W&L Celebrates Dr. King

Vincent L. Smith, 1L
Staff Writer

“We must combine the toughness of the serpent with the softness of the dove, a tough mind and a tender heart.” When I hear these words of Dr. Martin Luther King Jr., I often wonder whether he expected them to carry such significant weight as time moved forward, and whether he knew that his legacy would span the course of generations. His daughter, Loranne Ausley, King “saved us from ourselves.” When I hear these words of Dr. Martin Luther King Jr., I think of the inception of Martin Luther King Jr. Day. Speaking of his generation, he stated that “we have not yet learned how more than 15 hours of threats, lies, and empty promises by the police convinced him that a confession was the only way he would be allowed to leave.

Professor Brandon Garrett of the University of Virginia explained that the advent of DNA-based exoneration has helped uncover the shocking frequency with which innocent people confess. Professor Garrett reported that out of 40 exonerates who confessed, all but four were interrogated for more than three hours. In addition, 14 were mentally handicapped, 11 were juveniles, and at least three of their confessions were videotaped. He went on to explain that improper interrogation methods, including threats or even outright lies about evidence, coupled with feeding the suspect facts about the crime, can cause these particularly susceptible individuals to confess out of fear or confusion.

But even less vulnerable members of the state of the country, she added that “not enough” gains have been made in this area.

Dean Addressed W&L Law’s Future

Kelsey Perego, 2L
Publicity Editor

On Monday, February 17, Dean Demleitner, joined by Dean Calhoun and Dean Twitty, held an informational town hall meeting about the future—both near and far—of Washington and Lee School of Law. Recently, the school has seen some changes that the administration feels represent an exciting step towards the future of the school.

In what was perhaps the most anticipated portion of the meeting, Dean Calhoun detailed some of the planned renovations to the Law School building coming in the summers of 2014 and 2015. Dean Calhoun has volunteered much time and energy heading up this project, which is expected to have a huge impact on students at W&L. The school is expected to undergo much needed updating, which will include larger halls, the building of a more focused and inviting entrance to the school, and significant changes to many important areas.

Many of the clinical programs will be moving to new, updated locations yet to be built, with a substantial focus on windows and light.

Additionally, the Brief Step will be moving toward the back patio on level two.

W&L Law Symposium Raises Awareness of False Confessions

Katie Dickinson, 2L
Staff Writer

On January 30 and 31, practitioners, professors, and students packed the Millhiser Moot Court Room for the False Confessions Symposium. Professor Jon Shapirro hosted the event, which was intended to shed light on the alarming frequency with which innocent people confess to (and are subsequently convicted of) crimes they did not commit. As the distinguished panelists made clear, the phenomenon is most often the result of lengthy, coercive, and unscrupulous interrogation techniques employed against suspects who simply want to go home.

The Symposium opened Thursday evening with a viewing of the Ken Burns documentary, The Central Park Five. The film served as a poignant introduction to the phenomenon of the Central Park Five, which was the only way he would be allowed to leave.

The law school’s.commitment to the observance of MLK Day this year began with a distinguished panel of alumni. With tears in his eyes, Dubose (Duby) Graves, ’90L, began by reading Gene Patterson’s famous column, “A Flower for the Graves.” His voice cracked as he described the author’s reaction to the bombing of a church in Birmingham in September of 1963. Speaking of his generation, he stated that “we have not yet learned how more than 15 hours of threats, lies, and empty promises by the police convinced him that a confession was the only way he would be allowed to leave.

Continued on Page 3
From the Desk of the Editor in Chief:

This is it. After two years in the role of Editor in Chief, this issue is the final issue completed under my direct supervision. During the next issue, I will participate in an advisory capacity only. I would like to begin by expressing my joy at announcing the next Law News Editorial Board to serve the Washington & Lee School of Law community:

Editor in Chief: Michael Darmante
Executive Editor: Rachelle Reis
Managing Editor: Brad Cochran
Marketing Editor: Katie Dickson
Layout Editor: Tyler Carpenter
Online Editor: Kaithlin DeCrescente
Marketing Editor: Christina Rossi
Publication Editor: Kelsey Perogy
Features and Opinion Editors: Audrey Sistar, Community, Columns and Humor Editor: Jamison Shabanzowit.

During these last two years, The Law News went from an institution that was, in many ways, a tyrant, everyone on the Editorial Board had been consistently accommodating and equally dedicated to releasing a quality publication. At the same time, it provides a means for students to escape from the daily grind, to relax and laugh a little, and to more fully integrate themselves in the W&L Law community. It’s a nice balance we’ve struck, if you ask me. Throughout these last two years, the administration and faculty have done everything they could to ensure our success. I cannot thank you all enough. Your effort and all the different I have thoroughly enjoyed serving everyone at W&L Law as EIC of The Law News, and I eagerly anticipate seeing what the The Law News is able to accomplish in the future. Good Luck, Mike!

Howard M. Wellons
Editor in Chief

The Law News, 2012-2014

Finalists Didn’t Disappoint in Mediation Competition Finals

At the Mid-Atlantic Black Law Students Association Convention, W&L’s two Mock Trial teams took First and Second Place.

In First Place, Samantha Bresler-Bergen, Matti Mayden, Cristina Salerno, and Joshua LaGuere. In Second Place, Tunde Cadmus, Emelia Hall, Yasin Amba, and Ryan Redd. Both teams were coached by Maiise Osteen, Dominik Taylor, and Professor of Law Michael Darmante. Hernandez Stroud and Bret Reed took First Place in the MABLISA Moot Court competition. Reed won both rounds with a perfect placing second. Stroud and Reed were coached by Teresa Campbell, Brian Buckmire, and Professor of Law Brian Murchison. Both Mock Trial teams and the Moot Court team will now advance to the National BLSA competition.

The Law News Congratulates W&L’s Competition Teams

WASHINGTON, D.C.—Washington and Lee Law has been well represented at Regional and National competitions so far this semester.

Two teams, Paul Wiley and Preston Burns and Jimmy Pickle and Julia Mayer, competed in the Texas Young Lawyers’ National Trial Competition regional competition in Washington, D.C. coached by Maggie Burress and Christanaha Vedhavanagam. Jeb Byrne and Marc Mignault competed in the ABA Negotiation Competition and earned Fourth Place in the National Finals. They were coached by Dominik Taylor. Two teams competed in the Regional ABA Client Counseling Competition: Emily Feenstra and Chelsea Richmond and Elizabeth Farrell and Julia Mayer coached by Jessica Pitlich.

The quick-tempered rap artist made remarks about Lawrence at the “All About Me Music Awards,” resulting in a lawsuit against the rapper for claims of defamation and intentional infliction of emotional distress, among other things.

The first half of the competition saw the team of Marcus Gruen and Jennifer Callahan in mediation against the pairing of Roman Brusovankin and Rebecca Reed. After extensive discussions, the two teams agreed to drop D.C.’s lawsuit against Peanut Brittle and work on a collaborative album, melding their different genres of music with one another. The second half of the competition had the team of Madzie Morcelle and Risa Katz competing with Natalie Wengroff and Sarah Stroud. They were coached by Marla Isaac and Rebecca Reed.

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Symposium Illuminates False Confessions

Continued from Page 1

bers of society can be railroaded into false confessions, as Eric Wils- son acknowledged. A former Eagle Scout and sailor in the U.S. Navy, he said, “I'm not the type of person you would think would give a false confession.” Upon his arrest for rape and murder in Norfolk, Virginia, Mr. Wilson tried to request an attorney; but, as he observed, “Saying ‘I think I need a lawyer, apparently doesn’t count.” After hours of interrogation and death penalty threats, Mr. Wilson confessed and was convicted of rape and assault. As Stephen Nor- throp, Mr. Wilson's defense attorney, summarized, “These cases should be Exhibit A for requiring interrogations to be taped from the beginning to the end. To this day, both New York and Virginia have resisted [such] efforts.” Professor Shapiro next described his success in securing an acquittal for a Fairfax County client despite a videotaped confession. James Train- um, a retired detective who served as an expert for Professor Shapiro’s case, described the Reid technique of interrogation, explaining that it “creates an impres- sion that it is in the best interests of the suspect to tell an investigator what they want to hear.” Attorneys Steven Rosenfeld and Gerald Zer- kin discussed their own experiences defending detainees against their false confes- sions. Both highlighted the inap- propriate behavior of police during their interrogations, sometimes so abused as to defy belief. Mr. Zer- kin’s mentally-challenged client, Earl Washington, came within nine days of being executed in Richmond af- ter police, finding him cooperative during interrogation, began trotting out their unconnected, unresolved crimes to see if he would admit to them. Sadly, as Northwestern Law Professors Steven Zizin and Laura Nirider discussed, this type of preda- tory misconduct in interrogations is far from uncommon. “Interrogation is a guilt-presumptive process,” Pro- fessor Nirider explained.

