12-2004

The Forum (Volume 35, Number 5)

Valparaiso University School of Law

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Sports law conference to focus on ethics

BY MARINA RICCI
Copy editor

Athletes in today's world face strong pressures both on and off the field or court, but none as strong as the pressure to win—sometimes to win at all costs.

In response to the current sports culture, on February 9-11, 2005, VUSL will host its third Sports Law conference since 1999, dealing with ethics.

Scheduled for the Palmer House Hilton hotel in downtown Chicago, the event will feature presentations by an exclusive array of prominent sports and sports law figures.

Ethics and its importance on the sports world will be discussed as attorneys, sports administrators, agents, coaches and sportswriters will embark on issues of athletes as role models and their role in shaping sport ethics.

Bob Costas, nationally-known sportscaster and author, will be the keynote speaker. The Emmy-award winning Costas is the author of "Fair Ball: A Fan’s Case for Baseball.

Other prominent speakers include Mark Bartelstein, founder and chief executive officer of Priority Sports and Entertainment. Bartelstein heads one of the nation's most recognized providers of business, marketing and personal services to professional athletes.

Attorney Howard Jacobs, a partner in the law firm of Forgie Jacobs & Leonard will provide a legal perspective in his experience of representing athletes in all types of disputes, focusing on doping offenses.

The theme of ethics throughout the conference will provide an opportunity for all interested participants to bring up controversial and probing issues that face the sports world today.

Topics will include the BALCO drug scandal and the recruiting scandal at the University of Colorado.

A registration form is available for all those who are interested at www.valpo.edu/law/sportsconf/. The full conference fee is $750 ($400 for law students with valid identification).

Sports commentator Bob Costas will be the keynote speaker at VUSL's Sports Law conference, "Winning at All Costs—Today's Addiction" to be held at the Palmer House Hilton in Chicago, Feb. 9-11, 2005.

Christopher to speak at December graduation

BY JONATHAN PASKY
Editor in chief

One of the namesakes for the newly constructed Christopher Center for Library and Information Resources on the Valparaiso University campus will be the speaker at VU and VUSL's combined December commencement exercises.

Doris K. Christopher, founder and chairman of The Pampered Chef, will speak at the ceremonies at 2:30 p.m. on Sun., Dec. 12, 2004, in the VU Chapel.

In 2002, Christopher and husband Jay, VU '67, donated $15 million to the advent of the new library on the VU campus that now bears the family name.

The Pampered Chef, Ltd was started by Doris Christopher in 1980. It grew to a multi-million dollar direct-selling company with annual sales of over $740 million before being sold to Berkshire Hathaway.

Christopher is the author of the book, "Come to the Table: A Celebration of Family Life." She has also served on the board of the Better Business Bureau of Chicago, among many others.

The following will graduate from VUSL this December:

Masters of Law: ChiaLu Chang, and Jose Agredano Elizondo.

Juris Doctor: AnnMarie Aronson, Nicholas Barnes, Sue Bartholomew, Bethany Beckman, Bernardo Isacovici, Joanne Kegler, Sara Maile, Brian McGinnis, Elyssa Meade, Megan Pikula, Courtney Schlipp, and Nicholas Snow.
The Pro Bono Effect:
Donating legal services to those in need

BY MARINA RICCI
Copy editor

Many people put a lot of trust into others with hope that the trust will be returned in the same way as it was given.

This was the case with Hazel Harris as she was living in her home that she bought over 50 years earlier hoping to spend the rest of her days comfortably and peacefully.

Ms. Harris was 87 years old and lived on Social Security benefits. Her dream was alive and well until a loan broker allegedly persuaded her to borrow against the equity of her home until she could no longer keep up with the payments.

She eventually lost her home to the broker who then ended up selling it to her own mother.

Ms. Harris would have been left homeless without the help of a law firm that assigned an attorney to fight for her in court pro bono. The case, Harris v. Sweeney #02CC14723 (Orange Super. Ct., filed Sept. 17, 2002), settled and Ms. Harris used the money to rent an apartment.

This is a very sad account of things that happen in the world everyday, however, without the help of pro bono legal work these types of situations would end up significantly worse.

During the season of giving, attorneys and law students all join in and donate their skills and expertise to those who are in the most need for such services.

This practice which is termed in Latin “Pro-bono publico” translated literally “for the public good,” is not just confined to the holidays, however, and is available all year round by both public and private attorneys fulfilling a dire need for those less fortunate.

Valparaiso University School of Law is one of a number of law schools requiring students to complete a pro bono requirement before graduation.

In order to fulfill the 20 hour pro bono requirement, full time students may complete the services any time after their first year of law school and prior to graduation. Part time students have to wait until completion of 30 credit hours before starting.

For those students who complete more than 40 hours of pro bono service, a special notation of commendation appears on their academic transcripts.

A number of guidelines need to be followed in order to qualify work as on their pro bono work.

For more information on fulfilling the pro bono requirement, the public interest scholarship program, or to find out about firms looking for pro bono help, contact Jane Scarpellino, Public Interest Counselor, in the Career Planning Center.
Barrister’s Ball just around the corner

This year’s Barrister’s Ball will be Jan. 29, 2005, at the Radisson Star Plaza in Merrillville. Hotel rooms are available at the special law school rate of $99. Call (800) 333-3333 to reserve your room by Thursday, Jan. 13, 2005, to lock in this rate.

New procedure for grade reporting

In a continued shift toward paperless life here at VUSL, the Administration will no longer mail a paper copy of semester grades to student’s homes. Instead, grades may be accessed by going to https://datavu.valpo.edu/. Semester grades will be available as professors turn in their listings and they are uploaded to the system. Most grades will not be available for viewing until after the first of the year. Professors must submit all grades by Jan. 20, 2005.

New VUSL Director of Development appointed

James Vondracek has been appointed Executive Director of Development in the School of Law. Jim is a graduate of the University of Iowa and member of Phi Beta Kappa, and has held various development positions with Chicago-area universities and other institutions.

He has most recently been Vice President for Advancement at St. Xavier University in Chicago. He has also served as Vice President for Advancement at the Lutheran School of Theology at Chicago and Development Director for the Chicago Shakespeare Theatre.

His wife is pastor of the Mount Zion Lutheran Church in Oak Lawn, Ill. Jim began his new position on Dec. 8.

VITA Program: law students help those in need to prepare tax returns

Many people dread April 15, the day income taxes are due. Volunteers here at VUSL are hoping to once again lessen the burden for many local residents this coming tax season. The Internal Revenue Service (IRS) sponsors the Volunteer Income Tax Assistance (VITA) program which helps individu-
The DEAN'S CORNER

Law school rankings: Part I

One of the most enjoyable events in my schedule is the monthly lunch I have with a group of students (different every month) selected or recruited by SBA.

Over lunch, I have a chance to answer questions, field concerns, receive suggestions, and discuss ways in which we can provide better service.

A question I am sometimes asked at these lunch meetings is, “What are we doing about our U.S. News ranking?”

In this column, I will begin to answer the question—now, before the graduate school rankings are published in March. Because the issue is complex, it will take me two columns to provide a reasonably full explanation.

For many years, the annual ranking of accredited law schools by U.S. News & World Report has been an annoying fact of life. Some years we have been ranked higher, some years lower.

I think the main problem for us has not been any particular ranking but the sheer volatility we have experienced. This volatility results from the fact that there is enormous compression in aggregate scores among a large number of schools.

Hence, small year-to-year variations can inexplicably move a school from one tier to another. This volatility is disruptive and disorienting, and it encourages us to dwell on rankings, distracting us from more substantive and more important matters.

