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Law School offers strong clinics

by John Fedynsky

For over 25 years, the Law School has offered its students the opportunity to mix theory and practice in its clinical law program. Students will have a number of different clinics from which to choose when registration begins Monday, March 25.

Clinical Law I – Civil and Criminal

The oldest of the Law School's clinics and what many refer to as the "general clinic" will combine civil and criminal practice next term. This 7-credit clinic has a 4-credit practical component and a 3-credit class component. Because the civil and criminal components are combined next term, "students will take the same course and most students will get some criminal and civil cases," said Paul

Reingold, Clinical Professor of Law and director of the general clinic. Reingold has worked in the clinical program since 1983.

Students in the general clinic handle cases affecting low-income clients under faculty supervision. Under Michigan court rules, law students can argue in court, sign pleadings, and do whatever duly admitted lawyers do, provided a duly admitted lawyer supervises, which is one of the roles the faculty of the clinic play. Cases that students often see from beginning to end are landlord-tenant disputes in civil law and misdemeanors in criminal law. "The range of work is quite amazing in the general clinic," said Reingold. The work ranges from state administrative hearings, with only a few

hundred dollars in question to serious life and death issues.

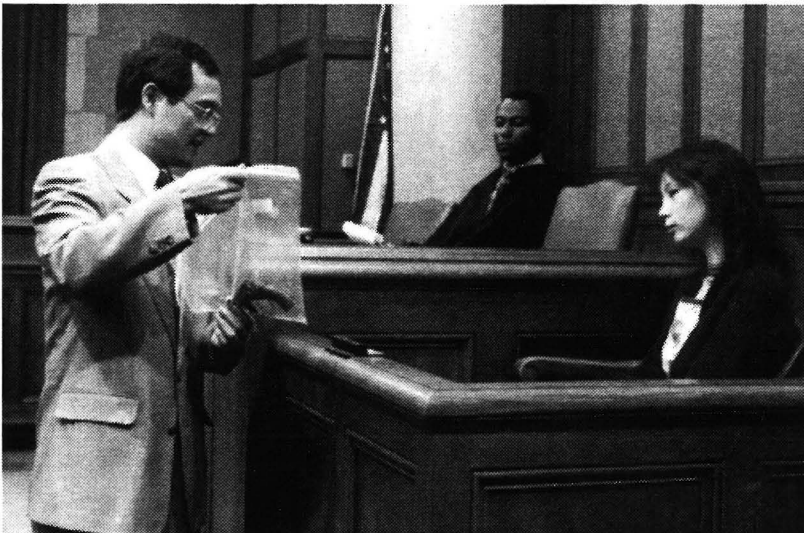
"I had a [creditor] collection case," said Ann Byers, 3L, "a lot of times you'll get an ongoing case and you'll have a chance to settle." Matt Andres, 3L, had difficulty convincing a client to take a favorable settlement. "He had more invested in it emotionally." Andres also represented a prisoner accused in a wrongful death case of strangling a prison worker. "He was actually a pretty nice guy for being a murderer." The prison was "cooperative" and visiting him was "an interesting experience . . . being separated by a steel grate and all." Andres convinced the client to settle by allaying his concerns about the ramifications that settlement might have on the appeal of his prior conviction.

The class used to involve theory and simulations, culminating in a mock trial where each student played a role and local high school students, senior citizens, or whoever else was available were the jury. "The class itself . . . went on too long . . . when we weren't doing simulation, the class kind of dragged on," said Andres.

According to Byers, the clinic is a "heavy workload" with weekly writing assignments, periodic case conferences, and readings. According to Jessica Kozlov-Davis, 3L, who did the criminal general clinic, "[The clinic] operated kind of like a law firm . . . students . . . present[ed] their case . . . [to] go through problems and issues . . . [It was] neat to hear what other people in class were doing." According to Andres, "[the clinic] took up half my schedule . . . [but it] paid off at exam time [because I could] focus."

"Some other people are swamped from day one," said Andres, who noted that time pressure often depended on the type of cases people had. Students are required to hold office hours to take phone calls from their clients, make phone calls for their cases, and handle other work that may arise. "It should have been 12 credits," said Byers.

"I think it's a good idea that [the clinic] is pass/fail," said Byers. "Grades would get in the way of experimentation and creativity . . . [people would] just follow the norm to get a straight B." According to Andres, "some people would rather take their pass/fail credits on other classes."



continued on page 6.



Res Gestae

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Letter to the Editor: Much Ado about Double-Spacing

Last year, Mr. Lawrence Markey Jr. (currently a visiting 3L at UCLA) lost in the quarterfinal round of the Campbell Moot Court Competition. He felt that double-spacing "violations" were to blame. Some briefs, like ours, had 27 lines per page, while other briefs, like his, had 24 lines per page. Mr. Markey turned to the Campbell Board and the administration. They dismissed his complaint without asking us to respond. One year later, still feeling that a grave injustice had been committed, Mr. Markey turned to the public forum. In a fairly recent letter to the *Res Gestae*, Mr. Markey accused various teams of cheating, and last year's Campbell Board, the administration, and the Class of 2001 of perpetrating a Law Review conspiracy. I'd like to respond.

There are two reasons why some briefs had 27 lines per page, while other briefs had 24 lines per page. First, last year's briefs had to be typed in Courier or Courier New. At 2.0 spacing, briefs typed in Courier generally have 27 lines per page, while briefs typed in Courier New may have 24 lines per page, and one less character per line. (These results may vary, depending on the program, version of the program, and printer used).

Second, last year's Campbell Board emailed all participants two model briefs from the prior year's finals, as examples of what form our briefs should take. The Campbell Board informed us that we could use these briefs, and that apart from different page limits and footnote requirements, the rules were the same. Both model briefs were typed in Courier New, with the spacing adjusted to allow 27 lines per page. Mr. Markey may not have noticed, or known anything about fonts. For all practical purposes, adjusting the spacing to allow 27 lines per page made briefs typed in Courier New equivalent to briefs typed in Courier, 2.0-spaced.

Thus, some briefs had 27 lines per page, because they were typed in Courier. Other briefs had 27 lines per page, because they were modeled after the Campbell Board's model briefs. Mr. Markey's letter completely misrepresented my partner, and smeared blameless groups, the administration, and members of our class—ironically, all in the guise of advising this year's participants to act with "complete integrity."