...of 40 exonerees who confessed, all but four were interrogated for more than three hours. In addition, 14 were mentally retarded, 11 were juveniles, and at least 3 others were mentally ill.”

Professor Garrett, UVA

Raymond Santana agreed. While he was a scared 14-year old boy in a New York City jail, for the inter- rogating officers "this, to them, was just business as usual.” In 2002, the convictions against Mr. Santana and the other four men were overturned after the true attacker confessed. But the police department and prosecu- tor responsible for the arrests have refused to ad- mit wrongdoing, and a civil rights lawsuit brought in 2003 remains unre- solved. Although there may be no redress for Mr. Santana or Mr. Wilson, one can only hope that events like this Sym- posium will raise awareness of the phenomenon of false confessions and inspire positive change.

Wilbert Rideau Headlines MLK Day

Continued from Page 1

als can work toward justice in society today. Hatten discussed his work with asbestos litigation, explaining that, through researching and understanding the problems with asbestos, one potential client grew into a group of individuals whom he would represent for the rest of his career. He argued that the greatest challenge facing justice today is the power of great corporate wealth to influence the judiciary. Abra- ham challenged everyone to make a difference, whether it happens through work in a career or after retirement. He himself left the practice of law to start a nonprofit organization which sup- ports the underserved youth in Wash- ington, D.C. and instructs them on leadership skills and the importance of setting goals. In the end, Hatten be- lieved that the core of King’s message was “the right of every man or woman to have an equal place in the law, and the duty to change the law to ensure that the powerless are not oppressed by the powerful.” Following the thought-provok- ing panel discussion, BLSA President Hernandez Stoudt, 2L, introduced the keynote speaker, Wilbert Rideau, who spent 44 years in pris- onary confinement after being convicted of murder at age 19 in 1961. After a 2005 retrial reduced his conviction to the maximum sentence of 21 years, Rideau was immediately released from prison. Stoudt challenged a full Moot Court Room with King’s admonition not to “drink from the cup of bitterness” and challenged us instead to reach out with an “outstretched hand, not a clenched fist,” specifically in respect to the crim- inal justice system. Stoudt stated that criminal law continues to manifest many of the problems of injustice ex- perienced while King was alive.

Rideau explained how his family worked as sharecroppers in Louisi- ana, with his father working various odd jobs and his mother working as a babysitter and laundry cleaner after she was required to drop out of school in fourth grade. Rideau described his experience growing up in a world “surrounded by ignorance.” In 1961, one year after the first sit-in and five years after Rosa Parks took her stand, he was a “ball of frustration,” unaware of the political uproar of the times. He described how he tried to rob a bank, killing a bank teller in the process. Somberly, he mentioned the victim’s name; Julia Ferguson. His lawyers, with no criminal experience, offered no evi- dence on his behalf. He was convicted of premeditated murder before an all-white, male jury. He was tried twice before the 2005 trial, all under the same circum- stances and with the same result. However, “with com- petent counsel” in 2005, the outcome finally changed.

Rideau watched the Civil Rights Movement on a black and white tele- vision from behind bars. He described how everyone on death row wanted to join in that fight and sang “We Will Overcome” with the protestors on TV. With sadness, however, Rideau re- flected on the way the criminal justice system operates today. He expressed his belief that it creates a “permanent class of second-rate citizens,” and that while King would be pleased by people being judged by their character rather than the color of their skin, “he would weep to see an ever-growing underclass of blacks and Latinos caught up in the spider’s web of the criminal justice sys- tem.”

MLK Day at W&L reminded us all that while the United States has come a long way in the fight against dis- crimination and in pursuing Dr. King’s dream, there is still much more to do.
A Living Tradition: The Phi Alpha Delta Charity Auction

Terence Schroeder, 3L
News & Sports Editor

At the start of every spring semester, around the time students are settling in to new classes and when hopes for future earning capacity apparently springs eternal, comes the Phi Alpha Delta Charity Auction. The event intertwines all the essential elements of a bona-fide W&L Law experience: scintillating and engaging professors, classy attire, a variety of beverages and appetizers, and a bit of (healthy) law student competition.

For 3Ls, the auction had the added quality of falling right at the end of an immersion experience full of exhaustive negotiations and meticulous drafting. With the two-week program successfully concluded, it was time for a more lively and engaging event—one that would provide great opportunity to work with him and

his wife on a Habitat for Humanity project in Lexington. The event would conclude with dinner at the home of Linda Wilder, Chairwoman of the Board of Habitat for Humanity in Lexington.

Dean Demleitner and Professor William Franck offered six to nine distinct themes for their Friday evening event that would feature an overnight stay in a cabin in the Blue Ridge Mountains, a fishing charter with Professor Wallace, and lunch included. There was just one small—but critical—condition: the winner would travel in a canoe. Professors Fray and Franck teamed up to offer an International Beer and Pizza Tour at the Fraley home. Professor Fraley offered homemade German delights, a pack of items for the night, the auction concluded with Professor Fray offered six to nine distinct varieties of beer from around the globe.

Phi Alpha Delta (PAD) is a fraternity organization at the law school dedicated to professionalism, academia, and community service. The annual charity auction serves as its signature event for the academic year. This year, Ellen Johnston spearheaded the auction with the support of Jennifer Commander, Morgan Funder, Charity King, William Lok, and Hunter Bayless. The items and events featured in this year’s auction were graciously donated by a variety of contributing local area organizations, students, faculty, and staff. The proceeds will help support several key Rockbridge County organizations, including the Rockbridge Area Relief Association, the Rockbridge Area Transportation System, the Rockbridge County Public Schools Foundation, Habitat for Humanity, and the Woods Creek Montessori.

Fitzpatrick offered invaluable advice to anyone thinking of pursuing a federal clerkship. He acknowledged that an applicant for a federal clerkship must have certain qualifications like excellent grades and law review experience, but he explained that those are not enough. Cultivating connections is an indispensable part of the application process that often gets overlooked. Fitzpatrick also offered several unique insights into Justice Scalia’s chambers. Just as Scalia was found of procrastination, and reviewed cases the day before the Court heard oral argument. Right before leaving for the decision.

Once he resolved how he was going to determine a case, he would work tirelessly to make his opinion highly persuasive. His views were well-reasoned, and his writing was well-crafted. The comments Justice Scalia brought into his office on a day-to-day basis would be read easily aloud, it should be written. For many of the law students in attendance, this was an invaluable lesson.

Karissa Kaseorg, 3L
Managing Editor

The Federalist Society asked Vanderbilt Professor Brian Fitzpatrick to speak at W&L and share his experiences as a law clerk for Justice Scalia. While law students were happily munching on Kenny’s Fried Chicken, Fitzpatrick discussed the clerkship application process and some of his own experiences as a clerk, including some insights about Justice Scalia. In a recent interview with Professor Robert Anderegg, Fitzpatrick offered several tips for those interested in applying for a federal clerkship. He acknowledged that an applicant for a federal clerkship must have certain qualifications like excellent grades and law review experience.

In addition to his myriad professional accolades, Fitzpatrick is an excellent conversationalist and a fascinating person. When speaking with him over lunch after his clerkship, the Federalist Society realized that even his house is amazing. He described his house as smaller, but well appointed, with a gorgeous front porch. Taylor Swift filmed a music video there, and producers from the TV series Nashville wanted to use his house in their show. The Nashville producer needed to come by the house and offer his final approval before they could formally agree to use the house, and the only time the producer was able to come was the day Fitzpatrick was teaching. To his credit, Fitzpatrick refused to cancel class because it was a day of coincidences. He wanted to take the opportunity to showcase his home and share his knowledge about the federal clerkship. He also offered some valuable insight into the interview process and the clerkship experience.

Finally, Fitzpatrick explained one of his favorite jobs while clerking for Justice Scalia. The day before the Court heard oral arguments on a case, Fitzpatrick would spend the day revising the entire brief and making any necessary changes. Fitzpatrick often used this time to research and develop a personal opinion. While he is not demanding more of the law student, he is a self-proclaimed “hardass” and wanted to make sure that they were prepared and well-reasoned. His views were well-reasoned, and his writing was well-crafted. The comments Justice Scalia brought into his office on a day-to-day basis would be read easily aloud, it should be written. For many of the law students in attendance, this was an invaluable lesson.

