1996

Amicus Curiae (Vol. 7, Issue 4)
Bill of Rights Journal Sponsors Supreme Court Preview

By Melissa August

The Institute of Bill of Rights Law, directed by Professor Paul Manier, sponsored the 1996-97 Supreme Court Preview Conference this past weekend at Marshall-Wythe. The conference began its activities Friday night with a panel on argument based on the case, Clinton v. Jones.

A panel of prominent journalists and law professionals represented the Supreme Court and helped to draw a large audience, as observers packed Courthouse 21 and overflow crowd watched via video in a nearby classroom. William & Mary's own Professor Rodney Sturman presented Clinton, arguing for the delay of all judicial proceedings concerning Paula Jones' sexual harassment charge until Clinton is no longer President of the United States.

Michael Gerhardt, a former W & M Law professor who now serves as Dean at Case Western Reserve University School of Law, took up Paula Jones' side of the debate, arguing to forge ahead with judicial proceedings.

Mr. Sturman, in the first up, expressed confidence from hand to toe. He delivered well-prepared arguments with a firm voice, never faltering under the quick rebuttal of a knowledgeable panel. Sturman's opening arguments centered on the importance of avoiding the President's attention from his duties, the lack that Clinton is seeking immunity but merely a delay. This idea that the President is unique, and putting out the extraordinary spectacle which would result from putting the President of the United States


Law Students Face Parking Problems

Students who are annoyed with the daily overcrowding of the law school parking lots will be happy to know that Auxiliary Services' Parking Office is currently looking into the problem. Unfortunately, selective investigation and administrative nonsense appear to have impeded any definitive resolution of the situation.

Over 70 students have received parking violations at the law school since the beginning of the semester, according to Thomas Morgan, manager of Parking Services. Several students say that they complained after receiving tickets for parking in "Resident" spaces or along the sidewalks in the commuter lot when it was filled to capacity. Although the Parking Policy Handbook states that "no spaces available" is not an acceptable basis for appealing a ticket, this rigid standard overlooks the fact that many parking facilities are isolated from the rest of the campus, thereby prohibiting one from parking in other, perhaps less crowded, student lots.

A parking situation in which students risk receiving tickets every time they park in a non-designated spot ultimately will result in students waiting far open or open and entering unless one or simply skipping the whole scheme altogether. The third time you complain, "I have paid enough checks of money for a permit to park."

Parking Services maintains that NS-0 has no parking problem.

Judge

By Satton Smoak

During the week of October 7, Judge Abner Mikva visited Marshall-Wythe as the Cather Lawrence Fellow. During the week, Judge Mikva visited with students, attended classes, and received a medal from the law school.

Mikva holds the unique position of having served as all three branches of government. He served in the state legislature for five terms,

Mikva's visits are especially interesting regarding how government works, although he did argue that there must be better communication between the courts. Mikva stated that when interpreting legislation, courts currently do not understand comprehensively congressional waffling and misinterpret congressional intent. Conversely, Congress often fails to explain legislation fully, leaving gaps for the courts to fill.

While at the White House, Mikva was the aides employee at 46 years old. He stated that the pace was incredible, often arriving at 8:30 a.m. and leaving at 6:30 p.m. He described the President as a "tactician" and helped to shape legislation. Mikva stated that his role is "one of those rare Areas of Interest." Defining it as a way of expressing our ideology system.
From the Editor's Desk... 

I went to Florida for fall break, where I met a friend who was living with AIDS. He contracted the disease while living in West Hollywood. He reports every night every day of his life. He commented to me that he has lost over thirty pounds. He has lost twenty pounds in the last year just for his medications - all because he must take so many pills that his body is in chemical shape.

I know people who have died of AIDS before. A distant relative. A woman down the street. A friend of a friend. All of them have commented that they were afraid to be treated for their disease because they were afraid it would spread.

Our profession's canons of ethics demand that we represent each of our clients - regardless of whether we agree with them, their politics, their sexuality, or their tastes in red wine. However, outside those walls may appear ignorant, as anyone who has seen Philadephia plus knows, the translation of ideals into practice may not be as smooth.

Would I have a problem if my client was dying of AIDS rather than cancer? No, but it's also be able to defend the corporation that has fired his wife, because he is infected with the AIDS virus? A lawyer should be able to refrain any case in which he cannot reasonably represent the position of his client - but every lawyer also needs to pay his bills and feed his children.

As lawyers, we will be conducted with questions like these every day. Whether we are solo practitioners or general council for IBM, we will eventually be forced to ask ourselves whether we could represent Eddie, or Eddie's employer, in a discrimination suit.

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Journals

By Martin Burnecu

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Review

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Law

Professor Powe ,

By Ramona J.

Speaks

Powe

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Powe

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national symposium on the finan­

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participants discussed federalism

concerns to the

of federal environmental

legislation — the Clean Air Act

(CAA), the recently re-au­

ized Safe Drinking Water Act

(SW A) , and the Clean

Admiss ion Board's Brownfields

The three panel symposium

ended federal

1994. Since then, there has been a

push to return responsibility to

the states for many of the social

and environmental policies

that

have been under federal control

years. Federal environmen­

say that the

Army

Environmental Protection Agency (EPA) officials, environmental lawyers, and a

the symposium address issues of envi­

mental protection and the distribution of power between the

federal government and the

states. The symposium also featured

two keynote addresses: one by

an EPA administrator and the other by

an environmental lawyer.

The symposium was sponsored by

the Pennsylvania State University and

the Environmental Law Institute, and

was co-hosted by the Pennsylvania

Bar Association. The symposium was

held in Harrisburg, Pennsylvania, on

October 5, 1994.
**Dean Jayne Barnard**

**Who Says Lawyers Have to be Boring?**

Everyone knows that lawyers need to be bright and creative, solution of their clients’ needs and feelings, efficient researchers, eloquent advocates, effective negotiators, and sometimes above all good business-getters. Often, two additional very important characteristics of successful lawyers get overlooked: Lawyers need to be good managers of people and other resources, they also need to be entrepreneurs.

This column is about entrepreneurship, how lawyers can develop it, how a law school might foster it, and how law students can practice it right here in Williamsburg.

