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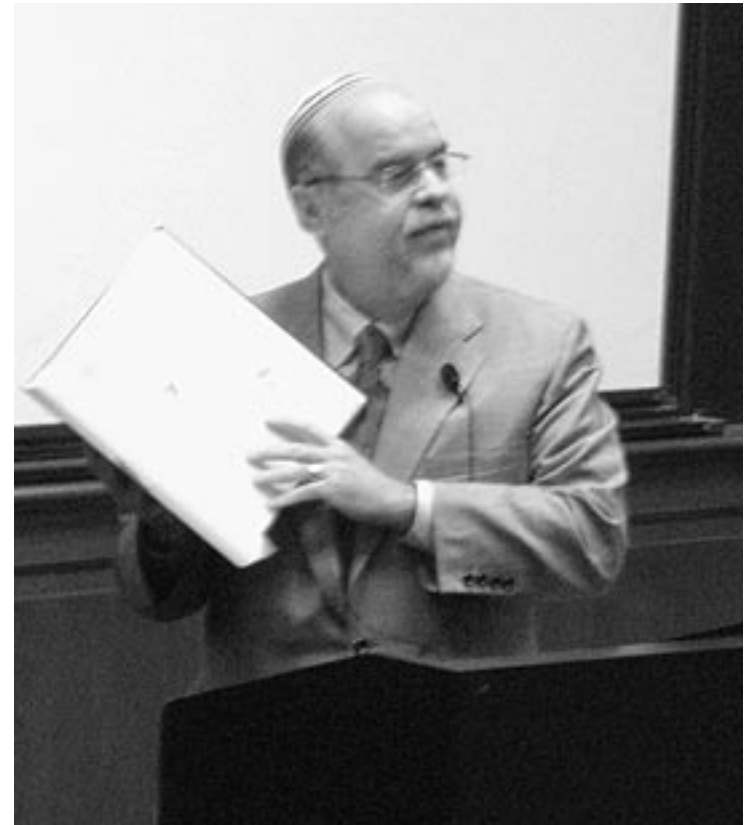
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The Advocate

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WILLIAM & MARY SCHOOL OF LAW



Noted copyright law scholar David Nimmer delivered the inaugural Stanley Mervis Intellectual Property lecture to an audience of students and community members. Interest in the lecture required a move from room 124 to room 119. Joelle Laszlo // Advocate.

David Nimmer & the Dead Sea Scrolls

by **Tiffany Walden**
Staff Writer

In the opening lecture for the Stanley Mervis Intellectual Property Series, David Nimmer, one of the country's foremost experts on copyright law, spoke to a packed lecture room about topics that varied from copyright law and religion to the Supreme Court and included references to Woody Allen and Hugh Hefner. Law students from all years and various professors from the school listened intently to Nimmer, who spoke at length about his personal background and how he got involved in the lawsuit over the Dead Sea Scrolls.

David Nimmer studied chemistry while an undergrad at Stanford University and graduated from the Yale Law School in 1980. After graduation, Nimmer began working at Polaroid. His science background was useful working with patents on chemical processing for instant-development cameras.

During this time, Nimmer was responsible for building patents for Polaroid that were central to Polaroid's success in the industry. Nimmer is credited with helping to bridge the legal and the chemical worlds while at Polaroid.

Working at Polaroid gave Nimmer the opportunity to develop much skill in Intellectual Property law. This background in IP, among other things, enabled him to get involved with copyright of the Dead Sea Scrolls. For those people who know little about the Dead Sea Scrolls and Copyright Law (this reporter qualifies in both categories), a little history might be necessary to fully understand the controversy.

Copyright law is the legal protection of authors who create new ideas. The Dead Sea Scrolls and their importance are not so easily defined. The Dead Sea Scrolls are documents that were found in eleven caves near Qumran, in the West Bank, during the period

between 1947 and 1956. They are the only known biblical documents written before 100 A.D. Nimmer described their significance as "the smoking gun between Christianity and Judaism."

Harvard Professor John Strugnell was one of the first to work on organizing and translating the scrolls. He enlisted an assistant to help him with the linguistic translations he was unable to complete. His assistant was Elisha Qimron, a linguistics expert in Hebrew languages. Strugnell resigned from his post at Harvard after making some anti-Semitic comments in an interview, and Qimron continued the work alone. While working on the Scrolls, Qimron sent copies of them to a few academics to get their insight, including Hershel Shanks.

Shanks published a book on the Dead Sea Scrolls with the permission of Qimron and Strugnell. Qimron sued Shanks for copyright infringement and the case

ended up in court in Israel. Qimron claimed copyright protection on two grounds: first, that a portion of text should be written vertically instead of horizontally and, second, that a word previously translated as "leather" should be translated as "light." Nimmer was going to testify as an expert at the trial, but, because of another ruling from the Israel Supreme Court, he was unable to. The court upheld Qimron's claim, and Qimron was granted damages.

Continued on pg 2.

INSIDE

Sullivan Honored.....3

Feinberg Lecture.....5

PSF Stories.....8

Canadian Bacon.....12

Editor's Note.....14

Project Runway's Tim Gunn Visits Campus

by Kelly Pereira
News Editor

Tim Gunn, the mentor on Bravo's popular reality show *Project Runway*, visited the main campus on Friday, Nov. 3. Admittance was limited to students only, but even so, many fans had to be turned away. Gunn adamantly denied that he was on a campus tour; instead, he had been persuaded to visit campus by a sincere letter from UCAB organizers. The message of the night was anything is possible with hard work. As Gunn's notorious catch phrase goes, "Make it work."

Gunn is an unlikely celebrity. He studied fine arts but ended up working in admissions at Parsons School of Design. Gunn made it clear that in his work at Parsons, and later in helping to cast *Project Runway*, turning down candidates was always tough. What made particular candidates stand out was demonstrated ability through portfolio work and experience.

Gunn was part of the exploratory committee for a new chair at Parsons. Discovering that the fashion school had not changed its curriculum in years and students

were dissatisfied, Gunn was tapped to overhaul the program. Gunn scrapped the requirement that seam finishing be done by hand so that students would have more time to work on concepts. He also did away with a requirement that seniors work as apprentices to working designers such as Ralph Lauren and Donna Karan. In doing so, Gunn opened the door for students to express their own style and take responsibility by "owning" their work. Gunn is now chair of the Fashion Design program.

When producers from *Project Greenlight*, a film director reality show, decided to take on the fashion industry, Gunn was skeptical. Gunn, however, was the only consultant who did not think the producers were crazy for wanting the contestants to make a wedding dress in 48 hours. Gunn's mantra, "Make it work," suited the concept of the show: challenging designers to work within strict time constraints and challenge criteria. During filming of the first season, Gunn asked questions of the designers in the workroom to encourage candor. In the process, a star was born.

Gunn is particularly likeable



Tim Gunn of *Project Runway* received a rock star's welcome at W&M. Some of the undergrads got carried away and asked him to autograph their bodies or articles of clothing. Meghan Horn // Advocate.

because of his impeccable taste and ability to give constructive criticism. Gunn, always the gentleman, did not want to bad mouth the cast or judges of *Project Runway*, but he did reveal some behind-the-scenes gossip: Gunn never can predict who the judges will favor in a challenge

let alone a finale; Nina single-handedly advocated for Chloe to win over Daniel in Season 2 because of her experience; Andre from Season 2 now has a full head of hair and is hardly recognizable; and Michael from Season 3 is moving to New York to help mature his style.

The Advocate

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Letters to the Editor and opinion articles may not necessarily reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 5 p.m. on the Thursday prior to publication.

The Advocate will not print a letter without confirmation of the author's name. We may, however, withhold the name on request. Letters over 500 words may be returned to the writer with a request that the letter be edited for the sake of space.

Continued from cover.

Nimmer does not believe that Qimron's claim should have been upheld in the courts. He claimed that the translation Qimron made was not an original work (which is necessary to uphold copyright protection) but instead was simply reading the documents how they were intended to be read. As often happens with American jury trials, Nimmer believes the judges ruled on the tough-luck story of Qimron. Qimron spent 12 years deciphering the scrolls, what he considered his life's work, and spent all of his time and money on his work.

