Prof. Friedman Goes to Washington: Diehard Fans Brave Cold to Hear Hammon

Submitted by Felix Chang

On Saturday, March 18, 2006, five 3Ls — Felix Chang, Josh Deahl, Barney Eskandari, Mark Jefferson, and Scott Risner — set off in a rented minivan for Washington, DC. Professor Richard Friedman was to argue Hammon v. Indiana before the Supreme Court the following Monday, and the multiracial cast of 3Ls wanted to see how the Court would shape Sixth Amendment jurisprudence after Crawford v. Washington. Admission was not guaranteed. One Justice Ginsburg clerk said that doors open at 9:00 a.m. but as early as 6:30 a.m. crowds can form outside, vying for the 25-50 seats open to the public. The 3Ls would arrive, then, a day and a half early.

Eskandari had mixed a soundtrack for the road. Since the trip was a nerdfest from the beginning, it was decided that law-related songs would be appropriate. “I Fought the Law” by The Clash, “I Shot the Sheriff” by Bob Marley, “Cop Killer” by Ice-T. A revelation, which became the favorite, was “When You’re Hot You’re Hot” by Jerry Reed:

If you wasn’t wearin’ that black robe I’d take you out in back of this courthouse
And I’d try a little bit of your honor on
You understand that, you hillbilly?”

The most exciting part of the drive was the discovery of a fireworks dealer in Pennsylvania. Housed in a barebones warehouse superstructure, the store sold more than just sparklers. It was quite possibly the origin of all fireworks east of the Mississippi. The group settled on a package of M-80s, bottle rockets, Chinese firecrackers, and a miniature tank stuffed with gunpowder. To complete the purchase, one of the 3Ls had to sign a waiver absolving the store of liability.

That first night was spent at Jefferson’s home in Virginia. The next day, the group arrived in DC and split off for the evening.

At 5:35 a.m. on Monday, the 3Ls reconvened before the steps of the Supreme Court, where over 30 people were camped out. Chang was the last to arrive, having dropped the others off and parked the van. He argued briefly with a man in a green jacket for cutting in front

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Community Mourns
Loss of Alumnus

The law school community learned last Thursday that Travis Skelton, ’05, died early last week in Chicago, IL. Travis was the Editor-in-Chief of the Journal of Law Reform for its 38th volume during the ’04-’05 academic year. The law school administration has promised to keep students informed via e-mail of any memorial services.

Condolences may be sent to Travis’s family at:

Cleve, Karen and Annie Skelton
734 Round Hill Road
Indianapolis, IN 46260

Deans David Baum and Charlotte Johnson, and Diane Nafranowicz, Lawyers Club Director (764-1116) are available to speak with students. Counselors are also available at Counseling and Psychological Services (CAPS) in room 3100 of the Michigan Union (764-8312).

The Res Gestae extends its condolences, thoughts, and prayers to members of the law school community who knew Travis during his time at Michigan Law. We encourage any member of the law school community wishing to share thoughts or feelings to e-mail rg@umich.edu for possible publication on our web site.

Class Registration Round One
Open seminars, practice/simulation courses, and clinics
Monday, Apr. 3 at 8:00 AM to Friday, Apr. 7 at 5:00 PM

Class Registration Round Two
Upper-class courses
Monday, Apr. 17 at 8:00 AM to Friday, Apr. 21 at 5:00 PM

Students must remove financial holds by Mon., Apr. 24

Senior Day 2006
Graduation, Sat. May 6, 2 p.m., Hill Auditorium. Free.

3Ls: pick up cap and gown in the snack bar
Thurs., May 4, 11:00 a.m. - 6:00 p.m. and Fri, May 5, 10:00 a.m. - 4:00 p.m.
Editorial: Lame Ducks Quack Thanks

The outgoing editors of the Res Gestae have decided to put our usual campaign against paternalism on hold. Instead, we chose to use (some would say waste) this space to make pleas for apology and expressions of gratitude.

We want to apologize to our professors for every time we wrote an RG article or e-mail while in class, punctured on a reading assignment, or showed up to class bleary eyed (if at all). The RG is a labor of love, but even love takes labor, and sometimes our classes suffered. Our bad.

We want to apologize to anyone who was ever slighted or upset by our articles because of any insensitivity, negligence, or typographical error. We don't mind writing articles about which people may disagree, nor do we mind writing articles people might find offensive. But, any hurt feelings based on inaccuracy or carelessness are inexcusable, so for that we ask for and do not expect forgiveness.

For the thank-yous: Dolfin Leung, Nancy Marshall, Lisa Mitchell-Yellin, and Tom Rogers, of the Law School Communications office, have numerous times donated their time and effort to provide content to the RG. They sent us photos on short notice, helped publish our content on the law.umich.edu web site, and provided professional quality articles that we lacked the resources to write.

The entire law school community owes a debt of gratitude to Tara Perry of the Central Campus Printing office. She is literally the organizing force behind every course pack for which you shell out your hard-earned cash or check. Tara never tells us the strings she has to pull to print off 16,000 pages of Res Gestae in 24 hours, but we're convinced she's the Michigan Law School's version of Jack Bauer. (Apologies to Professor Mark West, who may well be Michigan Law School's Tony Almeda.) Every time we print an issue, we have Tara to thank for it.

Deans David Baum and Charlotte Johnson are certainly no-brainers on the thank you list, as are Mark Gebhart and Trudy Feldkamp. We appreciate that their hard work as student advocates and administrators has included helping us out from time to time.

Jack Atkinson has come through with the grade curves you know and love, and about which we love to be paternalistic. He has also informed our departing editorial staff that we will be allowed to graduate. Bonus!

Thanks also go to the Law School Student Senate (LSSS) for years of financial, institutional, and occasionally emotional support. Both current President Wilson and former President Sursudkowski have provided content and information to the RG, often on short notice, and certainly with no responsibility to do so. And, we lifted a ton of information from Secretary Seneca Theyo's e-mails, so much so that we feel the need to mention her as well.

We have to thank our office mates, the National Lawyer's Guild, for putting up with us on a daily basis. The RG has a tendency to attract interesting types (to say the least) and our agenda is decidedly less serious than theirs. They've been great roomies.

We'd like to thank every faculty member who has sacrificed their time, attention, and (occasionally) dignity to appear in our faculty interviews. The results of this continuing series have been consistently engaging and interesting, and they could not have happened without widespread faculty support.

Thanks to everyone who ever did anything for the paper, especially the copy editors and page designers whose work is important and generally not recognized with a byline. There are too many of you all to name, but we promise to try and thank you all personally in the next couple of weeks. Without you guys, we're just three dorks in an office thinking up funny stuff. And sometimes that funny stuff isn't so funny, which doesn't leave us much without you around.

As the entire senior management of this newspaper is about to do the 3L Shuttle, we want to send a prospective thank you to next year's Res Gestae executive staff. Liz Polizzi, next year's Managing Editor, impressed us with her editing ability and passion for quality work. We're confident she will not embezzle any funds; or, if she does, she will be discreet about that sort of thing. Bria LaSalle, next year's Executive Editor, consistently took on the more difficult articles to write this year. We're confident she'll be just as steady, professional, and upbeat as she was this year. Nate Kurtis, next year's Editor-in-Chief will bring a strong sense of humor (at the least) and an exuberant-yet-calm guiding hand (at the most) to the paper next year. We were lucky to have him this year; he's all yours next year. And that's a good thing for you.

Lastly, and most importantly, we want to thank you, whoever you are, for reading. We have often wondered whether the RG's disappearance from tables around the law school within a few hours of its distribution is a product of strong readership or efficient custodial maintenance. Apparently, we have both.

So, if you're reading this, we appreciate it. If you're not reading this and planning on throwing it away, please instead place it in a visible, high-traffic place (we recommend the National Jurist magazine rack).

Thank you.