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Fitzpatrick also explained that while he was in law school, he would often wrestle with a case before coming to a decision. Once he resolved how he was going to determine a case, he would work tirelessly to make his opinion highly persuasive. His views were well-reasoned, and his writing was well-crafted. The comments Justice Scalia brought into his office on a day-to-day basis would be read easily aloud, it should be written. For many of the law students in attendance, this was an invaluable lesson.

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**Things You Don’t Know About Professor Spencer**

4 **Loves comedy.** His favorite comedy shows (and few exceptions to the TV rule): “original” South Park, “old” The Simpsons, and “old” King of the Hill. On Netflix he watches 30 Rock, Arrested Development, and Archer—but NEVER sitcoms. “Sitcoms are too common-denominators.”

5 **Has a black belt in karate.** In Okinawan Shōrin-ryū, to be speek. Meaning he can teach you Zip Pro as well as anyone, AND heat you up using your own hot. Truthfully though, he got the black belt when he was a child and remembers very little of his training. “I remember I had to write a 10-page paper on weapons. They mostly just abused us with bamboo sticks.”

6 **An observant Catholic.** He actually prefers to call himself a ‘complete’ Catholic. “I suppose that’s why I have seven kids.” He goes to church on Sundays and participates in charitable events. He believes being pro-life means opposing both abortion and the death penalty. He admires Pope Francis.

7 **Politically Independent.** Disappointed with the current state of politics in politics, he hopes that more “reasonable” politicians will emerge “who do what’s best for the country, not just their respective political parties.”

8 **Perform virtually ALL household chores.** He does all the cooking, cleaning, shopping, and laundering. Talk about overturing gender stereotypes! (As if female students didn’t have enough to admire). (He also plays piano, ladies.) Anything he can do to help his wife with their seven children, he does. This includes loading them into their 12-passenger van. “It’s practically a bus.”

9 **Favorite band: Janiiroukai.** Remember the hit music video from the late 90s, “Virtual Insanity,” in which the singer, wearing a strange furry top hat, dances around furniture on shifting floor? Spencer fell in love with this British funk/acid jazz band back in the day while a Marshall Scholar in London (he’s now VP of The Association of Marshall Scholars—but of course he is). His wife once surprised him with tickets to a 2005 concert, after which he got to meet the lead singer. Jay Kay, backdrop, and get a signed CD. “It was virtually insane,” he didn’t say, because that would be lame and very un-Spencer-like.

10 **If he could “domicile” anywhere, it would be London.** Described by Spencer as a “manageable New York,” London was the first place he ever lived abroad, and if his expertise in U.S. Civil Procedure didn’t tie him here, he would move there in a heartbeat. “It’s a completely different paradigm. And the race dynamic is altogether different.” Spencer described how his red-haired friend reported that he would get verbally abused (presumably because of the association of red hair with the Irish), whereas Spencer never had such a negative experience there. He was once retained to evaluate the “Stop and Frisk” policy in place at the time, and he would interview London cops who would openly tell him “this completely racist stuff” about certain sectors of black populations within the city, as if Spencer himself weren’t black. “Because this is how we view us, as American, not black, that they felt free to disparage them to me in interviews. It was the first time I felt defined by my being American as opposed to my being African American.”

**TLN:** What’s your favorite memory of Lexington?

**RV:** The memory I am most proud of is serving as the Davis Chair for the moot court competition with a friend. The experience started the spring before the competition and lasted through the summer. Together we put together the problem, compiled case materials, asked judges to come judge the finals, and worked with professors to help us put all the work together.

We actually had three Circuit Court of Appeals Judges come judge the finals. The professors were really helpful in advising us about the content of, and editing, the cases. Socially, my favorite memory is the long-lasting friendships I made at Washington and Lee. Even though my friends and I live in different cities around the country, we talk constantly and make it a point to visit at least once a year. I wasn’t planning to make such close friendships from law school, but it is one of the things I miss the most about Lexington. Law school really brings you together because it’s so difficult and challenging at times. After graduating I definitely miss the close-knit friendships I made.

**TLN:** What’s the one thing students need to do in Lexington before they leave?

**RV:** Oh man, I have a whole list of things I need to do while I’m back. Definitely enjoy the restaurants in town; they are fantastic. Go to the Southern Inn and have a good drink and a nice dinner. You work so hard in law school it’s important to take the time to appreciate where you are and what you are doing.

**TLN:** Have you met any fellow alumni coincidentally since graduating?

**RV:** Actually, I just moved to Miami and I was walking my dog with a W&L hat on when a guy came up and asked me if I went to Washington and Lee. There aren’t that many W&L alumni in Miami, so I was surprised, but I told him I had. It turned out he graduated from law school a year before me and lived in the building next to me. He told me about the Washington and Lee alumni club for both law students and undergraduates. You throw on your Washington and Lee hat and there are always one or two people that will know what it is.

**TLN:** Have you seen any movies that made you laugh or cry?

**RV:** Definitely enjoy the restaurants in town; they are fantastic. Go to the Southern Inn and have a good drink and a nice dinner. You work so hard in law school it’s important to take the time to appreciate where you are and what you are doing.

**TLN:** Is there anything about the third-year curriculum that specifically helped you in practice?

**RV:** The third-year program definitely pushed me out of my comfort zone. Particularly, because I knew I wanted to be a transactional attorney, which means I do a lot of litigation related classes. The litigation half of the year was beneficial to me because it taught me the core skills I was afraid to learn, and showed me that I really could do them. I realized that I could do those things well even if my focus was on the transactional side.

**TLN:** Is there any advice you have for the current students?

**RV:** In terms of academics, make sure to know at least one to two professors really well. Not only practically for references but also because it will enrich your experience here at Washington and Lee. Just having conversations about law school and life in general was helpful because they are such a great resource. They can give great advice about job opportunities or other decisions that are really invaluable. On the flip side, work really hard on your first year. The friendships I have made here are some of the strongest I’ve ever made and will last a very long time. Somebody that’s been in law school with you understands what you’ve been through and it is a bond that you will share forever.
Celebrating Milestones in Jurisprudence

Brown v. Board of Education

Fifty years ago, the United States Supreme Court unanimously affirmed the constitutionality of Title II of the Civil Rights Act of 1964 in the landmark decision Heart of Atlanta Motel, Inc. v. United States. The Heart of Atlanta Motel had consistently refused to admit African-American guests and owner Morton Rolleston Jr. intended to continue the practice. Rolleston filed suit in the Northern District of Georgia, seeking an injunction to prevent enforcement. The United States counterclaimed to enforce the Act. The district court found the Act unconstitutional, and Rolleston appealed to the Supreme Court.

On August 1, 1964, Rolleston’s challenge was aimed at the constitutionality of Title II of the Act, which prohibited discrimination by certain businesses that served the public, including hotels, motels, restaurants, and movie theaters. Rolleston claimed that Title II exceeded the powers granted to Congress by the Commerce Clause, and the Act violated his President’s resignation. With the calendar recently turning to 2014, one wonders whether this intriguing coincidence will continue, or if this happenstance phenomenon will come to an end. The Law News thought it was only appropriate to highlight some of the cases that changed the legal landscape years ago, and to take a look at how they continue to influence the law today.

Heart of Atlanta Motel, Inc. v. United States

Alexandra L. Klein, 1L
Contributing Writer

On December 14, 1964, the Court upheld the Act. The majority opinion, authored by Justice Clark, held that Congress was rightfully exercising its power to regulate interstate commerce. Congress had expressed concerns over discrimination that prevented African Americans from traveling freely. The Court noted that the Heart of Atlanta’s clientele was primarily from out of state, and the motel regularly solicited their business. Responding to the Fifth Amendment challenge, the Court “rejected the claim that the prohibition of racial discrimination in public accommodations interferes with personal liberty.” The Court found no merit in the Thirteenth Amendment claims. Clark noted that the government had a variety of options to resolve the issue, but because they chose to invoke the Commerce Clause, the Court would defer to Congress’s authority. Justices Black, Goldberg, and Douglas filed concurring opinions in Heart of Atlanta, which also applied to another Title II challenge decided the same day: Katzenbach v. McClung. The majority had decided to confirm Congressional authority under Section 5 of the Fourteenth Amendment. Justice Goldberg agreed that Title II was valid under the Commerce Clause, but further asserted that the Fourteenth Amendment resolved the matter. Douglas added the decision should have been based entirely on the Fourteenth Amendment. While he agreed that the Commerce Clause provided ample authority, Douglas insisted that applying the Fourteenth Amendment would have decisively ended all “objections to discrimination strategies and permanently resolved the issue.

