

2001

The Amicus Curiae (Vol. 12, Issue 2)

Repository Citation

"The Amicus Curiae (Vol. 12, Issue 2)" (2001). *Student Newspaper (Amicus, Advocate...)*. 317.
<https://scholarship.law.wm.edu/newspapers/317>

The Amicus Curiae

VOLUME XII, ISSUE TWO

MONDAY, OCTOBER 1, 2001

WILLIAM & MARY SCHOOL OF LAW

Law School Lobby Transformed: Casino Night

By Gary Abbott

"Hit me!" "Fold." "Roll 'em."

This is what you heard all around the law school lobby on Saturday Night, September 15. It was Casino Night, a fun and fund-raising event sponsored by the Public Service Fund (PSF). An annual event for over a decade, Casino Night is the kick-off fundraiser for each school year by PSF. It is popular enough that 1L's, 2L's, 3L's and faculty all mix and mingle, sharing the desire to beat the house and win (play) money.

For the event volunteers, the night started early at 6:00 p.m. There was furniture to move, tables to set up, chairs to unfold, pictures to tape up, chips to sort and cards to mark, or rather separate into full decks. The beer arrived by 7:00, in plenty of time to be iced down for a 9:00 pm opening. The setup was simple and probably familiar to anyone but fresh 1L's: gaming tables all around the nagahyde; chips, pretzels, M&M's and sodas on the library side; beer on the patio; music all around. Attendee packets were ready, each with a freebie Barbri cup, \$2000 in play money, three beer tickets (limited for the good of the public), and a raffle ticket good for real stuff at the end of the night.

Holly Shaver Bryant, President of PSF, was there for the duration. She especially thanked the many volunteers for the fabulous response they gave for one of PSF's first majors event of the year. This year in particular had a cloud hanging over it, being only a few days after the attack on America of September 11th. Holly acknowledged that while timing was something less than ideal, PSF had decided to go ahead with Casino Night. It was not to act as though nothing had happened, but to provide an opportunity for the law school community to lighten their emotional burdens for a little while. It had been a stressful week and it was an opportunity for people to take their minds off of awful events and socialize a bit.

And socialize we did. Over 70 attendees participated in a three-hour relaxation session. Blackjack, Poker, Roulette and Craps were played in earnest. Throughout the night, faculty did their part for the effort. Dean Kaplan was there early, setting the standard for dealing Blackjack, and maintaining a full table for over an hour. Second shift action brought in Professor Moliterno, with the motto "Every Hand's a Winner," and Professor Hynes, in full formal regalia, daring students to play the hand as dealt.

By 10:00 p.m. the place was hopping. The music had mysteriously increased in volume. Seven tables of Blackjack and Poker were dealing fast and furious. Poker players were noticeably more somber and intense, for reasons unknown (like, it's only play money, guys). Craps dice were rolling hard even though only approximately two people actually knew how to play. Something about banging the dice off the back of the table, maybe. Roulette was sporadic, probably because a spinning wheel of numbers can be really confusing after you've used up your beer tickets. Raffle tickets were drawn from 11:30 'til midnight for door prizes that were really useful, like pizza, wine and cheese, and golf outings. At midnight, some party-pooper, probably Holly operating in her responsible mode, turned on the lights and off the music. It was over, people left, and volunteers undid everything that was done six hours earlier.

It was fun. You should have been there.

PSF would like to thank the local businesses who donated prizes for the raffle drawing: Carrot Tree Kitchens and Lodgings, Williamsburg Winery, Ford's Colony, Guiseppe's Italian Café, Hayashi Japanese Restaurant, Outback Steakhouse, The Pottery Wine and Cheese Shop, The Colonial Golf Course, Williamsburg National, Pizzeria Uno, and Manhattan Bagelry.

Inside the Amicus

Paper Chase: Part Two.....	p2	Things I Never Thought I'd Be Called.....	p9
Federalist Society Speaker.....	p3		
Law TV.....	p4	Trading Cards.....	p11
Loose Fish.....	p7		



Professor Moliterno Deals a Winning Hand



Gary Takes His News Research Seriously

Paper Chase: Part Two

By Rebecca Goodgame Ebinger

On Saturday, September 22, the Public Service Fund (PSF) hosted the Paper Chase 5K Run/Walk.

Nineteen members of the law school community, including a professor and two law school spouses, came out to participate in the race. Two four-legged William and Mary Law School supporters ran the race as well. The participants traveled at a variety of speeds, but all enjoyed the day's beautiful weather.

While the race was advertised as a 5K (which is a little over three miles), many of the participants found the course seemed somewhat longer. In fact, it was. Holly Shaver Bryant, Co-Chair of PSF said, "We found out afterwards that the route was actually 4.2 miles. Next time we will have to check a little better, but I think people still had a good time."

The course started at the recreation center on the main campus, followed Campus Drive to Jamestown Road, and then proceeded to Confusion Corner. From there, the runners and walkers traveled down Duke of Gloucester Street to the Old Capital, and then followed the same route back. About nine volunteers were posted along the course, keeping the participants heading in the right direction.

The overall winner of the event was an undergraduate student, Dan Yi. The first to cross the finish line from the law school was Jason Hill, a 1L. Regardless of the speed with which they crossed the finish line, all of the participants will be receiving a commemorative T-shirt.

In years past, PSF has hosted an Ambulance Chase 5K in the spring, but this year the group decided on a fall event. Bryant stated, "We felt that people might be less stressed and more likely to come out for an event early on in the year than one coming at the end of school." PSF may decide to hold the Ambulance Chase in the spring as well, but that has yet to be decided.

The race, which had a \$12 entry fee, raised money for the Public Service Fund. The PSF provides stipends for students who work in public interest fields during the summer.

The next event on PSF's calendar is the LawLawPalooza Law School Variety Show. The variety show is a collaboration between PSF, Phi Delta Pi, and the Student Bar Association and will be held on Saturday, October 6. PSF also runs a gift shop and will soon be selling t-shirts and other law school souvenirs on Tuesdays, Wednesdays, and Thursdays in the law school lobby. As its final event for the semester, PSF is planning its annual Halloween Party for Saturday, October 27.



Students and Faculty Discuss Terrorist Attacks

By Dale O. Mobley

There were twenty-five or so students, visitors, professors, deans and Dean Reveley assembled last Monday to talk about the recent plane crashes. Dean Reiss and Professors Levy and Cao formed a panel to answer questions, especially legal questions. Professor Dwyer moderated.

Dean Reveley opened with a series of comments about his reaction to the event: weariness, an emotional response including a wish to retaliate, a purposeful will of self control towards reasonable thinking, and finally, an optimism that our country would prevail. The elucidation of this last point was the most helpful. He put the event—or the genesis of the event—into the context of earlier specters of threats to the U.S., like the one that forced generations of boys and girls in class to make ready for a bomb drill, "Okay, everybody under their desk." Yet, he noted, the Cold War was won. The Dean suggested that the audience reflect on how unlikely that victory would have seemed before it happened, how unlikely people thought the Berlin Wall would come down before it did, and whether these considerations may influence our thinking now.

