



Legal Aid Bureau taps new officers

by Mike Wiser



Matt Watkins '02

In January, members of the Harvard Legal Aid Bureau (LAB) elected a new slate of officers to lead the organization. The new leadership will guide the organization through the hiring of its first permanent managing attorney and the implementation of other recommendations produced last spring by a committee that reviewed the structure and operation of the organization.

Incoming President Matthew Watkins '02 ran on a platform emphasizing the LAB's autonomy. "We're going through a transition. We're going to have a managing attorney who's going to play some kind of a role in influencing how we do business, but I think it is important, as we go through with that process, that the board and the membership continues to have control over who our clients are and how they become our clients and how we are going to govern ourselves as an institution," Watkins said.

The creation of the Managing Attorney position was recommended by a committee headed by Prof. Peter Murray '67, a former LAB member. The permanent position will oversee the relationship between the 48 student advocates and the six part-time supervising attorneys who assist students with their cases. The new Managing Attorney will also represent the LAB, along with the new board, to the administration. The committee also created the position of Faculty Director, which has been filled by Murray.

Watkins also said that it was important for the new board to focus on the recruitment and selection of student advocates in the organization. Last year the LAB switched from using a lottery to choose members to requiring members to fill out an application. The new board hopes to refine this new process, which requires students to answer substantive questions about applying the law as well as explaining why they were interested in the LAB.

Please see **ELECT**, p. 3

Second-year student aims to outlast, outplay Outback

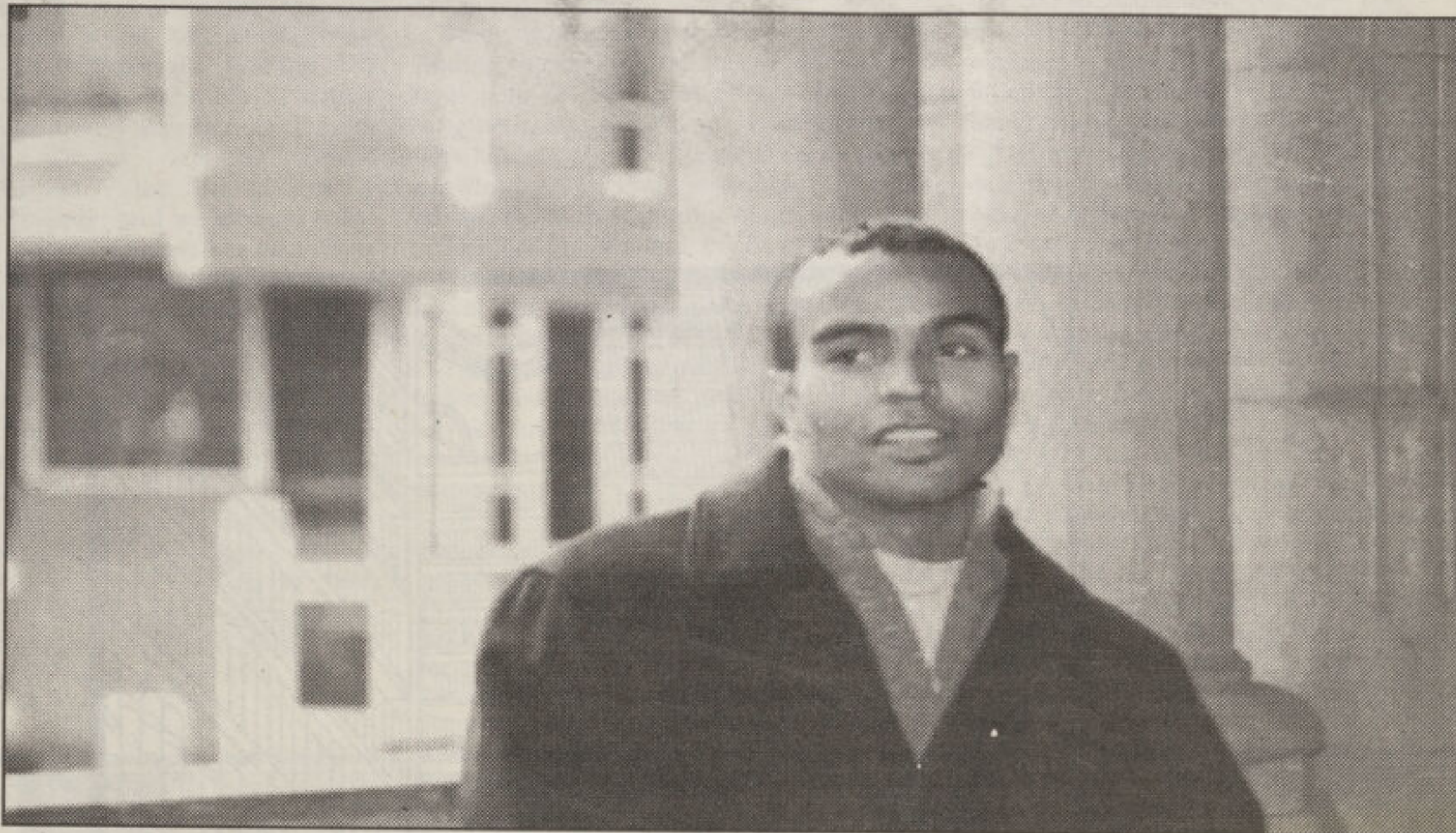


Photo by Murad Kalam

by Justin Herdman

Imagine choking down a slimy platter of sea mullet. Then picture yourself gagging as the salty Aboriginal dish slithers into your near empty belly. Now do it in front of 30 million Americans.

For Nick Brown '02, such a scenario was all in a day's work on the smash television hit "Survivor". Selected out of a pool of nearly 50,000 applicants, Brown spent last semester in the

Not just a Law School SURVIVOR

arid wasteland of the Australian Outback.

For those unfamiliar with the show, the weekly program pits sixteen contestants, marooned in a remote location, against each other

in a quest for big bucks. Each week, one member of the cast is voted off. Last season's winner was Richard Hatch, a 39 year old corporate trainer from Rhode Island who captivat-

ed the nation with his unique combination of Machiavellian scheming and nude fish spearing. This season's contestants will square off on the hard-scrabble desert of Queensland, Australia.

Brown, who will be 24 in April, is the latest HLS student to meet with TV-provided celebrity. Justin Deabler '00 starred on the reality-based MTV program "The Real World", which

Please see **OUTBACK**, p. 3

Lawyering for a song: Falk stays vocal on the job

by Zachary Price

First-year students in Prof. Mark Pettit's Contracts course may have been surprised when their professor asked them to write poems. Just imagine their surprise if a judge asked them to write a song.

That's just what happened last month to Liz

Falk '00. Falk, who was a controversial columnist for the RECORD during her time at HLS, is now a clerk for the Honorable Jerry Buchmeyer, Chief Judge for the Northern District of Texas.

Buchmeyer recently decided a forum selection dispute in a case involving the country music star LeAnn Rimes. He drafted

his opinion in the form of substitute lyrics for the LeAnn Rimes song "How Do I Live." In a footnote to the decision, Judge Buchmeyer credited Falk for the opinion. "Credit for both the words and the lyrics in this opinion goes entirely to my law clerk, Elizabeth Falk, who is now a devoted LeAnn Rimes fan," Buchmeyer wrote.

Falk told the RECORD that, after discussing the legal issues with her, the judge "half-kiddingly" suggested they should write the opinion as a song. Falk said she "thought he was kidding." But, she recalled, "I looked at him, and I could tell that he was not kidding, that he would be

Please see **FALK**, p. 5

Not Under God or Law ...

