Lost and Found: Mitch's to Return Next Year

By Steven Boender

Many of us are painfully aware of the gaping hole left on the corner of South University and South Forest where everyone's favorite cheap drinking establishment, Mitch's, used to reside. Initially, a sign indicated that it would be reopening in late 2005, but a recent drive-by indicated that Mitch's, contrary to the sign, has not in fact reopened. Obviously, I needed to exercise my crack investigatory journalistic skills and find out what was going on. That, and Mike Murphy (and his unquestionable thirst for dollar pitchers) demanded it of me.

An acquaintance of mine, Mo Frechette, is for all practical purposes an OG Ann Arbor resident with extensive knowledge of local real estate, especially with regard to drinking establishments. He pointed me to the State of Michigan website which indicated that Mitch's is actually owned by an organization called “Klee, Inc.” Further research led to the discovery that the building that housed Mitch’s is owned and managed by First Martin Corporation, which in turn is owned by University of Michigan Athletic Director William C. Martin.

A short phone call with First Martin revealed that Mitch’s is no longer the tenant at 555 S. Forest. Apparently, the Art Museum will be renovating soon, and has leased the space to house a temporary gallery during the renovation. No further information was offered by First Martin, so I decided to look into the mysterious Klee, Inc. Some finagling with the State of Michigan’s business registration website listed a phone number for Klee, as well as the names of the corporation’s shareholders – Mitchell and Cleo Savas. It turned out that the phone number was disconnected, so like a good resourceful journalist, I utilized an obscure and complex source known only to the hardest of the hard-core information seekers: I googled “Mitchell Savas.” A few hits turned up, but nothing with contact info. Then I tried “Cleo Savas” and had a hit which said she lives in West Bloomfield Township. I dialed 411 and within minutes I was speaking to the man himself, Mitch.

Mitch was more than happy to speak with a longtime customer. He said that the bar would in fact be reopening. Apparently, during negotiations to renew their lease with First Martin, which they’d held and renewed several times over the past fifteen years, First Martin indicated that they wanted to take the space in a new direction – a comment interpreted by Mitch as “we don’t want a bar here anymore.” One failed negotiation later (Mitch had attempted to get space east of its former location), Mitch’s is slated to reopen on State Street, just south of Buffalo Wild Wings, in February or March of 2006, depending on when the space is ready. Mitch says the space will definitely be open in time for their famous St. Patrick’s Day celebration. I did not ask whether the new Mitch’s would offer the same low-priced drinks, but can only assume that being so close to the up-market and refined BWW, only a fool would try to compete on class alone.

So there you have it – my first foray into investigatory journalism. Yes, language snoots out there, I know “investigative” is the proper term, but I like Zoolander too much to resist...yes, Zoolander is a movie, with Ben Stiller and Owen Wilson...no, that one is Starsky and Hutch.

I like to think I brought a swift and definitive end to Mitchgate, and hope to see you all at the celebratory “Mitch’s is Back” bar night in February.
Editorial: Reading Room Etiquette Not Just for Students

The University of Michigan has over 38,000 students, and the seventh largest library system in North America. One of most famously tranquil places to study when midterm and finals time comes is right here at the Law School. It is the Reading Room.

But with great renown comes great responsibility. While there is plenty of reason for us to complain about breaches of Reading Room etiquette by chatty undergrads or the cell phone ringers of forgetful law students, these issues are largely corrected as semesters develop by the culture of the room and the glances of peers. Indeed, most visitors to the room hesitate to even whisper lest they disturb the deeply-focused Michigan law students’ concentration or instant message conversations. Noise by students and outsiders is not the primary issue in the reading room these days.

An issue we’ve heard about with increasing alarm is collateral Reading Room noise by staff members and (gasp!) even some members of the faculty. No malice is assumed and intent would be lacking were any allegations to be brought. But noise regulations generally operate on a strict liability system (barring fires and emergencies), and intent to harm is not necessary for staff and faculty to disturb the blissful study environment that the Reading Room has provided since its construction.

The noise we’ve heard and heard about comes from the elevator banks, which amplify sound back into the reading room rather than mute it. It emerges from offices around the exterior of the reading room and in its ends. Chats from behind the Reading Room desk and its office also emanate back into the cavernous and echoing main chamber.

All of these “little” or “minor” intrusions to the silence of the reading room add up, and make for an environment that is diminishing in both utility and charm due to this increased volume. The Reading Room should be a place where small noises generally draw glances to correct them, but because of the social dynamics of the inhabitants, these techniques cannot be applied toward today’s main perpetrators. Students cannot be expected to stare down staff, nor to ask professors to finish their conversations before opening their doors (or even, to close them a bit lighter).

We at the RG understand that the reading room space is multi-functional; but we hope to in some way inspire the collective community to keep the Reading Room’s original purpose intact. Unless we all consider the Reading Room a place for serious and quiet study, and treat it as such, we may lose this jewel of a space to an increasingly noisy world.

Don’t Miss WLSA’s Exciting Upcoming Events

Thurs., Oct. 20th, 10am-2pm – WLSA Office Open Social. Coffee, apple cider, donuts and more are provided. All members of the law school community are welcome.

Oct. 24th-27th; Oct. 31st-Nov. 4th, 11:30am-12:00pm – Jenny Runkles Tickets. Outside 100 HH. $25/person. Tickets can be paid for in cash or by check (made out to WLSA). Buy early – last year tickets sold out in the first week!

Tues. & Wed., Nov. 1st & 2nd, 10am-1:30pm – WLSA Bake Sale. Outside 100 HH.

Fri., November 4th, 7pm – Jenny Runkles Fall Formal at the Michigan League. This is the law school’s first formal event of the year! Festivities include dinner, keynote speaker Joan Entmacher, Vice President of the National Women’s Law Center, and, of course, dancing.
Hotel Rwanda Subject Rusesabagina
Awarded Wallenberg Medal, Gives Lecture

By Megan Barnard

Last Tuesday, before a packed audience at the Power Center, the University of Michigan recognized Paul Rusesabagina for his heroic actions during the 1994 Rwandan Genocide at the 15th annual Raoul Wallenberg Lecture and Medal presentation.

Paul Rusesabagina’s Heroism

Rwanda had been strained for decades by fighting between two tribal groups, the Hutus and the Tutsis. Tensions were particularly high in the early- to mid-1990s. The Hutus were in charge of the government. Tutsis were discriminated against on a state-level, including denial to education. Tutsis formed a rebel army. Hutus formed a militia in addition to the state’s soldiers. Each side killed civilians of the other side. As an estimated 937,000 people were killed outside, luxury hotel manager Rusesabagina opened his doors to thousands of refugees. Over three months, Rusesabagina prevented many deaths by calling in favors from both friends abroad and other Rwandans, and reasoning with the soldiers and politicians who could have killed him, his family, and the hotel residents without fear of recourse. Rusesabagina’s story was depicted in the 2004 film Hotel Rwanda which starred Don Cheadle and received three Academy Award Nominations.

Heidi Manschreck, who worked for Freedom House over a summer, led SNARL’s effort in this event. Manschreck said it was an amazing opportunity for Freedom House asylum seekers, many of whom were highly educated professionals in their home countries. They rarely are able to engage in academic discussion in a new country where they may not fluently speak the language. Being able to pose questions to Rusesabagina in their native language was a revitalizing experience. One Rwandan refugee who attended stayed at the Hotel Millie Collines during the Rwandan Genocide, and was able to reconnect with a former classmate and the man who saved his life.

Says Manschreck, “There aren’t many means within the law to redress human rights violations....[Obtaining asylum or refugee status] is one of the only ways.” For a foreign national to achieve asylum status, he must have a well-founded fear of persecution. This is a future-looking standard, though if past persecution was of the magnitude of the Holocaust, future expectation of persecution is not required.

The Influence of Raoul Wallenberg

According to Rusesabagina, the violence in Rwanda continues to this day, as it does in many sub-Saharan African countries. Rusesabagina has said repeatedly that “‘never’ and ‘again’ are the most abused words in the world.”

