5-2010

The Forum (Volume 39, Number 8)

Valparaiso University School of Law

Follow this and additional works at: https://scholar.valpo.edu/law_forum

Part of the Law Commons

This Article is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Valparaiso Law School Forum by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at scholar@valpo.edu.
NEW ORLEANS 2010: REFLECTIONS OVER THE YEARS

BY: DERRICK AUGUSTUS CARTER ♦
PROFESSOR OF LAW

In 2006, there were posters on the walls of the newly formed "New" Orleans Public Defenders' office about justice and civil rights. Now, in 2010, those posters are gone, and there is a large Everlast punching Bag and Speed Bag – reflecting the attorney's frustrations in the pursuit of justice and civil rights. As John Bayard's article reflected, there were sixteen Valparaiso University School of Law (VUSL) students working in the Orleans Public Defenders' office this spring break: four students working in the New Orleans Legal Aid office and two students working at Juvenile Regional Services, the New Orleans juvenile public defenders' office.

Our trips during spring break started after Hurricane Katrina. Initially, some of us worked on getting homes destroyed by the flood. Soon thereafter, former VUSL student Anne Abrell (then a 1L) approached me with a picture of a lone student working in the newly established and beleaguered public defender's office. Anne's mother sent the picture to her. I'm a former public defender from the juvenile public defenders' office.

Since 2006, there were posters on the walls of the newly formed "New" Orleans Public Defenders' office, Orleans Public Defenders, was created in New Orleans, ending the old contract attorney system. The office was quite receptive to our approach. There were only 22 public defenders and 87 prosecutors. So, I organized a team of 10 students to work during spring break. The students covered their entire expenses: travel, hotel, food and other incidentals.

Since 2006, over 95 students have attended during their law school spring breaks, with about 22 students attending each year. Each year is different and each year leaves a legacy. There are both many sad and funny stories. The students see how the criminal justice system is aligned against the poor, how the criminal justice system is funded by the number of arrests, and how people are hit with major sentences just for possessing drug paraphernalia. The students see how many arrestees can't make even the smallest bond and wait in jail for 45 to 60 days before their case proceeds. Ultimately, many of the cases are dismissed for insufficient evidence or faulty evidence.

Students have seen inmates crying for help. Former VUSL student Anthony Nwaneri felt the desperation of one inmate, who clung to Anthony and begged him for help. Students have seen attentive jail guards and also those guards who could care less. One guard was going to let a female prisoner defecate in her uniform, until Anne Abrell convincingly advised the guard that it would be in the guard's best interest to avoid a stinking mess. Another former student, Brian Bennett, held the head of an inmate as he suffered an epileptic seizure on the jail house floor. One year, Heather Looby was determined to help an inmate dying from AIDS, who was isolated and without his medication. Surrounded by the Orleans Public Defenders' office are dilapidated homes and abandoned factories. The area is immersed in poverty, forlorned people walk the streets lined with ragged fast-food joints. Ryan Rowan counted the number of people stopped by the police throughout the city: every 5 minutes, someone is arrested.

VUSL students have written and filed wonderful briefs for the attorneys they have worked with on the trips. They have then seen the attorneys win their arguments in court based on new ideas set forth by the students' careful research and brainstorming with their peers. Every year, the students attend death penalty trials and hearings, as well as interview clients, and call their families. The students meet the famous attorneys in the courthouse hallways during the trials and work late into the night to become involved with the issues the trial attorneys will face for the next day.

Many students gain new friendships with each other on these life-changing trips. We learn of individual talents: students who are musicians, poker players, former bartenders, athletes and river dancers. Last year, the Villanova students left their own group to hang with VUSL students - the Joe Bent effect. After work, and late into the night, we remained together and had fun. The laughs are memorable. The times are precious. Can you imagine going to a rockin' city with 22 friends and some professors, working hard for justice, playing hard at night, and springing into action the next morning while waiting for the Love Taco to arrive? Some students found it exhilarating to do research in the beautiful library of the Louisiana Supreme Court. There are monuments to critical cases in our nation's history in that courthouse, most notably one to honor Plessy v. Ferguson. Some students ran errands to the infamous 5th Circuit Federal Court of Appeals.

VUSL students attended death penalty hearings and many hearings concerning prosecutorial misconduct in cases of withholding critical exculpatory evidence leading to wrongful convictions. The students have seen some good attorneys,
CPC CORNER

CAREER OPPORTUNITIES: MAKING THE MOST OF SUMMER

BY: CHRISTINE CORRAL • CPC EXECUTIVE DIRECTOR

Remaining connected is key. Reconnect with individuals you met with over spring break, with old acquaintances and/or make new ones and keep the momentum going. Continue to be proactive and review the monthly timelines for your career and job search provided by the Career Planning Center. Outlines for the months of April/May and June/July follow:

11. Points of Focus for the Job Search

April/May:
1) Continue contacting potential employers and monitoring Strategy for career development opportunities, externship opportunities, job postings, and job fairs.
2) Moot Court tryouts
3) Law Review research packages distributed.
4) Continuously monitoring Strategy for job fairs.

June/July:
1) Make the most of your summer by expanding your network and actively engaging in networking events.
2) Perform Pro Bono work to build your legal resume.
3) Update your resume to include summer employment; send to CPC for review.
4) Prepare mailings for large firms who begin accepting resumes on August 1st.
5) Read all e-mails from the Career Planning Center regarding upcoming events hosted prior to or soon after school begins and On-Campus Interviews (OCI).

21. Points of Focus for the Job Search

April/May:
1) Continue contacting potential employers and monitoring Strategy for career development opportunities.
2) Continue monitoring Strategy for externship opportunities, job postings, and job fairs.
3) Prepare mailings for large firms who begin accepting resumes August 1st.
4) Read all e-mails from the Career Planning Center regarding upcoming events hosted prior to or soon after school begins and On-Campus Interviews (OCI).
5) Schedule an appointment with a career advisor if you are interested in Federal or State Judicial Clerkships after graduation.

NOLA: Continued from page 1...

mediocre attorneys, and really bad attorneys. The students discussed issues with the trial attorneys in the offices where they are assigned to work. Ideally, the students add to their portfolios.

Many professors come on the trip. I organize and review each student's research and writing before it is turned in to the attorneys. For students working in the Orleans Public Defenders' office, there is an orientation session led by attorney Benjamin Plener that would make any legal writing program proud. Students are introduced and simulated interviews are conducted. There is much discussion about legal research.

Valpo Law Professor Paul Brietzke came twice and concentrated his efforts on the malfunctioning levees built by the Corps of Engineers. A federal judge recently held that the Corps of Engineers is liable for their negligence. Prof. Brietzke and I had the unique opportunity to interview Chief Judge Hunter and news reporters for the New Orleans' daily newspaper, The Times-Picayune (at a discreet, late party).

VUSL always comes prepared. Criminal Procedure students conduct creative and solid research within 24 hours, and then go to the next assignment. Other law schools send students, but the students have little idea of what they are doing and the trial attorneys have little time to explain the issues. Our specialty brings experienced students to the table and prospective employers love to talk to students about their experiences in New Orleans.

A few years ago, I added a legal aid component where some 1L students could work in the New Orleans Legal Aid office. This year, Prof. Alan White worked with the trial attorneys on foreclosure issues and addressed some of the faculty at Tulane Law School on similar issues. Also, this year, Prof. Genevra Brown added a juvenile defender component, and two 3L students worked with her in that office.

We wish to thank Dean Conison, Associate Dean Mark Adams, and Ann Weigenant for substantial financial help this year. Because of this help, many struggling law students were able to attend this important program.

Students should know that the Orleans Public Defenders' office and New Orleans Legal Aid office is hiring for the summer. Last summer, VUSL student Korin Knutson worked in the Legal Aid office. The Orleans Public Defenders' Office and the courthouse are about 3 miles from the French Quarter and this year we moved around in a beautiful, big, black, legal–looking' Chevy Tahoe, like the Secret Service. Students crammed in the three rows, so we started calling it "the Love Tahoe." Of course, in the back, they couldn't quite hear, and thought we said "the Love Taco." Just as fitting.

