University of Kansas announces spring 2008 honor roll

More than 4,900 undergraduate students at the University of Kansas earned honor roll distinction for the spring 2008 semester. These students, from the Lawrence campus and the schools of allied health and nursing at the KU Medical Center in Kansas City, Kan., represent 101 of 105 Kansas counties, 42 other states and the District of Columbia and 39 other countries.

The honor roll comprises undergraduates who met requirements in the College of Liberal Arts and Sciences and in the schools of allied health, architecture and urban planning, business, education, engineering, fine arts, journalism, nursing and social welfare.

Honor roll criteria vary among the university's academic units. Some schools honor the top 10 percent of students enrolled, some establish a minimum grade-point average and others raise the minimum grade-point average for each year students are in school. Students must complete a minimum number of credit hours to be considered for the honor roll.

Area graduates include: Emily Claire Seifert, Delia, daughter of Leon and Connie Seifert, Fine Arts Undergraduate, senior, graduate of St Marys High School; Ashley Beth Leonard, Belvue, daughter of Nancy Dekat, Nursing Undergraduate, senior, graduate of Wamego High School; Gregory M. Brunin, St. Marys, son of Dave and Kathy Brunin, Liberal Arts Undergraduate, senior, graduate of St Marys High School; Jacob Brian Landis, Rossville, son of Alicia and Joe Vanatta, Liberal Arts Undergraduate, senior, graduate of Rossville High School; Derek David Ronnebaum, Rossville, son of David and Beth Ronnebaum, Education Undergraduate senior, graduate of Rossville High School; Marc Thomas Roth, Rossville, son of Gary and Tina Roth, Liberal Arts Undergraduate, sophomore, graduate of Rossville High School; Brianna Rae Barnes, Silver Lake, daughter of Susan Barnes, Pharmacy Professional, senior, graduate of Hiawatha High School; Joseph Jeremiah Simecka, Silver Lake, son of Joe and Colleen Simecka, Education Undergraduate, senior, graduate of Silver Lake High School; Marissa Lyne Stromgren, Silver Lake, daughter of Craig and Kyr Stromgren, Liberal Arts Undergraduate, senior, graduate of Silver Lake Junior/Senior High School; Christopher M. Wichman, Silver Lake, son of Scott and Kele Wichman Liberal Arts Undergraduate, senior, graduate of Silver Lake Junior/Senior High School; Michael Duane Keller, Maple Hill, son of Barbara Keller Liberal Arts Undergraduate, junior, graduate of St. Marys High School; Sharon Ann Johnson, Paxico, daughter of Wayne Johnson, Education Undergraduate, senior, graduate of Wabaunsee Senior High School, Alma...
State universities saving money on insurance costs

Consolidating policies reduces state’s premiums, lowers deductible amounts

By Mike Hall
THE CAPITAL-JOURNAL

Kansas taxpayers are saving money on insurance for the state’s universities under a new policy that went into effect July 1 for a number of reasons.

Diane Duffy, vice president for finance and administration for the Kansas Board of Regents, said consolidating a mixture of insurance policies, plus a favorable climate for insurance purchasers, will reduce costs for the six state universities by $100,000 a year — to $1.2 million a year from the present $1.3 million a year.

The tornado that caused $20 million in damage to the Kansas State University campus June 11 came three weeks too early to take advantage of the new insurance policy.

Before July 1, the regents campuses were covered by a state insurance policy carrying a $5 million deductible. That means the state will need to pay the first $5 million of the damage repair at K-State. Had the tornado struck after July 1, a new insurance policy covering all the regents universities would have paid all of the cost except $100,000.

Duffy said a consultant hired by the regents to look at its insurance needs said the main reason for the favorable rates contained in bids by insurance companies was that a hodgepodge of individual policies on the campuses was consolidated into one large package more appealing to insurers.

Before July 1, in addition to the state insurance policy, each regents campus covered some of its property with an auxiliary policy for structures such as dormitories and other fee-producing facilities. Those policies were with different companies and contained different provisions.

