

11-2010

The Forum (Volume 40, Number 3)

Valparaiso University School of Law

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The FORUM

VOL. XL— No. 3

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A STUDENT PUBLICATION OF VALPARAISO UNIVERSITY SCHOOL OF LAW – SINCE 1971

GOV. DANIELS INSPIRES VALPO LAW STUDENTS

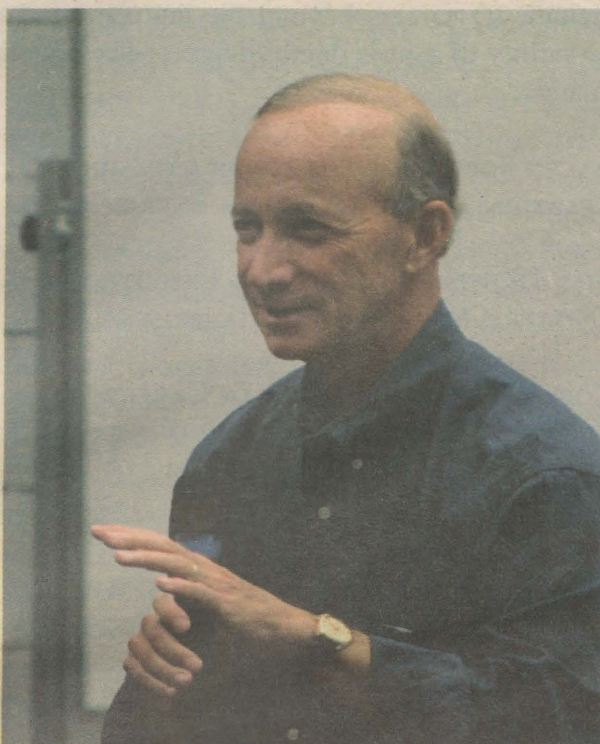
BY: JOHN BAYARD ♦ EXECUTIVE EDITOR

On October 7th, in the Tabor classroom, Governor Mitch Daniels (R. - Indiana) spoke to students, faculty, and community members about issues affecting the State of Indiana. While the Tabor classroom did fill up, the attendance was less than expected due in part to the unfortunate scheduling of the event on the day of the 1L practice exam.

Governor Daniels, while not described as an energetic person, seemed very lively when he mentioned the different places he visited in the past two days. The Governor, who has spoken at the undergraduate campus in the past, was excited to discuss issues with people destined to be future leaders of the state. The Governor stated in his opening remarks that citizens of the state and country have received a raw deal in the terms of bills piling up and national debt.

While the Governor himself asked a question about the members of the *Forum* wearing bowties, the Governor left most of his time open for people to ask him questions. The first couple of questions dealt with the speculation that the governor is planning on running for President in 2012. The Governor stated he had thought about it but was focused on Indiana at the moment.

When asked about the budget, the governor stated he would try to seek “emergency power” to control the state’s budget. What exactly such



“emergency power” would entail and if it would even be constitutional was conveniently left out of his answer. The Governor did make very strong points, such as mentioning that the retirement age needed to be raised and people who make enough not to need Social Security should not be receiving its benefits. The Governor stated such measures would ease budget pressures. However, the Governor also noted he would not change the program for people already in it or soon to be entering it. The problem with this statement was that it seemed to be more of a political choice on

the part of the Governor, since it is safer to withhold a potential heavy economic impact on the future elderly instead of risking alienating your current political base.

The Governor was asked about education and stated that he thought teachers should be paid based on performance, although he did not stipulate based on what type of performance. Furthermore, despite his concern over public spending on education, he did not seem to have any similar pay for performance plans for other public employees, such as police. The Governor seemed very political in selecting praise and scorn on different groups.

One student asked about debt forgiveness for students going into public service. While the Governor not agree with this idea, he did suggest allowing students who excel in high school to graduate a year early and use the savings in taxes (roughly \$7,000 total) towards college. While the crowd was positive to the Governor’s idea, it seemed a drop in the bucket since the 2010-2011 tuition rate for a Public University, such as Indiana University-Bloomington, is itself about \$21,000 a year.

In the open forum, the Governor covered a wide range of topics and left generally a good impression on the crowd. The Governor was very excited to talk to the attendees and stay afterwards for pictures and discussions with some of the students.

John is a 3L who can be reached at forum@valpo.edu.

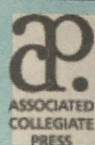
MUCH ANTICIPATED HERITAGE HALL OPENS

Last year, Heritage Hall was the oldest building on the campus of the original Valparaiso University. Built in 1875, the building was named “Flint Hall,” after the contractor who built it, but was renamed after Richard Aaron Heritage, head of the school’s music department from 1878-1894. Due to decades of wear and decay, the historic building recently required reconstruction and the new building in its place has been modeled to reflect the original architecture. The building is part of the University’s School of Law and houses law clinic programs such as the Tax, Criminal, Wrongful Conviction and Sports law clinics. The building, which contains a mock court room and several conference rooms, will also serve as home to several law classes such as Pre-trial Skills and Dispute Resolution and will also be a practice area for the Moot Court and Trial Advocacy teams.



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The FORUM

VOLUME 40 :: ISSUE 3

CPC CORNER

LEGAL REBELS

By: KIM KASS ♦ CPC ASSOCIATE
DIRECTOR OF CAREER ADVISING

Are you a legal rebel that wants to utilize your law degree in a field other than the traditional practice of law? The number of legal rebels has gradually increased over the last decade according to national statistics collected by the National Association of Legal Professionals (NALP). If we rewind the clock a decade to the Class of 2000, NALP reports that nationally 10.6% of graduates accepted jobs not directly related to the practice of law. National statistics for the Class of 2009 indicate that nearly 14.6% of graduates accepted employment in JD preferred or other professional fields.

Although the 4.0% increase in graduates accepting employment in JD preferred or other professional fields over the last ten years has been gradual, the increase should be noted. The article, CEO, Esq., by Mark Curriden, featured in the May 2010 issue of the ABA journal explained that there is a new trend in the nation's largest corporations to select lawyers to lead their conglomerates. The article noted that nine of the Fortune 50 companies now have a lawyer as chief executives. Lawyers serving as chief executive officers in Fortune 50 companies have tripled from a decade ago. Being the chief executive officer of a Fortune 50 company is a hefty career goal. However, the reality is that the skills learned in law school and developed in the legal practice can be applied to almost any profession or industry.

Students often stop in at the Career Planning Center and inquire about JD careers beyond the law firm and government. The Career Planning Center is hosting events throughout the month of November geared to those of you that are interested in thinking outside of the box and exploring the legal rebel inside of you. Be sure to take advantage

of these informative events during the month of November:

LEGAL REBEL PANEL DISCUSSION AND NETWORKING RECEPTION

TUESDAY, NOVEMBER 9, 5:30PM—
HARRE UNION BALLROOM C

Topics that will be covered during the discussion include JD careers beyond the law firm and the versatility of a juris doctor degree. The panelists include:

ALLEN FORE '91, DIRECTOR OF COMMUNITY
RELATIONS, KINDER MORGAN ENERGY PARTNERS

BILL TROWBRIDGE '99, CHIEF EXECUTIVE
OFFICER, OPPORTUNITY ENTERPRISES

ROBYN RUCKER, DIRECTOR OF CAREER
PLANNING AND FORMER COORDINATOR
OF THE INDIANA CLEO PROGRAM

PRESENTATION BY JOYCE THOMPSON

FRIDAY, NOVEMBER 12, 11:00AM- ULBRICHT

JOYCE THOMPSON '99, ASSOCIATE
DIRECTOR OF ENFORCEMENT, NCAA

Ms. Thompson will share her experiences working at the NCAA as the Associate Director of Enforcement. If you have ever seen the award winning movie, *The Blind Side*, you may recognize Ms. Thompson as the investigator who questions Michael Oher. Ms. Thompson will also explain the behind-the-scenes activities of each of the different departments at the NCAA.

DISTINGUISHED ALUMNUS LUNCH

FRIDAY, NOVEMBER 12, 11:45AM-
BRASSFIELD CONFERENCE ROOM

Following her presentation, Ms. Thompson, will join a small group of students for lunch to discuss her work at the NCAA, background prior to the NCAA, and address any specific questions presented by students.

PRESENTATION: ALTERNATIVE CAREERS: GETTING TO THERE

MONDAY, NOVEMBER 15, 5:30PM-
ULBRICHT CLASSROOM

SUSAN GAINEN, PASS THE BATON, LLC

Susan Gainen's presentation will discuss JD careers beyond the law firm, marketing your transferable skill set, and overcoming career roadblocks. A networking reception will follow her presentation.

Please RSVP for these informative events through Strategy. If you have any questions, please contact kim.kass@valpo.edu.



FROM THE LAW LIBRARY - ART IN THE LIBRARY

By: MARY PERSYN ♦
ASSOCIATE PROFESSOR OF LAW

By now you should have seen and appreciated the painting *Law As a Calling* that hangs on the Law Library stairway between the first and lower levels. It is the work and gift of Justin Vining, Class of 2010. The nine-panel creation is made from 694 pages from his brother, Nathan's, first year Civil Procedure book. Justin, 12 other law students and two friends tore, painted, cut and glued the papers to the nine 1' x 3' panels, which depict images of Chicago and Valparaiso University. You can read more about the painting on the Law School web page.

For those of you who are interested in the other art work that hangs in the Law Library, I thought I would tell you what I know about the various pieces on the main level.

As you enter the Law Library there is the composite of the Class of 2010, and a copy of a Gauguin poster that is on loan from the Brower Museum. In addition, there is a painting entitled *Soaring* by local artist Rosalie Sadenwater. The Class of 1982 gave that painting to the "new" Wesemann Hall when it opened in 1986.

Throughout the Law Library there are numerous copies of South Shore posters. The original posters were published in the 1920s to advertise the Chicago, South Shore and South Bend railroad, (the last of the electric interurban lines), and the

sites that you could visit by riding. In the 1990s artists started creating new posters in the style of the old South Shore posters. Many of the posters in the Library are copies of the originals; others are copies of the contemporary designs.

On the pillar by the reference collection you will find a copy of the *Ten Commandments for Lawyers* written by alum Larry Evans, '62. Copies of the *Ten Commandments* are awarded each year to the students who write the honor papers in Legal Profession.

