DISCOVERING STERNBERG: PART TWO
by Professor Ronald Volkmer

A PRIMER ON SUPERFUND
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PROFESSOR-IN-RESIDENCE
by Professor David Larson
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In the Fall, 1990, issue of the Creighton Lawyer, the first forty years of the life of William Sternberg were outlined. I told the story after reviewing the "Sternberg Papers," the personal papers and files of William Sternberg, which had been donated to the Creighton Law Library.

In this concluding installment of the life of William Sternberg, I have relied almost exclusively on the Sternberg Papers. Admittedly, this approach has its advantages and its shortcomings. The papers reveal a side of William Sternberg that his students never saw—his personal joys and tragedies. The papers do not convey the deep regard and high esteem that he was held in by his students. I am grateful for those former students who have written to me to share their "fond memories" of a professor whose long tenure at Creighton was "marked by decency, dedication, and dignity in greater measure than any other professor I have come across."

Even though I never met him, I feel that I have come to know William Sternberg as well as anyone could, given the present circumstances. As I have continued to examine and study Sternberg, I am still awed by the richness and depth of this man's life. It has been a fascinating and humbling experience for me to read his personal memoirs. I hope that I can do justice to the spirit and soul of a man whose life style and character evidence the ideals that Creighton University strives to promote.

THE "GLORY DAYS"

1920-1940

A reading of the Sternberg Papers justifies the description of Sternberg's middle-aged years (ages 40 through 60) as the "glory days" of his life, marked by events of great joy and personal fulfillment. Nothing in the Sternberg Papers mentions the cataclysm of the Great Depression; it was as though the event never touched his life. To read his account of it, his personal and professional lives went very well during this period, a period of enormous productivity (in a professional sense) and quiet contentment (in a family sense).

The file folder labeled "1920-1925" reveals the social life of William Sternberg; there is nothing pertaining to Sternberg the Creighton law professor. Certain facets of Sternberg's life during this period are described in detail in his diary. The diary entries focus on the period of 1923 to 1926. The Sternberg Papers and diary provide intimate details of a very significant portion of Sternberg's life, from 1920 to 1926. These details deserve a closer look.

1920-1923 PROFESSOR BY DAY, BON VIVANT BY NIGHT

At the conclusion of Part I, it was noted that in 1919, Sternberg's mother passed away. Sternberg's favorite sister, Lissie, came to Omaha to live and they "started housekeeping together at 3308 Webster Street" in May of 1919. In the summer of 1919, Sternberg made his first visit to New York City. The vacation lasted over a month. Sternberg's diary picks up the story:

In the following spring, in March 1920, I severed my connection with Crane and Boucher, and quit the practice of law and accepted a position on the law faculty of Creighton University.

On May 5, 1920, Lissie was married to Joe...
Sofflin and we three lived together. I like my work as professor of law very much better than the practice and the days passed by quietly and peacefully until the summer of 1923. That was when I took my trip to Europe.

The studious and serious student of the law no doubt spent his quiet and peaceful days working diligently preparing his classes, grading exams, and doing the other activities customarily engaged in by full-time professors of law. But the Sternberg Papers reveal that during this period Sternberg was also engaged in a number of social activities. Clearly this man was more than the proverbial bookworm.

As will be recalled from the previous installment, William Sternberg was very active in the German-American societies that existed in Omaha prior to World War I. The first world war evidently caused these societies to lower their collective profiles due to the anti-German sentiment that pervaded the country during and after the first world war. Those persons who had been active in these societies apparently continued to meet on a social basis. William Sternberg was a member of a group of German-Americans who met regularly on a social basis. Approximately twelve to fifteen members of this group enjoyed fellowship at parties hosted by one of the members. In April of 1921, to celebrate his 41st birthday, Sternberg sent out a rhymed invitation to his friends for a birthday party to be held on "seventeenth and Cass," along with a pre-addressed post card for replying to the invitation. The Sternberg file contains thirteen of the replies, most of which are mirthful and rhymed and exuberant in their praise of the invitation. There is no doubt that this event was very important for Sternberg and that for many years thereafter, he treasured the memories of that gala gathering.

At the time of these social gatherings, the Prohibition Era was in full swing. The gatherings of Sternberg's friends were marked by mirth, conviviality, and a desire to partake of what are referred today as "adult beverages."

The gatherings of Sternberg's friends were marked by mirth, conviviality, and a desire to partake of what are referred today as "adult beverages." In the fall of 1921, Sternberg received an invitation to a gathering at the home of F.A. Sedlacek. The postcard invitation noted the "Theme" of the gathering as "Spiritual values!" A hand-written note indicates that Sternberg had this to say at the event:

I strongly suspect that the theme of spiritual values as stated in the invitation had a double meaning. It may of course have referred to those things of the mind and soul that have a value for every person of culture and refinement. And again it may be a play on the word spiritus, meant to recall visions of a glistening amber-colored liquid with power to cheer and exalt like the nectar of the Olympians. Taken in this latter sense, I must emphatically say that our worthy host has given us a wonderful demonstration of spiritual values. In these benighted days when we have lost so many things that were of value to us in former times, it is a great comfort to know that we have right in the centre of our circle of intimate friendship a highly esteemed member who possesses science and skill in the manufacture of spiritual values.

In remarks at a social gathering a year and a half later, Sternberg recalled an incident that occurred at the Sedlacek home in the fall of 1921:

We were having one of our unforgettable evenings in Dr. Sedlacek's own home. It was on Oct. 8, 1921, and we had with us a few of what philosopher Haubens in his playfully humorous way called "foreigners." Arthur Mullen was making a speech. Now Arthur Mullen is a man of no small ability, a man of very extensive reading and very broad knowledge, but perhaps not a man of classical learning or scholarship. That evening in part of his speech he was saying something about wine, that wine reveals the truth or something almost to that effect but he did not know just what the dictum was and could not give it. So Dr. Sedlacek, seeing his hesitation, drew upon his own fund of classical learning and furnished the quotation, in vino veritas, and Arthur Mullen could go on with his speech.

One cannot read Sternberg's account of this without sensing that Sternberg was chuckling inwardly at the irony of the wisdom of the phrase and the timing of Dr. Sedlacek's assistance. One of Sternberg's most delightful pieces of satire, composed during the time period, touched on the subject of Prohibition. It is reprinted separately for your reading enjoyment. The Sternberg Papers are filled with other remembrances of the social gatherings of 1922 and early 1923. The invitation to a gathering hosted by Henry Haubens in February of 1922 referred to an agenda consisting of "1. Metaphysics with trimmings" and "2. Other things." In March of 1923, Sternberg delivered a stirring tribute "for
Dr. Sedlacek at the home of “Papa Reese.” Sternberg noted that despite the “differences of language, religion, nationality, profession and political creed,” between himself and Dr. Sedlacek, “there shines the light of his sterling worth and forthwith all these differences are dispersed and dispelled like the fog and the dew before the rising sun.” Sternberg noted that he delivered his tribute in English “because Newbranch was there, who can not understand German.” (Newbranch was the editor of the World-Herald, and one gathers, was one of the “foreigners” referred to above in the description of the Sedlacek gathering.)

In May of 1923, Sternberg delivered a welcoming speech at “German House” for Count Hugo Lerchenfeld, who was in Omaha seeking funds for the relief of “hungry children” in central Europe. Sternberg alluded to the Omaha tornado of 1913 in appealing to the charitable sentiments of the assembled gathering.

This brings us to the summer of 1923 and the voyage that would change Sternberg’s life.

1923-1926 THE VOYAGE, THE BRIDE, AND THE BABY

Sternberg’s diary provides an intimate view of the most significant three years of his life — June of 1923 to June of 1926. Sternberg’s account of that period begins with his departure from Omaha on June 2, 1923. He arrived in New York City on June 4th and on June 5th Sternberg sailed for Europe on a Cunard line steamship. He arrived at Cherbourg, France, on June 12th. After a stopover in Paris, Sternberg proceeded to Germany where he spent the next two months, touring all of the major German cities and sites. Sternberg’s diary picks up the story:

On Thursday, Aug. 16th, I boarded the Albert Ballin for New York.

On the ship, I met Erica L. von Lehnenner, the daughter of Eberhard v.

Lehnenner, who was chief engineer on one of the other ships of the Hamburg-American Line.....

Erica was born Jan. 19, 1904, at Hamburg- Langenfelde, Wolff Strasse in Villa Erica.

We had a very pleasant ocean voyage and arrived in New York Sunday morning Aug. 26th. Here we parted; she went to visit her father’s friends... and I returned to Omaha. We corresponded very regularly and progressively. She stayed with the Hoelz family for 10 days and then went to Baltimore where she stayed with the family Theo. Reichart... She left Reicherts’ on Nov. 1, and went to Carl Hilgenberg on Bishops Road where she remained until Jan. 1924. Then she spent 8 days with Mrs. Carrie Paulus, after which she went to Mrs. Grace Heinemann at Eutane Pace. In the meantime our acquaintance by mail had flourished wonderfully. We arranged for a meeting at the Hoelz Home in New York City. So I left Omaha, for my fourth visit to New York City, on Aug. 7. We spent two weeks together. It was a short visit, but long enough to become engaged. We sent a cablegram to her mother in Hamburg announcing our engagement and a telegram to Lissie in Omaha. Then Eri had to go back to Baltimore, but I stayed in New York until Sept. 6. Less than a month later, on Thursday, Sept. 25, Eri moved to Omaha as my fiancée.

The next few weeks were busy getting ready for the wedding, which took place on Saturday, Nov. 15, 1924. Father Sinne performed the ceremony; Joe, my brother- in- law, was best man; and Loreta, my niece, was bridesmaid.

We immediately made plans for building a house on north 45th avenue, in fact the plans were already made and the contractor promised to have our house ready by Christmas. We moved in on Friday, Jan. 2, 1925.

The summer
of 1925 was spent very quietly at home. We both were looking forward to the visit of Mutti, Eri’s Mamma. . . . On Friday morning Aug. 21st, Mutti arrived. Mutti’s visit was a great comfort for both Eri and me and we were sorry to see it come to an end on Monday, Feb. 15, 1926.

The next great event was the birth of our daughter, Isabella, on Friday, June 18th. So the summer of 1926 was mainly spent in taking care of baby.

When William Sternberg met Erica von Lehenner on the Albert Ballin, he was a forty-three-year-old law professor bachelor; she was a nineteen-year-old woman who had been working in Hamburg for the past two and one-half years. Family members and friends of the professor must have been quite surprised at the rapid turn of events. But over the course of the next thirty-three years of their married life, William and “Eri” proved to all that their chance meeting on the Albert Ballin was providential. As a deeply religious man, Sternberg no doubt saw the fine hand of Divine Providence in this turn of events.

Before Sternberg left on his trip in the summer of 1923, his friends had a “bon voyage” party for him on his birthday, April 7th. The file for this period contains the original hand-written poems penned especially for him (in German) in anticipation of his upcoming trip. When he returned, his friend Leo Hoffmann invited him to a dinner at his home on September 12th. Sternberg’s prepared notes, reporting on his trip, detailed the political and social “conditions over there.” He made mention of numerous topics, including the inflationary currency, visiting old castles, meeting new friends, and other topics. He failed to say a word about his meeting with a certain nineteen-year-old woman on the Albert Ballin.

Sternberg continued his active involvement with his friends, authoring a rhymed tribute to the “Prince of Good Fellows,” John L. Latenser, and a moving tribute to A. L. Meyer, upon his death in January of 1925. In that same month, Mr. and Mrs. William Sternberg moved into their new home on north 45th avenue. On March 7th, Sternberg hosted a party for his old friends, composing individual invitations, most of which were written in German. One of the invitations began as follows:

I am a convert to the Doctrine of the Fourth Dimension. I had long considered such a thing impossible; in fact I was convinced that it was just as impossible as matrimony would be for me. But now since matrimony has proven not only possible, but actual, I can at least believe in the possibility, if not the reality, of the Fourth Dimension!

Sternberg saved many of the replies, some of which expressed great interest in meeting his new bride. It must have been a festive occasion, celebrating his recent marriage and their new home.

1926-1940 RAISING A DAUGHTER AND ESTABLISHING A REPUTATION

If William Sternberg suffered a “mid-life crisis,” the Sternberg Papers do not reveal it. The middle-aged years of Sternberg’s life, from ages 46 to 60, were marked by a prodigious output of professional speeches and writings. At a time when the United States suffered through the depths of the Depression, William Sternberg wrote of his pride in his beloved wife and daughter, describing the years 1932 to 1935 as years of “undisturbed happiness and contentment” and “perfect contentment and happiness.” One gets the impression that during this period of his life William Sternberg was very busily engaged in fulfilling all of his professional and family obligations and that few worries or cares intruded.

Toward the end of the 1930’s, the storm clouds were on the horizon; the world and local scene started to change in dramatic ways. Events of the 1940’s and 1950’s would tax the faith and challenge the spirit. But that is a story to be told later.

The Private Life - Family and Friends

Sternberg’s diary entries for these years are written primarily from the standpoint of a father observing his daughter progress from infancy to adolescence:

Isabella is beginning to takes steps. (1927) Baby is growing fast and getting more beautiful every day. . . . Baby is now beginning to speak in sentences. (1928) We celebrated Isabella’s birthday today. We bought her a tricycle — $10. She can ride around and have lots of fun with it. (1930) Tomorrow, Sept. 8., is going to be quite a memorable day, for it will be Isabella’s first day at school. (1931) Dr. Noonan advised us to have her adenoids and tonsils removed. So we took her to St. Joseph’s Hospital . . . and there Dr. Noonan performed the operation. (1932) Isabella went to her first Holy Communion today at Holy Name Church. (1933)
The year 1940 was the year of Isabell’s graduation from Holy Name Grade School.

There are numerous references, as well, to trips to Woodbine and Defiance to visit relatives. In January of 1929, Erica and “baby” Isabell left Omaha on a trip to Germany to visit Erica’s relatives. Their trip lasted until early October. Erica corresponded faithfully, and though his heart was aching from their absence (“I miss little wifey and baby very much”), Sternberg wrote in March of 1927 that “[a]ll of her letters are very interesting and full of good cheer and tenderness and love. She is a darling, loving little wife!”

Sternberg also made note of the minor difficulties of life, from Isabell’s problems with “chicken pox,” “a severe attack of grip,” a broken bone in her foot, to his own hospitalizations for a gall bladder operation (1938) and acute rheumatism (1939). There is not one word of bitterness or complaint in the diary or the other papers during this period. The Sternberg family lived quietly, peacefully, and contentedly during the height of the Great Depression.

Oct. 10, 1936, Saturday.
During the past three years we have been pursuing the even tenor of our way in perfect contentment and happiness.

The Sternberg Papers for this period indicate that the busy professor and father took time off for some pursuits that did not involve his wife or family.

In June of 1929, the World-Herald conducted a contest whereby participants were asked to submit “as many three-letter English words as possible from the letters in ‘Consideration.’” A similar contest was conducted using the word “Reputation.” Sternberg’s notes show a total of 123 words from “consideration” and 70 from “reputation.” It is not known if he entered the contests, but it appears that he spent a good deal of time attempting to come up with a form of logical proof that would enable him to win.

In July of 1933, Sternberg left Erica and Isabell for a week to attend the World’s Fair in Chicago. (“Eri wanted me to go and it was a wonderful week.”) As one might have expected of him, Sternberg made laborious, detailed notes of the trip, describing all of the exhibits and other attractions that he visited.

Sternberg remained active in the social circle of Omaha German-Americans. His files reveal several flowery tributes to some of the more prominent members of that group. In the fall of 1933, Sternberg was an invited guest to the home of Karl Louis. The gathering was in honor of Harvey Newbranch, editor of the World-Herald, who had just returned from a trip to Germany. Newbranch had written a rather lengthy account of his chance encounter with Adolph Hitler and an extended conversation with a “Nazi enthusiast.” Sternberg complimented Newbranch on the objectivity of his reporting: “... the carefulness with which our friend refrained from making any comment on the political philosophy of his Alpine acquaintance gives me the impression that he reports that conversation or rhapsody as Exhibit A... merely as a fact seen and heard, leaving the reader to draw his own conclusion.”

The Public Life - Speaking

In a 1952 World-Herald article about Sternberg, under the heading “Real Scholar,” the reporter noted: “Professor Sternberg has frequently been called upon for public addresses and estimates that he has averaged about 25 talks a year, or one thousand speeches in 40 years.”

For the period 1926 to 1940, the Sternberg files contain drafts of the speeches he delivered to a variety of audiences on a variety of topics. These handwritten drafts reveal Sternberg the perfectionist, never content to simply “give a speech.” If Sternberg was the eloquent and polished speaker that he was reputed to be, this reputation was well-earned, the product of meticulous preparation.

The German-American Society of Omaha continued to call upon Sternberg as its official spokesman. In 1928, Sternberg delivered a welcoming address for the German consul and in 1931 for the German ambassador. The Nebraska State Fair of 1933 featured a “German Day” and William Sternberg was there delivering yet another speech.

The range of Sternberg’s interests is indicated by the variety of topics of his speeches: Mozart, Wagner, Goethe, Kant, Schiller, George Washington, liturgical music, the Jesuits, Saint Augustine. Sternberg was truly the “Renaissance man.” Because of his extraordinary talents as speaker, it not surprising that he was selected in April of 1931 by the Creighton alumni club to deliver the official “welcome speech” to the new president, Fr. Mahan, S.J. (This speech was later published in “The Creighton Alumnus.”) He also delivered the commence-
Sternberg was most comfortable, of course, in the field of law. As will be discussed infra, Sternberg’s publications were in that field. And Sternberg did speak before legal gatherings on law-related topics: in 1927 at the Twentieth Annual Convention of the Nebraska Title Association on qualified titles; in 1935 before the Omaha Bar Association on “The Bar and the Law Schools;” in 1939 at the convention of the Iowa Bar Association in Sioux City on the “Survival of Democracy.”

Despite the wide range of topics of his speeches, Sternberg clearly had a couple of “pet” topics that he returned to over and over again. Sternberg had a long-standing interest in the First Amendment. One of his “standard” speeches dealing with the “Liberty of the Press — Freedom of Speech” went through seven editions. The other speech that he literally spent a lifetime developing was titled “The Secret of Successful Living.” In delivering this speech in 1939, Sternberg began his talk as follows:

... [This is my favorite talk. It is also the oldest of my lectures. I have been working on it for over fifteen years, revising it and amending it, adding to and subtracting from it, changing the emphasis and form of expression according to the lights and visions that came to me from time to time.

This speech is the quintessential Sternberg, stressing the two main themes of the “Charm of Culture” and the “Necessity of Religion.” It is melodic, poetic, and mystical. A portion of it is reprinted here separately.

**The Psychology of Prohibition**

Much has been written and said about prohibition and the Volkstead law, but a great deal of it has always seemed to me to be based on a misunderstanding of its purpose. It has often been supposed that its purpose was to stop the traffic in alcoholic drinks, but if we consider the way in which the law has operated in the past few years, we must come to the conclusion that its purpose is to multiply and intensify the pleasures of mankind. This law is therefore a big stride in the forward march of our glorious civilization. Perhaps I can make my meaning clearer by means of a comparison.

Many years ago when Adam and Eve were still in Paradise, the Lord gave them the first prohibition act. The Lord told them that they could have everything they wanted in Paradise; they could enjoy themselves in any way they pleased, but they must not eat from the fruit of that one tree. Now the Lord was well versed in psychology, and, therefore, he gave them that law because he knew that without it they could not be completely happy. It they did not have that prohibition, then no matter what they would do in Paradise, they would never have the pleasure of doing anything that was forbidden.

Now that is the psychological principle which has guided our greatest lawmaker through all the ages from that time to this. They constantly seek to increase the number of our pleasures by increasing the number of forbidden things that we can do. As one year follows another and one century follows another, there are more and more forbidden things that we can do. And when at last our civilization reaches such a state of perfection that there is nothing left anymore that can be forbidden, then I am sure that these great lawmakers will display their statesmanship, their wisdom, and their love of humanity by inventing and enacting new laws to forbid the old things over again a second and a third time.

