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The Advocate

VOLUME III, ISSUE FIVE

WEDNESDAY, NOVEMBER 02, 2005

WILLIAM & MARY SCHOOL OF LAW



Marshall-Wythe Students Dress Up, Get Down at 'Law School Homecoming'

by William Y. Durbin

It started out like a genuine high school dance—attendees hugging the walls, shuffling and eyeing their feet, and keeping their distance from the dance floor. By the end of the night, though, it was clear the attendees were no teenagers; rather, they were law students gone wild.

The Student Bar Association (SBA) hosted its annual Fall From Grace dance on Friday, October 21 at the Clarion George Washington Hotel and Conference Center. Approximately 300 Marshall-Wythe Law School students and their guests filled the ballroom

for drinking, dancing, and general merriment. The event provided an excuse for “Marshall-Wythe High” students to let loose halfway through the fall semester, a time traditionally reserved for high school homecoming dances.

SBA Representative Linda Quigley (2L) spearheaded the event, booking the D.J. and coordinating the catering spread. Quigley also worked with SBA President Meg Bisk (3L) in securing the venue and delegating other duties to various other SBA officials, including Vice President Trey Freeman (2L), SBA Representative Sarah Fulton (1L), and SBA Representative Tom Robertson (1L).

After discovering that the Ramada 1776, the location of last year’s Fall From Grace, had no dates available in October, Quigley and Bisk chose the Clarion from among several contenders.

“The factors we looked at were cost, the size of the space and the dance floor, and whether they could provide enough bartenders so that long lines would not be a problem,” Quigley said.

The two also had a little last-minute planning excitement with the shuttle bus hired to run between the law school and the hotel, which many attendees utilized.

“Meg and I worked like mad to get a bus booked after the original

bus company canceled out on us because of mechanical difficulties,” Quigley said. “It was down to the wire, but, with the help of Professor Williamson, Dean Jackson, and

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Sam Sadler, the contract got signed at 5 p.m. on Friday.”

Partygoers arrived dressed mostly in semi-formal outfits, with some putting their own rakish spins on the expected attire. To wit: an ill-fitting three-piece suit made of questionable material worn by one lanky third-year student.

Early in the evening, students milled about talking to one another, sipping drinks by the two full bars and greeting new arrivals. But by the end of the night, the dance floor was packed with people enthusiastically shaking their tail feathers and lovely lady lumps.

“My friends and I definitely had a blast,” said second-year student Nathalie Fassie. “I love dancing, so any excuse to dress up and get down—count me in. My boyfriend does not like to dance, so I’m sure it’s pretty amusing to watch us interact. I pretend I’m on ‘Dance 360’ and he stares at me blankly.”

Indeed, a good time was had by all.

“The highlight for me was see-

ing everyone looking so relaxed and having a good time,” Quigley said.

After the dance, some partygoers retired to the rooms they had rented for the evening at a special SBA-negotiated rate, but not as many partygoers took advantage of the rate as the planners had anticipated.

Some elected not to retire right away, instead choosing to chow down on the cheese and shrimp that remained on the catering spread at the end of the night. Fassie, Amy Wallas (2L), and others raced to finish all the shrimp before the hotel staff took them away. In a race like that, everyone is a winner.

In its ongoing effort to collect donations for Project Relief, which raises funds for those affected by Hurricane Katrina, the SBA offered Mardi Gras beads to students who donated an extra dollar when purchasing their tickets. The plan raised more than \$100 that evening.

Such were the good spirits that even turning on the lights 45



THE ADVOCATE

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Editorial Policy

The letters and opinion pages of *The Advocate* are dedicated to all student opinion regardless of form or content. *The Advocate* reserves the right to edit for spelling and grammar, but not content.

Letters to the Editor and opinion articles may not necessarily reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 5 p.m. on the Thursday prior to publication.

The Advocate 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.

minutes before the end of the night could not stop the Marshall-Wythe dancing machines. With such tenacity and sense of purpose evident in these students, Barrister’s Ball,

the “law school prom” held in the spring, promises to be another event to remember—or be so much fun that there’s no remembering at all.

Clarion Hotel Robbed at Gunpoint

by William Y. Durbin

A masked gunman robbed the Clarion George Washington Hotel and Conference Center just before 3:00 a.m. on Wednesday, October 19. The robber entered the hotel lobby, showed a pistol to the lone lobby clerk, and demanded cash. The clerk complied, and the perpetrator fled the hotel through the rear entrance. No one was hurt in the incident.

Although a ski mask hid the culprit’s face, witnesses described him as an African-American male,

standing 5’7” and weighing 135 pounds. At the time of the crime he was wearing a black hooded sweatshirt and black jeans.

According to SBA Treasurer Ryan Browning (2L), representatives of the Clarion Hotel did not alert any of the Fall From Grace organizers about the incident, which happened just days before the dance.

Those with information about the incident are asked to call the Crime Line at 1-888-LOCK-UP.

2nd Annual Brigham-Kanner Property Rights Conference

by David Byassee

The Brigham-Kanner Property Rights Conference is the brainchild of Professor Eric Kades, who serves as the Conference Chairman. This year's conference began on October 28 with presentation of the Brigham-Kanner Prize to Professor Richard A. Epstein of the University of Chicago. Three panel discussions followed on October 29 and were capped by a roundtable discussion.

The first panel focused on Academic Reflections on Professor Epstein's Work and its Impact; the second on Public Use in the Aftermath of *Kelo v. City of New London, Connecticut*, 125 S.Ct. 2655 (2005); and the third on Recent Developments in Due Process Protection of Property Rights. The roundtable discussion focused on the role of the press in making the public aware of the use of eminent domain.

