

2013

Valparaiso Law: 2012-2013 Annual Review

Valparaiso University School of Law

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VALPARAISO LAW

2012-2013 ANNUAL REVIEW





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Valparaiso University Law School offers a progressive curriculum that supports a broad range of career options within the legal profession—from traditional private practice to rewarding careers within corporate, government, public service and not-for-profit organizations. Our diverse learning community creates equal opportunities for students with different backgrounds, academic profiles and career aspirations to turn their life experiences into legal careers that benefit others.

ABOUT THE COVER:

Reconstructed in 2010, Heritage Hall is the Lawyering Skills Center for the Law School. The original Heritage Hall was the oldest and last remaining building of Valparaiso University's 1859 campus. Its historic character and design were retained and incorporated into the new building which supports the Law School's skills curricula and houses the Legal Clinic. Heritage Hall provides customized learning spaces, including a state-of-the-art courtroom, built to support students skills learning and practice in the areas of appellate advocacy, dispute resolution, moot court, mock trial, client counseling, negotiation, arbitration, and pre-trial and trial practice.

.....
LETTER FROM THE DEAN
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“Our *new programs* address the legal profession’s changing dynamics and engage students and faculty in the most important issues of the day.”

Much has changed at the Valparaiso University Law School (VULS) in the past few years. Thanks in large part to the generosity of the late Donna Welter, Heritage Hall was renovated and now houses a state-of-the-art Lawyering Skills Center that supports the skills portion of our curriculum and hosts nine legal clinics serving clients in this area. Our Immigration Clinic opened in Hyde Park (Chicago) a year ago and serves clients from Chicago and northwest Indiana with immigration issues. An innovative new curriculum—developed during 2013 with close collaboration across our entire learning community—will combine the core doctrinal component of a sound legal education with opportunities, beginning in the first year, to utilize the law as a tool to address the problems presented by both actual clients and exercises designed to mimic live situations.

Legal education and the legal profession have changed substantially in the past two or three years. I am sure that most of you are familiar with the recent challenges facing legal education, including the cost of tuition and the resulting debt incurred by students, a decrease in available jobs requiring a J.D., and a perceived

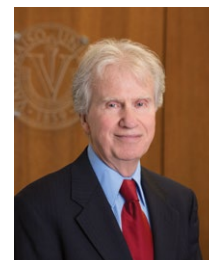
disconnect between law school and the practice of law. We are attempting to embrace these challenges and view them as an opportunity to improve both the education we provide and the legal profession.

Graduates of Valparaiso Law frequently comment on their gratitude for the opportunity afforded to them. We continue to provide an opportunity to a diverse pool of applicants, many of whom do not come from a privileged background. Diversity in the student body benefits all of our students, as well as the profession and the clients attorneys serve.

While our online alumni newsletter continues to provide a forum to connect and network with classmates and faculty, this publication will help build relationships and create opportunities across a broader community that includes prospective employers, alumni, students and other friends and supporters. It captures and reflects the energy and intensity of this vibrant institution by showcasing our collective accomplishments and demonstrating our ability to embrace change. It also reflects the diversity of our community and our ability to prepare students with different backgrounds and life

experiences for productive careers by delivering an education that prepares them for their professional careers.

We invite you to look back on an exciting and transformational year at VULS, and to look forward to innovative new programs that will address the changing dynamics of our profession and the evolving needs of our students. I also encourage you to re-engage with the VULS community by giving to our Annual Fund, mentoring our students, taking advantage of events and networking opportunities, promoting our school, and strongly considering Valparaiso Law students and graduates for positions at your firm or organization.



A handwritten signature in dark ink that reads "Ivan Bodensteiner". The signature is fluid and cursive, written in a professional style.

Ivan Bodensteiner
Dean and Professor of Law

Year in Review

VALPARAISO LAW IS a vibrant and dynamic community in which faculty and students use their talents to explore legal practice and theory, help people individually, and serve civil society as a whole.



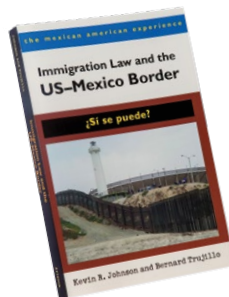
Launched new VOLT application—an innovative mobile app that differentiates this school by providing an interactive guide to help students manage the completion of important career planning milestones.



Students now have access to a new mobile application that helps them organize, monitor and complete the necessary steps to prepare for a successful career.

Professor Sy Moskowitz (pictured above) reached the summit of Mt. Kilimanjaro, the highest peak in Africa at 19,340 feet, after 6 days and 5 nights. His climb generated more than \$13,000 for a variety of charitable organizations.

Professor Linda Whitton was named Reporter for the Canadian and American effort to write a model treaty to provide international powers of attorney.



Professor Bernie Trujillo's book, titled *Immigration Law and the US-Mexico Border*, was honored at the 14th Annual International Latino Book Awards as 1st Place in the Best Reference Book in the English Category.



Opened a new facility in Chicago's diverse Hyde Park neighborhood to draw from and serve the dynamic Chicago community. The facility, located in the Lutheran Center, will house the new Immigration Clinic, masters programs, regional seminars and other activities.



Justice Randall T. Shepard was honored in a Law Review Symposium on diversity in the legal profession. The Law Review plans a special symposium issue that will appear in 2014.



3L student Yolanda Ruiz argued and prevailed in a case before a three-judge panel of the Seventh Circuit Court of Appeals that included Judges Daniel A. Manion, Richard A. Posner, and Ilana Diamond Rovner.

Finalized curriculum for a proposed Hyde Park Masters degree program, scheduled to launch in January 2014. The Master of Professional Studies in Law (MPSL) will offer concentrations in Health Law, Business Law and Criminal Law.

The New Orleans Public Defenders Office hosted 24 2L students during spring break. Students helped attorneys by conducting research, writing briefs, performing investigations and helping them complete work within 24 hours.

163 students

For the entering class of the 2012-2013 year: 163 incoming students from 25 states and 5 countries. 33% are from backgrounds under-represented in the law

The Moot Court Society hosted the 24th annual Luther M. Swygert Memorial Moot Court Competition in November 2012. The three-judge panel included the Honorable Frank H. Easterbrook, Chief Judge of the 7th Circuit Court of Appeals; Judge Jon DeGuilio of the Northern District of Indiana; and Magistrate Judge Denise LaRue of the Southern District of Indiana.

1st Place

In 2013, The International Moot Court team (pictured) won first place at the 14th Annual D.M. Harish Memorial Government Law Competition in Mumbai, India. A Moot Court Society team won first place at the 18th Annual National Juvenile Law Moot Court Competition hosted by Whittier Law School in Costa Mesa, CA in March.



New Law School curriculum approved by faculty. With its emphasis on integrating experiential learning, the new curriculum will deliver practice-ready graduates who are prepared to use their practical legal skills in a variety of ways.

Hosted a conference entitled "Exploding Prison Population and Drug Offenders: Rethinking State Drug Sentencing" to generate ideas on how to reform state drug sentencing laws.

