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Valparaiso University School of Law

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Members of the Valparaiso University Law School International Moot Court Society competed at the 14th Annual D.M. Harish Memorial Government Law Competition on Feb. 7-10 in Mumbai, India. The team won 1st Place after defeating NYU, the only other U.S. team, in the Final Rounds.

Katherine Walker, Lakshmi Jayanthi and Megan Leffelman represented Valparaiso University. They were accompanied by Julie Foster, a member of the faculty. This was only the second time that the school had been represented at this event. They placed sixth in 2012. Jayanthi was also named the Best Speaker in the Final Round.

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The team was undefeated through seven rounds of competition. They faced University of Sussex (U.K.) and Aristotle University of Thessaloniki (Greece) in the Preliminary Rounds. The team was ranked seventh heading into the Octo-Rounds where they defeated National Law School of India University Bangalore and Gujarat National Law University. They were seated at third heading into the Quarter Final Round and faced the National University of Singapore.

The team was ranked first heading into the Semi-Final Round. They competed against ILS Law College (Pune) and won, securing their spot in the Final Round. They defeated New York University in the Final Round at Mumbai University.

The competition dealt with freedom of expression related to social media messages as well as banking secrecy laws and information sharing between the fictional countries of Jyotistan and Naveda. Competitors were asked to prepare arguments and write memorials on both sides of the debate.

While in Mumbai, the group got to experience various aspects of Indian culture. They visited several landmarks and spent a great deal of time with other teams from law schools around the world.

Twenty-six teams from across the world competed in the event hosted by Government Law College.

V alparaiso University Trial Advocacy program hosted the Texas Young National Trial Competition with great success. Ten schools with twenty teams arrived Thursday, February 7th to begin the competition that took place both at the law school and the Porter County Courthouse. The event ran smoothly and teams were impressed with our facilities and our ability to run the tournament. Valparaiso had two teams competing in the tournament. Both teams did very well. Participants included Laura Baier, Mary Lawson, David String, Wally Hernandez, Amy Milton, Ben Young, and Jared Vasilaukas. They were coached by Trista Hudson.

Amy, Ben, and Jared took fifth overall after losing a close match in the semi-final rounds. This was a great finish and the team performed with great passion and pride. Jared Vasiliauskas ended up taking second best overall advocate, and Ben Young fifth best overall advocate. Both teams performed great and really represented the school and our program well. We would also like to send a special thanks to Christina Bradford, Trista Hudson, and Sasha Boersma for their help in running the tournament this weekend. Also a heart filled thank you goes out to Lisa Todd, Sandy Tengblad, Sharon Wyatt, and Kate Patterson who stepped up and gave a lot of time to help make this tournament run smoothly. We would also like to send out a special thanks to all the bailiffs and witnesses that volunteered their time.

We also had a team compete that same weekend in Fairfax, Virginia at George Mason University. This team, coached by Professor Del Wright, included Dan Thomas, Mariana Gerolimatos and Louis Glinzak. They did amazing and represented Valparaiso well in the competition. This tournament provides special challenges as the team is only given one side of a criminal case, which closely mirrors the way...Continued on page 4
re you interested in using your law degree in a field other than the traditional practice of law? More and more lawyers are actively seeking jobs outside of the traditional legal field because they want to combine their J.D. with another career interest.

The New York State Bar Association hosted a panel discussion for lawyers curious about legal careers beyond traditional practice. The panelists identified Compliance, Legal Information Providers (Lexis, Westlaw and Bloomberg Law), Corporate Business and Legal Affairs, and Government Affairs as four broad career areas beyond traditional practice where a law degree is highly marketable. While these careers are frequently referred to as “alternatives,” the truth is that they simply represent the range of professional opportunities available to attorneys. In fact, the skills learned in law school and developed in legal practice can be applied to almost any profession or industry.

Another growing area of opportunity for those that have earned a J.D. is law firm administration. There are several career paths for lawyers seeking non legal positions in large law firms. Some of the more popular options according to the article, Exploring Nontraditional Career Paths in Law Firms, by Hilary Mantis, featured in the February issue of The National Jurist Magazine include:

- Legal Recruiting: These are the staff members of law firms who coordinate the firm’s on-campus recruitment program and summer associate program, and often manage the firm’s lateral hiring needs.
- Marketing/Business Development: As competition to attract clients and develop business has grown significantly, law firms have continued to develop marketing departments. Often staffed by lawyers in the marketing team assist lawyers with client development, speaking and writing opportunities, as well as preparing for client pitches.
- Professional Development: The professional development department at large law firms provides in-house continuing legal education and training opportunities for their lawyers. They also plan orientation programs, mentoring programs, retreats, and sometimes work on the lawyer review process, and other human resource matters.

- Pro Bono Program Director: Many large law firms help connect their lawyers with organizations that need pro bono legal assistance. The Pro Bono program director manages this for the firm. Students often stop in at the Career Planning Center and inquire about career opportunities beyond the traditional practice. The Career Planning Center, SELA & PAD are co-hosting a panel discussion and networking reception next month geared to those of you that are interested in exploring these career opportunities. The panel will consist of lawyers that have combined their law degree with another career interest. Be sure to take advantage of this informative event:

Legal Rebel Panel Discussion and Networking Reception
Wednesday, March 27, 6:30pm-Harre Union- Brown & Gold Room

Please RSVP for the Legal Rebel Panel Discussion and Networking Reception through Strategy. If you have any questions or would like to discuss combining your J.D. with another career interest, please contact kim.kass@valpo.edu.