By the reference stacks there are three black and white photos that were a gift of from the late Professor Jack Hiller '55. Two are copies of photos by Lewis Hine, a famous photographer of child labor in the United States in the early twentieth century. One of the photos is of boys working in a textile factory, Bibb Mill No. 1 in Macon, Georgia in 1909. The other is of *Ewen Breaker Boys* sorting impurities out of anthracite coal at the Ewen Mine in South Pittston, PA in 1911. The original photos were taken to show the evils of child labor.

Down the hall across from my office and that of Professor Probst you will find a painting *Glacier Peak* which hung in the office of a long-time Library employee. When she retired, we hung the painting in the hall to remember her.

Outside of Professor Probst's office is a print of *The Law Tree*. This diagram of the law was given to Professor Probst's grandfather, Ralph W. Probst, when he bought a copy of *Corpus Juris*

(predecessor to *Corpus Juris Secundum*) as he was opening his law office in Kendallville, Indiana, in 1929. The print has water damage suffered when a tornado tore the roof off the law office in 1992.

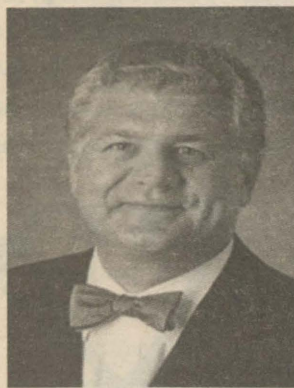
At the end of the hall is *The Magnificent 92* a poster which contains photographs of the courthouses in each of Indiana's 92 counties. The Library owns the book, *The Magnificent 92*, which was written by VU law school grad, Jon Dilts '81. Professor Dilts recently retired from IU-Bloomington where he was a professor of journalism.

Finally, along the wall on the right hand side of the book stacks on the main level you will find three portraits. Two of the portraits, by T. Hamilton Crawford, are of the first Earl of Mansfield, William Murray who is famous for his reform of English law. As Lord Chief Justice, he is acknowledged for the reform of English Commercial law through his work in *Carter v. Boehm* and *Pillans v. Van Mierop*. His decision in *Somerset's Case* held that slavery was unlawful in England. Hanging between the two Mansfield portraits is a portrait of John Marshall, first Chief Justice of the Supreme Court of the United States.

So now you know something more about the items you pass everyday in the Library. In another column I will cover the art work on the upper and lower levels of the Library.

Dean Persyn can be reached at mary.persyn@valpo.edu

BY: CURTIS W. CICHOWSKI ♦ ASSOCIATE DEAN



Heritage Hall was a remarkable and historic project. Spectacular for its look, feel, and craftsmanship, it will serve generations of law students as a perfect place to learn and practice the professional arts of being a lawyer. It will also serve as a tangible monument to our campus origins. History walls are now in production that will tell the story of Heritage Hall, our project benefactor's family legacy at Valpo Law (dating back to 1908), and the first 100 years of the campus and its surrounds.

Now on to the next two items on our project list: the first floor of Wesemann Hall, specifically the CPC and Student Lounge areas, and the parking lots.

Unlike Heritage Hall, the parking lot project is not very exciting from either a historic or architectural perspective. It does not lend itself to fancy renderings for public display, or history walls. The impetus to tackle the parking project now comes from an agreement we had with the city regarding the temporary gravel lot constructed during the Heritage Hall build. Now that Heritage Hall is up, the city is calling for the removal of that lot. The only way to keep it is to improve it into a properly graded, drained, and paved parking lot. Properly grading and draining that lot requires trenching through (i.e., tearing up) the paved lots adjacent to the south. Having the southern adjacent lots torn up provides a perfect opportunity to rebuild these lots, and since we will have all that paving equipment and labor on site, it is efficient to tackle the eastern most gravel lot at the same time.

The plan has two separable components. The first deals with the double-entry gravel parking lot to the east of Freeman Street. That lot will be enlarged to the north, properly graded and paved. The second involves the entire block bordered by Mound Street to the north, Freeman Street to the east, Short Street to the south, and Greenwich Street to the west. This entire block will be converted into one large paved parking lot. Trees, greenery, bioswales, sidewalks, and curbs will be incorporated to make the parking areas as aesthetic and natural as possible.

While this is going on, none of the effected areas will be available for parking. Thus, we cannot begin the construction side of this project until this next summer, when parking lot usage is at its lowest. Completion will be in time for the start of the 2011 Fall semester.

The other major capital project, far more exciting than asphalt, involves the northern portion of Wesemann Hall's first floor, from the CPC office to the St. Louis Seminar Room, including the entire student lounge.

In a week or so (possibly by the time you are reading this) you will find in or near the student lounge a display of architectural renderings for the lounge project; larger versions of the pictures that appear along with this article.

There are two goals: 1) expand and improve the student lounge facilities, and 2) better serve students' career needs. Both moves will greatly improve the livability and aesthetic appeal of our beloved Wesemann Hall.

The renderings reflect initial concepts, not final plans. The purpose of displaying them is to grant the Wesemann Hall population a chance to see what we have in mind and offer input that will shape the final project. Please take a look at the boards and ship any reactions, harangues, and comments to loungeproject@valpolaw.net.

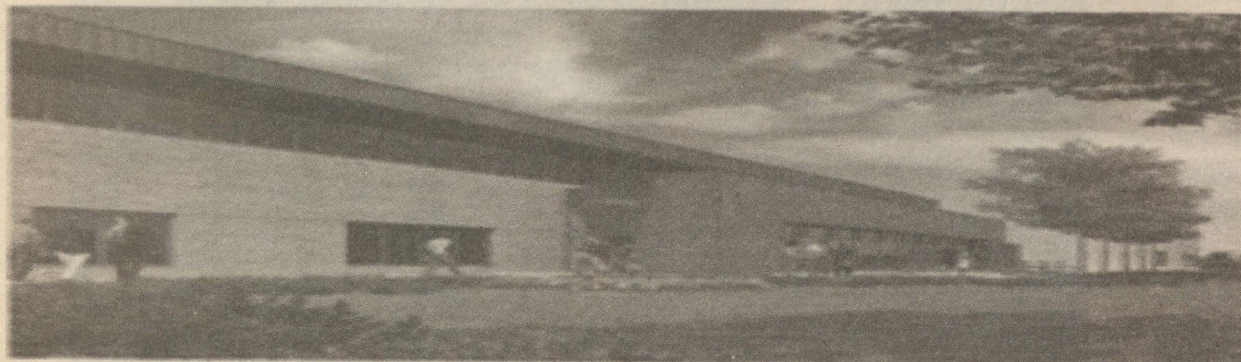
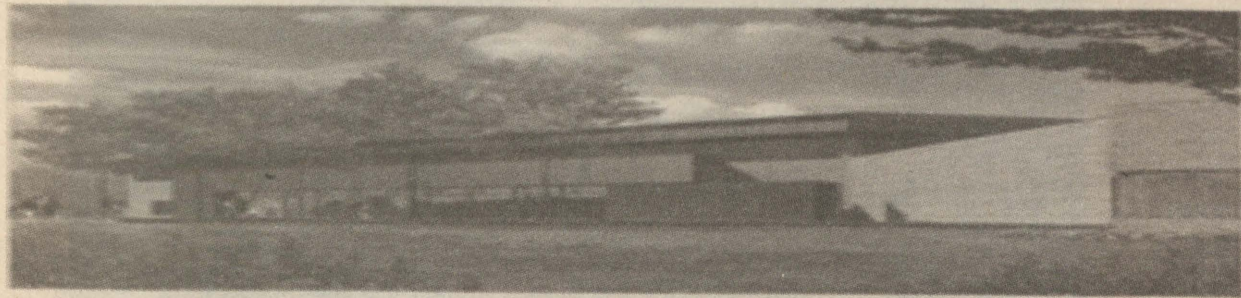
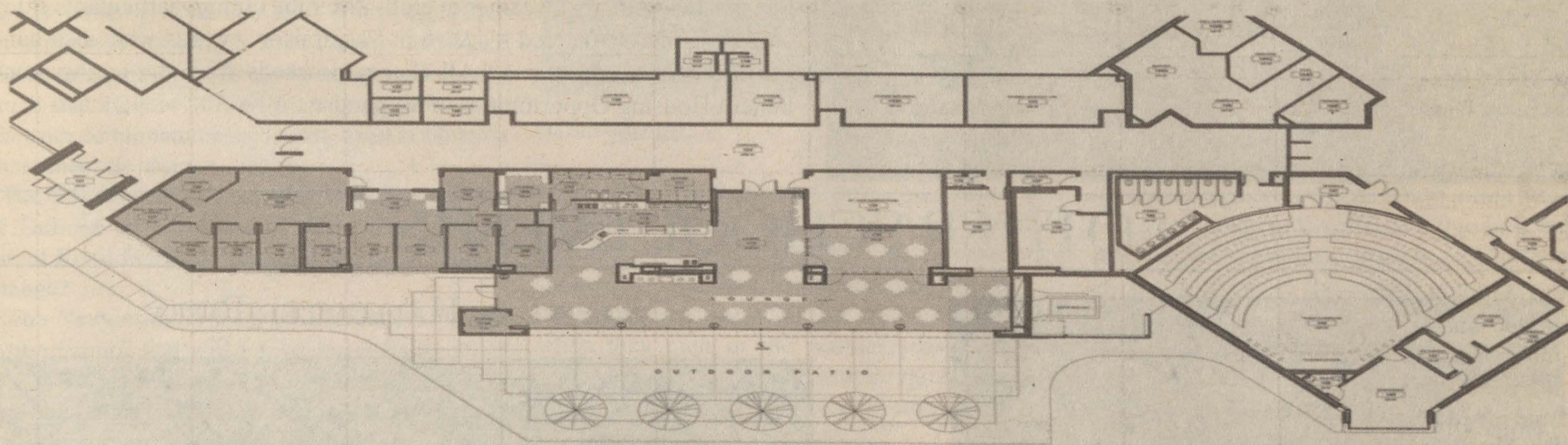
The CPC side of this project involves building appropriate space for our expanded career planning operations – not only offices that will allow the entire CPC staff to co-exist in the same suite, but interview and resource rooms for your benefit.

