

4-2007

## The Forum (Volume 36, Number 9)

Valparaiso University School of Law

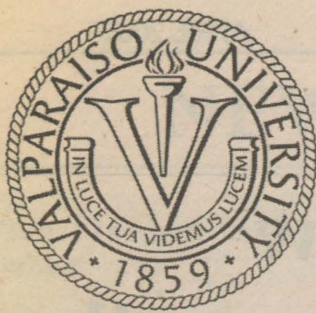
Follow this and additional works at: [https://scholar.valpo.edu/law\\_forum](https://scholar.valpo.edu/law_forum)



Part of the [Law Commons](#)

---

This Article is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Valparaiso Law School Forum by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at [scholar@valpo.edu](mailto:scholar@valpo.edu).



# The FORUM

APRIL 2007

Vol. XXXVI — No. 9

www.vuslforum.org

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

## Inside



News in Brief	3
Advice from the CPC	4
New Orleans pro bono	5
The Docket	6
The Music Buzz	16
Student Profiles	22
Crossword	23
Closing Arguments	24

Non-Profit Org.  
U.S. POSTAGE  
PAID  
Permit No. 3  
Valparaiso, IN

The FORUM, Valparaiso University School of Law  
Valparaiso, IN 46383-6461

## Ten half-truths about Tort Law

BY MATTHEW WARNER  
*Copy Editor*

What is Torts? Should Torts be taught in the first year of law school? Is Torts even a subject?

These questions and more were taken up by Vanderbilt's accomplished John C.P. Goldberg at the 2007 Monsanto Lecture. Goldberg presented some of the more obscure, yet fundamental and widely disputed, underlying propositions of Torts and attempted to answer some seemingly unanswerable questions.

The Monsanto Lecture itself has become a tradition at Valparaiso University School of Law. Made possible by alumnus Richard Duesenberg, former General Counsel of the Monsanto Company, the purpose of the Lecture is to "re-examine the theory of tort as it has evolved in this country and to explore avenues

for its reform."

Using some widely held half-truths, statements which enlighten as well as distort, Goldberg definitely re-examined Torts, presenting his views on where Torts is, was, or should be heading. In his



explanation, Goldberg combated ten "facts" of Torts, attempting to flesh out the fact from the fiction. On March 29, 2007, a large audience of the Valparaiso community learned the ten half-truths about tort law.

The ten half truths about tort law are:

I. *Torts is a miscellaneous category.* In the first half-truth, Goldberg tackled the notion that Torts is a catch-all subject and the view that Torts is a mishmash of leftovers from other areas of the law. Goldberg countered that Torts can not just be described in a single definition because it is an extremely complicated idea, yet it can still be defined in its own right.

II. *The category of Torts emerged circa 1860.* Since the word tort had not been used as a title for a subject of law until 1860, it did not exist before then. Here, Goldberg rebutted by explaining that though the name Torts may not have been used, the idea of civil recourse for wrongful injuries has been around since the time of the Romans.

III. *Torts is Accident Law.* While many wrongs can be seen as mere accidents, negligence is

see LECTURE page 14

## Mock Trial Team wins Regional Championship, advances to national

BY NICK GAEKE  
*Chairperson, Mock Trial Team*

On March 1, 2007, two teams of four members of the Valparaiso University School of Law Mock Trial Team traveled to Indianapolis to compete in the regional tournament of the Annual Student Trial Advocacy Competition, presented by the American Association for Justice.

Little did they know, this particular tournament would produce

significantly different results from other tournaments in which the Team has previously competed.

Two days after its first preliminary round match-up of the tournament, one of the teams, composed of 3L Jon Angelo and 2Ls Mike Abel, Kevin Gilmartin and Andy Palmison, found their school's name being called as the champion of the entire Indianapolis region.

The case, entitled *Pat Johnson v. Keep-On Trucking Company*, consumed the team for the

last two months as they prepared for competition. The fact pattern involved a civil case stemming from a semi-truck accident with injuries in the fictional state of South Claremont. The two-count complaint, filed on behalf of the 68-year-old, severely injured plaintiff, charged negligence and gross negligence of the truck company under the theory of respondeat superior. The answer by the truck company alleged that

see MOCK page 14

## Ochoa leaves his mark on the Law School

BY MELISSA DURHAM  
*Editor in Chief*

Why is everyone suing Google?" This question began Santa Clara University School of Law Professor Tyler Ochoa's lecture on search engines and trademark and copyright law. Professor Ochoa's answer to his opening question was that "everyone is suing Google because Google figured out how to make money on the internet" by selling advertising.

Professor Ochoa was invited to speak at Valparaiso University School of Law by the Intellectual Property Law Association. His lecture on Thursday, March 29, drew law students both familiar and unfamiliar with the area of law. Because of the variety of students and faculty in attendance, Ochoa explained some basic copyright law along the way, making the rest of the lecture easier to understand. He described the internet as a "giant copy machine" for data, which would explain trademark and copyright concerns.

A common defendant in search engine litigation is the search engine Google. A basic understanding of the technology used by Google was laid out by Ochoa before he launched into a discussion of current and recent cases. Google uses web crawlers to visit websites and create a copy of the entire website. Google actually keeps a copy of the site on

see OCHOA page 15

# The FORUM

Wesemann Hall 142  
Valparaiso University School of Law  
656 S. Greenwich Street  
Valparaiso, IN 46383-6461  
(219) 465-7831  
forum@valpo.edu  
ISSN 1553-5355

April 2007  
Vol. XXXVI, No. 9

EDITOR IN CHIEF  
**Melissa Durham**

MANAGING EDITOR  
**Kristen Thompson**

EXECUTIVE EDITOR  
**Heather Monteil**

Copy Editors: **Stephanie Butler**  
**Michelle Masoncup**  
**Matt Warner**

Advertising Manager: **Nick Gonzales**

Faculty Advisors: **Bruce Berner**  
**John Obermann**  
Webmaster: **Tom Pappas**

The Forum is published monthly, August through May, while school is in session. The opinions expressed in *The FORUM* are those of the authors and do not necessarily represent the views of *The FORUM* staff or Valparaiso University School of Law, its faculty, students, or administration. *The FORUM* was established in 1971 as a student organization. The Editors reserve the right to edit articles for punctuation, grammar, accuracy, obscenity, and libel.

If you'd like to write for *The FORUM*...  
please e-mail forum@valpo.edu

#### ADVERTISING INFORMATION

To place an ad, please call (219) 465-7831 or  
e-mail us at forum@valpo.edu

Full page	\$300
Half page	\$150
Quarter page	\$ 75
Sixth page	\$ 50
Eighth page	\$ 35
Sixteenth page	\$ 25

Discounts available for multiple issue advertising.

#### BACK ISSUES

Copies of recent newspapers are \$7.50 and may be purchased by check paid to *The FORUM*.

#### SUBSCRIPTIONS

One-year subscriptions (10 issues) are \$20 and may be purchased by check paid to *The FORUM*.

Postmaster: Send changes to *The FORUM*, 656 S. Greenwich Street, Valparaiso, IN 46383-6461.

Circulation: 5,000 copies



ASSOCIATED  
COLLEGIATE  
PRESS

Copyright © 2007 *The FORUM*

All rights revert to the author.

## NEWS

# Good weather, the JRCLS Law Conference, and a restless farewell

BY J. TAYLER FOX

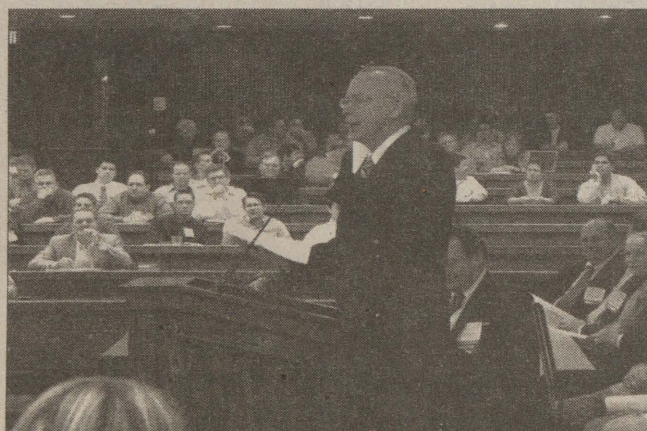
Guest Writer

There are only two kinds of weather in Malibu, California: good and unusual. At least that is what the natives of the city tell me—and usually with a snicker.

As I sat eating fresh pineapple on the morning of February 16, 2007, on the front patio of Pepperdine Law School where I was attending the J. Reuben Clark Law Society Annual Conference, enveloped in a temperature of 72 degrees coupled with a cool breeze softly blowing off the ocean, I experienced Malibu's good weather. In fact, it would be more accurately descriptive to say that, in that moment, I beheld perfect weather. And, having just left the cold and snowy February storms that caused so many school closures out here in Indiana, I was forced to ask myself, "Why am I going to school in the Midwest?" However, this lamentation was short-lived, for a stark shot of reality was sharply infused into my being when I saw a single room posted to rent for \$750.00! No thank you, California. You can keep your good weather.

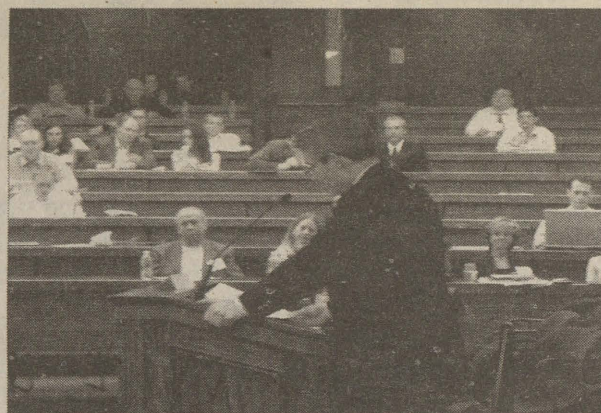
Nevertheless, this first-time greeting, at least for me, from Malibu's good weather set the tone for two days of an enriching and edifying law conference.

The J. Reuben Clark Law Society is a group of attorneys, judges, professors and students who belong to the



J. Tayler Fox  
Dean Kenneth Starr speaking at the Conference.

Church of Jesus Christ of Latter-day Saints, more commonly known as LDS or Mormons. The mission of the society is to "affirm the strength brought to the law by a lawyer's personal religious conviction" and to "strive through public service and professional excellence to promote fairness and virtue founded upon the rule of law." In Malibu, the society assembled to hear prominent members of the LDS faith



J. Tayler Fox  
Judge Thomas Griffith of the D.C. Circuit.

who have achieved greatly in their legal careers, as well as some high profile and very interesting non-LDS speakers.

The conference started off with the Dean of the Pepperdine Law School, Kenneth Starr, who is not of the LDS faith. The former D.C. Circuit judge and Solicitor General (who we all remember from the Clinton scandals) spoke to us on the role of judges in the political process. He quoted Alexander Hamilton who wrote in Federalist 78 that, "judgment, not will" is to be exercised



J. Tayler Fox  
Attending the Conference were (from left to right) Matt Chandler, Ryan Godfrey, Jeff Parr, Caton Hanson, Reed Trone, Adam Harrop, Sam Martinez, Tayler Fox, and Zach Lloyd.

with the Constitution. He then focused the remainder of his remarks on the philosophy put forth by Justice Holmes in his *Lochner* dissent: "...a Constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the state or of laissez faire. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar, or novel, and even shocking, ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States." *Lochner v. New York*, 198 U.S. 45, 75-76 (1905) (J. Holmes dissenting).

"Often the Constitution cannot yield up clear answers," Dean Starr told us, "and, as a result, policy issues of economics and values should be handled by the democratic process, not the courts." He further stated that the duty of the courts is to keep the ring free for public debate and democratic decision-making and he cited Judge Hand's track record of only striking down two statutes during his fifty-year tenure as an example to be followed.

After Dean Starr, we heard many different speakers on topics ranging from Christian perspectives on legal thought to experiences of former U.S. Supreme Court law clerks to panels on non-traditional lawyer career paths and how to help clients

see CONFERENCE page 15

## NEWS IN BRIEF

### Tabor Institute to address legal ethics

A scholar who has written extensively about contemporary issues in legal and judicial ethics will lead Valparaiso University School of Law's 11th annual Tabor Institute in Legal Ethics on April 12.

Stephen Gillers, professor of law at New York University School of Law, will present "Here's the Gun: A Lawyer's Responsibility for Real Evidence" at 4 p.m. in a talk that is free and open to the public.

Gillers will explore how the courts and bar have grappled with - but never fully resolved - what lawyers should do when a client presents self-incriminating evidence. Using examples such as the alleged advice of an Arthur Andersen attorney regarding the treatment of evidence, Gillers will clarify how attorneys should respond.

Gillers also will present the lecture "Virtual Clients: An Idea in Search of a Theory (With Limits)," for which area attorneys can receive continuing legal education ethics credit, at 2:30 p.m. Lawyers who wish to attend should RSVP by April 10 to (219) 465-7893 or Lisa.Todd@valpo.edu.

The lecture will explore the obligations lawyers have toward non-traditional clients - those who don't walk into a law office. Gillers will identify some of these categories of non-traditional clients and what duties these clients are owed.

Gillers is a leading scholar on the rules governing lawyers and judges, and chairs the American Bar Association's Joint Committee on Lawyer Regulation. His book "Regulation of Lawyers: Problems of Law and Ethics" is in its 7th edition.

Both lectures will take place on campus at Wesemann Hall, 656 Greenwich St. A reception will follow the lectures.

The annual Institute is endowed by Glenn Tabor, a graduate of the VU School of Law and a founder of the Valparaiso law firm of Blachly, Tabor, Bozik and Hartman. The purpose of the Tabor Institute is to enrich Valparaiso's legal curriculum through reflection on the vocation and responsibilities of lawyers to their clients and society as a whole.

### Expert to discuss immigration issues in Europe

Concerns surrounding immigration to European countries will be discussed at Valparaiso University during an April 12 film screening and discussion.

The event, part of Valparaiso's year-long "Focus on Europe" series, begins at 5:30 p.m. with a screening of the Spanish film "Poniente" at the Kade-Duesenberg German House and Cultural Center on campus. Set in southern Spain, the film shows the escalating potential for violence and racism as immigrants from North Africa are subjected to harsh working conditions in the large greenhouses on which much of the region's agricultural economy depends.

Following the movie, Dr. Mauricio Tenorio, a professor of history at the University of Chicago, will discuss the subject of immigration in Europe today, with special attention to the situation in Spain. Dr. Tenorio is an authority on Mexican national identity, and has written several books, including "History's Gambit: On the Very Ideas of the 19th Century, Latin America, and Culture" and "Mexico at the World's Fairs: Crafting a Modern Nation."

