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The Advocate

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WILLIAM & MARY SCHOOL OF LAW



Virginia's new governor, Tim Kaine, is the first governor to be inaugurated in Williamsburg since 1779. Photo courtesy of Erin Page.

VA Governor Tim Kaine Inauguration at W&M

by Kelly Pereira

It's not every day—or indeed, every century—that a new Virginia Governor is inaugurated right in the center of Colonial Williamsburg. Yet on January 13 through January 14, Williamsburg was invaded by the elite of Virginia's political set (not to mention the Beach Boys) to honor new governor Tim Kaine. The festivities included a Friday night concert at William & Mary Hall, a parade through Colonial Williamsburg, and a black-tie optional ball, again held at William & Mary Hall. Most events were ticket holders only, but a lucky William & Mary law student, Erin Page (2L), was able to attend the events. The Advocate's Kelly Pereira asked Erin a few questions about the inaugural celebration.

ADV: How did you get your tickets to the inauguration events?

E.P.: I mentioned to a quasi-relative how exciting it was that the inauguration was to take place in Williamsburg as that meant that I might be able to watch the parade from a distance and hear all about the concert as it was happening. I

didn't give the conversation any more thought, but on Thursday night, I received a message from the relative saying "I got an extra ticket, would you like to go to the concert and to the inaugural ball?" I said yes, then proceeded to go crazy trying to make sure that someone was covering my Legal Skills trial so that I could go.

ADV: Had you been to an inauguration before or any other political gala?

E.P.: I did go to the celebration party for my county representative, however, in terms of scale that is the difference between a tea party and the fourth of July. Way different scale, way different feel.

ADV: Are you a VA resident and did you support Tim Kaine? If so, why do you think he will/won't make a good governor.

E.P.: I am a Virginia resident, from Alexandria, and I did support Tim Kaine. I'm not precisely democrat, I'm more anti-idiot. That means that sometimes I vote Democrat, sometimes independent, and occasionally Republican. However, what impressed me about Kaine was his platform choice of earmark-

ing funds for specific projects and wanting to keep the earmarked funds separate from the general fund. Virginia has a lot of resources and the capacity for long term projects. However, if the funds are not defined, it is difficult to interest people in completing these long term projects.

ADV: Which event connected with the inauguration was your favorite and why?

E.P.: I'd have to say that I had the most fun at the Beach Boys concert. The Beach Boys may be old, but they certainly know how to party. They were funny, energetic, and didn't try to cover up the fact that they were old (unlike certain rock bands that may be called the Rolling Stones). They connected really well with the audience and it was really fun to see rather dignified individuals rocking out. The lead-in acts were also interesting, very carefully multicultural and for the most part were also really appreciated by the audience (the Christian rap band sort of went over like a lead balloon). The governor also plays a mean harmonica and has a decent singing voice.

ADV: Which event took place on Friday the 13th? Any disasters?

E.P.: Friday the 13th was the concert for the Beach Boys. As you can tell from my gushing above, it was a really a well organized event. No one fell off the stage; there were no huge scenes or falling lighting. The only thing that I noticed was a lost kid, and even that was cleaned up really fast.

ADV: Did you have any embarrassing moments, were you a bit star struck by anyone in attendance at any of the events, or did you make any high profile connections?

E.P.: Well, William and Mary hall is not necessarily the most ideal
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Child Advocacy Society Nearing One-Year Mark

by Nicole Travers

The Child Advocacy Society will soon be celebrating its first birthday. Founded in February 2005 by 2L Julia Webb and 2L Jessica Johnson, the Child Advocacy Society has moved forward by leaps and bounds. Webb and Johnson founded the society in order to fill a need for a focus on child advocacy issues at William and Mary School of Law. The group, along with their advisor Professor Dwyer, have been active in spreading awareness of child advocacy issues throughout the law school and in the Williamsburg community. The Society is led by President Julia Webb, Vice President Jessica Johnson, Lunch Chair Heather Kelley (2L), Panel Chairs Linda Quigley (2L) and Mary Ann Nolan (2L), and Secretary Sarah Cane (3L).

The Child Advocacy Society has been active in organizing events during the school year. They host around three student lunches with speakers each semester. Past

speakers have included Professor Baker, who once worked on the Juvenile Domestic Relations Court, and Professor Dwyer, who spoke about the theory of child rights. On Tuesday, January 17, the Society hosted Hampton attorney Deborah Roe who spoke about her experiences practicing family law, particularly in custody cases involving children.

Deborah Roe discussed the highly emotional nature of custody cases and the kinds of custody likely to be awarded to parents in a divorce. She warned that in order to effectively practice in custody cases, an attorney must be aware of each individual judge's idea of what actions would be in the best interest of a child. Because of the uncertainty of case outcomes, Roe claimed to be a strong believer in mediation as "an excellent avenue for getting warring parties to resolve things favorably for their children." Roe also discussed the difficulties an attorney can face in bringing custody and adoption

cases to court, stressing the need to address jurisdiction issues, and warning students that they must understand bankruptcy, criminal law, the rules of custody and child support, and the intricacies of the court system to be able to properly bring a case which concludes favorably for the child involved in the case.

In addition to hosting lunches, the Child Advocacy Society hosts a panel of speakers every semester to discuss issues relating to child advocacy. The theme of their fall 2005 panel was "Who's Who in the Courtroom for Children." The panel included social service workers, attorneys and judges who described their roles in cases involving children. The Society will be hosting an upcoming panel in late February on a topic to be announced in the near future.

In addition to providing events for law students, the Child Advocacy Society is active in the Williamsburg community. Last fall they took a field trip to the Williamsburg courthouse to discuss child cases with Justice Fairbanks, and to sit in on hearings involving child advocacy issues. They are planning a volunteer program in the form of a children's fair in order to connect with other community volunteer organizations around the Williamsburg area. President Julia Webb remarked, "we'd like to raise money and awareness for children's rights, and we hope to have some connections to similar community organizations in the future."

Still a young organization, the Child Advocacy Society has several goals for its future. "We have about fifty people on our e-mail list, but *Continued on page 3*

THE ADVOCATE

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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.

Kaine, continued from front page
 location for a ball considering all of the stairs. Even [though I was] not drinking, I very nearly tripped on my dress and ended up a very elegant splat at the bottom of the stairs. And I definitely wasn't the only person. There were all kinds of people present; including Linda Byrd Johnson (daughter of our former president and wife of former VA Gov. Chuck Robb) several state senators and representatives, and Professor Van Alstyne. I've actually been at more high profile events (though not political ones) but it was still a real thrill to see some of these individuals in person and shake their hands. Most of them were extremely busy doing the meet and greet, so I didn't spend a lot of time with any of them, but I did spend quite a bit of time talking with various supporters of the campaign.

ADV: Did you get the V.I.P. treatment or were you disappointed by anything?

E.P.: Considering that the relative in question managed to get me attached to the party of a high donor, I ended up with three rows behind the governor for the concert and two tables over for the ball. Unfortunately, my relative couldn't swing the inauguration, so me and my orange poncho were in the masses

for that part, but otherwise I was totally VIP. And my only complaint for the ball is that they should have had more chocolate (considering that every time I managed to snag one, my relative would steal it from me).