Professor Ivan Bodensteiner was appointed Interim Dean following the departure of Jay Conison after nearly 15 years of leadership and service; the Law School is conducting a national search for a new Dean. In 2012 Bodensteiner published an updated edition of a five-volume treatise on civil rights, co-authored with Valparaiso Law Professor Rosalie Levinson, entitled *State and Local Government Civil Rights Liability*. The second edition of their textbook, *Civil Rights Legislation and Litigation*, was released in 2013.

Professor Rebecca Huss was named the Immediate Past Chair of the Animal Law Committee for the TIPS Section of the American Bar Association.

Three regional faculty workshops hosted by the Law School attracted legal scholars from across the Midwest. One workshop focused on tax law while the others included presentations on a variety of topics—from environmental regulation to immigration law and employment discrimination.



"I couldn't be more proud of this faculty. We came together, selflessly looked hard at what we are as an institution, and redesigned our curriculum to be highly responsive to our students and to changes in the legal profession."

– ASSOCIATE PROFESSOR CURT CICHOWSKI

Experiential Learning

A bold new curriculum

Valparaiso Law is teaching talented incoming students how to write, read complicated texts, ask the right questions and solve problems while preparing them for a wider variety of career options.

Since 1879, Valparaiso Law School has armed thousands of lawyers with the skills they needed to succeed in diverse careers. Whether graduates enter traditional law practices, corporations, government, public service or not-for-profit organizations, they bring to the workplace well-honed research, writing and critical thinking skills; a firm grasp of legal theory; a respect for diverse perspectives; a commitment to service; and real-world experiences that make them practice-ready from day one.

Valparaiso Law has fulfilled this mission in part by remaining responsive to the markets in legal education and the legal profession. We've maintained an acute focus on teaching and learning. We've developed an intensive research and writing program. We were among the first law schools to adopt a Pro Bono public service requirement. We've been offering live-client clinical education since 1967; our emphasis on hands-on learning gives our students practical

experience while serving our community through nine clinics that provide free legal support.

During the 2012-2013 school year, Valparaiso Law faculty and administrators seized the opportunity to re-examine and modify our curriculum. Our objective: keep our students

competitive by staying ahead of a number of trends that are transforming the legal profession.

"The future of legal education is to incorporate more practical skills training while delivering an innovative legal education," said Professor JoEllen Lind. "We're

creating a solid connection between education, clinical and practical experience."

A Changing Landscape

Over the last five years, a larger, more global legal industry has emerged that now includes a low-cost, technology-driven legal marketplace as well as new business models that deliver traditional services on an outsourced or contracted basis. Employers are responding by changing the way they structure their firms and deliver services. They're hiring significantly fewer recent law graduates and expecting those they hire to possess the precise skill sets they value most: solving complicated problems and integrating knowledge.

These trends impact law schools as well. We face increased pressure from legal practitioners and the American Bar Association (ABA) to deliver



"Valpo students truly see and hear it all. By investing their time and energy to gain firsthand experience, they advance their own individual discovery and develop their own ideas."

— PROFESSOR DERRICK CARTER

(CONTINUED ON PAGE 6)

Experiential Learning

(CONTINUED FROM PAGE 5)

graduates who are even more practice-ready. Yet this mandate comes at a time when the social and professional aptitudes of students entering law school have changed significantly. Many students, for example, lack the analytical, research and writing skills that form the backbone of successful legal practice. Others aspire to non-traditional legal careers that require an even broader base of knowledge. As a result, law schools must work harder than ever to teach talented incoming students how to write, read complicated texts,

ask the right questions and solve problems while preparing them for a wider variety of career options.

“Our curricular reform was driven, in no small measure, by the faculty’s embracing its obligation to graduate students who can solve their clients’ problems,” said Professor Susan P. Stuart. “To accomplish that, problem-solving and legal analysis start at Orientation.”

“This curriculum has huge components of experience,” said

Professor Bruce Berner. “We engage students by getting them quickly into actual cases so they can see the practical purpose and the consequences of what we’re talking about.”

Objective Appraisal

In examining the school’s existing curriculum, faculty and administrators began by asking what Valparaiso Law is, who we want to serve, and what historic strengths we should build upon. At its core, Valparaiso Law is a

Midwestern school committed to diversity and service. We attract students and faculty with broadly different backgrounds and perspectives, and we believe in helping people individually and in serving civil society as a whole. Our graduates work in small towns, regional practices, businesses and regional governments. And we prepare them by building practical research and writing skills, by instilling the value of Pro Bono service, and by encouraging them to gain practical experience by working in one of nine legal



Students cultivate the skills they need as entry-level practitioners.

clinics that serve more than 700 community residents each year.

Driving Curricular Reform

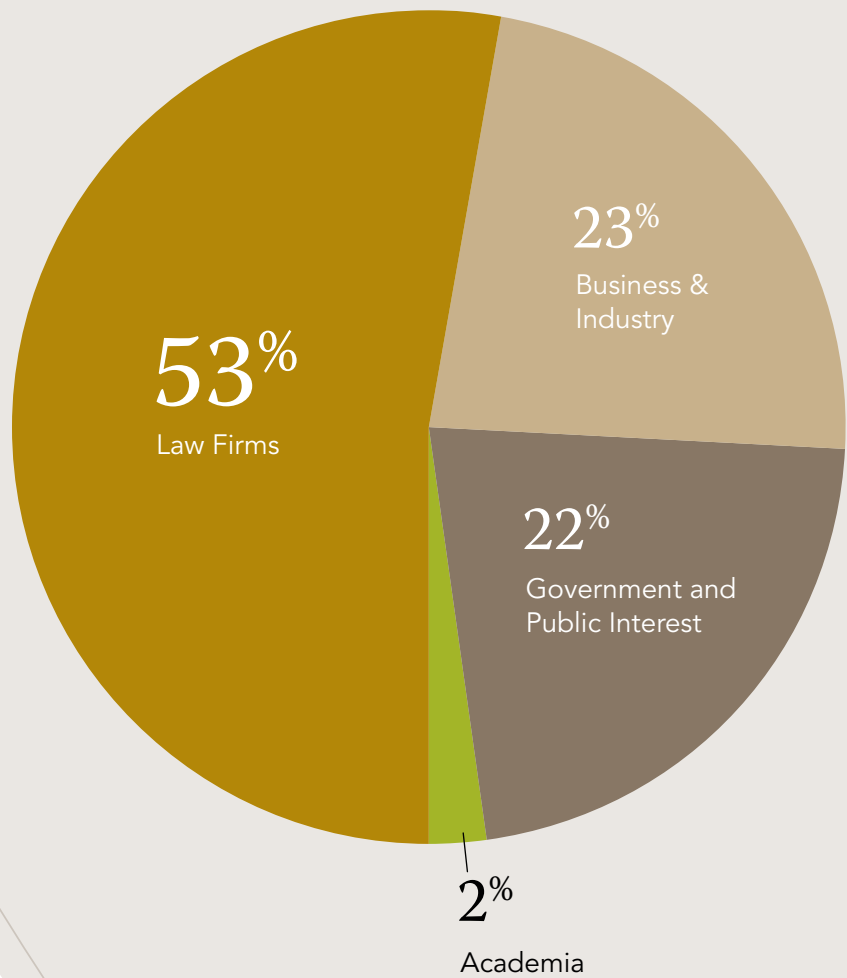
With these values as our foundation, we set out to build greater flexibility and balance into our curriculum so that it responds fully both to our students and to changes in the legal profession. Our new curriculum teaches to the practice, not to the test. It focuses on three established markets—advocacy, government and business—and ensures that students gain substantive and practical experiences in all three “themes.” Students also have opportunities to “bulk up” on a particular theme as they reach the final year of study. But within these themes, the curriculum carefully integrates the key skills required to pass the bar exam—exam-taking skills, essay writing, performance test writing, and review of Multistate Bar Examination (MBE) topics. As such, the curriculum aims to build the precise competencies required of an entry-level practitioner while maximizing bar passage on the first attempt.

