

2-9-2001

Hastings Law News 2001 Vol.2 Iss.5

UC Hastings College of the Law

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Recommended Citation

UC Hastings College of the Law, "Hastings Law News 2001 Vol.2 Iss.5" (2001). *Hastings Law News*. Book 257.
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Volume 2, Issue 5
February 9, 2001

HASTINGS LAW NEWS

IF THERE IS TO BE A HASTINGS COMMUNITY, THE STUDENTS MUST HAVE A VOICE

People in your neighborhood



photo by Reichi Lee, staff photographer

Roberto Salazar, a coffee vendor above the Civic Center Garage, prepares a beverage.

A Conversation with Dean Mary Kay Kane

Hastings' leader muses on her youth, pop culture and the future of legal education

by Josh Kaplan (2L),
Contributing Editor

In continuing our focus on leaders in the Hastings community, the *Hastings Law News* (HLN) decided to sit down with our dean for a few questions. We thought we would try to find out what kind of stuff a dean is made of, and we also slipped in a few questions about Hastings itself. The following is what we learned during our 45-minute conversation.

Dean Mary Kay Kane was born and raised in Detroit. She grew up as an only child in a household dominated by her father's legal practice, which served former professors. While at Michigan she discovered a passion for civil procedure and a faculty that would the Dean fulfill his role as the official spokesperson for legal education.

In setting the agenda for legal education policy, the dean will focus on re-examining teaching and scholarship as effected by globalization and technology. The dean feels that legal education must respond and adapt to these social forces. The AALS will explore, among other things, which aspects of legal practice and education can be communicated effectively through distance-lawyering or distance-learning, and which still require the physical presence of people.

After tracing the path to dean-hood, we dis-

covered Dean Kane's perception of law today at Hastings. Kane argues that the most significant role of the lawyer is as one who helps others achieve goals. This role is enacted directly in an attorney-client relationship or indirectly through improvements in

society by means of legal reform. As for legal education, Kane describes it as training the student to see the big picture. Kane acknowledges that there is an emphasis on practical skills at Hastings, but claims that these skills translate into business and

public service through effective problem solving and strong communication skills.

Regarding legal education, HLN decided to complete the interview with a few questions about the recent slippage in the bar passage rate. In 1995, Hastings' unofficial

national ranking dropped from 20 to 45 and bar passage slipped from 89 percent to 79 percent. Although there was a much less severe drop last year, Dean Kane

has asked the Academic Standards Committee to reexamine the issue. The Academic Support Program will release its own statistics now that it has been in existence for a full three years. For the most part, the dean remains baffled by the dip, as excellent student Dean.....page 2

The only disconcerting aspect of her minority status was the complete lack of anonymity. Everyone knew who she and the other 18 women were.

For the most part, the dean remains baffled by the dip [in Hastings' bar passage rate].

Hastings Int'l and Comparative Law 18th Annual Symposium this month

Save the date! On Friday, Feb. 23 (8:30 a.m. to 5:15 p.m.) and Saturday, Feb. 24 (10 a.m.-4:30 p.m.), there will be a symposium on "Holding Multinational Corporations Re-

sponsible under International Law" at UC-Hastings presented by UC Hastings College of the Law and Hastings International and Comparative Law Review (HICLR).

Admission is free for all students and lunch will be discounted for Hastings students.

For more information, please check out the HICLR website at <http://www.uchastings.edu/hiclr/> or send an e-mail to hiclr@uchastings.edu.

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Dean.....from page 1

dents and faculty should correlate with an excellent bar passage rate.

Lastly we wanted to know what might have caught the dean's attention in popular culture. Her schedule has kept her from a movie theater for more than a year so the Dean had no movie recommendations but she was able to offer a book recommendation: David Guterson's *Snow Falling on Cedars*.

Our conversation with the Dean of

ferred a glimpse of the stuff deans are made of: perhaps it can best be summarized by an open mind and hard work—changing paths and yet continuing to excel; a strong family and academic community; offering a foundation and mentoring; and a desire to continue to expand the horizon of one's role in the lives of others—from leading a research project, to leading a law school, to leading legal education.



