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BLSA Hosts Oliver Hill Banquet

**by Adrienne Griffin**

Oliver Hill. It is a name all law students should know. That is because Mr. Hill was one of the primary forces behind what Dean Reveley called both a “fundamental change for the better in American life” and the most important decision in the history of the Supreme Court. Oliver Hill, along with Thurgood Marshall and others, was the author of the three-stage challenge to Plessy v. Ferguson. After attacking inequalities in teacher salaries, bus transportation, and facilities existing in supposedly “separate but equal schools,” Hill’s efforts resulted in the landmark decision of Brown v. Board of Education, which overruled Plessy.

On Sunday, March 28, the Black Law Students Association hosted the annual Oliver Hill Banquet at the University Center on the main campus. Approximately 75 students, faculty, family mem-

**Women and the Law Symposium to Take Place April 16th**

**by Marie Siesseger**

Although still a minority within the profession, the ranks of women lawyers are constantly growing. Data compiled by the American Bar Association Commission on Women in the Profession indicate that while only 3% of lawyers were female in 1971, by the year 2000, 28.9% of practicing attorneys were women. This exponential increase is not entirely auspicious news, however, as the attrition rate of women from the profession, and particularly large firms, has also increased. Acknowledging the need for all lawyers to attain a sustainable level of psychic satisfaction in both their personal and professional lives, with an emphasis on women’s concerns, the Journal of Women and the Law selected "Attrition of Women from the Legal Profession" as the topic for this year’s symposium, to be held on Friday, April 16th, in the McGlothlin Courtroom.

The ubiquitous search for work-life balance is the legal profession’s secular answer to the Grail quest. Law firms proudly tout the ability of their attorneys to bill upwards of 2000 hours a year and still maintain a semblance of stability in their personal lives, but to many in the profession and academia there are still serious issues to be resolved in this area. As Joyce Wong (3L), Editor-in-Chief of the Journal of Women and the Law, explained, “the [Journal] Board did some brainstorming last year and [the attrition rate of women lawyers] was one of the topics that came up. In Professor Grover’s “Women and the Law” class last spring, a student presented on work-life balance and her presentation provoked a lot of discussion. We discovered that there was extensive scholarship in the area and it seems to be a topic that is relevant to the daily lives of female lawyers, and also to law students who are deciding which career avenues to pursue.”

Maya Crumbaugh (3L), Senior Articles Editor of the Journal and organizer of the symposium, explained that the goal is “to highlight the particular challenges facing women in the legal profession.” In particular, “we hope that the symposium will not only make people aware of the particular needs and goals of professional women, but also stimulate ideas and debate about how the legal profession should adapt to a more diverse work force and whether there are steps that can be taken to prevent attrition from the legal profession,” Crumbaugh said.

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BLSA Banquet Recognizes Members of Marshall-Wythe Community

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be fought and literally possible for many students in the room to be able to attend our school. Finally, Judge Jones cautioned that the current generation must be willing and able to receive the baton from those who have gone before to continue the race that will “fortify the victories that have been won” and achieve even more victories.

The other main business of the banquet was to award the Oliver Hill Scholarship. This competition was created in 1995 and seeks to honor the student who “most embodies the qualities associated with Oliver Hill.” Dean Reveley announced that this year’s winner is Dominique Callins (2L). Among her many accomplishments, the Dean noted that Callins graduated from her undergraduate school summa cum laude, served as President of BLSA for the 2003-04 school year, is a member of the Moot Court Team and a student notes editor for the Bill of Rights Journal, and serves the community by working for Avalon, America Reads, and as a children’s leader in her church.

The presentation of the Oliver Hill scholarship was followed by the presentation of the Community Service Award to Janelle Lyons (2L), BLSA’s service coordinator and the organizer of the Thanksgiving food drive, two blood drives, and the recent clothing drive. The Distinguished 3L Award, which is voted on by the entire membership of BLSA was awarded to Jessica Cook. Finally, BLSA presented Professor Davison Douglas with the Distinguished Faculty/Administrator Award, citing his continuing support of BLSA and most recently his assistance in preparing the display board about Brown for the law school lobby.

The Oliver Hill Banquet was an event filled with historical lessons, tributes to outstanding civil rights leaders, and wonderful conversation over a delicious meal. Perhaps the most poignant moment of the afternoon came when Justice Jones concluded his remarks by simply stating: “Oliver Hill never doubted for a moment that he was a free person...entitled to be treated as [free as] he felt.”

Symposium to Examine Role of Women in Law

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Several female attorneys who graduated from William & Mary will serve as panelists for the symposium, and Crumbaugh expressed her hope that many more alumna (and alumni) would attend, as the date of the symposium corresponds with Alumni Weekend. Noting the disparity between the number of women in law school and the number in practice, Crumbaugh said that the symposium “will explore the issues from a variety of angles. We will look at the experiences of women in law school, the experiences of women in law faculty, and the experiences of women in law firms.”