Nara Ahn, Class of 2001 Graduate

In Case you Need a Reason to Celebrate: Upcoming Holidays

March 19: Feast of St. Joseph

March 21: Nepalese New Year (Controversial Hindu New Year)

March 22: National Goof-Off Day

March 23: 13th Anniversary of Dick Clark's retirement from American Bandstand

March 24: Harry Houdini's birthday (he would have been 75) also, the International Day of the Seal - There is a festival commemorating this at Point Pleasant Beach, New Jersey.

Source: *Chase's Calendar of Events* 2001 edition.

Dear Editors:

Because of recent campus discussions, I wanted to write, as one private citizen, a letter about the topic of funding campus groups with racially discriminatory constitutions or rules, noting three points:

One: Group autonomy: No one has proposed stripping any group of its existence or office, and groups may—only for the sake of argument—have some “autonomy” to decide whether they want a racially restrictive policy in regards to membership. (I don’t think they have such a right; can we imagine a Nazi or other frequently anti-Semitic group, such as the Nation of Islam, being “right” to make discriminatory decisions?) But if groups have the “autonomy” to make that decision, then the student body — say, via referendum — or the student government, should also have autonomy, to say, “Do what you want, but we don’t have to fund it.” Should students ever have to fund a group that discriminates against most of them by race? (This differs from, say, a “pro-choice” group not choosing to admit a hard-core anti-choice activist, or a Democrat group not having to admit a Republican who tries to sabotage group efforts. Those examples are about ideas and stances, not race.) It is hard to see why the student body should not be given a referendum on this type of important issue involving their money and how they want it used; a referendum, which includes a secret ballot, may also help insulate students from a lot of the emotionality and controversy that can attach to these sorts of issues in a personalized forum such as student government meetings.

Two: Group members’ own fees: Well, students in a group not funded because it discriminates, themselves pay student fees, so shouldn’t they get the fees back? Well, no, because if, say, there were GLSA

(Greenland Law Students Association), and even if GLSA had its funding cut because of racially discriminatory rules, GLSA members might also be WLSA members, Federalist Society members, etc. They could be members of plenty of groups and get much of the benefit paid for by student fees; so even if their own special group, GLSA, received no student government funding, they would get plenty of benefit from the student fees they had to pay. It would be virtually impossible to 1) let GLSA members not pay student fees, because GLSA received no funding, and then 2) effectively monitor GLSA members to make sure they never joined another group which did get student money. So just because a group is not funded, that doesn’t mean that group members should be exempted from paying student fees like everyone else. They get plenty of benefit, unless they never join or participate with another group.

Three: Takeover: It has been voiced that without discriminatory rules to protect against a takeover by the majority population, a group could totally lose its identity or be co-opted. While this is remotely, remotely possible, when is it going to happen? Almost no group on campus, including most of the “basement groups,” has racially discriminatory rules. And last time I checked, none of them had been taken over by crazy racist saboteurs from the majority population. In fact, at a recent meeting, one campus group decided to keep racial exclusion rules out of its new constitution, several members saying they would resign from the group if such odious and divisive rules were included.

What if affirmative action ceases and the membership of some underrepresented groups here diminishes to near-zero, rendering their groups vulnerable to takeover? Well, that is hypothetical; and even

if affirmative action ended tomorrow, it would be years, possibly, before the numbers of underrepresented groups at the school diminished (with each graduating class) so much that there could be any real possibility of a “takeover.”

And what about the effect that discrimination itself could have in destroying affirmative action? The gap between saying, “Let’s keep the school integrated and diverse,” on the one hand, and, on the other, “Let’s let school groups maintain racially segregative or discriminatory rules,” is astounding. Any opponent of affirmative action could—right or wrong—cite this disjunction, or hypocrisy, as a reason to scrap affirmative action, and use it as bad publicity against the school admission policy. So let’s save affirmative action, integration, diversity, and racial equality by ensuring that discriminatory groups do not receive student government funding until they change their policies — or, at the very, very least, let’s see, by means of a referendum or similar means, whether students care about the discrimination issue. If students don’t even care about racism or the image of the school, that’s one thing. But if they do, they should have voice and choice on how their funds are spent, re this issue.

In conclusion, one imagines that except perhaps in remedial cases, such as affirmative action that may need race-conscious policies to remedy past or present discrimination, we should make great efforts to follow the inclusive spirit and words of Dr. King, “I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.”

David Boyle
3rd year law student

Hindu New Year Controversy

“The Hindus in the different parts of [India] celebrate their New Year at least four different times in a year. The Malayalees of the Indian subcontinent celebrate Vishu, their spring festival on the 14th of April as do the people from the state of Tamil Nadu where, the new year begins the same day.

New Year is celebrated by Hindus, in other parts of India, in the form of various springtime festivals like the festival of Baisakhi, which among other things, also marks the beginning of a New Year in Punjab. In Maharashtra, the festival of Gudi Padva which usually falls on the month of March or April. This year the Gudi Padva falls on the 26th of March. The natives of Andhra Pradesh celebrate

the festival of Ugadi on the same day. The Kashmiri Hindus celebrate their new Year during the festival of Navreh in the spring season, which starts on the 10th of March this year. The Bengalis of West Bengal celebrate Naba Barsha on the 13th of April this year, those from Bangladesh call it the Poila”

Source: www.hindunewyear.com



THE INSIDER

by Yingtao Ho

There are two reasons men's hockey is superior to women's hockey. The reality is that a good men's high school team can beat the best women's team in the world. There are three reasons for this:

One, because men are stronger, they are likely to control the crease. This means while the men's goalie can see every shot, the women's goalie would have to look through a massive series of screens. Second, men, being stronger, would win most scrums along the walls, which means they will dominate in puck possession. Third, men are taller, and therefore have longer reach, and have a better chance to deny the cross-ice pass, a.k.a. the most dangerous pass in hockey. Of course, if the game were played under real, rather than pussy rules, half of the women players would be knocked

out of the game before the second period starts.

Now, onto REAL HOCKEY...

ODE TO THE LAKERS

On March 8th, when Michigan fans arrived at Yost Arena to watch Game One of the CCHA playoffs, they expected the best-of-three game series to turn into a two game celebration of another outstanding season for the hockey team. After all, the Wolverines just wrapped up the CCHA regular season on the prior weekend, and rose to fourth in the all important pairwise rankings, meaning they would have a shot at earning a first round bye in the NCAA tournament. Michigan's opponent, Lake Superior State, on the other

hand, had won a measly four games during the CCHA regular season and lost twenty-two. In back-to-back games in January, the Lakers did not score one solitary goal. When the game began on Friday night, there were twenty-five men in

if the game were played under real, rather than pussy rules, half of the women players would be knocked out of the game before the second period starts.

the entire world that believed in the Lakers, and they all sat on the Lakers' bench.

