11-10-2010

Nota Bene, November 10, 2010

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL
WASHINGTON DC

NOTA BENE

A Forum for News, Features, & Opinions in the Law School Community

Wednesday, November 10, 2010 Vol. 25, No. 6

Technology Both a Blessing and Curse for Law Students

By Hunter Anderson
Staff Writer

There is little doubt that the current class of law school students faces challenges unique to our generation. Notwithstanding a struggling job market, securing employment in the midst of inflated competition requires candidates to distinguish themselves from the flood of potential employees. The process of achieving legal success starts now.

Today's legal education demands that students to be tech-savvy but not tech-dependent. Certainly, it is near impossible for us to imagine what legal education would look like without the benefits of technology. And despite our emotional attachment to email, laptops, and the internet, technology can and does offer significant distractions to law students.

The George Washington University Law School encourages smart and appropriate use of technology because it offers law students numerous advantages. The problem is, the time technology saves us often turns into more time we waste on technology. Tomas Gonzalez, Senior Assistant Dean for Student Life at Syracuse University College of Law, says that technology can become a trap to many students.

"Students today are different," Gonzalez said. "They are used to getting things quickly and sometimes can be impatient about getting information and spending the time to get deep information. Technology makes them more able to multi-task, and that is not necessarily a good thing."

Despite these problems, GW Law is helping its students harness the advantages of technology to get ahead in the game.

One way that GW Law is helping students adjust to the suitable use of technology in law school is by requiring all incoming students to own a laptop. The school website states, "All students entering GW Law as candidates for J.D. or LL.M. degrees are required to have a notebook computer for personal use. This will enable students to take full advantage of the Law School's technologically-advanced learning environment."

The laptop requirement is not unique to GW Law; most top law schools require or strongly suggest that all students purchase a notebook computer for studying. Laptops make sense for students. The access to email, legal websites, and online databases like LexisNexis and Westlaw can make it easier for students to prepare for class, communicate with professors, and study effectively. Can you imagine doing legal research before LexisNexis and Westlaw provided instant access to thousands of outlines, case briefs, decisions and headnotes? Of course, all technology comes with a catch.

GW Law institutes strict computer guidelines governing in-class use for the benefit of professors and students. The official policy reads: "Use of the Internet during class time without the specific permission of the professor is inappropriate and can be disruptive to fellow students. Students who are not sure of their professor's policies on computer use during class should consult with their professor for clarification."

It is true that even casual internet surfing in class can distract students from the more detailed discussion led by professors that can be useful later on during exam season. 1L student David Keithly agrees with the policy.

"It's hard enough to focus on class when I have the internet on my own laptop to distract me, but when someone in front of me is on perezhilton.com there's no way I'm listening to the professor," Keithly said.

Theoretically, students could get by law school without ever owning a laptop. Many students take class notes with pen and paper and there are several computer labs on campus that allow access to email, LexisNexis and Westlaw.

So, why does GW Law require that students have laptops? The school website informs students that "having your own personal notebook computer enables you to better access legal research materials on the web, manage documents such as course notes and materials, and communicate with others more easily from almost anywhere in the Law School complex."

"Having your own notebook also enhances the learning experience, allowing you to communicate more effectively with your instructors, as well as undertake legal research more efficiently. All GW Law students also have the option to take Law School examinations using a notebook computer, and students do so in large numbers."

In contrast, Gonzalez says patience and persistence aren't the only things technology tends to take away from law students. He says that an increased saturation of technology has led to problems with communication. Some students have become too informal and lazy in their correspondence with faculty, fellow students, and potential employers.

Relying on technology often becomes a trap when it fails students at the last minute. Whether it be a computer crashing the day before finals or a printer breaking minutes before class, it is clear that technology does not escape the grasp of Murphy's Law—anytime it could go wrong, it will probably go wrong. So law students beware. While technology can cause untimely stress, most law students would rather learn with it than without it.

Sadly, this is Nota Bene's last issue for the semester...

But that means that Winter Break is on its way! Good luck on exams, job-hunting, and finding that perfect basement study spot.

-The Nota Bene Staff

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NEWS

Nota Bene

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Nota Bene is a bi-weekly student publication at The George Washington University Law School. Nota Bene serves as a forum for news, features, and opinions in the law school community.
We seek submissions from all at GW Law.

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Int'l Court of Justice Judge Returns to GW Law

By Ryan Taylor
News Editor

A judge who served on the International Court of Justice for years will return to The George Washington University Law School this fall. Judge Thomas Buergenthal will resume his tenure as Lobingier Professor of Comparative Law and Jurisprudence and teach international law.

Judge Buergenthal recently announced his retirement from the international court effective September 2010, after serving as the American Judge since 2000.

Dean Frederick Lawrence said he is excited for Judge Buergenthal's return.

"Judge Buergenthal is respected the world over as an advocate for peace and justice, and we are exceedingly grateful that he is returning to GW Law to help shape future generations of legal practitioners on the global stage," Dean Lawrence said.

"We could not ask for a better role model for the importance of international legal education and academic collaboration than Judge Buergenthal," Dean Lawrence continued.

The George Washington University Law School announced Judge Buergenthal's return at a symposium held at The Peace Palace in The Hague, home to the international court, called *Preparing the Next Generation of International Lawyers: The Role of Legal Education.*

"It is important for educators and scholars to discuss the current state of international legal education and its future, and today's discussion at the Peace Palace underscores the importance of international and comparative law," said Judge Buergenthal. "GW Law's presence here today shows that it is a leader in the field, and I am pleased to return to the Law School and the classroom this fall."

Along with the symposium, there was an evening reception honoring the life and work of Judge Buergenthal. Both events are part of a weeklong series hosted by George Washington Law in The Hague and Paris to bring together leaders in the field of international law. The events reflect not only the Law School's commitment to shaping the future of international legal teaching and practice, but exemplify the university's global presence.

A child of the Holocaust who became a world leader in the pursuit of justice, Judge Buergenthal co-authored the first international human rights law textbook in the United States. He also recently published *A Lucky Child: A Memoir of Surviving Auschwitz as a Young Boy*.

As judge and president of the Inter-American Court of Human Rights, he helped end the practice of disappearances in Honduras and helped secure the government of Guatemala's compliance with a court order ending executions of human rights activists by special tribunals.

In 2008, he was the co-recipient of the 2008 Gruber Prize for Justice for his contributions to the promotion and protection of human rights. Upon receiving the award, he established a scholarship fund to support law students. Prior to announcing his return to GW Law, Judge Buergenthal served for several years as an emeritus faculty member of the school.

We look forward to his return.

Registration Marks Beginning of End for Class of 2011

By Brittany Bisnott
Staff Writer

Last month, 3L daytime students and 4L evening students prepared for the end. Registration for the spring semester occurred on October 27 and 28. They made the their final decisions on how their final set of classes would be organized. Some students based their decisions on scheduling, some focused on taking particular classes, and some attempted to balance the two.

