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2004

The Advocate (Vol. 2, Issue 3)

Repository Citation

"The Advocate (Vol. 2, Issue 3)" (2004). *Student Newspaper (Amicus, Advocate...)*. 309.
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The Advocate

VOLUME 2, ISSUE THREE

WEDNESDAY, SEPTEMBER 29, 2004

WILLIAM & MARY SCHOOL OF LAW



Gambling For A Good Cause

by William Y. Durbin

If you took a quick glance around the gaming floor that night, you might have thought you'd caught a glimpse of Robert DeNiro or Joe Pesci surveying their domain. But, you would have reminded yourself, it wasn't the Tangiers Hotel and Casino—it was Marshall-Wythe. Still, although those wiseguys were nowhere to be found, their dapper doppelgangers, Profs. Richard Hynes and James Moliterno, were dressed in their tuxedos and dealing cards like pros.

The Public Service Fund transformed the bricks and parquet of the William & Mary Law School lobby into the glitz and glamour of a Las Vegas gaming parlor for its annual Casino Night on Friday, Sept. 17. The fundraiser drew 180 students and faculty and generated

approximately \$1,200, which will ultimately help students take jobs in public interest law this summer.

"I'm just glad so many people came out and had a good time in support of our organization," said Sam Olive, a member of the PSF board of directors, who led the organization effort and worked as pit boss. "We can't fund anyone without the school's help."

Steve Del Percio (3L), Tarek Shuman (3L), and Chris Supino (2L), three other PSF board members, helped Olive plan and pull off Casino Night. In fact, all of PSF's 20 board members had a hand in putting together the event—from setting up to serving as volunteers.

Members of the law school community—particularly the first-year class—came out in droves to support PSF. Included among the paying customers, 35 volunteers worked as ticket-takers, beer-serv-

ers, and dealers for the benefit of the fund.

"I wanted to help out PSF, and I thought spinning the roulette wheel would be a good time," said Alex Blumenthal, a first-year student who dealt the table for a large part of the evening. "All the players were pretty serious considering the fact we were playing with fake money. I did feel a little outdone by Profs. Hynes and Moliterno, who were dressed in their formal best, but I had a great time. Thanks to Maryann [Nolan (1L)] for keeping me going with a steady supply of beer."

In addition to the roulette table, dealers manned four tables of blackjack and four tables of Texas Hold 'Em poker. Blackjack ran on open tables throughout the night, but each poker table played four hour-long, closed-table tournaments. After a \$500 buy-in, play-

ers competed to be the high chip winner. At the end of each hour, the high-man or high-woman won a small prize and the right to keep his or her seat at the table. Unable to find anyone competent and confident enough to run it, organizers had to flush their plans for a craps table.

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Corrections

In our last issue's softball articles, we gave the names of the third and fourth place teams, but not those of the first and second.

We at the Advocate apologize for the oversight, and would like to congratulate all the teams who participated for their hard work and good sportsmanship.

First Place: "Tom Jackson Returns"

Christine Dealy (3L), Heather Hopkins (2L), Kelly Street (3L), Michael Sweikar (2L), David Morrison (2L), and Casey Ewart (2L), Scott Hettermann (1L), Chris Bauer (2L), Ryan Riesterer (2L), Matt Barndt (2L), and Christian Larson (3L)

Second Place: "Theo's Team"

Steve Del Percio (3L), Cassie Ward (3L), Blake Points (3L), Katie Aidala (3L), Rich Hadorn (3L), Mike Merolla (3L), Carl Neff (3L) Ryan Dolan (3L), Sony Barari (3L), Theo Lu (3L), Mike Cavanaugh (3L)

THE ADVOCATE

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Editorial Policy

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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.

David P. Baugh: Keeping The Process Sacred

by David J. Byassee

"I am a grunt, a field hand in the house of justice," said David P. Baugh in his address to a classroom full of law and public policy students on Friday morning at the Marshall-Wythe School of Law. In a personal interview following his lecture Mr. Baugh disclosed that he began his tango with the law at the age of 16, when first arrested for taking part in the Nashville sit-ins. He didn't do much different from the rest of the other students during college, drinking and chasing girls around. But when he was expelled from the University of Richmond for participating in a demonstration, the ACLU stepped in to represent his right as a student to protest. During his trial Baugh saw in Arthur Samuel, the attorney representing him, what he ought to do.

Baugh represents unpopular clients. He has represented a cross-burning Klansman (despite the fact that he himself is an African-American), a bomber of a United States embassy (who was accused of killing 219 people), a member of Al Qaeda, stalkers, and rapists. However, he asserts that he is not the only criminal defense lawyer out there representing unpopular clients. "Everyone who is convicted of a crime is unpopular," he said. Baugh is a former president of the Virginia Association of Criminal Defense Lawyers and the Richmond Criminal Bar. He believes he has a purpose, and it makes sense.

Six weeks into law school, Baugh figured it out. "It's not about learning the law, it's about philosophy." Keeping with the Socratic tradition of law school, Baugh rhetorically asked "why do we have judges?" To which he responded rather candidly, "to make sure justice is done. And what is justice? Justice," he said, "is not the result, but is the process." Baugh then explained that the Constitution guarantees due process to all persons charged with committing a crime, and that every time we

defend someone who is accused of a crime, we defend the Constitution. That is justice.

The measure of a lawyer, as Baugh sees it, is your ability to believe in your principles when no one else believes in you. "Being a criminal defense lawyer means that a lot of people will hate you." In the hopes of clarifying an often frustrating point, Baugh stated that "because a lawyer defends someone does not mean that he/she endorses the behavior." On the contrary, he sees representing an unpopular client as an opportunity to do what is right—to ensure that the accused is presumed to be innocent until found to be guilty beyond a reasonable doubt. Taking particular issue with the doctrine of harmless error, Baugh said that unfortunately if someone is guilty enough, many lawyers believe that they don't have to follow the rules. With that, Baugh posited that we could use some help upholding the Constitution.

