A New Dean, a New Dawn for W&L Law

Mac Mackie, 1L
Staff Writer

Change is nothing new at W&L Law. In Sidney Lewis Hall, the words ‘practicum’ and ‘immersion’ aren’t revelatory curricular reforms—they’re just part of the vernacular. As the student body welcomes its new Dean, Nora Demleitner, it knows that more change is sure to come. And the students want to know one thing: “What else can we expect to change?”

It is a question that Dean Demleitner is eager to answer. In an interview with the Law News, Dean Demleitner’s initial reaction was ambitious, if not impractical: “The very first thing I would do, if I could, is make the Dean’s office more centrally located.” While Dean Demleitner does not intend to renovate Lewis Hall, she does want to foster an environment of approachability.

In order to facilitate an open line of communication, Dean Demleitner is implementing small-group 1L lunches to discuss policy matters, 2L and 3L open houses with extensive lunches to discuss policy matters, and 3L student-composed interviews with extif individual student interests. This last idea, Dean Demleitner believes, is of the utmost importance, as “W&L can provide a custom-fit kind of approach for the students because of our size.” However, she makes one important distinction: in order to customize anything for students, “they have to talk to people.”

Dean Demleitner’s biggest concern is communication flow. To facilitate this exchange, Demleitner is working with the Office of Career Planning (OCP) to remain fully informed. 1Ls, in particular, can anticipate receiving a questionnaire from OCP earlier than they would have in previous years. This questionnaire will ask them for preliminary geographic and professional preferences. OCP will ask the same information of 2Ls and 3Ls in order to further their respective job searches. All of this information will serve a specific utility, according to the Dean. “Ms. Brianer [Director of Law School Advancement] and I,” she says, “are traveling all over the country. If we are going to New Mexico, I will ask OCP, ‘Do we have any students that want to go to New Mexico?’ Because if we do, I can immediately plan to go to New Mexico and say that we have a fabulous 1L and I’ll have a conversation with that person before we go out there.’

Under our new Dean, 2Ls and 3Ls can expect to have more in-depth interviews about internship and externship experiences. This will help to create a more flexible curriculum—a curriculum composed of tailor-made classes and practica that address relevant subject matters and student interests that are currently uncovered. Many of these interviews have already been conducted, and as a result, the new administration is considering implementing more banking, real estate, and national security courses. The school also wants to enhance its focus on specific subject matters, such as e-discovery for those interested in litigation.

Students should not get the wrong impression. The changes under Dean Demleitner are not all contingent upon student input. She is currently considering implementing measures that range from open-source, web-facilitated classes to budgetary initiatives. The Dean states that web classes could be held in an online forum in which comprehensive instruction would be supplemented by instruction in small classroom settings. Her budgetary initiatives include aggressively seeking grant funding for more clinics. This will reduce the average student’s debt by reallocating the savings to fund individual student endeavors such as offsite networking and professional development seminars.

In addition, the Dean intends to bring to W&L Law some of her successful programs from Hofstra University’s Maurice A. Deane School of Law, where she formerly served as Dean from 2008 until accepting this position. Publications as prestigious as the New York Times praised Dean Demleitner while she was at Hofstra for her ability to engage with the local community.

Continued on Page 9

Professors Forecast SCOTUS Rulings

Emily Kuchar, 2L
Staff Writer

The law school celebrated the Constitution’s 225th birthday on Monday with a look at the Supreme Court’s upcoming term.

Scott Weingart, coexecutive of the law school’s American Constitutional Society chapter, organized the annual event and, ever the modest moderator, began the evening with a somewhat well-rehearsed reading of the organization’s progressive principles. Four of our distinguished professors were empaneled to speak.

First, Professor Todd Peppers offered an intimate peek at the high court’s docket with a discussion on petitions for certiorari. It’s a ruthless fight each year for the 7,500 to 8,000 petitions that compete for the under 200 seats on the docket. The winnowing process, Prof. Peppers said, takes place mostly in the summertime, and the daunting work is carried out largely by the Justices law clerks.

Prof. Peppers highlighted these clerks’ the Dean’s guiding cases toward the docket. While the hard labor of these cream-of-the-crop law graduates is a necessity for the Court, some Justices were quick to castigate clerks’ influence and motives. Peppers commented that while Supreme court clerks may craft canny plans to shape the docket, the Justices have the final say. A vote by four justices to hear a case puts it in the lineup; the rest are rejected and their current cases made its Supreme Court debut last term, and the Justices brought it back for a second season to decide whether the federal Alien Tort Statute, enacted in the days of pre-Internet piracy, still applies to torts that take place in the territory of a foreign sovereign.

Prof. Drumbl predicts that the Court will clip the AT’s wings and disappoint its many human-rights fans. But Prof. Drumbl had balm for bleeding hearts; he also predicts new frontiers in remedying human-rights abuses abroad that may well end up outshining the old ATS.
Getting the Most From Law Technology

Vol. 42 No. 5

From the Desk of the Editor-in-Chief:

On September 29, 1972, The W&L Law News published its inaugural issue. Among the headlines were stories about women registering for classes for the first time in W&L’s history and construction worker Robert H. Brogan dying while working on Sydney Lewis Hall, which was then under construction. It has been forty years since the inaugural issue. In that time, the law school has seen significant changes. Yet the school remains dedicated to the ideal of honor and committed to educating students to be leaders in the legal field.

The Law News, likewise, has undergone substantial changes. As we enter our fortieth anniversary year, we re dedicate the Law News with a renewed sense of purpose. This year, The Law News plans to focus on expanding its readership and enhancing its role in the W&L Law community. As you have probably seen, The Law News has instituted an aggressive campaign to ensure that the newspaper finds its way into the hands of W&L’s law students. We are initiating a mailing list for our alumni and making issues available for prospective students and their families. We hope that, in time, our newspaper will develop readership beyond the physical limits of our community.

