

28 September 2011

*Office of the Dean*  
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Dear Valparaiso University Law School Community:

This year, the Valparaiso University Law School is engaged in a coordinated, multi-track planning process, which includes institutional strategic planning, comprehensive curriculum review, academic program assessment, and more. The aim of this process is to help us serve students with greater effectiveness, clarify our goals, and deepen the already strong commitment of the members of the Law School community. Looking to the future always requires that we first examine where we are. And so, as we embark on this process, let us survey what we have accomplished in recent months and what we expect in the year ahead.

### Work of the Faculty

We begin with the work of the faculty.

In August, **Zachary Calo**<sup>1</sup> joined a small group of distinguished scholars at Beijing University for the Second Religion and the Rule of Law Conference. The conference provided training for a select group of Chinese judges and academics on issues of religion and international law. Then, in September, Zachary spoke at the University of San Andrés, in Buenos Aires, as part of a forum on contemporary issues involving religion and free speech, and later that week at the Conference of the International Consortium for Law and Religion Studies, in Santiago, Chile. In October, Zachary will visit the European University Institute in Florence, to speak on comparative US-European perspectives on religious freedom.

In early September, **Linda Whitton**<sup>2</sup> visited Hanyang University School of Law in Seoul, South Korea, where she delivered a lecture on “Surrogate Decision Making in an Aging World—Legal, Policy and Practical Challenges.” On the same trip, Linda met with the Korean Ministry of Justice’s Commission on Guardianship, to provide counsel on law reform in the areas of powers of attorney and guardianship. Linda also continues her leadership in the ABA Section of Real Property, Trust and Estate Law, currently in three capacities: as Section Advisor to the Joint Uniform Law Commission/Uniform Law Conference of Canada Study Committee on Inter-Jurisdictional Recognition of Life Planning Documents; as Section Liaison to the National College of Probate Judges; and as Section Representative to the National Conference of Lawyers and Corporate Fiduciaries.

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In August, **Rebecca Huss**<sup>3</sup> was honored with the Excellence in the Advancement of Animal Law Award at the ABA Annual Meeting in Toronto. The award, presented by the Torts & Insurance Practice Animal Law Committee, recognized Rebecca as:

[O]ne of the leading voices in the country on the laws regarding companion animals and service animals. Her work has brought much illumination to the confusing patchwork of laws that govern our relationships with these animals. In addition, her work as the court-appointed special master/guardian in the Michael Vick dog fighting prosecution was truly groundbreaking in encouraging the recognition of the American pit bull terriers seized in that case as crime victims.

Rebecca's work in the Michael Vick case has already earned her much recognition, including awards from four divisions of the United States government.

**Alan White's**<sup>4</sup> co-authored article, "The Impact of State Anti-Predatory Lending Laws on the Foreclosure Crisis," will be published in the *Cornell Journal of Law & Public Policy*. His article, "Welfare Economics and Regulation of Small-Loan Credit: Lessons from Microcredit in Developing Nations," will be published in the *Washington & Lee Law Review* and his co-authored article, "State Anti-Predatory Lending Laws and Neighborhood Foreclosure Rates," will be published in the *Journal of Urban Affairs*. His review of two books on lending and the housing market was recently published in *Perspectives on Politics*, a journal of the American Political Science Association.

Other significant articles and books have recently been published by our faculty, and more will soon be published. **Bernard Trujillo's**<sup>5</sup> co-authored book, *Immigration Law and the US-Mexico Border: ¿Si se puede?* will be published this fall by the University of Arizona Press. **Zachary Calo's** article, "Empirical Desert and the Moral Economy of Punishment," will appear in the *Arizona State Law Journal*, and his article, "Pluralism, Secularism and the European Courts of Human Rights," appeared in the *Journal of Law and Religion*. **Linda Whitton's** article, "Surrogate Decision-Making Standards for Guardians—Theory and Reality," appeared in the *Utah Law Review*. **Jeremy Telman's**<sup>6</sup> article, "Langdellian Limericks," appeared in the *Journal of Legal Education* and another article, "Intolerable Abuses: Rendition for Torture and the State Secrets Privilege," will appear in the *Alabama Law Review*. **Rebecca Huss'** article, "Canines in the Classroom: Service Animals in Primary and Secondary Educational Institutions," will be published in *The Journal of Animal Law & Ethics*. **David Herzig's**<sup>7</sup> article, "Fixing Distortions in Taxpayer Behavior: Optimal Tax Compliance Regarding Unknown Basis," will appear in the *Michigan State Law Review*. David recently spoke at the Critical Perspectives

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on Tax Policy Conference at Emory University on the subject of Defense of Marriage Act and the Internal Revenue Service, the topic of a forthcoming article. **Susan Stuart's**<sup>8</sup> article, "When the Cure is Worse than the Disease: Student Random Drug Testing and its Empirical Failure," appeared in the *Valparaiso University Law Review*. And my article, "The Architecture of Accreditation," was published this summer in the *Iowa Law Review*.