Knowing they did not have the talent to play the Wolverines in a straight up, fore-checking, North American style game, the Lakers played a passive neutral zone trap. When the Wolverines entered the offensive zone, the Lakers would back off from the

points, and allow Michigan to take all of the long shots they wanted. On Friday night, the Lakers were fortunate when Michigan sleepwalked through the first period. What was remarkable, however, was that the Lakers scored on every single opportunity they received. Throughout the course of the game, Michigan gave up four odd-men rushes, and all four wound up with the puck in the Wolverine net. When Michigan finally woke up and started playing, the Lakers stuck with their system even though it broke down at times. Even when Michigan scored two goals midway through the second period, and the crowd was rocking, the Lakers stuck with their system, making Michigan

earn everything they got. The Lakers did not make many mental errors that night; and when they were beaten, they were beaten because they faced players from a different universe. Because Michigan played without much patience the rest of the night, the Lakers won 4-3, an upset similar in scale to the one Belarus pulled off against Sweden in the Olympic quarterfinals.

After the first game, most people would expect Michigan to come back strong, and blow the Lakers out of the water in games two and three. Michigan did start strong in game two, scoring two goals in the first ten minutes. As they did in game one, however, the Lakers persisted in playing their system, and held on for dear life. When Josh Blackburn gave the Lakers a gift in the form of a big, fat rebound, the Lakers were back in the game. Somehow, though the Lakers were playing against superior talent on every single shift, they only trailed 2-1 deep into the third period during Games Two and Three.

Michigan won both games by the score of 4-1. It took the individual brilliance of Mike Cammalleri, a player so good that he was the only college player to play for the under-20 Canadian national team this year, to differentiate the Wolverines from the Lakers on the scoreboard. Over the two games on Saturday and Sunday, Cammalleri scored five goals, and was involved in six of the eight goals that Michigan scored. Somehow, the Lakers played evenly with every Wolverine except the one destined for NHL stardom.

Officially, there were six winners in the first round of the CCHA playoffs. When the Lakers ride their sleds up to Sault St. Marie, however, they can hold their heads higher than any of the official winners.

MICHIGAN HOCKEY

While the Insider praises the Lakers for their outstanding effort last weekend, they brought out many issues of concern for the Wolverines. First and foremost among the concerns is the play of senior goalie Josh Blackburn. Of the six goals that Blackburn gave up last weekend, three were soft goals. Even more disturbing is the fact that Blackburn did not do what great goalies are supposed to do: Occasionally make a save that make spectators jump out of their seats. The Lakers received three grade-A scoring chances during the first period of Friday night's game,

and Blackburn did not even come close to making any of the three saves. During the NCAA tournament, a goalie has to bail his teammates out at certain times of a game to either keep his team in the game, or keep a lead late in the game. Michigan doesn't have a prayer to advance in the NCAA tournament unless Blackburn takes his game to the level it was at last season when the Wolverines upset St. Cloud State in the regional final. Of equal concern is the fact that Blackburn is the worse puck-handling goalie in major Division One hockey. His inability to help his defensemen out probably costs the Wolverines three or four scoring chances against per game.

Second, when Lake Superior packed in the defense last weekend, the Wolverines did not remain patient. They took shots from the perimeter before their teammates were able to set up screens in front of the crease. They also did not make the extra pass to either get the puck down low, or set up cross-ice passing opportunities. Further, even though Lakers goalie Corey Violin played the classic butterfly style and did not protect the top corners of the net, the Wolverines with the exception of Cammalleri never made the adjustment to shoot high on Violin. In order to score 3-4 goals per game in the NCAA tournament, Michigan will have to display more patience on offense, and make better decisions in placing the puck.

Third, and most inexcusable, is the fact that the Wolverines sleepwalked through the first period on Friday night. The Lakers' second goal spoke volumes as to the Wolverines' lack of effort. The game situation was the following: Michigan was finishing a power play in the Lakers' zone. Lakers captain Chris McNamara had just gotten out of the penalty box and was skating at center ice. Unbelievably, all of the Wolverines ignored McNamara, one of the few Lakers actually talented enough to score a goal. After McNamara had enough time at center ice to take a nap and grab a snack, the Lakers found him with a pass and generated a breakaway opportunity, allowing McNamara to score. Michigan's lack of intensity and effort on that goal, as well as throughout the first period, was absolutely appalling. While one may claim the Wolverines overlooked the Lakers, Michigan has a history of sleep walking against better opposition. For ex-

ample, during last year's national semi-final game, Michigan played maybe its worst period all season during the first period, and dug a hole they never climbed out of. Michigan has to start with the desperation and hunger they displayed in winning their last eight CCHA games, and in winning the regular season title.

As far as the NCAA tournament is concerned, coming into the CCHA final game, the Michigan Wolverines are tied for seventh in the pair-wise rankings. Michigan's result in the title game will decide whether Michigan will become a third or fifth seed in the NCAA West Regional.

If Michigan winds up as the third seed, they will probably play Quinnipiac College in the first round of the NCAA tournament. As the MEAC champion, Quinnipiac would be lucky to finish 8th or 9th in the CCHA. If Michigan plays without the defensive lapses they suffered against Lake State, they should easily advance to the regional final. In that game, Michigan will play Minnesota, the second best team in the WCHA. In late November, Minnesota beat Michigan 5-1 at Yost, though that was before Michigan turned their game on for the stretch. Michigan has to make an adjustment in this game because Minnesota's best player, Jordan Leopard, is a defenseman.

If Michigan winds up as the fifth seed, they will probably play St. Cloud in the first round of the tournament. St. Cloud is like Michigan, a talented but young team that is probably the best team Michigan has ever played in the first round. If Michigan wins the toss-up game, they will play the 800-pound gorilla, a.k.a. Denver. Six or seven of Michigan's best players, including Josh Blackburn, would have to have outstanding games for Michigan to advance to the Frozen Four.

In reality, Michigan may have to win the CCHA tournament to avoid Denver, and have a chance to make it to the final four. The key player for Michigan is Milan Gajic, who is very close to breaking through, and playing at a point per game level in the NCAA tournament. If Gajic can play better, Michigan would have two, rather than one main scoring line, which makes all the difference in the world when playing against the nation's best teams.

