Global Warming Disaster Looms: Community Action Necessary to Turn the Tide

by Alan Kennedy-Shaffer
Features Editor

Editor’s Note: This story was originally published online in another campus publication, The William and Mary News.

Law Professor Linda Malone urged the William and Mary community to do more to prevent global warming in this year’s St. George Tucker Lecture at the Marshall-Wythe School of Law on Nov. 29. Pointing to fledgling efforts to highlight the long-term threats posed by global warming, she emphasized that litigation can help but that major changes begin at home.

“Think Globally, Act Locally: A Pivotal Transformation in the Global Warming” Debate, the Marshall-Wythe School of Law Foundation Professor of Law also noted that the national security of the United States depends, to a large extent, on the environmental security of the United States. Reducing the nation’s dependency on foreign oil, for instance, can only happen if Americans reduce their dependency on oil in general, Malone said.

“Environmental security is national security, and in the energy context, I think we all know that is the case,” said Malone. “They are not separable. They are part and parcel of the same thing.”

Fortunately for the environment, scientists, members of Congress, Administration officials, and the general public seem to agree that steps must be taken to solve the problem. Exactly what steps must be taken and who should take those steps remain open for debate. The potential harms of global warming and their political salience makes “strange bedfellows,” Malone said, listing California Governor Arnold Schwarzenegger’s support for the toughest tailpipe emissions standards of any state.

“Now I ask you, who would have thought that Arnold Schwarzenegger would turn out to be the global warming terminator? Don’t just look to your friends. Look to your enemies to form a coalition,” she said.

Senator John Warner (R-Va.) and Sen. Joe Lieberman (D-Conn.) have also teamed up to sponsor what

Global Warming Disaster Looms: Community Action Necessary to Turn the Tide

Continued on Pg. 2.

Wolf Law Library Goes Official

by Kelly Pereira
Co-Editor-in-Chief

On Thursday, Dec. 6, the long-awaited ribbon cutting ceremony will take place at the Wolf Law Library. 2Ls and 3Ls (and innocent bystanders—students of other graduate programs who happen to live at the GradPlex within eye and earshot of the library) can breathe a sigh of relief and attest that the library was quite a work-in-progress over the course of the past two years. But it was worth it.

2Ls and 3Ls may also recall that there was a naming ceremony for the library last year (Nov. 10, 2006). This Thursday’s festivities mark the dedication of the library. What’s the difference? In the words of Library Director Professor Jim Heller, “Of course it looks a heck of a lot better than a year ago.”

The Wolf Law Library is named for alumnus Henry “Hank” C. Wolf (A “lifer” of the College: J.D. ’66, B.A. ’64). Wolf is the Vice Chairman and Chief Financial Officer of Norfolk Southern Corporation as well as the Vice Rector of the College’s Board of Visitors. Last year he remarked that his late mother’s love of books and his wife’s support of community service are what motivated him to make the largest single donation ever to the nation’s oldest law school.

The dedication will include a reception in celebration of the completion. Dean Taylor Reveley will give opening remarks at 4 p.m. After the ceremonial cutting of the ribbon at the library’s entrance, the gathering will continue on to the Reading Room. President Gene Nichol, Wolf, and Continued on Pg. 10.
Global Warming Disaster Looms

Continued from Pg. 1.

Malone said is “the most important” cap-and-trade bill now pending in Congress. “Governor [Tim] Kaine said that the coastal area of Virginia may be the second most at risk area in the country,” said Malone. Scientists predict dire consequences for the commonwealth if citizens and government officials do not intervene by 2012, the widely accepted “turning point” for disaster scenarios, she said.

Increasingly intense rain, more toxins in the water, and the destruction of coastal wetlands are just a few of the potential consequences that Virginia could face if the tide does not turn soon.

Malone’s lecture also detailed the relatively brief history of environmental litigation aimed at combating climate change caused by global warming. Speaking to an audience of about fifty people, Malone examined domestic litigation strategies including international environmental lawsuits brought by aliens under the Alien Tort Claims Act, the extraterritorial application of U.S. environmental laws to foreign areas under U.S. control or influence, lawsuits demanding transparency and adequate representation on federal advisory committees, and purely domestic environmental nuisance and tort litigation.

Although the National Environmental Protection Act “lacks a citizen enforcement provision, rather oddly,” Malone said, “what we will see in the context of global warming is that the major federal action is in the United States so that it is not an extraterritorial application at all.”

“These cases began to be filed in 2005,” she said. “Look at who our plaintiffs are and look who our defendants are. It’s not the government going after the polluter. It’s quite different in that way.”

In California v. National Highway Traffic Safety Administration, which was filed on May 3, 2006 and decided in favor of the plaintiffs on Nov. 15, 2007, the Ninth Circuit Court of Appeals ruled that the Administration must consider the “economic cost of tailpipe CO2s and their environmental impact ‘as expeditiously as practicable,’ the third federal court in less than a year to do so,” Malone said.

Using humor to drive the point home, Malone told a story about how she recently arrived in Louisville, Kentucky, to give a presentation on global warming only to find that the rental car company had assigned her a Jeep Commander. “I had never seen a car, an SUV, a jeep pickup—I don’t know what you call it—that big,” she said. “It was parked next to the only other car available, an H2 Hummer.”

Although federal CAFE emission standards require passenger cars to average twenty-seven miles to the gallon, the Jeep Commander, which only “gets thirteen miles to the gallon,” as Malone quickly discovered as she drove her rental vehicle off the lot, and other sports utility vehicles that fall under the category of “light trucks” are exempt from the CAFE standards.

“If you ask why are [the Jeep Commander and other high polluting sports utility vehicles_] exempt, the answer is that they are big and they pollute more,” Malone said. “You might then ask, why are they exempt?”

Malone also drew laughter from the assembled students, professors, and other members of the community with her response to a question about the public’s confusion regarding what is fact and what is fiction in the national debate about global warming.

“Now if the weather’s strange, that doesn’t mean there’s global warming,” she said. “But maybe we should take the knowledge [that global warming is a serious problem] where we can get it.”

The prominent law professor concluded her lecture on an optimistic note, suggesting that the tide of public opinion on global warming has turned, paving the way for solutions that are “completely outside the box.” Malone was quick to say, however, that the non-scientific community can, and must, do more to prevent global warming.

“As lawyers, we can’t take too much credit in this context,” she said. “Scientists have really done a lot of the heavy lifting.”

Genevieve Jenkins (J.D. ’09) said that she found Malone’s lecture both informative and alarming. “I think [Malone] did a very comprehensive job of covering the interplay of international and domestic issues and what we can do as individuals and attorneys to combat global warming,” she said.
Victory for Law Students On Capitol Hill

by Marc Baranov
Contributor

Editor’s Note: The author is a national officer with the ABA Law Student Division and a student at Southwestern Law School.

In late September, aspiring public interest lawyers nationwide scored a major victory in the battle against ever-increasing student loan debt.

After years of negotiations and debate on loan repayment assistance programs, Congress passed, and President George W. Bush signed, the College Cost Reduction and Access Act of 2007 (CCRAA). In part, the CCRAA allows recent law school graduates who work in “public service” to pay off their qualified federal loans at a reduced rate, and have the balance of these loans completely forgiven after 120 monthly payments, or ten years.

“This is a decisive victory for law students,” said Daniel Suvor, Chair of the American Bar Association (ABA) Law Student Division. “Over the past several years, law student leaders aggressively lobbied for this change, prompting law students nationally to write thousands of letters and hold hundreds of meetings with their Senators and members of Congress.”

According to the ABA, eighty-seven percent of law students borrow money to attend law school. The average law student graduates with $83,181 in total educational debt from a private law school, and $54,509 from a public law school.