## The Entering Class of Students

Our new class consists of 209 full-time students. It is our most diverse class ever, racially and ethnically. Over 35% are members of underrepresented groups—a substantial increase from the already strong proportion of 27% last year. This great diversity puts us in line with demographic trends. *The Chronicle of Higher Education* recently reported that, over the past ten years, African-American and Hispanic students showed the largest percentage increases in bachelor's degrees awarded—53% and 85% respectively. (The overall increase in bachelor's degrees was 33%.)

Our new students come from 26 states and seven foreign countries (Bosnia and Herzegovina, Canada, China, Japan, Mexico, Korea, and Saudi Arabia). The class includes speakers of 23 non-English languages, including Arabic, Chinese, Farsi, Hindi, Japanese, Italian, Korean, Urdu, Ghanaian, Macedonian, and Lakota. The largest number of new students received their Bachelors' degrees from the University of Illinois at Champaign-Urbana. Twelve graduated from Valparaiso University. Twenty have one or more Master's degrees.

Over a third of the new students come to us with prior work experience in the legal world (for example, as paralegals, interns, or in a range of positions in public defenders', prosecutors', and state's attorneys' offices). Eight are military veterans. Many have an interest in political service, as demonstrated by their work on campaigns, as interns, or as staff members for governors, United States House Members and Senators, or other elected officials. One new student was Chief of Staff to a member of the United States House of Representatives.

Every incoming student has volunteered time in service to others. Close to half have served as tutors, mentors, and coaches to younger students and peers, and a third have served the homeless or been involved in hunger outreach. More than 50% have volunteered with various charitable organizations including Big Brothers, Big Sisters, the Boys and Girls Clubs, Habitat for Humanity, the Salvation Army, and the Special Olympics. Two have served in AmeriCorps and another six have been involved in animal rescue activities.

These students also exemplify Valparaiso Law's commitment to excellence in research and writing. Eleven have been editors and writers for both college and professional newspapers and magazines. One is a published poet while two other students have published books. Many others have served as university tutors and teaching assistants. The class also includes the founder/owner of a film production company.

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## Heritage Hall and Principles of Legal Education

In late spring, we rededicated our new Heritage Hall. The building is designed to be the home for our clinical and other experiential education programs; in fact, it is called our *Lawyering Skills Center*. From the outside, it looks just like the 135 year old Heritage Hall it replaced. On the inside it is completely new, an elegant and highly functional center for the activities that lie at the heart of our educational program. The new Lawyering Skills Center, and our new, energetic class of experienced, service-minded students, have prompted me to reflect on some widely shared principles and purposes of the legal educational program. They strongly influence us, and I would like to explore them with you.

First, as the new Lawyering Skills Center exemplifies, law school should be a *laboratory for learning*. So often we hear law schools claim to “integrate theory and practice,” and thus have a rich and full educational program. Yet, the phrase is rarely more than a slogan and people rarely explain what this “integration” is supposed to mean. Moreover, this sort of talk easily slips into yet another slogan, viz., that teaching legal analysis is the best way of teaching practice. It is best to get away from slogans and focus on the *desired outcome* of law school: experts who can work within a fundamental form of social ordering, primarily as solvers of problems, both private and public. Lawyers and law-trained persons are like engineers—albeit engineers of the Intangible. In training legal engineers, a law school should provide an environment in which students can learn to use the tools in their kit, and learn this as much as possible by *doing*. That, in a nutshell, is what we seek to accomplish and that is why we have a new building entirely dedicated to supervised practice in using tools to solve problems.

