2006

Vol. 57, No. 6, November 21, 2006

University of Michigan Law School

Follow this and additional works at: http://repository.law.umich.edu/res_gestae

Part of the Legal Education Commons

Recommended Citation
http://repository.law.umich.edu/res_gestae/86

This Article is brought to you for free and open access by the Law School History and Publications at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Res Gestae by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlawrepository@umich.edu.
Students, Administration Respond to Prop. 2

By Jenna Clemens

With the election behind us, many students are wondering what practical implications the passage of Proposal 2 will have for the Law School. I moved to California the same year that Proposition 209, the equivalent in California of Michigan's Proposal 2, was put into effect. When I entered my freshman year at UCLA in the fall of 1999, the ramifications were still being felt, not only by admissions offices struggling to keep the UC reflective of California demographics, but also by the student body, which had split into two distinct camps. Emotions continued to run high, and the loss of affirmative action was a source of tension at the school. The result of all this political turbulence was disastrous at both the undergraduate institutions and at the law schools. In 1997, only one African American enrolled at Boalt Hall. Two years later, two enrolled at UCLA's law school. I think it is safe to say that nobody on either side of the issue wants a similar result here at Michigan Law.

Dean Caminker pointed out two important contextual differences he sees between California and Michigan. First, the death knell for affirmative action at the UC sounded not with Prop. 209, but with a mandate that was issued by the UC Board of Regents in 1995 ending the use of race in admissions. Thus, “there were circumstances that might have misleadingly suggested that the schools weren't particularly welcoming of minorities.” Although this clearly wasn't a decision by a particular campus or the administration, it wouldn't have been completely irrational for someone to conclude, however erroneously, that the UC was hostile to minority students. It is highly unlikely that anyone would have the same misperception about the University of Michigan, which has continually demonstrated its commitment to diversity. As Dean Caminker put it: “Here, more than any other school in the country of any sort, let alone law schools, this University and this Law School have...

CONTINUED on Page 14
Open Letter to the Chickering Insurance Group

To Whom It May Concern:

We write to ask that The Chickering Group provide full financial coverage through its Domestic Student Insurance Plans for women wishing to protect themselves from human papillomavirus (HPV) by receiving injections of the vaccine, Gardasil. HPV can lead to serious health conditions, including cervical cancer, which may require expensive medical treatment in the future. We are alarmed that the current cost of the vaccine makes obtaining it cost-prohibitive to many women seeking to protect themselves. As the primary source of health insurance for students at the University of Michigan, it is crucial that The Chickering Group provide coverage for this important service. Providing coverage for the vaccine not only protects women, but will bring down health expenses in the long run by eliminating the costs of treatments associated with the virus.

Obtaining the Vaccine is Currently Cost-Prohibitive

Obtaining the vaccine through the University of Michigan Health Services requires a three-shot process, costing $495 in total. In fact, the New York Times has stated that it “is one of the most expensive vaccines to date.” Because students are often in significant debt by virtue of being in school, we are very concerned that many female students will not be able to afford the vaccination.

Most women are likely to acquire HPV at some point in their lives.

The Center for Disease Control noted that at least half of all sexually active men and women will acquire the HPV infection during their lifetime, and that 80% of women by age 50 will be infected. With 507 female students at the law school right now, 406 will have contracted HPV by their fiftieth birthday.

The Gardasil Vaccination has been proven effective in preventing HPV and Cervical Cancer.

Cervical Cancer is the second leading cause of death for women worldwide, and the vaccine has been proven effective against 70% of the cancers caused by HPV. Currently, there are efforts to make vaccination of young women mandatory in all states, with the Michigan Senate passing such a measure in September, and the CDC has encouraged all women ages 11 to 26 to obtain the vaccine. The majority of women at the University of Michigan are in this targeted age group.

By providing coverage for Gardasil, you ensure the health of women across the university and long-term cost savings for treatment of serious conditions associated with HPV. We hope that The Chickering Group will take a lead in protecting the health of women and provide coverage for Gardasil. We thank you in advance for your attention and action on this important matter.

Women Law Students Association
Getting Down with the Deborahs: Spotlight on the Snack Bar Staff

By Malak Hamwi

When Deborah Long left her job as a kitchen cleaner at South Quad nearly a decade ago to work at the Law School's Snack Bar, she prepared herself for the worst. Her coworkers had warned her about the "snooty people" roaming around Hutchins Hall; but, much to Deborah's surprise, the rumors didn't hold true.

"People still ask me, 'How's it going over there? You still like your job?' and I say yeah, You know from the [students'] attitude that you're appreciated," she says.

Deborah came to the Snack Bar in 1997 as a temporary employee and became the permanent supervisor the following year. Her promotion marked the beginning of major changes to the venue.

When Deborah first arrived at the Snack Bar, only a few bagged items were offered and the limited salads and cold sandwiches that were sold had to be brought over from South Quad each day. Deborah decided that, to ensure the freshness of the food, she would start making the salads and sandwiches herself. She introduced a greater variety of sandwiches and brought in a grill to start offering hot items, including the popular grilled cheese and egg and cheese sandwiches. In addition, she upped the variety of snack foods and ended the Snack Bar's no self-service motto by moving the microwave, cold drinks, and coffee urns outside.

"Everything is completely different. It's been a tremendous change," she says.

In 2003 Deborah set out in search of an assistant supervisor and among the half dozen replies she received to her online ad, Debbie Cordle's stood out.

"When I saw her name something just clicked there for me," Deborah says.

Debbie, who had spent over a decade as manager of a Taco Bell and was back on the market for a full-time job, immediately accepted Deborah's offer - though not without her own hesitation.

"I was very apprehensive, thinking these law students are going to be so snooty; but it's totally not the case," says Debbie, noting she's only had two bad run-ins in her three years at the Law School. "I was very impressed."

And so the duo, sometimes dubbed "the Deborahs," began their partnership. This year Deborah and Debbie are running the Snack Bar with the help of three undergrad employees. Their duties, however, don't stop at the basement of Hutchins. The two also manage the new coffee cart in the student lounge and are responsible for keeping the faculty lounge and tea room fully stocked for professors and administrators.

"People come in here to purchase something and don't know all that goes in behind that," Deborah says.

Every week, Deborah arrives at the Law School at 6 a.m. and Debbie, after an hour-long commute, comes in just before 7. Before the snack bar opens at 7:30 a.m., the two have unloaded the daily shipment of food and supplies, set up donuts, bagels, and coffee in the tea room, tidied the Snack Bar, balanced the cash register, stocked the faculty lounge, and arranged the coffee and treats in Room 200.

The work they do can be physically tiring, but Deborah and Debbie don't plan to hire any more help. Paying another employee would force them to increase prices, taking away from their top priority: keeping prices low for the students.

The Snack Bar is not a for-profit venture. Every semester, the goal is simply to break even and typically, the Deborahs say, they come up short. Deborah sets all the prices and says that in her 9 years at the snack bar she has never raised prices more than 10 cents - an increase in response to a manufacturer upping its prices.