ADV: How do you think Williamsburg did in terms of hosting the event?

E.P.: It was a bit amusing to see William and Mary Hall used for a ball, but with the exclusion of that, I think that the event went smoother in Williamsburg than it does in Richmond. Williamsburg certainly had the hotel space, parking (since the undergrads weren't here yet), restaurant venues, and bus transportation. Security, apparently was also easier as the old part of Williamsburg was fairly easy to isolate from the world.

ADV: Did you see any other law students or professors at any of the events?

E.P.: As I said earlier, I saw professor Van Alstyne. There were also several other law students at the Ball (but since I'm not sure if they had tickets or were crashing the party, I'm not naming names).

ADV: Any other interesting stories or experiences from the weekend?

E.P.: None that I would share in public!

The True Face of Professor Moliterno

by Jennifer Stanley

Question: Who was that dashing young man on the milk carton flyers hung up in the lounge?

Hint: It's the face of a man we haven't seen in almost twenty years, but whom we see everyday.

Give up? That fresh-faced idealist is the young Moliterno in his pre-bearded days when the harsh rules of high school set a limit on how far his mutton chops could go! At the young age of nineteen Professor James Moliterno began his bearded life which has lasted uninterrupted¹ ever since. Neither his wife nor his three children have ever seen him unmasked.

His choice to don facial hair throughout his adult life stemmed from the images of the counterculture movement he grew up with during the 1960's and 70's. But instead of tuning in, turning on and dropping out he got in (to law school), briefed on (into the night), and grew out (his face fuzz). During law school he tailored his legal studies and facial hair to pursue a position in the public defender's legal aid office. As a symbol of non-conformity his beard may have given him a slight edge when interviewing for that position and as he recalls, he certainly "fit in" with his colleagues at legal aid. This "mark of the movement" also assisted him in building solidarity with his clients who were prisoners at the local jail. However, it didn't endear him to opposing council, judges or the warden of the prison he was investigating.

Though always dressed in business attire, Professor Moliterno has never gone into an interview clean shaven. As I didn't want to disperse false information about interview protocol I went to OCS to find out if this was acceptable in today's legal job market. While OCS does not have an official policy regarding facial hair Dean Lewis (who sports a "doorknocker" type beard) reported that, "as long as it's

neatly trimmed, it shouldn't be an issue to employers." He advises students to reflect about whether you find it to be an integral part of your identity and if it's not, just shave it off for the interview and grow it back after you've secured your position. Clearly, Moliterno felt it was essential to his persona as he showed up to his 1988 William and Mary interview with quite a "bushy full" style beard.

Moliterno's beard will once again be used to spark social change when he participates in PSF's "A beard worth \$3,600" event. Every Tuesday, starting January 24 and ending February 23, PSF will be in the lobby collecting donations with the goal of amassing \$3,600—enough to fund one additional full summer stipend. A display in the student lounge will track the fundraising progress by unveiling a fake Moliterno. To see the real face of Moliterno PSF has to reach the \$3,600 goal; there will be no goatee options for partial success! So bring your loose change and your rich friends with nothing better on which to spend their money and donate to the cause.

Most students and staff are titillated by the idea of seeing the naked face of Moliterno, but there have been some concerns about this plan. While Peg Wagner quotes the great actor Tim Curry and waits in "An Tici Pation", Gloria Todd, who has worked with Moliterno for almost twenty years, worries that after being undercover for so long he may have developed a two-toned face. She pondered whether he will resort to a tanning bed to compensate for this color difference. Personally, I feel a self tanning cream will be more appropriate—just make sure to wear gloves, Professor, so you don't tan your palms!

You'll have to be in the lobby on February 23 (time:TBA) to see the naked face of Professor Moliterno, because the next day he is off to Serbia to oversee the implementation of a Lawyering and

Legal Ethics curriculum he and the Novi Sad Law Faculty developed. Before you get excited, Moliterno's only stipulation is that he is the only one doing the shaving so there will be no shearing of Moliterno by law students or eager alumni.

Is this really a beard worth \$3,600? We'll see on February 23 when the true face of Moliterno is revealed.



Child Ad., continued from page 2
we're always looking for more members," says Webb. The society is always open to new ideas for programs, volunteer projects, and events. "We don't want to specialize in one particular area of child advocacy," claims Webb, "but stay very broad, with a study about the many kinds of interactions between children and the law." Eventually, the Society hopes to encourage stu-

dents and attorneys around the area to pursue work in child advocacy to fulfill their pro bono and volunteer requirements.

The Society will be having a large informational meeting about upcoming events this semester on Thursday, February 2. New members and interested students are encouraged to attend, or to e-mail Julia Webb at jwebb@wm.edu for more information.

The William & Mary Environmental Law and Policy Review

present

"Corporate Governance and Environmental Best Practices"

Saturday, February 4, 9:15 am

The "Pooring" of the Environment and the Failure of Corporate Law

A Stakeholder Approach to Sustainability

Changing Corporate Behavior through Environmental Management Systems

Why Corporations Do Not Invest in Renewable Energy

A New Direction for Environmental Activism: The Aftermath of Caremark

Front Line Perspectives

The Symposium will be held in Courtroom 21 at the William & Mary School of Law and will be open to the public and all William & Mary students and faculty.

Contact: 221-3279; jmdeer@wm.edu

¹ In law school Moliterno briefly shaved off his chin curtain for undisclosed reasons, but it was quickly regrown and is generally regarded one of his few youthful indiscretions.

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.

Summer in Wisconsin Brings Much Experience, Little Cheese

by Allison Sawyer

I spent the summer of 2005 living in a 200-square-foot, one-room apartment in downtown Madison, Wisconsin. Its size and the lack of T.V. or internet access notwithstanding, the apartment had its high points—it had a view of Madison's beautiful capitol building and was only a two-minute walk from my job at the Wisconsin Department of Justice on the capitol square. Any job that lets me roll out of bed thirty minutes before work is just fine by me to begin with, but working for the DOJ turned out to be a great experience for many other (more important) reasons.

As the lawyer for the State's attorney general and the State itself, the DOJ sees a million different kinds of legal issues every day. Each of its interns is assigned to one of the Department's many units and does work in that specialized area all summer. I worked in the Consumer Protection Unit, which was a smaller arm of the Criminal Litigation, Antitrust and Consumer Protection Division. I quickly dis-

covered that Consumer Protection had some quirks that other units didn't have. For one thing, no one ever sues the state for a consumer protection violation, so if you'd rather always be on the plaintiff's end of a case, it's definitely the way to go. Also, the decision of whether to sue a company for violating Wisconsin's consumer protection laws was generally fairly easy to make. The State has a whole separate department that investigates consumer claims and tells the DOJ when it thinks the number of complaints about a company has gotten so high as to suggest intentional or at least consistent violations.

One of the great things about my job was that I got a lot of hands-on experience drafting different kinds of documents. I wrote many complaints and interrogatories as well as motions and memos. Because Consumer Protection was a small unit with only three assistant attorneys general, I was able to work closely with all of them. They all took an interest in my progress and made sure I was working on assignments I enjoyed.

