

# Georgetown Law Weekly

Georgetown Law's Student-Run Newspaper

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MONTHLY ARCHIVES: FEBRUARY 2016

## SBA Open Forum Discusses Faculty E-Mails

Posted on [February 27, 2016](#) by [ntr11](#) | [Leave a comment](#)

While a substantial portion of last Tuesday's SBA meeting covered topics such as staplers next to (or within!) printers, the upcoming expiration of our resident Subway's contract, bike racks, and not the least, a resolution on [diversity and inclusion](#), a bit of a shadow seemed to loom over the first segment of the agenda as the representatives awaited the inevitable. In the wake of the recent [spate of e-mails](#) following the death of Justice Scalia, the agenda was split between reactions to the faculty's use of the GULC e-mail as an appropriate forum for the discourse and the SBA president's public response to the discussion.

The debate regarding professors' use of e-mail to publicize their reactions to both Scalia's death and GULC's subsequent press release seemed to reflect an even split. Many questioned the policies in place for obtaining permission to e-mail the entire student body, remarking on the difficulty of securing permission for the most mundane of announcements, while others voiced concern that student exclusion from such a dialogue would be a grave wrong. This in turn generated a discussion regarding the availability of other platforms of debate, such as town halls that have taken place in the past on the main campus (such as [last year](#)). Several representatives brought up the need to preserve the Law Center's reputation in the eyes of incoming students and donors, but the room was divided on whether the e-mail chain did in fact do so, or just the opposite. To this end, many felt that their constituents were marginalized by Dean Treanor's statement, and that Professor Peller's e-mail, were uniquely positioned to articulate their displeasure. Others countered that the back-and-forth represented a petty melodrama best kept private. One representative bemoaned the implication of student impressionability underlying several of the e-mails. The overwhelming theme that permeated the debate was the valuation of civil discourse: it was the form that discourse might take that provided the fodder for debate.

Due to the discussion's relatively wide coverage, SBA President Rachel Morris crafted a message to be included in the organization's weekly e-mail update, which provided the substance of the second half of the debate that evening. It lauded Scalia as a "brilliant ... disciplined and principled jurist who held the Court, our Constitution, and this great nation in the highest esteem." In a nod to the parties outraged by Dean Treanor's original press release, Morris reminded the student body that "whether we agree with another's thinking or they challenge our own thinking, we are fortunate to attend an academic institution

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challenge our own thinking, we are fortunate to attend an academic institution whose strength in part derives from the respect for diversity of thought.” She then referenced the friendship between Justices Scalia and Ginsburg as a parallel for the discourse that’s swept the campus over the past few weeks.

This latest iteration in a discussion that seems to be gaining force as it becomes further chronologically removed from its genesis proved a step too far for several members of the Association. One representative stated that because Morris was elected as representative of the student body, her choice to speak decisively for the community was inappropriate. Another retorted that precisely *because* Morris is president, she is entitled to speak for the students, and urged any student feeling underrepresented to cast his or her vote for SBA president next year in a manner that would reflect this disenchantment. An overwhelming majority of the representatives at the meeting pointed to the address formulated by the Black Law Students Association as an appropriate and commendable response to the discourse.

The letter (which can be found [here](#)), states that “while we support an individual student’s choice to mourn, it must also be acknowledged that Justice Scalia’s legacy affects us in vastly different ways. As a result, some of the viewpoints expressed in the email exchange were disheartening for many in our membership. It is our hope that we can be candid with our community in this letter regarding those sentiments, and as a result, foster an environment of greater inclusiveness at Georgetown Law.” The address went on to examine Professor Rosenkranz’s and Barnett’s depiction of 1Ls who might be “traumatized, hurt, shaken, and angry” following Professor Peller’s e-mail, and pointed out that many Black Students would fit the same description following the “callous, ill-formed analogy to the legacy of Justice Thurgood Marshall in [Rosenkranz’s and Barnett’s] email response.” It also referenced comments made by Justice Scalia months prior to his death regarding affirmative action, concluding that “in the same spirit of understanding and empathy called for by professors, and given Justice Scalia’s often polarizing, offensive and intolerant stances, we ask that an individual’s decision of whether or not to mourn be equally respected.”

While it’s difficult to say if any conclusions were reached by the close of meeting, what was abundantly clear throughout was the overarching sense that SBA representatives take their positions as the student body’s voice very seriously.

While the conversation was at times heated and sometimes colorful, the diversity of viewpoints and the respectfulness of the commentary perhaps reflected the civil discourse that the students seem to be requesting of their faculty.

