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Our man Mitch
Indiana governor to speak at May commencement exercises

BY KELLY VANDERWALL
Executive editor

On May 21, 2005, at 11:00 a.m., the Valparaiso University School of Law will graduate the 126th class of law students since the founding of VUSL in 1879. Ind. Governor Mitch Daniels has accepted the Student Bar Association’s invitation to be the commencement speaker for the class of 2005.

The commencement exercises will mark Daniels’ second visit to VUSL in as many years.

In January 2004, Daniels spoke to VUSL students during his campaign for Indiana governor. As a result of a successful campaign, Governor Daniels took office just over four months ago, on January 10, 2005.

Before running for governor, President Reagan had appointed Daniels a member of the Advisory Commission on Intergovernmental Relations and as a director of the Overseas Private Investment Corporation.

Daniels also has an extensive business background. In the late 1980s, Daniels left Washington and returned to Indiana to hold executive positions at the Hudson Institute (1987-90) and Eli Lilly and Company (1990-2001).

Daniels returned to Washington once again in 2001 when President George W. Bush appointed Daniels as director of the Office of Management and Budget (OMB).

Daniels’ duties included overseeing the federal government’s $2 trillion budget and reviewing all significant federal regulations before they become law. Daniels resigned from the position of Director of OMB in May 2005.

Governor Mitch Daniels

Changes highlight the new SBA

A new slate of second- and third-year SBA representatives for 2005-2006 were recently installed in their positions.

An SBA Grievance Board reversed the full body’s previous decision to allow a first-year student to maintain his position as SBA Treasurer-elect while on academic probation.

These, along with major constitutional and management changes, have highlighted the new face of SBA this spring.

The election of SBA representatives was held on April 14.

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FORUM FOCUS:
10 U.S.C. §12301(a) & military enlistment contracts: going beyond the sale

BY JOSHUA F. BROWN
Guest columnist

“Not everything that is faced can be changed, but nothing can be changed until it is faced.”

Consider for a moment the following hypothetical: Tom Smith, a 1997 high school graduate decides to join the United States Armed Forces and signs a military enlistment contract requiring him to serve four years active duty and four years in the reserves. In 2005, having honorably served his eight years, Tom anxiously awaits his discharge from the Army Reserves so he can return to his wife and two kids. However, much to Tom’s surprise, he receives a letter from the military informing him that rather than a discharge his enlistment has been extended for the duration of the war on terror and for six months thereafter.

The above hypothetical illustrates a legal possibility that the United States Armed Forces can employ during a time of war or national emergency. As a result of the September 11, 2001 (“September 11”), terrorist attacks, President George W. Bush, on September 14th, 2001, declared a state of national emergency. Under a declared state of national emergency the United States military has the authority to extend reserve soldiers’ enlistment terms indefinitely. Hence, many reserve soldiers are at risk under 10 U.S.C. §12301(a) to be subjected to indefinite service beyond the contractual terms of their enlistment contracts.

The substantive portions of §12301(a) are written within all enlistment contracts. The

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NEWS

Rankings are out
How Valpo Law compares to the rest of the field

BY MARINA RICCI

Fresh off the presses, the controversial U.S. News & World Report 2006 Graduate School rankings (U.S. News) came out this month with VUSL maintaining its spot in the fourth tier. VUSL dropped off from third tier last year.

Law schools around the country wait all year for the magic day in April when their school is matched up against all other schools and ranked according to specified factors. This year, those factors fell a bit short for VUSL.

According to U.S. News, ranking factors are based on two types of data: expert opinion about program quality and statistical indicators that measure the quality of a school's faculty, research and students.

The opinion data is gathered by asking deans, program directors and senior faculty to judge the academic quality of programs in their field on a scale of 1 ("marginal") to five ("outstanding"). In law school rankings, professionals who hire new graduates are also polled in order to gather opinion data.

Statistical indicators are measured in two categories: inputs, which are measures of the qualities that students and faculty bring to the educational experience, and outputs, which are measures of graduates' achievements linked to their degrees.

Output measures in law include how much time it takes new lawyers to find jobs, and includes state bar exam passage rates.

When all data is scored, quality indicators determine the final score for that particular institution. In some instances, quality indicators are adjusted to where a low value in a quality indicator indicates a higher quality, such as in the category of acceptance rates. Weight is applied to each indicator based on relative importance and schools are then placed in the U.S. News ranking order.

Specifically, quality assessment was measured by two surveys conducted in the fall of 2004. Quality assessment has a total weight of 40%, with the dean and three faculty members at every law school accounting for 25%, and lawyers and judges accounting for 15% of the total quality assessment score.

Selectivity is given a weight in the overall score. This was determined by combining the LSAT scores (50%), median undergrad GPA (40%) and proportion of applicants accepted (10%).

Placement success accounts for 20% of the overall score, with employment rates for 2003 graduates accounting for 30%, employment nine months after graduation accounting for 60%, and the bar passage rate accounting for 10%.

Last, faculty resources account for 15% of the overall score, based on the average 2003 and 2004 expenditures per student, library, and supporting services (65%) and on other items including financial aid (10%).

The 2004 student/teacher ratio accounted for 20% of the resource score and the total number of volumes and titles in the library accounted for 5% of that score.

Every school's score on every indicator is standardized. After the scores are weighted and rescaled, the top school receives 100 and other schools received a percentage of the top score.

There are also specialty rankings based solely on votes by law faculty who are listed in the Association of American Law Schools (AALS) directory of Law Teachers 2003-2004 as teaching in the field. After naming up to 15 of the best schools in each field, schools receiving the most votes were listed.

VUSL is ranked comparably among law schools at Hamline University (MN), Pace University (NY), Northern Illinois University, Touro College (NY), and William Mitchell College of Law (MN). Schools in the fourth tier are not ranked, but instead listed in alphabetical order.

There still remain longtime critics of the ranking system U.S. News has implemented.

In 1998, AALS went so far as to send out a letter to 93,000 law school applicants warning them that the U.S. News rankings may not be as valid as they seem.

AALS cited a study done for them by Stephen P. Klein, a senior research scientist and a senior partner with the consulting firm of Gansk and Associates, which found "many serious problems" with the way U.S. News evaluates law schools.

Deans of most law schools caution students that the designated factors used in rankings such as those in U.S. News should not be the only factors in evaluating a law school.

Examples of factors not taken into account by U.S. News are those used by Princeton Review's Best 117 Law Schools Rankings." Princeton Review surveys current students as to their opinion on the education they receive in which VUSL fared well among student opinion.

However, for those students that still go by U.S News and were left with a lot to be desired after this year's rankings, the wait is on for next year.

2006 U.S. News numbers

Category(% weight), VUSL numbers

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<thead>
<tr>
<th>Category</th>
<th>VUSL</th>
<th>Peer Assessment</th>
<th>Lawyer/Judge Assess.</th>
<th>LSAT</th>
<th>GPA</th>
<th>Placemt. at Grad.</th>
<th>9-month placemt.</th>
<th>Student/Fac. Ratio</th>
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<td>Peer Assessment (25%)</td>
<td>1.9</td>
<td>2.3</td>
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<td>Lawyer/Judge Assess. (15%)</td>
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<td>LSAT 25/75% (12.5%)</td>
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<td>3.62</td>
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<td>GPA 25/75% (10%)</td>
<td>150</td>
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<td>9-month placemt. (12%)</td>
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<td>Student/Fac. Ratio (3%)</td>
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<td>Acceptance Rate (2.5%)</td>
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Valpo Law charity weekend benefits homeless shelter

SBA and Phi Alpha Delta are sponsoring this year’s Charity Weekend to benefit the Porter County Homeless Shelter. Below are a listing of events for the weekend:

FRIDAY, APRIL 22
8:00 p.m. TRIVIA NIGHT – Tabor.
Trivia teams can be no more than five people, feel free to include family and friends in your team.

No pre-registration is necessary, however in order to support the homeless shelter the cost for each team will be $5 or five non-perishable food items. Snacks will be provided and there is a prize for the winning team.

SATURDAY, APRIL 23
8:00 a.m. AMBULANCE CHASE RACE – VU campus.
This is a 5k race around the campus of VU. The cost to participate is $10. This event is open to the community, so tell your friends! Beverages and bagels will be provided for the runners/walkers.

There will also be prizes awarded to the winners of different categories.

10:00 a.m. DEFENDANT DASH
This is a new event at VUSL!
The Defendant Dash is a 50-yard dash, which will be held in front of the law school. Participants in the dash will compete in heats of two people, until we have one female winner and one male winner. All runners will be wearing full suits. You are free to wear tennis shoes.

All runners will also be carrying briefcases with contracts in them. At the end of the race will sit a cop car with a “defendant” in the back seat. The first runner to make it to the cop car, open the back door and have the “defendant” sign their contract wins that heat!

The cost of this event is $5 or five non-perishable food items. This event is also open to friends and family. Prizes will be awarded to the female and male winners.

1:00 p.m. 3 ON 3 BASKETBALL
VUSL’s 2nd annual B-Ball Tourny.
This event will take place at the outdoor basketball courts in between the German House and the Law School parking lots. There are four people per team, and all teams must be co-ed, with a girl on the court at all times.
The cost of this event is $20 per team. Beverages will be provided for players.

8:00 p.m. P.A.D. CHARITY AUCTION/FAUKERS SHOW
Phi Alpha Delta’s 2nd Annual Charity Auction!
All you have to do when you register is pick a talent, a service or anything else creative that you would be willing to do for someone else. The auction will be held at Martini’s.

VUSL students will have a chance to bid on each individual’s service with the service going to the highest bidder. All proceeds from the auction will go to the Porter County Homeless Shelter.

After the auction “The Faukers” will sing with a host of special guest performers (such as Adam Davis from Admissions) the Faukers’ show is from 10 p.m. until 2 a.m.
The cover at Martini’s for the night is $3, all VUSL students who show their IDs will get a wrist band good for five free drinks (beer and well drinks) and Phi Alpha Delta will also have an assortment of appetizers for all to enjoy.