First, why is entrepreneurship important to practicing lawyers? Well, entrepreneurship means making new things happen. In the law, if lawyers don’t (or can’t) identify and cultivate new legal theories, or identify new classes of potential clients, they will be doing the same old thing (and likely less and less of) throughout their professional lives. Entrepreneurialism fosters personal growth as well as the growth of one’s practice. Entrepreneurialism also (by definition) requires that one exceed effort and be open to risk. Many lawyers find risk-taking a particularly difficult task — many of us became lawyers because we are cautious by nature and, by necessity, we are atten-

dant to rules and precedent.

The very best lawyers, however, are usually willing to try new methods, new technologies, and new approaches in order to give themselves an edge. They do this even though experimentation will inevitably be expensive and uncertain of success.

**Examples:** Twenty years ago, trial lawyers picked their juries based on intuition and stereotype. Then, someone came up with the idea of systematic jury studies and “mock” jury experiments. This requires an initial investment — sometimes substantial — depending on the size of the jury pool. Entrepreneurial lawyers (in this case, plaintiffs’ lawyers working on a contingency fee) utilized, then supported, scholars who they developed consistently fruitful techniques and today, the concept of jury studies and mock juries has become a staple of the trials lawyer’s preparation role. It often can mean the difference between an ineffective argument and that which hits the target with its audience.

Alternative dispute resolution is also an example of lawyers’ entrepreneurialism. As clients increasingly demand commercial dispute resolution, lawyers have sought to provide alternatives for which there is no market.

**PSF Funds in Action**

**The Environmental Protection Agency, Office of Enforcement and Compliance**

This summer, I worked as an intern at the Environmental Protection Agency, Office of Enforcement and Compliance, Toxics and Particulates Division in Washington, D.C. (headquarters) office worked with all the regions to coordinate about 80 EPCKA cases.

The goal was to issue a press release and simultaneously file a large block of EPCKA cases in order to send a message to companies that EPCKA rules are important and are being strongly enforced. I was working to coordinate the cases, I talked with many attorneys in the various regional offices to coordinate information on the individual companies. Working for a large government agency also meant a constant concern of all that the EPA’s policies and guidelines were considered in bringing the cases.

For example, EPA has a small business policy which exempts businesses whose financial abilities are below a certain level from costly compliance statutes. Another concern of the EPA’s regarding the cases was what they call “environmental justice” issues of particular concern in reflecting cases are for low-income neighborhoods located in more heavily industrialized neighborhoods. The large government bureaucracy was also evident in all of the screening and cost agreements based on several different environmental justice cases, which with the more traditional research and memo-writing, normally associated with the EPA work. Anyone interested in the environmental field should look into the EPA as a summer possibility. I helped to coordinate in the Washington.

By Bottino C. Ramon

Famed criminologist Michael Gottfredson visited Marshall-Wythe on October 17 and 18 to discuss criminal trends for the coming decade. Gottfredson concluded that currently available statistics indicate that the United States will see no increase in crime in the near future. He stated that, in order to reduce the crime rate, the country must look at children below the age of ten.

Gottfredson stated that the most important of political candidates regarding the changes in the crime rate are misleading because the variability is trivial and are seeking to do either the Republicans or Democrats. In fact, if one graphs the FBI crime rate over the past 10 years, there has been an increase four-fold, with Virginia being very similar. He added that the United States is not unprecedented nor are the states because we are building prisons to house the elderly and people, and we have changed bail laws.

One problem cited by Gottfredson of the criminal justice system is that the federal government is “looking to the states for solutions and we have been disappointed.’’ He noted that Arizona’s rate of incarceration has increased four-fold, with Virginia being very similar. He added that the United States is not unprecedented nor are the states because we are building prisons to house the elderly and people, and we have changed bail laws.

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Professor Douglas Wins Award for Education Article

Professor Davison Douglas recently received the History of Education Association's prize for the best article dealing with the history of education during the 1995-96 academic year. Douglas' article, published by the Northwest University Law Review in 1994, is entitled "The Phonetic Improvisation: Organizing the Smith Law Review During the Decade After Brown." Professor Douglas, who teaches American Legal History, Contracts, Employment Law, Labor Law, is currently on leave this academic year. Congratulations to Professor Douglas on his award and we all look forward to seeing him back in the 'Burg next year.

PAD Legal Fraternity initiates new members

The Wabash Chapter of Phi Delta Delta initiated fourteen new members on Thursday, October 19, 1994. Newly initiated PADs include: Vatteria Blake (2L); Tiffany Carter (1L); Brandy Copeland (1L); Kimberly Dellas (1L); Kimberly Hackett (2L); Kari Lee (2L); Susan Lewis (1L); Stephanie Long (1L); Scott McBoyle (1L); David Rousam (2L); Tony Smith (2L); Jennifer Tenen (1L), and Melvin Williams (2L).

Post-Tenure Review Committee Evaluates Smolla

The Faculty Status Committee currently is conducting a post-tenure performance review of Professor Rodney Smolla. This normal, periodic process evaluates a professor's contributions to teaching, research, and scholarly work as well as in other areas.

First Years Enter Job Searchings

After waiting the 2L and 3Ls, all students from the selected four-month period, the IL career center employs Friday. The Office of Career Planning is looking to new law students who can be employed in any of the five job search simulations. All ILs who plan to use OPP's services this year should plan to attend this session.

Custodian 21 Announces New Staff

The following year-students have been added to the Custodian 21 project staff: Jennifer Allar, Chad Jackson, Tom Christiansen, and Sean Ferris. A few die-hard fans of blackjack and craps (both of the residents of Las Vegas) who volunteered for this year's Casino Night in the Student Union. Although they insisted that "all permit" parking would be available for all drivers with parking decals has been leased to a contractor for the design and construction of the new parking garage.

The entire parking situation has added another layer of hassle to the already stress-filled lives of many law students. After having accumulated many parking fines for parking along curbs when the lots were full, this state of affairs appeared to have been rectified. Unfortunately, that was not the case.

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The truth is stranger than fiction

By Alison Romanstang

A Court After My Own Heart

The Texas Supreme Court has prepared a follow-up case on an application to the court for writ of error. Members of the Texas appellate bar are aware of the change from the previous fifty-page limit. Declaring that the assumptions of the justices should read the entire brief, no matter how long it might be. The Court has expanded the page limit for the case selection process so it can receive more attention on cases that actually come before it.