I also felt totally comfortable asking them PLEASE NEVER to make me work on certain cases again, the most notable being the never-ending saga of a woman who had been calling the DOJ for years to plead her case about a conspiracy theory against her. Having no idea who she was, I let her talk to me on the phone for two hours one afternoon, which I would live to regret, as she sent me package after package of 3-inch binders detailing her various theories for the rest of the summer.

When I wasn't writing, I was participating in activities the DOJ set up to help educate the interns in less conventional ways. We got to attend meetings with opposing counsel, representatives from various state agencies, and the Attorney General. My favorite activity was a trip to the state crime lab, after which all the interns went to happy hour and discussed our newfound knowledge of how to commit the perfect crime.

For all the things I liked about my job, there were only a few that I would have changed. For instance, I

would have liked more trial experience. I never got to see a case go to trial in the Consumer Protection unit because defendants all tended to settle before that point. I also wish there hadn't been so much red tape to get through to get anything done. A small consumer protection case came to the DOJ when I first started working there, and one of my bosses assigned the entire thing to me, including the task of negotiating with the company we accused of violating state law. By the time I left at the end of the summer, we were still waiting on a phone call from some state agency and I had barely touched the case.

Overall, though, I thoroughly enjoyed my summer in Wisconsin. The work I did has helped me tremendously during my second year of law school and given me confidence about my abilities as a soon-to-be lawyer. The power and resources the DOJ has are unbelievable, and it was very rewarding to work with people committed to using that might to benefit the people of an entire state.

A Summer Close to Home

by Andrea Phelps

This past summer proved that you don't have to leave Williamsburg for an experience that is vastly different from law school. This summer, I worked for the Commonwealth Attorney's Office in Williamsburg and James City County, an experience made possible by the generous funding from the Public Service Fund. Thanks to the Public Service Fund and my third-year practice certificate I was able to prosecute a variety of criminal cases.

Specifically, for the month of June, I was in the General District Court, trying misdemeanor offenses that varied from trespassing to driving under the influence. In July, I switched to the Juvenile

and Domestic Relations Court, focusing on domestic assault and battery and juvenile delinquency cases. Prosecuting cases included studying the code section each defendant was charged with, ensuring that all necessary witnesses had been subpoenaed and were actually going to show up for court, interviewing those witnesses, talking to defense attorneys to determine how defendants were going to plead, negotiating plea agreements, preparing for possible trials and then going to court and handling each case. The Commonwealth attorneys were always willing to discuss the cases with me, tell me how they would approach each situation, but in the end, I was allowed to decide what I thought the best course of action was. No two

cases are alike, even when they look identical on paper.

While the attorneys supervising me were there every step of the way, being able to try real cases is very different from law school. Anything can, and usually does, happen. Knowing the rules of law is only the first step. If I thought my mind went blank when a professor cold-called me during a first year course, it was nothing compared to when a judge asked me a question I didn't know the answer to. After a moment of silence and fear, however, I realized that I can think on my feet, and the answer is there somewhere. I have learned the rules of law and those rules all started making sense not just in the abstract but in conjunction with each other. The rules and procedures of law

also start to take shape in how they impact other peoples' lives. It was easy to get so wrapped up in how to prepare and try a case that I would start to forget that some of the cases were literally about someone's freedom—whether they would be going from the courtroom to jail. It is essential to remember that the impact law has on people's lives is equally, if not more important, than the rules and procedures. The rules and procedures are learned in class, and the impact on peoples' lives can only be assessed and realized through practicing law.

After taking class after class in law school, being able to actually practice law is a great experience. And as different as it is from law school, the fact that law school did prepare me for it is inescapable.

1L Wes Allen Struts his Stuff in *Ragtime*

by Tara St. Angelo

Wes Allen brought the big lights of Broadway to William and Mary when he starred this weekend in Synchronon's production of *Ragtime*, a musical that portrays the struggles of immigrant, rich, and African American families in America during the age of ragtime. Allen is an active part of the law school as a member of the SBA. As the only law student member of the cast, Allen showed the campus that lawyers have some rhythm. Although Wes's part was only minor, he made the most of it with his *Fosse*-like dance movements, impeccable singing, and Oscar-worthy acting. Wes dazzled the crowd with his singing and dancing as an immigrant in the chorus and then ironically displayed his acting talents as the district attorney. 1L Julie Wenell said, "I just couldn't keep my eyes off of him throughout the whole show. He was amazing." His big bright smile was a constant

presence on stage this weekend and will continue to present itself daily in the law school. Unfortunately for Broadway, Wes has decided to keep pursuing his law career at William and Mary. Despite his big debut, Wes has stayed down to earth and even mingled with friends from the law school after the show and made an appearance at the Green Leaf after his opening night. If you missed Wes's performance this weekend, you can catch him singing such classics as Montell Jordan's "This is How We Do It" at the Hospitality House's Friday night Karaoke.

Allen signs an autograph for a fan.



Grab your Checkbook, the Annual PSF Date Auction is Coming Up!

by Jennifer Stanley

The Date Auction is one of PSF's biggest fundraisers. Last year it raised around \$10,000 to fund public service fellowships. Since the amount of a full stipend is \$3,600, supporting this program can mean the difference between over five of our fellow students receiving full or partial funding to pursue their public service career goals or going penniless.

If you're short on cash, but big on personality, looks, or chutzpah, then come to the general interest meeting at 1 PM on January 25 (room: TBA) or email Carol Bennett at cnbenn@wm.edu to find out how you can be auctioned off as a date. Don't worry; all the date packages have been donated by the Williamsburg community, so you won't have to chip in unless you want to. If you're moved by

the wave of volunteerism, but too shy to be an auctionee, come to the meeting anyway and find out how you can help by being part of the event staff.

Even if you're a big firm hopeful, we all know people who are looking for that perfect public service employment. So don't let your friends go unfunded this summer. Come out and inject some 1L sexy into this event that, as an anonymous 3L revealed to me, will get a little boring if we keep recycling our PSF council members as dates.

The Date Auction will be held at the University Center on the undergraduate campus on February 24th. Tickets are \$15 at the door and \$10 in advance. Advance tickets will be sold in the Lobby by PSF representatives the week before the event.



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Marshall-Wythe B-LAW-GS

by Raj Jolly and Will Durbin



Evan Manning (1L) is more than just a big head of hair. But that hair is hard not to notice. And don't make the mistake of thinking yourself creative by asking him if anyone's ever told him he looks like Sideshow Bob.

"Plenty of people have let me know that it looks like Sideshow Bob," Evan said of his coif. My bad, dude. I'm a little scared of the man nicknamed Evanuel "Meatnormus" Manning. Quite a mouthful.

"I've also heard Justin from American Idol, Frodo Baggins, Jack Osborne, Larry from The Three Stooges, Carrot Top, and plenty of others. Basically, people will tell me that I look like anyone that has curly hair."

But that hair wasn't always so enormous and coiled.

