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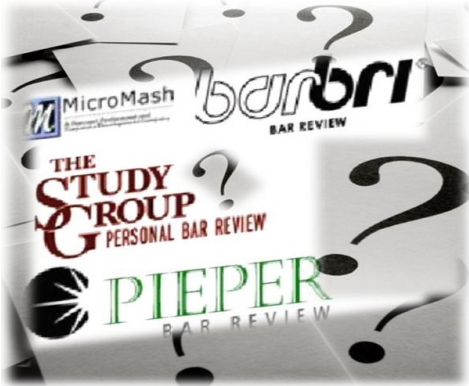
March 2008

Bar Review - What is right for you?



Bar Review & You If you plan on taking the bar, you owe it to yourself to look into the various bar review courses available. I was hesitant to jump on the BarBri bandwagon my first year. I wanted to look at all the different options available. Now that I can't put it off any longer, I finally looked into the options out there. I compiled a comparison chart to help me make my final decision. The data that was filled in was based on discussions with company representatives, UB faculty, prior customers and information from their websites. Here is my disclaimer: **it is for reference only and you need to verify everything with the company first before you make your decision.** The top choices that I considered were:

- BarBri, which is the big provider nationally (and subject of recent antitrust suits)
- MicroMash, which is owned by BarBri and is the home study supplement version
- Pieper, the New York State based popular alternative to BarBri which has both an in-class option and a home study one; and
- Study Group, a newer, highly customizable home-study program



I encourage anyone seriously contemplating spending that much money to thoroughly review the various options themselves and talking to various sources before making their final decision. I did and I will probably end up going with BarBri after all just because I don't want to risk it. UB was only able to track bar pass rates for BarBri from last summer and the pass rate was 82.4%. I hope this chart helps to start you on your own search for the bar review that is right for you.

See **Bar Review Chart** on Page 2

A Common Heritage, A Similar Future

By Frank Cubero, Guest Writer

Gordon Brown, the British Prime Minister, recently pushed through the House of Commons an approval of a new treaty for the European Union. Over the objection of the opposition, many of his Labour backbenchers and in a rather conspicuous violation of his campaign promise to grant a referendum on a future EU constitution, the measure passed and headed off to the House of Lords. The obsession of the European elite with EU institutions, as highlighted by Brown's unscrupulous tactics, is truly breathtaking and grows seemingly blinder and more dedicated with each passing year.

The astonishing aspect of the treaty's approval is that a country – indeed an entire continent – which we regard as the birthplace of democratic principles could so flippantly sidestep the most fundamental expression of public opinion (elections) when the most essential underpinnings of public identity and expression (national sovereignty) are being altered.

At every turn, when given the opportunity, the proponents of an ever-expanding European Union see any public threat to their pet project, they do their best to avoid the whims of the public. When France rejected by referendum the EU Constitution that needed to be unanimously approved by each member state, the elites re-wrote it and informed the French that their country would approve the constitution without a referendum. When Poland's support for the new version of the constitution waned, the Polish Prime Minister had to ensure the EU bureaucratic oligarchy that he would do his best to "avoid" a referendum to guarantee passage of the new treaty. Gordon Brown merely played a high-stakes game of semantics, arguing the new treaty was sufficiently different from the rejected constitution that it was not truly a constitution at all.

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Questioning the Legal Standard

By Jesslyn Holbrook, JD '10

Two recent experiences have forced me to re-examine my status as a woman in the legal profession. The first involved a mentoring program that I attended geared towards advising women in the profession. It was an opportunity for aspiring female law students to interview experienced career professionals for a perspective on being a woman in the legal profession. Although I have only good things to say about the program on the whole, one of the lawyers that I interviewed left me somewhat troubled.

My question to her was whether she felt that she faced any obstacles in her career because she was a woman. After thinking about it for a moment, she responded, "I'll give you an important piece of advice; I always wear a skirt on days when I have to do something important, like appear in court." She then tried to qualify her statement saying that it wasn't because she had nice legs that she should wear a skirt; that doesn't matter. Rather, it was just that some judges

and colleagues in the profession still have particular notions of professional attire for women. While it seemed innocent enough, that comment shattered some of the (maybe naïve) illusions I had regarding the justice system.

That lawyer's "advice" brought back a distinct memory from when I was a young girl- the affect that Marcia Clark's image had on the O.J. Simpson trial. I remember the sharp criticism Clark received after sporting a new "softer" hair style into the courtroom. The news reporters wanted to know what her ultimate motive was in styling her hair, and how the court and jury would respond. Perhaps Marcia knew how to play the femininity card in court, but did she ever foresee the extent to which the media would focus on it? I was eleven years old during that time, but its portrayal obviously played an important enough role in my life to stick with me after all of these years. It was a critical introduction to the peculiar social standards that would exist for me in the future.

