



Nota Bene, 2003

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Forum For News, Features and Opinions in the Law School Community.

Monday, November 17, 2003

Vol. 14, No. 6

Media Savy Professors, Press Office Keep GW In The News

By CRISTINA VON SPIEGELFELD
Staff Writer

As the subject of Iraq becomes a regular item on the nightly news, Professor Steven Schooner finds himself appearing regularly in various forms of media to discuss the rebuilding of Iraq. When the Enron story broke one morning, Professor Mitchell was doing corporate scandal interviews by lunchtime.

Following the events of 9/11, the Law School's faculty appeared frequently as experts to shed light on the tragedy, including Professor Peter Raven-Hansen on terrorism, Professor Alberto Benitez on immigration, Professor Sean Murphy on international law and the use of force, Professor Stephen Saltzburg on terrorism suspect trials, Professor Orin Kerr on the PATRIOT Act, Dean Michael Young on human rights, and Professor Mary Cheh on civil liberties.

Paul Fucito, Media Specialist at the Communications Office, says that faculty members are in demand for certain key topics they specialize in. This means that certain professors become more active as certain topics are brought to light. The news media has its own agenda and plays a heavy role in what topics need expert input, says Fucito. Because the press constantly moves from topic to topic, one legal story might become a hot issue and require a certain faculty member's expertise.



Prof. John Banzhaf on the CBS News website after the network profiled his work.

"Timing is everything," Fucito said. "As more and more of our experts gain press time, the media remember them and often come back to them for additional

stories. For every TV interview you see, there are 20 more specialized print interviews or journal articles with our faculty

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Clerkships Still Available; Changes Planned for Next Year

By ALEX SAUNDERS
News Editor

After the various problems encountered in this year's clerkship application process, changes are planned for next year. The proposed improvements to the application procedure include establishing a website dedicated to GW Law students' clerkship applications.

Professor Brad Clark, chair of the clerkship committee, said that it's too early to say how successful this year's applicants have been and emphasizes that many positions are still available.

Clark said that despite the new Sept. 1 date before which federal judges would not accept applications, many federal judges remain on different schedules. For example, most of D.C.'s Court of Federal Claims judges are just starting to look at applications now, Clark said. Judge Margolis of the Court of Federal Claims is a GW alumnus who is now looking for applicants to fill next year's clerk positions.

Clark suggests that students meet with clerkship committee members to explore the various opportunities still available. He also recommends that students look to newly appointed judges who might be seeking clerks. Judge Titus at the District Court of Maryland is an example of one of these new appointees. Clark says that Judge Titus recently contacted Dean Young expressing his desire for GW Law School student applicants.

Most importantly, says Clark, students must not give up on their efforts. "You have to go out and get it," said Clark. He says that often it takes a second round of applications to get a clerkship. He also says that students should consider applying in states they might not have previously considered. Clark says that GW Law students often concentrate their efforts on the Northeast and Mid-Atlantic region.

To avoid the delays and complications presented by this year's application process, several new policies and procedures will be implemented next year. Clark notes that among the new policies will be more emphasis on early judge list submission. Students must provide the CDO with a list of judges that they are applying to. Although students were strongly encouraged to submit their lists during the summer, more efforts will be made to emphasize the importance of

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Small Business Clinic Folds For The Spring

By CRISTINA VON SPIEGELFELD
Staff Writer

Students who tried recently to register for the Small Business Clinic were unexpectedly told that the clinic had been cancelled for the spring semester. The records office made the announcement in late October after they had already distributed the application for the clinic. Students were told that Professor Susan Jones, who ran the clinic, would not be at GWU the following semester and that the school had been unable to find anyone to take over the full-time position.

Most students were completely unaware that the clinic might not be offered and only found out when they tried to register. Others were lucky enough to find out before registration. Jeffrey Flores, a 3L student, had talked to Rachel Vaughn, Student Director of the Small Business Clinic, a couple days before the open house for the clinics and was told that there might not be a clinic. It was at the

open house when Vaughn was able to give a definite answer that there would not be a Small Business Clinic for the 2004 spring semester.

Students who had planned to take the clinic are extremely disappointed primarily because they had scheduled their classes with the purpose of taking the clinic and had already taken all the prerequisites. Flores said that he had heard many great things about the clinic and had taken the Corporations and Federal Tax requirements just so he could do the clinic. He also said that the clinic was going to be the cornerstone of his schedule for his last semester in Law School and if he had known that it was not going to be offered in the spring, he would have attempted to get a waiver for the Federal Tax requirement and taken the clinic in the fall.

Shawnte Mitchell, a 3L student, also said she planned her 2L spring semester with the intention of taking the Small Business Clinic in spring 2004. She

said the clinic would probably have been one of the most valuable experiences for her law career and to her personal ambitions. Now that she was not able to participate, Mitchell said that she was extremely disappointed and felt that it was a shame that a greater effort was not made to find someone else to run the clinic.

Ami Gandhi, also a 3L student, picked her classes for current fall semester based on the prerequisites for the small business clinic. Because she will be graduating in May, she will no longer get a chance to participate in the clinic. Expressing her disappointment, Gandhi said that at this point, she does not have high expectations of the law school administration and was not terribly surprised by the late announcement of the cancellation.

Because Flores had found out earlier that the clinic was not going to be offered, he managed to get into the Con-

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NEWS

Students, Administrators Try Registration Tricks

BY ELIZABETH AUSTERN
Staff Writer

Registration has typically been a tricky process, but despite the potential for complication, the registration process went relatively smoothly this semester.

No 2Ls were bumped from classes but a number of options were unavailable to 2Ls because of the relative popularity of certain topics, times and professors. The process is no less complex for administrators who must use tactics like scheduling popular professors to teach at the same time to ease over-enrollment, but they also report a successful registration.

SBA President Corrie Westbrook was especially enthusiastic that an extra section of Negotiations was added after a larger than expected number of 3Ls and 4Ls registered. Trial Advocacy was also over-enrolled initially, but sections were added during Registration. Dean of Students Renee DeVigne gave the credit to Rosanne O'Hara and Deans Jeffrey Gutman and Roger Transgrud. "There was a lot of quick work behind the scenes," said DeVigne. "As soon as we realized how many students had signed up and used their priority forms, they worked hard together to make sure there was [enough room]."

O'Hara ensured the added classes were logistically feasible, with enough classroom seats for every expanded class and no obvious time conflicts. Dean Transgrud arranges full-time faculty courses, and Dean Gutman arranges adjunct courses. They both negotiated with professors to reschedule or relocate their classes. "Some of the adjuncts recruited additional teachers," said Dean Transgrud. As a result, Professor Ray agreed to teach a second section of Negotiations, and sections of Trial Advocacy were also added.

Ed Rodriguez, a 2L, was satisfied with the process. "I thought it went pretty smoothly considering the technology issues earlier in the year," Rodriguez said. However, the distance between the relocated Records Office and the areas most

frequented by students did affect students to some extent. Important information and sign-up lists were posted in Stuart Hall unlike previous years, when these materials were posted in Stockton Hall.

Becca Fribush felt that information about registration was not distributed adequately. "I forgot to sign waitlists," she explained. "I don't think it was well publicized, and it wasn't obvious what classes it would be necessary for. I had fewer cool, small classes to choose from," said Fribush. At least one LLM student missed upper-class registration because he had expected to be informed by email and hadn't seen a schedule. He registered during 2L registration.

There were a few complaints about course selection and availability. Westbrook mentioned hearing some comments that classes offered in the Fall were more interesting. This critique was echoed by other students. "There seemed to be limited choices," remarked Liz Dietrich, a 2L. Andres Palacio, 2L, agrees. "They're all black-letter courses," said Palacio.

Transgrud, pointed out that schedules are, in part, set by what professors want to teach. "If anything, there are more courses available in the spring than in the fall," he said. "But it's true that we tend to offer more sections for classes that are prerequisites in the fall." This is done to enable students to take an advanced course in the spring and its pre-requisite in the fall.

In DeVigne's capacity as an advisor, she heard students complaining that there were too many choices. She said most students had gotten into the classes they wanted, noting how unusual it is that no 2Ls were bumped. "At most, a student can choose only 20 courses in their second and third years," DeVigne said. "The goal in the entirety is to have as diverse and expansive a curriculum as the full-time and adjunct faculty can allow."

Lauren Peacock, a 2L, said that many of the classes she wanted to take either occurred in the same time slot or filled multiple time slots, forcing her to

choose one course that blocked two others. Transgrud explained that some of this was by design. "It's intentional to put two popular professors against each other when other sections are available for the courses," Transgrud explained. Otherwise, there would be massive over-enrollment for some class sections, he added.

Transgrud pointed out the advantage of having a large faculty and multiple sections for core classes. In smaller schools, there may be only one professor available to teach a course. "I think the teacher can matter more than the course. I'm not at all upset when a student defers taking a course for a year [to wait] for a better teacher," Transgrud said. He feels that this compliments the depth of the faculty.

On the other hand, Transgrud asks professors to schedule classes held between 10 a.m. and 3 p.m. in 50-minute blocks, so that one class doesn't overlap with two blocks. Notably, large Criminal

Procedure sections taught by Professors Butler and Cheh will be held in two 75-minute sessions during the day next semester, breaking the rule. "It's a negotiation with the professors, and I wasn't successful this time," Transgrud said.

Small technical glitches affected a few students, but did not prevent anyone from registering. A problem with GWeb forced students to log in repeatedly at one point, but the problem was quickly fixed. "I wish they'd send email to students letting them know if they'd been bumped or shut out," said Rodriguez.

DeVigne pointed out that bumped students are in fact emailed and students who are not bumped are automatically registered for the class. There were no 2L bumps this time around, which is unusual as the popular classes are often filled by 3Ls, 4Ls and LLMs. A student wanting to confirm his or her registration can check online through GWeb.

Professors Speak About FAIR Involvement

BY ALEX SAUNDERS
News Editor

A panel of professors gathered last week to discuss the Law School's recent decision to join FAIR, an organization formed to challenge the Solomon Amendment in court. Professors Joan Schaffner, Thomas Morgan, Jonathan Turley and Steven Schooner spoke to a crowded Faculty Conference Center Nov. 12.

Last week, the New Jersey District Court denied the government's motion to dismiss the lawsuit brought by FAIR, which opposes the law that withholds federal funding from universities that bar military recruiters from campus. The law forces many schools to violate their own anti-discrimination policies because the military discriminates against gays.

Although the ruling was a positive step for FAIR, the judge also rejected the plaintiffs' request for a preliminary injunction. This, according to the panel's speakers, indicates that the judge doesn't believe that the plaintiffs can prevail on their claims.

The Law School's involvement with FAIR was hotly debated in a recent faculty meeting. Despite some faculty concerns that FAIR is "an imperfect vehicle," the Law School became one of only five law schools to join FAIR openly.

Professor Joan Schaffner served as moderator for the discussion and began the event by providing a factual background of the developments in this area. The issue revolves around the conflict between the military's "don't ask don't tell policy" and the American Association of Law Schools requirement that openly gay persons be treated equally.

"I feel very strongly that this is important," said Schaffner. One of the concerns expressed by faculty is the possibility that the Law School's association with FAIR might be received negatively by students and faculty who are presently or have previously been in the military. Schaffner stresses that opposition to the military's policy is in no way an attack on service members. "We don't want to

be seen as condemning individual military members," said Schaffner.

Professor Morgan spoke about the faculty's decision to join FAIR noting that it is an expression of the faculty's support for gay rights. Morgan said that support for gay rights is "virtually universal among the faculty."

He said that the school wants to promote an environment that welcomes gay students and exhibits a sense of tolerance. Morgan says that FAIR is a group worth belonging to, despite its imperfection. Additionally, he says that the faculty's decision is an effort to observe AALS policy.

Morgan said that the AALS has made it clear that law schools must take ameliorative efforts in response to the Solomon Amendment. These efforts include disclaimers and notices to students that the military does not comply with AALS anti-discrimination policy. Morgan was the president of the AALS in 1990 when the regulation requiring amelioration was adopted. He notes that the military discriminates on many grounds including age and disabilities.

Despite this fact, the AALS felt strongly that it wanted to send a message that they "weren't going to give the military a bit of slack." Morgan says that this regulation was not primarily about gays and lesbians. The AALS regulations requiring amelioration was a response to the military's "greater policy."

One of the concerns expressed by faculty, said Morgan, was the future of FAIR. He notes that this organization has a life beyond the current litigation despite the fact that the current case is FAIR's primary focus. Additionally, some faculty members expressed a feeling that FAIR will not aid in moving the case along, said Morgan. He says that there were already many plaintiffs involved in the present action and the litigation is being conducted by a private law firm on a pro bono basis.

Another concern is the anonymity

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NEWS

Thirteen-Week-Semester To Be Revisited

By BRANDON BRISCOE
Editor-in-Chief

The Student Bar Association is revisiting a proposal to shorten the semester from fourteen to thirteen weeks, SBA President Corrie Westbrook said. A similar proposal spearheaded by 3L Michael Silver reached a faculty vote last year but was rejected when evening students present at the meeting voiced objections.

The impetus behind the proposed change is a matter of timing. The Law School's first week of class next fall will coincide with Georgetown Law School's main week of fall interviews. Because some employers are not likely to make two trips to Washington, it is important for the two interview programs to overlap.

However, it is difficult for students to interview during the first week of class when they are adding and dropping classes and when class rosters are being finalized, Westbrook said.

The SBA was slated to discuss the idea Tuesday night and would present a resolution to the administration in early December if one were passed on the is-

sue. It is expected that the faculty could vote on a proposal as early as mid-January if there is student support to follow through with a proposal, said Westbrook.

At last year's faculty meeting, professors generally said that they wanted to defer to student input on the matter. No day students were present at the meeting, but a number of evening students were there and expressed concern about shortening their already limited time. Westbrook said there is a proposal that would address many of these concerns.

Still, a poll of day students last year showed mixed enthusiasm for a shortened semester. Westbrook said it would take a strong interest from the student body for the faculty to reconsider the issue. She encouraged students to speak with their SBA Representatives and weigh in on the matter.

A shortened semester has a number of implications including providing more time for students to work and more time for faculty to research. However, any such proposal would likely mean longer class sessions and other consequences that some students object to.

Students Provide Important Services To Community

By JANE YANOVSKY
Staff Writer

One of the biggest draws at the Law School is the unparalleled opportunity to get involved in public interest work in the nation's capital. In programs ranging from local neighborhood clinics to the Environmental Protection Agency, GW students are consistently realizing their dreams of making a difference in the greater community to which they belong outside of school: the human community.

While many come to GW with big ideas about their pro bono commitment, it's easy to get lost in the first-year whirlpool of schoolwork and in the second-year push for the Fall Interview Program and a certain kind of job. Luckily, the Law School's Public Interest Committee provides a great solution to this confusion: the Pro Bono Legal Services Pledge.

Students who sign the pledge agree to volunteer at least 60 hours over the course of their three years at school, providing legal services to pro bono organizations. For LLM students, the commitment is 20 hours. The Pledge can be signed at any time during a student's law school career, and the hours can be completed at the individual's discretion. Pledge hour submission sheets are available both online at the Pro Bono website and at the records office. Those who complete these requirements are recognized at commencement for their dedication.

The Public Interest Committee, chaired by Professor Louise Zubrow and Public Interest Liaison James Lovelace, inherited the Pledge program from the SBA approximately three years ago. Enrollment has increased every year, with over 200 students currently signed up.

"We hope to provide people with an opportunity to do pro bono work and

to have some structure," said Allison Clements, a 3L Day student who is the Committee's Student Chair. "It's something for people to commit to and it makes it easier" to follow through with one's public interest plans. She encouraged students who have completed their hours to turn them into the Records Office so that they could be processed.

Clements also stressed the importance of understanding that helping others through pro bono work is not impossible, despite a hefty academic schedule or grueling hours at the office. "Part of being a good lawyer is learning to balance your career," says Clements.

Students who participate in the Pledge program learn to incorporate public interest work into their everyday lives, whether it's two hours one semester and twenty hours the next, or a steady time commitment throughout law school. "Establishing this as part of your life is a huge benefit of participating in this program," said Clements, who will go to the private sector after graduation. "The reason I've become so involved is to keep myself on track."

