2005

The Advocate (Vol. 2, Issue 11)

Repository Citation
https://scholarship.law.wm.edu/newspapers/303

Copyright c 2005 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
https://scholarship.law.wm.edu/newspapers
Doan Takes Mr. Marshall-Wythe Crown

by William Y. Durbin

Forget about Moot Court and Order of the Coif. Nate Doan (3L) knows where the real law school prestige lies.

Just weeks after his classmates voted him the “Best Male Legs” of the 3Ls, and following a rigorous four-part pageant featuring seven worthy competitors, Doan strutted and stripped his way to the title of “Mr. Marshall-Wythe 2005.”

The Public Service Fund hosted its second annual Mr. Marshall-Wythe pageant on Thursday, March 31 at the Hospitality House’s 415 Grille. The ’80s-themed fundraiser drew more than 150 students—many wearing their own “Decade of Greed” garb—and generated close to $1,000 to benefit students who take jobs in public interest law this summer.

“The event was, like, totally tubular,” said Ashley Reynolds (1L), one of many attendees moved by the spirit of the ’80s.

Doan and six other fellow male Marshall-Wythe students—John Ambrose (1L), Raj Jolly (2L), Tal Kedem (1L), Ian Ralby (3L), Tripp Whitbeck (2L) and Kevin Wilkes (2L)—vied for the crown in four segments of competition: casual wear, swim wear, talent and evening wear.

Jolly is Features Editor of The Advocate.

Several competitors tied the four segments together with their own motifs. The theme of Whitbeck’s Mr. Marshall-Wythe bid, for example, was surely his sartorial savoir-faire. Ralby, on the other hand, elected an ’80s-informed theme to his costume and performance choices: the Cold War and the movie Top Gun.

The pageant climaxed in the talent portion, in which the competitors displayed both their tangible and intangible gifts. Jolly bared his chest and humored the crowd with original poetic composition, even engaging the audience in a sing-along to his “Obstetrician’s Song.” Ambrose wowed onlookers with his balloon animals and “popping” routine.

But the highlight of the talent segment—and perhaps what separated him from his competitors—was Doan’s lap dance routine set to Madonna’s “Like a Virgin.” The lucky recipient of his gyrational affections was Nora Garcia (1L).

Continued on page 2
Mr. Marshall-Wythe, continued from front page

"As we were gazing deep into each other's eyes, he dropped down to one knee, grabbed my hand and in a sultry voice asked, 'Will you be my lapdance girl?'"] Garcia said, describing Doan's somewhat indecent proposal that preceded his somewhat indecent display.

What made the display even more entertaining was the scandalized septuagenarian hotel guests staring slack-jawed in through the House window.

"I really didn't know that that was going to happen," Doan said. "I noticed them at the end of the performance—gave a quick look to my left and saw the grandma ladies checking me out. I just hope that I didn't destroy lives."

Clearly the competition was stiff, but all the contestants stood up well under the pressure. And from the singing to the stripping, those in attendance certainly enjoyed what they saw—especially the ladies.

"I have never seen such a concentration of attractive men in my life," said Maggie Goldwasser, who was in town from New York to visit her boyfriend Alex Blumenhal (1L). Keep an eye on her, Alex.

Erin McCool (2L), PSF Co-Chair, Rich Hadorn (3L), Mr. Marshall-Wythe 2004, and Brad Booth (2L), runner-up to Mr. Marshall Wythe 2004 had the difficult task of selecting the contest's winner.

Alana Mallick (3L), a talented Miss Virginia Pageant veteran and emcee of the event, announced the judges' decision. Ambrose, who seemed to be the crowd favorite, was named first runner-up and won a tee shirt from the PSF gift shop. Doan, of course, was named the winner and received a medal.

"After a few more wins on the amateur strip circuit, I hope to look like Mr. T.," Doan said.

Wilkes was also a winner of sorts, as his name was drawn for the 50/50 raffle prize, but he graciously donated his share of the $141 kitty back to PSF.

In addition to the raffle drawing, an '80s costume contest helped break up the segments of the pageant. Among all the侧面ponytails, blue eyeshadow, Miami Vice wannabes and Flock of Seven's lookalikes, Shannon West (3L) took home the prize, a $15 gift certificate to the Green Leaf Café.

Although he did not take home the medal, Jolly was philosophical about the evening.

"We really are all winners because we are benefiting a cause greater than ourselves," Jolly said.

A student-run organization, PSF raises funds to build and distribute stipends for William & Mary students working in public interest law during the summer. The organization hosts several fundraisers throughout the year, culminating in Friday's Date Auction.

Wednesday, April 5, 2005

PSF Board members Erin Kulp (3L) and Kelly Gastley (3L) co-chaired the event, and two other board members, Elizabeth Martin (1L) and Garcia, assisted. They worked with the accommodating Hospitality House staff to plan and pull off the event.

---

The Advocate

"Complete and objective reporting of student news and opinion"

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.

Professor Van Alstyne Delivers Saint George Tucker Lecture

by Marie Siessiger

On March 24, after handing each attendee in the full-to-capacity classroom a copy of the Constitution, Professor Van Alstyne proceeded to deliver what he dubbed a "rather informal presentation" on competing visions of the Constitution. Invoking Justice Hugo Black, Van Alstyne encouraged, and at times insisted, that his audience read the manuscript as part of an exercise in illustrating how profoundly ideology can affect constitutional interpretation.

Professor Van Alstyne laid the foundation for the participatory part of his presentation by outlining a handful of the major interpretive movements in American constitutional law. He explained the basic precepts of various schools of thought such as originalism, textualism, abstractionism, and nonoriginal interpretivism, and noted that in thinking about these intellectual groups, the primary division is between opportunists and obligationists. The opportunists, he said, view the Constitution as a mechanism to improve society. This class believes that fidelity is owed not to the words of a dead document, but to the living people in the United States today. The obligationists, on the other hand, are those who carefully, and sometimes overzealously, plumb the words of the document to try and find an answer to the problem at hand.

Comparing the constitutional amendment process to the cambrion rings that form in tree trunks, Van Alstyne posited that the process—like the succession of rings that denote the continued life of the tree—registers that the Constitution is still alive. Given this context, Van Alstyne asked the question that formed the basis for his hypothetical: To what extent should the Supreme Court be concerned with the associated history of the Constitution?

Noting that the "reluctance of the Justices" to consult history is understandable and driven by fear, Van Alstyne explained that some Justices feel that the lack of trustworthiness inherent in historical interpretation, as well as the fact of continual social development, requires a circumspect evaluation of historical arguments. However, while leading his listeners through an examination of a hypothetical statute passed by Congress in which the number of jurors was reduced from twelve to seven, and the requirement of unanimity in their verdict was changed to a five-of-seven majority, Van Alstyne offered several examples of how the historical context can have a major impact in creating a favored outcome. He noted, however, that the "turn to history is not particularly desirable...it is merely inevitable."

Professor Van Alstyne quoted Justice Black's comment that "I think most Americans do not understand the Constitution," and noted further that the chief reason for this failure of comprehension has its roots in the fact that most Americans don't read it. Van Alstyne echoed Black in saying that the Constitution is not a document drawn to every person's ideal, and the interpretive challenge is to find the proper result under "this Constitution, not the best constitution, not the Constitution as you would have liked it to be, but this one."
The Struggle For Women's Rights in Post-Taliban Afghanistan

by Yuval Rubinstein

Ever since September 11, the plight of Afghanistan has garnered widespread international attention. On March 18, William and Mary students and faculty were treated to a provocative perspective on the country’s post-Taliban development courtesy of Afghan judge Marzia Basel. Judge Basel’s presentation, entitled “Women’s Rights and Islamic Family Law in Afghanistan,” was sponsored by Christie Warren’s Islamic Law Seminar, the International Law Society, and the William and Mary Journal of Women and the Law.

Between 1985 and 1996, and again after 2002, Judge Basel served as a judge in Afghanistan. During the rule of the Taliban, she ran a home-based school for girls, teaching subjects such as English and math. The school included 300-400 girls between the ages of seven and fifteen. Therefore, Judge Basel brought a truly unique perspective to the tumultuous developments that Afghanistan has experienced throughout the past three decades.