Take the deductibles, for example. Following were the deductibles for the auxiliary policies carried by each school: University of Kansas, $50,000; KU Medical School, $25,000; Kansas State University, $10,000; Emporia State University, $60,000 to $80,000; Pittsburg State University, $10,000; Fort Hays State University, $10,000; and Wichita State University, $100,000.

The new regents insurance policy moves one step further into private insurance coverage that began after Hoch Auditorium at The University of Kansas was destroyed by fire in June 1991.

Until then, the state was self-insured for damage to its facilities, meaning that instead of paying premiums to an insurance company, money was placed into a state fund earmarked to cover the costs of repairing or replacing damaged buildings.

After the Hoch fire, the Kansas Legislature authorized private insurance to help pay for such damage, although it set a relatively high $2 million deductible to keep the insurance premiums low.

Later the deductible was raised to $5 million.

Mike Hall can be reached at (785) 295-1209 or mike.hall@cjonline.com.
Man sought in KU student’s death

The Associated Press

LAWRENCE — Lawrence police are searching for a 46-year-old man charged with second-degree murder in the off-campus death of a University of Kansas student.

Jana Lynne Mackey, 25, was found dead Thursday in a home near Lawrence Memorial Hospital.

According to police, Mackey was reported missing around 4:30 p.m. Her car was subsequently found in the hospital parking lot, and her body was found later.

Police have issued an arrest warrant for Adolfo Garcia-Nunez, who lives in the residence where Mackey was found.

He was last seen driving a white Ford F-150 pickup truck but Lawrence police say they found the truck abandoned Friday in another state.
By James Carlson
THE CAPITAL-JOURNAL

Bob Owen was as normal a teenager as any other.

He played baseball and basketball, quarterbacked the football team and led the hockey team at his high school in a Minneapolis suburb in the early 1950s. He talked girls and sports and jokingly jabbed at his friends like any other boy.

But inside his mind, chemicals churned. Schizophrenia lay in wait.

Psychologists couldn’t say exactly what led Owen to break down with the disorder in 1963 because they still don’t fully understand the illness. The disorder is often confused with bipolar disorder, marked by spikes and lows in mood. Doug Denney, clinical psychology professor at the University of Kansas, said bipolar patients have episodic problems, whereas schizophrenia has to be dealt with for life.

Here is what is known about the murky beginnings of the illness.

Schizophrenia affects approximately 1 percent of the world’s population every year, according to the U.S. Department of Health and Human Services. Men usually develop the disorder earlier, in their late teens and early 20s. Women are generally affected in their 20s and early 30s.

Denney said both nature and nurture play a part in the disorder. Schizophrenia doesn’t follow a direct blood line but does run in some families. Owen always told friends about a "paranoid" uncle.

The other half of the disorder is attributed to environment, usually a difficult home life, though it can come from other areas as well.

“The stress of the environment can set in motion the emergence of the disorder,” Denney said.

He said a vast majority of schizophrenics have oversensitive receptors for the brain chemical dopamine, which is normally associated with good moods. But an overabundance of dopamine also is associated with delusions and even hallucinations.

Researchers see the same result in those who use high amounts of cocaine, which releases large quantities of dopamine and can lead to what is known as “cocaine psychosis.”

The disorder manifests as positive and negative symptoms. The positive symptoms — an addition to a normal personality — can include delusions, auditory hallucinations and disordered thinking. Owen never had hallucinations, but he had delusions. One day he looked out his window to his gardener and swore the man was poisoning him.

But there are also negative symptoms or a deficit of normal personality. That usually comes out as a loss of motivation and blunted emotional expression. Many schizophrenics withdraw from normal interactions, isolating themselves.

For Owen, the answer was antipsychotic medications, first introduced in the early 1950s. The first generation of medications was effective at dampening delusions and hallucinations by inhibiting the uptake of dopamine. But they also carried harsh side effects.

“They suppressed everything, tranquilized people kind of,” Denney said. “Things would be fuzzy. Nothing was in sharp view.”

New families of antipsychotic drugs work without so many of the negative side effects, he said.
Suspected killer found dead

Man arrested in KU student’s death committed suicide, police say

The Associated Press

LAWRENCE — A man suspected of killing a University of Kansas law student killed himself after being arrested in New Jersey, police say.