*Audio recordings of SBA meetings are available on their website.*

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## SBA Passes Resolution on Diversity and Inclusion

Posted on [February 24, 2016](#) by [David Naver](#) | [Leave a comment](#)



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**Georgetown University Law Center  
Student Bar Association  
2015-2016 House of Delegates**

**A Resolution to Improve Diversity and Inclusion at Georgetown University Law Center**

- 1 WHEREAS Georgetown University Law Center's motto is "Law is but the means, justice is the end", and
- 2 WHEREAS Georgetown University Law Center prides itself as being an innovator in the world of legal education and producing leaders who will serve members of a diverse national and global community, and
- 3 WHEREAS Georgetown University Law Center is committed to maintaining an the existing edge of legal education by providing the alternative first year curriculum of Section 3 and the

In what may be its longest meeting of the term, the Student Bar Association passed the long-debated "Resolution to Improve Diversity and Inclusion at Georgetown University Law Center" Tuesday evening.

While SBA cannot compel administration action, the resolution does lay out a number of specific suggestions. These include "[t]he addition of curriculum addressing the historical and enduring bias of the legal system, and its past and present effects on diverse marginalized communities to all Professional Responsibility courses," which would add a credit hour to the standard Professional Responsibility course to accommodate diversity education.

The resolution passed amidst a nationwide trend of conversations about race and diversity, especially on campuses including law schools. An activist group called "Reclaim Harvard Law" is currently [occupying](#) a student lounge "in a protest against what they see as an unjust institution and an opaque administration."

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## Case Brief: Georgetown v. #8 Xavier

Posted on [February 19, 2016](#) by [Elliot Kudisch](#) | [Leave a comment](#)

The Georgetown Hoyas men's basketball team looks to bounce back from a disappointing home loss to the Seton Hall Pirates on Wednesday when they play host #8 Xavier on Saturday at noon.

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## OPINION: An Open Letter to GULC Professors: "Scaliagate" From a Student's Perspective

Posted on [February 19, 2016](#) by [David Naver](#) | [Leave a comment](#)

*Deborah Steinberg is a current 1L at Georgetown Law.*

As a proud millennial with the power of social media, I knew before the announcement from *The New York Times* that Justice Scalia passed away last

week. My Facebook and Twitter feeds were covered in posts of mourning, posts of joy, and genuine inquiry into what was going to happen next. The majority of these posts came from my peers at Georgetown University Law Center.

Most of us did not even see Dean Treanor's initial statement on the school's website, as it was not sent to us directly and the majority of us do not regularly check the homepage. The first communication we got was the message from Professors Peller and Seidman. I logged into Facebook and saw a mix of reactions, ranging from "Who the hell are these guys?" to "Finally someone is speaking the truth!" Then we received the next email from Dean Treanor reaffirming his initial position. And then we received another email from more professors agreeing with him. Normally, I like getting email; but this was ridiculous.

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## UPDATED: Professors dispute Dean's messaging regarding Justice Scalia

Posted on [February 18, 2016](#) by [David Naver](#) | [2 comments](#)

**UPDATE:** According to [Above the Law](#), Professor Peller sent an email, "Mitigating Defamatory Assertions," to all faculty, insisting that his initial message was not in violation of the Campus Broadcast policy. He revealed that he had communicated with Professor Barnett on the charge. The latest communication, sent by an faculty member, replies "Please, please, PLEASE stop. At the very least, please omit me from further communications."

Supreme Court Justice Antonin Scalia passed away on Saturday, February 13 while on a hunting trip in Texas. Almost immediately, tributes poured out (including [one](#) from our Sports Editor) and controversy erupted over the man and his inevitable successor to the nation's highest court. Controversy of a different sort broke out among Georgetown Law's faculty as well.

It all started for Georgetown Law students with an e-mail sent on Tuesday afternoon, while students were enjoying a few days off and faculty were participating in the annual Faculty Retreat. The Campus Broadcast system, usually used for event announcements, invitations and policy changes, delivered the message from Professors Gary Peller and Mike Seidman to all members of the student body.

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## Nino Scalia: Grit and Elegance

Posted on [February 15, 2016](#) by [Elliot Kudisch](#) | [Leave a comment](#)





Associate Justice Antonin Gregory Scalia was found dead at the age of 79 while on a hunting trip in remote West Texas on Saturday, February 13th, 2016. Much has been made about the implications of his passing on the future state of our High Court, which will be discussed in a later article. But first, I'd like to take a moment to bring my readers to better understand the Associate Justice as his admirers, dissenters, colleagues, and opponents undoubtedly do. Justice Scalia, however you may feel about his politics, was a brilliant man, and he deserves to be remembered as such.

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## Throwback Friday: SCOTUS Valentines

Posted on [February 12, 2016](#) by [David Naver](#) | [Leave a comment](#)



We noticed these (from 2013) starting to spread this Valentine's Day weekend

and thought we'd dig up the full set for the Internet's enjoyment.

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