I spoke to the Class of 2011 to get their feedback on how they feel going into their final semester.

When I was picking my schedule, I experienced a "lunchbox letdown." You know, in elementary school, at lunchtime, when you went to open your lunchbox and realize that you got packed something you hate and WITH the crusts!

Not only were a number of classes typically offered Spring semester not offered, but like Anne Sidwell, I was upset by the lack of classes worth more than two credits. Anne said when finals come around, the amount of work put into two credit classes is the same as that put into the three credit ones.

Another problem students had with the selection of classes is that classes from a similar area of law, or ones that Bonnie Chen calls "the popular classes," are at the same times. This forces students to have to choose which class they prefer and lose out on their last chance to take one they might really want to take.

I asked the graduating class which classes they would have liked to take while at the law school but couldn't schedule. For Chen, it was Privacy with Professor Solove and Race, Racism, and the Law. For Jon Knight, Federal Income Tax was the class that he could not work into his schedule.

Pierre Sylvestre may not be the only one thinking this, but the class he wishes he took was the Criminal Procedure Seminar on The Wire, which was taught by Professor Fairfax. I, for one, agree with Michael Schulman in wishing that he could have taken Sports and the Law.

After asking the Class of 2011 what classes they wished they had taken, I asked them about how they chose the classes they will be taking as they end their law school career. I was curious to know if they focused their choices on subject matter, professors, or the schedule with the least restrictive means. Surprisingly, I found a happy mix.

On the one hand, you have people like Sylvestre who chose classes based on a good final exam schedule. On the other hand, you have people like Josh Weiss and Hannah Geyer who focused more on the substance taught in their classes.

Weiss chose "a traditional bar course, a skills course, and a few related to an area of law [he is] particularly interested in." Geyer made sure to balance her desire to take classes that let her think about "equality and people and happiness and bodily autonomy" with three classes she is indifferent to, but feels like she should take for the bar.

In the middle, you have people like Chen and Knight who chose classes both for subject matter purposes and scheduling purposes combined. Chen based her choices on her desired practice area, but felt "restricted due to scheduling reasons rather than genuine interest." Knight created a compilation of the classes he wanted and the best schedule he could make.

Finally, I asked the 3Ls and 4Ls on their way out how excited they were about graduation, and I was shocked with the responses. I for one am very excited to reach a goal and after two and a half years of staring at casebooks—I am dying to practice.

While Chen agrees with me and is "super duper excited" for graduation, other graduates have not yet reached that point. Weiss cannot think about that point just yet and would like to be asked the question in April.

Schulman's excitement is at a level of approximately five out of ten. Geyer is indifferent as she really likes "academia and learning, books, and stuff." Finally, you have Robert Morris, who after working for six years before law school, when asked about his final semester and graduation simply stated that he was "not looking forward to having a boss again."

I wish every graduate the best of luck. No matter what classes you are taking, no matter if you are just biding your time until May, nothing will change the fact that registration really was the beginning of the end. To the classes of 2012, 2013, and 2014, do not repeat mistakes and make sure to take the classes you want now, before they are no longer offered. To the Class of 2011, Good Luck!

October, an Exciting Month for Students: This Page, an Equally Exciting Photo Collage

GW Law Students Wear Purple during Domestic Violence Awareness Week

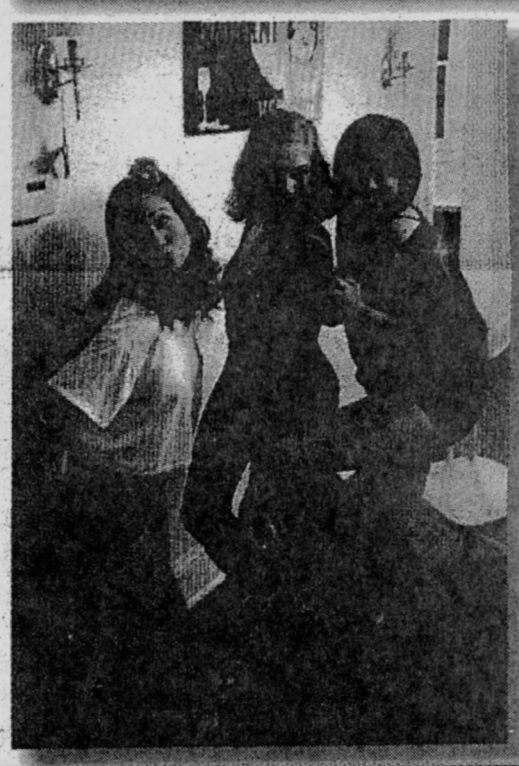
Photo taken by Katherine Mereand

Rushab Sanghvi and Josh Weiss enjoy the costumed goings-on at the GW Law Halloween Party

Photo taken by Hannah Geyer

GW Law Students attend Rally to Restore Sanity/ Fear only to discover that they are not universally loved

Photo taken by Katherine Mereand



Liana Yung, Amanda Rohrkemper, and Salini Nandipati get ready for the Halloween Party

Photo courtesy of Liana Yung

Congratulations to Cohen & Cohen Mock Trial Competition Finalists Robert Armstrong and Katie John, Representing the Plaintiff

&

Casey Gardner and Julia Perkins, Representing the Defendant

The final round will take place on Wednesday, November 10, 2010, at 10:00 a.m. in L101 (Moot Courtroom)

Judge Lettow of the United States Court of Federal Claims will be presiding.

A reception will follow the round.

OPINIONS

Citizens United, One Election In

By Katherine Mereand
Opinions Editor

The 2L class as a whole at the law school is more than averagely aware of the specific details of *Citizens United v. FEC*, the landmark Supreme Court case that declared corporations (and unions) are people, money spent on campaign attack ads is speech, and therefore corporations (and unions) have an unfettered, First Amendment right to dump unlimited amounts of money into attacking political candidates at will during elections. Many 2Ls read every last comma in every last footnote in the decision, and perhaps came to rather different conclusions, as part of the 1L competitions last year. Thus re-trodding down that path would be decidedly uninteresting and yesterday's news.

However, now we have an opportunity to take an election, peak under the hood, and see how *Citizens United* affected—or failed to affect—election spending and advertising in a cycle with a major Republican victory. If you agreed with the principles in *Citizens United*, you may not even be disconcerted by what we find, though I somewhat doubt that.

GWU's own Campaign Finance Institute partnered with UVA's Miller Center of Public Affairs to report in mid-October that "Election-Related Spending by Political Committees [PACs] and Non-Profits went up by 40% in 2010," but the committee report counsels a healthy dose of caution before jumping to any conclusions based on the other numbers it dishes up. Still, it goes on to mention that "Democratic groups are on a path toward spending about 10% more than in 2008 while Republican groups seem to be up 70%," all before the final spending frenzies that took place the last couple of weeks in October.

Despite the caution, a few common understandings about the data have emerged. No one seems to argue that spending, outside or not, greatly favored Republicans this cycle, nor however does anyone seem to think that corporations (or unions) started endorsing candidates openly as never before. What causes more tension is following the money from the increased ads back to the sponsoring non-profits and then peering into the ether to wonder about the anonymous donors.

