Not Wythe Standing: The News (Vol. 3, Issue 6)
Pink hearts, doves, chocolates... Dove Chocolates. These are the typical Valentine's Day treats for the typical hopeless romantic. Let's get real. If you want to impress your sweetheart this Day of Love, heed our advice. Drop that Hallmark card, embrace the place where you live, and give that special someone a Southern V-day.

Divinity. Anyone who knows how to correctly pronounce “pecan” probably knows how to make divinity - more commonly known as the Southern Candy. If you do not know what it is, then you are already behind in the count. Look it up. Make it. They will swoon. Another option is the predictable chocolate. But if you are going this route at least step it up a notch. Make coconut macaroons dipped in chocolate. Yum.

Shotgun Shells – Actually, anything related to guns, but ideally get some pink shells with hearts on them or shells rocking Dale Earnhardt’s signature. Take a spent shell and put a single flower in it, hell, put a single flower in every barrel on your gun rack. Your sweetheart will love your festive, decorative touch.

Flowers. Not roses you predictable love-struck fool. No frills, just fond memories of drinking sweet tea in grandma’s garden. Remember to write something worthwhile on the card. The flowers will die, but that special sentiment can be kept in a drawer for decades to come.

Dinner. No one needs imported romance. Drop the pasta. Get out of that Italian restaurant and get into the kitchen. A home cooked meal based on your momma’s secret fried chicken recipe will do the trick. Anything else is, well, offensive. Nobody remembers eating at Red Lobster, but everyone remembers that greasy first kiss. And remember, wine is for old people. Give your lovah a glass of decent bourbon and toast to Old Dixie.

Location. Location, location, location. This is everything. Truck bed, river bank, beach, screened-in porch, or even your own living room can do, but try to do it yourself. Spending $150 on some all-inclusive spa treatment is nice, but your loved one will think they are just worth... well, $150. Make that someone feel worth the time and effort. Do not invite them into your wallet; invite them into your home and heart. That is the Southern way.

Best of luck.

XOXOXO,
John and M-C
Employer Hiring and Firing Practices: Where is the Line?

By Special Contributor Frantz Farreau (1L)

In two separate, not-so-recent, not-so-publicized news stories, Florida public school districts fired two teachers because they engaged in pornographic activity. The first, Natalie Santagata, was an elementary school teacher and had taught for over ten years. She was fired after someone anonymously sent “scandalous materials” to school officials and parents; the materials supposedly showed her engaging in “graphic sexual acts” and illegal drug activity. Although she had passed her most recent, and all previous, drug tests, and was clearly engaging in the activities in a private setting, the school still decided to resolve the scandal by firing her.

The second story broke shortly thereafter, and involved Sean Loftis, a substitute teacher who had a career in gay pornography prior to teaching. He was fired after the district claimed he violated a rule which said that faculty should “conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.”

A majority of us may look at these stories and commend Florida for preventing these reprehensible individuals from having contact with impressionable minors. However, once we dismount from our high horses, we should wonder: how far can employers go when regulating the private activities of their employees?

Engaging in graphic sexual acts is, to the chagrin of many moralists, still legal, and although the school claims Santagata was using illegal drugs, she had passed the requisite drug tests to teach. Furthermore, the materials were sent anonymously. Whatever your personal views on pornography, in our country it is legal to star in, produce, distribute, and watch pornography. Still, there is something very wrong about teachers engaging in pornography, and it is easy to mentally justify these two individuals getting fired. So, even though these people were fired, we can still trust employers to exercise good judgment where our personal lives are concerned, right?

Well, on January 1, 2012, Baylor Health Care System decided to stop hiring smokers. And that makes sense, because what hospital wants lung cancer patients to walk through a cloud of smoke on their way to chemo? But such discriminatory laws are not relegated to the healthcare industry alone, and courts have held that these laws are allowed. This should not be. Smoking is a legal activity, and although employers are free to regulate what happens while employees are on the job, their sphere of influence should not extend beyond the workplace. Employers already charge health insurance surcharges to employees who smoke, and many ban smoking on the job in some fashion, whether by banning smoking indoors or on company property. Still, smoking is a nasty habit, and maybe employers just want to make their lives easier: they can get discounts for not having any smokers on their insurance policies, and their employees probably smell better and are healthier. So, this sort of regulation is justifiable, right?

