Andrew Lucas and Tamara Carnahan win 2007 Moot Court Competition

BY KRISTEN THOMPSON
Editor in Chief

On Thursday, October 18 the final round of the Judge Luther M. Swygert Memorial Moot Court Competition took place. The Neils Science Center Auditorium on the main campus was packed, all hoping to see some of the best oral arguments that VUSL has to offer and to get a glimpse of Supreme Court Justice Antonin Scalia doing what he does best. Accompanying Justice Scalia were Judge Daniel A. Manion of the U.S. Court of Appeals for the Seventh Circuit and Judge Rebecca R. Pallmeyer of the U.S. District Court for the Northern District of Illinois.

The first issue before the judges was: Does an ordinance regulating picketing that creates a 200-foot buffer zone around a funeral service violate the First Amendment rights of protestors?

3L Alissa Wetzel was first up, arguing for the Petitioners. Wetzel discussed the irreparable harm of the Petitioner who was unable to express himself in a public forum. The main part of the argument being that the ordinance was not narrowly tailored. Justice Scalia was first to question Wetzel asking whether the ordinance was content-based. He then expressed that “a funeral is not a place to protest.”

Wetzel countered his point by explaining that it was question of first impression of the court and that people have a special private benefit of their homes but not in a public forum. She argued that the City of Eastover allowed “good” speech but banned “bad” speech which is a direct violation of the crowd laughed.

Wetzel went on to argue that the ordinance does not have a significant government interest under a heightened scrutiny standard. However, Justice Scalia stated that he believed picketing at a funeral is “sick” and it would be reasonable to want to restrict such speech. He also added that it seemed like a time, place, manner argument. Wetzel argued that when making a political statement, the location is part of the message. Scalia disagreed asking why “the backdrop of a message needs to be a mother’s son’s funeral?”

Judge Pallmeyer discussed the issue of “core political speech.” As Judge Manion asked whether the protestors were intending to show that the funeral was a punishment by God. Wetzel explained that it was not about sinful conduct, but aimed at see MOOT page 12

The Living Constitution: A Public Lecture by Supreme Court Justice Scalia

BY ALECIA PEHR
Managing Editor

On October 18, 2007, Associate Supreme Court Justice Antonin Scalia spoke on the topic of constitutional interpretation to a full audience at the Chapel of the Resurrection. Considered by court observers and law professors to be a conservative justice, Justice Scalia’s lecture focused on his method of interpretation, originalism.

As an originalist, Justice Scalia applies only minimal interpretation to the Constitution, instead working to apply the meaning that the Constitution bore when it was adopted over two centuries ago.

“I must warn you that originalists are a minority,” said Justice Scalia. “The only other on the court is [Justice Clarence] Thomas, but the two new ones, we don’t know about yet.” To illustrate the originalist view, Justice Scalia stated that when the Constitution was written, the death penalty would not have been considered “cruel and unusual punishment” under the Eighth Amendment, and thus it should not be considered as such today.

According to Justice Scalia, the idea of the Constitution as “a living document” currently dominates the way lawyers, professors and judges interpret its meaning. Justice Scalia however views the idea of a “living Constitution” as a seductive philosophy, yet at the same time an absurd notion. To Justice Scalia, the Constitution is like any other legal document in that it does not change.

He went on to explain why he thinks the idea of a living, flexible Constitution actually creates legal rigidity by giving an example.

“It’s no use democratically debating abortion, because the Supreme Court has created a legal standard that must be respected,” he said. “It is prohibited to ban abortion, period because to do so would now be considered unconstitutional.” According to Scalia, since laws can be changed more easily than the Constitution, they offer more flexibility.

Congress, he went on to say, is in a better position to make laws based on the wants and needs of the society than is the Supreme Court because they are directly elected. According to Scalia, this means Congress is more in touch with society than “nine hotshot see LIVING page 3
Letters to the Editor

To the Editor:

We write to point out some inaccuracies in your recent report on the 2007 Cardozo Cup, "3Ls win Cardozo." Your reporter must not have attended the tournament. If she had, she would know that winner of the faculty/student game is not "still undetermined." The faculty/staff team was in fact administering a hearty drubbing to the student all-star team when the game was interrupted. Just as our slugger, Professor Huss, picked up a bat and approached the plate, the lights went out. Res ipse loquitur. Obviously the student all-stars cut the lights in an attempt to spare themselves further humiliation at the hands of the faculty, staff and assorted ringers. The student all-stars voluntarily forfeited the game.

It is a shame that the majority of the article focused on what was in fact, an irrelevant consolation match between 2Ls and 3Ls (the "L" in this case standing for "losers"). It follows that your headline, "3Ls win Cardozo," is incorrect, notwithstanding the photo you published of cowardly 3Ls holding up the contrived Cup after the faculty and staff had all left the park and returned to their usual pursuits - devoting their lives to serving our students. There is no need for you to issue a retraction or an apology. All that is called for is the prompt delivery of one cup-shaped trophy, incribed "Cardozo Cup."

With the punctilio of an honor the most sensitive,

Mark Adams
Penelope Andrews "Brute" "Killer"
Amnie Lawrence
Marston Mumd
Melissa Mumd
Zahra Nwabara
"Slugger"
Jeremy Telman
"Thug"
Ann Weitgenant
Alan White

On behalf of Faculty, Staff and Affiliated Members of the 2007 Cardozo Cup Championship Team,

D. A. Jeremy Telman
Associate Professor of Law
Valparaiso University School of Law

To the Editor:

Thank you for the recent copy of The Forum. As a VUSL grad (’98) and a former participant in the Swygert Memorial Moot Court Competition, I was pleased to read that Justice Scalia and other esteemed federal judges served on this year’s panel. What a highlight for VUSL! I was also intrigued by the topic of this year’s competition – dealing with time, place and manner restrictions on protesters at the funerals of soldiers killed in action.

One of the most valuable lessons I learned at VUSL was during my externship with Judge Ripple of the 7th Circuit Court of Appeals. Judge Ripple would remind me that each case has an enormous impact on the lives of the parties, and instructed us to be very sensitive to the short-term impact of the Court’s decisions on the parties. He would also remind us of the long-term impact a decision would have on society as a whole. Each of Judge Ripple’s opinions would be carefully crafted to ensure that the parties felt they had their opportunity to be heard, and were treated fairly, during the judicial process. In addition, Judge Ripple would carefully craft opinions so that non-parties could carefully understand the impact of the decision, and what (if any) changes the decision meant for citizens, businesses, etc.

The reason I write is that I want you to truly understand this important issue – each and every case you will work on will have an impact on the lives of the parties, but can also have a significant long-term impact on society as a whole. Since I graduated from VUSL, my wife and I have been active in high school and junior high youth ministry. I can still remember our first group of high school kids from a small church in a small town in mid-Michigan. They were probably my favorite group of our “youth group kids” my wife and I have ever had in all our years of youth ministry. In fact, even though we have moved away from the small town to return to our home of West Michigan, we still are in contact with this group of now young adults. Sadly, one of our “youth group kids” was killed in Iraq in March 2006. Attending his funeral was one of the most emotional experiences I’ve ever had in my life. Here was a young man who served his country with a smile on his face. Days before he gave his life in service to his country, he e-mailed his mother saying simply “Mom, what are you doing today? I’m saving the world!”

Driving the long drive from our home in West Michigan to the church in mid-Michigan, the question of how to understand what the judge was doing in the case I was working on to be heard, and were treated fairly, during the judicial process. In addition, Judge Ripple would carefully craft opinions so that non-parties could carefully understand the impact of the decision, and what (if any) changes the decision meant for citizens, businesses, etc.

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Driving the long drive from our home in West Michigan to the church in mid-

Forum Judicial Review Board
The Forum thanks you.

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Michigan, my wife and I were pretty quiet, as we were still in shock, not really knowing how to handle the situation. We had heard there would be protesters from the Westboro Baptist Church in Kansas, and we had seen the recent news coverage that this group had received as it toured the country protesting at soldiers’ funerals. Fortunately, the Patriot Guard shielded this group from us as we arrived at the church.

I am no longer angry at these protesters. I feel sorry for them and their misguided beliefs. Do they have a right to say these things and believe these irrational thoughts? Of course they do. They have every right to open their mouth and prove to the world they are idiots. Do they have a right to say these things outside of a church where a private funeral is taking place? I don’t think so. Had it not been for the peaceful presence of the Patriot Guard, an already emotional event would have turned into an ugly event. Let there be no mistake about it, telling a grieving family that their son is in hell, and that God is to be praised for IEDs and dead soldiers, is nothing more than hate words designed to get media attention for a pathetic political statement. They are fighting words carefully designed to inflict an emotional and public response. The government has every right to put time, place and manner restrictions in this area, and preserve the sanctity of a private funeral.

Congratulations to VUSL for tackling such a tough and timely issue in the Swygert Memorial Moot Court Competition. I am sure the briefs were well-written and thoroughly outlined the applicable law in this area. I hope the briefs addressed the emotion of the case, and the impact the Court’s decision would have on a grieving family, society, and yes, even the protesters. Please keep in mind the emotional background of every case you work on, and advocate for your clients by trying to walk in their shoes, and see how they look at the case. As for me, I would not be able to advocate for the protesters at this point, but stepping up to the microphone as an advocate for the government in a case like this would be easy:

“May it please the Court. Before addressing the legal issues, please give me the opportunity to tell you about Corporal Nyle Yates of the 101st Airborne Division of the United States Army, his family, and his funeral.”

Joel W. Baar
Bolthouse, Vander Hulst, Risko & Baar, PC
BY NATALIE KIJURNA  
Career Services

Believe it or not, there's a second library in the law school. It's located in the Career Planning Center! The CPC's library contains books that answer virtually every question you can think of to ask about your job search...and then some.

The books in the CPC are available for check-out, so come in and take advantage of these great resources! Here are just a few of the available titles:

- Guerrilla Tactics for Getting the Legal Job of Your Dreams - Kimm Alayne Walton, J.D. If you're not the editor-in-chief of the Harvard Law Review, this book holds all the secrets you need to get the legal job of your dreams. We also have the DVD!

- Building Career Connections - Donna Gerson. This book gives step-by-step instructions on how to cultivate and maintain relationships and helps you build the connections you need to succeed.

- Networking Made Easy - Patty Marler & Jan Bailey Mattia. The advice in this book will give you the confidence you need to network successfully in any setting.

- Nonlegal Careers for Lawyers - Gary A. Munneke, William D. Henslee & Ellen Wayne. Covers the latest opportunities in nonlegal careers. You'll learn when and how to choose a non-legal career, the specialized skills legal training provides, and how to plan and conduct a job search.

- Careers in International Affairs, School of Foreign Service, Georgetown University - Prepares students for positions in organizations where they will serve and represent their country or the international community.

- What Can You Do With A Law Degree? A Lawyer's Guide to Career Alternatives Inside, Outside & Around the Law - Deborah Arron. Includes a roster of Internet job resources, a unique job grid system to define your ideal career and work environment, a list of online career assessment tests and hundreds of job options.

- Women-at-Law: Lessons Learned Along the Pathways to Success - Phyllis Horn Epstein. Discover how women today are meeting the challenges of competing in an often all-consuming profession without sacrificing their desire for a multidimensional life.