The program also enables law students to take on the responsibilities of practicing attorneys much earlier than normal. "By the end of my first day at the Neighborhood Legal Services Program, I had taken two depositions and had started to write a motion. It's not only a good feeling for oneself, but it's exposure to another side of life from which are sheltered here," stated Clements. For many 1Ls or 2Ls, the volunteer work can also be a great resume builder that will distinguish them from their less experienced peers.

The Committee's website lists many organizations that have indicated an interest in having law clerk volunteers, though students can certainly earn their

SBA Beat

Heated Debate Over Student Group; Justice Kennedy Won't Speak; Outline Bank Needs Outlines

By ALAN TAUBER
Managing Editor

Tensions ran high at the last SBA meeting as the Board was asked to approve the constitution of the Christian Life Legal Society, a pro-life group that wishes to organize on campus. 3L Rep. Patrick Malone started off the heated debate, calling the CLLS a "hate group." He stated that as a representative he could not in good conscience represent his constituency by voting for the group.

Many representatives and others present spoke on behalf of the group, arguing that while they might personally disagree with the group's message, they supported the group's right to exist on campus and to be recognized.

Another 3L Rep., Scott Claffee was concerned that if SBA money went to the group it might be seen as tacit support of the group's message. He suggested that the CLLS place a disclaimer on all posters that the SBA does not support the views of the CLLS. Other members objected, noting that no other group is required to place such a proviso on their posters and that to require it of the CLLS amounted to nothing more than discrimination based on the group's views.

After several minutes of debate, the Board voted by ballot, as opposed to the traditional roll-call vote, and approved the group's constitution by a vote of 11-2 with Scott Claffee abstaining. 1L Rep. Sarah Dean joined Malone with the other "no" vote.

Also approved at this meeting was the constitution of the American Trial Lawyers Association student group. ATLA also received \$100 to host its first meeting.

The Feminist Forum also received \$200 in ad hoc funding to host a panel called "What Is Feminism?" The panel is attracting many outside speakers and the money is to be used for a reception after the main event.

The Commencement Committee reported that despite Dean Michael Young's best efforts, Justice Anthony Kennedy will not be the graduation speaker. According to Young, Justice

hours at other agencies of their choice. The law school itself provides many opportunities for pledge signers to meet their goals.

This March, the Committee will launch an Alternative Spring Break program. The location will most likely be in West Virginia, in a coal-mining community with low incomes and a high rate of disabilities. The students will combine forces to both build houses and provide legal advice. Clements mentioned counseling local miners on getting their "black lung" benefits and setting up a tax clinic as two of the possibilities for legal work. The Committee hopes to establish Alternative Spring Break as a permanent program.

Another ongoing opportunity is the Animal Welfare Project, coordinated by Professor Mary Cheh, reviewing and proposing reforms to the animal welfare laws in the District of Columbia. Many GW students are also involved in work on a large Holocaust litigation case in the Southern District of New York, reading and assembling data from thousands of questionnaires concerning claims against

Kennedy does not give commencement speeches.

Committee Chairwoman Jaclyn Gerhard said that Young had provided the names of three other speakers he would approach. The three are Judge Thomas Burgenthal, the American judge on the International Court of Justice and a former GW professor; Treasury Secretary John Snow, a GW alum; and Supreme Court Justice Stephen Breyer.

Another shocking announcement came from SBA Treasurer Sharmese Hodge who noted that the SBA's reserve fund was almost depleted. Despite raising \$4,410 from the 690 who attended the Halloween party, which SBA President Corrie Westbrook called a success, the reserve stands at a mere \$5,000.

Part of the depletion is the result of lower-than-expected revenues from certain sources which were budgeted based on last year's numbers. For example, last year the Halloween party earned nearly double what it did this year, because the SBA did not seek SA co-sponsorship. It is unclear what effect these shortfalls will have on SBA-funded activities.

The outline bank is coming along slowly. The current need is donors from among the 2L, 3L and 4L classes, as well as recent alums. Anyone interested in contributing to the outline bank should send their outlines to 3L Rep. Mike Silver at msilver@law.gwu.edu. Students should attach their outlines and send along the name of the professor, the class and the semester and year.

The Academic Affairs Committee spoke briefly about the faculty's decision to join FAIR and explained the lack of evaluations from spring semester of last year. According to the committee, the numerous computer problems experienced over the summer and fall has prevented the evaluations from being uploaded. They are available in the Student Affairs office.

The final SBA meeting of the semester is scheduled for Nov. 18.

Swiss banks. Street Law, a program that enables law students to come and teach legal topics at local schools, is yet another avenue to earn pro bono hours.

The law school also provides other resources for those with a public interest bend. In addition to the Pledge, the Public Interest Committee also oversees a loan repayment program that helps students planning on going into the public sector, a summer subsidies committee that assists with grant applications, and a third-year fellowship committee. Currently, several students are recipients of a third-year Shapiro Fellowship that provides \$10,000 and 4 academic credits to those performing 20 hours of pro bono work per week. Students can also get involved with the Equal Justice Foundation, whose outstanding fundraising efforts provide valuable summer subsidies for many students committed to public service. Whatever path one chooses, it is evident that law students as future lawyers possess unique skills that are in high demand in some of the most underserved communities.

NEWS

Expertise Key to Media Coverage

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that you don't," says Fucito.

Matthew Nehmer, Acting Assistant Director of Media Relations for George Washington University, also agrees that expertise, timing and accessibility are the big three factors in building a professor's credibility as an expert and that professors with all three usually generate the most attention. Nehmer says that even if a certain professor is the world's greatest expert on the Microsoft anti-trust case, he or she could see their media inquiries dip when the media spotlight shifts to a different story.

Sometimes, a professor could be an expert on a hot topic but if the professor is slow in getting back to a reporter or is just not available, news outlets will look elsewhere, said Fucito. Nevertheless, Fucito noted that his collection of news clipping dating back to January 2001 shows that nearly all of the Law School's faculty have been in the press at some point.

Through the work of the Law School's Communications Office, the Law School maintains itself as a rich and extensive resource for legal experts. By promoting itself, its faculty, students, and events, *GW Law's media presence helps to maintain the law school's image as a premier institution.*

Media monitoring is done primarily by Fucito who monitors the news all day for legal stories and breaking news bulletins that he can use to proactively pitch the Law School's faculty to the press. In addition to pitching professors to the press, Fucito also handles calls from reporters looking for experts for stories. Fucito, who has a background in radio, television and journalism and has been profiled in major public relations trade publications such as *PR Week* and *Ragan's Media Relations Report* for successful PR pitches, uses his extensive media connections and other resources to get the Law School's name before the international public as often as possible.

The Communications Office also relies on professors being proactive with providing them the information. "Some are very proactive by letting us know when they are going to be on television or by sending us a list of their newspaper interviews. This is very helpful to us and is encouraged," said Matthew Nehmer.

Noting the recent appearance of Professor Banzhaf on CBS news and the Consumer Mediation Clinic on NBC news, Fucito pointed out that while he sets up many of the press interviews, the Law School does have faculty with amazing press connections who can set up their own media engagements. Nehmer also noted that Professor Banzhaf has taught law in Washington for many years and has taken the initiative to build relationships with local and national news out-

lets. Nehmer said that as the faculty builds press connections, they complement the school's public relations efforts.

Additionally, the Communications Office works with George Washington University's University Relations Office to issue press releases and media advisories, promote events, faculty, and student organizations. University Relations also produces the *GW Law School* magazine. Law School faculty are featured on the Office of Media Relations' "In the News" report highlighting media coverage of the University and faculty members.

Fucito also takes advantage of the resources he has available such as the Law School's up-to-date online media guide. ProfNet allows the press to search for faculty experts and the subscription database. The faculty is profiled in ProfNet, allowing upward of 3,500 reporters from around the world to search for experts and send daily queries to Fucito's desk. ProfNet also allows Fucito to issue faculty statements to the press following any breaking stories, or as part of an "Expert Round-Up" on a particular subject.

Most recently for example, Professor Shi-Ling Hsu was featured as part of ProfNet's Round-Up on the safety of the MTBE fuel additive.

While Fucito handles the bulk of the media projects, Gina Harris, Director of Communications and Laurie K. Hawkins, Assistant Director of Communications handle all of the Law School's publications and website content. "Our publications are mailed to judges, lawyers, law school deans, alumni, and potential students all around the world," Fucito says. "Thus, the website and all of our publications are just as important in promoting the Law School, if not more so, than any of our press coverage," added Fucito. Overall, the Law School's marketing direction is set through direct input from the Dean's office, faculty, department heads, and the staff, and is a large collaborative effort.

The goal of the Communications Office is to emphasize the richness of the Law School's academic community, Harris says. She also said that the Communication Office's approach is to rely on facts rather than hype and to increase awareness about what goes on in the Law School every day such as distinguished speakers, conferences and symposia, faculty, student, and alumni accomplishments, or institutional progress. "This place is so dynamic," Harris says, "our challenge isn't to create news, but to get the facts out to prospective students, alumni, peer institutions, employers, and other members of the legal community so that they can judge GW Law for themselves."

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sumer Mediation Clinic instead. 2L students will also still have enough time to take the prerequisites and sign up for a clinic in their last year. However, for 3L students who had planned their schedules around taking the Small Business Clinic in spring 2004 and discovered about the cancellation too late, there will no longer be an opportunity to participate in a clinic.

Professor Jones will be on leave in the Spring in order to serve as Haywood Burns Visiting Chair in Civil Rights at CUNY law school. Dean Roger Trangsrud said that Jones requested leave from the Law School to teach in New York three months ago and that her request was granted. He also said that Professor Jones had made preliminary arrangements with two local attorneys to run the clinic in her absence and up until just before registration, the school had thought the clinic was still going to be offered and had printed the clinic's information in all the registration materials.

According to Jones, as soon as she had accepted the position at CUNY, she had worked hard to arrange for someone to teach the clinic. Because clinics require different teaching skills due to the real cases involved and because it is difficult

to find a clinical professor who can teach full-time for just one semester, Jones said that she thought very carefully about who would fill her spot. She said she engaged in long negotiations to recruit two local attorneys to co-teach the class but when one of the attorneys backed out right before registration, the other attorney was unable to commit to teaching the clinic full-time.

Trangsrud said that in the short time available to the school, Professor Jones and the Dean's Office were unable to find replacements for the two attorneys and so the clinic had to be cancelled for the Spring semester. Trangsrud said that even without the Small Business Clinic this Spring, the school still boasts a large, varied, and strong clinical program where students have many opportunities to partake of the clinical experience.

Jones said that she regrets the inconvenience imposed on disappointed students. She also noted that efforts to find a replacement were frustrated by events beyond their control. The clinic will be offered again during the 2004-05 academic year. "I will be back in the fall," Jones stated. "I will be fully committed to the clinic and look forward to working again with the students."

Exams Loom Large On The 1L Horizon

Many 1L students thankful for mid-term

By FRANK LATTUCA
Staff Writer

As the month of November reaches its midway point, students find themselves just a little more than a month away from their final exams. While 2Ls and 3Ls venture into familiar, if treacherous, territory, first-year students will face their first full law school exams after a mid-term sampling.

Unlike prior classes, this year's 1Ls already have a taste of what a Law School exam is like. The entire first-year class took a midterm exam in Civil Procedure that counted for fifteen percent of their grade. While not a large part of their grade or their test-taking experience, many students are thankful for the opportunity to glimpse at what the tests are like.

"I really liked it," says Section 11 1L Sylvia Covarrubias. She said the test-taking experience was helpful because it relieved some of her anxiety about taking finals. "It really grounds you and gives you an idea what to expect."

Section 13 1L Nicko Maceus wasn't as keen about the idea of a midterm. "It distracted me from my studies," Maceus said. He complained that having a midterm forced him to "stop what I was doing and study for this minute test about pleading. That time could have been better spent studying for the entire subject." Maceus doubted that the experience helped him much at all. "If I wanted to see what an exam looked like, I could have looked at the test bank online. The time I put into studying versus what I got out of it did not maximize my utility."

Another difference is the number of students who will be typing their exams. Because all incoming students are re-

quired to have laptops this year, the number of 1L's hand writing their exams has dropped considerably, but won't be completely zero.

Part of the reason for this is that the Extegrity 'Exam4' software used to take the laptop exams is still available only for Windows Platform computers and is not Macintosh compatible. This means that those students using Macintosh computers will have to either secure a laptop that has compatible software or take the test using a bluebook.

When it comes to studying for these exams, students are at various phases of preparedness. Maceus is in what he calls his "Outline Adoption Stage," collecting outlines from various sources, which he will later "put together with my thoughts and ideas, rather than developing one from scratch."

"I'll be making my own outline," said Covarrubias. "I'm only just starting to reread and summarize cases. I think the midterm was good practice for how to outline. Now I feel I know what information to look for," Covarrubias added.

One thing many students end up finding helpful is participating in a study group. Finding room for five or six people to sit around and study together at the school, especially when everyone else has the same idea, can present a problem.

For students who would have problems studying at each other's apartments, houses, or somewhere else away from the law school, they can reserve a room at the Burns Library. An online process has replaced the old procedure of going through the room reservation book in the Records Office. Generally rooms can be reserved 24 hours in advance.

NEWS

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of FAIR's members. Morgan says that some faculty members were concerned with the ramifications of allying GW Law with unknown groups. Ultimately, the decision to join was partially recognition that the Law School has not done much over the years to support gay and lesbian issues. Morgan adds that this is a symbolic act but an important one.

Professor Schooner spoke about his support for faculty joining FAIR. He noted that he has been involved in the military all of his life and pointed out that over the years, the military has done a lot to help certain minority groups. Schooner notes that for many people, the military was seen as a huge opportunity and a way to get an education. He says that the military "has been way ahead of society for many groups." Despite this history of acceptance, the military has not been accepting of gays and lesbians.

Schooner says that he counsels gay and lesbian students against going into military service. He adds that even though the military has a policy against gays and lesbians, most people in the military don't have anything against gay and lesbian people. Like Morgan, Schooner stressed the fact that the military discriminates in many areas. He pointed to the military paying married service members more than unmarried service members as evidence of this disparate treatment and noted that this was one of his "pet peeves" when he was in the military. He is glad that the faculty decided to join FAIR publicly.

Schooner says that the debate about the Solomon Amendment, the AALS's ameliorative regulations and joining FAIR have represented the "most sophisticated debate in the faculty." Schooner says that this issue is one of the great human rights issues of our era. "I'm just happy we're able to lead by example."

Professor Turley spoke passionately about gay and lesbian rights being one of the "main civil rights movements of this era." He challenged the audience to get involved with this issue and asked everyone to consider whether in the future they would be able to say that "whether it affected me or not, I acted." He emphasized that no one on the faculty really questioned the core issue of supporting gay and lesbian rights.

The debate within the faculty was primarily about whether FAIR was a good vehicle and whether the Law School's association with the group was necessary. "The question is about the means not the merits," said Turley. He admitted that FAIR is an imperfect vehicle but that the Law School couldn't afford to stand by and wait for a perfect vehicle.

He said that the two issues of importance are the functions of the Solomon Amendment and the overall policy that the Solomon Amendment represents. The policy is what troubles Turley most. Turley noted that despite the seriousness of this issue, the faculty is not responding to this like activists might have in the 60's.

"We shouldn't be debating about going to court, we should just kick the military off our campus," said Turley. He added that there should be less consideration of the costs and more emphasis on sending a message. "The 'don't ask, don't tell' policy is totally incapable of defense," says Turley.

Despite this, Turley questions whether joining FAIR was the right way

to address these concerns. He wonders whether the Solomon Amendment is the appropriate target and feels that the current lawsuit will not succeed. He points to the New Jersey District Court's recent preliminary decision as a clear indication that the plaintiffs will not succeed on the merits.

"My guess is we're going to lose," said Turley. He notes that the military's "special enclave" exception constitutes a huge barrier for the courts to overcome. Additionally, it will take an extremely expansive view of protected speech for the plaintiffs to succeed on their First Amendment claims.

