Dean Gaffney we hardly knew ye

By Anthony Pearson  
News Editor Emeritus

My recent discussion with Dean Gaffney presented me with no surprises and hardly qualifies as news. As students we have known Dean Gaffney to varying degrees. Some, like me, hardly know him at all. Others know him more as a colleague and friend than a Dean.

Regardless of how well you know Edward McGlynn Gaffney, Jr., you probably will not find it all that surprising that he considered the best part of being a Dean to be the satisfaction of service. Indeed, Dean Gaffney’s job satisfaction was measured by the opportunity to enable the faculty and students to attain their full measure.

O.K. On the obligatory, “What’s your greatest accomplishment” question I was refreshingly surprised. The answer: The Cardozo Cup. In retrospect the answer was not such a surprise. Through the explanation about Benjamin Cardozo’s penchant for softball and other law related justifications, the real reason the Dean was proud of The Cup came out soon enough. It builds the community of the law school by allowing the students to see the “facility as human beings.”

Dean Gaffney plans, in the near future, to complete work on a book on taxation of churches. When asked to prognosticate as to his path after that he simply replied, “I’m trying to live life a day at a time, except, as they say in Ireland, when a hundred days comes rushing in at you all at once.” No wonder so many law students felt Dean Gaffney understood them.

The Dean’s final comments on his resignation were prefaced with a quick picture of reality. “We are not a free standing law school out in the middle of the prairie somewhere.” As a part of a University system the Dean commented that, “I can only do my job as long as the President and Provost want me to do that.”

The coming storm over same sex marriage

By Matt J. Smiley  
Contributor

Imagine, if you can, a nation where your job benefits, your tax status, your inheritance rights, and the security of your retirement were in jeopardy the moment you crossed a state line; where every legal aspect of your relationship with the most important person in your life changed from state to state — including whether or not you were legally married.

So began the lecture by Steve Sanders, Assistant Dean and Lecturer in the College of Arts and Sciences at Indiana University. He spoke to a sizeable audience of law students, as well as a few undergraduates, last Thursday in Benson Classroom in a lecture sponsored by the Democratic Law Society. His topic was The Coming Storm of Same Sex Marriage in which he emphasized the bizarre possibility, if Hawaii recognizes gay and lesbian marriages, that a gay couple could be married in one state and be forced to stay there for the rest of their lives in order to maintain their married status, because other states’ refusal to recognize it.

He pointed out that in Hawaii the denial of marriage licenses to gays was overturned due to the fact it violated the state’s constitutional guarantee of freedom from discrimination on the basis of sex — not sexual orientation — but sex, because it tells you who you can and can’t marry and makes assumptions about roles and capabilities on the basis of gender.

Nineteen states have considered and failed to pass marriage invalidation statutes. Indiana is currently considering such legislation, and may have passed the bill to invalidate same sex marriages by the time you read this. Sanders pointed out that in Hawaii case, the state failed to prove that the public interest in the well-being of families or the development of children were adversely affected by same sex parents, indeed the studies showed the opposite, that they were equally as well adjusted as those raised in non-gay households.

After considering politics and policy, he then answered arguments based on perpetuation of the species and tradition. Concerning the latter, it was shown that such arguments are stunningly like the arguments against interracial marriage. The decision that overturned state laws against interracial marriage, was decided only 30 years ago, and had to address the same issues that opponents of same sex marriage propose today — its unnatural, it was against custom, tradition, and the will of God. Concerning the religious perspective, Sanders suggested those that would quote the Old Testament Levitical proscriptions against homosexuality should, for consistency sake, forbid the eating of shellfish, haircuts, the mixing of different fabrics of clothing, and insist on the death penalty for adulterers.

He reminded the audience what is at issue is civil marriage, and religious institutions would, of course, remain free to refuse to celebrate any marriage as they see fit, although many mainstream denominations have had congregations that celebrate union ceremonies for their gay and lesbian members. He pointed out the selective use of scripture reduces sacred texts to bumper stickers, and cannot provide the foundation for just or moral law.

Finally, he asserted legal thought and structures have been dramatically outstripped by the realities of gay and lesbian life today. Estimates suggest from 6 to 14 million children live with at least one gay parent. The tax and other burdens such partnerships bear make family life very difficult, for even when couples have taken care of each other economically, medically and emotionally, their status before the law is that of roommates. The rights and benefits marital couples take for granted, such as hospital visitation and medical decision making, child custody, intestate succession, right to sue in tort for wrongful death compensation, family health insurance, and more are denied to same sex families.