Had the Court held Title II unconstitutional, it would have weaked the impact of the Civil Rights Act across the board and limited the scope of Congressional authority under the Commerce Clause.

On May 17, 1954, the Supreme Court, in an unanimous decision, ruled that separate educational facilities are inherently unequal and a violation of the Equal Protection Clause. In their opinion, the Court indicated that, while the funding of public education in these states is equal, stigmatization and the separation lead to unfair underdevelopment of African American youth. This decision proved to be a watershed case for both constitutional jurisprudence and the civil rights movement. The family of the named plaintiff in the case, Oliver L. Brown, went on to create a foundation dedicated to protecting the holding’s legacy.

An interesting side note on this case is that Washington & Lee Law’s John W. Davis acted as the attorney arguing in favor of the separate-but-equal doctrine. Davis, who has argued more cases before the Supreme Court than any other individual during the 20th century, later indicated that he was not advocating for the Board based on a belief that separate-but-equal was just, but that states should have the right to decide issues regarding education.

Other Major Case Anniversaries:

United States v. Nixon, 1974 “Although a President deserves great deference regarding his Article II constitutional privilege, that privilege is not absolute and must be balanced against other constitutional interests.”

Lynch v. Donnelly, 1984 “Displays which celebrate the Christmas season without favoring one religion over another are generally upheld.”

Campbell v. Acuff-Rose Music, 1994 “The Court field that a parody’s commercial character is only one element to be weighed in a fair use enquiry and that insufficient consideration was given to the nature of parody in weighing the degree of copying.”

Hamdi v. Rumsfeld, 2004 “Because it is undisputed that Hamdi was captured in a zone of active combat and not in a foreign theater of conflict, the submitted declaration is a sufficient basis upon which to conclude that the Commander-in-Chief has constitutionally detained Hamdi pursuant to the war powers entrusted to him by the United States Constitution.”

In 1994, the United States Supreme Court gave the civil rights movement a major victory when it declared that state laws establishing separate public schools for black and white students were unconstitutional. The case arose from an incident where a number of African Americans attempted to gain access to various public schools in the southern United States, but were denied entry on the basis of their race. The students challenged these denials by arguing the unconstitutionality of the separate-but-equal doctrine.

The plaintiffs were disappointed when the District Court ruled in favor of the Board of Education. The District Court relied on an 1896 Supreme Court decision, Plyler v. Ferguson, that found segregated facilities for different races in railway cars constitutionally permissible. Despite initial failure, the plaintiffs refused to quit on this highly controversial issue and appealed it to the Supreme Court. Here, the Supreme Court asked whether a law that established equal funding, but provides for separation on the basis of race in schools, violates the Equal Protection Clause of the Fourteenth Amendment.

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Other Major Case Anniversaries:
Sullivan Reaches Its 50-Year Milestone

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

Student Perspective: The Scholar

Kyle Dolinsky, 3L
Staff Writer

Fifty years ago, libel was essentially an amalgam of state common law—a tenously standing house of cards. Then the Supreme Court swatted it into oblivion with a baseball bat called “actual malice.” In New York Times v. Sullivan, the Court for the first time applied a constitutional limitation to libel law. Before Sullivan, libel was essentially a strict liability tort. The entire purpose of the Press Clause of the First Amendment, however, was to enable citizens to censure public officials without fear of retribution. And while concurrent Justices called for absolute First Amendment protection that this decision has in many ways created more un warranted liability libel cases, they have failed to do so. Sullivan could prove a calculated lie. Easy—but misguided. Unfortunately for those who bought into the tired rhetoric, Sullivan’s legacy is to the contrary. I read Sullivan and its progeny not to affirm the press corps’ uninhibited right to report on public officials, but as disguised protection of another core American value; namely, the right of an individual to mind his or her own business. While it is true that Sullivan afforded limited protection to journalists, post-Sullivan litigation reveals that this decision has in many ways created more uncertainty than benefit for today’s journalist. Following Sullivan, the Supreme Court of the United States proceeded to erode the types of journalism protected by the Sullivan rule. This tact of the Supreme Court created an indecipherable set of hurdles—the public/ private individual doctrine, the public/private controversy dichotomy, the media-created limited purpose public figure test, et cetera—that media defendants must jump over if they wish to benefit from any First Amendment protection.

Student Perspective: The Publisher

Mac Mackie, 2L
Staff Writer

New York Times v. Sullivan is often trumpeted to the public as an archetypal victory for the free press. Unfortunately for those who bought into the tired rhetoric, Sullivan’s legacy is to the contrary. I read Sullivan and its progeny not to affirm the press corps’ uninhibited right to report on public officials, but as disguised protection of another core American value; namely, the right of an individual to mind his or her own business.

In short, if Sullivan is the historical victory for the media that it is held out to be, then it is a pyrrhic at best. Just ask the general counsel for any major media conglomerate: I am confident he or she would agree.
The Symposium, titled "Discrimination against Muslim Americans in a Post-9/11 World," included two panel discussions. The panel participants were experts in civil rights law and Muslim-American issues. Nancy Hollander, an internationally recognized criminal defense lawyer, served as the keynote speaker. Her lecture discussed the case of the Holy Land Five who were the co-founders and staff of the Holy Land Foundation. The Holy Land Foundation was once the largest Muslim charity in the United States. The Holy Land Five are now serving prison terms of up to sixty-five years based on convictions for material support of terrorism. Our third issue focuses on student loan debt, free speech on college campuses, Title IV religious speech, gerrymandering, substantive due process, gang-prostitution of minors, and recidivism of sex offenders.

This year’s Symposium explored emerging issues in child welfare. The journal hosted this Symposium because children are among the most vulnerable groups in existence. The Symposium featured three panels and a lunchtime discussion: "The Boundaries of Abuse and Neglect," "The Child Welfare System's Response to LGBT Parents, Children and Immigration: The Need for Reform," and "Lunch and Conversation: Practice in the Field of Child Advocacy."

Mahatma Gandhi once said that "[t]he measure of any society can be found in how it treats its most vulnerable members." It is my hope that with each issue and symposium, the Journal of Civil Rights and Social Justice drives dialogue around important issues affecting these persons, understanding that meaningful dialogue is the first step to creating change. This journal is proud to be the voice of civil rights and social justice issues at the law school.
When describing W&L Law Assistant Dean for Student Affairs Brett Twitty, the Associate Director of Alumni Affairs Mr. Tom Lovell says, “Nothing says ‘rock star’ like a pair of slightly-used boat shoes.” Inspired by a neighborhood friend, the Dean first picked up the guitar in mid-adolescence thanks to a $4.35 per hour wage from Chick-Fil-A. Dean Twitty quickly added, “The reality of it was that I bought an electric guitar without enough money to buy an amp. What the point of an electric guitar without an amplifier is, I am not quite sure.”

His new acquisition was enough to undertake the beginnings of a self-taught musical education. The Dean noted that he always loved music and grew up in an environment where listening to music accompanied every family gathering.

Dean Twitty explained how his parents encouraged his appreciation for music and how The Dave Matthews Band was a source of inspiration in his musical growth: “For whatever reason, my parents gave me a Bob Dylan box set when I was in high school. The great aspiration when I was in high school was to learn to play the entire ‘Under the Table and Dreaming’ record.”

He also admired Jerry Garcia and the Grateful Dead, of whom Twitty stated, “The Dead get written off as a caricature of this band with the dancing bears and the skulls and all that, but there are not really a lot of people who play guitar like him.”

Twitty noted that music offered him stress relief, an avenue for social networking, and a great hobby. Now, as Assistant Dean for Student Affairs, Twitty recognizes the benefits of public performance. “In my role, you have to be comfortable in front of people, and singing certainly puts you out of your comfort zone. There’s a lot of personal development conferences where they direct people to do something that makes them naturally uncomfortable, and you’d be surprised how many times things like ‘go sing karaoke’ show up on that list. It sort of forces you to embrace a certain challenge and feel like you’re all of us in front of people.”

Dean Twitty further noted, “If you do it with a passion, you’re serious about it, you put your energy towards it, and you practice, it is something that I can absolutely get better at and get more comfortable with through repeated exposure. But I agree that you start to realize that your expectations are not mirrored by those who are listening, and I think that’s an important lesson in life. Sometimes you just need to lighten up and sort of let it go and it all works out just fine.”

