Indexing the *Nebraska Transcript*: Who, What, Where and How . . .

... or how you might approach indexing a publication unique to your institution

Sandra B. Placzek, Associate Director & Professor of Law Library
Marvin & Virginia Schmid Law Library, University of Nebraska
FROM THE EDITOR-

Opinions

This edition marks the first time a newspaper has been published by the students of the College of Law. In our opinion it has been long overdue. There is more than adequate reason for its creation and continuance.

With almost 250 students and ten times that number of alumni on the rolls of the Association, it is a curious anomaly that not one house organ circulated among them. This paper shall serve the purpose - among others - of bringing to the students and the alumni a common forum.

As the College continues to expand its student body and increase its faculty, it is only natural that extra-class communication between its faculty and their students becomes more difficult to obtain. The desirability of healthy avenues of communication and understanding is patent. We feel that a newspaper is one way of widening and keeping these avenues open.

Among the students themselves the need for communication may not be as patent as the necessity for good grades, but nonetheless it exists. In the past there has been a feeling that there are two kinds of students in the College; upper-classmen and the neophytes in room 101. This paper shall attempt to erase that feeling. We feel that each student should have a cognizance and a respect of his fellow student regardless of his class.

The TRANSCRIPT's purpose has been discussed briefly above, but no goals can be reached, and indeed our continued existence is in question, without your help. We ask you to read this paper; think about it; criticize it; and most of all tell us how it can be improved.

We feel like a bride preparing her first meal for her in-laws; she knows she has to cook something, but she doesn't know what.

Well?  

R.A.F.
Justice Blackmun Speaks at 1983 College of Law Graduation

by James C. Williams

U.S. Supreme Court Justice Harry A. Blackmun told the 1983 graduating class of the UNL College of Law that they should never “succumb to the lure of an easy practice,” but rather pursue a career of “dedication to the resolution of controversies.”

Blackmun delivered the address during May 7 commencement ceremonies for the 124 graduates in the College of UNL’s city campus.

Blackmun was a Nixon appointee to the United States Supreme Court succeeding to the vacancy left on the Court by former Justice Abe Fortas. The Associate Justice said that as a lawyer, one is possessed of great power and should not abuse the trust given by a client. Blackmun mentioned the value of maintaining a good reputation by noting “how precious a reputation is and how quickly it is lost.” Accordingly, one should be motivated by the desire to render services consistent with the canons of ethics aside from a simple desire to obtain monetary rewards.

Blackmun stated that as lawyers, the new law graduates would encounter both arrogant lawyers and judges. However, as lawyers, they should develop a tolerance for the profession. Blackmun also suggested that graduates pursue diverse careers and not confine themselves to being just practitioners. He enumerated various areas in which graduates might wish to pursue careers, including the areas of education, politics, and the judiciary. He also stressed the need to perform pro bono work.

Calling attention to the turbulent 1960s, Blackmun...
Transcript" staff

Back row, l. to r.: Paul Elofson, Rick Berkshire, Katie Ayres Birrell, Mariame Clifford, Kathy Slepicka, Bill Castel, Craig Cooper, Pam Matson, Brian Zelen; front row, seated: Beth Meyer, Randy Wright. Not pictured: Laura Partech, Ann Fox, Mariam Masid, Tom Larwath, Mike Robinson, Cynthia Johnson and Lori Bishep.

Thoughts...

the way because the test starts in an hour and a half.

And the professors. Especially the ones who give a one question, four hour final, completely covering the chapter you skipped in class. That's not so bad, but they stand around after the test trying to convince everyone that it was a fair test. And that's still not so bad until they proceed to tell you that all the issues you wrote on were unimportant and that the one you missed completely was the crucial issue to the question.

Then there are the fair teachers, whom everyone takes for classes. They sponsor groups, give extra lecture sessions, review periodically, have course outlines named after them, and hide the ball the least. They usually give open book, open note tests. One prof last test takers bring in "anything that didn't breathe", but wouldn't allow one anxious student to bring in a former U.S. Supreme Court Justice even though it wasn't breathing.

One theory of finals is that the professors figure out just how much abuse a human mind can sustain during a three year period without permanent damage to the brain cells, then sit down and divide it up into six equal parts and label them exam periods. At the end, theoretically, you just have enough of your wits left to pick up your diploma and say "Thanks, I needed that," before you go take a vacation to study for the bar exam.

The best advice I've had is from a former teacher, who says, "If you started studying earlier in the semester, you wouldn't be so rushed at the end." I said that if alligators had pockets we could open a factory and sell purses to King Kong. Of course, we'd need a lawyer to handle the permits, lawsuits...
Seniors Announce Future Career Plans

With the draft hanging heavy over the head of the graduating class, less than half of the men have been able to find jobs. The remaining half are either going directly into the service, or are awaiting word from their draft boards.

Several seniors who are yet uncertain about their careers stated that while there are some jobs available, employers are not prone to give a definite commitment to individuals who may be drafted in the near future.


Twenty individuals have accepted positions other than in wartime, like advertising, public relations, international law, and authorship.

New Reporter In Library

According to Art Venen, Librarian, the Library will soon begin receiving the Urban Affairs Reporter, a reference publication for urban specialists, explains, and reports developments in federal programs concerning urban problems. Published by the Commerce Clearing House, the new reporter consists of three loose leaf volumes containing information on existing programs arranged by topic and indexed for reference. Also included in the current series are recent reports issued every two weeks containing full text and exploratory coverage of new developments in federal programs assisting local governments, and a weekly summary reviewing developments of that week and pointing out news of special importance. The reporter is designed to answer the needs of all persons interested in urban problems, governmental agencies, and related offices in local, state, and federal government.

Admin. Law cont. -

some of the board’s functions are unnecessary. Members of the present board are the governor, auditor, secretary of state, treasurer, and tax commissioner. The trend, however, is for boards of equalization to be composed of appointed members who are professionally qualified. Of collateral concern, though not being directly researched, is an appellate board for sales and income tax administration.

All teams will complete their research by the end of the semester and will report their findings to the governor and the Legislature.

Editor-elect H. Bruce Hamilton has announced a new policy with respect to student articles to be published in future issues of the Nebraska Law Review. He stated that regardless of whether they are on the Law Review staff, are now encouraged to submit articles for publication in the Law Review. Those articles will be processed in the same manner as those submitted by staff members, and the sole criteria for publication will be the quality of the article.

