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STUDENT NEWSPAPER OF
THE UNIVERSITY OF MICHIGAN
LAW SCHOOL

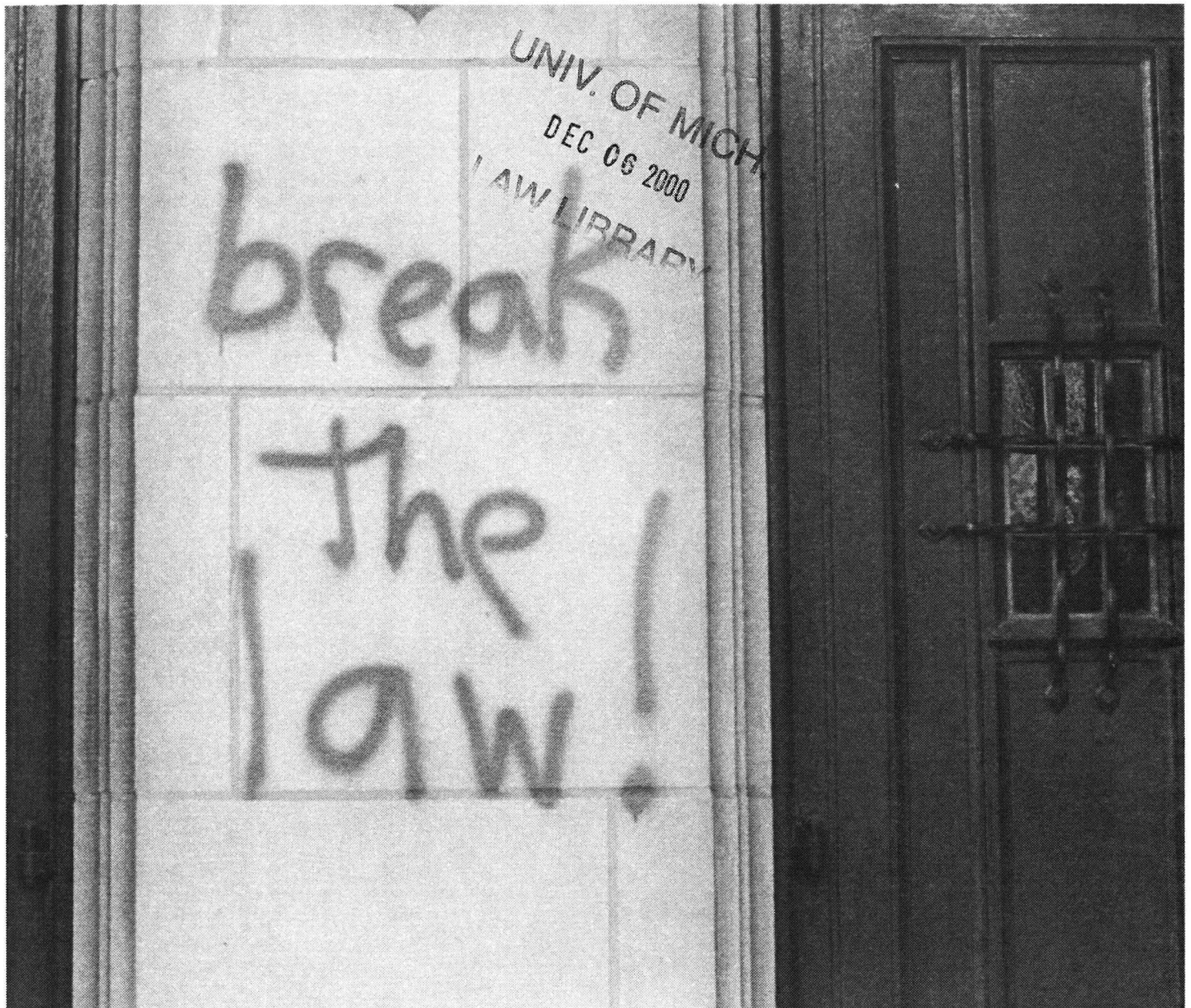
Gestae

5 December 2000

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Res Gestae

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Res Gestae welcomes submissions. Please place all articles, columns, or opinion pieces in the Res Gestae pendaflax located on the third floor of Hutchins Hall across from the faculty mailroom. Submissions may be made on 3.5" disk or via email (preferably as a MS Word attachment). Res Gestae reserves the right to edit all submissions in the interest of space.

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Quit Hatin' the Ho!

How can I say this in the most delicate terms? Sheer, unmitigated gall!! That sounds good. I'm talking about is the knee-jerk overreaction of the Women's Law Student Association, or at least their Political Action Committee.

Don't get me wrong. Is Yingtao Ho a Neanderthal? Absolutely. Then again, so is President Clinton. In fact, if we want to be technical about it, if Yingtao Ho is somewhere in the Neolithic age, President Clinton's behavior puts him somewhere in the Paleolithic age alongside one celled organisms. Then again, it doesn't disqualify Clinton from being President, and neither should Yingtao's views affect whether he gets the same consideration from this paper that I or anyone else gets.

(For whatever reason, the powers that wield editorial control of this fine beacon of journalistic integrity allow us to pretty much do our own thing. Sounds foolish to me, but who am I to complain.)

The problem I have with the WLSA is it hides behind its righteous indignation. WLSA voices outraged concern about what guests and prospective students will think when they read Yingtao's comments. With all due respect to this paper and my friends who write for it, IT IS ONLY A STUDENT NEWSPAPER RUN BY PEOPLE WHO DON'T REALLY HAVE ANY PARTICULAR INTEREST IN BEING JOURNALISTS. Calm down. I seriously doubt the paper is that one factor that tips the scales either way when it comes to whether someone will come here for school or contribute to its scholarship funds.

Here is my question. Seriously, I want to know. Where do you draw the line? Will you be "embarrassed" if the law school brings a

leading pro-life activist on campus to speak? What if someone sends Res Gestae a letter to the editor that says they think homosexuality is a sin? Maybe death penalty advocates are off-limits because they don't quite reflect the views of the majority of our school's students?

Protect the freedom of the fringe to ensure the rights of those in the middle. You want to reflect a good image for the school, protect free speech. Maplethorpe pisses in a jar and sticks a cross in it and that is protected as 'art,' although it is extremely offensive to the vast majority of those who live in this country.

Yingtao's comments are right there with Maplethorpe. His words have no place in the mind of a law student who should know better than to throw out inflammatory insults that are aimed at instigating a reaction.

Rather than getting on your high horse and criticizing the paper for giving Yingtao the same consideration it gives any other writer or student, please ridicule him. The comments are way out of line. Go after him by exposing his words for what they are. But do not tell the paper to censor him. Why do you protect the rights of the fringe? Let me give you another reason. Out of all the trash that is on the fringe, every now and then much needed reform is there and it needs to be heard. To ensure the rights of people like the abolitionists in the 1850's and the suffragists of the early 1900's, you must also put up with letting those who are insufferably wrong to speak their mind. And in doing so, you get an underrated benefit, You illustrate their ignorance with their very own words.

Harry Mihas, 2L

How to Get A's in Law School

By Harry Mihas

Ignore what my managing editor has to say. I am pretty sharp. I pick up on things and I have come across the secret to A's in law school. It was so obvious but it never crossed my mind until this election cycle.

Recount, Recount, Recount! That's all it takes. Let me give you a scenario. Imagine that for some odd reason I get a B+ on my Con Law exam. Now that is not going to happen; I can guarantee you that will not happen. At least I hope it doesn't happen. But let's suppose it's possible.

Obviously, there had to be some points left on my test that Professor Regan didn't count. Beyond a shadow of a doubt, I wrote at least an A- exam. Maybe I was rushed for time and left out a critical reference to the commerce clause. Who knows, but somewhere in that paper there were points left uncounted.

No problem. Go through the exam

and look for pressure marks from my pen. I swear I was about to expound on the relationship between the dormant commerce clause and the First Amendment freedom of speech but some lame kid in the front row started coughing and hacking and I lost my train of thought. Just because the marks don't register with the professor's trained eyes doesn't mean they shouldn't count as points.