Baugh's father, a revered Tuskegee airman of WWII, once stated, "I defended America from the Germans, but my son does more to protect our freedoms in a single day than I did in my entire life."

Offering some practical advice in a personal interview, Baugh commented on the path to finding a legal career that suits you. He said, "When you get out of school, you don't really pick what you are going to do, what you're going to do picks you. You're going to get out of school, you're going to apply for a job, and someone is going to hire your ass, and you're going to end up doing whatever the hell they want you to do. If you're lucky, you'll like it."

But before all that happens, Baugh advised that you sit down with your friends, have a few drinks, and talk about what you need to make you happy. Not how much money, but how you want to feel about yourself. That should guide what you do, and eventually you will figure out what price you are willing to pay for that.

W&M Pro Bono: Williamsburg Housing Partnership Helps Neighbors Stay Safe

by David J. Byassee

On Saturday, Sept. 25, a group of 14 W&M law students dragged themselves out of their oh-so-comfortable beds before 8AM in order to meet at the law school to do some volunteering for the benefit of the local community. That was especially rough for those who spent the previous evening romping through Busch Gardens during the annual William & Mary Day at the local theme park. The cause was headed by Stephanie Spierer (2L) who had arranged a morning of volunteering work through the Williamsburg Housing Partnership. The Housing Partnership works to improve substandard housing conditions for local elderly and low-income families by making essential repairs to their homes. "Keeping our neighbors warm, safe, and dry" is their motto.

The majority of our crew worked from about 8AM to 11AM clearing brush and rubbish from the yard of an elderly woman, and Maryann Nolan (1L) and Chris Shiflet (1L) installed a new roof over a shed. Apparently the city had



Law students helping housing conditions around Williamsburg. From left: Chris Shiflet (1L), Maryann Nolan (1L), Shawan Gillians (1L), Jennifer Stiefvater (2L), Geneva Perry (2L), Georges Nabwangu (2L), David Byassee (2L), and Leondras Webster (1L). Photograph by Stephanie Spierer.

received complaints regarding the state of the property and required that some upkeep be performed. That is where we came in the picture. Thanks to those who participated and shared the good-will of our law school: Shawan Gillians, Jordan Gillman, Maryann Nolan, Lisa Purdy, Linda Quigley (and her son Connor), Chris Shiflet,

Leondras Webster (all 1Ls), and David Byassee, Adrienne DiCerbo, Georges Nabwangu, Geneva Perry, Stephanie Spierer, Jennifer Stiefvater, and Emily Tulli (all 2Ls).

It really was nice to get up and experience a Saturday morning again, albeit minus the cereal and cartoons. October 23 is national

"Make a Difference Day" and the W&M office of Student Volunteer Services will be helping us find a project to do that day. We are also hoping to help out with the Haunted Forest at the Williamsburg/James County Recreation Center on October 30. If you're interested in giving a helping hand, contact Stephanie Spierer at slspir@wm.edu.



Maryann Nolan (1L) and Chris Shiflet (1L) work on a new roof for a shed. Photograph by Stephanie Spierer.

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PSF Big Winner On 'Casino Night'



Marshall-Wythe students all had fun at Casino Night, but PSF was the big winner. All photos by Justin Hargrove.

Casino Night from pg. 1

Still, players found ways to rack up the winnings. In addition to the prizes given to all the poker winners, PSF had four grand prizes for the highest rollers of the evening. Westlaw and several local businesses donated the prizes.

Matt Dobbie (1L) was the big winner of the evening, racking up a total of more than \$13,000 in Sullivan Dollars and Reveley Bucks. With his winnings, Dobbie had first pick of the four prizes and took home a set of premium poker chips.

With roughly \$7,500 in fake

money, Chris Shiflet (1L) was the runner-up. He selected 5,000 Westlaw points as his reward.

"I mostly played blackjack, and I just had a few really good hands in a row," Shiflet said, discussing his winning strategy. "I kept letting my money ride, and I went from \$400 to about \$6,000 in five or six hands."

Shiflet noted that he had made most of his winnings on Prof. Hynes's table. Perhaps he can advise Shiflet whether the promise to deliver the Westlaw points is legally enforceable. Shiflet said he was still waiting on delivery.

A pair of gift certificates to

local establishments rounded out the collection of prizes, with Ian Ralby (3L) winning \$40 at the Green Leaf.

Unlike in real casinos, however, there were no losers (or broken knee caps) that night. PSF was the big winner.

Compared to those held in years past, this edition of Casino Night was a big hit. Last year's event was a casualty of Hurricane Isabel, and attendance two years ago was substantially lower.

Olive attributed this year's attendance in part to the almost-celebrity status poker has taken on in popular culture.

"I think the prominence of Texas Hold 'Em on ESPN contributed to the event's success," he said. "It was partly responsible for the increase in numbers from previous years."

A student-run organization, PSF raises funds to build and distribute stipends for William & Mary students working in public interest law during the summer. The organization hosts several fundraisers throughout the year. In addition to Casino Night, PSF hosts a Dinner Date Auction, a 5K race, and a Halloween Party, which will be held on Friday, October 29. The group also runs the lobby gift shop.

Meet Emilie Jones, Drapers Scholar

by Marie Siesseger

Emilie Jones personifies the "international" student. A native of Sweden, she attends college in London, has spent a year studying in Paris, and is this year's Drapers Scholar at William & Mary Law School. So it's only fitting that Jones' scholastic interests lie primarily in the realm of international law.

On a pleasantly sunny Friday afternoon, Jones and I sat down to talk about what brought her to Williamsburg (aside from the possibility of brushing shoulders with Colin Farrell, which Jones informs me she's already done), and how her American experience has been treating her so far. "I thought it was a nice idea to go to America," Jones explained, elaborating that "it's interesting to see, because I've done a lot of international law—especially European law—and the U.S. always seems to be involved in some way."