Take, for instance, the familiar subject of fornication. That is something which at the present time is forbidden by the statute law, by the common law, by the civil law, and by the moral law. That is why so many people do it. All these laws against it make it so attractive. Of course, in the present state of our civilization, married people do not yet have the advantage of such a law, because no matter what they may do in their private relations, they cannot do anything that is forbidden. But I believe that when our civilization advances still further and becomes still more perfect, laws will be passed so that married people in their relations with one another can also have the pleasure of doing something that is forbidden.

Statutes will be enacted in every state in the Union prohibiting intercourse between husband and wife, because there is really no sufficient reason why married people should not have the favor of such a prohibition and enjoy themselves as well as unmarried people.

Now that is the psychology of the Volksfead Act, which with its useless prohibition has so materially increased our pleasure. Years ago when we used to indulge in this beautiful and rejuvenating pastime, the only pleasure that we had came form the effect that it produced. But now, as I quaff this wonderful ambrosia which has been served to us by our genial host with such radiant hospitality, then I give thanks to Jehovah for having sent his great Apostle Volkstaed to make this a forbidden thing, so that I may not only feel the exhalration of an alcoholic drink, but at the same time also have the additional pleasure of joining with my comrades in conspiracy to taste the forbidden beverage.

Therefore, if I were to propose a toast, perhaps as the stretto of our fugue, I would say: May the day soon come when all of our best pleasures will be strictly forbidden, so that we may enjoy them more thoroughly.
The Public Life - Publications

The standard vehicle for legal scholarship is the law review article. Between 1932 and 1940, Sternberg published ten articles in six different legal journals. Once again, the range and depth of Sternberg's intellect is manifest. The following topics were addressed by Sternberg: property law, contract law, constitutional law, federal jurisdiction, and jurisprudence. Some of the topics he addressed, particularly in the field of property, are fairly traditional in terms of subject matter. The two constitutional law articles address the constitutionality of New Deal legislation in the areas of "relief legislation" and the "delegation of legislative authority." In 1938, Sternberg became a book reviewer, giving high praise to a new contracts casebook authored by Professor Goble. Sternberg's last three articles from 1938 to 1940 had a jurisprudential theme — an indication that his academic interests had taken a new turn as he approached the age of 60.

After the flurry of publishing articles from 1932 to 1940, Sternberg more or less retired from that activity. (In 1948, Sternberg authored an article for the Creighton Alumnus entitled "The Foundation of a New Labor Code;" profoundly philosophical, it reads like a speech.) In 1941, Sternberg began serving as assistant revisor for the 1943 Nebraska Statute Revision Commission — a position he described as a "second job." No doubt that work left little time for academic scholarship.

As will be detailed in the next section of this article, the years from 1940 to 1960 presented a variety of difficulties that Sternberg had to endure. It is that final chapter of Sternberg's life that we now examine.

1940-1960

Sternberg's diary skips from January 1937 to January 1942 and in noting that five year lapse, the ever positive and optimistic Sternberg commented, "We have had a very happy and contented five years." The last entry in his diary is October 14, 1945.

The Sternberg Papers for the period 1940 to 1950 contain a number of letters of a very personal nature, written by him in the late 1940's. They reveal a much different side of the revered and distinguished law professor. During the final decade of his life from 1950 to 1960, the Sternberg Papers contain memoirs of events honoring him and few personal letters. There is nothing in the files after 1958, his official retirement date.

Sternberg was a person of great faith and in his speeches he many times declared that adversity "is not an unmitigated evil," but an opportunity for growth. During this period, Sternberg's speeches show increasing concern over the state of world affairs and fear of another world war. A Sternberg speech of 1939 addressed "The Survival of Democracy." During this same year, Sternberg wrote to his congressmen urging United States' neutrality in the European conflict. In 1940, the German-American Society again turned to Sternberg, as it had done some twenty-five years earlier, when the patriotism of German-American citizens was questioned. Sternberg authored a resolution for German Day, October 6, 1940, in which the German-American Society repudiated "both communism and totalitarianism" and specifically disassociated itself from the "German American Volksbund," an organization that appears to have had Nazi leanings. In November of 1940, Sternberg delivered
a speech over Radio WOW on Armistice Day on the topic of democracy. According to Sternberg, the four “corner-stones on which the patriots of 1787 erected the magnificent edifice of American democracy” were: (1) the Constitution; (2) the “flexibility of the Constitution;” (3) “the independence of the legislative, executive, and judicial branches of government;” and (4) “our democracy’s . . . clear and unqualified recognition of natural rights.”

During this period Sternberg seems to have re-kindled a long-standing interest in jurisprudence, more specifically, in the theory of natural law. This is evident from the law review articles he authored in 1939 and 1940. In 1941, Sternberg compiled for the University President a comprehensive overview of the major jurisprudential “schools.” It was about this time that Fr. Paul Gregg, S.J., became the Jesuit Regent in the law school. Fr. Gregg and Sternberg shared an interest in natural law and jurisprudence. The Sternberg file shows that Sternberg was influential in the development of Father Gregg’s article on Justice Holmes that appeared in the *Georgetown Law Journal* in 1943. Fr. Gregg gave Sternberg a reprint of that article with the notation that it was given “with the esteem of his junior partner.”

The Middle of the Decade

Sternberg was asked to deliver the commencement speech for the Creighton graduates of 1943. Father Neil Cahill, S.J., was a member of that graduating class. After reading Part One of Sternberg’s life in the *Creighton Lawyer*, Father Cahill reported to me that he was “elated” to read the article on “this truly great man.” He recalled his graduation in 1943 as follows:

Shortly before [our graduation] at a seniors’ party, both Father Bowdem and Father Fitzgibbon had told us how lucky we were to have Professor Sternberg give the address at our graduation. They told us he “would never accept an invitation to give a speech unless he had at least three months to prepare.” Furthermore, they told us that “he will speak to us in very simple terms, simple phrases, but before long you will become aware that he is giving you the results of his deep and reflective thoughts.” Sternberg did not let us down.

Sternberg’s first draft of the commencement address was entitled “Educational Ideals and the War.” When published in the *Creighton Alumnus*, the title was “World Vale of Tears?” Regardless of the title, the speech is a masterpiece, vintage Sternberg in style and content, reflecting thoughts and ideals that Sternberg had spent a lifetime pondering. Sternberg described education “as a process combining the two elements: that which affects the intellect and that which affects the will — the union of culture and religion.” As an expression of faith and hope, the words of Sternberg were uttered against a back-ground of a world at war. Sternberg oftentimes described himself as an idealist and his 1943 commencement address gave witness to his unyielding idealism. For students facing a most uncertain future, Sternberg attempted to provide the moral ammunition they would need to conquer their fears, doubts, and cynicism about the future.

The year 1944 saw Isabella graduating from high school and entering Creighton University College of Arts and Sciences, taking courses in German and Literary Appreciation. (The daughter was, no doubt, under some pressure from her father to take these courses.) In early 1945, Erica Sternberg suffered from an attack of appendicitis and was hospitalized, but she recovered nicely. In October of 1945, Sternberg made his final diary entries. There was good news and bad news. The good news was “[t]he war is over. The boys are beginning to come back and the law school is out of danger.” The bad news: Erica’s father died in July and the “news of her father’s death was a terrible blow to Eri.” The status of Erica’s other family members was impossible to determine due to the post-war conditions.

The Sternberg Papers contain only one folder pertaining to the year 1946. This very slim folder is marked “1946 Christmas letters.” These letters were to members of his family, some of which were in German. A lengthy letter to his brother Fritz contained some commentary on certain national figures in rather harsh and, for Sternberg, uncharacteristic, intemperate language. The objects of Sternberg’s ire were John L. Lewis (“the worst scourge that ever afflicted this country”) and President Roosevelt’s “legacies” on the United State Supreme Court (“Black, the Ku Kluxer; Murphy, the sit-down striker; and Jackson, the ex post facto lawyer”). In closing, Sternberg noted that “notwithstanding certain physical handicaps, we have had so much fun in 1946.”

Enclosed in this letter to his brother was a Sternberg poem entitled “Maud Muller and I,” (subtitled “An Epilogue to Whittier’s Poem”). There were seven verses to the poem; the concluding two verses read:

For students facing a most uncertain future, Sternberg attempted to provide the moral ammunition they would need to conquer their fears, doubts, and cynicism about the future.
Like Maude and the Judge, I have had my young dreams,
And my hopes of the future, where happiness gleams;
But the hopes and the visions by which they were thrilled
Were blasted in life, while mine were fulfilled.

I reap a rich harvest, my heart is still glad,
As I lay down my pen, these verses I add;
Of all glad words that men ever knew,
The gladdest are these, My dream has come true.

At age 66, William Sternberg’s dream “had come true.” The humble and erudite Iowa farm boy had accomplished much and had lived a life of relative serenity and peace. At a time when most persons retire and watch in pride as the younger generation attempts to replace the older, William Sternberg had to face the most difficult challenges of his life.

The End of the Decade

The Sternberg Papers contain a number of letters written during the years 1947, 1948, and 1949, as well as a smattering of other materials. The personal thoughts, feelings, and emotions of William Sternberg are vividly communicated in these letters with depth of spirit and the usual elegance of expression. There is a passion and poignancy in these letters unmatched by any of his other writings. The man who placed such great faith in his personal God would, like an Old Testament prophet, be tested severely. William Sternberg survived the trials and endured for more ten years, comforted by his dear wife Erica and his strong faith and trust in God.

1947 “Escaping death by a very narrow margin”

In a folksy letter to his brother Fritz, dated February 9, 1947, Sternberg spoke of Eri’s “attack of the grippe,” “Isbell’s tuition of $130 (A lot of money),” and the prophetic comment that “I myself have had quite a long spell of good health.” Things were not going well: “[b]ut we have coal in the bin, bread in the pantry and a roaring fire in the furnace.”

In March, Sternberg was apparently hospitalized for some undisclosed illness. He wrote a note to the law school fraternities, thanking them for sending flowers:

The flowers are beautiful. They are a decoration and a delight. I am quiescent and at peace, but I am not requiescent. Thus I can classify the transaction as a gift inter vivos. Though the gift is oral, the Statute of Limitations does not impair its validity;

17th and Cass—the Musik-Verein—site of Sternberg's 41st Birthday Bash.
nor will the Statute of Limitations ever run against the memory of the spirit that prompted the kindly deed.

In September, Sternberg wrote a two page autobiographical statement for the Omaha Chess Club — the “M.O.C.” Sternberg was an active member of the club and had a long-standing interest in chess that continued well into the 1950’s. His autobiographical statement noted that “my chess playing was the result of my philosophical and theological studies.”

The Sternberg Papers include ten letters written in December of 1947. The introductory paragraph of the letter to “brother Fritz and Sadies” indicated what a difficult year it had been:

Another year is drawing to a close. From the standpoint of physical anguish and financial distress, it has been the worst year of my life — three times in the hospital, each time escaping death by a very narrow margin. All these ailments have withdrawn large quantities from my reservoir of physical energy and depleted my treasury to the extent of more than $300; and while coping with these

"Most fortunate is he who possesses faith, for philosophy rationalizes religion and strengthens its comforting assurances, while religion puts into philosophy a wonderful glamour, poetry and beauty. Philosophy trims religion: it takes away the excess foliage. Religion vitalizes philosophy: it provides the vitamin B."

stubborn afflictions of mine, I have been subject as everybody else has been, to the incurable consequences of Roosevelt’s war and his criminal commitments to England and Russia. I refer to the oppressive cost of living, concerning which there is so much discussion, so much ignorance, so much hypocrisy, and consequently, so little effective action. And yet, at least as far as the year 1947 is concerned, I am happy to take refuge in the old adage, “All is well that ends well.”

And so for Sternberg, “the worst year of my life” ended on a positive note.

1948 "The great calamity... coming my way"

In letters written in March and June of 1948 to his brother Fritz and his wife Sadie, Sternberg touched on a number of topics. In the March letter Sternberg mentioned the following discrete topics: (1) his “research,” which takes quite a bit of time because “my own thinking machine ["generator"]... does not work to my satisfaction and I have to go through the operation again... [sometimes] three or four times; (2) the “modern methods of farming” in which Sternberg doubted that these methods would make farmers “happier” and expressed concern that these methods would eliminate “creative activity” of the farmer; (3) the “disease of militarism,” which Sternberg maintained, “is contagious and spreading rapidly;” (4) an Earling priest who got money for his new parsonage by appealing to his parishioners to donate money “to honor God” (a method that “Ma did not think was the right way to get [money]”); and (5) an observation that his brothers Louis and George “have become more religious in these later years...” an observation that prompted Sternberg to muse philosophically:

Perhaps it is a natural reaction in later life when a man realizes that the road ahead is not as long as the road behind. There is a more pronounced inclination to seek means by which he can make the rest of the road easy to travel until he gets home. Some people can do with philosophy alone. Some can do it with religion alone. Sad is the condition of the man who has neither. Most fortunate is he who possesses faith, for philosophy rationalizes religion and strengthens its comforting assurances, while religion puts into philosophy a wonderful glamour, poetry and beauty. Philosophy trims religion: it takes away the excess foliage. Religion vitalizes philosophy: it provides the vitamin B. Of course, it must be a true religion, and no religion is true, unless it produces in human conduct the qualities of justice, kindness, charity and generosity. That is what is the matter with our situation today. Their religion is not rationalized and their philosophy is not vitalized. Their religion is incoherent and their philosophy is like the hungry children of Germany: it suffers from malnutrition.

This letter noted all was well on the home front: “Eri is busy as usual and Isabell is preparing for her ‘comprehensive exam’ on April 22.” Isabel is “getting smarter all the time... but I’m afraid that she won’t be smart enough to marry the right man.”
William and Erica Sternberg saw their daughter receive her A.B. degree from Creighton in May of 1948. Her major was English with minors in History and Philosophy. Her extra-curricular achievements included Sodality, Choir, and International Relations Club. No doubt father and mother took great pride in the achievements of their beautiful and intelligent daughter. During that same period of time, William Sternberg received a letter from the University President that must have had the impact of a thunderbolt.

In June of 1948, Sternberg wrote to brother Fritz about “the great calamity that is coming my way and will hit me in June 1950.” The University President had written a letter to Sternberg in late May or early June regarding Sternberg’s “retirement” in June of 1950. This news appears to have come as a complete surprise and shock to Sternberg — it was the impending “great calamity.” Sternberg indicated to Fritz that there was some residual amount of hope:

It may be that, if my health remains good, I can stay on a little while longer, because the President did say in his letter that the time of my “retirement” (that is what he calls it in his dishonest way) may be postponed if a “satisfactory arrangement” may be made.

A pained and demoralized Sternberg expressed a sense of betrayal by his beloved alma mater, confessing how he felt “very bitter” about his treatment. Having bared his soul in a cathartic manner, Sternberg then vowed that “I won’t worry about it.” He would retreat “to roam at will over the vast expanse of human knowledge.” It would be easy, he maintained, to “become absorbed in any one of my 8 favorite subjects — law, literature, art, science, history, philosophy and politics.” A dark cloud hung over the future as Sternberg began teaching once more in the fall of 1948 in his sixty-eighth year.

1949 One Calamity Averted; Another Calamity Strikes

During the Christmas vacation of 1948, Sternberg compiled an inventory of his library which remains today as a part of the Sternberg Papers. The result was a listing of 1622 books at a cost of $2275. In a letter to Fritz and Sadie in January of 1949, Sternberg mentioned the library inventory, wondering “what will become of all those books some day.”

The January letter to Fritz and Sadie indicated the new year was beginning on an anxious note:

As a family, we have two big problems that loom up before us rather menacingly. One is, what to do when I lose my job in June of 1950; and the other is, how to find the right man for Isabell. And there is not much in any of the 1622 books that is helpful in finding the answers to these difficult questions.

Sternberg continued with a more detailed discussion of the second “problem:"

Isabell is now over 22 years old and with more than her share of admirers. That increases the difficulty. If she only had one, the problem would be simple. I try to help her with good advice, derived from books, observation, experience, reason, and sentiment. She listens patiently, considers carefully and tries not to let her emotions run away with her judgment. It is a tremendously complicated situation, quite unlike anything in my own youthful experiences. Just now she plans on removing herself from immediate and pressing Omaha influences by going to Denver. While there she may take a second look at one of her oldest and most ardent admirers... [Sternberg mentions some particulars of his daughter’s suitor, and continues] But of course there are other things to be considered. Two of my nieces made pretty bad mistakes, but then Louis and George had other children who were lucky. But Eri and I are putting all our chips on one bet. It is the only bet we have. She looks like a winner, but it is one game of chance where the odds cannot be counted. Compared with the uncertainties arising from the remote and hidden possibilities of the matrimonial lottery, the forecast of a World Series would be easy.

Isabell moved to Denver in March of 1949. Father and daughter corresponded faithfully, with daughter delighting her parents by writing some of the letters in German. The Sternberg Papers contain a folder of materials for the period April to September of 1949. The file contains, in Sternberg’s own handwritten notation, “11 Letters to Muschi — at Denver 1949.” (“Muschi” was Isabell’s nickname; in German it means “kitten.”) These letters are the most poignant, heart-rending materials in the entire Sternberg collection. Intensely personal and moving, the letters reveal Sternberg as a caring, devoted father who wanted nothing but the best for his beloved daughter. The
father’s love for his daughter runs deep in these letters, coupled with the fatherly advice that reveals Sternberg in a role far removed from that of a great intellect or a brilliant orator.

Because he wrote lengthy, stream of consciousness letters to his daughter, Sternberg revealed more of himself in these writings than in any of other documents that he authored. If these letters have a central theme, it is that of the “problem” earlier referred to: finding “the right man for Isabell.” From long distance the worried father offered bits of advice and reassurance as Isabell recounted her adventures with various beaus. Through it all the father is supportive and optimistic, although he dearly misses his daughter, particularly on special days such Father’s Day and Isabell’s birthday.

The letters reveal that Erica took a job (“Mami is busy in her book business”) and that William is busy grading blue books at the end the semester. In June, Isabell wrote to her father that “Mami (mother) is a bad girl.” [The reason: Erica had sent Isabell some money to help with expenses and the independent-minded Isabell responded by saying that “I’m supposed to be supporting myself.”] Father agreed with daughter: “Yes, and she is getting worse. Now she wants to send you $15 for a new dress for your birthday.” Father offered meek protest at sending the $15, to which Erica replied, “Well, it is her first birthday away from home.” The brilliant law professor is over-matched; Erica’s retort, he confessed, “melts me to a pulp.” In this case, mother knows best.

In late June, father reported to daughter that he “had a fine day on Father’s Day.” What made it special was the great efforts taken by “Mami” to make it so — a dinner described as a “banquet fit for a king” and then “presents (plural, mind you).” An appreciative father describes his wife as a person “whose irrepressible kindness never misses an opportunity for appreciative expression;” a singular woman, but her special predilection is the multiplication of joys for other people. . . .” The letter concluded:

I am all through with the Blue Books and with the law school for the summer. So I am home all day alone having a lot of fun with my books. I read, write, study, and dream. I live in the past, the present, and the future. I travel around the world. I hold discourse with men of distinction in the civilizations of the ages. Interest is sustained by the great variety of subjects that occupy my attention from day to day. The only thing that obstructs my pleasure is the thought of June 1950. Perhaps, instead of enjoying myself, I should be working on some plan to make money after that fatal date. But Mami, in that self-sacrificing spirit of hers, says I should put it out of my mind for this summer, until next September when I intend to call on Father McCabe and “have it out with him.” And I am just weak enough to yield to her tempting suggestion. You see, you are not the only one who has a difficult problem.