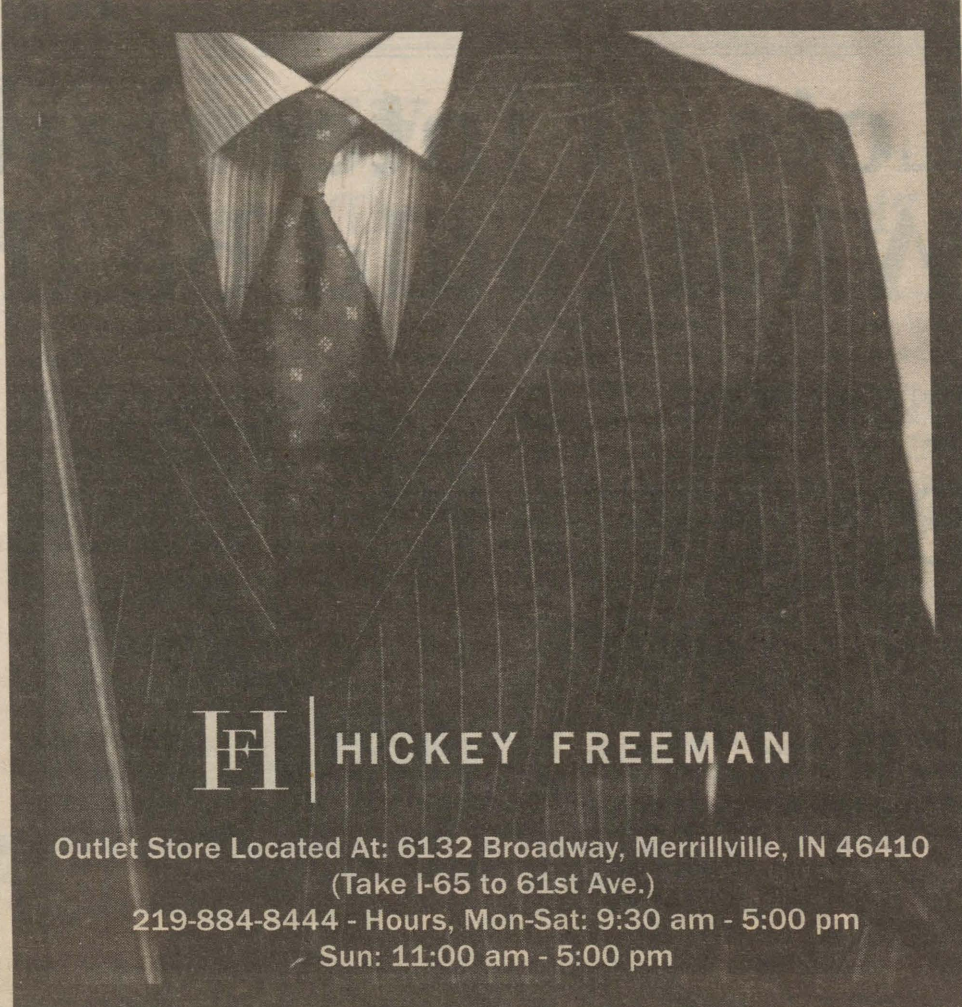
Space is limited for the event; those interested in attending should contact Dr. Debra Ames, assistant professor of foreign languages and literatures, at (219) 464-5102.

Dr. Randa Duvick, chair of Valparaiso's Department of Foreign Languages and Literatures, said Europe faces many of the same issues faced in the United States - including the integration of immigrants and how to deal with border issues.

"This series is designed to explore how the countries of Europe have dealt creatively with this and other issues, given their cultural, political and economic diversity," Dr. Duvick said.

Focus on Europe is exploring current events, politics, the arts and other topics affecting Europe. More information about the Focus on Europe series, including a schedule of events, is available on the Web at [valpo.edu/foreignlang/europe](http://valpo.edu/foreignlang/europe).

- Compiled by The Forum



**HF | HICKEY FREEMAN**

Outlet Store Located At: 6132 Broadway, Merrillville, IN 46410  
(Take I-65 to 61st Ave.)  
219-884-8444 - Hours, Mon-Sat: 9:30 am - 5:00 pm  
Sun: 11:00 am - 5:00 pm

## The FORUM Monthly Photo Contest



The first person to correctly identify the mystery photo above will win a **\$10 gift certificate to Jimmy John's.**

E-mail your responses to [forum@valpo.edu](mailto:forum@valpo.edu)

March answer - Kate Miller

March winner - Brandon Sanchez

## NEWS

# Lots of interviews, no job offer. What could be the problem?

BY NATALIE KIJURNA  
*Career Services*

**B**elieve it or not, your posture could be the problem. Experts say that lasting impressions are made in the first five minutes of an interview. Furthermore, that impression is based more on what you do than on what you say. In fact, you may be surprised to know that research has shown that an employer's first impression of you is based 7-10% on what you say, 20-38% on the tone of your voice and 55-70% on body language and image.

So, while you may have the Armani suit, the perfect resume and stellar grades, if your body language turns off an interviewer, you will not be getting a second chance. However, all is not lost. Here are some important tips to keep you in the game according to a recent article by Judith Earley "Is Your Body Language Sabotaging Your Job Interview":

- Grasp the interviewer's hand firmly and look the interviewer in the eye when introduced. Susan Bixler, president of Professional Image, an image-consulting firm, suggests looking at someone until you note the color of their eyes. However, no longer than 7-10 seconds, otherwise it becomes a

stare.

- Don't start talking immediately or jump into a chair. If you're not invited to sit, wait until your interviewer starts to sit and then choose a chair across from or aside the interviewer's desk. Don't ask if and where you should sit.

- Speak directly to a person when answering a question. If there are two interviewers, glance at each one briefly while speaking, but return your gaze to the person who asked you the question.

- If the interview is interrupted by a phone call, busy yourself with personal papers to create a sense of privacy for the interviewer. The phone call could be a way of seeing how you handle interruptions.

- Avoid using "uhs," "ums," and other nervous mannerisms excessively.

- Always emphasize your seriousness, passion and interest by making eye contact, which also conveys a sense of self-confidence and signifies openness and honesty. Also, smile when you are saying something friendly.

- Candidates who don't maintain eye contact are thought of as less self-assured, tend to act shy or ashamed or smile at inappropriate times. They may drop their eyes and heads giving an untrustworthy appearance or may appear downcast or pleading.

Whenever you interview, you want to make sure that you convey a sense of friendliness, confidence and credibility. Ms. Earley suggests how some basic body language can be interpreted:

- Tipping your chair back suggests you're overconfident and possibly disdainful of the interviewer.

- Slouching when sitting suggests you're unprepared for the interview, or that you know you're not up to the job.

- Pointing your feet toward the door or leaning towards the door suggests that you want to quickly end the conversation.

- Rubbing your head or neck suggests that you're bored by the conversation.

- Rubbing or touching your nose during a response could suggest that you're not completely honest.

- Staring at the floor blankly suggests a lack of interest in the conversation.

- Sitting with legs crossed while shaking one leg or moving your foot suggests nervousness or severe discomfort.

- Having your arms folded across your chest is frequently seen as a defensive posture or could mean that you are reserved and uninterested in the conversation.

To practice these techniques, make sure to utilize the mock interviews the Career Planning Office offers in the Spring

and Fall Semesters. This spring, mock interviews are taking place April 18 and April 19 from 10:00 a.m. to 6:00 p.m. Go onto EASElaw to reserve your spot.

Remember, if you've gotten the interview, the prospective employer obviously thinks you are qualified for the job. It's what you do at the interview that will make a difference in whether you get a call back or not. Susan Bixler has stated, when asked what matters more, a good suit or good body language, "It all matters. We've all seen people who dress extremely well, and it can be great until they open their mouths, and then it doesn't matter what they have on."

Finally, some students might wonder why all of this matters. After all, if they have the grades, the experience and the proven track record, why should good posture or body language deter an employer from hiring them? Ms. Bixler finds that "a professional presence...puts a frame around the educational credentials and experience. If you don't have a good presence, it's almost like having a terrific painting with a lousy frame. And what the lousy frame will do is detract from the beauty of the painting. And what a great frame will do is add to it."



## Inn at Aberdeen, Ltd.

Bed & Breakfast, Conferences and Parties

**Special Campus Visit, Seeing the Kids, After the BIG Game or Anytime**  
Enjoy your own suite, host your own party,  
and enjoy wine tasting and mysteries

11 Suites each with private bath, Jacuzzi for two, fireplace, TV, balcony,  
Lazy ceiling fans and king or queen beds. Free Wi-Fi throughout the property.  
Enjoy evening dessert, unlimited snacks, beverages and a full breakfast too.



3158 South State Road 2  
Valparaiso, IN 46385  
(219) 465-3753



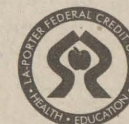
See us at:  
[www.innataberdeen.com](http://www.innataberdeen.com)  
Check availability and reserve on-line



We've got  
convenience  
and savings  
"in the BAG!"

*Serving faculty, staff  
and students*

- Free ATMs in Indiana
- Loan Rewards
- Internet Banking
- Competitive Rates



**La-Porter**  
Federal Credit Union

Near Campus (219) 462-7805

[www.la-porter.com](http://www.la-porter.com)

## NEWS

# Hard Work in The Big Easy

## Law Students' Volunteer Work in New Orleans "Deeply Appreciated"

BY ERIC GETTEMY

*Forum Reporter*

During the week of March 5th to March 10th, a group of VU law students led by Professor Derrick Carter spent part of their spring break volunteering in the office of the Orleans Public Defender in New Orleans, LA. The students provided their assistance in preparing motions, indigency determinations, organizing files, interviewing clients, attending bond hearings and first appearances, notifying family of arrests and bond amounts, interviewing witnesses, and obtaining records from the court clerks.

Each Valpo Law student was paired with an attorney and reported to them the entire week. This individualized attention was both beneficial to the students by allowing them to become extremely involved in the attorney's work. It also benefited the attorneys by lessening an already heavy workload and it gave the attorneys the ability to assign work that could be completed over the course of a day or two, a luxury that was deeply appreciated. Professor Carter is working with the office to have the students perform work on a continuing basis for pro bono credit. This service would have a far reaching impact in the burdened New Orleans legal community.

The public defender's office would look messy and makeshift to the unfamiliar eye. There are papers and files strewn nearly everywhere, boxes stacked upon boxes, and many of the office rooms have two desks in them, to conserve space. The walls outside of the elevator are covered with inspirational quotes about justice and public defenders. Inside the main conference room, where the Valpo students and Professor Carter met the attorneys for the first time at 9am Monday morning, an especially large quote by Pastor Martin Niemoller hung on the wall.

First they came for the Jews  
and I did not speak out  
because I was not a Jew.  
Then they came for the Communists  
and I did not speak out  
because I was not a Communist.  
Then they came for the trade

unionists  
and I did not speak out  
because I was not a trade unionist.  
Then they came for me  
and there was no one left  
to speak out for me.

This in many ways set the tone for a week that the students will not soon forget.

Gina Vollmer, a 1L, rearranged her travel plans to help the Orleans Parish Public Defender's Office become more efficient. Her first night in the city, she noticed how thankful the citizens were of her volunteering and how passionate they were about their city.



Heather Monteil/The Forum  
Signs of Hurricane Katrina can still be seen in the Ninth Ward.

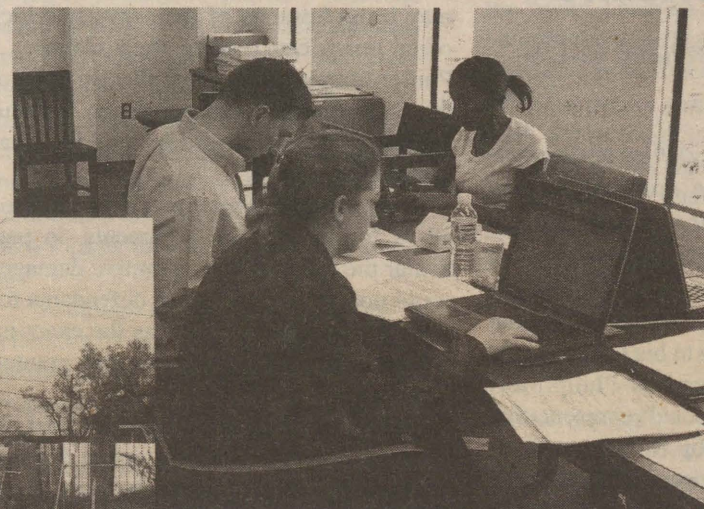
"The locals were so appreciative of any kind of assistance to help rebuild their city. From the first night it was very apparent the strong sentiments and loyalty the residents felt toward their city. With the amazing culture and traditions throughout the area, I finally understood why residents could not wait to get back to their city after the hurricane and just did not want to leave."

In addition to conversing with locals, Gina made the most of her experience in the office as well.

"One of my projects was to provide my attorney with an outline of all of the weapons and firearm statutes and local ordinances. I looked to see where any local ordinances could conflict with the state laws and any points within the laws that could be argued on behalf of his clients.

The topic was very broad and comprehensive considering no fact-specific cases were given, but I was able to compile an extensive list of avenues he could take depending on each case that could arise."

The attorneys expressed their gratitude to Gina by commenting on "how impressed they were with the students from Valparaiso Law School, even compared to the other schools that had been visiting".



Heather Monteil/The Forum  
3Ls Paula Rangoon and Alan Wagner work side by side with a student from another law school.

Alan Wagner, a 3L, was surprised at the lack of resources the Public Defender had to deal with. "The facility was

basically horrible and most of the attorneys there did not even have their own phones. I think that my colleagues and I were a big help to the Public Defenders. They seemed to have their hands full and could use any help that they can get." Even though Alan is not interested in criminal law, the opportunity to help out was enough for him to take the 1,000 mile trip.

"I performed various tasks for her including legal research, filing, helping her interview her clients that were in jail. I had no desire to be a defense attorney before this trip, and the trip made it abundantly clear to me that I made the right decision. However, it still was a great learning experience and I am glad that I did it".

Heather Monteil, a 3L, had this to say about the experience: "There is something shocking about the fact that the state has

45 days on a misdemeanor and 60 days on a felony to decide if they are even going to charge you. What's even more shocking, almost 50% of those people who sit in jail, because the bond is set so outrageously high, are never charged!"

I also made the 1,000 mile drive in the company of Justin Markley (1L), Andrew Freiheit (1L), and Asrar Ahmed (1L). Andrew had to re-book his flight home to Seattle, Washington,

in order to volunteer. He says he did not want to pass up the opportunity to gain some work experience and see an interesting city.

Andrew commented, "It was a great opportunity to gain some practical knowledge while helping those in need. The hands-on experience is what I was looking for, and I was put to work right away. I helped out with indigency determinations and spent a lot of time dealing with the clerk's office at the courthouse."

He said it was interesting to be involved in the city's legal system during a period of Post-Katrina transition. "It's obvious the system was abysmal not too long before we got there. However, you can see the great strides they are making and being able to play a small part in that is very rewarding".

Asrar Ahmed was kept late at work on one occasion. He explained, "I was busy drafting bond reduction motions for two clients, one of which we won. It was really fulfilling, meaningful work for people who really need it."

Justin Markley was equally amazed at his time in the Big Easy. "It did not take long for us to realize the tremendous amount of assistance the Public Defender's office and the City of New Orleans still requires. For instance, a client of my assigned attorneys' had been displaced to Houston after

see VOLUNTEER page 10

## NEWS

# The Docket

## Supreme Court Update

BY NICK GAEKE

Staff Reporter

### DUE PROCESS; DAMAGES; TOBACCO LITIGATION

*Philip Morris USA v. Williams*, 05-1256  
(Feb. 20, 2007).

*Supreme Court holds denial of due process to base punitive damages award on harm by defendant to parties not involved in the present lawsuit.*

Jesse Williams, a resident of Oregon, died of illnesses related to his heavy smoking of cigarettes produced by Philip Morris. His wife, as the personal representative of his estate, sued Philip Morris on theories of negligence and deceit. A jury found that Williams died as a result of cigarette smoking, that he thought it was safe to do so, and that Philip Morris was negligent and engaged in deceit with respect to Williams.

On the count of deceit, the jury awarded Williams' estate \$21,000 in economic damages, \$800,000 in noneconomic damages and \$79.5 million in punitive damages, a ratio of nearly one-hundred-to-one.

After the award came back, the trial judge deemed the award "excessive" under the rule of *BMW North America, Inc. v. Gore*. In accord with that rule, the judge reduced the punitive damages award to \$32 million. The case was appealed and eventually remanded back to the Oregon appellate system by the United States Supreme Court, which has decided *State Farm Mut. Automobile Ins. Co. v. Campbell* in the meantime.

Once the case reached the Oregon Supreme Court, Philip Morris argued that the trial judge wrongfully denied a jury instruction that read: "you may consider the extent of harm suffered by others in deter-

mining what [the] reasonable relationship is... [between any punitive award and] the harm caused to Jesse Williams [by Philip Morris misconduct], but you are not to punish the defendant for the impact of its alleged misconduct on other persons, who may bring lawsuits of their own in which other juries can resolve their claims..." Phillip Morris also argued that, in light of the *State Farm* factors pertaining to punitive damages, the award by this jury was "grossly excessive."

The Oregon Supreme Court rejected all of Philip Morris's arguments, in particular the argument that punitive damages could not be used to punish defendants for harm to nonparties. This was the exact issue for which Philip Morris was granted certiorari.

The United States Supreme Court, in a 5-4 opinion by Justice Stephen Breyer, reversed the Oregon Supreme Court. First, the Court acknowledged the purpose of punitive damages, but cautioned, using its precedent, that the lack of standards in the formation of such damages "threatens arbitrary... punishments that reflect not an application of law, but a decisionmaker's caprice."

