Professor Forman, Jr.’s Dream:
Less Incarceration, More Education

By Austin Rice-Stitt

Supreme Court clerk, Georgetown Law professor, co-founder of the See Forever Foundation and the Maya Angelou School in Washington, D.C., and former MLaw visiting professor James Forman, Jr. delivered the keynote address on MLK Day to a packed house in 250 Hutchins.

Professor Forman, Jr.’s talk, “Race, Crime, and Schools: A Civil Rights Struggle for this Generation,” was a story about his life and the American criminal justice system told through stories of Forman’s interactions with three individuals.

The first story was about a conversation that Forman had with Justice Sandra Day O’Connor when he was clerking for her in 1993-94. The topic of the conversation was his future. Over Justice O’Connor’s objections that public defenders have no power, and that Forman could be more influential doing traditional civil rights work, Forman explained that he was drawn to work as a P.D. because he feels like criminal work is the “civil rights work of his generation.” While the last decades have produced new opportunities for black Americans, Forman pointed out that the government is also locking up more black citizens than ever before. According to Forman, when Brown v. Board was decided in 1954, 30% of those incarcerated in America were black. That number now stands at 50%, though black people compose only 13% of the total population in America. O’Connor told Forman to “do his best,” and he went on to work for the Public Defender Service for the District of Columbia from 1994-2000.

Forman’s second story was about Eddie, a troubled 16-year-old, Washington, D.C. resident who became Forman’s client after stealing a T.V. Eddie was not in school at the time, and his reading skills were that of an elementary school student. Forman recalled that Eddie simply “wanted to go home.” Charged with finding a suitable

CONTINUED on Page 2
MLK from Page 1

program for Eddie, Forman was struck by the lack of options. The State's solution was to send kids like Eddie to juvenile prison, which costs taxpayers $50,000 a year and yet has proven largely ineffective at rehabilitating. It seemed odd to Forman that the government, though unwilling to fund adequate schools or provide other services for kids like Eddie before they get in trouble, was willing to spend whatever it took to prosecute and incarcerate Eddie. Eddie pled guilty and was locked up, and Forman recalled thinking that Eddie likely would be victimized while in prison, and that he was likely to commit further crimes and possibly harm people upon his release.

Eddie's fate was fresh on Forman's mind when his friend David Domenici told him that he wanted to create a school for troubled youths. Domenici and Forman's conversations led them to found in 1997 the Maya Angelou School in Washington, D.C. Initially funded entirely from private donations, the Angelou School, billed as a place "where all students, particularly those who have not succeeded in traditional schools, can reach their potential," became a charter school a year after its formation.

When they were setting up the school, Forman and Domenici began by talking to both kids and parents, who said that they wanted a school with small classes and a relevant, rigorous curriculum. Along with Rigor and Relevance, Forman stressed a third R: Relationships. Remembering his own feelings of inadequacy at the Boy's Club, Forman explained how many youngsters feel vulnerable and out of place at school. He said that such kids can gradually come to feel comfortable in the classroom with the proper attention and support from educators. "We know what to do," Forman said.

The success of the Maya Angelou School is proof of the effectiveness of its methods.
From Backpack to Briefcase: On Transitioning to Working Life

By Sarah Rizzo

Law students have the privilege of never having to sit through another law school exam after graduation, but other “tests” await the new law firm associate. To help Michigan law students prepare for this transition, Lauren Krasnow, a 1994 graduate, gave a talk last week entitled “Backpack to Briefcase.” Krasnow worked at a number of premier New York law firms before becoming a legal recruiter with SJL Attorney Search. She spoke about about succeeding in the firm and lifelong personal career development. Here are some highlights from her talk:

Make Sure Your Skills Are Developing

Most law student do not look forward to the “document review” or “due diligence” assignments that await them after graduation. Krasnow suggests, however, that these assignments can be powerful tools to build critical skills through experience. Such work can develop a litigator’s legal writing and fact analysis abilities. Transactional lawyers can gain an understanding of transactional forms and an in-depth knowledge of companies. Thorough knowledge of the “nuts and bolts” make you a better lawyer in the future.

