'Term of Arts' Transforms Hutchins Basement into Student Art Gallery

By Liz Seger

The law school community witnessed the transformation of the gloomy Hutchins Hall basement, dubbed by architect Renzo Piano a "kingdom of darkness," into an art gallery and performance space Saturday night. Students, faculty and guests were serenaded with Schubert and d'Orso while they enjoyed an eclectic offering of hors d'oeuvres and took in a collection of artworks of surprising quality and scope.

The show, entitled, Term of Arts, or 'ToA' for short, featured original works by 26 law students, in media ranging from oil and acrylic, to paper collage, pottery, and crochet. The brainchild of Jay Surdukowski and Collin Foulds and the work of over thirty volunteers, ToA was pulled together over less than two months and with only $500, contributed by LSSS and Dean Charlotte Johnson. "It was on a shoestring budget," said Surdukowski, "and most of that went to frames."

Organizers were pleasantly surprised by the level of interest in the show. Over the course of a couple of hours, over 400 people made their way through the narrow brick hallways to view and discuss the 56 works on display. The press of bodies in the snack-bar-hallway-cum-reception-area prompted one student to remark to a friend, "It's like a Great White concert in here!"

The ToA show is one component of what is shaping up to be a humanities renaissance at the law school - among other goings-on, literary magazine 'Dicta' is currently being resurrected, and a plea was made recently in these pages for the musicians among us to find each other and get organized.

How do busy law students find the time for creative expression? Several of the contributing artists note in the catalog that their pieces were made in undergrad art classes or at some point before law school took over their lives. Stephanie Douglas, creator of the striking image of a Ukrainian Pysanky egg amidst a field of ordinary eggs, said, "Someday, I hope to pick up a camera again and find new beauty out there."

IL Adam Dubinsky submitted three compact, wry etchings he made while studying Russian in St. Petersburg in 2003. He said he's had trouble finding time for art in law school. "My books and syllabi are covered in doodles, and I make little pictures on my computer, but not much else," Dubinsky said said. "I overextend myself by getting involved in a lot of activities, and I just don't have enough time left over." He hopes to reclaim his creative self over the remainder of law school. "I love the

Continued on Page 18
Editorial: More Public Interest Grants Needed

Every year, Michigan law students compete vigorously for a number of summer public interest grants. The most popular and largest provider of these grants is the student funded fellowship (SFF) grants. To earn an SFF grant, a student must line up employment, write essays about their commitment to the public interest, and help raise money for the grants (hence, “student-funded” fellowships). Students who help raise SFF funds are not guaranteed SFF funding; however, the amount of funds raised for SFF grants changes every year and more or less grants are awarded accordingly.

A $3,000 student funded fellowship grant certainly helps any student get through a summer of volunteer work. But because it’s awarded as the result of an application process, it is often administered unfairly. Every year, students who are fully committed to public interest work are rejected for an SFF grant. The added $3,000 debt is, for them, another two-weeks-to-a-month of future salary quashed. At the same time, students who are fully committed to work in the private sector (for reasons both pragmatic and materialistic) are sometimes awarded a grant. While it’s certainly a good idea for them to experience work in the public sector, the grant for them offsets what will amount to a year’s worth of billed bathroom and coffee breaks in their lives as young associates. Something is wrong with that picture.

To eliminate the prospect of such imbalance, we advocate a non-competitive grant program. Note that we are not endorsing compulsory grants for every student. Students should still be required to volunteer hours of their time to help fund the program, and should only be able to apply for a grant after they’ve lined up a job. SFF grants are contingent on the confirmation of hours worked and a report from the student’s employer – those regulations should stay.

That internship will be easier to get – any SFF recipient whose proposed employment fell through can tell you how quickly doors to competitive public interest law jobs open when an applicant walks in the door with grant money. Further, students would be more motivated to pursue public interest work because of its relative cost certainty; under the current system, SFF applicants find out whether or not they’ve been awarded a grant late in the semester, long after they’ve applied for jobs and received offers. That’s a far-from-perfect system.

The problem with awarding public interest fellowships to any student who puts in the volunteer time and does the work is funding. A program of this nature will almost certainly cost the law school hundreds of thousands of dollars. It could cost the school a million dollars, should an entire 1L class become disenchanted with firm culture or be unable to find other work. There’s no way to tell how many students would apply for such a grant; so it’s a difficult program to fund.

The SFF auction, usually the largest fund-raising event of this nature, is approaching. We love the SFF auction. No Michigan Law students should go through their career here without seeing one of the foremost experts in the history of contract and property law auction off a lunch with Posner while wearing a bra on his head. You clearly cannot put a price tag on that experience. But we wonder if, at what’s been called the top public law school in the country, so much more work should go in to providing grants for summer public interest work.

But, put bluntly, one (if not two) public interest fellowship grants should be a

Continued on Page 19
Bowling League Dominates Thursdays

By Anne Gordon

Robert Putnam, the famous sociologist and author of “Bowling Alone,” laments the decline of bowling leagues as indicative of a larger trend of disconnection between Americans. But at the Law School, students are doing their best to increase the cohesion of their community, decrease their bowling handicap and connect with a beer or two.

The UMLS bowling league has been a tradition for as long as anyone—or at least its current Co-Commissioner, Matt Nolan, 2L—can remember. “I think the 3Ls this year wouldn’t be able to tell you who started it,” he says. Nolan runs the bowling league with fellow 2L Erin Conlon. Thanks to their efforts, the tradition lives on every Thursday night as students cast aside their books, pick up their balls, and enter the smoke-filled haven that is Colonial Lanes.

“It’s the highlight of my week,” says Donald Badaczewski, 1L. His team, Sparkle Motion, never lacks for commitment—they even have a uniform. “Wearing our shirts isn’t so much about team unity, it’s about intimidating the other team,” says 1L William Flynn, arguably the team’s ringer. Everyone knows that law students will compete over anything: grades, interview callbacks, and who gets to date that rare good-looking male law student.

Poor sportsmanship is not unheard of. Some bowlers even resort to cheering when their opposing team does badly, or kicking the ball return after a bad roll. When asked if he worries when the bowling atmosphere gets intense, 1L Michael Tunick brought it back into perspective: “It’s not whether you win or lose, it’s about how drunk you get.”

“We also wore shorts this week,” added Flynn.

Sparkle Motion isn’t the only team with t-shirts. Unicorns Kick Ass, which has a team logo not printable in a respectable newspaper such as this one, is led by captain 3L Dawson Williams, who is also president of the Surf Club. “I love bowling,” says Williams. “It’s a great outlet for law students’ repressed sexual energy.” This analogy is perhaps a little unclear to those not yet familiar with the bowling world. Nolan attempts to clarify: “Bowling is like sex... I just haven’t figured out why, yet.”

Bizarre sexual references aside, the league saw the largest membership in recent history this year, with 32 teams registered and a waiting list. The ever-rising popularity of the league is likely a combination of the cold Ann Arbor weather, the potential for meeting new friends, and the beer specials at the lanes. “I never thought there would be anything like this in law school,” says Arielle Krause, a 1L.

As for predictions on who might take this year’s title, Nolan says that things are still up in the air. “I’m predicting a late-season surge from Well Hung Jury and Six Pack in the Cooler, but still give the nod to Darth Bader Ginsberg as the odds-on favorites to take down the overall title this year.”

Since it’s a handicap league (in which scores are adjusted based on ability to increase parity), all bets are on. No matter who takes home the trophy, everyone will remember the time when they, for one brief moment, put aside both their differences and their homework and said in the immortal words of the Big Lebowski’s Walter Sobchak, “F**k it, Dude, let’s go bowling.”
Love was in the air this Valentine's Day as the melodic tunes of the Headnotes a cappella group resonated through Hutchins Hall. With help from Headnotes 1L Adam Dubinsky, it was also on the tables, chairs, and in the blushing faces of this year's "valogram" recipients.