The story of the Dead Sea Scrolls has influenced millions of people worldwide. The work of deciphering them was no easy task, and many scholars devoted their entire careers to trying to determine the meanings the documents. Like the Dead Sea Scrolls' influence on religion, David Nimmer has had an enormous effect on copyright law. He has written the preeminent book in the field and is widely regarded as a leader in IP law. His premier lecture for the Mervis Lecture Series at the law school on Nov. 6 was a success for all the students and faculty who had the opportunity to listen to Nimmer speak.

Marshall-Wythe Honors Sullivan, Former Dean and Past President, with Dedication of Lecture Hall

by William Y. Durbin
Editor in Chief

For months now, a serious, mustachioed man clad in crimson robes has presided ominously over rooms full of students at the law school. To some, that man was just a picture on a wall. But to so many more, he brought spirit and success to this academic community.

On Friday, Nov. 17, the Marshall-Wythe School of Law formally dedicated Room 120 in honor of the nearly legendary man depicted in the portrait, Timothy J. Sullivan.

William & Mary and Tim Sullivan have a long history together. Sullivan began his time at the College as a freshman in 1962 and graduated Phi Beta Kappa in 1966.

Six years later, after receiving a law degree from Harvard and serving in the U.S. Army Signal Corps in Vietnam, he returned to William & Mary. He joined the law school faculty as an assistant professor focusing on contract law, and he became a full professor in 1977.

After a brief visiting professorship to the University of Virginia School of Law in the early 1980s, Sullivan returned to Marshall-Wythe to teach. He became dean of the law school in July 1985 and served in that capacity for seven years.

Then, in 1992, the Board of Visitors elected Sullivan 25th president of the College of William & Mary. He quickly became a visible and likeable presence on campus.

Students saw "Timmy J." as a lovable father figure, leading them

by example through four years of undergraduate life.

He conducted the pep band at football games wearing his signature green blazer. He dressed in a tuxedo for the annual King and Queen's Ball, the College's formal dance. And he played a jolly Santa Clause at the holiday Yule Log celebration.

"Having such a visible and accessible president made my years as an undergrad incredibly memorable and unique—I have not heard of anybody else who had such a visible, accessible, and lovable president," said Melissa Mott (3L), who graduated from the College in 2004.

Sullivan made other important contributions to William & Mary during his time as president. The College recruited Margaret, the Lady Thatcher and Henry A.

Kissinger to serve as chancellors. Sullivan also led major fundraising efforts, completing the \$153 million Campaign for the Fourth Century. In fact, William & Mary received all of its largest gifts during Sullivan's presidency.

In 2004 Sullivan announced his retirement and officially left office on July 1, 2005. He became president and CEO of the Mariners' Museum in Newport News on Nov. 1.

The most important link between William & Mary and Sullivan: he and his wife, Anne Doubet Klare, a fellow member of the class of 1966, were married in the chapel of the Sir Christopher Wren Building.

"Timmy J. has done much for William & Mary, and I think he touched the lives of all the students that knew him," Mott said.

Law School Alumnus Operates Virginia's First and Only Mental Health Court

by Kaila Gregory
Staff Writer

Judge Charles Poston, a William & Mary Law alumnus, created the Norfolk Mental Health Docket to help lower the number of incarcerated mentally ill people by providing offenders with an option for treatment and counseling.

"Jails are designed not for the ill, but for people who commit crimes and need to be punished," said Poston, explaining that of Norfolk's roughly 2,000 inmates, about 140 of them have severe mental illnesses. "Prevention works, and prevention is cheaper than punishment."

Poston said he recognized the need for a mental health docket after repeatedly seeing the same Norfolk woman in his courtroom for crimes like shoplifting and trespassing. "Every time she got out of jail, she went back and did the same things because she was mentally ill," he said, noting that after she participated in the mental health court program, she did not

return to his courtroom.

The Norfolk Mental Health Docket, which began operating in 2004, is the first of its kind in Virginia. Although the mental health court did not receive any of the grant money it requested, a combination of Norfolk area agencies reached into their existing budgets to finance the program and help further its goals.

"We need to look at these [mental health] issues with imagination, innovation, and a sense of responsibility," Poston said. "All of us are major actors in the criminal justice system. We all need to have a social consciousness."

The judge noted that William & Mary law students are particularly well poised to find positive solutions to the mental health issues facing the criminal law system. "The citizen lawyer ideal is something that William & Mary has always promoted, and all of this is consistent with that goal," he said.

Law School Dean Taylor Reveley attended the talk and said Poston exemplifies the citizen lawyer concept.

"Though Judge Poston wasn't sure the mental health court would work, he studied the concept and decided it might make a real difference for the better in Norfolk," said Reveley. "He has been willing to extend himself to give it a try, even though no other judge in Virginia has so far joined him by creating such a court of their own. Citizen lawyers are willing to step out and be leaders for the common good."

One of the most rewarding aspects of the court for Poston is seeing the changes in the people who go through the program. "They'll tell me about their grandchildren, or they'll bring in poems they wrote," Poston said of the signs of progress the patients show. "It's really incredible to see the things they do."

Participants in the mental health docket's program progress through the stages of treatment, staying in constant contact with their probation officers and case managers. At the end of the program, those who have successfully advanced through the stages can also benefit

by receiving less harsh sentences for their crimes.

In order to be accepted into the program, the clients must have been found guilty of the offense they were charged with, and they have to consent to participation. Offenders with a history of violence or sexual crimes are not permitted to participate in the program in order to protect the other participants.

Poston's discussion was co-sponsored by the Therapeutic Jurisprudence (TJ) Society and the Children's Advocacy Law Society.

Kristen Magee (3L), president of the Therapeutic Jurisprudence Society, said Poston's work with the Norfolk Mental Health Docket advances the goals of therapeutic jurisprudence by applying "creative, problem-solving approaches to legal issues while respecting other normative legal values. [The TJ Society] wanted to bring Judge Poston to speak in order to help show the community how the application of a therapeutic approach to the law is at work right here in Virginia," she said.

Students Get Glimpse of 'CSI: Williamsburg' as Forensic Psychologist Visits Campus

by Sarah Abshear
Staff Writer

On Nov. 16, board-certified forensic psychologist Dr. Anita Boss, a guest of Professor Paul Marcus, spoke to students and faculty about the use of experts in criminal cases. Dr. Boss has testified as an expert witness on several occasions. She currently teaches at the Catholic University of America.

Dr. Boss explained that an expert is usually contacted once an attorney has a reason to believe his or her client may have a mental issue. A psychiatrist or psychologist will then meet with the client in order to conduct an interview.

Dr. Boss said that both psychiatrists and psychologists are able to testify as experts in court. Psychiatrists, unlike psychologists, have an M.D. or a D.O. (Doctorate of Osteopathy). Psychologists conduct psychological testing. The tests that psychologists use are often most useful to attorneys because they can help determine whether the client is malingering.

Malingering is when the client fakes a mental problem. This might occur if the client thinks he or she can be acquitted on an insanity defense. It can be useful to determine either malingering or the absence of it. Dr. Boss told the audience that she will sometimes find a result that is not beneficial to the client. In these situations, she will inform the attorney orally and not write a report. This way, the information will be privileged.

Dr. Boss also discussed what attorneys should look for in an expert witness. She said that it is very important that the witness be able to testify well in court. A forensic background is also helpful. Further, the more informed the witness is about current academic literature and other methodology, the better.

An attorney should be wary of an expert who writes only a short report with conclusions. The best experts will be able to explain the "why" of their diagnoses. Dr. Boss was once cross examined for



Dr. Anita Boss, guest of Prof. Paul Marcus, explains the role of forensic psychology in criminal cases on Nov. 16. Alan Kennedy-Shaffer // W&M Law School.

three hours solely on the basis of the literature used to support her diagnosis. Attorneys should make sure that their experts can respond convincingly and thoroughly to this sort of questioning.

Furthermore, the best experts will do more than interview the client; they will examine extraneous information and contact family, friends, and acquaintances. This is especially helpful to identify malingering.

In criminal cases, psychologists and psychiatrists testify about many mental issues, including competency to stand trial, the insanity defense, sentencing, and treatment.

They also testify about sex offender risk assessment. In those cases, they must help courts and sentencing boards to decide whether defendants should be released based on whether they are likely to repeat their conduct.

Dr. Boss noted that experts also testify in civil cases. Although that was not the subject of the lecture, she told the audience that psychologists and psychiatrists often testify in cases involving personal injury, employment discrimination, sexual

harassment, child custody and divorce, immigration, testamentary

capacity, and consent to medical treatment.