During the first year, carefully-sequenced courses build the context students need to engage with clients as their lawyer. Praxis helps students adjust to their roles as professionals, become better problem solvers, develop interpersonal and professional skills and learn how to learn from experience. “Our new Praxis component is more than simply learning by doing,” said Professor Linda Whitton, who will teach the first semester Praxis.

(CONTINUED ON PAGE 8)

Employment type for 2012 graduates*

In 2012, for the students who secured employment, half of the graduating class secured positions in private practice, nearly 20 percent are working in business and industry and nearly 20 percent entered the non-profit sector, including government. Valparaiso Law encourages students to gain valuable perspectives on what they can do—and what difference they can make.



53%

2012 GRADUATES WHO SECURED POSITIONS AT LAW FIRMS

* As reported to the ABA nine months post graduation

Experiential Learning

(CONTINUED FROM PAGE 7)

First-Year Chart:					
Session	Praxis	Doctrinal/Skills			
The first-year curriculum will be delivered in four integrated seven-week sessions.	A contextual introduction to being a lawyer	Substantive courses in each session build a doctrinal foundation in a unified and progressive manner.			
1	Through a live-client based experience, students learn their responsibilities as professionals and develop a contextual foundation for the first-year curriculum.	Contracts	Civil Procedure	Foundations	Legal Research
2		Contracts	Criminal Law	Torts	
3	Legal Writing 1	Property	Criminal Law	Torts	Legal Research
4		Property	Civil Procedure	Damages and Equity	

“It introduces students to the lawyer’s fundamental role as counselor and communicator. Inherent in this role is a necessary skill set—interviewing, counseling, problem-solving, and the ability to communicate with clients in a professional manner”, Whitton continued. “Students are provided classroom opportunities to develop and hone these skills as well as supervised live-client opportunities to actually put

the skills into practice. By the end of their first semester of law school, each student will personally experience what it is to be a lawyer.”

In the second semester, 1L students focus on building legal writing skills and critical reading and thinking skills. They learn to write office memos, complaints, trial briefs and other objective and persuasive forms of legal writing. And they use the writing process to demonstrate their

research, reading, thinking and problem-solving skills.

On a parallel path, 1L students also complete four seven-week sessions that build a doctrinal foundation. They move from contextual sessions in contracts and civil procedure to contracts, torts, criminal law and property. Civil procedure then returns, along with a course on damages and equity that integrates previous learning and applies it to the all important

matter of generating the outcomes and solutions clients seek.

During the second year, students focus on subjects most often tested on the Midwest States and Indiana Bar exams, plus substantive areas and skills necessary for entry-level competency. They complete 30 credits, with 25 of them required. Students also complete experiential requirements in business, advocacy and

THE NEW CURRICULUM PREPARES STUDENTS

to pursue diverse career paths by exposing them to three established markets—advocacy, government and business.



90+

Approved externships

During the third year, students choose elective Practicums that give them first-hand exposure to specific legal practice settings. These settings may include one of nine Valparaiso Law legal clinics, an externship, or participation in a new program that provides legal services for indigents. They can also choose simulation exercises tied to an advanced legal topic such as real estate. Faculty develop these electives and integrate them with advanced substantive course work or a related co-curricular activity.



David Vandercoy, Professor of Law and Director of Clinical and Skills Training Programs, oversees nine legal clinics that promote a real-world understanding of the law as a service profession.

government. At the end of the second year, students take a practice bar exam administered and graded in a real bar exam setting. This step enables students to measure how their skills are developing—and determine where they need to focus during third year courses.

The third year is entirely elective. Students may choose Practicum—a coordinated program that will immerse them in substantive and

practical experiences. These offerings, our in-house equivalent to the medical residency model, are linked to distinct practice settings: individual representation, entity representation, governmental agency representation, and judicial. Each Practicum requires that students take an advanced course or series of courses related to the practicum topic. Alternatively, students can participate in a related co-curricular activity such as

Moot Court or client counseling. During each Practicum, students complete an in-depth research and writing project supervised and graded by either an assigned faculty member or a mentor who is a practicing attorney. Students complete a client representation experience through our in-house clinics, externships or simulations. Students also develop personal career objectives and action plans and participate in general or specific skills training focused

on interviewing, counseling, negotiating, problem solving and ethics.

Valparaiso Law's new curriculum began with the 208 new students who matriculated this fall as the Class of 2016.



"Clinics teach our students what it's really like to be lawyers—and truly have the lives of others in their hands."

— ASSISTANT PROFESSOR GEOFFREY HEEREN

.....
INVESTMENTS
.....

New Programs and Facilities

Investments create new opportunities

Students benefit from strategic investments in facilities, clinics, curricular offerings and support systems that enhance their law school experience.

In today's fluid and competitive market, law schools must make prudent investments that strengthen their programs—and differentiate them from peer institutions. Well-executed strategies position schools to meet the evolving needs of students while reinforcing their commitment to public service. In recent years Valparaiso Law has achieved these objectives by expanding facilities, developing new programs and enhancing the student experience.

In 2010, the newly reconstructed Heritage Hall opened to create a genuine law firm environment where students can learn and practice the critical skills they need to succeed as legal professionals. The new Lawyering Skills Center features custom-designed spaces where students can practice advocacy, dispute resolution, moot court, mock trial, client counseling, negotiation, arbitration, and pre-trial preparation. Heritage Hall also houses eight practice clinics that extend vital services to the community—and support the school's new curriculum by giving students practical experience managing and arguing cases. Now, when participating students enter the job market, many have already handled case loads involving as many as 15 clients.

In 2013 Valparaiso Law expanded its clinical program when it opened a new Immigration Clinic in Hyde Park, a community with a long tradition of diversity on Chicago's vibrant South Side. The new Clinic is designed to teach immigration law, trial advocacy skills, and professionalism through a combination of direct representation and non-litigation advocacy. Its location enables students from the Chicago area to serve their community. It also provides easy access to Chicago's immigration court and Department of Homeland Security offices—and to practicing immigration attorneys who can serve as mentors.