He worries that there will be an inclination to say "we fought the good fight" and then stop challenging discriminatory military policy. Turley believes that there should be efforts to challenge the Solomon Amendment's flexible language. He says that in his opinion the Amendment does not require equal access to military recruiters nor does it clearly state that an entire university will be denied funding for the actions of its law school.

Turley proposes that military jobs be segregated from other employment opportunities. He said that this could be accomplished by creating a separate CDO for military jobs or posting a large sign indicating that the military discriminates, for example. Turley suggests that the school pursue some of these avenues to see if the military "slips up" and commits a more egregious First Amendment violation by opposing these actions. Turley noted that GW Law is not in compliance with AALS ameliorative requirements.

Bonnie Miluso, Co-President of Lambda Law, feels that the school should do more to inform students that the military is a discriminatory employer and state that the school is being forced to allow the military to recruit on campus. "The law school has not done anything more than the bare minimum," says Miluso. She says that Lambda is trying to establish an "ameliorating task force" composed of students and faculty.

Lambda law has also set an appointment to speak with Deans Trangsrud and Young in the next few days to make this request. Additionally, Miluso would like to see a gay career fair supporting employers who have anti-discrimination policies. Miluso adds that there aren't enough faculty led lesbian-gay-bisexual-transsexual discussions.

Brian Moulton, past president of Lambda Law, says that the law school should do more in terms of hosting debates and discussions about LGBT issues. "It makes sense that the law school talk about it more and have more organized forums on this issue," said Moulton. Discussing these issues should be more of a priority as this is one of the cutting edge legal issues of the day, Moulton said.

Miluso adds that a few gestures on the part of the faculty would help to get GW Law school in compliance with AALS procedures. The ameliorative efforts required by the AALS must be accomplished by faculty, not students. Because of this, says Miluso, the faculty will have to do more to demonstrate their opposition to the Solomon Amendment. "If we're going to join FAIR and say we don't like the Solomon Amendment, we have to do something to show it on campus," said Miluso.

Plenty of Opportunities Remain for 3Ls Seeking Clerkships

CLERKSHIPS from page 1.

early list submission.

Additionally, Clark says that the SBA has been asked to put together a group of students to provide feedback on the process. Fred Thrasher, Director of the Career Development Office, said that this student group will help in making some of the proposed changes to next year's clerkship application process.

"We are committed to move the process forward and to that end have worked with SBA President Corrie Westbrook to create an ad hoc student committee which will provide input to the Clerkship Committee and the CDO into establishing a process that will function effectively and efficiently for students and faculty," said Thrasher. "That committee will be meeting this semester and next as we prepare for the next clerkship season."

The most important change that Clark would like to see is the establishment of an online clerkship portal where the students could create their merge lists and upload their resumes, cover letters and writing samples. This would also help professors writing letters of recommendation. Professors could look at a student's resume and writing sample to write more informed recommendations.

Additionally, as opportunities open up during the school year, students still

searching for clerkships could be informed of available clerkships and could apply quickly. "We're going to try and have a system that's easy for students and professors and helps our information flow and maximizes clerkship results," said Clark.

Fred Thrasher says that students are encouraged to continue applying for clerkships. Clerkships are often offered to applicants through the Spring semester.

"There are many excellent opportunities still available," says Thrasher. "We will be continuing to encourage 3Ls to consider clerkships well into the spring semester."

He adds that students have been getting clerkships throughout the fall. "It appears we are on track to have about the same number of clerkships this year as we have had in the past," says Thrasher.

In regards to the problems encountered during this year's clerkship applications process, Thrasher believes that the problem was handled well. "The CDO staff has put in an extraordinary amount of effort, in my view, in stepping in to correct a shortcoming once it was discovered," said Thrasher. "The clerkship process is always challenging, with many factors playing a role in the decision-making process."



Tauber/Nota Bene

Profs. Joan Shaffner, Thomas Morgan, Jonathon Turley and Steven Schooner gather in the Faculty Conference Center to discuss the law school's joining of the FAIR lawsuit.

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NEWS

Adventures in Transferring

By JONATHAN HALL BACKENSTOSE
Staff Writer

Each year the Law School accepts a limited number of transfer students. This year, the Law School accepted 30 students from as close as American University and as far away as the University of San Diego. Despite the diversity of their backgrounds, this year's transfer students report that the transfer process was easy, the Law School has met their expectations, and the staff and faculty have been a major factor in their successful transition to GW.

"It was easy," reported Matthew Kalinowski, 2L, who transferred from American University. "It took one day, one afternoon to finish the paperwork." A student wishing to transfer to must submit a completed application, a \$70 application fee, a law school transcript, a record of LSAT scores, and a letter of good standing from the dean of the applicant's law school.

"It was just like applying to law schools the first time," said Matthew Kulkin, 2L transfer student from the University of Miami. For a few students, however, the process was not without its obstacles. "American loses its top 10 to 15 percent to transfers," said Rob Reiser, 2L transfer student from American University. He reported that he initially encountered some reticence from the AU faculty to provide him the required letter of recommendation. "I was only able to get a letter from a professor on condition that his name not be revealed," he concluded.

The reasons and motivation for transferring are as different as the students themselves. "GW was my first choice," said Kalinowski, adding that transferring helped him reach that goal. He noted that for students who don't know what they want to do after law school, "a salient factor is that brand-name recognition is very valuable."

Paul Miller, 2L transfer student from Touro Law Center in Long Island, NY, got the idea to transfer after seeing how well he did in his first semester. Deciding factors for him were GW's great reputation and good alumni network.

Many students transferred because of academic or employment considerations. Kalinowski noted that while he liked AU because of its International Law program, he felt AU was geared toward public interest whereas GW is more diligent at getting their students into traditional law firms. Furthermore, he noted that GW is in a very vibrant part of town with the White House and World Bank within blocks of the Law School.

For Reiser, his first school was too liberal. For example, he noted that seminars were very one-sided. He added that he had never been asked not to attend any further seminars for fear that his questions might not be in line with the views of speakers and thus might make the speakers uncomfortable.

Jesse Gessin, 2L transfer from the University of San Diego, offered another reason for switching to GW. "There is more opportunity for clinical experience in Washington, D.C., and GWU is great about facilitating that. The faculty at GWU is amazing, especially in the litigation area. Finally, I have spent my entire life on the West Coast and it was time

that I check things out on the East Coast."

Jim Lovelace, CDO Assistant Director, observed that most students transfer to go to a school with a higher ranking or to go to a school with a bigger fall interview program, although a few transfer to GW from higher ranked schools so they can be in D.C. In some cases these changes can be dramatic. At least one student transferred to GW from a fourth-tier school, Lovelace noted.

Most transfer students reported the CDO, faculty, and staff to be helpful, especially appreciating the quick response to their applications. "GW got back within two weeks," said Kalinowski. Reiser sent his application on or near the July 1 deadline and heard back by July 15. Furthermore, he noted, the CDO sent him a letter the day after he received his acceptance outlining deadlines he needed to be aware of.

Shannon O'Sullivan, 2L transfer from AU, said she was studying abroad when she found out about her transfer acceptance and added that the Law School was very helpful with faxing her information and answering all her questions.

The biggest problem for many of the transfer students was finding living arrangements. "The hardest was the move," said Kulkin, who had to find a place and move in two weeks. In those two weeks he drove from Boston to D.C., found a place to live in five days, flew to Miami, rented a car, and drove his belongings back to D.C.

Student perceptions after completing almost one semester at the Law School, while generally positive, do vary. A major impact with many transfer students is social life. Kalinowski and Reiser, having transferred only across town, said they have kept their AU friends and regularly meet with them. Kalinowski thought that social adjustment might be more difficult for students transferring from farther away, noting that making new friends for transfers might be hard as those already in the 2L class made their friends in their first year.

Said Gessin, "I do miss my friends from San Diego, as I spent my entire undergrad and my first year of law school there." However, this is not such a problem, he continued, as most of them are going to settle down in San Diego and thus will be there when he goes back after law school.

To help with getting oriented and meeting other students, the Law School did arrange a few get-togethers for the incoming transfer students. O'Sullivan said the Law School "held a breakfast and a lunch just for transfers students, which was really nice to meet some people to recognize the first week of classes." Gessin observed that the Law School wants the students to become part of the existing student body. "The school has a meet and greet and then sends you on your way. The theory is that they don't want us to clique-up, but mingle with the general community. I think it is a good way of going about things, although I must admit that I am probably tightest with the other transfer students."

Academic perceptions of transfer students also vary. Miller is quite upbeat about GW. He feels that some law students take GW for granted. Personally, he says, he is thrilled to be at GW, noting

that the facilities, the reputation, and the faculty are incredible. Kulkin thinks that the student body has a large role. "One thing that surprised most people coming from second tier to first tier is that the books are the same, the teachers are the same - it's just more competitive. The students are more studious."

One downside of transferring is that, in many cases, students lose credits by transferring. "GW's policy is to only accept 28 credits from an accredited school" reported Mary Bartlett, Assistant Director of Admissions. She added that this was more generous than many schools, which limit transfer credit to around 21 credits.

Additionally, the transfer credit granted to transfer students almost always uses up their transfer credit allowance and also has residency implications, meaning that they can't normally pursue joint degrees or receive credit for most study abroad programs, except for the England program, explained Kulkin.

An important aspect of law school that can't be transferred is acceptance to a law journal. "Many students do well enough to get accepted at law journals [at their original law school] and give that up to come here," said Lovelace. He added that there is a journal contest in the fall for the transfer students once they get to GW.

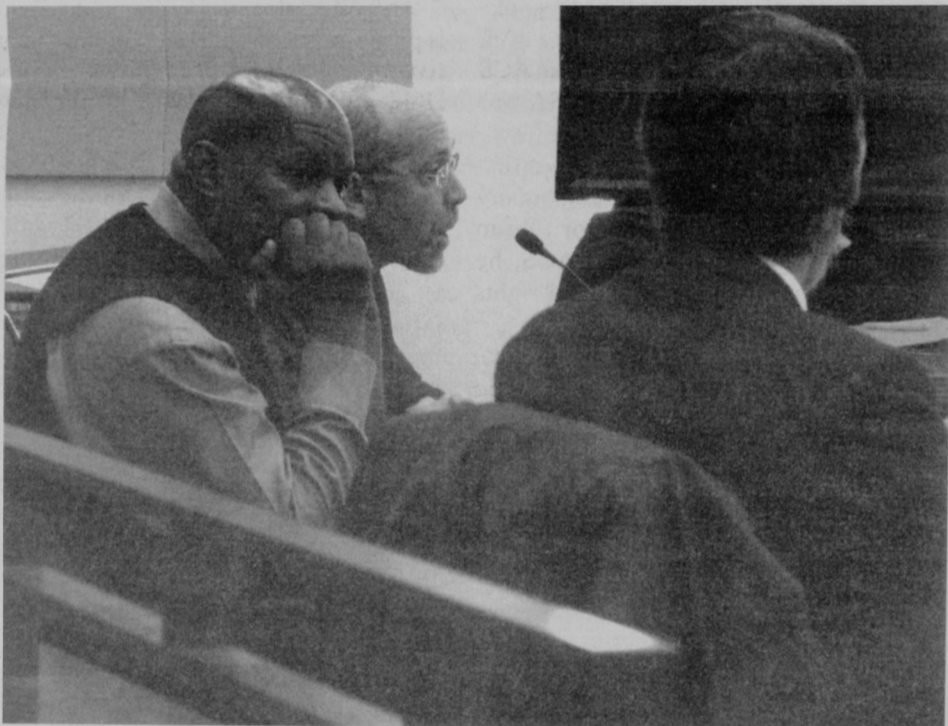
Another potential problem raised by both the CDO and some students is that 2L transfer students do not generally have

any GW Law School grades to show interviewers during the Fall Interview Program ("FIP"). Kulkin especially noted that he appreciated CDO Associate Director Jim Lovelace's honesty in relating this reality to him prior to transferring. Miller played this down somewhat, noting that it is up to the student to put a good spin on the reasons for their transfer and themselves. Despite having no GW grades, he was accepted for several interviews during the FIP.

One problem in the transfer process, Kulkin noted, is that 1Ls don't have any grades and don't know where they stand with respect to what schools they can realistically consider. "There is no book to tell 1Ls where to transfer - what grades are necessary to transfer to a given school. Nothing like the books which tell you the required LSAT scores to get into law schools." As a result, he applied to multiple law schools to see what would work, and this was after spending significant time in the summer contacting graduates, friends, University of Miami alumni, Dean Johnson, and others in researching the best course of action to take.

Overall, Jim Lovelace said he admires the transfer students for their commitment. They're taking a chance, he noted, to improve their lives. "Hopefully," said Gessin, "I will return to San Diego with a greater world view and a richer understanding of the law and why I want to spend the rest of my life practicing it."

CHIEF MOOSE VISITS GW



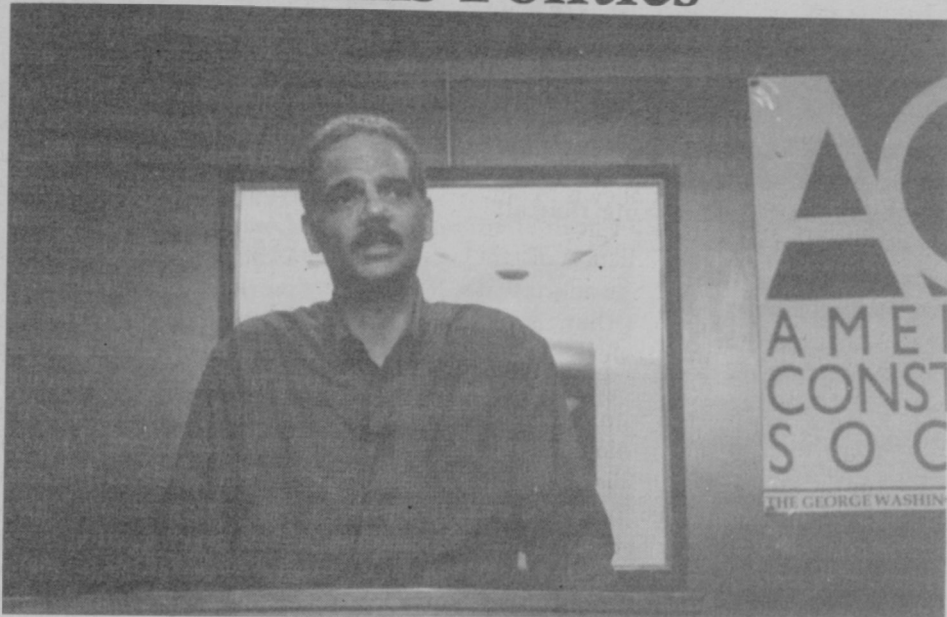
Charles Moose, former Chief of Police in Montgomery County who led the hunt for the D.C. Snipers, visited GW to speak at an ABA panel about racial profiling.



Prof. Steven Saltzburg chairs the ABA Committee for the Justice Kennedy Commission. Here, he moderates a discussion about racial profiling in the Moot Court room.

NEWS

Top Clinton Appointee Talks Politics



Former Deputy Attorney General Eric Holder addresses students and faculty in the Faculty Conference Center at an event hosted by the American Constitution Society.

BY ALEX SAUNDERS
News Editor

Eric Holder, former U.S. Deputy Attorney General, spoke to a standing room only crowd in the Faculty Conference Center on Tuesday, Nov. 11. Holder was appointed by President Clinton and was the highest ranking African American in the history of law enforcement. The event was co-sponsored by the American Constitution Society and the Black Law Student Association.

Professor Spencer Overton spoke briefly prior to Holder's presentation, noting the importance of groups like ACS and BLSA. Overton said that BLSA was an important factor in his life while in law school and afterwards. He noted that ACS, although a relatively young organization, has also played a major role in supporting important events. ACS, he said, seeks to promote individual rights and liberties.

Holder addressed various political issues during the course of his speech and emphasized that he didn't want to engage in "Republican bashing" but felt that there are genuine disputes about a vision for America between the Democrats and the Republicans. The former Deputy Attorney General feels that ACS represents the views of progressive liberals, who have a better vision for America. He would like to see those on the left "take the label liberal back." He notes that being labeled a "liberal" has negative implications and that he supports "progressive policy." He accuses the right of using tactics to further its agenda, to the detriment of people of color, women and gays.

