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4-2004

The Forum (Volume 33, Number 7)

Valparaiso University School of Law

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125th ANNIVERSARY
SCHOOL OF LAW
1879-2004

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The FORUM

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

Vol. XXXIII, No. 7

APRIL 2004

Make-A-Wish Weekend



Photo by Jenn Klein

Andrew Oostema, '05, leads a pack of runners at the second annual Ambulance Chase Race 5K Run/Walk on April 17 which began and ended on Union Street in front of the Athletics Recreation Center. The race was the second in a series of three events sponsored by SBA over the weekend, starting with a 3-on-3 basketball tournament on Friday night and ending with a Benefit Night concert on Saturday which featured VUSL talent as the warm-up bands to headliner The Grift, a Vermont-based punk quartet which rocked The Court Restaurant with over 100 VUSL students and faculty in attendance. The weekend benefitted Elizabeth, a VU freshman recently diagnosed with Freidrichs Ataxia. Enough money was raised to fulfill Lyz's wish of a helper dog for her everyday living.

TABOR LECTURE: Focusing on the "situation"

BY BILL SMITH
Managing editor

One of the nation's most distinguished legal ethicists presented the 8th annual Tabor Institute in Legal Ethics April 15 in the Tabor Auditorium at VUSL.

Geoffrey C. Hazard, Trustee Professor of Law at the University of Pennsylvania Law School, presented the lecture "Lawyer for the Situation" which examined the rules of ethics and of law that impose obligations on attorneys to persons who are not clients, especially as they modify the duties of confidentiality and loyalty to clients.

Mr. Hazard expressed concern over the client focus trend in the American legal sys-

see TABOR page 11



Photo by Jenn Klein

Geoffrey C. Hazard, Trustee Professor of Law at the University of Pennsylvania Law School tells VUSL students about the ethics of the "situation" in the annual Tabor Lecture, held in Tabor Auditorium on April 15.

U.S. News rankings send VUSL back to 4th tier

BY JONATHAN PASKY
Editor-in-chief

What happens when an incoming class improves a school's average LSAT score by a point to 154, is more selective by 9.3%, and lowers the student/faculty ratio by 0.6%?

A move back to the fourth tier in the annual U.S. News & World Report rankings.



In an e-mailed letter to the student body, Dean Jay Conison commented, "I think we have to realize that the U.S. News system is deeply, I would say incurably, flawed."

But good news may be on the horizon for 2005: according to this year's rankings, The Forum has calculated where VUSL would fall with next year's improved numbers recently obtained from the admissions staff (2004 numbers used for Peer Assessment, Lawyer/Judge Assessment, and Student/Faculty Ratio):

2005 U.S. News numbers
Category(% weight), VUSL #, VUSL rank

Peer Assessment(25%), 2.0:	126
Lawyer/Judge Assess.(15%), 2.5:	89
LSAT 25/75%(12.5%), 3.25/3.65:	73
9-month placemt.(12%), 58.3%:	116
GPA 25/75%(10%), 152-158:	104
Placemt. at Grad.(6%), 86.8%:	150
Student/Fac. Ratio(3%), 19.0:	136
Acceptance Rate(2.5%), 17.3%:	24

One reason for VUSL's drop this year in the

see U.S. NEWS page 11

The FORUM

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April 2004
Vol. XXXIII, No. 7

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Frequency discounts:

1 semester - buy 3, get 1 free (4 for 3).
2 semesters - buy 6, get 2 free (8 for 6).

The Forum is published monthly
during the academic year.



Subscriptions

Subscriptions are \$20 for one year (8 issues) and may be purchased by check payable to *The Forum*.

Circulation: 800 copies

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News

Alumni Focus:

Following a dream

BY MEGAN RENNER

Staff writer

In 2001, the AFL's Firebirds relocated to Indiana, bringing the Arena Football League to Conesco Fieldhouse. The AFL, which also maintains a minor league called arenafootball2, has nearly two dozen teams with an average fan base of 10,000 at every game. The excitement of the game on the field attracts viewers, but the intensity of the work off the field attracted one Valpo grad to the AFL.

Scott A. Andresen, '99, has been the Senior Staff Attorney for the Arena Football League for the past four years. Andresen knew from the time he was accepted to Valpo that he wanted to do something related to sports. He envisioned where he wanted to be and took the steps he needed to take to get there.

Andresen networked early on, and often. His hard work paid off when in '98 he began the NFL Oakland Raiders Football Club Externship here at VUSL.



There, Andresen researched legal issues regarding franchise relocation and arbitration and was involved in drafting pleadings and discovery documents. After the Raiders job, Andresen was hired to work as a Legal Assistant for the Illinois High School Association where he continued to hone his skills while he finished his last year at Valpo.

But Andresen's road to success was not smoothly paved. Andresen's interest in sports was shared with many others, and the window of opportunity was narrow. Andresen recalls a time when his commitment to his future goals were tested. Andresen says, "I spoke to Professor Myers as a 1L and he was brutally honest -- it wasn't impossible to get into sports, but real close. I guess I was too stupid to be dissuaded and I did everything I could to get into sports."

Effort and persistence

To supplement his work experience, Andresen used independent research to take advantage of further exploring his interests in sports and the law. By way of example, Andresen used all of his independent research credits writing on the State Actor status of the IHSA and NFL cable broadcast rights under the Copyright Act.

Andresen's initiative in and out of the classroom paid off. After law school, Andresen was hired by the Arena Football League.

Andresen says, "I was in the top half of my class--barely--but have achieved beyond what I would likely have been projected to. I



Scott A. Andresen, '99, is the Senior Staff Attorney for the Arena Football League.

think people achieve a level of success based more on the effort they are willing to give."

Effort is exactly what

Andresen's current work with the AFL has required. As a learning expert in multi-tasking, Andresen's daily activities range from negotiating and drafting licensing and sponsorship agreements to implementing AFL drug/steroid testing programs to dealing with all aspects of the intellectual property program of 450+ trademarks, numerous copyrights, and four patents.

The demands of Andresen's job may be both the rewards and challenges of working in pro sports. As Andresen says, his average day is chaotic with phones ringing, faxes and mail coming in, people running in and out of his office, and 100 things going on at once that all have deadlines of "yesterday."

"They used to say on commercials that military service was the toughest job you would ever love. They obviously never worked in pro sports," says Andresen.

The "coolness" factor

But do not be fooled that Andresen's job is all work with no glory. Andresen has worked on projects involving teams owned by Bon Jovi, Jerry Jones, John Elway, Tom Benson, and a host of NFL owners. Andresen's knack at networking has even availed him the opportunity to conduct ongoing discussions with an investor group and a high profile Chicago athlete to open a Chicago sports bar.

"The money isn't great, but the job satisfaction and "cool" level is off the charts."

Andresen's job has also allowed him to pursue other opportunities to advance personally. Next fall Andresen will begin teaching at Columbia College of Chicago. Although Andresen has lectured on sports law, this will be the first time Andresen teaches an entire class. Andresen looks forward to the opportunity of teaching a sports law class at Valpo in the future.