Additionally, according to the National Association of Law Placement, the median gross starting salary at a non-profit public service organization is approximately $40,000.

“With standard loan repayment schedules, some young lawyers were being forced to opt out of public interest work to stay above the poverty line,” said American Association of Law Schools Executive Director Carl Monk. “This law will allow public interest entities to compete with the big firms and successfully lure the best and brightest into their ranks.”

The new law offers substantial loan forgiveness for “public service” attorneys that make ten years of payments towards their qualifying federal student loans. After the ten-year period, “public service” attorneys will be eligible for total forgiveness of their remaining federal loans, regardless of the remaining balance owed. It is also noteworthy that the ten years of “public service” do not have to be consecutive.

“I have wanted to be a Public Defender since Criminal Law during my first year of law school,” said Rachel Raymond, a 3L at Southwestern Law School in Los Angeles. “This law will allow me to pursue my dream, and not just for a year or two, but as a lifetime career.”

Per the current language of the CCRAA, “public service” includes all full-time employment by government agencies and “501(c)(3) organizations (among other categories). Over the next year though, the Department of Education will issue regulations that determine how broadly (or narrowly) this term will be interpreted.

The new law also allows borrowers to enter into a reduced payment program that ties monthly payments to an affordable percentage of monthly income, which could potentially reduce monthly payments by two-thirds.

As written though, the CCRAA has potential pitfalls with regard to tax payments and marriage disincentives. Specifically, forgiveness at year ten might be construed as taxable income under the law, and the Department of Education might add both spouses’ incomes together to determine how much the borrower must pay, conceivably tripling or even quadrupling the borrower’s monthly repayment. Congress is currently in discussions over these very issues.

Learn how to explain this exciting new law to your fellow students and how you can lobby your members of Congress on these and other important issues by visiting abanet.org/lsd/legislation. Also, for more information on how the CCRAA can work for you, consult your school’s Financial Aid Department.

Marc Baranov currently serves as a Delegate from the ABA Law Student Division to the ABA House of Delegates.

Alumnus Reflects on the Past, Present, and Future State of the Honor Code

by Tara St. Angelo
Co-Editor-in-Chief

This week the law school’s Honor Council brought back alumnus and 2007 Citizen Lawyer Award winner Chris Honenberger to speak about how the school’s Honor Code and Council have evolved over the years in a lecture entitled “Fundamental Conduct: A History of the Honor System at William & Mary.”

Ryan Brady, the Chief Justice of the Honor Council, introduced Honenberger as a man with an endless list of accolades. Dean Reveley chimed in that Honenberger is “genuinely a big deal.”

Honenberger has served as the president and CEO of Second Bank & Trust for seven years. His career has been dedicated to the improvement of the community. He has served as chairman of the Germanna Community College Board, president of Orange County’s Economic Development Corporation, and president of the Orange County Chamber of Commerce.

Honenberger received the year’s Citizen Lawyer Award at the 2007 commencement ceremony. This award is presented to a graduate or friend of the law school who exemplifies the Jeffersonian tradition of outstanding citizenship and leadership.

Honenberger began his talk on a note of gratitude thanking the Honor Council for allowing him to participate in the “illuminating exercise” of researching the college’s Honor Council. He was a member of the Honor Council as an undergraduate at William & Mary from 1971 to 1974. In order to begin his research, Continued on Pg. 8.
Legal Skills Firms Make Basket Competition a Success

BLSA sponsored the law school’s annual Thanksgiving Basket Competition. The participating Legal Skills firms were: Bane Doetzer Case & Hoplamazian, Black Heikes & Landres, Bowditch Brinckman & Schacht, Clancy, Perry & Trotta, Green & Tumi, Kirkeby Miller & St. Cyi, Lederer & Posey, Quigley Moschel & Bahr, Stern & Perecell and Tarley & Cordis. After the baskets were judged they were delivered to Zarina Burdge, the Youth and Family Service Coordinator for Williamsburg’s Department of Human Services. Employees of the department delivered the baskets, along with donated turkeys, to twelve low-income and foster families in Williamsburg. Each participating firm will be given a description of the family that received their basket. The judges included Judge Baker; Professors Banks, Barnard, Combs, Heymann, and Moliterno; and Deans Butler and Shealy.

The following awards were given:
Most Creative - Bowditch Brinckman & Schacht
Best Contents - Tarely & Cordis took home the honor of Best Contents for the winner's bracket playoffs.

Darren Abernethy Dominates the Quiz Bowl

While most 3Ls were taking their MPRE a few weeks ago, 3L Darren Abernethy competed in the Quiz Bowl at Virginia Commonwealth University in Richmond.

When asked, “What the hell is Quizbowl?” Abernethy responded, “Quizbowl: how can I describe it? Other than as the ‘varsity sport of the mind,’ as its lame proponents sometimes call it.” Quizbowl is a lot like Jeopardy!, except that contestants compete in teams of four. Each player has a buzzer that makes a sound and lights up, locking out all other players when that player buzzes in. Each game has a moderator who reads questions, usually twenty total tossup questions for both teams, with accompanying 3-part bonus questions if you get the tossup correct. Tossups are worth ten points if correct, but if you buzz in early and answer incorrectly, your team loses five points and the opportunity for the bonus questions.

Abernethy says the tournament was lots of fun. Teams came from schools such as Carnegie Mellon, University of North Carolina, University of Maryland, and Virginia Commonwealth University. W&M brought two teams. Abernethy was on the A team, which was the number three seed going into the tournament. Abernethy’s team started off 3-2, then won four close games in a row and qualified for the “winner’s bracket,” which followed the nine team round-robin preliminary rounds.

The B team, made up of all William & Mary freshmen, did extraordinarily well too. The B team actually beat the A team and qualified as the fifth of five seeds for the winner’s bracket playoffs. Abernethy says, “I felt like a proud father whose son had just kicked his ass. I couldn’t believe the B team beat our team of two frosh, a soph and me. I was at once chagrined and impressed.”

There was a winner’s bracket playoff round-robin, starting around 5 p.m. According to Abernethy, “We started to doze off a bit and lost three of four games I think. Still, we finished up in fourth place of ten, which was OK. We didn’t like losing in the playoffs to teams that we beat in the prelims like CMU or UNC, but sometimes these things happen.”

According to Abernethy, “Quizbowl is a kind of a fun, nerdy pastime. I’ve done it since high school, played in national tournaments, did it all four years at Duke, and now I’m an unofficial graduate student advisor for the new William & Mary team made up mostly of undergrads. I read questions for them in practice, help them run their annual tournament for high schoolers on the undergrad campus, and have even competed with them twice in college tournaments. It’s been fun.”

For more information about the Quizbowl you can also consult our own Features Editor Asim Modi, who was a big time Quizbowl nerd in college.

Abernethy provided us with a few sample questions. Try them out to see if you can make the team.

Q: It is usually about ten inches long and ends at the ligament of Treitz. Containing Brunner’s glands, it is the location where the pancreatic duct provides assistance for digestion. Name this tube...
All you need to pass the bar exam is right in your hand.

MicroMash customized software builds on your strengths and addresses your weaknesses. So intelligent it learns your study habits, stays up late with you, and makes sure you’re getting exactly what you need. With your own personalized mentor, this self-study bar review is so powerful and effective it comes with a money back guarantee.*

Order the full MicroMash Bar Review or just the parts you need.

Plus, ask about our Pass Now, Pay Later offer!

Your Pace. Your Space.

MicroMash.
Bar Review

1-800-BAR-EXAM  micromashbar.com

*Certain restrictions apply, call for complete details.
News in Brief
Continued from Pg. 4.
which comes before the jejunum and ileum in the small intestine.

