the research was to consider the approaches that have been taken and to offer suggested guidelines for such out-of-basin transfers. The report recommends that the area of origin be compensated for any costs associated with such diversions.

Anyone interested in additional information about the Center's programs or publications may call 303-492-1286 or write to the Natural Resources Law Center at the School of Law.

## PROFESSOR CHARLES WILKINSON—NRLC VISITING SCHOLAR

Seeing Charles Wilkinson in his traditional western garb of boots, blue jeans, and plaid shirt, one might guess that he belongs on a ranch or behind the wheel of a pick-up truck. When this graduate of Stanford University Law School and Professor of Law from the University of Oregon School of Law speaks, however, there is no mistaking that he is a devoted teacher and nationally recognized scholar.

As a visiting law professor at the University of Colorado Law School in 1984-85, and as the Natural Resources Law Center Visiting Scholar last fall, Professor Wilkinson, who specializes in Public Land Law, Indian Law, Water Law, Administrative Law, Environmental Law and Constitutional Law, has produced a wealth of materials for publication. In addition to completing, with CU Law professor David Getches, the second edition of the textbook *Cases and Materials on Federal Indian Law*, Professor Wilkinson has submitted a manuscript entitled *Of Time, American Indians and the Law*, which will be published by the Yale University Press this summer; has completed the lead article for a symposium on "Western Water Law in Transition," which was published by the *University of Colorado Law Review*; and has authored a book length article titled "Law and Resource Planning in the National Forests" for a special double edition of the *Oregon Law Review*. He is also well along on *The Lords of Yesterday — 19th Century Resource Rights in the Modern American West*, funded by the Ford Foundation, a general-audience book on western resources law and policy.

During the fall, Professor Wilkinson presented lectures on topics including water law, national forest policy and law, and Indian law, to various groups including the Colorado Water Workshop in Gunnison, the Society of American Fisheries in Sun Valley, the Society of Legal History in New Orleans, the Colorado Council of Governments in Keystone, and Region 9 of the Forest Service in Lake Geneva, Wisconsin.

Continued on p. 20



Professor Hiroshi Motomura

## Respect for the Results of Litigation: Using Prior Judgments as Evidence

By Associate Professor Hiroshi Motomura

*Hiroshi Motomura joined the faculty in 1982, after several years with the Washington, D.C. firm of Hogan & Hartson. He teaches Civil Procedure, Comparative Law, International Business Transactions, and Immigration Law. He serves on the Board of Editors of the American Journal of Comparative Law, and also on the Executive Committee of the Association of American Law Schools Comparative Law Section. His primary research interests lie in comparative civil procedure.*

Many observers of the litigation process, as well as many participants in it, agree on the need for reform. Reflexive resort to the courts, they say, achieves "justice" at too great a cost to society and the litigants. Worse yet, a system that relies so heavily on cumbersome procedures cannot provide justice to those without the resources to participate.

These views explain much of the growing interest in arbitration and mediation. I welcome this trend, but it is not without its dangers. Most serious disputes continue to end up in court. Focusing on "alternatives" tempts us to stop questioning the fundamental operating assumptions of our court litigation system. These assumptions are so basic that we long ago stopped thinking about them. On closer examination, however, they go far to explain the cost of litigation.

One such assumption concerns a situation that arises frequently in any litigation practice. Assume that one of the key issues in a case has already been decided in another lawsuit. The hornbook tells us that the prior finding might be "collateral estoppel." A litigant gets only one bite at the apple. More precisely: parties to a lawsuit, and those in privity with them, are bound by a decision of fact or law if it was (1) fully and fairly litigated, and (2) necessary to the court's judgment. Collateral estoppel can streamline court litigation by eliminating issues. Summary judgment may be appropriate. Or more often, a simpler case allows the parties to settle.

What happens, though, when the prior finding is ineligible for collateral estoppel? Common sense suggests that it still merits some recognition. After all, the judge or jury presumably devoted serious attention to the issue. If they deserve any respect at all, later litigation should take their earlier decision into account, whether through settlement or at trial.

These thoughts are not new. About 150 years ago, in "The Rationale of Judicial Evidence," Jeremy Bentham proposed the use of judgments as evidence as an alternative to collateral estoppel. He wrote: "that ... because [a judgment] ought not to be made conclusive, it ought not to be admissible, is an inference which none but a lawyer would ever think of drawing."

A formal barrier to using a judgment as evidence is that it is hearsay. It is an earlier tribunal's statement, which is not open to cross-examination and offered to prove the truth of the finding. The real question, of course, is if the hearsay rule should be so interpreted. Surprisingly, no one asks this question. Judges and lawyers unquestioningly assume that collateral estoppel is an all-or-nothing proposition. Unless a prior finding is binding, it is ignored.

This neglect is unfortunate. On a practical level, using judgments as evidence in addition to collateral estoppel would allow lawyers to use prior proceedings to influence settlement or decision of many more cases. More fundamentally, our all-or-nothing orientation toward collateral estoppel reflects our failure to draw a principled distinction between judg-

ments that should bind as collateral estoppel and judgments that should exert nonbinding influence as evidence.

Our inquiry best starts with the conventional wisdom itself — that judgments are inadmissible. In fact, many judgments *do* have a long history of admissibility. For example, prior administrative findings are admissible in later civil cases under Federal and Colorado Rule of Evidence 803(8)(C). Curiously, courts routinely apply these rules without noting the general prohibition on the evidentiary use of judgments.

The situation is peculiar. A judicial finding may be binding as collateral estoppel, but otherwise is ignored. An administrative finding may be collateral estoppel, but if it is not, it may be admissible as evidence. In effect, we defer more to administrative than to judicial findings. Why?

History provides the explanation. Administrative collateral estoppel is largely a creation of the past twenty years. We once limited collateral estoppel to judicial findings. Rather than totally ignore administrative findings, courts did the next best thing — admit them into evidence. Later, evidentiary use remained after the advent of administrative collateral estoppel. The anomaly thus emerged — administrative findings can be evidence or collateral estoppel, but judicial findings can only be collateral estoppel. But we never decided that administrative findings are suited for use as evidence while judicial findings are not.

Other categories of admissible judgments show parallel development. For example, Federal and Colorado Rule of Evidence 803(22) makes prior criminal convictions admissible. Under section 5(a) of the Clayton Act, judgments in government antitrust cases are admissible in later private treble damage actions.

In both categories, collateral estoppel was once barred by the mutuality rule, which says that no one may use a prior determination as collateral estoppel who could not have been bound by it. A private litigant who follows a criminal or antitrust case by the government cannot be bound by the earlier suit. Thus, for lack of mutuality, the private litigant cannot invoke collateral estoppel. As

Continued on p. 14

with administrative findings, courts admitted these prior findings into evidence instead of leaving them completely unrecognized. Later, with the demise of mutuality, these findings became eligible for collateral estoppel, but evidentiary use remained.

Having shaken the myth of inadmissibility, we need to ask some tougher questions. Evidentiary treatment once made up for the narrow reach of collateral estoppel, but collateral estoppel has expanded rapidly in recent decades. Are judgments still useful as evidence? If so, when should they be evidence instead of collateral estoppel?

These questions force us to explore the similarities and differences between evidence and collateral estoppel doctrines. The key similarity is that both allow prior proceedings to affect later litigation. In doing so, they both foster the respect for the judicial process that would be undermined if litigation produced inconsistent results.