The panelists then answered questions from the students on a variety of topics. It was noteworthy to hear Profes-

sor Cao share her perspective of being a Saigon resident during the Tet Offensive, and a neighbor of the World Trade Center for twenty years, and Dean Reiss talk about intending to make appointments in Washington that day, and Professor Levy reflect on the reliability with which civil liberties diminish when this kind of thing happens. Many students participated with their own perspectives, and many were of great interest. As the meeting continued, though, one felt it struggle to keep form and focus, or perhaps just morale. This was not the board meeting of an emerging and hopeful company, but the meeting of a group with many troubles and doubts, having to deal perhaps with things it didn't want to talk about: where is management heading; is this new territory, what are our chances? The meeting ended and the participants gravitated to their own thoughts and pursuits. A reporter recorded names. The audience left the room and the fluorescent lights and the potato head and sound of rain and everything, but perhaps a proposition of whether every doubt and troubled certainty of our prospects for national safety, if lined up and ordered and laid out, brick by brick, would be any stronger than the European wall of concrete and steel, strengthened by the force of every institution, only to have its day in the sun and fall of its own accord.

THE AMICUS CURIAE

William & Mary School of Law

P. O. Box 8795 Williamsburg, Virginia 23187 (757) 221-3582

"Dedicated to the complete and objective reporting of student news and opinion"

Editor: Katie Riley

Managing Editor: Sarah Kinsman

Features Editor: Brooke Heilborn

Calendar/Copy Editor: Deborah Siegal

Business Editor: Brian Miller

Web-Page Editor: Eric Nakano

Layout: Katie Riley

Michael R. Thompson

Brooke Heilborn

Writers:

Gary Abbott

Dennis Callahan

Andrea D'Ambra

Rebecca Ebinger

Tim Emry

Adrienne Griffin

Brooke Heilborn

Suzanna Henshon

Tim Kollas

Robin Mittler

Dale Mobley

Todd Muldrew

Jim Parrett

Char Rieck

Brook Rolka

Seth Rundie

Michael Thompson

Melissa Winn

Editorial Policy

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

Letters to the Editor may not necessarily reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 5 p.m. on the Thursday prior to publication. *The Amicus* will not print a letter without confirmation of the author's name. We may, however, withhold the name on request. Letters over 500 words may be returned to the writer with a request that the letter be edited for the sake of space.

Federalist Society Sponsors Lecture By James Lindgren

By Seth Rundle

Political ideology should not play a role in some endeavors. Medicine, for example. Doctors of the Third Reich were very evil to perform their atrocious experiments on living humans. James Lindgren spoke at Marshall-Wythe on September 26 on the ABA's political bent in the matter of rating presidential judicial nominees. Lindgren professes law at Northwestern University and publishes prolifically. (An overview of his work is posted on Northwestern's website.) His "Examining the American Bar Association's Ratings of Nominees to the U.S. Courts of Appeals for Political Bias, 1989-2000" is forthcoming in the October edition of *Journal of Law and Politics*.

Lindgren took twenty minutes to present his paper and then entertained questions the rest of the hour.

In his statistical study, Lindgren compared the ABA ratings to the nominees' credentials for the 108 U.S. Courts of Appeals nominees who were confirmed during the Bush I and Clinton administrations. The ABA rankings of Well Qualified, Qualified, and Not Qualified are based on integrity, professional competence, and judicial temperament. The Senate takes these ratings into consideration during confirmation hearings.

These qualities of integrity and so on

when asked whether he thought the bias was intentional or malicious. He also noted that Bush minority nominees "Got slammed by the ABA." When asked why he thought the ABA would rate otherwise well-credentialed minorities so low, Lindgren suggested that conservative blacks are not viewed as real blacks, and added that conservative women are not viewed as real women. Thus we see that "diversity" means the "kind of diversity we like."

Ironically, the ABA was created in the 1940s as a means of keeping Truman's leftist nominees off the bench. The swing from right to left occurred at least 30 years ago, Lindgren said, noting that the discrepancy between Carter and Reagan nominee ABA ratings was even sharper. All this seems to justify the current Bush's decision to remove the ABA from the selection process. That decision was undone when the Democratic Party gained control of the Senate this year.

According to Lindgren's web bio, he is a leading scholar in the New Legal Empiricists school. Maybe in the future he will statistically analyze the probability that a president will have a few dozen personal acquaintances die of suicide, murder, and plane crash during his presidency. This has little or nothing to do with legal empiricism, of course, but perhaps at some point in the future it could come up.

STATISTICS OF NOMINEES W/O JUDICIAL EXPERIENCE

	Clinton	Bush
% Getting "Well Qualified" ABA rating with 4 or 5 of proxy credentials	69%	20%
% Getting "Well Qualified" ABA rating with 5 of proxy credentials	60%	13%
% Getting "Well Qualified" ABA rating with only private practice experience	67%	16%

Probability of Clinton nominee with none of 5 credentials getting "Well Qualified" rating 48%

Probability of Bush nominee with all of 5 credentials getting "Well Qualified" rating 32%

are vague, defying statistical computer programs, so a proxy must be had. Lindgren looked at six: whether the nominee was a private practitioner, government lawyer, already a judge, attended a Top 10 law school, made law review, or clerked for a federal judge.

He discovered that a Bush nominee with prior judicial experience had a slightly better chance of receiving the highest rating. If the nominee was not a judge already, however, the ABA's bias kicked in: 17% of Bush nominees without prior bench experience received the highest rating compared to 65% of Clinton's. Nominees without this prior experience, Lindgren noted, received "staggeringly" better ratings if they were nominated by Clinton.

Either the ABA should start policing itself and keeping records so it can eliminate partisan bias, or get out of the selection process, Lindgren said. The ABA requested his data and he complied, turning it over before publication. "They haven't, at least so far, gone after me. I think they had no clue," said Lindgren,

IBRL Sponsors Annual Supreme Court Preview

By Adrienne Griffin

over the entire event.

On September 21-22, constitutional law professors, members of the press, and curious visitors, came from across the country to the annual Supreme Court Preview. This two day conference was sponsored by the Institute of Bill of Rights Law, an organization established in 1982 to "support research and education on the Constitution and Bill of Rights." Each year, the Institute offers the law school and wider legal community the opportunity to participate in this special forum that includes reflection on the Court's previous decisions, speculation about cases that will be heard during the next term, and a moot court presentation of one of those upcoming cases. Panels of experts consider past and upcoming cases in discussions geared toward the different areas of law addressed. While the main focus of the conference is to assist journalists in their coverage of Supreme Court decisions, attendees also include professors of law from William and Mary and other institutions, attorneys who have a special interest in the Supreme Court or who are looking for ways to fulfill their CLE requirements, law students, and members of the local community. While in many ways this year's preview followed the patterns established in previous programs, it was evident that the terrorist attacks of September 11th cast a shadow

According to Melody Nichols, Program Coordinator for the Institute of Bill of Rights Law, one panelist and several attendees decided they would be unable to make the trip to Williamsburg due to the uncertainty of air travel in the wake of the attacks. Additionally, many attendees reported that substantial delays created by heightened airport security prevented them from arriving at the conference on time. Perhaps the most significant and disappointing change from prior years caused by our nation's situation was the absence of the C-SPAN network. Although C-SPAN has traditionally broadcast portions of the preview, the network was unable to send any of its representatives. Instead, C-SPAN required all its Washington based camera crews to remain in the D.C. area in readiness to cover possible military action or other important developments.