ANSWER: Duodenum

BONUS (Four Parts)
Answer these questions about reptiles:
A. Which era is sometimes called the age of reptiles?
B. Which protein, sometimes contrasted with collagen, plays a major role in the scales of reptiles?

Give the general name.

C. Give the common name for the type of reptile with the longest established lifespan. One of them is known to have lived to the age of 188. The answer is eight letters long.

D. Give the Latin name for any of the orders of modern reptiles

A. Mesozoic
B. Keratin
C. Tortoise
D. Chelonias
Rynchocephalia, Sphenodontia, Squamata, or Testudine

W&M Honors Shana Hofstetter (Again)
The golden child of The Advocate Shana Hofstetter has done it again. 3L Hofstetter was named as William & Mary's Drapers Scholar this month. The Drapers Scholarship is a year long scholarship to the University of London, Queen Mary College Law School. Hofstetter will be in London for a year and graduate with an LLM. There are seventeen different LLM programs but they are all essentially international law. Every year a 3L is picked from the law school community for one of our fundraisers. There are literally more than fifteen trash bags and moving boxes filled with clothes. BLSA has also held a business card drive to raise funds for the Virginia Civil Rights Memorial, and will continue to raise funds through the coin wars in the lobby, and other fundraisers in the Spring semester. BLSA collected medical, hygiene, and school supplies for Project Medishare, a non-profit organization that provides medical aid to communities in Haiti. BLSA was able to fill two large boxes with everything from toothpaste to vitamins, pencils, and first aid care. They even had a professor donate toothpaste and toothbrushes that she requested from her dentist's office.

Tumi says, "Overall, the law school has shown overwhelming support for our community service initiatives. It has been incredibly humbling to see just how giving the entire law school community truly has been throughout the fall semester. The spirit of public service has been reflected by the involvement of everyone, and on behalf of the organization, I can only send our sincerest thanks to all who have participated in some way, no matter how large or small."

W&M Takes Part in World AID Day
World AIDS Day is observed on Dec. 1 each year in order to raise awareness of one of the most destructive epidemics in modern history. AIDS has killed more than twenty-five million people and an estimated 38.6 million people are currently living with HIV. William & Mary is doing its part in raising awareness once again this year.

The student group Activism in the Fight Against AIDS (AFYA) handed out HIV/AIDS information and red ribbons during the week of events in the University Center. On Nov. 27 students wore red to show their support for those affected by HIV and AIDS. From Nov. 27-Dec. 2 the Muscarelle Museum at the College exhibited two panels from The NAMES Project Foundation's AIDS Memorial Quilt. The panels on display have connections to William & Mary alumnus Terry Ryan Bubelier (79) and five former Williamsburg residents who died of AIDS. On Friday, Nov. 30, the Student Health Center provided free HIV testing to the first twenty students.

Trial Team Returns to D.C. Tournament for a Showdown
Two teams from the law school's trial team competed in the Second ABA Employment Law Tournament, D.C. Regional. The team comprised of Greg Demo (3L), Arpan Sura (2L), Heather Stangle (2L), and Kevin Grady (2L) placed second in the tournament. William & Mary has had great success in this tournament, winning it all last year. Demo was a member of that team and still proudly displays his trophy in his living room.

The tournament was comprised of twelve teams, with the winner going to the finals in Chicago. The William & Mary team went up against teams from West Virginia, George Washington, and University of Richmond.

The tournament took place in the federal courthouse, the same courthouse where the Scooter Libby and Watergate trials took place. The finals took place in the ceremonial courtroom where

Members of BLSA pose with a portion of the mountain of clothing they collected this month for FISH.

Photo by Tara St. Angelo, Co-Editor-in-Chief.

Photo courtesy of Kate Yashinski, Copy Editor.

LEFT to RIGHT: Kelly Pereira, Kate Yashinski, Meghan Horn, and Carolyn Letheret at the Grand Illumination.
News in Brief

Continued from previous page.

Moses and the Ten Commandments overlooked the team.

However, the drama of the tournament began to unfold even before the tournament started. Sura forgot his suit jacket and brought a brown belt and brown shoes to “match” his gray suit pants. Luckily fashionista (fashionist?) Demo had brought an extra suit and stepped in to rescue Sura from his fashion mishap. However, Sura’s fashion disaster did not hinder his performance in the tournament.

In one of the qualifying rounds Stangle had to lay the smack down during cross examination on a surly, lying witness from George Washington. This witness attempted to use her feminine wiles to intimidate William & Mary by batting her eyes and making distracting motions at the team throughout the trial. Luckily Stangle was not phased by these cheap tricks and delivered her closing argument flawlessly.

During one trial Demo made a fifteen minute objection which resembled more the tantrum of a five year old deprived of his favorite ice cream than a legal argument. However, Demo redeemed himself with his closing argument where he slammed his fist on the witness stand and, according to him, “shook the courthouse to its foundation.” In reality, he only hurt his hand.

William & Mary lost to the University of Richmond in the finals, the same team they had beaten in the finals the previous year.

William & Mary sent a second team to the competition made up of Megan Tumi (3L), David Tyler (2L), Ken Abrams (2L), and Bin Wang (3L).

Environmental Law Society’s Presence Grows

As many law students may have noticed this has been a big growth year for the Environmental Law Society (ELS). The organization has not been that active for the past few years, but new President 1L Benjamin David Novak is changing all of that.

According to Novak, “We have spent the majority of this semester doing a lot of structural work on the organization so that we can seriously flourish next semester, next year, and in the future.”

This semester ELS focused on things like, creating a new mission for the organization, rewriting their Constitution and bylaws, setting up a new meeting structure for their newly instituted weekly meetings, instituting weekly executive board meetings, developing new membership requirements, creating an ELS banner, and designing ELS logos, and shirts.

ELS’s mission now reads as follows:

“As concerned citizens of our global community our mission is to: increase awareness and involvement in environmental issues; to promote and contribute to careers, practice, and scholarship of environmental law; to encourage stewardship in public policy, law, and jurisprudence; to provide opportunities for environmental advocacy; and to improve environmental policies at the College of William & Mary.”

ELS has sponsored a few projects including (1) two environmental movie and wine nights, (2) a bake sale fundraiser, (3) toner cartridge recycling program, and (4) Our “precycled” paper program.

As The Advocate reported last week, ELS has teamed up with the Legal Skills firm of Lederer & Posey to sponsor a toner recycling program. ELS collects and recycles any and all used printer toner cartridges. Collection bins can be found under the hanging files and in the faculty lounge.

The “precycled” paper program involves collecting cover sheets from the library printers to reuse for ELS purposes, such as printing our meeting agendas on the back before we once again recycle the paper. The collection boxes can be found next to all library printers.

ELS is currently preparing to bring a few different speakers to campus early next semester and is in the process of redesigning their website and starting an official ELS blog.

Colonial Williamsburg prepares for the holiday season.

Photos by Whitney Weatherly, Staff Photographer

Above: Members of ELS gather for wine and cheese and a showing of “Who Killed the Electric Car?”

Below: 3Ls Carrie Boyd and Jennifer Stanley gather to enjoy ELS’s movie and wine night earlier this semester.

Photos by Benjamin David Novak. Contributor.
Wednesday, December 5
PSF Gift Shop Sale: Final sale of the semester. 9 a.m.-4 p.m.
Alternative Gift Fair: International Justice Mission will host a gathering of charitable organizations selling unique gifts to support their individual causes. 4-8 p.m. in Tidewater A.

Federal Courts Review Session: 5-7 p.m. in Room 119.
Business Associations Review Session: 5 to 6 p.m. in Room 120.

Wind Symphony “Holiday Hybrid” Concert. Participation-oriented concert at 8 p.m., Phi Beta Kappa Hall. $2 student admission, $7 general public, and free for children under 12.

