

# THE PILLAR



## DUTY, HONOR, AND COURAGE: ONE STUDENT'S SERVICE IN IRAQ

by Julia Sanger

Daniel Perez's workday begins at dawn. It is not unusual for him to go thirty hours or more without sleep. There are no days off in war. Mortar attacks are a way of life. Gone are the days of studying and final exams. He now spends his days as an Army Sergeant in Balad, Iraq, helping his unit with all facets of military justice.

Perez, 28, came to Cooley from Chicago, where he was born and raised. Like many in this country, he felt the strong sense of duty to serve in the aftermath of September 11<sup>th</sup> and joined the Army reserves before entering school. He was called up at the end of the summer semester in 2004, just two days after final exams.

"It wasn't too much of surprise that I was getting called up," Perez explains, "but it all happened so fast. I had five days to get all of my affairs together and report to my unit. Talk about a summer vacation!"

Leaving behind his legal studies and his family in Chicago, he headed for Iraq. His military role is to act as the legal official for his unit. He is a paralegal for the JAG Corps. Although Perez started off in the reserves, the Army transferred him to the 100-442 Infantry Battalion out of Honolulu, Hawaii. His unit is known as the Purple Heart Battalion for the heavy losses it sustained during WWII and has set high expectations for itself as it seeks its place in US history.

In LSA (which stands for Logistics Support Area) Anaconda, Perez faces danger on a daily basis. He is just 60 miles from Baghdad. Any one of the convoys he rides in can be attacked at any time.

"The best phrase to describe what we do is 'stay alert, stay alive,'" he says.

Despite the constant threat of

attack, the Army does the best it can to make the quality of life as good as possible. According to Perez, the soldiers there have a movie theater, a Burger King, and a small shopping area. The troops are encouraged to work out often and stay in the best possi-



**Daniel Perez is not expected to return home until Summer 2006.**

ble shape in order to remain ready for missions. The exercise also helps to relieve the stress of their living environment.

When asked about his life in Iraq, Daniel is quick to bring up one of the things that he is most proud of. He researched and established one of the largest citizenship drives in the US Army. Perez explains that his unit has two companies in American Samoa. It is a US territory, but differs from other territories such as Puerto Rico or Guam in that Samoans do not get US citizenship upon birth. In addition, the fees are usually high and the wait list is long. However, starting October 1<sup>st</sup>, the fees were waived for deployed soldiers.

Together with the Department of Homeland Security and other groups,

Perez was able to get over 500 soldiers their US citizenship prior to their deployment to Iraq. Since US citizenship is not a requirement to serve, Perez says that many soldiers were grateful to feel as though they were part of our country; they did not want to die for America as non-citizens. For his amazing work, Daniel received the Army Commendation Medal and was honored at a ceremony for the program.

According to Perez, he will not return to the States before the summer of 2006 and expresses mixed emotions about coming back to school. His main concerns are the rising costs of tuition, the decreasing military education benefits, and most of all, feeling as though he is too old to go to school.

"Last fall, I sent out an email to friends and family about my revelations on school. I asked if I would be too old for Friday nights at The Dollar, since when I come back, I will be an "older" student." Perez continues, "Then I got a smile on my face when, as a consolation, I received an email from Professor Hicks who said that a professor may be more inclined to share a beverage with me. I thought, 'oh my God, I am old', but I admired my professor's encouragement."

On a personal note, Daniel wanted to add that receiving letters and packages is the highlight of his day. According to him, letters to soldiers are like gifts to little kids. "Nothing is too small. Even just saying 'hi' and talking about life back

*Continued on page 11*



**Perez serves as a paralegal for the JAG Corps**





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# LETTERS TO EDITOR

## COOLEY LAW REVIEW CITED IN THE LEGAL WORLD

by Sara Rickson  
Interim Publicity Editor

The Law Review as a scholarly journal not only influences those in academia but also practitioners. The publication is used as a research tool and allows practitioners and academics to stay current on issues developing in the law. The Law Review is made up of legal articles submitted by students and professionals. Articles often contain a thorough examination of an area of law while Comments focus on a narrower area but more in-depth. Casenotes usually analyze a recent case or statute and the effect it will have on the law.

The publication is not only a forum for expression of the author's opinion but it is a means of research for others in the legal field. Professors can expand their knowledge of an area of law. Attorneys can shape their arguments based on the through research of the author. A Judge can establish his or her opinion based on an idea cited in the Law Review. The Thomas M. Cooley Law Review strives to provide all of these things to the legal Community.

The Law Review has been cited most notably by United States Supreme Court Justice Sandra Day O'Connor in *Browning-Ferris Indus. v. Kelco Disposal*, 492 U.S. 257, 282-87 (1989).

Thomas M. Cooley Law Review cited in 2004:

United States District Court Eastern District of Michigan in *Compuware Corp. v. Moody's Investors Servs.*, 222 F.R.D. 124, 131 (E.D. Mich., 2004).

Other law reviews, publications and legal authority such as the Michigan State Law Review Article *Describing the Ball: Improve Teaching by Using Rubrics—Explicit Grading Criteria* written by Sophie M. Sparrow (2004 Mich. St. L. Rev. 1).

American Law Reports annotation entitled *Validity, Construction, and Application of Municipal Restrictions on Location or Operations of Facilities for Sale or Use of Firearms by William H. Danne, Jr., J.D.* (2004 A.L.R. 5th 2).

The Thomas M. Cooley Law Review welcomes original works of authorship on law and related topics. For more information about Law Review go to our website located at: [http://www.cooley.edu/students/orgs/lawreview\\_2004/membership.htm](http://www.cooley.edu/students/orgs/lawreview_2004/membership.htm).

**Don't just study law, create it.**

## CONFESSIONS OF AN EXTERN #5

by Derek W. Hilst  
Staff Writer

The hardest part of an externship, especially if you work over 20 hours per week, is the realization that you offer your services free of charge. When all that separates you from a paycheck is one state and one nationally sanctioned final exam, it is tough to work for free.

However, you can get through the malaise of the feeling you are misemployed by recognizing responsibility does not rest with you. When the ultimate responsibility falls on the shoulders of your supervisor, it is nice not having to know the correct answer every time.

The firm I work for just closed on a merger of a CPA firm. Our client moved hundreds of miles to Charlotte, NC to essentially buy the goodwill of a successful CPA firm. What makes this deal spectacular, is the willingness of our clients' wife and mother-in-law to bind themselves, along with all their property and personal possessions, to secure the 1.3 Million dollar deed of trust, with the "hope" that the firm will continue to be successful.

In my eyes, the deal is a complete loser for our client. There is no guarantee that the current client list will remain. When clients find out that new management is in town, they can just as easily move their business elsewhere. I would rather take 1.3 Million and place a bet on black on the roulette wheel. It seems the odds of this working are about 50% anyway.

However, from a legal education standpoint, I learned a big lesson during

this transaction—paper your files and cover yourself. My supervisor was hired to administer the actual merger and purchase of the CPA firm. He was not hired to evaluate whether this deal was a practical business transaction. However, he advised the client many times, through phone calls, emails, and memos, to have the deal re-evaluated. Still, no matter how much my supervisor insisted, the client was steadfast, "make the deal happen as is, I want to close as scheduled."

When you have advised your clients and they still want what they originally desired, recognize that they are not listening and put a contingency plan in place. Because when the deal goes south, clients will look to someone to blame and, as my supervisor has said, "it is often the attorney who is the first to blame."

The answer seems to simply be, make your opinions both known orally and in writings to your clients. If and when this CPA realizes his impulse seven-figure purchase was a midlife crisis he should have passed up and looks to lay the blame, one person he will have to overlook is my supervisor.

So while I do not get paid for the hours I work, at least I did not have to worry about a deal going bad on my watch like my supervisor did. The saying "you get out of something what you put in" is never more true for a law student than during an externship. For most students, this will be the last chance you will have to ask any question imaginable without having to worry if your boss wants to rethink his hiring practices next time around. Learn in the field before all of the responsibility falls on your shoulders.