As mothers - each with a college-aged daughter and teenage son - Deborah and Debbie say they understand that students are strapped for cash and stressed, so they try their best to accommodate students with low pricing and friendly service.

"I want someone to be treating my children like I treat the students that come

CONTINUED on Page 15
SOX Socks Big Business

By Mitch Holzrichter

There is no more timely issue in corporate law than the impact of the Sarbanes-Oxley Act of 2002. And future corporate high-fliers take heed: Sarbanes-Oxley will undoubtedly affect your champagne wishes and caviar dreams.

Following the public exposure of corporate scandals at Enron, WorldCom, and Tyco, Congress was quick to capitalize on an election-year opportunity and public outrage over the loss of thousands of jobs and billions of dollars in equity. With haste usually seen only in the passage of resolutions renaming post offices, Congress enacted the bipartisan Sarbanes-Oxley Act (affectionately, “SOX”), named after sponsors Sen. Paul Sarbanes (D-MD) and Rep. Mike Oxley (R-OH). Congress intended SOX to prevent corporate looting by imposing more stringent accounting standards and requiring broader financial disclosures. SOX also prohibited officers from taking loans, required greater Board independence, and imposed criminal liability upon accountants and officers.

Law School Professor Vikramaditya Khanna, who teaches Enterprise Organizations and a new SOX course, points out that the criminal prosecutions of Enron’s Jeff Skilling, Ken Lay, and WorldCom’s Bernie Ebbers were successful under the pre-SOX law, and that SOX was not necessary for securing those convictions. Corporate fraud is as old as business, and the law has been fighting it for centuries. But SOX is intended to deter and prevent Enron and WorldCom-like scenarios by requiring additional disclosure and increasing penalties for corporate fraud.

Despite its laudable intentions, SOX has become the bane of corporate officers. Many corporate scholars and practitioners believe that its requirements are excessive and cumbersome and question its effectiveness. The Law School and the Ross School of Business are teaming up this year to lead the academic assessment of the young law and suggest improvements.

Professors Khanna and Cindy Schipani, of the Business School, are co-teaching a course for law, business, and accounting students. The course, The Impact of Sarbanes-Oxley on Business, analyzes the history, intentions, and effects of SOX on corporate America. They have invited corporate officers, including former Ford General Counsel (and now Michigan Law professor) Dennis Ross, as well as accountants and corporate attorneys to participate in the class dialogue.

Two weeks ago, Khanna and Schipani, working with the Law School, the Business School, and the Michigan Law Review, organized the Moskowitz Conference on the Impact of Sarbanes-Oxley on Doing Business. A dozen papers were presented over two days by corporate law heavyweights, including Renier Kraakman (of Enterprise Organizations casebook fame) and Joe Grundfest (of In re Oracle Corp. and Stanford Law School fame). Final versions of the papers will be published by the Michigan Law Review in June, and are available online at http://students.law.umich.edu/mlr/symposium/abstracts.htm.

Many presenters argued that SOX is in need of reform, but were divided as to its successes. Terry Morehead Dworkin, a professor at Indiana University, argued that SOX lures employees into whistleblowing with promises of shelter from retaliation, but fails to deliver adequate protection. Dworkin believes rewarding whistleblowers with monetary bounties, like those that are available for qui tam prosecutions under the False Claims Act, would enhance the role of whistleblowing as a deterrent to corporate fraud. Jon Macey of Yale University argued that some insider trading is akin to whistleblowing, and might be permitted as a means of disseminating important information to the market which might otherwise remain hidden.

Professor Khanna presented a paper with Timothy Dickinson (J.D. ’79), a partner at Paul Hastings in Washington, D.C., and a professor at the Law School. Their writing focused on examining the rise of the corporate monitor. Over the past several years, the Justice Department and the SEC have imposed corporate monitors to oversee corporations allegedly in violation of federal law. Corporations often accept monitors to avoid prosecution and the large cost of defense. Khanna and Dickinson noted that the powers conferred on Monitors range from merely advisory to dictatorial. WorldCom, for example, was brought back from death by Monitor Richard Breeden, a former SEC Chairman, who was given very broad powers. Khanna and Dickinson made several recommendations to enable Monitors to correct recurring misconduct, but without interfering in profit-making enterprises of the corporation.

Schipani believes the conference was a “huge success.” “It was a tremendous opportunity to pull together a provocative conversation among scholars studying the issues of corporate reform from the perspectives of law, business, ethics, and accounting,” she said. “The Law Review’s sponsorship, and eventual publication of the papers, provided the forum for deep thought and some creative, innovative ideas.”

She hopes that many of the ideas presented at the conference will spark legislative change to SOX. “It is always difficult to predict whether a given forum with spark law reform, but I think there is a high probability that many of the ideas expressed in the symposium will have significant impact.”

Comments about this article may be sent to rg@umich.edu.
Roundup Provides High Court Commentary

By Ishai Mooreville

On November 8, three Michigan Law School professors participated in the annual “Supreme Court Roundup” in which they gave an overview of a few of the most significant cases on the Court’s docket. The session, cosponsored by the American Constitution Society and the Federalist Society, was moderated by Dean Evan Caminker and featured Professors Joan Larsen, Richard Primus, and Douglas Laycock.

Claiborne v. U.S. and Rita v. U.S.  
(Presented by Professor Joan Larsen)

These companion cases will discuss the extent to which federal sentencing guidelines should be binding on judges. First, some history. Initially judges were given great flexibility when deciding a sentence and could take into account personal factors including whether the guilty party was a first-time offender and whether the person provided support for a dependent family. However, this led to a situation where judges were giving widely varying sentences for the same crime and potentially discriminating against certain defendants because of their race. So federal sentencing guidelines were introduced which forbade the judge from taking an offender’s background into account except in regard to whether the individual was a repeat offender. According to Larsen, judges were not too fond of these new guidelines.

Furthermore, the way these federal sentencing guidelines worked was that they added a predetermined amount of time to the sentence for each element of a crime. The Supreme Court ruled that basing a sentence on the crime’s individual elements, rather than the entire crime itself, was unconstitutional since each element would have to be proven by a preponderance of the evidence and submitted to a jury for a verdict. The Court ruled that the remedy for this situation was to make federal sentencing guidelines advisory instead of binding. Sentences which fell outside the guidelines would be subject to appeal to determine their reasonableness. But appeals courts have reverted to treating the guidelines as binding, since they have ruled that any departure from them must be justified by extraordinary reasons.

In Rita, the defendant appeals the determination that his sentence was reasonable simply because it fell within the federal sentencing guidelines. In Claiborne, the defendant appeals a judgment that his sentence was unreasonable because it fell below the federal sentencing guidelines and was not justified by extraordinary circumstances. The questions before the court are: whether the sentence of each defendant is reasonable; whether all sentences that fall within the guidelines should be considered reasonable; and whether it is constitutional to require sentences that diverge from the guidelines to be justified by extraordinary circumstances.

