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2001

The Amicus Curiae (Vol. 11, Issue 9)

Repository Citation

"The Amicus Curiae (Vol. 11, Issue 9)" (2001). *Student Newspaper (Amicus, Advocate...)*. 349.
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The Amicus Curiae

VOLUME XI, ISSUE NINE

MONDAY, APRIL 2, 2001

WILLIAM & MARY SCHOOL OF LAW

Admitted Students Weekend Provides Glimpse of Class of 2004

By Brooke Heilborn

Approximately two hundred prospective law students and their spouses gave this year's Admitted Students Weekend one of the largest and most successful turn-outs in recent history. "I really appreciated the hospitality of everyone I met at William and Mary," said prospective student Erin Maxwell-Landeros. "People made me feel extremely welcome, and I received an invaluable education on the inner workings of the William and Mary social circle." Her sentiments were shared by most admitted students present, as Dean Rogers received several statements of intent to attend Marshall-Wythe by lunchtime on Saturday.

In response to many requests for a welcoming event before the first SBA activity, a reception was held for the first time in the front lobby Friday night at 7:00. Prospective students had a chance to meet one another, and speak with some current students and faculty. Refreshments were also provided. Following the reception, the law school took over the entire Greenleaf for Bar Review, which was specially held on Friday instead of its usual



PAD President Teah Quinn entices admitted students to PAD's table with an impressive array of free food.

Thursday night.

Most of the activities were held on Saturday. At 9:00 that morning the prospective students had to register at the Law School. They subsequently received a general orientation, tour of the law school, demonstration of the Moot Courtroom, and a question and answer session with

deans, professors, and current students.

After a lunch break, the admitted students returned to the school to attend an activities fair, in which many campus organizations set up tables in the lobby to explain extra-curricular activities at William and Mary.

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BLSA Hosts Sixth Annual Oliver Hill Weekend

By Jeanne Tyler

The Marshall-Wythe chapter of the Black Law Students Association celebrated its member achievements at the Sixth Annual Oliver Hill Luncheon held Saturday, March 24, 2001 at 12pm. Every year BLSA takes time to pay tribute to Mr. Oliver Hill, a Virginia attorney who was instrumental in fighting for civil equality during the time of "Massive Resistance" with the Virginia Local Government. He litigated the Virginia-based *Davis v. County School Bd. of Prince Edward Co.*, one of the bundle of lawsuits decided under the historic *Brown v. Board of Education* school desegregation decision.

An alumnus of Howard University Law School, Mr. Hill has taken a strong interest in the students at the Marshall Wythe Law School as he has taken interest in students across Virginia. Mr. Hill holds an honorary doctorate degree from the University of Richmond, Virginia State University and The College of William and Mary. Additionally, in 1999 former President William Jefferson Clinton awarded Oliver Hill the Presidential Medal of Freedom, the nation's highest civilian award for his pursuit of justice and strive to improve the lives of

fellow Americans. In honor of his vigorous battle for civil rights and his unflinching commitment to justice, BLSA has established a scholarship in his name. The Oliver Hill Scholarship, once endowed, will be given to a student matriculating to the Marshall Wythe school. The scholarship is intended to ensure that a student who has shown similar commitment and achievement has access to a legal education at Marshall Wythe..

The keynote speaker at this year's luncheon was Mr. David Hicks, Richmond's Commonwealth Attorney. Mr. Hicks spoke about ways that students could ensure that they are good attorneys in the future. Lelan Carpenter said, "He told us not to waste our educational opportunities on serving our own needs because we have responsibilities outside of ourselves." Additionally, he suggested that there are a lot of minorities that do not have these educational opportunities; since Marshall Wythe students do have those opportunities they have a responsibility not to waste them. He encouraged BLSA members to get to know all kinds of people while in law school besides people who are

See Oliver Hill on pg 4

Annual Supreme Court Trip: Death penalty, and why Justice Souter can't buy books in D.C.

By Sarah Kinsman

About 30 students recently spent a day in Washington, D.C. on the annual Phi Delta Phi Supreme Court trip.

All heard at least one of two cases at oral argument. The second case, *John Paul Penry v. State of Texas*, was a mentally retarded death row inmate's second appeal to the Court. While students who heard it looked forward to arguments about the propriety of putting a mentally retarded man to death, the arguments focused upon the clarity of the jury instructions and the interpretation of a Texas statute on jury instructions. The case has been covered by national news organizations such as the *Washington Post* and *Time*.

The other argument was about the right of the Navajo tribe in Arizona to charge a tax on transactions occurring on fee lands on the reservation, but between non-members of the tribe. A motel on the road to the Grand Canyon brought the action, opposing a tax its guests were forced to pay.

Following oral arguments, Justice David Souter spoke to the group for over 30 minutes. He began by describing his personal life as a Justice as having a loss of privacy.

"If I want to go on a date, she has to cook," Souter said. "Or, we have to find some obscure restaurant where the manager won't call the press. I can't even buy my own books anymore, or someone will tell the press what I'm buying."

He said he continues to do his own grocery shopping, but one time opened the *Washington Times* to find the contents of his shopping cart the day before listed in a column.

The loss of privacy, though, is offset by the advantage of having enormous opportunity to study the law, he said.

"I have the freedom and the time to really pursue the law," he remarked. "It's a process of self-discovery. I think the only other people who have this are artists."

Souter commented on how one of Justice Souter on pg 4

Class Gift 2001- What Your Marshall's Money Can Do Celebrated at W & M Legacy

By Adam Casagrande,

Co-Chair, 3L Class Gift Committee

There has been a lot of buzz in the air lately about the class gift. True, a buzz is hard to hear over the low whine and thrumming hums of construction, but the buzz is there. Many of you have seen, or at least HEARD, of the wonderful skit put on by some of the 3Ls at the Class Gift Kick-Off party, but as a whole population, especially the first and second years, the Class Gift still remains a mystery.

What is a Class Gift? It's not quite what you are thinking of if you had something named similarly in high school, for instance. I remember my high school class gift. My class bought a flag for every nationality represented by the student population, and all 51 were hung in the main hallway of the school. A nice gesture, a beautiful symbol, but still just that. A symbol.

It is a bit of a different animal at Marshall Wythe. The Class Gift is essentially a fundraising drive that graduating 3Ls donate to as they launch themselves into their future. The majority of the money goes to the Annual Fund for Excellence.

The Annual Fund is used for a variety of purposes, including, but not limited to, journals, classroom equipment, and student organizations, as needed. The Annual Fund is the favored depository for the money gathered through the Class Gift fundraising. It is not, however, the only

area where your gift can be designated. If you choose, as a 3L, to give to the Class Gift, but want to allocate the gift to a particular organization, or area where you see need- you CAN! Moot Court always needs money- so does the library.

This year, the Class Gift Committee, a group made up entirely of students, decided to make our goal for giving 100% participation. That is quite a stretch, but we decided to go for it nonetheless. If you think about it, why SHOULDN'T we expect to get 100% donations? There is no minimum amount you can donate. Don't have a job? Clerking for a judge? Pledge a low amount your first year, and then raise it over the following two. We're not asking EVERYONE for \$1000 a year, not everyone is going to Dewey Ballantine... ehem...

There is no good reason NOT to give. People might have a philosophical difference with the school. People might not have enjoyed Contracts I. Is that a good reason to deny PSF or the Trial Team of potential funding? We all paid tuition to come here, and most of us will be severely in debt when we graduate. I am right there with you. But giving for the Class Gift will keep that degree that you struggled for, and paid for, worth more and more itself as time goes on. It is an investment in your future, if I may be so cliché, and one well worth ANY amount of money that you can spare.

By Katie Riley

On March 16th and 17th, the Institute of Bill of Rights Law hosted its last in a series of events honoring the bicentennial of John Marshall's appointment to the United States Supreme Court. The focus of the final event was Marshall's legacy to American law. The weekend started out with a moot court argument of the infamous *Marbury v. Madison*. Marbury was represented by Tom Goldstein, an impressive Supreme Court litigator with eleven cases before the Court this term alone. In opposition, representing Madison, was Eric Jaffe, a fellow Supreme Court litigator with four cases scheduled for the Court this term. Needless to say, the quality of argument was stellar, and something anyone interested in appellate argument should have seen. (Although, I don't think they followed all the formalistic rules dictated by our Moot Court team as suggested by our conservative Fourth Circuit.) Madison wasn't actually represented in the original case, nor was the form of the original proceedings an appeal, but the recreation of the historic case proved very educational. I, for one, think I got a better grasp of what my professors have been trying to explain for so long. Most amusing were some of the creative anachronisms that arose when the justices questioned the motives of Madison and Jefferson, and counsel responded as if in the time period, predicting the two presidents' actions in ways that would historically be proven incorrect. When the arguments were concluded, the three presiding judges, Michael Hawkins of the Ninth Circuit, Robert King of the Fourth Circuit, and Diana Motz of the Fourth Circuit, refused to even attempt deciding the case. The post-argument discussion was led by Chuck Hobson, a William & Mary History Professor.

