Class of 2000 Arrives!

By Malini Goel
Features Editor

Who are the VUSL students who will take us into the new millennium? This year's IL Class, the class of 2000, brings with it, new and diverse faces to the law school campus. One hundred and nineteen faces to be precise. The class is made up of students from across the country, representing Alabama, California, Florida, Iowa, Maryland, Minnesota, Georgia, Missouri, New Jersey, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee and Texas. There are also, of course, the dedicated Midwesterners from Indiana, Illinois, Wisconsin, and Michigan.

The VUSL class of 2000 is also made up of 22% minorities, up from 17% percent last year. According to Debbie Gleason, Assistant Director of Admissions, this year's class also brings to the school a large number of non-traditional students (students who have been out of school for five years or more) as well as foreign students and those of foreign decent, with ethnicity ranging from African-American to Middle-Eastern. The average age of the class is 26 and several of the students had careers before coming to law school. The careers are as varied as the students; ranging from careers in accounting, chemical management, police enforcement, graphic design, music instruction, legal and paralegal careers, real estate brokerage, tax work, and swimming instruction.

When asked about their experience at VUSL thus far, the students had much to say. "Wow." said Penny Meyers, who is from Sturgis, Michigan. "I've been out of school for six years and the amount of studying is incredible!" Eric McNamar, from Indianapolis said that he finds law school to be quite different from undergrad. "Law School requires you to think in a totally different way," he said. Sara Dastgheibi, who is from Iran, said, "Law school is like thunder that comes on strong but eventually the experience softens." Marian Kelly of Michigan City said, "It's friendly. Very conducive to learning." Dan Stephens had a specific purpose in coming to VUSL. "I came to V al p o because of the openness and the student-teacher ratio." I didn't want to be a number," he said. Some of the Class of 2000 are a little overwhelmed with the work but some are just delighted to be here. "It's everything I hoped it would be," said Eric Crocket. "Someone was listening when I was praying."

Bodensteiner takes helm as Dean

By Peter Buikema
Staff Writer

Despite the fact that his job is only temporary, Interim Dean Ivan Bodensteiner has no intention of resting on his, or anyone else's, laurels. The plan is to "continue with some of the things that were stated last year," said Bodensteiner.

That includes several rather significant changes in the curriculum; expanded externship programs, new concentrations and the possibility of a new L.L.M. program.

"I don't think that the attitude is that we just stand still for a year. I think the attitude is that we keep pushing forward and where there are things that we should change, we will do so," Bodensteiner said.

Among the most significant of the tasks Dean Bodensteiner has before him is the 1998-1999 school year will bring the visit of the ABA accreditors. Every accredited law school goes through an on-site evaluation every seven years. And it falls to Bodensteiner to prepare for it.

The library is also something that is being looked into during Bodensteiner's tenure as Dean. "There is a lot of discussion these days on what a library is going to look like in five years. Are books going to become less critical, and on-line computer services more critical?" Bodensteiner said.

The curriculum committee is working to implement an expanded externship program that was approved last year. Under this new program students could spend a whole semester away from the building.

"Assuming we are successful in finding good placements for students, it could open doors for future opportunities for that student as well as for the school itself," Bodensteiner said. "If someone does an externship in a government office, and does a good job with it, that means the school will be known in that office where maybe it hadn't been known. We see that as having some exciting educational potential as well as the potential for expanding the reputation of the school."

In the area of Career Services they are looking into establishing advisory committees in some areas where students have expressed an interest in locating. This would involve the assistance of graduates who are practicing in those areas by helping find positions and get students placed in them.

The search for a new Dean got under way last May when the faculty sub-committee in charge of screening the applications, chaired by Professor Rosalie Levinson, began advertising. The full faculty is the actual committee that will be making the decision on who to recommend to the president.

A letter was sent to the Dean's of all 176 law schools around the country along with an ad to post in their schools. The same ad was also included in the "Placement Bulletin" of the American Association of Law Schools, and in West Publishing's "Law School News."

According to Professor Levinson they currently have approximately ten applications and many nominations as a result of those adds. The deadline for applications is October 1. They hope to start inviting potential candidates to visit in early 1998.

Dean Bodensteiner is not one of the applicants being considered for the permanent position. "I had specifically agreed that I would be willing to do it for a year while they conducted the search, but I'm not a candidate," he said.