Assistant Professor Geoffrey Heeren, who joined the Valparaiso Law faculty in 2012, directs the new Immigration Clinic. He

previously served as Senior Attorney with the Legal Assistance Foundation of Metropolitan Chicago, where he represented immigrants with complex immigration cases, including cases involving detained immigrants, asylum applicants, trafficking victims, and survivors of gender-related crimes and domestic violence.

In its first year, the Immigration Clinic students handled a diverse set of cases and projects including designing and hosting a community forum for immigrant youth in Northwest Indiana, representing asylum seekers, and arguing a case in front of the Seventh Circuit Court of Appeals. The students developed the skills they needed to serve as lead counsel on all matters by attending a weekly seminar, practicing their skills in simulations and moots, and attending weekly case meetings with their professor and colleagues.

"The Clinic serves exceptional individuals who have made enormous sacrifices to be here," Heeren said. "It focuses on a rich and fascinating area that intersects several fields, including international, criminal, and family law. It also helps students make the transition from school to practice. By serving

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560
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Number of cases handled by the Valparaiso Law School Clinic annually. In 2013-2014, 91 students are registered to participate in the Clinic.

(CONTINUED ON PAGE 12)

New Programs and Facilities

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“You can only learn by doing, and I can walk out of law school having done that.” –Yolanda Ruiz

as lead counsel, they write briefs, meet with clients to draft affidavits and prepare them to testify, track down documents, gather witness statements, and much more. They also learn what it's like as a lawyer to truly have someone else's life in their hands, as outcomes could lead to deportation, separation from friends and family, and a return to dangerous circumstances.”

The clinic finished its first year with a particularly exciting advocacy opportunity. In May 2013, Yolanda Ruiz argued a case before a three-judge panel of the Seventh Circuit Court of Appeals that included Judges Daniel A. Manion, Richard A. Posner, and Ilana Diamond Rovner. In *Margulis v. Holder*, No. 12-3611, the court considered for the first time how to define an “arriving alien” when a refugee from the former Soviet Union was denied reentry into the United States after visiting Canada. A team of four students wrote both the appellate brief and the reply brief, and Ruiz—who emigrated from Mexico when she was 10 years old—won the opportunity to argue the case. “A lot of the cases I read during my first year came from the Seventh Circuit Court of Appeals and Judge Posner, and it was a once-in-a-lifetime opportunity to argue a case in front of him,” Ruiz said. “Professor Heeren and other attorneys from Chicago helped me anticipate what the judge would ask, asking questions I had never thought about. I did a lot better job with their help.”

“You can only learn by doing, and I can walk out of law school having done that,” she said.



In May 2013, 3L Yolanda Ruiz argued and in August prevailed in an immigration case before a three-judge panel of the Seventh Circuit Court of Appeals.

New Master's Program Proposed to Bring Legal Studies to Working Professionals

The law plays a critical role in many disciplines—not just criminal justice, but also risk management, purchasing, contracts, healthcare, and virtually any other industry that is highly regulated. Increasingly, professionals recognize that advanced legal education will open the door to greater career opportunity. To address this underserved market, Valparaiso Law is awaiting final approval of a new Master of Professional Studies in Law (MPSL) program

that would welcome its first students in January 2014. With concentrations in Health Law, Business Law and Criminal Law, this program offers professionals in the Chicago market a flexible way to pursue legal studies as part of their ongoing education/training. The curriculum would help them gain the awareness, confidence and discipline needed to solve real-world problems in their respective fields. Professionals can access these programs online and/or in the classroom at Valparaiso Law's new facility in Hyde Park. This program is part of a broader partnership between Valparaiso Law and the Lutheran Center in Hyde Park, where the school will host a variety of law conferences

which will draw professionals from across the region.

Library Expands Digital Holdings

Valparaiso Law already boasts one of the largest law libraries in Indiana, and this resource went under an extensive facelift in time for the 2013-2014 academic year. Students will benefit from a physical renovation that meets their request for more comfortable seating, powered tables and additional study rooms. In addition,

(CONTINUED ON PAGE 14)

Students benefit from powered tables, more comfortable seating and additional study rooms in the law library.



New Programs and Facilities

(CONTINUED FROM PAGE 13)

the library will now post appellate court briefs from the Indiana Supreme Court and Court of Appeals—documents that are not easily available to the public. Further, the school's investment in HeinOnline will give alumni no-fee, remote access to a vast database of law journal articles. And students will be able to learn an additional research platform—the Bloomberg Law database—and be able to consult West Study Aids electronically. This subscription gives students access to more than 440 study guides for a broad range of classes. “This investment responds to the current trend toward digital legal research,” said Emily Janoski-Haehlen, Associate Dean for Library and Information Services. “It will enable students to cultivate the skills they need to compete immediately in today's digital research marketplace.”

Students Stay On Track with Career Strategies

When visitors enter Wesemann Hall's main entrance, they quickly encounter a new suite of offices that signals the school's commitment to career success. In August 2011 Valparaiso Law opened the newly renovated Office of Career Planning and Office of Alumni Relations to bring breadth and depth to career planning and alumni

relations. The office focuses on connecting students and alumni to create opportunities for students to learn about the profession, identify mentors, build strong networks, gain professional experience and pursue employment opportunities. The renovation more than doubled the office footprint, creating room for three additional interview rooms and adding offices for several new staff.

The Career Planning staff also developed a new mobile application that helps empower students to track their progress in building effective networks and gathering relevant experience. The Valparaiso Online Law Tracker (VOLT) provides a sequence of career planning steps and includes a variety of flexible features. A graphic interface enables students to measure their progress against career planning milestones and review the current year-to-date status of their career building strategies. VOLT also directly connects students to Strategy—the Law School's personal recruiting technology—along with LinkedIn, the Law School's Calendar of Events and the Law Connection.

“VOLT represents a very significant advancement,” said Christine Corral, Ph.D. Executive Director. “It speaks the language of our students and puts everything they need at their fingertips to execute a

successful career strategy. With VOLT, students can truly take a hands-on approach to their job search—starting on day one.”

Academic Success and Bar Preparation

Success as a law student requires strong critical thinking and analytical skills. To help first-year students cultivate these skills, the Academic Success Program (ASP) offers comprehensive support as they enter law school and later as they prepare for the bar exam. During the fall semester, students can participate in a series of nine workshops that introduce them to the rigors of law school. The workshops focus on specific skills for law school success which include: reading and briefing cases; note-taking; time and stress management; course outlining; and essay writing. To help prepare for the bar exam, students have access to individual counseling related to the bar application and bar preparation process. In addition, third-year students may enroll in Advanced Legal Studies, a skills development course focusing on essay writing for the bar exam. The new curriculum also supports bar exam preparation by building bar-related skills into coursework and providing feedback on skills development.

“This investment responds to the current trend toward digital legal research. It will enable students to cultivate the skills they need to compete immediately in today's digital research marketplace.”

