Cane Walk tradition returns to VUSL

Graduating 3Ls will march to courthouse on April 17; first time since WWII

BY JONATHAN PASKY
Editor-in-chief

For over sixty years, the tradition remained forgotten, lost seemingly forever. But this year, for the first time since near the beginning of World War II, graduating VUSL students will proceed once again from the law school to the Porter County courthouse in downtown Valparaiso. The Cane Walk has returned.

It was 1902, and law students had begun a new tradition they called the “Straw Hat Parade” where students, wearing straw hats, would depart from campus and travel downtown, eventually entering the courthouse.

By 1923, the tradition had evolved into the “Cane Walk.” Students would each get a cane and travel the same route as before. The walk was seemingly a rite of passage from student to counselor.

But the tradition was lost, says University Archivist Mel Doering, sometime around the start of World War II. After fifty years, the Cane Walk had all but been forgotten.

Then, a few years ago, the law school was given one of the early canes, donated by a VUSL alumnus. Once school officials figured out what the cane was, talk of the tradition once again surfaced at VUSL, and the cane was mounted outside the elevator on the second floor of Wesemann Hall. There it sat until this year when, as part of the 125th year anniversary, that cane will be permanently mounted in the glass display to be hung in the foyer of Wesemann Hall.

It was not until this year that plans to revive the Cane Walk were discussed.

Paul Mullin, 2L, and SBA President-elect, led the effort to revive the tradition. In this day and age, though, it is not easy to find someone who makes quality walking sticks at an affordable price.

But after much investigation, it was discovered that the Kentucky Walking Stick Company (kywalkingstick.com) would make the canes in bulk for the current graduating class. A letter was sent out to all 3Ls detailing the history of the Cane Walk and encouraging every member to participate.

With such small classes in the early part of the twentieth century, it is hard to imagine that any member of those VUSL graduating classes did not have their own cane.

ACLU legal director addresses U.S. Patriot Act

BY BILL SMITH
Managing editor

Steven Shapiro, legal director of the American Civil Liberties Union, speaks in Tabor Auditorium about the history, evolution and impact of the U.S. Patriot Act.

The United States government has the obligation to protect its citizens, but portions of the Patriot Act force Americans to forfeit their rights for security, according to the legal director of the American Civil Liberties Union.

"I do think the administration's response, from a civil liberties standpoint, has been very disappointing," said Steven Shapiro, who spoke to an audience at VUSL on March 25, 2004. "I think it raises some serious threats to the constitutional fabric of our country."

Mr. Shapiro spoke about the circumstances under which Congress passed the Patriot Act, weeks after the September 11, 2001, terrorist attacks. A House Judiciary Committee created the document, but the night before the vote, the House leadership introduced its version of the Patriot Act.

"The vast majority of members of Congress had never read what they had been asked to vote on ... the president said there were tools needed to fight the war on terrorism and (Congress) felt they could not oppose it," Mr. Shapiro said.

The ACLU has filed several Supreme Court cases that challenge government actions in the wake of the “war on terror.” One case, set to be heard in April, represents 16 people captured in Afghanistan as al-Qaida sympathizers. The detainees have been held in Guantanamo Bay, Cuba, without being told when they would be released.
News

Alumni Focus:

VUSL alum goes global

BY MEGAN RENNER
Staff writer

McDonald's is the world's number one fast food company by sales, with more than 30,000 restaurants serving more than 100 countries. With $17.140.50M in revenues in 2003 alone, McDonald's deep pockets have been a target for litigation. The legal demands that accompany the corporation's well-recognized name are endless, as one VUSL grad has experienced.

For the past two years, Koreen A. Ryan, '93, has worked for the McDonald's Corporation. As Senior Counsel, South Asia, Ryan is the general counsel for all of South Asia, including the countries of Singapore, Malaysia, Indonesia, the Philippines, India, and Thailand. As an international corporation tiered in several layers of management and departments, meeting the diverse demands and interests of everyone is challenging, but doing all of this in a foreign market adds another dimension.

In her current position, Ryan spends about 95% of her time on e-mail handling communications with the South Asian market. Ryan's responsibilities range from joint venture restructuring to dealing with sensitive human resource issues to performing general corporate governance.

Globetrotting

Not every problem can be solved from Ryan's desk in Illinois. Ryan travels every four to six weeks, usually for two to three weeks at a time. Since Ryan's position requires her to travel to so many foreign countries, McDonald's does not require that Ryan learn the language of the foreign markets. Communication is usually not a problem since almost everyone speaks English, but Ryan says, "I am trying to pick up basic phrases in my markets' languages, as a sign of respect for, and my own personal interest in, the local cultures."

As general counsel, Ryan directly supervises both in-house counsel as well as outside local counsel. Ryan relies heavily on their expertise when learning the laws of a foreign country. In some instances, additional legal advice is acquired from independent international counsel based in the United States.

Independent international counsel are useful in advising Ryan and her staff from a U.S. perspective as to international issues.

Koreen A. Ryan, '93 VUSL alumna and current McDonald's Corporation Senior Counsel for South Asia.

Learning the point of becoming a mini expert about specific countries' treatment of stock options has been mentally challenging-from a legal, creative, management, and human resource perspective," says Ryan.

The quest for the ideal job

When Ryan started at McDonald's, she worked in the corporate legal group as a securities lawyer. Ryan had practiced securities law since '93 and enjoyed doing corporation finance work for public companies.

Prior to her employment with McDonald's, Ryan worked at Metris Companies, Inc. and Incapital Holdings, LLC where she did public securities filings with the SEC. Ryan's work included filing registration statements for newly offered securities, annual and quarterly filings, proxy materials, annual reports, and filings related to mergers and acquisitions.