And Bodensteiner's messages to VUSL students: "We are continuing to look for ways to improve their opportunities to get a top notch legal education. That's always been true, and we will continue that," he said.
**VUSL VOICES**

**Reaction to the death of Princess Diana:**

Sarah Quirt 2L. “Princess Diana was someone special who always gave to others, even during difficult times in her own life when she should have been left to help herself.”

Amy Alderink 2L. “Princess Diana was a heroine to women around the world, she was caring and compassionate, a breath of fresh air in stuffy England. She will be sorely missed by the entire world. My prayers are with her sons.”

Professor Whitton, “People are blasting the media. We really have to look at ourselves. Media couldn’t exploit unless the public was willing to support the media exploitation. Unless we say, enough is enough, respecting individual privacy and decency, that’s what it will take to stop it. Until then, media will continue to entice viewers and readers. We wouldn’t think of looking in our neighbor’s window. But if the camera spies, we think it’s okay to look at the photos.”

Reva Hill, IL. “I was shocked. As the facts come out, we’ll discover the true story. It’s sad though. She was a good-hearted, caring person. I feel so bad for her sons. It will be hard to grow up without a mother, especially in the public eye.”

Jon Diston, IL. “It so was unexpected, especially the violent end that it was.”

Shawn Bartley, IL. “It’s sad obviously...but the blame lies mostly on the driver and on herself. They could have managed the paparazzi and press rather than running. The press didn’t make them speed. They had enough money to insulate themselves if they wanted to.”

Malini Goel, Features Editor—“Isn’t it ironic that Mother Theresa’s death was less aggrieved than that of Princess Diana? Whose life and charity work deserves more admiration? Mother Theresa was the definition of sacrifice. While not trying to undermine Princess Diana’s work or the genuine sadness her death caused, this just confirms my belief that we were in love with Princess Diana’s image more than anything else.”

**Serving law students for over a quarter century**

*The Forum*

"Let the people know the truth and the country will be saved." -- Abraham Lincoln

*The Forum* encourages submissions from all students, faculty, and staff. Please contact Mark Pappas, Editor, at forum@wesemann.law.valpo.edu for more information. Contributions can be made on computer disk or via E-mail. Disk submissions must be completed in a WordPerfect or MS Word format and be IBM compatible.

Please feel free to contact *The Forum* with any concerns or comments.

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**Trash Dumpsters and Rent Money**

By Mark Gumz

Contribution

And so here we all are. Sort of. There is lots of stuff to be giddy about to be sure. Classes, loan money, Cardozo Cup, Flint Lake. For a while there this summer, I thought that maybe working was a drag. But came back here, and missed working. But maybe not too much, as that time too shall come. So now its just time to enjoy being back and figure out where all that summer fun money went already.

Of course, the first two weeks are my favorite time of year. It is that special time, when I can’t get my loan money because loan refunds have not released because the gods of Kretzman have not determined how much gruel to give ol’ Oliver Twist. Whatever the reason is, I end up owing my roommates rent money, and eating out of the dumpster at Burger King. Well, of course it’s not that bad, and there is a reason for it (for the delay in loan money, not for eating from the dumpster), something about absconding with funds maybe. I forget just what.

The first two weeks are also my time to sample classes. I didn’t sample as many this year as last, as I am set to do an externship. (WHOOOOOHOOO!!!) However, I tried as many as I could, and I am pretty satisfied with what I have. The best part about the schedule is that while I don’t have any loan money, I haven’t had to buy any books either. I was able to scrounge them up here and there. (But if you are already missing a book, I don’t have it, but am sorry that you lost it.) The library even had one book that I needed. (I recommend this for 1L’s, as long as not everybody tries to do it.) Anyway, I didn’t even have to get a voucher to buy books from the bookstore. So I got that going for me. Which is nice.

Although it is early, it is probably worth mentioning the Cardozo Cup. I am already fired up. Given the poor turn-out of 1L’s last year, this is a call for you 2L’s to get fired up and come out of your study cubicles. C’mon, you are turning into law versions of Dilbert. Remember, there are refreshments at this softball extravaganza, and you pay for them through that activities fee. There are also professors. They can be o.k. too. Be careful, though, because Dave Lee pulled his hamstring last year. The VU health center is neither convenient nor helpful. This is also a call to 1L’s to attend Student Bar Events even though Marc Rothenberg is president. He really does mean well.