"I actually didn't have any hair until I was about a year old," he admitted. "My parents were getting pretty worried and thought that I would never grow hair." Fortunately for Evan and the rest of us, he did grow hair. But when he did, it started out straight. All of a sudden, however, at the age of 13, it went curly.

Evan, now 23, wears his hair in an afro as sort of an homage to his favorite sport, surfing, and one its professional greats, Rob Machado, who also has a big 'fro. When Evan's hair turned curly, his surfer buddy friends in California dared him to grow an afro like Machado's, so he did. Although Evan says it was even bigger in high school,¹ the puff has remained ever since.

Evan hasn't had much chance to surf since moving to Williamsburg this year, but this is not the first time he has lived away from the waves. Evan grew up for a time in Los Angeles, but he went to high school and college in Tucson, Arizona. Surfing is pretty tough in the desert, I suspect. But Tucson is in a valley surrounded by four nearby mountain ranges, so with only a half hour's drive you can go from cacti and tumbleweeds to snow and pine trees. As a result, Evan was able to snowboard quite a bit.

"Tucson also has some of the best rock climbing in the country in the surrounding mountains, and I was really into rock climbing," Evan said. "There was a rock climbing class that was taught at my high school, which I took as many times as the school let me. Then I became a TA for it for the remaining time."

With all those extreme sports, it's clear Evan lives on the edge. Like the time he appeared on *America's Funniest People*. Cut it out! He was a mere lad, in second grade, he reckons, but it was still pretty sweet.

"They had this running sketch every episode called 'The Jackalope,' and I was in one of those sketches," Evan confesses. "Incidentally, they had celebrities guest star in those things, and Johnny Depp was the guest star of the one that I was in, so I got to meet him. But I was too young to realize how cool that was. I didn't even know who he really was at that point. Someone told me that he was the guy that played Edward Scissorhands, and I thought that was kind of cool, but really I was too young to truly appreciate it."

All that activity and hair growing probably helps keep his "inner fat kid" at bay.

"In college I would frequently make myself a cake and eat that for breakfast, lunch, and dinner for a couple days straight," Evan said. Wow. Strong to very strong. I know plenty of people who would kill for that kind of metabolic ability. "Ice cream is an entirely valid dinner." Just in case you were wondering.



Sarah Brooke Armstrong (3L) was born and raised in Waverly, Iowa (population 8000)—home of Wartburg College, the only private college in Iowa offering a major in music therapy. Sarah the baby received her first and middle names from her father and mother, respectively. (By the way, *The Advocate* endorses this method of naming babies; *The Advocate* also reserves the right to speak parenthetically.) Sarah the child stayed out of trouble. Sarah the adolescent studied hard, and played volleyball, basketball, and golf in the balance of her time. So why didn't this good-natured daughter of Waverly pursue a career in music therapy?

"It was good to grow up in Waverly, but the idea of living there for the rest of my life wasn't my bag." As it turns out, Sarah's bag is traveling; she has been all over Europe—"Hungary, Romania, Slovakia, Prague, London"—and Central America. She also plans to hike in the footsteps of the Incas in Peru over spring break. There's more. Sarah spent six weeks in China, where she ate a frog and critically

examined the diametric dynamics of Beijing and Shanghai.

According to Sarah, Beijing (population 20,000,000) is nice to visit but ultimately not livable: "It's impossible to exercise there because you can feel the pollution in the air; going for a run in Beijing might actually be bad for you. Plus, Beijing is less of an international city than Shanghai, which has been influenced historically and culturally by the English, French, and Germans." Sarah also says that there is a Baskin Robbins shop in Beijing and that many Chinese urbanites keep dogs as pets instead of eating them.

Sarah emphatically regards her instincts as being non-maternal: "For example, I don't gush over babies and write in bubble letters like a lot of girls." (*Advocate* here. We obtained a writing sample from Sarah and have printed it here for your own inspection; it looks pretty girly to us.)

Sarah's overarching goal in life is to enjoy whatever she's doing. We should make her goal our own.

Continued on pg. 7

My name is Sarah Armstrong

Sarah's writing sample. Draw your own conclusions.

¹ See photograph of Evan at an earlier, hairier time.

Ask a Canadian (A Canadian Diary)

by Matt Dobbie

Hello, welcome back to school and another edition of Ask-a-Canadian. As you are all aware, normally, you ask questions, and I answer them. Sometimes I tell jokes. But I was getting bored with all that and decided to change it up. Make no mistake: this is not because you have a good grasp of Canadian culture; this is more because of the fact that there are only so many maple syrup jokes one can

Blawgs, continued from page 6



Like Sarah Brooke Armstrong (3L), **Noelle Jean Coates** (3L) emphatically regards her instincts as being non-maternal. (*The Advocate* obtained a writing sample and found an uncanny resemblance to Sarah's writing style; by implication, we thought it rather girly.)

Noelle was born in Kentucky and has lived in North Carolina, South Carolina, Pennsylvania, Connecticut, New York, and the District of Columbia; as a consequence, her southern accent is like an alley cat—emerging from the shadows “during fits of anger or on stage.” (Noelle writes better than *The Advocate*. Consider a haiku she composed in response to an effort by *The Advocate* to elicit poetic expression to her stream of consciousness: “Birds swarm overhead / I feel like Tippi Hedren / He carries Bird Flu.”)

*This class is so fascinating
She's wearing tight w/ open-toed shoes*

Noelle's writing sample.

make. And so, in homage to the one of my favorite writers—Bill Simmons—I've decided to publish a running diary of my recent trip to Pittsburgh. Two days after Christmas, I set off with 19 of my closest friends to see the Toronto Maple Leafs battle Sid the Kid and the Pittsburgh Penguins.

8:30 am – My car—containing Euro, Q-Tip, Ronnie-Mac and Dr. Freeze—sailed from Double S's house, pumped about the trip.

Noelle's favorite word is “nefarious.” Why? “Because saying the word ‘nefarious’ makes your nose wrinkle up *evilly*.” (As Noelle spoke the word “nefarious,” *The Advocate* observed several evil-looking wrinkles form on the skin over her nose, a phenomenon that put us in mind of un-ironed slacks—“slacks” being one of Noelle's least favorite words, her least favorite being “blazer.”) Noelle finds “business casual” to be an inapt self-description.

So what kind of a person is Noelle? One passerby suggested that Noelle was once a Coyote bargirl, but Noelle clarified: “Coyote bargirl / I was not but I make a damn / good manhattan up.” Noelle thinks in non-sequiturs; she is also of Cherokee extraction. As for politics, she describes herself as a social liberal who distrusts government and treasures civil rights. Her eclectic life experiences—as a journalist, as a production assistant for a seventy-something misogynist, and as a paralegal—are complemented by equally diverse musical interests—Otis Redding, Led Zeppelin, Bob Dylan, and “some jazz before exams.” Overall, *The Advocate* found Noelle to be a gentle person with an active mind—Southern charm with a metropolitan perspective. One more non-sequitur: her favorite animals are bears and otters.