Hastings Dean Mary Kay Kane



Hastings Law News

If there is to be a Hastings community, the students must have a voice.

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TOWER TIPPER

2001

The Adventure Continues



- **Let's do it again!!!**
- **Where?** 17th floor @ 100 McAllister Tower
- **When?** Friday, Feb. 9th, 8 p.m. - ?
- **Who?** You and any friends and acquaintances.
- **What to bring?** Are you kidding? Just show up. **We will provide the refreshments!**

It's been a pleasure. May the tradition continue...

Ed and Michael



*Hastings Law News Is A Proud Co-Sponsor Of
The Tower Tipper 2001*

Editorial

A musing commute

by Art Macomber, 1L

Where were you when the lights went out?

On Wednesday, January 17th, I was in Criminal Law class. Is it criminal that blackouts occur because our State legislators didn't exercise due diligence during their 1996 imposition of further government intervention into California power markets? Is it criminal to not build power plants for over a decade while a rising population and a power-hungry economy demand increased power? No wonder California is called a banana republic: build absolutely nothing anywhere near anybody. Seems fairly appropriate.

Theoretically, lawmakers create laws to enhance our general welfare. When the general welfare is not the result and there is reason to believe that such evidence existed to allow the creation of better results, do you think that is criminal? At minimum, is it a breach of duty assumed when taking the oath of office? Maybe it is a criminal breach, given the reckless and intentional passage of the 1996 law without a minimum and common sense due diligence to predict the expected behavioral interaction of the regulated and unregulated parties in the supply chain.

Perhaps, but you get what you pay for, and citizens always pay big when governments intervene.

Who believed that profit-seeking power generators would not charge what the market would bear? In fact, that is their job under the capitalist system! I understand, given their politics, that expecting California legislators to understand basic capitalism is a stretch. However, that is precisely what we hope power generators will do based on our economic system's dependency on the price system to provide signals for market players to assure scarce resource allocation through price-driven decision-making.

Since legislators did not even ask this basic question, in addition to numerous others, why would we even allow them to run a corner deli, much less the State of California? The answer is that in a free society it is imperative to allow people to run an independent private business and learn from their mistakes and, significantly, where the loss is their own and any misuse of resources will be corrected swiftly by market action, i.e., where superior delicatessens will win out. In other words, unlike the State, the deli owner would be rewarded by failure for their errors. Our best option is to fire our representatives at the next election, if we make it that far.

Further, I have heard legislators and their collaborative media toadies twist the language of their interventionism to characterize it as deregulation. Due to the power debacle, people in California now say, "Deregulation does not work," and are prepared to reject deregulation in the future. As if the creation of the Independent System Operator and the imposition of price caps at the retail level had anything at all to do with deregulation! War is peace. Freedom is slavery. C'mon, let's do the Orwellian twist!

In fact, this so-called deregulation took PG&E from a regulated power entity to a higher condition of regulation because it hemmed them into business arrangements more restrictive than those in place earlier. Amazingly, now the State wants to become a power buyer and intervene as a major player in the supply chain. And, our dear old socialist, Willie Brown, wants to take over the means of production, as if eminent domain will increase supply. Should we call this deregulation too? Or, should we expect this from a government which long since left their umpiring duties behind so they could be a player in almost every detail of life in the Golden State?

Perhaps, but you get what you pay for, and citizens always pay big when governments intervene. Question is, during what century will we learn this lesson? Apparently, not this one either.

Art Macomber is a powerless 1L, especially when studying in the dark.

How to know when you are being warped by law school

Ahhh...The joys of being a 1L

by Jenny Hsieh, 1L

- You know that Property has gotten to me when...
1. I read my lease.
 2. I have debates about whether the quarter on the arcade machine is mislaid, lost, or abandoned property.
 3. I tell my parents to build the fence a little past our property line.
 4. There is a legally justifiable reason to tell the screaming kids by the pool to shut up!
 5. 6-page single-spaced fact pattern -

what a breeze!

