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Clinic benefit says, "Kiss Me, Kate"

BY MELISSA DURHAM
Production Editor

They teach us every day. They sit next to us in class. They are actors, singers and dancers posing as Valparaiso University School of Law faculty, staff and students. If you want to see them in their true element, come and see the Law Clinic's production of "Kiss Me, Kate."

This year marks the VUSL Law Clinic's 40th year of operation. The Law Clinic provides a variety of free legal services to the community and provides an opportunity for students to participate in legal cases and learn the law through legal practice. The Law Clinic musical began as an annual fundraiser in 1997. The funds from the musical go into the Law Clinic's budget. This year's benefit will be held on Friday, March 3, with pre-benefit performances being held on Wednesday and Thursday, March 1 and 2.

Directing the musical for the fourth year is JoBeth Cruz, a second-year student at VUSL. Cruz has experience directing community theater in Valparaiso and holds a Masters in Theater and Communications. Her active role in community theater is what prompted Dean Berner to approach her about directing the musical. Co-directing and choreographing is Piper Bakrevski.

"Kiss Me, Kate" was written by Cole Porter and is centered on a theater troupe's production of a musical version of William Shakespeare's "Taming of the Shrew." Hilarity ensues when traditional Shakespeare is crossed with modern times.

When asked why "Kiss Me, Kate" was chosen as this year's musical, Cruz said that a main reason was "the leading roles and dancing chorus." This is because several members of the cast are accomplished dancers, "and we wanted to show off their talents."

President Bush delivers the State of the Union

BY BRENT PIERCE
Copy Editor

To kick off what is shaping up to be a politically brutal year, President Bush used the State of the Union address to spell out in great length the importance of spreading democracy in the Middle East. Bush also touched on energy independence, education, and the growing cost of entitlement programs.

"We love our freedom, and we'll fight to protect it." President Bush made it clear that he believed our safety at home depended on freedom abroad. Bush reminded Americans that September 11, 2001, changed our approach to foreign policy, and that the spread of democracy was essential for national security. President Bush also stated that it is the divine right of every citizen in every nation to be free; and that he would play his role in the spread of freedom.

The President also warned against being isolationists and protectionists. In an obvious stab at Congressional Democrats, he

The quest for tenure

BY HEATHER MONTEI
Executive Editor

Tenure. Merriam-Webster's Dictionary defines it as the act, right, manner or term of holding something (as a landed property, a position, or an office); especially: a status granted after a trial period to a teacher that gives protection from summary dismissal.

Valparaiso University School of Law Professor Mark Adams defines the quest for Tenure as "The Holy Grail of Academic Employment."

On February 2, 2006, Professor Adams gave his Inaugural Lecture, "The Quest for Tenure: Job Security and Academic Freedom." Professors give their inaugural address upon reaching tenure status at VUSL, a position Adams reached in 2002.

Adams describes Tenure as a safeguard for faculty, "Tenure protects faculty members from retribution for the results of their research, for what they say and teach in class as well as actions in fulfilling their duties in university governance, and for their extra-mural utterances."

Tenure was formally recognized by the American Association of University Professors and the Association of American Colleges in the United States in the 1940s. However, it is a common-law concept that Adams claims has its roots in medieval England, "Medieval scholars... enjoyed enviable benefits, including exemption from military service and payment of taxes, freedom..."
CONVERSATIONS PROJECT PRESENTS

Duty, honor and whatever: The role of the military today

BY STEVE EHRMAN
Staff Reporter

Featured Professors: Professor Elizabeth Bruch (VUSL) Ret’d Colonel Bob Killebrew (Independent Consultant) Professor Zhimin Lin (VU Political Science Dept.) Professor Timothy Malchow, Moderator (VU Foreign Language and Literatures Department)

On Monday January 30, 2006, Valparaiso University and the Project on Civic Reflection held a Conversations event entitled “Duty, Honor and Whatever: The Role of the Military Today.” The panel included Professor Elizabeth Bruch, VU School of Law, Colonel Bob Killebrew (USA Ret’d), and Professor Zhimin Lin (VU Political Science Department). Professor Timothy Malchow, of VU’s Foreign Languages and Literatures Department moderated the event.

The purpose of the panel was to provide a forum to discuss the role of the U.S. military today.

The atrium of the Christopher Center was packed with participants from all Colleges of the University and many others. For me, the setting of academia, war, and controversial topics instantly took my mind back a few years when I was pursuing my MBA. This was pre 9/11, and a particular Professor in the Graduate School of Business who would talk about events in the Middle East in his Business class. Pre 9/11, it was understandable that some students did not see the relevancy of the topic to business. After 9/11, the professor was universally praised for having foreseen the impact that the events in the Middle East would have on the business environment in the U.S.

This is why these Conversations projects are so fundamentally beneficial to your legal education. If you go, be ready to be humbled by the enormity of the topics, be ready to form a view, take a stand, and participate. Topics of conversation at this last event centered around when the use of the military is justified, moral responsibility as related to the use of force, how justifications for military intervention changed, and what role the military should play in the nation-building abroad? Below is a very brief summary of the presenters and the points being made.

Zhimin Lin, an Associate Professor of Political Science at Valparaiso University focuses his research primarily on the politics in China and on international relations in East Asia. Professor Lin pointed out that the ground rules of waging war have changed. Pre 9/11 you needed three things to participate in a war: capacity, will and ability to defend or launch war. This changed with an attack by terrorists using our own resources.

9/11 changed the rules of engagement, with a general lack of respect for international rules. As Donald Rumsfeld pointed out, there are things we know (knowns), things we know we don’t know (known unknowns) and things we don’t even know that we don’t know (unknown unknowns).

The unknown unknowns are the things we really need to be worried about.

Colonel Bob Killebrew (USA Ret) writes and consults on national defense issues. Bob served for thirty years in a variety of Special Forces, infantry and staff duties. In his last assignment he co-developed the Army after Next project at Headquarters, US Army Training and Doctrine Command, and currently serves as a consultant to a variety of Defense Departments and defense-related organizations. He has provided expert witness testimony before Congressional committees and other governmental agencies.

Colonel Killebrew first talked about the effectiveness of US intelligence and deterrence. After the cold war, the U.S. traded information with the previous enemy in an effort to learn how deterrence was working. The U.S. was surprised to learn that their deterrence efforts were not effective, and at times aggravated the relationship. The Colonel shared much additional information regarding the challenge of deterring. Peace used to be able to be maintained through conventional arms and deterrence, but not so any more.

Additionally, the consumption of energy and oil worldwide is growing, and this will drive the world to nuclear war in the future. Because of our dependence on oil, the US will always be a player in war. Two of the three major powers that have nuclear capability will be a threat to the US in the near future. Our dependence on oil will

see MILITARY page 4

President Bush unveils 2007 budget

BY BRENT PIERCE
Copy Editor

On Tuesday February 7, 2006 the Bush administration unveiled the 2007 budget. The 2.77 trillion dollar budget hopes to make big tax breaks permanent and to cut over 140 programs, including those that would affect education, health care, and farmers. Treasury Secretary John Snow praised the administration, telling the Senate Finance Committee, “This budget represents the President’s dedication to fiscal discipline, an efficient federal government and the continuation of a thriving U.S. economy.”

The Defense Department budget sees the largest increase in 2007; Bush proposed a 439 billion dollar Pentagon budget, with emphasis on the development of high-tech weaponry. However, as critics point out, this defense budget does not include money for the wars in Iraq and Afghanistan, which already total over 300 billion dollars. Defense Secretary Donald Rumsfeld welcomed the increased funding and made it clear that the military must continue to
**NEWS IN BRIEF**

**Indiana State Appellate Oral Argument coming to VUSL**

Monday, February 20th, the Indiana State Appellate Court will be holding oral arguments in Tabor Classroom at the Valparaiso University School of Law. The oral argument will begin at 11 a.m.

All are welcome to come hear oral arguments on a real appeal of an attempted murder case. The argument will last approximately one hour. After the arguments have concluded the Judges will take questions on the appellate process and practicing law.

The panel includes Judges Michael Barnes, Terry A. Crane and Nancy H. Vaidik, an alum of VUSL. This event was set up by Phi Delta Phi.

**Law students offer assistance during tax season**

Elderly, low-income and non-English speaking taxpayers can receive assistance from Valparaiso University law students in filing their tax returns this year.

Valparaiso University School of Law students are participating in the Internal Revenue Service’s Volunteers in Tax Assistance (VITA) community service program and will offer free tax preparation to eligible taxpayers beginning immediately.

Taxpayers with annual income of less than $35,000 are eligible for the free tax preparation help if they have not received income from the sale of stocks, mutual funds or homes. Students will help prepare taxpayers’ federal and Indiana income tax returns.

Appointments must be arranged in advance by calling VUSL’s Law Clinic at (219) 465-7900. An appointment may be arranged during weeknight hours and on Saturdays at the Valparaiso University School of Law, 656 S. Greenwich St.

