1994

Amicus Curiae (Vol. 4, Issue 7)
By MICHAEL HOMANS

The M-W budget would be cut 10 percent and students would pay 10 to 18 percent tuition hikes for two years in a row, under former Gov. L. Douglas Wilder’s proposed budget for 1994-1996, now under consideration by the General Assembly.

Acting Dean Paul Marcus termed the proposal “very big trouble” for M-W if the budget is approved by the General Assembly.

“I don’t believe there’s a unit on campus that would be hit as hard as we would,” Marcus said at a faculty meeting Jan. 20.

Out-of-state students would pay the most under Wilder’s proposal, with tuition increasing 18 percent next year, followed by another 18 percent increase the year after. In-state students would see back-to-back tuition hikes of 10 percent each year.

Wilder’s proposed budget also calls for eliminating funding for more than a dozen Virginia college research institutions, including Marshall-Wythe’s Institute of Bill of Rights Law. The Institute receives about $129,000 per year from the state, mostly for faculty, administrative assistance and programs, Marcus said. “We would be very hard put to duplicate those dollars from within.”

Marcus said the school’s $6 million budget is already tight and most costs are “fixed” on specific programs and costs.

M-W student charged with indecent exposure, withdraws

By PAUL HAANAFORD

For the second time in his law school career, Leonard Spady (3L) faces misdemeanor charges. Spady was arrested at the Recreation Center and charged with indecent exposure after W&M Campus Police received complaints from two members of the Women’s Swim Team on Nov. 11, 1993.

Associate Dean Connie Galloway confirmed that Spady is not currently enrolled at the law school. She declined to comment on whether he withdrew voluntarily or was asked to withdraw, referring to the confidentiality of academic records.

Spady’s trial is scheduled for Friday, Jan. 28, at 9:30 a.m. in the General District Court of Williamsburg. Judge Joseph R. Zepkin is expected to preside at the trial. Indecent exposure is classified as a Class I misdemeanor under Virginia law and is punishable by up to 12 months in prison, a fine of up to $1,000, or both.

In addition to the indecent exposure charge, Spady is expected to answer on Friday for failing to comply with the terms of a suspended sentence imposed for a previous conviction in February 1992. That conviction involved making obscene telephone calls to another M-W student.

According to the police report filed by Officers Randall Sexton and Charles Schober, a witness encountered Spady at approximately 4:30 p.m. on Nov. 11 in the Rec Center hallway which connects the pool, sauna and locker rooms. Spady allegedly exposed himself to her by opening the blue towel he was wearing around his waist for a period of three to six seconds.

When the witness acted as if she had not seen him, Spady allegedly exposed himself to her again.

Approximately an hour later, Spady allegedly repeated the action to a second witness. This witness reported that she had seen Spady expose himself in the same manner at the Rec Center on Oct. 29, 1993. A third witness also recalled that Spady had engaged in this behavior on Oct. 29.

W&M Campus Police received the complaints at approximately 6 p.m. and arrested Spady at the Rec Center. There was no indication in the police report that Spady was under the influence of alcohol or drugs at the time of his arrest. All three witnesses have been subpoenaed to testify at Spady’s trial.

Spady’s sentence for the

By LEEANNE MORRIS

The adjudication of an Honor Code violation by former SBA President Kyle Short (3L) provided the first public test of the M-W Honor System last semester. After the Judicial Council found Short guilty of lying and recommended a public reprimand, Acting Dean Paul Marcus imposed a harsher sanction and suspended Short for the remainder of the academic year.

Marcus’ entire opinion appears on page 20.

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Call Your Representative

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Cutting $600,000 could cause severe damage.

Among the possible troubles Marcus predicted were:

Fewer student applicants to the school due to the tuition increase and public knowledge of budget cuts, leading to a qualitatively inferior student body with lower LSAT scores and undergraduate issues.

See WHAM, page 17

See REVEALED, page 20

Trial tests Honor Code

Short commented on his reaction to Dean Marcus’ decision. "I was surprised that he overturned the decision of the Judicial Council, and of course I was disappointed. But I recognize and understand the severity of the situation, and at this point I just want to do whatever is necessary to get back into school and finish up," Short said.

"More than anything I'm
Out Of Our Heads

Kyle Short's suspension and Len Spady's upcoming trial cast a black cloud of doubt over this year's student body. How do these individuals reflect on the rest of us? Do others see their misdeeds as representative of all of us?

In addition to what others may see, these unfortunate incidents cause us to doubt ourselves, and thus make us more vulnerable to exercising poor judgment. Apparently, this has already happened.

Someone in our midst has stolen M-W's most sacred and venerated object d'art. I regret to report to you that someone has DESECRATED THE ELVIS SHRINE!

In the aftermath of Kyle's Honor Code adjudication, one thing we all should have learned is that the Code (or at least the Dean) is unforgiving. In this case, whoever is responsible for this heinous crime deserves to be punished to the fullest extent.

This is not the first time the Shrine has been violated. Elizabeth Deininger ('89) wrote to us last semester explaining the origins of the Elvis lamp. It seems the original Elvis lamp was removed by "THE ADMINISTRATION" during the summer of 1988. Students returned in the fall only to be shocked and dismayed upon the discovery that Elvis was gone. Fortunately, Deininger was able to locate an identical lamp and return Elvis to M-W amid much fanfare. He even won a spot in the lobby trophy case for a while.

Fortunately, the lamp is still there as is the Elvis clock. However, the rest of the shrine that had grown up around the lamp, including the Velvis and other paintings, have been stolen. In their place is a blasphemous sign made of cut-out letters that reads, "Elvis Is Dead."

Perhaps the vandals who committed this crime are not aware that they not only removed a very valuable piece of art but also violating the Honor Code, but they have infringed on the religious rights of those who worship in the Church of Elvis.

What have we become? Has our collective conscience become so deflated, so demoralized that we will stoop to such an inhumane level of intolerance? This kind of thing is not what we all should have learned is that the Code (or at least the Dean) is unforgiving.

The Amicus urges the Judicial Council to take immediate steps to investigate this crime. A staff reporter assigned to this story has determined that the newsprint from which the sign was made came from The Richmond Times-Dispatch. If anyone has any information as to the identity of the perpetrator, please let John Crouch (2L) know in addition to Council members.

Half of those eligible (all 1Ls and 2Ls) participated in the contest, and even the winning firm averaged less than 3.5 hours of pro bono work per associate. Congratulations to Moliterno, Gilges & Dukes for putting the rest of the school to serious shame.

Well, catastrophic events loom on the horizon and it's time that the student body wake up and get busy. If not amended, the proposed higher education budget left by former Governor Wilder for the Virginia legislature will have disastrous effects on W&M and the law school.

For current 1Ls and 2Ls, the 10 to 20 percent tuition increases needed to offset the budget cuts each year will mean that your tuition bill will soon cease to resemble tuition at a very good public institution and will begin to appear more like tuition of a mediocre private institution.

From The Editors' Desk . . .

Letters

To the Editor:

As of Wednesday, Jan. 19, 21 2L and 3L courses had grades posted and eight courses had not been reported yet. For the 1Ls, eight classes had been reported and two had not. Adding up the numbers, over 25 percent of the class grades had not been posted four days after grades were due.

Many students malign the exam, grading and ranking systems as an unfair representation of their abilities as a lawyer. However, a significant part of the student body grade regards grades highly. They take great pride in A's and are work hard to improve C's. Also, grades are nearly universally important for the job search. These two factors combine to impart great anxiety on students during the grade-posting week. It is wholly unfair that professors make students wait passed the posted deadline.

As late grades from previous semesters parallel those from the fall 1993 grades. We study hard and we do so for a reason, i.e. to score highly on our exams. We do not enjoy taking the exams and I am sure professors do not enjoy grading them. However, we perform our duties diligently and in a timely manner. Professors should return the favor.

I am not asking that professors schedule and professors can shirk their duties does not sit well with me. If a professor is given three weeks to grade my exam and then needs to take another half of a week on top of that, it is only fair that I cannot finish a three-hour exam in three hours. I should be allowed another half hour to complete the exam.

I have witnessed this late posting phenomenon at Marshall-Wythe for five straight semesters. This semester is no fluke. I am sure that the number of late grades from previous semesters parallel those from the fall 1993 grades. We study hard and we do so for a reason, i.e. to score highly on our exams. We do not enjoy taking the exams and I am sure professors do not enjoy grading them. However, we perform our duties diligently and in a timely manner. Professors should return the favor.

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Letters over 500 words may be returned to the writer with a request that they be edited for the sake of space.

See LETTER, page 9

Editorial Policy

The letters and opinion pages of the Amicus Curiae are dedicated to all student opinion regardless of form or content. Opinion articles are not edited for content, only spell checked. Letters to the Editor are not intended to reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 5 p.m. on the Wednesday prior to publication. We cannot print a letter without confirmation of the author's name. We may, however, withhold the name on request.
Dean search narrows to final two

By LULIT MILLION and SHELLEY EVANS

The two remaining candidates for the M-W Deanship, under consideration by President Timothy Sullivan and Provost Gillian T. Cell are Thomas G. Krattenmaker of Georgetown University and Harry N. Scheiber of the University of California at Berkeley. Sullivan and Cell are proceeding to evaluate the two candidates but no date has been set for the final decision.

Professor Richard A. Williamson, M-W School of Law and Dean Michael H. Hoeflich, Syracuse University College of Law have withdrawn from the dean search. No reasons were given for their withdrawal.

On Saturday, Jan. 15, Krattenmaker invited the members of the Student Dean Search Committee to breakfast at the Hospitality House. The purpose of the breakfast was to thank the committee for personally recommending him for the position. Krattenmaker held an informal, open discussion which centered around complaints regarding the accelerated registration process at M-W, the fact that an extraordinarily large number of professors will be on sabbatical next year, and the generally poor course selection offered in the curriculum.

Dean Search Committee Chair James Moliterno wished to thank the students for "their extraordinary level of input." According to Moliterno, one of the things that made the dean search attractive was the level of student engagement in this important decision-making process.

Scheiber

Like all the dean finalists, Scheiber addressed the M-W student body in an open forum. Scheiber praised M-W, saying that "the story of this law school is very remarkable, not just in growth but achievement... It's very daunting to think of being dean here. It's like succeeding Bear Bryant as coach."

If selected as dean, Scheiber promised to work hard to sustain the reputation the school has achieved for itself and improve upon it through increased scholarships and expanded facilities and fundraising efforts. Scheiber claimed to be "very committed to making a solid professional core curriculum that is interesting." Commenting that lawyers should be more aware of policy issues, he said "this school should be training its students for positions of leadership, not just filling nitches." He would like to see a course offered in law students' first or second year which deals with the policy issues that lawyers face regarding everything from race relations to global warming. This could encourage them that "the alumni and the Bar have confidence that we're turning out skilled lawyers," he said.

Scheiber described how he would improve the marketability of students by using "the skills and expertise of the faculty to provide students the opportunity to strengthen their experience..."

See 3 DOWN, page 8

SBA mantle passed to Delk; VP position remains vacant

By DOUG MILLER

New SBA president David Delk (3L) presided over the first SBA meeting of the semester on Jan. 19. Delk assumed the top spot in the student government after former SBA president Kyle Short was suspended from the law school and prohibited from participating in law school activities by Acting Dean Marcus due to an honor code violation.