Thursday, December 6
Dedication of The Wolf Law Library. Festivities begin with opening remarks by Dean Reveley in the Entrance Hall at 4 p.m.
Screening of Across the Universe, 7 p.m. at the Muscarelle Museum of Art. Purchase tickets at the Muscarelle ($3 presale or $5 at the door).

Choral Holiday Concert, 8 p.m. at Phi Beta Kappa Hall. Student tickets are on sale at the PBK Box Office 221-2674 for $5.

Friday, December 7
Last Day of Class!
Choral Holiday Concert, 8 p.m. at Phi Beta Kappa Hall. Student tickets are on sale at the PBK Box Office 221-2674 for $5.

Screening of Across the Universe, 10 p.m. at the Muscarelle Museum of Art. Purchase tickets at the Muscarelle ($3 presale or $5 at the door).

Saturday, December 8
Choral Holiday Concert, 8 p.m. at Phi Beta Kappa Hall. Student tickets are on sale at the PBK Box Office 221-2674 for $5.

Screening of Across the Universe, 10 p.m. at the Muscarelle Museum of Art. Purchase tickets at the Muscarelle ($3 presale or $5 at the door).

Friday – Sunday, January 11-13
an exam which was the product of collaborative efforts with his friends. The student was suspended for a year and failed the class.

The story continues without a lesson in how the penalties for violations of the Code have changed, but with a lesson in how dangerous it can be to be a member of the Honor Council. The next school year, when Honenberger was a first year law student and the resident advisor in an undergraduate dormitory, he met some of the suspended student’s very large teammates in the bathroom at a semi-formal dance he attended. The giants demanded that Honenberger explain why he had prosecuted their teammate and threatened to beat him up. Honenberger thought on his feet and realized he was a protected employee of the College. He said, “What happened to your friend will look like spring break compared to what’s going to happen to you.” The large students backed off, and Honenberger returned home early that night.

Honenberger moved on to the next portion of his discussion: the importance of an Honor Code. He commented that he had previously thought the remarks he prepared for this portion were brilliant. However, recent events in the Sudan changed his mind. A teacher and her class at a Sudanese school named a teddy bear Muhammad. The government forbade this and then returned for the afternoon session of the exam and turned in an exam which was the product of collaborative efforts with his friends. The student was suspended for a year and failed the class.

The story continues without a lesson in how the penalties for violations of the Code have changed, but with a lesson in how dangerous it can be to be a member of the Honor Council. The next school year, when Honenberger was a first year law student and the resident advisor in an undergraduate dormitory, he met some of the suspended student’s very large teammates in the bathroom at a semi-formal dance he attended. The giants demanded that Honenberger explain why he had prosecuted their teammate and threatened to beat him up. Honenberger thought on his feet and realized he was a protected employee of the College. He said, “What happened to your friend will look like spring break compared to what’s going to happen to you.” The large students backed off, and Honenberger returned home early that night.

Honenberger moved on to the next portion of his discussion: the importance of an Honor Code. He commented that he had previously thought the remarks he prepared for this portion were brilliant. However, recent events in the Sudan changed his mind. A teacher and her class at a Sudanese school named a teddy bear Muhammad. The government felt as though this was an insult to the culture and ordered the teacher out of Sudan after receiving forty lashings. This made Honenberger think about whether or not it is good to have an Honor Code. He opened the floor for discussion, and a debate began about whether it is better to have a defined Code or not. Under an undefined Code, everyone knows what are honorable and dishonorable acts whereas, in a defined code, there is no subjective gray area and violations are defined. Carrie Harris (3L) noted that an Honor Code is pivotal in the development of young lawyers who have to learn about professional responsibility because under lawyers’ code of ethics a lawyer has to report another lawyer’s violation of the code. Chief Justice Ryan Brady also commented that it’s important that people recognize the intangible portion of the Code. He stated that most students see that Code as a way to insure that they can leave their laptops and other belongings around the school without fear of theft. However, he points out that part of the Code is about the development of a sense of personal responsibility. Honenberger felt it unnecessary to go into his prepared remarks on the topic of the importance of an Honor Code as a result of the lively discussion.

Any questions about the Honor Code’s past or current form can be addressed to members of the Honor Council.

Continued on Pg. 10.

SBA Ski Trip! Bus departs for Snowshoe Mountain, W.V. on Friday.

Saturday, January 19
Texas Hold ’em Poker Tournament. Fundraiser sponsored by the Bone Marrow Drive Committee, 11 a.m., Entrance Hall.

Wednesday, January 23

Saturday, January 26
Death Penalty Symposium, 9 a.m. to 2 p.m. in the Courtroom and Room 133. Sponsored by BLSA and SFIP.

Continued on Pg. 10.
Pricing Life: Kenneth Feinberg Discusses Victim Compensation

by Abby Murchison
Assistant News Editor

When Kenneth Feinberg spoke at W&M School of Law on Nov. 27, he brought with him the unique wisdom that comes from dealing with the emotional work of victim compensation.

While there is no way to say what a life is worth in dollars and cents, such was the challenge Feinberg faced in the wake of two recent American tragedies: the 9/11 terrorist attacks and the April 2007 shootings at Virginia Tech. As Prof. Fred Lederer said in his introduction of this “citizen-lawyer,” Feinberg has marshaled his legal skills to “accomplish public wonders beyond our wildest dreams.”

In 2001 Feinberg was appointed by then Attorney General John Ashcroft to serve as “special master” of the distribution of the September 11th Victim Compensation Fund. Last spring, Virginia Tech recruited Feinberg to oversee the distribution of the Hokie Spirit Memorial Fund, as donations—and disputes over their use—mounted.

Though they both came on the heels of unthinkable tragedies, the two funds represent a study in contrasts. The 9/11 fund provides that anyone who, as a result of the terrorist attacks, either lost a loved one or was physically injured is eligible for federal, tax-free compensation—funded by taxpayers. In contrast, the $8 million of the Hokie Spirit Memorial Fund came from more than 20,000 private benefactors. Payouts are not necessarily tax-exempt.

The 9/11 fund is a hybrid of tort and no-fault liability schemes. As the fund’s special master, Feinberg calculated compensation for eligible claimants based the economic and non-economic losses suffered as a result of the victim’s death or physical injury. The economic loss includes what the victim would have earned as donations—and disputes over their use—amounted.

The 9/11 fund is optional—but high. By the end, the 9/11 fund, “all families got the same amount”—$212,000—to compensate for the loss of a loved one. “Economic losses and non-economic losses have zero to do with the Hokie Spirit Fund,” Feinberg said.

The two funds also differ in their respective ways of compensating for injuries. The 9/11 fund considered physical harms alone. The VT fund, in contrast, factored “mental trauma” into the calculus. Mental trauma compensation, Feinberg explained, was “based on the victim’s geographical location during the shooting.” A student could likely recover for mental trauma if he was “on the second floor of Norris Hall and in the line of fire, but just happened to escape while the shooter had to reload.” However, “watching the drama unfold from a dorm across campus” would likely not entitle one to compensation, he said.

Clearly you cannot give every injury the same amount," Feinberg said. “A bullet wound is different from a broken ankle sustained while jumping from the second-story window to save your life.” For the purposes of victim compensation, one way to distinguish the injuries is to add up the “number of days someone spent in the hospital.”

Participation in the 9/11 fund was optional—but high. By the December 2003 deadline, claims of ninety-seven percent of all victims and families had been processed. Under the statute, once victims or their families entered in, they waived all state and federal tort claims against the airlines, ports authorities, or other possible tortfeasors.

For families who lost loved ones during the VT shooting, participation in the compensation fund was also optional—but 100 percent. “But who wouldn’t opt in? It was a gift,” Feinberg said.

