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Res Gestae

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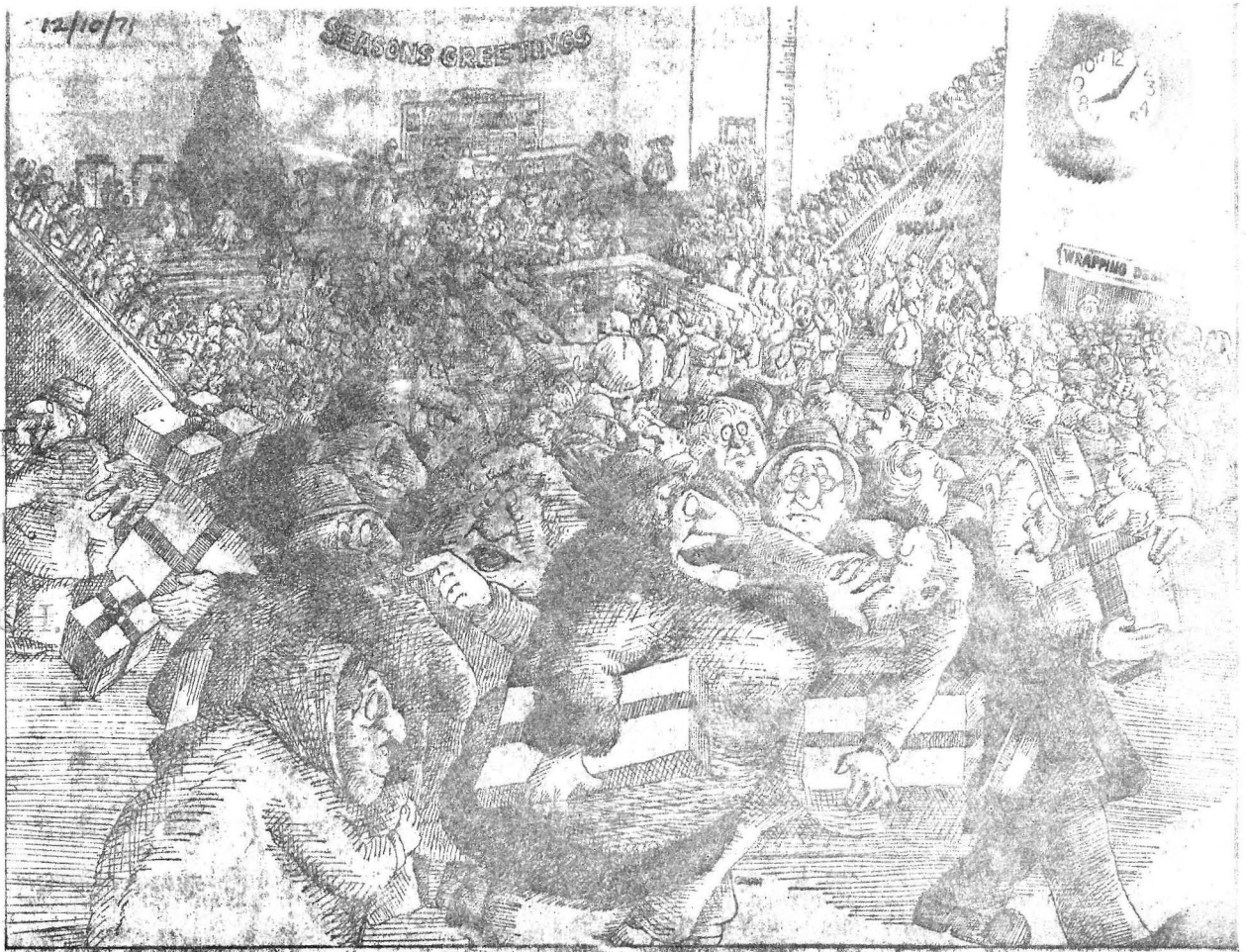
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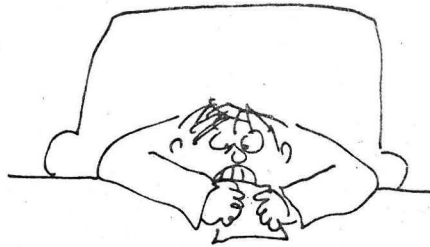