Business Law Society presents 1st annual Valpo Law Success Stories

This year’s events are a part of a lecture and discussion series intended to inform and inspire VUSL students. The Success Stories events feature two distinguished VUSL alumni who have exciting careers in the field of business law and beyond. They will share their personal accounts of how they built their careers from VUSL to their current success. Each presentation is sure to be entertaining, informational and motivating.

Stephen J. Krigbaum, Altria Group, Inc., Vice President and Associate General Counsel.
April 19, 2005, at 4:00 p.m. in Stride Courtroom with reception immediately following in the Duesenberg Commons.

BLS is honored to host its first speaker, Steve Krigbaum. Steve, a former VU Law Review Editor, graduated from VUSL in 1983, and is currently a Vice President and Associate General Counsel for the Altria Group, Inc. (parent company of Kraft & Philip Morris) in New York City.

Steve’s unique experience includes private practice in civil, environmental and commercial litigation. He also gained exciting international law experience when he managed Kraft’s Asia Pacific Law Division in Melbourne, Australia.

Joseph B. Cioe Jr., Cioe & Wagenblast, P.C., Partner.
April 21, 2005, at 4:00 p.m. in Stride Courtroom with reception immediately following in the Duesenberg Commons.

The BLS is pleased to present Mr. Joe Cioe, a 1993 graduate of VUSL who has built a successful private practice right here in Valparaiso.

Cioe and Wagenblast, P.C. is a full service Indiana law firm and Joe Cioe’s personal practice spans such diverse areas as bankruptcy, business and commercial law, business organizations, contracts, elder law, estate planning, real estate and personal injury.

Aside from his legal education and experience, Joe holds a degree in Accounting from DePaul and is both a Certified Public Accountant and a Certified Financial Planner.

Federalist Society and American Constitution Society to host mock judicial nomination hearing

On Mon., April 25 at 5:00 p.m. in Tabor, the American Constitution Society and the Federalist Society will be hosting a mock judicial nomination hearing.

Students from various campus organizations will play the roles of U.S. Senators on the Judiciary Committee. Magistrate Judge Paul Cherry (also an adjunct professor) will be playing the part of the nominee.

A fictitious background has been created for the nominee, pieced together from actual bios of Bush nominees to the federal bench. It will be an interesting way for students and faculty to get an idea of what issues and questions might come up in an actual hearing! This is a very hot topic right now and should be a really interesting event.

There will be a reception following in the atrium.

— Bill Smith

A bridge to the future?

The first person to correctly identify the picture above will win a $10 gift certificate to Jimmy John’s.
E-mail your responses to forum@valpo.edu

March winner: Kimberly Stevens, 1L
March answer: The Natural Ovens bakery east of Valpo on Ind. Rte. 2.
FOCUS
continued from page 1

Applicable portion of \$12301(a) specifically states:

In a time of war or of national emergency declared by Congress, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons affected, order any unit, and any member not assigned to a unit organized to serve as a unit, of a reserve component under the jurisdiction of that Secretary to active duty (other than for training) for the duration of the war or emergency and for six months thereafter.\textsuperscript{7}

Section 12301(a) is not written within an enlistment contract in its entirety. However, statutes and regulations enter a contract through the doctrine of incorporation by reference, rather than by implication. Thus, statutes and regulations are a part of an enlistment contract even if not explicitly located within the enlistment contract.

Section 12301(a) allows for reserve units, or individual soldiers within a reserve unit, who are not already on active duty, to be called to active duty for “the duration of the war or emergency and for six months thereafter.” Additionally, \$12301(a) allows the President to invoke or suspend a number of laws relating to contracts, government property, and other provisions during a national emergency. As a result, provision \$12301(a) allows an extraordinary amount of power to the Congress and President in a time of war or of national emergency.

According to its legislative history, \$12301 was enacted to serve three main purposes. First, reserve units are needed to help alleviate the stress and strain that military conflicts inflict on those who serve. Second, Congress and the President must be in a position to control the length and duration of military service in times of crisis to ensure winning strategies when unforeseen circumstances arise. Third, in case of a personnel shortage within the military, the military must allow itself leeway to hold on to those who already have volunteered.

However, the societal impact of September 11 and the resulting declaration of a national emergency marked a change in the global strategy of the United States Armed Forces. In the modern age of warfare, survival of the fittest is less about the size and might of a country’s military, and more about strategic maneuvering and preventive planning for potential terrorist attacks.\textsuperscript{8} As such, the United States invokes military principles that adhere to the necessity of preemptive strikes so as to track down terrorists before they attack the United States. This type of global military campaign requires the continuous use of soldiers.

In one regard, the war on terror is similar to previous U.S. military encounters; it involves the deployment of troops to rogue nations on various combat and non-combat missions. However, for the most part the war on terror is different from previous military engagements because the war on terror is not defined by any territorial boundaries. In sharp contrast to the war on terror, the Korean War, the Vietnam War, and the Gulf War were defined according to the countries’ territorial borders, and the U.S. military strategy was limited according to geographical threats. However, the war on terror applies to any territory or country that aids in the development of terrorism and, thus, has no territorial limitation. As a result, the United States will likely remain in a declared state of national emergency indefinitely.

This continual state of emergency is leading to over-reliance on the reserves amidst the war on terror. Indicative of this over-reliance is the physical and mental exhaustion of troops, which increases the strain on the military. For example, Lieutenant General James R. Helmy, the Reserve chief, criticized Pentagon decisions leading to extensions of reservist tours in war zones. According to Helmy, given the demands placed on men and women fighting the wars in Iraq and Afghanistan, who had originally planned to be part-time soldiers, the Army Reserve is “in grave danger of being unable to meet other operational requirements” and is “rapidly degenerating into a ‘broken’ force.”\textsuperscript{9} Moreover, this type of strain leads to a substantial risk that the soldiers whose contracts are extended may no longer be effective or adequately prepared to handle the circumstances that arise during military conflict.

It is certainly a difficult, if not impossible, task to accurately measure the mental and physical anguish felt by soldiers in any war. Mental disorders such as nostalgia, shell shock, Post Traumatic Stress Disorder (PTSD), and Gulf War Syndrome have all been by-products in some way to extensive combat service.\textsuperscript{10} While this anguish is not a reason to refrain from being involved in a war, it serves as a factor to consider prior to extending a soldier’s enlistment term.

Historically, this legal relationship between soldiers and the military has been viewed as a contractual relationship bound by the common law principles of contracts. However, as society has evolved new contractual theories have emerged which question the validity of contractual terms not freely negotiated. Beginning in the mid-1970s courts recognized the increasing use of contracts of adhesion in the marketplace. This evolution of contract law was a direct result of changes in society. As businesses found it more profitable to use standardized forms, they incorporated the use of these contracts as part of their daily business transactions.

A principle difference between a the classical model which analyzed rules abstractly, to a newer model that considers the social context of their operation.\textsuperscript{11} This adaptation has led to contracts being evaluated and understood less on principles of free will and more in terms of their consequences.\textsuperscript{12}

An example of this adaptation is illustrated through the doctrine of unconscionability. The doctrine of unconscionability permits courts to invalidate contracts that are held to be fundamentally unfair. Under the Restatement of the Law, Second, \$208 Unconscionable Contract or Term states:

If a contract or term thereof is unconscionable at the time the contract is made a court may refuse to enforce the contract, or may enforce the remainder of the contract without the unconscionable term, or may so limit the application of any unconscionable term as to avoid any unconscionable result.\textsuperscript{13}

The embodiment of this doctrine as applied to goods is found in \$2-302 of the Uniform Commercial Code (“UCC”). While UCC \$2-302 is inapplicable to contracts that do not involve the sale of goods, it has been used either by analogy or in the interest of fairness in cases not involving the sale of goods.

The doctrine of unconscionability has been referred to by some legal scholars as the most innovative section of the entire UCC.\textsuperscript{14} In fact, Karl Llewellyn, Chief Reporter of the Code, described the doctrine as “perhaps the most valuable . . . in the entire code.”\textsuperscript{15} Just as the obligation of good faith and fair dealing apply to a wide variety of contracts, so too does the policy against unconscionable terms. The setting, purpose, and effect of a contract are considered in determining whether a contract or its terms are unconscionable.

While there are instances when the terms of a contract are not unconscionable per se, courts have held terms to be unconscionable due to a significant level of unfairness in the bargaining process. For example, the court in Williams v. Walker-Thomas Furniture Co., held that “unconscionability has generally been recognized to include an absence of meaningful choice on the part of one of the parties together with contract terms which are unreasonably favorable to the other party.”\textsuperscript{16} Ultimately, the doctrine of unconscionability reaffirms one of the most basic doctrines of contracts “that parties must be free to choose the terms to which they will be bound.”\textsuperscript{17}

However, mere inequality of bargaining power does not render a contract

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Section 12301(a) allows for reserve units...who are not already on active duty to be called to active duty for “the duration of the war or emergency and for six months thereafter.”
unconscionable. Typically, a contract must be both procedurally and substantively unconscionable for the contract to be deemed unconscionable. Most cases of unconscionability involve a combination of both procedural and substantive unconscionability. Furthermore, it is generally agreed that if more of one is present, then less of the other is required.

Procedural unconscionability requires the presence of two elements: oppression and surprise. First, oppression arises from inequality in the bargaining process that results in no real negotiation and an absence of any meaningful choice in the terms of the contract. In some instances, courts equate a contract of adhesion to procedural unconscionability because of the oppressive nature of a contract of adhesion. For instance, in Ting v. AT&T, the Ninth Circuit opined that a contract is procedurally unconscionable if it is a contract of adhesion. Second, surprise occurs when an “unexpected term has been sprung on a party unfairly.” Unfair surprise usually results when there are hidden contractual terms, unreadable terms, or unusually complex terms that an ordinary person may not understand.

