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The Advocate

VOLUME 2, ISSUE ONE

WEDNESDAY, SEPTEMBER 1, 2004

WILLIAM & MARY SCHOOL OF LAW



Welcome New W&M Students!

by Marie Siesseger

From far and wide (and just across the South Henry divide) they have come to immerse themselves in the Marshall-Wythe experience. Undaunted by *The Paper Chase* and Scott Turow's infamous tome, *One L*, the Class of 2007 and 15 visiting, transfer, and LL.M. students arrived in Williamsburg on August 15th to embark on a new phase of their legal education. The 206 members of the entering class represent 39 states and a host of different undergraduate institutions, and have an impressive collective resume.

And now they're ready to take on their 1L year.

Joining the new first-years are eight international students who hail from China, England, Japan, Korea, Russia and Sweden. These students will receive LL.M. degrees in the American Legal System this May. Emilie Jones, this year's Draper Scholar from the United Kingdom, noted "law school is different from the University I'm used to.... A week into classes, I can say that I've thoroughly enjoyed them." Jones also said "I'm lucky to have met so many nice and friendly people; including professors, administrative staff and students!"

All of the new students participated in the annual week-long orientation hosted by the Legal

Skills program. A welcome reception on Sunday afternoon signaled the start of the new students' legal study, followed the next day by a formal welcome message from the Dean and the taking of the class picture. Highlights of the week also included presentations by the Legal Skills staff, and firm pizza parties.

Mark Ohrenberger (3L), a Legal Skills Teaching Assistant who was among the first to greet the new students, said "It was exciting to join the 1Ls during Legal Skills week for their first exposure to law school and the legal profession. This year's 1L class seems to have a lot of enthusiasm, and is

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SBA Preview

Welcome to another fall semester! This year's Student Bar Association has put together another great schedule of events that (we hope) will ensure you don't spend *all* of your time studying. This fall's events begin this week, so make sure you mark your calendar. Don't miss out!

September 2:

Bar Review

This week's Bar Review will be held at Pitchers.

Next week's Bar Review will be at La Casida.

(September 16)

Check the SBA board for Bar Review information each week.

September 3 & 4:

Softball Tournament—This fall's softball tournament will be held at fields at the JCC Recreation Center on Ironbound Road from 12-6pm this Friday, and from 10am-2pm this Saturday. The winning team will represent William & Mary at the UVA national law school softball tournament in the spring. Come to play, or to cheer your fellow students on!

September 4:

Bar Crawl—A bus will leave the law school this Saturday

at 4pm and travel to the Polo Club, Pints and Pipes, the Library Tavern, and the 415 Grill at the Hospitality House. Tickets will be sold all week in the form of T-shirts (\$10) and bracelets (\$5).

September 8:

1L Elections—The SBA is searching for three 1Ls who can effectively represent the interests and desires of their class. Any 1L seeking election to the SBA must turn in his or her Intent to Run form (which were distributed on Monday, August 30 at the SBA/Honor Counsel interest meeting) by Friday, September 3. Poster campaigns begin on Friday at 5pm, and are confined to the Student Lounge. The election itself will be held on Wednesday, September 8.

Keep an eye open for upcoming events, including the **SBA's annual rafting trip** on October 2, and our fall formal, **Fall from Grace**, on October 15.

THE ADVOCATE

"Complete and objective reporting of student news and opinion"

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Editorial Policy

The letters and opinion pages of *The Advocate* are dedicated to all student opinion regardless of form or content. *The Advocate* reserves the right to edit for spelling and grammar, but not content.

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

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

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going to add a lot to the law school community." The week concluded with the annual SBA-sponsored Lake Matoaka barbecue (which was summarily moved to the Law School patio due to a surprise afternoon shower).

One new student, Van Smith (1L), shared his initial impressions of W&M Law with *The Advocate*: "I was always 'warned' about the first year negatives—the hours, the stress, the difficulty—and while those exist, so too do the positives that I wasn't told about, the interesting moments in class, the fun of the Bar Reviews, and the warmth of the students in general. Oh, and some are really good dancers. Seriously, though, I feel honored to be here, and to think one day someone may put trust in me at a crisis point in their life pushes me to finish the reading."

A formal welcome for all incoming undergraduate and gradu-

ate students was held in the Wren courtyard last Friday at 4:30pm. President Sullivan and Sarah Kemp Brady ('64) officially greeted the new students at the convocation ceremony, and Provost P. Geoffrey Feiss remarked, "you, the entering class, are the brilliance of our future." In addition to commending the new students on the hard work that had brought them to William & Mary, Brady proffered a piece of practical wisdom which might be particularly relevant to law students: "When you graduate you will have the skills to allow you to earn a living, which will bring a great sigh of relief from your parents." A number of representatives from the Law School were in attendance, and several participated in the processional.

The staff of *The Advocate* wishes all of the new students an enjoyable educational experience here at William & Mary (and hopes that they will all become loyal readers!).

Professor Erin Ryan Joins the William & Mary Faculty

by Jennifer Rinker

The William & Mary hiring committee should be congratulated for their successful efforts in bringing several highly talented, passionate new and visiting professors to the law school this year. Among these new acquisitions is Assistant Professor Erin Ryan, graduate of Harvard Law School and Notes Editor of the Harvard Law Review, former law clerk to the Honorable James R. Browning of the U.S. Court of Appeals for the Ninth Circuit, Hewlett Fellow at the Harvard Negotiation Research Project, former associate with Shute, Mihaly, & Weinberger in San Francisco, and Adjunct Professor at the University of California, Hastings College of the Law. Professor Ryan agreed to meet with *The Advocate* to share her background with the law school community.

Despite having amassed such impressive credentials, law was not her initial career direction. Professor Ryan explained that Harvard-Radcliffe College, where she completed her B.A., required students to declare a major in their first year. Her initial interest in cognitive psychology and philosophy migrated to East Asian Languages and Civilizations after she became fascinated with the Chinese Cultural Revolution. She wanted to further develop her understanding of and exposure to different cultures.