In the middle of the month of July, father wrote to daughter that the “United States Chess Tournament is going on at the Fontenelle Hotel this week.” A little arm-twisting resulted in Sternberg going down “every evening” because “Mami insisted.” (It is difficult to believe that father put up very much resistance to “Mami’s insistence.”) Sternberg told his daughter that he was “surely leading the life of Riley now,” with the books that Mami was bringing home for him to read. Among the books that he reported enjoying: “Low and Inside,” which is a book of baseball anecdotes.” (Not everything that the great man read was serious and scholarly! Doesn’t this prove conclusively that William Sternberg was truly a “Renaissance Man”?)

On the last day of July, in the last of the extant “Muschi” letters, Sternberg wrote to his daughter in reply to her letter revealing that she had apparently broken off a relationship with a certain young gentleman. This was welcome news for father and mother:

It took a heavy load off our hearts. It was as though you were walking along the edge of a huge precipice in danger of making a mis-step and falling off at any minute, and we were standing at a great distance watching you. Now we see you turning away from the cliff and walking away toward [us] unharmed.

Another thing that I was afraid of, if the break ever came, was that it might result in a protracted period of melancholy and despondency for you. But you gave us assurance on that point, too. Now we can look forward to your next visit with unalloyed pleasure. We can feel that, at least for the time being, our darling little Muschi is safe.

Presumably, the “next visit” was scheduled for Labor Day weekend in September, some five weeks hence. The
Omaha World-Herald reported the tragic event that occurred that weekend:

Isabel Sternberg . . . was a victim of the Labor Day week-end slaughter. Miss Sternberg, daughter of Prof. William P. Sternberg of Creighton University, was killed when a car in which she was a passenger plowed into the rear of a truck near Oxford, Neb., Saturday night.

The only documents relating to Isabell’s death and funeral in the Sternberg Papers are: a letter to Father Schmidt, who said the funeral mass; an acknowledgment of receipt of a telegram from Monsignor Sinne (long-time friend who had married William and Erica); and a note dated Nov. 9, 1949, entitled “Thanks to the Law School.” Sternberg’s letter to Fr. Schmidt paid special tribute to the homily, which was like “balm to our afflicted spirits.” Father Schmidt had said that Isabell’s death was “sudden but not unprovided.” This remark, Sternberg said, “strengthened my belief that Isabell died in a state of grace.” Sternberg’s note to the law school community stated:

The action in arranging for “Thirty Masses” is unprecedented in the history of the law school. As students of the common law, we well understand the value of good precedent. In this instance, it is equally remarkable in each one of three aspects. For the participants, it is an eloquent testimonial to their fine religious spirit; toward the designated ben-

eficiary, it was an act of Christ-like generosity; and toward those who chiefy mourn her loss, it was an unexpected but duly appreciated act of kindness, gratifying, edifying and comforting. The hope that this slight expression of thanks may be considered adequate rests entirely on the fact that it comes ab imo pectore.

At age 69 William Sternberg faced the death of a loved one and the loss of his job. We all know that William Sternberg stayed on to teach at Creighton Law School until 1958, so one “great calamity” was avoided, or at least, successfully negotiated. Perhaps the greatest loss that could have befallen William Sternberg would have been the loss of his beloved Eri. The next greatest tragedy that could have befallen him did take place: the seemingly senseless loss of his precious and beloved daughter. The year of adversity was over and a saddened William Sternberg entered the final decade of his life with a heavy heart.

The final chapter of Sternberg’s life finds him receiving recognition, tribute, and acclaim. But, one surmises, things would never quite be the same after Labor Day, 1949.
During the period William Sternberg was teaching, the primary emphasis in legal education was on the so-called "Socratic method," a method challenged by the Legal Realists in the 1940's. In 1944, one of the most prominent of the Legal Realists, Karl Llewellyn, issued a famous report on teaching as it related to the development of "case-law skills." Sternberg studied this report with great interest and in great depth, producing in June of 1945 a "Reflection" on the Llewellyn report that might have been subtitled "The Sternberg Approach to Teaching."

Sternberg's "Reflection" began with his complaint that he was not quite sure what Llewellyn had in mind with the phrase "case-law skills." For Sternberg, the teaching of "case-law skills" meant three things:

... it means that in class-room discussion those aspects of each case which help to develop these skills receive express mention and emphasis; secondly it means a detailed plan for the presentation of each case with that object in view; and thirdly it means planning the whole sequence of cases with the same object in view. This latter planning involves complete re-arrangement of the cases in every subject that I have taught for more than 5 years! During the first 5 years, I accept the author's arrangement and do the best I can, but I work toward the re-arrangement and the adoption of my own plan in the sixth year.

Sternberg also commented on Llewellyn's recommendation that "special attention should be given to the four skills [of] statutory construction, brief-writing, instrument drafting, and office counselling." From his own experience, Sternberg indicated that statutory construction was part and parcel of his courses. Brief-writing, he noted, was handled in a separate course. With regard to "instrument drafting," the problem he saw was "the question of apportionment." For, "[i]f the student is really to be drilled in drafting instructions, the work can not be left to any one instructor."

Sternberg's final comments, relating to "office counselling," are interesting in light of current law school emphasis: The idea that an instructor "can build a counselling course on and out of his own experience," was to Sternberg a suggestion that "can hardly be taken seriously." Sternberg's reflections and comments have as much vitality today as when they were written some forty-six years ago.

The Sternberg Papers contain his outline for the Contracts course as well as his case briefs and other commentary. In these materials Sternberg clearly articulated his jurisprudential slant in advancing this thesis: "... in the development of the common law in contract cases, our judges have nearly always followed and have in fact felt bound by the dictates of the moral law; i.e., the natural law." In reviewing the "Question" as presented by the various cases, the professor practiced what he preached, viz., "Is the doctrine of constructive intent justifiable on moral grounds?"; "Can the general rule that the part payment of a past due debt is not a valid consideration be supported on moral grounds?" It is obvious that a great deal of preparation and thought preceded the good Professor's entry into the classroom.

What about the classroom experience? According to one Creighton graduate whose first law school class was Sternberg's Property class, Sternberg began with the words "You are now embarking upon the sea called the law." According to this graduate,

He then proceeded to describe for us the many storms, shoals, bars, winds and other difficulties. Although he intimated that some of us probably would be cast upon a foreign shore with no rescue in sight he assured us that those who would persevere would ultimately end at a safe harbor at the end of the journey.
Sternberg files end here. They contain no information whatever about the period of his twenty-month retirement.

Though this period of Sternberg’s life is not well-documented, the papers he left behind include some of his most philosophic and stirring speeches. His letters are mainly reminiscences, rich in pathos. Despite some health problems, Sternberg was able to continue teaching and reading and pondering the mysteries of life. He lived a full, rich life and the final decade provided the capstone.

Sternberg’s Property and Contracts courses certainly left some lasting impressions on students. A graduate of 1935 reported that he still has his notes from Sternberg’s Real Property class “which I have kept for more than 58 years.” This alumus reported that his knowledge of property law was greater than that of his fellow lawyers, graduates of the University of Iowa law college who “had taken their property from Patton at Iowa City whom they regarded as the finest.” Another Creighton alumus now practicing in Iowa paid homage to Sternberg’s Property course: “What I learned from the good Professor guided my path to a successful defense of the lower court’s ruling.” An alumus now practicing in Western Nebraska stated that Sternberg’s Contracts and Partnership courses were so influential that “I felt like these were the only two courses I had taken.”

And now for a couple of Sternberg stories, straight from the classroom. A former student reported:

On one occasion Sternberg advised the class: Under the common law, the husband is the head of the house. The common law also stipulates that the pedestrian has the right of way. Both are relatively safe until they try to exercise their rights.

On another occasion, at the start of class, Professor Sternberg queried whether everyone had read the assigned cases. Of course, the show of hands was unanimous. He then asked if anyone had researched the cases cited in the footnotes. Again, 100% accord. He then asked for a volunteer to recite the specific point of law that the footnotes emphasized. Not one finger was raised. He then said: “See, in the footnote, where the three dots appear as if some sentence was omitted? Well, that omitted sentence is the key point to which this chapter is devoted. I presume everyone will refresh his or her memory in the event this appears as a test question in the final exam.”

No doubt a number of other Sternberg stories could be recounted. From the dog in the classroom to the beer on the desk; from the “little quiz” to the looking through the transom to see if the good professor was in fact fast asleep. It is appropriate to end these student reminiscences with one appreciative alumnus’ retrospective:

Professor Sternberg was a very private person . . . we knew little about his “life” . . . he was not a person who would surround himself with law students and shoot the breeze.

My relationship with Professor Sternberg may be summarized . . . “I stood in awe of him . . . always.”

The respect and admiration between the students and Sternberg was mutual. These are the words of Sternberg, in 1956, to an assembled law school gathering, as he reflected on his perspective of the classroom experience:

First, then is a word of acknowledgment. Sometimes I wonder what your reaction really is when you see your Professor up there in front of the class, hashing over those old cases, some of them dry as dust, week after week, month after month, and you know that he has been doing that so long that the memory of man runneth not to the contrary. Perhaps you get the impression that he is pretty much of a dried up old stick, like the 5th Penitential Psalm who say says that his bones were all dried up like firewood. That would be prejudicial error and sufficient ground for reversing the judgment. No matter how long he is engaged in that process, the Statute of Limitations never operates to divest him entirely of his humanity. There remains at least a remnant of a once florescent manhood, sufficient to enable him to react cordially and joyfully to the gentle influence of his benevolent co-workers in the classroom. This privilege of daily contact with youth is one of the non-monetary compensations of the professional life. There is in that contact a certain exhilaration which lends zest and zest to the labors of the day. It helps to preserve for the Professor that optimistic idealism so characteristic of youth.

And I have observed that although the classes come and go and the Professor stays on and on till he becomes a fixture by the law of accession, yet each new class has a distinctive individuality all its own. And that is true, not because the class is a separate entity, like a partnership in Nebraska, nor because it is merely a group of persons like a partnership at common law. The class is not a separate entity and not merely an aggregation of individuals. It is more like a constellation in which each scintillating star contributes in his own distinctive way to the composite charm of the class, producing a pleasing result to which the Professor cannot remain impervious. It is in fact a material part of the consideration which he desires and cherishes. And I am happy to say that I have never been in a position to plead even partial failure of consideration. That is my word of acknowledgment to the three classes here tonight, especially the graduating class.

Has any law professor more eloquently described the special relationship between a professor and the students?
For Sternberg, the academic year of 1949-1950 began with the tragedy of Isabell's passing; it concluded with a tribute in his honor in May of 1950. The law students called it "Sternberg Day," and the newspaper reported that he was to deliver a speech on "Legal and Religious Idealism." The many drafts of this speech show Sternberg had returned to old form: the speech showed a sense of humor, a high regard for the honor, a sense of humility, and another opportunity to preach his gospel of idealism, with an emphasis on the "interlocking directorate — logic, law, truth and justice."

The serious side of Sternberg has been emphasized throughout this presentation of his life but the man clearly had a sense of humor as the "Sternberg Day" speech illustrates. When first informed of the students' honoring him with their "day," Sternberg said his reaction was:

If you had picked exam week to call it Sternberg week, I might not have felt so highly elated; but you picked your day of fun and frolic for that purpose. I do not know how you could pay a more eloquent tribute.

Sternberg reported in his speech that he had a dilemma in preparing for the occasion: What shall I talk about? So, "I turned to my helpful little spouse and put the question to her." Her reply: "I think they will all like it if you talk about six minutes." As a sample of the rhetoric that Sternberg employed in his speech, consider the following passage:

As the years roll on and the signs of advancing age begin to multiply, the brighter and more beautiful grows the perspective of those halcyon days when the rainbow of youth spread its multi-colored beauty across the firmament of life.

Clearly, this man was no ordinary lawyer or orator. In a letter to his sister in November of that year, Sternberg wrote of a "nice celebration at the Old English Inn, full of tender and sentimental memories." The thoughts of his daughter were still tender: "We were not alone in the crowd because our Muschi was with us."

In June of 1951 Sternberg reported to his brother Fritz:

I have had a rather tough time during the first few weeks. I have taken a lot of expensive medicine, but they are beginning to show results and I am improving every day. . . . In a few more days I will be as good as new and ready to begin the real enjoyment of my vacation. My friends ask me where I am going for my vacation. I tell them I want to find a spot where I can "get away from it all" — the noise, the tumult, the excitement: in other words, I want to stay home.

Sternberg continued his teaching, apparently on some type of year-to-year basis. In the fall of 1952, Sternberg was given a citation by the University. The citation stated that Sternberg was "an example of the ideal Creighton teacher." A copy of the citation is found in the Sternberg Papers with the hand-written notation that it was "composed and read by Fr. Gregg." One can surmise that it was Fr. Gregg's involvement that made this citation something special for Sternberg.

In a 1952 Christmas card to his sibling, Sternberg sadly noted, "We can not celebrate it with the fervor and enthusiasm which in the old days made the occasion so glorious and happy. Our last Christmas was in 1948 and there can never be another. The memory of the "dear little Muschi" was still painful and tender. And yet, the undying optimism and faith of Sternberg reappeared as he continued:

But we can still take the occasion to remember those who have been so closely associated with us in life's long journey — the dear ones who in thought, word and deed, have travelled with us through all the years in fellowship and affection. Such thoughts bring us calm contentment and a quiet pleasure and a renewed appreciation of the values that flourish in the immediate circle of family and friends. These are the permanent values of life, subject to no fluctuation or depreciation. They are not affected by the turbulence of the times in which we live: they can not be diminished by private disaster or public calamity.

Sternberg's value system served him well; in his most trying times, he was able to find solace and contentment in his family and friends and in the "permanent values of life."

In another letter to his brother Fritz, written in March
of 1953, Sternberg reminisced about the days when, we "talked politics, religion and morality and ethics . . . while we were fighting the cockle burrs with the hoe." He then proceeded to discuss boxing and baseball and then noted, "Personally, I am doing fine," but "I must admit that I am getting a little weaker too." A very sensitive topic is then mentioned:

But I am still fully able to do my work at the University and I can see no good reason for forcing me into retirement. But I am afraid that is what is coming my way in less than three months. I try not to think of it, because there is nothing I can do about it. Perhaps I could make a living by writing my memoirs, like Eisenhower or Truman.
(Apparently there was something some one could do about "it" for Sternberg taught for four more years. This was a gift to the law school, of course, but wouldn't those "memoirs" have been something to read?)

In a letter written to his sister Lissie in June of 1953, Sternberg recalled that on Isabell's birthday (June 18th), he spent the afternoon "looking at her pictures in the album showing her as a baby, a little girl and as a young lady — and reading her poems." He continued: "Was there ever such a girl? In the afternoon, although it was scorching hot, I went out to water the flowers on her grave."

In February of 1954, Sternberg wrote a lengthy letter to his sister Lissie upon the occasion of her 71st birthday. It is a letter filled with references to the perils of becoming old. Sternberg at one point referred to the desire of every one to "stay here a little longer." He continued:

In fact we never get enough. It is a deep-seated urge which God Himself has planted in the human heart. He wants us to be happy and wants us to seek happiness in every legitimate way. We are his children and he watches us with pleasure. He watches us like a benevolent father who observes his children at play and is pleased when they have fun. So if we hatch out a little plan, after we are 71, by which we expect to snatch a few extra joys and comforts before the bell rings, why should he interfere?

But He often does, and we never know why. He has us in his grip and He keeps the future a deep dark secret. When our dearest hope is blasted, when every fond wish vanishes one by one, when a great heart-breaking sorrow strikes us down, there remain only piety and resignation. We must believe that He knows best. In that belief we accept His decision and we do not murmur. We merely prize more highly what we have left and cling to it with greater fervor.

This is the last quotation from the private files of William Sternberg. It is, I believe, an eloquent testimonial to a great man who had a heart and a soul, as well as an intellect and a well-trained tongue.

Sternberg's later speeches, graciously and humbly accepting the tributes paid to him, are eloquent and masterful — vintage Sternberg. For these alone Sternberg deserves remembrance. But he was more than just a law professor who was proficient at his profession, he was a decent, God-fearing person whose value system represented the ideals of which he so often spoke.

In February of 1955, Sternberg was ill and the freshman class sent him a get well card. Sternberg composed a response that didn't require too much preparation. The reason? Sternberg had saved the responses he had composed on similar occasions in February of 1927 and December of 1939!

In June of 1955, Fr. Gregg left the law school. This was a sad occasion for Sternberg who obviously was close to Fr. Gregg. Sternberg's hand-written note to Fr. Gregg indicated that the last fourteen years of Sternberg's tenure at the law school had been the best and the happiest. Sternberg graciously explained the remark: "And I owe it largely to you. Your example, both as priest and professor, has been a constant inspiration and stimulation to me."

In May of 1956, Sternberg delivered the Law Day Address, stressing his timeless themes in proclaiming the ideals that Creighton graduates should strive for. In October of 1956 and in May of 1957, he was asked to deliver remarks before the Alumni Luncheon and the 1950 Class Reunion, respectively. The files reveal the usual meticulous preparation. When Dean TePeol was honored at a luncheon in December of 1957 (on his eightieth birthday), Sternberg joined in the tribute with a few remarks.

The year 1958 marked the official valedictory for Sternberg as he concluded his final year of teaching at the
law school. Two banquets were given in his honor in May of that year. The first was a festive law school gathering at the Field Club on May 5th. Pictures of the occasion are contained in the 1959 University Annual. (Vol. XXIX of the "Blue Jay," pp. 68-69.) The report in the annual contains a brief reference to the final class taught by the great man a couple of days after the banquet:

The tributes were many that night, but one more was yet to come. It was rendered a few days later as this great and wonderful "Prof" said "good-by, boys" to his final class. As he strode to the door of the classroom the students, rising applauded him with a sincere and heartfelt ovation. For Professor Sternberg it was a long, but very touching and rewarding walk.

A public testimonial to Sternberg took place at a "Recognition Banquet" at the Blackstone Hotel on May 8th. On both of these occasions Sternberg delivered speeches; the contents were specially directed to their respective audiences. The speech to the Law Day Banquet was Sternberg's last opportunity to express the ideals of his chosen profession and that of his alma mater and employer of forty-six years. That speech ended on a positive note with regard to the state of the law school and a tribute to the Dean:

I have been here for forty years. I have seen faculty members come and go. Some of them come and go quickly; others come, linger a while and then go. We have had some very high class men, like Charles Bongardt, Father Gregg and the Dean himself. But we had several weak brothers on the faculty. Now we have none, not one. It is a faculty of young and vigorous men, fully qualified in both respects — as teachers and as masters of their subject. The curriculum is up-to-date and the faculty is at the peak of its efficiency. What more propitious time could there be for me to retire publicly and pay this little farewell tribute to our matchless Dean, James A. Doyle?

Sternberg's final speech at the "Testimonial Banquet" is more personal in its tone and approach; less didactic than the May 5th speech. It was, one would guess, the most difficult speech that Sternberg ever composed. The May 5th speech was neatly typed for delivery; the May 8th speech is handwritten with many interlineations. In the middle of this speech Sternberg responded to "some of my friends who...are concerned about [my retirement]." They said something to the effect that retirement would "be terrible when you have nothing to do all day long, nothing to keep you busy." Sternberg's response is fairly bristling:

The other day I talked to one of them, a man near my own age. He said I hated to think of the time when I have to sit on the porch, waiting for the days to go by, bound by the slow lapse of time. That does not worry me in the least. We have a porch at our house too and I also have a rocking chair, but I have no intention of wearing them out. Rocking may be good for babies and other people whose minds are vacant. I shall put myself to pasture where I will graze contentedly and happily in my personal library where I have accumulated 2000 volumes on a great variety of subjects, not law books, but of my own choosing. With their aid I can travel around the world faster than any sputnik and I can go where no sputnik and no vanguard can ever go far into the centuries of the past and hold communion with the intellectual giants of all time; although I must admit that in that grand and fascinating coterie of scholars and saints, I may never find a good substitute for my present company.