FANTASY BASEBALL

As a service to the readers, the Insider will provide some suggested picks:

Number one pick (hitter): Sammy Sosa

It may be tempting to take Barry Bonds or Todd Helton as the number one fantasy baseball hitter, but Sosa has led the majors in Home Runs, RBIs and runs over the past five seasons. In his early thirties, Sosa is in the prime of his career, and can be counted upon to hit 60 home runs and drive in 160.

#1 pick (pitcher): Randy Johnson

Last year at this time, Pedro Martinez would have fit in this spot. Johnson, however, is more likely to stay healthy throughout the season, and will also produce more strikeouts. Johnson is good for 20 wins, an ERA in the 2s, and 350 strikeouts.

#1 reliever: Mariano Rivera

As much as I don't believe in picking closers early in the draft, Rivera has a chance to get 50 saves this year. With the addition of Jason Giambi, the Yankees can win 100 games this year, meaning Rivera, the best reliever in the game, will get more save opportunities than any other closer in baseball.

#1 sleeper (hitter): Adam Dunn

Adam Dunn is the type of power prospect that comes along once or twice in a generation. Though younger, he has a chance to be this year's Lance Berkman or Albert Pujos. If healthy, Dunn can put up fourth home runs and 100 RBIs, certainly worth a pick around the eighth or tenth rounds. A old name who can do major damage this year is Mo Vaughn, who now sits in the middle of the Mets' potent lineup after not picking up a bat last season.

#1 sleeper (pitcher): Juan Cruz

Unfortunately, there is not a Wade Miller in this year's rookie group. Cruz has some of the nastiest breaking pitches in baseball, and had an ERA barely over three in limited major league duty last season. Even though Cruz does not have the endurance to pitch complete games, he should be good for 15 wins and an ERA around three, not bad as a fantasy team's third or fourth starter.

#1 sleeper (reliever): Kyle Farnsworth.

With the injury to Tom Gordon, Farnsworth, who can throw 100 miles per hour, will probably take over as the closer on a team with a chance to win 90 games. Farnsworth should be good for 30-35 saves this season.





Clinics, from page 1

The Law School limits the amount of pass/fail credits per student.

According to Reingold, “[what is most] fun and exciting is you’re not in the classroom and you’re out in the real world representing real people.” Even if a student has no interest in litigation, “I still think it’s useful to get to manage a case,” said Andres. Some common complaints, according to Byers, were of too much work and not getting the cases one wanted. She said that students can’t “sit and wait” to get the cases they want.

The clinic can also inform other law school classes. “We like it if students take evidence,” said Reingold. “My own view is it best to take it concurrently [for a] synergistic effect.” Chuck Divine, 3L, who took both the general and the advanced clinic, experienced that effect. “Evidence is far more cool to me now – because it’s applicable,” he said.

Advanced Clinic – Civil and Criminal

Students who excel in the general clinic are enrolled by invitation only in the advanced clinic, which is graded. The qualifications, according to Reingold, are based on “what our needs are” but generally stress “maturity and the ability to take responsibility.” Advanced students, or “re-treads,” as Reingold calls them, enjoy more autonomy, less faculty oversight, and take on harder, more complex cases. “I get three credits and basically handle my case,” said Divine.

Divine’s case involved a prison inmate with hepatitis C. “He will die without a liver transplant,” said Divine. For what is essentially a case of first impression in Michigan, Divine has been working with the Department of Corrections, doctors, and the courts to get his client on a list of possible organ recipients. The task is difficult because doctors must be assured that Divine’s client can be on-call if an organ match is found. “Time is of the essence . . . he can’t just leave [prison].” The prison is “not very cooperative.”

“I’ve never had more than ten minutes with him,” Divine said. “I call him on the phone two or three times a week.” On one occasion, Divine was on the phone with his client just as he got news from the doctors that his client would not be placed on any list for six months. “I had to pass on the news to my client,” he said.

“I waited until morning to tell him,” said Divine, a tough ethical decision. “We both knew that it meant that his small chance of survival just got a lot smaller.”

Divine describes his work as “more of a big litigation case.” He attended many hearings, conducted discovery on his client’s prison file, subpoenaed physical evidence through a federal court in Texas, and sent it to a lab in Canada for testing. Divine describes hepatitis C as “the invisible epidemic in the nation’s prison system.” According to him, “we’re fighting for hundreds, if not thousands, of future people.” Some weeks, Divine devotes 40 hours to the advanced clinic. Other weeks, the time commitment is as low as two hours.

“It’s a life or death situation . . . you have to remember there’s a real person involved and how to ethically deal with his needs,” said Divine. “It is by far the best thing I did in law school.”

Criminal Appellate Practice

This 4-credit mandatory graded clinic most resembles a typical law school class since the workload is consistent and mostly paper-based. “Compared to other clinics, [the workload is] more consistent and predictable,” said Jessica Lieberman, 3L. “You’re mostly working on more long-term work,” said Koslov-Davis, who is also taking Criminal Appellate Practice. “[Students] get the trial transcript . . . and come up with two or three appellate issues that will be part of a larger appellate brief. The Michigan State Appellate Defender’s Office submits the full brief and supervises the students. Both students estimate that their trial transcript is upwards of 600 pages, though it “reads very quickly,” said Lieberman. The students also have the chance to go with faculty to visit and interview the client in prison.

The way the clinic is designed is “helpful for me [as a stay-home mom],” said Lieberman. “The fact that it meets at night is an advantage to students with families,” she said. She “put [registering] off because she “thought my whole life would be a clinic.” “It’s been for me very positive.” She plans to follow her client’s case, which involves application of rape shield law and a 22-45 year sentence for her client, even if it is not resolved before the end of the semester.

The Child Advocacy Clinic

The bulk of this 7-credit (5-clinic, 2-seminar) clinic’s cases arise in the city of Flint. “Our [clients] seem to live in a 10-block radius,” said Beth Calcaterra, 3L. According to Sara Woodward, 2L, the “long car rides” with the professors made for building personal relationships.

Students also work closely with each other as partners, handling all their cases together. They are “quite likely to try a case because cases are on such a fast track in probate court,” said Reingold. Students can represent the state, the parents asserting or defending rights, or the best interests of the child as lawyer-guardians ad litem.

“By the third week, you’re going to court,” said Renee Dupree, 3L. “We were kind of just thrown in.” That trial by fire is balanced by what Woodward called “excellent” faculty oversight, which is always available and by what Dupree said were “great” judges who did a “great job of balancing giving you time to adjust and treating you like a lawyer.” According to Calcaterra, “opposing counsel has been great too . . . they treat us like equals . . . [like] legitimate attorneys.” “[The clinic] is such an open place . . . everyone is generally there to learn and help each other,” she said.