From there, the Court reaffirmed its use of the factors laid out in *BMW*: a decision of excessiveness depends upon the reprehensibility of the defendant's conduct, whether the award bears a reasonable relationship to the actual and the potential harm caused by the defendant to the plaintiff, and the difference between the award and sanctions authorized or imposed in comparable cases.

However, the court did not pass judgment on the excessiveness of the award, but merely held that a jury cannot constitutionally punish a defendant for injury to nonparties. "In our view," wrote Breyer, "the Constitution's Due Process Clause forbids a State to use a punitive damages award to punish a defendant for injury that it inflicts upon nonparties or those whom they di-

rectly represent, i.e., injury that it inflicts upon those who are, essentially, strangers to the litigation."

By its opinion, the Court essentially limited the use of harm to nonparties in demonstrating the "reprehensibility" prong of the constitutional analysis of damages and due process.

### WHISTLEBLOWERS

*Rockwell International v. U.S. ex rel. Stone*, 05-1272 (Mar. 27, 2007).

*Supreme Court gives restrictive reading to laws governing the compensation from damages to whistleblower that is not "original source" of company's wrongdoings.*

James Stone is an 81-year-old retired engineer who worked for Rockwell International, now owned by Boeing. Stone was in Rockwell's employ from 1980 to 1986, when Rockwell was contracted by the Department of Energy to operate the Rocky Flats Nuclear Weapons Plant outside of Denver, Colorado. During this time, Rockwell explored the idea of removing toxic sludge from its site by adding concrete to the sludge and forming blocks of what the company referred to as "pondcrete." Stone was assigned to review the engineering process behind the creation of the pondcrete.

Stone concluded that the process would not work because he "foresaw that the piping system that extracted sludge from the solar ponds would not properly remove the sludge and would lead to an inadequate mixture of sludge/waste and cement such that the 'pondcrete' blocks would rapidly disintegrate" and contaminate the environment. Rockwell nevertheless proceeded with the process and successfully created pondcrete blocks. Stone was subsequently laid off in April of 1986.

In October of that same year, Rockwell knew that a substantial number of the blocks were, according to the company's terminology, "insolid" due to an improper mixture of sludge and concrete, a result which differed from Stone's prediction. The Department of Energy did not know of the faulty blocks until two years later, when media reports in the area became widespread. Stone went to the FBI in June of the following year, some 14 months after his departure from Rockwell, alleging environmental crimes at Rockwell. Based in part on Stone's numerous allegations that went beyond the pondcrete issue, the FBI and EPA obtained search warrants for Rockwell. Rockwell subsequently plead guilty to ten different crimes, resulting in a fine of \$18.5 million.

Stone filed a qui tam (on behalf of himself and the United States) action in 1989 under the federal False Claims Act, which authorizes remedial suits by individuals in the government's name against persons making fraudulent claims for payment to the federal government. The Act strips federal courts of jurisdiction in cases involving publicized allegations unless the person bringing the suit is an "original source" of the information.

The pleadings and pretrial order always mentioned the cement/sludge ratio as the problem, and not the piping of the system. A jury found against Rockwell on a number of counts based on the ratio defect, resulting in \$1.4 million in damages, which were automatically trebled by statute.

In the post-verdict phase, Rockwell filed a motion to dismiss Stone's qui tam action based on the fact that the damages resulted from a problem which Stone had not reported. The issue before the courts was whether Stone was such a source, and whether his status allowed him to recover a certain percentage of the damages received in the False Claims Act suit.

The Supreme Court, in a 6-2 vote, decided that Stone did not fall within the

## NEWS

## VIEWPOINTS

statute's definition of an "original source." First, the Court held that even though Rockwell may have at one point conceded Stone's status, such status was ultimately a jurisdictional issue, and thus able to be reviewed.

Substantively, the Court held that the allegations, upon which Stone claimed original source status, "evolved" over the course of the litigation. Because the record indicated the issue was the mixture's ratio and not the piping, the Court dismissed the part of the action relating to Stone. "Stone's prediction that the pondcrete would be insoluble because of a flaw in the piping system does not qualify as direct and independent knowledge of the pondcrete defect," wrote Scalia. However, the Court upheld the judgment against Rockwell as an action brought by the United States.

### ANTITRUST LAW; CONSUMER RIGHTS

*Leegin Creative Leather Products Inc. v. PSKS Inc.*, 06-480 (Oral Arg. Mar. 26, 2007).

*Justices hear arguments, appear split on whether to allow manufacturers to set prices for the retail sale of their goods.*

In 1911, in the case of *Dr. Miles Medical Co. v. John D. Park & Sons Co.*, Chief Justice Hughes examined contracts that restricted the resale of medicines by their manufacturers to a certain price range. In holding the contracts void as against common law and the Antitrust Act, Hughes opined: "agreements or combinations between dealers, having for their sole purpose the destruction of competition and the fixing of prices, are injurious to the public interest and void. They are not saved by the advantages which the participants expect to derive from the enhanced price to the consumer."

From this famous case spread the often-heard commercial descriptor "Manufacturer's Suggested Retail Price."

Nearly one hundred years later, a Dallas women's store bought tooled leather goods from Leegin that it resold as a part of its larger fashion business. Leegin was in the practice of making deals with its retailers about minimum retail prices. However, the Dallas store began selling the goods at

a discount below the bargained-for price. Leegin cut off the supply of the leather goods to the store, and PSKS, the store's owner, subsequently brought suit under the Sherman Antitrust Act.

Leegin, the manufacturer, essentially argued that the rule is "outdated, misguided, and anti-competitive." Leegin found support in the views of Justice Scalia, who commented that the Antitrust Law was there to protect consumer welfare, and not simply to lower prices. "I thought some consumers would prefer more service at a higher price," discussed Scalia, referring to the possibility that vitiating the rule would not have as severe an effect as argued. "The market out there has different goods at different prices which have different qualities that attract different consumers."

But the idea of change certainly had its skeptics. Chief Justice Roberts voiced his concern for future vitality of the industry of retail discounting: "Hasn't a whole industry of discount stores developed in reliance on the ... rule? Don't we need to be concerned about the disruption to that?"

Both Justices Souter and Ginsburg saw a need for legislative intervention in the issue because of the widespread implications. "[Changing the rule could] be very significant in the ... battle between Wal-Mart and the Main Street stores," said Souter. "Isn't it fair to say that ... there may be a massive reorientation in the retail economy if [the rule] goes?" said Souter at another point.

*Nick is a 3L and can be reached at nicholas.gaeke@valpo.edu.*

## Secondary Authority

### Punitive Pontifications: The High Court and Damages Law

BY NICK GAEKE

Staff Reporter

If you're like me, when we all came to the cases on the due process clause in Constitutional Law, you were wondering to yourself in that early morning haze, "now how did those nine justices get all of that meaning out of that dozen-or-so words?" And again, if you're like me, when we came to the due process cases dealing with punitive damages, you thought to yourself, with a bit more conviction in your internal dialogue, "Aha! Now I know they are making this stuff up!"

Although my con law grade may be reflective of my contempt for the combination of that class's time and the justices' propensity for finding meaning, I think that it is valid at this point, especially with the facts of the *Williams* case, that we have a serious talk with ourselves about the law of punitive damages.

Simply put: do we want that law to be decided by the legislature or by the courts?

Here's my thinking. Punitive damages awards are (typically) constructed by juries, and juries are composed of members of the public. Thus, determination of punitive damages, along with the various other services that a jury performs, represents one of the public's most tangible and direct methods of communication about the reprehensible conduct of the defendant. Juries speak loud and clear to defendants when they grant sizeable punitive damage awards. The rule of law really doesn't get more direct than that. We as a people can say to entire industries how we feel about a particular behavior or practice by the simple transfer of a large sum of money.

Of course, corporate defendants hear what is spoken when they are forced to pay up. So then come issues of what is fair for a corporate defendant to pay and what should be considered in a particular case in determining what a corporate defendant should pay. A lot of these questions have been batted around in a discussion labeled "tort reform."

Now, generally speaking, I agree that civil litigation has gotten out of hand in a lot of respects. The civil justice system was never meant to be a cash cow. I agree that some standards must be set for the determination of a proper punitive damage award. Otherwise, we can never know the "why" behind a huge punitive award beyond the general purposes of punitive damages: punishment and deterrence. With the proper guidance, punitive damages can be tough but fair.

So now we come to the \$64 bazillion questions: who sets the rules, and what are those rules going to be? The line of cases between *Gore* and *Williams* suggests that legislatures were a bit too late in getting around to this one. The Supreme Court has decided that it will set the rules, and that if you look at the Due Process Clause closely enough, you see that right next to the "D" in "Due," there are provisions governing the proper ratio of compensatory-to-punitive awards and the shiny new three-part test.

But as with any decision of this type, the ball is once again in the court of state legislatures as well as Congress. There is a need for definition out there that a court cannot understand due to the impartiality it must bring to the table. On the one hand, a court cannot be dismissive of the good and sound ideas that tort reform entails, despite the nay-sayers of the plaintiff's bar. On the other hand, a court cannot always have a plaintiff as meaningful as one who smoked his life away because he thought they were okay for you when he started out.

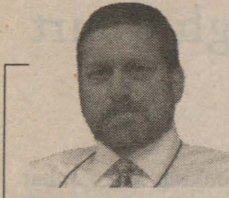
Ideally, I'd always let it be up to a jury, because I don't think caprice is always a bad thing. For if you decide to deceptively sell a product that will kill its consumer, then you and your wallet may eventually have to answer for whatever issue the jury deems punishable. Absent that, the proper standards for how to punish should come from those we choose to make such rules, and not from the paralyzed pen of blind justice.

*Nick is a 3L and can be reached at nicholas.gaeke@valpo.edu.*



## VIEWPOINTS

## Let us know



Jay  
Conison

## THE DEAN'S CORNER

The other day, a third-year student came into my office to let me know that he had been accepted into a prominent Ph.D. program in American Legal History, with a substantial teaching fellowship. He was excited. I was excited. The same day, yet another third-year student told me that he had accepted a position with the Indiana Attorney General in Indianapolis. He, too, was excited, as was I.

I also spoke that day with two first-year students who had returned from trips out west to look for summer jobs, and both had been successful. One will work for the Maricopa County District Attorney, and the other will have two different jobs in California—a great opportunity to gain different types of experience, and to doubly build the resume.

This was very good day, but not unique. In casual conversation with students I frequently learn about jobs they will take upon graduation, about judicial clerkships, about summer positions with firms after the second year, and about op-

portunities (some paid, some unpaid) with firms, businesses, judges and others, for the summer following the first year.

I enjoy hearing this good news from students. So do the faculty, the associate deans, the librarians and the members of the staff. We work to help you realize your career goals. But students don't always share their good news with the place in the law school that most needs to know about it—the Career Planning Center. Providing this good news to them can help them do their job better.

Some employment information about our recent graduates must be collected for our accreditors. Every February the law school has to collect and report employment data on students who graduated the prior year. Collecting this information can be very hard, because people scatter and there is no central means for gathering the data. Kim Bubac spent two months recently doing little other than calling and emailing recent graduates or, if she couldn't reach them, family members, friends or likely employers, in order to gather basic employment data. Kim was able to contact or obtain employment information on all but one graduate. The data showed that 88.1% of those recent graduates were employed—right about the national employment rate. This was good news, because we can report a strong employment rate and have some gauge of the success of the Career Planning operation.

It might seem easier to collect employment information from people still in law school, who are not scattered. But it really isn't. It might seem easy, for example, to have students report employment information when they register for classes. But, for technical reasons, this is not currently possible. So we have to rely on less formal means, and in particular rely on students taking the initiative to tell us when they have an offer or have a job. Regrettably, not everyone is doing this.

Having this information helps both the school and our present and future students. Not having it makes our work more difficult and can put the school at a competitive disadvantage.

Knowing—even if approximately—how many 3Ls have jobs upon graduation, how many 2Ls and 1Ls have summer jobs, what jobs and what kind of jobs they are, where they are, and how the student obtained the job—will enable the Career Planning Center staff to better serve students. They will be able to contact employers, and work to build relationships that might lead to jobs for other students in the future. They will be able to allocate time and resources to better serve present needs (more programs on job search strategies? more time in counseling? more time recruiting alumni to help students?) They will know which students still need the most help.

And having this information about

employment will help the school. Employment data is critical in recruiting students, and it will enable the Admissions Office to be able to tell prospective students what kinds of jobs our current students are getting. Similarly, employment data is critical in recruiting employers, encouraging them to take an interest in and hire our students. A law firm, a government agency, a business or other organization that has not previously hired our students will be very interested to know that other, similar, firms, agencies or organizations have hired our students—suggesting that it would be a good idea for them to do so, also.

Your success in getting a job is extremely important to us. You came to law school both to get an education and to start on the path toward a satisfying career. Our educational programs and services are designed to help you achieve both of these goals. But your success is important, not only because it is your success; it is important because your success can help other students and help the school. For us to better serve students, we need timely and full information, and in particular information about employment. So please do not keep your good news a secret. Share it promptly with the Career Services Center so that they, and others in the law school, can do their jobs effectively and make for a better school.



All domestic draft pitchers \$4.95  
All domestic draft 14 oz. \$1.00  
All well drinks \$1.00  
All domestic cans & bottles \$2.00

Wednesday  
is

\$1.00 Day!

\$1 per game of bowling  
\$1 shoe rental

FOR MORE INFORMATION:

(219) 462-1300  
3201 Evans Avenue  
Valparaiso, IN 46383  
www.inmansfpc.com

SALON

AMARA

407 East Lincolnway  
Valparaiso, IN 46383  
(219) 462-7846

Get a new look for the new season!

\$10 off Spring Highlights

AVEDA

This ad may not be used toward retail products or other services. One per person.  
Expires 5/02/07

## VIEWPOINTS

The **FORUM**

FOUNDED 1971

MELISSA DURHAM, Editor in Chief

KRISTEN THOMPSON, Managing Editor

HEATHER MONTEI, Executive Editor

## EDITORIAL

It is that time of year again. No, I am not referring to the time of year when the weather can change in the blink of an eye. No, I am not referring to the calm that comes before the storm that is finals. I am referring to the time of year when the Editor in Chief of The Forum must hand the reins over to someone else. I would like to take this opportunity to say a few words about my time with The Forum. First, I would like to thank the academy...

Over the past three years I have spent more time than I care to mention working with The Forum in various positions. I have met people through my work with The Forum that I believe that I would not have had the pleasure of meeting otherwise. I have learned so much in these three years, not just about the operation of a newspaper, but about communication, teamwork and dedication.

While Editor in Chief of The Forum for the 2006-2007 school year, I was blessed with the opportunity to work with an amazing group of writers and editors. Contrary to popular belief, The Forum does not put itself together, and without the contributions of the writers and editors, there would be no newspaper at all.

All of The Forum's writers have used a portion of their precious and limited time to draft articles that are informative and entertaining. From the "serious" and "relevant" questions and answers of Legally Brunette and Brunetter, to The Docket's serious and relevant information on recent case law, the contributions of our writers are top notch. The law school is full of creative and talented writers, and I am so grateful that so many of them have taken the time to contribute articles to The Forum.

In addition to the writers, the editors of The Forum have kept the newspaper going. Writers' contributions are useless if

there is no newspaper to put them into.

As Managing Editor, Kristen Thompson has kept the business side of The Forum running smoothly all year. From something as simple as making sure we have Diet Coke, not Diet Pepsi, in the refrigerator, to something as complex as handling all monies coming in and going out, Kristen has kept The Forum in business.

Executive Editor Heather Montei has handled advertising for The Forum. Heather's countless creative, professional looking advertisements have kept advertisers coming back for more, and have helped raise money so The Forum can be sent to alumni around the country. Working with Heather, Advertising Manager Nick Gonzales has been the face of The Forum in the advertising community. Visiting businesses around town on behalf of The Forum, Nick has helped The Forum develop its largest-ever advertising base.

The Forum's copy editors, Stephanie Butler, Rickey Glover and Matt Warner, have carefully read each article submitted to The Forum, and have helped to create a polished, visually pleasing and grammatically correct publication.

The editors of The Forum do so much more than I can write in this article, and it is no exaggeration to say that there would be no Forum without their ability and willingness to go outside of their job descriptions to accomplish any task that comes calling. Whatever needed to be done, they did it.