- Choosing Small, Choosing Smart: Job Search Strategies for Lawyers in the Small Firm Market - Donna Gerson, Esq. Focuses on the small firm market, including how to approach firms effectively, how to negotiate the best salary and benefits package with an employer and how to succeed as a small firm lawyer.

- What Law School Doesn't Teach You...But You Really Need to Know - Kimm Alayne Walton, J.D. Learn simple strategies including how to: create an outstanding first impression, take criticism and make it an opportunity to shine, recover when you make a mistake, etc.


- The Directory of Business Information Resources (2007) - Includes information on 98 industries, including their associations, newsletters, magazines and journals, trade shows, directories and databases, and websites.

- 2007 Sports Market Place Directory - This 2,300 page reference work includes information on professional, college and youth leagues and teams, sports media, events, facilities, sponsors and professional services.


- Federal Appellate Court Law Clerk Handbook - Joseph L. Lemon, Jr. and Federal District Court Law Clerk Handbook - Calvert G. Chipchase. Both of these books provide an overview of clerkship responsibilities and assist clerks as they perform their jobs.


- Lessons from a Headhunter with Heart: Spiritual and Practice Keys to Navigating (and Surviving!) Job Change - Patricia A. Comeford, J.D. with Gina Sauer, J.D. Helps you honestly assess what you really want from a job, knock down the barriers that keep you from your true life's work and chart a realistic course to career satisfaction.

- The Trusted Advisor - David H. Maister, Charles H. Green & Robert M. Galford. This book argues that the key to professional success is the ability to earn the trust and confidence of clients.

We also have the Vault series, several books from NALP that analyze salaries for lawyers and much much more! Please stop by and check out our library!

Natalie can be reached at natalie.kijurna@valpo.edu.
The Secrets to Top Exam Performance in Law School

BY HEATHER LOOBY

Inagine walking into your first class at Yale Law School and seeing your LSAT score posted for all of your new classmates to see. This is exactly what happened to renowned Criminal Law expert Professor Charlie Whitebread on his first day, and it is this type of “intimidation factor” that keeps many great undergraduate students from becoming exceptional law students. However, the Valpo 1Ls that were fortunate enough to attend Whitebread’s lively presentation in the Benson classroom on Halloween gained invaluable insight into the perplexing world that is law school exam essay writing. In addition to touring the country with BarBri lecturing on how to succeed in the first year of law school, Whitebread teaches at the University of Southern California and is a published author of works such as The Eight Secrets of Top Exam Performance in Law School (of which all students who attended the lecture received a free copy).

According to Whitebread, the real difference between classes and exams is that exams will not be about the cases, but will focus on a student’s understanding of the big picture of a course. As we all should know by now, the most common type of question on a law school exam is the 200-500 word hypothetical (hypos). Whitebread said in regard to hypos that, “The number one mistake that most 1L students make is not sticking to the allotted time limits on exams.” He focused on the importance of allocating time by the number of questions, taking into account the individual worth of each question, and dividing up your time accordingly based on these factors. Approximately one-third of students will not finish any given exam, and Whitebread stressed that “Finishing an exam is the most important thing for grades.” However, if you do happen to find yourself in this position when you are running out of time, it is better to turn in a detailed outline rather than not answer a question at all.

Whitebread also cautioned students not to make the mistake of reading the entire exam before beginning it, because this takes up too much time and causes anxiety. Students should always read the last two sentences of every hypo first. It is also crucial to read over every question twice and to “question the question,” since every fact on a law school exam has some legal relevance. Whitebread noted that this is especially true on criminal law and torts exams, where fact patterns contain multiple transactions and “you absolutely need to organize your answer by legal issue.”

Another common mistake that Whitebread says 1L students often make is studying for an open book exam differently than they would for a closed book exam. Whitebread suggested that prior to exams for every course, a student should make a one page list of the most significant issues in each class and then memorize it. He recommended the only additional item you should ever bring for an open book exam is this checklist. This should be the only difference between your study methods for the two types of exams. You should NEVER bring in your class notes or books to an open book exam!

This is a huge waste of time, because you will spend too much time flipping back and forth between pages. Do not fall into this trap because time is always of the essence on law school exams! Whitebread concluded his very informative lecture by explaining that the difference between excellent and mediocre grades lies in the organization and clarity of the response. He ended his discussion with a few of his most important guidelines for exam writing. Below are some of his recommended writing tips.

Whitebread’s Essential Writing Tips:
1. Do not mess around—your first sentence should begin, “The first issue is…” Then, move from one issue to another in order, no mixing issues!
2. If you use a Bluebook, only write on one side of a page in case you make a mistake. This way you can simply write on the back of the page which will look better to a professor grading your exam than leaving out the issue entirely.
3. Never joke with a professor on an exam!!! These are “professional exercises,” be straight up, no jokes!!!
4. Do not let the “early writers” throw you off. There will always be that student who from the minute that the exam is handed out, will begin to write and write and write. Do not let this frantic person unnerve you; this is the one person that you are sure to beat!!!

Good luck to all students on your exams!!!

Heather is a 1L and can be reached at heather.looby@valpo.edu.

Conversations Project

Honoring Our Veterans: Theory and Practice

BY JEN SHEETZ

The Second Conversations Project on Wednesday, November 7th, was the second in the five lecture series for the 2007-2008 year. This program was titled “Honoring our Veterans: Theory and Practice” and focused on the experiences our service members have in the military, but more importantly as they reenter society after deployment.

The panel bridged a broad assortment of perspectives from Earl McDowell, spoke of his experiences with the U.S. Marine Corps in Vietnam and subsequent time with the National Guard. Currently, Earl is actively involved with the Portage Veterans of Foreign Wars (VFW). Captain Nathan Harlan of the United States Army and the National Guard spoke of his experiences being deployed in Iraq. Jill Carley, Director of Programs for the Illinois & Indiana Veterans Administration Clinic, spoke to the mental health challenges her clients, and how the VA is looking to address their needs as well as support them through housing assistance, if necessary. Moderated by Chris Buckley, a VU Law Student and former member of the U.S. Marine Corps, panelists spoke to the difference between serving today, versus during the Vietnam conflict and relative peace time.

Captain Harlan spoke directly to his experiences with veterans care, and the need to receive services for hearing loss, and stress. He related that while Walter Reed Army Medical Center was a state of the art medical facility, prior to 9/11/2001, Walter was already scheduled to be closed in 2009. This decision was made in order to focus resources on expanding the National Naval Medical in Bethesda, Maryland. Therefore when operations began in Afghanistan and Iraq, Walter Reed needed to focus on soldier care, and the facilities were overwhelmed. Captain Harlan’s wife was a nurse at Walter Reed, and stationed there for five months with the Army. In Captain Harlan’s personal experience he relayed the time elapsed since experiencing a hearing loss of 50% in one ear from an explosion next to his vehicle in Iraq fourteen months ago, to now just recently seeing a doctor in Indiana for examination on the condition.

Jill Carley addressed the challenges the VA Clinics have in addressing the breadth and depth of issues experienced by veterans. Not only do veterans experience Post Traumatic Stress Disorder (PTSD), they also have a high likelihood to experience other “less serious” afflictions such as depression, anxiety, survivor guilt, and substance abuse. Until recently, the VA was unable to fully address the stages of substance abuse problems. If patients wanting treatment came to the clinic drunk, they were told to go home and dry out. If they could stay sober for a week to prove they really wanted to change, then the clinic would find a program to place them in for treatment. Policies have now changed such that if a veteran comes to the VA, they will be seen and placed for care upon going the clinic. Chris Buckley expanded upon soldiers’ feelings of survivor guilt, saying this sometimes is the worst of untreated issues since a soldier may have lived through combat, but fellow soldiers and friends did not. This guilt stays with a person throughout life with questions of “Why me?” or, “Why did I live and so-and-so did not?” and, “Why is my life more important than someone else’s?”—questions all resulting in depression. Often the only people able to identify with these feelings are other veterans, and so to capitalize upon these networks can be fundamental to a soldiers’ well being and healing.

Earl McDowell then stated how the VFW makes efforts to support soldiers in just his fashion by providing a safe place for fellowship and recreation. They also ask at every meeting if anyone knows of a comrade in distress, so that the community can help that person in their day to day life. Sometimes this means taking a collection to pay a NIPSCPO bill. Other times it may be health bills that are so overwhelming, that the family has no money for food. The VFW also conducts a community service projects, such as Toys for Tots, every holiday season.

The audience included community members from the American Legion, and VFWs in Valparaiso, Chesterton, Porter and Portage. Students with personal service, as well as those with family members, serving were actively engaged in ex-
ORGANIZATIONS

SBA Philanthropy Update

BY KELLY KRUGER
SBA Philanthropy Chair

The SBA and the American Red Cross put on their annual blood drive on October 30th. The event was another overall success! The Red Cross collected 53 units of blood from 1-6pm. Overall, there were 39 people who signed in along with 14 new donors. Some of the other numbers crunched were 8 deferrals and 2 extra units from the Double Red Cell procedures done.

The beginning of the blood drive initially started with a bang as 17 people came in the first hour. We apologize for any extra wait time as this rush of donors made it busy, but everything went smoothly in the end. The Red Cross was very grateful for every unit donated and looks forward to success in the future. For those who may not have had the chance to donate this time or are not sure about the process, please know that the donation process is safe and simple. Every blood donor goes through registration and a medical history process, a mini physical, the donation, and finally refreshments are given out. The entire process lasts about one hour, but the donations last only 10-12 minutes.

Donating blood is scary to some people, but remember that every second someone in America needs blood and 38,000 blood donations are needed every day. This is a great way to give, especially for law students who may not be able to give financially or donate a lot of other time outside of the law school to local charities. So get ready for the blood drive next semester!

In other news, the SBA’s 1st annual book drive ended last month with a good number of books collected. The books will be sorted and donated to local elementary schools in Valparaiso. Since reading is often cited as being fundamental to a young child’s future success in school and life, this book drive was developed to give back to our local community. Your SBA wants to thank everyone who was able to donate!

Have you seen the little houses near the waste collectors around the school lately? These are the Ronald McDonald pop tab houses that are there to collect pop tabs for the Ronald McDonald House Charities. The Ronald McDonald House Pop Tab Collection Program was established in 1987 by the Minneapolis/St. Paul Ronald McDonald House community. The program provides a “home away from home” for families of seriously ill children receiving treatment at nearby hospitals.

To date, more than 400 million pop tabs have been collected, generating more than $4 million. While the actual cost to operate a room varies from $50-$100 per night, families are asked to donate an average of $5-$25 per night to stay at the House. However, the fee is waived for those who cannot afford it. The difference is made up through donations. Thanks to support from individual and corporate donors, families are never turned away because of their inability to pay. More than 10 million families around the world have benefited from the comfort provided by a Ronald McDonald House. Please save your pop tabs and drop them in the house before putting your cans in the recycling bins. Together our law school can make a difference! For more information, please go to www.rmhc.com and bring in your pop tabs!