You know that CivPro has gotten to me when...

1. I re-read my lease for forum selection clauses.
2. There is a legitimate reason to visit www.sex.com.
3. I know that anti-SLAPP statutes have nothing to do with bad dates or obnoxious company.
4. I am disappointed that my swing dance partner doesn't know the Erie 5-Step.
5. I say "Enough Already!" (with an

exclamation mark) in normal conversations.

You know that Contracts has gotten to me when...

1. I re-read my lease for arbitration clauses.
2. I ask for consideration and my feelings have got nothing to do with it.
3. Mutual assent and actual performance have nothing to do with sex.
4. "What's for dinner?" is an invitation to negotiate, not an offer.
5. Little kicks and dance steps (that hit

projectors and chairs) helps me recall key concepts.

You know that Torts has gotten to me when...

1. I re-read my lease for liability waiver clauses.
2. I only cross the street when the Walk sign lights up.
3. I ask others to open large packages that I receive through the mail.
4. Words like "Intentional infliction of emotional distress" come to mind when the bus driver is late.
5. I tell my boyfriend that he needs to exercise a "reasonable boyfriend standard."

"There is a legitimate reason to visit www.sex.com."

Editorial

Letters to the Editor

I did a little research last night. I pulled out my California Drivers License to verify that I am, in fact, 24 years of age. I then found my diploma from Berkeley to check that I do, in fact, have a bachelors degree. Next, I went on-line to Hastings' website and confirmed my suspicion that this is, in fact, a graduate school. But, as I sit typing during a break in Civil Procedure, I have one question that remains unsolved.

All of this research has reinforced my initial belief that I am not in high school. But nonetheless, I now have a bell that tells me when I need to be in my seat and a bell to tell me that class is over. What's next? Will I need a note from my mommy if I stay home sick?

The simple fact is that every person at this institution that carries a student ID card and pays his or her bills is an adult. Within three years the vast majority of us will walk into an office where we will not punch a time-clock. The bell will not ring at the beginning of court and a trial does not end simply because it's 6 p.m.

This practice, which is new to me but apparently old to Hastings, is an insult to us and an insult to the legal profession. It is an insult to our achievements and the work we do everyday. It runs counter to self-regulation, the responsibility we will all accept when we are sworn into the Bar. And, more than that, it's annoying.

Thus, I sit here typing and make one simple request to the administration. Treat us with the respect that we have earned. Turn the bells off and leave them off.

-----John Weber, 1L

by M^{ich} Artman, 1L

When I can't stand to see another pretty girl dumb herself down to get in with a guy even dumber than her alter ego, I do this. Since last time was about the ekh and yoke of finals, it seems grades and freedom (of all things) are the prevalent topic of the hour.

If Hastings propaganda reminds us far too often that grades aren't everything, you can believe that grades take up a hefty hunk of the big everything. And if Hastings doesn't tell us often enough to live it up while we can, you can believe that we should.

Grades are the much-anticipated epilogue to those weeks of library-camping. Every two days, I get one grade back. Today I got my last one, from the aptly named Professor C.

In college, I was used to the Cuban system of grading - mostly vowels. (If you haven't talked to a Cuban, rent "Scarface") College is a fine institution where, if you know your stuff, you are the Man. A touch of knowledge, and you too can coast to glory on IQ and Big Ideas. There was even a department called "Big Ideas". Grades? We're not concerned about making you all play some silly little game. What we want to know is: Are you having a fulfilling experience?

Really, college was like that. This is how my school song started: "Thucydides, Euripides, Poloponnesian War! X², Y², H₂SO₄!" Hey, Vonnegut liked it. The school

if not the song. At least before they rejected his thesis.

Law school employs the Polish system of grading - mostly consonants - and it stinks. Bs can mean 60th percentile at Hastings. They also mean your professor telling you: "You know the material, but didn't present or persuade quite the way I did when I was at Yale. Haha!"