... You are familiar with the adage that all work and no play makes Jack a dull boy. If it is true, and of course it is, then the converse must also be true: all play and no work makes Jack a lively kid.

Beginning with June 1, I propose to give a living demonstration of that proposition.

... The books of mine (since they are all my own) tell me nothing about man-made satellites or intercontinental ballistic missiles. I am not interested in satellites of that kind. When I travel into outer space, I do not want to keep revolving around the earth or any other planet, and I will not be content with a short trip to the moon or Mars, although Venus might have some attraction. When I take that long trip I am going far beyond interplanetary space into those celestial regions where are the inhabitants are angels and saints.
The speech continues, building to the inevitable final farewell:

In the meantime I hope you will all have as long and as happy a life as I have had with the same confident expectation of a still better life in the future. If you plan it correctly, you can be happy in time and in eternity. You don't have to be miserable here in order to be happy there. And if you are happy here, you don't have to be miserable there. I would hate to think so, because I have been very happy here especially in the last past 40 years. And do you know, I owe it in large measure to you whose association and companionship were such a delight to me at the time and still is in memory. It is a treasure that I shall carry with me forever.

At this point Sternberg paid special tribute to the eleven Presidents of Creighton during his tenure, singling out several by name, including then President Father Carl Reinert, who extended "my term beyond the regular time of my retirement."

The last hurrah for the great professor could not have come easily:

I have reached the point of ne plus ultra. I can go no further. I can only assure you again that your cordiality and friendliness in arranging this testimonial dinner for me is matched by the depth and intensity of my gratitude and appreciation. To express this commensurate response of my heart, I have at my command only a few feeble words. But I hope and believe that in your kindness you will accept them at their full face value, tax free. The remembrance of this occasion will be an immense gratification as long as I live.

On May 26, 1958, Senator Roman Hruska, a former student of Sternberg's, delivered remarks on the Senate floor in praise of another "Mr. Chips — Professor William Sternberg, who, for 40 years, taught in [the] college of law." Senator Hruska had reprinted in the Congressional Record the remarks of Dean James Doyle that were given at the May 6th testimonial banquet. Dean Doyle's remarks could stand as an obituary, and for purposes of this article, they will serve as such.

The "long trip" for Sternberg came in January of 1960, when he passed away, three months short of his eightieth birthday. He had been witness to the horse and buggy days and the nuclear age. His history is that of the Creighton Law School and so much more, because, although he was a law professor par excellence, he was a person fit for the "celestial regions." Dean Doyle's words provide the epitaph:

I cherish the example he has set for all of us as a good teacher, a devout Christian, a modest gentle-

Author's Personal Note

It has been a privilege and an honor to have reviewed the Sternberg Papers and to have written this article. A story of Sternberg the scholar would have appealed to a few of us interested in such topics as "the element of hostility in adverse possession" and "contingent remainders," but it is doubtful that the audience for such topics would be very large. The Sternberg Papers gave me the privilege of discovering Sternberg in all of his roles, not merely that of the law professor-legal scholar-orator.

Many persons assisted me in this project and I would like to acknowledge their cooperation and support. First and foremost, Dean Rafal encouraged me to begin this venture and supported it every step of the way. Associate Dean Gaskins rendered valuable editorial assistance and Paulynn Nunez, Assistant to the Dean, assisted in gathering information. Others at Creighton University who assisted include: Fr. Neil Cahill, S.J.; Dr. Andreas Gommemann; staff members of the Alumni Records department; Professor Kay Andrus and the Law Library staff; and the late Fr. Roland Reichmuth, S.J., University Archivist. I am also indebted to those alumni who contributed stories for the second article.

The real heroes who deserve our salute in the production of the two Sternberg articles are those persons primarily responsible for saving the Sternberg Papers: Alex Briedis and Robert Q. Kelley. Finally, I wish to acknowledge the cooperation of Neal Sternberg of Portsmouth, Iowa, nephew of William Sternberg, who read the manuscript and approved its contents.

man and an educated man. He has brought to the faculty, not simply technical competence in law, but real wisdom, a keen sense of duty, and complete devotion to his work. His position will not be completely filled for a long time, if ever. I am sure that all of you join with me in saluting him and praying that he may enjoy many years of happiness in our midst.

Although William Sternberg did not enjoy the "many years of happiness" after retirement, that does not mean that his presence was not felt in future years. So long as the Creighton Law School exists, his influence will endure.

Postscript

Erica Sternberg died on October 3, 1986. The executor of her estate, Mr. Alex Briedis, along with Law Librarian Robert Q. Kelley, was responsible for saving the "Sternberg Papers." They are in the Creighton Law Library.
A Sternberg Sampler

William Sternberg’s thirst for knowledge appeared unquenchable; he not only continued his education until he died, he also continued expressing his opinions on a variety of topics. Some of his personal views are expressed here in a Sternberg “sampler,” a glimpse at some of his many writings and speeches.

Odd and Ends

Sternberg wrote that he had eight favorite subjects — “law, literature, art, science, history, philosophy, religion and politics.” The Sternberg Papers contain his handwritten notations on all of these topics — and more. In addition to the topics just mentioned, Sternberg pursued an interest in foreign languages. By way of example, the Sternberg Papers contain: (1) a letter of inquiry from Sternberg to the professors of German at Creighton and the University of Nebraska propounding an “Academic Question” — “whether...you have found any book on German grammar which recognizes any other case where the adjective does not agree in gender with the noun it modifies”; (2) a memo from Sternberg to Fr. Gregg in which a “relieved” Sternberg discovers that in the translation of a Kempis’ “Imitation of Christ” (from Latin to English), the translator acknowledged an error (“dabitur” written as “debetur”), thereby clearing up a mystery that had bothered Sternberg for some time.

The Sternberg Papers do not reveal Sternberg as a political activist, except in conjunction with the “German” question. In his 1947 autobiographical snippet for the chess club, he noted that his first vote in a presidential election was in 1904, when he voted for William Jennings Bryan. He continued:

> I still think that vote was right, but the record of my subsequent voting seems to show that it was an evil omen. Never in my life did I vote for a presidential candidate that was elected. (Like St. John the Baptist, I was a merely “a voice crying out in the wilderness.”)

When the issue of woman suffrage arose in Nebraska, Sternberg clipped some articles on this topic from the World-Herald and then penned his own approach to the issue:

The Dilemma

The right of suffrage should be confined either to men or to women, for a bisexual suffrage is irrational, as clearly appears from the following bit of reasoning: Either women are better voters than men, or they not. If they are not, then there is no reason for granting them suffrage; if they are, then they alone should have the right of suffrage, and men should be disenfranchised.

(The foregoing might suggest why there is more to law than logic; why allowing a debater to state the issue is to concede the argument).

With regard to the status of women generally, Sternberg was a traditionalist — his idea of a woman “fulfilled” was a woman who was a wife and mother. In 1931, he praised certain emerging feminist voices:

> I have a great deal of tolerance and even some measure of sympathy and enthusiasm for that movement in literature and sociology tending to the exaltation of womanhood. It is right, it is good, it is uplifting; and woman, glorious woman, is worthy of it; she comes to us from the hand of God as the masterpiece of creation.

A complete review of the Sternberg Papers indicates that the three most important persons in his life were his wife, his daughter, and his sister Lissie.

Many of the quotations in the main text of this article are from Sternberg’s diary and letters; they reveal how Sternberg faced the truly important issues of life and death. If there are any constants in his approach, the twin topics of faith and family seem to be his personal anchors for weathering the storms of life.

Legal Views

On the academic side, a book could be written on Sternberg’s views on law alone. When it came to law, Sternberg’s former students most likely remember him as the professor of property or contracts. The Sternberg
Papers contain notes and articles on these topics, but in his later years, Sternberg's hand-written "comments" tended to focus on two favorite topics that, to him, were inextricably linked: constitutional law and jurisprudence. If Sternberg were to be resurrected today, he would witness an on-going debate on topics of constitutional law that he spoke and wrote on: "natural law," "stare decisis," and "the nature of the interpretative process." (This discussion is taking place in the context of a Supreme Court nominee.)

With regard to natural rights and the Constitution, Sternberg had this to say in 1939:

If, then we must look to the natural law for the origin of our common law rights, what about our constitutional rights? It is sometimes said that these are created by the constitution. This is a radical misconception. There may indeed be some that are created by the constitution, like the right of trial by jury, but these are created merely as one means of protecting a larger and more fundamental right. Thus, the right of trial by jury is created merely as one means of protecting the right to a fair trial for every accused person. These fundamental constitutional rights are not created by the constitution. They are called such because they are protected by the Constitution. For this reason, we refer to the provisions as "guaranties." They are guaranties of rights created by a more universal law beyond and above all human legislation: rights existent and most vociferously claimed by our forefathers before the Constitution was adopted. Thomas Jefferson formulated the general statement of these rights for all time to come when, in the Declaration of Independence, he declared that all men are empowered by their Creator with certain inalienable rights. The conclusion is that constitutional rights have their origin, not in the constitution, but in the natural law.  

24 Marquette L. Rev. 7 (1939).

The Sternberg Papers contain a comment on Stare Decisis, dated December 2, 1948:

In his new book, "Individualism and the Economic Order," Friedrich A. Hayek shows that individual liberty and welfare depend on the existence of rules, legal and moral, that can be understood and relied on by men to give bases of certainty to their lives and endeavors — rules, which above all enable men to distinguish between mine and thine.

Pragmatists, positivists, pseudo-realists, and champions of the administrative process scorn the doctrine of Stare Decisis and prefer a "flexible logic" consciously bent to serve and secure a pre-conceived objective. This preference for a "flexible logic" that can be bent and twisted to achieve any desired result is well exemplified in President Roosevelt's veto message to Congress when he returned the Walter-Logan Bill of 1940.

Part of our trouble has come from a misunderstanding of the doctrine. Two things are equally stupid: to disregard precedent entirely and to follow it blindly. The doctrine does not call for either one of these stupidities.

Moreover, an indiscriminating disregard of the doctrine is especially vicious in constitutional cases. If the court in other cases makes a wrong decision, it can be corrected by legislation; but an error in the interpretation of the Constitution can be corrected only by the more difficult process of constitutional amendment.

On the subjects of judicial review and constitutional interpretation, Sternberg commented:

An argument based on the authority of "our forefathers" is certainly entitled to great respect,

"Two things are equally stupid: to disregard precedent entirely and to follow it blindly."

but there are quite a number of points in the general philosophy of government and political economy in which my convictions are quite contrary to those of Washington, Franklin, Madison, Hamilton and Jefferson.

[When the United States Supreme Court declares a statute unconstitutional,] the Court does not determine whether the statute is sound economically, politically, or socially. It passes no opinion on the desirability of the legislation in question. Neither does it lie within the province of the judges to revise the Constitution by reading into it their own political theories or those of the party in power. Their sole responsibility is to determine whether the Constitution and the statute can stand together harmoniously. If a careful comparison shows that they are in conflict, all the court can do is to make an official declaration to that effect . . . If it did anything else, the Constitution would no longer be the supreme law of the land.

What does a judge do when he "interprets" the Constitution? Pritchett says: "according to the myth, interpretation of the constitution was not a
task allowing of individual interpretation or judicial discretion.” There is no such myth. There never was and never can be, for the simple reason that every interpretation of the Constitution must be done by an individual and is therefore an “individual interpretation.” And this individual must use his own discretion. If he did not use his own discretion, whose discretion would he use? If any judge, in interpreting the Constitution, did more than “declare and apply the law,” it would be legislation and it would be ex post facto legislation. In seeking to cast discredit on the interpretative process by which the Court seeks to avoid such ex post facto legislation, Pritchett calls it the “yardstick theory” of constitutional interpretation . . .

“Men do not take the path that leads to happiness.
They pursue devious ways fraught with danger and disaster.”

The Secret of Successful Living
Reference was made in the text to a 1939 speech that Sternberg referred to as “my favorite talk . . . the oldest of my lectures . . . fifteen years [in the making].” This speech, titled “The Secret of Successful Living,” is Sternberg’s personal philosophy statement; it contains his personal credo that sustained him during the following twenty years of his life. In this speech it is not William Sternberg the lawyer speaking; it is William Sternberg the philosopher-theologian.

The ancient philosopher tells us “the unexamined life is not worth living.” After reading of the life of William Sternberg, I hope that you will conclude with me that William Sternberg’s life was well worth living. And now, in conclusion, are selected portions of the good professor’s “favorite talk”:

Originally, I called [this speech] “The Beauty of Life,” because it maintained the thesis that, notwithstanding the fallen nature of man, he still has within him the capacity, with ever ready assistance of divine grace, to rise above the material surroundings into that brighter and glorious world of truth and beauty. I have never abandoned that conviction . . .

At this point Sternberg referred to books he had read written by a German bishop and two Benedictine monks, and acknowledged their influence:

[From Bishop Keppler’s book], I took a cue . . ., and after that paid greater emphasis on happiness in this world as an element of successful living.

[The illuminating and inspiring discussion of the spiritual life which I found in these books] impressed on me in an extraordinary way the old, familiar truth that no man can live a successful life without religion. I therefore found it necessary to change my lecture again so as to leave a larger space for religion as an important factor in the problem of successful living.

Sternberg then discussed a thesis heavily emphasized by St. Thomas Aquinas: the “unquenchable desire for happiness” that God has placed in every soul. This goal, Sternberg stated, eludes man’s “eager grasp.” After posing the question, “Why is it?”, the response is given:

The answer is simple. Men do not take the path that leads to happiness. They pursue devious ways fraught with danger and disaster. They spend their energies in pursuit of a phantom. They follow the popular way of fame, fortune and pleasure.

How does one achieve happiness? Is it possible to achieve on this earth? Sternberg addressed these issues as follows:

[The world] is a part of God’s own handiwork in which he has provided abundant sources of happiness for those who fashion their lives in accordance with some ideal worthy of the wonderful faculties which he has endowed our human nature.

. . . [The ideal I propose for your consideration is that of culture in union with religion. Those who bear steadfast allegiance to this ideal will some come forth from the valley of tears into the land of sunshine and gladness. Without for a moment losing sight of their ultimate destiny, they will find the means of making this life interesting and beautiful.

Sternberg then discussed at length the two pillars of successful living — the “charm of culture” and the “necessity of religion.” In this union, according to Sternberg,

. . . you will find . . . the best means of meeting every emergency. Wherever you will go it will intensify your pleasure and give you strength to sustain your sorrow. If pursued with sincerity and perseverance, it will ultimately disclose to you the secret of successful living. With culture to enlighten you and religion to direct and strengthen you, you will not become the victim of inordinate passion; you will not become the slave of habit. You
will remain the captain of your own soul and the master of your own destiny.

In speaking of culture... I do not mean merely the accumulation of knowledge... I include in that term especially two things: a keen mind and a refined taste. Such culture... brings within the field of our comprehension the whole range of human experience. With its aid we enter easily into the thought of the philosopher, the vision of the poet, and ecstasy of the saint... Culture is for everyone an open sesame to the threefold kingdom of beauty as it is revealed in nature, in art, and in the soul of man.

And when I speak of nature here, I do not refer merely to the marvels of mountain scenery, to the splendor of the southern seas, or to the grandeur that may greet the view of the traveler in far away lands. I refer rather to the scenes that come within our common observation to the subtle charm of nature as it is revealed in hills and valleys, in groves and meadows, in silver clouds at noon and moonlit skies at night... The poetess [Elizabeth Barret Browning] says:

Earth is crammed with Heaven
And every common bush afire with God
But only he who sees takes off his shoes.

In the same way we may find much of the divine in the vast realm of art, where genius exercises its godlike function of creating forms of beauty for the uplifting and delight of every cultivated mind... Art in all the infinite varieties of its forms is the mark and measure of our civilization. We may multiply our mechanical convenience until it no longer involves any physical exertion, but what lends dignity and beauty to human existence is not speed of locomotion or air-conditioned palaces, but rather a responsiveness to the appeal of art. When art declines, civilization decays...

It is very clear, however, that such culture is purely mental. It affects only the intellect. It may indeed qualify us in the republic of letters but not in the Kingdom of God. In that realm it is the will that qualifies, not the intellect. Therefore, if culture is to call worthily for our best effort, it may be inseparably united with religious faith. Experience demonstrates that however fine and complete your culture may be, unless it has the saving grace of religion, it is vanity. The more you seek it, the more it degenerates unto a kind of self-worship. But for those whose culture is redeemed by a firm faith in a personal God, there is a light that illumines their way and saves them from the egocentric tendency of a purely mental culture. Though years may pass, in their souls they remain forever young. They grow in mental strength and gradually rise into worlds of truth and beauty, of whose existence they had never dreamed...

After a discussion of "two of the most widespread errors in modern philosophy" (the two "fallacies" of "Adversity is an unmitigated evil" and "Disregard of Supernatural Motive"), Sternberg concluded with remarks that reflect this personal credo:

This then, ladies and gentlemen, is the thought that I would leave with you today: that all wise and all good Creator has given us the means through culture and religion, not only to insure our eternal salvation, but also to embellish and beautify this earthly life of ours. We have it within our power to mount the ladder of perfection and never cease in our progress toward that better intellectual and spiritual life which should grow more and more interesting, more and more beautiful, as we advance in years and are chastened in life's great struggle. We have but to remember that the glory of our human nature lies in its endowment of intellect and will and that by the development of the one and the strengthening of the other, we move constantly forward to that good and happy life so acceptable in the eyes of God and man.

Deo Gratias.
The alumni and friends of the Creighton University School of Law who generously supported the 1990-91 Annual Fund will be recognized, as every year, in the University Honor Roll of Donors, published in November. We pay special tribute here to those donors who are charter members of our support groups, the Dean’s Club, Sponsors, and Associates, which started last fall. Gifts of $100-$249 (Associates), $250-$499 (Sponsors), and $500 and more (Dean’s Club) which were unrestricted and designated specifically to the School of Law are recognized on these two pages. It is because of these types of gifts to the Annual Fund that we are able to have the wonderful programs you read about in the pages of this magazine.

We thank all of our donors who supported us in 1990-91, and we hope our alumni and friends will continue to support the School of Law in the future. Please take a moment now to use the attached envelope and enroll in the 1991-92 support group program. We hope we can print your name in this section next year. Thank you from all of us at Creighton Law School!
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Paulynn Nunez, Assistant to the Dean, working on alumni affairs and public events.
Professor Rodney Shkolnick sends a special note of thanks to his former students and other friends for their kind letters and calls following the article in the last Creighton Lawyer. “Your friendship and consideration are what make my life at Creighton especially meaningful and worthwhile.”

1936

PETER MARCHETTI is of counsel with Brashear & Ginn in Omaha, Nebraska.

1941

JOHN J. WACHTER, a former FBI agent, now investigates kidnappings and terrorist activities in Latin America for insurance companies.

1948

HARVEY BURSTEIN retired as Corporate Director Safety/Security and Staff Attorney for Data General Corporation, Westborough, Massachusetts, and was appointed Visiting Professor of Security at Northeastern University College of Criminal Justice, Boston, Massachusetts.

1951

THOMAS R. BURKE of Omaha, Nebraska, received the 1991 Humanitarian Award presented by the National Conference of Christians and Jews and the National Catholic Educational Association’s prestigious Presidential Award given for outstanding leadership in Catholic education.

1952

EUGENE DENDINGER of Sewickley, Pennsylvania, retired from Consolidated Natural Gas.

MAYNARD S. TELPNER of Council Bluffs, Iowa, was elected to the Board of Governors of the Iowa State Bar Association and was appointed to a panel formed by the Iowa Supreme Court to study racial and gender prejudice within the state’s court system.

1953

PHYLLIS M. BECK was elected a Fellow of the Nebraska State Bar Foundation.

NORMAN BLOCH is mayor of Morristown, New Jersey.

1954

DR. HERBERT S. DENENBERG is a syndicated columnist for CBS.