Dr. Boss discussed the requirements of the insanity defense and competency to stand trial in more detail. After interested people from the audience began asking questions, Dr. Boss began to discuss the reasons many lawyers will *not* raise an insanity defense even if their client might win on that issue.

Once a defendant is hospitalized because of a successful insanity defense, he or she will be released only once it can be determined that he or she is legally sane and no longer a danger to himself or herself or others. Because this is so difficult to ascertain, many people who are convicted on an insanity defense are hospitalized against their will well past their sentencing time.

For example, one man who stole something successfully pled insanity and has still not been released after fifteen years. He would have probably served less than a year if he had just pled guilty.

Secret to a Successful Family Business

by Meghan Horn
Staff Writer

On Thursday, Nov. 9, Jeannie P. Dahnk was the third monthly speaker in the series of discussions with women in the legal profession held by the *Journal of Women and the Law*. Ms. Dahnk was the second female president of the Virginia State Bar and is the cofounder of the Fredericksburg law firm Glover & Dahnk with her husband, Bill Glover. Ms. Dahnk earned her B.A. from George Washington University in 1981 and received her J.D. from William & Mary in 1985.

Ms. Dahnk and Mr. Glover founded Glover & Dahnk in 1995. The firm handles litigation, administration, and mediation matters across Virginia. Ms. Dahnk noted that when she began the practice of law, she was frequently the only

"girl lawyer" in the courtroom. Despite this rather groundbreaking position, Ms. Dahnk stressed that there were many female lawyers who preceded her generation, and that those first women truly deserved the real credit.

In a very informal dialogue, Ms. Dahnk discussed how to maintain a work-life balance. Ms. Dahnk urged that law students keep perspective and appreciation for their privileged position. After graduation, she particularly stressed that female attorneys remain in the practice of law in some capacity even after having a family, even if only volunteering for a nonprofit organization. Ms. Dahnk said that she found she was best able to balance her work and personal life by keeping her practice strictly organized and staying physically active.

Kenneth Feinberg Discusses Potential for Reform of the Mass Tort System

by Aaron C. Garrett
Staff Writer

One of the nation's most respected lawyers spoke to a packed room of law students on Monday, Nov. 13. Kenneth Feinberg discussed his role as the Special Master of the September 11th Victim Compensation Fund and the fund's bearing on possibilities for mass tort reform. While the compensation fund model offers some very attractive avenues for reforming the mass tort system, Mr. Feinberg concluded by warning against trying to fix something that is not broken.

Mr. Feinberg placed his opinion in context by first discussing the particulars of the September 11th Victim Compensation Fund. He explained how the fund was created as a result of lobbying by the airline industry. The airlines believed that the unpredictability of the tort system was such that simply defending against all of the possible claims arising out of September 11th, regardless of their viability, would drive the industry into bankruptcy.

The fund was created to insulate the airline industry from liability. It was to be designed by the Special Master, as designated by the President, with limited guidance from Congress. Mr. Feinberg used the statutory provisions and his own ingenuity to design a system

of "carrots and sticks" to encourage claimants to enter the fund. His system was so successful that 97% of possible claimants entered the fund.

But is the fund a precedent for possible tort reform? In what was by far the most interesting part of the lecture, Mr. Feinberg answered with a definitive "no." He first posited whether reform of the system was even necessary, and concluded by leaning much further toward the status quo than many would have predicted. He identified a possible need to reform the system for determining punitive damages but then rhetorically asked if there were any legitimate and functional alternatives to the existing tort system.

Mr. Feinberg also articulated that the idea of a compensation fund for victims of mass torts is nothing new. He identified workers' compensation, the federal black lung fund, a fund to compensate for polio infection from vaccines, and reparations for Holocaust survivors and the internment of Japanese-Americans during World War II as just a smattering of prior funds. In his view, anyone looking for a model for mass tort reform did not have to wait for the September 11th Fund to come around.

Crucially, however, the September 11th Fund would never function as a precedent for three reasons. First was the size of the



Kenneth Feinberg served as the Special Master for the September 11th Victim Compensation Fund. Joelle Laszlo // Advocate.

awards in relation to the timeliness in which they were dispersed. Most compensation funds will provide quick payment at the cost of a decreased award size, but not the September 11th Fund. The average award was approximately \$2 million, with the largest at over \$7 million and the smallest at \$500 (for a broken finger). The funds were typically distributed in under sixty days.

Second, the fund was entirely paid for by the taxpayers as September 11th was a public horror and the people had an interest in keeping claimants out of the court system.

Third, there was no appropriation for the fund—the checks were written out of the U.S. Treasury's "petty cash." September 11th was a unique event in the history of the United States and required a unique compensation system.

In Mr. Feinberg's view, the present tort system reflects the American view toward compensation for wrongs. He said it is such a part of our heritage that it is "engrained in the fabric of our history." To effectively reform the tort system would require an overhaul of social values—an undertaking too monumental even for a lawyer the likes of Kenneth Feinberg.

Dancers Take Maryland Competition by Storm



Law student dancers enjoy competition of a different kind.

by Alex Cloud
Contributor

Fun was had by all in the two day competition. W&M took 36

dancers to the competition, three of whom were law students. On the first day, Saturday, we all heated up the dance floor with our Latin dances (cha cha, rumba, swing, and

mambo), and then on Sunday we embodied grace and elegance with the smooth dances (waltz, foxtrot, tango, and Viennese waltz).

Jeff Parker (2L) danced in the newcomer division with undergrad Kaitlin Turck after learning ballroom dance in a week. The newcomer division had about 90 couples per event; thus, surviving one round was an accomplishment. He made quarterfinals of waltz, the third round of cha cha, and the second round of tango, and he participated in the rumba, swing, and foxtrot.

Carrie Boyd (2L) also danced

in the newcomer division with undergrad Clay Traver and made the second rounds of cha cha, tango, and waltz and participated in the swing. Carrie and Jeff were not technically competing together, but their picture demonstrates that partner-switching always happens.

Alex Cloud (2L) danced with his undergrad partner Denise Alard in the silver division and made the semis for the smooth dances and participated in all of the Latin dances.

Alex Cloud is the newly-elected men's captain of the W&M Ballroom Dance Team.

Trial Team Has Great Success at National Competition; Hosts Panel of Practitioners

by Kelly Pereira
News Editor

The Trial Team achieved great results at the ABA Employment Law Tournament and the Michigan State Tournament. At the ABA Tournament at Georgetown, the team of Flynn Flesher (3L), Greg Demo (2L), Ben Lusty (2L), and Alison Stuart (2L) placed first. The team of Bin Wang (2L), Clint Paulson (3L), Temidayo Koledoye-Anderson (3L), and Ryan Stevens (2L) placed third in the same competition. Previously, the team of Matt Mall (3L), Ryan Stevens (2L), Jacksy Bilborrow (2L), and Josh Whitley (2L) made it into the semifinals of the Michigan State tournament. Matt won Best Direct and Best Cross, and Jacksy won Best Overall Advocate.

The ABA Tournament fact pattern consisted of an employment discrimination claim by firefighters, a husband and wife, under California law. Their employer was applying a nepotism policy against them and not allowing them to work the same shift. The head of the Employment Law section of the ABA served as one of the judges.

Wang said of the fact pattern, "The department alleged that it was needed for safety, since a pair of brothers had died in the past when one brother, against orders, tried to rescue the other when the other was trapped in a burning building—and both died inside. . . . The problem we had for Plaintiffs was that there was just a shift change. The damages alleged could really only include some lost overtime opportunities, and emotional damage to the marriage since they don't get to see each other nearly as much anymore. They didn't fire anyone and didn't cut anyone's hours, so showing convincing damages was difficult."

Stuart shared the secret to their success: "I think our preparations on objections was what really set us apart, both in terms of making them and responding to them. When we objected to the other side, they got really flustered and

were completely thrown off. We had spent a lot of time preparing for them, so we looked like we weren't phased at all."

Wang agreed that preparation, including memorization and emotional connection, was a key factor. "I think there were some really great objections and cross-examinations made, particularly in the final round when Greg seriously impeached one of Richmond's witnesses. Timely objections and good crosses really take the wind out of people's sails, interrupting their flow and plans."

