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Short gives reasons for resignation, page 9

AMICUS CURIAE

MARSHALL-WYTHE SCHOOL OF LAW

America's First Law School

Volume IV, Issue Six

Monday, November 22, 1993

Twenty Pages

Short convicted of Honor Code violation

By LEEANNE MORRIS

SBA President Kyle Short (3L) was convicted of an Honor Code violation by the Judicial Council at a trial held Nov. 11. At a sanction hearing on Nov. 12, the Council recommended Short be publicly reprimanded. Short was accused of lying to Director Edward Irish on Oct. 22. In the process of obtaining additional student loans, Short was asked if he had any roommate(s). Fearful that answering yes would jeopardize his chances of receiving aid, he said no. Irish discovered this inaccuracy and submitted the accusation of lying to the Judicial Council.

A public statement by Short outlining the details of the charge appears on page 9. Normally a guilty verdict results in a public notice of the trial and its outcome while withholding the name of the convicted student. The sanction of "public reprimand," however, means that the student's name is included in the notice.

The Council's verdict and recommended sanction are now under review by Acting Dean Paul Marcus. Under the Code, the Dean may overturn the conviction or increase or decrease the severity of the sanction "only if he or she believes that the Trial Panel's determination of clear and convincing evidence of compelling circumstances is against the great weight of the evidence." (Honor Code, § 5.23).

"Trial Procedure Defended"

Judicial Council member Katie Horton confirmed that several members of the Council had to recuse themselves from the trial process. Chief Justice David Hopkins, who is one of Short's roommates, was one of the members who recused himself.

Horton said she was happy with the trial process. "Overall the proceedings went very smoothly. I'm not aware of any major problems that occurred logistically."

Short said he respected the Judicial Council members for their work on his case even though he disagreed with the verdict. He pointed out some of the problem areas with the Honor Code.

Dean candidates visit M-W; Amicus barred from meeting

By SHELLEY EVANS

The first two of five dean candidates invited for one-campus visits got a taste of W&M and the law school during the past two weeks.

Thomas G. Krattenmaker, professor of law and former associate dean at Georgetown University, was the first visitor Nov. 7-9. Richard A. Williamson, Chancellor professor of law and former associate, vice, and acting dean at M-W, continued the process Nov. 16-18.

In the midst of the hectic on-campus meetings and interviews, each candidate addressed the student body in an open forum. Following the forum the candidates retired with the Student Dean Search Committee for a private session. Under the leadership of SBA President Kyle Short, the Student Committee allowed an Amicus reporter to observe the meeting with Krattenmaker and report the results to the student body. During Williamson's session, however, Amicus involvement was abruptly terminated.

Regarding the ousting of Amicus reporter Shelly Evans (2L), Dean Search Committee Chair Jim Moliterno explained that "every constituent needs a private interview with the candidate." He further expressed regret that his opinion on the matter was not solicited earlier to avoid any confusion.

The 30-minute open forum sessions consisted of 15 minutes of opening and 15 minutes of Q&A.

Criminal justice symposium draws diverse views to M-W

By TOM MARTINCEK and ERIC OLEN

A symposium on criminal justice drew large crowds at the law school on Nov. 11, as panelists in three separate sessions debated issues ranging from environmental criminal law, to peremptory challenges and capital punishment.

Co-sponsored by the Bill of Rights Institute and William & Mary Law Review, the symposium, entitled "The American Criminal Justice System Approaching the Year 2000," brought together professors, practitioners and judges, many of whom had strikingly different views.

The focus of the sessions in the articles recently published in the Law Review. The authors of the articles presented thoughts on their respective topics, and the other panelists responded in turn.

Federal Environmental Criminal Law

In the first hour-long session, panelists considered the increasing tendency by Congress to criminalize certain types of conduct that lead to environmental harm. Professor Christopher Schreider of Duke Law School opened the discussion by describing the "political dynamic" of the environmental movement and how Congress has reacted to it.

Describing the "Politician's Dilemma," Schroeder noted that while politicians would like to enact reasonable environmental laws, they are pressured by each other to "get tougher" and wind up enacting very stringent laws like the Clean Air Act, that eventually fail due to unrealistic or even unattainable goals.

See CRIME, page 20

Inside this issue

- Psych test: How much trouble are you really in? Page 10.
- Play penned by Con Law guru performed at UCLA. Page 8.
Out Of Our Heads

The existence of the Amicus reporter from the Student Dean Search Committee certainly raises a question about what purpose this committee is actually supposed to serve. When the Amicus was first invited to the meetings, its purpose was to provide a forum for the candidates to respond to student concerns and for the students to evaluate those responses.

Although open forums are an excellent means for the student body to gain a general impression of the dean candidates, we all recognize that having the candidates meet with the entire student body is not an effective way for them to address individual student questions with any specificity. The Student Dean Search Committee appeared to be an admirable way to elicit candid answers from the candidates while simultaneously permitting student reaction based on something more than the candidates replies to a few broad questions.

Now it appears that student input into the dean search process is only intended to go one way. The Student Dean Search Committee tells the candidates what our concerns are, but the student body as a whole is not permitted to know how the candidates will respond to those concerns. Consequently, we are denied the opportunity to react in any reasonably informed manner. Instead, we will just have to wait until the dean selection is made and find out how he will act (or not act) then.

Perhaps the administration does not take the opinion of students as seriously as it should. Certainly the opinions of gift-giving alumni are considered seriously in the dean selection process. Doesn't the administration realize that today's students are tomorrow's alumni?

Notwithstanding our disappointment in the decision to exclude coverage of the Student Dean Search Committee meetings, the open forums have been a valuable addition to the search process. The tremendous turn-outs to date are a testament to the importance of the dean selection in the eyes of the students. Certainly the amount of student interest generated in this year's search process is not lost on the candidates.

Although it is unfortunate that the last three candidates will be visiting so close to (and even into) the exam period, we must be doing something right.

The action he takes will impact not only Kyle, but the entire student body. His decision will send a message as to whether the administration of this school values our Honor System. Either the administrative believes in the ability of the students of this school to police ourselves or our Honor System does not deserve the respect of any of us.

The Amicus Curiae
Marshall-Wythe School of Law
"Dedicated to the complete and objective reporting
of student news and opinion"

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Letters

To the Editor:

I am writing this letter to comment on the lack of diversity, in regard to sex and race, in the remaining candidates for the position of Dean. I'd like to preface my remarks by stating this letter is in no way an attack on Professor Jim Moliterno, nor other members of the Dean Search Committee. I have spoken with Professor Moliterno and openly acknowledge and compliment his and the committee's efforts to solicit the curriculum vitae of qualified female and racial minority candidates. The fact that these efforts proved to be unsuccessful is my concern.

Word in the academic legal community, among females and racial minorities is that M-W is a small, southern school in a closed community that in no way, shape, or form is ready to welcome either a woman or a member of a racial minority group as dean. Why is it that qualified females and minorities feel that M-W is an environment in which they would be unwelcome and unable to perform as dean? In my opinion, our negative image is a direct result of the controversy surrounding an abrupt culmination of last year's dean search.

See DIVERSE, page 17
Legal Skills task force appointed; Barristers’ Feb. 18

By DOUG MILLER

SDA representative Mike Cox (2L) announced the members of a newly formed Legal Skills Task Force at last week’s SBA meeting. The group was formed to investigate complaints about the law school’s highly touted practical education program.

The committee, which is made up of nine first- and second-year law students, will look into criticisms of the program and formulate recommendations for improvements.

According to Cox, the group was selected to represent a diversity of experience from the different firms which comprise the Legal Skills environment. “We have at least one person from ‘The Big Three’, as well as a cross-section from the more laid back firms,” he said.

Jason Van Pelt (2L) who proposed the committee along with Cox at last month’s SBA meeting, said faculty in charge of the program are receptive to the plan. “I spoke with one of the Legal Skills deans and they seem open to all kinds of comments about the program,” he said. “He particularly asked us to solicit the opinions of other senior partners. He had no problems with us even making recommendations about the curriculum itself, like whether a huge Client B memo is the best way to teach legal research and writing, or whether it might be more effective to break it into smaller memos on individual narrow issues.”

By TERRI BOURBON

Law students as well as local high school students turned up at M-W Nov. 15 to hear Delegate George Grayson (D-97th) extol the virtues of the North American Free Trade Agreement (NAFTA).

Grayson, who is also a professor of Latin American studies at William and Mary, suggested that NAFTA’s real significance for the United States is political rather than economic.

He called the Congressional vote a “defining event” in this generation, saying a defeat would have been a vote against participation in a global economy and a vote against the entrepreneurial spirit that spurred NAFTA’s earliest negotiations.

Although the group plans to consider a wide range of comments, the most prevalent criticism is a lack of conformity among the law firms. Van Pelt offered the following example. “In the Client B memo, which is supposed to be the biggest opportunity to learn how to spot issues, research and write, some firms were given a list of issues that the fact patterns illus-

Dean candidates respond to student questions at forums

By SHELLEY EVANS and LULIT MILLION

Both dean candidates Thomas G. Krattenmaker and Richard A. Williamson addressed similar concerns in the open forums below as some of their responses.

Role of the Dean

Krattenmaker stated that the dean must continue to be a teacher and meet the students. “There are two kinds of goals: follow the path that leads to excellence and serve the students,” Williamson acknowledged that “the role of the dean is very difficult to answer. There are so many goals. The dean is the representative of the employer and must be concerned about the health and welfare of its employees. The dean is the public spokesperson for this institution which comes from the alumni. The dean defines the school in very concrete terms, how great the educational program is at this school, the strength of the faculty and what it is committed to.”

Vision for M-W

Krattenmaker’s vision for the law school for the next several years is to “stay the course and continue to help the school 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-years. He also professed a need to increase the physical size of the law school.

Williamson responded that “One of the things that distinguishes this institution is the sense of community. The alumni would agree that it defines the character of this institution.”

Diversity

Krattenmaker affirmed that the admission policy is terrific except for some numbers with respect to women and people of color. “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 per year.

Williamson indicated a need to examine the underlying definition of diversity before attempting to achieve it. “We have to have a discussion as a society and institution as to what diversity means. It is easy to say we will increase diversity. But then you ask what is the diverse in diversity. When are we successful? When will we know we have achieved diversity? That is a discussion we have not had and will have one way or another at this institution where everyone can express their opinion. I don’t think this institution has any idea where it is going concerning diversity because it has never had a serious discussion about it.”

