

Law Review: A love story (res ipsa loquitur)

By LAWRENCE SAVELL

As the gleaming jetliner dropped its nose earthward like a fading associate after a trifecta of consecutive all-nighters, Nick Ladrone thought back two decades, when he was smitten by her vixenish allure that first day of Property class.¹ "Her" was Cindy Uxor, Nick's classmate at the University of Michigan Law School, and his girlfriend, constant companion, and — dare he say it — original and enthusiastic love partner² from that first night³ through graduation.

Nick remembered Cindy like it was yesterday, precisely recalling every detail of her appearance. After that first class, Nick had followed her into her Document Production workshop seminar, and Cindy had been touched by Nick's tenderness in attending to her numerous paper cuts and extracting her flowing hair from one of the many industrial-capacity shredders being demonstrated.

As Nick reread the 20th-reunion invitation for the thousandth time, he nibbled instinctively at the corners of yet another Maalox tablet and thought of the experiences the couple had shared. Smiling, he recollected how their off-campus apartment had been in terrible shape, despite their many efforts to contact the landlord's on-site employee. He recalled how Cindy loved to plant herself in her 1960s retro designer chair and watch old movies on TV, particularly those starring the noted actor, Mr. Marshall. He remembered that they had many common opinions, such as their belief in reincarnation, acceptance of Freudian analysis, support of often-unpopular political groups,⁴ and sense that there had not been a truly great racehorse at any time during the 20th century.⁵ And he thought wistfully of the sight of her outside their apartment, gleefully honking the horn on her dented but reliable old Honda.⁶

Of the two, Cindy had been the better student by far, making the law review on grades, then athletically⁷ scaling the journal's rigorous scholarly heights to be appointed Punctuation Editor.⁸ Nick was a marginal student at best, although he did sometimes use the rest of the page. Indeed, he nearly did not graduate; he was saved when the dean, a close friend of Nick's family, summarily commanded a reluctant Origami Law professor not to fail the boy.⁹

As it turned out, it was The Law that drove the loving couple apart. Cindy won a coveted circuit court of appeals clerkship in New England, which was capped by two tours of duty as a U.S. Supreme Court clerk. Nick, after a short stint as a legislative aide drafting provisions dealing with motor-coach transportation of starlets,¹⁰ opted for the in-house route, joining one of the "Big Seven" fertilizer manufacturers down South, serving as the company's assistant associate adjunct auxiliary additional annexed appended general counsel in its Legal and Shipping

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Department.

The two tried to continue their relationship, but geography, schedule differences, and a childhood injury to Nick's salivary glands rendering him unable to adequately moisten and affix a postage stamp signaled their doom. One day, the calls stopped. Even after Nick replaced the cord he had tripped over, things were never the same.

L. Tempus Fugit

"Please make sure your seat belts are buckled and your tray tables are stowed," the voice commanded from above.

Nick took a last swig of Kaopectate and replaced the flask in his attache case. His hands were shaking, his palms were sweaty, and he suddenly had a desire to buy several Barry Manilow albums.

"Get a hold of yourself," he silently demanded.

A bumpy landing, 20 minutes of elbowing elderly fellow passengers from their prime luggage-carousel positions, and an hour's brakeless cab ride to Ann Arbor later, Nick found himself outside the venerable University of Michigan Law Library (which, a neon sign proclaimed, in exchange for sponsorship remuneration, was now to be referred to officially as the Hornblower & Kornblatt LLP, a Professional Corporation and Bowling Team,¹¹ Law Library).

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Nick opened the door and immediately his eyes were drawn to her. She looked somehow even more youthful than she had back in law school.¹² She was standing at the center of an admiring and attentive group, whom he recognized from reading People magazine as two state supreme court judges, a U.S. senator, two Nobel laureates, and the guy who invented the double-fudge brownie.

Thankful that he had opted for the top-of-the-line Excelsior Plus suit separates from among the offerings at his local Wal-Mart, Nick confidently strode toward the laughing circle.

"Hi, Cindy," he said.

"Go away, creep," she responded automatically, the result of years of dating undependable men who amazingly had all shared the same antibody first name,¹³ as well as the stubborn refusal to tame their staggering halitosis through the use of an offered breath mint.¹⁴

His look of shock and dyspepsia caused her to examine him more closely. She concluded, in fact, that he had remnants of egg salad in the corner of his mouth. Finally, a broad smile of recognition engulfed her face.

