

Decisive Utterance

John Marshall Law Student Newspaper for March 2016



Image from Wikimedia.org

Legacy and Leverage: How Scalia's Sudden Passing is being Handled on Capitol Hill

By John Giokaris

A first-time guest to the Cibolo Creek Ranch hunting resort in West Texas, U.S. Supreme Court Justice Antonin Scalia was animated and engaged during dinner on the night of February 12, according to the 30,000-acre ranch owner John Poindexter.

"He was seated near me and I had a chance to observe him," recalled the Houston business owner.

"He was very entertaining. But about 9 p.m. he said, 'it's been a long day and a long week, I want to get some sleep.'"

After Scalia missed breakfast at 8:30 a.m. the next morning, Poindexter returned three hours later from an outing to find out what was holding up the justice.

Scalia lied in bed, lifeless. He was 79.

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Taking Care of Business with Joe Stacho and the Business Enterprise Law Clinic

By DU Staff

The Business Enterprise Law Clinic or BELAW is a program founded in the fall of 2011 by Michael Schlesinger to provide John Marshall students with a practical clinic experience which resembles that of an actual law firm. The clinic focuses its efforts in providing pro bono representation to individuals from low to moderate income communities in need of critical economic reinvestment. Under the supervision of practicing attorneys, students represent clients in the development and formation of their businesses. The work of the clinic not only provides students with invaluable experience in the practice of business and transactional law, but allows clients to self-actualize and become engines of economic change in their respective communities.

Since its inception, the BELAW has represented 181 individuals, helped to establish 157 growing businesses, 27 tax exempt not-for-profit organizations, and aided in the creation or retention of more than 243 jobs. In addition, clinic members have contributed more than \$1,042,419 in pro bono legal services at a rate of \$75 per hour. This does not include the time of the clinic's director, Professor Schlesinger, or the time of supervising attorneys who have volunteered

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News of the justice's passing sent shockwaves throughout the country.

Having served on the highest court since 1986 after being nominated by President Ronald Reagan, the conservative wing of the Court had lost its anchor. Even those who did not agree with his politics or interpretation of the law mourned the jurist's passing. Despite outspoken disapproval of many of his decisions, even his most ardent critics conceded in private that Scalia was a captivating, brilliant, and witty conversationalist.

"From our years together at the D.C. Circuit, we were best buddies," associate Justice Ruth Bader Ginsburg released in a statement over the loss of "a treasured friend."

But it wasn't long before the political ramifications of the Supreme Court's loss became the topic of conversation throughout the national newswire and legal circles. On the very night the news broke, the question of what happens next ended up being the first one out of CBS moderator John Dickerson's mouth during the Republican presidential debate in Greenville, South Carolina.

Every White House hopeful onstage agreed: his successor should be determined by the 2016 election winner – not by President Barack Obama.

Indeed, election-year U.S. Supreme Court nominations are rare. The last president to have an opportunity to nominate three justices to the highest court was Reagan. His first two picks – Sandra Day O'Connor and Scalia – were nominated when his party controlled the U.S. Senate, the chamber which constitutionally confirms the president's nominations with a simple majority vote. They were both unanimously confirmed 99-0 and 98-0, respectively.

Reagan's third pick in 1987, D.C. Circuit Appellate Justice Robert Bork, came after the Democratic Party had won control of the Senate back in the 1986 mid-term elections. Bork received fierce opposition to his ascension on the Court led by the "Lion of Massachusetts" Sen. Ted Kennedy. After a contentious battle, Reagan later withdrew his nomination of Bork and substituted Justice Anthony Kennedy instead – a moderate swing vote who has demonstrably broken many 4-4 ties both ways since. He was confirmed 97-0 in January of 1988.

Similarly today, President Obama now has the opportunity to nominate three justices to the highest court. His first two picks – Sonia Sotomayor and Elena Kagan – also came at a time when his own party controlled the U.S. Senate. They were both confirmed 68-31 and 63-37, respectively.

However, just like with Reagan, the opposition party took control of the U.S. Senate back after the 2014 mid-term elections, and now Obama faces the same possible scrutiny to his potential pick as Reagan did after

nominating Bork.

Possible candidates that have come up in media reports include Attorney General Loretta Lynch (the first potential African American female justice), D.C. Circuit Appellate Justice Sri Srinivasan (the first potential Asian American and Indian American justice), and 9th Circuit Appellate Justice Paul Watford, who would be only the third African American male to serve on the highest court.