Those receiving help should bring a photo identification and their Social Security card, along with those of their spouse and dependents, in addition to W-2s and other forms documenting income.

**Renowned Russian quartet to perform**

One of the world’s leading string quartets will perform a Feb. 17 recital at Valparaiso University’s Center for the Arts in a celebration of the 100th anniversary of Soviet composer Dmitri Shostakovich’s birthday.

The St. Petersburg String Quartet will perform three quartets by Shostakovich, one of the most influential composers of the 20th century, during the 7:30 p.m. recital. Tickets are $15 for adults and $10 for non-VU students and may be ordered by contacting VU’s Box Office at (219) 464-5162.

The ensemble was founded in 1985 as the Leningrad Quartet by violinists Alla Aranovskaya and Alla Krolevich, and cellist Leonid Shukayev, all graduates of the prestigious Leningrad Conservatory. Violist Boris Vayner joined the quartet in 2004.

The Quartet has won numerous honors in international chamber music competitions including First Prize at the All-Soviet Union String Quartet Competition, Silver Medal at the Tokyo International Competition of Chamber Ensembles, First Prize at the Vittorio Gui International Competition for Chamber Ensembles in Florence and First Prize at the International Competition for Chamber Ensembles in Melbourne.

The Quartet has performed throughout the world and recorded numerous CDs, including an award-winning six-volume series of Shostakovich’s complete works for string quartets.

**Valparaiso among top Peace Corps institutions**

Valparaiso University has been listed among the top small college and universities in the country which have graduates serving overseas as Peace Corps volunteers.

With 16 alumni serving as volunteers in the Peace Corps, Valparaiso ranked No. 24 among 200 colleges and universities with less than 5,000 undergraduates. Since the Peace Corps’ inception in 1961, a total of 218 VU alumni have joined the ranks of the Peace Corps.

Among schools similar in size to Valparaiso, Dartmouth College was ranked first in the United States with 37 graduates serving in the Peace Corps. The University of Chicago and Wesleyan University tied for second with 27 graduates in the Peace Corps. There are currently 7,810 Peace Corps volunteers serving in 77 countries.

Since 1961, more than 182,000 volunteers have served in the Peace Corps, working in diverse fields such as education, health, HIV/AIDS education and prevention, information technology, business development, the environment and agriculture. Peace Corps volunteers make a 27-month commitment.

**Sister Prejean to speak at Chapel**

The author of the acclaimed book “Dead Man Walking,” Sister Helen Prejean, will speak at Valparaiso University’s Chapel of the Resurrection on March 27 at 7:30 p.m.

Tickets to Prejean’s talk are $10 for adults and $5 for students. Tickets will be available for sale beginning Feb. 7 at the Valparaiso Union or by calling (219) 464-5415.

Prejean joined the Sisters of St. Joseph of Medaille in 1957 and started a prison ministry in 1981, when she dedicated her life to serving the poor of New Orleans. Shortly afterwards, she became pen pals with Patrick Sonnier, a convicted killer of two teenagers who was sentenced to die in the electric chair at Louisiana’s Angola State Prison.

Her experiences serving as Sonnier’s spiritual adviser as he awaited execution are captured in “Dead Man Walking,” which was nominated for a 1993 Pulitzer Prize and developed into a motion picture a few years later.

Today, Prejean is one of the most prominent voices in the country calling for an end to the death penalty and is honorary chairperson of the Moratorium Campaign, a group gathering signatures for a world-wide moratorium on the death penalty.

Following her talk, Prejean will sign copies of “Dead Man Walking” and her second book, “The Death of Innocents: An Eyewitness Account of Wrongful Executions.”

During her time on campus, Prejean will meet with VU freshmen who are watching “Dead Man Walking” as part of VU’s Core program.

Prejean’s appearance on campus is sponsored by the Valparaiso Union Union Board, Chapel of the Resurrection, School of Law, Valparaiso Project on Civic Reflection, Project on Theological Exploration of Vocation and Mercantile Bank.

- Melissa Durham

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**The FORUM Monthly Photo Contest**

The first person to correctly identify the picture above will win a $10 gift certificate to Jimmy John’s.

E-mail your responses to forum@valpo.edu

January answer: Howie, 2300 Northland Drive
January winner: Mariel Lim
Sports law clinic on site at winter olympics

VALPARAISO, Ind. - A four-person legal team from Valparaiso University's Sports Law Clinic is on site at the Winter Olympics in Turin to provide free legal assistance or representation to athletes or coaches at the Games.

United States Olympic Committee Athlete Ombudsman John Ruger supports the Clinic's mission, and upon its opening said "The Valpo Clinic now provides another opportunity for all athletes to be represented, regardless of income, and to expect a fair resolution of their federally mandated rights."

When contacting Ruger, athletes and coaches will be informed that free legal assistance is available from the VU Sports Law Clinic. Valparaiso personnel have talked with the USOC Ombudsman and officials of the Court for Arbitration in Sport so they may inform Olympic participants of the Sports Law Clinic team at the Games.

Michael Straubel, director of the clinic and an associate professor of law, heads the team. Straubel, a licensed attorney, is a recognized expert on the many rules and procedures facing Olympic athletes and coaches when issues arise in competition, eligibility, doping or other discipline.

"Often, between amateurs and various governing bodies and organizations, there is an imbalance of power, knowledge and resources," Straubel said. "The athlete is simply not equipped to deal with the labyrinth of procedures involved in settling issues. At the Olympics, that imbalance is worse because things happen quickly in an urgent two week period. Very few athletes achieve celebrity status and garner sponsorship money. Most take a vow of poverty to compete, and to them we offer our help."

Valparaiso's Sports Law Clinic provides free legal assistance to any amateur athlete or coach demonstrating financial need. It currently represents Shani Davis in grievance proceedings with U.S. Speedskating; Mark Hainline, who has completed arbitration with the U.S. Anti-Doping Agency (USADA); and another world class athlete preparing for arbitration with USADA.

Valparaiso's law school operates numerous pro bono clinics, and the Sports Law Clinic grew out of a national Valparaiso Sports Law Conference held last year.

Valparaiso School of Law Dean Jay Conison maintains a strong commitment to the Clinic, which has dispatched members to cities around the United States to represent athletes. He enthusiastically committed substantial resources to this Olympic effort, saying "It's an excellent opportunity to serve people and to let the world know about the tremendous sports law program we have here at Valpo."

Valparaiso's law school is on site at the Winter Olympics in Turin to provide free legal assistance. The Clinic's mission is to support athletes, and provided representation to Shani Davis in grievance proceedings with U.S. Speedskating. The Clinic has also handled cases involving another world class athlete preparing for arbitration with USADA. Conison maintains a strong commitment to the Clinic, which has dispatched members to cities around the United States to represent athletes. The clinic provides free legal assistance to any amateur athlete or coach demonstrating financial need.
House Republicans elect new leadership

BY BRENT PIERCE
Copy Editor


Boehner is an eight-term congressman from the Cincinnati area. He served in the Republican leadership after they won control of both houses of Congress in 1994, but he was bounced out after they lost seats in the 1998 elections.

Rep. Boehner presented himself as a reform candidate, and the safe replacement for Delay, who faces money-laundering charges in his home state of Texas. Boehner's election is an acknowledgment of Republican concern over an extensive investigation involving lobbyist Jack Abramoff, who pleaded guilty to corruption charges and has agreed to cooperate with prosecutors. The race for majority leader turned on the desire for members to present a fresh face to the public and distance themselves from the Washington lobbying community.

However, days after Rep. Boehner was elected Majority Leader, evidence of lobbyist ties surfaced regarding the apartment Boehner rents while in Washington. Lobbyist John Milne, who has had clients with interests in legislation overseen or sponsored by Rep. Boehner, rents a basement apartment to the Congressman.

Lobbying records show that Milne represented Buca di Beppo and Parasole Restaurant Holdings Inc., both restaurant companies, to lobby on the minimum wage, an issue handled by the Education and the Workforce Committee chaired by Boehner. The restaurant industry has opposed increases in the minimum wage, which has not risen since 1997.

Boehner's spokesman, said the rental price of the apartment represented a fair market value, based on similar rental costs in the area near the U.S. Capitol. He said that Boehner first met Debra Anderson, wife of John Milne, during the early 1990s when she worked in the administration of George H.W. Bush and met Milne in the late 1990s.

Democrats have accused the Republicans for fostering a "culture of corruption," which has led to unprecedented influence in Congress from special interest groups and lobbying firms. Democrats hope to expose deep Republican corruption, and make ethics a major issue when campaigning for the 2006 elections. A recent CNN poll found that 40 percent of those interviewed believed that Democrats would do a better job of dealing with corruption, while 32 percent thought Republicans would do better.

Brent is a 1L and may be reached at brent.pierce@valpo.edu

KATE
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explained Cruz. The songs were also a big reason the show was chosen. "Such wonderful songs, and many are known even to our younger students and staff," stated Cruz.