Despite the sense that greater issues of national security and personal freedoms had altered the usual atmosphere of the conference, the schedule of events continued as planned. The main event on Friday evening was the moot court argument of *Adarand Constructors, Inc. v. Mineta*, a case the Supreme Court will hear during the upcoming term. The presentation took place in Courtroom 21 and featured Cardozo Law School's John McGinnis arguing for the petitioner and Erwin Chemerinsky of the University of Southern California arguing for the respondent. Nine panelists donned black gowns to perform their roles as justices with Joan Biskupic of *USA Today* serving as the Chief Justice.

The remainder of Friday night's program consisted of two discussion panels. The first considered the legacy of the Supreme Court under Chief Justice William Rehnquist, who has served in that position for the past fifteen years. The last panel for the evening was a review of *Bush v. Gore* and a consideration of its possible implications for the Court. The Preview resumed on Saturday morning with another series of discussion panels that addressed various past cases and ones that will come before the Court in the coming term, organized by the area of law involved. These areas included civil rights, criminal law and procedure, First Amendment, employment law, and business law. A final forum considered issues that seem poised to come before the Court in the near future such as the Microsoft case and the battle over Virginia's "Moment of Silence" law.

While few if any of the cases discussed directly involved terrorism, the threat of additional terrorist attacks on our country and the possible effects of efforts to prevent such attacks provided a distinct undercurrent to many of the panel



Professors Devins and Urbonya and Ms. Biskupic listen to the Moot Court Arguments

See page four for continuation . . .

Premiere Week The New Law Programs

By Brooke Heilborn

The Practice - Sunday, 10 P.M., ABC

We thought that the two-hour premiere was going to be a Gary Condit story spin-off, but were pleasantly surprised. The plot focused on a homicide case involving a senator, but that's where the similarities ended. There were many surprise twists to the storyline that actually kept us interested for the full two hours. Of course, it's always fun to count the ethical violations — for instance, the defense attorney (who, by the way, lives with the prosecutor) tells her client to shower before the police come and then admits this fact to her entire firm. And after just having done our oral arguments for legal skills, we particularly liked the almost-cat fight in the courtroom when the two attorneys are giving their arguments. If we could just distance ourselves a little (i.e., stop shouting, "Hey! Fourth Amendment violation!" every time a search occurs), maybe we'd enjoy the show more. But as it is, we still think *The Practice* remains one of the best law dramas on television.

Family Law - Monday, 10 P.M., CBS

Oh, the melodrama. Just one episode of this show had a foster child running away from home, a child dying of cancer whose father is fighting the FDA to get her medication, and a mother who kills herself and both of her children to keep them away from their abusive father. Oh yeah, and Tony Danza. ("Does he vacuum?" unfortunately, no). The best part of this show, however, came in the form of a particularly obnoxious law school graduate looking for a job. The attorneys, who have already hired their new associate, attempt to blow her off, but when she shows up at the office, she turns out to be handicapped and everyone then feels obliged to interview her. She insults one partner's law school while reciting her own impressive credentials, acts generally rude to everyone, and before walking out threatens an employment discrimination suit if she doesn't get hired. The attorneys are completely at a loss. "She's aggressive, insolent, and overbearing," says one. "Yeah, if we hire her, she'll pay for herself in six months," says a partner. By the end of the show, we still haven't found out what happens. I might have to actually watch next week's episode.

Law and Order - Wednesday, 10 P.M., NBC

This classic series hasn't changed much over the years. The premiere contained all the usual ingredients — a murder, multiple leads, suspects, and dead-ends, and of course, Jerry Orbach. The show does place a lot of focus on the actual investigation as opposed to the trial, but usually that part seems more interesting anyway. Still my choice for favorite law series since *L.A. Law*.

Philly - Tuesday, 10 P.M., ABC

Okay, so I tuned into this one about five minutes late, but I was totally at a loss to see an attorney stepping far beyond the bounds of zealous representation by stripping in the courtroom. The rest of the show contained just as much inflammatory content — cute defense attorneys making deals with the assistant D.A. while hooking up in a conference room, judges who bring Pomeranians and cell phones into the courtroom. No wonder the last scene showed the main character, defense attorney Kathleen McGuire, crying at home after a day's work.

Judging Amy - Tuesday, 10 P.M., CBS

The least lawyerly out of all of these shows — basically, a drama about the life of a woman who happens to be a judge. Although, after watching five law series in three days, that was kind of refreshing.

Supreme Court Preview, from page three:

discussions. This was especially evident during the criminal law and procedure portion of the program. William and Mary's Cynthia Ward began the panel discussion with cases that consider the question of how much privacy citizens may be expected to give up in the interest of security. She focused on Fourth Amendment challenges to searches and seizures in situations involving surveillance and suspicionless stops during road blocks. Joan Biskupic of *USA Today* highlighted cases where the holdings tended to give the government more power to investigate. The panel also raised future issues that may arise from investigations of terrorist activity, such as law enforcement's desire to obtain permission to use roving wire taps and instruments of electronic eavesdropping. One panelist also pointed out that a statute enacted since September 11th allows for the detainment of illegal immigrants for up to forty-eight hours without being charged with a crime as opposed to the historic twenty-four hours.

Intramural Sports Updates...

By Brian Miller

There are about as many ways to confront, combat and cope with tragedy as there are ways to create it in the first place. One of my favorite means of mental diversion has always been some form of athletic competition. Many of us here at the law school, in our attempts to win back the lives we used to live, have chosen to do just that, and what follows is my traditional rundown of all (or most) of what has happened with the law school's various intramural sports teams so far this year.

But before we get to this year's competition, I must salute those who brought home the t-shirts at the end of last year, but who won after our last issue was published. For those of you new to the W&M IM game, that is what we play for, a lone, solitary, easily shrinkable, usually horribly drawn white t-shirt that proclaims to all the world, loudly and proudly, "I was an IM Champion!" The 2 and 3L men of "Public Offenders II" managed to capture the only t-shirts of the spring season that I'm aware of by winning the Men's B C Division outdoor soccer title. An 0-4 season was quickly forgotten after their undefeated run through the playoffs, which culminated in an exciting overtime win in the finals. Congratulations. The Co-rec team of "Public Offenders III" came up one goal shy in their bid for a t-shirt. After rallying back from a 3-0 deficit in the second half, the co-eds lost minutes into sudden-death overtime thanks to a rocket of a shot off the far post which thoroughly beat yours truly. But it was good enough for second place in the Co-rec C Division. The Men's A team of "Public Offenders I"

also came up a goal short of reaching their destiny in the finals when they lost 2-1 in the semi-finals to eventual Men's A winner Lambda Chi to round out the soccer season. Rest assured this talented team will bring home the trophy this coming spring. While I don't have the info in front of me, I also know there were a number of floor hockey teams who successfully competed in the various floor hockey leagues, all to varying degrees of success.