Denying licenses and recognition to these partnerships will not discourage homosexual activity, and it certainly will not improve the lives of the children of these partnerships. He suggested what we need is more loving, stable committed relationships, and that no one’s marriage is threatened by opening the institution to couples willing to live by its norms and responsibilities. If society’s interest is encouraging committed relationships, equal marriage rights are not a threat, but rather an imperative.
Dear Editor,

I am writing to express my concern regarding the recent developments in the legal field. As a practicing attorney, I have observed a disturbing trend in the way cases are handled and decisions are made. The pursuit of justice seems to be secondary to financial gain and personal ambition.

I believe that the legal system is meant to serve the people, to ensure fairness and equity, and to protect the rights of all individuals. However, I have noticed a growing discrepancy between the ideal and the reality of our legal system. Cases are often decided not on the merits of the law, but on the basis of financial considerations and political expediency.

I urge the legal community to recommit itself to the principles of justice and fairness, and to work towards creating a legal system that truly serves the people. We must remember that our decisions have real-world implications, and that the well-being of our society depends on the integrity of our legal system.

Yours sincerely,

[Your Name]
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From the Dean’s desk
By Edward McGlynn Gaffney, Jr.
Dean, Valparaiso University School of Law

A couple of words. That’s what Italians say when they want to get verbose. So watch out, I have ten words here — my last in this space — in Letterman style because that seems to be the place so special in my experience.

10. Generous profs have dedicated their lives to enabling their students to become competent, caring, and compassionate lawyers. One thing I learned a long time ago in higher education is that students can see right through phoney words. But these three C’s — competence, caring, and compassion — are utterly believable to Valpo lawyers. I hear that all the time from judges who see these attributes in VUSL lawyers in their courtrooms. I give the credit to the competence of the faculty in the fields they specialize in. Their competence shows up in the quality of their writing, as well as in the excellence of their teaching. Their caring for you is reflected in our open door policy. Their compassion comes out whenever that attribute is called upon. I have seen that often at faculty meetings. We know all about law and justice. But we also know about equity and mercy. And we practice those virtues.

9. We have a truly marvelous relationship among the faculty, staff, and students in the VUSL. I have been at places where the Dean is remote or bossy, where the faculty members wrangle over everything under the sun, and where the students have to fight for everything. The opposite is true here. I have tried to be user-friendly and accessible to the students, and I think that goes for all the folks who serve in the Office of the Dean.

Let me repeat this point: we don’t issue commands, we serve. The faculty sets policy here with our students, and this is one of the only law schools in the country that includes student reps in the general meetings of the faculty where such matters are discussed and decided. Faculty members get along with one another, and we control that matter, like the quality of the curriculum or the soundness of our ideas.

8. Two images for how the VUSL has smashed hierarchy. The Musica during Law Week, when faculty, staff, and students display incredible musical talent. Or the annual benefit concert where lots of money is raised in the local community to support our outreach to poor people in the Law Clinic by means of a show directed by a superbly talented 2L, once again with faculty, staff, and students collaborating in the creative act. Once people form community in these sorts of ways, there is no going back to hierarchy. Intricate chain of command stuff may have been critical to maintaining discipline in European armies of the eighteenth and nineteenth centuries, when armies were expected to line up in very precise order to kill one another. But nowadays, we must try to figure out different ways of relating to one another with responsibility, but without authoritarian power plays.

7. And while we’re on the theme of hierarchy, why not acknowledge that the days of patriarchy in the law are numbered, if not over? The increasing number of women in the VUSL (the current 2L class was the first class in the history of the VUSL to be majority female) places us solidly within the historic movement for recognition of gender equality. The pay-off is not just that women get an opportunity to do things that previous generations had been denied (something we celebrated in 1994, the centennial year of the admission of the first woman to the Indiana Bar). It is that all of us — men and women — can become better lawyers when we learn to relate with one another across gender lines, recognizing gender differences, but only those that truly make a difference.

6. Closely related to gender equality is racial diversity. At a scientific level, the race question is, of course, bogus. Biologically speaking, there is only one race, the human race. But in terms of the painful historical experience of groups, race has mattered in the American past, and it continues to matter in very disturbing ways in the legal profession today. So it is a good thing for members of minority groups at the VUSL that they form about 21% of our student body, because they can share their common experience with one another and not get isolated. But once again, the pay-off from this kind of diversity is for all of us. Until race no longer matters in American history, lawyers will need to learn early on how to interact respectfully with members of all racial and ethnic groups.