Stuart said of the competition, "The tournament was run very smoothly. For me personally, I liked it because I want to practice employment law when I graduate. In terms of everyone else, it was a great opportunity to meet people from other schools, practice trial skills, and network with attorneys."

Wang said of the competition, "I was just glad to have been there. As an ex-engineer, I never did any mock trial at all in high school or college, so I was really, really nervous. But when it gets going, I get competitive and the adrenaline gets going and it's great. I look forward to getting a chance to compete again in the future."

Bilborrow was also very mod-

est about his win: "I was definitely surprised [about winning Best Overall Advocate]. The team that we sent to MSU was incredible and the three other guys were completely on top of their game. So I'm not surprised that they made me look good, but I was surprised that I got the award."

The Michigan State fact pattern consisted of a murder trial. The defendant, a minor league hockey player, was accused of killing a rival player who had slept with his wife. Bilborrow argued for the prosecution and played a witness when his team argued the defense. W&M faced Houston in the semifinals, and Southern Methodist took first in the finals.

Bilborrow said of the competition, "I definitely like the camaraderie and the intensity of competition the best. You never quite feel prepared and then you just start competing and everything goes out the window, so that is great (in a perverse way). What I like least is the subjectivity of the judging. . . . There are no objective factors on which you are judged. So sometimes you have situations where you think you won and then are totally floored when you didn't." For example, at the ABA Tournament, Wang's team never actually lost (they defeated Regent in the semifinals but didn't make the cut

from six teams to two).

The Trial Team has been slightly more successful so far this year than in years past, but the goal is to win some regional tournaments in the spring. It seems as if they are well on their way.

The team also intends to be successful in practice. On Tuesday, Nov. 14, the Trial Team hosted a panel of two practitioners and one placement executive to learn more about the field: Lisa Palmer O'Donnell of Bertinit, O'Donnell & Jochens; Richard A. Saunders ('77) of Furniss, Davis, Rashkind & Saunders, P.C.; and John W. Rachels, President of JR Research, Inc. The Trial Team coach, Jeff Breit, served as moderator.

Two of the panelists agreed that they did not know that they wanted to be trial lawyers until rotations during their 2L summers. Once they experienced the courtroom, they realized that they preferred the active, competitive role of a trial lawyer to that of a transactional lawyer.

O'Donnell recommended that law students consider the questions, "What are you looking for, and what side do you want to be on?" O'Donnell is a plaintiff's lawyer, while Saunders is a defense lawyer. In fact, the two have faced off in the courtroom. O'Donnell said, "I was

Continued on pg 7.

'CAN'-UCOPIA!



Judges review BLSA Thanksgiving baskets on Nov. 16. Alan Kennedy-Shaffer // W&M Law School.

Trial Team, continued from pg 6.

lucky to fall on what turned out for me to be the lucky side.” Saunders said that although he occasionally represents plaintiffs, “At this point, I don’t think I could go to the other side. . . . It is just not the same.”

O’Donnell started with misdemeanors and traffic violations, then practiced contract law for professional athletes, and now mainly practices medical malpractice. Having recently started her own practice with two other female attorneys, O’Donnell says that being a plaintiff’s lawyer requires being a risk taker. Contingent fees are not guaranteed, and the firm literally invests in cases. There are big years, but there are lean years too.

Saunders has a diverse defense practice but does a lot of insurance cases. Said Saunders, “More often than not [when a case reaches me], it is when the company feels that the insured was not liable. . . . Many of the cases that get to me, we think we are on the right side.” The biggest perk of insurance defense work, he

said, was a steady salary.

Rachels addressed recruitment questions. He confirmed that getting a job at a small firm requires networking. He recommends researching six or seven firms that are not advertising, contacting them directly, and then following up. At a small firm you will have to prove that you are an investment worth making (the partners may have to cut their own salaries by \$300-1000 a month). They want a colleague who they can see themselves working with and a person capable of generating business.

All the panelists agreed that the key to happiness as a practitioner is a good working environment. Being a summer associate is a good way to find out if you can trust and respect your colleagues. To find out if a firm is family friendly, look at their website (Do they mention their families on their website? Do the bios mention involvement outside of the law?) and make contacts with lawyers who are practicing (adjunct faculty are a particularly good resource).

Got Turkey?



Third year student Amy Wallas hosted a Thanksgiving dinner for LLM students. Photo courtesy Amy Wallas.

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We Know What You Did Last Summer...

Every year the Public Service Fund, in cooperation with the Law School, provides financial support to a large number of William & Mary students during the summer so that they can pursue opportunities with government and public interest organizations. Each issue of *The Advocate* will feature stories authored by the sponsored students.

Interning in the Los Angeles City Attorney's Office Gang Unit

by Tom Whiteside
Contributor

This summer, I had the opportunity to work in the Gang Unit of the Los Angeles City Attorney's Office. In addition to representing the City of Los Angeles in civil disputes, the City Attorney prosecutes all misdemeanor crimes that occur within the city of Los Angeles. Attorneys in the Gang Unit perform two functions. First, attorneys in the Unit draft and implement civil gang injunctions (court documents that basically say that if two gang members are caught associating together in a designated gang area, they can be convicted of a misdemeanor). Second, they vertically prosecute violations of the gang injunctions.

My first day on the job, I knew I was in for an interesting summer when I walked by Carmen Electra on my way into the criminal courthouse. I immediately confirmed her identity with a bailiff and found out that she was called for jury duty in a case that had just settled. I never again went to work without my camera. Although the rest of my summer went without any celebrity sightings, I still managed to have many interesting and rewarding experiences. None of these experiences would have been possible without the financial support I received from PSF.

As a law clerk in the Gang Unit, I had a really cool job. Interns on the civil side spent a lot of time in the library researching and writing memos. Because I worked on the criminal side, I spent a lot of time in court watching trials. I provided feedback to attorneys on their trial performances, drafted expert declarations used as part of the civil gang

injunctions, and attended press conferences in city hall. One morning I went with LAPD officers to serve gang members notice of a gang injunction. When things were slow, I would perform various administrative duties. The other intern in the Gang Unit had just completed his second year and was able to try two misdemeanor cases towards the end of the summer. He was coached by a prosecutor in the Gang Unit who had not lost a single case in four years. Because I had not taken Evidence yet and therefore could not get my certification, the office paid for me to attend the National Gang Violence Conference in Anaheim, California, where I had the opportunity to listen to law enforcement officials and prosecutors from all over the country speak on a variety of gang-related topics including gang enhancements, prison gangs, hidden compartments, MS-13, and Asian gangs.

One of my most memorable experiences this summer was a ride-along I did with LAPD officers. I got to ride in the back of a police cruiser on a Thursday night with officers who were patrolling South Central Los Angeles (newly renamed "South Los Angeles" in an effort to distance the area from its reputation for gang-related violence, which has been memorialized in numerous music videos and songs). Whenever the officers saw a gang member, they would stop the car and we would get out so that I could interview the individual to gather information for an upcoming injunction that the Gang Unit was putting together. In the span of a few hours I talked to numerous gang members, former gang members, and even the grandmother of a gang member about their perspectives on gang life.

One of the first people we met was a 36-year-old Cambodian gang member who was a founder of the Oriental Boyz ("OBZ"). He founded the gang when he was fourteen years old as a means of protection against the Hispanic and black gangs in his neighborhood. OBZ gained respect one night when several members of the 5 Deuce Pueblos showed up at his house with guns. He and some other members of OBZ responded by opening fire with handguns and AK-47's. This incident solidified OBZ's reputation and standing amongst the other gangs in the community. Today, OBZ and the 5 Deuce Pueblos are actually allies and form part of the large alliance of gangs known as the Bloods.