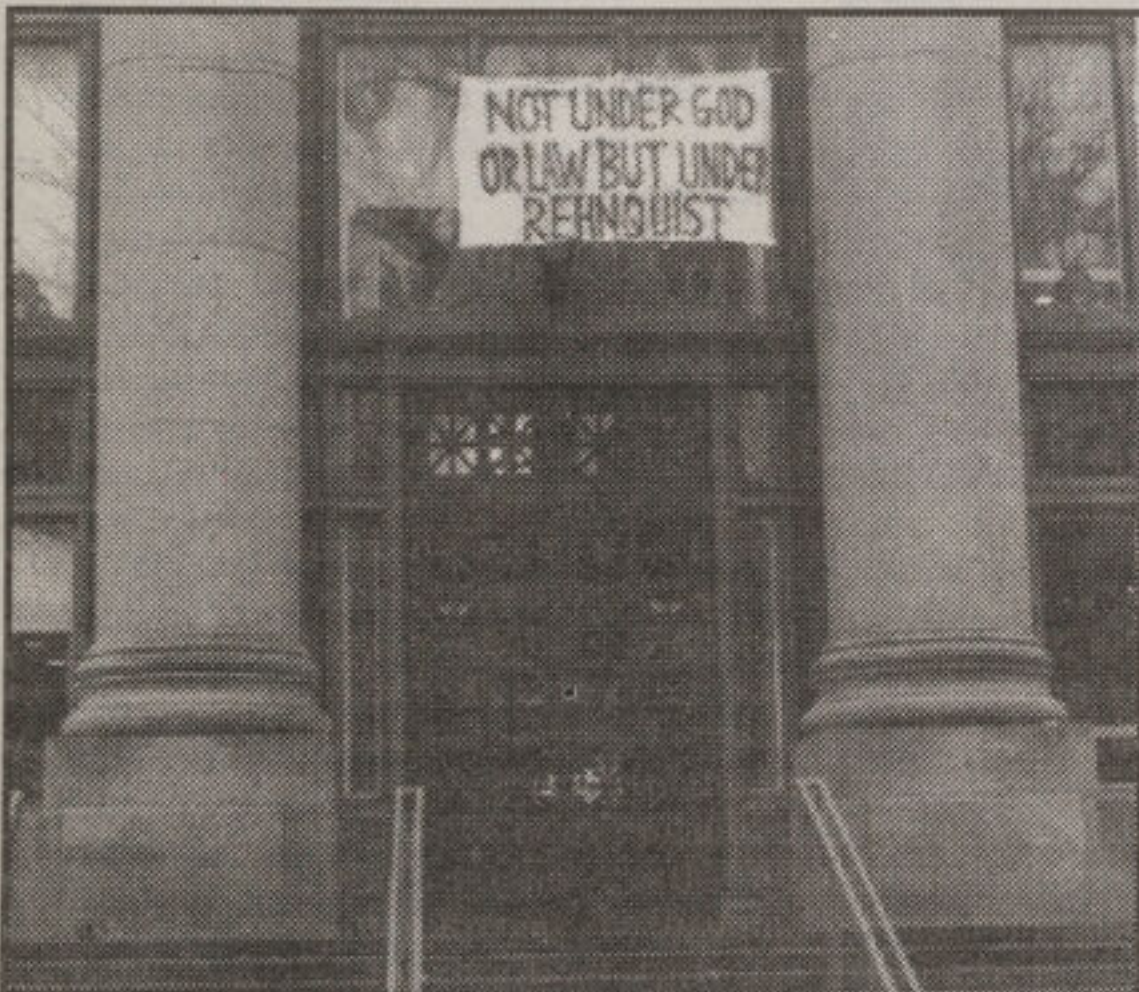


Photo by Francesco Barbera

Outspoken students protest the Supreme Court's decision in the *Bush v. Gore*, the decision that handed George W. Bush the presidency.

HLS Republicans celebrate the Gipper's 90th

by Phil Barengolts

"He loved being Ronald Reagan."

So said David Gergen '67, former adviser to President Ronald Reagan, as he spoke before a standing room only audience in Hauser Hall. Before and during the speech, HLS Republicans celebrated Reagan's 90th birthday with cake and applause.

Turnout for the event was high, as the room overflowed with interested students from all sides of the political spectrum. Mike Adams '01, President of the Harvard Law School Republicans, explained the popularity of the event. "He is still the icon of modern conservative thought," Adams said. The themes Reagan

introduced continue to resonate in modern debate, Adams said.

While Gergen gave the former President's political exploits considerable attention, it was the brief glimpses into White House life that fascinated the crowd. Gergen recalled a live broadcast about the nation's economic plan in which Reagan tried to make a point using a felt-tip pen, and found that it had run dry. It turned out that the pen had not been capped after an earlier run through, but the President continued with his speech unperturbed until a staff member crawled up to him out of the camera's view and handed him a working pen. Without so much as blinking, the Gipper went

back to his easel and used the pen as intended. No one in the television audience was any the wiser, and Gergen was able to keep his job. "Under Nixon [we] would have been thrown out the window," said Gergen much to the amusement of the crowd.

The Reagan presidency was more than just looking good on camera, however, according to Gergen. "The rise of Reagan was the fall of the theory of the broken presidency. He restored a sense of American optimism," Gergen stated. According to him, the presidency lost much of its luster in a string of administrations during the '60s and '70s. "Reagan pushed back the neg-

Please see **GERGEN**, p. 4



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India earthquake victims get helping hand from students

A grassroots network of students have swung into action in response to the January 26th earthquake which devastated the Indian state of Gujarat. The group is currently raising funds from students at HLS. The money will go to the Disaster Mitigation Institute, a relief organization that is based in the area.

So far the group has raised over \$600 by passing around envelopes in a few classes. The students will be collecting money at a table in the Hark through February 14th. In addition, they are organizing a fundraising lunch.

On Wednesday, Reuters reported that the quake near the Pakistani boarder had killed more than 30,000 people, injured 150,000, and made more than a million people homeless. The group said that the money would

help victims by providing food, medical supplies and materials to aid the rebuilding process.

Sujata Barai '03, Allen Wong '03 and Sharmila Murthy '03 have organized the effort, which was joined by members of SALSA and Direct Action. Barai explained, "Allen, Sharmila and I are friends, and we started talking about it when we saw each other at the start of last week and then just decided to start putting plans together."

Along with others at the school, Barai has a personal connection to the region. "I've also spent a lot of time in Gujarat with my family over the years during summer and holiday vacations, so it's a place that I know and love," she said. "It's hard to be so far away and feel able to do so little. Helping to raise money is the least that I can do."

ELECT

Continued from page 1

Members of the LAB commit to serve both their 2L and 3L years, so the initial process of selecting students is vital to the success of the organization.

The new board will also have to deal with finding the space for members of the organization to do their work. "We're looking at very limited space — only six offices that we also have to share with supervisors, which are also used for client interviews," said outgoing President Alejandra Montenegro '01.

The new board will be heading an 88-year-old organization that was originally one of three student honor societies at HLS, along with the Harvard Law Review and the Board of Student Advisors. The organization now focuses on providing assistance to residents of Middlesex and Suffolk counties in housing, government benefits and family law cases. According to the LAB, they are a unique organization among American law schools because student members oversee their own cases and do not simply work under an attorney.

Some examples of recent cases handled by the Bureau:

■ The Bureau is currently handling a

divorce case for an abused mother whose husband then left with the family's assets. In addition to the divorce, members are trying to ensure that any visitation of their child is supervised.

■ Watkins has taken on a case for a grandmother with seven children who is facing eviction from public housing.

■ Sarah Altschuler '02, the LAB's new Vice President for Membership, is representing a mentally disabled client who failed to pay social security and is now being charged \$26,000 in back payments.

■ Kara Hendrickson '01 recently won a case for a grandmother who divorced her physically abusive husband. The husband had used his influence with the family to prevent the client from seeing her grandchildren. Hendrickson managed to secure the divorce, a permanent restraining order against her ex-husband and weekly visitation rights ensuring that she could see her grandchildren.

In addition to Watkins and Altschuler, the new board is made up of Jill Davidson '02 as Vice President for Practice Standards, Lisa McLean '02 as Executive Director, Amy Hansen '02 as Secretary/Treasurer, Lisa DellAquila '02 as Intake Director, Kimberley Arigbebe '02 as Outreach Director, Sarah Bushnell '02 as Training Director, and Ted Cannon '02 as Technology Director.