Holder says that race is an issue that America has not brought itself around to dealing with properly. "Unless we confront those issues, it could be a problem," says Holder. "I'm not too optimistic. I don't think people are ready to speak openly about issues of race. We've made progress but we've got a long way to go," he added.

One of the primary issues in government these days, says Holder, is the balance between individual liberties and security. He criticized the current administration noting that it is an administration that believes it can withhold information from the public and has detained citizens and non-citizens in the name of security.

He feels that the current national military policy is "arrogant." He says that the notion that America would go to Iraq

and be well-received was naïve and is evidence of the type of arrogance exhibited by the Bush administration. He says that this arrogance is "potentially dangerous."

The current policy of detention without a trial is troubling, says Holder. One of his concerns is that the captives in Guantanamo Bay are being held for the duration of a war, the end of which cannot be readily ascertained. Holder feels that the PATRIOT Act represents one of the dangerous initiatives of the current administration.

"What I'm most concerned about is provisions that bestow upon the executive branch unfettered power," said Holder. He cites the ability for the State department to attain wire taps without judicial approval as one example of the unchecked power that the administration has claimed for itself.

Another critical issue, said Holder, is the recent partial birth abortion legislation. Holder resents what he called "men telling women what to do with their bodies."

Additionally, Holder says that the current tax policy is reminiscent of Reagan's "trickle down" tax policy. He feels that this policy is ineffective and noted that although he benefits from Bush's tax cuts, he doesn't need these benefits. "The larger question in regards to economic growth is whether tax cuts are helpful," said Holder. Spreading tax benefits effectively should be of primary importance, he adds.

Another key issue in contemporary politics, says Holder, is the issue of gay marriage. He feels that Republicans will try to make this an issue in the next presidential election.

"Our conservative brethren seem to operate out of fear," said Holder. "They want to go back to an America that never existed." He feels that Republicans pursue an idealized vision of America reminiscent of "Leave it to Beaver."

Holder noted that there are a lot of things at stake in the upcoming presidential election including potential Supreme Court nominees. "Do you really want judges like Scalia and Thomas?" Holder asked rhetorically. Ironically, those who claim to be conservative judges are often activists, said Holder. He pointed to the Bush v. Gore decision as evidence of conservative activism.

Holder says that students should take action by supporting Democrats. When asked about the death penalty, Holder was asked to reconcile his views against the death penalty with his ap-

Law School Launches Summer IP Program

BY CRISTINA VON SPIEGELFELD
Staff Writer

To complement the Law School's nationally renowned reputation in intellectual property (IP), the Law School will be holding its first session of the Munich Summer Intellectual Property Program this summer from July 5-31. The four-week intellectual property law program will be held in Munich, Germany. Munich is considered by some to be Europe's intellectual property capital. The Munich Intellectual Property Law Center was accredited by the ABA a week ago.

The program was conceived because of the school's desire to keep GW students and professors on the cutting edge of IP law as it has become more internationally focused over the last ten to fifteen years, Professor Robert Brauneis said. The law school eventually became convinced that a summer program in Munich would be a great way to keep on top of European and international progress and to develop contacts with European IP academics and professionals.

GW founded and signed the agreement in March 2003 creating the Munich Intellectual Property Law Center (MIPLC) in conjunction with the Max Planck Institute for Intellectual Property, Competition and Tax Law, the University of Augsburg and the Technical University of Munich. Brauneis said that GW's Intellectual Property and Technology Law program had been planning to put together a summer program starting in the summer of 2004. Although the Munich Center is a collaborative effort, the summer program will be run by GW itself. With a strong base of operations and strong ties established in Munich, the IP program began approaching faculty members about teaching in the program over the summer and then submitted an application for ABA accreditation on Oct. 1, Brauneis said.

The organization of this project involved work by a variety of law school faculty including Professor Martin Adelman, Dean Michael Young, Dean Roger Trangsrud, and Visiting Professor Laura Heymann. Additionally, the pro-

approval of prosecutions seeking the death penalty during his tenure as Deputy Attorney General. He says that this is a tough issue for him.

While he opposes the death penalty, Holder says that there are some for whom this is an appropriate punishment. Holder says that Bin Laden falls into this group. Additionally, there's an emotional component to the decision of whether to support the death penalty. "I don't think the use of the death penalty is appropriate in many cases," said Holder. "The death penalty is used too much."

When asked about why he pursued work in the government, he responded that he did not have concrete plans when he was younger. He says that he liked Criminal Law when he was in law school and pursued that inclination. He advises students to look for their strengths and weaknesses as those who can successfully do this often find fulfilling occupations.

He also addressed the issue of federal sentencing guidelines. Holder expressed dissatisfaction with the guidelines and would like to see a system where judges are given more discretion. Holder

gram will be publicized widely with ads being placed in the summer program special issues of Student Lawyer, JD Jungle, and National Jurist. Posters are also being sent to law schools all over the US including 135 student intellectual property law associations.

Heymann predicts that given the law school's national reputation for intellectual property law, the summer program in Munich will be a great success. She commends Brauneis for having done a tremendous job in getting the program off the ground. She also said that it was a great opportunity for GW students who are interested in intellectual property law to study with students from other law schools around the country in Munich, a city that can really lay claim to being an intellectual property law center.

The program will offer six one-credit courses of which students can choose up to four, as well as special lectures and visits to local IP institutions such as the European Patent Office. Classes offered include Patents, Technology, and Society, International Patent Law, Internet Law, Technical Protection of Author's Rights, and Cross-Border Trade in Intellectual Property. The program's faculty includes GW professors Brauneis, John Duffy, Dawn Nunziato, and Roger Schechter. Other faculty members are Professor Dan L. Burk, the Oppenheimer, Wolff, and Donnelly Professor of Law at the University of Minnesota and Heymann, Visiting Associate Professor of Law and Administrative Fellow in the Intellectual Property Law Program at the Law School.

All classes in the program will be held on the premises of the MIPLC and the neighboring Max Planck Institute for Intellectual Property, Competition and Tax Law. Additionally, like the Oxford Human Rights Program, GWU students will be able to receive both credits and letter grades. The program is open to all law students from both U.S. and non-U.S. schools and applications will be considered as they are received until the program's 40 spaces are filled. The program's website at www.law.gwu.edu/tech/munich.asp is also now complete and accessible by the public.

feels that crime is a problem that is multifaceted. "We have to look at crime as symptomatic of other dysfunctions," says Holder. He says that it is not a coincidence that the higher crime rates occur in areas where public schools are in trouble and unemployment is high.

Holder feels that society can begin to address these issues more effectively by looking at those people who live in urban areas as Americans instead of marginalizing them as "inner-city" people. Holder commented on local politics, stating that "people in D.C. tend to stay on the sidelines." He says that there's a great deal of talent in this city but that this talent is often channeled into the private sector.

Ray Ming Chang, President of ACS, says that the event was successful and that he was pleased by the turnout. Ashanti Madlock, President of BLSA, also feels that the event was a success. "I think this was a big success not only in terms of turnout, but being able to coordinate this with ACS and encourage people to become involved politically and with Public Interest," said Madlock.

FEATURES

'Twas The Night Before Exams

Well, the end of the semester is finally upon us. I know, call me "Captain Obvious," but for some reason I felt that I needed to start this article by making that profound remark.

Anyway, you won't get any exam advice from me. In fact, I need to be outlining, not writing some column that is rather asinine (apparently, law students' favorite word). I would like to end this semester with my version of *'Twas the Night Before Christmas* – law school style. I know a significant number of students here don't recognize this holiday, so think of it this way: just replace "Santa Clause" with "Hanukkah Harry," "Qwanza Kwame," or "Athiest Al." But, alas, my rendition is secular, so you will not need to make any of these changes. Okay, enough wasting of your time. Here it is:

'Twas the Night Before Exams

'Twas the night before Exams, when all through Lerner
Not a 1L was studying, not even a gunner;

The bluebooks were stacked by the podium with care
In hopes that some 1L will have a scare;

The holdings of cases were nestled in my head,
While having visions of that cute 2L in my bed;
And my outlines with their tabs, and I with my Diet Coke,
Had just sat down for a midnight smoke,

When out on the Quad there arose such a chatter,

I jumped from my chair to see what was the matter,
Away to the grass I flew in a dash,
Tore open my wheelie-backpack and pulled out my flash.

2000 Penn on the glaze of the new-fallen snow

Gave the flakes an exam-day glow,
When, what to my weary eyes should confess,
But a miniature car, and eight tiny professors,

With a bowtied driver, so witty with his tongue,
I knew in a moment it must be Dean Young.

More rapid than GW construction-his words came,
And he howled, and shouted, and called them by name;

"Now, FRIEDENTHAL! Now, BARRON! Now, SALTZBURG and IZUMI!
On, MITCHELL! On SCHAFFNER!
On, SCHOONER and LEE!

To the top of Burns! To the top of the School!

Now go upstairs! Go upstairs! Go upstairs, for you are under my rule!"



ERIK BAPTIST
THREE (HEL)L

As the paint in the stairwells is never dry,
When they meet about exams, they become sly,
So up to the Faculty Lounge the professors they flew,
With the box of exams, and Dean Young too.

And then, in a twinkling, I heard on Burns

The answers to questions that nobody learns.

As I typed with my hands, and was using my laptop,
Down the elevator Dean Young came in a hop.

He was dressed in a suit, from his head to his foot,

And his bowtie was all tarnished by the construction's soot;

A bundle of exams he had placed in his box,

And he looked like the Cart Lady with her food stocks.

Those exams – how thick they were! His laugh how shrill!
He knew those answers for some would kill!

Some lazy 3Ls he figured were still at the bars,
But they would soon learn that they'd rather have SARS;

The nub of his cigar he held in his hand when gave a laugh,
And the smoke it completely annoyed Professor Banzhaf;
He held the questions to my next-day's

exam,
That he knew I could never answer no matter how much I cram.

He thought about my failing and laughed to himself,
And I cried when I saw him, in spite of myself;
A wink of his eye and a cock of his head,
Soon told me to know that I had everything to dread;

He spoke not a word, but went straight to the Records Office,
And filled all the proctors' packets; then turned without notice,
And laying his finger upon the button's nose,
And after waiting five minutes, up the elevator he rose;

He sprang to his car, to his faculty gave a holler,
And away they all ran like boys from a priest with a collar.
But I heard him proclaim, as he drove down the avenue,
"GOOD LUCK ON EXAMS TO ALL,
AND TO ALL I WILL FAIL YOU!"

Study Tips You Can Trust

Hear me now, Believers, the Soothsayer speaks again! It's interesting that all

those I seemed to have enraged with my foretelling of the lameness of the Matrix movie have been hiding from me this week. No worry, though. I can see your souls, people. I can see the shame that lies within.

Returning to my mortal coil, it's time for me to address the wonderful season quickly approaching. Slow down, kids. I don't mean the holiday season. I mean exam season. You know you love it.

I'd like to impart my words of wisdom about different aspects of final exams and papers. You're probably thinking to yourself, "Self, why listen to this guy?" I have the answer for that – you can't help it. You're a law student. You're biologically predetermined to wonder if my suggestions are maybe a better way to study than your way. Man, I love messing with your heads.

So, on to the advice. Category Number 1: OUTLINING. Well, obviously, you should be done with your outlines by now, adding the last few classes' worth of notes on a nightly basis. Or maybe you're a real human being. Is your outline the right length? Today, I heard some

people comparing the length of their outlines. I'm not kidding. How sadly phallic. Weirder still, they were females.

How should you handle outlines? However you want to. If you take good notes, you won't even need an outline in some classes, where the professor is really concise. Otherwise, go back to your college methods and assimilate the information into a form that makes sense to you.

Now, Category Number 2: STUDY GROUPS. Yeah, study groups are good...for inspiring hate and contempt. Got any friends you want to lose? Think of it this way – you know how you can't play Monopoly without hating all the other players? (e.g., "Yeah, loan this, Grandma!") Well, that's how study group sessions go. You can't help it.

Organize your study groups one of two ways. Way number one: get together and study, but not together. When one of you has a question or something they don't understand, ask the others to explain it, and then stop talking and go back to studying. Way number two: do practice exams by yourselves, then meet to tell each other your answers and answer questions. Then get out of the room (I suggest running).

Next is Category Number 3: STUDYING STRESS RELIEF. Moderation is key, here. No freak-out road trip to strange or familiar places. Don't get bombed at the local pub. Then again, doing these things can be really enjoyable,

as long as you're ready for your exam and your reason isn't to relieve stress.

Good ways to relieve stress vary from person to person, but I know of a few that have worked. Exercise like crazy (as long as you leave time for studying). Take a late-night walk/break/phone call with someone not in school and talk about everything but school. Or, don't exercise and eat all the terrible food you want – the gym will be there when you're done. Basically, don't

overindulge, but be good to yourself.

On to Category Number 4: PAPERS. Find your best paper-from college, pad it with adjectives, and change the citation to Bluebook format. No one will notice, I swear. Hopefully you picked a researchable topic. Twice, I have run up to late in the semester, only to find that the only way to get info on my topic was to try pinning down a bunch of bureaucrats to interview them. Oops. The topic for my next paper was almost entirely researchable from the Internet.

Really, though, who's to tell you how to write? Do your thing – there's no dictating creativity. Personally, I write in marathon stretches, not leaving my desk for two days at a time. I lay out all my source materials on the floor around me. I keep a pitcher of lemonade next to me at all

times and drink it constantly to keep from getting hungry. I've never really thought about that before – I'm kind of psycho.

Lastly, Category Number 5: EXAM DAY. Most important – don't get food poisoning. I can't begin to tell you how distracting that is. Also, don't let someone just arriving to the classroom knock your laptop off the desk five minutes before exam time. It happens. And for those of you still opting to take exams by hand, I have one word – diagrams. Even if they're pointless and incomprehensible, they get you good grades.

The best advice I can give you is to follow your superstitious rituals. Don't get me wrong; they don't affect your grade. I'm the only one with magic powers around here. What your rituals do is make you feel calm, which makes your exam go better. So, set out your four #2 pencils in a parallel pattern, wear your lucky underpants, and do your best!

I hope this advice will help you all. The most important thing to remember, of course, is this: what will happen, will happen. And there's not much to do about it. And when it's over, you'll be fine. I mean, I don't get great grades, and thank goodness. If I did, I would have ended up in a dead-end, big firm job without enough time to spend all my ridiculous amounts of money. What kind of sucker would want that?

Chris McClintock is a 3L and the Opinions Editor of the Nota Bene. Reach him at cmclintock@law.gwu.edu



CHRIS MCCLINTOCK
My Mens Rea

The best advice I can give you is to follow your superstitious rituals.... What your rituals do is make you feel calm, which makes your exam go better.

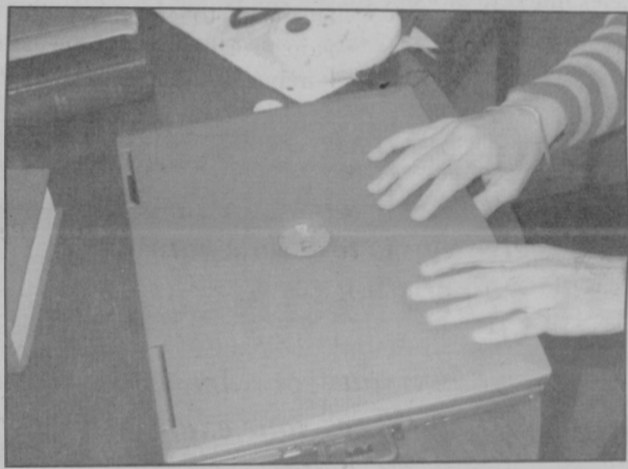
FEATURES

Is Your Computer Ready For Exams?

This is the last issue before final exams, so here are a few tips on how to prepare for what lies ahead in December.