"Nick, is that you?" she asked breathlessly.

"Res ipsa loquitur," he responded, remembering that phrase as something one of his professors had once said in class.

The two of them sat down at a vacant reading table in the corner, pushing aside the stacks of Gilberts, Nutshells and copies of Law for Silly People which had been taken down from the shelves.

"So what are you doing now?" he asked.

"I'm a full professor here at the law school," Cindy replied, choosing to omit the fact that, although the half-full

professors whom she had eclipsed had accepted her with open arms, the half-empty professors had unfortunately taken a negative approach. "How about you?"

Nick explained how his company had recently gone under, buried in the current economic downturn after scared investors dumped its stock.

"I guess there's nowhere to go but up," he sighed.

Cindy laughed. Nick thought to himself how much he had missed that laugh.

They talked for hours. Cindy told Nick about her beloved home, Blackacre, and her two dearest friends, who were unfortunately also habitual litigants, P and D. But she admitted that something was missing from her life, beyond a deli within 500 miles where you could get an acceptable pastrami sandwich.¹⁵ She openly discussed the fact that although she wanted to marry and have kids, the demands of her career had never allowed the opportunity, plus many of the men she had met had been intimidated by her achievements. Nick, who usually fantasized with lifelike realism about excelling at fatherhood,¹⁶ volunteered that he likewise remained on his own in the romance field,¹⁷ although essentially due to the fact that he was really no prize.

"You know, Nick, there's an opening at the law school for a Natural Resources Law Clinic instructor," Cindy advised. "That could be right up your alley. Plus, it would give us the opportunity to spend time together again."

Nick thought for a moment. Other than the other five pairs of pants to his suit and his collection of Cowsills eight-tracks, there was not much pulling him back to his poorly decorated prefabricated dwelling.¹⁸ And maybe, just maybe, he pondered excitedly,¹⁹ he and Cindy could start over again as a couple, after 20 years of wondering why they had ever allowed themselves to drift apart.

"I hear the tomato soup in the Lawyers' Club cafeteria is pretty good," Nick said, taking the hand he had missed all those years as they walked out to the crisp open air of the Law Quad,²⁰ and watched the setting sun further deteriorate the retinas of anxious students preparing hopelessly for the final exams that would irreversibly determine their future.

Notes

¹ *Pearson v. Post*, 3 Cal. 2d 175 (1955).
² *Etihna Bissimilly*, "A Beginner's Guide to 'Estabments'" (1989).

³ Act of Sept. 4, 1879 (codified as Mich. Dating Code 51 (1878-1882)). Compare Act of Sept. 5, 1879, at 504.

⁴ Seymour Orless, "The Fallibility of Eyewitness Testimony," 88 O.D./U.S.L.J. 2020 (1961).

⁵ See *supra*.

⁶ *Op. cit.*

⁷ *E.g.*

⁸ Hereinafter.

⁹ *Id.*

¹⁰ *Contra*.

¹¹ *Citation omitted*.

¹² *Accord*.

¹³ See also *Buff. L.Rev.*

¹⁴ Cf. U.S. Sentencing Guidelines Manual at 5-10 (1988).

¹⁵ *Passim*.

¹⁶ See Model Bus. Corp. Act (amended 1983).

¹⁷ To be distinguished from Horn & Hardart, a professional bakery. See *N.Y. Digest*

53.1416263358793236429433.

¹⁸ *Younger on Evidence* (rev. ed. 2002).

¹⁹ See *Showman Anti-Trust Act*, 15 U.S.C. §61-7 (West, 2002).

²⁰ *Cart. denied*.

²¹ *N.Y. Supp.* (all volumes).

²² See, generally, 1 Pa. Supr. 3d.

²³ See *ABA Handbook for Solo Practice* (2002).

²⁴ Cf. Charles Dickens, "Black House" (1853).

²⁵ *In re Viagra Litigation*, 13 *Prod. Safety & Liab. Rep.* (2004) 88 (2002).

²⁶ 1 *Blue Sky L. Rep.* (CCH) 1-8.