Employment After Law School

Krattenmaker acknowledged that M-W is a small school with limited resources. It needs to make contacts and tap into places that have funds and information. “We cannot change the economy so we must tap into resources that can share with us ideas and information,” he said.

Williamson believes that “It is an obligation of this institution to be concerned about your welfare. This is a time in which the school is trying—and getting good
Australian Justice explains controversial Mabo decision

By STEPHEN T. KING

Justice L.J. Priestly of the Supreme Court of New South Wales and former visiting fellow at M-W, spoke Nov. 10 about his views on the current dispute over the Mabo decision, and its effect on aboriginal land rights in Australia.

Up until 1992, the Aboriginal people were "bare of any title to land," Priestly said. In fact, originally the indigenous people of Australia were not even counted as "people" by that country's Constitution. The common law gave the English settlers of Australia license to claim "undeveloped" land for themselves, in spite of the presence of Aboriginal tribes.

The natives were initially regarded as a barbaric race, who had not cultivated or governed the land in such a way as to maintain property claims over the land. In 1992, the common law turned in favor of the indigenous people of Australia.

Justice Priestly traced the historical movement towards granting land claims to the Aboriginal people. This movement culminated in the landmark Mabo case of 1992.

In Mabo, a white settler claimed land in conflict with an Aboriginal communal land claim. Under the Queensland Declaratory Act (1988), the Australian government had extinguished Aboriginal land claims over the property in question. The high court in Australia, however, ruled against the weight of Australian history and common law. They held that the natives did have a communal land title to the land in dispute.

The high court's decision has sparked considerable controversy in Australia. Priestly says that "judges were condemned in and out of parliament." The court's decision is viewed by many Australians as a "raided assumption of power," a case of "the court usurping the place of the legislature."

There has even been talk of secession in the western part of Australia, the region most immediately affected by the decision. The mining and grazing interests are particularly disturbed by the court's decision. They argue that the Aboriginal people will take title to property from which many Australians in European descent derive their livelihood.

In addition, there is some concern that the decision will have an adverse economic impact on the nation. Farmers and miners will be reluctant to invest money in property to which the title of the land is in question.

In response to these concerns, Justice Priestly contends that Mabo holding does not necessarily mean that there will be radical property changes in Australia. "The decision has been blown out of proportion by the public," he said. The difficulty of proving title to the land, and the fact that very few lands are directly subject to the ruling, limits the effect of the decision.

As for the divisiveness caused by the Mabo decision, Priestly blames the mining interests, as well as the press, for misrepresenting the facts. "The press gleefully exaggerates the result of the opinion," says Priestly, "They like to criticize lawyers."

Priestly took a more international view of the controversy. He linked the development of Aboriginal rights in Australia to the gains made by indigenous people in other parts of the world. For example, he points to cases in Canada, where the courts have rendered decisions favorable to natives.

The United States, in Priestly's opinion, reached a more progressive attitude towards their Native American population before Australia did. As evidence, he alluded to Congress' recent grant of $80 million dollars to the remnants of the Catawba Indian tribe.

Virginia legislation encourages arbitration and mediation

By PAULA HANNAFORD

Last July, Virginia enacted legislation expressly authorizing state court judges to refer any civil case into mediation with a state-approved mediator, according to professional mediator Deborah L. Samuelson.

Samuelson and her business partner Merri Hanson Eckles of the Peninsula Mediation Center spoke to a small group of M-W students about the future of careers in mediation in Virginia on Nov. 15.

The new legislation authorizes Virginia judges to refer any contested civil case into mediation for at least one mandatory evaluation session. Parties are not required to come to agreement during the mediation sessions, however, and they are permitted to object to mandated mediation and be excused from complying with the court order. Samuelson commented that the extent to which judges will inform parties of their right to object to mediation remains unknown.

Both the Virginia State Bar and the Virginia Bar Association recommended the legislation after conducting a study of court-annexed arbitration programs in 1991.

In addition to significant savings in time and money, Eckles, the major benefit of mediation is the amount of direct control that parties have over the process and outcomes for disputes.

"Mediation can be especially helpful in situations where the parties are in some type of continuing relationship," such as couples going through a divorce, landlord/tenant disputes and employee/employer disputes. "In those situations, the parties often feel very out of control," explained Eckles. "Mediation gives them more control over their own futures."

Eckles also claimed that mediation usually produces more satisfactory agreements than litigation. "The mediator only acts as a facilitator, not an adjudicator," she explained. "Agreements resulting from mediation are the parties' own decisions. Therefore they're more likely to meet both parties' needs. This in turn improves the likelihood that the parties will adhere to the agreements, causing fewer post-mediation issues."

Eckles commented that many attorneys who engage in mediation as a part of their practice find that aspect of their work to be more satisfying than litigation. "Mediation is a generative activity. The mediator is engaged in creative problem-solving with clients. That's a different experience from an adversarial relationship with an opposing party."

Under Virginia law and professional ethical rules, attorneys are prohibited from simultaneously acting in the capacity of legal counsel for one party and acting as a mediator for that party with another party.

Conflict of interest requirements for court-appointed or court-employed mediators are slightly different than those for practicing attorneys. "In Virginia, especially in custody and visitation issues in divorce litigation, if mediation doesn't produce a successful result, the mediation then becomes a court visitor and is responsible for making a recommendation to the court about an appropriate outcome."

Eckles also explained the qualifications required to become a mediator in Virginia which she described as "minimal." To become certified to receive court referrals from Virginia state courts, a person must have a B.A. or similar experience, 20 hours of mediation training, 4 hours of mediation training, 4 hours of training on the Virginia judiciary, and 20 hours of mediation experience.

Approved training sessions are offered by a number of private firms and national associations. The costs of training vary, but well recognized training organizations, such as the Academy of Family Mediators, generally charge between $600 and $1,000. The requisite mediation experience for certification in Virginia can usually be achieved by apprenticing as a private contractor with an established local mediator.

THRILLS, from page 3

In other SBA business, social chair Brooks Patton confirmed next spring's Barristers' Ball will be held on Friday, Feb. 18, at the Williamsburg Lodge. This year's event will have a D.J. instead of a live band. According to Patton, "Nearly everyone who came up to me with input has said a D.J. is the way to go."

Mark Capron (3L) proposed the idea at the last SBA meeting in response to dissatisfaction with the variety of music available from bands in the SBA price range. In addition to dancing, the formal event features hors d'oeuvres and the ubiquitous open bar.
M-W gets $30,000 grant to help battered women

By SARAH NEWMAN

Marshall-Wythe students concerned about domestic violence will soon get an opportunity to help rectify the problem. The law school received a $30,000 federal grant, one of six programs designed to reduce domestic violence in Virginia.

The program will be administered jointly by the Virginia Department of Criminal Justice Services and the Virginia Commonwealth’s Attorney’s Services Council.

Professor Walter S. Felton, Jr., the Coordinator of the Commonwealth Attorney’s Services Council, helped design the program. He will assist the Mary and William Feminist Law Society in their efforts to develop a brochure for victims of domestic violence giving information about how to get help.

Felton, who also serves on the Virginia Domestic Violence Coordinating Council, sees a great need for a program of this type. "Domestic violence is an endemic problem," said Felton. He explained that the violence doesn’t end with the death of the victim, but leads to more violent behavior from the children who grow up witnessing the abuse.

Marshall-Wythe students will be responsible for gathering information for the brochure, deciding what needs to be included, and writing the text. The brochure will offer a "safety plan" for victims of domestic violence, telling battered women about resources available to them and how to find help.

According to Felton, the brochure will serve the needed function of letting battered women know what steps to take to escape an abusive situation. Victims come from all socio-economic backgrounds, but middle-class women in particular suffer because their concern about avoiding embarrassment to themselves and their families often outweighs their fear. Consequently, they are less likely to seek help.

Involving the police or a lawyer doesn’t solve the problem of finding a safe place to live, having money to support oneself, and figuring out how to care for the children.

The brochures will be distributed to grocery stores which is "the one place these women are able to go in safety," said Felton. He developed this idea by talking with victims of abuse.

After Marshall-Wythe students formulate the brochure’s text, a task anticipated to be started in January and completed in March, students at the VCU School of Art Design will design the artwork and layout.

In addition to developing the brochure, the program involves sensitivity/awareness training for police and prosecutors about the special problems associated with domestic violence cases.

"A policeman will be called to a domestic violence scene only to find the couple reconciled," explains Felton. "Two hours later he goes to the same house to find one of the persons is dead. It’s a case of facing civil liability versus risk to public safety."

Prosecutors also face special problems which the program hopes to address. One such issue is how to prosecute the woman who killed her husband, but was herself a victim of abuse for years. Another is how to deal with victim-witnesses and their children who won’t testify against the abuser.

The government sees law students as being in a good position to help, and Felton believes that this program will be able to serve as a model for other such programs nationwide. "Some years ago there were no battered persons cases on the books," Felton said. The problem of domestic violence is increasing and with it awareness is increasing.

Felton said that as women are taught that they no longer need to tolerate abuse, and are able to pursue positions which enable them to seriously address this problem, the message will be sent that domestic violence should not be a part of today’s society.

CASE activist calls Surry evacuation plan inadequate

By REBECCA MORDINI

Safety at the Surry Nuclear Power Plant is the leading environmental concern of this community, according to Bill Bryant, self-proclaimed revolutionist and co-director of Citizens for A Safe Environment (CASE).

Mr. Bryant explained how citizen involvement through CASE has affected the attitude about safety at Surry in a discussion on Nov. 10. The lecture was sponsored by the Environmental Law Society.

According to Bryant, CASE currently has a “strong working relationship” with Virginia Power with which it attempts to answer the concerns of the community.

Bryant said that evacuation procedures in the event of a nuclear accident are the issue of primary importance to the community at this time. The current plan, which includes only a five-mile evacuation zone, was drawn up by graduate students at Virginia Tech. According to one administrator, “the damn thing is incomprehensible!”

Bryant's research indicates that the appropriate zone for evacuation should be closer to 50 miles. In the event of a nuclear accident, "everything from Richmond to the sea... would effectively be uninhabitable," he said.

"The plan says that the grid of Williamsburg could be evacuated in six hours. I think this is fancia."

In addition to the inadequacy of the plan, Bryant states that a CASE survey of Williamsburg residents indicated that most residents are unaware of evacuation procedures.

The viability of an evacuation plan is one of the factors that the Nuclear Regulatory Commission considers in deciding to discontinue the operations of a dangerous nuclear plant, according to Bryant. CASE does not "take on the nuclear power industry," he said. "We are very site-specific."