“The more interesting question is what the families do or did with the money,” Feinberg said. Unlike the 9/11 fund, compensated VT victims do not waive any right to sue. Indeed, victims or their families had every right to use the payouts to initiate litigation.

Yet, as Feinberg was quick to point out, most VT victims’ families had no desire to haul the school or its administration into court. “I think that is part of the Hokie Spirit,” he remarked, connecting the families’ affections for the school to their reluctance to litigate. Such lawsuits also presented procedural difficulties. As a public institution, VT would be represented by the state attorney general—a formidable and, some may say, inappropriate opponent in the wake of the shooting.

Furthermore, VT plaintiffs would have to show that the administrators were negligent for not putting the campus on lock-down. At 25,000 students, Virginia Tech is the size of a small city; shutting it down might not have been a “reasonable” precaution, given the improbability of the rampage. “What would the ‘reasonableness’ test be?” Feinberg mused: “What the reasonable school administrator would do? What the reasonable school administrator living in rural Blacksburg would do?” As alternatives to litigation, both the 9/11 and VT funds aim to be low on stress and high on efficiency. While lawsuits may publicize individual claims, they would ultimately add little to policy reforms already induced by the tragedies themselves. Airline security has been improved; universities across the country have implemented new emergency response measures. “Talk about over-deterrence theory,” Feinberg said, indicating his skepticism that litigation would induce substantially superior policy reforms.

However, the funds are not without critics. Some people think the VT money should have been used exclusively for scholarships memorializing the victims. Feinberg, however, thought the focus was properly placed on what the families themselves wanted. People also debated the justice of the 9/11 fund. It was Feinberg’s job to monetize the individual lives lost, based on the statutory formula. Higher-wage earners often received larger payouts than low-wage earners. He interacted with many families who questioned the calculus. As Feinberg pointed out, he just did what “judges do every day in the courtroom.”

“To the families, I tried to explain that I was not placing value on the moral worth of any individual,” Feinberg said. “Rather, I considered how life is valued in the American courtroom.”

Feinberg ended his talk by emphasizing the importance of lawyers, even in these alternative-dispute situations. Lawmakers engineered the 9/11 fund to bring speedy and efficient end to a mass tort, but lawyers were essential to its implementation, Feinberg said. “Without lawyers, without the profession, the 9/11 fund would never have worked,” he remarked. Feinberg thus encouraged W&M law students to be on the look-out for opportunities to serve the public good during their careers. Lawyers affect the process not just through litigation, he said, but by guiding clients through alternative dispute resolution.
Which Makes the World Better: Wythe Citizen-Lawyers or Without?

by Rob Poggenklass
News Editor


On Feb. 8-9, 2008, William & Mary School of Law will host a scholarly debate about the citizen-lawyer, an idea first championed by this school’s founder, George Wythe, and by two of his most prominent W&M students, Thomas Jefferson and John Marshall.

The conference—which will coincide with W&M Charter Day, Feb. 9—follows the inaugural George Wythe Society Lecture, given Nov. 7 by President Gene R. Nichol, who addressed a citizen-lawyer’s perspective on the challenge of equal justice.

“We’re probably giving the idea more emphasis than we have before,” said Dean Taylor Reveley III.

“That’s a way of distinguishing this law school from the herd, given the fact that the idea started here.”

The Citizen-Lawyer Symposium will be sponsored by the Institute of Bill of Rights Law and the William & Mary Law Review. Professor Jim Moliterno is helping to organize the conference, which is the first of its kind since Reveley came to the school ten years ago.

“The question for me,” Reveley said, “is whether it is really true that lawyers have a comparative advantage, to other professionals, at leading for the common good? I believe the answer is yes, by way of our training and experience. If you conclude that we are, then does that mean we really ought to be using our time and talent to work for the common good without compensation?”

Scholars from such law schools as Duke, Stanford, Harvard, and Georgetown will debate the worth of the citizen-lawyer idea. For example, how much altruism does it take to be a citizen-lawyer? How much free legal or community work must a lawyer do to attain citizen-lawyer status?

“The idea of the citizen-lawyer itself doesn’t have an easily agreed upon definition,” said Moliterno.

“For some people, they mostly mean lawyers who do some public official activity—lawyers who become government officials of some kind and come back to law practice. Others mean in terms of people who do public service, improvement of the law—international rule of law, for example. If you keep expanding it, every lawyer is a citizen-lawyer. After all, they contribute by making the economic system, the business system, work.”

Nevertheless, both Moliterno and Reveley concede that the citizen-lawyer idea has its critics, including some who will be in attendance at the conference in February. Moliterno said some scholars are skeptical of the “currency of the citizen-lawyer,” because they believe that lawyers do everything in their own self-interest.

To Reveley, however, the motives of the citizen-lawyer matter far less than the actual contributions to the public good.

“I’m not unduly hung up on whether you’re doing it for some public altruistic reason or for some other reason,” he said. “Once you start doing it, you might develop a totally unrelated interest in doing it—the grace of liberality or for the sheer animal thrill of it, because it’s doing some good. What matters is whether you’re doing it or not.”

Reveley said the citizen-lawyer idea should certainly not be limited to those who do only government or public interest work.

“If you happen to be a lawyer in a big, fat-cat law firm, your willingness to mentor the people who come behind you cuts to your civility, your integrity,” said Reveley. “In short, you can be a fat-cat lawyer in a fat-cat law firm earning big bucks, and you can still be a bastion of integrity, someone who acts with good grace and civility—or not.”

One of the major problems that the citizen-lawyer idea faces is a practical one—the challenge of paying off debts, settling into family life, and finding time for the public good.

Reveley said it’s a challenge lawyers simply must overcome, given that lawyers are uniquely suited to deal with public problems.

“These are the things that lawyers are so good at—spotting what the key issues are, knowing what facts really are important to an issue, knowing that there are rules and regulations and also policy arguments, being able to deal with conflict,” Reveley said.

“The human condition is ambiguous—there’s no just one answer. We’re trained to do that. We understand it better than, say, the hard scientists who tend to think there’s just one answer. We really are actually better at getting people to come together and get things done.”

For the scheduled list of speakers at February’s conference, visit www.wm.edu/law/ibrl.

“I think we will have a lively day and a half, a nice scholarly academic discussion of what a citizen-lawyer is and how significant it is that lawyers do that kind of work,” said Moliterno.
The Arts Brief: Holiday Edition

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

by Jenny Kane
Arts Correspondent

In honor of the season of exams and other general merriment, we rediscover and pay homage to Clement Clarke Moore’s “A Visit from St. Nicholas.” Happy Holidays!

’Twas the night before finals when all through Marshall-Wythe, not a keyboard was clicking, not even a mouse; The hanging files were empty, not a memo to see. But when would the next Client meeting be?

Law students now nestled all snug in their beds, While hypos and fact patterns danced in their heads; Yet Dean Jackson was wide awake, her office ready made, For the morning’s panic and tech failures to invade.

When out on the lawn there arose such a clatter, She sprang from her desk to see what was the matter, Except then she wondered had Sam Sadler sent an email? After refreshing her inbox, not once but twice, (did he fail)

To alert us by text or by siren? Of some clattery disturbance in the local environ?) Befuddled and curious she opens her office blinds, And outside her window (you won’t believe who she finds!) When what to her deanly eyes should appear—

But a tour bus unloading, and nine Supreme Court Justices here, With two guides so familiar, she had seen their likenesses before

The Dean knew Marshall and Wythe would lead the Justices’ tour. No longer mere statues, John and George, were revived, living men, Who now had to encourage the Justices to pay attention again; And they whistled, and shouted, and called the Justices by name;

“Now, Roberts! now, Stevens! now, Scalia and Souter! Now, Alito! On, Kennedy! on, Thomas! on, Ginsburg and Breyer!