And now onto the fall season. Miles Uhlar (3L) repeated his strong performances from years past by reaching the Men's Finals for singles tennis. We should field some competitive pairings for this weekend's doubles tournament as well. Softball has been the big story though in recent weeks. On top of the heap is the 2L team of "Past Our Prime" who sit atop the Tuesday night Men's A League with a perfect 3-0 record. This squad should have a real shot at the overall title thanks to their strong hitting and fielding. The 3L team of "Penal System," led by captain Doug Levy (3L), turned there season around the other night with a decisive 16-2 thrashing of some frat team in Men's A. The squad lost their first game, at midnight, because only 7 guys showed up. But if this squad can keep up its numbers, it may compete down the stretch with the help of guys like Dennis Schmieder (3L) Char Rieck (3L) and Seth Askins (3L). They currently sit at 1-2. On a less happy note, the other 3L squad of "Public Offenders" is 0-3, after a forfeit for not having enough guys on Sunday, and a close loss with only 7 players for us and 20 players for the other squad. There was also a 30-1 demoralization thrown in there by the "Hershey Squirts" dynasty, but we won't talk about that. I know there is also a number of Co-rec teams out there (at least three that I can think of) but I wasn't able to get any info on how they've been doing, but hopefully we can get you up to speed with the next issue. If you play for any of these teams, just let me know how things are going.

Also on tap for next time is complete coverage of the law school's annual softball tournament. The good news: many of us could be getting some days off from class in the weeks following the tourney. The reason? The faculty has been inspired (or possibly tricked) into putting a team together for this year's beer-drenched battle. If you anticipate the need, be sure to get your stock of pain killers and medical devices before this Saturday night. Also, don't forget to start getting your flag football and indoor soccer teams together for the winter seasons that are fast approaching. And as always, if I forgot something, it's only because I didn't know about it to begin with. If you want to get your name in lights, just e-mail me with any sports related news and I'll make you famous. It's safer than trying to get in as one of the trading cards!

WESTLAW REWARDS.

Earn merchandise – and win prizes – as you find the law on Westlaw.

Thousands of gifts and prizes available!
Three easy ways to EARN and WIN!

1 Earn Frequent User Points.

Automatically earn Points
 when you log onto
 westlaw.com*; try
 Westlaw* features



or participate
 in selected activities.

2 Be an Instant Winner.

When you log off westlaw.com, click the
 WestlawRewards™ Instant Win link*; you
 may find you've won a gift certificate from
 your choice of quality retailers such as
 amazon.com, Eddie Bauer and Starbucks.

Enrollment is easy!

It takes just a minute to enroll in
 WestlawRewards at lawschool.westlaw.com.



WIN IT ON WESTLAW.

Sweepstakes Grand Prize: a 2002 Volkswagen Passat—plus money to pay the taxes!

3 Win the Sweepstakes.

Each time you log onto westlaw.com*, you automatically
 submit a new entry in the WestlawRewards Sweepstakes.
 Prizes include a 2002 Volkswagen Passat, \$10,000 toward
 law school tuition, a laptop and \$2,500 toward BAR/BRI
 Bar Review.

* Frequent-user point accumulation, instant-win plays and sweepstakes entries are each limited to two times per day – and a maximum of seven log-ons/log-offs per week.

No purchase necessary. Sweepstakes and instant win game begins 8/15/01 and ends 3/31/02. Void where prohibited. For details, see official rules at www.westlawrewards.com. Sweepstakes open to legal residents of the United States and Puerto Rico who are 18 or older and law students at an accredited law school.

WESTLAW REWARDS™

Enroll in WestlawRewards today at lawschool.westlaw.com!

Westlaw

WHERE AMERICA FINDS THE LAW.



WEST
GROUP

A THOMSON COMPANY

The Spirit of America

By Melissa Winn

I am a New Yorker. Alright, I'm from New Jersey, but it's so close to the city, and since no one has ever heard of the town I'm actually from, it's just easier to say I'm from New York.

Being from New York means a lot of different things to people. To some, it means that we walk through our day with our head down not making eye contact with strangers. To others it means we talk with an accent all our own, often imitated, never quite duplicated. Some people think that New Yorkers are inherently standoffish. For me, New York means the best shopping, the center of style; a place where you can get whatever you want, whenever you want it. Sushi at 3 a.m. Real celebrities right there on the street like normal people. The best food, the best clubs, the best entertainment. If you can make it there, you can make it anywhere because only the best will withstand the test of time in New York.

New York has a history that's unlike any other city in the world. New York was bought from the Native Americans for pocket change and trinkets. It was the first national capitol. The Manhattan skyline is the most recognizable landscape in the world. It is where our grandparents and great grandparents came through. For

some, their first glimpse of freedom, democracy and the American Way was a woman of green oxidized copper with an inscription that has become synonymous with the ideals American was founded on, and with America herself.

"Give me your tired, your poor,
Your huddled masses yearning to
breathe free,
The wretched refuse of your teeming
shore.
Send these, the homeless, tempest-
tost to me,
I lift my lamp beside the golden door!"

-Emma Lazarus (1849-1887)

But today being an American, especially a New Yorker, means something different. It means that we are a target. We have become the victim of terrorism on a mass scale. As New Yorkers we are usually considered solitary creatures. We are fiercely independent and notoriously confrontational. But today we are different. The streets are quieter, and lined with people all coming together holding American flags. Our faces, which we usually pride ourselves on as being steely and unreadable, are wet with tears.

Not only have New Yorkers come together, but the whole country has united behind us, sharing the pain. Today it

means something to be an American. It no longer matters if we are from New York, New England, the Midwest, the South, or the West Coast. We are all Americans today, more than we have been in recent history, or perhaps ever. However, things have changed, we are not only sad, but angry. We used to welcome visitors with open arms, but now we approach with trepidation and a distrust anyone not American. An innocence has been taken, and the trust and security we once felt is no longer there. That will be missed long after we have come to terms with the new Manhattan skyline, which now looks to me like a familiar face now missing a few teeth.

America has long been considered a melting pot; and if America is the melting pot, New York is the part closest to the flame. But there is a sentiment that goes along with this new insecurity that we'd like to put the lid on the pot, and tell the world that the kitchen is closed.

America is considered a Global Super power, but right now, we have the sympathy and support of the majority of the world. Countries that have been war-torn and poverty-stricken have put their own problems aside and come together to stand beside us. Despite our distrust and the acts of horror we have seen, we have also seen a world-wide compassion. It is necessary that we see this as something there to restore that faith in humanity, or else an important part of the American spirit has been irreparably broken, and they have won.

