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The Advocate

VOLUME III, ISSUE SIX

WEDNESDAY, NOVEMBER 16, 2005

WILLIAM & MARY SCHOOL OF LAW



Marshall-Wythe students wow their classmates ath the Singer/Songwriter showcase. Photos courtesy of Asim Modi and Nora Garcia.

AN ACCOUNT (OF SORTS) OF THE SINGER/SONGWRITER SHOWCASE

by Asim Modi

Prior to the November 5th PSF Singer/Songwriter Showcase, my previous open-mic-night experiences were not entirely positive. The common thread tying all of those shows together was the guy with an acoustic guitar who, through his dress and his sound, tried desperately hard to be like Ryan Adams, but instead came precisely, the post-All for Love Bryan Adams). If this image is difficult to visualize, go to Paul's on a Wednesday night and the picture will surely become a whole lot clearer.

In retrospect, being completely blown away by the performances at the Showcase should not have been a complete surprise. In the few months of my law school career, I've realized that school events tend to be aptly named. (Yes; this is painfully obvious, but look for example at Fall from Grace. Photographs, such as the ones that appeared on the front page of the last *Advocate*, and eyewitness accounts clearly the course of that evening, many people did, indeed, fall from grace.) Moreover, the Showcase venue should also have been a clue that this would be a gig worth seeing. Held at what the flyer described as

"Club Peg" (or what my GPS called 327 N. Henry), it was impossible after entry to avoid being swept into the charm and scent of a retro home. If I had to make one slight complaint about the site, it would have to be about the bathroom. The "furry animals of the forest" wallpaper motif might normally be adorable, but it was impossible to not feel like the cast of Bambi was watching me use the toilet; even if across like Bryan Adams (or, more support the conclusion that, over you weren't one of the millions of children who were traumatized by that movie—(What?! The hunter killed Bambi's mom!)—you would feel unnerved.

> Beyond mentioning that each and every performer at the show

case was amazingly talented and had an impressive stage presence, there is not too much that can be said about the event without this article degenerating into a real article filled with trivialities such as names and Continued on page 2

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quotes. Wishing to avoid this, I will instead turn to a set of Virginia Woolf-esque observations.

Upon hearing a cover of Carly Simon's You're So Vain, one could not help but ponder the eternal question of who the song is about. The one name that kept on popping up in my head was Dave Coulier. It is common knowledge that his brutal break-up with Alanis Morissette inspired Jagged Little Pill and, specifically, You Oughta Know. Wouldn't it be funny if Uncle Joey was also the subject of You're So Vain, making the random Canadian comedian the answer to two of the most enduring pop culture burning questions of all time? Of course, it is not cool that he goes around breaking people's hearts, but how could you not feel good about being the source of two immensely popular songs? Speaking for myself, I definitely plan on jilting all the budding musicians I know in the hope that I can be mentioned in the same breath as the man who

spawned the seminal phrase of my youth: "Cut It Out" (with appropriate hand gestures).

The performances of two 1Ls—Margot Freedman and Nathan Pollard—deserve mention. This is not just because these are the only performers I actually knew or because they traded in their soul for an Advocate shout-out (although that certainly helped). They also serve as convenient illustrations of how all the performers brilliantly channeled the people they were covering that evening. Her spot-on Janis Joplin and his sweat-soaked, harmonica-wearing "Piano Man" were seemingly accompanied that evening by Bob Dylan, Elliot Smith, Ella Fitzgerald, Roy Orbison, Death Cab for Cutie, Aqualung, and Keane. As someone who owns two OC soundtracks and is eagerly awaiting Mix #5, the last three were really a treat. Writing your own music gives you leeway to be bad because there is no standard to uphold; a listener might say, "Why does Wild Monkey Love in Washtenaw County suck so bad?"

and they can just assume it was meant to be like that. On the other hand, if you do *The Times They are A-Changin*, ' then you inevitably get measured against the original, and the fact that the Showcase acts all cleared that hurdle of precedent (yeah, I know and I apologize) was extremely creditable.

To wrap up, there were two memorable quotes from the evening that just help remind us all what music is about at the end of the day. "If a guy wrote this about you, wouldn't you be wet?" was the classy wrap-up to a particularly sensitive song. Admittedly, this was a good follow-up to the chorus of the show-opening number: "Welcome to the Big Dick Hall of Fame." Introspection, retrospection, romance, and heartbreak all have their place in music, but it always comes back to sex, drugs (loosely interpreted to include Cialis), and rock & roll.



The **A**dvocate

"Complete and objective reporting of student news and opinion"

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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.



Pauli Murray: Poet, Activist, Priest, Lawyer

by Tara St. Angelo

Who is Pauli Murray? She refused to sit at the back of a segregated bus before Rosa Parks led sit-in protests in the '60's. She cofounded the National Organization for Women (NOW). Why isn't her name an integral part of our culture like Rosa Parks or Betty Friedan? Professor Douglas chose to write his next book about this little known yet amazing woman.

The law school's newest organization, Students for Equality in Legal Education (SELE), along with ACS, co-sponsored a lecture by Professor Douglas on November 2 during which he discussed his forthcoming book, *A Spirit Unbound: Pauli Murray in the Twentieth Century*, and the life of its subject.

Professor Douglas stumbled upon the work of Murray while researching the status of segregation laws. He instantly connected with Murray and her work and began work on his book 3 years ago.

Murray was born in 1910 to a family of mixed race and lived in the segregated South. Although she was mixed ethnically, Murray considered herself culturally black. Her experiences during the era of segregation shaped her and influenced her lifetime of work. Douglas points out that Murray experienced violence at a young age and that this shaped her entire life. After a friend and her father were both violently killed, Murray committed herself to nonviolence and this commitment was solidified in 1939 when she read a book by one of Gandhi's followers, War Without Violence.

Murray was a bright student and desired an education at a non-segregated university. She attended Howard University in New York City, after she realized that either being black, poor, female, or a combination of the three prevented her from attending various universities. She became involved in the labor movement during the depression and acquired valuable activism skills.

She put these skills to use when she was rejected by the graduate school at the University of North Carolina. She began a letter writing campaign that ultimately failed at getting her accepted to UNC but succeeded at inspiring many black universities to begin graduate programs. This campaign also led Murray to let go of her fear of taking on the system. "One person plus one typewriter constitutes a movement," she said.