## ATLA ATTENDS NATIONAL ATLA WINTER CONFERENCE

by ATLA

The Thomas M. Cooley Chapter of the Association of Trial Lawyers of America ("TMCLS ATLA") attended their National Winter Conference in Palm Springs, California, on January 27th-30th, 2005. While in attendance, members of the TMCLS ATLA Executive Board had the opportunities to meet with the National ATLA President Todd Smith, ATLA Ambassador Catherine Groll, National Law Student Chapter Coordinator Carmen Lathan, and attended the law student and new lawyers conferences.

The TMCLS Student Chapter of ATLA is recognized as the largest and one of the strongest Chapters in the U.S. During the law student conference, the Executive Board met and brain-stormed with other chapters' leaders on how to make their respective chapters even better. "We really enjoy attending the National ATLA Conventions because we receive so much insight and information to bring back and share with our chapter," said

Clarissa L. Davis, President of the TMCLS law student chapter.

In addition, this convention offered members of the Executive Board the opportunity to converse with several attorneys and even policy makers on the issues of tort reform, including recently passed federal legislation limiting class-action lawsuits as well as pending legislation aimed at reducing punitive damage awards. Although not all ATLA members share the same political philosophies all the Executive Board members agree that such current and pending legislation in the state and local legislative will have far-reaching effects.

The TMCLS ATLA Executive Board strongly encourages every ATLA member to attend the annual Winter and National Conventions because of the wealth of knowledge students can learn about the trial lawyer profession. Furthermore, ATLA Conventions develop leadership and trial skills necessary to turn good trial lawyers into great ones.

# STUDENT INTEREST

## "2005 OUTSTANDING WOMEN LAW STUDENTS"

by Tomika A. Horne  
Staff Writer

The Thomas M. Cooley Law School is proud of its three very outstanding students who were selected as awardees because of their leadership and dedication to the movement of women's issues. There were five Ford Motor Company Fund scholarships, a Howard & Howard scholarship, and nine Women Lawyers Association of Michigan (WLAM) Foundation scholarships awarded at the 2005 WLAM Awards Reception. The reception was held on March 3, 2005 at the Ford Conference and Event Center in Dearborn, MI. The awardees were from Michigan State University College of Law, Thomas M. Cooley Law School, University of Detroit Mercy School of Law, University of Michigan Law School, and Wayne State University Law School. Carole Chiamp was the keynote speaker for the event.

Cooley scholars were gracious and worthy of noting. Christy N. Oakes received a Ford Motor Company scholarship. Ms. Oakes was a middle school teacher in Ohio, and she is an associate editor of the *Thomas M. Cooley Journal of Practical and Clinical Law*. Linda Kellum received a WLAM Foundation scholarship. Ms. Kellum volunteers with the Kalamazoo County Bar Association, and she was a civil rights investigator for the Michigan Department of Civil Rights in Kalamazoo, MI. Susan Phillips also received a WLAM Foundation scholarship. Ms. Phillips holds a Masters of Science in mechanical engineering, and she has been a mechanical engineer for 29

years. The women were also given a one-year membership to WLAM and a member pin.

Carole Chiamp, former State Bar of Michigan president and Governor's appointee, honored the 15 awardees, and applauded them for their extensive backgrounds in domestic violence and family issues. Chiamp urged each of the awardees to practice in family law because the need is so great for lawyers to litigate sex and gender issues related to family law. While serving *of Counsel* for Hickey, Cianciolo & Fishman, P.C., Chiamp pursued a career as a gourmet chef. She traveled to New York to the Culinary Institute of America (CIA) and the Food and Beverage Institute (FBI) where she studied math and advanced math to learn more about the art of cooking. Chiamp says that compared to litigating, being a chef is "a different kind of hard work." She expressed that she encountered similar gender biases in the culinary field as she had experienced practicing law. She has great fervor for cooking, and from the taste of the assorted delicacies at the reception, she is an excellent chef. Ms. Chiamp specially designs soups, appetizers, and entrees for a posh clientele at Opus One restaurant in Detroit, MI., and she strongly encouraged the women to keep balance and do more than practice law.

Congratulations Cooley Scholars!

## THINKING ABOUT FUTHERING YOUR EDUCATION?

by Associate Dean William P. Weiner

Cooley Law School students can now apply to the joint degree programs in taxation and intellectual property after they have earned 57 credits rather than 60 credits. This revision takes into account J.D. scheduling variations and allows qualified J.D. students who want to focus on taxation or intellectual property the opportunity to do so sooner while earning credits toward the LL.M. degree.

Cooley J.D. students may enroll in certain graduate taxation and intellectual property courses with up to 8 LL.M. credits being counted toward the J.D.

degree electives. Once the J.D. degree is awarded, the student can apply for full admission into the graduate program in taxation or intellectual property. The student can then complete the 24 credit LL.M. degree with an additional 16 credits. The net result is that students earn both degrees while saving 8 credit hours of time and tuition. Students can take up to 5 years to complete the academic requirements for the LL.M. degree.

The Graduate Taxation and Intellectual Property Programs are located at Cooley's Rochester/Oakland University Campus. Professor Gina M. Torielli is the

*Continued on page*

TRINITY 2005 Externship Orientation Meeting will be held on Tuesday, March 22, 2005 from 12:30 p.m. - 2:30 p.m. in the Courtroom located on the 5th Floor of the Cooley Center.

**Note: This is a mandatory meeting for students that have applied for remote and local externships for TRINITY TERM 2004. Orientation must be completed before beginning work at an externship site. Externship hours turned in before completing orientation WILL NOT be credited toward the program. You may only receive credit for the hours of externship work after orientation.**

For further information or questions, please contact the Planning, Programs, and Assessment Office at extension 2943.

Thank you.



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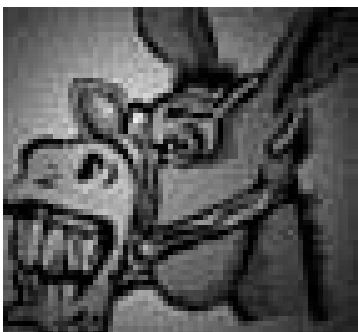
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# POLITICAL OPINION

## A BALANCED BUDGET ON THE HORIZON—NOT EXACTLY



by Stephanie Barone  
Staff Writer

“The deficit will be cut in half by 2009.” Bush said this in support of his budget proposal—another lie. If you looked only at the budget, and did the math, then yes, the deficit would be cut in half. So where does the lie come in?

Bush didn't include the cost of the war on terror in his budget. Why? It would increase the deficit rather than cut it. Bush didn't include the cost of making his tax cuts permanent. Bush also didn't include the cost of privatizing social security. \$\$\$

It gets worse. Bush did make a lot of program cuts. Unfortunately, virtually all of the cuts were aimed at one group—the poor. Bush cut money from the Head Start program, the food stamp program, housing programs, and heating cost subsidizing programs, just to name a few. Why target the poor? The poor don't vote Republican. (Gee, wonder why.)

The remainder of the cuts hurt

every American. Healthcare saw a cut. Many of these cuts were in doctor training programs and programs to subsidize better hospital equipment. I hope I don't get sick anytime soon.

The scariest parts of the budget proposal were the cuts to public safety programs. A program that subsidized new equipment for firefighters and police was cut. Drug task force programs were cut. The Airport Improvement Program was cut!

It all boils down to this: Bush wants to pay for his War on Terror because terrorists make Americans less safe. Bush cuts domestic safety programs to pay for his war. With fewer safety programs, Americans are less safe. Remind me again who the terrorists are.

