

2002

## The Amicus Curiae (Vol. 13, Issue 1)

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### Repository Citation

"The Amicus Curiae (Vol. 13, Issue 1)" (2002). *Student Newspaper (Amicus, Advocate...)*. 66.  
<https://scholarship.law.wm.edu/newspapers/66>



# The Amicus Curiae

VOLUME XIII, ISSUE ONE

TUESDAY, SEPTEMBER 10, 2002

WILLIAM & MARY SCHOOL OF LAW

## MLSA Announces Plans for Coming Year

By: Adrienne Griffin

"The Multicultural Law Student Association is a joint effort of the William and Mary law community to understand and educate others about cultures that affect the dynamics of law and justice." This statement greeted attendees of MLSA's first meeting of the year which was held on September 4. Because MLSA is a new organization, the co-founders, Melinda Hasbrouck and Natasha Robinson, structured the meeting to explain what the organization is and their plans for the future. Ms. Hasbrouck began by introducing the faculty advisors, Michael Stein (who was unable to attend) and Susan Grover and the staff advisor, Petra Klemmack of Courtroom 21.

Each MLSA officer spoke about their role in the organization and highlighted some goals for the coming year. Ms. Robinson outlined upcoming programs including a presentation about interview etiquette and a forum entitled "Role of the Non-Profit Lawyer," which will take place on October 2<sup>nd</sup>.

The forum will address issues of attorney-client relations, with special attention given to issues stemming from the fact that pro bono attorneys often deal with a high percentage of minority clients who may speak little or no English. Fall events coordinator Kirstin Michener announced that one of MLSA's priorities will be to explore the possibility of establishing a new journal dealing with multicultural issues.

Immediately following the organizational meeting, MLSA presented the "Beyond Williamsburg" forum. Iria Giuffrida, a visiting Professor of Law who received her LLM from William and Mary in 2002, began by introducing some of this year's LLM students. They spoke about their reasons for coming to the United States to study law, which for all but one included the desire to take the Bar exam here. Because of the subject matter found on the

bar, all except one decided to take some first year courses. The exception was Dirk Friedrich, from Germany, who stated that he wanted to "avoid those hard-working American 1Ls."

The LLM students were followed by a group of returning William and Mary students who spent their summers working abroad. Sada Andrews, who worked for the International Justice Mission, explained that while the United States spends about \$250.00 per person on law enforcement each year, India spends a mere nine cents. Therefore, although practices like bonded labor have been made illegal, outside assistance is required to enforce the law. Marya Shahriary worked in Cambodia, a place where, according to her, "so much needs to be done that everybody can make a difference." She related the at times frustrating experience of working with the Legal Aid of Cambodia's Juvenile Litigation project. Gunther Chesnut reflected on his experiences at the Ministerio Publico of Sao Paulo, Brazil, which he analogized to the Attorney General's office in the United States. He concluded that one of the main benefits of working abroad is that it will serve as a reminder that law firms are not the only opportunities out there and you never have to feel stuck in one job.

Having spent summer of 2001 in Russia, Tim Peltier went to Kyrgyzstan, an independent republic south of Kazakhstan and west of China, for summer 2002. He worked for the U.S. Embassy and particularly enjoyed the experience of bringing a photographic exhibit about September 11<sup>th</sup> to the people of the country. He was amazed at their emotional responses to our national tragedy. Chris Parrott completed the program with some thoughts about the William and Mary study abroad program in Spain. He enjoyed his classes, working on his Spanish skills, and having the opportunity to visit Barcelona, Lisbon, Paris and Rome. Another positive aspect of the experience was getting to know law students from other schools, who have already provided him with invaluable information about job fairs and other opportunities and have become close friends.

## Negotiation and Client Counseling Board Plans Busy Semester

By: Kirstin Michener

The William and Mary Negotiating and Client Counseling Board (NCCB) is an organization dedicated to introducing law students to practical skills and to giving those students an opportunity to interact with each other in mock tournament settings. Two of the competitions focus on methods of dispute resolution other than litigation -- the only competitions of this type at W&M. The third competition, client counseling, gives students the opportunity to practice the valuable skill of meeting with a new client. Our goal is to help prepare students for future legal practice, by helping them learn the skills needed for these competitions.

The NCCB sponsors three competitions each year that all students can participate in: the American Bar Association Law Student Division Negotiation Competition, the ABA LASD Client Counseling Competition, and the ABA Section of Dispute Resolution Advocacy in Mediation Competition. For each competition the W&M NCCB will host an intra-school competition. The finalists of that competition will have the opportunity to participate in the regional competition. Last year twelve William and Mary students represented our school at the regional competitions in North Carolina.

Each competition will have an assigned topic. This year the topic for the Negotiation competition is "Entertainment Law." The topic for the Client Counseling Competition is "Criminal Law." The Mediation Competition topic has not yet been chosen.

Each intra-school competition will be conducted over a period of two days. The first day will consist of two rounds in which everyone will participate. Students will compete as individuals for the Negotiation competition and will be randomly paired against each other for the other competitions. They will compete in the

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presence of at least two judges selected from members of the faculty and staff, and other local legal professionals. At the conclusion of the first two rounds, competitors with the highest scores will be selected as finalists and asked to compete in a final round to select an overall tournament winner. These finalists will then be paired together and will work as teams in the regional competitions. Alternates will also be selected in the event a finalist is unable to compete in the regional competition.

Membership in the W&M NCCB entitles you to participate in any of our three sponsored competitions throughout the year, and it's easy to join.

Students who wish to join the NCCB must join the American Bar Association Law Student Division. The cost to join the ABA LSD is only \$20/ year and the benefits are well worth the investment. To join the ABA LSD see our W&M ABA Student Representative or sign up online at [www.abanet.org](http://www.abanet.org).

To register for the NCCB and express your intent to compete you fill out the membership form available in the NCCB hanging file or by contacting one of the NCCB officers. You will also be asked to pay dues of \$30 to cover the costs of the competitions. Once you are a member of the NCCB you can participate in all three of the competitions with no additional registration fees. If you are a finalist, the NCCB will sponsor your trip to the regional competition.



# News

## This Year's Events

September 27, 2002

Negotiation Training  
3:00 pm - Room 135

October 11, 2002

Deadline to register for Negotiation Competition

October 25, 2002

NEGOTIATION COMPETITION!

4:00 - 9:00 pm - Rooms to be assigned

November 2-3 or November 9-10, 2002

Negotiation Regional Competition  
North Carolina

## Other Upcoming Competitions

### Client Counseling Competitions

Topic: Criminal Law

Intra-school Mid-January 2003 W&M

Regional Feb. 2003 TBA

National March 15, 2003 St. Petersburg

### Advocacy in Mediation Competitions

Topic: TBA

Intra-School Late January 2003 W&M

Regional February 2003 TBA

National March 20, 2003 San Antonio, TX

# Military Tribunals?

By Sara Aliabadi

The American "war on terrorism" has sparked fierce debate over the correct balance between public freedom and personal safety - the basic assumption being that individual liberty and national security are inherently opposing interests that must be "balanced" against one another. Specifically, the recent arrest of Jose Padilla has raised some difficult legal questions surrounding the constitutional rights of American citizens suspected of engaging in terrorist activities. Should Padilla be accorded the rights customarily given to accused criminals under the Sixth Amendment - the same rights that he has enjoyed in the past, throughout his substantial criminal history? Or does the terrorist nature of the allegations against Padilla warrant his receipt of a different kind of due process? The answers to questions like these will ultimately determine whether the terrorist attack of 9/11 succeeded in robbing Americans not only of their friends, neighbors, and family members, but also of the civil liberties so fundamental to the American way of life.

The differences between the military justice system and the civilian system are important and numerous, affecting elements of due process such as burden of proof necessary for conviction, the admissibility of evidence, the respect given to the attorney-client relationship, etc., etc. The list goes on and on, but the fundamental issue behind all of this involves whether suspected civilian terrorists are entitled to a jury trial. What kind of justice should be administered to American civilians accused of crimes against the international laws of war, and under whose authority should this justice be administered - that of the civilian court system, or that of the military? While the Executive Order authorizing the use of military tribunals has so far been directed only at non-citizens, Padilla's arrest will surely raise questions as to whether the Order may also be constitutionally applied to Americans. The war against terror won't just be fought on faraway shores against foreign enemies; it will likely be fought against some of our own citizens, as well.