– EMILY JANOSKI-HAEHLEN, ASSOCIATE DEAN FOR LIBRARY AND INFORMATION SERVICES.



The newly renovated Café in Wesemann Hall gives students and faculty more room to relax, congregate and exchange ideas.



RESEARCH

Faculty Profiles and Scholarship

Valparaiso Law's diverse faculty demonstrates thought leadership in many of the leading legal issues of our time.



"I focus on contentious civil rights issues where there is a conflict in the circuits as to the appropriate analysis. My research and writing force me to dissect and then simplify complex legal questions, which improves my teaching and provides guidance to civil rights litigators."

– PROFESSOR ROSALIE LEVINSON

Recently, the United States Supreme Court addressed two critical civil rights issues that have sparked significant legal and social debate: the Voting Rights Act and Affirmative Action. The current Court's decisions on these issues open new doors for legal scholars to reflect on these opinions and explore the legal issues raised in ongoing civil appellate court cases.

Professor Rosalie Berger Levinson, the Phyllis and Richard Duesenberg Professor of Law at Valparaiso University Law School, has practiced and studied civil rights law since the 1970s. As the school's first woman law professor in the 20th century, she has introduced thousands of students to the complexities underlying such diverse issues as sexual discrimination, sexual harassment, freedom of speech and hate crime. In 2012 she published an updated edition of a five-volume treatise on civil rights, co-authored with Valparaiso Law Professor Ivan Bodensteiner, entitled *State and Local Government Civil Rights Liability*. The second edition of their textbook, *Civil Rights Legislation and Litigation*, was released in 2013.

Fundamental Liberties

Lower courts are currently struggling to apply the concept of substantive due process, and Levinson dissects this complex concept in her article, "Wherefore Art Thou Romeo: Revitalizing Youngberg's Protection of Liberty for the Civilly Committed" (*Boston College Law Review*, March 2013). She takes aim at recent Supreme Court and lower court decisions that erode the fundamental liberty interests of citizens who are voluntarily or involuntarily committed to state institutions. She discusses why this erosion is unwarranted and suggests that the courts apply an objective deliberate indifference test to judge misconduct in these settings.

Protected Speech

In "Targeted Hate Speech and the First Amendment: How the Supreme Court Should Have Decided Snyder" (*Suffolk University Law Review*, 2013), Levinson argues that certain forms of hate speech—virulent, outrageous speech acts that seek to directly inflict egregious psychological harm on private individuals—should not enjoy unlimited First Amendment protection. She supports Justice Breyer's view that the Court should engage in a "proportionate" balancing test that weighs the harm inflicted against competing constitutional and societal values.

Accountability for Constitutional Wrongdoing

Levinson's article, "Who Will Supervise the Supervisors?: Establishing Liability for Failure to Train, Supervise, or Discipline Subordinates in a Post-Iqbal/Connick World" (*Harvard Civil Rights-Civil Liberties Law Review*, Summer 2012) critiques two Supreme Court decisions that significantly erode the ability of victims in jails, schools and other government institutions to hold supervisors responsible for constitutional wrongdoing. The article offers suggestions on how to establish supervisory, as well as entity, liability for failing to train, supervise or discipline subordinates based on an "objective deliberate indifference standard" in all supervisory "failure to" cases.

Levinson is eager to incorporate these and other case studies into her teaching. "We teach students to think like lawyers, analyze issues and solve problems, and the case studies and hypotheticals I introduce during each class help teach these practical skills."



FAISAL KUTTY

Assistant Professor of Law

As a child, Assistant Professor Faisal Kutty remembers running from safe house to safe house until his father, an identified political activist during Prime Minister Indira Gandhi's administration, could arrange for his family to leave India. This experience helped shape his current legal research on human rights, discrimination and community advocacy. Specifically, he has focused on decisions by the U.S. and Canadian governments following 9/11 to enact strict anti-terror laws that allow them to deviate from the normal rule of law. In the wake of the Boston bombing and an arrest in Toronto of some alleged terrorists, Kutty wrote an OpEd in the *Toronto Star* urging the Muslim community to work with law enforcement and intelligence. In keeping with his other interest in religion and law, he also contributed a chapter, *Shari'a Courts in Canada: A Delayed Opportunity for the Indigenization of Islamic Legal Rulings*, to a new book edited by Anna Kortweg and Jennifer Selby, *Debating Shariah: Islam, Gender Politics and Family Law Arbitration*. In 2013 the Royal Islamic Strategic Studies Centre in Jordan named Kutty for the third time to *The Muslim 500: The World's 500 Most Influential Muslims*.

Faculty Profiles and Scholarship

(CONTINUED FROM PAGE 17)



“In today’s mobile society, the law should empower individuals to create personalized substitute decision-making plans and ensure respect for those plans. In a nutshell, that’s the focus of my work.”

– LINDA WHITTON

LINDA WHITTON

Professor of Law

Professor Linda Whitton has played a central role in law reform to improve statutory support for surrogate decision making and incapacity planning. On the national front, she is the Reporter for the Uniform Power of Attorney Act (2006), which has been adopted by 14 jurisdictions to date and influenced statutory reform in many others. She was also a delegate and contributing author for the 2011 National Guardianship Summit in Utah, where delegates voted to recommend her proposal for improving statutory standards for guardian decisions. These standards would move surrogate decision-making to a standard that better reflects the preferences of the incapacitated person. She currently serves as the Reporter for a new Uniform Law Commission project—the Interjurisdictional Recognition of Substitute Decision-Making Documents Act—a joint US-Canadian endeavor to promote the portability and usefulness of substitute decision-making documents for property, health care, and personal care.

BRUCE BERNER

**Louis & Anna Seegers
Professor of Law**

For most of the last 40 years, Professor Bruce Berner has focused on the areas of criminal procedure, Fourth Amendment search and seizure, and insanity defense. Ten years removed from criminal procedure, he now researches learning and teaching. He is working with publishers to create new instructional materials developed for classroom use and student review that introduce students to the rules of evidence. “Learning evidence by reading cases is inefficient,” Berner said, “because each one delivers just one or two lessons. Instead, I’ve developed a set of made-up problems and have tailored them to work in today’s technology age.” Berner designed his exercises to make the operational rules of evidence a part of the machinery of the brain, so students can react instantly and know precisely the right objection to make. “At this stage of life, it’s incredibly satisfying to reach the point where almost all of my heroes used to be my students.”



“I think all of us who study or follow immigration are hoping for comprehensive immigration reform. I think both sides of the aisle and most people in the industry believe that the system we have now, especially as it pertains to labor migration and particularly Mexican migration, is broken.”