5. It is also good that we have a lot of political diversity at the VUSL. I don’t know of many law schools in the country where right-to-life groups co-sponsor discussions about the controversial subject of abortion with groups dedicated to freedom of choice on these matters. Or where people can contend so openly about pornography from significantly different perspectives. PC may be in elsewhere, but in my eyes the thriving chapters of the Federalist Society and the ACLU in the VUSL are signs of good health.

4. And I think it is great that people of all faiths and of none can live together here in harmony, without any assumption that a bland secularity is the only way to promote the common good. CLS, ILSA, Catholic Mass are but three of the ways in which we express our deepest convictions without coercing anyone to act against their principles. And each year at the Institute on Pastoral Ministry and the Law, Jewish, Catholic, and Protestant faculty members in the VUSL help clergy members of different faiths understand legal issues that arise in their line of work.

3. One of the outstanding hallmarks of the VUSL is the commitment to service reflected in the pro bono requirement for all the 3L’s. I hope that this experience forms a habit of the heart that lasts with you for the rest of your life. And I am glad that the VUSL puts its money where its mouth is, by offering grants to students who are willing to commit to serving people in this way. Once again, I don’t just mean the administration. I am also thinking of the Equal Justice Alliance. Where else in America would ten profs line up to kiss a pig, so that students could go out in the summer to help poor people?

2. From the “Lighten up! Don’t be a geek! and Get a life!” department: What other law school do you know of that celebrates the career of Benjamin Cardozo in the law by hosting a faculty-student softball game, replete with free suds? Or where ancient profs can actually win a ball game?

1. Finally, a joyful image of the VUSL spirit: the ability of hundreds of students at the Barrister’s Ball to take back the YMAC and turn it into our theme song. Anybody who doesn’t know what I’m talking about can come up to my office to get a private lesson on how to do it, provided that you sign a waiver of liability for chiropractic injuries that may result from trying to form the letter S.

Has anyone noticed that none of these 10 things is evaluated in the annual survey conducted by a certain third rate news magazine? I guess I’ll leave it there. It has been a real pleasure serving as the Dean of the VUSL for the past seven years. Thanks to all of you for this magnificent experience.

Har Har Har

By Anthony Pearson
Newspaper Emeritus

I concede the headline has nothing to do with the story except that this involves an interview with VU President Alan Harre. I just wanted to catch your eye, and, if you’ve reached this point, I must have done a decent job of it.

To brass tacks then. Was Alan Harre surprised by the resignation of Dean Gaffney? For added realism, let me repeat this point: we don’t issue commands, we serve. The faculty sets policy here with our students, and this is one of the only law schools in the country that includes student reps in the general meetings of the faculty where such matters are discussed and decided. Faculty members get along with one another, and we control that matter, like the quality of the curriculum or the soundness of our ideas.

Dean Gaffney forming what appears to be the letter "L"
The Forum

Joann Price gets down with Dean Gaffney at Barrister’s Ball
Photograph provided by Gina Green

Dean Gaffney and 1996 VUSL grad Mike Glisson, who currently stars on the TV show “COPS”
Photograph by Christopher Hedges

Gary Shupe and Dean Gaffney at the April 29th reception held in the Dean’s honor
Photograph provided by Gary Shupe

1996 grad Liz Ellis with Dean Gaffney at last year’s Law Week Roast
Photograph by Christopher Hedges

The cast of H.M.S. Pinafore
Photograph provided by Dean Gaffney

Thank you
Dean Gaffney!
Preserving employment

By Gail Peshel
Director of Career Services

Before you begin an attorney or a clerking position this summer, consider measures that might preserve your position or enable you to receive an offer for permanent employment following graduation. Marilyn Tucker, Director of Alumni Career Services at Georgetown Law Center, wrote an article for theABA Law Practice Management magazine that contains some very worthwhile tips.

Consider the following points made by Marilyn Tucker in her article.

Produce an outstanding work product. One skill consistent with success is superior writing. Start by getting clarification of the assignment and as many facts as possible at the time of the assignment. Compile a list of general questions that will be pertinent to nearly any assignment. Undoubtedly you will have additional, more specific questions before the assignment is complete, but gathering as much information at the outset rather than returning with each individual question is preferred.