Whatever sports law experience Andresen brings to his class next fall, he can bet that he will offer one piece of advice to all his students about being an attorney: students need to remain true to their ethics and morals.

Andresen says, "I deal way too much with attorneys who have obviously forgotten the oath they took as an attorney and the difference between right and wrong. All the success and money in the world isn't worth squat if you can't look yourself in the mirror each morning."

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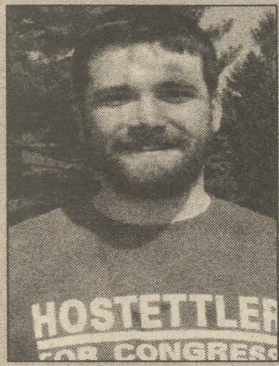
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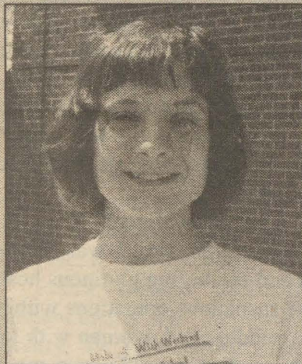
News

The FORUM
News Briefs**Students elect SBA executive board, representatives**

The new Student Bar Association board was recently elected here at VUSL. Paul Mullin, '05, ran unopposed for SBA President,



2004-05 SBA President
Paul Mullin



2004-05 SBA Vice President
Hollie Tanguay

while Hollie Tanguay, '05, won the Vice President's post. Rounding out the executive board are Kristin Nesbitt, '06, as Secretary, and Steve Lammers, '06, as Treasurer.

Class representatives were also elected last week. Next year's 3L representatives include: Rachel Russel, '05, Jonathan Cress, '05, and Shane Watson, '05.

Next year's 2L representatives include: Lauren Schafer, '06, Dan Stahley, '06, and Mahrya Fulfer, '06. Katie Lockamy, '06, will be the 2L Faculty Representative.

2004-05 Mock Trial team names new members

The Mock Trial team has named ten new members to its ranks after try-outs in early April. The new members for next year are: Adam Bancroft, '05, Sean Campbell, '05, Emily Durham, '06, Dan Evans, '06, Jim Fraley, '05, Nicole Fraley, '05, Elizabeth Glick, '06, Megan Moore, '05, Forrest Owens, '05 & Dan Stahley, '06.

Professor Geri Yonover to retire, be named to Professor Emeritus status

Professor Geri Yonover has decided to step down from her full-time teaching responsibilities and assume the status of Professor Emeritus, beginning with the 2004-05 Academic Year. Geri has been a dedicated colleague since joining the faculty in 1986.

Just recently, she completed an article, "The Last Prisoners of War: Unrestituted Nazi-looted Art," and has also written a brief amicus curiae for the United States Supreme Court on the same subject. Over the years, she has written on intellectual property, choice of law, civil procedure and other topics, and has been widely cited in cases and in law journals.

She has taught conflicts, intellectual property, art law, and other courses over the years; has coached moot court teams; has generously given time and resources to the law school and university; and has been very helpful in our alumni activities.

Ind. Supreme Court Chief Justice to speak at May commencement

The chief justice of the Indiana Supreme Court will speak at May 15 honoring the newest graduates of VUSL.

Randall T. Shepard, who has served as chief justice since 1987, will speak at commencement ceremonies beginning at 2:00 p.m. in the Chapel of the Resurrection.

When he was named chief justice at the age of 40, Shepard was the youngest chief justice in the United States. He previously served 18 months as an associate justice of the Supreme Court following a five-year career as a trial judge in Evansville.

ACS to host constitutional freedom lecture April 22

"Citizenship, Terrorism, and 'War' without End", a lecture by attorney Barry Sullivan (J.D., University of Chicago; Partner, Jenner & Block LLP) on the future of American constitutional freedoms in light of the Supreme Court's upcoming decisions in *Hamdi v. Rumsfeld* and other Patriot Act-related litigation will be held April 22 at 11 a.m. in Benson classroom. Food will be provided.

Law Review Case Comment Competition informational meeting April 22

The Law Review will be hosting an informational meeting on April 22, at 2:40 pm in Benson, regarding its Case Comment Competition. Guidelines for writing a successful case comment will be given and the

Case Comment Competition will be explained in detail.

VUSL's nine-month placement rate declines

Solid placement figures recorded for 2003 graduates of VUSL fell short of last year's numbers.

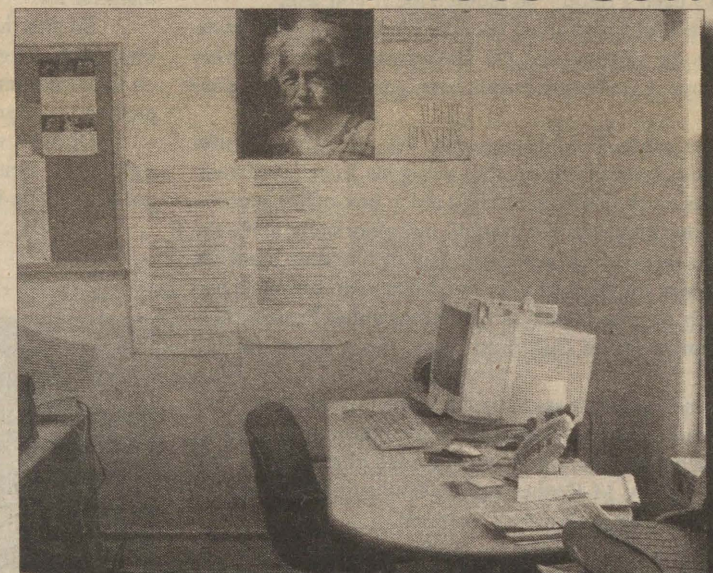
This year, only 86.8% of those responding to the survey nine months after graduation were employed. That is compared to the same statistic of 89.0% in 2002 and 95.4% in 2001.

MBA program to host open house April 24

VU's MBA program will host an open house from 9 a.m. to noon in Urschel Hall Room 120.

— Jonathan R. Pasky

The FORUM Monthly Photo Contest

**Whose office is this?**

The first person to correctly identify the office in the picture above will win a \$10 gift certificate to Jimmy John's, compliments of The Forum.

E-mail your responses to forum@valpo.edu

Opinion

Let's play 2,
err...36Writing in
CursiveBarry
Wormser

This holiday season we have much to be thankful for. I am, of course speaking of Earth Day. I don't hug trees, but I do think it would be a decent idea if the planet is in fair condition when I'm old and gray. And besides, I don't think even the most staunch industrialist can actually say they oppose Earth Day. They may oppose environmental policies, but Earth Day? It's like saying you hate Santa Claus, or claiming Suburban Commando starring Hulk Hogan was a good movie (file it under "Things you just don't do").

I am particularly thankful for a few choice items, namely: intuition, self-discovery, and golf. What these three things have to do with Earth Day is beyond me, but this is my last column of the year and I need a tie-in – so indulge me if you will.

I am thankful for intuition because it's the voice that internally screams the obvious and the forthcoming each and every day. We all have it; just some people have greater intuitive sense than others.