If Bush's budget was passed, we would turn into a sick, uneducated, unsafe people. Many of us would be homeless, and others would have no heat in winter. Many would starve. Our children would grow up without a good education and become druggies since there would be a flood of drugs coming into the country. So instead of the terrorists attacking us, Bush would be attacking us.

Is this extreme? Yes, but it is also possible. Thankfully, Congress would never even allow half of these cuts. Even the Republicans see the flaws and outright discrimination. We can all rest easy until the next time Bush forgets that he represents more than two percent of the population.

## DIVERSITY WEEK AT COOLEY

by Tomika A. Horne  
Staff Writer

Cooley student organizations celebrated diversity during the first week of March with an array of culture, tradition, and taste.

The Human Rights Association (HRA), Asian-Pacific American Law Students Association (APALSA), the International Law Students Association (ILSA), the Women Lawyers Association (WLA), the Black Law Students Association (BLSA), the Student Bar Association (SBA), and the American Bar Association/Law Student Division (ABA/LSD) held programs at Cooley's Lansing Campus in honor of diversity. Each organization explored issues of equality and ethnicity, and embraced culture.

In closing the week, the SBA and ABA/LSD hosted the “International Fare” dinner in the Cooley Center Lobby. The

food was spicy and full of flavor with great texture.

There was a display of artifacts from all over the world brought by students representing various backgrounds and traditions. Students delivered poetry, art, and song to an open audience.

Some of the performers were Ralph Wilson, Afan Bapacker, Charisse Artry, Nimi Iyalla-Ipaye, Richard Azikewe, and Simone Archer.

At a multicultural and diversity program several years ago during my undergraduate studies at Michigan State University, a woman said to our group that diversity is not a “melting pot;” diversity is a “salad bowl,” and everyone adds something to make it flavorful. I agreed then, and even more so today— that statement changed my perspective.

## NOT GREAT, BUT NOT A DISASTER



by Alex Weisse  
Staff Writer

I don't necessarily like President Bush's 2006 budget, but thankfully we're not seeing John Kerry's plan.

A big complaint with President Bush's newly proposed 2006 budget is the large deficit. However, as a good conservative, I believe the real problem with the budget is the large amounts of spending. Looking back at the projected budget of 2006 when President Bush first took office in 2001, the projected budget for 2006 was \$2.221 trillion, with a surplus of \$307 billion even after proposed tax cuts (not all of which were enacted). Factoring the increase in defense spending following the 9/11 attacks (an increase of \$85 billion) and the spending on homeland security (\$15 billion increase), we should still have a surplus for 2006. We have somehow managed to spend an additional \$246 billion over what was projected just four years ago.

This increase of \$246 billion, which equals a 32% increase in the amount of discretionary spending that was projected in the 2001 budget projections for 2006, seems not to be enough for the Hillary

Clintons, Debbie Stabenows and Carl Levins. They focus on all the “cuts” in the proposed budget. An example of one of these reported “cuts” involve education. The projected federal spending on education for 2006 made by President Bush's first budget in 2001 was \$88.6 billion.

Despite the “heavy cuts” claimed for education this budget year, its budget is still \$88.7 billion. So, this “cut” in education comes only as the federal government overspent in the past few years on education. Despite this “cut” the education budget is still greatly inflated from the budgets of President Clinton (federal education spending totaled \$55.2 billion in 2000), and the amount is minimal compared to what is actually spent on education, as education is chiefly a local expenditure (check the state budget and your local property taxes; the total cost of public education in this country, limited only to K-12, will likely top \$500 billion in 2006).

Ironically, many of the opponents of the budget based upon the spending cuts also criticize the large deficit. What, then, should be cut? Defense spending? Homeland security? Is the great plan a massive tax increase that would cure the deficit as well as allow for increased spending? Let's see, income tax receipts this year will be \$1.187 trillion. The deficit is \$390 billion. It seems the Democrat's solution may be a 33% tax increase.

Senator Levin also complains that President Bush is “hiding” future budget woes by releasing only a 5-year budget, instead of what Senator Levin calls a “customary” 10-year forecast. Releasing a 10-year forecast at this point would include the repeal of the current tax cuts, as tax rates are to return to their higher, Clinton-era levels, in 2011. President Bush was not going to include this tax increase in his budget proposal.

Overall, I have problems with the increased spending in President Bush's 2006 budget. However, following the Democrats' comments on the budget, this budget is clearly better than the alternative.

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# LEGAL NEWS/OPINION

## NJ V. BLOCKBUSTER: END OF LATE FEES?

## A LOOK AT PREMISES LIABILITY LAW IN MICHIGAN

by Jaron Thompson  
Staff Writer

by Julie Wyrembelski  
Staff Writer

I've rented a lot of movies in my lifetime. In fact, before attending law school, I was up-to-date on all the latest releases; renting movies seemed like a weekly occurrence. And there were many places to rent from, but my loyalty was to Blockbuster Video. I can't tell you if it was the selection, the volume of videos, or the popularity of Blockbuster stores at that time, which attracted me. But I faithfully carried my Blockbuster card and it was well worn from the use.

As the years passed, I have noticed many companies evolve. For the most part, they have evolved in an attempt to keep up with the needs of consumers. A constant need for consumers seems to be convenience. And this has extended to everything, including renting movies. As a result, online renting services emerged, and companies such as Netflix have enjoyed tremendous success. Since its opening in 1999, Netflix has become the largest online renting service in the United States, with more than 2 million members. Netflix charges members \$17.99 per month for three DVD rentals at a time, by mail, without late fees. As a result, traditional video stores have begun to reevaluate the way they do business.

In an effort to remain competitive and win back customers lost to online renting services, Blockbuster came out with a "no late fees" policy last month. A series of commercials ran showing crowds of people cheering as they caught a glimpse of the large yellow signs screaming the end of late fees on rentals. This led me to believe that in their glee, the crowds may have missed the fine print. And while Blockbuster was hoping for a competitive marketing strategy, they may have made a big mistake.

New Jersey has filed a deceptive trade practices lawsuit over Blockbuster's promoted claims. And New Jersey isn't alone. The state is among 30 others where consumer protection agencies are investigating complaints that Blockbuster's advertising glosses over the fine print of its new pricing policy. The investigations have been categorized as someone advertising certain products or services and then not delivering on those products or services.

Most notably, New Jersey Attorney General Peter Harvey claims Blockbuster has several stores that do not participate in the program creating confusion among consumers who go to a Blockbuster store for the purpose of taking advantage of the new policy. Also, while late fees may be eliminated, rentals must

be returned within 8 days. If not, your rental will be converted to a sale. And, for your convenience, it will be billed directly to your credit card. However the charge will be reversed if the video is brought back. But you still pay a \$1.25 restocking fee, whatever that means.

Blockbuster has defended its policy stating that employees are trained to explain the new rules and that all of its rental terms are disclosed in its stores, on pamphlets handed to customers, and on its Web site. Customers also get a phone call and two postcard explanations mailed to them during the first week the video has not been returned. Blockbuster insists it only wanted to build goodwill.

Is Blockbuster breaking the rules by failing to disclose important aspects of the policy? Should consumers be responsible for reading the fine print before taking advantage of a business' services? I think the answer may lie somewhere in between. As a consumer, I am not particularly interested in reading fine print or other literature handed to me when I am merely renting a movie. And while the annoyance of "no late fees" may be gone, I might find myself easily annoyed by the repeated telephone calls and/or mail I receive from Blockbuster regarding a movie I rented. And my aggravation may escalate even further if my credit card statement registers purchases of movies from Blockbuster I did not intend to purchase.

For these reasons, Blockbuster may need to make the terms of their policy more obvious. Otherwise I might not only be angry and feel like I was duped, but swear off ever renting from Blockbuster again. In Blockbuster's defense, the company can hardly be faulted for making an effort to be creative, keep customers and stay in business. They are like so many other companies who once enjoyed widespread success and are now desperate to avoid being swallowed up by the competition.