Try to gain an understanding of the whole case before you spend hours or days on a project. Unless you understand the big picture, you may not have enough information to do an adequate job or to understand the consequences of what you are doing.

Assignments can be difficult, time-consuming and/or tedious. Even so, treat each assignment as a challenge and opportunity and not as a burden. Attorneys will expect steady performance on all assignments, whether cutting-edge or routine.

Plan your research strategy. Instead of heading for the library as soon as you get an assignment, take time to think about the problem and issues. By planning your research strategy, the time you spend in the library will be more productive.

Be a "legal chameleon." Nearly every attorney who gives you assignments will have a different writing style. Try to adjust your writing to conform to each attorney’s criteria. One way to determine individual style is to ask for copies of memos the attorney thinks were drafted well.

Beware the common research errors. Common errors include attempting to be all-inclusive, reiterating the law pertinent to the issue, but failing to analyze and relate the law to the fact pattern in your case, and going into lengthy discourse about an issue that is only tangentially related. Stay on point. Don’t forget the purpose of your assignment since purpose dictates style, form and tone.

Be creative and think beyond the research question. Include a section in your memo covering additional issues raised by your research.

Take responsibility for getting feedback. If an attorney has not shared written revisions with you or the reasons for changes are not understood, ask to schedule fifteen or twenty minutes of the attorney’s time after you submit a draft. In addition to obtaining feedback on your work product, learn from the work you are doing. Find out how the case was resolved, what the client decided, what kind of response was received, and whether the response was expected. Understanding case resolution is part of developing judgment.

Other survival tips include:
- Learn to compartmentalize, to concentrate exclusively on the task at hand.
- Meet deadlines. Plan for the unexpected.
- Never hand in anything that is a draft. Edit, edit, edit.
- Share ideas and information with other associates. Work together as colleagues, mentors, sounding boards and coaches.
- Do not take nonlegal support staff for granted. Treat all staff as professionals.
- Accept responsibility for your own professional development.

More extensive information can be obtained by reading the entire article. Ms. Tucker has graciously agreed to let us distribute copies of her article, and copies of How to Hit the Ground Running: New Associate’s Survival Guide are available in Career Services. Another resource you may wish to review involves a case assignment form. The form may help you organize your thoughts and enable you to think of general questions to ask when receiving assignments. Copies of a form that was developed by Stanley Balbach for Law Office Economics and Management are available in Career Services — courtesy of Mr. Balbach.

H ave a GREAT SUMMER — and be certain to give us your summer address! We will send mailings throughout the summer, and we want to include you!

The Health Law Association would like to thank the following Ambulance Chase volunteers & supporters!


Mayor David A. Butterfield
Porter Memorial Hospital - EMS (Assistant Director Bob Samana, Vic Mercaldo, & Mike Okere)
V.U. Athletics Department
V.U.S.L. & Deans Chiosswki & Vandercy & Mail room
Teri Durko, Colleen Murphy, & Monique Oxindini
Greg Rutten, Nancy Young, & Lisa Cannon
Karen Koelmemer & Terri Rhode
Professors Moskowitz & Straubel
Valparaiso Police Department (Assistant Chief William “Buddy” Collins)
V.U. Campus Police Department (Steven Jenkins)
Richard Pappalai
It’s Top
Norman Perry Trophies
The Forum
Post Tribune
Vidette Times
South Bend Tribune

All Participants

Volunteers:
Dodi Andrews
Brenda Badie
Heidi Belyka
Jill Bell
Steve Eelder
Jocie Fox
Pete Fox
Malin Gend
Nicole Grose
Bill Long

Special thanks to the group of people responsible for sending out our mailed entry forms!

Pleases were involved with this event, if we have forgotten to name someone, please accept our sincere apologies!

For those who could not attend the race, mark your calendars for next year’s run!

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Minority dissents

The fire next time

By Bryan K. Bullock
Staff columnist

AMERICA HAS WEATHERED a great flood of uprisings in its distant and not so distant past. Many of these social disturbances were either directly or indirectly a result of racial tensions and unresolved racial problems in American society. Many of these insurgencies, because of the racial nature of the problem, may be viewed by some as "race wars." The riots and wholesale destruction of communities that occurred in Los Angeles after the first Rodney King verdict, the Watts riots in 1965, and the riots in Baltimore after the assassination of Dr. King are all wars in the sense that the condition of African-Americans, especially in poor urban areas where the people are basically quarantined in areas surrounded by nothing but poor schools, high crime, dilapidated housing, high prices and no jobs, have reached a head and exploded into a conflagration of black rage at a condition that they view is administered by the white majority. Some African-Americans have stated that America has been "at war" with Africans and people of African descent since the original slave trade began in the 1630's. The riots in Detroit in 1863 where huge bands of white attacked a black community beating, lynching and burning men, women and children and the draft riots in New York where federal troops were called in to quell the destruction caused by white workers who thought that the new draft law discriminated against them in that it opened the door to more black workers are just a few of the many examples of outbreaks in America due to the unresolved problem of race in our society.