Go Blue,
Steve Boender
Mike Murphy
Matt Nolan
Atkinson: M-Law’s Jack of All Trades

By Michelle Sharpe

Jack Atkinson has been a soda jerk, a paper boy, a housekeeper, a security guard, a pea picker, a graveyard attendant, and a beer stacker, the last straight out of the University of Michigan. He was a platoon commander for the U.S. Marine Corps, a cabbie, a phlebotomist, and various types of laborers and lackeys. After being “downsized” by the Henry Ford Health System, Jack took his masters degree in health administration to UM temp services. He became a law professor henchman, and after seven months, moved up Jefferson-style to become the Beloved Registrar of the University of Michigan Law School. Sitting with Jack, one realizes three things. First, he has a ridiculous Boston accent. Second, he has a ridiculous Boston accent. And third, he is one cool cat. As a recently married man with an adorable toddler (Fiona Anne), he provided this interviewer with advice on life, love, and the pursuit of happiness.

But that’s another article. This one is mainly about the Red Sox.

Are you a closet Yankees fan?

Not just no, but HELLO NO! I don’t loathe the Yankees. I once did, primarily because I respect Bernie Williams and Derek Jeter, but they still rank 30th out of 30 in our house. We’re big Cleveland Indians fans, in part because my wife is from Cleveland (Bedford, actually, childhood home of Halle Berry) and partially because I’m a glutton for punishment.

How do you feel about Johnny Damon?

He’ll flop in New York. Totally different baseball environment; totally different ballpark. The fans will turn on him and tear the flesh from his mercenary bones.

If a student came up to you wearing a Yankees shirt and a Yankees hat and a giant Yankee foam finger on his hand, and asked what classes he should take, what would you tell him?

NYU has an excellent law program.

You were a graveyard attendant? Please share.

I trimmed the grass around gravestones in the summer of 1980. I worked for the Boston Catholic Cemetery Association. I got a decent tan, back when I thought tans were OK, and the place was right across the street from my house.

Platoon commander for the US marines. Can you speak about it?

Yeah, I graduated from UM with a BA in Psychology in May, 1981. At that time, in that economy, that degree qualified me to work at the Beer Depot. Actually, that was a pretty fun job. That summer I signed up for the officer program in the Marine Corps, except I delayed my entry until the conclusion of rugby season. By the time I went in I had a girlfriend, but I really didn’t like her at all that much, come to think of it. Anyway, I was commander of a tracked vehicle platoon (amphibious assault vehicles). My first company commander liked me; my second thought I was a moral degenerate.

The weirdest cab fare you had?

I was never lucky enough to have any noteworthy weird ones, or that I can remember. No wild sex in the cab, by me or any passengers, or even dull, suburban sex, for that matter. Or whatever the lingo is.

What is a phlebotomist?

A phlebotomist draws blood from people. I worked at the UM Hospital for almost two years, and at a hospital in Chicago. I was good at it, as I did newborns through geriatrics. My youngest was four hours; oldest was 102 years.

What do you do? In three sentences or less of course.

Essentially, I manage student records, degree audit stuff. I’m in charge of bar certifications, but in all honesty Shirley Noland does the real work. The other things I do are collect useless information about popular culture and research the history of the MBTA. The sad thing is that I’m not necessarily kidding.

How do you like to be addressed by your students?

Jack. “John,” which is my legal name, makes me a tad bit uncomfortable, and “Mr. Atkinson” has me thinking of heading for the border. One thing I like about “Jack” is that, in movies and TV, characters named Jack are (almost) always good guys, maybe a bit rough around the edges, but essentially OK. Bad guys have first names like “Hamilton.” Jack, by the way, has been the most popular birth name in England and Wales for the past few years.

What don’t you like about your job?

Hmmm... probably the culture of arrogance that permeates the University.

There was a bit of an argument about that on lawopen. How do you see it?

Well it’s the University in general, not just the law school. I think it’s all fine and good to be a “top 10” whatever whatever, but I have long felt that it breeds an unjustified air of individual superiority and arrogance. We all eat, sleep, and we all bleed red. A few years ago (2002 to be precise), I stopped in at the SFF auction and witnessed some of the most shameful and sophomoric behavior (from the students) that I have ever witnessed, male and female. The degree of posing made me want to puke. Trust me, I can take my place with the best of the Bacchanalians, but the boozing and subsequent childish behavior, all under a guise of “how cool we are” really turned me off.

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Say nice things about the people you work with.

The best I've ever worked with. My platoon would be second. The most important thing that a boss does is set the culture of the department, and that's David Baum's greatest strength. He will always assume that you are giving your best effort and being totally straight with him, until proven otherwise. I honestly feel that he does this because that is how he treats others. His belief in the importance of family also speaks volumes. Marilyn Genoa, David's assistant, is very on the ball and always able to give some excellent perspectives. Amy Bishop and Debby Hartranft, who also report directly to David, are two of the most focused people I have ever met, along with being very nice.

I, on the other hand, am as focused as a floating crap game. Shirley Noland is, in my opinion, the backbone of the department. She does a lot of frontline customer service stuff along with myriad other tasks. If they ever elect me president (of the US) she will be my special advisor, as she has more common sense than just about anyone in government. Cindy Kerschbaum is new to the crew (she joined us a couple of months ago), but she has been a great addition. The fact that she provided me with the lyrics to "Heffalumps and Woozles" tells me that she knows that which is truly culturally significant. The law school folks, in general, are pretty cool, maybe even very cool. The make or break of a job isn't the tasks, as trained monkeys can do about 99% of the tasks in the world. It's all about the people around you. To me, the world comes down to people.

What do you like best about your job?

I like that my job doesn't own me. My evenings and weekends are free, and I don't have to travel (other than to/from work). Things do get hectic during exam times but, overall, I have a life away from work. In the spring, I coach youth rugby, something I don't know if I'd be able to do if I had a more "corporate" job. Also, my daughter (age 2.5) doesn't have to deal with an absentee father. I'm home every night to put her to bed. Even on rugby nights she waits up for me.

One of the great myths of our culture is "quality time;" that you work long hours, and lots of weekends but, every now and then, you spend "quality time" at some exotic place. That's nonsense. Kids want, and need, face time with their parents.

One of the great myths of our culture is "quality time;" that you work long hours, and lots of weekends but, every now and then, you spend "quality time" at some exotic place. That's nonsense. Kids want, and need, face time with their parents.

Most important thing you've learned in the last few years?

That so much of life is right place/right time, much more than we care to admit. Yes, you can create lucky breaks, but realistically there is so much out of your control. I have also learned that good intentions can crash and burn even though you did nothing wrong. I learned that in my first marriage (which was a big mistake on both of our parts) and in my first job out of grad school.

A handy tip for job seekers?

Remember that a job is a relationship, and it's governed by many of the same rules that apply to personal relationships. You go in with certain expectations. Fit and comfort are where it's at, as few jobs are really all that exciting. If it's not delivering what you want, after a fair time, then bail out. One of my mistakes in life (both personally and professionally) was hanging on too long, thinking that if I just keep trying, then things will get better. That happens in movies, but real life doesn't promise such happy endings.

A handy tip if you're in a new relationship?

Check out how the person behaves around food service and/or retail personnel. Seriously, if they're nasty to a waitress, then they are not a nice person. Give them a couple of opportunities, sample size, but, if the behaviors continue, then dump them immediately. "It's just not working out" is probably better than "because I think you're an asshole."

And a handy tip for breaking up?

Don't go back. One heads east, the other west. When you "try again" you'll probably have a sunny period that lasts about three months, then you'll return to the stuff that broke you up in the first place. After you give yourself some time to decompress, you'll be amazed at how nice life is on the other side. Yes, this is the voice of experience.
Navigating the Dark Side: Prof. Schneider on OCI and Your Future as a Lawyer

By Liz Polizzi

Lunch,” said Gordon Gekko, antihero of the 1987 film Wall Street, “is for wimps.”