This is not Jones' first foray across the pond; previous trips have taken her to Los Angeles, San Diego, and Las Vegas. During her time in the U.S. as the Drapers Scholar, Jones intends to explore the East Coast, particularly Washington, D.C., and New York City. She has already secured an invitation to a properly American Thanksgiving in Minnesota.

An avid traveler, Jones has traversed much of Europe, including Spain, Italy, Greece, and Germany. She has also been to Australia, Malaysia, and Israel.

Prior to entering college, Jones concentrated on science and math in her high school curriculum. Her degree program at Queen Mary, University of London is in English and European law, and she will graduate in 2006.

Unlike in the U.S., British legal education is completed during the undergraduate years, so Jones chose to study law before arriving at Queen Mary. Similar to the American system, however, the first year of legal education is devoted to compulsory coursework in Contracts, Public Constitutional Law, Criminal Law, and Land Law.

Second year students study Torts, Trusts and Equity, Administrative Law, and European Union Law. In her third year, Jones studied Jurisprudence and Philosophy of Law.

Queen Mary's law program is nearly the same size as William & Mary, with approximately 200 students in each year. But in contrast to Marshall-Wythe, Queen Mary has a distinctly urban setting, and the campus features a nightclub and bar owned by the Student Union.

Jones spent her first year abroad studying French law at Paris II, Panthéon-Assas, where she lived on an internationally-oriented campus for exchange students. The educational system in France held some surprises, said Jones. "For my first lecture, I was running a bit late, and when I got there, I had to sit on the floor. There were 1,800 students in the lecture," she said, laughing. Jones confirmed that she'd always found a seat at William & Mary.

As for culture shock, Jones said that "what I found different with the American process is that you get called on here, even if there are 70 of you in the room. That wouldn't really happen [in London], it would mostly be the lecturer speaking...and then we would have seminars." The seminars are small group sessions for which 10-20 students prepare answers to problem sets and discuss them with an instructor.

Like any American law student, Jones confronted the inevitable job search this year. After interviews with several major law firms, mostly based in the U.S., Jones accepted an offer at the London office of Covington & Burling. She will begin her two-year training rotation there upon graduation. Upon completion, she will be certified as a Solicitor.

Jones' extra-legal interests include handball and netball, two sports for which she admits she's not likely to find any pick-up games in Williamsburg. Handball is somewhat akin to soccer, except that it's significantly higher-scoring and the ball may, as the name indicates, be

Continued on pg. 7

the sba presents...

fall from grace

marshall-wythe's annual semi-formal

friday, October 15, at the Ramada Inn 1776

from 9:00 pm to 1:30 am

*A free bus will travel back and forth from the law school to the Inn.

*Six bartenders will be serving beer, liquor, and soft drinks until 1:15

*There will be hot hors d'oeuvres

*Tickets will be on sale in the student lobby. Get yours now!

9/29-10/8: \$25

10/9-10/14: \$35

10/15: \$40

Weaving A Common Thread

by David Zerby

When first heard, "StitchnBitch"—written without the apostrophe, unlike Toys 'R US or even the title of the book from which the name derives, and pronounced in a smooth, almost monosyllabic manner—calls forth notions of various enclaves: rebellious surgeons, a support group for garment-factory workers, hellacious grannies doubling-down shots of Wild Turkey in mildewed, pine-floor bars while complaining about the woes of grandmotherhood. But "StitchnBitch" is in fact the name of an informal organization of law students dedicated to, well, knitting and bitching.

Neither the knitting nor the bitching appear to have circumscribed boundaries. Only the sense of decorum of each individual within the group limits the subject matter of either knitting or bitching; on a typical night, sweaters, socks, scarves, and hats are knitted; school, relationships, and current topics of interest are discussed.

Marshall-Wythe's StitchnBitch (there is also a larger, undergraduate StitchnBitch) originated as the brainchild of two students, Megan-

Brady Viccellio (3L), and Jennifer Hillman (2L), and is based on Debbie Stoller's book of the same name. The book suggests organizing a club devoted to knitting as a means of socializing among women.

According to Viccellio, StitchnBitch descends from a long tradition of females combining productivity with social events, such as quilting bees and sewing circles. "Of course," Viccellio says offhandedly, "men are permitted, but so far none have shown any interest in attending; and then, there's the whole subtext of subverting gender stereotypes—women reclaiming women's work by enjoying the product of their labor, that sort of thing. But it goes deeper than that, too. This is also a way to support each other through the stress and rigors of class, job search, everything. There are other events that do the same, but they usually involve alcohol. This is a great time for people to relax without that, and learn—or improve on—a hobby. StitchnBitch is...almost a support group, but an informal one; one just among friends."

If you are interested in finding out about StitchnBitch, track down Megan-Brady or Jennifer.

Law Meets Art In Atlanta

by Anne Fornker

When I went to work, Georgia Lawyers for the Arts was right at the brink of moving its office from Atlanta's Bureau of Cultural Affairs, a rather garishly painted set of offices and a gallery, to a bigger space in some converted factory lofts with lots of exposed brick and glass. We needed the room. We had a small office and the use of a conference room that looked remarkably like a stage set (fake fireplace, furniture on wheels, colorful but insubstantial pictures on the walls). Sometimes our director and as many as five or six interns would squeeze into that office to work.

Artists manage to get themselves into pretty interesting legal messes. Bands unwittingly sign names, souls, and fortunes over to managers, orchestral boards write by-laws that allow each warring faction to fire all the other fac-

tions, painters sell pieces featuring famous dead people with litigious families, and sculptors coauthor pieces and then get into raging fights about what to do with them. Everyone and their brother wants to: 1) start a production company, 2) trademark their cool production company/band/stage name, and 3) have some lawyer "shop" their screenplay/album/novel.