Substantive unconscionability is defined as terms within a contract that are “unduly harsh and one-sided.” In other words, if the terms of a contract suggest a reallocation of material risks that may be extremely harmful to one of the parties, a court will not enforce the terms regardless of apparent or genuine assent. In State v. Brown, the court provided a more precise definition of unconscionability, holding that terms that are “shocking to the conscience,” “monstrously harsh,” and “exceedingly calloused” are substantively unconscionable.

Both procedural and substantive unconscionability are based in part on the notion that if the terms of a contract significantly offend public policy, the contract may be held unenforceable or the unfair terms may be removed. In deciding whether to enforce a contract that offender public policy, courts balance the policy and the equities between the parties. Thus, if the harm to the public interest outweighs the benefit to the public, the contract will not be enforced.

Section §12301(a) is procedurally unconscionable because it is an oppressive term that authorizes the extension of soldier enlistments indefinitely. This possible indefinite extension fundamentally changes the underlying notion that military service is a voluntary process. While volunteers who sign up for service are mostly aware of the one-sided nature of the enlistment process, many

are unaware that the ramifications of §12301(a) may lead to indefinite service. Certainly, explaining this provision would not be a strong selling point during the recruitment process. Thus, the individual who is enlisting is responsible for reading and understanding the entire

sided nature of the enlistment process. Signing an enlistment contract and joining the military drastically differs from engaging in a common law contract because common law contracts do not address the change of a person’s status from civilian to soldier. Therefore, because enlisting in

the military changes the status of a civilian to that of a soldier, a soldier is governed under a different body of law.

However, as with any organization, reasonable limits of power should not be exceeded, which explains why the common law of contracts primarily governs the interpretation of enlistment contracts. Because a civilian does not become a soldier until after he signs the enlistment contract, prior to enlisting, an individual remains in his status as a civilian subject to civilian law. Accordingly, a change of status does not invalidate the contractual obligation of either party or prevent the contract from being upheld. Thus, when a fundamentally unfair term like §12301(a) is included in an enlistment contract, the interpretation of the term should be based on common law contractual principles.

However, the military must have the authority to properly handle unforeseen circumstances as they arise, such as military personnel shortages. Because it is more efficient and facilitates unit cohesion, the military prefers to extend enlistment contracts of soldiers’ presently in combat, rather than relying on an influx of new and likely inexperienced soldiers’ to replace those soldiers’ who have fulfilled their service terms. Additionally, military strategies are not developed based on public opinion or a balance of fairness interests. Furthermore, the military does not operate as a democracy. In the military, the rank and file systems are predicated on the notion of taking orders without questioning authority. Without such a rank and file system in place, the military would be unable to successfully manage its operations and meet its ultimate goal of protecting America. While logical, these policies do not adequately consider

the effects they have on the soldiers who endure them, and do not comport with standards of human decency.

The combination of the procedural and substantive unconscionability of some of the terms within §12301(a) should render it principally unreasonable. Unfortunately, the stark reality is that no court will presently address this issue for two reasons. First, §12301(a) is part of a military contract during a state of national emergency. Precedent has been established that invokes great judicial deference to decisions of the military and already strong deference is made stronger during a time of war or national crisis. Second, §12301(a) has never been implemented in a time of war or national emergency, which makes it difficult for a court to nullify it because no one has standing to challenge it. Thus, it is the Congress’s responsibility to amend §12301(a) to fashion a term that is both reasonable and fair in its application to both the soldier and the military.

History has shined its infinite wisdom on the cold, hard realities of the aftermath of war and its effects on soldiers. Certainly, explaining this provision would not be a strong selling point during the recruitment process. Members of the military are under a statutory obligation during a national crisis. Thus, the change must come from Congress, which creates and amends the statutory provisions ultimately dictating the rights of enlisted soldiers.

In sum, the ripple effect of September 11 has caused a continuous state of national emergency changing the way in which United States military operations are handled. Making the appropriate changes within the military involves reasonably changing the statutory provisions that affect military personnel. Amending §12301(a) would not only be valued by men and women serving within the armed forces, but it would also send a clear message that Congress is attuned to the evolving standards of the times.

(Endnotes)

1 http://www.brainyquote.com/quotes/quotes/j/jamesabal108343.html. This is a quote from James A. Baldwin, a well-known novelist.

2 See Proclamation No. 7463, 66 Fed.

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EDITORIAL

Journalism ethics under fire

The media is often referred to as the fourth branch of government. They are the eyes and ears of the public inside what can be a confusing jungle of political red tape.

Recent events at our school have reminded those of us on the newspaper staff of our importance in keeping the other branches of our government responsible to you, the students, faculty, staff, and alumni.

It was not without great debate that we chose to publish the story, “Rules not followed in SBA oversight” in the March edition, and the follow-up piece released in this month’s edition.

We debated our options: printing the stories with names, without the names, or leaving the issue alolone. In the end, we chose to print the names. Controversial or not, we stand by our decision.

As David Brinkley so eloquently stated, “Numerous politicians have seized absolute power and muzzled the press. Never in history has the press seized absolute power and muzzled the politicians.”

Who, if not us? Who would bring the issue to the spotlight? Who would push for reform? Who would report on the results of the story?

The FORUM is a source of rich history at our school. We, the writers and editors, bring you the news of our school, good or bad. We cover the speeches, the parties, and yes, the controversy.

We do not receive class credit, or pay, and our reward is sometimes a lot of grief. Yet, we write, because we believe. We believe you have the right to know.

We spend countless hours poring over the pages in this newspaper and countless more in front of computers.

In the end, remember this, as that great American Thomas Jefferson once said, “The press is the best instrument for enlightening the mind of man, and improving him as a rational, moral and social being.”

SBA issues apology

On behalf of the SBA, we’d like to take this opportunity to express our regret to the Valpo Law student body for the controversial events surrounding our elections and retention of members.

In contravention to Article III, Section 1 (Subpara. 2) of our constitution, SBA did not immediately dismiss two members on academic probation and allowed them to campaign.

The executives had viewed students’ grades as a personal matter to be taken care of on their own, as they are adults.

Regrettably, our good intentions were in contravention to the text of the constitution.

It was the decision of the executives to allow the students to remain on that ballot because it was an error of judgment by the executives, not the students.

Following the election, SBA ratified that decision by a majority vote.

As always, we stand by the integrity of the executive board and the collective votes of SBA.

We applaud the year long commitment of all SBA student-volunteers.

Facing the future

Fellow students,

During the storm of controversy that recently held our attention, SBA was the true loser. We lost your trust, we lost your respect, and we lost our way.

However well-intentioned our decisions may have been, we can’t escape the reality that as the representatives of every student in this school, we should have been accountable for our actions and followed our own rules - and for that, as President of the Student Bar Association, I apologize to the student body.

In the wake of those recent events, we must take the lessons we learned and focus on the future. I hope you will join with me in congratulating the new members of the Administrative Board.

I am confident that each of us will work hard not only to serve your interests, but to earn back your trust. The first step in that process is amending the SBA Constitution.

In order to best serve the student body, SBA will be adopting several resolutions that streamline our administrative processes and reinforce our accountability.

In addition, I am open to your suggestions as is every other member of SBA’s Administrative Board. Please don’t hesitate to approach any of us with your ideas, questions, or criticism.

This summer, SBA will join the ranks of hundreds of student bars across the country by launching a website to serve as a clearinghouse for important information that affects you. You will be able to use this site to keep abreast of SBA meetings, events, and current issues, as well as to give your input and feedback.

In the interim, stay apprised of SBA information via our SBA weblog, located at http://stopthinkact.blogspot.com.

For those students who are interested in taking a more active role in SBA, there are a variety of student committees with positions that will need to be filled. Examples include the philanthropy committee and class committees, as well as committees that work closely with VUSL administration. Information will be posted on the SBA weblog before the end of the year.

Finally, I hope to see as many students as possible participating in the Charity Weekend events this Friday and Saturday. We are excited to bring this event back for a third year.

This year, proceeds will go to the local homeless shelter, and a new event, the Defendant Dash, will be added to the lineup. Join us as SBA faces the future.

Kristin Nesbitt is a 2L and President of the Student Bar Association. She can be reached at kristin.nesbitt@valpo.edu.

SBA weblog

We applaud the year long commitment of all SBA student-volunteers.

Executives should have enforced Article III, Section 1 (Subpara. 2), regret not doing so, and encourage future administrations to do such.

Signed,

Paul Mullin, Fmr. President
Hollie Tanguay, Fmr. Vice President
Steve Lammers, Acting Treasurer
Kristin Nesbitt, Fmr. Secretary
Many of you have been asking: What is the difference between VUSL's Mock Trial Team and the Moot Court Honor Society?

Here are the fundamental differences between the two organizations: the Mock Trial Team is a national organization that focuses on advocacy at the trial court level of the judicial process and the theatrics of the courtroom. The Moot Court Honor Society focuses on advocacy at the appellate level, including both oral argument and brief writing.

If you have any questions about either organization, please talk to the executive board members of each respective organization. As for Mock Trial, here's a little more information:

The Mock Trial Team is the only organization at VUSL to provide students with an opportunity to compete in national competitions focusing on trial advocacy and litigation.

In addition, the Mock Trial Team concentrates on honing student trial advocacy skills, with a particular focus on jury trials.

Most importantly, the Mock Trial Team is an academic organization; students participating on the Mock Trial Team receive academic credit for their participation, just like students participating on Law Review or Moot Court.

VUSL, like many law schools across the nation, is fast recognizing the value and importance of supporting a mock trial program. Over the past three years, VUSL's Mock Trial Team has steadily gained the respect of judges, coaches, and competitors across the country at national competitions.

Similarly, employers are increasingly asking VUSL students about their participation on the Mock Trial Team.

These employers are recognizing the practical advantage student competitors possess over other students in developing trial strategies, having familiarity and knowledge about courtroom procedures, and being comfortable and animated during courtroom presentation.

This year, the team of Tara Wozniak, 3L, Ghislaine Storr, 3L, and Andrew Smith, 2L, competed in the regionals of the National Trial Competition in Chicago, Illinois. The team placed 10th out of 24 teams, only two spots shy of advancing to the quarter-final round.

