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Valparaiso University School of Law

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Meet the Editors

Jeremy Hahn: I am currently a second year law student. I am from Amana, Iowa. I attended the University of Iowa, where I majored in Political Science, English and received a minor in Economics.

I hope to restore The Forum to a journal that people are excited to read. The editors are working closely with area firms and distinguished alumni from VUSL to create a more legal based style of writing.

Kellyann Brown: I am currently a second year law student. I grew up in Colorado Springs, Colorado and attended undergrad at the University of Colorado at Colorado Springs where I received my bachelors in history with a political science minor.

My goal for The Forum this year is to put out a paper that we as a school can be proud of. Our goal as a staff is to get more students involved with writing, and to keep the articles relevant to our school, community, and you as future attorneys.

Nicole Johnson: I am currently a first year student, and I am looking forward to the coming year, especially with the new curriculum. I graduated from Millikin University in Decatur, Illinois, with a bachelors in English writing with a creative emphasis. At my undergraduate, I was editor-in-chief of our newspaper, the Decaturian.

What I hope to accomplish with the Forum this year is to make it a great newspaper. I plan on putting 100% into everything that I do, and I hope to contribute in any way that I can.

Haroula Kouklakis: I am currently a second year student, I am from Dyer, Indiana and I commute to Valpo daily. I received my Bachelors degree in Biology from Indiana University-Northwest and completed my Masters in Applied Health Sciences from Indiana University-Bloomington last year.

This year, I hope that we can make The Forum more inclusive of the students and the community. I hope that we can make a legal newspaper worth reading, that is also relevant to everyone’s lives and future law careers.

Jacquielynn Wolff: I am currently a second year law student originally from Marco Island, Florida. As an advocate and local political activist for our community I work to bring many successful positive changes to our community and Valparaiso University, my Alma Mater. I co-founded and serve as Artistic/Executive Director of two theatre companies and teach Shakespeare and Business Ethics around the globe.

I am excited to serve as Managing Editor of The Forum with such bright, innovative, and incredibly talented colleagues. I look forward to producing a high quality, professional and interesting product that is able to effectively showcase our Law School’s brilliant minds.
Dear Student Body,

I am very thankful to have the opportunity to speak to you all. My intent of this writing is simply to inspire and I am humbled by the idea that I may succeed in doing so.

We have gathered at one of the oldest legal institutions in our great nation, as Juris Doctorate candidates. We have made a conscious decision to seek initiation into the noble and powerful profession of the Law. We have chosen to dedicate our lives to becoming the scribes, sages, and protectors of our communities. We have entered this apprenticeship with full knowledge of the perils and pitfalls that are beset before us and we are aware of the enemies that wait for us, however we have all been courageous enough to thrust ourselves into the labyrinth of a legal education.

1L’s

Dear Neophytes, the haze will give way to a fog. For most of you this will be a different educational process than that you are accustomed to. However, the goal of the process is just that, to make you evolve your talent and skills to prepare you for the immediate rigors of being an attorney, where the rules are literally, “Out Wit, Out Play, Out Last.” The legal world is not easy, however it is conquerable for any who hone their skills enough to do so. This year you will learn most about the fundamentals, so like anything else make sure your foundation is strong because that is what adversaries will test first.

Additionally, the legal world is very social, therefore you should also fine tune your social skills and enhance your ability to adapt. Basically, lawyers are all secret agents in a sense because they are both merchants of information. Networking is merely the art of interacting with people and creating connections. In order to be successful you must learn to be confident (the truth is most people pretend to be confident until they actually do in fact become confident). Also, to help your confidence, take care of yourself, eat well, dress well, be positive, exercise, and give when you have extra. Once your confidence is together, then go meet people with a handshake and smile, tell them your story and be yourself. You cannot score touchdowns from the sidelines, you have to get in the game. In other words you have to make contact with people to be successful, so practice by meeting the other students, faculty, and staff right here. Through these interactions you will learn new things and gather new perspectives that will allow you to adapt easier because you be able to relate to more nouns (people, places, things, ideas).