The Law Review has always had a policy of accepting articles from non-staff members according to Hamilton, but previously it was required that the article be submitted in publishable form, and it was not subjected to the editing procedures employed for articles written by staff members. As a result, very few of these articles were ever published.

Articles submitted by non-staff writers will be under the supervision of John Atwood, recently named Special Articles editor for next year’s law review. After a topic has been approved by this preliminary process, an additional review will be submitted to Atwood, who will then edit the work and return it to the student for completion. To be considered, the student will be required to have a faculty member read and criticize his rough draft. The completed article will then be considered for publication along with articles submitted by staff members.

At the present time, several professors have expressed an interest in submitting articles for publication. In addition, seniors are urged to submit revisions of their seminar papers for consideration.

Any student interested in writing for law review should discuss the new policy and possible topics with John Atwood immediately.
New Organization Aims to Aid Women in All Areas of Law

What are the chances of a woman being accepted into law school? How does she go about applying? What can a woman expect during her initial law school experience? Are opportunities for women in law expanding or becoming more restricted? It was to supply answers to these kinds of questions that the Women's Law Caucus came into being at UNL.

The organization was formed this past spring to help women law students achieve their professional goals and more generally to provide support for women in all areas of law including legal secretaries and librarians.

The initial project for WLC was an informational pamphlet which was sent to all members of the first year class concerning such subjects as housing, food stamps, day care facilities, and public transportation available in Lincoln. Expanding on this idea, Jill Norgaard and Beth Purvis designed a brochure to be sent to all women interested in applying to the College of Law. This brochure is intended to shed an early light on the status of women in the law college as well as in the larger legal community outside of college.

Meet the Trust Officers of The Omaha National Bank

The Caucus has investigated the prospects of sponsoring an evening child care center to be available for young children of law students during the week, enabling parents to have a little more free time to pursue studies or hobbies. At this time, it appears that few parents have a real need for this kind of service, so plans for the center are not being pursued further.

Tentative activities for the coming semester include a project at the Women's Reformatory in York, and raising money to send representatives to the Women in Law Conference in San Francisco in March.

Officers and representatives include: President, Becky Glover; Vice-President, Susan Jacobs; Treasurer, Jane Wagnier; Secretary, Tricia Winter; Senior Women representatives, Rae Schumacher; Junior Women representatives, Mary Lynn James; Pre-Law women representative, Kathy Martin.
Thoughts ... on finals
by Rick Berkshire

Question: Why are finals in law school like hitting yourself in the head with a hammer?
Answer: Because you feel so good when you stop.

Answer #2: Because there's more in your head when you're done.

I have just completed my third semester at this institution and although I try to convince myself that the correct answer to the above question is answer number 2, I still keep peering at the first answer like a first grader looks outside when it's time for recess.

I suppose that the good thing about finals week is that without it we would be in school forever. On the other hand, to have to go into a test, sit there for three hours while everyone laughs at you because you can't think of a thing to say, then hand in a blank test and hope a few students got negative scores so you can pass, and all just so you can graduate and then stand in the employment line, does seem a little ridiculous.

But students manage to get through it all, though they employ different methods. There are the students who spend hours a week playing bridge instead of studying, then a week before finals they quit going to class so they can study and play bridge. One guy missed his Torts final because he was dealt a slam hand a few minutes before the test began and thought he was on a hot streak.

—And there's the girl who is so caught up in organizing that she had to completely change her course schedule in November because the classes conflicted with all of her meetings. One teacher was going to drop her from his class but she missed the meeting to discuss it with him so he left her in. At last report she had hired a chauffeur so she could study while going to and from meetings.

Car Crash

Then there's the student who didn't think finals were such a big demand on her time, so she had a car crash, broke her glasses (twice), let her battery die on her at 2 in the morning, decided to publish a few articles, go to a few meetings, and get a few dates, all during finals week.

And the freshmen. They come over to the Law College building 5 hours before their tests and stand in line to get into the test room and get a good seat (as if the ones who sit in the front row get the best grades). Then they look at you with bleary eyes, yawn, and ask how little they have studied for the test, and how they aren't nervous. And when you ask them which test they are taking today, they say they still are not nervous, and would I please move out of
Jump in with both feet first . . .
Run Honors Shinn’s Memory

by Allen Erickson

The College of Law’s Class of 1966 has many distinguished members. They include Coin Knutling, president of the Lincoln Bar Association; 2nd District Congressman Hal Daub; and Dean Harvey Perlman, among several others. Another member of that class, perhaps not as well known but just as distinguished and respected in his own way, was the late Melvin Shinn, better known as Mel.

An illustration of the high regard Shinn’s classmates had for him occurred in April of 1985 when the first Mel Shinn Run was held by the College. It was financed with money that had been contributed to the Mel Shinn Fund, set up after Shinn’s death in 1979.

Professor John Gradwohl, a member of the Law College faculty since 1966, knew Shinn very well.

"Mel was a mover and shaker of that class, always ready to get things going," Gradwohl said. Shinn was extremely well liked by his classmates because of his engaging personality and willingness to take time out to enjoy the company of others and life in general.

"Mel was a very outgoing individual who knew how to have a good time after the work was done," Gradwohl said. "He would have appreciated a sporting event such as the run being held in his honor. It is very appropriate."

After graduating from law school, Shinn returned to his native Hawaii to practice. There he became a prominent attorney and a major figure in Hawaiian politics. Unfortunately, however, Shinn died of a heart attack without any warning in April of 1979, at the age of 39. He was survived by his wife Joan, and two children, Robert and Allison.

News of Shinn’s death understandably shocked his good friends here in Nebraska, and they set about finding a way to properly honor his memory. Spearheaded by Koala and Gradwohl, the Mel Shinn Fun was created, with plans to use funds to finance an annual golf tournament. Throughout the summer of 1979, contributions to the fun fund flowed in and more than $500 was accumulated.

The plans to have the golf tournament never got off the ground, however, because of logistical problems and a feeling that it would not be the right type of group event. The fund remained unused during the next few years and continued to grow.

Finally, last year Dean Perlman suggested the idea of having a "type of fun run" in which everyone could be involved and after which a reception and awards ceremony could be held. Perlman liked the idea of making the run 5 kilometers long so all would be able to complete it and finish the race. The idea was accepted and plans were made to hold the run in April.

