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## Guantanamo: Representing the Unseen

by Neal Hoffman  
Contributing Writer

On Oct. 10, more than sixty W&M students gathered to hear Jeff Colman speak about his experiences representing clients at Guantanamo Bay. Colman, a lawyer at Jenner & Block in Chicago, has done all types of pro bono work during his 35 years of legal experience—but nothing prepared him for Guantanamo. As Colman put it, representing detainees has been “the most challenging, the most depressing, and in some ways, the most fulfilling work I’ve done.”

The event was sponsored by the American Constitution Society.

Several months after the 2001 invasion of Afghanistan, the U.S. military set up a prison camp for detainees at Guantanamo Bay in Cuba. By June 2004, approximately 800 men were imprisoned there, isolated from families, friends, and the rule of law. In June 2004, the Supreme Court ruled that federal courts could hear habeas corpus claims of the Guantanamo prisoners. Soon after, the *New York Times* published a call for lawyers to volunteer their time to represent these claims.

Colman and other members of his firm took the cases of four men. In 2006, the firm took on sixteen more clients. So far, ten of those men have been released from Guantanamo. Throughout his involvement, Colman has worked with lawyers from across the country, Democrats as well as Republicans, all of whom believe strongly in their work and their clients.

Colman said that for him, the work was not about politics. It was “about doing a lawyer’s professional

responsibility, representing people who need legal assistance.”

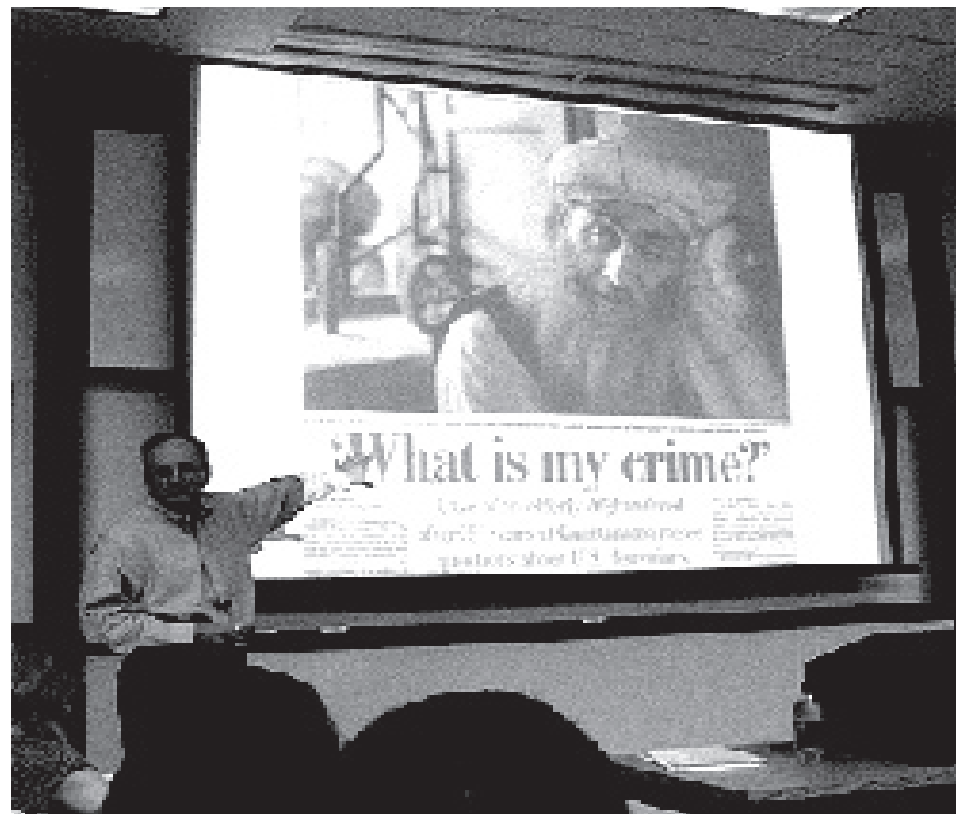
Unfortunately, says Colman, there has been a concerted effort to thwart the attorney-client relationship. He said the government has made every step of the process more difficult: how lawyers meet with their clients, how lawyers correspond with their clients, how lawyers view evidence.

Colman drew students’ attention to a quote from Cully Stimson, former Assistant Secretary of Defense for Detainee Affairs: “I think when corporate CEOs see that those firms are representing the very terrorists who hit their bottom line back in 2001, those CEOs are going to make those law firms choose between representing terrorists or representing reputable firms.”

As Colman explained, Stimson sought to discourage private firms from representing Guantanamo detainees. Stimson’s comments were “the culmination of an effort to stop lawyers from representing these clients.”

Thankfully, said Colman, Stimson was forced to resign, and the government repudiated his comments. However, prejudice against Guantanamo detainees persists. As Colman pointed out, former Defense Secretary Donald Rumsfeld called the detainees the “worst of the worst.” Former Attorney General Alberto Gonzales called them killers. Members of the military have described them as men caught on the battlefield.

According to Colman, these statements are largely false. Only 5% of the men at Guantanamo were actually arrested on the battlefield, and less than 20% have any involvement



Jeff Colman, an attorney at Jenner & Block in Chicago, speaks to Marshall-Wythe Students about Guantanamo on Oct. 10.

Photo courtesy of the American Constitution Society.

with Al Qaeda.

As of today, 460 men have been released from Guantanamo Bay. If they were indeed the “worst of the worst” and responsible for 9/11, Colman wondered, then why were they released? Some detainees had connections to the Taliban, but only because that was the ruling party in Afghanistan. Furthermore, Colman lamented, many of the detainees had been seized in connection with a U.S. policy that paid Pakistanis \$5,000 to \$20,000 bounties to turn in “enemies of the United States.”

“Many of these men may not be innocent, but we need processes to bring them to justice in a fair way,” said Colman. “I deplore terrorism as deeply as anyone, but you can still believe this and uphold the rule of law.” To Colman, courts should be

permitted to make impartial decisions about these detainees. People must work to ensure that habeas corpus survives the attempts of some in power to trample the rule of law.

Guantanamo is a “detention facility” and not technically a prison, since no one there has been charged with a crime—with the exception of ten men who have been charged before military tribunals. However, according to Colman, Guantanamo’s physical conditions are similar to those of a maximum security prison in America, “except for three major differences.”

First, Colman said, is the isolation. In America, prisons have religious services, television, newspapers, and visits from family. At

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## Enforcement, Not Bundling, the Problem with Political Campaigns

by Rob Poggenklass  
News Editor

When it comes to the hottest of hot topics in current election law—bundling—there is no reason to get tied up in knots, suggests one scholar.

A recent *Wall Street Journal* article called bundling “the chief source of abuse in the American campaign-finance system.” But at a lecture sponsored by the Election Law Society on Friday, Oct. 19, guest

speaker Allison Hayward told a group of about thirty W&M law students that bundling—the practice of using individuals outside campaigns to solicit donations from their own social and professional networks—should not be our biggest concern. In fact, she said, bundling is not really a problem at all.

Hayward, an assistant professor at George Mason Law School, formerly served as chief of staff and counsel in the office of Brad Smith,

Commissioner of the Federal Election Commission. Hayward teaches election law at George Mason and writes a blog, *skepticeye.com*.

Bundling has received negative attention in the media due in large part to the fraud case of Norman Hsu, the bundler who compiled about \$800,000 for Democratic presidential candidate Hillary Clinton. Hsu has been accused of soliciting donations

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# BOV Appoints Marcus as Kelly Professor for Excellence in Teaching

by Suzanne Seurattan  
W&M Office  
of University Relations

The William and Mary Board of Visitors approved the appointment of Paul Marcus as the first Kelly Professor for Excellence in Teaching on Sept. 28. The new professorship was made possible by a gift of \$500,000 from the late Herbert V. Kelly, Sr., and will be held for a two-year term by a member of the law school faculty. Kelly received his undergraduate and law degrees from William & Mary and was the senior partner at Jones, Blechman, Woltz & Kelly in Newport News, Va., until his death earlier this year.