Consider, now, the case of Eric Pettigrew. Pettigrew was fired from his prestigious job at Fidelity Investments for being involved in a fantasy football league, despite an impressive and distinguished resume. Pettigrew was the commissioner of a league. Fidelity cites a strict policy against gambling using company time or resources. The only evidence against Pettigrew was an instant message sent to him by another employee about the performance of a player. There was no direct mention of fantasy football, but the company used this as an opportunity to question, and then fire Pettigrew for innocuous, legal activities undertaken on his own time. The company is making a moral judgment about the private behavior of its employees.

Where do moralistic judgments about who to hire end? There may be compelling reasons for preventing porn actors from teaching our children, and somebody could argue that hiring smokers may have some impact on the other workers at the company, but playing fantasy football? Gambling may be a vice, but if an employee is working successfully and managing a fantasy football league on his own time, what does it matter? Fantasy football is not even classified as gambling in the first place.

By making employment decisions based on private, legal activities, companies are making moralistic value judgments about their desired workforce. If companies are allowed to do that, then where do they get to draw the line? Sure, some people applaud not hiring smokers, just like some people applauded firing the teachers in Florida or the impulsive gambler at Fidelity. But when we start to applaud exclusion, it won’t be long before we become excluded ourselves.
Investigative Report: Assassin’s Court

By Staff Writer Matt Finley (1L)

As I sit here writing at 10:45 p.m., I can honestly say that I’ve never made an investigation and followed up with a story so quickly. However, this warrants working off memory that can only be mustered before the events I witnessed sink into my nightmares.

I usually make it policy not to discuss law school in these articles, since I feel their purpose is to provide a few minutes of soft reflection on the small horrors in life and the first-world problems that no one cares to talk about. Tonight is different. I can feel the weight of my report hanging heavy off my fingertips. It’s difficult to type about the trial and the injustice it attempted to correct. My thoughts? Assassin’s court changed everything.

Some of you may have witnessed the crime: Lindsay Paladino attempting to kill Lawton Tufts with a balled up sock. But what followed after that was the stuff of legends.

As I was sitting in the courtroom waiting for Lawton and Co. to enter the room, I thought fondly of the work I had to do, like a long lost friend I couldn’t wait to see when I arrived home. We had so much catching up to do. A fifteen minute argument wouldn’t keep me from seeing you, Property: Principles and Policies. My thoughts were scattered as Charles Crimmins walked into the room with Mr. Tufts. Mr. Crimmins is the coordinator for legal services for the College of William and Mary. I slowly lost my already loose grip on my night.

Defendant/Appellant/Petitioner\(^1\) began with an opening argument.\(^2\) The court seemed to respond favorably to the argument.\(^3\) Nods abounded. Plaintiff/Appellee/Respondent\(^4\) gave their opening argument. Again, nods were shared in knowing approval from the crowd and bench alike.\(^5\)

The Plaintiff’s counsel\(^6\) called his first witness,\(^7\) leading off strong with Lawton, seeming to go for the jugular. The tension in the air was palpable as Lawton fielded questions from his lawyer and the crowd, as the bench made an almost unthinkable break from traditional court procedure.\(^8\) Lawton made a spectacular showing, making several points about attempting to stay alive.\(^9\) Not even I could believe that the Respondent had no questions for a cross examination of the Defendant.\(^10\) The court held its breath as the Petitioners called their next witness: a surprise expert witness, of all things!\(^11\) This witness cleared up many of the ambiguities surrounding the venerable sport of “Assassins.”\(^12\)

Things were looking grim for the Appellee, but the Petitioner rested his case and the judges let out a breath as if they were glad to see the mounting of evidence against respondent finally cease.\(^13\) The day had not been won yet and no one seemed ready to call it quits.\(^14\) Defense counsel called Ms. Paladino to the stand to finally hear her side of the story.\(^15\) After hearing the heartfelt story of love and loss, the judges decided they had heard all they needed to hear and asked for closing arguments.\(^16\)

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\(^1\) They were called all three names interchangeably throughout the night. You see, the first rule of Assassin’s court is that Assassin’s court falls nowhere in the legal system. It’s nothing and everything at once.