Anyway, what truly is a point on a law school exam? (What is the point of a law school exam? Never mind) One professor's idea of a dim-witted 2L is another professor's hope for a U.S Supreme Court clerkship. I admit the theory that Oreos should be a part of Second Amendment gun rights is a novel idea, but I can defend it on constitutional grounds. Just chalk up more points.

For whatever reason, Professor Regan may not be totally persuaded by my reasoning. It's ok, everyone

makes a mistake every now and then. There are options. We will recount the points as many times as it takes because I know I have at least an A-paper.

Don't put all your eggs in that basket though. Start appealing. There has to be a law school ombudsman somewhere, academic committees, the dean of the law school, go knock on Lee Bollinger's door if that's what it takes. If you're smart, go to David Baum's office. I swear he runs this place.

At some point Professor Regan will realize that the B+ he gave is tainted. In fact, he will soon be ashamed of the fact that he gave a B+. Or at least he ought to be.

If he continues to put up a fight, take him on publicly. The next recount, make sure there's a student in there checking alongside the professor. Call into question his motivations. So what if there's a deadline for getting grades

Get an A, Continued to page 14

Letter: Political system reform first, then the world

Dear Editor:

Rather than writing a colorful essay about the asbestos pipes above the Lawyers Club mailbox area as I was considering doing, I thought the recent national election and its consequences might be more topical. So here are some possible suggestions as to how people might spend their free time this summer:

1. Destroy Electoral College. If it was necessary to have the E.C. to entice the 13 colonies to unite together; well, we're united now. But would it be imposing "tyranny" on the states by taking away their electoral privileges? If the artificial corporations or bodies known as our 50 states are such bulwarks of freedom and diversity, how come we had to send down the Union Army to free the slaves from the tyranny of the Confederacy? and then send the 101st Airborne Division to Little Rock in the 1950's to integrate the schools? Many states outlaw or

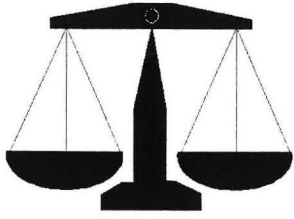
penalize freedom and diversity every way they can (re African-American, gay, or women's rights, etc.) If the states have oft proven ungovernable or incorrigible except by Federal bayonets, what right have states to govern the rest of us by electing the President? Once we make human rights more important than "states' rights," we're one extra step toward real civilization and will not again in the future have to risk making fools of ourselves, e.g., being the world's laughing stock that not only did we (tentatively as of this writing) elect as President some inarticulate, drunk-driving criminal with an arrest record, we elected a criminal who lost the popular vote and pathetically tried to have his Florida-governing brother try to deliver the state for him despite uncounted or improper votes.

2. Campaign Finance Reform. Worse than a criminal in office is one who takes huge donations from oil,

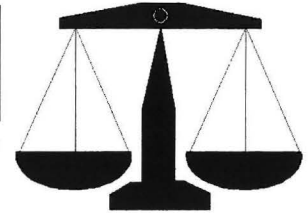
drug, and other huge corporations. Never again.

3. Everything Else. Passing the Equal Rights Amendment; reparations for slavery and segregation, and for those Native Americans and others who haven't yet received reparations as well - what kind of nation robs millions of people for hundreds of years and never pays them or their descendants a penny?; stronger anti-hate crime legislation; less welfare for the wealthy; etc. Of course, enacting sections 1. (flush Elec. College) and 2. (C.F. Reform) above will likely speed number 3 (all other stuff). This could all actually take a couple decades beyond the summer, but one has to get started sometime, so...readers can at least study, think, and be activist about it all, until they finally get elected to Congress (or whatever they run for).

David Boyle, 2L



ABOVE THE LAW



(Well folks, after a year-and-a-half of never writing for the Res Gestae, Dennis Westlind, whose column Above the Law is normally replaced by something else, has agreed to sit down with us for an interview. For the first time, he's not in drug rehab, he's not in a Tijuana prison, he's not in a Turkish bathhouse, and he isn't even dead. This is, however, his last column.)

Res Gestae: Good afternoon, Mr. Westlind. Thanks for granting us an interview.

Dennis Westlind: No problem. Glad to finally be here.

RG: Tell us how Above the Law got started.

DW: Well, Karl Nelson had just taken over publishing the RG, which before then had really sucked for a long time. I figured Karl would make it respectable again, so I thought maybe I'd write a column.

I had no idea what to do, and the first deadline was coming close, so when I got a ding letter from the Law Review the first column just flowed from that.

RG: You mean the "Fuck Law Review" column.

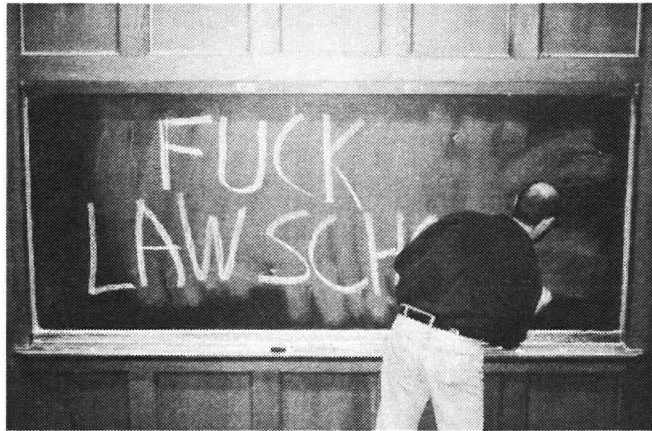
DW: Exactly. It was really just an expression of disappointment from not getting onto the Law Review. Of course, there was a real risk we'd all get expelled if we ran it, but I figured Karl would share my misery so I ran it anyway. I figured that most students would agree with the sentiment. Of course, not everyone did...

RG: Did you get complaints about the column?

DW: Yeah. I mean, I figured some people would get a kick out of seeing the word "fuck" in the paper, and those who didn't just wouldn't care. But of course it upset someone, and they went to the administration and tried to get me kicked out of school, and so on.

RG: But you didn't get kicked out.

DW: No, the administration has always been very supportive of free speech and the RG. They've really been great about the whole thing. Especially David Baum; the man is a saint, and we'd be out of business if it



weren't for him. Of course, the point was never to just run a column with a lot of profanity and nothing else. I don't mean to say that I was looking for deep intellectual content, but I also wanted to keep it slightly above the level of fart and boob jokes.

RG: Did Above the Law ever get you into trouble after that?

DW: Once or twice. After the first few columns, I think most people realized that it was mostly harmless. The RG received a few letters to the editor, and an advertiser or two might have gotten pissed off, but life went on relatively normally after that.

RG: Until the "obituary."

DW: Yeah, that's the only column I actually regret writing. It was for the April Fool's issue, and since Above the Law is just a running April Fool's joke anyway, I figured I'd have to do something really outrageous. At the time, I figured my total readership might be about four or five people, and that they would get the joke, so I wrote up my own obituary. It had a picture of me, and said I died of a drug overdose. If you didn't know it was a joke, it was kind of offensive. It had mock interviews with students, one of which said "Fuck him, I didn't even know the guy" or something like that.

But of course, that was the one issue that every member of the Law School faculty and staff picked up and read. A lot of people thought I was really dead, even if it was on an April Fool's issue. A professor even went to the administration to try to get the RG shut down for running such a tasteless obituary, when my death was really a tragedy. I never thought in a million years that anyone

would fall for it, but now I can see how someone would just pick it up and leaf through it, and then spot this "In Memoriam" headline with my picture, and freak out. The only good thing about the column was that the whole issue was posted on the web. An old friend of mine from college was running a web search under my name, and pulled up the obit, completely out of context. She really thought I'd shot up a speedball and OD'd. I thought that was kind of funny.

RG: Aside from misleading people, do you have any boundaries on what you'll make fun of?