Our government needs to decide how it will deal with U.S. citizens who are suspected of committing acts of terrorism and offenses against the laws of war. Moreover, it must ensure that its approach both respects the civil liberties upon which this country was founded, and protects the security of the nation. I propose a two-step approach: a short, preliminary jury trial to establish the "enemy" status of the suspects, followed by a more thorough trial by military tribunal during which evidence can be evaluated for specific acts of terror. Before discussing this approach and the reasons for it, however, it might be helpful

Tuesday, September 10, 2002 THE AMICUS to take a brief look at some of the pertinent history behind the use of American military tribunals.

Perhaps the most famous Supreme Court cases to deal with the constitutionality of trying American citizens with a military tribunal were the cases of *Ex Parte Quirin* (1942) and *Ex Parte Milligan* (1866), both of which will surely come up in the discussion of Padilla's constitutional rights. People in favor of using a military tribunal to try Padilla will likely cite the Supreme Court's unanimous opinion in *Ex Parte Quirin* that terrorists are properly considered "enemy combatants" for whom military justice is appropriate. In a similar fashion, those in opposition to the use of military tribunals for this purpose will likely refer to Justice Davis's opinion in *Ex Parte Milligan* that any American civilian accused of a serious crime is entitled to a trial by jury, under the Sixth Amendment and Article III of the Constitution. Fortunately, it is possible to reconcile the majority opinions of these two cases, or at least to walk a middle path between them.

In *Ex Parte Milligan*, the defendant allegedly plotted to release Confederate prisoners in an attempt to impede the Northern war effort. While the criminal acts planned by Milligan were politically motivated and might have threatened the public safety had they been carried out, the acts shared few of the most important characteristics of modern-day terrorism. They were not focused on causing damage to civilian property or to harming civilians, and they involved no weapons of mass destruction. The fact that the case did not directly involve terrorism, however, is not sufficient reason to dismiss its holding concerning the trial rights of citizens. Justice Davis stated clearly that American civilians can *never* be tried in military tribunals for offenses against the laws of war when the courts are open, because the laws and usages of war do not (and can not) apply to civilians.

The Supreme Court opinion in *Quirin*, however, saw things slightly differently. In *Quirin*, a group of Nazi saboteurs (one of whom was an American citizen) were tried, convicted, and sentenced to execution by a military tribunal. Writing the unanimous Court opinion, Chief Justice Stone argued that the military functions pertaining to the conduct of war are not limited to those functions directed to "repel and defeat the enemy," but also include those functions with the purpose "to seize and subject to disciplinary measures those enemies who in their attempt to thwart or impede our military effort have violated the law of war." Stone emphasized the Presidential and Congressional authority to punish offenses against the laws of war (a category which includes acts of terrorism), and used it to help draw a distinction between the *Milligan* and *Quirin* cases, and explain their difference in ruling. He determined that the *Quirin* petitioners were closely associated with a belligerent nation's military, and as such their acts were properly considered military offenses

## THE AMICUS CURIAE

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Letters to the Editor may not necessarily reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 10 p.m. on the Wednesday prior to publication. *The Amicus* will not print a letter without confirmation of the author's name. We may, however, withhold the name on request. Letters over 500 words may be returned to the writer with a request that the letter be edited for the sake of space.



# News

against the laws of war, or acts of "unlawful belligerency." The fact that the defendants included an American citizen posed no problem for Stone: he proclaimed that the defendant's actions effectively separated them from the protections of the Sixth Amendment, putting them in the category of "enemy belligerents" to whom the Sixth Amendment does not apply, and for whom a trial by military tribunal is appropriate. It was this heavy emphasis on the saboteurs' status as "enemy belligerents," together with the *Quirin* Court's reliance on that status when approving the Congressional authority to establish the military tribunal used to try the saboteurs, that allowed the Court to make its judgment without formally overruling that of *Milligan*.

There is one main problem that stands out, however, when one tries to use the *Quirin* opinion to justify the use of military tribunals to prosecute American civilians suspected of terrorism: a problem of circularity. Unlike the defendants in *Quirin*, American civilians suspected of terrorist acts are not (necessarily) clearly affiliated with an enemy military like that of the Nazi regime, nor do they (necessarily) have any other characteristics or history that would categorize them as "enemy belligerents" worthy of a trial by military tribunal. The *Quirin* opinion held that the military tribunal commissioned by Congress was constitutional because the defendants were both 1) recognized enemy belligerents, and 2) accused of actions against the laws of war. In the case of suspected American terrorists, however, the defendants may not clearly be "enemy belligerents" deserving of a trial by military tribunal (innocent until proven guilty, right?). In the absence of such status, the use of military tribunals is unfair and constitutionally suspect, under the protections of the Sixth Amendment. It is like the government saying, "we will take away your right to a trial by jury because we think that you have violated the law of war, and we will then establish a military tribunal to prove that you have violated the law of war. You will not be allowed to enjoy your constitutional right to defend yourself before an Article III jury, because you have offended the law of war... which is what we are assuming, and which is why we are giving you a trial by military tribunal instead of the customary jury trial that we give to others accused of a serious crime." The rational of these statements is circular: it depends on a presumption of some degree of guilt, instead of a presumption of innocence. It depends on a degree of guilt large enough to direct an American civilian into the military justice system, instead of into the civilian justice system - a degree large enough to take away the Sixth Amendment rights that are normally given to American civilians, and instead treat them as if they were "enemy combatants" before any trial has even begun. This degree

of guilt is too large.

And yet, there remains the question of what sort of trial suspected terrorists should be given. On the one hand, enemy combatants may not be entitled to a jury trial, and those who violate the laws of war certainly do not deserve the protections of the Sixth Amendment. Furthermore, the country's civilian court system may not be equipped to deal with trials of acts against the laws of war - and the price of a mistake could be detrimental, even fatal, to the security of the nation. On the other hand, it seems constitutionally suspect to use a military tribunal to try an American civilian for acts of terrorism, without first proving that he has done something to warrant the government's waiver of his right to a trial by jury. That is why, after consideration, it seems that the reasonable solution is to hold a preliminary jury trial to establish "enemy combatant" status, followed by a more extensive trial by military tribunal for specific terrorist acts against the laws of war.

Critics of this idea may argue that this is a weak compromise, and the worst of both worlds. They might say that a preliminary jury trial of any sort would delay the process and put members of the court system (and indeed, the whole country) at risk. They might also say that a secondary trial by military tribunal would still offend a defendant's Sixth Amendment right to a jury trial (there are those who say that even enemy combatants should be given a jury trial). There is merit in both claims. Looking at the structure of the criminal justice system and the majority opinions of *Milligan* and *Quirin*, however, it appears that this preliminary jury trial might be a viable, constitutional "middle path" that secures the rights of the individual as well as the safety of the country.

A preliminary jury trial to establish "enemy combatant" status would certainly pose risks to those involved, but probably no more than the trial of any violent crime. The goal of the prosecution would be to establish the defendant's affiliation with an enemy military, his past offenses to endanger the people of America, or some other condition that would warrant his categorization as an "enemy combatant" of the United States. This preliminary trial to establish enemy combatant status would be much shorter and less extensive than a trial involving terrorist acts against the laws of war, and therefore the risks posed to the court system and the nation would also be limited. If a jury were to find that the defendants had enough evidence against them or connection with "the military arm of the enemy government" to warrant a trial by military tribunal, then - consistent with the *Quirin* opinion - the defendants could be directed into the military system of justice and given a trial by military

tribunal. Specific acts of terrorism could be tried within the context of this military tribunal, lowering the risks posed to those involved in prosecuting these "combatants" for terrorist acts (and sparing American jurors and their families from the dangers associated with terrorist trials).