Second, law is a form of service and it is highly effective to teach students from the perspective of law as a calling to service. What is meant here is that a person achieves greatest success and satisfaction through an *intersection of his or her abilities, interests, and opportunities to serve larger goals*. Law school education has traditionally focused on developing the “abilities” prong of this triad. But to fully serve students requires that we also help them think through their interests and develop their goals, and help them appreciate the larger social or public ends they can pursue even while serving individual clients. Again, this is central to what we do here at Valparaiso and it helps guide us in our process of admission.

Third, I believe one can make a case that the foundation of higher education in general is *reasoned argument*. What distinguishes a university such as Valparaiso from trade- or skills-oriented institutions (many of which have borrowed the label “university”) is that a true university, at its core, provides an education in how to listen, understand, analyze, and respond—in the full range of means for engaging with other members of civil society. Most post-baccalaureate programs, such as medicine, or business, or history, build on this foundational education but narrow the focus to a specific subject matter. Law school is unique, however, in that it builds on the same foundation but is concerned to produce experts in this core competence of reasoned argument. That is why lawyers and others who are law trained not only solve legal problems, but also to fill a panoply of roles in the organizations and networks of civil society. And that is why we provide encouragement and a wealth of opportunities for students to lead, at both local and national levels.

## Student Services

Over the past few years, we have substantially increased our ability to provide services and support for students beyond the classroom. In prior letters, I have told you about the growth of our Career Planning Center. We now have a staff of six professionals who provide a array of services: for students, in career development and professional growth; for alumni, to engage in supporting this development and growth; and to employers, students, and alumni, in facilitating career opportunities. As we expanded our Career staff and services, we outgrew the 1980's-era Career Planning suite that was part of the original design of Wesemann Hall. In August, we finished construction of a much enlarged and more highly functional Career Planning Center on the first floor of Wesemann Hall. The Center has offices for our six professionals, with more room for counseling students; four rooms for employer interviewing and career training; two workrooms; and a waiting room for student clients. The suite is near the entrance to Wesemann Hall and presents a welcoming face to students, alumni, and employers.

There have also been important recent developments in other areas of service to students.

First, we have created a new Student Services Center as a unit of the Law School, and **Steve Probst**<sup>9</sup> has assumed the new position of Assistant Dean of Students. In that capacity, Steve will develop and lead a strategic program of academic, professional, and personal services for students; provide academic counseling himself; and supervise the work of two Directors. Steve will continue to hold the position of Educational Services Librarian and teach Legal Research, and will thus be able to provide integration between our library services and student services. Another member of the Student Services Center, Director of Student Relations **Joe Baruffi**,<sup>10</sup> continues to provide personal counseling, lead wellness and other initiatives, and support the many student organizations. Another new student-service position is Director of Academic Support, filled by **Bethany Lesniewski**.<sup>11</sup> Bethany comes to us from Florida Coastal School of Law, where she had served as Assistant Director of Academic Success and Assistant Dean of Academic Affairs.

The second development relates to physical facilities: we are re-constructing our student lounge. The old lounge was very long and narrow, did not have sufficient seating or appropriate layout for law school functions, and lacked both a kitchen and efficient service facilities. The new student lounge is in roughly the same location as the old one, but will be larger and more appropriately designed for both daily use and for functions. It will also have a patio with outdoor seating. There will be a fully equipped kitchen, a coffee shop, and built-in food serving facilities. The new lounge, which will be open in November, will provide an excellent environment for dining, study, and student events.

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## Anniversaries and Transitions

This year marks anniversaries of faculty members who have been with us for many years.

**Bruce Berner**<sup>12</sup> ('67) is celebrating his 40th year on the law faculty. **Robert Blomquist**<sup>13</sup> is celebrating his 25th year on the faculty and **JoEllen Lind**<sup>14</sup> and **Derrick Carter**<sup>15</sup> ('75) are marking their 20th years here.

Two other members of the Law School are in transition. **Curt Cichowski**<sup>16</sup> has stepped down from his position as Associate Dean for Administration and Marketing to devote himself to full-time teaching. Curt is a 1981 graduate of the Law School. Following graduation, he practiced for a year in Indiana and then joined the Law School as Director of Admissions. He held a succession of increasingly important roles in the Law School and was an Associate Dean from 2000 to 2011. He will teach Intellectual Property and Torts and continue to oversee a large part of our externship program. Associate Dean for Library Services **Mary Persyn**<sup>17</sup> has announced that she will retire at the end of the 2011-12 academic year. Mary joined the Law School in 1982; when she retires, she will have served as our Librarian for 30 years.