Members of Shinn’s class were contacted, as were his family and friends. All Law College students, faculty and staff were invited to participate and encouraged to buy Mel Shinn Run T-shirts that were sold for the event. Gradwohl planned the course, which began at the Law College, wound through East Campus and ended back at the College.

Participation in the race was excellent, with about 75 people entered. There were students, alumni, faculty and administrative staff on hand. People who very rarely run were entered as well as the "jocks" who run daily. Several categories of awards existed, such as best junior sprinter and best freshman. The event was well-received and plans are now being made for the annual event to continue.
WE'RE MOVING!

See You At The New Building!

The Nebraska Transcript

MARCH, 1975 — VOL. 9 NO. 3

University of Nebraska College of Law
Quickly grew to four...
Alumni

Class of 1978
Michael W. Pirtle became a partner in the Omaha law firm of McCormack, Looney, Mooney & Hillman on June 1, 1984. The firm is now McCormack, Gooney, Mooney, Hillman & Pirtle.
Christie Schwartzkopf was elected a member of the Lincoln Bar Association Board of Trustees.
Kevin Sullivan has become associate counsel in the public law section of Allstate Insurance Company in Illinois. Sullivan was previously State Insurance Commissioner of Nevada.

class of 1973
David R. Bumgin was named Vice-President of the Citizens Commission for the Study of Higher Education. The Commission will evaluate higher education in Nebraska.
Craig Monen has opened offices in Gold Hill and Rogue River, Oregon under the partnership of Hoerutz and Monen.

Class of 1973
William Austin has been elected by the Lincoln Bar Association to the Board of Trustees.

Class of 1972
John H. Moneman has been appointed Legislative Director for United States Senator Frank Murkowski of Alaska.

Class of 1970
Guthrie A. Shultz became a partner in the firm of Epstein, Becker, Remoddy and Gross of Los Angeles in April 1983. Previously Shultz was Vice-Chairman of the United States Equal Employment Commission.

Class of 1987
William D. Sutter was elected Treasurer of the Lincoln Bar Association.
Gary G. Thompson was elected Chairman of the Board of Trustees of the National Benevolent Association.

Class of 1966
Gary M. Keating has been elected new Vice-President of the Lincoln Bar Association.

IN MEMORIAM

Class of 1984
William A. Wieland has been elected President of the Lincoln Bar Association. He succeeds Douglas F. Duchek.

Class of 1956
James W. Hewitt was named President-Elect of the Nebraska State Bar Association on April 6, 1984. He will assume the NSBA Presidency in the Fall of 1985.

Class of 1950
Donald C. Farber has become a member of the firm of Truner, Gilbert, Prepp & Stern in New York, New York.

Class of 1947
Richard A. Vestheke has been elected to the Board of Trustees of the Lincoln Bar Association.

NEXT ISSUE:

- Law Student Research Service expands to meet the needs of Nebraska practitioners
- "What I did on my summer vacation"; College of Law students study abroad
- Professor Josephine Potuto returns from prosecuting criminal cases in New Jersey
- John Lenich arrives at the College of Law
Articles illustrated by wonderful photos, so . . .
College Evaluated By Past Advisor

Professor Harnberger served as faculty advisor to the TRANSCRIPT from 1964-88 and was instrumental in its founding.

The recipient of three degrees, B.S., M.A., LL.B., from the University of Nebraska, Professor Harnberger also holds the S.J.D. from the University of Wisconsin.

Prof. Harnberger practiced in Lincoln from 1949 to 1957 when he became a member of the Law College faculty. In 1966 he received the University of Nebraska Foundation Distinguished Teaching Award in the Humanities and Social Sciences. At the present time he is Chairman of the State Bar Association Committee on Water Resources and a member of the Committee on Procedure.

The TRANSCRIPT recognizes Prof. Harnberger’s devotion and concern for the Law College and its students. His comments in reply to TRANSCRIPT questions appear below.

TRANSCRIPT What do you consider to be some of the major problems at the Law College?

Harnberger: The condition of the building and the loss of faculty members.

T: The building is pretty bad, isn’t it?

M: You. In my opinion, the physical facilities are inadequate and the effect is harmful.

M: How old is this building?

T: The university was built in 1920.

M: Yes, I know. But what is the age of the building?

Professor Richard S. Harnberger

Banquet Gains Momentum

Preparations are now under way for the Nebraska Law Students Association Awards Banquet. The traditional event is to be held May 3, at the Cornhusker Hotel.

The evening will begin with a social hour at 5:30 in the Lincoln Room and on the Marquette. Dinner will follow at 6:30 in the main ballroom. Immediately after dinner awards will be announced, and the senior class will be recognized. Dancing to 12:30 will complete the evening’s entertainment.

John Boyer, NLSA President said: “Recognition will be given to all students who participated in law school activities during the last year and also to the new officers who will head these organizations for the next year.”

This announcement will include the new officers of the NLSA, Alan Moot Court, Nebraska Law Review, and THE NEBRASKA TRANSCRIPT.

“Tucumcari adult,” said Boyer, “is usually turns 100% and we hope the student body will do as well.” Boyer announced that Sam Brown and Sam Owen will

Students May Opt
Variety of cases discussed or mentioned so . . .
NEBRASKA CASEKNOTE:

Kuester v. State

by Christie Dibben

Kuester v. State, 191 Neb. 680, 217 N.W.2d 180 (1974), this issue's Nebraska Caseknote, reinforces the concept that a property owner's rights are subject to reasonable state regulations. The controversy arose when an officer of the Nebraska Game and Parks Commission entered upon the plaintiff's property to enforce the provisions of the Neb. Rev. Stat. § 81-015.01 et seq. (Reissue 1971), commonly referred to as the Nebraska Boat Act. The Nebraska Boat Act, which now can be found at Neb. Rev. Stat. §§ 37-1201—
37-1274 (Reissue 1979), includes the provision, “ev-
ery conservation officer, deputy conservation officer
and peace officer of this state and its subdivisions shall
have the duty and authority to enforce the provisions
of the Nebraska State Boat Act and in the exercise

YOU'RE TOPS, do you know Nebraska's law for public waterways?

NO... Don't worry, darling, this is a private lake.
Computers And The Law

By Fred Greguras

The computer is rapidly and drastically changing the character of modern society. To remain an effective negotiator, arbitrator and adviser, the lawyer must become better equipped to understand and analyze this growing trend toward automation.