Kim can be reached at kim.kass@valpo.edu

FROM THE LAW LIBRARY

ValpoScholar: The University's Digital Archive and Showplace

Are you interested in learning more about your professors’ work outside the classroom? If so, take a moment to visit ValpoScholar! ValpoScholar, available at http://scholar.valpo.edu, is the University’s digital treasure house for faculty publications. In particular, the Law School’s portion of the site, available at http://scholar.valpo.edu, houses an ever-growing collection of published papers authored by members of the Valpo Law Faculty, available for free, full-text download. To browse these publications, either follow the link for “Law Faculty Presentations and Publications” (available at http://scholar.valpo.edu/valp_fac_pubs/) or, under “SelectedWorks Sites,” click View Gallery (available at http://scholar.valpo.edu/law/sw_gellery.html).

In addition to faculty publications, ValpoScholar contains a free, full-text PDF of every article published in the Valparaiso University Law Review, from its inception in the Fall of 1968 to the current issue. The site offers a similarly comprehensive collection of articles published in Third World Legal Studies, an influential journal published annually at the Law School from 1983-2002. Next, ValpoScholar hosts a digital collection of Valpo Law alumni magazines, published intermittently from 1988-2006. Finally, streaming video of Law School events, such as this past October’s Tabor Lecture, is currently being added to the system.

ValpoScholar is an open-access initiative administered jointly by the Law Library and the Christopher Center University Library. The mission of the project is provide a centralized, on-demand home for the creative output of the University and, in so doing, make it available to a worldwide audience, free of charge. This mission is partly rooted in the altruistic notion that removing financial barriers and making scholarship available to the largest audience possible contributes to the greater good. In addition, an intended corollary of making this scholarship available to a worldwide audience is that doing so will increase readership and, in turn, bolster the University’s impact and reputation. If you are interested in learning more about your professor’s scholarship or the creative output of the University, in general, I strongly encourage you to visit ValpoScholar!

Jesse can be reached at jesse.bowman@valpo.edu
Dear Valpo Law School students:

I want to inform you of a recent decision by Jay Conison, Dean of the Law School, to resign his duties in order to assume a new position as dean of Charlotte School of Law, effective April 15.

A search committee is being formed primarily comprised of Law School faculty with the assistance of Witt/Kieffer, a national executive search firm.

I will recommend an interim dean to President Heckler after due conversation with Law School faculty, and an announcement will be forthcoming by the end of February.

Jay’s 15-year deanship has had a profound impact on our Law School. Please join me in thanking Jay for his outstanding leadership and service to Valparaiso University.

Sincerely,

Mark Schwehn, PhD
Provost

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**LAW SCHOOL APPLICATIONS DROP**

*BY: NICK HOEFFLER • COLUMNIST*

Law school applications nationwide will likely hit a 30-year low for the fall 2013 entering class. This would represent a 38% drop since 2010.

Potential applicants are skeptical about the value of a legal education. Some applicants are skipping law school because they have found jobs in this slowly growing economy, but many are skipping law school due to the uncertain value of a legal education. High tuition costs plus declining legal jobs and salaries all contribute to the problems facing law graduates.

Applicants, current law students, administrations, and even practicing attorneys must ask themselves whether these changes to the legal market are cyclical or do they represent a real, permanent, and structural change? And if they do represent a structural change, then how will they and their organizations change not only to survive, but also to prosper?

These groups must determine not just what they will do, but also why and how they will do it. For the law school, the new dean search and curriculum reform could be a positive step for the law school, but only if they focus on the larger structural changes occurring the legal industry.

**Back to the Future? 1985 salaries with 2012 debt.**

This article will cover the current climate facing law school graduates. Then, a future article will cover the structural changes occurring in the legal market and potential solutions for our law school and its graduates.

As most already know, there has been a large drop nationwide in law school applications. Chicago-area schools are all susceptible to these falling application numbers, but lower ranked schools, such as Valparaiso, are more susceptible to the admissions drop. For instance, as of early January, DePaul and John Marshall law schools applications were down nearly 28% from last year while higher-ranked schools like Northwestern and University of Chicago only dropped 11% and 4.4%, respectively. This signals another large drop for the upcoming 1L class. Valparaiso Law’s 2012 entering class was already 20% smaller than the 2011 entering class. As a result of this 30-year low in applications, Valparaiso’s admissions staff must decide whether they will admit a smaller or lower quality entering class.

Unfortunately, law school application numbers aren’t the only thing similar to 30 years ago. Adjusted for inflation, entry-level legal salaries are about the same as they were in 1985. This, by itself, isn’t much of a problem. The real problem is that these stagnant salaries are combined with much higher tuition costs and, therefore, debt. For example, in 1985 average private law school tuition was $16,058, adjusted for inflation. Tuition and fees at Valparaiso for 2012-2013 is $38,852, or more than 2.4 times higher than 1985 levels.

These numbers alone do not even cover the entire problem. Other problems include the fact that legal salaries are bimodal and that these salary numbers include only graduates that actually have a legal job and don’t consider unemployed or underemployed graduates. The fact that the legal employment market has a bimodal salary distribution means that almost no graduate makes the median or mean starting salary. As a result, a small subset of attorneys make a lot more, while most attorneys make much less. In addition, these salary numbers cover graduates that not only have jobs, but have legal jobs.

**Options for Law School Administrations**

What kind of law school do you want?

Strategy is at least as much about what an organization does not do as it is about what it does. The results of the upcoming dean search and curriculum changes will demonstrate whether the administration thinks that the current climate is just a cyclical change that will correct itself in the near future, or if they believe that there are larger structural changes coming to legal education.