I am so grateful to have had the opportunity to serve as Editor in Chief of The Forum. Some of the most enjoyable experiences of my time at VU Law School have been in The Forum office, with The Forum staff.

- Melissa Durham

## Letter to the Editor

Regarding [VUPD: Only on Parking Patrol] in your Feb. issue, has the fundamental question of jurisdiction been raised? VU and VUSL are separate entities. Whose parking lots are these and whose fines are these? Is there an agency agreement for enforcement between VUSL and VU covering VUPD? Does the ticket name the true authority and does the fine go to that correct authority?

Some retired VUSL professor with time to burn could/should investigate this and, if necessary, take the case to or beyond the Indiana Supreme Court.

Fair is fair.

- Don Wilson

## LETTERS POLICY:

The FORUM reserves the right to edit any contributions and/or reject them without notification. Letters must be limited to 400 words.

Written contributions must be typed and include the author's contact information; law students must include their year in school.

Unsigned letters will not be printed. When referring to specific articles, please include the date and title.

Contributions can be sent to: The FORUM, 656 S. Greenwich Street, Valparaiso, IN 46383; via e-mail at [forum@valpo.edu](mailto:forum@valpo.edu); or in hard copy to The FORUM's mailbox, located in the SBA office.

[forum@valpo.edu](mailto:forum@valpo.edu)



1154 Axe Ave. Valparaiso  
462-1057

VU Jazz Band Last  
Tues. of Every Month

Let us cook for you...

Daily Homemade Specials.  
Homemade Soups.  
Homemade Chili.  
Handmade Half Pound Burgers.  
Jumbo Chicken Wings topped with choice  
of Fresh, Homemade Sauces.  
Every Thursday Tacos \$1.  
Every Friday Pan Fried Lake Perch \$6.

## continued

### **VOLUNTEER** continued from page 5

Katrina and was then transferred back to New Orleans to face pre-Katrina charges. When I asked him where his family lived so I could notify them of his return to New Orleans, he simply replied, 'I don't know'. To make matters worse, inmates cannot call cell phones from the prison, and with families scattered throughout the country most families only have cell phones, if they have phones at all. In addition, most people do not memorize phone numbers anymore. This too makes the chore of tracking down an individual's family quite difficult; you are really given very little information to work with. Luckily, in this case I was able to locate and notify an uncle of the client who still lived in the New Orleans area, but other inmates are not so fortunate. Today, hundreds of thousands of New Orleans residents have not returned, families are still separated and strewn throughout the country. What was once a simple task of notifying families that their loved one is in-

carcerated has now become a daunting task for many cases".

Stuart Weg is a public defender in New Orleans. He is an Indianapolis, Indiana, native who has worked for the Indianapolis Public Defender's Office for two and half years, and also worked in private practice dealing primarily with criminal law. He felt the calling to go to New Orleans and decided to do some pro bono work. But when the opportunity came to work full-time for the Orleans Parish Public Defender, he jumped at the chance.

"Post-Katrina, like a lot of people, I wanted to help. Then I saw that Louisiana, which previously did not have any bar reciprocity, waived that requirement. At that time, I was at a point in my career when I could choose to open up my own practice, or choose a new direction. I decided to come to New Orleans."

Speaking on behalf of the Orleans Parish Public Defender's Office, Weg had this to say about the students of Valparaiso School of Law: "We really deeply appreciate everyone's involvement and taking the time to come volunteer with us. I've been

doing criminal defense for a long time, and it can be very draining. People get burnt out easily. But when you see a group of young people like this, so full of enthusiasm for the law and willing to help, it recharges us, and reminds us why we do what we do. That youthful enthusiasm becomes reciprocal. We handle a high volume of cases here. To have someone sit for a couple hours and do research is invaluable to us. It reduces the strain on our office, on the courts, and the community".

Weg also commented on the changing legal climate for public defenders in New Orleans.

"Previously with court-centered representation, (indigent) clients would have to wait 45-60 days in jail without seeing the attorney that would be handling the case. They would have one attorney for the first appearance, another for arraignment, then a third attorney that would actually be the one representing them. This presents some serious 6th Amendment Due Process issues because each client wouldn't always receive the kind of representation that they needed."

As of January 2007, New Orleans has changed to a client-centered representation system for indigent clients where one attorney will handle the same case from day one. This allows for the in-depth representation that is required to adequately protect the due process rights of the individuals.

"The move to client based representation has increased the substantive workload for the attorneys, which in turn, has opened up the door to interns and volunteers. Having added help in interviewing, phone calls, and otherwise, is vitally important for the clients, families, and the system as a whole. It is a great opportunity for interns to see from the ground up what happens in a city public defense system".

Needless to say, Valparaiso School of Law was well-represented in New Orleans. Professor Derrick Carter is looking into making this experience an annual trip because of its success and the superior working relationship the students had with the attorneys.

*Eric is a 1L and can be reached at [eric.gettemy@valpo.edu](mailto:eric.gettemy@valpo.edu).*

Does your bar review course connect with your digital lifestyle?

{ adapti**i**bar

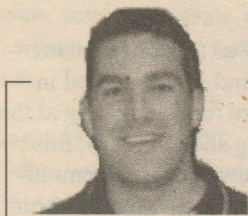
The revolutionary new way to prepare for the Multistate Bar Exam.

[www.AdaptiBar.com](http://www.AdaptiBar.com)

Enroll online and receive a \$50 discount or call us toll-free at: 1.877.466.1250

## VIEWPOINTS

## Parting words



Student Bar  
Association

Aaron  
Beck

I want to thank all the students and most especially, the SBA representatives that made this year a success. It has been an interesting term of office, one which I don't think I fully understood the responsibilities of until the first day of orientation. After looking at my first article as SBA President, I realized that I made promises to the students at Valpo Law; with my last article, I'll be taking a look back to determine if I fulfilled those promises.

1. *Increase communication with the faculty.* After being in office for an entire year, I'm going to classify this as the "upstairs", which includes faculty, administration and staff. In my opinion, I think the communication has increased dramatically. The "upstairs" has opened their doors to student ideas and many of these ideas have been implemented within days. Also, there has been a push for faculty involvement at student events. Although this hasn't blossomed as I had hoped, I think SBA is on the right path.

2. *Manage SBA like an efficient business.* Once in office, I realized that this would be one of the toughest promises. In the matter of one year, though, SBA implemented many policies that made our expenditures "fair" to all students. We increased the ticket prices to our events for those individuals that are connected to the law school, but don't pay student fees. We cut out a LOT of waste in some of the unnecessary portions of social events. This allowed us to spend money where it really mattered to students (i.e. Sober Rides, etc.) Ultimately, we were able to "party smarter, not harder". SBA has also held the student organizations more accountable for the way they spend student fees. Although it is just a start, it is a step in the right direction.

3. *Career Planning Center.* I know that many people have preconceived notions about the CPC, but ultimately, I think most problems can be cured with an increase in communication between the students and CPC. SBA, Dean Conison, and the CPC have teamed up to form the CPC Student Committee. This committee serves as a conduit for student concerns and student suggestions. Ultimately, what I have found is the more time students spend in the CPC office, the better the chances they have for help through the CPC.

4. *Be more accessible.* One request many students had of the SBA President when I ran was accessibility: make sure the President was around so students have ample opportunities to ask questions and voice concerns. I believe this is one area that has been fulfilled. Hopefully, everyone knows who I am and feels comfortable asking questions about SBA, the school, etc. Also, I hope that I have been a President that has been accessible for concerns as well.

Ultimately, I remember the morning of Cardozo Cup; a staff member asked if I was happy with my decision to run as SBA President. I laughed. I would be lying if I said I have never once thought of throwing in the towel, but each time, I remember the many people at Valpo Law and the commitment I made to each and every one of them last March. Hopefully, you have been happy with my leadership as SBA President. Also, I hope that you thank each and every one of the SBA Representatives this past year for their service to VUSL.

Finally, I would like to invite you to attend our inauguration ceremony Monday, April 9th, during Chapel Break. Hopefully your future SBA will serve you well and best of luck to all of you in your future endeavors, inside and outside the walls of Wesemann Hall.

Aaron is a 3L and can be reached at [aaron.beck@valpo.edu](mailto:aaron.beck@valpo.edu).

## Consider Law Review

BY MARK ALSON

Executive Editor of Student Writing

As another academic year comes to an end, many students are uncertain as to which of the many organizations they should join. Here are a few reasons why students should consider Law Review:

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

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

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

*Course Credits:* 2L notewriters may receive four credits to be applied to their third year and may also have the opportunity to waive the third-year seminar requirement.

In order to join Law Review and take advantage of these benefits, students must try-out for the organization by participating in the Case Comment Competition that occurs immediately following the 1L Property final on Friday, May 11, 2007. Students will have three weeks to research and write a 10 to 12 page case comment on a recent U.S. Supreme Court case. The Competition will be closed research, which means that students are limited to

the resources on the provided source list. Submissions are due by Friday, June 1, 2007 at 7:00 p.m. The authors of the top eleven case comments will be extended an offer to join the Law Review. The remaining 19 invitations are based on a combination of the student's first year grades and the scores given to the case comment.

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

After completing finals and preparing to enjoy a long-awaited summer, most students dread the thought of attempting to research and write a 10 to 12 page paper. However, the rewards of being a Law Review member are worth the effort and the experience will open many doors to a future legal career. If you have any questions, please feel free to contact me at [mark.alson@valpo.edu](mailto:mark.alson@valpo.edu). Additionally, I will be holding an informational meeting on Thursday, April 12, during chapel break in Tabor classroom to provide additional details about Law Review and answer any questions from curious students. Also, please note that part-time students and 2Ls have additional requirements for trying out. If you are a part-time student or a 2L and interested in Law Review, please contact me for this information.

Participating in Law Review is a unique and challenging experience incomparable to any other law school course, and all students are strongly encouraged to try-out. Good luck!

Mark is a 2L and the Executive Editor of Student Writing for Law Review. He can be reached at [mark.alson@valpo.edu](mailto:mark.alson@valpo.edu).

## VIEWPOINTS

## A long strange trip... A Spring Break diary

BY BRANDON SANCHEZ

Guest Writer

In a memorable scene from the 1985 film *Teen Wolf*, Coach Finstock tells Scott Howard that he lives by the following three rules: 1. never get less than twelve hours of sleep; 2. never play cards with a guy who has the same first name as a city; and 3. never get involved with a woman with a tattoo of a dagger on her body.

Like Coach Finstock, I also happen to feel as though these are three admirable rules to abide by. However, the recent two week spring break offered by VUSL has caused me to amend my list to include the following fourth rule: whenever you have a two-week spring break while at law school and you plan on studying for the MPRE one week, followed by taking a cruise with, among others, Maziar Shafiei the following week, keeping a daily diary is not only a good idea, but a duty of paramount necessity.

So, because of this necessary duty, as well as for posterity's sake, I have memorialized my final Spring Break in the form of a daily diary. Thus, without further ado, I present the highlights of my diary from Spring Break 2007.

**Friday, March 2, 2007:**

Tonight featured a viewing of the

movie *Boogie Nights*. For those of you who are interested in putting your law degree to work in the entertainment law field or in the civil rights field by defending the First Amendment rights of pornographers, I strongly recommend this movie. Also, I strongly recommend this movie if you like hearing such phrases as, "she's a little whore and a little piece of trash," and, "you're not the boss of me... you're not my mom... I AM THE KING OF DIRK."

**Saturday, March 3, 2007:**

Today marked a landmark event that we had all been waiting about six months for: the opening of Club Novo, the former Bin Willy's. Needless to say, the opening night of Novo was so perfect that there are really no words that can be spoken or printed to adequately describe what transpired. Underage kids being hauled out in cuffs, ridiculously attractive go-go dancers, Corey Hart impersonators and a pair of girls that looked like poor-man Hilton sisters were reasons enough to enjoy the night immensely.

The two incidents that put the night over the top, however, were the following: first, a man who looked almost identical to Randy West, replete with a blond, permed, mullet, said the following line, "don't let that sweet little innocent face fool you." Second, a fight erupted and nearly degenerated into a brawl of University of

Miami/Florida Atlantic proportions as patrons attempted to stomp on other patrons' heads. Unfortunately, Lamar Thomas was not present to supply commentary.

**March 4-9, 2007:**

Because of space constraints, these days will be consolidated into the following sentence: I studied for the MPRE. This entailed studying (15%) and watching television (85%).

**Saturday, March 10, 2007:**

Today was the MPRE, and I think I might speak for a lot of us when I say that it's time to start scheduling my appearance for the August MPRE. Immediately following the test, my roommate Ben Barfell and I flew to West Palm Beach to commence our cruise. Upon arriving, we were greeted by our law school colleagues and fellow cruise participants Shijo, Maz, Joe Jammal, and Suha. Sensing alcohol deprivation, the six of us went to a Boca Raton hotel bar named "Our Place." If you don't believe that we quickly made "Our Place" our place, then you're sorely mistaken.

**Sunday, March 11, 2007:**

Today was the first day of the cruise, and this is clear: for being in the business of cruises, Carnival could have come up with a better way of getting thousands of people onto a boat. Upon entering the

vessel, the seven of us (the six aforementioned individuals and Jared) settled in and unpacked before rendezvousing at the pool bar and ripping shots. In turn, this led to me losing a significant amount of money at the Shogun casino. At this point, I wandered the boat aimlessly ala Billy Holye after he fails to dunk a basketball and he loses his bet to Sidney Deane in *White Men Can't Jump*.

**Monday, March 12, 2007:**

When I awoke, I thought the boat was sinking. However, I soon realized that the boat was not sinking, but was in fact docking at Nassau, Bahamas. This relieved me quite a bit as I then realized that I would not be floating in the ocean, holding onto a floating wooden door, looking for Leo Dicaprio, and saying "I'm so cold" over and over.

Upon getting off the boat I decided, along with about 30 of my former frat brothers from Indiana, to rent a moped to explore the island of the Bahamas. What transpired next is an utter debacle. After receiving exactly zero minutes of explanation and training as to how to operate a moped, I proceeded to ram into a parked car after traveling approximately a quarter of a mile. Upon impact, I was flung over the handlebars and went head first into the passenger side window. My only saving grace from this accident was

58 S. Campbell St  
Valparaiso, IN  
219-462-2533



Porter County Indiana's Oldest Tavern

Buy One Franklin House Original  
Burger and Get the Second One FREE!

EXPIRES 5/1/07

(NOT VALID W/ OTHER DISCOUNTS OR ALCOHOL)

BURGERS,  
BEER,  
MUSIC,  
TRIVIA...

212 E. Lincolnway  
Valparaiso, IN  
46383  
(219) 548-9464



BUFFALO WILD WINGS  
GRILL & BAR

WINGS,  
BEER,  
SPORTS...

All the Essentials!

\$5.00 off any Purchase of \$10.00 or More.

EXPIRES 5/1/07

(NOT VALID W/ OTHER DISCOUNTS OR ALCOHOL)  
COUPON GOOD AT VALPARAISO LOCATION ONLY

\$.35 WINGS ON TUESDAYS!!

\$.50 LEGS & \$.99 KIDS' MEALS ON WEDNESDAYS!!

# VIEWPOINTS

that I perfectly executed a barrel roll to evade any further damage. Despite this act of gracefulness, however, this accident screwed up my week quite a bit as my arms were covered in scabs and my legs, due to a deep contusion, would give out at any time.

## Tuesday, March 13, 2007:

Today, we awoke to rain. This was a problem until we realized that we were on a boat stocked with liquor in the middle of the Caribbean. Consequently, we once again spent the day donating money to the Shogun Casino. I swear before our trip is all said and done, Carnival will have another boat built solely because of our group's utter ineptness at gambling. After gambling and dinner concluded, we again pushed our respective blood alcohol levels back into the 0.2-0.3 range before calling it a night.

## Wednesday, March 14, 2007:

Our day trip to St. Thomas/St. John included a visit to Trunk Bay, one of the top ten beaches in the world. Although the beach was absolutely phenomenal, the indisputable highlight occurred when Maz exhibited his beach attire of no shirt and sweatpants.

## Thursday, March 15, 2007:

Today we docked at St. Martaan and two memorable incidents happened. First, upon entering a party bus called "Marecena Choo Choo" at 7:15 a.m. the group of us embarked on a drunken journey that could best be described by comparing it to

the substance abuse that typically happens between the 30-minute and the 45-minute mark of any of VH1's Behind the Music specials.