So what can be done? To figure this out, we first have to understand precisely what U.S. News measures. The answer is not as obvious as it seems.

In my last column, I explained that law schools provide three things to students.

First, an education, instilling vital skills, competencies, and knowledge.

Second, a ticket to take the bar examination. And third, at least in some cases, cachet—prestige associated with the school one attended.

A Harvard law degree provides lots of cachet. A University of Akron law degree very little.

It is not only fair to assess schools on the basis of how well they provide skills, competencies, and other aspects of education; information of this kind is valuable to prospective students and employers.

All other factors being equal, a student will want to attend a school that provides a better education in areas important to the student, and an employer will want a graduate from a school that does a better job of preparing lawyers for practice.

The problem, however, is that it is difficult—probably impossible—to assess the quality of a school’s educational programs in a quantifiable fashion.

There is no plausible quantitative way to measure, for example, the effectiveness of classroom teaching, the quality of class participation, or the richness of extracurricular opportunities.

It is equally difficult to measure cachet in a quantitative fashion. But there are two other key points about cachet’s assessment.

First, although quest for status seems to be a part of our psychological makeup (see, e.g., Richard Conniff, The Natural History of the Rich (2002)), it is a lot less clear that cachet should be as important to students and employers as educational quality.

Second, if one is going to measure cachet, one must rely on factors different from those that enter into the measurement of academic quality.

A basic difference is that cachet is primarily a matter of reputation in the outside world while educational quality is more directly a matter of what goes on within the walls of the law building.

But there are other considerations as well. For example, selectivity in admissions bears upon cachet: in general, the more exclusive the club, the greater its prestige.

U.S. News purports to measure educational quality: how else could it claim to tell prospective students and prospective employers which law schools are the “best” and which are better than others?

Yet, in reality, U.S. News overwhelmingly measures cachet. Reasonable minds may differ on the exact split, but the survey appears to be based significantly more on cachet than on substance.

Most of the criticism leveled at U.S. News is based on the arbitrariness of the factors used and their weighting. These criticisms are valid, but the more fundamental objection is that the survey and ranking scheme fail to measure what they purport to measure—educational quality.

A practical consequence is that, absent large sums of money, there is very little a law school can do in the short term to dramatically affect its ranking.

Cachet is built up over time and has a fair amount of inertia. Cachet—and thus ranking—is inextricably interconnected with reputation and, as a matter of common experience, reputation does not easily change overnight.

Still, this has not stopped some schools from trying, occasionally in questionable ways. One tactic used by some schools is to divert resources in order to inflate one or more of the categories that go into the U.S. News ranking.

For example, we have learned of one school that chose to divert resources from the library (0.75% of the U.S. News ranking) toward buying high LSAT students (12.5% of the U.S. News ranking).

This sort of practice diserves students, faculty, and others who rely on the law school as an educational and research resource.

A school that does this obviously forgets that its reason for being is to produce well educated and well prepared lawyers, and not simply to achieve the highest possible U.S. News ranking.

An even more questionable tactic is to manipulate the data reported to U.S. News.

For example, one school became notorious for hiring students unemployed at graduation in make-work capacities, in order to artificially inflate the at-graduation employment rate. This is simply dishonest and cannot be justified on the grounds that it is the way “the game” is played.

How can a school that manipulates data in disingenuous, if not duplicitous, ways, tell students that professional values and integrity are essential features of a good lawyer?

So there is a lot that we either cannot or should not do. Yet, I do not mean to suggest we ignore U.S. News as an element of our environment.

We cannot wish it away. But I do want to emphasize that we must be realistic about what we can and should do. In particular, we must keep in mind that major changes can come only through long term strengthening of a school’s reputation for scholarly and teaching excellence, and for the excellence of its alumni.

And in the short term, we must resist the temptation to take actions that diserves our students or that would risk our reputation for integrity.

In my next column I will turn from the question of what not to do to the affirmative—what we are doing and what various members of the law school community can do.

Jay Conison is Dean of Valparaiso University School of Law. He can be reached at jay.conison@valpo.edu
Law school rankings: keeping your eye on the ball

Student Bar Association
Paul Mullin

Perhaps the best advice I have received in law school came from Bruce Berner during my first year. It had nothing to do with criminal law and had everything to do with life. He told the class, as humans, the worst thing we can do to ourselves is worry.

He suggested worrying is triggered by feeling a lack of control. You should stop worrying and do something about what is bothering you.

However, if the problem really is out of your control, what is worrying going to do? Definitely not change it.

No one ever says “I had this huge problem, but then I worried about it and that made it go away.”

I know a lot of students are worried about our rank in U.S. News & World Report. I encourage you to do two things: don’t fret about our rank and read Dean Conison’s columns this month and next. The Dean and I dislike the ranking system, but for different reasons.

I think the ranking system encourages current students to ‘take their eye off the ball.’

First, why even have a ranking system? Like college football, I can see ranking the top twenty-five. But to rank all 180 schools against each other is misleading. How can U.S. News really say the 141st school is better than the 149th?

Additionally, check out the emphasis they place on certain categories. Did anyone actually let the amount of alumni donations factor into their decision of which law school to attend?

On Election Day, I drove the former prosecutor of Marion County (Indianapolis), who is a partner at an elite law firm, to polling sites throughout the city to monitor and ensure integrity to the voting process.

After I told him I attended Valpo Law, he stated, “I don’t know much about the school, but I’ve hired some talented people from up there over the years.”

Moot Court to judge peers

This year has brought much change to the Moot Court Society. Office renovations, new members, increased number of Swygert judges, and new inter-school competitions have littered the landscape of change. Another change is the effort made by the Society to bring in local attorneys to help prepare members for inter-school competitions.

It is the hope of the Society that in working with school administration and our Faculty Advisor, Professor Clare Nuechterlein, we will be able to bring in talented and experienced local attorneys to further develop the oral advocacy skills associated with Moot Court. This effort will also improve networking for the Society in the local area. This is one of the many membership privileges Moot Court offers.

Along with the privileges associated with membership in Moot Court, members also have a number of responsibilities associated with their position in the Society. One such responsibility is judging practice rounds for inter-school competitions.

Every member of the Society acts as either a coach or judge for six practice rounds. While the main focus of these practice rounds is to aid in the preparation of teams competing in interschool competitions, members themselves gain some benefit from judging their peers.

While judging, members who are not attending inter-school competitions get the opportunity to become familiar with the type of problems issued by host schools. These members also learn about the team, and how the team must function as a unit during competitions. Just ask any teacher, coach, or instructor, one of the best ways to learn something is to try to teach it. This may be the greatest benefit gained from having members judge their peers in practice rounds. Members looking forward to the opportunity to compete in an inter-school competition the following year gain valuable knowledge about oral advocacy by critiquing their peers.

These members get the chance to see the best qualities of their fellow members, as well as, those qualities they may not be able to see in themselves that need work.

The upcoming practice rounds serve as a vital teaching tool for the Moot Court Society, both for the teams competing and each individual member of the Society.

Derick Steele is a 3L at VUSL. He is Associate Justice of Judging of the Moot Court Honor Society.

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A failure of evangelistic democracy

The Grey Area
Left of Center

Andrew Smith

The United States government has presented itself with the rest of the world in a way that is unprecedented in our nation's great history. The advent of the Afghan and Iraq wars has imbued western leaders with the devoir of spreading liberty to the oppressed nations of the world. With the spread of liberty comes the model of pragmatic government that preserves freedom, namely democracy. While touting militaristic and socio-philosophical prowess, our nation has managed to pervert itself. steering ever near the oppression recent military actions aim to prevent.