But while Blockbuster and other companies may change their policies and create advertising aimed at getting customers into the store, consumers may need to be more diligent in reading the fine print.

So, is Blockbuster's policy false advertising, a shady way of doing business or an obligation on the consumer to do their homework? These questions remain to be answered in New Jersey, where restitution for Blockbuster customers and damages of up to \$10,000 for each violation of the state's Consumer Fraud Act are sought.

Michigan premises liability law lacks clarity. Put differently, it's simply not open and obvious. So the question becomes this: where can one turn for guidance on Michigan premises liability law? Ironically, the best explanation of Michigan premises liability law is in a Federal Memorandum and Order ("M&O") written by Judge Cohn, U.S. District Court for the Eastern District of Michigan. This M&O concerns the case of *Woodard v. ERP Operating Ltd. P'ship*, 351 F. Supp. 2d 708 (E.D. Mich. 2005).

In probing this M&O, its language must first be examined. The M&O contains a phrase that that all lawyers should know: "black ice." Judge Cohn characterizes "black ice" as ice located on the ground that is, "by its very nature[,] . . . not noticeable upon casual inspection." *Woodard* at 715. Interestingly, the phrase "black ice" also appears in the following recent opinions:

*"an average user with ordinary intelligence would have been able to discover the danger and the risk presented upon casual inspection."*

(1) *Kenny v. Kaatz Funeral Home, Inc.*, 689 N.W.2d 737, 742 (Mich. App. 2004) ("black ice under a coating of snow");

(2) *Labhart v. United States*, 2005 U.S. Dist. LEXIS 2276, at \*7 (W.D. Mich. 2005) (paraphrasing the *Kenny* court's use of the term "black ice");

(3) *Cowan v. Lakeview Village Condo. Ass'n*, 2005 WL 233555, at \*1 (Mich. App. Feb. 1, 2005) (saying that the aged plaintiff wiped out while walking on "black ice"); and

(4) *D'Agostini v. Clinton Grove Condo. Ass'n*, 2005 WL 473993, at \*4 (Mich. App. Mar. 1, 2005) (citing *Kenny* for the legal proposition that Michigan's open and obvious doctrine applies to "black ice").

Now let's turn to the "open and obvious" doctrine. *Woodard* contains an excellent discussion of this doctrine. *Woodard* at 712-15. Mentioning many of Michigan's most significant premises liability cases, including *Lugo v. Ameritech Corp.*, 629 N.W.2d 384 (Mich. 2001), Judge Cohn also cites two useful legal articles: David A. Dworetzky, *Lugo v. Ameritech Corp. and Joyce v. Rubin: Michigan Courts Continue to Expand the Application of the Open and Obvious Danger Doctrine*, 81 U. DET. MERCY L. REV. 65 (2003); and Bryan J. Waldman, *Michigan Premises Liability Law: The Open and Obvious Danger Doctrine*, 78

MICH. BUS. L.J. 544 (1999). By citing these articles, Judge Cohn implicitly expects the reader to study them in order to fully understanding the issues involved in this case. Lastly, Judge Cohn writes the M&O in very clear language. Nuts and bolts are what the reader wants, and that's what the reader gets from *Woodard*.

To wrap up our glimpse at Michigan premises liability law, we turn to the test used to determine if a dangerous condition on an owner's property is "open and obvious." The test is "whether it is reasonable to expect an average user of ordinary intelligence to discover the danger upon casual inspection." *Kenny* at 741 (citing *Eason v. Coggins Mem'l Christian Methodist Episcopal Church*, 532 N.W.2d 882 (Mich. App. 1995)). But who is an "average user of ordinary intelligence," is it a person who shows that he possesses ordinary intelligence half of the time? I don't suppose that that nonsense statement

is what is actually meant.

Perhaps what really is meant is "a reasonably prudent person with ordinary intelligence." *Id.* at 742 (emphasis added). Or perhaps the test is whether "an average user with ordinary intelligence would have been able to discover the danger and the risk presented upon casual inspection." *Labhart* at \*5 (citing *Joyce v. Rubin*, 642 N.W.2d 360, 364 (Mich. App. 2002)) (emphasis added). These two versions are the same if a "reasonably prudent person" is analogous to "an average user." But are they? And if they are, then why use different terms?

The phrase "an average user" is even more nebulous than the phrase "a reasonably prudent person"—"user" of what? As a matter of physics, I suppose it is proper to say that people "use" land when they push their feet against the ground as they walk. But as a matter of common sense, is it helpful to readers to describe a person who was walking in a business's parking lot as an "average user" of the parking lot? Wouldn't readers understand this test better if this person were described as a "reasonable walker" in a snow-covered parking lot?



# STUDENT INTEREST

## REPUTATION VS. RESUME: DOES IT MATTER WHERE YOU GET YOUR JD?

by: Garvin G. Ambrose and Stephen N. Knights, Jr.  
Staff Writers

**Knights:** For many law students, studying law is a lifelong dream that is finally being fulfilled. Law students often come from diverse backgrounds.<sup>1</sup> Fortunately, there are numerous schools for a prospective minister of justice to choose from. “As of August, 2004, a total of 189 [law schools] are approved by the American Bar Association. 188 confer the first degree in law (the J.D. degree); the other ABA approved school is the U.S. Army Judge Advocate General’s School, which offers an officer’s resident graduate course, a specialized program beyond the first degree in law.”<sup>2</sup>

With the above statistics in mind, a student may wonder whether the law school that he or she plans to get a J.D. from has the reputation to ensure that the student will get employment after graduation. Undoubtedly, the answer to this question is not definitive.<sup>3</sup>

The reality is that many factors play a role in a school’s reputation. These include, but are not limited to the following: “faculty, facilities, and career services . . .”<sup>4</sup> And as for the ever popular law school rankings, “though a number of law school rankings are available, most factors evaluated are not quantifiable, and therefore you should not perceive the rankings as accurate or definitive.”<sup>5</sup>

A law school’s reputation may be a good talking point during an interview. But a law student’s resume and ability to actively pursue employment—without accepting ‘no’ as an answer—are more crucial tools to have in the briefcase.

A positive attitude combined with individual academic or extracurricular achievements are the preliminary tools that a law student should have and maintain at any law school. Further, a law student should remember that there are several ways to gain employment. I will discuss three of these ways.

### 1) Networking

The obvious way is to network. Without exaggerating psychological theories, “a social network is a map of the relationships between individuals, [showing the ways that] they are connected through various social familiarities ranging from casual acquaintance to close familial bonds.”<sup>1</sup> Also, “research in a number of academic fields have demonstrated that social networks operate on many levels . . . [and] play a critical role in determining the way problems are solved . . . and the degree to which individuals succeed in achieving their goals.”<sup>7</sup>

### 2) Resume

Another way to gain employment is to distinguish your resume from other students. Academic achievement is desired. But not every student will be in

the top ten percent of the class. A student can compensate for this in other ways like participating in extracurricular and community activities. This shows employers that a person is not one-dimensional, and may excel in areas outside of academics. In turn, that can translate into showing that the person may have personable or other qualities that an employer is seeking.

### 3) Career Services

Lastly, a law school’s career services office is a valuable source of information. The employees at a career service office are paid to assist students to gain employment; so it is reasonable to conclude that they are working diligently to do so.

An example of the benefits of career services include: “job-hunting strategies; preparation or revision of resumes and cover letters; interview preparation, and weekly job listings.”<sup>8</sup> Other benefits can include: conferences and seminars on different areas of law, Fall On Campus Interview Season (“FOCIS”), and Spring Term Associate Recruitment

(“STAR”).<sup>9</sup>

The ongoing debate to determine whether a law school’s reputation or an individual student’s resume is the deciding factor in gaining employment will be ongoing. A person can receive a J.D. from a school that may have—what is consider by some—as having a good reputation or famous name. But the name of a school does not determine the competency of the individual. Also, it does not guarantee that the individual will act ethically and effectively.