“Tonight,” he said Tuesday, “I urge each and every one of you to be a Raoul Wallenberg.”

The Wallenberg Endowment was established in 1985 in recognition of Raoul Wallenberg, a Michigan alumnus whose self-sacrifice during World War II saved the lives of roughly 100,000 Hungarian Jews. At the War’s end, he was arrested by Russian soldiers and disappeared inside the Soviet Gulag.

SNARL has many volunteer projects in which Michigan Law students may participate. Among them are outreach and social activities with Freedom House, as well as pro bono appellate legal work. SNARL further has a lobbying group going to Washington, D.C. to support a bill involving refugee rights and an academic committee hoping to introduce an asylum and refugee law clinic to Michigan Law’s class offerings. If you would like to get involved in SNARL, contact Heidi Manschreck at heidiman@umich.edu.

What You Can Do to Help

SNARL has many volunteer projects in which Michigan Law students may participate. Among them are outreach and social activities with Freedom House, as well as pro bono appellate legal work. SNARL further has a lobbying group going to Washington, D.C. to support a bill involving refugee rights and an academic committee hoping to introduce an asylum and refugee law clinic to Michigan Law’s class offerings. If you would like to get involved in SNARL, contact Heidi Manschreck at heidiman@umich.edu.

Nate Kurtis contributed to this story.
With the rejection of the European Constitution in a referendum by France on May 29, 2005 and the Netherlands on June 1, 2005, the future of this document is highly uncertain. The question that has subsequently been asked by shocked proponents of the Constitution is why the ratification failed in those key countries. In a lecture at the Law School on Oct. 10, Joseph Weiler, the Joseph Straus Professor of Law and European Union Jean Monnet Chair at NYU School of Law, and a former law professor at the University of Michigan, explained his view of the Constitution failure.

Weiler captured the attention of the room with his eloquent and rational argument. In his view, the Constitution failed in the referendum because it was presented as a constitution, rather than as a treaty. Weiler began by highlighting the aspects of the document that make it unlike a constitution — the length (150,000+ words), and the absence of magisterial opening and closing phrases.

There was no earth-shattering content in the Constitution. It merely attempted to manage the aftermath of the EU’s expansion from fifteen to twenty-five members. According to Weiler, the European Constitution is still formally a treaty, and does not shift power from the states to the Union — if anything, it makes the EU more intergovernmental. Weiler explained: “The thing that is radical in this document and that drowned it was a word — the word ‘constitution.’” Weiler then posed the question of why the word ‘constitution’ provoked these reactions and whether this is good or bad for Europe.

In Weiler’s view, what happened is fairly significant in two ways. First, there is no way to go back. Weiler argued that now that the constitutional treaty has failed, it cannot be repackaged as a normal treaty, since the people of Europe will say that it is chicanery. Had it never been presented as a constitution, said Weiler, it would have passed, since treaties do not require referendums.

The second significant result of the failure of the European Constitution is that not only will it be much more difficult to implement the sensible reforms of the constitutional treaty, but it will also undermine its existing legitimacy. For example, the constitution states that the law of the EU is the supreme law of the land. According to Weiler, this was constitutional orthodoxy and had come to be accepted by the courts of most states and was never dramatically challenged. Some constitutional courts have left it open to be revisited but never have.

“But what if there is a real clash between the norm of the EU and the norm of a member states?” asked Weiler. Now, he argued, it will be pointed out that the constitutional document with the clashing norm was rejected.

Weiler emphasized the impact of the rejection. “The status quo ante has been shattered,” he stated, summarizing his earlier points. “Any of the sensible reforms will be much more difficult to sell because they were rejected as a constitution, and because the Constitution condescended some of the preexisting constitutional understandings, that will constitute a challenge to the constitutional understandings.” Whether this is good or bad for Europe depends on whether you are pro- or anti-EU. Weiler followed this statement up by admitting that had it not been called a constitution, the document might never have been written at all.

In Weiler’s view, the preexisting constitutional architecture had a certain noble dimension which risked being lost in a written codification in a normal constitutional process. The essence of the status quo ante constitutional architecture was that Europe demanded constitutional discipline from its member states and their citizens.

And yet, Weiler said, it demanded this discipline without a constitution and without ever having been put to the people of Europe as such. This meant that it was a voluntary arrangement — from a constitutional point of view, every member state had to make an autonomous decision whether or not to accept this constitutional discipline. Weiler emphasized this point: “The response is conditional and the conditional is very significant. The final word always rests with the constitutional courts of the member states. The reason they said yes was because even though they weren’t obliged, in some deep sense they approved of the project.”

In conclusion, Weiler criticized the entire endeavor. “The constitutional project was a slide to banality — take this very original structure and enshrine it in a document and try and have it established as a normal constitution. Strictly speaking, what was presented was a treaty, but that is not how it was perceived. It was perceived as the kind of constitution you have in the member states. And in that respect, Europe wisely rejected it.”
Court’s 216th Session is One to Watch

By Anne Gordon and Nate Kurtis

On Oct. 3, 2005, the United States Supreme Court was gaveled into its 216th session. Last Wednesday, the Federalist Society and the American Constitution Society presented their annual Supreme Court Preview. The event was moderated by Dean Caminker and featured Professors Don Herzog and Eve Brensike, who were invited by the ACS, and Professors Roderick Hills and Joan Larsen, who were invited by the Federalist Society. There, before a crowd that filled seats and aisles, they detailed seven of the ‘sexier’ cases before the Bench this term, discussing both the individual details of each case and their broader significance.

Dean Caminker first spoke briefly about the effect of having new faces on the Supreme Court this term, before mentioning a much more subtle change that is likely to occur. The Supreme Court is a collegial body whose members interact in a complex fashion. This shakeup of membership could alter the very dynamics of the Court, subtly shifting its position on any number of fundamental judicial policies, including the breadth of judicial opinions and the tendency to overturn precedent. These possibilities, along with the new membership, combine to make this a Term to watch for more than just the cases.

The Seven ‘Sexy’ Cases:

**Georgia v. Randolph**, Oral Arguments heard on Nov. 8th

This case deals with the fourth amendment restriction on unreasonable search and seizure, focusing on consent as an exception to the requirements of probable cause and a warrant. After Mr. Randolph told police he didn’t want them searching his house, they asked Mrs. Randolph, who consented.

At issue is whether police can ignore an initial refusal and seek consent from a co-owner. Prof. Brensike predicts the Court will say police can ignore an initial refusal, noting that case law on consent holds that citizens are not actually waving a right by granting consent to an unreasonable search, but rather that one’s consent makes the search reasonable.

**Maryland v. Blake**, Oral Arguments heard on Nov. 1st

In this case, 17 year old Blake was charged with first degree murder. The lower courts found that an officer saying ‘I bet you want to talk to us now,” after Blake had invoked his right to council and been handed a form saying the penalty for his crime is “death,” amounted to an unlawful interrogation.

The question before the Court is whether a violation of the rights outlined in past Supreme Court cases Miranda and Edwards can be cured by subsequent conduct. Prof. Brensike believes the court will say that it is possible to cure an Edwards violation with later conduct but that in this case telling Blake he didn’t have to talk and then re-Mirandizing him before taking his statement wasn’t enough.

**Garcetti v. Ceballos**, Oral Arguments heard on Oct. 12th

This case explores the murky jurisprudence concerning when first amendment protection kicks in for government employees who are fired because of what they wrote or published. The lower court held that everything a public employee writes is public and thus enjoys first amendment protection. Prof. Herzog predicts that the Court will find that Ceballos, a deputy district attorney, can not bring his case before a jury, but notes that the precedent in this instance is very unclear. He hopes the Court will clarify what is protected speech under the first amendment, but doesn’t believe that they will.

**Rumsfeld v. Forum for Academic and Institutional Rights**, Oral Arguments heard on Dec. 6th

**Rumsfeld v. FAIR** deals with the recent Solomon amendment issues that came to prominence after September 11. Under the Solomon scheme, schools that do not allow army recruiters into their career placement offices on an equal footing with other recruiters risk losing all government research funding. For the University of Michigan, this would be a loss of hundreds of millions of dollars.