We also met a couple of old Original Gangsters ("OGs") from Florencia 13 sitting on the sidewalk getting high. One of the OGs was over sixty years old and had only one eye. His entire upper body was covered with prison tattoos which he proudly displayed. He explained how the numbers, 86, 87, and 88 tattooed in sequence on his arm meant that he had served three years in prison from 1986 to 1988. The tattoo he was proudest of was the word "Sureno"¹ tattooed on his stomach. Without prompting, he said that he earned that prison tattoo for stabbing two inmates to death. One of the officers explained that the gang members of Florencia 13, MS, and 18th Street receive a lot of respect in the prisons because of their sheer size on the outside. The gang Florencia has taken over the entire city of Florence and its territory covers an area that is 29 clicks.²

The ride-along provided me with different perspectives on gang life from former and current gang

members of various ages living in South Central Los Angeles. All of the individuals we talked to were glad to tell their stories, and there was no visible hostility or animosity between the individuals and the police officers. I remember being shocked when I first learned that gang members voluntarily told police officers which gang they belonged to. After participating in a ride-along and seeing how the process works, the idea of a gang member admitting his gang affiliation to a police officer no longer seems so incredible. The police officers and gang members were respectful towards each other, and there appeared to be no hostility between the two groups. This was just one of many experiences I had that changed my perspective on gangs and police officers.

I would highly recommend working in the Los Angeles City Attorney's Office to students who want to work in Southern California after they graduate, regardless of whether it is doing civil work or criminal work. I worked with attorneys who graduated from the best law schools in the country, including NYU, Berkeley, and UCLA, who chose to work at the City Attorney's Office after stints in firms such as Latham, Watkins and Gibson, Dunn. Not only were they very good at what they did, but all of the attorneys I worked with loved their jobs. Through my internship this summer, I was able to establish ties to California, get valuable references, and have something unique to talk about during job interviews this semester. I am extremely grateful for the funding I received from PSF, without which I would not have been able to take advantage of this incredible public service opportunity.

¹ Sureños (Spanish for "Southerners") are a group of hundreds of Chicano street gangs that originated in Southern California. A Sureno or Surena is a member who has proven him or herself to the "big homie" in State or Federal Prison by the means of slicing, stabbing, choking, beating, or smashing one of the listed: a snitch, rapist, child molester, buster, etc. It is a great honor to be considered a Sureno/Surena for a Latin gang member and he or she will often have it tattooed once he or she has access to a tattoo machine. <http://www.urbandictionary.com>.

² A "click" or "click" is slang for a kilometer, or 1000 meters. It is equivalent to about .6213 miles. Used by the U.S. military, it often derives from the click on a sniper scope when adjusting for the distance of a target. <http://www.faqfarm.com>.

Working at the DOJ, Civil Division: Federal Programs Branch

by Kathryn Codd
Contributor

On my first day of work at the U.S. Department of Justice last May, two things happened: the ID badge maker broke at the main DOJ building down on Constitution Avenue, and I was saddled with the exhilarating task of writing up digests (a fancier word for summaries) of two depositions in a major class action lawsuit against the government. Needless to say, I was a bit apprehensive. Without a badge, I could not get into or out of my building without a chaperone—a tough task, considering I knew virtually no one at the office. Not only that, but I was working on a project that I probably could have completed without having spent a year in law school.

Things around the DOJ soon perked up, however. I was interning in the Civil Division, in an office called the Federal Programs Branch. Federal Programs specializes in constitutional and administrative litigation, primarily defending constitutional challenges to federal statutes, programs, and government decisions. The lawyers at Federal Programs work on many of the highest profiles cases involving the government. In an office like that, I was bound to be involved in some interesting work, and, indeed, day two proved to be a complete turnaround. I was sent to the National Archives by one of the senior attorneys at the Branch to try and find a Congressional committee report from the 1800s. I spent two days at the Archives, exhausting the knowledge of the archivists, and eventually I wore one of them down to the point where he dragged me up into the off-limits storage area to look through the documents more easily. The work was fascinating, and from that point forward, I was hooked on my job.

For the rest of the summer, I did legal research and writing on a number of different cases. The cases involved topics such as Title VII, the military's "Don't Ask, Don't Tell" policy, the First Amendment and academic freedom, and the fiduciary duty of a trustee to

a major pension plan. Though I personally did no substantive work on these cases, other interns in the office were engaged in projects for the NSA spying case and the litigation surrounding the Child Online Protection Act. The attorneys provided feedback every step of the way, and, by the end of the summer, I felt that my writing skills had improved exponentially. Additionally, I was able to attend oral arguments at the Federal District Court in D.C. and sit in on some depositions. Watching the Branch lawyers in action was an invaluable experience. One of the most interesting experiences of my summer was being invited to listen in on a strategy meeting between representatives of the DOJ and other federal agencies as they decided whether or not the DOJ would step in as *amicus curiae* on a case for which I had been doing research.

Aside from the quality of the work I was doing at Federal Programs, the atmosphere and the friendliness of the people added to my enjoyment of the summer. There were about ten interns at the Branch, and many of the attorneys were fairly young, having just entered the DOJ through the Honors Program after graduating from law school or completing clerkships. All of the interns were given mentors, which was an excellent way to meet people and learn the system. My mentor was great about stopping by my office to chat and inviting me out for lunch. Sadly, on a government budget, lunch was never on the office, but we got to know the local cafeterias fairly well. Georgetown Law Center has a pretty decent one, which technically is not open to the public, but no one ever stopped us with our government badges. Go figure.

The Branch also had a softball team, which interns are highly encouraged to join. In fact, we interns were responsible for finding and guarding a field to play on down at the National Mall on game days. The competition is fierce for playing space, so teams that shirk their field-sitting duties are usually out of luck. I spent many a

good Wednesday afternoon out on the Mall with my highlighter and Westlaw printouts, fending off field usurpers with a softball bat. The team was pretty bad last summer, and the general rule for Federal Programs softball seemed to be that the more shabby-looking the opposing pitcher, the worse the loss for us. If anyone is interested in working for the DOJ and winning softball games, I would suggest working instead at the Office of Environmental Torts in the Civil Division. I heard they recruit interns based on their softball prowess over there, and while I have no empirical evidence of this, I can attest to the fact that they not only have a team name (the Wastrels), team jerseys (navy blue pinstripes), and their own equipment (bats AND softballs), they also beat Federal Programs by double digits sometime in July.

On a more substantive note, the Civil Division also packed the summer with intern events. There were tours of the Supreme Court, Congress, and the Pentagon, and a

lecture series that included speakers such as Alberto Gonzales, the Attorney General, and Robert Mueller, the head of the F.B.I. I was amazed to sit in a small room with other DOJ interns and listen to such well-known figures engage in Q&A with my peers. The DOJ also put together a program through which interns could sign up for tours and career discussions with other federal agencies, including the Federal Elections Commission, the Department of Education, the Department of Housing, and many others.

Though my internship with the government was surely not the carnival of free meals and social events that summer at a law firm often turns out to be, I still had a great experience and would highly recommend working at the DOJ. The quality of the cases and the willingness of the lawyers to entrust interns with important work made every day an exciting challenge. Many thanks to PSF for making it possible!

JUSTICE DENIED



Beverly Monroe, wrongly convicted of murder, speaks at the law school on Nov. 15. Alan Kennedy-Shaffer // W&M Law School.

Fireworks Explode Over Legal Ethics at 52nd William & Mary Tax Conference

by Aaron C. Garrett
Staff Writer

The 52nd William & Mary Tax Conference, held jointly by the School of Law and the Mason School of Business is over and done with, but not without much controversy concerning the policing of legal ethics in the field of tax law. A vigorous debate ensued between Cono R. Namorato, former director of the Office of Professional Responsibility for the Internal Revenue Service and now a member of Caplin & Drysdale's Washington, D.C., office, and B. John Williams, Jr., formerly the Chief Counsel for the Internal Revenue Service as appointed by President Bush and confirmed by the Senate, and now partner in Skadden's Washington, D.C., office.

The debate centered on whether or not disciplinary proceedings conducted by the Internal Revenue Service's Office of Professional Responsibility should be open to

the public and a matter of public record. Mr. Namorato, advocating for open proceedings, questioned how it is possible to encourage professional responsibility if the records are sealed. At present, only the fact of sanction is ever made public and the cause behind the sanction and penalty remain confidential. Mr. Namorato proposed that the proceedings should be made public at the point the ethics complaint is filed, preceded by a preliminary hearing to determine if probable cause for sanction exists. Mr. Namorato argued that the public has a right to know when tax attorneys face sanction. He further went on to state that transparency in these proceedings could act as a check against government prosecution by creating a public record for tax attorneys to consult when facing difficult ethical questions themselves.