To the top of the porch! To the top of the wall! Now dash away! dash away! dash away all!”

But when the Justices did not dash, or even try— There was no sled of toys, or chimney, or snow, sigh! All they could do, they together concurred Was to render a decision however absurd!

Without a word, the Justices returned to the bus And their guides with them were making a fuss About Dean Jackson who was standing outside now Waving her arms in the air, trying to figure out how To ask the Justices to stay so that the students would believe That they had really come, and John and George—how would they conceive?

But as the tour bus was just beginning to pull out, Dean Jackson could swear clear as a bell she heard them all shout: “Good luck on exams and See you at the Leafe!”

A lamp post in Colonial Williamsburg is decorated for the holidays. Photo by Whitney Weatherly, Staff Photographer.
I don’t play many video games and, when I do, I am the quintessential button masher. Pretty much everything I know about video games I learned from South Park. When Cartman froze himself so that he would not have to wait to purchase a Nintendo Wii, I sought out friends who owned this productivity-sucking system and did a little research. I am now the proud owner of a Nintendo Wii.

When the boys of South Park became obsessed with World of Warcraft, or WoW as its army of nerds calls it, I went looking for those that play it. What I found was a world of retainers, acne, and sexual frustration dotted with caped minotaurs and scantily clad elves. It scared me.

Most recently, South Park showed me the wonder that is Guitar Hero. The episode, once again, shows several characters becoming obsessed with a video game. After Stan and Kyle score 10,000 points in the game they are contacted by a talent scout in order to start their careers as Guitar Heroes. However, playing Guitar Hero has nothing to do with actually playing the guitar. It’s a game in which even the most musically uninclined can become rock stars. Julianna Frisch describes it as “some of the most mindless activity ever, with an awesome soundtrack in the background.”

Rob Thomas provides us with an extremely eloquent description of the game: “It’s like if Dance Dance Revolution and the show “Headsbangers Ball” made sweet, sweet love and birthed a plastic guitar baby for the world to exalt and celebrate.”

Here is a quick run down of the game. You have a fake plastic guitar that has a long button to represent the strings that you strum by tapping the button. There are five colored buttons where the frets would be. The piece-de-résistance is a whammy bar. You choose a character to represent you on stage. You can be anything from a washed up 80s rocker in a leopard leotard to an overweight man who appears to have been rejected from both Kiss and a death metal band. Colored notes appear on the screen as your character plays in the background. You have to strum and press the colored buttons accordingly. You can start out easy with a rendition of Foghat’s “Slow Ride” on the easy level and work your way up to a speed metal song by Dragonforce on expert mode. If you don’t hit enough notes you are booted off stage by a virtual audience. You can earn money performing gigs and buy new guitars and outfits for your character.

After speaking with several of the law school’s own Guitar Heroes, and playing the game myself with them, I now have a better understanding of the game. I gathered the subjects of this week’s Blawgs in my spacious Grad Plex apartment for a guitar lesson. Julianna Frisch, Isaac Rosenberg, and J. Alex Chasick huddled around my television clutching the plastic guitar. The other subject of this week’s Blawgs, Rob Thomas, was not present at this gathering, but Andy Scott filled in for him. Andy is the proud owner of Guitar Hero II for Play Station 2. Before arriving at this shredding party he confessed that he had not played the game in over two months. However, he proceeded to rip through a version of Muse’s “Knights of Cydonia.”

Julianna, Isaac and Rob have all been profiled in the newspaper before, but their Guitar Hero skills could no longer go unrecognized. Andy Scott has never been profiled in the newspaper, but was sadly disappointed that he did not appear in the Blawgs about the editors-in-chief of the journals. This is my way of making up for neglecting him in the past.

3Ls Julianna Frisch, Isaac Rosenberg, and J. Alex Chasick huddled around my television clutching the plastic guitar. The other subject of this week’s Blawgs, Rob Thomas, was not present at this gathering, but Andy Scott filled in for him. Andy is the proud owner of Guitar Hero II for Play Station 2. Before arriving at this shredding party he confessed that he had not played the game in over two months. However, he proceeded to rip through a version of Muse’s “Knights of Cydonia.”

Julianna, Isaac and Rob have all been profiled in the newspaper before, but their Guitar Hero skills could no longer go unrecognized. Andy Scott has never been profiled in the newspaper, but was sadly disappointed that he did not appear in the Blawgs about the editors-in-chief of the journals. This is my way of making up for neglecting him in the past.

3L Isaac Rosenberg stumbled upon Guitar Hero in much the same manner that I did. Rosenberg says, “Shortly after Guitar Hero was summarily panned on South Park a few weeks ago, and after I watched some eight-year-old demolish Dragonforce’s “Through the Fire and the Flames” on expert (stymie your excitement), I decided I would swing Target and see what the fuss was all about.” Rosenberg would like to note that he does not plan on getting into World of Warcraft or watching To Catch a Predator just because it was also parodied on South Park. However, Rosenberg’s reasons for developing his Guitar Hero obsession were deeper than just a desire to follow the trends of South Park, he wanted simple human contact. He says, “I’m always trying to find ways to justify the 500 plus dollars I spent on my Playstation III while simultaneously giving Julianna and others, namely my roommates, a reason to talk to me.” Isaac’s plan worked. I spoke to him for nearly five whole minutes in preparation for this article.

Rob’s and Alex’s curiosity got the best of them and they each purchased Guitar Hero III. Julianna blames Isaac for her addiction.

Much like when Kennedy was shot, everyone remembers where they were the first time they played Guitar Hero. Alex says, “My first experience with Guitar Hero was sometime this summer, when I went into a Game Stop to see if they had any WIs. They didn’t, but they did have a demo of Guitar Hero. I tried to play ‘Heartshaped Box’ and was quickly boosed off the stage. Thus began my saga of Guitar Hero telling me I suck at songs that I can play just fine on an actual guitar.”

One of the most exciting parts of the game is opening up your guitar for the first time and making it your own. Rosenberg reminisces about the first time he laid eyes on his fake guitar: “I’d heard good things about GHIII (that’s what we call it in ‘the biz’) and, shortly after removing the two pound, plastic mock-Gibson Special out its box (and decorating it with stickers—I went with the red stars and the tiger head, in honor of Toby), I was shredding a cover of ‘Hit Me With Your Best Shot’ on easy.” Toby is Isaac’s cat and life partner, with whom he has a love-hate relationship. Isaac loves Toby, and Toby hates Isaac’s love. Luckily Isaac has been able to fill the void left by Toby in his heart with GHIII.

Continued on next page.
I love video games. Freaking love ‘em. They’re the refuge of skinny, un-athletic nerds like me who don’t necessarily need “friends” to have a good time. When I was in the fourth grade, I busted my ass on a paper route for weeks, earning two cents per paper with the ultimate goal of buying a Sega Genesis (with Sonic the Hedgehog, of course). My first major reward to myself for getting and keeping a job during high school was an N64. I’d say the apex of my legal career would be landing an in-house job at Nintendo of America’s headquarters. I think you get the picture.

Similarly, like most geeks, I’m drawn to the hard rock and metal genres of music. One would be hard-pressed to find a guy who didn’t, at least at one point, fantasize about being in an arena rock band like Mötley Crüe. Guitar Hero III combines both video games and rocking out and, thus, it is one of the greatest games I’ve played in recent memory.

Watching someone play Guitar Hero isn’t nearly as spectacular. It boils down to watching a slack-jawed, bug-eyed charlatan pressing buttons in time to the music on a tiny miniature toy guitar while staring at the TV. Trust me though, playing is believing.