While there may be differences between the rarified atmosphere of large, “white-shoe” law firms and 1980s brokerage houses, based on the rumors bouncing around the Law School’s chattering classes, there don’t seem to be many. To put it bluntly, the picture looks bleak: monstrous bosses hazing junior associates with mind-numbing assignments, no respect from senior attorneys or subordinate staff, and the hallmark of law firm life – 3,000+ billable hours a year (which comes out to about 58 hours a week) and no vacations till you make partner.

And yet the majority of us – highly educated, analytical people – line up like lambs to the slaughter as soon as we hear the letters “O-C-I.” Is this a mistake? And if so, how can we avoid making it? According to Professor Carl Schneider, who has made a study of the subject, asking these questions early and often may, in itself, be the answer.

In 1998, Professor Schneider had just finished a book titled The Practice of Autonomy, a study of how patients confront serious medical decisions – the processes they use and their ultimate success in decision-making. His work brought him to the next question: “Can anybody make good decisions about their future?” In pursuit of an answer, Professor Schneider conducted a semi-formal interview process with a group of 40 law students who comprised a Property class he taught in 1998. Following up with them in 2001, and again a few years later, he asked them about what had gone into the choices they’d made, and where those choices had brought them.

“I thought that lawyers and prospective lawyers would be good decision-makers because they have lots of time to think about their career choices, they have a strong incentive to think about their career choices, they’re analytically minded, and they’re in a good position for acquiring good information for making good decisions,” Professor Schneider said. Plus, he added, “They’re more apt to make good decisions in the procedural sense. There are some standard views regarding good decision-making. I thought lawyers were more likely to go about the process of making the decision in the right way.”

So, did they?

“I was surprised,” said Professor Schneider, “by how very little people knew about the law before going to law school, and about law firms before going to work at one. One reason they don’t know very much is because they don’t ask very much.”

According to Professor Schneider, the graduates who thrive after law school are those who have a strong sense of where they’re going – whether it’s to a certain practice area within a big law firm, to a job with the government, a nonprofit, or to put in a few years at a law firm and then set off to change the world. Among those who go to law firms (approximately 85% of each class, according to his study), there are two basic personality types: those who sit at their desks and wait for someone to come by and give them work; and those who arrive on the job, immediately begin trying to figure out how the place works and who has the most interesting projects, and then proactively establish relationships with people they’d like to work for. Three years later, those in the former group are still slogging through the most miserable projects, while those in the latter group report significantly higher job satisfaction. (The second category generally also includes those who go to firms with a clear exit strategy; three of the forty people surveyed had actually stuck to the plan, lived frugally and saved money, and succeeded in paying off their loans and moving on to the nonprofit jobs of their dreams.)

“It’s not the law firm’s job to make you feel good about your life,” he said. “For many people, their first job at a firm is the first time they’ve been in an environment not designed to take care of them.” Especially for students who have never, or only nominally, been part of the workforce, the transition from academic ivory tower to corporate high-rise can be a culture shock in and of itself – never mind the masochistic work culture prevalent among large law firms. “In some sense, this makes them feel like their expectations have been betrayed.”

But what about the institutional masochism we’re told is the bread-and-butter of first-year associateship? “The kinds of complaints you hear about law firms now have always been made about New York law firms,” said Professor Schneider. The age-old anecdotes about firms where partners throw work on associates’ desks on Friday evening to be done Monday morning, and then berate them for going home “early” at 10 p.m. on Sunday night, dates back, according to Professor Schneider, to the days of Boss Tweed.

“What have changed,” he said, “are the objective facts.” Associates today truly are working more hours – and getting paid significantly more money. This is attributable, he says, to law firms’ need to compete with budding dot-coms in the early 1990s, when the allure of getting in on the ground floor of the next Amazon or Ebay was felt by everyone with a bachelors’ degree – and even more so among well-trained attorneys with the skills needed to take a nascent venture-

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Students, Caminker Discuss Wireless Policy

Submitted By
Osvaldo Vazquez

Evan Caminker, Law School Dean, sat down with a group of students two weeks ago to discuss the Law School's wireless policy. Since its implementation this Fall, discussion about the policy has seemed impossible to escape. The LawOpen listserv has been a hotbed of debate about the merits of the policy (and tips for how to evade it). One can only imagine how many personal IMs and e-mails it has generated since its inception.

The most recent debate on the subject took place in a decidedly low-tech setting: For several months, Professor Omri Ben-Shahar has been hosting an informal seminar, where about twelve students meet in his home to discuss topics ranging from online file-sharing and the controversy over Google Books to surrogate parenthood. After one such discussion turned to Internet blocking, Professor Ben-Shahar was inspired to invite Dean Caminker to attend a session, framed as a dialogue about the Law School's wireless Internet policy.

Dean Caminker began the discussion by noting that the policy had been put in place only after deliberation and discussion with students, and that it was optional – each professor is able to choose whether or not to ban wireless access during his or her class. In the past, Professors had raised concerns about the level of disengagement that Internet use fostered. Pointing to his own experience in teaching recent classes, Dean Caminker stated, "I'm actually not worried just about the fact that the guy next to you is watching a movie. There are a lot of these much more subtle externalities [such as the loss of momentum caused by calling on a distracted student] that really do change and shape the whole nature of the classroom dynamic."

Several students, including Adam Little and Maya Simmons, both 1Ls, pointed out that the policy wasn't even working as intended -- not only can students get around the barrier by exploiting technological loopholes or simply using an Ethernet cord, but the barrier would block a user's access even if her or his class was cancelled. In addition, Professor Ben-Shahar announced that, following the group's previous discussion of the policy, he'd lifted the ban on Internet access in his own classroom, with mostly favorable results. "I feel bad," he said, "that we have not really experimented with anything but the [technological barrier approach], so I'm kind of experimenting in my own class with different approaches..."

But students' criticism of the policy is not, at root, as much about the practical aspects of not having Internet access in classrooms as it is a feeling of discontent with the communication between the administration and the students. Lubna Alam, 2L, pointed to the school's plans for a computer lab in Sub-3 as one example. Members of the student jurnals, which have offices next to the planned lab, wonder "how come no one told us about what was going to be going on in the space right next to our offices?" Dean Caminker conceded that there might be issues that the renovations committee had not anticipated. He noted, however, that the administration always tries to maintain open communication with the students through programs such as the Dean's Corner and the appointment of student representatives to most committees that makes decisions affecting students. A few students suggested holding open hearings on proposed changes, though they acknowledged that this idea could present logistical difficulties.

Pauline Farmer-Koppenol, 2L, noted that "being zoned out is not an effect of the Internet. [Some students] will be zoned out with or without it." She argued that using the Internet as a distraction is a symptom of a greater problem with students choosing not to pay attention in class. These same students would be playing solitaire or reading the Res Gestae even if they couldn't go online. Professor Ben-Shahar observed that even if the Internet was a problem, the way to address it might not be to unilaterally cut off wireless access, but rather to think creatively about how to use it to foster, rather than hinder, the law-school learning experience. When ink and paper first made it into the classroom in the 17th Century, posits Professor Ben-Shahar, traditionalists were likely outraged. But teachers eventually adapted, and ultimately, the invention probably improved the students' learning. "We wouldn't take away the ink when it was invented," he said. "How can we take away the laptop, when it's used right?" Laptops and the Internet are a reality, Professor Ben-Shahar argued, and they are here to stay.

Dean Caminker agreed, and offered some ideas about the shape that this new digital environment might take. Professors could take a short, anonymous online survey to make sure their students were getting the concept they just discussed. Perhaps class discussion could be spurred by requiring all students to e-mail answers to a class question, the professor randomly picking one or two students to defend their solutions. Professors, he argued, are not against computers themselves, but the school still has to figure out how to use them best, and how to show students the best way to self-regulate.

In the end, it looks like the wireless policy is here to stay, though the form it will ultimately take seems an open question. Although the policy has been a source of aggravation, the thinking behind it is understandable. Sitting around his fireplace, with a group of intelligent, engaged students, one could almost picture those paper-free 17th Century classrooms in the dark days before quill and ink. In this light, perhaps it is easier to sympathize with those who might wish to keep out notebooks, or Notebooks, or anything else that might intrude on that atmosphere, if only to delay the inevitable for a little while longer.