Mr. Williams, on the other hand, strongly rebuked the idea

of open proceedings. He feared that an attorney's career could be ruined simply by the filing of a complaint. He raised the spectre of the small-town newspaper running the front-page story, "LOCAL TAX ATTORNEY OF 20 YEARS CHARGED WITH ETHICAL VIOLATIONS." A story like this, Mr. Williams aptly pointed out, could very easily decimate a lifetime of credibility earned by a diligent tax attorney, regardless of actual guilt. Mr. Williams raised several alternatives to open proceedings, including suggesting that the IRS publish anonymous fact patterns from recent prosecutions that they believe to be sanctionable, make available the principles of the administrative judges that oversee the proceedings, and to simply make available the principles and procedures of the Office of Professional Responsibility.

This debate arose in the context of the IRS's attempt to eliminate

unethical tax shelters. For the most part, these types of sheltering schemes seem to be on their way out. Other developments in the tax field that may be of interest to law students or those who are about to enter the work force include that a tax attorney can now no longer rely on their accountants to insure their tax payments if they are wrongly filed, and the legalization of a new retirement savings scheme that allows for defined benefits akin to a 30-year treasury note called the "cash savings plan." If you are risk-averse, and would prefer a guaranteed outcome from your retirement savings instead of the risk that a 401(k) offers, certainly investigate this option.

Incidentally, if you happen to strike it rich, win the lottery, and then sell the rights to the winnings—the Third Circuit has unfortunately decided that it will be taxed as personal income and not capital gains.

Wondering about that ruggedly handsome new face behind the bar? We are pleased to introduce our newest bartender, Adam Lucius, better known within the Green Leaf family as "Luscious". With the quiet determination of a housecat stalking its latest prey, Adam quickly moved through the ranks and up to the bar in less than a year. Always unpredictable and always prepared, with chewing gun in hand, Adam will mix you up a mean cocktail rimmed with sarcasm. Feeling down and out? Saunter over to the bar for a pint of Adam's witty humor. And should your pet Fluffy need medical attention, we hear he's good with animals, too. So stop by the Leaf tonight and ask for Adam. You never know what he'll serve up this time!

Sunday: Brunch 11am-5pm
Monday: \$9 Entrees 5pm-9pm
Tuesday: VA Draft Night 5pm-9pm
Wednesday: Bottle of Wine Night 5pm-9pm
Thursday: Cocktails with Tony 4pm-9pm
Friday: New Draft Night
Saturday: Shrimp Night 4pm-9pm

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Upcoming Events

If your organization has an event in the next month you would like advertised, please e-mail TheAdvocateWM@gmail.com.

November 22–26

Thanksgiving Break: Enjoy the holiday. Get crackin' on those outlines!

December 1

Classes End: It's official. Time to panic.

December 3

Grand Illumination: SBA will provide cider and other refreshments beginning at 5:15 p.m. in the lobby. A group will depart for Colonial Williamsburg at 6:00 p.m. for Grand Illumination, CW's kick-off to the holiday season, complete with fireworks and fife and drums. For more information, contact Wes Allen, wdalle@wm.edu.

December 15

Exams End: Enjoy the holidays and month-long reprieve from

studying.

January 16

Classes Begin: Another semester opens.

January 22

The Hon. Thomas Griffith, guest speaker of J. Reuben Clarke Law Society: Judge Griffith of the United States Court of Appeals for the D.C. Circuit will discuss his career in Room 127 at 1:00 p.m.

February 2

100 Nights Celebration: The Class of 2007 begins counting down the days until graduation.

Bill of Rights Journal Symposium: Panels of distinguished scholars speak on the topic of presidential signing statements. The event will be held in Room 124, The Faculty Room, and the lobby at 3:00 p.m.

February 3

Bill of Rights Journal Symposium (continued): The event continues at 8:00 a.m.

Don't Go Breakin' My Heart: A Plea to Celebs to Renew Our Faith in Love

by Asim Modi &
Tara St. Angelo
*Features Editors & Business
Editor*

It seems like just yesterday Nick and Jessica broke the hearts of millions after announcing their divorce a year ago, effectively canceling the smash hit TV show *Newlyweds*. America's heartbreak did not end there but has continued for the past year. Reality shows are no indication of a strong relationship. For example, this year we saw the demise of *Meet the Barkers*, which chronicled the life and times of Blink-182's drummer Travis Barker and his wife Shanna Moakler, and *Til' Death Do Us Part*, which showcased the eccentricities of Dave Navarro and Carmen Electra.

Being Bobby Brown will not be back for a second season after the

tragic divorce of Bobby Brown and Whitney Houston, proving that all the drugs in the world won't keep a wife and a wife beater together (or help you keep your New Jersey mansion). Kate Moss ("Cokate") and Pete Dauherty have shown that drugs can keep love alive in your mind, even if your 80-pound body barely sustains life functions. While their drug addictions have kept them together, it kept them out of the *Casino Royale* premiere in England after they were deemed unsuitable to be in the vicinity of the Queen.

Kate and Pete are one bright, hazy spot on the horizon of a myriad of other celeb break-ups. The shining star of the blonde duo Reese Witherspoon and Ryan Phillippe has fizzled after seven years of marriage in the wake of

Continued on pg 13.

CANADIAN BACON: Canadianisms

by Matt Dobbie
Staff Columnist

Hey, before I start off this week, I'd to thank all of you for the kind and positive response to my column from a fortnight ago. Unfortunately, not everyone was overly pleased with it. In the negative camp were people who write a lame dating column, and everyone else seemed to be the positive camp. It's funny how those things work out.

This is the last issue of *The Advocate* to published this semester, and that coupled with a couple recent incidents led me to treat this week's column as sort of a public service message about Canada. In the last few weeks I've used some words and phrases that have baffled my American friends. Knowing that some of you will probably be

visiting Canada over the break,¹ I thought it might be nice to explain what they mean.

Some of them are quite simple and require next to no explanation. For example, in Canada, what you call a napkin, we call a serviette. What you call whole wheat bread, we call brown bread. Fairly simple. Others require a little more explanation.

When traveling to the bar last week, one of my buddies made a joke at my expense and I threatened to "dummy him". This expression evolves from hockey, when a player is the victim of a big hit and gets knocked on his ass, he got "dummied." It was also used if someone lost a hockey fight. Wendal Clark, one of my all time favourite players was the master at dummying people. Now we use the term for just about any general threat of violence. It works out great. As an aside here, often when I recount

stories in my column people ask if they are the particular person I'm discussing. So in the effort to sort of attack the problem head on, I have devised a very simple way to determine if you're the friend in question here. Take a look at yourself in the mirror, if your eyebrows were not shaved off in a drunken bet, you're not the guy I'm talking about. Also, in this case your name would be Rhys James.

Another word I've received some blank stares for is "keener." This is a word we use in Canada to describe someone who's really big on school. You know those wankers who sit up in the front row and insist upon answering every question? They are keeners. I won't lie, I really hate those guys. I imagine most of you do too, and if you don't, guess what? You're a keener. Know what else? The rest of the school hates you. It's a shame, but that's what you get for

being prepared and making us all look bad.

The final phrase I want to bring to your attention is "pulling the chute." This means to back out on something. So, for example if you had plans to do something with your buddies and then had to cancel, you would inform them that you're "pulling the chute." Personally, I'm a huge fan of this expression and really feel that as a country America needs to get behind it. Let's face it, America is kind of hurting in world popularity right now, and I think this could really help. Well, that and if you stopped invading people.²

Anyway, that should ease your transition into my country – I'd explain to you how the "eh" thing works, but that's practically impossible. So, enjoy your break, have a good Thanksgiving, a Merry Christmas and I'll see you all back in January.

¹ Yes, this actually happens. Some people come to visit family, others to ski, while still others to take advantage of our liberal drug laws. Normally, I'd throw out someone's name here for an extra punch, but figured I'd get in some pretty deep trouble if I did.

² Hold on, did I really say that? I'm sorry, it appears I've gone all "Alan Kennedy-Shaffer" on you. I apologize. But I would really appreciate it if you would all come to my book signing this weekend.

Celebs, continued from pg 12.

Ryan's infidelity. Reese isn't the only blonde babe to have her heart broken recently. Christie Brinkley filed for divorce from her architect husband Peter Cook after ten years of marriage as a result of his affair with his teenaged assistant. This prompted the world to ask, "Who cheats on Christie Brinkley?!?!?"