Hardware Check

Until this year, there was an on-campus, walk-in, laptop repair center available to students who owned Dells. Abuse of the system has changed all that; now, repairs are "managed" by the University. If your computer has problems of the hardware variety, such as a damaged screen or power problems, and it is under warranty, ISS will be able to tell you what to do. They stress that they can only diagnose most problems, but in actuality Dells under warranty can often be repaired on-site. Toshiba and IBMs must be sent off campus; ISS recommends Richard's computer in Fairfax for Toshiba and recommends shipping the IBMs to a repair center. Sony requires computers to be shipped back to them. But any brand laptop's hardware (NOT software) problem can be looked at first by ISS to make sure the repair is even necessary.



Despite the confusion, using on-campus repair services is more convenient than doing it yourself. Again, repairs that are done under warranty are often free. There is a caveat – if your laptop was bought through your employer, it may not be possible to have warranty work done until the ownership can be officially changed, which can take a repair center up to a month. If you are going to get your laptop repaired, you should call the manufacturer first to make sure the machine's records have you listed as the owner.

ISS can be reached at 202-994-5530 (option 2); or go to them directly in the basement of the Academic center, on H Street a couple of doors down from the Marvin Center. Careful, the person behind the desk might not know of the existence of the repair center (they didn't when I asked); don't give up, gently ask if they could call Andrew, who is the hardware guy.

Past exams

Past exams will be posted online soon. As of this writing, hard copies are available from the copy center or the circulation desk in the library. When the exams are posted online, they will be at <http://128.164.132.16/exams/exams.asp>, or, on the web portal, on the very right in the blue shaded area, the last link under "Academic Information" is "Old Exams On-line".

Exam Software

Students who wish to take their exams on laptops are required to use Extegrity Exam software, and to indicate their intention of doing so by registering through the web portal. Apparently, the professors like laptop exams because they are easier to read. If you even suspect you will want to use this option, I suggest downloading and testing the software on your laptop now.

Registration instructions will be posted to the web portal soon. Instructions for downloading the software will be connected to the registration site, as well as a list of new features (I've seen them, they're pretty neat).

Even if you used or tested Extegrity Exam 4.0 before, you must download the new version, and you ought to try it out before reading days. It only takes a few

minutes to test, and the instructions are clear. You should actually write a few short sentences, save them to a floppy disk, exit the program, and make sure everything saved prop-

erly.

The software can be found by clicking the "Library Services" services button at the top of the web portal, and then clicking "Burns Help" in the dark blue strip at the top of the Library Services window – the software is listed at the bottom. You can also go directly to <http://www.exam4.com/>.

Buyers' Remorse? Post-Registration

Here's one I meant to get in before Registration, but it can still help – if you got bumped into another section during registration, or you're wondering if you should change during add/drop, or you're a 1L and you're wondering exactly how hard your professors grade, there are a couple of options.

For survey results from past semesters, go to the web portal. Under "Scanned Documents" on the left, click on "Course Evaluations." This is why we do those surveys at the end of every semester.

Bad news – because of the computer problems from the summer (remember those?), the forms from last semester were never scanned online. The results are available in hard copy from the Library or Student Affairs, and a hard copies of the **grade distributions** from past years are available from the Records Office.

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Why I Love Sports

Rodney looks back at his childhood to explain his love for the game

By RODNEY ZWAHLEN
Sports Columnist

Why do you love sports?

The main reason I love sports is that the sports world is a bottomless pit of information, drama, intrigue and fun. Every day a thousand sports stories play out across the country and the world that are both gripping and mind-boggling. Nothing is a better read than a well-researched, well-written sports story. And there is always something new to learn.

For example, this past week, while scanning the media guides of several NFL teams (I know—this is a disturbing habit that dates back to my childhood days of memorizing the NFL record book in one of my several sports almanacs), I have learned why the University of Florida is so good.

At least six former Gators who are now in the NFL majored in Recreation Program Delivery at Florida, among them two studs on the Cleveland Browns defense – linebacker Andra Davis and defensive lineman Gerard Warren. Yes, you heard that right: Recreation Program Delivery. No wonder Florida dominates, I thought—their top players probably do not have to attend class in order to graduate.

I thought it was a little fishy that so many high-profile athletes at one university had such a fluffy-sounding major, so I did a little research just to make sure Recreation Program Delivery (1) is a real major at the University of Florida and (2) requires students to actually take courses in order to graduate.

As it turns out, my fears were unfounded – not only is Recreation Program Delivery a legitimate major, but it requires such courses as Philosophy and History of Recreation and Leisure Services for People with Disabilities. Nice.

I also learned why the Cincinnati Bengals are so bad: they have what I can only call "systematic management issues." And I mean that in the kindest way. Their media guide provides the only evidence I need to support my claim.

The guide, which, by the way, is about half the size of any other team's media guide (hiding their awful statistics is actually the one brilliant idea management had), includes hideous pronunciation helps for several of the players. For example, the guide explains that punter Travis Dorsch's last name is pronounced "dorsh." Wow, thanks. And cornerback Artrell Hawkins' first name is pronounced "ar-TRELL."

With such brilliant ideas emanating from the Bengals organization, is it any wonder they are now known as perhaps the worst franchise in sports, notwith-

standing their sudden resurgence this year?

I was turned on to sports by my father and never looked back. My dad is the offensive coordinator for the local high school football team in his spare time, but I think he spent more time watching game film than he did at his job. I missed only three of his team's games between the ages of five and 17, and only because I was forced to miss them.

I missed two Thursday night games at ages five and six, respectively, because my mom would not allow me to stay up late on school nights until I turned seven, and I missed one game because I was at home with the flu vomiting all night. To this day, there is nothing I would rather do than go watch a high school football game on a Friday night.

Growing up, there was nothing I could do to escape learning about sports. The two downstairs bathrooms at my home were stocked with all the classics: one bathroom had Sports Illustrated, Sports Illustrated For Kids and a sports trivia book and the other bathroom had Golf Magazine, Golf Digest, and football books on such topics as the veer option and the run-n-shoot offense.

I read the sports page of my local newspaper every day from the time I could read, and I collected every Sports Illustrated from about 1984 to 1995, until my mom forced me to throw them away before I left for college.

That was a sad, sad day. (Incidentally, I know a man in his 50's who didn't throw away his massive Sports Illustrated collection until last year when his wife had finally had enough. His famous last words: "But honey, what if I need to look something up...?" Classic.)

Perhaps the greatest benefit of my love affair with sports, however, has been the ways sports have brought my family together. My parents and siblings attended all of my games, and I attended all of theirs. There is always something to talk about (the latest game) and always a new goal to accomplish (for example, beating the crap out of my dad in golf).

And the five boys in the family have learned a thing or two about gender equality in sports from our only sister, Annie. None of the four older boys made the cut in college athletics, but my sister did. She's a freshman striker on the nationally-ranked BYU soccer team, scoring goals and dishing out sweet assists that the proud males in the family could only dream about. As my dad always said, "She's everything I hoped my boys would be."

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FEATURES

It's Just a Little Crush...

And so, dear reader, we reach the end of another semester. I bet you're expecting a profound column full of comical insights into the world of exams and proper final preparation strategies. Well, I'll leave that task to the other features writers, for my final prep is far from profound.

See I'm the girl who's still working on her outlines during reading period and who's still cramming at 3 a.m. for her 9 a.m. final. What can I say? I am just not a studier. Sometimes it works, sometimes it doesn't. I always feel prepared for my tests, and I find no correlation between the hours I put into preparation and my grade. Sorry to burst that bubble.

Thus, instead of writing on something I know little about, I dedicate this column to something I know a lot about: crushes. I think I had my first crush when I was maybe four or five years old. His name was Robbie and he was/is my across-the-street neighbor. We played house. We kissed. I think our relationship went south when I accidentally broke his wrist when he was doing a handstand. Oops.

In second grade there was Chris. He lived below my friend Hannah. One time we were playing soldiers or something that involved hiking in the woods, and he called me Sergeant Hensley which I just thought was so cool. I could go on, but I think you've gotten the idea that I was never the type of girl who thought boys were icky, so I'll skip ahead a couple of decades.

As I've said before, since coming to law school, I've become the queen of the three-day crush (three days being a completely arbitrary time period meant to signify fleeting and unmemorable). There'll be some boy who catches my fancy for a moment by saying or doing something witty or charming, and then, inevitably, he'll disappoint me with his pedantry or maybe, in the rush of reading and work and life, I'll just forget about him...and then his replacement will come along.

Why crush at all? First and foremost, crushes are completely emotionally harmless. You never have to tell your crush that you have a crush on him/her, and if you do, it's usually flattering. In those rare occasions where it's not flattering, either your crush is a conceited jerk or you're a stalker.

Second, crushes are happy distractions from the otherwise non-happy "stress-mosphere" of the law school 'round this time of year. Even when you're having a terrible, horrible, no good, very bad day, a crush sighting can (momentarily) cheer you up.

Third, crushes aren't meant to last or seriously impact your life. In fact, your crush is someone who probably falls into that old cliché "out of sight, out of mind." I'll admit, I've also claimed to

have crush on a certain ex-professor of mine for a year now, so I'm not the best example of this point. But, honestly, that crush is more of a tired joke than an actuality.

Crushes simply aren't those people with whom you could actually see yourself. I hardly ever have acted on a crush, and by the time I did, I really liked the person and thought of him as something more than a momentary interest.

Frankly, I don't advise acting on your crush either. In order for this fella or chica to meet crushable standards, you've probably built him/her into some

ideal that s/he will almost certainly disappoint. Why let yourself down?

En el otro mano, maybe crushes aren't *always* completely harmless. They seemingly offer insulation from emotional connections, *but* this insulation isn't always as thick as you think. Sometimes, *rarely*, but sometimes what you think is a crush is actually the beginning of liking someone.

I was recently fooled myself, so I know of what I speak. It's been so long since I've actually met someone I could truly like, that I forgot what liking was all about. Yeah, it's not fun so much. Well, not all the time. It's complicated and confusing and thought consuming. Mostly

it's scary to think about risking your heart. Or maybe I've just been watching too much reality television.

In addition to "real" feelings disguised as crushes, there're also crushes gone bad. Unfortunately, some people have a bit of a problem distinguishing between "crush" and "obsession."

So in case you're wondering which you have, ask yourself the following: The person in question walks by; are you: (a) happy to see him/her; (b) so deeply involved in your elaborate fantasy of the two of you doing illicit things together that you almost didn't see him/her; or (c) relieved because you've been on the metro platform where you wait every day between 5 and 7 p.m. (when she usually gets home from work) for a sighting and it's 7:03 and you were a little worried.

Answer: (a) you have a crush; (b) you have an obsession; (c) you should join the Indian Girl at Crystal City fan club on Craig's List, and then get your new friends to seek some counseling.

The moral of the story is the following: take your crush for what it's worth and it'll be fun. And, yes, 1Ls, you even need to have *some* fun in November and December. Not only does all work and no play make Jack a dull boy, it also makes Jack crash and burn and fail his Civ. Pro. exam...hypothetically speaking. So at the very least, your crush sightings will always be a most welcome study break. And maybe, after the last day of finals party, they could be something more.



SARAH HENSLEY

Sexless In The City

All I Want For Christmas...

I always thought the Christmas season began after Thanksgiving, but nowadays, I'm inclined to say it began after the 4th of July. And after I saw the first Radioshack commercial with Vanessa Williams in a Santa hat hawking some crappy remote-control car that'll break before the New Year, I knew the holiday season was upon us.

Now, I know it may be a tad early to begin deciding whether to leave milk & cookies, or a Coke and a crisp \$50 for Santa and his nine tiny reindeer. But it is NEVER too early to start your list for Mr. Claus himself.

I decided this year to only ask for 11 things (no need to be greedy, and after last year's list, I received a nasty note back from the big guy). So, without further ado, here is my 1L Christmas wish list:

1. The Perfect Outline

I'm looking for an outline so good that God could have inscribed it on tablets on Mount Sinai (I'll actually take it on a floppy disk though). We're talking about an outline so good that my six year old cousin could bust it out in a Torts final and make the grader's arm hurt from all the checks. Oh, one more thing Santa - I'll need this one a bit before Dec. 24.

2. Seventeen or Eighteen more meetings about how to study for finals

It's a good thing that last week the Law School didn't have any Supreme Court justices who wanted to give a speech here. All the meeting rooms have been used up with meetings about "Exam Study Tips," "How to Outline," "Why Bathing Isn't Necessary During Finals." There seems to be a trend here. I have a

few other ideas:

"Study. A lot."

"Memorize: It's the key to remembering," or if that doesn't do it, I'll

hold "Stop Attending 'Study Tips' Meetings so you have time to Study." Just a thought.

3. More card games to come standard on Windows

Solitaire - boring. Freecell - too confusing. Hearts - I can never shoot the moon. This could also be the reason for #2.

4. Automatic citations from Westlaw cases

In baseball, getting a hit on one out of three attempts gets you into the Hall of Fame. In basketball, shooting anything over 50 percent is an all-star. Citations... well, those same logics don't apply. I love I.C.W.!! Maybe that's why Ernesto's now living in a cave somewhere in Bangladesh?

5. To make it acceptable to use the word 'Precluded' in every day life

I like the word - and it makes my professors sound smart when they say it. But if I ever use it in a sentence, people throw things at me. "No, we're not precluded from going to the mall." "Preclude this!" "I'll give you something to preclude." Just doesn't have the same ring to it.

6. The ability to communicate with Non-lawyers

Why is it that you get a group of law students together and we start mak-

ing jokes about jurisdiction and motions?

Fine, we're all entitled to a couple chuckles

about a federal statute or two. But the problem is when outsiders are brought into this world, we force them to hate us. Someone brings their non-law school roommate to bar review and it's like Jane Goodall with a bunch of freakin' gorillas. Is this too much to ask for Santa?

7. To come up with the "Next Great Law School Tool"

I've bought books, supplements, supplements of supplements, flash cards, CD-Roms, commercial outlines, audio tapes, video tapes, brain massagers, feeding tubes and enough Post-It notes to wallpaper my apartment building. It is now impossible for me to get by with only one backpack. I'm hoping to add a third backpack by next week. My only goal is to invent the next great law school study tool and pay off my loans with someone else's loans. That's logical, right?

8. Forgiveness from Mr. Molinah for my shoddy attempt at asylum law

I wished Mr. Molinah well as the officials from the INS dragged him from my office (in handcuffs) screaming at me for not realizing that his case was in the 9th Circuit. I mean, I'm only a 1L and who knew that his judges weren't bound by decisions from the 5th Circuit?

9. The ability to say "Merry Christmas" and not offend someone

I celebrate Christmas. That doesn't

ERIC KOESTER

Badgering the Witness

mean I don't appreciate Hanukah, Kwanzaa, or even Festivus. In fact, I wish my family did celebrate them because that would increase my gift haul by a factor of 8 or 9.

However, just because I happen to say "Merry Christmas" doesn't mean I'm unsympathetic to the other holidays or oppressing the masses. To solve this problem, I found the perfect holiday card:

"Please accept without obligation, express or implied, these best wishes for an environmentally safe, socially responsible, low stress, non-addictive, and gender neutral celebration of the winter solstice holiday as practiced within the most enjoyable traditions of the religious persuasion of your choices. The preceding wishes are extended without regard to the race, creed, color, age, physical ability, religious faith, choice of computer platform, or sexual preference of the wishee(s)." Get the point?

10. For Saturday Night Live to become funny again

And if you can't make that a reality, Santa, for me not to know if Saturday Night Live is funny or not since that means I'm not at home on a Saturday night.

11. Laptop keyboard silencers

It's like the tap dance of the centipedes every time the professors say, "And this will probably be on the final." (But who doesn't love tap-dancing centipedes?) And Santa, if this is too much to ask; I'll just have a White Christmas (but deliver it on December 14th - I'll need some extra study time!). Happy Holidays and good luck with finals!

FEATURES

Law Student Rings Bells

BY FRANK LATTUCA
Staff Writer

OK, this is going to be a short touch of Oxford Treble Bob Minor. Pay attention to the bobs and remember '4th's, 3rd's, 4th's and out!' if you are making it. Keep your dodging clean and pay attention to the treble. Look to!"