Those interests eventually blended with her already developed musical talents into graduate studies in Ethnomusicology at Wesleyan University. She was even able to combine field research in Trinidad with participation in 100+ member steel drum band performances during Carnival.

Not knowing at that time whether a lifelong career as an "ivory tower" academic ethnomusicologist would allow her to be close to and active in the problems she cared most about, Professor Ryan deferred completing a doctorate after her masters degree to do some "soul-searching" while performing in New York City.

Missing nature, she took a job as a forest ranger at the Mono Basin National Forest Scenic Area, east of Yosemite National Park. Professor Ryan describes the experience as incredibly fulfilling and influential in her developing interest in natural resources. She eventually became frustrated, however, at being a public policy-oriented person who had no direct input in the policies she was implementing as a ranger. The groundbreaking environmental and natural resource law issues that surfaced in the Mono Basin led her to become interested in a legal career as a way to become more involved.

While an associate with Shute, Mihaly & Weinberger, a public interest law firm specializing in government, environmental, natural resources, land use, and appellate law, Professor Ryan became counsel to the Mono Lake Committee, the local environmental organization whose advocacy was responsible for the creation of the Mono Basin National Forest Scenic Area. Professor Ryan recounted how rewarding it was to participate in policy development and provide other legal assistance for the place that inspired her to become an attorney in the first place.

Professor Ryan also participated in a Supreme Court case



Professor Ryan currently teaches Natural Resources Law and will be teaching Property II in Spring 2005.

Not only was Professor Ryan a forest ranger in California, she was also a professional musician who jammed on steel drums in Trinidad and "played 'all' the cool clubs in New York City" as part of a Sarah McLachlan-style group.

at Shute, Mihaly & Weinberger involving a fleet purchasing rule promulgated by California's South Coast Air Quality Management District, which includes the L.A. Basin. The rule sought to require government agencies and certain private contractors doing business with those government agencies to purchase their fleet vehicles, which include anything from passenger vehicles to garbage trucks, from an approved list of vehicles that passed certain emissions standards. The rule would not only help reduce emissions in the state, but would also create a market for vehicles passing higher emis-

sions standards. Professor Ryan helped defend the rule against a preemption challenge under the Clean Air Act. The defense was victorious throughout the lower courts, but was reversed by the Supreme Court last Term.

Professor Ryan was drawn to William & Mary because of the small community and proximity to natural resources of interest, not to mention her husband's family in North Carolina. One of the largest attractions, however, was William & Mary's focus on teaching. It is an honor to play a small role in helping introduce her to the student body.

Intense Summer Courses Challenge Students and Professors

by Nicholas Heiderstadt

This summer, students in Williamsburg had the opportunity to add three courses to their transcripts. In addition to the week-long course in Advanced Research taught by the library staff, which has been offered every summer since 1999, students could choose between two three-credit courses that offered a semester's worth of material in just a month.

Professor James Moliterno taught the condensed version of Evidence each morning, while Professor Alemante Selassie taught Secured Transactions in the afternoon.

The chance to earn extra credits tempted many students, most of them rising 2Ls, with the prospect of a lighter course load in a semester typically dominated by job searches, moot court, and journal activities. A total of 14 students participated in the month-long courses.

Intensity was the watchword for these compressed courses. Over four weeks in May and June, students and professors met four or five days a week for two to two and a half hours each day. Reading assignments ranged from twenty to sixty pages per night. Exams took place just one month after the first day of class.

The courses were chosen for both utility and popularity. "Evidence is a second-year staple," said Dean Lizbeth Jackson, "and Secured Transactions was popular when we offered it in the past."

The summer program was also set up with the law school's summer abroad program in Spain fully in mind. As a result, students traveling to Europe in July and August were able to work the additional class into their May and June schedules without compromising their plans.

The courses were scheduled in part to help William and Mary keep pace with summer offerings at other

nearby law schools. Many other institutions offer their students the chance to take staple courses over the summer. Professor Moliterno, for example, has in past years taught evidence during the summer at the University of Richmond. This year, Dean Jackson said, the administration decided to "keep our resources at William and Mary" by asking Professors Moliterno and Selassie to take on the summer work in Williamsburg. She expressed hope that the summer courses would gain in popularity and become a regular feature at the law school.

Both professors noted the greater demands of teaching a month-long course. Professor Selassie noted that while meeting every day was "very tough," the benefits of the format made it worthwhile. He called the course a "great learning experience."

"There is a much greater continuity," he said, "because you can pick up where you left off the day before. There are no interruptions between days or with other classes...so it is not a problem to carry forward the discussions."

Professor Moliterno also focused on the much more rapid nature of the course. "It's a good bit more intense than a semester-long course," he said. "The material keeps unfolding very quickly."

Despite this intensity, both professors made it clear that their students had lived up to the challenge. "[The students] did a great job," said Professor Moliterno. The more intimate setting meant that students were "engaged in the classroom experience...really involved all the time. Almost everyone spoke almost every day," he said. "There's a camp mentality. When students are thrown in together every day for a month...it's definitely a bonding experience."

Students also enjoyed the more intimate setting. Mike Lockaby (2L), who took Professor Moliterno's Evidence course, was enthu-

siastic about the greater level of class participation allowed by the smaller format. "We actually got to ask the professor questions, which was huge," he said.

Professor Selassie likened student-teacher interaction in such a setting to "having a chat about secured transactions."

"It's very conversational," he said, adding that student participation was "phenomenal."

Although Professor Selassie enjoyed teaching a smaller class, he also noted a drop in the number of students taking Secured Transactions. In the summer of 1995, twenty people were enrolled in the course, but only two students took the course this summer. Professor Selassie emphasized the importance of Secured Transactions as part of a well-rounded legal education.

"Secured Transactions is a major aspect of the UCC," he said, adding that almost every lawyer encounters commercial law at some point in his or her career. He noted

that the class provides "an introduction into the way in which the UCC is organized If students are in the area for one reason or another...I think they would benefit very much if they took the course."