Meanwhile, the fate of decisions yet to be determined this term now hang up in the air in cases where the Court could rule in a potential 4-4 split.

In high profile cases expected to produce such ties where oral arguments have already been heard – such as *Friedrichs v. California Teachers Association* challenging the constitutionality of fair share union dues and *Fisher v. University of Texas* challenging the constitutionality of affirmative action practices in higher education institutions – Chief Justice John Roberts could decide to hold over those cases until the next term when the Court comes back up to full strength at nine justices.

Or the Court could move ahead with 4-4 split decisions, resulting in the lower court's decision holding in any given case. For major cases left to be heard this term, that would mean the 5th Circuit Court of Appeals' decision upholding a Texas law requiring all abortions to be performed in hospital-like surgical facilities would remain in effect (*Whole Woman's Health v. Hellerstedt*), the Tenth Circuit Court of Appeals' decision upholding contraception coverage under the Affordable Care Act over religious objections would be enforced (*Little Sisters of the Poor Home for the Aged v. Burwell*), and the Fifth Circuit Court of Appeals' decision to overturn Obama's executive order halting the mass deportation of illegal immigrants would stand (*United States v. Texas*).


Long spans of vacancies on the U.S. Supreme Court aren't unheard of either. Most recently, between Justice Abe Fortas' resignation on May 14, 1969 and Justice Harry Blackmun's swearing-in on June 9, 1970, the Court had gone more than a year with only eight justices on the bench determining cases.

But President Obama has stated he will nominate a third pick to the high court. Senate Majority Leader Mitch McConnell (R-Kentucky) just as quickly declared, "The American people should have a voice in the selection of their next Supreme Court Justice. Therefore, this vacancy should not be filled until we have a new president."

As that battle plays out on Capitol Hill, all eyes will also be on the Court to see if Chief Justice Roberts decides to go forward with issuing opinions on the most contentious cases or if he elects to wait until the court has its new ninth justice. ↪

The National Hellenic Museum Presents

THE TRIAL



of ANTIGONE

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Hon. Richard A. Posner, Presiding
Hon. William J. Bauer
Hon. Charles P. Kocoras

COUNSEL

Robert A. Clifford—Clifford Law Offices
Patrick M. Collins—Perkins Coie
Patrick J. Fitzgerald—Skadden, Arps, Slate, Meagher &
Flom LLP
Dan K. Webb—Winston & Strawn LLP

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THE CASE

Following the extraordinary success of the Trials of Socrates and Orestes, nationally renowned judges and attorneys take on another case from the annals of Greek history: Antigone vs. Creon.

Antigone, the daughter of Oedipus, who defied the King and buried her brother, is one of the most debated literary characters in human history. At The Field Museum's James Simpson Theatre, you, the citizen, will be asked to decide whether Antigone's action was treason or an act of duty.

Student Scholarship Highlighted at Law Review Symposium This April

By DU Staff

Northwestern Football and College Athletes. Trends in Corporate Personhood. Balancing Public and Private Interests. State Sovereignty. Adoption of Common Core Standards. Saving the Secondary Mortgage Market. Guns and Free Speech. Protecting Whistleblowers.

If any of these subjects appeal to you, please join us for an opportunity to hear student scholars expand on these ideas and more at The John Marshall Law Review's Student Symposium, held on April 7.

The Symposium celebrates the accomplishments and scholarship of published third-year law students in an open forum, available to the public. A reception with beverages and food will follow.

The John Marshall Law Review is one of the oldest and most respected honors programs at The John Marshall Law School. Membership enhances research, writing and editing skills and provides excellent training for the practice of law. *The John Marshall Law Review's* objective is to publish scholarly works on a broad range of legal

topics in four issues each year. The publication includes works written by judges, legal scholars, noted practitioners and John Marshall students.

Date: April 7, 2016

Time: 4:30PM-7:30PM

Location: The John Marshall Law School, 3East

Be on the look-out for a follow-up invitation with details to RSVP. ↪

Who we are

EDITOR IN CHIEF: **Michael Reed**
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EDITORIAL CHIEF: **John Giokaris**
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Business Enterprise Law Clinic members, Fall 2015, Featuring Joe Stacho.

to oversee the student representation of the BELAW's case load.

John Marshall student Joe Stacho has been a member of the BELAW clinic since fall of 2015. He agreed to sit down with the Deceive Utterance and talk about his experience with the Clinic. Below is a transcript of that conversation, which has been edited for brevity and clarity.