OUTBACK

Continued from page 1

recorded the lives of seven roommates selected to live in a Hawaiian beach house.

Harvard Law has also provided a number of game show contestants. Recently, first year student Andrew McNair '03 tested his fate on the "Wheel of Fortune." Last year, Rahim Oberholtzer '00 raked in \$1.12 million on "Twenty-One." Such a haul tops even the \$1 million that Brown stands to win if he can outlast the Outback.

Unlike other game shows, the massive popularity of Survivor makes all of its participants into instant celebrities. Since the ultimate winner must combine elements of friendliness, cunning, and physical prowess, the show is heavily reliant on individual personalities.

Thus far, Brown has not distinguished himself on the show. As one Survivor-based website mocked in a recent episode summary, "Oh my god, Nick (yes he's on this show) just talked for the first time since he got here." Brown was also panned by other cast members during the first episode because he had trouble leading his "tribe" to their campsite.

Such reticence may benefit Brown in the long run, however. "Nick's probably a leader by nature, but he's very willing to go with the flow and not draw attention to himself," said Brian Lutz '02, who is a friend of Brown's.

"Nick's a really laid back dude — not one to really ruffle anyone's feathers. I think he's been pretty effective and non-confrontational thus far, and I have little doubt that it will continue as such," Lutz said.

Another friend, Carmen Alexander '02, agreed. "He's not doing much — not being a leader, not complaining — just doing what he has to," Alexander said.

The last seven castaways left in the Outback will vote to determine the final survivor. The program's two hour finale, which drew almost 52 million viewers last summer, will track the fortunes of the final four cast members on April 26.

Alexander believes that Brown will be there. "I think he's going to win, at least go to the final four," she said.

Lutz also thought that Brown stands a good chance of going all the way. "I fully expect Nick to kick ass on the show. Will he win? Who knows?

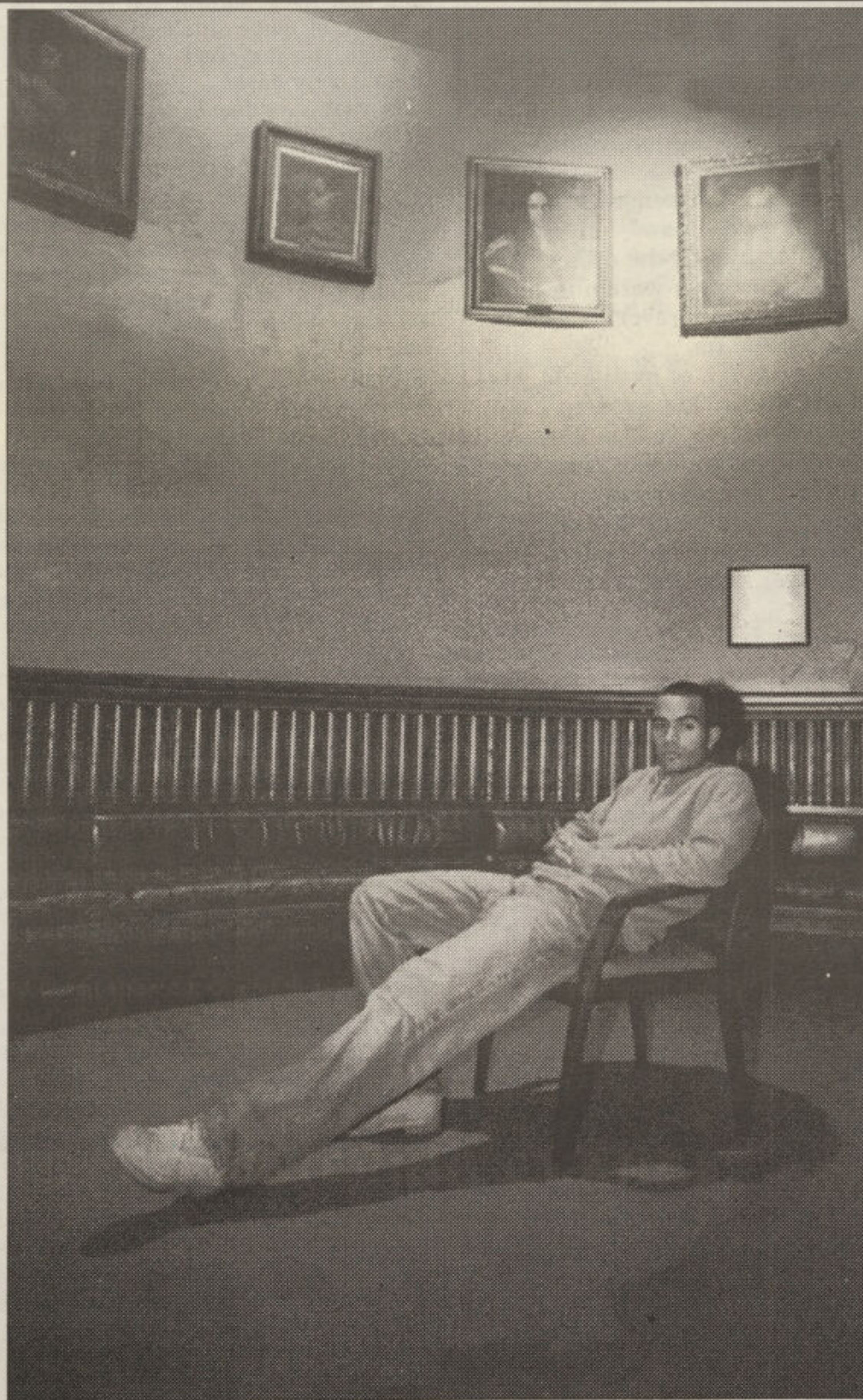


Photo by Murad Kalam

Two-L Nick Brown appears on this season's series of Survivor.

But I really wouldn't be surprised," he said.

Due to a penalty clause in his contract, Brown is prevented from speaking with anyone about his success, or lack thereof, on the show until he is either banished or wins. Even during the application process, Brown was forced to remain silent about his selection to the show.

Brown was informed during the first

week of fall semester, when Survivor producer Mark Burnett gave him the news. "My initial reaction was excitement, but then I was scared for him," Alexander said. "I heard that this show was going to be a lot harder than the first, and I did not want him to get hurt or anything. When he called from Sydney after he was done with filming, I cannot tell you how relieved I was."

This season's cast members have

already waded through crocodile-infested waters, plunged from a thirty foot cliff into frigid water and subsisted solely on a daily ration of rice. Scenes of castaways bitterly sniping at each other due to the tension contribute to the show's popularity, but Brown has not yet succumbed to the infighting.

"One thing about Nick is that he never really gets freaked out about anything," Lutz said. "He's laid back and takes things pretty easily. Whether that will help when he's hungry, smelly and cold, I don't know," he continued.

"I think the fact that he enjoys himself no matter what helps him," Alexander said. "Instead of stressing about the bad stuff he finds the good in things."

Cast members are only allowed to bring one "luxury" item with them. Such items have included journals, bibles, razors, and the Texas flag. Brown chose to bring along a frisbee, which was a gift from his friends at HLS.

"[Brown] was trying to decide what to take as his luxury item, and Cara [Sedlak '02] suggested a frisbee. He liked that idea because it was a game that brought people together," Alexander said. "So, as a going away gift they got him the frisbee he took to the Outback."

Lutz said that the frisbee came in handy, though Brown did not divulge any details. "He's told us that they used the frisbee all the time, but not for its intended purpose," Lutz said.

With the rest of the castaways, Brown has already appeared in national magazines like Newsweek, TV Guide, People and Entertainment Weekly. This instant brush with celebrity has led to recognition by strangers. During a dinner at Chili's, Alexander watched as Brown graciously signed a photograph for an admiring busboy. "Nick is handling it well," she said. "I think he enjoys it."

Lutz added, "Nick can't let this Survivor thing go to his head too much, though, because every time he starts bragging a little, one of us makes fun of him."