Do This, Don't Do That, Can't

Maybe Not Cruel, but Definitely Un-

By Jerry Burkhart of Riverside, California, denied a deaf defendant’s request for a jury which is fluent in sign language.

The Supreme Court of Pennsylvania recently decided a case involving the custody of a prison defendant. The defendant, who is a deaf person, requested a jury that is fluent in sign language. The court denied the request, stating that the defendant's right to a fair trial was not compromised by the lack of a sign language interpreter.

SBA Update

Fall From Grace Recap

By Meredith Long

The Student Bar Association hosted the social event of the fall semester, Fall From Grace, on Friday, October 18. Touted as a must-see event for the season, the evening was filled with music, appetizers, and refreshments. The event was designed to bring together law students and faculty from various schools in the region.

Amicus office hours will Tuesday, October 25 from 12:30 until 2:30.

Deadline for the next issue of the Amicus is noon on November 6.

Opportunity To Shuck And Jive In Urbana

By Ian Simmons

I recently took a trip to Urbana, Illinois, a small town in the middle of the University of Illinois campus. The town is known for its historic downtown area, which is home to many interesting shops and restaurants. One of the highlights of the trip was a visit to the local seafood restaurant, where I had the opportunity to try some freshly shucked oysters.

Dinner And A Movie: Italian Cuisine In Richmond

By Ian Simmons

Nestled in the heart of downtown Richmond, the restaurant offers a unique dining experience with a menu that features the best of Italian cuisine. From classic pasta dishes to innovative and creative options, there is something for every palate.

Postscript in the parade will be the Festival Queen, Little Miss Grace of 1996, and the Festival Queen, Little Miss Grace of 1997. The parade will also feature young dancers from the local community, as well as floats, bands, and local civic groups.

The parade starts at 10:00 AM, and it is a spectacular event that attracts people from all over the region. The parade route is approximately 2 miles long and takes place in downtown Richmond.

The parade is a favorite event for many people in the area, and it is a great opportunity for residents and visitors to come together and enjoy the festivities. Whether you are a resident or a visitor, the parade is sure to be a memorable experience.
Undecided Voters Will Put The Right Man In The White House

Michael Coe

Robert J. Dole will be our next President. Let me explain why.

First, the polling data supports Dole's elevation. Recent presidential polls seem to indicate that incumbent Bill Clinton will push his challenger by 10-20 percent on November 5. However, even in this campaign season, pollsters have noted a record number of undecided voters, ranging between the upper twenty to lower thirty percent. Common practice is to push these polls into a decision. Historically, undecided voters will respond to pollsters' pressure by favoring the incumbent, but will ultimately vote for the challenger.

Second, Bob Dole is in sync with the national mood. Americans want smaller, effective, fiscally responsible government. Dole opposed the superrich Clinton nationalized health care plan. He supported the 'Contract with America' which focused, hereby him, by 70-80 percent of Americans. (In fact, Clinton bragged about the passage of seven items in its acceptance speech.) Time and again, Dole, too, his, Midwestern, man, by supporting fiscally responsible, limited government measures.

Third, Bob Dole is right on the issues. For example, consider issues and Clinton's redefinition of education, environment, Medicare, and Medicaid. Dole believes that government consumes too much of our national resources and has proposed a 15 percent cut. He wants to return money to taxpayers and empower the private sector by cutting the bureaucracy. Clinton, however, is correct - we should only have a tax cut large enough to add up to a small piece of tax relief for the wealthy.

Alas, you speaking of the "T-word." Taxes and tax cuts, the definition of the yee-yah relationship. Americans hate taxes, hate the people who collect them, hate the way the government goes about it, and hate the politicians who carry it. But promise the American people a tax cut and it's fighting to look a lot like Christianity. Americans may finally be figuring out why they should have known all along there will be no tax cut.

Potential tax cuts will do little to solve the problems facing our economy. We can argue all day about what is appropriate TV for children or for violence in movies. After all, one man's "Grocery Store is another man's "Terms of Endearment." If we are really talking about what makes it easier for people to live their lives and raise their children, President Clinton stands unarmed to vote. It was this administration and a Democrat controlled Congress that passed the Family Leave Act allowing parents to spend more time with their families, without the threat of being fired for it. This strengthens the family, yet Bob "Free Line is a Family movie." Dole did not support the Act and would not support it now. America is facing a growing problem of middle in­
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... The President has been the voice of compromise and moderation on these important issues facing the Nation. Ask yourself... what would [President] Bob Dole have done?

Christian Mastondrea

Oh, it is a sad stage of this point but, what the hay, this has been the most tiring election year ever. Four years ago, an American citizen, we have the right to make a choice between two, or even three, candidates and hope that the one that least offends us wins. God, you have to love politics.

Mothers, don't leave your babies un­tended for the final two weeks of this "NoQuilt" like campaign. Things should not come at the expense of our children. Let me explain why.

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Abby, you speaking of the "T-word." Taxes and tax cuts, the definition of the yee-yah relationship. Americans hate taxes, hate the people who collect them, hate the way the government goes about it, and hate the politicians who carry it. But promise the American people a tax cut and it's fighting to look a lot like Christianity. Americans may finally be figuring out why they should have known all along there will be no tax cut.

Potential tax cuts will do little to solve the problems facing our economy. We can argue all day about what is appropriate TV for children or for violence in movies. After all, one man's "Grocery Store is another man's "Terms of Endearment." If we are really talking about what makes it easier for people to live their lives and raise their children, President Clinton stands unarmed to vote. It was this administration and a Democrat controlled Congress that passed the Family Leave Act allowing parents to spend more time with their families, without the threat of being fired for it. This strengthens the family, yet Bob "Free Line is a Family movie." Dole did not support the Act and would not support it now. America is facing a growing problem of middle in­crease poor children finding affordable day care for their children. What would President Dole do? Another voucher idea that will give up a small so small as to be really useful as a small piece of tax relief for the wealthy.

"Dole is known for his integrity, his moderation, and his distinguished record of public service... Dole is a known quantity. Dole is right on the issues, he's trusted, and he know how to make things happen."

