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# Res Gestae

STUDENT NEWSPAPER OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL

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September 20, 2005

Since 1950

Vol. 56 No. 2

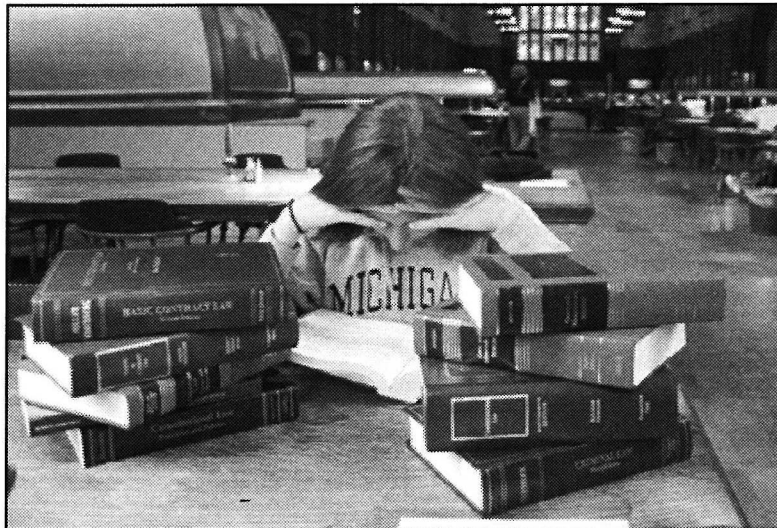
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## New Kids on the Block: Read the Inside Scoop on the Class of 2008

By Shari Katz

They're athletes, one a former U-M football player, another a former captain of the U-M Men's Basketball team. They're global, hailing from 44 states and 12 countries. They're givers, seven of which are former peace corps volunteers, and many others who also come with extensive service backgrounds. They're super smart, setting the record for the highest LSAT (168) and GPA (3.64) medians in the history of UM law school admissions. They are the 366 students of the Class of 2008.



Ah, those were the days. Actually, no, they weren't.

Almost 6,000 applicants competed for the 366 coveted spots, and 19% were admitted. Despite the fact that Ann Arbor is repeatedly considered one of the best cities in which to live for women, the males in the 1L class outnumber the females by 57% to 43%. The gender disparity is not unique to this particular year, said Sarah Zearfoss, Assistant Dean and Director of Admissions, as traditionally Michigan Law has had significantly fewer women in each entering class. Zearfoss mentioned that there are many

hurdles to getting women in law school generally and UM specifically. First, men on average do better than women on the LSAT. Secondly, the UM applicant

make up for our lower representation by our invaluable contributions in class and to the community).

One distinguishing feature of the 1L class is that its international JD students come from the largest number of countries ever. This year, the school welcomed students from Belarus and Albania for the first time. "The large international presence really adds to the diversity in the class and I'm really excited about that," said Zearfoss.

pool is disproportionately male, as our sports teams tend to entice more men to apply to Michigan. Finally, Zearfoss hypothesizes that women who have a significant other are often socialized not to relocate without them—and for those who aren't familiar with the beauty of Ann Arbor, this town is not traditionally an ideal place to attract people who have no affiliation to the 'U.'

All of these reasons may affect the male to female ratio. (Thankfully, we women

Among the first year class, 65% of the students took at least one year off after completing their undergraduate work. Although some law schools are increasingly telling applicants that taking time off between college and law school is more or less an unofficial requirement for admissions, Zearfoss is wary of beginning such a practice here. "I don't like the idea of setting up that kind of bright line rule. We value work experience and the things people do after they graduate, but someone

**CONTINUED on Page 19**



# Res Gestae

Vol 56, No. 1

University of Michigan  
Law School

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## M-Law Opens Its Doors to New Orleans Students

By Anne Gordon

The beginning of September always brings a rush of students back to Hutchins Hall, some of whom would rather be anywhere else than starting another year of law school. But this year, one group of students is feeling lucky to have a school to attend at all.

This semester, the University of Michigan Law School welcomes nine 2Ls and 3Ls from Loyola and Tulane who have taken refuge in the (soon to be) frozen north in order to escape the hurricane-ravaged south.

Soon after the destruction from Hurricane Katrina became apparent, it was clear that students in New Orleans were not going to have schools to attend this semester. "Then it was a mad scramble, everyone just calling around trying to find a place to end up," said Zach Bromer, a 2L from Georgia who was attending Tulane. "I'd only been in Louisiana a little over a week [when the hurricane hit], so I was still unpacking boxes," he said. He immediately called Michigan because his girlfriend, Alix Magill, is a 3L here.

In fact, all of the students that received visitors' status at the Law School have connections with Michigan or Ann Arbor – either through significant others or families, or by having attended as undergrads. Once the candidates had been selected, Dean Zearfoss' staff conducted an abbreviated admissions process, often over the phone.

Zach was in his car driving when Dean Zearfoss called for his interview: "It sounded like she was emphasizing that we had a place to stay . . . I think they didn't want people showing up here just because it's a good school, and

then living in a cardboard box." Students were asked to report their grades and class rankings, as well as their social security numbers so the school could obtain LSDAS reports. This was often a harried process, as the students had to wait for confirmation from Tulane (to allow the students to take visitor-status elsewhere), and UMLS staff had to scramble to find the right applicants.

"My staff spent many hours and a couple of late nights [working for the displaced students]," said Dean Zearfoss. But it was worth it: "the students who have joined us here this semester epitomized the standard of grace under pressure."

Bromer has nothing but great things to say about the process, despite the pressure. "I'm sure we were constantly bugging [the staff] to answer questions, and they did everything to facilitate our coming here . . . and once we were here, to make the transition smooth," he said.

Current UMLS students have also done their best to make the New Orleans transfers feel welcome by donating their tickets to the Notre Dame game and coming out in droves for the welcome-reception at Dominick's (where there were eight current Michigan law students for each new Michigan law student). "I definitely feel that Michigan's reputation as being a friendly place is deserved," Bromer said.

So, on behalf of the *Res Gestae* and the rest of the Law School, I'd like to welcome Justin Alsterberg, Robert Brode, Zach Bromer, Daniel Hirschman, Andrew Locke, Neal Bakare, Sarah Czuprenski, Erin McEvoy, and Nicole Muendelein to the halls of Hutchins.





# Access Granted: Follow These Tips to Keep Your Computer Alive and Processing

By Jason Jude

These days it seems like a full-time job just to maintain a computer, especially if you own a copy of the most popular operating system, Microsoft Windows. So many evil entities lurk on the Internet in so many of the most innocent places that it's hard to know for certain whether your computer is protected from spyware, viruses, and hackers. I've been asked (and sometimes begged) to fix quite a few computer problems, and what always amazes me is the number of odd things that can happen to Windows without users having any knowledge of why their computers aren't working properly.

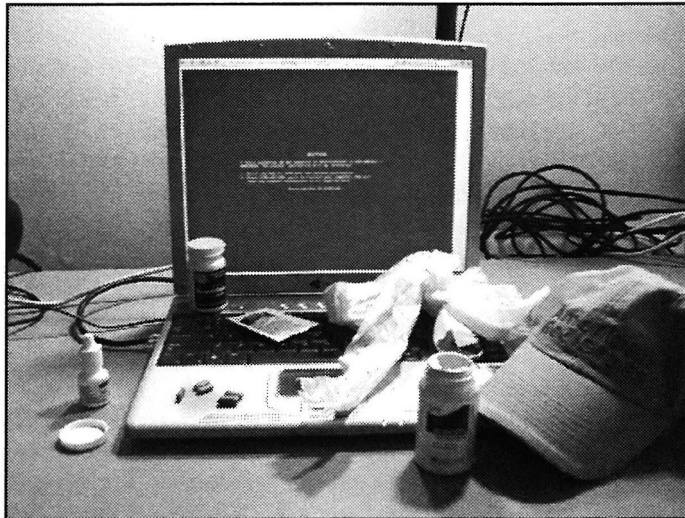
Here are a few steps you can take to protect your laptop from causing you unlimited amounts of stress and grief.

## Back It Up

Make sure you don't keep your life on your laptop! If you keep all of your Law School papers, family pictures, and 7000 mp3s stored only on your laptop, stop reading this right now and consider your options for backing up your important files. I'm serious, stop reading now! Your precious files are stored on a very sensitive little contraption called a hard drive. If you carry around a laptop computer which occasionally gets banged around, your chances for losing everything rise considerably. There are many options for backing up your data including burning CDs, copying files to removable disks, flash drives, removable hard drives, and uploading your files to your personal IFS space provided to you by the University (<http://mfile.umich.edu>).

## Keep a Clean Machine

Be sure to keep your laptop free of unnecessary junk. Uninstall programs that you never use, like demos and "try me free" programs that usually come bundled with other software. Make sure



We also tried chicken soup, but that just got the keys all sticky.

that you have an anti-spyware program such as Ad-Aware or Spybot Search and Destroy, and that you scan often. I have been utterly amazed many times at how quickly a brand new computer that ventures onto the Internet for the first time will get bombarded with unwanted tracking cookies, data miners and other potentially harmful digital rubbish.

## Be Careful What You Plug In

While you're on the Internet, look out for browser plug-ins that pop up and ask you "nicely" to install. Some safe examples of browser plug-ins are Macromedia Flash and Adobe Acrobat Reader. You should avoid companies such as GAIN (the makers of Gator) or WeatherBug, since they have been known to contain spyware. Also watch out for toolbar plug-ins that add flashy buttons or search bars to your internet browser. Many have bad reputations for

transmitting data back to their masters. Pay close attention to the company that provides the plug-in, and if you haven't heard of them, investigate further before accepting! Do research on the plug-in name. Who knows, you may find out that that toolbar is a known spyware program that would have tried to mutate your computer into a robot spy if you had clicked "Install."

## Stay In School

Try to use your laptop for essential tasks related to the Law School: word processing, Electronic Bluebook (EBB), basic Internet browsing to allow access to Law School sites, and so on. If you start loading anything and everything onto your laptop you will probably notice decreased performance; essential programs may take much longer to open and can sometimes freeze. If you're going to install a program to try it out, and then take it off later, pieces can be left behind. Even after removing some programs you may not see any speed or performance improvements.