Nick is a 3L and can be reached at vuslforum@gmail.com
BEYOND THE VALE
ONE OR MORE LEAGUES UNDER THE SEA

BY: JOHN MANUEL HUTCHINSON • COLUMNIST

In 2009, the President of the Maldives held a cabinet meeting. During this cabinet meeting, aides assisted their department secretaries, initiatives were voted on, and a resolution was passed and signed. What made this cabinet meeting remarkable is that it was held entirely underwater. The Republic of the Maldives is an archipelago nation in the Indian Ocean and is under threat of being submerged. The capital of this small Islamic nation is Malé, which is surrounded by sea walls due to rising tides. If the entire country gets washed away, under international law would they still exist as a State?

There is a set of criteria that is often used by academies to determine whether a State is a State. The criteria are found in Article 1 of the International Convention for the Rights and Duties of States 1933, commonly known as the Montevideo Convention. Article 1 posits that a State must have a permanent territory, a permanent population, a government with effective control, and the ability for that government to enter into diplomatic relations. However, as with everything in international law, the criteria are anemic next to real world contradictions.

If we apply Article 1 of the Montevideo Convention to the Palestinian Authority, it meets all four requirements. So do Taiwan, Northern Cyprus, and even Abkhazia. Everyone has heard of Taiwan; a few people know that there is a Northern Cyprus; hardly anyone could find Abkhazia with Lassie and a trail of Pup-Peroni treats.

The most important of the Montevideo criteria, as articulated by the International Court of Justice in Nicaragua v. US, is the governmental requirement; specifically that the government must have effective control. Even in alternate theories of statehood, such as the Estrada Doctrine, all emphasis is placed on effective control. This is because the existence of a post-Westphalian State is incumbent on being recognizable to others in the international community as a sovereign State and functioning domestically as a State.

There are several European States which have derogated basic tenets of sovereignty, such as national defense, customs, and immigration law, yet they are still States. These countries include Andorra, Monaco, Liechtenstein, and San Marino. Practically every member of the European Union has derogated much of its immigration laws under the Schengen Treaty, which created free access to all European States citizens of all European States. Eurosceptics point to this derogation as undermining State sovereignty and relegating EU Member States to being states in the US sense. The same is true of the EU customs union. One of the reasons why there is yet to be an EU superstate is because there is no more efficient way to run the Member States than through the State governments. In other words, the governments of the Member States are the best conduits for effective control over the people within their territorial control.

In 1971, the Republic of China, which we refer to as ‘Taiwan’, was denied its statehood by the United Nations with the passage of UN General Assembly Resolution 2758. In 1948, the global community recognized the Republic of China as the official government of China and granted them a permanent seat on the UN Security Council. Much of the global community was waiting for the day the Republic of China took back the mainland, after running away to the island of Formosa. It never happened. In 1969, 71 countries recognized the Republic of China and 48 countries recognized the People’s Republic of China, or as Lou Dobbs likes to call it, “Communist China”.

In 1971, Resolution 2758 was passed and the Republic of China was stripped of its seat on the Security Council, membership in the UN, and recognition from over 30 other countries. The Republic of China purported to be in control of China, yet it had no effective control of China, merely over Formosa.

In the 1970 situation with the world recognizing the Republic of China, there was a territory without a fully recognized government. If the Maldives were to be washed away, there would be a government without a territory. In both of these scenarios, a key element to Statehood is missing. Either way, should the Republic of the Maldives be submerged, even if the government was to flee to a different country, the government would no longer have effective control of either their territory or their people. They would consequently no longer be a State.

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example, the team represented the Commonwealth of Virginia, and while they had information on the defendant, there was information presented during the trial they had never heard before that they had to respond to as trial progressed.

This is not nearly the end of the Trial Advocacy season. Soon Valparaiso will be represented in Louisville Kentucky at the annual American Association for Justice regional tournament. This is one many regions across the country taking place. Valparaiso will be sending two teams headed by Coach Steve Langer. The case this year is one of a civil nature dealing with the negligent retention of a baseball coach who sexually molested children one of which committed suicide and thus has the parent of the estate bringing a claim on her behalf. Also, Valparaiso will start a new tradition by sending a team to the second annual South Texas Mock Trial Challenge. This is a new and growing tournament hosted by the South Texas College of Law, a leader in Trial Advocacy. This tournament will present new tasks and challenges that the team, along with Coach Trista Hudson is ready to face in late March.

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BAD NEWS FOR MILLENNIALS

BY: STEVEN CICHON • COLUMNIST

Being a few months removed from the 2012 election blitz has brought some perspective to the actual results for many people, and the recent State of the Union has solidified it. Barring some unforeseen economic boom (though some say we could be seeing an oil boom), we are in for more of the same. The empowered President is advocating for exactly the same things he was four years ago, with the added bonus of trying to narrow the Second Amendment. More of the same (mostly). The humbled Republicans are not so much as advocating as trying to slow down the President's agenda, trying to buy time until the next election. More of the same (mostly).

While the Washington political classes double down on nothing, the country continues to suffer. There is, and has been, no economic recovery. Unemployment is "only" 7.9 percent in January because so many people have dropped out of the workforce. Younger people, whose collective votes were crucial in the President's re-election, suffer higher employment rates than the average. Entry-level jobs are scarce and competitive, jobs are disproportionately low-wage, and record student debt all exacerbate their tenuous circumstances.