Judge Basel began her presentation by discussing the evolution of Afghanistan’s constitution. The country adopted its first constitution in 1923, with the second then in 1964. The recently adopted constitution specifically mentions equal rights for men and women. The problem, as Judge Basel pointed out, is application and enforcement of the law.

One common misconception within the international community is that Afghanistan’s judiciary follows Sharia law, which is not entirely true. Rather, Afghan judges look to Islamic law—specifically, the Hanafi school—only if there are no applicable civil law provisions on a given issue. After this, judges look to public opinion; however, the public opinion cannot be contrary to principles of Islamic law or justice. Another misconception is that Afghan courts proscribe hadd punishments (those offenses specifically mentioned in the Qur’an, such as theft and highway robbery). Afghanistan is in fact a party to international human rights conventions. Since hadd punishments, such as cutting off the hands of thieves, are considered human rights violations, judges do not prescribe them, except under the Taliban.

Judge Basel then discussed key provisions of Afghanistan’s family law. The marriage age is eighteen for boys and sixteen for girls. For girls under the age of fifteen, Afghan law states that no one can give a child to marriage. In reality, Afghanistan follows customary laws, usually along tribal lines. As a result, it is not uncommon for children of ten or eleven to be given to marriage. The problem, as Judge Basel pointed out, is that there is no rule of law to force the parents arranging such marriages to follow the law.

Furthermore, marriage agreements among families are an important component of Afghan life, even in the cities. If the parents agree to the marriage, the daughter must also agree, or she will not have the support of her family. As in the West, marriage is considered a contract. In Afghanistan, divorce is the right of a man, while the woman retains the right of “separation.” In reality, there is not much of a difference between these two. Thus, Afghan women do have the opportunity to leave abusive or unhappy marriages, contrary to international perception.

Certainly, the situation in Afghanistan remains precarious, particularly in the tribal regions outside the cities. Nevertheless, Judge Basel remained optimistic that Afghanistan is on its way, however unsteadily, to becoming a “normal” country. She emphasized, however, that this can only occur with the continued support of the international community, and the United States in particular.

Examining the Law of Little Stuff

by Nicole Travers

At first glance, the possibilities of nanotechnology seem almost endless—a bulletproof shirt that is lighter than silk, or building material that could create a tower reaching from the earth into the stratosphere without collapsing under its own weight. Are these feasible products, or is it just hype? And how will nanotechnology affect patent law?

These questions were postulated by Professor Mark A. Lemley, this year’s speaker at the annual George Wythe Lecture. Professor Lemley is the Neukom Professor of Law at Stanford, the Director of the Stanford program in Law, Science and Technology, and the Director of Stanford’s LL.M. Program in Law, Science and Technology. He visited Marshall-Wythe on March 23, 2005 to discuss the growing issues in patenting nanotechnology.

Nanotechnology, Professor Lemley explained, is the study of matter less than 100 nanometers in size. Such material is so small that it does not obey the laws of classical physics, and can be extremely unpredictable. An aluminum Coke can, for instance, if ground into particles at the nanoscale, would explode. Scientists are still exploring the possibilities that nanotechnology has to offer, and have yet to develop a concrete product to make available in a commercial market.

Nevertheless, stated Lemley, the number of patents that have been placed on nanotechnology products within the past five years has been astounding. He made what he called a conservative estimate of 3,700 patents issued on nanotechnology between the years 2001 and 2003. The number of patents given to nanotechnology products will probably increase on an exponential scale in the coming years.

The problem with the amount of patents on nanotechnology, however, is that patents have been placed on what is known as “building block” technology—for instance, the microscopes that allow scientists to see the nano-particles in order to work with them. This is unusual, as most building block technologies for advancements such as DNA and the computer were never patented.

Lemley compared the patenting of nanotechnology to the patenting of the airplane. Though the Wright Brothers are credited with the invention of the airplane, their patent on the technology they used to build it served to inhibit any further development on aviation technology until the US government stepped in to invalidate their patent at the onset of World War I.

The effects of allowing patents on the building blocks of nanotechnology, Lemley warned, would lead to a “patent thicket,” which would force researchers to gather patent licenses from many disparate patent holders before they can even begin to research a new branch of nanotechnology development. And because nanotechnological developments can affect many different branches of science, the setbacks that may result from allowing building block patents could be extremely vast.

The story of nanotechnology patents, Lemley explained, is a story without an ending. Nanotechnology is still in its infancy, and what may look like a “building block” technology in the present could quickly change. There is no clear answer about what can or should be changed about the process of patenting nanotechnology, but it is likely that nanotechnology patents will be a focus of intellectual property law in the years to come.
DOJ Attorney Visits W&M

Tom Snow, an attorney with the Office of International Affairs in the Department of Justice, spoke with students and faculty about his work at the DOJ on Monday, March 21, at the invitation of Professor Paul Marcus. The OIA attorneys work in five teams that each specialize in a particular geographical region of the world, Snow explained. The office is generally responsible for processing extradition requests from outside the US and submitting US requests abroad, negotiation of mutual legal assistance treaties, and briefing the Attorney General on international criminal law enforcement matters.

Snow noted that, unlike many federal agencies, his office counts many state and local prosecutors among its clients. This unique clientele is due in large part to the fact that most of the crimes for which extradition from abroad is sought are state crimes, rather than federal offenses.

At the conclusion of his presentation, Snow identified future challenges and trends in this area with which the US must contend, particularly the increasing demands from other countries that persons surrendered and evidence sent to the US be subject to certain penalties or used for certain purposes, the substantial length of time it takes to get international assistance, and the necessity of forming cooperative relationships with parts of the world with which the US has not formerly had similar relations.

—Marie Siesseger

Peanut-butter & Jelly Sandwiches Anyone?

A significant number of Williamsburg’s residents are employed seasonally by the local tourism industry. During the winter months, some of these people find themselves laid off or working reduced hours. This situation strains many local families’ finances. During the week, while children are at school, government programs help ease this strain by providing free and subsidized meals to students. On the weekends, however, some children would go without lunch if it were not for the generosity of Williamsburg Methodist Church. Throughout the winter months, the Church packages nearly 300 brown-bag lunches each Saturday and distributes them to local low-income neighborhoods. On March 26, a group of our very own Citizen Lawyers joined in to lend a hand.

—David Byassee

Courtroom 21: Crossing Borders

On Saturday, April 2, William and Mary’s Courtroom 21 hosted its 2005 laboratory trial, In re Blossom & Blossom. This simulated case involved a joint trial between courts in Williamsburg and Monterey, Mexico.

The case involved a married couple, Tom Blossom and Alma Garza Blossom. After several years of marital strife, Mrs. Garza Blossom moved back to her parent’s home in Monterey, Mexico, taking the older of the couple’s two daughters with her. Both parents sued for custody of their children in their respective local courts, leading to the unique joint nature of the trial.

Presiding over the Williamsburg court was the Honorable John J. Specia, Jr., of the district court of Bexar County, Texas. The Honorable Maria Balderas presided over the courtroom in Monterey.

Despite its technological complexity, the trial proceeded smoothly, with only a few problems involving the clarity of the transmission from Monterey. The trio of very able translators repeatedly reminded counsel and witnesses to speak directly into their microphones.

The trial also highlighted several important issues to be addressed if similar long-distance trials are to be conducted in the future. For example, at one point, a counselor in Monterey seemed to take offense when the girls’ father suggested that living in America would offer a greater opportunity for his daughters to develop “moral character.”

In the end, the wishes of the Blossoms’ eldest daughter Sofia carried the day. Judges Specia and Balderas warmly concurred in a judgment to grant Ms. Garza custody of the girls during the school year, when they would reside with her in Monterey. During school vacations, the girls would visit their father in Williamsburg.

—Nicolas Heiderstadt

newnewnewnewnewnewnewnewnew

Wi-Fi

Wireless Internet

All day—every day—in the dining areas

Available to all!

newnewnewnewnewnewnewnewnew
YOU'RE JUST 3 STEPS AWAY FROM CUTTING YOUR STUDENT LOAN PAYMENTS BY UP TO 58%.