As for the key difference, the history of the several categories of admissible judgments is illuminating. Both evidence and collateral estoppel require that a prior finding be "reliable" in the sense that it accurately ascertains truth. Evidence doctrine is concerned primarily with this reliability. In contrast, collateral estoppel has always gone further and considered policies that have little or nothing to do with reliability.

This is why administrative findings could be reliable enough to admit into evidence but still ineligible for collateral estoppel. Prevailing doctrine taught categorically that only judicial findings merit binding effect. Similarly, the mutuality rule that barred collateral estoppel use of criminal and antitrust judgments did not call their reliability into question. It was simply thought unfair to allow someone to benefit from litigation that could not bind him.

This difference in perspective makes sense. Because of the severity of collateral estoppel, it must be more sensitive to the nature and limits of adjudication. The key is that litigation is not an infallible determination of historical truth, but rather an imperfect exercise that may produce a different result each time, influenced

heavily but unpredictably by the identity of the parties and decision-makers.

The fairness of binding effect depends on factors beyond whether that finding is correct. Participation by the party to be bound counts heavily. It makes collateral estoppel more palatable even if it does not necessarily enhance the reliability of the finding. This difference in orientation explains why certain policies have barred collateral estoppel but not evidence.

The recent expansion of collateral estoppel is the result of the demise of many of these policy barriers. It has reduced the practical significance of admission into evidence. But where such a policy still bars collateral estoppel without asking if a finding is reliable, admission into evidence remains important as the only way to affect later cases. And it would be a mistake to assume that no policy barriers remain. Identifying them is the key to determining whether admission into evidence should be a general approach to prior judgments.

The key barrier under current law is the rule that collateral estoppel binds only parties to prior litigation and those in privity with them. This policy has nothing to do with the reliability of the prior judgment, which does not depend on how it might be used later. Where reliable findings are to be used against nonparties to a prior case, they can be admitted into evidence, even if they cannot be collateral estoppel. This approximates the earlier situation with reliable administrative findings, which courts admitted into evidence, even though they were then ineligible for collateral estoppel.

Today, no general rule of evidence admits prior findings against nonparties. However, for administrative findings and the other major groups of admissible judgments, the most important function of admission into evidence is to allow a prior proceeding to affect nonparties, precisely because collateral estoppel cannot reach them.

Under some other practices, prior proceedings affect nonparties as evidence or something that resembles evidence. Federal and Colorado Rule of Evidence 804(b)(1) provides that testimony from prior cases may be evidence against nonparties, as long as someone in the prior case had the

opportunity and similar motive to develop the testimony. A closely related approach is to characterize a prior finding as *stare decisis* and use it against a nonparty.

The general trend, however, has not been to reach nonparties through evidence. Rather, the pressure is growing to expand collateral estoppel to bind nonparties. Under the most farreaching "nonparty preclusion" cases, a nonparty is regarded as represented and bound by any party with the same interests. While many courts have rejected or limited this view, it is frequently argued in many jurisdictions. On the whole, pressure to expand collateral estoppel to nonparties has been strong in recent years and is likely to continue.

In my view, collateral estoppel should not bind nonparties. Understanding why not requires examining several interrelated assumptions that proponents of nonparty preclusion make about the nature of adjudication. The first is that findings may be abstracted out of the context in which they were first decided. The second is that individual control and participation in litigation have limited value. In effect, two similarly situated litigants belong to a "class" for purposes of a particular issue. As in a formal class action, a prior judgment binds an adequately represented nonparty. The third assumption is that the purpose of litigation is to ascertain the "truth," and that by deciding an issue, the legal system disposes of it. Working from these assumptions, many observers conclude that accurate and reliable prior findings should bind adequately represented nonparties.

---

---

***In fact, the primary purpose of litigation is to resolve disputes, not necessarily to find historical truth.***

---

---

In fact, the primary purpose of litigation is to resolve disputes, not necessarily to find historical truth. Accuracy and truth in legal findings are much too elusive to permit abso-

Continued on p. 15

lute classification into the correct and incorrect, or into the reliable and the unreliable. Given these limits, more than apparent reliability is needed to justify collateral estoppel. Most important is participation by the party to be bound. This "day in court" is what makes it permissible to bind someone to a finding that may be wrong. It follows that "adequate representation" by a similarly motivated litigant is not enough to bind a nonparty.

I agree with the intent behind nonparty preclusion — to streamline litigation by letting prior proceedings affect more later cases than current law permits. However, proponents of nonparty preclusion view the problem much too narrowly. By starting with the traditional all-or-nothing view of collateral estoppel, they ignore the possibility that a prior proceeding can affect later litigation as nonbinding evidence.

By basing collateral estoppel on reliability alone, nonparty preclusion distorts the relationship between collateral estoppel and evidence. Historically, evidence has allowed courts to give effect to a reliable prior proceeding while still respecting policies that bar binding effect. Consistent with that pattern, using reliable prior findings as evidence against a nonparty gives both deference to those findings and a day in court to the nonparty. In contrast, nonparty preclusion completely sacrifices the nonparty's interest in participation on the false assumption that collateral estoppel is the only way to respect the results of prior litigation.

Beyond these doctrinal and historical considerations, the key practical question remains. Can judges and juries evaluate prior findings as evidence, fairly and without undue prejudice? I believe that they can. First, a considerable body of experience, from the several categories of admissible judgments, is available to guide the task. The trial judge examines the entire record to ascertain what the prior findings were. He or she then presents the findings to the jury, relying on the record to convey what the first case decided. Courts have done this in countless cases without prompting serious criticism.

Admittedly, the real problems are more fundamental. A jury may have too high a regard for a prior finding

and not conscientiously consider rebuttal evidence. Nothing suggests, however, that juries will be so blindly deferential. A more serious difficulty is that admitting judgments into evidence necessarily subjects proceedings to later challenge. It may be both inefficient and bad policy to encourage attack on the workings of other courts. More likely, however, litigants will find it unnecessary and undesirable to argue broadly that a tribunal's judgments are inherently suspect. More often, rebuttal should be much narrower, showing, for example, that the prior proceeding overlooked key evidence.

Of course, some prior judgments will be unusually confusing or prejudicial. And some litigants will insist on a lengthy but pointless reexamination of the first proceeding. But even if judgments were generally admissible, courts could use established evidence doctrines to deal with difficult cases. First, a limiting jury instruction may be effective. Second, Federal and Colorado Rule of Evidence 403 allows the exclusion of relevant evidence in case of unfair prejudice, confusion, undue delay, and the like.

I conclude that evidentiary treatment is workable enough to justify expanding its use. The scattered uses of certain types of judgments as evidence should be consolidated into a general rule of evidence. It would provide that a judicial finding is admissible into evidence against someone not party to the prior proceeding, but only if it would be collateral estoppel against a party. This proposal is a cautious and limited one, but it should head off the dangerous trend to expand collateral estoppel to nonparties. More significantly, it recognizes that both collateral estoppel and evidence are alternative approaches to preserving the reliable results of prior decisionmaking, each with its proper role.