Curiosity is key. Krasnow advises associates to care enough to ask questions about how your work fits into the bigger picture. Associates should be proactive about understanding the complexities of the deal or case. “Exercise your judgment muscles,” says Krasnow, “and ask ‘How would I structure this deal differently?’ or ‘How would this litigation strategy work?’” She also notes that taking unpopular assignments to gain experience is often noticed by superiors.

One of the biggest mistakes Krasnow encounters among law associates is the idea that their firm name or law school will trump experience. This is not true. Whether planning on becoming a partner in the firm or making a lateral career move, Krasnow says associates should work to gain as much experience as possible. Document your experiences by making an ongoing “matters or deals list” that details your role in the transaction or case, the clients, and the work performed. This helps associates realize their learning development and is useful for lateral career moves. Within the highly competitive lateral market, Krasnow finds that it is important readily and clearly to identify your experience and what you can offer a present or future employer.

Find a Rabbi / Yoda

Your “assigned mentor” will not always fit the bill here. Krasnow has frequently witnessed the personal and professional benefits of developing strong mentoring relationships in the workplace. A Rabbi can help a law associate navigate the firm’s political environment, provide great work and feedback, and develop a reputation among partners.

Krasnow advises law associates to foster relationships with people that take an interest in their professional work and goals. Often, such a relationship develops organically rather than through firm mentor matchmaking. No doubt, Krasnow recognizes that it is not easy to find a Rabbi. She says law associates must keep their eyes open for those who respond and appreciate their work. Critically, associates must recognize that these relationships are earned.

Learn Everything You Can About Your Firm . . . Whether You Plan to Stay or Not

Firms are not immune to office politics. Krasnow says law associates should familiarize themselves with their firm’s big clients, rainmakers, and news. For example, Krasnow found client knowledge helped her identify pertinent news stories related to the firm. Whether bringing this information up with a colleague or client, the engagement with her work was appreciated by the firm and clients. She adds that a comprehensive understanding of your firm will help you become integrated in the firm and develop relationships. Such connections are critical for partnership consideration, but can also help make lateral career moves. Clients can provide paths to in-house counsel positions and former associates and partners can assist a move to a new employer.

Krasnow also advises that associates understand their firm’s practice area rates. Not all practice areas are valued equally. If a practice area does not bring in a lot of business, it may not be as highly valued in the firm. This can lead to dissatisfaction for some associates. Krasnow suggests that associates understand the economics of a practice at a particular firm. It can help you determine if a lateral career move is appropriate, and when choosing among other opportunities, it a factor to consider.

Stay Connected to the Outside World

Like it or not, Krasnow confirms that networking is a powerful tool for professional development and future career moves. She has found that it is like investing: the earlier you start, the more benefits in the future. As such, Michigan law students not only come in handy for group study sessions before exams, but they can be a rich resource for networking after graduation. Krasnow recommends maintaining relationships with Michigan alumni: attend a local alumni reception or periodically catch up with classmates.

CONTINUED on Page 9
Bar Month Begins With A Bang!

Thursday, January 24, 2008 @ Vinology

Photos by Sarah Gleich
“Between the Briefs”

Your Sex Questions Answered!

Let it never be said that Michigan students don’t like to procrastinate. After I had essentially given up all hope of ever actually answering questions and/or dispensing advice in this column I got (comparatively) bombarded with queries between the last issue and this one. The lengths y’’ll go to to avoid studying are positively mind-boggling.

I’m allergic to spermicidal lubricants, but it seems like all condoms have them – why is that? And where can I go to get condoms that don’t come with this feature?

-Likes the Swimmers to Die a Natural Death

LSDND,

Where on earth do you buy your condoms? There are tons, and I do mean literal, actual, all 2,000+ lbs. of it, tons of condoms in this world without spermicidal lubricant. In fact, in my experience you have work harder to find the sperm sniffing ones, especially these days, as the FDA has recently (like, a month ago) mandated that all standalone Nonoxynol 9 products (foams, gels, inserts, films – if it’s semi-aqueous or dissolvable and you can fit it in a body cavity, there’s likely a sperm decimating agent made from it) be labeled with a warning. Though I was hoping that this warning consisted of something like “slippery when wet” or “if product gets in eye, seek medical help, but seriously, how on earth did you do that?”*, it’s a much more standard message about how it’s been conclusively shown that spermicides, like Nonoxynol 9, cannot prevent transmission of various STIs, and in fact they actually increase the risk of infection.