THIS WEEK is the week of anguished groans, coffee cups and butts, long hours and lean meals. Marginal Argie is down at Overbeck's doing some last minute shopping, not necessarily for Christmas. His absence after so brief an introduction is regretted but understandable enough.

We and Argie had fully intended to bring you another bulging cornucopia of genius and wit to brighten your exam week doldrums, but Bailey Kuklin asked us to let up a bit. He's behind in his reading and dreads the arrival of still another issue. So with respect for our elders and affection for you, our readers, we've reigned in our literary horses this time.

The analogy of final exams to Christmas shopping is an apt one. Both are kinds of necessary evils which later may yield smiles and gratitude from loved ones or associates.

Needless to say, some are better at it than others. We all know of good gift pickers, who always seem to end up with just the right thing, eliciting that much-sought-after "oooh" of real appreciation on Christmas morn. So too, there are law students who have that special knack of writing the 'A' exam to the delight of teachers and employers alike -- a gift-giving in its own way.



Still both generate feelings, good or bad, that are fleeting. As L. Hart Wright would put it, "if you get on top of the world and look down," Yuletide trinkets and final exam results are destined for the same emotional limbo. Intense and consuming as are the passions of the moment, they don't amount to much in either case. It's been said many times, but it's true: grades don't mean a hell of a lot outside of law school. They are not emblazoned on your forehead

THIS WEEK cont'd from p 1

and are of intrinsic interest only to the prudent. Like the gifts -- because the result of hurried, ill-considered decisions -- they are quickly shelved and soon forgotten.

And, when the tree is chucked out in the yard, and you pack your bags to come back here in January, it'll be a brand new ball game.

Merry Christmas and
Happy Exams.

See you next term.

-- The Editors

LETTER

Recently R.G. began sending copies of its issues to other law schools around this great land. In our letter, which went with the first issue, we asked the other law school to supply us copies of their paper in return. The initial mailing brought the following reply on the letterhead of the Student Bar Association, University of Wisconsin Law School:

Dear Sirs:

In response to your request for a copy of our student newspaper THE ADVOCATE, at the present time it is not in publication due to a lack of student interest, therefore, I am not able to comply with your request.

Sincerely,

/s/ Paul E. Yandre
Secretary, SBA

Mr. Yandre has capsulized in one sentence the reason why the University of Michigan Law School has a student Newspaper.

INTER-POLLUTE

A new seminar will be offered in International Environmental Policy in the School of Natural Resources during the Winter Term. The course will deal with contemporary environmental relations between Canada and the United States. Among the topics to be discussed will be the Amchitka test, the Trans-Alaska Pipeline, the recently negotiated Great Lakes pollution control agreement, proposals for international water transfers and continental energy policy etc.

The legal, political, social, economic and geographic factors shaping Canadian-U.S. environmental relations will be discussed. Several faculty members from various Schools will be involved.

Further information may be obtained from the Office of the Associate Dean, Room 1006, School of Natural Resources.



STAPH :

Mike Hall	Excedrin headache
Joe Serritella	Influenza
Helen Forsyth	Common cold
John Scott	Dread disease
Joel Newman	Evil eye
Brian Hays	Voodoo curse
Mike Slaughter	Goiters
Limpy et spouse	Hypertension

PLEYA

The recent change of the age of majority to 18 has created great concern about our failure to adequately prepare our young people for the problem situations they are likely to face, especially in the area of law. As a result of this impetus, I have begun the development of a course of study for high school students called Practical Legal Education for Young Adults (PLEYA) that is going to be introduced into the Ann Arbor High Schools second semester on a pilot study basis. (I will teach two sections)

Would You Like To Get Involved?