Decisive Utterance: This is your second semester with the BELAW clinic. Why did you choose this clinic over others?

Joe Stacho: I'm interested in practicing corporate law and transactional law when I graduate. The BELAW gives me the opportunity to learn how to set up corporations and LLCs first hand. It is beneficial to have this type of knowledge. Everyone should have an idea of how to do this if they want to go into transactional law.

DU: You have to take some prerequisites before joining the clinic, like Income Tax and Corporations. Do you find that these prerequisites are helpful to you in the kinds of work you are doing with the BELAW?

JS: Yeah I do. Once you've had Corporations, you have an idea of how these things come together. The BELAW then lets you put this knowledge into practice. Because I had taken Income Tax and Corporations before

I started with the BELAW, I didn't feel like I was thrown in over my head. It would have been nice to have a thorough review of the concepts covered in those courses before I started actually representing clients, but at least I didn't feel like I was starting from scratch. I had a base of knowledge to work from, which was super helpful.

DU: What is your current project with the BELAW?

JS: I am working on a pretty big project for a tech start up. The client is trying to set up a for-profit subsidiary of a tax exempt non-profit organization.

DU: That sounds pretty complicated. Do you feel like you have a handle on it?

JS: Yeah, it's a lot of work, but I'm staying on top of it. I don't know what the work load is like with other clinics, but with the BELAW you get your own cases. You work on those cases with a partner and you see them through to the end. BELAW is not a middle man. We get stuff done.

Sometimes with clinics you are dealing with projects that other people started and then didn't finish. With BELAW you have your own assignments. You do a lot of research, drafting, and meet with the client often. In the end you have a final product that you can give to that client; it's something they can actually use. At the end of the semester they have a

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finished contract or license for their business and you can just see how happy they are to having something like that in hand. It's a great feeling. You've actually made a difference for that person.

DU: Do you feel like the BELAW prepares you to practice in the area of transactional law?

JS: Yeah, I feel pretty confident that I could do business consulting or to set up a company for a company. I don't know about something as complicated as a merger, but I feel like I could handle most areas of transactional law now. It's definitely an experience you can talk about at interviews and employers will be interested to hear about the work you've done. Employers want to see that you can demonstrate practical knowledge and that you've had some experience in the kinds of work they'll be hiring you to do. The BELAW has some advantages in this way.

DU: After having done some work with a non-profit business, do you think you'd like to work with this sort of business after you graduate?

JS: I don't know if working with a non-profit is really for me, but I have learned a lot about the different communities there are in Chicago while working on this project. There are a lot of people who don't have access to capital or other resources for starting a business in their neighborhoods. They could use the same services which a large business would typically go to a law firm for, but can't afford the fees. Those are the people we work with. The BELAW shows you another side of the city and I feel like I've gotten a lot more out of the experience than I expected.

If you are interested in learning more about the Business Enterprise Law Clinic, stop in and visit with Professor Schlesinger in room 206, located on floor 2M directly across from the elevators on the Plymouth Court side of the law school, or you can contact him at 9schlesinger@jmls.edu. ☞

The Office of Diversity Affairs presents...

LiveLaw in COLOR

Monday, March 7th

- @ Noon - Inclusive Leadership: Changing the Legal Profession
- @ 5 p.m. – 7 p.m. Movie Night
 - 1200B: A Raisin in the Sun (BLSA)
 - 1202: To Wong Foo (OUTLAW)
 - 1214: Dancehall Queen (CASA)

Tuesday, March 8th

- @ 5 pm - Membership Has Its Benefits
- @ 6 pm – 8 pm Movie Night
 - 527: Latin Explosion (LLSA)
 - 528: My Cousin Vinny (Justinian Society)
 - 532: Erin Brokovich (Women's Law Caucus)

Wednesday, March 9th

- @ Noon - Engage Your Hustle: Networking and Branding Strategies for Law Students
- @ 3:30 p.m. - Engage Your Hustle: Networking and Branding Strategies for Law Students
- @ 5:30 p.m. – 7:30 p.m. - Law Firm Diversity Reception

Thursday, March 10th

- @ Noon - Lunch with Val: Techniques to Improve Your Marketability
- @ 4 pm – 6 pm - Tastes from Around the World

UNITED NATIONS v ROCK N'ROLL

By Collen Ferguson and Michael Reed



United Nations logo, Wikimedia.