If that made no sense to you, don't worry. This is the vernacular of the Change Ringer at the Washington National Cathedral. While most law students don't understand, 3L Kemp Brinson does.

"I started when I moved to DC as a 1L" says Brinson about his volunteer position as a D.C. Change Ringer. He had previously been involved in other types of bell ringing, including a professional touring handbell choir. While that was completely different in most respects, it helped him pick up change ringing fairly quickly.

Despite the turn of phrase, "ringing a bell" isn't as easy as it's made out to be. More than simple Bell Ringing, Change Ringing is unique to Great Britain and its former colonies and does not involve recognizable tunes or melodies. With names like "Reverse Canterbury Pleasure Place Doubles" and "Double Norwich Court Bob Major," the composition of Change Rings are actually complex mathematical patterns that are memorized in advanced by the ringers. The patterns themselves are called "changes" because they represent the changes in the order that each of the six to eight bells ring, which ringers like Brinson are responsible for knowing.

"It takes months just to learn how to handle a rope with out hanging yourself -literally!" said Brinson, and he's not

joking. Ringing the Bells includes pulling down on full-length ropes in front of you in a specific pattern, with up to 3000 lbs attached to the other end of it. A slip, or a false move and a ringer is lucky if he is just grabbed by the legs and thrown around like a yo-yo by the bell. Brinson said that even after learning how not to be a safety hazard to yourself and others, it still takes years to learn "methods," the most basic standard patterns, and in his words it still takes "a lifetime to master."

The road to that mastery is quite a commitment, which involves practice twice a week and ringing for religious services and major holidays at the Washington National Cathedral, and all federal holidays at the Old Post Office (two of only forty Change Bells in all of North America). In fact, commitment seems to be the source of pride for the change ringer. "Ringers take pride in ringing quarter peals" says Brinson, which is "about 45 solid minutes of ringing and consisting of at least 1250 'changes.'" Such a claim however is nothing compared to the ringer who can boast of doing a full peal, which is "3 hours or more and consisting of at least 5000 'changes'-no breaks." Despite the rigorous work it involves, Brinson still very much enjoys ringing. "Aside from being incredibly geeky, it's lots of fun and a great diversion," not to mention that in addition to practice and work, he and the other ringers sometimes go to ring "whenever else we feel like making some noise."

Brinson admits that this is easily the "most bizarre thing" he's ever done, offering to take anyone associated with GW Law on a tour of the bell towers including both a great view of the city and a better explanation of how change ringing works



Name That Case

Special Exam Edition

1L: Italian?

But to the extent that a corporation exercises the privilege of conducting activities within a state, it enjoys the benefits and protection of the laws of that state. The exercise of that privilege may give rise to obligations; and, so far as those obligations arise out of or are connected with the activities within the state, a procedure which requires the corporation to respond to a suit brought to enforce them can, in most instances, hardly be said to be undue.

2L: Meow, meow, meow, meow.

For the Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his own home or office, is not a subject of

Holiday Shopping

If you're doing your holiday shopping in the Washington area, and you want to avoid the mall, there are several alternatives. It's worth noting that at some of the places below bargaining is acceptable, and many of the goods that craftspeople sell at the shows can be bought at retail stores - at a 50 percent or greater markup.

Eastern Market

Oddly enough, this farmer's market is located at the Eastern Market metro stop on the orange/blue line. The market is open Tuesday-Friday 10 a.m. to 6 p.m., Saturday 8 a.m. to 6 p.m., and Sunday 8 a.m. to 4 p.m. On weekends, and especially Saturdays, there is a wide variety of

crafts people, artisans, and junk sellers at the market - along with large crowds, especially in the afternoons. There's also a flea market across the street, where you can purchase anything from new furniture to antiques, and ethnic or second-hand clothing.

The most interesting thing about the market is the people - this is definitely a neighborhood place. The vendors are worth chatting up. One flea market vendor is a GW alumnus who sells wallets and handbags made from designer upholstery fabric with ribbon trim, under the trade name "Frankie and Lu". My grandmother used to frequent this place in the hunt for bargains. <http://www.easternmarket.net>.

Kogan Plaza Farmer's Market

Some of the merchants from Eastern Market and the other farmer's markets around the city also attend GW's own farmer's market in Kogan Plaza on H St. (across from the Marvin Center). The show is deceptively larger than it looks, because it winds around from the plaza behind the Lisner Theater. There are many craftspeople and other merchants at these shows as well, but the selection is not as high-end or as varied as some of the other venues listed in this column. The next market is planned for December 3.

Sugarloaf Crafts Festivals

These crafts shows are held monthly

in Gaithersburg, MD, or Chantilly, VA (both near the Washington area). You'll need to take a car to get there, and there's a fee to get in. But, as noted above, the merchandise is usually exactly what you'll find at a retail store, and as current, at a discount. Many of the "craftspeople" who show "wearables" (clothing) at Sugarloaf are the large scale clothing manufacturers that department stores buy their custom label (or not) clothing from - some aren't, but are of the same quality and do similar volume; some are just craftspeople.

Unlike department stores, you are dealing with the person who made the item, so you can often order something they make but don't have available at the show, or negotiate

to get a custom version made. Bargaining is acceptable, although often they will only bargain if you are buying more than two items or are a repeat customer. As a plus, alterations are often included on clothing, and can be done on the spot or sent to you later. A list of artisans at each show is available, and it changes from show to show. <http://www.sugarloafcrafts.com>.

Reagan National Airport and Union Station

Forgot to shop but don't want the folks to know? Union station (train) and Reagan National Airport both have shopping choices, although Union Station's shops are a little more extensive. Still if you're willing to pay top dollar for the crafts mentioned above, "As Kindred Spirits", a well-known Washington craft store, has an outlet at the airport with excellent (but expensive) gifts, as does the Smithsonian Museum shop. Both locations have bookstores and travel stores, and obviously, both are located at their own metro stops. There is shopping at Dulles airport also, but, alas, unless you are traveling abroad and are shopping duty-free, neither the selection nor the prices are wonderful. National Shopping List: <http://www.mwaa.com/concessions/vendors.htm>. Dulles is also on the same MWAA (Metro Washington Airport Authority) website. Union Station: http://www.unionstationdc.com/intro_fm.html.

Fourth Amendment protection. But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected.

3L: Punctili-what?

Joint adventurers, like copartners, owe to one another, while the enterprise continues, the duty of the finest loyalty. Many forms of conduct permissible in a workaday world for those acting at arm's length, are forbidden to those bound by fiduciary ties. A trustee is held to something stricter than the morals of the market place. Not honesty alone, but the punctilio of an honor the most sensitive, is then the standard of behavior.

PULLING RANK

T	A	M	S	P	A	P	A	S	M	O	S
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Answers on page 13

OPINIONS

Mr. Garcia Jones Goes To Washington

By GUALBERTO GARCIA JONES
Staff Writer

The following recounts events that actually transpired at the SBA's Nov. 4 meeting.

SBA President: Does anyone have any comments or objections regarding the admission of the Culture of Life Legal Society (C.L.L.S.)?

From the right side of the room, closer to the front than to the back, a young man stands up, a little red in the face. He has small eyes, and a prominent brow. Gualberto thinks he can discern a vein showing its mercurial profile on the speaker's forehead.

Speaker 1: I object to the admission of the C.L.L.S.

President: For what reason?

Speaker 1: I think that this organization will promote hate speech. I also think it is anti-Semitic and neo-nazi.

The room buzzes with murmurs. Everyone in the room can sense a heated debate that will probably get out of control.

Hands go up all over the room; the student representatives want to speak. The President signals to one representative and he begins.

Speaker 2: I think it is important that we realize that we are not here to approve or disapprove of a group because of their beliefs. We may not agree with them, but as long as they follow the universities' rules they have every right to exist as a group.

As he says this Speaker 1 gets even redder, it almost seems like he is standing under a storm cloud while the rest of the classroom is under clear skies.

Speaker 1: I am here representing the students who elected me, and I don't think they would want me to allow the C.L.L.S. to be formed.

Speaker 2: This vote is not about whether we agree with Gualberto's group; it's about whether the group should be allowed to exist!

More hands go up, the President acknowledges another speaker:

Speaker 3: I agree completely with Speaker 2, but I am really worried that people are going to think that this group represents the views of the law school. Couldn't we make them put a disclaimer on their flyers and leaflets that say their views don't represent the views of the law school?

A new speaker speaks up without being acknowledged

Speaker 4: Hey, if they have to put a disclaimer on their information then so does every other group.

The room is filled with nods. Gualberto sits, trying to remain as detached as possible, not wanting to fall into a bitter argument with anyone. Something remarkable is happening, a majority of people are putting their principles ahead of their opinion and arguing in favor of free speech and freedom of association.

Gualberto looks at everything going on around him but doesn't say a word, he simply looks on, taking everything in and participating in the discussion vicariously. The comments keep flowing, and now another speaker is given the floor.

Speaker 5: I am concerned that if we allow this group to exist, women, or even worse, women who might have had an abortion might be discouraged from coming to this Law School. I mean, is there even a pro-choice group?

Someone else interjects, I don't think so, but the Feminist Legal Society usually covers that.

From the front of the room an intelligent looking woman, one of the women sitting facing the classroom, responds to the comment made by speaker 5.

Woman #1 in the front of the room: I think that one of the strengths of our law school is its diversity, and if we keep out groups like this one, we are making our school worse not better. Mr. Garcia Jones could you tell us about your organization?

Gualberto is awoken, much like a spectator would be if a theater actor suddenly asked him a question during the middle of a performance.

Gualberto: Well, we would be a group like any other. I mean, I think what has happened here tonight shows, um, how we need a group like mine. We would just make a setting where people of my, of our, opinion could get together and formulate arguments. And with respect to the comment Speaker 1 made, I don't understand how being against eugenics makes us neo-nazis.

Speaker 1: I can explain it to you after the meeting.

With this, Gualberto sits back and wonders why it was that when he spoke he made no sense. Embarrassed, he thinks: at least others made good arguments for me.

The discussion keeps moving.

Another of the presiding women sitting at the front now asks Gualberto about the group's website.

Woman # 2 in the front of the room: What do you plan on having on the website, and you know that we can only offer a link not a GW web address right?

Gualberto: Well, I thought we would post information relevant to the group. You know, when our meetings are going to be held, activities the group has planned, papers on abortion that the members might decide to write, you know, that kind of stuff.

The woman at the front had a specific concern in mind, and as Gualberto rattled off the list of obvious she patiently waits to ask him her actual question.

Woman #2 at the front of the room: Will your website have graphic pictures?

Gualberto: Well, I can't say, that would be up to the organization to decide. What I can say is that we won't have any links to the neo-nazi party.

Gualberto shoots a glance to Speaker 1

who remains under a cloud although it seems to have stopped raining there.

Speaker 4, a self-confident able speaker interjects again, this time with a tone of impatience,

Speaker 4: You can't ask him what he is going to put on his website, that is not why we're here today. We only have to make sure their constitution is Ok.

A few more questions are asked, and a few more eloquent statements are made but people are beginning to feel tired. An end to the discussion is called for, and a call for a vote is made.

Speaker 5 makes a petition that the vote be secret.

The room releases a collective exhalation of impatience. Some representatives mention that the meeting is public and the vote should also be public; the vote is taken secretly anyways, most are too tired to debate. A few members vote against the admission of the CLLS, but the majority votes in favor.

The second group up for admission is admitted unanimously in less than one minute. Everyone wants to get the hell out of there.

The meeting winds down while some representatives mention that the secret vote was improper.

Deeply relieved at the end of the ordeal, but pleasantly impressed, Gualberto goes to the front of the room and thanks some of the members who spoke in favor of admission of the CLLS.

After leaving the meeting, after his first senate confirmation committee hearing, Gualberto recounts the ordeal to his family on the phone. He repeats the accusations of anti-Semitism and neo-nazism, and his mom tells him amongst bouts of laughter,

Gualberto's mom: I always tell you how you look like you just came out of a concentration camp with the buzz cuts you give yourself, but I never thought you would be called an anti-Semite, have you gone all the way and shaved your head? Wait 'till I tell your Jewish uncles!

Gualberto: Thanks ma.

Give Dean A Cookie

By MARCUS EHRLANDER
Staff Writer

Howard Dean's rise to front-runner status in the Democratic primary race has baffled a lot of political know-it-alls. Seen on TV, he's often awkward and uncomfortable. In his speeches, he sports little flare, sometimes rambling on more like a father at the dinner table than an experienced orator. In stark contrast to our President, Dean will readily admit a mistake, and modify a position in remedy. Other times Dean makes careless remarks that pin him to completely indefensible opinions.

Take the tumult arising out of the November 4th Democratic debate, when an audience questioner quoted Dean as saying that he "wanted to be the candidate for guys with Confederate flags on their pickup trucks."

"Could you explain to me how you plan on being sensitive to needs and issues regarding slavery and African-Americans, after making a comment of that nature?" the questioner asked. In his response, Dean was unable to clarify his comment, and both Al Sharpton and John Edwards quickly joined the offensive, charging that Dean was alternatively insensitive to the racist symbolism in the Confederate flag, or unfairly stereotypical of southern voters.

A few days later, the charges have run from Dean using a racist symbol as a "battle cry" to southern whites, to Fox News' characterization that "Dean said the men with Confederate flag decals in their pickup trucks represented lucrative prospects for the party 'because their kids don't have health insurance, either, and their kids need better schools, too.'" Some say it's the death of the Dean insurgency.

But even Trent Lott, after saying that the country would have been better off under a segregationist Dixiecrat president Strom Thurmond in 1948, wasn't buried until it came out that he had made the comment several times before. That revelation killed Lott's defense that he had simply made a careless remark at an old man's birthday party. Well, the news gets worse for Dean; it turns out that he has been making his "confederate flag" comment since early in his campaign.

So is it true? Does Dean really sport the "anti-black agenda" which Sharpton has accused him of? Has Dr. Dean pulled his own plug? Indulge me by reading Dean's own words, from his February 21st speech delivered in front of the DNC:

"I want all of our institutions of higher learning--our law schools, our medical schools, our best universities--to look like the rest of America, and I thought [applause], I thought that one of the most despicable moments of this president's administration was three

weeks ago when on national primetime television he used the word quota seven times. The University of Michigan does not now have quotas; it has never had quotas. Quotas is a race-loaded word, designed to appeal to people's fears of losing their jobs. [cheers, applause].

"I intend to talk about race during this election in the South, because the Republicans have been talking about it since 1968 in order to divide us, and I'm going to bring us together, because you know what, you know what? White folks in the South who drive pickup trucks with Confederate flag decals on the back ought to be voting with us and not them because their kids don't have health insurance and their kids need better schools too. [cheers, applause]."

Yes, those are Dean's own terrible words. That is Dean supposedly raising the Confederate flag as a "battle cry" to "court" the "lucrative prospects" that these white truckers represent. Ridiculous, isn't it?

And now the other candidates want Dean to apologize for having the courage to actually say something substantive about the state of Southern politics. They want to embarrass Dean as somehow insensitive or illiberal. Why? Because Dean is unwilling to contemptuously write off the millions of Southerners who stubbornly wave their Confederate flags to honor their heritage.

Of course Dean was not rallying behind the Confederate flag, or offering it any defense. The Confederate flag is a symbol of racism, regardless of what some might like it to mean, and Dean has said as much. Nor is he insinuating that all or even a majority of Southerners would wave the Confederate flag. His simple message is that even with the state of racial divide in the south, which has been promulgated through the Republican Southern Strategy and is embodied in the Confederate flag, there are certain universal concerns such as health and education which should prevail over the politics of racial divide.

Dean should never apologize for his liberal words. The apologies are owed by those candidates who would stymie real discussion with their disingenuous scandal-mongering. But at least their tactics aren't working. Even without the polished smile, false rhetoric and well-timed attacks of the others, Dean has fought his way to the front with his ideas and honesty alone.

Of course, John McCain lost the battle of candor and ideas vs. the money, attacks and gamesmanship of the Bush campaign just four years ago. But lacking a rich, pre-ordained, son-of-a-president in the current primary, perhaps Dean can show that you don't have to sell your soul to be President of the United States.