Oral arguments have yet to be scheduled for these companion cases.

Sinochem International, Co., Ltd. v. Malaysia International Shipping Corp.  
(Presented by Professor Richard Primus)

This case will involve questions of hypothetical jurisdiction. In every case, a court must first determine that it has jurisdiction. In the past, for cases in which the merits of the case are easily dismissed, judges have decided not to address the more complicated jurisdictional question. This practice is called “assuming hypothetical jurisdiction.” However, in Steel Company v. Citizens for a Better Environment, 523 U.S. 83 (1998), the Court held that the practice of hypothetical jurisdiction was not lawful and that jurisdictional questions had to be resolved first.

Both of the companies involved in Sinochem International are based in China, but one of the companies decided it would be more beneficial to have the case tried in admiralty court in Philadelphia. The admiralty court dismissed the case on forum non conveniens (inconvenient forum), meaning that this court was not the appropriate location to decide such a case. However, the Third Circuit ruled that a dismissal based on forum non conveniens did not address the jurisdictional question, and could only be applied to cases in which jurisdiction was properly assumed. According to Primus, it is possible that the Supreme Court will overrule the circuit court’s decision as well as its own decision in Steel Company.

Oral arguments for this case are scheduled to begin on January 9, 2007.

(Presented by Professor Richard Primus)

This case will address the issue of whether race may be taken into account in the assignment of students to public high schools in a particular district. Jefferson County is located near Seattle, Washington. The county runs ten public high schools. Forty percent of students who enroll in the public school system are white. In order to allocate students to each of the ten schools, the district first asks each student entering ninth grade to select their first choice school. After this step, there are usually about three or four high schools which are oversubscribed. The next step taken by the county is to ask whether an enrolling student already has an older sibling attending the same school. If so, they are automatically entered. But, typically, there is still oversubscription after this step, so the Board moves on to its last step in which it takes race into account to ensure that each high school is sufficiently integrated. To do so, it uses the following procedures: If overall public school enrollment in the county is forty percent white, each school should have a student body which
Focus on Public Service:

Betsey Wiegman Tackles La. Juvenile Justice

By Jennifer Hill

Southern Louisiana is “the most exotic place you can find without leaving the country,” according to Betsey Wiegman. “The region has its own food, culture, holidays, words.”

It also has deep poverty, low-quality education, inadequate social services, a juvenile justice system in shambles – all that even before Hurricane Katrina took any semblance of normalcy away. Betsey, a 2L who taught in Louisiana for two years before law school, wanted to go back to help.

Finding public interest internships, however, takes some work. What you need, said Betsey, is “a lifeline, someone in the public interest community where you want to work.” She found her lifeline after attending one of the Inspiring Paths presentations put on by the Office of Public Service. She spoke with Ben Cohen, an alum working in New Orleans, who encouraged her to pursue her interest in advocacy for children. “That opened the door.”

Betsey worked with the Juvenile Justice Project of Louisiana (JJPL), where she advocated for young people incarcerated in Louisiana’s three youth prisons. The legal work was challenging – researching and writing motions and briefs, assisting the juvenile public defender in court, interviewing incarcerated juveniles, investigating cases, preparing appeals, and editing a manual on juvenile defense trial practice.

“The defining aspect of the summer was being in post-Katrina New Orleans. The hurricane affected everything,” Betsey explained. Although she lived near the Tulane and Loyola campuses in an area that didn’t sustain bad flooding, the area around JJPL’s offices was still dominated by “empty, gutted buildings.” Post-disaster problems make for unexpected challenges.

“Priorities change. For example, street signs blew down, and it wasn’t a priority to put them back up.” It was a reality T.V.-like challenge: put a law student downtown in a major city with no street signs, and see if she can find her way to work, home, the grocery store, and the courthouse.

Oddly enough, one place the hurricane’s effect was limited was the youth prison system. It was miserable before Katrina, and continues to be miserable today. “The goal of juvenile justice is to reform kids. Children who have been adjudicated delinquent are not unsalvageable, and we have an obligation to those kids who face a lot of other problems – poverty, lack of high-quality education, lack of a stable family environment – that end up putting them into the system. Even pre-Katrina, the system was not able to provide services that we owe to these children.”

One encouraging sign was a program undertaken at the Bridge City Correctional Center for Youth, modeled on “revolutionary” experiments in Missouri. “Bridge City has made some changes – not enough – but they are putting children in small groups to meet with counselors every day, carry out daily tasks as a collaborative unit, live in group dorms instead of individual cells.” It was particularly interesting to Betsey, as a former teacher, to visit prison classrooms.

“They don’t have enough resources to separate by grades, so they screen kids and divide the entire population into three groups: one remedial, one basic skills, one GED class. Occasionally a kid who passes the GED and has great personal motivation decides to enroll in college classes. If they are on minimal custody level, they can go to college classes with an escort.”

Betsey had a chance to help one motivated student. “I worked on the case of a young man who was accused of aggravated rape but claimed his innocence throughout the case. The evidence indicated that he was innocent, but his defender advised him to plead guilty and said he’d get two to three years. But when you plead guilty to aggravated rape in Louisiana, it’s an automatic sentence of juvenile life, so he was sentenced to prison until he was 21 – a seven-year sentence.” The young man went to prison, where he took classes and earned his GED.

“What happened then was completely serendipitous. We requested a transcript of his plea because we wanted to make sure he’d been advised of his rights. It turns out there had been an error, and no transcript existed. Under the juvenile code, proceedings must be documented. Without documentation, the plea had to be thrown out and a new trial granted.”

“Because of evidence in favor of the client and because witnesses may have been dislocated by Katrina, the client was able to plead to a lesser offense and get credit for time served. He is now a full-time college student in Florida. Betsey’s client was African-American. This is not surprising in a system noted for “endemic racism,” according to JJPL’s founder, David Utter, who won a Ford Foundation Leadership for a Changing World Award in 2005. African-Americans make up roughly one-third of Louisiana’s population, but 78% of incarcerated youth, and white juveniles more often receive probation than African-American youth for similar offenses. “It’s a noticeable disproportionality,” Betsey said. “I visited all three youth prisons, and it’s rare to see a white face.” In addition, federal and state studies suggest that 60 to 75% of incarcerated youth have a mental health disorder and need more services than the prisons provide.

What does this mean? It means there is more work to be done. “It’s exciting to be part of the public-interest-law community,” Betsey said. “You get a chance to just roll up your sleeves and do law.”
A Roadmap for Surviving the 1L Job Search

By Sumeera Younis

It seems like just yesterday that we got our acceptance letters to Michigan. Now they want us to foray into the working world? What about finals? What about the organizations we are involved in? What about our friends, our families? Alright, let's slow down. Clearly there must be a way to get through the 1L job search and maintain our sanity. Look at all the 2Ls and 3Ls around us... ok... maybe not a good example. But after a little investigation, I found that the 1L job search can be easy-peasy, stress-free.