Prior to Valentine's Day, students and faculty again purchased their annual "valograms" from the Headnotes for their friends, spouses, crushes and coworkers. Included in the $10 price were the singing valentine, a personalized card, and a substantial donation to Student Funded Fellowships.

Dubinsky's bold antics, combined with the harmonious voices of the Headnotes vocalists, came as a pleasant interruption to the Socratic Method when the group brought the singing greetings to classes last Monday.

"Although embarrassing to receive a valogram from a group of my close friends, the sentiment is very nice, and the entire operation served to make class a bit more enjoyable," said 2L Doug Sanders. "Valograms are one of the best things that this school has - keep them coming!"

1L Shari Katz, who had spent the prior evening in the ER getting stitches after falling in the freezing rain, was ecstatic when she received a 'get well valogram' in her Monday seminar. "The good news is that the group had my whole seminar in stitches by the end," said Katz. "The bad news is that I think I laughed so hard that my stitches came out!"

Stopping their lectures to watch over 100 valograms in all, professors were overwhelmingly supportive of the event. "Without question, the best part of the event was just how appreciative everyone was," said Dubinsky. "The students, faculty, administration, and staff were a warm and energetic audience, which is what makes a performance wonderful for the performers."

Professors Simpson and Pottow enthusiastically danced and clapped to the Headnotes songs, and Dean Caminker joined the Headnotes in singing "Lean on Me" to Professor Friedman in their Constitutional Law course. Stirred by Caminker's surprise performance, 1L Andras Farkas stated, "it touched me in a place I've never been touched before."

While the valograms may be the most recognized Headnotes activity, the groups stays quite busy throughout the entire year. "We are the best kept secret at the law school," said Headnotes Business Manager Abbey True Harris, a joint degree student in law and public policy.

Along with several concert performances throughout the school year, the Headnotes sing at the December and May law school Senior Days, as well as those of other graduate schools. In addition, the Headnotes frequently perform at private events, reunions, memorial services and weddings.

The oldest a cappella group on campus, the Headnotes represent a longstanding tradition at the University of Michigan. Initially named "The Barristers," the group started as a glee club within the first few years of the Law School's existence.

Harris, who has been part of the Headnotes for four years, feels the group should be a source of pride for Michigan Law School. "This makes Michigan unique among its peer schools," she said.

"It shows that despite the stress and seriousness of law school, students can still have fun and excel in other areas," Harris added. "While at school, I've been involved with many different clubs and journals. Headnotes is definitely the best thing I do."

Currently, the group consists of 17 members, including law students Dubinsky, Harris, Bonnie Puckett, Christine Khalili-Borna, Holly Stirling, Jake Chachkin, Kelly Guzman, Patrick Yerby, Peter McDonnell and Sohyoung Choo. Christopher Woidka, Daniel Hong, Jeffrey Wu, Nicole Cavin, and Paul Hatch join the group from the Business School, while Mik Zolikoff is pursuing a degree in Public Policy and Breanne Faibis is earning a Ph.D. in Psychology and Women's Studies.

The Headnotes hold auditions at the beginning of each semester, and they practice twice a week. Though the Headnotes have branched out to gain membership from other schools, Harris would like to see a strong law school presence remain.
Team Teaching: An Hour with Professors Ellsworth and Gross

By Mike Murphy and Liz Seger

Phoebe Ellsworth is the Frank Murphy Distinguished University Professor of Law and Psychology. She is a fellow of the American Academy of Arts and Sciences and a Phi Beta Kappa Distinguished Lecturer (2002-2004). In March 2001, she was honored by Mount Saint Mary’s College with the creation of the annual Phoebe Ellsworth Psychology and Justice Symposium, in recognition of her contributions to the areas of law and psychology. Ellsworth has written widely on the subjects of person perception and emotion, public opinion and the death penalty, and jury behavior. She is a graduate of Harvard and Stanford Universities.

Samuel R. Gross is the Thomas and Mabel Long Professor of Law. He teaches evidence, criminal procedure, and courses on the use of the social sciences in law. Gross's published work focuses on the death penalty, false convictions, racial profiling, eyewitness identification, the use of expert witnesses, and the relationship between pretrial bargaining and trial verdicts. Gross graduated from Columbia College in 1968 and earned a J.D. from the University of California at Berkeley in 1973.

What many students may not know, however, is that Professors Gross and Ellsworth have been married (to each other) for 18 years. We sat down with them on Valentine’s Day afternoon to talk about the trials and tribulations (no pun intended) that occur when love and law school mix.

RG: Happy Valentine's Day. How did you meet, and how did you end up here?

SG: Well, we met originally through my older brother who is a psychologist, so we had that connection, then we met again and got to know each other much better in 1978. I was practicing law in California and Phoebe was visiting at Stanford law school and we worked on test case litigation about jury selection in capital cases. Phoebe was on leave from Yale at Stanford, so we got to know each other working on that project, and then became an item, and then became engaged, and then we had to worry about whether that would become an issue in litigation, the fact that the central expert witness in the case-

PE: And the central lawyer responsible for the case-

SG: — eventually responsible for arguing the case in front of the Supreme Court would surface as an issue.

PE: Right, it would have been like, “oh, well she’d fudge any data for her man.”

SG: Actually it happened the other way around, someone who was already working on the case became involved afterward. The argument that lawyers shouldn’t reach so high that they shouldn’t fall in love with their expert witnesses isn’t as persuasive as “oh, you just hired your wife to feed you good results.” Still, we didn’t think we wanted to address that, but it never came up because after we were done with the hearing we were working on Phoebe just managed to stop testifying on that issue. And we lost in the Supreme Court, anyway.

That’s how we met. How did we get here? By stages, I drifted back into academia; I’d never intended to be a law professor. I worked my way out of private practice; I was a solo practitioner, and the way you get clients is by being available, and when you work on a big project you can’t do that. We moved back East and lived in New Haven for a few years, and then we moved to Stanford where Phoebe taught in psychology and I worked in the law school but not in a regular faculty position, as an adjunct. And then 18 years ago, we got job offers here, together. And that was a good idea for a lot of reasons. For one thing, it’s hard to get job offers together, but also we were by then planning to leave Palo Alto.

PE: And Ann Arbor is a great place to have two jobs, and a family, and some semblance of a life from time to time.

RG: How difficult was that, finding two job offers from the same school?

PE: Hard. It’s always an issue, for any couple where both people work. In our case, we actually had several offers to choose from. We sort of let it be known that this dynamic duo was available, and Richard Lempert at this school thought this was a chance to make a coup. Our last decision was between New York and Ann Arbor. We were the first married couple on the faculty, and at the time this was considered a little odd and risque. A lot of people were watching us to see if we’d vote together [in faculty meetings] and I made sure to vote the opposite way on some punky little issue.

Continued on Next Page
ELLSWORTH, from Page 5

SG: We usually do [vote together], but that’s true of almost any two people who are close on a faculty, there are probably dozens of pairings you can pick on. But the school was perfectly happy to hire us. Since then, it’s become quite commonplace. We’re the first of three married couples on the faculty. It’s become something that the faculty looks for, because we’re at a significant recruiting disadvantage in comparison to schools in big cities on the coasts. If you have a spouse who is an academic, which is common, we’re the only game in town. If you want to get somebody here who’s married to someone who teaches, having the jobs lined up is the most important thing. And once you get a couple here, they’re less likely to leave, for the same reason.

PE: Single people do not regard Ann Arbor as the land of opportunity. In fact, single people of both genders don’t regard Ann Arbor as the land of opportunity; you have to think there’s some disconnect here.