The following students attended this year's trip and worked at the Orleans Public Defenders' office at 2601 Tulane Avenue: Ryan Rowan, Tony Howard, Elizabeth Plank, Melissa Wartak, Melissa Macchia; Joe D'Onofrio, Waseem Mateen, Tim Scheiderer, Sonny Hodgin, Shauna Lange, Nicole Goheen, John Bayard, Colleen Price, Amanda Hires, Amale Booth. Four students worked in the New Orleans Legal Aid office at 1010 Common Street: Cristal Cabrera, Elizabeth Hollingsworth, Terri Quattrocchi, and Monica Jones. Two students worked at Juvenile Regional Services, the juvenile defenders' office on St. Charles Street: Heather Looby and Breanne Bucher.

I can never forget the many gorgeous memories: The strange woman who fell in love with Joe D'Onofrio's eyebrows (now, it's impossible to ignore those eyebrows); Tony Howard's muscles and deep laugh, including his sudden urges to hit the heavy bag in our research office like George Foreman and scare the living daylights out of everyone; Melissa Macchia, who now knows what crimes against nature are - hint: it's not littering; Sal's Place bar across the street from the defenders' office - dumby on the outside, but shiny, big screen TVs and a nice pool table on the inside; the old cemetery - what better place to take a nap; the restaurants; the night clubs; the Hornets' game; the casino – Shauna Lange's skills at fast-track roulette; Praline, the amazing soul food restaurant we ate at; visiting the 9th ward; and at the end of the week: "Ameriville," a hip-hop jazz play about Hurricane Katrina and current issues, and discussion with the cast after the play.

All - Criminal Justice Warriors!

Professor Carter can be reached at Derrick. Carter@valpo.edu.
The Valparaiso University School of Law enjoys a rich intellectual, cultural, and social life. In any one academic year, we host a broad array of conferences, public lectures, movies, student organizational events, Continuing Legal Education (CLE) offerings, parties and other occasions for getting together in our building, at the Harre Union, or even an off-campus facility like the Avalon Manor banquet facility. This is the good news—VUSL has become a place where people from around the world, many of them extremely well-known in law practice or in law teaching, come together with students, faculty, and members of the local community to discuss the controversial questions of the day, to share information and ideas, to increase their legal knowledge, to promote the concerns and policies of particular organizations or simply to celebrate. The not-so-good news is that all this activity requires “time, place, and manner” rules, so that events do not conflict, our room resources are not overtaxed, visitors to our campus are treated with respect and consideration, budgetary guidelines are followed, safety and liability questions are addressed, and, in general, attention to the logistical details necessary to insure a successful event won’t fall through the cracks.

Until May of 2009, VUSL had no formal procedure for handling the multitude of requests for rooms, resources, and law school sponsorship in connection with extracurricular activities. The Event Protocol was instituted to address that need and the Event Protocol Committee has met on a regular basis throughout the year to implement its guidelines. As a member of the Committee, I know it is not possible to please everyone all the time and that some members of our community have not agreed with the Committee’s decisions, or even the process itself. My purposes here are to provide you with information about the need for established principles for approving and planning events and to solicit your feedback so that we can improve the way activities are handled.

Currently, there are approximately 41 student organizations at the law school. Each one has a number of yearly activities, ranging from something as complex as the Barristers’ Ball to something as simple as the Ambulance Chase. Each group requires space, money, and other assistance to make its events a reality. But, as significant as this is, student organizations are not the only users of VUSL facilities and resources. Faculty members regularly initiate events. Examples are our Scholars and Advocates in Residence Series and the two major conferences hosted by VUSL, this academic year. These have brought hundreds of people to the law school from around the world and require very careful long-term planning. In addition, the law school sponsors four major endowed lectures each year—the Seegers Lecture (jurisprudence), the Monsanto Lecture (torts), the MLK Day Lecture (civil rights) and the Tabor Lecture (ethics). These activities increase our name and reputation and many lawyers attend them, because they qualify for CLE credit. This is not the end of the story. There are recurring events that take place throughout the year, and these, too, must be allocated their share of resources. For instance, many of the operations of the Career Planning Center (CPC) and the Admissions Office require utilization of space beyond the confines of their locations in the building. Even something as simple as a faculty meeting represents a call on resources; so do recurring events like Moot Court arguments, or bar review presentations—times and places must be found for all these activities. This is a challenge.

The law school has four main classrooms and three main seminar rooms. The Atrium and the Lounge might sometimes be used for events, as well as the Strike Courtroom, the Judge’s and Jury Chambers, and even Room 18 in the library. During most of each day, most of our regular rooms are pre-committed for scheduled classes. This means that resources need to be intentionally allocated to avoid conflicts and other problems. Because of this, the administration develops a Master Calendar well in advance of each academic year, to minimize conflicting claims on resources. But, the Master Calendar cannot anticipate all the activities that students and faculty wish to initiate in a shorter time frame. That is the role of the Event Protocol.

Before the institution of the Event Protocol, the law school experienced a number of logistical problems stemming from the lack of time, place, and manner rules. More than one group scheduled an event in the same room at the same time; visitors to the law school found themselves without organized transportation, lodging, and food; too many events occurred within the same general time frame, causing “event fatigue”; money was spent for food or travel, without any budgetary accountability; activities that might pose safety risks were undertaken with no consideration of insurance coverage, and similar issues. Perhaps most important, serious burdens were placed on the members of our administrative staff responsible for reserving rooms and approving events. Without guidelines to follow, how could our staff make decisions regarding scarce resources on their own?

This year alone, the Event Protocol Committee has received over 195 requests for approval of events in addition to scheduled classes and normal administrative functions. Most of these were authorized. We hope that the decisions of the Events Protocol Committee, which consists of myself, a member of the SBA, Lisa Todd, Melissa Mundt, Associate Dean Cichowski and Joe Baruffi, have begun to address the logistical problems identified here. Nonetheless, we also recognize the need for improvement. Feel free to contact any of us with feedback, and you may wish to go to the Intranet site http://info.valpolaw.net to review the policy itself.

Dean Lind can be reached at Joellen.Lind@valpo.edu.

RELIGION AND HUMAN RIGHTS: CONVERGENCE OR CONFLICT?

By: John Bayard • Executive Editor

On Monday April 5th, Professor Denise Meyerson and Professor Zachary Calo discussed the impact modern Human Rights law was having on Religious Freedom. Meyerson, a native of Australia, discussed the role human rights law played in the Australian Common Law Constitution and in particular with the state of Victoria. Laws of Victoria prevent public religious gatherings from inciting hatred against other beliefs or religions. While there are exemptions for private conduct, the law itself has been controversial, as Professor Meyerson explained, due to lack of clear definition of hatred and problems of judicial interpretation of religious texts. One case Meyerson noted was the Fire Ministries v. Islamic Council of Victoria. Members of Catch the Fire Ministries were arrested for violating Victoria legislation which prohibits public incitement of hatred. While the Trial Court agreed with the Islamic Council that there had been incitement of hatred, the Court of Appeals disagreed. The Court of Appeals found an error of law since the Trial Court should have looked at the speech’s effect on ordinary members of the audience. The Court of Appeals further noted the problem with handling the case because it essentially required the Court to make decisions on issues of Quran interpretation. Professor Meyerson concluded that the case demonstrates the need for more religious knowledge and understanding.

Professor Zachary Calo began his discussion with a brief history of human rights and how religion, Christianity in particular, played a large role in its development. “Early human rights thinkers assumed that theology was part of human rights.” Calo stated. However, Professor Calo noted that the key question is “whose human rights?” He argued that pluralism, the view of accepting all beliefs, has replaced secular human rights. Pluralism has emerged as its own branch of thought in human rights that in the end gains a zero sum for everyone. Professor Calo stated that he thought human rights should be considered on the grounds of anatomy in which individual freedom actions are held in high esteem so long as they don’t conflict with the individual freedoms of others.

John is a 2L and can be reached at forum@valpo.edu.
Mental Health Records Releases are Just Plain Crazy: VU & The Indiana Bar May Be Jeopardizing Student Wellness

By: Anonymous

Required consent form caught my eye when I went for counseling to get over the end of a long-term relationship. In order to receive counseling, I consented to allow the Indiana Bar Association access to record of my visits with Valparaiso University Counseling Services (VUCS). Because my problem was relatively inconsequential, I had no problem consenting to disclosure. However, I couldn’t help but wonder whether I would agree to such disclosure if I was there for a serious and private matter. The VUCS website provides, “The Indiana Bar...may ask about your counseling history if you are preparing for [legal] employment...”.