Tom Lovell reflected on Dean Twitty’s apparent energy in recent performances, saying “Brett is a great entertainer as he covers the range and seems never to take a break ... until the Energizer Bunny, he keeps going, and going and going. It doesn’t matter if he is playing to a packed house or a few folks, he brings his A game every time. He is always learning new songs and introducing new material and enjoys playing to the crowd. One time someone yelled out the proverbial request of ‘Freebird.’ Hard to believe that Brett didn’t know it, but when he showed up the following week to play, he had that song in his repertoire.”

Despite his accomplishments, Dean Twitty is far from having achieved all his musical ambitions. “It would be nice to write a song,” the Dean commented, “but I guess it is somewhat disheartening when you go out and play 25, 30, or 35 cover songs among some of the greatest songs ever, and consider, ‘How exactly am I going to insert a song that I wrote into the middle of all of this?’ It can feel a little intimidating.”

He added, “I think I have probably played in Rockbridge County twenty or thirty times this year, and we always joked that the big ambition was to make it to Staunton and Charlottesville.”

If you wish to know more, just visit https://sakai.wlu.edu/.
10 Signs You Might Be A Law Student on Spring Break...

Audrey M. Sistar, 1L
Staff Writer

I suspect that spring break in law school is nothing like the sun-filled, carefree breaks of our undergrad days. Here are a few potential scenarios that I suspect are likely to invade the psyche of the 1L class and remind you that you just cannot escape the reality of law school.

1. You are tired of people telling you to watch *The Paper Chase, Twelve Angry Men,* or *The Firm,* so instead you go back and watch all of the blockbusters from the past year. But after viewing *Elysium,* *Ender's Game,* and *World War Z,* you discover, to your chagrin, that everything they all already have jobs. You attempt instead to outline and realize you will experience anew the trauma of outlining, if only because you've completely repressed the memory of writing them the first time.

2. You decide to try to read for fun. So you pick a novel, only to throw it away in frustration after ten minutes because you are compulsively issue spotting—without success—and the author keeps using passive voice. Instead, you just go back to compulsively reading Above the Law and reviewing law school GIFs on Tumblr.

3. You find yourself contemplating the ways in which living with your parents this summer could constitute adverse possession. You realize, to your chagrin, that in the end they were all dismal metaphors for your law school existence.

4. You realize, to your chagrin, that everything you write down is in either Bluebook format or in the form of an outline; that anything going over the set time by five minutes, including a family dinner.

5. Your friends all call you to go out but you tell them you have to send out resumes and cover letters. You feel really responsible about this decision until you realize that they all already have jobs. You attempt instead to outline and realize you will experience anew the trauma of outlining, if only because you've completely repressed the memory of writing them the first time.

6. You seriously consider taking the time to explain the right of first possession to the gal who took over your lounge chair at the pool. You also wonder if the threat to sue for an intentional tort would really be effective against the kids who insist on deliberately cannonballing into the pool in your direction.

7. Your friends and family all casually raise potential legal issues, seeking legal advice. You know you should tell them that you can't give them legal advice, but you just can't get past the resentment you feel towards them for reminding you of school in the first place. So you just stare them down in an angry silence.

8. You Terry employees with your unbridled exuberance when you walk into your local Starbucks, Chipotle, Five Guys, or Panera Bread, and then die a little on the inside when you admit to yourself this might actually be the highlight of your break.

9. You spend a substantial amount of time deciding if you should leave your iPod, sunscreen, beer, or beach towel out on your beach bag so that you can bring your hornbook with you. You end up leaving all of them so that you can take at least two hornbooks.

10. You spend the last four days of your break doing legal research for a products liability tort when your sunscreen fails to protect you and you suffer from sun poisoning. You suddenly realize that damages for pain and suffering should be more substantial than you originally thought. You also wonder if failing to be outside for more than ten minutes a day in the past 8 months constitutes contributory negligence.

Image Sources: Blue Book: Mydis-mal metaphors for your law school existence. T umblr.com; panera: wikipedia.org

Photography by Jamison Shabanowitz

Staunton: The closest town to Lexington with a bowling alley, a mall, and a Kroger gas station (if you get excited for cheap gas like I do, then this is a big deal). Every year, I am certain every Escape! columnist features our neighbors to the north in some form or another. One chilly Saturday night, the town drew me in; not with those modern amenities, but instead with a diverse music playlist, friendly people, and most importantly, a hardwood floor. Rocktown Rocks, the community social dance held at Grace Christian Middle School the first Saturday of every month, charmed without even trying.

“I know it sounds weird to hold dance lessons in a church, but they have a terrific floor for dancing,” 2L Ray Katz said in preparing me for my experience.

Those who patrol the W&L D.C. Career Conference or digging out their eighties clothes for Feb Club, not many law students attended the February 1st dance featuring West Coast Swing. Still, ’1L Vincent Smith, new to this particular dance, did not regret making the trip.

“Even having no experience, I feel like I am in a great environment, with very friendly people who are willing to help you learn,” Smith said.

While the dance itself starts at 8pm and runs until 11pm, beginners may receive a crash course in swing dancing starting at 7 p.m., courtesy of various travelling instructors brought in from around the country. The very friendly Rocktown Rocks organizer, Carl Lind, coordinates each event alongside the Charlottesville Swing Dance Society.

“We enjoy having people of all skill levels come up and have fun,” Lind said as he snapped pictures of the dozens of dancing partners. “It’s never too late to learn.

For those who need more convincing, a practical reason exists for joining the world of social dance.

“Law students should come because it’s a great chance to blow off steam, meet new people, get away from the law school mentality, move around a bit, and listen to some good music,” Katz said. “I also firmly believe that everyone should have the confidence to ask someone to dance at a social event like Barristers Ball, a wedding, etc., and experience allows people to feel more comfortable doing that.

A diverse music playlist, friendly people, and a hardwood floor—I don’t think Lexington is too far back in the Stone Age to start up a similar event. In the meantime, swing by Staunton and Escape!”

For more information about Rocktown Rocks, search for it on Facebook. For more information about social dancing around Western and Central Virginia, visit http://www.cvilleswingdance.net/.
19. Solve a Murder or Other Mystery by Visiting the Star City Mystery Dinner Theater in Roanoke. Enjoy a five act interactive play and dinner.

18. Go to the Beach. Virginia Beach is only four hours away, so plan a weekend getaway. However, if you are planning a trip to the beach for Memorial Break, you may want to head further south.

17. Take a Drive Through the Safari Park. You can drive through and feed animals, including camels, ostriches, zebras, and many others that we will not list (due more to word constraints than a lack of interest in enthusiastically naming all animals). There’s also a walk-through area where an intrepid individual can hand-feed giraffes and adorable baby animals.

16. Go Back to the Roots of the Law School. Visit Tucker Hall, the old law school facility. It’s still used by the undergrad’s English Department, so be surprised if you walk in on a dramatic reading of Shakespeare.

15. Reach for the Stars. Well, at least visit a place where you can see them. Take a trip to Charlottesville and the McCormick Observatory. Make sure you visit on a free-for-the-public night.

14. See Monticello. Visit the home of the scruben of the Declaration of Independence. While you are there, make sure to visit the lovely gardens.

13. Relax with Some Great Music. Take advantage of the student prices for awesome concert tickets. Compared to normal ticket prices, the ones offered to W&L students are extremely affordable. Going to see a great band is an amazing stress-reliever and will get you out of town for a little while.

12. Get a Little Dirty and Visit Natural Bridge Speedway. If you’re into the racing scene (and really, who isn’t?) this is the best local offering. You’re into the racing scene (and really, who isn’t?) this is the best local offering.

11. Read The Law News. Okay, we know this may sound like a shameless plug, but it is only published four times per year and it is a nice change of pace from the casebook.

10. Reduce Pollution by Going Old-school and Take a Horse-drawn Carriage Ride. Rides are available for special events (for example, Barristers), allowing you to ride up in Victorian Style. There are also historical tours of Lexington which can be distinguished from walking tours because you get to experience a more historic mode of transportation in addition to learning about our charming little town.

9. Stop by Cyrus McCormick’s Farm. Cyrus McCormick invented the mechanical grain reaper. There is a nature trail.

8. Step by the Cemetery and Pay Your Respects to Stonewall Jackson. Remember to leave lemons on his grave.

7. Visit Wade’s Mill. Wade’s Mill is a working, water-powered, circa 1750 mill operating in Virginia. Take a peek at history and consider sampling some of their flour to see if you can tell a difference from what is normally used today. They also offer some cooking classes, mostly upon request.