## Create an Immune System

How could I write an article on laptop health without mentioning anti-virus protection or Windows updates? Connecting your computer to any network without up-to-date virus protection and critical Windows updates is like walking slowly through a stampede of angry buffalo. Why are those buffalo so angry, you ask? Maybe some of them have nothing better to do than sit in dark basements and write viruses. Some may have been laid off from their corporate

**CONTINUED on Page 19**



# 3LS: Take the Nannes Challenge and Pump Up Your Student Organization's Budget

By Matt Nolan

Never in the history of student organization funding has there been "too much" funding, because student organizations can always do more. The Michigan Student Assembly annually gets requests for over five times as much money as it can allocate, and Law School Student Senate statistics show four times more demand than supply as well.

At least one alumnus has taken this problem into his own hands. John Nannes (class of '73) started the Nannes 3L Challenge ten years ago, and this year he's doubling the commitment. Here's how it works:

In exchange for your pledge to the law school fund to donate \$50 in May of 2007, \$75 in May of 2008, and \$100 in May of 2009\*, John Nannes will give \$250 to the student organization of your choice. THIS SEMESTER. That's right, folks - \$225 over the next four years gets student orgs of your choice on campus \$250 now.

The total sum available for the Nannes 3L Challenge is now \$50,000, which is more than LSSS allocates annually. Now that your self-interest instincts should be sufficiently alerted, let me explain a bit more what the Nannes 3L challenge is and is about.

Nannes created the Challenge to take on insufficient student organization funding and less than stellar alumni donation rates to the Law School Fund. Because Michigan is a public law school, many alums reason that much of the law school's budget comes from the state of Michigan. In fact, state funding will account for only 2.5% of this year's budget. The law school thus needs to have donation rates rivaling if not surpassing our peer schools in order to maintain our standing as one of the best,

and currently we just do not have them. Nannes believes strongly that one of Michigan Law's greatest strengths is the richness of student activity life, and he wants that to continue and improve.

Pledges from the Nannes Challenge go to the Law School Fund, a fund that has allowed the law school to create the legal practice program with full-time professors, add new business courses over the past few years, bring in prominent speakers and visiting professors, and other unseen but essential actions for the law school community.

Taking part in the Nannes Challenge is something that Michigan Law 3Ls should feel obligated to do as soon-to-be alumni. Despite paying larger sums for a legal education than previous generations, I would doubt there are many of us who could say at the end of our three years that we'd rather have gone somewhere else or that we don't feel we're better off for our time spent here. The Challenge is the perfect way to begin our careers of giving back - and we actually receive more in return than we give!

\*The pledge amounts to approximately one dollar per week upon graduation. One dollar. Nannes cares much more about us donating than the amount - even if these very low amounts seem too much for you, the important message is that you give something, and that will be sufficient for the Challenge.

## Quick facts:

Pledge Drive dates: September 21st through October 13th

Dollars available to student org of your choice in exchange for pledge: \$250

Your pledge: \$50 in May '07, \$75 in May '08, and \$100 in May '09, a total of \$225 (or less if you choose.)

A committee of a dozen or so 3Ls has been comprised to lead this year's challenge, and has high expectations for their peers' participation. Let's show our alumni and the rest of the nation's law schools that Michigan Law students are willing to give back, while simultaneously doubling the funding for student organizations in the law school - I don't see how we can afford not to.

John Nannes is a 1973 graduate of Michigan Law School. After law school he clerked first for Judge Roger Robb on the United States Court of Appeals for the District of Columbia Circuit in 1973-1974 and then for Justice William H. Rehnquist on the Supreme Court of the United States in 1974-1975. He then served as a special assistant to the Assistant Attorney General in charge of the Antitrust Division before joining Skadden, Arps in 1977. Nannes left the firm to work as Deputy Assistant Attorney General in the Antitrust Division of the U.S. Department of Justice between 1998 and 2001 and as Acting Assistant Attorney General in the Division during the first five months of the current Bush Administration. After this, he returned to the firm where he is currently a partner in the antitrust group.

*Matt Nolan is the executive editor of Res Gestae and co-chair of the Nannes 3L Challenge Committee. He and RG Editor-in-Chief Mike Murphy have already made their pledges, and look forward to seeing yours, too. Matt can be reached at [mjnolan@umich.edu](mailto:mjnolan@umich.edu).*

## Res Gestae

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# This Agression Will Not Stand: Policy Implications of Deafening Construction

By Mike Murphy

3 Year is supposed to be a seminar-esque experience in intellectual curiosity; the functional equivalent of house arrest before the glamorous party-all-the-time lifestyle of a first-year associate. Lately I've been feeling like The Dude from "The Big Lebowski." I show up in class – late – haven't shaved, and don't know what's going on.

The thing is, not knowing what's going on in class bothers me a whole lot less than it used to. I remember as a 1L I didn't know what was going on because the material was hard and because I was messing around on the internet. Now I'm not sure what's going on because when I sit in class it sounds like I'm attending school in the middle of a bizarre fusion of "Stomp" with the Socratic Method as audience participation. And what with actually paying attention in class being so hot since Dad took away our internet privileges, we can't even block out the noise of the construction with sports scores, Strongbad, and (of course) pornography.

The school of public policy is erecting what appears to be a skyscraper next door, where a perfectly good parking lot used to be. This makes sense for many policy reasons – less sun shining into Hutchins makes for lower air conditioning bills in the classrooms, and less parking for the faculty and staff increases the value of rented parking spots, which translates into much needed extra revenue for many impoverished Ann Arbor landlords.

The construction has reached a critical mass (ahem) of background noise into classrooms that the loudest "Hey Ya" from frat houses across State Street could never touch. At one point during Jurisdiction last week, a plane flew overhead and an ambulance raced by, which you could hear over the hammering, drilling and

beeping. Stark terror swept through me as I thought for a moment that Godzilla was destroying Dominick's. You'll be happy to know that I immediately checked on the welfare of Dominick's, and received my usual warm welcome from the doorman, who usually reacts to my approach as if I were coming over to his house to defecate on his sofa. All is well across the street.

I hope that in the interest of inter-school collegiality the school of public policy will take the law school out to dinner or something for its trouble. Otherwise I recommend two courses of action: that Dean Caminker and the administration enlist the loudest possible contractor for the construction of the law school's new building (I mean seriously, like, AC/DC loud); and that we as law students repay the public policy school for a year (and a half) of distracting construction noise by, well, being really loud next year. Pots, pans, beatboxing, the whole works.

Now I can't do this myself. That would be very un-Dude. Besides, by the time that building is operational, I will have graduated and denied all personal responsibility for any disruption of public policy classes up to, and including ever having written this column. (And I'll make it stick. Heard of a guy named Novak? Apparently it's not that hard.)

The Headnotes, I might add, were made for this. I will personally pay \$300 next year to send the school of Public Policy 30 consecutive Val-O-Grams of "Seventeen" by Winger. (I think they would do an outstanding job with the split backing vocals in the chorus.)

(Note to 1Ls: Hello! And welcome to Michigan Law School. "The Headnotes" are a law school A Capella group, which you should join if you like singing. "Val-O-Grams" are songs that the Headnotes sing to embarrassed students and professors during classes on Valentine's

Day. "Winger" is a seminal rock band from the 80s also known for the hit single "Headed For A Heartbreak." "80s" refers to the decade in which many of you were born, a thought I find personally horrifying. "Seventeen" is a song that subtly addresses the inherent injustice of strict liability in statutory rape case law, asserting that a lack of mens rea on the part of the perpetrator results in unjust punishment but concedes that actual or constructive notice of an alleged victim's age provides for the requisite mental state. Winger also suggests that committing statutory rape may be something one "needs" to do, in order to feed one's family or something, citing Immanuel Kant who wrote that such crimes of necessity are "totally okay in my book." Go ahead and tell your Crim Law professor all that. Please.)

We can't let the public policy school get away with turning our Socratic legal education experience into an episode of Extreme Makeover: Law School Edition on full volume. This aggression will not stand. But don't look for me on the front lines: I am waking up at 10 a.m. most days of the week for a 10:10 class. I have not done the reading for my afternoon class today because I do not own the textbook. (Backorder, not laziness. Promise.) I am barely capable of paying my rent on time or distinguishing whether today is Thursday, Friday, or a weekend day. I am pretty sure I put on deodorant this morning. Actually, I didn't. I furthermore cannot tell you when or if my classes offer finals, or what my professor just said, but I know that the law school bowling league just started back up.

The Dude abides.

*Mike Murphy is Editor-in-Chief of Res Gestae. E-mail Mike at [murphym@umich.edu](mailto:murphym@umich.edu).*





# Don't Fall in the Law School Trap: Lifestyle Advice to 1Ls

By Matt Nolan

A decent number of you presumably enrolled in law school specifically because you wanted to be lawyers. Law School could be viewed as a prerequisite to practicing law: a three year commitment followed by life's final standardized test. Don't treat it that way. I'd like to ask you not to approach law school as merely the gateway to a legal career.

Many of you won't be lawyers. Some of the most famous and successful Michigan Law alums are congressmen, senators, VPs and chairs of major corporations, heads of public interest firms, and the like. While these alumni don't practice law, they use what they learned at Michigan law every day of their careers. I'd be willing to bet that few of them, if any, graduated with the top GPA in their class. With that in mind, let me offer some "dos" and don'ts" for approaching your three years in Hutchins.

**Don't** stay in the library past midnight. We've all done it. But if you become the person who's racing against the lights in Sub-2 to finish those extra few pages of J.J.'s (unassigned) treatise, then you've lost it. You're spending too much time studying.

**Do** set aside time each week for something other than law school. Working out is good and fine, but make your regular activity fun, like watching football or a movie night. Guaranteeing yourself time to not work will make the hours you do spend studying seem less cumbersome. You'll have something concrete to look forward to. Balance will help you work harder when you really need to.