The Indiana Bar conducts a strict evaluation of each applicant’s mental fitness. The bar application requires disclosure of diagnosis or treatment “for any mental, emotional, or nervous disorders.” An Illinois attorney, who applied for admission to the Indiana Bar, withdrew her application after bar examination results because she needed to update information about her mental health. On behalf of her and other bar applicants, the American Civil Liberties Union (ACLU) initiated a class action against the Indiana Bar Examiners on July 7th, 2009. The suit requests an injunction against the Indiana Bar Examiners from asking certain mental health questions. The ACLU claims these questions violate the Americans with Disabilities Act (ADA). Maine, New Jersey, and Rhode Island removed mental health questions from professional licensing applications because of similar challenges. Last year, the Indiana Bar filed a motion for a protective order to withhold disclosure of the data that is essential to the case. The court ordered the bar to release aggregate data showing how many people answered “yes” to certain mental health questions on past Indiana Bar Applications. Approximately 95 applicants per year in the past two years affirmatively answered at least one of three objectionable mental health questions. These people make up the class represented in this suit. Currently, the ACLU lacks standing, but the suit will move forward with the above-mentioned Illinois attorney as a representative. However, this attorney will not proceed anonymously. The court recently ruled that she will no longer be “Jane Doe” and will use her legal name. This is almost a slap in the face by the court. She sued to suppress record of her past mental health, but now, her disorders are public record. The appellate judge that affirmed the lower judge’s ruling recognized that this was a tough decision, but the legal standard granted wide judicial discretion. This class action is not the only complaint against the Indiana Bar’s mental fitness evaluation.

In December 2009, Bryan Brown, an attorney licensed in Kansas, filed a private cause of action against the Indiana Bar. According to Brown, a bar-ordered psychologist asked various political and religious questions. The psychologist approved Brown’s mental fitness for the bar. However, judges and Lawyers Assistance Program (JLAP) director was not convinced; he ordered further evaluation. A psychiatrist diagnosed Brown as suffering from bi-polar disorder. Brown argues that the psychiatrist, JLAP, and the Indiana Bar displayed different religious and political agendas in their mental evaluations. Brown is known as very conservative, religious, and pro-life. The Indiana Bar denied membership to Brown. These suits display some of the problems facing disclosure of mental health and licensure boards. VUCS perpetuates these problems by requiring patients to consent to release of their mental health records. There are numerous legal and constitutional issues facing such a practice. Is there a Health Insurance Portability and Accountability Act (HIPAA) violation? HIPAA strictly regulates the disclosure of confidential health records and rarely allows disclosure for non-emergency purposes. Is there an ADA violation? The Indiana Bar places additional burdens on applicants with mental disorders. There also seems to be legitimate First Amendment concerns. VU’s status as a private actor will limit constitutional causes of action, but students should scrutinize anything that raises this many legal questions, nonetheless.

In fairness to VU, the Indiana Bar Association is very powerful. It probably can force schools to release mental health records. State bar associations seem to have heightened powers under the law because they have a strong interest in upholding the integrity of the legal profession. Courts grant them the legal authority to rule with an iron fist. So, maybe VU does deserve blame for releasing mental health counseling records.

However, school officials need to consider the adverse effects that VUCS consent forms might have on their student population. What if someone wants to seek counseling through the school for alcohol or drug dependency? Those are major concerns for bar associations. Most bar applicants know that. They may not seek help after learning about required disclosure to bar examiners. These consent forms could cause a basic chilling effect on mental health treatment in general. Allowing the Indiana Bar Association access to mental wellness records encourages students to bottle up emotions. Perhaps, VU wants to deter some people from counseling to conserve psychological health resources. Think about it; less people like me, who waste counselors’ time pouting about ex-girlfriends. This rationale is flawed, though, because consensual disclosure of mental health records to bar examiners is more likely to deter from counseling those with serious mental health concerns.

The writer of this thought-provoking article has asked to remain anonymous.

To The Mountains!

BY: Chase Molchin • Guest Writer

Even before we closely read an impressive roster of the conference’s participants, VELS members knew that they were up for a big treat. Mountain air, the breathtaking views of covered mountains, crystal blue sky were all in abundance in the Beehive State. Unfortunately our duty was to be more interested in Environmental Conference than beautiful gifts of nature. And there was much to be interested about: this year’s ABA Environmental Law Conference was one of the best attended in its long history, and the keynote address by Andrew C. Revkin of the New York Times was filled with wisdom and enthusiasm that left us, humble law students, with a sense of general wonder and acceptance.

The second and third days were filled with more discussions and presentations, this time on more focused topics of modernization of the American power-generating and power-transports systems, successes and challenges of alternative energy industries, chemical-regulatory reform, regulation of public wetlands, governmental takings of beach property in Florida, wilderness protections and many more. From time to time the discussion was becoming rather heated, but never such that the networking reception couldn’t pacify.

In its final sessions the Conference focused on some of the current issues of regulation and enforcement in the new era of the Obama administration. The presenters and listeners tended to exhibit a healthy portion of optimism and enthusiasm that left us, humble law students, with a sense of general satisfaction and a warm- and fuzzy feeling inside. After hours of learning and networking we had some time to explore the streets and attractions of Salt Lake City with its wide boulevards, Olympic glory, old-fashioned trams, and wonderfully friendly and accepting inhabitants.

All in all the Conference was a great success and the VELS members will be looking forward to returning to the mountains next year!

Chase is a 3L and can be reached at Chase.Molchin@valpo.edu.
T he past week has been incredibly busy for the Valpo SALDF (Student Animal Legal Defense Fund) chapter. Three SALDF members, Gabriel Franco, Laura Nirenberg, & Eryn Pearson attended the Animal Legal Defense Fund (ALDF)'s National Future of Animal Law Conference hosted by Harvard Law School in Cambridge, Massachusetts. The conference was held April 9-11, 2010.

Registration and a reception featuring vegan hors d’oeuvres kicked off on April 9th. Unfortunately, Eryn was unable to attend the conference until the following day. She was attending the Mid-Atlantic Symposium on Animal Law with Professor Rebecca Huss hosted by the University of Baltimore. Eryn, a first year law student, had submitted a 48 page review she wrote entitled “Horse Slaughter: A Conflict of Ethics, Economics, & Welfare.” She was the only first year law student invited to attend and speak at the symposium, and spoke about horse slaughter for human consumption, a very controversial issue at the forefront of the equine welfare stage. She was given 20 minutes to speak which included a question and answer session after the presentation. Eryn’s review has been critically reviewed by many welfare organizations and professionals and has received tremendous praise. Her review is currently being considered for publication by the symposium’s animal law journal.

On Saturday, Eryn joined us in attending the Future of Animal Law Conference at Harvard. We quickly learned that Harvard is not the easiest campus to navigate around or to park! Fortunately, Eryn was able to use her amateur litigation skills to convince the Harvard campus police to allow us to park on campus. The day was filled with incredibly interesting panels discussing the protection of farmed animals, canine CSI and forensics, companion animal law, and the future for chimpanzees. The night concluded with cocktails and a vegan dinner.

Gabie and Laura attended Sunday’s events which included more panels discussing replacing animals in toxicity testing, defining the second wave of animal law, proposing a federal animal protection commission, critical legal theory, and closing remarks. The end of the conference was bittersweet; the future for animal law is definitely bright.

Here are just a few:

1. Employment Opportunities: Law firms, judges, and organizations consistently seek out Law Review members when making employment decisions. In fact, the Honorable Royal Ferguson, a federal district court judge, once stated, “When I’m looking for law clerks, all things being equal, people on Law Review will always win.” Many employers across the country share this same sentiment, which gives Law Review members a competitive edge in the legal job market.

2. Sharpening Research and Writing Skills: As a first-year Law Review member, or “notewriter”, students will write an article on a legal topic of their choice. Throughout the year, the piece is continually researched, reviewed, edited, and perfected, allowing notewriters the chance to refine their research and writing skills.

3. Opportunity to be Published: After the first-year notewriting process, students may have the opportunity to publish their article if the Editorial and Executive Boards deem the piece publishable. For many students, becoming a published author may be the most rewarding part of the entire Law Review experience.