"Dole is known for his integrity, his moderation, and his distinguished record of public service... Dole is a known quantity. Dole is right on the issues, he's trusted, and he know how to make things happen."
Barndard Offers Advice For Rewarding Legal Career

Kathryn Lamothe

"He y — Helping Cycle of Homelessness and how to prepare for an existence in the environmental field, a city, or even a small town. In case, what career opportunities just not that simple. Help is hard heard that as we walked through D.C., without being asked to spare our minds, we all know that it's frustrating — but, in the end, worth the effort and cost. Every student in this law school has an entrepreneurial idea festering somewhere in her soul. My message is roughly the same in Nike's — Just Pursue It.

PSF Recipients Defend The Homeless And The Environment

Professor Lynda Butler and students on the Environmental Law & Policy Review created and went out and found the money for the Environmental Federation Conference, LSIC created the Children's Fair (which I hope has now become an annual event). Peta Klemmack scavenged up the materials for the winter/sunshine lounge in the library, and, of course, Professor Fred Lederer continues to be the exemplar of entrepreneurialism as he builds up the resources of the Community of the 21st Century. All of these are new projects, each of them has enriched the law school, and each of them has required some effort and risk-taking.

From these examples, it is evident that the law school doesn't always reward a system to stimulate the creation of new and good ideas. In fact, however, we have one. First, it is very simple for interested students to create a new student organization. There are no fees or bureaucratic hurdles.

All we ask is that students register the name of the organization with Gloria Todd, together with the name of a student representative, so we can find you, share your ideas, and be supportive of student groups and student projects. This doesn't always mean money, but may mean other resources, including knowledgeable experts and access to program materials.

The core of entrepreneurship, however, is not usually found in institutional forms of support. It is found within individuals who see an opportunity to provide some new product or service and who recognize that pursuing that idea may be challenging — often frustrating — but, in the end, worth the effort and cost.

Every student in this law school has an entrepreneurial idea festering somewhere in her soul. My message is roughly the same in Nike's — Just Pursue It.
From what I understand, I'm getting married next May. I've discovered that planning the wedding, as you married or engaged folks will know, can reveal some... skirmishes in perspective between you and your future spouse. Actually, our wedding plans have been progressing in a remarkably smooth fashion. Then again, I wouldn't really know what I've been responsible for anything. "What the hell do I know about bouquet(s)?" or "What the hell do I know about chafing dishes?" have been my rationales throughout the planning process.

Although most of the preparations seem to be in place, my fiancee and I have had some minor differences of opinion on specific facets of the wedding. Some of our differences in perspective are summarized in the accompanying chart.

<table>
<thead>
<tr>
<th>WEDDING COMPARISON CHART</th>
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<tr>
<td><strong>ISSUE</strong></td>
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<tr>
<td>Wedding ceremony to use as a model</td>
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<tr>
<td>Guest list</td>
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<tr>
<td>Content of wedding service</td>
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<tr>
<td>Length of wedding service</td>
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<tr>
<td>Appropriate introduction to wedding ceremony</td>
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</tbody>
</table>
| Exchange of vows | Priest: "Do you, Christopher, take this woman, Julie, to be your lawfully wedded wife... till death do you part?" | Priest: "Do you want to marry this tiny young thing?" Me: "You bet your ass I do!"

Theme for bridesmaids' dresses
Simple, understated elegance with a hint of postmodern urban chic
Clavage

Entertainment for reception
Chic jazz or swing ensemble
ABBA (or, in the alternative, the ABBA cover band Bjorn Again)

Song for bride and groom's first dance
"Fly Me to the Moon," by Frank Sinatra, or "Unforgettable," by Natalie Cole
"I Touch Myself," by the Divinyls, or "Bring the Noise," by Public Enemy

Gifts that we'd like to receive
The finest crystal and china, along with practical items such as a bread maker and a cappuccino machine
A big-ass TV, along with practical items such as new golf clubs for me and Madden Football '97 (CD-ROM version)

Perceived cost of the wedding
A few thousand dollars
Approximately the gross national product of Colombia, including cocaine production

Surprisingly, my future spouse and I have been able to reconcile our differences on the issues listed above. If I've learned one thing, though, it's this: whatever folks like Franc Eggelhoffer and his Special Executive Assistant Howard Weinstein charge for their services, it's worth it. Just remember that it's not a good idea to wear a blue Armani tuxedo, no matter what type of wedding you have.

OYSTERS from 6 local oyster farmers like Kiwanis' on the half-shell and the Lion's club oyster fritters. For landlubbers, there's plenty of ham and biscuits. In addition to the great food, there will be about 80 different vendors selling things like wood carvings, stained glass driss, and jewelry. The prices are much lower than at similar events in Norfolk and Virginia Beach. For kids there is a petting zoo and pony rides as well as colorful and friendly clowns. If your commemorative juices are flowing, why not enter the Oyster Stacking contest at 10:00 a.m. Saturday? I hear the competition is pretty stiff. Though the winner is declared Virginian champion and represents Virginia in the National Oyster Shucking Championship, it's easy to get to Urbana. Take I-64 west to Route 23 until West Patrick. Follow Route 33 until you get to Suffolk where you take Highway 17 north to Urbana. Be careful driving through Eltham — their speed limit is vigorously enforced. I'll buy a fine beer for anyone who comes up to me at the festival and shouts, "AMERICAN RULZ!!!" The Oyster Festival is guaranteed to be a great time.
Federalism Symposium Tackles Difficult Issues

Fourth Circuit's Which Split the Agency's Disapproval of the SIP. At the time of the symposium, Virginia had approximately six more days to appeal the decision and file for a writ of certiorari with the U.S. Supreme Court.

David Kaplan, Senior Attorney in the Environment and Natural Resources Division of the U.S. Department of Justice, argued the EPA's position in Common-wealth v. Brown. To the Fourth Circuit and introduced the federalism concerns involving the CAA. Kay Slaughter, an attorney with the Southern Environment Law Center, discussed her symposium, Virginia had approximately 10 persons demonstrating a potential injury to challenge a state permit.