“The creation of the Kelly Professorship allows the Law School to recognize and nurture teaching excellence,” said law school Dean Taylor Reveley. “Professor Marcus is a highly respected expert on criminal law who possesses an uncommon gift for teaching. His thoughtful approach to legal education sparks student involvement. It is evident from his teaching evaluations that his work with students—both inside and outside the classroom—helps shape them as people and as lawyers. ‘Mentor’ is a word repeatedly used about him by both his current and former students and his faculty

colleagues. We are deeply grateful to Herb Kelly for this professorship. It will help nurture the extraordinary teaching for which the law school is known.”

Marcus has taught law for thirty-three years and joined the law school faculty in 1992 as the Hugh and Nollie Haynes Professor of Law. He has twice served as acting dean of the Law School and as dean of the University of Arizona College of Law. He is the author or co-author of numerous books, including *Criminal Procedure in Practice* (NITA Press), *The Entrapment Defense* (Lexis Publishing), and *The Prosecution and Defense of Criminal Conspiracy Cases* (Lexis Publishing), and also is the author of numerous law review articles. Marcus has lectured around the world and has been the designated U.S. reporter or delegate on multiple occasions to international and comparative law congresses and conferences. He recently concluded his work as co-reporter for the National Committee on the Right to Counsel, a massive effort to examine defendants’ rights in criminal cases across the country. Marcus has been honored with the University of Arizona’s Distinguished Citizen of the Year Award; the College of William & Mary’s Algernon Sydney Sullivan Award, which is given in

consideration of “characteristics of heart, mind, and helpfulness to others”; the Williamsburg Big Brothers Program Mentor of the Year Award; and the law school’s 2007 Walter L. Williams, Jr., Teaching Award.

Kelly received his undergraduate degree from William & Mary in 1941 and graduated from the law school two years later. He began his law career after serving in the Army Air Corps during World War II and was a partner, and later managing partner and senior partner, at Jones, Blechman, Woltz & Kelly. Actively involved in area affairs, he received numerous awards for community service, including the Virginia Peninsula Chamber of Commerce’s Distinguished Citizen Award, the Peninsula Boy Scout’s Silver Beaver Award, and Hampton Institute’s Presidential Service Award. Kelly was a member of the College’s Board of Visitors from 1976 to 1984 and served as College Rector for two of those years. From 1990 to 1999 he was a trustee of the Law School Foundation. In recognition of his numerous contributions to William



Above: Professor Paul Marcus.  
Photo courtesy of  
W&M University Relations

& Mary, he received the Alumni Medallion in 1987 and was awarded an honorary Doctor of Laws degree in 1993. In 1995 the Law School Association presented Kelly with its Citizen Lawyer Award, the highest honor it confers, in recognition of his outstanding citizenship and leadership.

## Election Law Society Rocks (the Vote)

by Jessica Bonney  
Contributing Writer

The Election Law Society (ELS) kicked off its year by getting back to basics: registering almost 50 Marshall-Wythe community members to vote in Williamsburg and the surrounding areas.

“I was shocked that some students weren’t registered to vote at all,” said Jenny Farrar (1L), a member of ELS who volunteered to assist in the registration process. “But most were coming to change their place of registration.”

“It makes plenty of sense to register to vote here,” said ELS Secretary John Calabrese (2L). “Most of us aren’t going back home and don’t know where we’re going next. In the meantime, we should have a voice in the community.”

Many local policies, such as the City Council’s plan to reduce the ratio of rental housing in Williamsburg, have a direct impact of student life. “We live here,” Calabrese continued. “These policies not only affect us,

but we have to look out for future law students.”

But other registrants had their eyes on national politics. In the wake of the 2006 Senate race, Virginia has developed a reputation for competition, and politicians say the numbers qualify Virginia as a bona fide swing state for 2008. “Some students who came to the table deliberated over whether their vote would do more good in Virginia than their home state,” said Farrar.

Next up for ELS is its launch of VoteLine, a W&M hotline to assist students at the polls on Election Day. In response to allegations of student disenfranchisement in previous years, ELS members will be on call all day to answer questions or address problems students encounter during the voting process.

Vice-President Kerry Loughman (2L) believes that “[t]his program will provide a needed service to the community and enhance civic participation. Additionally, as one of the

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## THE ADVOCATE

"Complete and objective reporting of student news and opinion"

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The letters and opinion pages of *The Advocate* are dedicated to all student opinion regardless of form or content. *The Advocate* reserves the right to edit for spelling and grammar, but not content, unless the author's content violates the law school's Honor Code.

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 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.

# In Jefferson's Footsteps: Marshall-Wythe School of Law Reinvigorates the Citizen Lawyer Ideal

by Alan Kennedy-Shaffer  
Features Editor

## Editor's Note:

This article was originally published online in another campus publication, *The William & Mary News*.

George Wythe began his tenure as the first law professor at the first law school in America with one goal in mind: "Here we will form such characters as may be useful in the national councils of our country."

Entering the school, it is easy to walk past these brief words carved below the imposing statues of Wythe and John Marshall. Once inside the school, however, the message is impossible to miss.

A group of students, faculty, and administrators are busy breathing new life into the citizen lawyer concept that guided Wythe, Marshall

and Thomas Jefferson, acknowledging that lawyers sometimes focus too much on the lucrative and mercenary aspects of the legal world. The George Wythe Society of Citizen Lawyers emphasizes service and ways that lawyers and future lawyers can reengage the service aspect of the legal profession.

Dean Taylor Reveley said in a recent interview that the "the original and enduring mission of the law school" is being "reinvigorated" with the assistance and leadership of the Wythe Society of Citizen Lawyers. "Lawyers are unusually good at leading," said Reveley, "and dealing with societal issues and problems."

Reveley likened being a lawyer to being a minister in that both involve a "calling" to serve others. He said that many members of the law school community already volunteer on a regular basis, donate money to

worthy causes, and hold leadership positions in a variety of areas. What the law school is trying to do now is to better organize service efforts and to give the citizen lawyer mission "vibrant force in the twenty-first century."

Beginning this fall, the Wythe Society of Citizen Lawyers plans to hold an annual speaker series to shine a spotlight on lawyers who are both doing well and doing good, according to Josh Whitley (3L), the group's president. William & Mary President Gene Nichol will be the first speaker. Whitley said that the speaker series will "highlight how we can have pride in our profession and do acts that will allow others to have pride in the profession."

"There are lawyers who are disgracing the citizen lawyer concept and lawyers who are absolutely honoring it," Whitley said. By rec-

ognizing the struggles and successes of those lawyers who are carrying on the legacies of Wythe, Jefferson, and Marshall, the Society of Citizen Lawyers hopes to "remind [the law school community and the world] that we are here as citizen lawyers."

Joelle Laszlo (2L) is spearheading an effort to create an online network where lawyers and students can share information about the practical application of the citizen lawyer concept. Taking the form of a blog, the citizen lawyer network may include profiles on people who embody the citizen lawyer ideal and ways in which people can engage the law in order to positively influence their communities and their country.

Laszlo recognized that although the citizen lawyer concept is important, it can be rather "amorphous,"

Continued on Pg 5.

## ACS Screens Film on Asylum

by Kelly Pereira  
Co-Editor-in-Chief

On Oct. 17, the American Constitution Society (ACS) hosted a screening of *Chasing Freedom*, a film exploring the intricacies of asylum law and of representing refugees in America. After the film, Professor Angela Banks moderated a discussion on the issues raised.

If you are interested in practicing immigration law or want a general overview of the asylum process, *Chasing Freedom* is a movie worth seeing. Sure, the plot might seem formulaic, even cheesy: a high-profile lawyer reluctantly takes on a pro bono case, only to find it fulfilling. However, *Chasing Freedom* stands out for its revealing portrayal of the asylum-seeking process.

The film chronicles the experiences of a young lawyer (played by Juliette Lewis) who represents a female Afghan refugee seeking political asylum in America. In the film, the Afghan refugee is caught between the oppressive Taliban regime and the barriers erected by asylum law in America.

Without a passport, the Afghan refugee may have to return to her native country and all its dangers. Amid

the intense media coverage after the September 11th attacks, the refugee faces an uphill battle at her hearing for political asylum. Can she prove that she is who she says she is? Can she prove that she has a credible fear of the Taliban?

The film gives some credit to the INS, whose functions have since been subsumed into the Department for Homeland Security. The INS did not want the asylum process to function as a rubber stamp, open to abuse by terrorists and con artists. The process, however, can result in long-term detention. Furthermore, many asylum seekers must navigate the system alone, because there is no guarantee of representation by counsel, although there is a right to appeal.