Adolfo Garcia-Nunez, 46, was arrested Friday in Elizabeth, N.J., after police found his unoccupied pickup in that same town, Lawrence police Sgt. Paul A. Fellers said in a news release Saturday afternoon. Garcia-Nunez took his own life while he was in custody in New Jersey, Fellers said.

Garcia-Nunez was suspected of killing Jana Mackey, 25, of Hays, who was found dead at Garcia-Nunez’s Lawrence home Thursday, hours after a friend reported her missing. A second-degree murder warrant had been issued for his arrest.

Mackey and Garcia-Nunez, an artist who also went by the name Fito Garche, recently had ended a relationship.

No additional information about Garcia-Nunez’s death or arrest will be available until the Lawrence Police Department’s investigators return from New Jersey, Fellers said.

According to the Kansas Department of Corrections, Garcia-Nunez was sentenced in November 2005 for aggravated assault, aggravated battery and making a false writing. He was paroled the following August.

But Gary Likes, who lived across the street from Garcia-Nunez, was surprised when his neighbor’s name came up in connection with Mackey’s death.

1 saw no signs of this guy being capable of this,” Likes said. “He kept to himself and was very protective of the people around him. He was a very good neighbor.”

Those who knew Mackey said she was a devoted advocate for women’s rights.

“It appears now she’s been the ultimate victim,” said Sylvie Rueff, who worked with Mackey in the National Organization for Women, where the second-year law student was dedicated to reducing violence against women. “I really could not believe she got killed, because she was just such a remarkable woman.”

Sarah Jane Russell, executive director of the GaDuGi Safe Center, said Mackey worked as volunteer advocate for the nonprofit organization, which helps victims of sexual assault. She still was on the list of advocates but was on hiatus during law school, Russell said.

Being an advocate “takes a heart, and it takes being honey on steel, and she had that,” Russell said.

Beth Cateforis, supervising attorney for the university’s Paul E. Wilson Defender Project where Mackey was enrolled for the summer, said Mackey was vibrant and had a great sense of humor.

“She was a pleasure,” Cateforis said. “I always looked forward to walking into class and seeing her smile and hearing what she had to say or hearing her big laugh.”

In her work with the defender project, Mackey represented federal prisoners in appellate and postconviction litigation in state and federal courts.

Mackey also was a singer and actress, receiving honors as an undergraduate for her theater performances.
INFESTATIONS

Ants go marching

Heavy rains, abundance of food leads to an increase in pests

By Trista Freed
THE CAPITAL-JOURNAL

People aren’t the only ones who have had to seek shelter from this year’s heavy rains. Ants have been running indoors just as quickly, and termites are getting comfortable in more buildings.

So far this year, Topeka has received nearly 3 inches more rain than normal. The damp conditions allow ants and termites to thrive.

Incidents of ant infestations are up 10 percent to 15 percent, according to the Topeka Terminix branch.

Jeff Bodine, co-owner of the family-owned Bodine’s Pest Control, estimates termite infestations are up almost 50 percent from previous years.

“It would be my assumption that because we had a wet winter that wasn’t too cold and we’ve had a long, wet spring most insects are able to reproduce and live better,” said Zachary Falin, collection manager at The University of Kansas Division of Entomology.

Food has been less restricted for the insects as well because of the weather.

“The conditions could allow marginal colonies to squeak by in the winter and then boom around now,” Falin said. “Usually around this time, it’s too hot to see this much activity.”

With the insects population up, the number of people bombarded with the small, invertebrate creatures is climbing, too, keeping pest exterminators busy.

“The ants are flourishing, and they’re also seeking food and shelter in people’s homes,” said Pete Lake, Topeka branch manager for Terminix.

The ants aren’t only traveling to more homes, they also are expanding to more locations in the home.

“Usually ants are found in kitchens and bathrooms,” Lake said. “People are finding them in different rooms you wouldn’t expect.”

Lake warns people to take notice of their ant problems. They should be on the lookout for carpenter ants in their home.