The show features VUSL faculty, staff and students in starring and supporting roles. Students from VUSL and VU also comprise the majority of the orchestra.

There will be three performances of "Kiss Me, Kate." On Wednesday, March 1, the cast invites those unable to attend the Thursday or Friday night performances to join them for dress rehearsal. No ticket is required for the Wednesday night performance, which will begin at 7:30 p.m.

There will be a pre-benefit performance on Thursday, March 2, at 7:30 p.m. Tickets are required for Thursday's performance. Tickets will be available in Heritage Hall, Room 21, beginning Monday, February 20, between the hours of 2:00 and 4:00 p.m. The tickets are free and available on a first-come, first-serve basis.

The Friday night benefit will begin with a reception, followed by dinner and the performance. Benefit tickets may be purchased from Heritage Hall, Room 21, for $100.

Come and "Kiss Me, Kate!"

Melissa is a 2L and may be reached at melissa.durham@valpo.edu

"Kiss Me, Kate"
WITH PERFORMANCES BY:
Christine Haskell as "Lilli Vanessi"
Jeffery Earl as "Fred Graham"
Mahrya Fulfer as "Lois Lane"
John Peluso as "Bill Calhoun"
Bruce Berner as "1st Gunman"
Adam Davis as "Paul"
Laura Dooley as "Hattie"
John Obermann as "Harrison Howell"
EDITORIAL

In order to best represent your client, put your personal feelings aside and above all believe in the principle that your client is entitled to the best representation you can offer. This means that at times you will have to take a position that is contrary to societal standards. You may have to defend a client whom you know has committed an illegal act. But don’t forget, the Constitution guarantees the right to a criminal defense - innocent until proven guilty.

Whether these principles are actually taught in law school or merely implied, they are principles that every law student and lawyer cling to in a time of personal moral dilemma. Unfortunately, the practice of these principles also leads to increased substance abuse and mental health problems in the legal profession.

It is estimated that approximately 10% of the general population is affected by substance abuse – alcoholism and/or other drugs. Among attorneys, the percentage of individuals affected by substance abuse doubles. About 8% of Americans suffer from depression compared with approximately 30% of attorneys.

Why is it that well educated individuals suffer so severely from substance abuse and mental health disorders? According to the Indiana Judges and Lawyers Assistance Program (JLAP), it is because lawyers are experts when it comes to denial. The skills that make a good lawyer also make it easy to ignore problems with substance abuse and mental health disorders – “advocacy, intelligence, advice-givers not advice-takers and devotion to the care of others.” In addition, the legal profession allows for these problems to progress for longer periods of time than typical due to the reluctance of colleagues, judges and office staff to create a confrontation.

These problems, however, do not only occur once one enters into the legal profession. The same problems affect those preparing to enter into the legal field – namely law students. According to one scholar, this is because law students are exposed to lawyer lifestyle early in their education.

The Indiana Supreme Court has created JLAP to address the concerns over substance abuse and mental health disorders among attorneys. The committee holds monthly support group meetings and is an avenue to confidentially seek help or express concern regarding a colleague’s suspected problem. The Rules of Professional Conduct require that a legal professional report another legal professional who poses a risk of harm to his or her clients or the profession. See Rule 8.3(c). However, under Admission and Discipline Rule 31, any report made to JLAP is strictly confidential. In addition, the JLAP website provides many helpful tools if you suspect you or someone you know has a problem. Please see www.in.gov/judiciary/ijlap/.

Some tell tale signs of substance abuse problems in attorneys include: a first occurrence DUI, client neglect such as unreturned phone calls and last minute filings, cancelled appointments and tardiness for court proceedings or depositions. For information on various mental disorders please visit the JLAP website.

JLAP warns that with approximately 17,000 practicing attorneys in Indiana, 2,040 to 3,400 will suffer from substance abuse. Knowing the potential of potential problems is a great way to combat this epidemic. In addition, although attorneys are affected in greater numbers than the general population, attorneys also have a greater rate of recovery - 80-90%, compared with a recovery rate of 40-50% in the American public. Please seek out the resources the Indiana judiciary has put into place for combating the problems of substance abuse and mental health disorders. Many other states have also adopted similar programs.

VIEWPOINTS

Be my valentine

When a friend of mine recently commented on the wide variety of Valentine cards he saw at the store, it sent me back down memory lane. I recalled my years in elementary school, where Valentine’s Day was always commemorated by a classroom-wide card exchange, and smiled with the bittersweet knowledge that once we leave childhood, we no longer receive that kind of recognition. In that spirit, I’d like to take a moment to write a little valentine.

To the faculty – our teachers, our mentors, our friends: you are loved, respected, and appreciated by the student body. When you spend your free time counseling worried first-years in the week before finals, we notice. When you leave the corporate world because you feel that holding legal minds is a better use of your time, we notice. When you fight illness and injury and walk into this building every morning just so you can teach us, we notice. We appreciate your passion, your patience, your caring, and yes – even your limericks. That dedication, that sacrifice, that love – we may never voice it aloud, but we do see it. You are the crown jewels of everything that is good about this school, and we thank you. Never doubt those words, or their sincerity.

With that said, I’m unsure of how to make things any plainer, so I’ll just say it: contrary to what I earnestly hope is not popular belief, the student body isn’t angry with or suspicious of the faculty. We aren’t now, we weren’t last semester, and I don’t see it happening anywhere in the near future, either. As students of the law, we’re taught to make distinctions – and when it comes to our teachers and librarians, we most certainly have. The student body’s frustrations don’t lie with the professors – something I have very clearly said on more than one occasion.

I’ve been called irresponsible, misinformed, and misguided, when the truth is, the only thing I really was was underestimated. When I ran for office, I publicly vowed to be a voice for the student body, despite being told over and over again that all SBA does is plan social events. I never mischaracterized or hid that intention, yet here I sit, persona non grata, viewed as a traitor for having dared to criticize how the new grading policy was introduced.

I don’t know how past student leaders in my position have characterized their responsibilities, but I consider it my job to inform the students if I think there is a decision that will adversely affect them. I also make it a priority to talk to students and actually listen to what they tell me, so when I say that students feel a certain way about an issue, it really is how they feel. I am nowhere near powerful enough to single-handedly turn the entire student body against the school, and anyone who believes so is foolish. Then again, if anyone would like to persist in that line of thought . . . I’ll be gone soon enough, and maybe the next SBA President will just throw parties.

Kristin is a 3L and may be reached at kristin.nesbitt@valpo.edu.
What's all that noise?

Moot Court Society
Cortney Schaffer

For those who walk quickly past the Moot Court office and see our many members crammed into the small space all talking loudly, our mission and purpose as an organization may be unclear. As the spring rapidly approaches, the Swygert ties for students to compete in the Swygert months with practice rounds judged by petitions in the spring. Appellate advocacy and purpose as an organization may be school competitions. This is a huge privilege for those who spend a month writing an appellate brief, practicing oral arguments with a coach for at least two months with practice rounds are open to all students and teams nationwide to compete in inter-college and with that comes responsibility. Most teams are comprised of two people or those who walk quickly past the Moot Court office and see our many members crammed into the small space all talking loudly, our mission is to provide opportunities for students to compete in the Swygert Competition in the fall and national competitions in the spring. Appellate advocacy is our game. Main responsibilities include brief writing and preparing for oral arguments.

Currently, we are sending out ten teams nationwide to compete in interschool competitions. This is a huge privilege and with that comes responsibility. Most teams are comprised of two people who spend a month writing an appellate brief. Then the teams prepare for oral arguments with a coach for at least two months with practice rounds judged by moot court members.

It is important to note that these practice rounds are open to all students and faculty of the VUSL. The dates, times, and places are posted on the bulletin board outside our office. As all 1Ls get ready to present their first oral arguments, we encourage you to stop by and see what it is all about.

More importantly, as Kelly Vanderwall stated last time, we are a family. For the twenty-seven members of Moot Court, it is important we support each other's efforts and commiserate when failure comes. All too often at law school it is easy to feel isolated from others. Moot Court provides a place to come to chat, to grab a soda so you can make it through your next class, people to help when the brief is due in an hour, a chance to share outlines, a chance to represent our school, and most importantly, a chance to gain invaluable advocacy, legal writing, and research skills that will serve you well in practice.

If you are all interested in joining Moot Court (this includes all 1Ls and 2Ls) and would like to try-out in April, please feel free to stop by our office with any questions and concerns or you can e-mail me. As always, we are available during the 1L oral arguments to offer support, encouragement, and advice. So feel free to stop by our office anytime even if it is filled with people all talking at once.

Cortney is a 3L and the associate justice of 1L oral arguments and try-outs, she may be reached at cortney.schaffer@valpo.edu.

Law Review

CONGRATULATIONS NOTEWriters!