Conventional wisdom is that this generation of Americans will be the first to be worse-off collectively than their parents. In 2009 Pew Research did a study that found that the "wealth gap" between the 65-and-over crowd and the 35-and-under crowd had increased from ten-to-one in the 1980's to forty-seven-to-one. With this in mind, as well as the knowledge that the Millennials are the country's future, not much time or money seems to be spent on their needs (contrary to political and higher-education "wisdom," requiring large amounts of nondischargeable, high-interest student loans does not make higher education "affordable").

Ironically, many of the President's policies are putting the young voters who helped re-elect him in a worse position for the future. A spend-first-pay-for-it-later policy means that wealth is being transferred from the poorer young people to the wealthier old people. Entering the workforce in bad economic times means that Millennials will earn less money over the course of their working age than they would have if they entered the workforce in better economic times, and now they enter the workforce with toxic levels of debt. The median debt for college graduates is $25,000, and commentators and politicians panic over those figures. But what about the figures, for say, law graduates? $75,000 for public law graduates and $125,000 for private law graduates. This matters because the can may only be kicked down the road for so long. It matters because the people running the show (in politics, in business, in higher education) began working in a much better economy with nonexistent student debt, and have reaped the rewards of such good times. Instead of developing policies oriented toward the unfortunate youth, they continue to focus policies on themselves.

Because we are borrowing so much now to pay for today's spending, taxes are going to be going up more in the future, on those who already have monthly student loan payments, and spending on those people will be crowded out on the growing interest rate on the federal government's trillions upon trillions of debt. It's only going to get worse as the Baby Boomers continue to age and require lots of expensive medical care.

Will the Republican Party ever get their act together and be a credibly fiscally conservative alternative? Will the Democratic Party realize that their policies are hurting one of their biggest constituencies, the youth? Right now for the short-term it does not seem likely.

The President was supposed to change that. He was supposed to "bring change" to Washington and right all the Bush-era wrongs. Instead he has demonized the opposition, ramped up partisanship, oversaw the weakest economic "recovery" in modern times, and implemented a costly new entitlement system even as we cannot afford what we current have. His only redemption is that the Republican party has even been more inept than he, Harry Reid, and Nancy Pelosi have been.

And us Millennials? Well, we're still waiting for a real leader to show up. Or a real economic recovery.

Steven is a 3L and can be reached at vuslforum@gmail.com
Tales from a ten day symphony trip to China

BY: JOHN MANUEL HUTCHINSON • COLUMNIST

The idea to audition for the symphony in order to go to China was first given to me by my adopted little sister, Michelle, in March of 2012, after which I got into serious audition prep mode for the entire summer. Months and months of solitary practicing, followed by a long semester as the section leader of the cellos and then the trip to China finally arrived. We toured for ten days with eight concerts from December 27th 2012 to January 7th 2013. This is an abridged account from the journal I maintained throughout the trip.

Day 1: Valparaiso to Shanghai to Hangzhou

We got to the airport and check-in was uneventful, though I already wanted to do my own thing, so I ploughed through security. I had the TSA dance down pat. I had pre-packed a belt to be worn for the first time that morning only after I got through security. I had also left my US Army Infantry Combat Boots unlaced so I could get them off quickly. I love flying through airport security while everyone around me is floundering. It makes me feel like George Clooney in Up In The Air.

Anyone who knows anything about air travel knows that the part of the plane which rocks the least is on the wings. The quieter part of the plane is at the front, away from the engines. When we finally got on the plane, I discovered that I was at the very back of the airplane. To my left was a random Chinese guy in his late teens, who spent most of the flight coughing, watching anime, and sleeping. To my right was a horn player from the symphony. I watched the Bourne Legacy and hammered out a rough draft of my Jessup competition brief on the flight. I am quite proud I actually got work done. I slept next to naught though, despite spending many hours with my eyes closed. By the end of the flight, I had a cracking migraine, no doubt a consequence of dehydration, the movie, the school work, the noise, and the lack of rest.

When we landed in Shanghai, I was on the edge of collapse. Chinese immigration was a barrel of laughs; a humorless man in an imposing uniform looked at my documents and my face with deep suspicion.

One interesting thing, though; we arrived in time for the changing of the immigration guard. All the immigration officers lined up orderly behind the officers they’d be relieving. It was like a Soviet May Day Parade, as if to say “Welcome to a country which it supremely regulated and organized.”

After being let into the country, we got onto the busses which would be driving us to Hangzhou and to every other destination throughout the trip. I slept more on the 4 hour bus ride than I did on the 15 hour flight. When we got to the hotel, I got my room assignment. Turned out my roommate and I did not each get a bed, but rather we were destined to share a queen. Très awkward. At 10:30pm I called it quits and was in bed by 11:30pm, but slept very little due to the firmness of the bed. The mattress was so stiff that each time my roommate or I rolled over in our sleep, it woke the other person up.

Day 2: Shanghai to Daishan; Sunday

We woke up at 7:00am to my roommate’s phone alarm, my phone alarm, and the hotel phone... Continued on page 7
... Flaubert in a wake-up call, all going off at the same time in a dormitory. I brought a cup to my table. Any law school friends out of coffee cups and needed more. I was only looking pretty silly now, though obviously, there is no amount of Chinese that could get me more sleep.