In doing some research to confirm my memory of the Simpson trial, I stumbled upon an especially relevant quote that University of South California professor, Susan Estrich, gave in response to the Marcia Clark image criticisms. "This woman is in the business of prosecuting murderers, and the notion that she has to do it wearing pink is a stunning indictment of how far we've come in terms of

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Suppression of General Motors

By Anthony M. Leone, JD '09

There once was a time when the word "Cadillac" denoted the best, highest stature a particular product could achieve. It was an honor to be known as the Cadillac of ...whatever. Today, mentioning the word "Cadillac" in association with quality is not only cliché, but also grammatically awkward. Accordingly, the entire General Motors Company has become awkward. The company is no longer the Cadillac of car companies, nor does it create cars that people are actually willing to drive – it just announced the biggest annual loss for an automobile manufacturer, \$38.7 billion for 2007. Yes, billions of dollars.

Sure, GM could point to their ongoing battles to satisfy their employee's compensation, pension and buyout packages, but the real problem for GM is rooted in its inability to build cars the consumer is excited about. Being number one for so long has created a situation where the company does not truly know how to cater to its demographic. The case used to be that the American GM consumer was very loyal. Unfortunately, years of unquestioned loyalty led GM to have a nearly complete lack of attention to the market.

The American consumer is no longer dedicated to any one brand, not only due to a plethora of worthy choices, but also due in part to the speedy access of information today. Rural America is no more; everyone, no matter how distant from metro-utopia has a cell phone and Wi-Fi, and is able to research every relevant competing product from the comfort of their own homes in seconds. This disbanding of loyalty does not bode well in today's market for companies who coasted through decades of ignorance, creating products mindlessly purchased by loyal consumers.

On the positive side, the most notable GM development this century was the reinvigoration of its Cadillac lineup in 2002. The 2003 CTS (released in late 2002) made a huge impact in the car industry, receiving acclaim around the world. The Cadillac demographic immediately dropped from the long standing senior citizen age, to established younger people starting their professional careers and families. Yet the newly redesigned 2008 CTS seems to be a step backward for Cadillac and the General Motors Corporation, who once again seem intent on meeting their own demands rather than the consumers'.

Instead of riding the past success of the original 2002 CTS, which had become viable contender for the entry level mid-sized luxury car category (BMW 3-Series, Mercedes C-Class, Acura RL and Audi A4), GM once again reverted back to its

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<i>infra</i>
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Type of Bar Review	Bar Bri	MicroMash (supplemental)	Pieper	Pieper - Home Study	Study Group
Cost for both NYS and Multistate Review	\$2,850	MBE Supplement: \$495-995 depending on level selected; <u>NY State supplement</u> : \$495-995 depending on level selected. (<i>Total for both ranges from \$990 to \$1990</i>)	\$2,795*	\$3,945 (includes \$550 deposit for the DVD or podcast material which you can redeem when you return the materials after the exam)	\$1,895 (program is highly customizable and prices vary based on specials) *
Material Included	Books and access to viewing DVD lectures at UB	No DVDs, just books and software programs. Subject outlines; software (online and offline versions); mentor program (super and excel levels only)	Books and access to viewing DVD lectures at UB, Pieper's method includes handwriting the lectures to encourage memorization	Books & outlines	Audio CDs, books & outlines
Payment Options	Pay 1/2 before you start course and pay remainder by middle of June.*	No option for individual supplement purchases; if MBE & State supplement purchased together, then pay a non-refundable deposit & finance charge; balance is due 1 month after the bar exam	Credits deposit for other bar review you might have already signed up with & you have up to the first class for full payment (might have to wait for material if you wait up to the last minute - 5 volume set of textbooks ships upon receipt of full pay-	Pay deposit to secure availability, ships upon full payment as early as March 15th	*
Lecture Method	DVD in class	Generally no lectures; the MBE-Super and State-Excel levels offer techniques lectures (approx 1 hour each)	DVD in class	DVD at home	Audio CDs and books at home
Course Schedule	Starts May 19th until July 15th with 3 - 3 1/2 hours spent per day listening to recorded lecture @ UB and recommended 7 - 8 hours of home study reviewing the material	MBE Supplement: No schedule; State Supplement: weekly schedule provided based on 7-week (state-super) or 10-week (state-excel) period	Starts May 21st until July 15th with 4 hours spent per day viewing recorded lecture @ UB and recommended 6 - 7 hours of home study reviewing the material (Pieper provides a detailed schedule on studying and assignments throughout the	Recommended 10 weeks before bar review but Pieper will provide you with a detailed study schedule	Recommended 10 weeks before bar review
Pass Guarantee	*	Yes*	There is a discounted repeater rate for \$995	There is a discounted repeater rate for \$1,995	Yes*

* = see web site and/or contact for complete details and options
** = class hours & recommended home study time vary throughout program

Opinions and Commentary

equal rights." I thought it particularly poignant that in 2008 I am struggling to cope with the same backwards issue.

