

THE DAILY RECORD

LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

Legal Currents

Intellectual Subway 101

This column, featured every Monday, tackles timely issues important to the local legal community.

If there's an intellectual highway, there's also an intellectual subway.
— Stanley Crouch

BY NICOLE BLACK
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Robert L. Birmingham, a professor for the University of Connecticut School of Law, recently caused quite a stir when he showed a video clip from a film called "Really, Really Pimpin' in Da South" during his "Remedies" course. The film was made by Atlanta-area pimps and explained the rules of conduct for pimps and their prostitutes.

The class was discussing a 2004 11th Circuit U.S. Court of Appeals case, *U.S. v. Charles Floyd Pipkins, a.k.a. Sir Charles, and Andrew Moore, Jr., a.k.a. Batman*, no. 02-14306. The purported reason for discussing this case was in the context of determining whether the prostitutes were held in involuntary servitude.

Much has been written about the professor's subsequent suspension and the ostensible reason for the uproar—that Professor Birmingham accidentally and belatedly stopped the "relevant" portion of the video clip, an interview with the defendant Pipkins, on a still image of a woman in a suggestive pose, wearing a g-string.

That this case was chosen for discussion in the first instance is somewhat surprising. The decision arises from a 265-count indictment of 15 pimps involving allegations of violating the Racketeering Influenced Corrupt Organizations Act, among other criminal statutes. The crime of involuntary servitude was discussed on less than three pages of the entire 43-page opinion.

The rationale that led to the inclusion and extended discussion of this particular case and the classroom viewing of a video made by pimps for pimps was questionable, at best. The video malfunction served only to highlight the inexperience of the inclusion of this material in a law school class-

room.

However, the allegations of audio-visual ineptitude become all the more suspect when one learns that later that same day, at the request of his students, Professor Birmingham paused the very same video clip at the very same place—in a class on the Nuremberg Trials. It's difficult to imagine the relevance of the code of conduct for pimps in the early 21st century to a seminar focused on the war crime trials held in the aftermath of World War II.

That this particular professor chose to examine this particular material in two different law school courses is not particularly surprising when one reviews his body of work. For example, in an article published in the Connecticut Law review in the Summer of 2000 entitled "Folk Psychology and Legal Understanding," Professor Birmingham devotes nearly one third of the article (excluding footnotes) to the discussion of whether consent can be inferred if one becomes pregnant as a result of rape.

In that same article, when discussing an antiquated law that allowed a rapist to escape punishment if the victim and the rapist marry, he quipped: "One imagines that such marriages were as happy as most." Earlier in the article, he made the curious decision to use the word "promiscuously" in lieu of the less charged and more commonly used word "indiscriminately."

I encountered a similar professor in law school. The vast majority of hypothetical examples offered by the male professor involved men conducting complex business transactions. On the rare occasion that a woman entered the picture, she was either a prostitute or pregnant.

The transparent message sent by this professor to the captive classroom was that women were worthy of mention only when their "unique" biology served to add some sort of warped interest to a hypothetical factual scenario. Never mind the fact that women constituted half of the population of both the world and the very classroom in which the existence of these "unique" creatures was rarely acknowledged.

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Based upon my experience, I would hazard to guess that the video malfunction that resulted in Professor Birmingham's suspension was not an isolated event, but rather, the straw that broke the camel's back.

Perhaps this incident will serve as a wake up call to law professors across the country who regularly engage in questionable teaching tactics — take the intellectual high road

while in class and confine your travels of the intellectual low road to drunken discussions with friends over a few beers. Your students will thank you.

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