2L’s

Dear sophomores, it may be a marathon or a sprint but either way you are running around looking crazy. This will simply be a busy year for you. You will be competing, reading, studying, practicing, applying, listening, forgetting, remembering, interning, and clerking, but such is the life of a lawyer. 2L year is immersive if you do it right, you will be consumed by the law, which will lead to an appreciation and deeper understanding of it. This year will push your limits as you step out of your comfort zone to meet the challenges that will blitz you from the weak side. I say weak side because no matter what your weaknesses are, if they have not been
revealed, 2L year will expose them and you will be forced to improve or fail, again such is life of a lawyer. Keep these jewels in mind:

“If there is no struggle, there is no progress”- Frederick Douglass

“Success is not final, Failure is not fatal: it is the courage to continue that counts.” – Winston Churchill

“I am the greatest. I said that even before I knew I was. I figured that if I said it enough, I would convince the world that I really was the greatest.” – Muhammad Ali

3L’s

Dear colleagues, fear not for our calling awaits us. We did it, we have reached the last level of training and we will soon be unleashed unto society to do battle on behalf of our clients. In the near future, we will face the bar exam, judges, opposing counsel, as well as clients and I know some of us are little afraid of the challenges that real lawyer life brings. However, be encouraged to know “that courage is not the absence of fear, but the triumph over it.”¹ Do not fear a future, but go claim your future. Do not let bar passage rates of the past, tier classifications, or circumstances of today determine what is possible tomorrow.

In closing, law school is a privilege and an opportunity. Do not waste it. Cherish and honor the journey. I wish you all the best and expect even better.

Regards,

Jacobie Whitley—SBA President

¹ Nelson Mandela
Valparaiso Law Welcomes the 2014 Entering Class

Members of Valpo Law's Class of 2017 have work and other experiences that exemplify the School's commitment to service. Almost 30% of the new students have experience working in the legal field, including positions as paralegals and law clerks, law firm or judicial internships, and a wide variety of support positions in public defenders', prosecutors', and other law-related offices. Many of the entering students have been politically active by volunteering in campaigns, working for political parties, and working in legislative positions at both the state and federal levels. Furthermore, several students have worked in law enforcement, and the entering class has veterans from each branch of the military.

Students in the entering class also have a wide range of other professional experiences, including those that have worked in banking, insurance, real estate, sales, and marketing, and many have teaching experience at the elementary, secondary, and university levels. The entrepreneurial students have owned and operated businesses such as restaurants, a vending machine company, a lawn services company, community outreach programs, and even a private detective firm. Other accomplishments include a model and voice actor, a film producer, a CEO, a semi-professional basketball player, sporting instructors, and a former NFL athlete.

Also in line with Valpo Law's commitment to service is the vast amount of volunteer work performed by the entering class. Class members have coached numerous teams, including soccer, baseball and softball, basketball, football, golf, tennis, and cheerleading teams, as well as athletes in the Special Olympics. Many have volunteered on mission trips, in homeless shelters and food banks, and with organizations like Habitat for Humanity, Big Brothers Big Sisters, the Boys and Girls Club, Make-A-Wish Foundation, AmeriCorps, and the United Way. Others have volunteered as tutors, a court appointed special advocate (CASA), and worked in hospitals and nursing homes. One student volunteered in an episode of Extreme Makeover: Home Edition.

Many members of the Class of 2017 achieved undergraduate academic honors: Over 30 have been recipients of merit and academic scholarships, and the class includes multiple members of honors societies, deans' list recipients, and All-Academic athletic scholars.

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<th>States Represented, with 54% from Indiana &amp; Illinois</th>
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<td>39 from Illinois</td>
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<th>FIRST YEAR STUDENTS</th>
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<th>CANADA, COLUMBIA, GHANA, KOREA, AND NIGERIA</th>
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<td>5 INTERNATIONAL STUDENTS FROM:</td>
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Students from groups underrepresented in the law

Students are ≥ 25 years old (Non-Traditional)