The rest of Friday afternoon was spent in further discussion of the legacy of

Marbury v. Madison and judicial review generally. Speakers included Jack Balkin of Yale Law School, Michael Gerhardt of William & Mary, Michael Klarman of UVA, Kent Newmyer of the University of Connecticut Law School, Stephen Presser of Northwestern University Law School, and Adrian Vermeule of the University of Chicago Law School. A lot of the discussion focused on the *Bush v. Gore* case. Professor Balkin gave a comedic presentation paralleling *Marbury v. Madison* with *Bush v. Gore*, and Tom Goldstein gave a little first-hand insight into the case since he had been one of Gore's counsel.

On Saturday, discussion returned to Justice Marshall himself, his role as a great Supreme Court justice, and the legacy of some of his other influential cases besides *Marbury* such as *McCulloch v. Maryland*. Not all of the commentary was positive. Of particular criticism was Marshall's treatment of Native Americans, and there was ample debate about his federalist cases. Most of the speakers from Friday remained for the Saturday event, but also featured were Jack Rakove of Stanford and Martin Flaherty of Fordham Law School. Because March 16th was the 250th anniversary of our fourth president's birth, James Madison was discussed in detail by Jack Rakove. There was also a lot of discussion about constitutional interpretation and defining an originalist approach in response to Martin Flaherty's presentation.

The event went very well, but was poorly attended. Of disappointment amongst the faculty and administration present was the lack of students in attendance. This was especially frustrating for the Friday event, as all of the 1L constitutional law classes had been let out to attend the *Marbury v. Madison* argument. Fortunately, for anyone interested in the event, the IBRL did videotape the event and the speakers' papers will be published in the *William & Mary Law Review*.

THE AMICUS CURIAE

William & Mary School of Law

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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.

Terrorism in the Courtroom

By Katie Riley

The Courtroom 21 project hosted its annual Legal Tech Trial on Sunday, April 1st. Fortunately for all, there was no April Fools mischief and all of the technology demonstrations were successful. This year's hypothetical case, *United States v. Linsor*, was an international terrorism trial. The defendant, Geoffrey Linsor, belonged to a political organization, Free Millennium Cell, with an anti-poverty, pro-environment message. Linsor, an American, met up with an English chapter of the FMC while studying at the London School of Economics. The FMC learned that hazardous materials were being transported by

American military planes between the United States and the United Kingdom. In order to protest the action, Linsor led the group into placing a bomb on one of the military planes. The bomb went off, blowing up the cockpit of the military plane, and the military plane subsequently collided into a nearby commercial airliner. All but five passengers were killed, including fatalities in London's Trafalgar Square from the falling debris. Linsor claimed that he thought the bomb was merely a stink bomb designed to annoy the pilots, while one of his co-conspirators claimed Linsor directed the making of a real bomb. The jury of
 See *Legal Tech Trial on 10*



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Justice Souter meets students during Yearly Phi Delta Phi Trip

Supreme Court Trip from 1 that Souter had no philosophy.

"It's true," Souter said. "You don't really have a philosophy until you are here and actually going through the process."

Another positive aspect of being a Justice is the clerks, Souter said.

"It wouldn't be as much fun without the clerks," he said. "They bring the outside world in here. We really enjoy having the clerks around for the year or so that they are here."

Souter emphasized the importance of oral argument, despite the fact that Justices have read the briefs and formulated ideas about the cases.

"I've been keeping a checklist, and in about five percent of cases oral argument changes my mind," he said. "If five percent of the time you can change one man's mind by oral argument, it's important. If you ever appear in oral argument, do not give it short shrift."

Asked about whether he uses outcome as a basis for deciding case, when tools such as structure, Constitutional text, history and precedent are available, he said that he will take a position based upon tools like those that is contrary to an outcome he'd ordinarily follow. He gave the example of when he wrote the dissent in *Seminole Tribe v. Florida*. Having been a staunch opponent of gambling as the attorney general in New Hampshire, his position in the opinion would have had the outcome of favoring the expansion of gambling.

Souter refused to give advice to the students, joking that previously, when he gave advice in the late 80s and 90s to young people to avoid law school because of the glut of lawyers, "they'd all ignore me

and I'd find out they went ahead and applied and were attending Stanford or somewhere like that."

More seriously, he said advice isn't always applicable because so much of a legal career cannot be anticipated or planned.

"I didn't plan on (being a Justice)," he said, using the changes in his career as an example. "I was at a law firm in New Hampshire that did a lot of transactional work, but no litigation."

He described how he took a leave of absence to better his trial advocacy skills, and ended up embarking on a series of career moves, such as later running for N.H. Attorney General, being nominated to the N.H. Supreme Court, and being nominated to the U.S. Court of Appeals for the Second Circuit.

"I got through one day of oral argument on the Second Circuit," Souter said, "then they called and told me I was nominated to the Supreme Court."

Following the session with Souter, students had time to explore D.C. A change from last year was having the bus take everyone to Union Station for about 45 minutes so that students could change into casual clothes and leave their suits on the bus.

The attendees visited museums, shopped at Union Station and in Georgetown, looked for summer apartments, and visited former employers. Though everyone was to meet at last year's favorite watering hole, Music City Roadhouse, the bar had gone out of business. The resourceful students promptly found other establishments, such as Mr. Smith's and Sequoia, before meeting the bus for the late return home.



PDP Trip participants politely smile at Justice Souter's joke.



Happy students pose in front of that big building where they decided the Presidential election. What's that place called again?

Oliver Hill Luncheon Convention

Oliver Hill Luncheon from 1 just like them. Mr. Hicks suggested that students find a mentor and someone who is an advocate for them—a person who would get them involved in the right cases and put them in the right places to make a difference.

Three awards were presented at the luncheon. The Jane Matilda Bolin Award is presented annually to a lawyer or judge who has excelled in the legal field and has made a significant contribution to BLSA. This year's recipient was Dean Shealy. Secondly, the Thurgood Marshall Humanitarian Award was given to a student who has been substantially involved in community service and has demonstrated interest in community issues. The award was given to 2L Crystal Jennings, BLSA's current parliamentarian. Lastly, the 3L Appreciation Award, presented annually to a 3L BLSA member who has displayed unwavering commitment and support to

BLSA, was given to Sheyna Burt.

Elections for 2001-2002 BLSA officers were held on Thursday, March 22, 2001. The incoming officers announced at the luncheon are: Jason Everett, president, Cheran Cordell, vice president, Jeanne Tyler, secretary, Lelan Carpenter, treasurer, and Carl "Zeke" Ross, parliamentarian.

BLSA will continue in its efforts to pursue excellence and uphold the ideals that Oliver Hill stands for. BLSA president-elect Jason Everett already has several goals in mind for the upcoming school year. Jason said that a few of the goals of the new executive board will be to increase interaction between current BLSA members and alumni, to increase or further the development of minority enrollment in law school, and to encourage interaction with other organizations on campus on a broader level.

News Brief: NBLSA 2001 Convention

By Cheran Cordell

The National Black Law Student Association Convention was held in Atlanta, Georgia from March 14, 2001 to March 18, 2001. Lacreacia Cade and Cheran Cordell represented the William & Mary Black Law Students Association as delegates at the Convention. This year's event was highlighted by speeches by Mayor Bill Campbell and the famed litigator Willie Gary.

In between the business, NBLSA members handled business. Of particular importance, delegates discussed three major issues facing black law students around the country. Firstly, delegates looked toward the pending affirmative action lawsuit against the University of Michigan Law School and its affects on affirmative action around the country. Secondly, an issue of concern was the One Florida Initiative instituted by Jeb Bush which would eventually decimate minority representation in state supported law schools in

Florida. Lastly, delegates examined the unusually high attrition rates at the Thurgood Marshall School of Law, a traditionally black law school.