On behalf of the editorial board of the Law Review, I would like to congratulate all of the Notewriters on completing their Notes last Friday, February 3rd. The Notewriters have been toiling away on their Notes since last August of 2005. After three intermediate deadlines, where five different editors have edited and commented on the progression of their Notes, the Notewriters' task has finally been completed.

We are all extremely proud of the efforts displayed by Volume 40's Notewriters. In addition to a full class load, T.A. responsibilities, and externships, these Notewriters have committed themselves to completing Notes that are upwards of fifty pages each. Also, these Notewriters have helped in the Volume 40 editing process by completing cite check assignments while they were completing their Notes.

During the next two weeks, the editorial board will read and critique all of the Notes that were completed. Upon completion of these reviews, the editorial board will come together to discuss each Note individually and vote on whether each Note should be deemed “Acceptable” or “Publishable.” Those Notes that are deemed publishable are eligible to be published in Volume 41 of the Law Review.

Following the Note voting, the Executive Board will select the Executive Board for Volume 41 of the Law Review by interviewing eligible Notewriters. In order to interview for these five positions, the Notewriter must have written a Note that was voted Publishable by two-thirds of the editorial board.

Immediately after announcing Volume 41's Executive Board, that Executive Board will begin work on accumulating articles for the Volume 41 publication and attracting interest in Law Review from first year students. Given the enthusiasm displayed by the Notewriters this year, we are confident that the incoming Editorial and Executive Boards will do an excellent job.

Again, congratulations to all of the Notewriters, all your hard work has finally paid off!

Anna is a 3L and the editor of law review, she may be reached at anna.schumaker@valpo.edu.

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BUSH
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Bush said, “We are winning the War on Terror, and we have one objective, to stay the course; however, second guessing is not a strategy for victory.” Bush blamed partisan politics for the heated war rhetoric, and made clear that the troops fighting in Iraq and Afghanistan deserve full support from all Americans. President Bush also focused attention on Iraq’s neighbor Iran, which U.S. and European officials suspect is using a civilian nuclear power program to develop nuclear weapons. Iran is “defying the world with its nuclear ambitions and the nations of the world must not permit the Iranian regime to gain nuclear weapons,” Bush said.

President Bush then moved onto his plan for American energy independence. “Here we have a serious problem: America is addicted to oil, which is often imported from unstable parts of the world,” the former oil executive said. “Tonight, I announce the Advanced Energy Initiative - a 22 percent increase in clean energy research at the Department of Energy, to push for breakthroughs in two vital areas,” Bush said. “To change how we power our homes and offices, we will invest more in zero-emission, coal-fired plants; revolutionary solar and wind technologies; and clean, safe nuclear energy.

Bush said he hopes to increase research in better batteries for hybrid technology, pollution-free cars that run on hydrogen, and different ways for ethanol production. To produce the technicians that might bolster such energy research, Bush also called for a federal education initiative “to double the federal commitment to the most critical basic research programs in the physical sciences over the next 10 years.” Bush also hopes to train 70,000 new high school teachers for math and science programs.

President Bush again called for efforts to reform entitlement programs like Social Security, Medicare, and Medicaid. “Tonight, I ask you to join me in creating a commission to examine the full impact of baby boom retirements on Social Security, Medicare and Medicaid,” Bush said. “This commission should include members of Congress of both parties, and offer bipartisan answers. We need to put aside partisan politics, work together and get this problem solved.”

Bush drew a standing ovation from Democrats when he said, “Congress did not act last year on my proposal to save Social Security.” The proposal was privatizing the most successful government program in American history, and it did not gain public support, even in the face of intense campaigning last year by President Bush.

Bush is coming off a difficult year. Hurricane Katrina, which was little more than a footnote in the address, devastated the Gulf Coast and the government’s response hurt the administration politically. In addition, a lobbying scandal on Capitol Hill and rising discontent over U.S. involvement in wars abroad has lowered Bush’s approval rating to 43 percent in a recent CNN/USA Today/Gallup poll.

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TENURE
continued from page 1

of application of laws of reprisal, and the right to be tried in ecclesiastical courts by judges of their own choosing.”

From its medieval beginnings to its modern uses, today almost one-half of the nation’s full-time university faculty members are considered tenured.

So how does the tenure process work? Typically a professor has a six to ten year probationary period when they first start with the institution, where they can be let go once a contract is up. However, at the end of the probationary period a committee will usually review their scholarship, service and teaching credentials. If the committee decides the professor is worthy, they will propose to a general board that the staff member be given tenure status.

As Professor Adams explained, the decision to award tenure is usually a several million dollar commitment for a school, “Both faculty and administrators must carefully examine the candidate’s record to determine not only the quality of the individual’s teaching, scholarship and service during the probationary period, but more importantly the likelihood the individual will continue to grow and be an effective contributor to the academic community.”

-reaching tenure status, however, does not mean a professor can never be fired. At most schools professors can be fired for financial exigency or for just cause, as long as the process is reviewed through a trial-type process. As Adams noted, in the wake of Hurricane Katrina Tulane University is terminating 233 faculty members, 65 of whom are tenured.

Adams says there are both pros and cons for tenure. “The main argument against tenure is that it removes incentives for productivity and unfairly relieves professors of the economic uncertainty suffered by other workers.”

Another argument often made against tenure is the burden an aging faculty may have on a school.

Conversely, Professor Adams argues tenure can contribute to the stability of the university, explaining, “Older faculty members are a valuable resource of teaching experience, institutional history, and leadership, and contacts for scholarship and with alumni that must be preserved and used effectively”.

Professor Adams began teaching at VUSL in 1994. He specializes in the area of labor and employment law and teaches Employment Law, Labor Law, Labor Arbitration, Contracts and Legal Writing for VUSL. In addition, he is the Director of International Programs for the school. Professor Adams has written the book on Labor Law for Aspen Books Professor series. Prior to coming to VUSL, he taught at Indiana University in Bloomington and worked at Davis Wright Tremaine in Seattle, Washington.

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BUDGET
continued from page 2

evolve in order to defend against terrorists who could acquire a nuclear weapon, or launch a biological attack.

Bush’s budget would meet his twin goals of making permanent his first-term tax cuts, which are set to expire by 2010, and cutting the deficit in half by 2009. Democrats, who hope to gain control of Congress in this year’s election, charged that Bush was forced into cutting vital government programs because of the estimated 1.35 trillion dollars over the next decade that it will cost to extend his first-term tax cuts, which Democrats claim primarily benefit the very wealthy.

Critics of the Bush budget are not just Democrats. Fiscally conservative Republicans concerned with balancing the budget worry that continued tax cuts will add to the already record deficits seen under the Bush administration. Sen. Arlen Specter, R-Pennsylvania, called Bush’s proposed cuts in education and health “scandalous,” while Sen. Olympia Snowe, R-Maine, said she was “disappointed and even surprised” at the extent of the administration’s proposed cuts in Medicaid and Medicare.

Of these social programs, Bush is seeking cuts of 36 billion dollars in Medicare, 5 billion dollars in farm subsidy programs, 4.9 billion dollars in Medicaid support for poor children’s health care and 16.7 billion dollars in additional payments from companies to shore up the government’s besieged pension benefit agency.

Democrats criticized the Bush budget, arguing it is simply another display of how Bush and the Republicans put tax cuts for wealthy Americans over programs that benefit children, the poor, the elderly, and the middle class.

Sen. Max Baucus, D-Montana, said the explosion of federal deficits was adding to the national debt, requiring the administration to come to Congress in the next few weeks to raise the $8.18 trillion debt ceiling. He said all of that debt is being financed more and more by foreigners.

“America is borrowing 80 percent of the world’s annual savings. We are handing our children and our children’s children a set of obligations they will owe to foreign central banks,” Baucus said.

Sen. Kent Conrad, D-North Dakota, produced charts showing that the amount of federal government debt held by foreigners before Bush became president totaled $1 trillion and now in the first five years of his administration has more than doubled.

The 2007 budget will be fiercely debated in Congress, but ultimately moderate Republicans and Democrats may win out; especially on the issue of cutting funding for important government programs.

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Wasting time on the field and in the courtroom

Realistic Check
Marina Ricci

Every time I watch football I cannot understand why the players stand around the field and do virtually nothing while time is running. Several people have explained to me that this is the time they use to set up plays and rest but for some reason the “stand around” time decreases towards the end of the game and the Super Bowl was no different. Between the standing around, the McDonald's hamster and Burger King's dancing vegetable commercial, I am not sure which was worse.

Frankly, the last thing I want to think about when eating a hamburger is a furry rodent or any other rat-like creature, but this is the most interesting byproduct of these times. The Whopper is also not that appetizing. How can a person have a meal at McDonald's, not understand why all the players stand around the field and do virtually nothing while time is running.

Wasting time is no better when done by attorneys and nobody can waste time better. Most are very diligent and time efficient but then there are a handful who know the tricks of the trade when it comes to extending what should otherwise be a short experience.