The first thing to be said, and upon which there appeared to be unanimous agreement, was that Professor Epstein is a worthy recipient of the Prize. Beyond that, there was much disagreement. *Kelo* was a case in which the City of New London sought to exercise the power of eminent domain for the purpose of economic development. In simple terms, this means that the City sought to take property away from A and give it to B because the City believed that B would put the property to a use that would serve

a greater good to the public than that to which A was putting it. According to Dana Berliner, a Senior Attorney at the Institute for Justice in Washington D.C., a MSNBC poll conducted shortly after *Kelo* was handed down by the Court showed that 90 per cent of the American public thought the decision was terrible. So where does the disagreement come from?

The Fifth Amendment of the U.S. Constitution tells that "No person shall ... be deprived of ... property, without due process of law; nor shall private property be taken for public use, without just compensation." It would seem therefore that persons may not be deprived of property unless provided due process of law, and that if property is taken for public use, just compensation must be provided. Simple enough, right? No.

Berliner said that most academics thought "public use" law was settled. But when *Kelo* was decided, she said that although the same general rule was referred to, it was applied in expansive scope. This was the view of the majority of the panelists in attendance of the conference. Their understanding of the case is that it opened the door to a slippery slope where the definition of "public use" is arbitrarily decided by a government entity that seeks to take private property from one owner and give it to another. Justice O'Connor took this position in her dissent in *Kelo*, stating that "Nothing is to prevent the State



Speakers and Participants at the Conference included Vicki L. Been of NYU, Dana Berliner of the Institute for Justice, and Eduardo M. Penalver of Fordham, among others.

from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory." *Kelo*, 125 S.Ct. at 2676.

A minority of the participants, however, maintained the view that *Kelo* was merely a minor extension of the well established doctrine of "public use." This group saw the definition of "public use" as akin to the police power, granting broad governmental discretion when acting on behalf of the public good. This view was bolstered by a statement made in the majority opinion of *Kelo*, written by Justice Stevens, that "nothing in our opinion precludes any State from

placing further restrictions on its exercise of the takings power." *Id.* at 2668.

The focus then turned to the reaction of lawmakers, at all levels of government, to the *Kelo* decision. Different alternatives were proposed; but most argument centered around debate regarding whether the focus should be directed to the process of takings, as opposed to limitation of takings for public use as defined in a traditional, narrow manner. www.castlecoalition.org is a website dedicated to this issue, and is currently tracking national, state and local legislation introduced in the wake of *Kelo*.



Activism v. Apathy

by Kelly Pereira

In the spring semester of her 1L year, Anne Park Brinckman (2L) determined that there was a serious problem with who was attending law school, or rather who was not. Law school students by and large are white and privileged. Not only is it a relatively homogeneous group, but it is a group frequently lacking exposure to marginalized groups of society and social problems. Brinckman founded Students for Equality in Legal Education (SELE) this year to address some of these concerns.

According to Brinckman, "SELE's three main goals are improving faculty diversity, improving diversity in student admissions, and working with faculty to assure an understanding and awareness of issues of diversity so that they may be translated into more well-rounded classes and curricula." Brinckman contends that the students here at William and Mary are so talented and "capable of doing amazing things" that it is "insulting" that students are not more educated about social problems that they could potentially help fix as practicing lawyers.

SELE started off the semester with a Creating Conscious Community Year Kick-Off Party with featured performances by diverse groups from the undergraduate campus. SELE members helped to staff the Project Relief fundraising table, and SELE has held two bake sales to raise money for events and share information about the National Association for the Advancement of Colored People (NAACP) and Disability Awareness Month.

SELE & BLSA co-sponsored a NAACP membership drive to promote the NAACP's Minority Advocacy Week. While the drive did not recruit many new members willing to pay the \$30 membership fee (annual dues to both the national and local chapter of the NAACP), SELE raised awareness for the organization whose youth membership is currently low nationally. SELE will continue to

help publicize many of the events of the newly formed William and Mary Chapter of the NAACP on the undergraduate campus. People of any racial/ethnic background are encouraged to join. Their website is <http://www.wm.edu/so/naacp/>.

The NAACP was instrumental in the Civil Rights Movement and continues to stand up for human rights today on many levels. Brinckman pointed out that a member of the NAACP was the keynote speaker this summer at Equality Virginia, a gay rights organization in Richmond. The willingness of different activist groups to stand together is of great importance to their combined success.

Said Brinckman, "One of the main points that SELE hopes to convey is that it is impossible to work on one particular issue of human rights without supporting others. You cannot pick and choose which parts of equality you want to support. Whenever any group of people are allowed to be treated as second-class citizens without full and fair protections at law, then the door is opened for any other group to be treated similarly. In the fight for equal human rights, we must demand that all people be treated equally and are afforded full and fair protections under law."

In conjunction with Disability Awareness Month, SELE and SBA co-sponsored a viewing of *Murderball* at the Kimball Theatre. The viewing was so powerful that the two groups are planning to purchase a copy of the film and show it at the law school next semester. *Murderball* is the antiquated name for rugby, and the film features quadriplegic athletes. Brinckman said, it gives "good perspective in terms of dispelling myths about what it means to be disabled." Disability cuts across ethnic and social lines, and it could happen to anybody at anytime. During the SELE bake sale, Anne Sommers made a display to raise awareness for disabilities.

SELE and SBA co-sponsored a Faculty Diversity Forum for student organization leaders to learn more about the law school's hiring practices from Dean Reveley and

Professor Douglas. In the future, there will be forums open to the entire student body. SELE members also attended a faculty meeting, and will continue to do so "all year to establish ourselves as a concerned presence with regard to faculty diversity, curriculum diversity, and admissions diversity."

As faculty hiring begins in early November, SELE is beginning a "Who Cares?" campaign to show faculty and administration that students care about diversity. Students will be encouraged by SELE and other student organizations to compose one or two paragraphs about

why faculty diversity is important to them. The statements will be compiled, copied, and sent directly to the faculty and administration and the President of William and Mary.