**Don't** think you have to study as hard as everyone else in your class. Some of

you got here by doing just that, but some of you got here by missing every other class and cramming at the end for finals. Remain open to tweaking and improving your strategy, but remember that what got you here will probably get you out of here just fine. Some students will study less and do better just like always, and others will need to bust butt if they had to in the past.

**Do** get a sense of what your professor is expecting out of you. Expectations vary quite a bit. Some professors will want you to have complete mastery of the readings and skim little from conversations in class, and others will provide readings only as "backdrop" and really hammer home on what's important in the course discussion. While both reading and paying rapt attention in class is obviously the best strategy, if you're choosing between one or the other, figure out which is most economical for the particular class. Choosing wrong or not figuring this out can reap poor results. (I base this observation on personal experience.)

**Don't** ever, ever, ever turn down an opportunity to have fun/get to know your classmates in favor of re-reading a case. Do your prep, then get out and live. Law school likely represents the last three years with your schedule being as flexible as it is. Here and now you have vacation time, few financial worries (besides mounting loans), and huge numbers of your peers in close proximity. If you miss out on that part of your law school experience, you will regret it.

**Do** go to LSSS bar night, hang out at bowling league, take advantage of Mitch's \$1.00 pitchers once they come back, go to home football games and get together to watch away games. Learn who the players are and keep up on how the team's doing. Seriously. It will

pay off in keeping your sanity, for one thing, and will come up in job interviews. Remember you'll be interviewing heavily with Michigan alums.

**Don't** treat law school as a job. A lot of my don'ts are admittedly sounding very similar, but this should summarize them. If you go to class, prepare diligently, go home, and do nothing else, you will have wasted law school, bottom line.

**Do** get involved with multiple student organizations, read the RG, and donate to SFF and other causes. The ideal Michigan lawyer is not only one who excels in practice, but who is involved in their community and works to make it and the world a better place. It is in fostering these aspirational goals and opportunities that we can set ourselves apart as more than lawyers, which to me is extremely comforting.

Law School is a unique period of three years in which you get to develop your mental capacity and evolve your view of the world, but your interaction with your peers and involvement in student organizations is just as much (if not ultimately more) a component of that development. Interpersonal skills and connections will always distinguish between the good lawyers and the great lawyers. Michigan Law provides a great culture for increasing your capacity and breadth of interaction in these areas, one of its great strengths. You're paying for the full experience. Don't accept the nutshell version.

*Matt Nolan is the executive editor of Res Gestae, and has attended the University of Michigan since Tom Brady quarterbacked the football team. Brady has three Super Bowl rings and two MVPs. Nolan knows this and is still here. He can be reached at [mjnolan@umich.edu](mailto:mjnolan@umich.edu).*





# Open Your Ears to a Cross-Continental Summer Music Recap

**By Heidi Manschreck**

Get out your Transnational outline – these reviews go global. yo. OK, fine - maybe just North America and the UK - but still, the Coalition of the Willing-To-Produce-Hot-Tracks was in full force this summer: dropping bombs filled with serious aural pleasure.

If you were too busy smooching the south side of your firm's hierarchy to notice these releases, now's the time to donate some of that blood money to these starving-and-not-so-starving artists. And if you were saving the world this summer, give an IP/Copyright Nutshell a glance, rearrange the pebble in thy shoe, and do what feels right.

**Maximo Park** – *A Certain Trigger* ★★½ (New Castle, UK)

In “Apply Some Pressure,” lead singer Paul Smith confesses: “I’d love to be caught stealing.” Cynics would say he got his wish; superficially, Maximo Park appears to be nothing more than an amalgamation of its numerous post-punk and new wave influences. But *A Certain Trigger* showcases the band’s amazing range between ultra-dance-able (especially the hot opener “Signal & Sign” and aforementioned “Apply Some Pressure”) and beautifully sad rock (see, e.g., the aching love songs “Graffiti” and “Postcard of a Painting”).

The album’s masterpiece, “The Coast Is Always Changing,” combines the band’s spectral limits with fist-pumping moments (“I am young and I am lost!”), melancholy verses, and a gorgeous bridge. Only the largely spoken-word “Acrobat” pushes the envelope, successfully employing white noise reminiscent of My Bloody Valentine with more contemporary electronic sound-making. For the most part, Maximo Park is not breaking new ground. But who cares, if they do it well? If you like the Strokes, you’ll probably like this album.

**Wolf Parade** – *Apologies to the Queen Mary* ★★ ★ (Montreal, Canada) (Preview!)

Among hipster crowds the naysayers are massing their troops, perhaps both to out-hip and to prevent the absolute devastation of another Arcade Fire (never again will they attach themselves so deeply to a groundbreaking, infectious and overwhelmingly emotional Canadian album – extended exposure to that level of soul-bearing eventually numbs the listener to its beauty). Although this is Wolf Parade’s big label debut, virtually all of these tracks were available on the band’s self-titled EPs of 2003 and 2004.

Isaac Brock (of Modest Mouse fame)’s production has substantially altered some of the best tracks, and not always for the better. While *Apologies*’ “Modern World” and “It’s A Curse” benefit from cleaner mixes, “Grounds for Divorce” and “Dear Sons and Daughters of Hungry Ghosts” lack some of the raw, distorted energy that made the band so compelling on their 2004 EP. While the original “Dinner Bells” may surpass every Death Cab track on the Best Depressing Makeout Music charts, this one will leave you too spaced out to sit up, let alone plant one.

While this album may lack the cohesion of music written and produced within a limited time frame, it showcases Wolf Parade’s many strengths – emotive throaty vocals wrapped around cogent lyrics and accompanied by killah geetah – and is well worth the purchase.

**Teenage Fanclub** – *Man-Made* ★★½ (Glasgow)

These Scottish lads have produced an accessible album and not much else. “Save” and “Only With You,” the catchiest and prettiest songs on the album – with lush harmonies, well-placed string arrangements, and an extended piano outro, reveal TFC’s greatest assets but ultimately beg the question:

why not listen to Wilco? “Feel” sounds like an annoying Allman Brothers tribute to CSNY, but with worse lyrics, imploring the listener to “feel the sunshine.” The Allman-esque dueling guitars make an admittedly catchy return on “Fallen Leaves,” and after a repeated single note on “Born Under a Good Sign” that recalls Manu Chao, they do hook up a pretty sweet guitar solo. But “Nowhere” provides a brilliant summation of the album in its final lyrics: “vacant ditties/nowhere goin/daydream sowin/senses slowin” – call it indie, it’s still Huxley’s soma.

**Spoon** – *Gimme Fiction* ★★ ★ (Texas might as well be another country)

With this gem, Spoon solidifies itself as a unique and highly consistent rock band. Its opener “The Beast and Dragon, Adored” compels with its authentic scratchy vocals that climb to falsetto, a dark piano note, a catchy refrain, and jittery up-the-fret guitar work. “I Turn My Camera On” goes full falsetto and delivers an instantly catchy tune (though not likely to survive through multiple album plays), while “My Mathematical Mind” recalls the band’s pre-*Kill the Moonlight* sound with its emphatic piano and see-saw guitar. Listen to “Was It You?” as you walk through the Law Quad the morning after Bar Night – you’ll feel like you’re in a movie montage.

**Kanye West** – *Late Registration* ★★ ★ (Chi-Town)

The reigning king of self-awareness has produced an album that surpasses *College Dropout* on nearly all counts. “Heard ‘Em Say” is a perfect opener (if we’re discounting the standard skit intro) followed by track after track of perfect sampling, hot hooks, and even a little social commentary. “Crack Music” is a particularly brilliant example, as is Common’s lyrical contribution to “My Way Home” (“The young smoke grass in grassless jungles/Rubber-band together in cashless bundles”),