To incorporate as many viewpoints as possible, the Journal has invited seven women lawyers and academics from a wide range of experiences to speak at the symposium. Two William & Mary alumna, Mary Baroody Lowe (Class of 1991) and Joan E. Mahoney (Class of 1984), will moderate the roundtable discussion on “The Experiences of Women in the Workforce.” Lowe is currently an attorney at Powell, Goldstein, Frazer & Murphy, LLP, and Mahoney is an Assistant City Attorney for the City of Norfolk. Noting that “the difficulty of balancing work and family life can feel very isolating,” Wong said that “we hope that the roundtable discussion will give participants an opportunity to gain support and to learn from the experiences of other women in the profession.”

As the Journal’s 10th anniversary symposium topic, a re-examination of the role of women in the legal profession is particularly timely. “Work-life balance and attrition in the legal profession continue to be issues that disproportionately affect women since they are still the predominant caregivers in most families. It is a topic that impacts the daily lives of attorneys and we wanted to raise awareness and to present some workable alternatives and solutions,” Wong said.

Many of the speakers at the symposium will prepare articles for the first issue of Volume 11 of the Journal of Women and the Law, which will go to press next fall.
Meet Professor Rosenberg

by Nick DePalma

And for the final Advocate Interview of the year, I turned to Professor Rosenberg, who told me I only had half an hour.

A: Where did you grow up?
R: In the Washington D.C. area. I lived there when I was very young, and then I lived in Montgomery County, Maryland until I was 18.

A: Who were your childhood heroes?
R: It’s hard to remember childhood heroes. Probably sports heroes, baseball players, and within baseball players... back then Washington had a major league baseball team and it was a perennial doormat. I would go to Washington Senators games, and they would play in the American League, usually against the Yankees, and the Boston Red Sox, and they would usually get beaten and lose consistently. So I guess, probably the NY Yankees of the ‘60s; Mickey Mantle... In fact, I was very interested in baseball growing up, though I lost interest in college, but I would follow the Major Leagues pretty carefully. And the Washington Senators had some players who were good, but only relatively good. Then I became interested in professional basketball when I got older, and I was always interested in front running teams like the Boston Celtics.

A: Did you like Larry Bird?
R: This was pre that. This was like Bill Russell, who is an old man now, but was dominant then. If you look at him now he looks undernourished, only 6'9", and you wonder how a guy like him could have played center, but I went to Boston Garden to see him... So I guess people like that would be my heroes. I had political heroes as well. When I was in elementary school, I remember John F. Kennedy being assassinated, and my mother and father watching the TV round-the-clock. He was a hero of my parents and I guess he was my hero as well.

A: Did these baseball players and JFK influence your aspirations?
R: I don’t think so, I just observed them as a kid growing up. My parents always read the Washington Post, and I always read it, so I was aware of what was happening in sports, but I read the news section too, so I had some sense of what was going on in the world, but I was only 12 years old and not really in tune with the nuances of politics.

A: What did you want to do when you were 12 years old?
R: I didn’t know. In fact, it was a time where you didn’t have to have a preordained plan for your life. Even at that time, going to college, you didn’t have to have an object in mind necessarily, and you could think of your future becoming apparent to you as you went through college, and you could think of your major in some- thing. My father was a lawyer, a federal administrative law judge, so I gravitated towards the law because he had been a lawyer. I never learned about labor law because I wanted to have a separate area that was mine. Undoubtedly, my father was my greatest influence and a person who I admired. Plus, at the time I graduated from college, a lot of people were going to law school. I was always interested in politics, so I double majored in political science and economics, and law was just a natural choice.

A: What was Columbia like?
R: Well it was the time of the riots. The country was in tumult, and the university was shut down in the spring of ‘68. I was kind of like an 18 year-old observing what I thought was the beginning of a social revolution, because you don’t know when it’s happening, when you’re going through it, and having read about all these social revolutions—1848, 1917—and seeing the demonstrations going on against the war, and violent confrontations in Washington D.C. and other places, it was both an exciting time and a very highly charged political time. And the radical and revolutionary thinking students around made me think this was the beginning of a revolution, but they were wrong, only you didn’t know it then. You saw thousands of police cordoning off areas, and things that you would only read about today. Eventually campus buildings were taken over by students who refused to give them up, and police came in with force and basically took back the campus. I remember a climactic night that was violent and fast. In any case, that was the end of my freshman year... It was a very tumultuous time, for the country, and for me personally, this kid coming from suburban Maryland being in the eye of the hurricane there, and it was also a very upsetting time, because when you graduated from college back then, you were subject to the military draft for one year. Everyone had a draft number, like a random selection of dates, and depending on how low your number was the likelihood of being drafted was greater. So when I started law school, I didn’t know whether I was going to finish, because if they got to my number, I would have been drafted. But, as luck would have it, they never got to my number, they were like 5 numbers short of it, but with all that first year aggravation that everybody always has, I had the aggravation of knowing I might get a call in December or January that said “show up for basic training.” That was an unusual extra stress. Also, when I was a 1st year student there were a lot of returning Air Force pilots, 28 year-olds who had flown fighters in Vietnam. It was a very different atmosphere. We had these older men, (almost thirty)... Laughter), who had all this experience and who had been through so much, then we had these people like me, who were just out of college.