We had clients covered with tattoos who sang punk rock, clients with singing/acting gigs that involved dressing up as animals, deeply religious clients who sang gospel music, clients who wrote erotica under fake names and clients who sold pretty pictures of flowers in organic food markets.

Some of them were lucky. (Having a famous movie star accidentally launch a major film with a production company name for which you own the trademark is very lucky, financially speak-

ing.) Some of them were unlucky. (Having a magazine in a foreign country steal your story is unlikely to net you any money. Same goes for bankrupt galleries who've sold your paintings.) Some of them were crazy. ("So...Elvis stole all his lyrics from you...that's terrible.")

For the most part, we could sympathize. Almost everyone there had some background in the arts—Lamar painted, Cameron was publishing her second book of photography, Laura was a dancer, David a former cameraman, and I'd worked as a writer.

I got to see the work that goes into shopping a band, negotiating a book deal, and drafting a sample contract for a producer. (The people who fund a movie own every last idea a producer has while he's working on it—even if its for a better way to build a mousetrap.) We did a lot of referrals, most of them pro bono, so I talked to a lot

of attorneys about arts issues.

We did a summer associate event at Actor's Express, a hip little theater in Atlanta. They were putting on a rather edgy play that turned out very well, but a low point in the summer was hearing several trays of sushi come crashing down in the back of my car as I raced with them and all the name tags to the theater. (Most of the sushi turned out fine.) Other nonlegal tasks that came up included helping to film our local access cable television show, the Artists' Advocate. They were short a cameraperson. I was listed afterwards as "crew" in the credits. It's ridiculous how cool that can make a college-educated person feel.

I felt extremely valuable there as I got to see my work help people, and the Public Service Fund money made it possible for me to afford to eat and buy gas in the meantime. Parking in Atlanta can run steep.

In Philly, A Summer Spent Giving New Meaning To 'VIP'

by Kelly J. Gastley

With the very generous help of PSF, I was able to intern with the Philadelphia Volunteers for the Indigent Program (VIP) this summer. VIP gets client referrals from other legal aid organizations in Philadelphia and then matches clients with volunteer attorneys from the private sector for representation. As a result of this unique structure, I got a strong sense not only of the public interest community, but also of the way in which the broader legal community interacts with indigent clients and the organizations that serve them. What was particularly beneficial about this experience was that it reminded me that it's not just traditional legal aid attorneys who provide legal services for the poor. Private attorneys also help

out a lot through their pro bono work. It was a fabulous experience to collaborate with private sector attorneys in serving Philadelphia's low-income community.

What was even more rewarding about my internship with VIP was being a part of the unique public interest legal community that exists in Philadelphia. Legal services organizations in Philadelphia work closely with each other and continually re-assess and develop their programs in a collaborative environment. Each organization sees itself as part of a larger effort to reach the disadvantaged, not just as a separate entity serving a discrete group of clients.

Throughout the summer I frequently attended seminars and meetings at which members from every organization gathered to discuss the latest legal issues fac-

ing our clients and the best ways to address those issues. There is no measure to the collaboration that I saw on a daily basis among these organizations. For that reason alone I would highly encourage you to work in the Philadelphia public interest community at some point in your career, because that is not a situation that you find in many other cities.

Even more so, though, I would encourage you to work for a legal aid organization anywhere in order to begin to truly understand what life is like for the "other half" and to learn how much of a difference your skills as a lawyer can make in an individual's life. I worked with clients on a daily basis who were struggling to keep their homes, to fix repairs that were making their houses virtually uninhabitable, and to prevent mortgage foreclosures.

Through my internship with VIP, I had real experiences with real people who had real legal problems, and those circumstances made my work all the more meaningful and rewarding. It also reminded me to appreciate my life and all of the blessings in it.

Though, for me, this experience was really the start to a career in legal aid, someone else could find it equally rewarding merely as a summer internship. I encourage you to take the time now—rather than in five years when your loans are kicking you in the butt—to explore the public interest sector of the legal community. Regardless of how you use your law degree later on in life, your summer experience will always remind you of the importance of helping those who do not have the time or money to fix their legal problems.



Contrary to popular belief, the Greenleaf Cafe is, in fact, open before 9 PM, and it does, in fact, serve food.

Really good food.

Daily Lunch Specials:

Soup and Salad or Sandwich, \$6.50

Daily Dinner Specials

Smoke-free before 10 PM

Brunch on Sundays

Come in to eat for once.

Working For The District

by Nate Doan

Like many others at the Law School, I worked at the Corporation Council (the newly renamed Office of the Attorney General for the District of Columbia). As I hope to be a tax man someday, I worked in the Tax, Finance, and Bankruptcy division. Overall, I enjoyed the experience.

The internship provided me with the opportunity to research tax and bankruptcy issues and become better acquainted with their respective codes (although I don't know if I will need D.C.'s tax code again). While the Office of the Attorney General has about 250 attorneys, my section only had about six. I went to trials. I also wrote memos and read cases to discuss with the attorneys. The attorneys often work fast because they are understaffed and under-funded. On one occasion, there were substantial

questions over whether there were funds to purchase a transcript from a hearing.

Currently, the tax section is spending most of its time defending a class action lawsuit that challenges the way in which the District assesses real property tax. My section's main client is the Office of Tax & Revenue (OTR). The lawyers in my section work as OTR's litigators. They actively pursue the cases brought to OTR without becoming too intertwined with OTR. The District in most of these cases is the defendant, and it was interesting to witness how the District reacts to the many lawsuits and challenges it receives.

While not very exciting, perhaps, the internship provided experience I can use to decide if this is a future I want. More importantly, I got my foot in the government door. A government job is where I am hopefully headed, and the internship got me one step closer.