\(^2\) This was the term used to describe the monologue provided by Mr. Crimmins concerning the injustice done by PSF against Mr. Tufts. It should be noted that this term was applied in retrospect as the court decided to lay down rules for the trial/hearing.

\(^3\) The judges seemed confused at the process and made up the procedure as we sat there: “Openings, followed by an argument or a free-for-all or something, and closings, I guess.”

\(^4\) See note 1.

\(^5\) The crowd, of which I was one, was arguably the biggest story. The trial following was described best by Katherine Page, “I will encourage my D&D group to embark on a sidequest here.”

\(^6\) No one in the room had passed the bar but Charles Crimmins. He was not the one who called the witness.

\(^7\) As the proceeding was discovered by everyone involved to be something of an actual trial to hear the case they had already decided on.

\(^8\) Traditional is a confusing term here. See note 3.

\(^9\) He was in fact, at this point, deemed dead until proven alive. No objections were raised.

\(^10\) Appellees were under the impression that this was an appellate hearing and had prepared only a 7 minute argument. Most of the judges were under the same impression.

\(^11\) Seemingly, a manifestation of the way we all felt about the night. Each of us was surprisingly an expert in Assassin’s court by the time it was all said and done. We lost our innocence, together.

\(^12\) These were including but not limited to: the point of staying alive, how hiding your sign is method of survival, how the word “sign” is porous with loopholes, and the need for a “kick me” “sign” to be “accessible” by “persons” “speaking” all “languages.”

\(^13\) In fact, they wanted to go home.

\(^14\) We were all ready to call it quits.

\(^15\) A defense of the shameless faux-killing of another human being.

\(^16\) See note 13. The judges asked everyone to wrap it up because we had been there an hour listening to fake arguments on something that didn’t matter.
The closing arguments had all the tenacity and gall that I had come to expect from the hard-fought trial. In the end, either side was worthy of a win. Then the judges, who seemed to be so secure in their decision that they deliberated in the courtroom, delivered the final verdict. Mr. Tufts would live and Ms. Paladino would receive a new target.

Suddenly, Ms. Paladino held up a sock and threatened to end her life! In a final effort to cleanse his tainted name, Mr. Tufts looked at all the frozen faces in the courtroom, then smiled and said, "No, Lindsay, I'll die so you can live." He pulled the sock from her shocked grip, threw it straight in the air, and closed his eyes to greet the sweaty, disgusting death that awaited him. Surely, greater things await Mr. Tufts on the Elysian Fields where true heroes await their brothers. He will be sorely missed.

Then I found five bucks.

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Food Corner

Former Secretary of Defense, Robert M. Gates stopped by to speak at an International Law Society Event

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Treat Yo’ Self: Le Yaca

By Staff Writers Matt Turtoro (2L) and Diana Cooper (2L)

Diana: Let's face it. No one wants to drop a Benjamin or two on dinner, especially if they feel some sort of requirement because of a "holiday" like Valentine's Day. Did that sound as bitter as it did in my head? If so, I'm not going to apologize. The fact of the matter is, sometimes you have to put your foot down and eat ramen at home. Sometimes you have to cook an amazing meal at home, and sometimes... Sometimes, you have to treat yo' self. Anyone who watches Parks & Rec knows what I'm talking about. If you don't, just think of it as a "you day" where you do what you want (nothing illegal) without regard to doing the prudent thing.

Matt and I, with the wonderful addition of Jalyce Mangum, treated ourselves last week and ate at Le Yaca. Now, the three of you who read my Valentine's Day article from last year will recall the fact that I reviewed this place after eating at Le Yaca alone... by myself... In stark contrast, I was in good company this year with Matt and Jalyce. At this rate I'll actually have a boyfriend to bring next year! Maybe. Hopefully. Oh, bother. Moving on...