Law school graduates enter the computer age with little if any knowledge of the computer and legal ramifications and uses of the computer. Unlike other aspects of legal practice, it is highly unlikely that this essential knowledge will be learned on the job.

The computer presently affects the legal community by its impact on:
1. substantive law;
2. the quality and efficiency of the practice of law and of judicial administration; and
3. the nation's law schools.

Despite legislative efforts to curb its expansion, the use of data banks has increasingly eroded individual privacy and the computer's most significant substantive impact concerns this right. This complex issue strikes the heart of our social-legal system. Certainly some information is needed for governmental use and to control the risks of business, but well reasoned arguments by knowledgeable lawyers are needed to establish a balance between the needs of government and the rights of individuals.

Trend Toward POS

Computer use makes a checkless society seem inevitable. What will be the impact on Articles 3 and 4 of the Uniform Commercial Code? Will they be rewritten or reconstituted within the confines of automation?

The point-of-sales (POS) entry devices used by Miller and Paine, Richman Goodman and other Lincoln firms for in-house accounting and other business systems procedures could be adapted to interface with a central computer which would serve as a clearing house between buyer, seller and bank for

More Indexes?
The Library Corner

An average interlibrary loan request is filled in about two weeks, but this time interval actually varies widely. Factors influencing the length of time after verification has been completed include success in choosing a library which has the materials and is willing to lend them, and the speed with which they send them.

Although most books can be borrowed, books in print and current books on order are the major exceptions. Most libraries will not lend books that were published within the last three years or that are otherwise readily available for purchase. The most readily available books are those published between the turn of the century and three years prior to this year. Out estimates for micro-filming and/or photocopying such books or parts of such books can be requested.

Loan periods are set by the lending library and vary, but the applicant must comply with these various loan periods since the prompt return of borrowed books is absolutely essential to maintaining good relations with lending libraries.

The charges involved in interlibrary loans are minimal in that patrons are only required to refund the Interlibrary Loan Service any expenses incurred on their behalf such as postage and insurance on books borrowed.

Libraries do not lend periodicals. However, photocopies of a specific article can be provided. The patron will be charged for the copy by the lending library. Rates vary considerably from library to library and many libraries charge an additional handling fee.

Interlibrary loan forms are available at the Law Library and any faculty member or student needing any of the above mentioned materials should contact any one of the libraries for help in filling out a request.

Class of 1962

Class of 1967
George H. Kraus has recently become associated with the law firm of Kubik, Rock, Cohen, Campbell, Garfinkele & Woodward of Omaha.
Looking for Fun?

Move 100,000 Books

By Marcia Connelly

"It's a big headache, but delightful trying to keep up to date and move at the same time." Although a few people might disagree regarding how "delightful" the move was, nevertheless these are the words of Mr. Wilma Thomas, UNL Law College library assistant, regarding moving the law library to the new building at East Campus.

According to Larry Kohle, past director of the library, the biggest problem was simple logistics . . . moving the library in a limited amount of time with a minimum amount of disruption to the students. Thanks to the generosity of Lincoln Industries, the job was made somewhat easier. The Nebraska Bookstore provided staff and equipment, and voluntarily moved the entire 100,000 volumes, desks, and other materials to the new building.

No longer will students be forced to run up and down four flights of stairs and stacks in seemingly endless search for material. The new library is on two floors, with room for expansion in the basement.

In the old building, only 64 study carrels were available and total seating space was for only 172. Now there are 113 carrels and total seating capacity is approximately 300.

The new law library has space for 147,000 volumes and will allow for a more logical and flexible arrangement of the books. Moreover, students will have access to a microfilm and audio-visual room, typing rooms, and small rooms for quiet and study.

Unfortunately, the law library will no longer have the services of Larry Kohle, who has served as director of the library for the last six years. In commending on the new building, he said he feels it is much more conducive to quiet study and can be an excellent center for legal research. However, he believes the library will need additional staff and more financial support. His advice to his successor is to have "a good sense of humor, thick skin, and the ability to blow with any kind of breeze."

The new library area is a welcome change for many, and perhaps the feelings of staff, students, and professors is best summed up in a comment by library assistant Sonny Ilesy: "We're so glad to be getting out of the old building! We have more space in the new building, and the atmosphere is so much more pleasant. I'm sure everyone will be better able to serve the students."
Students Engage In Outside Research Work

Several of the College's students are presently supplementing their academic endeavors with legal research projects, financed by both state and private organizations.

Bill Stanley, a junior, is presently working under a research grant from the American Civil Liberties Union (ACLU) dealing with the investigation of violations of civil liberties of Lincoln-area residents by the state. His work is particularly significant in light of the recent court decision upholding the constitutionality of the state's civil rights laws.

DICTA...

Notes on the Faculty

Prof. Bohlman, bemoaning the times, is in the process of revising the last two volumes of his book, "Modern Legal Forces." Since it's a little chilly for tennis, Prof. Berger has had additional time to spend on his property tax and for his chairmanship of the Faculty Senate Retirement Insurance Committee.

Prof. Boudreaux, with an apparent managerial style, has been busy inquiring into the possibility of a law school in the state. He has been approached by several universities, including the University of Nebraska, and is in the process of exploring the feasibility of establishing a law school in the state.

As a member of the Student Discipline Committee, Prof. Patman has been considering the role of the College in student discipline. In this context, he has been in touch with several law schools in the state, including the University of Nebraska, and is in the process of examining the procedures and policies of these institutions.

Dicta. . . .

CONGRESS has passed a bill, HR 2152, which would provide federal funds for the construction of a law school in the state. The bill is expected to be signed into law by the governor within the next week.

Welcome back to Prof. Beck's seminar on the legal aspects of the family. The seminar will meet every Tuesday at 10:00 AM in room 102 of the Law Building.

Law Wives Hold Party

On Saturday night, February 16, members of the Law Wives Club held a "Silver Bluff" at the old Royal Grove. Music was provided by the U.S. Navy, a rock and roll combo playing locally. Refreshments included hors d'oeuvres provided by the Lincoln Liberty Life Insurance Company, peanuts and poppers.

Deer prize winners included Jan Davis who won a transistor radio, Steve Leatherman, who won a set of golf balls, and Bill Buhner who won a badminton set.

Approximately one hundred and fifty faculty and students, and their wives or dates were in attendance.