The schools contend that the only change from what was formerly acceptable is that now they are required to allow army recruiting to be done in their offices. They view this requirement as a form of compelled speech; they are forced to say with their actions that they do not mean their own non-discrimination policies. Prof. Herzog says predictions are hard to make since neither side has a particularly firm argument from precedent.

**Gonzales v. Oregon**, Oral Arguments heard on October 5th

Congress passed the Controlled Substances Act in 1970, which classified barbiturates as level two drugs that can only be used for legitimate medical purposes. In Oregon, physician-assisted suicide was declared legal after two statewide referendums, thus in that state barbiturates have a legitimate medical use.

Since Congress did not expressly outlaw the use of prescription drugs for physician assisted suicide, at issue is how widely former Attorney General John Ashcroft could interpret the Congressional statute. Prof. Hills says this case is now too close to call. Before oral arguments, he would have sworn that Oregon would win, but the state attorney did a poor job. He also points out that this will be an

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History, Clerking, and the Sox: Thirty Minutes with Professor Blumenthal

By Sarah Getchell and Mitch Holzrichter

Susanna L. Blumenthal researches and teaches in the areas of Anglo-American legal history, criminal law, and trusts and estates. She is currently working on a book that traces changing conceptions of human agency and responsibility through the history of American law. Professor Blumenthal received her A.B., magna cum laude, from Harvard-Radcliffe College, after which she spent a year on fellowship at Oxford. She earned her J.D. from Yale Law School, where she was a Coker Teaching Fellow and editor of the Yale Law Journal. She holds a Ph.D. in American history from Yale University. Her most recent articles have focused on topics at the intersection of intellectual, cultural, and legal history, investigating notions of judicial authority and legal competence in nineteenth-century America.

RG: Why did you choose to teach at Michigan?

SB: I chose the school for a whole constellation of reasons. I was trained in an interdisciplinary manner, and Michigan has a strong and long-standing commitment to approaching legal education that way. I’m also from the Midwest originally, and so I find the culture both familiar and congenial.

RG: Where did you grow up?

SB: Minneapolis.

RG: You have a Ph.D. in American History, as well as a J.D. Do you think the practice of law would benefit from more graduates with inter-disciplinary or joint degrees?

SB: Well, I think being broadly educated is certainly valuable in and of itself. Beyond its intrinsic rewards, it seems to me that a further benefit law students can derive from studying history is that it provides them with a critical perspective on current legal rules and practices. Lawyers and judges tend to tell stories about our legal past for instrumental reasons, often conveying a false sense of continuity. The more these stories get told and retold, the more they become part of the profession’s self-understanding. As they do, they can dull our sense of the contingency of legal developments. Taking a more critical approach to legal history can have a destabilizing effect — unsettling established ways of thinking about the law and recovering alternative visions of how the legal system can promote social justice.

RG: Why did you turn to Academia for your career?

SB: You know I turned, then turned away, then turned back, then turned away many times during my educational process. My parents are academics and so I early came to appreciate the freedom, the open-ended nature of that career path. But I spent a lot of time during grad school doing clinical work and summer internships, and I was really inspired by the energy and commitment of many of the lawyers I got to see in action. And yet I also had a deep admiration for so many of my teachers, both in college and grad school. When I was trying to decide whether to go to law school in the first place, my undergraduate mentor put the matter in stark terms — she said I could either do good or become an academic. I found this rather jarring at the time but don’t think she fully meant what she said, and despite what she said, she seemed to me to be doing quite a bit of good from where she was sitting.

Anyway, my solution was not to decide — to do a joint-degree, enabling me to teach on a law faculty, which presents me with the constant challenge of thinking about the contemporary implications of my historical research.

RG: This semester you’re teaching Criminal Law to 1Ls, and next semester you’ll be teaching American Legal History to upperclassmen. Do you have a preference as a teacher, teaching 1L’s or upperclassmen?

SB: Not really — I actually like the fact that I have a chance to work with students at varying stages of their educational process here. First-years are great fun to watch as they slowly come to grips with what they’ve gotten themselves into by deciding to go to law school — the initial excitement, the challenges, the doubts they experience over the course of a single semester. I find that the upperclassmen in my American Legal History course and other seminars generally approach the material with a lot of energy and curiosity. After taking a number of doctrinal courses they become interested in learning more about the historical background, or they want to pursue historical interests they first developed before they came to law school. Or they just want to try something different. The interchanges I have with students in these courses often help me to clarify my own thinking as I work in the field, so that’s an added bonus. And they seem more engaged now that we’ve turned off the Internet, which helps (laughter).

RG: What is the most difficult thing about being a professor?

SB: I think the act of teaching is enormously challenging. I constantly find myself after class — hours later — thinking about interchanges I had with students, and different ways I might have presented the material that day. Even though a good bit of the material I teach remains the same from year to year, it

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The social norms that seem to operate among the students make the classroom environment quite pleasant—most seem to approach the enterprise seriously but without feeling the need to show each other up.

—Susanna Blumenthal

Realizing how much immediately turned on so many of the decisions the judge issued made the job quite daunting at first—in the sort of way that makes it hard to sleep at night even when you are only working in the capacity of a law clerk. I got over the insomnia part rather quickly and ultimately really loved the unpredictability of every day I spent in chambers, and I learned more than I can possibly describe from my daily interactions with Judge Wood—seeing how she approached legal problems and managed her courtroom. There was something just plain amazing about her ability to pierce through to the heart of a legal controversy, particularly given the volume of the briefings that regularly flooded our chambers.

RG: You’ve shared with your students your observation of Jewish holidays. How does religion inform the way you think about the law?

SB: I am very interested in the historical interfaces between law and religion in America—particularly with the way that law treats those who are motivated by unconventional religious beliefs. In my own work, I have been studying the ways that nineteenth-century judges treated individuals who made eccentric wills or contracts on the basis of religious convictions that fell outside the boundaries of conventional rationality. In facing these cases judges were extremely reluctant to cast the believers as insane, on account of their commitment to the principle of religious liberty. But they also worried that such individuals were peculiarly vulnerable to the manipulation of others and they were sometimes also moved by the claims brought by disappointed heirs, who expected to inherit property given to religious organizations instead.

More generally, I am interested in studying the ways religious doctrines and belief structures have shaped American legal culture across historical time. While most European countries underwent a process of de-Christianization over the course of the nineteenth-century,
Submitted By Martin Barna

The practice of law is really easy. I graduated from Michigan in May, passed the Illinois bar exam in July and started my job in September. (After a jaunt across the Atlantic where my seemingly bottomless summer stipend was wisely invested on the Riviera.)

I waltz into work around 9 a.m. and take a look at the stack of assignments that partners and senior associates have left for me. I read the Post-It noted instructions: “Martin, urgent demanding your immediate attention!” or “Martin, only you have the skills to find the one piece of useful information in these 20,000 pages of discovery.”

I take a two-hour power lunch at Charlie Trotter and manage to drum up some business for the firm from the high-powered executive at the table next to mine, I mean, the firm’s. I answer my humming Blackberry between glib remarks with one hand and perfectly top off my wine glass with the other.

“To: Martin. Need U Back@Office ASAP: Falling Apart w/o U.”

I grab the first town car the service can send over and hustle back. Secretaries, paralegals and senior attorneys gather around me in awe as I provide rapid fire answers to their questions. The day is saved. At the end of the day I spend five minutes e-filing my motions with the Seventh Circuit, and walk out the door at five p.m. sharp, just in time to make my racquetball game at the East Bank Club against the general counsel of one of our biggest clients. I’ll throw the game in order to swing a little business my way. Then it’s off to a cigar at the Drake with the other associates from top law schools.

I’m a Michigan Law alum; that’s just how easy things are.

I’d tell you more of my story, but there are not enough drugs in the world to keep this fantasy going.

