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Valparaiso University School of Law

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Stith takes on Fairness

by Sally Schult

First inaugural lecture at V.U.

Sally Schult

The Dean called it a celebration, and "Marks the beginning that it is." The occasion was Professor Stith's inaugural lecture, marking his appointment as the first endowed Chair. Professor Stith is the first member of the faculty of the School of Law to attain this honor since the inception of the rule that those who do so deliver an inaugural lecture. Professor Stith tackled a significant and weighty subject - fairness. He began on a light note, telling a large crowd assembled in Wesemann's courtroom, "Most people here think CBS News is really going to be televising this tonight. I'm sure it adds to the excitement and interest of the lecture, and I certainly won't give away that secret away that those who are plugged in, as he pointed at the video equipment in the room.

Right then he said that it was hard to find a topic that everyone would disagree with, adding that Bruce Berne aptly took the first position that challenged his topic. Berne reportedly told Professor Stith before the lecture, "You know I only used to usually take the position that most people are too费bley, but I think the first time you've taken a position that everyone disagrees with.

Stith revealed that he had actually had a solid spot for "Fairness." "There are times when even I think life is all right, and when I'm okay when conflicting interests, and not values, are involved." Stith revealed two kinds of fairness: satisfaction-based fairness, which requires observing others' desires as well as our own; and ideal-based fairness, which requires that we apply the moral rules or ideals that we hold dear in our lives to others.

Professor Stith believes "fairness is not the same as the same academic values, to become the moral tone for the resolution of conflict. He said both types of fairness are necessary, and that accidental-based fairness require impartiality, but ideal-based fairness is universal.

Satisfaction-based fairness requires a separate moral intuition, Stith said. "There is no way to prove that we ought to take others' interests into account, except by pointing to a feeling, which is what we have, that this is right," he said.

Stith described a situation where a violin-player kept his apartment neighbors awake late at night because of his musical pursuits. The violin-player outweighed both his and their need for sleep. In this situation, Stith applied the requirements of ideal-based fairness to show that it was unfair for the violin-player to do this. Then, Stith applied the ideal-based fairness to show that the teacher must help the player's having to cast aside his own notion of fairness.

To apply satisfaction-based fairness to the situation, Stith thought the violin-player to cease his practicing when it disturbed his neighbor, a successful attorney's playing to cast aside his own notion of fairness.

"There is no notion to which either notion of fairness, but that he more strongly believes in the ideal-based notion. "It is even handed, he concluded on continued on page 3
Last year when I worked for The Forum one of my chief criticisms of the paper was that it was a backboneless organ. (The last year’s Editor-in-Chief frequently printed editorials on this newspaper, and I often found his columns interesting. Unfortunately, I ever became Editor-in-Chief I would only try to maintain this editorial policy once. That day has arrived. The first two issues under my editorship contained no policy statement. However, since The Forum printed a letter regarding Professor Jack Hiller in last semester’s Tax course, I received numerous complaints about the letter-writer and about the editorial policy of The Forum. The Complaints received regarding the letter-writer and the "Letters to the Editor" column in this issue are the first two issues under my editorship containing no policy statement. Briefly, the policy of The Forum has been and will continue to be to print only those letters to the editor which are written and signed by the writer unless the signer requests that his name be omitted. I believe that this policy will result in more effusive letters as well as in longer letters as "guest editorialists." By signing one's name, The Forum can assure the reader of the letter's authenticity by asking the person whose name appears at the end of the letter if he really wrote the letter or if he was only asking for anonymity, for whatever reason, his name will not be printed. I will not attempt to analyze colonial America to this law school (I am sure Asst. Dean Farago will cover this in one of this fall’s off-wall posters), but I will say that this school has problems that hit people where they live.

We live in a world where most people can often act out of spite. If The Forum criticizes the SBA, we may get our justice; if a student criticizes a teacher, his grade may be lowered; if someone criticizes a classmate, he may be ostracized. We have these events never occur, but if they do, how can we really be sure they are not

Just a rumour we beyond petty behaviour

I would like to address a subject which seems to be a favorite pastime for many of the students starting or propagating rumors (and I don’t mean the FLEETWOOD MAC album). Rumors are bad—rumors should be beyond such petty behavior, but unfortunately it appears that not everyone agrees with me.

Rumors can be very damaging to one’s character. The damage can be caused by any person and can cause great damage. When you are the victim of the rumor and the accuser has not been unmasked, it is important that one think before he talks and take everything he is saying into account. It is very important that one gets his facts straight before he voluntarily slanders another person.