KENNETH SACKS of Council Bluffs, Iowa, was named to the United States Arbitration & Mediation of Iowa’s tort and commercial panel of mediators.

1955

JAMES LANGDON of Omaha, Nebraska, retired from the practice of law.

1956

THE HONORABLE ELMER M. GUNDERSON is a senior justice on the Nevada Supreme Court. He is also a professor of law at Southwestern Law School in Los Angeles where he teaches Civil Procedure and Administrative Law.

1957

NORMAN F. BRADSHAW, LISA C. LEWIS, ’77, CAROLYN A. ROTHERY, ’78, ROBERT E. ZIELINSKI, ’82, and DOROTHY M. TUBACH, ’84 opened a law office in Omaha, Nebraska.

JOHN MILLER of Blair, Nebraska, is with the Omaha Development Corporation.

1959

JOSEPH McNAMARA, JR., president of Security Land Title Company of Omaha, was elected president of the Land Title Association of Nebraska.

1960

FLOYD VIRANT is associated with Draugulis & Ashton in Plymouth, Michigan.

1962

JOHN L. BAKER, of Bethesda, Maryland, retired as president of the National Airport Owners and Pilots
Association, but will continue to be on the board.

1964
VINCENT J. HORN, JR., is working for the Department of Justice, Environmental Enforcement Section, in Denver, Colorado.

1967
MATT RERES of Fairfax, Virginia, was promoted to the rank of Colonel in the Army Reserves. He commands a legal detachment supporting the National Guard Bureau at the Pentagon.

1968
FRANK C. HEINISCH of Geneva, Nebraska, was appointed by the Nebraska Supreme Court to the Disciplinary Review Board.

HOWARD P. OLSON, JR., of Scottsbluff, Nebraska, was elected a Fellow in the Nebraska State Bar Foundation.

RONALD K. PARSONAGE joined the Omaha law firm of Dixon & Dixon.

RONALD L. STASKIEWICZ of Omaha, Nebraska, opened a restaurant called Staskiewicz's of Omaha.

1969
JAMES M. BAUSCH is a Fellow of the American College of Trial Lawyers. Mr. Bausch is a partner in the Lincoln, Nebraska firm of Cline, Williams, Wright, Johnson & Oldfather and is chair of the committee planning Nebraska’s first Bench/Bar Conference.

THOMAS M. KENNEY of Omaha, Nebraska, the Douglas County Public Defender, received the Harry Truman Award for his outstanding public service.

1970
JOHN J. GEORGE was named President of the Santa Clara County Trial Lawyers Association in San Jose, California. He specializes in plaintiff’s personal injury cases and also serves as a Superior Court Judge Pro Tem.

1971
DENZEL R. BUSICK of Grand Island, Nebraska, was elected to a six-year term on the Nebraska State Bar Association Executive Council.

RICHARD P. MCGUIRE of Milwaukee, Wisconsin, is in solo practice.

THE HONORABLE WILLIAM B. ZASTERA of Nebraska City, Nebraska, was appointed Second Judicial District County Judge in Nebraska.

1972
DAVID L. HEFFLINGER of Omaha, Nebraska, was elected a Fellow in the Nebraska State Bar Foundation.

RICHARD L. KARR of Webster City, Iowa, is a member of the Iowa State Bar Association Board of Governors.

JUDGE TIMOTHY C. PACE of Wexford, Pennsylvania, was appointed administrative law judge in the Health and Human Services Department for the Social Security Administration in Pittsburgh, Pennsylvania.

KENNETH E. TYLER of Omaha, Nebraska, is chief deputy county attorney for the Pottawattamie County Attorney’s office in Iowa.

JAMES D. VIEREGG of Phoenix, Arizona, was included in the 1991-92 edition of The Best Lawyers in America.

1973
MAJOR THOMAS J. DUGDALE, JR., received the Omaha Bar Association Public Service Award at the Law Day Lunch. He received the award for his generous donation of time, talent, and energy in providing assistance and support to Nebraska reservists activated during Operation Desert Shield, and their families.

CHARLES O. FORREST of Omaha, Nebraska, is a partner with Polack, Woolley & Forrest.

1974
STEPHEN COLLINS, a public defender for Maricopa County in Phoenix, Arizona, argued the Arizona v. Fulminante case before the United States Supreme Court. The much-publicized Court decision ordered in new trial for Collins’ client.

TIM ELLSWORTH of Omaha, Nebraska, is in private practice.

JAMES S. JANSEN was elected Douglas County Attorney in Omaha.

PAUL V. MCCARTEN of Alexandria, Minnesota, is practicing law with the firm of Tillitt, McCarten, Johnson & Drummond Ltd., specializing in personal injury. He is also on the Minnesota Trial Lawyers Association Board.

PATRICK R. MCDERMOTT of Grant, Nebraska, was appointed Hayes County Attorney.

MICHAEL A. NELSEN is chairman-elect of the Nebraska Urban League in Omaha, Nebraska.

1975
HUGH L. KENNY of Cheyenne, Wyoming, is with the Attorney General’s Office Tort Litigation Department for the state of Wyoming.
ROBERT C. MCGOWAN, JR., of Omaha, Nebraska, has joined THOMAS F. HOARTY, JR. ’73 in the practice of law forming the law firm of McGowan & Hoarty.

GREG A. PETERMAN of South Lake Tahoe, California, is vice-president of human resources for Heavenly Valley, a ski resort in South Lake Tahoe.

DANIEL S. REYNOLDS served as Interim Dean at Northern Illinois Law School.

1976

RICHARD L. ANDERSON is a shareholder in the Omaha firm of Croker, Huck, Kasher, Lanphier, DeWitt & Anderson, P.C.

THOMAS C. PROHASKA of Omaha, Nebraska, is a personal trust officer with Norwest Bank.

FRANCIS M. SMITH of Westfield, New Jersey, has opened the law office of Hoyt & Smith in Morristown, New Jersey, where he specializes in personal injury litigation.

1977

BRIAN L. CAMPBELL was named a partner in the firm of Bradshaw, Fowler, Proctor & Fairgrave in Des Moines, Iowa.

RICHARD A. CARSTENS of Elkhorn, Nebraska, joined the CPA firm of Frankel, Zacharia, Nissen & Stamp in Omaha as tax manager.

WALTER GRIFFITHS is the partner heading the corporate group at the Omaha firm, Kutak, Rock & Campbell.

MARY C. GRYVA of Omaha, Nebraska, formed the partnership of Frante & Gryva.

DONALD W. KLEINE of Omaha, Nebraska, was appointed Chief Deputy County Attorney for Douglas County.

LISA C. LEWIS opened a law office in Omaha, Nebraska with NORMAN F. BRADSHAW, ’57, CAROLYN A. ROTHERY, ’78, ROBERT E. ZIELINSKI, ’82, and DOROTHY M. TUBACH, ’84.

THOMAS M. POLT of Rochester, Minnesota, was promoted to president and chief operating officer for Access Plus, Inc., a regional long distance carrier in Rochester.

RAE ANN SCHMITZ is the managing attorney of the Scottsbluff Office of Western Nebraska Legal Services.

MARY SOKOLOVSKY of Sioux City, Iowa, was appointed Assistant Public Defender for Woodbury County in Sioux City.

MARY CANNON VED of Hinsdale, Illinois, joined the Chicago office of Sedgwick, Detert, Moran & Arnold.

1978

ANN M. CAPARROS is vice-president, secretary, and general counsel for John Deere Insurance in Moline, Illinois.

DEAN FORNEY of Alliance, Nebraska, was elected Activities Chair for the Box Butte County Bar Association.

LAWRENCE D. GENDLER of Papillion, Nebraska, was recognized by the Omaha Jaycees as among Ten Outstanding Young Omahans.

THOMAS J. JENKINS of Omaha, Nebraska, was promoted to associate general counsel with Mutual of Omaha.

CHRISTOPHER LEE has a private practice in San Francisco, California. He practices in debtor-creditor relations, bankruptcy, and insolvency matters.

JUDITH OWENS of Benkelman, Nebraska, was appointed as the attorney representative of the Nebraska Certificate of Need Review Committee.

CAROLYN A. ROTHERY opened a law office in Omaha, Nebraska with NORMAN F. BRADSHAW, ’57. LISA C. LEWIS ’77, ROBERT E. ZIELINSKI, ’82, and DOROTHY M. TUBACH, ’84.

1979

DAYLE D. DEARDURFF was honored for her outstanding efforts with ProKids in Cincinnati, Ohio. In nine years her efforts reduced by half the number of neglected and dependent children in the Hamilton County child welfare system.

DENNIS HENDRICKSON is working in the United States Attorney’s Office in Sioux City, Iowa.

MICHAEL KROCHMALNY was promoted to Director of Grants & Contracts Administration for the Connecticut Department of Motor Vehicles.
STEPHEN W. H. A. LEE of Aiea, Hawaii, has formed the partnership of Ching & Lee.

RITA L. MELGARES of Omaha, Nebraska, delivered a keynote address at the seventh annual Women of Color Conference.

KATHRYN BOE MORGAN, former Assistant Dean of the Creighton University Law School, was named director of policy for the Agency for International Development in Washington, D.C.

DEAN PAWLOWIC is an Associate Professor, School of Law, Texas Tech University, Lubbock, Texas and of counsel, Kutak, Rock & Campbell, Omaha, Nebraska.

ROBERT L. SCHELL of Carrollton, Texas, accepted a position with FAMCO Services, Inc., in Dallas in the litigation department.

1980

JAMES D. BENAK joined the Chicago office of Jenner & Block as a partner in transportation law.

ROY W. BERWICK of Covington, Kentucky, was promoted to Major in the United States Army and is a Professor of Military Science at Northern Kentucky University.

THOMAS FERGUSON of Waterloo, Iowa, is the County Attorney for Black Hawk County.

RICHARD J. HAUTZINGER of Omaha, Nebraska, was promoted to General Attorney with Union Pacific.

DENISE HILL of Omaha, Nebraska, is chair of the Women and the Law Section of the Nebraska State Bar Association.

GAYLA (LEE) FLETCHER of Omaha, Nebraska, introduced Justice Harry Blackman at the Eighth Circuit Judicial Conference in Colorado Springs.

MARY JEWELL, a trust officer at FirstTier Bank in Omaha, received the Cathedral High School Hugh A. Wichert Business Excellence Award, presented to a member of the business community who "exemplifies business excellence through a commitment in her faith, personal, and professional lives."

RONALD G. KEISER of Omaha, Nebraska, is doing contract work for Blue Cross & Blue Shield.

DENNIS P. LEE of Omaha, Nebraska, is a partner in the law firm of Silverman, Lee & Crounse.

PHILIP JAY MCCARTHY of Flagstaff, Arizona, is practicing law with the firm of Huffman, Horstman, McCullough & Mongini.

MICHAEL F. SCAHILL is associated with the firm of Cassem, Tierney, Adams, Gotch & Douglas in Omaha, Nebraska.

JEANNE M. SULLIVAN of Maplewood, New Jersey, is the Director for Venture Capital Group Olivetti in New York City.

1981

JOHN W. AMICK of Lincoln, Nebraska, was appointed District Office Manager for United States Congressman Doug Bereuter in Lincoln.

DIANE CANIGLIA CORTESE of Urbandale, Iowa, was promoted to counsel and is an officer of the Central Life Assurance Company in Des Moines, Iowa.

MARY ANN LUBY of Omaha, Nebraska, accepted a position with the Union Pacific legal department.

MICHAEL McDONOUGH is a partner in the law firm of Moyer & Bergman in Cedar Rapids, Iowa.

CARMEN K. MAURER, of Lincoln, Nebraska, was named an assistant general counsel for the University of Nebraska.

DANIEL H. MAY of Colorado Springs, Colorado, is the Chief Deputy District Attorney for El Paso County.

DAVID E. SLATTERY owns and operates the David E. Slattery Co., a real estate development, consulting, and management firm in Omaha.

EDWARD W. BJORNSTAD of Irwin, Iowa, is an associate with the Peterson Law Firm in Council Bluffs, Iowa.

KENT E. FLOROM was appointed by Governor Nelson to the 13th Judicial District bench in North Platte, Nebraska.

ROBERT M. GONDERINGER is a shareholder in the Omaha firm of Croker, Huck, Kasher, Lanphier, DeWitt & Anderson, PC.

DANIEL HARRIS, JR., was named to general counsel, litigation at Mutual of Omaha and is chair of the Urban League of Nebraska Board of Directors.

MARY KLIPFEL KUBICHEK is directing the Paralegal Program at Casper College in Casper, Wyoming. She also teaches for the Women's Studies Division.

DOUGLAS S. OLDAKER was promoted to vice-president of the Trust Division at FirstTier Financial, Inc., in Omaha, Nebraska.

JAMES SIVERTS of St. Louis, Missouri, started an executive recruiting firm in St. Louis.

ROBERT E. ZIELINSKI opened a law office in Omaha, Nebraska with NORMAN F. BRADSHAW, '57, LISA C. LEWIS '77, CAROLYN A. ROTHERY, '78 and DOROTHY M. TUBACH, '84.

1983

FREDRICK H. BATES, of Chicago, Illinois, is a partner in the law firm of Bell, Boyd & Lloyd.
DAVID A. BLAGG is a partner in the Omaha firm of Cassem, Tierney, Adams, Gotch & Douglas.

MARK D. FREDERIKSEN is a partner of the firm Zarley, McKee, Thomte, Voorhees & Sease in Omaha, Nebraska.

WILLIAM F. MCCROY, JR., of Kansas City, Missouri, is an associate with the law firm of Levy & Craig.

MICHAEL A. O'QUINN of McDonough, Georgia, is a partner with Barnhart, O'Quinn & Williams in Atlanta, Georgia.

JEFFERY T. PEETZ of Columbus, Nebraska, is a shareholder in the law firm of Tessendorf, Milbourn, Fehringer, Stilmock & Peetz, P.C.

VIRGINIA (LAMP) THOMAS of Washington, D.C., was promoted to Deputy Assistant Secretary for Congressional and Intergovernmental Affairs at the Department of Labor.

STEPHEN B. SHAPIRO of Littleton, Colorado, joined the Denver office of McKenna & Cuneo as a senior litigation associate.

CHARLES R. WALKER of Omaha, Nebraska, was named executive vice-president of First National Bank of Omaha, and will also serve as the chairman of the audit and new products committees and head of the management training program.

JERRY F. COFFEY is employed as Regional Counsel for Aquila Energy Corporation in Omaha, Nebraska.

SUSAN M. CONROY of Council Bluffs, Iowa, is an associate attorney with the Kraschel Law Firm.

DONALD G. FURLOW of Omaha, Nebraska, has become full partner in the firm Schmid, Mooney & Frederick.

CHRISTOPHER KORST of Wichita, Kansas, was promoted to Director of Legislative Affairs for Rent-A-Center, Inc.

CYNTHIA SLEDER LAMBERT of Omaha, Nebraska, joined Omaha Property & Casualty where she handles environmental claims.

DENISE THOMTE MAZOUR of Omaha, Nebraska, is an associate at Zarley, McKee, Thomte, Voorhees and Fease.

RICHARD F. NELSON of Chicago, Illinois, is a partner in the Chicago-based law firm of Rooks, Pitts and Poust.

DOROTHY M. TUBACH opened a law office in Omaha, Nebraska with NORMAN E. BRADSHAW, '57, LISA C. LEWIS '77, CAROLYN A. ROTHERY, '78 and ROBERT E. ZIELINSKI, '82.

IREL R. CARMEAN is of counsel to the firm of Frost and Meyers in Omaha, Nebraska.

MARK CRIMMINS is a partner with the firm of Bennett, Wilke & Crimmings in Fort Dodge, Iowa.

LOIS J. FISHER GREGORY of Takoma Park, Maryland, joined the Commodity Futures Trading Commission in Washington, D.C., as attorney-adviser.

ROBERT J. GREGORY of Takoma Park, Maryland, left private practice to join the Equal Employment Opportunity Commission in Washington, D.C., as an appellant litigator.

DEBORAH J. MCKEONE was appointed chief counsel, Department of Housing and Urban Development in the Omaha office.

TRACY C. NEIGHBORS of Redmond, Washington, was promoted to international tax manager for Microsoft Corporation in Redmond.

STEVEN T. NOLAN has his own practice in Colorado Springs, Colorado.

JACOB J. PETERS of Council Bluffs, Iowa, was awarded the Boss of the Year award by members of the Pottawattamie County Association of Legal Secretaries.

MICHAEL E. PIEPER of Wayne, Nebraska, is a partner with Olds & Ensz.

SCOTT D. THAYER of Pittsburgh, Pennsylvania, accepted a position with the H.J. Heinz Company in Pittsburgh, where he specializes in food law and trade regulations.

FREDERICK W. WEIDINGER is working for Peter Kiewit Sons, Inc., in Omaha, Nebraska.

1986

PAMELA BLOCH is an associate with Stehlik & VanSant in Omaha, Nebraska.

TIMOTHY M. BYRNE joined the staff of the Gay and Lesbian Community Action Council in Minneapolis in the position of Legal Advocate.

JAMES E. CRAWFORD, IV, was promoted to Controller and Financial Analyst for Sitel Corporation in Omaha, Nebraska.

MARY JANE EGR of Arlington, Virginia, accepted a position as attorney with the Federation of Tax Administrators in Washington, D.C.

KELLY WING GREGORY of Omaha, Nebraska, was promoted to manager of
WILLIAM M. O'LEARY of Butte, Montana, is associated with the law firm of Corette, Pohlman, Allen, Black & Carlson.

BRIAN P. SAPONE of Omaha, Nebraska, started the partnership of Sapone & Smith.

MARK A. WEBER of Omaha, Nebraska, joined the firm of Wallentine, O'Toole, McQuillan & Gordon.

PAMELA A. CAR of Omaha, Nebraska, an associate of the law firm of McGowan & Hoarty, was cited by the Omaha Jaycees as among Ten Outstanding Young Omahans.

DARREN R. CARLSON of Omaha, Nebraska, joined Wallentine, O'Toole, McQuillan & Gordon.

MARK CHARLESON of Chadron, Nebraska, is the Dawes County Attorney.

RAY DANIEL of Omaha, Nebraska, joined the Douglas County Attorney's Office in the juvenile section.

STEVEN M. DELANEY of Bellevue, Nebraska, joined the firm of Hascall, Jungers & Garvey and is the Deputy Public Defender for Sarpy County.

GEOFF HALL joined the firm of Kelley & Lehan in Omaha, Nebraska.

ROBERT Q. KELLY, JR. is with Empire Fire & Marine Insurance Company in Omaha, Nebraska.

ELIZABETH KINNEY KUMPF of Columbus, Nebraska, joined the law firm of Grant, Rogers, Maul & Grant.

JEFFREY M. SNYDER, is a member of the firm Brownstein, Zeidman & Schomer in Washington, D.C.

SEAN PATRICK SUITER joined the patent law firm of Henderson & Sturm as resident attorney in its Omaha, Nebraska office.

CAPTAIN TODD TILLMAN of Fremont, Nebraska, was promoted to his current rank in the U.S. Marines, and serves as a legal advisor.

1989

ANN M. BORER of Omaha, Nebraska, is the Douglas County District Court Judicial Clerk.

JAY ELLIOTT is an associate with Kay & Kay in North Platte, Nebraska.

PETER J. GAROFALO of Omaha, Nebraska, joined the law firm of Batt & Associates as an associate.

TIMOTHY G. GOEN of Dyersville, Iowa, became a partner in the firm of Jenk & Goen.

LT. JOHN F. HAVRANEK of Fremont, Nebraska, graduated from the Basic School at Marine Corps Combat Development Command in Quantico, Virginia, and was assigned to the Fleet Marine Force.

PETER LANGDON of Omaha, Nebraska, was named vice-president and assistant manager of the trust department of American National Bank.

MARK OSTROWSKI is an Assistant Illinois State's Attorney in the Criminal Division in Chicago.