Here are some of the easier ones: We all knew Bennifer would implode. I am confident that everyone knew their relationship had as much potential as Gigli did at box-office success. We all knew that snap bracelets would metaphorically leave the building. Even those of you who wore four or five snap bracelets at a time knew in the back of your mind that snap bracelets had about as much staying power as Chumbawumba. Passing fads are to intuition as David Gest is to crazy. Some things just go together.

Sometimes intuition saves us, like when we hit the brakes though there isn't a clear reason why. Sometimes intuition saves us in other regards, like when you decided that maybe, just maybe, your Oakley M-Frame Iridium lens sunglasses should NOT be worn outside the baseball diamond.

As a quick aside, my intuition failed me in 6th grade when I got suckered into rocking Sergio Tacchini warm-ups while also sporting the David Robinson basketball pumps which came up to my knees (in my defense, I was in 6th grade).

And, as another quick aside that has nothing to do with intuition: when I was in 3rd grade all the guys in class were getting the spike haircut and I wanted one really badly. Well, my mom, dad, and the woman who cut my hair all conspired into convincing me that my hair wasn't thick enough for it to work (and yet thick hair runs in both sides of my family). How gullible am I? So instead, I sported the floppy bowl cut for my entire childhood. That said, in hindsight I have to say a big thank-you to Mom and Dad for that save.

Beyond intuition though, I am very appreciative of self-discovery. I recently had a mock interview in which I was told that to be an effective interviewer, I had to discover who I am.

I agree, and in an effort to make this column more interactive, I give you my Self-Discovery 101 starter kit in the form of parallels (the interpretation is up to you).

Are you more Cliff Huxtable or more Jason Seaver? More Alex P. Keaton than Ricky Stratton? Are you more Dan Rather or Tom Brokaw? More Family Matters or Full House? Are you more Jerry Seinfeld or more Joe Rogan? Again, this is only a starter kit; the at-home edition is solely to be used as a drinking game.

By now you are close to finding the real you, so let's take a moment to talk about golf and why it has already made my year.

I am sure that many of you reading this column don't play golf. To you, I say no worries, because golf transcends many boundaries. And, in keeping with the parallels, playing golf is kind of like marrying Elizabeth Taylor – not everybody does it, but realistically, everybody could if they wanted to (bu-dum-bum...be sure to tip the waitresses on your way out, I'll be here all week...).

On April 11th, Phil Mickelson won the first major golf tournament of his career, the Masters. This may seem like a non-event to many, but for me, this has already made my year. Phil is golf's version of Susan Lucci – great performances, but never enough to win the big prize. Never enough went out the window as he pulled out a come-from-behind victory at America's most legendary course, Augusta National.

His win is significant for many reasons, but perhaps most important was his willingness to keep a good attitude throughout his ten-year struggle to win his first major. Those who were able to watch Phil play and share in his victory know what I'm talking about. Even if you are not a golf fan, his journey from near misses to the ultimate win is definitely something to be thankful for.

So this holiday season, take time to reflect on what is important - hug a tree if you need to. But no matter what, rely on your intuition, play the at-home edition of Self-Discovery and pick up some golf clubs.

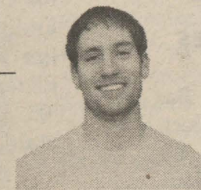
Oh wait wait wait...my intuition is telling me something right now...umm, I can't make it out...hold on...oh, I think I've got it...t-r-u-c-k-e-r h-a-...damn, I lost it.

Letters Policy

The Forum reserves the right to edit any contributions and/or reject them without notification. Written contributions must be type-written and signed, and must include the writer's telephone number. Unsigned letters will not be printed. Law students should include their year in school. When referring to specific articles, please include the date and title.

Please submit contributions via e-mail at forum@valpo.edu or in hard copy to *The Forum's* mailbox located in the SBA office.

forum@valpo.edu

Close Encounters
of the Fifth KindChad
Montgomery

Valparaiso, Indiana: latitude 41° 31' N, longitude 87° 2' W, and at first blush completely indecipherable from any given town in the Middle West save for the majestic Chapel of the Resurrection. But there are Martians among us and I have proof. Three weeks ago, I picked up six business shirts from Mercury Drive-In Cleaners. Starched and pristine, the shirts were handsomely impressive and eager to be worn. (The magic of handing over a half-dozen wrinkly, dirty, and often smelly articles of clothing to a complete stranger, then returning a day later to find all the defects removed makes me giddy).

Meticulously threaded through the second button hole of each shirt was a pink tag ascribed with black numbers for tracking and inventory purposes. But then I also discovered something very foreign and unfamiliar, although I quickly recognized what it was. Scribbled in permanent black marker on the inside of each shirt was "M-O-N-T-G-O-M-E-R-Y." Throughout all of my business-shirt laundering affairs, which span over several states and innumerable shops, I had never personally encountered such a paranormal phenomenon. So I searched and strained the deepest portals of my mind attempting to recall if I had ever heard of or read about this practice. I had not. Then I struggled to reconcile how I had brought six unmarked shirts to be "cleaned" and subsequently received back the same shirts dinged up with black permanent ink. I could not.

The following day I returned to Mercury Drive-In Cleaners with guarded curiosity. At the entryway I was bombarded by billowing noxious fumes and sweltering glutinous heat, two by-products generated by the suspicious operations within. Behind the counter, a weathered, middle-aged, woman with long sandy hair and dark beady eyes studied me. "Excuse me ma'am, I brought these shirts in two days ago and when I picked them up yesterday I found my last name marked in each."

She replied using logic that was deduced from a brain born of another planet, and I immediately fell into a catatonic stranglehold. "Did you ask not to have your name marked in them?" She was an alien with a frontal lobe computing in ways beyond my feeble and rudimentary processing abilities.

When I finally snapped out of my trance, I could only cautiously move my head from side to side indicating I had not. Then I mustered some courage and attempted to call her bluff. "But aren't the tags for identification purposes?" I kept riding the established momentum and continued before she could respond. "So why do you need to further identify each garment with permanent black marker?" In an eerily poignant voice she remarked, "Because that is how we do it." Her emphasis placed on "we" was so gross and overtly queer that it made me tremble. She was, beyond a shadow of a doubt, a real life alien complete with bona fide extraterrestrial reasoning and habits.

My intuition tells me the aliens in Valparaiso are docile, but when coping with their Martian culture, norms, and customs a person must be extremely delicate.

Yesterday, just in case, when ordering water at McDonald's I subtly added, "Could you make it wet?"

Opinion

Establishment and the Pledge: sanctity of words vs. governmental purpose

The Grey Area Left of Center

In mid-March of this year, the United States Supreme Court heard arguments to determine the constitutionality of the Pledge of Allegiance.¹

The case of *Elk Grove Unified School District v. Newdow*² confronts the constitutionality of the Pledge with respect to the language, "Congress shall make no law respecting an establishment of religion."³

Michael A. Newdow's pernicious stance on the issue emanates from his wholehearted belief that his child should not be subject to a state endorsed religion, and that the school districts policy of instructor-lead recitation of the pledge damages his daughter, even though she is voluntarily exempt from participating.⁴

Newdow claims that the words "Under God" violate the establishment clause of the First Amendment in that the school district "indoctrinate[s] their public school students with sectarian dogma."⁵

The School District claims that under the Court's ruling in *West Virginia State Board of Education v. Barnette*⁶, the wording of the Pledge is constitutional, and that it is supported by the right of the child and the parent to abstain from participating in the ritual of Patriotic Observance.