In 1940 Murray and a friend were arrested when they refused to move to the back of a segregated bus in Virginia. Murray put her belief in creative nonviolence to the test. The jailers as well as the other prisoners treated Murray with respect after she afforded them the same respect. She became a local celebrity after she continually refused to pay the fine and even got the NAACP involved in the court proceedings to challenge the existing segregation law. The attempt was unsuccessful but was a step in the civil rights movement.

Murray decided to attend law school after a failed campaign to remove from death row a sharecropper who shot his landlord in self-defense. She graduated first in her class from Howard Law School in 1944. The only thing that kept Murray from being the best student who ever attended the school was her involvement in sit-in protests during her final semesters. Also, during law school Murray gave into her desire to be a writer. She wrote her epic poem "Dark Testimony" in response to the Harlem riots and as an answer to poet Stephen Vincent Benet's call for a voice of the black poet. Her poem acknowledged a sense of a larger identity with the struggles of other peoples and was read at the memorial service for Martin Luther King, Jr.

After she unsuccessfully tried to get into Harvard Law School she attended Berkeley Law School to pursue an LL.M. This was the first time she experienced "Jane Crow", exclusion based on her gender. Despite letters from Franklin D. Roosevelt, written on the insistence



Pauli Murray, age 67, at her ordination in 1977. AP Photo.

of his wife and friend of Murray, Eleanor; Harvard denied Murray admission.

Murray practiced law in New York City for 7 years after graduation, but was not successful. She still felt an internal tension between her career as a lawyer and her desire to be a writer.

She was able to scratch her writing itch when she received a fellowship and went to an artist colony in New Hampshire. She wrote her book "Proud Shoes". The book was not a huge commercial success, but is now an American classic and is a staple in American Studies programs at universities around the country.

After the lynching of Mack Charles Parker in Poplarville, Murray became fed up with racism in America and went to Ghana to teach Constitutional Law. Within 18 months she returned to America. It was in Africa that Murray truly discovered her identity as an American.

Murray became interested in gender issues during the mid-1960s. She realized that the fault in the women's movement was the lack of a central organization comparable to the NAACP. After hearing Murray speak on the subject, Betty Friedan was inspired. Murray and Friedan founded NOW in 1966. However, Murray left the organization within the first few years because she was frustrated with the organization's lack of attention to black women.

During the last stage of her life Murray felt a draw towards the church. At the age of 63 she became the first black, female Episcopalian priest. She spent the rest of her life in the church.

Professor Douglas felt drawn to the work of Murray and has contemplated the question of her lack of notoriety. Douglas believes she is not as famous as other civil rights and women's movement icons because she never had a single defining accomplishment. She was involved in a wide variety of causes. In addition, Douglas explained, she was always ahead of the curve. Her refusal to sit at the back of the bus did not spark the civil rights movement, she was leading sit-ins before they captured the public fancy, and she left NOW within the first 2 years. Douglas believes that in the coming years we will be hearing more and more about Murray.

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Marshall-Wythe Students Tour the Williamsburg Winery

by Nicolas Heiderstadt

On Friday, November 11, a group of Marshall-Wythe students took a break from the monotony of study to engage in that most august of law school pastimes: having several drinks in a row. These drinks, however, were meant to be scrutinized, sniffed, and savored, as students enjoyed the SBA-organized tour and wine tasting at the Williamsburg Winery.

The Williamsburg Winery is tucked back off of 199 on Lake Powell Road, half a mile or so beyond the Williamsburg Airport (Yes, Williamsburg has an airport. No, you can't catch a connector to Dulles there). As one approaches the winery, trees give way to flat, green fields and regimented rows of stakes connected by metal wire, onto which the grapevines, carefully trained, wind to bear their fruit.

Tour-takers were first shown a short video detailing the history of winemaking in Virginia and at the Williamsburg Winery. Fun legal fact: Laws in early colonial Virginia encouraged the making of wine by requiring all settlers to plant a small number of grapevines specifically for that purpose.

Following the video presentation, visitors were guided through the winery's back rooms. The first stop was a large function room, decorated in full 17th-century style, complete with wrought-iron chandeliers, swords on the walls, and a fireplace imported from a French Chateau. According to John, the group's gregarious guide, all that was needed to complete the effect was a prancing court jester.

The tour then moved downstairs, past doors that automatically swung shut using a system of weighted ropes rather than modern hydraulics, into the barrel cellar, where wine is aged using traditional oak casks. The casks, said John, are only suitable for winemaking for six or seven years, after which they are cleaned and sold. It is up to the individual consumer to find a use for them, he said, but he



An ariel view of the Williamsburg Winery. Courtesy www. williamsburgwinery.com.

recommended against one former customer's idea of converting her barrel into a doghouse. Unless, of course, the thought of a dog that forever smells of old wine appeals.

The tour continued to a room in which the winery owner's collection of antique wine bottles was on display. Squat bottles of dark green glass, very unlike the tall, slim bottles with which we today are familiar, lined the shelves. Another fun fact: the indentation in the bottom of a wine bottle, known as the "punch," is designed to trap sediments remaining in the wine, preventing them from pouring into drinkers' glasses.

The tasting offered budding sommeliers seven samples of wines to sip, three white and four red. Owing to the fact that the winery needed to close its doors promptly at five, the samples were poured out one after another, leaving little time to rest palates (or spinning heads). All the wines tasted were, conveniently enough, available at the gift shop on the way out of the winery. Even more conveniently, the gift shop remained open even after the rest of the winery closed its doors.

Asked how she came up with the idea to get students together for the tour and tasting, organizer Linda Quigley (2L) said that she "wanted to do something different." She also said that she had been wanting to visit the winery ever since seeing the sign for it on Route 199.

The visit to the winery was

a great success, and Quigley expressed hope that it would become a regular SBA event. Several students also seemed interested in organiz-

ing groups for the Winery's reserve tasting, which features its best wines in a more personal setting with fewer than ten people.