SAVE YOUR PENNIES NOW! Let’s put good old Abe to work with another philanthropic event that will be held during law week (February 10-16). We will have penny wars between the classes (1L, 2L, and 3L). The total monies collected will go to the Indiana Leukemia and Lymphoma Society’s Pennies for Patients program. The class that collects the most money will get a pizza party. Thank you to everyone who has been able to help with these events so far this year! Your SBA has personally committed this year to not only dedicating its efforts for the betterment of our law school community but giving back to others as well. There are always great opportunities to help others here at the law school from the VU Day of Caring, to the Book Drive, PDP’s pumpkin carving event for local children, PAD’s adopt a family program, and many more. Your SBA is always looking for dedicated students willing and able to help in these great causes.

Anyone interested in helping with the philanthropic committee should contact Kelly Kruger at kelly.kruger@valpo.edu for more information.

SBA Minutes: What you need to know

Your SBA Members:
J. Sebastian Smelko, 3L - President
Laura Wishart, 2L - Vice-President
E.B. Newberry, 3L - Secretary
Ian Lucas, 3L - Treasurer
Bailey Cunningham, 3L - ABA Rep
Gaby Guzman, 3L
Jordan Gwiazdzon, 3L
Anthony Nwaneri, 3L
Sherwin Tsai, 3L
Megan Krol, 3L
Paul Kulwinski, 2L
Justin Staublein, 2L
Kelly Kruger, 2L
Erica Harder, 2L

SBA Minutes:
Date: 10/14/07

President: The ILS picnic issue has been resolved. Student organizations have been complaining about materials being taken down from their boards. Student orgs, please check boxes. Cardozo lost goods still in office. New smoking ordinance has been passed. Only smoke w/in specified designated areas on campus. If you toss cigarette butt you can be fined. SBA will be purchasing a printer for the office. The deans are not willing to pay for this expense.

Treasurer: $40,800 left in account at end of September. However, with everything that has been expended we probably have about $7,000 left for the year.

SELA - we need to put this into writing and make this a contractual agreement. Billy and Dave are in attendance on behalf of SELA, they were asked to provide rides for Cardozo Cup. They were told they needed to have 2 drivers present. They provided rides as they were told. They are here asking for the money they were promised. There is question as to what SELA was asked to do and what they actually did. Sebastian feels that where there is a miscommunication SBA should bear the brunt. Rob makes a motion to reinstate the $200 fee for services rendered. Paul seconds. Motion passes. SBA needs to create a written contract. Laura, Bailey and Ian will all help Sebastian create this document.

Book Drive - need more books. Donate donate.


Old Business:

Bookstore - law students are constantly getting heckled by the bookstore and having issues. The bookstore is charging more than list price for our books. Students are interested in posting and selling their books online for sale. Some professors have been very upset about this issue and are looking for ways to avoid the middleman.

Student Concerns:

Lounge TV is broken - Anthony will be working on getting a new TV.

Bike Rack - Student concerned with not having a large enough bike rack. Seems more students are utilizing the bike option, so we will be looking at how many bikes are out there and that we should possibly look at buying a larger bike rack. SBA should not buy the bike rack, facilities should be responsible for this.

Lack of Lockers - Student concerned with issues regarding the lack of locker room. Does anyone have any good alternatives to having nothing? Do we still have old lockers? This will again be addressed to the Dean. Any suggestions are welcome for what we can do to help solve this issue.

Speed Bump - could be added and sidewalks as well. Josh would like to know about the lighting situation.

Date: 10/28/07

President: Student Organizations use The Forum to update groups’ activities for monthly updates. Pictures, events, etc. Composite Picture signup for 3Ls in the SBA office currently, a student group called the loop-holes are an organic knitting group - Nov. 7 from 5:30 - 7 will be meeting in the atrium to discuss knitting. Prof. Whitebread will be here at chapel...
break on Wednesday to discuss the secrets of exam taking.

Vice President - 246 tickets sold for the Halloween party. Thanks to everyone who helped make this a huge success. As an SBA member, everyone is required to attend events. Law week - Feb 14: everyone has to be in attendance regardless. Same for Barrister's Ball. If you miss an event, find someone to cover your shift. Great feedback thus far.

HLSA requests time - Day of the dead no longer requires funding. November 13 planning on doing an immigration panel that is open to anyone. HLSA is doing a dinner following the panel that will be at don Quijote. They did not receive what they wanted for the dinner and are asking SBA to allot more money for this activity. Want to provide dinner for the speakers and the members of HLSA. They have sold approximate 5 tickets at $25. This helps subsidize the cost. They are asking for about $250 from SBA to fund this dinner. The dinner is co-sponsored by MLSA and HLSA, their members will also be participating.

Jeff is speaking on behalf of HLSA and MLSA. The panel will discuss current issues regarding immigration and current affairs. Currently trying to secure a different viewpoint for their panel. They are marketing this event as an open discussion. MLSA is asking for $200. Attorney’s are paying for their meals, but the students are not paying. In the past have had problems getting HLSA members to attend events. For the speaker, MLSA received $300 and HLSA is going to be contributing $100. For the panel they need $200. They need $225 for the dinner. Ian suggested that they commit to drive to get the $200 they are requesting. EB motions to table. Megan seconds. Motion passes unanimously.

Old Business:

TV (Anthony) - absent, but found the receipt, and the warranty is valid for three years.

Student Concerns:

LLM students upset because they asked whether there was any kind of study group available for them. Prof. Adams works with them. There is nothing currently established for them at this point. But Prof. Adams will work with them.

CONVO PROJECT continued from page 5

changing stories of their experience as well as asking questions of the panelists. A common theme among tables was that of gratitude to those who did serve, as well as a desire to support families with returning soldiers.

All Conversations Project Events are held in the Christopher Center Community Room at 7pm and are free and open to the public. Following the presentation and conversation, a reception is provided. Upcoming events in 2008 are: 35 Years of Roe v. Wade: Commemorate or Com­miserate on Tuesday, January 22nd. Super Tuesday Spin Doctors: Lessons from the Primaries on Wednesday, January 30th. Forty Years Gone: Martin Luther King, Jr. and the Many Guises of Prejudice on Thursday April 3rd.

For further information, contact Professor Jeremy Telman, VU Law School, 465-7811 or Jeremy.Telman@valpo.edu.

Jen is a 2L and can be reached at jennifer.sheetz@valpo.edu.

Ralph Waldo Emerson may not have graduated from VUSL, but I think it's safe to say things worked out for him. It is that time of year again, and perhaps we should all take a moment to reflect on the good that surrounds us, and what more can be done at our school and in our community. The SBA recently held a blood drive with the American Red Cross. There was an outstanding turnout for this event, and it may turn out to be life saving for someone nearby. The SBA is also currently working on a children's book drive, and if you can donate any children's books towards that cause it would be greatly appreciated.

Additionally, the Valpo Law Democrats have been putting together care packages to send to our soldiers in the Indiana National Guard that are currently in Iraq. Please consider getting involved with that cause. The Student Animal Legal Defense Fund (SALDF) recently spent a Saturday volunteering at the Porter County Animal shelter. The shelter can always use extra supplies, or even an hour or two every once in a while working with the dogs and cats would be a great help.

Also, the Boys and Girls club in Valparaiso is looking for after-school tutors. This is a great way to help the Valparaiso community, and it is also a rewarding experience. Get in contact with the Club if you are interested.

The Forum would also like to thank all our staff, and occasional staff, for writing articles or giving up time to make the paper successful. We would like to ask all of the organizations to get more involved with us, and to submit a monthly note describing any activities your organization has planned. This is a great way to keep our community more informed, interested, and active in what is happening with all of our organizations.

Sincerely, E.W. Gettemy

Be reasonably prudent.
ORGANIZATIONS

Hellenic Law Association

The Hellenic Law Association is a new student group at Valparaiso University School of Law. We come together to celebrate our heritage and culture and invite anyone to come to our events and share in our social camaraderie. The Hellenic community is known for being a tight knit group that helps each other, and we hope to tap into our community's resources.

We have already participated in networking events in Chicago and Crown Point. HLA attends the events of umbrella organizations like the Hellenic Bar Association of Chicago and the Hellenic American Leadership Council to foster ties with lawyers and professionals of Hellenic descent. We are planning a trip to Chicago's Greektown in the spring to visit the Hellenic Cultural Museum and dine with attorneys from the Hellenic community.

Nina is a 3L and can be reached at nina.mariano@valpo.edu.

Valpo Dems

It's November, which means it is election time! The Valpo Law Democrats have been active in supporting campaigns both in Porter County and LaPorte County. Thank you to everyone who volunteered time to work on the campaign.

November also means it is time to remember our veterans and those in active service of our country. The VLD is proud to be a supporter of the Conversations Project, whose program on November 7th is titled, "Honoring our Veterans: Theory and Practice." This program is designed to explore the experiences of veterans returning from the various fronts in the war on terror. Panelists will address the problems faced by returning veterans, including coping with physical and mental injuries and reintegrating into civilian society.

The VLD will conclude its semester by creating care packages to send to our deployed Indiana National Guard members in Iraq. We ask all students, faculty and staff for their support in writing a personal note of gratitude to our service members this holiday season. Please stop by our table in the atrium, or send an email to jsheetz@valpo.edu, to sign a card and to donate items for the packages.

-Warm Regards,
Jennifer Sheetz
President- Valpo Law Democrats

Jus Vitae

Jus Vitae is Latin for "the Law of Life" or "the Right to Life." A national law reform organization originally founded at Valparaiso University, Jus Vitae is a student group which reserves the sanctity of human life from conception through death. Our members comprise a variety of ideologies, yet share in this righteous conviction. Consequently, we strive to improve our society's quality of life through community service and pro-life-themed events.

By the end of the semester, Jus Vitae will have hosted four guest speakers, including Dr. Alveda King, niece of Martin Luther King, Jr., and James Sedlak, Vice-President of American Life League. The last guest this Fall will be Tom Brehcha of the Thomas Moore Society in Chicago. Tom is a prominent Pro-Life attorney who will be discussing his legal work and a variety of issues relating to abortion and the law on November 14th at 4pm.

All inquiries can be directed to jusvitae2007@gmail.com.

Sherwin is a 3L and can be reached at sherwin.tsai@valpo.edu.

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November 2007
Business Law Society

On October 15, 2007, the Business Law Society was delighted to host special guest speaker and accomplished V.U.S.L. alum Mr. Devin Klein. Mr. Klein, the Vice President of Franchise Recruitment and Development Department for Kumon North American, Inc. shared with the BLS his interesting and unique story about how he achieved his current position in the corporate world. In addition to informing the BLS of the challenges he has faced along his career path, Mr. Klein reiterated what business law challenges current law students may face in the future during their legal careers. It was a pleasure to have such an insightful view of the day-to-day legal concerns faced by today's corporations.

Justin is a 2L and can be reached at justin.markley@valpo.edu.

Thank you VUSL

BY BRIAN BENNETT
Guest Writer

If law school taught me anything about arguments - it would be that I learned to know the facts better than the opposition. I learned to respect the capabilities of others in advance of reliable information to the contrary. May it Please the Court, and Distinguished Readers...