Second, our group wandered onto a



nude beach where we witnessed numerous elderly men in their birthday suits. Needless to say, this was not one of the highlights of spring break that needs to be elaborated into too deeply.

## Friday, March 16, 2007:

On our day at sea, Ben and I won several beanbag games against several other novice cruise passengers. I'm sorry, but

when it comes to bags, the tandem of Ben and I will go down in history with other memorable tandems of Lewis and Clark and Pancho and Lefty. Also, our group went to the ship's dance club called One

Small Step. This club is notable because it features a dance floor right out of Michael Jackson's Billy Jean video where individual blocks on the floor light up as they are being stepped on. Fortunately, other aspects of Michael's legacy – i.e. The Neverland Ranch and young boys – were absent. The night concluded when boat security sternly broke up our after hours party for the second consecutive night.

## Saturday, March 17, 2007:

Unfortunately, the boat refused to recognize St. Patrick's Day. However, our group, sans Suha – who was quarantined in his room while vomiting from the Nova virus – managed to celebrate in grand fashion. By the end though, it was apparent that the cruise and the partying was beginning to take its toll as many members of our party turned in early.

## Sunday, March 18, 2007:

On the final day of the cruise, Carnival made us get off the boat around 10:00. However, despite the early departure and fatigue, Maz managed to save his best act for last. Briefly, Maz managed to engage a fellow Carnival passenger in a shouting match at the breakfast buffet line as to whether Maz had cut him in line. Yes, it was embarrassing and yes, it was finally time to get off this boat.

After returning to the mainland, I returned to school saddened that my last spring break as a student had concluded. However, the memories, due in part to my diary, will always remain and I am glad that I could share these mostly sordid tales of debauchery and alcohol abuse, MPRE studying, motor scooter accidents, and worldly travel with you.

*Brandon is a 3L and can be reached at [adolfo.sanchez@valpo.edu](mailto:adolfo.sanchez@valpo.edu).*



# Silcotts


Designer Shoes & Apparel for Men and Women  
V.U. Students & Faculty

**Shoes**

Kenneth Cole  
Diesel  
Puma  
Bacco Bucci  
Dr. Martens  
Steve Madden


**Clothing**

7 Diamonds  
Kenzie Girl  
Buffalo Jeans  
Hoodies  
Jackets  
Skirts




**30% Off**  
Any Regularly Priced Item!

11 Washington Street ♦ Valparaiso ♦ (219) 462-7178  
Mon - Fri ♦ 11 am - 6 pm Sat ♦ 11 am - 5 pm



## BROOKSHIRE APARTMENTS

SPACIOUS & AFFORDABLE! CONVENIENT LOCATION! 1 & 2 BEDROOM APARTMENTS!



**FULLY EQUIPPED KITCHENS!**

**CENTRAL AIR!**

**LAUNDRY FACILITIES!**

**6, 9 & 12 MONTH LEASES!**

451 BROOKSHIRE DRIVE, JUST OFF CAMPBELL  
ONE MILE NORTH OF VALPARAISO HIGH SCHOOL  
(219) 465-7663

## continued

### LECTURE continued from page 1

not just a new way of describing accidents; negligence is a distinctive legal wrong.

IV. *The big divide in Tort theory is between efficiency and corrective justice theories.* Efficiency and corrective justice may be two leading theories as to the aims of Torts, whether torts is a mode of corrective justice or an efficient regulation of activity. Goldberg, however, posited a different theory of Torts, Torts as civil recourse.

V. *Tort theory calls for pluralism, not monism.* Torts can be seen pluralistically as facets of deterrence, compensation, empowerment and even as the making of great TV; however, Goldberg contends that all of these areas can be collected under the singular view of torts as civil recourse, giving special recourse to those wronged or injured.

VI. *Each tort can be placed on a spectrum from intent to strict liability.* Goldberg described that the mens rea for torts is much more complicated and interrelated than just simple battery, negligence and strict liability.

VII. *Instrumentalism about Law is the key to progressivism in Torts.* While progressivism in Torts may be seen as gutting the law and allowing judges to apply policy, Goldberg questioned this statement and wondered if the progressive path would be to allow judges to apply the law and act in the correct judicial function.

VIII. *Modern litigation practice and insurance have rendered Torts obsolete.* Goldberg took on the notion that because most tort claims are settled before litigation and because insurance companies are paying all the bills, there is no reason for Torts. However, Goldberg argues that to even settle a case and to allow insurance to function, you need the claims of Torts to set the machine in motion.

IX. *Tort Law is common law.* This may be the truest of all the half-truths. Even though statutory wrongs and rights of action are a large part of Torts, common law still rightfully bears heavily upon the interpretation and application of Torts.

X. *Torts has no special claim to a place in the 1L curriculum.* As in all law, it depends. Goldberg said that the place of Torts in law school curriculum depends on the aims of a specific Torts course. He argues that if Torts is taught as a building block, a distinction between torts and crimes or contracts, and as the difference between moral and legal wrongs, then yes, Torts has a prominent place in the first year curriculum.

In closing the ten half-truths about tort law, Goldberg reiterated the everyday application of his contentions. Goldberg hopes that his propositions are seen as more than theoretical and that his ideas are applied to actually better Torts as a whole.

If you would like to learn more about the ten half-truths about Tort Law, and to find out where Torts may be heading, Goldberg's lecture will be published in depth as a full article in an upcoming volume of the Valparaiso Law Review.

Matthew is a 1L and can be reached at [matthew.warner@valpo.edu](mailto:matthew.warner@valpo.edu).

### MOCK continued from page 1

negligence of the plaintiff contributed to her injuries, in a state recognizing pure comparative negligence as an affirmative defense.

The winning team began its journey to the top of the region with a round-robin style preliminary match-up, in a trial against Vanderbilt University. Angelo and Palmison presented as the Plaintiff's attorneys in that case, handily defeating the opposing counsel with their knowledge of the law and matter-of-fact, soft-spoken style.

In their second trial, the team faced Michigan State University, and defeated the Spartans by a judicial vote score of 2-1. In that round, Abel and Gilmartin represented the trucking company, utilizing a brash, honest style charging the elderly plaintiff as the sole source of her own injuries with a case made up after the fact.

"The plaintiff's case was biased from the beginning," said Gilmartin to the jury in his winning closing argument.

In the final preliminary round trial, Angelo and Gilmartin faced off in an intrastate duel with Indiana University-Bloomington, edging out the Hoosiers with a 2-1 score. Using the same winning style from the first round, Palmison and Angelo convinced the judges of four particular points of negligence that pointed to the trucking company's liability.

The team's 3-0 record at the preliminary level automatically qualified them for a spot in the regional semi-finals. This record bested those teams from schools such as Notre Dame, IU-Bloomington, Michigan State, the University of North Carolina and Vanderbilt.

In the semi-finals of the region, the team faced off against another qualifying team from the University of North Carolina. Because of a winning coin toss, Gilmartin and Abel decided that they would compete in the semi-final as defense attorneys. Their efforts led to another

2-1 victory for the team. Abel's cross-examination of the victim's expert witness was the highlight of the case. The expert was hired to perform a scientific reconstruction of the accident involving the truck and the small sedan. Abel demonstrated with devastating effect the glaring bias of the expert in the expert's picking and choosing of favorable but unscientific facts to prove his analysis.

In the final round, the team squared off against the team from John Marshall Law School-Atlanta. Again, Abel and Gilmartin chose to act as defense attorneys. In this round, the performances of Angelo and Palmison, who respectively played the truck driver and the defense expert witness, shined in the composition of a strong case. In particular, Angelo stuck to the facts of the case file in order to confuse his cross-examiner's performance. Palmison's devotion to the science of accident reconstruction proved that the plaintiff's expert has stepped outside of his field to come to his biased conclusions.

In the end, by a judicial vote score of 2-1 and a tie score on individual performance, the team from VU Law School edged out its counterpart to win the regional competition. This is the first regional championship for Valparaiso University School of Law.

Abel, Angelo, Gilmartin and Palmison traveled to New Orleans the weekend of March 30 to compete against other regional champions in the national level of the tournament. Although they failed to advance beyond the preliminary rounds, they gave strong performances against Pepperdine, Baylor, and Barry University in Orlando. Overall, they finished in the Top 10 teams in the nation, and fell short of the semi-final round by a slight margin.

The performance and manner of the team, in both the regional and national tournaments, is sure to give VU Law School a name against many other talented schools. The Team is sure to have strong leadership as it elects a new executive board and hosts tryouts on April 15.

Nick is a 3L and can be reached at [nicholas.gaeke@valpo.edu](mailto:nicholas.gaeke@valpo.edu).

#### THE FACTS OF THE CASE: VUSL MOCK TRIAL TEAM

Regional Champions  
Plaintiffs: Jon Angelo, Andy Palmison\*  
Defense: Mike Abel\*\*, Kevin Gilmartin\*\*\*

Scores by Round  
Round 1: VUSL def. Vanderbilt, 3-0. Round 2: VUSL def. Michigan State, 2-1.  
Round 3: VUSL def. IU-Bloomington, 2-1. Semi-final: VUSL def. North Carolina, 2-1.  
Championship: VUSL def. John Marshall-Atlanta, 2-1.

Other Teams in Region: Notre Dame, Florida A&M, Marquette

Other Regional Champions  
Georgia State, Baylor, Syracuse, South Texas, Tulane, California Western,  
Barry University, Samford, Alabama, Brooklyn Law School, Temple,  
Pepperdine, Cooley, Maryland, Case Western Reserve

\* Intraschool Champion. \*\* Intraschool Best Opening Statement.  
\*\*\* Intraschool Outstanding Advocate.

## continued

### OCHOA continued from page 1

its server, and the public can access many of these saved sites by use of caches.

The creator of a website has the option of including a robots.txt document within the webpage. This document tells Google's webcrawler what it may do with the content of the website: copy and cache; copy and do not cache; and, do not visit are the common options. Those who do not include a robots.txt document are said to have given an implied license; Professor Ochoa explained that this "opt out" rule is the opposite of traditional copyright rules, which have created an "opt in" system.

After explaining the technology Google employs, Ochoa began discussing specific search engine cases in four categories: web search; news search; image search; and, book search. In discussing each set of

cases, Ochoa discussed the legal tests and standards that have developed by courts and the reasons behind the cases.

Interestingly, in the cases under the news search category, Professor Ochoa explained that publishers want Google to share revenue with the publisher because of all of the money and effort that goes into creating a news article; publishers are upset with the way Google can simply link to the article and make money off of advertising. The smaller publications need Google, Ochoa explained, to keep visitors coming to their websites; people usually only find smaller publications because Google allows them to be found in searches.

In two cases in the web search category, *Field v. Google* and *Parker v. Google*, website creators were placing their own work on their websites and waiting for Google web crawlers to come and copy the information so that they could then sue Google. Ochoa explained that because the plaintiffs

had purposefully not created robots.txt documents, that they had given an implied license.

Image searching was perhaps the most interesting of the categories because of thumbnails; these are the small pictures in a search results list that link you to the full-size image on the original website. Professor Ochoa explained that Google copies a photo temporarily, creates a thumbnail and then discards the original picture, saving only the thumbnail on its servers. The facts of specific cases have caused outcomes on issues of image searching to vary, but as with all internet law, copyright on the internet is still new.

The last few minutes of Ochoa's lecture were spent discussing search engines and trademark law. Cases can be found to support both sides of an argument that involves what can only be described as inventive thinking on the part of competitors. When a user searches a specific search term on

Google, a list of sponsored links appears on the screen; advertisers have usually asked that their advertisement appear when a specific word is searched for. Problems arise, explained Professor Ochoa, when an advertiser purchases advertising on the search of a trademarked word. "Why doesn't Google call it 'paid advertising,' instead of 'sponsored links?'" The question remained unanswered, and the lecture came to an end.

Because of the lecture, searching on Google will never be looked at the same way. Each word and thumbnail that appears in the results list was put on the internet by someone other than Google. What does that mean exactly? Maybe the answer is on Google.

*Melissa is a 3L and can be reached at melissa.durham@valpo.edu.*

### CONFERENCE continued from page 2

with substance abuse problems. Later that night, we drove to the Reagan Library and listened to Gordon Smith, an LDS United States Senator from Oregon, on the role of the legislature in the law.

On the second day of the conference, the real highlight came by way of a talk given by Professor Douglas Kmeic, a Catholic Professor of Constitutional Law at Pepperdine. Professor Kmeic is also a former Notre Dame Law School professor, and he served as constitutional legal counsel for the former Presidents Reagan and Bush. His speech was entitled, "The Roberts Court" and, being a friend of the Chief Justice, he shed some real insight into the philosophy and methodology behind Justice Roberts' administration of the Court.

Professor Kmeic said that Justice Roberts is seeking to change the Supreme Court by curbing individualism in an attempt to do away with inadequate direction to the lower courts. The Chief Justice, according to Professor Kmeic, wants the court "to be more than the sum of its membership, and to speak in one voice" and avoid issuing decisions with a plurality opinion accompanied by a myriad of concurrences and dissents that give no direction as to what the law is. In short, Professor Kmeic said that Justice Roberts feels the Supreme

Court should not be on the lookout for landmarks but should serve the institution of law by answering the unanswered questions of law, thus bringing uniformity and guidance to the lower courts.

After Professor Kmeic, we once again heard many wonderful speakers and the day ended with an address by Judge Thomas Griffith of the D.C. Circuit, a practicing member of the LDS faith. Judge Griffith called for "judicial humility" and cited Judge Hand's "Spirit of Liberty" address, that said the spirit of liberty is "the spirit which is not too sure that it is right." He warned judges and attorneys to recognize their own fallibility and to be open to the possibility of being incorrect. He admonished all present to turn to the rule of law to find answers.

The conference ended and, like the weather, it had been good. The following day, we would all return to home and cold. And my heart beat heavily knowing this short trip would soon be over. But it was not leaving good weather or a conference that energized me and made me excited to be an attorney that troubled me. Rather, I realized that the more important reason I had come was coming to a close.

For me, the conference in Malibu resonated as a last "hurrah" with four of my dear friends who will be graduating this May. Having come out here a year before law school to work on a master's degree, my little family and I began this new ad-

venture away from home and kin with these four individuals and their families who were all in our same vulnerable situation (plus one more who unfortunately could not make the trip with us). And like the weather in Malibu, our time together has been both good and unusual. Good because we have had a lot of fun together, served in our church together, grown as students of the law together, raised our children together and made lasting friendships. Unusual because this has been a unique time in all our lives when we uprooted our families to travel many miles into the middle of America in search of better careers and have been blessed to rely on one another to fill the voids once occupied by extended family and former friends, thus forging deep bonds between us. Our time together out here in Indiana has been truly unusual. It has been truly special. And here we have been one another's family—and I am sad to see members of my family go so soon.

One of my favorite Bob Dylan songs is "Restless Farewell." In May, this is what their departure will be for me. Alas, it is time for some to move on; but I remain grateful for the good weather in Malibu, unusual times in Indiana and to have known Caton, Jeff, Rich, Ryan and Sam.

*Taylor is a 2L and can be reached at jesse.fox@valpo.edu.*

### Authentic Mediterranean Cuisine...since 1985

Dine by candle light on...  
Tapas...Unique Salads,  
Paella...Steaks...Seafood  
Homemade Soups & Desserts  
Enjoy Cappuccino & a Full Bar



For your grand occasion,  
we will be open on  
Sunday, May 20th

**Graduates eat free!**



The Only  
Spanish  
Restaurant  
in Indiana

Restaurante

## don Quijote

119 E. Lincolnway  
Downtown Valparaiso  
(219) 462-7976  
www.donquijoterestaurant-in.com



etcetera

# ROCKIN' THE SUBURBS... THE MUSIC BUZZ



**Megan  
Krol**

## Modest Mouse- "We Were Dead Before the Ship Even Sank"

Released March 19, 2007; Sony Records

Many of you have already heard the track "Dashboard" on the radio for some time now, and if you were like me,



wondered what the rest of the album was going to sound like. Being a die-hard MM fan from pre-college days, I was

concerned with the band's departure from their indie-rock roots when the band hit the main-stream music scene with 2004's "Good News for People Who Love Bad News". There is a trend when bands reach a type of fame outside of their normal fan base, it usually consists of the band changing their sound to accommodate the masses and then you never hear from them again and it's commonly referred to as "selling out".