"Cleanness is next to Godliness." Welcome to Hell. (Note by star)
What to include topically?
COX INTERVIEWED

by
David DeTar Newsbert
and
Lisa Burianek

Archibald Cox has had a long and impressive career as a lawyer, advocate and public servant, encompassing nearly 50 years since his graduation from Harvard Law School in 1937. He was a law clerk to Judge Learned Hand and after private practice in Boston, entered a career of public service, most notably serving as solicitor general of the United States and special Watergate prosecutor. He is presently professor emeritus at Harvard Law School. In addition to teaching and writing (he first published Cases in Labor Law in 1946; the book is now in its 9th edition), Cox has been active in Common Cause, assuming its chairmanship in 1986. Recently, Professor Cox was at the College of Law as speaker in conjunction with the Pound Lecture series (see page 34 of this issue).

TRANScript: WITH YOUR DISTINGUISHED CAREER IN PUBLIC SERVICE AND YOUR ASSOCIATION WITH HARVARD LAW SCHOOL, AT THIS STAGE OF YOUR LIFE, WHY DID YOU DECIDE TO BECOME ACTIVELY INVOLVED WITH COMMON CAUSE?

Cox: My work with Common Cause was something that I could combine with my teaching at Harvard. The basic philosophy of Common Cause—that of involved citizens participating in government while pressing for accountable, open and responsive government [as well as] other Common Cause goals were all things I believed in. I'd been on the governing board and have thoroughly enjoyed my involvement in Common Cause.

TRANScripT: YOUR BACKGROUND IN LABOR LAW ACTUALLY GOT YOU INTO THE PUBLIC SECTOR. WHAT TYPE OF ISSUES ARE YOU CURRENTLY ADDRESSING AT COMMON CAUSE?
Lawyers on the run

By Mark F. Krause

Partly sunny skies and 45-degree temperatures greeted runners April 3 for the third annual Mel Shima "Race Bicicleta" Five Kilometer Run at the College of Law.

The race drew about 60 students, faculty members, staff members and alumni to the East Campus Loop. This year’s winner: Brad Nick, a first-year student, who completed the course in 16 minutes 22 seconds.

Nick, who ran for Midland College in Fremont, as an undergraduate, said the competition was stiff. “There were a lot of good collegiate runners out here,” he said. “It was a tough race.”

Nick said he used to run 10 to 12 miles a day. He has been running three or four lately.

“Law school kind of cuts into your training quite a bit,” he said.

Nick noted that Darla Horn and Craig Kwok, who finished third and fourth respectively, were longtime opponents.

“They went to Nebraska Wesleyan,” Nick said. “so this was sort of a renewal of the rivalry (Midland) had with Wesleyan.”

Horn, a second-year student, won the race last year. Despite skipping a few notches in the runnings, Horn was pleased with his performance.

“I ran a pretty good race for this time of year,” he said.

Kristin Newcomb, a second-year student, won the women’s title for the second consecutive year. She finished the course in 19 minutes and nine seconds.

“I’m not happy with my time,” said Newcomb, who ran in the 1996 Boston Marathon. “It’s better than last year, but I’m not really happy with it.”

Interpersed in the competition were plenty of lighter moments.

About 10 yards into the race, receptionist Betty Hennessy, running alongside of library assistant Reavis Bishop, yelled out: “Oh, Rawb! You’re already running me off the road!”

Norman Krivoshak, chief justice of the Nebraska Supreme Court and a member of the College of Law class of 1986, joked before the race: “Only those that finish behind me will be admitted to the bar.”

After the race, when his time was announced, Krivoshak said: “You’ve got to give me some kind of handcart for the years.”

Race organizer and College of Law Professor John Gradwohl, joking with Dean Harvey Perlman told the time-keepers: “Better get the names of those who lapped the dean.”

Second-year student Gary Goebel, who finished next to last in the 1986 race, said: “Not as many people must have entered this year because not as many people passed me. And the only one behind me last year was a woman.”

Actually, interest in this year’s race was up compared to last year, said Gradwohl, who added he expects even more participants next year.

As part of the $6 entry fee, runners received a T-shirt and post-race pizza, ice cream and soda pop.

The race began in 1985 as a
If you build it, will they come?

Works and Fields Join Law Faculty

The Transcript joins with the College of Law in welcoming two new members to the faculty of the law school. Mr. Robert G. Works and Mr. Gordon B. Fields are the newest additions to the College of Law faculty.

Mr. Works, in his first year of teaching, is originally from Kansas. He earned his B.A. from Kansas State University in 1965 and received his J.D. magna cum laude from St. Louis University Law School in 1967, where he was Editor-in-Chief of the Law Review. Upon completion of his thesis, Mr. Works will receive his S.J.D. from the University of Michigan in the field of insurance regulation.

This year Mr. Works is teaching legal writing for freshmen, commercial law, and will conduct a seminar in Supreme Court history. These courses are important, he feels, because they represent semiformal preparation for legal practice. He is also teaching a course on legal ethics.

Mr. Fields was born in Chicago but calls Portland, Oregon, home. He attended Reed College, where he received his B.A. in biology in 1962. He received his LL.B. from the University of Oregon in 1965 and his LL.M. from George Washington University in 1969 in law science and technology. Mr. Fields was Associate Editor of The Law Review while in law school. Upon graduation from law school, he served as Deputy District Attorney in Lane County, Oregon, from January, 1966, to August, 1966. After that he was a member of the Judge Advocate General Corps from September, 1966, until the present time.

Mr. Fields is teaching business organization, a year-long course, and this semester, administration of criminal justice seminar. Next semester, he will conduct the municipal corporations seminar. Mr. Fields would enjoy teaching in summer school, but if the opportunity doesn’t arise, he said he would “relax and spend time preparing courses for the fall seminar.”

Mr. Fields is certain that he will enjoy his beginning year as a teacher at the College of Law. He likes working with his students and enjoys the academic community at the University.
The Editor Opines

The goal of THE NEBRASKA TRANSCRIPT is to keep the alumni and students informed about the University of Nebraska Law School and contemporary issues in the law.

This year, the staff plans the following articles in forthcoming issues: this issue presents the graduating seniors and their resumes; the November edition will print a list of senior seminar papers written during the 1971-72 school year and the April issue will contain a list of all Allen Moot Court Competition Briefs and Problems for 1972-73. Any manuscript printed in November, April or issues from previous years will be mailed on request for the cost of duplication and postage.

