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Supreme Court developments
BY BREN T PIERCE
Copy Editor

Miers Nomination
Withdrawn
On October 3, 2005, the new Supreme Court term was off to an eventful start. Newly appointed Chief Justice John Roberts took his seat on the bench, and President Bush named his replacement for retiring Justice Sandra Day O'Connor. However, the nomination, under immense criticism, was withdrawn.

Bush chose to nominate White House Counsel Harriet Miers, who had served along side President Bush since his days as the Governor of Texas. Bush was quick to cite her experience and role in the White House. "For the past five years, Harriet Miers has served in critical roles in our nation's government," he noted.

Miers was celebrated as a pioneering woman while a lawyer in Texas. She was the first woman to serve as president of the State Bar of Texas and the Dallas Bar Association. She also was a member of the Dallas City Council. However, Miers was without any judicial experience to bring to our nation's highest Court.

Opponents of Harriet Miers were quick to note her lack of judicial experience, and many conservatives began the offensive against her ideology. The right-wing base of the Republican Party had anticipated a nominee in the mold of Justices Scalia and Thomas, and was dismayed at the nomination of Harriet Miers, who lacked a concrete record of commitment to the conservative cause.

After over three weeks of continuing attacks from conservatives, on October 27, President Bush accepted the withdrawal of the Harriet Miers' nomination. Democrats, who limited their dissent, criticized the president of bowing to the radical right-wing. "Apparently, Ms. Miers did not satisfy those who want to pack the Supreme Court with rigid ideologues," said Democratic Senate Leader Harry Reid.

President Nominates Alito
Following the failed nomination of Harriet Miers, on Monday October 31, President Bush nomi-

see SUP CT page 5

Top White House official indicted
Scooter Libby, top advisor to Vice President Dick Cheney, resigns
BY BRENT PIERCE
Copy Editor

On Friday October 28, Scooter Libby, the top advisor to Vice President Dick Cheney, was indicted by a federal grand jury and subsequently resigned. The indictment contains five charges stemming from a CIA leak probe, which include one count of obstruction of justice; two counts of perjury; and two counts of making false statements. If convicted of all charges, Libby faces a maximum of 30 years in prison and a fine of $1.25 million dollars.

The indictment was the result of a two-year investigation conducted by special prosecutor Patrick Fitzgerald. The investigation was focused on the leak of CIA operative Valerie Plame's identity to the press. In February of 2002, Valerie Plame's husband, Joe Wilson, was sent to Niger by the CIA to investigate claims that Saddam Hussein had purchased uranium from the African nation to use in
Former ATT Wireless CEO visits VUSL

BY STEVE EHRMAN
Staff Reporter

On Wednesday, October 19, John Zeglis was the guest speaker at an event sponsored by the VUSL Business Law Society. In front of a packed audience in a very crowded Ulbricht Hall, Zeglis spoke of many topics related to business law, professionalism, ethics and the creative application of law when serving your clients' needs. Throughout the presentation, Zeglis displayed his respect for the legal profession and commended the students for their commitment to attend VUSL. One of Zeglis' more interesting statements was his belief that law schools are the best Business Schools. He believes the efforts of being a good lawyer prepare you to be successful in business. Mr. Zeglis presented his "top ten" list for success. Some of the points made during his presentation were:

- Resign Yourself To Lots Of Learning (It's not always easy).
- Leave Law School Sound Fundamentally, Not Clinically.
- Your Client Will Never Appreciate Your Exquisite Analysis; BUT, You Gotta Have It.
- Never Say "No"; Say, "Not That Way, But Maybe This Way".
- Your Client Will Want You To Take More Risks Than You Do and Will Demand

...and many more.

That You Predict Inherently Unpredictable Outcomes.

- Business Decisions Are Always About The Client's Best Interest, That's Why They Hired You.
- Lawyers Can Always Be More Cost Effective - work on your efficiency skills while at school.

VUSL hosts Hurricane Katrina panel

BY STEVE EHRMAN & ANNE ABRELL
Staff Reporters

The Valparaiso University School of Law hosted a forum on Thursday evening, October 10, in the Neil Science Center. The topic of the forum --- The Devastation in the Southeast United States --- Social, Economic, and Political Impact of Hurricane Katrina in Louisiana, Mississippi, and Alabama. The forum was moderated by Professor Derrick Carter from the Valparaiso University School of Law. He began by introducing the panel members and encouraging audience participation.

The panel consisted of photographers and reporters from both of the Northwest Indiana Newspapers, who had recently visited the greater New Orleans area to document the devastation and follow local citizens aiding the victims. Of special interest was the support from Indiana National Guard and the Indiana State Troopers and the immediate relief offered by a group from a local church. The law professors spoke on topics within their area of specialty, civil rights, economics, and political implications of the disaster. The panel included Andy Grimm, Michael Mc Ardle and Jon Seidel from the Post-Tribune, and Elizabeth Holmes, Matt Van Dusen, and Gregg Gearhart from the Vidette Times. Professor Ivan...
**BLS Workday raises $1,000 for charity**

Thanks to the efforts of 22 volunteers and the generosity of nine members of the faculty and staff, the Business Law Society raised over $1,000 for charity. Students volunteered to do various home improvement projects for the faculty, including yard work, house cleaning, and painting. The funds will be distributed between the ABA's Katrina Relief Fund and the Food Bank of Northwest Indiana.

The money donated to the ABA will aid its efforts in providing legal aid to those affected by Hurricane Katrina - ensuring that the victims receive insurance proceeds, housing, etc. Also, because a $1.00 donation to the NWI Food Bank is enough to buy 5 meals, the BLS will be able to help provide at least 2,500 meals to needy Northwest Indiana residents.

**Symposium to address social change**

The Fourth Annual Peace & Justice Symposium will be held at Valparaiso University’s Student Union on Saturday, November 12, from 8 a.m. to 5 p.m. The theme for this year’s Symposium is “Agents for Social Change.” The Symposium will focus on ways to promote civic engagement and strengthen peace, justice and unity on the VU campus and in local and global communities.

The Keynote Speaker is Judge Nancy H. Vaidik of the Indiana Court of Appeals, who will be speaking at 9 a.m. The topic of Judge Vaidik’s speech is “Peace & Justice: Agents for Social Change.”

The Peace & Justice Symposium was developed in 2002 by VU students and two faculty/staff members committed to making social change. The Symposium is administered through the VU Office of Multicultural Programs.

The Symposium is open to the public. Additional information and a schedule may be found at http://www.valpo.edu/organization/multicultural/omp.html.

**VU Christmas concert Dec. 2, 3**

The Valparaiso University Chorale, Chamber Concert Band and Symphony Orchestra will hold their annual Christmas concert at 7:30 p.m. December 2 and 5 p.m. December 3, 2005, at the Chapel of the Resurrection on the VU Campus.

The concert will include performances by the Valparaiso University Chorale, Symphony Orchestra and Chamber Concert Band both as individual ensembles and combined.

They will be performing works by some of the world’s greatest composers including Gloria by Vivaldi and selections from Tchaikovsky’s Nutcracker Suite as well as more recent works such as Magnificat by Pärt, Celebrations by Zdechlik and Hodie by Ralph Vaughn Williams.

**International open house Nov. 15**

International music, food and photographs will be part of Valparaiso University’s International Education Week Open House on Nov. 15.

The open house will take place from 6 to 9 p.m. on November 15, in the VU Center for the Arts and is free and open to the public. The event features performances by international students attending VU, photo albums compiled by students who have studied abroad, international snack foods, displays on the University’s international study opportunities and language clubs and information on the Interlink Language Center.

**MBA program named one of best administered in U.S.**

The master’s of business administration program at Valparaiso University has been named one of the nation’s most outstanding MBA programs in Princeton Review’s “Best 237 Business Schools” guidebook.

Valparaiso’s MBA program was ranked as the ninth best administered graduate-level business program in the nation based on student assessments of how smoothly the program runs and the ease with which students can get into required and popular courses.

The guidebook writes that VU’s MBA program, started in 2002, “has already found ways to distinguish itself from the pack, primarily by incorporating ethical issues throughout the curriculum.” Students gave the program high marks for having professors with real-world experience, being designed with the needs of part-time students in mind and offering the opportunity to start at six different times during the year.