American society has long seen itself as the quintessential social establishment in the world. In some ways, this hubris is well founded, but in others, it clouds the judgment of our elected leaders and breeds the kind of dissent that creates problems in the international arena. Modern and contemporary social philosophers for the most part agree that the fundamental inalienable right of humanity is freedom, though they disagree on the practical application of order to that entropic ideal. The current American administration's axiomatic approach to government dooms this mission of evangelical democracy.

Current inadequacies in American self-governance lead the international inability to perpetuate expansion of this universal ideal. Government that struggles with its basic operation lacks the capacity to spread the wealth of its wisdom when that wisdom fails its people. To perpetuate this international goal, the government has created a new precedent many would consider dubious at best. Preemption bears the historical burden of totalitarian dictatorship and the distaste of the majority of the western world. Current events have washed away the trepidation of superpowers in preserving the power and territoriality of other nation states in the name of national security. The cumulative benefit of this approach further isolates the American interests in other large nations and economies.

The troubling subtext of the political opposition emanates from the minority opposition and takes the form of accusations of infidelity to the responsibility of guarantying that fundamental freedom. Filling what remains in this abeyance of responsibility, the American government has started down a road to erode that freedom.

The concern should not be with the misguided attempt to create new democratic states abroad, rather the degradation of our own system. One nation building another would most likely beget a new regime in its own image. In that respect alone, the American government is not fit to build new nations. In an even more perverse analogy, the American administration targets nations like Iraq for restructuring to remove a tyrannical dictator that poses a threat to our national security, but uses that motivation as the crowbar to loosen the protections of the American governmental structure, leading the government to become more tyrannical. What remains is a case of the proverbial pot and kettle.

A country incapable of perfecting its own governmental operation has no place in instructing others how their government should operate. If the goal is to build a nation, then the most logical starting point is our own. That is not to say that the circumstances that precipitated our current situation should have gone unpunished. Going beyond what is necessary and taking on a responsibility well beyond the experience and ability of our leaders while the situation at home hangs in the balance smacks of an ego too large for even the oval office. The effort has been misplaced. There remain many large problems manifesting themselves now and many more, which will substantiate in the future. Rather than playing in the sandbox of outrageous misfortune, those efforts of nation building should focus on the issues we face here and now. When we have accomplished this task, maybe then America may set the example.

Andrew Smith is a second-year student at VUSL. He can be reached at richard.smith1@valpo.edu

What future for the United Nations?

Steven Sutow

A great man, once had a great idea about founding a league of nations, where people could come together in dialogue and wage wars with words rather than blood.

This league was designed to end the inevitable clashes that lead to great tragedies and suffering in our times. Woodrow Wilson was ahead of his time in his radical thinking after the First World War, and it was unfortunate that we had to suffer through another even greater war and tragedy just a short time later for the world to realize that his vision was an absolute necessity. Eleanor Roosevelt and a host of representatives from around the world put Woodrow Wilson's vision to reality with the creation of the United Nations and the writing of the Universal Declaration of Human Rights.

Through the years, the UN has been a strong and consistent force in the world for humanitarian aid, peacekeeping, and a multitude of other such diverse actions. Many people are familiar with certain work done through the UN, but most are unfamiliar with the full scope and importance of the United Nations. For example, UNICEF has made a huge impact to poor and sick children all over the world, and the World Health Organization (WHO) has been combating AIDS and other such infectious diseases. The list goes on and on, multiplied to a hundred thousand.

Many important efforts have been undertaken by the United Nations, such as the War Crimes Tribunals at the Hague, the founding of the International Criminal Court, the Kyoto treaty on global warming, the Millennium Summit, Financing for Development, The Rio Earth Summit, and many more. Additionally, it was the International Trusteeship Council that took the fractured post colonial world of the 1950's to the current 194 sovereign nation world of today. Even most recently, the UN was attempting to prevent Iraq from becoming a failed State, and lost one of its best, Sergio Vieira de Mello, who made the ultimate sacrifice to ease the suffering of the Iraqi people. He was killed in one of the early insurgent attacks on relief organizations (http://www.unhchr.ch/html/hchr/cv.htm).

Over 60 years later, the United Nations is constantly being undermined by the five powers that hold the veto. Funding is inconsistent, and the organization is constantly under attack by the same people that don't allow it to function to capacity.

We have great turmoil in the world again, and diplomatic relations are breaking down. Yet, the very people that are criticizing the United Nations are the same ones that undermine it. There are many flaws with the UN, mostly with the Security Council and bureaucracy within the General Assembly, and the organization must undergo changes in order to be more effective.

Even in light of the great social, humanitarian and economic work undergone by the United Nations in hundred of thousands of ways, people largely miss the point, the origins, and the most important factor of the United Nations: the simplicity and the idea of having a common forum for people to wage diplomatic debate instead of bloody wars.

Steven Sutow is a first-year student at VUSL. He can be reached at steven.sutow@valpo.edu.
Letters to the Editor

Past SBA President urges non-elitist SBA

I am writing in response to the column by SBA President Paul Mullin in your November 2004 issue.

In the column, Paul states that there is currently an amendment to the SBA constitution on the table that would prohibit anyone to run for SBA President, unless they have been an SBA member or had attended several SBA meetings.

As a former SBA President ('97-98), I wanted to give my opinion on the subject. It’s a horrible idea. Not only does it go against the spirit of the SBA, it also goes against the spirit of democracy. If you want to have qualifiers, such as only 3Ls can run, that almost seems explainable, but with this amendment all you would be doing is making the SBA some type of elitist organization.

Would I have been president if such a rule were in effect? No. Before being president, I had no SBA experience. As a matter of fact the reason I won, and I presume partially the reason I won, was because I was an outsider, who had no ties to the SBA. I was just a student who was tired of seeing the University administration (not the law school administration) take a too large of a percentage of our student activity fees.

Was my job easy? No. Many of my decisions were questioned, but that is a good thing, its democracy. Now granted, that was 6 years ago. I can only assume that issues Paul deals with today are similar to the issues I dealt with then...student budgets, activity fees, law week and steering, just to name a few. We even had to change the constitution to put in safeguards after an “incident” involving some accusations of theft by a student organization.

I can tell you that not being involved in the SBA prior to my presidency certainly did not make handling these issues any harder, if anything it allowed me a fresh perspective of how to run things. Sometimes it takes an outsider to shake things up.

Vote “no” on Proposition 184 or whatever you crazy kids call it nowadays, and preserve democracy in the SBA.

Marc Rothenberg
VUSL, '98

Forum Letters policy questioned

This letter is in response to The Forum’s decision to print the anonymous letter printed in the November 2004 issue criticizing Katherine Lord’s article title “Exposing Dick: It’s time to pay some attention to the man behind the curtain” printed in the September 2004 issue.

Shame on The Forum for not abiding by its own policy that forbids opinions written by anonymous authors. The Forum’s policy specifically states, “Unsigned letters will not be printed.”

After speaking with the Editor of The Forum, evidently this letter was actually signed, but the author refused after repeated attempts, to allow the letter to be printed with his signature.

Despite this, The Forum editorial board still chose to publish this letter anyway and violate its own policy, because The Forum editorial board deemed the letter an “important” piece.

Judging by the content of the letter, and the fact that The Forum is attempting to increase its funding and readership base by sending the newspaper to local attorneys, my presumption is that this letter was written by an attorney in the community.

Of course this letter is important to The Forum editorial board, especially when it is received as a result of the paper’s increased exposure, and comes from a professional in the community and potential financial contributor.