However, the workload is heavy. “The clinic became my life last semester,” said Dupree. Calcaterra estimates a workload of 25 hours in heavy weeks. A “good working relationship” with one’s partner and the fact that the class component “tapers off” by the end of the semester helped make the clinic manageable, according to Woodward.

“To actually do all [the professors] assigned and be a good student attorney would be close to impossible,” said Dupree. “Everyone puts in more time than tends to be represented by credit hours.”

“I think seven credits is good,” said Calcaterra.

The 2-credit class component gave students a chance to discuss their cases and put on a mock trial. Dupree dubbed the mock trial “the most useless thing” because students already had real trials at that point in the semester. “That was my biggest complaint [about the clinic],” she said.



Woodward said that the professors "can't control" the timing of trials and that the mock trial is valuable because the fact pattern makes for a contentious trial, unlike many of the real trials in which students are involved. According to Dupree, since most of the child advocacy lawyers know each other and talk about their cases, surprises were rare and "you always knew ahead of time what'll happen in court." The mock trial and jury deliberations are videotaped, which Woodward also found valuable. "You get to watch a jury deliberate . . . to see what . . . resonates and what they completely ignore." Woodward's jury was "hung up on the character of witnesses" whereas Calcaterra had a "really sophisticated" jury that "kept saying you have to look at the evidence."

The real world brought with it lessons of a different kind. "I can't believe I had to make these decisions for these kids . . . this is somebody's life on the line," said Dupree, who found representing children "draining." Calcaterra agreed because it is difficult to know the best interests of a child. "I like it when adult [clients] just tell me what they want," she said.

"It seems strange having 2Ls and 3Ls making decisions for these kids," said Dupree. "Are we qualified? Maybe nobody is . . . It's one of those things you lose sleep about," she said. Occasionally, the clinic gets a high-profile case. For example, students argued for an adopted child's interests to be weighed in the famous "Baby Jessica" case.

Calcaterra, like Dupree, described her experience as "high drama" at one extreme and simple "bureaucracy" at the other. She said that the high stakes, small-town politicking, and, on occasion, screaming matches can be "traumatic." At times she found herself

"wishing [I was] already an expert."

"I wish there were more of a cookbook approach. The uncertainty kills me," she said.

Many of the children "could be so under-served and no one would know about it," said Calcaterra. The "last line of defense" is an apt description of the clinic's work, she said.

Next year, Calcaterra will, thanks in large part to a Skadden Fellowship, work in Pittsburgh for KidsVoice: Protecting Children's Rights, a non-profit agency that represents 5,000 abused, neglected and abandoned children on a \$2.5 million annual budget. Scott Hollander, a former clinic student and a 1990 graduate of the Law School, operates KidsVoice. His career inspired his younger brother, David, to create "The Guardian" – a weekly CBS drama about a corporate lawyer doing child advocacy as part of a drug sentence. Scott Hollander is a technical consultant for the show. He worked as a corporate attorney but, unlike the show's lead character, has no drug record.

Calcaterra's project will focus on medically needy children. "Kids who have medical problems on top of [abuse, neglect, abandonment, drugs and poverty] have it real hard," she said. "[KidsVoice] is a new way to address that problem."

"We'll be partnering with area hospitals . . . and talk to them about what's available for these kids . . . and try to learn some creative medical solutions." The solutions will be as simple as keeping medical records intact and complete for children who move around and as complex as writ-

ing a curriculum for how to generally help medically needy children. "[The clinic] is a very modern, practical way to teach us to be lawyers," said Calcaterra. "Everyone should try to do it one semester."

The Environmental Law Clinic

Students can elect to take this 3-credit clinic twice. According to Assistant Dean of Students David Baum, it will be called the "Environmental Law Practicum" beginning next term. The clinic is run together with the National Wildlife Foundation's Great Lakes National Resource Center in Ann Arbor – a "15 to 20-minute walk on Liberty [Street]," said David Alderson, a 2L "extremely interested [in environmental law]" who signed up for the clinic. It was, according to him, "one reason I came to Michigan."

The work involves a lot of research and writing. "I haven't had any court time . . . I think it's typical," said Alderson. "Most of the cases are big federal cases." The cases are often complex litigation, which means most students "won't see a case from start to finish," said Alderson. Much of the clinic's work falls under the Clean Water Act.

Apart from going to the Foundation "once a week to visit my supervisor," Alderson said that the clinic has very little structure, and said, "I can do the work whenever I want." He said the workload "fluctuated" with an average of ten hours of work per week, though it was "zero hours some weeks." Alderson avoided doing the clinic while searching for jobs and a clerkship. "I made sure my schedule was clear . . . Since I'm enjoying what I'm doing, the time just flies."

"You're doing work that matters . . . that'll make an impact," said Alderson.

"The clinic is fun and worthwhile legal practice." That practice, according to him, "mimics" the work of a large law firm. For those "interested in federal litigation . . . how law and policy interact . . . [and how to develop general skills] . . . this is a great clinic," said Alderson. He said the same is true for those with "any interest in environmental law."

Legal Assistance for Urban Comm.

Commonly known as the "transactional" clinic, this 3-credit clinic brings students into contact with non-profit organizations in and around Detroit. They work on housing development projects, form



partnerships, and draft and review contracts, among other things. Since 1991, this clinic has helped produce more than 600 units of affordable housing.

Teig Whaley-Smith, 3L, said the first part of the clinic is "about how to form and represent non-profits." Though geared for non-profits, the clinic is "applicable for corporate work." Since the "development process takes years, [students] hit different stages of development." Thus, very few students see a project from start to finish. "I worked in initial stages [of development]," said Whaley-Smith. Some of his work centered around the Grand Depot, the abandoned and decaying former central rail station of Detroit, which involved "a lot of negotiations with the city."

The clinic took a bus tour of Detroit at the beginning of the semester. Whaley-Smith found that the clients were "thrilled to have us." Reingold said that the clinic is "great" for transactional lawyers. "They have a product to show for it . . . bricks and mortars to point to that are brand new homes for people," he said.

Since the clinic is transactional, the class did not hold a mock trial. Instead, there were in-class negotiation and client interview exercises. Whaley-Smith enjoyed the "excellent class materials" and good faculty oversight. "There was never a point I didn't feel in the lead, but I also never felt like I had no backup," he said. "A lot of [the clinic] is self-direction," he said. "[The professors] are not breathing down your neck."