The best strategy when trying to waste time is to ask for a continuance. This is sometimes done to discourage the other party from litigation or to just frustrate them into succumbing to the opposite side and settle. And seasoned attorneys don't do this just once but time after time after time, until the Judge is so fed up with the situation that you are forced to move on with the case.

Another good time waster practiced by older attorneys is entering in 100 copies of the same picture from different angles. Alluded to in a previous column, this is the most obvious time-waster technique, even to untrained viewers. The disconnecting part is when this is done and the attorney doesn't even realize it.

The classic time wasters though are those attorneys who just love to hear themselves talk and who originally wanted to enter into showbiz. Their time to shine is in front of a jury and they take every moment they can to ask the same question and over-drill a concept into the heads of unsuspecting lay people. This can either be really good for the client or really bad, depending on how likeable the attorney is.

And the best time wasters are those attorneys who make their living on frivolous lawsuits. Just the word frivolous has a very loose ribbon like feeling to it. These lawsuits don't go anywhere in court but they do make the front page of 90 percent of newspapers and magazines. And for every person wanting to sue someone who “made them feel bad” there is an attorney who forgot why he really went to law school. It's quite distressing that some people have such short memories. But it's also a good reminder to the rest of us to let those others entertain the clients that should not be wasting the time that should be spent working on real law matters.

The bottom line is that there is a time and place, and while in football it may be ok to spend time catching your breath and setting up a play while the clock is running (even though I may not agree with it and you can just imagine how much of a football buff I am), politicians should not be doing the same tactics to avoid serious issues affecting the people for whom they serve. The same goes for attorneys and their clients. While it's ok to spend hours upon deciphering a statute, and arguing as to the meaning of a misplaced comma, it is never ok to bill a client for time wasted because of inefficiency and ego.

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Religion, equality, and free speech

The Grey Area
Left of Center
Andrew Smith

Recently, a Danish newspaper ran a comic strip with a caricature of the prophet Mohammad. The comic offended the followers of the Islamic faith, and lead to violent riots. Embassies of several European countries were firebombed in Syria as a result. What remains the most interesting byproduct of these events is the political fallout. In addressing these concerns, President Bush and other European leaders made a plea for reasonableness.

In the midst of all the turmoil lurks an interesting question about liberty, equality, and the space given to others in a democracy. First, as Americans and citizens of other free nations, we usually pride ourselves on how we retain maxims of liberty like free speech. Ideally, free speech aims to prevent tyrannical government, but what happens when speech offends a deeply held belief, and at what point do we choose to curb our comments in order to prevent these kinds of occurrences?

This tension seems to occur most often with these kinds of outbursts with deep seeded beliefs. Initially, an objective observer might think that these kinds of knee-jerk responses are irrational. Freedom, though, comes with responsibility. While ever person should be able to express themselves as they see fit, every speaker should be ready to deal with the consequences. Speakers would be wary of their audience, and these kinds of occurrences would never happen, but this awareness can only go so far. Limiting speech based solely this kind of correctness would create a sort of minoritarian control on speech, and it would cease to truly be free.

The responsibility of a speaker, then, must be limited to saying things that are not meant, out right, to offend. This would provide that necessary buffer of decency between words aimed at causing harm, and words aimed at raising eyebrows. This brings up the question of the listener. Taken to its ultimate conclusion, this reasoning regarding a speaker's responsibility would lead to the situation of the eggshell listener. The speaker really could not be free to speak if limited by the likelihood that any listener may be offended. While the intent of the speaker may be telling in this kind of abstraction, it may be even easier to consider a counter responsibility.

A responsibility of civility on the part of listeners would alleviate this problem, and provide the necessary cushion required to prevent the tension in situations like the Danish comic from getting out of hand. In a free society, consequences for distaste should not go beyond more than a public rebuke. Ideally, this would permit everyone to discuss freely, without cataclysmic results. Freedom of speech, then, requires two dueling duties, one to speak responsibly, and one to listen with reason.

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Top 10 Aggravations: by Marina Ricci, Managing Editor

10. Ice on your windshield early in the morning
9. People who call and don’t leave messages
8. People who call and leave five-minute messages
7. Waiting for a table when you have a reservation
6. The battery on your iPod running out
5. Driving behind the person who goes 30 mph MAX
4. Typing so loud it sounds like a freight train is coming
3. Unpaved parking lots very very far away from school
2. When the pop machine is out of your favorite drink
1. People who call pop “soda” or “coke”
Alumni in Action:
Deven Klein

by Sarah Groux   >> story on page 12
Feature: Alumni in action
Beyond life in a law firm

BY SARAH GROUX
Contributing Writer

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Even Klein never has a typical day at his job as Head Counsel for Kumon North America, Inc. “We practice so many different areas of the law... One attorney specializes in lease review, international issues (international company), employment law, franchise law, education law, and corporate law. My job is very interesting in that respect.”

Klein graduated, from VUSL, in 1994, and started his job at Kumon in January 1995. He said he was lucky as it was his first job out of law school. At the time when he took the job, there was no legal department at Kumon.

Basically,” Klein said, “they said that we want to you learn the business from the ground up. We want you to run a center and train new franchisees. If it works, you can be our first in-house counsel.”

From there, Klein has built-up 11 years later what he calls a “mini” law firm. He has two attorneys working for him and two administrative staff.

Klein’s favorite part of his job is dealing with and interacting with people in every level of the organization from the top to the grass roots support people. He said that he feels he got that admiration of a company’s business dealings from his time at Valparaiso.

“Valpo prepared me well because the law school really requires students to master fundamental lawyering skills that are readily useable regardless of which type of environment you practice law. I also feel Valpo was ahead of its time by stressing ethics and pro bono service before it was vogue for law schools to do so.”

Klein gave advice to students wanting to pursue a career out of the firm world. “I would encourage Valpo law students to think beyond the traditional law firm experience after graduation. Of course a law firm job is fine if that is what you really want to do. But a law degree can also open the door to so many other meaningful jobs that can truly help society.” At Kumon, I am happy practicing law for a company that is dedicated to helping each child reach their full potential... I would also encourage law students to understand financial concepts, especially if they work in a corporate environment. The skills that are called upon for in-house lawyers keep expanding, especially after the corporate scandals in 2002 and 2003.”

Klein stressed that students of the law need to know that lawyers today are really asked to do things beyond their lawyering skills.

He explained, “(This) job is a kind of higher calling. We are nurturing young people. This is very satisfying for me. When you go into a (Kumon Learning) center it’s amazing to see these little people work.”

Kumon is an after-school math and reading program that was founded in Japan in 1958 by Toru Kumon. Kumon has a presence in 43 countries with more than 1,400 Kumon Centers in North America alone. Kumon Centers are independently owned and operated by Franchise Instructors. Locally, there is a Kumon Center on North Calumet in Valparaiso.

Klein added, “Our legal department has been involved in Project Literacy U.S. (PLUS) for the past two years. Every Wednesday afternoon members of our team help adults attain reading and numeracy skills using the Kumon Method. The Bergen County Chapter of PLUS has awarded Kumon ‘Corporation of the Year’ for the past two years.”

While attending VUSL, Klein was the News Editor for the Forum. He was also on the Admissions Committee as 3L. Klein attended undergraduate at Muhlenberg College in Allentown, Pa. where he majored in business management.

Following college, Klein took two years off and worked for an insurance company and stringer for a newspaper.

He now resides in New York City with his wife, Yumeko, their two and a half-year-old son, Sakura, and their 11 month-old daughter, Bina.

Sarah may be reached at sarahgroux@gmail.com.
Films affect everyone differently. For some, they are purely entertainment, while others see them as pieces of art. Some films are upbeat and allow us to escape the stresses of life for a few hours, while other films compel us to think about our own lives. Films can be cathartic when we can relate to a character and feel his emotions. Yet, we continue to enjoy ourselves even when films are complete fantasy. The films of 2005 that were nominated for Oscars ask probing and difficult questions, causing the viewer to examine his life and the world around him. The films are noted equally for their artistic and didactic qualities.

And the nominees are:

**Performance by an actor in a leading role:**
Philip Seymour Hoffman in “Capote” (UA/Sony Pictures Classics)
Terrence Howard in “Hustle & Flow” (Paramount Classics, MTV Films and New Deal Entertainment)
Heath Ledger in “Brokeback Mountain” (Focus Features)
Joaquin Phoenix in “Walk the Line” (20th Century Fox)
David Strathairn in “Good Night, and Good Luck.” (Warner Independent Pictures)
- My vote is for Strathairn, but this will likely be Hoffman’s year.

**Performance by an actor in a supporting role:**
George Clooney in “Syriana” (Warner Bros.)
Matt Dillon in “Crash” (Lions Gate)
Paul Giamatti in “Cinderella Man” (Universal and Miramax)
Jake Gyllenhaal in “Brokeback Mountain” (Focus Features)
William Hurt in “A History of Violence” (New Line)
- Clooney has it, though Hurt and Dillon are tough competition. It is not Gyllenhaal’s time yet. Giamatti is a favorite, so this category will be interesting.