51% MALE
49% FEMALE

AVERAGE AGE 27

5 STUDENTS WITH MILITARY SERVICE
(ONE FROM EACH BRANCH)

26 UNDERGRADUATE SCHOOLS REPRESENTED

Alabama A&M Univ.  Indiana State University  Indiana Tech
Augustana College  Indiana University-Bloomington  Indiana University-Northwest
Austin Peay State University  Indiana University-South Bend  Indiana Univ-Purdue Univ, Indianapolis
Baylor College  John Jay Coll Of Criminal Justice - Cuny  Kaplan University
Benedictine University  Liberty University  Louisiana State University-Baton Rouge
Bethany Lutheran College  Loyola University-Chicago  Manchester University
Bethel College-Indiana  Maranatha Baptist Bible College  Millikin University
Bethel College  Missouri State University-Springfield  Morehouse College
Bridgewater State University  Muskingum University  Northeastern Illinois University
Brown University  Northeastern State University  Northern Kentucky University
Butler University  Northern Michigan University  Northwestern University
California State University-East Bay  Northwood University - Cedar Hill  Oakland University
California State University-Northridge  Oakwood University  Oregon Institute of Technology
California State University-Sacramento  Purdue University-Calumet-Hammond  Purdue University-West Lafayette
Calumet College Of Saint Joseph  Purdue University-North Central-Westville  Saint Joseph's College-Indiana
Calvin University  Saint Louis University  Saint Mary-Of-The-Woods College
Carroll University  Saint Mary's College  Saint Xavier University
Case Western Reserve University  Sewanee: The University Of The South  Simpson College-la
Christian College  Southeast Missouri State University  Southern Illinois University-Edwardsville
Claremont McKenna College  Southern Illinois University-Carbondale  Sonoma State University
College Of DuPage  St. John's University  Temple University
College Of Saint Mary  The University Of Memphis  Texas A&M University-Kingsville
College Of St. Scholastica  Texas State University-Picton  Texas State University-Terre Haute
Colorado College  The University Of Texas At Arlington  The University Of Texas At Austin
Colorado School Of Mines  Trent University  Trine University
Colorado State University  University Of Arizona  University Of California-Riverside
Colorado College  University Of California-Santa Barbara  University Of Cape Coast
Colorado School Of Mines  University Of Central Arkansas  University Of Central Oklahoma
Colorado School Of Mines  University Of Ghana  University Of Illinois At Chicago
Colorado State University  University Of Illinois-Urbana  University Of Iowa
Colorado State University  University Of Kentucky-Lexington  University Of Maryland-College Park
Colorado State University  University Of Michigan-Ann Arbor  University Of Minnesota-Minneapolis
Colorado State University  University Of Minnesota-Morris  University Of New Mexico
Colorado State University  University Of New Orleans  University Of North Dakota-Grand Forks
Colorado State University  University Of Notre Dame  University Of Phoeni
Cornell University  University Of South Carolina-Columbia  University Of Southern Indiana
Corvallis College  University Of St. Francis  University Of Tennessee - Knoxville
Davenport University  University Of Wisconsin - Madison  Upper Iowa University
DePauw University  Valparaiso University  Viterbo University
DePauw University  Wabash College  Webster State University
DePauw University  Webster University  Western Illinois University
DePauw University  Western Kentucky University  Western Michigan University
DePauw University  William Paterson University  Wilmington University
DePauw University  Wittenberg University  Yale University
DePauw University  Wittenberg University  Yale University

Orientation: Building the Foundation for Future Lawyers
By: Nicole Johnson, Production Editor

During the week of Aug. 11 through Aug. 15, 1Ls came to the realization that summer was over and that it was time to prepare for the grueling three-year journey ahead of them.

A multitude of emotions coursed in the air: happiness, nervousness, excitement and maybe a little fear. Law school is a new experience, and we had no idea what to expect.

Orientation served as the bridge to dispel any fears that we may have approaching law school. Each day of orientation gave a valuable skill set for students to use, such as how to brief a case, write an effective paragraph and take effective notes. We were also given advice on what to expect in the coming years.

Orientation may have been long, but students walked out with a better idea of what law school would be like.

When asked if she felt prepared for law school because of orientation, 1L Haley Holmberg from Iron Mountain, Mich., said that it prepared her.

“It taught me what would be expected of me in classes and also what I should expect from my professors,” Holmberg said. “It also taught me to take notes on everything in class, including questions other students may have.”

Holmberg said that she felt scared to death on her first day. She did not know what was to be expected of her. However, her fears were soon dispelled once she realized that there were resources to reach out to.