51st Annual William & Mary Tax Conference

by Kelly Pereira

On November 10 and 11, William and Mary hosted its annual tax conference at the Kingsmill Resort. The tax conference was open to both attorneys and accountants. The conference was organized by the W&M Schools of Law and Business as well as by the Taxation Section of the Virginia Bar Association and the Virginia State Bar. The official title of the conference was "Taxing the Real (Property) World: A Program for Advisors to Privately Held Business."

This year's topics included the entity of choice for developers and investors, tax issues in real estate acquisitions, development and financing, historic rehab and land preservation credits, lessee/lessor taxation, life-kind exchanges and involuntary conversions, solvent taxpayer planning for troubled real estate projects, capturing capital gains while staying in the deal, and estate planning for the real estate entrepreneur. The daily lunches included panel discussions of updates in Virginia taxation and a lecture by Ira B. Shepard of the University of Houston Law Center.

Conference speakers included

Cameron N. Cosby of Hunton & Williams in Richmond, Susan T. Edlavitch and Robert G. Gottlieb of Venable in D.C., R. Braxton Hill III of Kaufman & Canoles in Norfolk, Richard M. Lipton of Baker & McKenzie in Chicago, Mary Ann Mancini of Williams Mullen in D.C., Virginia E. McConnell of the Virginia Department of Historic Resources, Pamela F. Olson of Skadden in D.C. (and former Assistant Secretary of Tax Policy, U.S. Department of Treasury), William L. S. Rowe of Hunton & Williams in Richmond, Blake Rubin of Arnold & Porter in D.C., Robert D. Schachat of Ernst & Young in D.C., and Stefan F. Tucker of D.C. McGuireWoods in Richmond was well represented by Craig D. Bell, Louis A. Mezzullo, and Thomas P. Rohman. The WM School of Business was represented by Howard J. Busbee.

Pursuant to the Virginia State Bar Association, every member of the Virginia bar must participate in twelve hours of approved continuing legal education each year of which two hours is designated for either legal ethics or professionalism. The tax conference supplied 14 hours CLE or 16.8 hours CPE. News

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.

In the Name of all of God's Creation

by Nadia Hyder

On my way to work each morning, I'd glance at the majestic dome of the Capitol Building. Those sturdy walls and the reality of what went on behind them would remind me of the weight of my responsibility and the purpose of my job. This summer, I worked as a legal/civil rights intern at the Council on American-Islamic Relations Headquarters on Capitol Hill, a job that entailed striving to combat discrimination, upholding civil rights, and building bridges between the American Muslim community and the rest of the American public.

I worked amongst a tireless group of individuals, who gave and gave, without always receiving much tangibly in return. Nasty phone calls and messages are the norm there, with comments such as, "You Muslims need to go back to where you came from." That would be a pretty short journey for me since I was born in New Jersey. I was born American and I will always be an American. Being an

American, to me, means promoting understanding and eradicating ignorance on the stage of diversity. If global peace has a chance anywhere in the world, I believe that the United States is where it can begin. That is why I wanted to work for CAIR.

During my time there, I worked with the National Director of Legal Affairs, Arsalan Iftikhar on workplace discrimination issues, and combating against attacks on CAIR itself. He struggled patiently and persistently, each day (including weekends), working only with the purpose of promoting peace in this country and for the sake of God. Seeing a lawyer work for something bigger than himself while loving his job was refreshing. I also worked in the Civil Rights department on other workplace discrimination cases, while collaborating with the Federal Bureau of Prisons, to build a program to educate prisoners about mainstream Islam, as opposed to that which could be picked up by extremist groups who act in the name of religion.

In the midst of this education and progression the London bombings took place. I was shocked, angered and filled with a sense of hopelessness that morning. All the work and progress at CAIR seemed to be diluted yet again by another senseless attack. To give in to our despondency would be to admit defeat, but CAIR is an organization that must forge ahead. When the interns got to work, we were instructed not to stay after dark and to be more vigilant. In fact, 3 of the interns who were traveling back on the metro after the bombings (2, visibly Muslim, because they wore a headscarves) were harassed and had to get off a stop early because they feared physical harm. This, along with other unfortunate incidents, motivated the intern group to work even harder on garnering support from Muslim leaders and mosques around the country to pass a fatwa (religious ruling) that the terrorist attacks were condemned by the general Muslim public, leaders, and scholars.

Thomas Jefferson said, in a

letter to Benjamin Rush, "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man." My experience this summer reinforced to me the idea that we, as citizens from diverse backgrounds and upbringings, should not allow others to make us feel ashamed of who we are, and we should never give up hope that the shackles of ignorance can be broken. I learned that an attorney can be more than just someone dressed up in a fancy suit and utilizing a high-class vocabulary. Rather, we can be a force for change and unity and this concept is not as far-fetched or impossible as it is made out to be. It is so achievable that it can seem intimidating - let us be the generation of attorneys to forge on in the face of criticism and put our similarities ahead of our differences. Listening to messages and speaking to Americans from other communities who were affected positively by the work we did at CAIR made weathering the storm of hate and ignorance completely worth it.

Summer Adventures in Citizen-Lawyering

by Dathan Young

Last summer I walked into a law office in Harrisonburg, Virginia, eager to experience life in the trenches of civil legal representation for the indigent. Sure, I thought I'd get to meet some interesting clients and encounter the law on domestic relations and landlord-tenant disputes, but thanks to a few surprises, I came away with not only enhanced skills but also a new outlook on the practice of law.

Much of my time involved sharing office space with a seasoned legal aid attorney from Colorado, which provided a ripe environment for some good mentoring. We could discuss anything about a case—whether about the law or our clients. In addition, I found the executive director especially helpful when it came to perfecting my writing to fit both the official and unofficial requirements of the local courts.

One day a notice of appeal from a lower court ruling favorable to our client appeared in the mail. The response from the attorneys in the office was a mix of laughs and groans: laughs because this adverse party had no sense of finality when it came to litigating his familial situation for years on end, groans for the same reason. Out of it all came my opportunity to write a brief for the Court of Appeals of Virginia. It was then that I learned why some files are called "dogs." (Let me just state here that it's one thing to write an appellate brief and an entirely different feat to do so in response to the confused illogic of a *pro se* attempt at a brief.)