In addition to national issues, the convention elected its 2001-2002 board members. Lacreacia Cade, a 2L at Marshall-Wythe, was elected to the position of National Recording Secretary. This year's convention was informative and helped to remind delegates that there is a lot going on outside of their own schools. Students are encouraged to contact Lacreacia if they are interested in participating.

Admitted

Students

Weekend

Photos



jazz fridays

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Flavor in Your Ear

By Tim Emry

With my favorite time of the year upon us, baseball season, I thought that taking a break from music would be appropriate. Taking an in-depth look at the 2001 season, I anticipate several major surprises and disappointments that will be revealed as the season develops.

Five Major Surprises

1. Despite the large contract, A-Rod is not the best everyday player in the game. You heard me right, and the distinguished title goes to a player who has the gall to not even play his home games in the US. Of course, I'm referring to none other than Vladimir Guerrero. This five tool Right Fielder is the real deal and if you have never seen him play, you are missing out. He is a 25-year-old wonder with an infectious love for the game. He plays every day, unlike the injury prone A-Rod. He has a gun in the outfield and his plate discipline is beyond reproach for a slugger of his magnitude. If he could play in the rarified air of Coors Field, he would win the Triple Crown. Instead, this Montreal Expo will hit a robust .350, with 45 home runs and 135 RBI's. Despite his all around performance, he will lose out in MVP voting to overrated superstars of larger media markets.

2. Pitching again becomes a legitimate art form. The umps have vowed to enforce a strike zone that actually resembles what is written in the rule book. No longer will batters be able to sit back and abuse pitchers who are reduced to trying to deliver the ball in a zone the size of a Kleenex. The studs of the leagues, Randy Johnson, Pedro, and Kevin Brown will post astronomical runs, even making a brief bid for 30 wins. The middle of the road pitchers will see a modest decrease in their ERA and WHIP. Strategy will again become a factor when teams will not be able to count on scoring eight runs a day.

3. Two Words: Houston Astros. They were absolutely terrible last year, but they lost an amazing amount of one run games, nearly setting a record for the modern era; a dubious feat indeed. This offense is just too potent to keep down. Biggio will have a better season, Bagwell will do as he always does and newcomer Julio Lugo will be the sparkplug they need. Even the pitching will be better as Jose Lima's ERA will return to the Earth's atmosphere. The Astros will make a run at the Cards and will surpass them in late September after Rick Ankiel Disease spreads through the clubhouse. The NL Central will become the most competitive division in baseball as the Reds will be in contention, the Brewers will sport an improved squad with superstar Geoff Jenkins. Even my beloved Cubs will make a go of it playing winning ball until the dog days, when they fade a cub-like 18 games below .500. As for the Pirates, well, some teams are beyond hope! Despite the incredible turnaround for the Astros, they still play in the most ill-conceived park in recent memory.

4. More zany hijinx from our friends to the north as the Blue Jays win the AL East. The Yankees, quickly becom-

ing the embodiment of all that is wrong in baseball, finally meet their match. Their heralded pitching staff, racked with injuries, cannot handle the slugging power of the Carlos Delgado-led Jays. Despite the label of "small market," the Jays always seem to make the best out of what they have. New manager Buck Martinez will lead his crew past the Yankees and into the playoffs. With one of the strongest bullpens in baseball, they hold off attacks from the Bronx Bombers and the BoSox.

5. No New York teams in the World Series, HALLELUJAH!!! The Oakland A's will be crowned World Series Champions (probably at around 3 A.M.) after they beat the Atlanta Braves in 6 games. The Braves again roll over the NL and again falter on baseball's biggest stage. The youthful A's, seemingly unaware of the magnitude of the Series, overwhelm Maddux, Glavine and Smoltz. Oakland's young pitching combination of Hudson and Zito provide just enough pitching for a lineup loaded with sluggers. More specifically, the playoffs break down like this: Atlanta wins the NL East while the Mets barely eke out a Wild Card, with Houston and Colorado winning the Central and West, respectively. Houston gets past the Mets as the Rockies fall to the Braves. Atlanta takes the NLCS from the Astros in five games. Over in the AL, the Blue Jays take it in the East, with the Yankees getting the Wild Card. The Red Sox' curse continues as Nomar sits out half of the season with injuries. Cleveland wins the Central, with the A's sizzling out East. Oakland dispatches the Yankees in the first round, something they should have done last year, and cruise to overpower the Blue Jays in the ALCS.

Five Major Disappointments

1. The gap between the haves and have-nots widens. Teams like the Twins, Tigers, Phillies, Pirates, Padres, etc. are doomed to be cellar dwellers forever, without a comprehensive revenue sharing/salary cap system similar to other leagues. Nowhere else in professional sports is this gap more obvious and it's getting to the point of embarrassment. If this is the way Major League Baseball wants things to go, then they should demote some franchises to the minors, like English Soccer. At least it would be honest. Microscopic payrolls force these clubs into a terrible catch-22 -- they could get better players, but doing so would cause them to lose even more money! Eventually it becomes too much, and many storied franchises regrettably are forced to move to a city which can better support the team, by buying overpriced luxury boxes and season ticket packages that often force one to refinance their mortgage. Someone needs to do something about this, and if nobody cares, then by God, I nominate Bob Costas for Commissioner.

2. The Texas Rangers. Not only has the ill-advised deal they struck with A-Rod put other teams in a very difficult position, they neglected to consider that as good as he is, A-Rod can't pitch, and that is what Texas really needs. I mean, for crying out loud, Rick Helling is their ace! The

Cubs have better pitching! Their offense is old and injury prone and they don't have the bench depth to sustain major losses. It frightens me to say it, but it seems that based upon A-Rod's ridiculous contract, the Rangers actually had smarter ownership when they were being run by George W. Bush. YIKES!

3. New York. I mentioned them before but I can't resist another shot! The Yankees' heralded staff of aces is surely incredible, but they can't all last a full season. Sure, they have Jeter and Posada and Williams, but aside from that, they are a bunch of aging has-beens. As for the Mets, let me just say that if you can look me in the face and say that they can win with an outfield of Agbayani, Timo Perez, and Jay Payton; then, Met Fan, you have more problems than I thought you did! Piazza and Alfonzo can't do it alone, folks. They invented the intentional walk for a reason! Furthermore, the Mets' pitching staff took a big hit with the loss of Mike Hampton; while Mets fans never took to him, they sure will miss him when they have Steve Trachsel in the starting rotation.

4. The American sports-watching public. Where have all the baseball fans gone? Sure, football is fine, but what happened to the so-called "American Pastime?" The fans still haven't flocked back after the strike, like everyone had hoped, and it seems that baseball will slowly be relegated to permanent inferior status on the sports scene, looking down only to hockey. As the pennant races heat up, watchers will be tuned into the British Open and the PGA Championship, winning each by double digit stroke counts. Our society just isn't as patient as we used to be. Too many people are unwilling to find the beauty in bunting the winning run to third. We want to see Vince Carter dunk the ball 20 times a game. We want to see blood and guts on the football field. The idea of a game that can't have a time limit is becoming increasingly more inconceivable to a nation that is unwilling to live without the clock.

5. The Cubs lose, again. Just make this a permanent entry on any list. Actually, it's not much of a disappointment, even die-hard Cubs fans know we have no chance this year. Oh, but how we love our Cubbies, how we love the infinite beauty of a slice of heaven, resting between Waveland and Sheffield, simply called Wrigley Field. If you have never been there, do your spirit a favor and make your way to Wrigley on a warm summer day, with Ivy in full bloom. Cubs fan or not, baseball fan or not, nobody can deny Wrigley its place in history. The Cubs haven't won a World Series since 1908, while most teams haven't even been around that long! It was my grandfather's dream to see the Cubs win a World Series before his death. Though it never happened for Grandpa, I still hold out hope that it will happen for me. They've had their moments in 1984, 1989, 1998 -- these all gave me hope for the future. Bandwagon fans of the world, who only follow the Braves, Yankees, and Mets in their good years, please take pity on the lowly plight of the Cubs fan. We always appreciate the attention.

Law School Survivor Update

Episode 1: It took them a while to settle in to a routine. The Marshall Tribe took up residence upstairs in the library, while the Wythe Tribe slept in Courtroom 21, with Fred Lederer earning major points with his tribe by using all the electronic equipment to keep them warm. The immunity challenge was an extensive blue booking exercise, which Steve Blaiklock used his library knowledge to win. At Council it was Eric Smith who was voted off. His take charge VMI attitude just didn't sit well with his tribe.