Moreover, this year, The Law News has undergone a complete overhaul of every aspect of the newspaper. Layout and design, quality of writing, organizational structure, and even the way in which we interact with the community have been reimagined and improved.

The Law News this year will expand the scope of its coverage beyond the walls of the school to issues at other law schools and to issues in the legal community at large. The publication hopes to deliver into different areas of the law and learn more about W&L’s School of Law’s past and future. We also intend to ensure that the newspaper retains its funny side and is a pleasure to read. Most importantly, we intend to ensure that The Law News provides faithful and insightful coverage of the events and issues facing the law school.

I firmly believe that The Law News has a function in this school and I intend to ensure that that function is fulfilled. As the year progresses, The Law News intends to grow and change into a publication of which the entire W&L Law Community can be proud. The Editorial Board has exciting things planned this year, and we look forward to showing the W&L School of Law community that The Law News’s fortieth year will be its finest. Stay tuned!

Howard Wellons
Editor-in-Chief
The Law News

Planning to work in a clinic? Don’t wait to have it diagnosed! If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting wonky, don’t just shut it off. If your laptop is acting win...
The problem: a football player with a very constructively-uncertain future. The solution: four teams of savvy negotiators, each hardened by three prior rounds of intense competition. The 2012 Robert J. Grey, Jr. Negotiation Competition Finals proved to be an event worthy of W&L's tradition of excellence. When the numbers finally stopped flying across the negotiation table, the team representing Mr. Derek Mio, Dominik Taylor and O'Dane Williamson emerged victorious.

The Negotiation Finals comprised two rounds. First, Jim Bailey and Emerald Berg represented Derek Mio, while Stephen Donaldson and Katie Reese represented Michael "Mo" Allen. Afterward, Mr. Mio was represented by Dominik Taylor and O'Dane Williamson, while Mr. Mio retained Justin Feinman and Po Lutken.

Bailey and Berg opened the first round with an unmistakable air of showmanship. While assuring their counterparts that they were enthusiastic about the contract, they set out an outline of the contract and provided a roadmap for the negotiation. This team distinguished itself early with a novel idea: to write down settled contract points on a portable whiteboard. This tactic, which two of the judges later complemented, served to keep both sides aware of how the negotiation was progressing.

"We began doing it [in the semi-final] round because there were so many variables, and found it was a good way to keep track of everything," commented Bailey.

Donaldson and Reese, like expert poker players, conducted the negotiation by allowing the other team to slowly reveal their goals and limits. When Allen's counsel spoke, counsel for Mio listened, as both Donaldson and Reese chose their words carefully. A great deal had been asked of all four teams. In forty-five minutes, counsel was asked to provide a contract including: terms of years played, annual salary, whether a signing bonus would be realized, the level of guaranteed compensation, the level of contingent compensation on both an individual performance and team performance basis, and the level of optional compensation resulting from merchandising. Although the first round of negotiation began strong, the pace lagged at key points. But despite the many difficulties inherent in the bottom, both teams in round one proved themselves equal to the task of creating a contract. The two sides were able to reach a deal in thirty minutes.

Negotiation Administrator Garrett Grienker stated that he considered round one to be, "as exciting as negotiations are ever going to get." With copious props and clever quips, this round was certainly a crowd-pleaser.

The second round, by contrast, could rightfully be considered an old-fashioned gentlemen's negotiation. Affected, no doubt, by the presence of the crowd and the watchful eyes of the event's esteemed judges—including Robert S. Ballou, Professor David S. Eggert, and Mr. Robert J. Grey, Jr.—all four competitors seemed self-conscious and somewhat adversarial as the negotiation began. Soon, however, both sides lost themselves in the art of making a deal and contract points began to flow freely. Judge Robert Ballou, when offering comments and critiques, reflected on exactly this kind of situation. He stated, "You begin to focus on the deal. A lot of times, deals start out adversarial. It's very hard to agree when you are mad at the other side. Putting the dispute behind you is a win for both sides.""Magnum and Lutken's greatest strength during the second round lay in the relationship of trust they shared. Both had prepared meticulously and given each other specific tasks.

Robert J. Grey, Jr. emphasized during the judges' comments that a successful negotiator must "try to integrate [himself] with [his] teammate. Roles must be very clearly defined." Counsel for Mr. Allen excelled in this area, and it helped them to earn second place in the competition.

The victors of the Robert J. Grey Negotiation Competition distinguished themselves in ways both great and small. O'Dane Williamson slowed down the pace of the negotiation and relaxed both parties. His efforts contributed greatly to the collegial and gentlemanly atmosphere that pervaded most of the round, while his salesmanship had a strong effect on the result. Dominik Taylor, meanwhile, controlled the direction of the negotiation effortlessly. In a bold move, he began the negotiation by laying on the table all of Mr. Mio's desired terms, forcing opposing counsel to react to their terms rather than propose Mr. Allen's terms in a vacuum. Taylor's creativity also contributed to a favorable result for Mr. Mio when he decided to create a nonprofit to benefit Mr. Allen's future political career and to give back to the community. The judges singled out this unique provision as exceptional. The smooth progression of round two threatened to break down when Mr. Williamson was accused of a lawsuit that Mr. Allen had initiated against Mr. Mio. Feinman and Lutken seemed reluctant to sacrifice the threat, and the subject of the lawsuit cropped up repeatedly over the next few minutes of the second round.

Through the considerable efforts of both parties in round two, a contract was formalized in less than twenty-five minutes. The sheer efficiency of this round no doubt benefitted both teams.

Moot Court Executive Board Chairman Chris Edwards commented that the negotiation competition saw "four very different teams and four very different styles, but that all did extremely well."