Moving from the mundane world of infidelities into the downright bizarre breakups, we must look at Paul McCartney and Heather Mills. With no pre-nup, McCartney's sanity is questioned, but more people are questioning the mental stability of his soon-to-be-ex-wife. Mills has been accused of everything from prostitution to porn-filming to shoplifting. She's fired back claiming that McCartney beat her and would not allow her to breastfeed because those breasts were his. Does anyone actually believe Paul McCartney could do this? In another glimpse into deep chasm of Mills's insanity, she has publicly stated that McCartney's allegations against her are worse than

losing her leg. Would you rather be called a gold-digging whore or have two legs?

Celebrities just love throwing the word "porn" into their divorce settlements, as evidenced by Sara Evans's allegations against her husband that he allowed their children to watch pornographic movies. This was looking to be a great year for Evans as the Republican Party officially endorsed her as their candidate on *Dancing with the Stars*, but her divorce caused her to leave the show, thus resulting in the GOP's loss in the recent elections.

Quite possibly the saddest breakup of the millennium: BRIT and K-FED. This couple truly kept our hopes for love alive in

times of turmoil. The repercussions of this tragedy were felt here in the law school community. In between body-racking sobs, Mike Kourabas (2L) said, "If Brit and K-Fed can't survive in this crazy world, how am I ever to hold on to love?" Dan Leary (2L) and Will Sleeth (2L) dedicated a special karaoke version of "Love Hurts" at the Ho' House after news of the break-up hit airwaves. This Ho' House vigil was one of many ceremonies to commemorate this great loss. Mourners can relive the happy times with *Chaotic* on DVD (you can buy *Chaotic* and *Newlyweds* together on Amazon.com for \$35) and also with the possible upcoming release of the couple's pornographic video. The release

of the video is dependent upon whether Brit purchases the video from K-Fed for the low price of \$30 million and her first-born child. Sources close to K-Fed report that the video was made at the height of their honeymoon phase, when all they did was each other—and play chess. Really? Chess? The video would be worth seeing just to prove that Brit can actually play chess.

If you are now wondering how you will ever regain your faith in love, think of the success story of TomKat, which proves that brainwashing and a fake pregnancy can lead to eternal bliss. And look at Nicole Kidman and Keith Urban as a sign that if you want to delay a breakup, check into rehab.



Britt is listed as single. 6:58pm

SWEETER THAN SHUG: DATING ACCORDING TO DAVID BULES

by David Bules
Staff Columnist

It's Christmas time. Yes, I said Christmas time. I love Thanksgiving, don't get me wrong, but Christmas time starts the day after Halloween and lasts until my birthday in February. My family is a little obsessed with Christmas. People in general are obsessed with Christmas though, too. Every year the decorations come up earlier. In Williamsburg we are blessed with the year round Christmas stores. So what does Christmas have to do with dating? Everything.

Do you ever notice that everyone wants to be in a relationship during the holidays? It's true. No one wants to spend the holidays alone, while your siblings all have their boyfriends or girlfriends over to the house for Christmas dinner.

It can be depressing. Christmas is not just the season for giving; it's the season for eating, the season for ice-skating,¹ the season for shopping, the season for drinking.² Well all of these events are so much better if you are not single. I am a big proponent of being single and doing your own thing, don't get me wrong. But year after year I find myself sitting next to my brother Barron at the little kids table, while the big kids and their significant others share family stories and stuffing at the fun table.

Random note (look I'm not using a footnote), I'm in the Atlanta airport right now, sitting in the seldom used T-Gate hallway, and the TSA ladies have been talking about their boyfriends and what they are getting for Christmas for a half hour. Oh and they are doing their hair in the reflection of the glass that houses some famous paintings of former Presidents. Go

Homeland Security!

OK, back to Christmas. I come from a family where my siblings are always dating someone. Inevitably my brother is dating a new super-model, debutante, gorgeous girl and my sister is dating the latest convict to get out of Juvie. So it's always an interesting conversation at the big kids table, but it's GOT to be better than Barron and his little friend talking about the newest roller coaster at Disney.

Not that you care, but the easy way to tell it's Christmas time in our home photos is not all of the Christmas trees in the background, not the ornaments, not the fake snow all around the house. It's when you see Barron and me in a picture together, just the two of us. We hate pictures, and we hate taking them together even more. It's just another way to remind us we are single. Kissy-pictures are even worse. We end up taking 20

pictures of each couple³ kissing under the mistletoe or something really stupid like that.

So here's what I am trying to say. If you are in a relationship during Christmas time, enjoy it. The rest of us are bored and sick of seeing you guys snuggle and be all coupley. Sure, we'll save money, because you have to buy a gift for your significant other - but we'll probably use that money to drink more. The more I think about it, that's the best reason to stay single over Christmas break.

If you aren't dating anyone on Christmas night, make sure you get a significant other before New Year's Eve. That's the only thing more awkward than taking pictures of your sister kissing her boyfriend on Christmas - being the only one of your friends who has no one to kiss when the clock strikes midnight.

Until next time keep livin' strong and lastin' long.

¹ Not figure skating, but notice I didn't say hockey. Sorry Dobbs, we're not all gifted in this oh-so-exciting-sport.

² I know someone is going to argue with me on this, but I recall hearing that the night before Thanksgiving is actually the night with the highest rate of DUI's? And you thought it was Boxing Day.

³ Dad and Betsy, brother and Gisele (not really, but you get the point), sister and K-Fed (no seriously, it wouldn't surprise me).

READER RESPONSE: SAVE OUR SCHOOL PAPER!

by **Cliff Allen**
Contributor

Cliff Allen is the author of "Truth in Advertising," from the Oct. 24 issue of The Advocate.

My fears of the law school political atmosphere began last summer during a conversation with my uncle. He warned me about the liberal left-winged intellectually-snobbish pro-Democrat type of institution I was about to encounter. You guessed it, he's a Republican. As a conservative Roman Catholic, he had found his N.Y. law school experience conflicting, and even malicious. At that time, I told him I had nothing to fear. I even dismayed him with the news that not only was I a moderate, but I had also voted for many good Democrats, and even a few Libertarians.

Still, my uncle's words left an impression, and I arrived on Orientation Day prepared for my moderate views to suddenly drop me into the "right extremist" category. Instead, I have found our school to be a model of tolerance and platform for expression of all views.

Our school, despite a relatively low class size, maintains a wide variety of school clubs, but more importantly, students with

different beliefs seamlessly come together. The Federalist Society and American Constitution Society work together on joint projects, students rally in response to hate words against fellow classmates, and military classmates proudly wear their uniforms in support of Veterans Day.

At W&M Law, we represent all views. Sadly, readers of our school paper would have a radically different opinion. This school year, every issue of *The Advocate* has displayed a full-page "Features Article" with some of the worst one-sided political propaganda I have seen. Beyond simply disagreeing with the opinions, I believe that the ignorant disregard of contrary facts and childish vilification of our President shames our school paper and reflects poorly on our student body. Fortunately, aside from shaming ourselves by denying a person's right to publish his opinions, there are easy solutions.

First, political opinion pieces should be submitted by contributors, not editors. Editors are representatives of the school paper, and their opinions are perceived as reflective of our school body. If a Features Editor would like to submit an *opinion* piece, it should be labeled as "Contributor," just as it would for any other student.

Second, if every issue of the

Note from the Editor: Clearing the Air

Dear Readers:

At the end of a remarkable semester for *The Advocate*, because I think some have been a bit confused about the nature of the Features section and the pieces that appear herein, I want to take a moment to remind you of our mission.

First, I would like to remind you that all columns are the authors' own, and they are not editorials reflecting the views of the paper, let alone the school. As stated in our Editorial Policy, which always appears on page two, "[O]pinion articles may not necessarily reflect the opinion of the newspaper or its staff." Any indication to the contrary is unintentional.

Second, I call on you to continue submitting letters to make your voices heard. In fact, I welcome anyone who feels that certain views

have not been expressed but ought to be to apply for a staff position. If interested, please e-mail me at wydurb@wm.edu.

Finally, I want to emphasize that *The Advocate* is a forum for all students—whether editors, staffers, or contributors—to engage in civilized, reasoned debate, not partisan ax-grinding or ad hominem attacks.

Thank you for continuing to read and respond to this publication. Please remember that it belongs as much to you as it does to anyone whose name you see in the masthead. Have a terrific Thanksgiving, and good luck on your final exams.