So there are certainly harbingers of good fortune all about this campus this Fall. So just remember, whether you are an already cynical 1L, curiously optimistic 3L (not in jurisprudence), or crusty professor (you know who you are), let’s all skip a class or two and enjoy the weather. Till then, see you around campus.
SBA President Welcomes Students

The year was 1982, Raiders of the Lost Ark was still playing at the theaters and Big Country was on the cusp of a lucrative music career. I was sitting that day with an old sailor named Smokey. Smokey had been around, had seen almost everything, and now he laid he weary bones at my side. I was 10 years old. "Marcus, my boy...," for that is what he called me, even though my name is Marc.

"Marcus, my boy, I sit here almost a complete man. I have seen the volcanoes of the Pacific Rim, I have visited the Mermaids of Thailand, but the one thing I never did was plan my life. I sit here now a broken man. I have no family, I have no money, content in some ways but not in others. But you know what?" he asked with his sullen eyes. "Yeah", I answered, "you could have been rich and famous had you planned out your life."

Well needless to say that comment made him angry. He picked up his lime colored stocking cap and jumped off the train. Sometimes I think of old Smokey and remember the lesson I learned — ALWAYS PLAN THINGS OUT. Which brings me to my purpose, to tell you the students of Valparaiso University School of Law the state of your SBA. It is evident that the former SBA did not heed Smokey's message. For example, I found a $12,000 check in the office behind the mailboxes this summer. I found putrid salsa in a desk. There were no records of finances, expenditures, or steering contacts. Yes, while the previous SBA ran the school, they seemed to be missing out on a plan. Well we have a plan. And a gosh darn good one.

1) Increase the awareness of the students in SBA activity.
2) Increase the participation of the students in the SBA activities.
3) Increase the communication between the SBA and the university administration.
4) Use steps 1-4 to pump blood into what I call the Uber-SBA, a powerful entity capable of breaking the traditions of slack.
5) Ok. you now are saying "good idea Marc, but it did not work for the mousekaeaters, how is it going to work for the SBA." My answer is simple: It already has. Thanks to the cooperation of such quality people as Jenny Mullennix, and Associate Dean Vandercoy, the SBA was able to pull an incredible trick out of our bag. That trick resulted in a substantial increase in your SBA budget. Yes, we succeeded in our first goal. It wasn't easy, but it was accomplished. The first step is done. Now the second phase must begin. We need to know what you want to spend your money on. Sure there is Law Week and Graduation. But we want other things. We want speakers, programs, and presentations. We want pow-wows, parties, and Pinocchio. We want whatever you want. "How do I tell you my desires Marc?", you ask? That's the easy part! There are already "town hall" (man I hate that term) meetings set up during chapel breaks. There is a new suggestion box on the SBA door. There will be SBA office hours that will actually be maintained. The truth is there are infinite ways to tell us what you want. Just do it. If you don't, we won't have a plan and the whole school will likely move into a state of glazded stasis.

Remember we love you.
Marc Rothenberg, SBA President

Death of a Princess

By Mona Charen
Creator’s Syndicate

Diana, Princess of Wales, was, with the possible exception of the Pope, the most famous person in the world. Her beguiling image sold more magazines than any movie star or sports hero. What, beyond her surpassing beauty, was the source of the fascination?

It's the fairy tale.

The British Empire was a mere flickering memory when winsome Miss Spencer made her first appearance as the fiancee of Prince Charles. But while the royal family governs nothing and no one, the habits of command still run strong in British hearts. All the obsolete pageantry on the Windsor back lot was polished off and trotted out for the royal wedding.

The theme was "commoner" weds future king— though Diana, a childhood playmate of Prince Andrew and the descendant of dukes, was hardly Eliza Doolittle. Still, the extravaganzas was magnificent. Handel’s Royal Fireworks Music was put to good use, and a hungry world drank it in greedily.

No one seems to mind the absurd juxtaposition of outmoded titles like Royal Highness and Princess Royal in the age of the NASDAQ market and Mars missions. Britain’s clinging to the monarchy is a little like the planet the Star Trek crew visited in which 20th century technology existed in the Roman era. The coliseum on TV! In modern Britain, subjects listen in while the price talks dirty to his mistress on a cellular phone.

And yet, it was impossible not to be drawn into their story at least a little. The contrast between the delicate, beautiful, motherless ingenue wanting so much to please and the jaded, cynical, spoiled prince playing a walk-on role as husband was stark and affecting. In the hours after her death, the BBC replayed an interview with the betrothed couple. He said, with mock gallantry, that she was "brave enough to take me on." The dissatisfied interviewer sputtered, "But you’re in love..." Diana, her face shining with innocence, answered, "Of course," to which Charles added, "Whatever that means." If she overshadowed him in public, it was only condign retribution for his private betrayal.