Bryant believes that Williamsburg holds great potential for activism and is counting on continued student involvement. CASE hopes to include ESL students in the next safety survey, which will be taken next semester.

Part of that survey will determine what odds of a nuclear accident are acceptable to residents. Research from the Union of Concerned Scientists estimates the odds of a nuclear accident to be 1 in 1,000,000. However, Virginia Power admitted to odds of 1 in 1,000 when a major design flaw was discovered in the reactor.

Bryant said that "there are two reactors with the same flaw, the probability of a major nuclear accident is actually 1 in 500.

Bryant encouraged the ESL members who would be touring the plant on Fri., Nov. 12 to enjoy the visit. "It is a remarkable piece of engineering and plumbing."

Under previous management, Virginia Power was not as cooperative as they are now. Bryant said that having the public’s concerns continuously ignored made me mad. One thing you don’t want is a mad revolution!

"CASE shares its concerns with the Mayor of Williamsburg and several other prominent community members, which finally caught the attention of Virginia Power."

As Virginia Power continues to respond positively to the safety concerns of the community, Bryant sees CASE shifting its focus to future energy policy. He believes that if Virginia Power invested in conservation measures similar to other states, the Surry plant would not be needed at all.

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Does M-W measure up to peers?

The following statistics were released at the meeting of the Board of Visitors Nov. 18 and 19.

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* Approximation
**Law Watch**

**By JOHN CROUCH**

**Duckworthless:** Paralegal Nigel Duckworth was jailing for posing as a lawyer in Bradford, England. He won two cases. (London Times)

**Women Needn't Go Mad:** Psychological injury is not an element of harassment, the Supreme Court held 9-0, reversing the Sixth Circuit. If the plaintiff reasonably finds her workplace pervasive and seriously abusive, it is harassment, Justice O'Connor wrote. (Washington Post)

**Parental Consent:** The Supreme Court refused to review Mississippi's law that minors need both parents' consent for abortions. (Washington Post)

VOUCHERS EXPAND: A dyssolic, inattentive child's parents may spend state funds on private schools not approved by states, the Supreme Court held 9-0. Florida schools need approval from "the same public school system that failed to meet the child's needs in the first place," said Justice O'Connor. (Washington Post)

**Sorb of Religious Freedom:** Only "primarily religious" schools may refuse to hire Catholics, the Supreme Court held 9-0. Churches claimed this "entangled" governments in deciding how religious each school is, and weakened schools that mix secular education with religious ethics. (Washington Post)

**Hilliarl Sanctioned:** Ms. Clinton must reveal the membership and findings of her health task force, said federal Judge Royce Lamberti. He sanctioned her for delaying discovery with frivolous objections. (Washington Post)

**Bankruptcy Is Not Picnic:** Bankruptcy does not relieve waste-clean-up duties, the Third Circuit held. (National Law Journal)

**An Injured Plaintiff Cannot Recover for Medical Bills She Already Disbursed:** A Ninth Circuit panel found a jury reasonably found her workplace perilous. (Washington Post)

**Battered Spouse Defense:** Battered spouse experts may testify for criminal defendants, said Florida's Supreme Court. (National Law Journal)

**Don't Sniff Glee:** A Roanoke man who inhaled flaming glue fumes and burned his vocal cords won a $4 million verdict. Half of his skin burned, his hands are useless. A heater some yards away ignited fumes. The glue bore no relevant warning. (Virginia Lawyers Weekly)

**Megatrials Unfair, Useless:** A Ninth Circuit panel found "megatrails" of drug rings a total waste. It cited a small-time co-defendant who sat through a two-year trial in chains and spent $250,000 on lawyers. Jurors' memories deteriorated, it added, and the defense cannot take notes. (National Law Journal)

**Barn Flouted:** The D.C. Circuit reinstated Midshipman Joseph Steffen because "status discrimination" was "not rationally related to any legitimate goal." D.C. judge Stanley Sporkin said the Marines cannot discharge Sgt. Justin Elzie while he challenges the ban, as he will probably win. (Washington Post)

**Anti-THIN Law:** A ban on potentially drug-related loitering is too vague, Ohio's Supreme Court held 4-3. The ban lacked "sufficient specificity," said Chief Justice Marmo. (Washington Post)

**Reversing Parents:** Judge Tuckey advised legalizing possibly "social control" used to "scare" children. (Observer)

**Drug Testing Of College Athletes Violates Constitution:** Only "primarily religious" schools may refuse to hire Catholics. (Washington Post)

**Repetitive Strain:** Repetitive strain injury is not compensable, being neither accident nor disease, said Virginia's Supreme Court. (Virginia Lawyers Weekly)

**Ideal Constitution:** An Alabama school superintendent "can ban marijuana," said the state constitution. (USA Today)

**Communion Legalized:** The Religious Freedom Restoration Act was signed into law. It reinstates the "compelling state interest" and "least restrictive means" test for voiding laws that incidentally restrict religious practices. (National Law Journal)

**On the Other Hand:** Rosenbog said he is proud of having stored many students toward public interest and policy work. He sees law school as a real-world place, where one's commitment to work for social improvement can be either realized or lost.

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**Meet Ron Rosenberg**

**By JOHN CROUCH**

Professor Ronald Rosenberg not only teaches and writes about land use law—he makes it.

He recently completed his term on a new commission that wrote regulations on the use of nearly all the land that drains into the Chesapeake Bay. Before that, he chaired the Virginia Board of Zoning Appeals for four years.

To Rosenberg, the purpose of legal education is to "get involved in solving real-world problems" and "affect people's lives." He hopes to convey this activism to his students.

Rosenberg is presently finishing an article on the environmental fallout from basic closings and preparing a new edition of his Environmental Law casebook. He also gives Continuing Legal Education seminars and advises Virginia's State Water Control Board and the private Historic Rivers Land Conservancy.

He is currently negotiating conservation easements with the Governor's Land community on the James River, and is helping a rural black community stop a landfill.

The landfill, in King and Queen County, would be next door to an African-American church, reportedly the oldest in the state. Rosenberg recently convinced a Richmond court to deny a minister to dismiss the community's suit.

When Rosenberg gets home from work, his environmental activism intensifies as he tries to get his wife, his 16-year-old son and his 10-year-old daughter involved in raking leaves from the centuries-old oak trees that surround his house.

Rosenberg grew up in Montgomery County, Md., when it was changing from farmland to suburbia, and got his B.A. at Columbia University. He learned the value of community involvement when he was at the University of North Carolina at Chapel Hill, where he earned a J.D. and a Master's degree in regional and city planning simultaneously. His planning professors were all practicing planners, and he witnessed them working as equals with people from many walks of life.

In contrast, he noted, law professors at the time appeared to write and teach in an ivory tower. He points out that even though he and others at Marshall-Wythe no longer fit that image, students still "only see the surface of what we do.

Rosenberg's first job was with the Environmental Protection Agency. He spent two years representing the Agency's views to Congressional committees that were amending the Clean Air Act.

Serving on James City County's zoning board was an "awesome" and "nerve-racking" experience for Rosenberg, and he would recommend it to young lawyers. It provided an opportunity to administer the "law as a judicial capacity," while working with ordinary citizens. He was impressed with the common sense and discernment that non-lawyers brought to bear on land use issues.

Rosenberg emphasized that nearly all law school graduates, whatever their specialty, will have opportunities to use their skills for the public good. He said he hopes they will not neglect their responsibilities to society.

He said he is especially worried that few students seem interested in the Dean search process, which will have an enormous effect on the future value of their Marshall-Wythe diplomas.

On the other hand, Rosenberg said he is proud of having stored many students toward public interest and policy work. He sees law school as a real-world place, where one's commitment to work for social improvement can be either realized or lost.
BSA Resolution on competitive team funding unresolved

By STEPHEN T. KING

The Board of Student Affairs (BSA) resolution to examine funding for competition teams, including Moot Court and Trial Advocacy, has suffered considerable confusion during the past two BSA meetings. The issue will remain unresolved pending further clarification at the next meeting.

After numerous amendments to clear up ambiguities, the resolution reads as follows: "... it hereby resolved that the Board of Student Affairs Chairman appoint an ad hoc committee to meet in the early spring with the appropriate university administrators to examine the possibility of having administrative university funding of these [competitive] teams."

Confusion over purpose

NAFTA from page 3

When asked how NAFTA will affect the U.S. job market, Grayson cited studies claiming that 170,000 net jobs would be created in the next three years, but he cautioned that the figures are not firm and are based on trade imbalances in terms of a U.S. work force of more than ten million. He conceded that the jobs created may be attributed directly to statistical shifts in employment.

Grayson explained that labor unions have expressed serious opposition to NAFTA because union workers, particularly in Southern California and the Rust Belt, would be harder hit by any job loss resulting from the Agreement. He added that jobs would be created in the travel industry, service industries such as banking and insurance, and sophisticated manufacturing industries such as computer software design. He also predicted that the automotive industry would experience an increase in blue collar jobs.

Grayson concluded that NAFTA would neither create nor destroy many U.S. jobs, pointing out that "any U.S. plant that wants to move to Mexico today, can go now." He added that if U.S. plants relocated to Mexico, that could generate an increased demand for U.S. banking and financial services there, as well as a boost for the automotive industry. On the other hand, if U.S. companies relocated to Asia, the increased demand for such services could be met by resources already in place there.

He dismissed the allegations of Ross Perot, one of the Agreement's most outspoken opponents who claims that NAFTA will damage the U.S. economy, saying "Ross Perot says absolutely preposterous things." Grayson called Perot's job loss statistics "ludicrous."

Grayson said the U.S. is in a healthy economic position vis-a-vis Mexico, citing a $4 billion U.S. trade surplus with Mexico, compared to a $50 billion trade deficit with Japan.

Additionally, Grayson described the U.S. economy as 25 times the size of Mexico's, and the average American worker as five times more productive than the average Mexican worker. He said a free-trade agreement, like the one the U.S. has had with Canada since 1989, "allows us to produce goods more efficiently, which will make us more successful in foreign markets."

Grayson rejected the suggestion that if Congress had failed to pass NAFTA U.S. businesses would have recalled their plants to Mexico. He said, "A rejection of NAFTA might start a portfolio flight ... but the U.S. business community is there for the long term."

Although Grayson fully endorsed NAFTA, he predicted that economic integration between Mexico and the U.S. would continue to occur anyway, with or without the Agreement.

"The train is on the tracks. Mexico is joined at the hip to the U.S., geographically and also politically," he said. "Twenty, thirty years from now, nobody is going to remember much about NAFTA."