See LSDND, your reaction to spermicide, though I’m sure more severe than normal, since you’ve noticed it, isn’t all that odd – Nonoxynol 9 has been known to irritate the vaginal (or rectal) canal such that the odds of catching something actually goes up with use. Even though condoms are not a standalone spermicide product (and thus don’t require the FDA warning), this is still incredibly important to bear in mind when choosing a contraceptive. Even though pregnancy has often been termed the most expensive of sexually transmitted diseases, there are so many ways to not get pregnant in this world that don’t up your chances of getting some really unfortunate viral below-the-belt action, that to my mind, spermicide just isn’t worth the risk.

As for where to buy condoms, Meijer’s is open 24 hours a day, if you know what I’m saying, but should you have special requirements that need be addressed, like a spermicide or latex allergy, or maybe you just want something in a blue or green color to really bring out your eyes, you can visit S3, just a few blocks from the Law Quad, and those ladies should be able to hook you up nicely. Should you be worried that your fellow students might learn of the extent to which you prefer condoms that make your bits taste like strawberries, there’s always condomania.com, which has an incredible variety of options for all your condom buying needs.

Happy hunting!

-Rooks

Ok, so, why is porn legal in the US but prostitution isn’t? It’s all getting paid for sex, right?

-Just Curious

JC,

Dude, this article is 800 words, not 8,000. Much like an in-class exam, there is no way I can adequately answer that question in the space and time provided.

I do have a theory that this vagary in the law is based on the concept that a prostitute “solicits”, i.e., lures others into sin, while a pornographic actor merely engages in sin with another sinner. This would, in some ways, account for the fact that porn distributors are more often targeted in criminal actions than the actors themselves, or how johns are (relatively) rarely arrested for hiring a hooker – more sinned against than sinning, etc. Of course, that could be complete crap.

Thanks for the note topic.

-Rooks

This is maybe a little weird but I figured maybe I’m not alone. I think the guy I’m seeing is really messed up about his grades, like he’s lost a lot of his self-confidence. And with that loss has come the loss of . . . other things, if you know what I’m saying. So I’m raring to go, but he’s barely interested in anything but studying even more, and even when we’re on the same page he sometimes has a problem keeping things going, as it were. What can I do?

-Looking for 1Lovin’

LIL,

Ok seriously y’’ll, they are just grades. It is the nature of a curve that not everyone can be a unique and special snowflake anymore, and, unless your name starts with a “W” and ends with “hitman”, this is a fact that we’re all going to have to accept at some point.

As for your specific problem, LIL, you can’t force the kid to get his nose out of the books and back in the place it belongs, namely your crotch. However, on the increasingly rare occasions that y’’ll manage to begin knocking the proverbial boots, make sure not to rush it, or put undue pressure on him to finish the job in the “standard” manner. There’s a whole world of non-tab A into slot B sex just begging to be explored, and plenty of it in no way requires an erection. Hopefully his interest in getting you off will resume as soon as the shock of that first trip to Wolverine Access wears off, and he subsequently realizes that when he lets

CONTINUED on Page 9
Two For The Price of One: Messrs. Wolverine
The fourth annual Mr. Wolverine competition, held Friday January 25, 2008 in the Lydia Mendelssohn Theatre, ended with the crowning of not one but two Mr. Wolverines! 3Ls Dario Borghesan and Dan Gunderson shared the top honor, capping off a truly memorable evening!
No Other Warranties Expressed or Implied

Maybe Next Time
We’ll Think Before Law School

By Nate Kurtis

Today, class, we will be discussing legal theory as expressed through modern pop music. While there are many other important topics we could be covering instead, I can’t think of any of them at the moment because I have a song stuck in my head.