Diana is now being elevated to sainthood. This is good for her bereft sons but perhaps not so healthy for the rest of us.

Despite the overwhelming sadness or her untimely death, it must be said that it was not an unavoidable tragedy. Why was she off cavorting with a feckless, spendthrift, billionaire playboy anyway? Dodi Fayed, the son of an Egyptian businessman, was famous, before his affair with Diana, principally for renting Beverly Hills mansions for $35,000 a month and then stiffing the landlords. His legacy is a trail of lawsuits for unpaid bills.

Following the divorce from Charles, which must have been shattering for her sons, Diana’s chief duty and purpose in life ought to have been her children. Free of the burden of earning a living, she really should have been spending the maximum amount of time with them. Further, she owed it to them to present a dignified aspect to the world. Being photographed with her bathing suit slipping off in the company of Fayed isn’t, as the British might say, quite on.

Further, people who have children are under an obligation not to take unnecessary risks. However obnoxious the paparazzi may have been that night, was losing them the risk of traveling through a tunnel at 90 miles per hour without a seat belt? Why didn’t she tell the driver to slow down?

Diana made her bid for sainthood by visiting AIDS patients and children’s hospitals and campaigning for “good causes” like the elimination of land mines. That is how one is canonized these days, not by leading a restrained and moderate personal life.

There is little doubt that Diana loved her sons passionately and her loss is inexpressible for them. But part of this tragedy is that she lacked the wisdom to do what was best for them — or herself.

Mona Charen is a syndicated columnist who is featured in over 300 newspapers. She is a regular analyst on CNN’s “Capital Gang.” Ms. Charen has a law degree from George Washington University.
The Media's Role in the Life and Death of Princess Diana

By Malini Goel
Features Editor

Arguably, Princess Diana, former wife of the Prince of Wales, was one of the most famous, if not the most famous woman in the world. Her sudden death on August 31, 1997 at age 36, seems to have shocked the world, with tributes pouring into Britain from heads of state, celebrities, and commoners from every corner on earth. For many of us, Princess Diana was a figure who both appeared and disappeared during our lifetimes. Her marriage was watched by millions and now her funeral is expected to be watched by billions. It seems ironic that the entity through which we knew her, the media, is the same entity which in the end, in pursuit to provide every last detail of her life, chased her to her end.

Princess Diana seems to have been both created and destroyed by the media. Had the media never captured glimpses of and covered stories about Princess Diana in her charitable pursuits, her glamour, or of the suffering in her marriage, we the public, would never have come to know her. No matter who or where, Princess Diana always made the headlines. Even on the day of the death, the irony of the media's role in her life was revealed in the newspaper stands, with tabloid headlines ranging from "Diana, Sex-mad" to news headlines which will mark the beginning of the end of the world's journalistic obsession with her, "Diana Dies in Paris Car Crash."

A LEGAL PERSPECTIVE

It seems that law is continuously interwoven into our lives and into just about any situation we examine. Even the death of Princess Diana has caused a number of legal issues to surface. For example, are the world's laws which currently deal with media stringent enough? Should journalists be allowed to invade people's public and private lives? Or should the law provide more protection?

Dean Ivan Bodensteiner shed light on the issues and how the scenario would be examined under U.S. law, "A public figure complaining about being chased by photographers seems to be a privacy issue rather than a Constitutional one." Bodensteiner said the New York Times standard, which explains that media persons covering public figures should be held to the standard of "actual malice" because they must inform the public about public figures but should be forgiven for mistakes, is not applicable. Bodensteiner said that it seems that absent any statute, tort law would apply, if the particular jurisdiction recognizes invasion of privacy. "Then one must ask, does tort law look different with public officials vs. people not in the spotlight," he said. One that is determined, a tort analysis must be done. One should ask, 1) does the state or jurisdiction recognize the tort of invasion of privacy? 2) was there a duty? 3) was it breached? 4) did the paparazzi cause it? 5) and are there damages?

What you missed this summer

By Marianne Manheim
News Editor

As law students, it is sometimes hard to keep up with what is going on in the world. Therefore, I will try to provide a summary of world, local, and school news. Here is a quick review of what has happened of interest over the summer. To begin with, Hong Kong was returned to China on July 1. Prince Charles made a little speech and took off in his yacht. Now, China is trying to run one Nation with two different ways of life. Jimmy Stewart, Robert Mitchum, and Charles Kuralt died in one week. President Clinton is still dealing with lawsuits. The Supreme Court seems to have reversed everything we learned in Constitutional Law. The Bulls won another Championship.