**CONTINUED on Page 19**





# Settle Down, Poindexter, They're Just Numbers: It's the Winter 2005 Grade Curves

## Grade Summary - Part

## Winter 2005

### Number receiving each grade

Course/ Section	Professor	Course Name	4.3	4.0	3.7	3.3	3.0	2.7	2.3	2.0	1.7	1.3	1.0	0.0	I	P	S	Class Size	
			A+	A	A-	B+	B	B-	C+	C	C-	D+	D	E					
510/001	Cooper,Edward H	Civil Procedure	1	9	14	28	24	8	7	2	1							94	
520/001	Krier,James E	Contracts	1	9	15	27	23	9	7	1								92	
530/001	Thomas,Kimberly A	Criminal Law		10	16	28	27	9	5									95	
530/002	Shachar,Yoram	Criminal Law	2	7	15	30	26	9	5						1			95	
540/001	Carunker,Evan H,	Intro to Constitutional Law	1	8	19	27	26	8	4	3								96	
540/002	Larsen,Joan L	Intro to Constitutional Law		9	15	32	24	10	4	2								96	
560/001	Simpson,Alfred W B	Property		10	15	33	21	11	4	1					1			96	
560/002	Schneider,Carl E	Property	1	8	17	22	25	9	3	3	2				1		1	92	
580/001	Herzog,Donald Jay	Torts	2	12	16	29	15	11	5	3	2							96	
580/002	Horwitz,Jill R	Torts	2	7	14	29	26	8	4	3	1				1			95	
601/001,002	Payton,Sallyanne	Administrative Law		3	4	3	2	2	1						1		1	41	
602/001,002	Howse,Robert L	Int'l Investment Law		2	6	6	3								2	1		24	
605/001	Ratner,Steven Richard	Adv Transnational Law		8	2	3	4	1	1								7	27	
606/001	Howse,Robert L	Transnational Law		2	4	15	9	5							1		10	47	
606/002	Reimann,Mathias W	Transnational Law	2	4	12	24	15	6	6								32	103	
606/003	Ratner,Steven Richard	Transnational Law	2	5	9	21	11	6	2	1		1	1				13	72	
606/004	Dickinson, Timothy L	Transnational Law		2	3	4	2	2									5	18	
608/001	Leary,Margaret A	Advanced Legal Research	3	9	4	13	4	1									3	37	
616/001	Miller,William I	Bloodfeuds	1	6	20	18	18	11	2		2						19	99	
622/001	Kitsiotis,Constantine	Internat'l Humanitarian Law		1	5	5		1	1						1	5		20	
625/001	Schneider,Carl E	Law and Bioethics	1	3	7	8	4	1									7	32	
633/001	Kornfield,Susan M	Copyright	2	3	3	5	5	1		1						1		21	
637/001	Pottow,John A E	Bankruptcy		5	9	16	8	4	1								12	56	
640/001	Jones,Martha S	Critical Race Theory		3	8	11	11	3							1		7	45	
641/001	Brensike,Eve Lynn	Crim Just.Adm of Police Prac	1	6	7	5	14	3	1			1					3	42	
645/001	Gross,Samuel R	Criminal Procedure Survey	2	4	10	26	10	3	1	2	2						14	75	
651/001	Ben-Shahar,Onui	Economic Analysis of Law		5	9	10	8	7	2								11	52	
656/001	Simpson,Alfred W B	English Legal History	2	4	7	18	7	4	6								20	70	
657/001	Vining,Joseph	Enterprise Organization	2	5	6	8	11	3			2						17	56	
657/002	Beny,Laura Nyantng	Enterprise Organization	1	6	15	20	14	8					1				2	10	79
664/001,002	Halberstam,Daniel H	European Legal Order	2	3	8	12	4	1		1					2	15		61	
669/001	Friedman, Richard D	Evidence	1	8	12	28	14	7	2	1	1						12	88	
669/002	Cooper, Jessica R	Evidence	1	5	6	10	16	1									7	46	
676/001	Moscow,Cytil	Bus Plng for Pub Held Corps		4	4	19	4	1									2	35	
677/001	Whitman,Christina L B	Federal Courts	4	5	8	11	6	1									43	79	
679/001	Mendelson,Nina A	Environmental Law		5	7	17	14	6	1						1		23	74	
680/001	Govender,Karthigasen	Constitutionalism in S Africa		6	5	15	16	5	2								9	58	
683/001	Rosenbaum,Mark D	Fourteenth Amendment		4	8	18	11	4	1								33	82	
688/001,002	Halberstam,Daniel H	Federalism	1	5	7	13	8			1							14	58	
689/001,002	Simma,Bruno Eckard	Leading Cases in Int'l Law		2	7	3	3	1							1		4	29	
691/001	Avi-Yonah,Reuven S	International Tax	1	11	6	4											2	25	
693/001,002	Reimann,Mathias W	Jurisdiction and Choice Of Law		17	29	50	43	18	7	3	1				2	54		225	
695/001	Regan,Donald H	International Trade Law	1	5	6	4		1	1						10	1		30	
699/001	Winograd,Barry	Labor Law	2	5	12	23	14	6	4	1							24	91	
703/001,002	Katz,Ellen D	Local Government Law	1	10	21	12	5	3		1							10	1	79
705/001	Evans,Alicia Davis	Mergers and Acquisitions	2	10	14	17	12	4									25	3	88
711/001	Radin,Margaret Jane	E-Commerce	1	3	8	5	7	1	2								10	1	38
712/001	Parson,Edward A	Negotiation		3	14	6	8	3									2		37
714/001	Soper,E Philip	The Nature of Law	1	3	6	13	6	1									8		41
719/001	Kamir,Orit	Creating the American Lawyer	3	9	12	21	17	11	3	2							13		99
725/001	Novak,Barbara Griffin	Securities Reg Practicum	1	8	6	1									1			17	
726/001	Kahn,Douglas A	Partnership Tax	1	4	1	2	5	1	2								2		18
731/001	Niehoff,Leonard Marvin	Legal Ethics & Prof Resp	2	6	14	26	20	12	3	3							33		122
737/001	Bernard,Jack	Higher Education Law	2	4	8	6	3	2									2		27
739/001	Ellsworth,Phoebe C, Gross,Samuel R	Using Social Science in Law	1	6	3	9	2										3		24
741/001	White,James Boyd	Rhetoric, Law and Culture	2	2	10	11	10	3	1									39	
743/001	Pritchard,Adam C	Securities Regulation	1	9	17	30	27	12	4	3					1			105	
747/001	Hasen,David Milton	Taxation of Individual Income	2	7	3	13	2	6	2						1	62		101	
749/001	Hasen,David Milton	Corporate Taxation	1	1	2	6	3	1	1							5		20	
754/001	Lutz,Karl E	Business Trans Practicum I		6	13	6												25	
755/001	Waggoner, Lawrence W	Trusts and Estates I	1	7	12	16	10	1		1					1	28	1	79	
758/001	Schneider,Carl E	Law, Medicine and Society		6	3	1					1							11	
759/001	Lutz,Karl E	Business Trans Practicum II	2	5	6	1	1								1			16	
Totals			68	394	658	984	701	278	110	38	16	2	2		62	696	8	4149	

The following classes are not

Seminars and Research classes  
Clinical Classes

Classes in which no student received a regular grade (A+ through E)



## Grade Summary - Part 2

## Winter 2005

Course/ Section	Professor	Course Name	No. Graded	Mean Grade	Within Range?	Deviation from Grade Guidelines								C-	
						A+	A	A-	B+	B	B-	C+	C		
510/001	Cooper,Edward H	Civil Procedure	94	3.19											
520/001	Krier,James E	Contracts	92	3.22											
530/001	Thomas,Kimberly A	Criminal Law	95	3.25											
530/002	Shachar,Yoram	Criminal Law	94	3.24											
540/001	Caminker,Evan H,	Intro to Constitutional Law	96	3.23					3					-1	
540/002	Larsen,Joan L	Intro to Constitutional Law	96	3.22										-1	
560/001	Simpson,Alfred W B	Property	95	3.25						1				-1	
560/002	Schneider,Carl E	Property	90	3.19						2	-1			-1	
580/001	Herzog,Donald Jay	Torts	95	3.23					2			-5			
580/002	Horwitz,Jill R	Torts	94	3.20										-1	
601/001,002	Payton,Sallyanne	Administrative Law	15	3.36	high				1	1	-1	-1			
602/001,002	Howse,Robert L	Int'l Investment Law	17	3.47	high					3		-1	-1	-1	
605/001	Ratner,Steven Richard	Adv Transnational Law	19	3.49	high				6		-2		-1		
606/001	Howse,Robert L	Transnational Law	35	3.22						-1	3		1	-2	
606/002	Reimann,Mathias W	Transnational Law	69	3.23						-1	1				
606/003	Ratner,Steven Richard	Transnational Law	59	3.21							1	-1		-1	
606/004	Dickinson,Timothy L	Transnational Law	13	3.36	high				1	1		-1		-1	
608/001	Leary,Margaret A	Advanced Legal Research	34	3.57	high				2	5	1	-3	-2	-2	
616/001	Miller,William I	Bloodfeuds	78	3.25							7	-2		2	-2
622/001	Kritsiotis,Constantine	Internat'l Humanitarian Law	13	3.38	high						3	1	-3		
625/001	Schneider,Carl E	Law and Bioethics	24	3.47							3		-1	-1	-1
633/001	Kornfeld,Susan M	Copyright	20	3.40	high				1	1				-1	-1
637/001	Pottow,John A E	Bankruptcy	43	3.33	high						2	1	-1		-1
640/001	Jones,Martha S	Critical Race Theory	36	3.31	high						2	1			-2
641/001	Brenske,Eve Lynn	Crim Just.Adm of Police Prac	38	3.27	high				2	1	-5	3			-1
645/001	Gross,Samuel R	Criminal Procedure Survey	60	3.25							6	-3	-2	-2	
651/001	Ben-Shahar,Omri	Economic Analysis of Law	41	3.26	high						2	-1	-1	2	
656/001	Simpson,Alfred W B	English Legal History	48	3.24					1		2	2	-3		2
657/001	Vining,Joseph	Enterprise Organization	37	3.29	high				1	1		-2			-2
657/002	Beny,Laura Nyantung	Enterprise Organization	65	3.30	high						4				-3
664/001,002	Halberstam,Daniel H	European Legal Order	31	3.44	high				1		3	1	-3	-1	-2
669/001	Friedman,Richard D	Evidence	74	3.27	high						3	-2		-2	
669/002	Cooper,Jessica R	Evidence	39	3.34	high					1			5	-2	-2
676/001	Moscow,Cyril	Bus Plng for Pub Held Corps	32	3.38	high							8	-3	-2	-2
677/001	Whitman,Christina L B	Federal Courts	35	3.54	high				3	1	2			-1	-2
679/001	Mendelson,Nina A	Environmental Law	50	3.25											-1
680/001	Govender,Karthigesan	Constitutionalism in S Africa	49	3.23						1	-1		2		
683/001	Rosenbaum,Mark D	Fourteenth Amendment	46	3.28	high							2			-1
688/001,002	Halberstam,Daniel H	Federalism	35	3.40	high					1	1	1		-3	-2
689/001,002	Simma,Bruno Eckard	Leading Cases in Int'l Law	16	3.47	high						4	-1			-1
691/001	Avi-Yonah,Reuven S	International Tax	22	3.80	high						9	2	-2	-5	-2
693/001,002	Reimann,Mathias W	Jurisdiction and Choice Of Law	168	3.22											-1
695/001	Regan,Donald H	International Trade Law	18	3.59	high						3	3	-1	-4	
699/001	Winograd,Barry	Labor Law	67	3.26	high						1				
703/001,002	Katz,Ellen D	Local Government Law	53	3.52	high						4	12	-2	-6	-1
705/001	Evans,Alicia Davis	Mergers and Acquisitions	59	3.45	high						4	4			-1
711/001	Radin,Margaret Jane	E-Commerce	27	3.36	high						3	-2		-1	
712/001	Parson,Edward A	Negotiation	34	3.40	high						8	-3			-2
714/001	Soper,E Philip	The Nature of Law	30	3.40	high						1	3		-1	-2
719/001	Kanur,Orit	Creating the American Lawyer	78	3.26	high				1					2	-1
725/001	Novak,Barbara Griffin	Securities Reg Practicum	16	3.86	high				1	6	3	-3	-3	-1	-1
726/001	Kahn,Douglas A	Partnership Tax	16	3.31	high				1	2	-1	-2			1
731/001	Niehoff,Leonard Marvin	Legal Ethics & Prof Resp	86	3.20										2	-1
737/001	Bernard,Jack	Higher Education Law	25	3.54	high				1	1	4		-2		-1
739/001	Ellsworth,Phoebe C,	Using Social Science in Law	21	3.58	high						4		2	-2	-1
741/001	White,James Boyd	Rhetoric, Law and Culture	39	3.34	high				1	-1	3				-1
743/001	Pritchard,Adam C	Securities Regulation	103	3.21											-1
747/001	Hasen,David Milton	Taxation of Individual Income	35	3.35	high				1	3	-2	1	-5	2	
749/001	Hasen,David Milton	Corporate Taxation	15	3.30	high				1			1			
754/001	Lutz,Karl E	Business Trans Practicum I	25	3.68	high						3	9		-5	-2
755/001	Waggoner,Lawrence W	Trusts and Estates I	48	3.41	high						2	4			-3
758/001	Schneider,Carl E	Law, Medicine and Society	10	3.81	high						5	1	-3	-1	-1
759/001	Lutz,Karl E	Business Trans Practicum II	15	3.81	high				2	3	3	-3	-2	-1	-1