Today, Wednesday, November 2, SELE and ACS are co-sponsoring an event. At 5 pm in Room 124, Professor Douglas will share insight from a book that he is writing about Pauli Murray, a little-known but influential black female lawyer. At 6 pm in Room 124, there will be free pizza during a 45-minute showing of Frontline entitled, "Is Wal-Mart Good for America?"

Citizen-Lawyers in Action

by Stephanie Spirer

October was a month full of community service by the students at Marshall-Wythe.

Christian Legal Society kicked it off, helping Williamsburg Housing Partnership by painting the exterior of an elderly woman's home on Oct. 1.

Members of SBA Volunteer Council and the Environmental Law Society joined together to participate in Make A Difference Day on Oct. 15 by mulching, planting, and landscaping at Virginia Peninsula Regional Jail.

Also, SBA Volunteer Council woke up early the morning after Fall From Grace to help Williamsburg Housing Partnership again; this time by painting the interior of another elderly woman's home and cleaning her yard.

At Fall From Grace, SBA collected donations for Project Relief by selling Mardi Gras beads.

On October 29, SBA Volunteer Council participated in Williamsburg/James City County Recreation Center's Haunted Forest. The law students helped young children have fun in the Pumpkin Patch Trail. Immediately following the festivities, all graduate students showed up in costumes to benefit Public Service Fund at the annual Halloween Party.

Throughout the month, the library promoted Breast Cancer

Awareness Month, raising money and awareness through the posting of "helping hands" on the bulletin board and by asking for donations for ribbon cookie cutters. ABA/SBA held a joint student/faculty mixer to promote the cause on Oct. 26.

Finally, Phi Alpha Delta collected goods for the Avalon Shelter, which is a local emergency shelter for women and children who are victims of domestic violence and sexual assault.

These are just a few ways law students have given back to the greater community in October. Keep on the lookout for ways to get involved in future months! If you have ideas or would like to help coordinate volunteer events, please email Stephanie Spirer at slspir@wm.edu.

VBA Community Servant Blurb

Seventeen faculty and 225 future citizen-lawyers answered the call to commit 35 hours of community service by August 31, 2006, as part of the Virginia Bar Association's Community Service Program. The 1Ls led the troops with 132 participants; there were 51 2Ls and 42 3Ls. With 60 per cent participation, the Legal Skills firm that won the pizza party was Bell, Fleming & Kaufman.

Professors Discuss the Pieces of the Katrina Puzzle

by Tara St. Angelo

William and Mary's Environmental Law Society (ELS) fused environmental and public policy considerations in light of the recent tragedy in Louisiana with the presentation of "Katrina and the Bigger Picture: A Panel Discussion on Environmental Risks and the Regulatory Climate pre- and post- Katrina" at our law school on October 19. ELS brought together William and Mary faculty members with varying backgrounds, law professors Erin Ryan and Ron Rosenberg and sociology professor Timmons Roberts, to discuss the causes of and solutions to the widespread disaster in the wake of Hurricane Katrina.

Ryan, a former forest ranger, began the panel discussion with an overview of the causes of the massive flooding with a short lecture she called: "The Natural Resources Law of Unintended Consequences." Ryan explained that the channelization of the Mississippi River, although it prevented flooding in the developed areas in the Mississippi delta, disrupted the floodplain deposition cycle. This stopped the

deposition of a half million tons of sediment, which led to the sinking of New Orleans and surrounding areas, putting the region below sea level. Also, the levees allowed the flooding of coastal wetlands that would otherwise have helped absorb the storm surge that led to the collapse of the levees and the flooding of New Orleans. Since New Orleans has been effectively sinking since the construction of the levees, the city is bowl shaped and this prevented the flood waters from draining out, leading to the scenes that have been dominating the news in the last few weeks.

Ryan also touched briefly on the public policy debate about how government officials knew a tragedy such as this was possible and why the problems had not been fixed. City and state leaders in conjunction with the Army Corps of Engineers developed the *Coast 2050* restoration plan that aimed to restore wetlands along the Mississippi delta and to also release flood waters into the wetlands. The estimated cost to protect the entire area was \$14 billion. However, federal funding priorities shifted after September 11. In the aftermath of

Katrina, the costs now exceed \$100 billion to restore New Orleans. In retrospect, the prevention seems like a bargain.

Roberts continued the discussion and added in the components of race, class, and environmental justice. The tragedy of Katrina hit close to home for Roberts; he was a professor at Tulane for 10 years. Roberts began by describing the history of exclusion and racism in Louisiana and how it influenced the unequal exposure to environmental risks in the state. Many black families in Louisiana still live in the former slave towns that lined the borders of the plantations. Since these plantation plots have access to ports on the Mississippi River, they are appealing to power and chemical companies, leading to a higher ratio of blacks living near manufacturing plants and being exposed to toxic chemicals.

Roberts points out that Katrina has highlighted the issue of environmental justice in Louisiana. He used the specific example of the Agriculture Street Superfund Site, in the 9th Ward of New Orleans. Homes in this area were built on a landfill, and although the EPA

attempted to prevent the garbage from reaching the surface, it is unsure how the flooding has affected the site and the homes on it.

Rosenberg concluded the panel discussion with a brief discussion of the fundamental government failures that led to this tragedy. Rosenberg explained that the basic structure of state and local government collapsed in light of the tragedy. State and local governments are the basic actors in incidences such as this and have the "front line responsibilities." These government bodies failed in the planning and regulation of how people move and where they go in the time of a disaster. In order to avoid a government break down, these institutions must anticipate natural disasters and implement them in planning measures. Rosenberg also explained that in order to get back the effectiveness of government there needs to be adequate political will, resources, expertise, and public support.