Bodensteiner further added that if the jurisdiction does in fact recognize invasion of privacy as a tort, the photographer's freedom of expression would not be protected under the 1st amendment. However, the analysis is more complex than this. For example, in the case of the photos taken of Dodi Fayed and Princess Diana on Fayed's yacht in the Mediterranean, if the photographers were on a public beach, they were on public domain, Bodensteiner said. "If you go in the public, you're not expecting privacy" he added. He said the 4th amendment dictates this issue. "For example, if you put something on the sidewalk and someone takes it, there's not much you can do about it," he asks. "It's in the public domain."

Princess Diana and Dodi Fayed were also in the public domain when they were in the Mediterranean as they were when they were driving throughout the streets of Paris. This is the same reason why trespass law would not apply. "Invasion or privacy is tied to expectation of privacy," Bodensteiner said. If they were on a yacht in view of a public beach, did they expect privacy? Similarly, since Princess Diana and Dodi Fayed were on a public road in a car which lacked tinted windows, did they expect privacy?

When asked if chasing people for photos and taking photos of their personal lives is illegal, Professor Bodensteiner answered, "it's rude behavior but is it illegal?...It seems there should be a point at which it becomes harassment," he said. People could obtain a protective order in this case. In Indiana, a protective orders inform people to stop calling or harassing, Bodensteiner said. But when it comes to the media, he said, the situation is more difficult because of the 1st Amendment freedom of expression. We must ask, if we passed a law criminalizing this type of photo harassment, if it infringe upon this freedom. Freedom of the press shouldn't allow the media to do anything to accomplish its goals, Bodensteiner said. But when we want this type of conduct to be illegal, we should pass some laws dealing with disorderly conduct, trespass, and so on to deal with the issue, he added.

Regarding the criminal theories on which French authorities are considering convicting the paparazzi, news authorities have cited the following two charges 1) involuntary manslaughter, which brings with it an $80,000 fine and a maximum sentence of 5 years and 2) violating France's "Good Samaritan Law" which requires a passerby to aid people in danger if they won't hurt themselves in the process.

What are the other legal issues involved in the death of Princess Diana? How would American and foreign authorities handle these issues? Would they cite negligence, or recklessness on the part of the driver for allegedly driving at excess speeds while intoxicated? Who would be found to have been contributorily negligent? Did law come into play in the royal family's decision not to have a state funeral for the Princess? Where are some other areas where law would be involved in the live and death of Princess Diana?

Pete Sampras won his fourth Wimbledon. Someone decided to go explore Mars. Others were lost in space or in a satellite named Mir.

In more recent days, Michael Jordan signed a huge contract to return for another year. Montserrat is no longer an ideal resort paradise, but at least we have an idea where it is located. Boris Yeltsin told a bunch of schoolchildren that he does not plan to run for President again. The Middle East is still having problems. India celebrated its 50th anniversary of independence. UPS is back to work. New York police are going to drastic measures to keep crime down in their city. Labor Day was observed by many people around the United States.
Lady and the Champ!

By Kristi Fox
Contributor

Mistake by the lake - I don’t think so! They may have lost their NFL football franchise, but there is still much to do in Cleveland. Delta Theta Phi Law Fraternity held their 50th Biennial Convention in Cleveland, Ohio August 6-9, 1997. Contrary to popular belief, I found Cleveland to be a beautiful city. Approximately seventy-five members from the United States and abroad attended the DTP Convention. I participated in the Audit, Budget, and Finance committee, which, unfortunately for me, met one hour earlier than other committees at 7:00 a.m. each morning. Besides that responsibility, we held elections for new members.

Fortunately, we still had time to enjoy ourselves. We went to the eating and entertainment area called “The Flats” on the east bank of the Cuyahoga River. I ate at Watermark on the Cuyahoga River - very good seafood, Dick’s Last Resort - good ribs, but expect to be insulted (otherwise, very delightful!), and Hooter’s - it’s true what they say... Big Portions! I visited the Rock and Roll Hall of Fame - experienced (some of it again) the music that shapes our culture. I would definitely recommend stopping in.