I can speak from experience. It is no fun to hear gossip circulate about yourself without having an opportunity, in turn, to defend yourself. It is especially distressing to hear people who started the rumor acts on it without substantiating the information. Furthermore, the accuser who spreads a damaging statement to the public if the information is false. Once a rumor has been accepted, it is very difficult, if not impossible, to stop it. Even if the facts are later revealed, the damage is sometimes irreparable. People disregard a prejudicial statement a witness just made, a person does not literally forget a damaging statement heard about another. In other words, the information is proven false is immaterial. The seed has been planted and will remain. I hope that the student body is very careful not to spread damaging information without at least checking its facts. In the future, we should hold ourselves to a greater ethical standard and either seek the

For instance, criticizing the way a professor may dress has nothing to do with his or her teaching ability, but is likely to cause smaller damage to the person's reputation. The Forum's policy has always been to not print letters that would be insulting to people. However, in this case, the letter writer did not have the information to determine the accuracy of the story. The writer could have done some research to verify the information before submitting the letter.

My name is Joseph Taylor and I am the Editor-in-Chief of The Forum. I do not print this letter because I wish to maintain the Forum's tradition of printing letters that are respectful and professional. I believe that the student community can achieve more if we work together to create a positive environment for everyone. If you have any further questions or concerns, you are welcome to contact me directly.

Signed,
Joseph Taylor

[Continued on page 6]
Search Committee Underway

Valparaiso University President Robert A. Fudenberg has named member Dean Search Committee whose task will be to seek out the most qualified leadership candidate to assume the position of Dean of the School of Law when Charles Ehren steps down as Dean this academic year. Chaired by Professor Louis Bartelt, the nine-member committee includes ten voting members: 11 faculty representatives and two students of the law school. WLSA also wishes to commend its accomplished model of a former Dean, Tula Kavadias. WLSA Vice President Baesper serves as an ex officio member.

In addition, the committee has rendered its decision regarding the student elected to the School of Law alumnus with full voting privileges and a minority student who would serve only in an advisory capacity. The committee has already narrowed the relatively large field of candidates by evaluating resumes and letters of recommendation and then held an initial meeting with individuals who know the various applicants. At a later date only the remaining candidates will be invited to the campus for personal interviews.

Kavadias and Barry Rooth, student members of the committee, announced their intention to speak on an informal basis with as many candidates as possible about their ideas and concerns, and that the committee’s invitation extended initially to select a new Dean. They said the candor and willingness to communicate of the candidates currently on file has been appreciated.

Surveys are now available at the committee, whereby students may provide feedback on candidates and who in the short time since their initiation have infused PAD with a spirit of professionalism. The new members this fall. The new members include 15 new members this fall. The new members include several who are extremely active in other law school activities and who in the short time since their initiation have infused PAD with a vitality which Hallock Chapter had not seen for several years.

The officers are: 
Ken Howes—Justice
Ken Bruce—Treasurer
Bill McCune—Executive Steering Committee wants to remind all 3-1's that pictures for the 1981-82 edition of Law career guide will be taken on Nov. 11. This date was agreed upon at a recent class meeting. If you cannot attend the week or the day on which your photograph is scheduled, you should notify the class meeting. A sitting fee of $6.75 is due in advance. Beth Cutter will handle this fee from most 3-1's on Nov. 4. Each student who poses for the photographic session is asked to submit a composite in addition to information pertaining to the purchase of pictures for inclusion in the law career guide. If any 3-1 has questions regarding the pictures, sitting fee, or anything else, please contact Beth Cutter BEFORE Nov. 11.

Corporate Employment Good Bet
by Pat Swanson
There are numerous employment opportunities for law students, not all of which are in law firms or in solo practice. Some of these opportunities may appeal about working for one of the many corporations, both large and small, that rely on legal advice, both in-house counsel.

Corporations, especially the larger ones, have found that it is more convenient and less expensive to employ their house counsel. This has been caused by the impact on corporations in anti-trust issues, employment discrimination, environmental law, etc. Attorneys in the past have been hired from outside firms, but corporations have found employing in-house counsel gives them greater control over an internal knowledge of the corporation. Prior to employing in-house counsel, many hours were spent land

Inaugural Lecture continued from page 1

convince the violin-player that we need to enjoy it."

Professor Stith was born in 1944. He received the A.B. from Harvard University in 1965, studied law in Uruguay under a Fulbright fellowship, and received his J.D. (in Philosophy) from the University of California at Berkeley in 1967 and the Ph.D. from Yale University simultaneously in 1973.