**Performance by an actress in a leading role:**
Judi Dench in “Mrs. Henderson Presents” (The Weinstein Company)
Felicity Huffman in “Transamerica” (The Weinstein Company and IFC Films)
Keira Knightley in “Pride & Prejudice” (Focus Features)
Charlize Theron in “North Country” (Warner Bros.)
Reese Witherspoon in “Walk the Line” (20th Century Fox)
- Witherspoon.

**Performance by an actress in a supporting role:**
Amy Adams in “Junebug” (Sony Pictures Classics)
Catherine Keener in “Capote” (UA/Sony Pictures Classics)
Frances McDormand in “North Country” (Warner Bros.)
Rachel Weisz in “The Constant Gardener” (Focus Features)
Michelle Williams in “Brokeback Mountain” (Focus Features)
- My pick is Williams.

**Best animated feature film of the year:**
“Howi’s Moving Castle” (Buena Vista): Hayao Miyazaki
“Tim Burton’s Corpse Bride” (Warner Bros.): Tim Burton and Mike Johnson
“Wallace & Gromit in the Curse of the Were-Rabbit” (DreamWorks Animation SKG): Nick Park and Steve Box
- The popularity of “Wallace & Gromit” was hard to beat this year. It has it.

**Achievement in art direction:**
“Good Night, and Good Luck.” (Warner Independent Pictures): Art Direction: Jim Bissell; Set Decoration: Jan Pascale
“Harry Potter and the Goblet of Fire” (Warner Bros.): Art Direction: Stuart Craig; Set Decoration: Stephnie McMillan
“King Kong” (Universal): Art Direction: Grant Major; Set Decoration: Dan Hennah and Simon Bright
“Memoirs of a Geisha” (Sony Pictures Releasing): Art Direction: John Myhre; Set Decoration: Gretchen Rau
“Pride & Prejudice” (Focus Features): Art Direction: Sarah Greenwood; Set Decoration: Katie Spencer
- Art direction will likely go to “Geisha” for its beauty.

**Achievement in cinematography:**
“Batman Begins” (Warner Bros.): Wally Pfister
“Brokeback Mountain” (Focus Features): Rodrigo Prieto
“Good Night, and Good Luck.” (Warner Independent Pictures): Robert Elswit
“Memoirs of a Geisha” (Sony Pictures Releasing): Dion Beebe
“The New World” (New Line): Emmanuel Lubezki
- “Good Night, and Good Luck” for refreshing the retro-style.

**Achievement in costume design:**
“Charlie and the Chocolate Factory” (Warner Bros.): Gabriella Pescucci
“Memoirs of a Geisha” (Sony Pictures Releasing): Colleen Atwood
“Mrs. Henderson Presents” (The Weinstein Company): Sandy Powell
“Pride & Prejudice” (Focus Features): Jacqueline Durran
“Walk the Line” (20th Century Fox): Ariane Phillips
- “Pride & Prejudice”

**Best documentary feature:**
“Darwin’s Nightmare” (International Film Circuit): Hubert Sauper
“Enron: The Smartest Guys in the Room” (Magnolia Pictures): Alex Gibney and Jason Kliot
“March of the Penguins” (Warner Independent Pictures): Luc Jacquet and Yves Darondeau
“Murderball” (THINKFilm): Henry-Alex Rubin and Dana Adam Shapiro
“Street Fight”: Marshall Curry
- “March of the Penguins” was very popular, and a close call with “Murderball.”

**Achievement in film editing:**
“Cinderella Man” (Universal and Miramax): Mike Hill and Dan Hanley
“The Constant Gardener” (Focus Features): Claire Simpson
“Crash” (Lions Gate): Hughes Winborne
“Munich” (Universal and DreamWorks): Michael Kahn
“Walk the Line” (20th Century Fox): Michael McCusker
- Editing should go to “Crash” or “The Constant Gardener.”

**Achievement in makeup:**
“The Chronicles of Narnia: The Lion, the Witch and the Wardrobe” (Buena Vista): Howard Berger and Tami Lane
“Cinderella Man” (Universal and Miramax): David Leroy Anderson and Lance Anderson
“Star Wars: Episode III Revenge of the Sith” (20th Century Fox): Dave Elsey and Nikki Gooley
- “Narnia” was phenomenal with makeup and should get this one.

**Achievement in directing:**
“Brokeback Mountain” (Focus Features): Ang Lee
“Capote” (UA/Sony Pictures Classics): Bennett Miller
“Crash” (Lions Gate): Paul Haggis
“Good Night, and Good Luck.” (Warner Independent Pictures): George Clooney
“Munich” (Universal and DreamWorks): Steven Spielberg
- “Brokeback” is the favorite here. “Munich” was good, but not Spielberg’s best.

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**Student Profiles**

*By Forum Staff*

**3L**

**Audrey Bentz**

**Hometown:** North Baltimore, Ohio  
**Undergraduate School:** The Ohio State University  
**Undergraduate Major:** Political Science

**Family:**  
My Mom and Step Father live in North Baltimore and my Dad and Step Mother live in Toledo, Ohio. I also have a Step Brother who lives in Massachusetts with his family.

**What is the best part about winter in northern Indiana?**  
That it is only a few months long!

**Where are you headed for spring break?**  
South Padre, Texas

**What would you tell future Valparaiso Law School prospects?**  
Don't let law school make you forget who you are, but enjoy your time here because it goes extremely quickly.

**What movie should the Academy Award go to this year?**  
Considering the only one of the five movies nominated I have seen is "Crash," it gets my vote.

**Where are you planning to live next year?**  
Cleveland, Ohio

**What do you think of the war in Iraq?**  
Regardless of my opinions I support the troops.

**What's your favorite place to eat in Valpo?**  
Maria Elena's, and yes, I actually have a VIP card!

**2L**

**Shijo Mullappallil**

**Hometown:** Chicago, IL  
**Undergraduate School:** University of California at Irvine  
**Undergraduate Major:** Political Science

**Family:**  
My parents are Joseph and Rosemary, my sister is Shina and her husband is Paul.

**What is the best part about winter in northern Indiana?**  
It allowed me to take up Quilt Knitting which I heard Chuck Norris does.

**Where are you headed for spring break?**  
I'll be in South Beach. I have a little bachelor party with some friends which should be preeeeetty fun!

**What would you tell future Valparaiso Law School prospects?**  
Come to the school with an open mind. I mean the ambiance isn't always the greatest but the friends and what I have learnt will take me a long way. Plus... who else can boast about going to Bin Willy's every Thursday?

**What movie should the Academy Award go to this year?**  
A personal favorite of mine and the other guys at the trailers is "Brokeback Mountain"... the love story brings tears to all our eyes...

**Where are you planning to live next year?**  
I'll be living at Flint Lake again unless another Trailer park comes around.

**What do you think of the war in Iraq?**  
I think it was the right decision at the time. President Bush is going through a lot of turmoil because of that decision but not many people complained then. Everyone's a critique when you can look back in the future... Look at Marty McFly!

**What's your favorite place to eat in Valpo?**  
I would have to say Pete's Corner Grill... the food is great and the owner is preeeeetty cool

**1L**

**Kelly Brower**

**Hometown:** St. Louis and Kansas City  
**Undergraduate School:** Valparaiso University  
**Undergraduate Major:** Individualized (Pre-Seminary Studies)

**Family:**  
I'm the oldest of four kids. My parents live in Kansas. I love my grandma. And I just got a kitten last week.

**What is the best part about winter in northern Indiana?**  
Jeez. That is like asking what is the best part about going to the dentist? Maybe reading at coffee shops with fogged up windows.

**Where are you headed for spring break?**  
Family vacation somewhere in the Midwest. I think we are renting a van and visiting tourist traps. It is campy, but hopefully the hotel has a pool.

**What would you tell future Valparaiso Law School prospects?**  
Consider public interest. Heal the world, make it a better place.

**What movie should the Academy Award go to this year?**  
Winners are typically contemporary, controversial, and well-produced. Thus, I predict "Brokeback Mountain" to win. It took courage to act and, for many, takes courage to watch. It is also getting a lot of press. However, "Get Rich or Die Trying" has these elements as well; so, really, it is a toss up.

**Where are you planning to live next year?**  
I wanted to go bohemian with a loft downtown. But I just finished unpacking, and moving sounds like a pain in the ass.

**What do you think of the war in Iraq?**  
The invasion was a mistake based on lies. We are not safer because of the war, and leaving will not make us more vulnerable. Sept. 11th was painful and morally reprehensible, but the "war on terrorism" is political fiction and is not "winnable."