During the post-film discussion, Banks mentioned that asylum is granted in only about a third of cases. The process is inconsistent because of splits among different districts. Banks referred students to a forthcoming article in the *Stanford Law Review*, *Refugee Roulette*, for further information on this subject.

As depicted in the film, arriving at a U.S. port of entry is one way to begin to seek asylum. A credible fear

interview follows. With a finding of a credible fear, detention can only be avoided by posting bond or seeking parole. If there is no finding of credible fear, the refugee can appeal within one week.

The asylum process can also begin overseas. The U.S. recently agreed to accept 7,000 Iraqi refugees currently in countries bordering Iraq. These refugees will be screened by the United Nations High Commissioner for Refugees. In recent years, the U.S. had only accepted approxi-

mately seventy Iraqi refugees.

The refugee and asylum process relies on individualized determinations of eligibility. Occasionally, the government will recognize a presumption of persecution in certain countries. For example, a Chinese asylum seeker who was forcibly sterilized, or who was forced to have an abortion, benefits from such a presumption.

The film was shot for the Court TV network in 2004.



Juliette Lewis plays a lawyer reluctantly taking on a pro bono asylum case in Court TV's *Chasing Freedom*. Photo still from movie.





ABOVE: Kate Yashinski (3L) joined members of the Environmental Law Society in pumpkin picking in Surry, Va., on Oct. 6. Professor Oman and his family were spotted there as well. Photo courtesy of Kate



LEFT: Ryan Stevens(3L) still standing one hour after finishing the Iron Man competition with "the best support crew ever", his family. Photo courtesy of Ryan Stevens.

## News in Brief

### Annual Property Rights Conference Honors Radin

On October 5-6, the W&M Property Rights Project and the Institute of Bill of Rights hosted the Fourth Annual Brigham-Kanner Property Rights Conference. Prof. Margaret J. Radin of the University of Michigan received the Brigham-Kanner Prize for "[her] lifetime contributions to private property rights, [her] efforts to advance the constitutional protection of property, and [her] accomplishments in preserving the important role that private property plays in protecting individual and civil rights." Radin has published extensively on the topics of property rights theory and institutions, commodification, intellectual property, and cyberlaw. In addition to the presentation of the prize and a retrospective of Radin's work, the esteemed panelists discussed the application of redevelopment law to blight, case studies of *Kelo*'s empowerment of condemnors, and abuses of eminent domain. Students were invited to attend the conference as

well as attend a mixer with many of the scholars and practitioners.

### Marshall-Wythe's Iron Man

Ryan Stevens (3L) exceeded his own expectations as a first timer at the Iron Man World Championship in Kailua-Kona, Hawaii, on October 13. Stevens placed 276th out of the approximately 1800 who started the race and 15th within the category of men aged 18-24 (Stevens was the 5th placed American in this age group). Stevens completed the grueling triathlon consisting of a 2.4 mile ocean swim, 112 mile bike race, and 26.2 mile run with an impressive time of 9:56:03. Ryan achieved his goal of finishing in under ten hours. Congratulations, Ryan, you truly are "Marshall-Wythe's Iron Man". Ryan was interviewed in the September 26, 2007, issue of *The Advocate*.

--compiled by Kelly Pereira from reports by [wm.edu/law](http://wm.edu/law), Ryan Stevens, and [ironman.com](http://ironman.com).

## Bundling

Continued from Pg 1.

from others and then reimbursing them, all as a way of bypassing campaign finance laws that place limits on individual donations.

According to the *Wall Street Journal* ("Donor Bundling Emerges As Major Ill in '08 Race," Oct. 18), money raised by bundlers has increased from eight percent of all campaign cash in the 2000 election to more than 25 percent of donations in the 2008 race.

In any discussion about bundling, Hayward said it is important to say what bundling is not. Bundling is not corporate facilitation of campaign financing, which is already against the law. Current election law prohibits corporations from giving money directly to campaigns and from providing office space and supplies that campaigns can use.

Hayward was quick to note that independent bundlers—or conduits or intermediaries, as they are also called—are required to file letter reports to the FEC, which oversees federal elections. Some members of Congress, as well as many in the media and the academic world, are

pushing for reform that would require disclosure of the networks of donations collected by bundlers.

But Hayward says the problem is not with current election laws. She says the problem may rest with her former employer, the FEC, and with secretaries of state. While bundlers are required to file campaign finance reports, Hayward says the FEC does not provide a form for them to do so. Hayward argues that more disclosure puts people's social networks on the public record, something she doesn't believe is necessary. With campaign limits still relatively low when compared to the rest of the world—\$2,300 per individual for primaries, and an additional \$2,300 for the general election—Hayward suggests that those pushing for more disclosure are doing so for their own gain. In one example, she said a professor wanted more campaign disclosure because it would provide him with more data for his research.

"It may be that there's an enforcement problem, but I don't think there's a legal problem," Hayward said.

While the reformers would like to see more disclosure of campaign contributions, Hayward disagrees.

"I part company with people who want disclosure without caveat," she said. "We know enough. We don't need to know more."



ABOVE: In all, 12 people participated in Make a Difference Day: Jessie Coulter, Brynn DeHay, Matt Fogue, Cara Goeller, Rachel Jones, Joelle Laszlo, Colleen Loughran, Andrew Reeve, Brad Ridlehoover, Renee Schwerdt, Megan Tumi, and Steve van Stempvoort. Pictured above: Colleen Loughran, Steve van Stempvoort, and Jessie Coulter. Photo courtesy of Joelle Laszlo.

## Election Law Rocks Vote

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few states to have major elections in 2007, we can be a great example to other campus communities on how they can help themselves in the 2008 elections."

ELS will host its annual election law symposium in February, addressing issues relating to the 2008 election. It will continue to host events throughout primary season.

Election Day is Tuesday, Nov. 6, 2007. Didn't make it to the table? You can still register! Go to [rockthevote.com](http://rockthevote.com).



Shop for your Halloween costume at [Rockthevote.com](http://Rockthevote.com).



## Guantanamo

Continued from Pg 1.

Guantanamo, there are none of those things.

Second, in American prisons, people have some ability to get hope from the legal system. But at Guantanamo, detainees have no hope that our system can provide them any relief.

A third difference is the lack of diversity. The population is 100% Muslim and 100% male. "With no intent to make any analogy to Nazi Germany," Colman said, "this is a concentration camp. We are taking people solely because of their religious or ethnic background and putting them in Guantanamo."

Colman also took some time to describe a few of his clients. One Saudi man was nineteen years old when the U.S. military detained him in Pakistan. After one semester of college, a professor encouraged the young man to join a training camp to fight for Muslims in Kashmir. He spent four years and five months in Guantanamo before his release in May 2006.

Another client is a 38-year-old father of six. In October 2001, the man heard about killings in Afghanistan and went to work for an orphanage.

He was apprehended there. The only allegation against him was that the orphanage was funded by an Al Qaeda-related humanitarian organization. Almost five years passed before the man was released.

One of the hardest parts of the job, according to Colman, was developing a relationship with these men. He spoke about his initial meeting with his 38-year-old client. After meeting with Colman, the man originally did not want representation. Instead, the man asked if he could talk to the American lawyer about Allah.

After speaking for about an hour, the man asked Colman if he would like to convert to Islam. Colman thought about the offer during lunch, buying some time to formulate an adequate and appropriate response.

After lunch, Colman thanked the detainee for the suggestion to convert to Islam. "I don't know much about your faith or your God," Colman said to the man. "But is it possible that your God wanted you to have a lawyer to help you, and that this is why I'm here?"

The man thought about Colman's words for a moment, and then began to smile.

"It's possible," the man told Colman. "So tell me about the law."

## Jefferson's Footsteps

Continued from Pg 3.

encompassing many different kinds of public service.

"The goal [of the citizen lawyer network]," said Laszlo, "is to bring the citizen lawyer concept down to the ground and help anyone with an interest in the law, be they current students or practicing lawyers, to pursue the citizen lawyer ideal."

Associate Dean Rob Kaplan, who oversees the law school's public service initiatives, said that although there are many ways to define public service, they all stem from a "service ethic." "It is that service component that would distinguish a citizen lawyer from someone who is just a lawyer," he said.

Kaplan and Reveley both mentioned pro bono legal work, or the direct provision of legal services to the indigent, as an important and unique way in which lawyers can apply their law degrees to the benefit of their local communities. Other areas of service include legal community service with non-profit legal advocacy organizations and non-legal community service with Habitat for Humanity.