As to the effectiveness of a condensed summer course versus the semester-long version, Professor Moliterno noted that "evidence is a course that requires students to integrate concepts over the entire semester." Because students had less time to forget what they had learned, he felt that integration may have been somewhat easier than in a three-month course. "The real test," he said, "will be if [students] still know the material well a year from now."

Professor Selassie had a lighter take on teaching a course that demanded so much of both professor and students, yet lasted only a month. "Every day is really highly demanding ... the beauty is that it ends soon," he said, smiling. "There is some agony in it, but the agony is over very quickly."

exercise your creativity...

The Advocate is searching for new staff members for 2005. We need editors, writers, photographers, layout designers and business staff. If you are interested in applying for a position (and did not sign up at our table during the 1L activity fair), please e-mail Nicole Travers at natrav@wm.edu. We will be sending out information about a coming interest meeting and application information next week.

-The Advocate Staff

Trading Spaces, W&M Style

by Nicholas Heiderstadt

"This is how a law school is supposed to look."

This was one student's impression upon seeing the newly-refurbished room 119 this August. Returning students will doubtless have noticed the various improvements to several rooms in the law school. Gone are the creaking chairs and dangling surge protectors that in previous years sometimes made hearing professors and finding places to plug in laptops a struggle. In their place are quiet new seats and convenient desktop power outlets.

The renovations began almost as soon as exams ended in May, and continued until just before the arrival of the Class of 2007 on August 16th. In rooms 120 and 124, contractors removed existing furniture and peeled away the flooring to reveal the concrete beneath, through which channels had to be cut to accommodate new power lines for desktop outlets. New carpeting and furniture were then added to bring the rooms in line with the look of room 119.

Or rather, room 119 as it looked last year.

The new walls of room 119 were a gift from the class of 1983, in recognition of former Virginia and United States Senator William Spong and his efforts to save the law school from oblivion. Spong was appointed Dean of the law school in 1976, one year after ABA inspectors had deemed the law school's facilities, then located on the College's main campus, to be inadequate. Senator Spong procured funds to improve the law library and move the law school to its current location on South Henry Street. The building that currently houses the law school was constructed during Senator Spong's term as Dean, and he oversaw the project until its opening in 1980.

It was especially important to the class of 1983 that room 119 "look like a Spong classroom," said Dean Lizbeth Jackson. In addition to the new walls, Senator Spong's

portrait, formerly displayed in the administrative offices of the law school, hangs on the front wall of the room that now bears his name. The Spong classroom will be dedicated in a ceremony later this year. The date for the ceremony is not yet set.

Dean Jackson stated that one goal of the renovations was to make the building "look like the first-class law school that we are" by getting rid of the 1970s-style institutional decor that still defines most of the building, and to keep up with the needs of students by offering better access for laptops. "It will certainly have an effect on people's impression of the law school," she said.

Other important improvements include improved teaching technology that will make it easier for professors to incorporate programs such as PowerPoint into their lectures. New videoconferencing technology in the classrooms will also make it possible for lectures to be delivered from out-of-town.

The final cost for the renovations came to slightly less than \$130,000 for the Spong Classroom and just under \$250,000 for rooms 120 and 124. Remaining funds from the class of 1983's gift will go toward installing a new teaching desk to match the wood paneling in the Spong Classroom. Other planned future improvements include the installation of more effective parabolic lighting in rooms 120 and 124.

The renovations also encompassed the student lounge. Most prominent is the new Java City stand, which was completed just before the start of classes. "It almost didn't make the first day," Dean Jackson said of the close-run construction project.

Manhattan Bagel, which previously sold coffee and sandwiches to hungry students, is no longer serving at the law school. Dean Jackson said that although Manhattan Bagel was "a fine service ... [Aramark] is able to do more." Java City offers an ample selection of coffees, teas, and Italian sodas, as well as



The classrooms being renovated were barely recognizable over the summer. Now rooms 119, 120, and 124 feature more comfortable seating, convenient electric outlets, and parabolic lighting. Photograph by Nicholas Heiderstadt.

soups, sandwiches and salads, all prepared on campus.

Dean Jackson added that she hoped students would make use of the new food service opportunity. "The service must be used by students or Aramark will leave," she said.

Most of the lockers in the lounge area were repainted a metallic black in an effort to make the student lounge look "more like a coffee shop and less like a cafeteria." For the repainting, the lockers needed to be dismantled, and that meant cutting off the locks and emptying their contents. Not all of the locks were left by current or graduating students, either. "It was like archaeology" joked Dean

Jackson, noting that the contents of some lockers dated back to the late 1980s.

The remaining yellow lockers will eventually be removed from the student lounge to free up more space for seating. They will be replaced by new lockers located in the law library.

As for the library itself, there was one minor improvement: the removal of the huge, incongruous wooden bagel from its front windows. Formerly hanging between the bust of John Marshall in the main lobby and the portrait of Dean Woodbridge just inside the library, the giant foodstuff has returned to the inventory of Manhattan Bagel. We wish it well.