Justice Scalia's recent visit to VUSL was one of the most amazing events in my professional life. It was a combination of what I refer to as the "Santa Complex" and the Italian pride instilled by my immigrant family. Like a young child seeing Santa for the very first time, I watched in awe as Scalia answered our questions with conviction and enthusiasm. I imagined the cases he witnessed firsthand, offering potentially life-changing results through his opinions. With admiration I watched as Dino Pollock exchanged commentary with this important man with great confidence, knowing himself to be one of the future legal stars of VUSL.

Briefly I felt my "complex" again as I realized how much of Scalia's words and insight into the Court I learned from my professors. It seemed at the time, this was about to become the emotional culmination of a man who waited many years to become an attorney - who was only weeks from graduation. Justice Scalia changed all that. Instead, I fought with everything I knew to keep quiet. I felt compelled to prove to him I knew "these" case facts far better. Instead, I reserved my beliefs for another time - this time.

It is funny how things work out. As a single father of two sons nearly ten years ago, I accepted I would not attend law school. Life was too hard, my sons too young. My oldest son caused me to look into the possibilities as I lost yet another argument to him. And here I am. Less than a month from graduation! This emotional journey was inevitable, but Justice Scalia's visit was the catalyst. The facts in this case are clear. Justice Scalia inaccurately stated VUSL is a "lesser school." A top ranked VUSL student may be equaled, but certainly NOT out-performed! Scalia was not properly informed of the caliber of professors or students at VUSL. If Scalia received vitae's on Lind, Breetzke, Carter or Whitton [to name just a few] he would have asked himself the question, "why are these professors at such a 'lesser school'"? Maybe he would have processed this answer through to conclusion before misstating the facts. VUSL holds some of the brightest minds, talented professionals and future stars anywhere in the world!

I do not fool myself into believing I am one of VUSL's best. I recognize my limitations and know my strengths lie in my conviction to help others, intensity, and high personal demands. But, as a non-traditional student with a family, I learned the first week of classes I was not nearly as intelligent as I originally believed. I blamed it on age and inability to recall lists of facts from memory - but I knew otherwise. The first time Professor Lind called on Heather James, or Rickey Glover spoke in Criminal Law - I knew with conviction I was in trouble. Work ethic had always been the tool I used to make up for those smarter than I, but I was not prepared for the fact that there were some in the world with both incredible intelligence and work ethic. I had the great fortune of meeting and getting to know Shelby Byers early in my arrival. For the first and only time in my life I listened to a person set her goals - of being her very best. Nearly three years later, Shelby accomplished each and every detailed objective she outlined - not only being her best, but one of the best.

At VUSL, our administration and faculty demand the best. Not only in the classroom but in preparing their students to best serve society. Professor Carter, for example, continues to bring the students to the law - unlike a traditional method of instruction, he creates once-in-a-lifetime opportunities for students to experience the law. One of his projects enabled me to work with indigent prisoners in New Orleans. Trust me, meeting and aiding a woman who lost her children in Katrina is far more influential than reading about her in a case. Professor Carter is one of those who makes the journey through law school one of great challenge and growth. His ability to inspire us to become great leaders and attorneys is almost matched by his ability to make us feel equal. This is no easy task for students who know better - anyone of us would be fortunate to attain his accomplishments.

I find it unimaginable that there is another Professor Lind anywhere. Although I admit I came pretty close to getting hives more than once in Civil Procedure, I never met someone who wholeheartedly expected the best from all. She treats students as though we should all be in the top 1% - she requires us all to know it, believe it and live it. My greatest disappointment in law school has been my inability to meet her expectations, and I wonder how many of Scalia's "better students" could meet her challenge?

VUSL's legal writing program enabled me to obtain a paid law clerk position at the close of my 1L year. I challenge any law school to produce a skill immediately marketable in their students. This successful civil and criminal practice is owned by VUSL graduates with 30+ years as practitioners who remarked constantly on the research and writing quality I learned. Like every VUSL graduate I met, they share support and offers of assistance to their following comrades. Superior, if not comparable to any "better school" alumni program. Attorney, Professor and former Magistrate John Shanahan is just one example of an accomplished VUSL alum who literally enjoys helping us become attorneys. Few others, at any school, are as competent or eager to encourage a developing legal mind. Thanks to Professor Stuart, I learned to prepare legal briefs worthy of the clients Judge Shanahan served, and how to prepare for exams to improve my GPA.

As a clinic intern, I am part of a program helping hundreds of families with real issues – from the potential homelessness of a family with children to a delinquent convicted of reckless homicide. VUSL's mission of serving their community is not a slogan -- it is real. Supervising Attorney Gail Tegarden handles thousands of cases - each with the same dedication as the one before it. As a VUSL grad, her daily life is consumed by helping youth find their way to a better future. Sure, an Ivy Leaguer may participate in a pro bono effort, but I challenge any program to show how it is a way of life.

Valparaiso University School of Law is really a family. Yes, there are those of us who are still growing into maturity, and those of us who wish we were still youthful enough to grow, but take it from someone who no longer has extended family, we are fortunate to be a part of this familial history. Ann Weitengant and Darlene Leatz opened the door for many students here and made it possible for many of us to remain. I credit the admissions office not with the job they do every day, but with the care and attention they pay to opening the door to our futures. Tony Credit has always been an inspiration. Few "better schools" can have staff members who actually care about their students. It can be no easy task to share with potential incomers what life is actually like at VUSL. Especially when the common knowledge of "what is a 'better school'" is distorted. How do you tell applicants how VUSL's open door policy works? It is impossible to share what it is like to have Professor Vandercoy always available regardless of the case on which he is working? Or that professors like Professor Levinson, who have been involved in historical cases personally, is ready to see you?

Graduation, for me, arrives in less than a month from the time this was written. I watch each event pass with enough emotion to last a lifetime. As a twelve-year-old boy in a women's shelter a long time ago, I hoped to someday be able to come to the aid of others as someone once did for my family. I was not certain what that meant, only that it meant everything to me. Over the course of my life I made many errors, most of which I did not completely understand until arrival at law school. I am not certain what my future holds -- but I know this, I will never be able to forget the powerful memories created here. I will never be able to repay my gratitude for professors who listened to my analysis and questions without causing me to feel inadequate. It is because of you I grew and learned far more than I anticipated. And will forever be grateful.

Thank you VUSL!

Brian is a 3L and can be reached at brian.bennett@valpo.edu.
MOOT
continued from page 1

America at large.

3L Andrew Lucas argued the issue for the Respondents. Lucas focused his argument on the funeral being a captive place in which the speech is invasive and therefore intermediate scrutiny should be used. Once again, Justice Scalia was the first to jump in and stated that the ordinance was not narrowly tailored. Lucas countered by stating that the 200 foot buffer was designed to protect an invasion of privacy. He explained that even if the protest was in support of the funeral, the protestors would still not be permitted to come closer than the 200 feet.

Judge Pallmeyer asked whether the ordinance included hand-billing and if so, why is it not content-based? Lucas argued that the ordinance does not restrict on viewpoint but it restricts part of the funeral. He also stated that the ordinance is closely related to the significant purpose of protecting people attending a funeral.

Justice Scalia made the point that picketing targeted at a home is not allowed, but picketing by a home is acceptable. Therefore, why didn't the city do something similar and ban picketing targeted at a funeral rather than ban picketing near a funeral? Lucas answered by stating that the City feels it avoids the problem of figuring out who was protesting what, by creating the 200 foot buffer. Justice Scalia replied stating that this argument broadens the ordinance rather than narrows it. Lucas brought up that the protestors have alternative means and can do whatever they want past the 200 feet.

The second issue before the judges was: Are Alex Bauer's First Amendment rights violated when he is suspended from school for participating in a protest during school hours? 2L Jeffery Speights argued for the Petitioners explaining that it was unclear whether the funeral was a school-sponsored event. He pointed out that the school was not involved with the funeral; it just allowed students to leave to attend it. In support of that argument, Speights explained that no faculty members were there to supervise the students. He also argued that the Petitioner was demonstrating with the congregation of his church and the content of the protest was "core political speech." The sign the Petitioner was holding stated, "Woe unto those who condone homosexual activity."

Justice Scalia disagreed with Speights use of the term "core political speech" explaining that the speech in question was not core political speech. Speights argued that nonetheless, the school cannot silence speech just because it is disagreeable. Additionally, he argued that the principal of the school had no right to censor and suspend the Petitioner. Another point Speights brought up was that the protest did not create a disturbance of school using Tinker v. Des Moines to support his argument. Speights concluded by stating that the speech engaged in by the Petitioner was protected and was not expressed in a disruptive way.

2L Tamara Carnahan argued the issue for the Respondents stating that the school was being proactive and its reaction to the situation was not in violation of the Petitioner's rights. Both Judge Manion and Justice Scalia were concerned with whether or not the funeral was associated with the school. Carnahan explained that the funeral took place during school hours, the students had to get permission from the school to attend, a convocation ceremony was scheduled and therefore the school was participating in the funeral.

Justice Scalia questioned whether a solemn requiem high mass would qualify as a school sponsored event. Carnahan answered by stating that there had been previous violent events in the school and the school was acting to protect the school. Judge Manion asked whether the Principal knew of the Petitioner's views before the funeral. Carnahan stated that the school felt justified in letting the students go to the funeral.

Speights reserved two minutes for rebuttal in which he made two points. First, he reiterated that the funeral was not a school function. Second, he stated that the City's code was an unconstitutional violation of free speech, was not narrowly tailored and fails both strict and intermediate scrutiny.

After a brief recess in which the judges deliberated, all three judges ruled for the Respondents represented by Andrew Lucas and Tamara Carnahan. The Best Oralist award went to Tamara Carnahan. The judges then gave their observations about the arguments. Judge Pallmeyer said that each one of the participants did a good job advocating for the client and gave good, direct answers to the questions.

Judge Manion said he was impressed with everyone and their knowledge of the case and case law. He went on to say, "It is always better to know your opponent's case better than the opponent."

Justice Scalia stated, "You guys are ready. I have heard a lot of arguments on the Supreme Court and many are not as prepared or as good as you." He also gave some tips, stressing to never display impatience or exasperation in questioning. "The only time you are not wasting your time is when you are answering a judge's question," he advised. Justice Scalia ended by stating, "Congratulations, all four of you will be excellent advocates."

Other honors went to Dominic Buttitta for Best Brief.

Kristen is a 3L and can be reached at kristen.thompson@valpo.edu.

LIVING
continued from page 1

lawyers" appointed to the court. "I have no idea what the evolving standards of decency are in this society," Scalia said. "Frankly, I'm afraid to ask."

Scalia expressed little hope about reducing the influence of the living document interpretation. "Because it's such a feel-good philosophy, it'll be hard to get back to [originalism]," he said. After discussing the results of Raner v. Colorado and B.M.W. v. Gore, Justice Scalia stated, "[Originalism] can work for liberals and it can work for conservatives. I say, a pox on both their houses. I dissented in both because neither represented what the Constitution was intended to mean."

Justice Scalia stated that he enjoys going around to various law schools making the argument against the "living Constitution" notion just to make trouble. He then went on with why the notion of a "living Constitution" was wrong. Justice Scalia referred back to his previous argument regarding Congress' greater ability to remain in touch with society's current standards of decency. The final "killer argument" according to Justice Scalia, is that one cannot defeat one philosophy with nothing. One cannot claim that a philosophy is bad without having another to challenge it.