On the other side of the debate, David Thompson, an associate with Cooper & Carvin in Washington, D.C., attacked EPA's authority under the CAA. Thompson argued that the Founders established a federal government with very limited powers and focused on the Constitution's commitment to delegation over environment-mentalism. While Congress has broad powers under the Commerce Clause, he saw little connection between air quality and the Commerce Clause and equated EPA's authority under the CAA to "environmental restructuring." According to Thompson, the federal government of Virginia as a false choice: it can issue substantial environmental laws on federal property. A threshold determination of whether a project would create a "significant" environmental impact must be made, however, before the full range of public participation is allowed in a federal permit process.

Professor Linda Butler moderated the Safe Drinking Water Act (SDWA) panel which addressed the 1996 Amendments to the Act and combined congressional and EPA efforts to increase the safety of the Nation's drinking water. William E. Cox, Professor of Civil Engineering at Virginia Polytechnic Institute and State University, began the panel by summarizing the emerging trends and changes in the evolution of the SDWA. He identified the increased emphasis on intergovernmental relations in management of drinking water quality as an important trend for federalism concerns. The 1996 amendments to the SDWA demonstrate a "cooperative federalism" according to Cox. The federal role is to set national standards for water quality and the overall requirements and policies for drinking water protection, while the states are given the responsibility of determining the day-to-day implementa-tion of those standards and policies. The 1996 amendments established a revolving loan fund to aid local governments, the most common water supplier, in adminis-tering the SDWA. More importantly, Congress increased the level of authorized spending for the SDWA which indi-cates a significant federal commitment to protecting drinking water. Finally, more discretionary authority at the state level promotes flexibility for local water suppli-ers.

Larry Land, the Director of Policy Development for the Virginia Association of Counties, voiced the concerns of local governments about unfunded federal mandates. Local governments had been very interested in the SDWA re-authorization and most have responded positively to the Act as amended. Now the concerns for Virginia localities is whether
Monday, October 28, 1996 THE AMERICA CAUCUS

CLINTON from 7

the government would have to bar another 15 percent. What's next on the
clock: Social Security?

President Clinton has worked tirelessly to prevent criminals from getting assault
rifles. I am only liberal to admit this, but I was a member of the NRA until last
year. The President stood up to an organ-
ization that believes that cop killer bul-
da gun. This is good common sence, hunt-
protection of their familie .
purchasing the gun is a felon.

I don't buy from the NRA

.. _--------_

SYNPOSCE from 10
the General Assembly willadvo-
ciate an adequate state share of
matching funds to take full ad-
nantage of federal financial assis-
tance.

An enthusiastic of the fed-
eral perspective, Phillip C.
Mangone, Chief Policy Counsel
in the Office of Water at EPA
said that the SDWA 1996 amend-
ments promulgate a "national fed-
eralism." It appears to be a
non-negotiable standards for drinking
water because "all Americans
protect safe drinking water.

Support from the SDWA addressed
the problems of unnecessary risk
assessments. Turkevich noted an
increase in the number of cases in
implementing drinking water
protection programs.

Professor Ronald Buzbee
modeled the final panel which
opened the symposium Adminis-
tration Introduced in January 1997 to promote the re-
development of industrial prop-
erties known as Brownfields. The

EPA defines Brownfields as "abandoned, closed or under-utilized industrial and commercial prop-
erties where expansion or rede-
development is complicated by real
or perceived environmental con-
tamination." EPA Principal
Deputy assistant administrator
Timothy Fields described the
agency's efforts to encourage
persons to buy and sell contami-
nated property through removing sites
from the superfund list of poten-
tially contaminated sites. One
federal redevelopment incentive is EPA's guidance on proce-
sure to purchase agreements which
seek to eliminate problems of reten-
tive liability for purchasers of con-
taminated sites. Seventy-six EPA pilot grants of
$200,000 each have also been awarded to state and localities for
protection of environmental
Montgomery and redevelopment.

As background for his talk,
Professor Robert Abrams of
Virginia State University School
of Law displayed slide images of
Brownfields in Detroit, Michi-
gan. For those who thought that
they never saw a brownfield, they
might have been surprised to
realize that the abandoned lots
they've seen in inner-cities are
actually in Brownfields. Profes-
or Abrams initially questioned the
chances for successful rede-
velopment of contaminated in-
near-city properties because of
the relatively high costs associated
with such redevelopment. As a
compromise, Abrams suggested to
"work with the much less expen-
sive development of Greenfields;

.. _--------_

More Clip 'r Save Marshall-Wythe Trading Cards! Collect them allll!
This week: The Dealers of Marshall-Wythe . . .

Dean K
Jim Scott
Francine Friedman
John Osborne
Cynical Guy Sounds Off...

Well, Grosguler built out on me again. He said he had more important "things to attend to" (without explaining what that meant) than helping law students. Hey, he's a dog, and entitled to his own opinions whether we agree with him or not. The more I think about it though, the more I think this isn't true. From an outside point of view, the lives of law school students must not be pretty right now, though I couldn't get him to write a column this week; I did get him to tell me what he meant.

"Well," he said, "I don't know what goes on when you're actually at school (truth be told, neither do most of us), but when you're at home, you're a nut."

"What do you mean?" I naively asked.

"Oh come on, you come home mumbling about meaningless junk in Latin, making no sense at all, and furiously flipping through books that you never seem to understand!"

"That's the last time," I philosophically replied.

"Remind me never to hire you." (I think he was being sarcastic.)

"Hey, try to keep in mind who finds you every day," I countered. "Every day nothing. I'm lucky if you remember twice a week, and twice a month.

"In the past year you've looked yourself in the mirror to prepare for exams. Never once."

"You never specified the size of the drink.

"You're definitely going into the right profession."

"O.K. So I don't give you a lot of attention and maybe I give a little overboard on the boomer, but what is so crazy about that?" I asked, again trying to steer the conversation away from these damaging conclusions (O.K., truths).

"Well, for one thing, you argue all the time..."

"That's one of the biggest things that worries you?" I replied, feeling confident that I had him on this one.

"You argue with yourself.

"It's good practice."

"I mean seriously, you're so hung over on Fridays, Saturday, and Sunday mornings that last your room for two weeks at a time. Emergency.