(Quite note that the allegations that this anonymous letter was written by an attorney in this community are strictly allegations on my part, and The Forum editorial board should correct me if I am wrong).

I’m wondering if The Forum editorial board would afford the same consideration to a student who submitted a letter to the Editor and refused to have their signature attached to the bottom.

The Forum should not allow names to be withheld for “privacy” when it comes to letters to the Editor.

Everyone is entitled to an opinion. However, opinions printed under the guise of an anonymous author, even if approved by an editorial board, are unreliable and questionable. It’s easy to write an opinion and hide behind a curtain of anonymity.

However, it takes courage to state an opinion, stand behind it, and sign your name to it.

If a person wants to criticize someone else’s opinions, The Forum should only print editorial letters from authors who have the courage to stand behind their own words, instead of hiding behind a curtain.

— Tara Wozniak, 3L

Editor’s Note:

The author of the letter in question never refused permission to print its contents. While the editors attempted to contact the author on several occasions, we were unsuccessful. Trying to respect the ethics we all should honor, if we question the reasons behind a source for any reason, we will always err on the side of good judgment.

Jonathan R. Pasky

LETTERS POLICY:

The Forum reserves the right to edit any contributions and/or reject them without notification. Letters must be limited to 400 words and columns to either 400 or 750 words.

Written contributions must be typed and include the author’s contact information; law students must include their year in school.

Unsigned letters will not be printed. When referring to specific articles, please include the date and title.

Contributions can be sent to The Forum, 651 S. College Ave., Valparaiso, IN 46383; via e-mail at forum@valpo.edu; or in hard copy to The Forum’s mailbox located in the SBA office.

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DECEMBER 2004

THE FORUM

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Ruling on Hitler Artwork to stand


Summary: The Court let stand a lower court ruling allowing the U.S. Army to keep four watercolors painted by Adolf Hitler that were seized in Germany after World War II. The watercolors include street scenes and war landscapes painted before and during World War I. U.S. forces discovered them in 1945, not long after Hitler committed suicide, in a German castle where Hoffmann had stored them during the war.

The justices, without comment, turned aside a challenge by the family of late German photographer Heinrich Hoffmann Sr., which had sought either the return of the paintings along with 2.5 million photographs - or millions of dollars in damages.

Hoffmann's family contended the photographer was a victim of wartime art pillaging and that the seizure of the paintings as well as 2.5 million photographs violated their constitutional rights. The U.S. government countered that the photos and paintings were Nazi art that was confiscated to "de-Nazify Germany."

The Court's action appears to lay to rest a nearly 20-year battle involving the government, Hoffmann's relatives and Texas art investor Billy F. Price, who bought the rights to the works. The latest challenge involved a technical issue that brought the case back to the Court after justices refused to hear an initial appeal in 2002. The Army keeps the paintings in government storage in Alexandria, Va.

U.S. Supreme Court oral arguments:

CONSTITUTIONAL LAW

Ashcroft v. Raich,

Summary: Justices are considering whether sick people long as she changed her mind before the judge gave final approval to the adoption. The mother stalled on filing the requisite paperwork with the Missouri court, which would not issue final judgment until the mother had completed it as required by Missouri state law. The mother allowed the child to be placed with the adoptive parents although final judgment was not entered; however, after multiple delays in obtaining final judgment the mother revoked her consent and the court terminated the adoption in Oct. 2003.

At that time the adoptive parents challenged the Missouri state ruling in their home state court on the basis that they had been caring for the child for months and the Missouri court did not apply the strict review of the child's "best interests." However, Missouri does not apply a "best interests" standard and the birth mother alleged that the adoptive parent should not be able to attack the Missouri standard on the basis that they did not like the result.

PROPERTY LAW

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The justices, without comment, turned aside a challenge by the family of late German photographer Heinrich Hoffmann Sr., which had sought either the return of the paintings along with 2.5 million photographs - or millions of dollars in damages.

Hoffmann's family contended the photographer was a victim of wartime art pillaging and that the seizure of the paintings as well as 2.5 million photographs violated their constitutional rights. The U.S. government countered that the photos and paintings were Nazi art that was confiscated to "de-Nazify Germany."

The Court's action appears to lay to rest a nearly 20-year battle involving the government, Hoffmann's relatives and Texas art investor Billy F. Price, who bought the rights to the works. The latest challenge involved a technical issue that brought the case back to the Court after justices refused to hear an initial appeal in 2002. The Army keeps the paintings in government storage in Alexandria, Va.

U.S. Supreme Court oral arguments:

CONSTITUTIONAL LAW

Ashcroft v. Raich,

Summary: Justices are considering whether sick people...
in 11 states with medical marijuana laws can get around a federal ban on marijuana. The Court heard arguments in the case of Angel Raich, who tried dozens of prescription medicines to ease the pain of a brain tumor and other illnesses before she turned to marijuana. The mother of two has the support of her doctor and a California medical marijuana law.

Supporters of Raich and another ill woman who filed a lawsuit after her California home was raided by federal agents argue that people with the AIDS virus, cancer and other diseases should be able to grow and use marijuana.

Their attorney, Randy Barnett of Boston, told justices that his clients are law-abiding citizens who need marijuana to survive. Marijuana may have some side effects, he said, but seriously sick people are willing to take the chance. Barnett also contends the government has no justification for pursuing ill-small-scale users.

California's 1996 medical marijuana law allows people to grow, smoke or obtain marijuana for medical needs with a doctor’s recommendation. Besides California, nine other states allow people to use marijuana if their doctor agrees: Alaska, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Vermont and Washington. Arizona also has a law permitting marijuana prescriptions, but no active program. The Supreme Court will consider whether the federal law that bans marijuana possession can be enforced in those states.

A number of groups have weighed in on the latest case, which deals with users and is much more sweeping. Alabama, Louisiana and Mississippi, conservative states that do not have medical marijuana laws, sided with the marijuana users on grounds that the federal government was trying to interfere in state business of providing “for the health, safety, welfare and morals of their citizens.”

Dozens of people camped outside the Court to hear the justices debate the issue on Nov. 29, 2004. Groups such as the Drug Free America Foundation fear a government loss will undermine campaigns against addictive drugs.

Meanwhile, some Republican members of Congress urged the Court to consider that more than 20,000 people die each year because of drug abuse. A ruling against the government, they said, would help drug traffickers avoid arrest, increase the marijuana supply and send a message that illegal drugs are good.

Medical marijuana was an issue in the November elections. Montana voters easily approved a law that shields patients, their doctors and caregivers from arrest and prosecution for medical marijuana, but Oregon rejected a measure that would have dramatically expanded its existing medical marijuana program.

7th Circuit Court of Appeals cases:

**MEDIA LAW**

- Insurance company has duty to pay for insured’s legal defense.

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**Summary:** Taco Bell brought suit against its two insurance companies, Zurich and Continental Casualty, which had issued it liability insurance policies. Taco Bell was awarded a declaratory judgment against Zurich for having to pay for Taco Bell’s defense in a diversity lawsuit.

Continental and Taco Bell settled outside of court, however, the district court included them in the declaratory judgment. Zurich and Continental appealed to have the decision vacated and for Zurich to pay a larger portion of the defense costs for Taco Bell.

Taco Bell was sued by a design agency, Wrench, for using commercials and other marketing products that included “a female Chihuahua obsessed with the thought of Taco Bell food.” Wrench asserts that Taco Bell used this design to promote its restaurants without permission.