6. Visit Washington D.C. The top twenty-five would not be complete without a jaunt to the nation’s capital. There are numerous places to visit. So go check out the Washington Monument or the White House. As a 3L, join the D.C. Program and get the heck out of dodge.

5. Looking for Something a Little Different? Try Appaloosa Llama Trekking. Go on a hike and take in the gorgeous Virginia scenery, but with a llama in tow. They also offer packed lunches and choice of llama companions.

4. Visit Lee Chapel. Come on. At least once in your three years, you’ve got to take some time out to see the majestic mausoleum to this school’s most famous President. Even if you disagree with General Lee’s politics, there’s no denying that this is one of Lexington’s most well-known attractions.

3. Catch a Cadaver. If you enjoy a good mystery, try to find out the identity of members of this secret society who appear on campus at night and play pranks on the unsuspecting.

2. Travel a Great Distance to See Stonehenge, or a Short Distance and Visit Frome. It is pretty much exactly what it sounds like: a foam look-alike of the famous Stonehenge, erected right here in Rockbridge County. Initially, it was an April Fool’s Day prank, but somehow it became an area icon. Who knew?

1. Attend Graduation! 1Ls, I know, it sounds somewhat mandatory to attend graduation as a 3L. For 1Ls and 2Ls, watch the 3L lightsaber wars with the traditional W&L Law walking stick. For 3Ls, enjoy your spiffy free cap and very expensive diploma. And don’t forget you now have the power of The Force. Use your wisely.
Tuscany? I Hardly Knew Ye!

Blake Hooper, 2L
Staff Writer

Today, we sing to rest a much beloved restaurant that has vanished into the mists of history; Tuscany, known by all as ‘the place next to Mac’s,’ or ‘the other Italian place that’s not Salerno’s.’ You disappeared without warning or fanfare over the summer, but we’ll always have the memories. Well, except for all the 1.Ls. They probably never knew you existed.

Tuscany had certain quaint charms that have never been replicated in any other Lexington establishment. Where else are you going to find an off-campus pool table? If you ever needed a place to sit all alone in a dark hole in the wall, and order a glass of cheap wine for a price that would buy you a bottle of the same, Tuscany was there. Who could forget that one party that was hosted there? You know, that one. You were there. I don’t remember much of it besides being exhausted because that front hallway is seriously endless.

Yes, with all of its unique and admirable qualities, it’s a wonder that it disappeared at all. I’d shed a tear whenever I have to make my own bruschetta now, and miss Tuscany all the more because my tears will have changed, however, and who knows what will fill the hole Tuscany’s passing has left in our hearts? Mano Taqueria, perhaps?

So fare thee well, Tuscany, and let me close by saying: YOU JERKS! I bought a $50 certificate for your restaurant at last year’s PAD auction, and now I’m never going to be able to use the rest of it! Honestly, if you don’t even have the decency to allow me to order food and then not give you any money for it, how did you expect to remain in business?

Hermione D. Bateman, 2L
Staff Writer

When I heard that Tuscany was disappearing, I was really upset. Tuscany was a staple in my weekly routine. I can vividly remember the day I went there for the first time. I was a first-year, and I had just moved to Lexington. I was nervous and excited, and Tuscany was the perfect place to get a break from my busy college life.

I can still remember the smell of the pizza and the sound of the jazz music. It was a cozy place, and I felt like I was a part of something special. Tuscany was more than just a restaurant; it was a community for me.

I want to thank those who worked there for all of their hard work. I know they put in long hours and worked hard to keep Tuscany running. I am so grateful for all of their efforts.

I will miss Tuscany, and I will always cherish the memories I made there. Thank you, Tuscany. You will be missed.

Blaze Jones, 1L
Staff Writer

It was with a heavy heart that we said goodbye to Tuscany last summer. Tuscany was more than just a restaurant; it was a community. It was a place where we could go to escape the stresses of everyday life and just relax.

I will never forget the first time I visited Tuscany. I was a first-year and was nervous about how to make friends in a new city. But as soon as I walked into Tuscany, I felt at home. I made friends with the staff and other customers, and it soon became my go-to place for a good meal.

I remember the days when we would order takeout from Tuscany and eat it in our dorm rooms. It was a simple pleasure, but it was something that I always looked forward to.

I will miss the food, the staff, and the atmosphere at Tuscany. It was a special place, and I’m grateful for the memories I made there. Thank you, Tuscany.

Mano Taqueria: Lex’s New Taco Spot

Dan Jacobs, 2L
Staff Writer

Last spring, the whispers started circulating about the new Mexican restaurant to open in downtown Lexington. After months of delay, Mano Taqueria is finally open, and it was well worth the wait. This restaurant is all about the food. With limited seating, the focus is immediately on the open grill and sizzling meats. Yes, the menu is a bit limited, and sitting at a small, wooden desk while eating is a humbling experience. However, at the end of the meal, your stomach is full with tasty food that doesn’t break the bank.

The restaurant offers a limited menu of tacos and burritos, with fillings such as pork, beef, chicken, chorizo with potato, shrimp, or just vegetables. There is something to please everyone. Tacos range from $2.50 to 3.25, burritos from $5.00 to 6.50, and each comes with different sides to complement the main dish.

I went with a potato and chorizo burrito and a chicken taco. My partner-in-crime pulled a wild card by ordering a chicken burrito bowl—not technically on the menu. Unfortunately, they were out of pork. There was a bit of a wait—the product of a long line and the chefs making everything to order—but within ten minutes we were munching happily on our respective meals. The food was fresh and extremely flavorful. The chorizo was chorizo-y and the potatoes were cooked but not too mushy. The chicken was simple and tasty. I was hoping for a little more spice, but Mano does have a bottle of Sriracha sauce on reserve for anyone interested.

I felt a little ripped off, overfull, or underfed, which are some of the impressions I’ve left with at other restaurants in town.

Mano is a great addition to the Lexington food scene. I recommend it to anyone interested in a cheap but sophisticated-tasting lunch that leaves you content.

Alexandra L. Klein, 1L
Staff Writer

Readers won’t find eight billion dollars or the secret to eternal happiness inside Hyperbole and a Half: Unfortunate Situations, Flawed Coping Mechanisms, Mayhem, and Other Things That Happened. The author, Allie Brosh, makes that clear in a disclaimer on the back of the book. The author, Allie Brosh, makes that clear in a disclaimer on the back of the book.

Hyperbole and a Half is a graphic novel. She uses her drawings to tell and illustrate the story. (One of her drawings, “Clean ALL the Things!” has become a commonly used meme.) Her drawings look simple but they capture a huge range of character emotion, and create additional depth to the story.

I recommend searching her website such as: “The God of Cake” and “Dogs Don’t Understand Basic Concepts like Moving.” It also contains classic material from her website such as: “The God of Cake” and “Dogs Don’t Understand Basic Concepts like Moving.”

Brosh’s artwork is unique. Hyperbole and a Half is technically qualified as humor, but it resembles a graphic novel. She uses her drawings to tell and illustrate the story. (One of her drawings, “Clean ALL the Things!” has become a commonly used meme.) Her drawings look simple but they capture a huge range of character emotion, and create additional depth to the story.

I was disappointed that the book didn’t include “How a Fish Almost Destroyed My Childhood.” It’s a hilarious and slightly disturbing memoir, and the accompanying artwork makes me laugh every time. I recommend searching her blog archives to read it. I’m sure she’ll publish another book. Until then, I’ll be checking her site regularly for further updates.

Image Sourced from TripAdvisor.com

Image Sourced from Amazon.com

Lexington’s New Taco Spot

Image Sourced from TripAdvisor.com

Washington & Lee University School of Law's The Law News
Whisky. The first confirmed distillation of Whisky is traced to Ireland, where a record shows that a chieftain died from a surfeit of drink (later known as “water of life”) on Christmas in 1405. I don’t know how much whisky a surfeit was, but I’m going to go on a limb and say it was a little too much.

Knowledge of whisky is useful for an attorney because it is a drink that rewards slow sips. For example, if you are out with a client and need to keep your wits about you, sipping a glass of whisky for an hour and a half is socially acceptable. It’s also complex enough on its own that you don’t need prior experience as a bartender to order it correctly, so you don’t have to worry about appearing unsophisticated to your peers.

Whisky is amazingly diverse in its composition, its maturation, and its distillation. This guide is not meant to be comprehensive, because there is just too much information to do the topic justice. Instead, it will share with you a few things I’ve learned about this nifty little beverage.