“They tell you right from the beginning that if you need help in anything, there is a resource available,” Holmberg said, “whether it be class work, home life issues or just need to find out where to get a tasty burger.”

While orientation had its perks, it also had some disadvantages. The most common complaint is how long it took. “Law school is all about getting to the point, which is exactly what did not happen during orientation,” Holmberg said.

From the view of this author, there was also a lot of conflicting advice. We heard to put aside a day to ignore law school to try and rejuvenate, and we heard to forget about having a life outside of law school. It is up to the student to decide in the end, but it was still rather unnerving.

Additionally, there was one important topic that no session covered: outlining.

“Now we have a great amount of first year students scrambling toward the end of the mini-mester to figure out what they are supposed to be doing,” Holmberg said. “Something that would have been much less burdensome had we all known how to do it and started from week one of class.”

All in all, despite a few disadvantages, orientation was a rewarding experience. It had its tedious and potentially confusing moments, but it instilled us all with a valuable set of skills to use during the course of our three years at law school. Now that we have the tools to succeed, let’s put them to work.
NYC New Car Service App to Serve Women Only
By: Haroula Kouklakis, Executive Editor

SheTaxi/SheRides, is a new car service app available to taxi users in New York City and select suburbs. SheTaxi, started by Stella Mateo, aims to serve women whose religious affiliation prohibits them from being alone with men, as well as those women who simply feel more comfortable traveling with other women.

It was described by the Times as “a livery service in New York City for female riders which takes requests via an app and will dispatch drivers wearing hot pink pashmina scarves. The app then will ask potential riders if there is a woman in their party, if not, they will automatically be redirected to other car services.” According to Mateo, SheTaxi will partner with existing companies to provide rides at a competitive price.

Mateo states that she also hopes that this new service will help women break into an industry that has long been dominated by men, as she hopes to hire at least 500 women drivers by the launch date of the app. Critics of this new service state that it has many problems in terms of employment and public-accommodation discrimination laws because they won’t be picking up men or using male drivers.

The New York City Taxi & Limousine Commission, which regulates taxis and other for-hire vehicles have rules that forbid dispatchers or drivers from refusing to pick up customers because of their sex, as does the New York State human rights law, which are both rules that SheTaxi would have to abide by. Sylvia A. Law, a sex-discrimination scholar at New York University stated that she thinks SheTaxi could be “more vulnerable” under employment laws, depending on the relationship between the service and the drivers. However, SheTaxi spokeswoman, Tamika Mallory says that they will not be leaving men who use their app stranded, looking for rides, they will be referring those men to another car service and make sure they are covered with a ride.

As for the question of public-accommodation laws, Mallory says she doubts anyone would file a complaint against them on those grounds, comparing it to hotels that offer female-only floors. This new service app is being praised all over for its efforts to bring women into a male dominated career and its efforts to accommodate women of different religious affiliations, who cannot be alone with men. However, New York City is facing its own problems with the app considering it may be opening itself to potential employment and public-accommodation discrimination suits.

Although this service was expected to reach a large number of women who were expected to want to join the taxi industry, the creators have reached an impasse in the recent days, having to push back the launch date for not reaching its goal of 500 women drivers. More importantly, no one has filed a complaint with the city claiming gender discrimination to delay the launch. This has led me to believe that this service might actually work to serve those who it intends to serve. Whether this will continue to be the case, well, we will all just have to wait and see.

Patience is a Virtue: Reactionary Rulings in the Law

By: Jeremy Hahn, Editor in Chief

Convincing members of society the importance of patience and doing their due diligence is far from an easy task. When a crime is committed, it is often on the news, social media, and the Internet before someone has had the adequate time to process what may have actually transpired.

As individuals involved in the law, we have a duty to not follow the trends of what is portrayed in the media, but rather display our patience and due diligence.

The phrase “reactionary” comes to mind frequently trying to balance everyday life with one also aspiring to be an attorney. When a media circus surrounds crimes such as recent domestic assaults that have occurred in the NFL, individuals are quick to spout phrases such as, “I hope he rots in prison” or “He should never be allowed to play again.”