Osvaldo Vazquez is a 2L. E-mail comments about this article to rg@umich.edu.
Senior Day Is What You Want It To Be: Make It Count

By Mike Murphy

I saw them in the quad, in the evenings after OCI was done for the day. They were the alumni interviewers, sent back to their alma mater from law firms across the country to conduct interviews for summer associate jobs. They looked just like us, only older, with more expensive clothes and less hair. Like most of you, I usually hurry through the quad with books weighing me down and some meeting or class on my mind. Not the alumni interviewers. Not that afternoon. That afternoon they walked very slowly over the cobblestones and grass, soaking in the sunshine of their own memory lane. Some of them, I noticed with some surprise, had tears in their eyes. I didn't think my interviews with them were that bad, but then again, I was able to wallpaper the RG office with ding letters. So you never know.

Their wistfulness shook me. It was disconcerting to see people reminisce about a place that I grumpily trudge to most mornings (and that's if I manage to grace morning with my presence). But that makes sense; the extent of the emotional impact of an experience is necessarily subjective. What law school means to you is up to you. As much as graduation will be the closing of one chapter in our lives, the real fact is that it'll still be a Saturday. The next day will be a Sunday. And so on.

This could be the three years that forever changed your outlook on life, gave you lifelong friends, and pushed you to your intellectual limits. Or, it could be the three years you lived in the frozen Midwest, read a lot, and went to Rick's. Or both?

I choose the former. I'm not going to wait for that day, years from now, to unabashedly appreciate my time here. I see myself turning into the interviewers already. I own three suits – three more than I ever have before – and my hairline is aggressively, if not unapologetically, receding. I hope to see most of you at OCI in a few years, though I don't know whether I'll be there recruiting for a law firm, teaching a law class, or servicing the vending machine. I might even prefer the last one, since I swear if that damn thing takes my money one more time, I'm going to "service" it with a crowbar like Michael Bolton on a fax machine, character and fitness be damned.

I have even begun to appreciate the parts I loved to hate. Take my section, IJKL. At the end of my first year, I remember being overjoyed at the prospect of going through three consecutive days without being trapped in a hot room with a clanking radiator and the same. Damn. Ninety. People. (I would say "you can imagine," but I don't need to – you can imagine.) The thing is, we haven't all been in a room together since Molly Van Howeling's last class almost two years ago. It's never been the same since. Our first and only IJKL reunion is, well, Senior Day. Damn. As much as I didn't two years ago, I already miss that group of people.

So I'm not going to make Senior Day Saturday just another excuse to get drunk. (As it is, my friends and I have figured out about seven of those a week, sometimes eight if there are sports on during the day.) I am, however, going to go to Rick's -not because I really want to, but because everyone will be there. Nobody can explain Rick's; it just is. Rick's is like that one friend of yours who nobody really likes but you hang out with anyway because of some sort of social inertia. Or, like that guy who you never talk to at school but is still one of your Facebook friends for unknown reasons.

Before Rick's, I am going to give my parents, hilarious retired people who live only half an hour away, their first and last tour of the law school. They have said they would visit the law school more often if it were only a mile away, and sold groceries. And no, I'm not taking them to Rick's. Though that would be awesome. Except not really.

I'll take them to Big Ten Burrito, or whatever it's called by then, thank the owners for all the money I've lost and the pounds I've gained at their fine establishment. I may even get my Mom wasted on sangria at Dominick's. (Who am I kidding? She'll get me wasted.)

I'll introduce them to my friends, the best group of degenerate law students with gambling and drinking problems (or degenerate drinkers and gamblers with law school problems, if you prefer) that a guy could ever hope to hang with. This should be convenient. There's a strong chance they will already be at Dominick's.

I'll take them by the IM building, which has its own law school reading room on the third floor, featuring ice-cold ceiling fans and squeaky workout equipment. They even pump in some dazed-looking undergraduates to break up the strictly law school crowd.

But all of that is only a day, and even the best of days come to an end. So, while my family waits for me back at home, I'll take one last long look at the quad; a place I've paced in, stumbled through, and passed by. I cannot wait to see you – all of you – back here on some sunny afternoon. It's like I'm there already. The tears are already in my eyes.

Mike Murphy is a graduating 3L.
Thank you.
Putting It All on the Table

By Matt Nolan

Let me put it all out there: I act to do. I write to be understood.

I exist because my great-great-grandfather refused authority when he didn’t think it was right. The British attempted to compel him and his five brothers, all Irishmen, to fight for them in the Crimean War in the early 1850s. Instead of doing so, the six of them said goodbye to their parents and each other, splitting in six different directions around the world to avoid service. Great-Great-Grandpa stowed away for six weeks and ended up in New England, where after not being able to get work, as he was Irish, he married Great-Great-Grandma and moved to Chicago to help clean up the 1871 fire.

His son, after flirting with the Catholic priesthood but realizing the whole celibacy thing wasn’t his bag when he kept sneaking down to spend time with the cooks at the seminary, started and built one of Chicago’s largest ice and coal businesses in the 1900s and 1910s. When Great-Grandpa Nolan refused to join a strike with the rest of the companies in the mid-1910s, the mob sent a hit man. Irish-Catholic luck intervened as the hit man was a friend from grade school, but Great-Grandma insisted on a family move, bringing the Nolans to Hesperia, MI. An electric company stock scam (pre-SEC) left them penniless within the decade.

Martin J. Nolan, my grandfather, served in World War II, married my grandmother Mabel, and moved to Muskegon. When Continental Motors struck in 1962, Grandpa followed family tradition and refused to join in, feeling he was being compensated fairly for his work. He quit the job with nine children at home, and started the Martin J. Nolan Insurance Agency out of his and Grandma’s bedroom. All nine of his children graduated from college.

I recount all of this for two reasons: one, because I can, and two, to give you context for and my writing. As Salman Rushdie says, “To understand just one life, you must swallow the whole world.” Over the last three years I have written things that may have pissed you off, inspired you, made you feel brilliant next to my naïveté, brought you a smile, inspired you to throw something, or made you think differently about something you had taken for granted. You may have reacted to something I’ve emailed, or something I’ve done with the Federalist Society, the Nannes committee, the bowling league, or anything else. Regardless of the form of the reaction, I say, good.

Though much more schizophrenic than this over-simplification, the basic take on life that I’ve tried to bring across in my writing and actions is that worrying about what anyone else’s reaction to your life is will only cause you to do less of what you want to - and can - do. Every moment should be enjoyed, every opportunity taken advantage of, and every principle in which you believe or fought for. Failure is the first step toward success, and nothing great can be accomplished without risk being taken and boundaries being tested.

Life is extremely short. I can’t imagine living it without pushing boundaries, exploring the gray areas, and taking advantage of every chance I can to learn more. Why do we so often ask “why?” before asking “why not?” There are too many things we don’t question, that we take for granted. Justifications for not doing things are too often not reasons but excuses. There are too many things that a majority of us want to be different but that aren’t because we don’t stand up and say so together. We settle and limit ourselves much more than we have to. I hate settling. I refuse to settle. So should you.

I’ve been called liberal by the right and conservative by the left, which to me says that I’m at least pushing the right buttons.

I’m a Republican who has much more in common with Kyle Faget (who beat me in bowling last semester, but that’s another story) than with a significant portion of my party lately, and I’m damned proud of it. If we’re ever going to find solutions to the complex problems that we face as a society, each of us is going to have to take the effort to challenge the reasoning behind our policy preferences. I like pushing other people’s preconceived notions, which probably explains why I’ve been more likely to do Federalist Society events at a place like Michigan.

What do I want in life? Primarily, to give it every little bit that I can. Next, to get out of it every little bit that I can. There are very few things that are unattainable as a people if we set our minds to it, and the more we talk about them and begin to organize for them, the better chance we have of attaining them. Anything worth doing is worth doing full tilt, and if you do something without dedicating yourself completely, you’re shorting yourself, and more importantly, the rest of us.