\* \* \* \* \*

*A much fuller version of Professor Motomura's comments will appear in an article in the May 1986 issue of the Minnesota Law Review. He is continuing his work on dispute resolution with another project that concerns the arbitration process and its relationship to court litigation in the United States and foreign legal systems.*

involvement of the Law School in the affairs of the national, state, and local communities. Members of the Board of Visitors include:

**Betty C. Arkell ('75)**, Immediate Past Chair, Law Alumni Board, Kirkland & Ellis, Denver (ex officio)

**The Honorable Alfred A. Arraj ('28)**, Senior Judge, U.S. District Court, Denver

**Robert A. Backus ('64)**, Chair, Law Alumni Board, Holme, Roberts & Owen, Denver (ex officio)

**Boris I. Bittker**, Professor Emeritus, Yale Law School, New Haven, Connecticut

**William P. Cantwell**, Sherman & Howard, Denver

**Miles C. Cortez, Jr.**, Cortez & Friedman, P.C., Englewood

**John E. Cribbet**, Professor, University of Illinois College of Law, Champaign, Illinois

**Laurence W. DeMuth, Jr. ('53)**, Vice President, General Counsel, Secretary, U.S. West, Inc., Englewood

**Nicholas R. Doman ('35)**, Choate, Doman, Moore & Hahn, New York, New York

**Harry T. Edwards**, U.S. Circuit Judge, U.S. Court of Appeals for the District of Columbia Circuit, Washington, D.C.

**David W. Enoch ('51)**, Chief Judge, Colorado Court of Appeals, Denver (ex officio)

**William H. Erickson**, Justice, Colorado Supreme Court, Denver (ex officio)

**Robert M. Gilbert ('38)**, Southard & Gilbert, Greeley

**Garth Grissom**, President, Denver Bar Association, Sherman & Howard, Denver (ex officio)

**Shirley M. Hufstедler**, Hufstедler, Miller, Carlson & Beardsley, Los Angeles, California

**Edwin S. Kahn**, Immediate Past President, Denver Bar Association, Kelly, Haglund, Garnsey & Kahn, Denver (ex officio)

**Alex S. Keller**, Immediate Past President, Colorado Bar Association, Denver (ex officio)

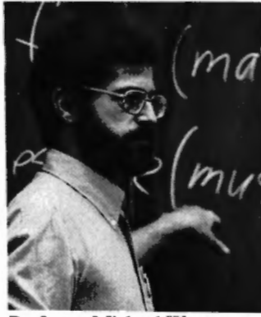
**Gail H. Klapper ('68)**, Klapper & Zimmerman, Denver

**Carlos F. Lucero**, Lucero & Kadinger, Alamosa

**William C. McClearn ('51)**, Holland & Hart, Denver

Continued on p. 17





Professor Michael Waggoner

## FACULTY PROFILE MICHAEL WAGGONER

Professor Mike Waggoner is proudest of the mug given him by the Class of 1983. The mug is engraved, "In appreciation for all the little things which seem to go unnoticed." Those "little things" include such extra duties as giving a lecture to the incoming classes about the law and the Law School. Another "little thing" is being available to talk to students, whether about his courses or others', whether about law or policy or the world around us. "Little things" include the trees and vines he has planted outside the Law School. Those in his first classes here may remember his planting ivy at the west end of the Law School; it has now grown past the fourth floor.

His views have been evolving since he joined the faculty in 1973. "I came here in 1973, when the anti-war, civil rights, and other reform movements were running strong, interested in using the courts to do justice. I think I am still just as interested in justice, but my appreciation of mechanisms for achieving justice has changed. Litigation, I now appreciate, can be very slow and expensive and still produce inadequate or even counter-productive results. There is so much legislation it is impossible for most legislators even to be aware of most provisions of most laws enacted, let alone have a thorough critical appreciation of them. Administration spends much time on the politics of the institution, to the detriment of the institution's mission. Of course markets have many problems, but compared to litigation, legislation, and administration markets stack up very well."

Examples of his market orientation are found in two current

research projects. One project examines having litigants pay for the judge's time. Each side would have to post the amount required to pay for the judge's time in order to have a hearing. The winner would get the deposit back, the loser would have his amount contributed to the general fund. This proposal would shift part of the cost of the judicial system to those who use it, it would discourage frivolous litigation, and it would encourage use of alternative dispute resolution. The other project examines running universities more as markets. Of universities' major products, education and research, research is largely market driven. Of course there would still be campuses, libraries, faculty, student bodies, and curricula. The change would be that professors could teach any course they are qualified to teach, charge whatever students would pay, and be charged rent for their classrooms and offices. The state would lend the students the money needed to pay the tuition. Professor Waggoner would be interested in receiving comments on these projects.

---

***"Life would be easier if one stayed with the establishment or in opposition, but it is more interesting and enlightening to try some of each."***

---

In addition to regularly teaching Civil Procedure I and II and Basic Income Tax, he has also taught Tax Policy Seminar, State & Local Tax, Advanced Tax, Federal Courts, and now Corporate Tax. He has also run the Legal Writing program and has taught in the introductory program for diversity students in the summer.

He has always been interested in clinical education, but his emphasis has shifted. Where before he expected law school clinics to handle a significant part of the needs of the poor and to encourage people to go into public interest law, now he appreciates the limited resources of law schools and the need to focus them on training attorneys, and he appreciates the limited job opportunities in public interest law. He comments, "Learning how to train

good, honest attorneys is a worthwhile enough task."

Professor Waggoner was born in Chicago of solid midwestern stock but raised in the desert of eastern Washington state in the shadow of the Hanford Atomic Project. He was educated at the University of Washington (an excellent but rainy school), Stanford and Harvard Law School. He served as an Air Force captain in the Pentagon at the height of the war in Viet Nam (he opposed the war, but wanted to fight from within the structure) and then as a lawyer with a large Washington, D.C. law firm, Wilmer, Cutler & Pickering. Throughout his educational and professional life, he has retained his idealism, serving on the Harvard Civil Rights/Civil Liberties Law Review, doing field research on legal services for the poor, helping with cases challenging Alabama's tax system and Colorado's education finance system as denying equal protection, serving on the Colorado ACLU's board of directors and litigation panel. "Life would be easier if one stayed with the establishment or in opposition, but it is more interesting and enlightening to try some of each," he said.

Mike Waggoner and Cindy Goff ('81) were recently married. Marriage, a house, and a mortgage may also bring some changes to his life.

---

Continued from p. 5  
High Tech Conference

Palo Alto, California, the conference dealt with such subjects as trade secrets and the new entrepreneur; protecting inventions, ideas and software; high tech litigation; international activities; planning for venture capital and public offerings; new financing vehicles; protecting against equity dilution; and representing financially troubled companies. In one session of the program, lawyers on the panel discussed how they would handle various ethical problems that arise in the course of representing start-up and rapidly growing companies. The distinguished faculty included leading practitioners and business people in the high tech area and several entrepreneurs and venture capitalists. Notebooks and audio tapes of the conference are available from the Law School's Continuing Legal Education Office, 303/492-1286.