MARY KATHLEEN MONEN PIEPER of Fremont, Nebraska, is the assistant public defender in the Douglas County Public Defender's Office in Omaha.

AMY RAMIREZ PLANK of Clayton, Missouri, is a law clerk to Federal Magistrate Frederick Buckles of the United States District Court for the Eastern District of Missouri in St. Louis.

HOUSTON POLSON of Omaha, Nebraska, is in solo practice and is of counsel with Klinker & Pivovar.
EVAN S. POWELL of Cortez, Colorado, is clerking with the district court of El Paso County of Colorado.

KATE SHUGRUE-SCHAFFNER of Omaha, Nebraska, was elected to the Executive Committee of the Women and the Law Section of the Nebraska State Bar Association.

TODD M. STARR joined the firm of Frost and Meyers in Omaha, Nebraska.

BETTY WADEWITZ, Deputy Lincoln County Attorney in North Platte, Nebraska, has taken on a second job — special assistant United States attorney.

LESLIE J. WALZAK of Omaha, Nebraska, is a contract administrator for Aquila Energy Corporation.

BRUCE H. WHITE of Colleyville, Texas, joined the Omaha-based law firm of Dixon & Dixon in the Dallas office.

1990

ROBERT B. ANDERSON of St. Cloud, Minnesota, joined the law firm of Curott and Jesse at its offices in Milaca and St. Cloud.

FRANCES BERTSCH of Council Bluffs, Iowa, opened a private practice.

RUTH W. BEYERHELM is an associate in the Omaha, Nebraska, firm of Erickson & Sederstrom.

BRADLEY BUTLER of Wilmington, North Carolina, is associated with Bearfoot and Kaufman, specializing in lender liability.

LISA HARTNETT of Omaha, Nebraska, is District Counsel for the Internal Revenue Service.

CARMEN GONZALEZ HICKS of Hemingford, Nebraska, was named part-time public defender for Box Butte County.

TIMOTHY E. HOEFT of Holdridge, Nebraska, was appointed deputy county attorney for Phelps County.

CHRISTOPHER LAMBERT of Seekonk, Massachusetts, is working for Hodosh, Spinella and Angelone in Providence, Rhode Island.

M. PATRICIA MCCORMACK of Elkhorn, Nebraska, is an associate of the law firm of O'Connor & Associates in Omaha.

JOHN SULLIVAN of Pasadena, California, joined his brother to practice law.

MICHAEL J. WEAVER, JR., of Omaha, Nebraska, is a corporate attorney for McGrath, North, Mullin & Kratz.

MICHAEL L. ZEVITZ of Overland Park, Kansas, joined the law firm of Levy and Craig as an associate.

The Law School extends its deepest condolences to the families and friends of the following alumni:

CHARLES B. BECKENHAUER, 37
PROFESSOR WILLIAM DONAKER
JAMES G. FRAME, 39
JARVE L. GARRETT, 76
MAX W. GOETZ, 50
FREDERICK J. HOUGH, 39
ROBERT J. (BOB) KIRLIN, 30
MINO ST. LUCAS, 48
MELVIN E. MURPHY, 48
STANLEY J. OLIVERIUS, 42
VINCENT REYCRAFT, 29
JOHN P. RINN, 30
RICHARD E. ROBINSON, 27
DESMUS H. SCHWERTLEY, 31
LARRY R. TAYLOR, 69
S o, Eddie Shafton, tell us: What are you doing on a bar room floor? Or, to be more precise, why has the Omaha Press Club decided to salute you by placing a caricature of your smiling visage in the place of honor, on the floor of the Press Club foyer? Shafton, who now serves “Of Counsel” with the Omaha law firm of Cassem, Tierney, Adams, Gotch & Douglas, smiles at the question.

“Well, when they called, I wanted to turn them down. After all, they reserve this honor for famous citizens of Omaha and Nebraska, like governors and mayors and football coaches. I’m just a member of the family, so I don’t think they should have picked me.”

That is classic “Shafton-ese.” Edward Shafton, Creighton Law ’30, the first and only attorney the Press Club has ever employed, answers questions about himself in his well-known style, a combination of wit, modesty, affection, and intelligence. Shafton uses the term “family” often, and even the briefest conversation with him reveals many different families which have played important parts in his life. He fondly describes his parents and siblings, Creighton University, Omaha charities, his loving wife Esther and son Ben, and his friends in the Omaha Bar, all with similar terms, terms which evoke feelings of family and loyalty and caring. These are the Shafton trademarks.

Shafton was born in Omaha to immigrant parents. His father, who owned a small store, played a major role in his life. It was from his father that young Eddie learned about hard work and thrift and the value of friendships. Eddie graduated from Central High, working part-time jobs all through school. He announced to his father, who could not read or write English, that he had his mind set on college, specifically, the University of Illinois. Father Shafton said okay, but Eddie quickly realized that Illinois was a great distance from treasured family, then composed of his parents, his two sisters, and his three brothers.

So, he walked from 38th and Davenport to Creighton, made an appointment with Father Flynn, and enrolled. He studied business and accounting during his first two years. “By the way, Dean Raful,” Shafton says as we talk, “I would strongly recommend that you require those young folks in your law school to all take accounting before they graduate, so they can pick up a balance sheet for one of their clients and understand what the column of numbers means.” Shafton continues to care about Creighton and the legal education it provides.

After his two year baccalaureate education, Eddie started law school. True to the legend, he heard a Jesuit say, on that first day, “Take a good look at the man on either side of you because at the end of your first year, one of you won’t be here.” There were sixty-nine students on that first day (twenty-nine graduated in the spring of 1930), and Shafton recalls that those words “scared the hell out of everybody.” They were all young men, dressed in coats and ties, and it was understood that there were certain standards about decorum, dress, and respect for teachers.

Shafton has vivid recollections about his teachers, Dean TePoel had everyone’s respect. He was a no-nonsense, stern administrator and an excellent Constitutional Law teacher, and he cared for the students. But woe to the man who saw that dreaded note on the board “See the Dean immediately.” Shafton saw that note once and it “scared the socks off me.” But
when Eddie visited the Dean’s Office, Dean TePoel offered him a career suggestion, and even though he didn’t accept the Dean’s advice, it was another example to Shafton of the caring for students which was simmering under TePoel’s stern exterior.

Professor Sternberg (profiled elsewhere in this issue) was a “demanding” teacher, a man “you never forgot.” He taught the toughest courses; “you couldn’t sit and look out the window and get through those courses.” Everybody knew and liked Professor Gillespie. If you had a problem, you went to talk to Gillespie. “He sort of ran the school,” Shafton recalls.

Shafton believes the biggest difference between the school then and now is that students were all young, mostly in their late teens and early twenties, and the Law School had more of the feel of a college than a graduate school. There was a camaraderie, a fraternity feeling; the students loved to pull pranks and they enjoyed each other’s company. Even with the beginning of the Depression in Shafton’s last year of school, students were not as concerned about jobs as today’s students are. Everyone assumed he could go downtown, find an office, hire a secretary, hang out a shingle, and make a living. Omaha in 1930 was still a thriving, exciting city, and the Wall Street news seemed far away.

Eddie Shafton’s first legal job was with Ben S. Baker, who had previously served on the federal bench in New Mexico. Eddie was a green 21-year-old; Judge Baker was a robust, cigar-smoking, 80-year-old. On Eddie’s first day of work, the office secretary instructed him to take a petition to the courthouse and file it. Eddie didn’t know how to file a petition, but he found his way. “Say, Dean,” Shafton says, “you ought not to let those folks graduate from our law school without knowing how to find the door to the Clerk’s Office.” Shafton believes in learning from mistakes.

Shafton also believes in learning from the wisdom of others. When he lost his first case, a $10,000 attorney fee matter, Shafton returned to the office “screaming like a coyote,” letting anyone within earshot know that Shafton thought the decision was unfair and that the judge was wrong. Judge Baker pulled Eddie into his office, closed the door, and said simply, “Do not crow when you win and don’t cry when you lose.” From that day forward, Shafton made it a point to guard his feelings at the conclusions of his cases. Shafton stayed with Baker for eleven years, until World War II intervened.

Following four years with military intelligence, including a tour in Europe, Eddie returned to Omaha and opened an office at 736 First National Bank Building. One day, walking down the street, he spotted Esther Morgan on a streetcar. He recognized her because he graduated with Esther’s older brother, Ben, in 1930. After a whirlwind courtship, Eddie married Esther. Their son Ben was born a year later. Ben, a Yale College and Boalt Hall graduate, now practices law in Vancouver, Washington. Eddie’s beloved Esther passed away in 1985.

Shafton’s life after the war was filled with two pursuits: the practice of law and devotion to public service. His clients were varied and came from all social and economic strata. They included the lowly and poor and the high and mighty, small business owners, Omaha “boss” Tom Dennison, and A.V. Sorensen, the mayor. Eddie’s greatest satisfactions during his sixty-one years of law practice were starting small businesses and seeing people succeed in their dreams. From pancake houses to pet stores to Chinese restaurants, Shafton has had a hand in assisting hundreds of Omahans earn their piece of the American dream. Do you have any regrets, Eddie? “Not a one,” Shafton quickly replies.

Shafton is best known in Omaha for being the shadow who gets things done, the guy who helps people, but never gets recognition. He spent thirteen years as Secretary of the Board of Children’s Hospital. Time and again he turned down the offer to serve as president, saying, “Give that honor to someone famous who can help the children by raising funds and bringing attention to the hospital.”

With his friend Mayor Sorensen, Eddie helped start the Boys Club of Omaha, a group he served for twenty years. And then, in a tribute to the Mayor.
after his death, Shafton directed funds from the Sorensen Trust to pay off the mortgage of the Omaha Food Bank, giving it a huge financial boost and allowing it to get on its feet to serve the poor of Omaha without worrying about losing the warehouse.

Shafton eschewed placing his name on the stationary of these organizations, keeping out of the limelight but doing yeoman’s work in helping the poor and underprivileged who lived in eastern Nebraska. Shafton’s rule of thumb was: one organization at a time, and do the very best you can for that group.

Shafton didn’t limit his charity work to Omaha. Early in his legal career he handled some work for theater owners and movie distributors. They encouraged him to contact the Variety Club to see if he could organize a chapter (a “tent” in the circus-related nomenclature of Variety Clubs) in Omaha. The Variety Club started in Pittsburgh as a way to raise money to care for a small baby found abandoned in a movie theater, and it grew into a nationwide charitable and social club for those in the entertainment industry.

Shafton helped form the sixteenth national Variety Club chapter in Omaha, and later became the attorney (the International “Fixer”) for the umbrella organization, Variety Clubs International. He also established a companion corporation, The International Heart of Variety, Inc., as a vehicle to encourage tax-deductible gifts to further promote the goals of the organization. Variety Clubs, with 12,000 members worldwide, now stands as the largest children’s assistance organization in the world. Shafton’s forty years of service earned him election as a Life Member by the directors of Variety Club.

So, it was truly fitting and appropriate that the Omaha Press Club honored Eddie Shafton by choosing him for “The Face On The Barroom Floor.” When asked what his father would say if he were alive to see that honor, Eddie’s first reaction was that smile across his face. “If Papa ever found out I walked past a bar, let alone went into a tavern, he would bounce me off the kitchen wall.”

But then he paused to reflect on his life and his family, and he said that maybe his father would relent. “Oh, I guess after I explained the award, he would say, ‘Well, that’s pretty good.’”

Eddie, we agree.

by Dean Lawrence Raful
A PRIMER ON SUPERFUND

by Professor Eric Pearson

This article is an adaptation and update of a presentation given last year at a Creighton University School of Law Continuing Legal Education program entitled "Dealing with the Resolution Trust Corporation and Related Current Real Estate Issues."

By this late date, only the cloistered have not heard about "Superfund." People know that Superfund is a federal something or other having to do with hazardous waste cleanup. They know that there are lots of hazardous waste dumps around the country, little and big "Love Canals," and that Superfund is a cache of money collecting dust while the government moves at a perceived only-slightly-faster-than-geologic pace toward actually solving the problem.

But many people who know of Superfund are unclear about its particulars. If
THE ARRIVAL OF CERCLA

With RCRA in place, the federal government had accommodated the entire spectrum: it had moved to stop pollution of air, water, and land. So why CERCLA? Simply put, the government kept learning. It learned that scores of hazardous waste dumps already dotted the countryside. Some of these dumps were of recent vintage, but many were old and long-abandoned. These dumps, the U.S. Environmental Protection Agency (EPA) learned, were often filled with indescribable combinations of highly toxic waste chemicals, which would leach, mix, and mingle with the surrounding environment, creating health hazards as they went along.

The dumps presented new and intriguing regulatory problems for the EPA. First, it became clear that stopping land pollution, as RCRA was designed to do, would not remove the problem of existing hazardous waste dumps. RCRA, rather, would arrest future worsening of the problem, but could not tackle the problem of pre-RCRA dumping. And land pollution was here to stay. The air and water media might be able to clean themselves after the polluters stopped polluting, but the land would not. The land needed someone to do its cleaning for it. But who? The EPA could not find the persons who long ago polluted many of these sites; those dumpers were long gone. Something had to be done. And it shall be called "Superfund."

CERCLA was enacted in 1980, and was amended five years later. It addresses the problem of toxic land pollution in two ways. First, as its nickname instructs, CERCLA establishes a large fund of monies designated for hazardous waste clean-up. The fund originally received an allocation of $1.6 billion for use through 1985; in 1986, Congress allocated another $8.6 billion to it for use through 1991. (These are big numbers, but the fund no longer seems so "super" when compared with the savings and loan industry bailout operation).

The EPA can use this fund in appropriate cases, but it would rather not. It prefers instead to find persons, i.e. individuals, i.e. non-governmental entities, to do the clean-up at their expense, thus sparing the public coffers. CERCLA, in its second so-called "remedial" approach, gives the EPA this opportunity by assessing liability on persons. It is this statutorily created personal liability that distinguishes CERCLA from its predecessor pollution control statutes. CERCLA assesses liability not upon polluters, but upon persons who may have had absolutely no involvement in, as the statute terms it, "the release of a reportable quantity of a hazardous substance." In other words, it finds people who are not polluters liable for pollution. (In a real sense, therefore, CERCLA is not a pollution control statute at all; it is, rather, a pollution repair statute).

LIABILITY UNDER CERCLA

In General

Superfund imposes liability for hazardous waste clean-up upon four groups of persons ("persons" includes organizations and governmental entities):

(A) present owners and operators of a Superfund site;

(B) prior owners and operators of a Superfund site, who owned or operated the site when the pollution activity occurred;

(C) any persons who arranged for treatment, transport, or disposal of hazardous substances at the site (usually, so-called "generators" of hazardous waste); and

(D) any persons who accepted hazardous substances for transport or disposal at the site (usually, so-called "transporters" of hazardous waste).

CERCLA Section 107(a).

Liability categories (C) and (D), which cast liability on generators and transporters, strike many people as inappropriate, since generators and transporters have some traceable past involvement with the polluting materials themselves, and presumably made some profit from that involvement. Asking generators and transporters to clean up, therefore, is not so controversial. Categories (A) and (B), though, which cast liability on persons who own or operate the land, either currently or when the dumping occurred, have raised considerably more eyebrows.
In many instances, these persons are free of fault by any standard measure, yet may still be required to fork up immense hazardous waste "response costs." These persons are liable largely due to the Doctrine of Bad Luck, and in the unhappy case can be made to bear the entire expense, even when others share liability. As one EPA official has termed it, CERCLA liability is "strict, joint, several, and perpetual."

It is this prohibitive possibility, the out-of-the-blue potential imposition of a crippling legal responsibility to finance a soil excavation, treatment, and quarantining operation, that gives rise to the seminal question about Categories (A) and (B). Just who is an "owner" or "operator" anyway? One would think that Congress in its wisdom would have given some thought to these springboard questions. But one would be wrong. CERCLA describes "owner" essentially as "one who owns" and "operator" as "one who operates." Congress seems to have a limited vocabulary.

**Owners**

So, those of us worried about debilitating liability are left to speculate as to the meanings of these foundational terms. As any Property law student can tell you, the meanings of these terms are not self-evident. Consider the term "owner." Certainly, one who owns fee simple absolute title would qualify as an owner, but what of the life tenant, the trust beneficiary, the lessee of a term of years, the easement holder? Are these interest holders also owners? We really do not know; case law has not drawn these lines for us. We can safely speculate, of course, that the more "property" one holds in land, the greater the likelihood of finding CERCLA ownership. But we sure would like to know more.

What of a successor corporation? A successor corporation is one which takes over another corporation, typically by merger, and extinguishes the former in the process. As the new owner, does a successor corporation take on the CERCLA liabilities of the entity it extinguishes? Or does CERCLA liability cease when the originally liable entity ceases? Here, the courts have given us answers.

The United States Court of Appeals for the Third Circuit has held that successor corporations may be liable for the CERCLA liabilities of the entities they take over. *Smith Land & Improvement Corp. v. Celotex*, 851 F.2d 86 (3d Cir. 1988). That court reasoned that the common law which governs successor corporation liability should apply in this context, also. The court noted further that

CERCLA describes "owner" essentially as 'one who owns' and 'operator' as 'one who operates.' Congress seems to have a limited vocabulary. Liability should not be easily avoided by the gambit of arranging a merger or consolidation. Thus, the Third Circuit applied the common law which allows for liability of successor corporations generally if:

1. the purchasing corporation agrees expressly or impliedly to assume liability;
2. the transaction is equal to a de facto consolidation or merger;
3. the purchasing corporation is a continuation of the selling corporation; or
4. the transaction was fraudulently entered into.

The Sixth and Ninth Circuits have ruled similarly. See *Anspec Co. v. Johnson Controls, Inc.*, 922 F.2d 1240 (6th Cir. 1991); *Louisiana-Pacific Corp. v. Asarco*, 909 F.2d 1260 (9th Cir. 1990). At least four district courts (in Massachusetts, North Carolina, Kentucky, and Michigan) also have made similar rulings.

It is uncertain whether a corporation acting in a custodial capacity — acting as a receiver or conservator of the assets of an entity which itself does not go out of existence — assumes CERCLA liability.

What of a lender? Is a lender an owner because it has a mortgage or other security interest in contaminated land? With uncharacteristic attention to detail, CERCLA answers this question in the negative. CERCLA expressly states that a "person" who "holds indicia of ownership primarily to protect his security interest" shall not be considered to be an owner. But if a lender finds it necessary to foreclose on a mortgage and thereby takes title to the contaminated land, it then becomes an owner and assumes clean-up liability. For obvious reasons, lenders often elect not to foreclose, in effect to write off a bad debt, rather than assume CERCLA liability.

**Operators**

The courts have shed some light on the meaning of "operator" in CERCLA. One court said the term as used in CERCLA should be given its ordinary meaning, and should not be read in an unusual or highly technical way. Another court commented that one must participate in "direct management" of the site and have undertaken some "hands-on" activity to qualify as an operator. Another court stipulated that "active involvement" in day-to-day activities was necessary for operator status. Corporations can be operators, and their majority shareholders can be operators also. Of course, individuals can take on this legal status.

Still, as with "owner," the precise meaning of "operator" is not entirely clear. One obvious proof of these definitional ambiguities can be found in the recent brouhaha about lending institutions. We have seen that lenders can be owners for purposes of CERCLA. Lenders can be operators, too. If a lender undertakes the day-to-day operation of a site, it becomes an operator and becomes liable. Moreover, if a lender does less than that, and only "participates in the management of a [site]" the lender will be liable as an operator. CERCLA, Section 101(20)(A). The question becomes, how much participation is too much?