The United Nations (UN) is an intergovernmental organization which aims to promote cooperation between all the nations of the world. Since the UN aims to promote harmony and fair dealings between its members, it is generally not thought of to be controversial.

United Nations is also the name of a band formed in 2005 by Geoff Rickly, former lead singer of the band Thursday. United Nations, the band, served as an outlet for Rickly's increasing interest in creating more extreme and abrasive sounds, none of which were compatible with his main band's image after it signed with a major label and his bandmates began pressuring him to write more commercial material. The stated goal of United Nations at its inception, was to viciously parody American society and attack rock 'n' roll itself. Rickly and company lashed out at deserving targets like capricious politicians, phony spirituality, white privilege, and neo-liberal economic policies, while doing everything in their power to alienate traditional rock fans. For instance, the band's first album reproduced the cover to The Beatles' *Abbey Road* (without permission of course), wherein the fab four were depicted engulfed in flames as they attempted to cross the iconic English street. To the casual observer, it might seem that the least controversial part about United Nations is their name.

The UN and United Nations (the band) could not be more different, in either their visibility or ambitions. It seems absurd that anyone could conflate the two. And yet, in 2008, Rickly's band found that their Facebook page had been taken down pursuant to a cease and desist letter. A few days later, the band's Myspace page was taken down as well. The UN was attempting to enforce its trademark against the band, and it was not interested in holding a summit to discuss its terms.

Rock 'n' roll is known for pushing the envelope and challenging authority, and intellectual property laws are no exception. Johnny Cash was sued for using the lyrics and melody

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Tax Hikes Raise Tensions over Budget Shortfalls

By John Giokaris

\$754 million. That was the projected shortfall for the City of Chicago's budget this year.

That shortfall comes as Mayor Rahm Emanuel has already been borrowing at high interest rates to keep the city afloat.

There's no dispute that rising public pension costs are responsible for most of the city's spending deficit as they balloon in size, benefits and automatic pay-increases. Chicago's unfunded pension liability to police, firefighters and teachers has now accumulated to \$20 billion, according to Moody's Investors Service. At that rate, Moody's announced that the city risks bankruptcy within the next decade as they downgraded Chicago bonds to "junk" status shortly after Illinois circuit court Judge Rita Novak tossed out Emanuel's latest attempt at overhauling the city's pension system on the grounds that any such changes violate Article XIII, Section 5 of the Illinois Constitution.

As a result, Chicago has a combined debt and pension liability of \$26,000 per resident, as calculated by Moody's. That's nearly twice as much as Detroit — before that city cut its debt and pension liabilities through bankruptcy in 2014.

"If city officials do not grow revenue or cut spending, net pension contributions are projected to consume 42 percent of operating revenue by 2026," Moody's warned. The more tax dollars that have to be used to meet pension obligations, the less the city will have to fund all its other needs.

In the scramble to avoid a default and subsequent bankruptcy, Emanuel and the Chicago City Council have implemented some cuts in spending, such as closing the 50 worst-performing Chicago Public Schools and laying off 1,400

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jobs. But as controversial as those cuts were, they haven't been nearly enough to avoid impending bankruptcy.

So then the conversation pivoted toward more taxes and Chicago aldermen seemed anxious to offer dozens of proposed tax hikes to avoid any further spending reductions.

Among them were a garbage collection tax; an Uber surcharge tax; a commuter tax on those from the suburbs who come to Chicago for work; a bicycle license fee; a congestion fee on vehicles entering the Central Business District during the morning and evening rush periods; a gas tax hike; a sales tax hike; a tobacco tax hike (including on cigars); a city income tax that would apply to all wages earned in Chicago; a "luxury tax" on fur coats, boats, high-end jewelry and other "non-essential items;" a so-called "bad business tax" on companies that fail to pay employees a "living wage;" "dynamic pricing" for parking meters during hours of peak demand; and a "stormwater stress tax" on big-box stores and other businesses that "put pressure on the sewer system."

This is on top of an "amusement tax" that City Hall already passed this summer levying a 9 percent tax on Chicago residents that subscribe to streaming services like Netflix, Hulu and Spotify.

Then came the biggest property tax hike in Chicago history when City Hall passed a rate increase last October projected to generate \$588 million in new property tax revenue – phased in over the next four years. That would amount to an estimated 70 percent increase in the city's property tax rate.