Moreover, Tara Wozniak and Ghislaine Storr swept their round during the competition by winning all three judicial votes against a competitive team, having one of the highest scoring individual rounds among all teams in the competition, and the highest scoring round of a VUSL team on record.

Likewise, the team of Jessica Greyerbiehl, 3L, Sean Campbell, 3L, Daniel Evans, 3L, and Megan Moore, 3L, placed 8th out of 16 teams in the regional ALTA competition held in Pittsburgh, Pennsylvania.

They were in the running for a position in the semi-finals, just missing advancement by one judicial vote and a few points. In addition, Erin Gallagly, 2L, competing on the second competitive ALTA Team, made an impressive individual showing, earning perfect scores in several categories.

1Ls and 2Ls, you should seriously consider trying out for membership on the VUSL Mock Trial Team when you consider membership in an academic organization here at VUSL.

While Law Review, Moot Court Society, and the Mock Trial Team all have limited membership, students can participate in more than one of the organizations at the same time. If you are interested in litigation and trial work—the Mock Trial Team would be ideal for you.

VUSL Mock Trial Team try-outs will take place on Friday, April 29, 2005, beginning at 5:00 p.m. To try out you need to contact jessica.greyerbiehl@valpo.edu or contact Erin Gallagly at erin.gallagly@valpo.edu.

Tara M. Wozniak is a 3L. If you have any additional questions about the VUSL Mock Trial Team, you can contact jessica.greyerbiehl@valpo.edu or contact Erin Gallagly at erin.gallagly@valpo.edu.

**LETTERS POLICY:**

The FORUM reserves the right to edit or reject any contribution without notification. Letters must be limited to 400 words and columns to either 400 or 800 words.

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.

**WANTED TO BUY:**

3Ls, are you getting rid of the laptop or desktop computer you used in law school when you graduate?

Don't throw it out. Sell it. Contact Andrew Smith at 219-477-5957, or at Richard.Smith1@valpo.edu

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Closing Arguments

Moot Court Honor Society

Joe Langerak

It has been a successful year in Moot Court. We have refreshed our office with new furniture; implemented a new class requirement into the Society; printed our first issue of a semester newsletter to alumni which will be sent out shortly; held an amazing Swygert competition; and installed new computers and printing equipment in our office.

More importantly, we represented VUSL well at national competitions. Just highlighting two of the many great successes will serve as an example of this success.

First, for the second year in a row VUSL Moot Court has advanced to the "elite eight" in the Delaware Corporate Law Competition. This competition is the premier appellate corporate law competition where the final round is judged by the justices of the Delaware Supreme Court. The competition draws from the top law schools in the nation.

Those law schools now recognize that VUSL has a strong corporate moot court presence and expect us to be top contenders every year.

Second, our competitors at the Evans Constitutional Law Competition in Madison, Wisconsin, advanced to the final eight. This competition is recognized as one of the best run competitions nationally and the thirty-two team entry limit typically fills up within two days of registration opening.

Both Cortney Schaffer and Kelly Vanderwall were competing in their first national competition and advanced twice. Both received phenomenal feedback as great competitors. Moreover, since these exceptional oralsists are currently 2L's they will both be back to represent our law school next year.

Since the year is coming to an end, the current Executive Board of Moot Court appointed next year's Board. That Board consists of the following students: Stephen Starks, Chief Justice; Josh Brown, Associate Justice of Finance; Michael Ruff, Associate Justice of Judging; Cortney Schaffer, Associate Justice of IL Oral Arguments and Tryouts; Elizabeth Tosh, Associate Justice of Swygert; and Kelly Vanderwall, Associate Justice of Interschool Competitions.

This excellent group of individuals will certainly continue to use Moot Court as an asset to display to our local legal community, other law schools, and the national legal community, how bright and talented VUSL students are.

Joseph Langerak is a 3L and can be reached at joseph.langerak@valpo.edu.

Interested in Law Review?
Get ready for the case comment competition

Although the last thing students may want to do after finals is write another paper, the benefits of Law Review greatly outweigh that little bit of extra work. Students can perfect their research and writing skills, have the opportunity to have their work published, become an expert on a legal topic, receive four credits third year, waive the seminar requirement, and discover employment opportunities.

In order to try out for Law Review, students must complete a case comment. Any law student who has completed at least 30 credit hours at the end of the spring semester are eligible to try-out. On May 13, during the two hours immediately after the Torts final, students can stop by the Law Review Office to pick up a case comment competition packet.

Inside the packet, students will be provided with the case, instructions for the competition, and a list of sources that may be used to write the comment. Students will then write a 10-12 page case comment analyzing the case, just as they did in their first year legal writing course. The case comment must be completed by June 3 and emailed to me or dropped off in the law review office by 7:00 p.m.

Then, the case comments will be sent to all the editors for review and grading. In order to maintain confidentiality, I will assign each comment a letter or number. The editors will score the case comments and then return them to me by the middle of July. After I receive all of the score sheets, I will compile the writing scores. The students with the top nine writing scores will automatically be extended an invitation to join the Review. The rest of the comments will then be graded using a calculation comprising of 30% based on their writing score and 70% on their grades. The top 16 scores based on the writing and grade calculation will also be extended an invitation to join the Review.

Volume 40 of the Valparaiso Law Review would like to invite and encourage all first and second year law students interested in joining Law Review next year to participate in the Case Comment Competition. If you have any other questions about the case comment competition, being a Notewriter, or Law Review in general please feel free to email me at theresa.ellis@valpo.edu.

Theresa Ellis is a 2L and the Executive Editor of Student Writing for the Valparaiso University Law Review.

Attention Writers!
The FORUM wants you!
e-mail: forum@valpo.edu

Next staff meeting:
Wednesday, April 20, 2005
7:00 p.m. / Ulbricht
Deadly force, debasing the retreat rule

The Grey Area
Left of Center
Andrew Smith

Historically, the criminal law aims to establish tranquility in society by punishing acts that disturb the peace. As a result, the law subjects actions that society finds morally repugnant to harsh penalties.

Murder, rape, and battery are all crimes that society finds particularly reprehensible. Unfortunately, the law cannot proactively prevent such atrocities. In order to protect individuals victimized by such acts, the law created a caveat in culpability that allows victims to retaliate against their attackers to deter further harm.

The affirmative defense of self-defense allows someone being attacked to retaliate against his or her assailant to avoid or prevent further harm to the victim. Ideally, another purpose of the defense is to provide a prophylactic measure to prevent crime.

Recently, the state of Florida has decided that self-defense should be expanded to be a more effective preventative measure. Governor Bush is expected to sign the "Stand Your Ground" law now that it has passed a vote in the state legislature. (http://story.news.yahoo.com/news?tmpl=story&u=/nm/20050405/od_nm/crime_florida_dc).

The "Stand Your Ground" law will allow citizens in Florida to react to an attacker with deadly force even while in public. The bill aims to destroy the retreat doctrine, a restriction on self-defense which requires a victim to attempt to flee from the attack before reacting with force.

While the law requires that a victim reasonably believe they are at imminent risk of death or great bodily harm to use deadly force, the implications may be farther reaching.

First, the law may be construed liberally, allowing any person to react to an aggressor regardless of the amount of force the aggressor uses. Such a law could create an implied license for vigilantism.

Second, the retreat rule prevents one social wrong from begetting another. Abolishing the rule would subvert the purpose of the criminal law. Logically, allowing a victim to commit a crime to prevent a crime when the aim is to prevent crime altogether fails to advance the notion of societal tranquility.

Conversely, such a law could operate as a preventative measure. Relaxing the rules confining self-defense could prevent crime because a criminal would not know when a victim may respond with physical force. Ideally, this uncertainty would prevent someone from committing a crime because of the diminished likelihood of success. To some degree, though, this harms the concept of tranquil society.

If someone has the ability to retaliate in kind to an aggressor, every person could be poised for an impending violent outburst. The air of society would degrade into fear of others, because the average passer-by would not know when or from where to expect an attack. Consequently, the courts would have to deal with a number of situations where one person attacks another as a method of preemptive retaliation.

The retreat rule reaffirms maxims inherent to the concept of ordered society. While self defense typically applies to situations where great bodily harm is imminent, relaxing the retreat rule could lead to a more violent society. Standing on the edge of such a slippery slope, legislators and judges should remember that the purpose of the law is to create order.

Andrew Smith is a 2L at VUSL. He can be reached at richard.smith1@valpo.edu.
The following case summaries are from my visit to the Seventh Circuit Court of Appeals on April 1, 2005.

Please note that all citations are from the lower court opinions as these decisions will not be handed down by the Court of Appeals until later in the term.

It is anticipated that in November 2006 Judge Frank Easterbrook will assume the Chief Judge position.

On average, 3,300 appeals per year are received by the Seventh Circuit. Usually half of these appeals go away on their own, while the other half are either assigned to the settlement division of the Court of Appeals, scheduled for an oral argument or proceed without argument.

Each judge handles 200 cases orally argued and 150 cases submitted without argument. Typically, three cases a year will be heard by an en banc panel. Moreover, nine to eleven cases will go to the U.S. Supreme Court.

IMMIGRATION LAW

Revocation of Nazi’s citizenship appealed


The government’s motion for summary judgment was granted and the immigrant’s citizenship was revoked and his certificate of naturalization was cancelled.

The government argued that the plaintiff’s visa was unlawfully procured under § 13 of the Displaced Persons Act of 1948 (DPA) and moved for summary judgment. Plaintiff was an immigrant whose membership in the Nazi party was not revealed to immigration authorities when he applied for citizenship. Therefore, the government contended that the plaintiff was ineligible to receive an immigration visa under the DPA and entered the U.S. with an invalid visa.

The government argued to affirm summary judgment on the grounds that any involvement with the Nazi party rendered the immigrant per se ineligible for a visa. Additionally, the government argued that this made the plaintiff’s entrance into the U.S. unlawful and because lawful admittance is required for a permanent residency, the plaintiff was barred from naturalization and procured his citizenship illegally.