Not long after my incident at the mentoring program, I had a similar experience concerning gender customs in the legal profession. As I was saying goodbye to a group of friends, one of them - a male- systematically shook everyone’s hand in the group. He did not, however, shake mine. After an awkward pause and a little self consciousness, I finally put my hand out. He took it and we parted ways.

Later, in talking with him, he told me why we shared that uncomfortable moment. In an informational meeting he had recently attended regarding courtroom social etiquette, he had been instructed that a man was not supposed to shake a woman’s hand unless she

“I’ll give you an important piece of advice; I always wear a skirt on days when I have to do something important, like appear in court.”

offers it to him first. I was instantly covetous of this bonding ritual shared amongst men, freely shaking hands without self conscious second thoughts or fear of committing a serious social infraction.

I will try not to exaggerate the issue too much, but the point is, the justice system that I had previously conceived of, although misguided at times, had not come as far as I had believed. How can I be considered an equal if customs apply differently to men and women? Where is the impartiality of the justice system if wearing slacks biases your client? Let us not forget that terribly devastating period in fashion history – the shoulder pads era – in the name of looking more like a man. What does it mean that we must keep these social traditions in mind, as if it were a checklist? Does it mean that we haven’t moved as far forward as we thought? Or worse, does it mean that we are actually moving backward?

I don’t think that it is important that the two specific incidents I have described are not necessarily representative of the profession. The fact that these archaic customs are passed down and integrated into the education of new and promising law students is a tragedy. These biases are inexcusable, especially given their effect on a profession that prides itself on equity and fairness. The nature of these preconceived notions is to slip by unnoticed. They are simply a part of daily life. Neither the lawyer who gave me the advice nor the friend who waited for me to extend my hand was conscious of the perverse traditions they were perpetuating.

And that’s the point. Only once we come to acknowledge those instances when we’re engaging in perpetuating stereotypes by the small things we do daily, can we begin to change the effect we have on our notions of equality.

Proponents of the European Union would argue that they are merely doing their duty as wise representatives of the people in pursuing Europe’s best interest. After all, anyone in the modern world who irrationally holds allegiance to the antiquated notions of nation-states and cultural unity must not be trusted to make their own decisions. Thus the argument goes; as the bureaucrats convince themselves to further extricate the long-suffering common folk from their quaint democratic processes, Plato’s Republic grows ever closer to full implementation.

Flip to our side of the Atlantic. The fundamental question is: should we particularly care what policies and institutions Europeans adopt and by what means they implement them? The obvious answer would be “no.” And the obvious answer, as usual, is probably the right answer. However, in a country that inherited nearly all of her democratic principles and institutions from Western Europe, we should consider both the evolution of those principles and institutions in the context of the European Union’s expansion and the potential direction our own democracy may head.

Obviously, no democracy is perfect and ours is no exception. Some would argue that, due to institutional biases and cultural prejudices, our country has never achieved “democracy” as we envision it. Others believe that we have slowly forfeited our democracy to special interests, bureaucrats, and politicians. Realistically, both views likely contain kernels of truth. However, whatever the current state of our democracy, it is difficult for any rational American to imagine unelected bureaucrats wholly subverting the democratic process in an attempt to alter our fundamental institutions.

Even the most ardent conspiracy theorist would be hard pressed to envision changes to the American system comparable to those in European countries taking place at the whim of unelected government administrators, with the support of political leaders. These are not mere individual rights and liberties being altered (an occurrence which many might argue takes place regularly), but rather the mechanics of our democratic system. European referenda on the EU Constitution have failed due to the public’s affinity for their own national institutions. Rather than leaving their policy decisions to be made by a transnational system in Brussels, the European elite were shocked to discover that Europeans preferred their individual parliaments, prime ministers, and presidents to make decisions regarding their everyday lives.

Similarly, most Americans prefer government by elected bodies rather than administration by civil servants. Such preferences are highlighted, if only anecdotally, by the countless jokes regarding the IRS or the DMV that litter the public repertoire. How, then, have the administrative arms of the government managed to so effectively broadened their reach to the nearly every facet of modern life?