Despite his view that integration would occur anyway, Grayson said that NAFTA's passage was important because it will provide a structure calling for environmental controls and a tripartite commission on labor issues.

Grayson suggested that NAFTA will encourage the Mexican government to continue its fight against pollution, pointing to a sharp increase in environmental clean-up since President Carlos Salinas de Gortari took office in 1988.

Currently one percent of Mexico's Gross National Product is allocated to fight pollution, Grayson said, about three times the percentage of the U.S. GNP allocated for pollution control. He added that "Mexico's a mess and a pollution haven, but the trend line is in the right direction."

Although some NAFTA supporters claim the agreement will spur economic growth in both countries, reducing the number of illegal immigrants sneaking into the U.S., Grayson called the claim "disingenuous."

He added that two illegal aliens come in for every one who is stopped, comparing the border to "a sieve that's been blasted by buckshot."

Grayson predicted that NAFTA's most immediate effects will be felt in the spring, with increased imports of fruit from Mexico and the availability of slightly less-expensive clothing.

Approximately 50 people attended the speech, which was sponsored by the International Law Society.

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Rosenberg cites instances of environmental racism in U.S.

By REBECCA MORDINI

"I am here tonight to connect two seemingly unrelated issues—the environment and racism," announced Professor Ronald Rosenberg to a group of undergraduates on Nov. 16. The lecture was sponsored by the Black Student Union (BSO), the Student Environmental Action Coalition and the Young Democrats.

The focus of Rosenberg's remarks centered on a case in which he is currently involved that concerns a contested 450-acre BFI landfill in King and Queen County. The landfill has already been permitted and is almost fully operational, but the citizens are upset because it is close to residential areas and within 100 feet of a historical Civil War church.

Three other rural, minority communities in Virginia have fallen into the same pattern. Large waste management companies secure landfill contracts from poor governments willing to take any source of revenue in almost any amount. By the time the citizens become aware of the deal, like in King and Queen County, it is too late.

Rosenberg cited a number of studies, including a 1982 U.S. General Accounting Office report and a study by the National Law Journal, that conclude that the impact of hazardous waste disposal falls disproportionately on poor, minority communities.

The GAO report found that the siting of hazardous waste landfills in EPA Region 4 was primarily in poor African-American communities.

Another government study in 1984 concluded that "...that even if controlled for income, race was the most significant factor in hazardous waste disposal situating throughout the whole nation," according to Rosenberg. This study found that four out of five of these sites were in African-American or Latino communities.

Last year the National Law Journal conducted an eight-month investigation of the enforcement of environmental laws. They concluded that enforcement was much lower when correlated for race and income.

"It's not that they want to locate hazardous landfills in Beverly Hills," Rosenberg explained, but it is important that there is an increased consciousness of the disproportionate impact of hazardous waste on minority communities.

During the question and answer period the undergraduate students seemed particularly shocked that no equal protection action could be proven. As BSO President Mikhail Davis put it, "If 100 percent of the hazardous waste is being disposed of in communities that make up 12 percent of the population, how can it be so hard to prove discrimination?" The group was unconvinced by Rosenberg's capsule course in Constitutional Law and the requirement of racial motivation.

The federal and state governments, the major environmental organizations, as well as the legal community are taking action in response to this new awareness of environmental racism, but where it will lead is not clear.

Smolla considers career change; UCLA performs play

From staff reports

Professor Rodney A. Smolla, Director of the Institute of Hill of Rights Law and renowned free speech expert, premiered his play, The Trial of Oliver Wendell Holmes, at the UCLA law school on Nov. 16. The play was acclaimed as a creative change of pace for the school's annual Melville B. Nimmer Lecture.

Smolla often uses plays to illustrate law at a level that can be easily understood by the general audience. "Courtroom trials are often the stuff of drama because trials present the raw conflicts of life: good and evil, guilt and innocence, truth and lies," said Smolla.

"In my play I've tried to imagine what it might be like to put one of the Gods of the Law on trial. My purpose is...to tweak our imaginations and minds," Smolla's other plays include Harlot's Ghost and JFK: A Fictional Conversation with Norman Mailer, Oliver Stone, Earl Warren and Hugo Black.

The Trial of Oliver Wendell Holmes, which featured the talents of UCLA students, is a story about John Carver, a criminal defense attorney who ponders the morality of his life's work after becoming comatose following a traffic accident. Oliver Wendell Holmes appears to the unconscious attorney in a dream and asks that Carver represent him as his defense attorney. Holmes is on trial before the "immortals" for his life and his philosophies.

Socrates, the prosecutor, proves to be a tough adversary. He calls Carrie Buck, a Virginia woman who was institutionalized at the Virginia State Colony for the Epileptics and Feeble-Minded in Lynchburg, as a witness. The state sought to sterilize Carrie, and Holmes ultimately wrote the Supreme Court opinion permitting her to be sterilized.

Socrates also calls as a witness Eugene Debs, the labor leader and socialist politician who was sent to prison for making a speech opposing the draft and World War I. Holmes wrote the opinion affirming Debs' conviction.

Carver in turn launches a vigorous counter-attack against Socrates, in which he attempt to place Socrates and his "Socratic Method" on trial. As Holmes confronts the implications of his philosophies and his rulings, Carver confronts his relationship with his wife, his daughter, and what it means to be a lawyer in modern times.

The UCLA School of Law's annual lecture is named for the late Melville B. Nimmer, a UCLA law professor who dedicated his life to shaping the law through his teaching, writing and creative work as a lawyer. Smolla has recently completed a revision of Nimmer's written work on freedom of speech.

Carl Wilson of Colonial Amoco

has changed the name and location of his repair shop.

But although the name is different, quality of repair and concern for customers is the same. Carl still offers rides to and from the university and a 10% discount for students and faculty.

The new shop is:

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4166 Longhill Rd.
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Open letter to Marshall-Wythe: Short explains resignation

By Kyle Short

Leadership definitely has its ups and downs. We have been very fortunate this year to have many events which will not happen in the SBA. We have more new programs, intramurals, faculty interaction and just plain more energy and enthusiasm than ever before. I feel lucky to be a part of all this. Unfortunately, leadership also has its difficult moments. It is one of these difficult moments that I would like to share with everyone now. For those of you who know me very well, you know that when it comes to my private life, I prefer that it stay just that way—private. That is what makes the following public explanation so difficult for me.

As SBA President, I feel it is necessary to explain a few things to set the record straight and to prevent wide-spread rumors about why I stepped down from the dean search. The good news is that (1) I am not dying, (2) nobody else in my family died, and (3) there were no fights on the dean search committee. The truth of the matter is that I recently had a situation occur that I was afraid might compromise the integrity of the dean search. Both the school and the search organization felt that this was so serious that I participated only to live, but to pay all my business expenses. The problem is that I did not explain my personal situation in detail when the questions were first asked. I just said "no." Again, those of you who know me know that I move quickly from one thing to the next. I am always very busy. I should have taken the time to explain, instead of bungling in and out (like I always do) and treating the conversation cavalierly. The amount of aid involved was very small. My lack of explanation about my roommate/business situation, combined with several other factors, was only increasing my aid approximately $900.

Upon further investigation, the financial aid office found out that I do have two roommates physically living with me. They went back to their office to explain my situation, as stated above, but to no avail. The financial aid office then filed a written charge which accused me of the honor code violation of "lying." Over the last three weeks, this charge has gone through a triviality hearing, a probable cause hearing and finally a trial. I was found guilty of violating the honor code by the trial panel. My sanction is a "public reprimand." My defense was that I did not intend to mislead anyone. I simply did not explain what I meant when I responded to their question. I was in a hurry and did not recognize the gravity of a potential misunderstanding. However, the trial panel felt the prosecution carried their burden of proof and made their decision.

Besides discussing the overall situation, I want to also make it clear that the judicial process at our school works very well. The students involved did everything they could to provide a fair trial. Although I completely disagree with the verdict, I respect each member of the judicial council for doing what was a very difficult and particularly awkward job. Several students also had to recuse themselves to avoid any impropriety.

The bottom line is that I could have explained my personal/business situation in more detail up front and none of this would have happened. I am very sorry about this misunderstanding and the resultant problems it has caused.

It is because of the results of the trial that I resigned from the dean search. Even though my case is currently being appealed to Dean Marcus, I was concerned that I could not properly represent the students given these recent events.

This leads to my next concern—my position as SBA President. I have no desire to resign. We have had a great year so far and are planning to continue new and exciting things right on through May 1994. However, I am concerned that students may feel that I cannot represent their interests anymore. If this is the case, then I would step down so that the SBA would not be compromised in any way. I care about what students think and I want to do what is best for the SBA. But I can tell you this, after two years of planning for this position and being so involved, I would feel a tremendous loss if I felt it necessary to resign. I did not take on the responsibility of the SBA because I needed a resume-builder. I did it because I really do love doing things for students.

I am very interested in hearing from each of you and would be happy to discuss any of your concerns. I want to continue to serve you, but I also want to do what is right for the students and for the school.

I am sorry that this has occurred, but I am a very positive person and I will see this situation as an opportunity to make good things happen in the future.

It's a MAD World

By MARK A. DONALD

Once again, the temperatures have dropped, the leaves have turned and fallen, and merchandising of the mandatory holiday materials is in full swing. 'Tis the season.

Yes, once again, its time to do the exam-slam, the all nighter-bluebookcha­

For those with the time and money, actual fast food tastes much better when eaten in the library. Pizza, corn-dogs, and KFC go nicely with the romantic view of the winter sunset afforded by the second floor parking lot windows. Remember that Tuesdays and Thursdays are $2.50 quarter burger night a the Mickie D’s on Second Street. These burgers keep well in the fridge, and make up nicely for too much needed-late night snack.

The proper place to store foodstuffs is, of course, in the library lockers that say “DO NOT PUT FOOD IN HERE.” Foddy dubbed “Pantries” by third years, these pesticide saturated areas are the only unt­

Pringles can be neatly smuggled into the library inside a p.s.f. cup. If you have a more voluminous container in which to secret things, those bags of flavored pret­

Fun: Why should Colonial Williamsburg get to have all the holiday food? Perhaps the law school should sponsor its own “Grand Elimination” near the end of the exam period. People could come from all around to watch haggard but relieved law students shave, bathe, eat and do laundry, and in the case of first years, eliminate massive quantities of brain cells with alcohol, immediately af­

If we can’t have our own independent holiday celebration, we should at least make the most out of the kind way that the attendees of the Grand Illumination share their celebration with us. For those who have yet to be really annoyed by parking at the law school, try coming to school...
Ask Miss Demeanor

Dear Miss Demeanor:

A fellow-student here at Marshall-Wythe takes frequent naps in the library and lobby. I understand the long hours law students must devote to their work, and that naps are essential. But this particular student snores quite loudly. I try to ignore the snoring, but it distracts me from my own studies. I don't want to disturb the person, and I'd rather not confront her when she is awake. Is there anything I can do?