Professor Stith has been a member of the faculty of the Valparaiso University School of Law since 1973, and, while on leave during the 1976-77 academic year, served as Assistant Professor of Law and Community Medicine and Director of the School of Medicine Developmental Program in Pediatrics at the University of Illinois College of Medicine. He teaches courses in family law, jurisprudence, and comparative law, having taught at the University of Oregon and courses at the University’s honors college. He taught legal and moral philosophy at Poona University in India for the 1980-81 academic year under a Fulbright grant.

Professor Stith is an active writer in ethics and jurisprudence. Perhaps his most recent work is "Resistance to Compulsion," which he has published in Tulane Law Review. He has also written "Toward Freedom from Value"—an examination of the concept of "valuing" as inherently incommensurate. He has written two other articles on special interests lie—you must make yourself. He also added that a "contract" in itself is merely a resource. We just want to get rid of the headache. If the world is merely instrumental in value, then its being doesn’t matter, he added, assigning non-instrumental value. "We as consumers like aspirin tablets—we just want to get good in themselves."

Stith said satisfaction-based repercussions leaves only one value—fairness itself. "We may respect ourselves for the sake of others, but we have really lost respect for ourselves." Stith concluded by suggesting a sort of middle ground for the violin-player and his neighbors, for example—an agreement to one violin recital per week. "This could give way to both sleep and music as values. Even if music is the greater good, we can..."
Halloween Fun

AS NKO CCN ORGE Halloween
DCEIASIMG.EHTJ Happy
RARNVKARDOAAK Harvest
ARDGPEETUECCCHaunted
YYAMRLCLRKGAO Hobo
EUPCTESTOOSUH Jack o' lantern
VPSLRTLBBTAAKing
AAOPHOALUSIMUManor
RHPGKNIMKERPN Mask
GAICTNESTVITTNerd
BRIEFMANORPREOConnor
FRRANMUTUASED Ogre
TNEEWOLLAHOBOPumpkin

Halloween

Above are 31 objects connected with Halloween and some creatures who appeared at former SBA Halloween parties. Find them if you dare!

Apple cider  
Autumn  
Brief-Man  
Candy  
Cat  
Graveyard

Costume  
Fright  
Ghouls  
Ghost  
Goblin  
Hawk

Answers to the Questions
Nobody Cared to Answer

1. Six.

2. Five. Brennan (born 1906), Burger and Powell (both born 1907), Marshall and Blackmun (both born 1908).

3. William Henry Harrison, Zachary Taylor, and Andrew Johnson.

4. George Washington made eleven appointments (filling the original six seats on the Court plus five replacements). FDR made nine appointments, including the elevation of Stone to Chief Justice.

5. Potter Stewart, appointed by President Eisenhower on October 14, 1958, and confirmed by the Senate on May 5, 1959. Justice William Brennan is the other sitting justice who came on to the Court by recess appointment.

6. White (clerked for C.J. Vinson, 1946-47) (he was the first former clerk to become a justice); Rehnquist (clerked for Rutledge, 1947-48).


8. James Byrnes was on the Court for one year, 1941-42.

9. Charles Evans Hughes was Associate Justice from 1910 to 1916 and Chief Justice from 1916 to 1941. John Rutledge was on the Court for two years (1789-91) as one of the original justices and resigned without ever sitting. Four years later he was appointed to succeed the original Chief Justice, John Jay, but his recess appointment was not confirmed by the Senate.


11. Nineteen.

12. Charles Evans Hughes was 68 when appointed Chief Justice. Harlan Stone was elevated to the Chief Justiceship at 68.


15. Fifteen, counting the above-mentioned John Rutledge.


17. John Quincy Adams, who rejected his Supreme Court appointment by President Madison in 1811. The vacancy was then filled by appointment of Joseph Story.

18. John Marshall, 34 years (1801-1835), followed by Roger Taney's 28 years (1836-1864).


27. They ratified, somewhat belatedly, in 1939.


29. The above-cited Pentagon Papers case.


32. Horne v Virginia, 56 U.S. (14 Wall.) 400, 418 (1873). Justice Bradley wrote the 5-3 minority opinion overruling his decision for a unanimous Court in Dunphy v Kleinschmidt, 73 U.S. (7 Wall.) 610 (1867).

33. Girouard v U.S., 328 U.S. 61, 70 (1946) (C.J. Stone dissenting). With three other justices of the Court, Stone dissented in the Macintosh and Bland cases, for reasons which the Court now adopts as ground for overruling them."