1. PICK UP THE PHONE AND TALK TO A FRIENDLY LOAN COUNSELOR.

Make one toll-free call to 1-800-961-5022. At the Alumni Loan Consolidation Program, we'll assign you to your own personal loan counselor who will walk you through every step. You'll learn your best options in plain English - no strings attached.

2. COMPLETE THE APPLICATION PROCESS.

There are no fees and no credit checks. Instead, your loan counselor will guide you through a quick, simple application process. In most cases, you can complete the application almost entirely over the phone.

3. SIGN AND RETURN YOUR APPLICATION.

With eSignature\(^*\) and the help of your loan counselor, you can sign your application electronically. Even if you're just days from the end of your grace period, we can get your application in on time - so you can enjoy all of the advantages.

REDUCE PAYMENTS EVEN FURTHER BY CONSOLIDATING IN YOUR GRACE PERIOD\(^*\)

Call toll-free: 1.800.961.5022 to simplify your student loan monthly payments

\(^1\) Eligibility requirements apply. Check out our website (www.wmalumni.com/loanconsol) or call a loan counselor.
\(^*\) Available online for fully completed applications or through a loan counselor.
\(^3\) In order to receive grace rates, your application must be received prior to the first grace period end date on the loans being consolidated.

©2005 Collegiate Funding Services, LLC. All Rights Reserved. CFS Affinity Services is a division of Collegiate Funding Services, LLC. All CFS lenders are equal opportunity lenders.

ALUMNI LOAN CONSOLIDATION PROGRAM
A Question of Ethics

by Brian Hayes

Dedicated readers of *The Advocate* will note that I have not been a frequent contributor over the course of my five and a half semesters at William and Mary. This year, however, I have become aware of an issue in the Law School that has been of great concern to me.

I address this topic as someone with great respect and affection for the Law School. In my judgment, however, the Law School has made a poor decision that reflects negatively on its character. Some readers will agree with me; many will not. Regardless of the conclusions you draw, however, I firmly believe that you should be aware of the issue.

Over the last two years, Donald Gregory Baker has served as an adjunct professor at the Law School. He teaches a course in therapeutic jurisprudence and has worked with the General Assembly Externship and as advisor to *The Advocate*. Although officially an adjunct, he has an office and telephone in the Law School, and the school’s home page lists him as Director of Therapeutic Jurisprudence and Interdisciplinary Studies.

By all accounts, Professor Baker is likable and outgoing. Many students think highly of his teaching. He is also well-connected in Virginia state government, and has many friends and admirers throughout Virginia’s judiciary and political system. It is the story of Professor Baker’s career prior to his arrival at the Law School, however, that is the source of my concern.

In 1994, Professor Baker was convicted of a misdemeanor. In 1997, while seeking to become a judge, he completed a Judicial Selection Questionnaire that asked whether he had ever been arrested or charged with a violation of any state or local law. He answered “no.” He also answered “no” to a question asking whether he had ever been a party to any legal proceeding. In 1999, he completed an identical questionnaire, and gave the same answers. (Those who wish to examine the record for themselves may view the disciplinary opinion at http://www.vsb.org/disciplinary_orders/baker_opinion.html by referencing VSB Docket No. 03-102-1834.)

Professor Baker did become a judge, and it seems that he was both successful and highly respected while on the bench. He remained a judge until 2003, resigning after the above facts came to light. In November of 2003, the Virginia State Bar suspended Professor Baker’s license to practice law for two and one half years. He began working at William and Mary shortly thereafter.

How should students view the seriousness of this behavior? Of course, different observers will draw their own conclusions. To me, however, it is deeply troubling.

First, from the point of view of a law school that prides itself on a “citizen-lawyer” ethic, the offense is incredibly serious. It is not the misdemeanor conviction itself that is of concern, but the fact that Professor Baker lied—twice—in order to conceal it. The integrity of the bench is critical to the legitimacy and effectiveness of the legal system. Professor Baker’s deception struck directly at that integrity.

Second, these were not “mistakes”—they were lies. The questions were neither ambiguous nor subject to interpretation. Nor was this a youthful indiscretion; it was a choice made by an adult and a licensed attorney.

Third, Professor Baker did not admit responsibility until after he was already caught. He then acknowledged guilt as part of an agreed disposition—to help him get his license to practice back as quickly as possible. Only he knows if his remorse is genuine. However, it was clearly in his self-interest to appear contrite before the Bar. It is also reasonable to ask whether, had he not been caught, he would simply have continued the deception.

The status of Professor Baker’s license is between him and the Bar. By contrast, William and Mary’s decision to hire him is unquestionably our business.

First, your tuition—and eventually, your alumni donations—support his salary. In a sense, your support of the Law School is an endorsement of the Law School’s decision.

Second, and more important, the Law School has made a powerful statement by its decision to hire Professor Baker, to employ him as a representative of the Law School in the Virginia legislature, and to advocate on his behalf before the Supreme Court of Virginia. Professor Baker is one of the most visible representatives of the Law School in Richmond. The question is: what message is the Law School sending with this hire?

Defending Polar Bears?

by Megan-Brady Viccellio

This past summer, I worked for the Public Defender in Fairbanks, Alaska. As you might expect, the Public Defender didn’t have the funds to pay me for working there, so I relied on a grant from the Public Service Fund to make this amazing summer possible. Alaska is a lot like America most of the time, except when you see the article about Sasquatch hitchhiking on the Al-Can on page A2 of the local paper. As a rising third year, I was able to get an interim permit, which allowed me to practice in the Superior Court with limited supervision. I was in court nearly every day, and had my own misdemeanor caseload. The Fairbanks office of the Public Defender was unique—out of the nine attorneys, four of them had been public defenders in Alaska for over 20 years.

It was a great place to learn how to be a public defender—the second day of my internship, my supervisor, Paul, and I went to court for arraignments. Paul did one of the arraignments and then came over to where I was sitting, said “As far as I’m concerned I’ve supervised you in an arraignment. I have another hearing upstairs, so you should be able to handle this.” He was right—the client that I was representing was released from jail to his mother’s custody. This was a client that wasn’t assigned to the public defender—his mother was sitting in the arraignment courtroom, and asked Paul for help. He had me enter a special appearance for purposes of the arraignment and bail hearing, something that would become very familiar to me over the summer. Paul and all of the other attorneys in the office were committed to being public defenders, and that, to them, meant helping people who weren’t yet assigned to them.
I write this article in response to Brian Hayes’ piece condemning Professor Greg Baker and the school’s hiring of him. Like Brian, I have not historically been a contributor to this publication. However, when it was brought to my attention that Brian’s article was being printed I felt a sincere need to offer my own opinion on the situation.

This response is in no way an attack on Brian. Quite to the contrary, I think that Brian is completely allowed and should be encouraged to voice his opinion, misplaced as I may find it, and moreover I agree with Brian that students are entitled to know the individuals that the school chooses to place on its faculty. In addition, I consider Brian to be a friend and a colleague.

As Brian pointed out, however, different observers are at liberty to come to different conclusions. My conclusions on the matter are quite the opposite of Brian’s, which is why I offer for consideration my take on the situation.

I too address this topic as someone who truly cares about this law school. Those of you who know me, know this to be the case. I would venture to say that most of you who do not know me personally at least know of my involvement in supporting many of the organizations that I feel help the community. I was to come to different conclusions. My conclusions on the matter are quite the opposite of Brian’s, which is why I offer for consideration my take on the situation.

I too address this topic as someone who actually knows the professor in question. I grew up not far from where Professor Baker sat on the bench. Though I did know him personally before he came to William and Mary, I knew much of him before his arrival. As Brian pointed out, Judge Baker was widely respected in our community. He came to be known as fair and even-handed, but more importantly he gained the reputation of being a compassionate and accessible problem-solving judge.

He was active in the community and took strides toward the betterment of southwestern Virginia. Since his arrival at William and Mary, I have gotten to know Professor Baker personally.