You still don’t really know who I am, but here’s the important part of the answer: I am one of us. All of us. Federalists are now in an extremely fortunate segment of the world population, a segment that has both the innate and learned ability and opportunity to drastically change the world. I don’t care where or how you do it, but if we come back here in ten years and aren’t doing it, my friends from home who don’t have this opportunity are going to be disappointed in us. Education costs are out of control, Social Security is in shambles, K-12 schools are not equal, laws are structured poorly or provide poor incentives, people are discriminated against for no constructive reason, etc., etc. Let’s make it better.

CONTINUED on Page 20
Alumnus Considers Duke Rape Allegations, Campus Tensions, Unfair Policies

Submitted by Adil Haq

Generally, when one thinks of Duke University, my alma mater, during the month of March, one thinks about the University’s divisive basketball team, but right now the team’s pathetic recent performance is pretty far from my mind. The reason is this: On March 13, following a party near Duke’s campus, some members of the lacrosse team were accused of rape, and the story has broken out everywhere, including in the New York Times. Apparently, the captains of the team gathered all their teammates at their house, and under false pretenses hired two strippers to entertain. The women showed up with no security, and when they performed, the most vile and racist insults were thrown at them. One says that later she was cornered in a bathroom and three of the players raped and “forcibly sodomized” her, stole her money, and choked her. The ugliness of the story, though, doesn’t end there.

Forty-six of the forty-seven players on the lacrosse team are white; the victim of this attack is black. While Duke is committed to diversity in all its various forms, the team represents the worst stereotypes of the School: white, privileged, and beer-swilling. The city of Durham, Duke’s home, by contrast, is 44% black, almost 100% anti-Duke, and predominantly blue-collar. As a rule, to think of the two—town and school—is to think of simmering race and class tensions. Necessarily, then, Duke must tread carefully as it crafts a response.

But that’s not the whole story either. According to an anonymous 911 phone call, a community resident who had no knowledge of the rape accusation, walked by the very house where the party took place on the very night in question only to be greeted with the N word. (You can listen to her 911 call at http://www.newsobserver.com/102/story/421799.html.)

That same night, another person, a neighbor, heard one of at least thirty guys say to the alleged rape victim, “Tell your grandpa thanks for the cotton shirt.”

In my mind, that’s independent verification of harassment. And that’s best-case scenario.

At worst, three guys, likely motivated by racial animus, raped a woman. No matter what happened at the party, another thing we know for sure is that no one’s conscience was bothered in the least. A wall of silence has gone up among the players while the police investigates.

So, what has been Duke’s response? Well, pretty much nothing meaningful. While the school has now suspended the team from competitive play, initially only two games were forfeited. Meanwhile Duke’s president, Richard Brodhead, waits for the criminal investigation to resolve itself. From a due process perspective this makes sense: How can Duke punish these students, Brodhead has asked, when the police hasn’t yet charged anyone? But why does the police investigation prevent Duke from doing anything?

But are they? Assuming, arguendo, that a perfunctory investigation would turn up the neighbors who have already called or spoken with the police, and maybe a few more, the school wouldn’t be too hard-pressed to establish that the lacrosse players harassed the alleged victim, in violation of the Office of Institutional Equity’s harassment policy (which is available at http://www.duke.edu/web/equity/har_policy.htm). The policy empowers Duke to discipline students in kind. It should be noted that there are no jurisdictional issues preventing Duke from investigating—the house is university-owned, and was leased by the University to the team captains.

Of course, only the victim herself has standing to raise a claim. Assuming that she would, if informed of the policy, it then becomes clear how Duke has tied its own hands. All the harassment policy offers her, as a “visitor” to a Duke-owned property, is an informal process for resolving a claim: “The complaining party, either alone or with another person, may choose to meet with the individual whose behavior is disturbing, discuss the situation, and make it clear that the behavior is unwanted and must cease.” Are you kidding me? The message is clear: Harass away, team, so long as the subject of your harassment is a “townie.”

The tragedy of Duke’s response is this fatuous argument about due process. Clearly, it is Duke’s institutional policy to define harassment by the identity of the victim. One needn’t wonder, then, where the lacrosse team got its sense of self-entitlement.

Adil Haq is a 3L and alumnus of Duke University. Please send comments about this article to atother@umich.edu.
The Handlebars of the Soul

By Steven Boender

Up until five minutes ago, I never really thought about what I would write in my final contribution to the Res Gestae. I guess I assumed I’d impart some sage words of wisdom; but, to be honest, I have none. I’ll leave that to Nolan and Murphy. Let the record show that I wholeheartedly support whatever advice they offer (except if Nolan writes anything that makes people “Ann Arbor mad,” in the words of Professor Miller, then I wholeheartedly disavow any affiliation with Nolan and blame it on his despicable preference of Diet Coke over Diet Pepsi). Maybe I could take this opportunity to put someone or something on blast that has been bugging me since I started here four years ago (dual degree, not held back, though the punitive impact is similar). But, with Ann Arbor already in my rearview mirror, I really don’t have the energy or the will to try and change anything. So, the only thing worth spending the next 500 or so words on is the most important sociology experiment in the history of the world: my mustache.

I never really intended to rock the Wilford Brimley style, but to freak out my wife, I shaved all but the pushbroom down from a challenge, regardless of the social consequences, I decided to take the flavor-saver into public with me since I started here four years ago (dual degree, not held back, though the punitive impact is similar). But, with Ann Arbor already in my rearview mirror, I really don’t have the energy or the will to try and change anything. So, the only thing worth spending the next 500 or so words on is the most important sociology experiment in the history of the world: my mustache.

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The social effect, nay POWER, of the mustache was fully realized at a trip to Kroger on Wednesday. Now, I’m 28, but I can probably count on one hand the number of times I have bought alcohol at a grocery store without being carded. Even cigarettes are a 50-50 proposition. But on Wednesday, when I placed the 12-pack on the checkout counter, the clerk scanned it without blinking an eye. I almost ran to the razor aisle and shaved the mustache right then and there. Either the mustache itself has intrinsic properties that make one appear older, or the social taboo of the mustache among those too young to remember watching the moon landing implied that I MUST be older than 21. So, yeah, I shaved the mustache off first thing Friday morning. I couldn’t even make it a week.

Here’s the part where I attempt to salvage some meaning from this blogorific excuse for a column. And here it is: we are all going to be entering a world where experiments like my flirtation with mustache-dom won’t be possible. Sure, maybe a few of us will be going to employers where a ridiculous personal appearance is an acceptable career move, but the reality is that most of us are freer now than we ever will be again. At least until retirement where we can say and do whatever the hell we want because we’re old (whoever said that kids say the darnedest things never had grandparents). So for us, now is the time to get all that crap out of our systems – grow a mustache, do nothing but watch college basketball for four straight days, stop getting haircuts, drink before noon on a day that’s not an Irish holiday, or take a nap at 11:00 am. In short, now is the time to do all of the things that will be out of reach when we actually are in a professional environment. Get it out of your system now, while there’s still time. The life-span of this freedom is too short to spend it crafting lengthy and well researched emails for lawopen (unless that’s considered a “fun” activity for you, in which case law school is sort of the equivalent of Chuck E. Cheese’s), getting riled up about whatever tempest-in-a-teapot the Michigan Daily is touting this week, or doing “optional” reading. If you think you’re too busy now to pursue recreation or Dadaist experiments in hair configuration, just wait. Alright, that’s enough work for a Sunday. The MacGyver box set is calling my name....

Steven Boender is a graduating 4L, and the outgoing Managing Editor of the RG. Comments on this article may be sent to rgg@umich.edu.