– BERNARD TRUJILLO, PROFESSOR OF LAW



DEL WRIGHT JR.
Assistant Professor of Law

During his pre-academic career, Professor Wright approached financial products, tax shelters, and tax policy from multiple perspectives. He began his career structuring credit derivatives, then writing tax opinions for financial products, then structuring tax-advantaged financial products. He then spent five years as a federal prosecutor for the U.S. Department of Justice Tax Division, successfully prosecuting tax code abusers and “following the money” derived from criminal activities. In his 2013 article “Financial Alchemy: How Tax Shelter Promoters Use Financial Products to Bedevil the IRS (And How the IRS Helps Them)” (Arizona State Law Journal), Wright explains the financial alchemy of “Son of Boss,” which the article describes as “an especially onerous shelter that has allowed wealthy taxpayers to shelter billions in investment income from taxes—thereby increasing the tax burden on lower and middle income tax payers.” Prof. Wright is developing other articles on current tax legislation, focusing on financial products and the law’s response to them.

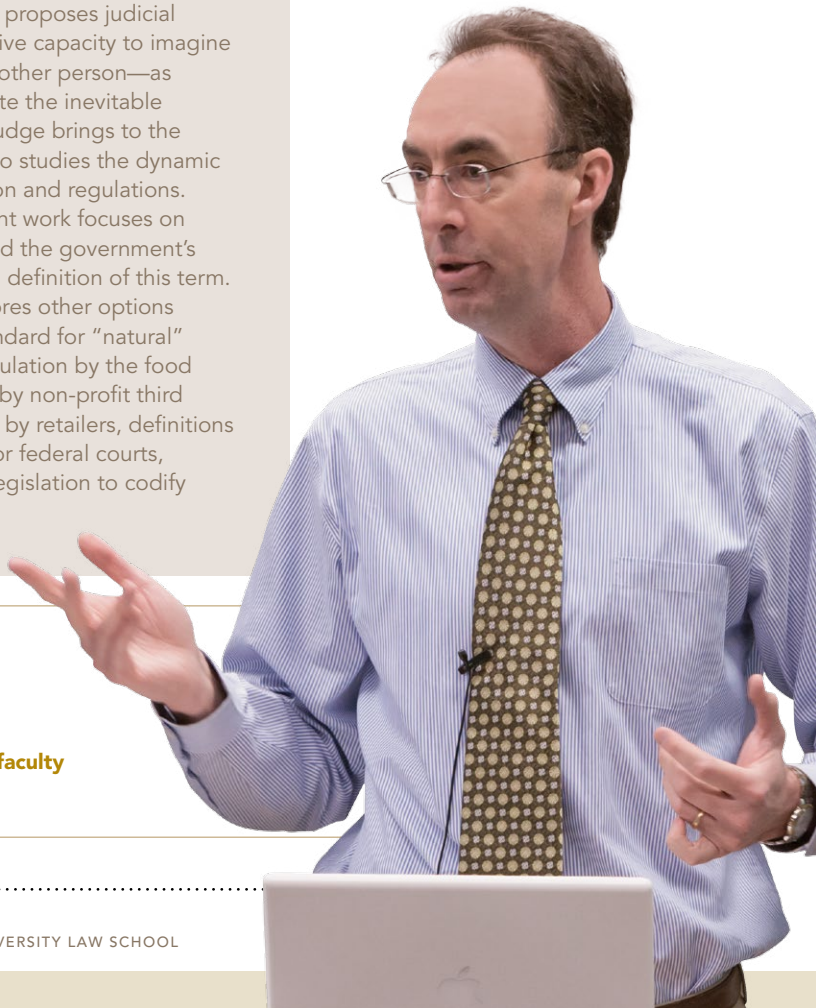


NICOLE NEGOWETTI
Assistant Professor of Law

When judges make decisions, how much of their thinking reflects careful, neutral, logical reasoning, and how much is guided by implicit biases and unexamined thinking? In her forthcoming article, “Judicial Decisionmaking, Empathy, and the Limits of Perception”, (Akron L. Rev.) Assistant Professor Nicole Negowetti applies current cognitive science to understand judicial decision making. She proposes judicial empathy—the cognitive capacity to imagine the perspective of another person—as a tool that can mitigate the inevitable implicit biases each judge brings to the bench. Negowetti also studies the dynamic area of food legislation and regulations. Specifically, her current work focuses on the term “natural” and the government’s reluctance to codify a definition of this term. Her scholarship explores other options for establishing a standard for “natural” food, such as self-regulation by the food industry, certification by non-profit third parties, standards set by retailers, definitions established by state or federal courts, and state or federal legislation to codify the term.

“What we are doing today is at the forefront of change. We can have an immediate impact by injecting new pedagogical approaches that empathize the skills and training that employers expect students to have.”

– MARK ADAMS, PROFESSOR OF LAW



For more info and a list of recent faculty scholarship please visit <http://www.valpo.edu/law/about-us/full-time-faculty>



3L Dan Blankenburg plans to use his Valparaiso Law degree to return to the government sector or open a private law practice.

Students Meet the Challenge

Valparaiso Law students develop the perspective, skills and experiences to express their personal calling.

Dan Blankenburg has always had strong opinions about politics. So when the Downers Grove, IL native graduated from Bradley University, he packed his resume and flew to Washington, DC to put his history and speech communication training to work. A volunteer position evolved into a 16-year career on Capitol Hill working with a number of Congressmen, as Chief of Staff for California Congressman John Doolittle, and as a lobbyist for a small business trade association.

As Blankenburg's influence grew, he recognized that a law degree would give him greater career flexibility—both inside and outside of politics and government. In 2010, at age 38, he returned to the Midwest and enrolled at Valparaiso Law School. "This is not a massive, nameless place," he said, "and I felt I could thrive in a smaller, more personalized setting. Though I found only a handful of older students, I did find

"This is not a massive, nameless place, and I felt I could thrive in a smaller, more personalized setting."

—3L Dan Blankenburg

classmates with many different backgrounds."

As he prepares for his 3L year, Blankenburg is getting plenty of opportunities to apply classroom learning to real-life legal settings. After studying Criminal Procedure last year, he spent the

summer working in the Porter County Prosecutor's office, watching real police, prosecutors and defense attorneys confront a number of 4th, 5th and 6th Amendment issues. He read police reports, recommended specific charges based on the

statutes violated, and made recommendations to the deputy prosecutors. He also met with the general public when citizens asked the prosecutor's office to bring charges absent an arrest.

This year, he will undertake a year-long federal judicial externship with U.S. Magistrate Judge Paul Cherry in the Northern District of Indiana. "Professor Levinson recommended me for this position, and it's an opportunity I may not have gotten at a larger law school," he said. "One early assignment may be to review a social security disability case that has already been adjudicated."

"At age 41, I don't see a career track that will lead to a partnership at a large law firm," he said. "Re-entry to public service or opening my own general practice where I can be my own boss are in my future. With the right mentor to show me the ropes, I'll be ready to go."

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Students Meet the Challenge

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Whitney Rhew



Jonathan Zimmerman (right)

“If you cast your net wide, you’ll see there are still lots of opportunities out there.”

– 3L JONATHAN ZIMMERMAN

WHITNEY RHEW

During her undergraduate years at North Central College, 3L Whitney Rhew got an eye-filling volunteering as a tutor with World Relief, a nonprofit organization that supports refugee children. She chose a double major in Human Resources and Sociology to position herself for law school and eventual employment in social services practicing family and juvenile law.