RG: Has your research ever overlapped to the point where there’s a level of disagreement?

PE: Our research overlaps quite a lot. We occasionally write papers together, every 4-5 years. We started out working together, and worked together flat out for 9 months or so before it occurred to us to do anything else, which was nice, but we still do papers, mainly on death penalty attitudes. When we first got here, I came with tenure and he didn’t. So there were a couple of years of not working together so that people would not think that he wasn’t turning in his own original work.

SG: Right, there was a conflict issue. Besides it’s considered comparatively bad form, if you will, to come up for tenure and have too many articles that are co-authored. But, I think we only wrote two articles together.

PE: And there was one in the middle - you dumped me for that one, but I don’t remember why.

SG: You were too busy.

PE: (laughing) Oh, yeah, a likely story.

What sort of disagreement do you mean?

RG: Well, for example, Professor Gross has written an article that essentially characterizes a civil trial as a breakdown of the system, whereas your research is centered generally on juries.


SG: Well, it’s worse than that. Ask Phoebe what she thinks of Evidence law.

PE: It was the one law class I could never make it through. I started it twice and I just basically said, “this is such garbage! The premises are completely wrong, nobody thinks like that, forget it.” And Sam would say “look, just pretend it’s a board game. It’s not about truth. It’s knowing the moves.” But I couldn’t do it. Anyway, Sam doesn’t say anything terrible about juries around the dinner table. He thinks that they’re very important as a threat to the settlement process.

RG: Do you think it’s advantageous or disadvantageous for marital accord to both be trained in legal argument?

PE: I’m not really trained in legal argument, but-

SG: I think working together before we got married was a great idea. We know a lot of married people in the same professions and usually they say that working together is a bad idea. That’s the more common response.

PE: “What, you write papers together and you’re still married?”

SG: But those are people who got involved with each other and then tried to work together. And it didn’t work out. We’ve always liked working together. Now how does legal argument change a marriage?

PE: I think one answer is that I needed argument training when we began this marriage. Denial was my primary way of dealing with problems. But the lawyer in the couple actually did teach me to argue better than I had before.

SG: Here’s the part of legal training that I think is actually important for marital relations, but it’s a peculiar one and I don’t think people get it. I used to teach legal ethics here, and one of the things I wanted to get through to students is that as a lawyer, your role requires you to lie on a regular basis. You can call it a lot of things and say that’s not lying, but it’s deception; it’s not the way you treat friends. It’s not the way you talk to someone you have a direct trusting relationship with. You misrepresent your own opinions, you fail to disclose information, you do all sorts of things that basically amount to “I’m not being straight with you.” And that’s what you’re required to do, that’s your job. The thing that’s really important here is to be honest with yourself that that’s what you do, and not sugarcoat it so that you don’t act like that in other contexts. So you don’t get used to it, so you don’t go off shooting Kalashnikovs at people in the street.

PE: I also think that legal argument style may be actually quite bad in personal relations. When I first came here I was a psychologist, and two or three people on the faculty came to talk to me about their divorce problems and stuff like that, but I’m not that kind of psychologist. They say “Oh, let’s have lunch, Phoebe,” then all of a sudden it’s somebody’s kid who’s dyslexic or something. But there was one guy who said that his wife wanted to buy a certain type of car. And over a number of weeks he persuaded her, rationally, point by excruciating point, that she really should have a different kind of car. And she agreed – she caved on every point. And then she wasn’t happy with it later! How did I explain this irrational behavior on her part? So I said, really, a lot of arguments should be about who cares more, not about who’s right.

Continued on Next Page
CONTINUED from Previous Page

SG: Some lawyers do think about things like that. I don’t know if we actually train people effectively in this, but some of the specific tasks that are taught in learning to be an effective negotiator are first, get what you want and second, make the other person feel good about it. Of course, you do that in a relationship, but you shouldn’t be trying to manipulate information in that context. But it doesn’t sound like this person was very good at it. People who are effective trial lawyers are better than anyone I know at creating the right emotional context and making people feel happy to agree with them.

PE: Tip of the iceberg to me. The people we know who are the most effective trial lawyers are very atypical.

SG: That’s right. Most trial lawyers aren’t very good.

PE: I think lawyers are, I hate to stereotype, on the whole more argumentative than - the word is not “normal” - than non-lawyers. Even before your [addressing SG] time, lawyer-boyfriends had a certain arguing quality to them.

SG: I think people who are argumentative go to law school.

PE: Sure, people whose friends and family tell them, “you should go to law school, I can never win an argument with you.”

RG: How did the transition into parenthood go? How was the work and how did you manage it?

PE: It went well. There is a total division of labor, a substantial one in our household which could strike you all as somewhat sexist, but it saves a lot of time not having to negotiate these things all the time. But I think it was reasonably equal, right? Even from the beginning, nighttime feedings, we took turns, every other night.

SG: One background fact is that Phoebe enjoys cooking; if it weren’t for that I’d eat cooked food about once every four or five days. That’s such a huge task that my basic job is that I do everything else which doesn’t quite catch up.

PE: Inside the house.

SG: Right, and outside, Phoebe thinks it’s good to have green things grow and I don’t think that’s necessary.

PE: (laughing) So the work I do is just self-indulgence and the work you do is actually work?

SG: For example eating is necessary, daffodils are not, getting the house fixed is necessary.

PE: Do you think making the bed is necessary? It just gets un-made again.

SG: You never know what is necessary until you go without it. But our interests have converged. I now spend a lot of time planting tulips and daffodils, which I couldn’t have imagined.

PE: You know, I even make the bed when you’re not there?

SG: Having kids totally changes everything. What’s more interesting now is how we’re handling that our youngest daughter has left, which happened last fall, and the answer is that we’ve been so totally busy that we look back and think you know “ten years ago, we had two young kids, and somehow we had more time than we have now.” I think that the last couple of years have been extraordinarily busy for the both of us.

But the transition to having kids is, well, everything that doesn’t have to do with the children, or with work, almost never happens.

PE: Video tapes totally replace movie theaters. But kids are extremely entertaining, especially when they’re your own.

SG: It does not seem like an enormous sacrifice, really, once you get used to it. There’s a decrease in amount of discretionary time – that drops from very little to none.

PE: Be ready for the next day by two in the morning.

SG: Perhaps next year or some time after that we’ll be able to see what it’s like at the other end. But not this year.

RG: Let’s talk about teaching. Do you guys gossip about students?

SG: We never interact with students. Students? Who? Is that what you call those people out there?

PE: Yeah, of course, we gossip on both ends of the spectrum. We’ll say “do you have so-and-so? Terrific,” and we’ll also say who we’d rather didn’t win the book prize and stuff like that. But I doubt very much that we gossip about your average student as much as students gossip about your average professor. This goes with power relationships, right? The power-
ELLSWORTH, from Page 7

less are much more fascinated by the antics of the whip-wielder than the powerful are of them.

SG: Well, there are fewer of us and we’re on view more.

RG: You’re teaching a course together, Using Social Science in the Law. Is that the first time you’ve done that?

PE: We’ve taught this course before and we’ve taught a seminar on conviction of the innocent, another issue where psychology and the law fit together.

SG: The last time we taught this course was six years ago.

RG: How do team professors grade exams?

PE: Well, neither of those courses is really big. And in this one, we have three or four quizzes throughout the semester where people actually give us their name, and it’s long enough so at least for the first quizzes we both graded them, so it’s probably more reliable than a single-person-taught course, ‘cause you have a watchdog to say “what, you gave five points for that answer?”

SG: The easy way to do this – we didn’t have that option this time – is to each grade separate questions. We’ve both taught with other people and when you have that situation, that’s what you do, because then you have the same set of eyes looking at each particular question. Then you combine the scores to make the grade.