**Key:** No. Graded - The number of students in the class receiving grades A+ through E  
 Mean Grade - Based on the No. Graded (rather than the Class Size)  
 Within range? - Based on the guidelines for Mean Grade: 3.13 minimum, 3.19 target, 3.25 maximum  
 Deviation from Grade Guidelines  
 <blank> : the number of students receiving that grade within the target range

9/12/2005

Mean Class	1st Year	Upperclass	Seminars:
Winter 2005	3.22	3.42	3.79

Targets for class mean: minimum: 3.13  
 target: 3.19  
 maximum: 3.25



# Federalist Society Kicks Off Year with Discussion of Eminent Domain Decision

By Jeffrey M. Schwab

**F**On Thursday, September 15, the University of Michigan Federalist Society kicked off the school year with a discussion of this summer's most controversial Supreme Court opinion, *Kelo v. New London*. Scott Bullock, who litigated the case and is a senior attorney with the Institute for Justice, talked about the implications of the Court's opinion, while Professor James Krier of the University of Michigan Law School followed with commentary, to a crowd of 165 students.

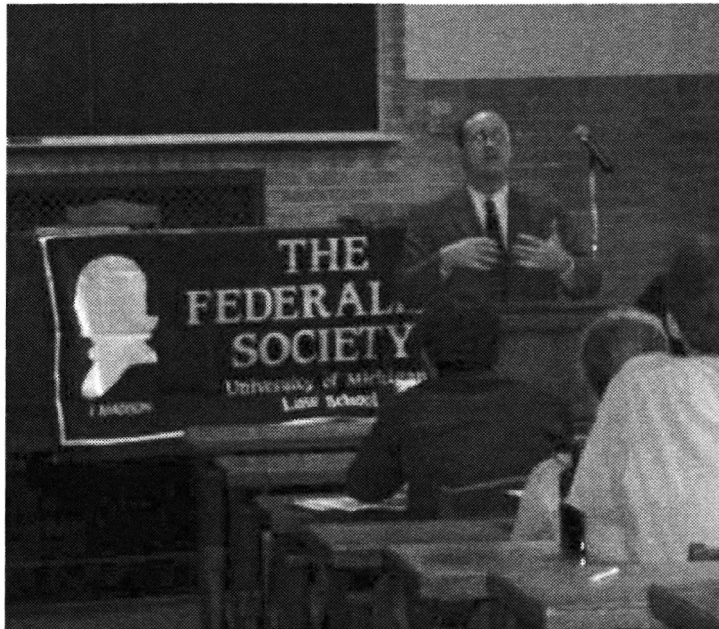
Bullock deemed the *Kelo* case one of the "most despised in recent memory," citing polls showing that over 90% were opposed to the decision.

In *Kelo*, the Court said that it was acceptable for a government to use the power of eminent domain to take a home for "private economic development." Essentially, the government now can use eminent domain to transfer private property from one private party to another.

This decision can be seen as a departure from the language of the Fifth Amendment which states that private property shall not be taken for "public use" without just compensation. The Supreme Court has altered the language of the Fifth Amendment from "public use" to "public benefit."

Bullock applauded retiring Justice Sandra Day O'Connor's dissent as "the crowning achievement of her career."

O'Connor noted: "Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory." Mr. Bullock dispelled any notion that these



are exaggerations. He provided evidence of government abuse of eminent domain after the *Kelo* decision: Hours after the decision, officials in Freeport, Texas began filings to seize two family-owned businesses on the waterfront to make way for an \$8 million private boat marina. On July 12, Sunset Hills, Missouri, voted to allow the condemnation of 85 homes and small businesses. This is the first step in allowing the private Novus Development Corp. to use eminent domain to build a planned \$165 million shopping mall.

Despite all of this, Bullock said there is good news. The best part of the majority opinion, he said, was that it allows states to provide more protection against eminent domain abuse.

Thirty states and the federal government have proposed or are considering

legislation that would effectively overrule *Kelo*. Alabama and Texas have both passed legislation that will prevent *Kelo*-type takings. Bullock also cited the Michigan Supreme Court's 2004 decision overruling the *Poletown* case as evidence of hope.

Professor Krier followed Bullock, stating that Bullock "didn't say anything I disagree with." He claimed *Kelo* was "utterly predictable." Professor Krier disagreed with the entire approach of the Supreme Court regarding eminent domain. He claimed that the problem lies in the area of compensating owners for the use of eminent domain. He said that paying fair market value under-compensates property owners.

Krier claimed that the "line-drawing approach" whereby eminent domain is either allowed as a public use or not allowed as a private transaction has high error costs. Instead, Krier suggested a liability rule that would compensate property owners more for takings that move toward the private property side of the spectrum. Professor Krier would rely on common law to set rules of thumb, which should reduce the high error costs.

We at the Michigan Federalist Society hope that this case sparks a range of debate on campus and across the country regarding the use of eminent domain and private property rights. The Federalist Society's next meeting will be our membership meeting on Tuesday, September 20 at 12:20 in Room 150.





# I Know What You Watched Last Summer

By Bayrex Marti and Eunice  
Rho

"So E, how was your summer? I finally found out how Chandler + Monica got together! What are you talking about?! (Careful, Reimann's coming) Wait, wasn't everyone watching the entire 4th season of FRIENDS while in London over the summer? (Do you think Mathias thinks we're dating?) No, silly Canadian, America was busy watching So You Think You Can Dance? Oh... you mean the dance show w/ J. Peterman. No, that's Dancing w/ the Stars, silly dummy. Hey, didn't your Puerto Rican ID get rejected at Ashley's the other night? Hmm, were you in London auditioning for Taradise? I heard Justice Kennedy's a fan, being "international" and all. Hold up, Emma passed me a note. About the <sup>just</sup> renewal of the Voting Rights Act? OMG!! BRAD AND JEN ARE SEPARATING?!?! Uh, Eunice, Dad Pitt, Maddox, Zahara and Angelina Jolie have been living together for months now. God, I hate not having wireless 😞

"A possibility: he's physically impaired, or he's a jackass."

Due to restrictions on wireless access, we were forced to resort to traditional methods of communication.



# Attractive Nuisance

## Introducing the Poetry of Louise Glück

By Jay Surdukowski

Law school can be an emotional hit and run. In this column entitled "Attractive Nuisance," I will introduce mostly poems—bright and shiny and calm like good firefighters, ready to save you. You'll read something humane, something moving, sometimes something shocking. Other times you'll read something of longing, and always, I hope, something different. You will not find an Anatomy of a Callback, the latest Bayrex and Eunice masterwork of pop cultural prose, or a workable review of the latest pickup truck. But you will find breath, touch, scent, life.

A poem will never save a child from a burning building. But it can sometimes save by saying in polite company what we can not. It can save by giving meaning. Like law, it can order chaos. A poem, too, can be as tangle-twisted as a freeway accident, like today's little number. Andy Warhol with his Death and Disasters series knew that if you give them an accident, they'll always look. Shakespeare hit it on the head too. And the Greeks of course. Tragedy is like sniffing gas at the station. So bad, but oh so good. Catharsis. Recognition. A warning. It clarifies matters. A truth.

The debut poem of this column, a little tragedy by New Englander Louise Glück:

### Hawk's Shadow

*Embracing in the road  
for some reason I no longer remember  
and then drawing apart, seeing  
that shape ahead—how close was it?  
We looked up to where the hawk  
hovered with its kill; I watched them  
veering toward West Hill, casting  
their one shadow in the dirt, the all-  
inclusive  
shape of the predator—*

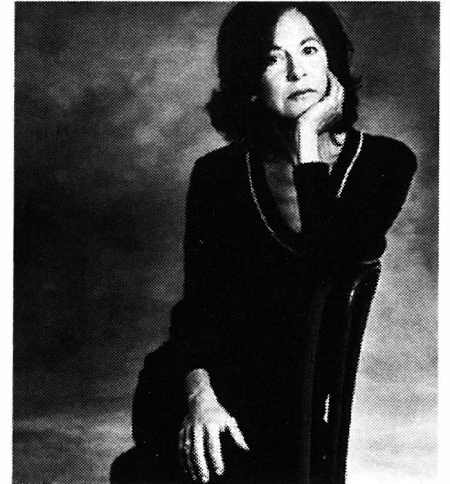
*Then they disappeared. And I thought:  
one shadow. Like the one we made,  
you holding me.*

Louise Glück, 62, Pulitzer, our immediate past Poet Laureate, is afraid. Her poems are so simple, almost written with air. Always there is a disappointment at work. We are told she is famously withdrawing. We are told, do not be fooled by her magnum .45 lipstick and bullet-proof hair in her well-known publicity photo; the real woman is pink faced with sadness, quiet, terror. This is what we are told about Glück in the papers and rare snips of biography. I disagree. Her photo is accurate, painfully so. Glück is renowned for an honesty in American letters that is heartrending and the total opposite of unassuming. Her voice is devastating.