Newdow claims that this is not enough, that his daughter is harmed by the words regardless of whether she has the right to choose to participate in the ritual. While Newdow's reasoning is abstruse, his motive may not be obstinate.

Public schools are restricted from placing the Ten Commandments on the wall for purpose or decoration. Similarly, the 11th Circuit Court of Appeals found that states could not display religious monuments or statues in or about government buildings.⁷

The Constitution explicitly protects the freedom of individuals to practice the religion of their choosing while simultaneously stating that the government will not endorse any religion.

While Newdow poorly presents his position, he raises an interesting question: How can a government remain in control of a melting pot society if they do not abstain from impliedly mandating a religion? The School Board posits the use of the phrase as indicative of a general faith base, which includes a belief that a deity may not exist.

While this position seems to beg the question on its face, the School Board makes a point that it still requires a leap of faith to believe that a god, or the god, does not exist, but the common assumptions of American history make it difficult to extract this meaning from the language of the Pledge.

The acrimonious debate remains whether the wording alone in its reference violates the First Amendment. America has long been a haven of acceptance for religious pariah, and the establishment or allusion to any form of government-endorsed religion would detract from this innate faculty of American history and character.

If the government aims to cater to all people in a democratic fashion, adequately representing their political goals alone,

it should refrain from the development of any political position regardless of the connotation or placement in governmental laws and regulations.

While the use of a simple phrase may be little more than semantics, in a world where lines of animosity are easily drawn based on belief structure,

a government that hopes to facilitate a diverse population should refrain from any form of preferential treatment of religion, no matter how ambiguously stated.

The Establishment Clause impliedly helps the government to retain order through impartial representation of all people. To traipse from that sound avenue to one abrasive to ethereal ideologies may result in volatile social order and create greater animosity in the world arena.

The Establishment Clause, so strictly construed, protects the rights and freedoms of the citizens of this great nation, a simple phrase should not implicate those freedoms for the sake of a mere representation of faith already protected by the same substance of the Constitution.

¹ 4 U.S.C. § 4 (1998).

² *Newdow v. United States Congress*, 313 F.3d 466 (9th Cir. 2003). Where the court held that the school district's Patriotic Observance policy violated the establishment clause, but did not determine whether the Pledge its self was unconstitutional, overturning a previous ruling with the same parties in which the Court did find that the Pledge was unconstitutional. Certiorari Granted, heard on appeal to the Supreme Court March 24, 2003.

³ U.S. Const. amend. I.

⁴ Pet.'s Br. 22 (Dec. 19, 2003); Res. Br. 1-2 (Feb. 13, 2004).

⁵ Res. Br. 1-2 (Feb. 13, 2004).

⁶ *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943). Where the court held that the Pledge is, its self, constitutional, and that children have a right to voluntarily exempt themselves from reciting the Pledge if the wording conflicts with their ideology.

⁷ *Glassroth v. Moore*, 335 F.3d 1282 (11th Cir. 2003). Where lawyers sued the State's Chief Justice of the Supreme Court for his placement of a monument depicting the Ten Commandments, the Court affirmed the trial court's ruling that the monument should be removed as a violation of the Establishment Clause.

President Bush: friend to the fetus



**Katherine
Lord**

On his first day in the White House, President Bush reinstated the "global gag rule," denying funding to any international group that so much as mentions abortion to a client, even if the abortion education is funded with the group's own money. This act served as the first of three years' worth of steady attacks by the White House on reproductive freedoms and a woman's right to plan her family.

Perhaps the most notable—and least-understood—of these attacks is the so-called "partial-birth abortion" ban enacted in November 2003. While advocates of the ban claim that it outlaws only "intact dilation and extraction," the rarest and most gruesome of recognized abortion procedures, the bill's actual wording would criminalize many safe, medically appropriate abortions. Anti-choice propaganda has led many to believe that the "partial-birth abortion" ban would impact only intact dilation and extraction performed in the third-trimester, but this is grossly misleading.

In practice, this legislation would prohibit over 21 medical procedures commonly performed as early as 12 weeks into a pregnancy and contains no exception for pregnancies that endanger a woman's health. Among those procedures affected by the ban are the safest and most trusted methods of abortion. The ban was enacted despite vigorous opposition from leading medical organizations, including the American College of Nurse Practitioners and the American College of Obstetricians and Gynecologists, which stated that "The intervention of legislative bodies into medical decision-making is inappropriate, ill advised and dangerous."

In another example of Bush's dedication to appeasing his anti-choice supporters, Bush honored the 30th anniversary of *Roe v. Wade* by designating January 19, 2003, as "National Sanctity of Human Life Day." (This, of course, makes me wonder whether this day was observed by the 450-some death row inmates in Texas.)

Then there's the latest: On April 1 of this year, Bush signed the Unborn Victims of Violence Act, making it a criminal act to harm a fetus and declaring an embryo at **any level of development** a "child." The bill was disguised as an effort to punish crimes against pregnant woman, but anti-choice activists and members of Congress have been more upfront about the intent of the legislation. Senator Orrin Hatch, for example, boldly admitted that the goal of the legislation is to "undermine abortion rights." Groups like the Christian Legal Foundation have expressed hope that the Unborn Victims of Violence Act will create a legal interpretation of abortion as murder.

Every administration pays homage to the forces that brought it to power, and President Bush serves several masters in this way. The manner in which Bush has chosen to pander to his supporters, however, has distinguished his administration. Rather than merely satisfying important and loyal political constituencies, the Bush administration has actively pushed an agenda that compromises women's health and civil rights. These compromises constitute a callous disregard for the modern realities of a woman's life. They are deadly, not only to women, but also to the fundamental American values of freedom and privacy.

Calendar

APRIL/MAY

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
25 "The Cradle Will Rock" University Theater 7:00 p.m.	26 SBA Elections President, Vice President, Secretary, ABA Representative Today and Tomorrow	27 MELC Environmental Discussion Panel, 4:00 p.m. Lecture - Christ, Conception, and Biotechnology Duesenberg Recital Hall 8:00 p.m.	28 MONDAY CLASS SCHEDULE VU Baseball Purdue	29 FRIDAY CLASS SCHEDULE LAST DAY OF CLASSES	30 READING DAY "The Cradle Will Rock" University Theater 8:00 p.m. VU Observatory Open House Enjoy views of the night sky 8:30 - 9:30 p.m.	1 FINAL EXAMS BEGIN 125th Anniversary Gala Celebration Field Museum, Chicago Cinco De Mayo Dinner Great Hall, Union 6:00 p.m.
2 VU Symphony Orchestra Dennis Friesen-Carper, <i>conductor</i> Chapel, 3:00 p.m.	3	4	5	6	7	8
9	10	11 FINAL EXAMS END	12	13	14 Permanent Art Collection Exhibition: New and Recent Acquisitions Today --- July 18	15 Senior Honors Recital Duesenberg Recital Hall VUCA 6:30 p.m.