## FORMER CU LAW PROFESSORS

*Editor's Note: Because so many of our alumni continue to be interested in the activities and accomplishments of former CU Law faculty members, we are introducing in this issue of Amicus a new occasional column to share this information.*



Frederic L. Kirgis, Jr., Dean & Professor of Law at Washington & Lee University

Frederic (Rick) L. Kirgis, Jr., who taught courses in contracts, professional responsibility, conflict of laws, international law, international organizations and international business transactions at CU from 1967 to 1974, is now Dean and Professor of Law at Washington & Lee University in Virginia. Last year he published *Nicaragua v. United States as a Precedent* in the *American Journal of International Law* on which publication Dean Kirgis has been serving on the Board of Editors since 1984. He is also the 1985-1986 Vice President of the American Society of International Law.



Jonathan B. Chase, Dean Vermont Law School

Jonathon B. (Skip) Chase, who left CU Law School in 1982 for the deanship of Vermont Law School, continues to write, serve on boards and even litigate, notwithstanding the many responsibilities of his position. Last December his article "Does Professional Licensing Conditioned Upon Mutual Reciprocity Violate the Commerce Clause?" was published in the *Vermont Law Review* and his

work "The Play's the Thing..." on legal education will soon be in the spring issue of *Nova Law Review*. He participated in *Razatos v. The Colorado Supreme Court*, 746 F.2d 1429 (10th Cir. 1984), cert. denied, 85 L.Ed 2d 301 (1985). (He first became involved in this case when he was in Colorado.) He also serves on the boards of the Vermont Civil Liberties Union and Vermont Legal Aid.



Professor Albert Alschuler

Albert W. Alschuler, who has joined the faculty of the University of Chicago Law School, recently completed the manuscript for "Mediation with a Mugger: Concerning the Settlement of a Civil Lawsuit, the Shortage of Adjudicative Services and the Need for a Two Tier System" which has been accepted by the *Harvard Law Review*. He is teaching a new course with Professor Norval Morris on social science and law. His article "Will There Be Plea Bargaining in the Year 2000" was in the Fall, 1985 issue of Chicago Law School's alumni magazine *Record*.

Continued from p. 15  
Board of Visitors

Wade H. McCree, Jr., Professor, University of Michigan Law School, Ann Arbor, Michigan

Steven A. Minter, Director, Cleveland Foundation, Cleveland, Ohio

James T. Moran, President, Colorado Bar Association, Holland & Hart, Aspen (ex officio)

Joseph R. Quinn, Chief Justice, Supreme Court of Colorado, Denver (ex officio)

Ira C. Rothgerber, Jr. ('35), Rothgerber, Appel, Powers & Johnson, Denver

William H. Webster, Director, Federal Bureau of Investigation, Washington, D.C.

Byron R. White, Associate Justice, Supreme Court of the United States, Washington, D.C.

## FACULTY NOTES

Assistant Librarian **Barbara Bintliff** of the Law Library faculty continues to edit and produce the *SWALL Bulletin*, the publication of the Southwestern Association of Law Libraries. She chairs the Association's Publications Committee, and is also a member of its Finance Committee. Together with Associate Librarian **Lois Calvert**, she presented a series of six one-hour seminars on advanced legal research for the law student population; approximately 85 students attended each session.

Associate Dean **Clifford J. Calhoun** served as chair of an ad hoc committee of the Colorado Bar Association to study and report to the Board and to Colorado legislative committees on the proposed Uniform Fraudulent Transfer Act. He reported on the committee's work to the Board of Governors of the Colorado Bar Association at its October meeting in Colorado Springs. On November 21 he presented a portion of a CLE program on "Colorado Corporation Code Amendments," as a member of the Colorado Bar Association Committee which proposed the amendments to the legislature last year.

Associate Professor **Emily Calhoun** was appointed, on an interim basis, to the newly created position of Associate Vice President for Human Resources. In that capacity she has responsibility for coordinating faculty and staff development as well as affirmative action efforts. Last fall, Professor Calhoun completed her manuscript on Colorado products liability law and has submitted it to the publisher. The book should be available by the beginning of the summer. Her article "A First Amendment Analysis of Distributional Voting Rights" is scheduled for publication in the *University of Tennessee Law Review*. Professor Calhoun made a presentation on comparable worth at the 1985 ACLU Women's Conference and also spoke on jurisdiction and procedure at the 1985 ACLU Civil Liberties Conference.

Associate Librarian/Assistant Professor **Lois Calvert** taught five sessions of Advanced Legal Research during October and November. The program, offered by the Library Faculty, was voluntary, and was attended by approximately 85 law students.

Continued on p. 18

She also is an active member of the Local Arrangements Committee for the Southwestern Association of Law Libraries meeting to be held in Denver in 1987.

Professor **Homer Clark** resumed teaching this fall after spending a year on sabbatical researching materials for the second edition of his book *Treatise in the Law of Domestic Relations in the U.S.* He is working on the manuscript which he plans to deliver to the publisher by the end of 1986.

Associate Professor **Richard B. Collins** gave a commentary on a paper by Professor John P.F. McClaren of the University of Calgary at the Annual Conference of the Mid-Continent Law School Association last July in Banff, Alberta. The paper and Professor Collins' commentary involved a comparison of judicial review in Canada and the United States. Professor Collins is working on an article tentatively titled "Democracy, Efficiency, and the Dormant Commerce Power." Professor Collins also moderated four panel discussions on KGNU radio on cases before the Supreme Court this term.

Professor **James N. Corbridge, Jr.** was named this spring by Chancellor William H. Baughn, on an interim basis, as Vice Chancellor for Academic Affairs with responsibility for recruitment and promotion of faculty, deans and other academic leaders, long range academic planning, and coordination of the academic program with budget planning and preparation. Professor Corbridge spent the fall semester on sabbatical at the University of Linköping, Sweden with the Department of Environment and Society where he gave several lectures. He also met with Swedish water court officials and the law faculty at Uppsala. He and his family also visited France and Great Britain, where he continued to explore international and comparative aspects of water quality and quality control.

Professor **Ted J. Fiflis'** article entitled "Of Lollipops and Law — a Proposal for a National Policy Concerning Tender Offer Defenses", dealing with validity of discriminatory self-tender offers under federal law and proposing legislation to authorize the SEC to adopt rules to prevent "unfair" tender offer defenses, will be published shortly in

the corporate law symposium issue of the *University of California (Davis) Law Review*. On February 11, Professor Fiflis delivered the 1986 Austin W. Scott Lecture, entitled "The Subinfeudation of America: Policy Issues for Corporate Takeovers," in which he analyzed the underlying policy issues in the regulation of tender offers for corporate control, considering what issues should be taken into account by the Congress and the courts in establishing a national policy of tender offer regulation. In October he was one of the speakers at the 18th Annual SEC Regional Securities Law Conference. In November, he conducted a Fall Faculty Workshop on current developments in securities regulation, and on December 11 and 12, he and David Ruder, former Dean of Northwestern University Law School, Donald Schwartz, Associate Dean, Georgetown Law Center and Ralph Ferrara, former General Counsel of the SEC, conducted the Annual Short Course in Securities Regulation.

Associate Professor **David S. Hill** was a visiting professor at the University of Oregon last fall. West Publishing Company has just published the second edition of his *Landlord-Tenant Law in a Nutshell*.