I worked with great people who, despite being part of the very large District machine, appeared to enjoy the work.

D.C., of course, is a great place to work. I recommend the intern-

ship. One must be ready, however, for the austerity of government work. There are no perks or wages, and the cost-of-living in D.C. may produce problems for those on a budget.

Meet Emilie Jones from pg. 5

picked up by players other than the goalie. Netball, Jones explains, is something like basketball.

She said that the people at William & Mary have thoroughly impressed her—"everyone is really nice"—and expressed delight with the facilities, especially the wireless computer network, which her home school does not have. Moreover, Jones emphasized that the honesty of students here was a pleasant surprise.

Perhaps the most welcome surprise Jones has encountered, however, is the weather. "It's beautiful!" she effused, explaining that in Sweden an average fall

day may hover around 40 degrees Fahrenheit.

The Drapers Scholarship is funded by the Drapers Company of London, a livery company that had its origins in the Medieval Period. Jones' year at William & Mary is part of a reciprocal arrangement between Marshall-Wythe and Queen Mary; Sada Andrews ('04) is currently pursuing her LL.M. in London.

"It's a great opportunity," Jones said enthusiastically of her experiences at William & Mary thus far. And the smile on her face as we parted confirmed that she was indeed enjoying her current international exploit.

Introducing: The Honor Council

The Honor Council is very excited about this year and we hope to be an open and active council accessible to the entire student body. We are working on a number of programs to improve overall student awareness of the Honor Code, and we welcome ideas, suggestions, and questions from all students regarding this goal. To start things off we would like to introduce ourselves individually to the school. One of our goals this year is to be available to the entire school to discuss any honor-related issues; so feel free to stop any one of us whenever you need to. On to the introductions... —Theo Lu



Theo Lu (3L)—Chief Justice

I'm a first-generation American who was born and raised in the suburbs of Rochester, New York. I graduated from Wheaton College (IL) where I majored in Political Science and minored in the Chicago Bears. Before joining The Wythe I spent a year working construction, moving houses (the actual buildings, not boxes). I joined the Honor Council as a 1L because I needed some community service to balance out all the IM sports I play. Seriously, I am really honored to be the Chief Justice and I will do my best to serve the Law School.



Richard Farley (3L)—Vice-Chief

was born and raised in The People's Republic of Massachusetts before making my way south

to the greener pastures of Virginia to attend Hampden-Sydney College. While in college, I had my first exposure to an honor system and became involved with the Honor Court. After graduating, I worked in Washington before returning to Hampden-Sydney as an employee for two and a half years. Since then I have called Williamsburg and Marshall-Wythe home. I applied to be on the Honor Council because I have seen in my past experiences the benefits that an effective honor system can reap, and I wanted to help promote a similar environment here.



Dominique Callins (3L)

My name is Dominique Callins and I am a 3L. I graduated from Florida A&M University (GO RATTLED!) in 2001 with a BA in Theater. Prior to attending William & Mary I worked as a middle school teacher. I consider it a privilege to be a member of the Honor Council and to have the opportunity to work with all these fine, honorable people.



Megan-Brady Viccellio (3L)

My name is Megan-Brady (the hyphen is silent, and no, I don't know why my parents did this to me). After double majoring in unemployment at Agnes Scott College in Georgia, I wrangled yaks briefly in the Yukon before working in DC for the Public Defender. I am on honor council because Aaron Kass made me apply (there is cur-

rently a restraining order, and I will call the cops, Aaron!) in order to bolster the Norfolk bloc.



Aaron Kass (3L)

Hi, I'm Aaron Kass. I'm originally from Norfolk, Va. and went to undergrad at Georgetown University in Washington, D.C. I'm really excited about being on the Honor Council this year because it means I get to hang out with guys like Theo Lu and Richard Farley. If you have any questions, please stop me in the hall!



Sam Olive (3L)

I was born and raised in Williamson, West Virginia, a small outpost in the Appalachians that you're unlikely to find unless you miss your turn and blindly drive for five more hours. I escaped the mountains to find myself at Notre Dame, where the only thing colder than the beer was the weather and the play of our quarterback. I majored in computer science in the halcyon days of the late 90s, and when the tech crash left me unemployed, I found refuge in law school in sunny Virginia. I am on the Honor Council because I wanted to make sure that the Council contained a voice of reason.



Sarah Armstrong (2L)

Sarah was born a Hoosier and spent her formative years diversifying herself culturally by moving from Indiana, to Wisconsin, to Iowa; making herself an expert in basketball, cheese and corn. Attending Drake University in Des Moines, the William & Mary of Agriculture, she plotted her escape from the Midwest. Upon her escape, she moved to New Orleans in search of employment and the meaning to life...she found employment. Since moving to Williamsburg, Sarah has been seen "cruising" Richmond Road in her Geo Prizm, which was recently featured in an MTV episode of "Pimp My Ride" and traveled to China as a special envoy of the W&M Law Soccer Club to promote flip-cup around the world. (Part of Sarah's bio was contributed by Chris Johnson.)



Chris Johnson (2L)

Chris' life began in the humble Detroit suburb of Grosse Pointe, Michigan. Seeking excitement and guaranteed/required employment opportunities, he left for a small technical/vocational college in Annapolis, Maryland where marching tours is an exciting Saturday night. After three years of unsuccessfully trying to assimilate into Hawaiian culture (get a tan), Chris returned from the islands seeking intellectual enlightenment and a lower risk of skin cancer in Colonial Williamsburg. Recently, high school girls

Introducing: The Honor Council

have taken up much of Chris's me as he is an assistant coach for one of the local high schools' cross country team. (This part of Chris' bio was contributed by Sarah Armstrong.)

All kidding aside, we (Chris & Sarah) have involved ourselves with the Honor Council because we value tremendously the spirit of community and sense of trust that exists at the Law School. We wish to be a part of maintaining and fostering that environment for future classes.