It seems rather clear that corporations or other donors still strongly appreciated anonymity, so they funnelled their election money to the non-profits. (And given the possible Republican wrath that Wal-mart may now be facing for having supported higher minimum wage laws, the health care overhaul, and some Democratic candidates, anonymity may continue to sound rather appealing for the foreseeable future, too.) But in turn the non-profits put out both what is by now familiar issue advocacy but also significantly more *express* advocacy for (or against) specific candidates. Whereas we may recall the 527s of yesteryear, the buzz now is about the 501(c)4's. Who, exactly, paid for these attack ads? Inquiring minds may never know. 501(c)4s do not have to disclose their donors.

Unless, of course, the IRS gets its act together as Ohio State Tax Professor Donald Tobin argued it ought in an October 6th post on the Tax Prof Blog. The problem with this classification of non-profits, he says, is that they are supposed to be *primarily* for "social welfare" and only dabble a little in political spending. So if Tobin is right, depending on the non-profits, the spending, and the ads, they could be illegal and totally unethical. The lawyers involved should know better and the IRS should use one of the many options in its arsenal to intervene.

Important tax code provisions and their proper enforcement aside, though, on October 7 the New York Times' Michael Luo reported that the whole *Citizens United* issue is not so much even a legal change to election finance as a psychological one, where suddenly donors realized that they could be funnelling more anonymous money. They felt emboldened, and then they acted. So it seems law begat politics not through actual legal renderings but through attitude.

Enter Fox News. There's little anonymity here. The Washington Post's Dana Milbank reported, after watching eighteen straight hours of election coverage on Fox, that "Murdoch and News Corp. took the unusual step of donating $1.25 million to the Republican Governors Association and another $1 million to the U.S. Chamber of Commerce, which led the effort to defeat Democrats." One could almost even argue that doesn't seem so out of line when compare with the Service Employees International Union donating $1.1 million to Democrats, and even less considering the American Federation of State, County and Municipal Employees' contribution of $3.3 million. It is all Political Action Committee spending anyway, right? Never mind that, as Milbank cited, the liberal watchdog Media Matters is reporting that over *thirty* Fox News personalities directly raised money or supported Republican Candidates in over six-hundred separate instances, all in the plain light of day. This corporation, for one, is unabashed about its involvement and support.

Still, as the Sunlight Foundation reports, this election saw at least $110 million in "dark money," which is spending by (at least currently) undisclosed donors. And further, the foundation reported on October 15 that for the first time outside spending on elections exceeded party spending, but notably that is true for the Republican party only. Outside spending for Democrats was far, far lower. The foundation, which supports greater transparency in government generally, cites this summer's D.C. Circuit decision in *Speech Now.org v. FEC* as being the other shoe that dropped. That case, for which SCOTUS denied cert., said that 527s have the right to raise unlimited amounts of money to spend directly on opposing or supporting candidates in elections to Congress.

What does it all mean? The answers are decidedly murky and easily political. And yet it is hard to deny that something happened here. Pundits will disagree on exactly what and why for some time to come, but plainly we are seeing more outside money pouring into elections on the right. Might that 70 percent rise be the opened floodgates of which Obama warned during the State of the Union where Justice Alito famously mouthed a big "No?"

Perhaps this "something" happen because legally the decision wasn't such a big deal but politically it was earth shattering. Would it really be possible, in fact, for SCOTUS to rule on election finance without that be one of the at least short term effects?

Whatever the long term legacy will shake out to be, *Citizens United* in the 2010 midterms did seem to have one very noticeable effect, the defeat of Wisconsin Democratic Senator, Russ Feingold. It seems a special form of tragedy that a pioneer in campaign finance reform lost his seat due in no small part to "unfettered" spending by anonymous special interests.

In all of this I just wonder… to be sure, the First Amendment is one of the most beautiful cornerstones of our democracy. It inspires rampant adulation daily. I for my part dutifully and fundamentally believe that to properly support and uphold First Amendment tenets, particularly on speech, it is critical to defend even the *ugliest* speech that makes my heart sink and my ears bleed. But something else is hiding in the folds here. Where does the First Amendment say that unfettered free speech gets to be anonymous? When did it become a cloak for the rich to keep their secrets? We all know perfectly well it says no such things. So what about Justice Kennedy waxing rhapsodic about free speech led to all of this? Inquiring minds may never actually know.

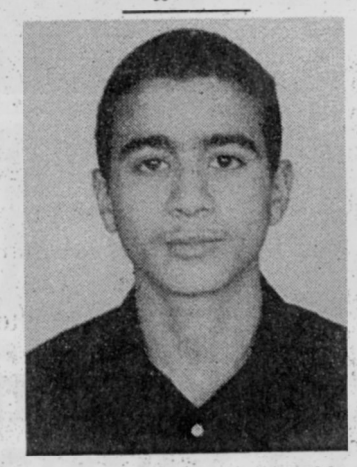
America's Message, to Itself and the World, with Omar Khadr's Conviction

By Talha Khan
Staff Writer

Last week, Omar Khadr, a Canadian man, was sentenced to forty years in prison by a U.S. military tribunal for throwing a grenade that killed an American soldier in Afghanistan. Khadr, then fifteen years of age, was arrested and sent to Guantanamo. Although he will serve a reduced sentence, his conviction will stand.

The prosecution in the case closed their remarks in full vigor. "Make no mistake. The world is watching." They asked the jury to "send a message" that the United States will not tolerate the actions of a terrorist; it will punish you when it captures you.

Indeed, the prosecution has it right. This conviction does the telling: Zero Tolerance. But it also sends another and a far less talked about message. Namely, that in this country, we will not distinguish between a juvenile and an adult defendant, or between someone who is handed a grenade by his parents and those who make an independent choice. That in this country, we will detain you, even if you are a minor, for nearly a decade; wait until you become an adult; then conduct your trial as an adult; and slap you with a huge sentence. That we will threaten you with torture and rape, maybe even execute some of those threats, force you to confess, and use your torture-driven confession against you for your prosecution. That we will deny you access to the civilian courts, even if you are a civilian child.


Omar Khadr, at around age fifteen

This message, Mr. Prosecutor, does not advance our security goals. It only demonstrates vengeance.

Prosecuting Khadr is like prosecuting a gun. As a child, he was a tool used by Al-Qaeda just like a weapon. Khadr was not influenced, rather, he was commanded to carry out Al-Qaeda's missions. Does America expect children to say "no" when told by their families to fight with them? The answer to that, with this conviction, is self-explanatory and preposterous. On the other hand, if America hopes and expects to deter Al-Qaeda from recruiting their own children, the means used here get us nowhere. Al-Qaeda places many Khadrs on their line of duty to embrace death while defending their faith. How on earth will a forty-year sentence deter Al-Qaeda from recruiting minors? It simply will not. All this conviction and sentence does is exemplify irrational prosecution which has no place in international or even U.S. domestic law. This entire episode served only to expose America's weaknesses, not the strengths of its ideals.