A Summer of Service

By Andrea Welch
Contributor

After surviving the first year of law school, a little battered and a little bruised, the last thing I wanted to do is look at another law book or even work near anything law related. So what did I do over the summer? I took a summer class and worked at Legal Services.

Working at Legal Services this summer turned out to be one of the most rewarding practical experiences I have had since my introduction to law. Legal Services of Northwest Indiana is one of many offices throughout the United States that receives funding to manage a legal services program. The program provides legal assistance to the poor and the elderly within a geographical boundary. A group of attorneys are hired to represent the indigent clients. Unfortunately, there is a constant disparity between the number of hired attorneys and the vast numbers of clients and their legal issues. This situation is further frustrated by an imposed criteria limiting the number of hours by which the attorney can spend on any one client. The main reason for the disparity is that there is too little money in proportion to the volume of needs.

Through various contacts I was introduced to Kent Hull, supervising attorney for the Older Adult Project at the Legal Services of Northern Indiana. He told me about Legal Services and the need for extra help. The main problem was that there was no funding with which to pay for a law clerk position, and that if I decided to work at Legal Service it would be on a voluntary basis. However in exchange for my time and efforts, Kent agreed to be my mentor and help to get me exposed to those aspects of law that I had an interest in.

Over the summer I worked with Kent and David Kesslar. They were both very nurturing mentors. I am very honored to have been able to work with such personable, professional, ethical and socially responsible attorneys. Through their direction I was exposed to the principles of public interest law, elder law, health law, family law, administrative law, property and banking. I did a lot of writing and some research. (Yes, I did use Valpo paragraphs for my memorandums. Thank You Professor Straubel and Sue Cullen!) I was exposed to client interviewing and pre-screening as well as doing home visits for those clients who were elderly or disabled. Lastly, I was able to observe and hear first hand the many ethical issues the attorneys had to make and to see how much they are a part of everyday practice. This time the issues seemed real because they had faces to go along with the conflict.

I think all too often law students focus too narrowly on obtaining practical experience via clerking at the typical law offices. However, if you are willing to explore other avenues such as Legal Services, I think you can get a more personalized and comprehensive practical experience, as well as contribute something back to your community by helping individuals that are underrepresented, forgotten or disregarded because they are poor. I encourage any law student who is looking for a well-rounded practical experience or who needs to fulfill their Pro Bono hours to contact their local Legal Services program. The time and effort you give to a Legal Services program provides the student with excellent practical experience. Your service also aids the dedicated attorneys who give their time so graciously.

News from SBA

By Marianne Manheim
News Editor

SBA spoke about inviting John Grisham to speak at the law school during Law Week. The fax machine in the SBA Office is available to all students. The price this year is $1 for the first page and $.25 for each additional page. If you like saving money on pop (or soda as I would say), buy a can of the stuff from the SBA office. We go by the honor system, so drop $.35 and enjoy. SBA purchased a green sofa for the Office. The Cardozo Cup, a softball game and tug-of-war, will take place on September 19. Start practicing.

SBA President Marc Rothenberg will hold Town Meetings during Chapel Break. Please come to these meetings and express your opinions.

The following people were appointed by the SBA President and approved by an unanimous vote:

Admissions Committee - Druella Parker
Curriculum Committee - Margo Babineaux
Lectures and Speakers - Jonathan Richardson
Placement Committee - Jason Paradis
Readmission and Petition Committee - Jennifer Davis
Martin Luther King Committee - Vicki Battle Cashwell

Honor Court Justices
Duke Escue
Kevin Stalker
Julie Peterman

Honor Court Alternates
James Spurr
Jeff Gordon

Honor Court Presenters
Sue Cullen
Tyra Lewis
Marc Rothenberg
Minority Dissents

Prop. 209, The death of race and gender diversity

By Bekele Bryan Berta
Staff Columnist

The supporters of Proposition 209, which bans all affirmative action programs in state hiring in California, fail it as a tool that restores the principles that America was founded upon to the employment arena and promotes equality between whites and minority groups (read, blacks). The proponents of Prop. 209 have trotted out an impressive list of African-American supporters including Supreme Court Justice Clarence Thomas and Ward Connelly and they have often tried to bolster their argument by using phrases from Dr. King's famous "I Have A Dream" speech. But what the supporters of Prop. 209 are not telling you is that they are misrepresenting the goal and effect of affirmative action programs, especially as they relate to African-Americans and women.

Proposition 209, called the California Civil Rights Initiative, states as its goal that "The state shall not discriminate against, or grant preferential treatment to, any individual or group, on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting." On its face, it sounds like something that all of us can agree to and support. But it paints a false face on what affirmative action is and what it is not.