The Robert J. Grey Negotiation Competition is the first of five moot court competitions hosted by the Moot Court Executive Board of Washington & Lee School of Law. The next will be the John W. Davis Appellate Advocacy Competition. Preliminary rounds in this competition have already begun, and finals will be held on October 19th at 5pm in the Moot Court Room.

Administrative Changes Influence Direction of W&L Law

[Eds.: Though Dean Demleitner has presented her many ambitious proposals regarding the future of W&L. Law to The Law News (see headline article), the Dean has already enacted several significant personnel changes. Her restructuring of the administration has especially impacted the school. To ensure that our readers are adequately informed about these changes, The Law News presents a profile of each new administrator, including his or her qualifications and Dean Demleitner's comments.]

S. Brett Twitty

New Position: Assistant Dean for Student Affairs
Former Position: Admissions Director of W&L School of Law
Qualifications: 2006 Graduate of W&L Law, where he served as President of SRA. Practiced in real estate before returning to W&L to serve in admissions.

Dean Demleitner stated: "I am most excited about seeing him in this role and have already gotten some insight into the energy and vision he will bring to this position."

Shawn McShay

New Position: Assistant Dean for Admissions
Former Position: Senior Director of Enrollment Management, Hofstra School of Law
Qualifications: B.S., M.B.A. from West Virginia Wesleyan College. Served in admissions offices at George Washington University Law School and as assistant director of admissions at the Fordham University Law School before Hofstra.

Dean Demleitner stated: "His experience will allow us to recruit ever more talented students from around the country and the world."

Joanna Bond

New Position: Associate Dean for Academics
Former Position: Professor of Law at Washington & Lee University
Qualifications: J.D. University of Minnesota School of Law. Professor of law at George Washington University and Georgetown University. Leader in the field of international human rights and gender in the law.

Dean Demleitner stated: "Dean Bond's expertise and insights will help keep W&L at the forefront of legal education in curricular development and other initiatives."
We had been sea kayaking during the day and in early evening walked out on a rocky outcropping where I popped the question.

LS: Do you have any hidden talents?
JM: Not sure if this counts, but I have a little Italian, just enough for us to get by in rural, southern Italy.

T LN: What did you want to be when you were a kid?
JM: I imagined myself as a professional golfer. I still like to play, but it didn’t quite work out that way.

T LN: What is the most memorable case you’ve ever been involved in?
JM: I represented the inmates of the West Virginia Penitentiary in a broad-based challenge to the conditions of their confinement in the 1870s-era, fortress-like prison. We won an order that declared most everything to be unconstitutional. Eventually, others enforced the order resulting in the closing of the prison.

T LN: What are some of your hobbies?
JM: I play golf and travel quite a bit. Much of the travel is for projects that aim to upgrade the legal infrastructure in emerging democracies. So I work with bar associations to start their lawyer disciplinary processes and training programs, with institutions in emerging democracies. I play golf and travel quite a bit. Much of the travel is for projects that aim to upgrade the legal infrastructure in emerging democracies. So I work with bar associations to start their lawyer disciplinary processes and training programs, with institutions in emerging democracies. I play golf and travel quite a bit. Much of the travel is for projects that aim to upgrade the legal infrastructure in emerging democracies. So I work with bar associations to start their lawyer disciplinary processes and training programs, with institutions in emerging democracies.

The staff at the Brief Stop is very dedicated, hardworking, at times entertaining, and always committed to excellent service. We are responsive and sensitive to the comments, suggestions, and requests of our customers, and strive to fulfill our commitment as a support service and our obligation to the University community. As always, we look forward to seeing you at the Brief Stop.

As part of Auxiliary Services, we are committed to providing exceptional customer service as we establish, enhance, and promote programs and services for the benefit of the University community.

This year at the Brief Stop, we have improved a number of our offerings and services. In our coffee, we now include only the highest quality fresh beans and grind each pot at brew time. By upgrading our beans, we have also enhanced our espresso, and other specialty coffee beverages such as lattes and cappuccinos. Additionally, we have added a line of Boar's Head Head sandwiches and expanded our Grab-N-Go selection to include many varieties of prepackaged salads for convenience.

We have also added a second cash register to serve customers more quickly. Another addition to our daily offerings is the fresh-baked Freshetta cheese and pepperoni pizza. Our acceptance of credit cards continues to be popular, as is the capability to add money to a university card right at the cash register.

We bided up to worship at the feet of Radegast, the Czech god of beer, saw orangutan and Komodo dragons in the wild, and watched the ritual sacrifice of water buffalo at a funeral ceremony. We like to hike and mountain climb (Virunga mountains, not the Himalayas) when my knees are having a happy day. We go white water rafting and zip-lining. We generally do a couple of work days per year for Habitat, also fun!
The 2012 Rockbridge County Wine Festival: A Great Way to Spend a Rainy Saturday

Wine is the Answer. What Was the Question?

Dan Jacobs, 1L
Staff Writer

Let me start out by saying that my main qualification for reviewing a restaurant is that I really like food. I’ve also watched a lot of Top Chef. Hopefully this background information will help prepare you for the level of expertise I bring to the dinner table.

This past weekend, a few friends and I went to dinner at The Taste of India, a restaurant located in Staunton. The trip got off to a great start with spectacular views of the Shenandoah Valley, which should be enough of a reason to drive to Staunton in the first place. After about a 35 to 40 minute drive, we made it to the restaurant. As one might expect on a Staunton Sunday night, parking was not an issue.

I had asked some friends to come along so that I would have the chance to try multiple dishes without footing the entire bill (and for their company, of course). The menu itself seemed pretty standard. It had something for everyone, from vegetarian and seafood dishes to the standard chick and lamb entrees. The pricing seemed fair, anywhere from $9.95 to $16.95 depending on the order. The menu is on the restaurant’s website, if you’re interested. I can’t really do it justice. I ended up ordering the chicken vindaloo (prepared hot) with the “house special appetizer” and plain naan for everyone to share. My companions tried the lamb curry, chicken tandoori, chicken biryani, and karahi chicken with some paneer and chicken naan on the side.