With this approach, American civilians would still enjoy their Sixth Amendment right to a trial by jury - the right that the *Milligan* decision sought to safeguard. At the same time, those Americans who, by their conduct or association, have renounced their citizenship to become enemy combatants, may be given the legal treatment properly accorded to them by a military tribunal. Most importantly, perhaps, the security of the nation may be protected.

We might do well to consider this proposal in light of Jose Padilla's arrest. In fighting this war against terrorism, we must vigilantly pursue all external and internal threats to the American way of life, including threats to our justice system. As allegations mount and the distinctions between our friends and our enemies become blurred, it is becoming increasingly clear that we need to find a constitutional way to ensure both safety and justice for all Americans.

## Amicus Staff Picks

**The question of the week is: What was the best or most exciting thing you did on your summer break?**

**Gary Abbott**

T'was my summer of concerts, the most in 15 years, including the Sabbath reunion summer. After watching VH1's 100 Greatest Heavy Metal Bands and 100 Greatest Hair Metal Bands, I HAD to catch some reunion tours before anymore of my favorites died off. First, and best, was Dio/Deep Purple/Scorpions; for guys older than me, they flippin' kicked a\*\*. Next, as a favor to my son, was Rush; even their new stuff was good but (sorry true Rush fans) Tom Sawyer is still my favorite. Shortly thereafter was Hanoi Rocks/Winger/Cinderella/Poison; a bit of an embarrassment since I wouldn't have walked across the street to see any of them in the '80s, but WHAT an ear-ringing guitar night! I rounded out the summer with the B52's/Blondie show; dancing in the seats we were. (sigh) Boy, that was fun. But payback will be tiresome. To achieve equity on the home front, I will soon have to go see some lame guys named Julio, Elton and Bolton. And The Who and The Stones will prob-



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# 1Ls: THE NEXT GENERATION

By: Gary Abbott

ably pass us by.

**Andrea D'Ambra**  
Conceived twins.

**Pete Flanigan**  
Being "fourth guy on the right" in an upcoming movie.

**Adrienne Griffin**  
It was on a Saturday in July, 94 degrees in the second row of the upper deck in right field, fair territory, at Yankee Stadium in the Bronx. Eleven innings later, victory for the home team. Hate to sound trite, but it was definitely . . . priceless.  
**Brooke Heilborn**  
While living in DC I was able to take a "behind the scenes" tour of the Supreme Court . . . then, at the end of the summer I took a trip to Las Vegas.

**Seth Rundle**  
Summer clerkship for Tennessee Court of Appeals Judge W. Frank Crawford in Memphis, TN.

OK, we've told you a little about our summers—Now it's your turn! Tell the *Amicus* what was the most embarrassing thing that you did or happened to you during your summer job/internship/study abroad program. It's your chance to see your name in print (and make your classmates smile). A small prize is involved as well. So send those stories to us at [amicus@wm.edu](mailto:amicus@wm.edu)! Come on, I know you're out there!



Kathleen Elizabeth Hynes, b. 6-7-02, getting impatient for Elvis to bring her that glass of milk. (tendered by Professor Richard Hynes)

Hewson Patrick Duffy, b. 6-6-02, in presumably patented designer safety harness gear, vigorously arguing that there is no insurance crisis. (tendered by Professors John Duffy and Sprightley Ryan)



Daniel and Noah Gerhardt (or Noah and Daniel, sources conflict), b. 7-3-02, wondering if the doctrine of "one acre and one mule" could be argued to include bassinets. (tendered by Professors Michael and Deborah Gerhardt)

**Baby  
Pictures?**

**Wedding  
Photos?**

**Ultrasound  
Printouts?**

**We want them all here at  
the Amicus! Just drop  
them (labeled of course)  
into the Amicus hanging  
file.**



# Sports

## Football Forecasts

By: Tarek Shuman

### NFL

As football fans know, the great thing about the National Football League is the competitiveness that the sport demonstrates year after year. The past few seasons have witnessed the emergence of several teams seemingly from out of nowhere, first with the St. Louis Rams miraculous season in 1999 capped off by Super Bowl XXXIV, and then the incredible run made by the New England Patriots towards last year's championship.

This year stands to be no different. As you may have noticed in your first few weeks in law school (as 2Ls and 3Ls I'm sure haven't forgotten), trying to figure out a method to all the madness is much easier said than done. A provision for law might go as follows: The Rule is A, unless B, which depends on C, D, E, and F...oh, and don't forget about G and H. The NFL stands to be no different in 2002.

With divisional adjustments taking effect now that the Texans (the most unique team name since the Montreal Canadians) begin their fight for the NFL's worst record, the AFC and NFC races are wide open. The new structure of four teams per division makes each game crucial. Here is a breakdown of each division:

The AFC East looks to be the biggest dogfight of the season, with all four teams having a legitimate shot to make the postseason. The Miami Dolphins finally got the running back they have been desperate for in Ricky Williams. With their solid defense, the only question that remains is whether Jay Feidler has enough to lead the Dolphins to the Super Bowl.

The New York Jets are a legitimate contender yet again. If Vinny Testaverde can stay healthy, they will remain a thorn in the side of the Dolphins playoff hopes, as they have done for the past few seasons.

The Patriots are the NFL's biggest question mark this season; can the defending champs repeat the miracle of last season? My guess is no. With Drew Bledsoe going to Buffalo, Tom Brady stands alone at quarterback. Brady has little room for error in such a strong division, and at least for this year, I don't think he is up to the challenge.

The Bills, however, may have gotten the one piece of the puzzle that they were looking for in Bledsoe.

The AFC North, like most of the other divisions, appears to be a fight between two teams. The Steelers proved last year that they have what it takes to make a run at the title. The only thing standing in their way is a Baltimore Ravens team looking to recapture the magic of a Super Bowl vic-

tory two seasons ago. Unfortunately for the Bengals and the Browns, Pittsburgh is just too strong this year and will most likely run away with the North.

With the return of Edgerrin James to the Colts lineup, Indianapolis looks to be the favorite to win the AFC South. This is probably the weakest division in the NFL this year, with the Texans probably only winning a handful of games in their inaugural year and the Jaguars and Titans trying to regain some of the power that both teams have lost recently.

The AFC West is a division to keep an eye on. The Raiders have proven that they are a contender in the Conference over the past two years, but that time may have faded. With the departure of head coach Jon Gruden, the Raiders will probably end up fighting for a wild-card berth this year. Look for the Broncos to take this race. The Chiefs are a team on the verge of something (not sure greatness is the proper word), but they could make some noise this year. Though my heart sinks to admit it, my beloved San Diego Chargers will remain cellar-dwellers yet again.

The NFC is wide-open this year, with as many as eight teams having a very good shot at booking a flight to San Diego in late January for Super Bowl XXXVII. The biggest fight will come in the West, where St. Louis and San Francisco square off to emerge as the dominant team in the Conference.

The Rams look good for another run at the title, but I think Jeff Garcia will power the 49ers to the division title. A lot of sports analysts think that the Seattle Seahawks can do something this year - I don't. They will be lucky to finish the season with a .500 record.

As for the Arizona Cardinals... Well, let's just say that, even though it's still September, they could probably start working on their golf game now to be in shape for the off-season.

The NFC East's big story this year is what can Steve Spurrier do with the Redskins? The answer: Not much.

The difficulty about running Spurrier's fun-and-gun style of offense is that it requires a highly competitive quarterback to take charge and make big plays. Frankly, the defenses in the NFL are too strong for Shane Matthews or Danny Wuerffel to handle. They don't have the capabilities to lead an 80-yard drive with 1:00 on the clock. And that will be the difference in the Redskins season.

Look for the Eagles to dominate the NFC East division, with quarterback Donovan McNabb a possible MVP candidate. The Giants and the Cowboys will again struggle to make the playoffs.

The NFC North comes down to one question: Can the Chicago Bears improve enough on last year's great (but not stellar) season to make it past Green Bay? This remains to be seen, but with the addition of Chris Chandler to back-up the sometimes

shaky Jim Miller, look for the Bears to have a solid year.

The Vikings and the Lions look better than last year, but that is still probably only good enough for both teams to win no more than eight games each.