4. Course Credits: Although notewriters do not receive course credit during their 2L year, they may receive four credits to be applied to their 3L year, and may also have the opportunity to waive the third-year seminar requirement.

In order to join Law Review and take advantage of these benefits, students must try out for the organization by participating in the Case Comment Competition that commences immediately following the 1L Torts final on Friday, May 14, 2010. Students will have three weeks to research and write a 10 to 12 page case comment on a recent U.S. Supreme Court case. The Competition will be closed research, which means students are limited to the resources on the provided source list. Submissions are due by Friday, June 4, 2010 at 7:00 p.m. CDT via the Westlaw TWEN page. The authors with the top eleven case comments, as judged by the 3L editors, will be extended an offer to join the Law Review. The remaining invitations, which can total as many as 19, are based on a combination of the student’s first year grades and the scores given to his or her case comment.

All Competition materials including the selected case, the source list, and the competition directions will be posted on the Westlaw TWEN page at the start of the Competition. Students who plan on trying out for Law Review need to pick up a copy of the Westlaw directions and the Grade Release & Honor Code form located on the bulletin board outside of the Law Review office. In order to participate in the Competition, the Grade Release & Honor Code form must be filled out and returned to the Law Review office or to the “Grade Release Dropbox”, also on the Law Review bulletin board, by Wednesday, May 12, 2010.

After completing finals and preparing to enjoy a long-awaited summer, most students dread the thought of attempting to research and write a 10 to 12 page paper. However, the rewards of being a Law Review member are worth the effort and the experience will open many doors to a future legal career. If you have any questions, please feel free to contact me at Erica.Hoodhood@gmail.com. Also, please note that part-time students and 2Ls have different requirements for trying out. If you are a part-time student or a 2L and interested in Law Review, please contact me for this information, or pick it up from the Law Review bulletin board. Participating in Law Review is a unique and challenging experience incomparable to any other law school course, and all students are strongly encouraged to try out. Good luck!

Erica is a 2L and can be reached at forum@valpo.edu.
BY: JOLENE CIENCIAWSKI • EDITOR-IN-CHIEF

O k, so chances are that at least 80% of the students AND professors here at VUSL have some sort of online social networking account, whether it be Facebook, MySpace, or something else. Chances also are that those who have an account check it at least once a day, but probably more like five to ten. I bet most of us check our online account more in one day than we check our email or our online bank account. So what is the attraction? And furthermore, are these sites a good thing or a bad thing for us as future lawyers?

Many of us would agree that online social networking sites are just that – online social networking. They are a fun way to network with other people without having the hassle of picking up the phone or seeing people in person. But, are we really networking through these sites? When I think of networking, I think of reaching out to prospective employers or current or past colleagues who may be able to offer me something in this professional world or vice versa. That being said, those professional types of people are the ones who most of us deliberately try to keep off our page. We change our privacy settings to make us undiscernible or at the very least, uninteresting with just a profile picture and current location. And God forbid someone in our professional network ask to be our “friend” – we don’t want them seeing our Wall or pictures! It’s arguable that the “networking” we really gain entails silly banter with friends, showing our friends what we are doing, and stalking old lovers or schoolmates. This may be more of a distraction than an actual networking tool, as it claims to be. Don’t get me wrong. I enjoy the online world of “social networking,” but every time I see a “Farmville” or “Mafia Wars” post, I feel more and more as if the networking intent is slowly disappearing.

Yeah, so I share my life with my friends on my online social networking page and preclude all professional relationships by hiding myself – what does this have to do with the world of lawyering? Well, it’s a somewhat scary thought to imagine that people are trending toward favoring a more informal, electronic way of keeping in touch, rather than a face-to-face approach. Sure, a huge part of a lawyer’s job is to maintain contact with a client in the most convenient way possible, and this may not be face-to-face, i.e. via phone or email, but has the door been opened to a slow loss of actual human communication? If we are used to the nuances of online social communication, will we freeze up when we have to actually see people in person? If we become too engulfed in a world of convenience and short-cuts, our clients can suffer and we may not even know it unless you have that outspoken client who will explicitly demand your attention and human correspondence. Other clients will slip through the cracks and will likely never return to you if you don’t know how to be warm and open to them in person. You may even lose clients by being put into an unwanted situation. For example, a few years back when I was selling real estate, a client of mine “Friended” me on Facebook. Needless to say, I was shocked – I remember thinking, who does that? Why would he possibly want to be my “Friend” online? Aside from my shock, anxiety set in. If I “Friend” him, he’ll see my entire personal world. If I don’t, I may offend him and lose him as a client. It seemed like a lose-lose situation to me, but I had to choose something. I decided to ignore the request, and luckily our business together soon ended and he moved on. I still think about it, though, and hope it never happens again.

Online social networking has other implications in the legal world aside from client relationships. In law school, we learn about the continuing evolution of case law and statutes accepting emails and electronic communications as hard copy paper. Will online social networking sites fit in this realm? As lawyers, we’ll have to continually check our jurisdictions to make sure we are on top of what’s going on. Our courts are new to the concept, but Australia and New Zealand are making headway in this area. Their courts have found in 2005 and 2009 that Facebook is a valid protocol to send notice to defendants and it is also an acceptable avenue to send and receive legal papers/filings. A site that we see as fun and time-wasting is suddenly now a serious avenue for correspondence in every day legal life.

So, what’s the point of the article? Be aware of the implications online social networking can have on your professional life. I know you’re thinking ‘yeah, yeah, yeah,’ but I sure wasn’t thinking that when one of my clients hunted me down. It may be the fun, hip thing to do, but always expect the unexpected. You never know who your clients will be and you never know when and how your online social networking world will collide with your professional one.

BY: MICHAEL FOLGA • COLUMNIST

A fter serving as a Supreme Court Justice for 34 years, the longest time served by any Supreme Court Justice, Justice John Paul Stevens of Chicago has announced that he will be retiring after this terms end. Stevens was widely regarded as having a reputation as a political activist and considered by some to be the most liberal justice on the court. Stevens was characterized by President Obama as being, “an independent mind, a record of excellence and integrity, a fierce dedication to the rule of law and a keen understanding of how the law affects the daily lives of the American people.” As such, President Obama has a large void to fill on the court if presumably he would like to replace Justice Stevens with another liberal justice.

Not all Presidents have had the opportunity to appoint nominees for a Supreme Court Justice spot, considering justices are appointed for life. However, in his brief presidency, President Obama has had the fortune of appointing Justice Sonia Sotomayor to replace the former Justice David Souter, and now will be given the opportunity again to appoint a justice.

These have been much speculation surrounding who President Obama is vetting for candidates to replace Justice Stevens, with the names Merrick B. Garland, Elena Kagan, and Diane P. Wood floating around as being on his short list. These individuals have been considered as politically leaning left; however often times a nominee’s political reputation prior to becoming a Supreme Court Justice defies expectations when they become a member of the highest court in the land. Notably, Justice Stevens, traditionally regarded as a liberal thinker, was appointed by the Republican President Gerald Ford. Similarly, Republican President Dwight D. Eisenhower appointed Chief Justice Earl Warren in an effort to bolster the conservative presence of the court only to discover that he was far more liberal than expected.

Of course, the reality still remains that with Stevens the Supreme Court’s makeup is fairly balanced ideologically. Thus, the question boils down to will the new justice affect the Supreme Court’s balance or should conservatives be optimistic about potentially gaining another likeminded thinker or a swing vote? In the former case, the balance would shift in favor of the conservatives and their satisfaction. In the latter case, the balance could similarly shift, but as a swing vote implies, the judicial scale could tip either way. Regardless, conservatives need not fear a liberal majority because the filling of one judicial vacancy will not provide an ideological majority in their favor. Furthermore, as history has shown, Presidents’ expectations with their life tenured Supreme Court appointments may be defeated with their subsequent voting records. Thus, only time will tell whether President Obama’s appointment will fulfill his political parties agenda and further their cause.