Throughout the summer I also prepared and tried a small case with my third-year practice certificate. Going through the entire process of helping an elderly amputee recover some of his losses for a botched auto repair opened my eyes to the intricacies of dealing with clients, witnesses, clerks, and judges—from the initial factual investigation through actual trial procedure. It's at such moments when the practical skills learned at law school, so often underrated

by law students, become cherished assets.

Other activities involved discovering that a state regulation contravened federal law, keeping alcohol use within the perimeter of an outdoor fundraising event, wishing I knew Spanish, and learning to eye long-term care facilities with a healthy suspicion.

The above only scratches the surface of legal aid adventures that await lawyers-in-training who are undaunted by the prospect of mediocre compensation for meaningful work. Capable, friendly colleagues are ready and willing to help anyone brave the less-trodden path of legal aid work. What are you waiting for?

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 Aftermath and Ramifications of *Kelo*

by David Byassee

On November 9, the Federalist Society presented Professor Jonathan Adler, a contributing Editor to the National Review online and a Professor of Law at Case Western Reserve University (presently a Visiting Professor of Law at George Mason University). He spoke on the aftermath and ramifications of the Supreme Court's decision last term in Kelo v. New London. Despite the fact that an entire property rights symposium held at the law school two weeks ago was focused on the same topic, there were many students in attendance. This should be no surprise, however, because as

Alder made clear, the most influential thing about *Kelo* is the public's reaction to it.

Very briefly, Kelo was a case that affirmed the City of New London's exercise of the power of eminent domain in order to condemn private property for economic development. Adler believes that although the exercise of eminent domain is frequently unjust, it is not unconstitutional. He also believes that Kelo was properly decided by the court. His point, however, is that he welcomes the public outcry that has followed in the wake of Kelo and has prompted much legislation in favor of protecting private property rights.

November 2005 General District Court Docket

Monday	Tuesday	Wednesday	Thursday	Friday
		16	17	18
		Charles City	8:00 Criminal 1:00 Criminal	8:00 Criminal 1:30 Contested Civil
21	22	23	24	25
8:00 Traffic - WPD 10:00 Traffic - VSP 1:30 Civil	8:00 Parking, Boat, Zoning, Traffic, ABC 8:30 Counsel Hearings 10:00 ASAP, SCS 10:30 Contested Civil 1:30 Traffic	8:00 Traffic - WPD 10:00 Contested Civil 1:30 Contested Civil	Holiday	Holiday
28	29	30		
8:00 Traffic - JCCPD 10:00 Traffic - VSP 1:30 Civil	8:00 Parking, Boat, Zoning, Traffic, ABC 8:30 Counsel Hearings 10:00 ASAP, SCS 10:30 Small Claims 1:00 Criminal	8:00 Traffic - WPD 10:00 Contested Civil 1:30 Contested Civil		

Marshall-Wythe B-LAW-GS

by Rajdeep Singh Jolly, William Y. Durbin, and Nicolas Heiderstadt



BUST OF SIR WILLIAM BLACKSTONE—Sir William Blackstone held the first Vinerian Chair of the English Law at Oxford University and authored the Commentaries on the Laws of England. His bust stands—nay, "busts"—in the lobby as a testament to his contribution to the Anglo-American legal tradition. "You can call me Busta," said the bust, pertly, as The Advocate approached it for an interview. "And don't say that I'm standing here; say that I'm bustin' here next to that sucka George Wythe."

Busta was, by far, the most confrontational subject of an *Advocate* BLAWG. The following transcript speaks for itself:

Adv: What are your hobbies? *Busta:* Your mama.

Adv: That was out of line, sir; but we'll continue. Pet peeves?

Busta: Bug on my lips.

Adv: Is that all? Busta: You deaf?

Adv: What?

Busta: You playin' games with me, butterfly?

Adv: Let's use our heads: You have no arms. You have no legs. You are the inanimate embodiment of a man who died over 200 years ago, and even this much is ontologically suspect, given that your existence as a bust as such depends on a social construct. If you insult me again, I will slap you.

"You say it, Baby Bubba," chimed in the Bust of George Wythe. "Tell it like it is!"



MICROWAVE (ON TOP)—

The microwave anticipated my first question and never stopped talking: "Look, students put their Hot Pockets, and Bagel Bites, and fried rice, and arroz con pollo—which is rice with chicken in Spanish—and everything else under sun into my kisser-without a lid-and send me spinning for, like, five minutes. Do you know how hard it is to emit electromagnetic waves in the Megahertz without making a mess? Cut me some slack. And then there's this punk who comes over here every night and punches in eight-zero-zero-eight so that my indicator appears to read "TOUCH BOOB" over and over again. I'm a microwave damn it; I can ruin people's lives!"



"My life is one of eternal vigilance," says **The Fire Extinguisher.** "I always hear law students complaining that they don't get enough sleep. Guess what? I'm on duty twenty-four hours a day. Electrical short at seven p.m.? I'm on it. Arson at three in the morning?

Gotcha covered. That is, of course, assuming that someone is around to remove me from this case, pull the ring pin jammed through my head, stand well back from the fire, and spray my contents evenly over the base of the flames."

Constantly situated within its glass-fronted case near room 127, the fire extinguisher admitted that there are benefits to its static, isolated life.

"I can hear the lectures pretty well from here. I probably know property and Con Law better than any fire extinguisher on the eastern seaboard. Ihope one day to become the ASP TA for Professor Kades' property class. Unfortunately, having no arms, I have as yet been unable to fill out the application."

The fire extinguisher recounted a particularly embarrassing incident in 2003 that almost ended his career. "Once, the guy who came to perform my regular maintenance, well, he was a pretty new guy, and when he came in, he just took out his tools and began to do it right there in the hallway with everyone watching. I was mortified, but of course I couldn't get away. He had already removed my hose and nozzle assembly and was inspecting my O-ring. I've never been so glad to be re-hung in my entire life."

Asked whether it had ever been called upon to extinguish an actual fire, the extinguisher's expression darkened noticeably. "It isn't all about putting out fires, you know. We can't all be heroes. You think I do this for the glory? For the recognition? Because I can tell you, there isn't any. You wait all your life for something you hope will never happen, and if it doesn't, you get no credit, and if it does, and you can't stop it, well, they'll call you monster and throw you into the junkyard of history. That's all there is. That's all any of us can expect."