"Combating discrimination, working to end it, increasing dialogue, would be among the types of service that citizen lawyers could do," said Kaplan, who emphasized that more important than the ways in which we serve are the "values that citizen lawyers should embrace."

Kaplan said that he believes that the law school is headed in the right direction. He points to statistics that show that many students already engage in public service and views the efforts of the Wythe Society of Citizen Lawyers as proof that the law school is well on the way toward making public service a top priority.

"William & Mary Law School has a lot to be proud of and any thriving institution aspires to do more," he said.

Reveley stressed that Wythe's goal of producing lawyers willing to lead our country remains just as relevant today as it was in 1779. "The core idea is being useful," said Reveley, "doing something that promotes the public good."

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## Upcoming Events

Look to this space for news about speakers, meetings, and other events at the law school. If your organization has an event in the next month you would like advertised, please e-mail [TheAdvocateWM@gmail.com](mailto:TheAdvocateWM@gmail.com).

*Wednesday, October 24*

### PSF Bake Sale

Support the Public Service Fund and enjoy a sweet treat. In the law school lobby from 9:00 a.m.–4:00 p.m. on Wednesday and Thursday. Contact Maire Corcoran (2L) for information.

### Military Law Society Meeting

In Room 141 from 12:50-1:50 p.m. Contact Brian Kargus (2L) for information.

### Student Hurricane Network Committee Meeting

In Room 134 from 12:50-1:50 p.m. Contact Latoya Asia (2L) to find out how you can be a part of this group.

### 1L Program on Mental Health and Substance Abuse Issues in the Legal Profession

Learn how to avoid and recognize substance abuse in you legal career. In Room 120 and the Courtroom from 1:30-3:00 p.m.

*Thursday, October 25*

### IBRL Luncheon Lecture

In Room 141 from 12:50-1:50 p.m. Contact Todd Garvey (2L) for details.

### Lunch for Professor Joel Reidenberg

IBRL and SIPS is co-sponsoring a lunch for Professor Joel Reidenberg from Fordham University. In the Faculty Room at 1:00 p.m. Contact Benjamin Anger (2L) for details.

### Guest Lecture—Professor Joel Reidenberg, Fordham University Law School

Professor Reidenburg will be presenting in Professor Devins's Law and Politics Class. In Room 133 at 3:30 p.m.

### W&M Bidding for Hope

Auction to benefit international service trips. 7:00 p.m. at the Alumni House. Live music, open bar, food, open bar, prizes—oh, and an open bar. Items to bid on include vacation homes, beach packages, golf packages, and more. Advance tickets are \$35/person, \$60/couple (\$40/person, \$70/couple at the door). For tick-

ets and more info, contact Drew Stelljes at 757-221-3263.

*Friday, October 26*

### Bill of Rights Journal Symposium

Presentation on "Religion and Higher Education." In Room 124 from 1:00-4:00 p.m. Contact Joy Thompson (3L) for details.

### Law School Outlining Event

Meet with your fellow law student to study, outline, and probably drink. This meeting will be held at the home of Mike Nicholas (1L). Email Mike at [manicholas@wm.edu](mailto:manicholas@wm.edu) for directions.

*Saturday, October 27*

### BAR/BRI MPRE Review Video

If you're cramming for the MPRE or want to get a head start, make sure you've paid your BAR/BRI dues and come by to Room 127 from 12:30-6:00 p.m for the MPRE Review Video. Contact Nathan Pollard (3L) for details.

### PSF Halloween Party

Woo Hoo! It's that spooky time of year again. Come to the Halloween party at location TBA and party your costume off! (Not literally though, because everyone in school will Facebook that.) Contact Jennie Cordis (3L) for details and watch for future announcements regarding this event.

*Sunday, October 28*

### BAR/BRI MPRE Review Video

Missed Saturday's video or maybe you are just completely in love with the MPRE? Attend this video course, but make sure to also to bring coffee. In Room 120 from 9:00 a.m.-3:00 p.m.

### BAR/BRI Civil Procedure Review Video

Learn how you can kick your Civil Procedure final's butt by watching a really long but helpful video brought to you by the people at BAR/BRI. In Room 119 starting at 12:00 p.m., but lasting much longer—BRING SNACKS AND COFFEE! Contact Megan Alexander (3L) for details.

*Tuesday, October 30*

### "De-Constructing the Constitution: Privacy, Security, and the State in the 21st Century"

Jay Sekulow, Chief Counsel for the American Center for Law and Justice, will be speaking on this topic in Room 127 at 1:00 p.m. All are invited to attend.

### CLS Presents John Ivins, Esq. of Hirschler Fleischer

In Room 133 at 6:30 p.m. Contact Bradley Ridlehoover (3L) for details about this and other CLS events.

*Wednesday, October 31*

### MicroMash Bar Review Information

In the law school lobby from 9:00 a.m.-4:00 p.m. Contact Satya Baumgartel (2L) for details.

### Prosecuting Cybercrime Presentation

Assistant United States Attorneys Lisa McKeel and Howard Zlotnick will be guest speakers for the Internet Law course. Ms. McKeel and Mr. Zlotnick will discuss how the Department of Justice prosecutes cybercrimes. All are invited to this event which will be in Room 119 from 10:00–11:15 a.m. Email Professor Stacey-Rae Simcox at [srsimc@wm.edu](mailto:srsimc@wm.edu) for further details about this event.

### Law Library Halloween Cookout

Come feast on free hot dogs and sodas! At the law school patio from 11:30 a.m.-1:00 p.m.

### J. Reuben Clark Society Brown Bag Lecture

Dennis Kiker will be speaking on "Ethics and Religious Devotion in Law Practice" in Room 137 from 12:50–1:50 p.m. Contact Karl Thorpe (2L) to sign up.

### Student Hurricane Network Meeting—Focus on New Orleans Trip!

Are you interested in attending the New Orleans Service Trip? Come to Room 138 from 12:50–1:50 p.m. or contact Latoya Asia (2L) for information.

*Thursday, November 1*

### Enrichment Committee Guest Speaker

Wendy Gordon of the Boston University School of Law will be presenting in the Faculty Room at 12:50 p.m. Contact Professor Laura Heymann for details.

### Law and Politics Guest Speaker

Professor Lee Epstein, Northwestern University Law School, will be presenting in Room 133 at 3:30 p.m. Contact Professor Devins for details.

### Human Rights Speaker Series

Professor Michael Scharf of Case Western will be presenting in Room 124 from 5:00-6:30 p.m. Reception will follow talk. Contact Professor Linda Malone for details.

*Friday, November 2*

### Guest Speaker—Dr. Anita Boss

Dr. Boss will speak on criminal law and the insanity defense in the Faculty Room at 1:00 p.m. Contact Professor Devins for details.

*Monday, November 5*

### Spring Registration for 3Ls, LLMs, and Visiting Students Starts at 8:00 a.m.

### International Law Society Meeting

In Room 127 from 1:00-1:50 p.m. Contact Brian McNamara (3L) for information.

*Tuesday, November 6*

### Spring registration for 2Ls starts at 8:00 a.m.

### BAR/BRI Table Day

In the law school lobby from 9:00 a.m.-3:30 p.m.

### Moot Court Tryout Informational Meeting

Learn about the requirements to try out for this team. In Room 119 from 1:00-1:50 p.m. Contact Cabell Clay (3L) for details.



# Shug's Nights: Nonsense from the Mind of David Bules

by David Bules  
Features  
Staff Writer



Ahhh, the third Saturday in October. What's so special about this day? Well, certainly not because it's the third Saturday in October when the University of Tennessee-Knoxville (UT-K) plays the University of Alabama-Tuscaloosa (UA-T). No, this is not about football. This is about something bigger... Fall From Grace. There has never been a more aptly named formal dance than Fall From Grace. This event is where some dreams come true, some dreams are shattered, and reputations are born, lived up to, and sometimes ruined. I am writing this column Wednesday, Oct. 16, before Fall From Grace. Here's what is going to happen this Saturday, because this is the way it always goes down.