Ban Francisco

By David Keithly
Staff Writer

Last week, after a fifty-six year dry spell, the San Francisco Giants finally won the World Series. It was like some weight had been lifted. Indeed, one might think that the city had previously banned the winning of championships like they seem to ban everything else. While San Francisco has not yet (to my knowledge) considered instituting a championship ban, you might be surprised at some of the things the city has banned.

Ban Francisco's (see what I did there?) ban-happy binge began benevolently enough by banning weight-based discrimination in July of 2000. The next year they took another step in towards the protection of civil liberties by banning Internet filters in public libraries. Up to this point, the city's bans were justified—they were working to protect residents' rights. Unfortunately in Ban Francisco's case, these early reasonable bans acted as the gateway drug that led to the city's current unhealthy addiction to ridiculous banning.

In 2003, things took a turn towards the absurd when the city banned Segways on sidewalks and bike paths. While there were valid safety concerns, proponents cited public health concerns to justify the ban. Their argument: Segways promote laziness and obesity. So while San Francisco doesn't allow discrimination on the basis of weight, it's actively working to keep residents from getting too fat.

The city next set its sights on schools, first by banning irradiated foods from being served, then by banning popular JROTC programs in response to the federal government's promulgation of "don't ask, don't tell."

Drunk with power from these initial successes, or perhaps just delirious from food poisoning after consuming large amounts of bacteria-infested, non-irradiated foods, the city went on to ban BPA, handguns, smoking in public places, tobacco sales at pharmacies, and ads that feature alcohol or promote the use of firearms (including many movie posters). But city officials didn't stop there, they went from banning potentially dangerous things to banning merely annoying things like loitering in front of nightclubs and most recently sitting or lying down on the sidewalk. This need to ban found its way into the political realm when Ban Francisco prohibited city employees from traveling to Arizona on city business in response to a controversial immigration law.

The city went on a crusade to save the earth by banning Styrofoam to-go containers, plastic water bottles, incandescent light bulbs, and plastic grocery bags. When it finished saving the earth, it moved on to saving the animal kingdom by prohibiting declawing cats, feeding wild birds, and serving shark fin soup. More recently the city attempted to ban the sale of household animals within city limits, but the measure was tabled in the face of opposition.

With the plant and animal kingdoms secure and school-children and city residents protected from the most insidious of evils, the City Council moved to protect city residents from the last, and perhaps most dangerous threat—the threat they posed to themselves. Recognizing that Ban Francisco residents could not be trusted to make wise decisions on their own, the council banned trans fats, sugary sodas in vending machines, and in the most recent coup to grace—McDonald's Happy Meals.

With this most recent ban, in a blatant attack on a hallmark of American childhood, Ban Francisco has gone too far.

I don't want to get into the issues behind the bans. In fact, most of us probably make choices in our personal lives that mirror the Ban Francisco initiatives. And therein lies my point. By making decisions that have historically fallen within the realm of personal purview, Ban Francisco has deprived its residents of one of the keystones of democracy—the freedom to choose.

It's not the substance of the bans that concerns me, what frightens me is the lackadaisical attitude that most exhibit in the face of the incursion of government into their personal lives. The substance of these bans is not important; it's the underlying idea that government knows best that's dangerous. It doesn't take a lot of creativity to imagine where these nanny-state policies might lead. If the government is allowed to institute policies to protect us from ourselves, where would these policies end? Should the government ban potentially dangerous activities like skydiving, contact sports, or driving? Which other activities might be deemed too risky for the populace? Which foods might be considered unfit for consumption? Which freedoms that we now enjoy might be deemed too dangerous to be exercised in a "modern society?"

Most of us agree that trans fats and sugary drinks are bad for us. Many of us, when given the choice, opt for paper over plastic. When we have kids, we know we're not supposed to feed them a steady diet of McDonald's. The fact is, we're grown-ups. We're capable of making our own decisions and when the government steps in and starts choosing for us it's not only patronizing, it's dangerous. It may just be styrofoam to-go containers and high-fructose corn syrup today, but unless we assert ourselves and reclaim our autonomy, by the time we realize what's happened, there might not be any decisions left for us to make.

In Honor of Professor Louis Henkin

By Mona Pinchis
Staff Writer

On October 14, 2010, Louis Henkin, a renowned Columbia Law School professor credited with founding the study of human rights law and inspiring generations of legal scholars, passed away at the age of ninety-two. For those who are not familiar with his work, Professor Henkin was devoted to the study of human rights and international law. The Columbia Law School's website has a wonderful dedication to Professor Henkin, and describes him as a man "known for his abiding and unwavering drive to ensure that there was a framework to protect the integrity and dignity of individuals. He advocated universal human rights and made it clear that his views had no borders." Professor Henkin's devotion to human rights and the law inspires me to understand the freedoms and liberties for which many people are willing to fight.

A few years ago, Harold Hongju Koh, currently the Legal Adviser to the U.S. Department of State and the former Dean of Yale Law School, wrote about Professor Henkin's legacy as follows: "The simple lesson that Lou Henkin taught us is that protecting human rights law is far too important a task to leave to governments. It is a challenge for all of us who are twenty-first century citizens and lawyers. So if I ask: On what does the future of Lou Henkin's human rights movement depend? The answer is: It depends on whether we have the wisdom to follow the teachings of Lou Henkin."

Ten days following Professor Henkin's passing, it was the 65th anniversary of the entry into force of the U.N. Charter. The U.N. General Assembly approved Resolution 60/1, World Summit Outcome. Paragraph 138 of the World Summit Outcome begins, "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." The doctrine of the responsibility to protect ("R2P"), as stated by the United Nations, continues to interest many academics, especially as the war on terror forces many people to appreciate the merits of humanitarian intervention.

On Monday, November 8, 2010, the International and Comparative Law Colloquium will present Professor Payam Akhavan of McGill University Faculty of Law who will speak on "Georgia and Russia Before the International Court of Justice" with Professor Sean D. Murphy presiding. I am sure the R2P doctrine will be discussed, as Russia invoked the doctrine as justification for warring against Georgia over South Ossetia and Abkhazia. I am also confident that GW Law students will make it a fascinating discussion.

R2P evolved from debates following a series of humanitarian disasters in countries such as Kosovo, Rwanda and Somalia. Today, the question is how state sovereignty and humanitarian intervention in (certain limited) situations may co-exist. Professor José E. Alvarez of New York University Law School, and the former President of the American Society of International Law, wrote about the three core aspects of the doctrine: (1) redefined sovereignty, (2) expanded notion of what it means to "protect," and (3) expanded notion of "security." Professor Murphy also wrote on the subject of humanitarian intervention, by explaining the historical development, the responsibilities associated with armed intervention, and how to reconcile existing constraints on the use of force with a desire to safeguard human rights.