Rhew’s strong commitment to children and service drew her

to Court Appointed Special Advocates (CASA), a national volunteer organization that represents children in abuse and neglect cases. The Valparaiso native works as a law clerk for a Valparaiso Law alum who is a civil trial lawyer and outside counsel for the Lake County CASA. There, she assists in writing respondent briefs on behalf of CASA, persuading the appellate court to affirm the juvenile court’s order. She is also gaining valuable experience as an intern in the Juvenile Justice Center at the South Bend Public Defender’s Office. “As a child

advocate, it is my job to talk with the child and the parents and represent the child’s wishes to the court. The juvenile justice system works to find the optimal solution in each child’s situation. I’m learning to be an effective advocate and counselor—and to manage expectations on both sides.”

Last Christmas, Rhew channeled her interest in child advocacy by leading legal fraternity Phi Alpha Delta’s philanthropy efforts. During the holiday season it adopted four families through the Salvation Army and donated food and gifts. She also led the

Tom’s Shoe Project, a one-for-one program that donates one pair of shoes to a child in need for every pair purchased. A portion of the proceeds from Phi Alpha Delta shoe purchases helped provide shoes for LaPorte County children served by CASA.

JONATHAN ZIMMERMAN

It’s never too early to begin the job hunt. For 3L Jonathan Zimmerman, it began before he enrolled at Valparaiso Law. He persuaded a local law firm to



Matt Brandabur

take him under its wing, doing everything from sitting in on meetings to playing golf with partners. These relationships helped him secure a position during his 1L year working for Judge Nicholas J. Schiralli in the Lake County Superior Court, where he saw the entire correctional system at work. From there, he completed a federal externship with Judge Jon E. DeGuilio at the United States District Court for the Northern District of Indiana—where he put his research and writing skills to work, writing orders that ultimately became law.

One day, Zimmerman skipped class for the Indiana State Bar Association’s Judicial Reception in Indianapolis, where he was the only student in attendance. He met the clerk of Indiana Supreme Court Justice Steven H. David and sent him email updates every three months. When summer approached, he asked about externship opportunities in Indianapolis and was offered a position. It brought him to the Indiana Statehouse, the “heartbeat of Indiana.” “I write two memos a day on cases that are all over the board, from

simple civil matters to serious criminal penalties,” he said.

“I believe in the ‘Target approach.’ There are two options of doors you can take to enter the superstore: manual and automatic. I prefer taking the initiative and pushing doors open manually rather than waiting for an automatic door to open,” he said. “In the end, you just have to work hard, do your best, portray yourself honestly, and stay confident. If you cast your net wide, you’ll see there are still lots of opportunities out there.”

MATT BRANDABUR

As a kicker on the University of Illinois football team, 2013 graduate Matt Brandabur understands the importance of diversity and values the perspectives he gained from friends and teammates with different backgrounds and life stories. As a 3L, the native of Middletown, Ohio, put this insight to work when the Valparaiso University Law Review sponsored a seminar to honor the retirement of Indiana

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Students Meet the Challenge

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Supreme Court Justice Randall T. Shepard. During his 27 years as Chief Justice of the Indiana Supreme Court, Shepard created the Indiana Conference for Legal Education Opportunity (ICLEO) program to assist minority, low-income and educationally disadvantaged college graduates in pursuing law degrees.

As the Symposium Editor of the Valparaiso University Law Review, Brandabur helped identify and reach out to scholars who have diverse and well-defined views on affirmative action and education in the legal profession. The Symposium was especially relevant given the United States Supreme Court's recent decision in the *Fisher v. University of Texas at Austin* case. "The Symposium provided a first-hand lesson in diversity by listening to the different perspectives," he said. "There's an empirical aspect to the actual effects of affirmative action that you don't often hear in the news, and the panel featuring Richard Sander, Eboni Nelson and Sumi Cho was an eye-opening experience." Sander wrote an Amicus brief for *Fisher v. Texas*.

"Events like this reinforce the importance of having a diverse student body at Valparaiso Law. We're proud of this dynamic, and it's hard to imagine what law school would be like without it," Brandabur noted.

Brandabur is currently working as an Associate with Burke, Costanza and Carberry LLP in Merrillville, Indiana. The special issue of the Valparaiso University Law Review devoted to the symposium will be published during the 2013-2014 academic year.

LAKSHMI JAYANTHI

International Law seems like a natural fit for 3L Lakshmi Jayanthi, who has already lived in India, Netherlands, England and the United States. So when she attended the intra-school International Moot Court competition during her 1L year, she knew that she wanted to be a part of that organization. Her hard work and well-honed skills took her to Mumbai, India, where she and teammates Katherine Andy Walker and Megan Leffelman competed in spring 2013 against 25 teams from Singapore, England,

Greece, India and the United States. Over four 10-hour days, they survived seven rounds arguing both on and off brief and won first place. Jayanthi also prevailed as Best Speaker.

"Public speaking and traveling are two strong interests of mine, and International Moot Court allowed me to do both," she said. "Arguing in front of judges helps you think on your feet, articulate your thoughts effectively and learn to support whatever you say with the law. We owe much of our success to Professor Michael Murray and Julie Foster,

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NEW STUDENTS WHO WILL MATRICULATE THIS FALL AS THE CLASS OF 2016, COMPARED TO 163 A YEAR AGO.

Lakshmi Jayanthi

without whom we would have been in the tall grass."

This summer Jayanthi worked as a summer intern in the Legal and Government Affairs Department of Sprint Corporation in Virginia. "I'm gaining great experience in many different areas of the law—including litigation, government and commercial contracts, international sales and privacy. This experience has brought to life everything I have been learning in law school, especially how different areas of the law fit together in the big picture and within the context of a corporation."

VALERIE JOHNSON

Some people follow a winding path to law school. Valerie Johnson had two children before earning her bachelor's degree in business from Indiana University's Kelley School of Business in Indianapolis, where she planned to pursue an MBA. But while studying human resource management, she became interested in the complex legal issues surrounding labor and employment. A year after graduating, she looked

for a law school with a strong writing program and a focus on law as a calling. "I knew you had to be an expert in writing to succeed in this field," she said. "Legal writing is very different from other styles of writing, and I believed Valparaiso would be the best place to learn the fundamentals of legal writing." She has also taken full advantage of public service opportunities, volunteering with the Black Law Students Association for the Valparaiso United Way Day of Caring and doing pro bono

work with the City of Gary and with the Equal Employment Opportunities Commission (EEOC) in nearby Chicago, IL.

Today, Johnson successfully balances law school and parenthood as her children, aged 11 and 13, prepare for middle school and high school. "I left my family support system in Indianapolis when we moved to Valparaiso, and we're fortunate to have found a small community where people care about each other," she said. "Fellow law students have tutored my

children, and my professors have given me advice on local schools and extracurricular activities available for my children."

As a 3L, Johnson is also looking ahead to her career and is keeping her options open. "I still enjoy labor and employment law, and I'm open to human resources as well. My experiences clerking with federal judges are helping me really understand how the court system works and I realize there are endless career opportunities for me."