On a related note, I think you can tell exactly how close guys are to each other on the basis of nicknames—the more bizarre the nickname, the closer they are. Of the above nicknames, my favorite is Dr. Freeze—he got the name from the Batman villain Mr. Freeze; for some reason, we all thought our friend was a doctor, so he became Dr. Freeze. It's quite possibly the dumbest name we've given out—well, other than calling our completely un-athletic, stoner friend “Kareem” because he had one good afternoon playing basketball.

8:33 am – We stop for gas. As I fill the tank, the others watch a short film entitled *My Friend's Hot Mom* on Euro's iPod. That's right, prior to 9:00 in the morning, my buddies are watching porn in a gas station.

9:01 am – Breaking the over/under by a solid 10 minutes, Euro passes gas for the first time. Among our friends—and perhaps of all people in the world—Euro is the undisputed king of farts. I never inhaled mustard gas before, but I

think this is pretty close.

9:43 am – We arrive at the border in Buffalo, and right next to us by sheer fluke is another car load of our friends accompanying us on the trip. We roll down our window to talk to them, only to realize they are blasting the Backstreet Boys at an incredibly high volume.

9:44 am – We roll our windows back up.

10:03 am – We stop and talk to the border guard, without even asking for ID he sends us through. Either he's lazy or my Toronto Maple Leaf jersey doubles as proof of citizenship.

10:10 am – Euro passes gas for the first time in America. Granted, I haven't done a lot of international law, but I'm pretty sure this counts as an act of war.

11:14 am – We stop for an early lunch in Erie, PA. Q-Tip eats his weight (107lbs) in Chicken McNuggets. I don't know if you've ever been to Erie before, but there may not be a city full of more unattractive people than Erie. I can't explain it, but everyone there is

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Tucker Boone (Dog) agreed to an interview after going for a swim. Speaking through Noelle, his translator, Tucker said: “I am four years old. In fact, if I were a person, I'd be in my late twenties.” Asked about the significance of his last name, Tucker changed the subject: “Does that bag you're holding contain a piece of

chicken?” Despite being rather handsome, Tucker does not enjoy the company of bitches—a fact that has fueled speculation about his sexual orientation. “Look, I'm not comfortable talking to you about this,” Tucker said. “Are you some kind of muckraker? I'm going back to my car.” And so he did.

Restaurant Review: Bahir Dar

by Nicole Travers

I don't claim to be an expert on Ethiopian cuisine, but I have eaten a lot of it since first discovering Addis Red Sea, a charming and bustling restaurant in Boston's South End. Washington D.C. has a thriving Ethiopian community around the Adams Morgan area, and delicious Ethiopian restaurants abound. It's quite a bit harder to find Ethiopian around the Williamsburg area, so I was very excited to try Bahir Dar, a relatively new Ethiopian restaurant located in downtown Hampton.

If you've never had Ethiopian food before, I can't recommend it enough. Traditionally, an Ethiopian meal features *injera*, a large round piece of sponge-like flatbread. The main dishes are served in a stew-like form called *watt*, and piled onto the bread. To eat, the diners tear pieces of *injera* and use them to pick up the meat, fish and vegetable dishes. Diners eat from the same pieces of *injera*, and share their dishes with each other, sometimes feeding each other with their hands in a tradition called *gursha*. It's not necessary to practice *gursha* to enjoy Ethiopian cuisine, but don't make the mistake of asking for a fork.

Ethiopian restaurants usually have something for everyone, and Bahir Dar is no exception. If you're like me and enjoy spicy dishes, steer toward any dish made with *berbere*, an Ethiopian red pepper. *Berberere* isn't fire-hot—you won't be reaching for your water after every bite—but spicy enough to add quite a kick to your lamb or lentil dish. If you'd rather stay away from the spicy, try entrees made with *alicha*—a buttery herb sauce with a more delicate, mild flavor. Diners have a choice of entrees made with beef, chicken, lamb or fish, as well as a wide variety of both vegetarian and vegan *watt*. I was pleasantly surprised to find that each main dish came with a choice of two vegetarian side dishes, which allowed us to try a wide spectrum of what Bahir Dar has to offer.

Ethiopian food tends to be filling—the thick *injira* can expand in

your stomach—so I usually skip the appetizers. My dining companion and I ordered lamb cooked in *berbere* (*yegeb kay watt*), and my favorite Ethiopian dish, white fish in *berbere* (*assa watt*). Along with our entrees, we received several side dishes—a cold tomato, onion and chili pepper salad tossed in olive oil called *timmatim*, lentils and chickpeas in *berbere* (*misir watt* and *shoro watt*, respectively), and collard greens in a mild buttery sauce (*gomen watt*). To my disappointment, our dishes were served on separate plates of *injera* rather than on one large platter, so that we had to reach over each others' dishes to share our meal. When the food arrived, however, we lost no time in digging in.

Injera has a unique texture, as it is both flat and pillowy. Bahir Dar's *injera* is first rate, and can be enjoyed plain as well as with the entree. The *berbere* is delicious—not too spicy, but savory and complex. My favorite dish turned out to be the lamb, because although the menu described the *assa watt* as having a dizzying array of spices, the final result was a bit blander than I liked. The lamb, however, was succulent and tender with a great kick from the red pepper. The lentil and chickpea dishes were both delicious, and slightly spicier than the meat entrees. I would not hesitate to get either dish as a main course, rather than a side. I enjoyed the *timmatim* quite a bit, the cold, spiced tomatoes made a great contrast with the warmer dishes. We didn't eat as many of the mild collard greens, even though they were just as delicious—we simply enjoyed the spicier offerings more.

Bahir Dar bills itself as a gourmet coffee room as well as an authentic Ethiopian restaurant. This is for good reason. Though I was disappointed when I found that the cappuccino machine wasn't working that evening, it gave me the opportunity to try their selection of "regular" coffees. Bahir Dar serves either *harrar*, a strong, thick, acidic coffee, or *yirgecheffe*, a more mild choice. Our order of *harrar*



Located in nearby Hampton, Bahir Dar presents a great opportunity to expand one's culinary horizons. Images courtesy www.bahirdar.us

came to our table in a French press, brewed at our table, and turned out to be a superior choice to one of the more mainstream espresso-based beverages.

Bahir Dar's food is delicious, but there is some room for improvement. Their service is on the slow side, likely caused by a lack of servers—the five tables were served by a single waitress who also performed duties as receptionist and bartender. All other Ethiopian restaurants I have patronized serve their customers with hot towels to wipe hands with before eating, but Bahir Dar does not, nor does it offer packaged towelettes after the meal. I was also saddened to see that although Bahir Dar does have two traditional straw tables, we were not able to eat at them. We were also not offered any extra *injera* with our meal, which would have been a helpful addition, as the *injera* directly under the dishes tends to get soggy and difficult to pick up once the peripheral bread has been torn away and eaten. About half of the restaurant area is dedicated to a large bar, but I was not able to order my favorite Ethiopian drink, *tej*, or honey wine (a sweet, thick

wine that goes wonderfully with spicy *berbere*), though we were told that a shipment would come in the future. (Bahir Dar has a wide selection of African beers, which are very tasty but, in my opinion, too filling to drink while eating so much *injera*.) The clientele could stand some improvement too—we endured a loud cell phone conversation on our left, and watched in horror as the patrons on our right asked for forks (a *faux pas* akin to requesting a fork and knife to eat a plate of sushi). I feel these oversights can likely be improved with time, as Bahir Dar is still a fledgling establishment, and likely needs more patronage before it can offer a wide range of amenities to its diners.