Reverting to their original sound, MM proves to their fans with this album that they are here to stay and are in no way letting go of their roots. The band still employs strings, chingy guitar riffs, and the good old accordion, but not all in the same track. "Parting of the Sensory" sounds similar to some of Rusted Root's music, and "Missed the Boat" mixes smart and truthful lyrics with melodic guitar riffs. "Florida" employs the back-up vocals of The Shins' lead singer James Mercer, and MM picked up the talents of The Smith's former guitarist Johnny Marr for this album, a very smart choice. If you are expecting a repeat of "Good News for People Who Love Bad News", then don't buy this album; however, if you are look-

ing for classic MM style and some really great music, then get out there and buy it now.

If you fall in love with *Modest Mouse*, then try stalking: *Guided By Voices*, *Built to Spill*, *Death Cab for Cutie*, and *Arcade Fire*.

## The Fratellis, "Costello Music"

Released March 13, 2007; Universal-Island Records

To make The Fratellis: in a blender mix one tablespoon of The Clash, one tablespoon of 60's Brit Rock, a half tablespoon of 90's Brit Rock, two teaspoons of Kings of Leon, a pinch of Bob Dylan's harmonica, a scoop of Franz Ferdinand and a splash of whatever ska and punk band of your choosing. Blend for ten seconds, then puree and voila! You have The Fratellis. No one song on this album is the same; its like opening your birthday presents with each track, you just don't know what to expect. For example, the track "Doginabag"

sounds vocally similar to "Spoon". And the track "The Gutterati?" is reminiscent of "The Clash," and this is where

good 'ol Bob Dylan-esque harmonica skills get thrown in. If you are looking for that splash of ska, along with a 1950's electric guitar feel, then you will dig "Vince the Lovable Stoner". The Fratellis come from across the pond- right off of the Scottish lily pad of Glasgow- and began their musical debut back in 2005. In February of this year, the band won Best British Breakthrough Act at the 2007 Brit Awards, not that a popularity contest should be a predictor of the next album you buy. There is not a single song on the album that I could critique poorly, so all I can tell you is go buy this album, buy it now, before you end up being the only one around the water cooler who has no clue what everyone else is talking about. I definitely expect to see more of this band.



If you were blown away by *The Fratellis*, then go buy: *Kaiser Chiefs*, *The Good The Bad & The Queen*, *Bloc Party*, and *Amy Winehouse*.

## moe.- "The Conch"

Released January 23, 2007; Fatboy Records



For most of you who have never listened to moe., you probably don't know what to expect. moe. is considered

one of the long-standing jam bands of our era (and yes, there is supposed to be the period after the "e"). Not only did the band go into the studio rather than opting to record a live album, the band also takes a step away from their traditional jam-band style, leaning more towards a classic rock feel. This album is dominated by slower ballads but makes for some great listening. Even the songwriting is pretty impressive; for the first time the band is layering rock-style lyrics with rock-style music. The music is versatile, and the lyrics stand-out. To put this album into perspective, "The Pit" sounds similar to Emerson, Lake, and Palmer's style, and "Blue Jeans Pizza" has a hint of Steely Dan to it. Finally, the band has stepped out of their pigeon-holed, jam-band bubble, and have done it successfully.

If you dig moe., then you should also try checking out (if you haven't already): *Umphrey's McGee*, *Tea Leaf Green*, *JJ Grey & Mofro*, and *Gov't Mule*.

## Local Scene- Sarah Dooley

Sarah Dooley could be compared to Regina Spektor, but that would not do her justice. The music and lyrics are the product of Sarah- it's her vocals with her on piano. Her voice is versatile in range, and can move from one octave to another with more ease than I have putting my shoes on in the morning, for those of you who know me you know that I don't tie my shoes. Her lyrics are mature and naïve all at the same time. There is a sense of innocence her songs possess that modern

music has seemed to leave by the wayside. Her song "Check the Handbook" depicts exactly that. Listening to the lyrics you could either think she was talking about Monopoly or the rules of relationships- your pick. With whichever mentality you choose, the song is still pretty clever. I am sure Sarah could write a song about trash pick-up day and it would grab me. It's hard to explain how amazed I am by her talent without giving you an opportunity to listen to it yourselves. Maybe one day we'll get an opportunity to hear Sarah perform live, we just have to nag her mom. You know her- that's right, the professor we have come to know and love as Laura Dooley. And don't worry, there was no incentive for me to write this. I know you, you cynical cohorts of mine... yes, you know to whom I am referring.

Megan is a 2L and can be reached at [megan.krol@valpo.edu](mailto:megan.krol@valpo.edu).

## New Releases: April 3, 2007

- Jarvis Cocker - *Jarvis*
- The Field - *From Here We Go To Sublime*
- Fountains of Wayne - *Traffic and Weather*
- Holly Golightly & Brokeoffs - *You Can't Buy a Gun When You're Crying*
- Idlewild - *Make Another World*
- Kings of Leon - *Because of the Times*
- The Knife - *Silent Shout [Deluxe Edition]*
- Motian / Frisell / Lovano - *Time & Time Again*
- My Life With the Thrill Kill Kult - *Filthiest Show in Town*
- Yoko Ono - *Open Your Box [remixes]*
- Poison the Well - *Versions*
- Pole - *Steingarten*
- Redman - *Red Gone Wild*
- Shakuhachi Music: *A Bell Ringing in the Empty Sky*
- Stars of the Lid - *And Their Refinement of the Decline 2CD/3LP*
- Throbbing Gristle - *The Endless Not*
- Timbaland - *Shock Value*
- Twilight Sad - *Fourteen Autumns Fifteen Winters*
- Umphrey's McGee - *Bottom Half*
- DJ Vadim - *The Sound Catcher*
- Venetian Snares - *Pink & Green*

## etcetera

# Must you be a "Type-A" personality to succeed in a law firm?

BY CAREY BERTOLET

Lawcrossing.com

Today's law firms are increasingly interested in promoting diversity among their ranks. While some law firms have invested in broadening the ethnic, gender, and sexual-orientation characteristics of their attorneys and staff members, one wonders how diverse a law firm can be. Assuming certain firms are diverse in terms of the demographics of their attorneys, are the most progressive firms still only employing Type-A personalities? More to the point, must a lawyer be a Type A to succeed in a law firm?

Especially among the elite firms in the world's most significant legal marketplaces, there is little question that Type As predominate. Getting into a large, prestigious law firm generally requires that the lawyer have a record of achievement. He or she must have outperformed classmates in both undergraduate classes and in law school. For most, performance at this level requires a degree of competitiveness, a substantial work ethic, and an inner drive to achieve.

In my law school, we called the worst offenders "gunners." They were the law students whose principal goal was to climb to the top of the class. The gunners knew their competition, knew exactly how well they needed to score on exams to stay at the top, and were willing to forgo any amount of sleep to get there.

Anyone who has spent any amount of time working in a large firm knows that the competitive overachiever is in ample

supply in the large-firm environment. When I was a junior associate, there was a more senior associate in my group who sent a firm-wide email every time he was in the office after midnight.

While one could argue that he was just doing his job, the more cynical among us felt that each email about the firm softball team time-stamped 1:00 a.m. was simply a way to keep the partnership informed that he was working harder and later than the rest of us. However, although several of us giggled about this senior associate's transparent self-promotion, I still wondered, "Is this what it takes to succeed in the environment?"

I always assumed that Type-A personalities were people who were smart, hardworking, and ambitious. While others might play hooky on the first day of spring, Type As wouldn't even think of leaving the office.

What does it mean to be a Type-A personality? Wikipedia describes Type-A personalities as people who "are often highly achieving workaholics who multi-task, drive themselves with deadlines, and are unhappy about the smallest of delays."

The origin of the Type-A moniker derives from research conducted in the middle of the 20th century by Dr. Meyer Friedman. With a colleague, Dr. Ray Rosenman, Friedman posited that there was a link between the behavior of the impatient overachiever and heart disease. I found it interesting that although "Type-A" and "Type-B" are generally used as descriptive terms, the origin of the term "Type-A" is actually clinical and was

essentially used to diagnose unhealthy behavior.

This makes the question of whether you must be a Type A to succeed in a law firm seem even more insidious. Are law firms perpetuating an unhealthy personality type? In my opinion, understanding the history of the term "Type-A" actually informs the answer to the question.

While "Type-A" is a term people toss at many high-achievers, the truth is that it is possible to take certain elements of the Type-A personality and leave behind the more destructive. Certainly, attention to timeliness and urgency are necessary for a lawyer in a big firm. Indeed, lawyers broker in time. Lawyers generally charge for their time, and courts and clients routinely impose deadlines that cannot be ignored. However, lawyers can succeed without becoming obsessive about time.

Again, competitiveness is important to a law-firm career. A lawyer must always compete with lawyers at other firms and focus on generating the very best work product. Is it possible to remain competitive without becoming aggressive? I believe that it is.

Wikipedia tells us that the "Type-B personality is patient, relaxed, and easygoing." Are these qualities consistent with success in a law firm? I would suggest that a patient, relaxed, and easygoing lawyer is not destined for failure in a law firm as long as he or she understands that at times, law firm culture demands intensity and a sense of urgency. The laid-back Type B who cannot evoke some Type-A behavior at times is likely not going to be

a long-term player in law-firm culture.

At the end of the day, law firms exist to serve clients. While a client may enjoy having an easygoing lawyer on many days, on the days the client needs a zealous advocate or a push to meet a deadline, "relaxed" is not a word that will evoke his or her confidence.

Lawyers choose their practice areas and should be aware of which areas suit their personality types. A white-collar litigator may benefit from a more aggressive and confrontational style, whereas one might find fewer Type-A folks in a firm's trusts and estates department.

A good lawyer, whether innately Type-A or Type-B, must be able to understand those qualities that appeal to clients and the leadership in his or her law firm. One needn't be a red-faced horn-honker to demonstrate an appropriate sense of urgency when talking to a stressed-out client. Even the most likeable and laid-back lawyer must have a sense of time and attention to deadlines.

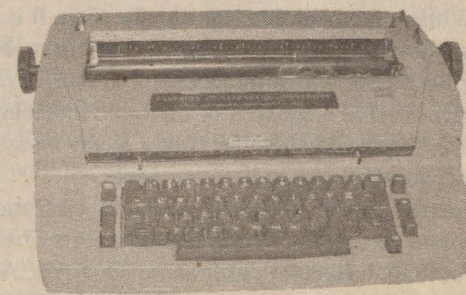
A healthy sense of competition is also appropriate in a law-firm setting, but that does not mean that only the cutthroat will survive. Although it's unlikely that law firms will ever be truly diverse mixes of Type-A and Type-B personalities, individual lawyers in law firms can certainly find that balance in themselves.

*Carey Bertolet is a staff writer for Lawcrossing.com, a legal job website.*

## Attention Writers and Editors

*The FORUM* wants you!

e-mail: [forum@valpo.edu](mailto:forum@valpo.edu)



## etcetera

### FROM THE **LAW LIBRARY**

BY STEVEN PROBST  
Educational Services Librarian

#### Two great research resources you may not know about

**H**ave a seminar paper or independent study project coming up? Are you a faculty research assistant looking for resources for your faculty member's next article? Or, are you just a hopeless aficionado of research resources, always on the lookout for another weapon to add to the deadly arsenal of skills you acquired in first year legal research? Whatever the case, there are two electronic resources available to you through Valpo's libraries that can make secondary source research for your next research project much easier: JournaLocator, available through the Christopher Center's website, and Index to Legal Periodicals Retrospective, available through the Law Library's website.

JournaLocator is the place to go when you have a citation in hand to a specific article and need to know whether the text of the article is available through any of the electronic resources offered through either the

Christopher Center or the Law Library. JournaLocator finds the best path to the text of the article and provides different options for accessing its content. This is a particularly good resource to use for non-legal periodical articles that you are not used to accessing through Westlaw, LexisNexis or HeinOnline (though access to HeinOnline and LexisNexis Academic is also available through JournaLocator).

To use JournaLocator, begin at the Christopher Center's homepage (<http://www.valpo.edu/library/index.html>) and select Find Articles – By Journal or Magazine Title. From the opening screen of JournaLocator, you can begin your search by typing in the title of the periodical or browsing by the first initial in the title or even by subject heading. When you've identified the desired periodical, JournaLocator will then provide different options for accessing an article depending on its date. For instance, if you were searching for an article in *LAW & SOCIAL INQUIRY*, the access options would appear like this:

from 1976 to present in Blackwell-Synergy  
from 1988 to 2000 in HeinOnline Law Journal Library  
from 01/01/1997 to present in LexisNexis Academic  
from 01/01/1999 to 1 year ago in Academic Search Premier  
from Winter 2003 to present in University of Chicago Press Journals

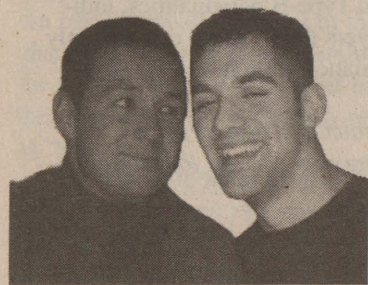
You would then select the database you would like to use to access the article depending on the date of the article and, in the event that the article is available in more than one database, your preferred provider. After

making this selection, you typically will be able to access your article by selecting the appropriate volume number, issue and title.

Index to Legal Periodicals Retrospective is a relatively new addition to the Law Library's electronic resources, but a powerful tool in searching for older legal periodical articles. You may recall from legal research that LegalTrac can only be used to search for periodical articles published since 1980. Until ILP Retrospective was added to the Law Library's electronic resources this past fall, articles prior to 1980 had to be located using the print Index to Legal Periodicals. This was not a pleasant task given that the print ILP is a non-cumulative publication, meaning that you would have to look in several individual volumes to locate materials over a period of time (think print Shepard's). However, with the addition of the electronic searching capabilities of ILP Retrospective, you can search over 750 publications indexed between 1908 and 1981 in one easy search and even be linked to the text of a desired article if it is available through one of the Law Library's other electronic databases.

To access ILP Retrospective, simply go to the Law Library's homepage (<http://www.valpo.edu/law/lawlibrary>) and select "Online Research Resources" then "Restricted Access Databases" and look for the ILP Retrospective Link. Basic or advanced searches can be conducted for an author, subject, title, keyword, restricted by a journal's name or a variety of other options. For assistance using ILP Retrospective or JournaLocator please see any of your friendly law librarians.

### LEGALLY BRUNETTE & BRUNETTER



#### Advice for Law School & Life

By Ben Barfell and  
Eric Stoegbauer

**H.M.S. Susanne Jr. 2L. Which is more important: fantasy sports or post-secondary education?**

While analyzing this age-old question, it is essential to remember that each is extremely important. It would be similar to ask which molecule of oxygen is more important in that most vital of diatomic molecules, O<sub>2</sub>. Virtually impossible isn't it? Never to shy away from a difficult question, we will do our best.

Fantasy sports, like post-secondary education, are very broad categories. While fantasy sports offers baseball, football, basketball, golf and even NASCAR and hockey, post-secondary education gives us two-year and four-year degrees, graduate schools of all kinds and by

a technicality, all types of vocational training (that gives us our hairdressers and religious leaders). Based on the breadth argument, as it is formally called, post-secondary education gets the nod here. Even as a journalist who feels compelled to disseminate the truth, who am I to upset my hairdresser and religious leaders? They are very powerful people. Jokes on us when we mess with the likes of a barber and a priest. Write that down.

With the multitude of options post-secondary education offers, it comes with a cost. It's simple economics really. Supply/demand. The inverse relationship that drives our way of life. It makes sense though. Every action has an equal and opposite reaction, right? Well, supposedly that's the way it goes. Action: everyone wants to go. Reaction: rankings come out explaining in five distinct categories that your school isn't as good as someone else's. After all, amount of books in your library is easier to quantify than the quality of your education. Libraries... you're talking about libraries. Come on. Not so in the fantasy sports world. Everyone can play. You can play for free. For money. For drinks. Whatever. I guess there is some limit to the amount of space available on the internet, but it's the internet, come on. Accessibility to quality, fantasy sports definitely gets the pat on the back here.