OPINIONS

The New "Show Trials"

By NICK DIETZ
Staff Writer

Based on watching a great deal of cable news, I have learned that the top stories of the past few months are, apparently, the War in Iraq, followed by the Laci Peterson Case, the Robert Blake Case, and the Kobe Bryant Case. Now the Iraq War is clearly a big news story because it is after all, a WAR. I will get back to the Kobe Bryant Case shortly. As for the other two top "news stories" that are covered every day, sometimes even before the latest war news, I am having difficulty deciding which one I care less about.

On the one hand, we have the Robert Blake Case, in which a has-been actor I had never heard of is accused of killing his wife. How gripping. On the other hand, we have the Laci Peterson Case, in which a philandering husband is accused of murdering his pregnant wife. Sad? Yes. Worst

thing you'd find in your Criminal Law casebook? Hardly. Worthy of daily news coverage? Absolutely not.

My problem is not with the fact that the media descends like swarms of locusts upon legal proceedings; some trials are worthy of the media exposure that they receive. The Kobe Bryant Case, for example, involves a superstar basketball player accused of rape. That is big news. The last big sports trial that got this much attention was of course the infamous O.J. Simpson trial, which involved a former star player. To quote Chris Rock: "O.J. ain't scored a touchdown in 20 years!"

This was not a sports story, but NBC nevertheless decided to cut off coverage of the 1994 NBA Finals, featuring my New York Knicks, to bring me live coverage of what every other channel was showing: a slowly moving white Ford Bronco. I was forced to listen to the Knicks' stirring comeback win on the radio. To make matters worse, ESPN decided to join the fray by hiring its own "legal expert," who would appear on every edition of SportsCenter discussing this non-sports issue for the duration of the O.J. trial. This decision by ESPN prompted me to fire off my first, but certainly not my last, angry letter to a media outlet.

A few years ago, Baltimore Ravens all-Pro linebacker Ray Lewis was accused of double-murder. I was interested in the case because, unlike O.J., Lewis was (and still is) a current superstar player. This time, however, ESPN did not hire a legal expert. But then came the Kobe Case, and in came legal analyst Roger Kossack.

I may be dwelling a little too much on sports here, but my point is that if a famous person (not someone who used to be famous) is accused of a crime, I think it should get some media attention, but not so much that it blots out all other news stories and I am forced to endure interminable prattle about bloody gloves, socks, hats, or other apparel.

But, what about non-famous people accused of crimes? The news media seems to make inexplicably arbitrary decisions about which cases to cover. For example, while Greta van Susteren and

Dan Abrams were breathlessly reporting about DNA evidence in the Laci Peterson case, the trial of accused sniper John Muhammad was chugging along full steam. As we all know, Muhammad and his boy wonder Lee Malvo "allegedly" terrorized the region, murdering 10 people in the DC area last year. But for some mysterious reason, the networks seem to think this case doesn't have that special something (I would have said "*je ne sais quoi*," but I'm boycotting everything French) that would make it worthy of coverage.

I really want to know what criteria the media uses for deciding which cases are worthy of publicity, and which are not. It can't be uniqueness, because the Muhammad case is certainly unique,

while the Peterson case is not. It can't be number of victims, because Muhammad certainly has the edge there too.

Speaking of body counts, another case that got disproportionately little attention was the case of the Green River Killer, who recently pled guilty to murdering 48 people. Let me repeat that: *forty-eight people*. Gary Ridgway, the worst serial killer in the history of the United States, did not get a fraction of the coverage that Scott Peterson does.

The only reason I can think of that would explain the disparity in media coverage is the marriage factor. Apparently, you get a lot of coverage if you kill your wife, much less so if you kill say 10 or 48 people to whom you are not married. Kobe Bryant is the exception because he didn't kill his wife, rather he tried to bury her under millions of dollars worth of jewelry. However, he still has star power, and the alleged crime did involve sex, so that's considered to be good enough. Ray Lewis, conversely, had less star power than Kobe and his alleged crime did not involve sex, just non-wife murder.

Taking another look at the cases I have mentioned and the amount of media attention they received, my theory seems to hold up rather well.

O. J. (accused of killing his wife) – unprecedented publicity

Robert Blake (accused of killing his wife) – big publicity

Scott Peterson (accused of killing his wife) – big publicity

John Muhammad (accused of killing at least 10 people) – not much publicity

Ray Lewis (accused of killing 2 people) – not much publicity

The Green River Killer (accused of killing 48 people) – not much publicity

Kobe Bryant (accused of rape) – big publicity

From this small sampling of cases there appears to be a definite correlation between whom you kill and how much coverage you receive. That being said, I still must be missing a key piece of the puzzle because, for the life of me, I can't figure out why the Laci Peterson case is supposed to be so captivating. I'm just happy ESPN isn't covering it, yet.

Lawyers' Unhealthy Obsession With the Law

By JEREMY MEDOVOY
Staff Writer

Earlier in the semester, Dean Young asked the 3L class to comment on the date of this year's graduation ceremony. After receiving comments, Young scolded a number of students for failing to make use of the Law School's advocacy skills classes.

To one student, the Dean wrote, "I devoutly [sic] wish we had been able to teach you better advocacy skills while here at the law school." While Young would certainly be justified in critiquing their writing and argumentation style, I wonder why he thought that a law school's advocacy course would help in this situation. After all, the students were not in court. They weren't even discussing a legal issue. And the dean certainly is not a judge.

I think I can explain. Young's attitude reflects many lawyers' complete and unhealthy obsession with the law. The law might be many things, including an admirable profession, a means of making a living, and maybe even a jealous mistress.

But I argue that it need not be an all-encompassing facet of a lawyer's life. I hope to show that this obsession proves to be unhealthy for individual lawyers as well as for the profession as a whole.

This obsession with the law denies lawyers an identity that is separate from the law. It prevents self-reflection and introspection outside of their job.

To illustrate this point, I am reminded of an important story and lesson from the legendary Bill Russell. The 6'9" Russell was in an airport with teammate John Havlicek. A young boy, amazed at Russell's height, walked up to him and asked, "Say, are you a basketball player?"

Russell responded, "No, I am not." Later, Havlicek asked his teammate why he insisted on always responding in this fashion. "Because that's not who I am," Russell said. "Basketball is what I do; it's not who I am."

Too many lawyers neglect this lesson, so that the law becomes not what they do, but who they are. And I see this fascination with the law starting in Law School.

When law students go out together as a group, guess what their conversations invariably lead to? When law students

walk to school, guess how many stop to smell the beautiful flowers? How many law students contemplate the meaning of life? Finally, when the dean asks for student comments about a simple, non-legal subject, guess which mode of argument he expects?

Such an obsession is unhealthy for individual lawyers for many reasons. I need not discuss the problems inherent in losing one's identity. They are obvious. Instead, I want to focus on the high rates of lawyer depression, which, I suggest stems partially from lawyers' obsession with the law.

A 1990 ABA study found that "the amount of time lawyers have for themselves and their families has become an issue of major concern for many lawyers."

Because lawyers' minds are fully occupied with the law, their personal lives falter, creating unhappiness. Of course, long hours also create this depression, but the long hours

are directly related to lawyers' obsession with the law. What do you think drives the long hours? They stem from the idea that the law is everything, and everything else is secondary.

How does an individual lawyer's unhappiness affect the profession as a whole? The profession suffers too if the individual lawyers are depressed and unhappy. Depressed lawyers won't be able to devote quality time to their work, for example. It also suffers from the negative perceptions of the profession from the non-legal community. I am not implying that obsession with the law, reflected in Dean Young's comments, is the sole factor in causing these problems. But it is definitely one of the problems, and the problem that I am focusing on.

I believe that Dean Young's comments were harmful because they reflect lawyers' obsession with the law, an obsession that helps cause lawyer unhappiness. But, besides the unhappiness, I also believe that Young's comments were totally incomprehensible. I simply fail to understand how legal arguments play any role in comments about our graduation ceremony.

In closing, I invite Young to explain why the law should consume us in every facet of our lives. In fact, I think that cordial discussion on this important subject would be very healthy for the legal profession. Just don't ask me to make any legal arguments in our conversation.

This obsession with the law denies lawyers an identity that is separate from the law. It prevents self-reflection and introspection outside of their job.

Name That Case Answers

1L: International Shoe v. Washington, 326 U.S. 310 (1945).

2L: Katz v. U.S., 389 U.S. 347 (1967).

3L: Meinhard v. Salmon, 164 N.E. 545 (N.Y. 1928).

OPINIONS

Solomon Updated

BY PROFESSOR JOHN BANZHAF
Special to the Nota Bene

As the *Nota Bene* just reported, the faculty voted to join an organization - FAIR - set up to sue the federal government. The FAIR lawsuit argues the Solomon Amendment - which cuts off funds if law schools refuse admission to military recruiters - violates the First Amendment. Here's some background and a followup on the judge's ruling.

Background

Although I didn't oppose joining FAIR, I did tell the faculty that it would accomplish nothing - and was therefore only a symbolic gesture - for two major reasons.

First, since the FAIR lawsuit had already been brought, adding GWU to the members of FAIR would not have helped in any way.

Second, I - like the American Association of Law Schools which declined to join the lawsuit - had serious doubts about whether it would be successful.

I therefore suggested that, if some members of the faculty were truly interested in doing something about this problem, and not just in making symbolic gestures, they might wish to consider bringing a very different kind of lawsuit.

The D.C. Human Rights Act [HRA] prohibits universities from providing any assistance to recruiters for entities which discriminate on the basis of *sexual orientation*. The only exception is when such assistance is required by federal law.

But the so-called Solomon Amendment, which threatens a termination of financial aid, applies only if a university "prohibits, or in effect prevents" military recruiters "entry" to campus or "access" to its students.

The operative words are "prohibits, or in effect prevents." The drafters deliberately did not use words like "impede," "obstruct," "hinder," "thwart," "inhibit," "frustrate," etc.; i.e., words which if used would indicate a broad and flexible prohibition on any adverse actions schools might take aimed at military recruiters.

Moreover, the statute on its face certainly does not require or even suggest that military recruiters must be treated or accommodated in substantially the same way as other recruiters.

Indeed, the drafters deliberately chose not to use language saying exactly that, even though it was found in a similar statute related to access by military recruiters to secondary schools.

In short, unless the law school "prohibits, or in effect prevents" military recruiters "from gaining entry to campuses, or access to students," it is in full compliance with the Solomon Amendment, and any aiding or abetting of their actions is illegal under the HRA.

Refusing to actively cooperate with military recruiters - e.g., by not collecting law student resumes, not assisting in scheduling interviews, not posting law school notices of their availability, not setting aside interview rooms, etc. - does not deny or effectively prevent military recruiters access to a campus or its students.

Therefore it would seem that when law schools in DC go out of their way to cooperate by providing military recruiters with additional assistance beyond

mere "access," their actions are illegal under the HRA.

Thus, rather than having the difficult burden of having to prove that a federal statute is unconstitutional, plaintiffs bringing an action under the HRA against a law school in the District would have to show only that the Solomon amendment doesn't require universities to actively assist and cooperate with military recruiters.

Such a law suit, or even an administrative action, could easily persuade law schools in DC to stop actively cooperating with the military, and possibly set an example for schools elsewhere.

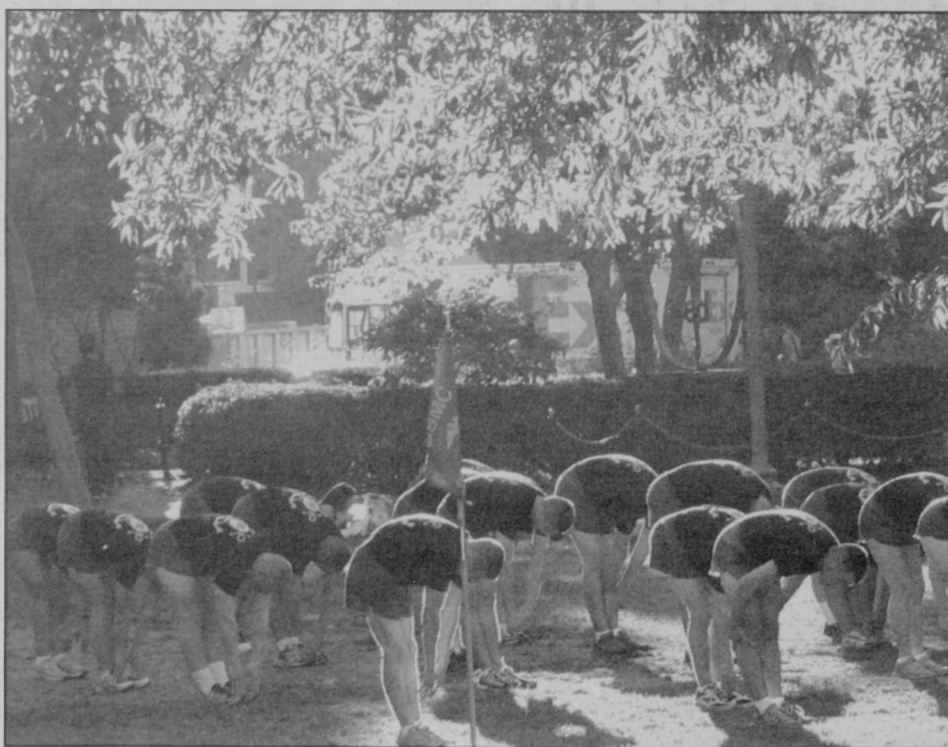
Indeed, since most of the area law schools seem to oppose military recruiting in principle, they might be willing to enter into a consent decree prohibiting their active cooperation with recruiters.

If that were approved by a judge and/or appropriate administrative agency, it could make it very difficult for the military to pressure the law school into providing additional recruiting support and assistance.

Follow Up

As I predicted, the FAIR law suit seems unlikely to be successful. A federal judge, in denying FAIR's request for a preliminary injunction prohibiting enforcement of the Solomon Amendment, shot down FAIR's basic Free Speech argument in strong language, saying:

- [the statute] "does not directly target speech or . . . discriminate on the basis of viewpoint"
- "the Solomon Amendment's interference with speech and other protected rights is incidental"
- "the law schools cannot 'erect a shield' against opposing public interests simply by asserting that the mere presence of an unwanted visitor would impair its message"
- "if there is any expressive com-



The military shows its presence on campus in the form of Marine ROTC members stretching outside the Law School last week.

ponent to [military] recruiting, it is entirely ancillary to its dominant economic purpose"

- "the Solomon Amendment does not unconstitutionally infringe Plaintiffs' free speech and associational rights"
- "even when considered against the background of academic freedom, the

Obituary: A Columnist Says Goodbye to His LRW Prof.

BY GUALBERTO GARCIA JONES
Staff Writer

On Nov. 6 my Legal Research and Writing professor, Chip Gregory, passed away after a two-year battle with cancer. Chip is survived by his wife of 19 years, three children, a sister and two brothers.

Everything about Chip exuded humility and professionalism. He died a young man at 43, but the most circum-spect of glances would have told you that he had done enough work to fill many lives.

Chip was the most unassuming professor I have had. Clearly a legal standout, he dedicated himself to making the workplace safer for American workers. Chip was like those great books that express truth without ever using the word.

The dedication to teaching our class transgressed all bounds, as he continued to teach us after having learned of his serious diagnosis. He did this so that we would not be burdened with our grades and summer job searches.

His dedication was evident from his actions, but only after his death have I learned of his athletic and academic excellence. Chip was an Academic All-American Football Player, he was the captain of his college football team, he carried a 4.0 grade point average; not once did he mention any of this to us.

Chip continued to excel in law school where he was articles editor of the law review. After having clerked for a Judge on the Nebraska Supreme Court, Chip moved to DC and made his

way to the E.E.O.C., where he would become senior counsel and author law review articles, and a book, "Your Rights in the Workplace."

Chip also volunteered in men's homeless shelters.

His funeral was the first funeral I have ever attended. I could tell that the numerous and diverse attendance was clearly a reflection of a man of great learning and wisdom who touched many lives through his incontrovertible compassion.