As for me, I am merely learning about my own responsibility to understand the actions of the world community and the concept of absolute sovereignty. I draw attention to recent news events about rising state tensions. Amidst a rally for sanity (and/or fear), the midterm elections, and the Fed's quantitative easing (QE) announcements this week, there is also a continued media frenzy around "terror" (and not just of the Halloween variety). I find the debate about humanitarian intervention continues to take on new dimensions every day.

In remembering Professor Henkin's accomplishments, I thought about the future of human rights law. As a student I am left with the challenge of figuring out the conflicting purposes of many political, moral, and legal considerations. I suppose there is a difference between legality and legitimacy, and both must be considered for future global co-operation on the protection of human rights. Henkin's students can continue finding new ways to understand a comprehensive framework that will answer these important questions about the consequences of state action. I think that a strong international organization may help to combat future wars and promote international peace and security. Success in fostering a global responsibility requires an individual and communal commitment.

At the conclusion of the dedication to Professor Henkin's life works, Harold Koh wrote, "Today let me describe my hero the same way, as our greatest international lawyer, a simple man "Who All His Days Loved Law, Sought Peace and Pursued it." My first thought on Henkin is "Wow." Next, I think that to achieve peaceful settlements, it is important to act a hero of human rights in daily life as much as a within a global network that strives to pursue these aims in broader ways. I remain hopeful of the future pursuits of many heroes to come.

Ban Francisco

By David Keithly
Staff Writer

Last week, after a fifty-six year dry spell, the San Francisco Giants finally won the World Series. It was like some weight had been lifted. Indeed, one might think that the city had previously banned the winning of championships like they seem to ban everything else. While San Francisco has not yet (to my knowledge) considered instituting a championship ban, you might be surprised at some of the things the city has banned.

Ban Francisco's (see what I did there?) ban-happy binge began benevolently enough by banning weight-based discrimination in July of 2000. The next year they took another step in towards the protection of civil liberties by banning Internet filters in public libraries. Up to this point, the city's bans were justified—they were working to protect residents' rights. Unfortunately in Ban Francisco's case, these early reasonable bans acted as the gateway drug that led to the city's current unhealthy addiction to ridiculous banning.

In 2003, things took a turn towards the absurd when the city banned Segways on sidewalks and bike paths. While there were valid safety concerns, proponents cited public health concerns to justify the ban. Their argument: Segways promote laziness and obesity. So while San Francisco doesn't allow discrimination on the basis of weight, it's actively working to keep residents from getting too fat.

The city next set its sights on schools, first by banning irradiated foods from being served, then by banning popular JROTC programs in response to the federal government's promulgation of "don't ask, don't tell."

Drunk with power from these initial successes, or perhaps just delirious from food poisoning after consuming large amounts of bacteria-infested, non-irradiated foods, the city went on to ban BPA, handguns, smoking in public places, tobacco sales at pharmacies, and ads that feature alcohol or promote the use of firearms (including many movie posters). But city officials didn't stop there, they went from banning potentially dangerous things to banning merely annoying things like loitering in front of nightclubs and most recently sitting or lying down on the sidewalk. This need to ban found its way into the political realm when Ban Francisco prohibited city employees from traveling to Arizona on city business in response to a controversial immigration law.

The city went on a crusade to save the earth by banning Styrofoam to-go containers, plastic water bottles, incandescent light bulbs, and plastic grocery bags. When it finished saving the earth, it moved on to saving the animal kingdom by prohibiting declawing cats, feeding wild birds, and serving shark fin soup. More recently the city attempted to ban the sale of household animals within city limits, but the measure was tabled in the face of opposition.

With the plant and animal kingdoms secure and school-children and city residents protected from the most insidious of evils, the City Council moved to protect city residents from the last, and perhaps most dangerous threat—the threat they posed to themselves. Recognizing that Ban Francisco residents could not be trusted to make wise decisions on their own, the council banned trans fats, sugary sodas in vending machines, and in the most recent coup to grace—McDonald's Happy Meals.

With this most recent ban, in a blatant attack on a hallmark of American childhood, Ban Francisco has gone too far.

I don't want to get into the issues behind the bans. In fact, most of us probably make choices in our personal lives that mirror the Ban Francisco initiatives. And therein lies my point. By making decisions that have historically fallen within the realm of personal purview, Ban Francisco has deprived its residents of one of the keystones of democracy—the freedom to choose.

It's not the substance of the bans that concerns me, what frightens me is the lackadaisical attitude that most exhibit in the face of the incursion of government into their personal lives. The substance of these bans is not important; it's the underlying idea that government knows best that's dangerous. It doesn't take a lot of creativity to imagine where these nanny-state policies might lead. If the government is allowed to institute policies to protect us from ourselves, where would these policies end? Should the government ban potentially dangerous activities like skydiving, contact sports, or driving? Which other activities might be deemed too risky for the populace? Which foods might be considered unfit for consumption? Which freedoms that we now enjoy might be deemed too dangerous to be exercised in a "modern society?"

Most of us agree that trans fats and sugary drinks are bad for us. Many of us, when given the choice, opt for paper over plastic. When we have kids, we know we're not supposed to feed them a steady diet of McDonald's. The fact is, we're grown-ups. We're capable of making our own decisions and when the government steps in and starts choosing for us it's not only patronizing, it's dangerous. It may just be styrofoam to-go containers and high-fructose corn syrup today, but unless we assert ourselves and reclaim our autonomy, by the time we realize what's happened, there might not be any decisions left for us to make.

In Honor of Professor Louis Henkin

By Mona Pinchis
Staff Writer

On October 14, 2010, Louis Henkin, a renowned Columbia Law School professor credited with founding the study of human rights law and inspiring generations of legal scholars, passed away at the age of ninety-two. For those who are not familiar with his work, Professor Henkin was devoted to the study of human rights and international law. The Columbia Law School's website has a wonderful dedication to Professor Henkin, and describes him as a man "known for his abiding and unwavering drive to ensure that there was a framework to protect the integrity and dignity of individuals. He advocated universal human rights and made it clear that his views had no borders." Professor Henkin's devotion to human rights and the law inspires me to understand the freedoms and liberties for which many people are willing to fight.

A few years ago, Harold Hongju Koh, currently the Legal Adviser to the U.S. Department of State and the former Dean of Yale Law School, wrote about Professor Henkin's legacy as follows: "The simple lesson that Lou Henkin taught us is that protecting human rights law is far too important a task to leave to governments. It is a challenge for all of us who are twenty-first century citizens and lawyers. So if I ask: On what does the future of Lou Henkin's human rights movement depend? The answer is: It depends on whether we have the wisdom to follow the teachings of Lou Henkin."

Ten days following Professor Henkin's passing, it was the 65th anniversary of the entry into force of the U.N. Charter. The U.N. General Assembly approved Resolution 60/1, World Summit Outcome. Paragraph 138 of the World Summit Outcome begins, "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity." The doctrine of the responsibility to protect ("R2P"), as stated by the United Nations, continues to interest many academics, especially as the war on terror forces many people to appreciate the merits of humanitarian intervention.