I’m a first year associate at a very friendly and helpful large law firm. They are patient and understanding. And that is a good thing, because I don’t know anything about being a lawyer.

Hell, after the bar exam, I’m not sure I know anything about law at all. (Which I think means that I am just a pair of ovaries and a Bible verse away from being nominated to the Supreme Court.)

Like anyone else who went straight through from undergrad to law school to employment, this is my first adult job. People tell you that law school doesn’t prepare you—and I’ll get to that—but if you want to talk about a waste of time, it’s previous summer employment. By that, I mean the internships that fill the gaps on our resumes, where we show off our vocabularies by finding a descriptive verb to euphemize “paper shuffling.”

If you get fired from an internship, you either stole from your boss or tried to make out with your boss’ wife (or husband). In an era where a law student can accidentally e-mail the partners and inform them that his summer associate job is a mixture of fine sushi and sitting around hung over, and still get an offer, and then do very well at his firm, you know how much most internships are worth in terms of real world experience.

On the third day, after orientation left me able to use the computers and find my office’s physical location, I was ready to work. I looked around my office. There was no work within my immediate vicinity, not even a red textbook of things to read. I was going to have to find this “work” on my own. Unfortunately, it was the end of the billing cycle—that special time of year when associates and partners, eager to make their hours for the year, surrender work as rapidly as they would their first born.

My firm’s start date was seven weeks before the beginning of the next billing cycle—giving me some time to figure out how many hours I would have to spend in the office in order to hit the 38 billable hours per week I needed to average.

Given my trouble finding work (until someone at my firm reads this column and doesn’t realize it was mostly a joke), I’m betting my hours at the office each week will be upwards of 200.

I said I’d discuss how useful law school was for this, and let me get to that. Three maxims will get you as prepared as possible:

1) practice waking up in the morning;
2) use the casebooks and lectures to train your brain to focus on discerning one minutia from another;
3) drink with people and practice your networking skills.

Focus on the last one especially, or else you will never make partner and never be able to engage in the fantasy life of high roller clients, fine cigars, and three-martini lunches. Ok, you can still have the martini.

Martin Barna, Law ’05, “works” and “networks” in Chicago.
How My Undergrad Days Saved My Law School Soul

By Mike Murphy

Nearly a decade ago, when I was an undergraduate, my friends and I had this game where we’d try to flatulate on each other. (Feel free to stop reading right now if you’re already offended. Still here? Good.) We’d have one ready and wait for your friend to sit in a chair, lay down on a bed or (best yet) crouch down to pick up something. Quickly and quietly, we’d position our abdomen as near to his head as possible and let one fly.

The aggressor would celebrate in a way not unlike that of a hockey player after scoring a goal, and the loser would literally wallow in smelly shame. It wasn’t so much actually getting farted upon that was horrible—though that was pretty horrible—it was the embarrassment that really stunk. (Yes, of course we wondered why we didn’t have girlfriends. Upon later reflection I realized that it’s pretty hard to get your mack on when your aftershave smells like your roommate’s butt).

Flash forward to two years ago, when it seemed like my legal career, masculinity and ability to feed my unborn children effectively depended on my Contracts grade. Flash forward to now, where I’ve concluded that I’m more of a “Beta Plus Male” if you know what I mean. I just don’t have the “fire” I used to—at least I don’t think I’m the one with the “fire.”

I’d like to think I haven’t changed in the past ten years. But I’m putting my butt where my mouth is. My undergrad friends are throwing a Halloween party in two weeks. It’s the only time each year that all of us get back together. And with a little Big Ten Burrito and some luck, I’ll be there with a big stinky blast from the past, reminding them that some things never change.

Mike Murphy is the Editor-in-Chief of the Res Gestae, and you don’t want to be trapped in an elevator with him. E-mail comments about this article to murphym@umich.edu.
We’re Off to Sip the Wizard’s Martinis:
Bar Night at Cafe Oz, Oct. 13, 2005
By Jay Surdukowski

This week’s featured poet is Laura Fargas. Her major book is entitled Animal of the Sixth Day.

Her poem appeared in the Atlantic Monthly in the fall of 2002:

Closer
Laura Fargas

Most of what matters to me can be touched, but must be left untouched, the bell hunched over its silence until the moment of telling. Saint Augustine said when he prayed, even the straw beneath his knees shouted to distract him. Today is the day of the small-eared rabbit lying on her side, at ease near me. I don’t believe animals can tell who they don’t need to be afraid of, though if I had that gift, I would have tipped myself like brimmed-over wine into his arms anyway. The ducks in front of me now sway in their one-legged sleep like dreaming trees. What would it feel like to stroke a mallard’s purple wingflash?

The presence of Augustine and the ordinary distractions abounding around him is a choice image. If the speaker remains faithful to the memory of the other, it is a good scene to juxtapose to day-in and day-out faith where the ordinary grayness of days can test anyone’s faith in the memory of the one beloved. St. Augustine is the author of “Confessions,” which seems appropriate to this piece.

What is it about the friendliness of vulnerable animals that can rend the heart? Perhaps it is that we see our own longing and imperfection all the more clearly in these creatures that are as simple as our hearts would be if we did not straitjacket ourselves in our relations.

The ducks still seek food, optimistically, hopefully, despite the empty hand that greets them. Who among us has not held out with the dumb hope of a loyal dog, even after the distance, even after the smack on the nose. But the patience is not misspent. Sometimes what must be left untouched can be touched after all—in the poem and even sometimes in life. A long wanting can lead to a long having.

Fargas is a thoughtful contemporary poet and, until quite recently, a Labor Department lawyer. While actively litigating occupational safety and health cases for the government for 25 years, Fargas kept up not only with her own writing, but also taught at the Writer’s Center in Bethesda, Maryland, one of the oldest and best writing workshop centers in the country. She retired this year to teach and write full time at the Center and in Goddard College’s low residency MFA program. Fargas attended the University of Pennsylvania Law School. She was a Yaddo fellow and holds an MFA from Iowa—impressive credentials for any poet. The world of poetry is small; the world of poet-lawyers even smaller.

I was fortunate to cross paths with Fargas in Washington, DC in the summer of 2003. She had taught some poets in the circle I am a part of. I had an opportunity through my work for Secretary Thompson to propose a poet to give a reading at a national conference. Fargas agreed to do this for the government pittance we could scrounge up, and the reading was a smashing success. She was warm, witty, and moving in a way you only pray poets will be. (Many poets can be anemic, clove-smoking, and clueless or just plain grandiose and snobby.) She read both her own and other works dating as far back as antiquity. Agency bureaucrats and young staffers alike eagerly snapped up her books at the end. Maybe it was the lawyer in her: the ability to connect and persuade, the capacity to be decent and to have empathy for her charges whether it is the majesty of the federal government or 300 ordinary folks who think poetry is dead. What would the world be if poets had loyalties to readers like lawyers to clients? All poets should go to law school.

The next day we had lunch by the underground falls in the National Gallery. It was one of those meetings that etches deep in the memory. She has that poetic black hole state of mind where everything is drawn in. Her imagination and curiosity are boundless. Not one to beat around the bush, within minutes she had us on the chaos of Virginia Woolf novel-worthy lovers, mourning, genocide, Africa, rural life, poets, and poet’s dogs. In fast succession we moved to the sad beauty of Jacquelyn Kennedy’s grief—the clean

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Why I Still Believe in the Football Team at 3-3

By Matt Nolan

I am now in my seventh year at the University of Michigan, have been to thirty-seven straight home football games, and will have attended 55 games (home and away) by the end of this season. By the end of this column, I hope you understand my reason for doing so.

The Michigan football team has never had more than three regular season losses since I’ve been here, and has tallied at least eight wins per season since 1985. To put this in perspective, no other team in Division I football has won eight games in each season over the last decade; we’ve done it for two straight. In and around the Big House, death, taxes, and eight wins have been the three givens.