A: When you were in law school, did you have plans to become a law professor?
R: No, actually I didn’t think about that. In fact, I took a joint degree and got a masters in city and regional planning, and a law degree simultaneously. It took four and a half years, but my thinking was that I was going to be in the general counsel’s office for a county or state government, or an environmental organization or agency, and I never thought about this at that time. My first job was in the EPA in Washington D.C., and I worked as a lawyer for two and half years on environmental matters, mostly the Clean Air Act. It was only when I was in the Agency that I decided that an academic job was of interest, so I went that way after I’d gone to Washington.

A: And you ended up a couple of places before William & Mary?
R: Well, I taught at Cleveland Ohio for my first job, for three and a half years before I came down in the early ‘80s, but I’ve taught at other places, UNC, in foreign universities in Australia (University of Adelaide), and I can’t remember all the places, but since I came here I’ve also been involved in a lot of outside-the-law-school-activities. The Governor of Virginia appointed me to the Chesapeake Bay Preservation Board and I was on that board for five years, setting rules for land development around the Chesapeake Bay region. I’ve also been on local government boards, the local planning commission of York County, and I’m on the board of zoning appeals for James City County. So I studied all this, and then I ended up doing the stuff in real life, and I’ve got to say, it’s a rather large difference in what you see.

A: So zoning boards aren’t that bad?
R: Well they’re more like chancellors in equity, doing equity more than they’re doing law, in the sense...
The Professor Rosenberg Interview

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that people come in with some sad tale, and depending on how credible the tale is, they will grant relief. Is it relief that is required by the law? Probably not, but they respond to evocative stories regarding people’s hardships, and as you know from variance grants, it sounds like there is never going to be a grant, but they are actually granted very commonly for compelling personal stories.

A: What are your favorite movies?
R: Five Easy Pieces, The Producers, This Is Spinal Tap, Flying Tiger, Hidden Dragon, Tap, and James Bond films, to name a few.

A: What do you do for fun?
R: Right now. I used to do athletic things of a more strenuous nature, and now I do three things that I enjoy. First, I travel a lot—visiting many different parts of the world. Second, I do a lot of outdoor hiking is a little too grand, but walking in beautiful places. Hiking sounds like climbing the face of mountains, and I don’t do that, although I did hike in the late 1990s... I went to Kathmandu, Nepal, and I hiked to the Mt. Everest base camp. We hiked from 9000 ft. to 13000 ft., which doesn’t sound like much, but it took a week to do. This was very strenuous work. But that was an extraordinary experience, I don’t do that very often. The third thing I do is play ping-pong. It’s really good exercise, and a lot of fun, and I’ve gotten better at it, but you’ve got to be really quick, lots of short movements. You don’t run anywhere, but you really feel tired after it.

A: Do you put a lot of topspin on the ball?
R: Yeah, but he’s too slow and he fouls too much... (laughter). Students should know that Professor Meese was quite an excellent athlete when he came to the College. Speed is everything in that game, but I used to be better and that’s why it’s frustrating.

A: So you switched over to ping-pong?
R: Well, it’s interesting. Now I’m kind of humbled in ping pong, because people who are really good just do what they want, and it’s hard for me to play at their level, but like any sporting event whenever you play against people that are better than you are you tend to learn more, and you tend to play better, because you have to. A long time ago, I used to be good at basketball, but that was a long time ago. When I went to college, it was the one time Columbia won the Ivy League championship. I was a sophomore, and the team, this had nothing to do with me, had three all-Americans, and two went on to become professional players, but I played for about a year and a half until I decided that I couldn’t play anymore with these quasi-professional players.

A: What was your position?
R: I played forward, believe it or not, at a time when most people seemed to be shorter then they are now (Laughter). The team had two 7-foot centers and a total of three players who played professionally. I remember being in high school and seeing a picture of one of my teammates on the front cover of Parade magazine. I also played in a summer league the first year I was there, which was a famous one—Riverside Church summer league in NY—and I can’t even believe I did it today, but that was a long time ago, an exciting time, playing basketball in this tumultuous time in history.

A: Playing basketball...? R: Well, it’s funny. I learned a lot about limits, and there are limits on people’s ability, and I think some people don’t understand and hope they’ll be able to exceed their limits, but you have to be a realist at times. And I just remember being a really good high school player and being an ordinary one in college, and I just happened to pick this college at the wrong time in the 20th century, in terms of the quality of the players, but it was enjoyable to beat Princeton for the Ivy League championship—mention that to the Dean. This was probably the one time in the history of basketball in the Ivy League that this ever happened...

A: And you were on the team.
R: I played for one year at Columbia and then decided to do my degree there. That first year was an interesting one because the two teams (Columbia and Princeton) ended up tied for first place, so there was a playoff at a neutral site. We won, and went to play in the NCAA Eastern Regionals, but lost to Davidson, which was coached by someone named Lefty Driesell the (fourth winningest coach in the history of college basketball). It was an exciting time but not far in the past.

A: Tell me about your law review articles.
R: Yeah, I wrote one in the fall, and it’s forthcoming. This law review sweet talks you into giving them your article, and they say it will come out real soon, and this was supposed to be out in January, but it’s still not out. I’m also writing one right now that deals with land use control, and I’m trying to finish that up.

