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Cambridge Program 2006
Creating bonds that will last forever

BY KRISTEN THOMPSON
Managing Editor

Whether it was the time spent in different countries, the cherished Goodge Station stop on the Underground in London or just simply getting to know their peers on a more intimate level, the students who experienced the Cambridge Summer Program 2006 came back with a new fondness for Europe.

The program consists of one week in London and four weeks in Cambridge, with the students taking a total of five credit hours. The classes this year included Legal London taught by Professor Edward Gaffney, Comparative Family Law taught by Professor Seymour Moskowitz and European Union Business Law taught by Professor Paul Kohlhoff, Dean Jay Conison also made a trip to Cambridge to see the facilities and the program in action.

“I loved the Legal London part and both of the classes offered in Cambridge. It was really nice to learn more about Europe from a legal perspective. I really appreciated the culture in which we were immersed,” said 2L Sebastian Smelko.

Professor Moskowitz, who has been on the trip six times, said, “The people this summer got along extraordinarily well. They were a very cooperative group that was eager to learn inside and outside the classroom.”

“Getting to know my law school colleagues and forming unbreakable bonds with wonderful people I see and work with everyday was my favorite part of the trip,” said 2L E.B. Newberry.

Even the professors enjoyed the bonds that were created. Program Director, Professor Kohlhoff, said, “By far the best thing about my Cambridge experience was the opportunity to get to know the students on a more personal level than is available in the traditional law school setting. For me, that made the program very special.”

Professor Kohlhoff explained that the Cambridge program was a great experience for him both professionally and personally. “Professionally, it gave me the unique opportunity to see BONDS page 15

Prescription free Plan B

BY MELISSA DURHAM
Editor in Chief

The term “plan b” has been used to refer to an alternative plan of action that one can implement in the event the original plan fails. Although the meaning of the term “plan b” has not been changed, in recent years it has come to refer to a form of emergency contraception often called “the morning after pill.” Last Thursday, the Federal Drug Administration approved the over-the-counter sale of Plan B to those 18 and over.

Plan B is the commonly used name for two 0.75 milligram tablets of Levonorgestrel, the same active ingredient used in ordinary prescription birth control pills. The pills are taken at two separate times after a suspected failure of contraception or after unprotected sex.

Though often confused with RU-486, commonly known as the “abortion pill”, Plan B is used to prevent pregnancy, and is ineffective if pregnancy has already occurred. The earlier the pills are taken, the more effective they will be. In fact, if Plan B is taken within 72 hours of unprotected sex, the chances of pregnancy can be reduced by up to 89 percent.

RU-486 on the other hand can be used to terminate a pregnancy up to 49 days after the beginning of the last menstrual cycle.

The small timeframe within which Plan B must be taken was one of the main arguments of those pushing the FDA to allow pharmacists to dispense the medication without a prescription. For those unable to obtain a doctor’s prescription within 72 hours of contraceptive failure or unprotected sex, pregnancy is likely to have occurred, rendering the pills ineffective.

Through use of the CARE (Convenient Access, Responsible Education) Program, the manufacturer of Plan B, Duramed, will see PLAN page 18
From the Editors to our Loyal Readers

Dear Alumnus,

The Forum is a publication of the Valparaiso University School of Law. The newspaper you hold in your hand was written and produced by VUSL students. The purpose of The Forum is to provide a place for thoughts and ideas, and also a source of information on happenings at the Law School and beyond.

The Forum is an independent publication of the Law School. This independent status affords us the freedom to publish articles we may otherwise be unable to. However, this independent status also requires us to obtain most of our funding from outside the Law School. We rely on advertising and the occasional donation to publish the newspaper each month.

The newspaper is read by students, faculty and alumni. It is published for the students, and sent to alumni as a service. Although The Forum is targeted at students, we enjoy getting feedback from any and all of our readers-you were law students once too, and you may know better than us what we should be reading.

If you have any suggestions or comments for improving The Forum, we would like to hear them, both the good and the bad. If you enjoy reading The Forum, we would like to know why. We want to open the lines of communication between The Forum and alumni. We take pride in the work we do here and enjoy the opportunity to send The Forum to you.

During the coming school year The Forum will be sent to as many alumni as possible, as often as possible. Unfortunately The Forum cannot be sent to everyone every month. This means that not everyone who is reading this month’s edition will receive next months. Yet, we want all alumni of the Law School to have the opportunity to read and enjoy The Forum. Nevertheless, it takes approximately $5 a year to send The Forum to an alumnus. The Forum has no intention of instituting a subscription fee. Instead, we are asking you to consider becoming a patron of The Forum.

Last year, 21 alumni became patrons of The Forum. Their support helped us send copies of the Forum to all of VUSL’s alumni for several months. This year, our goal is to increase that number. As with last year, we will be recognizing this year’s patrons in every issue, with special recognition in the December issue.

As long as you continue reading and enjoying The Forum, we will do everything in our power to continue sending it.

Sincerely,

The Forum Editorial Board

Melissa Durham, Editor in Chief
Kristen Thompson, Managing Editor
Heather Monteil, Executive Editor
Holterhoff to lead law librarian group

Sally Holterhoff, a government information/reference librarian at Valparaiso University Law Library, will lead the American Association of Law Libraries during the coming year. She will serve a one-year term as president of the AALL beginning July 13. With more than 5,000 members, the AALL represents law librarians and related professionals and works to enhance the value of law libraries to public communities, provide leadership in the field of legal information and foster the profession of law librarianship.

For two decades, Holterhoff has been active in national and regional level professional activities for law librarians. She has served in a variety of leadership roles with the AALL, including being elected an Executive Board member from 2000 to 2003 and later as vice-president and president. In 1993, she won the Outstanding Service Award from Indiana Networking for Documents and Information of Government Organizations.

Her scholarly interests include legal research, with an emphasis on legislative history and administrative regulations, and federal and state government information.

Holterhoff, who holds the rank of associate professor, joined the VU Law Library in 1981 and also teaches legal research courses. She earned a bachelor’s degree in education from The Ohio State University and a master’s degree in library science from the University of Wisconsin-Milwaukee.

Law Professor receives Distinguished Faculty Award

Seymour Moskowitz, a Valparaiso University professor of law and respected national scholar on elder abuse and related issues, has been named this year’s winner of the Jack Hiller Distinguished Faculty Award.

The Distinguished Faculty Award annually honors a professor in Valparaiso’s School of Law who is an exceptional teacher, scholar and role model.

Moskowitz joined Valparaiso’s faculty in 1969 and is a noted scholar on legal issues surrounding child labor and elder abuse. He has had numerous articles addressing those subjects published in professional journals and has served on the Board of Directors of the National Council for the Prevention of Elder Abuse and Neglect. Moskowitz previously has received the University’s Kretzmann Research Award to study state laws concerning elder abuse, which affects up to two million people in the United States each year.

Moskowitz also was a founding director of Valparaiso’s Law Clinic, which provides free legal representation to individuals who otherwise could not afford it.

“Professor Moskowitz embodies the exceptional standards of rigorous yet caring teaching, and unstinting commitment to students, that have been hallmarks of the VU School of Law since its inception,” said Jay Conison, Dean of the law school.

Moskowitz completed his bachelor’s degree in American history at Columbia University and his law degree at Harvard Law School. He also completed graduate work at Brandeis University and Boston College in special education and programming for disabled persons.

German coffee hours begin Aug. 30

Valparaiso University’s Kade-Duesenberg German House and Cultural Center will begin sponsoring weekly coffee hours this month to provide German-speaking people the opportunity to sharpen their language skills or speak in their native tongue.

The first Kaffeestunde coffee hour will be held Aug. 30, with additional fall semester coffee hours to be held Sept. 6, 13, 20 and 27; Oct. 4, 11, 18 and 25; Nov. 1, 8, 15 and 29 and Dec. 6.