While everyone is entitled to their own opinions, it is lawyers that struggle most with these issues. We find ourselves not defending the individuals who have committed these crimes but advocating that the law will play its course. After all, the sixth amendment allots everyone the right to have his or her day in court.

How do we find a middle ground when speaking to friends and family explaining that although someone has previously committed a crime, that evidence may not be admitted in a court of law?

As a society we are quick to say the problem lies within the law. But the truth of the matter is, there is no such thing as a perfectly drafted law. When asked about the decision in the recent Trayvon Martin case, you see public outcry. There are people who proposed that the “Stand Your Ground” law in Florida should be repealed. But when faced with the question, “If someone holds a gun in your face, should you be allowed to protect yourself?” Their answer often changes. While the Trayvon Martin decision holds different factual implications, both scenarios are protected under the same law. Does that mean that “Stand Your Ground” is a law that needs to be repealed, or is it that laws may be effective a high percentage of the time, we just chose to focus on extreme negative instances? We never turn on the news and see the times the law works as it was originally intended, as a result we must grow thick skin and grow accustom to criticism.

David Mellor said, “Lawyers must be like a rhinoceroses: thick skinned, short-sighted, and always ready to charge.” It is our duty to be the voice of the people who are crying out to be heard but we also must serve as the middle ground between justice being upheld and reactionary intervention.

As lawyers we simply cannot afford to react negligently. We can serve the greater good so long as we cross our T’s and dot our I’s. We must understand that being calculated may draw criticism, however never forget, rhinoceroses have thick skin.

Comments or concerns with The Forum can be addressed to Jeremy Hahn at jeremy.hahn@valpo.edu. The Forum will be unveiling a new interactive website for students and alumni to get continual updated VUSL news and articles. Details to follow.
By Jacquielynn Wolff, Managing Editor

Mercy v. Justice – “The Play’s the Thing…”

Shakespeare and the Law

Agency and company executives sometimes seem to throw out or forget the traditional text, the doctrine of a healthy business model and write their own, “the world is a stage and if you’re not one of us, you’re not a member of the cast.” An auditor who cannot understand why a company is taking out subprime mortgages, if they are gaining or losing money; has to think “something’s rotten with this accounting.” When transparency with the stockholders takes a sharp drop off the chart leaving questions unanswered and persecuted when asked, executive motives need to be questioned. Like Shakespeare’s Shylock, some of these big-time executives maybe thought they were clever, and they were, but like Shylock, they missed something important. You cannot have your pound of human flesh without taking at least one drop of blood, and if you try, you are likely to take far more than one drop.

The financial crisis of the 21st century is a sad parallel to the plot of Shakespeare’s The Merchant of Venice. Taking, for example a 21st century borrower, a homebuyer. This homebuyer goes to Bank A to take out a loan, a mortgage, to purchase a house. The homebuyer does not have any proof of a steady income but does own a car and a valuable collection of porcelain. Bank A teases the homebuyer with an unprofitably low interest rate for the first two years. Bank A, however forgets to mention that this interest rate will effectively triple during the third year and remain at this new rate for the following 20 years. Thus, many U.S. homebuyers in 2005 enjoyed their home mortgages at relatively low interest rates for two years and once the end of 2007 and beginning of 2008 rolled around, delinquencies came up left, right and center and many of these previously placated borrowers were defaulting on their loans. As a result of these defaults, there were hundreds; even thousands of foreclosures on homes and many people were left with no house, no car and fewer personal assets.

“Nay, take my life and all, pardon not that, -

You take my house, when you do take the prop

That doth sustain my house: you take my life

When you do take the means whereby I live

(Shakespeare, The Merchant of Venice, 4.1 370-373).”

It may be hoped that the future holds audition to new, happier characters: perhaps not as wealthy, but more caring, perhaps not as lucky, but less frivolous, perhaps not as rebellious, but shown more love. Much can be gleaned from a looking-glass, a hair out of place, a ruffled collar. Just perhaps the future big players on Wall Street will open that curtain. Perhaps they will allow the spotlight to shine on something truly golden; not just pieces of paper to be sold as securities on something worth less than the insurance covering it.
No-Fly Zone, No Worries, Who Needs the First Amendment?