A: Do you have a plug for that article?
R: No, I’m actually going to discuss some of it in class, but it’s about an idea that... in law school we study the Supreme Court a lot, that the Supreme Court makes the rules and everyone else follows, but in this article I’ve been discovering that the state courts are actually more important, and the Supreme Court decisions are just acknowledged in passing. I’ve analyzed about 15 years worth of state cases, in light of Nolan and Dolan (Supreme Court cases), and I researched to see if the states picked up on them... but they didn’t. The message in law school is that everyone listens to the Supreme Court, but at least in this area, it doesn’t happen.

A: What is your favorite music?
R: Well, I have a few groups I really like. I was just listening to Joni Mitchell, someone people today have probably never heard of, but if they haven’t they ought to. She was a songwriter and performer 30 years ago probably. I was also just listening to Steely Dan, and Dire Straights. I just bought those recently... I also like some of the English '60s groups that aren’t the mainstream groups, but those kinds of people. I like a wide range of music: classical music, and instrumental music. The real musical genius was Mozart. You could say he passed the test of time test if people are still listening to you hundreds of years later, you can probably rest assured that you are a musical genius.

A: Do you have anything that you want to say to the students and William & Mary?
R: Well, I’ve enjoyed them so much this year, and I really like this group of students. I’ve liked the classes in the past couple of years too, but this is a special group. This is also a really special time for you, and I didn’t think about this when I was a student, and I’m sure you’re not, but this is a time you’ll look back at with some nostalgia, even more nostalgia than you have now, and it is a really important time to learn foundational concepts and ideas that surprisingly will be relevant to you through your life, even if it doesn’t seem that way... Things will happen to you, you’ll gravitate to certain areas of practice, and you’ll come up with a certain problem, and law school factors into your thinking in ways you can’t even imagine. To me, the 1st year of law school is the most fun, because it is new to all of you. Each year, every class is composed of different people, but I really enjoy all of them, and you know, some will only take Property and some will take other courses with other professors. Some students I see over and over in other courses again. I even keep in touch with some of them after they graduate. In fact, it’s
Living with Lawrence
by David Byassee

On March 30, 2004, Professor Nan D. Hunter of the Brooklyn Law School visited us through the auspices of the Primer Fellowship, which annually brings in a lecturer on gay and lesbian issues. Professor Hunters served as Deputy General Counsel for the Department of Health and Human Services in the Clinton Administration and has held positions with the American Civil Liberties Union as Director and Staff Counsel of the AIDS and Civil Liberties Project and its Lesbian and Gay Rights Project. In addition, she has published extensively on the topics of health, gender, and the rights of lesbians and gay men.

My first introduction to Professor Hunter came at a luncheon held in the Dean’s conference room where she addressed the topic of gay marriage. Noting that the nation is currently in a “funny time” where we are “looking forward to Massachusetts in May,” Professor Hunter satirically commented that gay people are “trying to get into this club that other people are leaving.”

“Living With Lawrence” is actually the title of a forthcoming article in the Minnesota Law Review, authored by Professor Hunter. The article and her lecture revolve around three puzzles to be found within Lawrence v. Texas, the Supreme Court’s 2003 decision striking down an anti-sodomy law. The first puzzle is the absence of discussion regarding the right to privacy, despite reliance upon Griswold, Eisenstadt, and Roe, all of which enunciate the right to privacy. The frame Professor Hunter sees when putting these pieces together is the Court limiting its recognition of additional “fundamental” rights in the area of substantive due process, much like it has with equal protection.

International Scholar Louis Aucoin Visits W&M
by Marie Sleseger

Professor Louis Aucoin from the Fletcher School of Law and Diplomacy visited William & Mary last Wednesday and Thursday to speak to students on a number of current issues in international law. A former constitutional advisor to the Constituent Assemblies of Rwanda, East Timor, and Cambodia, Professor Aucoin has worked extensively in the area of comparative law. He previously worked with William & Mary professor Christie Warren on a Rule of Law program in Haiti and the two former colleagues gave a joint presentation entitled “Judicial Reform and the Rule of Law in Post-Conflict Societies” on Thursday morning.

In his Wednesday evening lecture on French administrative law, Professor Aucoin explained the differences between French and common law administrative procedure. Emphasizing that there is still significant room for comparative scholarship in this area, Professor Aucoin noted, particularly as it pertains to developing countries, “strengthening the administrative courts may be important.”

There are profound differences in focus in the French civil law and the American common law systems. While the civil law system has a communal, state-oriented focus, the common law typically gravitates toward the protection of individual rights. Aucoin distilled this basic premise in civil law by noting that the state is not always the “bad guy” in the civil law system. Aucoin further noted that although the court system in France historically engendered great distrust, the administrative courts occupied a special place in the public’s esteem because of their connection to the executive, and that continues to permeate the administrative courts today.