Professor **Dennis Hynes ('60)** served in 1985 as Reporter for the Colorado Bar Association Limited Partnership Act Committee. The Committee spent the summer preparing extensive amendments to the Colorado Uniform Limited Partnership Act which was enacted by the Colorado legislature in 1981. The amendments were approved by the Board of Governors of the Colorado Bar Association in October. Professor Hynes is completing an article on the liability of partners for the fraud of a fellow partner which is outside of the ordinary course of business. In addition, he is preparing a set of course materials for a Legal History course being taught in the Law School this spring. About one half of the course is devoted to the history and development of the English common law and equity, and the other half to American legal history.

This Summer, Dean **Betsy Levin** completed an article on "Education and the Constitution," to be published in the *Encyclopedia of the American Constitution*. She is continuing to work on a new edition of Yudof,

*Kirp, & Levin, Educational Policy and the Law: Cases and Materials*. This fall, Dean Levin was appointed by Governor Richard Lamm to the nine member Colorado Commission on the Bicentennial of the Constitution of the United States. In October, Dean Levin was the "educational leader" of a group of judges and lawyers, including two CU law school alumni (Judge **Richard McLean ('58)** and **Richard W. Wright ('41)**), on a two week legal study tour of the Soviet Union. In that capacity, she gave four background lectures: on the Soviet system of judicial administration, on the Soviet constitution, on Soviet civil law, and on Soviet criminal law and criminal procedure. (Please see Notes from the Dean.) In January, she and U.S. District Judge Zita Weinsienk presented a program on Soviet Law to the Denver Bar Association. Also this past fall, Dean Levin attended meetings of the Executive Committee of the Association of American Law Schools, on which she has served for the past three years, and of the American Law Institute Council. She continues to serve on the state panel of Colorado Women in Higher Education Administration and is a Trustee of the newly established Boulder Bar Foundation.

Associate Professor **Mark J. Loewenstein** co-chaired a conference entitled "Representing High Technology Companies: Second Annual Institute". The conference was held at the Denver Marriott Hotel-City Center and brought together lawyers, entrepreneurs and venture capitalists from around the country to discuss current topics in the representation of high-tech companies. He is preparing a paper for the *Journal of Corporation Law* on the "poison pill" defense in hostile tender offers. This past year, Professor Loewenstein has chaired the Law School's faculty recruitment committee, which is seeking to fill two vacancies on the faculty. This spring he is teaching a new seminar on advanced corporate law, examining recent changes to the Model Business Corporation Act and the American Law Institute's Corporate Governance report.

Associate Professor **Daniel B. Magraw** is the author of "Jurisdiction of Cases Related to Treaties: The Claims Court's Treaty Exception," appearing in 26 *Virginia*

*Journal of International Law* 1 (1985). He also wrote a review of three books on doing business in India (19 *International Lawyer* 1496 (1985)) and co-authored (with Theresa Ketler, a CU law student) a two-part comprehensive bibliography on outer-space law (19 *International Lawyer* 1391 (1985) and 20 *International Lawyer* \_\_ (1986)). He recently completed an article on international accountability for transboundary harm in situations not involving violations of international law (such as acid rain). He is also studying the United Nations' work on international law relating to international watercourses and is continuing his study of the relationship between tax evasion and economic development in third world countries. He continues to serve on the faculty of CU's Telecommunications Masters Program, and participates actively in CU's Center on Space Law and Policy (part of CU's Space Science and Technology Institute).

Professor **Alfred McDonnell** gave a presentation to the Colorado Judicial Conference last October entitled "Art and Interest in Judging: Law and the Humanities." The talk focused on a short story by Katherine Anne Porter, "Noon Wine," and provoked lively discussion by the two hundred judges and their spouses in attendance.

Professor and Law Librarian **Oscar Miller** attended the fourth annual meeting of the Mid-Continent Association of Law Schools in Banff, Alberta, last July.

Associate Professor **Hiroshi Motomura** completed a law review article on the use of prior judgments as evidence and has submitted it for publication. He also finished a draft set of reading materials for his seminar in Comparative Law. In November, he spoke to the Colorado Criminal Defense Bar on the Chinese criminal justice system. He is currently working on an article on the relationship between arbitration and the courts. This semester he is teaching a new course in Immigration Law.

Professor **Robert Nagel's** contribution on "Law and the Courts" appears in *A New Road For America: The Neoliberal Movement* (edited by Peters and Keisling, Madison Books, 1985). His article "How to Stop Libel Suits and Still Protect Individual

Reputation" was published in the November issue of the *Washington Monthly*. His article "The Legislative Veto, the Constitution, and the Courts" is in *Constitutional Commentary* (Winter 1985).

Professor **Court Peterson** ('53) was re-elected Treasurer and a member of the Executive Committee of the American Association for the Comparative Study of Law for another year. He has held these offices since 1979. He was awarded the William Lee Knous Alumni Award for 1985 by the CU Law Alumni Board at the Annual Bar Breakfast last October in Colorado Springs. (Please see Knous Award article.) He presented a Fall Faculty Workshop "Conflict of Laws Update" last November. He also completed a new revision of teaching materials on the Colorado Statute of Frauds.

Professor **William Pizzi's** article "The Privilege Against Self-Incrimination in a Rescue Situation," will be published in *The Journal of Criminal Law and Criminology* this Spring. At Homecoming on October 12, Professor Pizzi presented a two-hour CLE program at the Law School entitled "Criminal Procedure Update" which covered major developments in criminal procedure over the last two years. On December 16, Professor Pizzi spoke to the El Paso County Bar Association on "Recent Developments in Ethics". He continues to serve on the CBA Ethics Committee.

Professor **Don W. Sears** has been selected by Donald Fehr for the Major League Baseball Players Association, and Leland MacPhail (former American League president) for the Major League Players Relations Committee, as one of the salary arbitrators for 1986 season salary disputes between players and owners.

Professor **Norton Steuben** co-authored a coursebook, *Problems in the Taxation of Partnerships and Corporations*, with Professor William Turnier of the University of North Carolina, and a teacher's manual for the coursebook, *Problems in the Fundamentals of Federal Income Taxation*. The book and manual were published by Foundation Press last November. He is also working on the teacher's manual for the coursebook, *Problems in the Taxation of Partnerships and Corporations*. Last August, Professor Steuben was elected the Chairperson of the Boulder Housing

Authority, which manages and owns more than 300 units in the Boulder area and is engaged in a number of major projects which will substantially increase the number of housing units available for elderly and low and moderate income individuals.

Associate Professor **Marianne Wesson** is continuing work on her manuscript "Crimes and Defenses in Colorado" which will be published by the Harrison Publishing Company. In January she hosted several segments of the Joel Greenstein Forum on KGNU radio. The forum is a weekly series about the legal system produced by the Boulder County Bar Association in honor of Joel Greenstein. Professor Wesson is Secretary of the Association of American Law School's Section on Law and Psychiatry and continues to serve on the Colorado Supreme Court's Committee on the Rules of Criminal Procedure.

Professor **Stephen F. Williams** recently published articles on "The Proposed Sea-Change in Natural Gas Regulation," and on "The Law of Prior Appropriation: Possible Lessons for Hawaii." He has also published *The Natural Gas Revolution of 1985*, which treats the Federal Energy Regulatory Commission's recent changes in the regulatory environment for gas pipelines. Last October he presented a talk titled "A Market-Based Approach to Water Rights: Evaluating Colorado's System" at the Natural Resources Law Center's Colorado Water Issues Conference.