Valparaiso also was cited in last year’s Princeton Review guidebook for having one of the best administered MBA programs in the country.

**Community invited to participate in draw-a-thon**

The Valparaiso University Department of Art is hosting a Draw-A-Thon the afternoon of Nov. 11 that will feature a variety of workshops based on alternative drawing processes.

The Draw-a-Thon will last from noon to 6 p.m. in the Art/Psychology Building on campus and is free and open to the entire community. Sign-up sheets are posted in the VU Center for the Arts and the Art/Psychology Building; people may also sign up by sending an e-mail message to Sarah.Oldenburg@valpo.edu. The deadline to sign up for workshops is noon on Nov. 10.

Workshops being offered by VU art faculty include “Flashlight Drawing,” “Speed Portrait-A-Thon,” “Destruct-O Drawing,” “6 Foot Finger Drawings,” “3-D Installation” and an open drawing session. The Art/Psychology Building is located at the intersection of Linwood Avenue and Mound Street.

**Law School MLK Day**

The Black Law Student Association will be participating in Valparaiso University’s Martin Luther King Day activities. The following activities will be taking place in Tabor classroom, located in Wesemann Hall. On Thursday, January 12, faculty, students and alumni will be hosting Oral Arguments on Reparations from 4 p.m. to 6 p.m.

On Tuesday, January 17, the Honorable R. Eugene Pincham will be speaking from 4 p.m. to 6 p.m. Pincham is a human rights activist, lawyer, former judge of the Circuit Court of Cook County, Illinois, and is a critic of the criminal justice system.

On Wednesday, January 18, there will be a movie showing from 4 p.m to 6 p.m. The title of the movie will be announced.

-Melissa Durham
Panel continued from page 2

Bodensteiner addressed civil rights concerns, Professor Jaishankar Raman attended to the economic issues, and Professor Paul Brietzke tackled some political implications.

The forum began with the photographers presenting their pictures depicting interaction with the victims of the more rural areas. The photography told many individual stories of human grief, fortitude, strength, weakness, cynicism and determination with overwhelming clarity. One of the economic issues that the photographs depicted is the crippling of the shrimping industry. Even for those whose shrimp boats did survive the hurricane, any shrimp caught would be unconsumable.

The photographs showed the ubiquitous black sludge, a mixture of mud, raw sewage and sea water, that pervades the coast. The shrimp caught in these waters are not safe for human consumption. These pictures portrayed a situation that words alone cannot describe. Additionally, the photographs revealed some of many heroes that we did not see in the mainstream media. Some stories were not well documented in the mainstream media because most of the reporting focused on the destruction, crime and mayhem in downtown New Orleans.

The Professors presented and questioned many issues: insurance companies not honoring their obligations because the victims insurance documentation was lost in the devastation; insurance company pressuring victims into taking inadequate settlements because they know these people are desperate for immediate funds, rebuilding contracts, of which 80% of initial contracts have been given without competitive bidding, use of foreign laborers, conflict between federal flood insurance and the hurricane damage coverage with the private insurance coverage, i.e. - what caused the damage, the hurricane or the flood, the funds needed to rebuild at a time when the US debt is currently $8 trillion, economic devastation because of the crippled shrimping industry, the impact on the gaming industry, once a huge part of GDP in New Orleans and Mississippi, and the pressure necessary for politicians to give up pork barrel projects in order to help subsidize the rebuilding efforts. Related broader issues touched upon were poverty, disparity in class, and race relations in the US.

An audience member raised the concern that the rebuilding jobs are being filled by aliens from out of the local area and from out of the country. Not only are they willing to work for very low wages, ironically, these aliens have secured the limited lodging available in the area. Thus the locals who were displaced from their homes by the devastation can not even find residence in the local area so that they can benefit from employment in the rebuilding efforts. Additionally, a Valparaiso University School of Law student announced she is organizing a Habitat for Humanity trip to the Katrina area for the first week of Spring Break 2006. Habitat will assign the exact destination for the group after January 1, 2006. Anyone interested in joining the effort can contact Anne Abrell at anne.abrell@valpo.edu.

The round table forum was held November 1, 2005, to further discuss political, social, legal, technological & economic issues. This hurricane will continue to impact all our lives. If you have any questions or comments, please contact Steve at stephen.ehrman@valpo.edu.

"The Legacy of the Rehnquist Court"

BY HEATER MONTEI
Executive Editor

He was a lawyer first, he had been a practicing lawyer for 16 years. He thought very highly of the legal profession, and it was a great privilege for him to spend a life in the law," former Rehnquist Clerk John Kelsh remembered of the late Chief Justice before a panel of VUSL students, faculty and alumni.

On October 19th, the partner with Sidney, Austin, Brown and Wood joined another clerk, VUSL Professor Rosalie Levinson and VU History Professor Alan Bloom for the panel discussion, "The Legacy of the Rehnquist Court."

Chief Justice William Rehnquist was nominated to the Supreme Court in 1971 by then President Richard Nixon. He spent 33 years, 7 months and 26 days on the nation's highest court. Justice Rehnquist died of thyroid cancer in the beginning of September.

The four panelists, who agreed it might be too early to define the legacy of the Rehnquist Court, spoke about everything from Rehnquist's most prominent cases, to playing tennis with the Chief Justice, to his political stances.

Chief Justice Rehnquist spent more than 33 years on the bench. Kelsh and Associate Professor of Law at Notre Dame Law School Rick Garnett provided insight into life behind the closed doors of the Judge's Chambers, as they remembered, "His deal was ten days... you had ten days to write the brief." Kelsh remembered numerous walks with the Chief Justice around the perimeter of the court where they would discuss the merits of cases. Kelsh said, "You might think talking about cases with the Chief Justice of the U.S. Supreme Court was a bit intimidating, and it is, but he had a way to put you at ease."

See Rehnquist page 11
Iraq's alleged weapons of mass destruction program. This claim was vital to the case for war made by the Bush Administration. In June of 2003, after the war in Iraq began, Joe Wilson wrote an op-ed piece in the New York Times, in which he questioned the administration about the supposed uranium purchase. A week later, conservative columnist Robert Novak wrote a piece that exposed the identity of undercover agent Valerie Plame. Libby was alleged to be the original source, first leaking the identity to reporters.

Special prosecutor Fitzgerald made it clear that the investigation and resulting indictment were very serious. "A CIA officer's name was blown, and there was a leak, and we needed to figure out how that happened, who did it, why, whether a crime was committed, whether we could prove it, whether we should prove it," he said. Fitzgerald also noted that this has implications beyond the White House. "Given national security was at stake, it was especially important that we find out accurate facts. "The charges against a high-ranking official show the world that this is a country that takes its law seriously," he said. White House response to the indictment has been minimal. Speaking to reporters, the President said Libby has "sacrificed much in his service to this country," and he cautioned, "in our system each individual is presumed innocent and entitled to due process." The president also noted it was important to continue with the business of running the country.

Democrats have been quick to criticize the ethics of the Bush administration. Senate Minority Leader Harry Reid said the charges "suggest a senior White House aide put politics ahead of our national security and the rule of law." Democratic Party Chairman Howard Dean said, "This is not only an abuse of power, it is an un-American abuse of the public trust. As Americans, we must hold ourselves and our leaders to a higher standard."

Time will tell if a conviction awaits Libby. But, with waning support for the war in Iraq, the lowest approval ratings of the Bush presidency, and the limited federal response to Hurricane Katrina, this indictment could not come at a worse time for this White House.

Bob Selund
Class of 1978

In response to "How 'bout them CowBOYS?", October

Mr. Favata,

I would expect more journalistic integrity of a 3L from Valparaiso when reading your article "How 'bout them CowBOYS?" It is very sad that some people could be quoted regarding Hurricane Katrina to care more about a Monday night game or a halftime ceremony. What is sadder is how you can take those quotes and label an organization and people like you did.

The question I have for you and the Forum is how do you attribute those statements to an organization? That would be like me attributing your inadequacies to a great institution like Valparaiso. Not one of your quotes was from the Dallas Cowboys organization.

Your column seems to imply the people care more about football than the Katrina victims. I assure you that the people of Dallas including the Dallas Cowboys organization did more to help the victims of Katrina than you could ever write about.