Affirmative action is not a racial quota system. Quotas are illegal and have been since the Bakke decision was handed down by the Supreme Court. Some argue that a quota system might in fact be a better solution to address hiring and higher education discrimination because it would ensure that a set number of minority applicants and women would be enrolled and hired. But the present system does not work that way. In fact, affirmative action is little more than an equal opportunity measure that allows race and gender to be considered for decisions on hiring, promotion, public contracting and public school enrollment. It simply provides a mechanism that may open the doors of the better schools, government contracts and public jobs. Private employers do not have to implement such programs. Many do so because they have seen that it works and that it is good business. Affirmative action merely sets goals and timetables for employers and universities to address the disparity in hiring and enrollment between those who have traditionally had access to these institutions and those who have not. Affirmative action is not reverse discrimination because no employer is mandated to hire a woman or a minority to fill a slot. It is designed to "level the playing field" by opening up the applicant pool to a wider, more diverse audience. Currently, 86% of available jobs are not advertised. Instead, they are filled by word of mouth. Since wealthy white males still own and manage most American businesses and make deals in exclusive clubs where they socialize, they tend to know and hire other wealthy white male applicants. Affirmative action is designed to reduce the privilege of white males, not induce a preference for blacks, women or other minority groups. No affirmative action program requires anyone to accept unqualified workers or substandard students. That would not make good business sense for employers or universities.

I use the phrase, "the program is designed to do...", because I think affirmative action is a pretty innocuous program that is getting a bad rap. First, preferential treatment has always existed in America, except that it has always worked in favor in the majority, typically white males. We have never lived in a meritocracy. If that were true, power would be at least a little more evenly distributed instead of being drastically slanted in favor of white males. Color blindness and gender neutrality, though noble goals, are nothing but facades for further discrimination. Those who are the preferred racial and gender groups will remain the preferred racial and gender groups without some sort of action. Dr. King once stated that "legislation can't make someone like me, but it can stop him from lynching me..." Notions of color blindness will not make someone like me, stop him from discriminating against me or stop him from lynching me...because it doesn't exist. Besides, the push for colorblindness has come about 300 years too late.

The problem now is not how do we overlook race, which we can't do, but how do we stop or at least address the effects of our sociopolitical economic system that has always taken race into account? Affirmative action can't mandate that there be a preference for other groups. It can only urge employers to set goals and timetables. White males, who make up 100% of the CEO's of major corporations, 100% of the United States presidents and vice presidents, chancellors and deans of major universities are not being disadvantaged. The real problem in America is that well paying jobs and high quality educational opportunities are scarce. Corporations are downsizing, shifting to part-time workers and moving overseas. That is not due to any preference for minorities. And those who argue that poor whites are disadvantaged because affirmative action is shifting opportunities to wealthy blacks do not understand that the largest benefactors of affirmative action programs have been white women: the girlfriend, wife, mother, sister, niece of those who oppose the program. Wealth has not insulated African-Americans from discrimination in any area of American life from housing to employment to politics. There are innumerable studies that confirm that systemic discrimination on the basis of race and gender remains a problem in virtually every area of our society and that it spans the socioeconomic spectrum. Poor whites, women, African-Americans and other minority groups have always fought each other for the scraps thrown to us by the only minority who truly receives a preference and that is the wealthy families and individuals who wield vast amounts of influence.

I fear that the debate on this issue has probably reached its peak. The recent decision by the Ninth Circuit Court allowing Prop. 209 to move forward will spread like wildfire across the nation. Judging by the minority enrollment at Cal-Berkeley law school, all state funded law schools may soon have one black student. In the meantime, what do we do about the continuing discrimination against minorities and women without some counter initiative? I have faith that the future legislators, white, black, Hispanic, Asian, male and female, at this law school, will take the proper initiative.