On Monday, November 8, 2010, the International and Comparative Law Colloquium will present Professor Payam Akhavan of McGill University Faculty of Law who will speak on "Georgia and Russia Before the International Court of Justice" with Professor Sean D. Murphy presiding. I am sure the R2P doctrine will be discussed, as Russia invoked the doctrine as justification for warring against Georgia over South Ossetia and Abkhazia. I am also confident that GW Law students will make it a fascinating discussion.

R2P evolved from debates following a series of humanitarian disasters in countries such as Kosovo, Rwanda and Somalia. Today, the question is how state sovereignty and humanitarian intervention in (certain limited) situations may co-exist. Professor José E. Alvarez of New York University Law School, and the former President of the American Society of International Law, wrote about the three core aspects of the doctrine: (1) redefined sovereignty, (2) expanded notion of what it means to "protect," and (3) expanded notion of "security." Professor Murphy also wrote on the subject of humanitarian intervention, by explaining the historical development, the responsibilities associated with armed intervention, and how to reconcile existing constraints on the use of force with a desire to safeguard human rights.

As for me, I am merely learning about my own responsibility to understand the actions of the world community and the concept of absolute sovereignty. I draw attention to recent news events about rising state tensions. Amidst a rally for sanity (and/or fear), the midterm elections, and the Fed's quantitative easing (QE) announcements this week, there is also a continued media frenzy around "terror" (and not just of the Halloween variety). I find the debate about humanitarian intervention continues to take on new dimensions every day.

In remembering Professor Henkin's accomplishments, I thought about the future of human rights law. As a student I am left with the challenge of figuring out the conflicting purposes of many political, moral, and legal considerations. I suppose there is a difference between legality and legitimacy, and both must be considered for future global co-operation on the protection of human rights. Henkin's students can continue finding new ways to understand a comprehensive framework that will answer these important questions about the consequences of state action. I think that a strong international organization may help to combat future wars and promote international peace and security. Success in fostering a global responsibility requires an individual and communal commitment.

At the conclusion of the dedication to Professor Henkin's life works, Harold Koh wrote, "Today let me describe my hero the same way, as our greatest international lawyer, a simple man "Who All His Days Loved Law, Sought Peace and Pursued it." My first thought on Henkin is "Wow." Next, I think that to achieve peaceful settlements, it is important to act a hero of human rights in daily life as much as a within a global network that strives to pursue these aims in broader ways. I remain hopeful of the future pursuits of many heroes to come.

OPINIONS

Letter to the Editor: Veg-Fest's Hidden Purpose

By Mark Devries
Guest Columnist

While Brittany Bisnott's cover article on the VegFest correctly described it as a fun, inclusive event, I find it strange that she never actually mentioned its overall purpose: to spark serious thought about a little-known and largely-shocking issue. I came across the issue a number of years ago, when I happened upon brochures and then decided to research further. Now, I am running out of objections to the argument.

The growth of vegetarianism in the United States can be traced in large part to Peter Singer's 1975 book "Animal Liberation," and the extensive scholarship that followed. Singer and others point out that one of our fundamental ethical principles is an opposition to causing unnecessary pain and suffering. They then note that nonhuman animals are made of flesh, blood, and bone; share our five physiological senses; and, in the case of birds and mammals, have complex emotional lives caring for their babies and grieving when family members die. They can suffer, physically and emotionally, just as we can. If this is what matters ethically among humans, then, animal advocates argue, our exclusion of nonhuman animals from serious ethical consideration may reflect a form of prejudice, similar to prejudices against groups of humans. To describe this apparent prejudice, Singer popularized the term "speciesism," by comparison with racism.

But it goes even further. Every year in the United States alone, we raise billions of animals for food, keeping nearly all of them in cramped, filthy conditions for their entire lives. Chickens, for example, spend their lives crammed into windowless sheds. Their beaks are partially sliced off to prevent chickens from pecking each other to death because of the stress of their confinement. Moreover, they are bred to grow so fast that they live in permanent, crippling pain.

Strangely enough, Paul McCartney takes on this issue better than anyone in his narration of the video "Glass Walls," which can be located at http://meat.org. And what is it all for? Because we prefer the way they taste over some other food? As a result of vegetarian dvocates, millions of people have withdrawn their economic support of those practices, and the number grows every year. As a consequence, millions fewer animals are raised under those conditions than there would otherwise have been.

If the animal advocates' arguments about speciesism turn out to be correct, then our treatment of nonhuman animals may be one of the most important ethical issues of our time. And the future of that issue may be up to each one of us, individually.

Please note that this article was submitted to Nota Bene on September 25, 2010. Due to an unfortunate incident involving our spam filter, we are just finding and printing this article now. Our sincerest apologies to Mr. Devries.

Justache is Forthcoming!

By Jessica Horne
1L Justache EJF Representative

At the beginning of my 1L career just a few months ago, I was still under the impression that law school was a serious, humorless place and that most law students had an attitude that matched their setting. I had also heard that students oriented toward public interest law weren't exactly the cool kids in school, which worried me as someone who dreams of working for a nonprofit that protects constitutional rights. Naturally, then, I had mixed feelings when I first heard about Justache at an Equal Justice Foundation interest meeting. Although I found the concept funny and clever, I assumed that the average law student, at least according to my vision at the time, either wouldn't understand the humor or would laugh it off pretentiously. Happily, my vision has proven wrong, and when I was charged with the duty to recruit some of my section-mates to participate, I received an enthusiastic response!

Justache, though perhaps not quite yet an institution at GW Law like EJF's spring auction, embodies the spirit at GW Law: cheerful and fun but sincerely committed to good causes. Justache is one of EJF's fundraisers that calls on members of the GW Law community to grow a mustache or wear a fake mustache—after all, EJF promotes equality across the board, whether you're a woman, a man, or a man who is not genetically gifted with mustache-growing ability—with the goal of collecting donations to fund $3,000 stipends for students who secure unpaid, public interest internships. Participants collect donations from friends, family, and classmates who wish to support their commitment to donning a facial hair trend that has not been fashionable in several decades (unless worn by our esteemed GW Law faculty, of course) for an entire month. Participants have the chance to win such honors as "Best Mustache", "Best gentleman's mustache", "Best Ron Jeremy Stache", and "Best Freestyle Stache." Also, based on the amount of money they raise, participants could win one of various prizes, including mustache accessories and even an Amex gift card valued at over $100. The awards will be presented on December 2nd when EJF takes over Thirsty Thursday for its famous Justachio Bashio.