The first grade we any of us got was in LWR. I have always been one to push boundaries, and this time proved

The Curve of Life

no exception. I was nailed with the lowest grade in my section on that first memo. This was evident since my grade matched the "lowest grade given". And I thought, "This is stupid." And my doubts lamented, "Oh Christ, is my mind no good in law school?" And my ego struck back, "I am too smart for this. If I were dumber, I would've done better." And my mother said, "Stop listening to your ego! Just do what they want you to do and you'll be fine." What a trick. Jump through the hoop! Proper citations! Wuff-wuff!

Just one day later, for the first time, I got paid for an article I wrote. No barking. This time, my foot was positively thumping with excitement. I didn't know whether to feel vindicated or inconsistent or what. I was confused.

Is LWR an entirely asinine process? Should we all of us tell Hastings we are Dutch so as to avoid this hoop-jumping excursion?

LWR is a microcosm of the entire grading process. Most of what is wrong with Simon-says-cite applies to grades in our real classes, too. Yet real classes involve more substance, and are taught by people who usually know how to teach. Unlike LWR instructors, law profs want more from life than to make sure everyone around them stays within the lines - the lines are our friends.

Despite what our profs may want, real classes essentially bow down to: "Gimme what I want, my way." Learn the rules. Learn how to think about hypotes where everyone's initials match. Learn to say it the way previous students who aced old exams did. No, we don't want you to regurgitate other student's successful methods - but in case you do, here are their sample answers. Look at the prose! See how it glistens in the Law Review sun! You too could be a worthwhile human being. Seems silly when you consider all the money riding on who gets those vowels. Not many As to distribute in the Curve of Life.

Towards the end of every a semester, every prof (except my blessed Marcus) makes some lame-oh speech about how they regret that they have to employ this Curve and gee, they would love to grade us as high as they want to if only they could. I don't doubt the sincerity of their words, but give it a rest. You are more than complicit. If you aren't going to award students points for BS, don't expect points from us when we are fed the same. Besides, it's being on the high end of that curve that got you paid like a starting corporate lawyer for teaching and writing and having us laugh always though you are funny sometimes. Getting graded is why we are here.

Law school isn't like med school; we aren't here to learn how to be a lawyer. At best, we're here to learn how to learn how to be a lawyer. When we graduate, most of us won't know how to perform the job we're hired for. Now, there's plenty to be said about learning skills while a student, but there's something much bigger looming.

Law schools exist because law firms and other legal employers don't grade us themselves. There is a need for someone to judge us. Law schools are there to measure us and more importantly, to report our legal skills. Law school is like the LSAT, except you get to hear how unhappy everyone is while they're doing it. LSAT-Law School-Law School-Legal Employers. See, law schools function to let the powers that be know whom among us is going to make them money, and who is going to lose to the guy who made the other law firm money.

Grades are the fundamental reason law schools exist. Preferably, legal educations inculcate social mores; facilitate change and growth; ready advocates for the weak who naively depend upon their tire's integrity. Bless the professor who propagates the Legal Lora! Let him speak for the trees! But all these preferences are not the

Curve.....from page 5

focus of the everyday; getting us jobs is where it (i.e., the money) is at.

They tell us grades aren't everything. When do they tell us this? The time of year when they're about to bomb some into our lives. They tell us it's just a game. In the way they give grades - not in the way grades affect many of our lives.

They could make it fun. Call it Secret Agent... Agent 1L starts out knowing all the Rules, but that is not enough. He is in desperate search of the elusive and enigmatic Secret that gives him the Grades he just knows he deserves. After playing The Game for a few years, after having grades, Jaded lawyers and Tenderloin malaise jammed down his gullet, we rename our Agent after his famous predecessor, Secret Agent Deep Throat.

Grades aren't everything, but they really are more pivotal than any tests you've taken since your girlfriend asked you, "What's this box of condoms doing open in the trunk?"