The student lounge side of the project involves expanding the capacity of the student lounge to at least 100, building an expanded and permanent dining-services area complete with support areas for food production and storage, a semi-private dining area, upgrading the interior finishes of the lounge, and adding an exterior patio area. To accomplish all of this, we will bump out the north wall of the current student lounge, as depicted in the exterior renderings.

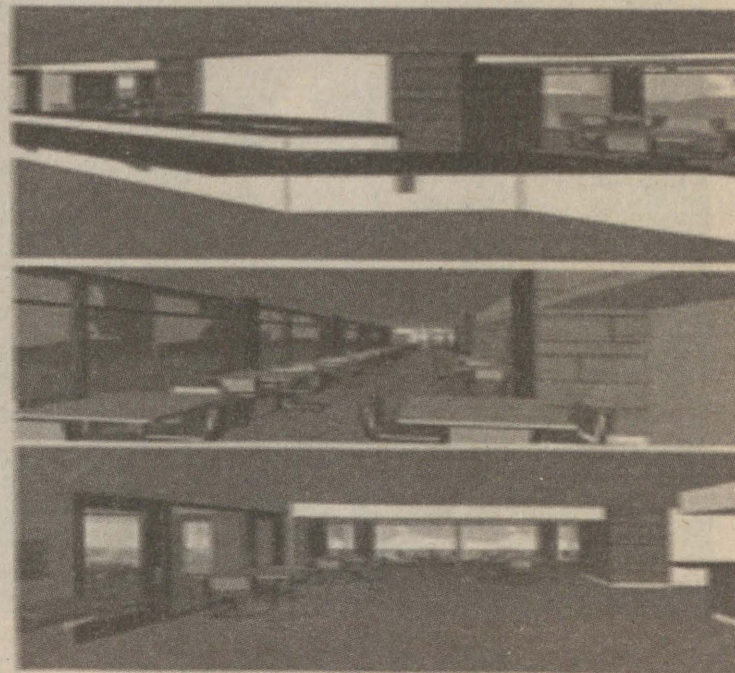
We will be scheduling a couple of town hall meetings to present these projects, answer any questions, and solicit your feedback. Please watch your email for details. In the meantime, please feel free to comment to loungeproject@valpolaw.net.

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

Wesemann Hall Renovations



Student Lounge Exteriors



Student Lounge Interiors

CARTER ALLEMAN ELECTED AS VICE CHAIR TO SBA OF THE AMERICAN BAR ASSOCIATION

SBA President Carter Alleman was elected Vice Chair to the SBA of the American Bar Association Law Student Division (ABALSD) for the 2010 - 2011 term, at its August 5th meeting in San Francisco, California. The Vice Chair is a member of the governing board that oversees the 47,500-member Law Student Division and is responsible for law schools' SBAs. The position of Vice Chair requires that the student be a current SBA president and ABA member.

The Vice Chair acts as a liaison between SBA Presidents and the Division. Alleman is responsible for making sure SBA issues and concerns are heard at the Division level, and that resources are created,

publicized, and made available to SBA Presidents. Alleman's duties entail informing SBAs of the various Division benefits and services, developing their programs and activities, and putting SBA Presidents in touch with each other.

Being Vice Chair has afforded Alleman the opportunity to serve the ABALSD by participating at various events. He regularly attends the Board of Governor Meetings of the Law Student Division where he advocates for better benefits and programming for students across the nation. Alleman recently spoke at the National ABA Co-Lap Convention in Indianapolis in an effort to secure additional resources to promote student

wellness at law schools.

"One of the greatest benefits of being the Vice Chair - SBA," Alleman said, "is the chance to represent Valparaiso University School of Law to other law students and lawyers from across the country." Alleman further described his position as a focal point of information that enables him to better address the concerns of Valparaiso law students and create new programming Valparaiso University School of Law.



WOMEN IN IP CONFERENCE

BY: KATHY SWETT ♦ GUEST WRITER

The American Intellectual Property Law Association is a thriving national organization that brings practitioners and students of all areas of intellectual property law together. In addition to networking and educational opportunities, the group presents Amicus briefs to various courts. Once a year, this group gathers for their annual meeting in Washington D.C., and this year, I had the pleasure of attending in October. While the conference as a whole was a fantastic opportunity, one area of this organization has stood out for its exceptional opportunities: their Women in Intellectual Property section.

The Women in IP section of this organization is a fantastic example of the types of groups in the legal community that are meant to foster career advancement and enrichment of women in legal fields that are traditionally male. They offer dinners held around the country, a book club, and mentoring opportunities for young attorneys and those opening their own practices.

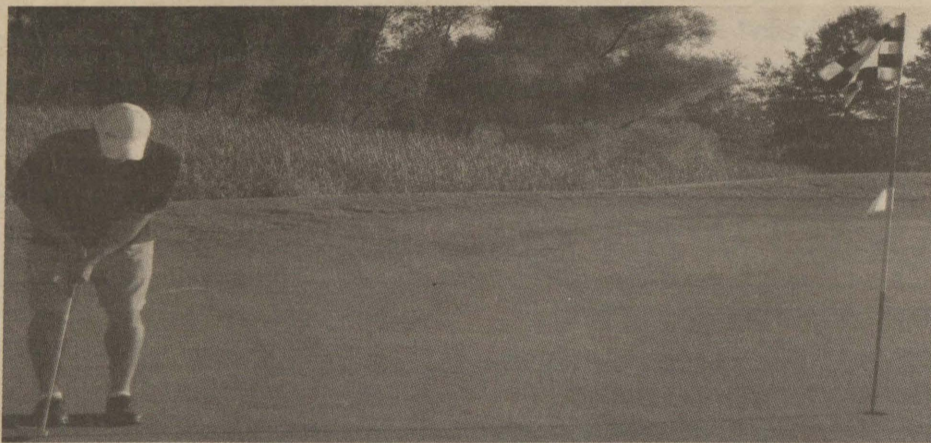
The Women in IP breakfast was the highlight of the conference. It was amazing to sit down and listen to practitioners, both male and female, discuss recruitment for female attorneys, the relationship between in-and-out of house counsel, and differences in negotiation strategies and securing new clients in men and women. This type

of knowledge is truly valuable as students transition into practice and get involved with a subsection such as this one. Attending conferences is the best way to keep in touch with changing trends and opportunities for advancement in practice areas that are perceived as non-traditional for women.

While Women in IP is just one example, I strongly encourage female law students to look into groups that provide these types of opportunities in their practice area of choice, get involved, and attend a conference.

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

PROPERTY LAW GOLFS FOR CHARITY



On October 9th, Valpo Law students took a much needed break from studying to attend the 2nd annual Property Law Charity Golf Outing. This year's golf outing was hosted at the Brassie Golf Club in Chesterton, IN. About 40 Valpo Law students teed off the 4-man scramble at 12 p.m. facing sunny skies and great weather overall. After the outing, participants enjoyed a great dinner sponsored by Dish in Valparaiso. Awards were also handed out the best 4-man teams. All charity proceeds from the outing went to benefit Housing Opportunities of Valparaiso.

OTHER SCHOOL EVENTS



3LS WIN CARDOZO CUP

VALPO LAW HALLOWEEN PARTY



THE DOCKET

BY: JOHN BAYARD ♦ EXECUTIVE EDITOR

Here are the current top local and federal legal stories:

U.S. Supreme Court - Criminal Law

A Texas death row inmate found with the blood of murder victims on his clothing is seeking the Supreme Court's help in getting access to other evidence for DNA testing that might implicate someone else. Hank Skinner was convicted of pummeling his girlfriend with a pickax handle and stabbing her two sons on New Year's Eve in 1993 in their Texas panhandle home. DNA evidence at his trial showed that blood on his clothing was from at least two of the victims. The Supreme Court is heard arguments on November 3rd on whether Skinner may use a federal civil rights law to ask for tests on other evidence that were not done before his conviction. The justices blocked Skinner's execution in March an hour before he was to go to the death chamber. (Source: A.P.)

Supreme Court - Tort Law

Parents who say their daughter allegedly suffered serious health problems from a childhood vaccine are trying to persuade the Supreme Court to allow them to sue the manufacturer of the vaccine. The justices are hearing arguments November 2nd in a case that could open drug makers to a flood of

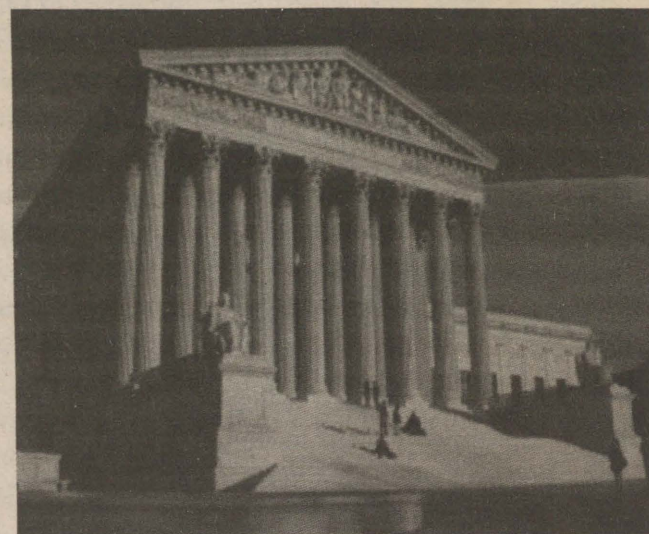
lawsuits over the side effects of vaccines, including those from families of autistic children claiming that mercury-based thimerosal is linked to autism. Numerous studies have addressed vaccines and autism and found no link, including those with the preservative thimerosal. Drug companies, and the Obama administration, argue that the claims should be decided by a special vaccine court that was set up 24 years ago to insure a stable vaccine supply by shielding companies from most lawsuits.

7th Circuit Court of Appeals

The 7th Circuit Court of Appeals decided October 26th that it will not revisit a case that challenged the State Bar of Wisconsin's use of mandatory dues.

The court denied a petition for rehearing in *Kingstad v. State Bar of Wisconsin*, 670 F.Supp.2d 922 (W.D.Wis. 2009), filed on Sept. 22 by attorneys Jon E. Kingstad, Steven A. Levine and James S. Thiel. The denial, issued by Judges William J. Bauer, Ilana Diamond Rovner and David F. Hamilton, stated that "all of the judges on the original panel have voted to deny the petition for rehearing."