Lastly, the NFC South stands as the division for the Buccaneers to lose. Tampa Bay has been on the verge of a breakout season for the last four years. This year I think they will do it. But if they falter, the New Orleans Saints will be breathing down their necks for the entire season.

The Atlanta Falcons hand the ball over to Michael Vick this year, but he is going to need some time to make that team a contender. As for the lowly Carolina Panthers, they could improve their win total from last year by about three games. Sadly, that would leave them with only four wins this season. Maybe another year, boys.

Look for the Steelers to make the biggest run at the Super Bowl. They have the speed on both sides of the ball to run with any team in the League, and Kordell Stewart has proven that he can lead the team to greatness.

Predictions?

Steelers over Dolphins in AFC, Bears over Eagles in NFC. Look for the Steelers to walk out victorious in San Diego. But, like law school, don't forget about the Rams, 49ers, Broncos, Packers, Raiders, and Colts either.

### COLLEGE FOOTBALL

Ah, the glory and pride of college football has returned to us once again. So much tradition.... Great coaches, great rivalries, great conferences. Don't forget about the beer.

Yet with all the great memories that sports fans have about college football, the last four years have given us the emergence of three letters that almost every fan has learned to hate: B-C-S. The Bowl Championship Series is like a rash on your back on the spot where you can't reach to scratch it. And the NCAA refuses to give us fans any ointment. How cruel.

So, for another year the Big 6 power conferences stand to reap the benefit (and the millions of dollars) from the BCS system that ignores the mid-range conferences. So which teams have the best shot at winning this year's national title?

The team with the fewest flaws is easily the Miami Hurricanes. (I refuse to place "Fl." after Miami....no offense to people from Ohio) The Canes have an incredibly powerful defense and a high-powered offense, despite considerable losses to the NFL. Miami's biggest problem at repeating as National Champions is their schedule: With road games at Florida and Tennessee, and home visits by Florida State and Virginia Tech, Miami could prove to be the best team in college football by winning three of these games. Unfortunately, the BCS system puts a huge burden on the Canes to win all four. I don't see that happening.

The best chance for a team to make it to the BCS Championship (The Fiesta Bowl this year) is to have a schedule strong enough to impress the AP and Coach's polls but not too strong to severely limit

the chances of winning all their games. So who fits this profile? As it stands, Oregon, Michigan, and Ohio State are the first three teams that come to mind. Each is in a storied conference that has no dominant leader this year. Michigan survived its first test against Washington, and the biggest remaining threat on their schedule is the Buckeyes, who they don't play until the last week of their season. There is a good chance that both the Buckeyes and the Wolverines could go into that game undefeated, with the winner locking up a spot in the Fiesta Bowl.

The problem with the Big 12 and the SEC is that the conferences are almost too good to send a representative to the title game this year. Texas is highly praised, but they will probably slip up somewhere along the way. Tennessee looks great, but their schedule remains dangerous. Florida, Georgia, Oklahoma, and Mississippi will probably make a run, but it will be hard for any of those teams to finish the season undefeated.

So where does that leave us? Unfortunately, the possibilities are pretty good that the BCS may prove again to be a flawed system, especially with so many great teams having schedules that make it almost impossible for two (and only two) to have perfect regular seasons. In a surprise match-up, look for Ohio State to meet Tennessee in the Fiesta Bowl. And pray that they make it without too much controversy.

## The Institute of Bill of Rights Law: Student Division

will be hosting its  
organizational meeting

Wednesday, Sept. 11

at  
1:30pm  
in

Room 119

The student division works closely with the IBRL to host symposiums, conferences, debates and luncheons about the constitutional issues we confront on a daily basis. Meet and work with some of the nation's leading constitutional scholars, attorneys, government officials, and journalists. The IBRL:SD also administers the Hampton Road Schools Project. Does the idea of standing in front of 30 bored teenagers appeal to you? Don't worry! When you guest teach with the Hampton Roads Schools Project, you will have their undivided attention! Terrified of public speaking? The materials are all provided, and you get to teach in teams, so it is a breeze. Refreshments will be served, so come by and get involved.



# September 11th Memorial Reflections on September 11 Events

By: Matthew Gernstein

The tragic events of September 11, 2001 occurred almost one year ago. Please join the Law School Community on September 11<sup>th</sup> as we remember and reflect on the events of this past year. The following events have been scheduled in conjunction with the anniversary of the September 11<sup>th</sup> terrorist attack on the United States.

A commemoration program will begin at 9AM in the Law School Lobby and will feature reflections by students, faculty, and staff. A continental breakfast will also be served.

A moment of silence in honor of the victims of September 11<sup>th</sup> may take place, at the professor's discretion, in 10 AM Law School classes.

The Black Law Students Association will be collecting monetary donations for victims of the September 11<sup>th</sup> attack through the Red Cross on Tuesday, September 10<sup>th</sup> and Wednesday, September 11<sup>th</sup>. Donations will be accepted in the Law School Lobby. You may also contact second-year law student Angeleen C. Godbey ([acgodb@wm.edu](mailto:acgodb@wm.edu)) if you have any questions.

The College of William & Mary will hold a brief program of remembrance and reflection in the Wren Courtyard from 11:45 AM to 12:15 PM. Members of the Law School who plan to attend the program are encouraged to meet at 11:30 AM in front of the Law School, so that we can walk to the Wren Building together.

The Muscarelle Museum of Art will have a special event in observance of the tragedies of September 11. *In Memoriam: New York City 9/11/01*, an Emmy-nominated film documenting the attacks on the World Trade Center will be shown in the galleries of the museum on Wednesday, September 11, 2002 at 12 PM, 1 PM, 2 PM, and 3 PM. The event is free and open to the public, but viewer discretion is advised, as the film contains many difficult and graphic scenes.

Dr. George Lopez will deliver a lecture on "Dealing With Terror Violence: A One-Year Assessment" on Tuesday, September 10 at 7:00 p.m. in Small 113. Dr. Lopez is Senior Fellow and Director of Policy Studies at the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame. His research interests focus primarily on the problems of state violence and coercion, especially economic sanctions, and gross violations of human rights. Dr. Lopez has written extensively on Iraqi sanctions and also on the ethical implications of the war on terror and a potential war with Iraq. Contact Jodi Fisler at the Reves Center (1-3424; [jxfisl@wm.edu](mailto:jxfisl@wm.edu)) if you have questions.

The Society of the Alumni invites the William & Mary Community to a special memorial service and dedication of a tree in tribute and memory of our alumni who died on September 11, 2001. The program will be held on the William & Mary Alumni Center Lawn on Saturday, September 14, 2002 at 8:30 AM. Please RSVP by calling Cindy Gillman at (757) 221-1176 or by email at [cbgill@wm.edu](mailto:cbgill@wm.edu).

The anniversary of the September 11 attack is being commemorated with a Day of Caring, Healing and Remembrance by the United Way on Wednesday, September 11, 2002. The William & Mary Combined Virginia Campaign Steering Committee hopes that members of the William & Mary community will participate in this community service project and have agreed to provide volunteers for three scheduled activities:

- set up/breakdown at Bruton Heights (3-4 people needed from 7-9:30AM);
- painting and cleanup at the Rita Welsh Adult Skills Center (6-8 people needed throughout the day); and
- set up/breakdown at the Historic Triangle Community Center (4-6 people needed 3-5PM.)

More details on the United Way community service project should be forthcoming from the Steering Committee in the near future. If any member of the Law School Community would like to volunteer for one of the above Combined Virginia Campaign activities, please contact Becky Mazzearella (757-221-1348), Law Library Circulation Assistant/Filing Coordinator. She will forward a list of volunteers to the Committee.

The call for us to unify around the memory of September 11 is now, nothing more than a cliché. We tune out editorials on the tragedy as quickly as we ignore articles on Campaign Finance Reform. I am not a philosopher, a poet, or a political scientist, nor, simply, am I intelligent enough to find something new and life changing to say about this day. So, for as clichéd as it is, I simply ask this divided community of ours to simply pause sometime this week and remember where you were on that day. For that brief moment we can leave our solipsistic worlds behind. Perhaps, we can put aside our petty bickering over whose firm took them where for lunch, who is interviewing where, who is on which journal, and remember what it means to be part of a community.