The poem of the lover as predator connects with other quietly violent love poems written within the arc of her career. "Mock Orange," perhaps her most famous poem, contains the opening:

*It is not the moon, I tell you.  
It is these flowers  
lighting the yard.  
I hate them.  
I hate them as I hate sex,  
the man's mouth  
sealing my mouth, the man's  
paralyzing body—*

And this is how she kicked off the whole book. In another early sleepy book of poems she knocks us out of our own sleepy beds with the lines: "Last night was different/Someone fucked me awake." This is from her poem "The Dream of Mourning." Again, the famous mouse is not so terrified. The speakers of her poems are rather brave. And the poet who sat down to write these words is even braver. Are you?



Louise Glück, poet.

I confess that I'm giving you some of the stronger proof stuff, the Everclear in the back of the liquor cabinet fit only for eighth graders with a death wish. Much of Glück is whispered and watercolorly and soft. I figured I'd first try to startle you into looking up some more of her stuff, that I'd try and hook you on a hawk's talon.

But I can't resist bringing in some of the gentler, sadder, and somehow more hopeful stuff. Since it is September, when hope quickens around every corner with the heart thump of a new law school facebook, here is a bonus poem from her Pulitzer collection Wild Iris:

### White Lilies

*As a man and woman make  
a garden between them like  
a bed of stars, here  
they linger in the summer evening  
and the evening turns  
cold with their terror: it  
could all end, it is capable  
of devastation. All, all  
can be lost, through scented air  
the narrow columns  
uselessly rising, and beyond,  
a churning sea of poppies--*

CONTINUED on Page 19





# Whither 3L? I Hardly Knew Ye...

## Advice From an Alum on the Last Year

By John Fedynsky

The third year of law school has its charms. A 3L typically has a plum academic schedule filled with interesting (or at least not terribly challenging) elective courses and plenty of free time. Looking back through the prism of the bar exam and work, the last year of law school is an opportunity many students squander.

The phenomenon has an air of inevitability. Students typically know where they will live and work. They are keenly aware of the impending unpleasantness and hard work preparing for and passing the bar exam will entail. They sense mounting debt accruing during a widely-viewed throwaway year that is the final hoop in acquiring one expensive piece of parchment to frame and hang conspicuously at work or home.

Herein lies the fallacy: that the diploma is the sole or even principal good to achieve in the third year. Notable and necessary as that paper is practically and symbolically, there is so much more for a 3L to achieve at the Law School.

Consider another paper: the oft-overlooked academic writing sample. One of the few tangible products of a successful law school experience is a polished writing sample that a graduate can use for years. Future employers, from law firms, to judges, to law schools, want a paper trail beyond a diploma and a transcript. Shrewd 3Ls pick a seminar of interest in which the paper requirement serves the added function of providing a representative example of that student's best academic writing. Those on a law journal should complete and publish a note, particularly if they contemplate an academic career. It is never too early

to get research published. In general, whatever the writing sample, it should be reasonably digestible in format and length (a good rule of thumb is fifteen pages) and solely the work of one person (so forget about that Campbell moot court brief, though that competition in my experience is still valuable and worth the effort.)

Every graduate should have at least one or two, but preferably more, faculty recommenders who will remember the student and keep an appropriate letter on file. Target faculty of your choice by enrolling in their offerings and getting to know them at office hours, after class, and otherwise. The best candidates are tenured (other professors, particularly visiting ones, may not be at the Law School down the road and for simple logistical reasons will be difficult to engage for career help) faculty working in your desired area of the law, and faculty who generally like you as a person. Reach out to their support staff too. These persons are usually kind, provide access to the recommender, and end up doing the bulk of the heavy lifting for you anyhow. And hope that when you need a letter your favorite professor is not on sabbatical.

Your future colleagues are another resource. Talk to people and get to know them. Network. Help each other. You never know when a section-mate in a city to which you have no connection can help a friend or you for that matter. Remember where friends and acquaintances are headed and follow their career moves. At first you might trade help landing a clerkship or an associateship at a firm. Years later you might refer paying clients, pro bono projects, and other goodies that advance each other's careers and the reputation of the Law School.

Apart from networking, see if you

can leave Ann Arbor with at least one good lifelong friend. He or she should be the kind of person with whom you have regular or at least periodic contact. We can be valuable sounding boards for each other, for we share a common cultural understanding and set of values inherent in studying at the Law School. Together we can lean on one another in times of need.

Think connection. What will bind you to the Law School, the place that empowered you to practice law: the place where the architecture never fails to inspire and speak to a higher purpose for us lawyers, guardians of all the lofty ideals inscribed in the Quadrangle? The place where, for what will increasingly feel like a brief and fleeting series of moments, you and a few hundred other hotshots came together to learn, live, and, if you are lucky, love the law for all that it can and should be. Graduation will change your relationship with the Law School, but it cannot end it unless you choose it.

Bask in the light moments, from the Student Funded Fellowship Auction, to bar nights, to the football games. Every now and then I pop in the DVD from the Law Revue my 3L year and marvel as I fondly recall the collective talent of those who graciously shared a part of themselves that night. It is in these moments that law school can be downright idyllic. As foreign and preposterous as it might sound now, you might just miss law school and feel nostalgia for it.

If not, then maybe you have some real regret post-3L. Avoid regret. Do 3L right.

*John Fedynsky ('04) lives in Detroit and works for the Michigan Court of Appeals.*





# 1Ls: Are You Geographically Confused?

## Commonly Asked Questions At Michigan Law

### By The RG Staff

**Q:** I thought I was in the Reading Room, but I'm surrounded by undergrads talking on cell phones trying to put the moves on each other. Where am I?

**A:** You are actually in the Reading Room which, in addition to being the pick-up place for course packets and examination numbers, is another sort of pick-up place entirely if you're into that kind of undergraduate extracurricular activity.

**Q:** Okay. I don't get it. If I'm inside the law school, standing in front of 100 Hutchins, how do I get to the Reading Room?

**A:** 1) It's complicated. 2) Go outside, and feel your way back in. Use the force, which is with you always. 3) Go down the stairs and wander through the entrails of the basement until you happen upon the stairs leading up to the Reading Room or the glass doors leading to the underground library. It's that simple!

**Q:** Why is the elevator in Hutchins so slow?

**A:** Digestion in the stomach takes 5-6 hours. Also, the gestation period for humans is 9 months. Besides, Michaelangelo once said that "Genius is eternal patience." So there.

**Q:** Does Hutchins Hall have anything to do with the word, "hutch?" Like, will I see any giant bunny rabbits running around?

**A:** No. It does, however, have a lot to do with the 70's cop series "Starsky and Hutch."

**Q:** Why is it so hard to find an unlocked door to Hutchins after school hours?

**A:** Reverse psychology. Some years ago,



**And you may ask yourself: where does that highway go to?**

a brilliant administrator figured out that denying simple access to law students would be a great way to trick them into thinking they actually wanted to be inside all the time. When you get that itch to check your pendaflex at 1:32 AM, try going in through the Reading Room. The door is located... oh, forget it.

**Q:** Why does sub-2 seem like sub-zero?

**A:** The underground library is where the law school refrigerates its students to keep us crispy, fresh and alert - a process originally developed to preserve our professors. Don't ask about the "Giant Fresh Vegetable Drawer." Some things are better left unknown. Just realize it has a lot to do with "tenure."

**Q:** What happens if I don't have my ID verifying my law student status when I reach the Sub-1 checkpoint?

**A:** They put you in the "Giant Fresh Vegetable Drawer."

**Q:** Are there any other places I can go if I want to be really cold?

**A:** Try the basement Snack Lounge where your body temperature will drop several degrees upon entry or stand outside virtually anywhere during the winter.

**Q:** What is "Legal Research?"

**A:** Legal Research is the building where the law school stores some of its oldest library materials and professors. Watch out for the tricky floor numbering; the Reading Room is located on the third floor (not the first), and all even floor numbers are seemingly inaccessible unless you never want to see the light of day again. (Ever). Legal Research rivals the "Giant Fresh Vegetable Drawer" as the proverbial law school Bermuda Triangle.

**Q:** What happens if I find myself in a dark void where nothing makes sense?

**A:** Most likely, you have fallen asleep for the first time in class. Carl Jung would say that your subconscious is taking this time during your Torts class to express collective racial unconscious memories and instincts shared by all people. Which means you're not alone in this. Now wake up - they're calling your name. Just say "respondeat superior" like you know what the hell it means.

*A version of this article originally ran in the September 2000 issue of Res Gestae.*