I want to be clear. This is NOT a guide to getting drunk. If you truly want to appreciate whisky, it has to be done in moderation. The delicate taste becomes lost when consumption approaches binging levels. This means you wasting whisky, and that, my friends, is ill-advised.

Suffice it there are large variations in methodology between the countries that make whisky, I will discuss each country, getting involved in the context of its nation of origin. At the risk of sounding like a whisky advertisement: Enjoy (responsible)!

Scotland

This is considered the Cadillac of the world ever. Scotch (whisky made in Scotland) tends to be more complex and big in your face than American whisky. Scotland is ideal for aging because the climate is cold, moist, and does not usually face drastic temperature changes. If you drink older scotch, you are almost guaranteed that the whisky has improved with age. That’s not always the case with products from other countries.

There are five regions in Scotland, and each tends to have its own distinctive qualities.

Lowlands scotches are lighter and gentler. A good example would be Glenkinchie.

Speyside is usually considered the most complex, and has the largest number of distilleries. If you have ever had Glenlivet, which is from this area. It’s also the home to Jimmie Walker and Chivas Regal blends.

If you really want to see what the region can do, try Aberlour, or Glenrothes (as a lower price point) or The Macallan and Balvenie (at the higher price point). The last two regions are small, and have the most distinctive characteristics.

Cambeltown is known for saltier scotch, and it’s best known distillery is Springbank. Islay scotch is not for the faint of heart. It’s smoky, and complex (a type of decaying vegetation that Scots often burn when making scotch, which has a sharp, almost medicinal taste), and powerful. These are the scotches that tend to do best with critics, but they are an acquired taste. If you are looking to spontaneously grow a beard and drink scotch for you. My favorites are Lagavulin and Bowmore.

Japan

What? Japan! Why the heck is this country on there? Don’t they just make sake? Well, they do, but they also make some fantastic whisky. It turns out Japan has a similar climate to Scotland, and their distilleries all began using techniques borrowed from Scotland. This type of whisky is known as absolute favorite, and offers some really unexpected and wonderful things in each sip. There is only a few distilleries in Japan, and I’ve tried two so far: Nikka, Youth of the party, Suntory, and the Lonely

Suntory just bought Jim Beam, so you can safely assume that you’ll be seeing more of their brand on store shelves. The stand out for me was a blend called Hibi-k, which is partly matured in plum wine barrels. The twelve-year-old version, which I tasted, was as complex and high quality as scotch twice its age (well, maybe).

F.Q.A.

Q: How are you supposed to order whisky?
A: There is a difference between enjoying whisky and appreciating whisky. You can enjoy whisky anyway you like, including straight or on the rocks. If you want to appreciate whisky, though, probably the best way to order is neat, or with a few drops of pure water to make the concentration about 35-57% alcohol. When drinking the whisky, remember that you are going to get as many flavors through the nose as the tongue, so don’t forget to take a few sniffs.

Q: Does Age Matter?
A: Simply put, yes. Older means more time in the wood and allowing the flavors time to settle and mix more effectively. If you were thinking that you could just buy some young whisky and hide it away for a few years, sorry. Whisky only ages in oak, not in bottles.

The United States

Here in America, we make an incredible range of whiskies. We are mostly known for Bourbon, which has aged in charred oak barrels and have at least 51% corn in its mix. Bourbon is usually associated with Kentucky, but it can be made anywhere, in the United States. American whisky is a bit of a crap shoot. There are some really wonderful distilleries, but there are also some duds. Oddly, some duds seem to succeed well by doing as much, or more, than the good distilleries. If there is a lesson to be learned here, it’s this: it’s possible to get high quality American Whisky in the states for a price that is much more reasonable than the price of its Scottish equivalent. Here are a few top selections of American Whisky for different price points:

Blanton’s
Made by the very large and famous Buffalo Trace Distillery, Blanton’s is one single-barrel that I would not hesitate to recommend. It’s a single-barrel bourbon, which means that the contents of the bottle come from one cask, as opposed to several within a distillery (which is far more usual and allows for easier quality control). There is no age statement, which would usually be a concern for me, but I have never tasted anything but the highest quality from these guys. It’s also worth noting that the barrel that sourced this whisky also source what is probably the rarest and most exclusive line of American whisky in existence: Pappy Van Winkle. If you get on a waiting list for that whisky, you will probably remain on the list for about two years before your bottle is delivered. Personally, I’ve never even seen a bottle, but I’ve heard it’s fantastic!

High West Whisky
This distillery is the irreverent stepchild of the whisky game and they are doing some fantastic things with their product. I’ve had two offerings so far. The first was called Campfire, which dared to mix peaty scotch, bourdon, and mature rye. Most people in the whisky industry would probably laugh at you (or punch in the face) for doing that, but wow. What a result. I’ve also had their Double Rye, a mix of two year old and sixteen year old rye whisky, which is available at our local ABC store. It’s not quite as good as the Campfire, but it offers a distinctive flavor that you just won’t find in any other American whiskies.

Best Bargain American Whiskies

Old Forester
Do you want to know what a forty-dollar bourbon tastes like for fifteen bucks? Look no further. This little number is robust, complex, and has all the character you would expect from a fine American bourbon. It’s great for mixed drinks, a gift, or making sure you are the life of the party.

Old Grand-Dad, Bottled in Bond
At less than twenty bucks, this has surprising quality. There’s no mixing of different ages in this whisky, which being placed in oak during a distilling season, it’s kept in a federally bonded warehouse for at least four years (hence the bottled in bond notation) so you know it’s smoke-ky was safe and no young stuff found its way in there.
10 Things NOT to Do on Valentine’s Day

1. DO NOT wait until the day of to make reservations. Otherwise, you end up taking your special person to an O’Charley’s, and you both leave sated yet unsatisfied.

2. DO NOT get on your soapbox about how Valentine’s Day is so contrived, and how people should celebrate their love every day, and how the whole thing has been taken over by corporations in order to make money... and so on. That’s: 1) trite; 2) cynical; and 3) when you boil it down, you’re probably Unlikely saying all that because you’re alone and unhappy in your relationship. Let the lovebirds have their blissfully stupid day.

3. DO NOT sit home alone and eat ice cream if you’re single. That’s pitiful and self-loathing. Find your way to the nearest pub and make unwise decisions. You’re highly unlikely to find company.

4. DO NOT go to an ethnic restaurant you’ve never tried before. For obvious, potentially catastrophic reasons.

5. DO NOT (speaking of restaurants) offer to make dinner at home. Unless you’re just an amazing cook, you end up looking sort of cheap. Besides, you’re missing the whole point, which is to go out and rub your love in everyone’s collective face. Where’s the fun in staying hunkered in at the same boring place you have 99% of the time? Hell, you’ll go out and splurge on an extravagantly expensive meal, always get wine and dessert, and basically dine like royalty.

6. DO NOT skip on buying the roses and chocolates and claim it’s because you wanted to be original. You’re not. Literally millions of others have done and said the exact same thing before you. Embrace the predictable nature of the day. If you want to be unpredictable, add on gifts. You will do so at the pleasure of your special person, without leaving her with a roses-and-chocolates-sized hole in her heart.

7. DO NOT expect anything at the end of the night. Go out and simply enjoy the night with someone you care about. Nothing is less attractive than assuming your significant other will be a foregone conclusion.

8. DO NOT take your special person for granted. Make her feel like the miracle that she is. Valentine’s Day is not the day to be cool, and the people who matter aren’t judging. Shower your person in affection, compliments, and gratitude. Basically be a sentimental, love-struck fool. Don’t be afraid to shed a happy tear or two in sheer amazement at the wonder that is your love.

9. DO NOT forget to call your mom and remind her that she’s still your first Valentine. You’ll melt her heart.

10. DO NOT fall asleep without singing Van Morrison’s “Crazy Love” in your best falsetto, sweetly into your lover’s ear.

Destination Debauchery: Ready For Spring Break?

As the Bard said so many years ago, ‘Alas, parting is such sweet sorrow,’ and these words ring true today. Trying as it may be to accept, the Class of 2014 must soon bid adieu to Lexington and W&L, never again to walk these hallowed halls in staid ex Nikolov. Before that departure comes, however, we will have one last moment in the sun; our final Spring Break. So where will this week of excitement, fun, and debauchery take you? The polling results are in, so let’s see where W&L Law is planning on kicking back before graduation and bar studying.