[At this point, the extinguisher, shaking softly, lapsed into silence. A single drop of what must surely have been condensation slid silently down its side.]



The Toaster wishes someone would clean him.

"I heard the other day where there were ants in the vending machine," said the discontented device, "and that's just not acceptable. What do people think will happen if they leave me full of bread crumbs, poppy seeds, sesame seeds, tiny toasted bits of onion, sea salt, those little colored sugar crystals from the top of pop-tarts, the corners of pop-tarts, entire pop-tarts, bacon, crabs, belly button lint, pennies, tar, oily rags, fifteenth-century Italian frescoes, Dean Reveley's reading glasses, iPods, copies of the movie Running Man, bricks, and cream cheese?"

The toaster further commented, "when I was your age, we didn't go around leaving toasters full of bread crumbs, poppy seeds, sesame seeds, tiny toasted bits of onion, sea salt, those little colored sugar crystals from the top of pop-tarts, the corners of pop-tarts, entire pop-tarts, bacon, crabs, belly button lint, pennies, tar, oily rags, fifteenth-century Italian frescoes, Dean Reveley's reading glasses, iPods, copies of the movie Running Man, bricks, and cream cheese. No! We had more respect for authority! We listened to toasters in those days! And put bread in professors' mouths! We were all dumb as posts and nothing ever got toasted, but that was the way it was! Uphill both ways in the snow, which is no picnic for an electrical appliance, let me tell you. No, let me tell you! Hey! Don't you walk away from me! Don't you... what was that? Does your mother know you talk like that? How would you like to feel the flat of my heating element on your hiney, mister? Oh, you're in trouble now... was that the finger? Your mother's going to hear

Marshall-Wythe B-LAW-GS

about this! Get off my lawnoleum! And don't ever let me catch you in my lounge again or I'll call the mmphmmphl."

[The toaster's senile rant was interrupted at this point by the insertion of a bagel. After about two minutes, the bagel popped up, a delightful shade of golden brown. Mollified, the venerable appliance lapsed into a fitful sleep. The Advocate quietly tiptoed away.]



Aida Carini (1L) and Layne **Dreyer** (1L) may or may not be BFF, but they do share a love for the University of Florida, from which they both graduated last spring, and an addiction to facebook.com. In fact, the intersection of those two passions is how they met.

"I started stalking [Layne] a couple weeks before law school," Aida confessed. Although the two did not know each other as undergraduates, Aida found Layne's profile in the UF section of the online community and saw that she was also starting at Marshall-Wythe this fall. A friendship that consists of dressing up together as "the '80s" for Halloween and outlining together in the Faculty Room on a Sunday afternoon was born.

Although the two miss Gainesville's "50 bars where drinks are 50 cents or even free," they have managed to find some fun in Williamsburg.

"We live in Spotswood Commons where about half of the 1Ls live," Aida said. "We can walk to J.M. Randall's."

relaxing pastime of social dining. Aida is an accomplished cook, who learned the culinary arts from reading The Joy of Cooking and from watching her childhood hero Julia Child. She enjoys cooking for her two first-year roommates and honorary roommate Layne. She lamented that her most recent breakfast of a fried egg and plain toast was "the saddest ever," but these BLAWG-ers assured her that such a breakfast was a delicacy by their standards.

Layne plans to return to the Sunshine State for Thanksgiving, but Aida plans to stay in the 'Burg and treat guests to a holiday feast of "Turducken." Aida might ask Layne to hunt the fowl for her.

"I used to want to be a spy," Layne said. "For my 20th birthday my boyfriend at the time got me 'spy lessons,' which were really just shooting lessons."

For several reasons, it's unclear whether Layne would be able to bag the birds. But she did say that fall is pretty—and that she is an heiress to the Dreyer's ice cream

Oddly enough, Aida has expressed interest in the spy business as well. When asked why, then, the two were in law school, they poohpoohed the question as formulaic, so these BLAWG-ers moved on. Layne gave up her dream of becoming a spy because of her dearth of proficiency in foreign languages, but Aida still clings to hers.

"There is a running joke that [my friend and fellow first-year law student] Greg [Demo] will join the CIA so we don't have to repay our student loans and that we are then going to infiltrate the circus to take down the commie elephant trainers," Aida said. "Greg will be the trapeze artist, and I will be the lion and tiger tamer."

The large but indeterminate In addition to libations and number of cats Aida's family owns there, so you get to be a sort of fly they're due." live music, the two enjoy the more is the reason she feels comfortable

filling that role as a circus spy.

"How many cats do you have?"

"I don't know." [confrontational] "How many do you want me to have?"

[sheepishly] "I don't know."

"Four, maybe five. It's a zoo in there."

Although the two cannot agree on their favorite classes,² the two have found enough common ground on which to base a friendship so strong they can study out of a single commercial outline together.



An **umbrella** is like a smile—it keeps you dry when it's raining. Well, the smile keeps you dry when it's raining metaphorically, at least. This umbrella really likes being thought of as a jovial facial expression because it's life can be a little gloomy sometimes.

"It's tough being a tool, you know?" the umbrella said, somewhat despondently. "People see me only as a means to an end, but I'm so much more than that. It's too bad Kant didn't include umbrellas in his 'kingdom of ends' formulation of the categorical imperative."

In addition to moral philosophy, the umbrella's interests include jai-alai, bridge, and sitting in the front glass vestibule of the Marshall-Wythe School of Law.

"You see a lot, sitting there," the umbrella said. "Sometimes people don't even know you're on the wall."

Although the umbrella did not want to go into specifics, it mentioned one particularly steamy rendezvous to which it played witness. Let's just say it involved drawing a smiley face in the fogged glass when it was all over. The umbrella suggested that you do the math.

"Speaking of witnesses," the umbrellas said, "I'd like to talk about the hearsay rule for a second or two."

The umbrella launched into a seventeen-minute diatribe regarding the oft-used illustration of people opening umbrellas as being non-assertive conduct. It said that although the people might not have been making "statements" under the definition of hearsay, by opening and covering those people, the umbrellas were making statements.