Ryan has an undergraduate degree in quantitative economics. While at VUSL, she externed for the Chicago office's Division of Enforcement of the SEC. While Ryan has learned a great deal about accounting and tax on the job, she says she learned it the hard way. Ryan suggests that students interested in secu-

see RYAN page 4
Law Review, Moot Court name executive boards

Law Review and Moot Court have named their respective editorial and executive boards for the 2004-05 academic year.

**Law Review, Moot Court name executive boards**

Law Review and Moot Court have named their respective editorial and executive boards for the 2004-05 academic year.

*Edwards, Chief Justice Joseph Langerak*

Volume 39 of the Valparaiso University Law Review will be headed by Editor-in-Chief Lindy Arwood, 2L. The remainder of the editorial board for next year will be: Executive Managing Editor, Bridget Adaska, 2L; Executive Editor of Student Writing, Julie VanGroningen, 2L; Executive Editor of Publication, Jamie Spence, 2L; and Symposium Editor, Matthew Doherty, 2L.

Joseph Langerak, 2L, will chair the Valparaiso University School of Law Moot Court Society as Chief Justice. The following round out the executive board: Associate Justice of the Swygert Competition, Ghislaine Storr, 2L; Associate Justice of Finance, Rob Phares, 2L; Associate Justice of Judging, Derick Steeke, 2L; Associate Justice of Interschool Competition, Beth Garrison, 2L; Associate Justice for 1L Oral Arguments and Tryouts, Julia Riecken, 2L.

Try-outs for Law Review will take place after finals are over in May, while Moot Court try-outs will begin in mid-April.

**Law School research, teaching fellows named**

Professor Laura Dooley is the new Michael and Dianne Swygert Teaching Fellow at VUSL. Dooley has written articles on feminist procedure, medical ethics, and habeas corpus. She is a member of Phi Beta Kappa, the Order of Coif and was previously the Bigelow Teaching Fellow at the University of Chicago School of Law. Dooley earned her law degree at Washington University in St. Louis School of Law.

Professor Richard Stith has been named the Swygert Research Fellow. Stith has written extensively on fundamental matters in legal and ethical theory and is a member of the Board of Editors of the American Journal of Comparative Law and the Advisory Council of the National Lawyers Association. Stith earned his law degree and Ph.D. from Yale University.

Both fellowship appointments run for three years and are effective July 1 of this year.

**Spring enrollment up**

VUSL enrollment this spring is 549, up from 493 a year ago. Total university enrollment is the highest in a decade at 3,676 students, an increase of nearly six percent over a year ago and the highest.

**Law and ministry conference set for April 18 & 19**

Attorneys and clergy from across the country will gather at Valparaiso University in April for the 19th annual Institute for Law and Pastoral Ministry. Richard Hammar, '75, an attorney and certified public accountant in Springfield, Mo., will give the keynote address at 7:15 p.m. April 18.

Hammar is a specialist in the legal and tax issues facing churches. He has written more than 40 books, including "Pastor, Church and Law," and the "Risk Management Handbook for Churches and Schools."

Eric Mathisen, an associate with Hoeppner Wagner & Evans, will discuss the Health Insurance Portability and Accountability Act (HIPAA) and how the privacy issues it raises impact clergy.

Curt Cichowski, associate dean for administration at VUSL, will provide a primer on copyright issues facing churches.

**Tuition set for next year**

Tuition in the School of Law will be $24,670 per year for full-time law students. The law student fee will remain the same at $612.

-- Jonathan R. Pasky

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**Photo Contest**

Let the sun shine in where?

The first person to correctly identify the building in the picture above will win a $10 gift certificate to Jimmy John's, compliments of The Forum.

E-mail your responses to forum@valpo.edu
A New England band, The Grift, with frontman Clint Bierman, will play at The Court Restaurant on Sat., April 17, following a long day of SBA activities. The concert costs $10, covering drinks and entertainment, and is open to VUSL students only.

Earlier in the day, the second annual Ambulance Chase Race 5K Walk/Run will begin at 10:00 a.m. in front of the Athletics-Recreation Center (ARC). Entry fee is $15 per participant, with sign-ups in the Atrium beginning April 8 during Chapel Break and continuing until 9:45 a.m. on race day.

In the afternoon, SBA will also sponsor a 3-on-3 Basketball Tournament at 3:00 p.m. in the ARC. Entry fee is $20 per team of four players.

The evening concludes with the revival of the Cane Walk at 6:30 p.m., with students departing from the patio behind Wesemann Hall and traveling to downtown Valparaiso, around the courthouse square, and into The Court Restaurant.

The Benefit Night begins at 7:00 p.m. with live opening performances by VUSL students Adam Davis, 3L; Lance Clouse, 3L; and Jeremy Willet, 2L.

All proceeds from the day will benefit the Make-A-Wish Foundation of Indiana.
EDITORIAL

New law student groups defy the norm of “student apathy”

It all started in Spring 2003, when Valpo Law Republicans (VLR) formed on the VUSL campus. Since then, at least six new student groups have formed at the law school, some of which The Forum has already profiled in its January issue.

The American Constitution Society (ACS), the American Civil Liberties Union (ACLU), the Association of Trial Lawyers of America (ATLA), the Gay, Lesbian, Bisexual and Transgender group (GLBT), Valpo Law Democrats (VLD), and the newest group, Voices for Planned Parenthood (VOX) have all sprung up this year at VUSL.

First, this is a good sign, for the proliferation of student groups enhances VUSL’s image--on the website and in promotional literature, the more groups a school has, presumably the more enticing the school looks on paper. It shows that students have a diversity of opinions on a variety of topics. Fundamentally, it simply shows that our students care.

One may argue that the group formation in 2003-04 may be reactionary, and the argument surely has merit.