Getting Started

Collecting the materials you need for the job application process is not quite as overwhelming as, say, applying to law school. Instead of seemingly hundreds of forms, you just need three basic things. First, you need to update your resume. There are many resume workshops available, including services provided by the Office of Career Services. Second, you need to create a cover letter. The cover letter serves as a way to introduce yourself to the organization in a more personal manner and as a tool for you to distinguish yourself from other candidates. The introductory paragraph of your cover letter is the most important. Often, time pressures lead employers to skim through cover letters, so your first paragraph should convey the most important points that you want to address. If you know anyone in the organization, the intro paragraph is the best place to name drop (with the person’s permission, of course). Finally, you may need a writing sample. Most students use a brief or memo they worked on in Legal Practice. But if you have something more relevant from undergrad, that should be fine too. Only submit a writing sample if asked to do so.

Law Firms and Judges and Non-profits, Oh My!

There are many options available for your 1L summer. In fact, once you start exploring, the choices seem endless. Keep your perspective open. You may be dead set on a firm job or a public interest job but right now is the ideal time to experiment. Get a little flavor in your life. The paths that most people take are to work for a firm, do a clerkship, or work in the public-interest sector. Within each of these categories there are many subcategories, so there is a fit for everyone.

Think about where you want to be after graduation and what jobs may help you get there. But also consider what a holistically trained attorney can bring to any playing field. Who wants to be a one-trick-pony? The oratory and presentation skills of a litigator will help you in any specialty you choose. Likewise clerking or working in public interest will develop essential skill sets too. Consider not just what you need now but what will aid most in your long-term development as well.

Work it! Work it!

Now that you are having all sorts of ideas of where you may work this coming summer, you need to have a strategic approach to nabbing that job. The more you consider your options and your strengths, the less stressful and scary the process becomes.

Firstly, utilize networks. If you want to work in an area you have ties with, such as your hometown, you are already ahead of the game in several regards. The employer can see you have a connection to the area and will be more apt to hire you. Additionally, you won’t be spending the first few weeks of your summer adjusting to a new place; you’ll be able to hit the ground running.

Second, connect with alumni both from Michigan and from your undergraduate school. Michigan has alumni almost anywhere you can think of. Everywhere that I have met alumni, they have been extremely responsive and eager to help. So, shoot them an email or quick phone call to express your interest in their firm or organization. Have them put in a good word for you or reference them in your cover letter. If you haven’t learned it yet, you will learn soon enough: connections and networking can be half the game.

Third, apply everywhere! Particularly if you want a firm job your 1L summer. Most firms have limited spots in their summer classes for 1Ls. Many of the 2Ls and 3Ls I spoke with sent out hundreds of resumes for firm jobs. You don’t necessarily have to go to those lengths, but be prepared to send out a significant number of resumes and cover letters. With the miracles of mail merge, this isn’t as daunting a task as it seems. If you are applying to public-interest jobs, you won’t be sending out as many applications, nor should you. You should invest time in each application to really speak to the organization and about your fit with them --public interest employers are looking much more at your personality and who you are.

And finally, name drop! This is not the time to be shy. Anybody you may know within the organization or firm where you want to work becomes a strong asset to you. Mention that you know them in the first paragraph of your cover letter. This gives you a tie to the company--it’s a great way to get your foot in the door.

Grades, Grades, Grades

With all the deadlines and the crazy rush to get everything out by December 1, it is easy to let the job search take over when something else that is kind of a big deal is going on --finals! Don’t neglect these last weeks of classes or sacrifice studying for finals in order to get a rush on the application process. If you can manage it all, that is great! But if it comes down to choosing one or the other, pick school. Many employers won’t make the final decision to hire you until they have seen a set of grades, so whatever shows
Alumna Tells of Clerking, Firm Life, Trump

By Andrea Hunt

It’s real. If you had that much money, would you get a bad toupee?” Michigan Law School alumna and The Apprentice contestant Roxanne Wilson said of Donald Trump’s hair. Wilson visited the Law School Thursday, November 13, to speak about her experiences as a clerk for the Texas Supreme Court, an associate at Jenkens & Gilchrist in Austin, and the twist of fate that led to her audition for The Apprentice and her new career in broadcasting.

After graduating from the Law School in 2003, Wilson clerked for the Chief Justice of the Texas Supreme Court, where she says that she learned “life is not just about law firms.” “Don’t think that there’s any less prestige to a state clerkship,” Wilson added. “The experience allowed me to apply what I learned in law school, and opened lots of doors for me. You don’t have to be on a journal, and you don’t have to find a judge who shares your political views. You can work for anyone and learn great things from them and be challenged by them.”

Her clerkship led to a position as an associate at Jenkens & Gilchrist in Austin, Texas. She worked in appellate litigation and said, “I loved it. You actually get to write and think in appellate work.” When Wilson had worked at the firm for a year and a half, the Baylor Alumni Association, of which she is a member, asked her to get information out to Baylor students about upcoming auditions for The Apprentice. Because she found law firm life “too rigid,” after recruiting Baylor students to audition, Wilson decided to audition herself.

Wilson said that her experience at Michigan Law School prepared her for The Apprentice. “The boardroom was easy because I wasn’t afraid to speak my mind. I was able to advocate my position.” She added that being on The Apprentice was like living in the Lawyer’s Club, since all of the contestants lived together and worked together.

“I was tired of one-dimensional African American women on reality shows,” Wilson said, so she tried not to play into that stereotype. During one task, though, she admitted “I had a moral dilemma because I just wanted to yell.” But she took the high road, and asked her teammate Andrea, who had tried to sabotage her work, to respect her as Project Manager as she had respected Andrea when she was Project Manager. Nevertheless, Wilson admitted, when the time came, “being fired has never felt so good.”

After The Apprentice, Wilson left Jenkens & Gilchrist to pursue a career in broadcasting. She now speaks to colleges and women’s groups to help people maximize their potential. She has also freelanced for BET, an experience that led to meeting Rudy from The Cosby Show, who, incidentally, hates to be called Rudy — her real name is Keshia. Wilson dreams of having her own talk show one day, but adds, “If the President calls me and asks me to be on the Supreme Court, I’ll do it.”

New Computer Lab Welcomes Users to S-3
Behind Closed Doors: Law School Bathrooms

By Tim Harrington and Bria LaSalle

There are many things that all Michigan Law students have in common. We were all handpicked by Dean Zearfoss. We all enjoy the pleasure of studying in the classically beautiful environs of the Law Quad. And we all suffer the insufficient lavatory facilities of Hutchins Hall. Armed with a few gallons of Gatorade and our laptops, we set out to more fully discover the Law School’s bathroom offerings.

Location: Women’s bathroom, S-3; Men’s bathroom, S-2

Tim: As I sit here typing in the Sub-2 bathroom, I revel in the fact that I can take my computer into the bathroom because law students are so paranoid that they can sympathize with my not wanting to leave my most important possession lying around unguarded. Little do they know that I bring it in so I don’t have to interrupt my reading of ESPN.com. The handicap stalls in the subs are some of the best bathrooms in the Law School, and not just because we can bring our laptops in with us. They are clean, well-lit, and spacious. Unfortunately, the little metal fold-down table has gotten bent, so it’s no longer serviceable as a desk while I’m sitting on the throne (I can’t imagine what else it was intended for). But it was a nice thought. My only regret is that I didn’t realize how socially acceptable it was to bring one’s computer in here until this year.