DW: I'd never intentionally write anything that I thought was hurtful, racist, sexist, etc. I am the first to admit that Above the Law tends to be vulgar, but it was never harmful, know what I mean? There's a big difference between a headline that says "Fuck Law Review" and one that says "The Bitch at Duke." Some people just don't get this. I doubt anyone on law review really felt threatened because I wrote "Fuck Law Review," but calling a particular woman "bitch" in a headline really does single someone out for sexist treatment, and there's no excuse for that sort of thing. Besides, those

Final Words

By Karl Nelson

So here I am – less than two weeks until graduation, when I finally get to put the past three years behind me and move on. Time to sit and reflect on how this experience has affected me and try to offer guidance to those students anxiously anticipating their first

bout with law school finals. Time to put pen to paper and say the same stuff that has been said before, but in a new and unique way. But it is now, after two and a half years of involvement with this

newspaper – after pages upon pages of editorials, music reviews, interviews, and news reporting – that I am at a loss for words. Since my first year here, I have witnessed the sometimes sentimental, sometimes angry musings of graduating 3Ls expounding upon everything from the Law School itself to personal relationships. I have met one whose last words were an admonition addressed toward the administration; I'm sure they've heard it all before, and I'm sure they will again. I have met another who expected more from some of his professors and classmates; welcome to the club, I say. Yet there was another who saw only the good in everyone and counted his years here among the best in his life; while I believe this to be the ideal perspective, I find it hard to subscribe to entirely.

So now it is my turn to answer the

eternal questions.

How have I changed over the past three years? The list is far too long. Outwardly, I've traded Pacific Sunwear for Banana Republic, acquired a wedding band, and put on three years. So physically I look much more mature than when I arrived. On the inside, however, I feel more cynical, less open-minded, and less self-confident. Some of this has been due to diminishing naivete, but in some ways I hope to revert to my ante-law school days. Some day I

even hope to drop the pretentious "ante" for the "pre" I used in undergrad.

If I had it all to do over again, would I still choose law school? No. Though I do see cracks in the noble façade, this is not the fault of this particular institution. In fact, I believe that my experience has been better here than it would have been elsewhere. But my ultimate conclusion is that three years of law school has both opened my eyes to what I really want to do and put it frustratingly out of reach due to mounting loan debt. I admit this because I am not alone in this quandary, but there is something about this environment that made me think that I am. Do I have an answer? I'm afraid not; one answer won't necessarily help everyone else, anyway.

Just because I wouldn't do it again doesn't mean that I'm leaving here with nothing, however. There are a

lot of experiences I wouldn't give up. I've been part of taking a 50-year-old newspaper back from the brink of demise and returning it to a healthy state with a dedicated group of people who I trust to keep it up. I've fulfilled my lifelong dream of working for Automobile Magazine, which only happened because I was in Ann Arbor. And, of course, there's the people I've met along the way. I've been saying goodbye to a few good friends every six months for the last two years; some good-byes more painful than others. Now I come to the inevitable point where I am forced to part ways with some of my closest friends. There's an upside to this: I'll soon have a friend to visit in such various places as Oregon, Louisiana, and London; but I've never had such closeness stretched over such distance before. Not one to realize what I've got only when it's gone, I know what I have, and it will be hard to let go.

Final question: Do I have any words of wisdom to pass on? Only that wisdom comes with time and is unique for each individual, so an overly sentimental, one-page column isn't going to offer much. You are surrounded by an incredible wealth of resources at this very moment, and they're not all within these walls. Don't lose sight of them.



**The Next Issue of
the RG will be
Printed on January
23, 2001.**

**Have a Law-Free
Break**

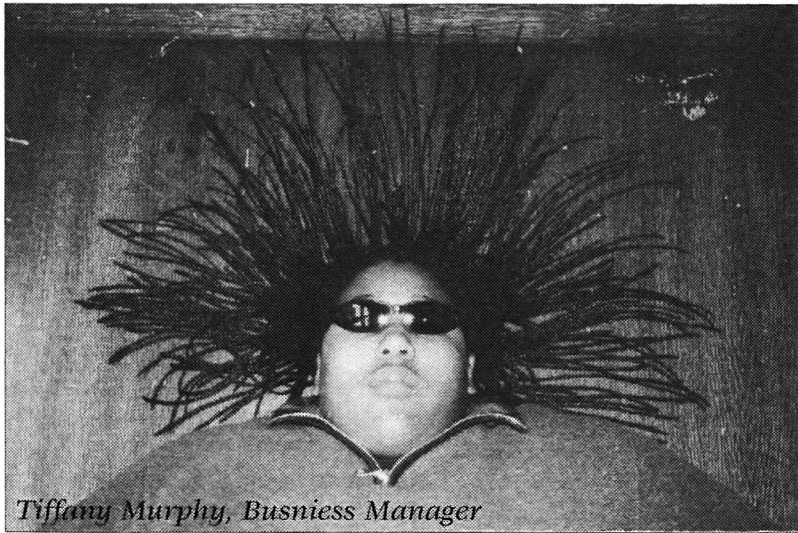
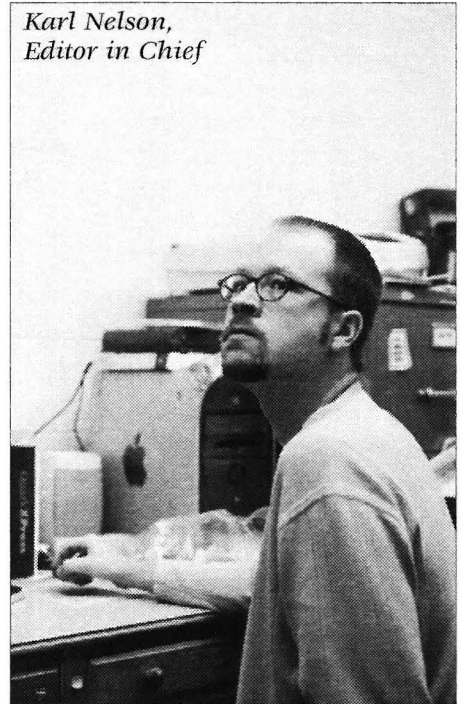
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In Tribute ... Graduating RG Staff

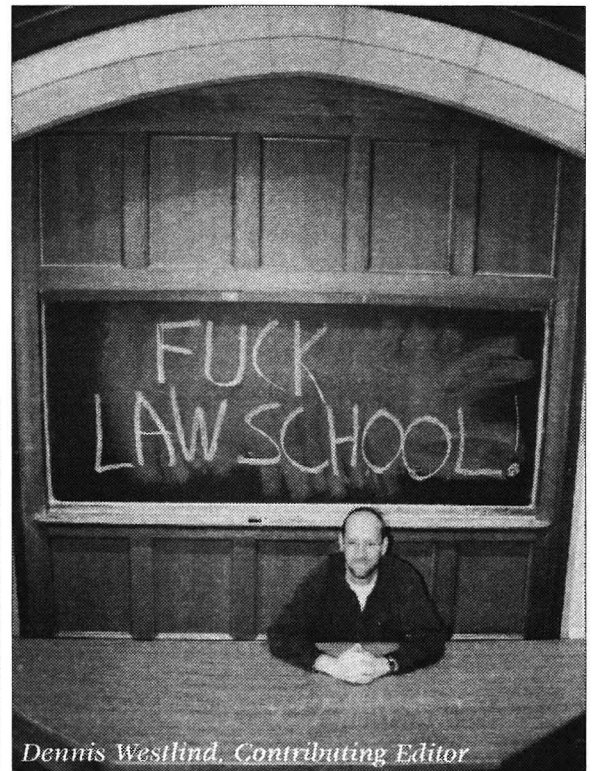
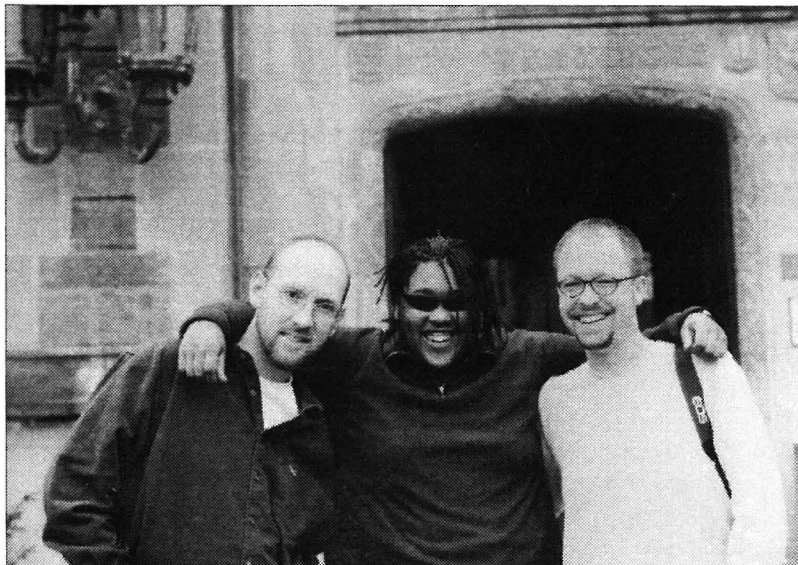
Three of our own are graduating this month: Karl Nelson, Tiffany Murphy, and Dennis Westlind. They are the group of people who picked up the Res Gestae on the brink of failure two years ago and made it the somewhat-functioning organization it is today. In tribute to their hard work, dedication and friendship, this page is all for them.