Moot Court Hears Adarand Constructors, Inc. v. Mineta

By Adrienne Griffin

Adarand is a case that has been before the Supreme Court before in several different forms. Most importantly, in 1995, the Court heard *Adarand Construction's* challenge to the constitutionality of financial incentives offered by the Federal Department of Transportation to government contractors who hire sub-contractors that are socially and economically disadvantaged. The incentives were considered an affirmative action program because businesses owned by ethnic minorities were presumed to be disadvantaged. In a 5-4 decision, the Court subjected affirmative action programs to a stricter standard in its test for constitutionality. Prior to *Adarand*, the Court held statutes said to violate the Equal Protection clause to an intermediate level of review that asked whether the government had an important or substantial interest that would be justified by the program in question. After *Adarand*, the test is one of strict scrutiny and asks whether the government has a compelling interest which the program in question is necessary to support. Since the Court did not decide that all affirmative action programs were unconstitutional automatically, the Clinton administration modified the incentive program so that it might pass the new test.

In the case before the moot court, John McGinnis for *Adarand Constructors* contended that the modified version of the program continues to fail the test of strict scrutiny. The Federal District Court and US Court of Appeals have ruled against Petitioner's claims of equal protection violations. In oral arguments at the moot court, Petitioner conceded that the government may have a compelling interest in promoting businesses that are socially or economically disadvantaged and that discrimination may be a cause of that disadvantage. However, he asserted that the modified program is not sufficiently narrowly tailored in that it still grants a presumption of disadvantage based on race. Apparently non-minority run subcontractors must prove their state of economic or social disadvantage through evidence of their condition. However, when the subcontractor is minority-run, it may elect to

See page eleven for continuation . . .

LAW LAW PALOOZA

THE LAW SCHOOL VARIETY SHOW

SATURDAY, OCTOBER 6, 2001
CAMPUS CENTER LITTLE THEATRE

BROUGHT TO YOU BY:
PDP ♦ SBA ♦ PSF

Loose-Fish: A Triumph of Capitalism

By Dennis Callahan

In the days following the terrorist attack on the World Trade Center, much was made of the fact that the perpetrators chose as their target what Frank Rich of the New York Times called the "commanding edifice of American capitalism." The enemy in President Bush's newly declared "War on Terrorism" will likely turn out to be an ever-morphing ghost, but capitalism itself is an ethereal entity. In this massing battle of ideas, whatever wrongheaded thinking drove the suicide hijackers may have fired the first salvo, but logic dictates that capitalism will ultimately prevail.

The commentators have been piling up the lessons learned from this tragedy. Most have been a variation on the theme of a somnambulant America awakening from a decade-long innocent obliviousness to the possibility of domestic terrorism. The Berlin Wall had fallen, the American Way had won. Lulled by prosperity and smugly encouraged by the growing, inevitable wave of capitalism building in China (of all places!), we were safe in the world we had made. In the commentators' eyes, capitalism had been dealt a mighty blow, its greatest symbol crumbled into a 500,000-ton pile of debris.

I respectfully dissent. Let me count the ways capitalism triumphed in the aftermath of September 11, 2001.

Dateline Memphis, Tennessee: Federal Express, which relies overwhelmingly on its fleet of airplanes to shuttle packages to and from its hub-and-spoke operation here, was subject to the government imposed "groundstop" which idled all air traffic in the United States for three days. In a matter of hours, Federal Express was able to invoke contingency contracts it has with local carriers around the country to triple its ground transport capacity. The flexibility of FedEx to immediately make a wholesale change in its operations is a function of capitalism. These hired trucks had not been in disuse, of course. It is simply that FedEx pays a premium to the individual truck owners and small operators for the ability to summon their services in an instant. Whatever the trucks had been doing in the days before September 11th was, by definition, a lesser-valued use of that resource and our free market immediately adjusted.

The "invisible hand" of the free market is infinitely faster and more dexterous than any centrally planned economy can ever be. This is not hearsay or hyperbole; this is first-hand knowledge. To wit: I sent a FedEx letter at 4 o'clock Tuesday afternoon and it arrived at the recipient's desk in Montgomery, Alabama at noon on Thursday. Not overnight, but not bad.

Dateline Gander, Newfoundland: I was fortunate to pass through this charming town of 10,000 during a cycling trip I took two summers ago. Tucked into the northwest corner of the island, Gander is a veritable metropolis as far as Newfoundland towns are concerned. Designed as a NATO base, Gander's airport today is used primarily by transatlantic carriers whose aircraft are having mechanical difficulties or need to be refueled. When the U.S. prohibited international flights from entering our airspace, little Gander found itself with 65 large airplanes and over 7,000 guests for a few nights. "No problem," said the mayor in a radio report, "we are friendly folks here, and we found a place for everybody to sleep, and plenty of food, too."

I do not mean to suggest that the unfortunate people who find themselves in socialist and communist systems are any less hospitable than free market folks; I am noting that Gander presents a case study of capitalism as the ultimate self-ordering system. Gander's ability to quickly respond to and provide for a 70% population increase is not an anomaly—just like FedEx's quick response, Gander's too is a function of capitalism. We see it, but may not appreciate it, every day in Ye Olde Williamsburg.

Take bagels. The next time you go to Big Apple, think about how that tomato basil bagel came to be. Someone grew the wheat, someone else tomatoes, a third the basil, etc. and innumerable others transported, processed, wholesaled the ingredients. The shop owner identified the demand for a bagel and fancy coffee shop in the neighborhood, rented or bought space, renovated, bought ovens, hired staff.... You get the picture. All of this coordination spontaneously generated by capitalism. If you want a feast of four dozen tomato basil bagels, you can go to Big Apple and buy them without calling ahead.

First, it is a testament to our free market prosperity that even during a downturn in the economy, people across the country would feel secure enough in their finances to walk into a dealership wherever they found themselves and drive away in their new car.

Second, our credit systems are so robust that these travelers, none of whom had ever set foot before in the respective dealerships, could make a major purchase with nothing more than the plastic in their wallets.

Consideration #3 goes back to selection and its ubiquity in a self-ordering market economy. These stranded passengers did not have to settle for a car they would not have otherwise chosen. In small- to mid-size cities across the country, the stranded car buyers could find that wine-colored PT Cruiser with privacy windows or the bronze Cherokee with sport wheels. No other economic system in the history of the world could ever deliver comparable goods on demand.

So, yes, the World Trade Center was a great symbol of capitalism and it is probably not an economically viable option to rebuild it. Symbols are not systems, however, and the vigor of our capitalism was never more evident than in the wake of the attack. If you are looking for a replacement symbol every bit as grand and awe-inspiring as the WTC, I suggest that the next time you visit Big Apple you pause and reflect over your tomato basil bagel.

"Fall From Grace"

The Annual Law School Semi-Formal

Friday, October 19th, 2001

The Holiday Inn 1776
Route 60 Bypass Road

9pm 'til 1am

Tickets still available

Brought to you by the SBA

Need to Know

(a serial novel)

By Michael R. Thompson

PART II - The File

Writing in his blue book, Scott found it difficult to focus on his Torts practice exam. Though the grade did not count, he knew that studying and giving his all would help him in the long run. The long run was not what was on his mind wandering these few minutes before the end of the period. Fragments of the documents he had read a week before kept filtering into his arguments on the exam and instead of finding their way onto the page, were being relegated to that unruly laundry basket of thoughts known as "distractions."