My son's school closed its gym so local charities could use it for storage for supplies donated for the victims of Hurricane Katrina. The gym was full in two days. My son, only 6 years old, and his school collected money to donate to the victims. Numerous families opened up their homes. Our town opened our schools to students who were victims of Katrina.

Sincerely,
David Rakow
Class of 1994

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.
I recently sat down with my five-year-old cousin for a game of Candyland. I explained the rules to her and we started to play the game. But, in the middle of the game, when she realized she was not winning, she tried to change those rules. Explaining to a five-year old that you cannot change the rules in the middle of the game is not easy... but try telling that to a bunch of lawyers. They have a degree in how to rationalize, explain and convince you that they know what is best. The leaders of our law school seem to have forgotten one of the most elementary rules of life, you cannot change the game in the middle without upsetting those who are playing with you.

The VUSL administration wants to change the rules of law school in the middle of the game. The new grade normalization plan takes the rules we have been playing by and throws the playbook out the window. No longer are we playing a team game, it is now the game of Risk, you can help each other, but when push comes to shove, alliances have to be broken in order for someone to win.

This summer, during our Cambridge study abroad program, several of us joined forces to help each other get through the finals... and it worked... we all ended up with a good grade. By dividing the subjects up, we were able to look for the answers, and teach each other what we discovered. However, under grade normalization, this method would not work... in fact, it would hurt me. If grade normalization is passed, it would be in my advantage to tell my peers the wrong answer, so that they do not do as well as me on the final.

Think back to orientation, remember the administration telling us Valparaiso was not a competitive environment, we were not like the other schools; we were a community. If this is what they prided themselves on, why change the rules in the middle of the game? If the administration wants to try a new system, why not use next year's class, the ones who have not already started playing the game.

One of the common statements being voiced by the 2Ls and 3Ls this week is that we chose VUSL because we would be competing in a game with ourselves, not our peers. How I did had no affect on them, and how they did would not affect me. Simply put, we could encourage each other to do well without risking hurting ourselves.

Now, if grade normalization goes through, the community I loved, the policy I bragged about to my friends at other schools is gone. As sad as it is to say it, no longer do I want my friends to do well... I want them to do worse than me so that I do not end up being at the bottom of the curve.

When a child will not play by the rules, you can just stop playing the game. Unfortunately for us, when the administration changes the rules in the middle of the law school game, we do not have the simple choice of walking away.

Be reasonably prudent.
Read The FORUM
The 17th Luther M. Swygert Memorial Moot Court Competition was an unqualified success this year. The Swygert Competition is continually one of the highlights of the fall semester. The final round of the Competition was held on Wednesday, November 2, 2005, at Valparaiso University Center for the Arts. The Competition is an annual event funded by the generosity of the Swygert family. The late Judge Luther M. Swygert had a special interest in legal education and a particular interest in moot court. The Competition was created to honor him and his special interest, by his wife Mrs. Gertrude Swygert and his son, Professor Michael Swygert.

This year’s Competition topic revolved around sexually explicit video games and whether they are protected speech. This is a hot area in the law right now and many states are aggressively creating legislation to either ban or regulate sexually explicit and violent video game distribution to children. The problem involved an in-depth analysis of all levels of constitutional scrutiny, because video games are an unsettled medium. The circuit courts across the country are currently split in regard to how to treat video games under the First Amendment. Three new jurists to the Swygert Competition presided over the final round this year: Hon. Diane Sykes, Hon. Paul Cherry, and Hon. Joel Hoekstra. Judge Sykes sits on the United States Court of Appeals for the Seventh Circuit and is the newest member of that court. Her name has also been mentioned in conjunction with a possible nomination to the United States Supreme Court, upon Harriet Meirs withdrawal. Judge Cherry is a member of the United States District Court for the Northern District of Indiana. He is especially active in legal education, as the late Judge Luther Swygert was. Judge Cherry has taught at various colleges and is currently an adjunct professor at the School of Law. Judge Hoekstra is a School of Law alumni, Class of 1973. Judge Hoekstra sits on the Michigan Court of Appeals.

This year’s Competition proved to be one of the most competitive in recent years. The finalists were selected by three School of Law professors: Associate Dean Bruce Berner, Professor Susan Stuart, and Professor Rosalie Levinson. The finalists were: Alexander Gatzimos ('07), Kimberly Stevens ('07), and Bradford Shively ('08). Gatzimos and Stevens took the award of “Best Team.” The award is presented to the team with the most cohesive group presentation, coupled with knowledge of the law, question answers and overall quality of legal reasoning. Stevens also was awarded the prestigious honor of “Best Oralist.”

The judges stated Stevens’ composure, legal reasoning and presentation quality impressed them. The distinguished award of “Best Brief” was presented to Andrew Asma ('07). This award goes to the writer of the highest scoring brief overall out of all submitted competition briefs.

This year, the focus of the competition...
The divide destroying democracy

Andrew Smith

At its core, the formation of nation states within a centralized governing body allows for efficient control of a government covering immense geographical areas. By delegating decision-making power to provinces within the jurisdiction of centralized control, solutions to problems become localized. As a result, the citizenry remain sated with the operation of government, eliminating the strife that buttresses revolutionary movements.

This is the kind of republic created during the Roman Empire. Increased centralization of the Roman government led to the ultimate destruction of the empire.

Ideally, a democratic republic places more power in the hands of the individual by providing the individual the power to determine what action the government takes on the national level by casting a vote. The design of the American political system aims to utilize this system to quell the struggle will destroy the governmental institution from the inside. American government is to provide sanctuary from the state of war inherent in nature, and allow humanity to prosper.

In order to return to its stable structure, the parties need to follow a track where the goal is cooperation rather than mutual destruction. Democratic government must find this equilibrium in order to benefit its constituency in a fruitful manner. Ideological domination will lead to political struggle. Ultimately, political struggle will destroy the governmental institution from the inside. American politicians need to stop relying on majority strongholds and leveraged votes to get their way and return to the fundamental purpose of democratic government, government for and by the people.

Andrew is a 3L and may be reached at richard.smith1@valpo.edu.

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VIEWPOINTS

The Grey Area
Left of Center

The divide destroying democracy

Andrew Smith

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Andrew is a 3L and may be reached at richard.smith1@valpo.edu.
Is it lawyer or...liar?

Reality Check
Marina Ricci

Last winter I spent a good portion of my break filling out a 20-some page registration packet for the Illinois State Bar Examiners attesting to my character and fitness to sit for the Bar. The only question that wasn’t on the application was whether I ordered chocolate or white milk at lunch in elementary school.

I thought this was somewhat ironic as a 2004 Gallup Poll ranked lawyers at the very bottom of professions with high ethical and honesty standards, with only 18 percent of the public giving lawyers a very high or high rating. Only car salesmen and advertising practitioners ranked worse. Congressman, business executives, and newspaper reporters (so much for this article) didn’t do much better, only scoring a few percentage points more. But how could a profession that requires such extensive courses and inquiries into ethics and honesty score so low with the general public?

Some may say it’s the money that corrupts the profession, but doctors, who also receive a substantial salary for their services, score significantly higher with the general public, with a 67 percent rating. Even judges who were all lawyers once have a much higher 53 percent rating. Nevertheless, many people find the words lawyer and liar synonymous, adding to the long-lived stereotype, that lawyers will do and say anything to win their case.

The real problem is that unless the lawyer is “your lawyer,” he and his client is as adversarial as it can possibly get in a civil setting. Furthermore, the system of law in the United States guarantees everyone the right to representation.

In effect, good or bad, everyone is entitled to a lawyer fighting for their rights, which does not flow well with people on the other side of the issue. This is especially true when companies like Enron and WorldCom who are accused of unethical practices and fraud have an army of lawyers trying to prevent the wronged shareholders from their entitlement. It doesn’t help matters when many of the executives and officers of these companies are lawyers themselves.

Such issues are also magnified when individual plaintiff’s try to recover damages from large corporations and insurance companies, rarely being able to afford high legal fees, forced to go pro se against massive legal teams. Of course, the system of justice is supposed to prevent any unfair application of the law even to those representing themselves with limited legal knowledge. Nevertheless, in almost all instances, legal representation gives the party a higher chance of victory.

This brings us to the good side of law as a profession. The reality is that there are plenty of good lawyers; the majority are ethical and honest. Many even volunteer their efforts to help those who aren’t able to afford representation, working tirelessly for little or no pay to provide for justice to those who are most in need.