Grades are handed out in a stupid manner; and they will affect us. That said, our stressing over them will not affect them. Unless you're at, or may crack into, one of the extremes of the grading curve, getting your first ulcer before your first gray hair may not be worth it. Indeed, if you're not going for broke and hoping to patch that ulcer up with a nice, fat GPA, make right now the good life, the student's life.

Does anyone really think this is the hard part? Silly rabbit, this is the easy part! Do you think that once you see Hastings and land that dream-job, apothecizing the white man's burden, you will finally stop stressing? Feh! Annoyed at being around law

students all day? Imagine what you'll feel like after spending all day with lawyers who have been trained to imitate the aneurysms out of you. This is the easy part, this, the student's life.

After law school, no more wearing sandals to class. No more slacking when you want and cramming when you can't. No more chats on the finer points of justice down tree-shaded paths. (I'm guessing this is what would happen if we actually had a campus instead of slabs of concrete mysteriously euphemized as "The Beach".)

Over time, you, gentle reader, will become one of four kinds of people with some overlap:

The Professionals. He does a lot of what he does to get a lot of money for it. Eats out more often than cooks. A lot of khakis. Always carries his IKEA card. No longer offended by the term "yuppie" save for lack of originality. Refers to his friends as "fellas".

The Dream-Worker. Doesn't necessarily get paid for what he does, but he's living out his dream. Writers, actors, musicians, dancers; that Galaxy guy with the bouncy sign who wants to impeach Clinton; anyone who hangs out in North Beach, but can't afford the rent. Would love to be called an artist if only he had a script to push.

The Nothing. My friend Ron. CS degree from Stanford and still lives at home, waiting to steal second. A good night involves shaving his shoulders.

The Student. Leads the good life. If he wants to sleep through class, he won't get fired. If he says he didn't do the reading when called on, they won't cancel his financial aid check. So he has something

special: time. This is the good life.

Law school can be hard. I know some of us spend more hours studying and outlining... and outlining outlines than W spends memorizing names of foreign heads of state. (Get ready: Ne-tan-ya-hu.) But no one spends their every waking hour studying. Those who came back to school from the working field will agree with me: the student life beats working. Law school does indeed suck the life out of us. But it doesn't have to, not as much as grafting for The Man, eating at the right places, wearing the right clothes, hating the right minorities, harassing the right secretaries, etc., etc. do.

When these years are over, we won't have the freedom to be outside, feeling sunshine on our shoulders whenever we want. We won't have the luxury of time to reflect. There will be no DGLs to help us with our workload. (I'm at least told they can be helpful.) So: If it's going to get harder no matter what, enjoy things now.

This is the last time in your life, while you will still flip the channel during the denture-glove commercials, that you can call a decent chunk of your time your own.

And the point of having your own time is doing what you want to do with it. You don't want to spend all your time schlemming over grades, do you? Whatever your desires may be, this is the most time you'll have to fulfill them.

Grades and The Game may seem unreal, but I assure you, freedom is real. So don't read anyone else's articles. Go fulfill! Before the only thing you're filling is a timecard.

KOOKY LAW

A column by Patricia Lam, 1L

WHY SANTA NEVER VISITED FOR 16 YEARS

(Reuters)

MISSISSIPPI - A burglar missing since 1985 was finally located - in a chimney of an historic building. Masons working on renovations discovered the remains of 27 year old Calvin Wilson, whom police suspect got trapped inside the chimney while attempting to rob a gift shop located in the building. You'd think the stench of decaying flesh would waft into the neighborhood, but police "speculated that breezes from a nearby river may have kept neighbors from noticing signs that a body was decomposing in the chimney."

HAVE YOU SEEN MY ELEPHANT?

(Reuters)

VIENNA - Austrian officials posted mugshots of a missing elephant in newspapers, calling on the nation to help track down the 24-year-old five-ton animal last seen in the company of two other elephants and a circus director. To help citizens identify Seila (since elephants run amuck all the time), the mugshot is accompanied by a description stating that she has a "palm-size white blotch to the right of the top of her tail."