Just a few minutes more, and the test was done. Great. No more class until tomorrow. Time to look at the file again. The few days between then and now had given him little rest. Scott had been running from school to the gym to the library, to work and to bed. Finally presented with the chance to do a little mental digging, Scott made his way back to the graduate complex and up the stairs to his apartment.

Dropping his books on the kitchen table, he took a moment to open a can of soup and retrieve a package of saltines before plopping down in the thinly padded wooden chairs in the dining area. Scott opened the folder and began to do his familiar reading, in hopes of catching something this time that he had not caught in the three or four times he had glossed over the file. Other than the picture of his father, which he now kept in a separate envelope so he would not see it every time he opened the folder, the other documents were stacked and stapled. The first document in the stack was from the Pharmco Corporation, entitled "Flavivirus Japanese Encephalitis Antigenic Complex, West Nile Strain," dated January 6th, 1997. He scanned down the page, to the "Abstract" section, which fell on the first two pages. He read the following:

...subject is transmitted through mosquito bite. Incubation period is 3 to 15 days. One percent of those exposed will become infected. One percent of those infected will become seriously ill. Fifteen percent of those will die. Maximum liability figure is 3900...

...pathogen is deemed suitable target for research and development of a vaccine. Marketability of the vaccine would be virtually assured...

Scott continued reading the report, learning that this "pathogen," the West Nile Virus, was a type of disease agent that caused encephalitis, a swelling and inflammation of the brain. He was familiar with the disease, from the newspapers and TV reports on dead crows and other birds that had contracted the disease. He learned that most humans do not experience any symptoms once infected, and that those who do often think they have the flu.

Wading through the pages of technical language on just exactly how the virus affects its host, Scott flipped to the next document in the file. This was a one page in-house memo from Pharmco Corporation dated June 13th, 1999, with the "To" and "From" lines blacked out with magic marker.

...Phase I of Project Surin to be initiated in New York and Northern Florida...

Scott was puzzled as to the meaning of these two memos, and how his father's suicide could have possibly been linked to the Research and Development efforts of Pharmco. He wondered if something his dad worked on could have possibly been used by Pharmco. After all, you can't develop a vaccine without a good computer system. Scott wracked his brain. Did he remember anything about his father's work? Not really. He always came and left on business trips. Always fixing one thing or another for some big financial firm in Dallas or an HMO in Los Angeles. At least that was what his father had always told him. The fact that his father took so many business trips never really bothered him, except that his dad was rarely home for long.

Grabbing another soda from the refrigerator, Scott took a moment to walk around the room to stretch his legs a bit. Sitting back down, he made sure not to put his soda can on the papers strewn out before him. He picked up the last piece of paper in the file. It appeared to be a resume. His father's picture was on the right, and on the left was the seal of the Federal Bureau of Investigation. What was shocking to him a week ago was now just bewildering. How could a man so close to him have so many secrets? What else had his father kept from him?

Name: Dennis Markham, Special Agent, Special Projects

Qualifications: Expert Rifle
Expert Pistol
Special Weapons Training
M.A. in Computer Science
(Carnegie Mellon)
M.D. (Johns Hopkins)

Languages: English: native
French: native
Spanish: native
Russian: working

Missions: WilliamPaley#1743-ATRK-04
SimonNewcomb#1835-YRCK-01
Joseph Turner ...

The list continued until the final name and number: "John Allen #3964-ZDQL-25." Below that was a long list under the heading "Citations and Awards," and then a note at the end of the page written in pencil: "Call John at Marlene's house."

Scott decided to make some notes this time, and to do a little internet research. Pulling a notebook from his case, he opened to a new page and started jotting down words to use in his search. By the time he got to the end of his first page of questions, he decided that it would be simpler just to walk over to the library and do the research there.

(For a continuation of the story, please see the next issue of the Amicus Curiae.)

One L's -- Still looking for something to add to your resume?

Join Phi Alpha Delta!

upcoming events:

Friday, September 28 -- first "Pony Day" party on law school patio with SBA

Wednesday, October 3rd -- application deadline

**Tuesday, October 9th -- wine and cheese at the Williamsburg Lodge
(details to follow)**

for more information, contact Teah Quinn at tsquin@wm.edu

An Invitation to My World

By Suzanna Henshon

This is my world.

Welcome to this little plot of land
with flowing purple rivers and blue can-
yons.

Look out across the moment.
See the restless mountains and sleeping
unicorns.

This is my world.

See laughter stretching over the horizon
like a rainbow.
Catch the twisting fibers of life in your
outstretched hand.

Try to look beyond the horizon,
this single point in time.

This is my world.

Meet the people beyond borders
with deeper levels of understanding.

Walk from point A to B
feeling your own geometry.

This is my world.

When you look across the horizon,
catch the rhythm and rhyme of matter.

Capture the wisdom and design
of a spider web glistening with dew.

This is my world.

Listen to the falling rain,
patterns of water splashing daffodils.

Lichen on stone,
lily ponds from different angles.

This is my world.

You will only touch it for a moment
seeing what your eyes perceive.

But I will welcome you with open arms
in a thousand different ways.

This is my world.

Swelling and breathing beneath your feet,
stretching out in a million directions at
once.

This is my world.
Please come in.

By Char Rieck

I decided this summer that I was going to try to write for the *Amicus*. I have attempted this before but somehow failed to finish (or some times start) any one of my grand ideas. However, over the summer I discovered a potential purpose for my columns. Being a 3L, I am choosing to seize my last opportunity to be heard in a forum such as this. I have decided to use this opportunity to rant against what I perceive to be the suffocating industry of "pop" culture in this country, and as an alternative, rave in favor of the lesser known, lesser promoted, but far more original contributions to our nation's culture.

However, this is my first column, so I have decided to start out slow. I will save my vocabulary and venom at the amount of attention lavished on N-Sync and the like for another day. Instead, I offer one movie and one album that may provide you with a pleasant distraction from reality.

Memento

The hottest word of mouth movie I can remember since *The Usual Suspects*, this movie received absolutely no promotion as far as I can remember yet should—if I had my way (and I never have)—need a U-haul to carry home its hardware from this year's award ceremonies. A friend of mine saw it early this summer and could not stop talking about it. So, when the movie gods smiled on me and *The Score* sold out as I was waiting in line to see that turkey, I jumped at the opportunity and dragged my friends into the theater. (Thankfully for all of you, it is now on video.) I do not believe this movie can actually have enough good things said about it. So, in case you have not already seen or decided to see it, here is my contribution.

One of the reasons this movie failed to receive proper attention when it was released may be the fact that it features mainly unknowns and several "That Guys." (For those not familiar with the "That Guy" phenomenon, let me explain. A "That Guy" is an actor whose credits are quite extensive. He or she seems to be in just about everything. While a competent actor, he or she suffers from complete lack of name recognition. Hence when you're explaining the movie to friends and they ask who's in it, you reply, "...you know, that guy (or girl) who was in..." I wish I could take credit for the phrase, but alas, it belongs to *espn.com* Page 2's Bill Simmons. I am just borrowing it; I'm sure he won't mind.)