What about other Harvard Law students who have "survived" the first year? Would they be able to outlast the Australian wilderness as well? "Dealing with annoying HLS people might help him when certain cast members get on his nerves," Lutz said. "But I don't think there's a huge correlation between success at HLS and the Outback."

Harvard Law RECORD

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FOUNDED IN 1946

The People's Law School

Harvard Law is number one.

Lawyers and judges may disagree with that conclusion. Legal academics will surely seize up at such an utterance. The folks at U.S. News & World Report would "tsk tsk" and point to their scientific deduction that HLS is firmly, squarely slotted at number three.

They're all wrong, though. In the hearts and minds of Americans, not to mention the world, Harvard Law is the best. If a taxidermist in Iowa finds out that his lawyer is from Harvard, he doesn't think, "Damn, I wish they'd gone to Stanford." He tells everyone that he hired the best, a Harvard lawyer, dadgumit.

Case in point ... Nick Brown. Now, we all know that Nick is a star of the CBS hit "Survivor". Everyone in the country knows him as the former Calvin Klein model, the Army officer. Thirty million Americans have seen him with his shirt off. Thirty million Americans have seen him almost vomit. Thirty million Americans know that he is a Harvard Law student.

On the premiere of this season's Survivor, Brown was filmed leaning casually against the "Harvard Law" sign on Massachusetts Avenue. This school defines him in the eyes of the show's producers and in the view of the television-watching public. Those words — Harvard Law School — will forever be associated with Nick Brown, as they will with all of us.

If Brown were a student at Columbia, or NYU, or even Yale, his name would simply be followed with the words "law student". Yet he is a "Harvard Law student" — a special breed. No U.S. News & World Report will take away that distinguishing mark ... there are law students, and then there are Harvard Law students.

When America needs a baseball team, they call on the New York Yankees. When they need someone to kick ass, they call on the U.S. Marines. And when they need a lawyer, they call on Harvard Law.

It's the truth. Ask anyone outside of New Haven.

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—First Amendment, U.S. Constitution

• Letters •

Praise for Fielding's thought-provoking op-ed

I predict that Jeremy Fielding '03 will have an outstanding career as a lawyer. The Perspective piece he wrote for the RECORD of December 1, 2000, shows him to be an excellent writer, a clear thinker and a man with the courage of his convictions.

In the politically correct world of academia, any departure from the conventional wisdom is hazardous, and defending racial stereotyping to any degree is definitely out. Questioning an article of the orthodox academic credo will no

longer bring out inquisitors with their stakes and fagots, but the academic thought-police are *semper paratus*.

Jeremy is certainly not even a mild racist, much less any variety of bigot, but I expect in the next issue of the RECORD to learn that an anathema has been pronounced against him by the self-appointed guardians of political rectitude.

Leon C. Baker '49
December 14, 2000

Relax, then respond intelligently to Fielding

In civilized debate, there is a simple way to respectfully react to an opponent's argument. It's a simple rule, because it's mostly a negative one. When you see an argument you disagree with, do not assume it's motivated by an ugly motive. Instead, if you can (and you should try really hard to), assume that the author has a set of values which are not basically repugnant (though you may disagree with them) and that the argument you see is the product of some intellectual process (though you may find it flawed), and treat it accordingly.

Is that so difficult in the case of Jeremy Fielding ["One-L Says Eliminating Stereotypes Requires Change"; December 1, 2000]? If it is, check out the excerpt from economist Walter Williams' "The Intelligent Bayesian" in Prof. Singer's Property casebook, pp. 200-01, which expresses a substantially similar point. (Also available in The New Republic, Nov. 10, 1986, p. 18.) "A white jeweler who does not open his door to young black males cannot be labeled a racist any more than a black taxi driver who refuses to pick up young black males at night. Black females and white females and white males commit holdups, but in this world of imperfect information cab drivers and jewelers play the odds. To ask them to behave differently is to disarm them."

If Walter Williams, who is by the way black, had written in the RECORD, I bet no one would have called him a racist, much less argued that he deserved "a generous amount of warm spittle." He would have gotten disagreement (as he did on our Property web site when we covered his article in the readings), but with a bit of respect that was denied to Jeremy Fielding. (Fielding, by the way, does not equate blacks and pit bulls — I read the article looking for such an equation, and didn't find one. He does use blacks, pit bulls and doors as examples that each illustrate his point, but there's a world of difference between "A and B share a com-

mon characteristic that illustrates my point," and "A is like B." Or are blacks like doors now?)

Let's assume with Cullin O'Brien ["No false premises, but dialogue can't hurt"; December 8, 2000] that stereotypes about black males are in fact false, and with Brian Fischer ["Fielding identifies 'criminal' inaccurately"; December 8, 2000] that these stereotypes are the result of selective policing, or with Benjamin Spencer ["Fielding column emboldens letter writer"; December 8, 2000] that these stereotypes are the result of a biased culture and media. Or let's assume with Shareen Ahmed ["Critique ignored real source of injustice"; December 8, 2000] that these stereotypes are rooted in fact but are the result of an unjust society. Then we still haven't dealt with Williams' and Fielding's central point. Assume we create a society where no one cares about race; where no group is treated differently on account of race, ethnicity or any other factor; where all people get everything they could possibly need for a decent existence; and where no one jumps to conclusions about anyone except by using all the information available.

In such a world, I suspect there would still be bad people who would want to commit crimes. Let's assume that, in this beautiful world, after having soberly analyzed all crime statistics, that young white males like myself turn out to be disproportionately represented among criminals ... and that I'm walking down a dark street and see a white male walking toward me. I would love to, as Parke, Hall and Pipkin suggest ["Students illustrate Fielding's circular discourse"; December 8, 2000], familiarize myself with the Other and hear him as the author of his own discourse ... but on a dark street in the dead of night, I'd rather not. Then can I please prejudice this white male and cross the street?

Sasha Volokh '03
December 10, 2000

GERGEN

Continued from page 1

ative narratives. He reminded us about the positive history of America," Gergen explained.

As one of Reagan's closest advisors, Gergen has a unique view into the Reagan White House, and many students came out for just this reason. "Who better to talk about the Reagan years than someone behind the scenes? He saw the ins and outs of the Reagan presidency," Jonathan Freimann '01, founder of the Bull Moose Republicans,

proclaimed.

Gergen had many kind words for his former boss, but he was honest about Reagan's faults as well. During the question and answer period one student asked Gergen, who also served in the Clinton White House, to compare the two Presidents. "Clinton was much smarter than Reagan. He had 360 degrees [of understanding], but lacked a true north," Gergen opined.

The real gift Gergen attributed to President Reagan was leadership. Through his belief in himself he transferred confidence to the whole nation, Gergen said.

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PERSPECTIVE

Open Letter to Dean Clark

To: Dean Robert Clark
 From: Members of Catalyst
 Subject: Open Letter to Request Sharing of Budget Data with Students
 Date: February 6, 2001

Dear Dean Clark:

We are writing you to request that you share with the student body information relating to the Law School's budget. We applaud your recent release of the Strategic Plan and the costs associated with each of the Plan's proposals and hope that you will continue this open communication by releasing information relating to the school's financial priorities as reflected in its budget. Students have a vital interest in this information: we spend \$35,000 a year to study here and feel that we should at least know how the money is being used. Moreover, we believe that a healthy relationship

between students and administration relies on trust and openness on the part of the administration. On our part, we are much more likely to trust and cooperate with the administration's decisions when we have enough information to determine their reasonableness.

We are not asking for information that is very sensitive or private. We realize that as a non-profit institution the Law School already makes certain disclosures, and we simply ask that students not be left out on the information exchange. Because many of the numbers are difficult to understand without an appropriate background, however, it would be especially helpful if there were a memo highlighting the key portions of the budget and the directions in which it is changing. We would like to see this budget memo to the students become an annual tradition.