By: MIKE WILD • SPORTS EDITOR EMERITUS

Well Sweet Valpo High, you made it. It all started on a lark last year when I decided to pay homage to America’s greatest gripe columnist, Andy Rooney, with my own column. You’ve tolerated my grousing and griping for an entire year, but fortunately for you, you’ve survived. This is the last time you get to find out what’s grinding my gears. As it turns out, the most irritating part about graduating is finding
HBO has long been one of the best destinations to find quality television. From the cultural phenomenon mob masterpiece *The Sopranos* to the most gritty, realistic depiction of drug culture in Baltimore seen in the critically acclaimed drama *The Wire*, HBO gave us two of the best shows ever produced in the television medium. Since those shows ended, the network went through a funk looking for its next big hit while AMC supplanted it as the must-see in the television medium. Since those shows with the breathtaking World War II miniseries *Band of Brothers*, its creative reinvigoration has continued this year with the breathtaking World War II miniseries *The Pacific* and a show about post-Katrina New Orleans called *Treme*.

A sequel of sorts to Tom Hanks and Steven Spielberg’s universally praised *Band of Brothers*, *The Pacific* takes a look at the war in the Pacific through the eyes of three different Marines. The series began with the Battle at Guadalcanal, showing the hell and mayhem that resulted when war broke out with Japan. Unlike *Band of Brothers* where the story followed several characters, here everything focuses on the three leads and everything they take in. This allows the characters to be that much stronger and well-developed. One of the Marines named Eugene Sledge had a heart condition that prevented him from enlisting right away. You see the pain this causes the man who wants nothing more than to aid the war effort and build an attachment to how things will unfold innocently enough; Cusack is an unhappy aging in 25 years and feeling guilty about charging for round two. With *Treme*, Simon has done it again, this time with New Orleans as the focus. The story in *Treme* does not have the darkness of *The Wire*, instead focusing on people trying to better themselves and their city three months after the events of Hurricane Katrina. Musicians are a big focus. Wendall Pierce, a *Wire* veteran, plays Antoine Batiste, a struggling trombone player living day-to-day, searching for the next gig to pay off his bills. His ex-wife Ladonna, played by the sultry Khandi Alexander, runs a city bar still harboring a flame for her ex all while searching for her lost brother who has not been seen since the storm. John Goodman plays an outspoken professor who believes the government relief has been such a joke and that the flooding of the city is a man-made disaster. Another *Wire* veteran Clarke Peters plays a displaced Indian Chief named M. T.咙 out to reassemble his tribe so that they can begin practicing music for the big Carnival festival. Rounding out the cast are the excellent Melissa Leo as in-your-face attorney Toni, Kim Dickens as a struggling chef, and Steve Zahn as an annoying disc jockey seeking out fame.

All the ingredients such as the music, characters, food, and dialogue feel so authentic to New Orleans. Simon never shortchanges realism for the sake of the plot. Stories develop naturally and the show early on feels reminiscent of *The Wire* in that it takes its time introducing you to the characters and showing what their motivations are. He has laid the foundation for several different arcs that will continue to grow, surprise and intersect as the season progresses. There has never been another show like it which makes it so intriguing to keep an eye on. If given a chance to run for a few seasons, this unique blend of music and great characters could develop into something truly special. Overall, HBO is back on the map and anyone who loves great television should give some of the network’s new shows a chance.

John is a 1L and can be reached at forum@valpo.edu.

---

**MOVIE REVIEW: HOT TUB TIME MACHINE**

**By: Adam Cloudy • Columnist**

Its redemption time for John Cusack after starring in the stunningly awful apocalyptic bust that was 2012...luckily between not aging in 25 years and feeling guilty about charging admission for the aforementioned cinematic trashpile, we have been given *Hot Tub Time Machine*, a show about post-Katrina New Orleans called *Treme*.

No it’s not as generation-defining as *Sixteen Candles* or impactful as *High Fidelity*, but it’s still highly raunchy and entertaining. The story starts out innocently enough; Cusack is an unhappy insurance salesman whose girlfriend has just left after abscording with most of his worldly possessions. Inspired by this and a best friend’s professor who believes the government relief has been such a joke and that the flooding of the city is a man-made disaster. Another *Wire* veteran Clarke Peters plays a displaced Indian Chief named M. T.咙 out to reassemble his tribe so that they can begin practicing music for the big Carnival festival. Rounding out the cast are the excellent Melissa Leo as in-your-face attorney Toni, Kim Dickens as a struggling chef, and Steve Zahn as an annoying disc jockey seeking out fame.

All the ingredients such as the music, characters, food, and dialogue feel so authentic to New Orleans. Simon never shortchanges realism for the sake of the plot. Stories develop naturally and the show early on feels reminiscent of *The Wire* in that it takes its time introducing you to the characters and showing what their motivations are. He has laid the foundation for several different arcs that will continue to grow, surprise and intersect as the season progresses. There has never been another show like it which makes it so intriguing to keep an eye on. If given a chance to run for a few seasons, this unique blend of music and great characters could develop into something truly special. Overall, HBO is back on the map and anyone who loves great television should give some of the network’s new shows a chance.

John is a 1L and can be reached at forum@valpo.edu.

---

**Grinding: Continued from page 6...**

a successor who can faithfully live up to my gripe column standards. Sure, I have to detail every place I’ve ever lived and every place I’ve ever worked, and pay obscene amounts of money for BarBri and bar exam registration. But, the most irritating part about graduating is my succession plan for the Grinding my Gears column.

Grinding: *Continued from page 6...* a successor who can faithfully live up to my gripe column standards. Sure, I have to detail every place I’ve ever lived and every place I’ve ever worked, and pay obscene amounts of money for BarBri and bar exam registration. But, the most irritating part about graduating is my succession plan for the Grinding my Gears column.

Well, after some serious reflection and soul searching, I’m passing the Grinding my Gears torch on to David Johnson. He’s got that perfect combination of cynicism and basic grammar skills that make him perfect to follow in my footsteps. So, without wasting any more space that should be devoted to David’s gripes, I want to thank everyone who read my columns over the past year and officially pass the torch on to David.
APPHRODITE & ARES
Could This Be The End??

By: Danyel Robbins & Meghan Flaherty • Columnists

ADVICE FROM PEOPLE WHO HAVE ACTUALLY BEEN IN RELATIONSHIPS...

I just started dating this guy a few months ago, and now he is getting ready to graduate. I think things are really serious, but he has not even brought up the fact (and quickly cuts me off when I bring it up) that he is leaving. I don't know if he is going to stay around if I leave him or if he wants me to go wherever he moves to next year. I don't even know if he wants to keep this thing we call a "romance" going on. How do I approach him about it and what do I say??

Well, first of all, he is saying a lot more than you are acknowledging!! Don't be in denial of the fact that he has not and will not have this conversation with you. If he was really feeling this "flying" that you have been having, then he would already be making plans for the future with you! There is a good chance that this was something to get him through the last few months of this dreaded hell hole that we call Valparaiso. With that being said, there is a chance that he may be freaking out about not having a clue about what he is going to do with his life next month and this may not be the right time to have this conversation. He could also be freaking out that he was not planning on having the feelings for you that he does and he may not know what to do about the situation. You are just going to have to sit him down sometime soon (before finals) and calmly tell him that if he does not have this conversation with you and allow you to plan your future as well, then it will be the end of you two. Just be prepared...with men, you never know what they are going to say. Don't attack him, but don't let him keep ignoring you. If it is meant to be, it will be! Good luck!

I met a girl that I would really love to get to know, but I am moving in a few months and I am afraid to get anything started...what do I do?

This can be a very complicated situation. If you are afraid to really get to know her, it seems to us that you might already have feelings for this person and know it is going to suck when you leave. If this is the case, you just have to ask yourself, are you okay with never knowing what could have been? If you are the type of person who just does not want to start anything period so you can begin with a new slate, then just keep it on a friend level. It never hurt anyone to have a little fun in their spare time. Just make sure you both know the terms of the agreement!

XOXO,

Aphrodite & Ares

Danyel and Megan are both 2Ls and can be reached at forum@valpo.edu.

1L CHRONICLES: THE MAY EDITION

By: Dan D. Hallberg • Managing Editor

I remember when I was in high school thinking as I entered my sophomore year, "Wow, there is no better feeling then not being a freshman anymore." Well I was wrong, because I am quite sure that there is no better feeling in the world then not being a 1L anymore.