*Karl Nelson,
Editor in Chief*



Tiffany Murphy, Business Manager



Dennis Westlind, Contributing Editor

FOR WHAT IT'S WORTH...

By Karl Nastro

Reflecting on my soon-to-end law school career, I realize that the most important things I learned are the things I don't know. The dizzying array of heartrending social, political, and economic imbalance and misfortune tempted me to adopt a rigid severity, to seek easy answers and comforting consistency to explain (or at least rationalize) all the pain and suffering that we read about and discuss day after day. I spent much effort searching, but what I found is something other than what I thought I was looking for.

The final verdict is that I am less sure about most things than I was six semesters ago. And that's good, I think. Confronting my inner tensions and becoming more accepting of profound uncertainty have allowed me to grow emotionally and spiritually in ways that may have been impossible without attending law school. In particular, I am grateful to have taken Mark Rosenbaum's 14th Amendment course, by far the best learning experience I have ever had.

The poem below is the best I can offer to convey what I think I have learned, in the classroom but more importantly in my heart. Though there are good reasons to set up a poem with background details, I think there are better reasons to trust Lawrence Ferlinghetti: "The poem has to stand (or fall) by itself. If it has to be explained, explicated, or footnoted, it is a failure of communication." That advice, by the way, seems to me just as apropos for legal writing as for poetry.

Writing for the RG has been a great privilege. Even better, it seems that at least some of you have appreciated what I have written – thanks for your encouragement. Hopefully a few readers will appreciate this poem, too. It's called "Five Lives."

Suburbia

You gave me
a uniform. Progress,
perhaps—but I'm
always the visiting team
with no field to call mine,
even in my own backyard,
where you hit a home run
and I wasn't pitching.
You think you think
I have what it takes
to swing for the fences,
but you sign me to sacrifice
when the game's on the line.
For my own good, in passing
you remind me that I am
not a boy.

Out

You read me bedtime stories
—Goddamn you!—
but when I told you
—Cocksucker!—
you forsook me,
—It's inhuman!—
washed your hands of me,
—Buttfucker!—
and closed the book on
your darling little less than
not a boy.

Toledo

You forged me
from hand-me-down hard edges
and white-hot right answers.
In my inherited fist I caressed
your latent rage until it
erupted, pouring blood
(what should be tears)
on pages I never wanted to turn
but now author. Approving,
you unsheath me—en garde!—
a razor temper and unbreakably
not a boy.

Shoah

All of this (and
so much more) is true.

Unrepentant histories stain
each strand of our DNA,
a prophesied bequest
too shameful, when naked,
to behold; too demonic,
clothed only in its own sack
and ashes, to drive out.
Desperate, we weave many-
colored robes that we call
natural order and wisdom
of the ages, then are outraged
anew at weeping and gnashing
of teeth we thought so neatly
erased or evaded.
O Tradition! You are so often
a fraud, a furious echo
of a sound that never was.
And how blindly we follow,
unprotesting, herded ever deeper
into your uncharitable fold.

Amen

And yet we carry on.
Amid the slaughter we turn
and return, not to a hallucinatory
green light at the dock's end,
but to each other. Guided by
the omnipotent instincts of an
unbidden Grace, in the least of us
we glimpse the Our Mother Earth
Father and comprehend—our last
chance!—
that we escape our own crosses
only by healing in whatever
humble way those for whom
we saved our truest spikes.
Into these hands
we commend our spirits...

...and are reborn knowing that
behind a torn curtain of tears,
in the beyond of our unseeable
but so certain Hope, we receive
a most inner sanctum,
no inquisition demanding,
no damning confession
commanding that I am (or
not) a boy.



THE INSIDER *by Yingtao Ho*

The Golden Moment

On November 30, 2000, in what is otherwise one among hundreds of ordinary NFL games, something extraordinary emerged. Cris Carter made an over the shoulder catch in the corner of the end zone for his one thousandth career catch, becoming the second receiver after the incomparable Jerry Rice to reach the thousand catch plateau.

In many respects, the catch, one of the defining moments of Cris Carter's career, fits so well within the career and reputation of one of the all time great NFL receivers. It was an acrobatic, over the shoulder catch on a ball that was thrown slightly behind the receiver, like so many other great catches that Carter has made. It was a catch off about a six yard pattern, one where the receiver exposes himself for the tackle. It was a possession catch designed to gain a critical first down on third and seven, or a touchdown on third and goal, the perfect catch for a player who's made his reputation as a great possession receiver who never drops a critical ball. It was, a touchdown, the latest of nearly a hundred in Carter's career. A five yard reception on first down somehow would not have carried the same symbolic meaning as a touchdown, the statistic that ultimately defines a receiver's value. Best of all, the celebration after the score represented the culmination of the love affair between a player and a city that was earned by Carter's dedication to overcome his youthful addictions, and the blood and sweat he's spilled for the Viking fans. The catch would only have been better if the throw had been two more yards outside, and Carter had to drag his feet inside the chalk to keep the play in bounds. Alas, the NFL world is not Hollywood, although it can come awfully close.

At its core, sports are about golden moments. Even in an era where Ray Carruth is throwing away incredible God-given talent, in an era when the Yankees are winning world series in December, in an era when the NBA game is about as organized as the street ball game around the block, and the NHL is torn apart by restricted free agency and salaries that team revenue simply can not support, there are still golden moments for the sports fan to savor. Regardless of the problems with sports, these golden moments, and the great spirit of teamwork and competition they represent, transcend and carry meaning in an otherwise bleak sporting landscape.

Under the Tarnished Dome

A week ago, the Fighting Irish of Notre Dame completed a dream season by defeating the USC Trojans, and clinching a spot in the Fiesta Bowl. The Insider believes Irish coach Bob Davie did the second best coaching job in college football behind Lou Holtz at South Carolina. He got a group of players, most with mediocre talent, to play virtually perfect football. This season, the Irish led the nation in the fewest turnovers against, and also were virtually perfect in the red zone. These two stats, along with outstanding special teams play (which is predicated more on organization and scheming rather than pure talent) and a few lucky breaks along the way, allowed the Irish to finish with a 9-2 record. The Insider notes with great pride and joy the Irish season, and wishes the coaches and players a great deal of luck as they prepare for their bowl game. Indeed, they will need the luck more than any other team this bowl season.

In the Fiesta Bowl, the overachieving Irish will face one of three teams: Virginia Tech, Florida

or Miami, most likely Virginia Tech. In this match up, while the Irish may win because of Tech's horrible defense, the lack of blue chip recruits in the Irish front seven will be brutally exploited by Michael Vick. If the Irish happens to draw either Miami or Florida, they will be lucky to lose by less than twenty. While the Irish do have great individual players such as Julius Jones and Tony Driver, they simply do not recruit enough great players to play the likes of Florida or Miami. Simply put, Notre Dame places a higher academic admission standard upon its recruits than any other school that manifests any intention to compete on the elite level. Before the recruiting season even starts, Notre Dame is out of the running for half of the best prospects in the country. It is time for the Notre Dame administration to look at the issue, and give Bob Davie the help he needs. While the Insider is not calling for Notre Dame to recruit Junior College players (that sordid task should be left to lower life forms such as Kansas State) it is calling for the administration to lower the admissions standard to that of the Michigan football program: Any player who has the grades and standardized test scores to play as a freshman should be admitted to Notre Dame.