As you know, such sharing of budget information and financial priorities

was done on a regular basis by Dean Vorenberg. Our current request does not ask for anything more than what Dean Vorenberg did in his annual memos to the students. A copy of Dean Vorenberg's last annual memo (from 1989) is attached to this letter. We are not asking that you copy its format or style, but we are using it as a reference point for the type of substantive information we would like the school to release.

Specifically, we would like to see how much is being spent on (1) career advising and OPIA, (2) out of class faculty/student interaction, and (3) other student services. In addition, an explanation of the sources of funding for various student programs such as LIPP would be extremely helpful. For instance, does money donated to LIPP decrease the amount LIPP receives from other sources? What portion of the discretionary fund goes to LIPP? It would also be

very useful to see how different numbers have changed from past years, and how they are projected to change in the future.

We urge you to continue the tradition of Dean Vorenberg and share with the students the financial status and priorities of the law school. We hope that this information will serve to stimulate a dialogue between students, faculty and administration that is vital to the future health of this law school. Although we are disappointed that the Strategic Plan did not contain proposals dealing with administrative transparency and school governance, we sincerely hope that the end of Strategic Planning does not signal an end to the spirit of openness and experimentation of the past two years.

We would appreciate a response to our request within the next two weeks. We know your schedule is extremely busy and are grateful for the time you devote to this matter.

FALK

Continued from page 1

fine with writing the opinion as a song, but he was putting it to me to see if I would take him up on the challenge."

"The next thing he knew," Falk said, "he had the song in front of him and a couple of CDs with the song so he could listen along with the words as he read them."

Falk said the indication in the footnote that she is now a big fan was something of a joke. "These songs were in my head for at least a week afterwards. I must have listened to that song — which is really sappy — about a hundred times during the period when I was drafting the lyrics in the opinion."

The case involved a dispute between LeAnn Rimes and her record company, Curb Records. When Rimes was twelve years old — before she was a star — she signed a contract with Curb Records. Falk said that though such contracts are presumptively void when the minor reaches adulthood, in this case the record company had gotten courts in both Tennessee and Texas to disaffirm Rimes' minority status. The contract contained a forum-selection clause requiring that suits be brought exclusively in Tennessee, but Rimes brought her claim in Texas, arguing that the forum-selection clause should be invalid along with the rest of the contract. The lyrical opinion explained the judge's decision to honor the clause and transfer the case to Tennessee, because there was an issue of fact and law regarding the contract's validity.

Judge Buchmeyer wrote, "How do I / Deem this forum the right place. / If I were to sit and hear this case / What kind of judge would I be? / Although I / Would love to meet LeAnn Rimes / It's gonna have to be another time. / Oh / This case must now leave. / Baby you must take everything / Away from my court. / I order now." The refrain notes this outcome is required "not because I say so," but "Cause forum clauses forever, ever survive! / 'Cause that's the way, that's the way, that's the way the law is."

Though this style of legal argument is unorthodox, to say the least, Falk does not believe that the opinion was unfair or offensive for the litigants. Judge Buchmeyer, she said, "has a lot of care and concern for litigants. He wouldn't have suggested that I write the opinion in this way if he thought it was an issue where it would have

appeared that we would have been making fun of the litigants."

"My judge likes to have fun," Falk said. "He's a jokester." She explained, "when he sees an opportunity to be creative, he will take it. This case was perfect for him because the legal question was fairly clear after doing minor research, and there was no real potential to hurt a litigant's feelings or to hurt a litigant's pride, because it was a very neutral, non-personal issue. In that regard, the judge explained to me, because it was that kind of case and because it was a musical dispute, so to speak, writing an opinion in song would be a fun way to handle a relatively routine motion and just have a little fun."

Falk added that Judge Buchmeyer was disappointed that the law compelled him to decide the case as he did. "The judge loves country music," she said. "He really wanted to meet LeAnn Rimes, but that can't dictate what the law says. He seemed really upset that we weren't going to get to meet her, [even though] he's not a particular fan. He likes older country music."

David Bryant '75, one of the lawyers for Curb Records, agreed that the humorous opinion was appropriate in this case. "I really enjoyed the court's opinion, and usually sing it in the shower every Thursday morning," he joked to the RECORD. "Judges and law clerks," Bryant explained, "have to deal with deadly serious, and sometimes deadly dull, matters. They live all too often with the tragedies of life, with cases involving death, horrible injuries and the victims of crime. When a case presents an issue that can appropriately be decided with some creativity, music and humor, they should feel free to do that. That especially is true in a case like this one, where the scholarship behind the decision was rock-solid."

Bryant noted that "there is a long tradition of humorous opinions" in Texas. Judges on the Fifth Circuit Court of Appeals, such as John R. Brown and Irving Goldberg '29, wrote "many great ones," he said. "Judge Jerry Buchmeyer has an especially good sense of humor."

Buchmeyer writes a humorous column for the Texas Bar Journal and has included witty footnotes in his Judge-Specific Procedures, Bryant said. Footnote 1, for instance, notes that, "although certainly not required, a motion for continuance may be accompanied by contributions to Judge Buchmeyer's et cetera humor column in the Texas Bar Journal. The judge has never denied a motion for continuance filed in this manner." In

footnote 4, Buchmeyer refers with approval to another judge who observed that personal disputes between opposing lawyers made him "lament the demise of dueling."

So Bryant expects that lawyers practicing in Texas will have to deal with more humorous opinions in the future. For these lawyers, Bryant simply suggested, "Relax and enjoy. You never know in advance that the court will choose to write something like this."

Bryant did concede that it may be more difficult for losers to deal with opinions like the one Falk drafted. "Just make sure you are on the winning side," he said, "because it's a lot more fun to send a musical opinion to a successful client than an unsuccessful one."

However LeAnn Rimes felt about the decision, she has decided not to pursue her claim further. She has dropped the case against Curb Records, though her website (www.rimestimes.com) continues to express frustration with the company. In particular, Rimes voices disappointment that the company has decided without her permission to release an album containing "unfinished material and songs that didn't make other albums." The album, she writes, "is not a reflection of myself as an artist, but is solely the conception of Curb Records, and for that I am truly and deeply sorry."

As for Falk, she enjoyed the unusual assignment from her judge. "It's really a joy to work for [Judge Buchmeyer]," she said. Falk recommends that students applying for clerkships "look really closely at the person that their judge is when they're applying, much more than where the judge is located. I think I was too concerned about location," she said. "I had a great feeling about Judge Buchmeyer, but I wasn't exactly ecstatic at the thought of coming to Texas, because I didn't know anyone here and I'm not from here. I took a leap of faith because my judge and I had a very heartfelt conversation when I interviewed."

"I'm a lot like Judge Buchmeyer in not being afraid to be public and be different," Falk went on, "and I think we related on that level, and as a result my year has been wonderful."

So should HLS students toss out their LRA papers and submit poems as writing samples? Neither Falk nor Bryant would recommend going that far. When confronted with the possibility of a musical decision, Bryant said, "You would be ill-advised to try to suggest your own lyrics. Singing and rhyming briefs are a little risky."

LSC update

After our winter recess, the Law School Council is back in session for a busy second semester. Some upcoming highlights:

Catching Up on Technology:

Thanks to all the students who completed technology surveys for the LSC's "Issue of the Week" regarding technology at HLS. Since then, ITS has raised the e-mail storage space from four megabytes to 10 megabytes. In addition, the staff has installed software to eliminate the "log on" errors that plagued many students in public computers. Three additional computers are being installed in the Hark public cluster to reduce waiting time for students. Suggestions may be directed to LSC Student Advocate Michael French (mfrench).

Issue of the Week:

The Academic Calendar: The LSC's next "Issue of the Week" will focus on the HLS academic calendar. Should we move to a uniform calendar for all students, or match the law school's schedule to other graduate schools? Should 1L finals be moved to December or upperclass finals to January? Do we keep winter term? The LSC will host a table in the Hark next week to collect your opinion on these and other questions. Direct suggestions to LSC Secretary Kathy Gainey (kgainey).

Completion of Student Life Initiative:

The pool and foosball tables have been delivered to the Hark, and dormitory purchases have been delivered.