After speaking for about an hour, Justice Scalia took a few minutes to field questions from the audience.

The last question of the afternoon resulted in a glimpse at the entertaining side of Justice Scalia. One student asked, "If he could preside over any court case in history, which would he choose?"

"The court that condemned Socrates," Justice Scalia said. "I think he got a raw deal."

Alecia is a 2L and can be reached at alecia.pehr@valpo.edu.
On Thursday, October 18, 2007, VUSL students were able to participate in a Question and Answer session with United States Supreme Court Justice Antonin Scalia. Justice Scalia is most noted in his jurisprudence for having a textualist philosophy when considering questions of statutory interpretation, and having an originalist philosophy when interpreting the Constitution.

The questions were prepared beforehand and used at the discretion of the VUSL American Constitution Society and the Federalist Society, who jointly sponsored the event. In his remarks, he mentioned his personal opinion of Valpo Law, and why he chose VUSL out of many others he could have visited. He stated, “I haven’t visited all two-hundred law schools. There are only some I have a special affection for, Valpo is one of them.”

Scalia’s answers to the questions were by and large thoughtful and candid. What follows here is a list of some of the questions posed and a brief summary of the answers given by Justice Scalia. Let me stress the fact that the session was not electronically recorded, and these answers are from shorthand notes, and thus do not represent a word-for-word transcript. The purpose of this article is to give the general gist of what was said.

1. In a recent article, the New York Times characterized the ideological divide on the Court as “bitterly divided as it has ever been.” The Times said this divide makes the Court more like a “political body than a legal one.” Whether real or perceived, the idea that the Court is politically or ideologically divided is disturbing. How would you address this law student’s concern regarding the influence of ideology and the administration of justice?

A: 1 and 2. “You should not believe what you read in the New York Times”. This was followed by laughter, and Scalia quickly narrowed his initial jest by specifying that when the Times writes about the Court, they are nearly always misinformed or plainly wrong. He stated this is mostly due to the fact that no one has access into the Justices’ discussions of the case, not even secretaries or law clerks. In addition to this, it is the long tradition of the Court not to respond to these types of articles because the Court is not a political institution. He stated, “The press does a terrible job of covering the personal or political strife within the Court”.

Scalia added that the latter doesn’t even exist, and that his best friend on the Court is Ruth Bader Ginsburg, who is obviously politically distinguishable from himself. As a side note, he said their families often vacation together to establish the fact the personal differences do not contribute to the internal structure or decision-making process of the Court. In addition to this, their personal differences in the Court don’t contribute to their personal relationships outside of the Court. There is no lack of collegiality on the bench.

2. Is the Court concerned about the high number of 5-4 decisions and the perceived lack of collegiality on the bench?

A: I and 2. “You should not believe what you read in the New York Times”. This was followed by laughter, and Scalia quickly narrowed his initial jest by specifying that when the Times writes about the Court, they are nearly always misinformed or plainly wrong. He stated this is mostly due to the fact that no one has access into the Justices’ discussions of the case, not even secretaries or law clerks. In addition to this, it is the long tradition of the Court not to respond to these types of articles because the Court is not a political institution. He stated, “The press does a terrible job of covering the personal or political strife within the Court”.

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3. In light of evidence that public schools today are more segregated than they’ve ever been in the past 30 years, should the Court be using strict scrutiny in assessing the constitutional validity of efforts to correct this pattern of segregation?

A: “This is a silly question”. [Scalia intimated that he would find a law that provided for the compulsory mixing of race unconstitutional. This would be due to the fact that segregation, as it was understood in the 1940s and 1950s, no longer exists today. If there are areas that happen to be disparate in race that is far different than a state-sponsored “separate but equal” policy.]

4. In light of the public concerns being voiced about the executive branch’s claims to vast power such as warrantless wiretaps, torture, dispensation of federal habeas review, foreclosure of a federal forum for detainees, should the role of the Court be reining in executive power?

A: The Court does not exist to shape up the executive branch or to shape up the Congress. Public grievances are taken care of through the democratic political process.

5. Regarding abortion, physician assisted suicide, gay marriage and other controversial issues, why is there such a legal issue with what people do with their own bodies? Shouldn’t the ultimate power be given to the individual whose bodies are affected by these policies and laws?

A: Society has always regulated morality. Current examples of this can be found in the prohibition against bigamy or smoking. Why would these be the business of society any more than abortion would be? If there is abortion, why not have incest? First of all, the notion that abortion is solely dealing with “your own body” is highly disputable. Secondly, the question is silly to begin with.

6. Thurgood Marshall has said, “I do not believe that the meaning of the Constitution was forever fixed at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation, and its respect for the individual freedoms and human rights, we hold as fundamental today. We will see that the true miracle was not the birth of the Constitution, but its life, a life nurtured through two turbulent centuries of our own making...” What is your response to Justice Marshall’s remarks on the Constitution?

A: The Court does not exist to shape up the executive branch or to shape up the Congress. Public grievances are taken care of through the democratic political process. Whatever frailty existed in the original document, it is not up to five out of nine people to decide [The required majority on the Supreme Court].

7. What deference should be given to the doctrine of stare decisis?

A: Not too much in statutory matters because Congress can fix statutes. As for stare decisis and the Court, I follow a three part analysis:

- How wrong is it? How wrong was the result of the case?
- How accepted is the decision today among the legal community, and the other justices?
- Can I work with it? Is there clear and functional rule that can come from the case and its reasoning? For example, Roe v. Wade was a horribly unworkable case, and possibly one the worst reasoned cases on the history of the Court, no matter which side of the abortion debate you fall on. Even in Casey, the standard is essentially what is considered an “undue burden.” This standard is policy, not law. I can’t work with it.

8. What are your views on the contentious nomination process for Supreme Court nominees?

A: This is what lies at the end of the road of an “evolving Constitution”. The most important thing the people [Congress] want[s] is to put people on the Court who want to rewrite the Constitution to fit their agenda. The people [Congress] have figured out the game.

9. Will Justice Scalia hire a Valpo student as a law clerk? [Followed by loud applause]

A: I believe in a meritocracy. I would even prefer to hire a Valpo student if I could be sure I could count on them and their ability. The position is critical to the functioning of the Court and subsequently the Country and it would not be a good thing if I had a clerk who couldn’t handle the job once they’ve already been selected.

Eric is a 2L and can be reached at eric.gettemy@valpo.edu.
VIEWPOINTS

ALWAYS LOOK BOTH WAYS...

Rape Shield Laws

BY AMY RIEDERER
Columnist

Reasonable people think that a woman's sexual history is relevant to an allegation of rape. For those readers who may be aghast at that proposition, consider that Indiana is one of four states that have not adopted so-called rape shield statutes. Even though the statutes allow for a defendant to admit evidence of past consensual sex with that defendant, opponents still contend that any sexual relations, with any man, are relevant to a charge of rape. Is this logical? Consider this simple illustration: I flip a coin in math class and it lands "heads up." I flip it again and it lands "heads up" again. My ninth grade teacher asks me what I think will happen the next time I flip it and why. For all of you that passed basic probability in high school, you know that if my answer is "it will land heads up because it landed that way twice before," I fail the test. Apparently, most people don't equate sexual intercourse to flipping a coin (although some may disagree), but in this respect they should.

Now consider a more analogous illustration: A person defaces a city statute, and is prosecuted and convicted of criminal mischief. Two years later he finds another statute, smashes it and is convicted again. Three years later this same man comes before a court accused of destroying yet another city landmark. The prosecution wishes to introduce evidence that he has been convicted of criminal mischief two times before. How will the judge rule? If you said inadmissible, you deserve a cookie. A general maxim of evidence is that, absent crimes of dishonesty, evidence of prior bad acts and character traits is inadmissible to show action in conformity therewith. The purpose of the maxim is to prevent a jury from giving more weight to the fact of a person's prior similar crimes than it should. The question is not, "is this man mischievous," the question is "was he mischievous on this occasion." By analogy, opponents to rape shield statutes believe that a quarter that lands "heads up" ten times will do so every time thereafter, and that the evidentiary protections society affords to those accused of a crime do not extend to those who are victims of crime.

Anyone who has witnessed a rape trial will admit that it is unlike any other trial. Even with rape shield statutes, the victim's sexual history inevitably seeps into trial in some way. In states like Indiana, women know that bringing rape charges include bringing every sexual exploit, no matter when, or under what circumstances, into the community arena. Although the victim is not the one on trial, it often looks like she is. Her private life becomes court record, her sexual history likely the lead story on the nightly news in a high profile case. While rape shield statutes originally sought to protect the victim only in the courtroom, current legislation also intends to protect victims from the media microscope in a further effort to encourage women to report rape without fear of retribution.

Opponents of rape shield statutes contend that an allegation of rape is all it takes to ruin a man's life. They point to Kobe Bryant as an example of a man who has been branded a rapist without ever really being proven to be one. In response, I would say that if you want to see a person's reputation dragged through the mud, a person's past smeared in her face, a person's name branded forever in the public conscious, look not to the man who allegedly committed the crime, but to the woman who pointed the finger.

Amy is a 2L and can be reached at amy.riederer@valpo.edu.

BY JEFFREY MARDEN
Columnist

With the exception of homicide, rape is perhaps the worst possible crime one person can commit against another person. In this instance, the aggressor (usually male) forcibly penetrates the victim (usually female) against her will. Even though the victim is still physically alive, she will never be the same as a result of the violation.

Because the act of rape is so heinous, the vast majority of jurisdictions have passed a rape shield law which prevents a defendant from cross-examining the victim about her past sexual behavior. However, not only are rape shield laws unconstitutional, they are completely prejudiced against men. To defend against a rape charge, only two defenses exist: alibi (it was somebody else) or consent. If the defendant's DNA is present on the victim, then consent is his only defense. But, the act of rape is extremely easy to assert and extremely difficult to prove.

The Constitution permits those who are accused of crimes to present the best possible defense. As a result, by refusing to allow a defendant to establish some critical evidence of the victim's state of mind, the government is in effect preventing a defendant from defending himself. The theory in allowing the evidence is that if the woman had sexual intercourse with several people after a rape, she would not have been traumatized: most likely because the rape did not occur. Take, for instance, the Kobe Bryant trial: he was charged with raping a worker at a Colorado facility where he was seeking rehabilitation for an injury. Although the defense had evidence that the victim had sexual intercourse with several men the same night as the "rape," Bryant was subjected to Colorado's rape shield law.

Furthermore, the rape shield laws are completely biased against men. Granted, the vast majority of rapes that are committed in this country are perpetrated by men against women; however, that fact does not entitle women to accuse any person of a great injustice, and then not allow him to rebut the charges. Based on the rape shield laws, most jurisdictions do not permit a defendant to admit evidence of specific instances of the victim's prior or subsequent sexual conduct, including opinion evidence or reputation evidence. As a result, a woman may consent to sex, claim that she was raped, and then prevent the defendant from discussing or analyzing her past sexual tendencies and history.