According to Whaley-Smith, the workload "ebbs and flows, but not as much as in litigation." He described "fairly consistent" work punctuated periodically by "short bursts," he said. "I poured a lot of time into it . . . an average of 8-15 hours a week. It seemed to me that 3 credits were low." Clinics can also "eat away" at the amount of pass/fail credit the Law School will allow, he noted.

Whaley-Smith said the clinic complemented his academic classes, particularly Enterprise Organizations. "If you don't take this clinic, you'll never draft a contract," he said. That practical experience paid off when Whaley-Smith interviewed for jobs. "It was a tremendous benefit in interviews," he said. "I already knew what a real estate attorney does." "Clin-

ics are what you make of them," he said, admitting that this sentiment may sound cliché. "You get out what you put in."

Ethical Issues

The clinics with class components fulfill students' ethics requirement and thus spend a fair amount of class time discussing ethical issues. Students quickly learn similar lessons from practice, where they often confront real-life ethical situations wholly different from the hypotheticals to which they are accustomed. "You spend a lot of time on ethics," said Divine. "The hypotheticals are not like the real-life situations in the clinic . . . [When real people are involved] it changes your view on things," he said.

"Ethical issues arise," said Alderson. In his work with the National Wildlife Foundation, Alderson met an ethical issue "surrounding a negotiation settlement with someone who himself does not have an attorney." Whaley-Smith's principal ethical issue in the transaction law clinic was determining whom in the organization to represent:

the board of directors or the executive director. "I had to represent the best interests of the organization." He also had to decide "how far to push the envelope" when representing a non-profit that was partnering with a for-profit enterprise.

"Confidentiality is huge," said Calcaterra. "[It is] hard not to violate confidentiality and be an advocate for your client." She met this issue when a child client revealed something to her and instructed her, "don't tell my foster parents." Confidentiality was on the mind of Alderson as he told this interviewer, "I have to watch what I'm saying right now."

General skills or substantive law?

Students had mixed views about whether clinics primarily taught general skills or substantive law. "The clinic is

definitely more about practical skills," said Byers. Calcaterra agreed. "It's more [about] general skills . . . components of building a case . . . gathering evidence and the nuts and bolts of general practice." Kozlov-Davis saw her criminal clinics as "a good combination of both [general skills and substantive law]." Alderson agreed, though he admitted, "I wouldn't mind dabbling in another area of environmental law." Whaley-Smith, also felt that his clinic was a blend of practical and substantive law.

"We try to spend more time focusing on what makes a lawyer tick," said Reingold. He listed things like preparation, planning and judgment as illustrating "what is it that lawyers do and how they do it . . . habits of mind and skill that will serve throughout a career." Self-critique, reflection, admitting what one does not know and getting help are equally important habits that Reingold stressed.

Confidence

Apart from general skills and black-letter law, there was a broad consensus about the ultimate goal of the

many clinical programs. "The number one thing is confidence," said Whaley-Smith. Divine echoed that comment, "besides technical skills, it really is the confidence" – as did Dupree, who said, "overall, just being able to go to court and argue in a court is valuable . . . It became a lot less scary knowing you could do it." Alderson learned that "you have to be adaptive." "Students learn by taking responsibility and take responsibility by handling the case," said Reingold. "I get to see the student growth over 14 weeks, which is immensely gratifying," he said. "They come in as scared rabbits, out as competent, confident lawyers."

Getting In

The clinics have no prerequisites, except for the advanced ones that draw from the

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general clinic. Enrollment varies with student demand and available faculty. "Most [faculty] work on an 8:1 ratio," said Prof. Reingold. "We're able to handle a few cases well – It's the low numbers that make this possible." The faculty tend to split the clinics evenly between 2Ls and 3Ls. Reingold said it is nice to have a mix. 2Ls serve as ambassadors of the program when they are 3Ls, and they can return for the advanced clinic and work on the "toughest cases."

"It's hard to do more than one [clinic] based on the numbers," he said. Over the years only a handful of students have been able to do more than one clinic." Kozlov-Davis, an exception, said, "I took three." She enrolled in the criminal general clinic, was invited to enroll in the advanced clinic, and got to take criminal appellate practice.

According to Dean Baum, Children's Rights Appellate Practice will also be offered in Fall 2002. In Spring 2002, there will be a clinic on immigration and asylum and refugee law. Both are 2-credit clinics. Reingold believes demand and supply are cyclical, though he has not quite figured out the cycle. "My sense is when the job market gets weaker, students opt out," he said. Interviewing season, he believes, "scares people away," though this should be less of a problem next term since the bulk of on-campus interviewing will occur before school starts. Because students "speak [the] language," Reingold believes clinic students "do better in interviewing."

3Ls are not preferred in selecting clinics, unless they have consistently requested them in the past and space was not available. Reingold's advice: "sign up early and often."

To find out more

There will be an informational meeting on clinics, Tuesday, March 19 from 6 to 7 p.m. in the Lawyers Club. Faculty and current and former students will attend. Dessert and refreshments will be served. "It's something that's really undersold at the Law School," said Whaley-Smith. "People don't know about clinics."



The English Jacobin Novel

by David Boyle

Law is literature, of course, words and phrases, either resonant or redundant. A contract, for example, could be termed a sort of joint story or nomistic duet. So, one should be little surprised to find frequent mention of law and literature's connection, as explored in any number of books and courses mentioning the two together. Shelley noted in 1821, "Poets are the unacknowledged legislators of the world." Perhaps, at times, the reverse is also true: legislators are the unacknowledged poets of the world.

Related to the above, though, what is Jacobinism? Different dictionaries' definitions show it as "radicalism" or "left-wing radicalism" or "belief in a republic, not in monarchy" or "ultra-democracy and -equality" or, simply, "a nickname for beliefs of any social reformers," and link it to the Jacobin radicals of the French Revolution. Thus, many Britons from Edmund Burke on down have deplored the "terrible" tendencies to reform, democracy, equality, etc. of the dreaded Jacobins across the Channel. Former Prime Minister Margaret Thatcher, to name one figure, has lashed out at the "centralizing Jacobin tendencies" of welfare states, claiming to prefer decentralization. Oddly enough, though, her Conservative government was not in favor of some devolution of power away from the center of London out to the "peripheries" of Wales, Scotland, and Ireland. This had to wait

for the current Labor government, which has taken measures, like referendums on regional parliaments. Also, Thatcher became Baroness ("Lady") Thatcher, part of the centralized and undemocratic group known as the House of Lords. By contrast, Sir Winston Churchill, although a knight, had at least the good taste to decline the title of Duke of London after World War II, one reason being that a lordship would have prevented his serving in the House of Commons. So, who is the real Jacobin, Thatcher or her enemies? Perhaps bad policy and bad taste are not endemic to one political wing, right or left.