"We're saying, 'Hell yeah it's raining, fools!" the umbrella said. "And from what I've been able to glean about hearsay sitting in that vestibule, that meets the definition. But perhaps you can get it into evidence as an excited utterance. That's always been my favorite exception."

When asked what else it's learned while resting at the law school, the umbrella stated that it has learned people need to be a bit more thoughtful about other people's umbrellas, especially the ones donated by the Student Bar Association.

"Do these people want a universal maxim of umbrella 'borrowing'? I don't think so. What happens when it's your umbrella that's been 'borrowed' and it's raining buckets out there? It's a long walk to your car parked way over by the cemetery! Please remember to return those SBA umbrellas, people. They're some of the most magnanimous umbrellas I've ever met, so please give them the respect

Aida: "Torts with Meese, you [expletive]! Need that be explained?!??"

The "Turducken" is a decadent poultry delight, made famous by John Madden during his Thanksgiving Day football color commentary, that involves stuffing a chicken into a duck into a turkey. Good luck with that, Aida. Please save us the leftovers.

² Layne: "Contracts with Alces."

Collected Extracts from Aborted Newspaper Projects

by Rajdeep Singh Jolly

Student Farts in Barnard's Class (2L) "An unidentified student farted last Wednesday in Professor Barnard's Business Associations class. Subdued pandemonium ensued. The incident occurred during a discussion of the business judgment rule, a principle of common law which protects corporate directors from liability for good-faith business decisions that appear bad in retrospect. Although one witness said that the anomalous noise came from a laptop computer, others disagreed. 'Sounded real to me,' said one student, who spoke on condition of anonymity. Farting occurs when gas is expelled from the intestines."

Reflections on My Law School Experience (2L) "Last year, I pooh-poohed the notion that legal pedagogues should follow tradition for its own sake and continue to conduct class like a tense and sometimes incoherent game show. I questioned the necessity of attending law school for a legal education, recommended that grades be made optional, and wondered whether any coordination exists among law professors respecting delivery of le-

Accordingly, I offer a revamped version of the essay I wrote last year. Because nobody will read or respond to this effort, let me use this opportunity to make several off-topic declarations: It is my considered judgment that the previously unreleased Queen concert at Milton Keynes, now available for rental or purchase as Queen on Fire: Live at the Bowl, beats the hell out of anything on MTV by six or seven light-years."

A Very Short Defense of Fun (3L) "Some readers of our Love Letter to Dean Jackson felt offended by what they perceived to be a suggestive description of the human circulatory system. A similar outcry ensued two years ago after I included 'testicles' among a list of jurisprudential words as part of a Brain-Teasing Word Search. My objective in this essay will be to pooh-pooh the enemies of fun. If you are dyspeptic as a matter of principle—like the late Ayatollah Khomeini—you would probably be indifferent to the appearance of 'testicles' in medical literature; however, your ice cold heart would palpitate at the sight of 'testicles' in a word search puzzle. Quaere: How

gal education. Nobody responded. can 'testicles' give you indifference on the one hand and palpitations on the other? After all, in both cases, we are dealing with 'testicles.' Beats the hell out of me!"

> The Real Scope of Casualties (1L) "It is arguably true that death harms only those it leaves behind. And so, in the context of war, it makes sense not only to count, honor, and remember those who have died but also to acknowledge that, for every death, there is profound and perhaps even permanent sadness among the living. Social commentators often suggest an inverse relationship between public support for and number of casualties from war. If mass media and its consumers reflected on our current troubles and realized that the bereaved count as casualties, then our support for war might give way to support for peace, sparing human beings lifetimes of grief."

> Where's the Beef? (2L) "My only concern was that people are quick to condemn others to hell; I did not express additional concerns, real or otherwise. Condemning others to hell is mean; it reminds me of Attila the Hun and Oscar the Grouch. A related concern—one

which I should have expressed last time around—is that children are (still) being taught to condemn large segments of humanity to hell without subjecting their own beliefs to critical scrutiny."

Hallway Chatter: Might is **Right** (2L) "The notion of human rights is concededly cliché; accordingly, what follows is an effort to give content to human rights by listing some of the documented ways they are taken away: by breaking chemical lights and pouring their liquid phosphoric contents onto detainees, by 'pouring cold water on naked detainees,'by sodomizing detainees with chemical lights and broom sticks, by administering electric shock to the genitals, by ripping out fingernails with pliers[.]"

Writing Competition (3L) "First Place: "After lowering her left breast toward the newborn, mother unscrewed her right breast to uncover an iguana. It looked tired, like the face of a sleepless monk, who keeps himself awake at night by wondering how life would have been different if he had pursued his childhood dream of becoming a dentist."

EATEN PIZZA IN

by Zach Terwilliger

Yes, it does merit an excited utterance (forgive me—it is that time of year). Big happenings are occurring over here in the South Boundary quadrant of Williamsburg. We have a new eatery that is within walking distance of our beloved Marshall-Wythe: Stephano's Pizza & Subs has moved onto the block. Stephano's is a casual pizza joint that serves pizza by the pie or slice as well as pitchers of fine American brew (read Bud and Bud Light).

The appeal of Stephano's is not just its convenient location; the food and atmosphere also receive high ratings. The fare is typical casual Italian with a focus on specialty pizza. Stephano's offers the following signature pizzas: supreme, thai chicken, five cheese, grilled barbeque chicken, and Mediterranean. In addition to pizza, the restaurant also serves a variety of what they term "oven baked sandwiches." This list includes the usual suspects such as cheese-steaks, meatball subs, chicken caesar, and, of course, Italian subs. I have personally sampled only the pepperoni pizza, but it certainly matched any I have sampled while in the 'Burg.

college atmosphere" that it creates. The dark floors and hanging light fixtures make it reminiscent of a billiards room at a local neighborhood watering hole. I cannot put my finger on exactly what it is, but Stephano's feels the way a college hangout spot is supposed

to feel. Maybe it is the lack 40something artisans and out-of-town golfers that still feel the need to binge drink and take up valuable space at the one good bar in this town. More to the point, Stephano's has large amounts of both booths and open seating that could easily accommodate, say, a legal skills firm looking to commiserate about paying entirely way too much for a damaged painting.