Several new faculty members have recently joined us. **Nicole Negowetti**<sup>18</sup> is a new Assistant Professor, teaching first-year legal writing. Nicole is a graduate of the University of New Hampshire School of Law (formerly known as Franklin Pierce Law Center) and taught Appellate Advocacy and other courses at that school while she practiced law. Nicole was a clerk to New Hampshire Supreme Court Justice Carol Conboy. Joining us as Visiting Lecturers and also teaching Legal Writing are two alumni, **Kelly Brewer**,<sup>19</sup> ('08) who clerked for Magistrate **Chris Nuechterlein** ('76) after graduation, and **Candace Kilpinen**,<sup>20</sup> ('11) who will clerk for Magistrate Nuechterlein following her year of teaching. As noted earlier, Bethany Lesniewski has joined us as Director of Academic Support, and in that capacity will teach several classes.

We also have new staff members. Our new Director of Strategic Initiatives is **Tracy Fronk**.<sup>21</sup> Tracy has a B.S.M.E from Valparaiso University and an M.B.A. from Indiana University South Bend. She served as Manager of Strategic Pricing and Analytics for a division of Johnson & Johnson before joining us. In her role at the Law School, she leads major projects to develop new programs or otherwise improve our operations. One new program she is developing is Experience Law, a summer law program for college students. Information on the program can be found at <http://www.valpo.edu/law/experiencelaw>.

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Our new Senior Executive Director for Markets, Recruiting, and Careers is **Christopher Childers**.<sup>22</sup> Before joining the Law School, Chris was a Vice President and senior marketing officer for Citigroup and J.P. Morgan Chase. He will oversee the Admissions Office (headed by Executive Director **Diann Lapin**<sup>23</sup>), the Career Planning Center (headed by Executive Director **Christine Corral**<sup>24</sup>) and the Marketing and Communications Department (consisting of Associate Director **Nicole Skinner**,<sup>25</sup> Lead Graphics Designer **Hilary Albuquerque**,<sup>26</sup> and Assistant Director of Creative Services **Jeff Lange**.<sup>27</sup>)

## Lectures and Conferences

As always, we have a rich schedule of events in 2011-12, and I hope you can attend some of them.

November will be a busy month for special events. The **Seegers Lecture** will be held on 3 November and the speaker will be Naomi Mezey, a Professor of Law at Georgetown. The Seegers Lecture is dedicated to jurisprudence and constitutional law. The **Indiana Supreme Court Lecture** will be delivered on 11 November; our speaker this year is alumna **Vanita Banks** ('80). Vanita is Counsel with Allstate Insurance Company where she is a member of the Government Relations Public Policy Development Division. She has been President of the National Bar Association, and a member of the Executive Board of the National Conference of Bar Presidents. Also in November will be the 23rd annual **Swygert Moot Court Competition**. Members of the panel of judges are Seventh Circuit Judge **William J. Bauer**, Indiana Supreme Court Justice **Steven David**, and Northern District of Indiana Federal Judge **Jon DeGuilio** ('81).

On 26 January, the Martin Luther King, Jr. Lecture will be delivered by **Paolo Bergallo**, Professor of Law and Researcher at Universidad de San Andrés, Buenos Aires. On 9 February we will host our conference (and Law Review symposium), **Children and Immigration—A Lost Generation?** The conference will deal with a variety of issues relating to undocumented children who have been raised in the United States; issues covered will include documentation, repatriation, asylum, trafficking, and exclusion from higher education. Please check our web site for further information (<http://www.valpo.edu/law>).

On 30 March will be the **Monsanto Lecture in Tort Jurisprudence**. The speaker will be Professor **Scott Hershovitz** of the University of Michigan Law School. And on 13 April will be the last of our named lectures, the **Tabor Lecture in Ethics**. The speaker will be Robert Painter, the S. Walter Richey Professor of Corporate Law at the University of Minnesota Law School.

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Finally, this year our commencement address on 19 May will be delivered by alumna **Roberta Lang** ('90). Roberta is General Counsel and Global Vice President of Whole Foods Market Inc., and a member of the Law School's National Council.

## Conclusion

As always, there is much more I could report if only space allowed. I hope you will regularly check the Law School web site for the latest news.

I look forward to writing to you again in a few months.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Conison". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jay Conison  
Dean and Professor