China. What I mean is you will see a nice family direction from horizon to horizon. There are streets with a nuclear power plant and a children's hospital under construction in every direction, strewn with blocks of rubble. Even the countryside looked like a military base. I believe it's the brand new submarine base or possibly where the ex-Soviet government has always struck me as the Westerners' idea of a nuclear reactor housed in dry wall. Want a cello? Great, here's something the plastic toy soldiers factory molded from recycled brown paper. An entire room was filled with rubbery, hilarious flashlights, which were given bobby flowers for their hair and we all seemed like more than a bit archetypical of stereotypically communist engineering: "You want a car? Great, here's a death trap on wheels. Want a power plant? Great, here's a nuclear reactor housed in dry wall. Want a cello? Great, here's something the plastic toy soldiers factory molded from recycled brown paper." Upon opening my cello case, I broke into laughter at the travesty inside.

When we got to the island and had lunch, which featured chicken prepared in such a way, the only possible logic behind the cuts was the chef's desire to disgust the patrons. There are ways to cut chicken which are neither graphic nor disturbing. However, the manner in which chicken inside the pieces were mangled and strung across the plate, I half expected a camera crew from CNN to break in and capture the carnage. It looked like more than chicken; it looked like horrified chicken death. Despite the carnage, the chicken was delicious, chunks of potato; the potato is in fact tofu; the tofu is in fact pork; the pork is in fact a vegetable of consistency and keeping track of people, and the weather was overcast and miserable. I'm sure the military base, the islands, and the sea would have looked magnificent, but all we could see was miserable weather and milk-chocolate-brown water.

As I said, they were unassembled. This means that the strings were unstrung, the bridges were unplaced, and the sound posts were all over the place. Plus, we had only two hours until our first concert. As I positioned my bridge, strung my cello, and helped the others. At one point, I had to use a sharp knife, which I had brought to China, to carve more space in a peg hole because one of the pegs simply wouldn't fit. Furthermore, the high schoolers were as adept at assembling the cellos as they were at putting on their briefs. The weather was unheated. Also, the girls were sporting "cellos" which were beyond useless and I am stuck with them. I realized that morning we were basically assigned to the busses we first sat on, for the sake of consistency and keeping track of people, and I somehow landed on the bus with all the high schoolers. It's as if their speaking facility only allows for redundant statements of observation. "A goat!" "A building!" "The weather sucks!" And so on and so on. My bus routine is to put on my noise-cancelling headphones, listen to music, and either work on my brief or review Chinese vocab.

The second half of the concert was true torture; I was frozen, I was overly aware of my backside, and 14-hour jetlag, I was ushering my section of lemmings to charge across no-man's-land into a trench of certain doom. I expected malfunction and I was not disappointed; we made it to the end with a crash when a couple strings snapped and one girl lost her bridge with a loud crack right as the audience gave one last, unenthusiastic clap. And that was our first of seven concerts. Wohoo.
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Anything created by students, teachers or employees, whether before, during, or after school could be copyright material

BY: PAUL NICOLOS • STAFF WRITER

Did you ever think that your memorable childhood projects, such as that fingerpainting you did in kindergarten, that corny poem you wrote in third grade, or that spelling test where you got all ten words right would ever become copyrighted? Well, in Prince George's County of Maryland, it could happen! The Prince George's County Board of Education has recently proposed that anything created by students, teachers, or employees, whether before, during, or after school could be copyright material under the school board. Justification for the proposal comes from the "Work for Hire" doctrine, which states that anything created during the course of a worker's employment belongs to the employer. Although there would likely be a justification for the copyright of teacher and staff work, there would be great difficulty in trying to argue that a child's schoolwork would also be "work for hire," considering they are technically not employees and they are at a stage of their lives in which they are expressing themselves the most.

Let's imagine that the State of Indiana decided to pass a copyright law just like Maryland's that would apply to all public schools and public colleges and universities. Under such a proposal, would apply to all public schools and public colleges and universities. Under such a proposal, there would be a serious dearth of creativity. Let's look at school first. Take a kindergarten girl's fingerpainting of her family. Does that mean that all fingerpaintings of families would be copyrighted? What about that dreaded long division quiz that we all had to face as eight-year-old third graders? What if you wanted to keep it and share it with the following year with a desperate third grader you knew? Oops, that's copyrighted! You would not be able to! The list goes on, and the slippery slope is obvious. Now, let's use the public college example. We all remember how awesome it was to be able to get a glimpse of an upperclassman's notes, to see a professor's old exam, to look at the old syllabi from classes to get a glimpse of what that class would be like and to prepare accordingly, to look at a student's old term paper or thesis, and so on. Under such a copyright law, students at public colleges and universities would suffer the opportunities that many students before them were able to obtain and enjoy.

While the aforementioned produced works were produced via the intellect, time, and determination of said teachers and students, we also have to remember that the nature of human creativity is based on not only the creations of new ideas, but also the reproduction of existing works and artifacts. For example, here in law school, it is a tremendous blessing to see an old exam or outline from a 2L or 3L. Law students get an idea of what those classes entail, what the exam will most likely look like, and how to prepare and outline accordingly. While said students do make their own outlines, said outlines are, as mentioned above, the reproduction of law student "artifacts" (the outlines received from an upperclassman).

This article is not to undermine the fact that students and teachers have worked hard in preparing their exams, quizzes, outlines, papers, and so forth. The point being made here is that creativity is based on works already created as well as original ideas, as well as the fact that product reproduction is inevitable, especially in an academic setting. Such a stifling of creativity should never see the light of day.

Paul is a 1L and can be reached at vuslforum@gmail.com

THE UPTOWN CAFE': A HIP PLACE TO STUDY

BY: ADAM WEINGART • STAFF WRITER

Every law student has a quest: an undeniable draw of natural instinct comparable to birds flying south or salmon swimming upstream to spawn. That instinct is to find a place, hole up, hide away and study, when no one will bother you. Much like a bear trying to find a cave in which to hibernate. This journey has taken me to a place in town that I have become very fond of: Uptown Cafe'. So much so, that I was compelled to write about it and inform the 50 students (ok, 25) who will read about this awesome little coffee shop.