Study Abroad in Madrid

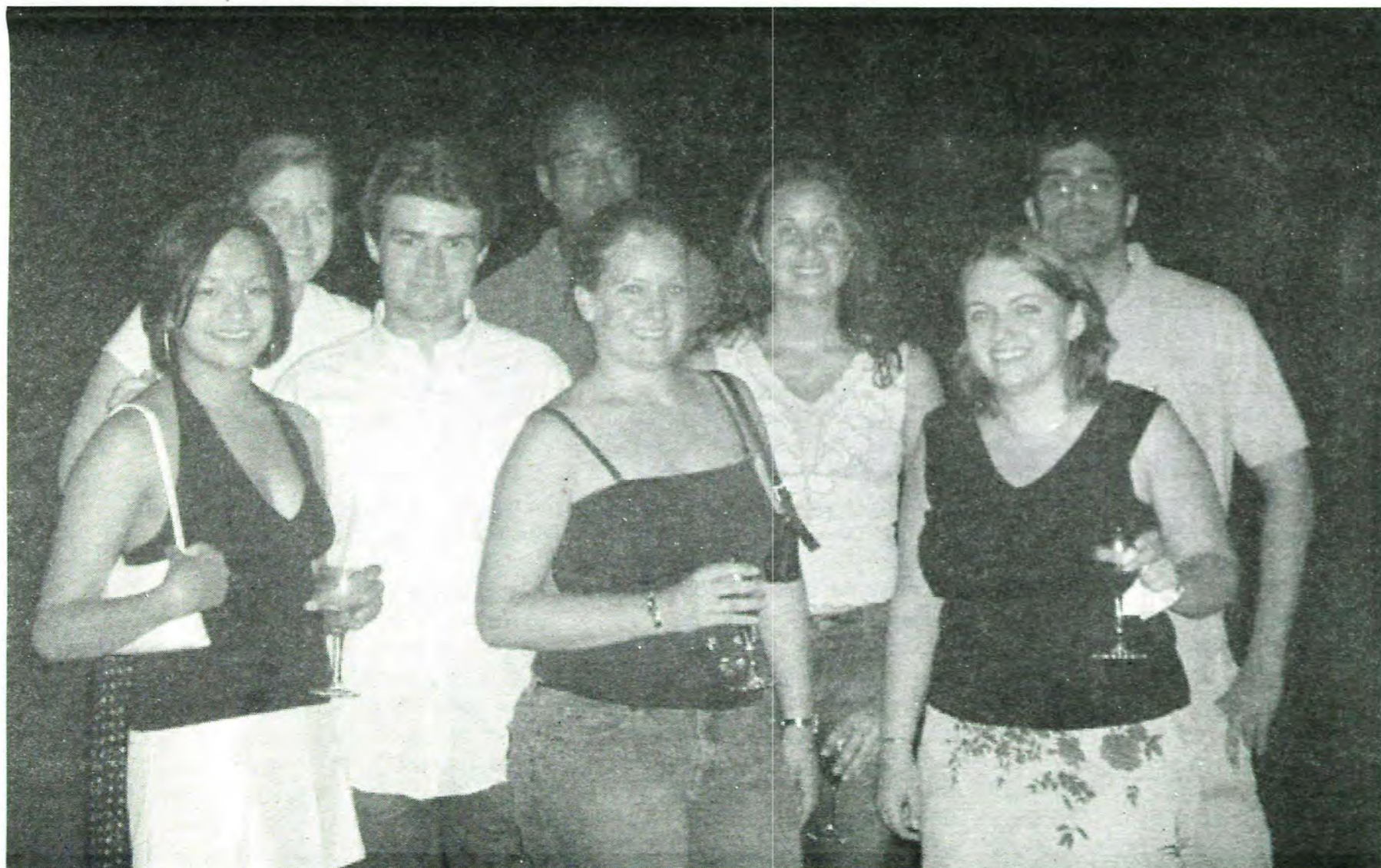
by David Byasse

Every summer since 1988, William & Mary has sent a group of law students to Madrid, Spain to study an array of courses in international and European law. This past summer Adjunct Professor Christie Warren directed the program, which ran from July 4 through August 4. Twenty-eight William & Mary students were joined by 76 students from 43 other law schools located throughout the United States. Each student had the opportunity to attend up to three courses scheduled between 9 A.M. and 1 P.M., earning a total of six semester credits. The courses offered included Human Rights in Europe, The Legal System of The European Union, European Union Law and Politics, International Environmental Law, Securities



(Above) Marshall-Wythe students NiNi Tin, Evan Wooten, Katie Allnutt, Jenn Evans, and Eddie Trivette standing in Plaza Mayor in Madrid. Photograph by Stephanie Spierer.

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NiNi Tin, Jenn Stiefvater, Eddie Trivette, Lamont Maddox, Robin Walker, Devin Hallett, and Nirav Desai join an intercollegiate friend at the End of the Summer Party. (Photograph by Stephanie Spierer)

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Regulation in Europe, Comparative Corporations, European Internet Law, Professional Responsibility, and Introduction to Civil Law and Comparative Constitutional Law. Our own Professor Jim Moliterno taught one course, and the remainder were taught by Spanish law professors. All classes were conducted in English. Additionally, Spanish-speaking students had the opportunity to participate in a week long externship prior to the commencement of classes.

The Colegio Mayor Jaime del Amo provided room and board. The grounds included a dining room, recreation area, lounge, bar, chapel, library, tennis court, basketball court, TV room, and swimming pool. The housing complex was overseen by a group of Jesuit Priests who apparently surprised a few of their summer guests with a set of rules that were not expected. The housing rules kept men on the men's floors and women on the women's floors at all times, and kept noise at low levels. The vending machines in the game room did, however,



Professor Moliterno, Laura Mangel, Devin Hallett, Phil Chapman, and Professor Christie Warren at the End of Summer Party. Photograph by Stephanie Spierer.

sell Mahou beer and there were no curfews.

Students found plenty of time to frequent the local restaurants and clubs throughout the week, and many took weekend trips to nearby destinations such as Pamplona (for the annual running of the bulls), Barcelona, Granada, Salamanca,

Bilbao, Toledo, Segovia, Valencia, and Seville. Finding travel efficient on the metro, and local currency easily accessible through euro-spitting ATMs, the red wine and sangria-sipping students had a great time. In the words of one participant, "it was an experience of a lifetime!"

Registration for the 2005 summer program in Madrid will not begin until the spring semester, but this writer has been advised, "if you're thinking about going, stop thinking and go."

For further information, contact Anne Beckly at: sumlaw@wm.edu, or 757-221-3818.



Students studying abroad in Madrid convene at the Spanish Senate building.

We Know What You Did Last Summer...

Every year the Public Service Fund, in cooperation with the Law School, provides financial support to a large number of William & Mary students during the summer so that they can pursue opportunities with government and public interest organizations. After a banner year for PSF fundraising efforts, a record 81 students received funding for summer 2004. Each issue of *The Advocate* will feature stories authored by the sponsored students.

Another Summer Made Possible by PSF

by D.G. Judy

Linus: It was a short summer, Charlie Brown.

C.B.: And it looks like it's gonna be a looong winter.