After ordering, I took the opportunity study the restaurant. It was clean and had a comfortable and inviting atmosphere. One person made the observation that the music could have been better, which I had to agree with. I also made sure to check the most important part of any restaurant—the restroom. If the restroom is clean, you know you’re at a place that takes pride in itself. The Taste of India did not disappoint.

The appetizers came relatively quickly. We were not sure what everything was on the plate, but it all tasted really good. The wait for the entrees took long enough to notice, but not so long that we became impatient. The dishes looked and smelled wonderful. The portions were pretty large, and one order could easily feed two people, with rice and an appetizer or naan. Everyone took seconds, or in my case thirds, of all the dishes, which is a pretty good indication of the quality of the food. We all agreed it would be worth it to go back for the lunch buffet, which is about $8.95 a person. Overall, it was a very pleasant experience, and I would definitely consider going for a good meal outside of Lexington.
The 1L Class and Its Future

Kelsey Peregoy, 1L
Staff Writer

In life, it is often said that each individual influences the environment in which they find themselves, while dually becoming themselves influenced by that same environment – and the historically large 1L class of Washington and Lee Law finds itself uniquely positioned in the middle of this age-old truth, in an environment that is having to adapt to them just as much as they are having to adapt to it.

In many ways, defining the character of this year’s new class isn’t much different than it has been any other year—the new class is just as statistically successful as its predecessors, with similar undergraduate GPAs, LSAT scores, work experience and range of applicants among other factors. The most defining characteristic that sets this class apart from those that have come before is its unexpectedly large size. Whereas the administration aimed for a class of 120-130 students, 188 students eventually chose to matriculate at Washington and Lee Law this fall. While this will have many implications for the school itself and its current residents – undoubtedly surprising the 2L and 3L classes with longer lines at the Brief Stop (no reported fainting thus far) and the ever-exciting race for a parking spot on weekday mornings.

Washington and Lee Law is an intentionally different sort of place, priding itself on its small class sizes, tight-knit community and relatively low occurrence of the cut-throat competition that often haunts other top quality law schools. While the effects the new 1L class has had on the school are relatively plain to see, how Washington and Lee will affect them is less obvious.

The swollen incoming class faces many obstacles and unknowns by virtue of its size in the upcoming years, from the immediate though mundane challenges of resource allocation the administration has met head on in preparation for their arrival to their more uncertain future, new challenges will be presented for the administration and organizations of the law school. As 1L Contracts and small section professor Samuel Calhoun remarked, “You’re being disingenuous if you say you don’t notice the size – but it shouldn’t be thought of as a problem, only a new challenge requiring flexibility. As the new 1L class proceeds through Washington and Lee, they have already shown the effects of a large student population through unheard of competition in the most recent 1L elections, with no position without at least four competitors.

The situation begs the question, what about the future? With competition for even minor elected positions fierce by W&L standards, what does this mean for journals, moot court, Mock Trial Competitions, elections, and mock trial competitions, elective class selection in the 2L year, and the availability of preferred clinics in the 3L year?

While the administration has met all the challenges posed by the incoming class’s large size thus far, it seems beyond these molehills there are House-sized mountains – slightly distant and perhaps novel in contemplation, but present all the same. As Dean Bond said of the new 1L class, “Everyone seems really excited to be here, and although there have had to be changes – we are really excited to have them all here too.”

Meeting the immediate challenges for the 1L class has already demonstrated the flexibility and dedication of the administration, giving way to confidence for accommodation in the future – but for now, it seems that the influence of Washington and Lee on the 1L class is found in an increased competitiveness. More competition for limited resources isn’t itself a bad thing – lest we forget how much we love America and capitalism – but like many things about the story of the 1L class and W&L, it is a new frontier for our beloved school and its enthusiastic student body.

A 2L’s Take on the 188

Daniel Winegard, 2L
Staff Writer

You don’t need a newspaper to know the 188 1L students are a substantial addition to the student body. Assistant Dean for Student Affairs, and 2006 W & L School of Law alumnus, Brett Twitty explained that “There was a very strong response to the offers of admission. This is place where people want to be.” Twitty along with other faculty and staff have been working behind the scenes to prepare for the needs of the larger class. “Accommodations are an ongoing process,” said Twitty. “We’re very interested in student feedback. If unhappy about something, contact us. If we could do something better, we definitely want to hear about that.”

More students means more carrels, and more carrels means less school computers. New computers and a printer in the Moot Court Alcove have taken up some of the slack, and printer availability has actually been increased since last year. Being able to print to any printer from a laptop or school computer to print.wlu.edu makes finding a specific school computer less of a need.

Overall study space has decreased due to the new carrels being formed for the 1Ls, with the upper and lower4 carrels most affected. A busier class schedule has made empty classrooms for study are also harder to find. New study areas have appeared in the form of the new outdoor tables (weather permitting, of course). Indoors, two 4th floor study tables have been added.

The larger class size is felt most in the parking situation, with a mere 300 parking spots for the 464 law students. While lots have filled more quickly and more often this year than last year, a new line of parking succession—Woods Creek, East Denny Circle, then the parking garage – has provided more than enough parking, although there’s more walking to get from car to class.

Less quantifiable is how the character of the 1L class affects the school. Associate Dean for Academic Affairs and Associate Professor Johanna Bond has had plenty of 1L face time since orientation. Of the 1Ls, she remarked that “Everyone to a person sounded really excited to be here, which comes across right away. After a long day people sound very happy.”