HAVE A GREAT SUMMER!



FALL SEMESTER:

NEW STUDENT ORIENTATION - AUGUST 19 - 20, 2004

CLASSES BEGIN - MONDAY, AUGUST 23, 2004

Shouldn't they be studying?



Photos by Jonathan Pasky

The Faukers

Jeremy Willett '05,
Nick Dandurand '05,
Anthony Fiore '05,
Teri Cummins '05, &
Kristin Nesbitt '06



Lance Clouse '04



Adam Davis '04

By Kelly Vanderwall >>see MEET THE FAUKERS page 8

etcetera

Meet the Faukers

BY KELLY VANDERWALL
Executive editor

Dubbed "the Faukers" by Josh Holmes on their premier performance at Bookies in Dyer, Ind. on March 25, 2004, these five VUSL students and their quality rock sound are a welcome addition to the law school community.

The formation of the group was a gradual progression beginning with Dandurand (2L, drums) and Fiore (2L, guitar and vocals) playing together in their first year as law students. "Anthony was the first person I met here and we just started getting together to play," commented Dandurand.

Fiore and Willett (2L, bass, keyboard, and

vocals) paired up for an open mic night and soon after the three combined their talent for a PDP rush party hosted by Holmes. Teri Cummins (2L, bass and vocals) and Kristin Nesbitt (1L, vocals and tambourine) were added to the mix shortly before the group was scheduled to open for Holmes at Bookies last month.

All members of the group have formal training in music with the exception of Cummins, who after excessive persistence from Dandurand and Fiore purchased her guitar and agreed to join the band only a week and a half before the Bookies performance.

Nesbitt was also a last minute addition when Dandurand invited her to join the group after seeing her performance in the VUSL musical, "Sugar Babies." After the pre-

mier performance, Holmes invited Nesbitt to join his band as a back-up vocalist in future performances, an invitation Nesbitt enthusiastically accepted.

The group most recently performed at The Court in Valparaiso for the Student Bar Association's Make a Wish foundation benefit. Currently the fokkers are performing primarily cover songs from groups including Pearl Jam, John Cougar Mellencamp, Better than Ezra and Josh Holmes.

This summer the band will be working hard, composing some original pieces for future performances. The Faukers can be seen



The Faukers help pack The Court Restaurant last Saturday for SBA's Make-A-Wish Weekend.

again in early May 11th when they will perform in an event sponsored by the Valpo Law Democrats (a group Dandurand personally opposes). Watch for flyers for more specific information!!



David's Men's Clothier

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Valparaiso

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Bill Kaiserman
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The best
selection of
silk ties in
NW Indiana

Buy-a-friend, save a pet

BY JEN SPIEGEL
Etcetera editor

So, it's a funny or sad story I suppose, depending on how you look at it. I've determined that boredom may just be one of the most motivating forces in my life, along with friends and family and all that good stuff. But no matter how proud I make my mamma, nothing will get me into more trouble or nonsense, than sheer, unadulterated boredom.

So what'd I do now? Okay, I admit it; I attempted to sell my friendship on eBay.

Ha, ha, ha--yes, I am aware that this makes me sound like a total loser, but that's okay. Because it's all in good fun, and I thought it would make for a funny story.

Anyway, it all began when I was bored and checking out DrudgeReport.com. I came across an article about these coeds in England that were auctioning on eBay dates, pictures, and "virtual companionship" (whatever that means) with them, to raise money to help pay their tuition.

Interesting I thought. One girl was even quoted as making like a hundred pounds (about 180 American dollars) to send some guy emails for a month. As I read, I wondered what the going rate for a law-student-friend is nowadays...

My curiosity had the best of me, so I logged on to eBay, and figured if you're going to go, go all out--why not just sell myself? So, I began to write a listing for my friendship, which isn't as easy as it sounds.

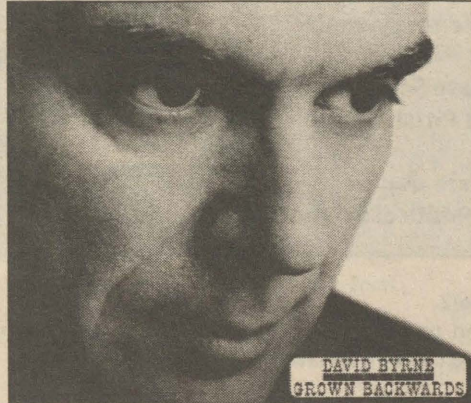
I mean, what category do I put myself in, or what should I have as my starting price?

I finally settled on a listing title that read, "Buy a Friend Support a Law Student" and a \$19.99 starting bid price--no one likes a cheap girl! (By the way, I put in my listing that any money made from this auction would be donated to the Humane Society, I thought if the auction was for a good cause it might draw more bidders.) My description went on to say that I would be the winning bidder's friend (I know, lucky them) and write them once a day for two weeks, about whatever they wanted, i.e. school, hobbies, work, study-abroad, TV--with the caveat of no "dirty" talk if you know what I mean, not really looking for that.

Now the response I received from other eBayers about my listing was kind of interesting. I got an email from one guy who wanted to see more pictures of me--I thought that was creepy so I emailed him back and said "no." One girl wrote and wanted to know where I went to school because she was going to be starting at DePaul in the fall. Another guy wanted to know if we could meet somewhere, and someone else wanted to know how he could be sure I would donate the money to charity (no faith in lawyers-to-be I suppose).

Alas, my buy-a-friend listing was a bust, I had no takers. However, I did have about 70 hits on my listing, and I am willing to bet that the people who checked out my listing either have too much free time or may just be bored themselves. Oh well, my little project kept me amused for a couple days, which is good enough for me. What can I say? Maybe I need a hobby!

etcetera

Music Review**By Collin Welch**DAVID BYRNE
GROWN BACKWARDS

David Byrne gained his prominence in the music world as the former front man and song writer for the Talking Heads. They played that "Burning down the house" song; in case you couldn't remember. Byrne's creative roots arose out (that sounds eerily like lawyer speak) of the 70's New York City art scene. Originally a visual art student, Byrne switched to music when he got kicked out of the Rhode Island School of Design, supposedly because his teachers considered his work to weird.

Sense then, Byrne has sold millions of records, directed many of MTV's early video clips, wrote scores for Scorsese and Oliver Stone, and won an Academy Award for scoring the "Last Emperor." Most recently, David Byrne had one of his pieces installed at the Massachusetts Museum of Contemporary Art.

When the Talking Heads split up in the early nineties, Byrne started releasing radically different compositions on various solo projects. The reactions to these projects have varied greatly. Some found them difficult to listen to and weird and some considered his work pure genius. (I say both) One thing is for sure, Byrne's music is always on the fringe of creativity, and his latest work "Grown Backwards" is no exception.