The 7th Circuit held that Zurich was wrong in its assertions on appeal and that “the duty of an insurance company to defend against a suit against its insured is determined by the allegations of the complaint in the suit rather than by what is actually proved.” *Id.* at 23285. Judge Posner went on to assert that Taco Bell purchased insurance because it did not want to pay for the entire defense against such claims.

Next, the court rejected Zurich’s contention regarding the notice clause, as Taco Bell’s delay of notifying Zurich was modest and could only be invoked if there was evidence that Zurich suffered some prejudice from Taco Bell’s delay.

The court contended that Zurich’s defenses not to provide coverage fail. However, the court modified the amount Zurich must reimburse Continental because in Zurich’s contract with Taco Bell, there was a retention clause.

In its policy with Zurich, Taco Bell agreed to pay the first two million dollars of defense costs before Zurich would begin to kick in. Therefore, Continental cannot benefit from a clause that they did not have in their contract, but only Zurich had with Taco Bell.

Judge Posner also rejected Zurich’s assertion that Taco Bell had an incentive to reduce its legal costs. Because Zurich took a risk on its duty to defend Taco Bell in the Wrench litigation, Taco Bell selected the lawyers it saw fit.

Therefore, Zurich had “some confidence in Taco Bell’s incentive and ability to minimize legal expenses.” *Id.* at 23291. Additionally, the court states that the duty to defend its insured would be undermined if the insurer could always obtain an audit company to assess the cost of legal fees and then dispute what it deems appropriate.

The judgment was affirmed, but reversed in part regarding the amounts to be reimbursed by Zurich to Continental and Taco Bell.

The Docket is a regular feature of The Forum. If you know of any recent and interesting cases and would like to have them appear in this space, e-mail your ideas to forum@valpo.edu
MLK Day 2005

Valpo Law will celebrate Martin Luther King, Jr.'s birthday during the first two weeks of the Spring Semester. Events will be held at VUSL and on East Campus.

At VUSL:

Thursday, January 13, 11 a.m.: *I Have a Dream.* Martin Luther King's speech presented by VU Law Students.
Tuesday, January 18, 4 p.m.: "Agenda for Equality," with Barbara Bolling, J.D., President, NAACP-Indiana, Valpo Law graduate, 2004 1L Dinner honoree, and Richard Morrisroe, J.D., civil rights leader from 1960s to today. Moderated by Professor Clare Nuechterlein.
Wednesday, January 19, 4 p.m.: *Dreams from My Father: a Story of Race & Inheritance.* Professor Ed Gaffney reviews Barack Obama's book. Watch for movies to be announced!

On East Campus, MLK Day, Monday, January 17:

VU Convocation at Chapel of the Resurrection, 10 a.m.: "Alabama & the Unfinished Agenda." Keynote speaker: Chris McNair, civil rights leader, Alabama state legislator, Jefferson County Commissioner, father of Denise McNair who was killed in a church bombing in Birmingham, Alabama, 1963. Luncheon in Christopher CLIR (Library), 11:30: Speaker: Chris McNair.
Limited tickets available for law students, courtesy of the Dean. See Carla Morgan or Naomi Goodman, Room 252.
"Fair Housing: Part of the 'Unfinished Agenda'," Law School sponsored program, 1 p.m., with Professor Ivan Bodensteiner, moderator, and speakers, Mr. Maurice McGough, Director, Chicago Fair Housing & Equal Opportunity, and Mrs. Constance Mack-Ward, Executive Director, Northwest Indiana Open Housing Center, Inc.

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A legacy of the law

For the Schnacks, a career in law is in the blood...
But so is starting it at Valpo.

Current VUSL student Ryan Schnack, 1L, (left) stands with his father Kent Schnack, VUSL '78, and his grandfather Loren Schnack, VUSL '50, during the family's 2004 Thanksgiving Day celebrations.

By Melissa Durham  >>see GENERATIONS page 12
Generations: Practice of law truly runs in the family

BY MELISSA DURHAM
Copy editor

It started in 1949. A legacy spanning three generations and over fifty years. Five Valparaiso University School of Law graduates and a sixth on the way. With the thousands of VUSL graduates scattered all around the U.S., it is amazing to hear about a pocket of graduates living and practicing together. What makes it even more amazing is that they are all members of the same family.

In the late 1940s, there was a surge in law school enrollment across the nation. A Valparaiso University graduate named Andrew Schnack decided to pursue a legal education and he entered VUSL, graduating in 1949. After graduation, Andrew returned to his hometown of Quincy, Illinois, and founded with three other attorneys what would become the Schnack Law Offices.

Following in his brother's footsteps, Loren Schnack received his undergraduate degree from VU and went on to graduate from VUSL in 1950. He returned home to Quincy and joined his brother's law practice. Loren graduated first in his class of ten, although his grandson Ryan says the ranking was wrought with controversy of sorts. Loren beat out the student ranked second by a mere quarter of a point. A course all students were required to take, but in which few did well, may have been the deciding factor. Loren was somehow exempt from the course, while the student ranked second was required to take it.

Loren Schnack went on to become a judge, sitting on the bench twice. He most recently served as an Illinois Circuit Court judge. When he was not on the bench, he always returned to the family practice, where he is now senior counsel.

Jack Adams graduated from VUSL in 1959. He met Mary Schnack, Loren and Andrew's sister, while in law school and the two were married. Jack is a public defender, working in Quincy as well.

The second generation of VUSL graduates began with Andrew Schnack III (Drew), Andrew Schnack's son. He graduated from VUSL in 1974 and then returned to Quincy to practice criminal and divorce law at the family firm.

Kent Schnack, Loren Schnack's son, received his undergraduate degree from VU and graduated from VUSL in 1978. After graduation he too joined Schnack Law Offices in Quincy, practicing civil defense and working mainly with insurance companies.

Two generations of Schnacks have already come and gone, and...
Loren had a big test.

Ryan now lives one block from where his grandfather lived while he attended VUSL, fifty years ago. Many things at VUSL have changed since then.

"The law school has evolved," Ryan’s family explained to him. Old buildings have been replaced with new ones. The incoming classes have increased in size. Technology has changed. Professors are more likely to hang out with students. Topics once covered in third year are now being covered first year, leading the old Schnacks to conclude that classes have become more difficult since they attended. "We had it tough, but now it’s even tougher," they told Ryan.

Growing up around the law, the idea of becoming a lawyer was planted in Ryan’s mind early on. While growing up he often heard stories about interesting and oftentimes funny clients and cases that his family members dealt with.

Looking up to his parents was his first push toward the law. The second push came while Ryan was in middle school, when his grandfather was sworn in as a circuit judge. At that point, he decided to become a lawyer, instead of a doctor.

Surprisingly, Ryan’s family advised him not to go to law school. His family told him this to keep him from going to law school solely because so many family members had gone; they wanted to make sure he knew that he really wanted to go, and for it to be completely his decision.

Always being around the law and family members who practiced influenced his decision to attend law school, but in the end, Ryan’s decision was his own. "The law involves all endeavors," he said. "From medicine to economics, anything can be found in law."

Opportunities to help others with their problems are abundant in the legal field. Ryan has seen through his grandfather’s experience as a judge that there are many opportunities to help people.

Ryan’s grandfather offered him advice as he set out to pursue his legal career. Short and to the point, Loren Schnack’s words of wisdom to his grandson were to study with other people, rather than alone. And as far as being a judge is concerned, he advised Ryan to eventually try to get himself elected to the bench.

As a third generation VUSL student, the Schnack name gets Ryan recognized, and recognition brings with it stories of years past. Playing at the golf tournament the week before classes, he was approached by Dean Berner, who knew both his father, Kent, and uncle, Drew, back when they attended VUSL in the ’70s.