Memento was written and directed by second time writer and director Christopher Nolan and stars Guy Pearce (Lt. Exley in *L.A. Confidential*), Carrie Anne-Moss (Trinity in *The Matrix*), and Joe Pantoliano (Ralph Cifaretto in *The Sopranos*, but more affectionately Francis "the toupee-ed" Frattelli from *Goonies*). While the story of this mystery/thriller would be

interesting and original enough, it is the way Nolan tells it that makes this movie really outstanding. Pearce stars as Leonard Shelby, a former insurance investigator who, after an attack, is left with unique medical condition. Leonard has no short-term memory. He knows who he is and remembers everything leading up to the attack, however, his condition deprives him of the ability to form new memories. He uses a combination of notes, Polaroids, and tattoos in order to go about his daily life, which is primarily dedicated to avenging his wife, who was killed in the attack that left him with his condition. An interesting enough story, but Nolan adds to its effect by telling it backwards. He starts with the conclusion and then reveals to the audience one piece at a time how Leonard arrived there.

Pearce gives one of the greatest performances I have ever seen. Given a character with an over the top condition, he refrains from giving an over the top (read Al Pacino) performance. He is an ordinary man with an extraordinary condition. You get to watch him in his daily routines and struggle making decisions because he is never really sure how he got to that point in the first place. The only things he has to go on are his notes and tattoos. Moss and Pantoliano are also good as Leonard's two closest companions who may or may not be playing with his mind.

Overall, this is a movie that leaves one speechless.

Pete Yorn—*Musicforthemorningafter*.

Jersey born Pete Yorn is already familiar to any of you lucky enough to have had MTV2 this summer or now (last I heard, the Grad Plex had it). In addition to his first single, "Life on a Chain," being in heavy rotation all summer, he headlined the MTV2 tour this summer playing as close by as the 9:30 club in D.C. In addition, I have recently begun to hear "Life on a Chain" on 93.7.

Yorn is a T-shirt and blue jeans guitar playing singer-songwriter whom does not appear to have ever encountered an image consultant. While this album does not exactly contain any anthems of rage, the emotions expressed are as honest and unencumbered as his appearance. The lyrics primarily portray scenes of confusion, romantic frustration and heartache, although there are several notable exceptions. One such exception is "Closet," easily the most controversial song on the album while simultaneously being the most catchy. Hear it once and you will find yourself singing the lyrics.

The tempo of the songs vary from the harder-edged fast paced "For Nancy ('Cos it already is)" to the softer ballad types like "Loose you" and "Just Another." Up tempo, Yorn's sound can best be compared to Matthew Sweet or Paul Westerberg with a better voice. Mellowed out, his sound most resembles The Smiths,

Jeff Buckley (topic for a whole other column I have no doubt), and occasionally Simon and Garfunkle. His melodies are catchy and backed by multiple harmonies and backing rhythms that produce a full sound you can almost feel.

Musicforthemorningafter contains fourteen listed tracks, a bonus track, and multimedia information for those of you who enjoy such things. Its over an hour of music that can be listened to straight through, and is as enjoyable driving as it is reading or studying. An album that is this long and this good is rare and worth a listen. In fact, I bought this CD (new and undamaged) for \$10 at Target a month and a half ago and it has not left my changer since. If you are curious but not yet convinced, check out his website, www.pete.yorn.com.

Final Thoughts

I accept that I am not exactly a journalist and that Rolling Stone will not be sending me solicitations for anything more than subscriptions. I cannot believe anyone will actually read this (and will not believe so until I receive an appropriate amount of flack). I am writing this column for the same reason you may accept my recommendations, as a distraction from reality.


Things I Never Thought I'd Be Called...

By Eric Nakano

I don't want to fly home for the holidays. It's not that I'm worried about terrorism, or the added inconvenience of added airport security. I just don't think I wish to be sitting at the table this year when the potatoes get passed. Like most families, some of the most inflammatory discussions occur around the holiday table. For the most part, I'm used to them. This year is different, because this will be the first time I will be blamed for an act of terrorism.

I don't normally watch Pat Robertson's 700 Club. In my family, this admission is tantamount to heresy. From my perspective there is no point in watching since every visit with my family will include a long and detailed discussion of everything that Pat Robertson and other televangelists have said in my absence. Usually this includes a good deal of time explaining how I am personally responsible for the moral decline of America through my support of civil liberties. I've

See page twelve for continuation . . .



Rewards of Working Smarter

1L's...2L's...3L's

*Full
Law School Tuition!*

AND

\$100

weekly winners from your school!

AND

\$1000

monthly winners from your school!

Enter!

lexisnexis.com/lawschool

Promotion runs September 2 — November 10, 2001

Simply go to the Rewards of Working Smarter banner on the lexisnexis.com/lawschool home page to register for the Promotion. After that, each time you sign on to the LexisNexis™ service for your research projects, you're entered to WIN! (up to 5 entries per week)

For official contest rules, visit our Website at:
lexisnexis.com/lawschool

LexisNexis and the Knowledge Burst logo are trademarks of Reed Elsevier Properties Inc., used under license. It's How You Know is a trademark of LexisNexis, a division of Reed Elsevier Inc. © 2001 LexisNexis, a division of Reed Elsevier Inc. All rights reserved. LA9817-0 0801



LexisNexis™

It's how you know™

Amicus In-Depth Faculty/Staff Interview Questions with Professor Barnard

By Andrea D'Ambra

Peonies

1) What's your favorite word?

Voluptuous

6) What's your least favorite smell?

Cat barf

2) What's your least favorite word?

Barren

7) What other profession would you like to try?

Museum curator – contemporary art

3) What's your most vivid childhood memory?

8) What other profession would you NOT want to try?

Meat packer – see Chapter 8 of *Fast Food Nation*.

When I was seven, a tornado came right up my street in South Euclid, Ohio. Being a curious kid, I ignored all the shouting from inside the house and watched it from my front steps. As it roared up the street, it threw cars and trees right and left (including a big oak through the roof of our house), but I thought it was so cool, nothing or no one could convince me to go back inside until it was over.

4) When you were a child, what did you want to be when you grew up?

Self-supporting. Specifically, I wanted to be like Barbara Stanwick in *Christmas in Connecticut* – a working woman who could afford to buy her own fur coat.

5) What's your favorite smell?

11) If you could talk to one per-

son living or dead, who would it be?

Andy Warhol

12) What's one little known fact about William and Mary School of Law that everyone should know?

Are you kidding? We have no secrets. We believe in full disclosure.

13) If you could appoint the next three Supreme Court justices, who would they be?

David Tatel, Elizabeth Lacy, and Kathleen Sullivan

Now you have a chance to pose a question to the next faculty member to answer this questionnaire....

If you are as smart as we think you are, why aren't you making seven figures somewhere as a lawyer?

*Questions borrowed heavily from Bravo's Inside the Actor's Studio's Bernard Pivot Questionnaire and the National Journal's Media Monitor spotlight questionnaire. A few actually conceived by William and Mary law students.

Moot Court, from page six:

"self-certify" that it has experienced discrimination in order to receive disadvantaged status for the purposes of the program. Petitioner argued that the self-certification option fails strict scrutiny in that it is open to forty-two different ethnic groups and does not require the certifying agent to show that the discrimination brought about any real economic or social disadvantage as related to the business. Adarand asserted that they have lost contracts because the general contractors prefer to use minority-run subcontractors in order to receive a financial incentive from the government.