Justache also offers an opportunity for some friendly competition among 1L sections. By the close of registration on November 3rd, one representative for Section 11, five for Section 12, four for Section 13, six for Section 14, and one for Section 15 have signed up to participate. The entire section whose mustache-adorned representatives raise the most money gets a free breakfast paid for by EJF, not to mention bragging rights. "I'm going to be pissed if our section doesn't win," a proud member of Section 12 declared about the competition, throwing down the gauntlet for other sections to take up, if they dare. Sentimental 2Ls and 3Ls can help their former sections' causes by donating at the Justache Coin Drive, which will take place during the weeks of November 9th and November 16th. Anyone may place coins in the can labeled with the section number that he or like wants to support and can sabotage other sections by placing dollars in their cans.

The Justache team thought that the 1L competition was the perfect way to integrate 1Ls in a growing tradition at GW Law considering that many of the EJF stipends are awarded to 1Ls for public interest summer internships. Vice-President of Justache, Jenn Ginsberg, shares that the Justache Team is "very pleased to see that the 1L competition has received such positive reactions from the 1L sections in hopes that it will spur some healthy competition and will increase Justache fundraising overall".

As 1L participant Noah Gillespie describes, "In the past, mustaches were feared as the mark of dastardly villains and conniving knaves. Today, however, the Justache is a sign of a valiant hero, who strides forth boldly in the search for justice." This year, a total of twenty-two justice-minded heroes will be sporting whiskers on their upper lips to raise money for public interest internship stipends. As it turns out, law students can be intellectually brilliant while retaining an excellent sense of humor, and public interest holds a valued place at GW Law.

Christen Gallagher

Snippets

FEATURES

David Mueller

Heads Up

I missed last week because I came down with a case of the Van Vlecks, so maybe I owe you a recap of the month in sports. Randy Moss was traded...and waived... and claimed. The Miami Heat took their talents to Beantown and lost the opener. The Giants won the World Series. The Oregon Duck did some pushups, and someone taught Brett Favre to use a cell phone.

This week, I want to talk about a development I have followed for a few years now: football concussions. There have been some great writers that have covered the issue. Two that have been particularly enlightening are Alan Schwartz writing for the New York Times and Malcolm Gladwell writing for the New Yorker. The damage that the human brain suffers from football is frightening. We have always known that football was dangerous, but the measurable injury that we are now beginning to understand has startled the American consciousness. Once we consider that NFL players lose all their money paying medical bills, well, Bob Dylan said the times are a-changing.

Recently, the NFL responded to a number of big helmet-to-helmet hits that all occurred in Week 6: James Harrison's hits on Mohamed Massaquoi and Joshua Cribbs, Brandon Meriweather's hits on Todd Heap, and Dunta Robinson's hit on DeSean Jackson. The shield of the NFL fined the defensive players enough to get me out from under my student loans. There seem to be three responses to the NFL's actions.

The first group has welcomed the change, and said that it is about time that we protect the players on the field. The game can be physical without being violent. We don't need to teach defensive players to be "heat-seeking missiles."

The second group has criticized the first group as hypocrites. They note that the first group was the same that was running segments like "Jacked Up" on ESPN two years ago. In the segment, talking heads would yuk it up as players lay unconscious on the field. The second group notes that the same people endorsing the NFL for "doing the right thing" were perpetuating the problem by celebrating tackles rooted in a bygone corporeal bestiality.

The third group has criticized the NFL for two reasons. First, it acts hypocritically when it purports to care about player safety today but then moves for a longer schedule and is willing to remove all current insurance plans for players if it does not reach a new collective bargaining agreement with the players union. In other words, we care about DeSean Jackson's brain, unless lawyers can come to terms on the new settlement. Second, the NFL acts with no identifiable standard. The third group suggests that the NFL has just overreacted to unfortunate happenstance and public reaction with excessive fines.

What I suggest is that all of these responses miss the mark. The NFL has not gone far enough. First let's look at the rules. The NFL penalizes the following four acts with a fifteen yard penalty: "Unnecessary roughness," "Unsportsmanlike conduct," "A tackler using his helmet to butt, spear or ram his opponent," "Any player who uses the top of his helmet unnecessarily." http://www.nfl.com/rulebook/penaltysummaries.

These rules stem from safety concerns. The safety concerns have driven how coaches teach a defensive player to tackle. I wanted to find a more legit source, but I'm busy. So you get http://www.wikihow.com/Tackle. Here's an excerpt: "Place your facemask on the ball. DO NOT DROP YOUR HEAD! You can get seriously injured if you make that big of an impact on the top of your helmet. It will drive your head down and cause your neck to compress. You may even end up paralyzed. Always keep you head up and eyes on the the ball carrier. You cannot hit what you cannot see!"

I am writing this before Week 9 of the NFL season. However, in Week 8 the Patriots played the Vikings. I was struck by something. Brandon Meriweather certainly led with the crown of his helmet a lot. The thing about it was that his tackles were indiscriminate. When he made such a move he hit his own players, he hit the opponent, and he whiffed. So as I understand the NFL's rules, what Meriweather does is a foul only if the *result* is a foul. This is strange to me. *He* needed to come out of the game with what the announcers described as a "stinger" after one of his "tackles."

The rules in this area are designed to promote safety. What Meriweather does injures himself in a recognizable way. He has injured opponents. Soon he will injure his teammates. I suggest that this is a penalty, and not just when he hits someone, but when he whiffs as well. Furthermore, I suggest that this behavior is so egregious that he should be fined incrementally upwards for every such action. The team should be fined incrementally upwards for every offense by one of their players. These fines should fund both player insurance and concussion research.

This is the point of the article where I make a tenuous legal analogy. When Meriweather spears an opponent, that action clearly falls within the language of the rule. But if safety drives the spirit of the rule, why is Meriweather's intent to spear his opponent not transferred to his teammate? If I attempt to shoot the fleeing burglar and inadvertently hit the police officer, I have committed an assault. This is true despite the fact that we are both trying to apprehend the criminal on the other team. Likewise, if I attempt to shoot and kill another but miss, I am guilty of attempted murder. This is true despite the fact that no one was injured. The risk of harm is so great we criminalize the whiff.

Here is why this suggestion works and alleviates all of the criticism. The rule is a standard. There is no guessing. If you lead with the crown of your head in a tackle, it's a penalty and a fine. If you lead with your facemask, and the receiver ducks, you're in the clear, James Harrison. Also, the NFL, in enacting such a standard, would react to public outcry with a consistent message: the first priority on the field is the relative safety of the players. This is a good thing.

Lastly, and perhaps this is the English major in me, but I have found all the crown-of-the-helmet hits inherently cowardly. I was always told that proper tackling technique was to tackle with your head up. But the controversial hits all come when the player has his head down. My grandmother has forever told me to put my shoulders back, my chin up, and face the world like a man. A defensive player who leads with the crown of his head lacks the stalwart valor to face the man he hurts. Courage is the self-fulfilling prophecy of accumulated good deeds done solely for their own virtue. There is no Courage in ducking.

Listen, Meriweather and Harrison, you can cry about fines while families pray for their sons. But you can act physically without violence. You can either keep your chin down or you can man up.