Despite the pathos dripping from that scene (the blanket! the striped shirt! Oh, that Charles Schulz), there's a wedge of wisdom, a trickle of truth, a scintilla of such and such in there for all the 2Ls (or at least for this one) looking back on the summer just concluded.

And maybe the aforementioned t. of t. is there also for the 1Ls, looking forward to a foreboding year, filled with the unknown (what's consideration? how do I do an outline? where are all the good bars? No, really...). I will speak not of 3Ls, for they are a foreign species to me, lazing around, already chattering about hours billed, the best place to live on the Upper East Side, how nice their AA sponsor is, etc.

But anyway—the truth I spoke of has to do with time, and specifically with its tendency to fly like hell when you're not looking. Just yesterday, it seems, I was new to this place, worried about all the things this year's 1Ls are fretting about (or maybe not—if you are one of those sanguine souls, ignore all this)—and now look! here I am, a year older, 1/3 of the way through law school, breezily beating around the bush in my what-I-did-this-summer column.

No, the point is that not even a year ago it was unthinkable to me that I would ever have a summer legal internship, 'cause it was unthinkable that I would even get

through the year. But it happened, and it will happen to you too (notice how I've totally switched into the patronizing 'advice to 1Ls' mode. Sigh. Sorry).

The summer after 1L year: some go to DC, some go to NY, some drink, er, study abroad through W&M's own Summer in Madrid program. I, like many, headed homeward for legal work within driving distance of free lodging (Mom and Dad, woot!). In my case that work was for a fine place, wholly undeserving of the pertone of this column, called The Rutherford Institute (TRI). TRI is a non-profit in Charlottesville. They defend people's civil liberties and human rights, generally *pro bono*, with emphasis on religious liberty (an area sometimes neglected by, say, the ACLU).

Small (i.e., poor) churches get sued; people get fired for not working on Sunday; kids get expelled for wearing t-shirts with guns on them to school—a lot of people in hot water like this call TRI, and a lot of times TRI helps them out.

My favorite caller this summer was a genteel old lady somewhere out in the tidewater flats of eastern Virginia. She was homebound and spent a lot of her time calling the sheriff, complaining about her drug-dealing neighbors who vandalized her property. Rather than attend to said dealers, the county charged her with harassing the dispatcher. Don't ask me. Anyway, we figured her \$70 was better spent on groceries than the cab ride to the courthouse, so we took her case (it hadn't ended when I left, but the general sense was the charges would be dropped).

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New Delhi: A PSF Story

by Rajdeep Singh Jolly

By good fortune, and with generous remuneration from our Public Service Fund, I spent an extraordinary summer in New Delhi, the site of my internship with the South Asia Human Rights Documentation Centre. The experience ranks among the best of my life.

The South Asia Human Rights Documentation Centre is housed in an unmarked building on a dusty lane in the Safdarjung suburb of New Delhi. The Centre is flanked by modest residential flats and surrounded by small businesses. As elsewhere in the city, a fifteen-minute walk on the streets near the Centre will reveal a mix of cell-phoned pedestrians, bored-looking shopkeepers, reckless drivers, scrap dealers, beggars, cane-carrying octogenarians, energetic children, vegetable vendors, free-roaming cows, shanty town squatters, motorized rickshaw drivers, saffron-clad holy men, mangy dogs, hip-looking teenagers, and then some.

A visual examination of trash on any Delhi street indicates that India is part of the global economy: a Pepsi can and Pizza Hut container here; a Cadbury chocolate wrapper and bag of McDonalds ketchup there. As one surveys garbage on the road, the sound of honking fills the air, as if a million songbirds had morphed into Korean automobiles. Indian drivers use horns to announce their presence to pedestrians, animals, and other drivers. In a city without stop signs or spacious lanes or side-view mirrors, horns save lives. From an olfactory standpoint, New Delhi smells like vehicular emission and excreta; for flies, it is paradise. In summer, the stench is accentuated by hot and

humid air. Daytime temperatures regularly exceed 100F.

My illustrious fellow interns represented several countries—Australia, the United States, the United Kingdom, Italy, Colombia, Ireland, Holland, and India. Those from the United States came from the law schools at Virginia, Georgetown, Fordham, Georgia, and a relatively famous school in Cambridge, Massachusetts that I regard as the William & Mary of the Northeast. I sincerely treasure the moments that we shared—our arguments, our walks to the market, our rickshaw stories.

I started my internship by cite-checking two chapters of a criminal procedure manual for use by under-resourced Indian activists and designed to create rights-awareness among concerned citizens. The chapters were written by former interns and were, to my disgust, heavily plagiarized. My effort to salvage honesty and credibility necessitated multiple visits to the Indian Law Institute, a dusty and poorly-ventilated repository of legal tomes and employment site for supremely inefficient bureaucrats—like the bespectacled photocopier who estimated that 50 copies would take four hours to complete, but who finished the job in 10 minutes after a fellow intern insisted on copying them herself!

After two aggravating weeks of cite-checking, I commenced work on two chapters of a report on human rights violations in Kashmir. Over the next few weeks, I learned and wrote about government-sponsored militants—surrendered insurgents who are employed by the Indian government for assistance in counterinsurgency opera-

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A Summer at the "New" Office of the Attorney General for the District of Columbia

by Lori Barstow

This summer I worked as an intern in what was formally known as the Office of the Corporation Counsel, but was renamed in May to better reflect the work the office actually does. It has the same functions as a state attorney general's office, so the Corporation Counsel changed its name to the Office of the Attorney General. I had the distinct pleasure of working in the Criminal Division, which allowed me a first hand look at the prosecution of criminals.

The OAG only prosecutes adults for traffic violations and "quality of life offenses" (i.e., Aggressive Panhandling, Possession of an Open Container of Alcohol, Disorderly Conduct, Indecent Exposure, etc.). Working as an intern in that division, I witnessed the process of prosecuting a defendant, from the decision to proceed with the case, to the resolution, mostly through the entering of a guilty verdict. I only had the chance to witness two trials this summer, one a bench trial and the other before a jury, as most of our cases pled out. For the most part, I spent a lot of time in the arraignment court before a magistrate judge.