“Carpenter ants can do as much damage as termites,” Lake said.

Carpenter ants are black or red and black. They are usually between one-fourth and one-half of an inch long. They have a single node, or bump, between their thorax and abdomen.

Bodine said he is less concerned about the ants.

“The tiny little ants are what we’ve been seeing more of, and they’re really just a nuisance,” Bodine said. “The termites are a bigger concern for me.”

To help keep the problem under control, people should wash ant trails with warm, soapy water. They should seal any cracks around windows and doors, minimize fire wood and shrubbery near the home, and keep food put away.

For termites, keeping clutter away from the house is important.

“Even branches that touch the house can lead to a termite problem,” Bodine said.

As long as the weather continues to be wet and the heat stays at bay, bugs will continue to be a problem.

“They’ve had a run of good luck and as soon as it get dry and hot things will slow down for the insects and they’ll start dying off,” Falin said.

Trista Freed can be reached at t.trista.freed@cjonline.com.
Exterminator Jeff Bodine inspects a leaf pile outside a house for ants. Clutter in lawns can lead to ant and other infestations within a house.
Licensing infringement trial picks up this week
Take a closer look

By Mike Hall
THE CAPITAL-JOURNAL

A lawsuit attempting to keep unlicensed companies from producing merchandise that looks like KU-authorized merchandise continues this week in U.S. District Court in Topeka.

The trial began June 23, but the court took last week off.

The issue
KU's licensing process requires the manufacturer to submit to KU the design for a new product before selling it and pay a royalty to the university.

The players
The University of Kansas and Kansas Athletics Inc. filed a lawsuit in August 2006 against businesses owned by Larry Sinks, doing business as JoeCollege.com. Sinks and his companies are based in Lawrence.

The attorneys
KU is represented by Charlie Henn, a partner in the Atlanta law firm of Kilpatrick Stockton, which is representing Adidas in its suit against Payless ShoeSource. Sinks is represented by Jim Lilly, of Tulsa, Okla.

What's at stake
A win for KU will send a message to anyone playing off the name and reputation of the school that they had better get themselves licensed by the school.

A win for the defendants means they are off the hook for large financial penalties to be paid to KU. It also might embolden others to ignore the licensing process.

What's next
The trial resumes at 8:30 a.m. today in front of U.S. District Court Judge Julie Robinson, 444 S.E. Quincy.

The case is expected to go to the jury later this week.

CJOnline.com
Take a visual quiz to see if you can correctly guess which merchandise items are officially licensed and which aren't.

THE UNIVERSITY OF KANSAS

JOE-COLLEGE.COM

KU'S COMPLAINT: Sinks is selling T-shirts made to look like officially licensed KU products but isn’t paying the normal royalties required of licensed vendors.

SINKS' RESPONSE: To be an infringement on KU's trademarks, the products must be shown to cause confusion over whether they are licensed KU products.

KU'S COMPLAINT: Some of the T-shirts carry messages that would offend many of the university's supporters and wouldn't be licensed. Some use offensive words.

SINKS' RESPONSE: It should be clear to anyone that the slogans on Sinks' T-shirts aren't messages the university would sanction. Therefore, there is no confusion.
**KU'S COMPLAINT:** The university argues visual elements, such as crimson and blue, are protected, and shades slightly different can appear to be KU colors so latitude is needed.

**SINKS' RESPONSE:** Despite the similarity in color schemes, people likely wouldn't confuse Sinks' T-shirts for officially sanctioned KU T-shirts because of the messages.

**KU'S COMPLAINT:** Joe-College.com is using words clearly referring to KU, such as “Hawk,” referring to the Jayhawk, and Phog, a nickname for Allen Fieldhouse.

**SINKS' RESPONSE:** His attorneys are focusing on the wording of trademark laws rather than contesting the facts.
Joe College owner testifies in KU trademark case

By Mike Hall
THE CAPITAL-JOURNAL

The owner of Joe-Collºge.com declined in federal court Monday to explain the message on a T-shirt he created and sells because it might offend someone in the courtroom.