Delk opened the meeting with reassurances that the business of the SBA would continue. "Most of the committee members have already have plans from last semester," he said. "There will be plenty to do based on those plans; the big thing is just to keep people motivated to do a good job."

The SBA will hold a special election to fill Delk's now-empty slot as vice president this Thursday, Jan. 27. No official candidates have been announced for the position, even though that "the deadline for declarations of candidacy has already passed. Students, however, may vote for write-in candidates. The newly elected vice president will serve the two months remaining on the term for the current executive board. The new SBA board will be elected in early April.

In other SBA/LS legal, social chair Brooks Patten (2L) confirmed plans for Barristers' Ball, the annual spring formal. The dance will be held on Friday, Feb. 18 from 9 p.m. to 2 a.m. at the Williamsburg Lodge. While the ticket price for the event is not yet finalized, Patten said the committee was "shooting for $20," a $5 reduction from last year. The dance will feature a disc jockey, light hors d'oeuvres and a five-hour open bar.

SBA 1L rep Neil Lewis suggested a lower ticket price for those few in the law school community who are not drinkers. "I don't think it's fair for those who never touch the stuff to pay the same as everyone else when the majority of the ticket price is going to booze," he said. "These people are being punished twice, not only do they have to be surrounded by drunks, they also have to pay for something they're obviously not going to use." Patten said the issue has come up before. "We've tried to address this problem, but there is really no way to ensure that people won't take advantage of it." She said the committee would consider proposals from Lewis or anyone else.

Delk also announced that the parking changes approved last semester have been implemented. There are now six additional spaces reserved for day students, and all the student spaces in the closest lot are reserved for day students only. "I'm not sure how long these changes are going to last," Delk said. "I saw Professor Levy driving around looking for a spot last week." Last semester's survey showed an average of 13 under-utilized faculty and staff spaces.

Other business included the scheduling of a short executive meeting this week to approve a new nominee to the Judicial Council, the announcement of intramural tournaments in racquetball, wallyball, and golf, and a brief review of the social calendar.

Funding for Moot Court restored by BSA

By STEPHEN T. KING

The Board of Student Affairs reached a conclusion Dec. 1 concerning the funding of competition teams at the College. The resolution included a decision on funding for the Moot Court team.

The original resolution, submitted in the spring of 1993, sought to cut the Moot Court team from the BSA budget completely. However, the resolution was later modified to read that the BSA would look into alternative sources of funding for Moot Court, as well as other undergraduate competition teams such as the Model United Nations.

After considerable confusion over the purpose of the amendment, and after several proposed amendments, the resolution that came out of the Nov. 18 meeting resolved that an ad hoc committee would meet with the "appropriate university administrators to examine the possibility of having administrative university funding." Then on Dec. 1, after continued dissatisfaction with the Nov. 18 resolution, BSA representative Phil Havers introduced a substitute resolution which essentially maintains the status quo. The BSA "will continue to fund the Moot Court and Model U.N. teams through the competition team fund." The substitute resolution passed unanimously.

It appears for the time being that Moot Court funding is safe. However, Matt Holloran (3L), Chief Justice of the Moot Court Board, indicated that the team may very well see a reduction in its funds for next year.

In introducing his substitute resolution, Havers pointed to the fact that "the Moot Court and Model U.N. teams really want BSA funding." He also restated Holloran's position that without BSA funding there will be no Moot Court. The team "brings so much to the school in reputation and to the law students in experience. It would be a crying shame if Moot Court lost funding," Havers concluded.
Health Law Society & VBA debate mercy killing legislation

By PAULA HANNAFORD

The M-W Health Law Society (HLS) received kudos from the Virginia Bar Association for their research contributions to a VBA panel discussion entitled "Physician-Assisted Suicide: Is It Time for Legislation?" on Jan. 14. The seminar was part of the VBA annual conference held at the Williamsburg Lodge.

The HLS members provided background research on suicide, particularly from historical and sociological perspectives, for Matthew Jenkins, one of the VBA panelists, according to Ruthie Litvin (2L). Jenkins, an attorney with Hunton & Williams in Richmond who specializes in health law, briefly summarized the existing legal constraints on physician-assisted suicide in Virginia.

Jenkins noted that suicide, although still categorized as a common law crime in Virginia, is no longer punishable by the state. Assisted suicide, however, again is considered a common law felony which might be prosecuted as either murder or manslaughter.

Jenkins also suggested that the doctor-patient relationship might imply that physician-assisted suicide be characterized as "murder for hire," thus raising the possibility of capital murder in Virginia.

Dr. John Fletcher of the University of Virginia moderated and participated on the panel. Other panelists were author Betty Rollin, Dr. Howard Brody of Michigan State University, and The Forecast editor and publisher Herbert W. Titus.

The panel noted that the issue of physician-assisted suicide has taken on greater social significance due to the increasing frailty of present day, terminally-ill patients. Legislation in the Netherlands permitting physician-assisted suicide, and a series of news articles in the Boston Globe last April suggesting that some Boston physicians are already helping their terminally-ill patients die by providing them with quantities of medication sufficient to induce death.

Rollin described her personal experience of assisting her 72-year-old terminally-ill mother to commit suicide after ovarian cancer had progressed to the point that "her life had become a trap." Rollin, who also authored the book Last Wish on the same topic, explained that not all terminally-ill patients do not want to commit suicide, but they do want to know that the option of suicide exists in the event that their suffering becomes too great.

Despite her own involvement in her mother's death, Rollin opposed to family members and friends assisting in the deaths of their loved ones for several reasons. Friends and relatives often do not have the medical expertise to ensure that the death is painless and fast, and they frequently are overcome with guilt and remorse after helping the patient die.

Additionally, family involvement in the patient's death raises the specter of coercion or bad faith on the part of the family. Legislation, she concluded, is the only appropriate way of providing suicide as an option for most terminally-ill patients.

Brody, a key player on the Michigan State Medical Society (MSMS) Committee on Bioethics, noted that part of the public reatiation about physician-assisted suicide is due to the failure of the medical profession to give terminal-ill patients control over the pain and symptoms associated with their disease.

Brody noted that despite the diverse perspectives of Committee members, they were able to come to a consensus on a number of key points in a policy statement. Specifically, they agreed that legal constraints on physician-assisted suicide would be "difficult if not impossible to enforce," and would likely have "undesirable effects upon medical practice."

Titus framed the issue of physician-assisted suicide in terms of whether society wishes to build a legal system based on Christian theory or on a medical/scientific variation of Roman Stoicism. Explaining Stoic belief in the right to die as a psychological need to control an otherwise accidental existence, Titus asserted that voluntary euthanasia is supported by the same philosophical underpinnings as the Holocaust.

Fletcher recommended the adoption of state legislation that would permit physician-assisted suicide under very specific circumstances and with review by a panel of medical experts to protect against possible abuses. The proposed criteria included that the patient be competent to make an informed decision to request death, that palliative care is no longer adequate to control the patient's pain, and that the patient's request be explicit and voluntary, not coerced or assumed.

In addition to the VBA conference, the Health Law Society currently is involved with several other projects including conducting a survey of other law schools to determine the number and types of health law courses offered, the frequency with which they are offered, and the qualifications of the professors. The HLS members hope to see one new health-related course added to the curriculum at M-W.

In addition, the HLS has invited a number of attorneys who practice in different areas of health law to share their experiences with M-W students in informal, brown-bag lunch meetings.

Felton appointed Virginia Deputy Attorney General

By PAULA HANNAFORD

With the inauguration of Governor George Allen, Professor Walter S. Felton formally began a leave of absence from M-W to become Deputy Attorney General for the Commonwealth of Virginia.

In his new position, Felton reports directly to the Attorney General James S. Gilmore III as head of the Local and Intergovernmental Affairs Section.

Felton's appointment to the office occurred over the holiday break following a dinner meeting for the Commonwealth Attorneys Services Council, an organization which Felton has chaired for several years. Gilmore, whom Felton had known for several years as the Commonwealth's Attorney for Henrico County, first asked Felton to bring his new staff on the legislative process in Virginia. Then he invited Felton to work for him.

Felton explained that he originally turned down the invitation, but Gilmore persisted and "convinced me that I could do some good," particularly because of his familiarity with the Virginia Legislature and the Commonwealth Attorneys.

Felton, an assistant professor at M-W, is officially on leave of absence from the law school and is not teaching any classes this spring. He said he would like to teach on a part-time basis either over the summer or next year, but that such arrangements would depend on his time availability by the College of Law and the Attorney General's Office. The College reviews faculty requests for leaves of absence annually.

Complimentary on his impressions of the new job, Felton just shook his head and said, "It's a completely different world there. One day I'm driving around the [M-W] parking lot searching for a parking space, and the next thing I know I have my own assigned space among the justices of the Virginia Supreme Court."

Felton also described struggling with an armful of books while moving into his new office. Helping him recover several books which had tumbled onto the floor of the elevator, Virginia Supreme Court Associate Justice A. Christian Compton sympathized, "First day on the job, huh?"

The responsibilities of the new job are areas of law that "[he] didn't know existed," said Felton. "All of a sudden I feel like I need a cram course in all sorts of substantive law." The Local and Intergovernmental Affairs Section has already presented Felton with questions about complex insurance actions, class action suits, and "all sorts of interesting concepts about the authority of local governments."

Because Virginia is a Dillon Rule state and local governments need explicit legislative authority to perform their activities, Felton explained that he constantly receives requests from the local governments for Attorney General Opinions authorizing "things that they have been doing for years."

The pace of the job is also much faster than what he was used to at M-W. "Crisis management is not an unusual occurrence," he said, explaining that his office is often consulted by the Governor's office on local government legal questions. Fortunately, the Governor's office "gives us a lot of latitude for wrong answers," he said, relieved.

Felton said he is excited about the upcoming legislative session. Because the Allen administration is the first Republican gubernatorial administration in Virginia in 12 years, said Felton, "there is a lot of new energy and new things being tried, especially in the area of prison reform."

Asked whether he is in a position to affect the Virginia Legislature's consideration of the budget cuts, Felton asserted that he is "telling [legislators] about what a special place this is."

Felton also said that W&M President Timothy Sullivan made "an excellent choice" by hiring Stewart Darrame (W&M '72) to lobby on behalf of the
Monday, January 24, 1994 THE AMUSC CIBAE

Dr. King remembered, Black rage topic of BLSA forum

By CARLA ARCHIE

Commemorating Dr. Martin Luther King, Jr.'s birthday, the Black Law Students Association (BLSA) hosted an alumni forum Jan. 17, entitled "The Hidden Rage of Successful Blacks.

Distinguished panelists included the Honorable Wilford Taylor, Jr., the Honorable Aundria D. Foster, Andrea Amy-Pressey, Esq., and Loyd P. Fletcher (3L).

The topic was taken from the recently-published Rage of a Privileged Class by Ellis Cose.

In the book, prominent African-Americans speak of the frustration encountered on their road to success. Cose observes that ever before, as a result, more diverse set of opportunities than the color of their skin.

"When I was here, it was a general assumption [as the results of non-Blacks] that we were here as a result of some affirmative action program—never because we were qualified," Taylor, a general district judge for the City of Hampton, said that since his appointment.

Law Watch

By JOHN CROUCH

In New York, judge held.

The 100 percent business: Law firms may make non-compete covenants constitutional, an appeal court held.

WORST FORFEITURES CURBED: Police generally need a forfeiture hearing to seize real property, the Supreme Court held.