"If we cut the budget instead of raising taxes," Emanuel warned while addressing the City Council, "then one out of five police officers would be dismissed. Half the fire stations shuttered. Rats would overrun graffiti-ridden alleys filled with overflowing dumpsters as the city stopped rodent control and trash got picked up just twice a month. Streets would be riddled with even more potholes and little money to fix them.

"Our city would become unlivable," Emanuel said. "That would be totally unacceptable."

Predictably, there were several critics of the move on both sides of the spectrum.

"We [offered other] ways that the city could make big corporations, downtown skyscrapers, pay more in taxes," progressive caucus member and Chicago Alderman Carlos Ramirez-Rosa (35th Ward) said. "The mayor didn't include any of that in his budget."

"Emanuel's proposal is further proof that Chicago politicians will grasp at anything to make cosmetic changes to the city's dilapidated fiscal house, rather than do the difficult but necessary work to fix its foundation [through spending reform]," Vice President of the free market Illinois Policy Institute, Ted Dabrowski, said.

It remains to be seen if the revenue increases City Hall is hoping to collect on these new taxes will delay the grim future Moody's has predicted for the City of Chicago. But until the General Assembly in Springfield proposes a constitutional amendment to Section 5 of Article XIII or further spending cuts are made at City Hall, the combined debt and pension liability of every Chicagoan will only continue to grow.

And so will the taxing possibilities. ❧



Eileen Halpin

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"I hired Eileen Halpin as professor at The John Marshall Law School. The course she taught was to instruct students, particularly those whose grades did not meet their potential, in sound legal reasoning and clear, concise writing. Ms. Halpin taught this course with great success. The students who took this course most often showed substantial improvement in their studies." **Robert Gilbert Johnston, Dean and Professor Emeritus, The John Marshall Law School**

"For more than 20 years, I was a witness to Ms. Halpin's teaching. With her background as a public school teacher and law, she has developed many successful law learning skills for law students and for students interested in a future legal education. Her classroom teaching, and especially her one-on-one tutorials, show organization, well developed lessons, creative learning techniques and, above all, a caring attitude for each student. Her love of teaching is reflected in how well she treats each and every one of her students. She is a delightful person and has a great attitude and lots of patience for her students." **Ralph Ruebner, Associate Dean and Professor (retired June 2015), The John Marshall Law School**

"Working with Eileen has given me an edge in law school. As a result of her caring, on-point help and guidance I made the Dean's List, earned the highest grade awarded in my Constitutional Law class and became a member of Law Review. I will definitely be using her assistance as I prepare for the Bar Exam." **Harry C., Juris Doctor Candidate, May 2016**

"When I came to Eileen during my first semester of law school I was overwhelmed, scared, and confused. She taught me the essentials for succeeding in my first semester and for the rest of my law school career. She encouraged me when I was feeling down and discouraged, and pushed me when I was feeling lazy and fed-up. Thanks to Eileen's support, emotionally and academically, I earned a spot on the Dean's List after my first semester. She truly goes above and beyond for all of her students and I could not be more grateful for everything she has done to help me." **Rachael D., Juris Doctor Candidate, May 2018**

"I'm preparing for the Bar Exam with Eileen's help. And what can I say about my experience with Eileen Halpin, as my study aid, other than I can see no better person to walk someone through the jitters, anxiety, and doubt that may accompany an exam. Eileen's approach guides you to a level of comfort and knowledge you could not believe could be there. This comes from knowing that she is truly vested in your success and though the relationship is a professional one, her desire to see you succeed goes beyond that." **Marcos R., Bar Exam Applicant, February 2016**

To schedule an appointment with Eileen call (312) 330-1634

or email ehalpin44@gmail.com

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from the song “Crescent City Blues,” when he wrote “Folsom Prison

Blues.” Ray Parker Jr. was accused of ripping off the mercifully forgettable Huey Lewis and the News when his theme to *Ghostbusters* sounded a little too close to “I Want a New Drug.” Even George Harrison was hauled in to court for infringing “He’s So Fine” by the Chiffons, written by Ronnie Mack. Clearly, musicians have earned a spotlight in copyright law by using, borrowing, and modifying melodies throughout rock’s storied half-century or more on the planet. Usually when a musician finds her/himself accused of violating intellectual property rights, it is in connection with their songs, or even album cover artwork.