"You know how I hate that?"

"I know how much cash intimidated Francine who continuously proclaims her inability to fetch Advil. "

"You don't drink that much."

"You think that's the last mosquito that got some of your blood.

You don't always win."

Oopps. What followed is, to say the least, unprintable, but it involved a lot of yelling, some cursing, and ended with a quick bite to the leg. I didn't feel I had too much to hard though, and he got me back the next day by chewing up one shoe out of each pair I own.

This discussion with Grosguler really shows how different, and difficult, law students must be to understand, not to mention live with. I really feel for Grosguler. He is a dog. However, yelling, never makes me feel better (or at all right, doesn't ask whose lipstick is on my shirt or how much I have had to drink. He gave me unconditional love. He always greets me at the door when I get home with a wagging tail, hopeful eyes, and that adorable Golden Retriever smile. He brings the ball back every time I throw it and he tries to rub it too much. As much as I can be neglected and forgotten during law school, he is still there and still happy to have me around. That makes me feel a little guilty, but I think Grosguler is a dog... who else would ever put up with this?

Technology

By Allison Rosenberg

Being buried under the mid-term workload, I'm sure the rest of you are, and not wanting to think about finals yet, as I'm sure none of you do, I decided to postpone writing about exam guidelines, outlines, and study resources. Check out some of the web pages sponsored by your favorite bar association, law school, education, and even the ADA Store are linked to the ADA's home page. Check out the extensive list of legal resources online under LAWiin' (http://www.texts.com). Customer Service is available via the web page, but you need to establish a user name (you can use "the Concat" button on the home bar or subscribe to texts.com (http://www.texts.com).)

American Bar Association (http://www.abanet.org). Directory of legal information, events, membership information, and general course overview.


TRADING CARDS: The Deeds of Marshall-Wythe...

John Osborne

A fourth year law student who claims on a post-degrees level to have himself as the "most hellion person in the law school." I'm sure he is correct, unless you are looking at my future. My future by becoming a dealer who has earned himself the nickname "John Brightened were the bank balances of the players of his habitation.

Francine Friedman

Allegedly a full-fledged "VIRGINian" and the original justification for his preferred " precautionary" title, Francine has continually sought to make herself as the "most hellion person in the law school." I'm sure she is correct, unless you are looking at my future. She has been known to have her title taken by other "females" by becoming a dealer who has earned herself the nickname "John Brightened were the bank balances of the players of his habitation.

Jim Scott

A fashion statement good throughout the ages, Jim looked rathering in his Arctic Express active by the former Scott paid. Active on the "right" side of local politics. Jim seemed more than comfortable denying charitable donations of chips to the less successful players at his table, often lamenting about the rate such less successful players have played in dividing our country to the Democrats.

Dean K

The Dean entered the evening's festivities wholly prepared to lose his shirt at the annual "gambling night" but was met with an unprintable, but it involved a lot of yelling, some cursing, and ended with a quick bite to the leg. I didn't feel I had too much to hard though, and he got me back the next day by chewing up one shoe out of each pair I own.

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Music for the Masses
New Nirvana Music Proves Cobain Gone, Not Forgotten

By Dee Sange

A few weeks ago my roommates and I were watching TV and surfing, and she flipped onto MTV just in time to see the room. Head, she tried to rush past. The rythmn "Singled Out." We then launched into a discussion of the band, and then went onto suicide and all the other things one ends up talking about when discussing Nirvana.

There was a point to this anecdote, but I lost it somewhere. Oh yeah, everyone likes Nirvana. Nirvana was definitely a good band. They formalized the fall of the '80s glam era, knocked Michael Jackson (and Garth Brooks) off the top of the Billboard charts, and brought the underground to light in "Dumb." The music (or anything else) is almost ridiculously slim. (These songs sound the same as much as 'The White Stripes' sound like 'The White Stripes'.) Six of the 17 songs here have videos of one form or another, all of the songs have been previously released. I know at least 3 songs that have been released elsewhere that are not available on any domestic album; those are completely absent.

Even worse, the tapes used for the mastering are pathetic. I have bootlegs of some of the shows from which the tracks were taken, and the bootlegs are better.

Students Speak On Honor Code Issue

The upcoming Black Crowes and Smashing Pumpkins shows should be worth­­while. All tickets can be purchased by charge at (804) 663-0395, the Miller Concert Line at (804) 662-3619, or the Cellar Door at (804) 662-6379, or the Cellar Door Concert Line at (804) 662-7629.

Here is a calendar of upcoming shows:

Sun., Nov. 3: The Room @ The Boathouse
Sun., Nov. 3: The Roots @ The Boathouse
Sun., Nov. 3: Crash Test Dummies @ The Boathouse
Fri., Nov. 8: Matty Mixon, NY Noise @ The Boathouse
Sat., Nov. 9: Steven Pownall and Garbage @ The Richmond Coliseum
Jun., Nov. 11: The Glimmersons @ The Boathouse
Sun., Nov. 17: Nadia Surf @ The Alys
Fri., Nov. 22: The Alys
Sun., Dec. 1: The Alys

The Concert Corner

By Dave Mincer

I warned all of you not to miss the Soul Coughing show! It was great. The band only played for a little over an hour, but they did come back into the main stage somewhat after they left. There were pretty cool guys. The Abyss is probably the best venue for a concert that I have ever seen. The room where the bands played was really small, and it was a good thing. The place was packed.

Unfortunately, Nirvana's stuff, or are tired of the old recordings, go ahead and buy this. If not, the recordings 'work., isn't it?

Get the new Descendents album, "Something Happened," and with the last album, "Gak!" and finally, with "Utero" shows from which the tracks were taken, and the bootlegs are better.

Students Speak On Honor Code Issue

The upcoming Black Crowes and Smashing Pumpkins shows should be worthwhile. All tickets can be purchased by charge at (804) 663-0395, the Miller Concert Line at (804) 662-3619. There are no discounts.