A car driven to a discussion of a drug deal is forfeited, the Seventh Circuit said.

SCHOOL CAN'T BAR RELIGION: Public school pupils of all ages have a right to pass out religious literature during school hours, the Eighth Circuit held. To disavow sponsorship, schools may teach "the meaning of the Constitution and the distinction between private speech and public," Judge Easterbrook wrote. (Law Week).

PHILANTHROPY OK: Black-only scholarships are constitutional, an Arizona federal judge held. (National Law Journal).

FOR MINORITIES ONLY: A compelling interest lets drug police stop non-Blacks on white travel if race is not the only factor, a Kentucky federal judge held. (Law Week).

SPECIAL TREATMENT: Newark judge Claude Coleman was arrested for using his credit card at Bloomingdales, chained to a wall for three hours and not allowed to call a lawyer or use a bathroom. Some managers soon told police they had been looking for another Black man who looked completely different, but Coleman was still suspended during the investigation of the false charges. (New York Times).

IT'S AN ANGLO THING: Using only the English language on warning labels is not negligent, said California's Supreme Court. (Law Week).

STORAGE RENTAL: A Baltimore federal judge let John Thamn's execution to be filmed and his brain waves monitored, to see if gas chambers are cruel. (Daily Press).

UNION AIDS: Attorney General Ken Mehlert said that the contract gave members without a job the right to get the legal aid instead of to support instead of to get the legal aid. (Washington Post).

DEATH EXPERIMENT: A Baltimore federal judge let John Thanos' execution to be filmed and his brain waves monitored, to see if gas chambers are cruel. (Daily Press).

DEATH EXPERIMENT: A Baltimore federal judge let John Thanos' execution to be filmed and his brain waves monitored, to see if gas chambers are cruel. (Daily Press).

First Editions: Union leader Hisako Takahashi will be the first woman on Japan's Supreme Court. (Richmond Times-Dispatch). Chief Justice Rehnquist lifted his stay of an order making the Cited admit Shannon Paulkiner. (CNN) LAW IS 90 PERCENT STATE STANDING THE OBVIOUS: Pension funds must stick to low-risk investments, the Supreme Court said. (Wall Street Journal).

AND 100 PERCENT BUSINESS: Law firms may make non-compete covenants constitutional, a circuit court held. (Law Week).

NO FAIR: The fairness doctrine chiled speech, is obsolete, and is not required by the Communications Act, the Eighth Circuit held. (Law Week).

COURTS MARTIAL: OK: Military judges are impartial even though the state appeals court held.

PUBLIC CREDIT: New York may tax low-income students $1,500 vouchers to use at any public or private school. So far, 317 have gone from private to public, 311 from public to private, and 1,818 have switched public schools. (Reason).

JUSTICE FOR NATIVES: Attorney General Ken Mehlert said that the contract gave members without a job the right to get the legal aid instead of to support instead of to get the legal aid. (Washington Post).

INDIANS TAXED: New York may tax interacial sales on reservations, said a state appeals court. The same issue is before the U.S. Supreme Court. (New York Law Journal).

STORE ISN'T SPEECH: Regulating newsstands' size does not affect freedom of expression. See LAW WATCH, page 17.

Privileged
Visiting professors Sepinuck & Zimmerman come to M-W

By STEPHEN T. KING

Two professors have temporarily joined the Marshall-Wythe faculty for the spring semester. Professor Stephen L. Sepinuck, visiting from Gonzaga University, is filling in for Professor Peter Alces. He teaches sales and contracts this semester.

Professor Diane Zimmerman joins the faculty as a Constitutional law professor from New York University. She teaches a First Amendment class called Legal Foundations for first-year students at Gonzaga.

Sepinuck has taught at Chicago-Kent. In his first year there, he received the "Teacher of the Year" award. He earned his L.L.M. in taxation from New York University, and has at times lived and worked in Florida and San Francisco.

Having only been in Williamsburg for two weeks, he has not had time to truly appreciate the area, as he has been "hurriedly preparing Contracts." In fact, this is the first time Sepinuck has ever taught Contracts. At Gonzaga he normally teaches Sales, Bankruptcy, and Legal History. He also coaches Gonzaga's Moot Court team.

Sepinuck compiled a book for a class called Legal Foundations for first-year students at Gonzaga. In Legal Foundations, students learn about legal methods, common law analysis, stare decisis, legal ethics, legal philosophy and a wide range of other legal topics.

"I love teaching," he claims, "I'm organized, compulsive and I like to think that I have a good sense of humor."

Sepinuck's connection to Marshall-Wythe is through Alces. The two of them are co-authoring a book on Article 9 of the Uniform Commercial Code on bankruptcy treatment of intellectual property. In fact, Sepinuck is involved in the revision of Article 9. One of his published articles on Article 9 has been cited in recent court decisions.

Outside of the law, Sepinuck is interested in antiquarian books from the Revolutionary and Federalist period. His interest in old books is balanced by an interest in science fiction. Until this season, he preferred the new Star Trek to the old Star Trek. "The new Star Trek has been particularly bad this season."

M-W's other visiting professor, Diane Zimmerman, has taught at New York University law school for the last 17 years. In addition to First Amendment issues, she teaches Copyright Law and Torts at NYU. She says, however, "My basic concerns are mostly with civil liberties." This concern is evidenced by the fact that she has chaired the First Amendment Rights committee of the American Bar Association and has testified in Congress on related issues. She also serves as a products liability consultant to Skadden, Arps, Slate, Meagher and Flohm in New York.

Outside of the law, one of Zimmerman's chief interests is archaeology. "I almost became an archaeologist, but I was sidetracked and became a journalist instead." Whenever she has the time, she might be found travelling to Central America or around the Mediterranean in search of interesting archaeological sites.

In addition to archaeology, Zimmerman has a general interest in nature. She proclaims herself "an avid gardener." Whether bird watching, floating down the Zambezi River or out tending to her roses, the lure of the natural world prevails her from being too tied down to her desk at the law school.

"One of the nice things about being a journalist, I spent ten years being paid to be a dilettante." Consequently, Professor Zimmerman cultivated a wide range of interests before coming to the law to explore First Amendment issues.

By KIRSTIN MUELLER

Kathy Philpott (3L) has been selected as the 1994 Drapers' Scholar from Marshall-Wythe. The Drapers' scholarship program is awarded to one Marshall-Wythe graduate each year.

The Drapers' scholarship program is run in conjunction with Marshall-Wythe and Queen Mary and Westfield College of the University of London. Each year, the scholarship program sponsors a legal educational exchange for one student from each school.

The scholarship covers one year of study in England during which the Marshall-Wythe participant obtains an L.L.M. from Queen Mary and Westfield College. The College is well known for its international law program.

This year, Marshall-Wythe is hosting Drapers' scholar Andrew Sharland, and David Dalke ('93) is attending the University of London as the 1993 Drapers' scholar from Marshall-Wythe.

The Drapers' Company, an British livery company which dates back to the twelfth century, funds the Drapers' scholarship program. The scholarship includes tuition, room and board, plane fare, and an additional stipend for living expenses. The Drapers' scholarship program has a long history with Marshall-Wythe, and its participants have highly recommended the program.

While in London, the Drapers' scholar lives in a student dormitory complex located in the heart of London. The scholar attends classes at the Queen Mary and Westfield College, which is one of the colleges of the University of London. The University of London also includes the London School of Economics and King's College.

The selection process for the Drapers' scholarship program takes place in the fall of each year. The selection process is open to all third-year students. A faculty committee evaluates applicants based on a statement of interest and the student's resume, and submits a recommendation to the Dean. The Dean then makes the final selection of the Drapers' scholar.
Barney Frank to Speak at Student Bill of Rights Symposium

U.S. Representative Barney Frank (D-Mass.) will deliver the keynote address at the Institute of Bill of Rights Law’s Student Symposium entitled “Gays, Lesbians, and the Meaning of Family.” Frank, one of two openly gay members of Congress, will speak at the symposium on March 23.

The panel discussion following Frank’s address will feature widely divergent viewpoints, including those of Herbert Titus, former dean of Pat Robertson’s Regent University Law School; Beatrice Dohrn of the Lambda Legal Defense Fund, a gay-rights organization; Stephen Pershing of the ACLU-Virginia, which is representing lesbian mother Sharon Bottoms in her appeal to regain custody of her son; and constitutional law professor Joseph Brodsky, who recently testified before a Colorado state court in support of that state’s anti-gay “Amendment Two.” The court eventually found the measure unconstitutional.

Clay Batchelor (2L), organizer of the symposium, is seeking volunteers to assist with coordinating and publicizing the event as well as participating in the Moot Court demonstration. Interested persons should leave a message in his hanging file.

Jackson Promoted to Assistant Dean

Lizbeth Jackson, M-W Registrar since 1990, was named Assistant Dean for Admissions effective Dec. 15, 1993. She will continue to serve as Registrar as well as assist Associate Dean Faye Shealy with the increasing number of admissions applications.

Commenting on her new role, Jackson said that she is most excited about having the opportunity to interact with students throughout their law school careers. “As Registrar,” she explained, “I never got to know students until their second and third years. Now I’ll be able to see them from the very beginning.”

Acting Dean Paul Marcus explained that “the demands placed on the Admissions Office in recent years due to the law school’s growing reputation, required a rethinking of our staffing needs. Liz Jackson, who brings a deep knowledge of Marshall-Wythe’s programs and an obvious affection for our students, was a perfect match for those needs.”

“Iron Lady” to Give Keynote Address at Charter Day

Margaret Thatcher, Member of Parliament and former Prime Minister of Great Britain, will be formally installed as Chancellor of W&M and will deliver the keynote address at the College’s 301st Charter Day ceremonies on Feb. 5. Thatcher, who succeeded retired Chief Justice Warren E. Burger as Chancellor on July 1, 1993, is the first female to hold that post in the College’s history.

The Charter Day activities will begin at 10 a.m. at William and Mary Hall. Call 221-2636 for information about tickets. Graduating law students who wish to participate in the processional should pick up processional tickets at Blair Hall, Room 118, on Jan. 25, 26 or 27 between 2 p.m. and 7 p.m.

Spencer Wins “Distinguished Faculty Award”

Professor Margaret Poles Spencer was honored for her “significant achievements regarding legal issues of particular interest to women, families and women in the legal profession” by the Virginia Women Attorneys Association at a ceremony in Richmond on Jan. 17. Much of Spencer’s recent research efforts have been directed towards exploring alternatives to prosecution for women engaged in prenatal drug abuse.

Lesbian and Gay Law Association formed at M-W

The law school’s first organization to focus on issues of concern to the gay and lesbian community formed last semester. The new association’s first formal activity was a meeting with Acting Dean Paul Marcus, Acting Associate Dean Jayne Barnard, Professor Margaret Poles Spencer, and Professor Davison Douglas to discuss the purpose of the organization and its plans for the spring semester.

According to its founding president Danny Reed (1L), the organization will provide a visible presence for gay and lesbian law students and address areas of common concern.

Future organization plans include informational meetings with faculty and administration members as well as social events. Interested students may contact Danny Reed (1L), Peter Owen (1L), or Clay Batchelor (2L).
Budget proposal will mean M-W students get less for more

By Dave Delk

The days of M-W being considered a law school bargain may not just be fading, they may indeed be over. In the recent budget proposal put forth by ex-Governor Wilder, students at the law school could expect a significant increase in their tuition over at least the next two years. In-state tuition would increase over 20 percent while out-of-state tuition would increase about 40 percent. Considering the fact that many law students go heavily into debt to pay for school, this tuition increase would only exacerbate this after graduation debt burden. This debt burden forces many students not to pursue the career option of their choice but instead find the highest paying "job" possible. Consequently, an already intensely competitive firm-oriented market becomes even more flooded with job seekers.