Dean Clark Accepts Foosball Challenge:

On Thursday, Feb. 22, the Law School Council and the Social Activities Council will sponsor a school-wide party in the Hark celebrating the Student Life Initiative and the new recreational amenities in the Hark. Dean Clark has accepted a foosball challenge from LSC Advocate Michael French and other students and has promised to "beat the pants off" his challengers.

Diversity Initiative:

The LSC, BLSA, SLISA, NLSA, APALSA and La Alianza are working on bringing students and admissions officers together to discuss recruitment of students this spring. To get involved, please contact LSC Rep. Arlene Delgado (adelgado) or BLSA member Charlene Morisseau (cmorisse).

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VIEWPOINTS

THE CONSERVATIVE

REPUBLICANS LOVE CLINTON

I am going to miss the Clintons. The news is so boring now. No mysterious files accidentally showing up, no intern jokes, no allegations of rape, no finger-wagging denials, no creative testimony in depositions, no "wag-the-dog" wars, no sexual harassment settlements, no court sanctions. None of the things that we will associate with the Clinton presidency. Now we are stuck with discussions on how education should be reformed and our taxes cut. Boring.

Thank goodness Clinton couldn't leave office without a few more "scandals." I hesitate to call them scandals since I think what they are just misunderstandings. For example, pardoning a big time tax evader who funneled money to the Democratic Party was really just Clinton showing that he was also for tax cuts to the wealthiest one percent of Americans. If only we had given Clinton a few more years, he would have reformed the tax code to include a little box at the top of your 1040 that would say, "Check here if you are supposed to pay a whole bunch of taxes and would prefer to run off to Switzerland and donate to the DNC instead."

Of course, in true Republican fashion, there will be investigations into all of the Clinton's shenanigans. As evidence surfaced of the "W" keys being removed from all the White House keyboards, file cabinets being glued shut and pornography being littered about, one senior Clinton official explained that he was one of the last ones to leave and everything was in order. I am sure he is correct; it is all just a matter of perspective. Of course, removing the "W" keys was just a practical joke. Republicans think that the file cabinets were glued shut in an act of vandalism. For the Clinton staff, it was just a way to deal with all of the documents that were subpoenaed. Also, I am sure that there is a reasonable explanation for the pornography. Surely the previous administration merely forgot to take all of their belongings with them.

Despite what you may think, I carry fond memories of the Clintons. I will miss his self-serving approach to governing. I got teary eyed when he gave his farewell address to the nation where he assured us that he left the economy in good shape. We know that we have been in a bear market for over a year, and all of the economic indicators say the economy is going south, but it all depends how you define "economy." We should cut Clinton some slack. Considering all of the trips that he has taken during his nostalgia tour, he didn't have time to deal with boring old issues like keeping the lights on in California. I guess he didn't understand that "turn the lights out when you leave" is just an expression.

I am sure that Bush is also pleased with Clinton's performance in office. I don't think it would be possible to set the bar of expectations any lower. It may be difficult to try and rent out the Lincoln Bedroom the way the Clintons did — especially now that they took all the furniture with them.

Thanks to the Clintons we have had eight great years of material for Leno, Letterman and Saturday Night Live. Now all we get are jokes about how dumb Bush is. Of course, it is a bit ironic coming from the party that believes butterfly ballots are hopelessly confusing and that chads are impossible to punch out. But we won't go there.

As for impeachment, we shouldn't blame Clinton. Was it his fault that Monica kept the dress? If it weren't for that he would have been able to go on with his original plan of calling her an obsessed stalker. And if it weren't for Linda Tripp, Clinton would never have had to admit that he lied in the first place. Everything could have worked out perfectly. Clinton would have been able to lie, Monica could have corroborated and Tripp would have been dealt with "Kathleen Willey" style. It was just bad luck for Clinton.

It's not like Bush hasn't had his own scandals during the first few days in office. I mean, John Ashcroft for Attorney General? That guy actually believes in God. What a nut! Not to mention the fact that he once voted against appointing a black man to the federal bench. Racist. I can't think of any other Senator who voted against a black man for a federal judgeship — well, at least since 1991.

Bush also seems a little naïve. I mean, come on, his tax cut plan actually applies to everyone who pays taxes. What sort of idea is that? Cutting taxes for everyone, rather than pitting one group against another. Boy, this guy is new to Washington.



Aaron Olsen

THE LIBERAL

DEMOCRATS AREN'T THE JACKASSES THIS TIME

Long time, no write. So much has happened since last we spoke with each other that I hardly know where to start. I realize I have to say something about the new administration, but just what are we to discuss? So many bad things have happened since January 20th that it's hard to decide which particular elements of the Republican disaster we should explore together today.

I'd considered beginning, just to break the ice, with some amusing wordplay based on George W. Bush's comical last name. Perhaps "we've been Bushwhacked," or something to that effect. I now think, however, that I may have been beaten to the punch on that one already. Besides, how far can you coast on meaningless catchphrases? Well, pretty far actually, if the new leader of the free world is any indication.

I thought then that I might take up, as an organizing motif, what may be the last year for a long while that truly lends itself to clichéd pop culture references. After having Big Brother watching us in 1984, kicking up our heels and partying like it was 1999 and venturing forth on any number of odysseys here in 2001, we look to have a pretty dry spell ahead. Maybe there'll be lots of vision jokes on tap for 2020, but the immediate future doesn't look too bright.

Looking equally bleak, as expected, are the prospects for seeing any sort of intelligent proposals coming out of the White House over the next four years. Not surprisingly, the Trojan horse of bipartisan politics and the siren song of compassionate conservatism are just a ruse and a cheat after all. Both are little more than failed attempts to cover up the same old Republican tactics.

Now I know what you're thinking. GWB isn't evil; he's just kind of dumb. You'll get no argument from me about how dumb he is. Bush recently decried certain aspects of the internal revenue code that he thought unfair. When a woman making \$25,000 gets a \$1000 raise, he said, she shouldn't be taxed at an effective marginal rate of 50% on that thousand bucks. He felt pretty strongly about this too. "That's not right, and that's wrong," exclaimed Bush, proving yet again that he's not smart AND he's stupid.

Yet, he's not just intellectually incompetent. Georgie boy may not understand what he's saying half of the time, but he's learned not to say what he really means during that other, relatively lucid half. When he promised to change the rancorous tone in Washington, it turns out what he really meant was that any switch from politics as usual need not go further down the ladder than him and his empty smile. As long as he continues to yap about a new attitude, it seems he feels free to appoint whomever he wants to fill his cabinet.

To those Nader backers who, like the chairperson of the HLS Greens, saw fit to tell me there was no difference between Al Gore and George Bush, I can offer nothing more than a two-word answer. The first word of my answer is John, and the second word is Ashcroft. Would a President Gore have tapped this extremist, or anyone like him, to head up Justice?

Cognizant of the fact that I risk the permanent revocation of my liberal Democrat membership card for saying this, I have some sympathy for Christopher Dodd's vote to confirm. Notwithstanding Ashcroft's terrible record on civil rights, and his outright deception in Judge White's case, I think he deserves a chance to prove he will uphold the law. In my opinion, the all-too-likely possibility that he will abdicate his responsibilities is too prospective a proposition to keep him out of the position. His appointment is, nevertheless, another indication of the frightening and divisive choices that George W. Bush is prepared to make — preaching unity and cooperation while he's busily working to hand DOJ over to the religious right.

Almost as frightening as Ashcroft is the scary fact that there are some people whom even Republicans themselves think of as dangerously unqualified to head up the Department of the Interior. "Republican environmentalist" may sound like an oxymoron, but, shockingly, such people do exist. The opposition to Gale Norton from within his own party should have set off alarm bells, but the compassionate Mr. Bush is apparently willing to forgive and forget all of the past failings of this James Watt protégé. How's that for a unifying gesture? Bush has already managed to convince both Republicans and Democrats alike that he has no intention of protecting the environment.