While there is probably a strong argument out there that post-secondary education proliferates an astute

society in which ideas can move freely, I didn't research it. I've already cashed in and received my Starbucks cards from Lexis, so what's the point. Fantasy sports, however, I know. I know that the predecessor to the new fandangled blogs you find on the internet today, were the fantasy sports smack boards of the early computer generation. That is where real ideas flow. And while I am at it, who needs post-secondary education. Apprenticeships. That's where it's at. All good cobblers were apprentices. All good bakers and clockmakers too. I would be willing to bet any amount of money that when Catch Me If You Can II comes out, Tom Hanks and Leonardo will be in the same fantasy baseball league. Same with Tom Hanks and Madonna in League of Their Own Two: Back in the Kitchen for that matter. It is a system where you feel connected to your league members regardless of location, age, sex and criminal history.

For me, fantasy sports take the cake. Not just any cake, but the biggest proverbial cake you can think of. My team names for the 2007-2008 season: Rachel Smith, 2 hot! Look out. Thanks for playing Susanne.

*This message was approved by Ben and Eric and was brought to you by Legally Brunette and Brunetter. Feel free to e-mail more questions to either Ben or Eric at [ben.barfell@gmail.com](mailto:ben.barfell@gmail.com) or [eric.stoegbauer@valpo.edu](mailto:eric.stoegbauer@valpo.edu).*

## etcetera

# Anna and Alicia's Appetite Advice: *Suzie's Cafe*



**Anna Cios  
and Alicia  
Meyerhoff**

**Location: 1050 Southpoint Drive (off US 30)**

**Cuisine: American Bakery**

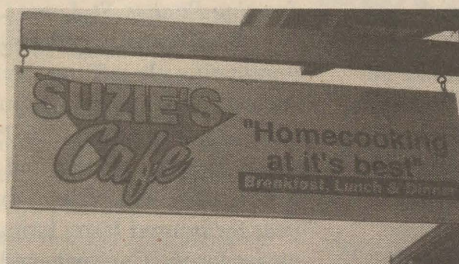
The atmosphere at this hidden cafe is a cute combination of country meets diner. The décor of this small café includes many displays of chefs and wall murals which create a very delightful and cozy atmosphere. The staff is friendly and welcoming and due to its small size, always attentive. Although this place is not easy to find among the many businesses located on the plaza, it is worth the trip and is not really that far from campus.

Voted as having the best breakfast in Valparaiso, we decided to investigate for ourselves. Breakfast is served all day long, although there is also a vast lunch menu. For the early risers, this café opens at 5am. One of the breakfast meals we ordered was the breakfast sandwich, which included ham, cheese and eggs, but we substituted bacon for the ham. This sandwich came on either an English Muffin or a biscuit, and we ordered a side of hash browns. The sandwich was delicious, and we liked the idea of it being on an English Muffin because most places serve it on a bagel, so this was a nice change. The hash browns were done just right and the meal was very filling. To top it off, it was very, very reasonably priced.

The other dish we sampled was the meat and cheese omelet with turkey and American cheese, and a side of fresh fruit. There was an abundance of turkey in the omelet, and it was just enough for a satisfying breakfast. The fruit consisted of melons, pineapples and berries, which are a healthy alternative to hash browns and grits.

Overall, we were pleased with the food and staff at Suzie's Café, and very happy about the low prices. We definitely plan on going back to try more of the different breakfast and lunch options and we recommend you do the same. We regret not sampling one of the many homemade dessert options from their bakery, so be sure to save room for dessert when you visit!

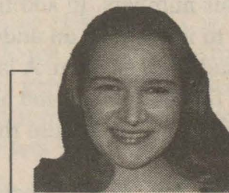
*Alicia and Anna are 2Ls. Alicia can be reached at [alicia.meyerhoff@valpo.edu](mailto:alicia.meyerhoff@valpo.edu). Anna can be reached at [anna.cios@valpo.edu](mailto:anna.cios@valpo.edu).*



# That's Entertainment!

(Quality study breaks for the busy law student)

## The power of imagination



**Michelle  
Spezia**

**B**ridge to Terabithia is a pleasant surprise. The film is based on the Newberry Award winning novel of the same name by Katherine Paterson. Unfortunately, I have never read the novel, but I was still able to appreciate the film and the story it told. Disney went to great lengths to maintain the integrity of the novel while translating it into film: the inspiration for the character Jesse was also the author's son, David Paterson, who joined the project as one of the screenwriters. Those that have read the book confirm that the movie remains true to Paterson's vision, while easily bringing the story from 1977 into the present day.

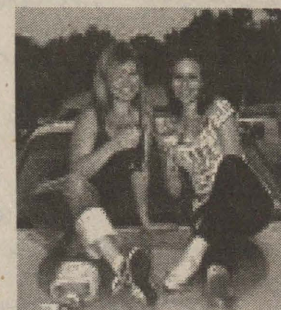
The film is about the powers of friendship and imagination in the lives of children. Jesse Aarons (Josh Hutcherson) is an outsider at school and at home. He has no friends, gets teased, and is attempting to deal with the confusion of his first crush, his music teacher Ms. Edmonds (Zoey Deschanel). His only escape is drawing, until he meets his new neighbor, Leslie Burke (AnnaSophia Robb). Leslie is the new quirky and smart kid in school, who is not quick to make friends. She also gets teased, but is determined to become friends with Jesse. Jesse eventually caves in, and the two create a special world in the woods where they are the leaders capable of defeating any obstacles. Leslie opens Jesse's mind, and encourages his imagination and drawings. They can be themselves in Terabithia, and after they leave they are better capable of dealing with the torment at school.

AnnaSophia Robb (*Charlie and the Chocolate Factory*) sparkles as Leslie, whose ability to create convincing worlds fascinates her teachers and Jesse. Jesse is also played by a fairly experienced child actor, Josh Hutcherson (*R.V.*), and gives a genuine and honest performance. However, the trailers and previews for *Bridge to Terabithia* are misleading...the *Narnia*-like CGI animation is only used sporadically, and the fantasy action is not a large part of the film. Young children might not understand the story, and may become upset by the ending. Overall, *Bridge to Terabithia* is a great family movie, but perhaps should be reserved for older children because of strong thematic elements.

My Rating: B

*Michelle is a 3L and can be reached at [michelle.spezia@valpo.edu](mailto:michelle.spezia@valpo.edu)*

# The Best Bang for Your Buck



*By Andrea Greene and E.B. Newberry*

## Making the most of summering in Valpo

### Sandy Bang:

For those 1Ls that haven't ventured to the Dunes Park beach, it does exist, and it's actually pretty nice! The water toxicity levels are questionable, but the sand is great and so is the sun. Straight up 49 for about 15 minutes and you'll forget where you are! This is a cheap way to enjoy a beautiful weekend day or day off from the firm.

### Bang in the next town over:

We've written about Michigan City before because the casinos are fun, but there's more going on! Complete with a zoo, fresh market and concerts in the park, there are all kinds of cute, interesting things going on.

*Washington Park Zoo* - The zoo is probably small, but their admission is only four dollars. Call 219-873-1510 for hours and more information.

*Farmer's Fresh Market* - Every Saturday all summer long, the farmer's market is on 8th & Washington Streets from 8:30 am - 1:30 pm May 1st. through October 31st. For more information call 800-634-2650. Help support local farm commerce!

*Concerts in the Park* - Free music every Thursday from June 15-Aug. 17 at the Bicentennial Amphitheater in Washington Park at 8:00 p.m. For more information call 219-879-9165.

Check out [michigancity.com](http://michigancity.com) for more information on these ideas, museums and really interesting historical sites.

### Outdoor Bang:

*Feel like shopping? Want to be outside?* Hit up the Michigan City outlets! Great for poor law students who are shopping enthusiasts. Only 20-25 minutes up the road this is a great way to be outside and crave your shopping needs! Check out [www.premiumoutlets.com](http://www.premiumoutlets.com) for more information and driving directions.

### BBQ Bang:

Feel like grilling out? Kicking back? Grab some beef patties and head out to one of the parks in Valpo. They provide shelters and grills. This is a cheap way to have a great time with friends.

*Andrea and E.B. are 2Ls and can be reached at [andrea.greene@valpo.edu](mailto:andrea.greene@valpo.edu) and [ellen.newberry@valpo.edu](mailto:ellen.newberry@valpo.edu).*

*Forum Judicial  
Review Board  
The Forum thanks you.*

### Diamond Level

Hon. David L. Chidester, '81  
Valparaiso, IN

John R. Leal, '61 Fort Wayne, IN

John Lincoln Peterson, '75 Melford, CT

Robert Schnoor, '51 Grand Rapids, MI

Hon. Robert S. Sykes, Jr., '87 Ionia, MI

Nick J. Thiros, '57 Merrillville, IN

### Platinum Level

Roland Herrmann, '57  
Green Valley, AZ

Wade R. Nichols, '84 Fishers, IN

### Gold Level

David C. Appel, '80 Valparaiso, IN

Daniel J. Buska, '93 Highland, IN

Jon P. Dilts, '81 Bloomington, IN

Lenore L. Heaphey, '96 Valparaiso, IN

Laura Kenney, '97 Hartford, WI

The Hon. Diane Kavadias Schneider, '82  
Munster, IN

Thomas Thanes, '80 Plainfield, IL

Dan Wehrenberg, '79 Chicago, IL

### Silver Level

Arthur C. Boos, '78 Dallas, TX

Mark Ilten, '75 Stevens Point, WI

William H. Pasch, '67 Waynesville, NC

Marina Ricci, '06 Arlington Heights, IL

Bob Selund, '78 Ogden Dunes, IN

Eric J. Sponheim, '86 Minneapolis, MN

The Hon. Stephen Wolaver, '75  
Dayton, OH

### Bronze Level

Jon Rogers, '06 Indianapolis, IN

John C. Voorn, '73 Palos Heights, IL

If you would like to become a patron, please contact The Forum at: The Forum, VUSL, 656 S. Greenwich Street, Valparaiso, IN 46383.

## Sports

# Bold predictions



**Nick  
Schwartz**

**B**aseball season is just beginning and all sportswriters are releasing their predictions for the 2007 season. They all seem to be the same. Everyone is predicting another MVP award for both Alex Rodriguez and Albert Pujols and another Cy Young Award for Chris Carpenter and Johan Santana. Being a huge baseball fan, I have to read every single article with another writer's predictions. After only a few, I am already bored of them. I want to hear something bold. I want them to go out on a limb rather than playing it safe with Pujols and A-Rod. That is what you are going to get here. You are going to get my outrageous predictions. You may read this article and think that my picks are crazy, but at the end of the year, if I get at least one right, you will all remember where you heard it first. I must abstain from my playoff and World Series predictions because I have a slight bias towards the Detroit Tigers.

**AL MVP:** *Grady Sizemore Centerfielder, Cleveland Indians*

Is there anything that this guy cannot do? Last year, he led all of baseball with 134 runs and tied Freddy Sanchez of the Pirates with 53 doubles. He can also hit with power and steal bases. He led the Indians with 22 stolen bases and had a respectable 28 homeruns. He also had a decent batting average of .290. To compliment all of this, he is one of the top defensive centerfielders in the American League. A Gold Glove may also be in his near future. These numbers were all accumulated in only his second full season in the Majors and at the tender age of 23 (for most of the season). Add another year of maturity, strength, and experience and he is an MVP waiting to happen. If he can cut back on his 153 strikeouts from 2006, his average will improve, as well as the

rest of his numbers. In addition, he will be the key to improving an underachieving Cleveland Indians team. A large increase in wins for the Indians and an increase in his numbers will earn him the AL MVP.

**NL MVP:** *Jose Reyes Shortstop, New York Mets*

Who wouldn't choose Pujols? He has an unbelievable combination of power and patience, but Reyes is going to run right by him for the MVP Award. Last year, Reyes led Major League Baseball with 64 stolen bases and 17 triples. He also had a respectable .300 batting average, 19 homeruns, and 122 runs scored. Reyes, like Sizemore, accomplished his success in only his second full season and at the age of 23. Reyes' numbers will all increase with his maturity, strength, and experience, much like Sizemore. However, in order for Reyes to capitalize on his own abilities, he needs to learn to be more patient at the plate. In 2005, he went 118 at-bats before getting his first walk. If he can increase his walks, his stolen bases and runs will definitely increase. Also helping Reyes win the NL MVP Award will be David Wright and Rickey Henderson. The New York Mets manager, Willie Randolph, will move David Wright into the batting order just behind Reyes, which is a great improvement over Paul Lo Duca. Rickey Henderson will help Reyes too. He has been brought in for the last two spring trainings to help Reyes with his running ability. The only thing that will prevent Reyes from winning the MVP is if too many of his teammates steal his votes.

**AL Cy Young Award:** *Daizuke Matsuzaka Starting Pitcher, Boston Red Sox*

It took everything in me not to take Jeremy Bonderman. I am trying my hardest not to be a homer and to avoid Johan Santana. Santana has clearly been the most dominant pitcher in Major League Baseball over the past few years, but Matsuzaka has been the most dominant pitcher in the world. He has been a dominant pitcher for the Seibu Lions for nine years,

accumulating a 108-60 overall record. His world domination began in last year's World Baseball Classic. He was named the WBC MVP posting a 3-0 record and leading Japan to a victory. In the WBC he was facing the best from around the world and dominated them. How could he not be dominant with a fastball in the mid-90s, a mysterious gyroball, and six other pitches to compliment those? Not to mention he has a 2.04 ERA in spring training and apologized the other day after walking five batters in five innings, but also failed to give up a hit or a run. He expects nothing less than perfection and I expect him to deliver. He will also receive tremendous run support from the Red Sox lineup.

**NL Cy Young Award:** *Adam Wainwright Starting Pitcher, St. Louis Cardinals*

What better way to follow up a dominating playoff run than a Cy Young Award? He had a solid regular season last year with 72 strikeouts in 75 innings and only 22 walks. He also had a respectable 3.12 ERA. He filled in at the end of the year for injured Jason Isringhausen as the closer for the Cardinals and this year he will be moving into the starting rotation. He will be able to learn from previous Cy Young Award winner Chris Carpenter. If anyone is questioning his transition from the bullpen to starter, just look at his spring training stats. This spring, he has a 0.98 ERA and has been dominating. It is hard to pick against the guy who made Carlos Beltran look like a chump with the bases loaded with a nasty 12-6 curveball to clinch the Cardinals' World Series appearance last year.

These are my bold predictions. If you don't like them, don't complain to me now; wait until the end of the season to see if any of them come true. If you still don't like them then, I don't care because I will be far from here where none of you will be able to find me.

*Nick is a 3L and can be reached at nicholas.schwartz@valpo.edu.*

## Sports

# MLB season preview: The American League

BY ERIC GETTEMY

*Sports Columnist*

## The American League East:

The bombing may be over in the Bronx this year as the Yankees field a fairly powerless lineup, at least judging by New York standards of the last ten years. However, by MLB standards they should be able to generate enough pop to stay in most games. However, they lack depth and may have some serious problems if their aging all-stars Bobby Abreu, Jason Giambi and Johnny Damon go down. Also, look for another dramatic year for A-Rod as he tries (and fails?) to please an insatiable Bronx crowd. The Yankees pitching is also a question mark as Mike Mussina and Andy Pettitte try to fill the void left by Randy Johnson.

Boston will be one of the more interesting teams to watch this coming season. The addition of Japanese sensation Daisuke Matsuzaka into the rotation should bolster a pitching staff that includes Curt Schilling and Josh Beckett. The conversion of Jon Papelbon from closer to starter leaves me shaking my head, but then again, so would a 99 mph fastball, so it is tough to argue with the decision. Papelbon's endurance will be the key as he dropped out with a nagging shoulder injury late last season. Offensively, the addition of J.D. Drew should add to the middle of the lineup, and take some pressure off Manny Ramirez and Big Papi, David Ortiz.

The Baltimore Orioles are in trouble this year as their starting pitching lacks consistency. They are slightly above average offensively with a lineup that features Miguel Tejada and Kevin Millar alongside several reliable hitters. Look for a big year out of RF Nick Markakis as he came on strong at the end of last year. He will approach the 30 HR plateau and 100 RBI mark so he might be a good pickup for fantasy players that are looking for someone under the radar.