It is no secret that with the Lutheran affiliation, the traditional politics at VU lean to the right, and the panoply of student groups at the law school have reflected this state. But when VLR organized and enjoyed as much success as it did with its involvement with the election of Valparaiso mayor-and VUSL alum--Jon Costas, a silent bell went off in the heads of some student leaders. Why are there not any left-leaning groups on this campus to counteract this recent surge, was the question.

ACS is a direct result of the success of the Federalist Society at law schools across the nation. The national group even proclaims as such on its website. And the recent addition of VOX is sure to conjure a direct comparison to Jus Vitae, the right to life group here at VUSL.

One can debate forever the reason for the formation of the new groups, but the end result is that at the end of this year, there exists a real balance among the student groups in terms of politics, virtues, and ethics.

But with this balance comes a heightened expectation for a chance at real debate, too. Constructive debate is the very nature of the legal profession; without it, we would all be out of jobs for the future.

Now that a diversity of student groups exist at VUSL, a healthy debate needs to be set up between and among them to not only enlighten those ignorant or uninformed about legal issues of the day, but to strengthen the beliefs you hold, by being able to hold your own in a constructive debate.

The Forum is hopeful that these new groups can work together with those already existing to foster a new wave of intellectual sparring here at VUSL, something we have been sorely lacking for quite some time.

Group formation may be reactionary... but constructive debate is the very nature of the legal profession.
Opinion

Thank you very little for your vote

Writing in Cursive

Barry Wormser

Unless you are a complete dope, you have likely noticed that it is full-on election season across the country. Nationally we can look forward to the presidential race, and locally we were recently lucky enough to hold the Student Bar Association elections for next year.

This got me to thinking. If we look past the obvious and default desire to grab as many votes as possible, do candidates really want everyone’s vote? I have heard stories of campaign contributions being returned to people and political action committees for various reasons. Do candidates really want every vote, or would they rather turn some votes away?

On one extreme, would Bush or Kerry really want a vote from O.J. Simpson? It’s fairly safe to assume they wouldn’t. How about Michael Jackson’s vote? Personally, I would rather watch a million hours of re-runs of TV’s über-schlock My Sister the Robot than have Michael Jackson expressly or impliedly endorse anything I ever do.

But what about me? Do you really want my vote?

Now before you say yes or no, how about some facts:

First and foremost, I am registered to vote and I have not gotten into any legal trouble in my life. Sounds pretty good to me, eh? Second, I grew up in the suburbs with fantastic parents and an equally fantastic older brother. I sound like the voting equivalent to training wheels – safe and easy. How about this: I graduated from college, am attending law school and love football. With this description, I must look like a steak dinner to voting equivalent to training wheels - safe and easy. How about some facts:

1. What the hell happened to the Bermuda Triangle? When I was 7, it was as if the Bermuda Triangle was the place to be! I haven’t heard about a ship being lost in there in years! Around 1987 the Bermuda Triangle was as cool as Clay Aiken is ambiguous about his sexuality. What happened?
2. How did the Pogo Ball manage to go out of style? I twisted more ankles on the pogo-ball than there were episodes of Fraggle Rock (and let me tell you, Fraggle Rock had many an episode). And, as aside, is there any real substantive difference between Pound Puppies and Beanie Babies? They’re both crap!
3. Do you remember Space Food? In every elementary school across the country, some kid returning from Space Camp would bring Space Food “ice cream” into class. Everyone would love it (including me), but there was always one asshole in particular who would try and lead others into believing it was somehow better than real ice cream. That kid is an idiot and is likely in prison right now.
4. Anyone else find it weird that Carl Lewis, the Carl Lewis of Olympic fame, tried his hand at pop-singing stardom? Carl Lewis can sing about as well as J.Lo maintains relationships (i.e. not well). It’s like Brian Boitano trying to become a pro wrestler, a firefighter, or anything else masculine – some things are simply NOT supposed to be. And what’s worse is that Carl Lewis would have only gone down in history as possibly the greatest track athlete of all time. Now, he’s a former track athlete-turned-appalling singer. God bless you Carl, you make millions of American Idol hopefuls look like Frank Sinatra.

Carl’s situation is kind of like the better, and more legal, version of Whitney Houston’s stab at cocaine and heroine addiction. Her world-wide fame, fortune, and singing talent were not enough. No no, becoming a drug addict was that much more important.

My favorite part about Houston’s problem is that her publicist recently said it was due to all the media exposure and interviews. What media exposure? What interviews? She hasn’t had a hit since the first Bush administration and in her last interview she was already a cocaine addict (quotable quote: “I’m too rich to smoke crack.” and then, “Crack is whack.”). You know you’ve hit bottom when you’re actually trying to justify why your cocaine and heroine addiction makes you so much better than the poor and unfortunate crack addicts. Thank you both Carl and Whitney for that quick self-esteem boost.

Now, with all this out in the open, do you really want my vote? Hell, at this point I don’t want your vote! These thoughts may not rise to the level of O.J. and Jackson, but seriously, I think about things like this all the time. Did you hear me? ALL THE TIME!

Well, this much is true: while this rant may not have pushed anyone from accepting my vote, it sure as hell ended any chance I had at public office. Crack, my friends, is whack...very whack.

Flaunting your “law student” status will land you in the front row

Ryan Adler

Funny story. A few years ago a Valpo law student was arrested for driving drunk. While under arrest, he proudly and passionately proclaimed (something to the effect of), “I’m a law student! I’ll take on any pimply-faced prosecutor you throw at me!” After reading the charges and police report, a few county prosecutors competed on the back nine of a golf game to see who would have the pleasure of prosecuting this entertaining case.