Speaking of strange bedfellows, I wonder what we're to make of the Republican haste to jump off the "let's clean up television" bandwagon now that Joe Lieberman is the undeniable leader of that movement. When a 13 year-old boy sets himself on fire after watching a somewhat similar stunt on MTV's "Jackass" program, it's now up to the Democrats to call upon the cablecaster to make television safer for kids. Now whether or not copycat behavior is a real problem — whether TV makes kids violent — is open to debate. Whether Lieberman's beseeching MTV to change its program schedule is too much governmental interference with the media is perhaps worth examination too.

What really puzzles me, though, is why the Republican spin doctors sent forth to comment on the issue are so opposed all of a sudden to exerting political pressure on TV executives. What happened to the good old days of conservative outrage over "Murphy Brown"? How can letting the kids watch fine MTV programming like this be a family decision? Once upon a time, even fictional characters on television were not free to decide how to structure their own families without Dan Quayle's personal good housekeeping seal of approval. Is it bipartisan in any sense to signal to Democrats like Lieberman that as soon as you agree with us, we'll make sure to change our tack and fight you every step of the way?

Talking about bringing people together is one thing, but actually doing it has proved to be very elusive for the new Republican regime in just its first three weeks in power. Kind of makes you wonder who'll be wearing the donkey ears a few months from now.



Matt Wood

White Out

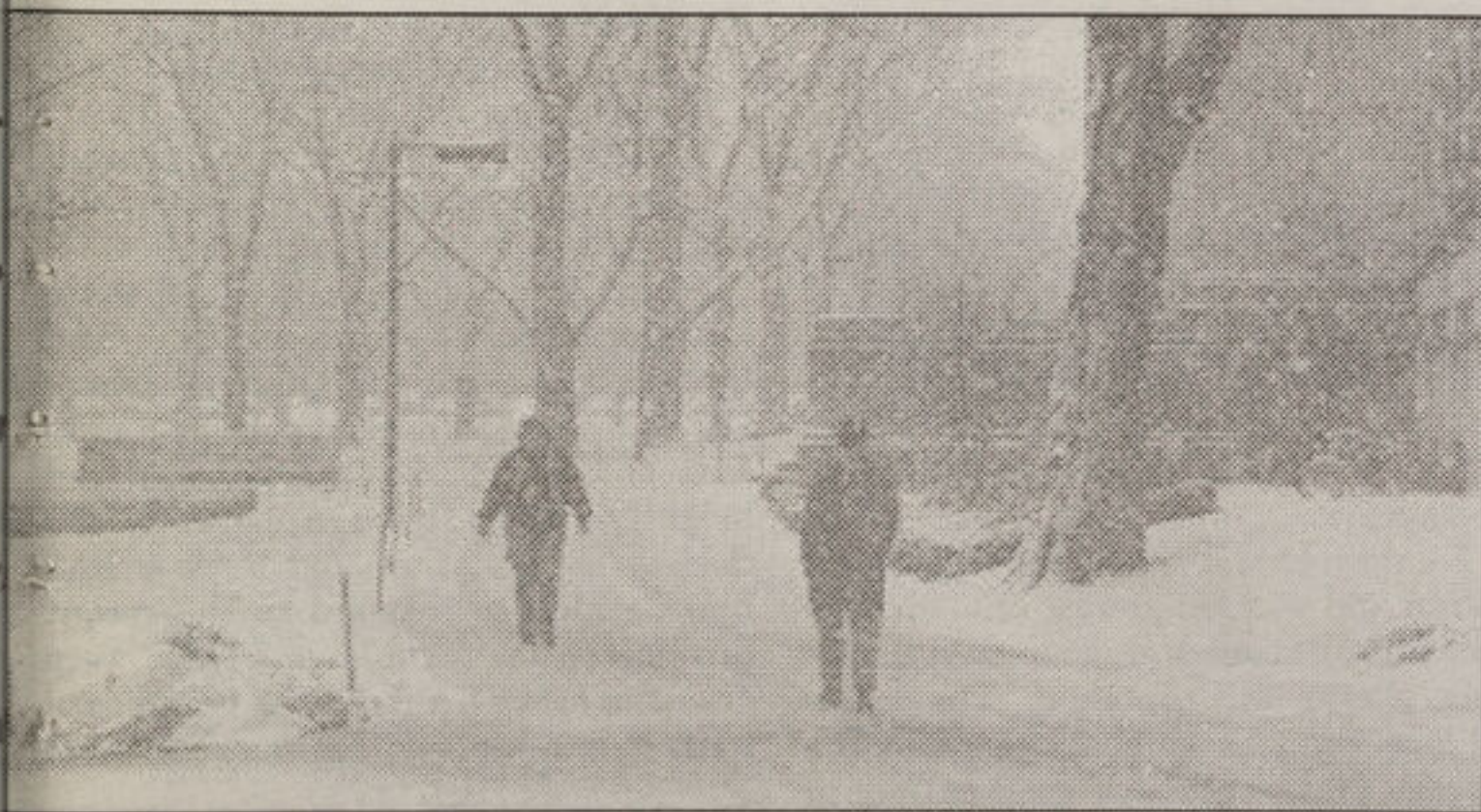


Photo by Murad Kalam

Wayward law students brave Old Man Winter's wrath in the quest for the perfect subcite.

Tangled Web

WEAVING A WEB OF OATMEAL CREAM PIES

by Justin Cooper '01
RECORD Columnist

I love Websites about food and drink. It's great knowing that you can find restaurant reviews for virtually any city in the world in five minutes. I recently spent the better part of a week in London sitting in a pub I had read about using a computer in Langdell Library. As the website had promised, it had a clean bathroom, several good beers on tap and a friendly pub dog. Ten years ago, it would have been near impossible to get detailed information about an obscure pub in an obscure London neighborhood while sitting here in Cambridge.

With that triumph in mind, I assembled the following collection of sites, most of which are tied together by some connection to food and drink. Others made the cut just for being funny or interesting.

www.littledebbie.com

It could just be my computer, but when I go to this site, I am greeted by a photo of an angelic little blond kid with the top part of his head missing. It's a beautiful image. It looks like you could just top-load the Little Debbie treats right into his cranium. Other than the weird kid, this is a great site. It tells you everything you need to know about McKee foods and their Little Debbie products, past and present. It's fast, easy to navigate and visually pleasing, which is not hard, since those Little Debbie snacks cut a fine figure. **A**

www.cavemandiet.com

"The premier online resource for information on Caveman Dieting, Paleolithic Nutrition and Primitive Lifestyles." If "primitive lifestyles" meant not changing your sheets very often, I'd be a natural. But these people take things way further. This site is a resource for all those who aim to achieve good looks, longevity and sexual prowess by eating nothing but meat and raw fruits and vegetables, as our pre-agricultural ancestors did before us. The links page gives you lots of other threads to follow, and the discus-

sion forum offers tips on how to control diarrhea and other side-effects of going caveman, among other things. Unfortunately, the site left me longing for more detailed information about the diet/lifestyle it advocates. Decent graphics and easy to navigate. Also, these people are clearly crazy. **B**

www.jesus-diet.com

OK, these people here are *really* crazy. They atone for their sins by eating only one or two pounds of food a day, nothing but raw fruits and vegetables. They fast one day a week. They also support 'breatharianism,' which involves not eating at all, and drinking your own urine to prolong life. (I imagine their social calendars are wide open.) But, they do have a kick-ass website. It is packed with information, with links stacked upon links, and lots of books to order. Best of all, when you move from one page to another, the new page slowly spreads over the old page, from the outside to the middle, until the old page is just a small circle, then a dot, then it's gone, just like in Star Wars. Trust me, it rules. **A**

www.fat-guy.com

Fat Guy bills himself as a regular guy (a lawyer, in fact) who spends a lot of time and money at fancy restaurants, and who shares his dining experiences with the world. His detailed and honest reviews of New York eateries, written from the point of view of a true foodie, have brought him much attention and well-deserved respect. Fat-guy.com readers feast on piles of information about food and wine in New York, along with somewhat less comprehensive coverage of France, Montreal and rural America. The site is charmingly low-tech and still looks homemade, even though some ads have crept in around the edges. Less charming are the dead links to some of the reviews. **A-**