Asked if the 1L class had any transforming effect on the school, Bond opined that “The school’s culture has not changed. There is a small atmosphere, small community feel. This is a close knit community.” Many of us 2Ls and 3Ls appear to agree, as over one hundred of us are in the W&L Law Class of 2015 Facebook group. As for this 2L, at the end of the day the new 1L class size may be heavy, but they are our brothers and sisters.
At Law Schools Across the Nation...

New Rutgers students’ outrageous antics as originally reported by the popular website Above The Law

Half-naked law students pass out drunk in bathrooms. Law school function continues pride tradition of keeping orientation unforgettable.

If you thought Washington & Lee was being condemned, check this out: every year Rutgers-Newark Law hosts a friendly mixer to introduce their incoming 1Ls. This year’s mixer is once again receiving national attention, and not for the right reasons. Students were evidently indulging themselves with such enthusiasm that they weren’t even able to make it to the confines of their own homes before passing out. Instead, they were using any public bathroom they could find. Now, they weren’t just passing out in the ordinary sense; these students wanted to make things a little more interesting. This new crop of students was keen to leave their mark in an unprecedented and unforgettable manner.

In order for these antics to make more sense, you must first look at past traditions, and what the class of 2015 was competing against. Previous year’s entertainment had included students relieving themselves in classrooms, vomiting in every place imaginable, beating each other up, and additional acts of vandalism. So you see, these current students were just eager to take their rightful place among the many past outrageous and unforgettable incoming classes at Rutgers-Newark Law. I believe it’s safe to say that they’ve earned their stripes. This new batch of future lawyers will go down in infamy and will never be forgotten. That is, until next year rolls around.

Hate Crime Scandal Report by The Gainesville Sun Leaves University Distracted

Incident leaves major university speechless and infuriated after highly respected and appreciated professor is the victim of a hate crime.

On Monday September 10th, a professor at the University of Florida Law School returned to his parking space only to discover a disturbing image: a gay slur inscribed into the car. This particular professor has been at the university since 2005, and was even named best law professor several different times by the student body. Ordinarily, this type of offense would simply be deemed a misdemeanor. However, since this has been classified as a hate crime, the offending party potentially faces felony charges. At this point no one knows whether this unfortunate crime was committed by a law student or an outside party. If this was the act of law students, they must have missed the class where they would have learned that this constitutes a crime.

Above the Law Exposes Law Schools Caught in Lies

Competition for top students is now compelling schools to resort to new lows to gain an advantage.

Law school rankings are big business for law schools. Many prospective law students obsess about these rankings, and base their law school decision largely on which schools are ranked higher than others. Given the importance of the rankings, schools are now taking it upon themselves to inflate their credentials by any means necessary - even cheating. The University of Illinois Law School is the latest institution to join the wall of shame.

Before the events at Illinois took place, Villanova Law School was facing their own scrutiny for the same offense. They were both found to have falsified and misrepresented grade point averages and Law School Admission Test scores in the hopes of raising their rankings. Both schools received sanctions from the American Bar Association (ABA), which accredits American law schools. However, the sanctions that Villanova faced paled in comparison to what the University of Illinois was facing. The University of Illinois found itself in uncharted waters.

The University of Illinois was not only condemned by the media, but the school also received a fine of $250,000. In addition, one of the law school’s deans was forced to take an indefinite leave of absence. Only time will tell whether the sanctions will end the practice of falsifying data.

To understand their motives for falsifying admissions data, we first need to understand what these rankings mean to law schools. Because many prospective students base their admissions decisions on these rankings, these rankings help law schools keep their doors open. If a school can improve its ranking, more students apply to that school and the school will also be able to attract students with higher scores.

Many observers wondered how schools like Villanova and Illinois were able to get away with misreporting and falsifying data. The answer is simple: these schools were misrepresenting their data to the ABA about their incoming class’ statistics, and then passing along the same false information to U.S. News, who releases one of the most influential law school ranking reports. U.S. News apparently does not account for ABA sanctions in constructing the rankings. The schools never thought they would get caught, and they would reap the huge rewards that were sure to follow. These two schools, however, have been caught, and they are now trying to recover from the public scrutiny they have had to endure.

The University of Illinois was not only condemned by the media, but the school also received a fine of $250,000. In addition, one of the law school’s deans was forced to take an indefinite leave of absence. Only time will tell whether the sanctions will end the practice of falsifying data.
Chong Kim '92L received the Volunteer of the Year Award during Law Reunion 2012. Kim has been very successful in the 20 years since her graduation, currently serving as a Magistrate Judge for Fulton County, GA in addition to her role as Managing Partner at the Atlanta firm that she founded, Kim & Kert. The same year she founded her firm, 2002, she was named one of the Best 40 Lawyers under 40 by the National Asian Pacific American Bar Association.

Chong Kim
WLU Law Council '12-'13

The Law News: Where are you originally from and where are you living now?

Chong Kim: I came to the U. S. In 1973 from Pusan, South Korea. I did my undergraduate studies at the University of Georgia. I am currently living in Atlanta, GA. I have a small private criminal defense practice.

TLN: What is your favorite memory of W&L? What was your favorite thing to do in Lexington?

Chong Kim: My favorite memories of W&L are my fellow classmates and the fantastic professors, in particular, Profs. Murchison and Mary Natkin. I love Lexington. It’s so beautiful here. I used to walk almost every day.

TLN: Do you have any advice for current W&L Law students?

Chong Kim: I wish I had known that law school is dramatically different than undergrad. By the time you get to law school, everyone has been academically successful. It may be the first time that you are not at the top of your class. It took me about a year and half to figure out law school exams. I would advise current law students to be patient and to know that it will be okay no matter what happens first semester.

TLN: Are you familiar with the new third year curriculum at W&L? What is your opinion of it?

Chong Kim: The Third year curriculum is exciting. I think it’s amazing that the faculty could make this change so successfully. One of my classmates, Dan Victor, teaches the Entertainment Law practicum. It is empowering to know that there are many other aspects of the law than just Socratic method and exam taking.