**What's your favorite place to eat in Valpo?**  
I'm a coffee shop junkie and frequent Anneliesje's downtown. I'm also a Maria Elena's fan.
FORUM restaurant review: Bistro 157
Valparaiso’s exquisite dining location found

BY GENEVIEVE BOARMAN & CHRISTINE HASKELL

For our culinary adventure this month, we ventured to downtown Valparaiso to Bistro 157 at 157 W.Lincolnway. Rich in reputation for fine food, the restaurant was even the choice of the late Peter Jennings when he visited Valparaiso, according to Lake Magazine. In addition to good food, love is a part of the Bistro’s history. After the previous owner, Gary Sanders, sold the restaurant to its current owner, Nicole Bissonnette, they fell in love and married. Bissonnette studied at Le Cordon Bleu in Paris and brings a rich understanding of good food to the culinary choices served at Bistro 157.

This summer they plan to move the restaurant to a larger location just a couple blocks down Lincolnway from their current location.

For an appetizer, we started with polenta sticks, which looked like perfectly cut railroad ties for a child’s train set. They were served with two dipping sauces, a mango ketchup and a remoulade, which enhanced the sweetness of the corn meal. The sticks could also be ordered as a side and were a surprisingly tasty substitute for the common French fry.

We diverted ways with one having soup and the other a salad. The soup of the day was a Thai concoction with vegetables and a spicy peanut broth. At first glance, what I thought were navy beans turned out to be whole roasted peanuts. The crunchiness of the nuts and the added peanut flavor mixed well with the soft vegetables and the thin base. The soup provided a taste of the exotic without the fear of finding unknown ingredients floating under the surface.

The side salad was more than standard bunny food. The vitamin rich mixed greens were accompanied by miniatures tomatoes and sliced cucumber. Topped with a walnut vinaigrette dressing and candied walnuts, this salad was a superb beginning to a sumptuous meal.

For the main course, the citron chicken was beautifully plated with three pieces of chicken cascading down a hill of mashed potatoes and surrounded by grilled vegetables. The chicken was lightly covered in a crisp herb breading and then drizzled with a lemon sauce. The chicken was perfectly cooked with the outside coating crunchy and salty and the meat soft and juicy. The citrus sauce was subtle enough to blend with the herbs and spices and light enough to keep the coating from turning soggy. The potatoes were creamy and very garlic-y.

The homemade cappuccino gelato was reminiscent of smooth and creamy gelato I once had in a Roman gelatoria across from the Trevi Fountain. Our second dessert choice was the vanilla bean crème brulée. The sugar crusted top was adorned by fresh and sweet strawberries, raspberries, and blackberries, an astonishing accomplishment amidst a Valpo winter. The vanilla taste was slightly overrun by an orange flavor, probably created by orange zest, but nonetheless it was a delightful ending.

Complementing the entire meal were our glasses of Pinot Noir and Gewurtzraminer, selected from a long list of wines. At the end of it all, we concluded that this was the best restaurant we have dined at so far. The only reason we hold back from awarding our highest honor of 5 gavels is the range of prices. Compared to our other dining ventures, our lunch totaled about the same or slightly higher than dinner at the other reviewed restaurants. With every law student counting each precious dollar, this must be taken into consideration when awarding gavels. However, we hold nothing back in giving our high recommendation to eat at Bistro 157.

Genevieve and Christine are 3Ls. You can send them your rave review suggestions at forum@valpo.edu.

Restaurant Review
Rating Scheme:
5 gavels: “Windfall victory plus attorney’s fees.”
4 gavels: “The court’s opinion directly quoted the analysis in your brief.”
3 gavels: “Has a rational basis.”
2 gavels: “Respectfully disagree, your honor.”
1 gavel: “Held in contempt.”
Superbowl commercial roundup

By Ryan Abresch

The prospect of a Seattle v. Pittsburgh Superbowl left me in a bit of a quandrum a few days ago. You see, for the last two years my favorite team has been in — and won — the Superbowl. This year, however, the Pats were knocked out in the second round of the playoffs and for the first time in two years I was going to be watching a Superbowl that I didn’t give a damn about.

What’s a man to do? I’ll tell you what a man does. He grabs a beer, takes a seat, and gets ready for three hours of the most expensive and most entertaining television commercials that Madison Avenue has to offer.

After watching and taking a few notes, I feel that many of the ads were quite entertaining. But this article will not focus on the few wonderful advertisements. Because I am a law student it is in my nature to be overly critical and a bit of a smartass, as such, I am also not shooting for the highbrow, so if I manage to offend some of you please blame my parents for not raising me properly.

1. The Diet Pepsi Promotional Web Site

This website was promoted during the Superbowl and also at the end of a few mediocre Diet Pepsi ads. The name of the website is www.brownandbubbly.com — yikes! Do the words brown and bubbly make you think of a delicious soft drink? They make me think of my toilet in the morning, after a rough night at the Northside Tap. Thanks a lot Diet Pepsi; because you wanted to have a cute URL, I had to make a poo joke to the various law students, professors, alumni, and administrative staff that will read this article. I hope you’re proud of yourself.

2. The Toyota Hybrid Commercial

This commercial was just plain weird to me. It starts off with a kid riding in a car who asks his Dad why he has a hybrid. The father responds “For your future.” Now, if that kid is going to be dropped off in front of the school in an electric egg that fancies itself as a car, then I’d imagine his “future” will be one of no friends and random middle school beat-downs.

Thanks a lot Dad! Later on in the commercial the father and the son, for reasons that escape me, begin speaking Spanish to one another. Is this car only for bilingual people? I thought hippies were the only people that drove Hybrids, and they can’t even hold down a job much less master a foreign language.

3. The Jessica Simpson Pizza Hut Commercial

“These dots are made for poppin’?” These lyrics are so bad that if I didn’t know that Jessica Simpson was illiterate I would have thought that she wrote them. By the way, I don’t think that kid fainted because he thought Jessica was so unbelievably hot. I think he fainted because he was just shocked to see Jessica serving him the pizza instead of Nick Lachey. Seriously, that guy’s got less going for him than I did at my Freshman Homecoming Dance (I showed up sans date). And did anyone see what this pizza looked like? Does the state of Wisconsin really need another reason to stay fat?

4. Go-Daddy.com

This commercial features some broad whose shirt falls apart (because her boobies are so big!) in front of some old fart sitting behind a desk. The sight of her enormous cans cause this guy to put an oxygen mask over his mouth, and that’s the end of the commercial. What a let down. I mean, if I can’t see them how am I to know whether these breasts truly were oxygen-mask-inducing? For all I know I could have been lied to.

Before I go, I feel compelled to mention my favorite commercial from Superbowl XL. In my opinion the best commercial of the Superbowl was the Godzilla ad from Hummer. What I liked most about this ad is imagining how it was pitched to the folks at Hummer.

“So this gigantic robot and a Godzilla are battling each other in a faraway city. During the fight they (of course) fall in love with one another and get married. Eventually the robot makes it with the Godzilla and knocks her up. Yeah, I made the Godzilla a female so we can keep the Religious Right off our backs. Nine months later the Godzilla gives birth to a brand new 2006 Hummer H-2. It actually drives out of her birth canal and speeds off into the sunset. Because I want this thing to look believable I’m thinking of having the H-2 connected by some sort of umbilical cord. I’ll run the cord idea by Dan downstairs in marketing and then have my secretary get back to you after lunch...”

I don’t know who came up with this commercial but they should either be locked away in a mental institution or hoisted upon our shoulders while being praised for their genius. I’m kind of leaning toward the latter.

Ryan is a 2L and may be reached at william.abresch@valpo.edu.
Forgive me, Father, for I have sinned. It has been... well, a while... I guess, since my last confession. "A while, my son? You need to be a little more exact than that."

"Well, I haven't kept track of that information, Father. I'm sorry; I just don't have that much time on my hands. If you want me to make up a number, I will, but then I'll have another confession to give for lying (to a priest, nonetheless)."

"Fine, fine. Just remember for next time. Now, please continue."

"Well, I guess I'll get the preliminaries out of the way. I took the Lord's name in vain while in the process of dishonoring a parental unit. My exact opposite identical twin brother Alter Ego and I had a debate as to whether that counted as one sin or two. We thought you'd sign from a Denny's bathroom. I had a little bit too much mentionable, dare I say, unfathomable."

"You've got to be kidding! Fine, I took the Lord's name in vain and dishonored a parental unit."

"Next, I stole an 'Employees Must Wash Hands' sign from a Denny's bathroom. I had a little bit too much sauce and couldn't control myself."

"A little too much? Sounds like glutony to me."

"Should I confess that, too?"

"I think it'd be for the better."

"Fine, glutony. You happy?"

"Now for the real reason why I'm here, Father. I must confess I have done something unthinkable, unmentionable, dare I say, unfathomable. It is almost too disturbing to say, but I must: I watched an NBA game."

"It has been a dry month for sports. College football is over, baseball and March Madness are just out of reach, and the NFL found a way to make the Super Bowl boring. Seattle vs. Pittsburgh? Starbucks and Microsoft against steel and paint? I'd rather watch an Old Navy commercial."

"Didn't you use that joke last month, my son?"