This year’s team hovers at 3-3 as I write this, needing to either run the table at home against Penn State, Indiana, and Ohio State, or steal road victories at Iowa (home winning streak of 21) or Northwestern in order to attain the six wins necessary to keep its 30 year bowl streak intact. I’ll still be surprised if Michigan finishes with fewer than eight wins.

When Louis Elbel wrote “The Victors” in 1898, he was celebrating Michigan’s victory over the “Champions of the West”, the University of Chicago’s football team. What this song’s imagery and cadence have come to represent over the past century, however, is much more than the successes of a group of athletes advancing a ball down a field.

“...the Leaders and Best.” People who don’t understand the University of Michigan may consider this line to be perhaps the most pompous and elitist statement ever to grace a college fight song, but nothing could be further from the truth. What this phrase has helped propel is a culture of excellence in everything the “U” pursues. “Leaders” serves as a catalyst to try new things, to pioneer the intellectual frontiers of the world: human genome research, a superior cancer treatment center, and the development of the concept of postmodernism (from the political science department) are a few examples. “Best” does not mean “better than you,” but rather invokes the search to push for the best that we individually and collectively can possibly be.

Now, you may think I’m blowing hot air, but having experienced and seen this University from more angles than most others, I can say that this simple song that emanated from a football victory truly does flow through the culture of the University as a whole. When our professors teach, they don’t try to teach “good enough”; they try to be their best. When our student organizations rally around causes, they do so to the fullest possible extent. I have been in university administration meetings in which questions about direction are posed, and answered with, “if our goal is to be the Leaders and Best, then we have to do this the right way and without cutting corners.” When 15 of us sat in a room and began the search that would ultimately hire Mary Sue Coleman as the president of the University of Michigan, emotions flowed freely about the importance of being leaders in ALL endeavors that we take on, and the importance of having a president who inspires such a standard.

This is why the Big House increases in size and improves every time another university attempts to surpass it; this is why the Michigan Marching Band continually adds to its repertoire and practices the traditional things harder and harder; it is why Dance Marathon annually surpasses its fundraising efforts from previous years.

I still think the football team will win eight games this year because, like all other parts of this University, they are hungry to prove they are better than their current record, have set high goals, and are inspired by adversity rather than beaten into submission by it.

Were I on the football team, I would be hungrier to win football games now than I was at the start of the season, and that attitude rarely brings poor results. The 1989 Michigan Basketball team won a national championship when nobody thought they could, partially because they wanted to prove the basketball world wrong. In 1997 the University was sued over its affirmative action policies, but rather than settling the suit or changing the policy, they fought a six-year battle to defend the values and standards they had set for themselves.

The football team’s spirit fuses all of the various interests and endeavors of this University together. When the campus divided between Bush and Kerry in 2004, both sides wore Maize & Blue on the Saturday of the election. Michigan goes out of its way to create a diverse student body where we all have to try a bit harder to understand each other than at most universities which are more homogenous, but having this powerful common thread that we can all relate to as a symbol of our drive and standards helps bridging that gap become much, much easier.

The University of Michigan seeks to educate the leaders of tomorrow, to provide the breakthroughs of today, while respecting and honoring the successes and traditions of the past. These are lofty goals, but they are brought together by the Michigan spirit and our ability to fuse them into a simplified ideal. “The Victors” are not just the players in the locker room beneath the Big House after a win; they are each and every one of us, every time we take a step in the direction of progress and a better world.

I am excited that the football team is 3-3. It is only in true moments of adversity that we can really learn about ourselves.
Faculty, Students Question Times’ Story

By Liz Polizzi

In 1957, an ambitious young alumna of Smith College set out to poll her fellow graduates at their 15-year reunion on the choices they’d made and how satisfied they were with the way their lives were progressing. The resulting article proved too controversial to find a publisher in the magazine industry, but the study’s results reached a wider audience when they were released in book form— _The Feminine Mystique_—in which Betty Friedan jump-started a floundering feminist movement. Her work elucidated a fuller expression of self.

Nearly 50 years later, Columbia School of Journalism student Louise Story polled her fellow graduates—500 alumnae of Smith College set their personal statements their goals for the Women Law Student Association, pointed out that the value of a pricey education isn’t always tied to the employment market. “Full-time parents can play very important roles as leaders in their communities,” she said, but at the same time conceded, “It’s true that there are a limited number of spaces for opportunities to seek fulfillment in the same time conceded, “It’s true that...”

Of course, as Dean Zearfoss noted, “No one goes around mentioning in their personal statements their goals for knocking off work at thirty.”

Assistant Professor of Law Jill Horwitz, whose own research has focused largely on a different aspect of care—health care and the hospital industry—observed that the question of how students use their degrees presents an issue not only for women and scholars of historical trends, but also for the educational institutions themselves. “I do think that the women interviewed in the Times article—very young women who said that they would not use their degrees—would pose a real question for an admissions officer at an elite institution. Should a school accept an applicant who explicitly intends not to use his or her degree at all? That’s not a question about evaluating the motivations of the students, again male or female, but about the goals of legal education.”

Dean Zearfoss raised the question as well: “Suppose we could be sure that 85% of our women grads would dial back their careers within five years of graduating. They wouldn’t be partners, judges, general counsels, great scholars, Supreme Court advocates, because they aren’t on that path. Should that affect how we think about admissions?” She doesn’t have an answer, but, she said, “I’ve been thinking a lot about it since reading that article.”

And that brings up another important question: whether students—those polled for the Times article or any others—are truly able to accurately project that far into their futures, or to script things that depend so heavily on extrinsic circumstances. “People are very bad at predicting what their preference is,” said Professor Ellsworth. “As the mother of a college student, I think that a two-year window into the future is pretty impressive, but she doesn’t go much longer than that.”

“Not only are these long-term plans likely to represent an inaccurate prediction of the future,” said Professor Horwitz, “but they don’t allow for being open to new experiences and learning as life goes along. And what if they end up finding lawyering to be extremely fulfilling? I hope these young women don’t unnecessarily limit their options with preconceived notions of how their lives need to play out.”

Dean Zearfoss agreed, and shared Professor Horwitz’s worry at the idea that some students will resign themselves to the choice between family and professional life before they explore the possibilities open to them. “I think if you decide at twenty-five that you can’t handle both worlds, you just won’t. You’ve conditioned yourself. And also, you won’t try hard in your career even prior to when you’re at the conflict point, because you’ve readied yourself to opt...”

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and happiness) family and continues to have an enviable career," said Professor Horwitz. "She was the first director of the Division of Public Charities in the Massachusetts Attorney General’s office, she literally wrote the book on nonprofit organizations (not once but twice, and forty years apart), and was a partner at Choate, Hall and Stewart in Boston for over thirty years. It’s a long life, and there is plenty of time to do it all and do it well if you are flexible, creative, and willing to give up a lot of sleep.”

But any way you cut it, it is usually women who are making the decision whether having a family must mean putting their careers on the back burner—or taking it off the stove entirely. "To paraphrase Gloria Steinem, I’ve never been asked by a male student how I balance work and family,” said Professor Horwitz. "I say this to make the point that there is a structural, social issue raised by the New York Times story that seems to be lost on the young women who were interviewed.”

The issue was not lost, however, on Tracy Schloss, co-chair of WLSA’s political action committee. "Women have attained powerful, traditionally ‘male’ positions in the workforce,” she commented, "but there’s been no redefinition of gender roles in their entirety. A woman can take on a ‘male’ role—work—but it isn’t acceptable for a man to take on a ‘female’ role—homemaking. Thus, women are expected to do it all, and under that pressure she may choose to do only one—family.”

"I think women for the last probably sixty years have been more sensitive than men about the competing demands,” said Professor Ellsworth, "more realistic about how hard it is to combine being a mother, being a wife, and being a professional. Many men have been very supporting, but with a rather vaguer issue of what’s involved, and it’s still the case that men do less of the work around the house.”

But the question driving Louise Story’s Times article remains: Is there a trend toward women choosing to prioritize family life to the exclusion of a full and fulfilling career?