All Kaffeestunde coffee hours are Wednesdays from 4 p.m. to 5 p.m. in the German House at the corner of Mound Street and Linwood Avenue. Refreshments will be served and people of all German-speaking ability levels are invited to attend. The Kaffeestunde are free and open to the public.

Star-gazing open houses begin Sept. 1

Valparaiso University’s Observatory will give individuals and groups a close-up look at objects in the night sky during a series of public open houses during the fall semester.

Open houses will be held from 8:30 to 9:30 p.m. Sept. 1, 15 and 29, and Oct. 6 and 27, and from 7:30 to 8:30 p.m. Nov. 10 and Dec. 1. There is no charge to attend the open houses.

The public will enjoy views of the moon, planets, star clusters and galaxies through the University’s computer-controlled telescope. University faculty will provide descriptions of the objects being observed and answer questions.

Groups planning to attend an open house should make advance arrangements by calling (219) 464-5369. All open houses are held weather permitting. People should call (219) 464-5202 after 5 p.m. the day of the open house to confirm the weather is clear enough for the Observatory to open.

If the weather is not clear enough for the Observatory to open, there will be a planetarium presentation at Neil’s Science Center on campus. The observatory is located on the southeast corner of campus, between Gellersen Center and U.S. 30.

Two new counseling staff announced

Valparaiso University’s Student Counseling and Development Center has named two new staff members.

Timothy Mulligan will be a staff therapist at the center while Cindy Abney will be a staff therapist and coordinator of VU’s Office of Alcohol and Drug Education.

Mulligan most recently served as a family interventionist and child interviewer at Oklahoma State University’s Families and Schools for Health project, which studied rural childhood obesity prevention. He previously was a senior clinical coordinator at Oklahoma State’s Student Counseling Center.

Mulligan is a Ph.D. candidate in counseling psychology at Oklahoma State. He earned a master’s degree in counseling and student personnel and a bachelor’s degree in psychology from Oklahoma State.

Abney has clinical experience at St. Margaret Mercy Healthcare Center, Porter County Mental Health Association, Women’s Center of Northwest Indiana and Valparaiso’s Student Counseling and Development Center. She earned a master’s degree in clinical mental health counseling from Valparaiso and a bachelor’s degree in psychology and sociology from Southwest Baptist University.
Class of 2009 represents country, world

The 2006 1L class is made up of students from across the country and around the world. Two hundred students entered VUSL this fall, 174 full-time and 26 part-time. The students come from varied academic backgrounds and represent over 120 academic institutions. The following are the entering class's statistics.

General Statistics

Average High LSAT: 152
Median High LSAT: 151
LSAT Range: 145-167
75th Percentile: 153
25th Percentile: 150
Average GPA: 3.28
Median GPA: 3.31
GPA Range: 2.23-4.14
75th Percentile: 3.55
25th Percentile: 3.04

Average Age: 25
Age Range: 20 - 44
Male: 55%
Female: 45%

States and Countries Represented

Alabama
Arizona (4)
California (3)
Colorado (2)
Connecticut
Florida
Georgia (3)
Idaho
Iowa (3)
Illinois (32)
Indiana (63)
Kansas (2)
Kentucky (4)
Massachusetts
Michigan (8)
Minnesota (5)
Missouri (4)
Mississippi
North Carolina (5)
Nebraska
Nevada (2)
New Jersey (3)
New Mexico (2)
New York (4)
Ohio (4)
Oregon
Pennsylvania (4)
South Carolina (2)
South Dakota
Texas (6)
Utah (2)
Vermont
Virginia (6)

Conversations Project: 9/11 Commemoration
Remembering the day, looking ahead

BY STEVE EHMRAN
Staff Reporter

The first Conversations Project event of the 2006-2007 academic year will be held in the Christopher Center Community Room on September 11, 2006. The program will start at 7 p.m. This event will begin with the reading by a former VU undergraduate student of Charles Martin’s poem, After 9/11. Martin was in New York on 9/11 and witnessed the events of that day.

The program will proceed with round table discussions allowing for individual commemoration of the five year anniversary of 9/11 and for personal reflection on the significance of 9/11 today. Additionally, there will be a panel discussion, featuring people who were in New York City and experienced the events of that day and/or have interesting viewpoints on the current significance of 9/11.

This is a University wide event, also open to the local community. Please join us at 7 p.m., Monday, September 11. Refreshments will be served after the event.

For further information about this article, you can contact Steve at stephen.ehrman@valpo.edu. Additionally, for information about this, or upcoming Conversations Projects, you can contact Professor Telman or Professor Bruch at the Law School.

Steve is a 2L and can be reached at stephen.ehrman@valpo.edu.
STATS
continued from page 4

Washington (3)
Wisconsin (9)
Brazil
Canada (3)
Guam
South Korea
Zimbabwe

Ethnicities Represented
continued from page 4

Asian
Black/African American
Caucasian
Chicano
Hispanic
Multi Racial
Other
Puerto Rican
Full Time Minority Enrollment:
13.22%
All Minority Enrollment:
16%

Religious Denominations
Represented

Baptist
Buddhist
Christian
Latter Day Saints
Episcopalian
Evangelical
Greek Orthodox
Hindu
Jewish
Lutheran
Methodist
Muslim
Pentecostal
Presbyterian
Protestant
Roman Catholic
Russian Orthodox
Southern Baptist
United Church of Christ

Majors Represented

Anthropology
Art/Design
Biochemistry
Biology (2)
Business Administration (4)
Business Management (4)
Business/Commerce (3)
Chemistry
Civil Engineering (2)
Classics (1)
Communications (8)
Computer Engineering
Computer Information Systems
Computer Programming
Computer Science
Criminal Justice (9)
Database Management
Economics (8)
Education
Electrical Engineering

Elementary Education
English (10)
Environmental Sciences
Family Relations/Child Development
Finance (7)
Foreign Languages
Geology/Earth Sciences
German
Government/Service
Health Professions
History (14)
Hotel/Restaurant Management
Humanities (3)
Journalism (4)
Liberal Arts (6)
Literature
Marketing (8)
Mathematics
Music (4)
Other (11)
Philosophy (3)
Political Science (40)
Pre-law (2)
Psychology (12)
Secondary Education
Social Sciences
Social Work
Sociology (6)
Spanish (2)

Graduate Degrees Represented

MA (6)
MBA (4)
MS (2)
Other (3)

Dual Degree Students

MALS (3)
MA PSY (4)
MBA (10)
MSICP (5)
MSSA (7)

Undergraduate Institutions
Represented

American Intercontinental University
American University
Arizona State University
Auburn University
Augusta State University
Aurora University
Ball State University (3)
Barry University
Baylor University
Bellarmine College
Bentley College
Bethel College-Indiana
Bradley University (3)
Brigham Young University (2)
Bryant College
Butler University
Calumet College of Saint Joseph
Calvin College
Campbell University
Carthage College
Clarion University of Pennsylvania
College of Saint Benedict
Colorado Christian

see STATS page 11

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Evidence in some of the plaintiffs' claims, the court held that the privilege does not bar judicial review of the program because "the rule applies to actions where there was a secret espionage relationship between the plaintiff and the Government."

Further, the court held that, even though the privilege did bar a number of state secrets from being recorded, the plaintiffs could nonetheless make a prima facie case based on the public admissions of various administration officials about the existence and legality of the program. The court ultimately found that the NSA's argument that it could not defend the case without revealing state secrets to be "disingenuous and without merit."

The court then considered the NSA's objection to the standing of the various plaintiffs. Specifically, the NSA argued that the injuries to the plaintiffs here were "too tenuous to be recognized," and at best, had a "chilling effect" on the plaintiffs' communications that is not constitutionally cognizable as an injury. Relying on the affidavits of the plaintiff, lawyers, journalists, and scholars, the court held that the injury is indeed a "concrete, actual inability to communicate with witnesses, sources, clients, and others without great expense."