I was genuinely pleased with myself for hitting over 200 notes in a row during Living Colour’s “Culture of Personality.” I also felt the delightful pressure of Satan’s hoof upon my heart while rock out to Slayer’s “Raining Blood” on the medium setting. And if the giddy guitar noodlings of Eric Johnson’s “Cliffs of Dover” don’t put a smile on your face, then you have no soul.¹

Plus, one of the avatars you can play as is a Nordic Black Metal maestro named Lars Umlaut, complete with leather, spikes, and corpse-paint makeup. Rad.

Interestingly enough, there are parallels between Guitar Hero and law school. Playing Guitar Hero is nothing like playing an actual guitar. In fact, both Alex Chasick and Mike Kourabas (both guitar players) found the game difficult and unintuitive at first. Similarly, law school is nothing like actually practicing law, and is, initially, equally unintuitive and occasionally frustrating. Just as the fingers of your left hand have to “learn” button placement and timing in Guitar Hero, your brain in law school has to learn to sift through mountains of bullshit to find nuggets of law and policy that may or may not be worthwhile to remember during exams. Taking the ConLaw exam 1L year is akin to playing Dragonforce’s “Through the Fire and Flames” on hard or expert. At the end of it all, you’re confused, bewildered, and occasionally frustrating. Just as the fingers of your left hand have to “learn” button placement and timing in Guitar Hero, your brain in law school has to learn to sift through mountains of bullshit to find nuggets of law and policy that may or may not be worthwhile to remember during exams. Taking the ConLaw exam 1L year is akin to playing Dragonforce’s “Through the Fire and Flames” on hard or expert. At the end of it all, you’re confused, bewildered, and

Ben Lusty asserted that I had no soul during 1L year. Well, I totally digged “Cliffs of Dover,” so maybe I do have one after all. Eat that, Lusty.

² For the time being…Guitar Hero could very well ruin that too.

There is a learning curve with GHIII. Alex fondly remembers the day he got the hang of it. “I had consumed a fair amount of Seagram’s Purple Rages, which is like a mix of bad gin and prison wine. It was at Rob’s that I realized that, like everything else that is fun, Guitar Hero is way better when you’re drunk.”

Likewise, Isaac was shredding like a pro in just a few short weeks. After his initial purchase he says, “Fast forward a few weeks and several hours spent on the couch mashing the multi-colored buttons and developing an acute carpal tunnel-like discomfort in my “fret” hand, and I’ve completed career mode on both Easy and Medium (5ivestars for nearly every song). I’ve also earned enough “cash” to buy a sweet set of guitars and the character, God of Rock. Incidentally, I now prefer to be called that (especially in this article).” GHIII also build self esteem. All of the Heroes profiled take a lot of pride in their virtual accomplishments, or shame in the decline of their productivity and social lives. Alex says, “My biggest achievement, to date, is that I can play the speed metal song at the end on expert mode, hyperspeed 5, with my eyes closed. No, actually, my biggest achievement is being able to live with myself knowing that I spent nearly $100 to simulate playing Slipknot and Muse songs while Pontiac and Alex flash in the background. I caught myself looking up the tab to Slow Ride the other day, and I began to seriously question my life.” Julianna is working on her record currently. She says, “I’m still on medium, but one day I hope to make the jump to the FIVE BUTTONS of hard.” Rob is perhaps the most accomplished Guitar Hero in the law school. He has garnered five stars on every song on easy and completed career mode on medium with mostly four and five stars. He has also just started working on the hard difficulty setting. The take home lesson from this: life is about achieving goals, and GHIII provides an outlet for that.

Much like having a child or seeing the movie Deuce Bigalow: Male Gigolo for the first time, playing Guitar Hero changes lives. Julianna has been deeply affected by her experiences with the game. “[I]’ve given me something to live for! Your life is incomplete without it.” According to Julianna your life is also incomplete before you see a southern gentleman like Josh Whitely play the game and dance along while he plays. For a full report on how the game has changed the life of Rob Thomas, see his column appearing in this issue.

The game has had a slightly less profound effect on Alex. “Guitar Hero has not changed my life, but it has given me a better way to procrastinate than playing Super Nintendo ROMS on my computer. Unfortunately, I probably won’t be able to bust out the plastic ax during class, so I guess I won’t be deleting Chrono Trigger just yet.”

However, being a Guitar Hero, much like being a real rock star, takes sacrifice and comes with its share of disappointments. There are several physical ailments that accompany Guitar Hero play: sore wrists and blurred vision. Rob says, “I have also achieved the early onset of arthritis in my left hand.” Julianna continues, “Also, be prepared for the really weird things it does to your vision when you stop playing. I’m pretty sure there must be some kids in Japan having seizures.” The game has also made some of Julianna’s faults and insecurities come to the surface: “I realized that I have to battle really hard to have any rhythm at all. My character is way hotter than me so it’s given me a little complex.” For the record, Alex and Isaac both agree that Julianna’s character is super hot, but declined to comment on Julianna’s comparative hotness.

If you are willing to shell out the money to purchase GHIII, you too could become a Hero, in your own mind. According to Rob, “It is easily the best $90-$100 you can spend your money on currently, but that doesn’t factor the necessary funds needed for cheap beer to fuel extended sessions of rock out.”

On a final note, Isaac is using this article to formally challenge Greg Demo to a battle in GHIII at this year’s PSF Date Auction. As the 2Ls and 3Ls remember, last year Isaac and Greg competed in a riveting match of Wii tennis. Greg won; Isaac cried and started training even harder. This is what the public wants. When I say public I mean Alex. He says, “I’m hoping Isaac does something with Guitar Hero for the Date Auction. I’m also hoping he challenges Greg and Greg beats him, because I missed it last year.” Isaac is up for the challenge. He says, “Guitar Hero is for serious gamers only. If someone buys Greg a guitar, I will surely dominate him come the PSF date auction.” Greg Demo, are you man enough to accept this challenge?
Thursday night proved to be the Battle Royal that it was hyped up to be as two law school teams squared off in intramural flag football playoff action. Bovice met up with McLovin for a much ballyhooed, and ultimately overly physical, match-up on the turf.

Bovice went for the psych out before the game, stealing a page from the University of Georgia playbook: The team wore their regular mismatched grey or blue sweat pants, and white or blue or green shirts just like any other rag-tag flag football team; but, when they emerged from the sidelines for the kickoff, the team had shed their outer layers and suddenly turned the game into a “black out.” The Georgia Bulldogs pulled the same stunt against the Florida Gators this year, wearing black jerseys for the first time in school history. With the team and its fans now dressed in all black, Bovice took the field to kick-off.

The psych-out didn’t take immediate effect though, as McLovin’s Brian Maxted ran the opening kick-off back sixty yards to set up a first and ten at the Bovice twenty. Three or four plays later McLovin jumped out on top, 7-0. Looking stunned, but not panicked, Bovice took the ensuing kick off on the short-bounce with what was essentially a fair catch. In flag football the receiving team need only touch the ball, not catch it, to take possession. Then Bovice did what they would end up doing all night long, and moved the ball methodically down the field for a touchdown. After missing the one-point conversion (there are no extra point kicks in flag football), McLovin's Julia Bishop (on defense) and Dan Williams (on offense) would deserve the nod.

For Bovice, it was a team effort and everyone had a part in this win. To those who braved the cold to come out and see this brutally physical game, (seriously both teams had 10-15 fans a piece, with some McLovin fans even going shirtless in the frigid temperatures), we thank you. And with that, good luck on exams, happy holidays, and we will see you all next semester.

Happy (Belated) Birthday Nathan and Eric!

The law school’s favorite bosom buddies celebrated their 25th birthdays over Thanksgiving Break

If you would like to wish someone happy birthday or congratulate them for something email The Advocate at theadvocatewm@gmail.com
The Advocate Annual Review: Alan Kennedy-Shaffer’s 2007 Highlights

by Alan Kennedy-Shaffer
Features Editor

2007 will be known as a year of chaos and upheaval. Since calling 2006 the year of the Democrats in my last column of that year, the Iraq War has become even more unpopular, human rights deprivations and mass misery have continued in Darfur, and many of President George W. Bush’s core staff members have fled the White House like rats from a sinking ship.