Erwin Chemerinsky for the Respondent argued that Adarand did not in fact have standing to bring the complaint since the company has not been harmed by the program's implementation. In fact, Adarand Constructor's has been certified as disadvantaged for the purposes of the incentive program. Respondent further asserted that the self-certification process was not too broad to pass strict scrutiny. First, the self-certification option is only available in states where benchmark studies have established discrimination in the contract awarding process. Only eight states have had such studies to date and Colorado (where Adarand is located) is not one of them. Although forty-two groups have been allowed to self-certify, only two, African-Americans and Latino Americans, have actually done so. Additionally, the agent attempting to self-certify will be subject to the same penalties as those for perjury should his or her certifying statements prove false.

After a short recess, the nine "justices" returned to give their verdict. They arrived at an unusual tally of five voting to dismiss, three voting to affirm the decision of the Court of Appeals and one voting to reverse that lower court's decision. Those voting to dismiss expressed significant doubts about Adarand's standing or actual injury sustained. They concluded

See page twelve for continuation . . .

More Clip 'n' Save Marshall-Wythe Trading Cards! Collect them all!!

The halls are full, new 1LS are meeting Client A, and everyone's dropping resume's. It doesn't take long for students to get reacclimated upon returning for Fall Semester. Except these four, who seem to have their own issues to deal with this semester.



What 14th Amendment?



And when I'm Dean...



A lil' more to the right!



My God! I'm Married!

Calendar of Events

THE AMICUS CURIAE
Monday, April 2, 2001

Thursday, October 4th

The PSF Gift Shop

The gift shop has reopened. It is expected to be open on Tuesdays, Wednesdays, and Thursdays around mid-day. If you are interested in volunteering to work the store, please sign up on the PSF Board.

Friday, October 5th

William & Mary Night at Busch Gardens

2p.m. till 10p.m. Call 221-3300 for info.

Saturday, October 6th

LAWLAWPALOOZA

The law schools first variety show will be held at 7:00 p.m. in the Campus Center Little Theater.

Bushrod Mootcourt Tournament

The first rounds of the annual mootcourt tournament will occur on Saturday and Sunday

Monday, October 8th

Town Hall Meeting with Dean Reveley

Meeting will be held in room 127 at 1:00 p.m.

Tuesday, October 9th

America Becoming"

sponsored by IBRL The Institute is co-sponsoring a conference with the Economics Department which deals with race in contemporary America. It will be held in the University Center from 9:00 a.m. to 5:00p.m.

Law School Blood Drive

9:30 to 1:30

Friday, October 12th

Professor Charles Koch Colloquium

Begins at 12:30 in room 239

Monday, October 15 –

Tuesday, October 16th

FALL BREAK

Friday, October 19th

Professor Michael Stein Colloquium

Begins at 12:30 in room 239

Fall From Grace

The annual fall dance will be held at the Holiday Inn 1776, starting at 9:00p.m.

Saturday, October 20th and

Sunday October 21st

Bushrod Tournament

Thursday, October 25

Professor Paul Marcus Colloquium

Begins at 3:00 p.m. in Room 239

"Guerilla Tactics for Getting the Legal Job of Your Dreams"

This seminar sponsored by OCPP will be held from 3:00-5:30p.m. in the Courtroom and Room 119

October 26&27

NAPIL Public Interest Job Fair

At the American University in Washington, DC.

Saturday October 27th

PSF Halloween Party

Please submit your entries for the Amicus Events Calendar to Katie Riley (3L), Deborah Siegel (3L), or the Amicus hanging file. Entries may include activities sponsored by law school organizations, main campus or community events.

Moot Court, from page eleven:

that the Supreme Court should not have agreed to hear the case and that the decision of the Tenth Circuit of the Court of Appeals below would stand. In this, they agreed with the four justices who voted to affirm the Tenth Circuit's decision. The one dissenting judge, Neal Devins of William and Mary, was unsure about the self-certification process and suspected that the inclusion of forty-two groups that may self-certify may indeed be too broad.

Falwell, from page nine:

This year, I will face a heavier dose of blame at the dinner table since Jerry Falwell and Pat Robertson have pointed in my direction the finger of blame for the recent terrorist attacks during the September 13 airing of the 700 Club (a Washington Post article about this can be found at <http://www.washingtonpost.com/wp-dyn/articles/A28620-2001Sep14.html>). In Falwell and Robertson's world, much of the blame for the attacks rests upon the ACLU, People for the American Way, gays and lesbians, pro-choice supporters, pagans, feminists, and the federal court system (referred to

collectively as "Christ-haters"). Although Falwell and Robertson later issued apologies, these apologies were worthy of the slickest politician since they both regret upsetting people with their statements, but never actually retract or apologize for the content of their statements. Nonetheless, even if the two televangelists refrain from saying what they *really* think about this in the future, I doubt that the same diplomacy will apply around my holiday table.

Despite the fact that I dread the prospect of going home because I know much of my family adopts as an immutable truth anything that Pat Robertson says, I can't

bring myself to remain angry with Robertson or Falwell for their statements. Like everyone else, they are trying to make sense of a senseless tragedy, and it is not unexpected that while doing so they have given in to the temptation of blaming their traditional scapegoats. Under times of great stress we all sometimes say things that we probably shouldn't. It is just unfortunate that such divisive words come at a time when people look to their spiritual leaders for greater unity. Thus, in the spirit of unity, I accept their apologies, such as they were, and vow to grit my teeth and smile over the holiday dinner table.

Seth Askins

Seth and Megan got hitched over the summer, a fact which obviously fills Seth with great pride and joy. Or perhaps it's shock and fear, as he tries to control his astonishment at his first toga party as an ol' married guy, being exposed to no longer interesting or attainable bebies of svelte, dewy-eyed, nubile, toga-clad young law students. We look forward to meeting all 7 of his kids at our 25th reunion.

Courtney Malveaux and disembodied arm

Okay, we can rule out John Mauk and Seth, since the arm is not very hirsute. That leaves open almost anyone at the toga party! Emily? Melissa? Jim? Kevin? And just what is the arm doing? Caught in the act, we're pretty sure Courtney was enjoying it, but he'll never tell, until he runs for governor of Virginia and we sell this to the Richmond Times-Dispatch.

Amber Weaver

When I'm dean...Amber's mind wanders off between classes, plotting and scheming the programs she'll institute when she gets the Mercedes E class sedan and the good parking spot. Client F, injured playing hackey sack. Or how about an ABA hackey sack/negotiation competition? Maybe even hackey sack in lieu of those aggravating on-campus interviews. Yeah, that'd be cool...

Kevin Houlihan

Kevin distinctly remembers Prof. Urbonya saying something about some amendment or something, but for the past 6 months he's been trying to find it. Hoping to learn from the guidance of the naugahyde dwellers, he merely ended up buried in the books, trying to figure out where Urbonya was in the outline. Something about substantive - or something...oh, well, he can always get it from BARBRI.