Episode 2: Bad weather kept the tribes indoors and away from their hunting ground on the patio. All in all it was a wet and miserable time where they resorted to searching the naughides for loose change to use the vending machines. The immunity challenge was to see who could

sit through a never-ending typical 1L class lecture and not fall asleep or have to use the restroom. Victory went to Alan Meese. At Tribal Council it was Fred Lederer who was betrayed by his own tribe. "He already has shown us how to use all the equipment so we don't need him anymore," was a remark heard at Council.

Episode 3: Controversy rocked the island as it was discovered that someone had been breaking into the snack machines in the Lounge. The consensus seemed to be that the culprit was either SBA President Courtney Malveaux or Dean Liz Jackson. Both were thought to have normal access to the machines with their vast powers in the Law School. Eventually it was settled when Dean Jackson volunteered to leave the "island" saying that the

Law School construction couldn't go on without her.

Episode 4: An uneasy truce settled in between the tribes, but they continued to struggle with each other over the limited resources available. The immunity challenge was an obstacle course from the Library entrance to the Rare book room. Obstacles included laptops dropped in the Lobby and herds of 1L's heading to class. Using his vast experience John Donaldson pulled the upset and won immunity. At Council the ill feelings from before added with a healthy dose of fear over his chances of winning led to Courtney's ouster in a close vote.

Write the Amicus at "amicur@wm.edu" or drop us a note to decide who is next to go.

Amicus' Movie Reviewers Check Out an Oscar Winner

By Audra Hale and Jessica Norris

Is it *already* time for another *Amicus*? It seems like a new edition just hit the lobby! Oh well, we can't complain because we took an early (or was it late?) Spring Break from our article writing duties last time, so it's about time we got off our lazy duffs and wrote another one of our wonderful movie reviews. So now, for your reading pleasure.....HERE'S OUR REVIEW!

With the Oscars fresh in our minds, and our desire to experience a little bit of culture after yet another overtime Virginia Procedure...er...class, we decided to see *Crouching Tiger, Hidden Dragon*. This film, a winner of four Oscars (for Best Foreign Language Film, Best Original Score, Best Cinematography and Best Art Direction) is based on a series of "pulp fiction" novels from the 1920s. It is an epic story set during the Ching Dynasty, and it is in Chinese with English subtitles. *Crouching Tiger, Hidden Dragon* was directed by Ang Lee, and its stars include Chow Yun-Fat, Chang Chen, Zhang Zi Yi and Michelle Yeoh.

Now, without further adieu, here is our review of this "kickin'" movie (yuck, yuck)....

AH: Chow Yun-Fat - yum. I'll sit through a lot to get to watch him on-screen. Thankfully, this movie was well worth watching, with fantastic fight scenes and lots of whirling and kicking women. Chicks hitting stuff is always fun, and these women really run the show.

JN: I concur with Audra. Mr. Yun-Fat was quite a delight to behold, and the fight scenes were incredible. One thing that I appreciated was that the movie, while "violent," wasn't overly gory. If any of you have ever read my reviews, you'll know that I am no fan of blood and/or guts. Here, there were a couple of bloody scenes, but they really weren't bad (nothing like *Hannibal* or any of that mess).

AH: The subtle relationships that Ang Lee artfully crafts in this movie have a great quiet depth. Similar to the relationships he developed in "Sense and Sensibility", vast emotional content is conveyed through the brush of hand or a compassionate gaze.

JN: One feeling I had during the movie was a sense of foreboding. I don't know why, but I always felt like something horrible was going to happen in the next scene. For the most part, my feeling was misplaced. Oh well.

AH: This movie certainly deserved the four Academy awards that it received - if it hadn't been nominated for Best Foreign Film, it might have had a shot at Best Picture, another category for which it was nominated. The dream-like quality of many of the shots was amplified by the amazing aerial fight scenes, which were accomplished by hanging the actors on wires above treetops and on roofs. The fantastic nature of their movements doesn't take away from the hard-hitting action, though, as pretty much

everybody in the movie takes their turn at wielding swords and mixing it up. Ang Lee thankfully is far too masterful to allow his fight scenes to descend into gore-fests, so the violence doesn't detract from the beauty of the setting and the surrounding story.

JN: I was delighted and surprised by many things in this film - particularly some of its more lighthearted, humorous moments. Believe it or not, some of the subtitled lines had the audience chuckling. However, I was less than impressed by some of the film's other content... particularly its ending. I have serious issues with films that have "happy ending potential," then someone goes and does something to mess it all up. I was also a bit disenchanted with a fight scene which occurred in a treetop; that was just a little cheesy and over the top for me. Those exceptions aside, I thought it was a terrific film which was certainly deserving of the plethora of Oscars graced upon it by the Academy.

We'd like to tell you more about this movie, but if we did, it would ruin the experience for you. We will tell you this... if you're looking for a "high-flying" movie with lots of cool stunts and beautiful cinematography, or if you like reading subtitles, then look no further than *Crouching Tiger, Hidden Dragon*. Now, we must bid you adieu, and get back to our other (graded) law school work.

Spring Sports In Full Swing

By Brian Miller

Hi, sports fans. We've got plenty of news to throw at you in this issue, starting on the hard court. Our best effort came from the men and women of "Athletes in Action" in the co-rec league. Captained by Matt Joss (2L), this squad made it all the way to the finals behind the scoring of Jamez Hezz (2L) and the defensive presence of Jen Worley (2L). According to starter John Coughlin (2L), the Athletes may have even brought home the t-shirt, had it not been for "the green shorts and Trent the ref." Still, it was a remarkable achievement, deserving of praise and adoration.

Coming in just a half step behind, "Something About Your Mom's Lebowski..." made an equally unprecedented run all the way to the semis in the lower half bracket of Men's A, where a mass soccer defection stopped Matt Joss' team just shy of the finals. Led by Seth 'Pooh' Askins (2L) and Randy 'Macho Man Savage' McClure (2L), the boys struggled through a ruthless regular season before pulling it all together in the playoffs and then losing a nail biter in the semis.

And wrapping up b-ball, the law school suffered a bit of a surprise, as the Men's A "Inherently Dangerous" team fell in their opening round playoff game against the "Mighty Lucks". While not quite a Hampton-Iowa State level upset, at 2-1-1, this team had high hopes entering post-season play, with a high seed in the top half bracket, only to be blown out of the building in their quarterfinal round opener against a previously unknown team of ringers. With the high level of talent and physical play of Men's A, 2-2-1 is still a very respectable mark for the law school, and my hat goes off to all those who played this year.

Almost every night of the week finds at least one law

school soccer team battling it out on the Busch turf soccer field for outdoor intramurals bragging rights. "Public Offenders I" is currently sitting atop the leader board in Men's A at 2-1, with one game remaining this Wednesday night, against a disappointing PIKA squad. A win over PIKA earns a first-round bye and an automatic ticket into the semis, and hopefully, a re-match for all the marbles against Lambda Chi. Having taken a majority of the temporarily disbanded undergrad club team, this frat team managed an opening week shocker pulling out a 2-1 win over the A squad for their only defeat of the year. The following weeks saw an amazing 5-2 comeback win over Phi Tau, after trailing 2-0 at the half. Strong performances up front from James Beers (3L) and Bryce Jewett (3L), combined with stellar defense from Matt Aman, Tom Edman (2Ls), Joel Young and Daniel Barros (1Ls), led to the Offender's second win, a 2-1 thriller over yet another frat team whose call name escapes me at the moment.

"Public Offender's II" has had a bit more difficult time in their run at the Men's B title in a much improved league, boasting teams that should play A but who were chicken. Two lopsided 5-0 losses have combined with a mid-season forfeit win to place II at 1-2, with their final regular season game at 11 pm tonight. While Monday nights have been cruel to date, Pete Flanigan, Paul Dame (1Ls), John Mauk, Todd Barlow, Doug Levy, Bob Baute (2Ls), and the rest of the boys appear primed to turn it up a notch come playoff time, dressed in their spiffy blue uniforms, and you'll know as soon as they do.