The federal rules of evidence are based upon the propensity of people acting in a particular manner given a specific situation. Additionally, the rules were drafted with the belief that a person will behave in a reasonable way given a certain set of facts. This intent, however, is completely destroyed by the rape shield laws because the history of the victim is not allowed to be entered into evidence. In our society, the victim is not supposed to be on trial; the defendant is. However, in cases such as rape where the case becomes "he said, she said," the character of the parties is the determinative factor in swaying the jury. Therefore, at the risk of further traumatizing the victim, the lesser evil is to allow an innocent man to spend the rest of his natural life in prison based on inconvenience.

Going back to the Bryant case, several reputable sources have cited the progression of the lawsuit as follows: Bryant had consensual sex with the woman; she then blackmailed him for money and threatened to charge him with rape if he refused to pay; he did not acquiesce, and then she brought the rape charge. While admitting that this situation is in the extreme and not the norm, this woman was protected at the expense of an innocent man (notwithstanding the fact that Bryant committed adultery).

Finally, regardless of whether a man is acquitted of rape, the stigma will follow him for the rest of his life (see Bryant and the Duke Lacrosse team). Although a raped woman deserves to be protected, this protection should not occur at the expense of a man who is entitled to try to salvage his own life, especially when he is innocent until proven guilty.

Jeff is a 2L and can be reached at jeffrey.marden@valpo.edu.
**SPORTS**

**Professor Rebecca Huss named guardian of dogs in Vick case**

Valparaiso University School of Law Professor Rebecca J. Huss has been named Guardian/Special Master of the dogs in the civil forfeiture case involving Michael Vick. Professor Huss, a noted expert on animal law, will determine the future of 48 dogs. Some of the dogs may be permanently placed; however others may require euthanizing to protect the public or other animals.

“As someone whose academic endeavors focus on the legal status and value of animals in our lives, I am honored to represent the interests of those at the heart of this case, the dogs,” Professor Huss said upon accepting the appointment by the US Attorney for the Eastern District of Virginia. Her appointment became official when Judge Henry E. Hudson signed a court order.

Professor Huss is traveling to Virginia, where the dogs are being cared for at six shelters. She will make recommendations for their future to the US Attorney after observing the dogs, reviewing evaluation reports from animal care professionals and interacting with the evaluation teams. The court would then be responsible for carrying out Professor Huss’ recommendations.

Professor Huss, on the faculty of Valparaiso University School of Law since 1999, said “The US Attorney’s office did an excellent job negotiating the plea agreement so that the interests of the dogs can be considered in this matter.”

“The U.S. Attorney has asked that each pit bull be spayed, neutered and have microchips implanted, according to its motion filed Monday in U.S. District Court. The order said experts have determined there is placement potential for the remaining dogs. It also said additional dogs may be euthanized after more evaluation, but further assessment and consideration of all placement options is preferred.

In July, the United States filed a civil forfeiture action relating to approximately 53 pit bull dogs located on Mr. Vick’s property. In August, Mr. Vick entered a plea of guilty to federal conspiracy charges stemming from his involvement in an animal fighting venture. In his plea agreement, Mr. Vick agreed to forfeit all interests in the dogs and make restitution for costs associated with disposition of the dogs. Four dogs subsequently died and a federal judge earlier this month ordered that one of the remaining 49 pit bulls seized be euthanized.

There is no deadline for Professor Huss to complete her duties. “My goal, and the court’s goal, is to find the best possible future for the dogs and the humans and other animals with which those dogs would come in contact, she said.” As with other guardianship proceedings, each dog in this case will be evaluated on an individual basis to determine the most appropriate future.”

Jay Conison, Dean of Valparaiso University School of Law said “We are all very proud that Professor Huss is assisting in this case. Valparaiso Law places a high value on our faculty lending their expertise.”

—Courtesy of VU News

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**NFL SEASON REVISITED**

**BY ERIC GETTEMY**

*Executive Editor*

I n the September issue of The Forum I made the following predictions for this year's NFL standings. * indicates a possibility (reasonable, not mathematical) of finishing as predicted. ** indicates a probability of finishing as predicted.

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<thead>
<tr>
<th>Sept. Predictions</th>
<th>Current Standings</th>
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<tr>
<td>New England 12-4*</td>
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<td>N.Y. Jets 10-6</td>
<td>N.Y. Jets 1-8</td>
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<td>Buffalo 6-10*</td>
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Green Bay 3-13 | Chicago 3-5
New Orleans 13-3 | Tampa Bay 5-4
Tampa Bay 8-8** | Carolina 4-4
Carolina 8-9** | New Orleans 4-4
Atlanta 6-10** | Atlanta 2-6
St. Louis 12-4 | Seattle 4-4
Arizona 11-5 | Arizona 3-5
San Francisco 10-6 | San Francisco 2-6
Seattle 9-7** | St. Louis 0-8

I guess my predictions weren’t terribly off the mark. However, there are some surprises this year. The NFC north is emerging as one of the most unpredictable and the most interesting division in football. Obviously, in Green Bay, Brett Favre has shown he has something left (either that or defenses are showing they don’t care to cover the deep routes during the last plays of the game), and the Green Bay defense has come along nicely.

Even so, there is still no dominant running back and you have to wonder if you really want to depend on Brett Favre (legendary as he may be) to win every game in the final minute, especially in the playoffs. Are the people of Wisconsin with their high-fat diet and fried cheese milkshakes receiving back and you have to wonder if you really want to depend on Brett Favre (legendary as he may be) to win every game in the final minute, especially in the playoffs. Are the people of Wisconsin with their high-fat diet and fried cheese milkshakes receiving

Don’t give up on the Bears just yet. The Grossman era appears to be over, and Brian Griese seems to be earning the confidence of his receivers. The defense has been questionable at times, but I anticipate a renewed vigor after their bye week. Also, the implementation of Hester in the passing game has been key in some victories this year. The Bears will likely find some more creative ways to use Hester. Minnesota will live and die with Adrian Peterson, this year’s breakout player and rookie sensation. They also have Chester Taylor healthy which will allow them to keep Peterson fresh the whole game. The defense has also been effective at times and if this team can put it all together, they could be playing for a wildcard spot. Although, it is far more likely they will be playing the role of spoiler in the NFC north.

The Lions have been especially impressive this year, but they need to protect QB Kiffin better to be a legitimate threat deep in the playoffs. They are my favorite in the NFC north though, as I see them edging out Green Bay by one game. However, Green Bay should make the playoffs with a wildcard.

**Playoff Predictions NFC:** The byes are going to Dallas and Detroit. At last, here lies the bold statement. I really like Detroit with a healthy Kevin Jones as he gives them a balanced approach to their offense which they desperately needed. I would venture to guess that their offensive line struggles which have been a heavy burden this year could be remedied by keeping defenses off-balance with a consistent and effective running attack.

This, coupled with an intuitive notion that Green Bay will falter late due to their youthful inexperience, will get Detroit into a bye position. The non-bye division winners will be New Orleans and Arizona. New Orleans will put things together and finish strong. I see Arizona struggling but being able to put a few key wins together to edge out a weak NFC West by a game or so. The Wildcards will go to Green Bay and New York.

Eric is a 2L and can be reached at eric.gettemy@valpo.edu.
Time to Cache Up

WLSA hosted a trivia night to raise money for Breast Cancer Research and Awareness. The VELS auction raised money to fund environmental projects in Northwest Indiana.

You went to New Orleans to help Katrina victims, took the initiative to build a new student advisor program for the current class of 1Ls, served on ABA committees, and on and on and on. (See the philanthropy update elsewhere in this issue for more examples of law student community service.)

When you graduate, you become well-recognized for not just your professional acumen, but, more importantly, for your integrity and dedication to community (however you define the borders of your community). Read Dean Conison’s report to alumni at www.valpo.edu/law/alumni/alumnitrfall2007 for some of the recent alumni proofs. You will find Dean Conison’s acting as the Acting Deputy Attorney General of the United States, President of the National Bar Association, recognized as one of the “world’s top corporate counsel,” completing a successful term as the president of the Indiana State Bar Association, and elected to the Indiana Supreme Court Disciplinary Commission.

No one requires you to accomplish all these great and wonderful deeds. You do it because you know – inherently know – that it is the right thing to do. Law is indeed a calling when properly learned and properly practiced.

You are an achiever; your work is to fulfill even the unexpressed needs of others. You have an innate drive to excel, accomplish, and succeed. This natural capacity to thrive is the core of your personal cache. Triumph. Reap the strength; share the strength.

Dean Cichowski can be reached at curt.cichowski@valpo.edu.

An Evening At Pikk’s Tavern

Let me introduce you to one of your new favorite restaurants in Valparaiso. At a place called Pikk’s Tavern, located in the heart of downtown at 62 W. Lincolnway, a bustling crowd gathers on a tepid autumn evening. It is a veritable postmodern saloon complete with an antique bar and several aged pictures of turn-of-the-century gentlemen finishing their beers. The after work crowd is there, others are sharing an evening out with family or friends. It’s a robust mixture of townsfolk, and the scene was a precursor for the eclectic feast which was only moments away.

After I was seated, along with a few other bonafide gourmands, I immediately had a problem. Certainly, it is a problem most establishments would prefer to have. Everything on the menu looked satiably delicious. Looking to avoid the pitfalls that would arise from trying to get four hungry law students to agree on meals, I collected the menus and handed them back to our amicable waiter with one request. I asked our meals to be at selected at the discretion of the chef. This was a good call, so to speak, and what ensued in the coming hour was nothing short of palatable bliss. I will now attempt to recount this experience as best I can.

We started things off with a serving of the tuna tartar, which is raw Ahi tuna served with Mediterranean fennel, capers, red onion relish, and crispy waffle potato chips. It is a light appetizer, and great way to start things off. Other appetizers that looked worthwhile were the calamari served with a spiced tomato sauce, and a special Pikk’s tartar sauce, and also the BLT Wedge salad which features a huge cut of iceberg lettuce covered in applewood smoked bacon, tomato, homemade croutons, and a black peppercorn ranch dressing. Or if it’s a Wednesday, you can’t pass up the tableside guacamole and tortilla chips.

The first of the entrees to come out was an Asian tempura dinner. It consisted of a fried portobella mushroom with stir-fried vegetables over organic brown rice, all mixed in a sweet and sour chile glaze. It had a delightfully overwhelming character which I attribute to the melodic nature of the dish. There were several flavors which were all different, and each subsequent bite was a pleasing surprise.

Next, we were treated to the Tavern Burger. Surely, this a staple at any American restaurant, but few fail to approach perfection as this one did. It’s a 10oz fresh sirloin burger with your choice of cheeses and toppings, which are numerous. This one in particular had Cheddar, Barbeque sauce, and mushrooms. It did not disappoint.

This was followed by the Plank Salmon. The dish consists of a cedar plank roasted salmon with pecan citrus butter served with au gratin potatoes. This was by far the table’s favorite. The texture of the salmon was delicate but firm, and the generous portion put it over the top. If you enjoy seafood, you cannot find a better fish in Valparaiso.