The panel highlighted the various components to the tragedy in New Orleans: the environmental, political, and racial consequences.

We Know What You Did Last Summer...

Every year the Public Service Fund, in cooperation with the Law School, provides financial support to a large number of William & Mary students during the summer so that they can pursue opportunities with government and public interest organizations. Each issue of *The Advocate* will feature stories authored by the sponsored students.

Public Service Funds Make Their Way Down To Brazil

by Jason Hobbie

I spent last summer in São Paulo, Brazil, working for the Law for a Green Planet Institute. The Institute is a nonprofit organization, comprised of lawyers from all over the world, who are interested in sharing their knowledge of their various legal systems' environmental laws with the goal of improving environmental protection on a global scale. After hearing at the last minute from a professor that an intern position with the organization had opened, I quickly decided that I could not

pass on such an opportunity and signed myself up.

The internship itself was essentially divided into two interrelated components. One part centered on an independent research project concerning an area of Brazilian environmental law. For my project, I examined Brazil's forestry laws and translated the Brazilian Forestry Code into English, hardly a small task considering that I first had to learn Portuguese. The Institute now plans to publish my translation in a Brazilian law review and distribute copies to lawyers all over the world.

Aside from the legal aspect, the Institute's internship was also designed to provide American law students with an opportunity learn the Portuguese language, and to experience and fully appreciate Brazilian culture, in the hope that interns would continue their interest and involvement with Brazilian environmental issues into the future. In my three months in Brazil, I went from barely being able to say please and thank you to being fluent in Portuguese, and I had time to travel to such locales as the Iguacu Falls and Parati, and chill at the beaches in Saquarema

and Rio de Janeiro. I need to mention that São Paulo itself lived up to its status as the third largest city in the world and seriously can offer anything you could possibly want to do.

In all, I give my experience in Brazil and the Law for a Green Planet Institute's program two thumbs up. I had an awesome time and my only regret is that because I signed up at the last minute, I didn't have time to plan trips to the Pantanal and Amazon. For me, however, there will definitely be a next time in Brazil.

DOCKET CALL

by Nicolas Heiderstadt

While learning the theory behind the law in a classroom is important, witnessing its practical application in a court of law is an essential part of any law student's education. Accordingly, we present the docket for the General District Court for the City of Williamsburg and the County of James City.

The schedule for the General District Court over the next two weeks can be found below.

The docket for the Circuit Court is unavailable for publication. To find out when cases are being tried in the Circuit Court, contact the

Clerk's office at (757)-564-2242 on the day you plan to attend.

The Courthouse is located at 5201 Monticello Avenue, across from New Town (for those who navigate Williamsburg in a more alcohol-centric way, it's across from the Corner Pocket). Take a left out of the law school parking lot, and take South Henry Street to 199. Make a right turn onto 199, and follow it until you reach the exit for Monticello Avenue. Take the right-hand fork of the exit ramp onto Monticello Avenue. The Courthouse is the large brick building on your right just before you reach the traffic light.

The Environmental Law Society Presents...
Careers In Environmental Law



**A Lunch-With-Lawyers
Discussion on Legal and
Environmental Work Beyond
Law School**

**Wednesday, November 9, 1-2 PM
Room 124**

**November 2005
General District Court Docket**

Monday	Tuesday	Wednesday	Thursday	Friday
		02 Charles City	03 8:00 Criminal 1:00 Criminal	04 8:00 Criminal 1:30 Contested Civil
07 8:00 Traffic - WPD 10:00 Traffic - VSP 1:30 Civil	08 Election Day	09 8:00 Traffic - WPD 10:00 Contested Civil 2:30 Out-of-custody arraignments	10 8:00 Criminal 1:00 Criminal	11 Holiday
14 8:00 Traffic - JCCPD 10:00 Traffic - VSP 1:30 Civil	15 8:00 Parking, Boat, Zoning, Traffic, ABC 8:30 Counsel Hearings 10:00 ASAP, SCS 10:30 Small Claims 1:30 Criminal	16 Charles City		

STALE AND TRIVIAL NEWS: FREE BRICKS AT MARSHALL-WYTHE

Several weeks ago, Professor Jim Heller—Director of the Law Library—announced that, as a byproduct of library renovation, the Marshall-Wythe community would have free and unprecedented access to bricks. The Advocate secured an exclusive interview with Professor Heller:

Adv:
Why were the bricks given away?

JH:
Does your mom or dad have a seat from Ebbett's Field in their living room? If not, a brick from the south wall of the law library is the next best thing.

Adv:
To your knowledge, did anyone take the bricks?

JH:
I took four of them.

Adv:
Did the bricks have historical significance, like pieces of the Berlin Wall?

JH:
See my answer to question 1.

Adv:
Are you aware of anyone putting the bricks to creative use?

JH:
Three of my bricks sit next to other (and much less special) bricks that surround our garden. They help keep the lawn away from the garden, and the garden away from the lawn. The other brick I am saving for posterity. I think it's still in the back of our Subaru wagon, but my wife may have thrown it away.

Adv:
If there were indeed bricks left over, what became of these bricks?

JH:
The historic "Original South Wall" bricks are gone. There may still be

a few miscellaneous bricks lying around, near where the workers are doing their demo work. Interested?

Looking for the student perspective, The Advocate then stalked the halls of the library, where it happened upon Emily Reuter (1L) and finagled an interview with a bribe of Altoids:

Adv:
Did you get any of the bricks?

ER:
No. I didn't exactly have a sentimental attachment to those bricks, ya know?

Adv:
Please don't put me on the spot like that.

ER:
Sorry.

Adv:
Quite alright. So, what did you think of the offer in general?