This is one of many anecdotes that I’ve learned of over the past two years about law students biting off more than they can chew. It begs the question, “Why are so many of our peers so arrogant about the law?”

We are nothing special in the eyes of the State. We’ve all had various levels of legal training, but so what? We haven’t been admitted to the bar. There’s no legal prize or status associated with taking a few classes or holding exurbante debt. It is true that most laymen expect us to know more about the law than they, which we do. I’m sure that everybody has had family and friends ask questions all across the board, thinking that we know exactly what’s going on. Since the fall of 2002, I’ve received plenty of calls and questions from undergrads arrested for minor intoxication. “Adler! Adler! What should I do?! Can you represent me??”

My response is simple. “Get a lawyer! I’m not one yet!” I can tell someone that they’ll have the joy of community service, court fees, and a record, but that about sums it up.

Of course, there are a number of students that intern and work in a legal capacity. There’s the law clinic and its students, all of whom I assume know more about criminal matters than me. But there’s a reason that law students need special sanction from both the school and a member of the bar to go before a judge. We generally don’t know everything we need to know to properly dispose of many matters. That’s why our title is “law student”—we are still learning.

This doesn’t mean that we shouldn’t assert our just rights under our beloved Constitution and the law. We don’t relinquish our privileges and immunities under the law on the first day of orientation. If the Man insists on holding someone down, he or she should resist the powers that be. But our assertions carry no more weight than those of any other citizen.

If you try to “pull rank” with an officer, I’m sure that he’d be more than happy to give you an audience with a judge to vent your grievances.

Many of us have B.A., B.S., M.A., or even Ph.D degrees on business cards, but none of us have the only relevant suffix to our titles in the eyes of the law: J.D.
His milkshake brings all the jobs to the yard

Chad Montgomery

The year was 1993 and I, if you asked me, was the absolute epitome of coolness; for good reason too. I held half the world by the tail and was on the verge of seizing the remainder.

My command stemmed from two primary resources. First, while my compatriots readied themselves for a summer of lawn mowing I prepared to enter gainful employment as a projected top-notch bus boy. To boot I had a car. Without having mastered algebra, I remained quick enough to understand the zenith of all equations: CAR+CASH=Girls.

So there I was driving to my first real and true job interview singing along to profound lyrics of Tag Team’s “Whoomp! There it is,” elated in my current affairs and with global domination locked in my sights. (Cool, nay, I was ice cold!) A quick mental scroll over my rehearsed lines, “Yes, Sir,” “Thank you, Sir,” “$4.26 per hour is a very generous offer, and I’d like to accept it.” No doubt my role as bus boy would be short lived and before long I’d be a shift supervisor (if not sole proprietor). Did I mention that I and the ladies were going to fall like bowling pins!

After eleven relentless minutes of mind-bending, close-ended questions like, “Do you consider yourself a hard worker?” “Can you work until close?” my interviewer, the gentleman sitting across from me, extended his hand and cordially thanked me. The grilling was over and I had performed rather brilliantly.

It turns out I had just completed my very first lay-up on an eight-foot basketball hoop! A quick mental scroll over my rehearsed lines, “Yes, Sir,” “Thank you, Sir,” “Thank you.”

This young chap seems to be faring better than our friend, Chad.

Letters Policy

The Forum reserves the right to edit any contributions and/or reject them without notification. Written contributions must be type-written and signed, and must include the writer’s telephone number. Unsigned letters will not be printed. Law students should include their year in school. When referring to specific articles, please include the date and title.

Please submit contributions via e-mail at forum@valpo.edu or in hard copy to The Forum’s mailbox located in the SBA office. forum@valpo.edu

Federalism: the overlooked mark of utility in government

Andrew Smith

The fundamental strength of the American Union remains its breakdown into separate, self-governing regions. The states assume the power reserved for them by the Constitution, but much of their power, or potential, goes seemingly unnoticed. While the Union allows a multiplicity of methods to protect the rights of individuals, a greater power could yet extend the utility of not only these rights, but the furtherance of productive and protected life.

The cohesion of the Union allows our country to protect itself from exterior pressures, ensuring the ability of the states to provide more individual services to its citizens. The Union currently hosts a utilitarian system aimed at benefiting the special interests of the people. Both neglect and a lack of fiscal support in the face of greater social issues like external protections defeat the national welfare and healthcare systems. The states are better capable of addressing these wholly individual concerns.

Under the pretext of individual services, the states should order and operate the welfare and healthcare systems now operated by the federal government. The states are in a better position to tax their citizens for the monetary support for these systems as they now do with education, and it is logical to extend these responsibilities to the healthcare and welfare systems to better support such systems and their goals. The states operate to hold order in a finite scheme the federal government is unable to maintain.

Montesquieu posits the strength of republics in the break-down of power, that the menial obscurities of order are better addressed on a level able to cater to the individual needs of subjects. Much of the stability in the American governmental structure evinces this. To promote overall utility, it makes sense to extend this power to those governmental objectives that promote the well-being of the citizenry.

The states have long been the laboratory for social experiment, and such a putative ideology may better resolve the problem. The sheer number of participants obviates the federal governments inability to handle the operation of such systems. Smaller countries have been better able to operate social systems that provide general universal healthcare and welfare then larger countries. Social programs allow the populace to become more productive. Citizens suffer the plight of finding solutions to healthcare and retirement problems. A state-by-state structure would insure that programs that alleviate these concerns to a greater degree then the current federal system.

The separation of this power to the states will allow the states to disburse funds over a smaller group, making the funds more fluid and transferable to individual cases. The funding for these programs would come from general state taxes, with the parallel taxes being removed from the federal scheme. Centralizing funds for a smaller group of individuals will also prevent the break down of the system by allowing the states to absorb problem cases and make minute adjustments that will stabilize the system. A breakdown, or failure, in one state will then not affect the other states adding to the stability of the general social system.