PE: Analytic Methods has 3 or 4 teachers. We taught it in different years, Omri [Ben-Shahar] was running it and he was trying to teach you to think like an economist, like a psychologist, etc.

SG: So each teacher would teach for a few weeks, then at the semester’s end each of us wrote a 30-minute exam question, got the answers and graded them, then we came up for some procedure for melding grades. But that’s an extreme version, since that was essentially four separate courses held together by a common theme. In our case we both go to all classes and have some way of managing the responsibility of teaching. And I much prefer teaching with Phoebe.

PE: And the students think we’re cute. Last class I poured water all over myself, that was adorable.

SG: Actually, whether students figure out that we’re married or not varies enormously from year to year. We get peculiar events, like Nick Rine reporting that a student came up to him and said, “Professor Rine, I don’t know how to say this, but I think I saw Professor Gross hitting on Professor Ellsworth.” The response should have been, “Oh, well, that’s not likely, they’ve been married for about 20 years.”

The second time we taught this course, it wasn’t probably until about six weeks into the course students found out we have more than a friendly relationship.

RG: What are your Valentine’s Day plans?

SG: We’re having some people over for dinner.

PE: WE’re not really good at holidays. My birthday’s in January. The earliest we’ve ever celebrated was late February and that’s a really deviant year. It’s much too close to Christmas, so I’d rather give people more time to get inspired to think of my every whim, since it’s “been there, done that” in January. Anniversaries? Forget them every year, but that’s both of us.

SG: We have a common trait of not being able to tell right from left. So, say we’re driving along and Phoebe says “turn left,” there’s a 50% chance that I’ll get it right. She’s as likely to mean “right” than “left,” and I’m as likely to turn left as right.

PE: You’d think people were supposed to marry people with compensating defects, but then again, someone who was actually competent on left-right would probably be annoying to live with. Better to marry people with tolerance.

RG: Students in both of your classes last semester were delighted when their last week of classes was rescheduled because of your trip to Sweden. Could you talk about that?

SG: Well, my brother [David] did get a Nobel Prize [in physics]. That was a lot of fun. I hope my younger brother gets one, too.

PE: What about you? You’d have to do peace, though, I mean that’s the only category, they don’t have one for law or psychology. But some psychologists have snuck in in the economics category. Not likely in my case, though.

SG: It was a very odd experience, and actually it was a lot of fun. It was our first time in Sweden. You see the King – the royal family shows up at the ceremony. And they look like the royal family. I didn’t know much about the Swedish royal family but I had a notion they were like the Norwegian royal family, which is to a certain degree, middle-class. The Swedish royal family lives in a big castle and they act like real imperial royalty and are addressed as “Your Majesty” or “Your Royal Highness.” Right down to the changing of the guard. The changing of the guard in Stockholm was a bit of a surprise, if your idea is based on Buckingham Palace. The soldiers – I don’t think any of them were women – had pantalets, conspicuous acne, and rather bad posture. And they change the guard by walking down the middle of the street with traffic following behind them and a crowd of tourists practically tripping over them.

The event is, you go there and it’s like being in a wedding. It’s a big celebration and you’re an honored guest, but don’t have to do anything but show up. You didn’t go there because it’s a vacation and you wanted to go to Sweden in December or you have work there. You’re an

Continued on Next Page
important part of the background. But it’s not just your cousin getting married, it’s this world-important event. You’re ferried around from one function to another. There was a reception in the Swedish academy, and at the official residence of the American ambassador, who is a close friend of the President from Texas. They share a common passion for education.

PE: They hate it, right?

SG: He was there with his wife who could not have been less than 25 years younger than him, but she was an impressive young willowy hostess. I was sitting at the table with the chief of protocol of Sweden, a Swedish women in her mid-fifties or so who had more ways of showing disapproval on her face than I could count. I took it that her role was basically breaking in the next American barbarian.

And the collection of people at the events are the guests of people who are Nobel laureates, who are friends and colleagues of each other occasionally but mostly do different things.

PE: And they are people who are not usually comfortable walking around in tuxedos and ball gowns all the time.

SG: Most of them haven’t been there before and don’t know each other, but are pretty accomplished people in their own fields. The actual awards ceremony was the most impressive thing. They make each presentation of the award a short lecture by distinguished members of the academy.

PE: And that’s a prodigious accomplishment to describe clearly in five minutes something that – in the case of his brother – I’ve never been able to understand. I just go through descriptions of modern physics, get up to David Gross and it’s just gone, I can’t understand a thing. But this guy actually gave me an idea of what David did. And then it turns out that there’s this exponent in the formula that’s actually the crucial next step. It goes from vague sense of possible understanding to certainty that there’s no way that I’m ever going to understand it.

SG: The banquet is a vast affair, 1300 people, and I wouldn’t go to it for the food, though they’re proud of it. It’s this bizarre wonderful event, you can see it on nobelprize.org, with musical interludes organized around ‘The Magic Flute’-

PE: In trailer trash costumes –

SG: Biker costumes, really.

PE: Close enough. Where are they when they’re not at a banquet, really?

We get peculiar events, like Nick Rine reporting that a student came up to him and said, "Professor Rine, I don’t know how to say this, but I think I saw Professor Gross hitting on Professor Ellsworth."

Three of the winners were women, and that was the focus of the main speech of the head of the Swedish Academy – why so few women Nobel prize winners? This is six weeks before Lawrence Summers put his foot in his mouth in public.

PE: I don’t think most women would have been offended by the Nobel guy’s speech.

SG: He was much more diplomatic. This year three of the winners were women and only one in science – the others were the Peace Prize winner and the laureate in literature, who was not there, you may remember that, because she is agoraphobic.

PE: And you’d think they could pick a non-agoraphobic woman, too; there must be someone who can write pretty well –

SG: Apparently the lecture by the literature laureate is the big public draw because, unlike scientists, they can talk and present things to an audience.

The main point of the speech was that there are very few women winners because usually when you make a discovery in science you’ll get the award 10 to 30 years later. So he suggested that this trend may not change soon, but that women will catch up. That was interesting. It was more direct.

PE: And it was more aimed at promoting the admission of women into natural science programs than anything else.

SG: We also stayed at the Grand Hotel, which I recommend –
Night Danced Away at Juan Tienda Banquet

Over 250 students and faculty attended the annual Juan Tienda Scholarship banquet on Saturday, Feb. 12. The event featured a keynote address by James Cavallaro, the Associate Director of the Human Rights Program at Harvard Law School. It was sponsored by the Latino Law Students Association (LLSA).

Photos courtesy of Michelle Echeverria, Anne Gordon, Alla Karagodin and Lisa Vara-Gulmez.
‘Term of Arts’ Student Art Show Unveiled

Photos courtesy of Diana Geseking.
Habeus Corpus for *Canis Familiaris*? Wise’s Speech Suggests it Should be So

By Jana Kraschnewski

On Wednesday, February 16th, Steve Wise, professor of animal rights courses, practitioner of animal rights law, and author of books about animal rights, spoke to students, faculty, and the public in the Henderson Room of the Michigan League. His message on animal rights? “They don’t exist,” Wise explained. Though he fervently hopes that animals will have rights one day, the time for such legal advances is not ripe. He instead calls himself an “animal protections lawyer.” But he’s got an interesting theory for developing rights for our furry friends.

Wise has penned several volumes promoting animal protectionism, but his latest, Though the Heavens May Fall, approaches the subject in a more indirect manner. The book is about how slavery ended in England, based around a famous case called *Somerset v. Steuart*. Wise describes the innovation English barristers used to transform slaves’ legal status as property to people—a device you may have heard of called the writ of habeas corpus, meaning something like, “produce the body.”