The attorneys sought a rehearing on the grounds that the question of whether the bar's campaign was intended to improve the quality of legal services should have been remanded to an arbitrator and not answered by the court. The court held that expenditures made by a mandatory bar



association must be "germane" to improving legal services, and the \$97,000 spent by the bar in 2007 enhancing the image of lawyers was intended to improve legal services.

But the plaintiffs-appellants said that the court "erroneously decided" the second issue and asked that it be remanded to the arbitrator, who in his initial decision expressed "doubts" as to the germaneness of the Public Image Campaign. The same three attorneys filed a petition with the state Supreme Court seeking amendments to Supreme Court Rule 10.03 to limit the use of State Bar dues.

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

THE SITREP

CLIMATE CHANGE AND ITS NATIONAL SECURITY IMPLICATIONS PART I

BY: ANTHONY AZCONA ♦ COLUMNIST

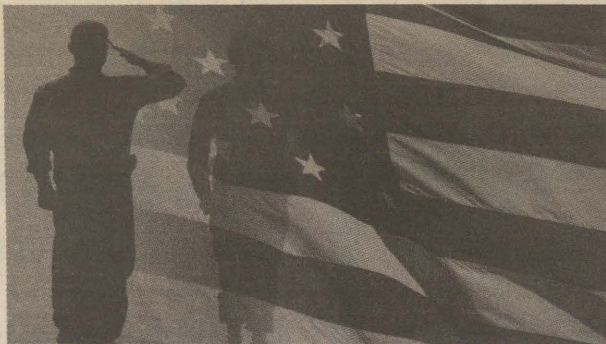
I recall reading a column in the *Forum* last year that started with the following, and I paraphrase: "It's snowing outside, so therefore there must be global climate change." Along with the information disseminated from legitimate scientific sources such as Sean Hannity and Rush Limbaugh, local weather observations sufficiently prove that climate scientists are really obscuring the truth of climate change: that there is no such phenomena as climate change.

But if that were the case, why is the Department of Defense taking steps to deal with reducing use of fossil fuels and studying affects of climate change?

The Navy established a goal to have a "Green Strike Group" that will run on bio-fuels by 2015. The Army and Marine Corps have run studies as to how to minimize the use of fossil fuels both in the field and on base. The Air Force by 2011 will be certified to use biofuels for flight. Rising costs in transporting fossil fuels and the vulnerability forward deployed forces in Afghanistan face in protecting those resources from insurgent attacks have forced the US military to seek new means to minimize that need for fossil fuels. The Department of Defense has organized senior officers to investigate the impacts of climate change on national security, involving members of the Joint Chiefs of Staff and other major commanders.

If climate change is just a canard created by climate scientists to secure more funding, then there would be no reason why the military would look to alternative sources of energy and investigate the impacts of climate change.

Climate change does have an impact on our ecosystem that directly affects humans. The following is just a short laundry list of those effects



on our species:

1. A lack of access to supplies of fresh water. Sources of fresh water derive from mountain glaciers, rainfall, snowfall and subsequent snowmelt. Changes in temperature can lead to the reduction of snowfall that replenishes glaciers when they melt in the warmer seasons. With higher temperatures, there is more rainfall, leading to flooding during rainy seasons and less glacier run off during the drier seasons.

According to the 2007 CNA report on Climate Change and National Security, over 40% of the world's population receives around half of its fresh drinking water from glaciers. The bottom line is, with rising global temperatures, there will be more flooding in the Spring, similar to the floods that hammered the Midwest in 2009, and more droughts, similar to those that have hammered sub-Saharan Africa.

2. Diminished capacity to produce food. The before-mentioned lack of glacier water during droughts leads to an inability to grow crops. With each 1.8 degree (F) rise in temperature there will be a 10% drop in grain production according to Lester Brown's *World Grain Stocks Fall to 57 Days of Consumption*.

3. Human health will be affected greatly by climate change. The main issues are those of vector borne diseases and the impact on human health based on a lack of clean fresh water sources. The disaster after Katrina is an example of how a devastating climate event can cause the spread of disease or risks to human health, the impact on humans without sufficient clean water and the massive federal and state resources required to deal with the situation that unfolded.

4. The loss of land and major flooding that can lead to population displacement. The Katrina disaster is also a case study of the effects of flooding and land loss and the subsequent population displacement. Over two thirds of the human population live in close proximity to coastlines around the world. Rising sea levels caused by the melting of Arctic and Antarctic glaciers will endanger major cities located near the ocean. The rising seas and its associated storm surges will affect populations clustered around the world's major rivers as the salt water from the storm surges can contaminate ground water and destroy croplands.

These are the direct effects of climate change on humans. Next month, I will discuss how these effects contribute to threats against not only U.S. National Security, but the world as a whole. I will also discuss what we can do to limit our contribution to anthropogenic climate change and how to influence our leaders to take a stand and address these issues.

But for now, "Act Locally, Think Globally."

Tony is a 2L and can be reached at forum@valpo.edu.

THE REASONABLE PERSON

2010 ELECTIONS: MY CHASTITY VOTE

By: BRADLEY TURFLINGER ♦ COLUMNIST

According to Online Etymology Dictionary, “vote” is derived from the Latin “votum”, which was used to indicate a vow, wish, promise, or dedication. “Suffrage” is likewise derived from Latin and at one time indicated “prayers or pleas on behalf of another.” The right to vote is then a state-sanctioned opportunity—a ritualized vow—to pledge allegiance to another person. “I promise myself to you, oh candidate!” “After reflecting upon my life’s experiences and the wisdom evidenced by my age, I dedicate my life (up to this point), in the form of my vote, to you.” “You are my representative in this great Republican Democracy.” “My wish is that you shall go forth and in your best judgment represent me.”

Because I live in a representative government, I have come to terms with the fact that my opinions are supposed to be uninformed (many others don’t realize this about themselves). In many ways, I am ignorant; I do not understand trickledown economics. I acknowledge that my opinion may rest upon a foundation of irrational sentiment and unsupported emotive convictions. I think leisure is a human right because I selfishly want more leisure time. I am prone to schadenfreude; it’s not that I want democrats to win, it’s just that I want republicans to lose.

There are over 300,000,000 “I’s” full of emotion and ignorance in this country; we are a mob! We are Ids, content enough to eat, drink, and be merry until circumstances beg austerity. Then, beware the chaos that might ensue if we are told to eat cake. We can’t possibly understand a chain of cause and effect longer than a day.

Thank God, we have representatives who are

trained by their station in life, and constrained by their meek positions as public servants, to temper their emotions and look to the long durée. Thank the Lord, we have life-long politicians who engage in meaningful dialogue that brings light to bear upon so many of the world’s uncertainties. If it were up to me, someone who has not been tested for governance in the fires of the electoral pageant process, why, I might not be able to sit in the House of Representatives without laughing or crying a little. I would be mute or obstinate. I might yell. Most of all, I would wrongly be busy trying to do what I thought was right. I would never think to stop trying to think. I would never guess to put my party before my country (merely saying “my country” demonstrates to my more radical friends that I have been infected with nationalism).

I don’t really fathom the battle between the forces of good and evil that is raging around me. I am not a culture warrior. But, how ingenious our representatives are! To abdicate personal reason, and reason is surely only an emotional ploy anyway, is a fantastic idea. The real American heroes know that democrats are godless-communists that must be stopped at all cost and that republicans are theocratic-fascists who must be stopped at all cost. How clever it is that they fight each other and in fighting each other, they stop each other, thus dispelling the threat of both communism and fascism! If I were a representative, I would try to reconcile people—people who happen to be democrats or republicans. If I succeeded, then where would we be? Both communists and fascists would be in power at the same time!

All of this is hyperbole. Nothing is really wrong; how can it be when we—as a nation—have no real goals (there’s nothing out in space anyway)? Because there is nothing wrong with the way our

government is working, I think that there is no point in me voting. If I am honest with myself, it may be that I am not voting because I don’t trust my vote. To whom should I promise my support? Surely, I cannot be trusted to make such a big decision. If only I could vote for somebody to make my vote for me. That would make me feel more comfortable. I guess I could let moneyed-interests (usurers?) covertly tell me who to dedicate myself to, but I don’t have a television, so I can’t hear what they’re telling me.

There is another reason why I feel I should abstain from voting. It must be because I am different than other people, but I don’t feel like the people who I could vote for really represent me. I spend all day on my butt reading and writing and surfing the Internet in a newly globalized telecommunicated world. My interests are diverse and many, but they don’t generally include Indiana (I love you, Mom). Instead of identifying myself with industry and agriculture in Indiana, I find myself shallowly telling people I like science fiction, folk music, human rights and education reform. I naively find my opinions represented not geographically, but by ideas in and through authors and other media/Internet personalities that for some reason or another don’t live in Indiana. Does the House of Representatives really need to be completely geographically-gerrymandered defined?

I was taught as a young lad to honor my vows. I take vows very seriously. That (and money) is why I am not yet married. Call me romantic, but that is why I will abstain from voting until I find the right person(s) that truly represents me.

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



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POINT/COUNTERPOINT - CAP AND TRADE

By: JON KOHLSCHEEN ♦ COLUMNIST

A SISYPHEAN TASK

As punishment from the gods, the mythical Sisyphus was forced to push a large boulder up a steep hill for all eternity. However, the rock was so large that before Sisyphus would reach the top of the hill with the boulder, he would be overwhelmed with its weight and it would roll back to the bottom, compelling him to begin his endless task again. Sisyphus received this punishment of eternal frustration because of his hubris, as he believed that he was smarter than even Zeus. Much like Sisyphus' punishment, a cap-and-trade policy would come at great pain, sacrifice, and frustration, all the while leaving us no better off than when we began.

The costs of implementing a cap-and-trade policy now would be staggering. Cap-and-trade schemes attempt to reduce emissions by increasing the cost of traditional fossil fuels to discourage their use. But increasing energy costs to an artificially high level will cripple an already weakened American economy. Utilities and carbon emitting companies will not simply pay the increased costs themselves. Instead, these burdensome costs will be passed on to the consumer. According to a 2009 report from the Treasury Department's Office of Environment that was not made public but obtained through the Freedom of Information Act, the Obama Administration expects that a cap-and-trade policy could lead to American households paying up to an additional \$1,761 each year. With less discretionary income, consumers will have less to save and invest, stifling social mobility. They will also have less to spend, leaving already hurting industries with less and less revenues, forcing them to slash even more jobs. Energy-intensive industries like manufacturing and steel will be even harder hit by increased costs. And with lower corporate profits and greater unemployment, government tax revenues will decline, leaving less funding for social programs and clean energy research. In other words, cap-and-trade will throw America

into a permanent economic recession.