Bria: The fluorescent lights in the Law Library tend to make me sleepy, so it has been a while since I last ventured down here. Bathroom-wise, this was clearly my mistake. After trekking down the Escher-esque switchback stairs for what seemed like an eternity, I stumbled into this spacious, blue-tiled jewel of a facility. The ridiculous nature of my bathroom at home (the toilet’s ill-conceived orientation places it so close to the wall one has to sit side-saddle) makes me preternaturally fond of a place so cavernous. The stall here is deep enough to set a bag down, take a step, stretch, yawn, and do a small jig before sitting, if one were inclined toward bathroom-jigging, which I am not. The stall walls and door are quite clean and devoid of old ads for apartments that offer residents the opportunity to get up “only five minutes before class!” This is good. The toilet paper is standard, institutional single-ply fare. This is not good, but also not a deviation from the norm. I can live with it. The thoroughly modern sink area has nice soap and a well-stocked paper-towel dispenser. I leave resolved to make the trek down here more often.

Bria: The layout of this bathroom follows an organizational philosophy that is the exact inverse of a mullet: business in the back, party in the front. Women’s bathrooms often have some sort of front room, and I’ve never been entirely sure why. I suppose it would be useful if one had an infant in tow, but otherwise I’m at a loss. This year, this particular anteroom has undergone a recent facelift. The small table and chair in the corner is almost completely obscured by the two giant, antiseptic blue couches that now face each other from opposite walls and offer lengthy landing pads for backpacks and coats. The little table will always take center stage for me, however, as it was there that I once found a partial roll of industrial toilet paper that made its way into my backpack during a particularly frantic part of 1L year and saved my bathroom at home from its paperless state.

The actual bathroom is an entirely different place. A sharp contrast to the wide-open spaces of the anteroom, three tiny stalls are crammed along with two sinks into a space that would qualify for a reasonably-sized walk-in closet anywhere else. This creates a particularly fun bit of awkwardness every time someone tries to enter or exit a stall while someone else is washing their hands. Just now, before I entered this stall, I had a typical experience with a hand-washer: accidental eye contact, which is quickly averted, a quarter-smile, and some form of “excuse me” blurted out under each of our breaths in a hybrid speak-sigh tone reserved solely for this sort of awkward I-wish-you-weren’t-here-either tango.

The stalls themselves are dark; the floor in mine is a bit wet. And when I exit, I’ll have to make the wretched choice I always have to make at the sinks in this bathroom: scald or freeze? These are sinks from the baffling olden days before people discovered the beauty of warm water, made from mixing hot and cold together. There’s one tap for hot, and a separate tap for cold; neither messes around. I generally don’t/shy from hot water – I take completely scalding showers – but today the hot tap is so hot I can’t take it.

CONTINUED on Page 17
Jenny Runkles Memorial Ball Celebrates

The Jenny Runkles Gang poses with the evening's guest speaker, Julia Donovan Darlow. Julia was the first woman President of the State Bar of Michigan and chaired the Michigan Supreme Court Task Force on Gender Issues in the Courts. At the Varnum law firm at its Novi office since 2005, she focuses her practice on nonprofit institutions. Previously at Dickinson Wright in Detroit for 33 years, she developed a major international business law practice and was elected to the governing board. She has served on the Michigan Bilateral Trade Team for Germany, the State Officers' Compensation Commission and the International Women's Forum Global Affairs Committee and has taught at Wayne State University Law School.

Photos by Meg Barry
Students' Commitment to Public Service

The Jenny Runkles Award was established to honor the memory of Jenny Runkles, who was killed in an automobile accident following her second year at Michigan Law School.

Nominees are evaluated for their selfless commitment to improving the Law School community, and society as a whole, through a demonstrated devotion to public interest and diversity.

At the annual Jenny Runkles Fall Formal on November 11, 2Ls Malinda Ellwood and Lyzette "Foz" Bullock were named the 2006 Jenny Runkles Scholarship Recipients.

The awards provide recognition for the ceaseless effort Ellwood and Bullock dedicate toward bringing people at the Law School together, continuing to demonstrate the spirit Jenny Runkles inspired in those around her.
Bar Night, LIVE @ PJ's

Photos by Katherine McKeon
a history and a track record of showing how much we care about this issue and to what lengths we are willing to go, even taking a case all the way to the Supreme Court...people can look at Michigan and say they know what we stand for.”

The second difference that the Dean sees is the difference of a decade. “Part of what happened in California was partly due to shock value...but there has now been a decade of these kinds of decisions and in some sense it is not as novel anymore and people recognize that schools are capable of doing things to try and matriculate a more diverse class.... Michigan has long been known as being the school among the top schools that is the most collegial and the most civil, and a place where people actually get along and work together.... There are reasons to think that minority students thinking about attending Michigan will view it quite differently in light of our current reality of being a collegial place and our history of defending the Grutter case. They will have assurances that they wouldn't have necessarily had ten years ago.” Indeed, University President Mary Sue Coleman conveyed this idea in no uncertain terms in her speech the day after the initiative passed: “I guarantee my complete and unyielding commitment to increasing diversity at our institution. Let me say that again: I am fully and completely committed to building diversity at Michigan.”

Allaying the fears about prospective applicants’ misperceptions is important. Dean Caminker's greatest concern is that the media will portray Michigan as being an unfriendly and unwelcoming place to minority students, and that as a result applicants will choose to go elsewhere. Black Law Students Alliance President Maya Simmons pointed out, “People who can get into Michigan can get into a lot of other places as well. Why go here instead of someplace they do not have to desegregate? 1L year is hard enough.” Maya, a 2L, went on to say that the response of the Law School and President Coleman was encouraging, and it is clear that the end of affirmative action is not a reflection of negative sentiments towards minorities by the administration.

That being said, there will certainly be changes that have to be made in conformity with the new law. Prop. 2 will take effect on December 22, 2006, and at that point the Law School must be in compliance. It is hard to know at this point exactly which programs will need to change. “The language isn't self-defining.... It doesn't give a list of what you can and cannot do. We need to make sure that what we are and are not planning to do falls within that,” explained Dean Zearfoss.

As for admissions policy, both Dean Zearfoss and Dean Caminker agree that, absent a narrowing judicial interpretation, the language of the admissions policy as it now stands will have to be changed. “The current policy expressly says that we take race into account in certain ways.” However, Dean Zearfoss does not think that there will be any major changes to the application itself. “We are not going to be exploring a radically different admissions policy that involves some new formula or really strange new set of criteria. Every year we remove questions and add questions and rewrite essay questions. We have to ask about race under state and federal law. We have to collect that data. We will however - and we have been able to because of Grutter- simply tear off that sheet, and people who read the file will not be aware of whatever answer anyone gives. I don't think that there would be any major changes because of Prop. 2 to the questions that we ask.” Currently there is a faculty committee charged with discussing what the language of the new admissions policy can look like.