As it is, Bahir Dar provides a culinary experience that is unique, delicious, and affordable—each entrée runs under \$10, though seafood dishes are slightly pricier, around \$11. It is easy to get a filling dinner for two with coffee for under \$25. For those who have never tried Ethiopian cuisine, Bahir Dar is a great way to start a familiarity. For

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Canadian, continued from page 7

ugly. If you're reading this and happen to be from Erie, guess what? You're ugly. So is the rest of your family.

2:36 pm – We arrive in Pittsburgh and check into our hotel. The game is in five hours, and so we decide on a course of action: go purchase alcohol, eat dinner, drink, and then go to the game.

2:54 pm – Despite being of legal age, having full identification, and the store conceding that he is over 21, the liquor store *still* refuses to sell Dr. Freeze any alcohol. Freeze blames Q-Tip for “looking young”, I blame Freeze for “being an idiot.”

3:23 pm – We stop at small beer store to purchase, of all things, beer. Shocked at the low prices—in Canada, beer costs like three-to-four times what it does in the states (\$10 for 36 cans of beer)—Freeze calls everyone he knows about this amazing deal: “Hi Dad, it’s me; I’m in Pittsburgh, and guess what? The beer is really cheap here.” I can only hope the response on the other end was (a) “I don’t care” or (b) George Constanza singing “please leave a message at the beep”.

4:30 pm – We return to the hotel and go out for some dinner. We decide to go to the legendary Pittsburgh sandwich shop, “Primanti Bros.” I had a steak sandwich topped with coleslaw and french fries—yes, they were on the sandwich. I have no joke here; I just feel you should know that, in my entire life, I have never had a better sandwich.

5:30 pm – We return to the hotel. By this time, our other friends have arrived and begin consuming copious amounts of alcohol.

6:45 pm – We arrive at Mellon Arena and find our seats. We are pleased to discover that about one-third of the fans in attendance are sporting the blue and white of the Maple Leafs.

6:46 pm – We start yelling and heckling nearby Pittsburgh fans. My favorite chant of the evening was “Kan-sas City.” For those of

you not in the know, the Penguins are likely to move to Kansas City for the 2007 season. My second favorite chant of the evening? “Your mother’s a whore.”

7:46 pm – The first period ends. Despite strong efforts from both teams, the game is still scoreless. We’re hoping for better luck in the second...

8:12 pm – Alexander Khavanov takes a bad high-sticking penalty, leading to a Penguins goal. For the first time since arriving, we decide to shut-up.

8:21 pm – Khavanov redeems himself with a blistering shot from the point and ties the game for our beloved Maple Leafs. We take great delight in taunting the Penguins fans, who mocked us a few short minutes ago.

8:37 pm – Just before the end of the second period, our captain, leader—and my favorite Swede—Mats Sundin scores a beautiful power-play goal. With the Leafs in front, all is right with the world.

9:18 pm – Just over the half way mark of the third period, Sidney Crosby, the 18-year-old phenom we came all this way to see, makes an unbelievable pass to set-up the tying goal. There are good hockey players; there are amazing hockey players; and then there is Sidney Crosby.

9:47 pm – The third period ends, and we go to overtime. Win or lose, this is probably the best hockey game that I have ever seen in person.

9:55 pm – Two minutes into overtime, Tomas Kaberle scores the game-winning goal. Pandemonium erupts in our section. We march out of the stadium triumphantly, cheering, clapping and hugging every Leaf fan we see.

10:30 pm – Ecstatic from the victory, we head out to sample the exciting night life in Pittsburgh, hoping to meet attractive, unattached Pittsburgh women.

12:45 pm – After being completely unsuccessful in our quest, we return to the hotel. Tired, I go to bed. Undeterred, my friends



continue drinking and organize an impromptu bachelor party, ordering strippers to the hotel.

3:00 am – My friends discover two very important lessons about strippers: (1) They will steal and devour a 2000 gram bag of chips without a second thought and (2) If given a permanent marker, they will draw pictures of male genitalia on the “groom’s” back

5:00 am – Euro—the last man standing—finally passes out/goes to sleep.

10:00 am – Dazed, tired, and with all of my friends hung over, we begin to pack-up to head home.

10:05 am – In an attempt to rid ourselves of noxious fumes for the ride home we trade Euro to another car for Hally.

10:06 am – In a Ron Burgandy-esque “I instantly regret this decision” moment, we find Hally puking in the washroom. Our attempts to rescind the trade because Hally failed to pass the physical are rebuffed.

10:58 am – We depart for Canada, and the remainder of the trip passes without incident. Well, except for the fact that Dr. Freeze managed to somehow lose his drivers license and a shoe on the drive home. I refer you to the 2:54 pm entry for the proper explanation.

That’s all for this edition, I’ll be back in two weeks and most likely answering your questions and queries on life in Canada.

Bahir Dar, continued from page 8.

those who have, you won’t be disappointed by the quality of the food; Bahir Dar’s dishes (particularly lamb and vegetarian) easily rate among some of the best Ethiopian I have ever eaten. I look forward to returning for another meal, and hope I’ve inspired some students to give Ethiopian food a try.

Bahir Dar is located at 17 East

Queens Way in Hampton, Virginia. You can visit their website, www.bahirdar.us for directions and a look at their menu. Lunch is buffet-style on Tuesdays through Fridays from 11 am through 2 pm. Dinner on Tuesdays through Fridays from 5 pm through 10 pm. Open on Saturday and Sunday from 10 am through 1:30 am. Live jazz music featured on Thursday through Sunday nights from 10 pm. Closed Monday.

Sex and the Law: Wedding Fever

by Nicole Travers

For most law students, winter break goes by far too quickly. Winter break is one of the best times of the year: a span of several weeks when, depending on your “winter holiday orientation,” you get to stuff yourself with latkes and get a heap of presents; stuff yourself with ham and get a heap of presents; or stuff yourself with Chinese food and see a movie. Maybe presents come eventually.¹ And no matter what holiday you celebrate during the winter, you can celebrate the high holy day of getting trashed: New Year’s Eve.² The rest of the break is a great chance to catch up with other old friends who are home for the holidays—you know, the ones you don’t always get to see over the summer because they’re not in school anymore, and don’t have to live with their mommies for four months of the year.³ However, this is a time in many of our lives when we may start to see our friends behave...well...differently. They may have sprouted a growth that looks suspiciously like a member of the opposite sex. This growth may not appear to be attached to your friend in any way, but it follows him or her around as if there were some sort of mental tether. There may be talk of white dresses, electronic “letters to Santa” called “registries,” and mysterious social events entitled “showers,” even though they have nothing to do with bathing, sprinklers, slip’n’slides, or supersoakers. If you are like me, these conversations will make you break out into unexplained hives. And if you are around your friend for too long, either she or his mysterious growth may blind you from the sparkles emanating from her left hand.