It is the birthright of every Notre Dame fan to enjoy a national championship every ten years. It will be thirteen years since the Fighting Irish's last official national championship, the 1993 robbery by Florida State notwithstanding. It is time for Notre Dame to put together top five recruiting classes every year, and compete for the national championship again. It's time to restore the shine to the tarnished dome.



Michigan Hockey

Last weekend, the Michigan hockey team completed its most impressive weekend of hockey in at least two years by getting road victories over national powerhouses Wisconsin and Minnesota. As "American Beauty" urges, however, we have to look more closely at a moment of joy. In the two games, the Wolverines gave up an appalling 67 shots on goal. In the two weekends prior, Michigan lost to Bowling Green and U of Alaska-Fairbanks, two teams, that, combined, do not have one player good enough to wear the maize and blue. Underneath the surface of calm, there is something seriously wrong with the Michigan hockey team.

If you ever go to Yost to take in a game, you can count on the Wolverines to make at least a dozen defensive mistakes every time. Most of the time, either the incompetence of the other team, a great play by Dave Huntzicker or a great save by Josh Blackburn will neutralize the error. In most games, though, Michigan would make one or two errors that a more careful team would not make. Why are these largely mental errors occurring? Because the Wolverines recruit only the best junior players available to U.S. college teams, and everyone on their roster was usually the superstar on his junior team. These players have so much more talent than their opponents in junior hockey that they were good enough to make up for mistakes. When these players make a defensive mistake, instead of analyzing why the mistake happened, their mentality is to make a great play on the other end, and make up for the mistake.

Why does this matter? Two reasons. One, while most of the time the Wolverines do make up for their mistakes, these mistakes do cost them winnable games from time to time. The way the NCAA tournament is set up, a team that has

a one of two seed at a regional gets a first round bye, and gets a tremendous edge in getting to the Frozen Four. Because the CCHA is at best the third ranked conference in the country behind Hockey East and the WCHA, the Wolverines need to be virtually perfect to get one of the top two seeds at a regional. Losses to teams like Bowling Green and UA Fairbanks hurt a great deal. Second, when the Wolverines do play a top opponent, their defensive errors may kill them. Who can forget last year's regional final against Maine, when Jeff Jillson's failure to wrap up an opponent behind the net cost the Wolverines the game-winning goal? If the Wolverines are to make a run at the NCAA title, which they should based on their level of talent, they must minimize the number of defensive errors, and really take responsibility in their own zone.

To help the Wolverines avoid future upsets, the Insider makes three suggestions:

First, never allow Jeff Jillson and Mike Komisarek to play on the same defensive pairing. These two are the Wolverines' most offensive minded defensemen, and they probably make more errors in their own zone than any other Wolverine. In the loss against UA Fairbanks, both players were an atrocious -3. By pairing them together, Michigan becomes vulnerable in their own zone, and also gets hurt offensively because both players are less likely to jump into the attack when they play together. Jillson should continue to play with Jay Vancik, and Komisarek should play with stay at home defenseman Mike Burns.

Second, there is a pretty dramatic drop off in talent between the Wolverines' first and second power play units. Just about every Wolverine power play goal this season has been scored by the

sensational first unit of Langfeld, Hilbert, Kosick, Cammalerra and Jillson. Michigan should do what most NHL teams do, and give the first unit 1:20 to 1:30 on the power play, rather than the 55 seconds or a minute in the status quo. This change could mean as many as one extra power play goal a game, and could make all the difference in the world.

Third, on the second half of the last two back-to-back situations, Josh Blackburn has played like crap with save percentages in the seventies. Perhaps the coaches should consider letting L.J. Scarface, who was solid last season, play a little and give Blackburn a break.

The other benefit of this coaching move is that it allows Blackburn to be fresher and better at tournament time, when everything will be on the line.

If you ever go to Yost to take in a game, you can count on the Wolverines to make at least a dozen defensive mistakes every time.

Suggestion of

the Week: Next year, the NCAA should make a rule that if the number two team in the BCS leads in either the computer poll or the cumulative Coaches/AP poll, and the other team leads in the other poll, there should be a playoff game to determine which team plays in the national championship. This year, Miami cannot do more than it did to get into the title game, and is getting royally screwed by the BCS.

Pick of the Week: Michigan at Duke. This is Michigan's youngsters' first game at a truly hostile environment. They will play a vastly more talented team, which also happens to be the best offensive team in the nation. The point spread for this game will be Duke by probably between 12 and 15. Bet Duke, they will win by at least 20.



MAN AND SUPERMAN



By Ryan Wu

Unbreakable

Counseled by a zealous comic book aficionado named Mr. Glass, David Dunn (Bruce Willis), the lone survivor of a catastrophic train wreck, discovers that maybe he wasn't just lucky to escape unscathed. He might, in fact, possess superhuman powers that make him impervious to harm. That's the bizarre premise of *Unbreakable*, M. Night Shyamalan's follow-up to *The Sixth Sense*, follows through on it with the same controlled visual flair and mysterious allure of his previous hit. Once again we find a sullen Bruce Willis, burdened by a failing marriage, strolling somnabulently through a dark menacing Philadelphia that could double as Kafka's Prague, captured in Shyamalan's now signature blue-gray palette and long-take shooting style. And like *Sense*, what will be talked about is The Twist, an out-of-left field revelation that, upon reflection, shouldn't shock any viewer playing close attention. *Unbreakable* commits the same mistakes as that over-praised supernatural drama, unfolding at a funereal pace and drowning the audience in manufactured portent. By about the sixteenth close-up of Willis moping, I began hoping that Drew Barrymore would somehow leap into the picture and somersault kick Dunn's self-pitying ass back into shape. Most aggravating is the way Shyamalan constantly cheats to make his plots work: it's pretty stupid that Doctor Crowe never noticed how no one but the boy looks or talks to him (for a whole year!), and here Dunn doesn't seem to remember anything

that preceded the first scene of the movie, including whether or not he faked an injury that ended his meteoric football career. It's a lazy screenwriter's trick – he smooths out the bumpy plot of his high concept mysteries by creating characters that suffer from unbelievably wide gaps in self-knowledge.