FEATURES

JAIME BUGASKI

Hollywood Legal

Alright, just admit it—you like Gossip Girl. It's awful, tasteless smut that is corrupting America's youth. But it's also kind of fantastic. The beautiful people, the fashionable clothes, the steamy teenage love scenes. It's the 90210 for a generation that enjoys a more relaxed FCC standard of indecency.

Though I'm a Blair devotee myself, scrappy Jenny Humphrey must have some fans because Taylor Momsen has enjoyed moderate success parlaying her TV fame into music. As lead singer of the "rock" band, The Pretty Reckless, Momsen works hard to cast aside her Upper East Side image in favor of a bad girl who counts Kurt Cobain as a major musical influence. She dresses in black, doesn't brush her hair, and says edgy things like, "To be honest, I don't f---ing care. I didn't get into this to be a role model. So I'm sorry if I'm influencing your kids in a way that you don't like, but I can't be responsible for their actions. I don't care."

But Taylor may have taken things a bit too far at a recent concert in New York. Apparently overcome by the power of the music, she deliberately pulled down her ripped top to reveal her naked breasts to her lucky audience. Though details were sketchy at first, reports now confirm that she had put black tape over her nipples. Such a sweet girl. 'Girl' being an important word choice here. At only seventeen Taylor isn't quite legal yet.

I know what you're thinking. What's the big deal? Who *hasn't* exposed their breasts to complete strangers? Whether you remove your shirt at a beach party in Cabo, on a boring road trip, or after a few glasses of wine at a dinner party (um, not that I'm speaking from experience) – it's just harmless fun. Maybe. Though perhaps it's worth double checking what the law has to say about this form of self expression.

In general, indecent exposure is deliberate exposure of portions one's body under circumstances where such an exposure is likely to be seen as contrary to the local commonly accepted standards of decency. As criminal statutes vary by state, we should turn to New York statute § 245.01, public exposure. According to this law, a person is guilty of exposure if he appears in a public place in such a manner that the private or intimate parts of his body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola (how very specific, New York).

Yes! Taylor's stunt does seem to meet all of the required elements of this crime. In addition, her potential sentence could be harsher if any of Momsen's underage friends were in attendance. Exposing oneself in the presence of children is a sure way to increase the severity of the offense.

Oh, but wait. I guess that a good lawyer would read the entire statute before filing the response...

Section 245.01 goes on to carve out two exceptions to an exposure charge: breastfeeding mothers and "any person entertaining or performing in a play, exhibition, show or entertainment." While I would contend that the entertainment value of a Pretty Reckless concert is debatable, it would seem reasonable to at least classify it as a "show."

While Taylor is unlikely to be prosecuted for this latest indiscretion, I would be remiss in ending this article without at least sending out a friendly warning to any gentlemen with photo-capable cell phones. The distribution (and that includes transmission via text) of child pornography is illegal under federal law and in all states. Sure, there is probably some wiggle room for the situation at hand (for example, New York penal code § 263 as to 'sexual performance by a child' seems to apply only to children under seventeen years of age), but maybe we could agree that it's wise not to leave a potential spot on the sex offender list to prosecutorial discretion. Better safe than sorry, right?

Besides, if you're looking for some kiddie porn, you could just watch the show.

JILLIAN MEEK

De Novo Days

Cue "Eye of the Tiger"

It's getting to be that time of year again. Daylight savings time marks the shift from "Law school? It's not so bad," to "Give me all of your Red Bull and protein bars, and I promise not to punch you and then start crying." Don't be fooled by the ancient anecdotes about farmers. "Falling back" to good ol' Standard Time is the government's way of saying "Give those law students an extra hour of daylight. They're going to need it."

Yes, that's right. The scent of finals is on the wind. And it smells kind of like the guy in my Con Law class who thinks that his gas has Privileges and Immunities. No matter how you've spent your semester so far (shmemo-ing, crying over your unevenly bound Van Vleck briefs, joining student organizations just for the pizza, etc.), we are now venturing into the one group experience that all law students share. Final exams.

Now, since I know 2Ls and 3Ls have been through this before, my only recommendation is this: do what works for you. If being the crazy person drinking your espresso with a straw so you don't have to look up from your notes works for you, rock on with your bad self. However, if what you're doing hasn't been working for you? Maybe go a little lighter on the caffeine, and try a practice test or two. See if it helps. If it doesn't, ask yourself one question. Did I

As for you 1Ls, I have a very short list of recommendations. I can't claim to be an expert. I will not be clerking for Scalia anytime soon (for many reasons). These are more just suggestions for your sanity than guarantees for success. Not that I can claim to be an expert on sanity either (just on disclaimers).

1. Do your own thing. Starting soon, if not already, people are starting to talk about studying. They'll be comparing study habits, dispensing unsolicited advice, and stressing the heck out of each other. First, everyone inflates their studying stats. I know that most of us aren't awesome at math, but it's just not possible to study for twenty-five hours a day. This will not stop a gunner or two from trying to persuade you that he has invented some kind of Contracts Time Machine™, or trying to convince you that if you haven't subscribed to some internet blogger's study schedule, you're going to fail school and end up burning your casebooks for warmth under a bridge. Just do what you think you need to do, with whomever you want, and ignore everyone else. I mean, let's be honest. Getting advice from other 1Ls? Um...they haven't done this yet either. Trust that you know what you need to do.

2. Leave the law school, at least sporadically. I know that it would seem like just camping out in the basement of the library and memorizing the rules of Civil Procedure would be a recipe for success. But every once in a while, go outside. Breathe some fresh air. Figure out if it's nighttime or daytime. Maybe *gasp* go to the gym, or drink something that isn't designed to help you stay awake longer than a future Freddie Krueger victim. Believe it or not, it'll help your productivity.

3. Observe the etiquette surrounding reserved rooms. This is always a problem around finals time. If you and a study group are going to meet, reserve a room. It's on the portal and it's not hard. Everyone is studying right now, in every possible square inch of the school. You do not have a divine right to a study room, no matter how many people are with you or how crazy your eyes look. The only thing that confers such a right is an actual, school-approved reservation. Also, if you do have a reservation, be polite. Nicely inform the person currently in the room that you have it reserved at X time, and give them a minute to pack up and leave. Forgive them if they did not psychically know of your reservation. Of course, if they don't leave, the only possible solution is Battle Royale. No eye-gouging, please.

4. Study groups *can* be a good thing...but not always. A good study group is like a good man, or a good Evidence supplement. They can be hard to find. However, I strongly advocate trying out the group study thing. Take a practice test with some friends and talk over your answers. Compare attack sheets. Maybe even figure out what an attack sheet is. Sometimes, though, studying with your friends is like living with your friends. And if that thought strikes fear into your heart, reconsider the study group thing. If it's helping you, study with a group. If your study group's activities consist mainly of snorting Adderall off of a stripper's ... intellectual property, find a new study group. I'm looking at you, sports writer.

5. Keep just a tiny little bit of perspective. Whether you end up with a 4.0 or...not, you are a good person and, doggone it, people like you! Except you, Con Law II gas kid. I do not like you one bit.