Unlike the courts in the ordinary judicial system, French administrative courts are not bound by the French Code, Aucoin said. Instead, the administrative courts employ case law to determine the outcome of matters before them. Aucoin noted that although the principle of stare decisis is not strictly followed, general principles of law have been developed by the administrative courts. Professor Aucoin further discussed the substantive aspects of administrative law in France, as well as the three-tiered structure of the administrative court system.

Professor Aucoin predicted that civil law administrative procedure would be a focal point for future research because the French system is often used as a model in establishing constitutional systems throughout the world, as well as in multi-national governing bodies.

The Professor Rosenberg Interview

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not uncommon for me to get e-mails from people who are in practice... so I appreciate all of you and your effort, your enthusiasm and your energy.

A: And finally, what do you like best about William & Mary?
R: I want you to emphasize this relationship with the students. This is a very unusual thing for law school anyway. When I went to law school, I never talked with my professors out of class, and your experience here that you can do this is something that most law students don’t have. And I think that law students who graduate from here have all sorts of opportunities and have a really bright future. With all the talent that students who come here have you will be doing many exciting things. Some of you will be litigators, some of you will be transactional lawyers, and some of you won’t be lawyers at all. Some of you will be US Attorneys, some of you will be County Supervisors in your states, and you’ll have responsibilities, important jobs, making decisions that affect people in their daily lives. You should all just hold your breath for what the future holds for you. The reason I say this is because when you’re in law school you focus on the “now,” like what’s the reading assignment for tomorrow. But there is a bigger picture. You’re all going to do important work, you don’t know now, but you’ll do it, and you all have a really bright future. Work very hard, enjoy this experience, and remember that it passes by very quickly. It was August 2003 when you came here and now it’s almost May...
A Letter from SBA President Rob Maylor

Dear Student Body,

First and foremost allow me to thank you for granting me the privilege of being your SBA president. I truly consider it an honor. I know that I am supposed to talk about my plans for the year to come, but, really, the way it works is that I am representing your needs and desires in the year to come and helping to make your life as a student a little easier. That’s a tall task and while I will be working my hardest to achieve the dual goals of a great year and excellent student representation in every aspect of the law school, I will be depending heavily on my team.

That being said, I am counting on the representatives, elected officers, and yourselves to help me make next year great. The SBA has worked very hard as a group to ensure that we will have expanded options for food here on campus at the start of next year. Don’t be surprised if the student lounge has a completely different feel to it and you find yourself spending even more time at the Law School next year. We’re going to do our best to fully establish our school amongst the best and furthermore, for the students, establish an even stronger climate of collegiality with more events catering to a larger number of our students. I was fortunate to have run against Greg Rohrbough and to now have him as a teammate on SBA because he brings a new viewpoint, new ideas and new energy to the group. Next year’s SBA will have an infusion of new energy and ideas but also enough carry over from the past years to ensure that we continue to excel at the things that SBA did well and improve in other areas.

3L Rep Greg Rohrbough will be joining your vice-president Justin Hargrove in planning the annual formals, Barristers Ball and Fall from Grace. In an effort to better use student funds and plan events for students we are trying to transform our current associations with local businesses and school organizations into forward-looking, ongoing business relationships. Hopefully the hotels, businesses, and student groups we worked with this year will work with us to make the dances and all events (Bar Review, Ski Trip, and Paintball) cheaper and better for students. With more effective organization and utilization of student time, money, and energy, SBA hopes to work with the leaders of other student organizations to plan events important to all of us as students. Hopefully, 2Ls in the years to come will not have to worry about job searching, Client B, cite checks, the rigors of a legal education, and trying out for moot court all in the same three-day span.

SBA is also lucky to have Steve Del Percio back as a rep. His work as treasurer this year was simply invaluable. His experience, insight, enthusiasm, and passion for everything he is involved with will be vital to us doing a good job. He’ll be a good “Jiminy Cricket” to David Stern, who will be lumbering his way through what I believe to be the toughest job in SBA, treasurer. Dave, Steve, and I will do the best we can to streamline the process of student organization budget requests, funding, and allocations. Lauren Schmidt, our ABA rep, will be invaluable as a source of knowledge of school and state financial procedures. It is our hope that SBA will be better enabled to assist all student organizations and interests with event funding or planning.

Our 2L class truly raises my hopes of a great year to come because of both our incumbent rep and the ‘newbies’ Stephanie Spirer, our new 2L rep, has been a vigorous advocate for community service in the past year. She went so far as to organize her own Habitat for Humanity project this spring and has taken the reigns from me for organizing student voluntarism. In the past year we received praise from local community organizations for our enthusiastic volunteer projects. I expect that the opportunities for volunteering will only expand. Stephanie has also gone above and beyond the call of duty to organize and distribute a SBA evaluation form in a hope to have your SBA better help YOU.