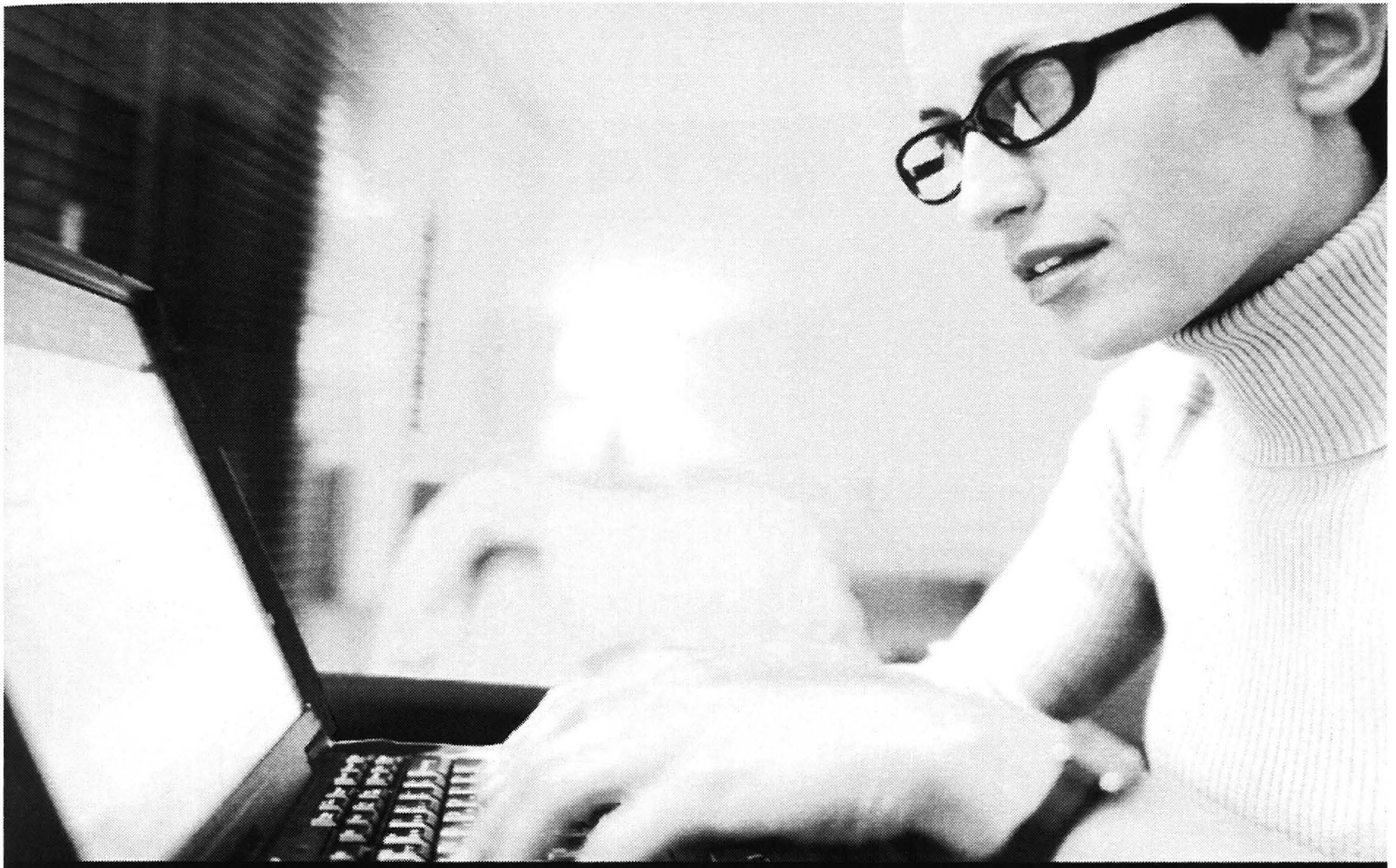
Hole-riddled, humorless and oppressively grim *Unbreakable* may be, it's also a bold, fascinating picture. Shyamalan experiments with comic book storytelling, and the movie comes closer in spirit to that other visual storytelling medium than the *Batman* and *Superman* movies. Those superhero extravaganzas fused the hero's origin myth with a story that finds the hero battling his arch-nemesis, but in the comics, the hero's origin has always been a story that stood on its own. When Spider-Man was introduced, he wasn't slinging webs at the Green Goblin; he was taking revenge on the petty thief who killed Uncle Ben. If the climax of *Unbreakable* feels somehow anti-climactic and mundane, it's because Shyamalan understands that a superhero must come to terms with himself before he fights his greatest enemies. In this way *Unbreakable* feels at once original and woefully incomplete — like a first issue in a multi-part comic book mini-series (and Willis, in interviews, has suggested that this is the first part of a planned trilogy). But most impressively, Shyamalan moves beyond the squishy new age core of *The Sixth Sense* and arrives at a decidedly ambivalent answer to the central two-part question it poses: What am I good for, and would that be good for the world? In this Oprahfied age where “self-actualization”

is seen by many as the panacea to life's problems, *Unbreakable* admirably shows the damaging consequences that may be wrought by this kind of narcissistic thinking.

Grade: B-

You Can Count On Me

You Can Count One Me is so familiar and modest that the much bandied-about “The Best American Movie of the Year” tag seems an ill fit. You won't find breathtaking feats of visual audacity or epic battles between good and evil or mindbending plot twists. All this movie offers are fully fleshed out characters; flawed, often contradictory people who grapple with small problems and achieve small epiphanies. Terry (Mark Ruffalo), a well-intentioned but terminally flaky ne'er-do-well, flees to his hometown to escape responsibility. There he crashes with his responsible, tightly-coiled sister Sammi (Laura Linney), who's stayed close to her roots, works at a bank, and is doing her very best to raise her kid. The inevitable personality clashes ensue, but these clashes, in the end, take both Terry and Sammi on a journey of self-discovery. I know the description sounds trite, like a TV Guide synopsis or an NBC Movie of the Week, but buoyed by the standout performances of Ruffalo and Linney, this small family drama reaches a level of excellence not reached by Roman gladiators or crusading paralegals. Linney, especially, is amazing — there's a scene in which Linney, listening to a Loretta Lynn tune,



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Above The Law, Continued from page 4

kinds of jokes are never very funny.

RG: But there was one column that Karl refused to run. What was that all about?

DW: Well, I wrote one column that had a few sex jokes in it. I didn't think it was over the line, but others found it very offensive. I disagreed with Karl's decision to cut it, but I respected his reasons. The editorial he wrote the next issue explaining why he didn't run it was brilliant writing, some of the best the RG has ever run. And then I wanted to run another point/counterpoint column on the Elian Gonzalez story. The "point" would be a serious piece on why the U.S. should send Elian back in the name of international peace, and the "counterpoint" would be about why Elian should stay here, written by a pedophile, with the headline "Elian has a hot, sweet ass." Karl nixed that one, which I think was a good decision.

RG: Your work has focused a great deal on the interviewing/job search process. Why?

DW: It's the most stressful time in law school, and something that we all share. You walk into Room 200 in October, and you can smell the fear. That's why jokes about looking for work always work, because they're all true. We all want to tell the on-campus interviewer they have nasty B.O., it's just that we're afraid to with so much on the line.

RG: Mind if I change the subject? I don't know if anyone's ever told you this, but you have a really fantastic ass.

DW: Wow, thanks, I guess...

RG: No really. I mean it. You work out?

DW: Well, I guess. I mean I do go to the gym regularly...

RG: I'm sorry, I didn't mean to make you uncomfortable or anything.

DW: No big deal. Really.

RG: What are you doing after this? Want to come up to my place? I've got some leftover Halloween candy and the new Ricky Martin album...

DW: Sweet! Let's go!



Man & Superman, Continued from page 10

reflects on her passionate encounter with her dweeb boss (Matthew Broderick, perfectly cast) by registering first embarrassment, then regret, then the a sudden flash of giddy sexual triumph, all in the span of about 10 seconds. That scene should be her Oscar clip.

Kenneth Lonergan, the celebrated playwright who makes his directorial debut here, infuses his sharply observant tale with a generous, sympathetic spirit while maintaining an exacting eye for human foibles. He's also got a great ear for the way people actually talk: his naturalistic dialogue bristles with understated wit and emotion without sounding canned. And unlike such clumsily written trifles like *Billy Elliot*, which just about telegraphs the point of every scene with pop-up captions ("Major Conflict: Macho working-class father impedes hero's wish to dance"), each situation here seems to arise organically from the characters. When Terry sneaks off his with his nephew for a quick round of pool – which is exactly the kind of earnest but rash and ill-advised action he might take — you know this scene will be have Important Consequences. But it's also too detailed, too richly written and acted to feel like a Movie Scene. That's pop craftsmanship at its finest, where the craft becomes all but invisible. Like a great pop song, this wise, funny movie seizes on a familiar theme and structure and re-jigs it into something altogether beautiful.