Another problem with the ex-governor's budget proposal is that our increased tuition will result in less services. In fact students will be paying more to get less. The law school currently operates on about a six million dollar budget; under the new plan this figure gets slashed to around five million. The tuition increases are apparently included in this five million dollar budget. This budget reduction would be noticeable at the law school in the form of less faculty hiring, fewer new resources for the library and OCPP, and less money for student programs.

The final blow to students in this whole process is that any additional revenue that Marshall-Wythe might realize from a tuition increase is not necessarily earmarked for the law school. The manner in which the Virginia higher education system operates is to pool all tuition money into one fund and dole the money out according to the state's budget. Consequently, tuition paid by Marshall-Wythe students will go to one of the many new programs being created under the proposed budget plan at some other Virginia institution.

State investment in education is a venture in which tangible benefits are not realized. The more affordable higher education is, the more educated your populace becomes, and the less dependent they should be on the state as a result. While the excesses of government spending are well documented, I just do not believe there is any amount of public money being spent for education is wasted. Most public institutions already operate on shoe string budgets. To force further cuts will directly affect the quality of the education being received.

The good news is that these budget proposals are not as yet final. Governor Allen and the General Assembly have the power to make changes before any final plan is put in place. The next two months will be critical in this process. William & Mary and Virginia's other state schools will engage in lobbying the legislature to ensure that these budget cuts and tuition increases are not approved. These efforts will go on a long way towards determining the future of Marshall-Wythe.

It should appear obvious to anyone that tuition increases are inevitable. However, any increase in tuition should not result in a diminishment of services, nor should any tuition increase be so drastic as the one which is proposed. Virginia has a long history of quality public schools which should not be allowed to be threatened by the kind of budget proposals which the ex-governor has presented for the Commonwealth.

Pathetic defense an option in "campus cavorter's" trial

By M.A. DONALD

Now that Mr. & Mrs. ROBBIT have both been acquitted, members of both genders, no doubt, are resting easier knowing that their physical abuse, acts of forced sex, and retaliatory acts of grotesque sexual disproportion do not impede criminal liability in the Commonwealth of Virginia.

Recently, it has been brought to my mind that both juries probably disregarded the instructions given them (as is their right), and decided both cases on that age-old basis: the asshole already got what he deserved.

Whether this approach will work for defendants less overtly pathetic than Mrs. Bobbitt remains to be seen. An obvious test is the case of the Menendez brothers, where the multi-million dollar defense seems to be relying on administrative committees. In addition, "My relationship would be personal wherever I can make it personal."

Krautennaker

Krautennaker, in his address to the student body, stressed that the law school must "stay the course and continue to grow." He felt that the faculty needs to grow to expand the curriculum and suggested using more adjunct professors to fill out the range of courses for second- and third-year students.

Although generally approving of the admissions procedures, Krautennaker expressed surprise at the low proportion of minority students. "It's lower than I expected," he said. If appointed dean, he stated that he would gain diversity in the student body by increasing the number of applications sought out by 1,000 percent. He also defined diversity as looking beyond the East Coast region for students.

Acknowledging that M-W is a relatively small school with limited resources, Krautennaker stressed that "we cannot change the economy so we must tap into the resources that can share with us ideas and information." Alumni contributions and obtaining resources for specific projects were two examples of fundraising that he would pursue. He listed his priorities in funding as fixing up the building, the curriculum and developing bridges with the college community.
Judge Zepkin's consumer law class was suited to total Monday, January 24, 1994 of the letter of the law Honor System, student body of the legal aid genus; the little in that most of the litigation looked at was stepped on, and sometimes the law provides help. But sometimes the law hurts too, putting families out on the street or taking the dinner money out of the mouths of innocent babes.

A point well made and stressed by the Honorable Professor is that too often people ascribe to judges powers they simply do not have. It may be personally for the judges who wallow in it daily, the law says what it says. The order gets signed. The principled judge has no choice. Judgment always have a choice. And of an impression that those who sit in actual existence of too much, sad do, that is often the extent of the ability to choose.

By Mark A. Donald

"The latitude to inject personal feelings about Kyle, the Honor Code Process, or even the trolls at financial aid, is a luxury reserved for those of us in less formal (and weighty) arenas."

considered the opinion of the Council, applied a deferential standard of review, and overturned the sanction. There's just not much room for "should's" in that process. The latitude to inject personal feelings about Kyle, the Honor Code Process, or even the trolls at financial aid, is a luxury reserved for those of us in less formal (and weighty) arenas. And while the members of the Judicial Council may be understandably upset by going through the often difficult process of sitting in judgment of their peers, only to have their decision reversed, such is life. Decisions of courts and agencies are reversed daily, often literally, of life and death.

Nobody likes disagreement, much less being reversed by someone higher in authority, but the Honor Council and the student body at large, are charged with the full knowledge that MANDATORY review lies in the Dean, and final review lies in the President of the College. Which brings us back to the only real question: whether or not that's the way it ought to be. And eventually that comes down to a matter of opinion. While perhaps the "Platenberg/Irishocracy" was suited to total self-policing, said group did not live in the complex world of ABA accreditation, the modern state-supported university (admitting even the peasant classes), and the image hyper-sensitive world of today's legal profession.

It seems clear that there should be some review of guard against the flaws inherent in peer judging, that charm may overcome evidence, or that a particular dislike may do the same. To have a final review in the hands of students would only serve to greatly increase the scope and tension of students judging their peers, only to have their decision reversed, such is life. Decisions of courts and agencies are reversed daily, often literally, of life and death.

By David Pernini

"Our system of honor is founded on student compliance and enforcement. Thus, the system is administered completely by Marshall-Wythe students. Any method of discipline imposed externally, would lack accuracy and fairness, and would ultimately erode the community of trust among the students." (Honor Code Section 1.10)

The Honor System codifies the idea that the student body is responsible enough to monitor itself. The students decide what is acceptable behavior and enforce those guidelines through the use of the Judicial Council. Such a student-run system encourages us to act not out of fear of punishment, but rather with the goal of preserving our integrity. Dean Marcus' recent unilateral act of increasing Kyle Short's punishment attacks the very character of such a system. It lowers the Honor Code from a system designed to promote a community of trust among peers to a rule that simply requires students to proctor exams for professors while stripping the students of any meaningful say of what is acceptable behavior.

I should state at the outset that I have not seen all the evidence of the trial, and therefore cannot state which of the two punishments I consider more fitting for Kyle's violation. However, I have enough faith in the integrity and morality of the Judicial Council to trust that their judgment was fair and representative of the opinion of the student body. Obviously, Dean Marcus does not share my feelings in this area. Dean Marcus must insure that each student who graduates would only serve to greatly increase the scope and tension of students judging the judgments of other students judging the accused.

In any case, it's highly unlikely that the school would ever totally relinquish control of the disciplinary process for students. Though by and large the populace here is of the docile sort, it wasn't that long ago or that far away that water cannons and even actual guns were used to resolve student/administration differences, and institutional memories are long indeed.

However opinions may differ as to whether students should have the final welding of the boot and however opinions may differ as to the wrongness of what Kyle did, voices should not be heard to complain that those on the Council, and those charged with the heavy duty of review "should" have done something different.

We bought our so-called Honor System. We should eat it, or throw it away.

Dean of the school states that he finds the morality and decisions of my peers to be inadequate. Dean Marcus is free to do whatever he wants as the Dean. He is free to disagree with the Judicial Council's decision. However, he does the school and his position a great disservice when he exercises this power in a manner that so clearly states his lack of confidence in the Judicial Council.

"[Dean Marcus] does the school and his position a great disservice when he exercises this power in a manner that so clearly states his lack of confidence in the Judicial Council."

By David Pernini

Letters, from page 3

sors be forced to grade papers hastily. I am protesting the fact that anxious students are forced to wait past the time by which they should have been informed of their grades. I have never graded 120 essay exams and I do not know how long it takes to do a thorough and consistent check. However, if professors need extra time, the registrar may need to move the deadline back one week. Or, if a professor knows she will need extra time, she should post a notice prior to the deadline regarding the exact date on which grades will be available.

This latter suggestion is not a perfect solution. However, every day that a student approaches the wailing wall after the grade posting deadline only to find that grades still are not up, the student becomes irritated with the professors. Posting a revised "late date" for the class would improve communication between the professor and the students and therefore somewhat alleviate this irritation.

-Marc Bernstein (3L)
We regret to inform you that Miss Demeanor was recently implicated in the wave of academic suspensions, withdrawals, and general mayhem at M-W and will no longer contribute to the pages of the Amicus Curiae. The administration has declined to comment but information leaked by a high-ranking official suggests that she faces criminal indictment for submitting a fraudulent mortgage application on a house of ill repute. The Amicus Curiae will continue to investigate.

Mr. Smart Guy, a man with the inside scoop on all the doings of M-W will assume Miss Demeanor's column.

Dear Mr. Smart Guy:
I've heard our new SBA President Dave Delk being compared to Gerald Ford. Any truth to the comparison? I would like to know more about Delk. What's the scoop?

-- Squeaky Fromme

Dear Pardoned-Already?

Presidents Delk and Ford were both elevated to the presidency when their predecessors resigned under a cloud of scandal. The only other notable comparison is that they both became Vice President unhindered by obstacles: Ford was appointed to the position and Delk ran against Ian Albarg. As to President Delk's background, Smart Guy couldn't dig much up. Many expect his will be a low-key, uncontroversial tenure marked by determined stewardship, modest progress and a willingness to identify roommates when asked. Any gab about a so-called officers' coup in which Delk is railroaded out of office on a trumped up charge and replaced with a puppet compliant to the whims of other SBA officers is just more of the loose talk we've come to expect from that weasel Pete Schiron.

Hey, Smart Guy:
I'm an unattached first-year guy who's losing hair hand over fist. I'd like to date, but it's already January and no one seems interested. I think it's my lack of hair. What's a balding fella to do?

--Solar Panelled Sex Machine

Dear Too-Bad-The-Sun's-Not-Shining,

First, don't panic. You're not alone. A close examination of composite photos shows that 36 percent of all males at this school are losing or have lost their hair (not including those who voluntarily shaved their heads). Additionally, all indications point to the conclusion that there are worse traits you could have. These include a paunch, pasty white skin, a really crappy car, or an embarrassing combination of all three.

While it is true that (1) very few women are immediately drawn to men without much hair, and (2) competing for those women will be tough in the saturated market of balding men that currently exists at M-W, the existence of Scott Heilse is offered to demonstrate that even guys with less hair get the girl, albeit cheesily and less frequently then Scott likes to admit to the public.

American juries are a dream come true for defendants

By TED ATKINSON

It's interesting to read headlines from foreign newspapers, because you understand immediately that foreigners are genuinely worried about millions of things.

Market downturn and nuclear weapons proliferation is making things icy for our Pacific rim friends; profound governmental upheaval in Russia has every man and woman wondering who's minding the store and whether that store has enough money and food to go around; and Europe as a whole is wringing its hands over the semi-finals of the Serbia-Croatian-Muslim cage match. People everywhere are deeply troubled by strife, war and hunger, murder, turmoil and fundamental economics.