I don't think I will ever change my view on Le Yaca: it is a magnificent place to eat for Williamsburg, Virginia. The décor is classic and comfortable. The staff is friendly and extremely accommodating, and the food is wonderful. I had Le Foie Gras (pan-seared goose liver with caramelized White Peach and Port Wine sauce) for my first course. Matt described it as "unctuous" but I preferred to call it "meat butter." As Matt would tell you, my description is actually more accurate. It was a delicious little appetizer, and was a perfect way to start the night at Le Yaca. Jalyce ordered La Crepe au Crabe (thin French crepe stuffed with Lump Crab meat and a Swiss cheese Béchamel sauce). It was delicious. As much as I love Foie, La Crepe au Crabe was the perfect light, creamy and savory first course.

Continued on page 5
My second course was Les Coquilles Saint-Jacques (Pan seared Diver Sea Scallops and Champagne sauce with a touch of saffron, served with tiny green lentils). I have to admit- I don’t like Scallops. The texture throws me off, and I avoid them at all costs. I tried it because I wanted to try the Champagne sauce with Saffron. I didn’t love it, but I actually liked it a lot more than I thought I would. It was nicely seared, and the sauce was flavorful and matched nicely with the scallops. The lentils were good, but I would have traded it for roasted potatoes or a nice pilaf in a second. As lovers of Scallops, Jalyce and Matt declared that they were superior to anything they have ever eaten, so I would take their word on that one. Jalyce ordered Le Canard (Seared, boneless Breast of Duck in White Peach, Green Peppercorn and Orange Zest Sauce). The duck was amazing. Personally am I not a fan of Orange sauces, but it was a very light accent to the overall peppercorn taste. It was quite good!

I ended the dinner with a dessert of La Marquise au Chocolat (rich chocolate truffle cake, vanilla ice cream and Crème Anglaise). I misread, and thought it would be a chocolate cake with truffle sauce in it... I was wrong. It was a cake made of truffle. It was rich and delicious, but such a sensory overload that I couldn’t finish the dessert. Jalyce got the Café Gourmand (espresso, mini crème brûlée, chocolate truffle and French cookie). She really liked it, and because her truffle cake, vanilla ice cream and Crème Anglaise). I misread, and thought it would be a chocolate cake with truffle sauce, I was wrong. It was so much smaller, she actually got to really like it, and because her truffle made me wonder if I actually might still possess the capacity to feel human emotions... even after nearly two years of law school and three years of the Obama Presidency! Rich, butter-based sauces, gorgeous presentations, delectable wine pairings, and that indefinable combination of pomposity and ennui implicit in any French meal serve to improve even the most pedestrian of restaurant experiences.

Le Yaca is anything but pedestrian. I arrived before Diana or Jaylce. Diana had insisted that we eat at 5 p.m., so the only other patrons we...oh wait, there were no other patrons...because NO ONE eats dinner at 5! Despite the early hour, a lovely hostess (who was actually French!) and my inevitable best friend, the bartender, warmly greeted me. Before I knew it, and with a Canadian Club Manhattan in hand, I was ushered to a cozy corner table. This restaurant does earth tones right...unlike some other area establishments (Fat Canary, cough cough) where monotone décor smothers diners like a beige, polyester straightjacket. The color palate is warm and soothing; it doesn’t distract from the food, but, instead, enhances the French-country experience. Moreover, a fireplace laces the air with subtle hints of charred that reinforce the rustic feel. My first course was Le Tartare de Thon (Tuna Tartare prepared in the classic French manner with a fruity extra virgin olive oil, tomatoes, onion, and a wild-greens salad tossed in a ginger-soy dressing). The chef’s knife-work was flawless—every piece of tuna and vegetable was cubed to the same size, making building a perfect bite easy. The light fruitiness of the olive oil provided a lovely counter to the earthy vegetables, and served to accent the natural sweetness and brine of the Tuna. After finishing off the appetizer, I was almost sorry that I’d finished three dinner rolls right before it arrived (but then I remembered how crusty and warm the rolls were, and any regret disappeared).