I will not offer conjecture on questions which we have no way of answering. I have no more knowledge than Brian does when it comes to questions of Professor Baker’s sincerity in his remorse or what his actions would have been had the facts of his prior record never emerged. Frankly, I do not see the value in mere speculation as to these questions. These are questions which should raise suspicion without a means for conciliation. What I will speak on is how I view the law school’s hiring of Greg Baker.

Clearly we all visited potential law schools with different criteria in mind. However, I would like to think that many of you, like me, chose William and Mary for the seemingly unique environment that it offered. Of all the schools that I visited, I felt our school truly put an emphasis on the success and happiness of the students. I remember

Continued on page 10

Letters to the Editor

Texas-Sized Justice

by Emily Tulli

Ahh...finally an opportunity to put my “Legal Skills” training to work. A real job—well, at least a temporary real job. I arrived my first day at work with my pants pressed (a rarity) and my hair in place (a greater rarity). I was together, I was professional, and I was ready to work. I was greeted by my boss, the managing attorney. Rid your mind of any “typical” lawyer images. Don’t think corporate power-suit, think more like Jimmy Buffet’s wardrobe. From the instant I saw his flamingo-printed shirt, I knew the summer would be a real experience.

For ten weeks this summer, I worked at Lone Star Legal Aid. Don’t laugh; that’s its real name. The office provides a wide variety of civil legal services to the indigent residents of Galveston County. This legal aid, like many, is really a jack-of-all-trades. The office handles family law, public assistance law, housing law, and property law.

Lone Star has been given the difficult task of meeting the needs of some of the city’s neediest. This task is accomplished through legal advocacy, administrative negotiations, and community education.

I spent the majority of my summer working on housing issues, with particular emphasis on the county’s public housing system. My day-to-day activities varied. Some days, I was in the office writing briefs orconducting client intakes. Other days, I left the office and held “Know Your Rights” sessions in local communities. A few times, I attended court and saw the managing attorney “gettin’ rowdy with the judge,” as he put it.

The attorneys at Lone Star truly cared about the plight of the poor and wanted success for each of their clients. In a high-burnout profession, many of them modeled a valuable form of prioritization. They worked hard during the day, but cherished their free time. They had ideas about reforming the system, but would settle for keeping a client’s house for another month.

During my time at Lone Star, I learned about local public housing structures and national housing statutes. More importantly, however, I learned a lot about the lives of many poor Americans. For instance, I learned public assistance (federal/state) for a four-person family is often less than $200. I learned first-hand about the “feminization” of poverty—at least 70 percent of my clients were women. On a lighter note, I learned my fair share about humidity and its ability to torment all living things. I learned that Texans REALLY DO say “Howdy” as a greeting. Finally, though lots of fieldwork, I learned that people love, love, love Mexican food for breakfast—who would have thought?

Simply put, PSF funding allowed me a unique opportunity to make concrete differences in people’s lives. Although the differences seemed small, they were often invaluable to the clients that I served. Funding gave me a glance at my future public interest career, and for that I’m grateful.

Ethics from page 6

School sending? There are two possible answers—one positive, one negative.

One could read the statement as: “The Law School believes that Professor Baker is highly competent and has a great deal to offer. Although we do not condone his actions, we believe that he deserves a second chance.” However, one could also understand it to say: “The Law School doesn’t believe that what Professor Baker did was all that bad. Plus, if you know the right people, ethics don’t matter.”

Each student must decide for himself what Professor Baker’s hiring says about the Law School—and ultimately, about us. To put the matter in perspective, however, consider the following:

1) If during the admissions process, the Law School discovered that you had twice lied on your application, would you have been allowed to attend?
Bone Marrow Drive on April 15

by Marie Siegesser

For the minor price of a few minutes of your time and a very small sample of your blood on Wednesday, April 13, you could give one of the 50,000 people in the US who will be diagnosed with a fatal blood disease this year a priceless gift—life. By registering for the National Bone Marrow Donor Registry, you can help to enlarge the possibility that someone in need of a bone marrow transplant will find a match. As noted by one of the Bone Marrow Drive’s co-chairs, Josh Baker (2L), “more than 70 percent of all donor matches are made from the Registry—a fact that most people find surprising. It is commonly believed that siblings or other family members are the majority of matches, when in fact most matches are made via the Registry.”

The organizers of the Bone Marrow Drive have worked hard to bring enjoyable events, such as the recent Ali’s Run and Texas Hold ’Em Poker Tournament, to the Law School in order to raise awareness of the Drive and to raise the funds which will be used to cover the costs of registration. Of the Poker Tournament, Baker said:

“We were very pleased with this year’s turnout, especially given that it was Easter weekend.” Sixty-six competitors played in the Tournament, which raised approximately $3,000, a greater than two-fold increase from last year. Business student Zack Fivenson walked away from the table as the Texas Hold ’Em champion.

The inaugural Ali’s Run on March 17 gave a large contingent from the Law School the chance to pound the pavement on a beautiful Saturday morning in support of a good cause. Named in honor of Dean Kaplan’s daughter, and raising approximately $4,000 for the Drive, Ali’s Run was a great success. “More than 250 runners and walkers from William & Mary and the surrounding community participated, in addition to members of Dean Kaplan’s family who held their own 5Ks on the same day in other states,” noted Patrick Speice (2L), who also serves as co-chair of the Drive this year.

An additional opportunity to participate in the Bone Marrow Drive’s fundraising efforts will come on Monday, April 11. The Library staff will present the annual free throw shooting contest in the lobby. Individuals and teams are encouraged to sign up to participate in the contest.

The tireless dedication and efforts of the Bone Marrow Drive volunteers have paid off handsomely—the fundraising events have garnered approximately $8,000 to put towards the cost of registration. “The requisite testing of each blood sample costs about $65, so fundraising is critical to support this effort,” Speice said.

As Drive Day approaches, it is important that the Law School community remember that, as successful as the fundraisers have been, “the most important number is the number of people that enter the registry,” Speice noted. The need for registration is clear. The more people there are in the registry, the more likely it is that someone in need of a life-saving transplant will find a suitable match. There is a particular need for greater minority representation in the registry.

“A great number from the law school are already on the Registry; we hope to keep that tradition moving forward and expanding,” Baker said. “We hope to see everyone who can enter the Registry in the lobby on April 13, you may be able to help save a life.”

On Drive Day, there will be several phlebotomists in the lobby who will take less than one teaspoon of blood from anyone who wants to enter the registry. It is similar to giving blood, but it is much less blood and the normal rules that regulate blood donation do not apply. For example, those who have been overseas or gotten a tattoo recently are ineligible to donate blood, but they can enter the registry.

Once a person is entered into the registry, they are in it for life. If a patient is matched to a donor, the donor is contacted by an intermediary, and the donor always has the option to exit the donation process at any stage. If the donor wishes to donate, they will go through additional testing to verify that the match will work, and then go through one of two procedures—the more common of which is just like giving blood (over 95 percent of cases). The second procedure is a bit more invasive and can result in a week or so of soreness. The payoff of donation is giving someone a second chance at life.

—Patrick Speice
Marshall-Wythe students gamble for a good cause at the Texas Hold 'Em Poker Tournament, held to benefit the Bone Marrow Drive. Photos by Marie Stesseger.
Letters from page 7

worrying that the complete access to and candor of the faculty and administration that I spoke with prior to acceptance was simply part of the admissions game. I think that for a large part of the first semester I waited for the other shoe to drop; wondering when the relationships that I was forming with my fellow classmates and faculty would fall in line with my notions of what a law school community must be like. I was never disappointed. I find myself nearing graduation and for nearly three years this law school has held up its end of the deal. I find myself still surrounded by a group of people who truly care about my personal success.

The hiring of Greg Baker is one of the law school’s latest illustrations of its dedication to the welfare of its students. This school is lucky to have more than its fair share of professors and administrators who go above and beyond their job descriptions in working toward the personal successes of their students. In the mere two years that Professor Baker has been with us, he has placed himself at the top of this list. You will not find another individual on the faculty who is more willing, able and enthusiastic to help his students thrive. While it is true that many people are drawn to Professor Baker’s outgoing nature and entertaining lectures, it is Professor Baker’s tireless effort toward making this law school experience fulfilling that has earned me and many of my classmates’ respect.