Grade: A-

Requiem for a Dream

Remember that anti-drug commercial, which an ominous voice intones over a shot of sizzling fried

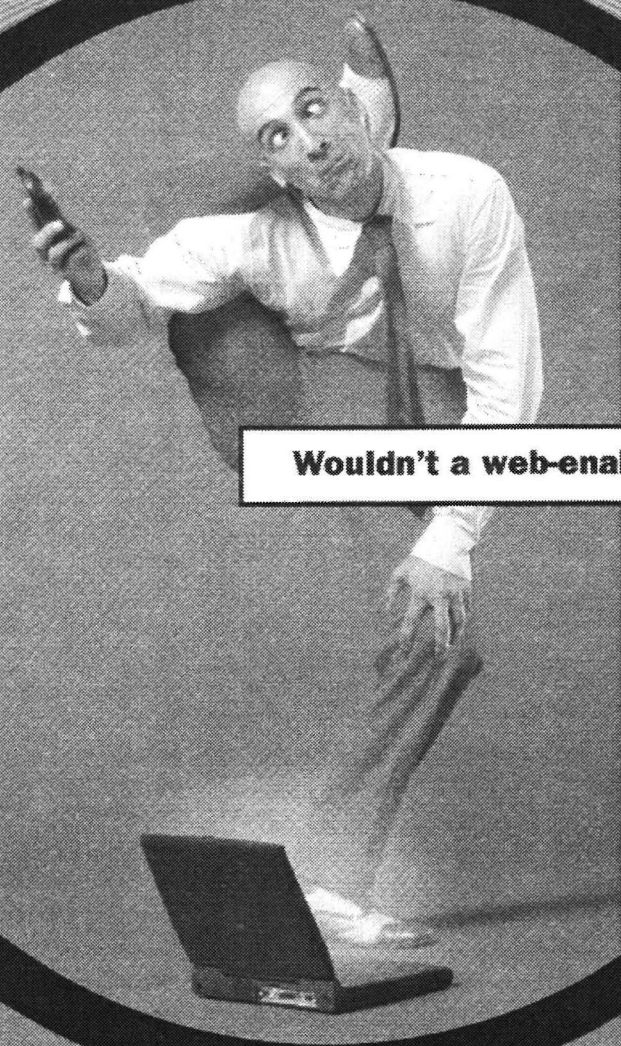
eggs, "This is your brain on drugs. Any questions?"

Darren Aronofsky, the talented director of the bizarre cult hit *PI* (and the director of the next *Batman*), surely remembers it well. That 15 second spot made such an impression on Aronofsky, it seems, that he's re-made it into a feature length film. *Requiem for a Dream* takes one hundred minutes to hammer home the theme of the Reaganite commercial without adding an additional layer of insight: Drugs are bad, the movie ominously intones, and they really fuck your life up.

Requiem depicts four working lives spiraling into the abyss: Billy (Jared Leto) and Tyrone (Marlon Wayans) are small-time dealers rebuffed in their attempts to score: Billy's girlfriend (Jennifer Connelly) trades her body for a hit; and Billy's mom, (a devastating Ellen Burstyn) in the film's most wrenching storyline, wants to squeeze into her red dress so badly (she's conned into believing she'll be donning it for a TV game show) that she starts popping amphetamines to slim down. Aronofsky exhausts every cinematic trick in the book to simulate the surreal, amped up state of drug-infused consciousness. Deploying an assortment of split-screens, frenetic drug montages, speeded-up frames, and fish-eyed lenses, and cued to a suitably discordant score by the Kronos Quartet, Aronofsky showcases his amazing technique even as he takes an electric drill to the brain. Lacking the ironic wit of *Drugstore Cowboy* and the even-handedness of *Trainspotting*, this visually astonishing anti-drug tirade still proves to be a lacerating experience.

Grade: B-





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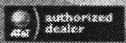
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ALBUM OF THE YEAR

By Karl Nelson
Aimee Mann
Bachelor No. 2

Every few years, I run across an album that defies categorization – a record with a unique but timeless sound that remains dust-free year after year. An album that I can imagine my parents' generation liking just as well as my own. An album like Carole King's *Tapestry* or Paul Simon's *Graceland*. Aimee Mann, after three albums in the 80s with *'Til Tuesday* and two solo albums in the 90s, has achieved pure, unadulterated greatness with *Bachelor No.2* (or, *the last remains of the dodo*).

It's been a long and winding road to the critical fanfare Mann has recently enjoyed in the aftermath of *Magnolia*. If you haven't seen the movie, her material makes up about two thirds of the soundtrack, and her cover of Harry Nilsson's "One" put her back on the map after a four year hiatus following her last major-label release.

You've probably heard Mann before, as I quickly realized once I started digging up everything she's ever done. Way back in 1985, 'Til Tuesday hit the airwaves with "Voices Carry", one of those songs that you don't necessarily remember immediately, but it comes back to you when you hear the chorus. In 1994, she achieved mild success with "That's Just What You Are" (if you count leading off the Melrose Place Soundtrack success). Her 1995 release *I'm With Stupid* featured "Choice in the Matter" and marked the turning of the critical tide in her favor.



Bachelor No. 2 has experienced some turbulence on its way to market itself. Mann recorded the tracks while signed with Geffen, but was pressured to come up with something more radio-friendly. Balking at this insult to her artistic integrity, she negotiated her way out of her contract and then had to buy the masters back from Interscope, who had bought Geffen. The album was finally released on SuperEgo Records, which as far as I can

tell has never released anything else. Fortunately, Mann's struggle for control has paid off. Every track on *Bachelor No. 2* exhibits uncompromising discipline in songwriting and arrangement, ultimately forming one of the most coherent collections I have ever heard. Plenty of artists can write a bunch of songs that fit into the same genre and have similar themes, but few can do so without getting trapped in monotony. Unlike, say, Madonna (See *RG* 7 November 2000), Aimee Mann has written a baker's dozen mini-masterpieces, each of which is uniquely memorable.

The theme to *Bachelor No. 2* is the well-worn alternative musician standby: relationships from the jilted lover's point of view. Pessimism is rife in her lyrics (somewhat ironic considering her 1998 marriage); the mood is set early with lines like "[W]hen you fuck it up later, do I get my money back?" and "[N]othing is good enough for people like you / who have to have... something to sabotage." The closest she comes to coyness is her frank request at the beginning of "Deathly": "Now that I've met

you / would you object to / never seeing each other again."

Not one to only heap blame on others, however, Mann explores her own shortcomings as well. "So maybe I wasn't that good a friend", she muses in "Just Like Anyone", a shoulda/woulda/coulda ballad of malcontent. She opens up to her girlfriend, though; "I guess I see it all in hindsight" she admits in "Susan". Just like anyone, Mann's foresight is reserved for others' relationships, as evidenced by her admonition, "I'm the one who tells you he's another jerk / but you're the one who can succeed."

Mann's greatest strength is her way with words. Maybe I'm a sucker for one-liners, but I can't help loving verses like "As we were speaking of the devil you walked right in / wearing hubris like a medal you revel in / but it's me at whom you'll level your javelin." There isn't a single line on *Bachelor No. 2* that seems lacking; every song has been carefully crafted and refined.

Okay, enough fawning over a simply record. I simply cannot recommend this album enough. If I knew which decade the year 2000 belonged to, I would be prepared to name it a top contender for album of the decade.



Get an A, Continued from page 3

in, the goal here is accuracy. Get your friends to send letters to *Res Gestae* that parrot your views.

One thing. Write a lot. If you hand in more bluebooks than anyone else in the class, that should count for something. It's an A+ in my book. The beauty of this whole scheme is the fact you have nothing to lose. You'll never get the chance to take this class again so do what you have to do to get the best grade possible.



STOCKING STUFFERS FOR THE ASPIRING LAWYER

BY ELIZABETH CHALL

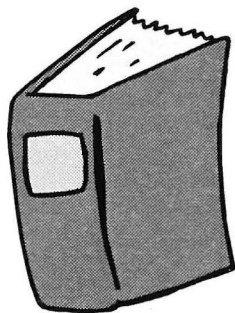
'Tis the season.

That's right, it's finals time. But before you go jumping off the second floor of Hutchins, buy a gift or two for a loved one.

Just don't succumb to the holiday hype that may lead you astray. It's hard to balance making a gift list with outlining hearsay exceptions, but approach the task with purpose and knowledge. The reckless shopper may end up with gifts that are popular but played-out, impersonal and impractical.

As always, generous friends, I'm here to help you. I register at Tiffany's, so I'm easy to please (and thank you in advance!). Some may be even easier to shop for (a thousand or so ballots for Al Gore, a Bush-to English/English-to-Bush translator for W). But for all the fel-

low law students on your gift list, here are some helpful suggestions.



Instead of: A book to fuel the public-interest dreams of an aspiring tree-hugger, like *The Legacy of Luna: The Story of a Tree, a Woman, and the Struggle to Save the Redwoods* (Julia Butterfly Hill; Harper San Francisco), which tells of a woman who stayed in a tree for 738 days to save, well, trees. (Though I do wonder: how did she go to the bathroom?)