I was going to share my memory of September 11 with you, but that did not capture it. I was going to write about a favorite book and its relationship to the day, but that too did not capture the moment. I am not a very good writer. The day is filled with emotions and images that are intensely personal. Rather than control your feelings and memories on this day through my words, I give you time to pause and remember.

You're not alone. . . .



**Never Forget.**



## Loose-Fish

—Dennis Callahan

### A gRAVE Matter

In these uncertain times—were they ever otherwise?—of global terrorist threats, a nuclear stare down over Kashmir, and domestic corporate implosions, it is perversely comforting to know that there is still one constant in life: Drug warriors marching.

The tunes have changed over the years, but the connection our older and wiser political leaders make between music and the supposedly depraved acts of young people remains. Jazz, rock n' roll, psychedelic rock, glam rock, Satanic rock, grunge, rap, and many others have had their time in the moralists' crosshairs. This year's model is the techno-rave-Ecstasy link.

This summer Senators Biden (D, Delaware) and Grassley (R, Iowa) sponsored the Reducing Americans' Vulnerability to Ecstasy Act, or the "RAVE" Act for the anagrammatically inclined. This bill would amend the "crack house" law (I'm not making this up) to put rave promoters on the hook for drug use (particularly Ecstasy, a.k.a. X) at their events. In submitting the bill, Senator Grassley said, "I believe this legislation will help America's law enforcement go after the latest methods drug dealers are using to push drugs on our kids."

Now, does anybody really believe that X sellers have to "push" the drug onto kids any more than a waitress at the Capitol Grill has to "push" a 20 oz. steak and several scotches onto the honorable senator from Iowa? My sense of the dynamic is that the ravers who like X actively seek it out from sellers. I have talked with several X veterans and to a person they report that rollin' is a quite pleasurable experience and I have no reason to doubt them. Calling X sellers "pushers" is thus a misnomer. They merely sell X to its fans, who could correctly be termed "pullers."

To Grassley's comments, Senator Biden added, "Unless we mount a major education campaign across schools and campuses nationwide, we may not be able to counter the widespread misconception that Ecstasy is harmless, fashionable and hip." I imagine that Biden correct in his implication that X is somewhat harmful, but I doubt its normal use is any more harmful to ravers than many ESPN X-Games sports are to its athletes or diets rich in cholesterol and alcohol are to sedentary senators. Of course, I am not calling for the confiscation of Tony Hawk's skateboard or for denying senators juicy steak dinners. Hawk's thrills and Biden's taste buds are none of my concern. Likewise, the fun police have no moral authority for blocking ravers from enjoying the hedonistic, and potentially damaging, choices they make.

As far as the fashionable-ness and hip-ness

of Ecstasy is concerned, well, just imagine how boring a world we would have were Senator Biden, school boards, and university administrations influential arbiters of hip. I have absolutely no clue who are the fashion- and hip-mongers of today's teens (to date myself, today's Axl Roses & Molly Ringwalds), but I am certain hip-ness is a decidedly bottom-up process in its determination. Sorry, Senator.

Biden condemned rave promoters who "get rich" by "selling popular Ecstasy paraphernalia such as baby pacifiers [and] glow sticks." Wow, I must be way out of touch... I thought getting rich was what good entrepreneurs are supposed to do and that drug paraphernalia was bongos and syringes. What's next, maximum buy limits on pacifiers in maternity stores? I can see it now: "I'm going to have to see some baby ID before I can sell you that sucker, ma'am." (Speaking of infants... We may even be biologically driven to seek alternative states of mind. As soon as kids learn how to do it, they spin spin around and fall on the floor to watch the room run circles around itself.)

Claiming that Ecstasy dehydrates and noting that dancing makes ravers thirsty, Biden complained, "Some [promoters] even shut off the water faucets so club goers will be forced to buy \$5 bottles of water or pay admission to enter an air-conditioned 'cool down room.'" To a baby with a hammer, the whole world looks like a nail. To a drug warrior proposing legislation, even bottled water and air conditioning look like drug paraphernalia. Bottled water cost about \$5 at Yankee Stadium this summer (no wonder I didn't see any water fountains)... and the fans in luxury boxes seemed to be enjoying their air conditioning. Perhaps Senator Clinton will propose legislation outlawing the sun during day games.

Of course, the drug warriors can't even keep drugs out of prisons, so such drug laws will ultimately fail to keep recreational drug users away from their favored substances. That being the case, why should we care? I'll mention two reasons that may be of particular interest to law students. First, unlike the "crack house law" which makes it illegal to maintain a place primarily for using drugs, the RAVE Act would make it illegal to temporarily use a place for drug activity. The broadly written RAVE Act could potentially ensnare any party thrower (law student, SBA, PAD) for drug activity at a party, regardless of whether the organizer knew of the drug use. Second, the RAVE Act would allow prosecutors to bring civil actions against party organizers, greatly reducing the protection normally accorded accused criminals via the "beyond a reasonable doubt" standard for conviction. Sure, the criminal standard still applies to prison sentences, but the \$250,000 fine provided for in the Act is a very serious penalty to be attached to a "preponderance of the evidence" standard.

"Just say 'no'" to dangerous symbolic legislation proposed by out-of-touch killjoy pols. Rave on.

## I Don't Think We're in Maine Anymore Toto

By Tim Castor

Crap. Here I am trying to prove to you that my sense of humor rivals more than merely that of a sock puppet (feel free to insert the name Chris Elliott in place of "sock puppet" if it makes things easier on you), and all I can muster for a headline is a revised version of a quote that has received more airplay over the years than one of TBS's "Movies for Guys Who Like Movies" (Ted Turner actually thinks he can create an ad campaign that rivals that of Lifetime?). Crap, I just realized that I used the word "crap" as the lead-in to my article. You know what, forget this, I simply am not hilarious anymore. Heck, I am barely pulling off being witty at this point (and who the hell wants to be referred to as witty anyway). Maybe I should just hang up my pencil, paper, and pink tutu with matching pom poms and end my tenure as a comedic writer. Before the proverbial door hits me on the way out, however, I would like to take a moment to compare my brief time at William and Mary Law School with the time I spent as the Pied Piper of Hilarity at Bates College (yes, wearing the tutu was part of the job requirement).

Any reasonable person or sock puppet will tell you that, no matter where you matriculate, your experiences at law school will be markedly different from those at college. Even though this notion has and continues to be firmly rooted in my mind (although this belief is jockeying for noggin space with my thoughts on Kantian moral philosophy and its potential application to the lives of Teletubbies), I am still amazed at how greatly the law school and college cultures differ from one another.

For instance, I am simply awestruck by the number of law students I have witnessed carrying umbrellas over the past few weeks. In fact, I have not seen this many umbrellas since I last saw a double showing of *Mary Poppins* (granted, that was only three months ago, but that is beside the point). Apparently the number of umbrella users in law school is so great because many law students wish to stay dry during a rainstorm (guess these people did not do too well on the logic portion of the LSAT). During one's college years, however, staying dry is not really at the pinnacle of his or her priority list. Rather, there are several priorities that trump the desire to stay dry (e.g., the desire to have accessories that compliment the Halloween costume you purchased at Goodwill on October 30th), the former of which can be well served by the use of an umbrella (just ask Poppins, the Penguin, or Gene Kelly, the man who helped put the word "prancing" on the map).

A second disparity that exists between the law school and college cultures involves punctuality. Either law students like to arrive to class really freakin' early or mom forgot to pack the post-it in my lunch bag stating that all law school classes are com-

encing thirty minutes earlier than their normally scheduled time.

I mean, when I arrive to class fifteen minutes prior to the scheduled starting time and feel like I have committed an act tantamount to naming my child after Carrot Top (using the converse of Austin Powers' maxim: that's not a man, it's Carrot Top baby). In fact, there are so many individuals who arrive to class before me that I am beginning to think that they never leave the room, as half of the students are in the process of erecting small lean-tos or have super glued their laptops to the tables.