And that is a key element of the case against him filed by KU and Kansas Athletics. KU officials contend many of Larry Sinks' T-shirts carry offensive messages. And since they are made to look like officially licensed KU T-shirts, they harm the school's image, they argue.

On Monday, jurors were shown an image of a Joe College T-shirt with an offensive phrase thinly disguised by transposing the first letters of the two words.

Sinks himself was on the witness stand, and Charlie Henn, KU's attorney, asked him to describe the real, unscrambled message. Sinks declined because doing so might offend jurors or others in the courtroom.

Monday's session of the trial kept jurors in their seats from 8:30 a.m. to nearly 5:30 p.m. The jurors were selected Tuesday, June 24, and continued the rest of that week. Then the trial was suspended last week and resumed Monday.

Testimony is to continue today. So far, jurors have only heard witnesses presented by KU. Henn announced Monday he was resting his case, so now the jurors will hear witnesses called in defense of Sinks and his companies.

U.S. District Judge Julie Robinson told jurors she believes they will be released to begin their deliberations on a verdict by midday or early afternoon Wednesday.

Among the highlights of Monday's session:
- Sinks confirmed that some time after KU filed the lawsuit he received a letter from KU Athletic Director Lew Perkins warning him to stop selling products that infringed on KU's trademarks such as the word "Kansas" when used in reference to KU, the Jayhawk figure and the crimson and blue color combination.
- Sinks responded by sending an e-mail to Perkins' son-in-law — he said he didn't have Perkins' e-mail address — offering to close his store and go out of business if the university would pay him $250,000. The university declined.
- KU's initial court filing didn't identify a specific dollar amount it was seeking from Sinks, merely asking for "enhanced profits and trebled and punitive damages," said Ian Ratner, a CPA specializing in analysis of the value of businesses, determining Sinks' profits was challenging because "he does not maintain an accounting system."
- Rather than using one of the commonly used computer software programs to organize financial information in understandable ways, Sinks, when asked for financial records, supplied typed lists of transactions.
- Unable to verify even the accuracy of the typed transaction lists, Ratner estimated Joe College sold $512,000 worth of "infringed" T-shirts from January 2006 into June 2008. His estimated profit was 55 percent of that. Ratner estimated the revenue from "infringed" T-shirts from the separate screen printing part of the business could be as high as $2 million.
- Under questioning from Jim Tilly, Sinks' attorney, Ratner said the only explanation he could come up with to explain how the manufacturing part of the business could be selling four times as much as the retail part was selling is that the screen printing shop must have customers in addition to the Joe College retail store. There is no way of knowing, he said. The records just aren't there.

Mike Hall can be reached at (785) 295-1209 or mike.hall@cjonline.com.
A public opinion survey conducted on behalf of Joe-College.com was procedurally flawed in a number of ways, an attorney for The University of Kansas indicated Tuesday in the school's trademark infringement lawsuit against the T-shirt merchandiser.

KU attorney Charlie Henn got the point across through questions he put to James T. Berger, a Chicago marketing consultant hired by Joe College's owner, Larry Sinks, of Lawrence.

At issue was a survey done by Berger and a subcontracting interview company that showed KU students and Lawrence residents had no difficulty identifying T-shirts officially authorized by a university from nonlicensed shirts.

Berger sent 11,700 e-mails to people in the Lawrence area asking them to participate in the survey, which involved answering questions on a special Web site.

The site showed images of six T-shirts, three licensed and three non-licensed. People correctly identified the nonlicensed shirts more than 80 percent of the time.

"Confusion" over what shirts are officially approved by KU are a key element of the university's lawsuit.

In questioning Berger, Henn suggested a number of procedural flaws that allowed the results to be skewed.

Henn noted Joe-College.com has created another 203 T-shirt designs that weren't included in the survey.

He also cited work by a public survey expert, recognized as an expert by Berger, that the results of any survey receiving responses from fewer than 50 percent of those asked to participate should be considered suspect.

Of the 11,700 e-mails sent out by a survey firm hired by Berger, only 2 percent replied.

Berger replied that the article by that expert was written before Internet surveying was created. He said the old rules of surveying no longer apply.