Passing Uptown Cafe' while driving you would never imagine the inside to be as hip (not to be confused with hipster) as it is. It looks like a piece right out of Chicago was put right on Lincoln way. The inside is decorated very modern, with simple tables and couches. The walls display pieces of art work from local artists all around Valparaiso. The smell that greets you when you walk through the front door is coffee.....GOOD coffee. Most of the time, this cool little joint is quiet and ideal for studying or just escaping for a little while.

The food they serve is great, and is very inexpensive. It is perfect for a student budget, but tasty enough to appease the most picky of palates. They serve a great breakfast (burritos, panini's, and bagel sandwiches) and large portion lunches. They cater to every diet, from a vegetarian to a gluten-free life style. My personal favorite item on the menu though is the lox.... Seriously, it is best smoked salmon in Valparaiso; something you would never expect from an independently owned Coffee shop.

The drinks are great too, everything you might expect from a coffee shop: coffees, teas, and handmade (yes, handmade) sodas. They are also one of the few places I have seen in this area that serves up gelato.

Uptown Cafe is run by a very nice married couple, Tony and Shannon Rogers. Part of the charm of this place is that they make an effort to personally get to know all of their customers, (by name) and what they usually order. They are the people you secretly hope owned every restaurant you ate at. The Cafe' looks like a place out of Chicago, but has the attitude of a friendly midwest couple who are genuinely happy to see you.

One of the best parts about this place is how close to the law school it is. You can easily make a chapel break run for a coffee and a bite to eat and be back in time for class. Next time you need a place to study for awhile, or want to escape Weismann hall for a bit, go check out Uptown Cafe'.

Adam is a 2L and can be reached at vuslforum@gmail.com
Richard T. Stith, Jr., Dies: Former Mayor of Clayton and Civic Leader, Decorated for Heroism as Marine Corps Pilot at Battle of Guadalcanal

Richard T. Stith, Jr., a former mayor of Clayton, Missouri, a leader of numerous area civic enterprises, and a much-decorated World War II Marine Corps pilot in the South Pacific Theater, died the morning of February 10 after a short illness. He was 93 years old. The cause of death was complications from recently diagnosed lung cancer, according to his family.

Stith graduated from St. Louis University magna cum laude in 1940. His studies at Washington University Law School were interrupted by the outbreak of the war after completion of his first year. He joined the Navy in 1941 and was admitted into the newly-organized air arm of the Marine Corps as part of the 1st Marine Division. That division would win the Presidential Unit Citation for “extraordinary heroism” under “extremely difficult and hazardous conditions” in the battle for the Solomon Islands from September to November 1942. Stith piloted air transport planes under heavy enemy fire to deliver emergency supplies and equipment for troops and to evacuate the wounded at Guadalcanal and other sites in the Solomon Islands. In the words of his November 1942 Distinguished Flying Cross citation, “despite these conditions, Lieut. Stith successfully accomplished each mission with a plane which had no defensive armorment.” He was cited for “outstanding heroism,” “extraordinary achievement,” and “exceptional skill, courage and devotion to duty.” By the time he emerged from the Marine Corps as a Major in 1945, Stith, who continued to command only unarmed transport planes, had been awarded two more Distinguished Flying Crosses and eleven Air Medals.

Dick Stith married his wife, Ann Carter (nee Stith), in 1943. After the war, Stith and his late brother-in-law, F. Russell Fette, a Navy veteran, formed an insurance and financial planning agency which they maintained for several decades, first in St. Louis and then in Clayton, as general agents for New England Mutual Life Insurance Company (later merged with MetLife). A decade ago, Stith moved the office to his home in St. Louis, from which he continued to work until shortly before his death.

Stith also undertook a wide variety of public service activities in government, education, and the nonprofit sector. He was elected to several terms on Clayton’s six-member Board of Aldermen over a ten-year period (1972-1983), and then was twice elected Mayor (1983 to1987), during which time he also served as President of the Mayors of Large Cities of St. Louis County. Stith continued to play a role in Clayton government by serving six years as a member of Clayton’s Plan Commission and Architectural Review Board. He was also a former Commissioner of the St. Louis County Port Authority and Vice-Chairman of the St. Louis County Charter Revision Commission.

Stith served his alma mater Saint Louis University in many capacities for decades, including as a member and Chairman of the President’s Council and as General Chairman of its Alumni Fund Drive, and remained a member of the University’s Daughters of Hesburg Society until his death. He also was a prominent Roman Catholic layman in the years following the Second Vatican Council (1962-1965) and organized various assemblies and programs in support of reforms encouraged by the Council.

Beginning in the 1970s, Stith served as a member and officer of several civic organizations, including the St. Louis Chapter of the United Nations Association, the Public Question Club of St. Louis, and Confluence St. Louis (now Focus St. Louis). In keeping with Stith’s lifelong interest in helping those with mental illness, he served many years as a board member and President of the St. Louis Psychoanalytic Institute and, more recently, as a charter board member of Independence Center, which assists adults in the St. Louis area with serious mental illnesses to live and work independently.