First, following Fall From Grace, most of the 1L girls who have not already been banished from all social circles, will now be banished for at least the rest of the semester. Why? Well, because your first Fall From Grace should not look like your first time drinking, but every year the 1L girls miss this memo. Let me get distracted for a moment: Last week some 1L guy wrote some weird thing about 2L and 3L guys hitting on 1L girls. Hey Buddy, Pal, Chief, first of all: I wrote that column last year. Check it out. Second of all, we don't hit on them. This year, unlike years past, the 1L girls have the uncanny ability to accost 3L guys who are wandering lonely at 4 a.m., in the guy's own driveway, while he is barely standing. True story. That being said, this year, and I'm not talking about every single 1L girl, will be a mess. It will be by far the most out of control in terms of 1L girls drinking themselves into a blur and then pulling the arm of a 3L guy to walk them home. Guys, you've all been warned before. You all know the famous line the 1L girls have repeatedly used on 3L guys this year. Don't fall for it. Oh, and as 3L guys, we'd have less shame hitting on 1L girls than, say, stealing a keg from a 3L party and walking off with it. Seriously, 1L guys? Stay classy.

Second, we're going to pay a damage fee to whatever hotel hosts this event. It's unavoidable. We did well last year at Barrister's, but there's something about the first formal of

the year that gets law students all rowdy. We haven't soon forgotten the chandelier swinging, kitchen vomiting, breaking things incidents of a couple years ago. I thought last year's 1Ls were pretty into the sauce. They are nothing compared to the 1Ls this year. Judging by their normal 10 p.m. stumbling into parties or the Leafe, I'm glad I'll be in Atlanta for moot court when this all goes down Saturday.

Third, someone's going to rely on the "food" served at Fall From Grace as dinner for the night. That's not going to end well. The food is more like a small appetizer or an oyster cracker. So some people in the know will go out to dinner or cook dinner before beginning the festivities. Those that

don't will be the ones in the corner fighting chairs, and challenging the DJ to a dance-off. Just because you once played Dance Dance Revolution at the mall in between beating up nerds does not mean you should be on Dancing With The Stars. And if you're looking for someone to fight, start with the man or woman in the mirror. We learned a few weekends ago how quickly tensions escalate when people have had a few drinks. Then again, there won't be any kegs to steal at Fall From Grace. So maybe everyone will be safe. When all else fails, if you really want to fight, Joey Noble says, when in doubt go to a 1L house and throw chairs on the roof.

Finally, and I got this one from a roommate, someone is going to buy

a non-drinking ticket and bum drinks off other people all night. Don't do it, and if you see someone doing it, 1) don't give them a drink, 2) look at him or her and say "Really?!? Seriously??? No, Really???" and 3) if need be, knock over their drink. It's ok, they didn't pay for it anyway. Better yet, grab their drink, and say, "I didn't order this, and I ain't payin' for it," chug it, and hand them the empty cup. They'll be so confused they won't say a word.

In closing, don't be "that guy" or "that girl." As a side note, the next issue of *The Advocate* comes out after Halloween. Judging by the early renditions of costumes in Facebook pictures, this is going to be an interesting holiday. Cheers!

*The William & Mary Bill of Rights Journal* and the Institute of Bill of Rights Law present a scholarly symposium

## Conflicts 101:



## Higher Education and the First Amendment

**Friday, October 26, 2007**

Balancing the freedoms of the First Amendment – freedom of religion, freedom of speech and the press, and freedom of association – is no less challenging on college campuses than it is in American society as a whole. The symposium will address such issues as exactly what kinds of groups should be allowed to represent students on college campuses, what types of speech and activities are protected, and whether religious symbols and displays are appropriate.

**The symposium will take place 1 p.m.-5 p.m. in Room 124 at the William & Mary School of Law, and it is free and open to the public.**

**Participants include** Professors Ira Lupu and Robert Tuttle, George Washington Law, Roundtable on Religion and Social Welfare Policy; Kenneth L. Marcus, staff director, United States Commission on Civil Rights; and Professor William W. Van Alstyne, William & Mary School of Law.



# Top 6 Things to Do When Taking a Sh\*t, Aside from Getting a Blumpkin

by Mike Kourabas  
Features Editor



Now that I'm a 3L, I have lots of extra time on my hands. I spend most of this time, however, descending further and further into a life of alcoholism. Lucky for me, my increased alcohol intake has led to increased time on the porcelain throne—one of the most relaxing places created by man. So, being the practical law student I am, I asked myself: how can I make all this extra time spent sh\*tting as worthwhile as possible?

In no particular order, here's a list of some great things you can do while on the commode...

## Eat Cupcakes— The "Cumpkin"

Of all the items on this list, this is probably the dark horse. It is attempted less than some of the other activities for one obvious reason—it requires one to make cupcakes, and thus demands more focus, preparation, and foresight. Other critics note the inherent paradox of ingesting and excreting food at the same time, and worry that this may cause one to die instantly (much like one dies immediately upon puking and sh\*tting at the same time). However, such concerns are ill-founded.

Cumpkin purists suggest that only cupcakes sans chocolate frosting are appropriate (the reasons for this should be clear).

## Imagine Dane Cook Is in the Toilet, Doing One of His Stupid F\*\*\*ing Routines or One of Those Atrocious TBS Baseball Playoff Commercials—The "D-Bagumpkin"

My personal favorite and something I imagine doing even when I'm not in the bathroom. I like to imagine it goes down a lot like "Carrie," but with excrement instead of blood. Dane is onstage, talking loudly and gesticulating wildly, when all of a sudden I drop an enormous sh\*t from above. He doesn't see it coming, but as he senses its warmth descending upon him he glances upward just in time for the excrement to impact on his face. If one isn't familiar with "Carrie," or wants to change it up from time to time, one can imagine that Dane is a contestant on Nickelodeon's "Figure It Out" game show, where celebrity contestants compete against kids, and if they lose they get slimed from above. Dane loses, cause he's a f\*\*\*ing idiot, and you're there to shit on his head for his stupidity.

## Drink Beer— The "Bumpkin"

This is a great choice if one is trying to both consume a lot of alcohol and keep the sh\*tting to a minimum.

The logic behind this relationship is apparent—the part of the beer that intoxicates is absorbed quickly into the brain (due in part to one's heightened concentration while sh\*tting), while the part that makes you have to sh\*t goes straight through your body and is shat out immediately. It's also a great choice if one is trying to figure out how to combine drinking with as many activities as possible (aside from driving, of course). Particularly enjoyable with IPAs and extra-hoppy brews.

## Imagine You're Bono— The "Solipsumpkin"

As everyone knows, Bono frequently holds the world record for largest sh\*t ever recorded, so it is especially fun to pretend you're as full of sh\*t as Bono and can beat him. (Though we all know it isn't possible, it's still fun to pretend!) If pretending you're Bono isn't for you, you can pretend you're a member of the 3LT (I hear they take really big sh\*ts) or even a member of President Bush's cabinet! Much like cumpkin purists, traditional solipsumpkinists will tell you that it isn't a solipsumpkin if you're not pretending you're Bono, but they're not the boss of you and you can do whatever you want!

## Think About Unicorns— The "Unumpkin"

Duh. Thinking about unicorns is awesome no matter what you're

doing, so obviously it's great when you're sh\*tting, too. You can imagine your unicorns are galloping beneath the glow of a rainbow or giving handjob to leprechauns (unicorns are famous for their handjob-giving skills)!

## Try to Name as Many Characters from "Guess Who?" as Possible Before the Sh\*t Is Over—"The BestGameEverumpkin"

Again, like the D-bagumpkin, I do this from time to time when I'm doing other activities, but it is even more fun when you're taking a sh\*t. It's good to ask yourself Guess Who-like questions in order to structure your thought process. "Does your person wear a hat?" Maria, George, Bernard... "Does your person have a ridiculous mustache?" Alfred, Richard, Charles... "Does your person look like he has Down syndrome?" Franz. You get the point. It's really hard to get all 24 characters, but see how many you can do. You can even keep a diary, noting which dates you got how many characters, and thereby gauge your progress.

Some other fun things to do while sh\*tting: practice juggling; shave; write haikus; pretend you're Kim Jong Il; pretend you're Mahmoud Ahmadinejad; prepare your will; pretend you're Jose Mota.

## We Know What You Did Last Summer...

The Movie reference may be outdated, but the Public Service Fund continues to support law students. 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.