Analysts have commented that the low score shown in the Gallup poll reflects a stereotype. In reality, they say, “bad lawyers” are sanctioned and disciplined, tarnishing their reputation for the rest of their careers. However, this kind of stereotype translates into a very real backlash that can only be changed on a case-by-case basis.

It may be a harsh reality but the opposite side will rarely acknowledge the ethics and honesty of opposing counsel. In effect, the best thing an attorney can do is abide by an ethical standard that enables them to know that regardless of majority public opinion, they are honest to themselves and the profession they chose to represent.

Marina is a 2L and may be reached at marina.ricci@valpo.edu.

2004 Gallup Poll
Ethical and Honesty Standards

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Tyranny of the minority

Steven Sutow

The last Presidential election and subsequent policies and controversies of the Bush administration have been great dividers among the people of our country. Bush, in the previous election, labeled himself as the great uniter. Yet, in a time when a large majority of the country is questioning his policies, and with his administration being investigated in scandal, he still has the gall to appoint an extreme-right candidate to the Supreme Court. The fact is that Bush continues to allow a minority of his party (the extreme right) to dictate his policy and his appointments.

Our great founders put forth a great many Constitutional safeguards to protect people from Tyranny of the Majority. In their worst fears they never imagined that such a small minority could have such a profound influence over the majority. The fact is that a minority of people on the fringes of the mainstream Republican Party are controlling our government. Our President is nothing more than a puppet of this minority, as are many nationally elected officials. Such officials can no longer be nominated by their party without catering to this minority, and this minority therefore exercises disproportionate power.

How did this happen? It happened because we Americans, unlike a majority of the developed and progressive world, don’t vote. Not only do we have tremendous voting apathy, but we also don’t bother to take the time to learn the issues or get involved. Add to that the ratings/profit driven media that reports what they think will draw viewers rather than what is news, and we have an ignorant and apathetic population that tunes out the world.

We preach Democracy to the world, yet we are not one. A Democracy requires participation in government and voting by an enlightened population. We neither have the enlightened population, nor a participatory one. The result of this is that those that choose to participate (the extremists of each party), as well as special interests and large contributors get a disproportionate say in who our leadership will be. Those that seek election must then cow-tail to these extremists in order to stand a chance at nomination and election, and then we lose our envisioned government “of the people, by the people and for the people.”

We have seen this most represented in the Bush administration. The latest example being the nomination of Samuel Alito to the Supreme Court. President Bush’s first choice was not torpedoed by his political rivals, she was nixed by the puppet master right wing. In her place we get an extreme right wing judge with possible intentions of overturning Roe v. Wade and heralding a new age of conservativism on the Supreme Court. With this new judge on the court we would lose the swing vote on partisan issues, and the right wing extremists would be almost guaranteed win on any future partisan cases before the court.

Ironically, Bush, “the great uniter,” may indeed wind up uniting us in common disapproval of his administration’s performance. However, an even greater issue that is likely to affect us all in the years to follow is: how do we win back our government to be what it was intended in the founding of our great nation? How can we minimize this all encompassing grasp that special interests and political extremists have over our “elected” officials?

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Bottom feeders

Damon Newman

“They got this world locked down bound and gagged with constant fear and paranoia, toxins in our head... When did our leaders become bottom feeders?”

311, Solar Flare, Don’t Tread on Me (Tower Records, 2005).

In the wake of Hurricane Katrina our leaders understandably decided that some cuts had to be made in the Federal Budget to compensate for the massive recovery costs. What I am unable to understand is from where they decided to make these cuts.

If any good can come from the tragedy of Katrina it is perhaps a greater understanding of the plight of the poor in our country. A vast majority of the people that remained in New Orleans were forced to as a result of poverty constraints. With no money or means of evacuating many people were forced with the choice of staying, or walking out of the city on foot.

In March, the Republicans were promoting budget cuts in the so-called “entitlement” programs. Even though the new census told us that there were a million new “poor” people since the last census statistics. Even though, household incomes failed to increase in the last five years. Even though, income inequality was approaching historic heights.

Then, Katrina happened.

In order to pay for the recovery costs Congress wants to cut entitlement programs by an additional 15 billion dollars (up from the 35 billion they voted on last March) to 50 billion. Unfortunately, these cuts will increase the deficit. Why you ask? That is because there is the illegal war in Iraq to pay for and additionally, $70 billion in tax cuts for the wealthy in the same budget.

These tax cuts, true to republican form, benefit the corporations that benefit from war and the wealthiest Americans. Meanwhile, the budget cuts will come from programs such as: Medicaid, food stamps, child-care support, the earned-income tax credit, Supplemental Security Income, Veterans Affairs, and yes, student loan programs. Programs that are designed to help the people that were hurt the most by Hurricane Katrina – American’s poor and middle class. This recent action prompted by the Republicans reminds me of a school bully kicking a fellow student already down on the ground during recess.

Charles Darwin illuminated to all of us the concept of survival of the fittest. Perhaps we can’t overcome biology and we aren’t so different from the animals to which we feel superior? Maybe democrats are more evolved than republicans, understanding that by helping the weakest among us, we all become stronger? Whatever the answer is, I think anyone with a conscious should feel disgusted by the bottom feeding of our “leaders” in Washington.

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tion was to use the opportunities that the Swygert family’s establishment and continual support have provided. The overall philosophy intertwined into the event was achievement in the legal profession as a whole. For the first time, all oral arguments of the Competition were taped. Competition participants were able to then watch their performance after argument, to learn how to improve as an oralist. Paul Kelly, our Society coach, also conducted a workshop on oral argument technique and strategy. Professor Susan Stuart also assisted in making this year’s Competition a learning tool.

Professor Stuart held a workshop to assist participants craft a well-reasoned and persuasive brief. The Swygert Competition is held before any national competition that Moot Court Society attends, so all members have the chance to excel nationally in moot court competitions.

As another first, participants were able to receive feedback from the Moot Court Executive Board, after Swygert briefs were graded. Each Executive Board member wrote down comments and criticisms of the anonymously submitted briefs that ranged from citation form, persuasiveness of the brief, and how to reach the reader more effectively. These comments were released to participants after the final round of the Competition. The feedback should help members target areas in which they could improve their writing and recognize where their legal writing strengths are.

All of these tools were targeted to help Society members hone their oral argument and brief writing skills, to allow every member the best possible chance to succeed at national competitions and more importantly, as attorneys.

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holding that position until 2003.

White has also been a Guggenheim Fellow, twice Senior Fellow of the National Endowment for the Humanities, and is currently a Fellow of the American Academy of Arts & Sciences, a Fellow of the Society of American Historians, and a member of the American Law Institute. He is also an author of 12 books, including the final listing for the Pulitzer Prize in history and the Silver Gavel Award from the American Bar Association. He now spends his time lecturing, his most recent endowed lecture being the 2005 Knowlton Distinguished Lecture at the University of South Carolina School of Law.

According to White, the rejuvenation of the federal common law of torts argument stems from a recent Supreme Court decision in Sosa v. Alvarez-Machain. Sosa mentions the Alien Tort Statute of 1789 contemplated by the Framers, using the “law of nations” in Federal courts regarded as “general” law, one of the sources of common law. Thus, courts in common law cases could draw on the “law of nations” along with the “law of merchants,” “maritime law” and “natural law,” to make their decisions.

However, the Sosa Court limited the torts able to use the “law of nations” to the torts actually contemplated by the Framers in 1789. The framers, however, White argues, believed in a cyclical view of history, a progressive view of humans becoming more moral over the years. White says, in effect, “Tort law can’t be framed over a particular period of time.” Evidently, it has to be able to develop and change.

Before the Erie decision in 1938 was decided, federal common law and the “law of nations” was widely used for international issues. The Erie opinion, written by Justice Louis D. Brandeis, widely criticized such use of federal common law and stated that such law does not exist outside of judicial decisions, concluding that there was no such thing as federal common law. White points out that the Framers did not think that the judiciary and congress had the power to do the same thing in making law as they can now, which Justice Brandeis glosses over and does not address. This influences the argument of federal courts being able to establish federal common law for customary international tort issues.