www.mustardweb.com

The creator of this site founded a mustard museum in Wisconsin which

houses over 3,500 mustards. He also sponsors mustard poetry and fiction contests. This sounds like great website material, but, in the end, the whole thing seems too self-aware and forced. The true Website lover must be suspicious of any site that is too slick or that relies too heavily on catchy puns. Take, for example, the "Poupon U" section, depicting a fictional mustard university, which manages to be silly but not at all funny. **C**

www.catsupbottle.com

Somewhere in Illinois, there is a huge water tower dressed up as a catsup bottle, and this website honors that water tower. I love Americana. The time-lapse photos under "Catsup Bottle Restoration" are great, and they even have a fan club. The only problem is, who ever heard of Brooks catsup? Can't we get some Heinz? **A-**

www.brunching.com

This online magazine actually has nothing to do with brunch or even with food, but it's a gem. They rate everything from the new state quarters (hilarious) to the members of the A-Team (good for nostalgic purposes), and the movie reviews are also excellent. Be sure to check out the *Porn Star or My Little Pony* quiz, highlighting the erotic/equine ambiguity of names such as "Ruby Lips" (pony), "Cherry Treats" (pony) and "Honey Rose" (porn). Another winner is the ratings of *Stuff in the Airline Catalog*. The search function is decent. All in all, one of the funniest sites I've seen. **A**

www.vermontshepherd.com

They have a section called *The Cheese Cave*. Need I say more? This is actually a beautifully-designed site, with frames, telling you everything you ever wanted to know about the delicious cheeses made by the people at Vermont Shepherd. They have nice pictures of their cheese and a highly informative section on milking equipment, complete with order form. For a cool \$1,325, one of their crowd-pleasing

Six-Unit Headgates could be yours. (Note: you have to pay in advance for orders of \$2,650 or less.) Only the natural limits on how good a cheese site can be prevent a higher rating: **B+**

www.wine-advocate.com

Pretty disappointing, given Robert Parker's importance in the wine industry and his consciously-crafted image as the populist wine critic. Wouldn't the internet be the obvious place for him to establish a presence? Very little information at the site and no obvious way to get an online version of the newsletter, even for subscribers. To be fair, Parker takes no advertising money and therefore has limited resources. But why does he have to put the link to the English language site under a Union Jack, with a URL that reads "UK"? Stop pretending; we know you're from Maryland. **C-**

Bonus Site**www.smalltime.com/nowhere/dictator**

Think of your favorite sitcom character or dictator, and play twenty questions against the computer. It asks you yes or no questions like *Do you have a job?* and *Are you European?* and tries to guess your identity. It got me with Hawkeye Pierce, but I was sad to find it stumped by Idi Amin. Other people have confirmed that it's weaker on the dictators. I know there are a lot of them, but can't we get a little love for the man who named himself His Excellency President for Life Field Marshal Al Hadji Dr. Idi Amin, VC, DSO, MC, Lord of All the Beasts of the Earth and Fishes of the Sea and Conqueror of the British Empire in Africa in General and Uganda in Particular? Worse yet, the site is slow and confusing to read, and the graphics are terrible. Still, the idea is so weird that you can't help liking it. Also, when the computer wins, it insults you. **B**

Please direct any tips on interesting or amusing Websites to Justin Cooper at jcooper@law.harvard.edu.

Fenno

Fenno sat in the bathroom stall, listening with great interest to the two females whispering near the sinks.

"So I said to him, either you eat it or you are soooooo voted out of my bedroom."

Fenno coughed once, and the giggling girls bounded out of the restroom like a herd of frightened kangaroos. Apparently, Survivor fever wasn't just sweeping through the nation's trailer parks.

Fenno tried to stand to exit the bathroom, but her legs refused to cooperate. One of them was sound asleep, and the other was severely injured. The sleepy leg was typical. Various parts of Fenno always fell asleep when she was on campus — usually Fenno herself, usually while she was sitting in class. Today, she had hoped to avoid napping by bringing her laptop to class and plugging it into the new Ethernet jacks installed, at great expense, at every desk in Langdell North. She had looked forward to surfing porn during class, not to mention ordering large quantities of drugs for delivery to the Reagan birthday party, but, of course, the Ethernet jacks were turned off. Why else would the school install all that high-tech infrastructure, if not to

disable it immediately?

The other leg — it might have been asleep, too, so hard to tell — had been injured the day before in a fit of physical aggression directed at one of the broken photocopiers in Langdell Hall.

To be exact, it was the sixth broken photocopier Fenno had encountered that day. Numbers one and two, in the Lewis Center, had gone by almost unnoticed. Kinda like the Lewis Center itself. Yet these were merely minor setbacks, speedbumps on the road to copying bliss.

Number three, in the Hark, had started the mercury rising. *Please wait while copier warms up*, it had said. It never warmed up, not in five years. *Is it too much to ask for functional copiers for \$30,000 a year?! I could get a kindergarten teacher for that much.*

Fenno had angrily gathered her books, hat, gloves and overcoat and stormed off to Langdell in search of full toner cartridges and stocked paper trays. Surely the library, sweet bastion of all that was holy and good at Harvard Law, wouldn't let her down.

Copier number four was on the main floor of Langdell, conveniently situated to take advantage of the sights and smells of the men's bathroom. Especially the smells. *Must be fajita day in the Hark*, Fenno thought. This photocopier, too, was broken. Broken like the wind. Now Fenno could feel the anger building.

She climbed the stairs to the second (also known as the third) floor, home of the big green copiers. The first one she went to had a paper jam. Fenno started to laugh.

The absurdity of it all brought a wave of near-euphoria over Fenno. *What can you do?* she thought. *I mean, this place is just a complete mess.*

Fenno's anger seemed to have passed, and she was happy to find that the sixth copier, which had a feeder, worked fine. In fact, it was chugging away happily when on page 31 it just gave up the fight. No amount of clearing and re-setting would get it started again, and then disaster struck.

Fenno glanced around to see if anyone was looking as she kicked the copier. Twice. Hard. So hard, in fact, that she sent one of the paper-catchers flying off the back wall and left a 12-inch crack in the side of the machine. With the adrenaline gone, Fenno realized that her ankle had swollen to twice its normal size and was throbbing heavily.

That had all happened yesterday, but the pain had not yet subsided, so after class, Fenno headed off to UHS to see a doctor.

Fenno told the nurse about her condition and was led almost immediately into a prep room and instructed to disrobe. She readily complied. "The doctor will be right in to see you," said the nurse. "Meanwhile, I've got a patient in the other room bleeding from the ears, eyes and rectum. They're positive it's

Ebola, I'm gonna diagnose it as carpal tunnel syndrome." The nurse left chuckling.

Forty-five minutes later, the doctor hustled in. Ignoring her leg completely, he immediately diagnosed her with social anxiety disorder. "You'll need to go on a Paxil regimen. Two pills twice a day."

"Anxiety? What are you talking about? I broke my foot!" said Fenno. *Gee, I wonder which drug company bought this guy off?* she thought. The doctor ignored Fenno's outburst and quickly scribbled out the prescription.

Never one to let a good opportunity pass, Fenno asked "Can I at least get some Prozac or some Zoloft with the 2?"

"They're in a jar by the door, next to the M&M's," said the Doctor.

Good to know, thought Fenno.

"Aspirin?" asked Fenno wistfully.

"You'll need a note from your parent or guardian, signed in triplicate. And notarized," the Doctor sighed.

Fenno grabbed a handful of these anti-depressants-of-the-week and limped back into the tunnels, where she was almost knocked over by a phalanx of liberals wielding staplers and brightly-colored flyers. Apparently, the Society for Sex, Law and Rock & Roll had decided to respond to the recent pro-life poster campaign. They were covering every available bulletin board with flyers reading, *Smile: Your Mom F***ed Your Dad.*

Nihilne sanctum est? Is nothing sacred? Fenno thought sadly.