An accomplished athlete at St. Louis University High School, Stith later became a superb and avid tennis player and golfer (and played his last nine holes in December 2012). He was also an enthusiastic canoeist, having honed his skills at Northway Lodge in Ontario, Canada as a teenager. As an adult he led many float trips on Missouri’s Current, Black, and other Ozark rivers, as well as rafting expeditions on the Snake River in Idaho and the Green River in Utah. After their children were grown, Dick and Ann Carter Stith traveled extensively throughout the world, often on small watercraft, from Malta and Djibouti to Odessa and the Amazon River; after Ann Carter’s death in 2005, Stith traveled to Italy and annually to Mexico. Until his illness in January 2013, Stith was an active member of the Old Warson Country Club, the Missouri Athletic Club, the Lifelong Learning Institute at Washington University, and the Women’s Democratic Forum.

Richard Taylor Stith, Jr. was born in St. Louis on October 31, 1919 to Agnes (nee Denvir) Stith and Richard Taylor Stith. In addition to his wife, Stith was predeceased by his son Frankie in 1949, his daughter Carter Stith Spano in 1979, and his siblings Miriam, Denvir (a Marine fighter pilot in the Pacific Theater), and Francis. He is survived by his best friend and close companion Marie Tramelli Morrison of St. Louis, the widow of George H. Morrison, and by four children: Richard, a professor of law at Valparaiso University in Indiana; Kate Stith-Cabranes, a professor of law at Yale University in New Haven, Connecticut; Laura Denvir Stith of Kansas City, a judge (and former Chief Justice) of the Supreme Court of Missouri; and Rebecca S. Stith, a senior trial attorney with the Equal Employment Opportunity Commission in Seattle, Washington. He also leaves ten grandchildren and one great-granddaughter, as well as two “adopted” sons originally from Asia, each of whom became a de facto member of the Stith family while attending Washington University and later became American citizens: Mohan Phansalkar, a native of India and now a lawyer in Newport Beach, California, and Yabo Lin, a native of China and now a lawyer in Palo Alto, California. He is survived in addition by nieces Mary-Janet (Stith) Casserly, Cordelia Campbell (Fette) Mock, and Susan Stith, by nephews J.D. Stith and F. Randolph Fette, and by many cousins including Frederick (“Fritz”) Stith and Ann Stith de las Pozas.
M y mother is the driving force behind my family – she has successfully raised a small army of children over a span of the last forty years, and with my little brother being only sixteen, she’s far from done with the job. A job that we kids have never made particularly easy – from my brother who accidentally lit the two vacant acres next to our home on fire after a failed firework experiment in suburbia, to me who actually side-swiped my father’s car with my mother’s car in the driveway, or the joint effort that caused us to lock our poor grandmother out of the house one summer afternoon. My mother is the definition of omniscient. As a child, I very seriously considered the possibility that she did in fact, have eyes in the back of her head. Literally nothing gets by my mother. Privacy, in a big family like mine, is simply a luxury that we don’t enjoy. Everyone’s business is everyone’s business, a fact I came to terms with at a very young age, and no longer mind – most of the time.

For this reason, and many others, my Mum and I have always been very close – I’m one of those people that tells my mother pretty much everything, especially when it comes to dating and the men in my life. My mother is my go-to sounding board for advice, to complain, or just simply to gush about the men in my life. Most of the time, this is a good thing. The key word being MOST. In all fairness, my mother gives great advice, she really does. My high school friends fondly called her the ‘relationship whisperer’ – it’s undeniable – she just gets it.

BUT, (you knew there was a but coming didn’t you?)

All that said, anyone who knows me, knows that I’m a little crazy, the good crazy, not like, needs to be committed crazy...at least I hope not.

SERIOUSLY, I get my red-head crazy streak from my lovely mother – I love her to death, but she’s a little crazy. My Mum would walk over hell or high water for her children, just to see us happy. In doing so, she takes “Mother knows best,” to the extreme. Probably my all-time favorite example of my mother’s meddling in my dating life, “for my own good,” happened a couple of years ago. I had gotten my heart broken pretty spectacularly and wasn’t into dating at the time. I was hanging out with some guy, but no one of any real consequence. My mother kept saying I should go on dates, to which I insisted, that I was not remotely interested. Finally, after weeks of me repeatedly stopped asking. I couldn’t help thinking smugly that I was glad I stood my ground, that she finally saw the light and was leaving me alone.

I could not have been more wrong.

I had just finished final exams, and I was sitting around talking to some friends. My phone kept buzzing with emails. I remember commenting to my friends how odd it was that I’d just randomly started getting all these spam, dating website emails. As those words left my lips, to my horror, I realized that the emails were not in fact spam, but in response to my Christian Mingle account. It took a minute for those four words to sink in: My, Christian, Mingle, Account. My mother, in all her glory, hadn’t given up at all—she had made me a dating profile. I was mortified. She had filled out my likes, my dislikes, what I was looking for in a man, etc. I think I could have collapsed with shock. I wish I could say I was mad, but how could I be? Like the road to hell, my mother’s actions are always paved with good intentions.

For as meddlesome as my mother is, I’d say I’m probably equally stubborn. My senior year of high school, as prom was rolling around, I knew who I wanted to go with. A detail that, very obviously, had not escaped my mother’s attention.

“Who is that boy? You need to tell me if you are interested at all.”

I did not even dare to answer my mother at that moment. I immediately went to the bathroom to cry. For two days straight, we had not spoken. I was mortified when he asked me, because I wasn’t remotely interested.

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This guy was a year older than me and had already graduated and so would have had no reason to attend prom unless he went with me. I, for some reason, which I can’t remember today, had decided that I wasn’t going to be caught dead asking someone to my own prom. My mother, after trying to explain to me that I was being ridiculous, finally took matters into her own hands. My amazing mother called up this eighteen year old kid and informed him that he needed to ask me to Prom, because I wanted to go with him, but refused to ask him.