“I definitely see it,” said Jill Russell. “Not in the law school, per se, but with all my female friends, many of whom are pursuing graduate degrees. They all want to find ways to fit their family in, and many are planning to give up working altogether to stay home.”

“It’s possible that there is a very slight sort of cyclical thing, where people would perhaps want to do it the way their own mother didn’t," offered Professor Ellsworth. "And this generation is much more likely to have mothers who are working full time.”

But Professor Horwitz cautioned against taking anecdotal notions as indicative of bigger trends. "My old friends have almost all chosen to work full time at demanding careers and most, but not all, have had children,” she said. "All this fact says is that my friends act in a certain way—not what women my age choose to do.”

Regardless of what statistical evidence might show if any existed (Louise Story, in a follow-up article explaining her own methodology in response to widespread criticism of her original piece, claims to have searched without success for more scientifically grounded studies before embarking on her own research), it is clear that the tension between professional success and motherhood is still weighing on the minds of educated women, even forty years after Betty Friedan’s first naming of “the problem that has no name.”

“One of the sad things is that women of both camps have always sort of vaguely criticized each other,” said Professor Ellsworth. "The idea that it’s a free choice doesn’t mean that you’re not going to be stereotyped, whichever choice you make.”
The Scoop on the LSSS Halloween Party

By Nate Kurtis

Unless you have been living underground, spending all your time studying, or haven't peeked your head out of a library in the last few months (basically, all of you), you've heard of the infamous Law School Student Senate's Halloween Party. Of course, if you've never been to one of them before, about all you know is the name and the fact that someone went as a cool robot last year.

Being the dedicated reporter that I am, I decided to learn as much as I could about the Halloween Party and pass that information on to you, the reader. I risked life and limb to report this story for you because that is what we journalists do: exactly what our editors tell us.

I began by sniffing out leads. An anonymous source told me what he could: that the party will be on Friday Oct. 28 from 9 pm until 1 am at the Links at Whitmore Lake golf club, that transportation will be provided, and that tickets for the party go on sale at lunchtime on Oct. 24 in front of 100 Hutchins Hall. Pressing this source for more information got me nowhere, probably because he feared exposing his identity; also because he was a stairwell flier.

I knew it was time to go right to the source, but the robot could not be reached for comment—he was probably recharging. So, with my investigative journalist senses tingling—these are like spider senses only less useful around super villains—I sat down instead with Law School Student Senate representatives Tim Harrington 2L, and Seneca Theno 3L to learn what I could about the motives of the LSSS. Matt Raymer, 1L representative from the MNOP sections, stayed standing.

Res Gestae: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Tim Harrington: What kind of interview is this?

RG: ...Never mind. Have you heard about the recent regulations Seattle placed on strip clubs? The performers must remain at least two meters from patrons, they must maintain 'parking garage' level lighting, lap dances have been forbidden, and all tipping must be done in jars. These regulations were passed to 'help maintain the dignity of the performers and the city.' Is the LSSS considering similar measures to help maintain the dignity of our professors, classes, and law school events?

TH: It is my understanding that we don't have any plans to regulate those. Seneca Theno: Besides, we already have parking (garage) level lighting...

RG: That is a relief. Can you give us some idea of what the Halloween Party will be like this year?

TH: The new senators will be doing a very dignified act. There will be some dancing, but I can't tell you any more than that.

Matt Raymer: We are in the early planning stages of that right now. I imagine we'll get more into it soon. I do know that there will be party level lighting. And all tips will be put in jars.

RG: Why should students go? Why, more specifically, should 3Ls go after going twice before?

ST: They should know why they should go if they've been before.

MR: It's 15 bucks, cash bar, transportation, and you get out of Ann Arbor. Actually I don't know if that is true, but apparently it is really well done every year. We sell a lot of tickets.

RG: And that $15 includes transportation if you need it, there is food, the costume contest, and there is always dancing. TH: You might call it a dance party.

RG: A Dance Off?

TH: You could probably arrange that if you like: an ad hoc dance off.

ST: It really is great; it's huge, one of the biggest parties we throw all year. We usually run out of tickets and this year we've got DJ Graffiti.

[Note: At no point did either of my interviewees disclose exactly how they reached the $15 figure. Later investigation revealed the following formula:]

Take the price of renting the hall, add the price of the DJ and the transportation, multiply this number by the barometric pressure, raise it to the power of the number of feet of snow that are currently falling outside and divide the whole thing by the number of sunny days in an Ann Arbor winter.

Since this last number is 0, the whole thing is infinity, but you can't charge that amount so the LSSS then picks a number at random. Surprisingly, this is the same formula used to calculate the end of year grading curves.]

RG: Is this a party exclusively for law students, or can other people go as well?

TH: Other people can go if they buy tickets.

ST: Usually they are going with law students.

RG: What sorts of refreshments can we expect for our $15?

MR: There will be a cash bar.

ST: I'm not sure if the non-alcoholic drinks will be free. The water will be.

RG: I've heard that law school is a lot like high school. Does this mean you are going to call my parents and have them chaperone?

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A Judge for All Cases, Places, and Faces

Submitted By Patrick Barry

I met a judge who does what he is, and not just in the courtroom. A traveling judge, a judge on-call, he wanders around, gavel in hand, choosing, ruling, and concluding. He told me his training was in fairness, his education in equity, and, to him, it would exist, "some formal, many not. I am here to help resolve them. But don't confuse me with a mediator. I judge. That's what I am, that's what I do."

Some of these disputes have involved what might seem like minor grievances, such as when he ruled on whether blondes really do have more fun or when he decided whether Dad, in a game of touch football, did in fact get Johnny Jr. with two hands. "I like those cases," he said. "Though small, they're not unimportant. Nobody likes to have his touchdowns taken away from him." Other disputes have been more legendary. "Back in 1993, a glass came to see me. You may have read about this. The glass was really distraught. Couldn't sleep, could barely stand, hadn't been in the dishwasher in over a month. And all over this one question: was it half-full or half-empty? Now, this was probably the most difficult judgment I have ever had to make, and after I did, it was as if the world's desire for justice grew exponentially. First the chicken called me, then the egg. Next I was inundated with calls from fraternity guys in Madison. Apparently the "Tastes Great... Less Filling" debate still raged. Soon I was even receiving notes from English professors asking me whether what was fair was indeed foul, and vice versa. It was quite overwhelming."

While his more celebrated rulings have often started from the aggrieved parties finding him, the majority of his judgments arise spontaneously: on the street, in the parking lot, at the store. "Yesterday, I was buying some milk and I noticed a woman arguing with a cashier asking me whether buying 5 apples and 6 oranges counted as having 2 items, in which case the woman would be eligible for the express lane, or whether it counted as 11, in which case she wouldn't. It was a mess. Fortunately, I was there to settle things."

As we parted, I wondered where his rulings might take him next. Into intellectual property and a decision on who invented the internet? Or maybe something criminal. JFK? Jack the Ripper? Tupac? "All of those sound interesting, but right now I am going to stick with my docket. First up—Israel v. Palestine."

Patrick Barry is a Ph.D. student in Michigan's Literature and Language program. E-mail comments about this article to rg@umich.edu.

Take a Look Inside the O.C. Soundtrack

By Matt Jedreski

The track list for the upcoming OC soundtrack was recently released on Pitchforkmedia.com. These soundtracks have been successful at introducing relatively unknown indie bands to hoi polloi, wresting decent music from the greedy hands of music snobs everywhere.

While I am a staunch advocate of popularizing “good” music, I can sympathize with these poor pretentious music lovers: before The Da Vinci Code came out, I could impress girls by explaining what the Golden Proportion was. What good is a degree in Classics now, Dan Brown? Anyways, I have only seen a few episodes of The OC, but I know enough about it to understand that it's basically one big music video. Here are my predictions for how the songs will be used.

01 The Subways: “Rock & Roll Queen”
An interesting first song that’s somewhere between the Sex Pistols, Iggy Pop, and the Stooges. The best way to describe it is as the musical equivalent of a mean drunk.