Finally, in co-rec soccer, "Public Offender's III" also sits in the driver's seat at 2-0-1 in the Sunday night league, while the men and women of "Posner's Posse" hold an undefeated mark at 0-0-1, thanks to numerous re-schedules. "PO" got off on the right foot with a 4-3 win, a 1-1 tie with only eight players (one of whom was me in the

field, which actually seems to subtract a player or two), and a forfeit win in their last outing. Michael Bradshaw, Sarah Sarty (2Ls), and company control their destiny as the playoffs approach. Tighlman Broaddus, Misha Preheim, Erin Manahan, with her fluid movements both on and off the field, and various other 3Ls also managed to pull it together just enough, at 12 am on a Thursday night no less, to squeak out a tie in their only action thus far. They should have a flurry of games to report in the final week before the playoffs. Good luck in the meantime.

In an exciting new addition to the usual law school sports run-down, a handful of 3Ls have joined up with William & Mary's Rugby Club team for a little football without the pads, women without the teeth, and beer without the regrets. Though unbelievably sore, bruised and old, the club team picked up a huge win last week beating ODU (Not Old Dirty Bastard, that's Emry's column) 26-0, which in American sports vernacular is the equivalent of a 1,256-3 whooping. Chris Neus (3L) led the way with 2 "trys" (touchdown-type things), while Martin "Zerf the Poet" Zerfas (3L) added a try of his own to the final tally, with the assistance of Dan Graham (3L). When asked how it feels to be playing with undergrads again, Doc Martin was quoted as saying that "knocking up undergrads was a great way to stall time on that whole get-a-job thing." [Ed. Note-I'm pretty sure he meant "knocking around", but for anyone who's still a bit disconcerted by this quote, check with the student health center for further clarification.] Assuming this issue is printed sometime in the next two months and you read it in time, you all should make an effort to get out and cheer on the ruggers in their next match on April 7th at 1 pm against the feared, hated, dapperly dressed boys of Christopher

Spring Sports

Continued from 7

Newport University. (The guy discovers North America and all he gets is a rugby team named after him?)

Last but not least, our comrades have been participating in a whole puck-load of floor hockey games this spring as well. The "Flickers", led by "Jersey" Joe Liguori, Brian "The Enforcer" Perrin, and Misha "Patrick Roy-pronounced-Wah" Preheim (3Ls) dominated in league play, going 3-1, capped by their third game, a crushing 5-1 victory. There could be a co-rec t-shirt on the way from this group, barring injuries or other 3L diversions. Angela Stewart's 3L women's team has been competing in the Sunday night women's league. No scores were available, but with Amy Lamoreux (2L) and a sharp stick, anything's possible. Miles Uhlar's (2L) men's team, the "Peter Puffers" or "Huffle Puffs" or something like that, finishes their regular season Tuesday night, after a solid season, highs and lows equally interspersed. Goalie Char Rieck's (2L) injury could prove determinative to the fate of this group, but we wish them the best of luck on the frozen asphalt. I'll have rundowns of all the soccer and floor hockey playoff action in the next issue.

And before I say farewell, I'd like to extend my best wishes to the law school's two softball teams as they head off to the annual nationwide law school softball invitational in Charlottesville this weekend. Having won the right to represent W&M by winning the fall law school tourney, the 1Ls set off under the moniker of "William & Mary Gold", with only one thing on their mind; topping our 4-2 record of last year and avenging our semi-final loss to the those hicks from Ohio State. They'll have competition this year from Williamsburg as well, thanks to the Law Review's generous sponsorship of a second team, dubbed "W&M Green", comprised of 3Ls looking to enjoy their remaining days of sanity. As I've said before, last year's tournament was the best weekend of my year, so live it up, remember who you're representing, and if you see a UVA Law newspaper that claims that their law school has fallen to #28 in the rankings this year, rest assured it's probably just another pathetic attempt at geek humor by our rivals in the form of their udderly hilarious "gag" paper, conveniently dated April 1st, 2001.

Loose Fish:

What's in a Name? In This Case, Quite a Lot

By Dennis Callahan

The Marshall-Wythe School of Law is nearing the end of our year celebrating the 200th anniversary of John Marshall's appointment to the Supreme Court. Before the celebration is put to bed, I think it is appropriate to say a few words about his mentor- our other namesake, George Wythe.

Before this semester, just about the only thing I had learned about George Wythe in my three semesters here was how to pronounce his name. I was skeptical about the Wythe legacy. Perhaps there were good reasons he was lost to history. Perhaps the law school was named after him, not for any seminal influence he had on the law, but simply because he was first. As a classmate recently noted, George Wythe can't be credited for making Thomas Jefferson president or Henry Clay the most influential senator ever. Wythe's (and by association, our law school's) claim on John Marshall seems especially tenuous at first glance-Marshall was in residence here for only three months and all reports are that Marshall was more interested in pursuing romance than legal enlightenment. So, even though he taught a mind-numbing roster of our founders-Jefferson, Clay, Marshall, James Monroe, numerous senators, representatives, governors, Supreme Court justices, etc.-the question remains: By being first and having these great students pass through his classroom or law office, did George Wythe enjoy a historical windfall? The answer from here is an emphatic "NO." Let me count the ways (in chronological order):

1) **Declaration of Independence:** Wythe broke ranks from the majority of elite colonial lawyers by signing the Declaration of Independence. Two points here: First, the colonies began the Revolution as a decided underdog and the Signers' necks were on the line. Leading figures on both sides of the Revolutionary War expressed doubts that the colonists would be able to hold the Revolution together to defeat the British war machine. British Admiral Lord Howe described the Declaration of Independence as the prime example of "the Villainy & the Madness of these deluded People." John Adams wrote that he "was surprised at the Suddenness, as well as Greatness of this Revolution." Second, consider Wythe's credibility in

signing the Declaration. He had every reason to remain loyal to the colonial system-he was a propertied elite. While the vast majority of colonial society struggled for day-to-day sustenance, Wythe enjoyed the leisure to be a legal scholar (note: "school" and "scholar" are derived from the Greek "scholē," meaning "leisure"). We all may dream that we would put the good life (and our lives) on the line in pursuit of our ideals, but we know Wythe did so.

2) **William & Mary Professor of Law:** Thomas Jefferson chose George Wythe to be the first professor of law in the New World and Wythe began teaching at William & Mary in 1780. Working without precedent, Wythe's model of legal education remains substantially unchanged 220 years later. Wythe's design involved a mix of lecturing, Socratic method, mock legislative sessions, and moot courts. Sure, these pedagogical tools seem self-evident to us now, but imagine receiving the broad mandate from the governor to "teach law" and having nothing to go by. Once your mind is wrapped around the enormity of that task, imagine then that the system you created from whole cloth would still be the standard 220 years, tens of thousands of professors, millions of students, and 190 law schools later.

3) **Judicial review:** Twenty-one years before John Marshall established judicial review on the federal level in *Marbury v. Madison*, George Wythe issued the first reported opinion reviewing the constitutionality of a statute. Sitting on what is now the Virginia Supreme Court, Wythe established judicial review of statutes under the Virginia Constitution, in *Commonwealth v. Caton* (8 Va. 5 (1782)). The case presented a separation of powers issue which turned on the constitutionality of a pardon statute. (The fate of three condemned prisoners hung in the balance and the executive branch and each house of the Virginia Legislature claimed the power to carry out or thwart the executions.) After explaining that the constitutional structure provided the best protection of citizens from governmental tyranny, Wythe continued:

[W]hen those, who hold the purse and the sword, differing as to the powers which each may exercise, the tribunals, who hold neither, are called upon to declare the
See George Wythe on pg. 10

Venturing down Southside: Pink Fat Plays Winston's in Chesapeake

By Kara Steele

On Saturday, March 24, I went to Winston's Cafe in Chesapeake. The headlining band was Pink Fat. The lineup for Pink Fat is variable, but usually includes a singer, two guitar players, a bass player, and a drummer. They play at Winston's one or two nights a month. Pink Fat's playlist includes a long list of classic rock, blues and reggae cover songs, but they are not a typical Virginia Beach cover band. They have a distinct sound that makes even the most popular cover songs sound original. The members range in age from 22 to almost 50, but all of the musicians (regular or occasional) mesh well together.

They are all well-seasoned vets of the local music scene and are good players. They use a lot of improvisation in all of their songs, but they do not have a tendency to drone on and on like many so-called "jam bands."

There was a good-sized crowd at the club, although not as big as many weekend nights. Winston's layout is not especially conducive to live music, but they make it work as well as they can. On nights when there is a solo or duo act, everything fits well, but a band like Pink Fat takes up a large area that more or less blocks the hall that leads to the restroom, as well as almost half the bar. The drinks are usually cheap (and strong) and the atmosphere is very casual, relaxed and friendly. They have a decent late-night menu and an extensive dinner menu that includes a weekly special.