ER:
It was a nice gesture. It's not often that people make such an effort to avoid waste. Actually, had Mr. Heller kept some of the bricks in his office, I probably would have picked up a couple.

Adv:
A couple?

ER:
Yup.

Adv:
This, of course, raises a question of social etiquette. How many bricks can a person haul off before becoming "that guy"? You know what I mean?

ER:
Yeah. I know. And it depends. If you go early, you should only take a couple. But if you go later on, after everybody has had a chance,

it seems reasonable to take more.

Adv:
Sounds pretty complicated.

ER:
It really isn't.

Adv:
Thank you for your time.

In order to get the opinion of a left-handed student, The Advocate later tracked down and cornered J.D. Goodman, also a 1L:

Adv:
Do you get any of the bricks?

JDG:
I have plenty of bricks.

Adv:
You didn't feel that another free brick would be of good use?

JDG:
No. Not really.

Adv:
But wouldn't you agree that a brick in the hand is worth more than two in the bush?

JDG:
Um.

Adv:
What about arbitraging the open market for bricks?

JDG:
I feel the cost of hauling around the bricks would outweigh the benefit. Why are we even talking about this?

Adv:
What about giving away a brick to a loved one during Christmas?

JDG:
Perhaps a *Hannukah* gift for my father.

[Silence]

Adv:
Thank you for your time.



Bricks, presumably much like those pictured here, were offered to the Marshall-Wythe community. That doesn't just happen anywhere, you know.

Ramblings: The 5 Things I Miss Most About the Real World

by Mike Kourabas

This isn't intended to be a sob-story about how hard law school is, or how much I'd rather be back in New York City. Working for a year after graduation was the best thing I could have done. Why? Because law school is fun in comparison. That being said, there are a few things I miss about the working world. Here are the top five:

ONE: Weekend football. I don't want to give the impression that I don't watch football on the weekends; I do, but it's completely different. I'm forced to *make time* for football. I have to watch it while I'm doing other things. I actually have a mirror set up on my desk so I can watch the games while I type. This is very sad. Not to mention that when I see the highlights, everything is in reverse. I want my weekends back where all of Saturday and Sunday were dedicated solely to football. I didn't move from the couch the entire day. I

usually had a hangover that lasted the entire weekend. I miss that.

TWO: A close second: Not having to listen to pretentious, wannabe-intellectuals pontificate about...anything. Now? Seems like that's all I do. Let's just clarify something: I'm pretty sure most of us here are paying to hear the professors, people actually very learned about the law, speak and conduct class. At times, it's confusing, and needs clarification—but not to the extent that it's at in some of my classes. I might be crazy, but I didn't think we had class so that five students could posit irrelevant hypotheticals and ask their burning questions that, for whatever reason, couldn't be asked after class or via email. At least I can turn Bill O'Reilly off, or better yet, never put him on.

THREE: Nobody gave a damn about Facebook. Enough said.

FOUR: I never used to watch

Laguna Beach, The OC, or The Real World. I'm ashamed to admit this, but I've hardly missed an episode of any of these shows since their respective seasons started. What's worse? I never used to watch them before I came here. That's actually a lie. I watched the entire season of *Real World: Seattle*, and loved every minute of it, but that's the extent of it. This is really sad: I find myself singing the *Laguna Beach* theme song as I'm studying, or worse, showering. "Let the rain fall down, and wake my dreams..." It's pathetic. Oh, and this is actually worse than the theme song thing: I'm pissed off that the baseball playoffs are on instead of *The OC*. I emphasize that for a reason. I'm a huge baseball fan. I love the fact that the White Sox won it all. Yet, I've been furious these past few weeks. There's been a hole in my life on Thursdays at 8/7 Central. I miss the guy that didn't feel this way.

FIVE: The Sunday *Times*. Until my neighbor started stealing it, my home-delivered *Times* were

the best thing about Sundays in New York. The entire thing weighs like ten pounds, and takes the entire day to get through. It actually got so heavy that they started splitting it between Saturday and Sunday—the highlights being the Magazine on Saturdays, and the Week in Review and Book Review on Sundays. The weekend *Times* made it such that following the news all week was unnecessary—one could get an entire week's worth of news in one day. Theoretically, I could still get the *Times* delivered to me on weekends, at the Grad-Plex, but when would I read it? I'm already carving time out just for football, which I watch in a mirror on my desk. It's not even that I'm doing work constantly; it's that my brain hurts. Working full-time was devoid of any intellectual stimulation, so I could handle a ten-pound newspaper on every weekend. Now that I'm thinking a whole lot more than I used to, my brain needs a rest during downtime. I've replaced the Sunday *Times* with pathetically superficial television.

Off The Beaten Path: Brawls, Bars, and Bridge-Tunnels...What's Not to Love?

by Zach Terwilliger

I wrote that headline hoping to grab your interest, and I would not be surprised if some of you put together that I am talking about a night at a Norfolk Admirals game. Who are the Admirals? The Admirals are Norfolk's own minor league hockey team. The games are incredibly exciting to watch because the minor leagues are even more physical than the NHL. In the three games I have attended, there have been five all-out brawls. However, the hockey is much more than a slugfest, as our resident Canadian can attest: "These guys play good hockey."

The Admirals play in the 1970s-era Norfolk Scope, and the interior is extremely reminiscent of the Philadelphia Spectrum circa Rocky III. The antiquated arena truly does not have a bad seat. Even

the nosebleed seats are only about forty rows back from the ice. At \$11-\$16 per ticket, the price for a night of entertainment cannot be beat. Also, the box office will provide a discount to groups over 25. If you want to get your tickets in advance, they are available from the customer service kiosk at Ukrop's.

The Admirals play pretty much every other weekend from now through mid-April. Staggered throughout the season are fan appreciation nights at which sponsors handout everything from t-shirts to thundersticks. For more information on the Admirals' schedule, check <http://www.norfolkadmirals.com/schedule.php?id=full>.