02 Kasabian: “Reason Is Treason”
Someone quite hip once described Kasabian to me as “electronic violence.” They’re not quite The Prodigy, but if this song isn’t part of an episode where the kids experiment with goth raving, then I predict a fistfight (I bet someone from Chino is involved. That place is so ghetto.)

04 LCD Soundsystem: “Daft Punk Is Playing at My House”
The first of two “post-punk” bands featured on this soundtrack, LCD has a unique sound that is often compared to the Parisian duo Daft Punk who gets a shout-out in this song. The sound’s unique, and you can’t be sure how many live band members there are and how much sound is synthesized. I bet that goofy Seth (that’s his name, right?) will be listening to this song while driving around town and realize he’s gay.

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A Stranger Here Myself:  
The Insider's Guide to LL.M. Students

Submitted By  
Matthew Gillett

Since arriving in the States, I have been asked a range of questions; some good, some bad. This is to be expected in a new land of differing custom and sensibility. However, inquiries as to whether we have electricity in the Southern Hemisphere and whether it is true that we wear cow-testicle earrings on public holidays cause me to feel that little is known about those not hailing from the fifty fine states. The perspective of outsiders is being drowned by the cacophonic tussle in the melting pot of ideas that we know as Michigan Law School.

It is time to find a voice. To color in the outline of those accented strangers who lurk at the front of the lecture halls. To dispel the image of a ragtag bunch of euro-hippies and assorted stragglers with outlandish notions and unthought-of eating habits. To join pins on the map and present... the “insiders guide to the LL.M. student (and other miscellaneous foreigners).”

People always say that when you go to another country the most interesting differences are the small things. Take your family to the Acropolis and they will be fascinated by the strange parking machines in the carpark. Of course, after a beating or two, they will reluctantly acknowledge the beauty of the historic wonder looming over them. But, they will soon return to the carpark to push Euro coins in to the oddly shaped slot. This rule of thumb is turned on its head in America.

In the US the most interesting differences are definitely the big things, which over here means pretty much everything. The cars are big, the restaurants are big, the flags are big, the houses are big, the trees are big, even the goddamn insects are big. Go out and you will be served sumo-sized portions accompanied by generous jugs full of beer. (You call them pitchers; I prefer jugs.) The stadium seems to be on the large size and could happily hold an extended Texan family. The squirrels don’t seem that big, certainly too small to eat, but I’ve heard rumors of oversized possums prowling the quad at night. (Wait till I sink my teeth into one of those beauties.)

Amidst all this largesse, it is amazing that the people aren’t really that big. Where are the Anna Nicole-Smiths and the Big Puns that America is famous for? One photo to send home (did I mention that we used to eat people there?) would suffice. I have searched, so far to no avail. Perhaps the oversized all get recruited into the football team. But why on earth would they be hiding halfway through their season? I guess that at least the stadium would fit them and the Texans, with room to spare for an ice-cream machine and a Wal-Mart.

Anyway, enough about you, more about us. My extensive research of the LL.M.s has revealed a funbag full of facts. Did you know that Australia is the same size as America? Apparently it also has the same number of criminals. And, like here, half of them are in Government. (Interestingly, it is rumored that tobacco rolled with “Miss Mary” (see Music Review 10/4) is known as an “Aussie.”)

In Germany, you have to try both being a public servant and a commercial lawyer before you are admitted to the bar. Kind of like a Darth Vader dilemma, except with bratwursts instead of lightsabers. In Israel you have to serve in the army before practicing.

I guess it helps to know both sides of the law. To practice law in Italy, it seems you need to look good on a scooter, be prepared to wear a man-scarf, and have perfected the dismissive “ciao” as you walk away with your arm around another man’s wife. Now I don’t know my piazzas from my biscotti, but hell, I’ll give that a try.

In Korea you can be a judge at a very young age. That’s not funny and it certainly doesn’t mean they have the blind leading the blind. It’s enlightened. (If I know one thing it’s that you don’t mess with Judges from countries that you have to pass through to get home. Just ask Polanski why he no longer enjoys summer trips to Cape Cod.)

Apparantly Mongolia has a better-developed electronic banking system than over here. That doesn’t have a lot to do with law, but come-on America, pull your finger out. In the yurts of Ulan Bator they are iBanking quicker than y’all. WTF?

Whilst this information probably answers any questions you ever had about the outside world, feel free to pull up an LL.M. anytime. Who knows, they might have something interesting to say. And maybe, just maybe, they’ll be hot, single, the heir/ess to an oil empire, and willing to go out with you if you feed them possums.

Matthew Gillett is an LL.M. from New Zealand. E-mail comments about this article to rg@umich.edu.
In Addition

So I used to do music reviews, but diminishing desire and a hungry crop of new staffers has sort of forced my retirement from the practice. However, like Jay-Z, I’ll never really retire, so here are some quickies. The new Atmosphere record, *You Can’t Believe How Much Fun We’re Having*, is far better than Pitchfork would have you believe. Ant’s production is more consistent than it’s ever been, and Slug got the memo that his Everlast-esque singing on the last record was a little tired. Highly recommended for those who like hip hop but aren’t really into the prevalent themes running through 80% of today’s offerings.

The new Death Cab For Cutie... erm... Cutie is out as well, and DCFC continues its trajectory toward adult-contemporary slow jamz. Not that I don’t like it, I just miss some of the dynamics of the old records. Still, DCFC is, pound for pound, some of the best dorm-room babymaking music out there, and guys don’t have to pretend to like them the way they do with, say, John Mayer, though the line between them is getting harder to see.

New Broken Social Scene = awesome, as expected. I love *Danger Doom*, the new collaboration between MF Doom and Dangermouse (of Grey Album fame), which features voices from the Cartoon Network’s “Adult Swim” shows. I thought the Adult Swim thing would be corny before I heard the record, and now I must say that for some strange reason, it works, possibly because Brak rapping is one of the funniest things ever. Finally, I’d just like to state for the record that I’m fully on the Sufjan Stevens bandwagon. I fought it for so long, but *Come On Feel The Illinoise* won me over this summer and I still can’t stop listening to it. Given that I have the attention span of a hummingbird when it comes to music, that’s saying something. I can honestly say that Illinoise is my favorite record since the Wrens’ *Meadowlands* came out in late 2003.

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**Question on the Quad:**

“*What is Your Glory Moment?*”

Reporting by Dan Clark and Jay Surdukowski

**Derek Adams, 2L**

On the 17th hole of my home club championship. I’m one down, two holes to go, and I have an enormous shot over a huge tree and a rushing river. I put the shot within 5 feet and hole out. We tied on 18, and I won the championship.

**Heidi Bond, 3L, Blogger**

Well, I really like the dessert I made last week. Actually, there were two. A yuzu panna cotta and a hazelnut tart with chocolate orange filling and raspberry coulis on the side. I think that was good. [QQ: See, http://blog.qiken.org/archives/2005/10/dinner.html]

**Sheila Neba, 2L**

I would say the day my sister graduated from high school. I was a kind of role model in her life, and it made me proud.

**Victor Rortvedt, 3L**

Whenever I read a good webpage.

Dan Clark and Jay Surdukowski do the Question on the Quad when Jay is not slacking off. QQ has been on holiday... prison, actually. Ironically, we have the worst f**king attorneys.
The 6th Circuit took exception to this, Justice Roberts, who clerked for a lover of madness. Beyond the question judicial doctrine. He predicts that the 6th Justice Stevens dissenting. but if the state bases tax credits off taxes in presidential authority. Arguments Pending interesting case to watch for new Chief Justice Roberts, who clerked for a lover of states rights, but is himself a firm believer in presidential authority.

Cuno v. DaimlerChrysler Inc., Oral Arguments Pending

A common state campaign promise is to bring business to a community by offering tax credits and exemptions. The 6th Circuit took exception to this, reasoning that tax exemptions are fine, but if the state bases tax credits off taxes from other states, they are effectively penalizing commerce done in another state, a violation of the Constitution's dormant commerce clause.