Plaintiff, however, contended that there was no bar to Nazis coming into the country at the time of the immigration, stating the bar only applied to Communists. Furthermore, the plaintiff argued that the re-determination of “curing” of citizenship status should be left to the Executive branch. Plaintiffs contended that the jurisdictional statute to re-determine immigration status precluded a federal court’s decision on whether this was a lawful admission into the U.S.

However, Judge Easterbrook seemed unpersuaded by the plaintiff’s jurisdictional argument, noting that federal courts often decide cases like this because of supplemental jurisdictional statutes and every case that is brought by the U.S. can be heard in federal court.

Violations of Lanham Act appealed


Plaintiff Sanderson, a manufacturer, brought suit against defendant Culligan International, also a manufacturer, alleging a violation of the Lanham Act and common law defamation and product disparagement based on defendant's alleged distribution and publication of false information disparaging plaintiff's product. Defendant was granted summary judgment. The trial court stated that the plaintiff failed to meet its burden.

The plaintiff argued that the trial court erred in granting summary judgment because there were issues that were not addressed at the trial level and genuine issues of material fact were present. Moreover, plaintiff contended that defendant's conduct at a trade show narrowly constrained the plaintiff's ability to pursue scientific research and was a restraint of trade.

Plaintiff argued that the Lanham Act was violated and the plaintiff's scientific technology and livelihood had been violated by defendant's repeated conduct since the mid-1980's by publishing false statements about the plaintiff's product.

Defendant countered plaintiff's contentions with the argument that there was no plausible inference from the facts that would create a genuine issue of material fact and that summary judgment should be affirmed. Defendant pointed out that plaintiff's assertions were unsubstantial and too broad to constitute any legal violations of the statute or the common law.

Additionally, there was no evidence that the information defendants produced was mass distributed or that anyone other than defendant's distributors received the information.
Asylum application denial appealed

Baena v. Gonzales (Cite not provided)

Plaintiffs were natives of Columbia and owned a military supplies factory operated under government control. As a result of threats from the terrorist group FARC, the plaintiffs eventually fled Columbia and applied for asylum.

The plaintiffs argued on appeal that the Immigration Judge failed to consider several issues regarding their contentions that the Columbian government was unable to protect them from the terrorist group.

Although several months elapsed prior to their departure from Columbia, during which no additional threats were made, the plaintiffs contended that Columbia was unable to adequately protect them and that their safety upon return was uncertain.

Plaintiffs also argued that the interpreters did not accurately reflect the information surrounding the terrorist threats or related events.

Defendant argued that the asylum application was correctly denied and that precedent from the Supreme Court was controlling and the Immigration Judge’s decision indicated that the plaintiff’s claim did not rise to the level of persecution.

In fact, for several months the Columbian government had protected the plaintiffs and the threats were unfulfilled.

Additionally, the defendant pointed out that the issue of bad interpreters had not been noted in any amended complaint and that the Motion to Reconsider did not include any new evidence.

Denial of leave to amend appealed


This matter was on appeal from a denial of plaintiff’s motion to alter or amend and for leave to file an amended complaint. The trial court held that the plaintiff’s Fed. R. Civ. P. 59(e) motion identified no manifest error of law or fact.

The only basis for the plaintiff, a student, bringing the motion was that it was a predicate for her motion to amend and further it did not provide any reason to alter the prior judgment.

Moreover, the new pleading still established that school officials had sufficient grounds to establish a reasonable suspicion that the student was in possession of illegal materials on school grounds.

The plaintiff attempted to rebut this presumption by indicating that the car wherein the illegal drugs were found was not registered in the plaintiff’s name and that the plaintiff was not engaged in any disruptive conduct prior to being removed from call. However, the new pleading did not negate the reasonableness of the initial suspicion that led to the request to search the student’s purse.

The defendant, a school district, contended that the school district provided the protections of procedural due process as set forth by the Supreme Court in Goss v. Lopez, 419 U.S. 565 (1975).

Additionally, the student had two hearings, which thereby negated a claim for violation of procedural due process. The school district argued that there was no unconstitutional action in requesting the search and that the plaintiff had failed to make a valid claim for relief.

Furthermore, the school district argued that in order to overrule the trial judge’s finding, the court would have to find that no reasonable person could have come to the same conclusion.

During oral arguments, the panel provided direction for the plaintiff’s attorney; Judge Easterbrook made it clear early in the argument that the plaintiff’s claim did not rise to the level of persecution. In fact, for several months the Columbian government had protected the plaintiffs and the threats were unfulfilled.

Additionally, the defendant pointed out that the issue of bad interpreters had not been noted in any amended complaint and that the Motion to Reconsider did not include any new evidence.

CIVIL PROCEDURE

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
FROM PAGE ONE

**DANIELS continued from page 1**

June 2003 to run in the Indiana gubernatorial race.

Since becoming governor of Indiana, Daniels has led the controversial 1% temporary increase in the state income tax, from 3.4% to 4.4%, for those earning over $100,000 annually.

In addition, on March 8, 2005, Daniels began the “Rx for Indiana” program. Rx for Indiana is a program designed to improve access to prescription medications for eligible Indiana residents.

Over 60 health care, community, business and consumer groups are currently participating to reduce the cost of prescription medications in Indiana.

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**SBA continued from page 1**

15, with races being ultimately decided by only a handful of votes.

For the incoming 3L class, elected as representatives were: Nicholas Gonzales, 33 votes; Mahrya Fulfer, 30 votes; and Daniel Stahley, 27 votes. Randen Schoppe received 23 votes.

Katie Lockamy ran unopposed for the 3L faculty representative position and received 41 votes.

For the incoming 2Ls, Brian Epstein was elected as a representative with 42 votes, Mariel Lim was elected with 41 votes, and Shaun Lieser was elected with 37 votes. Jay Perez received 34 votes and Brandon Sanchez received 32 votes.

Oliver Bateman was elected 2L faculty representative over Charles Walker, 38 votes to 27 votes.

All representatives began representing their respective classes on Sun., April 17, at the full SBA meeting.

Two weeks before, second-year student Kristin Nesbitt was elected SBA president with 116 votes, over Nicholas Gonzales, 2L, (63 votes), Daniel Stahley, 2L, (18 votes), and write-in candidate Joe Jammal (1 vote).

On the vice-presidential ballot, first-year student Mark Worthley was elected in a close race with 91 votes over Mahrya Fulfer, 2L, (89 votes) and Jamie Druse, 1L, (18 votes).

**Grievance Board**

After a grievance was filed with the SBA, a Grievance Board of five SBA members was convened to take up the issue of the contested election of SBA Treasurer. A decision was made to reverse the previous decision.

As SBA Vice President Mark Worthley stated, “In accordance with the SBA constitution, the election will be invalidated, and a new election will be held in the first week of school next fall. Students interested in running may pick up petitions to run the first week.”

**Constitutional revisions**

New SBA President has hit the ground running in her administration, detailing a list of proposed constitutional revisions, which she has already posted to the Web for students to view.

Vice President Mark Worthley has even started the “Unofficial SBA blog” keeping VUSL students up to date on the happenings of SBA.

The next meeting of the Student Bar Association will be Sun., April 24, in Chicago-Hessler at 6:00 p.m. Students are encouraged to attend if they have an issue they wish to bring to the attention of the SBA.

This story was compiled from FORUM staff reports.

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**The FORUM Poll is back!!!**

What do you want broadcast on the new flat-screen TVs?

1) SBA Meetings

2) FORUM Meetings

3) Cartoon Network

4) VUSL has flat-screen TVs?

Please send your responses to forum@valpo.edu.
Principles at stake

A Harvard Law grad himself, Thomas details a school’s struggle with the freedom of speech.

by Jonathan Pasky  >> story on page 14
Interview:

Speech codes in academia

Book author and Harvard Law grad discusses the dangers of limiting the freedom of speech in law schools nationwide

BY JONATHAN PASKY
Editor in chief


In 2002, an incident occurred at HLS where a current first-year student posted his class outlines on the student-run website, HLSCentral.com, complete with a few racial slurs embedded in shorthand in his text.

Once discovered, a furor ensued among black students, ultimately causing a few students to lose their careers, professors to be openly chastised, and the dean of the law school issuing his resignation in the ensuing months.

Following the protests and condemnations, a speech code was proposed, Diversity Town Hall meetings were held, and a groundswell of support was instituted by the HLS administration to cater to the growing push for limiting the freedom of speech within the walls of the law school.

A speech code was never enacted, as support for it waned. But Thomas’ book details the struggle that divided HLS on racial and political lines for the better part of a year.

The administration sought to appease campus protesters by retreating on basic civil rights, trying to lower the noise. Former key HLS alumni denounced the dean for cowardice and lack of principle.

Faculty rallied around the protesters of the racial slurs in the posted outlines.

A few students staged sit-ins in faculty offices. News stories were published in the leading newspapers.

Though, ultimately, the students of HLS were the real losers, having to deal with a school unwilling to step up in a time of crisis.

The FORUM had a chance to talk to Thomas about his book, his life at Harvard Law School (1988-91), and his current career as Maricopa County Attorney, the equivalent of the district attorney, in Phoenix, Arizona:

FORUM: Why did you decide to write the book?

Andrew Peyton Thomas: The public has a fascination with Harvard Law School and its great influence on law and society. But among conservatives, there is a great mistrust with Harvard Law. Years of mischief of the law professors has contributed to this.

F: What did you learn about the freedom of speech at America’s law schools when researching this book?

Thomas: Free speech is clearly on the defensive in law schools across the country, as it is in all of academia. They’ve not been giving equal time to those who disagree with them. And until we let the public know about this, there won’t be change on college campuses.

F: What do speech codes do to the academic landscape?

Thomas: We have to be vigilant in defending the First Amendment—both in academia and in society generally. When we see an attempt to stamp out opinions, we need to address it. Take the University of Wisconsin, for example. There, the federal courts have struck down the speech codes proposed. Whether it’s by the media or someone else, the First Amendment needs to be protected.