My work this summer consisted mainly of mundane tasks, such as drafting motions, searching for case files inevitably misplaced on the day they are due in court, and running various documents to the clerk's office to be filed. Despite the lackluster nature of my internship, however, I found it to be an enjoyable experience. Criminal law is fascinating to me and I had the opportunity to experience the trial aspects of criminal cases. I witnessed some interesting trials, particularly that of a police officer (well, not anymore) who had played ping-pong while in the nude with a twelve-year-old. Fortunately he was convicted of the two counts of Indecent Exposure with which he was charged.

In addition to having the chance to witness an interesting trial, I was given the task of helping prepare for trials. I was allowed the opportunity to help interview a victim of a hit-and-run case for a trial. I have to admit, it was not what I was expecting. When I thought of interviewing a victim, I conjured up a picture of the person coming down to the office to be interviewed. Instead, the attorney and I went to his apartment and interviewed him. It was quite informal and relaxed, but it was still an important interview. Naturally though, the defendant pled out at the last possible second, right before jury selection was to begin. I learned first hand that a large part of being a prosecutor is dealing with the disappointment of doing hours upon hours of hard work to prepare for a trial, only to

have the case plea out at the very end. I also learned to appreciate that a guilty plea is far better than risking the chance of an acquittal with a jury.

While I did not do a whole lot of legal research, I do feel that I learned the practical aspects of trial work. My internship was valuable for the amount of time I was able to spend in the courtroom, witnessing the attorneys with whom I worked in action and being exposed to different types of judges. I also appreciate the experiences I had as a result of the contacts I made in the office. For example, I had the chance to go on a ride-along with a Metropolitan Police Officer one evening. One of the attorneys I worked with is a retired police officer who will happily arrange a ride-along for any intern interested. I signed on hoping to see some

action, but that was not in store for me. Much to my disappointment, not a single crime occurred in the patrol area I was in when I went. I had anticipated at least a DUI on the streets of D.C. on a Saturday night, but no such luck.

Overall, my summer working in the Criminal Division of the D.C. Attorney General's Office was interesting. I learned a lot about criminal law and what it means to be a trial attorney. To my disappointment, I was not able to be as involved in the prosecution as I would have liked. To be honest, a third year practice certificate was useless in the division I was in, but I cannot speak for the other divisions at the OAG. I did find it to be a valuable experience and would recommend this internship for anyone interested in pursuing criminal law.

Dehli continued from page 8

tions and who rape, torture, and murder with impunity in the cause of fighting secession. I also learned and wrote about India's National Human Rights Commission—a loopholed but surprisingly feisty agency empowered to investigate some allegations of state atrocities, recommend errant officials for prosecution, and recommend compensation to victims and their families. The Commission lacks prosecutorial power and cannot entertain cases older than a year. Moreover, the Commission is stifled by a provision in its founding legislation, which prohibits it from directly investigating allegations of atrocities by the armed forces. In effect, this ensures that most allegations of state atrocities in Kashmir remain off limits and that most actual state atrocities in Kashmir remain out of sight.

After Kashmir, and after composing brief memos on the Maldivian Human Rights Commission and efforts to end child labor, I contributed to another major project: the development of course modules on human

rights for use by professors at Indian universities, where critical human rights education remains underdeveloped or nonexistent. I developed a case study-based course module on national incorporation of international human rights norms. In the process, I learned about incorporation methods, about ways that states can circumvent their obligations under international law, about India's international commitments, about the tug of war between universalism and cultural relativism, and about constitutionalism.

During my last month in New Delhi, as I finished up the course module, a fellow intern and I interviewed about a dozen Afghan refugees. Most of these interviews were conducted through a translator, but I managed to conduct a couple on my own. (I polished my Hindi and Punjabi language skills outside the office during the summer, thanks to strict self-enforcement of my self-imposed no-English policy.) All of the refugees fled Afghanistan because of war. Most used to receive finan-

cial assistance from the United Nations High Commissioner for Refugees. Most no longer receive such assistance and must work as street vendors to survive. The Indian government does not issue work permits to the refugees. As a result, refugees who work do so illegally. Almost all suffer extortion by police personnel. Some suffer brutality by civilians, who associate Afghans with terrorism. The last man I interviewed received nine stitches on his head after being beaten by bigots with an iron rod. The information we gathered will probably be used for a report on the plight of Afghan refugees in India and for efforts to resettle particularly needy refugees outside of India, where they can rebuild their lives.

Living and working in New Delhi widened my perspective on the world, challenged my deepest convictions, and opened my eyes to many unsettling realities. Even still, I thank myself for attending law school and feel more inspired than ever to fight the enemies of progress.

Summer continued from page 8

I did a pretty wide range of work for TRI. I wrote scripts for radio public service announcements (the "First Liberties" series, educating people of their rights, 15 seconds at a time); I developed content for the website (go Googling; it might turn up); and of course, I did some legal research and writing.

My biggest research task had to do with the tail-end of Lt. Col. Martha McSally's case. In a nutshell, McSally is the top female fighter pilot in the history of the Air Force. Stationed in Saudi Arabia, she was required by the Pentagon to wear an *abaya* (traditional Muslim female dress, including head covering), rather than her uniform, whenever she left the base.

McSally objected to this as a Christian and as a ranking officer—she was not allowed to drive vehicles off base, or even leave base without an escort of two men. The Saudis hadn't requested these policies; they were basically DoD risk management. TRI helped file *McSally v. Rumsfeld*, and then while the case was pending Congress outlawed the policy in a spending bill.

When I got to TRI the issue was whether we could get attorney's fees from the government. It depended on whether McSally was a "prevailing party" under the rule of *Buckhannon v. West Virginia* (it was fascinating; ask me all about it sometime). The short answer: no fees—though there may, of course, be an appeal.

In short, it was a cool summer, I learned a lot, and now I can bump "Camp Counselor" another line down on the resume. And the unwritten subtext of this tale is that TRI, whose budget is not fat, had to pay me nothing, for PSF gave me enough to eat on, and once or twice to also drink and be merry. So go out this year and support our Public Service Fund. It is a good thing. See you there.