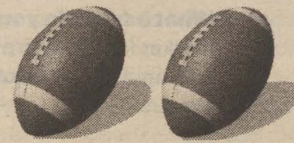
Once Again, David Byrne has dipped into many styles and orchestrations to write this latest piece. One of the interesting aspects of this album is the very sparse use of drums. Byrne uses a whole array of Latin percussion to fill the rhythm section. Even when a set is used, the drum lines are very minimalistic. Also the Tosca Strings, featured in Ric Linklater's animated film "Waking Life," play on about half the songs on the CD. Songs like "Au Fond du Temple Saint," which is a great operatic song about something French, (Sorry, I don't speak French) and "The Other Side of This Life," which proves that a string section can rock.

Byrne even draws influence from



old-school country on "Astronaut," and uses an early 20's cabaret sound on "Glad." And through it all is David's unique vocal style and tone matched with his sarcastically witty lyrics.

Although it's sad that David Byrne has hung up his trademark huge suits, (the suits alone made him rule) it's good to see that he still is writing interesting original music. I'm going to have to give "Grown Backwards" a perfect two balls on the two ball scale.

**Collin's Classic Pick:**

Sonic Youth, "Dirty"

In 1981, a young band began experimenting in free-form-experimental noise compositions. Their sound slowly worked into a slightly mainstream sound, which culminated in their biggest commercial release in 1992, "Dirty." It was during this time when young adults in Seattle started raiding Goodwill stores, and the grunge scene was born. All along, the sound of grunge rockers like Nirvana and Mudhoney, was being supported by Sonic Youth who had already been doing it for a few years. "Dirty" thrust Sonic Youth into wide notoriety as one of fathers of alternative rock.

The sky's the limit for the Valpo Law Democrats**Student Organization Profile****BY CLAIRE BRANDENBURG**
Business manager

Ambition is rampant at VUSL, especially amongst groups of students dissatisfied with the current selection of student organizations. A few students have taken the initiative to create and run new organizations. Last semester alone, five student groups were either created or reinstated by VUSL students.

This semester, the Valpo Law Democrats are just a constitutional ratification away from adding themselves to the current pool of resident organizations.

Nationally, college and law school chapters of Democrats work to promote the goals and ideals of the Democratic political party.

However, the Valpo Law Democrats (VLD) will go further than simply promoting the national party's interest. The major reason why this group was started on campus was to provide a strong left-leaning organization to match the strong organizations on the right, mainly functioning to introduce Democratic candidates to the student body. Many of the group's planned activities involve promotion of and events with the local party and candidates.

The other major goals of the group's organizers, David Garrison and Jon Rogers, are to provide to students a political voice on the left, to offer ways for students to network politically, and to be ready to support local and national Democrat candidates during upcoming elections and beyond.

They also hope to work in a bipartisan way with the Valpo Law Republicans and other students with different political views, so that all students' different voices may be heard on various political subjects.

While VLD is working to get their student organization constitution ratified, with great assistance from Aubrey Kuchar, Paul Mullin, and faculty advisor Laura Dooley,

they look forward to electing officers for the organization, preparing for the elections occurring during the fall semester, and organizing many fundraiser events to support charitable causes.

The first social event was held on March 26, which was an event that was organized with the purpose of getting the VLD name out and introduce members to the other Valpo students, the major benefit being a fundraiser to benefit the victims of the recent terrorist attack in Madrid.

Other plans for the semester include bringing notable speakers to campus and holding several other charitable fundraisers. There was great turnout of students at VLD's first meeting, and Garrison and Rogers estimate that there has been an upwards of fifty people have expressed interest in the group based on just one e-mail message.

The group has a promising future at



Photo by Jenn Klein

Jon Rogers (left) and David Garrison will lead the Valpo Law Democrats in 2004-05.

VUSL, where the sky is truly the limit for any organization willing to work toward what they want.

For more information on VLD, contact David Garrison (David.Garrison@valpo.edu) or Jon Rogers (Jon.Rogers@valpo.edu).

Student Profiles

By Jenn Klein

3L

Chris Boudi


Hometown:
Munster, Indiana

Undergraduate School:
IU - Bloomington

Undergraduate degree:
Sociology

Why Law School?

I've always wanted to be a lawyer, therefore law school was a necessary evil.

Why Valpo Law?

There was no application fee, and I felt like I was coveted more here than at the other schools I applied to.

What type of law do you want to practice?

I ask myself that question everyday. I assure you, you'll be the 37th to know when I find out.

Where will you be working this time next year?

See answer to the previous question.

What advice do you have for the 1L's?

My name is actually Boudi (Bo-Dee). Professor Bodensteiner's name is not. When word got out that he had a heart attack, some of my friends thought that it had happened to me because people said "Hey, did you hear that Bodie had a heart attack?" Stop calling him by my name.

What is your favorite television show and why?

Seinfeld. To me, there is no other show that has flooded everyday conversation with lines from it like Seinfeld has. When you achieve that, there is no one else in front of you. The O.C. is a close second for different reasons.

How do you prepare for a final exam?

I study a lot, and stress about it even more.

What is the grossest thing you have ever eaten or what do you like to eat that others might think is unusual?

I enjoy a pizza with just cheese, dough and barbeque sauce.

What is your opinion regarding the US involvement in crafting a constitution in Iraq, when past American history suggests a dismal future in a postwar nation?

I wonder if the drafters will include a right to bear arms.

In recent months the Supreme Court has been concentrating on the terror cases being argued while the death penalty and disabilities cases remain unheard. Do you think that the Supreme Court is using their time wisely or are there more pressing matters that should be heard?

Terror is the "in" thing right now. I say let the Court deal with what they feel is the most important issue. Personally, I would like them to hear my claim that it is a deprivation of my life, liberty and pursuit of happiness that "Whoopi" is still on the air.

2L

Crystal Rice


Hometown:
Grand Rapids, Michigan

Undergraduate School:
University of Dayton

Undergraduate degree:
Environmental Biology

Why Law School?

I was bored.

Why Valpo Law?

The location, the personal attention I received from the faculty and staff, and the honor's program.

Where will you be working this time next year?

I have an externship with the Lake County Public Defender's Office.

What advice do you have for the 1L's?

It takes less time to make your own outline than it does to read and memorize ten outlines written by people you have never even met.

What is your favorite television show and why?

Friends...because it can still make me laugh after all this time. (Oh, and also because I am in love with Chandler Bing).

How do you prepare for a final exam?

Two days before the exam, I put on my pajamas, drink a lot of coffee, sit in my chair and outline my notes from the semester.

What is the grossest thing you have ever eaten or what do you like to eat that others might think is unusual?

I used to work at a 4-star restaurant and I have tried a lot of unusual things. I think that the most disgusting thing was sweetbreads (thymus glands of a lamb).

What is your opinion regarding the US involvement in crafting a constitution in Iraq, when past American history suggests a dismal future in postwar nation?

Well, I think that it's okay for us to help draft the Constitution in Iraq. However, we should leave the interpretation of it up to them. I think it's okay to lay the framework, I just don't believe that we should be imposing our own morality upon another culture when the decisions will directly affect their individual liberties.

