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The Forum [April 1983]

Valparaiso University School of Law

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Incoming Dean Visits Law School

By Bill Glynn

On Friday afternoon, April 15, V.U. Law School held a reception at which students and faculty had an opportunity to meet and talk with incoming Dean Peter McGovern and his wife, Kate. The McGoverns were in Valparaiso because Mrs. McGovern is presently involved with Valparaiso University on a possible teaching position in the department of Journalism and Mass Communications.

Both McGoverns seem enthusiastic about their move here from South Dakota. In addition to being close to Dean McGovern’s alma mater, Notre Dame, the McGoverns are looking forward to becoming actively involved with the student body at V.U. School of Law.

Dean McGovern’s interest in the law school has already extended to the Forum itself. McGovern has, apparently, read the Forum and commented that he especially enjoyed the “Draw the Dean Con- test” of the Feb/March issue. In fact, he commented that he’d like to have copies made of the entries the Forum has received. Anxious to please, the Forum now asks: “What Forum readers, where are they?”

Prof Examines Role Of Federal Courts

by Sally Schalk

The role of Federal Court judges was the topic of Professor Ivan Bodensteiner’s recent Inaugural Lecture on April 6. The delivery of the lecture was Professor Bodensteiner’s attainment of full academic rank. The rules and standards for promotion and tenure provide that, within one year of becoming a full professor, the faculty member give a lecture on a topic of his choosing.

With Dean Meyer’s opening comments, the members of the crowded audience were reminded of the law school’s last Inaugural Lecture, “Stith began the series and we spent the next year trying to figure out what he said,” Meyer said, adding, “...not that it was a departure from thoughtful commentary.” Professor Bodensteiner began his lecture by declaring that he would “try to outconfuse Stith.” (Professor Stith misses these comments as he arrived late.)

Bodensteiner believes Federal judges are becoming less receptive to those seeking enforcement of individual rights. He attributes this to the mood of the nation. Bodensteiner said the independence of judges is threatened because “increasingly, judges are selected because of their opinion on certain issues.” Bodensteiner defended those judges who are frequently crucified for overextending the Constitution to protect individual rights. He believes the Executive and Legislative branches are becoming less accessible so the courts must become more so. He said, “Without courageous judges, the Bill of Rights would too frequently represent hollow promises.”

Some argue the Federal Courts aren’t representative of democratic processes,” Bodensteiner said. He explained that some use the fact that judges are appointed for life to support their argument. He added that it is also asserted that “Federal Courts have overstepped the bounds of the 10th Amendment.”

Bodensteiner believes that many individuals are powerless in terms of influencing the Executive and Legislative branches. He believes the Judicial branch is more accessible, with the Executive branch and legislature stepping in when necessary to carry out Congress’ intent.

“The reason plaintiffs in Civil Rights cases prefer Federal Courts is that State Courts are tied to local politics,” Bodensteiner said. He added that courts must invalidate state laws when they conflict with the Constitution. He said, “The emphasis on case or controversy allows courts to humanize the law more than the Legislative or Executive branches can.”

Professor Bodensteiner was born in 1965, and his J.D. degree from Notre Dame Law School in 1968. After graduation from law school, he practiced law with Legal Services Organization of Indiana. Bodensteiner joined the Law School faculty in 1972, teaching Federal Practice and directing the school’s Clinical Program. In 1977 he took a leave of absence from the Law School to act as a consultant to the Legal Aid Society of Hawaii, training attorneys in litigation skills. He returned to Indiana in 1978 as Director of Litigation for the Legal Services Program of Northern Indiana and the Legal Services Organization of Indiana.

In 1979 he returned to the Law School to direct the implementation of a new first year curriculum. Since his return he has taught courses in Civil Procedure, Civil Rights, and Trial Advocacy. Professor Bodensteiner’s many publications are on the general topics of Federal Court Practice, Civil Rights and Civil Procedure.

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I guess this is my farewell piece. The only thing I've ever written for the Forum that was shorter than this (that had my name on it). It's a short editorial about the editorial about the noisy Women's group in the back of the library. Please do not con- fuse length with sincerity. I am serious about this one.