All right, now for the nuts and Stephano's greatest asset is the bolts. Stephano's is attached to Seasons restaurant, and its address is 110 South Henry Street. The hours of operation are Sunday to Thursday from 11:00 a.m. to 10:00 p.m. and Friday to Saturday from 11:00 a.m. to 11:00 p.m. The number for phone-in orders is 476-8999.

I hope that a few of you out

there have experienced some of choice spots that I have reviewed in this column, but in case you missed an issue, this past semester has taken us to: Hog Wild Smokehouse, Chickahominy wildlife management area, Yorktown Pub, Norfolk Admirals games, and now Stephanos Pizzeria. I have already been out and about looking for more points of interest that are off the beaten path. In the spring get ready for some great getaways to Virginia wine country, quail hunting at an 18th century plantation, and an an nual festival centered on the migration of baitfish. Good luck gearing up for exams, but when you take a study break, go see Chef Billee at Hog Wild or get out of town and head to Yorktown for a mason jar of your favorite draft.

Sex and the Law: Hello Dolly

by Nicole Travers

A few weeks ago, I was scarred for life. I'm serious. It was Salon. com that did me in. They had an article¹ about—and I am *not* making this up—life-sized dolls made of silicon, with... orifices. Orifices for... immoral purposes. They are called "Real Dolls." Today I hope to scar all of you for life as well.

I like dolls. I have a Blythe,² myself, and I used to play with Barbies endlessly as a little girl.³ Dolls are fun, especially when you are a kid, because you can make up interesting personalities for them, have conversations in your head—essentially be as creative as you want. It's part of developing as a person while you grow up. However, one would hope that this development would eventually lead to relationships with humans. For Real Doll buyers, this does not seem to be so. Most of the article dealt with men who, for some reason, did not do well in the relationship department, particularly when it comes to dating. In order not to miss out on what is (for some) the point of dating in the first place (i.e. sex), they purchased a \$6,500 doll⁴ with which they can enjoy sex without having to interact with an actual person.

The man behind the dolls, Mat McMullen, was once a sculptor whose work in resin prompted solicitations for nudes with a more specific purpose than simply artwork. The money, as you may have guessed, was significantly better, so McMullan got to work. Today, he is the leading purveyor of silicon sex dolls, working out of San Marcos, California. His web

site, www.realdoll.com,⁵ provides a variety of options for the consumer, including body types, head types, wigs, makeup, and even nail polish. To me, they look like the cartoon women decals that some beauty salons put up on their windows—very 80's, and to be honest, not too attractive. There is even a male Real Doll, though he only has one body/face type.

While some appear to consider the dolls very expensive sex toys (insisting that they do not "have sex" with the dolls but use them as masturbation tools), others consider them their girlfriends, to the point of carrying pictures of the plastic ladies in their wallets. The thought of using dolls as sex toys does not really bother me, as there are many strange and unusually shaped sex toys out there. 6 However, replacing a relationship with a real person by buying a life-sized doll is a little bit creepy. For instance, Laslocky quoted one Real Doll owner as saying "The politics of relationships aren't exactly fun most of the time—most of us⁷ tolerate it only because the physical part is the payoff." I think that this sentiment is what really bothers me about the Real Dolls. These are people who, rather than allowing themselves to mature via the give and take of relationships would rather have a quasi-relationship with a "woman" who is entirely passive. To be honest, I'd rather just let someone who thinks that way have his doll so long as he stays far from me, but does allowing and enforcing such misogynistic behavior really solve the problem?

And what about abuse? Laslocky went into great detail



describing some of the beatings Real Dolls can take, from the relatively normal (paint chipping, bottom flattening, bust sagging) to the horrifyingly obscene, like an owner who apparently tore off a doll's (steel!) leg and arm, broke off several fingers, and tore much of its skin away in the process of... (ahem) "use." While proponents of Real Dolls claim that the dolls would cut down on sex crimes, I had to wonder whether a potential abuser's behavior with a doll might encourage him or her to attempt

to abuse a living woman.⁸ Even McMullan refuses to manufacture dolls that look like teens, children, or animals, which makes me wonder if he's thought of that, too. But whether you find Real Dolls beneficial, dangerous, or just plain creepy, they're definitely here to stay—and rake in some cash.

What about the other end of the spectrum, though? Many people may want an emotional relationship without the sex. Is there a doll for that? The answer is of continued on page 11

¹ The article is "Just Like a Woman" by Meghan Laslocky, and can be viewed in archive on Salon.com.

² For the uninitiated, Blythe dolls are Japanese fashion dolls, which first came out in the 1970s. They have recently made a comeback due to their use by artists in photo shoots. I'm serious! ...Ok I'm a dork.

³ Actually, I played "Goth Barbie," which consisted of me magic-markering Barbie's blonde hair black, and lining her eyes with pen, in the hopes that she'd look like Morticia Addams.

⁴ Or in many cases several \$6,500 dolls, which really boggles the mind.

⁵ Visit this site if you dare (and are over 18), but please note that it is NOT safe for work, school, family computers, or Professor Van Alstyne's classes

⁶ I've seen vibrators in my time that were shaped like bunny rabbits, butterflies, dolphins, and candy bars. I really don't know where the allure comes in.

⁷ The unnamed speaker does not specify whether "us" means doll owners in particular or heterosexual males in general...

⁸ Actually, Laslocky interviewed one Dr. Douglas Tucker, a psychiatrist who specializes in treating sexual offenders. He said that while it is



Who is this man, you ask? Why it's none other than **Kevin Abley**, co-owner of the Green Leafe Cafe and self-proclaimed most dangerous man in Williamsburg. Kevin, a transplant from Montana, is the Leafe's resident guru of all things *aqua vitae*. Stop by the Leafe on Thursday and Saturday nights for a lesson in mixology by Kevin and his minions.



Somethin' special's going on, every day at the Green Leafe Café!