Prof. Hills believes the Supreme Court granted cert. in this case to stop the madness. Beyond the question of Constitutional provisions is the propensity of the judiciary to 'mother' the states, micro-managing them through judicial doctrine. He predicts that the 6th Circuit court will be overturned 8-1, with Justice Stevens dissenting.

Gonzales v. O Centro Espirita Beneficiente Uniao Do Vegetal [UDV], Oral Arguments heard on Nov. 1st

The UDV is a religious sect with 135 members in the United States. As part of a ceremony, they ingest a tea made from Brazilian plants that contains a schedule one narcotic similar to LSD. This practice led the DEA to confiscate the tea and threaten prosecution under the Controlled Substances Act. The group points to the Religious Freedoms Restoration Act that requires the government to have a compelling interest to interfere with religious practices and must go about that interference in the least restrictive way. They also note the exception that Congress passed to the CSA for the Native American Church with regards to peyote, arguing that on equal protection and non-establishment grounds, the Court must grant them an exemption as well.

Prof. Larsen predicts the court will find that the government can interfere in this instance. She said that before the RFRA, religious groups always lost their drug-related cases and that the RFRA was likely not meant to overturn this common law precedent. She distinguishes the situation with the Native American Church by noting the special relationship between the federal government and the Native American tribes, a relationship it does not have with the UDV.

Summary and Reactions

Dean Caminker concluded with a reminder that although Justice O'Connor is hearing oral arguments, unless the confirmation of her successor takes much longer than is expected, she will likely not cast a vote on these cases.

Representatives from both the ACS and the Federalist Society were thrilled by the turnout. Both groups felt the panelists provided "a balanced view of the cases" and that their "discussion was thoroughly analytical and intelligent."

BLUMENTHAL, from Page 7

America was becoming more religious. This historical fact has had, I believe, a profound effect upon the construction of legal authority in this country.

RG: What do you do outside of class?

SB: I would be watching the Red Sox if they had managed to make it further in the playoffs.

RG: Too bad they were swept by the White Sox.

SB: I'm trying to become a White Sox fan.

RG: At least the Yankees lost.

SB: Yeah, that's outstanding. I actually believe I have the ability to control any team I watch and back. I mean they have to meet me halfway, but if they do, then I can determine the outcome.

RG: Does that make you a responsible agent for the Red Sox's loss?

SB: (Laughter) Well that's exactly why I became a serious Red Sox fan. I was watching Roger Clemens losing a game [while playing for the Yankees against Boston in the ALCS], and they showed his daughter in the stands, and I just felt bad for the Yankees. Clearly I didn't understand that as a Boston fan you NEVER feel bad for the Yankees. A good friend of mine who is a lifelong Red Sox fan was furious, so I had to do penance.

Letter to the Editor

Dear Mr. Murphy, In the recent edition of the RG, Mr. Kurtis expressed some doubt and confusion as to why he was admitted, so I write to clarify. He was admitted because he had the single best answer to the question regarding what languages other than English an applicant speaks; you'll have to ask him for the details.

While I may or may not have occasion to regret that or other decisions I have made, the sad reality is that my enumerated powers do not include the power to retract admissions offers on the ground of oops-duh. In other words, I have the power of appointment without the accompanying all-important power of removal. In the event I were to be granted such power, I would pledge to use it for good, not evil.

Best,
Sarah C. Zearfoss
Assistant Dean and Director of Admissions
The University of Michigan Law School
Vogue and Glamour in the early sixties
Series prize - then he fled to Europe and of an anonymous poetry (Gilbert was one with a taste for the universe. Poets of "memory and desire."
of it - the devastation of meaning; to the difficulty of poetry - the cardiac arrest a Byronic heartthrob and beloved by poetry); to the wolfing, almost inherent bisexuality of politicians longing for the support and love of women and men with an almost classical indiscrimination; to the difficulty of poetry - the cardiac arrest of it - the devastation of meaning; to the drunk sinking numbing gray sweet fog bis exuality of politicians longing for the support and love of women and men with an almost classical indiscrimination; to the difficulty of poetry - the cardiac arrest of it - the devastation of meaning; to the

A lunch with a poet like Fargas leaves one with a taste for the universe. Poets start where Einstein left off.

FOOTBALL, from Page 12
and put our values to the test, and in the world of Michigan Football, this is that moment. Beating EMU 55-0 is fun every now and then, but I'll always enjoy being down by 4 with a minute on the clock and the ball on my half of the field every time. In everything we do...Go Blue.

Matt Nolan is the Executive Editor of the RG and has attended one Outback Bowl, one Orange Bowl, and two Rose Bowls. He disagrees with anyone who claims that sports don't affect the culture of an institution, city, or nation, and will love the University of Michigan and what it stands for until the day he dies. He can be reached at mjnolan@umich.edu.

HALLOWEEN, from Page 15
TH: No baby, no parents. Actually the senate does provide alcohol hosts.
ST: Your parents showed up at your high school parties?

RG: Um, so, what's an Alcohol Host?

ST: The school requires members of each group to be trained to be Alcohol Hosts, and then you have to have a certain number: for every fifty people you need a host. They stay sober, help out, and keep people safe.

MR: Does this mean I have to be sober at the Halloween party?

TH: Yeah, and you clean up vomit.

MR: Sounds like a 1L duty to me.

RG: What costume won last year?

TH: I don't remember, but I was talking with somebody who was actually very stressed out cause he didn't know what he was going to wear. So, it's serious, people really do care a lot. And, he said last year one of the best costumes was the 'Robot'.

ST: Oh yeah, the Robot!

RG: What costume will you wear?

TH: I'm really stressing out about it right now, I don't know. If I did know, though, I don't think I would reveal it.

RG: What if other law school students want to accessorize themselves off the Law School Student Senate?

ST: Good Luck.

ST: They can come to us individually and make proposals.

ST: All proposals should be placed in the jar.

I knew there was probably more left to the story, but I didn't have time to find out. I had to get my costume! In a veritable contraction of creativity, I decided I should come as a lawyer. Unfortunately, the various costume and party shops in Ann Arbor seemed to be all out of leech, mosquito, alligator, and intestinal parasite costumes (others of you apparently had the same idea!) Instead, I now have to go as Dean Zearfoss.

Nate Kurtis is a terminally single 1L. Questions, comments, and offers of pity dates can be sent to: nkurtis@umich.edu. No other warranties expressed or implied.

O.C., from Page 16
05 Rogue Wave: "Publish My Love"
Rogue Wave played at the Blind Pig a few weeks ago and sounded amazing. This soundtrack will do to Rogue Wave what that Jersey trash movie did for the Shins. Because this track includes an uncharacteristic electric guitar, it would be best set to the contemplative panning out at the end of an episode. Wow, I can't believe that just happened.

06 Youth Group: "Forever Young"
Spare me. Could they have picked a more trite song for the first time Marissa and Ryan bumped fuzz?

07 Of Montreal: "Requiem for O.M.M."
This pop gem is reminiscent of Ween and will inevitably compliment happier times. I see either a pickup beach volleyball game or a cruise in a convertible.

09 Kaiser Chiefs: "Na Na Na Na Naaa"
If you have not heard the Kaiser Chiefs it might take you a few listens to warm up to the falsetto “Na Na Na Na Naa” hook of this British post-punk beauty. Soon, however, you'll be tapping your foot (or whatever it is you do to make up for the fact that you can't dance) along with the energetic piano-driven harmony. My prediction: this song will be used to put a positive spin on heartbreak. “She doesn't move me / She's not the kind of girl I like” is what we tell our friends, but in our pitiful emails to her we beg and quote Verlaine.

12 Imogen Heap: "Hide and Seek"
Remember that band Evanescence that you saw on MTV and on the black tshirts of angsty teenage girls? This is the lead singer, giving a surprisingly good ballad with no instrumental support, wherein her voice is construed to sound like an electronic a capella. One hundred percent a post-epiphany accompaniment, although I can also see this song used during a montage of various people "putting their lives back together."

Matt Jedreski is a 1L. E-mail comments about this article to rg@umich.edu.