TLN: What do you like to do outside the office? What are your hobbies and/or interests.

Chong Kim: I have a great life/work balance. I enjoy my practice. I live in a great area of the city with lots of restaurants and museums. I like to travel. I have done volunteer work with the Junior League as well as serve on several State Bar and Supreme Court of GA commissions.

TLN: Is there anything else you’d like to share?

Chong Kim: W&L is a special place. Try to enjoy your time here. It will be the only time in your life when learning is your only obligation. The only thing better than being a student here is being an alumnus.

Kim currently serves as chair of the Law Annual Fund is a former Law Class Agent, and is an emeritus member of the Law Council. Her exceptional commitment to serving her alma mater contributed to her earning the Volunteer of the Year Award.
legal community in Nassau County.

At W&L, she intends to engage with the community in key markets to the same degree, focusing on two promising markets for students: Charlotte, North Carolina and Washington, D.C. Just as she intends to increase W&L Law’s presence in those markets specifically, she will also make a concerted effort to elevate the name recognition and profile of the W&L Law name across the nation. The Dean, who had U.S. Supreme Court Justice Samuel Alito speak at Hobbit during her tenure, is committed to having more legal industry leaders visit W&L. Dean Demleitner is confident that such increased exposure will show the legal community at large that something special is happening in Lexington.

Finally, Dean Demleitner is committed to the principle that not only should the students of Washington & Lee School of Law have an exemplary legal education, but that all W&L Law graduates should be able to maximize their potential as lawyers in practice. Her message to the students of W&L School of Law: if something needs changing, all you have to do is ask.

SCOTUS Preview

Continued from Page 1

Professor Joan Shaughnessy delved into the quietly captivating world of standing in her discussion on Clapper v. Amnesty International USA. The case was originally brought by a varied group of lawyers, journalists, civil liberties organizations, and others who wished to challenge an ongoing foreign surveillance program that was authorized by 2008 amendments to the Foreign Intelligence Surveillance Act. The broad program, they contend, is likely to catch their personal communications because their work brings them within proximity of the likely targets of the surveillance. The Supreme Court, however, likely won’t reach the merits of the case because the primary issue is the appropriateness of petitioners’ position as plaintiffs. The federal government has precedent on its side in challenging petitioners’ standing, but this consists primarily of one aged case that might not hold up. Or it might. As Prof. Shaughnessy reminded the crowd, the Supreme Court does not lend itself to accurate prediction.

Moot Courtroom seats shifted as Davis competitors leaned forward for the final speaker, Professor Ann Marsee. Prof. Maggie Lennon on Fisher v. University of Texas at Austin, which is the model for this year’s appellate advocacy competition, also called the Davis Competition.

The case is brought by a pair of applicants denied admission by UT Austin, who claim that the school’s race-conscious admissions program violates the Equal Protection Clause of the Fourteenth Amendment. The school’s program is almost identical to one that got the Supreme Court’s stamp of approval in 2003, but this one comes with a twist: most of UT Austin’s seats are filled by the Top Ten Percent Law, which guarantees entry to any Texas senior in the top ten percent of his or her high school class. This makes the competition for the remaining seats, to which the race-conscious program applies, fierce, and it might lead to a surprising decision from the Court. Justice Kagan’s recusal heightens the drama by creating the possibility of a 4-4 split and no decision from the Court at all.

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Supreme Court appetites whetted, desserts were served in the Moot Courtroom lobby after the event. Of course, desserts can do only so much to satisfy a Supreme Court enthusiast’s hangover.

For those who can’t get enough, there is Fantasy SCOTUS. You can sign up and join our school’s league at FantasySCOTUS.net and take on the dangerous and confounding business of predicting the Justices’ votes on this coming term’s cases.

IN THE ANNALS OF THE LAW...

Mike DiSiena, 3L
Staff Writer

“When a strict interpretation of the Constitution is abandoned – we have not forsaken it – we are under the government of individual men who, for the time being, have power to declare what the Constitution is according to their own views of what it ought to mean.”

Given the inane political discourse of our day, you could be forgiven for presuming that these lines, a succinct justification of judicial restraint, were penned by some reactionary minion in Justice Antonin Scalia’s chambers. They are found, actually, in Justice Benjamin Curtis’s dissent in Dred Scott v. Sanford.

In the Dred Scott case, the Supreme Court began the extraordinary practice of creating rights not found in the Constitution. To say that the Constitution recognizes the regime of slavery (as it surely did) is quite obviously not to say that the Constitution guarantees a right to own slaves (as it surely did not). But, in an opinion that conveniently parallels the majority’s ideology we are told that this, in fact, is exactly what the Constitution says. So much for strict construction.

It is not astonishing that, while the nature of our rights was the subject of intense debate among the most gifted generation of Americans our country has ever known, only a handful of jurists, many of whom are appointed on the basis of their connections or political obsequiousness, can create rights where none previously were thought to exist.

Justice Curtis thought so, and fired back with an incisive and lengthy dissent. The otherwise tranquil tone with which he dismantled the majority opinion belied his outrage over the Court’s usurpation. The majority opinion was not interpretation as much as unmitigated partisanship.

Unwilling to contribute further to an institution that had sacrificed its legitimacy for its ideology, Curtis resigned from the bench. No bolder indictment of one’s brother justices exists in all of Supreme Court history.

Thinking about Justice Curtis’s dissent illuminates four lessons that cannot be repeated often enough. Truth is not contingent on political majorities. Still less is it contingent on court majorities. Judges are not fallible as politicians. They are most fallible when they act like politicians.

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From the Desk of The Editor-in-Chief, The W&L Law Review

Dear Law School Students, Faculty, and Staff,

On behalf of the Washington and Lee Law Review, I would like to welcome the 1L class and welcome back the 2Ls and 3Ls for what we hope will be a great year.