Anyone interested in hiring a law student for full, summer or part-time work may send notices to the staff of THE NEBRASKA TRANSCRIPT for posting on the school’s placement bulletin board.

THE NEBRASKA TRANSCRIPTS effectiveness as a means of communication depends on the readers’ use of its space, so the staff encourages: 1) letters to the editor; 2) classified ads ($4 per word); 3) articles; and 4) information on alumni and law firms.

As THE NEBRASKA TRANSCRIPT enters its seventh year of publication, I want to thank the alumni, advertisers and Alumni Foundation for their continued financial and moral support. It is customary to acknowledge those who have made monetary contributions and I extend our appreciation to the following people who have not been recognized previously:

Lawrence M. Christensen
Charles H. Chase and
Claire D. Johnson
Robert D. McNutt
John W. Atwood
James F. Begley
Folks & Rea
Roger A. Langenheim
J. H. Grovenor
Ishan Dogramaci
Tucson, Arizona
Los Angeles, California
Northridge, California
Chicago, Illinois
Plattsmouth
Schuyler
Houston, Texas
Mkt, Holly, Virginia
Ankara, Turkey

Who cares?
Accessibility: how and when?
Bruce Hamilton Urges Voters to Give A Damn

Senior Bruce Hamilton added a “new course” to his schedule this year. Hamilton has elected to spend a great deal of effort to capture one of Nebraska’s Congressional seats. Not content with sideline politics, Bruce was chosen by the Nebraska New Party to enter the State’s first district congressional race.

Hamilton’s campaign is what he terms, “issue-oriented.” It is an opportunity for the voters, and the other two candidates, to discuss the important problems that are dividing and disheartening Americans. To Bruce, these problems are basically threefold: poverty, racism, and American participation in Vietnam. Behind each problem lies fundamentally the same goal—attack and elimination.

Hamilton admits that his main objective at the onset of the campaign was merely to afford the opportunity to express his views on the issues stated above. The Nebraska New Party, he says, “is the only political party that is willing to fight.”

Rodney W. Johnson, has been appointed press secretary, while three juniors, Howard Klein, Kenneth Steghan and James Wollam are in charge of scheduling and advance work.

In addition to his candidacy status, Bruce is Editor-in-Chief of the Nebraska Law Review, a Legal Writing Assistant to the faculty, and a research assistant to the Nebraska State Government Project. Married and with one child, Hamilton holds both the Kelso Morgan and the Bonsall Foundation Scholarships and was named Outstanding Student of last year’s Junior Class.

Following his 1964 graduation from the University of Nebraska, he served two years in Elba-
Students urged to serve country

By Nanette Hessee

The students in the College of Law Class of 1987 received juris doctorate degrees at ceremonies May 9 in the Bob Devaney Sports Center. Dean Harvey Perlman, presiding at the ceremonies, told the graduating class, “Your law degree gives you power you didn’t have before. Use your degree wisely.”

David B. Downing, Superintending Judge of the Nebraska State Bar Association, described the law school experience as one of turning students from “rote scholars to sociocentric thinkers.” He applauded the quality of faculty and students at Nebraska. Downing also urged the graduates to “enjoy today and Mother’s Day as the bar exam is near.”

Senior Class President Norman Higley congratulated and thanked his fellow graduates for their “friendship and support” during the three years of law school.

Higley shared a poem written by Ho Chi Minh, concluding, “after sorrow comes happiness.”

Sen. David Karnes, R-Neb., gave the commencement address. Warning of a leadership crisis in the United States, Karnes stressed that those in the legal profession must exercise responsibility to the public.

“For good or bad, you are part of the system,” Karnes said. “Your commitment, compassion, courage and creativity in administering your legal responsibilities as officers of the system will either encourage or discourage the people whom you serve, or who observe you, that the system, our American system, does indeed work.”

Citing the Iran-Contra affair, Wall Street scandals and controversy involving television ministries, Karnes said that the United States now has the potential for a crisis of trust in leadership. The tone of the 1988 election has been struck,” Karnes said, referring to the withdrawal of Democratic presidential candidate Gary Hart. “The search for the moral man is on.

“Perhaps to a naive extent, the public expects a president to be like Caesar’s wife. Their conduct must appear to be above reproach,” said Karnes, who was a White House fellow early in the Reagan administration. “But the real issue today, it seems, is not so much the morality of the private man as the judgment of the public one.”

As leadership in the United States is by consent and not command, Karnes urged the graduates to become involved in their communities and use the tools they have acquired during law school to “serve your fellow man and your country.”

The conferring of juris doctor degrees followed Karnes’ speeches. Music was provided by the Plymouth Brass. Graduates greeted families and friends at a reception at the Cornhusker Hotel.
married
names
hyphenated
names
misspellings
nicknames
UNL Law College to be Represented in Regional Client Counseling Competition

By Larry Wiseman

For the first time the UNL Law College will compete in the regional Client Counseling Competition at Iowa City, Iowa, on March 22. Fourteen students comprising seven teams competed in mid-February for the right to represent the Law College at the regional. Out of this local competition, four students were chosen, and at a later date these four local winners will be narrowed down to a two-person team for the competition at Iowa City. The local winners were Bob Cannon, Susan Jacobs, Roberta Stutz, and June Wagner.

It was earlier believed that the Law College would be unable to sponsor a team in the regional competition, due to lack of funds for entrance fees and other expenses. But Professor Alan Frank, one of the competition’s sponsors, said that if no other funds are found, the students involved are willing to pay expenses personaly.

The national competition was created, using the name “Mock Law Office Competition,” by Professor Louis M. Brown of the University of Southern California. The name was changed to Client Counseling Competition in 1975-76 when the Law School Division of the American Bar Association took over general administrative responsibility from Brown.

The competition is conducted in rounds during which several student teams successively interview before judges with a third person playing the role of “client.” The teams have all been given some information about the “client” in advance and have prepared pre-interview memoranda. After the interview each team “dictates” (while the judges listen) a post-interview memorandum.

In evaluating each team, the judges consider the preparatory memorandum and the file memorandum. However, 75 to 80% of the team’s performance is based on the quality and skill with which they interview their “client.” In evaluating the interview, the judges consider how well the teams accomplished or created a “professional relationship with their client” and how effective the team was in getting to the center of the client’s problem. These are only a few things that the judges look for in a good client counseling team.