Lastly, we were treated to a 14oz Ribeye, aged in house for up to 21 days and served with garlic mashed potatoes. It was simple, tender, and satisfying to the steak lover in us all. In between meals, we sampled over 30 different dipping sauces with some house fries. The sauces are included in salads, sandwiches, appetizers, and can be requested with just about anything. All the sauces are made in house, and it is my understanding that several sauces were even eliminated prior to the opening of the restaurant!

There are great specials everyday, and students should not forget about the ½ off special 30 minutes before closing. Every night before closing, all the daily specials are half price. This is a great way to treat yourself after a prolonged study session. Pikk’s also features an extensive wine list, and imported, domestic, and local brews. If it’s possible that you aren’t completely full, the dessert menu is enticing and homemade pies are featured daily. So, the next time you are cruising in the Valpo fast food Bermuda triangle connecting Calumet, Lincolnway, and Silhavy, consider this fresh and healthy alternative. You won’t regret going to Pikk’s Tavern.
i wish i would have known...

BY ALECIA PEHR & SARI CROUCH

That's right kiddies, it is that time of year, finals prep time. I know that you are all freaking out right now, and if you aren't, you are either lying or way over-confident. However, we are here to tell you that much like the rest of the semester, you can handle this too and we are going to tell you how….because we are just that awesome.

1) Create a Study Schedule...and Stick to It

This may sound nerdy and that is because it is, but it works. Don't get us wrong, we are not saying that you should be sitting down with an hourly planner and setting specific times for specific subjects because that is a fast way to a nervous breakdown, but create a day calendar with a general idea of what you want to study that day. For example: On Wednesday, know that you want to study Chapter 4 of Contracts and Chapter 2 of Civ Pro and so on and so forth. The big key to remember is to set achievable goals because you don't want to intimidate yourself into a big freak-out moment.

2) Supplements and Outlines

You should know by now what supplements you like and what supplements you don't. If you haven't, ask around to the people in your class and find out what is working for them. The key point here is that you need to find what works for you. Every law student in the country knows what the BEST Contracts study book is because every law student in the country has a different learning style and that is the one that is most conducive to his or her learning style.

3) Where Should You Study?

This is the question that plagues us all during finals. Where the heck can a person get some work done around here? Here is the good news, you have TONS of options. There is the law library, the Christopher Center, Starbucks, Anniesjes's, and even Panera for some people. The Christopher Center is a favorite of law students during finals due to the large number of study rooms and the complete lack of use by the undergrads...though I did hear some swearing at me when I was there in the spring for taking over all the tables. Once again, find the place that you like the most. A common complaint about the law library during finals is that it is too tense and too quiet, but I know plenty of people who have no problem studying there during finals, so give each of them a shot and see what works out.

4) Say No to No-Doze

Ok, this is a big one. You are going to hear a lot of people talking about using stimulants, such as No-Doze or Stay Awake Tablets, or artificial stimulant no. 10. First, any pill you have to buy at a gas station is probably not a good thing. Second, these have VERY serious side effects, Anna Nicole Smith anybody? Finally, they are wholly unnecessary if you work diligently starting early and stay on a good study schedule. I repeat, DO NOT TAKE STIMULANTS!

5) Basic Finals Tips

For starters, a few of you will be very prone to become hermits. This is probably the biggest “do not” of finals time. If you do not give yourself some time off each day, you can and will go nuts. You must take some time off. Go have dinner with your friends or watch a movie, or go bowling...just do something that doesn't involve studying for at least an hour or two. Your mental health will thank you.

On the day before the final, make it a 9 to 5 day. Get up early, get to work, take a lunch break, do more work, and quit at 5 or 6. Go grab some dinner and chill for the night. Play video games, have a beer with your friends, watch a movie, just chill. When you get up on the day of the final, review your outline one last time and be done with it. Don't let the bustling of people reviewing outside the testing room make you think you should be too. If you don't know it by then, you are done, so just go take the test. After the exam, leave. A lot of people will stand around and dwell on whether they had the right answer or not and you do not want to do this. Just go home, have lunch, and be done with the matter.

The best thing you can do now is chill, stay organized, study efficiently, and you will be fine. Trust us, if we survived so can you. Also, nervous breakdowns aren't fun and probably won't help your grades so don't have one. Good Luck!

Alecia and Sari are 2Ls and can be reached at forum@valpo.edu.

Buckley's Brewhouse

Point and Counterpoint: Duelling Dunkelweizens

BY CHRIS BUCKLEY

Columnist

It is no coincidence that this review comes in mid-November. The imagery that a simple sample of this style creates is the ideal accompaniment to a Thanksgiving meal—falling sweet maple leaves, cornucopias, roasted squash, and yes, turkey. In fact, (and don't tell my wine counterparts this) I think these beers do the Great Meal more justice than just about any table wine I can think of. Dunkelweizens (“dark wheat beer”) is the hybrid of a regular wheat beer and a darker barley malt, except that the wheat beer here is the origin of the beer’s darker color. The barley is typically a standard two-row pale malt, while the wheat is a medium or darker malt, in which caramels or chocolates are not uncommon. Dunkelweizens typically weigh in at about five and a half percent (5.5%) alcohol by volume (ABV), toward the middle of the spectrum, and they are known for a balanced body that is easily drinkable. Both of our specimens this month clearly meet this standard.

The first of our duels is made by the same brewery as last month’s Märzen, Spaten Brewery, Munich, Germany, and it is called Franziskaner, named after the Monks that neighbored the world-famous brewery back in 1363. It is done in a relatively darker style, evident from the very poor. Even the gentlest pour from the bottle into a traditional Stein rendered an amazing thick and creamy head that lasted almost as long as the beer itself, although admittedly this wasn’t very long. Its color was a deep amber, rich, reddish brown, textured by a mild carbonation. The body was slightly cloudy, giving the appearance of a milk chocolate quality. Its nose rendered moderate, subtle aroma hops, surrounded by an overwhelming dark brown sugar or maple syrup sweetness. The carbonation was much more evident once I allowed myself the extreme pleasure of introducing it to my palate. A complex array of spicy flavors proved too much for a first taste, along with a delightfully silky mouthfeel. Upon a second trial with a careful and deliberate swirl, heavy essences of dark spiced rum, nutmeg, and a hint of cinnamon began to emerge against the strong backdrop of maple syrup or dark brown sugar.

I was nearly to the end of this tasting before I fully unraveled the complex finish. It was one of fried tart apples, with a hint of bitterness such as especially in the skins, leaving the mouth clean and still desiring.

Our second specimen shared a higher degree of drinkability, but maintained a bit lighter and simpler profile. It is crafted by another world famous Munich brewery with the name Ayinger. It poured a much lighter medium golden amber, though with a similar cloudiness. The head was a bit less promising, though still strong and evident of a typical wheat beer. Its lace hung on the glass for some time, but somewhat lacked duration. The nose to this beer can be captured in a single word: fruity. As the dunkel style approaches that of its cousin hefeweizen (“half wheat beer”) the more evident the notes of banana and clove become. In this beer, they seem to absolutely dominate the palette as well, along with an equally potent flavor of sweet clover honey. This beer leaves very little aftertaste, except a gentle citrus cleanliness.

Both of these dunkelweizens define the outermost standards of the style. Travel to your favorite local Valparaiso spirit store, get a couple oversized bottles, and try this exercise for yourself over a wonderful Thanksgiving meal, or simply while devouring leftover turkey sandwiches and cranberry sauce...

Chris is a 2L and can be reached at christopher.buckley@valpo.edu
ROCKIN' THE SUBURBS...

THE MUSIC BUZZ

What constitutes the title of America's greatest band? Is it the number of platinum records? Is it the number of years the band stays in the studio to record music? Is it an induction into the Rock and Roll Hall of Fame? Or is it the fact that the record label couldn't think of a better marketing tool? The Eagles recently "snagged" such a title, and I am confused as to why. The label of America's Greatest Band became more and more bothersome to me each time I heard it. The more it bothered me, the more I began to think. Who is America's Greatest Band? Although the Eagles make for a great contestant, I do not think a 28-year hiatus and a new record puts them at the top of the list. In fact, some critics rank the band at 18. Here are ten bands that make for a tight running for the title of America's Greatest Band. They, of course, are listed in no particular order.

1. The Beach Boys
2. The Doors
3. The Grateful Dead
4. The Ramones
5. Tom Petty and the Heartbreakers
6. Aerosmith
7. Guns-n-Roses
8. Creedence Clearwater Revival
9. R.E.M.
10. The Jimi Hendrix Experience

The next question becomes what makes these bands so revered as to put them on this list. Some of these bands have been on hiatuses longer than the Eagles. In fact some of these bands have broken up or important band members have died. Other bands have reformed, continuing their careers. You could compare record sales, but a high volume of sales is only indicative of a high volume of sales. Sales are not necessarily reflective of a band's cultural significance. Someone can walk into a record store, buy an album, listen to it, and hate it. Record sales fail to account for this. Since I have so much time on my hands, I intended to make a spreadsheet factoring in cultural significance, record sales, time on the road, time in the recording studio, number of awards and induction into the Rock-n-Roll Hall of Fame, and anything else I could think of. Then I remembered that even if I had the time, I am just too lazy. But I think you get my point.

Obadiah Parker, Obadiah Parker Live Released April 2, 2007; distributed by Mudhut.co.uk

I first became aware of Obadiah Parker back in 2006 when I heard singer Mat Weddle's acoustic version of Outkast's "Hey Ya". At the time, I couldn't hunt the song down nor could I find any album. Months went by, I quit checking for it, and now, seven months after the release of the album, I finally found it. The band is unsigned and hails from Scottsdale, Arizona. Their sound is a combination of funk, folk, and pop creating sounds reminiscent of Jack Johnson and Rusted Root. Mat Weddle's vocals border the edge of Jason Moranz without being too "poppy".

This trio is strictly acoustic, keeping their choice of instrumentation to piano, trumpet, and guitar. It is apparent that this band has a hodgepodge of influences stemming from blues to funk to folk with about everything else in between. Moreover, the band knows how to incorporate these influences into a smooth sound. The vocals and lyrics compliment the music, with no one element overpowering one over the other. This album for the most part is very mellow with a couple funky tracks but makes for great listening.

Silversun Pickups, Carnavas Released July 26, 2006; Dangerbird

Although this album has been out for a while, the Silversun Pickups recently are receiving a lot of air play, thus creating the need for me to check this band out. The first time I heard the track "Lazy Eye", I mistook the band for Liz Phair due to singer's strong yet raspy vocals. This trio's sound seems as if the band missed the nineties. Not to be taken in a negative context, this band embodies a garage-band sound reminiscent of the grunge-era nineties. This band has been referred to by some critics as L.A.'s version of The Smashing Pumpkins, but I wouldn't go so far to agree with that. Many of the songs are quite lengthy, without much variety. Most of the songs are distorted and spacey. Although their style goes against the grain of most bands currently on the radio, this album is somewhat stagnant, leaving me to hope that this band's next album will showcase some true potential.