Again, I was mortified when he asked me, because I knew he’d had to talk to my mother – making me seem like a complete princess. However, as usual my meddling mother was right, I would have been stubborn enough to let that opportunity slip by.

I’m still slightly mortified whenever my mother and this particular guy, who is still a good friend, tell this story today.

Over the years, I’ve come to realize that, although my mother does, at times, drive me crazy, I am so lucky to have someone who is looking out for me and who has always been there for me, for better or for worse. My mother is the one person in my life who knows that sometimes I need help getting out of my own way. So, this month, I wanted to give a little tribute, to my meddlesome mother who is truly wonderful and whom I love with my whole heart. I hope you’ll all take a moment this month, to remember your Mother, and thank your lucky stars, that you have someone who thinks you matter enough to meddle.

Mum, if you’re reading this, (and embarrassingly sending it to your friends – hi ladies!) I love you. That said, if you ever sign me up for a dating website again, my revenge will be swift and thoroughly embarrassing!

Ashley is a 3L and can be reached at vastforum@gmail.com

PEARLS AND POLITICS

BY: JESSICA FABISZAK • STAFF WRITER

A s our two week Spring Break approaches we lucky Valparaiso Law Students, we need to each appreciate our time away from school, externships, jobs or extra-curricula’s and take this time to spend with those that mean the most to us. Those people that try and try again to call and leave you voicemails and texts asking “are you still alive” as you are deep in your casebooks studying. Those people that continue to really try to keep up our relationship, whatever it may be. I do my best to remind them how much they mean to me by sending them cards through the mail and leaving them friendly “other” texts.

Personally, I am a huge fan of photographs and making scrapbooks from all the memories that have taken place each year. Never do I have regrets about what happened in the past but it is weird to see how the faces change in the pictures while it is also great to see how other faces remain. I love seeing many of the friends in my photos that have been there for me no matter what happened between us or no matter how little time we may have to spend with each other. My college and high school friends make an extra special effort to contact me reminding me of my “other world” and I do my best to remind them how much they mean to me by sending them cards through the mail and leaving them friendly “missing you” texts. The friends I have made during law school are no different. These friends are the ones that remain in my life because they continued to be a friend in our relationship by not letting gossip, jealousy, or the pressures from law school come between us. I even managed to be lucky enough to have one of these amazing friends propose to me! Despite all of the changes in these past three years, outside of family members and my old friends, there has been one person who has remained a constant friend to me and I am so fortunate for it.

Pearl of Wisdom #2: “Sometimes when you give up on someone, it’s not because you don’t care anymore. It’s because you realized that they don’t.”

The best thing that I could have ever done in law school is to have made the decision (or have been pressured into it by my parents) in getting a roommate my first year. Law school can be an
Iowa Hawkeyes: There are four main reasons why they will make it to the Final Four. First, they have a great team with a lot of potential. Second, they have a great coach in Fran McCaffery. Third, they have a great offensive line. Fourth, they have a great defense. Overall, they are a very talented team that will be difficult to stop. They will make it to the Final Four and win the championship.

University of Wisconsin-Madison: They have a great team with a lot of experience. They have a great coach in Greg Gard. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

University of Michigan: They have a great team with a lot of potential. They have a great coach in John Beilein. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

North Carolina State: They have a great team with a lot of potential. They have a great coach in Mark Gottfried. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Kansas State: They have a great team with a lot of potential. They have a great coach in Bruce Weber. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Ohio State: They have a great team with a lot of potential. They have a great coach in Thad Matta. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Oklahoma State: They have a great team with a lot of potential. They have a great coach in Mike Gundy. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Virginia Commonwealth: They have a great team with a lot of potential. They have a great coach in Shaka Smart. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

UNLV: They have a great team with a lot of potential. They have a great coach in Dave Rice. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Louisville: They have a great team with a lot of potential. They have a great coach in Jeff Walz. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Georgetown: They have a great team with a lot of potential. They have a great coach in John Thompson III. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Michigan State: They have a great team with a lot of potential. They have a great coach in Mark Dantonio. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Kansas: They have a great team with a lot of potential. They have a great coach in Bill Self. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Indiana: They have a great team with a lot of potential. They have a great coach in Tom Crean. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Syracuse: They have a great team with a lot of potential. They have a great coach in Jim Boeheim. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Oregon: They have a great team with a lot of potential. They have a great coach in Dana Altman. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Florida: They have a great team with a lot of potential. They have a great coach in Mike White. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Arizona: They have a great team with a lot of potential. They have a great coach in Sean Miller. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Gonzaga: They have a great team with a lot of potential. They have a great coach in Mark Few. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

VCU: They have a great team with a lot of potential. They have a great coach in Shaka Smart. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Marquette: They have a great team with a lot of potential. They have a great coach in Buzz Williams. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Oregon State: They have a great team with a lot of potential. They have a great coach in Scott Rueck. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Texas A&M: They have a great team with a lot of potential. They have a great coach in Buzz Williams. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Kentucky: They have a great team with a lot of potential. They have a great coach in John Calipari. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

Notre Dame: They have a great team with a lot of potential. They have a great coach in Muffet McGraw. They have a great defense and a great offense. They will make it to the Final Four and win the championship.

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When did you first realize you wanted to attend law school? Where do you see yourself in 5 years? Where do you hope to see yourself 20 years from now?

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