In college, students tend to arrive to class a tad bit later than they do in law school. Rather than showing up thirty minutes prior to the start of class, a college student is lucky to reach his or her seat before the professor's first words of wisdom are uttered (e.g., "Did anyone else have those beans for lunch today?"). Although one might think a college student would be ashamed of failing to arrive early to class, they actually take great pride in being able to waltz in at the moment class is scheduled to begin.

I mean, any boob can show up thirty to forty minutes before class starts. To show up to a 10 a.m. class at exactly 10 a.m., now that requires skill. In fact, the ability to arrive to one's class at precisely the time it begins is so heralded that intramural getting to class at exactly the moment class commences leagues have sprung up on college campuses across the country, with the winner from each college being immortalized by way of a tin foil statue that is erected on the respective college's quad (it should be noted that no pre-med student has ever captured such an award, as punctuality would violate the Hippocratic Oath).

Finally, the most important, as well as most appalling, difference between life at law school and that at college can be summed up in one word: Potato. I have got to say that I am a little unnerved by the abundance of Mr. Potato Heads that currently reside in the Marshall-Wythe School of Law.

In my four years as an undergraduate at Bates College, my closest encounter to a potato-like creature occurred when I had a series of nightmares concerning a battle royal involving Spuds McKenzie, Max Headrom, and the Olson twins. After only a few short weeks of law school, however, I have already had two separate run-ins with Mr. Potato Heads. I do not know what they are trying to prove by chillin' on a professor's desk or hiding in an equipment closet, but the madness has got to stop.

Although I can try to deal with the fact that people at law school use umbrellas and show up to class very early, I simply cannot face being continually mocked by a plastic potato. Here's hoping they make their way back to Toys R Us or Neverland Ranch ASAP.



# Angel at Law

By: Shannon Hadeed

Dear Lord,

Well, I did what you told me to this summer and tried to exercise all my options. Was that you or Dean Kaplan? Oh well, nevermind. In any case, I worked at a District Attorney's office, interned at a large international firm in Mergers and Acquisitions and finally, I occasionally attended classes in Madrid.

What did I learn about the difference between workin' for the man and workin' for the money? Let's begin with the coffee. Yes, I know, it's a small vice I have picked up in law school, but it just makes facing another day so much easier. In any case, it's a barometer of the workplace and your position in it. At the DA's office, everybody had to pitch in five dollars a month for the coffee and various supplies, except the interns. Everybody had to bring their own mugs, drank from the same pot and if you found it empty you had to refill it. Very democratic. Everybody was on an equal playing field. Ahh, not so at the big firm. On my first day I was personally invited by the big jefe to chat about the firm's office structure, the various floors and their jobs, etc. The secretary offered to bring me a cappuccino and I was led to believe that she would continue to do so for the rest of my time there. If I had known that was my last and only chance at a cup of free good coffee I would taken her up on it even though I had just had one before arriving. Interns, I came to understand, were expected to buy their coffee from the machine that dispensed the powdered coffee mix into a flimsy plastic cup with hot water. Not only did it taste terrible, you would have to drink fifty to get any sort of caffeine benefit. After working as an intern, if you got your own cubicle you could bring and plug in your own pot. That's after about 3 years of drudgery. The cappuccino drinking is apparently reserved for the spacious top of the food chain offices only. It's not like that in heaven so much, I mean I am sure that some people have priority status, but it's not like every floor houses different levels of personnel. Except of course that whole concept of nirvana is pretty similar. Start at the bottom and work your way up through different lifetimes and you will eventually get that window desk in heaven. Oh well, I guess I just like having a life. As my boss told me, "People who want lives on the weekend are weak and will not work here. You have to be hungry to get this job." Well, I am not that hungry. I guess I just prefer a turkey hot dog over filet mignon.

Ok, so what about the work you ask? Yes, I did learn something besides who drinks what coffee and why. At the DA's office I actually participated in the trial process, researched stuff, and wrote actual motions and appeals. I lost ten pounds running around. I was constantly busy and it was fun. I played bad boys with the cops, went on searches, was in a car chase, I helped bust the wicked of the world. I just

wish I had my very own theme song. Sort of. I wish it was so easy. When you then have to read and write about the sordid and depressing details of criminals lives, you can't simply say they're bad and deserve to go to jail. It's much more complicated. A win is never truly a win, it's hard to feel good about putting such sad characters in jail. And it's very draining. Not too many happy cases come through the felony and narcotics division of the DA's office. And I didn't realize how vicious the cycle of crime can be. And it is absolutely incredible the things people will do for drugs. Why can't more people get addicted to the jogger's high instead of meth? At least it's free. (Besides a small investment in Nike) Sure, it kills your knees and makes you look like a haggard skeleton, but drugs are bad for your teeth, do the same to your figure and they cost a great deal more.

Mergers and Acquisitions. This is where they merge your soul into everybody else's in the company vault and acquire all the fruits of your labor. Or perhaps this is where they merge your hopes and desires into billable hours and acquire all the days of your life. No wait, I've got it. This is where they merge your idea of a good time into theirs, "lunch on the client." And they acquire all your individual characteristics and merge them into a standardized suit. They will merge your idea of self worth into dollar signs and will acquire your sense of humor and sterilize it. What the boss says is funny, you will laugh at. You will acquire a sense for classical music and your size 38 waist will merge into a 45. You will merge your sense of competition into a killer instinct that picks out the weaker associates and crushes them. You will acquire a new definition for friendship, people who are useful to your career will be given the friend title. Dinner will merge into client meetings and evenings will merge into all nighters at the office. Your face will acquire new lines (frequently called wrinkles) and dark smudges under your eyes. Your sense of justice will merge into the firm's objectives and your idea of right and wrong will acquire different dimensions. Loop holes will merge into accepted legal practice and legal basis will acquire more creative and broader lines. Years will merge into decades and you will finally acquire partnership. Retirement will merge into death and your family will acquire the spoils of your life but will remember little of your personal characteristics except that you were a hard worker.

But really, it can be fun sometimes. I like reviewing contract after contract after contract. I remembered that there was a sun outside, but not what it felt like on my face. The air conditioning worked well, and I had a great computer. I mean big screen, lots of programs, insta-intra office e-mail communication (which of course was monitored) and it was fast. There were no sad stories, just transactions and the biggest dilemma was whether or not all the minutia of the contract had been nailed. Nobody is innocent or guilty, it's just business as usual. So, not so emotionally draining. But not the most exciting job on earth either. But, THE PERKS.

Lord, You wouldn't make me work at a firm full time next summer just to teach me a lesson would you? Hey, remember to practice what you preach, mercy, mercy, mercy. (That is a great Marvin Gaye song too by the way)

Spain, well since you left me with at least my gift for tongues, at least getting around wasn't too hard. And the classes, well they weren't that hard either. But you couldn't just sleep through them like I was led to believe. Even though I tried to stay awake, it was difficult in a 9:00 am class after I had been out til' 6:00. Yes, I know, I am never going to get my wings back after all the cavorting at bars and clubs. But to err is angelic lord, and after last year I really just needed to cut loose and forget I have two years left of punishment. Isn't it enough already? Really, I have learned my lesson. And I forgive lawyers for all the bad things they do. I understand really, it's enough to make you drink and go crazy. Ahh, Madrid. The city was beautiful. Can't I just go to law school there full time? What is with the 'berg? It's double punishment. And the students this summer, you would think we were all different people. No haggard looks, lots of laughter, no caustic interactions, it was a whole new world. We actually had a great deal of fun. (Yeah, in law school even, I guess it is allowed sometimes).

Still hoping for a reprieve, and ready to write an appeal for my entrance back into heaven,

Yours faithfully,  
AL

## Do You Wanna Dance?

By: Marie Siesseger

Someone pointed out in the midst of Law Camp that my newly-initiated colleagues and I were still significantly closer in terms of legal knowledge to the common run of hoi polloi than to lawyers. I clenched my teeth, bracing myself for the next words, which I was sure would be: "And some of you—Ms. Siesseger—are going to be back in that morass of mediocrity in, oh, a semester or so. Welcome to law school."