**Ambrose:** BMW or Kia, which would you prefer? I’ll take the BMW please. In our discussion about the importance of school reputations, my learned colleague is undoubtedly mistaken. While he states that “a student’s resume and ability to actively pursue employment” are key ingredients in obtaining a job, he incorrectly assumes that where you obtain your Juris Doctor (“J.D.”) does not matter.

Society bases some of its most important everyday decisions on names and reputation. Names and reputations matter when choosing the little things such as clothing, food, personal-care products, cars, and even what cell phone you use. It matters even more when choosing baby names, health insurance, and definitely which candidate an employer selects for a specific job.

Although “the name of a school does not determine the competency of the individual,” the name of a school does play an important role in the type of employment that a person obtains—especially the first job. This was validated through an informal survey that I conducted in preparation for this paper.

From the results of this informal survey, it was determined that a majority of students in graduate degree programs, especially law, believe that they would be better off if they attended the big-name schools such as Yale, Harvard, Oxford, and the University of Chicago.

In responding to a question about firm recruiting, one bright Cooley student stated that “on paper, people may assume things about you. They may assume that the person who went to Yale is a better candidate than the guy who goes to the University of Arizona.”

Another Cooley student, in his last year of school, believes that “although one’s experience matters, where a person went to school matters greatly during the

to boost their reputations. The caliber of the professors, the level of education received, the retention rates, and even the entrance requirements, are all factors that are key in determining the reputation of certain institutions.

A student, who graduates from Yale, Harvard, Oxford, or the University of Chicago, and wants to travel the country, is guaranteed an interview even if their grades are average. On the other hand, a student who graduates from a much less-recognized school, despite the multitude of activities they take part in, and despite their stellar grades, will have a more difficult time getting a foot in the door.

When it all comes down to it, I strongly disagree with my colleague, Mr. Knights. After all is said and done, when looking for that job, especially the first, the reputation of a school greatly outweighs the resume of a candidate.

<sup>1</sup> Diversity includes more than just racial diversity. A school should be able to give a “plus” to any factor that it thinks would contribute to diversity. See Thomas Adcock, *Pushing To Keep Law Schools Diverse*, NEW YORK LAWYER (April 9, 2004), available at <http://www.nylawyer.com/news/04/04/040904e.html>.

<sup>2</sup> American Bar Association, *ABA-Approved Law Schools*, at <http://www.abanet.org/legaled/approved-lawschools/approved.html> (last visited Feb. 10, 2005).

<sup>3</sup> The issue most often discussed by prospective law students, yet the most difficult to define, is reputation. See Dr. Charles Edward Neal, *Selecting A Law School*, at <http://www.napla.org/selecting.htm>. (last visited on Feb. 10, 2005).

<sup>4</sup> *Id.*

<sup>5</sup> Wikipedia, *Social Network*, at [http://en.wikipedia.org/wiki/Social\\_network](http://en.wikipedia.org/wiki/Social_network) (last visited on Feb. 10, 2005).

<sup>7</sup> *Id.*

<sup>8</sup> Thomas M. Cooley Law School, *Extern/Graduate Services*, available at <http://www.cooley.edu/careersvcs/prospective/graduatingsoon.htm> (last visited on Feb. 10, 2005).

<sup>9</sup> Details of these programs are available at Cooley’s Career Services Office.

interview, and during the first year of employment.”

To be fair, the student also states that after the first year, what matters is “not where you came from, but how much legal experience one has.” This statement was further validated by my employer, an attorney for over 20 years.

It is this sense of school superiority, or inferiority, which has many Cooley students transferring to DCL-MSU or other legal institutions.

The name and reputation of a school is so important that the Detroit College of Law (DCL) changed their name to MSU. This move solidifies the belief that being associated with a well-known institution puts you ahead of the pack. Because Michigan State University is well recognized universally, a student who graduates from the newly-named law school undoubtedly feels a sense of relief. This shows up even more when alumni return to recruit from their universities or other institutions.

This compilation of student’s views, beliefs, and misconceptions should help educators realize that things must change at certain institutions. While the positive reputations of certain institutions have developed because of athletics or famous alumni, certain institutions, not affiliated with a university, cannot rely on such factors. Instead, these institutions must rely on the product that they produce

*“BMW or Kia, which would you prefer? I’ll take the BMW please.”*

# STUDENT INTEREST

## IN RESPONSE: BALANCING IMAGE WITH APTITUDE—RECOMMENDATIONS FOR COOLEY STUDENTS AND COOLEY LAW

by Orin Paliwoda  
Features Editor

Both opinions are correct, to a degree. For purposes of analysis, let's examine the "law student" not as a living person, but as a product. As with any product, two main components determine whether a consumer will purchase it: the product's marketing, and then the product itself.

Employing social and psychological tactics, businesses use marketing as a tool to increase their product's "good-will." First of all, marketing itself can be bisected into informational marketing and emotional marketing. Simply, informational marketing lets the public know that you exist. Emotional marketing, on the other hand, primarily focuses on developing good-will.

Good-will, although an intangible, is something that's very relevant. Good-will is why people initially buy Coke over Pepsi, a scent of cologne in the hopes of improving their social life, or even why people think Princeton has an excellent law school (even though no legal program exists at Princeton).

However, one must not forget that good-will is still an intangible. A perfect example of this is the dot-com stock market boom and bust. Marketing generated hype over the new "e-business economy," luring individuals to heavily invest in practically any business with ".com" attached to its name. And, like lemmings, people invested in mass without carefully studying the merits of their investments. As dot-com businesses collapsed, so did the financial fortunes of their lemming investors.

This brings us to our second component of why consumers buy: the product itself. The product must fill the needs of the consumer. Therefore, it must serve a useful purpose and be of a quality satisfactory to the consumer. As in the dot-com example, people invested in such companies in order to serve the useful purpose of realizing a gain on their investment. The problem, however, was with the quality of the product (the dot-com company). Without viable business models, these companies could not produce profits and ultimately failed. What this teaches us is that although good-will generated by marketing is important, it is the quality of the product that ultimately governs.

### So, how does this apply to law students and law schools in general?

Law schools who align themselves with a known University piggy-back on that University's "brand name." So, for example, someone from California may never hear of Cooley Law. But that person might know, however, that University "X" has a good football team, leading them to learn more about that University and perhaps its law school (informational marketing).

Furthermore, because of such piggy-backing, the law school receives good-will not based on its own performance, but on the performance of the University's other academic programs (emotional marketing). In short, the law school is benefiting from the work of the physics students, mathematics students, etc. In addition, because human nature

tells us that we want what we can't have, law schools that are overly selective gain additional good-will (the "velvet rope effect").

However, piggy-backing has its drawbacks. Often, students will take such "prestige" for granted; it acts as a crutch. They become over confident, even cocky. Rather than endeavor to master the law, they are content with just passing by, for why toil when a cushy job is waiting for them? Such an atmosphere breeds mediocrity.

On the other hand, students at Cooley Law live in an atmosphere where everything must be fought for. Grades are not padded; admission does not guarantee graduation; competition is fierce. But this atmosphere mirrors life in the real legal world. In this respect, life at Cooley Law mimics life at a large firm. Furthermore, this pressure-cooker atmosphere molds students into brilliant lawyers. It is no accident that Cooley students regularly outperform their counterparts in competitions; we must be a superior product in order to persevere. Simply, Cooley Students equal Quality.

### So, what recommendations do I suggest to Cooley Students and Cooley Law?

To Students:

- (a) PASS THE BAR
- (b) Utilize the school's numerous organizations and opportunities. Multiple choice is not solely determinative of your capabilities; participate in Mock Trial and Moot Court, aim for Law Review and Law Journal—achieve flexibility in your legal skills.
- (c) Meet the legal community. Judges and lawyers are human, don't be intimidated. Meet them, ask them questions. They are a precious source of knowledge and experience. Plus, you will no longer be a faceless resume.
- (d) Be your own person; if you want something, take the initiative and seek it out.