Being the sixth member of the Schnack family to attend VUSL, Ryan sees constant reminders of those who came before. Those reminders can be seen hanging in the hallways and classrooms of the law school, in the form of memorabilia. Pictures of past graduating classes and the recently dedicated 125th anniversary plaques near the front doors remind him of all his family members who attended VUSL, and instill in him a sense of pride. "I am very fortunate to have the opportunity to attend Valparaiso School of Law where so many of my family members have had the same experiences," he said.

Ryan knows that everyone at home is watching him closely. With five VUSL graduates in the family, all of whom passed the bar on the first try, there is definitely pressure. Perhaps instead of pressure, it should be called motivation.

With a family practice at home in Quincy, Ryan’s future law career path seems to be mapped out. Eventually, he does want to end up at Schnack Law Offices, practicing civil law like his father. However, he would first like to experience work at a firm in a big city. Ryan knows for certain that regardless of where he ends up, helping people with their problems is his ultimate goal.

With five VUSL graduates and a sixth on the way, the Schnack legacy has lasted for three generations and over fifty years.

Hopefully fifty years from now, the legacy will still be going strong.
The Price Schoppe

Stock Market Challenge

December Challengers:
Leo Bonser, 3L
Tim Curry, 3L

Dynamic Duo:
Hal Price (The Texas Editor)
Randen Schoppe (The Sports Writer)

The Challenge:
The losers will each donate 10 hours of time to the Porter County Juvenile Detention Center.

January Challengers: Genevieve Boarman, 2L & Zoe Hutchins, 2L (roommates)
Losers will take winner's vehicles to have the ice/snow/salt washed from them twice in February.

Christmas season stock picks
Purchasing stock for a short term gain during this time of year can be a bad move. Many people cash-out to preserve gains or realize losses for tax purposes. The combination of the holiday season with many people withdrawing investment from the market to put their money into consumer spending for gifts and meals also plays in the volatility of the market.

This increase in consumer spending can be a good thing for the economy, because most retailers are moving into their most profitable period of the year. Starting on Black Friday, the day after Thanksgiving, the retail industry covers its cost and turns everything earned after this period into profit.

This year the companies that many people will be looking to for profitability are those who have a strong presence on the internet. Many people are predicting record increases from internet sales this Christmas season.

Despite these predictions and an optimistic outlook for holiday sales, some companies will still not have a good year. The risk of picking the right companies doesn't change with the seasons.

Each month two challengers will attempt to beat the "The Price Schoppe", with $12,000 investment strategy, and so far all have. The rules are simple. Select any combinations of stocks on listed on the NYSE or the NASDAQ with the $12,000 dollars. At least one stock must be purchased, in 100 share blocks, and as much of the $12,000 dollars must be used as possible. At the end of the time period the stocks will be sold and the gains/losses will be determined. The pair that realizes the most gains or the least amount of losses from their investments will be able to force the defeated pair perform the challenge.

November Challenge
A pattern has formed that appears cannot be broken... we lost again. The Price Schoppe lost not only to the Business Law Society, but we also lost money for the first time.

The Business Law Society (Bryan Caskey, 2L, and Mike Zaradich, 2L) bought 100 shares of Cardinal Health (CAH) for $51.94 per share, sold them for $53.14 p/s, with a total profit of $120.00; 100 shares of Sirius Sat. (SIRI) for $4.17 p/s, sold them for $7.55 p/s, for a profit of $338.00; 100 shares of Navarre (NAVR) for $16.39 p/s, sold them for $16.34, for a loss of $5.00; 100 shares of C.S.X. (CSX) for $37.95 p/s, sold them for $38.38, for a profit of $43.00; 100 shares of BEA Systems (BEA) for $8.44 p/s, sold them for $8.55, for a profit of $11.00, with a cash-on-hand of $111.00.
TOT. PORTFOLIO VALUE: $11,468.00.

"The Price Schoppe" (Randen) bought 100 shares of Kraft (KFT) for $34.88 per share, sold them for $34.26 p/s, for a loss of $62.00; 100 shares of Wal-Mart (WMT) for $56.85 p/s, sold for $52.93 p/s, for a loss of $392.00; 100 shares of Krispy-Kreme (KKD) for $11.14 p/s, sold for $10.24 p/s, for a loss of $90.00; 400 shares of Winn-Dixie (WIN) for $4.07 p/s, sold for $4.10, p/s. For a gain of $12.00, with a cash-on-hand of $85.00.

They beat us by $1,038.00. The Price Schoppe, at the request of the Business Law Society, owes Bryan and Mike each a 40-ounce bottle of malt liquor.

Any duo wanting to challenge "The Price Schoppe" can e-mail their names and desired challenge to randen.schoppe@valpo.edu. It is not a bad idea considering our track record, increasing your chances of success.
Something to think about next Friday

THE TEXAS PERSPECTIVE

Hal Price

When next Friday arrives, most of ya’ll, me included, will be thinking of nothing relating to the law or Valparaiso, Indiana. Personally, I will be returning to the two biographies I started in Cambridge this summer: Sir Richard Burton’s, for knowledge and pleasure, and former president William Jefferson Clinton’s, for amusement and a hearty Texas chuckle. I actually purchased Clinton’s book at the King’s Cross train station in London amid the laughter of some of my fellow Forum writers. I guess I should have “asked” the “Legally Blonde & Brunette” authors prior to purchase. Not only did it disgust me to put money in Clinton’s pocket, but as informed by “Brunette” at the time of purchase, I paid twice as much for the pages because I bought it overseas. But I digress.

This time of year, most of us look forward to getting a well-deserved break from law school and doing what we want for a few weeks. While pedaling some stress away on the LifeCycle, one of the televisions at the YMCA aired an interview with Susan St. James. Susan and two sons were taking off in their chartered jet NBC Sports executive Dick Ebersol. Recently, her husband moved me. Quickly, I was reminded of a family that I know that enters this holiday season knowing it will be their last together.

To me, this couple epitomizes love. Tragedy and bad luck qualify as members of this family as does their son. They have seen it all in their 30-plus years of marriage. Jobs come and gone, wondering how they were going to make the next house payment. If anyone ever needed help, or a little good luck from time-to-time, it was them. Yet, these wonderful people were always the first in line to help anyone else in need. I never witnessed these two unhappy. They may not know from where the grocery money will come, but they still look at each other as if there is nobody else in the room. This will most-likely be their last Christmas together. The husband recently found out he was terminal in his battle with an illness.

We look forward to getting away with the significant others, drinking a few beverages, and reacquainting ourselves with family and friends. What must it be like to help, or a little good luck from time-to-time, it was them. Yet, these wonderful people were always the first in line to help anyone else in need. I never witnessed these two unhappy. They may not know from where the grocery money will come, but they still look at each other as if there is nobody else in the room. This will most-likely be their last Christmas together. The husband recently found out he was terminal in his battle with an illness.

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While we spill a few cervezas and celebrate the end of another semester, keep in mind there are countless children who are without parents. Keep this in mind should you make a poor decision and think you can easily drive home.