Our other 2L rep, Meg Bisk, is a tireless worker and really distinguished herself last year in SBA by organizing SBA breakfasts and assisting with event planning such as Barristers Ball. She has plans for a Class of ‘06 Picnic on the last day of classes and happy hours planned to ease this final stretch run of 2nd semester. Maggie Shoup, our new secretary, will inevitably be my savior this year, keeping me organized and on my toes. Maggie has already successfully assumed the task of composing the weekly SBA announcements. The announcements are truly an effective way of keeping aware of what is happening at your law school and how to get involved if you so choose. I encourage everyone to be in constant contact with Maggie (mapeshou@wm.edu) and to read the announcements so that all school events are well attended and those issues important to the school can be addressed by a wide variety of student voices. Lastly, Maggie, along with Chris Supino (‘06), will be working to keep students more aware of activities and events via a revamped SBA Board via the hanging files and a new SBA website that should be available in a matter of weeks.

For the past year Mike Broadus has voluntarily represented the school at BOTH the undergraduate senate and grad council. His dedication to assisting and organizing all inter-campus/school events and associations will be renewed next year as he assumes a leadership position in one of the inter-school organizations.

The Advocate asked me to write a letter addressing my First 100 Days in office or rather what I’ve done so far or plan to do. While I’d like to say there will be no more Client E or that exams will forever be self-scheduled, I don’t really achieve anything without the help of the aforementioned people and the people who take the time to speak to me and the SBA members about changes they would like to see at our school. It is possible... we just have to try to speak up about what we want. As the poet laureate, S. Carter once said “A closed mouth, don’t get fed.” I know that every dean at our school wants each and every student here to feel as if they have had every reasonable opportunity in legal education afforded to them and to leave here happy with the experience. I think we can do this. I think that we have great events planned. I know we will succeed.

There will be a free faculty student luncheon on Wednesday, April 14, and two days later the inter-grad school end-of-the-year party. Don’t be surprised if during finals there are a handful of ice cream or movie study breaks planned. We’re going to try and have a revamped student lounge with food options all day long starting with the first day this fall. We’re going to work to make job search and school commitments more manageable and law school more “fun.” We’re going to have a great year.

I, along with the rest of the SBA, look forward to serving you.

Rob Maylor

The Graduation Issue of The Advocate Needs

3L Photos

Please submit any photos by-
Friday, 16 April 2004
in The Advocate Hanging File
or by e-mail to
natrav@wm.edu
Chuck Robb, Carter Lowance Fellow, Visits

by D.G. Judy

Former Virginia governor and two-term U.S. senator Charles Robb had breakfast at the Law School on April 6. Well-attended by faculty and even a few students, the event featured coffee, juice, some outstanding mini-muffins, and anecdotes and wisdom gleaned from Robb’s four-plus decades in public service. Those decades have given Robb overly sufficient credentials to preside over even the most distinguished breakfast.

Robb is the only Senator to sit simultaneously on the Foreign Affairs, Intelligence, and Armed Services committees. Before his terms as governor and lieutenant governor, Robb served over a decade in the Marine Corps, during which time he not only commanded an infantry company in Vietnam but also met and married the President’s daughter. Robb was appointed in February by President Bush to co-chair an investigation of U.S. intelligence failures concerning Saddam Hussein’s weapons capabilities.

At the prompting of Dean Reveley (with whom he practiced at Hunton & Williams), Robb spoke initially about policies, for the benefit of those present (not this writer) who hoped to enter the field. Politics, Robb said, is an honorable profession like law, despite the popular view to the contrary. Most politicians are good people, he said, if extremely self-confident, and much smarter than you’d think. Robb warned that local politics is the hardest kind, since it is the most “constituent-intensive.”

Before jumping into politics, though, Robb said the erstwhile young leaders of tomorrow would do well to spend time in a position of service. He repeated a then-controversial remark from his governorship to the effect that it would be good if the people with advanced degrees had at some point learned how to clean a latrine. For this reason Robb said he was a supporter of the military draft as well as programs like Americorps.

Of his own political career, Robb said he much preferred the Statehouse to the Senate. The former offered him more immediate involvement with the pressing issues of the time. “You’d open the newspaper,” he said, “and half the headlines were the things you worked on yesterday, and the other half were things you’d better be on top of by sundown.”

Robb said fundraising was a regrettable necessary evil in modern American politics. Along with the media’s reduction of politicians to “eight-second sound-bytes,” Robb said fundraising prevented politicians from “taking the long view” and addressing difficult policy matters. Robb said he would like to see a constitutional amendment to resolve any First Amendment problems with campaign finance control.

His time in the Marine Corps, Robb said, was probably more meaningful to him than any of his political achievements. Robb cited in particular the discipline of military training, the spirit of a corps of a unit of soldiers, especially in the field, and the exposure to people from all strata of society (again, this was in the days of the draft). Robb said if he hadn’t married the President’s daughter, he might well have remained a Marine (the marriage, he explained, would have made any subsequent positions or promotions look political). Even so, Robb remained in the Marine Corps Reserve until 1991.

Asked about his famous father-in-law (Lyndon Johnson), Robb said he was “a remarkable leader...the most complex individual I have known.” Of LBJ’s famously persuasive (not to say demeasuring) personal style, Robb said, “I was delighted to marry his daughter, but I wouldn’t have wanted to work to for him.”