On that latter question, until recently...
the prevailing notion was that lenders can participate in financial management of a site, and not be liable under CERCLA, but had better stay away from any involvement with day-to-day management decisions. See United States v. Mirabile, 23 ERC 1511 (D.C. Pa. 1985). But that understanding is gone since May of 1990, when the first federal appeals court to consider lender liability under CERCLA ruled that liability attaches if a secured creditor’s “involvement with a management of [a] facility is sufficiently broad to support the inference that it could affect hazardous waste disposal decisions if it did so.” By this standard, a lender is liable even if it in no way participates in the day-to-day management of a facility or site, so long as it has the power to do so! The liability arises if the lender “participat[es] in the financial management of a facility to a degree indicating a capacity to influence the corporation’s treatment of hazardous waste.” See U.S. v. Fleet Factors Corp., 901 F.2d 1550 (11th Cir. 1990).

One more recent federal court decision has cast some doubt on this controversial reading. The Ninth Circuit, while taking care to distinguish Fleet Factors, said nonetheless that “participation in management” cannot have occurred when a lender has not exercised any managerial powers. In re Bergsoe Metal Corp., 910 F.2d 668 (9th Cir. 1990).

DEFENSES TO LIABILITY
If you find yourself liable under CERCLA, does that mean you automatically lose? The short answer is no. CERCLA provides several statutory defenses. One can avoid liability otherwise imposed by CERCLA by showing that the pollution-causing conduct was:

• an act of war (not much case law to tell us what this means);
• an act of God (your every-spring flood, occasional severe summer storm, or below-zero December is not an “act of God”);
• the act of a third party.

Avoiding liability by demonstrating that the pollution-causing activity was accomplished by a third party is difficult. Such a demonstration can remove liability, but note the following: (a) if the third party which caused the pollution is your agent or employee, you remain liable; (b) if the third party which caused the pollution is acting by virtue of a contract with you, you remain liable. And CERCLA finds a contractual relationship where none other has ventured. An arrangement by which an independent contractor comes on to your land and then causes the pollution obviously qualifies as a “contractual relationship” between that person and the landowner, thus stripping away the defense. If the third party has possession by virtue of a land contract, a “contractual relationship” exists so as to strip away the defense. If the third party has title or possession by virtue of a deed or other document (for example, a lease, trust document, and so on), a “contractual relationship” exists so as to strip away the defense.

When will a contractual relationship be deemed not to exist, so that the third party defense becomes available to the landowner? The answer is when one is an “innocent landowner.”

When is a landowner innocent? One time is when there is absolutely no relationship whatsoever between the landowner and the third party polluter. Another time is when a landowner took the land after all of the pollution-causing conduct took place, and at the time of acquisition, did not know nor should have known of any problem of this sort. (There are also two other ways to be an innocent landowner, of less interest to us. They are if the landowner is a governmental entity taking by escheat, eminent domain, or an involuntary transfer or acquisition of title interests; or if the landowner took by inheritance or bequest).

Note, however, that a landowner cannot blissfully buy property and be protected by his or her ignorance of past pollution-causing activity. Under CERCLA, the landowner “knows or should have known” of the pollution problem (so as not to be an innocent landowner) if he or she does not inquire enough or appropriately about the land prior to acquisition. And in deciding whether an owner did inquire enough or appropriately, courts will consider whether the owner is knowledgeable or experienced about these things (which each of you is now, having read this far, sorry); whether the purchase price was suspiciously low; whether the information was “reasonably ascertainable” or obvious; and whether the pollution problem could have been discovered by an inspection.

Regardless of the identity of the third party, though, if the liable person failed to exercise due care or failed to take precautions against foreseeable third party actions or omissions and the consequences that could foreseeably result from such acts or omissions, she or he is liable.

Lastly, and independent of the above information, if a landowner transfers contaminated property to another, and thereby would no longer be liable under the categories of CERCLA, still liability remains if the landowner (a) learned of the problem while in ownership or operation of the property, and (b) transferred the property without disclosing the problem to the purchaser. In such a case, no third party defenses are available.

CONCLUSION
All of us involved in any way in real estate need to know of CERCLA. The liabilities it imposes are potentially enormous. Even though a liable person can force others who are liable to join in and ante up, the most prudent fiscal course is to avoid liability entirely.
When I was invited to move to Washington, D.C., to become the Professor-in-Residence at the Equal Employment Opportunity Commission, the agency responsible for enforcing federal employment discrimination statutes, it would be fair to say that I was more than a little excited. Now that my one year appointment has ended, I am happy to report that it not only fulfilled my expectations, it also provided a few surprises. This past year has given me insights which I am anxious to share with our students and which will allow me to challenge many law students’ perceptions of public interest work.

A recent study reveals that by the time law students graduate, they generally perceive public interest jobs to be less desirable than when they began law school. In his book Making It and Breaking It: The Fate of Public Interest Commitment During Law School, author Robert Stover reports that as law students progress through law school, they lower their expectations that public interest work will be professionally satisfying, that it will involve innovative or challenging assignments, and that it will provide such benefits as "valuable knowledge, experience, and contacts."

Stover suggests that law students find public interest work increasingly less attractive for a number of reasons. For instance, law school institutional support for public interest practice may be marginal or nonexistent, a student culture constantly compares offers of employment and elevates job offers from private firms paying high salaries, conversations during clerkships with private law firms may perpetuate "myths" about overworked and understaffed public interest jobs, and law professors who do not want to "indoctrinate" students may, by their silence, communicate implicit approval of only traditional jobs with private law firms. This past year has prepared me to present a much clearer and more accurate picture of the Equal Employment Opportunity Commission and, hopefully, to encourage those students inclined to become civil rights attorneys (or other public interest attorneys) not to abandon that direction.

Contrary to students’ general perceptions, civil rights work at the Appellate Division of the Equal Employment Opportunity Commission challenges attorneys to be creative and innovative. The Division is staffed by knowledgeable attorneys who are personally committed to the antidiscrimination goals of the agency. Their commitment makes the Equal Employment Opportunity Commission an interesting and rewarding place to work.

The Equal Employment Opportunity Commission enforces Title VII of the Civil Rights Act of 1964 (prohibiting discrimination on the basis of race, religion, color, sex, and national origin), the Equal Pay Act, the Age Discrimination in Employment Act, and the federal employment sections of the Rehabilitation Act of 1973. The Appellate Division is part of the Office of General Counsel, which is responsible for Commission litigation. This Division defends and prosecutes appeals when the Commission is a party, seeks intervention on behalf of the Commission at the appellate level, and can appear as amicus curiae. It also provides legal advice to other divisions of the Office of General Counsel. Staff attorneys are divided into three appellate teams and represent the Commission before all circuits of the United States Court of Appeals.

The appellate cases argued by the staff

A view from the advocate’s podium before the EEOC moot court bench.
attorneys often receive national media coverage and frequently have dramatic impact. These cases tend to evoke a strong emotional and political response and attract widespread attention. The litigants often seek further review before the United States Supreme Court, and Equal Employment Opportunity Commission appellate attorneys participate in these cases in conjunction with the Solicitor General of the United States.

Obviously, the Appellate Division is an exciting place to be. During the short time I was with the Equal Employment Opportunity Commission, the United States Supreme Court heard oral arguments and issued opinions resolving five major employment discrimination cases: United Automobile Workers of America v. Johnson Controls, Inc.; Gilmer v. Interstate/Johnson Lane Corp.; Boureslan v. Arabian American Oil Co., et al.; Astoria Federal Savings and Loan Association v. Solimino; and Gregory v. Ashcroft.

During the same period, the Commission began a concentrated effort to prepare for enforcement of the new Americans with Disabilities Act.

It was truly interesting to be in Washington and follow cases such as United Automobile Workers of America v. Johnson Controls, Inc. A primary ingredient in this defendant employer's battery manufacturing process was lead, which creates a risk of harm to any fetus carried by a female employee. After eight employees became pregnant at a time when their blood levels exceeded critical levels as established by the Occupational Health and Safety Administration, the employer declared a policy excluding all women, except those who had medical documentation of infertility, from jobs involving potential or actual lead exposure.

The Equal Employment Opportunity Commission, in cooperation with the Solicitor General of the United States, filed an amicus curiae brief challenging this policy. The Supreme Court ruled in favor of the employees and announced that this sex-specific fetal protection policy was a facially discriminatory classification based upon gender. The policy was not neutral because it did not apply to male employees in the same way that it applied to females, despite evidence concerning the debilitating effect of lead exposure on the male reproductive system.

The Supreme Court opinion includes language that has created sparks that reach beyond the sphere of employment discrimination. The Supreme Court stated, for instance, that "[d]ecisions about the welfare of future children must be left to the parents who conceive, bear, support and raise them rather than to the employers who hire those parents." As one can imagine, this language has been embraced by pro-choice advocates, and carefully dissected and dismissed by pro-life supporters.

Before I came to the Commission, one of the areas I had researched and written about was disability discrimination. I had published an article in the Memphis State Law Review discussing disability discrimina-

ation and the Rehabilitation Act, and had also published an article focusing on mental disabilities and employment protection in the Louisiana Law Review.

Given my interest in disability employment issues, I could not have spent a more appropriate year at the Commission.

I joined the Commission in August of 1990, less than one month after President Bush signed the Americans with Disabilities Act. This new legislation, which declares that it is intended "to assure equality of opportunity, full participation, independent living, and economic self-sufficiency" for individuals with mental or physical disabilities, requires the Commission to issue regulations not later than one year after enactment. The Office of Legal Counsel is responsible for these regulations and that Office, located one floor below the Office of General Counsel, has been extremely busy drafting the regulations and the accompanying appendix.

One of the most interesting assignments I received this year involved reviewing the draft regulations and appendix and making suggestions and comments on behalf of the Office of General Counsel. The "Findings and Purposes" section of the Americans with Disabilities Act indicates that 43 million Americans have one or more physical disabilities. The opportunity to participate in policymaking for such significant legislation was extremely valuable because it not only provided insights into the administrative regulatory process, it also forced me to think prospec-
tively and creatively about a wide range of situations where the legislation may apply. The Office of Legal Counsel was conscientious about responding to my suggestions and was willing to modify and revise certain language. For a law professor who ordinarily spends substantial time discussing theoretical models and abstract principles, it was a wonderful change of pace to actually see ideas take concrete form.

Among other duties, the Office of Legal Counsel also drafts policy statements for publication in the Equal Employment Opportunity Commission Compliance Manual. The proposed policy statements are circulated within the Commission for comment and I reviewed several of these proposals. For example, the Age Discrimination in Employment Act, unlike Title VII, does not contain a limited statutory exemption for religious institutions and organizations. Appellate cases have recently examined the degree to which the First Amendment restricts the application of the Age Discrimination in Employment Act to religious entities. Working on this proposed compliance section allowed me to directly examine both antidiscrimination statutory issues and constitutional questions.

No discussion of the Professor-in-Residence position at the Equal Employment Opportunity Commission would be complete without describing the moot court program. Prior to appearing before an appellate court, each Commission attorney is required to present his or her argument to a panel of five moot court judges. The three team supervisors and the Associate General Counsel (the head of the Appellate Division), each of whom has extensive appellate experience and an impressive understanding of substantive antidiscrimination issues, and the Professor-in-Residence sit as judges. It would be an understatement to describe these sessions as "highly challenging." Typically lasting for an hour, and occasionally one and one half hours, the exhaustive questioning makes the subsequent "official" argument before the United States Court of Appeals generally seem gentle by comparison.

The moot courts are attended by other appellate attorneys, and the advocates do feel pressure to perform effectively before their peers. The judges are very serious about their preparation, and each argument is followed by a lengthy comment and discussion session. The argument, as well as the critique and discussion, is videotaped and each attorney can review the session before he or she appears in the United States Court of Appeals.

This is a demanding exercise that pushes the attorneys to perform to the best of their abilities, and it provides an intense practice and training opportunity. The attorneys typically work on one appellate brief at a time and do have sufficient time to complete their research and prepare for oral argument. It is unlikely that an aspiring appellate attorney could have a better educational experience, and law students and attorneys interested in an appellate practice should consider the Office of General Counsel.

The year was not, of course, without a few surprises. This past Fall the specter of a major furlough appeared and loomed over federal government workers, and we anticipated having our work week (and our salaries) cut by 40%. Although it was interesting to witness the major planning effort undertaken to prepare for possible furloughs, this development had more than mere academic appeal. As it turned out, the furloughs did not occur and federal workers were spared until the next budget crisis.

Additionally, even though this was a year that primarily involved antidiscrimination issues, I also was exposed to a few labor law issues. This was a contract renewal year for the American Federation of Government Employees and I made an effort to become informed as to the negotiation process. The threat of decertification and a challenge by an outside union resulted in the dissolution of the negotiation team and a hastily signed collective bargaining agreement. I look forward to discussing the reasons why such developments occur and their implications, as well as the human emotions, in our labor law classes.

The appellate cases that I personally reviewed were complex and I enjoyed working through the practical issues and very real legal questions. I am grateful for the invitation to join the Appellate Division and for the flexibility that allowed me to work on appellate litigation issues, the new disability legislation, and which permitted me to move about within the Commission and become personally acquainted with Chairman Evan Kemp and Commissioner Joy Cherian. This year has provided me with an abundance of information and ideas for research projects and articles, and I look forward to sharing my experiences with our students. I also look forward to assuring them that civil rights work at the Equal Employment Opportunity Commission is both challenging and rewarding.
To the Board of Directors of Creighton University; Father President Michael G. Morrison, S. J.; and Dr. William F. Cunningham, Jr., Vice President for Academic Affairs:

It gives me great pleasure to present to you, on behalf of the Faculty and Administration of the Creighton University School of Law, the Annual Report of the Law School for the 1990-91 academic year.

This fall will mark the beginning of my fourth year at Creighton, and it seems appropriate to take a moment to thank the Board, the President, and the Academic Vice President, for the support they have given me and the Law School these past three years. Your concern and assistance have made possible the progress on which I am about to report, and they have also made my life more enjoyable. Creighton is truly a warm and caring family, and I thank you for that care.

I also want to bring to your attention the work of Dinah Raful. She clearly has an important role in the life of the School, from presiding as hostess of faculty and student gatherings at our home to serving as escort, dinner companion, troubleshooter, and a warm, loving, and visible member of the Law School family. Not all law school dean spouses are as enthusiastic as Dinah, although she certainly had a tough act to follow—Lois Shkolnick was also a wonderful and visible “wife of the Dean.” I want to bring Dinah’s contributions to your attention, and I also want to take this opportunity to thank her, on behalf of the school and me, for what she does for Creighton.

One other note of particular importance to the Board of Directors is the amount of time and effort the Law School Faculty donated to the “Creighton in the Year 2000” strategic planning process started on campus last fall. Thirteen of our twenty-six faculty and administrators served on Creighton 2000 committees, and three of our faculty chaired committees. It is a record I am proud of, a record probably unmatched by any other academic unit at Creighton.

ALUMNI SUPPORT

It is traditional to begin a Dean’s Report with news of faculty, students, or the Law Library, and to conclude with a short report of the preceding year’s gift campaign and a plea for more and increased gifts for the following year. However, the highlights of this past year at Creighton Law School have been made possible by the generosity of our alumni and friends, and so it is appropriate to begin this year’s report with information on alumni support.

Certainly the highlight of the year was the ceremony and attendant festivities which marked the inauguration of our first Endowed Chair in Law. A gift of $1,000,000 from A.A. and Ethel Yossem established an endowed chair in legal ethics, and Professor Joseph Allegretti was selected as the first A.A. and Ethel Yossem
Professor of Law. Highlights of the week-long celebration included a lecture by noted legal ethicist and former law school professor Judge John T. Noonan of the United States Court of Appeals for the Ninth Circuit. The next day, Professor Allegretti’s family, friends, University colleagues, and students attended the inaugural ceremonies and listened as he described his views on the importance of legal ethics and professional responsibility. The Creighton Law Review will publish both speeches; I urge you to read them, as they are brilliant and dynamic essays which further our understanding of ethical behavior.

I am proud to add that the entire faculty participated in the Yossem Week celebration. Every faculty member took time in his or her law school course to lecture on the ethical aspects and responsibility of professional responsibility to their specific areas of substantive law. While the call of many national commissions and organizations for “legal ethics to be spread throughout the curriculum” has fallen on deaf ears, Creighton Law School heeded the call and educated students about legal ethics in a myriad of courses. Yossem Week was a marvelous and unforgettable celebration in the history of Creighton Law School.

Another major celebration honoring a significant donation was in January, as we unveiled the Robert J. Kutak Computer Center. The Law School received a generous gift from friends and partners of the late Robert J. Kutak, as well as a significant gift from the

ROBERT J. KUTAK COMPUTER CENTER DONORS

The faculty and students of the Creighton University School of Law pay tribute to those friends of Robert Kutak who gave financial support to the Robert J. Kutak Computer Center. Thank you from all of us at Creighton Law School!

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Harold L. Rock at the Robert J. Kutak Computer Center dedication ceremony.

Robert J. Kutak Foundation, for the purpose of establishing a computer laboratory for law students in the Klotznick Law Library. The Kutak Center has ten personal computers and three dot-matrix printers, and is connected by a state-of-the-art LAN network to a laser printer and many different software applications. The Faculty of Law honored members of the Kutak, Rock and Campbell law firm, friends of Mr. Kutak, and the members of the Foundation Board of Directors who made this wonderful center possible. The reception was another example of the spirit of the Creighton family shining brightly.

This spring we received a gift from a Creighton graduate from small-town Nebraska. John G. Tomek, ’33, of David City (pop. - 2,500), has always been proud of his dual Czech and Irish heritage, his Creighton degree, the law firm started by his father and continued by he and his brother William, and the fact that his uncle, John Green, was the first graduate of the Creighton School of Law in 1906. Mr. Tomek learned of our efforts to renovate, reframe, and refinish the old class composite photos which had been in storage since the Law School moved in 1974, and he became interested in the project to re-establish the great tradition of honoring Creighton Law School graduates. His generous gift has enabled us to complete the project and to display photos of almost every class from 1906 to 1952, and he has pledged additional support to go forward with the project so that every class is represented in the “Tomek Alumni Gallery.” We hope you will stop by and see the exhibit on the first floor of the Ahmanson Law School building.

Many of our alumni and friends continue to support our efforts to enlarge our scholarship funds so that qualified students will not be forced to forgo the opportunity of a Creighton legal education. The extraordinary ac-
complishments of one group deserve special attention. Alumni members of the Omaha firm of McGrath, North, Mullin & Kratz started a scholarship fund in 1987 as a pledge to the Campaign for Creighton. This year they donated $75,000 to bring the scholarship endowment total to $714,000. This significant scholarship fund enables the Law School to recognize and assist law students at Creighton who might not have been able to attend law school had it not been for the generosity of members of the McGrath, North firm. I know I speak for the students when I tell those people, and all of our alumni and friends who donate scholarship funds, just how much your gifts mean to individual students at Creighton Law School.

One other note about alumni support deserves mention. A year ago the University embarked on an experiment which had the full and enthusiastic endorsement of the deans of the various schools and colleges at Creighton. The idea of clubs at each separate school to recognize alumni who contributed to the Annual Fund has become a reality and a success. The Law School enjoyed the largest Annual Fund drive in its history, thanks in large part to those alumni who joined the Law School Recognition Clubs at the various gift levels. The charter members of these Recognition Clubs are noted at another place in this magazine. We look forward to the continuing support of Law School alumni through Recognition Club membership which insures that your gift will assist the mission of the Law School.

**McGRATH NORTH SCHOLARSHIP DONORS**

The faculty and students at the Law School are deeply indebted to the donors listed below who have continued to support the McGrath North Scholarship through their generous donations. Thank you from all of us at Creighton Law School!