Maybe the economic sacrifices could be worth it, if we received something in return. But our environment will be no better off under an American cap-and-trade regime because it creates a pair of perverse economic incentives. First, energy-intensive corporations will operate at a severe economic disadvantage if they manufacture their products in the United States. Cap-and-trade will drive businesses overseas to countries without cap-and-trade policies, and therefore, lower energy costs. Not only will these businesses take their jobs overseas, they will also take their carbon emissions with them. When business flees to countries with less strict carbon emission regulations, we will see no significant declines in carbon emissions. Second, developing countries seeking to bring their people out of poverty will have a greater incentive to refuse to adopt carbon emission policies in order to attract businesses and their jobs. The developing world is quickly growing in their proportion of global carbon emissions, and an American cap-and-trade policy would only shift the emissions elsewhere.

Much like Sisyphus, the United States under a cap-and-trade scheme would endure great pain and sacrifice, only to find ourselves no better off than when we began.

By: JONATHAN CARLSON ♦ COLUMNIST

CAP IT UP

You should support the enactment of "Cap and Trade" legislation. Cap and Trade is a policy that would limit the amount of pollution corporations are allowed to emit into the atmosphere on an annual basis. Once emission levels are capped, credits will be bought and sold based on the demands of the market. By allowing for the trade of emission credits, an incentive is created for businesses to reduce their emission levels and thereby consume and spend less and less on emission credits. Is it creative? Yeah, but

it's also very practical. In the effort to spend as little as possible, businesses will work to create new technology and generate new methods of production that are cleaner and more efficient. Think of it like this: when I was little, I did not like to clean my room. By the end of every week, there were toys everywhere, junk stretched across my dresser, and a dirty pile of clothes sat in the corner hamper. The place was a mess. More likely than not, I never would have cleaned my room if my parents had not given me an incentive. I think it might have been \$5 bucks but nonetheless, it was effective to where I now have a habit of keeping my room clean. The same idea applies to the policy of cap and trade and the effect it will have on business practices. Where corporations have historically seemed to care less about their effect on the environment, cap and trade will generate that incentive to care. Eventually, the practice will become second nature and emission levels will be reduced to a sustainable level.

We have to remember to think about the environmental. Think about the excessive level of pollutants dropped into the atmosphere every day. If you have ever driven along Indiana's south shore, you surely understand what I am getting at. The only descriptive words are a rhythmic variation of a "smit" hole. If you haven't driven along the south shore, it's probably the same place where Al Gore filmed the first five minutes of his documentary "An Inconvenient Truth." The opening scene is recorded looking out the window of Mr. Gore's car at the endless factories where grey smoke stretches so high into the sky you might think it's a cloud factory. I hope you will consider supporting the policy of cap and trade, its necessity, what it seeks to accomplish, and how the accomplishment will change the world. The environment is changing everyday and we are currently doing nothing but contributing to its demise; it truly is an "inconvenient truth."

Jon and Jonathan are 1Ls and can be reached at forum@valpo.edu.

TAX CORNER WITH UNCLE WESTON

IMPORTANT BENEFITS OF GRANTOR TRUSTS UNDER IRC § 674 AND THE SIGNIFICANCE OF TOGGLING PROVISIONS

By: WESTON BOHALL ♦ COLUMNIST

A grantor trust can be useful for transmitting wealth in a tax efficient way to minimize or avoid the estate tax.

Grantor trusts are used

affirmatively to enhance many common estate planning strategies by permitting: 1) the income earned by the trust to grow free of income tax (because the tax burden is imposed upon the grantor, and the payment of the trust's income tax liability is not considered under gift tax rules), 2) "hot assets" held by the grantor to be sold to the

trust for fair market value without the imposition of the gift tax or income tax, and 3) the purchase or exchange of low-basis assets in exchange for higher basis assets, such as cash, by the grantor shortly before death without the imposition of an income tax, and 4) certain assets like stock, principal residence, and 250,000 of income (if single) or 500,000 (if joint) to be excluded from income under IRC § 121 in conjunction with this device.

The most common ways of establishing a grantor trust under IRC § 674 are the following: 1) grant a non-adverse person who is not a trustee with an exercisable special power of appointment over both the principal and the income of the trust, 2) designate non-adverse person as trustee with discretion over distributions of income and principal and give a different non-adverse person the power to add beneficiaries to the trust who are not after-born or after adopted children and all persons should be living or in existence, and 3) name the grantor's spouse as trustee so long as the spouse does not have a legal obligation to support any beneficiary and she is not a beneficiary. All related or subordinate trustees also qualify under

IRC § 2041. There is also another way to set up a grantor trust using the administrative provisions set out in IRC § 675, but the details of this will not be discussed in this article.

Normally a grantor trust is advantageous, but it may lead to serious problems from a grantor's perspective. For example, a dangerous situation arises when a grantor manages to transfer a "hot asset" to this trust that grows exponentially to include a high income or capital gains tax that the grantor is responsible for on a yearly basis. Such high tax costs could bankrupt or cause serious risk to the grantor's fiscal health. One way to avoid this problem is to include toggling provisions that allow the grantor to turn off the grantor trust status when the grantor no longer can afford to pay the taxes. With a grantor trust formed under IRC § 674, this may be accomplished by changing trustees who have a grantor trust power, but lack the grantor trust status.

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

PEARLS & POLITICS

BY: JESSICA FABISZAK ♦ COLUMNIST

The color pink is no longer just for little girls dancing around in tutus. Our world has been pink-washed and it is especially apparent in October. This October is particularly important because it marks 25 years of the National Breast Cancer Awareness Month. Women and men of all ages, nationalities, and careers have shown their prideful pink manner in various unique ways. Valparaiso Law students became part of the action thanks to the Women's Law School Association's participation with the American Cancer Society Making Strides Against Breast Cancer Walk which was held on October 17th here in Valparaiso. WLSA raised a total of \$3,462.59. In Valparaiso, the contributions of law students, parents, family members and local businesses helped the team come out as the number 2 team contributor this year.

Did you get a chance to contribute in October to this noble cause? According to the American Cancer Society (ACS), breast cancer is the most common cancer in women. In 2009, it was estimated that 192,370 new cases were diagnosed in women and 1,910 cases in men. Approximately 40,610 breast cancer deaths are to be expected from 2009, the final toll has not yet been released. Treatments for those with breast cancer range from surgery,

radiation therapy, chemotherapy, and hormonal therapy—all of which are very expensive. Hence, pink-washing has taken over in order to help all those women and men with the costs.

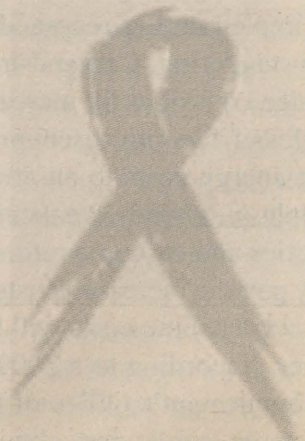
Between Yoplait's pink yogurt lids, Avon's campaign for pink beauty, and products ranging from ribbons to food items, each of us consciously or not has helped donate a few dollars here and there for the cause. If you were in the law school during chapel break in October, I hope you had the chance to buy some of the delicious homemade goodies provided by the members of WLSA. to raise money for the "Strides Against Breast Cancer" Walk. There are so many great ways to donate, it is hard not to show your support. What statement are you willing to make?

As for me, I am one of those 1L's graced with a pink strand of hair. And yes, it IS intentional. A unique way to donate and show your support is to find a local salon who participates in the "Pink Hair for Hope" campaign. By donating \$10, a hot pink strand of hair extension is temporarily fixed onto your own hair and will stay attached for a few months. Proceeds go to the National Breast Cancer Foundation and the American Cancer Society's Making Strides Against Breast Cancer.

If it was not considered "unprofessional" in the career world to have pink hair, I can honestly say that all 6 of us 1L young women would have more

than just one pink strand of hair right now. Not only is the strand of pink in my hair a donation to the cause, but it also reminds me everyday how women and men all over the world are affected by the disease. It is difficult to forget about the cause when you wake up seeing yourself in the mirror everyday with a pink strand of hair standing out besides your normal hair color. Just because October has passed and the market for pink-washing may be slowing down, do not let it phase out. Contributions to the organization are ALWAYS needed and accepted. As for next year, it would be great to see more women around the Valpo Law School with pink strands of hair as well!

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



CONFESSIONS OF A 1L

BY: CAITLIN BROO ♦ COLUMNIST

They called us 'lucky.' Staring right into your eyes with a half-cocked grin, the 2L's would repeat that phrase often in the days leading up to Professor Carter's test. There was always this maniacal twinkle in their eyes as they mouthed platitudes. But no reassurance could ever prepare us for the sheer terror that sank into my guts as I walked into Benson and realized I might have just blanked on the definition of "desuetude."

Needless to say, that was not the absolute worst moment. My worst moment didn't come with a hard question or being flummoxed, for want of a better word. Rather, the single worst moment came at exactly 2:00 p.m. I was on question #25 and had nearly 18 questions left, including the longest question of the test. I had 40 minutes left and I just about died. What happened next was a feat of writing prowess that I will probably never achieve again. I take little pride in pulling myself

together and actually finishing with time to spare. But in that one terrifying moment, I was sick to my stomach and convinced my law school dreams were ticking away like the second hand on the clock.

Walking out two hours later, I felt that my brain was a sponge that had been rung dry. I could barely string two words together and I had an overwhelming urge to punch the first person who asked how it went. I walked straight out of the law school, past the grinning 2L's, and back home. There in my own quiet world, I laid down on my couch and watched enough cartoons the rest of the afternoon to feel like a normal human being again.