"It's my joke, it's not stealing if I take it from myself!"

"I know, I'm just making mention that you should update your material."

"I thought your job was to listen."

"Anyways, I thought about watching the Winter Olympics, but have you seen the lineup? A slate of events that make no sense: bobsled (comparable to 8-year olds sled racing), luge (which has added pairs luge, so if one person sitting on a piece of plastic sliding down a sheet of ice wasn't enough, you can watch two people do it simultaneously), and curling (combination bocce/shuffleboard/street cleaning; what exactly are the brooms for people?)."

"And if that wasn't enough, they've got these snowboarding events. When did that become an Olympic event? It's no wonder why America won all those medals in 2002, no one else participated."

"Plus, they got this one called skeleton. It's like the luge, except that the person rides down on their stomach. I've seen less suicidal people in a methadone clinic. How could baseball not be an Olympic event while these get the green light?"

"My son, I grow wary of your tidings. Get to the point."

"Sorry, Father. I tend to digress."

"So I have noticed."

"But this NBA game I watched, it wasn't just any NBA game. It was when Kobe scored 81 points. The in-game update on the radio said he had 26 at the half, so there was no temptation. But something changed, Father. Kobe got on a streak."

"He started making key shots and chipped away at Toronto's 18-point lead. The next update I heard said Kobe more than doubled his total points in the 3rd quarter with 27."

"I became tempted, Father. He scored 63 points less than a month earlier without playing the 4th quarter. But this time, he was staying in. The game was closer, and the Lakers needed a win."

"I found myself in a dilemma. No one has been harder on the NBA than me. But this could be history. He was out of reach of Wilt's 100-point game, but had his 78-point game within his sight."

"After some soul searching, I gave into temptation and watched. It was history in the making. I submitted, Father, and watched Kobe score 81 points. And for once, it made the NBA interesting again."

"How so?"

"For starters, it bumped the NFL conference championshipsto the second page. Even Olympic figure skating couldn't do that."

"Oh, I just love that event. I hope the judging controversy gets sorted out from the Salt Lake games. Let me ask you, do you think Michelle Kwan will win this year?"

"Father, please."

"Oh, sorry, my son. Please continue."

"I know that Kobe is a polarizing figure, and that the NBA is terrible. But Father, for one day, I became intrigued. I became curious. The moons were aligned, and I watched an NBA game. I almost, almost, became a fan. Unfortunately, I must now face the consequences."

"I see, my son. Well, you have been honest and forthright, and I can see you truly are remorseful. I thought your job was to listen."

"After that sign. Is it possible... I mean, would it be okay if... umm, can I just... buy them a new sign?"

"No response."

"I see. Thank you, Father. Oh, one last question, how does the Hail Mary go?"

"Sorry, Father. I'm not really a fan of religious things."

"Right. I'll be on my way now..."

Joey is a 3L and can be reached at joefavata@valpo.edu. You can also listen to Joey every Thursday night from 8:00-10:00 on Valparaiso University's radio station, The Source 95.1 FM.
Vote Darko in '07

It is official. The fans have spoken. On February 2, the NBA announced the All-Star game starters for the February 19, All-Star game in Houston, Texas.

The starters are chosen by the fans of the game through the NBA All-Star Balloting program. Beginning on November 17, fans are given the opportunity to vote for who they would like to see start in the All-Star game by casting their ballots in NBA arenas, at NBA.com, at Loews movie theaters and with certain mobile phone providers. Fans are permitted to vote for one center, two forwards and two guards from each conference. The players with the highest number of votes are named to the starting line-up of the All-Star game. Once this procedure is complete, the NBA head coaches vote for the All-Star reserves.

This process has resulted in widespread controversy with followers across America. The uproar is over the election of players that seem undeserving of the honor of starting the All-Star game.

For the outraged, the most undeserving player is Yao Ming of the Houston Rockets. Although Yao is averaging career-bests in both points and rebounds, he has played in only 27 of Houston's 48 games, not to mention, the Houston Rockets are in last place in their division. Is a player that misses 21 games justified in being elected a starter in the All-Star game?

Joining Yao as an undeserving starter is Shaquille O'Neal. Similar to Yao, Shaq has All-Star numbers, but he has missed 18 of the Miami Heat's 49 games. Although he may display a level of play comparable to an All-Star, he has only done so for a fraction of the games. To those enraged by the balloting, there appears to be many finer suitors for the starting line-up than Shaq or Yao.

I am here to shut all of those critics up. The next time you turn on SportsCenter or pick up your local sports page and read an article displaying such anger, I want you to remember what you read here.

The NBA All-Star Balloting program is the best way to determine the NBA All-Star starting line-up. In the current NBA season, Shaq and Yao will make approximately $20 million and $6 million respectively. Who pays that salary? You guessed it, us. These salaries are paid for by the fans, whether it is buying tickets, paraphernalia or sponsors' products or simply just watching TV. If we are paying these exorbitant salaries, shouldn't we be the ones that are picking the starters for the league's biggest game?

Also, the NBA is a league for the fans, not for the players, owners, or sportswriters. Changes made by the Commissioner are made with the fans in mind. Whether it is changing the playoff format or instituting an age-requirement, the changes are made to make the game more enjoyable for us. If we are truly on the Commissioner’s mind when he makes such important modifications, it seems logical that we should be able to choose the All-Star starters as well. The fans enable the existence of the NBA, so it only seems fair that we get to choose the All-Star starters.

Besides, if we don't watch the game, then they don't make any money. If the game is filled with players that the fans do not want to see, simply because they All-Star statistics, people will not watch and the NBA loses money. Therefore, the game should be filled with the fans' choices because we are the ones that have to watch the game and pay the salaries.

If I want to see my hero Darko Milicic play in the All-Star game, all I have to do is vote for him. If he gets enough votes, I will be able to watch him play amongst the NBA's elite. If critics don't want to see Darko dominate, then all they have to do is log on to NBA.com and cast their ballot. But, as long as the NBA remains a game for the fans, fans should have the right to vote on who they would like to see in the NBA All-Star game's starting line-up.

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etcetera

OSCAR
continued from page 18

Achievement in visual effects:
“The Chronicles of Narnia: The Lion, the Witch and the Wardrobe” (Buena Vista): Dean Wright, Bill Westenhoff er, Jim Berney and Scott Farrar
“King Kong” (Universal): Joe Letteri, Brian Van’t Hul, Christian Rivers and Richard Taylor
“War of the Worlds” (Paramount and DreamWorks): Dennis Muren, Pablo Helman, Randal M. Dutra and Daniel Sudick

- “Narnia” or “King Kong” - “War of the Worlds” should not be awarded anything ... ever!

Adapted screenplay:
“Brokeback Mountain” (Focus Features): Screenplay by Larry McMurtry & Diana Ossana
“Capote” (UA/Sony Pictures Classics): Screenplay by Dan Futterman
“The Constant Gardener” (Focus Features): Screenplay by Jeffrey Caine
“A History of Violence” (New Line): Screenplay by Josh Olson
“Munich” (Universal and DreamWorks): Screenplay by Tony Kushner and Eric Roth
- My vote is for “The Constant Gardener,” though “Brokeback” will likely prevail.

Original screenplay:
“Crash” (Lions Gate): Screenplay by Paul Haggis & Bobby Moresco
“Good Night, and Good Luck.” (Warner Independent Pictures): Screenplay by George Clooney & Grant Heslov
“Match Point” (DreamWorks): Written by Woody Allen
“The Squid and the Whale” (Samuel Goldwyn Films and Sony Pictures Releasing): Written by Noah Baumbach
“Syriana” (Warner Bros.): Written by Stephen Gaghan
- “Crash” or “Good Night, and Good Luck”

It is Oscar time! Tune in to the 78th Annual Academy Awards on Sunday, March 5.

Please look for the answer to this puzzle in the March issue of The Forum.
CLOSING ARGUMENTS

"The Thinker?"

"Yes! The BarBri Table!"

"Bundle up baby, it's cold outside!"

"You're gonna charge me how much for a pop??"

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Olympic Trivia

1) In what year were the first recorded Olympic Games?

2) In what year were the Olympic Games revived, after dying out in 393?

3) In what years were the Olympic Games cancelled, and for what reasons?

4) When did ice dancing become an Olympic sport?

5) Why were the 1980 Moscow Olympics boycotted by the United States?

6) North Korea boycotted the Olympic Games held by what nation?

7) When was the last time the summer and winter Olympic Games were held in the same year?

8) Why were two gold medals awarded for pairs figure skating in 2002?

9) How much does a curling stone weigh?

10) What two sports are banned from the 2012 summer Olympic Games?

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Answers:

1) 776 BC
2) 1896
3) 1916, because of World War I: 1914 to 1918.
4) 1976
5) Because of the Soviet invasion of Afghanistan.
6) South Korea
7) 1992
8) Because of a French judging scandal.
9) No more than 44 pounds.
10) Baseball and softball.