My main course was unspeakably good. It was so good, I needed a cold shower after just the first bite. I ordered Le Tournedos Rossini (grilled beef tenderloin with foie gras and a port wine reduction). To be frank, I ordered it because Il Barbiere di Siviglia is one of my favorite operas, and any dish named after a famed Italian Romantic opera composer couldn’t be half bad. The dish lived up to its exalted namesake. The steak, a beautiful cut of filet mignon grilled to a perfect medium rare, was topped by a glistening canopy of seared foie gras which melted into the steak, creating an almost visceral tasting experience (just remembering that first bite is causing me to salivate). A sweet yet deep port wine reduction balanced out the fattiness of the proteins on the plate and enveloped the side of steamed vegetables. A 2007 Côtes du Rhône, earthy and smooth, but still slightly tannic, cut through the dish without overpowering any of its constituent parts.

The meal ended on a high point: Soufflé Grand Marnier with vanilla and recipes for a same size, making building a perfect bite easy. The light fruitiness of the olive oil provided a lovely counter to the earthy vegetables, and served to accent the natural sweetness and brine of the Tuna. After finishing off the appetizer, I was almost sorry that I’d finished three dinner rolls right before it arrived (but then I remembered how crusty and warm the rolls were, and any regret disappeared).

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Crème Anglaise and fresh raspberry sorbet. Although you must preorder the soufflé (around the time the appetizer plates are taken away), the dessert is well worth the preplanning. A soufflé can best be described as a piping-hot ramekin of sheer bliss. The crisp, browned top spills over the sides of the ramekin and playfully hides an airy yet eggy interior. The act of cracking open the top of the soufflé to pour in a cascade of Crème anglaise heightens the sensory overload. This soufflé was perfect...the orange essence from the Grand Marnier helped to take away some of the saccharin notes that flavored the remainder of the plate. A Café au Lait rounded off the dessert perfectly.

Lost your élan? No joie de vivre left? Is the overwhelming mediocrity of the Williamsburg food scene gnawing at your soul as the pangs of hunger shake your stomach? The cure is a simple one—foie gras and soufflé at Le Yaca, STAT! Laissez les bons temps rouler (Mardi Gras is just around the corner, after all!).

La Yaca is located at 1915 Pocahontas Trail Williamsburg, VA. Call 757-220-3616 for reservations.

Organization Spotlight:

Women’s Law Society

By Special Contributor Lyndsay Maier (2L), WLS President

The Women’s Law Society (WLS) provides academic, professional, and community service opportunities to the women of the William & Mary Law School. Through these activities, WLS strives to ensure the academic and professional success of its members while educating the community about issues relating to the intersection of women and the law.

In the academic arena, WLS especially focuses on acclimating the 1L class to law school and the William & Mary community. Throughout the year, WLS partners with BLSA to hold information sessions providing instructions and hints on outlining, final exams, and the process of choosing classes as a 2L. In addition to these events, WLS has a mentoring program to provide first-year students with second- or third-year mentors. The mentors serve as an informal source of information to their mentees, and WLS holds periodic mentor and mentee gatherings, such as a recent pottery painting outing in January.

Professionally, WLS strives to provide as many opportunities as possible to allow students to interact with community leaders, professors, and noted academics. Last semester, former Congressional candidate Krystal Ball even came to campus to discuss the media’s portrayal of female political candidates and to give career insights to students with political aspirations for their potential post-law school careers.

The organization strives to provide its members with numerous networking opportunities, both within the law school and throughout the Virginia legal community. A small group of WLS members recently attended a Greater Peninsula Women’s Bar Association meeting to discuss a lawyer’s differing privilege standards under the Virginia Rules of Evidence and the Virginia Rules of Professional Conduct.

Currently, WLS is planning a second Women in the Law Cocktail Hour (April 4th at the Center Street Grill!). The cocktail hour was very successful last semester, allowing students to engage with community leaders and W&M professors in a more relaxed atmosphere. WLS hopes to see even more people attend on April 4th.

This semester we have a number of events to further all of WLS’s goals. Women’s Week is this week and the Women’s Law Society (along with a number of other wonderful organizations!) is sponsoring a number of events:

- Tuesday, February 14th at 1 p.m.: How do we encourage reporting of domestic violence and sexual assault and lessen victim stigmatization?
- Wednesday, February 15th at 6 p.m.: The Vagina Monologues
- Thursday, February 16th at 1 p.m.: Protective Orders 101

Everyone is welcome at all of the events, and for more information on domestic violence, intimate partner violence, and the Red Flag Campaign, please stop by the WLS table in the lobby.