I am told I will be grateful in December when exams come around, and maybe my opinion will change. I hope those long hours spent in the back of the library with my cold fingers flipping flashcards frantically as I try to memorize causation elements will pay off. But even now, I do not feel calmer

about the coming finals. I still do not know what will be on the Civ. Pro. exam or even what a law school multiple-choice exam looks like. So, even though I am labeled "lucky" by the 2Ls, I am still feeling like a nervous puppy waiting for the newspaper to swat my nose.

But enough about exams and the feverous finals fright I am feeling. My non-law school thought now is focused on how much I am looking forward to Thanksgiving. Mainly, I am excited to have somebody else cook for me. I think the old adage is that true cooking for one is a drag. I have now grown sick of both chicken and pasta. But as they are both quick and easy, I continue to eat variations of both. I just hope it isn't possible to get sick of peanut butter and jelly because then I'll really be in lots of trouble.

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

LOONEY LEGAL

BY: JOHN BAYARD ♦ EXECUTIVE EDITOR

Here are some wacky laws that are still on the books. Your guess is as good as mine why these laws were ever in place.

INDIANA

Monkeys are forbidden to smoke cigarettes in South Bend.

In Gary, it is illegal to attend the theater within four hours of eating garlic.

ILLINOIS

In Chicago, it is illegal to fish in one's pajamas, and it is also illegal to take a French poodle to the opera. (Not just any dog, but a French poodle)

In Gurnee, it is illegal for women weighing more than 200 pounds to ride horses in shorts.

In Joliet, it is illegal to mispronounce the name "Joliet." (JO-li-et)

MICHIGAN

A state law stipulates that a woman's hair legally belongs to her husband.

In Detroit, it is illegal to make love in a car unless it is parked on your property.

In Port Huron, the speed limit for ambulances is 20 m.p.h.

Under Michigan state law, dentists are officially classified as "mechanics."

WISCONSIN

In St. Croix, women are not allowed to wear anything red in public.

It is illegal to cut a woman's hair.

It is illegal to kiss on a train.

Cheese making requires a cheesemaker's license; Limburger cheese making requires a master cheese maker's license.

RHODE ISLAND

In Providence, it is illegal to sell toothpaste and a toothbrush to the same customer on a Sunday.

It is illegal to throw pickle juice on a trolley.

In Newport, it is illegal to smoke a pipe after sunset.

OKLAHOMA

People who make "ugly faces" at dogs may be fined and/or jailed.

MINNESOTA

Women may face up to 30 days in jail if they impersonate Santa Claus.

It is illegal to tease skunks.

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

BAYARD'S BON APPETIT: DON QUIJOTE

BY: JOHN BAYARD ♦ FOOD CRITIC

Given the historical and cultural background of the Iberian continent, it is somewhat difficult to describe the cuisine of Spain. This month's restaurant review of *Don Quijote* may help readers understand the unique flavors of that country. Since *Don Quijote* is the only true Spanish restaurant in Indiana, most people might not even realize the culinary offerings provided.

Don Quijote, located at 119 E. Lincolnway in downtown Valparaiso, provides a variety of distinctive blends for all types of plates. The chiefs Carlos Rivero and Elena Jambrina, who are both natives of Spain, offer an extensive menu, which includes grilled shellfish, swordfish steaks, skewered pork, Castilian style roasted lamb, and paella, a Valencian rice dish which is the national dish of Spain. The atmosphere of their location is very busy, but homely and welcoming. The addition of live music improves the dining experience. The price varies from lunch to dinner, but most lunches are around \$10 and dinners are

around \$20. *Don Quijote* also provides specials such as two for one entrees every Tuesday and it is also part of the Valparaiso Dine In/Wine Down program that offers \$5 drinks and appetizers every first Thursday of the month. Carryout is also available for most menu items.

One of the nice things about *Don Quijote* is its variety of seafood dishes. Don't worry, for those of you who don't enjoy fish or shellfish, there are plenty of other dishes available. However, as a person trying to sample a variety of different tastes, finding good seafood can be difficult when you live in Northwest Indiana. "Emperador" is swordfish (either grilled or blackened) that comes with potatoes and vegetables. The grilled swordfish has a strong taste which is sometimes difficult to find depending on the fish. While the fish is of the slightly dry variety, the addition of sauce helps turn the dish into a truly excellent meal. Another great thing about *Don Quijote* is that they offer large portions. This is a plus considering that for some of the more expensive dishes, you want to

get your money's worth.

For people who are unsure about what to order, the "House" combination platter, at around \$20, is a good selection. It includes "empanadas" (pastry stuffed with either chicken or beef), "torillla a la Espanola," "croquetas," "chorizo" (sausage with garlic and potatoes), and "albondigas" (meatball dish of Berber and Arab origin). These various dishes go great with a nice glass of "sangria," a wine punch with various fruits and honey. *Don Quijote* also offers a wide variety of both alcoholic and non-alcoholic drinks.

For dessert, I recommend the lime cake, which is made of frozen whip cream with a light taste of lime. The "peras al vino," or poached pear in red wine sauce, is also a delight. If you are unsure about where to dine next time, go to *Don Quijote* for a pleasant atmosphere and a great cuisine selection.

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

FORUM FLASHBACK

BY: DAN D. HALLBERG ♦ MANAGING EDITOR

This month, your host on the flashback express sends you back down video game memory lane. It's June 1986 and Americans are already about a year into their love affair with the Nintendo Entertainment System. However, this month offered a small distraction as a young up-and-coming video game company was entering the ring.

The Sega Master System came on the scene quietly, and then continued quietly until finally it was replaced by its bigger, badder, radder, brother: Genesis. But as far as machines went during the 8-bit era, it was actually (with the exception of sound quality) technically superior to the NES with brighter colors and better looking gameplay. If video game success were based completely on the power of the machine then the Master System would've been King of the 80's.

Games were the system's problem. While some games came out on both the NES and the Master System, for the most part NES had the better 3rd party support and therefore had more games. About 800 Nintendo games were released in North America alone, as opposed to 318 games total released for the Master System in all markets. Additionally, the console-specific games for the NES were significantly better than those for the Master System, and it wasn't until our favorite blue

hedgehog came along that Sega had something to compete with Mario. It didn't matter that side-by-side, Nintendo's version of Paperboy looked worse than Sega's-- you were going to have much more fun with many more games if you got the NES, unless you were in Europe or Brazil at least, because there the Master System dominated NES.

So the Master System met its demise, but its hardware lived on for a little while. If you were one of the 10 people that owned a Sega Game Gear, then you owned a Master System. The hardware is exactly the same, and you can even buy an adapter to play all those Master System games you collected on the go. You could load up on AA batteries and go to town!

And now to completely change the subject, let's talk about an 80's pop-culture icon. In 1986, Michael Jackson was beginning to transform into the weirdo that we all knew and loved in the 90's. His skin was starting to change color and he was getting skinnier. Soon the Bad album came out and the pseudo-music video film tie-in, Moonwalker. With Michael Jackson's release came lucrative tie-ins, and Michael turned to Sega to make his film into a video game. So, in 1990, Sega released Moonwalker for both the Master System and the Genesis. These games are now rare, hard to find, and expensive. However, if you camp the UK eBay for a while and wait until you find some Scottish guy who had a copy of the Master System version

in their basement and didn't know it was valuable, then you can get it for decently cheap.

The game play is simple. All you do is walk around kicking people and finding kids in doors, car trunks, and behind windows. Sometimes you find an item that lets you throw your hat, boomerang-style, at the bad guys. All the while, 8-bit renditions of the Michael Jackson songs play in the background. It's pretty mind-numbing and not too difficult. That is, until you get to the last two levels. For the second to last level you turn into a Michael Jackson robot that has to kill 50 henchmen within a certain time limit. No, I'm not on drugs. That's what you do. And it's hard, because they're shooting at you too, and you can't get hit. And once you get through that, you have to do a weird flight sim level as a Michael Jackson plane (still not on drugs) and not get hit by missiles and still shoot down the turrets. It's one of the hardest things I've succeeded at in video games.

So, if you're a Michael Jackson fan, and have some time and money to waste tracking down all the gear necessary to play it, give Moonwalker a try. Then, while you're at it, pick up some of the really great Master System titles and give them a go. It's at least a good way to put off doing outlining.

Dan is a 2L and can be reached at forum@valpo.edu.

NOVEMBER TRIVIA: (ANSWERS P. 11)

1. LIONEL HUTZ REPRESENTS HOMER SIMPSON AGAINST THE DEVIL (NED FLANDERS) AFTER HOMER SELLS HIS SOUL FOR WHAT?
2. WHO PLAYED EGOCENTRIC LAWYER DENNY CRANE ON THE SHOW "BOSTON LEGAL"?
3. ATTICUS FINCH LIVES IN WHAT FICTIONAL COUNTY IN ALABAMA?
4. WHO WAS THE CREATOR OF SEVERAL LAWYER TV SHOWS INCLUDING "THE PRACTICE", "L.A. LAW" AND "ALLEY MCBEAL"?
5. WHAT IS THE NAME OF THE DEFENSE COUNSEL IN THE NOVEL, "A TIME TO KILL"?
6. IN THE MOVIE VERSION OF "THE CLIENT", FOR HOW MUCH MONEY IS ATTORNEY REGINA "REGGIE" LOVE PAID TO REPRESENT MARK SWAY?
7. IN THE 1957 FILM VERSION OF "12 ANGRY MEN", WHO PLAYS JURORS 3, 8, AND 10 RESPECTIVELY?
8. WHO PROVIDES THE VOICE FOR THE HYPER-CHICKEN ATTORNEY ON "FUTURAMA"?
9. HOW MANY PROSECUTORS TOTAL WERE THERE IN THE ORIGINAL "LAW AND ORDER" SERIES? (THIS INCLUDES EXECUTIVE ASSISTANT DISTRICT ATTORNEYS, ASSISTANT DISTRICT ATTORNEYS, AND MANHATTAN DISTRICT ATTORNEYS)
10. ERLE STANLEY GARDNER, CREATOR OF THE FICTIONAL LAWYER PERRY MASON, ATTENDED WHAT LAW SCHOOL? HE WAS SUSPENDED AFTER ONE MONTH, WHEN HIS INTEREST IN BOXING BECAME A DISTRACTION.