By: Cliff Mason II

"[Hands Up Don’t shoot! Hands Up Don’t shoot!]" chants the gathering of protesters in Ferguson, Missouri. "[Don’t fly, don’t hover, and don’t dream, of cameras filming our response to these peaceful gatherings.]" No, these may not have been the precise words of the Ferguson police chief, but the sentiment was surely realized after the Federal Aviation Administration ("FAA") imposed a no-fly zone over Ferguson.

The no-fly zone order read, "Only relief aircraft operations under direction of St. Louis County Police Department are authorized in the airspace." What about the news? The order establishing a no-fly zone restricted media access was depriving them an opportunity to broadcast active protests in the United States. These protests were spawned from perceived police brutality and questionable use of force. These protests should have been visible from every imaginable vantage point the media was willing to provide, especially when considering the public outcry demanding heightened scrutiny of police interactions with the community. So, what about the news? According to local law enforcement, no news is good news.

The right of journalists and news organizations to investigate and report on their findings is granted in the Supreme Law of the Land. Free press, a concept so vital to the Framers, they enshrined it in the First Amendment of the United States Constitution, "Congress shall make no law...prohibiting the free exercise [of] the press." This congressional restriction also extends to the states. Thus, any effort on the part of government to thwart or obstruct the media is a direct violation of the Constitution. Preserving free press ensures the government remains accountable to its citizens. Preserving free press pressures government officials to act in citizens’ best interest or suffer in the polls as a result of public shaming. Most importantly, preserving free press keeps the public informed.

To what do we owe this great liberty, widely taken for granted in modern times? Most certainly, the American ideal of free press can be attributed to the 18th century trial involving John Peter Zenger, a journalist from New York. Zenger was accused of libel for highlighting and printing [truthful] articles discussing government corruption. Though unlawful at the time to print anti-government material, the jury acquitted Zenger, laying the foundation for free press to exist and thrive in America. This liberty, an unquestionable necessity for a free society to survive, has been stripped from news organizations attempting to cover the protests in and around Ferguson, Missouri.

This unlawful standard adopted by the FAA in Ferguson, at the request of local law enforcement, could become the norm anywhere in the country. This particular violation of constitutional freedoms sets a dangerous precedent for police misconduct nationwide to continue unnoticed. Large burgeoning cities like Chicago, Indianapolis, and Milwaukee are not the only locations in the Seventh Circuit that are vulnerable to large-scale demonstrations leading to rash police decision-making. The small towns of Schaumberg, Illinois, Valparaiso, Indiana, or even Elkhorn, Wisconsin could become home to mass protests. What aspects of the botched police response in Ferguson leaves
those citizens comfortable knowing they are free to exercise constitutionally protected liberties? Nothing. Claiming the decision to implement the no fly zone for safety precautions was a farce. The only threats on the streets of Ferguson were the individuals dressed in combat attire, with soldier mentalities. Their methods and force could only be viewed from street level at designated posts allocated for the media. The Ferguson response to this social outcry was an embarrassment to law enforcement, and the proactive obstruction of the media was an embarrassment to the values and principles we hold dear as a society.

The Constitution was crafted in such a way, to limit government control over basic civil liberties. The citizens of Ferguson were enacting their right to peaceably assemble and protest their government for redress. Safe protests in Ferguson, have been demonized by local law enforcement as a mass of rebel rousing rioters.

Local law enforcement’s violent account of the protestors is generally overblown or farfetched, with few media outlets questioning the validity of this demonization (due to their non-existent access). Herein lies the problem. The Ferguson PD is notorious for abuse of power and excessive force. This has only recently received national recognition because the citizens of Ferguson have lined the streets in a public demonstration of intolerance of police brutality. The palpable levels of cynicism shadowing the Ferguson PD, should suffice or more aptly, demand increased observation of Ferguson police and their interactions, rather than accommodate Ferguson PD’s interest in keeping tactics secret.

In recent times, the only comparable implementation of a no-fly zone in the Seventh Circuit occurred in Chicago during the 2012 NATO Summit. Under that restriction, the reasoning was clear. With a collective gathering of several heads of state and foreign dignitaries, there existed an inherent need to protect and guard against opportunistic attackers. Contrary to the NATO Summit, the situation in Ferguson, involved protesters marching along well-organized and predictable routes. There was no threat of terror. There were no foreign diplomats present. There were only free citizens and their voices. The only real danger resulted from police attempts to silence those voices. For these reasons, media coverage was necessary, and should not have been restricted to police designated ground posts.

