

X-Sender: tagreen@t.imap.itd.umich.edu  
X-Mailer: QUALCOMM Windows Eudora Version 4.3.2  
Date: Tue, 29 Jan 2002 12:14:30 -0500  
To: Robert Howse <rhowse@umich.edu>  
From: Tom Green <>tagreen@umich.edu>  
Subject: Re: working away...l

Hi, Rob,

I think we were supposed to read everything; that's what you told us, though you said the new work would receive special weight. I read it all, and I discounted my overall favorable views on grounds of ignorance--I looked forward to the experts' views, which I said would carry a lot of weight with me. They have, insofar as they commented on specific pieces, and not insofar as they didn't. What they were asked to read is a question here; I don't know whether de novo means we had to have all already-reviewed pieces re-reviewed and/or had to discuss them all individually.

Leaving those last matters aside, it seems to me that our majority report, or any separate report, may comment specifically on particular works and generally on others (here, especially, the earlier work). My own (ignorant) view was that the earlier work was marginal overall, but that "Questioning" did seem better than that. No doubt, I was influenced in my views by the first process. I would agree to a general statement along those lines, if you and Mathias concur. If you and he are stronger on the earlier work than my characterization suggests, you might say there is a range of views on the earlier work, though general agreement on the portfolio as a whole as it now stands.

I doubt that's all very helpful...please forward to others: no reason why you should be the only one not helped by this message.

Best,

Tom

At 11:45 AM 01/29/2002 -0500, you wrote:

thanks. I myself have always understood a de novo review to mean a review from the perspective of what Hammer has accomplished to date, not an examination of every piece in the file individually. True, I'm new here but from what I gather generally talking with people at least at peer institutions where a candidate has had considerable recent productivity his or her first writings as a scholar don't necessarily get explicitly discussed in a committee report.

Any other reactions out there?

best,

rob

At 11:40 AM 1/29/02 -0500, Jim White wrote:

Rob, I have not read the other pieces in the last two years and I am not sure that I even have them here. So I am hesitant to do a "de novo" review. A de novo review would of course require us to repeat not only the good but also the bad things I do not have the time to do that well now.

Accordingly I propose that we proceed with the same presumption about what needs to be covered that we have been working under for the last couple of months. If the faculty reads our charge differently, they can say so and we can put this off for a month or two. Jim

X-Sender: nkpaul@n.imap.itd.umich.edu  
X-Mailer: QUALCOMM Windows Eudora Version 5.0.2  
Date: Tue, 29 Jan 2002 13:30:46 -0500  
To: Robert Howse <rhowse@umich.edu>, "Jim White" <white@law.law.sc.edu>  
From: Nancy Paul <nkpaul@umich.edu>  
Subject: Re: working away...I  
Cc: deborah Malamud <dmalamud@umich.edu>, white@law.law.sc.edu,  
jjwhite@umich.edu, tagreen@umich.edu

My understanding of a "de novo review" was that it covers the whole record, i.e., including the older pieces (that's why I re-read them). They don't change my overall judgment but I do agree with Deborah that the report needs to address them, albeit in a perhaps more summary fashion.

Mathais

At 11:45 AM 1/29/02 -0500, Robert Howse wrote:  
thanks. I myself have always understood a de novo review to mean a review from the perspective of what Hammer has accomplished to date, not an examination of every piece in the file individually. True, I'm new here but from what I gather generally talking with people at least at peer institutions where a candidate has had considerable recent productivity his or her first writings as a scholar don't necessarily get explicitly discussed in a committee report.

Any other reactions out there?

best,

rob

At 11:40 AM 1/29/02 -0500, Jim White wrote:  
Rob, I have not read the other pieces in the 1st two years and I am not sure that I even have them here. So I am hesitant to do a "de novo" review. A de novo review would of course require us to repeat not only the good but also the bad things I do not have the time to do that well now.

Accordingly I propose that we proceed with the same presumption about what needs to be covered that we have been working under for the last couple of months. If the faculty reads our charge differently, they can say so and we can put this off for a month or two. Jim

Mathias Reimann  
Hessel E. Yntema Professor of Law  
University of Michigan Law School  
625 South State Street  
Ann Arbor, Michigan 48109-1215  
phone: 734 763 6331  
fax: 734 763 7415