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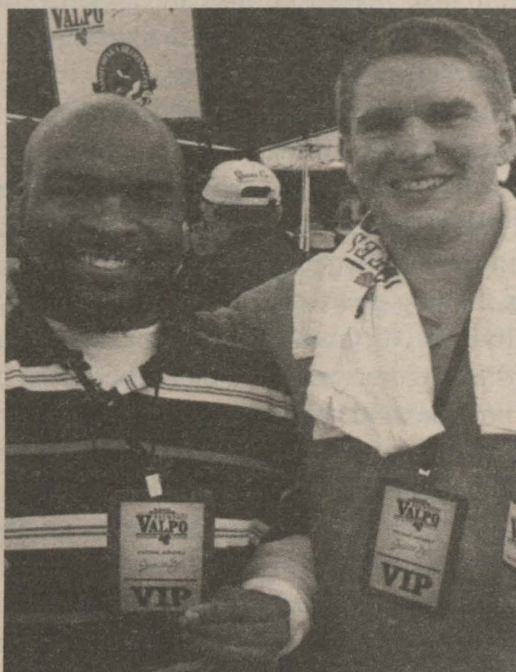
LORD OF THE NO RINGS

COACH LEROY MAXWELL & OFFICIAL VALPO LAW FLAG FOOTBALL SQUAD FAILS TO REACH CHAMPIONSHIP SECOND YEAR IN A ROW

By: ROBERT ELLIOTT II & HUNTER NOBLE

Full of 2010 was supposed to be a season to remember for the law school's intramural flag football team. Unfortunately, Coach Leroy Maxwell and his troops were unable to win the big game for a second consecutive year. In what could have been one of the most athletic teams the school has fielded in decades, Coach Maxwell left countless fans befuddled and upset with his misallocation of talent, stubborn defensive play calling and lack of installing an offensive playbook. Maxwell also drew criticism from supporters for his inability to attend several Thursday afternoon games.

General Manager and quarterback Josh Reece was especially vocal about Maxwell's performance, "Leroy never had what it took to be a successful coach, but he was my roommate and wasn't athletic enough to make the team so I thought we could give him an honorary position. He was supposed to be a team mascot, similar to the Disney movie *Radio*. I never thought he would actually believe he was the coach." Reece hit the free agency market hard during the off season and successfully landed school bad boy Daniel Ford and multi-purpose athlete Gregory Sylvester to what was already a championship ready roster. Sylvester was an instant hit with fans. His cherub-like smile teamed with returning wide receiver Alexis Figueroa's olive skin tone left female fans swooning and facilitated a record capacity crowd against the team's interschool battle with the 1L team. Estimations set the crowd at almost 9 fans. Reese was also able to re-sign several key veterans including Arie Lipinski, Ryan Anderson, George Catanzarite, Hunter Noble, and Travis Stegemoller. Speaking about intramural athletic journeyman Hunter Noble, an emotional Reece was quoted saying "Everyone played a huge part in our success, but Noble really was the glue that held us together. He's one of the best locker room guys I've ever played with during my intramural career. Hunter has all the intangibles. I wish we could have won a championship for him, but Leroy screwed it up



for us."

While Maxwell's bad play calling and absences from games were always a concern, it was his inability to control his players that proved to be the dagger in the team's heart. Safety Arie "the Beast" Lipinski set an intramural record 785 yards of combined penalties throughout the season. With all of these setbacks, the team still managed to win the regular season crown. However, this achievement should be credited to Reece's roster management and Noble's leadership skills more so than Maxwell's coaching abilities. After two consecutive personal fouls on Lipinski during the team's playoff loss, Maxwell decided not to pull his star safety. Instead, he ignited the already fueled Lipinski into an uncontrollable state by yelling "beast" and beating his chest. Their opponents scored the go ahead touchdown on the following play and Team Valpo Law's season came to a halt.

This team will always be remembered as the loveable losers. Valpo law will likely never see another team with so much charisma and personality. Several 2L players who still have another year of eligibility left were visibly shaken after the loss. Wide receiver Alexis Figueroa said, "If we couldn't win it this year, I don't think I'll ever get a championship. I'm going to focus all my attention on tanning and working on my complexion next fall. I'm really going to miss these guys." Other players seemed less upset about the loss. Center and bad boy Daniel Ford was one such player. "I just wanted to come out here and work on my calf strength. I'm glad the season is over so I can do more plyometrics and make my calves more defined."

The 1L team would eventually become league champions after Team Valpo Law's second round exit in the playoffs. Team Valpo Law won the regular season matchup between the two teams. Leroy Maxwell was unable to be reached for comment before press release.

Rob and Hunter are 3Ls and can be reached at forum@valpo.edu.

MMA MATCHUPS...NOVEMBER

By: DAN D. HALLBERG ♦ MANAGING EDITOR

Welcome one and all to another installment of face-smashing *Forum* excitement! Last month I was an unprecedented 5 for 5 in my picks. What does that mean for this month's picks? Probably nothing...Anyways, 4 of our competitors this month lost title bouts their last fight, so let's see if they can come back strong and take a victory!

5. MATT HUGHES (45-7) vs. B.J. PENN (15-7-1), UFC 123 11/20/2010

Two UFC greats meet for a third time to decide who the better of the two is. Hughes has been on a bit of a streak since his losses after dropping the title to Georges St. Pierre. Meanwhile B.J. has dropped two straight fights and his championship to a younger, faster, and harder worker in Frankie Edgar. The question here really is going to be B.J.'s motivation. If he cares enough to put the effort in then he can beat almost anybody, and certainly can beat someone he's defeated before. Sadly though, I don't really see what B.J.'s motivation for this fight would be, and have to pick Hughes since he'll put in a workman's performance regardless.

4. JOSEPH BENAVIDEZ (12-2) vs. WAGNNEY FABIANO (14-2), WEC 52 11/11/2010

Benavidez just came off a hard fought, but tough loss to bantamweight champ Dominick Cruz and is looking back into the title picture. Fabiano has won two straight since his drop down from featherweight and is also looking to get into the title mix. Hard to say with this one, they both have the ability to choke the other out, but Benavidez is by far the superior wrestler. It seems likely that he'll also be able to fight off Fabiano's submission attempts. Chances are Benavidez by decision, unless somebody does something risky and gets choked out.

3. GEORGE SOTIROPOULOS (13-2) vs. JOE LAUZON (19-5), UFC 123 11/20/2010

Again, these are two men looking to get into the title picture. The lightweight scene could use some new faces and one of these guys would be in line to fight for the title by getting past the other. Again this fight is a tough one to call for similar reasons to the fight above. It's pretty much the same fight but the guys are just 10 lbs heavier. And since I chose the better wrestler in that fight, I will in this on. So Sotiropoulos by decision, and a move to bigger and better things for the Aussie.

2. URIJAH FABER (23-4) vs. TAKEYA MITZUGAKI (13-4-2), WEC 52 11/11/2010

Given Faber's surfer good looks, long blonde hair, and chin that looks like Gaston's from *Beauty and the Beast*, it should be really easy to hate him. But it's impossible not to respect a man who takes the beatings he has and still come out round after round for more. I've seen him break his hands in the first and second rounds respectively before and still continuing all the way to the fifth. That takes guts, and he's taking those guts down a division where his lack of reach will be less of a problem. He doesn't have an easy task with former title contender Mitzugaki. However, I can't really see what Mitzugaki brings to the table that could challenge Faber. I'm going with TKO for Faber in the second.

1. RAMPAGE JACKSON (31-7) vs. LYOTO MACHIDA (16-1), UFC 123 11/20/2010

Two former champs are going to war and it should be...probably a little boring. That's the problem with Machida fights, but none-the-less it is an interesting matchup. Not to mention, nobody is sure how Machida will react to his loss to Shogun. That being said he's had no problems with boxers/wrestlers in the past and I really don't see how he would have a problem with Rampage. So, I'm going with Machida, by TKO in the third when Rampage tries to make something happen.

Dan is a 2L and can be reached at forum@valpo.edu.

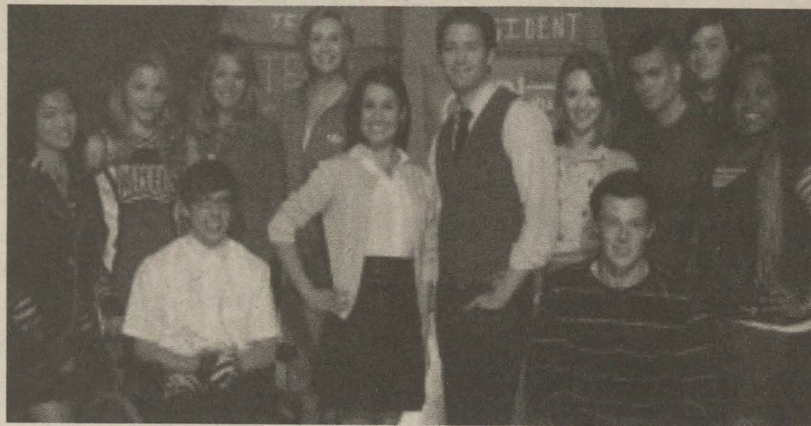
ENTERTAINMENT BLENDER: GLEE PRESENTS BLUEPRINT FOR CREATING A NETWORK HIT IN THE MODERN ERA

By: JOHN STURGEON ♦ COLUMNIST

The 2010 Fall television season is off to a brutal start. There are no new big hits, several shows have been cancelled, and reliable audience favorites continue to dominate the charts. There are several reasons for this. On one hand, network shows blend together easily as there are way too many cop, detective, and doctor shows that make it hard for anything to stand out. None of the originality and risk-taking that exists on cable shows such as *Breaking Bad*, *Mad Men*, *Boardwalk Empire*, and *Sons of Anarchy* can be found on the basic networks and it is even worse now with the departure of *Lost*. Basic networks simply continue to go back to the well and create spinoffs on stuff that is already working (i.e. *ABC's Private Practice* and *NBC's* new office comedy *Outsourced*) without trying anything new or inspiring. It's no wonder then that people continue to watch their favorites because sticking with characters and stories you know beats new characters in a similar settings doing similar things.