The court decided that this type of injury to professional capability, recognized by precedent, was concrete and particularized, was causally connected to the NSA's program, and could be remedied by injunctive relief. In dicta, the court noted that if it denied standing to the plaintiffs, "the President's actions... would be immunized from judicial scrutiny" in contravention of the framers' intent.

The court then addressed the violations of the Fourth and First Amendments. First, the court recounted the history and reaffirmed the legitimacy of FISA, the secret court it establishes to review applications for surveillance of foreign subjects, and the requirements for surveillance of criminal activity enshrined in Title III of the Omnibus Crime Control and Safe Streets Act of 1968. In recognition of these laws, the court emphatically held that both amendments were violated. With regard to the Fourth Amendment, the court noted that the hallmark of constitutional analysis is reasonableness, and that these laws reflect Congress' determination of what is reasonable. Congress had made "numerous concessions to stated executive needs," in the process accounting for the privacy of U.S. citizens. "The program," the court concluded, "has undisputedly been enacted without regard to FISA and of course the more stringent requirements of Title III, and obviously in violation of the Fourth Amendment."

As for the First Amendment, the court held that the chilling effect created by the wiretapping program, which did not endure the stringent procedural checks of FISA and Title III, had an unconstitutional chilling effect on the free speech rights of the plaintiffs.

Finally, Judge Taylor granted the injunctive relief for a number of other reasons. In considering separation of powers and the inherent power of the Executive Branch, she determined that when the president acted against Congressional intent embodied in FISA, "the presidential power was exercised at its lowest ebb and cannot be sustained."

**FREE SPEECH AND GOVERNMENT EMPLOYEES**

Mills v. City of Evansville, 452 F.3d 646 (7th Cir. 2006).

Evansville Police allowed to rotate officer for spoken dissent constituting a question of her loyalty.

Mills, a police sergeant in Evansville, Indiana, filed suit against the City of Evansville, claiming a retaliatory employment action resulting from criticisms of her department, in violation of the First Amendment of the U.S. Constitution. Prior to the incidents concerning the litigation, Mills' charge with the Evansville Police Department included supervision of crime prevention officers. Faced with a manpower shortage, the chief of police held a meeting and announced a plan that included cutbacks of these crime prevention officers. Mills expressed her disapproval to the chief of police and other officials after the meeting, but not to her immediate supervisor.

In the months following the meeting, Mills received a "Summary of Counseling" in her record disapproving of her conduct at the meeting and her failure to go through the chain of command. She was also rotated to patrol status and relieved of her supervisory duties. Although the change in shift actually increased her salary, Mills was deprived of previously available use of a department automobile. Mills subsequently initiated suit in the Southern District of Indiana under 42 U.S.C. § 1983, claiming a retaliation in violation of her free speech rights. The District Court granted summary judgment to the defendants.

Judge Frank Easterbrook, writing for the Seventh Circuit, affirmed the District Court's decision. In a First Amendment wrongful retaliation claim, a court must examine whether an employee was speaking as a private citizen on a matter of public importance or as a state employee. If a court decides the employee acted as the former, then a First Amendment claim may exist, and the question becomes whether adequate justification existed for the government employer to treat the employee differently from any other member of the public speaking on the matter. If the employee is found to be speaking in his or her official capacity, no such claim exists.

Judge Easterbrook noted that the conversation happened in a police station between uniformed officers on a matter of department policy; as such, there was no question that Mills was acting as an employee of the government. "Her employer could draw inferences from her statements about whether she would zealously implement the Chief's plans or try to undermine them; when the department drew the latter inference," Easterbrook wrote, "it was free to act accordingly."

Loyalty appeared to be a compelling justification in the court's analysis. "Public employers must be able to change assignments in response to events (including statements) that reveal whether employees will be faithful agents of the decisions made by the politically accountable managers,"
Easterbrook opined. Ultimately, the court held that “when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.”

IRAQ REBUILDING CONTRACTS

U.S. ex rel. DRC, Inc. v. Custer Battles, LLC, 2006 U.S. Dist. LEXIS 58217 (E.D. Va.).

Court overturns verdict for U.S. against Iraq War Reconstruction contractors due to lack of evidence that U.S. controlled provisional authority spending.

In 2003 and 2004, Custer Battles performed work for the Coalition Provisional Authority (CPA) in Iraq; specifically, the company was hired to administer an exchange program whose purpose was to replace the Saddam Hussein-era Iraqi dinars with a new currency. Under the guise of a federal whistleblower statute, several employees of Custer Battles’ subsidiaries alleged that Custer Battles and a number of other defendants used shell corporations to submit fraudulent invoices to the CPA. Thus arose the first civil fraud complaint and litigation arising from the Iraq War.

At trial, evidence was presented of an alleged fraudulent scheme to inflate actual costs in order to realize a greater profit on the currency contract. In particular, Custer Battles’ Iraq Country Manager testified to the existence of a spreadsheet that included both “actual costs” and “invoiced costs,” the latter reflecting an amount sometimes far in excess of the former. The jury found against Custer Battles and the other defendants, and determined the defendants were jointly and severally liable to the United States for three million dollars. The jury also awarded the testifying manager $165,000 because he was retaliated against for his protected whistleblower activities.

During post-trial motions, the issue before the court was whether or not the United States was the injured party in this litigation, despite the fact that most of the invoices from Custer Battles were satisfied by U.S. taxpayer dollars. Nevertheless, District Judge T.S. Ellis III held that the trial evidence failed to show that the United States was the injured party.

“[A]lthough the CPA was principally controlled and funded by the U.S.,” Ellis wrote, “this degree of control did not rise to the level of exclusive control required to qualify as an instrumentality of the U.S. Government.” The court principally relied on the absence of evidence detailing the connection between U.S. Government control and the disbursement of funds to contractors by the CPA. Thus, the court overturned the verdict and assessment of damages insofar as it applied to Custer Battles and its subsidiaries.

RICO; REMEDIES


Court holds tobacco companies violated RICO and enjoins use of terms “light,” “low tar,” or “natural” on their products or advertising.

District Court Judge Gladys Kessler of the District of Columbia District Court, in which a number of tobacco-related legal proceedings are being litigated, granted an injunction that imposed liability on several of the U.S.’s top tobacco companies under the Racketeer-Influenced and Corruption Organizations Act (RICO) in connection with advertising to children as well as placing a health-conscious emphasis on some of their tobacco products.

However, Judge Kessler said that the court could not impose the $10 billion in damages requested by the U.S. Department of Justice, per prior D.C. Circuit precedent, because the assessment is not oriented toward preventing future racketeering activities. Instead, she ordered that the companies would have to remove any terms and statements from their products, advertising and informational material that contained “any express or implied health message or health descriptor for any cigarette brand.” She also ordered that the companies produce “corrective statements” in newspapers and on their websites that addressed “(a) the adverse health effects of smoking; (b) the addictiveness of smoking and nicotine; (c) the lack of any significant health benefit from smoking "low tar," "light," "ultra light," "mild," and "natural" cigarettes; (d) Defendants’ manipulation of cigarette design and composition to ensure optimum nicotine delivery; and (e) the adverse health effects of exposure to second-hand smoke.”

FEDERAL INCOME TAX

Murphy v. IRS, No. 05-5139 (D.C. Cir. Aug. 22, 2006).

Court holds unconstitutional IRS’s tax on awards for emotional damages.

In 1994, Marrita Murphy received an award against her former employer for employment discrimination for $70,000. The award was composed, in part, of a $45,000 judgment for “emotional distress or mental anguish.” After her award was affirmed in 1999, she included all $70,000 toward her gross income calculation on her 2000 tax return, and she paid $20,665 in taxes on the award alone. Murphy later filed an amended return seeking a refund of that tax because the Internal Revenue Code excludes damages received from “personal physical injuries or physical sickness.” The IRS denied the refund because the award was not the result of an injury that was physical in nature. The District Court granted summary judgment to the government on all of Murphy’s substantive complaints.