SNATCH WITHOUT THE DOG

(Reuters) Scotland - Fans of Guy Richie's latest flick, *Snatch* will appreciate this one. Police discovered a jewel thief lying injured in the streets

after leaping from a building to escape with the booty in his stomach. After four days of constipation the jewels finally gave way, much to the joy of the poor officer who has to sift through the evidence.

MAKE UNICORNS, SLIP ON TALKING CONDOMS AND SAY 'BUH-BYE' TO SPIDERS

(www.patent.freemove.co.uk)
Other "innovations" that didn't quite reach Ginger's level of notoriety...

US Patent No. US4429685. A method of growing unicorns. It is claimed to produce a unicorn of higher intelligence and physical attributes, useful as a guard animal. (You might not want to know, but the method involves surgical alteration of a one-week old goat, so that its two horns buds will grow together.)

US Patent No. US5163447. A condom which incorporates a miniature force-sensitive sound-playing unit. This contains a chip-controlled piezo-electric sound transducer which plays a melody or voiced message during intercourse.

UK Patent Application No. GB2272154. A ladder to enable spiders to climb out of a bath. It comprises a thin flexible latex rubber strip which follows the inner contours of the bath. A suction pad 5 is attached to the top edge of the bath.

International Patent Application No. WO9701384. A leash for walking an imaginary pet. It has a preformed shape and supports a simulated pet harness 42 and collar 54. A micro loudspeaker in the collar is connected to an integrated circuit in the handle, to produce a variety of barks, growls etc.

A RECURRING SERIES OF FICTION

"I Am The Greatest!"

Part 4: And in the Blue Corner

by Jesse Mainardi, J.D.

Joey Cappasso was one of those people who got noticed in a crowd. Big yet not bulky, the man always looked good. While I was trying to hide unwashed hair and bags under my eyes with baseball caps and sunglasses, Joey would stroll into class looking tan, well rested, and physically fit. He dressed impeccably, preferring Ralph Lauren clothing. His collar shirts (he wore nothing but) were always tucked in. His pants were always ironed. His hair was perfect. Quite the contrast to the old sweatshirts-and-jeans look I often sported.

More striking than his mere physical appearance, however, was Joey's manner. His movements revealed a certain grace, a lightness, about him. Remarkably, he always carried no more than a casebook and a legal pad at any one time, leaving one arm free (and the size of that arm!) to gesture fluidly as he spoke. I, meanwhile, carried loads of books as I walked around Hastings, knowing exactly what people meant when they referred to "the weight that law school places on you." But Joey was never so burdened and often seemed to float through the hallways amidst the group of women that surrounded him everywhere he went. As the rest of the group gabbed away about this or that, he remained calm, nodding and smiling as they all made their way to class.

The first time I met him, he greeted me with a firm handshake and a light, raspy, "Hey, howya doin'?" New York accent, I thought, maybe Jersey. Must be Italian with a name like Cappasso. Maybe he had some mafia connections back East. It would make sense. He constantly wore the smile of someone who knows something that you don't. Maybe he was sent out here to lend a hand to his Uncle Vito at his restaurant up in North Beach and decided that he needed to get his law degree. You know, to help out the *paisans* with their legal issues.

Whatever. It was all speculation. Still, he was the type of guy who invited such speculation. Who is this guy? I'd wonder. And why does he bug me so much?

My God, he bugged me. For those first few weeks of school Joey Cappasso infuriated me. I remember being particularly incensed early one morning in the Law Cafe. As Joey glided by with his fan club about him, I resentfully commented on his flawless appearance to Jonathan, who was sitting with me finishing his coffee.

"Yeah, and I think I heard him saying that he went out last night. Didn't get back until four this morning." Jonathan responded as he got up to go to class.

Went out? I thought, sitting there. *Last night? A school night?* How the hell does this guy have the time to go out on a school night? What about his work? Did he do the work and then go out? How can he do both?