To Cooley Law:

- (a) Hosting more high-profile events like the Law Review Symposiums brings in renowned experts from all parts of the country, putting Cooley on the legal map.
- (b) Adequately publicize such events; a simple fax to a media outlet can do a world of good. There are numerous law-related publications, contact them.
- (c) Don't forget the Professors; media interviews with Professors as scholarly commentators are an important tool. Not only does it benefit the Professor individually, but the school as a whole.
- (d) Increase your presence nationally with

*Continued on page 8*



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# STUDENT INTEREST

## SBA TUTORIAL SCHEDULE

Tutorials are subject to change at any time. Please check your email for updates

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	Monday	Tuesday	Wednesday	Thursday	Friday
12:00	Crim Law Lincolns Inn				Tax Middle Temple
1:00	Evidence Grays Inn				
2:00	Con law 2 Hughes	Property 2 Blue Room		Civ Pro 1 Blue Room	
3:00		Con Law 1 Blue Room	Prof Resp. Hughes		
4:00		Civ Pro 2 Blue Room			
5:00	Torts 2 Lincolns Inn	Secured trans. Blue Room	Contracts 1 Middle Temple	Crim Pro Taft  Will Knight	
6:00		Property 1 Lincolns Inn	Contracts 2 S. Seminar	Torts 1 Lincolns Inn	

## WEEKEND TUTORIALS

	Saturday	Sunday
11:00		
12:00		Con Law 1 Hughes
1:00	Evidence Blue Room	Secured Rutledge  Contracts 2 Middle Temple
2:00		Contracts 1 Middle Temple
3:00		Torts 1 Middle Temple
4:00		
5:00		
6:00		

## New Offices for the SBA

by Christopher Pollard  
Staff Writer

Free food and outlines for students ushered in a new beginning for the Student Bar Association when its new offices were unveiled Feb. 28 in the Lower Level of the Cooley Center.

The SBA has moved into an efficiently organized, more professional-looking office space to be shared with the ABA, said SBA President Victor Lee.

The new space will help open up communication between students and the SBA and help the organization run more efficiently, Lee said.

It will also serve as a gateway and hub to address any student concerns; students can come in and speak with their representatives (all senators have office hours).

The Senate office has a computer lab which can be used by any organization, Lee said.

The SBA consists of eight committees: academics, public relations, intramurals, budget and finance, student services, rules, elections, and social events.

"We are the student voice," Lee said.

The added space will give com-

mittee directors more space to store materials, said Vice President Jessica Gonzalez.

One drawback will be that no more free coffee will be offered because the Cooley Book Store's vending machines are so close, Gonzalez said.

The office will see much more student traffic when more classes are offered in the Cooley Center, Gonzalez said.

Students know the SBA best for providing class outlines and the new office will provide a better system for organizing them.

Outlines will be kept behind the desk to guarantee they will always be there and to prevent misfiling or walk-offs, said Academics Committee Chair Jordan Jackson. They also wish to increase the study aids available to rent, said Jackson.

An SBA website may be in store for the promotion of bar passage programs, Lee said.

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# LIFE OUTSIDE THE CLASSROOM

## WHERE TO UNWIND...

### MARGARITA MADNESS

by Brandy E. Darling  
Staff Writer

Thirsty? Have a taste for something cold and fruity? How about a Margarita? On Mondays, Chili's serves Margaritas blended to perfection for the very low price of two dollars per mug.

Monday's, specials last all day long and also feature a double order of fajitas for only \$11. During happy hour, from 4pm to 6pm, all appetizers are half off and they offer various other drink specials for those who wish to dine in the lounge area.

The Margaritas are available in both original flavor and strawberry, frozen or on the rocks. The frozen drinks are blended in a machine similar to the Slurpee machine at 7-Eleven, which provides a delicious result every time. In my expert opinion these are the best Margaritas in town, and let's just say that I have done extensive research!

Chili's is located on Marsh Road in Okemos, northeast of the Meridian Mall. If you are a Margarita fan, and you need a little down time, I urge you to give Chili's "Fajita-Rita" Mondays a try.

But Chili's is not the only restaurant to offer these delectable frosty beverages at a discount. The following restaurants can more than satisfy your hankering for tequila:

**FAJITA FACTORY** - located at 6405 S. Cedar in Lansing. Here they feature a different flavor of Margarita everyday for \$3.99. In addition to this special they also have all other flavors available at regular price (\$4.75), including a Jamaican Margarita as well as a

Cranberry Margarita.

**LA SEÑORITA** - located at 2706 Lake Lansing Road, across from the Eastwood Town Shopping Center. This restaurant holds happy hour specials twice a day Monday thru Saturday (4-7pm and 9pm-12am). In order to take advantage of the "\$1.00 off" drink special, you must be sitting in the lounge. Assorted flavors are available.

**TEXAS ROADHOUSE** - located at 280 East Edgewood Blvd, in front of Celebration Cinema. The Roadhouse features its Margarita specials on Mondays for only \$.99 each. They also offer "dinner and a movie" packages. Please call (517) 887-8181 for

details.

**OLIVE GARDEN** - located at 5015 Marsh Road in Okemos, northeast of the Meridian Mall and directly across from Chili's. Though not a part of any happy hour special, it is well worth noting Olive Garden's "Italian Margarita." It's a thirst-quenching Sauza Gold Margarita served with a side of DiSaronno Amaretto. In a word, YUM!!

Whichever location you decide to try, I am sure you will be pleased. CHEERS!!



## WHERE TO DINE...

### GET IN THE ZONE

by Stephanie Ellis  
Staff Writer

Like wings? I mean, really like wings? To the point where you sit and dream of diving into a juicy, saucy plate full? If you've gone that far, you have issues! Nonetheless, I have found a place that will meet your monstrous cravings: Wing Zone. This place is the real deal! It is a wing-lover's paradise!

Wing Zone is a fairly new concept that recently opened in the Frandor Shopping Center in Lansing. The owners of Wing Zone started their business in 1991 focusing primarily on college towns. The initial motivation behind the restaurant was to give college students more delivery options. They must have realized that at some point, college students would get sick of pizza and probably start boycotting for better choices.

Well, thank goodness for forward-thinking people! Wing Zone has branched into 23 states and probably gives its major competitors (BW-3 perhaps) a run for its money!

Wing Zone's wings come in 25 varieties, everything from honey barbeque to spicy lemon pepper. And the wings are huge! They like to refer to them as "jumbo." You can order as many as 100 wings at a time. I don't imagine you would, but I thought it was valuable information. You can also make your wing order a combo, which means adding wedge fries and a soft drink.

If wings are not your forte, you have two options: (1) don't go here, or (2) try one of their chicken sandwiches instead. The sandwiches are served grilled or fried and come with fries and a drink. They also sell half-pound hamburgers. If you haven't already noticed, this place is not for the weak! Bring your appetite. If you are watching your waistline, however, they do offer a variety of salad options.

Wing Zone is open late every night (until 3 a.m.) except Sunday when they close at midnight. Finals week is approaching, which means a lot of late nights. This is a great place to go to satisfy those 2 a.m. hunger pangs.

Take my word for it, the wings here are excellent. They are a lot bigger than what you might be used to (which is a good thing!), and the interesting flavors are definitely pleasing to the palette.



**EDUCATION..**Continued from page 3

Director of the Graduate Taxation Program, and Professor Stuart Lazar is the Assistant Director. The Graduate Intellectual Property Program Director is Professor Gerald Tschura, and Professor David Berry is the Assistant Director. The LL.M. classes are primarily offered on the weekend at Cooley's Rochester/Oakland University Campus.