Hollywood Comes to Jamestown

New Line Cinema has been shooting a film titled *The New World* just down the road in Jamestown, Virginia. The film is an epic adventure inspired by the legends of Captain John Smith and Pocahontas. Set during the meeting of European and Native American cultures in the 1607 English settlement of Jamestown, the film is said to include a sweeping exploration of love, loss and discovery.

Terrence Malick, who wrote *The Thin Red Line*, is the screenwriter and director of the film, which is set for release in the fall of 2005. Notable cast members include Colin Farrell as Captain John Smith, Christopher Plummer as Sir Christopher Newport, Christian Bale as John Rolfe, and Q'orianka Kilcher as Pocahontas. Much to the delight of some law school students, Farrell has made several extracurricular appearances, including stops at favorite local watering holes such as the Green Leaf and Pints and Pipes.

- David Byassee

President Sullivan Announces Departure

While most W&M students were sunning themselves on sandy beaches or squirreled away in office cubicles at their internships, College President Timothy Sullivan announced that the 2004-05 school year would be his last term. In a message to the W&M community on June 18th, President Sullivan explained that his decision "was as difficult as the last twelve years have been extraordinarily fulfilling—both personally and professionally."

Prior to leading the entire campus, President Sullivan served as the Dean of the Law School from 1985 to 1992. His relationship with W&M extends well beyond his professional academic career, however. President Sullivan first came to W&M in 1962, as a freshman. His wife, Anne, also graduated from W&M in 1966, and they were married in the Wren Chapel.

The search for President Sullivan's successor is already

underway. A 22-member Presidential Search Committee has been assembled and will soon begin conducting a series of forums regarding the qualities that they should seek out in candidates. Following the forums and a deliberation period, the committee will make its recommendations to the Board of Visitors, which will formally decide who will be the 26th president. Michael Broadus (3L) represents the Graduate Student Council on the committee.

A Student Forum will be held on September 14th at 8pm in the Commonwealth Auditorium at the University Center to afford students the opportunity to voice their opinions on the search. Broadus noted that the committee also encourages the community to nominate potential candidates by contacting any of the committee members.

President Sullivan's tenure will end on June 30, 2005.

- Marie Siesseger

Sex and the Law: A Word of Advice

by Nicole Travers

This is for the 1Ls.

To be more specific, this is for those 1Ls who have emerged, freshly scrubbed and faces shining, from your undergraduate years. You are learning about new and fascinating elements of the law, like civil procedure. And you are meeting interesting classmates, many of whom are just as smart as you. They are fun! Good looking! Sexy behind their Dells! So are you going to get it on with any of them?

The answer, dear reader, is no. Not if you value your sanity, anyway.

You can learn this the hard way, or you can learn it from me. Never make out with a fellow law student. Under no circumstances should you *ever* sleep with one. And you should sooner set yourself on fire at an SBA barbeque than try to date one.

There are many reasons *not* to date fellow law students, but they all boil down to one basic point: law students are jerks. Of course, I don't mean *you*, dear reader. You obviously have grace and character, and are willing to listen to the good advice of one older and wiser than you.¹ You're the victim here! I'm trying to save you from the ravages of getting your tender heart broken by one of your classmates. Or one of my classmates. Or any of the 3Ls, who are just plain vicious. So before you even think about going to the Leafe and picking up that feisty young lad or lass who gave you the eye across room 119, think about what I'm telling you here today. It'll save you a lot of trouble.

You know, I thought I'd left mind games behind when I graduated from high school. Then I went to undergrad, and realized that the students there play the exact same games—only they have more time in which to play them because they skip class a lot more. When I got to law school, I very briefly entertained the thought that I was

entering a world of students too mature and considerate of each other to play around while in relationships. I learned two things in the first semester:

1. I am very foolish and probably should not have gotten into a first-tier law school.

2. Law students are in school in order to learn how to play mind games better than anyone else.

This is absolutely true. In Legal Skills, you will learn how to negotiate, to argue, and to put your clients completely at ease while you squeeze them dry for any information that can make you money. If you put two people in a relationship who have law-school-honed mind game skills, it would be like trying to force your pet hamster to make friends with your blender by putting one inside the other, and pressing "puree."

Let's envision a scenario, shall we? First year student "Bob" meets second year student "Bobgina" at the Leafe. They retire to Bobgina's extra-long twin in the Gradplex (or in some crummy hotel—it's all the same to W&M residence life). A day passes, then two. A week later, Bobgina has still not returned any of Bob's telephone calls, and he is feeling very unloved and neglected. Finally, he confronts Bobgina in the hallway outside room 124.

"Bobgina," he says, "where have you been all week? I've been trying to get in touch with you."

"Oh, hi Bob," she replies. "I was totally going to call you back. But then I had so much homework—they are really riding us in Legal Skills. Then I got three callbacks for job interviews, so I spent a few days in Chicago. Then the plumbing in the Gradplex/crummy hotel exploded and I spent the weekend under water until I was rescued by a squad of domesticated manatees. Then the phone lines exploded. But I couldn't call you on my cell phone because I lost your telephone number in the fire. But give it back to me now, and I'll totally call you back sometime after Thanksgiving."



"I see," says Bob. "These are all very plausible reasons. But if you don't mind, I'd like to subpoena your roommates to verify the events of your testimony. If I find you've made any false statements, I'm afraid I'll have to sue you for punitive damages due to emotional distress."

"Oh yeah?" says Bobgina. "Well, so's your face!"

Bobgina then proceeds to pluck Bob's eyeball out *Kill Bill* style, and Bob is forced to wear an eyepatch and become a pirate for the rest of his days. Another promising first-year's career is extinguished. Don't let this happen to you.

The other problem is significant others. I guarantee you that every single member of your class has a significant other stored away somewhere, be in New York, California, or under her bathroom sink.² Some law students will make this known as soon as you say hello to them.

"It's really sunny out today."

"What a coincidence! My girlfriend's favorite planet is the sun!"