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Gary F. Wence

**NEW ADDITIONS TO THE LAW SCHOOL**

This fall we welcome Assistant Professor Raneta Lawson to the School of Law. Professor Lawson is the first African American member on the full-time Law Faculty. After a long and interesting search process, the students and faculty enthusiastically supported Raneta Lawson's candidacy for the available opening. Professor Lawson is a cum laude graduate of the University of Toledo College of Law where she earned honors as Outstanding Advocate in the Moot Court Competition and also won the Am Jur Prize for excellence in the study of Commercial Paper. Following law school she was an attorney with the prestigious Denver law firm of Davis, Graham & Stubbs. During that time she completed a law review article, published in the *Thurgood Marshall Law Review*, entitled "The Child Seated Next To Me: The Continuing Quest for Equal Educational Opportunity." Professor Lawson will teach Marriage and Divorce this fall, and Criminal Law and Legal Interviewing, Negotiation, and Counseling next spring.

We also welcome our new Assistant Dean for Career Services, Maureen O'Connor, '87. Dean O'Connor graduated cum laude from Creighton Law School, where she was a semi-finalist in the International Moot Court Tournament and also served as president of the International Moot Court Board. Since graduation she has clerked for the Honorable C. Arlen Beam of the United States Court of Appeals for the Eighth Circuit Court, and she most recently practiced with the Omaha law firm of Schmid, Mooney & Frederick. Dean O'Connor was a small group instructor for the first- and second-year Legal Writing courses at the Law School.

Also joining us is a new member of the Law Library.

Professor Raneta Lawson
professional staff, Arlis Lee Woodham. Ms. Woodham received her J.D. from Baylor where she was an honors student. Following graduation she served as an administrative law examiner for the Texas State Employment Commission. She recently completed her studies leading to a Masters Degree in Library and Information Science at the University of Texas at Austin. She assumes a new position in the Klutznick Law Library as Reference and Computer Services Librarian, handling traditional reference duties as well as overseeing the rapidly expanding computer technology in the Law Library, including Lexis, Westlaw, the Kutak Computer Center, and computer-assisted legal instruction programs.

And while he is not new to Creighton, it is great to welcome back Professor David Larson, who spent last year as Professor-in-Residence at the Equal Employment Opportunity Commission in Washington, D.C. Selection as Professor-in-Residence is a significant honor, and you can read in his article in this issue of The Creighton Lawyer why it is a position that so many professors seek to fill. Professor Larson has had a tremendous opportunity to experience the inner workings of one of the government’s most complex and important agencies, and we are excited by the material he brings back for use in his classes and in new scholarly research. Professor Larson continued his activities in other areas, too, as he served as reporter for the United States for the XIIIth World Congress on Labor Law and Social Security, and he also traveled to Eastern Europe as a member of an American Bar Association working group to help draft a new national constitution for Romania.

**FACULTY**

There is another new arrival at the Law School this fall, although the gestation period was longer than the traditional nine-months with which we are familiar. After a tremendous amount of work and effort, not to mention rewrites as the Supreme Court and the Congress tinkered with the Rules of Civil Procedure, Professor Larry Teply and Professor Ralph Whitten are pleased to announce the birth, or rather, the publication, of their textbook on Civil Procedure, published this summer by Fred B. Rothman & Co. The “textbook” is really four books: a text book, a case supplement, a book of student problems, and a teacher’s manual. The authors present Civil Procedure from a text and problems approach rather than from a traditional casebook method, and while the cases play a role in their suggested methodology, they believe that Civil Procedure is best taught by “exploring the issues raised in the subject through problems keyed to the textual discussion.”

Examination copies of the books have been sent to Civil Procedure professors across the country, and we wish Professors Teply and Whitten all the best as they await responses regarding adoption of their book at other law schools.

Professors Teply and Whitten have been involved in other activities as well. Professor Whitten was elected to serve as chair of the Law School Administration and Finance Committee, the three-person representative faculty committee which works with the Dean in vital matters affecting the Law School. He also served on two state-wide committees dealing with the local United States District Court on issues concerning court rules and civil procedure. Professor Teply, while he worked on the Civil Procedure material, also completed a book for West Publishing Company on legal negotiation, which will be published this fall. He continues to be active in the international client counseling competition program, sponsored by the American Bar Association, and, since we hired a legal writing professor, he has returned to teaching Trade Regulations in addition to his other courses.

Professor Joseph Allegretti, now the A.A. and Ethel Yossem Professor of Legal Ethics, had a very busy and multi-faceted year, due to his dual position as professor of law and assistant director of the Creighton Center for Health Policy and Ethics. He published a number of essays and articles on ethics, religion, health care, and bio-ethics (including articles on AIDS, reproductive technology, end-of-life decisions, and maternal-fetal conflicts), and a recent article in the Creighton Law Review on the problems which arise when the public thinks of lawyers as “hired guns.” He has participated in a number of conferences and continuing education programs in connection with the Center and his role as the Law School’s expert on legal ethics, and he continues to be active in University and community committees and services.
Professors Tepy and Whitten weren’t the only Law School faculty to announce a new arrival. Professor Terry Anderson and Melissa Gardner Anderson became proud parents of Alexander Gardner Anderson this spring, and the Law School family shared in their joy. Professor Anderson also signed a contract with West Publishing Company to edit two major criminal law books and to write a book on criminal justice for use in undergraduate programs. He has finished a law review article entitled “Post-Confirmation Defaults and Changes,” which is now under consideration at a number of law review offices.

It’s hard to describe the tremendous impact made on the Law School in less than one year by Associate Professor Kay Andrus, the Director of the Klutznick Law Library. You really have to stop by and see the changes with your own eyes. Professor Andrus, and the entire Library staff, have expanded computerized legal research services and library patron services; reformulated the staffing and responsibility descriptions for law library personnel; and organized the library collection. He was selected as a delegate to the Nebraska Pre-White House Conference on Library and Information Services, and he continues to edit an annual bibliography for the Journal of Air Law and Commerce.

We introduced you last year to Assistant Professor Angela Ballentine, who is our first Director of Legal Writing. She has made tremendous progress in less than one year in reshaping and improving our required first- and second-year writing courses, and this summer she is working with Professors Tepy and Whitten to merge the writing and procedure syllabi so that the two courses complement each other. In addition, this fall she is teaching an advanced legal writing seminar to third-year students. Professor Ballentine also assumed sponsorship of the Domestic Moot Court Program and has brought about major improvements in that extra-curricular activity.

Professor Ed Birmingham continued to edit the 23-volume Matthew Bender treatise on personal injury law. He has completed a revision of the chapter on architects and engineers, is currently working on a revision of the chapter on conflict of laws, and has accepted responsibility to produce the 1992 supplements to the entire treatise. In addition to his classes and the research on the personal injury treatise, he also served as faculty advisor to the Client Counseling and Negotiation teams and served on this year’s faculty recruitment committee.

Another new face who has become an important and valuable part of the faculty is Associate Professor Catherine Brooks. She has made dramatic and immediate impact in Nebraska in the area of the legal rights of children. Her first year here was a model for new teachers at Creighton or at any other law school, as she successfully combined teaching, scholarship, and service. Professor Brooks taught first-year Torts and upper-division courses in family law and the rights of children, and she published a law review article and two articles in social science journals on the problems of expert testimony in child abuse cases. She also participated in continuing legal education programs and has been invited to join a number of local and state-wide committees dealing with child abuse and protection of children’s rights. It’s a pleasure having Professor Brooks on the Creighton Law faculty.

Professor Marianne Culhane was elected by her peers this past year to the Law School Administration and Finance Committee, and she has just been voted as chair of that body for the coming year. This evidences the respect held for her by the faculty. Professor Culhane accepted our request to teach the new four-unit Business Associations class. She continued to serve as Chair of the Nebraska State Association Business and Insurance Section’s UCC Article 2A Subcommittee, which reviewed and proposed changes for the state adoption of Article 2A. She serves on two other NSBA committees and also is a member of the Supreme Court Nominating Commission, a position of great importance and esteem in Nebraska.

We reported to you last year that Professor Mike Fenner had finished the first supplement to the Nebraska Jury Instructions 2d. He has now finished the second supplement. Success sometimes is a heavy burden. The NJI 2d has been such an overwhelmingly valuable tool for Nebraska lawyers that his work in keeping the book current is just as important as was the original text. Professor Fenner has been on the faculty of a number of continuing legal education programs and he speaks at many city and state functions. Professor Fenner offered a new course this past year, a seminar in First Amendment issues in freedom of speech, and the course was very well-received by his students.

Professor Barbara Green chaired the Admissions Committee this year and, as you will see below, her leadership proved very successful. We experienced sig-
nificant increases in the quality and quantity of our applicant pool and entering class. She continued to teach an overload, as she again added a section of first-year Alternate Dispute Resolution to her regular course load. She was elected by her peers to join Professors Whitten and Cullhane on the Administration and Finance Committee, and she spends a great deal of her “leisure” time in community service, especially for a food pantry which serves the needy of Omaha.

Professor Pat Green taught an upper-division course in product liability. He approached the course in a most unusual and innovative manner, as he focused on the complex nature of litigation which is the usual arena for products liability cases. By emphasizing the development and elements of the case, as well as the theories of substantive law in this area, he gave his students a “two-fer,” both tort law and trial practice. Professor Green also published an article in the *Creighton Law Review* concerning the law of misrepresentation, and he continues to teach, and research new ways to teach, our first-year course in Jurisprudence.

Also teaching a new course this year was Professor Collin Mangrum, who combined his interests in American legal history and jurisprudence to form a new upper-division course entitled “History of American Legal Thought.” He also continued to teach the Advanced Trial Practice course and serve as faculty sponsor (and van driver) for the Creighton Trial Advocacy competition teams. Professor Mangrum’s record of scholarship continues to grow. He published a law review article on the constitutional problems of religious constraints as they affect parental visitation rights for divorced parents, a growing national controversy which has been the focus of a number of Nebraska Supreme Court decisions. By the way, he would be too modest to tell you, but he was also voted 1990 Nebraska Boy’s Soccer Coach of the Year.

Professor Kent Neumeister was gracious to step in and teach the Employment Discrimination course for one year while Professor Larson was on leave at the EEOC, and the total of his four upper-division course enrollments probably gave him more upper-division student hours than any other member of the faculty. He also worked with Professor Andrus as chair of the Library Committee, and he was a participant in a conference at Yale Law School on the 200th anniversary of the Bill of Rights.

The faculty continues to fine-tune the changes made two years ago on the curriculum, and while Professor Eric Pearson, as chair of that committee, is happy to be of service, he must hope for a year of more peace than this past year. We have had a number of changes in the curriculum this past year, but suffice to say here that Professor Pearson performed an important service to the Law School as Chair of the Curriculum Committee.

Professor Pearson also taught an overload by continuing to teach a seminar on presidential power in addition to his regular course assignments. He was elected by the Class of 1991 as “Professor of the Year.” Professor Pearson participated in a number of continuing legal education programs, and the result of one such assignment is published elsewhere in this issue of our magazine. And, he served our community, both as an advisor to the Sierra Club and as a member of the Mayor’s Advisory Commission on the Environment.

Professor Manfred Pieck continued his outstanding service as advisor (and doting and sometimes demanding parent) to the International Moot Court program and to the Jessup Moot Court team. He attended two international conferences on Semiotics and Natural Law, and he has been more involved lately with career counseling for present and past students as more lawyers and law students express interest in practicing international law.

As you probably know from our announcement last fall, we honored Professor Frances Ryan at the 1990 Law School Annual Dinner. It was an electric moment as Professor Ryan stood with Father Morrison and listened as I read the proclamation listing her tremendous contributions to encouraging students, and especially students of color, at Creighton Law School. When it was announced that the Minority Student Scholarship Fund was being renamed in her honor, the entire 600-plus crowed rose to salute and thank her. This coming year is Professor Ryan’s final year as a full-time member of the faculty. We hope you will have a chance to write or call or stop by to express your best wishes to her. I’m sure she’ll be around; she will teach her usual course load and will probably spend her usual long hours in her office counseling students and working on admissions matters.

Professor Ron Santoni had a real “law school” year. Not only did he do his usual outstanding job here, but both of his children were in law school in 1990-91! That was a proud dad walking the halls. Professor Santoni continued to earn top teaching evaluations in his business-related courses, and he also completed a research article, published in *Employee Relations Law Journal*, entitled “The Employer’s Duty Under the Federal Securities Laws to Disclose Material Information to Employee-Shareholders.” Professor Santoni also organized and spoke at a continuing legal education program on counseling closely held corporations.

You remember that I reported last year that Professor Rod Shkolnick had happily settled into a wonderful life of a professor, with a routine of teaching, counseling students, assisting lawyers from time to time, and finding time, not as often available during his tenure as dean, to see his children and grandchildren (and Iowa football team). His idyllic existence was abruptly interrupted this past fall when his friend and colleague, Katherine Boe, married Professor Thomas Morgan of the George Washington University Law School, and was offered an important position with
the Agency for International Development in Washington, D.C. Father Morrison was suddenly without legal counsel, and he asked Professor Shkolnick to fill in "for a little bit." That assignment stretched until this spring when a new position of Legal Counsel was developed and Omaha lawyer Greg Jahn was hired to fill the new slot. Professor Shkolnick's work for the University took an enormous amount of time, and I am sure I speak for the President's Office when I report that he made a tremendous contribution to the University's welfare as "temporary" counsel to the President.

As usual, it's hard to know where to start with Professor Richard Shugrue. He always squeezes in so many activities each year, and they are of many different styles and purposes. "Doc" Shugrue taught a new course this year on post-conviction relief, an expanding area of interest in the curricula of many law schools, and he also published an article in the *Creighton Law Review* on the issues of informed consent in Nebraska. He was in demand as a speaker at continuing legal and medical education programs and as a speaker to many community groups. He made numerous appearances on local radio and television (he was interviewed on one of the national networks last fall), and he continued his weekly column in the *Daily Record*. Of special note was his service to the faculty recruitment committee and his appointment to serve as special counsel to the Committee on Academic Freedom and Responsibility at the University of Nebraska-Omaha.

You can read a portions of the fruits of Professor Ron Volkmer's labors elsewhere in this issue of our magazine as he finishes his two-part series on Professor William Sternberg. Professor Volkmer also continued to teach an overload of courses (he says he loves it!) and he served as one of the advisors to the *Creighton Law Review*. Professor Volkmer was active this year with the University Long Range Planning project, and he continued as reporter on Northwest Reporter property decisions for the ABA Committee on Real Property. Professor Volkmer has become more involved in various aspects of mediation, something he has been learning about as he teaches our Alternate Dispute Resolution courses, and this year he helped draft an ADR bill for the Nebraska Legislature. (He also testified on that bill on behalf of the Bar Association.) He also serves on the Nebraska Mediation Coalition. Legislative Bill 90, signed into law this spring by Governor Nelson, provides funding to Nebraska non-profit organizations which provide mediation services at a reduced fee or for no cost.

It was indeed a pleasure having Professor Michaela White join our faculty. She brought great spirit and enthusiasm to her first-year Torts class and to the upper-division courses in bankruptcy and corporate reorganization which are her specialties. She has been asked to write a chapter on American bankruptcy policy for a book on international bankruptcy law, and she continues to work in the area of how bankruptcy regulations may affect transfers of property upon dissolution of marriage. Professor White also continues to be a popular member of the faculty at the National Judicial College in Reno, Nevada, where she annually lectures state court judges on the effects of bankruptcy cases on state court actions. She has been asked to speak at Nebraska and American Bar Association programs on these same topics.

**ADMINISTRATION**

I am pleased to report that I continue to have tremendous support from outstanding staff in the Dean's Office, including Associate Dean Barbara Gaskins, Assistant Dean Father David Paul, S.M., and Assistant to the Dean Paulynn Nunez. Dean Gaskins again taught a course in Negotiable Instruments and also supervised placement of our internship students while continuing to handle her responsibilities in the Dean's Office. She is responsible for our continuing legal education offerings and for all of our academic af-

![John Tomek, '31, and Dean Rafal view the photos in the "Tomek Alumni Gallery."](image)
Paul is also invaluable in his role of student affairs dean, as he counsels both individual students and student organizations. He has also accepted a larger role in the financial aid and scholarship realm, which assists the University since he has become an expert in the oft-confusing and murky world of federal financial aid regulations.

Paulynn Nunez does almost everything around here, thus the new title of Assistant to the Dean. Slowly but surely she is settling in to her main job responsibility, which has shifted from recruitment and admissions to alumni affairs, development, and special events. Many of you probably talked to Paulynn’s crew of students who handled the Law School Phone-athon this past spring. We are pleased with alumni response to calls from our students, and it was due in large part to Ms. Nunez’s organizational skills that the project went smoothly and earned record funds for our Annual Fund drive. Paulynn will also handle class reunions, publications, lectures and conferences, and other projects “as assigned.”

One responsibility shared by the team of Gaskins, Paul, and Nunez was additional renovation of our building this past year. We needed more faculty offices and the “team” re-designed the Fitzgerald Conference Room and work space behind it so that we now have three new faculty offices and a newly designed Fitzgerald Conference Room. We have also built three new Placement Interview rooms near the Career Services office, which we believe will ease the congestion and stress of students sitting in the Dean’s Office as they wait for interviews.

LAW SCHOOL ACTIVITIES

The Law School was honored to host a number of outstanding speakers this past year, including a very special visit from this year’s TePoel Lecturer, Judge Clarence Thomas and his wife Virginia Lamp Thomas, ‘83. It is exciting for our students to have listened to and spent time with President Bush’s nominee for the United States Supreme Court. He gave a wonderful talk at Creighton and was a delightful and friendly participant in meetings with students and faculty.

The Law School hosted Professor Steven Reiss of the New York University School of Law as the Lane Foundation Lecturer; and the Civil Rights Lecture was unusual this year as we invited Justice Dennis Archer of the Michigan Supreme Court and Judge Trudy Archer of the 36th District Court of Michigan. John Temple Swing of the Council on Foreign Relations was a special guest of the International Law Society, and the panel of judges for the Final Rounds of the Moot Court program included our three graduates on the Nebraska Supreme Court, Judges John Grant, ’50, Dale Fahrbruch, ’51, and C. Thomas White, ’52. The Nebraska Supreme Court held a special session of court in the Gross Appellate Courtroom in the Spring.

A number of new student groups were organized this year, including the Women’s Law Association and the Public Interest Law Forum. The Creighton Law Review co-hosted, with the Center for Health Policy and Ethics, a symposium on medical malpractice, and the results of the symposium will be published in a special issue of the Review. The Environmental Law Society started a newsletter to inform the entire Law School community of issues, both legal and political, relating to the environment.

Individual student honors were earned by two first-year students, Vicki Bourne and Brenda Beadle, who won the IntraSchool Client Counseling Tournament and went on to win the Regional Tournament. They headed off to Nationals, where they faced stiff competition from experienced second- and third-year students, and ended up placing fifth in the country! Two of our students, Tom Fitch (3rd year) and Bill O’Farrell (1st year), were honored by their fellow students and faculty for leaving Creighton to serve in the conflict in the Middle East.

Commencement honors included: Highest Triennial Average, Michael J. Mills; Outstanding Student Service Award, Patsy M. Kim and Michael J. Franciosi; Student Bar Association Outstanding Faculty Award, Professor Eric Pearson; and Senior Speaker, Edith T. Peebles.

CONCLUSION

Dear Reader, you will find it difficult to believe, but I could have (and maybe should have) gone on for pages more about news of curriculum revisions, more exciting news from the Law Library, other human interest stories of student activities and progress, and even more news about significant faculty accomplishments during the 1990-91 academic year. But I know you can only (as they now say in the computer era) “process” so much information for one year. Hopefully you’ll get the feeling that this past year was a year of excitement, progress, challenge, and fulfillment. We realize that some of the goals we have set are still to be met and the tasks before us are demanding, but we look forward to this coming year with a renewed sense of commitment to the ideals of teaching law and the need for a system of justice in our country. We thank you for your continuing support of our mission.

Respectfully submitted,

Lawrence Raful
Dean and Professor of Law
SHOW YOUR LAW SCHOOL COLORS!

Years and miles no longer need to separate you from your Law School. Use the envelope in the middle of the magazine to order your sweatshirts and mugs.