Yes, your friends are getting married, and you hate it. The days

of watching sports with your pals are gone, and the afternoon “tea parties”⁴ in front of *Pride and Prejudice* are no more. Your friend’s mysterious person-shaped growth has taken over his or her life, and all they can talk about are the upcoming festivities. As I am the oldest cousin in my family, and because none of my close friends have actually gotten married yet, I’m at the cusp of learning about the intricate social dance that must accompany each wedding. This differs from individual to individual, and ranges from the relatively benign to truly terrifying. For instance, my mother’s close friend’s daughter had a “lingerie shower” thrown for her. I can’t think of anything more abominable—having someone not your significant other buy you lingerie, or having to show it off to all the other guests at the party. Then there is my very close friend from high school—of Greek descent, complete with a family that roasts lamb in the back yard. She has repeatedly threatened that she will be taking her entire future wedding party to an establishment entitled “The Flaming Pit” for Greek dance lessons. We will have to say “opa.” I have nightmares about this.

Other weddings will have their quirks, but most involve a few rather “set” rituals, such as the engagement party, the bridal shower, the respective bachelor and bachelorette parties, the rehearsal dinners, and finally, the wedding itself. Then there are the “satellite” rituals involving the actual planning of the wedding—picking locations, caterers, dresses, tuxes, which version of Pachelbel’s Canon in D to use while walking down the aisle, and the inevitable “tile worship of the bridesmaids” as they gather to vomit over the dresses that the bride has chosen for them.⁵ An examination of these



intricate and seemingly obligatory rituals makes it easy to see why law students like me tend to be allergic to weddings. They consume too many resources, such as our hard-earned money, and time we could be spending honing our next finely crafted lie to tell our clients so they give us more money. Weddings function as a sort of “anti-lawyer” social event, as they uphold all the values of love, caring, and sentimentality that law school leeches out of us during our first year of Contracts. And yet a wedding is, when you come right down to it, a legal ceremony, marking the happy occasion when two people can file joint tax returns and mortgage loan applications. Therein lies the paradox which, fortunately for us, tends to make us another boatload of money when it comes time for

divorce. So how can we make weddings more lawyer-friendly? I have a few suggestions which may help alleviate lawyer-borne wedding allergies and, perhaps, make the ceremony a bit more entertaining for all of us.

1. Ditch the religion. This may seem like a controversial choice, especially among the marriage-as-sacrament set, which includes many lawyers. But tax returns and mortgage loans don’t get their own religious ceremony, so why should weddings? Marriage isn’t about love, it’s about economics. You can have your religious leader of choice speak a few words at the ceremony, but at a lawyer-friendly wedding, go with a justice of the peace to officiate.⁶

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¹ In my family, we decorate the house for Festivus, and watch “Die Hard” to ring in the season.

² And even if you aren’t allowed to get trashed, you can go to a club and *act* like you’re trashed. And that’s the most important thing, isn’t it?

³ Of course, those are also the friends who will end up making about ¼ of the salary we’ll eventually make.

⁴ Margaritas count as tea.

⁵ For those of us not fortunate enough to be able to get married down here in Virginia, rituals will include “figuring out how to get the family to New England/Canada/The Netherlands” and “figuring out which states don’t have the DOMA.”

⁶ Additionally, spare me the first Corinthians 13 crap. Love isn’t patient, or kind, and it definitely doesn’t endure all things, especially sneaking out to strip clubs when you’re supposed to be visiting your mother in law.

A Dog Interviews A Cat

Translation by
Rajdeep Singh Jolly

Dog: Welcome, Cat.

Cat: Good to be here.

Dog: So, all of my readers are itching to know whether cats bury bones.

Cat: Who are your readers?

Dog: Dogs.

Cat: That's interesting. Well, some felines act like dogs—for example, they will expose their bellies to humans with the expectation that their bellies will be scratched ...

Dog: That the human's belly will be scratched?

Cat: No, no ... that the cat's belly will be scratched. It wouldn't surprise me if such cats buried bones and did other doglike things, like shoving their noses into people's crotches.

Dog: You know, people *still* think that's involuntary ...

Cat: (laughs)

Dog: How do cats feel about human beings?

Cat: Humans are overwhelmingly regarded as being irredeemably arrogant and self-destructive. To be fair, cats are arrogant too; but we don't develop nuclear weapons.

Dog: Do cats believe in a higher power?

Cat: Most cats believe in a Supreme Cat, but some of us have more conservative evidentiary standards respecting origins. Funnily enough, these conservative evidentiary standards have yielded some radical hypotheses—for example, that cats share a common ancestor with dogs.

Dog: Do you think this recognition will contribute to peace between dogs and cats?

Cat: We really need to reach out to the strays. They are susceptible to brainwashing by ideologues who spin a lot of yarn. It's hard to persuade strays about the significance of genetic similarities between cats

and dogs; that's too theoretical for them. Plus, the thought of a common ancestor not only offends their religious sentiments but also confuses them; after all, our common ancestor might have looked like a one-eyed fish.

Dog: Maybe you should say that our common ancestor was a cat who exposed its belly to dinosaurs for scratching.

Cat: (laughs)

Dog: Thanks for your time.

Cat: Thanks.

OFF THE BEATEN PATH: CESSNAS & CHICKEN SANDWICHES

by Zach Terwilliger

“Yes, Virginia, there is an airport in Williamsburg”

I hope all of you had a restful and relaxing break away from the booming metropolis of Williamsburg. Now that you are back and in the thick of federal income tax, moot court, or just figuring out who has the cheapest twilight greens fees, I thought our first adventure off the beaten path should be close and manageable. Besides, there are few lawyers that I have ever met that are unwilling to take the time to have lunch with their colleagues once in a while. In that vein, you should see this opportunity not as slacking from work, but as practice for power lunches in the future.

Now that the incessant jackhammering is no longer a fixture at the library, those of you, and you know who I am talking about, who love Pringles, carrots, and any number of other crunchy foods probably need to pick a new lunch spot anyway. So, what is this close, economical, and new spot for the noontime meal? Charly's Restaurant at the Williamsburg Airport.

Last year, a wise sage (read William and Mary undergrad) brought me to what was formerly the best kept secret in Williamsburg—lunch at Charly's Restaurant.

Yes, we have an airport. The Williamsburg Jamestown Airport is just big enough to accommodate Colin Farrell's private Gulfstream V for the premiere of his new Jamestown movie.¹ In truth, the airport is nothing more than a public airstrip that caters mostly to weekend warriors in their Cessnas. However, what they do have is a great little lunch café. Where else can you go and get a great sandwich, watch aerial dog fights between soccer dads, and be only three miles from the lobby?

The menu consists mostly of light lunch fare: sandwiches, soups, and salads. I can personally vouch for the “warhawk,” which is Charly's famous chicken salad sandwich. The barbeque is really good as well. All of their bread is fresh-baked and desserts homemade. The dining room is extremely quaint. The regulars might give you a once over as you walk in the door, but the food is well worth any momentary glances.



Charly's is located at the Williamsburg-Jamestown Airport.