Professor Baker has taken the passionate initiative of developing our law school as a leader in the emerging field of therapeutic law. In addition to teaching Therapeutic Jurisprudence this semester, Professor Baker has been instrumental in expanding the curriculum to embrace more courses dealing with preventative law, problem-solving courts, and client counseling. In addition, he has diligently worked toward improving our bar passage rates by helping develop the supplemental William and Mary bar prep course. As important to many of us, however, Professor Baker has devoted time to developing relationships with his students. Whether it is job search-related, class-related, bar-related, or personal in nature, Professor Baker is always available as a counselor and confidant. You would be hard pressed to find a member of the student body who has had any interaction with Professor Baker and does not see that he truly cares about the progress of this community.

As for the question of what message is the law school sending, I do not think that we should oversimplify the situation for the purposes of condemning it. “The law school placed an individual on its faculty who recently resigned from the bench under controversy.” It is hard to argue with the fact that this statement opens itself up to negative speculation, especially with no further information on the hiring. But is this really what it has come to? Are we really so worried about what people think outside of our community that we are ready to disregard the details? We should be very hesitant to sit in judgment on this matter or this man, even in the name of protecting our precious reputation, without looking at the whole picture. Furthermore, after three years at this school, I know that Dean Reveley and the rest of the administration would not turn a blind eye to the potential negative effects of any hiring. These individuals are in the best position to gauge public opinion, and more importantly, these individuals have proven themselves repeatedly as zealous advocates for the law school.

This is not intended to simply dismiss anything that happened before Professor Baker came to us. I do not condone deception, especially within the judiciary, and I definitely do not think that “ethics don’t matter.” However, it is not hard to answer the question of why the law school hired Professor Baker when you meet the man. William and Mary has openly placed a priority on bringing the students true teachers; professors who are capable and dedicated to their students in and out of the classroom. I commend the law school for effectively searching for faculty members with this end in mind. It was this goal that brought me to William and Mary, and, more importantly, the school’s success in meeting this goal means that I will support William and Mary now and after graduation.

I completely agree with Brian that we all have a right to know our faculty members, both as students and as alumni. So, I would encourage anyone who has further concerns about this situation to do just that. Take some time and actually get to know Professor Baker. Believe me, it won’t take too long and he will be more than approachable. If after doing so you still doubt the school’s motives or integrity in the hiring, you will at least know that you are passing judgment with some requisite knowledge. However, I think you will see that the law school has demonstrated yet again that the student body is their first priority.

—Justin Hargrove

Justin’s account is one student’s experience, but given the time and opportunity, many other students would feel the need to voice similar sentiments. If Brian’s article were not in this semester’s final installment of The Advocate, you would doubtlessly receive account after account in support of hiring Professor Baker. Without this opportunity, however, many of us would like to voice Justin’s views and concerns. This is in no way intended to be a complete list.


Letter to the Editor:

When we learned Brian Hayes had written an article for The Advocate criticizing the school’s decision to hire Professor Baker, we felt

Continued on pg. 11

Enforcing Human Rights

by David Byassee

On March 29, Professor Madeline Morris of Duke Law School spoke on the difficulties of enforcing human rights internationally. Morris has extensive experience in the field of international criminal law and directs a clinic in international law at Duke. She focused her lecture on crimes of genocide, war and crimes against humanity.

Morris stated that almost all recent cases of such crimes have involved a governmental regime. The international community has been quick to address these situations through coercive diplomacy. Leaders of perpetrating regimes, however, were often indifferent to such measures. The practice of prosecuting leaders who create the context in which such crimes are carried out has since developed. This, Morris believes, leaves much to be desired.

The problem of determining who ought to have jurisdiction to prosecute crimes of genocide, war and crimes against humanity is only the beginning, said Morris. Once a state has jurisdiction to prosecute, how does the rest of the world ensure that a proper trial is conducted? And when international courts are involved, what happens when standards sought to be applied have not been universally agreed upon? And is there really deterrence when so few of such crimes are actually prosecuted? These were just a few of the questions posed by Professor Morris.

Morris’ conclusion seemed to be that the most ready response to crimes of genocide, war and crimes against humanity is humanitarian intervention, i.e., the use of armed force. Yet, popular support and legitimacy for intervention is often hard to come by. Morris’ primary message was that post-conflict response to crimes of genocide, war and crimes against humanity is, alone, insufficient. Although no adequate response has developed as of yet, humanitarian intervention provides a way to minimize the effect of such tragedies and should be resorted to more readily.

Wednesday, April 5, 2005

The Advocate, Student Newspaper of William & Mary Law School
Welcome to the final 2004-05 edition of “Ask a Canadian.” As per the norm, you can expect the regular combination of sarcastic wit and hard-hitting investigative journalism.

What were exams like in Canada?
—Templeton Peck, 1L

Exams in Canada are the same as here in the United States. Everybody gets stressed, and people freak out. We dealt with the stress by playing hockey and building homemade firecrackers—well, at least until we lit the lounge on fire. Then we stopped playing hockey.

Every exam at my college was written in the school gymnasium. They’d bring in a big tarp, put it down and have hundreds of desks and chairs arranged in rows. No one knew where the desks came from because the college didn’t have any. It was like they raided every high school in town overnight and stole their desks and chairs.

My two favorite things about exams were the instructions and the bomb threats. Every year George Wendt’s long lost French brother would read the exam instructions aloud in both of Canada’s official languages: English and French. But the French instructions were ten times as long as the English ones, and my buddies and I swore they gave the French kids all the answers. You laugh but there is no other way that my friend Guy could have graduated. If he wasn’t getting the answers from the Monsieur Wendt, there was no way he was passing an exam. Just for the record, Guy’s reaction to our questions was like Mark McGwire’s to steroids. He’d “refuse to talk about the past” and walk away. I’ll let you draw your own conclusions.

The other great thing about our exams was the bomb threats. Over the three-week exam period, we’d get like four or five bomb threats. Freshman year, they took them seriously, closing down the building and rescheduling all the exams for a different day. By senior year it was clear the university regarded them as little more than a joke. They’d delay the exam for an hour, send in Snuggles, the amazing bomb sniffing dog and declare the building safe. I don’t know why they even bothered to do that much, because as good as Snuggles was, there was no way he could check 10 classrooms, 24 offices, a pool, a gymnasium and 4,000 lockers in less than an hour. He’s good, but not that good.

What is summer like in Canada? Does the snow actually disappear?
—Bosco Albert Baracus, 3L

Well, for starters, I pity the fool that thinks Canada is snow covered year round. Our summers are awesome—we’re in the 80’s and 90’s most of the time, with just enough rain to keep everything green, but not enough to ruin your weekend at the cottage. The Canadian summer is like a butterfly emerging from a cocoon: the winter used to be ugly and disgusting (like the larva-thingy) but as the snows melt, that butterfly kicks off its cocoon and truly revels in its splendid beauty. We live it up in the summer because, unlike those of you who live in the South, we can truly appreciate how valuable it is. It’s like the Yankees and the Red Sox: the Yankees win the World Series all the time, so it becomes commonplace. Oh, yeah, it’s great, but did you see the party in Boston after the Sox won the Series? That’s like Canada in the summer.

Now, before I sign off, I just wanted thank you all for reading my column this semester. I appreciate all of the kind praise and compliments I’ve received; your feedback has made this a joy to write. Have a good summer, and I’ll see you all next year.
The Advocate's Fill-in-the-blank-Octopes

by The Advocate Horoscopes
Staff, edited by Rob Eingurt

The Staff was pondering how to treat the final horoscopes of the year. Some dude suggested we do a recap of the year with a "Best of" list. Nah, too recycled. Someone else suggested we Ask a Canadian for help. Hey, when we need help picking out an Anne Murray album or spelling Hawerchuk we'll ask our arctic colleague. For now, we can handle the horoscopes on our own. The Staff really likes when you all play along, so this week's horoscopes are paying homage to the Staff's favorite Troll Book Club item—Mad Libs. Here's how to play...find a buddy and ask each other to name words corresponding to the clues under each astrological sign. Then, when you have both given all of your answers, fill in the blanks in the accompanying passage. This may fail miserably, but at least we'll go down in a blaze of glory. Have fun!