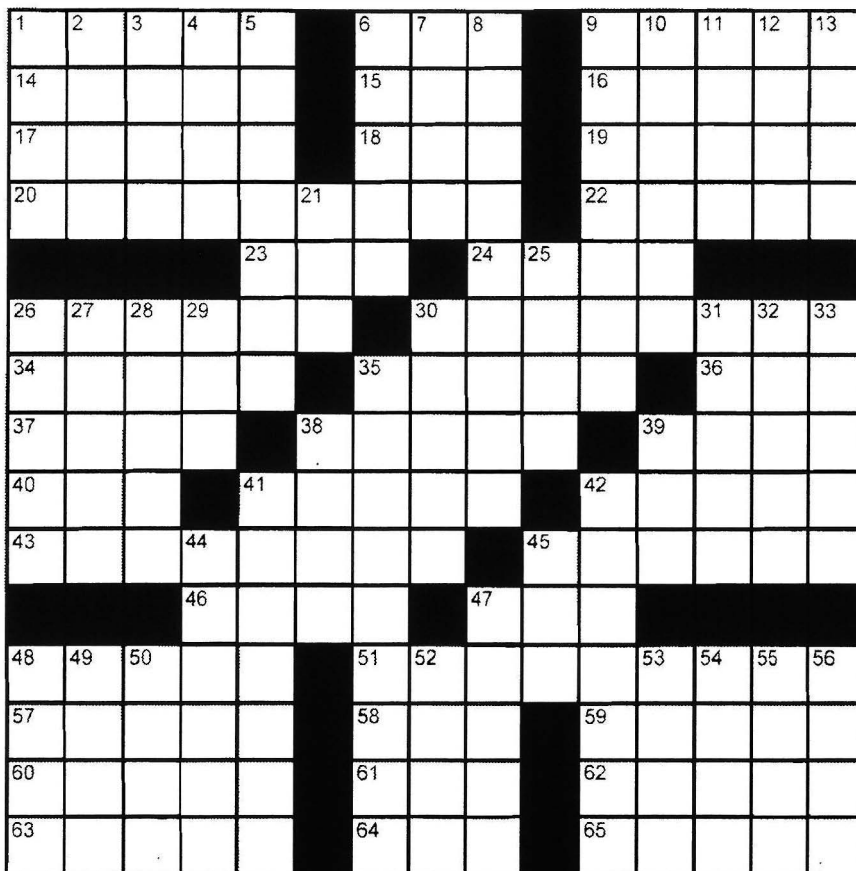


**ACROSS**

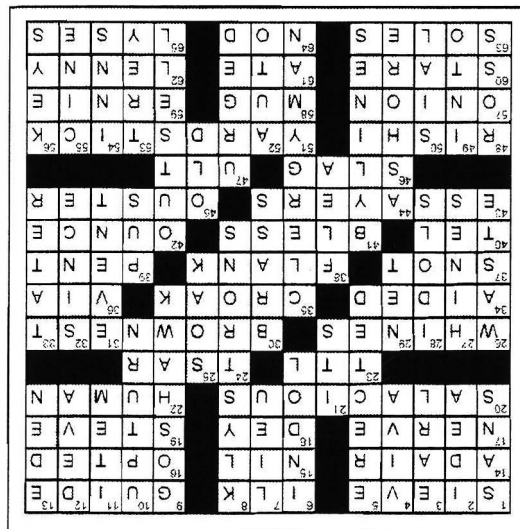
1. Sifting utensil
6. Type
9. TV or tour
14. IL zip 61411
15. Nothing
16. Decided
17. Sensitive subject
18. Dairymaid
19. Actor Martin
20. Lustful
22. People
23. Time to Live
24. Russian ruler
26. Bratty kids' complaint
30. Most brown
34. Helped
35. Frog noise
36. By way of
37. Booger
38. Cut of meat
39. Closely confined
40. Distance
41. Pray over
42. 1/12 pound
43. People who write essays
45. Forcing out
46. Metallic ore residue
47. Ultimate, for short
48. Indian sage
51. Three foot ruler
57. Ring or grass
58. Root beer brand
59. Bert's friend
60. Focus on intently
61. Already eaten
62. Singer Kravitz
63. Colloidal solution
64. Head shake
65. Lysis (plural)

**DOWN**

1. African Bushman
2. Thought
3. Duke of \_\_\_
4. Live!
5. Built
6. C8H17N
7. Place
8. Electron tube
9. Large hawk
10. Upset
11. Couple
12. God
13. Eve's home
21. It is (con't)
25. Get really wet
26. Garbage
27. Fatha
28. False gods
29. Nothin' but \_\_\_
30. Copper, zinc alloy
31. Occurrence
32. Between then and now
33. \_\_\_tot
35. Priest
38. Dog's nuisance
39. Hindu tenth month
41. Carry writer's name
42. Sell more
44. On land
45. Not new
47. Impelled
48. Rachel's baby's daddy
49. Opposite of "out of"
50. Upper layer of earth's crust
52. Car
53. Three pips
54. Hotels
55. Cinematograph
56. Door openers

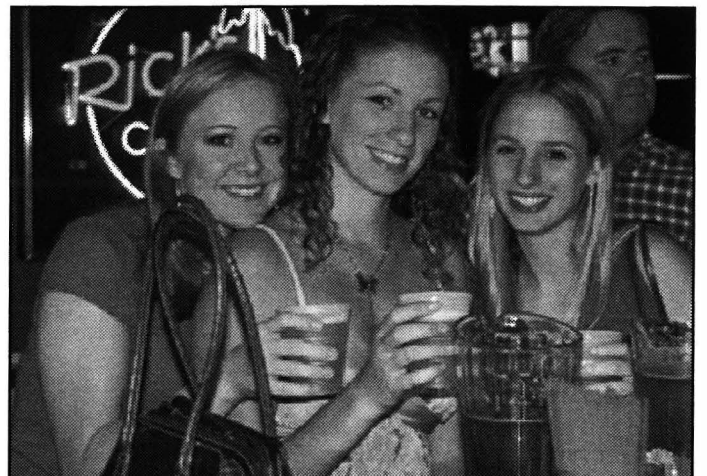
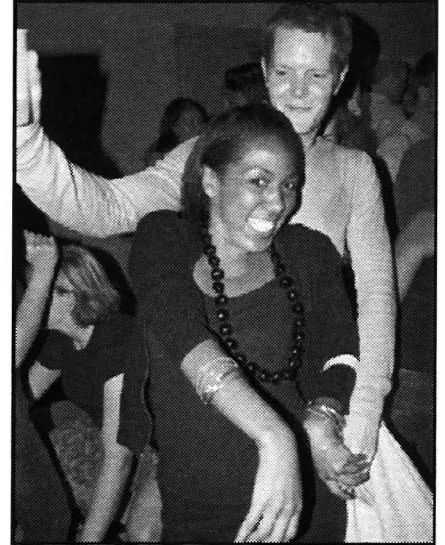


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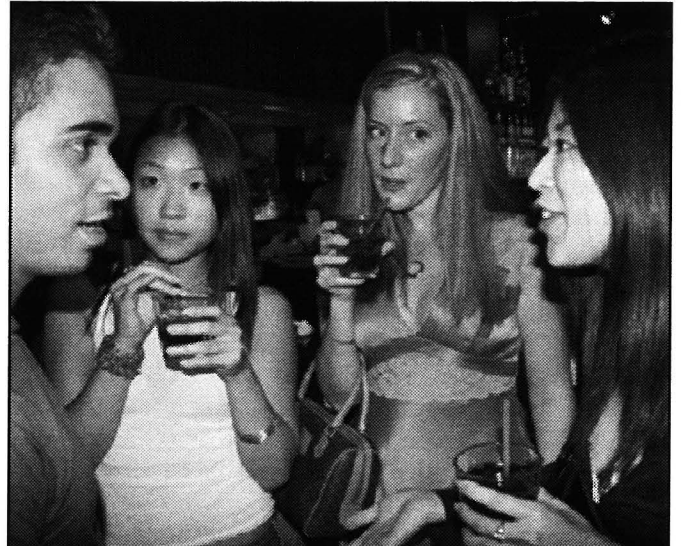
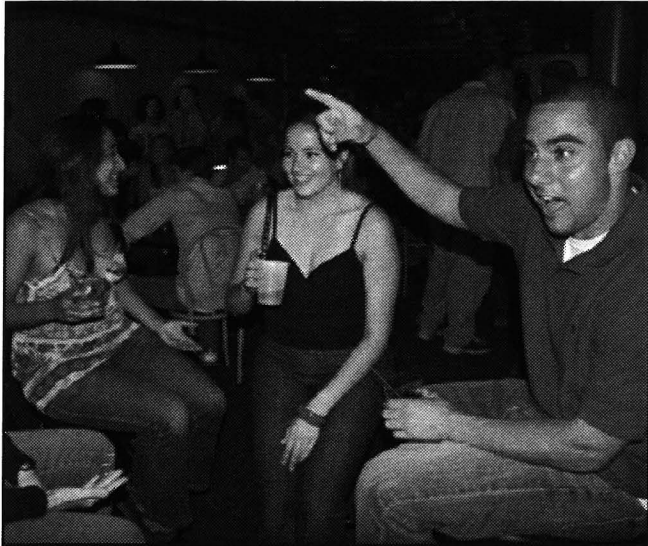




# Everybody Comes to Rick's: M-Law Represents at Bar Night, Sept. 15, 2005











# LSSS Gets Down to Business in 2005

**By Brad Wilson**

And we're off! Any semblance of a rested and relaxed frame of mind vanished within minutes of the first day of classes. It's as if we never left: Notre Dame beat us this year in week two just like last year, and despite no wireless access during class time, students are still not paying attention due to the likes of Solitaire, FreeCell, and Hearts. 1Ls are busy integrating, 2Ls are stressing over their interviews or lack thereof, and 3Ls are wasting no time skipping class.

But of course, we did leave and so much has happened, both inside and outside the legal arena. The most obvious event in the law world was the recent change in makeup of the Supreme Court. There is no doubt this will occupy much discussion in the coming semesters. Rehnquist's passing and O'Connor's retirement mark a very exciting time to be a law student. We will have the fortunate ability to clearly compare how the Roberts Court handles itself relative to the Rehnquist Court, an ability most students are not privileged to have.

The most noteworthy happening outside the law is the devastating impact of Hurricane Katrina. But arising from this tragedy, just like with last year's Tsunami, Michigan Law School students teamed up with one another to raise \$2,300 in the Hurricane Relief Competition, where individual students made a contribution to the American Red Cross Disaster Relief Fund on behalf of a student organization of their choice. The Competition lasted for the first two weeks of the school year, ending at the year's first Bar Night. I am proud to announce that the J. Reuben Clark Law Society raised the most money in this great endeavor with contributions totaling \$500- APALSA was a close runner up with \$332, as was LLSA with \$300 and BLSA with \$255.

Additionally, there are a number of students looking to travel down to the

affected areas over Winter Break to assist in various capacities, from contributing to the more labor-intensive reconstruction efforts to providing legal services for the many who are now in need. I would like to thank every individual student and organization for taking part in all these noble causes. It should make us all proud to be part of a thoughtful and caring community.

I want to also extend a warm welcome to the nine law students from Tulane and Loyola Universities to which our School has opened its arms. I know our School is happy and proud to have you here in this trying time- I am confident we will make you feel welcome and at home here.

In addition to culminating the Katrina Relief Competition, the year's first Bar Night at Rick's on September 15th was a huge success. From the rookie 1Ls to the seasoned 3Ls, more than 350 people came out and had a great time. Stay tuned for news on the next Bar Night in the middle of October. I know, I know- it can't come soon enough.