Somerset was kidnapped from Africa when he was a boy to become a slave to Steuart. The two were more companions than master/servant and frequently traveled. While visiting London, Somerset was baptized as a Catholic. Shortly thereafter, Somerset and Steuart had a falling out and Steuart sent slave catchers to find Somerset, intending to place him on a boat for sale to a Jamaican sugarcane plantation. Somerset’s godparents approached Lord Mansfield to request a writ of habeas corpus to retrieve the slave. Because such writs can only be issued for people, not property, the granting of Somerset’s writ was a huge leap in the changing the legal status of men like Somerset.

Wise argues for basic rights like bodily liberty (freedom from unjust imprisonment) and bodily integrity (freedom from nonconsensual touching) for animals with personal autonomy.

Wise hopes that animals will undergo a similar property-to-people transformation in the future. He by no means suggests that all animals will receive all legal rights available to humans today. Instead, Wise argues for basic rights like bodily liberty (freedom from unjust imprisonment) and bodily integrity (freedom from nonconsensual touching) for animals with personal autonomy.

If an animal has consciousness of consciousness (thinks of itself as an individual being), then it already has one step up on newborn humans. To illustrate, if a newborn child (not autonomous and without consciousness of consciousness) has legal rights, why can’t an animal with autonomy have the same legal privileges extended to it?

The problem is determining which animals have such autonomy. We know that chimpanzees have consciousness of consciousness, but it is difficult to formulate tests for other types of animals to determine whether they have a sense of self or not. There is an African Gray Parrot named Alex who has been studying language for over 25 years. Alex can communicate his needs and wants in English and is even learning to read.

Why should an animal with such personal dignity be denied rights a braindead adult human possesses? The autonomy of the first seems clear as day; the latter, a fiction. Why is it rational and reasonable to extend rights to such a human but not to Alex? Wise’s books engage these critical questions.

The talk and following question-and-answer period was brought to our academic community partly on behalf of the Student Animal Legal Defense Fund. Any questions about the group and upcoming events can be directed to jkolin@umich.edu.

---

The Res Gestae is Insolvent!

We’re told that means we’re low on money.

And as our Bankruptcy textbook says, “that’s bad.”
That’s where you come in.
Help us out by recruiting local businesses to run ads in this paper.
Like what you read?
Know a local businessperson?
Put these concepts together and we’ll reward you. Somehow.

rg@umich.edu
Rock to the (Belated) Best Music of 2004

By Steven Boender

End-of-the-year lists are kind of cliché, but they’re just so fun to make. I was putting a mix together for some friends last week when I realized that I hadn’t compiled a list of my own. So although we’re already two months into aught-five, here is my better-late-than-never best music of 2004, in alphabetical order so that no one feels slighted. Enjoy.

Air – Talkie Walkie

Since the 1950s, the French haven’t received much recognition for their contributions to music. Sure, you’ve got Daft Punk, but an entire nation’s musical fate can not be allowed to rest on two beat-makers who refuse to show their true faces, no matter how awesome Discovery was. I’m sure that the French government is planning all sorts of public works projects to honor Air for Talkie Walkie. They made us wait a few years, but it was worth it. Moving into more lyrical ground, the album is less about building atmospheres than was their awesome debut, Moon Safari. The new focus on song craft produced an album that demands more foreground attention than did their previous efforts.

Arcade Fire – Funeral

Every publication from Guns & Ammo to Modern Bride has reviewed and slobbered all over this album. Include me in the list as well; you saw my review last semester. Yes, it’s that good. Yes, they sold a TON of records. Yes, they told the major labels to go scratch (for now). If you don’t have it you should buy it. Maybe trade in that crappy U2 album.


Someday, robots will become a large part of our everyday lives. Already, the DOD is investing huge amounts of money into the development of robotic soldiers (I can see the ads: “An Army of 010101011100 – sorry”). Anyway, if the government ever gets around to replacing math rock bands with robots, Battles will be the blueprint. Battles brings it, combining “traditional” rock instruments with some electronic assistance. The drums are an exception and are handled solely by John Stanier, formerly of Helmet.

Franz Ferdinand – Franz Ferdinand

I thought that all the cream had been skimmed off the top of the dance-punk-new-mod pile. I was wrong. This record sounds perfectly natural in both the Eight Ball and a Nissan commercial. They said they started the band because they wanted to make music that would make girls dance. Pretty humble beginnings, considering that this record could probably incite a dance party at a law school faculty meeting (pause for mental image, resulting shiver).

Ghostface – The Pretty Toney Album

The best Wu-Tang side project since Raekwon’s Built Only for Cuban Lynx. I really don’t need to describe anything because the record doesn’t stray into new Wu territory. Everything here is pretty much the same as the other solid Wu-related releases, except a bit better. However, the Missy Elliot collaboration track makes me nauseated, and not in a good way.

The Good Life – Album of the Year

“The first time that I met her I was throwing up in the ladies’ room stall.”

Tim Kasher may not be Frank Sinatra, but today’s culture isn’t exactly Ol’ Blue Eyes’s America either. Kasher takes time away from his main band, Cursive, to put forth his first good-faith effort at a real Good Life album. The songs here are sad, and Kasher’s almost-Robert-Smith voice adds to the vibe. But the music is undeniably pretty, making for a compelling combination.

Make Believe – Make Believe

When the dust of Armageddon settles, I will doubtlessly have to answer for being a Tim Kinsella supporter. No single figure in all of indie rock is as polarizing as Kinsella; is he avant or savant? Experimental hero or pretentious zero? Sorry for getting all Entertainment Tonight there with the rhyming – sometimes I can’t help it.

Either way, even Kinsella’s most adamant haters have to admit that Make Believe is his tightest band since early Joan of Arc. Plus, with lines like “all the modern patriotic country songs are good when they say ‘be patriotic,’” this album is more concrete lyrically than his other recent work, adding less fuel to the hate game.

Modest Mouse – Good News for People Who Love Bad News

I heard “Float On” at a cheesy Wrigleyville bar after a Cubs game this summer. That’s how far Modest Mouse has come. While some have howled “sellout” at the moon, I can’t help but be happy that Isaac Brock is finally getting the recognition (and hopefully the payday) that he deserves.

If you’d told me last year that a Modest Mouse song would be the feel-good hit of the summer, I’d have checked you into UM’s Counseling and Psychological Services.

Continued on Page 19
I Love the Upper Peninsula, Even if the People Call Me a Troll*

By Matt Nolan

I t is the free time that makes being a 2L sweet. More efficient studying techniques and flexible class schedules mean more time; a part-time job and possibly not having to stretch a semester’s loan check through the summer means more available capital. These combined factors create the potential for something that 1Ls cannot dream of: weekend trips!

I took advantage of my Monday-through-Wednesday class schedule to do something my best friends from high school had been urging me to do since graduation: I flew to Houghton, MI for Winter Carnival. Houghton is located near the Keewenaw Peninsula, in the northwest corner of the Upper Peninsula, and is the home of Michigan Tech University, one of Michigan’s 15 public universities. It’s a nine-hour drive from here; just a shade longer than it takes to drive to Washington, D.C.

Winter Carnival is a celebration of snow and winter, an activity absolutely necessary in the Michigan Tech academic calendar to prevent mass suicide and depression among the student body. Houghton redefines winter; the snow begins in late September and the grass doesn’t sprout until mid April. When the weather hits the 30’s these people stop wearing coats.

The campus was teeming with wanderers openly carrying flasks and bottles in a way that would make Ted Kennedy shed tears.