ARIES (March 21—April 20)
1. Last name (or only name) of a Star Wars or Star Trek character/actor.
2. Celebrity duo
3. Professional field other than Law
4. Adjective
5. Noun

TAURUS (April 20—May 20)
6. Noun
7. Marshall-Wythe professor
8. Verb (past tense)
9. Noun
10. Verb (past tense)

GEMINI (May 21—June 21)
11. Noun
12. Noun
13. Adjective
14. Noun
15. Noun

CANCER (June 22—July 22)
16. Verb
17. Game
18. Liquid
19. Classmate you really like or dislike

LEO (July 23—August 22)
20. Verb
21. Any number
22. A nickname
23. Verb (past tense)
24. Verb

VIRGO (August 23—September 22)
25. Classmate's surname
26. Another Classmate's surname
27. Another Classmate's surname
28. A legal specialty
29. Noun
30. Noun
31. Adjective
32. Noun

LIBRA (September 23—October 22)
33. Verb (active)
34. Noun
35. Part of the body
36. Adjective

SCORPIO (October 23—November 22)
37. Noun from #34
38. Noun
39. Noun
40. Noun from #34 (plural form)

SAGITTARIUS (November 22—December 21)
41. Type of criminal
42. Verb
43. Noun
44. Adjective
45. Adjective
46. Noun
47. Place
48. Number 1-99

CAPRICORN (December 22—January 19)
49. Noun
50. Noun
51. Name of classmate most likely to be disbarred.
52. Adjective
53. Noun
54. Number 1-20

AQUARIUS (January 20—February 18)
55. Noun (plural)
56. Adjective
57. Adjective
58. Adjective
59. Adjective

PISCES (February 19—March 20)
60. Noun
61. Proper noun
62. Noun
63. Exclamation
64. Felony

<table>
<thead>
<tr>
<th>Student's favorite Troll Book Club joke</th>
<th>Classmate's surname</th>
<th>Classmate's first name</th>
<th>Classmate's favorite Troll Book Club joke</th>
</tr>
</thead>
<tbody>
<tr>
<td>I was a student at William &amp; Mary Law School.</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>Of course you now know it as the 2) School of Law and 3) law school.</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>While I was there I was the 4) &amp; 5) they had.</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>My favorite 6) was 7) because they 8) like a 9)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>I think I 10) in all their classes one year. Of course, I had a major 11) on this one 12) who later went on to be chosen 13)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>of the United States Supreme Court</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>I almost had to 16) out of school because I spent all my time playing 17)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>and drinking 18) with 19)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>It really was 20) that I even graduated. My GPA was a 21) 0)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>I guess Dean 22) Revelley 23)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>Eventually I got a job with 25) &amp; 27) practicing 28) law.</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>I made a lot of 29) but spent it all on 30) and 31)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>You'll never believe this but I was almost disbarred for 33)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>We were into 34) in the 35)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>That 36)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>The best case I ever tried involved a 41) who liked to 42) other people's 43)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>I defended him 44) but the 45) got sent to 47) for 48)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>00,000,000 years. Eventually I decided that the life of a lawyer wasn't for me because I wanted to settle down and have a 49)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>So I became a 50) at 51) University, married a 52) and we had 54) puppies.</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>One day, out of the 60)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>the President of the United States of 61)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>I was called and asked if I wanted to be a Federal 62)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>I said 63) Mr. President!! Of course! Unfortunately, during my confirmation they found out about my arrest for 64) and my nomination was defeated.</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>All in all I have to say I have led a/an 65) life.</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>I was 66) of the work I did. Of course, one of the 67) parts was 68) Made.</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
<tr>
<td>There were also all the friends I met in law school—they really meant a lot to me. I would just like 69) my 70)</td>
<td>Levy</td>
<td>Karen</td>
<td>The Staff never goes to law school.</td>
</tr>
</tbody>
</table>
As the “senior” editor on The Advocate this year (a distinction I claim solely by virtue of longevity, since others have done far more to advance the paper than me), I get to pen the final word—for me, at least. As this is likely my last journalistic foray—barring a call from Maureen Dowd tomorrow begging me to become her colleague on the editorial page—I’m going to indulge myself in a little, hopefully not overly maudlin, pre-departure nostalgia.

So, here it is: my mix of warm fuzzies, flaky facetious remarks (I couldn’t resist a couple), and a few genuine articles to chronicle what I think has, in the final analysis, been me to become her colleague on Maureen Dowd tomorrow begging the editorial page—I’m going to when your classmates really were (and never knew how musically talented our day jobs).

1. Karaoke at the Ho’ House. You never knew how musically talented your classmates really were (and others of us should probably keep our day jobs).

2. Tony, my mechanic. Because when I was perilously close to forgetting why I’d come back to school, he told me.

3. Being able to experience all four seasons in the library within the span of a week. The top-flight heating and air-conditioning in the law school is really quite endearing. Every wing, floor, and room has its own distinct climate.

4. The 2nd floor library crew, who weathered the interior elements with good cheer and provided pleasant company on many long nights.

5. Streetlamps that mysteriously turn themselves off when you walk under them.

6. Jeff Aiken. While sitting on one of the picnic benches outside the Gradplex on a sunny early September day in 2002, Jeff told me about his professional dream—to be a schoolteacher. He told me that he was going to pursue it, too; a decision that was effective immediately. I was floored, and a little scared. How could anyone know within two weeks of starting school that lawyering wasn’t for them? In retrospect, I think that was an incredibly courageous move. I hope he found his third-grade classroom, and still admire him for having the guts to do what was really right for him.

7. The Advocate. But I know they’ll write faithfully every two weeks.

8. Betsy.

9. The twin trees across from Seasons that annually shower little yellow fan-shaped leaves all over the top of the hedge beneath.

10. The lady with the hat collection who strides by my front window every weekday morning at five minutes after 8am. I’ve only encountered the “walking club” (composed of 4-5 women who go power-walking) in person once, and they seemed too engrossed in conversation for me to say anything to Hat Lady about her marvelously whimsical pumpkin headgear, but due respect must be paid to such bold fashion decisions. Not everyone can pull off a towering Christmas tree headband.

11. The hanging files. Who’d have thought that an ugly green folder could provoke such a pronounced pattern of Pavlovian behavior (i.e., slavishly running to check its contents before class, long after Legal Skills had ended)?

12. Studying on the bench in Melissa’s Meadow, seeking refuge from the frenzied atmosphere of the library pre-exams, and listening to the happy trill of teenage tennis players and the occasional spirited sparrow.

13. Sitting on the handrail of the pier at College Landing Park.

14. The cashiers at the Richmond Road Food Lion. I have about a 90% batting average when being complimented when I shop there, and I’m not alone. Sure, the produce is sometimes a bit lackluster, but Ukrops is cold, impersonal, and crowded. There’s something to be said for service with a smile (and an ego boost!).

15. The quaint little (but ever-expanding) parking lot, and the increasingly intrepid practices of drivers parking in the former Gradplex entrance.

16. The Cheers-like atmosphere. Everyone here—the faculty, administration, and your fellow students—really does know your name, and they take a genuine interest in you.

17. Williamsburg in the springtime. Williamsburg in the fall. Williamsburg in winter. I know, I’m beginning to sound a bit like the Cole Porter songbook, albeit without the Parisian rhyme, but seriously, this is a fabulous town. (And, no, it’s not just pre-emptive nostalgia talking here. Most places are appealing in their prospectuses. The ‘Burg is appealing all year long.)

18. Colonial “interpreters,” especially the ones that challenge you when you tell them that you’re a law student. ("You mean your brother is reading law with Mr. Wythe, right?" Oh, yes, welcome to 1779….)


20. Walking through the lobby, abuzz with energy, on Monday morning, watching classmates and professors shuttle between classes, and wondering how I landed in such an awe-inspiring, intellectually curious, and dedicated group of people.