Serge Gainsbourg, Initials B B Released 1968; Mercury (France)

Serge Gainsbourg falls into two categories: jazz and French pop. Look him up and you will find over 20 albums spanning over the course of the last forty years. "Initials B.B." makes for an excellent jumping off point if you can't decide which album to pick first. Most of the music is very "sixties" exhibiting similar sounds to American and British music from the era. There are, however, two things that make this album quite interesting. First, the lyrics are in French (which makes sense since he is French). The lyrics have a catchy vibe causing you to want to sing along. As I have previously stated, the lyrics are in French. With this said, you don't need to know the language to enjoy it. Second, even if you can't catch onto the French lyrics, many of the songs contain a handful of English words. If anything, you can sing the English words and make up the rest. When Serge Gainsbourg recorded this album, he and Brigitte Bardot were quite involved. She actually collaborated with him on this album (and is probably why the album is not entitled "Initials S.G.").

Megan is a 3L and can be reached at megan.krol@valpo.edu.
What brought you to Valpo Law? Aside from the pot-holed roads, high class nightlife, railroad tracks, trains, and beautiful people, it was the hot dog lady on Lincolnway that really pulled me in.

If you won the lotto, how would you spend the money? I already won the lotto at 7-11, and I just bought more Lotto tickets and a Tequito.

If you could own any car what would it be and why? I would have MTV Pimp My Ride and put a Taco Bar in the trunk, then I'd go park next to the hot dog lady on Lincolnway and join forces. So I guess it doesn't matter what kind of car it is.

What are your plans for our week off at Thanksgiving? I'm going to spend a lot of time playing Nintendo Wii and re-watching episodes of the best show ever, Kid Nation on CBS.

What's your favorite holiday food and why? Anything with pickles. or just pickles. Dill, not sweet.

Have you ever wanted to stick your head inside of a turkey ala Joey Tribiani from “Friends”? Twice last year.

Who do you think will win the Superbowl this year? Hopefully a team with a trunk, then I'd go park next to the hot dog lady on Lincolnway and join forces. So I guess it doesn't matter what kind of car it is.

What do you think of President Musharraf's action to implement marshall law in Pakistan? I say let the interns do their work. They'll write for free.

What are your feelings about Lance Armstrong dating one of the Olsen twins? Not little Michelle! Where was Uncle Jesse when this happened?

Do you have any advice for the 1Ls as they head into their first set of law school finals? Don't fail. Have a Happy Thanksgiving.

If you won the lotto, how would you spend the money? Oh wow. Well, first of all, there would be no more law school loans, then a lengthy trip all over Europe would follow. After all of that, I would give my family a rockin' family vacation! (that is of course, if they didn't want to go to Europe with me)

What are your plans for our week off at Thanksgiving? To be truthful, I am not really sure. First Step: drive home. Second Step: Find out where Thanksgiving is going to be this year (which grandparents?, or is the aunt's house?, could it be at home this year? maybe -) Third Step: get in car, go with flow, eat turkey, take a nap. - wash rinse repeat.- of course, I will have to visit the friends from undergrad and commence to having all kinds of fun there. Oh wait- I will be studying too-- I almost forgot (kidding)!

What is your favorite style of car and why? Plymouth Barracuda! I would love to pick the color, but really any color except "pepto bismol pink" will do... I would, however, keep my current car for economic reasons! *lol* I love this car because of the older style body type and the "WOW factor" when I see it. I am sure there are other more fabulous cars-- but this one is totally hip in my book!

What brought you to Valpo Law? An interesting mailing from VULS, sparked curiosity, a free application, followed by acceptance!

What's your favorite holiday food and why? There have been many wonderful conversations over that cracker spread! Haha and then you always have snacks.

Who do you support the Writers' Guild Strike? I would be lying if I told you I wasn't curious when I saw that episode, but no I never personally wanted to take on such an endeavor. However, I would easily be the person trying to talk someone else into it over the holidays (hangs head in shame).

Who will win the Superbowl this year? Um-- Is it safe for me to say anything other than the Bears? Chicagoland takes that stuff pretty seriously. I'll tell you what-- I will say it will be one of the following: The Bears, The Patriots, or The Colts. I know, I know... you don't think so... but it is just a guess.
What do you think of President Musharraf's action to implement marshall law in Pakistan?
I THINK IT IS/WAS A BAD IDEA! Wow, very bad.

Do you support the Writer's Guild strike?
They have the right to do as they wish. If they feel that they are subject to some wrong or injustice and a strike is necessary in order to fix it, then more power to them. However, I won't kid, I need for it not to interfere with Grey's Anatomy, that could be a disaster!

What are your feelings about Lance Armstrong dating one of the Olsen twins?
Okay—so the "May-December" relationship thing is becoming less controversial, (I mean check out Ashton and Demi) but Lance totally saw the kid in diapers on TV! It is one thing, I suppose, to know the age difference means two people were at different points in their life at any given moment, but folks, HE SAW HER IN HER DIAPERS! So, I guess you could say I find the situation a bit odd.

Do you have any advice for the 1Ls as they head into their first set of law school finals?
Was this question directed at me? I have no idea. All I can say is... let's do this and then seriously party afterwards! SEE YA AT THE FINISH LINE!!!
CLOSING ARGUMENTS

More from Justice Scalia’s Visit

Is Dino contemplating a job in the secret service?

The Neils Science Center should be renamed The Scalia Center.

The Mock Trial team is always trying to steal the spotlight from Moot Court.

Walking the hall of VUSL, Justice Scalia ponders, “Why didn’t I attend Valpo?”
**LEGAL BRUNETTE & BRUNETTER**

**Advice for Law School & Life**

By JORDAN GWIAZDON and BRANDON SANCHEZ

Hey B&B Music Factory, I couldn’t help but notice the disclaimer at the end of your article in last month’s edition of The Forum. So what’s the deal? Should we take you guys seriously?—Nuen Lee Foon VIII, Class of 2004

P.S. Ascots rock!

Nuen nuen nuen… Of course you’re supposed to take us seriously! Brunette and Brunette are ranked #1 and #2 in our class, respectively.* We’re both Cardozo Cup Champions and actually take care of our roughly sixteen illegitimate children. Do we need to delve further into our pedigrees? Brunette is going back into active duty in the military as a JAG officer… do you know anyone bigger than the U.S. government? Huh, Nuen, huh? The answer, Nuen, is nein. And Brunette currently has TENS of firms flying in holding patterns as he mulls over his options. Whichever firm he chooses is virtually guaranteed to increase its productivity one million percent. That’s right. A million. Can you promise anyone a million ANYthing, Nuen? Once again, it’s nada for Nuen. Don’t ever doubt our legitimacy. Legally Brunette and Brunette are here to stay forever… well, at least until we graduate next month. And yes, ascots do rule, but only if you wear one while driving around in a van solving mysteries with legally questionable smoke filtering out the back.

What up, 2 Non Blondes? Even though I was tasered by U.S. Marshals when I showed up at Swygert shirtless, it was totally worth it. Whatever advice you bestow upon my pitiful 1L life, I will gladly follow. Now that I’ve pledged my undying loyalty, what advice do you have for our upcoming finals?—Linda “Not Steve” Perry

First off, “Not Steve.” Wow. We have to tip our hats to a loyal reader that not only pledges her devotion, but also shows up to a formal event half-naked. Kudos to you and your commitment to public indecency (see: our Halloween photos). With that being said, finals in law school are wholly different than what you faced in undergrad. It’s not so much the long-essays or brutal multiple choice options, but more the squalid test taking conditions that one must endure. Brunette can handle the live ammo being fired over his head as he scribbles away in a BlueBook—after all, he’s trained for that—but the fact that the professors actually pipe in the stench from outside Wesemann is what really grinds his gears. Brunette is more concerned with the other individuals in the room than himself—most notably, the octogenarian proctors. It’s pretty hard to concentrate on an exam when one is going through potential life-saving first-aid procedures in the event that a test supervisor suddenly drops dead. This isn’t even so much a matter of IF, but WHEN. But we digress… in order to handle the stresses of finals, it’s important to follow these three rules: 1) Don’t bathe; 2) Stay indoors and study constantly; 3) And whatever you do, no matter how much your stomach is rumbling… do NOT eat after midnight. If you can avoid water, bright light, and eating too late at night, you’ll be good to go for finals and fully prepared to raise a Mogwai. Good luck and enjoy ASP next semester!

*For the record, the only time we were #1 or #2 in anything was when we signed up for our composite photos. Even then, someone who shall remain nameless (let’s just call him Non Dagel) showed up 15 minutes early and jumped ahead of us.

Questions, comments, concerns? Outrage? Incurable strain of mouth herpes? Contact Jordan and Brandon at jordan.gwiazdon@valpo.edu or adolfo.sanchez@valpo.edu.

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**Law in the Fab Lane**

By Andrea Greene

**Legal Love**

Relationships are difficult enough, but throw in Pernoy and a little Mens Rea and you have a recipe for disaster. Cold calling and office memos don’t exactly make for a stimulating date, so we’re here to give the young couples of Wesemann Hall some well needed legal advice, on love.

Dear Legal Love,

I went out on a date with another 1L and we had a great time, we’ve hung out a few times, did some studying together, but I’m not sure if I want something serious. Do you have any advice on how I should maintain my relationship with this person? I’m so confused.

—Confused in Contracts

Dear Confused,

I doubt you’re alone in this situation. We have all been on dates where the sparks fly, but we are cautious because of past harms. Dating another law student is especially difficult because of the close community that the law school creates. You’re probably overwhelmed by the “what ifs.” Remember to take control of the situation. The most important advice I can give you is to be honest with yourself and with your guy. Make sure that you’re comfortable with yourself before you get involved. But don’t take my advice to mean that you should never take a risk. Sometimes taking a risk can lead to the best relationships of your life.

Dear Legal Love,

I’ve been seeing this girl for about three months now. It’s getting to the point where I would like to continue seeing her but I’ve noticed I’ve alienated myself from the guys. Can you advise me on how I can balance the guy time and still let my girl know that I care about her?

—Excluded in Evidence

Dear Excluded,

That’s such a tough situation, obviously you like her and you like where the relationship is going. But the guys are a necessity. You can’t spend every waking moment with her watching Lifetime and Julia Roberts movies. But here’s the truth: there’s a 99% chance that she’s thinking the same thing. Deep down she’s hoping that you’ll spend Thursday night playing Halo and drinking beer with your buddies so that she can have the girls over for Grey’s Anatomy and Wine Coolers. Try suggesting that she have the girls over so they can gossip and have pillow fights (or whatever girls do in their spare time). Then you can head over to the nearest bar and catch the football game.

Dear Legal Love,

Help!!! I’m a 3L who has fallen into a “Friends with Benefits” thing and I want to turn it into a relationship. What should I do?

—Drama in Drafting

Dear Drama,

There’s more to life than lust. It seems that this may be a classic case of lust over love. You may have an attachment to this person and it may be passionate, but you’ll need to have more than that to make the relationship last. One thing leads to another quickly, so make sure you are both on the same level and know each other’s expectations. You can’t change somebody and you can’t wait around forever hoping this situation will change. Decide for yourself what you want. Talk to him; make sure you both want to take the relationship to the next level. But if you no longer want to be his last resort, end it… but make sure that you keep it that way. Remember you can’t make someone your priority if he makes you his option.

Andrea is a 3L and can be reached at andrea.greene@valpo.edu.