1. Doing research on Michigan law-- For Pay.
2. As a resource person to work with high school teacher and myself in teaching their classes.
3. Do team teaching with a regular teacher on a flexible basis to be worked out between you and the teacher.
4. Serve as a guest speaker in different classes on a subject you develop, in depth, yourself. (Could be in larger assemblies as well as individual classes.)

(2-4 would be on a volunteer basis -- the time depending on your decision and could be quite limited.)

If you are interested please get the following information to me either by postcard or phone: Name, Class, Area of special interest, Kind of work you would like to do, Your address and telephone number.

Val D. Spangler
1622 McIntyre
Ann Arbor, Michigan
48105
Phone: 761-1883

BOOKS



** HOLIDAY SUGGESTION DEPARTMENT **

Uncommon Law, A.P. Herbert, Methuen & Co., London.

Alan Patrick Herbert was a rare one indeed. The sparkling English jurist who passed away a few weeks ago left a legacy of over 75 novels, plays, and humorous works. He will be most remembered however, at least among the legal profession, for his humorous legal stories.

To some, the words "law" and "humor" are contradictions in terms. To Herbert, humor was the best way to expose, and hopefully change, the law. Subtle, light, incisive, and always irreverent, few legal monoliths escaped his scrutiny. Herbert's vehicle was the fictionalized case report. He would take anomaly or injustice in English law, and by using perfectly correct logic, draw the rule out to its most absurd conclusion.

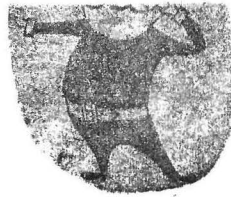
A good example of Herbert's method is Case No. 1, "The Reasonable Man". Coming square up against the foundation of tort law, the lawyer, whose client is a woman, quite correctly points out "that in all that mass of authorities which bear on that branch of the law, there is not a single mention of a Reasonable Woman." Such an omission, he reasons, must be more than coincidental. The obvious reason is that no such being is contemplated by law; legally at least, there is no Reasonable Woman. The lawyer's client, judged on the basis of what could be expected from a woman, is acquitted, of course.

Another famous case, at least among Commercial Law professors, is No. 36, "The Negotiable Cow". Albert Haddock, Herbert's favorite plaintiff, decides to pay his tax bill with a check written on the side of a cow. The tax collector refused to accept the cow/check and Haddock was arrested for causing a public disturbance. The judge noted that nothing in English law decreed that a check must be written on paper. Furthermore, Haddock should hardly have been arrested for leading a negotiable instrument down the street!

Sometimes Herbert's cases have made disturbing escapes into the real world. Somehow the Negotiable Cow story was picked up as true by the wire services. Herbert received clippings from newspapers all over the United States headlined: A CHECK CAN BE WRITTEN ON A COW. In another escape, a quote from No. 5, "It's a Free Country", appeared in the book The Lawyers. When Haddock jumped off a bridge on a bet, the police arrested him, but they could find no real law he had violated. The judge admonished Haddock that he should take care to fit his undesirable activity into one of the recognized categories of crime, otherwise, the court would be forced to invent a new crime. The judge's "rule of law" was reported as fact.

While Herbert's misleading cases may be humorous, the object of those cases may not be frivolous at all. For many years, Herbert concentrated on traffic laws (see "The Human Hen"). He is also widely known for blasting the inanities of slander and libel. (Can a cross-word puzzle be a libel? Is a recording a libel or a slander? What about sky-writing, or semaphore flags?) Herbert's most famous crusade was reform of the byzantine English divorce laws. Through his stories and his political efforts (he was an M.P. from Oxford until the University seats were abolished), he finally succeeded in divorce reform. A.P. Herbert was a philosopher - a philosopher devoted to the law. Perhaps his own philosophy can best

SIS!