If hockey isn't your first love, or if the trip to Norfolk seems a long way to go just for a hockey game, then you should consider heading



out to the "Gramby Street" district after the game. This three-block district is full of bars, restaurants, and live music. I personally can recommend the Hell's Kitchen bar, which often has a stage and live music. These bars are reminiscent of what you might find in Adams Morgan in D.C. or Sixth Street in Austin.

The trip to Norfolk takes just

about an hour. Yes, I know, once again, this is kind of far. But if you carpool it is inexpensive, and the hockey and bars more than make up for the trip. You even get to go through the bridge-tunnel!

If you decide you want to take me up on this adventure check out www.norfolkadmirals.com for directions to the Scope, schedule, and ticket information.

Ask a Canadian

by Matt Dobbie

Hi and welcome to another edition of Ask A Canadian. In this edition we discuss the quagmire that is Quebec politics and the wonderful institution/restaurant that is Tim Horton's. As always, send all questions, comments, and concerns to askacanadian@gmail.com.

I've read that Quebec wants to separate from Canada. What's the story there?

—Reggie Dunlop, 3L

Well, Reggie, it's long and complicated. Quebec is home to a large separatist movement and has been for about 40 years now. Things really got moving in the late 1970s when the Parti Quebecois (PQ) was elected into the provincial government. The PQ is the separatist provincial party, and its members run for the provincial legislature; their sister party, the Bloc Quebecois (BQ), runs in the national elections. While they do well in Quebec, their numbers in the rest of the country are somewhat lacking. Regardless, I hate them both.

The Separatist movement ebbs and flows with the economy—as the economy worsens, separatism gets popular—because apparently separating from one of the top economic countries will help you get a job. That's why the PQ always calls for referendums during recessions. The separatists also like to make wild claims which have no basis in fact like “If we separate we will keep using Canadian currency,” “You won't need a passport to travel to Canada,” or “Everyone will get superpowers and fly like Superman.”

Sadly, the separatist movement has been fairly successful. They've held two referendums, one in 1979 and one in 1994. In 1979 the vote was 60-40 to stay with Canada, in 1994 it was 50.4% to 49.6% to remain. Not an encouraging trend. The only good thing about our close call with disaster in 1994 was the PQ leader's response after the referendum. He got drunk, wandered up on stage and said to the entire country, “The only reason we lost

was the Indians and the ethnic vote.” As soon as he sobered up, he resigned in disgrace. I loved this quote because (a) I love anything that makes the separatists look bad and (b) it was great fodder for jokes whenever I lost something over the next two years. Mom: “Matt, why do you think you lost your hockey game today?” Me: “Natives and the ethnic vote.” It never got old.

Lately, things have been heating up again. A new Quebec provincial election is likely going to happen in late 2006 early 2007 (yeah, we can call elections whenever we want—none of this every fourth November crap), and the PQ is looking very strong in the polls.

Quebec politics are bizarre, too; last week one of the front runners in the PQ leadership race was rocked by a massive cocaine scandal. In most places this would hurt his chances. Not in Quebec though, as he actually *gained* 10 points in the polls. It appears that “massive cocaine habit” is one of the qualities that Quebecers look for in a leader. Other than “they're French” there is no rational explanation for this.

A few weeks ago you mentioned Tim Horton's. What's that?

—Ned Braden, 1L

Tim Horton's is a combination coffee/donut/sandwich/soup/bagel/falafel shop that can be found in every city and town in Canada. It's a veritable institution and a great source of pride among Canadians. Their food is great (the maple donuts are a big help), and the coffee so beloved that some people drink so much that you'd swear they have pure coffee running through their veins. The place is extremely addictive and multiplies like rabbits. In my home town of 100,000 people we have no less than 15 separate Tim Horton's locations, and one is actually inside of a Home Depot. This slays me because (1) I often like to eat donuts while I shop for lumber and (2) it saves me the trouble of visiting the other Tim Horton's in that same plaza before I go inside.



The thing that makes Tim Horton's so uniquely Canadian is the name. Tim Horton was an all-star defenseman for the Maple Leafs and Sabres. Yep, our most popular restaurant is named after a hockey player. Go figure. He opened the store late in his playing career and ran it until he died in a car accident seven years later in 1974. When he died there were 40 Tim Horton's locations, and now there are 2,400 locations in Canada, with another 260 in the United States. It's only a matter of time until they take over this entire country—and that's a good thing. Trust me.

The restaurant is so beloved that Mike Myer's gave a shout-out to it and our country in the first Wayne's World movie. The restaurant they

hung out in was a dead copy of Tim Horton's, right down to the name: “Stan Mikita's.” Mikita was a contemporary of Horton's, and a great hockey player in his own right. It was one of the best jokes in the movie, and most of the audience had no clue.

In closing I'd like to say that Tim Horton's is one of the things that helps bind my country together. Considering the massive separatist movement in our second largest province, perhaps we should have invested in something else, but then we might not have all those delicious maple donuts. Believe me, it's a tough call. See ya in two weeks.

Marshall-Wythe Student B-LAW-GS

by Jennifer Rinker



Captain Chris Johnson (3L)

was first stationed in Hawaii after his one-year stint at Quantico. “Looking like I do, I don’t blend in well on the islands,” Chris admitted. So, he shows up with a bunch of big infantry guys, and he’s in charge, and 23 years old. “I kept telling myself not to screw this up,” confessed Chris.

This guy called Gunny Tisdale was about 20 years his senior and ended up becoming Chris’s right-hand man and best friend out there. “He’d help me along when I’d come to those times when I didn’t know what the right thing to do was. He let me lean on him.” Chris admitted there was just about nothing scarier than leading a bunch of guys in live-ammunition exercises and in making personal decisions. “I felt like I grew up a couple of years in the first few months.”