I'm excited to announce that the Nannes Third-Year Challenge kicks off on September 21st. We as students are fortunate to have this opportunity to dedicate \$250 now to the Law School Fund or student organization of our choice in exchange for our pledge to contribute \$225 to the Law School Fund over the first three years after graduation. John Nannes ('73) is the current donor for the program, and has graciously increased his commitment to \$50,000 this year. Likewise, the Executive Committee's goal for this year is increasing to 200 participants. This is a great, simple way to dedicate \$50,000 to our student organizations! The Challenge lasts from September 21st to October 13th, so 3Ls, please make sure to sign up.

I am happy to announce the Halloween Party is set for Friday, October 28th. Like last year's smashing success, it will be held at the Links at Whitmore Lake-

transportation, drinks, and food will be provided, as will a larger stage for the costume competition (for those of you who remember, last year's stage was way too small). This event sells out every year, so get your tickets. The Senate will be selling them soon.

For those students with spouses and/or children, the Senate will be planning a family-friendly event this Fall- please keep an eye out for more details soon.

We are also looking to put on a series of Blue Jean Lectures in the near future where a selected professor from our faculty will come and speak to students about any topic he or she wishes over coffee and snacks. As you might imagine, the subject matters for these talks vary widely, from current research the professor is conducting, to their interesting past work experiences. We hope to replicate the great turnouts in years' past these events have had.

There are also some new additions to the Law School facilities this year. For those of you who have not noticed, the School has installed several information kiosks throughout Hutchins for students' convenience- one outside Room 100, one outside the student lounge near the pendaflexes, and one in the Reading Room. Students are now able to access much of the information available on the School's website, including a listing of the day's events. There's also nice new furniture in the student lounge, and new lockers have been installed near the pendaflexes for those student organizations currently without office space. There will be more improvements to our facilities throughout the year.

So welcome to Michigan Law School 2005-2006. It's going to be a fun and exciting year!

*Brad Wilson, 2L, is the LSSS President. Send comments about this article to rg@umich.edu.*



**NEW KIDS, from Page 1**

who has taken time off isn't the only kind of person who is valuable in the class. If I can get a mature student right out of undergrad, why wouldn't I want him/her?"

As the median LSATS and GPAs of this year's class are the highest in law school history, Zearfoss said that she is often asked if she is unlikely to admit someone if their numbers are too high. "The answer is, 'not at all.' I don't care about yield. I admit who I want to admit. I know perfectly well that the people I'm admitting are going to be admitted by many great schools, but I don't worry about it. Plus, I'm sickeningly full of confidence. I really believe it's rational to choose Michigan over any other school in the country, and I proceed accordingly."

In addition to the new faces of the 1L class, UM welcomed 22 transfer students and two visitors (these figures are not counting the students from Tulane and Loyola—see article on page two.) Around 120 applied for these spaces. "The transfers are a really terrific group—they are all very smart—but then again, transfers invariably are," said Zearfoss. Kristen Klanow is a transfer who attended Wayne State Law last year. "So far, the transition is going great. The entire legal community, from the administration to students, has been very welcoming and I think that speaks to the type of person Michigan attracts," she said.

As all who've come before them (and all who hopefully will follow), the class of 2008 is a bunch of superstars. One student was an Air Force member in Kosovo. One worked as a speech writer for the Department of State. A few of them are Fulbright scholars. One received his Ph.D from MIT in molecular biology. Another received her Masters in Physics and worked for NASA. Says Zearfoss, "The beauty of this class is that you can't generalize. There is an incredibly wide range of interesting experiences. We're so lucky."

**ACCESS, from Page 3**

herd-control jobs and want to get back at their employers. They make a virus for their former company computers and it gets out into the rest of the world. All I know for sure is that you want to avoid the plots of the evil buffalo and keep your computer's anti-virus and Windows updates up to date! If you don't have an anti-virus program on your computer now, download McAfee VirusScan from the University (<http://virusbusters.itsc.umich.edu/vsdl.html>). It's free, so there's no excuse for not being protected!

Hopefully I've given you enough basic information that will keep your computer alive and processing long after its warranty ends. If you have any questions or comments, please come by the 200HH computer lab help desk and ask. All of us at LawIT wish you a good, safe computing year!

*Jason Jude works for the Law School Computer Lab Help Desk Support. E-mail comments about this article to [rg@umich.edu](mailto:rg@umich.edu).*

**EARS, from Page 7**

while "Diamonds From Sierra Leone" sends a rather convoluted message about the bling. But the mixed message is part of what makes Kanye so good: on "Touch the Sky" he notes: "I'm trying to right my wrongs/But it's funny these same wrongs helped me write this song" — who doesn't love this level of reflection?

**Róisín Murphy – Ruby Blue ★ ★ ★**  
(Dublin)

Joni Mitchell at times, Ella at others, Róisín molds a variety of influences into a truly novel and contemporary sound. Trip hop (or is this post-trip-hop?) is an easy genre to imitate, but difficult to master (*see, e.g.,* Supreme Beings of Leisure), and Róisín falters at times. But some of these tracks (especially "Night of the Dancing Flame"), with their electronic synth bursts and rare percussive sonics, will make hot remixes for shoppers at The Gap.

**NUISANCE, from Page 12**

*Hush, beloved. It doesn't matter to me  
how many summers I live to return:  
this one summer we have entered  
eternity.*

*I felt your two hands  
bury me to release its splendor.*

This poem is hopeful because even the one summer, the Clarisa Dalloway kiss, the brief merciless and merciful passion, the love that all love after is an echo of, even this can be enough for a life. The white lily of our affair may die after so many summers, but "this one summer we have entered eternity."

Sum up this introduction to Louise Glück? Since poetry is vitality—essence—blood—life—distilled into a few lines—I'll leave you with my favorite glancing stanza from all of Glück's works, taken from her poem "From the Japanese." The lines may serve as a poetic credo, explaining why she keeps up with such bittersweet work, and why we continue to love our lovers in spite of everything—hawk shadows and all.

*Why love what you will lose?  
There is nothing else to love.*

*Jay Surdukowski is the former President of the LSSS. E-mail comments about this article to [rg@umich.edu](mailto:rg@umich.edu).*



**Student Network for  
Asylum and  
Refugee Law  
(SNARL)**

**2005-06 School Year Kick Off!**

**Mon., Sept. 26th  
12:15 p.m.**

**Main Courtyard in HH**

**Come learn about activities for the  
upcoming year and meet other  
SNARLers!**

**Lunch provided**



# Michigan Law Announcements

## Jessup International Moot Court

Informational Meeting

Tues., Sept. 20

5 p.m., 150 HH

1Ls Welcome

## The Irish Law Students Association is Legit

Irish heritage not necessary, but (always) a plus. Meetings soon (we promise).

E-mail  
[irishlawpresident@umich.edu](mailto:irishlawpresident@umich.edu)  
 and get on our mailing list  
 (soon to be created!)

## Going on a Callback? Law Firms Love L-Star

The Law Student Travel and Accommodations Reimbursement Program (L-STAR) is a national fundraising initiative that runs in conjunction with law school on-campus interviewing (OCI) programs.

If a law student stays with family or friends instead of in a hotel during a callback interview, the interviewing law firm(s) agrees to donate \$165 to that student's public interest funding organization.

<http://www.umich.edu/~lawweb/sff/L-STAR.htm>

## Attention 2Ls: Apply for the Dean's Public Service Fellowship

Each year the Dean's Public Service Fellowship program will recognize up to twenty second-year Michigan Law students who have a demonstrated commitment to public service and who intend to seek legal employment in government or public interest during the summer after their second year of school in preparation for a public service law career. Fellows receive a \$5,000 cash award.

To apply for a Dean's Public Service Fellowship, complete and submit the application [PDF]. You can also obtain a copy of the application in Room 200 #3 Hutchins Hall.

Applications for the 2006 Dean's Fellowship are due on September 30, 2005 at noon. Fellows will be notified on or about October 7, 2005.

## Interested in a Public Interest Career?

### Go to a PI Career Fair

The Office of Public Service OPS will pay the registration fee and \$50 towards transportation toward any of the public interest career fairs listed below. Please check with Barb Summers ([ops@umich.edu](mailto:ops@umich.edu)) for details.

### EJW Career Fair

For those of you interested in pursuing summer jobs in public interest, the Equal Justice Works Career Fair is going to be held on October 27 and 28 in Washington DC. We will have a sign up sheet on the OPS bulletin board for people willing to share a ride to DC.  
<http://equaljusticeworks.org/>

### Law Students Workers' Rights Conference

Peggy Browning Fund's seventh annual National Law Students Workers' Rights Conference is scheduled for Friday and Saturday, October 14 and 15, 2005. Once again this highly-acclaimed event will be held at the George Meany Campus of the National Labor College in Silver Spring, Maryland. Information is also available on the website, [www.peggybrowningfund.org](http://www.peggybrowningfund.org). Same deal on OPS paying registration.

### The Public Interest Environmental Law Conference

<http://www.pielc.org/>  
 Thursday, March 3rd - Sunday, March 6th, 2005  
 The University of Oregon School of Law in Eugene, Oregon will host the PIELC.

### Midwest Public Interest Law Career Conference

The Midwest Public Interest Law Career Conference, sponsored by the Chicago Area Law School Consortium, is a job fair for students interested in employment in the public sector. The Conference is usually held in February and attracts over 50 employers for on-site interviews, informal discussions and for resume collections. The registration website will not be up until December, but the site is <http://www.mpilcc.org>

## The Native American Law Students Association (NALSA)

would like to invite you to our *first general meeting of the year.*

Thurs., Sept. 22  
 12:15 p.m.  
 138 HH  
 Pizza and Pop

Register in front of 100 HH This Week  
 Monday - Friday 11:45-1:15

## For the LLSA Fall Scramble Golf Tournament

Sat., Sept. 24th  
 Stonebridge Golf Club  
[www.stonebridgegolfclub.net](http://www.stonebridgegolfclub.net)  
 Students \$70/person  
 Non-Law-Students \$85/person  
 (includes faculty and staff).  
 Dinner tickets available for \$25/person