I got straight A’s in undergrad. Can I expect that trend to continue? How do I deal with the disappointment if I can’t keep that streak going? -Joe 1L

B&B: Scholarship issues aside, the best advice we could give you is to relax. Waiting for and receiving your grades is quite a nerve-wracking process. Frankly, almost everyone in law school was at the top of their class in undergrad, so the competition is a little tougher. As long as you don’t fail everything, you should be OK. If you fail a class or end up on probation, there are programs designed to help you get back on track. The school does not want to fail you and they will help you. Of course, your goal should always be to get the best grade, but don’t freak out if you don’t get all A’s. As long as you graduate, you will have that J.D. after your name. You have to give yourself a break and realize that you need a chance to adjust to this system of test taking (one test per semester). Statistically, this will be your worst semester grade-wise, so if you don’t do as well as you would have liked, you have plenty of room for improvement. Good Luck!

Good Luck on Finals! Have a great holiday and think of some questions to send us. If you think of any pressing issues, please feel free to e-mail us at forum@valpo.edu with B&B in the subject line.
after a split national championship between Nebraska and Michigan in 1997, college football decided to come up with a system that would decisively determine who the top two teams in the nation were and coordinate a game between them to decide which team was the best in the country.

Six seasons of this new system have now been completed, and college football is still trying to perfect that system (and the seventh one won’t be much help).

The Bowl Championship Series, or BCS, was created in 1998. The system uses computers to derive the Top 25. Flashback to 1998: it was a simpler time when gas cost $1.00 per gallon, passengers weren’t given body cavity searches to fly, and the country believed its most important issue was whether or not our president had an affair. It was also a time when we believed computers were reliable.

After that, the top two teams would then face each other in a national championship game. This was not always possible before the BCS. Previously, the Rose Bowl would always take the conference champions from the Big 10 and PAC-10; therefore, if a top-ranked team was from one of those conferences, it was possible that there would not be a match-up between the #1 and #2 ranked teams. The main objective was to prevent such events from occurring.

In 2001, both the AP and Coach’s polls had Oregon ranked #2, yet the BCS ranked Nebraska #2 despite their failure to win their conference. Last year, 2003, USC was #1 in both polls, but received the #3 ranking in the BCS. LSU and Oklahoma played in the national championship game. The result was a split national championship between USC and LSU, the very thing that the BCS was created to avoid.

This year, three of the undefeated teams include: USC, Oklahoma and Auburn. This three team controversy mirrors last years in many respects; however, all three teams are undefeated this year whereas all three teams had one loss last year.

Additionally, Utah, a mid-major team, has gone undefeated and is ranked #6, which qualifies them for one of the two at-large bids. However, this “at-large” bid will be received despite a one-loss Texas team who is ranked ahead of them at #5. Texas’ only loss: Oklahoma.

Also, Texas will not receive an invitation over the Big East Champion since the Big East is a conference with an automatic bid. The Big East has seven teams in its conference, all of which are pitiful. At year’s end, they had four conference champions. Over half of the teams can call themselves a conference champion, none of whom will be ranked in the top 10.

Many people are calling for a playoff system to be installed, but that is not going to happen because of the lucrative bowl system in place.

Therefore, instead of the BCS being reactive (which it has done every year since its inception), the time has come for it to be proactive. Here are some of my suggestions:

1. Replace the current ranking systems: the AP and Coach’s poll, as well as the computers. Each one has its own flaws: the writers and the coaches have their regional biases and there is no possible way for the voters to watch every team play, and a computer is short for “accident waiting to happen.”

2. Eliminate conference championship games. In a super conference (one with at least twelve teams), it is split into two sub-conferences and those winners meet in a game to determine the overall champion.

The system should be uniform: either every conference has a championship game or none of them do. Since the games make no sense and are only about more money, they should be dropped.

3. More automatic bids for winning the conference in one of the six conferences. College football has a way of rewarding teams for something that isn’t an accomplishment. Have you seen these rivalry games where the winning team wins a “trophy?” Here’s a list of some of them: The Little Brown Jug (Michigan vs. Minnesota), The Keg of Nails (Louisville vs. Cincinnati), The Goat (Carleton vs. St. Olaf), and The Giant Golden Spork (KFC’s Tender Crispy Chicken vs. KFC’s Tender Spicy Chicken).

This unnecessary rewarding carries over to conference champions. Because receiving a BCS bid has become the most prestigious mark for college football in the country, the bids should go to the most prestigious teams in the country; therefore, the qualifications for getting a bid should be a top 10 finish in the final rankings.

Controversy aside, college football is still one of the best sports around. Instead of grabbing over the absence of a playoff, appreciate the game for its unique postseason tradition (despite the fact that it has turned into a money-making scheme based on amateurism). Some quick predictions:

Heisman Winner:
- Matt Leinart (QB, USC)

National Championship:
- USC (my preseason prediction)

Dark Horse Bowl Game:
- Liberty Bowl
- Louisville vs. Boise State
- December 31, 2004; 3:30 p.m.

Joey Favata is a 2L and can be reached at joe.favata@valpo.edu.
You can also listen to Joey every Thursday night from 8-10 on Valparaiso University’s radio station, WYUR The Source 95.1 FM.
Bring in the New Year with
Monkey Cocktail at Martinis

Schedule of Events:

Fri. Dec. 10: Cosmic Slop (rock)
Sat. Dec. 11: Stretch the Band (jazz inspired rock)
Fri. Dec. 17: Dawnstone (rock/cover)
Sat. Dec. 18: Bob LaMere Band (rock mix)
Fri. Dec. 24: Christmas Eve
Sat. Dec. 25: Christmas Day CLOSED
Fri. Dec. 31: New Year's Eve:
Monkey Cocktail (rock/cover)

New Years Eve:
Sat. Jan. 1:
Fri. Jan. 7: D.J. Swytch
Sat. Jan. 8: TBA
Every Tues.: Acoustic X
Every Thurs.: Planetary Blues
No COVER FRIDAYS WITH VU I.D. (NOT INCLUDING NEW YEAR'S EVE)

Tickets Must be Purchased Prior to the Event!!
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Midnight Champagne Toast
2:30am Breakfast Buffet (eggs, biscuits, gravy & more!)
$5.00 ride home available

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Christmas wish list: Forum sports edition

Bob Marrs

It's hard to believe the holiday season is already here. Time certainly flies when you're having fun.

Or perhaps, like me, you've been unavoidably detained learning "personal privacy" and "noise" statutes.

Nonetheless, with Christmas approaching, I submit to you my wish list for the following dopes in the sports arena:

**White Sox**: a 5th starter, a second baseman, a shortstop, a third baseman, a catcher, and a right fielder, just to name a few.

**Cubs**: nothing except a loss in game seven of the World Series to the White Sox.

**Sammy Sosa**: a new boom box so another Cub player can smash it yet again.

**Ron Artest**: a dictionary to look up the definition of "integrity" so he can rap about it on his next album.

**Dick Vitale**: a muzzle.

**Eddie Curry**: balls...basketballs, that is. Play some damn defense!

**Gene Keady**: a shiny new comb. Purdue Football: a pre-season Heimlich maneuver so they don't choke during the Big Ten season.

**Chicago Bears**: nothing because they've obviously shown why a team would never need a solid veteran backup QB.

**Drew Brees**: a contract with the Bears; why wouldn't he want to throw to David Terrell, Bobby Wade, and Justin Gage?

**Ty Willingham**: old coaching job at Stanford.

**Dick Vermeil**: a Kleenex.

**Dale Earnhardt Jr.**: a trunk monkey.

**Tiger Woods**: a divorce so he can dominate the game once again.

**Carl Spackler**: a gopher to go along with a position as head greens-keeper.

**Notre Dame football**: A little more bacon and toast to go with the egg on their collective faces.

Merry Christmas!