**SFF Law Professor v. Law Student Basketball Game**

The Coliseum, 721 South Fifth Ave. (across from the Marching Band practice area and Elbel Field)

April 10
5:30 PM
$2 - Proceeds to SFF
APALSA Origins Festival, Mar. 24, 2006
Painted Faces on Parade: LSSS Prom Mar. 31
Attractive Nuisance:
Introducing the Poetry of T.S. Eliot

By Jay Surdukowski

The final poet in this series is Thomas Stearns Eliot (1888-1965). Lyndall Gordon titled her last of a trilogy of biographies on Eliot An Imperfect Life. There is no better description of the founding father of modern poetry than this. The morbid pathology of Eliot’s works is modernity itself. Stunted emotion, violence, misogyny, reactionary conservatism, anti-Semitism, impersonality, bisexual, homosexual, or asexual coldness, ardent Christianity, desire, longing, and the failure of flesh. Eliot has lived all these personas in life and letters. We live in the shadow of his mouth.

I don’t present his famous “Prufrock,” or his lauded “Wasteland” or “Four Quartets.” I subject you to a raw piece written when he was 26, when he was our age. Unpublished in his lifetime and deliberately excised from his official canon, here is “The Love Song of St. Sebastian” written on the eve of World War One in the summer of 1914:

The Love Song of St. Sebastian

I would come in a shirt of hair
And with a lamp in the night
And sit at the foot of your stair;
I would flog myself until I bled,
And after hour on hour of prayer
And torture and delight
Until my blood should ring the lamp
And glisten in the light;
I should arise your neophyte
And then put out the light
To follow where you lead,
To follow where your feet are white
In the darkness toward your bed
And where your gown is white
And against your gown your braided hair.
Then you would take me in
Because I was hideous in your sight
You would take me in without shame
Because I should be dead

Eliot commemorates the story of the elite Christian Roman soldier, Saint Sebastian. Sebastian served not just as any soldier, but as one of the emperor’s top men in the Praetorian Guard. Sebastian was ordered shot by marksmen around 286 AD for his covert ministrations to condemned martyrs. The woman is Irene, the widow of a Saint herself. She nursed Sebastian back to health, only to see him meet a second death, this one successful, on the wrong end of some brute, imperial clubs.

Unlike his famously opaque later works like the “Wasteland” which bore seven pages of heady footnotes, The “Love Song” is “nasty, brutish, and short.” A fantasy of sadism is presented. Sebastian wanted to die for his god. So irrational was this longing that upon his getting better he heckled the emperor in the street. The emperor Diocletian went white as a sheet, believing he had already put this traitor to death. He was promptly executed again. But the young Eliot decides to twist the story into one of violent physical desire. Self-flagellation to let god in the body is par for the martyr’s course, and we see this in the “torture and delight” of the poem’s opening. But why does he imagine strangling his savior? It is a poem of human sickness, simply rendered. The rhymes are stilted and obvious. But it is in their unvarnished horror that the genius lies. This is a poem of failure, even the saints among us, the striving and longing good, are marked with sin ‘til the end of time. “Humankind can’t bear very much reality” is a famous line from the first Quartet, “Burnt Norton.” This truth stands stark. A poet like Eliot looks into “the heart of light, the silence,” but also at the “fear in a handful of dust.” His poetry is painfully human.

In terms of biography, Eliot’s is as fascinating a tale of disaster as any other poet I have written on in these ten essays. Born in the American Midwest (his grandfather founded Washington University), he would follow John Singer Sergeant and Henry James on the path of becoming plus anglais que les anglais.

CONTINUED on Page 21
An Open Letter to the Female Law School Community

By Bria LaSalle

The prospect of sitting down to write my first column for the RG has made my inner monologue over the past few weeks turn into a strange collage of potential topics. My vaguely nostalgic leanings are so easily fanned by the demi-drama of this being the Last Issue of the Year, that I have been tempted many times to write something eloquent and inspirational, that gives a nod to the outgoing 3Ls, summons contented pride in the rising classes, and fuels us on to the coming summer and semesters ahead.

But who am I kidding? There’s a time and a place for sap, and this ain’t it. I may cry at Chips Ahoy commercials (when the cookie figures out there’s no cake at the birthday party because he’s the dessert, and using this column for a much more self-serving purpose. What follows is a monologue over the past few weeks rolled into a strange collage of potential topics. My vaguely nostalgic leanings are so easily fanned by the demi-drama of this being the Last Issue of the Year, that I have been tempted many times to write something eloquent and inspirational, that gives a nod to the outgoing 3Ls, summons contented pride in the rising classes, and fuels us on to the coming summer and semesters ahead.

My fellow women,

I regret that I do not write to you today with good news or warm wishes. No, I write to you today to bring to light a matter I consider of grave importance. It is an issue that most dare not mention in polite company, but one that desperately needs to be dragged into the open.

It’s the pee on the toilet seat, and it has got to go.

It’s unclear to me whether this problem has increased recently or if I’ve just become more aware of it, but no matter: some of you are leaving the toilet seat in worse condition than you found it.

How, some may ask, does this occur? Aren’t plumbing conditions (so to speak) among the likely suspects ideal for wholly avoiding this scenario? Technically, yes; but this problem is behavioral, not physical. We have, living amongst us, a group of hoverers. Rather than use a disposable toilet seat cover or (oh mah gah!) sit directly on the toilet seat, hoverers summon impressive leg strength and hover above the toilet seat. Hygenically saavy...for them.

Perhaps the real irony in this phenomenon isn’t the fact that the hoverers are creating precisely the environment they seek to avoid, but that I have seen several of them fail to wash their hands upon exiting the stall. Oh sure, take a moment and enjoy the judgmental sneer that just spread across your face at the thought of me taking stock of who these women are and whether or not they follow good hand-washing practices; but, once you’re done, consider this: if having someone else’s pee on your thigh more than once doesn’t make you slightly more aware of the causal chain that put it there, you need more help than I do.

I could name names. In a community as small as ours and with limited user-to-bathroom stall ratios, it’s not uncommon to find oneself on the same bathroom schedule as a loosely, but noticeably, defined group of people. Still, I don’t want to become the seat police. I only hope that there are hoverers who will recognize themselves in this letter and realize that the non-hoverers among us aren’t as oblivious as we might seem to be. My few and quiet attempts to identify others who notice this problem have been alarmingly successful. The problem exists, and a solution must be found.

Though the visionaries at Chicago’s O’Hare Airport should be commended on their bold and creative implementation of devices that drag what essentially amounts to a yard of saran wrap across each toilet seat such that no residue of any sort remains from the previous user, I believe we can think ourselves back in the box for this one. We don’t need to have a lunchtime panel on the secret motivations of hoverers, and we don’t even need to ask hoverers to try a turn with the simple sanity of sitting. In fact, I’m going to do nothing. I leave it to each and every woman who has ever hovered, or dreamed of hovering, to take it upon herself to be her own agent of change before leaving the stall next time.

What goes around comes around, ladies. The seat you leave behind today may just be the seat you sit on tomorrow.

Hugs and kisses,
Bria

Bria LaSalle is a 2L. E-mail comments about this article to rg@umich.edu.

Flash Drive Pick Up
Tues., 100 HH
11:30 a.m. - 1:30 p.m.
Bring Photo ID
How the Profs Stole Summer

By Nate Kurtis [with apologies to Dr. Seuss]

All the students in law school liked summer a lot;  
But the Profs, who worked in Legal Research, did not.  
The Profs hated summer, the whole summer season —  
Oh, don't ask me why, no one quite knows the reason.

Perhaps they'd grown fond of the law gents and lasses,  
Or perhaps they missed teaching all of their law classes,  
But I think that the most likely reason of all,  
May have been that their chances for tenure were small.

But, whatever the reason, their tenure or class,  
They stood poised in April to ensure no one passed.  
Then they got an idea, an awful idea;  
The Profs got a wonderfully awful idea.

"What we'll do," said the Profs with a glorious preen,  
"Is we'll write the worst final exam they have seen!  
Then the students, their grades being horribly bad,  
Will spend all their summers both broken and sad."

They began with the rule against perp'tuities,  
And moved on to taxation and annuities.  
For contracts they mixed up many ends and odds,  
From lost volume sellers to Statutes of Frauds.