Nevertheless, post Erie, no federal common law exists, only federal law applicable to federal statutes, such as the ATS and the Constitution. This is what the Sosa Court used, defining torts in violation of the law of nations under the ATS. However, state common law on customary international tort issues derived in particular states does exist. This provides a problem because states are then able to define the scope of the customary international law of torts within their particular jurisdiction and hold federal courts to that particular view.

White pointed out that the ‘law of nations’ was not state law or federal law—it was International law.” Therefore, it is incredulous that this type of law is not allowed to exist after Erie. Now state law and ancillary federal law govern such cases. It is ironic because the federal government’s interest on international law has risen over the years in contrast with that of the states. By the 1930s and 1940s, a number of cases declared the federal government to have exclusive powers in foreign affairs and that federal executive agreements with foreign nations trumped competing state law. After Erie, however, customary international law must be derived from state law and limited federal law.

White gives three reasons as to why using state law for international torts would be detrimental. First, the federal courts have a discrete interest in International law. Second, when states serve as multiple decision makers for International law, it has an effect upon the whole nation and not just upon the state. Third, giving the power to states would encourage them to get into international law. This would prove hard to obtain uniformity; it would also lend itself to inexperience and may provide for much too narrow a scope.

Even though courts have identified certain areas where federal courts have continuing power to invent common law rules for unique and distinctive federal concerns, the majority in Sosa cautioned the use of such law in the absence of direct statutory authorization. Three members of the Sosa Court further found that Erie prevented the federal courts from providing for such customary international law.

If federal common law were in place, federal court decisions would not pre-empt State law nor would federal courts have to follow state law. In the words of C. Edvard White on the implication of the Erie decision on customary international law in federal courts, “There is no reason to extend a perversity when it could be capped.”

The Monsanto Fund, the charitable arm of the Monsanto Company, makes annual Monsanto lectures possible. It was 1953 graduate, Richard Duesenberg, a former senior Vice President and General Counsel and Secretary for the Monsanto Company who started the tradition. In recent years, law professors from Stanford, University of Chicago, Yale, and Emory have given the lecture, just to name a few. Most recently, Robert C. Post, Davi Boles Professor of Law, of Yale Law School, gave the lecture.

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Be reasonably prudent.

Read The FORUM

CONTINUED...

DEAN
continued from page 6

learn to focus, think, hear, opine, analyze, debate, sense, observe, infer, and solve like a lawyer? It is happening in your law school classrooms. The classroom is your safe harbor to develop, test, and even fail as you hone this highly critical skill.

From the faculty side of the podium, one can literally see people listening – and not listening. I have seen students in my classroom instant messaging and surfing the web (staring at laptop screen, type type type, oblivious, repeat). What a waste of a seat. Pay attention in the classroom. Observe. Engage. Learn to listen, aggressively, in the broadest sense. Soon people will pay you for this skill. Your professional value will be directly proportional to your ability to hear their stories.

Curt Cichowski is Associate Dean and Professor at VUSL and may be reached at curt.cichowski@valpo.edu.
Alumni in Action: Lynda Bennett

by Heather Montei  >> story on page 15
As a mediator, I try not to view any conflict as a matter of who is to blame, but as lawyers, we speak in terms of fault. So, I’m going to be honest: it’s everyone’s fault. This situation, the “upstairs-downstairs disconnect,” as I like to call it, can be directly attributed to the lack of communication between students, administration and the faculty.

Students – the upstairs can’t read your minds, and frankly, it just isn’t as believable if I am the only one taking your concerns up there. Often, having this job is more blessing than curse – I regularly get the feeling that I care too much when it seems that no one else cares at all. When I asked you to “Raise Your Voice” last spring, that wasn’t a gimmicky campaign slogan designed to garner your support and then quickly be forgotten. Rather, the message was a clarion call for you to stand up for what you believe, because the only way you can foster change is through discussion and action. This anger over the GNP is the first real passion I have seen from you. Just channel it appropriately by telling the deans and professors how you really feel, instead of converting it to apathy.

Faculty and administrators – this is sad to say, but if things are quiet, that likely doesn’t mean things are running smoothly. It’s probably safer just to take for granted that there is something wrong. Even though the students are adults the same as you, it’s human nature to want to avoid conflict. Add that knowledge to the fact that the students still view you as authority figures, and you can see how things could get a bit self-stifled.

With all of that said, the Town Hall forum has started the ball rolling on an open dialogue between the upstairs and downstairs. Let’s all make sure it doesn’t stop.

Kristin Nesbitt is a 3L. She has completed the Indiana Judiciary’s 40-hour certification course in mediation, and will leave VU with a concentration in Alternative Dispute Resolution. She urges students staff and alumni to visit the SBA website at http://www.valpo.edu/student/sba.

CONT...
Feature: Alumni in action

BY HEATHER MONTEI
Executive Editor

Spotlight

The’s listed in the “Best Lawyers in America”, and this young rising star is a Valparaiso University School of Law Graduate. Lynda Bennett received her Juris Doctorate from VUSL in 1994. Since then she’s soared to the top, from a small boutique to a firm in the nation’s capitol, to New Jersey’s foremost firm in the area of insurance law.

“I wanted to be out-front, and have a lot of responsibility and patience,” Bennett said.

Out front she is; Ms. Bennett is a partner in Lowenstein Sandler, PC, a New Jersey firm known for its expertise in bankruptcy and corporate law. Her area of expertise is insurance coverage litigation.

“Insurance was one of the hottest areas as far as litigation. You either represent companies, or you represent the good guys, the policy holders in trying to get insurance coverage for a variety of types of liabilities. When I first graduated, it was environmental liabilities, getting companies to pay for old facility clean-ups... but now it has moved to a much broader area of liability, sexual harassment, corporate scandals. When a company faces a liability they look to their insurance to pay for it,” explained Bennett.

Lowenstein is a 200 plus member law firm, consistently ranked among the nation’s top law firms. Bennett says while there are downsides to a large firm, like clients expecting you to be there at their beck and call, there are many benefits. “You have lots of powerful resources behind you, which is wonderful in supporting your ability to get your work done... but it’s also a very demanding environment because the companies that hire us pay a lot of money for our firm, but expect us to be available around the clock. The downside is that your personal life is easily encroached upon by work.”

That’s a requirement that can mean a lot of juggling when you’re a young mother with two kids under the age of six. Bennett was made a partner at Lowenstein when she was six months pregnant with her first child.

“One of the things I learned after having my first son is I don’t need as much sleep as I thought I needed,” said Bennett, who also says multi-tasking and having a willing partner are all part of what enables her to get the job done. “You need to be extremely organized, and after you have a child, it redefines what it means. One of the things I stated doing is leaving around six at night to get home and have dinner, then doing a couple of hours work at home after the kids have gone to bed,” described Bennett.

Ms. Bennett says young women lawyers need to think about the future when looking for a firm.

“One of the things I would recommend to young women lawyers is when you are considering what firm you will go to, ask how flexible the firm is willing to be, what are the policies for maternity leave, what time I get in and leave, if I can get my work done on different hours,” she suggested. In essence, Bennett reflects, “Firms are starting to get better, but there’s still a lot of work to be done. Sometimes you have to be the trailblazer, you know, there are very important questions to ask when you are considering a firm.”

And a trailblazer she is, Ms. Bennett was the first woman at her firm to have young children. She’s listed in the New Jersey Law Journal’s “40 Under 40”, a distinction that is given to a select group of young lawyers “worth watching” based on their career achievements. She is an industry leader in the field of insurance litigation, an area she says she fell into naturally. Her advice to a student looking to break into the field is to take as many business, procedure and writing classes as you can. “Any practical legal writing experience you can get, learning how to write a client letter, how to write contract provisions. Advanced Legal Writing was the best class and the one that was most useful,” she recalled. Ms. Bennett says writing is still a huge part of her job, and she’s had almost a dozen publications in the last year.

Her best advice for a student looking for a job, “Anything you can do for continuing your writing skills will help you. Grades, accomplishments and leadership on paper are very important, but having a cultural fit with the firm is almost equally important. I think, if I had a chance, over the summer I would have made a greater effort to do an internship with a judge, just to get a better sense of the day-to-day practice and it would have been useful.”