In the basement of the church where the funeral was held, his family had displayed a montage of some aspects of his life. There was his letter jacket, heavy with honors, telling the story he was too humble to tell us. There were some of his many plaques and awards. There was a poem he wrote when he was seventeen. I wish I could remember it verbatim. It told the story of how the author happened upon some scraps of a newspaper on a cold blustery day. The wrinkled paper was a short obituary that described the tragically ephemeral life of a young man. The poem beautifully describes young Chip's compassion and sadness for the anonymity of the dead youngster. I feel that this poem of the young Chip tells us all we need to know to understand the course of Chip's life. He lived and worked for others guided by his empathy: a son, a brother, a father, a husband, an advocate for the poor, and a teacher us all.

As I sit here typing this short account of Chip, I can't help but feel like the young Chip in his poem, silently sad. A great soul left us last week.

Rest In Peace, Chip Gregory.

tion. Indeed, the judge's ruling strongly strengthen the statutory interpretation arguments I made above, as well as years ago in this newspaper.

The judge said:

• "Thus, to comply with the Solomon Amendment, a school must allow the military to come onto campus and to communicate with interested students for the purpose of recruiting. Schools that do not allow the military on campus, and thereby prohibit on-campus recruitment, do not comply with the statutory requirements. The statute is absolutely clear in that respect."

• "In effect prevents' thereby contemplates virtually keeping the military from recruiting students or posing obstacles that would normally lead to abandonment of the recruiting efforts."

• "Importantly, Congress chose not to use language connoting anything less than a total or effective prohibition on the military's recruitment efforts, such a 'interfere', 'hinder,' 'impede,' or 'adversely affect.'"

With this very helpful language now in hand, wouldn't bringing an independent law suit based on the HRA be a much better symbol for our students than simply making another totally meaningless gesture against the Solomon Amendment - as we also did several years ago, also with no effect.

alleged intrusion on Plaintiffs' speech and associational rights falls far short of a constitutional violation"

In view of this, I renew my suggestion that those faculty and students interested in this issue, and having the relevant legal standing to do something about it, bring a very different law suit based on the HRA and not the Constitu-

OPINIONS

Reader's Forum

Thanks For Screwing Up

TO THE GW COMMUNITY:

We have had our difficulties this semester—from bar review hangovers to the construction hangover, from bad costumes with fishnet stockings to the fishy internet, we have persevered.

We urge everyone to keep trying to achieve, keep dreaming the impossible dreams. But also, keep making mistakes—slips of the tongue, slips on the stairs, gunnerism, and the like because it's great material and will make your Law Revue show that much funnier next semester.

So if you raise your hand and make a fool of yourself in classes, to you we raise our glasses (or bar-bri cups, as the case may be)! Good luck on finals and happy holidays, hope to see you at auditions in January and in the audience at the Law Revue Show.

Much Love,

Harry Kruglik, LRS Member

Disclaimer: Harry's views are not necessarily those of the LRS. He is solely responsible for his content.

Reader Challenges Columnist

TO THE EDITOR:

What's the deal with the Gualberto Garcia Jones column? I realize that it is an opinion column, and I acknowledge that *Nota Bene* provided significant space for a reader response to his last column; but as a policy matter, does *Nota Bene* really want to devote a half-page of every single issue to anti-abortion rhetoric?

The paper does a great job of raising important moral, social, and political issues in its opinion pages; but Mr. Jones, like many of his anti-choice colleagues, seems to think that the only way to make a point is through constant and relentless repetition of the same trite appeals to sentimentality and spurious statistics.

I searched diligently on the Gallup web site, as well as on the web sites of every major news source, and I found no trace of the Gallup poll he cited ad nauseum in his last column. However, I did find this statistic in a published Gallup poll: only 19 percent of Americans think

abortion should be illegal — <http://www.pollingreport.com/abortion.htm>.

Honestly, my complaint is not with Mr. Jones exercising his freedom of speech, but with the appropriateness of his doing so in every single issue of this community forum (without equal space being devoted to alternative viewpoints, and apparently without any fact checking whatsoever).

Frankly, I don't think the abortion debate ought to be conducted in these pages, and certainly not in every issue. Therefore, I encourage the editors of *Nota Bene* to exercise their editorial prerogative and ask Mr. Jones to abandon his proselytizing, stop browbeating his audience, and write about something else.

Mr. Jones' column reduces the quality of our fair publication more than any column about Halloween costumes or the extermination of sea cows ever could. Let's not let *nota bene* become *nota vapidus*!

David Ludwig, 1L

How To Be A Happy Law Student

TO THE EDITOR:

I can hear the collective groan of the school already. Here's someone else telling us something we know is impossible. Well, I'm here to tell you it's not. I have never been happier and a great deal of that is because of GW.

It sounds corny, I know, but after attending an undergraduate school where the cut-throat environment was so intense I was embarrassed to say I went there, it's nice to be somewhere that you're proud of. GW is a very special place. If you don't believe me, attend one of the alumni events and ask them about their experience here — they'll be laughing and smiling in minutes.

Here are some of the ways to reach a blissful state in law school:

First, remember why you're here. If you keep your "eyes on the prize" the little stuff isn't all that overwhelming. And it's the little stuff that will knock you out. Be aware of it, acknowledge it, and move on. Didn't get the answer right in class? Mortified by your professor? Feel like a moron? Good for you! You're learning how to cope and that's what we're here for. Better to be embarrassed now than in our professional careers.

Second, find a support group. I'm not talking kumbaya, let's go hug some trees support group, but rather the kind that you enjoy being around. If it's study

groups you're into, then find one that you have fun with and with whom you study well. If your study group is stressing you out in a bad way, find another. Join a student group on campus, start going to events. The excuse of "I don't have time" doesn't fly — you make time for what's important to you.

Third, attend a Bar Review. . . or three. Don't forget to have some fun. The unwinding aspect is just as important as the twist yourself up so you can finish that outline part. Don't wait until the end of the semester, your friends and colleagues will thank you.

Fourth, exercise. Grr. Who does this girl think she is? As if I have time to hit the gym! I'm not saying become the next Ms. Universe, but make sure you get some activity into your day. Releasing the stress will allow you to absorb more information and may actually put a smile on your face.

Fifth, do something non-law school related. Remember what you like to do, keep doing it and don't beat yourself up for not finishing your third class outline by Thanksgiving. Keeping yourself balanced will work wonders, trust me.

Finally, if this all seems like a bunch of b.s. - ball this article up and see how far a jumper you can make. No harm, no foul.

Sally L. Parker, 1L

Board Editorial

Students Behaving Badly

An assault at the SBA Halloween Party illustrates the need for reform, especially with student behavior.

At the SBA Halloween Party on Oct. 30, an altercation broke out on the dance floor where an unidentified male repeatedly punched a female law student in an unexpected display of violence. This incident brings to light three specific problems with certain aspects of the Law School's alcoholic functions.

The first is a matter of security and management. Many believe that this unknown assailant was not associated with anyone from the school. If this is so, how did he get into a function where an SBA ticket was required for admittance? As members of the SBA have noted, problems have occurred at bar reviews and other functions, where people not affiliated with our school have taken advantage of our open bars.

The SBA faces an uphill battle when dealing with local venues in terms of meeting our needs, from bartenders serving the wrong drinks on the SBA tab to bouncers admitting the wrong people into our functions. It behooves the rest of us to assist in this process by being aware of these issues and not taking advantage of errors being made by the venues.

This means that at a bar, such as the Third Edition, where the SBA runs an open tab on rail drinks, students shouldn't be ordering Long Island Ice Teas on the tab.

The second aspect is a matter of how we treat each other during these social functions. It seems antithetical that the person whom we trust to watch our backpacks containing laptops, PDAs, and cell phones while we run to the library is the same person whom we are willing to curse at and shove aside to beat them to the bar for another drink. Not that this behavior is acceptable when dealing with

a non-law student.

This is not to say that this school has a huge problem with alcohol. We often have perfectly calm, enjoyable events on school grounds, such as Thirsty Thursdays, with absolutely no problems.

However, the conduct of students to one another at off-campus events is at times lacking in basic respect and manners. Who knows the reasons for such behavior, but we ought to think a little about how we treat each other in settings outside these walls.

Finally, we must ask why the Law School is sometimes asked not to return to venues for events such as Barrister's Ball. What is the reason for this? While there is certainly a possibility that these venues simply come to the realization that hosting us is too much for them to handle, it seems more likely that our very own behavior while attending such events could be the cause.

The students of this school need to treat each other and their hosts with more dignity and respect than they have at times in the recent past. An opportunity to cut loose is not an excuse to be obnoxious. When we all go out for an evening, let's treat each other as we would like to be treated, and let's be mindful of the impression we leave on those around us. Maybe then we wouldn't have to hunt for new venues for familiar events every year.

Do we believe this could have prevented what happened at the Halloween party? Maybe not. Considering, however, that incidents like this illustrate how we, as a group, have enough troubles to contend with at our social events, it does us no good to create ill will amongst ourselves and with our hosts.

To Submit an Opinion

The *Nota Bene* invites readers' opinions. Letters to the Editor must be 300 words or fewer, signed, dated and include a graduation year or title. E-mail submissions to notabene@law.gwu.edu

To write a longer opinion column, contact Opinions Editor Chris McClintock at cmclintock@law.gwu.edu

Nota Bene reserves the right to edit all submissions for space, grammar, clarity and vulgarity.

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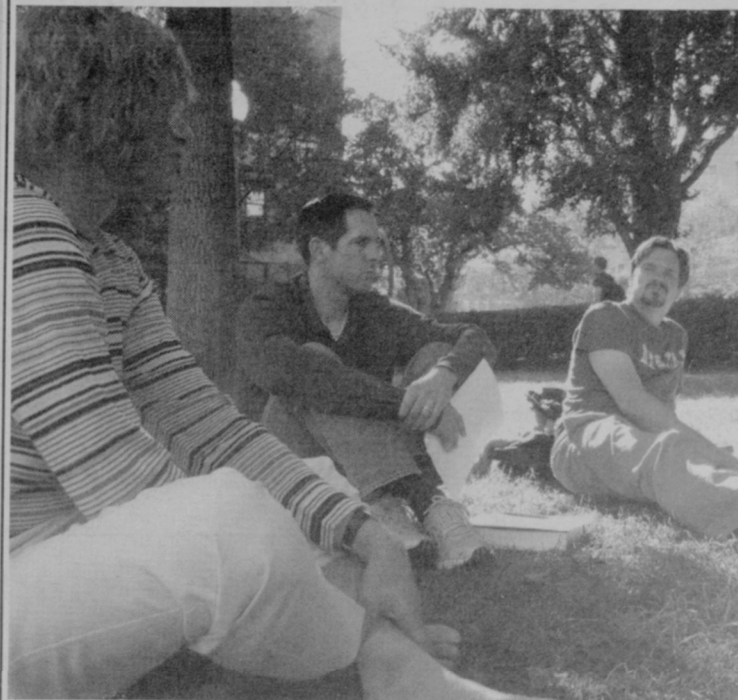
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We offer discounts for multiple-issue commitments. Contact us at NotaBene@law.gwu.edu for our publishing schedule.

ODDS AND ENDS



Class In The Grass



Tauber/Nota Bene

The unseasonably warm November weather prompted Prof. Larry Mitchell (left) to hold his Jurisprudence class outside in the quad. 3Ls Brian Morgan (center) and Ken English participate. The warm weather also made classes inside unbearable with the air conditioning turned off in preparation for winter conditions.

The Soft Lounge by Frank Lattuca

Dear 1L student
Please find enclosed your graded 2L Mid-Term exams. Please also note we have taken the liberty of sending your grade onto the COO...

They have in turn sent your grades on to everyone you could ever possibly be employed by, your parents and all other relatives. It's who said you'd never accomplish anything, classmates that are smarter than you, all single men in town in D.C., Santa Claus, John Deere, your kindergarten teacher and The Pope...

By doing this we have saved some students from taking the four regular exams this semester, and a lengthy and fruitless job search in the Spring before they were made to feel inadequate, completely useless and utterly embarrassed. We feel the sooner you know you have no hope the better...

Where appropriate we have enclosed a Bus Ticket home, and job applications for Local Hiring Offices...

Dear 1L...
GWL
AW

Plasma Calendar
This Just In...
You've just...
Late Term...
For Class...
Don't Stress!

NEWS
Admin to buy more Plasma...
Teletubby in Samaria...
Elevator's slow...
Directory useless...
Good Luck on Finals!

Bus Ticket
No Application
HUGE!

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Crossword 101

Pulling Rank

By Ed Canty

Across

- 1 Glasgow lids
- 5 Sires
- 10 Playwright Hart
- 14 Final bio
- 15 Type of type
- 16 Stare
- 17 Corporate officer ?
- 20 So long
- 21 Transmitted messages
- 22 Attention getter
- 25 Scorch
- 26 Peter Jennings home
- 29 Articulated
- 31 Lodger
- 35 Pasture
- 36 More feverish
- 38 Moolah in Rome
- 39 Goldie Hawn movie
- 43 This place
- 44 Moolah in Calcutta
- 45 Decorate the cake
- 46 Immediately: 2 wds
- 49 Civil wrong
- 50 Cornfield noise
- 51 Cosa Nostra bosses
- 53 Bridge fee
- 55 Spanish dishes
- 58 Morning sound
- 62 TV officer ?
- 65 Expel
- 66 Rostrum
- 67 Japanese soup
- 68 Defendant's answer
- 69 Lugged
- 70 City in Yemen

Down

- 1 Roman garment
- 2 Retired for the evening
- 3 Dress type
- 4 Brew tea
- 5 Comes before coat or green
- 6 Completely
- 7 Landing place

1	2	3	4	5	6	7	8	9	10	11	12	13	
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62								63	64				
65						66					67		
68						69						70	

- 8 Map collection
- 9 Planter
- 10 Communications company
- 11 Fiend
- 12 Took second feet first
- 13 Time unit: Abbr
- 18 Former communist country
- 19 Ta ta
- 23 Seasoning
- 24 Floor worker
- 26 Greek letter
- 27 Nice lid
- 28 Egyptian VIP hangout
- 30 First appearance
- 32 Mock
- 33 Author Jong
- 34 Restore
- 37 Put in a larger container
- 40 Bitter feud
- 41 Rex Stout's Wolfe
- 42 Red eye express aftermath
- 47 Soft drink
- 48 Join the military
- 52 _____ Domingo
- 54 Andes traveller
- 55 Epistle author
- 56 Notre Dame recess
- 57 Card game
- 59 Dry
- 60 American Beauty for one
- 61 Follows full or half
- 62 Police officer informally
- 63 Mature
- 64 Actor Beatty

Quotable Quote

If my soldiers were to begin to think, not one would remain in the ranks.

... Frederick The Great

Answer on page 11

Horoscopes

Scorpio: (Oct. 24—Nov. 21)

You will set three alarm clocks but still oversleep your torts exam.

That class is better the second time anyway.

Sagittarius: (Nov. 22—Dec. 21)

Your video with Paris Hilton will be made public. You should never have allowed anyone to film you singing karaoke.

Capricorn: (Dec. 22—Jan. 19)

Your grades won't arrive in time to ruin your holiday season,

but spring break won't be much fun.

Aquarius: (Jan. 20—Feb. 18)

As a 3L, you won't find motivation to study until after exams.

Pisces: (Feb. 19—March 20)

You won't have anything to be thankful for.

Aries: (March 21—April 19)

You will use the lame "see you next year" joke three times this holiday season.

Taurus: (April. 20—May 20)

You will forget everything you learned this semester by January.

Gemini: (May 21—June 21)

Guess who Santa is skipping this year. That's right, Dean Young.

Cancer: (June 22—July 22)

Sorry, although plastic is involved, elves don't make Britney Spears.

Leo: (July 23—Aug. 22)

You might not know it now, but you will have someone to kiss to ring in the new year. It remains unclear if this person will be sober at the time.

Virgo: (Aug. 23—Sept. 22)

You will save Christmas.

Libra: (Sept. 23—Oct. 23)

As the closest thing your family has to a judge, you will be asked to decide whether Uncle Bob or Uncle Jim is entitled to the last piece of pie.