What Rickly found himself embroiled in back in 2008 was much different than the controversy he had clearly been courting. It appeared that the UN did not like sharing their name and seal with the rock band. The Lanham Act, under Section 43, permits a party with a recognized trademark to prevent others from using that same mark in commerce. An action against an alleged infringer is aimed at preventing a false designation of origin in the interest of protecting consumers from fraud and abuse. This type of analysis is one which considers the totality of circumstances in balancing factors such as the strength of the prior mark, similarity between the prior mark and the mark which allegedly infringes it, the similarity of goods and services offered, the trade channels which the mark is used in, the nature of the purchase of each product, consumer sophistication, and any actual confusion which can be demonstrated. No single factor is determinative and all must be considered in order to find that an infringement occurred in the form of a likelihood of confusion between the origins of the two products. For example, a soda pop brand and a line of baby bibs may both exist in the market under the name “Burp,” even though they are manufactured and distributed by two separate companies. Since the products are dissimilar enough, it is unlikely that consumers will confuse one product for the other. The UN can clearly use their name to promote their services on the world stage with a valid and distinctive mark, but they would be hard-pressed to shut down an underground rock band with the same name on the basis that anyone would confuse the two.



Geoff Rickly with the United Nations, Picture courtesy of Noisy Blog, 2016.

Six years on from the initiation of the infringement action which temporarily decimated the band’s social media presence, they are still playing shows and releasing records. The latest of which, *Four More Years*, proudly displays the UN’s cease and desist letter on its cover. The band continues to have functioning pages on Facebook and Twitter. The UN had expended its time and capital on a trademark infringement action which was not justified and which was not winnable. Neither party settled the dispute. Rather, over time, the problem simply went away.

In one sense, this is a happy ending. Trademark trolling can be common amongst large institutions who seek to zealously protect their brands. Sometimes cease and desist orders are distributed scattershot in the hopes that parties with nominally similar marks will change them in order to avoid the large legal fees necessary to defend their rights. In the case of Rickly’s band, the worst consequence was the resignation of their publisher, who left out of fear that the UN would investigate his recreational drug use.

The experience, while not financially or legally consequential, opened up an existential scab for the band which has yet to fully heal. The question of what the impact of their music is, if it poses no real threat to authority, is examined in the song “United Nations v. United Nations” off of *Four More Years*. Rickly explained in an interview with Noisy that the song is “kind of about [the UN] coming after us, and it also about us pretending to fight the man... That’s kind of a lot of what [our band] has become about, it’s self-critique.” The void left by the struggle with an authority that views them as inconsequential is something that the band continues to explore through their music. They continue to examine and nurture systems of values outside of mainstream commerce and politics, but the realization they might not have the impact that they once imagined is now part and parcel to their fight. Trademark law does not hold the answers to these deeper questions over politics, the roles we may play in society, and the impact of art. It only provides a means for designating origin and source in commerce. Crises over purpose and relevance are left up to each individual to resolve on their own. ↻

Conversation with John Marshall Student and Legal Scholar, Jake Crabbs

By Michael Reed



Photo courtesy: Jake Crabbs.

Jake Crabbs presented a paper at the Braniff Graduate School of the University of Dallas on January 30th, 2016. The title of his paper was *The Poetics of American Common Law*. Jake sat down with the Decisive Utterance to discuss the subject of his scholarship and his experience with presenting his paper. Below is an account of that conversation, which has been edited for brevity and clarity.

Decisive Utterance: What is the 2016 Braniff Conference in the Liberal Arts and how did you learn about the opportunity to present a paper there?

Jake Crabbs: The Braniff Conference in the Liberal Arts is an opportunity to present papers at the graduate school's annual conference on a specific area of the liberal arts. The theme of this year's conference was Philosophy and Poetry. I have some friends who are working on their PhD's at Braniff and one of them posted a call for papers on his Facebook wall. I wrote him and let him know that I was interested in submitting a paper. He connected me with the selection committee who asked me to submit an abstract. They accepted my abstract and I wrote my paper around it.

DU: The *Poetics of American Common Law* is an interesting title. What do you believe is the connection between the law and poetry?

JC: It's simple really. Common law is better suited to express eternal truths than statutes. This is because the common

law definitions are traditionally more poetic. The poets of antiquity aimed to express eternal truths about the relationship between human beings and nature, and human beings and one another.

Aristotle distinguished between particular and general laws, or laws of the city and laws for all. The former addresses the particular values of a society and the latter are rules which are common to all societies. Like prohibitions against matricide, something that is repugnant to all people, everywhere.