So, what does she say she’d tell her “law school self’ if given the chance? “Honestly, I would be blown away with how much I have accomplished between now and then. I wouldn’t have thought I’d come into a large firm and be partner... because I was told by some of the professors that I didn’t want to go back to the East Coast, and no one knew Valpo,” said Bennett. However, she states she is grateful for her experience at VUSL. “Valpo is an excellent law school to develop your skills to become an excellent lawyer. If you are committed to the practice of law, literally anything is possible. I would encourage any 3L to go out there, and get the job, because anything can happen.”

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A STORY OF ENCOURAGEMENT: How your support is making a difference in the wake of a disaster

BY CHAD MONTGOMERY
Guest Columnist

A week after Katrina dissipated the ocean sucked itself up and regained its warm green composure teams of forgetful fish nonchalantly rejoined their schools. Meanwhile, the people had just begun to cry.

Slidell, Louisiana is reduced to ruins. I am awestruck by Katrina's fury. Thirty-nine days after the hurricane eye passed through it, the city continues to hemorrhage a black sludge of sewage silt. Any buildings still standing in the city's southern neighborhood are caked with a flat line of indelible gray scum, attesting to the height of the storm surge's peak. Hole punched schooners and yachts stranded in the middle of debris littered streets and fields are more proof of how high the floodwaters rose before they receded. Everything has been lifted, churned, tortured and spewed out.

Where the water didn't wreak havoc, one hundred and sixty mile per hour winds toppled century old oaks and blew away everything. Massive trees lay piled up like tiddlywinks on the roofs of houses and cars. There are no birds singing. Only the sound of chain saws and generators is audible.

While the physical damage sustained to Slidell is measurable, even if incredible, the psychological toll on its residents is beyond comprehension. A fellow volunteer told me about the 1,000 mile stare. The first time I saw it was thirteen days after I arrived in Slidell.

In the evening just after we had finished our daily food distribution a middle aged man, looking toward his shoe laces, approached me. His head rose and his eyes slowly focused; then he began to speak; but instead of at me, his gaze and voice were directed toward something very distant, like he was narrating his life prior to the hurricane as it was being projected on a giant far-off screen. His voice began to falter halfway into the account.

I lost my apartment, my truck, my job - everything. I lost all proof of my identity. At that point he stopped and simply stared at me as if the projection had shifted from that far off place directly onto my forehead. He stood silent before me. My mind began to search for appropriate words. I couldn't. Suddenly, my life began to play upon this stranger's forehead and I realized it was me standing before him.

All of my setbacks were matched against his and I sunk into myself. How could I have sunk in pity during my moments of trivial disappointment? Then I realized my great fortune: to be surrounded by faculty and students who saw an opportunity and took bold steps to make a real difference. I extended my arms and offered him and hug and told him he was going to make it because he had support - support extending from hundreds of people he had never even met.

Chad and Ted are 3Ls who put the study of law on hold to help the victims of Hurricane Katrina. They have recently been moved to Florida to assist the victims of Hurricane Wilma. You can send them your words of encouragement at chad.montgomery@valpo.edu and edward.fetters@valpo.edu.
MPRE - One test too many
ABA - Rule to corruption

BY JAMES BUTLER
Staff Writer

MPRE is upon law students across the nation. Also known as the Multistate Professional Responsibility Exam or as a language spoken or once spoken in the village of Butie, Ghana. (Don’t believe me? Check out http://en.wikipedia.org/wiki/Mpre_language). This particular exam supposedly tests the legal ethics of future jurists in order to determine if they know some arbitrary rules and regulations. Disclaimer: This article consists of a bunch of facts and several opinions. I figured since I am eventually going to get paid for my opinion that I might as well give it out free for now.

Before ranting on ABA legal ethics starts, here is a brief look at the MPRE for all the 1Ls which are confused and the 2Ls, 3Ls and possibly some professors which never read e-mails sent out by the school or pay attention to the annoying displays from Barbri in the atrium. The test consists of 60 questions of which only 50 count. The tedious questions full of exceptions, cover two major topics: The ABA Model Rules of Professional Conduct and ABA Model Code of Judicial Conduct. Most states have adopted these rules in one way or another, but jurisdictions do vary and many times do not follow the ABA Model on specific rules.

The passing score varies by state, with 75 being the lowest adopted by many states and 86 being the highest which is adopted by Utah. The moral Mormons seem to be setting the standard for the rest of the nation. Wisconsin, Maryland and Washington D.C. do not require the MPRE because they incorporate Rules of Ethics into their Bar exams. I am sad to say, that I agree with these Blue states in not requiring one more hoop to jump through in order to become a card carrying lawyer. In addition, only Iowa, Kentucky, Massachusetts and Nebraska require a perspective jurists pass the MPRE before they sit for their respective bar exams.

All law students are required to attend a legal ethics class in which these rules are supposed to be memorized and tested upon. Two states, Connecticut and New Jersey, actually waive the MPRE requirements if a student receives a C or better in the course. This action is applauded and other states should follow suit instead of forcing one more test upon already stressed out and broke students.

The ABA Model Rules and the MPRE seem like two things: 1) a moneymaker and 2) just another way that the ABA controls the legal profession and education. See, the Model Conduct Rules are very arbitrary and capricious to the point of actually hurting the profession. They consist of notions of a bygone era in which lawyering was considered a noble profession by the populace. The rules are designed to instill ethics in the profession of lawyering but in reality, ethics they are not. The rules are just that; another set of rules in which legal professionals will find ways around.

An example of the problem is seen in that Black’s Law Dictionary defines Legal Ethics as “The minimum standards of appropriate conduct within the legal profession, involving the duties that its members owe to one another, their clients, and the court.” The first word to notice is “minimum.” This word selection is unfortunate because having a minimum set of standards actually hurts the legal profession. Attorney’s are intelligent individuals that are adapt to conceiving loopholes through laws and rules. By the ABA establishing this minimum, the organization is encouraging lawyers to find creative ways to circumvent the system.

Webster defines ethics as “The discipline dealing with what is good and bad and with moral duty and obligation.” This definition is better than Black’s because morality, good and bad are imposed upon the individual with an obligation. The ABA does put an obligation upon a lawyer, but outside of the stringent rules the lawyer is free to act. The professional can ignore the nagging voice by justifying that he is acting within the “ethics” as defined by the ABA.

In concluding, states should include in the bar their respective professional rules and the ABA should not set stringent rules which intelligent lawyers will circumvent. By taking these two steps the legal profession will hopefully take the step back to becoming a notable, respected profession.

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Close the books on summer, exam archive

Oliver Bateman

Fall has arrived, accompanied by a sense of impending doom. These end-of-semester periods try 1L souls. More vexing to this tired 2L, though, is the harsh duty imposed on new students by the school’s maintenance of an E-reserve exam archive. The exam archive, for the five Forum readers unfamiliar with the system, serves as a repository for old honors papers and model answers. Although many professors give closed examinations, others use E-reserve to stockpile important study aids for their students. Consequently, the enterprising test memorizer can ‘game’ the law school grading system by taking classes for which such tests are available. The E-reserve exam archive, more than spreadsheet-aided median GPA hunting, encourages gamesmanship of the sort deemed detectable by the faculty. For the sake of academic integrity, the exam archive should be abolished.

I enjoy studying legal theory. At some indeterminate point in the future, I’ll be required to apply this theoretical knowledge in furtherance of my practical pursuits. For now, however, I’m content to read casebook supplements and amusing essay and/or irritating hypothetical questions.

The E-reserve exam archive strips the fun from analytical thinking. Reviewing for class becomes workday labor as surely as if one was writing a grind-it-out brief for Famous Law Firm Partner #1 or studying to obtain his/her commodities trader’s license. By design, law school prepares students for the Multistate Bar Examina-

Top 10: Things attorneys should NOT do

BY MARINA RICCI
Managing Editor

10. Put their pictures on billboards... leave it to the real estate brokers.
9. Get 800 numbers for their practice... is that like the home shopping network?
8. Produce a reality show about lawyers... yes it was canceled.
7. Produce a tv drama about a good/bad lawyer... yes that was canceled too.
6. Get 900 numbers for info tapes... what kind of legal info needs a 900 number?
5. Run consecutive commercials between dateline commercials in central Illinois.

4. Try to deduct their business suits on their Tax return... no you can’t do that.
3. Lie to the Federal Government... you can’t do that either.
2. Hide clients’ weapons in their safety deposit box... no comment.
1. LIE.