RG OFF_{ED}

BIG SISTER IS WATCHING YOU AWARD OF THE WEEK

Sis comes home as this week's award goes to our own Yale Kamisar, who said in Criminal Law, November 16, 1971, while discussing entrapment of prostitutes by flashing money in the street:

"Hell, wave a \$20 bill around and any girl will drop her pants!"

Unfortunately, the professor failed to cite authority for this most remarkable rule.

cont. from p.4

be summarized with a quote from Case No. 66, "Not a Crime":

The English law of divorce is like one of those crazy pieces of architecture which here and there disfigure the countryside. They excite the derision of all who look at them with fresh eyes for the first time, yet when it is proposed to pull them down, there is a passionate outcry from the inhabitants who have grown up with them. It is the duty of those of us who can perceive with fresh eyes the monstrosities of the law to point at them continuously until they are pulled down.

A.P. Herbert was a man with fresh eyes.

B.J.H.

NOTICE

Mr. James Gribble, Ass't to the Dean, has requested that those with complaints or recommendations about the new vending machines in the basement of Hutchins Hall, should either put them in his mailbox or contact him at 344 HH. He has promised to do his best to improve the facility.

Dissatisfaction with the law school newspaper has markedly increased of late. Inundating the flagstoned expanse of the quad in front of the library steps last week, scores of angry law students met to protest the presence of RES GESTAE on campus. Organizers for the rally, calling themselves the Committee to Abolish the Newspaper In Toto (CANIT), described the weekly newsletter as alien to the nature of the University of Michigan Law School.

A particular grievance expressed was that student pinball money goes toward the support of RES GESTAE and all it stands for. For instance, it is known that the paper practices aggression against all manner of underdeveloped administrators and faculty both here and abroad, and through its operatives seeks to subvert struggling lawyers everywhere fighting to break into the corporate practice of their choice.

One of those attending (rumored to be a shill for the R.G. establishment) tried to speak against abolishing the newspaper completely, saying nobody is really compelled to read it. Another person also pointed out that RES GESTAE issues are completely reusable -- they're a very chic wrap for stale cocktail party hors d'oeuvres if you have impressionable garbage haulers, and when wadded up, a few weeks' sheets provide enough packing to stuff holiday gift packages for every living relative one might have.

Nevertheless, CANIT spokesman Harrison Bluestone Lyte III decried RES GESTAE as "a clear threat to the general way of thinking at Michigan Law School," whose continued presence on campus was "antithetical to what all we students have been fighting each other for."

--M.G.S.

GRIDDIE GOODIES TRIVIAL REPLACEMENT QUIZ

"Are You Seaworthy?"

All right, all you law school trivia/rat-fact experts (especially grads of the US Naval Academy and Admiralty specialists), can you beat the old alum on this one? Entries should be filed in the usual GRIDDIE GOODIES manner. Dominick's greasiest awaits the winner.

1. His first ship was "Justinian", but he soon transferred to "Indefatigable". He is _____.
2. _____ is known as "Captain Caution" in a novel by Kenneth Roberts.
3. "Shalimar" is the pen-name of _____. He wrote often for Blackwood's Magazine and one of his most famous stories is "Easting Down".
4. Captain King Dick is the black hero of the novel _____ by _____.
5. The son of the tenth Earl of Blazey, according to Dudley Pope novels is _____.
6. Lady Barbara Wellesley was the second wife of _____. His first wife's first name was _____.
7. On November 18, 1958, the _____ sank in Lake Michigan near Charlevoix, Michigan with the loss of 33 lives.
8. The U.S. Court of Appeals held in 1935 that the owners of the _____ were liable only to the extent of the salvage value of the vessel which "burned circles" in the harbor of Chicago with the loss of 899 lives.
9. The "Pisbona" was "South By Java Head" in a novel by _____.
10. The _____ of _____ by Britain in 1905 revolutionized _____.

--M.D.M.