Jess Mekeel (2L)

"Please allow myself to introduce... myself." In an effort to conserve space, here is my bio: Jess Mekeel. 2L representative. UNC-Chapel Hill. Vertically-challenged. Perpetually stressed. Plays baseball. And tennis. Mafia ties. Don't commit an honor code violation. See also: 2004-2005 Admissions Brochure, at 32 (describing my background in further detail and actually using complete sentences).



John Pollom (2L)

I'm from a small town in Kentucky called Danville and went to undergrad at Hanover College. In the past year, I've survived a hurricane, a 100-year flood, and won a sports bet against Dan Patrick - so you'd think the 2L job search wouldn't be that scary. You'd be wrong. I'm on Honor Council

partially to help with said process and partially because I'm a nerd and genuinely want to make the school a better place. I dislike nerds and people who use phrases like "said process."



Seth Zucker (2L)

Having graduated from George Washington University in May of 2003, it's taken me the year that I have been a law student here to convince myself that people really do drive this slowly around here. For all the 1Ls who are hoping that once the tourists leave people will begin to realize that a left turn arrow means you're allowed to turn, sorry, no such luck. I am honored that I have been selected to be part of the Honor Council. I hear that the undergraduate Honor Council does a lot of work involving drinking. If you're wondering if we do those kinds of cases at the law school, find me at the Leafe and we can discuss it.



Erin Ashcroft (1L)

Hi everyone! I'm Erin Ashcroft, and I have been loving my first month at William & Mary. I moved here from Pennsylvania, and attended Lehigh University for undergraduate. I majored in Political Science and International Relations and just graduated this past May. In my free time, I enjoy meeting new people, running outside and going to the beach. I am looking forward to serving on this Honor Council, and I will do my best to represent the class of 2007.



Gabe Kennon (1L)

I was born and raised in Missouri, and I know what you are thinking. But don't hate on the only state that can claim a giant arch, Anheuser-Busch, Nelly, and perhaps the most scandalous state slogan next to "Virginia is for Lovers." I graduated from Truman State University this past May with dual degrees in political science and criminal justice making me a certifiable nerd. In addition to promptly tackling my Legal Skills memos and understanding the elements of trespass to chattels, you can regularly find me embarrassing myself at The Green Leafe. In all seriousness, I'm very excited to be serving on the Honor Council and know it's going to be a great year!



Svetlana Khvalina (1L)

Until I was 11 years old, I lived in Moscow, Russia—home of lots of snow and fur hats. My family now resides in Rochester, New York—home of lots of snow and Kodak. Last May, I graduated with a Political Science degree from the University of Maryland, Baltimore County—home of killer tennis, swimming and chess teams. I now feel lucky to be at William & Mary and privileged to be an Honor Council member. The respect for the Honor Code that the student body has traditionally had in this school was a big reason why I came here, as, I am sure, did many of you. Let's all work hard to keep that tradition in place.



Maryann Nolan (1L)

After graduating from the University of Virginia in 1999, I volunteered with the US Peace Corps in Chone, Ecuador. Upon returning to the US, I worked as a Critical Infrastructure Protection analyst for the Department of Navy, and most recently for the Department of Treasury Financial Crimes Enforcement Network as an Intelligence Research Specialist. I have enjoyed the experiences I've had since graduating from UVA, but am very glad to be back in school; and I look forward to serving as an Honor Council representative.



Leondras Webster (1L)

I entered this world on January 25, 1980. I was born and raised in Norfolk, Virginia. I went to the University of Virginia where I double-majored in Foreign Affairs and East Asian Studies. I took two years off and worked in the Circuit Court of Norfolk to refocus my life and I am now here. I was asked why I wanted to be involved in the Honor Council and I replied, "I wanted to be a part of something greater." The warm and friendly atmosphere at this institution is maintained by the student body. The Honor Council is an offshoot of the students' dedication to the ideals of what a student, a lawyer, a citizen should be. I am fortunate to be a part of this council and will uphold the standards upon which this community was founded.

Sex and the Law: Not Like I Faint Every Time We Touch...

by Nicole Travers

As a young and impetuous lass of twelve, I would have odd flashes of lucidity. "Wow," I would say to myself. "I am truly ridiculous, psychotic, and immature. Won't it be wonderful when I'm a grown-up, and know everything there is to know about life? Finally I will be able to take full responsibility for my actions and know that whenever I make a decision it will be rational and thoroughly thought out!"

Exactly twelve years later, I find myself no more rational or mature than I once was. If life and *Seinfeld* have taught me anything, it's that we don't get wiser as we get older—we just get wrinkly.

As an example, I give you the pinnacle of human folly: the Crush. Crushes occur swiftly and without warning. If improperly handled, they can escalate into unmanageable monsters, which will proceed to devour your social life, and cause fatal damage to what little respectability you managed to retain after high school.

It is very easy to succumb to a Crush, even at an age when you should know better. Crushes have nothing to do with what the Object of your affection looks like, smells like, or eats like. He or she could be covered in unsightly purple hair, smell like Keith Richards after a bad night, and have the manners of a yeti, but if you are in the evil clutches of the Crush, your heart will still flutter at the mere scent of old drugs and vomit wafting down the hallway.

This, of course, is a problem for law students. As you may remember from my first (and now,

I'm told, legendary) column, it is a VERY BAD IDEA to date a fellow law student. But the conditions in law school are perfect for developing the Crush. For one thing, you spend roughly twenty-four hours a day and seven days a week with your fellow students. For another, the classroom is *perfect* breeding ground for the Crush, because you can stare at the back of another person's head for an hour and fifteen minutes, marveling at his or her cleverness with the Socratic Method. Finally, since you don't spend time with any other people, animals, or bacteria other than those that reside within the hallowed halls of Marshall-Wythe, your Crushing options are somewhat limited.