For the most part, we as a nation are focused on one thing, and that thing happens to be a seveder penis. In this effort we may have sunk so low as to be deemed morally bankrupt, even by French standards.

Lorena Bobbitt is without a doubt the most widely recognized name in America today, pulling way ahead of all other contenders with the possible exception of her husband, John Wayne (I) Bobbitt. This poor weasel no longer has a separate identity; his member is some stupid sidekick that always gets in the way and makes things hard for him and others, its like having Gilligan in your pants.

Every conceivable joke has been made about the incident. Leno, Letterman, and Conan have based entire monologues, for weeks, on this stuff. Every single comedian cracked wise about the Bobbitts on Comic Relief VI without exception. The word 'Bobbitt' has been verbed, as in, "If he ever cheats on me I’m going to seize his thing and bobbitt," or "Bobbitt up a bunch of that summer sausage, would you?" At least the jury made a decision and we were spared the 'hung jury' jokes that would have hounded us through winter.

It is this jury, and juries like this one, that really bother me about the whole affair. I use to worry that juries were too dumb to grasp complex legal issues, but now I worry that they’re too dumb to get the easy ones, too.

I know lawyers are tricky bastards all around, but come on. What in the hell do you have to say to get the jury to buy the defense in the Rodney King trial? "Ladies and Gentlemen, despite the fact that the video you just saw shows a hundred cops beating the hell out of some guy on the ground as he writhes in pain and spits up teeth, don’t be fooled. He had control of the whole time." If I was being tazed in the back and kicked in the head, I wouldn’t have control over my own urinary system, let alone some big beefy cops. Yet they walked.

So did that Menendez kid who will now be able to go to the Caymans forever to heal his inner child or at least take it to parties and buy it shiny new cars with the trillion bucks he inadvertently inherited when he and Eric pumped mom and dad full of lead in self-defense (they were able to prove the tricky legal standard requiring that the defendant have a "hunch" that his life was in danger).

Lorena goes free, too, sort of. She’ll have some tests in Petersburg’s mental facility, and then probably be released.

Her only real punishment is that she will probably never go out on dates again, but I know a ton of people who don’t date either and they haven’t sliced anything off anybody.

Just exactly what kind of crazy stunt do you have to pull to be found guilty anymore? I mean besides incorrectly filing your taxes or speeding?

Perhaps legal skills could take a cue from this freakshow. Client B shouldn’t be about broken de-icers, who owns a really crappy car, or who trespassed on who’s lawn. I think we should have to prepare for a trial in which the issues will focus on whether the plaintiff beat the defendant silly with a pipe or whether the defendant was justifed in slicing up her husband like a paper doll. Closing arguments would be ever so much more entertaining if the lawyers bypassed the law and argued instead about whose client was crazier. Roleplaying would certainly be more interesting.

Perhaps changes need to be made at the constitutional level, too. When the Founding Fathers set down on paper the right of the people to keep and bear arms, they had no idea the world would change radically. They didn’t consider the possibility that one day people would kill their neighbors and eat them. Benjamin Franklin, a future postmaster general, never predicted that the postal system itself would help breed disgraceful.

See BOBBIT, page 14

Simplex Dictum by Jeff Regner

WATCH COUNSEL'S FACE WHEN I DO MY "CAPTAIN KIRK ON THE BRIDGE" IMPRESSION.

COURT ROOM 21

Monday, January 24, 1994 The AMICUS CURiae
More secrets to success: Patsy Cline as a role model

By DAVID ZIEMER
Midwestern Correspondent

I learned a valuable piece of information the other day, and thought I would write to share it with all of you. This other attorney and I were in a tavern celebrating the fact that our clients—co-defendants named in a very nasty little criminal complaint—were acquitted of all charges of significance. He’s a very big attorney in town, so I learned quite a lot from working on the case form him. But as we drank more, I wanted to learn more; I wanted to know the secret to being a very big attorney in town.

He took a long draught from his drink, and said, “I’ll tell you the secret. Patsy Cline,” he answered.

“What in hell has Patsy Cline got to do with the practice of law?”

“Everything,” was his response. We argued for a while until eventually, he decided to demonstrate the significance of Patsy Cline in the field of law.

He walked over to the jukebox, put in some money, and selected, “I Fall to Pieces” by Patsy herself. When the song came up, he pretended not to like it, acted as if he had selected it by mistake, and asked the bartender to kill the song. The bartender said he couldn’t stand the song either and readily agreed. The song ceased in midnote.

Then, from across the bar came a howl of pain that could only be classified as human by stretched analogy. Another patron of the bar sensed what was the matter, and informed the bartender that she thought he made a mistake in killing the song.

“He’s just being sarcastic,” was the bartender’s response. She didn’t think so, and asked the wounded animal if he really wanted to hear the song. Of course he did.

At this point numerous other people in the bar began voicing their objections as well. Thus did a bar full of drunks raised on the Rolling Stones clamor to listen to a stupid Patsy Cline song.

The attorney pretended that this development was not part of a plan, and volunteered to replay the song. The song came back on and everyone became happy and started singing. Then the attorney began to pontificate.

“Patsy Cline is the goal for which every attorney must strive. I’ve listened to Patsy before every trial I’ve had hoping to obtain some of her appeal that way. Here you have a bar full of persons in their 20s and 30s—not one of whom was born before Patsy died and not one of whom would consider wanting a quarter in the jukebox on Patsy Cline, when they can play Michael Bolton or Meatloaf or Van Morrison or whatever other shit we’ve been listening to since we got to this place. But cut off ‘I Fall to Pieces’ by Patsy and you’ve got spontaneous, unanimous and righteous indignation. You’ve got people howling with actual physical and spiritual pain.

“What you want as a trial attorney is for juries to respond to you the way bar patrons respond to Patsy. Jurors must simply float along upon your words without paying any real attention to them. Thus, when your opponent objects to some irrelevant line of evidence that you try to enter, they fall out of reverence with a heavy thud and become angry.

‘Imagine you are in court. You ask witnesses for information that is clearly inadmissible under the Rules of Evidence and every time the opposing counsel objects the jurors react with the kind of indignation that the people in the bar did when the bartender killed Patsy Cline. Stand there and look like you’re just falling to pieces every time the judge rules against you. No matter how irrelevant a given piece of evidence is, always look as if it’s exclusion is breaking your heart.

“It doesn’t make a bit of difference what the evidence is that you’re trying to admit. How many people in this bar do you think actually know the lyrics to that damn song, even though they just heard it? They are just floating along on the melody and the chorus. You want jurors to pay that kind of indifference to evidence, keeping nothing in mind when they go into the jury room except the melody of your voice and some phrase as stupid as ‘I Fall To Pieces.’

“If it’s a theft case and the only element at issue is intent to defraud, you want them to remember nothing except a meaningless phrase such as, ‘Only robbing Peter to pay Paul.’ You want them to sing the damn phrase to themselves during deliberations.”

The World Almanac® Crossword

ACROSS
1 Uphold 13 Mose 21 Path 29 Alamo 37 Bulbous 45 Sin
2 Goal 14 Rainbow 22 Parade 29 Gift 37 City in Utah
3 Johann Sebastian 15 Regatta 23 Gold 29 Oil 38 Most natural and simple
4 Sheppard 16 British heavy abbreviation 24 Cold 30 Frank 39 Hit with leg symbol
5 Seasons 17 Fireworks 25 Cold 31 Frankl 40 Do farm work
6 Nobel Prize 18 British heavy abbreviation 26 Cold 32 Frankl 41 Join
7 Church 19 Maggie 27 Great 33 Frankl 42 Pig
8 Rosenbery of Wimbledon, England 20 Mutton 28 Great 34 Frankl 43 Egg
9 Rosenberg of Wimbledon, England 21 Church 29 Great 35 Frankl 44 Stick
10 Mutton 22 Mutton 30 Great 36 Frankl 45 Stick

DOWN
1 Langley 11 Mutton 20 Mutton 36 Frisch 46 Essential
2 Malefactor 12 Mutton 21 Mutton 37 Frankl 47 Essential
3 Meat 13 Mutton 22 Mutton 38 Frankl 48 Essential
4 Meat 14 Mutton 23 Mutton 39 Frankl 49 Essential
5 Meat 15 Mutton 24 Mutton 40 Frankl 50 Essential
6 Meat 16 Mutton 25 Mutton 41 Frankl 51 Essential

IF AFRICA IS "WEIRD" AND "STUPID," WHAT IS ENGLAND?: Britain gives juvenile offenders world tours to build character. A drunk driver, 17, said of his 80-mile, $10,500 trip that Africa was "weird, stupid," Cairo was "totally disgusting rubbish," the pyramids were "nothing special," and camel riding was so "painful" he looked forward to prison. (London Times)

HE'LL CLAIM HE SAID "SAMURAI": After spending the night watching sumo wrestling, President Clinton told German Chancellor Helmut Kohl he had reminded him of a sumo wrestler. (London Times)

SHE BETTER NOT BE SERVING MY COMMUNITY: Cynthia Gillett of Waynesville, N.C., who covered her sleeping husband's penis with nail polish remover and torched it, plea-bargained for probation and 240 hours of community service. (Washington Post)

WATCHDOGS HAVE ACCIDENTS TOO: There are 32 building code violators in the headquarters of San Francisco's Bureau of Building Inspection, according to California's Occupational Safety and Health Administration. (Reason)

Ox
Fred was the only suspect wearing an overcoat. He continued to proclaim his innocence. The pungent, inflammable nature of Fred's bangs told a different story as did the unidentified cut pin which the suspect proudly wears on his lapel. Fred has described his arrest as "the most humiliating incident of my career due to the photographing of my buttocks and genitals."

Ben
One witness informed the police that she heard the arsonist blabbering on and on about something of little importance. Ben was promptly arrested. Suspect Landon continued to speak while the officer was reading him his rights, probably under the mistaken belief that he was still in class.

Big John
"Big" John, who usually sits anywhere he wishes in class, is another prime suspect who knows how to lean against a line-up wall with his chin held high. He wanted to pursue a career as a bouncer; but didn't like late hours, so he went to law school instead. There, he achieved instant fame when the singleheaded cane caused the collapse of the 1L hanging files. The stereotypical "strong, silent type," John has been known to carry a torch or two.

Composite
This unidentified law student arsonist of undergrad buildings is still on the loose. Police suspect the student may have attended Prof. Butler's review session of Property I at which she included the just-published second edition of the text not covered in class. The student was last seen murmuring "Burn, Baby, Burn," which could be inferred as either a sign of his guilt or of his desire for Butler.