The federal government still has a part to play in making blanket regulations that will create universal benchmarks the states must meet. This is a blanket ability to regulate the equality of the systems, avoiding disparities of caveats that would arise in the general system. Past this, all control must be left to the states.

Leaving the operation of social programs to the states will create stability in the system and provide the opportunity for states to experiment with different systems or more efficiently reform the system as problems arise. This creates a flexibility the federally run systems lack. Allowing the states to operate social programs will allow a greater dissemination of benefits promoting overall utility. That strength remains in the unexplored facets of the American republic, and should be harnessed to create a more productive society.

Calling all Writers!

The Forum needs you!
E-mail: forum@valpo.edu or Jonathan Pasky, Editor-in-Chief at jonathan.pasky@valpo.edu

Next staff meeting:
Wednesday, April 7, 2004, at 6:00 p.m. in Chicago/Hessler
## MARCH/APRIL/MAY

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<td>29 SBA Elections President, Vice President, Secretary, ABA Representative Today and Tomorrow</td>
<td>30 MELC Environmental Discussion Panel Lecture - Christ, Conception, and Biotechnology Duesenberg Recital Hall 4:00 p.m.</td>
<td>31 Petitions available for Administrative Board Today through April 6</td>
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<td>4 Palm Sunday Daylight Savings Time Begins VU Baseball IPFW 12:00 p.m.</td>
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<td>7 VU Faculty Art Exhibition Opening Reception Brauer Museum, VUCA 7:00 p.m. American Chamber Trio Duesenberg Hall, VUCA 7:30 p.m.</td>
<td>8 Campaigning for Administrative Board Positions April 7 through April 13</td>
<td>9 Good Friday NO CLASSES</td>
<td>10 VU Softball Oakland 12:00 p.m. 2:00 p.m.</td>
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<td>11 Easter Sunday</td>
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<td>24 MBA Open House Urschel Hall 9:00 a.m. “The Cradle Will Rock” University Theater 2:00 p.m. Community Band Festival Chapel VU Observatory Open House Enjoy views of the night sky 8:30 - 9:30 p.m.</td>
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<td>25 “The Cradle Will Rock” University Theater 7:00 p.m.</td>
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<td>30 READING DAY “The Cradle Will Rock” University Theater 8:00 p.m. VU Observatory Open House Enjoy views of the night sky 8:30 - 9:30 p.m.</td>
<td>1 FINAL EXAMS BEGIN “The Cradle Will Rock” University Theater 2:00 p.m. Cinco De Mayo Dinner Celebration Great Hall, Union 6:00 p.m.</td>
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"The responsibility that you have in your representation of individuals... is a sacred trust."

By Jonathan R. Pasky >>see KERNAN page 10
While at a conference in Chicago in September, 2003, Indiana Gov. Frank O'Bannon suffered a major stroke that tragically, a week later, took his life.

Then Lieutenant Governor Joseph Kernan was thrust into the political spotlight not only in Indiana, but across the country, as he assumed the office he had pledged just nine months earlier he would not seek in the 2004 gubernatorial race. How circumstances can change in an instant.

Joe Kernan grew up in South Bend, Indiana, as a brother to seven sisters and a brother. He went to the University of Notre Dame for college, graduating with a degree in government in 1968. In 1972, Kernan was shot down over Vietnam and held as a POW for 11 months.

In 1987, Kernan was first elected mayor of his hometown of South Bend, Ind., and, in winning his third term in 1995 with 82 percent of the vote, he became the city's longest-serving mayor. Then in 1996, Lieutenant Gov. Frank O'Bannon tapped Kernan as his running mate in the Indiana's governor's race. The team won that race and succeeded again in their re-election bid in 2000.

Content to leave politics after eight years as second-in-command of the state, Kernan was ready to head back to South Bend and settle down. But no one could have predicted the events of the last six months in Indiana politics.

Forum: How are your duties as governor different from your position as lieutenant governor since you've assumed office?

Gov. Joseph Kernan: Everything's different. It's a whole new set of responsibilities that I think as governor are different from what I think the roles are the same and I think that's the experience I had as mayor probably had a greater influence on me in terms of moving into the new job.

F: What made you decide to get in to politics in the first place?

Kernan: My mom and dad always believed that government and community service were important and it was something that they practiced and preached to me and my brother and seven sisters. They just believed that it was important to be involved in the life of your community and in any of a variety of ways to make a difference.

F: What's the difference between being mayor of a city [South Bend] and being governor? What are the different roles you have to play?

Kernan: The roles themselves are not that different. The scope of the challenges are obviously different from a geographic sense—more agencies, more services are provided by state government than are provided at the local level. But fundamentally, I think the jobs are the same and I think the experience I had as mayor probably had a greater influence on me in terms of moving into the new job.

F: What has been your biggest accomplishment as governor so far?

Kernan: I look back at the transition itself, under unexpected and unusual circumstances and the bipartisan way we were able to make decisions that were in many ways precedent-setting and consistent with Indiana's constitution, to make sure that the transfer of power was handled properly.

F: The transition did seem to go well.

Kernan: I don't think it could have gone much better. It was great leadership from Chief Justice [Randall] Shepard and other members of the Supreme Court as we talked about these things, from Speaker Pat Bauer to President Pro Tem Bob Garden in their roles as leaders in the House and Senate. It was not partisan; it was focused on doing what was right and we were all able to work through that together.

F: Can you tell us one duty you have as governor that most people don't know about?

Kernan: The one that comes to mind, and I was aware of it as lieutenant governor, but that most folks might not recognize, is that the governor is commander-in-chief of the Indiana National Guard. Indiana has the fifth-largest guard contingent in the country. We have about 14,000 men and women who serve in the Army and Navy National Guard.