In recent months the Supreme Court has been concentrating on the terror cases being argued while the death penalty, disabilities cases remain unheard. Do you think that the Supreme Court is using their time wisely or are there more pressing matters that should be heard?

I wouldn't be willing to say, under these circumstances, that one matter is more pressing than another. I think that maybe in light of all the negative publicity of our involvement overseas, the Justices are doing what they think is most efficient and most influential for our nation as a whole. I don't know if it's right or if it's wrong but the sign above the Courthouse door doesn't read "First Come, First Served."

1L

Julie McCormick


Hometown:
Pittsburgh, Pennsylvania

Undergraduate School:
University of Pittsburgh

Undergraduate degree:
History and Political Science

Why Law School?

Initially I wanted to be a stock broker, but I didn't like 7th grade Algebra, so I went with lawyer.

Why Valpo Law?

I struggle with this question daily.

What type of law do you want to practice?

Law Librarian or Trusts & Estates/Estate Planning.

Where will you be working this time next year?

Not sure.

What advice do you have for the 1L's?

I am a 1L

What is your favorite television show and why?

I enjoy King of the Hill, because it is clever and not too serious.

How do you prepare for a final exam?

Study and let fate take its course.

What is the grossest thing you have ever eaten or what do you like to eat that others might think is unusual?

I went to full day kindergarten, and we had bologna and cottage cheese for our snack one week. I only ate it because the teacher told me I wouldn't be allowed to have the ice cream the next week if I didn't eat the bologna and cottage cheese.

What is your opinion regarding the US involvement in crafting constitution in Iraq, when past American history suggests a dismal future in postwar nation?

Personally I feel the U.S. involvement in Iraq has been a mess since the beginning. If the U.S. intends to shape a constitution for Iraq molded by the U.S. Constitution, the United States will be stooping to the level of the Soviet Union in the post WWII era of Joseph Stalin and Leonid Brezhnev when forming the puppet communist regimes in the Eastern Block Countries.

In recent months the Supreme Court has been concentrating on the terror cases being argued while the death penalty, disabilities cases remain unheard. Do you think that the Supreme Court is using their time wisely or are there more pressing matters that should be heard?

The Bush administration and G.W.'s "unPatriot Act" is dangerous and it's about time someone at least considered reigning him in. While the Court will only be addressing narrow issues, not the constitutionality of the "unPatriot Act" in general, I feel it is very important that the Court address these civil liberty violations.

etcetera

Law Review unmasked

BY JULIE VANGRONINGEN
Special to The Forum

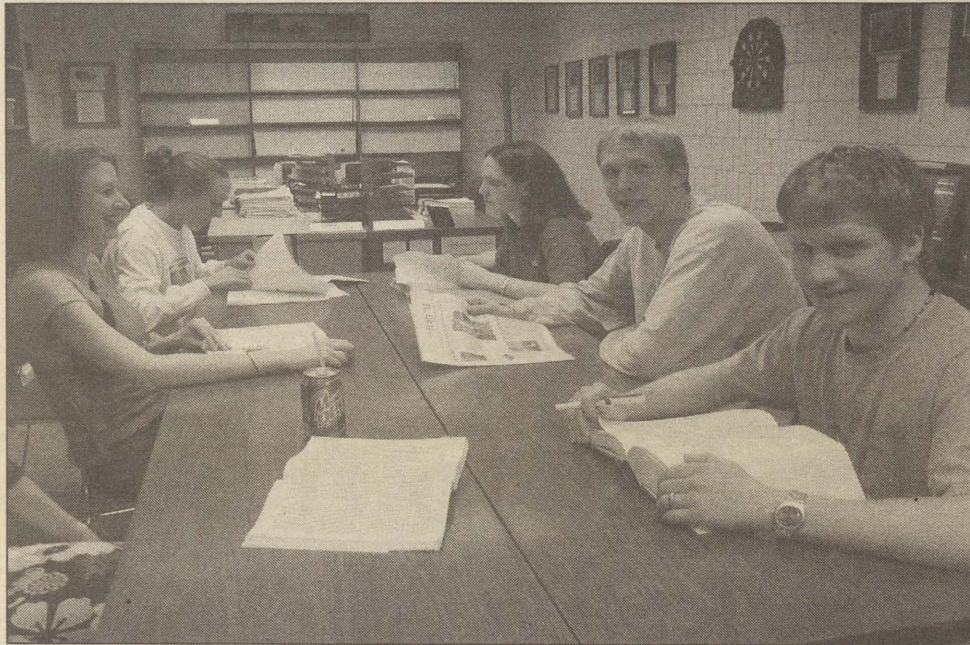
Valparaiso's Law Review invites all students interested in becoming Law Review members to enter its 2004 Case Comment Competition. The competition will be held the three weeks following finals.

Interested students must pick up a case comment package from the Law Review office in the two hours following the Torts exam on May 11. All finished case comments must be mailed back to the Law Review office

egates to a national conference hosted by the National Conference for Law Reviews. Next year's conference will be hosted by the University of South Carolina Law School in Charleston, South Carolina.

Second, the Law Review has decided to increase the number of published issues from three to four for 2004-2005. This additional issue will allow the Law Review to continue its tradition of publishing student notes while providing additional space to publish articles and lectures.

Third, the Volume 39 Executive Board desires to host another live symposium panel. The Volume 39 symposium topic is the Shifting of Power in the Federal Courts.



Law Review members (from left) Lindy Arwood '05, Jamie Spence '05, Julie VanGroningen '05, Matt Doherty '05, and Benji Fryman '05 take a break after a long year of Note writing, researching, and blue-booking. Next year, for the first time in its history, the Law Review will publish four issues instead of three.

postmarked by June 4. The case comment will be written on a recent Supreme Court case.

Law Review provides students the opportunity to further their education and gain valuable research and writing experience while in law school. Law Review members write a note during their second year of law school and edit notes and articles during their third year. Second year members who meet the publishability standard can publish their note in the Law Review during their third year.

The newly elected Executive Board for Volume 39 has undertaken the goal of increasing the national visibility of the Law Review.

First, the Law Review has recently received permission to annually send del-

Symposium Editor Matt Doherty has already secured one author, Kate Stjith, Associate Dean at Yale Law School. He is currently soliciting articles from other federal judges.

If you have questions about Law Review or the Case Comment Competition, please contact Lindy Arwood at lindy.arwood@valpo.edu or Julie Van Groningen at julie.vangroningen@valpo.edu.

If you would like to subscribe to the Law Review at the student rate of \$10 per year, please contact Lindy Arwood at lindy.arwood@valpo.edu or Bridget Adaska at bridget.adaska@valpo.edu.

U.S. NEWS continued from page 1

rankings can be attributed to a very conspicuous drop in the column, "grads employed at graduation." Last year, the magazine shows an employment rate at graduation in 2001 of 61.5%, while this year's number from 2002 shows a drastic decline: 29.8%.