After holding that the IRS could be sued as a defendant in this case, Chief Judge Ginsburg held that the U.S. government cannot tax compensatory damages as gross income within the meaning of the Sixteenth Amendment. The court first noted that “the power to tax income extends only to ‘gains’ or ‘accessions to property’ from any source other than ‘sickness.’” Thus, the court determined that “the damages were awarded to make Murphy emotionally and reputationally whole and not to compensate her for lost wages or taxable earnings of any kind.” The court found that since monies received in compensation for physical injury were not contemplated as income by the framers of the Sixteenth Amendment, damages received for nonphysical injuries were not incomes either.

Nick is a 3L and can be reached at nicholas.gaeke@valpo.edu.
Accreditation and the accreditation process

Jay Conison
THE DEAN'S CORNER

As you may have heard, a team from the ABA will be here in October to inspect the law school for purposes of our accreditation. What does this mean?

College and post-graduate education in the United States is among the best in the world, and our accreditation system ensures its continued high quality. The most basic form of accreditation is at the university level. Universities like Valparaiso, Purdue, Princeton, and hundreds more are continually reviewed and approved by accrediting bodies (which are themselves approved as accreditors by the United States Department of Education). Obtaining an education at an accredited institution means that everyone else will recognize your degree and your credits. It also means that you can apply for federal grants and federally guaranteed loans.

There is a second level of accreditation for units of universities, such as business schools, engineering schools, and law schools. Law schools need a separate form of accreditation, so that graduates can sit for state bar examinations. There are several sources of law school accreditation but the highest form is approval by the American Bar Association (or, more precisely, by the Council of the ABA's Section on Legal Education and Admissions to the Bar). Approval by the ABA entitles graduates to sit for the bar examination in any state or territory. The ABA entitles graduates to sit for the bar examinations in any state or territory.

Admissions to the Bar (also called ABA-approved law schools) is the highest level of accreditation. Approval by the American Bar Association (or, more precisely, by the Council of the Section on Legal Education) is an important step in the accreditation process. The next step will be a three-day visit to the school by a team representing the ABA and the AALS to review. We have just submitted this assemblage of documents and information, and doing so constitutes the first major step in the accreditation process. The team will be chaired by Dean David Burcham, of the Loyola (Los Angeles) Law School. Other members are Ann Bateson (Librarian at William Mitchell), Lynn McDowell (Clinical Professor at Florida Coastal), Leonard Nelson (Professor, Samford), Andrew Popper (Professor, American University), Seth Mendelsohn (attorney in Pennsylvania and member of the Council of the Section on Legal Education), and James Ammons (Chancellor, North Carolina Central University). The team members will spend most of their time that Monday and Tuesday visiting as

Be reasonably prudent.

Read The FORUM
Welcome Back!

Student Bar Association
Aaron Beck

Another summer has passed and all the faces are smiling again at Valpo Law. Whether this is your first experience in Valpo or not, welcome! The SBA has planned another fantastic year's worth of events for all of you. Here encompasses all students at Valpo Law. Everyone is invited to ALL functions sponsored by the Valparaiso University Law Review. Members of the Valparaiso University Law Review worked tirelessly over the summer to announce the notewriters for Volume 41 of the Law Review. We are very excited to announce the notewriters for Volume 41 of the Law Review. We are very excited to announce the notewriters for Volume 41 of the Law Review.

SBA is an organization that encompasses all students at Valpo Law. EVERYONE is invited to ALL functions sponsored by SBA or SBA-sponsored groups. One common myth that SBA is only for those elected. This is not true! All students are encouraged to take an active role in SBA, elected or not. Most students consider themselves active members by attending social events. Some students (though we wish more!) take an active role in SBA by helping out at SBA events. Furthermore, understand that we are students just like you. We do not get paid for the time we give to the student body. We do what we do because we care about Valpo Law and want to create a better experience for all. Making Valpo Law "better" can mean different things to different people. Some members of SBA participate because they want to make sure students have more fun, while others participate because they think they can change an inefficient policy. I think we all recognize the merit in each of these philosophies.

SBA will be sponsoring many events throughout the year, most of them taking place in the fall semester. There was quite a large turnout both at the Kickoff at Kirchoff ala the Franklin House as well as the Welcome Back Party at Duffy’s. For the next few weekends, SBA will be planning other events, but here are the major ones already in the works that you should definitely plan to attend.

On September 22, 2006, SBA will be sponsoring their annual Cardozo Cup Softball Tournament. This is a tournament between classes at Valpo Law with each class playing the class above them and the winner plays the faculty ringers. Don’t worry 1Ls; you will have plenty of time to practice during the days before the game, so concentrate on your studies now.

On October 7th, the SBA will be co-sponsoring with Phi Alpha Delta the annual Boat Cruise. This is a good opportunity for everyone to play dress up, have a few cocktails and enjoy a fascinating boat ride around the fine city of Chicago. This will be the first event that SBA does not fully subsidize, but the money you will pay will be a pittance compared to the fun you will have.

One of the last scheduled events for the semester is the Halloween Party in late October. This is a good time to dress up so much that your friends won’t even know your name. Past costumes have included a male dressing up as a female and passing for one, a man in a diaper, and a Victoria’s Secret angel.

Once the Halloween party is over, most students begin preparing for the wrath that is finals. Don’t fret; finals are a necessary evil to make sure you didn’t enjoy yourself too much throughout the semester. As long as you study hard and keep a balance throughout the semester, you will be fine. Overall, on behalf of the SBA, we hope that each and every one of you has a fulfilling experience this semester.

Aaron is a 3L and can be reached at aaron.beck@valpo.edu.

Congratulations to new Law Review Members

Law Review
Cara Ottenwell

Welcome to another year of law school! The summer proved to be a very busy one for the members of the Valparaiso University Law Review.

The Law Review’s group of editors worked tirelessly over the summer to admit a new class of notewriters into the Law Review. We are very excited to announce the notewriters for Volume 41 of the Valparaiso University Law Review.

Each individual participated in the annual case comment competition following their final exams. The notewriters had only three weeks to thoroughly research and write a twelve-page paper on a recent Supreme Court decision. The editors of the Law Review evaluated each submission and, through a combination of their writing skills and grades, the top twenty-five submissions have been selected to participate in the review. Additionally, congratulations to Alissa Wetzel who received the highest score on her case comment, which will be published in Issue One of the review.

The new members are now finding topics for their Notes. This selection process is a daunting one given that the notewriters will write on their chosen topics for the next seven months. These individuals have dedicated themselves to the Law Review and we congratulate them on their success and commitment to the school.

The Law Review is publishing four issues this year, and we are currently in the process of preparing Issue One for publication. In addition to articles submitted by outside authors and professionals, the Volume 41 issues will include Notes by the following members: Meghan Bass, Mary Caskey, Jack Donaldson, Jennifer Hagerman, Shannon Hartzler, Brenda Likavec, Cara Ottenwell, Laura Pfeiffer, Jennifer Rasmussen, Marc Waite, Jessica Yoder, and Jacob Zehnder. Congratulations to these hard-working writers for achieving the publishable standard!

If you have any questions about the Law Review or if you want to learn more about the organization, feel free to stop by the Law Review office or contact Cara Ottenwell at cara.ottenwell@valpo.edu.

Cara is a 3L and the Executive Editor of Student Writing for Law Review.

VOLUME 41
LAW REVIEW NOTE WRITERS
Anne Abrell
Mark Alson
Mary Anderson
Julie Arnold
Kara Beil
Kelly Brewer
Shelbie Byers
Lyndsay Carothers
Jefferey Earl
Ellen Erhardt
Kristin Gledhill
Rickey Glover
Reid Hooper
Heather James
Katherine Kaufmann
Ashley Kutz
Sarah McNally
Daniel Oldenkamp
Joseph St. Peter
Cara Stirts
James Tully
Chad Wade
Jason Watson
Alissa Wetzel
Amanda Wishin
Summer in court

BY HEATHER MONTEI
Executive Editor

"The law is not an end in itself, nor does it provide ends. It is predominantly a means to serve what is right." —William Brennan, Jr.