I'm sure you are now thinking to yourself, "So what? Even if I can't date another law student, I can crush on whomever I please." Oh Gentle Reader, you couldn't be more wrong. Crushes are absolute hell on one's work ethic alone. Why read Rehnquist opinions when you can moon over something mordant the Object said in class today? They also will cause your friends to avoid you, because all you can talk about is the Object, and they will get sick of it.¹ If the Crush goes on long enough, it will also cause you to lose any chance you might have had to date the Object because, as the Crush progresses, you will become increasingly pathetic. To paraphrase the immortal words of Ferris Bueller, you can't respect someone who kisses your ass.

Crushes are very insidious and can creep up on you without warning, so it is important to know the symptoms of the Crush.



If you begin or if a friend begins to exhibit these signs regarding a fellow student, seek help, or stage a Crush Intervention:

1. **Mentionitis**²: The victim of the Crush will seek any excuse to mention the Object in a conversation. Such excuses become increasingly illogical and pathetic until they reach the point of ridiculousness³.

Friend: "Did you hear that Dr. Newdow's case was rejected by the Supreme Court because he can't legally represent his daughter?"

Crush Victim: "That's so funny you would mention that, because the other day Madeline told me that she had a dad, so that makes her a daughter."

Friend: "Intervention!"

2. **Increased or decreased contact with the Object**: Depending on the character of the Crush Victim, he or she will rationalize ways to increase or decrease contact with the Object. For instance: "Aha! I see he bought tea instead of coffee for breakfast this morning. I'd better ask him which one he likes best, so I can make it for him when we're finally together in wedded bliss."

Or, alternately: "She's coming over here... she's looking at me... oh god, does she want to talk to me? I can't talk to her today! I just had a memo due, and I'm not at my mental peak! Doesn't she see that?! AHH!" The Crush Victim

Continued on pg. 11

¹ Yeah, friends are supposed to be there for you and all, but there is nothing so insufferable as someone who can only talk about their crush in every conversation. Inflict enough Crush Talks on your friends, and they won't be your friends for long.

² This concept is either from *Sex and the City* or *Bridget Jones's Diary*. Since these are both widely watched/read, I can't take credit for this idea like I do with all the other ideas I steal.

³ "Ridiculousness" is a word of my own invention. I find it much less awkward than its synonym, "ridiculousness." Start using it in conversation. People will marvel at your cleverness and wit, and you can be (almost) as cool as me.

Living and Leisure

Ask The Judge

Dear Judge: My boyfriend is cheating on me. I also break wind constantly. Please help.

— Anonymous, Williamsburg, VA.

There is no justification for infidelity. As well, there is no justification for subjecting yourself to deceit. Release yourself from this clink! It is springtime in your life! Go forth, young bee, and find another flower! As for gas, avoid foods that make you fart.

Dear Judge: I am 103 years old and my husband is 98. We wish to procreate, but our doctor says that it's impossible and that we might die trying. Is my doctor a liar?

— Anonymous, Williamsburg, VA.

Nothing is impossible, my ancient friend; but many things are highly improbable. In another time, your womb was like a seaside promenade; right now, your womb is like a catacomb. As for death in the context of your desire to conceive, I can only think of Icarus; he soared too high, and the sun melted his wings.

BRAIN-TEASING WORD SEARCH

P	R	E	E	M	P	T	I	O	N	L	O	B	D
Z	E	Y	L	I	E	N	H	O	L	D	E	R	X
P	C	O	D	M	O	R	T	G	A	G	E	W	Z
M	I	P	A	K	F	Q	R	U	O	T	C	A	E
O	D	O	G	B	R	E	A	T	H	M	O	R	B
F	I	D	U	C	I	A	R	Y	D	K	N	L	T
O	V	P	E	F	F	I	C	I	E	N	C	Y	S
V	I	O	P	O	S	I	T	I	V	I	S	M	I
N	S	E	D	I	F	O	W	N	E	R	S	H	N
C	M	L	A	M	Y	D	I	M	O	C	O	N	O
I	N	O	W	N	E	R	S	H	I	P	V	C	I
S	T	R	I	C	T	C	O	N	S	T	R	U	C

PREEMPTION
RECIDIVISM
FIDUCIARY
MORTGAGE
POSITIVISM

LIENHOLDER
OWNERSHIP
STRICT CONSTRUCTIONIST
DOG BREATH
EFFICIENCY

Sex from pg. 10

promptly hides under his carrel and the Object is left perplexed.

3. **Adamant denial of the Crush:** If, as a friend, you ask a potential Crush Victim about his or her feelings about the person you suspect is an Object, the Crush Victim will never actually reveal those feelings. The reason for this is disputed. It could be because the Crush Victim is aware of the pathetic state of mind a Crush can inflict on its Victim. Or, perhaps it is because the Victim does not want to lose the friend by bringing the Object up all the time in conversation. Most probable is that the Victim is not even aware of the hold his/her Crush already has. Like an alcoholic or drug addict, he will say "I can stop whenever I want!" But this is certainly untrue. Once evidence of the Crush is visible by friends, it is already too late to turn back. The Victim's only hope is a Crush Intervention.

Now, I'm sure you all are wondering exactly what a Crush Intervention is, and how to stage one. These are tough but fair ways to bring the truth of the Crush Victim's behavior to his attention. The exact details of each Intervention must, of course, vary with the sort of Crush it is, and who is involved, but I'll try to give you all a good outline of where to begin. First, gather some people and get your Victim friend into a place where she is comfortable, such as the living room, her favorite bar, or Bali. Provide food and alcoholic beverages. Then, sit her down, and explain to her what you are all doing.