Bob Marrs is a 2L at VUSL. He can be reached at robert.marrslll@valpo.edu.
Student Profiles  
By Danielle Guerra, Photo Editor

3L  
Joe Trey Felty  
Hometown:  
Dallas, TX  
Undergraduate School:  
Texas A&M University  
Undergraduate Major:  
Chemical Engineering

Family:  
Wife: Shari, Dad: Joe Ray, Mom: Barbara, two cats (Tristan and Dixie)

Why law school?  
After working as an engineer for a few years, I saw that some problems facing corporations are not necessarily technical in nature, but related to people issues. I became very interested in labor/employment concerns, EEOC compliance, environmental law and patent law (to satisfy my inner-scientist). Law school seemed to be the next step to take.

Why Valpo law school?  
I was looking to make a move north of the Mason-Dixon line, where labor law is more prevalent and established. I also liked the attitude of the professors/staff at Meet Valpo Law Day.

What's on the top of your Christmas list?  
"Grand Theft Auto - San Andreas"... Oh crap! Do I have to report that to the bar for character and fitness? You didn't hear me say that, did you? I deny everything! No comment!

How about the new reality show "Trading Spouses"?  
I think reality TV is running out of ideas.

How do you feel the judge in the Lacy Petersen trial handled the case? Were you surprised at the verdict?  
I hate to admit this, but I didn't pay a lot of attention to the case. And I call myself a law student...

What did you do over Thanksgiving break?  
I had Thanksgiving dinner here in Valpo with good friends from the law school.

What kind of law are you looking to practice?  
Environmental law, employment law, or patent law. They all have their interesting aspects, in my mind.

Any advice to give 1L students?  
Don't base your law school experience on your first year, because for a lot of people (including me) it takes a year to figure out what the hell is going on. I compare it to those "learn a foreign language by immersion" classes where they drop you off in Japan for six months and say "Good luck!" Give yourself a chance, and don't let disappointment stand in your way. You're not stupid.

With the semester almost over, what class final are you most worried about, and why?  
Civil Rights Legislation and Litigation. I actually had a great externship with the Transportation Security Administration, Office of Civil Rights, where I worked on civil rights and EEOC issues, so you would think I'd be prepared. I was wrong. Excuse me, I need to go study...

2L  
Stephen Starks  
Hometown:  
Fort Wayne, IN  
Undergraduate School:  
Drexel University  
Undergraduate Major:  
Biology (B.S.)

Family:  
Wife: Willie Starks (Father); Irene Starks (Mother)

Why law school?  
It made sense. I had gotten professional basketball out of my system and it was time to move on to something challenging, practical and fun.

Why Valpo law school?  
After going to undergrad in a big city and far away from home and after traveling after graduation, it was time to come back to Indiana and enjoy a small, friendly environment. It was just a good fit!

What's on the top of your Christmas list?  
Another year of health for myself, my family and friends.

How about the new reality show "Trading Spouses"?  
I've never seen it.

How do you feel the judge in the Lacy Petersen trial handled the case? Were you surprised at the verdict?  
I think he did the best that he could. It was a very difficult decision and given the pressure and media exposure, I hate to second guess anyone in the judge's position.

What did you do over Thanksgiving break?  
Enjoyed my family, much of which traveled from great distances to spend my favorite holiday with us.

What kind of law are you looking to practice?  
Commercial litigation/sports & entertainment.

Any advice to give 1L students?  
Stay focused and RELAX! Try not to miss the big picture and keep cultivating your personality.

With the semester almost over, what class final are you most worried about, and why?  
Constitutional Law. Professor Levinson is not the one to take lightly!

1L  
Korin Spahr  
Hometown:  
Pittsford, MI  
Undergraduate School:  
Grand Valley State Univ.  
Undergraduate Major:  
Criminal Justice & Sociology

Family:  
Steve & Betty Spahr (dad & mom), Kelly, 34 (sister)

Why Valpo law school?  
I initially applied here because the application was free. After I was accepted, the admissions people did a great job of selling the school and made me feel really welcome when I visited.

What's on the top of your Christmas list?  
A few relaxing days in a warmer climate.

How about the new reality show "Trading Spouses"?  
I only saw it once; it's definitely not as good as "Desperate Housewives."

How do you feel the judge in the Laci Peterson trial handled the case? Were you surprised at the verdict?  
I think he did a fair job. I was surprised at how quickly the verdict came back after the juror substitutions, but not surprised at the verdict itself.

What did you do over Thanksgiving break?  
I stayed here to get ready for finals (and by that I mean I napped a lot), went back to Michigan for Thanksgiving Day, and watched a lot of football.

What kind of law are you looking to practice?  
Public interest/criminal law.

Any advice to give 1L students?  
Alternating caffeinated beverages with water seems to keep people awake much longer than just drinking caffeinated beverages alone. Try it.

With the semester almost over, what class final are you most worried about, and why?  
I'm most worried about Civ Pro because . . . well . . . it's Civ Pro.
Crossword 101

Persona Non Grata

By Ed Canty

Across
1 Zeigler of The West Wing
5 Outfit
9 Musical notation
13 Still
14 Sticker
15 Bun
16 Adobe persona non grata
19 Before to Keats
20 Popular candy bar
21 Smoothed
22 Capable
23 Pale gray
24 Camel-like animals
27 ____ Mawr
28 Sporty car
31 Helper
32 Kind of wrestler
33 Anthony Kearns offering
34 Camp persona non grata
37 Slimy swimmers
38 Husk of a coconut
39 Weight Watchers concern
40 Banned insecticide
41 Gas
42 Survived
43 Highest degree
44 Be angry
45 Bigot, e.g.
48 Part
49 Throw
52 Party persona non grata
55 Select
56 Dances
57 Farmer’s measure
58 Toss
59 Shady growth
60 Don

Down
1 A suitable moment
2 Smell
3 Sad
4 Uh-huh
5 Type
6 Plays a part

7 Shortened cheer
8 Response to a sneeze
9 Pal
10 Noisy
11 Other
12 Ran
14 Calls
17 Begin
18 Chemist Otto
22 Heard in church
23 Kind of suit
24 Emitting radiation
25 Found enjoyable
26 Grown-up
27 Accept without question
28 Main impact
29 Chop up
30 Prepared for burial
32 Nose
33 Social problem
35 Winter warning
36 Nomad
41 See 32 Down
42 Humdingers
43 DJ needs
44 Deceives
45 Wedding invite acknowledgement
46 Celebes ox
47 Broadway musical
48 Deli stock items
49 Queen Anne’s ______
50 Gumbo ingredient
51 Bud ____
53 New:Prefix
54 Corn field call

Quotable Quote

"Why is it when we talk to God we’re praying -- but when God talks to us, we’re schizophrenic?"

• • • Lily Tomlin
Legal Trivia

1) This film stars Henry Fonda as a dissenting juror who slowly manages to convince the others that the case is not as clear as it seemed in court.

2) This current Major League Baseball manager is one of five lawyer/managers in the history of the game.

3) This former Chief Justice’s likeness is on the $10,000 bill.

4) John Kerry attended this law school.

5) What Justice was known for playing Trivial Pursuit on the bench?

6) What Justice wrote the most dissenting opinions?

7) From what state have more Justices come from than any other?

8) Who argued the most cases to the Supreme Court?

9) What Justice was once expelled from the bar?

10) Who was the largest member of the Court?

Survey says............“Crest Kid!”

When he is not reading a book, listening to music, working on his computer and eating pizza, this law student enjoys long walks on the beach.

David Smith, multi-tasking guru, reads The Forum while catching flies.

This law student is:
(a) working in the library;
(b) just stapling papers;
(c) preparing to send out rejection letters to Barrister Ball suitors.