The Tampa Bay Devil Rays will not be as bad as some might think. They have a crop of very talented young players

that could very well turn this team into the Florida Marlins of last year. Carl Crawford is undeniably one of the top 5 outfielders in the game. Ty Wigginton, Jorge Cantu and Jonny Gomes are perhaps the streakiest hitters in the game, but when they are hot they can quickly accumulate big numbers. Scott Kazmir is a dominant young southpaw that could win upwards of 15-18 games with some offensive help.

The Toronto Blue Jays are a team much like the Orioles this year. They have several great players in Vernon Wells, Alex Rios, and some power potential in Frank Thomas and Troy Glaus. However, the cohesiveness isn't there for them as the starting rotation after Roy Halladay and A.J. Burnett starts to become doubtful. They will be very dangerous if they can stay in the game long enough to get the ball to their closer, B.J. Ryan, who last year was known to pitch as early as the 7th inning on for the save.

*A.L. East Prediction: 1) Boston 2) Toronto 3) New York 4) Tampa Bay 5) Baltimore*

## The American League Central:

The Chicago White Sox are looking like a powerhouse with four starting pitchers any team would like to have as their No. 1 starter. Jose Contreras, Mark Buehrle, Jon Garland, and Javier Vasquez could combine to win upwards of 60-70 games this year...and Bobby Jenks will close every one of them. That will surely happen if a solid lineup featuring 1B Paul Konerko, RF Jermaine Dye and 3B Joe Crede performs up to their standards. Scott Podsednik is a serious threat on the base path and Tadahito Iguchi adds some depth to a juggernaut team.

The Cleveland Indians shouldn't be overlooked this year. They have a talented young team with some serious hitters. Casey Blake is a versatile player that can hit for a high average, and Travis Hafner is nothing short of beastly. Hafner missed 30 games last year late in the season due to a hand injury, and he still managed to hit 42 homeruns, with 117 RBIs all while hitting at a .308 clip. If he is healthy a full year, look for 50+ long balls and

140-150 RBI. C.C. Sabathia is a big lefty starter that at times can be Santana-esque, and Jake Westbrook had a solid year last season. The Indians will have to fight their way through some key division games with the Sox, Tigers and Twins to have a shot this year.

The Detroit Tigers are a great team. Once the laughingstock of the league, dominant starting pitching and a great coaching staff led by Jim Leyland have turned this team around. The opposition will have to pick their poison when they face Jeremy Bonderman, Justin Verlander, Nate Robertson, or the wily Kenny Rogers. Look for some top shelf pitching duels (and possibly a playoff preview) between the White Sox and the Tigers this year. Offensively, the newly acquired Gary Sheffield will add some prowess to a potent lineup featuring Ivan Rodriguez and Magglio Ordonez. There isn't much chance Detroit will miss the playoffs this year.

The Kansas City Royals have done little this off-season except squander 55 million dollars on a mediocre Gil Meche. 1B Ryan Shealy is a young bright spot for this team, however, look for him to go elsewhere in a trade at the deadline in July as he was a hot commodity last year.

The Minnesota Twins will remain competitive with solid pitching from Johan Santana, who is becoming this decade's Pedro Martinez. However, it is a contract year for Johan which means he will probably end up on a team in New York come July. It is unlikely Minnesota will have the resources to keep him in town especially if they hope to stick with their young sluggers Joe Mauer and Justin Morneau.

*AL Central Prediction: 1) Detroit 2) Chicago (AL wildcard) 3) Minnesota 4) Cleveland 5) Kansas City*

## The American League West:

The L.A. Angels have a solid team this year, and they could easily make a run in October. Young pitching in the form of Jared Weaver, Ervin Santana, and John Lackey will lead the way. They might

have the best all around outfield in the league with Vlad Guerrero, Gary Matthews Jr., and Garrett Anderson. Chone Figgins is a solid utility player that will get most of his starts at 3rd base and steal upwards of 60 bases this year. And don't forget about F-Rod, Francisco Rodriguez, who is easily the best young closer in the game.

The Oakland A's will find a way to win as they always do. However, they will suffer from losing Barry Zito as they haven't really filled that gap adequately. Also, their offense isn't as potent as in recent years and they might end up losing a large number of 1 and 2 run games. Eric Chavez has for the most part been a bust, and if he can return to the caliber of play we saw his first few years in the league it will be key to the A's success. Without him, the middle of the lineup will suffer.

The Seattle Mariners lineup features players that were at the top of their game about five years ago. Unfortunately, this doesn't help them this season. Jose Guillen, Jose Vidro, Richie Sexson, Adrian Beltre and Ichiro would have dominated the game had they been on a team together circa 2001. Today, they will fight over the Ben Gay. However, Kenji Johjima is a solid catcher and Jose Lopez is a key pickup for this team. I don't think they have the pitching or the depth to get them much farther than 3rd this year at best.

The Texas Rangers have taken a shot at one time phenomenon closer Eric Gagne, and this might actually work out for them as they shouldn't be in too many games long enough to actually need a closer. SS Michael Young is fun to watch though, and 3B Hank Blalock is supposedly having a great spring. If Blalock can play up to his potential, the Rangers won't be absolutely terrible, at least for the whole game.

*AL West Prediction: 1) L.A. 2) Oakland 3) Seattle 4) Texas*

*Eric is a 1L and can be reached at [eric.gettemy@valpo.edu](mailto:eric.gettemy@valpo.edu).*

# Student Profiles

By Heather Monte, Executive Editor

## 3L

Stephanie Butler



**Hometown:**  
Brown Deer, WI

**Undergraduate School:**  
University of Wisconsin-Milwaukee

**Undergraduate Major:** Major-Political Science; Minor-Comparative Literature

**Family:** Dad - Vince; Mom - Dee

**Why Valpo?** Ask around. I'm sure my reasons are the same as others.

**What do you see yourself doing in 5 years?** Bumming around New York I guess... hopefully doing something productive.

**If you could do anything, what would it be?** Write a novel

**In current events, do you think Alberto Gonzales should remain the Attorney General?** This answer was left blank.... the editors assume Stephanie knows who he is, she just doesn't care.

**There are more cries for impeachment, should the country go through another presidential impeachment trial?** Aren't there more important things to worry about?

**What do you think of putting the pictures of deadbeat dads on a pizza box?** I don't really want a loser staring back at me while I try to eat.

**In the wake of San Francisco's ban on plastic... which do you use, paper or plastic?** I prefer paper.

**Pick the Big Dance winner:** Florida I guess.

**If you could be a professional athlete, what sport would we find you starring in?** Probably a losing basketball team

**And the winner of American Idol should be?** I'm still trying to figure out why the show is still on TV.

**What upcoming movie are you dying to see?** The Simpson's Movie

**Whose 15 minutes of fame should have been over 16 minutes ago?** Pick any celebrity in rehab.

**What's the last good book you read that was purely for pleasure?** Memoirs of a Geisha

**Any summer plans yet?** Studying for the NY bar.

**The 3Ls are almost out of Valparaiso, what should they make sure they do in their last month here?** Figure out what's important now and cut out the rest of the nonsense. None of it will matter once we're gone so why waste any more time on it.

**Okay, and for the kids in us... who was your favorite Muppet?** Rowlf

## 2L

Shelbie J. Byers



**Hometown:**  
Crown Point, IN

**Undergraduate School:**  
Indiana University Northwest

**Undergraduate Major:** Criminal Justice

**Family:** Mom and Dad: Shirley & Federico Luna; Husband: Christopher & Yellow Lab: 12 Gauge

**Why Valpo?** I have always wanted to come to VUSL. Growing up in Northwest Indiana I have always known about VUSL and when I decided to make the commitment to attend law school VUSL was the right fit.

**What do you see yourself doing in 5 years?** Ideally, I will be practicing law as my "day job"; however, I have always wanted to teach in some fashion, even in just an adjunct capacity in the criminal justice program or labor studies program at Indiana University Northwest, or some other capacity in which I can give back to my community that initially fostered my higher education.

**If you could do anything, what would it be?** This is tough because there are so many goals that I have set for myself to start working on after I finish law school, but I guess if I had to narrow it down I would say I would like to own a horse and learn to ride and compete English style.

**In current events, do you think Alberto Gonzales should remain the Attorney General?** No, and I do not say this just for political reasons. Being in a position of authority, especially in such a powerful position as Attorney General, requires commitment to "having the buck stop here," and Mr. Gonzales has tried to pass the blame, instead of standing up for the decisions that he had the authority to make.

**There are more cries for impeachment, should the country go through another presidential impeachment trial?** I do not even want to go down this path because there is too much I could write on this subject, but I have too little space.

**What do you think of putting the pictures of deadbeat dads on a pizza box?** I think it is a flawed idea because the space could be used for a greater good, like perhaps missing children's pictures.

**In the wake of San Francisco's ban on plastic... which do you use, paper or plastic?** I have to say plastic; although I am not opposed to using paper.

**Pick the Big Dance winner:** I would like to guess, but since I do not follow sports I am not even sure which teams are still in.

**If you could be a professional athlete, what sport would we find you starring in?** I am not very athletic; although I have always thought it would be fun to join a rowing crew.

## 1L

Gabriel Gutierrez



**Hometown:**  
San Antonio, TX

**Undergraduate School:**  
Purdue University

**Undergraduate Major:** Accounting/Finance

**Family:** 5 sisters, mom and dad

**Why Valpo?** I wanted to attend a school not located in a large city but be near a large city. Plus, I was already familiar with Valpo.

**What do you see yourself doing in 5 years?** Sailing the moon.

**If you could do anything, what would it be?** High school baseball coach.

**In current events, do you think Alberto Gonzales should remain the Attorney General?** Don't know all the facts so I can't make an informed decision.

**There are more cries for impeachment, should the country go through another presidential impeachment trial?** Sure, didn't vote for G.W. in either term.

**What do you think of putting the pictures of deadbeat dads on a pizza box?** What about those who don't eat pizza?

**In the wake of San Francisco's ban on plastic... which do you use, paper or plastic?** Plastic.

**Pick the Big Dance winner:** Ohio State. The Big Ten is the best conference.

**If you could be a professional athlete, what sport would we find you starring in?** Futbol (soccer).

**And the winner of American Idol should be?** The singer who causes the next person in the audience to cry.

**What upcoming movie are you dying to see?** The Good Shepherd

**Whose 15 minutes of fame should have been over 16 minutes ago?** Not sure.

**What's the last good book you read that was purely for pleasure?** A Happy Death by Albert Camus.

**Any summer plans yet?** Summer school at Valpo.

**The 3Ls are almost out of Valparaiso, what should they make sure they do in their last month here?** Put the books down, have fun and relax before entering the real world.

**Okay, and for the kids in us... who was your favorite Muppet?** Kermit the Frog.

see PROFILE page 23

# Crossword

## Temperate Areas

By Ed Canty

**Across**

- 1 Old-fashioned
- 6 Iditarod vehicle
- 10 On
- 14 Notre Dame table
- 15 \_\_\_\_\_ duck politician
- 16 Lead astray
- 17 Unflappable
- 20 Retained
- 21 Night before a special day
- 22 Far East
- 23 Quilters may have one
- 24 Wheaties and \_\_\_\_\_  
Rice Krispies, e.g.
- 25 ABC's Cosell
- 29 Twofold
- 30 Liturgical vestment
- 31 Gnat
- 32 Computer action
- 36 Swim suit, e.g.
- 39 Leg joint
- 40 Quarry
- 41 An American destination
- 42 Layer
- 43 Samples
- 44 Channing and others
- 47 Pub order
- 48 Independence Hall, e.g.
- 49 Picture tube:Abbr.
- 50 Hit hard
- 54 MASH star
- 57 1930's migrant  
farm worker
- 58 Hearty meal
- 59 Excuse
- 60 Marijuana
- 61 Tired reaction
- 62 Assist

**Down**

- 1 A group of wolves
- 2 Soothing plant
- 3 Cease
- 4 Flavoring
- 5 Baseball stat.
- 6 Work hard

1	2	3	4	5	6	7	8	9	10	11	12	13
14					15				16			
17					18				19			
20					21			22				
				23				24				
25	26	27	28				29					
30					31				32	33	34	35
36					37				38			
39					40				41			
				42				43				
	44	45	46					47				
48						49			50	51	52	53
54						55			56			
57					58				59			
60					61				62			

- 7 Intertwine
- 8 Flightless bird
- 9 Beautify
- 10 Manage:Abbr.
- 11 Went down the river  
on air
- 12 Pro-am tournaments
- 13 Saucy
- 18 Broadcast
- 19 European mountain range
- 23 Make tea
- 24 Ungroomed
- 25 Dove's antithesis
- 26 Oil monarchy
- 27 Aqueduct finish line
- 28 Pinnacle
- 29 Try to prevent
- 31 Peels
- 32 Disgusting !:Pl.
- 33 Groovy
- 34 Defy
- 35 Minerals
- 37 Neurological disorder
- 38 Thoroughfare
- 42 Singer Braxton
- 43 Ballet skirt
- 44 Engine valve
- 45 Jazz musician Shaw
- 46 Stirred to anger
- 47 *Bad, Bad Leroy* \_\_\_\_\_
- 48 Broadway event
- 49 Chomp
- 50 Farm sight
- 51 The Buckeye State
- 52 Subway alternatives
- 53 Stitch together
- 55 Dep.
- 56 Hunting dog

**Quotable Quote**

*Canada is a country whose main exports are hockey players and cold fronts. Our main imports are baseball players and acid rain.*

*Pierre Trudeau*

By GFR Associates ••• Visit our web site at [www.gfrpuzzles.com](http://www.gfrpuzzles.com)

## PROFILE

continued from page 22

**And the winner of American Idol should be?** Lakisha Jones

**What upcoming movie are you dying to see?** Nothing has caught my eye as of now, but I am counting on Val to let me know when there is something worth watching.

**Whose 15 minutes of fame should have been over 16 minutes ago?** Anna Nicole Smith's life after death drama

**What's the last good book you read that was purely for pleasure?** I don't know if this counts as a book, but I enjoy going through cookbooks in search of new recipes.

**Any summer plans yet?** I am working at Sidley Austin in Chicago this summer.

**The 3Ls are almost out of Valparaiso, what should the make sure they do in their last month here?** Take lots of pictures so that you can never forget your time at the Vale of Paradise.

**Okay, and for the kids in us... who was your favorite Muppet?** Miss Piggy

## SAY IT AGAIN

L	A	W	S		A	P	R	I	L		L	O	O	T						
O	R	A	L		R	E	E	V	E		E	D	G	E						
O	I	L	Y		B	A	D	E	N		B	A	D	E	N					
P	A	L			T	O	R	O			O	N	S	E	T					
					T	W	I	R	L		R	I	O	T						
A	C	O	I	N						L	I	F	T	O	F	F	S			
T	A	W	N	Y						T	A	F	F	Y		A	L	I		
T	R	A	Y							R	E	P	L	Y		S	C	A	N	
I	L	L								S	E	N	S	E		C	L	E	R	K
C	O	L	L	A	P	S	E								R	A	T	E	S	
										E	L	S	E		A	L	A	M	O	
G	R	A	S	S						S	L	O	B		F	A	R			
W	A	L	L	A						W	A	L	L	A		W	A	C	O	
E	T	U	I							A	L	O	O	F		E	C	H	O	
N	A	M	E							N	E	W	T	S		T	E	E	M	

Solution to March's crossword

Look for the answer to this puzzle in May's issue of *the Forum*.



# CLOSING ARGUMENTS

*Protestors of the Iraq war peacefully assembled at Monument Circle in Indianapolis on Saturday, March 24.*

Professor Seymour Moskowitz and 3L Kim Ferraro were in attendance at the protest rally.



A young girl holds a candle lit in honor of the peaceful protest.

## Legal Trivia

1. Which presidential candidate had whiskey bottles in the shape of log cabins made for him?
2. Which presidential candidate was the first to use a popular entertainer in his campaign?
3. True or false: The average length of a candidate sound bite today is 7.2 seconds.
4. In what year did the first campaign button appear?
5. When did the first bumper sticker appear?
6. What animal represented the Democratic Party before the Donkey?

Answers  
 1. William Henry Harrison  
 2. Warren G. Harding  
 3. True  
 4. 1824  
 5. 1920  
 6. Rooster

*The Ambulance Chase 5K race, sponsored by the Running Club, was held on Saturday, March 31. Sixty-five students, faculty, staff and family ran in the Chase.*