—Concerned 3L

Dear Miss Demeanor:

While it is certainly true that law students require a great deal of sleep at odd hours, your unselfish concern for others is quite disturbing. I don't think you will make a very good lawyer. If you really feel that you would rather take steps to rectify this situation without confronting this person, here is what I suggest: the next time you see (or hear) this individual napping, quietly fill a container with luke warm water. Put the container near the student and gently place her hand in it, taking care not to wake her up.

In a few minutes she will wake to find that her dream was in fact real, and that she has indeed wet her pants. It has been my experience that students waking up in a pool of their own urine in the library generally avoid sleeping there again.

Dear Miss Demeanor:

Like most law students, I find myself somewhat financially embarrassed this holiday season. I barely have enough funds to make it home for winter break, let alone buy gifts for my friends and family. What should I do?

—Broke and Bumming

Dear Miss Demeanor:

Don't let law school exams get to you; test your savvy

By TED ATKINSON

The first year of law school is often a trying, torturing, painful time for many students. Peace of mind is in short supply, and the pressures imposed upon students by the process is “practically in violation of every declaration of human rights principles,” as one World Court Justice recently noted.

The Amicae offers its services by providing the following self-diagnostic quiz to help first-years assess where they stand in the topsy-turvy environment of law school. Simply circle the best answer, and ponder your responses in the dark as you carry yourself to sleep. Good luck.

1. At this point in the semester, my social activity revolves around:
   a) Going to Paul’s and taking in the occasional movie on weekends.
   b) Watching Seinfeld and The Simpsons in the company of friends.
   c) Licking my palms and gently rocking back and forth in a fetal position while humming the theme to Love, American Style.

2. To relieve tension, I like to:
   a) Work out with my friends at the Rec Center weight room.
   b) Take a hot bath and read the Bible.
   c) Mischievously shoot at passers-by with a high-powered rifle from the top of the Wren building.

3. After a night out at Paul’s I find myself asking the next morning:
   a) “Am I going out too much when I am this close to exams?”
   b) “Should I have stayed in and worked on outlines?”
   c) “How did I wind up in Atlantic City, and why am I holding a Barbie Doll?”

4. ConLaw is my favorite course because:
   a) I find the course work to be intellectually stimulating.
   b) It serves as a great forum for discussing philosophical legal theory.
   c) My professor wears goofy ties and tells self-aggrandizing anecdotes whenever he can.

5. While sitting in Civil Procedure, my mind wanders constantly and I find myself pondering big issues such as:
   a) “If National Health Care goes through will the U.S. really be better off economically?”
   b) “If God exists, how can there be so many senseless deaths?”
   c) “If the play ‘Guys and Dolls’ was performed at this law school, would its name have to be changed to ‘Guys and Dolls and Guys and Guys and Dolls and Dolls’ so as not to send the wrong message?”

6. Legal Skills should be:
   a) A fully graded course, given the amount of work involved.
   b) Expanded to include 3Ls.
   c) Challenged in federal courts as a violation of the Eighth Amendment.

7. The greatest legal principle is:
   a) That no interest shall vest, if at all, within 21 years of a life in being.
   b) One should not recover where there has been unjust enrichment.
   c) Beavis and Butthead are liable in tort if your 6-year-old child manages to burn up everything in sight while you leave her alone to go out on a 12-hour whiskey bender.

8. Preparation for exams includes:
   a) Carefully re-reading the cases and presenting class notes.
   b) Carefully studying commercial outlines and flashcards for each and every course.
   c) Carefully scrutinizing the Honor Code for exculpatory technical loopholes.

9. The best thing about exam time is:
   a) It presents a challenge both intellectually and spiritually.
   b) It offers the chance to prove my mettle against those around me.
   c) It has put me in touch with a never-before known sense of intense, numbing fear and unlimited self-loathing.

10. After taking my last exam I plan to:
    a) Go out with friends for a celebratory luncheon.
    b) Hop on over to the Delis for a celebratory round of drinks.
    c) Vacate any remaining pent-up feelings of rage and hostility by roaming the streets of Williamsburg for a violent brawl.

11. With the current market, I will spend this summer working for:
    a) A small full-service law firm.
    b) A government agency such as the Department of Justice or the Internal Revenue service.
    c) Manny, the shifty-eyed snack pusher who lives in my apartment building.

12. If Dean Kaplan were to get into a violent brawl with Fred Lederer, the winner would be:
    a) Dean Kaplan.
    b) Fred Lederer.
    c) The entire student population.

13. Living in the Graduate Complex, without the benefit of cable or dishwashers or garbage disposals or decent TV or radio reception, has taught me:
    a) The value of reading a good book for entertainment.
    b) That simple pleasures are often the greatest pleasures.
    c) How to be Amish.

14. Those sandwiches served in the vending machines:

See TESTY, page 12
Life After Law School

Legal jungle: it's a dog's life

By DAVID ZIEMER
Midwestern Correspondent

I am writing this column to inform you all that after two years of practicing law, I have finally figured it out. To be a successful attorney, you must approach the profession as if you are a Shavlin priest from Szechuan Province—just like Cain in Kung Fu, possibly the greatest TV series ever made.

Remember how in the beginning of the show, the blind guy with solid white eyes displays the priests-to-be to the young orphan, Cain, and explains how each of them patterns his fighting style after a particular member of the animal kingdom? Cain then decides to become a grasshopper and trains accordingly.

Before you can expect to become a master attorney, you too must select some species to imitate. For those of you who plan to practice criminal law, and for those of you who would rather fry in Hell than do criminal law but will nevertheless end up in the practice, I have drafted the following observations of life in that particular jungle.

Forget all the lawyer jokes about sharks and snakes, and the one about the difference between a dead skunk and a dead lawyer in the middle of the road. There is nothing worse than an undisciplined prosecutor.

The most obvious characteristic of a dog is its stupidity. Being so stupid, dogs think all other species they meet are dogs too. Thus, if you want to obtain dominion over a dog, you must speak in dog language. When you meet a strange dog, you must immediately throw it on its back and bite its neck. In dog language, that means, "I can kick your ass!" Subsequently, whenever you see the dog, it will lie on its back as if to say, "I remember you. You can kick my ass." If you don't do this, you're stuck with a dog that traipses around as if it owns the courthouse. And there is nothing worse than an undisciplined canine, save an undisciplined prosecutor. Thus, you must become a dog, just as Cain became a grasshopper.

However, if you walk into a courtroom and physically attack a prosecutor in the above fashion, the bailiffs will probably restrain you. You will probably also be charged with battery and be found in contempt of court. No, you must handle it differently—but only slightly.

The first step is to get on the state's public defender list. This way you guarantee that you'll have unlimited resources. Private clients may not pay for all this shit, but the state has all the money in the world to pay for the nonsense that I'm going to recommend. And if they run out, they'll just print more.

The second step is to file every motion that you possibly can, no matter how frivolous. Criminal defense attorneys are given infinitely greater latitude than civil attorneys when it comes to frivolity. However, don't file any briefs in support of your motions. Write the full brief out for yourself, but don't file it. Then, when it comes time to hear the motion, just read what you've written to the court. The prosecutor won't know what's going on, but it will feel as if it's on its back, getting its neck chewed by a bigger dog. That is the desired effect.

Be sure to include in your brief cases

Collect them all! This week: Rug Rats of the law school!

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Riley Hicks
Abby Lockwood
Connor Lee
Chelsea Jordan
The World Almanac® Crossword

**ACROSS**
1. Macbeth's real name
2. Leaf
3. Mineral spring
4. Simple
5. Future goddess
6. LL.B. Exam
7. Long live
8. Tall style
9. Fire
10. Strong
11. Active Bud
12. Holy
13. Profile
14. A source of much needed energy
15. A real dollar value in these pinching days
16. Have already started building her own law library
17. Going to be prepared... (see p. 11), Chelsea already started building her own law library.
18. Connor
19. A woman with long dark hair
20. Ball-and-socket joint
21. Hat
22. A living creature
23. A month
24. A high mountain
25. A high spirit
26. A good likeness
27. A type of flower
28. A plant
29. A disk
30. A film
31. A day
32. A role
33. A tone
34. A blue
35. A test
36. A word
37. A famous place
38. A large body of water
39. A season
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106. A type of fish
107. A type of fish
108. A type of fish
109. A type of fish
110. A type of fish
111. A type of fish

**DOWN**
1. The day after tomorrow
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**SOLUTION:**

- **CHELSEA:**
  - Not deterred by her father's "Evolution" as a 1L (see p. 11), Chelsea has already started building her own law library.
  - "I'm going to be prepared for law school, because I plan to earn at least three times as much as Dad when I graduate."

- **CONNOR:**
  - You can't start studying too early for the Bar exam. Connor knows this, and is already vying for Bill Madigan's job so he can get a free SMH review course.
  - In addition, once admitted to law school, Connor plans on running for president of the M-W Democrats. (But, don't tell David.)

- **ABBY:**
  - Abby's already got her computer skills mastered and is ready to go to work. She gets annoyed with Dad Larry for tying up the computer at home playing games.
  - "I don't know why he won't let me have my own e-mail address till I'm 18," she complained.

- **RILEY:**
  - One of the newest members of Law Student Wannabes, Riley has his sights already set on making the Moot Court Bar so he can torture innocent second-year students in the Bushrod Tournament. Mom Charlene says he's definitely got the vocal chords for it.

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1990-91 Honor Code amendments approved verbally

Former President Paul Verkuil gave his verbal approval to the 1990-91 Honor Code Amendments after discussing the revisions with then M-W Dean Timothy Sullivan, according to Judicial Council Chief Justice David Hopkins (3L).

Working with Academic Dean Jayne Barnard, Hopkins investigated reports that amendments made to the M-W Honor Code had not been submitted to the College’s formal approval process for such changes. (See “Honor Code validity questioned; Council vote delayed,” Amicus Curiae, Nov. 8, 1993.) Hopkins reported that after discussing concerns about specific words in the amendments with Verkuil, Sullivan was told to make whatever changes he thought necessary. The amendments were adopted following those discussions.