The University, whose population of around 6,000 equals that of the town, shut down classes on Wednesday night for the week of Winter Carnival. Every fraternity, sorority, and major student organization on campus competes by creating a massive snow and ice sculpture. “Massive” is not an understatement. One group’s sculpture included the gates to Atlantis, standing over forty feet tall — made from snow. Another depicted the underwater level of Super Mario Brothers.

I was there for the “overnighter” portion of the sculpture contest on Wednesday, which is supposedly the biggest night. It’s the night before the deadline, so the teams that have been working for weeks on sculptures make the final touches, all night. Watching literally dozens of people working on each sculpture was a pretty intense experience. Teams use irons to melt the surfaces of sculptures, icing them over to solidify. Student orgs sold kabobs ($1) and pancakes & sausage ($2 all-you-can-eat) until 4 A.M. The campus was teeming with wanderers openly carrying flasks and bottles in a way that would make Ted Kennedy shed tears.

I describe all of this in such detail to note how fundamentally different Tech’s campus is from ours. Even though many students come from big cities and different regions, small-town U.P. culture dominates. The one day I had on jeans and a button-down shirt, my buddies asked me why I was “all dressed up.”

The cold takes over the culture in that most time is spent indoors. Inside, the technology focus of the campus takes over and life becomes a geek’s dream. I was ecstatic to spend four days of inside time playing poker, playing video games, and watching stupid humor movies (Napoleon Dynamite, Harold & Kumar... you get the idea).

There are five valid excuses for ever leaving one’s living area in Houghton to brave the cold:

Food. Little Caesars has $5 pizzas, there’s a Hardee’s, and there’s a McDonald’s. When my friends and I got to a real restaurant, they told me that $12 for a steak is a little too steep.” It was better than most steaks I’ve had.

Class.

Hockey games. Michigan Tech hasn’t won its conference since the 1970’s, but it has a student section that rivals Yost’s. The pep band’s favorite game-time chant is, “Blood makes the ice red, kill, kill, kill!” My favorite song, which the entire crowd sings boisterously, goes:

“In heaven there is no beer; That’s why we drink it here! And when we’re gone from here; Our friends will be drinking all our beer!”

Broomball. The game is similar to hockey, but played outside on a smaller rink and without skates, with a ball instead of a puck, and with brooms instead of sticks. Dozens of teams are in the league, and play is intense.

Beer. Hard liquor is acceptable for flasks; besides that, beer is the only socially acceptable beverage in Houghton. For $10 I got four hours of bowling, along with unlimited $2 pitchers. A six-pack costs as little as $3.89. Caps is the unofficial campus sport, partially because it involves alcohol, and partially because it requires no athletic talent whatsoever. It’s beer-pong with bottle caps instead of ping pong balls, and

Continued on Page 19
What Kind of Lawyer I Want to Be Is Not Any of Your Business

By Mike Murphy

Disaster! The promotional plan I'd signed up for when I had my cable installed expired, so my cable bill increased to a monthly debt roughly the size of Lichtenstein's GDP. Actually, that's hyperbole. At $730 million, the GDP of Lichtenstein would fund a digital cable receiver with HBO for at least 6 months.

I could fund a small country with what I pay for cable, but I wouldn't dream of canceling HBO at this critical juncture: The "Hookers at the Point" five-year reunion special is coming up. (Think of it as the "Diff'rent Strokes" reunion show, but instead of Arnold, Willis and Mr. D, they're drug-addicted, STD-infected hookers. Please feel free to make your own joke about Todd Bridges and/or Dana Plato in the space provided).

I called the cable company in an effort to negotiate (beg) a better price on my service, and Cable Man made chit-chat. I said I was a law student, and he asked me "the question," "What kind of lawyer do you want to be?" he said.

Goddamn it. We all hear "the question" on a daily basis, and most of the time the person asking it doesn't care about the answer. In this case, Cable Man was building a false sense of camaraderie between us so he could sell me pay-per-view.

And you know, I never realized that I needed to see every NBA basketball game at the same time or see WWE's "No Way Out" pay-per-view event. But I do. I'd like to apologize to my roommate in advance for our cable bill, but apparently some angry fellow named "JBL" (which I thought was a kind of stereo speaker, showing how much I know) will wrestle "Big Show" in the first-ever Barbed Wire Steel Cage Match.

I asked Cable Man if this meant that the steel cage was made out of barbed wire, but he said that costs extra. Evidently, one of them is going home with the title, and the other is going to die horribly or go into politics or something.

So I had to make an informal declaration to Cable Man about the area of my future law practice. The hedge is that most law schools (this one included) don't offer concentrations in legal study, so students just take courses that interest them. Thus it's better to judge what sort of lawyer one will be based on their extracurricular involvement. Let's try that. I do this paper, I've done work with the entertainment law association, the race and law journal, and research for a bankruptcy professor. I bring new meaning to the term "interdisciplinary."

And, also, the term "nerdy." Legal journals? Bankruptcy? I could be a backup dancer for O-Town, playing keyboard for Ace of Base, or selling those flying helicopter things at a mall kiosk. Those jobs, while dubiously cool, are nevertheless cooler than the sum coolness of the jobs I do here. I am not cool.

Nor am I any closer to finding my preferred area of legal practice. If I were to come across a foreign client with an actionable claim who went bankrupt as a result of a bad entertainment law contract and had to overcome racial barriers, I'd be all set. But as far as I know, the Vanilla Ice International Legal Defense Center for Former Rap Superstars doesn't exist. Don't get me wrong. I'm founding it. But in order to raise my venture capital to get Mystikal out of prison, help Snow relocate in the Witness Protection Program, and equitably disburse ODB's assets among his illegitimate children, I need to find work in the meantime that I will enjoy.

My friends know exactly what kind of lawyer they want to be: One with a job. If a firm were, for example, offering a position in which the first few years of a new employee's career was spent in a gloomy office doing document review for what amounts to a meager hourly rate with no overtime, a poor chance of immediate advancement and abysmal job satisfaction rates, why, they'd sign right up in an instant! But that's crazy! Who in their right minds would do that?

I'm just kidding. (And if anyone from the hiring committee of the firm I'm going to this summer is reading, I'm very, absolutely kidding. I didn't even write this! I've been framed by my copy editors. Er, rather, I'm framing Mike right now! Rescind your offer! He's prone to grammatical errors in legal writing and throws a softball like a girl).

It's not enough to just want a lawyer job. We spent too much time and money here for that. So this week's piece of rah-rah advice is to really think about your answer to "the question" and don't settle for a job you won't like. Tell anyone who asks that you are going to practice the kind of law you want, damn it, so get off your back and shut the hell up already, Grandma. (Note: This is also a novel way to learn the law of wills and trusts through the proverbial "hard way").

Me? I want to argue against Jesse "The Body" Ventura, Esq. in the first-ever Barbed Wire Steel Cage Courtroom (in Minnesota's 8th circuit). Watch for WWE's "Nolo Contendre" in June 2006 on pay-per-view. It's only $75, and if enough of you guys buy it, we can get Coolio his house back.

Mike Murphy is is a 2L and the Editor-in-Chief of Res Gestae. E-mail Mike at murphym@umich.edu.
PE: After you get your Wall Street job.

SG: It's not for the faint of heart. But it's also the place where all the celebs stay at. They have a stupendously good breakfast buffet that I went to the morning after I arrived from an overnight flight. So my niece was there and she said "oh, that's Quentin Tarantino." So I wandered over to get some smoked fish and, yep, it was Quentin Tarantino in baggy pants, a sweatshirt and a hat. But he wasn't the biggest draw. The big draw, although she had just left the day before, was Jennifer Lopez had been there on the same floor as my brother with her own security detail.

PE: So you didn't see her?

SG: No she was gone by the time I was there.

PE: Would you recognize her?