Andrew Peyton Thomas

F: Do you think Harvard Law is different than the rest in their problems stemming from instituting a speech code?

Thomas: Harvard Law School is more liberal than most law schools. Most law schools are liberal, period. When your preference is the far left, you tend to look on conservatives irrationally. It’s a shame they’d think that. But it happens in far too many law schools across the country. That’s the state of higher education today. And law schools are worse as a whole, where professors are more to the left than on average.

F: What advice would you give to today’s law student?

Thomas: It’s always hard graduating and entering the workforce. Especially, if you’re entering with significant student loans like I did. But it is important to find an area of practice that you really enjoy. If you’re doing something to generate income, it’s understandable, but not true professional fulfillment.

F: Can you describe your current career and how you got to where you are at?

Thomas: I’m Maricopa County Attorney, like the District Attorney, for Phoenix. I practiced law for 14 years in Phoenix before that at a large firm. I’ve worked in various capacities in government, as well. I previously ran for Attorney General of Arizona on the Republican ticket. But now I have a terrific job, doing justice just about every day. Think about what you ultimately want to do in the law. Prosecution is very gratifying.

F: Have you heard yet from those at Harvard Law School about the book?

Thomas: Not yet, since the book is still so new; it has just been published [March 30, 2004]. But I’m sure I will, and I can expect the reaction to be mixed.

FOCUS
continued from page 5

Reg. 48199 (Sept. 14, 2001). President Bush's proclamation stated in part:
A national emergency exists by reason of the terrorist attacks at the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me as President by the Constitution and the laws of the United States, I hereby declare that the national emergency has existed since September 11, 2001, and, pursuant to the National Emergencies Act 50 U.S.C. 1601et seq.), I intend to utilize the following statutes: sections 123, 123a, 227, 2201(c), 12006, and 12302 of title 10 United States Code, and sections 331, 359, and 367 of title 14, United States Code.

Id.

10 U.S.C. § 12301(a)(2000). This section of the USC is not listed in full within a military enlistment contract. The exact wording on the enlistment contract is as follows:

b. If I am a member of a Reserve component of an Armed Force at the beginning of a period of war or national emergency declared by Congress, or if I become a member during that period, my military service may be extended without my consent until six (6) months after the end of that period of war.

c. As a member of a Reserve Component, in time of war or national emergency declared by the Congress, I may be required to serve on active duty (other than for training) for the entire period of the war or emergency and for six (6) months after its end.

This is under heading number 10 on the military enlistment contract which is titled: Military Service Obligation for all Members of the Active and Reserve Components, including the National Guard.

See Department of Defense Form 4, Part C.

FOURTH AND FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

3 See Department of Defense Form 4, Part C. The location of 12301(a) is in Part C of Department of Defense Form 4 under Section 10 B & C.

5 10 U.S.C. § 12301(a).

6 See 9/11 Commission Report, at 361-63. In the post 9/11 world, threats are defined more by the fault lines within societies than by the territorial boundaries between them.” Id. The defining quality of world affairs in the twenty-first century is marked by transnational concerns over that of international concerns. Id. The 9/11 commission report addresses these concerns in the following:

ForUM Focus is a periodic feature of The FORUM, highlighting student scholarly and legal work. If you would like your article to appear in upcoming editions, please contact forum@valpo.edu.
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(former members of Western Haze)

Sat. May 7
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Cronies #1 House Band

Sat. May 14
ORIGINAL MUSIC SHOWCASE FINALS

Sat. May 21
MISBEHAVIN’

BY JOSH VAN GORKOM
Guest columnist

Josh goes to Washington

When THE FORUM asked me to write an article about the environmental law conference I recently attended, I wasn’t really sure whether they wanted me to write about what went on at the conference, or about how I was able to attend and why I attended. So, I decided to write about George W. Bush’s shortfalls as our president … just kidding, Adler.

On Feb. 17-18, I attended the American Law Institute-American Bar Association’s (ALI-ABA) 35th Annual Advanced Course of Study in Environmental Law in Washington, D.C. (actually, it was Bethesda, Maryland, but why split hairs). The main function of the course was a CLE (Continuing Legal Education) opportunity for practicing attorneys.

In addition, ALI-ABA asked certain law schools around the country to nominate environmental-law-oriented students for scholarships to attend.

I was honored to find out that Dean Conison had nominated me for a scholarship for this $900 course, and I was also lucky enough to have the Midwest Environmental Law Caucus (MELC, our school’s environmental group) agree to pay for my travel expenses.

While the course included sessions on all the major topics of environmental law, a few pertained more specifically to my particular areas of interest. The course began with a panel on recent congressional developments, headed by both majority and minority counsel for the Senate Committee on Environment and Public Works. The discussion focused on the ongoing battle over the Bush administration’s proposed Clear Skies amendments to the Clean Air Act.

The Clear Skies Initiative was also the focus of the panel on Clean Air Act developments. John Walke, the Director of Clean Air Programs for the Natural Resources Defense Council (NRDC), asked whether it is reasonable to believe that the Clear Skies Initiative is actually more protective of our nation’s air than the current Clean Air Act scheme, considering that basically all of industry adamantly supports Bush’s Clear Skies proposal.

The panel on the Clean Water Act included Tulane University’s Oliver Houck, a nationally-known figure on all things water. Houck expressed concern that the current administration’s insistence on voluntary pollution control rather than mandatory technological standards will stunt the improvement of America’s water quality. Diane Regas, EPA’s Director of Wetlands, Oceans, and Watersheds, responded that EPA’s current enforcement efforts continue to protect and improve our waterways.

Next, the panel on environmental enforcement proceedings featured John Cruden from the Department of Justice’s Environment and Natural Resources Division. Cruden offered statistics that suggested, contrary to popular belief (by “popular belief,” I mean my belief), environmental enforcement efforts have increased under President Bush, pointing out that 2004 was DOJ’s top year, at least in terms of monetary penalties. He may have had his fingers crossed behind his back, but I couldn’t really tell from my vantage point.

Besides the bleeding heart, tree-hugging hippies in the crowd (myself included), the remainder of the attendees seemed to be fairly evenly divided between traditionally pro-environment attorneys (government, public interest) and industry representatives.

From what I gathered, the course is an invaluable opportunity for practitioners, not just for the CLE aspect, but for the sheer wealth of environmental knowledge displayed by the panelists.

Beyond the educational portion of my trip, I was also able to catch up with some friends in D.C. and pay $5 a glass for average tasting domestic beer. I invite all 1 and 2Ls to contact me about attending the conference in the future, and with general questions about environmental law at VUSL.

3Ls, please don’t contact me … I’m sick of you. Finally, for any VUSL graduates reading this article, I beg you to offer me a job. I’m serious. Please.

Josh Van Gorkom is a 3L. He can be reached at joshua.vangorkom@valpo.edu.
FORUM restaurant review: Greenwich Terrace Café

BY GENEVIEVE BOARMAN & CHRISTINE HASKELL
Guest columnists

For our first restaurant review, we thought we would be bold and daring and try a spot at which we had never dined. We thought back to Professor Adam’s remark “If you’ve never been to a Hooters, you should go.” After some deliberation, staying near campus seemed to be a wiser choice.

Greenwich Terrace Café is a fairly recent addition to Valpo’s dining list, first opening for business a few years ago. It is located at 607 Lincolnway, just a few blocks from campus, in the basement of a two-story house. The house is a combination of the dreams of the couple who own it. The wife’s professional office is located on the first floor while the husband’s elegant restaurant resides in the basement. The house has an interesting history which you can learn about from the breakfast menu.

The atmosphere instantly relaxes you with hues of blue and gentle off-white. Along the far wall there is an intricate mural depicting a street scene of the early 1900s. The air is clean and crisp due to the non-smoking policy. Finally, gentle inspiring music fills the background to finish the warm and inviting aura.

And for lunch we have…variety! There is a wide selection on the lunch menu from wraps to unique salads to standard sandwiches with a twist. Vegetarians as well as carnivores have ample delights to choose from. The winning sandwich we tasted was the hot chicken barbeque wrap. With your choice of a flour, spinach, or sun-dried tomato wrap comes romaine lettuce, thin strips of celery, and generous crumbles of glorious gorgonzola cheese, and pieces of juicy white chicken covered in a hot barbeque sauce cut with ranch dressing. The sauce is not overly thick, as some BBQ sauces are, but it creates a rich creamy flavor with a generous kick of heat that even those who love “hot, hot, hot” spicy Indian food would enjoy.

The sandwich selection was varied and as I am a movie buff “The Godfather” intimidated me to choose it. Like its namesake, it was an Italian beef sandwich served on toasted Italian bread with an optional side of marinara sauce. When it was served, it looked enticing but after a few bites it was somewhat disappointing, like when you are looking forward to renting “The Godfather” but instead get stuck with “Mobsters.”

The beef itself did not hint much of Italian spices and was rather dry, which was probably a result of the missing dunking pool of aus jus. However, the stewed tomato marinara made up for the lacking aus jus and created a tasty sandwich, even if it did not conjure up memories of traditional Italian beef from a mom and pop deli in Chicago.

Side choices consisted of potato salad, pasta salad, coleslaw, and soup of the day. The potato soup had with a nice cream base, was seasoned well, and had the right ratio of potatoes to soup. There is a thin line between a potato soup that is too milky and one that has the consistency of mashed potatoes. This soup walked that line without wavering. The coleslaw had a sweet flavor and was coarsely shredded. It could compete with any homemade Fourth of July coleslaw.

When it seems that most restaurants serve French fries as their side, it is nice to go to a place with other options. A good meal is never complete without dessert. Greenwich Terrace Café has a variety to choose from including cheesecake, Italian almond cream cake, mousse, and even fruit smoothies. This was one time when it would have been helpful for the server to bring out a tray with the assortment of desserts. For the chocolate lovers, the triple chocolate mouse was amazing. A thin sponge cake supported a layer of dark, milk, and white chocolate mousse. Each of the mousses separately tasted amazing but this was definitely a time when the overall taste was more than the sum of its parts. To top it all off, or in this case, to bottom it all off, the plate had a decorative drizzle of raspberry and chocolate syrup.