Fierce divisions within the Republican Party have torpedoed the gubernatorial aspirations of Rep. Tom Davis (R-Va.), minority status has given Sen. John Warner (R-Va.) and Sen. Trent Lott (R-Miss.) yet another reason not to run for reelection, and death has recalled the infamous televangelist Jerry Falwell and anti-abortionist former Rep. Henry Hyde (R-Ill.).

In a rather absurd turn of events, Sen. Larry Craig (R-Idaho) was arrested for lewd conduct and pleaded guilty to disorderly conduct for reaching under an airport bathroom stall toward a man who happened to be an undercover police officer. Despite speculation over his sexual orientation and demands for his resignation from the Republican leadership, Craig has remained in the closet—and in the Senate.

In other bizarre news, the Federal Emergency Management Agency staged a phony press conference on Oct. 23 in which senior level staff members posed as reporters and lobbed softball questions to acting Deputy Administrator Harvey Johnson. Despite Homeland Security Michael Chertoff’s subsequent condemnation of the brazen example of denial and deception by the Bush Administration as “one of the dumbest and most inappropriate things I’ve seen since I’ve been in government” and promised to discipline those involved, the organizers of the fake news conference have all been promoted. As Bush might say, “heck of a job, FEMA.”

The current and former residents of New Orleans, meanwhile, continue to suffer from FEMA’s sluggish and inadequate response to Hurricane Katrina. The brunt of the cleanup work done in the city has been handled by volunteers from across the country. Many of the trailers that FEMA promised never arrived and many of the trailers that were provided turned out to be contaminated with formaldehyde and other toxins.

The Bush Administration’s misguided Iraq adventure, meanwhile, has already cost this nation over a trillion dollars, according to a recent report, titled “The Hidden Costs of the Iraq War,” by the Democratic staff of Congress’s Joint Economic Committee. The lack of an exit strategy has also incensed Republicans and Democrats alike, causing many former soldiers and military officers to switched sides in the debate on the Iraq War. Retired Lt. Gen. Ricardo S. Sanchez, the commanding general in Iraq from 2003-2004, for instance, condemned the Iraq War last week in the weekly Democratic radio address. Such courage does not bode well for the White House.

In February, I pushed for election reforms that would make our nation’s elections more accurate and transparent. I wrote about how a paper trail is an essential element of elections because a paper trail permits real recounts and reassures both candidates and voters about the accuracy of election results. I urged Congress, at the national level, and the Student Bar Association, at the law school level, to adopt meaningful reforms that will ensure a paper trail in all elections, create checks on abuses of power by election officials, and ensure transparency in every stage of the process. Neither Congress nor the SBA has implemented these reforms to protect the right to vote. Hopefully they will do more for democracy next year.

In November, I applauded the courage of lawyers in Pakistan who took to the streets in protest of Gen. Pervez Musharraf’s decision to fire seven members of the Supreme Court, suspend the constitution, and impose martial law. The Pakistani lawyers who put their lives on the line by standing up for the rule of law showed true courage. Since my column appeared, Musharraf has surrendered his military uniform and announced plans to lift emergency rule and restore the constitution.

Let us pray that 2008 will be a year of peace.
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.

Couldn’t Have Asked for More:
My Summer at the Southern Environmental Law Center

by Carrie Boyd
Contributor

This summer I worked for the Southern Environmental Law Center (SELC) in Charlottesville, Virginia. The office is one of four in the Southeast. There is one in Chapel Hill, one in Atlanta, and a new one is opening soon in Charleston. Unfortunately, there are no permanent job openings for attorneys yet in any of the offices. SELC is a great place and I loved my job! I worked closely with my supervising attorney, Cale Jaffe, who is in charge of SELC’s Clean Air Act and Energy Policy work. We worked on several specific projects last summer. These included comments to the Virginia Department of Environmental Quality (DEQ) regarding the Clean Air Interstate Rule—considering the set-up of the Environmental Citizen Boards (including Air, Water, and Waste) at the Virginia DEQ in comparison to what other states do throughout the Southeast Region (I had the pleasure of calling government agencies in seven states to discuss this topic). I wrote extensive comments to the EPA regarding the proposed National Interstate Electricity Transmission Corridor, and, interestingly enough, a little research on Uranium Mining in Virginia (There has been a moratorium on it since 1984, and it will continue to be banned until a program is put in place that is authorized by statute).

Cale, my supervisor, took me with him to meetings in Richmond and Washington D.C. and allowed me to sit in on almost all of his conference calls. At the first meeting in DC, he was able to make a key statement based on some extra research I had done and gave me credit for that which made me proud. I mostly did research and wrote memos and, throughout the summer, became more convinced that environmental law is the path I wish to pursue after law school, even if it does leave me in debt for a long time.

There were three other interns at SELC hailing from New York, Vermont, and Louisiana. We had a lot of fun together, especially on a planned canoe trip and monthly Law Center happy hours. SELC is located on the historic downtown mall in Charlottesville. It is a great place to stroll up and down, and one of my favorite Charlottesville coffee shops is right next door! Not a bad deal!

I didn’t get rich working for SELC, but I was proud to be doing work that I believe is important, surrounded by lawyers who are clearly experts in the field. I wish to thank PSF for supplementing SELC’s stipend and making a summer with SELC possible for me! I encourage everyone to support and volunteer for PSF! Don’t worry—I wasn’t paid to say that.

My Summer at the Center for Constitutional Rights

by Alan Kennedy-Shaffer
Features Editor

The lights are bright on Broadway at the Center for Constitutional Rights, a non-profit legal and educational organization where I interned this summer. The Center for Constitutional Rights defends the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Young civil rights movement lawyers founded CCR in 1966 and the organization expanded when it later merged with the Emergency Civil Liberties Committee. The Center for Constitutional Rights gained prominence in human rights circles after winning Filartiga v. Pena-Irala, the landmark Alien Tort Claims Act case. The Center for Constitutional Rights also leads most Guantanamo Bay litigation, attacking illegal detention and defending the right of defendants to representation.

Working under the direct supervision of Executive Director Vince Warren, I researched new cases relating to human rights, civil rights and constitutional rights. My job was to research the facts surrounding potential rights violations, decide whether those facts warrant litigation, and formulate legal theories that will serve as the basis for future litigation.

With that goal in mind, I researched the legally questionable closing of Charity Hospital in New Orleans and wrote a memo analyzing the potential due process and right to treatment issues arising from that case. I also researched the constitutionality of secret, segregated prisons, the location of which cannot be disclosed due to concerns about revealing key aspects of potential litigation. I also looked at the application of the Alien Tort Claims Act and the Ottawa Treaty to Ban Landmines to cluster bombs that function like landmines with devastating humanitarian consequences.

Defending the legal rights of Guantanamo detainees, the constitutional rights of domestic prisoners, and the civil rights of Hurricane Katrina victims helped me to better understand the enormous potential for law to move our country forward by protecting and advancing the basic rights of the most vulnerable among us. I am grateful to Warren and the Center for Constitutional Rights for giving me the opportunity to contribute to the cutting edge legal battles of the time. I would also like to thank Mr. Doug Pinter, a law school alumnus, for establishing the Pinter Fellowship to fund those students who work in the civil rights and liberties arena. The defense of constitutional rights is essential to our identity as proponents of the rule of law. As law students, we have a responsibility to preserve those rights.

More information about the Center for Constitutional Rights, which is based in New York City, is available online at http://www.ccrjustice.org.