One of those personal decisions involved helping a kid figure out whether he was going to get married. Before you go on deployment you get two weeks off, and the same after deployment. “So this 18-year-old kid comes in after a deployment and tells me he got this girl pregnant and that she was going to have the baby in less than a month.” Since the officers are supposed to at least talk to the guys before one of them makes a life-altering plan, Chris opened the conversation with: “When did you meet her?” just to get the dialogue started.

The kid pretty matter-of-factly says he met her on pre-deployment, which meant she was going to have the baby about six months after he met her. “I’m always careful to cover my bases,” Chris said, “so I asked if everything was OK with

the baby, was it premature.” No, no, the baby’s healthy. “Do you know it’s yours?” Yes, yes.

“So I ask this guy if he knows how babies are made. Hard to ask that to a tough guy Marine. He’s all insulted. He says, yeah, the guy and the girl, blah blah. Then he says he knows it takes nine months. So I started counting the months off, and I could see his face start to turn down a bit. I ask him if he sees what I’m getting it. I said, ‘It’s really respectable what you want to do, but the baby’s not yours.’”

Well, they got married anyway, and the last Chris saw they were living on base together with the baby. “Those are the moments in life nobody prepares you for. I learned how to shoot and where to shoot and all the leadership stuff, but no one teaches you how to give sex ed to an 18-year-old.”

The military has also taken Chris to Okinawa, Japan, South Korea and Australia. “Being far away from everyone important in your life was interesting,” Chris admitted. Some of those important people include an older brother, two little brothers, and a little sister. “I was always the youngest growing up, and to be an older brother is a lot of fun. We go rock climbing or I let them steer the car when I drive. They love it. I never realized how frustrating I must have been as a little brother until I had little siblings. It’s very embarrassing bringing the girlfriend home and having them make fun of me.”



Kevin Wilkes (3L) has had a beer with the lead singer from Night Ranger. For those unfamiliar with the band, their most famous song was “Sister Christian” (featured prominently in the movie *Boogie Nights* and daily on Sirius Satellite

Radio’s Hair Nation). You know,

“Sister Christian oh the time has come. And you know that you’re the only one to say,... okay.... You’re motorin’! What’s your price for flight? In finding mister right... You’ll be all right tonight.” Well, whatever. Kevin and I know it because we are old.

So Kevin was sitting in a bar in Grand Haven, Michigan, and “this scraggly dude walks into the bar along with some other scraggly dudes, and they each have these tall blond-haired model-like women hanging on them and they proclaimed ‘We’re Night Ranger!’” The bartender was this young girl who didn’t know them and they reminded her they were a rock band from the ’80s.

Kevin has also met Rosy Greer, the football player. “My brother was sitting in the emergency exit seat of an airplane, the seats with the extra legroom, and this monster hulky pro football player asked to change seats with him.” Kevin mimics the deep voice. “We got him to sign a football, but I think it exploded. At any rate, I don’t have it anymore.”

Kevin also met a famous actress on a plane from Germany, but “I didn’t know who she was. I don’t know what she was in, even.” So I guess that experience was wasted on Kevin.

And Kevin recently met Justice Thomas through the Supreme Court Seminar with Professor Devins. “It was a strange and funny thing—I actually like him,” confessed Kevin. “He told us about touring the country in his bus and camping out in Wal-Mart parking lots. We got to talk to him for about three hours and those were the kind of things we discussed.”

Kevin is a Blues fan, hanging out at Chicago House of Blues and Kingston Mines. He’s a big fan of Buddy Guy and B.B. King. “Plus, B.B. King’s the only guy who’s had like eight wives and all were mean ‘mistreaters’ so he’s got a lot of material for the blues,” Kevin mused.

First-year Matt Stewart’s web browsing abilities confirmed, in fact, that B.B. has only actually had two wives, but King’s had 15 other

children with fifteen other women. So, B.B. can rightfully sing, “Damn right, I got the blues.” Disclaimer: “mistreaters” is from B.B.’s lyrics, not Kevin’s personal assessment of B.B.’s women.

So, after two years of me desperately wanting to include the following story in *The Advocate* and after two years of Kevin’s objections, I have finally convinced him to let me include it. Thank you, Kevin.

Kevin got dumped during Hurricane Isabelle. “You have to just kind of laugh at certain stuff that happens because it is funny,” Kevin admits. All these winds are howling around, trees are breaking and falling on houses and cars, and this woman says, “Umm. I don’t know if this is gonna work.” You really should get Kevin to tell the story in person, because the sound effects are fantastic. But, Kevin adds, “I don’t have any personal axe to grind. It’s just funny.”



Jon Perdue (3L) used to own a record label, but sold it before law school and blew the money in Miami. “Actually, I’m pretty ashamed of the poor quality music we put out,” Jon claimed. He sat through hundreds of auditions of bad rappers—including one with an unintelligible Haitian accent. “We made a lot of shitty music from our record label.”

He’s played the trumpet for 18 years and is a self-proclaimed screamer. “I play high. Very, very high,” Jon bragged. And bragging rights he does have, for he has played with the likes of J.J. Johnson, Maynard Ferguson, Jon Faddis, Freddie Hubbard, Lee Koonitz, Winton Marsalis, Christian McBride, and Arturo Sandoval.

Marshall-Wythe student B-LAW-GS

Other musical interests, or obsessions, rather, include Earth, Wind and Fire, Led Zeppelin, and Gustav Mahler's Fifth Symphony. "Every time I see a new version I have to buy it. I have 20 versions of Mahler. It's a disgusting fixation of mine."