F: Given that this is an interview with a law school newspaper, what words of advice do you have for law students today?

Kernan: You're in a business that is fundamental to what this country is all about. Because of that, the responsibility that you have in your representation of individuals, families, businesses, and government is a sacred trust. My advice would be to work hard, to do your best, and to pick a discipline within the law that you know you would enjoy. Whatever it may be, you want to have something you look forward to in the morning. You will find that if you like something, you're better at it.

F: Even with the Indiana governor's seat being held by the Democrats for 16 years, it is shaping up as a close election this year. Do you see [Republican] Mitch Daniels being a challenge in November? And what made you decide to get back in the race when you had previously decided not to run?

Kernan: I had made the decision back in 2002 that I was not going to run. I was going to go back home to South Bend, and I was very comfortable with that decision. In September, with Gov. O'Bannon passing away, everything changed. When [my wife] Maggie and I had the chance to sit down a month or so later to talk about all that had changed, we went through a good process and made the decision that I would get back in. It was in response to all that had changed and my desire to continue to be involved in this role looking to a future for Indiana that I think is full of opportunity. And I don't know who my opponent is going to be in the fall. They [the Republicans] have some sort of opportunity. How can I be involved in the race? And what made you decide to get back in the race when you had previously decided not to run?

F: Typically, you've been one of those folks who has really been very comfortable with the idea of a challenge at any point. Do you see Governor [Robert] O'Bannon as a challenge?

Kernan: I think the challenge came in 2002. I think Governor O'Bannon is a wonderful governor, and I think he's an outstanding candidate, and I think he has a great shot to win the election this year. I think he's going to do a great job as governor, and I think he's going to be a great governor.

F: You're in a business that is fundamental to what this country is all about. Because of that, the responsibility that you have in your representation of individuals, families, businesses, and government is a sacred trust. My advice would be to work hard, to do your best, and to pick a discipline within the law that you know you would enjoy. Whatever it may be, you want to have something you look forward to in the morning. You will find that if you like something, you're better at it.
Music Review

By Collin Welch

Marcy Playground has spent most of the last five years since their second album just trying to find a new record label. Then the band signed on with the independent label Reality Entertainment, and shortly after, "MP3" was released.

Like the other MP albums, John Wozniak, the band's front man, guitarist, lead singer, and song writer, also took over as the producer and engineer. Such creative control is rarely in the hands of one person, and usually it's not very good when it is. However, in this case, I definitely think it led to the creation of one of the best albums of the year, even despite the cheesy album name. Of course, I'm one of the nerdy cult followers, so I'm probably a little biased.

MP3's complicatedly (is that a word?) simple song writing seemingly captures so well a child-like view of the world that I haven't seen in any one's work since Lewis Carroll. However, Wozniak seems to have lost a little of that angle in the past five years, which makes Marcy's third attempt a little less sincere than their first two albums.

Not to worry though (cause I know you must be), most of the album is spiffy-fasic. The single release, "Deadly Handsome Man," (soon to be appearing on a radio near you) is a great song about the blurred lines between the nineties man and the devil. There's a song about a stripper obsession, living in a mental institution, and mocking the possibility of a punk superstar.

If you really disliked "Sex and Candy," you'll probably like every other MP song.

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Movie Review

By Rachel Russell

Eternal Sunshine is the product of the complicated mind of Charlie Kaufman, the brains behind "Being John Malkovich" and "Adaptation."

This truly original and thought-provoking film will likely be one of the Academy's candidates for next year's best film and assuredly a Sundance winner.

Jim Carrey, grossly overlooked as a brilliant dramatic actor in the past, plays Joel, an average guy who has trouble falling in love with the right women and is stricken with an inability to socially interact with others.

Clementine, played by Kate Winslet, is an impulsive, younger woman with what appears to be an unwavering sense of self. When they meet it seems to be an eerie connection of mutual attraction. Joel falls deeply in love with Clementine, and his emotions are completely derailed when he visits Clementine at work one day only to discover that she has no idea who he is. In his mind, their relationship was healthy and productive, but it turns out that Clementine felt unhappy and trapped.

The mind-bending journey begins when Joel discovers that Clementine has undergone a medical procedure to have Joel permanently erased from her memory. Joel impulsively undergoes the procedure himself, as a way to move on with his life.

The film goes backwards through his memories of Clementine, making his anxiety and misunderstanding of the situation that much more evocative.

Through its many twists and turns, most of which are unpredictable, the film places the viewers in the characters' shoes; if you could have something painful, haunting, and/or sad removed from your mind forever, would you do it, no matter what the ramifications?

The casting of this film is noteworthy. Although Carrey and Winslet make this film the success that it is, Kirsten Dunst, Elija Wood, Mark Ruffalo and Tom Wilkinson add even more splendor. The film is downright clever and meaningful, focusing on average people, with real problems—something that breathes new life into a recent surge of unsatisfied and bored moviegoers.

An all-star ensemble cast of Jim Carrey, Kate Winslet, Kirsten Dunst, and Elijah Wood highlight this enchanting story of what might happen if erasing the pain of the past was an option for us today.
Why Law School?
I always wanted to be a lawyer.

Why Valpo Law?
The people are so friendly and the small classes.

What type of law do you want to practice?
Labor and employment

Where will you be working this time next year?
Unsure but somewhere in Northwest Indiana.

What advice do you have for the 1Ls?
Live like a law student, not a lawyer.

What is your favorite television show and why?
Friends because it is clever and entertaining.

Do you participate in the March Madness, why or why not?
I do through my boyfriend’s participation because it makes the games more interesting.

If so how well is your bracket doing? Who do you have picked to win?
Fairly well, we have Oklahoma State.