Here is a calendar of upcoming shows:

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SEND IN THE CLOWNS... DON'T FORGET TO VOTE NEXT TUESDAY, NOVEMBER 5

The Corner Pocket

Williamsburg Crossing
John Tyler Highway
22C-9CSU
Mon-Fri 5-7 pm
"Food and Beverage" Specials
(and you know what we mean)
Large Microbrewery Selection
11 Pool Tables
Damn Good Food!!!
Things to do on a Ranieri Day
Sleepers exceeds expectations; The Chamber is a Sleeper

By Lee Ranieri

Before seeing Sleepers, it is important to know two facts about the book, written by Lorenzo Carneros, upon which the film is based. First, the book is supposedly a hot item right now among the preadolescent boys on market. This momentarily a good sign. Second, as the commercial for when he labeled it non-fiction. Despite all of these flashing warning signs, however, Sleepers was surprisingly interesting.

In a nutshell, Sleepers is about four boys growing up in a dull; Kitchen in New York City in the 1960's. Much time and energy are devoted to the idea that their neighborhood is basically one big extended family. The members of this extended family are tightly knit, from the preadolescent boys to the adults — King Benny. The friendships formed are "thicker than blood," we are told, although I'm not sure what this really means. For the most part, though, the film does an admirable job of presenting the locals as caricatures. Father Robert is a paragon of virtue, and King Benny is kind of a nice guy. It's not even a hot item right now among the preadolescent boys on market. This momentarily a good sign. Second, as the commercial for when he labeled it non-fiction. Despite all of these flashing warning signs, however, Sleepers was surprisingly interesting.

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How Far Should Executive Immunity Extend?

Simoa did give solid reasons which would create a compelling need for the President to participate in a civil suit, such as a child custody case in which a child's best interests are at stake, as well as cases concerning health problems or destruction of property.

Finally, Simo's argument that requiring the President to proceed with the suit would create an embarrassment of international proportions for the office of the United States presidency, the Constitution, and the Nation was met by "Justice" Richard Carelli, a journalist for the Associated Press. Carelli countered, "Impediment is no pathway and the American public has survived that."

To this, Simo replaed that the Court must remove the great sacrifice, namely time, a plaintiff could be made to bear against the serious damage such a suit would cause the presidency, and that in doing so is to clear that the President is unique and the loss would be grave for all involved if placed on the President's shoulders.

Michael Gerhardt's argument for Paula Jones followed. Before the audience tuned in to Gerhardt was saying, they noticed how he was saying it. Gerhardt was soft-spoken and initially seemed uneasy behind the podium. The panel showed no mercy. Before Gerhardt finished his second sentence, "Justice" Boaz asked the panel to wind down. Gerhardt was not up to the task, and the panel unloaded furtherЦентр. President was no longer President. "Justice" Greenhouse made her presence in the debate, stating that Jones had "unfair opportunity to see the President" and that the avenue cause the President's delay. Gerhardt responded, "With all due respect," that as long as the complaint was made within the statute of limitations, even if only in a little time before the time line, the plaintiff was properly performed all duties required of her. To this, "Justice" Savena asked the panel to wind down. The panel then acknowledged the decision was further grounded in concerns for the functions of the court, state, and federal judges. And that there were no need for a blanket immunity lasting four or eight years, and posed out that the President does not need a day and play golf. The decision was a fair one that as stated in the end the President is no longer President. Justice Carrilom stated that the "justice of the Court," and that the President is no longer President. Justice Carrilom stated that the "Court's decision was fair and reasonable. The President is no longer President."

Entries may include activities sponsored by law school organizations, main campus, or community events.

Please submit your entries for the Amicus Events Calendar to Deanna Griffith (LL) or the Amicus hanging file.

November 1-2
Men's Tennis: Tribe indoors.

Sunday, November 3
5k Ambulance Chase: Support PSF and get some exercise. $10 registration fee gets you a good T-shirt. Registration begins October 31 in SBA office. Tournament takes place November 9 at Dillard Field. 150 p.m. 50 person teams with minimum of 2 women. Contact Rebecca Eichler for details.

Wednesday, November 6
Annual Law School Soccer Tournament: Registration Deadline. Drop Team roster in SBA office. Tournament takes place November 9 at Dillard Field. 150 p.m. 50 person teams with minimum of 2 women. Contact Rebecca Eichler for details.

Saturday, November 9
Annual Law School Soccer Tournament: Dillard Field, 6 men's teams, 4 women's teams. Minimum of 2 women. $10 per team, contact Rebecca Eichler for more information.

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Monday, October 28

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FALL FROM GRACE

Trinkle Hall
October 18, 1996

The Amicus would like to thank Hector Infardini for providing photo documentation of this year's Fall From Grace.
Monday, October 28, 1996 THE AMERICAN JOURNAL

Mikva stood opposed to recent death penalty reform proposals. Having spent ten years in state government, Mikva strongly believes in state's rights. Tort reform is properly left to the states. "Brandenburg was right when he said that the federal system allows fifty social labs," stated Mikva.

Mikva also opposes the death penalty. "One of the reasons is the Constitution was written that way," stated Mikva. "In the courtroom, then she should consider leaving. It doesn't deter crime, it should be abolished."

Mikva imparted advice to law students never forget why you want to go to law school. Most law students don't go to law school for the money, but this changes when one sees large debts, coupled with the acquisition of law, become overwhelming. He said that students forget about fighting for justice, and concentrate on billable hours. Remember, there are other ingredients to law school than the amount of money you can potentially earn at the end.

Judge Mikva was honored at a luncheon on Thursday, October 10, where he received the Carter Leslie Award. Prior recipients of this honor have been Chief Justice Rehnquist, Justice Powell, and Fred Graham of CNN TV.

THOUSANDS OF LAW SCHOOL GRADS ACROSS THE COUNTRY TOOK WEST BAR REVIEW LAST SUMMER.

Here's what many had to say...