Sincerely,
William Y. Durbin
Editor in Chief

school paper is going to consistently dedicate a full page to one individual's views, then a similar permanent position should be offered for a writer with an opposing viewpoint, so that readers can at least appreciate a dialogue on issues and a range of views.

Finally, the politically-based opinion pieces should be displayed in a point-counterpoint format, which would engage (rather than enrage) readers. This would also

remove the conflict of having misleading article titles, including political party propaganda disguised as a "9-11 tribute" or an "election preview."

Thank you, Neal Hoffman, for opening up this dialogue in your Nov. 8 Reader Response and for taking the first stab at improving our school paper. If we are going to call our school paper *The Advocate*, then let's beware of what we are advocating.

Marshall, Wythe, and Mavica

by **Joelle Laszlo**
Staff Photographer

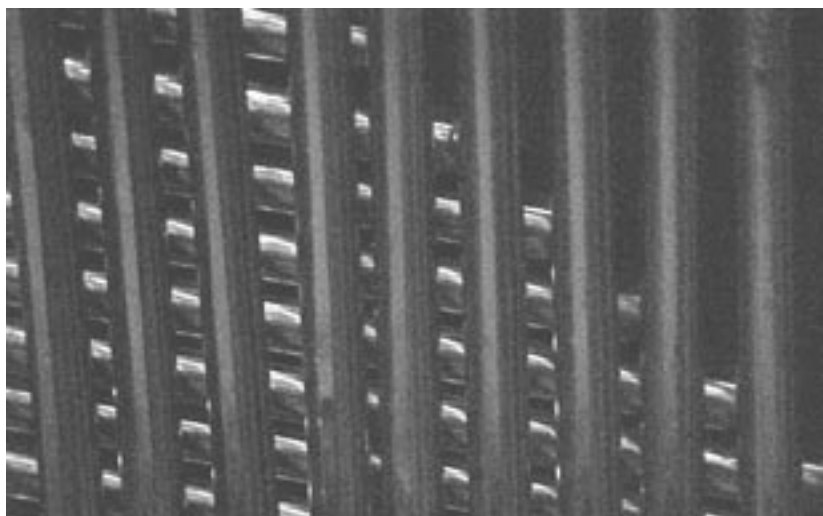
What happens when an

old school digital camera is discovered in the bottom of a file cabinet? A "guess-the-photo" "contest" of course. Below is the detail

of something prominently visible on campus, captured on floppy disk by The Advocate's 0.3 MP Sony Mavica. Send guesses to

jelasz@wm.edu.

Answers, winning guesses, and a new puzzle will appear in the next issue.



2000 - The completion date of the new wing. The image in last issue was a close up of the upper curves of the zeros.

The Year of the Democrats: Alan Kennedy-Shaffer's Victory Special

by Alan Kennedy-Shaffer
Features Editor

2006 will be known as the year of the Democrats. Twelve years after Newt Gingrich and his comrades seized control of Congress during President Bill Clinton's first term in office, the Democrats took back the House and the Senate in an electoral realignment that stands as a tribute to the power of democracy to move America in a new direction.

With the help of millions of Independents and change-minded Republicans, the Democrats gained at least 29 seats in the House, six seats in the Senate, and six governor's mansions on Tuesday, Nov. 7. In the upset of the century, former Navy Secretary Jim Webb defeated "Macaca" Sen. George Allen (R-VA) by 7,231 votes.

According to exit polls conducted by Edison Media Research/Mitofsky International, available on *The New York Times* website, Americans from all walks of life turned to the left on Election Day, leading Republicans to point fingers at each other in an effort to dispel the disappointment of losing badly.

Fifty-nine percent of Independent voters cast their ballots for Democratic candidates, sending Republicans packing in many red states, such as Kansas, Kentucky, and Indiana. Democrats appealed to voters young and old, garnering the support of 61% of voters younger than 30 and 52% of voters older than 60. Earning its reputation as the big-tent party, the Democratic Party also won the majority of Catholic, Jewish, Black, Hispanic, and Asian votes.

On Election Day, the majority of Americans sent a message that we are fed up with the culture of corruption that has enveloped the Republican Party. Americans sent a message that we are fed up with Abramoff-style bribery and DeLay-style manipulation. Americans sent a message that we are fed up with a President who continues to "stay the course" in a misguided war whose total costs may exceed

one trillion dollars.

In nearly every state, Americans voted for change by throwing the bums out. Except for Tennessee, where the Republican National Committee ran racist ads against Democrat Harold Ford, Jr., on behalf of Bob Corker, Democrats (or Independents promising to caucus with the Democrats) won every Senate race that they seriously contested. In Pennsylvania, Bob Casey, Jr., cruised to victory against the universally-despised Republican Sen. Rick Santorum. In Montana, Jon Tester defeated three-term Republican Sen. Conrad Burns. In Missouri, Claire McCaskill defeated Republican Sen. Jim Talent. In Ohio, Sherrod Brown defeated Republican Sen. Mike DeWine. In Rhode Island, Sheldon Whitehouse defeated Republican Sen. Lincoln Chafee.

On the House side, Democrat Nick Sampson picked up the Texas seat vacated by indicted former Rep. Tom DeLay. Democrat Zack Space won the Ohio seat left open by disgraced former Rep. Bob Ney. Democrat Tim Mahoney defeated Mark Foley, the Florida Republican whose raunchy instant messages to House pages earned him prime news coverage across the country.

When the 110th Congress convenes in January, Rep. Nancy Pelosi (D-CA) will become the first female Speaker of the House of Representatives and Sen. Harry Reid (D-NV) will become the majority leader. The exit of Majority Leader Bill Frist (R-TN) and the sound defeat of Santorum, gay-basher extraordinaire and the third-highest ranking Republican in the Senate, will leave the GOP vulnerable to the aspirations of members with their own checkered pasts, like Sen. Trent Lott of Mississippi.

Filling the leadership void, the Democratic majority will have a prime opportunity to restore America's faith in Congress.

Sen. Carl Levin (D-MI), slated to become chairman of the Armed Services committee, has already promised to push for a "phased redeployment" of troops in Iraq.



'Victory Special!' art by Carolyn Fiddler.

According to the *Washington Post*, Levin also plans to provide vigorous oversight of the executive branch, a Congressional duty that the Republicans have abdicated over the past six years.

There is a sense both in Washington and across America that the next two years will bring increased accountability of the Bush Administration in areas ranging from military contracting to judicial nominations to labor conditions to environmental regulations. It is up to the American people to make sure that the leaders in both houses of Congress remain focused on this goal.

When Bush re-nominates John Bolton as United Nations Ambassador, for example, we must remind incoming Senate Judiciary Chairman Patrick Leahy (D-VT) and other progressive Senators to send a message that Congress will no longer act as a "rubber stamp" for the President's far right-wing appointees.

When the Pentagon awards multi-billion dollar contracts to subsidiaries of Halliburton, we must remind incoming Senate Foreign Relations Chairman Joe Biden (D-DE) to send a message that Congress will no longer countenance war profiteering.

When Vice President Dick Cheney attempts to manipulate the intelligence about the war in Iraq, we must remind incoming

Senate Intelligence Chairman John D. Rockefeller IV (D-WV) to send a message that Congress will no longer tolerate denial and deception.

With our nation's honor and credibility on the line, the Democratic majority in Congress will have numerous opportunities in the near future to demonstrate our commitment to sensible diplomacy, universal health care, a higher minimum wage, affordable higher education, a cleaner environment, and respect for civil liberties and human rights.

For those of us who still believe that all men and women are created equal, the American people have granted us an extraordinary opportunity to reaffirm our commitment to fight for freedom for all the right reasons, to welcome the "huddled masses yearning to breathe free," and to love all of God's children.

This is our calling and our creed. This is the essence of patriotism and the promise of democracy. This is why 2006 is the year of the Democrats.

Alan Kennedy-Shaffer is the author of Denial and Deception: A Study of the Bush Administration's Rhetorical Case for Invading Iraq. The views expressed are his own and do not necessarily represent those of The Advocate.



V·B·A
The Virginia Bar Association

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These 162 members of the William & Mary Law School community provided over 6,000 hours of community and pro bono service during the 2005-06 academic year through the Virginia Bar Association's Community and Pro Bono Servant Program.

Thank you for your commitment to the citizen-lawyer ideal.

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