Mock Trial: The Buck Stops Here

by Paul Vance

In these austere 'Reaganomic' times, the process of obtaining funds for various activities can be an exercise in futility. Fortunately—if not miraculously—the central budgeting committee for this university has been able to give the law school money to help fund some of these activities. The Dean (you know, the one with the Ted Kennedy glasses) has done what many feel is an admirable job in dividing this money among the various groups in our school.

In a recent interview with Professor Stevenson, I learned that the Mock Trial team received $81,000 this year. Professor Stevenson says that the team needs at least $1,400 to operate. So, if your group needs more bucks what can you do? I propose the following alternatives: 1. Call Mom and Dad; 2. See "Veto" the loan shark; 3. Panic; 4. Ask SBA. Professor Stevenson wisely opted for the fourth alternative. Unfortunately, (at least at the time of our interview) he was refused. The problem seems to be that since everyone in Mock Trial earns a credit hour (something Stevenson is opposed to) it is not a "student activity" and therefore is ineligible for SBA student activity funds.

Sounds logical enough, right? Losers. Mock Trial is not a student activity, why does the Dean and the central budgeting committee call it a student activity and fund it as a student activity? Don't ask me, I'm just a reporter.

It seems that the Mock Trial team suffers from an acute case of margin-ally. It is not quite a student activity because the participants earn one credit hour. This disqualifies them from SBA funds. On the other hand, Mock Trial is not really part of the curriculum and as a result cannot receive funds designated for that purpose.

Well, successful diagnosis of a disease does little to affect a cure. I don't know if we got to the real problem but I love that line. I would suggest (and I can do this because I'm writing the article) that "the powers that be" re-evaluate just exactly what kind of animal the Mock Trial team is. Once that problem is solved and Mock Trial wears one label or the other, perhaps it can receive the proper amount of money that it justly deserves.

Take Note

We are pleased to welcome a new advertiser to the pages of The Forum—First Travel Center, just up the road on North 49 in downtown Chesterton. Remember our column "The Best of Valpo" in the first issue? We help you include First Travel Center as the best travel agency in, well at least in the immediate vicinity. First Travel Center has offices in LaPorte and Michigan City as well. The manager of the Chesterton office, Jean Geromota, has 25 years of travel counseling experience, so we're sure she'll be able to help you get wherever you're going. Patronize your advertisers and do yourself a favor, give First Travel a call next time wanderlust hits.

Mock Trial: Art and the Business of Bartending

by Paul Barnett

Now that the 1981 baseball season is finally over, fans can turn their attentions fully to the winter sports. Football, basketball and ice hockey. And one can bet that in many bars across the country, arguments will take place concerning the best team, the best player, the team with the most potent offense or stingiest defense. etc. However, there is one argument, though central and important as any of these, which most likely will never take place. It is, "Who is the best bartender in town?"

Now, this seems like a most unlikely topic of conversation, but think a minute. Who is the person who can field a beer at a moment's notice, who is ready to recover any fumbled glass? Who is certainly the least offensive person in any bar, yet the one who is ready and willing to tackle your thirst with another beer? That's right, the bartender!

Almost every sport involves at least some physical exertion. Yet, it is rare that a top running back will accumulate late night yardage as the bartender does during the course of a game. Hardly a baseball player gets on the deliver as many punches as a bartender bears. Finally, was the last time you watched a hockey game and commit even as many unforced errors as any of the top tennis professionals? You probably still wondering how bartenders got to be such a hot topic of conversation that they merit a column in a newspaper, The Forum, no less. Well, at the SBA Halloween Party I played bartending for a single night and I knew something I had never done before. It was not long before I and my bartending partner had become the most popular people at the party. Suddenly, people who I thought were the most popular people at the party. Suddenly, people who I thought were the most popular people at the party. Suddenly, people who I thought were the most popular people at the party.

By the time my replacement arrived, I had realized that being a bartender is not easy. I think I'm now physically fit to run the Boston Marathon—twice. Also came to appreciate what bartenders go through when they have a large, thirsty crowd on hand. Never again will I grow weary of hanging up my apron and turning to a job that I know is less physically demanding.

Therefore, the next time you pull a stool up to a bar and order a cold beer, remember that the person serving you would probably like to be where you're sitting. So give the bartender a beer and let him take it home. When you know, you may get to take a warm bartender home with you.