## My Summer at the National Immigrant Justice Center

by  
Loren  
Smith



The most common question I got regarding my work this summer at the National Im-

migrant Justice Center ("NIJC") in Chicago was, "Why do you want to help 'illegals'?" First of all, we referred to those of our client who were not legally present in the U.S. as "out-of-status." Second, why wouldn't I want to help them? While criminals get the right to an attorney even if they can't pay, immigrants facing equally dire life-changing

consequences usually proceed alone, often without even understanding the language in which the immigration judge is condemning them. I believed strongly in helping these people have a fair shot at justice in a system that is totally biased against them.

Then, they challenged me. I felt guilty helping wife batterers,

burglars, drug addicts, and worse. I tried to reconcile the fact that I was trying to do "good" by helping people who were in need of legal services, but who were "bad." I questioned the utility of spending my time on clients who would not return calls, would not bring in nec-

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## The Arts Brief (Out of Town Edition)

Look to this space each week for the more "cultured" side of *The Advocate*

### An Essay, or Why I Failed to Enter the Guggenheim

by Jenny Kane  
Arts  
Correspondent



In the weeks preceding my return to the city over fall break I developed every intention of seeing as much art as possible during my brief stay. On the train ride I reviewed my mental to-do list, ticking off which galleries I had to visit and configuring the images of all my favorite spaces and pieces in a variety of museums. I had no doubt that I would hit every mark and come back to Williamsburg fortified with enough cultural food to get me through exams. In my consideration of current exhibits, I prioritized the Richard Prince retrospective, subtitled "Spiritual America," that recently opened at the Guggenheim and runs through January 9, 2008. The show features a comprehensive collection representative of the past 30 years of Prince's career, and includes photographs, paintings, drawings and sculptures. Prince (American, 1949-) is known in particular for his epic, Whitmanian vision and decadent yet critical viewpoint. Prince's style and the place he has established in the canon of American art might lead us to align him with some of the greats: Warhol, Duchamp and Jasper Johns.

However, there is also a certain "juvenile sarcasm" about his attitude, as Peter Schjeldahl of *The New Yorker* labels it that distinguishes Prince from his predecessors. For better or worse, Prince specializes in a form of obsessive collecting, ripping off other artists and cultural icons; he cribs images and inspiration from pulp fiction, porn, the auto industry, Hollywood, etc. etc.

Perhaps, then, in honor of Prince's American spirit it is appropriate to out this review as a fake. You see, expectant reader, I failed to enter the Guggenheim one recent, blustery fall afternoon during my city visit. Of course, you should have known that by this point, and now I can only tell you what I did instead, as much as explain why I did not see the Richard Prince exhibit, but I did not fail him.

In faith to the traditional "Arts Brief" format, let me offer you a bit of procedural history. In returning to New York even for a few brief days, I was not merely going in search of new art, I was reuniting with intimately familiar territory. It was not until I again confronted the white, concentric oasis that is the Guggenheim, as I stood in front of its doors and moved through the rush of people to open one, that I stopped short. I could not do it. I could not go inside. I could not follow its curves, seeking the next kitsch photograph. It was suddenly clear that the city

and I were no longer lovers the way we used to be. I had walked in on my own retrospective.

The city and I, we had met to take a cab across town without any clear destination, just museum mile. We weren't sitting close enough for our legs to bump when made the turns in the park and our bodies slid across the seat with the car's momentum. Nevertheless, that old energy still lingered; my attraction was not as fierce as in the past, but I still had feelings. Not much had really changed it seemed. I longed for her take me back, even though I knew I was only really visiting now. We went to the roof garden at the Met to see the Frank Stella sculpture exhibit and to look out at the park. As usual, we got lost in the medieval wing looking for the right elevator. Dendur was crowded but we stopped in for a moment anyway, and I must have told her that I wished the leaves had changed already so the park would be aflame in that massive slanted window. Mostly she was quiet though, and I decided after leaving the Met that I would continue on alone.

Several blocks north and several minutes later, I met the Guggenheim and all the feelings of wanting her and not being able to have her swelled up so that I could not move. Worse yet, I could not bear to walk through galleries and I could not enter the Guggenheim and I could not see the Richard Prince exhibit. Instead, I

started to walk. I walked down Fifth Avenue from the Guggenheim to Bryant Park. After nearly fifty blocks, before heading back across town, I had come to understand we had resolved our issues. She had given me that avenue and the solace of walking one straight line without stopping and without a visible end. Schoolgirls wearing uniforms talked on cell phones, doormen helped women with their Bergdorf bags, tourists shopped for knockoffs, and a steady stream of people entered the Guggenheim to see Richard Prince. I had walked fifty blocks and had found myself again walking in line with her, my city. I had hoped to forget her more with every overly pronounced step; I was going to stomp her out until my feet were too tired to continue. It was then, of course, that we made up. There she was: the rhythm just as I remembered, the continuity, my beloved artist.

## We Still Know What You Did Last Summer...

Continued from Pg. 8

### My Summer Internship, Courtesy of PSF

by Tara  
Kate  
Celender



Thanks to funding provided by the Public Service Fund (PSF), I had the pleasure of interning at the New Kent County Attorney's Office during the summer of 2007.

New Kent County is nestled in between Williamsburg and Richmond on I-64 and is the site of the notorious Supreme Court high school integration case, home of Martha Washington and a courthouse that is so old that it is preserved as a historical landmark. For all of New Kent County, there's only one attorney to handle all the civil legal matters of local government. For this reason, interns are provided with meaningful work assignments right away. My greatest accomplishment was producing a public procurement

manual for the County employees nearly from scratch. It sounds pretty impressive when I include it under my job description on my resume along with the other assignments I did, such as learning how to conduct a title search and creating Commission charters. The County Attorney provides great guidance, as well, despite his intimidating statement that he likes to, "throw you in the deep end and see if you can swim with the sharks."

Receiving funding from PSF allowed me to be able to stay in my

apartment over the summer while still gaining valuable legal experience. As a 1L, the overwhelming majority of students do not obtain paid jobs, regardless of their class rank. Volunteering for PSF in order to increase chances of winning summer funding not only creates greater flexibility in the job search, but allows you to meet new people while racking up community service hours.



## Four Reasons Not to Vote for Hillary Clinton (or Any Democrat)

by Mike  
Wakefield  
Contributor



In case you didn't already know, Sen. Hilary Clinton is running for president. Don't vote for her. (Author's Note: Don't take anything I say too seriously. You'll live longer.)

### 1. Most Original Campaign Platform Ever: "It's Time for a Change."

Even though the "I'm not the other guy" platform is seen approximately every four to eight years, I get it. She's not George Bush. She's also not a big, strong man like me. But if you honestly believe her "it's time for a change" hype, you are probably well on your way to dying sad and alone. After selling herself to special interests, piggy-backing off her husband's political success, and not taking a clear stance on anything, she's more old-Washington than Bush, Cheney, and Senator Larry "bathroom bandit" Craig combined. Clinton's claim that she (and her 15 years as a beltway insider) is the breath of fresh air our nation needs is about as reasonable

as Bill Clinton's claim that he goes to Hooters "just for the wings."

### 2. Clear as Mud Position on Iraq and Terror

Let's be honest, Hillary Clinton has flip-flopped on the Iraq War issue enough times to make John Kerry weep. At first she's a supporter, then she criticized it but kept voting "yea," then the troops need to be home by 2009, now she won't promise to have them home by 2013 because it would be "irresponsible." Am I the only one to notice that Clinton's rollercoaster ride of positions ended up right where Bush and his poor-hating, pollution-loving, puppy-kicking Republican Party have been all along?

I'm just glad Clinton's "whatever today's polls say" strategy finally allowed her to take a position on Iraq that wasn't more irresponsible than dropping a baby in a pool to see if it can swim. We have an enormous legislature that's supposed to worry about the every whim of its easily manipulated constituents. As we face the defining issue of our generation ("The War on Terror"), we need a president who will lead America, not pander to the crowd.

### 3. "Every Child Should Get \$5,000 at Birth to Start a Col-

### lege Savings." Huh?

Finally there is a candidate with enough political courage to ensure that every child born in America will go to college with more than enough beer money. This has to be one of the worst liberal entitlement ideas I've ever heard of. It should first be said that just about any hard-working and deserving poor kid in this nation can go to college for very little (the key words being hard-working and deserving).