The Italian almond cream cake or a fruit smoothie would make a nice choice for the non-chocolate lover. The Italian almond cream cake was a yellow sponge cake flavored with amaretto and covered with cream and almonds. A chipmunk would go crazy with the amount of almonds on the cake. There were so many that he could eat half and still have plenty to store for winter. The fruit smoothies, made with real fruit, would make an excellent choice for the end of the meal or as a good compliment during the meal. The orange cream smoothie brought back memories of the ice cream man and hot summer days. Take a Dreamsicle minus the stick and insert a straw.

For those who are dying to discuss con law, immigration, or tax before class, Greenwich Terrace Café would make a great breakfast stop. The choices for breakfast are just as vast as for lunch. There are the typical eggs, bacon, sausage, and pancakes. For the food connoisseurs, eggs Benedict, breakfast Napoleon, and stuffed French toast offer seldom seen alternatives. The breakfast Napoleon consisted of a layer of puff pastry, a layer of scrambled eggs, a layer of mushrooms, another layer of puff pastry and then a layer of hollandaise sauce. The presentation added an air of elegance to a meal that for the most part is visually unappealing. If you question this, just consider scrambled eggs, corned beef hash, and biscuits and gravy.

The Greenwich Terrace Café opens its doors at 7:00 am Monday through Saturday and closes them at 8 pm Monday through Thursday and 9 pm on Friday and Saturday. The location, 607 Lincolnway, makes it convenient for a morning study group, a quick bite between classes, or a nice dinner before a late night pretrial skills class. In a time of fast-food and national chains, it is refreshing to have a local restaurant with a variety of options, quality food, and distinctive décor.

Genevieve Boarman and Christine Haskell are 2Ls. You can send them your rave review suggestions at forum@valpo.edu.

Restaurant Review Rating Scheme:

5 gavels: "Windfall victory plus attorney's fees."
4 gavels: "The court's opinion directly quoted the analysis in your brief."
3 gavels: "Has a rational basis."
2 gavels: "Respectfully disagree, your honor."
1 gavels: "Held in contempt."
Q: I heard someone talking about an on-line “facebook”? Do you know anything about this? –Britney, 2L

B&B: Why yes, Britney, we can fill you in on the latest Internet craze that is sweeping across America’s colleges and universities. Check out www.thefacebook.com. You will find that many schools are tied into this network where you can display your photo, contact information, and personal profile on the web for other students at your university to view. It is free to use and you only need a dot-edu email address to register. Valpo has recently joined the ranks of Facebook schools. Some features of the Facebook include the function to search for other students in your classes, from your former high school or undergraduate school and add them to your friend list so you can access their info. You can join interest groups and send messages to other members of the group. Or you can just use it to have fun with your friends and keep in touch. Try it out, The Facebook is fun!

Q: Which legal internet service do you think is better, LexisNexis or Westlaw? –Jessica, IL

B&B: Well, Jessica, we recommend you stay familiar with both services as much as possible. The blond half of us prefers Westlaw, while the brunette counterpart likes LexisNexis. However, you need to be proficient in using both sites because law firms usually select one service. When I was asked which service I preferred in a job interview, I replied only to find that the firm I was interviewing with used the opposite service that I said. I quickly followed up my statement by saying I am comfortable with both, which I am. Both services offer cumulative and speedy research results, so try not to get in the habit of mainly using just one service. Different databases can be accessed through different channels on each site, so try to alternate the services when doing a paper or project so you can be familiar with where to find the materials you need. It will benefit you in your job search. And both offer great rewards and incentives to use their resources, so why not get double the presents?!

Q: What are some factors to consider when choosing my classes for next year? –Michelle, 1L

B&B: Well, there are many things to consider. First, you might want to try to get all the requirements out of the way. Also, consider the exam schedule. Take it from us, five finals in a row will drive you crazy! Ask around and find out the format of the finals. For instance, if you prefer essay to multiple choice, you might want to take Prof. Gaffney’s Legal Professions class as opposed to Prof. Vandercoy. But, if multiple choice is your thing-then Prof. Vandercoy would probably work out better for you. Something else you might want to check out is grade distributions. These are found on the registrar’s website, and can give you a good idea as to how the class generally goes. One more thing to consider is when the class is offered. Some classes are only offered every other year, and if you really have your heart set on one of those, make sure you plan accordingly. Good Luck!

Q: I am confused. I have noticed that both of you have straight hair on some days, and curly hair on other days. So are you curling your hair, or straightening it? Do you have any suggestions on how to straighten hair? –Christina, IL

B&B: We are definitely straightening. Both of us have naturally curly hair, but generally prefer it straight. As far as straightening goes - its all about the Chi. We would recommend blowing your hair out straight first, either using a paddle brush, a round brush, or even a blow dryer with a brush attachment. After you have done that, we recommend the Chi flat iron. This iron is amazing. It really gets the job done. But, if you are looking for a more economical flat iron, we would recommend the Paul Mitchell flat iron. This is cheaper than the Chi, and really shines up your hair too. As far as flat irons go, if you stick with ceramic plates, and an iron that gets REALLY hot, you should be good to go.

Christi Klein is a 2L and can be reached at christi.klein@valpo.edu. Lora Nowzaradan is a 2L and can be reached at lora.nowzaradan@valpo.edu. Please feel free to email us with your inquiries.

Benji Fryman is a 3L. He can be reached at benjamin.fryman@valpo.edu.

FRYMAN

continued from page 9

planted in the middle of otherwise religious communities. So how does that prevent effective education?

Atheism finds no purpose or significance in either life or in human existence. It is a depressing philosophy. We all know this from, if nothing else, anecdotal evidence.

So instead of communities assembling to learn, educate, and be educated, they send their children to a place for eight hours per day where the children are taught that their life is of no eternal significance.

When the children get to be adolescents, a time when self-worth is naturally questioned and depression is common, they find no solace and the indoctrination of atheism continues to be forced upon them for eight hours each day. I am not sure what exactly we thought this would lead to. Maybe the goal was total enlightenment where everyone realizes that there is no God and human beings will eventually determine the fate of the earth and possibly even the universe. However, the outcome was slightly different.

What we have is children, with no purpose in their life, being made into idiots and when they cannot tolerate it any longer, they go to school and shoot their teachers and classmates who contributed to the bad feelings they have about themselves.

This demise will dwarf the eventual economic destruction that the public school system faces. More shootings will occur and fewer people will want to attend public schools. The only children left in the public schools will be the ones whose parents have absolutely no alternative.

The government is slowly but surely moving the ghetto from the city streets to the school halls, all at a cost of billions of dollars. I know of no society in history that was so determined to subsidize inferior education that it would tolerate such dangerous and depressing environments for children. Metal detectors and guards will not correct this problem. Let’s abolish the public school system before it destroys America.
Family:
Orphan.

Why Law School?
Good question.

Why Valpo Law School?
It's the only school that accepted me. Suckers.

Have you done anything fun with the recent beautiful weather? What would you like to do?
I have been working as a bike messenger. Aside from the chaffing, it's a lot of fun.

Sandals or shoes?
Barefoot.

Do you think that Terry Schiavo's family had a legal and/or moral case to keep her alive?
Oooh, tough one. I should know more before I answer that.

Who is your favorite Supreme Court Justice? Why?
I'm going with Rehnquist, because we have something in common.

If you could be any superhero, who would you be?
I'm gonna go with a dark hero (I consider him a hero) and say Marv from Sin City because he's the closest in similarity to me, as far as looks and size and all.

What kind of law do you want to practice?
The kind that pays.

Any advice to 1L students?
Yeah, you've only spent about $25,000 so far; quit before it's too late. Sorry, I'm a cynic.

What is your most interesting class?
Death Penalty Seminar.

Family:
Fiancé - Devon; Dog - Wrigley; Dad - Bob; Brother - Ryan.

Why Valpo Law School?
I wanted to come back to the Midwest and it's close to Chicago and family.

Have you done anything fun with the recent beautiful weather? What would you like to do?
Devon and I love to take Wrigley to the park - spring is awesome!

Sandals or shoes?
Sandals - I would go barefoot if I could.

Do you think that Terry Schiavo's family had a legal and/or moral case to keep her alive?
Whether they did or not in the eyes of the law, parents never want to lose a child.

Who is your favorite Supreme Court Justice? Why?
Scalia - because he has his own bobblehead (check out www.oyez.org).

If you could be any superhero, who would you be?
Elastigirl - everyone should be more flexible.

What kind of law do you want to practice?
Employment/labor law.

Any advice to 1L students?
It gets better - classes actually start to make sense and eventually many of them are related and overlap. Join organizations, try out for Moot Court, Law Review, Mock Trial, etc. They help to add variety and excitement to the law school life. Good luck.

What is your most interesting class?
I loved Civil Rights with Levinson and Bodensteiner.

Family:
My mother, father, and younger brother make up my immediate family. No significant other but taking applications. No kids. No baby momma drama.

Why Law School?
It's a prerequisite to becoming an attorney. I couldn't deal with just being an engineer; I had to sign up for three more years of pain. What can you say? I'm a masochist.

Have you done anything fun with the recent beautiful weather? What would you like to do?
Yes. One time I played kickball on the law school lawn with a group of 1Ls. (Much to the dismay of some shrewd pedestrians - some of them being current law students. Get a life!) On other nice days, I like to go to Chicago to hit the Magnificent Mile and the wonderful nightlife.

Sandals or shoes?
I prefer shoes. All kinds of shoes. Though I have beautiful toes, everyone (myself included) needs to keep their "dawgs" to themselves - especially the guys at Valpo Law!

Do you think that Terry Schiavo's family had a legal and/or moral case to keep her alive?
No.