The formal process for implementing changes to W&M Honor Codes includes approval by the affected school’s student body, the school’s respective Dean, and the W&M President. According to Vice President of Student Affairs Samuel Sadler, proposed changes generally are forwarded to the Virginia Attorney General’s Office for comment before receiving the President’s final approval.

Tercentenary Hall project wins soil conservation award

W&M’s newest science building, still under construction next to Crim Dell, has received one of the state’s Model State Agency Erosion and Sediment Control project awards, according to J. Michael Flagg, manager of the state’s Bureau of Urban Programs. The award recognizes measures taken by project workers to mitigate soil erosion at the construction site.

W&M Facilities Management Director Paul Morris said the award came as a pleasant surprise to project workers. “The location is very difficult,” said Morris. “There had to be some creative decisions made to protect Lake Matoaka.” Morris said that the work crew’s goal was “to have the college be the leader in protecting the environment, not only for the college but for the example it sets for students who will one day be in charge of businesses themselves.”

HUD Secretary Cisneros to speak at conference

U.S. Secretary of Housing and Urban Development Henry G. Cisneros is the featured luncheon speaker at a one-day conference to be held Nov. 30 that will focus on intergovernmental relations under the Clinton Administration. The conference is sponsored by the Virginia Alliance for the Public Service. The Virginia Alliance promotes effective and responsible public policy in the state by pooling the resources and talents of government agencies, professional organizations, and university programs in public administration and public policy.

In the morning session, Jack D. Edwards, government professor and member of the James City County Board of Supervisors, will present “An Overview: Intergovernmental Relations in the Clinton Administration.” Afternoon session speakers will examine the implications of the Clinton Administration on state and local finance, health care and environmental programs.

For registration information, contact the Virginia Alliance for Public Service at (804) 788-6652.

Guinier, Sharpton to speak at conference

U.S. Justice Department candidate Lani Guinier and the Rev. Al Sharpton are among the keynote speakers for the Eighth National Black Student Leadership Conference to be held Jan. 20-22. Over 800 students are expected to attend the W&M-sponsored conference to explore the challenges facing black leaders.

Guinier, a University of Pennsylvania Law School professor and former Assistant Counsel for the NAACP Legal Defense and Educational Fund, was nominated to lead the civil rights division of the Justice Department earlier this year. Sharpton has been an activist in civil rights issues in New York and has earned a national reputation for his pursuit of African-American causes.

Additional speakers expected for the conference are attorney and professional curator Patricia Russell-McCloud, Director and Counsel for the NAACP Legal Defense and Education Foundation Elaine R. Jones; President and CEO of Success by Choice Marlon Smith; and Executive Director of TransAfrica Randall Robinson.

The conference registration deadline is Dec. 1. Students interested in attending should contact the W&M Office of Multicultural Affairs at 221-2300.

Wynton Marsalis Septet to perform at W&M

Trumpeter Wynton Marsalis will perform highlights from his newest recording, In This House, On This Morning, tonight at Phi Beta Kappa Memorial Hall.

Music for the concert and the recording was inspired by the music of the African-American church. Marsalis describes it as “a jazz composition that takes its form from the structure of a church service. It is not a jazz version of gospel music; it is sacred music on its own terms.”

“From the devotional and the procession, through the sermon and recessional, what I am trying to do is to use the form of a service, which is a dialogue with God, to deal with the conception of affirmation. All of the music tries to engender the spirit of sacred occurrences,” Marsalis said.
Cinema Cynicism

Pacino shines as Carlito; Musketeers appropriately hilarious

By STEVEN YOUNGKIN

It's not true that Hollywood is generous to us law students. Just when exams are quickly approaching and the stress level is rising rapidly, the studios are courteous enough to release movies that help to relieve our stress. Between now and the end of the semester, we will be able to forget all about Property, Criminal Law, Tax and other fun subjects by watching stars like Kevin Costner (Perfect World), Robin Williams (Mrs. Doubtfire), Denzel Washington (Pelican Brief), and Gene Hackman (Doubtfire), fun subjects able to forget all about Property, courtesy enough to release like Kevin Costner is generous to us law students.

Perpetuities and think about political thrillers to westerns; stress. Between now and the world, Criminal Law, Tax and other reasons to forget have subjects ranging from as Carlito Brigante, a former drug dealer who is released from serving some spectacular set pieces by Director Brian De Palma. The sequence involving Penn and some spectacular set pieces have a sense of improvisational energy while De Palma manages to make the scene have a sense of improvisational energy while being intricately designed at the same time.

Pacino's performance is also top of the line. Though his accent is all over the map (from genteel southern to Hispanic to Bronxian), he manages to make the character sympathetic while being able to convince the audience why Carlito is feared by so many. As is true in his best performances, Pacino relies upon his best asset, expressive eyes, to allow the audience to see what his character is thinking. At points, his performance is so sharp that the narration is unnecessary and the audience can read the character's motivation without having it told to them.

Penn also manages to energize the scenes that he's in. He takes cues from Pacino and manages to reveal just the amount of information necessary to further the character along. He is also shrewd enough to know just how much intensity to display so that even when his character starts acting insane, he never appears campy. It is because of the actor's degree of skill that all of their scenes together work.

The only weak performance in the movie is given by Penelope Ann Miller who portrays Carlito's girlfriend. She dreams of being a Broadway star, and one night she strips in a bar. Compared to Pacino's and Penn's subtlety, her performance is so hammy that it is impossible to watch. Fortunately, my fears never came true. The Three Musketeers is an exciting and hilarious retelling of the Alexander Dumas classic. Sutherland plays the brooding Athos and Sheen plays the poetry-spouting Aramis. They are joined by Oliver Platt as the fun-loving Porthos and Chris O'Donnell as the Musketeer-wanna-be Aramis. In addition, Tim Curry stars as the evil Cardinal Richelieu and Rebecca De Mornay appears briefly as the mysterious Milady De Winter. The plot of the movie (about Richelieu's attempt to take over the throne of France) is brushed over and used as a set-up for a number of action scenes and a large number of jokes (usually both occurring at the same time).

All of the actors give fine performances, hitting the right note between light and campy, but it's O'Donnell and Platt who stand out. Chris O'Donnell unfortunately was outclassed (and outacted) in Scent of a Woman, but here he is allowed to

See CINEMA, page 16

Old Chickahominy House puts you in a colonial mood

By JEFFREY REGNER

In a warm, friendly house not far from Marshall-Wythe, a simple but delicious lunch is served.

The Old Chickahominy House is both a restaurant and a gift shop. Plan on getting there a few minutes early because there may be a wait. Besides, the shopping is good for getting in a colonial mood and working up an appetite. The shop offers an elegant assortment of antiques, Christmas decorations and knickknacks. In essence, it's tourist shopping. But this is a tourist town, and the House is an interesting place to mill about while you wait for a table.

Keeping with the colonial look of many of the popular CW restaurants and attractions, the House is decorated simply—with hardwood floors, white walls, high ceilings and decorated with oodles of old paintings, clocks and furniture.

Kevin Minter (2L) and I went to lunch and were seated at a small antique table in a side room. The restaurant was crowded, and although we were ushered a little, it was in a very frank and friendly way.

The House serves lunch and breakfast from a fairly limited menu. The obvious choice and probably the most economical way to order the full Chickahominy experience is Miss Melinda's Special. This includes a fruit salad, Brunswick stew, ham and biscuits, homemade pie, and ice tea or coffee.

The service is prompt and attentive. Perhaps because the menu is limited, there was barely enough time for our waitress to get to the kitchen and back between the time we ordered and the time we were served.

We both enjoyed the fruit salad which consisted of nothing more than a slice of pineapple and half of a peach covered in cream. I hadn't imagined that our forefathers began lunch with fruit, but it properly prepared our taste buds for what was to come.

The Brunswick stew was served with the ham and biscuits. Brunswick stew, for those of you not from Brunswick County, is similar to a minestrone soup with chicken and a wide variety of vegetables. The Virginia ham was served sandwich-style inside of a flat biscuit.

The saltiness of the ham worked well with the stew which, at first impression, seemed to need a little something. Together, this course hit the spot.

Then came the pie. The choices were chocolate, sweet potato, buttermilk, and coconut. Kevin had chocolate and I had coconut. Both were excellent and both disappeared quickly.

We got out for $7 each including tip. That seemed more than reasonable for the quality of the food that was served. The meal in its entirety was tasty and the tastes complemented each other. If your stomach is feeling a little light after the job search, the Old Chickahominy House will unite it and please it. They stick to a simple menu, do it well, and present it in a pleasant atmosphere.
Pyrotechnic expert perilously close to selling out in Fire

By BILL MADIGAN

Artist: Annihilator
Title: The World On Fire
Producer: Epic/Roadrunner Records
Best Cut: Set The World On Fire
The Good: A truly deserving band gets a chance on a major label.
The Bad: They blow their big chance.
The Ugly: I've gone through three lead singers in three albums.

Set The World On Fire is the third album from one of my favorite thrash groups, and is their released on a major record label, Epic, the album from which makes the Fourth of July seem songs are so mainstream, I had to look at like a smoldering sparkler. Waters also the album cover again to make sure I was this continuity.

breaks with a truly noble tradition of sharp quality that characterized such brutal thrash and unrestrained guitar virulence as "Schizos (Are Never Alone)." Out "too lightly, I'm almost tempted to barrage of cool explosions, courtesy of out on the independent metal label, sellers (about first album), which

Here it is:

RICHMOND:

To get in free.

LeeAnne Morris

Christmas came early last week when the Fat Man rolled into town bringing tidings of good cheer to all His loyal followers.

For those of you who couldn't make it, I know what you want. Here it is:

RICHMOND:

Set I
1. Cats Under the Stars
2. Stone Me
3. Simple Twist of Fate
4. Run for the Roses
5. Time to Move Along
6. Brothers and Sisters
7. Deal

Set II
1. The Way You Do the Things You Do
2. Forever Young
3. Tore Up Over You
4. What a Wonderful World This Would Be
5. Eyes of the Maker
6. The Night They Drove Old Dixie Down
7. Midnight Moonlight

HAMPTON:

Set I
1. How Sweet It Is
2. Stop That Train
3. Money Honey
4. Lay Down Sally
5. Brothers and Sisters
6. Everybody Needs
7. Somebody To Love

Set II
1. Shining Star
2. Stragglin' Man
3. Eyes of the Maker
4. Hold Me Tight (and Don't Let Go)
5. Lucky Old Sun
6. Midnight Moonlight

Thursday night's show was the first time that Jerry has shown his face in Richmond since the Dead were banned from the city eight years ago. I must admit I was a little nervous that the Richmond Police would give an encore performance of the 1985 debacle with mounted officers beating Deadheads with batons. I was also worried that theCOL. 