21. Law Review. It’s been a long, difficult struggle sometimes (as my tattered and torn Bluebook can attest), but it’s been worth it.

22. DOG Street on a winter evening, ablaze with little white lights.

23. A sunny Saturday morning at the Farmers’ Market.

24. Law school prom (times two!).

25. The wonderful friends I’ve made, and the profound regret that I didn’t make more.

I could go on (and on), but I’m afraid that I’ve run up against the constraints of column space. Suffice it to say, I’ve enjoyed my brief time here and will leave having learned so much more than professional prerequisites.

I hope that you have enjoyed reading The Advocate. (And if you’re sticking around for a year or two, I trust that you will continue to enjoy it—the paper is in highly capable hands.) It has been great fun to write for you.

---

Why Aren’t We Outlining Yet? 10 Reasons

by Nicolas Heiderstadt

10) Still translating cheap, knockoff casebooks from original Bulgarian.

9) Mistaken but persistent belief that ignorance of the law is, in fact, an excuse.

8) Got hungry while reviewing opinions by Justices Frankfurter and Burger. Went for dinner.

7) Unusually large bird landed on head; cannot move.

6) Kidnapped by pirates.

5) Run over by bus.

4) Run over, then kidnapped by pirates on bus.

3) Professional thespians who used to act out our assigned cases hired away by E! for Jackson trial dramatization.

2) Saw own shadow back in February; retreated into hole for six weeks.

1) Regularly become unconscious for hours on end; awake refreshed but no more knowledgeable.
Koko The Lascivious Gorilla

by Rajdeep Singh Jolly and William Y. Durbin

Koko is a famous female gorilla who communicates through sign language and lives at the Gorilla Foundation in California. Several ex-employees of the Gorilla Foundation have filed a lawsuit against the Foundation, alleging unlawful termination, among other things. As reported by the BBC, one of their other allegations is that “[t]hough sign language ... Koko ‘demanded’ [that] plaintiffs remove their clothing and show Koko their breasts.” It is well known that bonobos have a voracious appetite for sex, but Koko?

Being curious, we conducted some research and happened upon a revealing transcript of a Koko web chat, dating back to Earth Day, 1998. In presumed response to a question about whether Koko liked chatting with other people, Koko said “fine nipple.” In presumed response to a question about whether the sign for “foot” means “good” in Kokospeak, Koko deadpanned “nipple.” During one particularly memorable exchange, Koko self-referentially declared: “Koko loves that nipple drink.”

Prima facie, Koko seemed to have an infatuation with nipples; however, upon closer examination, we noticed a clarification by Koko’s mentor: “’Nipple’ rhymes with ‘people’; [Koko] doesn’t sign ‘people’ per se ...” (emphasis added). Given Koko’s propensity for bawdy rhyming, we wonder what her word is for “spectacle.”

Concededly, there are only a few words that rhyme with “people”—“steeple” comes to mind—but “nipple” isn’t one of them. (“[G]overnment of the pipple, by the pipple, and for the pipple, shall not perish from the earth?” That’s absurd.) There are, however, a number of easily communicated words that rhyme with “man,” “man” being synonymous with “people”—“can,” “fan,” “Chevy Astro Van.” If Koko has misgivings about the sexist implications of “man,” she could use communicative gestures for “people” that do not depend on rhymes—one possibility is an upside-down peace sign, which stands for humankind’s upright posture.

We know almost nothing about the plaintiffs’ case, but it might be the case that Koko innocently wanted to see their people. If so, what’s wrong with that? In any case, justice demands that Koko take the stand. Imagine the scene:

Lawyer: Please state your name: Koko: (gestures) Nipple.
Lawyer: Excuse me? Koko: (gestures) Koko loves kittens.
Lawyer: No further questions.


Paul's Deli

761 Scotland St.
Phone: 229-8976

Dinner & Lunch Specials Daily
Monday-Thursday: FREE FRIES with Sub during Lunch
10% Discount for Law Students!

Tuesday Night is Law School Deli Night!
Drink and Appetizer Specials

Delivery from 6PM-1AM
10% off deliveries

★ Best Deli Award: 1989—2003 Virginia Gazette
★ Best Deli—FlatHat
by Jennifer Rinker

The final BLAWG participants of the year really delivered! We have fire juggling, Catholic pilgrimages, Wicca, Ex-Amish rock and roll singing, cousin, voodoo curses, car chases with gangsters, tributes to cats, Sierra Leonian war criminals, tiaa-wearing Debubante Ball Queens, and corrective training victims.

Thanks again to everyone who shared pieces of their lives with us throughout the semester. Who could forget Trey the Sponge Bob watching ex-pro football player; Daniel swimming with the R.O.U.S. in the Amazon River; or Lincoln selling cars by cell phone from a duck blind; or Jen going on a Rick Steves Tour; or Emily's love of Sonic; or Doug never having seen Star Wars? Good times. Good times.

Ian Rally (3L) once spent a week with Sierra Leonian war criminals, one of whom has eluded capture. Rally has his home phone number, but the key question is whether the Sierra Leonian war criminal fugitive has Ian's home phone number. The answer is no. He met the guy while studying International Conflict Resolution in Switzerland in a castle overlooking Lake Geneva. Tough conditions, but I guess if you have to talk to Sierra Leonian war criminals, you might as well do it in an idyllic setting.

Ian was a springboard diver (those kids that do flips and twists) and competed at the state, high school, Junior Olympic, and college levels. He has two NCAA conference titles and was ranked 17th nationally.

Believe it or not, Ian actually repeated the second grade. That said, he skipped fifth and eleventh grades, skipped a year of college, combined a year of college with a year of grad school, and started law school at the ripe age of 19. Although he will have a B.A., M.A., and J.D., by age 22, don't forget he still had to repeat the second grade so he's actually a big failure. © Right.

Random things: Ian was born in India and has two birth certificates—one in Hindi and one from the State Department; he speaks three languages—Spanish, German, English (and can understand Nigerian Pidgin, a skill he acquired from a friend who is a Nigerian Chiefian's son); and one of Ian's close friends is Gandhi's great grandson. Lastly, Ian is a direct descendant of the Great Compromiser Henry Clay who, among a litany of other things Ian rattled off to me at 100 words per minute, wrote the Treaty of Ghent that ended the War of 1812.

Nate Doan (3L) is a regular Forrest Gump. No, NOT the ping pong playing Gump, nor the Lieutenant Dan saving Gump, nor the meeting the President (again) Gump, nor the Bubba Gump, and not even the box of chocolate Gump. Nate's the walks a lot Gump, having hiked 400 miles across Spain for a month-long Camino de Santiago (Path of St. James), an ancient Catholic pilgrimage to Santiago where St. James' bones are kept. Neither Catholic nor ancient (nor a saint?), Nate does like to walk: "I gotta keep these legs in shape," he said. So he just kept walking—keening. In all seriousness, Nate almost died on the pilgrimage, having contracted some random illness that dropped him down to a swelter 130 pounds. Two old ladies took care of him; one was from Canada, and one was from Ireland. The Irish one has since gone the way of Terri Schiavo and the Pope (listed in no particular order)—she died doing the pilgrimage again the following year. Very sad.

Nate was accompanied on the Camino de Santiago by his now ex-Amish cousin who went to Germany for now ex-Amish cousin's friend's wedding, staying at now ex-Amish cousin's friend's Wicca specialty camp for every possible thing she could ever want to do. The missionary explained the fabulous photograph above. And eventually the kids were in the country to beat their curse. The missionary was scraps and a fire extinguisher was given them to hold the paint-holding duty after repeatedly missing the entrance to a barn while carrying two by fours.

At this point, Bret was already convinced that he had been cursed, but the curse was not over yet. Shortly after returning from Haiti, Bret went to Key West and witnessed a number of things even stranger than in Haiti (naked woman walking down the road and randomly screaming at a cab driver; a muzzled dog holding a beer can; and a gang beating up a manager outside of Denny's). Someone from their group yelled some expletive at the gang. Bret and friends ran to their car, but the gang jumped into two Cadillacs and "hot pursuit" ensued. Finally, Bret made it back to Miami. Once safe at home, the curse seemed to have run its course. At any rate, that's why Bret always holds his belt while dancing.