The second band that played was Absence, a trio featuring a guitarist/singer, bass player, and drummer. Absence is a side project of James Glynn, the bass player from Pink Fat, who seems to be in pretty high demand these days. He is a fine musician, and I have seen him play with three bands in the past month. (He recently sat in with

the Electric Fuzz Band at Avenue Blue's Thursday night open mic blues jam.) Absence played only one set of all original material, which can best be described as funky, heavy rock. Although they have only been playing together for a few months, they were extremely well received by the crowd, and the members communicate easily with each other. The drummer, Michael Glynn, has been compared to Bill Bruford of King Crimson, and the singer/guitarist, Jonathan Steele, cites Vernon Reid of Living Color and Jimi Hendrix as major influences. The saxophone player who was with Pink Fat sat in for a few songs, adding to the funky flavor of the set. I look forward to hearing more from this group.

To get more information about Winston's Cafe and its upcoming band lineups, call 757 420 1751.

Professor Marcus Sends a Postcard from Australia

And a G'Day to everyone back at the Law School in Williamsburg, Virginia, America (no one here calls it the United States). Thanks, Amicus, for asking me to write a letter from Australia, delighted to oblige. We arrived here in January and it has been a bit of a whirlwind ever since. My wife Becca, our 13 year old son Danny, and I have had just a terrific time, each day seemingly an adventure.

We are living right in the center city of Melbourne, just across from the magnificent Royal Botanical Gardens and down the street from the Yarra River. We have no car, we walk or take public transportation everywhere. We have a grand apartment, affordable only because of the incredible exchange rate (to give you an idea how incredible: when we were here 14 years ago, Aussie dollar was worth about .95 U.S.; when we began planning for the trip about 2 years ago, it was around .70 U.S.; when we arrived it was .60 U.S., today it is at .49 U.S.--what a difference it makes for us)

Danny is at a small school nearby. He likes it a lot, has made a bunch of friends, and really enjoys taking public transportation there and everywhere, but oh those school uniforms! Becca, on leave from the William and Mary Counseling Center, has been pursuing some interesting work in connection with counseling and narrative therapy. I am a visiting professor at the University of Melbourne Institute for Comparative and International Law.

My obligation here is to give periodic lectures to faculty, students, and members of the bar. It has been great, meeting lots of folks and discussing (sometimes vigorously debating) all sorts of issues including legal education (strictly an undergraduate endeavor here), criminal justice (they are not wild about plea bargaining, capital punishment, the exclusionary rule, Miranda, entrapment defense), and defamation (do you really have to prove reckless disregard for the truth if you are a public figure plaintiff?) While generalizations in this short a time are difficult, still a promise is a promise.

So, with apologies to the CBS Sunday Morning Show, a Postcard from Melbourne, Australia: It is just about the 1/2 way mark in our stay here in Australia. Truly hard to believe, the time is just flying by. A good moment to recap on the many wonderful aspects of life here and the few less than wonderful.

The Positives: First and foremost, the people. We have been, to put it bluntly, utterly overwhelmed by the warmth, kindness and hospitality shown to us by so very many people. They have us to their homes and offices, invite us to stay over at country escapes, ask us to lunch/dinner out. This applies to the university crowd, members of the bar, friends of friends, people we have met through Danny's school. A great lesson for us!

Multicultural environment. We have been told that this is the most culturally diverse city in the world now, I believe it. Remarkable mix of different ethnic groups reflected in languages, restaurants, cultural activities, it is tremendous.

The food. The best quality produce, fish, meats, with an amazing selection of diverse ethnic foods. Regular grocery stores are fine, but oh those open air markets! Plus, this is a superb restaurant city, such a mix--Aussie, "Aussie fusion", Italian, Malaysian, Vietnamese, French, Thai, Chinese, Japanese, Swiss, Indian, Indonesian, German, Turkish, Brazilian, Spanish, Ethiopian, Greek.--The parks and gardens. This is a city filled with open green areas as well as great walking paths and more structured parks (one of the highlights was the Walkabout in the Royal Botanical Gardens across from our apartment, a guided tour by a young Aboriginal man, we learned a lot).

The culture scene, especially the art and music. Some

excellent galleries and museums featuring the grand European/Australian landscape artists (like Arthur Street, his grandson is our friend) and the beautiful Aboriginal paintings and carvings (such tremendous use of colors). Lots and lots of concerts, plus 2 blocks from our apartment every Sunday afternoon we go to hear a good jazz combo, as we sip the spectacular wines.

Freedom for Danny. With a great public transportation system and a low crime rate, Danny has been able to venture all over the city easily. Sometimes with us, sometimes with his friends, sometimes on his own, it has been absolutely liberating for him.

Weather. Just finishing up summer here in the Southern Hemisphere, so we have had 2 summers (and Danny 2 summer vacations!) in the past 1/2 year.

Celebrations. The Aussies do know how to celebrate, whether Australia Day or Labor Day, they do it right with food, music, parades and festivals, great fun.

Trips outside the city. These have been grand, whether one day driving (wine country of Yarra Valley, nearby beaches and mountain villages) or flying off (Adelaide and soon to go to Canberra, Perth and Sydney), could not be more interesting or more enjoyable.

Visiting criminal trials, great fun. The wigs (friend of mine, a Supreme Court Justice--no, not THAT kind of Justice, here the Supreme Court is the trial court, the high court is called, well, the High Court--described it as looking as if he were wearing a dead rat on his head), the bowing, the witness standing at the dock, the leading questions and hearsay testimony, most interesting.

Going to the movies. Yes, going to the movies. Here it is much more of an event than in the U.S. Theaters are nicer (really plush seats, better food), for some it is reserved seats, places are spotlessly clean with bars, lounges and sofas and easy chairs. Loved "Billy Elliott", really liked "Bread and Tulips", liked "Small Time Crooks." The wildlife. Just incredible animals, and with the wildlife reserves, you can see them up close. Danny got to hold a Koala and feed some Kangeroos, pretty neat. My favorites are the birds, the colorful Rosellas (green, red, blue) and the Laughing Kookaburras (shrieking, almost manic call which sounds like hysterical laughter).

The Less Positive: Sometimes really hard to understand the way people here speak. We are better now, but still we act as if we are hard of hearing. It is not just that they use the same words to describe something entirely different from what we know (e.g., hire, take away, pasties, lift, bonnet, boot, bloody, footies) but those accents, especially outside the city (and they think WE have an accent, hah!)

Aboriginals. In the city they are virtually invisible, except for some fine museums. The attitude is decidedly uncertain about what to do with these remarkable native people. Virtually everyone we meet acknowledges the terrible debt owed to them for all the suffering caused, but there the agreement ends. Moreover, for every positive public statement one hears, there are numerous backlash sorts of comments (though masked with terms such as "One Australia", "The Land Belongs to Us All") Very sad.

Cell phones, aka mobiles. This must be the capital of the world. You see--and worse yet, you hear--them everywhere. Seemingly it is accepted social behavior to be with



Prof. Marcus, Becca, and Danny say "G'day". Marcus would like to emphasize they do not own the painting (Amicus thinks he covets it, though.)

a friend and spend the time talking on the phone to another. Common to hear quite personal and private conversations while eating a meal or riding on the tram. Awful development.

Vegemite, a nasty and smelly spread that looks kind of like peanut butter but tastes, well it tastes like what it is, a yeast extract. It is loved here by many, served on toast. At best, an acquired taste.

Bad T-Shirts. Bad T-shirts? Just so. A bit of a fashion trend here (and not among the very young) to have, shall I say, t-shirts which are odd. Skeptical, are you? Well here are a few I have seen, worn by some middle age types: "Bitch" (worn by a woman), "Was I Lady Chatterlie's Lover" (sic, and worn by a man and by a woman), "Fck" (expensive designer shirt worn by both men and women). Positive? Negative? You decide.

Needle exchange. Throughout the region, in public restrooms, prominent metal containers inviting people to dispose of syringes properly. A real shocker the first time Danny and I went to the bathroom by the museum.--Mobility. Our friends express great surprise at the ability and willingness of Americans to leave their home areas for school, jobs, or personal relationships. Vast majority of people here that we have met--other than recent immigrants--are folks who grew up in area, have children who are likely to go to college right here.

Leaving home. How's this for a statistic: Most recent survey indicates that Australian offspring, on average, do not leave their homes for school or their own apartment until age 24-25. Now what do you suppose that number would be in the U.S.? Australia is really quite remarkable. The list for positives, of course, is FAR longer than the others, this is a magnificent place. Well, we are all clearly ready for the second 1/2 of our adventure!