The Hampton show was general admission, and generally people were admitted in abundance. There must have been a lot of counterfeit tickets that got through the doors because the place was completely overpacked. The lower level where we were was not uncomfortable, but you couldn't have paid me to go down to the floor.

As is typical with two shows in a row, the band rocked a little harder the second night than they had the first. The fact that Hampton was the last stop on the tour reinforced this.

Late as usual to the first show, I missed most of "Cats Under the Stars." The first set in Richmond started out slowly, but picked up with "Run for the Roses" and "Time to Move Along." Followed by a lull with "Brothers and Sisters." "Deal" was definitely the highlight of this set.

The bass walked and the keyboard talked in the second set on "The Way You Do The Things You Do." It's always inspiring to hear Jerry sing "Forever Young," especially with the new health kick he's on. God knows he's scared us fans pretty badly a couple times over the years; we're all grateful he's finally taking care of himself.

This four-man outfit from Chicago offers an eight-song, 38-minute debut that taps into that progressive hard rock sound of the "Seattle scene" with its brooding mood and pleading riffs. Looking through the CD booklet, I was surprised to see the diverse characters that make up this band: one guy looks like a metal dude, one like a member of Arrested Development, one like Vanilla Ice, and the other like one of the Proclaimers. But the music doesn't reflect these outward differences.

Even though the band's sound really doesn't break any new ground, overall the album is pretty damn good with some strong cuts. When the eighth lyric of the first song is "motherfucker" and the lyrics go on to say that "I'd rather punch a cop/instead of punch a clock," you know this album is going to be a surprise. However, on songs like "Zero" and "Conditional," the band trades in its FTW attitude for a conscience, and gets a little too preachy with their left-leaning diatribe. But that's just me.

Stand-out cuts include "Stoning," a song about the type of Stoning that took place in 60.A.D. rather than in the 1960's, "Disposable," with its cool riff-age, and "Taught To Lose," one of the heavier songs on the album. Overall, the album is worth a listen, but for only 38 minutes worth of music, it may not be worth 15 bucks—especially when you can go get 72 minutes of Meatloaf for the same price.
Monday, Nov. 22
- William & Mary Concert Series: Wynton Marsalis, trumpet with the Wynton Marsalis Septet, PBK, 8 p.m.
- Music: Richmond Symphony, Carpenter Center
- Shooting: John F. Kennedy, Jr. assassinated in Dallas (1963)
- Music: Butthole Surfers, Boathouse

Tuesday, Nov. 23
- Musicals: Oklahoma, Carpenter Center
  Evita, Chrysler Hall
- ECHL: Hampton Roads Admirals v. Richmond Renegades, Hampton Coliseum
- Birthday: William F. Buckley, Jr. (1925)
- Spew: Vesuvius erupts (1759)

Wednesday, Nov. 24
- Thanksgiving Break Begins
- Tercentary Lecture Series (final lecture): speaker TBA, PBK W &M Theatre
- Second Season: Fall Director's Workshop, student-directed one-act plays, PBK Studio Theatre, 8 p.m., Admission free. Limited seating.
- Birthdays: Samuel Clemens, a.k.a. Mark Twain (1835)
  Winston Churchill (1874)
- Music: Delicious, Green Leaf

Thursday, Nov. 25
- Happy Thanksgiving
- Musicals: Oklahoma, Carpenter Center
  Evita, Chrysler Hall
- ECHL: Hampton Roads Admirals v. Raleigh Ice Caps, Hampton Coliseum
- And You've Just Had Some Kind of Mushroom: Alice in Wonderland published (1865)
- Music: Dave Matthews Band, Peppermint Beach Club
  Connels, Boathouse
  Gibb Droll, Flood Zone
  Rhythm Jets, O'Callaghan's

Friday, Nov. 26
- Musicals: Oklahoma, Carpenter Center
  Evita, Chrysler Hall
- ECHL: Hampton Roads Admirals v. Raleigh Ice Caps, Hampton Coliseum
- And You've Just Had Some Kind of Mushroom: Alice in Wonderland published (1865)
- Music: Dave Matthews Band, Peppermint Beach Club
  Connels, Boathouse
  Gibb Droll, Flood Zone
  Rhythm Jets, O'Callaghan's

Saturday, Nov. 27
- Tercentary Cup Series (final event): Women's basketball v. Harvard, W&M Hall, 2 p.m.
- Musicals: Oklahoma, Carpenter Center
  Evita, Chrysler Hall
- Recognition: Alfred Nobel establishes Nobel Prize (1895)
- Music: Rhythm Jets, O'Callaghan's
  Metal Massacre (3 local bands), Peppermint Beach Club
  Boy O Boy, Flood Zone

Sunday, Nov. 28
- Musicals: Oklahoma, Carpenter Center
  Evita, Chrysler Hall
- ECHL: Richmond Renegades v. Greensboro Monarchs, Richmond Coliseum
- American auto-racing born: 6 cars, 55 miles, winner averaged 7 m.p.h.
- And You've Just Had Some Kind of Mushroom: Alice in Wonderland published (1865)
- Music: Dave Matthews Band, Peppermint Beach Club
  Connels, Boathouse
  Gibb Droll, Flood Zone
  Rhythm Jets, O'Callaghan's

Monday, Nov. 29
- Welcome Back!!!
- Concert: William & Mary Concert Band, PBK, 8 p.m.
- Hurl: Kilauea Volcano erupts in Hawaii (1975)
- Music: Lemonheads, Boathouse

Tuesday, Nov. 30
- Tercentary Lecture Series (final lecture): speaker TBA, PBK W &M Theatre
- W &M Theatre Second Season: Fall Director's Workshop, student-directed one-act plays, PBK Studio Theatre, 8 p.m., Admission free. Limited seating.
- Birthdays: Samuel Clemens, a.k.a. Mark Twain (1835)
  Winston Churchill (1874)
- Music: Sacred Right, Flood Zone

Wednesday, Dec. 1
- W &M Theatre Second Season: Fall Director's Workshop, student-directed one-act plays, PBK Studio Theatre, 8 p.m., Admission free. Limited seating.
- Music: Squeeze, The Boathouse
  Laughing Colors, Indians, Bayou
- Birthday: Woody Allen (1935)

Thursday, Dec. 2
- W &M Theatre Second Season: Fall Director's Workshop, student-directed one-act plays, PBK Studio Theatre, 8 p.m., Admission free. Limited seating.
- Music: Billy Ray Cyrus, Salem Civic Center
  Naked Lunch and Aqua Dogs, Bayou
- Want My MTV: Peter Carl Goldmark born, developed color TV and LP record (1906)

Friday, Dec. 3
- W &M Theatre Second Season: Fall Director's Workshop, student-directed one-act plays, PBK Studio Theatre, 8 p.m., Admission free. Limited seating.
- Music: Bell Biv Devoe, with Silk, and SWV, Hampton Coliseum
  Gibb Droll, Nectar Club
- Star gazing: Galileo invents telescope (1621)
- Packwood's turn?: Joseph McCarthy condemned by U.S. Senate (1954)

Saturday, Dec. 4
- Music: Billy Ray Cyrus, Hampton Coliseum
  Urban Blight, Bayou
  Bad Brains with Prong, Peppermint Beach Club
- Kiddy Fun: Nickelodeon Live Tour, Norfolk Scope

Sunday, Dec. 5
- Adult Workshop: "Techniques of the Masters," Muscarelle, 12-3 p.m.
- Sunday Tour: Museum Collections, Muscarelle, 3 p.m.
- Music: Muscarelle Gallery Players, Muscarelle, 4 p.m.
  Tinsley Ellis, Pascals
  Full Frontal Nudity and Liquid Courage, Bayou
- Birthday: Walter Elias Disney (1901)
  George Armstrong Custer (1839)

Monday, Dec. 6
- Hell Begins: Good luck on exams and see you next semester!
DIVERSE, from page 2

The only African-American, who happened to be the only female, in the remaining pool of candidates for the dean’s post last year was the sole object of an organized and concerted effort by members of the student body to curtail her candidacy. A very small, yet very vocal group of students took upon themselves to subject Professor Green of the University of Wisconsin to a higher level of scrutiny and criticism than any other candidate. The rest of the student body, myself included, sat back or respond to the violent and criminal attacks .

Because of her inexperience and her idea of “crowd control” at Hampton, I missed the first song of this show too. We got to hear a pretty pivotal solo on “Stop That Train,” though. “Money Honey” was an easy swingin’ blues, followed by groovy guitar licks on “Lay Down Sally.” We could have done with a second “Brothers and Sisters,” but “Everybody” may have been the most energetic guitar playing of the two nights thus far.

After the set break, Marc Bernstein and I got our wish. We had been dying to hear “Shining Star” since the first time we heard it at Shoreline Amphitheater in California this summer. The song seemed to last about 20 minutes with the crowd singing along a capella at the midpoint. Hearing this song was worth the ticket price for both nights as far as we were concerned.

“Strugglin’ Man” and “Eyes of the Maker” II were mostly uneventful, but “Hold Me Tight” treated us to the first really psychedelic jam of the two nights. The real advantage JGB has over the Dead is in the rhythm section, as was proved on this jam. Instead of each member of the band doing completely unrelated things, the bass and drums provide a swinging jazz groove behind Jerry’s mind-bending licks. The result is much tighter, danceable music.

Next was the superslow “Lucky Old Sun,” which gave the back-up singers a chance to show their stuff and the keyboardist a chance to play really loud. Jerry got the words right this time on “Midnight Moonlight,” but many followers were disappointed the band didn’t end with something different than the first night. The timing of these shows couldn’t have been better. With exam madness right around the corner, the friendly atmosphere of the Deadhead scene helps put all it in perspective. Something about a few thousand Deadheads packed into an arena with a common purpose and family spirit reminds you of what’s really important in life.

Sincerely,
Toni Randall (3L)
Toni Randall is the President of the Black Law Student Association.

JERRY, from page 15

worked Thursday night—the crowd was even more approving. The somewhat made up for the terrible sound that the Coliseum is noted for.

He then ended the show with a fast and fun “Midnight Moonlight.” As has been the custom this year, he denied the crowd an encore.