---

## VISITOR PARKING

All visitors to the Law School are encouraged to obtain a parking sticker from the Dean's Office on the second floor of the Law School. (If you are using the Law Library, the Library desk will also have parking stickers available.) The stickers cost \$.40 and are good for the day of purchase.

Continued from p. 12  
Wilkinson

In addition, he spoke at several student seminars and co-presented a faculty colloquium on teaching methods.

The devotion which Professor Wilkinson brings to his teaching responsibilities has resulted in his being chosen to receive the Phi Delta Phi Professor of the Year Award at Oregon Law School in 1980, the Oregon University-Wide Ersted Award for Distinguished Teaching in 1982, and the Colorado Law School Humanitarian Award, which was presented by the Class of '85 at its graduation. Professor Wilkinson believes students respond to his teaching in part because of their interest in the substantive areas of law which he teaches. He adds, however, that students may also be responding to the intensity of his concern for these subjects, which he does not hide in the classroom when he feels the subject matter warrants it. Professor Wilkinson comments, "Often we attempt to drain passion out of law. Law is the product of passion — otherwise, the matter would not be the subject of litigation or legislation."

Professor Wilkinson has found his experiences at the Law School and at the Natural Resources Law Center to have been very rewarding. As he put it, "The Law School and the Center provide not only outstanding research support but also a cluster of colleagues — including faculty, Center staff, and fellows-in-residence — that guarantee stimulating and diverse dialogue. It is a great place to knock ideas around." After completing his work at the Center last fall, Professor Wilkinson began a one semester term as a visiting professor at the University of Michigan Law School. The Law School, the Natural Resources Law Center, and the many alumni whose support has, in Professor Wilkinson's estimation, made it possible for the Center to offer one of the most extensive and substantial programs of its kind, can take pride in the legacy of scholarly materials produced by Professor Wilkinson while at CU.

## ANSWER TO ALUMNI QUIZ (from p. 11)

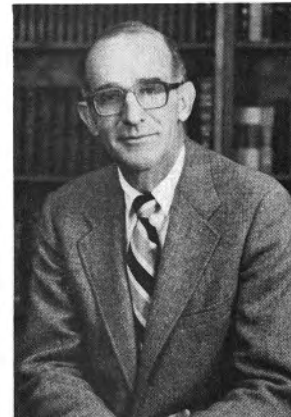
Twenty-two of the past thirty-five Colorado Bar Association presidents from 1950-1985 are graduates of the Law School. Their names, class year and year of presidency are as follows:

Name	Class Year	Year President
Edward J. Knowles (dec.)	'16	1950
Hatfield Chilson	'27	1951
Jean Breitenstein (dec.)	'24	1952
Harry S. Petersen	'24	1953
Charles J. Kelly (dec.)	'25	1954
Thomas K. Younge	'34	1955
William W. Gaunt	'24	1957
Raphael J. Moses	'37	1959
William K. Ris	'39	1962
Walter A. Steele	'49	1964
James M. Pughe (dec.)	'51	1967
Peter H. Holme, Jr. (dec.)	'42	1968
Hartley Murray	'36	1971
Lawrence M. Wood	'38	1972
Anthony W. Williams	'51	1973
Donald S. Stubbs	'32	1974
Thomas J. Carney	'56	1975
Leonard Campbell	'42	1978
William H. Nelson	'51	1979
William C. McClearn	'51	1980
David L. Wood	'62	1981
Katherine Tamblyn	'63	1982

## ALUMNI NOTES

**Brooke Wunnicke ('45)**, former Chief Appellate Deputy District Attorney, Denver, presented three seminars for the International Practicum Institute in Denver last fall. The presentations were "Appellate Advocacy," "Legal Ethics," and "Corporate Conflicts." She has just left the District Attorney's Office, after twelve years of public service, to become of counsel with Hall & Evans in Denver.

**Robert S. Skinner ('47)**, who practices in Raton, New Mexico, has been re-elected to the Board of Directors of the American Judicature Society. Mr. Skinner is a past president of the New Mexico State Bar Association.



Luis D. Rovira ('50)

**Luis D. Rovira ('50)** of the Colorado Supreme Court was honored last October at the tenth anniversary of the Legal Center Serving Persons with Disabilities because of his many years of dedicated service to persons with developmental disabilities. Justice Rovira has served on the Board of Directors of the Metropolitan Association for Retarded Children, the Ridge Association for Retarded Citizens and was President of the Association for Retarded Citizens in Colorado from 1968-1970.

**Louis J. Stuart ('50)** is practicing law in Pueblo, Colorado with the firm Stuart & Gerley, P.C., which was formerly known as Louis J. Stuart, P.C.

**R.I. (Bob) Swetnam ('51)** retired last August from his position as Executive Representative for Phillips Petroleum in Anchorage, Alaska. Mr. Swetnam had been associated with the company for 34 years with assignments in Colorado, Montana,

Oklahoma and Indiana, before being transferred to the Anchorage office in 1964. He continues to represent the company as a consultant. In addition to many professional associations, Mr. Swetnam is a member of the Joint Federal State Land Use Council's Land Use Advisory Committee and is on the Board of Directors of the Resource Development Council for Alaska.

**David B. Palo ('59)** of Grand Junction has joined with another attorney to form the firm Palo & Palo.

**Karl F. Anuta ('60)**, formerly General Counsel and Corporate Secretary, Husky Oil Company in Denver, has become of counsel to the law firm of Duncan, Weinberg & Miller, P.C.

**William P. DeMoulin ('60)** has left the firm of DeMoulin, Anderson, Campbell & Laugensen, P.C. to establish his own law practice with an emphasis on litigation.

**Glenn R. Jones ('60)** is president of Jones Intercable, Inc., which, as a result of the purchase of nine cable television systems from the Tribune Co., is the country's 12th largest cable firm.

**James R. Richards ('60)**, Inspector General of the Energy Department, has been nominated for the position of Inspector General of the Interior Department.

**Joseph Fontana ('61)**, who had been for the past year on leave of absence from the Washington office of Winston & Strawn to serve as Senior Vice President and General Counsel of American Export Group International Services, Inc., recently joined the firm Casson, Calligaro & Mutryn, also in Washington, D.C.

**James M. Robb ('61)** was appointed to the State Board of Parks and Outdoor Recreation. Mr. Robb served two terms on the State House from 1980 through 1984. During his second term, he was chairman of the House Judiciary Committee.

**Christopher R. Brauchli ('61)** has been named Chair of the newly formed Boulder County Bar Foundation which was formed for the purposes of providing fellowships for members of the Bar and raising funds for law related charitable activities. Among other officers and trustees of the Foundation are **Thomas H. Wood ('56)**, **Joel Davis ('62)**, **Neil King ('56)**, **Howard C. Current ('58)**, **Richard Dana ('66)**, and **Dean**

**Betsy Levin. Mr. Brauchli and Paul Snyder ('67)** have recently joined in a new partnership in Boulder, Brauchli, Snyder, Jevons and Johnson.

**Stanton Hadley ('62)** is now Senior Vice President for Administration and Secretary of U.S. Gypsum Corporation in Chicago. He was previously Vice President for Operations.