See you in the fall, Paul Marcus.

What's in a name? George Wythe and his legacy in law

Continued from Page 8 condemned prisoners hung in the balance and the executive branch and each house of the Virginia Legislature claimed the power to carry out or thwart the executions.) After explaining that the constitutional structure provided the best protection of citizens from governmental tyranny, Wythe continued:

[W]hen those, who hold the purse and the sword, differing as to the powers which each may exercise, the tribunals, who hold neither, are called upon to declare the law impartially between them. For thus the pretensions of each party are fairly examined, their respective powers ascertained, and the boundaries of authority peaceably established.

Having declared the judiciary's power to arbitrate disputes between the other two branches, Wythe then established judicial review of statutes:

Nay more, if the whole legislature, an event to be deprecated, should attempt to overleap the bounds, prescribed to them by the people, I, in administering the public justice of the country, will meet the united powers, at my seat in this tribunal; and, pointing to the constitution, will say, to them, here is the limit of your authority; and, hither, shall you go, but no further.

John Marshall was reportedly in Wythe's courtroom when Wythe read his *Caton* opinion. That sounds too good to be true, but Marshall's reasoning in finding it "emphatically the province and duty of the judicial department

to say what the law is" is too close to Wythe's to deny the influence. A sample from *Marbury*:

So if a law be in opposition to the constitution; if both the law and the constitution apply in a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is the very essence of judicial duty.

If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature, the constitution, and not such ordinary act, must govern the case to which they both apply.

4) Wythe and the U.S. Constitution:

George Wythe was selected to be a Delegate of Virginia to the Constitutional Convention of 1787. He had served only two weeks when he was called back to Virginia to attend his wife whose health was failing. Wythe's contribution to the Constitution came the next year when he was selected to preside over the Virginia Ratification Convention in Richmond as the Chairman of the Committee of the Whole.

By the time of the Virginia Convention, eight states had ratified the Constitution (nine were needed to supersede the Articles of Confederation). New York and Virginia, both linchpin states, began their ratification conventions in

June 1788 and arguably, the decision of the North's anchor state and the South's pre-eminent state would determine the decision of the other. (In an interesting historical footnote, Alexander Hamilton and James Madison set up a pony express between the two conventions to keep each informed of the other's progress.) With the formidable team of Patrick Henry and George Mason leading the Anti-Federalists in Richmond, the Virginia Ratification Convention was a battle lasting nearly a month. Due to his chairmanship, Wythe did not comment on the substance of the Constitution for the first 22 days of the convention. On June 24, 1788, however, Wythe ceded his chair, allowing him to address the convention. Wythe, citing the "critical situation of America, the extreme danger of dissolving the Union," called for the assembly to ratify the Constitution immediately.

On Wythe's recommendation, the assembly carried the motion to cease debate and finally put the Constitution to the vote. Needing a simple majority, Virginia ratified the Constitution 89-79. Would there have been a Union without Wythe's support of the Constitution in Virginia? A strong case can be made for the proposition that Wythe could have brought four additional delegates over to the Anti-Federalist side and that, knowing Virginia had failed to ratify the Constitution, neither New York nor any other state would drag the country into an uncertain union (in other words, a United States in 1788 would not have been possible without Virginia).

To be sure, James Madison and John Marshall were on the Federalist side and likely held some sway, but in 1788 Virginia, George Wythe was The Big Man in Richmond. Jefferson was in Paris, Washington stayed above politics, and Madison and Marshall were in their 30s. Wythe was a revered 62 year-old statesman; a biographer described the 1788 Wythe as "a living legend of Virginia." Wythe had been a force on the Virginia political scene since before Madison and Marshall were born, he had taught many of the Convention's delegates at William & Mary and others had clerked for him, he had been writing highly-regarded judicial opinions for a dozen years, he was widely recognized as the best practicing lawyer in the Commonwealth-the list goes on.

So...to the extent you thought, as I did a few months ago, that the bronze guy on the right received a windfall in the law school naming department by simply being a first sinecure holder in an endeavor that, through no fault of his own, eventually became something, I ask you to reconsider. Marshall was a heck of a guy and is rightly celebrated this year, but George Wythe earned his metal, and our name, to no lesser degree.

Courtroom

Terrorism in Courtroom from pg 2

Williamsburg and Newport News locals found Linsor guilty of terrorist crimes affiliated with the military plane, but not with the commercial plane because of lack of causation.

The whole purpose of the trial was to demonstrate the cutting edge of legal technology, and it was impressive. Through video conferencing with England and Australia, an English barrister examined an Australian witness. There was also an American examination of an English witness. Ramon Rodriguez was a Spanish-speaking witness, whose testimony was interpreted over the telephone by a remote translator. Bill Slaven gave expert testimony on the chemistry of the bombs by use of a Power Point demonstration and 3-D computer modeling of chemical compounds. There was even a blind witness who used a braille reader to examine a letter

entered into evidence. The prosecution experimented with various types of depositions including ones with both video and transcript display. Two court reporters created a real-time transcript of the trial which was broadcast on the Internet along with a video feed within seconds by Ringtail Solutions. There were also several pieces of evidence shown through the DOAR projector and in Power Point presentations. And of course, there was a new computer-animated video of the plane crash.

Many students, staff and outside assistance went to great effort to put the trial together, and as Professor Lederer refused to attempt to name them all for fear of missing a few, I will follow his lead and only name the few I knew about and recognized. Amongst the most visual were Professor Lederer's Legal Tech students. The defendant was played by Ken Whitehurst.

21's Legal Tech Trial

He was represented by Jammie Jackson, Jeff Aldrich, and Eddie Whipper. The prosecution was represented by Seth Askins and Sandy Mastro, and assisted by Steve Jack. The bailiff was Wendy Roenker and the US Marshall was Steve Burnette. James Rosenbaum, a US District Judge for the District of Minnesota presided. Behind the scenes, much work was done by Petra Klemmack, Martin Gruen, Nancy Archibald, Christy Warren, Andrea D'Ambra, Melissa Winn, Jamie Orye, Shawn Leppo, Stephanie Fichter, Christina James, and Eric Nakano.

After the trial, there was a lot of review of what went well and what didn't. The laymen of the jury provided some of the best feedback of what they liked, filing out several forms in response. In the upcoming weeks, Courtroom 21 staff and undergraduate psychology students will analyze the results in detail. Also, CNN and some

of the local papers were present to report on the event, so keep your eyes out for coverage of the law school.

Admitted Students Weekend

Admitted Students from pg 1.

Overall, the weekend was a huge success, largely due to the efforts of SBA's Admission Committee, Jen Redmond and Marnie Jensen, Dean Rogers and Dean Shealy. They would like to thank all of the students who helped to organize the events and provided housing for the admitted students. As Dean Rogers told the prospective students, "We believe that Marshall-Wythe's current students are the best selling point of the school".

A List of Class of 2001 Superlatives

By Jason Harbour and John Reed

Most Likely to Live Happily Ever After
 Most Congenial
 Best Smile
 Best Dressed

 Best Laugh
 Most Likely to Succeed
 Most Likely to EMAIL the world about it
 Most Likely to Keep Saving
 Law Student's Backsides
 Hardest Working
 Hardest "WORKING"
 Most Likely to beat an SEC investigation (against himself)
 Most Likely to beat an IRS audit (against himself)
 Most Likely to be a Senator
 Most Likely to "not have sexual relations with" one
 First to win a conviction in a Capital case
 First to get a defendant off of a Capital charge (and hate every minute of it)
 First to make a million
 Most Likely to live to 100
 Most Likely to be President
 Most Likely to sit on the Supreme Court
 Most Likely to be a Feared Jurist
 Most Likely to be CEO of a Major Multi-National Corp.
 Most Likely to be injured
 Most Likely to send her kids to UNC
 Most Likely to get breast augmentation surgery
 First Irishman to be a "Made Man" (through In-Law "Connections")
 Most Likely to save a busload of small children (with a folded newspaper)

John Donaldson
 Jill Kantor; Bryce Hunter
 Toyja Kelley
 Monica Robinson;
 Wayne Owen
 Carla Palmer
 Taylor Reveley
 Liz Jackson