Bret asked that I make sure to use the word juxtaposition, but I didn't really find the opportunity.

Heidi Simen (3L) can juggle fire and knives, and she can EAT fire but wouldn't demonstrate because the fuel for the batons is carcinogenic. I guess she won't expose herself to cancer-causing agents for just anyone.

Her juggling skills were acquired at Circus Camp, proving that there is a specialty camp for every possible thing you would ever want to do. Heidi was first convinced her skill was the trapeze, but became enthralled with juggling instead. Really, no more words can describe the feat. Just view for yourselves the fabulous photograph above. And yes, the backdrop IS the law school patio area, but a fire extinguisher was on hand, carried by brave Myriem Sebron of the Advocate Staff, and Steve Blaiklock of Circulation Desk fame was equipped with a towel for dousing any unfortunate bystanders who might catch an errant ember from the baton. No extinguishing or twirling was required, as Heidi is the consummate fire juggling professional. I personally

1See Mr. Marshall Wythe photo infra

2See http://www.xacebebo.es/xacebe2.asp if you want to know more stuff about St. James.
Ashley Reynolds (1L) provided her own BLA WG.

When I was five I decided that I would be a BRILLIANT idea to fly like Supergirl to my daddy, who was in the basement doing laundry (yes, my dad rocks and does laundry). So I toddle down the stairs and about four stairs up, duck under the railing and jump. I jump, I land in a push up position, I stand up...shake it off and run to see my most favorite person in the whole world. The next day, I was off getting my Catholic School education on and decided to be a big girl and go across the monkey bars. One hand on the bar, next hand on the...OH MY GOSH I AM GOING TO DIE! Apparently my scream of pain woke the entire neighborhood. The weight of my little 5-year-old body put a Mortal Combat-style finishing move on the small fracture that Supergirl had created and turned it into a break. That was broken wrist numero uno.

So 10 years later, Ashley, still tiber­cute Ashley, was about to go somewhere with her daddy. (Do you see a pattern?) I had been in beautiful Roanoke, Virginia but it was warm. So, naturally, I was sporting the fashion of the year...the fake Birkenstock sandal. I decided to run down the steep, sloping hill to my father’s car. I’m running, I’m sliding, I’m falling...on my arm that I broke a mere 5 years ago. Yeah, you guessed it. Same fracture, same spot, but now I got to have an awesome fiberglass cast. Note to the reader: no matter what your family tells you, NO, you cannot go swimming at Virginia Beach with the cast on. True, unlike plaster, the fiberglass won’t instantly melt, but it will be one grody mess later on. The orthopedic doctor never let me live that one down.

In other news, I am addicted to the Fine Living Network, Food Network, and the Travel Channel. I’m in love with Clinton on “What Not To Wear,” I did musicals all through high school, am in the national theater honor society (Alpha Phi Omega, representing!), and I love the band Incubus. I love the beach. I used to be a hard-core cheerleader and was the Debutante Ball Queen of 1999 (yeah, I have a tiara). Oh...and I’m going to see Billy Idol on April 17th.

Brian Hayes (3L) shot and killed a springbok while on Safari in Africa. Although he took great pains to take the head and have it shipped back to the States for stuffing and mounting on his wall, the head vanished. The Heming­way-esque hunt happened on privately owned land, but Brian did have the opportunity to see other animals at a national park reserve, including giraffe, kudu, oryx, impala, elephant, and zebras. When I prompted him to tell me about the non-boring animals he saw, Brian explained “the exciting animals are much more carefully controlled and much harder to see.”

Brian spent six hours strapped to a backboard in California while in the military. Not a basketball backboard but one of those things EMTs put you on if you’ve been in a car accident. The kicker was that Brian was completely fine—top physical condition—and had done nothing wrong except buck the authority of an Observer/Controller, the unlucky victim of what I am dramatically exaggerating to “corrective training” status (not Brian’s characterization, but I am embellishing a little bit).

During one deployment to the National Training Center in the California desert, he was part of the Army Oil Analysis Program that gathered samples from vehicles for maintenance purposes. The NTC is one of the big war games areas, and many of the vehicles requiring AOAP are out “in the box” or the portions of the NTC where all the war games get played. The Observer/Controllers reframe the games and ensure that all protocol is complied with, including wearing the required gear to go “in the box.”

Brian apparently went in the box on the NTC to do the AOAP without the gear. When the Observer/Controller confronted him about it, an argument erupted that concluded with Brian strap­ped to this backboard, in the middle of the desert with no shade and only his driver to talk to. I repeat: No shade in the desert!

Brian’s superior officer eventually backed him up. I can imagine the conversation now:

Observer/Controller: You want answers? Brian’s Superior Officer: I think I’m entitled to them.
Observer/Controller: You want answers?! Brian’s Superior Officer: I want the truth!
Observer/Controller: YOU CAN’T HANDLE THE TRUTH! (dramatic pause)
Observer/Controller continues: Son, we live in a world that has walls. And those walls have to be guarded by men with guns. I have a greater responsibility than you can possibly fathom. You weep for Hayes. You have the luxury of not knowing what I know: That Hayes’ punishment, while tragic, probably saved lives. You don’t want the truth.

Leslie Mansfield (3L) from East Windsor, NJ is a former Penn State cheerleader and has even competed in national competitions (like you see on ESPN). A former competitive gymnast and named the NJ State Champion, Leslie can twist herself into a “human pretzel.” She has broken 14 bones dur­ing her gymnastics training, including her left arm 7 times, her right arm once, both bones in her leg and various fingers and toes. GYMNASICS HURTS.

A self-proclaimed celebrity gossip expert, some of you may know her from the popular online gossip column In the Loop with Leslie. She cannot start her day without reading at least 4 online entertainment/gossip columns and gets “so excited” when her People and Us magazines arrive. Leslie’s dream job would be as a celeb gossip reporter for “E!”

You may also know Leslie as the Worst Driver in the 3L class, an honor she received from her classmat­es for what she refers to as “a few rookie mistakes.” She failed the drivers test the first time she took it, flunking not only parallel parking, which most people do flunk, but also the 3-point (‘K”) turn, the straight reverse, signaling, and at­tention portions of the behind the wheel component. Although she did finally get a driver’s license at the end of her senior year in high school, Leslie had never driven more than 20 miles from her house in NJ until her very first long drive to come to law school.

Even though she still is perfecting her driving skills, I can attest to the fact that she is a damn good Nintendo player.

Wednesday, April 5, 2005

Apparemly my little blurb about the best dog ever has prompted more pet hommage:

If Everyone Had a Toby: Attribute to my cat Toby, the greatest cat ever by Matt White

If everyone had a Toby, the world would be a much better place. If leaders of nations had Tobys, there would be no war. If terrorists had Tobys, they would not want to kill people. If baseball players had Tobys, there would be no more steroid use. If customer service reps had Tobys, there would be no wait times. If I could pick a person that Toby was most like, it would probably be Jesus. Toby, I love you!

Baron
By Justin Hargrove
Baron turned four on the first of March. He’s a golden retriever and the runt of a nine puppy litter. Though his immense intelligence is evident, I chose not to pressure him into learning cheap parlor tricks. Like many geniuses of our time, he is independent and spontaneous. Sometimes I yell come and he does. Other times he doesn’t. Brilliant.

He is an avid rock climber, enjoys diving (learnt it from Ian Ralby), and truly loves riding around with the windows down. I often let him drive, especially when we go muddin’ in the backwoods of Big Stone Gap. Though he has had his wild days in the past, there is really only one butt that he is currently interested in sniffing. At present, he is in a committed relationship with Kelly Jo Gastley’s (3L) dog Sullivan.

3 Adapted from A FEW GOOD MEN, Screenplay by Aaron Sorkin. Note: Of course Brian’s punishment does not rival that of poor Santiago in A FEW GOOD Men. Hey, two BLA WGS using the word Santiago. Amazing. It all comes full circle. Everything is right in the world.