"Westlaw was excellent!" Graduate, Harvard Law School

"Prof. Moye is great. He's talented and I love his students." Graduate, St. John's U. School of Law

Ray Guzman's lectures were "Great! Paul Helpful!" Graduate, Harvard Law School

The written materials were "excellent; easy to follow." Graduate, John Marshall Law School

"The poor folks who chose the other course were behind when they started and never caught up." Graduate, St. Louis University

"Dean Robert Scott [of UVA] should be in show biz. He was very clear and entertaining at the same time." Graduate, Suffolk Law School

Overall, I couldn't be more pleased. Past or fail, my recommendation will not change. Listening to people talk at the bar exam, the West name was spoken often and with praise, always." Graduate, St. Mary's School of Law

"The course was great - will use again for additional jurisdiction - later on." Graduate, Georgetown Law Center

John Moye "is the god of contracts." Graduate, Dickinson Law School

The written materials are "very well organized and in point." Graduate, New England School of Law

"The software was great." Graduate, Univ. of Alabama School of Law

CROSSW RD Crossword
Edited by Stan Chess
Puzzle Created by Fred Seisop
Stitch - Center Sports Highlights
D. C. United Snares Soccer League’s Inaugural Title

By Mike "Stitch" Marks

D. C. is number one. Don't get me wrong. D. C. has been number one in various categories for a long time. For example, according to my official stats, D. C. leads the Nation in murder, weeds, and baldness, positions of leadership, and overweight jeggings that could start World War III if they wanted. However, now D. C. is number one in soccer. Yes, you read that right. The United have won the MLS championship, and it has yet to lose to the Wildcats. This is the most exciting thing to happen in D. C. since the Redskins won the Superbowl in 1992 but D. C. has been home to a champion. In addition, with the United's talent and Arena's leadership, D. C. fans can reasonably expect the United to be a factor in MLS post season competition for years to come.

Furthermore, the championship game was a victory for American soccer fans in general. What better way to end a successful inaugural MLS season than with an exciting 3-2 sudden death overtime goal to win the game. The first D. C. goal was scored on a header by Tony Sanneh off a free kick. Shocks were24 at the end of the first half. The second D. C. goal was scored on another header of a corner kick. The championship game was a microcosm of the United's season as a whole. The United started the season losing one of seven games. In addition, the United dropped in first playoff game, forcing them to face elimination in the next game. Despite these setbacks, the team hung tough, won five straight post season games, and came through in the end. Of course, the United had a lot going for it. Too. A solid core of international players combined with hometown American players (D.C. United played college soccer at UVA, for the top college soccer programs in the U.S.) to provide the talent necessary to win. In addition, under the leadership of Coach Marsland (who built UVA's program into one that is nationally recognized) D. C. implemented an exciting, attacking style typical of Arena's teams. Finally, the United was supported by D. C. fans who came out in force to support their team organisti­cally, especially in the playoffs.

What does this victory mean for D. C. sports fans? After being dismissed in recent years by the "Skin, Bullet, and Caps, D. C. fans finally have a champion they can call their own. Not since the Redskins won the Superbowl in 1992 has D. C. been home to a champion. In addition, with the United's talent and Arena's leadership, D. C. fans can reasonably expect the United to be a factor in MLS post season competition for years to come.

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Turn About Is More Than Fair Play For Briefs

By Eddethenee Green

"When the going gets tough, the tough get going." It isn't over 'til the fat lady sings." "If at first you don't succeed, try and try again." "A bird in the hand is worth two in the bush." "A stitch in time saves nine." etc., etc. These same tired, trite clichés to truly capture this year's softball season for the Lehigh Briefs. The Briefs, last year's Penn State Champions, had not only a disappointing regular season, but also a disappointing regular season. The Briefs, led by captain Joe if you want me, can you Kiefer, finished the regular season by losing three straight and finishing tied for last place at 1-4. Thanks to a limited amount of participation in the A League, the Briefs, along with many other teams, were invited to the postseason tournament.

In the first game of the playoffs, the Briefs were matched up against our host school, the Keystone All-Stars. The Briefs made every effort to come up with the loss, blowing a five-run lead and walking both the tying and winning batters in the bottom of the sixth, but somehow managed to pull off the victory. Call it fate, call it karma, call it luck, or call it a blot on elimination realization, but that backhander performance was the last for the Briefs.

As the game went on, the Briefs squared off against the number two seed, Lehigh University. Lehigh's Way was the team which had begun the Briefs' journey through Lehigh, with Lehigh's Slaughter City and God Wu Stuckiwuckie, but this was a new Briefs team. This was a new Briefs team. With this dedication to getting hit rather than seeing just how far one can hit a ball and still fly out, the Briefs were able to put some runs on the board and put together a four-run cushion. Paul Carlino's Way led the team with four hits and Jim Malcolm on the mound had the way with 3 R.B.I. Shaky defense and some poor pitching kept the game close, but the middle Briefs were able to erase the first of their losses and move on to the next round.

In the semi-finals, the Briefs again faced an opponent who had defeated them in the regular season. Kappy's Big Basha Team, which had previously beaten the Briefs 6-4, were no match for the Briefs this time around as the law school juggernaut rolled over the freshmen 9-3. To date, interest in that series being played up in New York, the Briefs were forced to go to Cairo and win in Greggy's Pub. McMurry and Dave Copanpersonally designated an opportunity in the middle of a penalty box that was not taken. Both McMurry and Copanpersonally designated an opportunity to win a penalty box that was not taken. The first of these opportunities came when the Briefs' first goal was scored and declared a tie due to an absolute laser to Williamsburg at third, easily beating the runner for the tying-ending double play. Res. Sports director Joe Tiff said it was the best throw he's ever seen in softball, and it was enough to propel the Briefs to their second straight NAIA championship. Next year they go for the unprecedented third pep.

Congratulations are also due the dozen or so guys who went all day and night doing laundry. The scoring for the Briefs came in the fourth, when, after a half, the Tribe got involved in a six-run game. The Tribe got involved in a six-run game. This is the first time in the history of the program that the Tribe has lost four consecutive contests in a season. The lone goal of the conference came in the second inning of the game against Tribe goal-keeper Michelle Horbach. This was Hartley's second straight goal in goal, and the rookie batters on the Tribe faced George Washington in their mothers' games on Oct. 9, but were unable to get on the scoreboard. The Colonials came away with a 1-0 victory.

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HALLOWEEN DAY

THE SECRETS TO...
PASSING THE BAR EXAM

Time: 2pm - 3pm
Rm.: 119

BAR/BRI & SBA PRESENTS
FREE PIZZA & BEER
FREE PIZZA & BEER

HAPPY HOUR ON THE PATIO FROM 3pm-5pm

WHAT A WICKED BREWOOD