ACROSS
1. From staff reports
2. False imprisonment: A burglar in a Belo Horizonte, Brazil, shop noticed a task of industrial glue and sniffed it until he blacked out from ecstasy, knocking the task over. He was glued to the floor overnight until police cut him free. (Reason)
3. High achiever: Posse chief Duane Daniels, 19, pleased guilty to a record-breaking 959 crimes at London's Old Bailey. His daily diet includes ten pints of malt liquor, 20 rocks, a half-ounce of marihuana, "handfuls" of tranqus, and two doses of LSD. (London Times)
4. Self-censorship: Canada seized American books by feminist author Andrea Dworkin, claiming they violate the antipornography law that Dworkin and Michigan law professor Catharine MacKinnon inspired. (Reason)
5. Treasured keepsakes: A Hololulu admiralty firm uses condoms as keepsakes on his lapel. Fred has described his arrest as "the most humiliating incident of my career due to the photographing of my buttocks and genitals."
6. One witness informed the police that she heard the arsonist blabbering on and on about something of little importance. Ben was promptly arrested. Suspect Landon continued to speak while the officer was reading him his rights, probably under the mistaken belief that he was still in class.
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DOWN
1. Meat
2. Malefactor
3. Meat
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5. Meat
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11. Meat
12. Meat
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ACROSS
1. Mass notification: 2,000 Korean noses, borrowed by invading Samurais in 1597, were returned and buried near Seoul last month. (London Times)
2. Neglected crises require massive government intervention: The Maricopa County, Ariz., Health Department's undercover agents have been crashing weddings to detect and seize cakes baked without licenses by friends or relatives. (Freedwork Network News)
3. Samurai strike again: A Vietnamese teenager's hand was sewn back into his body after he was bit by a gang wielding Samurai swords at his home in Hackney, England. (London Times)
4. But wasn't Shakespeare queer?: Hackney schoolmistress Jane Brown refused an offer of free tickets for her students to see the ballet "Romeo and Juliet," pointing out that children get a distorted view of adult life if they are continually exposed to homosexuality but never allowed to observe homosexual relationships. (Reuters)
5. School food not proven lethal: Denver public school nutritionists demanded that stores stop selling shirts saying, "School Food... Eat it before it eats you." School food services director Donna Witrock said her extensive research produced no proof that a toxic food had killed anyone yet. (Reason)
6. Artillery potatoes equally harmless: Zachary Burgess, 13, of Leesburg, shot himself in the head with a foot long potato gun. He had shot the succulent fast-sized morsel into the air and was trying to catch it when it attacked him. Neither the boy nor the potato was injured. (J. Crouch)
7. Did God make the sun?.:
8. God is everywhere, but... prefers not to mix with street people: San Francisco Hindus and New Agers have been worshipping a four-foot high abandoned parking barrier that resembles a Shiva Linga, a symbol of the powers of the god of destruction, which is tipped like Zippy's pinhead. The crane operator who first abandoned the deity in Golden Gate Park recently moved it to an artist's house to protect it from street people. (Washington Post)
It's Only Rock & Roll

Beavis & Butthead come to CD, give love & sex advice

By BILL MADIGAN

Before we get to the reviews for the new music, it is time to reveal the stunning results of the first annual Marshall-Wythe CD of the Year Survey.

Taking this poll has taught me two things about the M-W student body. First, there is a great diversity of musical tastes, as few albums got more than one vote. Second, most people are too damn lazy to take three seconds out of their otherwise mundane lives and write down one little album. The participation of those that did submit their choice was appreciated.

Coming in in the number one position for 1993 was Cracker with Kererosome Heat. There were three albums that tied for the number two spot: The Cranberries, Meatloaf, and B.B. King. There were three albums that tied for the number two spot: The Cranberries, Meatloaf, and B.B. King. There were several nominees from the classic rock category including Rod Stewart, Neil Young, and RuPaul's songs by 11 different metal, rap, and rock artists as well as a healthy dose of the crude, yet insightful humor of our two little friends from MTV. If you're a fan of the show—and who isn't!—you'll find the CD worth the price of admission even if you deleted all of the non-B&B material. In fact, several of the B&B song intros are longer than the songs themselves, and the boys have two songs of their own on the album: "Come to Butt-head" and their duet with Cher, "I Got You Babe." As for the music, the best of the lot is probably the single, "99 Ways To Die," from Megadeth. It is typical of the current Megadeth sound: heavy, aggressive riffs with Dave Mustaine's whiny voice telling us of the social harm wrought by the omnipresence of guns in American society.

Other stand-out tracks on the metal side are Nirvana's "I Hate Myself And Want To Die," Anthrax's Beavis Boys-eske "Looking Bade The Barr of A Gun," and the currently hip White Zombie with "I Am Hell." Jackyl rounds out the album with the very raw, very crude, very cool cut "Mental Suck." (Note: If you listen to the song, you'll discover that *%&%! is the code word for "masturbation." Just thought you'd like to know.) Other non-metal favorites are Aerosmith's "Deuces Are Wild," a song very much in the same vein as their fabulously popular rock ballads, Primus' salute to B&B "Poetry And Prose," and Sir Mix-a-Lot's "Moomba Mack."

The best parts of the album are the Beavis and Butt-head interludes, which include some classic B&B lines. When describing his dream girl, Butt-head proclaims that he wants "a chick who doesn't suck...uh, no, wait a minute. That's not what I meant." In the seductively crass "Come To Butt-head," he croons "I would do something that really sucks for your love," and "sometimes you have to act like a wuss to get chicks." While trying to get on Anthrax's tour bus, Butt-head queries "is there anyone like, uh, cool in there," -- something I wonder every time I walk into this place.

Seasons comes to the 'burg: good food and good beer

By JEFFREY REGNER

My lovely dining companion treated me to the pleasure of her presence and conversation for lunch at Seasons. Seasons, although wholly without the rustic feel of many of the CW restaurants, assumes the colonial decor consistent with the shops of Market Square. The atmosphere is a mixture of the local Cheers chain of restaurants and a fine 18th century home. But that is as one would expect when Seasons and Cheers are bought to you by the same folks. The menu had only a few variations from the Cheers standard selections. Lunch entrees were offered for under $10 and dinner for a few dollars more. Not being in the burger mood, I enjoyed their blackened chicken breast sandwich, seasoned with cajun spices and served on a bun with melted cheese. I found the sandwich delicious but even better were the french fries. Like most occasions when one comes upon the perfect french fry, one cannot finger precisely the reason the fry is perfect, only that it is. But don't rush in and order the french fries without first considering a side of beans. They were excellent as well. My companion ordered the mushroom-swiss hamburger with side of baked beans topped with bacon. She found it pleasing although possibly a bit

See FOOD, page 17

ECHOES
TAPES & COMPACT DISCS

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"A New Dimension in Sound"
**Schindler's List: a cinematic marathon well worth running**

By STEVE YOUNGKIN

Normally, when credits for a movie start to roll, the audience gets up, put on their coats, exchange comments with one another and walk out of the theater in a relaxed atmosphere. But when the credits for Schindler's List started to roll, the audience just sat there stunned and silent.

Schindler's List was not a movie in the normal sense of the word. This was not a movie one could lean back in the seat and relax until the time came to leave the theater then quickly forget the event.

No, this was not that type of movie, this was an experience. This was an experience that affected the mind and the soul. This was an event that cut to the very core. Schindler's List is completely unforgettable.

The movie has no plot as such. It tells the story of Oskar Schindler, a Nazi war profiteer, who took over an enamelware factory. For Schindler, the factory was an ideal venture since all of the workers were Jewish and, therefore, cheap labor. He entered the business, not with noble intentions, but simply to become as rich as possible.

Though essentially a slave camp, his factory became a haven for the Jews. By working there, Jewish employees became "essential workers," according to the German army, and were consequently saved from the death camps. Thus despite a complete absence of virtuous intentions or personal concern for his employees, Schindler became an inadvertent hero.

But after a while Schindler began to understand the full horror of the Holocaust and he slowly alters his plans. Instead of manipulating Nazi officers in order to get more war contracts, he begins to maneuver to get as many workers as possible for his factory. His motives have become more pure. He wants laborers, not to make money, but to save as many lives as he can.

By the end, Schindler saved over 1,100 lives. If Spielberg had centered only on the story, the movie would have been just good. Instead, he broadened the scope of the film so that the audience, most of whom only know of the Holocaust from history books, experienced the utter horror and devastation of the experience first hand. He shows how casually the Nazis killed the Jewish people. In one horrifying sequence, a Nazi commander plays a piano while his men slaughter the residents of a Jewish ghetto. The commander's lack of concern for the bloodshed occurring right outside his door clearly illustrated the regard that Nazis had for the Jews (none whatsoever).

One of the most remarkable thing about this movie is how Spielberg created the film's impact. Normally, Spielberg relies on cinematic trickeys (e.g., Turanic Park for example). While some of his movies have been impressive, the viewer never forgets that this is just a "movie."

In Schindler's List, though, he achieves his goal without through gimmicks (with the exception of a single dramatic use of color in an otherwise black-and-white film) but by simply allowing the story to unfold. Because the audience is so riveting, the 3-hour running time is not a hindrance but an opportunity for the audience to become fully engrossed in the film.

It also helps that Schindler (played brilliantly by Liam Neeson) is never portrayed as the perfect hero. He was a Nazi, an adulterer, and an exploiter of slave labor. He justified his friendships with SS officers with profit. Because of his flaws, Schindler's actions and pure motives are all the more heroic.

Many other good things can be said about Schindler's List. Ben Kingsley (as the accountant who runs Schindler's factory) and Ralph Fiennes (as a sadistic Nazi commander) give flawless performances. Mention should also be made of Janusz Kaminski's on-location photography of the death camps and of Steven Zaillian's profound script.

But, in the end, Spielberg is responsible for the impact of this movie. The film forces watchers to experience gratitude towards Spielberg for creating a movie that makes them relive the darkest hour of the 20th century.

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**Into the Woods more "def, witty & complex” than average**

By STEVEN YOUNGKIN

Stephen Sondheim is never one to take it easy on his actors. Instead of writing interchangeable and dull musicals, Sondheim weaves complex songs that require the performer to sing correctly while remaining in character—easier said than done. For Into the Woods, Sondheim made the material even rougher. Superficially the story seems simple enough. From famous Grimm fairy tales (including "Little Red Riding Hood," "Cinderella," "Rapunzel," and "Jack and the Beanstalk"), Sondheim weaves together the tale of the quest of a baker and his wife to recover certain items needed to lift a curse from their house. As with all fairy tales, the musical begins with the words "Once upon a time," and continues until the words "happily ever after." But in this case, that's just the end of Act 1. The rest of the musical concerns what happens after everyone lives happily ever after.

And that is where actors had trouble. While the first act is light-hearted and frivolous with an emphasis on comedy rather than content, the second act is more serious and more directed towards getting Sondheim's moral across (be careful of what you do since everything you do effects somebody else). As a result, while the first act was almost slapstick, Act 2 had to be performed more carefully. Fortunately, Sondheim's musicals (which include West Side Story, Sweeney Todd, Sunday in the Park with George and Assassins) are so well written that the music can carry the actors even on over acting, he made his character such a cartoonish, vain egotist that you couldn't help but be amused while he was on stage (particularly during his production of "Agony"). As for Stanford, she occupied arguably the best written role in the musical. While at times she didn't seem to quite know when to underplay the material, these incidents were outweighed by enough good moments to make for a very pleasant leading performance.

While on the surface, the play seems frivolous and simplistic, it is, in reality, a more def, witty and complex musical then the story alone would suggest. Occasionally, the actors failed to grasp this underlying complexity, but they were on the mark enough to make the performance a very relaxing and enjoyable way to forget classes and everything else for a while.
Contest hopefuls practice beach skills.

CATHY CLEMENS (93), showed up to defend her title as limbo queen last Friday at P.S.F.'s Bahamas Blast, the successor to previous years' Sea and Ski parties which was held in the Campus Center ballroom. Despite Ms. Clemens' slight stature and renowned flexibility, she was shockingly unthroned by Limbomaniac-come-lately Bryan Fratkin (2L) who will hold the title until next year.