SG: (Laughter) I guess I'd recognize her as the one with the five bouncers walking around her.

RG: We're a little overtime, but there's a few questions we always wrap up with. Where do you like to go to dinner in Ann Arbor?

SG: New York. (Laughter) There are some good places, but the problem is that there are too few good places to not be very familiar with what they serve. I gather there are a couple of new places I haven't been to.

PE: Yeah there's one called, I think, Rush Street? It sounds like a fix, you know, so I couldn't imagine what they serve. Those are on our agenda for next Valentine's Day.

SG: Really, Ann Arbor is an eating destination for people from the greater Detroit area, and I can see why because when we came here there was a lot to choose from, but when the restaurants change at the rate of one a year, and you live here forever, you get very familiar with them. And the menus never change. Can you think of any favorites?

PE: It's like okay, yeah, The Earle, Earle Two, Bella Ciao, oysters at Monahan's, that's nice.

SG: Monahan's is a fish counter – but they have good oysters. The truth is, of course, the big eating event in Ann Arbor is Zingerman's. Which is an astonishing place, but it's not a restaurant. And then there's the Roadhouse which we ate at once and would rather not go back.

PE: Right, a family of four's bad food is in front of you for just your serving. But buying cheese at Zingerman's is pretty heavenly.

SG: It's odd that there should be a place that good in Ann Arbor, because I can't think of a delicatessen that's that good in New York. There are bigger ones.

RG: You've been here for a long time. What do you do to keep it fun?

PE: Parks.

SG: That's the one of the things that makes Ann Arbor great, the parks. We live between two of them.

PE: When it's really crazy freezing we cross-country ski on the rivers. It's sort of our hand-wave towards fitness. We go walking every weekend a couple of times.

SG: The parks in Ann Arbor, the Arb's probably the most extraordinary one, and they're so close you can get to them in minutes, but you hear traffic. The number of beautiful parks that are right nearby is astonishing.

RG: Last question: do you have anything you'd like to say to Michigan Law students?

PE: Life gets better after law school.

SG: I'm really impressed with Michigan students. This seems odd to say since it's definitely sucking up. But there's something I'd like Michigan students to do more often, and that's talk more in class. I taught at Columbia for a semester and that was the big change. Columbia students talk a lot, but Michigan students after the first year... I get around that, I just call on people. But other than that, on the whole I think Michigan is great for students. Either Sarah [Zearfoss] chooses great students or the atmosphere makes a lot of them good people.

PE: But I agree it's very frustrating when somebody comes up at the end of the class and says "gee, that was interesting. I actually worked as a jury consultant for seven years," and I say "Where were you when I was asking this question! You're somebody who actually knows something about what we're talking about from experience." My courses are first-year electives, so I mostly get people who have had the volunteerism thrashed out of them.

SG: This semester in Criminal Procedure I have, for example among others, a woman who worked in the San Francisco city attorney's office for some time, which means that she's worked on the civil cases against the cops. So she knows about that stuff that nobody else in the class knows, including me. We also have a guy who was in the Navy but was assigned to do basically Coast Guard duty, drug searches and interdiction and things like that. That is wildly valuable in the class. But lots of times people seem hesitant to expose themselves. We're so nice...

PE: Sometimes I get teaching evaluations that say "she lacks spine and courage because she doesn't force people to humiliate themselves." And I say, all right, there are better qualities in life than spine and courage if that's what that means.

SG: You got to make it easy on them, though. You shouldn't force them to humiliate themselves; you should humiliate them for them.

PB: Same thing.
Prospective Perspectives

Submitted by
Timothy C. Harker

Law school teaches us to find the merits of competing views and formulate effective arguments that facilitate client goals. Accordingly, I am inclined to believe that the unwary law student may come to believe that any concept is valid provided the efficacy with which the idea is argued is sufficiently compelling. Hence, a warning: As we progress from law school to our respective careers, let's keep an assiduous eye on the truth and preempt our minds from sliding insidiously into a nebulous cloud of relativism; our liberty depends on it.

There are some ideas that simply need to be rejected out of hand. Toleration of the premisses and conclusions reached by ideas with no empirical basis is inimical to the preservation of a free society. I am not condoning censorship; rather, I am stating bluntly that the obtuse idea that an illogical construct masquerading as a viable theory should always be tolerated, can, in many circumstances, be more invidious to the freedom and prosperity of a society than censorship. In other words, it is possible to be so open-minded, that your brains fall out.

So what then? It might seem that there are only two feasible alternatives, censorship or a national soapbox for any interested party, but this isn't so. We need not subject our principles, ideas, theories and beliefs to approval by a centralized body, charged with the authority to filter out the 'bad' from the 'good.' The propensity for tyrannical abuse in that scenario is almost universally recognized. See e.g., history. Conversely, if we reject censorship we are not reduced to unchallenged acceptance of all speech; and, we don't have to rely on some fuzzy distinction based on dynamic morality - a 'standard' that invites confusion and inconsistency - to determine what is true.

Fortunately, rejecting one restrictive view (censorship) does not reduce us to complacent acceptance of another shapeless alternative, namely relativism - simply, the belief that there can be nothing absolute. Unfortunately, relativism has been adopted though it essentially represents the antithesis of an effective method for seeking truth; Einstein's theory withstanding, so far. The American spirit, dedicated to liberty and a hybrid form of individualism, has widely recognized the inherent dangers associated with stymying free speech. Unfortunately, our society has yet to fully comprehend the similar threat posed to liberty and widespread prosperity from censorship's ideological opposite; again relativism.

Some thinkers have adopted relativism as a world philosophy. Relativism serves as the primary means of verifying a social theory, subject only to review concerning its respective degree of political correctness. Herein lays the threat. By establishing an academic culture in which the legitimacy of a theory is largely determined by its tendency to reinforce the current societal norms, we effectively preclude the propagation of theories that are actually true. In effect, we shun many theories because we may not like what they predict.

Shunning theories or ideas because we dislike them threatens our liberty. Shunning the truth in favor of relativistic and often massively appealing social causes undermines one's ability to discern appropriate means of ascertaining the truth. Instead, we venerate those ideas which satisfy our immediate desires. Sometimes the truth is painful; but, if we permit ourselves to believe that which is patently false simply because it satisfies our predispositions, or if we fail to subject all ideas to reasonable debate, we invite tyranny to ride the coattails of our ignorance to power and subject us to a fate fare more painful than the truth.

I suggest that instead of defaulting to relativism, we debate issues. Debate means that we set aside our temerity, we recognize the threat posed by relativism, we subject our theories to analysis and we welcome the opportunity to be proven wrong. More importantly, when an indisputable fact dis harmonizes the theories upon which our views have been established, we set aside those theories and replace them with better alternatives. Then we redevelop our views. It is unlikely that any theory thus far promulgated - on anything - has 'spoken' the final word; but, some theories are better than others. Often, they are a lot better.

Fortunately, the search for truth has imbued mankind with certain invaluable tools, namely facts. Alone, facts are incapable of lending veracity to a theory. When used in conjunction with a deductive and observable proposition, however, they can be quite useful predictive measures. Conversely, when put to use in a manner that subordinates them to the psychological or political agenda of an advocate, who may not be inclined to align them in a coherent system, facts tend to serve counter-productive ends by confusing issues.

So let me tie this tangent, in some small way, back to our future legal careers. If we argue on behalf of a client whose agenda runs counter to our perspectives, we necessarily subjugate our own beliefs to the ends sought by the client. Without a wary eye on the truth, however, the ever-changing demands of the client become our prospective beliefs, relativism reigns, and we lose hold of the truth. We must serve our clients. We must serve them well; and we should try to do so while maintaining verity.