Jay L. Gueck ('63)

**Jay L. Gueck ('63)** resigned last December from his position as a Federal Bankruptcy judge, in which position he had served since December, 1982. He has joined the bankruptcy section of the Dallas law firm Akin, Gump, Strauss, Hauer & Feld. Judge Gueck is a past president of the Colorado Trial Lawyers Association and has served on the Board of Governors of the Colorado Bar Association.

**William R. Gray ('66)** is inducted as a fellow of the American College of Trial Lawyers last summer. Membership in the College is a position of honor based on an invitation by its Board of Regents.

**Richard M. Hopper ('66)** has become associated with the firm of Lentz, Evans & King, P.C.

**Paul Snyder ('67)** has established a new partnership with fellow alum **Christopher R. Brauchli ('61)** and others. The partnership, Brauchli, Snyder, Jevons and Johnson, will be engaged in the general practice of law in Boulder.

**James E. Hinish, Jr. ('68)** is now General Counsel to the Subcommittee on Courts of the Senate Judiciary Committee. He had previously been Vice President of the Center for Judicial Studies in Cumberland, Virginia.



Gail H. Klapper ('68)

**Gail H. Klapper ('68)**, a partner in the law firm of Klapper & Zimmerman, has been elected to the Board of Directors of the United Banks of Colorado.

**Robert E. Krebs ('69)** has joined the law firm of Burns, Doane, Swecker & Mathis in San Francisco, specializing in patent and intellectual law. After graduation from C.U., Mr. Krebs obtained an M.B.A. from the University of California, Berkeley and an M.S. in Environmental Engineering. Prior to joining the law firm, Mr. Krebs was General Patent Counsel for fourteen divisions of Baker International Corporation. He also serves as a faculty member of the School of Business at San Jose State University in San Jose, California.

**Mary G. Allen ('70)** is practicing law with an emphasis on civil and criminal appeals in Denver. Ms. Allen taught courses in domestic relations and civil procedure and supervised the Appellate Advocacy program last year at the Law School.

**Jan G. Laitos ('71)**, who is a law professor at University of Denver Law School, was appointed by Governor Lamm to the Colorado Quality Control Commission. Mr. Laitos, who was a visiting professor at the University of Utah Law School for the fall semester, recently wrote a new casebook, *Cases and Materials on Natural Resources Law*, which was published by West Publishing Company.

**Michael J. Abramovitz ('72)**, formerly a partner of Drexler, Wald & Abramovitz, has become a partner in the firm Berenbaum & Weinshienk in Denver.

**Alan Brothers ('72)** is a founding partner in the Chicago law firm Carney & Brothers which specializes in real estate law.



Frances A. Koncilja ('72)

**Frances A. Koncilja ('72)**, a partner in the Denver office of Morrison & Foerster, presented a seminar on "Basics of Federal Practice" last November for the International Practicum Institute. Ms. Koncilja is also a Law Lecturer on "Professional Responsibility and Trial Advocacy" at University of Denver Law School and has been a lecturer for Continuing Legal Education in Colorado, Inc., and the National Center for Continuing Legal Education for the past six years.

**Lewis M. Quigg ('72)** has joined with two other attorneys to form the Pueblo, Colorado firm of Shaw, Simons & Quigg, P.C. Mr. Quigg previously practiced law with the firm of Petersen & Fonda, P.C.

**Ruth Wright ('72)**, who represents Boulder in the Colorado Legislature, was recently selected as one of the top ten legislators by her peers and others.

**Ronald Martin ('73)** was recently elected president of the Colorado Springs firm Spurgeon, Haney & Howbert.

**Michael R. Dice ('74)** recently opened his own office in Denver. His practice emphasizes probate and estate administration and litigation, wills and trusts, and guardianships and protective proceedings.

**Richard Forman ('74)**, Solicitor General for the State of Colorado, and his wife Kit Coolidge, recently had a new son Jesse. Their family already included Alexander, who turned 3 last November.

**Michael S. Kupecz ('74)** is now practicing with the Aurora firm Anderson, Calder & Sandman. Mr. Kupecz, who has a Masters of Law in

Taxation, practices exclusively in the areas of tax, pension and profit sharing plans, and estate planning.

**Ronald Lehr ('74)** was named by Governor Lamm last September as Chairman of the Public Utilities Commission. Mr. Lehr became a member of the Commission in March, 1984. From 1981 to 1984 he was in private practice, and from 1977 to 1981 he worked at the state Office of Energy Conservation.

**Larry J. Naves ('74)** became a partner in Schoenwald, Burke & Naves in Denver. The firm's practice emphasizes civil and criminal litigation.

**Lynn Kester-Meyer ('75)**, Board president of the Mental Health Center of Boulder County, was recently the subject of the "Profile" section of the *Boulder Daily Camera*.

**Edward T. Ramey ('75)** has taken a leave from his commercial practice at Isaacson, Rosenbaum, Woods, Levy & Snow, P.C. to do some expedition mountain climbing in Asia.

**Steven Meyrich ('76)** has become associated with the Boulder firm Lamm & Young.

**Mary Beth Ritger ('76)** is with the New York firm Wolf, Haldenstein, Adler, Freeman & Herz, where she specializes in the law of trusts and estates.

**Richard T. Carroll ('77)**, formerly a partner in Burns, Wall, Smith & Mueller, is now of counsel to the office of William B. Collister.

**William L. Carpenter ('77)** announced the opening of his firm Carpenter & Johnson, P.C. The Lakewood, Colorado firm has a general practice.

**Daniel W. Carr ('77)** has become a partner in the Denver firm of Dill, Dill & McAllister.

**Morris B. Hoffman ('77)** has become a shareholder in Mosley, Wells, Johnson & Ruttum, P.C. in Denver.

**Jeffrey L. Romeo ('77)**, who served as Section Chief of the Adams County District Attorney's Office, is now engaged in the private practice of law in Denver.

**Marshal B. Brodsky ('78)** announced the opening of his own practice in Denver, emphasizing in high technology business, real estate, and construction law.

**Dennett L. Hutchinson ('78)** became a partner of the firm Davis, Graham & Stubbs.

**Herrick K. Lidstone ('78)** has become associated with Brenman, Epstein, Raskin & Friedlob, P.C. in Denver.

**Philip D. Barber ('79)** and **Gregory A. Ruegsegger ('79)** have become members of the Denver firm Welborn, Dufford, Brown & Tooley.

**Edwin A. Naylor ('79)** has become a partner in the Denver firm Moye, Giles, O'Keefe, Vermeire & Gorrell.

**Amy Printz ('80)** has become associated with the Englewood, Colorado law firm of John S. Dunsmoor, P.C.

**Wallace D. Prugh ('80)** has joined the Fort Collins firm Hasler & Fonfara.

**Michael J. Wozniak ('80)** has become a partner in the Denver firm Clanahan, Tanner, Downing & Knowlton.

**Michael D. Burns ('81)** has become associated with Koransky, McCullough & Friedman, P.C. in Denver.

**Walter J. Downing ('81)**, who previously served with the U.S. Navy Judge Advocate General Corps, is now associated with Grant, McHendrie, Haines & Crouse, P.C. in Denver.

**J. William Callison ('82)** of Moye, Giles, O'Keefe, Vermeire & Gorell, recently authored a booklet "A Legal Guide for the New High-Tech Business."

**Gloria Jean Garland ('82)** is now in Brussels, Belgium pursuing LL.M. studies. She was formerly with the San Francisco firm Furth, Fahrner, Bluemle & Mason.