Another area of concern for students, as evidenced by questions at the town hall meeting at the Law School on November 9, is whether recruitment of minority students will have to be modified to comply with Prop. 2. Dean Zearfoss had this to say about Prop. 2 and recruitment: “I am planning to recruit hard. Much of what we do is completely non-controversial, like talking to people we have already admitted through students, faculty, and alumni, and I would find it astonishing if anyone objected to that. We contact everyone that way, and I can't imagine objections to further efforts in that direction. We will do the same things, but more. The strategy we have for recruiting students is to try and show them what kind of a place this is. It has never been a hard sell. It has never been a bait and switch. It has just been trying to communicate what this school is about and whether it would be a good fit for you.”

Professor Douglas Kahn, who was teaching at Michigan Law when affirmative action was first established, agrees that Prop. 2 will not affect either outreach or recruitment. Professor Kahn suggests that because recruiting is not done to benefit the student, but rather to benefit of the school, it would not be giving anyone an unfair advantage in the admissions process, and therefore would not be violating the new law.

Unless it is asked about, Dean Zearfoss does not plan to bring up the subject with prospective students, partly because so much is up in the air about what the Proposal actually means, and partly because there are already resources about the subject on the Law School website, such as the Dean's message. Students have been, and will continue to be, instrumental in recruiting candidates. Simmons said that BLSA’s focus is to move forward and work doubly hard to show candidates that the environment here at Michigan is not an uncomfortable one. Dean Zearfoss hopes that the change in the law will energize students and alumni alike to help the school recruit applicants.

Funding for student groups is also likely to be uncontroversial. As Director of Student Affairs Christine Gregory noted, the programs and organizations are open to everyone, and the amount of funding is determined by the level of programming. As far as she can tell, there is no restriction on supporting students of color. The Office of the Dean of Students is in part charged with supporting each individual student with reaching his or
CONTINUED from Previous Page

her potential, which it will continue to do.

Dean Caminker also does not believe that many scholarships would be affected, as few scholarships require that recipients belong to a specific group. Even scholarships aimed at a specific demographic are often funded by private parties, which keep them out of the reach of Prop. 2. Because Prop. 2 applies to state actors, and not to private individuals, race-specific scholarships will continue to be permissible so long as there is no collusion between the Law School and the person giving the scholarship. "As long as [private parties] are the ones giving the money and making their own decisions, I don’t see a problem," stated Caminker.

Still, much remains to be understood about the new law, not only for the Law School but for the entire University. "I do expect that a lot of the kinds of issues that will arise for us are the same as will arise for every other professional school on campus, and we assume that the General Counsel's Office of the University will provide guidelines about the kinds of programs that warrant closer scrutiny," Dean Caminker said.

The student groups who collaborated to create open dialogue about Prop. 2 before the election are keeping the lines of communication open. 3L John Mertens, President of the Federalist Society, affirmed that the goal is for the Law School to remain a collegial and friendly place, where no one has to feel uncomfortable about their position on the issue. The leaders of BLSA, APALSA, NALSA, and The Federalist Society co-hosted a pre-election debate about Prop. 2, and have since discussed the possibility of having another multi-group forum for discussion. Dean Zearfoss reiterates the extent to which this impulse is very much in keeping with the Law School’s philosophy and culture. “One of the things that was so amazing going through Grutter is that throughout the entire time there really was no unpleasantness between students on this issue. People disagreed, but there were no incidents of people feeling personally attacked for their views on either side. That really made me feel great about this place. Keeping that tradition going is really important.” As Ms. Gregory put it, “Overnight this amendment changed the law, but it didn’t change our values.” Ultimately, it remains to be seen how Prop. 2 will affect the Law School. However, the desire and effort to engage constructively with one another in a respectful way is what drew many of us to Michigan Law in the first place, and what will continue to draw students of all demographics from all over the country.

Comments about this article may be sent to rg@umich.edu

SNACK BAR, from Page 3

in here,” says Debbie, adding that she and Deborah try to meet all student requests for items, as they have in the past by bringing in carrots, Ranch dressing, and veggie burgers.

Because they try hard to keep prices low, Deborah and Debbie say they were upset by the ruckus over the higher cost of coffee in the student lounge (“Coffee Cart Arrives in 200 HH,” November 7, 2006 issue of Res Gestae) — a difference they say is simply attributed to the higher quality coffee and cups they decided to use.

“I care about the people who come in here, and I would never ever try to rip anybody off. It bothered me that people would think I would do that,” Debbie recalls. “I think we took it too personally, but it does kind of hurt your feelings.”

Despite the small bumps in the road, Deborah and Debbie plan to continue working at the Snack Bar for the foreseeable future. Both say they enjoy their jobs and have fun with each other and interacting with the students each day.

“I feel service is my gift,” Deborah says. “What brings me to work every day is to be able to serve and make sure people are happy.”

HIGH COURT, from Page 5

is between 25 to 55 percent white (40 percent plus or minus 15 percent). Thus students are reassigned to other high schools based on their race, to ensure that this distribution is met.

The parents of some students have brought a claim that this method of assigning students violates the Equal Protection Clause of the 14th Amendment, the Sixth Circuit upheld the Board’s method. The Supreme Court will have to decide whether this method is similar to the Law School’s method of taking race into account in admissions, a practice that was upheld in Grutter v. Bollinger. Oral arguments for this case are scheduled to begin on December 4, 2006.

Philip Morris USA v. Williams (Presented by Professor Douglas Laycock)

This case deals with whether the harms committed against non-plaintiffs may be taken into account when awarding punitive damages. In this case, the plaintiff brought suit against Phillip Morris for conducting intentionally misleading advertising campaigns calling into question the danger of cigarette smoking, leading her husband to become addicted to smoking and die of lung cancer. The company was found guilty of negligent and fraudulent conduct, and the jury awarded the plaintiff $821,485 in compensatory damages. The jury then awarded $79.5 million in punitive damages in response to the large number of people affected by Philip Morris’s negligent and fraudulent conduct. The Oregon Supreme Court upheld the award. The discrepancy here between compensatory and punitive awards rejects the Supreme Court’s ruling in State Farm v. Campell, that the ratio of punitive to compensatory damages should not exceed 9 to 1. Instead the Oregon courts relied on BMW of North America v. Gore, in which the court laid out alternative criteria to determine the reasonableness of punitive damages. Oral arguments began on October 31, 2006.
Least Popular Practice Areas

Submitted by Jacob Sherkow

As anxious 1Ls, looking for their summer jobs, prepare to bolt out of the gate on December 1st, the Office of Career Services has been especially helpful in explaining the various types of legal work out in the “real world.” Despite the breadth of the student body’s interest and the wealth of opportunities available, there are some internships which remain hard sells to many students. Here are the “bottom ten” areas of legal practice for University of Michigan Law School students:

1. Environmental Destruction Litigation
2. Popped Collar Criminal Defense
3. Honest Mistake Liability
4. Zombie Rights
5. Equine “Offerings”
6. Student Loan Regulatory Enforcement
7. Amateur Bono
8. Event Planning Litigation
9. Wyoming Maritime Law
10. Investigative Reporter for the RG

Gonzales v. Carhart, Leroy, et al. (Presented by Professor Douglas Laycock)

This case, currently before the Court, involves the ability of Congress to prohibit late-term partial-birth abortions. The law at issue is the Partial Birth Abortion Act of 2003. In Roe v. Wade, the Court held that abortion may be regulated after the fetus is “viable,” as long as there are exceptions for the health of the pregnant woman. However, this latest Act contains exceptions to the prohibition only in cases in which the woman’s life is in immediate danger, following Congress’ finding that there could be no possible health rationale for ever allowing these types of procedures. Four doctors who perform late-term abortion have challenged the enforcement of this act. The Eighth Circuit has ruled that the Act is indeed unconstitutional because it contains no exception to protect for the health of the woman.

Oral arguments for this case began on November 8, 2006.

EBB Deadline

To take exams on your laptop, you will need EBB version 3.53.0000. The version number can be found at the bottom of the Welcome screen in EBB.

Versions used last year or over the summer are not acceptable.

Tuesday, December 5, 2006, at Noon.

The new version may be found at http://cgi2.www.law.umich.edu/EBBTest/Home.aspx
up on that transcript in January could be more decisive than getting everything out at 8 a.m. on December 1.

Final, Happy Thoughts

Don’t stress about the process. We have awesome resources here at Michigan, namely Career Services. When flustered, ask for help. You are a rock star, you will get an awesome job and then you will rule the world. Simple.

CLOSED DOORS, from Page 9

Truly, there is nothing about this one that makes me want to linger. I am generally not afraid to camp and read (I may know the identity of the summer associate at my firm last summer who surreptitiously snuck her Blackberry into the bathroom with her so she could play Brickbreaker on the can), but the combination of small space, poor lighting, and heavy traffic tends to make me emphasize speed over leisure.

Location: Basement near old locker room
Upshot: Large, but eerie

Bria: Ever since traffic died quite a bit down here due to the locker room reorganization, this bathroom has become rather dead. From the second stall on the left side of the room, I’m more than a little creeped out by the flickering overhead light. Still, every time I come to this bathroom, I laugh. There’s one giant stall at the back of the room with a sign that reads “PLEASE DO NOT USE WHEELCHAIR ACCESS BATHROOM FOR A CHANGING ROOM.” And yet, I saw a different person using that stall to change into a suit every time I came to this bathroom during my 1L year. It’s the little, everyday ironies that make the long trek to adequate bathroom facilities feel like that much less of an imposition.

Tim: The nice thing about the men’s room by the lockers is that you can feel like you’re in the Big House. There are about a dozen urinals in a row, and when people run down there between classes, you get a pretty good line of dudes doing their business. It’s also nicely designed in that the stalls are all kept out of sight around the corner. And there is a nice large table right in the middle on which to plop your book bag. I think my favorite part of this bathroom, however, is how every time I wash my hands in there, I always start somewhere in the middle of the row sinks, realize that there is no soap in the first dispenser, and am forced to try several of them on the way down the row, until I’ve turned on every sink and tried every dispenser and am now all the way at the end of the row by the paper towel dispenser. For some reason I never learn....

Location: Women’s Bathrooms, 3rd Floor Hutchins Hall; 9th Floor Legal Research
Upshot: Magazines, air freshener, and personalized soap!

Bria: I dearly love the bathrooms in the Law School that enjoy regular faculty and staff use. Students are quite transient with respect to the bathrooms in both Hutchins and Legal Research; none of us have an individual locus here, like an office. The professors and staff members have a home base and, by extension, become dedicated to their local bathroom. As far as the female faculty and staff go, it looks like the move-in process includes contributing a bathroom product.

Both the Hutchins 3rd floor and Legal Research 9th floor women’s bathrooms have a bounty of soaps, lotions, and gratuitously large cans of air freshener. The latter makes me giggle every time I see it; it’s as though the bathroom regulars are terrified of the idea that a student or coworker will enter the bathroom and realize that someone has recently bathed something dangerous. As if that’s not enough of an amusing distraction, the first stall on the 3rd floor of Hutchins routinely has a magazine; currently, it is Cottage Living, and I am learning a little something extra about easy romantic gardens. The 9th floor, though conspicuously lacking in reading material, smells faintly of donuts. I simply cannot complain.

Location: Unisex Bathrooms, 1st and 2nd Floor of Hutchins Hall
Upshot: Space, space, and more space

Tim: Ok, here’s the deal: the second-floor bathroom in Hutchins is gone. They locked it. You’re not getting in. Why? Well, not to get too into the details, but I spoke to the facilities guru for the Law School, Brent Dickman, and he explained that the toilet has a three-minute refill cycle, and therefore when more than three people use it during the 10-minute break between classes, it gets off-cycle and... you can imagine. To replace the toilet and associated plumbing would cost $10,000-$15,000. To replace the lock cost $80. Case closed.

The first-floor bathroom in Hutchins inspires debate. For many, it is too spacious. 2L Karin Kringen said she feels vulnerable in such a large space. 3L Adam “Duby” Dubinsky describes himself as uncomfortable because he is unable to “close his mind and think.” I personally love it. I can spread out and put my bag and jacket on the fold-down baby changing station, and I can set up my computer on the chair next to the toilet. I can open the window and get a breath of fresh air from the courtyard...it’s got everything. I mean, you could move in there. With two sinks, you could wash whites and colors at the same time.

Tim Harrington and Bria LaSalle are 3Ls who aren’t ashamed of taking their laptops into the stall with them. Comments on this review can be directed to jtwh@umich.edu and blasalle@umich.edu.

The editorial board of the RG would like to thank all our writers, editors, and photographers for their hard work this semester!
Call Me a Relic, Call Me What You Will... 
A series of thoughts

By Adam Dubinsky

Before I begin, I am pleased to report that I have found a Japanese Restaurant that not only surpasses the quality of MacNamara Terminal food, but also tops our local campus Japanese joints. It's no Japan-Town, San Francisco, but the food is phenomenal for the area and there are even tatami rooms. Cherry Blossom, 1776 S. State Street in Ann Arbor. It's just past the 94 exit, where the old Chi-Chi's used to be.

My palms are sweaty, knees weak, arms are heavy. Under my sweater my heart hammers already, legs spaghetti, but on the surface I look calm and ready to drop bombs. But I keep forgetting to push “Down.” The whole room goes loud—I push B, but the bomb doesn’t come out. I’m choking, the stock’s run out, lives are lost. Back to reality, turn off that big TV. Oh, there goes Duby, they’ll say. He choked. Let’s rematch ‘cause I won’t give up so easy. Back to the Dining Hall again, this whole Hyrule Castle—can I use your Nintendo again—I hope I’m not a hassle.