To be considered for the joint degree program, a Cooley J.D. student must have completed 57 credits and be in the top half of the student's class. An applicant to the joint taxation degree program must have earned at least a "B" in a basic income taxation course and an applicant to the joint intellectual property degree program must have earned at least a "B" in the J.D. elective Intellectual Property Law.

Provisional admission to the program will be based on, among other things, the student's undergraduate major and academic performance, a writing sample, a written personal statement, and a letter of recommendation.

To apply, complete an application for provisional admission to the joint program of your choice and submit the application and the other materials to Graduate Program director, Deb Hirsch. The application may be obtained at our office on the 10<sup>th</sup> floor of the Cooley Center. For more information about the joint program e-mail the LL.M. Program directly at LLM@cooley.edu. Or contact me at extension 2849 or by e-mail at weinerw@cooley.edu. Professors Torielli, Lazar, Tschura, and Berry are also available to answer any of your questions. We are currently accepting applications for May 2005.

# STUDENT INFORMATION

## DEAR JOHN

by John Stender  
Staff Writer



A note from the Editor: The "Dear John" Column is intended to be for entertainment purposes only. John gives pretty good advice, and if he doesn't know the answer to something, he'll find out from someone who does. But still, the advice in this column is not intended to be a substitute for your own good judgment, common sense, or good old fashioned therapy. With that said, enjoy.



Dear John:

*The guy that sits next to me in class smells bad. I honestly don't think it's his breath but I'm not sure. I'm not trying to be cute here. It really bothers me. He thinks that we're friends but we're not; and it's not because he smells. It's because he confuses my politeness as an invitation to come and sit next to me.*  
— FRUSTRATED nose

Dear FRUSTRATED nose:

I really don't think that this will end up being that big of a problem for you. It may help the guy in the long run to tell him about his odor, so he can make a lifelong change. That would also be a very awkward conversation and very unlikely to change anything. In my opinion it would probably just hurt his feelings. I suggest that you tell your teacher about your predicament and ask if you can change seats. Tell the guy that you need to get closer to the board. If you're already in the front row make something else up. If you're unable to move, offer mints or gum and hope he's not sitting next to you at your final.

### Have a letter for John?

**Drop off a letter for him in the "Dear John" Drop-off Box. Its right outside the Pillar office, which is located in the back of the fourth floor of the Classroom Building.**

**OR send an email to Pillar@Cooley.edu. All submissions will be kept anonymous at your request**

Dear John:

*Last month I went to a wedding in Chicago. When I RSVP'd I said that I was coming with a guest but I broke up with my semi-long term boyfriend soon after I sent the RSVP in. I ended up inviting a guy that I had only been on a few dates with. Things seemed to be okay with him. I was introduced to him by a friend from college who would also be attending the wedding. Things went wrong from the beginning. Traffic in Indiana was terrible and I thought we were going to be late for the wedding. He thought that we should skip the wedding and just go to the reception. I disagreed and insisted that we put on our clothes at a rest stop (we were originally going to check into our hotel first). This put him in a bad mood and he proceeded to make his goal to drink as much as possible at the reception. After I told him to "tone it down" and to try not to embarrass me in front of my friends, he stormed off, called me some choice words and threw my stuff out of his car. He told me he was going to drive back to Lansing. About a week later I found out that his trip did not end there. He ended up staying, hanging out with some of the bridesmaids (who are supposed to be my friends), supposedly making out with two of them at a club, and probably hooking up with one of them afterwards. My credit card had a charge for another room and another charge for "entertainment" that I have found out is an escort service.*

*This ended up being one of the worst nights of my life. I just want to put it behind me but I'm upset with these girls who were hanging out with him. I feel like they stabbed me in the back and I think they should know what they did was wrong. I know I will run into these girls again at future weddings and parties. If I don't get over it, it could make things awkward at all of my future college reunions. There is a chance that if I don't just shrug it off I might get black balled by these girls and some others. I might not even get invited to as many functions in the future. What should I do? I know I should stick up for myself but I don't want to become a social pariah.*

Call me - Bad Date

Dear Bad Date:

What a great story. I truly appreciate the drama that was your weekend. Some will argue that the best advice that I could give you would be to stick up for yourself, give the slutty bridesmaids a piece of your mind, and never look back. The bearers of this advice are not skilled in the intricacies of "female politics." You need to decide whether being "black balled," as you call it, is the end of the world. If you really don't mind, take the generic advice from before and cut your losses.

If you're determined to maintain your place in this group then you need to assess your position. Ask yourself realistically who has more leverage over this group that you're trying to maintain your status in: you or them. See if there are any other girls in your group who are "on your side."

Make some phone calls to the people who would be most sympathetic to you and explain your situation. Don't declare your hatred but emphasize your victimhood. Mention that you realize that crazy things happen when drinking is involved. Give this some time to sift through e-mails and cell phones before you make your next move.

I believe that by this time you will have built up a good deal of sympathy and will have averted becoming a "social pariah." If you feel that the momentum is on your side and feel that anything you say to the chosen bridesmaids will remain isolated between you and them, then go for the kill and let them know exactly what you think of them. If you feel that they still hold the social puppet strings then you might have to grin and bear it and look for a better time in the future to get even.

As far as your credit card is concerned you should call your credit card company and ask them what to do. Hopefully you don't get screwed - or more precisely - have to pay for somebody else who did.

IRAQ...Continued from page 1

home is a treat. I respond to every letter I receive, and I would love to hear from people, whether I know them or not."

In spite of his accomplishments during his time in Iraq, Daniel still misses his life in Lansing. He recalls times that he felt as though Cooley and the organizations he was once involved with had forgotten him. However, just when he thought that his time in Michigan had been lost, he would get an encouraging email from Professor Bretz or Professor Hicks that would bring a smile to his face.

"They let me know that there is a chair in a classroom waiting for me when I get back."

If you are interested in writing to Daniel Perez, his address is included below. The cost of mail to Iraq is the same as it is anywhere in the US (letters are 37¢). He gets extremely excited about receiving mail and would love to hear from you.

Perez, Daniel  
29 BCT, 100-442 INF  
APO AE 09391

RECOMMENDATIONS...Continued from page 7

polished marketing campaigns. (e) Conduct damage control regarding U.S. News & Reports Rankings. This is a sensitive issue, to say the least. The benefit of Cooley producing its own ranking guide is that it gives a different perspective, but the creditability of such rankings can be attacked as self-serving. A tactic used by politicians is to point to a different issue if the current issue is too hot. Touting the benefits of the Cooley philosophy is a good start in damage control, but framing a public image (i.e. "The Progressive Law School") is vital. By taking the initiative, other law schools could seem stodgy and "out of step."

Harvard, of example, is still reeling from the allegedly sexist comments of its President; that doesn't help Harvard's negative image as a "wealthy boys club." (f) Balance growth with selectivity. This is another hot-topic issue, and I do not have the expertise to address it.

In sum, there are no magic bullets or, conversely, no impassable boundaries. With these factors and strategies in mind, success of a student or institution is limited only by ingenuity and effort.



# COOLEY CLASSIFIEDS

## Career Services Hours

The Career Services Office will be open from 9:00 a.m. to 8:00 p.m. on Monday, Tuesday, and Thursday, Wednesday from 9:00 a.m. to 12:30 p.m. and from 5:00 p.m. to 8:00 p.m. and Friday from 9:00 a.m. to 7:00 p.m. The Career Services Office will be open from 10:00 a.m. - 2:00 p.m. on the following Saturdays for Hilary Term 2004: March 19.