Almost all of us in the legal arena have walked through the doors of the law school, wondering what we are doing here... if we are on the right path. I can't deny I've thought that several times, and wondered if I gave up a successful career for the wrong path? Is law the path for me? That is, I wondered until this summer.

Consider this my "What I did this summer". What did I do, you ask? Easy... I found my path. I was the Prosecuting Attorneys Association of Michigan (PAAM) intern at the Berrien County Prosecutor's Office. What's that mean? I was able to practice in front of any bench in Berrien County. And practice I did.

My first day back to classes someone asked me how I spent my summer. I answered, "Working on over 500 cases." What did I learn? A job is what you make of it. As law students we have two choices: we can find the experiences we need to become successful lawyers, or we can wait around hoping someone will give us a handout. Or, we can be the "eager beaver", willing to do whatever needs to be done... whether it's getting the coffee, spending the afternoon in the library over the books, or making the phone calls that someone in the office doesn't have the time to make.

Five hundred cases you say? Well, I had the chance to learn that even trial lawyers spend more time negotiating than they ever spend in the courtroom. More deals are done in the backroom, and more people's lives are shaped between the lawyers conversations than ever see the judge's bench. My pretrials taught me that sometimes someone needs a break, and sometimes, someone just isn't learning the lesson. A prosecutor is allowed discretion, discretion to understand the cases, to find alternative routes, and sometimes justice just wouldn't be served by continuing the case.

I had a pretrial where the father was charged with child abuse. However, this was his first offense against his 16 year old daughter, who had come home drunk. Did this father deserve to lose his child. No, but did he need anger management lessons. Probably. So, we did just that. The defense attorney and I agreed that he'd go to anger management classes in return for us dropping the case.

I must admit the first time I heard the judge refer to me as the Prosecutor, I froze. I was it. I was representing the State. It was up to me to make the right choices. Talk about fear... and talk about success. I made it through the case, no one else but me knew just how nervous I was inside. When it was over, when the judge found the defendant guilty, I walked out of the court room, absolutely shaking. I had done it! I've survived my first day in court!

By the time the summer was over, I'd had several days in different courts. They all have different rules, with different methods and outcome goals. For instance, Juvenile Court has different language, with the goal of changing the children's lives.

In Domestic Violence court you never know if the victim will show up, and if they do, if they will be holding the defendant's hand, or shrinking away from them. And, as I discovered in Misdemeanor court, sometimes the victim and defendant reach their own outside agreements. That usually means the victim doesn't show up for his court date. That's what happened on my first jury trial. As for the first bench trial I was involved in, I learned that just because the defendant is unrepresented doesn't mean the case is a shoe-in for the prosecutor.

Of course, I was fortunate to find several prosecutors willing to open their minds to this young intern. They took me on interviews, allowed me to work with them on trials and answered every annoying question an intern can come up with. However, because I was willing to do whatever needed to be done, they were willing to take a chance on me. My internship wouldn't have been what it was without them, and my legal career wouldn't have been headed in the direction it is without my experience.

Do I know the path I'm on... yes. Sometimes where you end can be very different than where you thought you would.

Heather is a 3L and can be reached at heather.montei@valpo.edu.

Leaving Valpo...

A summer reflection

By Marina Ricci

The school year is just beginning and new 1Ls are nervously shuffling through the doors of Weesman Hall as they embark on a journey that will take them from the worst of times to eventually... the very best of times. I am not at the very best of times yet but inching ever nearer as I look back on my summer and cannot help but look forward to ending this journey in December.

The summer brought with it an immense amount of legal education, in the form of practical legal work performed by in-house legal counsel for one of the largest auto manufacturers in the world. However, not only did this legal intern learn the practicality of leases and the Uniform Commercial Code, but also how it felt to be in the real world again and out of law school.

Even though temporary, being outside of the legal bubble known as law school gave me a chance to reflect on what I had learned both in and out of the classroom. I even had an opportunity to gain new non-legal knowledge as well, nothing being too small to master, including incorporating the use of "..." in e-mail correspondence in order to make e-mail reading much less cumbersome and a lot more entertaining.

While I will soon be leaving behind what at times seemed like a never-ending experience, I will also use this time and column to reflect back on the firsts of my law school experience. The first time I figured out that all roads around here lead to nowhere (pragmatically speaking), the first time that Pennoyer v. Neff actually made sense (well, almost), the first time (and many times thereafter) I was called upon in class and the first and last time I went into Heritage Hall after dark.

Originally, this column was supposed to be a very light entertaining "Hot or Not" critique on the legal profession. However, as I soon realized, the "Not" column turned out much more extensive than anything that was "Hot" having to do with the anything legal. Those topics midway in the "Hot" or "Not" spectrum will be covered here in the next couple of months as we all get ever closer to the end of our individual journeys.

Marina is 3L and if you know anything that is "Hot" that you would like mentioned, Marina can be reached at marina.ricci@valpo.edu.
## STATS

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Funding Embryo Destruction Versus Abortion

BY RICHARD STITH, J.D., Ph.D.
Guest Columnist and VUSL Professor

This article was originally published in Ethics & Medics, volume 39, no. 9 (September 2006). © The National Catholic Bioethics Center. All rights reserved. Reprinted by permission.

Several prominent anti-abortion politicians, including Orrin Hatch, Bill Frist, and Richard Lugar joined the Senate majority in endorsing the public funding of embryonic stem cell research. To the casual observer it might appear that the arguments against abortion must be stronger than those against publicly funding the destruction of embryos. This conclusion, however, would be mistaken. The funding of destructive embryo research is actually worse than legal abortion.

Some might disagree, arguing that the continuing identity of a developing being means that embryo research cannot be better or worse than abortion. The politicians are wrong to say it is not as bad as abortion, but it is also wrong to say that it is worse. “All stages of life are stages of the same being. Each of us was once a human embryo. Each of us is just a human embryo that has grown up. And we have been alive the whole time we have been growing and developing—that is, since fertilization. If one of us had been killed at any time before we were born, a human life would have been lost. So abortion and lethal research on embryos are equally bad.”

Others might argue that, if there is any difference, abortion is the worse of the two. For abortion involves not only killing but betrayal. In abortion, parents destroy an unborn child entrusted to them, who depends on them, a child whom they have a moral duty to nurture. By contrast, the scientist who dissects an embryo is not harming his own offspring. He wrongs life, but not necessarily the family. So how can one possibly contend that embryo research is worse?

Dehumanization

Let us take a closer look. Someone choosing abortion need not be completely set against life. She typically does not want abortion with all of her heart. Rather, she is filled with desperation and panic. She often has been, or fears she may be, abandoned or harmed by one or more persons whom she herself has trusted. Even if her fears are not so great that moral culpability is absent, she is not fully an enemy of her unborn child. She may profoundly regret what she feels compelled to do. If only the circumstances were better, if only she had enough support, she would let her child live.

The abortion provider, of course, is not under such duress. He is not pressured by circumstances to perform abortions. And yet, in a sense, he too is only contingently against new life. He performs abortions only because his clients ask him to do them. By contrast, for the sake of future cures, the scientist seeking funding for embryonic stem cell research is eager to destroy life—and convince the public to pay for it. His lethal aim is not even contingent in the sense that “if only there were another possible route to cures,” no embryo killing would occur. There is, in fact, a shorter route, via adult stem cells. Would-be embryo researchers demand to be carried by the public down the longer and more uncertain path.

Moreover, almost all abortions aim to preclude an “unwanted child.” Of course, this is profoundly contrary to the care owed by parents, as has been mentioned. But abortion paradoxically reaffirms the very parent-child bond that it betrays. The fetus is unwanted precisely as a child who must eventually be cared for by her parents. They fear and reject her because she is their own offspring. Because she is their child, they feel a duty to care for her if she lives. Therefore, so that they may escape this duty, she must die. Both a parental relationship and a parental obligation are acknowledged by the act of abortion. Therein lies its tragedy.