The Law Review is busy doing some very exciting editing for our next two issues, in which we’re looking forward to publishing a terrific slate of articles and student notes on many different facets of the law.

From the Desk of the Editor-in-Chief,

The W&L Law Review

From the Desk of The Editor-in-Chief, The German Law Journal

In the next two months the Law Review has its two signature events of the year, the Student Notes Colloquium and the Law Review Symposium. The Colloquium, which was held in the Moot Court Room on Thursday, September 27th at 4:30 PM, honored the award-winning notes of Claire Hagan and Luke Ashworth. Claire and Luke presented their notes and both in-house faculty members and professors from other schools presented comments. All are welcome to attend.

The topic for the Symposium is Gideon at 50: Reassessing the Right to Counsel. The Law Review, the Frances Lewis Law Center, and Professor J.D. King have recruited some of the most distinguished scholars and practitioners in the field of criminal justice to celebrate the 50th anniversary of Gideon v. Wainwright by sharing new work on the current state and future of indigent defense. The Symposium will be in the Moot Court Room on Thursday, November 8th and Friday, November 9th. Again, all are welcome to attend. More detailed information is available on our website, www.law.wlu.edu/gideon.

The Law Review is also looking beyond this year to hopefully make some changes going forward. We’re working to make both distribution of write-on materials and submission of write-ons online next year. Also, the Law Review is looking into supplementing its hard copy publication with an online sidebar in which we can publish shorter work by W&L faculty and other professors on emerging topics in the law with a much quicker publication time than our traditional publication process. We envision the sidebar also as a forum for outside professors to comment on published work by W&L faculty and also for W&L faculty to comment on articles published in the Washington and Lee Law Review.

I would like to thank personally everyone who makes everything we do at the Law Review possible, particularly Lisa Gearheart, Wendy Rice, and Linda Newell. We value our position as part of the W&L community, and we’re open to anyone who wants to know more about what we do—feel free to contact me with any questions or ideas.

The Law News

Washington & Lee University School of Law

Law Review

From the Desk of The Editor-in-Chief, The German Law Journal

The German Law Journal (GLJ) is a peer-reviewed journal of international law. It focuses primarily on comparative study of German and European law. Each year, Professor Miller and the incoming 3L Junior Editors jointly choose a new topic of study for the GLJ community as it exists at W&L and Peer Zumbansen at the Osgoode Hall Law School at York University in Canada. The editors-in-chief oversee all aspects of the GLJ and interface with the journal’s board of peer reviewers, which comprises professors at many law schools. The peers are asked to review each submitted article to determine whether there is a place for it in the GLJ.

At W&L, the student editors who work for the GLJ are involved in the processes of selecting articles for publication, communicating with peer reviewers, editing articles’ substance and style by communicating with authors, and—of course—getting the articles into perfect shape by spending long hours with a Bluebook. But the GLJ community provides a considerable number of interdisciplinary, programmed events that are open to all members of the law school and undergraduate and Lexington communities. Be on the lookout for upcoming showings in the law school of Bernhard Wicki’s The Bridge (1959) and Wolfgang Petersen’s Das Boot (1981), to be held in October and November, respectively. Also to be announced are panels and guest lectures. In addition, as with any law school journal, the GLJ provides students with opportunities for publication and welcomes submissions. For more details, see the journal’s website or reach out to Douglas Dua (dua.d@law.wlu.edu), Professor Miller (mill@wlu.edu), or Professor Miller (millerj@wlu.edu).

German Law Journal

Review of Developments in German, European and International Jurisprudence

From the Desk of the Editor-in-Chief, The German Law Journal

Contributing Writer

Douglas Dua, 3L

The German Law Journal (GLJ) is a peer-reviewed journal of international law. It focuses primarily on comparative study of German and European law from a comparative perspective. There are substantial differences between it and the other journals at Washington & Lee. For starters, the GLJ makes its home online, at www.germannlawjournal.com. It does not print any issues. Rather, all of its articles are accessible for free by visiting the journal's website. In addition, the GLJ has two editors-in-chief (and co-founders), and both are professors: Russell Miller here at W&L and Peer Zumbansen at the Osgoode Hall Law School at York University in Canada. The editors-in-chief oversee all aspects of the GLJ and interface with the journal’s board of peer reviewers, which comprises professors at many law schools. The peers are asked to review each submitted article to determine whether there is a place for it in the GLJ.

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Contributing Writer

Alex Sugzda, 3L

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Washington & Lee University School of Law

Law Review

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Wine Festival Review

Continued from Page 5

The “Is This Really Wine?” award easily went to Peaks of Otter Winery from Bedford. Virginia’s 50th winery and first all fruit winery, Peaks of Otter passed out stickers reading “Kiss the Devil” to those brave enough to make it down their whole list and try the Kiss the Devil wine. Determined to be a thorough journalist, I went for it. My mouth is still on fire from Peaks of Otter tasting through the botanical spectrum, sampling Vino Colada, Strawberry Shortcake, Peat, Pure Passion (grapefruit), Blueberry Muffin (part of a balanced breakfast), Sweet Heart (apple pomegranate), and Blue Ridge Mountain Grape. The magic happened with the final two wines. For Chili Dog—“97% sweet apple 3% chili 100% fun!” The researchers received 1/2 inch of Easy Cheese squirited onto a finger to lick before drinking the wine. The hot pepper Kiss the Devil wine is verbally indescribable, but was absolutely unforgettable.