Yes, once again, my friend Sc*t*t [name disguised to protect anonymity] has defeated me in Super Smash Bros. Once again, for the two hours I sit next to him in Ethics, I will have to hang my head in shame and acknowledgment of his brilliant finger-work. In order to thoroughly neglect your studies, all you need is three friends, processed food, and a Nintendo64 with MarioKart, GoldenEye, and Smash Bros. After a night of cartoon racing, slappers-only License to Kill, and four-on-four rumbles involving Link, Yoshi, Pikachu, and Samus, there is not much more for life to offer you that will hold your attention. The games are action-packed, responsive, social, simple, and hilarious. They are everything that gaming should be.

Don’t get me wrong—I am a huge fan of the original Xbox as well. Cooperative Halo stains my shirts with perspiration and leaves me with a belly cramped from laughter. I could play Grand Theft Auto series games until I bloated with malnutrition. My cousin, who graduated from Michigan last year, had me over once a week to play Halo, tennis, and FIFA on his Xbox. All I know about professional soccer I learned from FIFA2005. In spite of our Ukrainian background, my cousin and I now loathe Shevchenko and all of AC Milan—we had a tough time beating them.

You now have a little insight into my perspective, which I hope will help you understand my nagging doubts about the next-generation systems that are just beginning their death-match in the market. Disclaimer: I am waiting until all three systems are available before I even try playing any of them.

PLAYSTATION 3:
Anybody who is rushing out to buy the PS3 is a moron. First off, paying almost $700 (with tax) for a video game console and then shelling out over $60 for each game in a currently limited selection without even being able to count on decent backward compatibility with old PS2 games is a great way to lose...half a week of pre-bump-up law firm salary in the flash of an eye. But if you’re going to work at a firm, you won’t have time to play anyway. And if you’re planning on relaxing after a long day of clerking or public interest work with a video game, you might have to choose between the PS3 and food, shelter, and utilities.

Furthermore, I have never been a fan of PlayStation consoles. The last two in the series lack the response and playability of either Nintendo consoles or the Xbox. The controls are awkward and the game catalogue, while inevitably huge, is full of low-quality games that are not worth purchasing. Once you have your sports game or two of choice, your shooter game, and your third-person-3D-explorable-world game (a la GTA series), you’ve reached the limit of the PlayStation’s value (unless you feel compelled to throw in an RPG). Xbox has the same catalogue and much better playability. PS3 might have a better CPU, but I doubt it will be noticeable. Sure, PlayStation has commanded enormous market share, so many people must not agree with me. But Americans also elected Bush...twice (sort of). There are a lot of idiots in the world, and sometimes they even (arguably) are the majority.

Xbox 360:
I am a big fan of the first Xbox—once Microsoft replaced the clunky original controllers with manageable ones, the Xbox became a fantastic gaming experience. With the Xbox 360 selling at over $100 cheaper than the PS3 and having a nearly identical catalogue (plus HALO!) with more games currently available, I am mystified as to why anybody would pick the PS3.

NINTENDO WII:
I must admit, I am conflicted. I have never owned a non-Nintendo system, with one major exception. It was the greatest mistake of my life. In junior high, excited about an X-Men game not available on Super Nintendo, I sold my NES and all of my NES games at Funcoland to purchase a Sega Genesis. I hated it. It lacked the response of Super Nintendo. The X-Men game was boring. Sonic got old fast. A few months later, I sold my Sega at discount to a kid down the street. Consoles were cheap in those days, so I didn’t get much money back. But my NES was gone forever. My regret over that decision has perhaps informed the development of my character more than any other significant life event. I never went for a GameCube, but it will be difficult to get me to purchase a non-Nintendo console. Nevertheless, I don’t know about the Wii.

CONTINUED on Next Page
CONTINUED from Previous Page

I like that it is cheaper. I like that it has wi-fi. I like that it will have backward compatibility and that there will likely be a downloadable library of old NES games. I miss Bubblebobble. I like that it is small, I like that it is "cheap," I like how it looks, and I don't care that it doesn't have quite the same CPU muscle that the others do. I trust that it will be more responsive, more fun, and, even if it lacks some big titles in its catalogue, it will have more innovative and fun exclusive games.

But this controller thing...Duck Hunt was a lot of fun with NES, but I would not want every game to be Duck Hunt. The PowerPad was a blast, but again, not for every game. The Power Glove was a waste of money. So was the Super Scope for the Super Nintendo. Time after time, Nintendo has demonstrated that gimmicky accessories can work well for a game or two, but that a console should not rely on them. Does the Wii rely on a gimmick? I am going to wait and see.

For now, I will sit tight and hope my mom can find my Nintendo64 and send it over. All I really need is MarioKart, GoldenEye, and Smash.

Answers to this puzzle may be found on page 16.
Yes, it is true.

Flash drives are now available for pick up in the Registrar's Office. This includes Fall 05, Winter 06, Summer 06 and Fall 06 (midterms). Please stop by to pick them up at your earliest convenience. You will need them to test the newest version of EBB (which must be installed by 12 noon, Tuesday, December 5th.)

We're located in 300HH and we're open 8 - 12 and 1 - 5. Please bring a picture ID with you.

Thank You!
from Phi Alpha Delta
to everyone who donated cans to the Thanksgiving Food Drive for Food Gatherers

You may have heard the rumors...
You may have thought "It's just too good to be true..."

You thought wrong!

ANDREW WK IS COMING LIVE TO A HUTCHINS HALL NEAR YOU!

When: November 27th. Doors open at 6:30 p.m. with a medley of AWK's music playing, screening starts at 7.
Where: 100HH
What: Come for a screening of Andrew W.K.'s new DVD, "Who Knows?", songs from his latest album, not yet released in the United States, and talk with the man himself!

Tickets are $1 in advance and $2 at the door. Buy them outside 100HH this week. Proceeds benefit SAFEHOUSE- DOMESTIC VIOLENCE PROJECT.

Bar Night
November 30 (Thursday after turkey)
7-9 pm
Buffalo Wild Wings

Trouble deciding on a firm?
AveryIndex.com provides firm information and rankings based on 1000s of associates' experiences that can help you find a firm you'll like.

Mr. Wolverine 2007
Friday, January 19th at 7:30pm
Mendelssohn Theater

Stop by the LLSA bulletin board in the basement to see pictures of all the law school hotties who will be strutting their stuff on stage at Mr. Wolverine 2007!

1Ls: Bob Gretch, Tony Jones, Shekar Krishnan, Jordan Long, Dean Sage, and Sam Zun

2Ls: Ro Adebiyi, Ajit Gokhale, Hadi Husain, Larry Lipka, Cisco Minthorn, and Shaun Thompson

3Ls: Deon Falcon, Jeffrey Jacobi, Neal Jagtap, Jeff Landau, Josh Meeuwse, and John Mertens