1. Gary, Indiana: It looks like we have several Michael Jackson fans in the building, because some hardy Spring Breakers are headed to the King of Pop’s childhood home for some reminiscing and moonwalking. Popular attractions include: weekly foreclosure auctions; a haunted house recently purchased by Travel Channel’s ‘Ghost Adventures’ star Zach Bagans; and miles of ‘pristine’ Lake Michigan shoreline; complete with all the used hypodermic needles you can carry. Surely the trip of a lifetime.

2. Tijuana, Mexico: While Cancun often takes all of the Spring Break glory, this hidden gem of a city is on a few students’ radars this year, and it’s easy to see why. Sun, sand, and a balmy climate make Tijuana the perfect spot to catch some rays and thaw out from the bitter cold we’ve had this winter. While most Spring Breakers are a money pit, a trip to Tijuana could prove extremely lucrative. A few kilos of some pure Colombian snow smuggled back into the States would sure make a dent in those student loans. And when one of your party hits the tequila a bit too hard, you can pocket a quick $10,000 by selling one of their kidneys. The possibilities for fun and profit are limitless in Tijuana, just like the murder rate. (Ed: To all Law Enforcement, we would like to enthusiastically restate our general disclaimer that the opinions of the writers do not reflect the opinions of The Law News as a whole. We’re also fairly sure this is a joke)

3. Charleston, West Virginia: Very few would think of Spring Breaking in the coal fields, but a few W&L health nuts are doing just that. Charleston is capitalizing on its latest infrastructural investment: preservation water. Just a few short weeks ago, Charleston embarked on an ambitious campaign to turn its ordinary, boring tap water into an exciting new health elixir. It strategically introduced the chemical 4-methylcyclohexane methyl into the water supply. The move was brilliant because this chemical breaks down into formaldehyde, a substance universally renowned for its preservative properties. If it can keep a corpse looking lively for months, imagine what it can do for a beauty regimen. Move over, Greenbrite.

4. Lexington, Virginia: There’s no one survey respondent quipped: “There aren’t many firms holding interviews on Daytona Beach.” So what’s even better than spending a week getting blasted at wet T-shirt contests and beer pong tournaments? A real job! It seems a few students will be spending their break here doing job applications; it should be a wild time, tent with my wife, two Chihuahuas-mixes, and my wife’s college roommate, as well as a husbandly, gregariously drunk female rugby players. It’s my last Spring Break, so I had to do it big.

So enjoy your respective Spring Breaks, wherever they may take you, avoid situations that may result in death or disfigurement, and expose situations that may result in stories that could go in this column.
Our Honor System does not ask anything of us that we will not be required of us as lawyers. We have chosen a profession where ethics, responsibility, and honorable conduct are essential to effectiveness and integrity. Many of us specifically chose Washington & Lee because our Honor System embraces that duty. The American Bar Association requires all law students to take a course in Professional Responsibility, illustrating how important honorable conduct is. As we learned from the Model Rules of Professional Conduct, attorneys are responsible for “Maintaining The Integrity of the Profession.” As Model Rule 8.4 states, “it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.” Our Honor System demands that we begin to conduct ourselves in this manner from the start of our legal education. Embracing this and asking our peers to do the same not only fosters the community here—where we are all very proud of—but also strengthens the integrity of the profession as a whole.

Our Honor System does not work if we are all merely law students, but as future lawyers. Conducting oneself within our community here—one we are all very proud of—but also strengthens the integrity of the profession as a whole. Everyone here has chosen to enter into a profession that asks much of its practitioners. We have taken on the responsibility of conducting ourselves in a manner that demonstrates the rule of law, justice, and professionalism. As law students we have chosen to acknowledge, and conduct ourselves in accordance with this responsibility to the community here at the school. By selecting this profession we have elected to embrace this duty of honor, and conduct ourselves accordingly. We have agreed to hold our peers and ourselves responsible for this approach.

In doing so, you may determine that what happened was a duty to speak up. This can take place through a simple conversation with the person whose actions concern us. OCP will also change significantly this year. After an extensive interview process, former firm recruitment specialist Cliff Jarrett will join OCP as Assistant Dean for Career Services. Dean Demleitner assured students that while Jarrett does not have public interest or government experience, there will be a concerted effort to develop these areas for students at W&L. As part of his transition into his position and the administration’s efforts to identify areas of improvement for Career Services, Jarrett is expected to be forming a Student Advisory Group, applications for which should be available in the near future.

The administration also plans to improve communication both inside and outside the Law School—including the possibility of a permanent liaison in Washington, D.C. for the 3L program held there. For current students, an exciting new opportunity is the presence of the US Court of Appeals for Veterans Claims, which will hear formal arguments at the School of Law on April 2. Students are strongly encouraged to attend this event. Also upcoming is this season’s Law Council meeting. The Law Council is the governing body of the W&L alumni, and from April 10–12 they will meet as they regularly do and will also host Law Reunion, an annual reunion for W&L alumni. While so many alumni are in town, the school will make “Breakfast Connections” opportunities available, in which current students can have breakfast with and speak informally with alumni about geographic and practice areas of interest. This program was a great success last year, and students are encouraged to participate again this year.

Finally, the Administration made students aware of a few shifts in W&L’s personnel. Though Diane Cochran has retired, Lora Richardson has become a permanent member of the staff. Dean Natkin will be directing a program focusing on academic success and law-related service, and in her place Professor Tammi Hellwig has been promoted to Assistant Dean for Externships, and will oversee clinic administration.
How To Become a Bandwagon Basketball Fan

The season of March Madness is upon us! That means if your team isn’t looking so hot (like mine), then it’s time to hop on that bandwagon and ride it all the way to the championship. So, if you are a Auburn and FSU “fans,” it’s time for you to buy a new jersey, put up a new profile picture, and cheer and scream for teams you never cared about before this month. Here is all you need to know about a few of our favorites and why you should consider them your ticket to glory.

Louisville: The Cardinals are reigning champions. That should be reason enough to root for them. This year, the Cards have struggled a bit, but don’t count them out yet. Be warned, though. After what happened to Kevin Ware last year, don’t watch Louisville games while eating dinner.

Duke: This Blue Devil team is not the legend Duke team of years past, but that’s no reason not to start celebrating. Not if Jabari Parker has anything to say about it. The Devils gave ‘Cuse a run for its money in January, and with Coach K returning to focus, expect them to still be everyone’s most hated threat. Any other Blue Devils questions can be directed to 1L Stewart Day.

Kentucky: The Wildcats entered the season touting another star-studded line up of young stars. They showed their inexperience early, but they still arguably have the most potential in the NCAA. Barring a season-ending injury that leaves the others scurrying out of the NIT, expect Calipari to have his team ready to go come tournament time. For all things Cats, look no further than Lexington (Kentucky) native Alyson Cox.

Florida: Apparently Florida is a basketball school now—maybe they are compensating for a less than thrilling football season. Gator country touts the best team in the SEC, and they have proven themselves to be a solid contender. If you are looking for a solid Final Four pick, the Gators are a strong bet. For more info, Brian Lyew is the local Gator expert. And in case you didn’t know, he kind of likes basketball.

Syracuse: It’s Fair (pun intended) to say that the Orange are the front-runners this year. After a long football season for diehard fans, Syracuse has shown why it truly belongs in the ACC. Let’s be real: they have made most of the ACC look like children. With an experienced coach in Boeheim and talent all around, expect ‘Cuse to leave their mark on the tournament.

There’s no doubt that this year’s March Madness will be one to remember. There is nothing quite like the magic surrounding the Big Dance, so make sure you have a hat in the ring. Get out those brackets and start making some “educated” guesses while you still can.

Spring Sports Shaken Up By Sports Czars’ Poll

The “winter” sports league is underway, and this year the Czars have decided to switch it up a bit. A poll of the student body—yes at least the sixty people who actually read their email and participated—resulted in a strong showing of interest in indoor soccer as a winter sports event, as opposed to the “zero-pucks” given about the incumbent event, floor hockey. Although we were sad to see floor hockey go as a league, it is a beautiful spring weather was wasted on people who actually read their email decided to switch it up a bit. A poll of the student body—yes at least the sixty people who actually read their email and participated—resulted in a strong showing of interest in indoor soccer as a winter sports event, as opposed to the “zero-pucks” given about the incumbent event, floor hockey. Although we were sad to see floor hockey go as a league, it is something to be reason enough to root for them. This year, the Cards have struggled a bit, but don’t count them out yet. Be warned, though. After what happened to Kevin Ware last year, don’t watch Louisville games while eating dinner.

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