Money Saving Tips--Valpo Style

By Marianne Manheim
News Editor

1) Use the campus athletic center. It's free.
2) Eat cheap at Burger King with a 99 cent Whopper on Wednesdays.
3) Get a public Library Card for free books and videos.
4) Make copies at the American Speedy Print shop at 5 cents a copy.
5) Rent videos from Video Update for 99 cents on Tuesdays.
6) Cheap groceries at ALDI's (don't be scared of the building).
7) Wal-Mart is an alternative for those without a social life.
8) Banks - Mercantile has free checking for students. Centier has free checking with $100 balance and you must buy checks.
9) Michigan City is wonderful for Outlet Mall Shopping.
10) There is an Office Max and Office Depot in Merrillville. Avoid spending bookstore prices.
Making the Right Choice, Choosing the Right Job

By Gail Peshel
Director of Career Services

During the flurry of Fall on-site and off-site interview programs, it is easy to get caught up in the "get-a-job" syndrome, and lose track of the fact that you are selecting an employer and type of employment. The better you know all your options and the better you know yourself, the more likely you are to be pleased with the work you select. No employment decision is irrevocable, and sometimes you have to try a particular job to learn that it is not right for you, but an informed, rational choice is better. Law clerking and your first years of practice tend to be the work experience which has the strongest influence on your total career because a lawyering style and a focus toward particular substantive areas is developed during those years.

There are two phases of decision making in your job hunt: 1) where, when and how to apply and 2) whether to accept a job offer. In both stages you need to measure potential employers against criteria you have defined as important. This is hard work — research and self-search — but the payoff of job satisfaction is well worth the effort.

Consider the following elements of a position as you consider employers. The examples listed are not all inclusive but are meant to serve as a starting point in your thinking process. These suggestions are not intended to serve as interview questions. A lot of this information can be gained by reading written information provided by the employers, generally acquired through observation, or through conversations with career services staff, faculty, alumni, other practitioners, and other students.

**The Work Itself.** Is variety in the work assigned, working in your area of interest, opportunities for client contact, or the chance to do pro bono work important? Do you prefer to mainly research and write on your own, or do you prefer to work closely with others?

**Training and Development.** Do you prefer general encouragement, regular feedback, or formal performance evaluations? Are you comfortable doing work assigned or are you more comfortable if you know about the case and the intended effect of your efforts?

**The Work Environment.** Is a congenial atmosphere important? Is there an adequate in-house library or will you need to return to the law school to do your research? Are expectations as to billable hours reasonable?

**Career Advancement.** Is your chosen practice area stable or growing? Will you have future job mobility if you leave? What is the reputation of the employer in the legal community?

**Quality of Life.** Is the employer in a good geographic location? How will the employment opportunity impact on your family?

Keep in mind that most people, lawyers included, find that salary provides less job satisfaction than these other factors!

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**THE FOOD DUDETTÉ**

**RESTAURANT NAME:** Don Pablo’s

**RESTAURANT ADDRESS** 2831 E. 80th Street, Merrillville

**RESTAURANT PHONE #:** 219/947-5253

**OVERALL RATING:** B+
**FOOD QUALITY:** A
**VALUE FOR $$:** B+
**ATMOSPHERE:** B+
**SERVICE:** B

**AVERAGE ENTREE PRICE:** Lunch - $5; Dinner - $7-8

**COMMENTS:** This Tex-Mex restaurant is one of the best of its kind in the area. In addition to traditional tacos, enchiladas, and the like, Don Pablo’s also offers some more interesting treats, such as Tacos San Lucas (grilled tuna tacos) and a few other seafood choices. The food is well-presented and pleasing to the taste buds too. Many options are available for the health-conscious. The restaurant itself is large and has a lively bar upstairs. Service is friendly and efficient, although there can be a wait on weekends. Parking is no problem, and there is an ample non-smoking section. Most dinner entrees are under $7, but steaks and seafood can exceed $10. This is a great place to grab something to eat after shopping at Southlake Mall across the street.

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**RESTAURANT NAME:** Italianni’s

**RESTAURANT ADDRESS** 1605 Southlake Drive, Merrillville

**RESTAURANT PHONE #:** 219/736-1977

**OVERALL RATING:** C+
**FOOD QUALITY:** C
**VALUE FOR $$:** C+
**ATMOSPHERE:** B+
**SERVICE:** C+

**AVERAGE ENTREE PRICE:** Dinner: $10-14

**COMMENTS:** This relaxed Italian restaurant has a wide menu which includes most of the traditional pasta, chicken and veal entrees, as well as pizza alternatives. The angelhair pasta and spaghetti were tasty enough, but the veal was overly-breaded and too tough. Service was low-key and competent, but nothing to write home about. We weren’t pressed for dessert, and after quickly eating the small portions of meat that we received we still had plenty of room (although their pasta portions are quite ample). Italianni’s is large and is an acceptable place to go if you want a no-frills Italian meal, but for the price you can probably get much better food at other restaurants in the area.
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