Timothy C. Harker is a 1L. E-Mail comments about this article to rg@umich.edu.
ARTS, from Page 1

physicality of print-making—carving into materials, cranking a massive roller over the plates," he added.

The Law School's new classical trio, Treble Damages, provided the music. A listener would never suspect the group, comprised of 2L Anna Baldwin on cello, 2L Anat Grosfeld on violin, and 2L Eunice Rho on piano began rehearsals only a week before the performance. "We're trying to develop our repertoire," said Rho. "We'd love some additional gigs." If you'd like to hire them, you can contact the trio at trebledamages@umich.edu.

About 20 of the pieces have been donated by the artists for sale at the Student Funded Fellowships auction. 100% of proceeds will go to SFF, so be sure to look for the works with 'SFF' on their title cards. Matt Pryor, SFF Tri-Chair, said that students are constantly asking what they can donate to SFF, subsequently better everyone's chances of getting a grant.

"This is another great answer to that question," Pryor said. "I am constantly amazed at ways students and the administration are finding to support SFF."

The collection will be on display whenever Hutchins is open, from now through the Student Funded Fellowships auction on March 17. The three-dimensional objects, including 3L Lisa Tomiko-Blackburn’s not-to-be-missed Hawaiian pottery, will be on display in the registrar's office (HH 300) for security reasons. Museum-quality posters of 1L Heather Freiburger’s kitschy and apt "Warhol meets Brady Bunch" montage featuring portraits of several professors and Dean Caminker are available for $5 in the LSSS office. A copy of the catalog, including many of the artists' own descriptions and background stories of the works shown, will become available online in the next few days; watch your e-mail for a link to it.

Whether you're an artsy type or not, Term of Arts is a great reminder that we all had lives before law school, and that our peers are interesting and talented people (aside from their legal aptitudes). Making time for the arts—creating, promoting, enjoying—probably adds some healthy perspective as we prepare to leave here for the Big Firms.

"If anything, law school has further convinced me to pay careful attention to the lifestyle I select for myself," Dubinsky said. "I don't think I'll ever let art out of my life." Kudos to everyone involved in the birth of ToA for bringing some art into ours.
EDITORIAL, from Page 2

standard throw-in for admission to an elite law program that claims to have commitment to public interest work. During recruitment and orientation, every student hears the story of how John F. Kennedy’s speech at the Michigan Union to a crowd of progressively minded students (that stretched to our door) became the genesis of the Peace Corps. Many students chose Michigan over peer institutions based on that story and other promises that Michigan was a top school for public interest work.

We’d like to see the school back these statement up by funding more public interest grants, and if they can’t, explaining why funding is impossible (or not a priority). We have been preached to. We would like to see the practice.

HEADNOTES, from Page 3

"Without a doubt the best part of my experience with the Headnotes this school year has been getting to spend time with the other members," said Dubinsky. "Bless their dear hearts, they’ve become my family away from home. They’re hard working, caring, and ridiculously, ridiculously funny. And we give each other massages."

The Headnotes release their latest 24-track CD, entitled “Third and Long,” next week. E-mail Harris at atharris@umich.edu for more details.

BEST OF, from Page 13

The Streets – A Grand Don’t Come for Free

If I had put the records in some sort of order from best to almost-best, this would have been the top. And while it’s one of two hip-hop records on this list, it isn’t even remotely similar to the Ghostface record. Mike Skinner (who is The Streets, for all intents and purposes), sums up his differences from U.S. hip-hop quite nicely: “Over here, we say birds, not bitches.” Listen to this record from start to finish, (as it narrates a finding-love-then-screwing-up-then-losing-love story over eleven tracks), and I guarantee you’ll have a tear on your cheek. Just tell your lady you have something in your eye.

The Unicorns – Who will cut our hair when we’re gone

According to their website, The Unicorns recently called it quits. However, the band has called it quits several times during the last year, promised to become hip-hop producers, wore matching pink outfits on stage, and featured a talking puppet in their live show. So pardon me if I don’t quite believe them. With sugary pop songs as unpredictable as their public personas, Nick Diamonds and Alden Ginger found a way to sound both insanely catchy and musically groundbreaking at the same time, if that is even possible. If they do in fact become hip-hop producers, we’re in for one of the most entertaining Grammy shows in... uh... ever. Actually, come to think of it, that would be awesome. Right as the Kanye-influenced trend of rappers-dressed-like-golfers gets tired, The 'Corns will emerge as the new fashion trendsetters in the world of hip-hop. I can’t wait to see 50-Cent in a pink bulletproof vest and Nelly donning a Rainbow Brite bandage.

Wrens – Meadowlands

40-year-old guys playing straight-ahead guitar rock with tried-and-true lyrics about girls, frustration, and frustrated girls. Trite, no? Well, what looks like old news on paper is flippin’ sweet on CD. After taking about 15 years off, they finally released another album and it certainly lived up to the hype that built up during their hiatus. Do you think Kurt Cobain could come back to life and live up to his own post-mortem sainthood? No way. Why that comparison even matters is beyond me. It just felt good to write.

Correction

In the last issue of Res Gestae, in the article “Berry Speaks About Civil Rights,” the sentence beginning “She finds this argument acceptable” should have read “She finds this argument unacceptable.”

In the article “MLS Crowns its First Mr. Wolverine,” Adam Dubinsky’s name was misspelled. Res Gestae apologizes for these errors.
Michigan Law Announcements

**ELS presents...**

"The World Today: Multi-Disciplinary Perspectives on Climate Change."

March 14-18th

March 14th, 4pm, 128H
"Climate Change: Where do we go from here?"
The International Law Workshop presents
Dan Bodansky, Professor, University of Georgia Law School.

March 15th, 12-1:15pm, 218H*
"Current Cases on Climate Change" Litigation Panel featuring Brent Plaster, staff attorney with the Center for Biological Diversity in San Francisco, California.
Mike Noble, Executive Director of Minnesotans for an Energy Efficient Economy, and Noah Hall, Senior Manager, Water Resources for the National Wildlife Federation's Great Lakes Natural Resource Center in Ann Arbor, Michigan.

March 16th, 12-1:15pm, 218H*
"Basics of Climate Change" Presented by Edward A. Parson, Professor of Law, Associate Professor of Natural Resources and Environment at the University of Michigan.

March 17th, 12-1:15pm, 218H*
"Business Perspective on Climate Change" Presented by John Bouzella, Vice President for Public Policy and Government Affairs, Ford Motor Company and moderated by Professor Andy Hoffman, Holcom (US) Professor of Sustainable Enterprise, Stephen M. Ross School of Business, School of Natural Resources & Environment at the University of Michigan.

March 18th, 12-1:15pm, 138H*
"Climate Change as Public Nuisance: States fill the vacuum" Presented by Simon Wynn, Assistant New York Attorney General.

*At these events lunch will be provided on a first come, first served basis

---

The U-Mich National Lawyers Guild & The Michigan Department of Communication Studies present a Howard R. Marsh Series Lecture

**Amy Goodman**


Independent Media in a Time of War & Elections

Thursday, March 10, 7-9 PM
100 Hutchins Hall
Free & Open to the Public
Book signing to follow

---

**“How Patriotic is the Patriotic Act? Freedom Versus Security in the Age of Terrorism.”**

A Presentation by Dr. Amitai Etzioni

Thursday, February 24
12:20 - 1:20 p.m.
218 HH
Event Contact: Marilyn Genoa, marilyng@umich.edu

---

APALSA Presents...

**ORIGINS SPRING FESTIVAL:**
A celebration of Asian dancing, music, clothing, and art!

March 10, 2005 at the Pendleton Room of the Michigan Union at 8 P.M.
Tickets are on sale in front of 100HH during lunchtime. Get yours early.
Contact gokanir@umich.edu with any questions