Neurotic tendencies don't really run in my family (that is, as long as we're not on the road... there's a reason my principal mode of transportation sports only two wheels and a water bottle holder), so I can only attribute my mental embellishments to a Scott Turow-induced state of paralyzing fear. You see, like every good law school applicant, I did my homework and tried to figure out what exactly it was that I was proposing to subject myself to for three years. I read *One L*. Okay, so I also saw *Legally Blonde*, but I preferred the masochistic spin Turow put on the whole thing—it seemed more authentic. I tried to rent *The Paper Chase* too, but the high-schoolers at three different Blockbuster stores and one Hollywood Video looked at me funny. One suggested that I try the public library for a

film that was *that* old.

Then I promptly divested my milk-crate shelving (my decorating sense in college was not exactly Martha-inspired) of every single law school prospectus, application, and course description that I'd accumulated over the course of three years of undergraduate-dom. (Brief digression: Why must Life Decisions, particularly those where education is involved, always result in such a prolific amount of waste? Going to college meant the expulsion of at least 7 perfectly good college t-shirts from my wardrobe.)

In retrospect, I'm not sure that it was entirely Turow's fault that my master plan had been shattered. The feeling of nausea that crept down my spine as I engaged in my in-flight reading was probably not so much the effect of Turow's powerful prose as the altitude-induced convulsions of the woman sitting next to me and the increasingly distressing absence of airsickness bags in the seat pockets.

At any rate, until arriving in Williamsburg a mere two and a half weeks ago, I hadn't really given much thought to what law school might entail beyond what I'd been shown by the media. Maybe that was a good thing—I probably wouldn't have been half as eager to brave the wild ride that is I-95 on a Saturday morning in late summer had I really had a clue.

After having dumped the contents of two filled-to-capacity automobiles into my apartment, I decided to take a self-guided tour of my new school. Walking up to Marshall-Wythe, the first thing I saw was a bronze hand. "Good grief," I thought to myself, "that man looks like he's asking me to dance the minuet."

Now, don't get me wrong, I like the statue. From what I gather, it's a fairly recent addition to the law school, so I can even entertain the notion that I'm one of the first girls the gallant Mr. Wythe has extended his offer to. I even like to think that maybe he is actually asking me to dance. The nature of the dance is what concerns me, though, because despite the waistcoat and knickers, old George looks like he might have a trick or two up his sleeve that I don't know about.

Is this legal legwork he's asking me to do going to be a tumultuous tango, a frenzied foxtrot, or a serendipitous swing routine? It's still too early to tell, but so far it's been more akin to the halting waltz I learned in the eighth grade "social dance" unit in gym class than the expert moves displayed by the trained dancers in *Shall We Dance*. Frankly, all this stumbling around has made me kind of nostalgic for my pre-law school days. Back when the word "disposition" referred to how you were feeling that day and "holding" meant you had something in your hand. Back when "briefs" were an article of clothing advertised by people dressed up as grapes. But I want to dance, so I guess I'd better learn the right steps.

One, two, three. One, two...



# That Crazy Blockbuster

By Peter Flanigan

The one thing that studios bank on is the summer gross receipts of their movies. It helps the studios through the rough times (which is most of the year, except between Thanksgiving and Christmas). The summer blockbuster often has a bloated budget (see *Pearl Harbor*), involves some type of action-adventure built around a horrible plot (see *Pearl Harbor*), which bring in dollars amounts residing in the stratosphere (*Pearl Harbor* grossed over \$188 million domestically).

The other thing that links summer movies together is their lack of intellectual content (once again, *Pearl Harbor*). Most of the time, people just want an air-conditioned escape for two hours without too much demand on their craniums. This summer has been markedly different.

For example, the overall summer gross is much less per movie. Recently, receipts for August have decreased 25% over last year. Of course, there were winners like *Spider Man* and *Attack of the Clones*. However, the overall gross per movie is way down in the summer. Even movies with major directors attached to them, Steven Soderbergh making the uneven *Full Frontal* and Barry Sonnenfeld with the thankfully short *Men In Black II*, did not do the expected numbers at the box office.

Many of these films were hurt by a negative word of mouth by the audience coming out of theatre. Often, filmgoers will ignore critical reviews to go see wastes of celluloid to keep the kids entertained or to find air-conditioned relief from the hot summer sun. Movies have traditionally been bolstered by people being pleasantly surprised by the action or visuals and telling their friends. This year's movies have not only been lambasted by critics but also by the first weekend moviegoers who found this summer's movies even worse than their lowered expectations.

Instead, what we have seen is the surprising take off films with a small amount of violence and a modest amount of intellect making an impressive amount of money. One only has to look at *Road to Perdition* and *Signs* as examples of movies that continue to gross despite a lack of pyrotechnics. *Signs* is even more remarkable when you consider that it was released in August, which is typically considered a summer movie graveyard. For example, *Pluto Nash*, the Eddie Murphy "vehicle" released in August, to date has grossed \$3.8 million total versus the reported \$100 million it cost to make it. Additionally bucking the trend has been *My Big*

*Fat Greek Wedding*, which surprised all analysts when it grossed \$7.6 million in its 19<sup>th</sup> week of release.

What does all this mean? First, it is getting more difficult to predict what will be a success in the summer. Secondly, there may actually be interesting, Oscar worthy films being released during the summer. While Hollywood will not give up its XXX's anytime soon, perhaps worthy, intellectually stimulating films will start getting the summer time push that do not have computer enhanced superheroes tossing out bad one liners to bikini clad girls of the month, although I don't necessarily mind this.

Perhaps the perfect end to this uneven summer is an extremely uneven *Fear Dot Com*. The movie opens with a man being chased and bleeding from the eyes. He thinks he sees a girl with a ball on the subway tracks and is run over by a subway train attempting to save her (although not flattened as we have to see his terror induced face in extreme close up).

This begins an investigation by cop Mike Reilly (Steven Dorff, *Blade*, *Zoolander*) into the killing. He can't figure it out but notes the strange blood around the eyes. When a few more cases turn up, Terry Houston (Natascha McElhone, *Ronin* and *The Truman Show*) comes in from some "disease service" to see if there is an infection. There is no infection and Reilly and Houston decide to try to solve the case.

Meanwhile, the flirtation between Reilly and Houston begins immediately. However, can Reilly, who is afraid of disease and bugs, ever really love someone like Houston, who loves disease and bugs? The unsurprising answer to this question shows where the biggest let down in the story occurs, the script.

The dialogue is laughable and the emotions are turned on and off like light switches. Much in the horror tradition, there are also many gratuitous breast shots for no apparent reason. Despite the horrible writing, the movie goes on. It seems that what everyone did have in common was that they visited a website and then died 48 hours later. The reasoning apparently has something to do with a ghost on the Internet who makes people die by their worst fear (don't ask).

As Reilly, who completely disregards his partner for no reason and inexplicitly starts solving murders with Houston, wrestles with the murders, we visit the "lab" of a mad doctor who enjoys performing autopsies for paying customers live over the web. The doctor (played by Stephen Rea, *The*

*Butcher Boy*) takes his sweet time, days even, getting ready to cut up his latest victim.

Towards the end, both Reilly and Houston log on to the website, which cuts their time down mercifully to 48 hours to find the latest victim before they die. There of course is a confrontational climax and a very unusual and disturbing ending which ends the hour and forty-five minute debacle.

To say McElhone gives her worst performance ever is an understatement. She brings the unique ability to smile during any situation and looks like she was counting the hours until the next paycheck cleared. The script's laughable nature gave her nothing to work with by ineffectually weaving in themes such as religion and the impersonal nature of technology.

However, the movie does have its redeeming qualities. The photography was really excellent and conjured to mind the neo-noir feeling of *Se7en*. The use of lighting and rain really added a gritty subtext to the movie. However, the director William Malone (who directed such stellar hits as *House on Haunted Hill* and a *Tales from the Crypt* episode) relies too heavily on simulating fear by jerking the camera back and forth a la *Star Trek*.