No matter what the correct answer to the "Is Thatcher a Jacobin" riddle, Gary Kelly's *The English Jacobin Novel: 1780-1805* (1976) nicely shows the way in which English Jacobin novelists, while less radical than their French counterparts, still ran afoul of a repressive Crown, Church, and Establishment, and also became disillusioned when the French Revolution turned to terror. Authors like Robert Bage, Elizabeth Inchbald, Thomas Holcroft, and William Godwin placed rationality and reform on a pedestal—often decrying romance as something from the outdated days of feudalism. But then, as revolution devoured itself, they had to make peace with romance and domestic life and include them in their reformist novels, instead of just putting forth abstract ideas of human nature or arid armchair-plans for revolt. An ironic and subtle style tended to replace a more forceful one.

Style, perhaps,
can be its own
revolution

By example, in Robert Bage's *Hermesprong* (1796), with its oddly-named English rebel hero Hermesprong, there is little radical preaching, but rather, material like that below, in

which the depraved old lecher Lord Grondale dumsily attempts to seduce the young proto-feminist Miss Maria Fluart in his "pleasure dome":

"I hear," says she, ascending, "it is a little palace of paintings."

The first object which struck her view, was herself, her beauteous self,

Continued on page 10

Jacobin, from page 9

many times multiplied. This was fascinating, no doubt; but she got rid of it as soon as she could, and threw her eye on a lovely piece representing Jachimo taking notes of the mole cinque-spotted on the beauteous bosom of Imogen. [and viewed other tawdry pieces of art].....

However capital these might be, they were such as ladies are not accustomed to admire in the presence of gentlemen. There was, however, a superb sofa, on which a lady might sit down in all possible propriety. . . .

She was rising to leave the pavilion, when his lordship, in the most gallant manner possible, claimed a fine, due, he said, by the custom of the manner, from every lady who honoured that sofa by sitting on it. His lordship meant simply a kiss, which I believe he would have taken respectfully enough, had Miss Fluart been passive; but, I know not why, the lady seemed to feel an alarm, for which she probably had no reason; and was intent only upon running away, whilst his lordship was intent only on seizing his forfeit. A fine muslin apron was ill treated upon this occasion; a handkerchief was ruffled, and some beautiful hair had strayed from its confinement, and wantoned upon its owner's polished neck. She got away, however, from this palace of painting, and its dangerous sofa."

Just as Fluart has escaped from Grondale, we have escaped from banality through the office of Bage's wit. Hierarchy and corruption, and sexism, too, receive their due in the quoted passages. We find little such skill of style today as Bage evinced in his day, and we suffer.

Jane Austen, a writer of the era, is often put forth as an anti-Jacobin, writing comedies of manners that show little tendency toward social revolution against aristocracy. Yet, in *Pride and Prejudice* and other works, she satirizes hidebound convention, snobbery, and money-grubbing, and recommends education and rationalization for women, or, to draw on her words, enlightened sense over silly sensibility. Style, perhaps, can be its own revolution

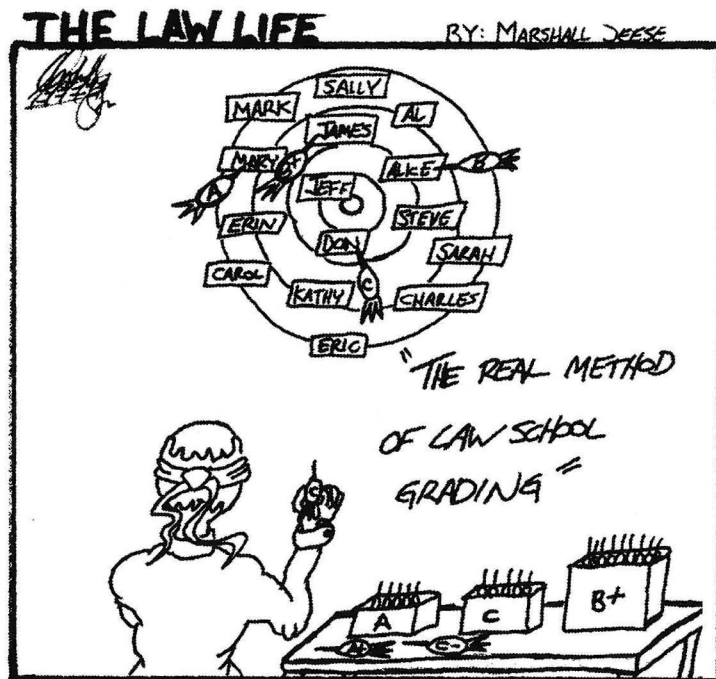
in a way. Dryness of wit and cleverness of thought are hardly something to be disdained. William Makepeace Thackeray, in *Vanity Fair*, gives perhaps the most sophisticated description of drunkenness which I have ever read anywhere: "It was evident, from Mr. Trotter's flushed countenance and defective intonation, that he, too, had had recourse to vinous stimulus." I shall buy dinner for anyone who can find a reference to drunkenness which I adjudge to be as elliptical and elegant as that "u"-pearled phrase.

All this raises the question of how one can keep some traditionally "aristocratic" values, such as chivalry, wittiness or sophistication, in a democratic society. Hopefully, this is not impossible, although one wonders whether an "aristocracy of everybody" sounds self-contradictory. But must it be?

One recalls the Greek term *sôphrosunê*, found in Plato and elsewhere, and which some cite as the crucial Greek value. It has been variously defined as "sobriety," "rationality," "temperance," "harmony," "moderation," or "discretion." It is possibly in some ways the virtue extolled in the last line of perhaps the only successful Greek tragedy in English, John Milton's *Samson Agonistes* (1671), "And

calm of mind, all passion spent," here referring to the Hebrew chorus' learning from Samson's ultimate victory, not only over the Philistines but over his own weaknesses. Balance and subtlety, and greatness of articulation as well, are almost always of ornament and of use, even in the law.