If I remember correctly from orientation, there were a lot of copies of The Forum lying around and to kill time, many of us read through them several times. Well, I hope some of you incoming 1Ls are reading this column now because this column is for you. In fact this column could even be yours next year. I mean, I can’t write it, so someone has to. So here you go, a little advice for you just cutting your teeth in the law school world from someone who just finished the year.

Words of Wisdom for the Valpo Law School Class of 2013:

1. Don't board books.
This won’t make any sense to you right now, but in a week or so you’ll have your first legal research assignment. First off, I’m sorry. Second off, if you need a book, don’t take it to your desk; just write down the answer or the info you need in a notebook. If you don’t, everyone will hate you.

2. Make outlines, don’t collect them.
The whole reason you do outlines is so that you review the material as you write them. There’s nothing wrong with having a few others to compare with, or even well organized one from someone else for use on open book exams. However, you don’t need to start a collection of them, there is such a thing as too much information.

3. Don’t be late to Civ Pro.
If you have Prof. Lind she will kick you out. No joke. Other than that, she is a delightful person.

4. Don’t worry about grade normalization.
I know a lot of you have been getting A’s for the better part of your scholastic career. What you’re going to find out is that that’s not going to be the case here. We have a thing called grade normalization going on here and it kind of works like a bell curve. Other law schools will have a curve or something like that, but a grade system like this is not that uncommon. You won’t ever understand it, it won’t affect your grade too much, and you have absolutely no control over it, so don’t worry about it.

5. Everyone’s first writing grade sucks, just take a deep breath and deal with it.
You’ll be getting your first writing assignment soon, and you’re going to work very hard on it. You’ll put in tons of effort and try to work in things you learned from writing in undergrad and think that you did a good job adjusting to the new writing system that we use in law school. Then, about a month later when your prof finally grades it, you’ll see that your paper is hemorrhaging pen ink. Don’t be discouraged, it happened to all of us, and we’re still here. Also, don’t forget the honor code, that’s 10 points right there.

So that’s it, for those of you leaving, good luck getting jobs, and for those of you coming in, heed my words. Trust me, they’ll do you a lot of good.

Dan is a 1L and can be reached at forum@valpo.edu.

NOSHIN’ WITH NIKKI & THE NINJA...PASTTIMES

By: Nikki Knowlton • Columnist

This is the final installment of Noshin’ with Nikki and the Ninja, I know... sad faces.

Since this article is going in the graduation edition, we thought it was fitting to select a place that is near and dear to our hearts...Passtimes. Passtimes is located at 175 Lincolnway, Valparaiso, IN 46383. There is no website, but it’s not that hard to find, just ask any law student. Passtimes is frequented by the working community during the day and law students by night. It is known for the working community during the day and law students by night. It is known for

Atmosphere:
Passtimes is reminiscent of Cheers. It has all wood furniture and booths, a traditional bar and outside seating. Before you walk in, there is a chalkboard which tells you what the specials are for the day, and the day we visited it was HALF OFF EVERYTHING! So the Ninja and I tucked out on this trip. More about the atmosphere...

We came into Passtimes around 3pm on a Thursday, when most patrons were not there. There is a back area with plenty of seating and tons of flat screens to watch sporting events. It was pretty dead when we got there except for a few day drinkers outside. There is patio seating outside with typical tables and chairs along with umbrellas, and it comes off as a pub and grill but without the smoke. That’s right ladies and gentlemen, no smoke! If you want to smoke you have to go outside. I usually go to Passtimes in the evening as most of you do, but going in the middle of the day was refreshing. It’s not as hectic and you can enjoy each other's company on a beautiful day on the outside patio.

Friendliness:
First off, it’s open seating at Passtimes, so don’t expect a hostess to seat you or greet you, which is nice because you can sit wherever you want. When we found a spot to sit, a waitress came over and got our drink orders and then brought us a menu. She was very nice and prompt. We originally sat outside, the weather was nice but windy. The Ninja and I decided to move inside so our food didn’t fly away. Once we moved inside we had a different waitress, Bri, and she was very nice. She had a smile on her face and was very polite. I asked her about the special we saw on the chalkboard and she explained that it covered all food and dessert... Score! I know, we’ve all gone late at night and it’s hard to get the attention of a waitress here, but going during the day was great; still a little slow at times, but overall good service.

Money Matters:
Passtimes is more of a pub and grill, so it has sandwiches and salads as well as appetizers. Since it was half off during our visit, the Ninja and I got an appetizer. We got their Spin Art Dip, which is obviously their spinach and artichoke dip, which costs about six to seven dollars. The Ninja then

Noshin’ Continued on page 9...
order a double cheeseburger with Pepperjack cheese and baked chips. I ordered the Reuben on marble rye bread with baked chips. Our meals ran us six to seven dollars each. The Ninja had a water and I had a soda. Our adventure cost us roughly twenty-six dollars, but oh wait... everything is half off! Our salads, including a soda, an appetizer and 2 sandwiches costs us, $13.91, not too shabby!

Yum-O or a Non-No:
As bar/pub/grill food goes, our meal was excellent. The Spin Art dip was great. The ingredients were evenly portioned with parmesan cheese lightly toasted on top. The Reuben was wonderful. It was served on marble rye bread with Thousand Island dressing and sauerkraut. My only criticism was that I had to ask for more dressing.

You

BY ANDY ERICKSON & CHAS KOOP • COLUMNISTS

T

he Beet is the love child of Andy and Chas that is the direct descendent of Barely Legal. Unlike “Unsolved Mysteries,” the names are real, but the stories are not.

Al Gore To Melissa Mundt: Stop Clogging My Internet
Weather hippie Al Gore stated in a public announcement this week that he will be taking a break from giving boring monotone lectures about the changing weather from season to season and will focus efforts on his one true love, the Internet. Credited with creating the Internet in the mid 1980s, Gore believes Internet safeguards have become too lax and that if nothing is done, the Internet is going to become “too jammed up.”

According to a study by Consumer Reports, Internet usage is up 400% from its inception nearly thirty years ago. The study further identifies office email correspondence as the primary reason for the continued increase in Internet usage. More specifically, attributable to the national problem is a hot bed of email traffic originating in Wesseumann Hall, Room 278. For Gore, this was an invaluable bit of information, as he articulated how knowing the source of a potential problem is vital in the scientific process to finding the proper solution.

“Many things aren’t even really a problem, people just turn them into one to make money,” explained Gore. “Take global warming for example. Scientific people are saying things like summers are getting longer and penguins are overheating. Ok, well one, you’re welcome Minnesota. Oh, what’s that? You now have enjoyable weather two months out of the year and a tourism industry- it only took you 152 years. Two, penguins live on ice, the ice melts into water. If penguins can’t figure to jump into the new icy water, well, then sorry, I’m not sorry. Dumb penguin problem solved. But this internet problem, this is for real.”

Gore’s concerns have been substantiated by the IT department at Valparaiso, as well as by Danica Patrick, spokesperson for GoDaddy.com, the web hoster of choice for Valpo Law’s website. According to the IT department, the problem is not one that can be done immediately. Alpo Law’s servers will be too jammed up to operate by the end of the summer law term. Once this occurs national servers and hosts will then also get jammed up with the overflow. However, Gore has predicted the solution may be a simple one.

“Listen, I don’t want to shoot the messenger. I know Ms. Mundt isn’t the one writing the four emails nagging students about Forum deadlines. I realize that. But the problem isn’t in the number of emails, it’s in the number of characters used.
The Forum

NFL SEASON DRAGS ON... AND ON...

BY: MIKE WILD • SPORTS EDITOR EMERITUS

Here we are, in the dead of the NFL offseason. The only interesting news in sight on the NFL calendar is the draft. To me, the NFL draft isn’t very interesting either. There is always a big group of drooling Jets fans in the front row of the balcony at Radio City Music Hall, and every year, they boo their first round draft pick. If it wasn’t so tragic to see the barrel scrapings of NFL fan intelligence on full display, I’d find it amusing.

Aside from draft talk, nothing much is happening around the league. Well, except for the Jets trying to buy a title. It’s obscene how much money the organization is trying to spend during the offseason to buy a title while the salary cap is suspended.