YOUR PICTURE HERE

LEGALLY BLONDE & BRUNETTE
Advice for Law School & Life

By Christi Klein and Lora Nowzaradan

Q: All of the 3L’s are stressing out about some MPRE test. What the heck is that? -Brad, 1L
B&B: Well, Brad, the MPRE, or Multistate Professional Responsibility Exam, is actually a portion of the bar exam. It is a 50-question multiple choice exam that is based on the Model Rules of Professional Conduct for lawyers. The required 2L course, Legal Profession, prepares students for the legal ethics issues raised on the MPRE. The test can be taken just about any time, and most people take it before they complete law school. The test is offered nationwide 3 times a year, in March, August, and November. Unlike the actual bar exam, you can take it in any state and have your score reported to a different state. Actually, you do not even have to know which state you want to take the bar exam in when you complete the MPRE. However, the scores for each state are different, so check your state’s bar website to find out the necessary score to pass. BarBri even offers a free review course and study book to get you prepared!

Q: What exactly is BarBri? -Angelina 1L
B&B: BarBri is a company that offers Bar Review courses. The price for this course which is usually taken shortly after graduation from law school varies from state to state. However, if you put down a $100 deposit now, you will lock in your rate. Rates are scheduled to go up on November 11, so if you are interested in BarBri it would be wise to put down your deposit before then. There also is a discount on the $100 deposit for those that are 1Ls, 2Ls, and ABA members. The Bar Review course is meant to be an intensive course that you take for about a month and half before taking the Bar. The bar passage rates for those that do take BarBri are higher than those that do not. You will be able to get a taste for BarBri, when they offer review videos closer to finals for 1L courses. Some have found that attending these viewings help them out greatly- if you can handle 8 hours of Civil Procedure on a Saturday, you should check it out. If you have any questions about BarBri, or you want to sign up, you can contact one of BarBri’s student representatives: Melinda Martin, Andrew Asma, Kimberly Stevens, Jillian Keating, Joseph Kessinger, Kelsie Moore, Sebastian Smelko, and Julie Arnold. Also, you can visit www.barbri.com for more information.

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For those not new to the area, you probably know Café Paradiso. Café Paradiso is the product of co-partners Saverio Castellucci and Fonnie Duron and has been in business for the past seven years. However, you might not be aware that it moved on July 2, 2005, from its nine-table, deli-counter style on Washington Street to its new dining space on Lincolnway across from the courthouse. The new space provides a more relaxed atmosphere with the opportunity for live music on Tuesday, Friday, and Saturday.

You have to pick your time wisely when deciding to eat at Café Paradiso. It is open Tuesday through Saturday for lunch at 11am until 3pm. Then the restaurant closes for a respite until 5 p.m. when the dinner crowd starts to arrive and remains open until 9 p.m.

The lunch prices are a little high for law student budgets with items ranging from $7 to $10. At dinner, entrees range from $11 to $18. Most entrees come with a choice of soup or salad.

Warning: This review may be tainted. Our impression of Café Paradiso was soured before we even tasted our salads. One reviewer's request to substitute potatoes for the side of pasta inspired one of the owners to insult the reviewer. The owner condescendingly asked why one who does not care for pasta would choose to have dinner at an Italian restaurant. Obviously, one reason is to join a pasta-loving friend to review a restaurant. Striving to be honest, honorable people, we cleansed our mental palate preparing to give our entrees and desserts an honest review.

The salad was rather tasteless like one would expect most diet food. Even the house dressing, a mixture of oil, vinegar, and herbs, tasted like it came from a low-fat cookbook, and there was barely enough dressing on the leaves to prevent them from being arrested for indecent exposure.

The main dishes provided a wide variety from which to choose including: Italian staples like fettuccini alfredo and lasagna and some rarely seen specialties like pumpkin filled ravioli and gnocchi, which are Italian potato dumplings. The Portabella Gnocchi were small fluffy pillows of potatoes filled with a mushroom puree and covered in a light garlic and oil sauce. The overwhelming flavor was garlic, but each bite had just a hint of potato, mushroom, and cheese blending seamlessly together like the various alcohols of a perfectly mixed Long Island Iced Tea. A note of warning, this is a heavy dish and the more light pillows of gnocchi that leave your plate the more they feel like heavy bricks in your stomach.

Stepping outside my normal food selection by ordering the eggplant parmesan did not backfire too much. The eggplant was thinly sliced and surrounded by a crispy breading. The melted cheese was barely noticeable though, as it was buried under an immense landslide of sauce. Unfortunately, the sauce overpowered the slivers of eggplant and covered up what might have been a sumptuous dish. The special side of asiago mashed potatoes was a mysterious disappointment. Were they too creamy or low on garlic? Something was just wrong.

The end of our meal involved a nut controversy. In ordering cannoli, expectations were set for the ends of the creamy delight to have pistachios or bits of chocolate. Deceivingly, there were green dusted nuts on the end of our dessert, trying to pose as pistachios. Verifying the proper cannoli-end décor, Emeril’s recipe calls for chopped pistachios, not imposter nuts. If Emeril’s cannoli doesn’t have green dusted nuts, then neither should ours! In addition, the cannoli shell was crispy but the cream filling was unusually thin, not the standard girth and weight that says the weight scale will be singing a new higher number in the morning.

The hazelnut gelato had more hazelnuts than a street vendor selling roasted nuts in winter and was not overly sweet, which enhanced the nutty flavor. However, do not eat hazelnut gelato immediately after a cannoli! The taste combination will make you exclaim, ‘Bla’!

We give Café Paradiso a very unenthusiastic three gavels due to average food, okay service, and the possibility of being insulted by the host if you are a non-pasta consumer.

That’s Entertainment! (Quality study breaks for the busy law students)

A Madden-ing Proof

Though it was a lackluster beginning for intelligent films this year, there are some gems being released now in the ramp up to Oscar season. John Madden’s Proof is one of these gems. The film retains many qualities of the award-winning play it is based on. In fact, the screenplay was adapted by the original playwright, David Auburn. Thus, the film retains the focus on the intense relationships between the small cast of characters and is held together by a strong intelligent dialogue.

Proof is about the complex relationships woven by a death, and the discovery of a mathematical proof that will change the world. Robert (Sir Anthony Hopkins) was a world-renowned mathematician who had two daughters: Catherine (Gwyneth Paltrow) shares his talent and demeanor, while Claire (Hope Davis) is his opposite. He is dead, but we learn about his mental deterioration, his relationship with Catherine, and the development of the new proof through flashback sequences.

Robert worries about Catherine’s depression and she worries about his mind. She takes care of him through his illness, and fears that perhaps his talent is not the only thing he has inherited.

Robert is Catherine’s only friend until an eager assistant, Hal (Jake Gyllenhaal), comes to help sort through Robert’s notebooks in hopes he will find a glimpse of genius. Hal is persistent with the depressed and closed-off Catherine; possibly because of the chance he might discover something profound in her as well. Hal learns to separate her from his idol, and realizes her own capabilities apart from her father.

Catherine’s sister, Claire, comes to town for Robert’s funeral, and treats her like a child. With her arrival comes the sale of Robert’s house. Catherine can no longer hide her out only send her into deeper mental seclusion. Claire fears that Catherine will lapse into delusion like their father because of their shared traits and intelligence.

At its heart, this is a film about a woman who is torn between the potential for brilliance she knows she has within her, and the possible consequences of that see PROOF page 22
Student Profiles  
By Tim Suha, Staff Photographer

**3L**  
**Mandy Shell**  
Hometown:  
Saint Joseph, MO  
Undergraduate School:  
Missouri Western State University  
Undergraduate Major:  
Psychology

**2L**  
**Jonathan Halm**  
Hometown:  
Chicago, IL  
Undergraduate School:  
Valparaiso University  
Undergraduate Major:  
History

**1L**  
**Dana Oglesby**  
Hometown:  
Princeton, IN  
Undergraduate School:  
University of Evansville  
Undergraduate Major:  
Political Science/Sociology

**Family:**  
Dad-Terry, Mom-Chris, Brother-Jamie, Sister-in-Law-Century, Sister-Stephanie, Brother-in-Law-Chris, Nieces-Mackenzie, Calista & Hadley, and one niece or nephew on the way

Bush recently nominated ScAlito, but for the sake of discussion, who would you recommend to Bush as possible candidates for the Supreme Court?  
Hum, I would say based on my answer below that the top two candidates should be Ivan Bodensteiner and Rosalie Levinson.