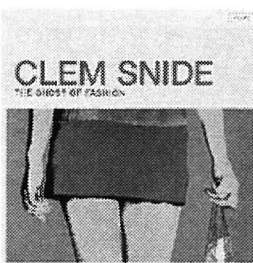
In that line, this essay has elements of a long plea to people to rise above the banality inherent in legal practice, banality and despond of the sort Dickens parodied in *Bleak House*. Such arising is possible, as one can see in some of Oliver Wendell Holmes, Jr.'s pithy if twisted sayings, such as "Three generations of imbeciles are enough," in the *Buck v. Bell* case where he supported forced sterilization of a woman. Misusing the word-skill perhaps garnered from his father, Oliver Wendell Holmes, Sr., physician and poet, the younger Holmes did wrong, but others need not walk down the path of his dark eloquence. Hopefully some readers, including those of little Jacobin or other revolutionary inclination, will do their part, in both word and deed, to put some uncommon eloquence, and uncommon decency, into the common law.



Clem Snide— Ghost of Fashion and more

by Matthew S. Weiler

Tired of hearing about how good Ryan Adams is? All the (mainly deserved) praise heaped upon the country-rocker has overshadowed the efforts of Clem Snide, probably the best of the many worthy bands (Beck, Wilco, Son Volt, Old 97's) to follow in the footsteps of Gram Parsons. But where Parsons preferred gutfelt rock-a-bys, Clem prefers subtextual musing to anthems, and relishes the surreal. Clem Snide take their name from a William S. Burroughs novel, their taste for lush bucolic aural arrangements from XTC, and have singled-handedly post-modernized the country-rock genre.



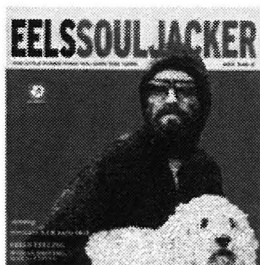
ineane, the mundane and absurd court one another. It is a world of shopping malls, roller rinks, train tracks, Hall and Oates, Reddy Whip inhalers, desert snow and Moses making an appearance as Corey Feldman. Eef Barzely is a master at com-

bing ironic understatement and odd insights, somehow without being in-jokey: "Love is only for the lovely/ and such a glamorous thing to waste," then "the beautiful were never made to suffer." "I think that hunger, war and death/ are bringing everybody down" or so speaks Barzely, seized by a fit of pithy, beauty-pageant wisdom.

"Joan Jett of Arc," the album's finest track, features a steak-burning mistress with a taste for all-you-can-eat buffets. Barzely's wordplay meshes with the plaintive, patchwork arrangement of xylophone, synthesizer and guitar. The saintly beckons to the tawdry, Joan of Arc becomes Joan Jett in the strip mall eateries of Clem Snide's world. A tailor who worked in thematic threads, and preferred collage himself, Burroughs would be tickled sick.

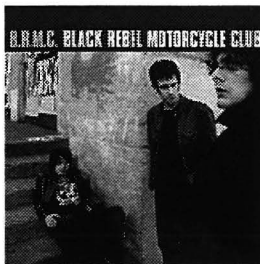
Recent and Upcoming Releases, Briefly Noted—

Eels-*Souljacker*.



After the surprisingly upbeat 2000 release *Daisies of the Galaxy*, E is back to confronting the monsters in his anxiety closet. Although a terrific exercise in sonic gymnastics, the groove-tastic melodies only partially obscure the notion that E is a musical prankster with the heart of the Unabomber. Think Beck as interpreted by Tim Burton.

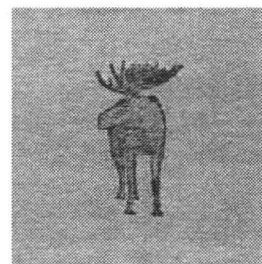
Black Rebel Motorcycle Club-*B.M.R.C.*



Although nearly a year old, these L.A. upstarts' scintillating major label debut is finally getting its due. It sounds like what getting trampled by a

phalanx of guitars may feel like, if these guitars were experimenting with ways to cross The Small Faces with the teeth-gnashing rawness of punk. Think garage band Stone Roses.

Hayden-*Skyscraper National Park*.

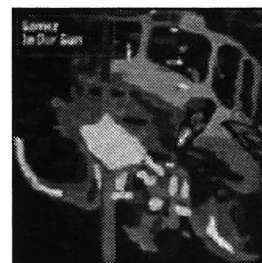


Sad-hearted Canadian folk-hero returns with an album of sparse arrangements and oddly effective cracked-falsetto vocals. Think *Harvest Moon* on Quaaludes.

Cornershop-*Handcream for a Generation*.

Tjinder Singh follows up 1997's brilliant *When I Was Born for the Seventh Time* with another helping of Indian Hip Hop, chocked full of guitar, sitar, dholki, techno grooves and eclectic influences. Think of a mixed bag of Talvin Singh, *Pet Sounds* and Jane's Addiction.

Gomez-*In Our Gun*.

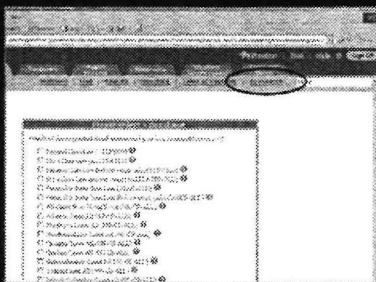


England's glam-folksters follow up *Liquid Skin* with a somewhat tepid album that lacks the elliptical beauty and subtlety of their previous albums. But, as the single "Shot, Shot" shows, the more direct approach works in places. Think if *Workingman's Dead* and *Kid A* had a lovechild who, though mainly taking after the latter parent, wants to sound like Cheap Trick.



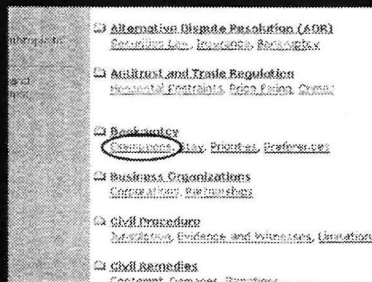
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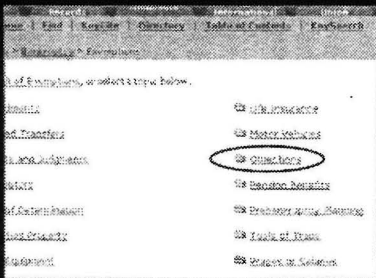
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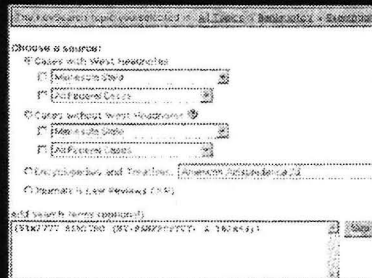
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