In the latest marriage controversy, Benton County, Oregon (Portland) has banned both heterosexual and same sex marriages until the state decides who can and who cannot wed. What are your thoughts regarding this new development?
You can be a family without a marriage. This may allow persons, of all orientations, to see how strong their bond is.

Currently the California Supreme Court is listening to the case of an atheist wanting to end the Pledge of Allegiance ceremony in his daughter’s public school, and nationwide. Do you believe the Pledge of Allegiance is an unconstitutional ceremony crossing the line between church and state? Why or Why not?
I am not personally offended by it. However, “under god” was not added until the 1950s, and for reasons outside of the actual “endorsement” of religion. I think that he is making a big deal out of nothing.

Currently the California Supreme Court is listening to the case of an atheist wanting to end the Pledge of Allegiance ceremony in his daughter’s public school, and nationwide. Do you believe the Pledge of Allegiance is an unconstitutional ceremony crossing the line between church and state? Why or Why not?
I think that is a great way to force action from both the legislature and the courts. If people are in love, why shouldn’t they be allowed to get married? If that’s what two consenting adults want, who is the state to tell them that they won’t be recognized? It just doesn’t seem like that tough of a question to me, more like sad, antiquated, scared thinking.

What are your thoughts regarding the new development in the latest marriage controversy in Oregon?
Benton County went too far in banning heterosexual marriage licenses. Although I don’t agree with the whole same sex marriage idea based on >religious grounds, I do think that it will slowly become a reality in this country. Whatever the government ends up doing with gay marriage, it is not at all fair to suspend heterosexual marriages while the courts figure out what to do with same sex marriages. I suppose that if other counties follow the example of Benton County, Oregon, in banning both heterosexual and homosexual marriages, Las Vegas wedding chapels will be very busy.

Do you believe the Pledge of Allegiance is an unconstitutional ceremony crossing the line between church and state? Why or Why not?
No. I think this is a strange way to celebrate the 50th anniversary of the phrase, “under God”, being added to the Pledge. If we take “under God” out of the Pledge, what next? Are we going to recall all of our money and reprint it without “In God We Trust” or take the phrase “So Help Me God” out of the Presidential Oath. This country, without supporting state religion, has always been a Christian country. It was founded on Christian principles, and I see nothing wrong with acknowledging that fact in our Pledge of Allegiance.
Professor Nuechterlein: attorney, wife, mother, professor & role model

BY CHRISTA SCHNEIDER
Staff reporter

Life is but a stage, upon which we are all skilled, yet ever-improving actors. With that, unfolds the realization that life and art are merged into a great balance of comedy and tragedy. Comedy gains its power from the sense of tragic possibilities. The most profound tragedies present a fleeting vision of an ordered universe...through temporary disorder, to which comedy loses heart.

With that, VUSL professor Clare Nuechterlein offers an insightful and thought provoking observation of the legal profession.

Although serving in many sectors of the legal profession, she has most particularly enjoyed her time spent as Assistant Attorney General in the courtrooms of the Ninth Circuit, watching these dynamics of comedy and tragedy unfold, in a veritable Shakespearian play of human reasoning and emotions. Accordingly, this observation has prompted Nuechterlein to coordinate and teach a class on this very subject, entitled "Shakespeare and The Law" which is ever-so-appropriately offered for the first time in Cambridge, England, as part of VUSL's study abroad program this summer.

Having a "Life License" in English Education and having taught literature classes before entering law school, Nuechterlein currently teaches legal writing and pretrial skills. She began her life in the legal profession, interestingly enough, on the same day that she became a mother. After having graduated from VUSL in 1979 as part of the centennial class, Nuechterlein took the February bar exam while eight months pregnant. And as chance would have it, on April 20, 1979, she received her bar results and gave birth to her son later that night.

She obtained her first job in the city of Goshen, Indiana, as attorney to the Mayor and City Counsel, drafting city ordinances, as well as other administrative duties. She soon left this job, when her husband obtained a job as a Federal Prosecutor in Washington, D.C. Nuechterlein stayed at home to raise her children for three-and-a-half years, proving that you can take time off for your family without committing career suicide.

After her brief hiatus, Nuechterlein began working for the U.S. Department of Education. Being a policy-oriented position, she was on board discussions that addressed issues of education and civil rights facing federally funded schools across the country.

Staying in D.C. for six years, the Nuechterlein family soon found themselves en route to Sacramento, California. There, Clare and her husband began work as Assistant Attorneys General for the Ninth Circuit Court of Appeals, and remained there for the next eleven years.

In 2000, Nuechterlein once again moved with her family back to the great Midwest, as her husband accepted a position as a Federal Magistrate in Hammond, Indiana. But since Mr. Nuechterlein was a judge, it would create a conflict of interest for Mrs. Nuechterlein to work at the AG's office, so she found employment here at VUSL.

Here, Nuechterlein is able to return to her passion for teaching, where she started her journey in the first place. And as she opens the curtain on this new stage, she is able to reflect upon the many and varied experiences she has had throughout her career...and convey many life narratives of people and the law.

It is most certain that any and all students willing to listen would find her life performance indeed applause worthy.

KERNAN continued from page 10

positive for Indiana. We made the decision that we were going to do everything we could to maximize the opportunities for Indiana businesses to be successful in selling goods and services to state government. That would mean things like more notice on contracts, more outreach to encourage collaboration between companies, as well as participation by our university to build additional capacity in Indiana to be competitive. Increasing the chances for our companies to be successful and not throwing our hands up in surrender as some places have done, saying that outsourcing to foreign destinations is inevitable. Mr. Will, in all due respect, was wrong factually. The contract has not been relet at a higher price. In fact, we are redesigning the request for proposal because the original effectively prohibited Indiana companies from being able to bid on it.