Family, Robb said, is “perhaps in the end the most important” facet of life. He said his political career had caused him to miss parts of his daughters’ childhoods, and that he was grateful to have been more constantly involved in raising his youngest daughter. Robb told of visiting one daughter’s (he has three) high school to see a game while governor and landing in a helicopter to be greeted by a State Police escort. His arrival rather disrupted the going-on and, afterwards, his daughter thanked him very much for attending but asked him not to do so again.

Robb was at the Law School as the Carter Lowance Fellow for Public Service. The Fellowship’s namesake was Chief of Staff for six Virginia governors, a “consummate insider,” and, Robb said, “pound for pound” (because somewhat slight of build) “the most powerful” person in the history of Virginia politics.

Professor Devins Lectures on the Rehnquist and Warren Courts

by Matt Gayle

Many constitutional law and Supreme Court scholars have compared the Warren and Rehnquist Courts. In fact, at least one conference has been devoted to the comparison, not to mention countless books and law review articles. The common thread running through all of these analyses seems to be a belief that the two Courts are diametrically opposed. This belief is well-founded in the history of the Supreme Court—while the Warren Court was generally progressive and issued decisions which expanded the scope of the First, Fourth, Fifth, and Sixth Amendments in terms of personal liberties, the Rehnquist Court is frequently characterized as conservative, with a focus on originalism and the revival of federalism. Even the most cursory overview will reveal how odd the two courts seem to be.

Professor Neal Devins is also interested in comparing the two courts, but in so doing, he takes a much different approach. On Monday, March 29, Professor Devins delivered a lecture to discuss his views: “Similarities Between the Rehnquist and Warren Courts.” While the nearly 40 students present enjoyed pizza and soda provided by IBRL and the Federalist Society, Devins began to paint a picture of the two courts which—unlike most scholarship on the subject—revealed them to be far more alike than different.

Professor Devins’ central argument was that both the Rehnquist and Warren Courts have an agenda and that both Courts work to push as far as they can while being sensitive to the risk of political backlash. Devins began by suggesting that the terms of each Court can be divided into two eras separated by a political event that altered the decision-making of that respective Court. The Warren Court, for example, may be divided into two time periods: the first (1954-1962), during which the Court moderately pursued a progressive agenda, and the second (1962-1969), characterized by a far more aggressive pursuit of progressive ideals. Professor Devins argued that the 1960-62 elections occurred between these two periods to turn the tide of the Court. Similarly, the Rehnquist Court was initially (1986-1994) characterized by an attempted but ultimately failed pursuit of social conservatism and then later (1994-present) by a successful revival of federalism, with the Republican Party’s “Contract with America” Congressional campaign intervening between the two periods.

The most famous decision of the Warren Court is perhaps Brown v. Board. As Devins noted, in 1932 two-thirds of whites opposed desegregation, but by the time of Brown in 1954, a majority supported it. Nevertheless, many members of Congress from the South opposed both desegregation and the Supreme Court in 1954. The Warren Court avoided political backlash from either side of the controversy by issuing the decision in Brown; although a clear victory for civil rights, the decision contained no provision for enforcement and effected little immediate change. Thus the Warren Court was able to pursue a progressive agenda, but do so strategically in order to avoid a hostile response.

Professor continued on page 8
Courtroom 21: High Tech ADR

by Gary Abbott

The Courtroom 21 (CT21) Project’s annual Laboratory Trial again broke new legal technological ground on Saturday, April 3, 2004. This year’s experiment was a proof-of-concept exercise in remote arbitration and mediation. Using computer videoconferencing, an arbitration session was held and a contractual dispute mediated between participants in Williamsburg, Norway, the United Kingdom, and Australia.

The fact pattern used for the mock demonstration, written by 2002 alum James Hess and elaborated on by 3L Erin Butler, could easily show up in the near future news, even though it was done months ago. It involved a construction contract for a showpiece hotel in newly liberated Iraq that was in danger of falling through, at great expense to the contractor, Global Hospitality Enterprises (of course all names are fictional). The principal financier, Botany Bay, Ltd., had gotten cold feet about the project becoming a terrorist target, security firm Yokohama Security Ltd. could not guarantee the safety of the building, the insurer, Oslo Associates wanted a piece of the action, the steel supplier, Preston Industries, was losing money and wanted out, and the builder, Wellington Construction, didn’t know what to do.

To save the project, a mediation session between the major principles was conducted on the same day, bringing next year’s 1Ls in for lectures and some show-and-tell. CT21 reconvened at 2:30 for the second part of the experiment, an arbitration session with a remote ALJ.

The fact pattern outlined how the price of steel had skyrocketed in recent months, causing Preston Industries, the sole supplier of steel for Hotel Baghdad, to invoke a contract provision that allowed for more money or withdrawal from the contract at no cost. The contract also called for mandatory arbitration in the event of any dispute, a clause invoked by Global Hospitality. After the headiness of the first-time-ever remote videoconferencing mediation session, the arbitration trial was almost mundane, even though it also was a groundbreaking experiment. Arbitration with a remote judge had never been tried before in the United States. The three-judge panel consisted of longtime CT21 associates from Blank Rome in New Jersey, Vincent Poppiti, Richard Herrmann, also an adjunct professor at the law school, and Mary Matterer, appearing by video link. The very trial-like proceedings were conducted without technical incident. 2Ls Mike Monahan and Heidi Simon, for the defendant Global, put on a professional case for each side, using several of the CT21 evidence presentation devices.