Let’s go through a quick rundown of the Jets’ offseason moves. First, the Jets signed Ladanian Tomlinson to be the second running back in their system. Despite declining numbers in San Diego over the past few seasons, L.T. still demands extra attention from opposing defenses, and he is a high character addition to any locker room. In spite of his recent injuries, Tomlinson is still a fearsome, dominant NFL rusher. In addition to adding Tomlinson, the Jets added Antonio Cromartie. Cromartie steps in to play cornerback opposite Darrelle Revis, making the Jets pass coverage nearly impenetrable. On top of those two acquisitions, the Jets added Santonio Holmes from the Steelers. Despite a tumultuous offseason for Holmes, including assault allegations and drug charges, resulting in a four game suspension effective next season, Holmes adds depth to the Jets’ passing attack.

In other news, the Dolphins dropped Ted Ginn Jr. onto the 49ers. I hate to label any NFL player a bust, but Ginn certainly did not live up to his ninth overall draft pick status. Adding insult to injury, the Dolphins essentially gave him away, getting only a fifth round draft pick for Ginn’s services. Speaking of Dolphins’ receivers, Miami made a $45 million splash by replacing Ginn with troublesome wideout Brandon Marshall. He may be a malcontent, but he can catch the ball. Replacing Ginn with Marshall instantly adds more depth to Miami’s receiving corps. In other news out of Miami, Jason Taylor is unhappy with the organization and is rumored to be in talks with the Jets.

The NFC’s biggest mover and shaker this offseason appears to be the Redskins. Under Mike Shanahan’s leadership, the Redskins signed Donovan McNabb after the Eagles traded him to Washington. This is possibly the strangest trade of the offseason. Why would Andy Reid want to dump a quality quarterback onto a divisional opponent? I’ve never considered McNabb as one of the NFL’s elite quarterbacks, but I do acknowledge that he is a solid leader on the field with a reputation for durability and toughness. I suspect that McNabb and Shanahan will be an interesting coach and quarterback combination. When you add McNabb at quarterback to Shanahan’s uncanny ability to turn almost any running back into a 1,000 yard rusher, the Redskins could become very competitive in the NFC East. Despite the competent personnel moves, the Redskins still have to worry about their biggest Achilles heel, owner Daniel Snyder, whose knack for alienating his coaches and fans alike is legendary.

In the NFC North, Brett Favre is yet again withholding his decision on whether he will officially retire again, or return to the Vikings and further tarnish his reputation. I suspect that he’ll probably come back. I think he owes it to the NFL to come back, especially after the league competition committee changed the overtime rules to compensate for his errant pass at the end of regulation in the NFC Championship game last season. The only real news out of Favre is that his daughter recently gave birth. This makes him the only active NFL player who is also a grandfather.

Oh, and then there was that little incident involving Ben Roethlisberger. Nobody will ever accuse me of being a Steelers fan. But I can say with confidence that Steelers fans don’t put up with antics like those. Over his NFL career, he has been incredibly successful on the field. There is no question that he is one of the NFL’s best young quarterbacks. Unfortunately his off-field character problems, including a motorcycle accident, a civil rape allegation and a criminal rape investigation make him a liability for the Steelers. It’s a liability for the NFL too, which is why Roger Goodell suspended him for four to six games next season.

Mike is a 3L and can be reached at forum@valpo.edu.

LAW SCHOOL OR A CAREER IN BASEBALL FUTURES???

BY: JOLENE CIENIAWSKI • EDITOR-IN-CHIEF

Being a Cubs fan, I tend to get excited about another year of baseball, hanging my hat on previous years where we “almost made it.” This year my playoff hopes may be fleeting, but they’re still alive, as they are for any Cubs fan. Although my loyalty is true and true, I have my eye on a few other teams that may go farther than everyone expects, but let’s start with a preview of the Cubs season, of course.

Two years ago, the Cubs won 97 games – the second most in baseball behind the Angels and tied with the Rays. Then last year, they infected themselves with Milton Bradley. Geovany Soto had his “sophomore slump,” and injuries really screwed Aramis Ramirez and Alfonso Soriano. This year, the Bradley infection has cleared and Soto has vowed to rebound from his slump excuse. Ramirez has been my guy since 2003, and if he can stay healthy, I think he can team up with Derek Lee, Ryan Theriot, and Mike Fontenot to make some magic happen. I have nothing to say about Soriano. He has started off the season already with three errors and he was never the “superstar” we thought he was after he joined the team. As far as pitching is concerned, we’ve got Carlos Zambrano for a long time, so hopefully his comfort with this team will keep him in solid pitching mode, along with Carlos Silva. The Cubs have their flaws, but until we have the makings of a solid club and could sneak up on teams this season. They have a huge challenge with the Cardinals, but hey, anything can happen.

Another sneak team this season will be (and I hate to say it) the Chicago White Sox. Being a Cubs fan, I am quite pleased that Jim Thome is a Sox. Thome is a free agent who had quietly been an incredible hitter for years, and this year he’s getting a chance to be a hero. I’m hoping he proves he can still hit over 300 and hit a few home runs. I’m happy that the Cubs didn’t do anything notable for the Sox, but then again almost everyone the Cubs signed was a hit or miss. Konerko is always a favorite with Alex Rios, Paul Konerko is always a favorite with Alex Rios, Mark Teahen, and Mark Kotsay all there to back him up. The addition of Juan Pierre is a hit or miss.

Going along with this “leave the Cubs become a superstar” trend, the Seattle Mariners may be a team to watch out for with the addition of Cliff Lee. Again, he didn’t do anything notable for the Cubs, but this may be his time to really shine. The Mariners also have Felix Hernandez and the always popular Ichiro Suzuki, but time will tell if these two are enough to carry an entire team through seven months. This uncertainty may be the advantage they need to creep up to the top of the league in the next few months.

The Atlanta Braves are another team I have a feeling will go pretty far, but I say this because of their impressive roster, not necessarily any action I’ve seen come out of Hot-lanta. Chipper Jones, Troy Glaus, and Nate McLouth are easy compliments to Jason Heyward, Yunel Escobar, and Melky Cabrera. If this roster can turn out runs and Heyward can prove that he deserves Rookie of the Year glorification, the Braves may be set. They gotta stay humble though — with a roster of big names, it’s sink or swim.

Well, that rounds out my top four sleeper picks for this 2010 season. My loyalty is and has always been with the Cubsbies, and I hate to even mention the White Sox in this article if I’m not trash-talking about them, but I like to think that this could be a possible inflation of their ego, hopefully causing a crash and burn mid-season. I have no qualms about the other teams, and as Kat Williams would say, “they gotta make that pay-pah, too, Boo Boo.” You may or may not see me in next year’s August issue — if these predictions pan out, I’ll likely leave law school to pursue an oh-so-rewarding career in MLB futures.

Jolene is a 2L and can be reached at forum@valpo.edu.
First I’d like to apologize to my reader (that’s not a typo, I’m aware that only one person reads this paper), for putting the Anderson Silva fight on my list. It was literally the worst thing I’ve ever seen in professional sports. Even worse than that stupid fake field goal thing the Redskins tried late last season. Now that that’s out of the way, let’s get going on the list.

5. Champion Alistair Overeem (32-11) vs. Brett Rogers, Strikeforce

Heavy Artillery, 5/15/10

Let’s look at Strikeforce’s logic here. First off, your heavyweight champion hasn’t fought in the organization since 2007 and you never stripped him of the title, even though he fought in seven other professional fights for other organizations in between. That’s bad enough. Then you have a number one contenders match that Fabricio Werdum won. Also, you signed the number one heavyweight in the world in Fedor Emelianenko, and a strong up-and-comer in Bobby Lashley. So, they have three top heavyweights that could fit the bill for this fight, and instead they go with Brett Rogers, who lost his last fight against Fedor. What happens if Rogers wins? I mean, he’s not going to beat Fedor in a rematch. Worst. Matchmaking. Ever. Still it will probably be a good fight, with Overeem retaining.

4. Amir Sadollah (4-1) vs. Dong Huyun Kim (12-0-1), UFC 114 Prelims, 5/29/10

This is the best fight that there will be on free TV this month. Sadollah has emerged as a well rounded young fighter since his time on the Ultimate Fighter, and he takes a step up in competition against judo practitioner and fellow young gun Dong Hyun Kim. There is a bit of a grab bag of skill sets going on here, so it’s hard to predict what will happen, other than I think Sadollah will win. Let’s say, by decision.