Embryonic stem cell research, by contrast, is wholly dehumanizing. When parents turn the living human embryos they have begotten over to science, they not only forget them as children but also turn them into commodities, donate them for eventual body parts. The embryos become wholly instrumental, they become resources to be calculated and consumed. They are degraded before they are destroyed. Like human embryos created by cloning, they do not die as unwanted children, or even as human beings, but as things to be used and used up. No greater negation of human dignity is possible.

The End of Choice

Lastly, tax-funded embryonic stem cell research is worse than legal abortion for our public community. Legalizing abortion is not quite the same as desiring abortion. It is logically possible, even if unjust, for a legislature to be both anti-abortion and pro-choice, just as people could once be anti-apartheid and yet defer to the sovereignty of South Africa.

By contrast, no one in favor of funding embryonic stem cell research can say “I’m not for killing embryos. I’m just pro-choice.” Such legislators want human embryos to be dissected. Stems cells must be extracted. In states like California and New Jersey, where embryonic stem cell extraction is funded by the public, the law can no longer be labeled even euphemistically “pro-choice.”

Even where abortion is publicly funded, the government does not insist on death. No officials are angry if funds previously allocated to subsidize abortion are left unused because women have freely chosen life. The abortion-related equivalent of embryonic stem cell funding would involve using taxes to pay women to abort their children, as part of scientific experiments aimed at distant and uncertain cures.

Richard Stith, J.D., Ph.D., is a Professor of Law at Valparaiso University School of Law and can be reached at richard.stith@valpo.edu.

Attention Writers and Editors!
The FORUM wants you!
e-mail: forum@valpo.edu
U.S. foreign policy is in need of some Viagra

Yes it's true, U.S. foreign policy is suffering from erectile dysfunction. There is no strength left to back it up. Thanks to our present administration, our foreign policy no longer holds credibility or support from the rest of the world. Our failures in Iraq and the disrespectful treatment of our greatest allies has sunk U.S. foreign relations to a new low. The fact is that we are now engaged with some support from the rest of the world.

Our foreign policy is flaccid, deflated, dying. Theodore Roosevelt has been cited by many to be largely responsible for establishing the U.S. as a global super power. He built up our armed forces, and lived by his motto ‘Speak softly and carry a big stick.’ He sent his monstrous navy on a world tour as a show of force and capability, yet his approach was always humble and soft. He was able to halt the Russian-Japanese war, and ultimately delay world war by keeping a crazy Kaiser at bay in Germany, crazy Europeans from colonizing South America, and ultimately keeping the Japanese from invading California. I wonder what ol’ Teddy would think of how his party is handling world affairs a century later. George Dubya mumbles and whacks everything he can see with his stick (pre-emptive stick whacking).

Modern U.S. foreign policy has had many failures. In fact, 9/11 was a result of mass failures in how we have conducted our foreign policy. In spite of this, however, our immediate past presidents have recognized the need for global cooperation in solving crises. U.N. Security Council sanctions were largely responsible for ending Apartheid in South Africa. George Bush Sr. was responsible for putting together a global coalition to end Iraq’s invasion of Kuwait 15 years ago. Even Bill Clinton successfully employed NATO in the Balkans to help put an end to human rights abuses in Kosovo and Bosnia-Herzegovina.

While we have had past successes in our foreign policy, we have obviously had our failures. Failure to intercede in Rwanda and Burundi in the 1990s during the genocide that occurred was a stain on our foreign policy at the time, and a tremendous humanitarian mistake. Failure to finish the job in Iraq, or to support the domestic revolution of the Kurds and Shiites against Saddam that we encouraged was a terrible flaw of the first President Bush. However these ‘blunders’ can’t even compare to the state of affairs we face today thanks to our current President.

George W. Bush may indeed go in the history books as the worst president this country has seen for many reasons. Not the least of these reasons is how he squandered our post 9/11 world support, and turned this country and its citizens into a despised people even among what we used to consider our closest allies. Our illegal invasion of Iraq, torture and humiliation of prisoners, obvious negligence of human rights and disdain for the United Nations under Bush has destroyed our support base internationally. The false claims of Weapons of Mass Destruction in Iraq which we used to support our Iraq invasion has destroyed our credibility internationally. Our continued failures in Iraq, and future military obligations to the region have dried up our resources. What will be the cost? As we see with Iran, a true nuclear threat has emerged in a State which sponsors terrorism. We lack the support, credibility or resources to adequately deal with this or future emerging threats thanks to our beloved President Bush. Thanks to our failed Middle East intervention, we can now look forward to millions of people that now hate us with vigorous passion, and decades of new terrorist threats.

A war on terror cannot be won with arms and armies. It can only be won with education, economic aid, and by winning the hearts of the people in these regions. I would argue it’s a lot tougher to do this by blowing up their families and destroying their way of life and telling them it’s so they can have ‘democracy’ and we can get their oil. Democracy cannot be taught by violence and war, only by example.

I am honestly disgusted at how we have conducted ourselves internationally in this administration, it will take decades to fix the problems we have created, and I think Theodore Roosevelt would be turning in his grave at the current state of affairs. We are no longer speaking softly and carrying a big stick; we are now speaking through our ass, and wielding stick that can’t support itself (a little Viagra please)...

Steve is a 3L and can be reached at steven.sutow@valpo.edu.
Ryan's first semester in law school
A blackhole of self-doubt and despair

BY RYAN ABRESCH
Columnist

Greetings and salutations Class of 2009! On behalf of the Class of 2007 I would like to congratulate you on being accepted into Valparaiso University School of Law. There exists an infinite amount of ways a person can saddle themselves with crippling financial obligations, so let me be the first to thank you for choosing VUSL as your means to that end.

Seeing you all shuffle through the hallways (we have more than one hallway at this school, right?) has made me quite nostalgic over the last couple of days. Believe it or not I too was nostalgic over the last couple of days. It seems like only yesterday that I moved at this school, right?) has made me quite

ished, though, when I experienced what those in the medical field call a "nervous breakdown" after my first day of Civil Procedure. I eventually worked my way through this minor setback and became the successful, disease-free student you see before you today. But that first semester was rough, and I can prove it. Below are some excerpts of my journal that were written during my first semester in law school. I have also added some commentary to try and explain away the questionable nature of some of these passages, and to save face. Enjoy.

"If I have to read and write this garbage day in and day out for the rest of my life I might end up in an asylum."
- I wish I knew which case prompted this little gem. The journal entry was dated 8/24/2004, so there is a good chance it was Pennoyer. At the time I was not given the disclaimer before reading Pennoyer that there was no way in hell I would understand it. I spent eight (8!) hours trying to read and comprehend that godforsaken case before my first Civ Pro class, and although blood did not shoot out of my eyes, I did have several long and drawn-out conversations with inanimate objects for the next several days. But, hey, what doesn't kill you...

"The long and short of it is that I am not qualified for any form of employment."
- FUTURE CLIENTS, TAKE NOTE OF THAT QUOTE! This statement was made about mid-way through my first semester. At the time I wrote this I was actually buying newspapers and searching the "Help Wanted" sections to apply for jobs because I honestly thought I was going to flunk out of school. This means that in my mind I felt law school was my only option BECAUSE I THOUGHT I WAS TOO UNDER QUALIFIED TO DRIVE A TRUCK! I think I was being a little melodramatic at the time because I know I was definitely qualified to be a "plasma donor." Two hundred bucks and a free cookie per donation is nothing to sneeze at.

"Limitations are self-imposed, so pull yourself up by the boot straps and 'Git R.Done.'"
- Holy shit, did I really write that?! I hope that Britney Spears is correct in her assumption that the technology for time travel exists, because I want to travel back in time and kick my own ass. What kind of an asshole quotes Larry the Cable Guy for inspiration? What in the hell is a boot strap? There is no explaining away that statement. Please punch me on sight.