General laws get at universal truths of human behavior. According to John Locke, when human beings act rationally, they act according to natural laws. These natural laws can be understood as universal truths about human beings and their place in the world. As long as the government doesn't interfere with the rights of its citizens to behave rationally, it is acting in accordance with this notion of natural law. Common law definitions recognize this tension between reason and universal truths and are therefore poetic in the classical sense of the word.

DU: What was covered in your presentation and how was it received?

JC: I mostly talked about my thesis and answered questions from the audience. I was able to deliver it off the cuff and it was very well received. The audience was engaged and I was able to get quite a few laughs as well.

DU: Do you feel like your legal training prepared you to deliver a presentation at a conference of this kind?

JC: I do. Most of the other presenters were PhD students. They were presenting works in progress. They were more or less just putting ideas out there and not all of their presentations hit the mark. I feel like the positive response my presentation received was owed in part to the fact that I'm trained in the art of argument. This helped me focus what I had to say and allowed me to read the reactions of the crowd and feed off their energy. It was a lot of fun.

DU: Would you recommend other John Marshall students submit papers and attend conferences when possible?

JC: Yes. I found it to be a really good experience. It's low pressure way to do some legal scholarship. These types of experiences can broaden your horizons and put you in touch with some very smart and interesting people. I would definitely recommend other students submit papers and attend conferences when the opportunity arises. It doesn't hurt that it looks great on your resume as well. ↩

Best Burgers in Wicker Park: High Noon Saloon

By: Paul Hoxha



High Noon Saloon, located at 1560 N Milwaukee Ave in Wicker Park. Source: highnoonchicago.com

Looking for an Awesome Burger?

Last semester I was out looking for an apartment with a friend in Wicker Park. We had high hopes going in but by the end of the tour I was feeling disappointed because the place wasn't exactly what the ad made it out to be. To make matters worse, I hadn't eaten in a while so my friend and I stopped by the High Noon Saloon and that's when the day got a lot better. After having a beer to cool off from the summer heat, we ordered the Renegade Burger and it was the best burger I have eaten in Chicago! McDonald's? Forget about it! Epic Burger? Doesn't even come close. High Noon Saloon's Renegade Burger easily wins.

The burger is a beef patty stuffed with American

cheese and seasoned to perfection. In addition to the usual tomato and lettuce, it includes Applewood smoked bacon. But what really gives this burger that little extra something is the caramelized balsamic onions. Finally, it is topped off with a fried egg that is cooked just enough so that it melts into burger as you bite in. As a side dish you have your choice of house hand cut fries or chipotle potato salad, but I would suggest going with the fries.

So if you're near Wicker Park and in the mood for an awesome burger or you're just having a crummy day, stop by the High Noon Saloon and take a bite out of the Renegade Burger! You won't regret it!

Author's note: The writer of this article was not compensated in any way by High Noon Saloon. ☺



Chicago Video Game Law Summit

Saturday, April 16, 2016

Panels

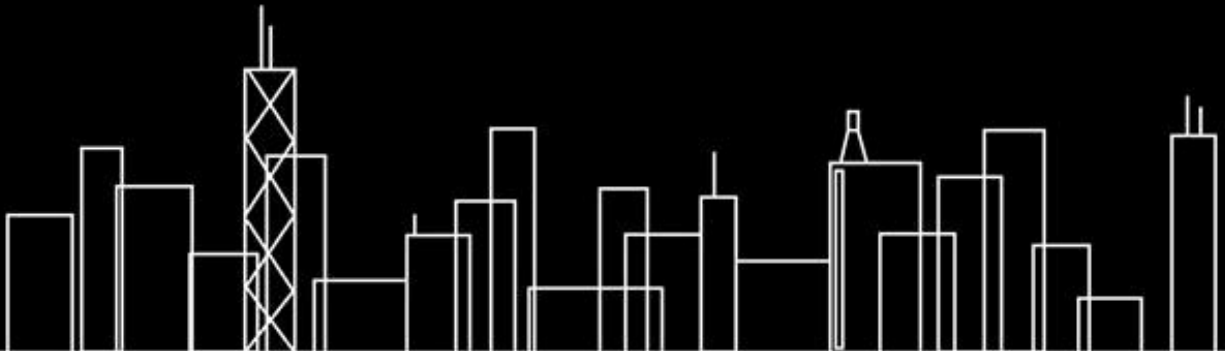
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