Because of the inept security guards and their idea of “crowd control” at Hampton, I missed the first song of this show too. We got to hear a pretty pivotal solo on “Stop That Train,” though. “Money Honey” was an easy swingin’ blues, followed by groovy guitar licks on “Lay Down Sally.” We could have done with a second “Brothers and Sisters,” but “Everybody” may have been the most energetic guitar playing of the two nights thus far.

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Sincerely,
Toni Randall (3L)
Toni Randall is the President of the Black Law Student Association.

DEANS?, from page 3

marks for both education—but needs to do more. That you graduate with the best education in the United States makes you competitive but it doesn’t stop there. We are still servicing you if you graduated from this institution ten years ago.”

CINEMA, from page 14

show how much charm and energy he has. It helps that he has approximately the first 15 minutes of the movie devoted just to himself and he takes full advantage of it. Even when he’s in scenes with his more experienced co-stars, though, he still manages to stand out.

In addition, Platt displays the same sense of comic timing that he showed in Flatliners (which also starred Kiefer Sutherland). Like that movie, he is able to turn lines that may not be all that funny into loud belly laughs. It is his act of not taking his character (or anything else in the movie) entirely seriously that sets the tongue-in-cheek tone for the rest of the movie. My only complaint is that he is not given enough screen time, though the time he does have is worth watching.

Finally, the sword-fighting scenes are equally impressive. The actors were trained by the same man who trained Errol Flynn and it shows. The scenes are directed with an energy that emphasizes the grace and elegance that only sword fighting can have. Director Stephen Herek throws in enough variety in fighting styles that it’s not just the same old parry and thrust. Despite the violence though, the mood is never dark. Unlike Robin Hood: Prince of Thieves that was practically depressing at times, the mood here is constantly joyful and lighthearted. Which is exactly the way a movie like this should be and which is why this is the cure for the final exam blues.

VERDICT: 8-1 in favor.
A Duck Out of Water

Pro sports plagued with injuries; UNC to dominate hoops

By ALAN DUCKWORTH

This is the last column of the semester. No tears, please. By the time I get to write again, the NFL play-offs will have started and the college football season will be over. The NBA and NHL pre- (i.e., regular) seasons will almost be half over. Of particular interest to me, the most important part of the baseball season will be in full swing.

For those of you who still think champions are made on the field, I give you the Toronto Blue Jays. Seven of their nine regulars came by trade or free agency as did three of their top four starters. They won because they evaluated talent well and kept that talent. In short, they won in part because of superior performance in the boardroom.

PRO FOOTBALL . . . After careful consideration about this season, I have only one thing to say: Thank God basketball has started. In football, this season had promise at the beginning, but injuries have decimated so many teams. Of the top four starters, only John Elway has stayed healthy and who knows how long that will last. (Since he is my fantasy league QB, I hope he lasts the rest of the season.) Even with Troy Aikman out temporarily, the Cowboys look to be ready to cruise to another title. Only a major, season-ending injury to Aikman, Michael Irvin, or Emmitt Smith will derail this team.

The only enjoyable part of this season has been watching Marcus Allen, finally free from Al Davis and the Raiders, show that he is still a quality running back. He has been the most valuable new addition to the Chiefs, which is all the more remarkable because they traded for a guy with a town named after him: Joe, Montana. Montana looked good when he was able to play, but that has been less than half of the time. Furthermore, his constant insertion and removal from games has prevented his replacement, David Krieg, or the offense from finding a rhythm. Still, the Chiefs, if Joe gets healthy, are the top threat in the AFC to stop the Bills from getting to (and losing) a record fourth consecutive Super Bowl. That’s what we have to look forward to in January, Cowboys-Bills II. The only question is whether Leon Lett will score this time.

COLLEGE FOOTBALL . . . What was that sound that I heard out of South Bend on November 13? Was it Florida State choking? I know that they were playing a top team on the road, but if they really were one of the great teams of all-time as advertised, they should have risen to the challenge. They even had me convinced that this was Bobby Bowden’s year. Looks like his son’s team may have a better record and, thanks to the NCAA, not have a chance at the title.

We can’t count FSU out yet, however. The voters, in their eternal wisdom(?), have placed FSU second in the coalition poll ahead of unbeaten, united Nebraska. What more could Nebraska have done? Aside from win a bowl game in any of the previous six tries. This triangle further illustrates the desperate need for a college football play-off system.

Virginia has started its traditional late season swoon. They have gone from 7-1 and cruising to a major bowl to 7-3 and fighting for their post-season lives.

Going in the opposite direction is their opponent the final weekend, Virginia Tech. After dismantling Syracuse, Tech has accepted a bid for the Independence Bowl.

PRO BASKETBALL . . . Last year was the season of the rookie, with stars like Shaq, Mourning, and Laettner. This year is the year of the injury. The league was short-handed prior to the start of camp with the losses of Michael Jordan, Drazen Petrovic, and Reggie Lewis, but that was just the beginning. Number one pick, Chris Webber, missed the entire preseason and the beginning of the regular season with an appendicitis and an ankle injury. But injuries have been the norm for the Golden State Warriors. Tim Hardaway and Sarunas Marciulionis will miss the entire season with injuries. Chris Mullin, a Dream Teamer, will miss the first four to six weeks.

But the Warriors are not the only team to suffer key injuries. Anfernee Hardaway, the three pick, was carried off the court with a bad knee. He has since returned, but the knee is still vulnerable. Danny Manning of the Clippers will miss a couple of weeks.

And now for the dumbest injury of the year. Most longtime basketball fans have wanted to punch Bill Laimbeer at some point. Well, Isiah Thomas, his teammate, apparently felt that way too—at a Piston’s practice. The perennial All-Star hit Laimbeer in the head. Big mistake. As any basketball fan can tell you, the head is not where you aim to hurt Laimbeer usually fails period. But Isiah hit him in the head and the result is Isiah broke a bone in his hand and will miss four to six weeks. Hopefully when he returns, he will leave the fighting to his teammate, Alvin Robertson, who prefers to beat up on the Pistons’ management rather than their players.

BOXING . . . I have to quickly mention Evander Holyfield’s victory. I was among the many doubters who thought Riddick Bowe would cruise to victory. Of course, it looked like Bowe thought too. But he came into the fight about 15 pounds overweight. As to the silly Skydive, my regular readers will know how I feel about fans who interject themselves into sporting events. But as to the advantage that his action may have created, the physical advantage went to Bowe. He was staggered when the idiot hit the ropes and got to spend several minutes in his corner resting and being worked on. Mentally, he had the disadvantage of seeing his pregnant wife faint.

Probably, the fight would have ended the same way, no matter what. Holyfield came to box, not fight this time, playing to his strengths. Well, I guess we should get ready for Bowe-Holyfield III in early 1994.

COLLEGE BASKETBALL . . . North Carolina defeated Western Kentucky in the first game of the pre-season NIT. Despite sloppy playing, North Carolina still won. Two conclusions flow logically from this game. When Dean Smith has had time to get this team into form and work out his playing rotation, UNC will be very formidable. And Western Kentucky deserved to be ranked in the pre-season poll. They are a scrappy, quick team which suffered through a horrible shooting game, which was only partially caused by UNC’s defense, and yet still made the game close. This is a team to watch during the season. I would do a full college basketball preview, but this season looks to be like ACC football this season, one great team (North Carolina) and the rest of the teams range from very good to poor. Carolina may be beaten and probably will during the regular season. But come the NCAA tournament, Dean Smith should get his third National Title.

Well, that’s all for now. Happy Holidays and don’t overdose too much on Bowl games. See you next year.
Amicus computer-like rankings

Sleeping Dogs lie on top; Chill freezes out competition

By BILL MADIGAN

FOOTBALL... We were always told as children to let sleeping dogs lie. So, when I got the press release from the Sleepin' Dogs proclaiming that the Dogs were number 1, I thought no way this team of 2Ls could be number 1 at a law school with such an array of talented teams. But they weren't lying.

Before we get to the details, here is the final regular season poll for flag football. By the time you read this, we will be about half-way into the playoffs, but as of this writing, the Carolines would say, we've only just begun.

1. Sleepin' Dogs
2. Consortium Comfort
3. Drunk & Stupid
4. Morning Wood
5. Monkey Boys
6. Tortfeasors
7. Crimes Against Nature
8. MW Staliers
9. So Do the Girls
10. Co Res Ipsa
11. Res Ipsa

Although there were three undefeated teams at the end of the season, the Dogs got the nod for number one. They finished out the season by stopping the undergrad Inertia Teasors with a little help from the Inertia Teasors' first-rate running back and a strong defense. Chris White "Collar Crime" continued his terrorizing of the opposition with a perfect record behind center. Speaking of which, after losing their first game, the Boys won four straight including a first-round playoff game, knocking the Mack Daddy's 3-1, 13-17. The main reason was the Boys' offensive line, including an interception return for a touchdown.

Despite the romp, there was one scary point in the contest when White "Collar Crime" and Steve Otero "Card" collided in mid-air like a couple of near-sighted wedges. Luckily, they only broke heads, so there were no injuries of consequence. The Dogs have high hopes for the playoffs, especially after convicting Crimes Against Nature, an unnamed Dog described to this reporter as "a laughable third-year team" who has been struggling all season.

Singled out for particular ridicule was Kyle "Bermuda" Short, who had to be administered oxygen and a few shots in mid-air like a couple of near-sighted wedges. Luckily, they only broke heads, so there were no injuries of consequence.

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CRIME from page 1

Congress increasingly is using criminal sanctions in an attempt to enforce environmental regulations.

According to Dean Mary Doyle of the University of Miami School of Law, the problem is that criminal prosecution does not sufficiently deter corporations from violating environmental regulations.

Noting that business responds to the threat of affrontal penalties, Doyle instead advocated "civil sanctions that really hit the bottom line and hit them hard." Finally, Doyle noted the irony of the government, whose military is by far the biggest environmental offender, imposing criminal sanctions on others who cause much less contamination.

Professor Ronald Rosenberg of M-W disagreed, and argued for criminal sanctions "for the most egregious situations." Steven Molo, a private attorney who represents criminal defendants, agreed, and stated that the potential for criminal prosecution definitely affects corporate behavior.

Professor Walter Felton of M-W questioned the appropriateness of imposing criminal sanctions in the area of environmental law, when federal environmental statutes are so stringent that full compliance is virtually impossible.

Peremptory Challenges Based on Race

The second session focused on the role of race in the use of peremptory challenges to potential jurors.

Professor Sheri Johnson of Cornell argued that race does make a difference to both sides of a case, and stated that the potential for criminal prosecution definitely affects corporate behavior.

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