"The first reason I am here is for the money. I don't really care about the law, I have no passion for it."
- FUTURE EMPLOYERS, TAKE NOTE! According to this statement, despite whatever I may tell you in a job interview, I am only in it for the money. I really have no idea what was going through my head on this particular day. I do remember that I was in a real rush that day. It was getting late and I had only one hour to write my personal statement for VUSL and to get it to the post office...

“Law School is like prison rape except it’s all day, everyday, and your family calls up during it to tell you how proud they are of you.”
- To be honest, I actually have no idea what it is like to be raped in prison so this statement might be a tad extreme. From what I have heard, though, being raped in prison is a brutal and demeaning experience that leaves the victim scared, confused, and emotionally distraught. Quite often after the victim’s time is served he is not the same person he was when he entered prison. Going to law school is absolutely nothing like that.

“Sweet Christ! I never thought reading a couple of excerpts from a lousy Civil Procedure book could make one reevaluate his lot in life.”
- Ahhh, a good one to end on. After reading cases I deemed incomprehensible, and then going to class and seeing people voluntarily raising their hands and actually asking intelligent questions, I questioned the very fiber of my being. "How can these people actually understand this crap?" I would ask myself. "Maybe I have some sort of undiagnosed learning disability."

As it stands today, I have learned not to worry too much over nothing. Sure, Civ Pro (like Jennifer Lopez’s career) remains one of life’s great mysteries to me, and my learning disability is still undiagnosed, but I pulled through. And you will too. But, if any of you get anywhere near my level of despair please seek out professional help. And stay the hell away from me, you psycho.

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develop and teach a new course in a completely different setting. Personally, it was an opportunity to live in another country and experience a different culture for an extended period of time.

While the students are in Cambridge, they can stay in one of two buildings, the VU House or Westfield House. In regards to the atmosphere in the VU House, 2L Scott Fahrney said, “Imagine the Real World on MTV, without a free car, the awesome pool table, the nice house and there you have it. Twenty-two people crammed into a small English Cottage and no air conditioning and no personal space.”

Newberry had a little better view of the housing, “It was better than anticipated, we had large rooms and were located in a very accessible location.”

A common disappointment voiced by a majority of the students is the fact that there is no correspondence with Cambridge University or any of the colleges located in the city. “It would have been nice to have taken at least a class at one of the colleges, or had a professor come teach us from one,” said Fahrney.

Although some of the students were uncomfortable in the hottest summer ever recorded in England, they all highly recommend making an effort to experience the Cambridge Program. They were also happy to give some advice if you are considering the program next summer. Smelko offers this, “Earn money and plan your trips beforehand because it will make your life a lot easier. Be sure to enjoy, respect and accept the different European cultures you experience and you will return a better American.”

Kristen Thompson is a 2L and can be reached at kristen.thompson@valpo.edu.

AUGUST 2006
THE FORUM
The Best Bang for Your Buck

Drinking Edition

By Andrea Greene and E.B. Newberry

In Valpo, it's not the establishment, it's the people...get over it, you can't be posh here!

Upcoming Bang

Popcorn Festival September 9th - Located in the center of town. Parking is limited, so wake up early and drink all day.

The Best Bang

Law school open bar events are a must. They are all fun. Cheap and frequent for your drinking pleasure.

Good Bang


Dish (Calumet) - Restaurant with a small bar, known for a posh martini and wine list.

Casinos (Michigan City, Hammond) - Worth the time if you have the money. Long drive, plan to stay overnight.

Mediocre Bang

Bin Willy's (Calumet) - A lot of fun after a few beers, if you’re looking to cut a rug. Thursdays and Saturday nights are their happening nights. Cover charge to get in.

Pepe's (Rt. 2) - Thursday night karaoke makes Pepe’s a good place to showcase your drunkeness. Complete with dance floor.

Franklin House (Franklin Street) - Popular law school bar. Cheap beer, dingy atmosphere, lots of locals.

Northside (Calumet) - Large two dollar drafts. Popular late night spot for law students. Scruffy.

BW3s (Lincoln Way) - Pricey chain restaurant. Good on game nights.

Convenient Bang

Duffy's (By the law school) - Within walking distance from the law school, nice beer garden with horseshoes.

Michelle L. Spezia

Families are weird. Little Miss Sunshine is a fresh and hilarious perspective on how even the most dysfunctional of families manage as a unit. The film begins with Richard (Greg Kinnear), the father of the family, confronting a sparse classroom as an unsuccessful motivational speaker, trying to sell his method for success. Dwayne (Paul Dano) is the Nietzsche-obsessed teenage son who “hates EVERYONE” and has taken a vow of silence. Mom Sheryl, played by Toni Collette, tries to keep calm in front of her family despite all the obstacles and frustrations.

Uncle Frank (Steve Carell) is a Proust scholar whose unsuccessful suicide attempt lands him first in the hospital and then as Dwayne’s new roommate. Grandpa (Alan Arkin) wants to squeeze every last drop out of life and refuses to censor himself. Finally, Olive (Abigail Breslin) is the innocent and unaffected child who dreams of being a pageant winner, but shies away from gaudy hair and make-up, spray-tans, and the conventional talents. Olive’s dream is to compete in the Little Miss Sunshine children’s beauty pageant, and when the last minute call comes in that she has been accepted, the entire family, including Uncle Frank (who is not to be left alone), and Olive’s talent coach, Grandpa, squeeze into an old VW bus for the road trip from New Mexico to California. Hilarity and tragedy ensues, but the family makes it to the pageant and shows Olive that she is the family’s superstar.

While the overall formula of Little Miss Sunshine is nothing new (quirky family overcomes tribulations and turmoil to learn heartwarming message), the writing is subtle and sincere, and the cast sells it perfectly. Kinnear, Carell and Collette play their characters straight so as to let the abundant humor flow through naturally. Dano manages to perfectly convey his character even without dialogue, and Arkin’s over the top rants often steal the show. Even Breslin is talented enough to make little Olive perfectly believable, and is adorable without being nauseating.

Little Miss Sunshine is consistently funny and is an honest feel-good film. The family takes life’s trials and tribulations in stride, because ultimately each member knows he or she has a support system. It is alright that no one really succeeds in their goals of the moment, because the family is still there to pick you up in the yellow VW bus - if you jump in.

Michelle is a 3L and can be reached at michelle.spezia@valpo.edu.
Student Profiles
By Heather Montei, Executive Editor

Steven Sutow
Hometown: Princeton, NJ
Undergraduate School: Rider University
Undergraduate Major: International Relations/Business

Why'd you decide to go to law school?
I already went to Europe and the Ski Resort was overbooked.

What do you see yourself doing after graduation?
Fleeing from Indiana in an exhilarating form of panic while begging for a job.

How’d you spend your summer?
Traveling for my consulting work, and sleeping way too much.

What class are you most worried about this fall?
The lower class - poverty, they need healthcare!

What show are you most anxious to see return this fall?
Grey’s Anatomy

What do you think about the FDA’s decision to make the “morning after pill” available without a prescription?
I think it was a good decision but I hope people use it responsibly.

Is Tom Cruise out of Control?
Who cares?

Since we are off to a new start, any advice for the 1Ls?
Run. Run hard, Run Fast. Don’t look Back...

Kristen Thompson
Hometown: Tipton, IA
Undergraduate School: University of Iowa
Undergraduate Major: Journalism/Mass Communication

Why’d you decide to go to law school?
I’m still not sure.

What do you see yourself doing after graduation?
Ideally, I would love to be in-house counsel for a major media company. Realistically, I’ll probably be someone’s lackey at a small law firm.

How’d you spend your summer?
I spent the summer in Cambridge, England, and traveling around Europe.

What class are you most worried about this fall?
Con Law II, enough said.

What show are you most anxious to see return this fall?
24 most definitely

What do you think about the FDA’s decision to make the “morning after pill” available without a prescription?
I think it was an unwise policy decision by the FDA. By lulling young people into a false sense of security, the FDA may have helped the acceleration of sexual transmitted diseases in this country.