It should be clear, I didn’t want it there. I didn’t seek to have this particular piece of pop culture stuck on repeat in my skull. I really had no choice. You see, this particular song has been stalking me. Yes, you read that correctly: it is stalking me! Every time my alarm clock radio has gone off this past week, this song has been playing! Each time I have been in a car or cab in the past week, this song was on the radio! Whatever store or restaurant I walked into this week, this song was piped in over the loudspeakers!

The song in question: “Before He Cheats” by Carrie Underwood.

Since the deadline for submitting this column is coming up and whenever I try to think up something substantive to discuss all I hear is “maybe next time he’ll think before he cheats,” we will have to contend ourselves with discussing this song as best we can.

So, here goes:

...However, before we can really dive into it, we need to make sure everyone is on the same page. For those of you who have been spared my fate, and so remain mercifully unfamiliar with this song, the real operative bit is the chorus which goes something like:

“And he don’t know... OH! That I dug my key into the side of his
Pretty little souped up four wheel drive,
Carved my name into his leather seat,
I took a Louisville slugger to both head lights,
Slashed a hole in all four tires;
Maybe next time he’ll think before he cheats.”

First, seeing as this is law school, I should probably point out that her actions in this song likely constitute a tort of some kind. Sure, she would only be on the hook if there was some way to link her to the damage; but the fact that she “Carved [her own] name into his leather seat” might make her easier to finger as the culprit. That, and the fact that, in the music video at least (and, yes, I did look up the music video – if we are going to do this, we might as well do it properly!), she returned his keys in person and in public after trashing his ride, throwing them into the “Fruity little drink” that was p.r.chased because the “bleached-blonde tramp” with whom he was both “slow dancing” and “probably getting frisky ... can’t shoot whiskey."

This point aside, the song can serve as a useful example for more than its simple tale of infidelity and its warning of the hazards of such behavior for innocent motor vehicles in the vicinity. Its internal logic and justifications are not that dissimilar from certain applications of criminal law theory in the modern world.

It must be made clear that the actions this song describes are purely revenge-driven. The narrator does not take any concrete steps to prevent the cheating in question (unless this guy is only able to seal the deal by leveraging his “Pretty little souped up four wheel drive,” which even if true would be less necessary given the speculated level of intoxication of his target), she even discusses its likely occurrence as she details the care-nage.

Instead, she works, methodically, to trash is car - straight-up retribution for his unfaithfulness.

That is not to say that she hasn't rationalized her actions. Indeed, the narrator repeatedly indicates that she hopes her actions will make him “think before he cheats.” Yet even this stated goal is no more than a pretext for her true intention of getting back at him. She makes clear that she is not sticking around in this relationship, so “the next time that he cheats / Oh, you know it won’t be on [her].” But, without her actions getting out to a world-wide audience they will not necessarily decrease the likelihood that her next beau will cheat on her. As for the guy in question, she conjectures that she “might’ve saved a little trouble for the next girl,” but isn’t all that concerned about it, and seeks no guarantees. Other than feeling better about herself, what has the narrator’s conduct really gotten her?

All this is eerily similar to the current application of criminal law theory in court rooms around the country. We have moved away from a system of rehabilitation or deterrence and instead moved closer to a system of straight retribution. One need only watch any episode of Law and Order (warning: if my own grade is any indication, this is NOT a good way to study for Crim. Law!) to hear Jack McCoy lecture some criminal on the error of their ways, or advise a jury to punish said criminal for their conduct. (Indeed, if certain episodes involving murders of cheating spouses are any indication, ADA McCoy would surely try and hold the narrator of this song responsible for her actions against the car.)

Like in the song, no effort is taken.

CONTINUED on Next Page
to rehabilitate the wrong-doer. Like in the song, other than through a very convoluted causality there isn't a strong deterrent value offered by this straight up punishment-if-caught system. And, like in the song, the end result is simply to get back at the "guilty" party for what they did.

This doesn't seem to get us very far.