Law Day festivities this year went very well. It was a great idea to give the traditional awards during the Law Day luncheon, where the presentation was neither dimmed by darkness nor drowned out by chatter as it was last year at the Barrister's Ball. Those honored could stand up and be noticed, and since attendance at the luncheon is usually quite good, and this year was no exception. I like the awards presentation each year. There is something awe-ins- piring about those few graduates and classmates who manage to compose honor papers and attain academic excellence in law school. With 90 per cent of us, give or take a few, have never figured out how to write, we can probably never will.

Most of us study a lot. Most of us are basically intelligent. Most of us never attain that eusisade- dicated academic goal. We are the Law Review staff and a few others. This is a good reason to reward the ones who do.

Dear People of V.U. School of Law,

Last year, shortly before the end of the school year, Sally Schalk was chosen to be the editor of the Forum. I told her that I would write letters to the Forum to de- scribe what life after law school is like. I know how hard it is to get copy to fill up the pages of the paper. (I've been thinking before Sally, and I thought, it would be nice to help her, since few people write.)

In case no one knows or remem- bers how much my class, the class of '85, did for the future of the school. Last year, some of us were crammed into the courtroom and decided to limit my contacts with anyone who seemed to be a victim of the lack of leadership. The faculty should have a strong voice in the academic award win- ners. They are best qualified to do so. But do they know that?

Do you know those people who planned the Law Day luncheon where all those awards were given? Every year they spend weeks working with fellow class- mates to try to put together a compelling enriching activities. They plan and coordinate in the face of adversity. They make certain that the body of the forum never sus- pects. With their lack of consid- eration is sometimes appalling, provide for transportation for that.

Prof. Stith taught another Criminal Law class this year. And that is all I know. I do not think that the law school faculty (or students) should supply them with answers, undeserved praise, sym- pathy, happiness or love. I do, however, feel there is an elec- tric and insular minority that de- serves strict scrutiny around here. In the quest for superior intellectu- al achievement we ignore values which may be, in the long run, more important.

Those who do know? They are a select few.

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Kudos belong to more people who get rave reviews for grading. Would you believe that a few professors who manage to do it all, and get a decent academic award, as few others, would get some benefits? They may hit the stroked job market.

I'm an "involved" has its own re- wards and I do not wish to ad- dress them. I do wish to address the possibility of adding a few awards to the list next year when you hard workers with the thank- yous next year when you hard workers with the thank- yous next year when you hard workers with the thank- yous next year when you hard workers with the thank- yous next year when you hard workers with the thank- yous next year when you hard workers with the thank- yous. Have the students vote on a few awards. There are plenty of worthy categories to choose from and don't worry if the faculty finds them mundane and unnecessary.

Most important, there are lots of talented individuals deserving a pat on the back. Many of them have received little or no recognition during the three most difficult years of their education. Sometimes, neglected their class work to do things for all of us. Give them a chance to be recognized. I've probably won't get when grades are posted. They know that grades are not the only criteria of success in life. Let them know that you know it too. Say thank you.

Sally Schalk

Alumnus Sends His Regards

continued on page 4
Dear Third Year:

I have some questions about the Law Day Luncheon of April 7, 1983. Who is Terry Rocco? Or Patrick Primmer? Or JoAnn Kouro? I mean, I know a Perry Rocco, a Patricia Primmer and Joan Kouros. Are Perry, Patrick and JoAnn Valpo law students also? If so, how come I never heard of them? If they aren’t law students, why did they get all those awards at the Luncheon? I didn’t get any. If they are law students, what did they do to get the awards? Did they go to the Law School School? Did they go to the Law School School for the Uninitiated? I, personally, would like to thank the Committee for the uninitiated for composing my name to their list of law student award recipients. All of you roast? Patricia to my former stomping grounds. Back, it was a joy for me to return its more macho? I’m pretty con­

Dear Sly Guy:

Just because we scooped you on your grass story, doesn’t mean you have to bring your Lebanese noodle’s handi-wipe into the picnic and place him in the lobby. That way, he can greet the students use, with a smirk on his face while holding the scales of justice.