But since tax-free college savings, billions in federal grants and millions more in private scholarships aren't enough, Clinton feels Uncle Sam should throw bags of money at people just for being born. Come on, this idea is about as American as Castro's beard. Fortunately (and somewhat surprisingly), over 60 percent of the nation is as skeptical of this "free" money scam as me (and as expected, as soon as the poll data came out, Clinton quickly distanced herself from the idea).

### 4. Universal Healthcare and NFL Europe

Buying votes is nothing new to politics, but only in the past 70 years or so did buying votes with your tax dollars get hotter than the new Kanye West album. Now on a serious note,

after donating a portion of my liver and later losing a parent to cancer, I can say from first-hand experience that the quality of healthcare in this country is absolutely incredible. So there is a reason seriously ill people in the socialized healthcare utopias go to the United States for treatment...they know their own system would kill them.

It would be kind of like letting anyone into the NFL regardless of ability (NFL Europe?). You might go to the games because you have nothing better to do, but after a while you'd get tired of them because they'd suck really, really bad. After a few crappy games you'd want guys like Terrell Owens back. Owens is a terrible person and far from perfect, but at least he scores touchdowns.

It is worth saying that a majority of Americans do think the current healthcare system isn't fair, but a near majority of Americans don't pay any income taxes whatsoever. Is that fair? You've got to love a country where one half of the people can vote to make the other half buy stuff for them.

Please don't vote for her.

## Innocent Until Proven Lame: Teaching a Lesson

by John Newton  
Features Staff Writer



Editor's Note:

The previously published version of this article, in Issue Three, omitted the author's footnotes.

Faculty members at Marshall Wythe are in a unique position. They can observe the ridiculously frantic behavior of the law students who they are charged with mentoring, while most can also draw on their own experiences in attaining a legal education. It is this dual role which allows them to offer

valuable insight into avoiding the annoyingly uptight activities<sup>1</sup> in which law students generally revel. This wonderful vantage point led me to seek out as many faculty members as possible, begging them to relay harrowing tales of law student insanity, both from students they have taught and students from their law school days. After many days of hunting down professors in the hall, accosting them in their offices, and impromptu inquisitions into the next stall in the bathroom,<sup>2</sup> I convinced several faculty members to dish the dirt.

Professor Barnard, currently teaching courses on securities regulation, recalled one student who wanted to ensure that her focus was entirely on the final examinations in front of her. She wore the same shapeless, grey sweatsuit for two weeks straight,

because she did not want to waste time making fashion decisions.<sup>3</sup> At the conclusion of the exam period, the student burned the sweatsuit.

Another faculty member at William and Mary once received an application for employment when he was working in the legal field. The applicant's grades were not strong, so he felt the urge to explain his shortcomings in a typed note, displayed on his transcript. The note read something like this: "Dear Employer, I'd like to explain my grades from my first and second years. I suffered from Irritable Bowel Syndrome. The problem is clearing up, though (no pun intended)." Apparently, law students have no pride when it comes to securing employment.

One of our corporations and property gurus, Professor Kades,

shared a story from his first year of law school. In his first semester, he stood in the hall with a friend, ripping on a professor and bragging that he was skipping this professor's class to visit his girlfriend.<sup>4</sup> Suddenly, his friend adopted a strange, panicked expression, and the professor who Kades was trashing walked past. That day, Kades was called on in class, and the professor decided to recite his mandatory attendance policy. For the rest of the semester, Kades was extremely well-prepared but was never called on. He learned that one should always talk junk about professors out of earshot.<sup>5</sup>

Dean Kaplan, of infinite career placement and advancement knowledge, told a tale from his time in law

Continued on Pg 12.

<sup>1</sup> Examples are bountiful and include such actions as sprinting to the bathroom during an exam because you can not bear to lose those extra eighteen seconds and constantly raising your hand in class in order to suck up to the professor, despite the dearth of intelligence in your comments.

<sup>2</sup> OK, fine, this last one did not actually happen. I'm not quite that creepy. But it shows the lengths I went to so that I could bring you, the reader, the finest stories the William and Mary faculty has to offer.

<sup>3</sup> I am assured that said student washed the sweatsuit every night, but does that really make the story any less ridiculous? Well, maybe it does...

<sup>4</sup> This girlfriend eventually became his wife. And the crowd says, "Awwwww, how cute!"

<sup>5</sup> Surprisingly, these are my words and not his.

# Defeat for Democracy: Review Board Rejects Petition to Recognize Right to Elect Law School Senators

by Alan  
Kennedy-Shaffer  
Features Editor



The Student Assembly Review Board's decision, in the face of vigorous dissent, not to recognize the right of all students to elect their Student Assembly ("SA") senators is disappointing.

Senator Joe Luppino-Esposito '08, the Senate's Chairman Emeritus, and I argued that the SA Constitution mandates that all senators must be elected and provided numerous textual examples to support our case. We argued that the language, history, and intent of the SA Constitution support the election requirement. We also argued that protecting the right of all students to elect their own senators is consistent with the spirit of democracy.

Although Luppino-Esposito, former Senator Will Coggin ('07) and I did not garner enough votes from the Review Board to secure the right of all students to be represented in the SA by senators of their own choosing, we won the support of many graduate and undergraduate students along the way. Neal Hoffman's op-ed in the Sept. 26 edition of *The Advocate* reflects the fact that even students who disagree that the SA Constitution requires elections agree that there is no legitimate reason to continue to allow others to appoint our senators.

I leave it to other, younger students to turn last Wednesday's defeat for democracy into a stepping stone on the road to representation.

I have faith that future champi-

ons of democracy will look back on this struggle and see not Student Bar Association president Sarah Fulton's personal attacks against me but the indefatigable spirit of democracy that lifts us up as a school and as a country as we struggle to get it right. Because I do not want to draw attention away from the growing movement to make our student government a little more democratic, a little more representative, and a little more accountable, I will not respond to Fulton's misleading and false statements. I also will not comment on the conflict of interest inherent in the decision by Fulton's appointees to remove me from the ballot last spring and allow Fulton to become president uncontested.

Instead of dredging up the past in order to fling mud at those with whom we disagree, we must focus on the future.

As students, we should always be open to new ideas, always be eager to shed light on inequality and injustice, and always be searching for ways to improve the status quo. Without our constant vigilance and participation, the democratic institutions that we have entrusted to guard the public interest may fall into disrepair and the guardians of the public interest may succumb to the temptations of secrecy and corruption. We live in a world fraught with conflict and violence, a world in which dictators order soldiers to shoot monks and peacekeepers.

It will not be easy, but we must always uphold the principles that propelled the small band of believers who lost many battles against the mighty British army before winning their freedom at Yorktown with assistance from the French navy. We

must always protect the principles that led to the extension of the franchise to more and more Americans at pivotal moments in our nation's history. We must always cling to the spirit of democracy and the inalienable rights that foster respect for the rule of law and the expansion of liberty.

Some of us will go on to become citizen lawyers, striving to follow in the footsteps of former U.S. Supreme Court Justice John Marshall. Although no one has a monopoly on what it means to be a citizen lawyer, the best citizen lawyers seek justice for those who have been wronged, seek rights for the repressed, and seek autonomy for the alienated. They represent prisoners at Guantanamo Bay, whistleblowers in the military, and victims of corporate malfeasance. They view the law not as something static and established but as something living and evolving.

Some of us will go on to become teachers, striving to follow in the footsteps of George Wythe, the first law professor in North America. Passing up the opportunity to become fabulously wealthy working at large law firms and earning huge fees, the best professors commit themselves to the interminable process of learning about the science, art, and politics of law. They impart their wisdom to other, younger students of the law so that they will carry on the fight for freedom and defend the disenfranchised.

Some of us will go on to become elected officials, striving to follow in the footsteps of President Thomas Jefferson, the primary author of the Declaration of Independence and a firm believer in the virtues of democ-

racy. Giving up the opportunity to be left alone in relative anonymity and privacy, the best public servants vigorously represent the interests of their constituents and the nation as a whole. They pass laws to prevent hate crimes and end discrimination. They hold hearings so that the public might learn the truth about massacres in Baghdad and corruption in Washington, D.C. In short, they embody the right of all people to be represented by representatives chosen in election.

There will always be elections to be run, cases to be won, and justice to be done. The question is whether we, and those who come after us, will be willing to make the sacrifices necessary to defend democracy from the temptations of money and power. I believe that we will.

For this reason, I see the Review Board's decision not to recognize the right of all students to elect their own SA senators as a merely a footnote in the annals of democracy. I know that we have broader battles to wage and bigger victories to win.