What we should do about it is unclear. Certainly we all feel that sense of satisfaction when we get back at someone who has wronged us; but then there is a risk of escalation. 'An eye for an eye makes the whole world blind,' I am told; and certainly tit-for-tat hasn't worked very well in the Middle East. Perhaps we should take some time to think about what we are about to do before we seek revenge for its own sake.

And, as for the song, it contains many more as-yet-unplumbed depths. For example, take this selection from the second verse: "Right now, she's probably saying 'I'm drunk' / And he's thinking that he's gonna get lucky / Right now, he's probably dabbing on three dollars worth of that bathroom cologne...." However, instead of diving into a detailed analysis of excessive cologne use - for example, a recent study out of Tel Aviv University indicates that excessive perfume use can be linked to depression - or the implications of intoxication, diminished capacity, and beer goggles on the 'walk of shame,' we will leave these topics for you to explore in person during the upcoming Bar Month [See "Bar Month Begins With A Bang" on page 4].

Now, if you will excuse me, I need to take a Louisville slugger to my clock radio....

Nate Kurtis is a 3L and Editor in Chief of Res Gestae. Questions, comments, and advice about better songs I can get stuck in my head may be sent to rg@umich.edu.

BRIEFCASE from Page 3

Other opportunities to foster industry connections are plentiful. Krasnow says she has found CLEs, conferences, and bar associations to be personally and professionally rewarding. Again, do not hesitate to get involved in such activities early in your career.

Make Non-Negotiable Self-Reassessments Regularly

In Krasnow's experience, law associates are not always in the driver's seat on their career paths. This can lead to job dissatisfaction and limit future options for change. She often hears from fifth year law associates who say, "I wanted to work two or three years at a law firm to pay off loans, and then decide what I want to do." She warns law students not to wait "to decide what they really want to do." Begin to work on this decision early. Krasnow says, in her experience, the longer you wait, the more difficult it may become to re-tool your career.

To get in the driver's seat of your career, she emphasizes the importance of self-reflection and planning ahead. Law associates should make a non-negotiable promise to reassess their future career plans and goals four times year.

As a legal recruiter, Krasnow has seen many individuals make a career move decision reactively after a lousy day at work. This is not smart. Instead, during regular self-assessments ask what skills you are missing and identify what you like and dislike doing at your job. If you think you want a change, think hard about why you want a change. "Make the move when you are in a position of strength", she recommends.

In today's world, a career is dynamic, and for many, involves multiple changes in employers and sometimes job fields. Krasnow's talk provided helpful advice for law students to succeed in the firm and make smart career changes.

SEX from Page 5

Con Law ruin a perfectly good sex life, the terrorists win.

-Rooks

Law school has driven me to drink in a big way; is there a way to get a bartender's attention quickly without having breasts?

-Alcoholic Lawyer is Slightly Redundant

ALSR,

This is something I normally wouldn't address in this column for two reasons: 1) it's tangentially related to sex at best, and 2) I, in fact, have breasts, so it's not really an issue with which I concern myself. However, in the interest of encouraging y'all to ply me with your sex questions, no matter how random, I'll give it a go. I think the key thing to remember about bartenders, ALSR, is that they're in it for the money; no matter how regular you are, money is the way to a barkeep's heart. Thus your options for being served quickly are pretty open, provided they all involve cash. Probably the best way is to be a regular, tip well, and always order the same drink. Barring what I'd call simplesightrecognition, I've found that leaning on the bar with cash or card visibly in hand is the quickest way to garner prompt service - it clearly indicates you're ready to order and, more importantly, ready to pay. Once you have a drink at the ready, distracted though you may be by the sweet nectar of the gods so recently dispensed to you, tip well. Bartenders have an eye for good tippers, cleavage notwithstanding, which should keep you deep in your cups for the evening's duration.

-Rooks

To submit a question or idea for Res Gestae's new sex columnist, please feel free to e-mail rg@umich.edu, or, if you'd prefer greater anonymity, deposit your question under cover of night in the RG student group pendaflex outside Legal Research 116.
“Twenty years from now you will be more disappointed by the things that you didn’t do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover.” Join the staff of Res Gestae. You’ll be glad you did.