Dear Law Day Committee:

I would like to express my heartfelt thanks to you for having me as your guest speaker at the an­

Dear Slyboni:

You should get an award for ask­ing so many questions. Terry, Pat­

Dear Snake:

Don’t please, I’d hate to see her spank you with the same. Don’t please, I’d hate to see her spank you with the same.

Dear 3rd Year:

I was wondering what the 3rd year class contributed to the school as a class gift. I think the too. It keeps enough copies on the table in the library so I’ll have plenty for my dog. Signed, Bhotia Boxbat

Dear 3rd Year:

Why doesn’t Professor Potts re­

Signed

Dear Chef-Boy-Are-We

Our class has decided to purchase the Azar Big Boy as our class gift. Naturally, we will rename him Weseman’s Sue Boy here. Besides, we can always de­

Signed

Dear Leon:

The job may be thankless but someone has to do it. The anon­

Signed

Dear 3rd Year:

I notice you have some questions about the tax class? The condescend­

Signed

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Signed

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Signed

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Signed

THE LAW OF NATURE

The fat spider sat on his perfect seamless web in a field of other’s webs. Awaiting a juicy insect, preferably a fly. Patience, confidence and aggression were his attributes, Botsted by his skills and previous successes. Confident of his next meal. In a field where many starved, he thrived. Feeding upon the adversity and pain, of others. He always won, yet the wasp al­

Written By

Mitch Peters

Dedicated to

Kathleen Mullen and

John J. Potts

CONGRATS

GRADUATES!

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Duffers Stroke and Shiver

By Ed Biondi

This year's law school golf tournament proved to be a rather chilly experience for all involved. I don't know what the weather was 'down South,' but I always said it would be a cold day in hell before I would play in that kind of weather. I mean you know it's bad when you find ¼ of a golf ball sitting on the 1st fairway and you're sure it's your ball! (The ball is now enshrined in the Biondi Sports Hall of Fame, Cresskill NJ - Exit 16W, NJ Turnpike). Anyway, I'm sure everyone is now tired of reading the scores posted in the lobby, but there are some awards that deserve mention that are not posted.

The first award is 'Best Choke' which goes to the 'New Jersey year. Paul was the only reported- contestant in this category; lucky the reports state his form rated a 9.9, so he probably would have then rolled over the winner even if there was some competition. Too bad he won untested; next year I want to see him recruited Frank and Brett Miller to show you how it's done.

Most of the other awards can not be printed in a class publication such as The Forum; therefore, if you wish to find out the other contact. I know it cost us a couple of strokes; as did the fact that we forgot our regulation ice- pick and couldn't clear the holes.

The 'Best Club Throw award goes to Paul Krantz. This unfortunately, didn't witness the event so I cannot judge if the distance broke Frank Lattal's record set last year. Jay Jensen. (Thanks guys). Some more competition or we will be disappointed. The 'I can outscream a yeti' recruit Frank and Brett Miller to show you how it's done.

Charles Ehren: 'Sludge in our streets, we hate it, why we don't.'

John Potts: 'My mother the pill.'

Paul Brietzke: 'I'd like to spend some time in Mozambique.'

Despite the support of over 20 BARD fans and groupies, BARD quickly fell behind in the first game 11-2. After regrouping, the team made a run and came within 10-13, the only game it lost throughout the playoffs. However, the comeback spurred BARD onto victory in the next two games 15-12, 15-14.

Besides Smits, BARD was comprised of Steve Affeldt, Steve Holwerda, Steve DeHaan, Brad Koenpen, Perry Theodoros, and Jay Jensen. Since everyone but Jay will graduate (well maybe), there will be a new BARD next year. Jay asks that anyone interested in playing next year should contact him.

A Hello From Joe

from page 1

I hope the new dean is or becomes aware of the problems at this school. I hope the school changes its ways before it alienates yet another group of future donors. I would be very sorry to see this law school expire, but I fear it will unless something is done soon.

Joseph Taylor
Class of '82

P.S. To the New Dean,

Drop me a line; I would be glad to tell you where to begin righting years of wrongs.

P.S. To the students,

I'll say odds that every faculty member will be shocked by my letter. I'll bet they deny what I wrote. I'll double all bets that they continue to conduct business as usual by dreaming up some new type of retention standard or by requiring 3 more hours for graduation. That is how they deal with people who want change.

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