The most efficient and appropriate means for journalists to discover the truth surrounding marching routes and aggression in general is to observe from above. Denying access to this crucial vantage point is to taint the coverage. The public is entitled to be made aware of events in their community, period. The FAA implementing a no fly zone at the behest of the St. Louis PD demonstrates an extra judicial abuse of power and denies the media its vested constitutional right to investigate and report. If these provisions overcome a constitutional challenge, at the very least they ought to classify them a violation of the Freedom of Information Act.

With the imposed no fly zone over Ferguson, the record of free press in America is tarnished and the memory of John Peter Zenger, forgotten.
The Marijuana Debate: How Legalization Will Affect the Legal Process

By: Kellyann Brown, Co-Editor in Chief

Colorado has had a long history of leading the way for legalizing marijuana. The state passed Amendment 20 in late 2000, which legalized limited amounts of medical marijuana for patients and their primary caregivers. Despite several setbacks after its passage, in 2007, medical marijuana dispensaries began popping up all over the state. Within two years, it became incredibly easy to obtain a “red card” and purchase marijuana legally for anything ranging from anxiety and insomnia to cancer. On November 6th, 2012, Colorado became the first state to vote in favor of ending marijuana prohibition with just over half the voters voting in favor of Amendment 64.

As a native Coloradan, I can assure you that we did not see January 1st 2014 (the day that you could legally purchase marijuana from a recreational dispensary), as as big of a deal as the rest of the country did. Weed had already become common enough to be mundane, and as a state we have more marijuana dispensaries than Starbucks. I have been to a recreational dispensary, (as of this article they are only in Denver and Boulder), and while it is definitely an interesting experience to be able to purchase THC infused gummy bears with nothing but a driver’s license, I believe the biggest impact legalizing marijuana has had on Colorado, in addition to the tens of millions dollars raised for education, is its impact on the legal system.

Marijuana convictions represent a large portion of cases that come through the court system throughout the country. Because marijuana was and is elsewhere considered an illegal drug on par with cocaine and methamphetamine, possession of even small amounts of weed can result in felony drug charges, which can lead to decades-long prison sentences. Shortly after Colorado voters approved Amendment 64, prosecutors in Denver, Boulder and other parts of the state decided to drop pending marijuana cases that were legalized under the new law. Section 18-1-410(1)(f)(I) of Colorado Revised Statutes 2013 specifically allows a defendant to receive post-conviction relief “if there has been significant change in the law, applied to the applicant’s conviction or sentence, allowing in the interests of justice retroactive application of the changed legal standard.” With the passage of the Amendment 64, and its relevance in relation to this Colorado statute, the legalization of marijuana could retroactively apply to minor drug offenses if those people had already been appealing their convictions when the amendment went into effect. It could possibly help scores of people successfully overturn their convictions for charges resulting from possession of less than an ounce of marijuana or for growing six or fewer plants in their homes, as these are acts that are now legal for those Colorado residents who are 21 or older. Rendering various low-level marijuana convictions obsolete will help to eliminate a large number of cases that are currently clogging up the state court system. However, this “grandfather” rule does not allow people to overturn decades-old marijuana convictions, or to appeal distribution or trafficking charges. None of these apply to marijuana charges attached to a federal crime, as marijuana is still illegal at the federal level.

Although medical marijuana dispensaries are common sights throughout the state, Amendment 64 allows each city in Colorado to vote on whether they want to allow recreational dispensaries or not. As of this
article, Metro Denver and Boulder have voted in the dispensaries, and the city of Manitou Springs has recently approved the measure as well.

9 months into the amendment’s passage, over 40 million dollars in profit has been collected and put towards state projects, including building new schools. Despite several setbacks and problems that still need to be worked out, Colorado and now Washington are well on their way to completely decriminalizing marijuana, and hopefully the rest of the country will soon follow suit.

*Interested in contributing to The Forum? Contact Kellyann Brown at kellyann.brown@valpo.edu*