At first, she will adamantly deny her Crush (as you remember from Crush Symptom #3), but

your goal is to get her to admit the problem. If you persist,⁴ she will cave into your friendly powers of persuasion. Next, kindly but firmly explain to her that if she ever wants a chance with her Object, she is going to have to get over her ridiculous Crush behavior and start interacting with the Object normally. Give examples of such behavior, like the time she hid under her carrel instead of talking to him, or the time she tried to tap-dance to T-Rex songs at a party to get his attention, but ended up falling on a Jell-O mold.⁵ Your second goal is to get her to admit she's been ridiculous. If possible, provide photographic evidence, which is more difficult to dispute.

Once she has admitted her ridiculousness, provide a cathartic activity, such as printing out photoshopped pictures of her Object with devil horns on them, and let her draw big Xs on them with a Sharpie. With any luck, this will end the evening, and your Crush Victim will go home happy⁶ and prepared to recognize and stop any more ridiculous behavior in its tracks. Though I don't guarantee a happy ending between the former Crush Victim and her Object, at the very least this will allow her to act like a respectable human being, and that's the most important thing.

The moral of this story is that everyone is ridiculous, psychotic, and immature. But with a little self-examination, and some help from well meaning friends, you too can fake like you have a good grasp on the elements of a mature relationship, and maybe even get a date with your Object.⁷ Godspeed, my little Vikings.

⁴Give her enough vodka.

⁵This actually happened to me. Not with the tapping, or the Jell-O, or the party, but we both liked T-Rex, and I fell. I was so mortified that I left the state for a few days to try to forget about how much he would never speak to me again when I returned. He actually did speak to me, but I had to bribe him with all of my history notes from that semester.

⁶Or at least drunk, which is the next best thing.

⁷But don't count on it.

Sky Captain and the World of Tomorrow: Flying Robots and Fab Hair

by Margaret Riley

No doubt you have heard the hype surrounding *Sky Captain and the World of Tomorrow*. Except for the actors, it is the first movie filmed entirely in front of a bluescreen with the backgrounds later added in via computer animation. You may have thought this honor would go to *Star Wars Episodes I and II* and you would be wrong.

What could have been a flat and jarring picture instead becomes a visually stunning throwback combination of film noir, picture serials, and stylish comic books. The only flaw in the movie is the plot. I'm not even sure I can adequately explain it to you but I'll give it the old law school try.

The year is 1939 and intrepid reporter Polly Perkins (Gwyneth Paltrow with fab hair) is investigating the disappearance of six German scientists. While on the trail she witnesses an attack on New York City by huge flying robots who dig up generators and coal deposits from midtown Manhattan.

Still with me?

Sky Captain Joseph Sullivan (Jude Law—as impossibly good looking as ever) is dispatched to deal with the robotic threat with his never-needs-refueling fighter plane. Apparently Joe and his mechanic sidekick Dex (Giovanni Ribisi) lead a group of mercenaries who protect NYC from the forces of evil, although their background is never really explained in depth.

Long story short, Joe and Polly embark on a mission to rescue Dex when he is kidnapped by the robots and also hopefully save the world from certain destruction. Along the way they travel to Tibet, remote uncharted islands, and a giant flying British airstrip commanded by one of Joe's old flames (Angelina Jolie).

But you don't go to this movie for the plot. You go to watch pre-preggers Gwyneth and Jude projected in front of one gorgeous landscape after another. The story eventually sags under the weight of impossibilities and the characters'



Gwyneth Paltrow and Jude Law battle flying robots and each other in *Sky Captain and the World of Tomorrow*.

seemingly neverending random knowledge (even more than the casts of both *CSIs* combined).

With all these plot holes the movie could be unbearable but the actors sell it. Gwyneth and Jude have undeniable chemistry together and their two characters bicker delightfully throughout

their adventures. The entire look of the movie is fresh and different from everything seen before. The opportunity to witness Hollywood producing an action flick with a feel entirely different from the usual formulaic drivel is worth the price of admission. Two and half giant flying robots out of four.

Opinion Briefs: A Concession To Impatience

by Raj S. Jolly

Rationale. This experimental column responds to the realities of time crunch and limited attention spans.

How to Read Fatality Statistics. As of 24 September 2004, 1,178 non-Iraqi military personnel have died in Iraq (see <http://icasualties.org/oif>). According to researchers at iraqbodycount.net, over 12,000 Iraqi civilians have perished in the conflict. It is crucial to understand that fatalities have a multiplicatively devastating effect on the living. When determining

whether a war is worthwhile, consider that fatalities spawn widows, orphans, and vast networks of grief—parents without children, people without friends, communities without talent.

Law Journals Should Punish Lazy 'Scholars'. When over-worked law students cite-check an article and find a large number of sloppy and half-hearted citations, there is no reason why said article should be published.

A Proposal Regarding Non-Sexist Use of Pronouns. To avoid sexism, many writers employ unsightly pronoun combinations, such as "s/he" and "(s)he" and "him/her"

and "his/her" and "he/she." To avoid unsightliness and to preserve fairness, I propose that writers use pronouns corresponding to their own sex whenever unspecified individuals must figure into non-legal pieces of writing.

Metaflirtation. Some chaps shy away from flirting with members of the female persuasion for fear of being rebuked. However, the rigors of courtship need not lead to avoidance. The rigors of courtship demand alternatives to conventional flirtation. One such alternative is metaflirtation. Unlike conventional flirtation, metaflirtation is directed away from the object of courtship

and toward courtship itself. Instead of obliquely telling someone how attractive they are, metaflirtation requires that you engage a prospective lover in mutual examination of romantic concepts—friendship, attraction, humor, warmth, and so on. Metaflirtation allows someone to endear himself to another in a manner that is not unduly forward. Compare and contrast the following examples: "God, you're hot!" is flirtation. "When did 'hot' become synonymous with 'beautiful'?" We don't say that flowers are hot, do we?" is metaflirtation. **Write for The Advocate.** Send opinions to rsjoll@wm.edu.