F: Indiana exports are at an all-time high, but do you see outsourcing as a must for the future?

Kernan: I don't take it as gospel that outsourcing is going to give you the lowest and best price. I don't buy into the argument that outsourcing is inevitable and that we are going to retreat from what has always been our view of the world: that we can compete with anybody. I was at the National Governors' Association meeting just a couple weeks ago, and there was an awful lot of discussion there. Lou Dobbs, who ran one of the meetings on manufacturing, asked me about Opportunity Indiana and was very complimentary about the things we have done.

F: Let's shift focus here a little bit. I'd like to ask you about what type of experience it takes to be where you are today, in the governor's office.

Kernan: Our experiences are all different. I'm not sure the formula is an exact science. Fundamentally, it has to do with education and the ability to be able to read and understand what you read, the ability to write and communicate, and the understanding of mathematics numbers. You go back to blocking and tackling; it's the basics that are what it takes not only to get into this business, but what it takes to do anything else successfully. Beyond that, I think it is just participating in government and being aware of the challenges that face our communities, our state, our country, and our world. For me, ending up as mayor of my city and then state government, was not a part of a plan. It really all happened by chance; it was not something I set out to do. I was in the position to be able to step in. I have been very fortunate and it's an honor to be able to serve my city and my state.

F: Finally, Governor, could you comment on the presidential race in the fall between President Bush and John Kerry? How close of a race is it going to be, and what issues will shape the race?

Kernan: It's eight months away, and so while it's here and in the news, it's a lifetime in terms of being able to make any kind of prediction about how close it is going to be. I think the issues are going to be the ones you are going to expect. It will be jobs; it will be education; it will be national defense and homeland security; it will be healthcare and all the issues that surround it. And it appears, in one way or another, that the issue of gay marriage is going to be somewhere in the mix.

F: Governor, I appreciate you talking to us.

Kernan: Jonathan, thanks very much. The only other advice that I would give to law students at Valpo: you go to a great school and I hope that when you get out of school that you and your classmates will look for opportunities in Indiana. It's a wonderful place to live.

Crossword Puzzle Answer

Crossword Puzzle is located on page 14
ACROSS
1. Hit  
6. Taxi  
9. Praise  
14. Characin  
15. Retirement savings vehicle  
16. Accustom  
17. Lend one of these  
18. Spasm  
19. Trick partner  
20. Tail end  
22. Cottonseed containers  
23. Used to own  
24. Close off  
26. Depth measurement  
30. Small telescope  
34. German sub  
35. Pesky insects  
36. Not he  
37. Emporium  
38. Victual  
39. Dick and Jane's dog  
40. Immature newt  
41. Exploits  
42. Mutsuhito  
43. Secretive  
45. Nicotinic acid  
46. Visage  
47. Not hers  
48. Soft palate pendant  
51. Manicurist's tools  
57. Mathematical term  
58. Publicity  
59. Optimal  
60. Vassal  
61. Enemy  
62. Rent  
63. Totaled  
64. Finish  
65. Type of seal  
12. Type of test  
13. Groups  
21. Beret  
25. Looked  
26. Raged  
27. Toward the stern  
28. Rich cake  
29. # 21 Down, e.g.  
30. Grayish  
31. Clear jelly  
32. Japanese partition  
33. Inset  
35. Seafood utensil  
38. Reject  
39. Ocean  
41. Sore winner did this  
42. Store incorrectly  
44. Affirm  
45. None  
47. Climbed  
48. Calif. university  
49. Null  
50. Type of car  
52. By and by  
53. Thought  
54. Shakespearian king  
55. Soothe  
56. Winter vehicle  

DOWN
1. Jones of The View  
2. List of offerings  
3. Thing  
4. Trick  
5. Hearing distance  
6. Quoted  
7. Solo  
8. Ball motion  
9. Soldier packs  
10. Open  
11. Contest  
12. Type of test  
13. Groups  
21. Beret  
25. Looked  
26. Raged  
27. Toward the stern  
28. Rich cake  
29. # 21 Down, e.g.  
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48. Calif. university  
49. Null  
50. Type of car  
52. By and by  
53. Thought  
54. Shakespearian king  
55. Soothe  
56. Winter vehicle
Freshman, Guard Betsy Rietema raises the ball for a two point basket as Kansas State University guard Chelsea Domenico tries to knock the ball out of Rietema's hands Sunday, March 21, at Williams Arena on the campus of the University of Minnesota. While Valpo's intensity remained alive, it was not strong enough, as Kansas State won 71-63 in the First Round of the NCAA Women's Tournament. 2004 marked the second straight year that the Valparaiso women made the NCAA Tournament. Valparaiso defeated Oral Roberts 64-63 for the Mid-Continental Conference Tournament Championship Tuesday, March 9, at Kemper Arena in Kansas City, Mo.

Sophomore forward Dan Oppland reaches for the layup before being fouled by UMKC guard Michael Watson during the semifinal round of the 2004 Hereford House Mid-Continental Conference Men's Basketball Tournament at Kemper Arena Monday, March 8, in Kansas City, Mo. Oppland scored a career high 32 points during the semifinal game, sending UMKC home as Valpo progressed to a third year straight match-up with IU-PUI for the championship title. Valpo fought back from a twelve point deficit in the second half to win the Men's Mid-Continental Conference Tournament Championship 75-70. However, the drive did not seem to last in Seattle, Wa., as the Crusaders fell to Gonzaga 76-49 in the first round of the NCAA Tournament, Thursday, March 18.
Summer 2003 Bar Exam
Pass Rate (First-Time Takers)

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93%

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With PMBR (59 of 63 Passed!)

Increase Your MBE Score...
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