Sunday: Brunch 11am-5pm Monday: \$8 Entrees 5-9pm

Tuesday: VA Draft Night 5-9pm

Thursday: An Evening With Tony 4-9pm

Friday: New Draft Night

Saturday: Shrimp Night 4-9pm

Check the website for daily lunch and dinner specials: www.greenleafe.com

Sex, continued from page 10

course, yes. They are called "The Needies," and are big, soft, plush stuffed animals which look nothing like humans, bunnies, dolphins or butterflies—in fact, they simply look like blobs with eyeballs and sometimes feet. The special thing about The Needies is that they use interactive wireless networking technology, so that they can have a high-maintenance, co-dependent relationship with their owner. For instance, if you hug a Needy, it will talk to you, flatter you, or sing you a song. However, if you own multiple Needies, they will

be able to sense when you hug another, and get jealous. Apparently, one of them even encourages the owner to throw the others around and hurt them when it is feeling neglected. Unsurprisingly, I find this idea a lot cuter than the idea of Real Dolls, though in some ways, having paranoid, co-dependent and sometimes violent stuffed toys is just as creepy as having a life-sized silicon sex doll. 10

Unlike Real Dolls, however, Needies have yet to be manufactured, which is likely because their technology is probably very expensive to mass-produce into the toy market. Also, they are not geared towards kids, but rather adults who can appreciate the irony of a co-dependent stuffed toy, which may also hamper their popularity. However, I can see them becoming just as popular as Real Dolls in a niche market.

So what do these dolls say about the future of human interaction? Nothing good, I'm inclined to think. What if sex dolls and co-dependent dolls combine into an unholy supercreation that can replace human relationships altogether? It's a very Stepford-wife¹¹ concept—and by that I mean the

Ira Levin Stepford Wives where all the women get killed, not the cutesy Nicole Kidman movie with the happy ending. And don't think you lads are safe either—I for one would rather date a robot than Mr. "Physical part is the payoff" pants. I suppose we'll all just need to keep mindful of what constitutes mature, interpersonal relationships as technology moves forward. That is, so long as we can figure out exactly what does constitute a mature, interpersonal relationship. That's pretty hard work, which is probably why replacing the tough stuff with toys is so tempting.

natural to be aroused by such a lifelike depiction of a nude body, violent or criminal behavior might be reinforced by activity with these dolls. I just wanted to take the credit for thinking of it first.

⁹ I am so seriously not making these up. You can find a description of the dolls and listen to their songs at www.needies.com.

¹⁰ I find that the Needies can venture into a very grey area, as one of them sings a song that goes something like "You are the only person who can touch me anywhere," and the girl featured holding the dolls on the web site is suspiciously touching two of them between their legs. Maybe looking at the Real Doll website to research this article has rendered my mind irrevocably dirty, but in my opinion, that just isn't *right*.

¹¹ I'd reference *Chobits*, but then you'd all *really* know how nerdy I am. Oh wait... damn!

Ask a Canadian

by Matt Dobbie

Hello, and welcome to another edition of "Ask a Canadian," which my editors inform me will be the final one of the semester. In this week's column we discuss how to tell if somebody is Canadian and Christmas in Canada.

How can I tell if someone if Canadian?

-Sarah Outterson, 2L

Well, the easiest solution is to simply ask them "Are you Canadian?" But failing that, I'll provide you with a sliding scale to help you and other readers spot Canadians in your daily lives.

Highly Unlikely (0-25% chance they're a Canadian)

- —It's above 40 degrees and they have a jacket on.
- —When asked if they like hockey, they respond, "That's the game played on ice right?"
- —They don't know who Wayne Gretzky is.

Possibly Canadian (25%-50% chance they're a Canadian)

- —They're wearing some sort of hockey paraphernalia: jersey, hat, t-shirt, skates.
- —When they meet you, they ask how the weather is where you're from (I'm serious about this. When my extended family gets together all we talk about is the weather for like the first hour of every family occasion you'd think this would get old, but yet, somehow it doesn't).
- —They insist on putting real maple syrup on their pancakes, no Aunt Jemima bulls**t imitation crap.

Probably Canadian (50-75% chance they're a Canadian)

- —They play hockey.
- —They know who Don Cherry is and think he should be Prime Minister.
- —They're eating ketchup chips, poutine, or maple donuts.
- —They know what a loonie and a twoonie are.

- —They insist that "Leafs" is the proper spelling.
- —They listen to the Tragically Hip and think they're awesome.

<u>Definitely Canadian (75-100% chance they're a Canadian)</u>

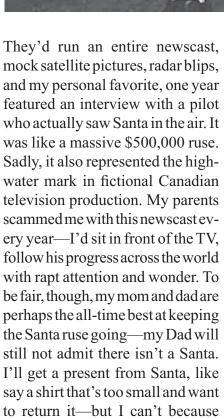
- —They put maple syrup on everything: pancakes, snow, ham, biscuits—anything.
- —They are wearing what they refer to as a "toque."
- —They use the word "eh" in every sentence.
- —If alive in 1972, they can tell you exactly where they were when Paul Henderson scored for Canada.
- —They complain about the GST.
- —They can be seen carrying a hockey stick in places that make no sense: an airport, grocery store, or perhaps a law school.

Do you celebrate Christmas in Canada?

- Rebecca Price, 25

Yes, Rebecca, we do celebrate Christmas in Canada, and unlike you Americans we're pretty much guaranteed a white Christmas. As an added bonus, Santa Claus is closer so we get all the good gifts. My two favorite things about Christmas in Canada (besides the turkey stuffing and annual Queen's message): the postal code for the North Pole and Santa coverage. The Canadian post office has actually assigned Santa a postal code: H0H 0H0 (postal codes are our more distinguished version of the zip code—we have both letters and numbers, what-up now America?) and sends letters back from Santa. I love my government—screw improving the standard of higher education, we're going to send crappy letters to kids worldwide. Yay!!

I also love the coverage of Santa's Christmas Eve flight, which the biggest news station in Toronto would pretend to cover every year.



"Santa" brought the present and we don't have a receipt. I'm dead serious. I actually had a half hour argument with my Dad last year over the existence of Santa Claus which ended with him remarking, "If you can take the shirt back to the North Pole, you can return it. But otherwise, you're keeping the shirt." I love my family

So in conclusion, if you encounter someone on the street one day and he's wearing a toque and saying "eh" all the time, you've got yourself a real live Canadian. If he tries to convince you Santa is real, he's not only a Canadian but also most likely my father.

Finally, good luck on exams and enjoy your holiday break(s).