Maternity Ward

Congratulations are in order for Mr. and Mrs. Dan Stevens, of Chesterton, on the birth of their son, Derrick Steven, on Friday, October 9. The proud mother is a second-year student. Congratulations, Dan!
The Forum instead tries to make you laugh a bit, perhaps even make you feel a bit sorry for the rest room. You see, the restroom walls, and less acoustical quality to the women’s restroom in the library, in that order. These are ‘getcha-where-ya-live’ topcis no one else in law school experience would touch, and the only reason they don’t is because they’re too prudish. The Forum is anything but that—it’s irrelevant, it’s boisterous, and it’s really not a forum. One student complains. It’s student advocate SBA sometimes isn’t. It’s the voice of dissent and demand that the student body almost never is on it’s own. If you get anything out of the student newspaper this year, it will be that it challenges your every guttural notion of what “going to law school” is all about. When “The System” has always told you about hours and hours of study, study, study, and research, research, and prof brown-nosing, prof brown-nosing, prof brown-nosing, your student newspaper tells you and anyone else in the Valparaiso University community that it’s all a lot of horsehockey, that lesser men and women than yourselves made it through, on less money, less time, less ‘study,’ and more from getting blazed at Jackson’s or the Franklin House or wherever.

You the Forum, more than gonzo journalism, it’s gonzo law school. The administration has never liked it, the faculty is mixed about it three of them called it “scurrilous,” “leisure,” and ‘anarchy’ last year, but what will always keep it alive and kicking is your support, your contributions, your readership. It’s the soul of the student body bedecked in black ink, and I truly hope that because the only thing it is proud of is you, that you are very

--Mark J. Scarp of Arizona
November 9, 1981

Dear Johnny,

I am a brain. Until recently, I was occupied by the thought of you. I have realized that procrastinating first year body. But I couldn't take it anymore so I slipped out of my ear while he was sleeping through Contracts (he didn't even notice I was gone). I now wish to continue as a student here because I am a potential great legal mind. Do you think I can replace my original body on the student roster?

Signed,
Slimey Grey

Dear Slime,

I must admit that I was very surprised when you called me a "Skeletical" evidence expert. I do not understand what you mean by Skeletical. I can see through your lies, Mr. Marge. I will not waste my time on you. Sign yourself, Regrettably, Marge

Dear Marge,

Keep in mind that this is a school of law, a school for cleaning law books. Many of us pay (borrow) a great amount of money for the privilege of being here. If you can't cope with the students here, why don't you get a job cleaning at the County Morgue? I'm sure the people there will be very cooperative and they won't even look at you. Sign yourself, Dear 3rd Year.

Dear 3rd Year,

How was I to know that it was a rumor? The Professor is playing solitaire, and I have no problem obtaining signatures for that class. I usually do not have to work as much as one other times when a class is cancelled next semester. I am so looking forward to that.

Signed,
A. Richard II

Dear A.R.I.,

Anyone who can understand Evidence as taught by Dick Stevenson has definitely gained and not lost. Most people escape Evidence with a fear of what Prof. Stevenson is talking about. I swear, it's the truth. Do you think I'm losing control?

Signed,
John Forabuck, Squirestomper, N.J.

Dear John,

You must have confused Criminal Law with your Professional Ethics course. However, such a mix-up is understandable since both courses are essentially the same. The Disciplinary Committee did not buy my justifications of utilitarianism and personal autonomy. Did I miss something in law school?

Signed,
Superior

Dear Superior,

I am not a student at this law school. I am a brain. Until recently, I was occupied by the thought of you. I have realized that procrastinating first year body. But I couldn't take it anymore so I slipped out of my ear while he was sleeping through Contracts (he didn't even notice I was gone). I now wish to continue as a student here because I am a potential great legal mind. Do you think I can replace my original body on the student roster?

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Dear John,
The boys of fall have finally brought a university football championship to the hallowed corridors of Wesemann Hall. Laughing in the face of the BARD team was hit with a series of Alpha football team.

During the first play of the game, the BARD team was hit with a series of setbacks. First, Mike Schoenbohm, captain and quarterback, was declared ineligible in an administrative, adjudicative, policy-making hearing after the law schoolers lost that game 28-7, and finished the regular season on a loss. The law school defense consisted of linemen Dave Juveland, and Jim Hodson, and safeties Perry Theodoros, back at quarterback, connected with Mark Cladis on a thirty-yarder to put BARD on the 15 yard line. Two plays later, Steve Plaa grabbed a quick six-yarder to make it first and goal from the one. Theorodos, back at quarterback, connected with Mark Cladis on a thirty-yarder to put BARD on the 15 yard line. Two plays later, Steve Plaa grabbed a quick six-yarder to make it first and goal from the one. The law schoolers lost that game 28-7, and finished the regular season on a loss.

During the semi-finals against Lambda Champs, show off their first place trophy.