If Jon had a *Makin' the Band* show he'd put Buddy Rich on drums, Vernie White on bass, Lenny Pickett on tenor sax, George Duke at piano, Carlos Santana and Frank Zappa on guitar, and resurrect Lee Morgan from the dead to play trumpet.

In addition to dropping the record label, Jon also dumped the fiancé before coming to law school. "The greatest advice I ever got was from my mother before she passed. She said, 'Don't ever get so caught up in the fight, you forget what you're fighting for.' Which was her way of telling me to dump my fiancé. Smartest thing I've ever done."

Jon is also a pretty smart guy. Not only did he set a record his senior year in high school for Brain Game with an average 32

points a game, but he has at times been able to go a whole week in Jeopardy without missing a single question. When asked how he gained all this trivia knowledge, Jon explained, "My mother used to get mad because I would stay in the bathroom for hours reading entire volumes of encyclopedias. I made great time with my poop time." And he read all the Harry Potter books in a week.

Jon aspires to politics and would love to be White House Chief of Staff some day, a revelation that explains why Jon fears falling for someone with secret dirty pictures on the Internet. Other fears besides falling in love with a porn star are regret, having people tell him what to do, and snakes. "Our grandmother used to tell us lies growing up about being attacked by snakes in the ocean in Kentucky which made me scared of snakes and I don't trust water. The slavery thing might have something to do with that, too."

In other news, you can always measure Jon's level of sexual frustration with how clean his

apartment is. "The cleaner it is, the more frustrated I am." The obvious question is what the current state of his apartment is: "Um, it's pretty clean," Jon laughed. Jon loves fried chicken, chicken wings, and red Kool-Aid. "Great to go out with John Ambrose for chicken wings, beer and talk trash," Jon said.

Jon loves making people uncomfortable. For example, "I make racially insensitive jokes in front of white people and know they want to laugh and can't." And, if including this in the Blawg is making people uncomfortable, this is success. Jon also admits to having no candor and to not screening what he says.

In closing, we had to include King Quincy in the Blawg.



He will be 10 years old on November 5, is a spoiled rotten, purebred miniature schnauzer, and "a real asshole" according to Jon. "I would kill everybody in the world for him, though. I've even thrown people out of my apartment for being mean to him, and he's scared to death of Patrick During."

Brett quote



"I always hated practicing baseball, piano, and soccer. I only enjoyed practicing safe sex."

MARSHALL WYTHE STUDENTS GET DOLLED UP FOR THE PSF HALLOWEEN PARTY

Photos Courtesy of Karen Anslinger (2L)



RAJDEEP JOLLY AND WILLIAM DURBIN ATTEND A QUEEN & PAUL RODGERS CONCERT

Raj—Take the pleasure derived from making love to Love itself, multiply that by infinity, and raise that to the one-hundred-and-first power. I derived *more* pleasure from seeing Queen in concert. Twenty-three years after Queen's last American tour and 14 years after the death of Freddie Mercury—and what seemed like any possibility of touring again—Brian May and Roger Taylor of Queen joined forces with Paul Rodgers of Bad Company for a world tour that included two American shows, including the one that Will and I attended at the Meadowlands. Brian May almost knocked my turban off with virtuosic guitar heroics on *Tie Your Mother Down*, *Rock & Roll Fantasy*, *Hammer to Fall* and *I Want it All*; he really let it rip on *Feel Like Making Love* and deliv-

ered a ten-minute solo that featured his trademark effects-processed harmonies. Roger Taylor provided simultaneous drumming and singing on *I'm in Love with My Car*, which contains some of the most thoughtful lyrics ever recorded (“Told my girl I’ll have to forget her / rather buy me a new carburetor”), and shared vocal duties on *Radio Ga Ga* (clap-clap) with Paul Rodgers, who held his own in the face of inevitable comparisons with Freddie Mercury. Freddie made a guest appearance on the big screens for *Bohemian Rhapsody*, which featured the band superimposing its music onto their fallen leader's vocals, which were surgically removed from a 1986 concert. A long ovation ensued. Other highlights were *We Will Rock You* and Will Durbin singing “Galileo” in searing falsetto.

Will—As you can see from reading the above passage, Raj's knowledge of and passion for Queen pass all understanding. I am but a disciple learning at his feet, and the concert at the Meadowlands was the Sermon on the Mount for me. Queen and Paul Rodgers rocked the earth, and theirs is the kingdom of heaven. They played many songs I knew and some I didn't, but they all knocked my socks off. I concur with Raj that *Feel Like Making Love* was pretty much the bomb. And I must admit that I did get a bit carried away listening to (and singing along with) *Bohemian Rhapsody*. You would have, too, if you had been a part of this once-in-a-lifetime, religious experience.

Postscript by Raj: A few days after seeing Queen, I attended a U2

show in Washington, DC. Being a casual U2 listener, I distinguished myself from thousands of ecstatic fans by my inability to sing anything more than the song titles. This typically unfolded as follows:

Raj: (silence)

Raj: ... WHERE THE STREETS HAVE NO NAME!!! WHERE THE STREETS HAVE NO NAME!!!

Raj: (silence)

The U2 audience seemed to be much more energetic than the Queen crowd, and U2's lights were spectacular; however, Queen delivered a punchier show that was devoid of preachy political patter, which, in U2's case, should have been supplanted by a few more songs from the *Achtung Baby* album, which is their best.



Nate Edwards is your late night bartender. He is a graduate of William & Mary and a Sigma Nu frat boy. He's an accomplished ax man and handsome gent who some say looks like David Bowie, Kevin Bacon or an anemic Clint Eastwood. But sorry, ladies, he's taken—by his own admission he would be in the gutter if not for his wife and two children. He can hit the high note with David Coverdale on Whitesnake's *Here I Go Again* and dances to *You Spin me Round*. Drop by Thursday nights to watch his artistry and be awed by his mastery of the Shakers of Steel.



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