The evening's dancing and inebriated indoor beach volleyball was peppered by preliminary drawings to establish a pool of 16 finalists for a trip to the Bahamas. The acerbic Ted Atkinson (2L) presided over the final round, where Andrea Masciale (3L) was the odds-on favorite, having been drawn for three of the 16 chances.

The final winner of the trip, however, was Scott Greco (3L), who became the toast of the party and was surrounded for the remainder of the evening by a group of women apparently interested in Caribbean travel.

For the past two years the function was named Sea and Ski. However, this year Wintergreen was unable to donate a ski package due to a high rate of requests for donations, thus eliminating the "ski" portion, explained Paula Wollard (3L).

P.S.F. Treasurer King Tower (2L) declared the evening a success with an estimated $1700 grossed.
Events Calendar

Monday, Jan. 24
- Welcome Back!!
- Happy Birthday: John Belushi, comedian (1949).
- This Bud's for you! First beer in cans sold (1935).

Tuesday, Jan. 25
- Amicus Curiae Meeting: 6 p.m., Paul's Deli
- Happy Birthday: Virginia Woolf, author, playwright
- Corozon Aquino, president of the Philippines

Wednesday, Jan. 26
- Music: The Julliard String Quartet, sponsored by the Charles Center as part of the 1993-94 Cohen Forum, Phi Beta Kappa Memorial Hall, 8 p.m. Tickets will be reserved for faculty, staff and students who request them. Any remaining tickets will be distributed on first-come, first-serve basis at the PBK box office beginning Monday, Jan. 24.
- Men's Basketball: vs. George Mason University, W&M Hall, 7:30 p.m.
- Those Were the Days! U.S. income tax repealed (1871)

Thursday, Jan. 27
- S.B.A. Election: Special election for office of Vice President, M-W lobby, 9 a.m. to 5 p.m.
- Town & Gown Luncheon: “Political Elocuence in 18th-Century Britain,” Adam Potkay, Assistant Professor of English, Campus Center Ballroom, 12:15 p.m.
- Music: Marshall Crenshaw, Flood Zone
- Happy Birthday: Wolfgang Amadeus Mozart (1756)

Friday, Jan. 28
- Field Trip: International Law Society field trip to Washington, D.C.
- Exhibit: African-American art exhibit kick-off and open house, VA Museum of Fine Arts, from a "Glories of Medieval" Muscarelle Museum, 3 p.m.
- Film: "Glories of Medieval" Muscarelle Museum, 3 p.m.
- Music: Muscarelle Players, Muscarelle Museum, 4 p.m.
- Women's Basketball: vs. George Mason, W&M Hall, 2 p.m.

Saturday, Jan. 29
- Music: Boy O Boy, Flood Zone
- Pro Bono: SBA Work-A-Day Program with housing partnerships. Sign up at SBA Office.
- Hello, My Little Chickadee! Happy Birthday to Claude William Dukerfield a.k.a. W.C. Fields (1880)

Sunday, Jan. 30
- Film: "Glories of Medieval" Muscarelle Museum, 3 p.m.
- Music: Muscarelle Players, Muscarelle Museum, 4 p.m.
- Women's Basketball: vs. George Mason, W&M Hall, 2 p.m.

Monday, Jan. 31
- Film: "Glories of Medieval" Muscarelle Museum, 3 p.m.
- Concert Series: "Madame Butterfly," New York City Opera National Company, Phi Beta Kappa Memorial Hall, 8 p.m.

Tuesday, Feb. 1
- Concert Series: "Madame Butterfly," New York City Opera National Company, Phi Beta Kappa Memorial Hall, 8 p.m.
- Frankly, my dear, I don't give a damn! Happy Birthday to Clark Gable (1901)
- National Freedom Day: 13th Amendment to the U.S. Constitution ratified (1865)

Wednesday, Feb. 2
- Thought for Today: "I am a human being. Nothing human can be alien to me.”
- SBA Lunch with the Dean: Attendees' names posted on SBA Bulletin Board. Bring your own beverage.
- Yearbook Portraits: Photographers available for law school portraits, Room 120, 3 p.m. - 6 p.m. $5.00 sitting fee. If you cannot have your picture taken at this time, the yearbook staff is also taking pictures Feb. 2 - 4, 10 a.m. to 6 p.m. in the Colonial Echo Office. Located in the basement of the Campus Center. For more information, call 221-3317.
- But not for long! Lie detector first used in court, Portage, WI (1935)

Thursday, Feb. 3
- Thought for Today: “Believe in the now, yesterday is past recall and tomorrow may never come.”
- Happy Birthday: Elizabeth Blackwell, first woman to earn an M.D. from a U.S. medical school (1821)

Friday, Feb. 4
- Music: Ashford and Simpson, Virginia State University, Daniel's Gymnasium, 8 p.m., Free.
- Symposium: "The Clinton Administration--The One-Year Report Card," University Center, the James Room. 2:15 - 3:30 p.m.
- Symposium: "Have We Heard the Last of the Savings and Loan Crisis?" University Center, the York Room. 2:15 - 3:30 p.m.
- Symposium: "Piecemeal Environmental Policy Making--Is There a Better Way?" University Center, the James Room. 3:45 - 5:00 p.m.
- Symposium: "Peace-making or Peace-keeping: Whose Job--U.N. or U.S.?" University Center, the York Room. 3:45 - 5:00 p.m.
- Exhibit: Open Reception for "Recent Acquisitions in Special Collections," Zollinger Museum, Earl Gregg Swem Library, 4:00 - 5:00 p.m. Exhibition runs through April 30.

Saturday, Feb. 5
- Charter Day 1994: William & Mary Hall, 10 a.m. Magaret Thatcher to speak. Tickets required. Call 221-3868 for information about how to obtain tickets.

Sunday, Feb. 6
- Exhibit: African-American art exhibit kick-off and open house, VA Museum of Fine Arts
- Art Workshop: Receive instruction in crosshatch drawing. First in a series of scheduled adult workshops in "Techniques of the Masters." $8.00 fee, materials included. Muscarelle Museum, 12:30 - 3:30 p.m. Call 221-2703 to reserve a place in the class.

Please submit your entries for the Amicus Events Calendar to Daryl S. Taylor (IL) or the Amicus Curiae hanging file. Entries may include activities sponsored by law school organizations, community events of interest to M-W students, or just about anything else that you can think of.
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The Colonial Echo

M-W funds are used to create this yearbook and 16 pages of the Colonial Echo will be dedicated to the law school, so don't be left out! Sittings will be held between 3 and 6 p.m. Feb. 2 in Room 120.

Additional sessions available 10a.m.-6p.m. Feb 2-4 in the Campus Center basement.

$5 sitting fee.

Monday, January 24, 1994 THE AMUS CURIAE

WHAM, from page 1

OPAS.
- A less diverse student body because fewer minorities and rural candidates would apply if the tuition is increased.
- Possible impacts on the dean search. Marcus noted that finalist Krattenmaker of Georgetown University has already questioned the administration on the possible effects of the proposed cuts.
- Reduced money for recruiting and fundraising to cover costs such as mail outs, phones, stationery and copying.

Despite such dire news, Marcus said he hopes the General Assembly—now working with newly elected Gov. George Allen—will amend Wilder's proposal and restore full law school funding.

"I cannot believe [Wilder's budget proposal] will stand. Maybe that's my usual Pollyanna-ish view of the world," Marcus said. He noted that College President Tim Sullivan and newly hired Vice President for Public Affairs Stewart H. Crannage are both walking the aisles of the General Assembly to lobby for the school.

Still, Marcus said it is anyone's guess whether the proposed cuts and tuition hikes will stand. Similar draconian budget cuts and tuition hikes are called for at the University of Virginia's law school. Professor Peter Alces said the proposed budget would be a double whammy to law students because they would be paying more money for less of a law school.

The only institutions that would benefit from the proposal would be banks that fund student loans.

Marcus said he is not sure what programs or costs the law school would eliminate if it has to meet Wilder's proposed 10 percent reduction, but he said the administration is required to come up with a plan for doing it. Under Wilder's proposal, the law school would have to trim 1.5 percent from the budget next year, and another 8.5 percent the year after. Marcus did not say whether faculty numbers or pay would be cut under the proposal.

Wilder's proposed budget is "particularly irksome," Marcus said, because some other state colleges—such as James Madison University—will actually see increases in their total budgets under the plan. William and Mary and the University of Virginia are hardest hit by Wilder's proposal, Marcus said, with the law schools being singled out for least-favorite treatment.

Other state-supported colleges will also see budget cuts and tuition hikes, but not to the extent proposed for the law schools at W&M and UVA. W&M's undergraduate students would pay 5 percent more in tuition next year under the proposal, and 4 percent more the year after.

PROPOSITION, from page 4

College. He also noted that the current legislature is composed of a number of W&M and M-W alumni, so he was not overly concerned that the school would be subjected to draconian budget cuts.

Among the alumni currently working in Virginia government are a number of Felton's former students. He said that most of them continue to address him deferentially as "Professor Felton." One of them, however, good-naturedly subjected him to some Socratic-method questioning during a public hearing "in retaliation for treatment he received in class."

I felt slightly disappointed in the service. Our waiter showed us little attention and seemed surprised that our drinks would not stay full without his help. But he was helpful in ordering, particularly with dessert.

He suggested a light tort with alternating layers of mousse, cake and cream. We split one and it crowned the lunch perfectly. We debated devouring another and I still strain to think of a reason why we didn't.

If you enjoy any of the restaurants in the style of Cheers, Ruby Tuesday or Bennigan's, Seasons will satisfy you. Even for lunch on a Monday there was a short wait for non-smoking seating, so I would consider calling ahead, especially during tourist season.

Rabbinical judge freed. Yehi Eilatb, 81, jailed in 1962 for denying his wife a divorce, as he is now too senile to consent. Jewish divorce law requires the husband's consent, so rabbis may jail him until he agrees. (London Times).

FORELIFT APPLIED: A supervisor's grab, stroke, and forced kiss were not harassment under the recent Forklift case as they were not frequent or serious enough to create a hostile work environment, the Seventh Circuit held. The man stopped after two refusals, and was transferred. (Law Week).


WILDEN WRITTS: Repaving streets triggers a duty to install curb ramps under the Americans with Disabilities Act, the Third Circuit said. (Law Week).

PRIVATEZED PROSECUTORS: Public prosecutors may not appear in courts of record, but must hire private barristers, Britain's senior judges said. The Crown Prosecution Service is so bureaucratised that critics say re-privatizing all prosecution would halve costs and restore ethics and responsibility. "We are bombarded with bunf from headquarters," said one prosecutor. Police and defense lawyers say CPS often drops cases it couldn't lose. (London Times).

PRINTER OF LOVE: A Jerusalem rabbinical judge freed. Yehi Eilatb, 81, jailed in 1962 for denying his wife a divorce, as he is now too senile to consent. Jewish divorce law requires the husband's consent, so rabbis may jail him until he agrees. (London Times).

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A Duck Out of Water

Media figure afraid to discuss Harding, NFL playoffs

BY ALAN DUCKWORTH

Well, welcome back to school. I hope everyone had a Merry Christmas. A New Year has dawned, but the sports remain the same. I am going to hold discussing the attack on Nancy Kerrigan until more facts have been released or until Tonya Harding is arrested since my sources in the Detroit Police have been no use in getting the inside track on the story. Now, on to subjects in which I am well-versed.