They required defense in a fed./state court mix,  
Without running foul of the rule: 12(b)(6).  
Then a section they'd decide by seeing who'd fling  
Their opponent the farthest out of the Althing.

Then they added a practical section for kicks,  
To include some claim joinders, and then also fix  
A reform of tort law so policy is pleased,  
And, rewrite Roe v. Wade so all parties agreed.

These subjects, plus others which students abhor,  
Had been sprinkled through fifty-four questions, or more.  
On the day of the test, the Profs all gathered round,  
At a place where they knew they would never be found.

And they shared with each other those things that they knew:  
"They're now starting exams, we know just what they'll do:  
Their mouths will hang open a minute or two,  
Then the students in law school will all cry 'Boo Hoo'."

"That's a sound," grinned the Profs, "that we simply must hear,"  
And they paused, and they all put a hand to their ears.  
And they did hear a sound through the sixth floor stack door,  
At first barely there, but soon heard all the more.

But instead of the sound of poor law students frying,  
They heard tapings on keyboards. The students were trying!  
All the students in law school, from 3Ls to 1,  
Were trying their darnedest to get exams done.

And what happened next? In the RG it's writ,  
That Deans Johnson and Baum decided that was it.  
They knew that they needed to bring back law cheer,  
So they gave the Profs tenure. Well, all except Krier.

And the minute their futures looked so much less glum,  
The Profs figured they'd let all their students have  
So, instead of grading by what students deserved,  
They gave everyone Bs using the bell curve.

Nate Kurtis is currently in his first year.  
Send your comments and questions so that he might hear,  
To nkurtis@umich.edu;  
Being certain to include: what, where, why, and who.

All these rhymes may not work, but at least he did try.  
There are no other warranties, expressed or implied.

The International Law Society and the Michigan Journal of International Law cordially invite you to the:

International Law Faculty/Student Reception

April 17, 2006; 4:30 – 6:00 p.m.  
Lawyer's Club Lounge – Refreshments will be served.
Griot Opens to Packed Lounge

Over a dozen law students read pieces out of the Griot, the law school’s literary journal, in the Lawyer’s Club Lounge on Thurs., Mar. 30. The Ryan Millecam Jazz Band performed at the beginning and middle of the program.

Copies of the Griot are available around the law school. For more information e-mail Abam Mambo at abam@umich.edu.

Rock.
Headnotes
Spring Concert
Tues., Apr. 11, 7:30 p.m.
Lawyer’s Club Lounge

3Ls: Senior Celebration and Send-Off
Thurs., Apr. 20, 2006
4:30 p.m.
100 HH
2006 Class Picture taken at 5:00 p.m.

Vending Machine Swallowed Your Money?
Don’t beat it with your laptop until it bleeds diet dew. Fill out one of the refund envelopes posted near the machine to request a refund.

Sherry Dickerman keeps track of refund requests.
She can be reached at sherryd@bf.umich.edu.
ACROSS

1. Tide
5. Burned tobacco by-product
8. Not close
12. Top grade of gasoline
14. Birthday count
15. La______de ma tante
16. Fingered
17. Tigers
19. Lowest point
21. Speeds up
22. Race distance
23. October birthstone
25. What willows do
27. Satyr
30. Nears
33. Type of center
34. Controvert
35. Curry
38. Yaks are a type
39. Ditto
40. Patella
41. Columbus ship
42. Horse control
43. Car type
44. Acetate is one
46. Power from a nuclear_____
48. One of Demille’s movies
50. Wound protection
51. Tom Hanks’ first starring movie
54. President’s office
56. Leave without permission
59. A triangle
62. Some are for football bets
64. First Hebrew letter
65. Dye quantity
66. Brain box
67. Evening in Roma
68. Isle in E. England
69. Remain

DOWN

1. Priorress, e.g.
2. Style
3. Hindu principle of life
4. Excel
5. ______ O’Shanter
6. Used as gelling agent
7. Sign up again for a magazine
8. Model Carol
9. Gasoline

10. Aeronautics and Model Rocketry Association (abbrev.)
11. Deference to an older person
13. Acid used to produce nylon
15. Leisurely stroll in Merida
18. Female name
20. Tease
24. Live with
26. Reticules
27. The South
28. Ties up
29. Breathe through ‘de nose’
31. ______ Cane
32. Cover with cream cheese
33. A lifer, e.g.
35. Dressed to the ______
37. Big________
39. Getthere
43. Skin on top of head (pl.)
45. Era
47. What can be in a hole
49. An iceberg does this
51. Prejudice
52. Wight, e.g.
53. A regular attendee
55. Loyal Scot
57. Sullenness
58. Fitzgerald
60. Elizabeth Arden runs one
61. Hovel
63. Arch

Answers may be found on page 16
11:10 am: 3L Collin Foulds prepares for his Trademarks class by educating our paparazzi. Note that this picture features two 3Ls actually reading a legal textbook. Also note the 3L attendance at a Friday class. It does happen. Kind of.

11:10 pm: So this is what he did with all that junk, all that junk inside his trunk.

A Day in the Life of Collin Foulds, Fri. Mar. 31

Left: Collin feverishly sweats out a 55-minute class period in stark fear of being called on.

Right: Collin feverishly sweats out a three-hour Prom disco inferno. Dazed well-wishers kiss him for good luck.

10:10 am: An action-packed breakfast of champions - two huge cups of coffee, Krispy Kremes, and cereal (for health).

12:15 pm: There’s obviously something very, extremely wrong with Collin’s grilled chicken salad.
HAMMON From Page 1

of three people. "Why don't you do the right thing?" said the green jacket man. "Why don't you go to the back of the line?" Chang: "No."

For the next two hours, the 3Ls waited for security to decide how many would be admitted to the argument. In front of them was a pack of Georgetown law students who sat in a circle under one large blanket and occasionally stood up to dance in the cold. Their ranks swelled, to the chagrin of green jacket man, as latecomers cut queue to join them. Later, Chang asked him, "How do you decide who to yell at? I mean, a woman cut up front, and a guy cut just behind us. She's white and he's white. I'm not white and I got yelled at. So, is your criterion racial or what?"

Deahl and Eskandari later found out that he had driven with his daughter from Colorado to see the Court in session. Chang had punked this man in front of his daughter.

By 6:45 a.m., fifty more people had lined up behind the 3Ls. And the temperature stayed below 40 degrees. Just then, the group spotted Friedman jogging around the corner. He wore sunglasses, a sweatshirt, and gray jogging shorts that came no lower than his thighs. He greeted the group and asked if Maureen, another Michigan student, had arrived. She hadn't. However, the sight of Friedman, in his shorts, reinvigorated the 3Ls, and they stood until 7:30 a.m. when security assigned each person a number. The 3Ls took numbers 29-33, right in the middle of the 25-50 estimate.

Between 7:30 and 8:45 a.m., the 3Ls toured the Supreme Court cafeteria where they saw counsel for the respondent in Hammon. Counsel told Deahl, Eskandari, and Chang that Indiana had a good argument. Deahl, who did research for Friedman's brief, nodded politely in agreement.

Then Friedman stood up for Hammon. Right away it was clear who his supporters were. Scalia, who authored Crawford, echoed many of Friedman's sentiments, and his questions seemed tacitly addressed to the skeptical Justices. Souter called Friedman "the expert." Roberts' hypotheticals seemed less severe; even Ginsburg toned down her criticism. Alito emerged from a long lapse of silence and asked an odd hypothetical to which Friedman said, "I'm not sure I understand the hypothetical, Your Honor." Alito replied demurely, "Maybe I don't give good hypotheticals." Hardest to read was Justice Thomas, whose eyes were closed most of the time in meditation of the sublime.

In a memorable exchange, Stevens asked, "What do you think of the respondent's 'resemblance test'?" Answer: "Not much, Your Honor."