Henn also tried to cast doubt on Berger's abilities by pointing out that Berger has done two opinion surveys in the past that were rejected by courts. In one, the court found Berger hadn't surveyed an appropriate target market. In the other, the survey was rejected because he hadn't surveyed potential future buyers of the products involved.

In fact, Henn got Berger to admit that he hadn't identified any respondents as possible future purchasers of college-related T-shirts.

But Berger had responses to each of Henn's questions. As for the two surveys rejected by previous courts, he replied: "It's not a big deal. Every survey expert has had surveys excluded."

He said his survey found that 95 percent of those who responded had purchased university-related apparel in the past and it is a safe assumption a high percentage of them would buy more in the future.

"I believe it with all my heart," Berger said.

But Henn noted Berger was unable to document that belief.

U.S. District Judge Julie Robinson has said she expects the case to go to the jury sometime today.

Mike Hall can be reached at (785) 295-1209 or mike.hall@cjonline.com.
The eight federal jurors in The University of Kansas trademark lawsuit began the task Wednesday of reaching unanimous agreement on some 800 questions put to them by the judge and attorneys.

The questions deal individually with each of 206 T-shirt designs created and sold by Joe-College.com that KU officials allege are violating the school’s trademarks.

The jury recessed to the jury room for deliberations at 4:30 p.m. after closing arguments by attorneys for KU and for Larry Sinks and Clark Orth, owners of the businesses operating under the name Joe-College.com.

Spectators in the U.S. District Court in Topeka got their first hint of
T-shirt: University offers glimpse of damage amount it is seeking

Continued from Page 1A

the monetary damages being sought by KU. Charlie Henn, KU’s attorney, said the school is seeking $33,000 that he said was a conservative estimate of the amount of royalty Sinks’ businesses should have paid the school and $476,350 as an estimate of the profits from the sale of Sinks’ T-shirts.

He also asked the jury to award punitive damages both as a punishment to Sinks and to discourage others from selling KU-related products without licensing them through the university. However, he didn’t specify an amount the jury should grant in punitive damages.

Outside the courtroom, Sinks has told reporters that KU officials approached him before the start of the trial and said they would drop the lawsuit if he paid the university $900,000 and stopped selling T-shirts.

Jailors have an option that would shorten their deliberations. They could mark a spot on the jury questionnaire stating they believe all 206 shirts infringe on the school’s trademarks.

“There is something dangerous going on here in this case,” Jim Tilly, Sinks’ attorney, said in his closing statement.

KU’s zealousness in preventing others from creating products that make reference to the university would stifle creativity. Tilly noted instances of Sinks being the first to come up with a slogan or idea that was later adopted by the university.

On the stand, Sinks told of a night when he was socializing with then-KU basketball coach Larry Brown and other coaches. “Late Night with David Letterman” came on television. He said he suggested the idea of a “Late Night with Larry Brown” as a practice at 12:01 a.m. on the first day NCAA teams were allowed to practice. The name changed with the coaches until the university settled on “Late Night In the Phog,” a reference to a nickname for KU’s Allen Field House. The nickname stems from KU’s early-days coach “Phog” Allen.

But Henn countered that creativity isn’t what trademark laws are all about. They are aimed at allowing a company or organization to maintain control over its image and reputation. Much of the trial was devoted to showing jurors Joe College T-shirts with slogans that KU officials believe to be offensive. School officials say the items were easily confused with officially licensed KU products and some KU supporters were asking why the school was selling such offensive items.

Judge Julie Robinson spent an hour reading a list of instructions to jurors. Many of the instructions were explanations of what trademark laws say and how courts have interpreted them.

For example, she noted that simply shortening a trademarked word wasn’t enough distinction to allow someone to use the shortened word.

That appeared to address a running theme throughout the trial over Joe College’s use of such words as “Hawk Football” and “Hawk Basketball.”

To the end, Tilly insisted Hawk wasn’t a takeoff of the word “Jayhawk.”

“Hawk is a different term,” Tilly said in his closing remarks.

Mike Hall can be reached at (785) 295-1209 or mike.hall@cjonline.com.