The spirit of democracy will survive.

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In other news, *The Flat Hat* recently published a summary of all Honor Council proceedings from last semester, as required by section nine of the Honor Code. Chief Justice Ryan Brady told *The Advocate* that the law school Honor Council's cases were included in the compilation. The law school Honor Council decided to comply with the Honor Code's reporting requirement in response to my widely read investigative op-ed on the subject that was published Apr. 3 in *The Flat Hat*.

## Justice Center

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essary documents, and who would lie or withhold information, as if they didn't see the damage they were doing to their own cases.

I came to see my work as important in spite of the clients' imperfect histories. An American doesn't have to worry about being cast out of society for a crime. I met people in immigration detention who arrived in this country as children and were being thrown out for mistakes made decades later, even after finishing prison sentences that have cleansed the sins of the citizen criminals in

society's eyes. Other detained immigrants just made the mistake of showing up for work on a raid day, and were distraught about their American citizen children left at home, confused and neglected.

The clients I saw were heavily invested in this country. Whether they were officially ordered deported upon entry 15 years ago or arrived legally and only recently messed up complex renewal paperwork and lapsed, these people had roots in the United States. Unfortunately, the U.S. government doesn't care how much you like living here, how much you contribute to society, or even how many American citizen

children you are raising here. A small percentage of "illegals" need to get busted and deported every year to keep them all on notice: no matter how comfortable you get, how invested, you can get tossed out whenever we choose to notice your presence (known all along by your mandatory tax filings to the IRS).

Public interest immigration attorneys serve a huge, totally underserved segment of our society. It is not our job to condemn the clients for their mistakes (ranging from murder down to entering the country without permission as babies). No immigrant client has a completely sympathetic story, but neither does

anyone. The difference is that Americans' mistakes and flaws aren't used to justify the destruction of families and banishment. At the NIJC, we prepared clients' cases in a way that put them on a more even playing field against government attorneys. That way, an immigration judge might be moved to use his discretion to be lenient. While it's easy to condemn someone for food stamp fraud or a battery charge in 1988, it's much harder to acknowledge that good people make mistakes. Sometimes it's in their best interest, and even our country's, to give them a second chance.



## Lame

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school. Each of the law students received a book with the faces of their classmates,<sup>6</sup> divided into different sections. Some students decided to create a Bingo-esque game, where one purchased faces of different students and could cover his or her face in the book if he or she made an obnoxious comment in class. Of course, the winner had to stand up in the middle of class and shout “bingo.” And that is exactly what happened one day... except that the winner was

a professor, and his final game piece was a student in his class who had just made a ridiculous comment.

The final story comes from our fearless Legal Skills leader, Professor Moliterno. One year, a fact pattern for Client E in Legal Skills involved a U.S. company selling a device through its wholly-owned Italian subsidiary to an Iranian company.<sup>7</sup> The students researched the legality of the situation and wrote up an excellent memorandum on the subject. Only one of the students had been in touch with the faux client, and he, unfortunately, went out of town. In his instructions to his

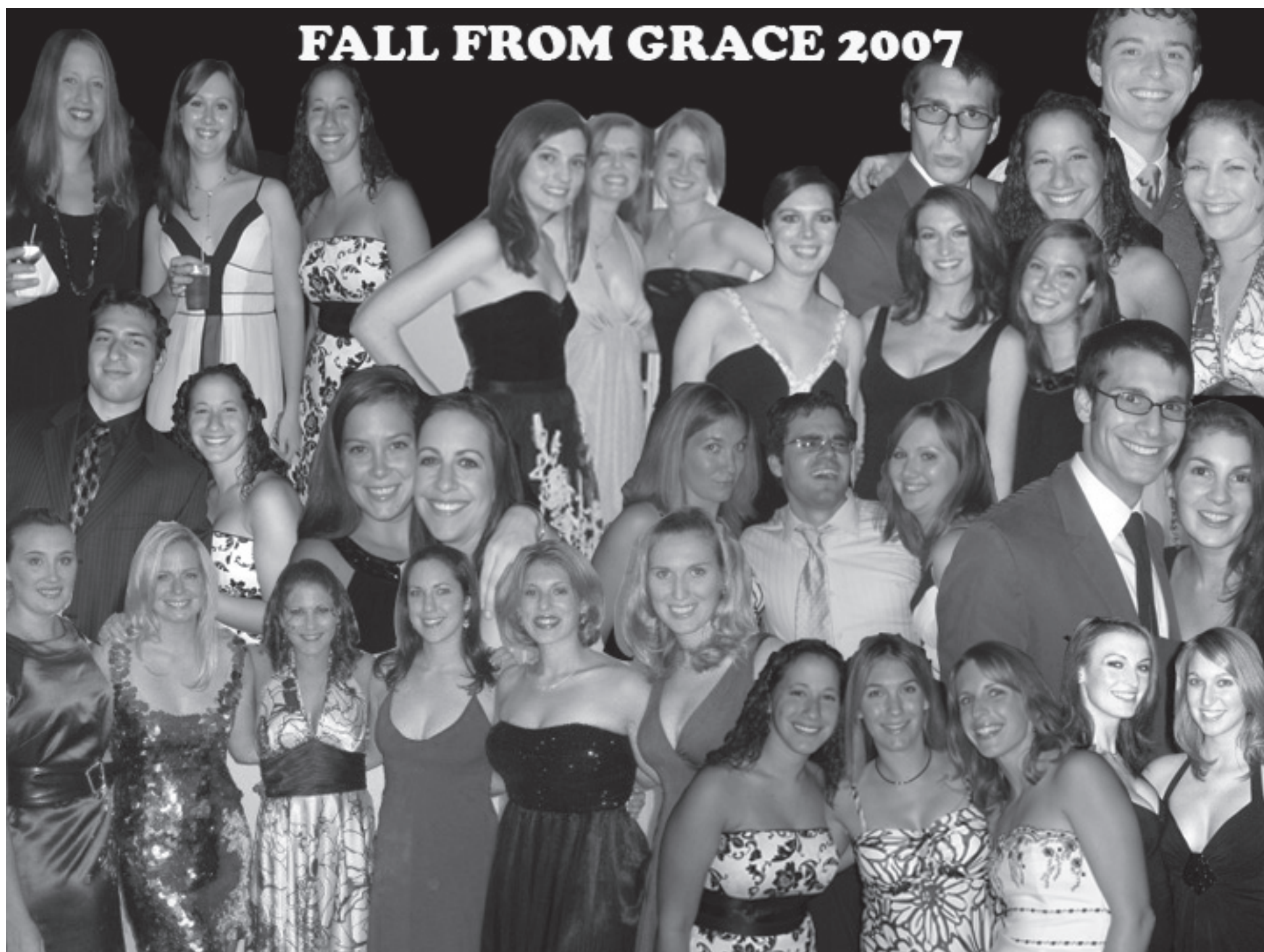
fellow student, he asked the student to deliver the memo to the client in a “gated community.” The student thought this referred to Kingsmill, but the client actually lived in Ford’s Colony. When the student talked to the security guard at Kingsmill, he was not allowed in but assured the student the letter would be delivered. When he determined the recipient did not live in his neighborhood, the Barney Fife-like guard opened the letter... and alerted the FBI when he read its contents. An FBI agent actually tailed the student for three days, before Gloria Todd put him in touch with Professor Moliterno, who

assured him that Legal Skills is not to be taken that seriously. Thankfully, no one was taken into custody, but it is nice to know that our fact patterns could have potential national security ramifications.

As you, the reader, can undoubtedly see, our faculty members at Marshall Wythe have many insights into the crazy world of being a law student. And their stories can be curiously entertaining. And that, my friends, is the best reason I know to actually listen in class.

<sup>6</sup> As you know, we also have a similar book, complete with the worst pictures each of us has ever taken in life. Not that I don’t think we all look beautiful at 8 in the morning when the photos are taken... I’m just saying.

<sup>7</sup> As one could guess, it is actually illegal to sell certain products to Iran, and this product was on the blacklist. By the way, I’m sorry for any law-related talk in this column.



Don’t see your face in The Advocate? Would you like to?

If you take pictures at a law school event feel free to send them to us (TheAdvocateWM@gmail.com) and we’ll try to include them in the next issue! We will need pictures of the PSF Halloween party and PSF Singer/Songwriter for upcoming issues.