One major difference between the rules of the counseling competition and the rules of the usual moot court competition is that prior to competition student competitors are allowed to seek assistance wherever they can find it, such as from law professors or other practicing attorneys.

Professor David Lofthes, along with Professor Frank, was instrumental in ensuring the Law College in this competition. These two, along with Professor Josephine Potito and Janet Krause, instructor in Human Interaction in Professional Relationships, served as judges in the local competition. Play the role of clients in the local competition were social work and business students.

In discussing the results of the initial round of competition, Professor Frank indicated he was pleased that seven teams entered the local competition, considering that students entered voluntarily on a completely no-credit basis. He felt the local competition ran very smoothly and is looking forward to the regional. He also stated that such programs provide students with excellent opportunities in "skill development".

The regional competition will involve law students from six law colleges in the Midwest, with the winner advancing to the National Client Counseling Competition at Notre Dame University later this spring. Each team will receive their specific problem on March 12 which will give them approximately 10 days to write their preparatory memoranda and prepare for their interview. The general theme of this year’s competition is Professional Responsibility, and the problem will deal with some aspect of the Code of Professional Responsibility as it relates to the practicing lawyer and to the public.
Changing status?

A.M. Bickel To Speak

Professor Alexander M. Bickel, Chancellor Kent Professor of Law and Legal History at Yale University will address the College Tuesday, November 12, at 10:00 a.m. in the Sheldon Art Gallery Auditorium.

He is being sponsored by the Distinguished Lecture Committee of the Nebraska Law School. With Professor Richard Hornberger as faculty advisor, Roger Hirsh and Kermit Brahser as co-chairmen, and Cathie Shattuck and Tom Hively as assistants, the committee attempts to bring two speakers, prominent in the field of law, to the Nebraska Law School each academic year.

Sought by many national publications for his views on the Supreme Court in relation to the controversial appointment of Abe Fortas as Chief Justice of the United States, Professor Bickel will present an appropriate topic on the Supreme Court and Democracy.

Besides serving as contributing editor to The New Republic, Professor Bickel is the author of The Unpublished Opinions of Mr. Justice Brandeis (1937), The Least Dangerous Branch (1962), and Politics and the Warren Court (1983).

College Gets Scholarship

New System Chmn.
Mark 68-69 Allen Board

The adoption of a new constitution and some new policies marked last spring’s election of the new Executive Committee of the Allen Appellate Competition Council. Replacing the old single president system, the Executive Committee of seven, four seniors and three juniors, is headed by the Chairman, Thomas R. Panning, Jr., a senior from Lincoln. The other senior representatives are Kile Johnson, Jack Meyer and Robert Klein, the latter serving as Vice-Chairman. Junior representatives are Jane Wynnegar, Ronald Rosenburg and Ray Thompson, the Boards new Secretary.

The reason for the change, Panning reported, was to more efficiently carry out the operations of Meet Court through a delegation of responsibility throughout the seven members of the Executive Board. Further, junior members of the Executive Board will be able to gain a better understanding of the issues involved by persons writing the problem. Further improvement may be achieved by faculty assistance in suggesting issues and criticizing problems written by the juniors according to Panning.
On The Morning of The Eleventh Dean

by Joseph Corso & Dianne Korkalin

Harvey Perlman’s first day as the 11th dean of the College of Law began at 8:30 a.m., without fanfare. There was no hustle of moving men hauling boxes into the dean’s office, no parade of persons vying for the new dean’s ear, no confusion, no tension. In a word, Perlman walked into his new office as if he’s set at it. The sun was shining, as usual.

Unfortunately, however, Perlman did not have the usual sun. The day was overcast, and the sky was grey. The weather was miserable, and the mood of the college was somber. The students were distraught, and the faculty was worried.

Virginia professor

professor

student

dean

chancellor

professor
HARRIS V. BALK: AN EXPLANATION
IN RHYME (Nursery that is)

198 U.S. 215 (1915)

I.

Harris had a little debt
Little debt
Little debt
Yes, Harris had a little debt
Twa Balk that he did owe
And everywhere that Harris went
Harris went
Harris went
Yes, everywhere that Harris went
That debt was sure to go
It followed him to Maryland,
Maryland, Maryland
It followed him to Maryland,
Which was to Balk's dismay.

For Epstein found our Harris there,
Harris there,
Harris there,
Yes, Epstein found our Harris there
And a second debt did alay.

You ask, perchance, how this was done,
This was done,
You ask, perchance, how this was done,
That story I'll unfold.

Old Epstein be attached the debt,
Attached the debt,
Attached the debt,
Old Epstein be attached the debt,
The one that Harris owed.

He did this cleverly you see,
-If you see,
-If you see,
He did this cleverly you see
Of Harris he grabbed hold.

To pay in part that other debt,
Other debt,
Other debt,
To pay in part that other debt
From Balk to Epstein owed.

II.

An now it's time to end the tale
End the tale
And now it's time to end the tale
Of Harris v. Balk

The Supreme Court has reversed itself
Reversed itself
Reversed itself
The Supreme Court has reversed itself
In to Harris's walk

Balk now is safe no matter where,
In Maryland too
No matter where
Balk now is safe no matter where
Old Harris seeks.

So long as Balk's no contacts there
Contacts there,
Contacts there,
So long as Balk's no contacts there
He's safe to stay at home.

by Professor Josephine Potato

THOUGHTS UPON READING JO POTUTO'S
HARRIS V. BALK WHIMSY
IN THE LAST ISSUE OF THE TRANSCRIPT
OR
WHERE, 0 WHERE, HAS MY DOGGEREL GONE
OR
I LOVE THE LAW, BUT O EUCLID

I think that I shall never see
A lawyer write fine poetry.

A poem serves successive seasons:
It's more than rhythms and more than reasons.

Thus lawyers, tempted, should be wary,
"Cause "literate" ain't "literary"

And lawyers' wits, however keen,
Grow dull when washed in vested spleen.

A poet's free—he won't do worse;
A lawyer must be risk averse.

Potuto's poesy, heaven knows,
Is something less than agro-prose.

For those with educations cursed
By Holmes the Second, not the First.

So folks I think we all should balk
When lawyers with their lawyer's talk

Harass us, 'cause they still confuse
Their art with quite a different muse.

Lawyers launch tunescent tones.
It takes a poet to make poems.