THE NEXT CONFLAGRATION may be sparked by white supremacist groups who see the federal government as a foreign and rogue government that is controlled by Jews, whom they see as the spawns of Satan. This same government has done too much for the "mud people" as many of these groups call African-Americans and other dark skinned ethnic groups. Last year, three men in Lubbock, Texas were sentenced to life in prison for shooting and killing a black man chosen at random and wounding two others in an effort to start a race war.

THERE ARE AN ESTIMATED 809 militia organizations nationwide many of whom have direct ties to Supreme Courts. Many of these groups, namely, The Order, The National Alliance and Posse Comitatus, have been active in robbery, murder, and counterfeiting in an effort to finance and protest against a government they see as enemies of America. The Christian Identity movement is the "spiritual" arm of these groups. Christian Identity supporters believe that whites of northern European descent are God's chosen people and the United States, not Israel, is the promised land. They are preparing themselves for the upcoming race war as depicted in the Turner Diaries. The religious component gives these groups a sense of purpose and legitimizes their hatred toward ethnic minorities. They are willing to die for a "higher cause" that is rooted in their interpretation of the Bible. They are not haters, instead, they are chosen.

WHO WILL STOP THE RACE WAR that these groups are preparing for? Will it be the federal agents that participated in the annual ATF roundup where mock Lynchings and other anti-black activity took place? Will it be a Supreme Court that continues to erode the legal mechanisms that have been engineered to grant a measure of upward mobility to African-Americans in politics and finance? Will it be a Congress that can't agree on passing permanent voting rights legislation and that refuses to outlaw racism? What can black "leaders" say to the increasingly hostile black urban youth who, like their counterparts in Watts in 1965, see white society as a direct cause of the battle zone atmosphere in which they live?

I AM NOT QUITE CERTAIN that we are headed for a race war, but I am concerned with the expansion of militia/white supremacist groups, recent Supreme Court decisions and the rising pessimism of black males. The increasingly black prison populations, the lack of private sector investment in black communities and the continuing and appalling tradition of under funding inner city schools should be enough to give us all cause for concern. The Kerner Commission warned us that, "White racism is essentially responsible for the folly and sin which has been accumulating in our cities since the end of World War II." That mixture has spread to and is accumulating in the heartland as well. If we think it is impossible for a race war to occur, we need only to check our history and, in an honest, unflinching manner, check our own beliefs.

The President's column

By Marc Rothenberg
SBA President

Dear Fellow Students,

On April 8, I was elected SBA President. On April 9, I was asked by Gary Shupe, editor of this fine paper, to write a letter for The Forum. I agreed, and here it is:

I am a 24 year old male law student at Valparaiso University School of Law. I have always read about things like this happening to other people, but I never thought it would happen to me.

It was late November here in Northern Indiana, and the temperature had just begun to drop. School was going well, and finals loomed around the corner. I was walking through the hallway when I ran into the now former SBA president, Bart Arnold. We got to talking, and Bart began to tell me of the then current SBA perils. One word that kept creeping up was "Budget." Mr. Arnold informed me that our budget had been slashed some 46% from last year. This cut substantially affected SBA activities, student organization activities, and the school in general. He also told me that the SBA was looking for a solution, but that they had not even been able to find out the true reasons for the cut. Every time they talked to the undergraduate administration (where our budget comes from) they got the run around, the double talk, the cheese grater of misinformation — you get the point. Anyway, after my conversation with President Bartros—Bartros Arnold, I got to thinking — Gee, wouldn't it be groovy if someone could devote their time to finding out where our money goes, and more importantly, why it is not going to the student body. I went to the final SBA meetings of the semester, but I got no answer.