 Gloria Todd
 Kendra Dietz; Sean Haney
 Billy Commons

 Dustin Devore

 Tom Vicario
 Angela Stewart

 Sarah Gee
 Mike Sprow

 Glenn Harwood
 Derek Wilkins
 Lee Harrell
 Matt Anderson
 Mary Sue Backus
 Sheyna Burt

 Ed McDonald
 Valerie Harris
 Amy Bauer

 Emily Hayes

 Adam Doherty

 Dan Froehlich

Most Likely to open up, and star in own strip club
 Most Likely to start the next Branch Dividians
 Most Likely to Prance
 Most Likely to become a Professional Wrestler
 Most Likely to Manage one
 Best Dance to a Neil Diamond song
 Most Likely to Pose
 Most Likely to get stuck in painful conversations
 Best Under Cover Lover
 Most Likely to be a Rock Star
 Most Likely to be a Band Aid
 Best Backside
 Most Likely to be "A Smart Blonde?"
 Most Likely to have a Drink named after him
 Best Naughty Librarian Glasses
 Most Likely to buy a Boat (He'd Better)
 Best Story involving Liquid and a Computer
 Most Likely to be Feared by Slumlords
 Most Likely to be in a Movie going directly to Cable
 Most Likely to Surrender First (with the French Foreign Legion)
 Most Likely to compel his Surrender
 Most Likely to make the Senior PGA Tour
 Most Likely to ditch out on Monday Nights
 Most Likely to have a VERY Long Distance Relationship

Joe Liguori
 Humes Franklin
 Elizabeth Weldon

 Chris Neus
 Eric Smith
 Erin Manahan
 Martha Swicegood

 Brian Holmen
 Tilghman Broaddus
 Mark Jackson
 Nikki Wilson
 Kate Tucker
 Stephanie Parks

 Adam "Casagrande"
 Mary Lynne Kupchella
 George Vogel
 Matt Vinceguerra
 Mike Wise

 Bryce Jewett

 James Beers
 Heather Forrest
 Brian Muse
 Bob Ford

 Pia Thadhani
 & Melissa Peters

Most Likely to be accosted for having the idle hands used to create this:

John Reed & Jason Harbour

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

They went to Washington, D.C.. They didn't get a chance to pump Justice Souter for clerkships, but maybe if he saw just how much fun they'd bring to Chambers, he'd make offers.



Watch this.



Zzzzzzz!



What smell?



There goes the future.

Calendar of Events

THE AMICUS CURIAE
Monday, April 2, 2001

Friday, April 6th

Workshop

Presented by Joan Williams of the American University.

Alumni Weekend -

Saturday, April 7th

Improvathon 2001 – the Improvisational Theater presents its 3rd annual Improvathon to benefit the Historic Triangle Senior Center. This event is free and open to the public. It starts at noon at the Crim Dell Amphitheater

Sunday April 8th

Monday, April 9th

Dean's Associate Applications due. Turn in your resume and letter of application to Cassi Fritzius

Blue Booking Session for 1L's – This is an extremely helpful session for those 1L's who plan to try out for a journal or Law Review. It's at 6:00 p.m. in Room 119.

Tuesday, April 10th

Portrait of a Rising Asia – Lecture presented by journalist, Nicholas Kristof and Sheryl WuDunn, Pulitzer Prize-winning journalists from the NY times. This event is free and open to the public at University Center Tidewater A beginning at 7:30 p.m.

Wednesday, April 11th

"How To Succeed in Your Summer Job/ Getting a Jump on the Fall Job Hunt" presented by OCPP. In room 119 at 11:30 a.m.

Thursday, April 12th

Wythe Lecture by Lynn Stout of Georgetown University

Bookstore Bash to celebrate the official opening of the new William & Mary Bookstore. Takes place outside the new bookstore at 5:00 p.m.

Tuesday, April 17th

"Gay Rights in the New Millennium: Sex, Morality & the Law." Presentation by visiting Professor Chai Feldblum. 3:30 p.m.

Friday, April 20th

Classes end (Thank God!)

Saturday, April 21st &

Sunday April 22nd

Reading Period

Let's hear it for Legelines.

Monday, April 23rd until

Friday May 5th

EXAMS

Remember, when in doubt, always choose C.

Sunday, May 13th

Commencement- Good-bye 3L's.

August 27th

CLASSES BEGIN – Something to look forward too, kind of like Christmas.

Thatcher Prize for Excellence in Graduate and Professional Study

Presented for the first time at Commencement 2000, the prize is intended to recognize an outstanding student from those completing advanced degrees in Arts and Sciences, Education, Marine Science, Business Administration, or Law. The winner will be selected on the basis of character, scholarship, leadership, and service. The aim is to find a well-rounded graduate or professional student reflecting each of these qualities, and who embodies the values of the College of William and Mary. Please submit all nominations and supporting materials to the Vice President for Student Affairs Office (219 Campus Center) by **Friday, April 6.**

Commencement Tickets

Commencement tickets for all graduating seniors as well as for graduate students in Arts and Sciences, Business, Law and Education will be available from the Student Affairs Office, 219 Campus Center, from 10 a.m. until 5:00 p.m. daily beginning Wednesday, April 18. Provided tickets are picked up by 5:00 p.m., Friday April 27, each degree candidate is entitled to 5 guest tickets. **IN ORDER TO PICK UP TICKETS, YOU MUST SHOW A PHOTO I.D.** The size of this year's graduating class makes it clear that we will not be able to provide any graduate with more than the allocated five guest tickets. VIMS Graduate Students should pick up tickets from Sue Presson in the Graduate Study Office at VIMS.

Benjamin Stoddert Ewell Awards

In 1987, the Student Association established an award to honor well-rounded graduating students – both graduate and undergraduate – of the College, those who best exemplify a liberal arts education through their activities as well as studies. Recipients of the Ewell Award will receive a certificate at the Spring Awards Reception and will be listed on the awards sheet at graduation. Candidates for the award must be full or part-time students with a minimum of 2.0 cumulative GPA who completed their degree in December 2000 or who are expected to graduate in May or August of 2001. Up to 40 recipients will be selected and nominations may be made by anyone in the community. If you know of a student who deserves to be considered for this award, please forward the name(s) to the Student Affairs Office, in 219 Campus Center, x11236 **BY FRIDAY, APRIL 6.** A Ewell Award application form will then be forwarded to all nominated students.

Carr Cup

The Committee on Prizes and Awards will meet in April to select recipients of the Carr Cup. Nominations for the Carr Cup may be made by any member of College community. Criteria for the awards are as follows: The Carr Cup is "awarded on the basis of character, scholarship, and leadership. The aim is to find a well-rounded student, having a good standing in all three respects, and withal carrying a spirit of willingness to sacrifice and give oneself to a cause." Please submit all nominations and supporting materials to the Vice President for Student Affairs Office (219 Campus Center) by **Friday, April 6.**

Please submit your entries for the Amicus Events Calendar to Bob Ford (3L), Deborah Siegel (2L), or the Amicus hanging file. Entries may include activities sponsored by law school organizations, main campus or community events.

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

They went to Washington, D.C.. They didn't get a chance to pump Justice Souter for clerkships, but maybe if he saw just how much fun they'd bring to Chambers, he'd make offers.

David Souter

Justice Souter demonstrated his true "Citizen-Lawyer" characteristics by meeting with the Marshall-Wythe group. We all know he had to go read briefs, and write more opinions to confuse us. Caught in a revealing moment, Justice Souter dozes off under the simplicity of questioning. He later remarked he was merely resting his eyes.

Laura Byrum and Shannon McClure

You'd think they were feeling no pain in this picture, having been carousing in DC and on the bus. Caught waiting in line for the bus bathroom (a.k.a "the Smoking Lounge"), they disclaimed any effects of alcohol and attributed their giddy state to being around the effervescent Justice Souter. "He's so dreamy! I have the whole Tiger Beat special issue in my carrel, and taped his visit to MTV Spring Break!"

Brian Miller

The second in our series of all-Star Snoozers- Brian, Carly's roommate, is not a morning person. Of course, see next picture and you may know why. Taken before the bus left, but reflects his whole trip. At least until Justice Scalia threw a stapler at his head during oral argument, jolting Brian into consciousness and causing him to ask yet another question during the lecture.

Carly Van Orman

The winner of this year's National Trial Team tryout competition demonstrates effective, winning oral skills for her friends on the bus. Her Dad is a famous Coast Guard dentist, though, so she should know better than to abuse her teeth in such a manner. Or maybe she was just singing into the microphone??? "I-iii wanna rock n roll all niight!"