—An anonymous denizen
of the law college
Implementation
Of judicial Reform
In The Mental Retardation System:
A Model For Review

by Jackie L. Bailey

With the recent recognition within the judicial system that mentally retarded citizens possess basic civil rights consistent with rights afforded other classes of citizens, and development in the mental retardation profession from a medical to a developmental approach toward treatment, the judiciary has been asked to assume a new, expanded role. The court’s traditional adjudicative role has become ineffective in meeting the challenge of the new “public law litigation” seeking judicially mandated, massive institutional change. In private litigation, federal courts in the past have terminated their involvement with a decree of the rights and an order directing the parties to perform certain acts to assure those rights. The courts rarely participated in the actual performance of those acts. However, in cases demanding significant institutional change to redress wrongs, administrative involvement by the courts is required to form the more complex decrees and in enforcing their complicated orders.

The propriety and effectiveness of this change in the judicial role should be scrutinized as it develops in the case law to ensure maximum benefits to society.

Modern concepts of mental retardation are predicated on the developmental model, which holds that all mentally retarded persons have potential for growth and development. Accordingly, retarded individuals should be furnished opportunities to increase the complexity of their behavior, gain control over their environments, and enhance their personal human qualities. The fullest opportunity to exercise freedom of choice should be given.

Once the mental retardation profession recognized the individual capabilities and potential, and accepted the developmental model, the judiciary was called upon to expand the civil rights doctrine to them. The courts are now being asked to order the restructure of policies in public institutions in order to promote individual development and protect civil rights. In meeting these requests, the judiciary has had to assume a quasi-administrative role. United States District Judge Frank M. Johnson, Jr., of the middle district of Alabama explains the emergence of this phenomenon:

Modern American society depends upon our judicial system to play a critical role in maintaining the balance between governmental powers and individual rights. . . . As governmental institutions at all levels have assumed a greater role in providing public services, courts in
So ask yourself . . .
Rare Lincoln Photograph Stored in University Archives

by Sara Pallerton

A rare original photograph of Abraham Lincoln resides in a fire-proof vault in the University of Nebraska-Lincoln archives. The little known photo was willed to the University in 1947 and is currently stored in Love Memorial Library’s valuable documents vault.

The portrait was taken on Friday, May 7, 1865 after Lincoln successfully defended a friend in a murder trial. Lincoln was able to discredit the testimony of one “eye-witness” who claimed to have seen by the light of the full moon Lincoln’s client strike another man with a sledge hammer. Lincoln requested an almanac from the sheriff and proved the moon was setting at the hour of the fight, and the witness could not have seen the incident as he had testified. The story was replayed by Henry Fonda in the movie “Young Abe Lincoln.”

After the trial, 16-year-old Abraham H. Byers, an amateur photographer, stopped Lincoln in the street outside the hotel where both were staying and asked Lincoln to pose for a picture. Lincoln protested that his clothes were “dirty and unfit for a picture,” but Byers was able to persuade him to go to a studio where the photograph was taken.

The photograph was missing for almost 90 years, until it was willed to the University of Nebraska-Lincoln by Byers’ widow in 1947. Byers died in 1920, leaving the picture to his widow, Zora Byers Johnson, a young woman whom Byers married late in life. She later remarried. Zora Byers Johnson decided to give the photograph to the University of Nebraska after consultation with Abraham Byers’ long-time friend and Nebraska resident, W. E. Barkley, Byers’ daughter, Mrs. Olive Byers Hayes, a Lincoln, Nebraska resident at the time in the 1930s.

The photograph is an ambrotype. According to archeological records, ambrotypes were an improvement in the photographic process over the first photographs called daguerreotypes. Ambrotypes came into use around 1856. The process used a wet glass plate which, when developed and dried, could be used as a negative for making duplicates on paper or could be placed against a dark background to form a positive image.

An ambrotype of Lincoln, taken by Byers, was published by Ida Tarbell in the November 1898 issue of McClure’s Magazine. The records are not clear as to whether this was a separate pose taken the same day at a different studio or a reproduction from the original now in the archives. In any case, if there was a second photograph, it was lost not long after the publication.

The ambrotype which the University of Nebraska now owns was first published in the July 19, 1947 issue of The Saturday Evening Post. It is included in the book Lincoln in Photographs, by Dr. Lloyd Ostendorf, University of Oklahoma Press, Norman, Oklahoma, 1963.

Although normally kept in a fire-proof vault, the ambrotype has been displayed twice in the last ten years. It was loaned to the National Portrait Gallery of the Smithsonian Institute in Washington, D.C. for a bicentennial exhibition of portraits, “The Americans: The Democratic Experience,” from November of 1975 through May of 1976. The most recent display of the ambrotype was in January 1978 at UNL’s Sheldon Art Gallery.
Nader Raps Agencies; Hits Legal Training

Law schools have no foresight . . . the Socratic method is too limited as to the parameters of questions." In these words Ralph Nader, one of the nation’s most publicized attorneys condemned law schools in general and legal curricula in particular for their failure to train students to meet any challenges other than the “commercial demands of law practice.”

Speaking before the student body of the College of Law on December 12, Nader criticized law schools having what he termed “impediment curricula.” He noted that too much emphasis is placed on property oriented courses such as securities and commercial law and not enough on the areas of constitutional administrative and criminal law. “When you train students like this,” Nader said, “you reap what you sow.”

Speaking out on the area of consumer legislation, Nader, a self-proclaimed maximizer, said that there is not time to date an overwhelming demand on certain governmental functions and that “security is not guided to recognize these roles because the legal profession has a moral duty to satisfaction.

Lawyers, he suggested, need to work in a manner somehow parallel to the way Public Health functions—you don’t get rid of epidemics by proroging medical practice in the office.”

In his opinion, the existing federal agencies are either grossly understaffed or so very small as to be completely ignored. Federal agencies to Nader are “przyple and bureaucratic.” Citing the Federal Trade Commission as an example, he held of seven law students on Bostonians from Harvard and Yale who worked and studied that body last summer.

“Thus,” said Nader, “the most attention from the consumers’ side that the FTC has had in a long time. Most of the correspondence and correspondence included in

Request Noted

Some response has been noted to the list of seminar papers available to alumni as posted in the December issue of the TRANSCRIPT. Professor Don- nell Dinsmore is trying to get them out as soon as possible.

In light of the recent group situation, this might be a good way to pass these more recent writings and keep up on new developments in the law at the same time.

Nixon Letter Urges Action

The vast majority of students and faculty at the University of Nebraska Law School support the

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