Anyway, winter came, Hanukah, Christmas, New Year's passed (all quite uneventful, although that whole JonBenet Ramsey thing is interesting) and the second semester began. I again began to attend the SBA meetings, trying to get a feel for where this budget thing was going. The fact is, they were still getting the cattle prod on the butt (this is a clean newspaper) from the undergraduate administration. It was at this point that I began urging someone to do something, even 3L's were getting PO'd because the amount of parties had gone down. Therefore, along with my honorable classmate Jenny Mullenix, I set out to find where the budget was going. By the end of January we had our answer. The school said it made a mistake in past years, giving us more money than we deserved. This was based off of some bogus policy such as enrollment numbers. (The truth is this was a valid excuse.) But Jenny and I were unsatisfied.

Then it happened. I had a dream. A dream where I would become SBA president. I would fight for the students, I would deal with the VU administrators of the world, I would be a white knight on a shining steed with a long steel sword, capable of piercing the skulls of the demonic (rude,?!) that dare oppose the school without giving the students due process. They were taking our money. They were taking YOUR money! As it turns out the SBA budget comes from your student fees. Those fees are divided up between different VU accounts. Some of that money comes back to you. My opinion it is not enough. (Stop by the SBA office, I will show you the numbers.)

So, my quest began, go beyond the budget (but still work on it) and run for president — and by all means, GIVE THE STUDENTS WHAT THEY WANT. To make a long story short (too late), I ran for president, won, the budget talks with the undergraduate administration, the sky looks clearer, the water is cleaner and everyone is happy again.

I wish that last paragraph was all true. Budget talks are underway, (By the way how many of you actually use the Union?) and the sky may look clearer, (because winter is over) but things are far from perfect. We need to work together to get this done. Please take the time to stop the Dallas Cowboys! (America's team my a*s — sorry Jan)

But seriously, I will give every drop of blood I own (mine and bottled) next year to give you the best SBA possible. We will fight for your money. We will fight for your desires. But we can't do it alone. All of the promises I made I will keep. I only ask for one thing in return — your help. We have no student government without students. Come to the SBA meetings, come to the SBA parties, stop by the SBA office and have a martini with the executive board. This is not a call to action, it is just a reminder. Again, I am only one piece on this chess board called Valparaiso University School of Law, much like Larry Storch was only one cast member of F-Troop. Just think about it, we can work with the Hicowes, not against them.

Anyway, have a good summer (chlee), work hard, don't run with scorers, and come home safely next year. I will miss you all.

M & M

By Malini Goel
Staff columnist

Ode to the 1L's

You're close to finishing one of the toughest years of your life.

You're 1/3 done, don't give up the fight.

You'll be happy you finish, just wait and see.

... And after two more years, you'll be free!

So hang in there and don't give up, M & M wish you a great summer and the best of luck.

Ode to our class!

Two-thirds done...at the tunnel's end there's a light!

It finally seems as though our J.D.'s in sight.

One more fall and one more spring...

And on we'll move to what life brings.

Congratulations 2L's and remember...

To have a great summer.

Congratulations 3L's ... this is it!

After graduation, you can do anything you see fit.

You see fit.

Whatever you want, the world will be yours.

You'll receive the fruits of your labor—for the three years you've chored.

We salute you and congratulate you—

We salute you and congratulate you—

... and sobs,

... and sobs,

we hope you'll help us get jobs!

Ode to 3L's Congratulations 3L's... this is it!

After graduation, you can do anything you see fit.

Whatever you want, the world will be yours.

You'll receive the fruits of your labor—for the three years you've chored.

We salute you and congratulate you—

Graduation will surely be full of smiles and sobs.

Now that we've brown-nosed you, ...

... Now that we've brown-nosed you, ...

we hope you'll help us get jobs! 

... and sobs,
PART TWO: SEARCH AND SEIZURE

1. Applicability of Fourth Amendment

The fourth amendment prohibits unreasonable government searches into areas in which an individual has a reasonable expectation of privacy.

A. APPLIES ONLY TO GOVERNMENTAL SEARCHES

The Fourth Amendment applies only to searches by government officials and agents.

B. REASONABLE EXPECTATIONS OF PRIVACY

Whether a person has a reasonable expectation of privacy in a particular area is a question for the judge based on the circumstances. However, there are some well-recognized rules:

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1. Where Individual Has Reasonable Expectation of Privacy

An individual always has a reasonable expectation of privacy in his home (including rental apartments and hotel rooms as long as he is the lawful occupant thereof), place of business, automobile, and personal effects.

2. Where Individual Has No Reasonable Expectation of Privacy

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