Is Tom Cruise out of Control?
*Whistling Top Gun’s theme song*... No, the media is just harping on him too much. How can people hate on the guy that brought us such memorable characters such as Maverick and Jerry Maguire.

Since we are off to a new start, any advice for the 1Ls?
Buy many, many energy drinks!

Jose Antonio Vega
Hometown: Waterbury, CT
Undergraduate School: Pensacola Christian College
Undergraduate Major: Marketing/Management

Why’d you decide to go to law school?
I've always been interested in how people relate with one another. Since the law is the social fabric that guides human interaction I thought it logical to study law. Besides it seemed like something fun to do.

What do you see yourself doing after graduation?
Currently, I see myself doing either civil litigation or working for the state government as a prosecutor...Hmm decisions, decisions, decisions.

How’d you spend your summer?
Preparing for the wedding, reading John Grisham novels, keeping in touch with friends across the US, getting married to my beautiful Rebekah (August 12!!!), and going to the weight room. *Wife reads to weight room response proceeds to laugh out loud!*

What class are you most worried about this fall?
Hmm, perhaps I fear Legal Writing the most. When I turned in my first assignment to Professor Stuart without it being properly stapled she gave me a sad, dismissive look. Then horrors of horrors, I missed my very first TA meeting by accident! Needless to say I’ve made a splendid impression on Professor Stuart thus far.

What show are you most anxious to see return this fall?
24 most definitely

What do you think about the FDA’s decision to make the “morning after pill” available without a prescription?
I think it was an unwise policy decision by the FDA. By lulling young people into a false sense of security, the FDA may have helped the acceleration of sexual transmitted diseases in this country.

Is Tom Cruise out of Control?
*Whistling Top Gun’s theme song*... No, the media is just harping on him too much. How can people hate on the guy that brought us such memorable characters such as Maverick and Jerry Maguire.

Since we are off to a new start, any advice for the 1Ls?
Buy many, many energy drinks!
Cheaters never prosper

Nick Schwartz

The first year of law school, in my opinion, is the hardest. I think it is more of a shock than anything. I don’t know about you, but I hardly did any work in undergrad. I never read and I was an English major. Then I came to VUSL. Not only did I have to read to learn the material, I was scared what would happen if I didn’t read. We all hear the horror stories about the person that was unprepared.

Those first few weeks, under the large pile of books, I did find a way to relax and enjoy myself. I was able to find time every night to watch the Summer Olympics. I got to watch some of the greatest athletes in the world on the largest stage. Now, years later, I find out that it was all just a giant sham.

Two years later, both Marion Jones and Justin Gatlin failed drug tests. Jones tested positive on June 23, at the national championships in Indianapolis for erythropoietin (EPO), an endurance enhancer. If her “B” sample tests positive, she faces a two-year ban.

In April, Justin Gatlin tested positive for either testosterone or other steroids. Five years earlier, he was banned from competition for one year after testing positive for drugs he claimed controlled his attention-deficit disorder. Because this was his second failed test, Gatlin faced a lifetime ban, instead, he agreed to an eight-year ban. He will be able to compete again when he is 32. At least he was man enough to admit he cheated.

Go figure, both Gatlin and Jones have been associated with Coach Trevor Graham. Jones has terminated her relationship with Graham, but Gatlin continued to work with him. Just working with him alone should send up a red flag for performance enhancing drugs. Graham has coached eight athletes that have failed drug tests; they include shot putter C.J. Hunter, 400m runners Antonio Pettigrew, Jerome Young, Calvin Harrison and Alvin Harrison, 200m runner Michelle Collins and 100m runner and former World Record holder Tim Montgomery.

Jones and Gatlin have both vehemently denied using any performance enhancing drugs. Now, the truth comes out; at least part of it. I still have one lingering question: How long have they actually been using the drugs? The BALCO raid has shed a new light on performance enhancing drugs. The testing world got introduced to the Cream and the Clear, which were undetectable for a long time.

If Jones and Gatlin are dumb enough to take performance enhancing drugs when they are bound to be caught, what would they do if they knew they would not get caught?

Thanks to them, the escape I got from the Olympics that year has now been tarnished. If I would have known that they were all a bunch of cheaters, I would have studied harder instead of watching them. If I knew then what I know now, I would probably be number one in my class.

Nick is a 3L and can be reached at nicholas.schwartz@valpo.edu.
Rules and ABA Formal Ethics Opinions. The Center also provides a one-stop shop for links to ethics and professional responsibility websites published by individual state bar associations, foreign governments, law schools, and ABA sections, at http://www.abanet.org/cpr/links.html.

"A Web of Legal Ethics: Rules of Professional Conduct" is a compilation of internet sites for research on legal ethics, at http://www.llrx.com/columns/ethics.htm. At this site you will find links to articles and other information relating to professionalism, including one to http://www.legalethics.com, a frequently-updated log of state ethics announcements and state bar ethics opinions.

Finally, Lexis publishes a research guide to legal ethics, at http://www.lexisnexis.com/infopro/zimmerman (scroll down to Legal Ethics to find the pertinent research guide). The guide is divided into ethics opinions and ethics codes/rules. Information relating to ABA opinions and the Model Code & Rules is available, as well as detailed information on getting information from selected states.

**Pop Quiz Answer:** B— "A lawyer may reveal information...to prevent reasonably certain death or substantial bodily harm." MODEL RULES OF PROF'L CONDUCT R. 1.6(b)(1) (2004) (emphasis added).

*Maribel is a visiting librarian and can be reached at maribel.nash@valpo.edu.*

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**Crossword 101**

**Alley Cats**

**Across**

1. Heroin: Slang
2. Loft dweller
3. Pale
4. A remarkable idea
5. Mine find
6. Task
7. Texas crock
8. Oscar & Tony’s cousin
9. Sesame’s Dracula
10. Be lavish
11. Pistol
12. Parisian thought
13. Down offering
14. Actress Russo
15. Stir-fry need
16. Extend the life of a tire
17. Plumbers’ mystery?
18. Elegant
19. Go half and half
20. Garment
21. Ms. Lane of The Daily Planet
22. Lunch treats
23. Wear a hat
24. A Guy Named __
25. Like a Broadway light
26. John Kerry, e.g.
27. Union ultimatum
28. Large body of water
29. Perfect scores
30. Feed the kitty
31. Lean to one side
32. Glistened
33. Married woman
34. Bottom line
35. A Man’s Best Friend
36. Olympic sport item
37. Customers
38. Leo, for one
39. Corrodes
40. To be made useful again
41. Corrodes
42. Fully aware of
43. Made up a phrase
44. Time of year
45. Be lavish
46. Delete
47. Feel
48. Ringworm
49. Beer offering
50. Woodwind instruments
51. Blemish
52. Legal inclusive
53. NYC food locale
54. Before Broadway or balance
55. NYC food locale
56. Perfect scores
57. Woodwind instruments
58. A Man’s Best Friend
59. Be lavish
60. Delete
61. Make up a phrase
62. Time of year

**Down**

1. Walk through wet snow
2. Mea __
3. Comedian Sherman
4. Highway safety device
5. Follows Fifth
6. Failure
7. Room term
8. Gemstone
9. Give in
10. Glistened
11. Married woman
12. Gray sea eagle
13. Bottom line
14. Anwar Sadat’s locale
15. Little finger
16. Corrodes
17. Fully aware of
18. Corrodes
19. Corrodes
20. Corrodes
21. Corrodes
22. Made up a phrase
23. Time of year

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**Quotable Quote**

I know not with what weapons World War III will be fought, but World War IV will be fought with sticks and stones.

*Albert Einstein*

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Please look for the answer to this puzzle in September’s issue of *the Forum.*
CLOSING ARGUMENTS

... and there are these floating monitors in the library...

Yes, work does get done in the new SBA office.

Work or play, work or play?

They always pick on the little guy.

TRIBUTE

We'll miss you Pluto!!

(Actual size)