What was the most enjoyable case you have read recently? Why was it so enjoyable?  
I think my favorite of all time is the Father Devine case from Trusts & Estates where the corrupt religious figure went to great lengths to kill off one of his followers before she changed her will and cut him out.

How 'bout them White Sox?  
The White Sox did awesome. I will have to admit the World Series this year was the first baseball games that I have watched in years. Coming from the Kansas City area there isn't too much to cheer about there.

What class are you most worried about this semester in regards to finals?  
Well, my only final I guess is the one I have to name (ah, the joys of being a 3L). That would be Civil Rights, hence my answer above.

Seen any good movies lately? How about concerts?  
The last movie I went to see was North Country about the first sexual harassment class action. Sadly, one of my friends and I analyzed the legal aspects of the movie the whole time because it was right after we studied sexual harassment in Civil Rights. Yes, feel free to say NERDS!
The collision between law and sports

When I was growing up, I was a huge baseball fan. Unfortunately, being from Detroit, there was not much for me to cheer for as far as baseball was concerned. I did my best to find something to cheer about when my team wasn't winning. In the early 90s, a mammoth savior graced the grass of Tiger Stadium and his name was Cecil Fielder.

With the World Series being outside of the realistic view of the Detroit Tigers, Fielder brought some excitement to Detroit's baseball fans. Fielder led the league in home runs in both 1990 and 1991. He hit a rare (before the Steroid Era) 51 home runs in 1990. His superhero strength made him an instant idol to me. His incredible strength resulted from his immense size. The man claimed to only weigh 240 pounds, but from the looks of him, fans would think that he was between 250 and 260.

My loyalty to Fielder and the Tigers was unprecedented until now. Just recently, Eric James Torpy, a 27-year-old man from Oklahoma, showed devotion surpassing mine by miles. Last month, Torpy, through his attorney, reached a plea agreement that would result in a 30-year jail sentence for two counts of shooting with the intent to kill and one count of a weapons violation.

After the plea had been reached, Torpy insisted on a 33-year sentence as opposed to 30-years. He wanted three additional years to honor his childhood sports idol Larry Bird who wore 33 when he led the Boston Celtics to three NBA Championships during the 80s.

Tory said that Bird has been a long-time hero of his and that if he was going to jail, he wanted to do it with that number. The judge was more than happy to comply with the request.

Under Oklahoma law, in order to be eligible for parole, a prisoner must serve at least 85% of their sentence. Instead of being eligible for parole at 52-years of age, Torpy now must wait until he is 55.

Tory is a 2L and may be reached at nicholas.schwartz@valpo.edu.

The quick fix

Duct tape. It's the best invention ever. It can fix most tangible problems you may face. Duct tape it, and you’re good to go.

Maybe it’s because of duct tape’s convenience factor. Maybe it’s because of its versatility. Most likely it’s because of my laziness. Regardless of the reason, duct tape, in my opinion, surpasses many things in today’s modern world.

Unfortunately, my advice of taking a trip to Home Depot (which has recently jumped past 7-Eleven into second place on my list of top conveniences; coincidentally, duct tape sits atop that list as well) and buying some duct tape cannot fix every problem.

One such problem comes to us from the University of Iowa. Former Hawkeye coach Hayden Frye wanted to gain a psychological advantage over his opponents. Solution: paint the visiting locker room pink.

Frye believed that pink was a soothing color. Result: the team would enter the field soft. This has been the design at Kinnick Stadium for years and has continued through the Ferentz years.

Erik Buzuvis, a new law professor at the university, now takes issue and says a pink locker room promotes sexism and homophobia. She plans to challenge the locker room design as a violation of NCAA regulations.

I decided to turn to my smart friend Lari (spelled with an 'I') to help me better understand this situation.

"I'm sure this chick is a hypocrite," said my smart friend Lari (spelled with an 'I'). "Example: She's on the Titanic when they yell for women and children. Is she calling sexism then?"

"Are you going somewhere with this?" I inquired.

"Of course she's not!" my smart friend Lari (spelled with an 'I') continued (apparently his question was rhetorical). "She would take her short, neck-length hair and spin them into curls, then demand help to get off the sinking ship!"

At least the problem in Iowa is tangible. The NBA is trying to fix something intangible: Image.

The NBA has embraced the hip-hop culture for the past decade, going so far as to even encourage its players to embrace it as well. The marriage has been prosperous through the years, but the NBA is now seeking an annulment. Commissioner David Stern announced that all players must wear appropriate attire while conducting official league business.

Needless to say, the players are not happy. In his best Latrell Sprewell impersonation, the Denver Nuggets’ Marcus Camby said that if the NBA is forcing them to wear suits, then the players should be given a clothing stipend. These comments from a player making $8 million a year.

I had a difficult time making sense of Camby’s position. This time, I turned to my exact opposite identical twin brother, Alter Ego, for some help.

"Camby is dead on," Alter Ego said with conviction. "Employees should only be required to wear what is appropriate for their trade. In basketball, that requirement extends to a jock strap."

"Don't you think he's being petty?" I inquired. "If I made $8 million a year, buying a couple of suits would be a drop in the bucket to me."

"Sure, but it's the moral victory that counts," Alter Ego countered. "Besides, at the very least, they should get a tax deduction for the suits."

The issue with Stern, whether spoken or not, is simple: image. It's no secret that the NBA ranks somewhere between former Soviet state citizens slapping a rubber disc with a stick on a frozen oval and moon shiners turning left for a few hundred miles on an oval path on the hierarchy of sports. But that's not because of image.

As a society, we rationalize the things we like. There is no dress code in the NFL, and players like Vick and McNabb appear for a press conference dressed similar to Allen Iverson. But since the
NFL is king, this is not considered an image problem. The NBA has a reputation that it creates problem players in trouble with the law, but any problems similar in the NFL are buried. Just look at the week that the dress code was announced by Stern. That was the lead for every sport section in the nation, yet the Minnesota Vikings had 17 players accused of illegal sexual acts on a boat cruise. That headline barely grazed the life section.

Every problem can't be duct taped, but that solution isn't an option when the problem has been mischaracterized. The problem with the NBA isn't image; rather, it's the game.

Have you watched an NBA game lately? Of course you haven't, it's impossible! Stern should start with that first, and then maybe get into the minutia.

Now of course the critics are going to argue that the dress code is enforcing professionalism on the players. Who cares whether the players are dressed professional or not? If you actually care what a basketball player is wearing, go ask Joan Rivers for a job. And similar to fans, the league should leave it alone. The only NBA dress code should be the appropriate uniform... and maybe a little duct tape.

Joey is a 3L and can be reached at joe.favata@valpo.edu.

PROOF
continued from page 19

brilliance that she has witnessed first hand. She has the capability to join the ranks of minds like her father, but she wants to stand out as her own person and doesn't know how.

John Madden, who also directed Paltrow in her Oscar-winning performance in Shakespeare in Love, knows her strengths and is able to illuminate them. She will likely get nominated here. Proof is a quality film that was entertaining and well-executed. My Rating: B+

Michelle is a 2L and may be reached at michelle.spezia@valpo.edu.
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1) He is the author of “The Firm” and “A Time to Kill.”

2) He wrote “Employee Benefit Plans in a Nutshell,” and is known to everyone at VUSL.

3) He works for Sonnenschein Nath & Rosenthal and wrote the book used to scare most first year students about law school, “1L.”

4) She wrote the best-seller “Guerrilla Tactics for Getting the Legal Job of Your Dreams” and recently spoke at VUSL.

5) She wrote “You Have to Stand for Something, or You’ll Fall for Anything” and hosts a popular daytime talk show.

6) He created Perry Mason and became one of the best-selling authors of all time.

7) She wrote “Fight Back and Win” and represented Amber Frey in the Scott Peterson murder case.

8) A VUSL alumni, he wrote “And, We Must Make Them Noble: A Contextual History of the Valparaiso University School of Law, 1879-2004.”

9) He wrote a “Lawyer’s Life” and represented one of the most famous murder cases of the 20th Century.

10) She prosecuted one of the most famous murder trials of the 20th Century and wrote “Without a Doubt” about the experience.