Res Gestae
rg@umich.edu

Swing by our office at 116 Legal Research and have a chat about how you can get involved.
We’ll see you then.
Answers may be found on page 12.

ACROSS

1. Intended
6. Place for remains
9. Cochlear canal
14. Mr. Fudd
15. Leached wood ashes
16. Beaver trait
17. Fat
18. Braveheart’s “no”
19. Cassandra’s dad
20. Kevin Williamson drama
22. Large Mediterranean fish
23. Sock filler
24. Rainbow goddess
26. Circumvent
30. Assists memory
34. Arrogated
35. Ryan Phillippe’s spouse
36. Single
37. Through contraction
38. In the middle
39. Ancient Peruvian civilization
40. Debutant (informal)
41. Calf-length skirts
42. At the pitches written
43. Relating to mountain formation
45. Renounce
46. Actor Bana
47. Bad hair
48. Freestyle
51. Develops sores
52. Against
53. Napoleon’s isle of exile
54. Italian tenor
55. Oklahoma city
56. Not daughters

DOWN

1. Cat call
2. Napoleon’s isle of exile
3. Iowa city
4. Bird home
5. Location of #4 down
6. Arm bones
7. Baller Nolan
8. Unattractive quality
9. September min.
10. Italian tenor
11. Against
12. Not fat
13. Navy rival
21. Bagel accompaniment
25. Take it easy
26. Excel
27. Shows you your seat
28. Turbine
29. To and___
30. Military doctor
31. Made fun of
32. Short skirt
33. Charged atom
34. Biblical skin disease
35. Bauble
36. Sushi garnish
37. Pat___ Band
38. Jacket
41. Between two crenels
42. Collect taxes
43. Length x width
44. Pressure unit
45. Oklahoma city
46. Not daughters

BLSA Date Auction
Feb. 7, 2008, 7:00 p.m.

What Wouldn’t You Do For One of Them?

Tickets on sale Jan. 30-31; Feb 4-6, from 11-1 pm at the table outside 100 HH. $5 in advance; $7 at the door.
The Significance of the Local in Immigration Regulation (MLR) - A Michigan Law Review Author Talk with Professor Cristina Rodríguez: inverting the common, widely accepted structure for immigration regulation, Professor Rodríguez's article argues that the exclusively federal focus of our immigration policy obscures real innovation at the local level—and prevents us from finding better ways to handle immigration in the modern age.

The Michigan Law Review is pleased to present this discussion with Professor Rodríguez as part of our continuing series of author talks. Pizza will be served. 12:20 PM; 218 HH.

Alumni Talk (Alumni Relations) - Lunch and discussion with alumni guest, Paul Astolfi, '00. 12:20 - 01:20 PM; 138 HH.

The Evolving Chinese Legal Market and Practice from a Litigator's Perspective (ALS) - Mr. Ji Xiang is a partner of Fangda Partners LLP, one of the biggest and leading Chinese law firms; he specializes in representing multinational companies in litigation and arbitration in China. Food and drinks will be served! 6:00 - 7:00 PM; 11 6 HH.

Ambassador Ronald Weiser (RELS) - The Real Estate Law Society is sponsoring a talk with Ambassador Ronald Weiser. 12:20 PM; 138 HH.

Dr. Taner Akcam (MELSA) - Dr. Taner Akcam (UMinn) speaks about his new book, "The Significance of the Local in Immigration Regulation (MLR)". 12:20 PM; 250 HH.

General Body Meeting (APALSA) - More about the ORIGINS cultural event: The wait is finally going to be over; mark your calendars for BLSA's annual date auction! 7:00 PM; TBA.

Practice Area Presentation (OCS) - Robin Knoten from the legal job search firm Major, Lindsey will provide an overview of the top fifty practice areas, designed to help students make more informed career choices. She will describe the practice areas as well as how individuals' personality traits affect the practice areas they choose. It will help L1s in their bid for placement in their first couple years. 12:20 - 1:20; 218HH.

Bar night (LSSS)- Bar Month continues this week at LIVE at PJ's - don't forget to sign in! 7:00 - 9:00 PM; Live at PJ's.