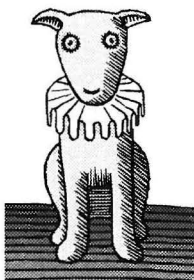
Try: *Done Deals: Venture Capitalists Tell Their Stories* (Ed. Udayan

Gupta; Harvard U. Press). Because you can only live on SFF grants for so long (until approx. July of 1L summer).

Or even better: *Reclaiming Your Life From Your Palm V* (Forthcoming, no doubt, from someone).

Instead of: Those robotic puppies

Try: A real puppy. Especially for someone who lives in the Law Quad. Send a note to Diane Nafranowicz notifying her of your gift, so the staff can plan a surprise welcome party.



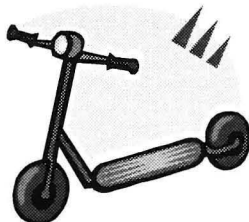
Instead of:

Anything Palm-related. Please, God, stop the madness. My own PalmPilot barely gave me permission to sit down and write this list, and it's only a III!

Try: A nice laptop slate, *Little House on the Prairie*-style, from luddite.com.

Instead of: Those Razor scooters. Do you want your friends to actually venture beyond the law quad? Who knows what dangers lurk in the wilds of, let's say, Kerrytown?

Try: Lite Brite. Like the scooter, it's got old-school charm, as well as portability. And it's useful in class too: who needs to play Freecell when you can turn on the magic of colored lights?



Instead of: Anything from the Body Shop. Hello, most generic of gifts!

Try: The Law School's very own line of bath & body products. Get clean, smell great and support your school at the same time. Try David's Soothing Lip Baum or Refreshing Lehman & Orange Citrus Shampoo.

Instead of: Anything by Britney Spears, Christina Aguilera, N'Backstreet Degrees, or whatever. Yes, it may provide short-term laughter, but you're just putting them \$19.99 closer to their next trip to Euro Disney.

Try: Albums whose titles reflect the place your recipient is at in his or her life. For 1Ls, try *Faith & Courage*, by Sinead O'Connor; for 2Ls, perhaps Fatboy Slim's *Halfway Between the Gutter and the Stars*; and for those 3Ls whose eyes are on the prize (and not on their professors' lectures), Pink Floyd's *Wish You Were Here*.



For those special slacker friends, I suggest 2Pac: *The Rose That Grew From Concrete* for inspiration. Tupac Shakur seems to put out more albums than do some artists who are actually alive. If that's not a work ethic, I don't know what is.

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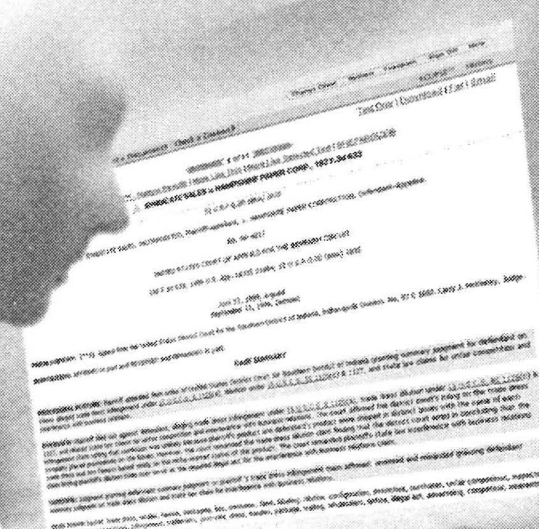
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In the event of a dispute, entries will be deemed to have been submitted by the Administrator Account Holder. Authorized Account Holder retains the return portion to affiliate LEXIS-NEXIS Group, a division of Reed Elsevier Inc. (Sponsor), has assigned an individual student ID number. Any attempts by an individual to access this site via a bot script or other brute-force attack will result in that individual's account being suspended. Sponsor is not responsible for any computer, network, server, transmission, and telecommunications failures or service interruptions. Sponsor reserves the right to suspend and/or terminate the Sweepstakes, in whole or in part, in the event of computer programming and/or system errors, telephone system malfunction or other problems that affect the Sponsor's ability to proceed as intended. By entering the Sweepstakes, entrants agree to be bound by these Official Rules and the decisions of the judges, which shall be final and conclusive on all matters. Sweepstakes starts September 3, 2000 at 12:00:01 a.m. Mountain Time, and ends December 2, 2000 at 11:59:59 p.m. Mountain Time. **PRIZES - GRAND PRIZE (1):** One Grand Prize winner will receive a check in an amount equal to 3 years of full-time student tuition at the annual rate that would have been charged to the winning student as of September 3, 2000 of the law school where the student is enrolled, up to a maximum of \$30,000. Grand amount awarded will be determined by winner's specific law school tuition rates. The number of eligible entries received between September 3, 2000, and December 2, 2000 will determine odds of winning the Grand Prize. (ARV: Maximum of \$30,000). **FIRST PRIZE (501):** One thousand dollars towards law school tuition. Prize will be awarded in the form of a check, payable to each winning student. (ARV: \$1,000). **SECOND PRIZE (2,561):** A \$100 American Express Gift Cheque. (ARV: \$100). The total number of valid entries received each month for the First Prize, and each week for the Second Prize will determine odds of winning any First or Second Prize. **DRAWINGS - Second Prize Drawings:** At each eligible law school, a Second Prize winner will be randomly selected weekly from all eligible entries received that week. You must enter each week to be eligible for each weekly drawing. Second Prize drawings will be held on Tuesdays (on or about 9:15, 9:30, 9:45, 10:15, 10:30, 11:00, 11:15, 11:30, 11:45, 11:59 and 12:00 of the Sweepstakes period). The names of the Second Prize winners are expected to be posted on this Web site on or about the Friday following each drawing, subject to each winner meeting all qualifications and final eligibility criteria. **First Prize Drawings:** At each eligible law school, a First Prize winner will be randomly selected monthly from all eligible entries received for the months of September, October and November. You must enter each month to be eligible for each monthly drawing. First Prize drawings will be held on or about 10:30, 11:00 and 12:00. The names of the First Prize winners are expected to be posted on this Web site on or about the Friday following each drawing, subject to each winner meeting all qualifications and final eligibility criteria. **Grand Prize Drawing:** One Grand Prize will be randomly selected on or about December 2, 2000. The name of the Grand Prize winner is expected to be posted on this Web site within 14 days of being selected, subject to winner meeting all qualifications and final eligibility criteria. Prize drawings or notifications are conducted under the supervision of D.L. Ryan Companies, Ltd., an independent judging organization, or its authorized representative. All winners will be contacted via email, e-mail or/and/or telephone. **ELIGIBILITY:** Sweepstakes open to all legal residents of the United States, 18 years of age or older, who are currently enrolled in an eligible law school. An eligible law school is defined as a law school (accredited or non-accredited) that maintains individual LEXIS-NEXIS ID numbers to its students and has a fully executed Subscription Agreement with LEXIS-NEXIS as of 12/31/99. Employees and household family members of Reed Elsevier Inc., D.L. Ryan Companies, Ltd., their parents, subsidiaries, agencies, affiliates and relatives are not eligible. Void in Puerto Rico and where prohibited, taxed or restricted by law. All federal, state and local laws and regulations apply. Taxes are player's sole responsibility. Prizes are not transferable. All decisions of the judges are final. Grand and First Prize winners are required to complete an Affidavit of Eligibility and Liability/Publisher Release, unless prohibited by law. If affidavits and releases are not returned within 14 days of notification, prize will be forfeited, and an alternate winner will be randomly chosen from among all eligible entries received. No substitution of any prize, except as the Sponsor's sole discretion. Entry constitutes each winner's permission to post their name on Web site and to use their name, photograph and/or voice recordings for publicity purposes without additional compensation or permission, except where prohibited by law. **WINNERS LIST:** For a complete list of winners, visit this Web site after December 20, 2000. **RELEASE OF LIABILITY:** All entrants release Sponsor, D.L. 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