"I believe Valparaiso is the best place to learn the fundamentals of legal writing."

—3L Valerie Johnson

Valerie Johnson

.....
CONNECTING
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Alumni Accomplishments

Valparaiso Law produces natural leaders who pursue diverse and influential careers and uphold the values and integrity nurtured during their law school years.

Michael E. Tolbert (J.D. 2000) has always enjoyed solving other people's problems. While attending Valparaiso University Law, he viewed the legal profession as a way to help others while serving a larger purpose for society. Today, he works in Merrillville, Indiana near his home town of Gary, Indiana, representing a variety of clients as a Partner with Hoeppner Wagner & Evans LLP. He specializes in litigating complex cases involving insurance companies and other businesses.

For Tolbert, the same credo of hard work and commitment drove his success in law school, his ascent to Partner and his success as a litigator. "With the help of God I've always followed the adage, 'Come to work early, leave late,' he said. "In law school that meant prepping well for every class and contributing to as many study groups as possible. On the partnership track, I was able to litigate a large number of cases in a short period of time—usually as First Chair. And today I still prepare for each court appearance the same exhaustive way I got ready for my law school classes."

This determination serves him well at a time when the legal profession is more competitive than ever. "Before the Internet and social media took hold, many lawyers focused on their local practice and felt a sense of entitlement in terms of work and clients," he said. "Today everything moves much faster. The Internet has expanded business boundaries. Client expectations are also much higher, and it's easy for them to reach out to



competitors if you're not delivering world-class service." Tolbert expresses his commitment to service through leadership roles with professional groups—and by supporting Valparaiso Law's Firm Giving Challenge. In 2014 he will serve as President of the Lake County Bar Association, one of the state's most powerful local bar associations. "I want members to understand the organization's history—the true champions we have in our midst—and to honor and highlight the contributions they've made to the legal profession," he said. "It's also important to support Valparaiso Law. We owe it to our school to make sure it keeps moving forward in its mission to shape the minds of future lawyers. The reality is, it takes money to accomplish this task, and anything I can do as an alum to make sure the school has the resources it needs is a worthy cause."

Jon Sichtermann

Public sector work provides many opportunities not available in private practice. For Jon Sichtermann, there's something rewarding about defending the public interest when the state faces civil rights and employment discrimination suits, or when convicted criminals appeal a court decision. After graduating in 2012, Sichtermann went to work as a Deputy Attorney General in the Office of the Indiana Attorney General. While there, he will rotate through every division of the office—criminal appeals, civil litigation, transportation, consumer protection and the like—before choosing his permanent home.

Sichtermann credits the research and writing skills he cultivated at Valparaiso Law as an important building block for success. "I was able to hone my skills, learn to find cases quickly and write briefs and motions with minimal revisions from my supervisor," he said. "My experience on Law Review was also instrumental in developing my research and writing skills. Moot Court contributed greatly as well. I recently had an oral argument before the court of appeals that was identical to one of my Moot Court experiences."

This opportunity is giving Sichtermann a valuable perspective on the legal system. "When I started here I did not realize how important it was for trial attorneys to adequately develop a record. My time in criminal appeals taught me that if an objection is not raised at the trial, the issue is either waived on appeal or reviewed under the highly deferential harmless error standard. That knowledge helped me adequately develop my own records in civil litigation and will stay with me through my legal career."

Dario Olivas

As an entrepreneur, Dario Olivas brings diverse and unique experiences to his current role managing complex commercial negotiations for Dell Inc., in Austin, Texas. After earning his J.D. from Valparaiso Law in 2004, he was a Fulbright Scholar in Mexico and worked in the corporate and finance group of a Mexico City law firm, focusing on international business transactions, venture capital, and private equity. He then joined a start-up firm that pioneered



Jon Sichtermann defends the public interest when the state faces civil rights and employment discrimination suits, or when convicted criminals appeal a court decision.

the legal process outsourcing industry in India and later co-founded Vampire Labs, a start-up company focused on eliminating the wasted energy consumption of mobile products, also known as vampire energy loss.

Together these experiences provided Olivas a balanced perspective, combining his passion for technology with his intellectual ability to navigate and close multi-million dollar deals, and his acumen to

understand, develop, and support new business models. The entrepreneur has sage advice for job hunters in today's competitive legal market: "Don't be confined by practicing law," he said. "Legal issues are embedded in business and many other disciplines. Expand your opportunities and trust that the value of your skills goes beyond just the legal box."

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A J.D. from Valparaiso Law has empowered entrepreneur **Dario Olivas** to work in the tech sphere, close multi-million dollar deals and develop new business models.



Alumni Accomplishments

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When case details arise, **Guy Papa** draws on his law school experience to find answers he shares with other police supervisors.

Guy Papa

As a teenager, Guy Papa (J.D. 2013) would shadow his cousin as he worked as the chief public defender in Chicago's Cook County. But he chose a different element of law enforcement after graduating from St. Mary's College in Minnesota. The Berwyn, Illinois native returned to his roots and began an 11-year career as a police officer. During this period he obtained a master's degree in psychology, but he never got the law out of his system. One night, duty called and he responded to a robbery in progress. He earned two Medals of Valor for hopping fences and dodging bullets that night. He also decided at that

moment to pursue law school, enrolling at Valparaiso Law as a part-time student while continuing his police work.

While in law school, Papa saw a number of his cases move through the Cook County criminal justice system. "In Cook County, too often no one really cares where the cases go. I want to see better outcomes, to actually make a difference. And I believe as a lawyer, more people will listen to my advice." After earning his pension benefits, he plans to open a private law practice.

Papa finds his law school knowledge and experience invaluable as a sergeant who supervises the midnight patrol

"With tech savvy Millennials you need to push students to visit the school and make sure it's a good fit. I call, email, and even connect through Facebook."

— KELLY KRUGER



shift. "I can direct officers on search and seizure and other constitutional issues, so they know what they can and cannot do on street and traffic stops," he said. "And when case details arise, I know how to find answers I can share with other supervisors and administrators."

Kelly Kruger

Growing up, Kelly Kruger (J.D. 2009) saw her grandparents impact the lives of countless Valparaiso University students. Her grandfather (Fred Kruger)—Professor of Mechanical Engineering, Dean of the College of Engineering and Vice President for Business Affairs—was named one of the University's top 150

most influential people at the University's 150th anniversary celebration. Her grandmother (Esther Kruger '45) held many positions, including five years as assistant to the dean of the Law School.

An alumna of the University of Wisconsin, Kruger returned to her roots and enrolled at Valparaiso University Law School. Today, as Associate Director of Law Admissions, she interacts with prospective and admitted students on a daily basis. "It's rewarding to see the students' passion for law come full circle from application to graduation. My grandparents taught me that Valparaiso University is like a family and I hope I have as much influence on these students as my grandparents did."

For more info and a list of recent alumni news please visit <http://www.valpo.edu/law/alumni>



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