According to Associate Dean Curt Cichowski, 29.8% is an error, recognized by the VUSL administration the week before publication, when a copy was leaked to the school. 29.8% was the actual preliminary percentage; the updated number of 41.6% seemingly never made it to the magazine. Cichowski has contacted U.S. News, but the magazine is unwilling to recalculate Valpo's ranking.

Yet that one statistic is not the only factor that led to VUSL's drop this year. The overall GPA also declined from an average of 3.27 in 2003 to 3.25 in this year's rankings. The school's assesment score by lawyers/judges also declined to 2.5, from a 2003 rating of 2.6.

While this year's rankings are surely a let down for many, Director of Admissions Tony Credit sees no reason for alarm, and he says the faculty do not seem to be worried much with this year's ranking either.

The reason may be the drastic increase in admissions numbers, particularly ones pertinent to the U.S. News rankings, that are on a steady rise for the 2004 incoming class.

With 179 accredited law schools ranked in the survey, Valpo stands poised to move up significantly in the rankings if its Peer Assessment or Lawyer/Judge Assessment scores would rise by just 0.1 point.

VUSL is also improving the quality of its incoming class in average GPA, LSAT scores, and acceptance rate. With over 2,700 applications received to date, VUSL has almost doubled its applications from last year (1,533), with applications still coming in at a rate of 20 per week, according to Credit.

The incoming class also will prove to be more diverse, with a record 32 foreign countries and all 50 states being represented in this year's applicant pool for J.D.s. In addition, multicultural applications have quadrupled since 2002.

The U.S. News rankings are proving to be "whimsical", as Dean Conison has called them. Or at least the record number of students applying to VUSL seem not to care.

TABOR continued from page 1

tem over the past several decades. He felt that law schools have placed too much emphasis on representation of the client to the detriment of all other interests. "In our representation of the client, we have to also consider the interests of others," Mr. Hazard explained.

Mr. Hazard is perhaps the primary figure today in legal ethics in the country. His area of expertise includes Civil Procedure, Federal Jurisdiction, Legal Ethics and Professional Responsibility. His treatise, Civil Procedure, is a mainstay of American legal education.

He has written extensively on professional ethics and received numerous awards, including the Columbia University School of Law Association Medal for Excellence and the ceremony of Salute, Superior Court of Pennsylvania, as well as seven honorary degrees.

The Tabor Institute in Legal Ethics sponsors the annual lecture to enrich the curriculum by illuminating the nature of a vocation in law and the lawyer's responsibilities to clients and society. The lecture series is endowed by VUSL alumni Glenn Tabor, '56.

Crossword Puzzle Answer

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

**Crossword Puzzle is
located on page 12**

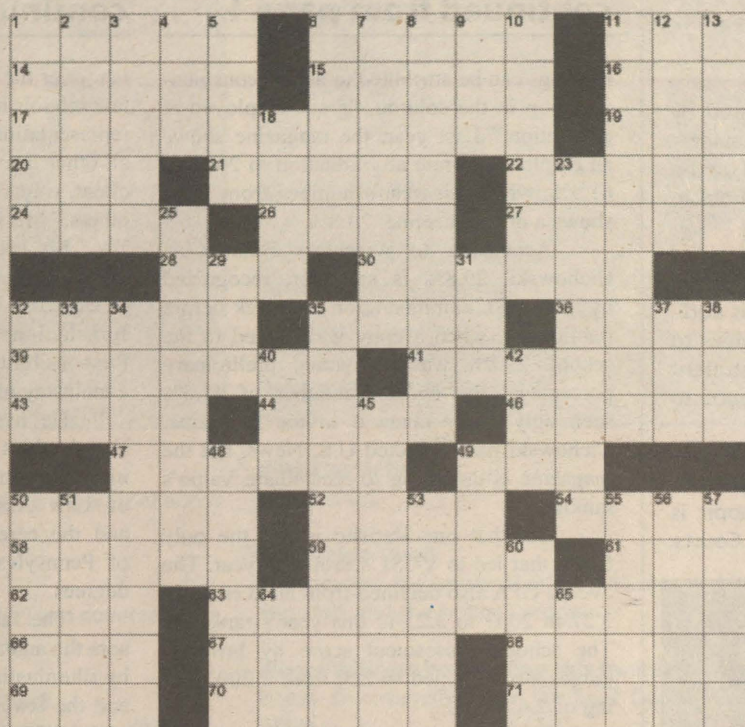
Crossword

Across

- 1 Kitchen wrap
- 6 Shinbone
- 11 Publicity
- 14 In the cooler
- 15 Synthetic fiber
- 16 "Smoking or ___?"
- 17 Escaping detection
- 19 Iowa college
- 20 Be false
- 21 Actress Keaton
- 22 TV exec Arledge
- 24 Hospital fluids
- 26 "Pequod" skipper
- 27 Beat by a hair
- 28 Bobbsey twin
- 30 Entrains
- 32 Fictional Frome
- 35 "___ #1!"
- 36 Role for Edward G.
- 39 Wrigley Field city
- 41 Home seller
- 43 Well-___ (rich)
- 44 Overly stylish, maybe
- 46 Unskilled workers
- 47 Like some jobs or jokes
- 49 Scale notes
- 50 Halloween handout
- 52 "Eleni" author
- 54 Poet Teasdale
- 58 Ballpark instrument
- 59 Van Gogh locale
- 61 Actor Beatty
- 62 Seek the affection of
- 63 Escaping detection
- 66 Australian bird
- 67 Cast out
- 68 Green color
- 69 Tattletale
- 70 Medicinal amounts
- 71 Printer's excess

Down

- 1 Spiritual selves
- 2 Warbucks ward
- 3 Bill tack-on



Puzzle (c) Stanley Newman, distributed by Creators Syndicate, Inc. Hosting & Software (c) PZZL.com

- 4 Old pro
- 5 Geek
- 6 Temple scroll
- 7 Archacological period
- 8 Pie flavor
- 9 Cyclotron bit
- 10 Guitarist Segovia
- 11 Escaping detection
- 12 Nary a soul
- 13 Knock-___
- 18 Composer ___ Carlo Menotti
- 23 Like carbon dioxide
- 25 Jungle crusher
- 29 Santa ___ CA
- 31 PGA peg
- 32 "Outer" starter
- 33 Even if, briefly
- 34 Escaping detection
- 35 Paper/pencil pastimes
- 37 Issue side
- 38 Hosp. areas
- 40 Moo goo ___ pan
- 42 Knuckle-dragger
- 45 Chinese flower
- 48 Placed into harmony
- 49 Boater's hazard
- 50 Shrink in fear
- 51 Bakery lure
- 53 Oversupplies
- 55 Dickinson or Everhart
- 56 Chaucer pilgrim
- 57 Like a 3 Down
- 60 Oscar Madison, e.g.
- 64 In the past
- 65 The whole shebang

The Forum Poll

This month, The Forum asked VUSL's student body for their thoughts on courses and the registration process:

1) Are you satisfied with the variety of classes VUSL offers?


YES 74% NO 26%

2) Were you able to register for all classes you wanted?

YES 56% NO 44%

3) Did you experience technology-related problems during registration?

YES 59% NO 41%



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