Who is your favorite Supreme Court Justice? Why?
Thurgood Marshall. He defended the civil rights and liberties of all people. Also, I am not a big fan of any of the current Justices.

If you could be any superhero, who would you be?
Oliver Bateman (1L) because he has big muscles. LOL.

What kind of law do you want to practice?
Intellectual Property.

Any advice to 1L students?
No, not really. It's hard giving advice when I am a 1L. I think the best thing to do is keep a level head and try not to stress out. Any advice for me?

What is your most interesting class?
Overall - Criminal Law w/ Berner; Professor - Civil Procedure w/ Lind; Material - Property w/ Whitton.
Althouvh accustomed to passing for TDs (touchdowns), Michael Vick has been accused of passing on a new stat - VD (venereal disease). Plaintiff Sonya Elliot alleges former boyfriend, Vick, transmitted genital herpes to her as a result of unprotected sexual conduct to which she did not consent.

In March 2005, Elliot filed a two-count complaint sounding in tort in the Georgia State Court of Gwinnet County. She contends that she was unknowingly infected with the sexually-transmitted venereal disease commonly known as Herpes Simplex 2 virus.

Moreover, as a proximate result of Vick's negligence and tortious misconduct, Elliot claims Vick failed to advise her that he was infected with genital herpes at the time the two engaged in sexual contact.

According to the complaint, Elliot maintains she met Vick at Shadows Night Club in Virginia Beach. A nonsexual relationship ensued until 2002 when they broke up for some time. Because of her employment, Elliot was transferred to Georgia later that year. She and Vick began dating again during that time and Elliot claims she and Vick had protected consensual sexual intercourse.

Further, Elliot stated that for a period of more than three months in early 2003, she and Vick engaged in protected consensual sexual intercourse where there was no direct contact between genital areas.

However, according to the complaint, on April 13, 2003, Vick invited Elliot to his home. Despite Elliot's requests to use a condom, during foreplay Vick placed his bare penis on Elliot's bare genital area sufficient to cause penetration during which she stopped Vick and insisted he wear a condom. After Vick complied, the two went on to engage in consensual protected sexual intercourse.

A few days later, upon visiting the doctor due to suspicious symptoms, Elliot was informed she had herpes. Following a couple futile attempts to discuss the matter with Vick, Elliot claims Vick finally admitted he had herpes and had not known how to tell her about his condition.

Generally, a plaintiff may allege negligence based on wrongful transmission of venereal diseases, such as herpes. The defendant's actual knowledge that he is infected with the disease is sufficient to establish a duty for these purposes. Some courts even hold that when a defendant has knowledge of symptoms of an infectious disease, he is under a duty to warn the plaintiff of his symptoms. Moreover, Georgia courts have held that one who negligently exposes another to an infectious or contagious disease, which such person thereby contracted, may be liable for his actions.

Here, there is a duty owed by Vick, a sexually active partner, to Elliot, the other sexually active partner, to exercise ordinary care not to injure another. Additionally, Vick failed to conform to the requisite standard of care.

In a light most favorable to Elliot's claim, Vick negligently engaged in sexual intercourse with Elliot at times when he supposedly knew he was infected with genital herpes. Because Elliot was not informed of Vick's condition at the time of intercourse, Vick did not conform to the requisite standard of care.

Furthermore, a close causal connection existed between Vick's conduct and Elliot's injury. Because herpes is commonly known as a contagious and incurable disease passed on through sexual contact and presupposing Vick knew he had herpes, there is likely a causal connection between Vick's conduct and Elliot's injury.

Finally, because herpes is an incurable disease, Elliot suffered damages by becoming infected with such disease.

As an affirmative defense, Vick will likely contend that Elliot contracted herpes from unmarried sexual intercourse in violation of a Georgia criminal fornication statute. Under Georgia law, an unmarried person commits the misdemeanor offense of fornication when he voluntarily engages in sexual intercourse with another person.

Thus, Vick will argue Elliot consented to and participated in the illegal act of fornication and should not be allowed to recover damages as a result of her own criminal activity.

However, Georgia case law directly addressed this issue holding that a person may indeed recover in tort for injuries sustained as a consequence of his own criminal activity.

Specifically, an unmarried adult who engages in consensual sex in violation of the Georgia fornication statute is not barred from recovering damages for injury suffered as a result of that criminal activity.

Robert L. Marrs, III is a 2L. He can be reached at robert.marrsIII@valpo.edu.
With Earth Day almost upon us, its organizers have decided to find a new approach to promote the holiday. After an exhaustive search, the committee found the perfect organization to help. Even though it has remained confidential, my relentless investigation has uncovered their secret organization: the NBA.

Alas, I even found the NBA’s press release that will be released after the announcement to explain their new partnership. I went through a lot of trouble to obtain this, a lot of stuff, all to share it with you, Dear Reader. Enjoy.

My name is David Stern, the commissioner of the NBA. I come to promote to you Nine so far this year No longer have their job. It’s good they aren’t a union, Or they could form a mob.

Nine so far this year
No longer have their job.
It’s good they aren’t a union,
Or they could form a mob.

Jeff Bzdelik left the Nuggets,
Because K-Mart wasn’t cheap,
And ‘Melo got caught smoking
So he could take a “leap.”

Jeff Bzdelik left the Nuggets,
Because K-Mart wasn’t cheap,
And ‘Melo got caught smoking
So he could take a “leap.”

LeBron found his coach,
Paul Silas, to be tired.
The Cavs weren’t “speaking Chinese”
When they told him he was fired.

LeBron found his coach,
Paul Silas, to be tired.
The Cavs weren’t “speaking Chinese”
When they told him he was fired.

Johnny Davis got ousted from the Magic,
Lenny Wilkens from the Knicks,
Don Nelson left the Mavericks,
We fire just for kicks.

Johnny Davis got ousted from the Magic,
Lenny Wilkens from the Knicks,
Don Nelson left the Mavericks,
We fire just for kicks.

Joey Favata

It’s classic recycling,
The ways we fill our voids.
I think that we should be praised
Especially since our athletes aren’t on steroids.

Recycling is important
Everyone should follow our lead.
So reduce, reuse, and recycle,
And consider it a good deed.

The television ratings
Imply that our sport is lame.
But we’re trying really hard,
So please love our game.

Joey is a 2L at VUSL and can be reached at joefavata@valpo.edu. You can also listen to Joey every Thursday night on Valparaiso University’s radio station, The Source 95.1 FM.
Some Songsters

Across
1 Fish order
5 Power system
9 Farmer’s place in song
13 Affirm
14 Queen’s mate
15 34 Across perhaps
16 Ray’s song
19 ___ Taylor Stores
20 Huck’s boat
21 Pound fractions
22 Gasp for breath
23 Troubles
24 Series of eight
27 Dairy product
28 Kind of pipe
31 Duplicate
32 Afternoon events
33 Follows coat or family
34 John’s song
37 Fertilizer ingredient
38 Flog
39 Musical show
40 Marvelous:Slang
41 Revolutionary loyalist
42 Plunderer
43 Actress Foch
44 Alum
45 So-called
48 Galway fuel
49 Cooperstown Mel
52 Denver’s song: Variation
53 Republic of Ireland
56 Creek at times
57 Greenish-blue
58 Positive
59 Resident of 55 Across
60 Door sign

Down
1 Adventure story
2 Emeril’s need
3 Heavyweight Spinks
4 Slip up
5 Illicit gain
6 Beet or carrot
7 Public lodging house
8 Defeat soundly
9 Curses
10 Guitarist Clapton
11 Hook and sinker connector
12 Young men
14 Keaton of Something’s Gotta Give
15 Precedes log
16 Ray’s song
17 Mixture of rock fragments
18 Precedes log
22 Star of Eats Shoots and Leaves?
23 Angry
24 Come to pass
25 Ms. Barton
26 Precedes up
27 Standup comic Jack
28 Latrine
29 Scene of an event
30 Yielder
32 Jewelled headdress
33 Tammany Hall’s Boss
35 Precedes growth and theory
36 List of corrections
41 Neat as a pin
42 ___ and Whitney
43 Microwaves
44 “Citizen___”: 1793 French diplomat
45 Precedes school
46 Plant need
47 Beige
48 Drag
49 Gemstone
50 Bangkok resident
51 Shade
52 Denver’s song: Variation
53 Unmatched
54 Cool down

Quotable Quote
“Playing ‘bop’ is like playing Scrabble with all the vowels missing.”

*** Duke Ellington
To help pay for the new flat-screen television monitors, students and faculty will now be required to take out one bag of trash per week.

Legal Trivia

1) What city became the U.S. federal capital in 1789?  
2) How many times was Franklin Roosevelt elected president?  
3) What U.S. state does the Continental Divide leave to enter Canada?  
4) Who was the first U.S. president to travel in a car, plane and submarine?  
5) Who was George Washington’s vice president?  
6) What did it become illegal to burn on Aug. 31, 1965?  
7) Who was the judge in the Chicago Seven trial?  
8) Who was the prosecuting attorney in the “Scopes monkey trial”?  
9) What revelation did Alexander Butterfield make to the Senate Watergate committee?  
10) Who said: “Give me liberty or give me death”?

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the friendship between Napoleon and Pedro has furthered multiethnic relationships; and
WHEREAS, Uncle Rico’s football skills are a testament to Idaho athletics; and
WHEREAS, Kip’s relationship with LaFawnduh is a tribute to e-commerce and Idaho’s technology-driven industry; and
WHEREAS, Napoleon’s tetherball dexterity emphasizes the importance of physical education in Idaho public schools; and
WHEREAS, any members of the House of Representatives or the Senate of the Legislature of the State of Idaho who choose to vote “Nay” on this concurrent resolution are “FREAKIN’ IDIOTS!” and run the risk of having the “Worst Day of Their Lives!”...

The state of Idaho thinks ‘Napoleon Dynamite’ is sweet.

—From actual Idaho House Concurrent Resolution No. 29
During The Last 28 Years
Over 600,000 Lawyers

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- Detailed Explanations
- Caveats - MBE
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