**Sheila Carrigan ('82)** is now an associate with the Denver firm Cooper & Kelley, P.C.

**David J. Margrave ('82)** has opened an office for private practice of law in Colorado Springs.

**Douglas J. Marston ('82)** who formerly practiced in Alaska, has opened his own office in Boulder for the general practice of law.

**Joseph G. Rosania ('82)** has become associated with Burns, Wall, Smith & Mueller in Denver.

**Kurt G. Stiegelmeier ('82)** has become associated with the firm of Downey & Murray, which is located in the Denver Tech Center.

**Daniel Vigil ('82)**, who is an Assistant Dean for Student Affairs and Professional Programs at the Law School (please see Dean Vigil

article), is serving on a volunteer basis as counsel of the Rocky Mountain Chapter of the Huntington's Disease Foundation of America. The Rocky Mountain Chapter, which is centered in Denver, includes five states. The disease is a hereditary degenerative disease affecting the central nervous system and is presently incurable.

**Ann Collett ('83)**, who is a deputy district attorney in Binghamton, New York, participated in a pre-law day program at SUNY-Binghamton, where she distributed information about CU Law School to undergraduate students.

**Paul Yannias ('83)** is working in Chicago for Ticom Corporation.

**James Fremont Frost ('84)** has become associated with Robinson & Schuerer, P.C. in Lakewood, Colorado.

**Monica Lhotzky ('84)**, who recently returned to the Chicago area after a year-long stay in Europe, is practicing law with a 9 person firm which has a general practice, with a specialty in Education Law.

**Karen (Linn) Kurle ('84)** represented the Law School last fall at a pre-law program at Stonybrook in New York.

**Douglas P. Ruegsegger ('84)** has become associated with the Denver firm of Welborn, Dufford, Brown & Tooley.

**Allan Singer ('84)** has completed his clerkship with Chief Judge David Enoch ('51) of the Colorado Court of Appeals and become associated with Holmes & Starr in Denver.

**Jane Tidball ('84)** is now associated with the Boulder firm Bragg & Dubofsky.

**Robin M. Taylor ('84)** has become an associate at Jon Kottke & Associates in Boulder.

**Patrick A. Wheeler ('84)** has become associated with the Boulder firm Musick & Cope.

**J. Scott Needham ('85)** who is clerking for Judge Alan Sternberg of the Colorado Court of Appeals, wrote an article titled "Survey of Colorado Tax Liens," which was published in the October issue of the *Colorado Lawyer*. In a note to the article, Mr. Needham thanked Associate Dean Clifford Calhoun for his "comments and moral support [which] contributed greatly to the preparation of this article."

## IN MEMORIAM



Judge Jean S. Breitenstein ('24)

**Jean S. Breitenstein, ('24)** who served for thirteen years as a Judge for the U.S. Court of Appeals for the Tenth Circuit, died on January 31 at the age of 85. Judge Breitenstein, who had been an assistant attorney general of Colorado from 1925 to 1929, had also served as an assistant U.S. attorney from 1930 to 1933. He then went into private practice in Denver, and earned a national reputation in water law. In 1954 he was appointed to the U.S. District Court, and in 1959 to the appellate bench. As a judge he was widely respected for his great knowledge, compassion and courtesy. It was to commemorate these attributes that his former law clerks established a scholarship in his name at the Law School. Judge Breitenstein's surviving wife and descendants have designated the Breitenstein Scholarship Fund, University of Colorado Foundation, Campus Box 462, Boulder, CO 80309-0462, as one of two funds to which friends may make contributions in his memory.

**Robert L. Hadwiger ('24)** of Alva, Oklahoma died on July 27, 1985. Mr. Hadwiger was a very active and loyal alumnus, having visited the Law School and toured the Law Library as recently as 1984. Mr. Hadwiger is survived by his wife and his son, Bill, who attended the Law School during a summer session.

**Russell M. Yates ('25)** died on December 10, 1984 in Miami Beach, Florida. He is survived by his wife.

**William McGlone ('27)**, a Denver attorney and civic leader, who served for several years as Denver's Manager of Revenue, died in September, 1984 at the age of 82. Mr. McGlone was a founder and trustee of the executive committee of the Mile High United Way, a founder and former president of the Colorado Heart Association, and a president of the Denver Public Health Council. He was also a president of the CU Alumni Association. In recognition of his service, Mr. McGlone was the Colorado Public Association's 1952 recipient of the Florence R. Sabin Award. In 1950, he was also honored by B'nai B'rith for his work in the field of human relations.

The Law School recently learned that **Cover Mendenhall ('41)** died in 1982 at the age of 64. Mr. Mendenhall served with the Federal Bureau of Investigation during the war years, then began a career in the practice of law in Rocky Ford. Mr. Mendenhall also served as a Judge for Otero County and as a member of the Board of Governors of the Colorado Bar Association. His only survivor is his son, **H. Barton Mendenhall ('71)**, who practices with the firm Mendenhall & Malouff in Rocky Ford.

**Frank Buchanan ('49)**, U.S. Air Force pilot in World War II, mayor of Boulder and member of the City Council, died in January 1986 after a short illness. At the time of his death, he was of counsel with the Boulder firm Caplan & Earnest. He had previously been with Newcomber & Douglass and represented Boulder Community Hospital for many years. Buchanan counted among his successes while in office the opening of the Pearl Street Mall, a revision of the Boulder Valley Comprehensive Plan, and the open space program. Before being elected to the City Council, Buchanan served on the Boulder Housing Authority, and served as its chair for five years. He was also active in community affairs, serving on numerous boards.

The Law School was informed that **Daniel Holt Polsby ('64)** died last year. He had received his undergraduate degree from CU in Political Science in 1961, working as a sports reporter for the Denver Post while in school. Upon graduation from the Law School, he joined the firm of Sheldon and Nordmark in Denver.



School of Law  
Campus Box 403  
University of Colorado  
Boulder, Colorado 80309-0403

Non-Profit Org.  
US Postage  
PAID  
Boulder, Colorado  
Permit No. 257

## ADDRESS CORRECTION REQUESTED

### AMERICAN LAW NETWORK TELECAST SCHEDULE - 1986

March 13, 1986	Trial Tactics
April 10, 1986	Will Drafting
April 22, 1986	First Party Extra- Contractual Insurance Claims: Prevention and Defense
May 8, 1986	How to Recognize a Medical Malpractice Case
May 22, 1986	Superfund Reauthorization
June 5, 1986	Pension Program
June 12, 1986	Legal Audits: Advising Corporations about Potential Liabilities
June 19, 1986	To Be Announced

For information about possible  
schedule changes, please call Daniel  
Vigil, University of Colorado School  
of Law, 303-492-8047.

### Placement Service

EMPLOYER \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY & STATE \_\_\_\_\_

Please contact us about:

- Scheduling an interview on campus.
- Posting a job notice about a current opening
- Being listed as a non-interviewing employer who wishes to receive resumes.

Please submit this form to Placement Office, Campus Box 403, University  
of Colorado School of Law, Boulder, Colorado 80309-0403: telephone  
(303) 492-8651.

### Alumni Information

Name \_\_\_\_\_

Year Graduated \_\_\_\_\_

Address New ( ) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 80309-0403.