Counsel for Indiana began by stressing that the 911 declarant spoke in present tense, spinning the call as reportage of an ongoing crime. Scalia tore into this reasoning: "But that makes sense, doesn't it? The operator wouldn't say, 'What was his name?' or 'What would be his name?'

Fisher and Friedman came on strong in rebuttals. The Justices were silent except for one softball question. To Fisher, Roberts asked how Wigmore would have decided this. Concluding his rebuttal, Friedman said, "We're laying a new foundation here, and it's more important to get it done right than to get it done quickly."

All was anticlimactic after that. The 3Ls lunched at an Indian buffet with Friedman, Fisher, and their friends and family. Friedman thanked Deahl, Mr. Wolverine himself, for helping with the brief. The return ride was more Clash, Marley, and Jerry Reed.

Prognosis for the decision is that the Court will split the two cases, ruling in favor of Hammon but not Davis. From the arguments, though, it was hard to discern the reservations of the silent Justices.

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I sincerely thank you from the bottom of my heart for reading (and putting up with) my rants about Michigan sports, dating, politics, life, bars, addiction, growing old, callbacks, the boxer rebellion, education, optimism, the upper peninsula, and other various things. I have used this column to help me think about life, and hopefully it's at least entertained you. When I came to law school, I never would have thought I'd serve for two years as the executive editor of a newspaper; but, if you keep your eyes open, I believe life usually tends to bring you the experiences you need. In everything we do, Go Blue, and I look forward to crossing your paths as we take Michigan with us into the world.

Matt Nolan is the outgoing Executive Editor of the Res Gestae, will be graduating in May, and moving to Chicago. He can be reached at mjnolan@umich.edu.
capital project public. Naturally, the salary hike happened first on the West Coast, but it wasn’t long before law firms in the other major markets “paused, gulped, and followed suit.” Now that the bubble has burst, revenue is down, but salaries remain high. Firms know that they can’t correct for that by raising their fees, or by touching the partners’ compensation when to do so might drive partners out of the firm, with their client base in tow. The only place where this loss can be recouped is out of the hides of junior associates.

Nevertheless, said Professor Schneider, “It is possible to be happy in major New York law firms. I think working with very able people doing difficult work for demanding clients can be very rewarding” — for some people.

“The American legal profession is significantly more diverse than anywhere else in the world,” said Professor Schneider. “It encompasses a huge range of choices. What is particularly puzzling to me is why this choice is not exploited.” According to Professor Schneider, there are two factors at play here: First, there’s the fact that students without a very clear notion of where they’re going with their legal careers are enticed by the simple answer OCI offers — go through the process, get offers, accept one. The second factor is more complicated, but can most simply be described as classic commitment-phobia: “I often hear people say, ‘I want to keep my options open.’ But options that have expired unused were losing propositions. There’s no way to avoid committing yourself, and the best things in life come from the biggest commitments. All jobs require that you give up alternatives.”

“It’s the incuriosity of prospective law students and prospective lawyers that really baffles me,” Professor Schneider said. Law students often ignore options such as in-house counsel positions (which, he says, many people find “significantly more satisfying than working at a firm”); government work (which, he says, “doesn’t give you a flashy kind of training,” but “gives you competent, steady lawyers” who get responsibility very early); and — discriminatory hiring practices notwithstanding — the Judge Advocate General Corps (which, according to Professor Schneider, also offers a focus on training, plus experience in diverse aspects of the law), in favor of firm jobs they have no personal reason to believe they’ll enjoy.

“There are lots of options that people never explore,” said Professor Schneider. “They use the excuse that they can always go down but they can’t go up. The thing is, almost nobody ever wants to go to a big firm from other places. It might make sense to pick where you want to go and go there, rather than make that risk-averse choice to go to that big law firm.”

Liz Polrizzi is a 3L. Please send comments about this article to epolrizzi@umich.edu.

ELIOT From Page 14

— more English than the English. He became a British subject and made a dramatic religious conversion in 1933 after the dissolution of his first marriage to the dark and manic-depressive Vivien Eliot. His committal of her (achieved in cahoots with her brother) is controversial to this day. As he has been exonerated over the years, she has come to be celebrated in feminist circles as being as influential as Ezra Pound on the arc of the “Wasteland.” Indeed, in the facsimile published in 1971, the world got a glimpse of her and Pound’s respective edits on the drafts, scrawls of pale blue and red pencil alternating.

And, for nearly the rest of his life after his horror at Vivien’s madness, Eliot sought a kind of beatitude, a chaste and Christian life of longing, this despite the entreaties of his Beatrice—Emily Hale—to marriage. Emily Hale was an American drama teacher at women’s schools throughout Eliot’s climbing fame. They had been vague sweethearts of sorts when Eliot was at Harvard. But his resolute devotion to a higher plane of love led to the merciless breaking of her heart. Yet, she is still the “lady of silences” behind his greatest work. “Burnt Norton,” for instance, recounts a rekindling of emotion between the two when they visited the ruins of the Norton manner house during one of her rare visits to England. The essence of “memory and desire” is revealed in this poem in passages such as this which ache in their simplicity:

What might have been and what has been
Point to one end, which is always present.
Footfalls echo in the memory
Down the passage which we did not take
Towards the door we never opened...

One of the greatest moments in all of literature will occur in 2018 when hundreds of Eliot’s letters to Hale will be unsealed. He violently ordered her half of the correspondence burned, and was furious to learn that she had sent his letters to Princeton for archiving. What will they say? It would be like reading 600 letters by Dante to Beatrice, had she lived. I suspect the love still burned, “tongued with flame,” and Eliot the Saint was hedging his bets by corresponding with his only love on earth until the last years of his life (when he was in his twilight, Eliot married again and had a spiritual union with his noble young secretary Valerie, who is still with us). Life is to hurt and be hurt. Eliot suffered both. And it “hurt him into poetry,” in words Auden used to describe the effect of the muse “mad Ireland” on Yeats.

In ways, Eliot became himself. Like St. Sebastian, Tom has been shot through with arrows. In the praxtoral guard of Modern poetry, Eliot sacrificed everything for his vision of a Christian cosmology and an eternal poetry in the face of the horrors of the Second World War and all of mankind, most prominently in the Quarters. The emperors of poetry have ordered his execution about every other week in the forty-one years since his death.

I stand by Eliot until the end. Oh flaws! Oh imperfect life! Disaster of love. His life is mine. He is poetry. Though he is hideous in my site, I take him in.

Jay Surdukovski is a 3L. E-mail comments about this article to rg@umich.edu.
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MJR&L Defends
AA in OH

Editors of the Michigan Journal of Race and Law presented a paper at the “Dayton Law Review Symposium on Grutter v. Bollinger and Law School Admissions” at the University of Dayton Law school on Thurs., March 23. 3Ls Adam Blumenkrantz, Jason Conn, Amrita Mallik and Michael Murphy debated the merits of affirmative action and Michigan Law’s use of race in admissions with Dr. Martin Carcieri of the University of Tennessee. The MJR&L editors wrote an article titled “Affirming Michigan’s Action” in response to Dr. Carcieri’s article, titled “Grutter v. Bollinger and Civil Disobedience.”

Copies of both articles may be found online at: http://law.udayton.edu/LawReview/Events_02.asp. For more information on the Michigan Journal of Race & Law, see: http://students.law.umich.edu/mjrl/index.htm.

Question on the Quad:
“What do you think the Question on the Quad should be?”

Reporting by Dan Clark and Jay Surdukowski

Noam Weiner, LLM

“When color should the carpet in the library be?”

Saeed Muzumdar, 1L

“Would it be appropriate to hurt the undergrads who play Frisbee on the Quad?”

Malinda Ellwood, 1L; Bates ’01

“Why did you steal Question on the Quad from Bates? This should be a copyright violation I think.”

[Surdukowski, Bates ’02, turns red]

Anonymous Conservative Alum

“What’s your favorite pussy liberal hypocrisy?”

In this, our final QQ after two hard years, we, like any law professor worth their salt, turn an answer into a question. This has been Question on the Quad.