A quick look at his Torts casebook suggested the answer. The thing looked like it had never even been cracked open. Did he even read the cases? Who knows, I thought. But then, what is this guy doing? Blowing off his work and going out every night? He must be truly stupid! What the hell was he paying all of this money for? I mean, he should be doing all this damn work! Like me!

After a minute or so of fuming, I tried to convince myself that Joey had to be doing the work. He had to be doing it, I told myself, had to. But it didn't work. I was outraged. I didn't know why, but I was. I mean, who was this guy?

A week later, I still didn't know who he was. But I had figured out what he was.

Once again, I had stayed up late to read for class and was sitting on my couch, wallowing in my bitterness and resenting everything associated with law school. I

resented having to read. I resented losing sleep. And, of course, I resented Joey Cappasso. I resented that meatead for submitting me to his displays of grace and charm in the face of intimidation and frustration. I hated how he walked around school like it was all some big fun ride at an amusement park. What an idiot, I thought. What a moron.

God, how I wished I were more like him.

I buried my head in my hands. I'd had these thoughts before. He's probably out in some bar somewhere, I'd think, with his nice clothes and with that group of women sitting around him, listening with bated breath for his next sentence. He's probably drinking something expensive. Maybe Scotch. Isn't that what all the tough guys who make it to the big time drink? I bet he's smoking a cigar too. Smoking a Cuban no doubt with a huge smile on his face. Oh, it was quite an image I had created. And it made me feel terrible.

Only one other image made me feel worse — Marks pacing in the well of his classroom waiting to have a go at it with his next opponent/victim. Man alive, I wasn't sure if he was even human. At the very least, he must have been a genetically engineered destruction machine that was missing all parts of the brain that normally dealing with pity, compassion and nurturing. How I feared my time in the ring with him. His stare alone would be bad enough. More awful was that the stare was sure to precede his fearful one-two combination: a perplexing question followed by a disdainful dismissal of the given answer. Did he sit home at night, working on his footwork, constructing his plan of attack? Was he doing it now?

But why exactly was I so afraid of him? Since it had been apparent that Marks knew everything, you'd think that I could've dealt with the fact that, ultimately, he would trap me - and knock me out. Hey, I was going to lose the trick was just not to lose too badly right? But it was something else that got me, that made me feel so scared. It was being humiliated. Being made to look like a fool. I mean, I was there in law school to be an attorney. And not just any old attorney but a self-confident, proud man of the law. The Muhammad Ali of lawyers, in fact! It just wouldn't do for me to end up another humiliated opponent knocked out on the canvas. Or to walk out of class with that ridiculous, dazed grin everyone has after going a few rounds with Marks. I needed to be floating like a butterfly. Stinging like a bee. I needed to be out strutting myself like a proud champion, walking the town signing autographs, sitting in bars, smoking cigars and flirting with women.

Sheesh. Bars. Women. Joey. Again, I came back to the image of Joey in the bar. Hell, I thought, he doesn't worry about stuff like I do. He doesn't care. He's not afraid of Marks.

Suddenly, I raised my head. That was it, wasn't it? *He wasn't afraid of Marks.* That's why he had bugged me so much. Here was a man who obviously did not worry about being unprepared. He thought that he would be ready for anything. And it had driven me crazy. But at that very moment my resentment somehow dissolved into respect, admiration. Joey would not be bullied by Marks, I realized. Joey was already the self-confident, dignified man of... well, if not the law then of law school. He was the man I wanted to be. A man that could take on Marks. And maybe win.

And so, after having loathed him for nearly a month, I decided that Joey Cappasso was, in fact, my hero.

Next time: "Pay-per-view Hype"

-----This is part four of a 7-part fiction story, loosely based on the author's first year at Hastings. Some names, places and events have a strong resemblance to actual students and professors at Hastings, but these events did not occur - at least not entirely. The author is currently a 3L.



Worried that he may have missed an important case in his research, Norbert is reluctant to turn in his legal writing assignment.

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