COLLEGE FOOTBALL:

The season is over, but I have to get my parting shots in the mix. First, to Notre Dame, get over it. Show some class, Lou Holtz. When number 2 beats number 1, there will not be a bowl game, they got what they deserved, the National Title. They won the title because they won the Orange Bowl. However, they, like every ACC team in a bowl game, failed to cover the spread. Not only that, but every single ACC team was outperformed by their opponents. Even the two teams that won, FSU and Clemson, won close games at the end after being beaten for almost the entire game. As for the three losers (Virginia, UNC, NC State), all three teams were completely handled by their opposition. The ACC football teams have made great strides in the last five years, but the conference still lacks the annual consistency to be a great conference.

COLLEGE BASKETBALL:

Who's number 1? That's the question in this crazy season. No team has emerged yet as a dominant team. Team after team is named number 1, only to promptly lose. North Carolina has done it twice. The latest victim is Kansas. The top of the polls has been like an albatross around teams' necks. In a season like this, we should be grateful that the polls mean very little and the champion will be determined in the tournament at the end of the year.

PRO BASKETBALL:

It is time to take All-Star balloting out of the hands of the fans. The problem is that the voting helps make any flavor-of-the-month player or hyped rookie a contender to start. To get an idea of how that is playing out this season, you need only look at the current balloting. Karl Malone is not in the top 10 in forwards in the West, a list which includes Antoine Carr, who has missed most of the season due to injuries. At Western Conference Center, David Robinson, who is second in the NBA in scoring is sixth in voting, over $5,000 votes behind number 2, Chris Webber, and also trailing such "perennially All-Stars" as Oliver Miller, Dikembe Mutombo, and Vlade Divac. The guard vote in the West is a little closer to reality, but any tabulation which has Dan Majerle two spaces ahead of John Stockton is suspect.

The Eastern Conference is even worse. Again, the guard voting is the best, with two quality players leading the way in Kenny Anderson and J.I. Armstrong. However, players like Mark Price, Joe Dumars, and Mookie Blaylock are as good if not better, yet they ball out at seventh, eighth, and fifth respectively. At center, while O'Neal deservedly leads the way, Patrick Ewing ranks fifth. Ewing doesn't rank fifth in centers in the entire world, much less in the Eastern Conference. At forward, Derrick Coleman, master of the big mouth, leads the way. Scottie Pippen and Dominique Wilkins, who rank sixth and eighth in the voting, are both having superior years. Until the system is changed, the All-Star game will not include the level of players that it should and could. This has been a banner year for Shaquille O'Neal. When most people, myself included, criticized him for notworking the summer to improve his game, he has turned his game up a notch and leads the league in scoring. He also, however, leads the NBA in flagrant fouls and is half way to being suspended. When O'Neal learns to channel his youthful exuberance into more positive directions, he will come very close to fulfilling the promise he should have last year. Hopefully, this change will occur as he matures (he is only 21) and gets more experience.

BASEBALL:

I couldn't let Jordan's latest publicity stunt pass without comment. For those who don't read the sports section or have been in a box for the last few weeks, Jordan is planning on trying out for the White Sox. The man who retired from the NBA so he could try and step out of the media spotlight is stirring up the press once again. When he retired, I thought maybe, just maybe, he was being sincere and he genuinely wanted his life to become as normal as it could be.

Well, Michael tricked a lot of us. Now, I am convinced that as soon as his other avenues for satisfying his ego are completed, he will return to the NBA. The only sure thing is that he will not play this season, since every single team president would have to vote to allow him to unretire this year and far too many teams think they have a shot at the title to allow Michael back. Look for him to return next season, when Horace Grant leaves.

PRO FOOTBALL:

With the play-offs upon us, I will reserve comment until later. Anything I say would be outdated by the time this is printed. So I will see you next issue.
By BILL MADIGAN

M-W BASKETBALL CHAMPIONSHIP... In a game more notable for the complaining than the scoring, Black Letter Law captured the basketball crown from Delk/Flatnick. Sucks, 50-42. Despite the physical, foul-plagued nature of the contest, there were a few highlights, including a rare appearance by a Pulitzer Prize winning sports journalist.

Delk Sucks took an early lead, shutting out Black Letter Law for the first several minutes of the game. Leading the charge were the Baseline Bomber, William "Mary" Harper, the 1L Slayer, Jim "The Life Of" O'Brien, and King Scrub, Brian "Damage" Flatnick. By midway through the first half, Delk Sucks had dished out a double digit disparity, setting the stage for their dramatic second half choke.

Despite the initial setback, Black Letter refused to give up the ghost, and thundered back to take the lead by intermission. They mercilessly pounded the boards, getting more second chances than Mark Rypien. Dave "Din" Whitted and Ivan "Norman" Bates paced the resurgent Black Letter. Early in the second half, they added to their advantage, building an 11-point lead while Sucks languished in a shooting ice age.

Inspired by some strong stands on the defensive end of the floor, Sucks began to thaw late in the second half. From the point, Keith "Sub" Marino had Sucks believing they could find the inside of the rim again. But it was too little too late. As the Rec Center stooges began turning off the lights, subtly hinting that we were going to lose, the opportunity to claim the IM title for John and George. And, of course, another season of basketball means another season of the always controversal, yet insightful basketball polls. Team captains have already begun their public relations campaign to lobby for their squad's appearance at the top of the polls. Remember, all cash payments must be in small unmarked bills, non-consecutive serial numbers, please.

Who knows, you too may get a cool nickname.

PLEASE TEAM CAPTAINS... Team captains and participants are strongly encouraged to let me know how they or their teams are doing against those sly, young undergraduates. Studies have shown a direct correlation between the amount of information provided by team captains and the height of the team in the ever-important polls. All you have to do is jot down the score, the names of key players, and any other highlights you feel are deserving of coverage.

Don't forget the next meeting of the
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Chief Justice David Hopkins (3L) expressed satisfaction with the work of the trial panel and said he thought Marcus' decision was supportable. "I feel the trial panel and the Dean took their responsibilities very seriously and came up with two different, yet reasonable, positions," Hopkins said.

Hopkins addressed what he perceived as students' concerns with the outcome of the trial. He said some students may think the trial panel's recommended sanction was too lenient. But he felt the notation on Short's permanent academic record was the heart of the punishment.

"It seems to me that this notation, which the Accused will carry with him throughout his career, is the most significant element of any punishment available to be imposed. A suspension, on the other hand, is by definition temporary," Hopkins said.

Asked whether the Dean's decision subrogates student involvement in Honor Code adjudication, Hopkins said the Dean could not have taken the action had the Council not found Short guilty. He also speculated that Marcus may have expelled Short altogether if not for the Court's recommendation.

"I think it is clear that the Dean did show significant deference to the student perspective as represented by the five members of the trial panel," Hopkins said.

"People have all different views of what action should have been taken, but the one undeniable lesson here is that the school system works and that, though it's not absolute control, students have a very significant role in the adjudication of honor infractions."

On November 11, 1993, Acting Dean Paul Marcus issued the following opinion upholding the Judicial Council's determination of guilt and overturning its recommended sanction. The entire opinion is reprinted here in compliance with Section 5.41 of The Honor Code.

---Eds.

Charges were brought against [a student] at the School of Law for violating with the deliberate intent to mislead another.

The matter was adjudicated through the appropriate process by the Judicial Council. On November 11, 1993 a sanction of a public reprimand was imposed by a Trial Panel. The process, findings, and sanction are contained in the Trial Panel Opinion Letter.

I have spent considerable time reviewing the written record in this matter along with the audio tapes of the testimony and argument in connection with the process. Before turning to my conclusions, I lay out two factors. First, while [the student] . . . is involved in a number of activities, I believe such involvement does not impose a higher standard of conduct under the facts of this case and therefore I do not heighten the standard. Second, the [student] had several conversations with members of the law school administration which were outside the scope of this case, relating to the process (with Deans Barnard and Galloway) and to other matters (with Dean Barnard and me). Because they do not relate to the charge involved here and are not part of the record, I have not considered them in any review of this matter.

The procedures call for bifurcation of the proceedings if possible, and my review is split between the guilt determination and the sanction.

The Guilt Determination

[The student] was charged with intentionally lying to College officials in connection with seeking funds under the financial aid process. The Board found beyond a reasonable doubt, as indicated in its report, that [the student] lied to the officials and that [the student] did so "with the deliberate intent to mislead." I determine that the weight of the evidence supports this finding and I accept it and affirm it.

The Sanction

The Board concluded that the appropriate sanction for [the student] is a public reprimand. I disagree and specifically find that such a sanction is against the great weight of the evidence. I begin with the proposition that the charge proved here, beyond a reasonable doubt, is extremely serious, intentionally lying to College officials, ultimately, for financial gain.

The Honor Code states that there is a presumption of permanent dismissal which can be overcome by clear and convincing evidence of compelling circumstances. I have decided that the Council's determination of clear and convincing evidence of compelling circumstances is against the great weight of the evidence. Still, I show deference to the Panel and hold that permanent dismissal should not be imposed.

While "mindful of the Honor Code's student-run nature and dependency on student support," I am not willing to accept public reprimand as the appropriate sanction and do not believe that the weight of the evidence supports such a sanction.

In reaching this conclusion I consider the substantial nature of the offense shown, [the student's] state of mind and other appropriate matters including the integrity of this Honor Code process and the Marshall-Wythe School of Law.

The Honor Code properly demands that students meet the highest standards of honesty and truthfulness. The Code states that we must "accept no compromise and allow no action by any student to weaken the community of trust." I find that the overwhelming evidence presented here dictates that a greater sanction be imposed, one that "undermines the vital importance of the community of trust" which has been breached by [the student].

I therefore impose the following sanction:

1. [The student] will be allowed to complete this semester including all exams, papers and other course assignments.
2. [The student] will not be allowed to enrol as a student next semester and cannot participate as a student in any Marshall-Wythe activities including graduation or other commencement ceremonies.
3. [The student] may petition, between February 1, 1994 and March 1, 1994 for readmission to the School of Law for the fall semester, 1994. I will grant such a petition if I am convinced that:
   a. [The student] acknowledges, privately and publicly, the seriousness of the offense for which [the student] has been found guilty; and
   b. [The student] demonstrates that [student] can meet the high standards of integrity and honesty expected of students of the Marshall-Wythe School of Law.

In the Matter of Kyle Short

Marcus said that the high standard of review by the Dean and his distance from the parties involved are built-in protections in the Honor Code that ensure impartiality.

Asked how his decision to impose a harsher sanction than that recommended by the Council affects the integrity of the Honor System, Marcus said, "I can understand the argument that it weakens the system because it really should be student operated. On the other hand, someone not intimately involved with the problem may be better able to remain impartial."

He said he felt that the purpose of the Code provisions in requiring an automatic appeal to the Dean was to ensure a "fresh look" at the record by a person detached from the proceedings.

Marcus likened the procedure to a court of appeals in reviewing a sentence. He noted that while an appeals court has only the written record before it, he had the advantage of audio tapes. "I spent a lot of time listening and re-listening to the tapes to try to get a sense of the witnesses," he said.

He agreed with the criticism that public cases like Short's and Kevin Kroner's ('93) are quite rare in the school's history. But for secret proceedings, he said it was not unusual for the Dean to charge the sanctions as severe, and typically it was made more severe.

REVEALED from page 1

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Monday, January 24, 1994 THE AMURCIS CURIAE