Horton Winery, of Gordonsville, held the distinction of being the winery that finally convinced me to buy a bottle. Maybe it was the fact that I had stood in the rain for an hour, maybe it was all the wine I had already consumed, but I’m going to say it was just that good. Horton has their own take on the standard dry, semi-sweet, and sweet reds and whites but also offered signature dessert/after-dinner Blanco XOCO and Rojo XOCO white and dark chocolate wines. Mixing either of the chocolates with their fruit varieties, they produced fun and flavorful concoctions like raspberry Tootsie Roll. Horton’s version of fruit wine involved mixing darker fruits into red wine. It was nearly impossible to choose among the Strawberry, Raspberry, Pomegranate, Blueberry, Blackberry, Cranberry, and Pear varieties, but I ultimately decided on the Pomegranate Syrah blend and can hardly wait to have an occasion to enjoy it.

If you missed out on the Rockbridge wine festival, or if you just can’t get enough wine, there is definitely no shortage of opportunities nearby. The 24th Annual Smith Mountain Lake Wine Festival is September 29-30 in Moneta. Rockbridge Vineyard will host its 20th Annual Harvest on October 6 from 12-6. Rebec Vineyard presents the 22nd Annual Wine & Garlic Festival in Amherst on October 13-14. October 20 will see both the 3rd Annual Fall Family Fun Festival in Concord, hosted by DeVault Family Vineyards, and Powhatan’s 10th Festival of the Grape at the Historic Courthouse Square in Powhatan. The Thomas Jefferson Wine Festival at Poplar Forest (with a guest appearance by T.J. himself) will be on November 17.

Mark Your Calendars!

Oct 5-9
Fall Break
Fall Break begins after classes on Friday the 5th and classes resume Tuesday the 9th. Have a safe and fun Columbus Day weekend!

Oct 19
Moon Court Room
John W. Davis Appellate Advocacy Finals
Davis is an appellate advocacy competition involving a contemporaneous question of constitutional law. The awards for Top Oralist and Best Brief(s) will be awarded.

Oct 27
SBA Halloween Party
If you think this party won’t be scary, you haven’t seen W&L Law Students dressed up like demons and drinking cheap beer.

You Might Be a Dubyanell Law Student

[Eds: Descartes, in his immortal Meditation on the First Philosophy, determined that the only way to make sense of the world is to tear down his entire belief system and begin from scratch. He doubts everything, including his own existence. It is only through a rational exploration of the universe that he manages to rebuild the structure of conventional knowledge, starting with the wondrously intuitional “I am, I exist.” Rene Descartes, Meditations on the First Philosophy 17 (Donald A. Cress ed. trans., Henry Holt & Co., Inc. 3d ed. 1993) (1641).]

Washington & Lee University School of Law’s The Law News

[You might be a Dubyanell Law student if your bodily integrity is so much of February anymore … you might be a Dubyanell Law student.]

[If LSFL is the greatest threat to your board position(s) in your student group(s) … you might be a Dubyanell Law student.]

[If you have more than one reason to do … you might be a Dubyanell Law student.]

[If you think this party won’t be scary, you haven’t seen W&L Law Students dressed up like demons and drinking cheap beer.]

[If you didn’t bother to pick up “Barbri,” “Westlaw,” or “Lexis” on your way to get from your car to the library … you might be a Dubyanell Law student.]
Law School Football League Takes the Field

Washington & Lee law students have once again taken the field this fall vying for top honors on the Sydney Lewis gridiron. Some people come to the grass to relive their collegiate glory days, some find themselves in their two-hand touch prime, while still others drink in the fame realized from their incredible Jello-shot making abilities. No matter the reason people leave their cars each week and venture outside, there's no question about it: Fridays are a sacred day at the law school.

This year twelve teams make up the Law School Football League. The 3Ls have stacked three teams: Maple Briefs, Torts Illustrated, and Victorious Secret. They have had two years to hone their defenses, create plays, and feel out the opposition's zones. Needless to say, all three teams are pretty good. Additionally, the Class of 2013 occasionally fields a very happy and generally inebriated fourth team, Flipadelphia, that doesn't do any of those silly "football things." Very similar to the Detroit Lions, Flip rarely comes up with a win but always looks good in blue.

The 2Ls also have three teams in the mix – Parole Models, Show Me Them TDs, and Blood, Sweat and Beers (H ere i n a f ter the Back Street Boys). Although it was highly disappointing that the Parole Models decided to forgo their crop-top pinnies in lieu of new, boring t-shirts, they look surprisingly good this year. The TDs, a self-proclaimed defensive team, have proven themselves a roster full of quarterbacks. Basically everyone has had an opportunity to throw the rock this season! Finally, Back Street Boys has come back strong—and by that, I mean they have come back a completely different team. After a successful recruiting season they are putting up big numbers and getting some solid wins.

The 188-man wolf pack has been divided into five bloodthirsty teams: Eminent D, Civ Pros Before Hos, First and TWEN, Huge Subpoenas, and Sweater Set. During the first few weeks these newly formed teams have struggled a bit, but they are beginning to gain their footing. A few of the 1L teams, not including Sweater Set, have the potential to do big things. The most impressive move by a 1L player, however, was a keg stand performed after the games were over and everyone else had dutifully gone in to watch negotiations. See, they aren't all that smart!

The best parts of the LFSL 2012 season thus far:
- Gorilla that donned a Maple Briefs jersey and wreaked havoc all over the field against a surprised but good-natured 1L team
- The Sports Czars relentless verbal assault on George Robertson
- Sweater Set winning their first game (against Flip, but still!)
- Eminent D winning their first game (against Sweater Set, but still!)

We look forward to more great memories on and off the field and, hey, at least we can take solace in the fact that our Friday afternoon refereeing is of a higher caliber than the NFL's.

SPORTS CZARS POWER RANKINGS

1. Torts Illustrated
2. Blood Sweat and Beers
3-T. Victorious Secret
3-T. Maple Briefs
5. Huge Subpoenas
6. Show Me Your TD's
7. Civ. Pros before Hos
8. First and Twen
9. Parole Models
10. Eminent D
11. Sweater Set
12. Flipadelphia

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