3. Forrest Griffin (17-6) vs. Antonio Rogerio Nogueira (18-3), UFC 114, 5/29/10

UFC 114 has two things: top light heavyweights and former Ultimate Fighter winners. This is one of two fights that feature both. Forrest is coming off a close decision win against Tito Ortiz (chuckle) and Nogueira is coming off a beat down of Luiz Cane. After Forrest’s destruction at the hands of Anderson Silva, everyone wondered whether or not he could ever contend again. This fight will answer that question. Nogueira is just as skilled as his heavier brother, if not more so, and has taken significantly less punishment. He’s pretty much just waiting to take his title shot. Here, he will work his way up the ladder by TKOing Forrest in the second round.

2. Rampage Jackson (30-7) vs. Rashad Evans (14-1-1), UFC 114, 5/29/10

I think I speak for everyone when I say, it’s about time. These two have done nothing but talk trash about each other for close to two years. This fight comes down to a mental game. Nobody doubts that Rampage has a lot of talent and a viciousness that is rarely matched, it’s just that one has to wonder where his head is. And say what you want about Rashad being cocky and Rashad being a jerk, but I have no doubt that when he has a fight the only thing he’s thinking about is beating the person across from him. It’s that trait that has me picking Rashad in this fight. Probably by decision, unless Rampage gets sick of being taken down and does something stupid.

1. Champion Lyoto Machida (16-0) vs. Shogun Rua (18-4), UFC 113, 5/8/10

Rematch time. I thought Machida won the first fight as I was watching it, but like most people I’ve found it hard to defend that decision on further viewings. Shogun hit more strikes and really did control more of the rounds. Pretty much, that’s why we’re here now. Some worry that this fight will be too much like the last one, but these two men are not going to want to leave it in the hands of the judges, and both men can finish fights. I think both fighters will be more aggressive this fight and that plays into the more technically sound Machida’s hand. Machida by TKO in one of the first 3 rounds.

Dan is a 1L and can be reached at forum@valpo.edu.

PROFESSOR PROFILE TRIVIA

1. Who used to teach part time at St. Thomas University?
2. This professor calls Toronto home.
3. Professor Whitton noted that this percentage of people who reach 65 will live to be 90.
4. Professor Whitton has circumnavigated this Canadian Island.
5. Who is the author of “Lawyerly Virtues”? (chuckle)
6. Recently Professor Blomquist and his wife, Tirsaha adopted a 6-year-old girl from Ethiopia. What is their adopted daughter’s name?
7. This recently retired Supreme Court Justice was Professor Moskowitz’s classmate at Harvard Law.
8. Who was the first director of VUSL’s clinical program?
9. What statute of the U.S.C. did Professor Vandercoy smother a grizzly bear with?
10. What method of teaching does Professor Vandercoy prefer, teaching while scuba-diving or while sky-diving?

John Bayard is a 2L and can be reached at forum@valpo.edu.
**HEATHER LOOBY - 3L**

**Hometown:** Atlanta (Marietta), Georgia  
**Family:** Yes. Mom (Marilyn), Dad (Tony), and a younger brother (Phil, 23). I also have grandparents, many aunts, uncles and cousins.  
**Undergraduate School:** Georgia State University  
**Undergraduate Major:** Journalism  
**Which is superior:** Burger King, McDonald’s, or Taco Bell? Now that they have the “Taco Bell” diet, I’d have to go with them.  
**During finals, how many cups of coffee do you drink per day?** On an average day I usually drink coffee 2-3x a day, so my caffeine intake actually stays about the same. I tend to drink a lot more water and eat Sour Patch Kids to cope with the stress of finals.  
**Most exotic location you have ever traveled to?** Exotic in the “unusual or strange” context...Vegas...?  
**What's the most expensive item you have ever lost (cell phone, diamond ring, etc.)?** My Gucci Sunglasses sucked.  
**What is the lengthiest course outline you have ever stumbled across?** I came across a Carter Criminal Law outline my 1L year that was over 100 pages long. There was a lot of important stuff from his law reviews in there.  
**Which Valpo Law organizations are you a member of?** Well, as of May 22, 2010, the Valpo Law Alumni Association. However, I’ve been on The Forum staff since my 1L year, I was the WLSA social chair my 2L year, and attended some ISBA meetings here and there. I’m also on the CPC Student Planning Committee.

---

**CHRISTINE BURT - 2L**

**Hometown:** Hales Corners, WI  
**Family:** I feel like I’m giving “shout-outs”……….Mom: Nancy; Dad: John; older sister: Karen; Grandma: Ruth; Step mom: Lynn; Son: Valpo Hootie; Chinchillas: Mercedes and Jorge  
**Undergraduate School:** University of Wisconsin-Milwaukee  
**Undergraduate Major:** Political Science  
**Which is superior:** Burger King, McDonald’s, or Taco Bell? Well, as far as business I’d say Mickey Don-Don’s but in my heart, Taco Bell.  
**During finals, how many cups of coffee do you drink per day?** None, I don’t drink coffee.  
**Which final are you most anxious for?** Probably Remedies. Please be kind Prof. Lind.  
**Which Valpo Law organizations are you a member of?** Well, as of May 22, 2010, the Valpo Law Alumni Association. However, I’ve been on The Forum staff since my 1L year, I was the WLSA social chair my 2L year, and attended some ISBA meetings here and there. I’m also on the CPC Student Planning Committee.

---

**WILNEEDA A. EMMANUEL - 1L**

**Hometown:** Palm Beach, Fl  
**Undergraduate School:** University of Florida  
**Undergraduate Major:** Political Science  
**Which is superior:** Burger King, McDonalds, or Taco Bell? McDonald’s  
**During finals, how many cups of coffee do you drink per day?** 0  
**Which final are you most anxious for?** Property  
**What is your favorite Rob Schneider movie?** Deuce Bigalow  
**Most exotic location you have ever traveled to?** Bahamas and Haiti  
**What is the lengthiest course outline you have ever stumbled across?** Constitutional Law  
**Which Valpo Law organizations are you a member of?** Secretary, Christian Legal Society and Black Law Student Association  

---

**WILNEEDA A. EMMANUEL - 1L**

**Hometown:** Palm Beach, Fl  
**Undergraduate School:** University of Florida  
**Undergraduate Major:** Political Science  
**Which is superior:** Burger King, McDonalds, or Taco Bell? McDonald’s  
**During finals, how many cups of coffee do you drink per day?** 0  
**Which final are you most anxious for?** Property  
**What is your favorite Rob Schneider movie?** Deuce Bigalow  
**Most exotic location you have ever traveled to?** Bahamas and Haiti  
**What is the lengthiest course outline you have ever stumbled across?** Constitutional Law  
**Which Valpo Law organizations are you a member of?** Secretary, Christian Legal Society and Black Law Student Association

---

**HEATHER LOOBY - 3L**

**Hometown:** Atlanta (Marietta), Georgia  
**Family:** Yes. Mom (Marilyn), Dad (Tony), and a younger brother (Phil, 23). I also have grandparents, many aunts, uncles and cousins.  
**Undergraduate School:** Georgia State University  
**Undergraduate Major:** Journalism  
**Which is superior:** Burger King, McDonald’s, or Taco Bell? Now that they have the “Taco Bell” diet, I’d have to go with them.  
**During finals, how many cups of coffee do you drink per day?** On an average day I usually drink coffee 2-3x a day, so my caffeine intake actually stays about the same. I tend to drink a lot more water and eat Sour Patch Kids to cope with the stress of finals.  
**Most exotic location you have ever traveled to?** Exotic in the “unusual or strange” context...Vegas...?  
**What's the most expensive item you have ever lost (cell phone, diamond ring, etc.)?** My Gucci Sunglasses sucked.  
**What is the lengthiest course outline you have ever stumbled across?** I came across a Carter Criminal Law outline my 1L year that was over 100 pages long. There was a lot of important stuff from his law reviews in there.  
**Which Valpo Law organizations are you a member of?** Well, as of May 22, 2010, the Valpo Law Alumni Association. However, I’ve been on The Forum staff since my 1L year, I was the WLSA social chair my 2L year, and attended some ISBA meetings here and there. I’m also on the CPC Student Planning Committee.