## National Italian American Foundation Presents Graduates to Leaders Law Workshop

The National Italian American Foundation, a non-profit, non-partisan organization formed in 1975 by Italian American leaders to preserve Italian heritage, presents a "Graduates to Leaders Law Workshop." This 2-day educational workshop for 1st yr. or 2nd yr. Italian American law school students who have at least one ancestor who has emigrated from Italy. The workshop will be held in Washington, DC from May 15-17, 2005. Participating students will have the opportunity to network and get an "insider's" view into law through Italian American professionals. Workshop topics will cover various aspects of the law, including public interest and advocacy law, statutory and administrative law, criminal law, and business law. A \$200 deposit is required, however, the deposit, minus \$50, will be returned 3-4 weeks after students successfully complete the program. The workshop includes transportation to and from Washington, DC, 3 meals per day, and 2 or 3 night's accommodations. Application deadline is **5 p.m. Friday, March 18, 2005**. For additional information or to obtain an application, please visit: [www.niaf.org/G2L](http://www.niaf.org/G2L).

## State Bar of Michigan Invites Law Students to Annual Spring Seminar

The Intellectual Property Law Section of the State Bar of Michigan invites all interested law students to join the Section's Annual Spring Seminar, held **Monday, March 14, 2005 from 9 a.m. to 4:30 p.m.** at the Kellogg Center, at MSU in East Lansing. The seminar will include a special round table discussion for law students. Practitioners will be available to answer questions about pursuing a career in Patent and Trademark law. Attend to learn more about:  
Patent and Trademark Office Update  
PCT Practice: Tips and Update  
Nominative Fair Use in View of KP  
Permanent Make Up  
Trademark Prosecution, Updates, Tips & Best Practices  
PTO Appellate Rule Changes  
Update on Trade Secret Law in Michigan  
Electronic Courtroom Evidence  
Willfulness and Discovery in the Wake of Knorr-Bremse  
How to Draft Licensing Agreements that Avoid Antitrust Problems

Avoiding Written Description Pitfalls  
Global Filing Strategies for Trademarks

Plus, network with patent and trademark attorneys and hear the Honorable David W. McKeague, U.S. District Court, Western District of Michigan speak at the luncheon.

The cost is \$15 for law students. The fee covers the cost of the seminar, materials, lunch, and parking at the Kellogg Center.

For more details about this seminar or to register, please visit [www.icle.org/springIP](http://www.icle.org/springIP) or call the Institute of Continuing Legal Education (ICLE) (877) 229-4350.

## Judge Philip J. Glennie Scholarship Award

The Community Foundation for Northeast Michigan and the Bar Association of the 26th Judicial Circuit announce its annual Judge Philip J. Glennie Scholarship Award. Law school students who have attended and graduated from a high school located within the 4-county area of the 26th Judicial Bar Association, specifically, the Michigan counties of Alcona, Alpena, Montmorency, or Presque Isle, are eligible to apply. One \$1,000 scholarship will be awarded.

All applications must be submitted by **April 1, 2005**. For more information about this scholarship or to pick up an application form, please visit the Career Services Office.

## Inside Track on Grad Programs

Cooley students can get the inside track on Cooley's graduate degree and joint degree programs through our new TWEN page, "Graduate Tax Programs". These pages include information for prospective and current tax LL.M. students, as well as for students just interested in finding out more about the area of tax law. The page includes current tax job postings, seminars and symposia (many of which offer free or reduced price admission to Cooley students), writing competition opportunities, course offerings, interesting websites and biographical information about our top drawer tax faculty and adjunct faculty. Students who sign up will receive email notices (at any email address they choose) of breaking news items. Students can also email their questions to the program director through this page. All Cooley students are welcome to sign up. Simply go to [www.lawschool.westlaw.com](http://www.lawschool.westlaw.com), click on "TWEN", then the "Drop/Add a Course" button. Select the course entitled "Graduate Tax Program."

By the way, have you tried adding any new job postings to the site? If so, next time check the box that sends an email to

participate at the bottom of your screen. That way, we'll all find out there is a new posting.

## Current Jobs

**Posting #: PL0169**  
**Position: Law Clerk**  
**Location: Lansing, MI**  
**Deadline: March 18, 2005**  
**Source: Employer**  
**Description:** The Michigan House of Representatives, House Republican Policy Office seeks a law clerk to work **20 hrs./wk.** Duties include: researching and analyzing statutes, case law, and administrative rulings; drafting memoranda; assisting in the enactment of proposed legislation; and providing other general research on various topics. Pay is \$11/hr.  
**Qualifications:** Must be a current law school student who has completed research and writing. Experience with Microsoft Word, good communication skills, and strong legal research skills are required. Must be reliable.  
**To Apply:** Submit cover letter, resume, letter of reference, and 2 writing samples to:  
Michigan House of Representatives  
House Republican Policy Office  
ATTN: Teri Quimby  
P.O. Box 30014  
Lansing, MI 48909-7514  
(517) 373-7307  
Fax: (517) 373-5972  
E-mail: [tquimby@house.mi.gov](mailto:tquimby@house.mi.gov)  
Website: [www.house.mi.gov](http://www.house.mi.gov)

**Posting #: PL0167**  
**Position: Law Clerk**  
**Location: Lansing, MI**  
**Deadline: None Specified**  
**Source: Employer**  
**Description:** Thrun Law Firm, P.C., a law firm that practices all aspects of education and municipal law, including labor, finance, election, construction, student, and special education, seeks a law clerk to work a minimum of **10 hrs./wk.** Pay is \$14.06/hr.  
**Qualifications:** Excellent research and writing skills are required. Must be in the top 30% of class.  
**To Apply:** Submit cover letter, resume, law school transcript, and writing sample to:  
Thrun Law Firm, P.C.  
ATTN: Martha Marcero, Hiring Committee  
P.O. Box 40699  
Lansing, MI 48901  
Website: [www.thrunlaw.com](http://www.thrunlaw.com)

**Posting #: PL0166**  
**Position: Faculty Members (2)**  
**Location: Lansing, MI**

**Deadline: None Specified**

**Source: Employer**

**Description:** Lansing Community College seeks 2 part-time faculty members to teach its Health Law and Ethics course. The faculty members will teach 2 hrs./wk. The class is taken by a wide range of allied health and nursing students.

**Qualifications:** Must have a nursing or an allied health background and have completed 2 terms of law school. Excellent writing skills are required.

**To Apply:** Submit cover letter, resume, law school transcripts, and writing sample to:

Lansing Community College  
ATTN: Joan Berry, Program Director  
3100-Nursing Careers Dept.  
P.O. Box 40010  
Lansing, MI 48901-7210  
Fax: (517) 483-1508  
E-mail: [berryj3@lcc.edu](mailto:berryj3@lcc.edu)  
Website: [www.lcc.edu](http://www.lcc.edu)

**Posting #: PL0162**

**Position: Intern**

**Location: Lansing, MI**

**Deadline: None Specified**

**Source: Employer**

**Description:** The Law Office of Kristen L. Krol, P.L.C., a litigation law firm focused on criminal, consumer, and family matters, seeks an intern. Duties include: conducting research and investigations; drafting pleadings; and conducting discovery. The intern will have some client contact. A flexible work schedule and free parking are offered. This is an unpaid position.

**Qualifications:** Must have completed 2+ yrs. of law school. Strong research and writing skills are required. Must be a highly motivated self-starter who is responsible, reliable, and detail-oriented. The ability to work with minimal supervision is required. Must have Moot Court, Law Practice, or Trial Workshop experience.

**To Apply:** Submit cover letter, resume, and writing sample (summary disposition motion) to:

Law Office of Kristen L. Krol, P.L.C.  
4601 W. Saginaw Hwy., Suite 200  
Lansing, MI 48917  
E-mail: [krollaw@tds.net](mailto:krollaw@tds.net)

**Posting #: PL0152**

**Position: Student Admissions Counselor**

**Location: Lansing, MI**

**Deadline: Until Filled**

**Source: Employer**

**Description:** Thomas M. Cooley Law School's Admissions Office seeks a Student Admissions Counselor (SAC) to work **10-24 hrs./wk.** Working some Saturday hours and during partial term breaks may be required. This is a term-by-term position. Work study eligible stu