Traditionally, horror movies focus on the suburbs and demonstrate that murder and death can come to those who least fear it. Movies like *Halloween* and *Friday the 13<sup>th</sup>* not only carry this theme forward but also add to the claustrophobia of violence by only showing the main characters on screen. While set in an urban city, *Fear Dot Com* follows this pattern by only focusing the characters and their environment. It doesn't save the film but by firmly entrenching itself in good horror maxims, it will provide at least half a scare to your date, if and when you rent it.

Have you ever watched a movie in a completely empty theatre? It is a great experience to feel like you personally own a huge screen and rows and rows of seats. Usually this experience only occurs for a bad movie but not this time.

This time I watched the extremely funny, extremely well done *Tadpole*. *Tadpole* chronicles the story of Oscar (an excellent Aaron Stanford), a private high school sophomore going home to New York City for Thanksgiving. It helps that John Ritter, a bohemian historian, and Sigourney Weaver, Oscar's step mom (Eve), plays his parents.

Oscar tells his good friend that he is bored by the high school girls and is in love. Little does Oscar's friend know that Oscar's new love is his step

mom, Eve. More to the point, Oscar thinks Eve's hands denote a great intelligence and beauty. When Oscar gets drunk he looks longingly at the hands in the store window.

The movie gets even more offbeat when, in a drunken stupor, Oscar has sex with Eve's good friend, Diane (Bebe Neuwirth). This complicates matters when Diane goes out to dinner the next night with Oscar and his parents. Oscar does his best to stop Diane from drinking and blabbing to his parents. The evening has great comedic undertones and ends up with the information about Oscar's affair coming out.

Eve is very angry about the whole affair. Diane somehow convinces Eve that what she is really missing is a passionate 15 year-old in her life. Of course, the tension builds between Oscar and Eve, which results in a rather interesting and pleasant ending to the movie.

The movie is very well done with sharp literate dialogue. While shot on digital the director, Gary Winick (*Personal Velocity*, *Chelsea Walls*) is no Dogma 95 adherent. The quality is a little rough but you pay more attention to the story in the end. A sex comedy with Greek tragedy undertones and a French aesthetic make this movie a must watch for the eclectic movie fan.

What is even more surprising about this movie is that it was even released in Hampton Roads. This movie was only meant for limited distribution in Los Angeles and New York but somehow has made its way to Virginia. Thank you, Regal Cinemas for bringing a little slice of "Indie-pie" to the 'Burg in a sea of the summer blockbuster.

**TV Pick of the Week:** *Push, Nevada* (ABC Thursdays at 9 pm). I have yet to see it, but

the buzz on this has been huge because of Ben Affleck's involvement. Plus you get a chance at one million dollars. Not bad for watching TV.

**DVD Pick of the Week:** *Jackie Brown*: Just released, this movie is as underrated as it gets for a Tarantino movie but with a killer soundtrack and a great *Rashomon* moment, this movie is worth the rental.

**Kimball Theatre Schedule:** *The Importance of Being Earnest*, 9/13-9/19, 7 and 9 pm; *Sunshine State* 9/21-9/26 6:45 and 9:15 pm.



# Announcements

## Congratulations to the newest members of the Environmental Law and Policy Review

Gary Abbott  
Russell Anderson  
Linda Beebe  
Joseph Boatwright  
Erin Butler  
Carter Chandler  
Gunther Chestnut  
Nathan Cihlar  
Chris Clements  
Mary Carol Daly  
Ellen O'Flaherty  
Heather Hodgman  
Brian Hunt  
Matt King  
Peter Luback  
Jim Lynch  
Jennifer Maceda  
Jennifer Macierowski  
Todd Muldrew  
Kieran Murray  
Natasha Robinson  
Ethan Shaner  
Bryan Short  
Jeff Spann  
Justin Stemple  
Matthew K. Thompson  
Amanda Wait  
Spencer Wiegard

## The Journal of Women and the Law

is excited to announce as our newest members:

Sada Andrews  
Kendra Arnold  
Jennifer L. Becker  
Lindsey Carney  
Jessica T. Cook  
Maya Crumbaugh  
Bruce Davis  
Kathryn E. Goff  
Nicole Harms  
Jessica Landrey  
Tricia Lightcap  
Karen Mooney  
Mary Reeves Murphy  
Michael M. Pavlovich  
Erika Reigle  
Natasha Robinson  
John Roche  
Sarah Rohn  
Kathryn Sacco  
Monica Sholar  
Harry Tashjian, IV  
Hope Townes  
Joyce E. Wong  
Laura Zinanni

## The Multicultural Law Student Association

would like to congratulate its officers for the 2002-2003 school year:

**President** - Melinda Hasbrouck

**Vice President** - Natasha Robinson

**Multicultural Liaison** - Cheran Cordell

**Treasurer** - Benjamin Fowler

**Secretary** - Angeleen Godbey

**Publicist** - Michael R. Thompson

**Parliamentarian** - George McAllister

**Historian** - Stephen Glymph

**Fall Events Coordinator** - Kirstin Michener

**Spring Events Coordinator** - Brett Ellsworth  
Hope Townes

## Got News?

## Announcements?

## Advertisements?

## Opinions?

## Let us know.

Please email submissions to:  
mrthom@wm.edu or bsheil@wm.edu  
or drop them in the Amicus hanging file.

PSF Presents

## CASINO NIGHT

Saturday, Sept. 14<sup>th</sup>

9:00 - Midnight

Law School Lobby

\$10 Admission  
\$12 at the Door  
\$8 for Volunteers

(Tickets will be on sale 9/9-9/13. To volunteer, come to a meeting at 1 P.M. on Wednesday, September 11<sup>th</sup> in Room 120.)



# Calendar Of Events

EVENT	DATE	LOCATION	TIME
Administrative Staff Meeting	Sept 10, 2002	The Faculty Room	10:00 AM
Interviewing Tips	Sept 10, 2002	Room 119	12:45 PM
Writers Workshop sponsored by The Legal Skills Program	Sept 10, 2002	Room 127	01:00 PM
Environmental Law & Policy Review Meeting	Sept 10, 2002	Room 127	05:00 PM
September 11th Memorial Events	Sept 11, 2002		
Public Service Fund Meeting	Sept 11, 2002	Room 120	01:00 PM
IBRL Student Division Meeting	Sept 11, 2002	Room 119	01:30 PM
Writers Workshop sponsored by The Legal Skills Program	Sept 12, 2002	Room 127	01:00 PM
Summer Clerkship Panel	Sept 12, 2002	Room 120	02:30 PM
Faculty Meeting	Sept 12, 2002	Room 127	03:00 PM
Sports & Entertainment Law Society	Sept 12, 2002	Room 120	06:00 PM
Writers Workshop sponsored by The Legal Skills Program	Sept 13, 2002	Room 127	01:00 PM
Casino Night	Sept 14, 2002	Law School Lobby	
Football vs. VMI	Sept 14, 2002	Zable Stadium	01:00 PM
Dean's Advisory Committee Organizational Meeting	Sept 16, 2002	The Faculty Room	01:30 PM
Tennis Singles Tournament	Sept 16-17, 2002	Tennis Facility	
Opportunities with the FBI	Sept 17, 2002	Room 127	03:00 PM
W&M alumni to meet with BLSA members	Sept 17, 2002	Cottage	03:00 PM
Bushrod Packet Distribution	Sept 17, 2002	Room 120	05:30 PM
Amicus Curiae Submission Deadline	Sept 18, 2002	Amicus Office, room 236	10:00 PM
U.S. Marine Corps Interviews sponsored by OCPP	Sept 19, 2002	Room 141	09:00 AM
Moot Court Argument Demonstration	Sept 19, 2002	Room 120	05:30 PM
Supreme Court Preview	Sept 20-21, 2002	Rooms 119 & 120 & Courtroom	
Visit of Ani Satz	Sept 26, 2002	Rare Book Room & Faculty Room	12:45 PM
Presentation by David Baugh	Sept 27, 2002	Room 119	11:00 AM
Negotiation & Client Counseling Board Competition Training	Sept 27, 2002	Room 135	03:00 PM



Oops!!! Caught again!



Dirty Thoughts?



Accountant Playboy?



That's not allowed in public.