The best part about Charly's is that it has an outdoor patio where you can enjoy lunch and watch the planes land. I am also told that flyboys/girls fly their personal aircraft up from the bases down in the Virginia Beach area to grab lunch and see who's hanging around.

So, there you have it—good food, good scenery, and potential eye candy. What more could you ask for in between the day-to-day sprint of checking your hanging file for the fourth time and deciding whether to pony-up and buy Chemerinsky's guide to Con Law?

GETTING THERE

The restaurant is only a few miles from the law school. Take a left out of the law school parking lot, then make a right on 199. Continue down 199, across the College Creek Bridge, and then make a left at the first light. This will put you into the same neighborhood where the Williamsburg Winery is located. Once you make the left off of 199 there are signs to the airport. The address is 100 Marclay Road for those MapQuesters out there.

¹ For those of you who are “off the beaten path faithful,” you may recall that I wrote about going camping in at the Chickahominy Wildlife Management Area. Well, as if you needed another reason to visit, it is the hallowed ground where a buckskin-clad Colin Farrell paraded around trying to woo native beauty Pocahontas. I have heard from the metal detector crowd that parliament light cigarette butts, allegedly smoked by Farrell, can be found in great supply in the hills of the Chickahominy where he filmed his movie.

Condemning *Kelo v. New London*

Why the Recent High Court Decision Was Both Illegal and Immoral (Part One of Two)

by Dan Hobgood

Susette Kelo, for those unfamiliar with her story, is a middle-aged nurse who long dreamed of having a home of her own—preferably on a waterfront somewhere. In 1997, after years of saving her hard-earned money, she was finally able to purchase a house on the bank of the Thames River in New London, Connecticut. At the time, her new home was essentially in shambles; nonetheless, because she so wanted to make her dream come true, she decided to do whatever was necessary to improve the condition of her recently-obtained property.

Evidently, though, everything Susette Kelo had done and still would do to accomplish her goal was inconsequential as far as some were concerned. Several years after Ms. Kelo had bought her waterfront home, the town council of New London decided to evict her in order to make way for a development project it estimated to be a better use of the real estate. Hoping that the government of the freest nation on earth would disapprove of this turn of events, Ms. Kelo, along with a number of other homeowners affected, pleaded for help from the United States Supreme Court some months back. In doing so, Ms. Kelo and her fellow respondents surely thought the Court would not allow their town's council to expel them from the modest homes they had owned and cherished.

Yet, this past June, that is exactly what the High Court did. Writing the majority opinion in the 5-4 decision, Associate Justice John Paul Stevens asserted that "...neither [legal] precedent nor logic supports [the homeowners' cause]." "Promoting economic development," Justice Stevens concluded, "is a traditional and long accepted function of government....[O]ver a century of our [nation's] case law...dictates [that]...[the petitioners in this affair cannot be offered] the relief that they seek."

As I will definitively explain in this essay, it was not the homeowners' cause but rather the Court's ruling against such that is fallacious and unreasonable. First of all, pertinently, the takings clause in the Fifth Amendment, which Justice Stevens cited as the legal foundation for his opinion, does not actually license local government to seize property in the arbitrary manner it frequently has of late. Observe the Amendment's exact language: no private property, it plainly reads, shall be taken "without *just* compensation [emphasis mine]." This means that the takings clause and the Supreme Court's decision in *Kelo* are unmistakably incompatible with one another. No amount of compensation—no matter how great—can truly be just for a non-criminal who does not want to engage in trade to begin with; put another way, a prospective transaction is hardly fair if the buyer in effect has a gun and

a blameless seller is in handcuffs. Correspondingly, the New London residents displaced by *Kelo* have been treated, not justly, but *unjustly*. Instead of affording these residents the respect that the takings clause in fact suggests peaceable human beings are due, our highest court has chosen to sacrifice the homeowners as if they were merely sheep for a slaughter.

Regardless, however, of what is cited as the basis for *Kelo*, the decision would still be fundamentally incompatible with the law of our land. This is the case because the ruling stands in direct contradiction to the bedrock principle of the United States: the idea, as heralded in our nation's founding document, that an individual is entitled to be free so long as he does not enslave his neighbors through the use of force. Intrinsicly, public policy in the United States of America, to be considered public policy of the United States of America, must conform to the above principle from the Declaration of Independence—for it is that principle, the equivalent of our country's vision statement, which gave birth to the United States and defined what it represents. On account of this, any policy that undermines individual liberty (such as the racist three-fifths clause in the Constitution) is properly regarded as legally invalid in our society; that includes the "century of...case law" Justice Stevens alluded to in his majority opinion for *Kelo*—a scandalous

legacy that each Justice on the Court, and even the homeowners' attorneys, inaccurately granted legitimacy.

Specifically, *Kelo* is inconsistent with our legal heritage because it contradicts the all-important concept of property rights, on which individual liberty depends. In order for someone to be free, he must not be denied access to and control over the product of his effort. This is because a person cannot maneuver for himself as he pleases without having the fruit of his labor at his disposal—he cannot, for example, gain nourishment, maintain shelter, or exchange goods and services if he so desires. To contend that people have a right, or prerogative, to what is their personal property is to maintain, for the sake of individual liberty, that people deserve to reign sovereign over their belongings until and unless they coercively use such against others. *Kelo*, obviously enough, reflects the contrary notion, which is that a peaceful individual's belongings are ripely suited for confiscation from him; with the decision, what the Supreme Court has proclaimed, more audaciously than ever before, is that we as American citizens retain our freely-acquired property not by *right*, irrespective of others' desires, but by government *permission*—permission the Court presently believes can be revoked upon demand.

Part Two of this essay will appear in the next Advocate.

Sex, continued from page 10

2. When it comes to wedding location, forget the picturesque; get married in a courtroom—groom's side on the right as plaintiff, and bride's on the left as defense. In fact, don't have the bride and groom actually next to each other for the wedding—have them sit at their respective tables with their counsel. Don't let the bride and groom speak to each other without their counsel's permission. This prevents the general oogyness of self-written vows and mushy kissing.

3. Instead of a rehearsal dinner, have a prenuptial agreement mediation session. To make things extra fun, sign legally binding contracts over who washes the dishes and who cleans the bathroom.

4. Instead of bachelor/bachelorette parties, take the bride and groom together to sit in on an actual divorce proceeding so they'll know exactly what they're in for in case things "just don't work out." Custody battles are way more exciting than strippers, anyway.

5. If all else fails, bill the bride

and groom for your billable hours you missed by attending their wedding. And let them know you're available in case they get divorced. There's no harm in preparing for the future, after all.

With these simple steps, we lawyers may be able to cure our allergy to weddings, or at least help mitigate the schadenfreude we feel once we hear tell of the happy couple's subsequent divorce. Of course, once the wedding is over, there's no end to the horror we'll have to eventually endure in regard

to married couple dinner parties, Pictionary tournaments, and worst of all, the advent of babies—small, meatloaf-shaped items that demand precious resources twenty-four hours a day by making a hideous screeching noise from one end and terrible smells from the other. I can offer you no words of advice on this matter, save finding a convenient crawlspace in your home or office into which you can escape when one of your friends calls to ask you to baby-sit.