Others will simply not say anything. If you start getting friendly with another law student, but he or she never mentions even the possibility that a significant other may exist in his/her life, but doesn't flat out say that he/she doesn't have one, assume he or she is either married or engaged. If he or she *does* say "I don't have a significant other," assume he or she is either married or engaged, and is a terrible liar.

I know what you're thinking. "This is awful! If I can't date other law students, who *am* I going to date for the next three years?" It's true that it's difficult to make contact with people who are not law students, but it's not impossible. Just for your edification, I've made a list of types of people it's acceptable and even beneficial to date.

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¹ One year older, and I guarantee you get better grades than me. But you listen to me anyway. Good for you.

² You have one too. Yeah, you heard me. I'm onto you.

Garden State: Not Exactly Overwhelming

by Marie Siesseger

Suburban New Jersey is not the sort of place that would seem to naturally inspire great art—the landscape isn't exactly overwhelming and pretty much anyone who has had the pleasure of traversing its famed Turnpike could agree that it's the sort of area you'd prefer to drive through hurriedly rather than linger too long in. The Garden State's relative dearth of natural charms, however, make it an ideal, if somewhat unfortunately apropos, setting for Zach Braff's directorial debut in *Garden State*.

As a preliminary matter, it should be noted that, with the exception of seeing Braff's mug in frequent close-up, *Scrubs* junkies will be disappointed. Many of the virtues of the NBC sitcom, including the impeccable comedic timing, generally witty script, and altogether-too-easy-to-relate-to characters, are absent from *Garden State*. The most notable difference between Braff's work on the small screen and in celluloid is that where each episode of *Scrubs* bolts out of the starting gate at almost breakneck speed and never falls out of step, *Garden State* lurches ahead only to fall behind around the turn. The

film feels like a mélange of nifty shots and potentially interesting characters culled from the pages of a film school text and stirred together with a somewhat tepid storyline.

Which is not to say that *Garden State* doesn't merit a trip to the theater. Compared to its current cinematic counterparts, specifically *The Manchurian Candidate* and *King Arthur*, *Garden State* is a veritable work of high art. It has a basically intelligent plot that follows Andrew Largeman back to his hometown in New Jersey from his apparently lackluster life as an actor in L.A. Going back to the Garden State for his mother's funeral, however, requires waking some sleeping giants in his family history, and Largeman seems more content to revert from 26 to 16 and get stoned with his wastrel high-school buddies than exorcise his demons.

Enter Sam. This sprightly young woman (how young is never revealed, but Natalie Portman's braids and "blankie" seem an odd match for the decidedly-not-26-year-old Braff) turns on the waterworks as she buries her dead hamster and melts Largeman's Lithium-stunted heart, paving the



Natalie Portman and Zach Braff co-star in a tepid *Garden State*

way for a wholesale psychological purging of sorts. All of which unfolds within the span of roughly 48 hours. Largeman has a promising food service career to return to in California, after all.

Garden State's greatest liability is likely Braff, who has bitten off a bit more than he can comfortably chew by taking on the double-duty of directing and playing Largeman. He also wrote the screenplay. An eerie feeling of multi-tasking infuses the first third of the film, which is distinctly odd considering that Largeman is supposed to be so doped up on his panoply of prescription psychiatric pills that he can barely manage to interact with the world.

When Largeman decides to drop the drugs, both he and the film slide rather gracelessly into a more typical prefabricated Hollywood plot. The film takes some unique twists and turns as it skips merrily along its semi-sappy boy-meets-girl storyline, but even the perfectly-cast Peter Sarsgaard (as the burnout buddy Mark) and Jean Smart (as Mark's mother, Carol) can't quite pull together the disjointed pieces of *Garden State* to make it into a truly great movie. Braff just took on too much, and the result is a good, but far from great, film.

Still, it beats the carnage and corny catharsis of *King Arthur* any day.

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1. Computer Nerds:

My personal favorite. Not only are they laid back and low maintenance, they can fix ALL of your computer problems. Can't print your exam in the school library? Call your girlfriend. She will construct a printer for you out of coat hangers and an old Monopoly board, and get it to you within fifteen minutes. The only drawback is that sometimes the males lack fashion sense and personal hygiene, but that can be remedied by strapping him down, propping open his eyeballs *Clockwork Orange* style, and playing *Queer Eye* at him until he emerges exfoliated and wearing

non-pleated pants.³ You can find computer nerds at any Terry Gilliam movie or planetarium.

2. Waiters/bartenders:

These kind souls keep your plates and goblets refilled, and if you date them, you can go through their pockets while they are asleep to steal their tips and use them at the coffee bar in the student lounge. They are usually friendly and gregarious, and can bring you food whenever you are too tired to cook/microwave/swallow. However, they do have to work at odd hours, so your chances of actually being with them⁴ on a day-to-day basis are rather diminished. Find them at any bar or restaurant you

frequent, but make sure you have never stiffed him/her on a bill before you hit on any of them.

3. Sugar Mommas and Daddies:

Older men and women who are only too happy to provide you with financial assistance in exchange for sexual favors. For normal people, such a relationship might make one feel like a commodity, but fortunately for us, we're law students. Our hearts are dead and cold. It might be a little difficult for people as egotistical as we law students to get used to being someone's "bit on the side," but they will be less demanding than normal boyfriends and girlfriends, giving us ample time to study.⁵ If

anyone knows where to find one, let me know.

4. Rob Lowe: Enough said.

Follow these simple guidelines and you may get through your first year of law school with little to no relationship tragedy, and might finish in the spring not despising Marshall-Wythe for all it's worth.⁶ If you don't follow them (and I know you won't), get ready for a year of absolute hell. Oh, and don't be surprised when your significant other breaks up with you for cheating on him/her with a fellow law student. But don't despair. This will give you a wonderful opportunity to ruin your life by dating your summer boss.

³ Don't be alarmed if he also emerges wanting to make out with Jai. It's perfectly normal. My sofa wants to make out with Jai.

⁴ Read: getting laid.

⁵ Read: drink.

⁶ I'm just humoring you. You're going to despise this school no matter what happens.