At the conclusion of the day’s experiments, Professor Lederer thanked everyone involved and assured them that their efforts would be of enormous value as he and the CT21 Project staff spent the ensuing weeks evaluating, analyzing, and correcting the process based on the information generated.
**Toeing the Line: The Company**

by Marie Siessge and Dave Zerby

As a general rule, dancers make horrid actors. They’re simply not cut out for conventional film—it’s just the wrong medium for them. As a result, pointing a camera at a group of dancers and telling them to act produces a result akin to handing a photographer a lump of clay and instructing her to sculpt. The result isn’t likely to be bad, but it’s not likely to be earth-shattering, either. This dynamic underscores Robert Altman’s latest film, *The Company*: It’s a beautiful film but a highly mediocre movie.

Although visually spectacular, *The Company* simply doesn’t live up to its billing as an inside look comedic element, functioning as a highly mediocre movie. McDowell as the Joffrey’s artis-

to a to a cut out for conventional film—it’s the end of the film as at the begin-
group of dancers and telling them

ne to the country’s most prestigious bal- traits. As a parody of egomaniacal ,

of children.

R y seems so entirely extraneous dance sequences on film. Altman’s true motive in making *The Company* is not about Ry; it’s a study in how piece , asoloroutineperformedwith

the true star of *The Company* is not the makeshift plot or its tepid lead characters but the way in which Altman captures the dance sequences on film.

The sequences are sequences filled with flowing skirts , sharply arched feet , and exquisitely executed ronds de jambe are really all Altman is interested in shooting, and the result isn’t merely pretty, it’s exhilarating.

Disposing of the pretext of a plot altogether probably would have served Altman well, but as it is, the story line is not terribly obtrusive. Ry is a bland enough character that it’s vaguely interest-

Neve Campbell doesn’t make it pretty in *The Company*

the viewer will be more entranced than a roller at a rave, twirling a glowstick.

If Altman had just conceded that all he was really trying to do was to simultaneously democratize and deconstruct dance, *The Company* would be a much more honest film. The dancing is predictably wonderful and the acting is (equally predictably) somewhat mundane. What makes *The Company* worthwhile is not what it does for dance, but what it does for film; it’s a poignant reminder that good film isn’t strictly about the subject but about how we see that subject.

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**Bone Marrow Day**

Law students will be able to put themselves into the National Bone Marrow Registry on April 14th all day in the Lobby. All it takes is a prick of the finger, and you will be entered into the registry. The registry is used to find potential bone marrow donors for leukemia, cancer, and other blood disorder sufferers. So please take a few minutes and help this immensely important cause. Additionally, if you want to help with the Drive or have questions about the registry or the Drive, please contact 3L Jeff Thurnher at jsthir@wm.edu.
The Advocate says Goodbye to its
Graduating Third Year Staff

...and hello to its incoming staff. Shannon Hadeed, graduating editor-in-chief, with Nicole Travers, incoming editor-in-chief.

The Federalist Society presents

Hillary and the Flower Children
The Fight to Recapture the Identity of the 1960s Generation

A presentation by R. Emmett Tyrrell, Jr.

Thursday, April 15th at 5:30 in room 119.
Followed by a reception in the student lounge.

The Advocate is still looking for next year's staff writers. Those interested in applying for positions should contact Shannon Hadeed at slhade@wm.edu or Nicole Travers at natrav@wm.edu
Divisive Issues in The Neverending Story

by R.S. Jolly

The Never Ending Story is a temporally finite, two-decades-old film about a bibliophilic truant whose balding father drinks eggnog. I am less concerned about the plot than about one of the main issues raised by the film: whether Falkor, the huge flying animal, is a dog. (I assume that Falkor is a male; although he lacks conspicuous genitalia, he speaks in a manly voice.)

Officially, Falkor is a luck dragon; however, several facts support supporters of the canine hypothesis. For one thing, Falkor has floppy ears; moreover, he has a dog-like tail. Falkor also has four legs and likes children. Most decisively, Falkor asked to be scratched behind his ear.

Supporters of the official hypothesis concede that Falkor has four legs but deny that this supports the canine hypothesis; after all, since Falkor flies around all the time, his legs might be vestigial—evolutionary remnants, perhaps, of his dinosaur ancestry. The fact that Falkor flies militates against the canine hypothesis; moreover, Falkor lacks a characteristically wet canine nose. Most decisively, in an interesting argumentative twist, supporters of the official hypothesis concede that Falkor asked for ear-scratching but then contend that dogs cannot ask to be scratched behind their ears.

In conclusion, The Never Ending Story has supplied humankind with one of the most intractable and divisive issues of modern times. For this, it ranks among the best motion pictures in the history of cinema.

Falkor: Luck dragon or giant dog? You make the call.

Recovery Brunch
every Sunday
11:00 AM - 3:30 PM

Mexican Night every Monday

Wednesdays:
$4 Sandwiches after 9:00 PM

Talk to the Leafe about your Commencement Party needs!