Fox, however, with television's #1 show *American Idol*, took a huge risk last year when it launched *Glee* right after the *Idol* finale in May 2009 and created the hybrid musical/comedy-drama genre. The network hyped the heck out of the show through the internet, television, billboards, the radio, and music on iTunes to make sure everyone heard about it. With *Nip/Tuck's* Ryan Murphy at the helm and an outstanding ensemble with acting, theater, and tremendous musical talent, *Glee* was the breakout hit of the Fall, blending serial elements

and Broadway in ways people had never seen. In this show, cops, detectives, and doctors do not exist and what is left is one of the only original shows on network television right now that captivates millions of people every week. The albums and songs released each time a new episode airs have landed on the Billboard charts more time than the



Beatles, breaking their group record for number of appearances on the charts.

The show picked up more steam in the Spring when *Fox* paired it with *Idol* to the point that it anchors Tuesdays this Fall and delivers the highest 18-49 demographic rating, the most coveted by advertisers. A sold-out "thank-you-to-fans" U.S. concert tour was a classy move by *Fox* to keep up the exposure while new episodes weren't airing. Having attended one of the shows, each cast member truly appears to be having the time of his or her lives with Chris Colfer and Lea Michele as standouts and a top-notch band supplying the music.

Due to the popularity of the *Glee* brand, stars

all over the globe want their music and talents featured. The show has already paid homage to Britney Spears and Madonna with tribute episodes. Gwyneth Paltrow guest stars this Fall in a mini arc as an ex-friend of Mr. Schuester (the tremendous Matthew Morrison). John Stamos has earned a spot in the show as a dentist and is expected to sing and dance soon enough. Several other Broadway and television stars such as Neil Patrick Harris, Kristin Chenoweth, and Idina Menzel have been great in guest spots and are returning to the show. *Fox* has so much faith in the show, as evidenced by its renewal for a third season and its occupancy of the coveted post-Super Bowl slot.

Glee is popular to viewers of all ages because it covers a plethora of topics including theology, sexuality, personal identity, relationships, and family. There are so many different personalities in the cast, which gives fans around the world different favorites and characters to root for. You would think the other networks would have looked at *Glee's* success and tried to deliver the next original hit this Fall, but all four (*FOX*, *ABC*, *NBC*, and *CBS*) have failed to develop the next cultural phenomenon and instead created stale retreads, creating no new big hits. It is time that network executives open up their eyes because as cable television continues to steal more eyeballs from networks and people continue to have more entertainment options, the window closes just a little more for networks to remain the biggest players in the television wars.

John is a 2L and can be reached at forum@valpo.edu.

WHAT'S GRINDING DAVE'S GEARS?

By: DAVID JOHNSON ♦ COLUMNIST

Hello again Valparaiso Law students. Happy Spring, all! Wait, is it still Summer? Last week I could've sworn it was winter. I just can't tell anymore. You know why, my fellow legal practitioners? What's grinding my gears this month are the wild, unpredictable weather fluctuations hitting this town. Seriously. It's fall; well, it's suppose to be at least.

Over the last few weeks, I've dealt with near eighty-degree days and then highs in the lower forties. Oh, how I yearn for gradual changes instead of this forty plus degree shifts going on overnight

that I've been compelled to endure. This problem only gets compounded by the utter inaccuracy Chicago's weathermen have become legendary for. Normally, I like the fact I can roll out of bed, put on a hoody, and be fine for the day. Ideally, this works for any day within the month of October. Yet, after trying my normal pattern this season, I've nearly died from both frost bite and heatstroke. Multiple times. Often in the same week.

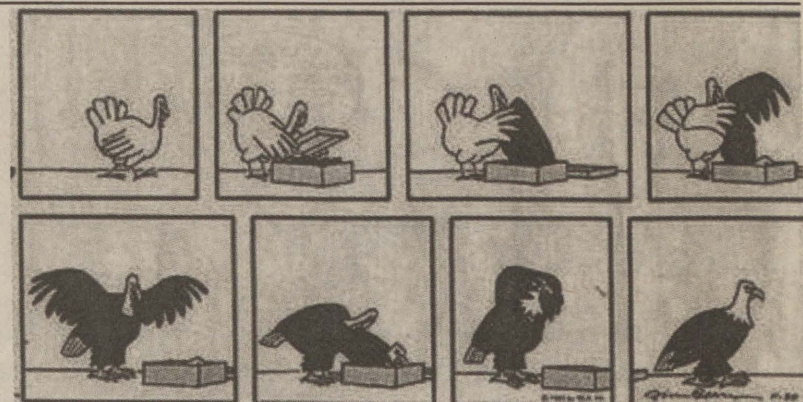
Frankly, I don't think I'm out of line when I say that Mother Nature has been a negligent parent this fall. If there was some kind of government agency I could call to get this fixed, I'd appreciate being informed of it. Someone email me if they know the

relevant number. I've been calling Al Gore, but he filed a restraining order on me early last week. Plus, the Secret Service is all up in my business for "harassing" a former Vice President. Now they're saying I'm on some kind of list, blah blah blah. I just want fall to be fall, not some kind of hybrid season called sprummerallter. And Al Gore owes me a refund for his book.

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

NOVEMBER TRIVIA ANSWERS

- | | |
|------------------------|--|
| 1. A DONUT | 6. \$1 |
| 2. WILLIAM SHATTNER | 7. LEE J. COBB, HENRY FONDA, AND ED BEGLEY |
| 3. MAYCOMB COUNTY | 8. MAURICE LAMARCHE |
| 4. DAVID E. KELLY | 9. 14 |
| 5. JAKE TYLER BRIGANCE | 10. VALPARAISO UNIVERSITY SCHOOL OF LAW |



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forum@valpo.edu ISSN 1553-5355

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STUDENT PROFILES

CARTER ALLEMAN - 3L

Hometown: Cadiz, OH

Undergrad School: The Ohio State University (as opposed to that other one)

Undergrad Major: Political Science

Had you ever read the U.S. Constitution all the way through before coming to law school?

Multiple times.

Is there anything that you are ashamed you know the taste of, and if so, what?

Value oil mixed with vodka to keep the values from freezing in November

What was the last cassette tape you owned?

No idea...I'm too young for those things

Which Supreme Court Justice would you invite to a pool party and why?

Chief Justice Roberts because he would bring the guns to the party!!

Justice Thomas because he knows where all the ladies are.

Justice O'Connor because wait... she's not on the bench anymore... she left too soon then.

Pac-Man and Ms. Pac-Man are getting a divorce. Which one would you represent, who would get custody of Jr. Pac-Man, and why?

Pac-Man because who wouldn't want to represent an icon, really think of the money and fame. Ms. Pac-Man can keep Jr. Pac-Man because all Pac-Man does is chase ghosts around (someone should check his mental capacity.).

What is the most important aspect of eating tacos?

Does it really matter? I mean you're eating tacos what could be more important?

When trying to sound lawyerly, what phrase do you say the most?

In relation to, however, even though

What TV Show do you take time out of your busy schedule to make sure you watch?

The Defenders

What is the weirdest way you've seen turkey prepared?

Injected with fresh garlic, basil, oregano, then deep fried but seriously ground up and passed off as a burger...

What, other than the cost of it, would you change about Valparaiso School of Law?

Such a loaded question. I would have to say innovation. We are at a time where the traditional style of law school education is not beneficial to all parties whether it is deans, professors, students, alumni, employers or alumni. Being at a school like Valparaiso that has the clinical and externship program and structure, we need to promote this better to the legal community as well as strive to improve the programming we have to increase in size and type that we have to offer. Also, I would push for the innovation to come from teaching, offering different courses (not necessarily the "hot" law at the moment but increase the area of law covered), expanding our competition teams into a program where we have a cohesive year to year program eliminating the ebb and flow every year and this also would allow more students the opportunity to try their hand at their craft before actually doing it.



MATT SUTER - 2L

Hometown: Newburgh, IN

Undergrad School: Indiana University

Undergrad Major: Public Affairs and Legal Studies

Had you ever read the U.S. Constitution all the way through before coming to law school?

Nope. I am pretty sure I still haven't read it all the way through... is that bad?



Is there anything that you are ashamed you know the taste of, and if so, what?

Yes, defeat

What was the last cassette tape you owned?

John Michael Montgomery. I lived in Kentucky, everyone was doing it.

Which Supreme Court Justice would you invite to a pool party and why?

Justice Stevens, so I would not be the palest person there.

Pac-Man and Ms. Pac-Man are getting a divorce. Which one would you represent, who would get custody of Jr. Pac-Man, and why?

Ms. Pac-Man for sure. Her game was more popular and I assume she will have more money with all those royalties coming in. Jr. Pac-Man is 27 years old so we don't have to worry about him.

What is the most important aspect of eating tacos?

Never before 12am.. live by that rule

When trying to sound lawyerly, what phrase do you say the most?

In class it is "Pass"

What TV Show do you take time out of your busy schedule to make sure you watch?

Sons of Anarchy

What is the weirdest way you've seen turkey prepared?

Bacon stuffed turkey.. more amazing than weird

What, other than the cost of it, would you change about Valparaiso School of Law?

The colors...Yellow and brown, really?

EMILY STENHOFF - 1L

Hometown: Spring Grove, MN

Undergrad School: Winona State University

Undergrad Major: Paralegal

Had you ever read the U.S. Constitution all the way through before coming to law school?

I've studied the Constitution for various classes but I don't think we ever read all the way through it.

Is there anything that you are ashamed you know the taste of, and if so, what?

I ate bugs when I was in the Amazon in Ecuador. They were pretty crunchy and gross.

What was the last cassette tape you owned?

Bon Jovi, Keep the Faith.

Which Supreme Court Justice would you invite to a pool party and why?

Whichever Justice has the best cannonball.

Pac-Man and Ms. Pac-Man are getting a divorce. Which one would you represent, who would get custody of Jr. Pac-Man, and why?

I think this is best left to the lawyers in Pac-Land.

What is the most important aspect of eating tacos?

A good hot salsa.

When trying to sound lawyerly, what phrase do you say the most?

Probably, "in light of the circumstances" or "based on the facts."

What TV Show do you take time out of your busy schedule to make sure you watch?

Unfortunately, I have not been keeping up with any of my shows. I'll probably have a *How I Met Your Mother* marathon over winter break.

What is the weirdest way you've seen turkey prepared?

The first time I made a turkey I accidentally left the giblet things in there. That was kind of weird.

What, other than the cost of it, would you change about Valparaiso School of Law?

Wireless printing would be nice.