Also, please do not forget to bring in an article of new or gently worn professional clothing for the Professional Clothing Drive benefitting the Avalon Center!

WLS is also starting its own blog! Please look for the blog launch in early March.

For more information on W&M’s Women’s Law Society, our events, or our blog, please visit our website: http://wmpeople.wm.edu/site/page/wmws or email: wmwomenslaw@gmail.com.
By Special Contributor Lily Saffer (2L)

This year, as a part of Women's Week, Law Revue, in conjunction with Women's Law Society, will be putting on a production of The Vagina Monologues! Now, don’t let the title scare you. There are no literal speaking vaginas – that would raise some public decency issues. Sex may be the constant unspoken undercurrent of law school, but this show is not just about sex.

The Vagina Monologues, were first written by Eve Ensler in 1996. Since then, it has grown and changed over the years, becoming an evolving expression of female empowerment. The play has also become a cornerstone of the V-Day movement, which promotes creative events to increase awareness about violence against women and girls, and raises money and revitalizes the spirit of existing anti-violence organizations.

The production is directed by myself and Emily Benz, 2L, and also features Ashley Ward and Karen Gillespie, 3Ls; Alexa Roggenkamp, 2L; and Emily Bastin, Barbara Stansil, and Larsa Ramsini, 1Ls.

The performance of the Vagina Monologues will take place on Wednesday, February 15th at 6 p.m., in Room 124. There is no admission price, but we will be accepting donations, which will be given to a women’s non-violence organization. We hope to see you there!


Mr. Turow’s books have won a number of literary awards. Mr. Turow continues to work as an attorney concentrating on white collar criminal defense.

Join us on Wednesday, February 29th at 7:45 p.m. at the Sandler Center for the Performing Arts in Virginia Beach. Student discount tickets are available through the Box Office at the Sandler Center.

The Sandler Center is located at 201 Market Street, Virginia Beach, VA 23462; for directions, please call (757) 385-2787 or visit the website at www.sandlercenter.org.

Take a Break and Listen
By Habeas Rockus

What better time then the season of Valentines to take a break, watch the Grammys, and listen to our favorite songs from the past year. Now, it is debatable whether the Grammys is a true indicator of the “best” and “our favorite” music of the day. To many, it is simply a stage for loud-mouthed pop stars to vent from a bully pulpit (i.e. Kanye West). The Grammys, however, can be entertaining. It is a good place to discover both great music whose release you might have missed and new acts that are lucky enough to grab a musical number. Take for instance the performance at last year’s Grammys by Bob Dylan, Mumford & Sons, and The Avett Brothers. Mumford & Sons released their debut album in February of 2010. However, given their incredible performance last year and the subsequent explosion in sales, their 2010 album is up for the 2012 Record of the Year and Song of the Year (specifically, for the “The Cave”). As I wrote this prior to its showing Sunday night, I’m hoping for similar surprises at this year’s Grammys.

For those who neither care nor take my suggested break, I’ve compiled a compilation of all of my favorite nominees and corresponding songs for your consideration. Some of you may be disappointed as there is a distinct lack of R&B, Hip-Hop, and all things Lady Gaga. Even so, if you give these songs a listen, I’m sure you’ll find something you like.

1) Jay-Z and Kanye West – Watch the Throne – “Otis”
2) Mumford & Sons – Sigh No More – “The Cave”
3) Adele – 21 – “Rolling in the Deep”
4) Bon Iver – Bon Iver – “Holocene”
5) Kanye West – My Beautiful Dark Twisted Fantasy – “All of the Lights”
6) Fleet Foxes – Helplessness Blues – “Helplessness Blues”
7) The Black Keys – El Camino – “Gold
Enjoy the mix! Finally, one of the songs/albums in the mix hasn’t actually been nominated for a Grammy. The first person to pick it out and email me (jdstiff@email.wm.edu) will receive a free copy of the Grammy Mix.