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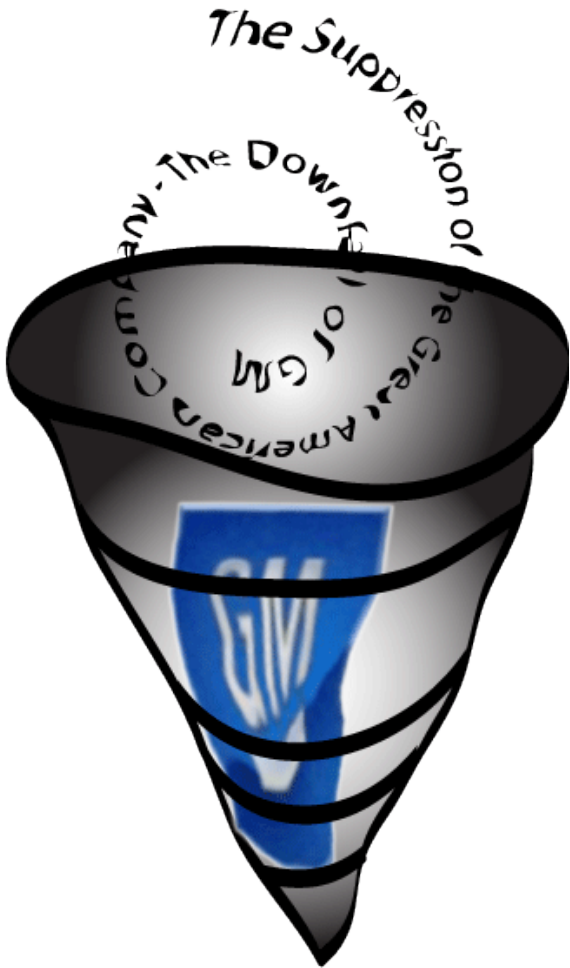
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roots, digging its haunches in deep and making a futile attempt to drive consumer demand with a certain air of pretention, similar to the failed marketing plan aimed to the Chanel No. 5 consumer years back.



The upcoming Camaro should refresh the Chevrolet division, yet it is reminiscence of yester-year is not the cutting edge design the company needs to positively move forward. When Ford redesigned the Mustang in 2004, it decided to go retro. Apparently GM thinks that it is a good idea to stay with the past. However, their plan might be too late, as it is rumored that the next generation Mustang (coming within the next two years) will ditch its 2004 retro styling... duh it does not work.

Another faltering GM plan began about four years ago, when, amidst the rising fuel costs and dropping SUV and truck sales, the company decided to rebuild their full size SUV's from the ground up (Chevrolet Tahoe, GMC Yukon and Cadillac Escalade), alongside their truck line. Pushing huge automobiles in a market with a continually decreasing demand for them is not the answer for a company that is struggling to stay afloat.

Maybe GM should have taken a look at the market trend, because even during the development stages of their new flagship SUV's, prudent market projections would have revealed the decrease in large SUV market share.

Thus, in a time of fleeing consumers GM needs to change its strategy to regain market share, otherwise the company will continue to fail, which is an awkward facade for a once major American corporation.

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Today, the bureaucrats have a role in the amount of water in your toilet, the type of light bulb in your lamps, the type of signal on your TV set, the type of fabric on your sofa, the content of gas in your car, the types of labels on your food, and the list goes on. Our democratic institutions, the Congress, the Presidency, and our State governments, have surrendered their duties to administrative pencil pushers. Lacking the resolve to address difficult issues, the best option was for states to punt to the Congress, and for Congress to drop the problems of government on the administrative institutions. Unlike the Europeans, we needed no new treaties to avoid the democratic solution to serious national issues, the institutions already existed, waiting for the elected branches to shirk their duties and bestow further power to America's burgeoning bureaucracy. Indeed, no referendum was asked, nor was it necessary, the decisions were set in motion 200 years ago.

Many Americans watch with awe at the decline in democratic principles within the European elite and think such policies and tactics run counter to the liberal democratic principles inherent in much of Western culture, hoping we can avoid such governmental excesses. Others admire the ability of Europeans to regulate the dangers of human life and seek to emulate their superior administration of government. Looking at the vast breadth of modern American government, it is not outlandish to think that, perhaps, we are already there.



Combating Terrorism: Any Solutions?
By Kristen Ng, JD '11

In the wake of the 21st century, we find ourselves becoming increasingly concerned about the safety of our nation. The word "terrorism" is a term that most ten year olds can comprehend. As we all know, terrorism is not a small act; it is an act that takes serious planning, and when executed successfully, lives are at stake, whether in single digits or in the thousands. We, as adults, understand that the four main goals of terrorism, according to Jack Gibbs, are as follows: to alter the reputation of the group it attacks, to stay anonymous but still have a presence in the world, to strike fear into the targeted group, and to operate in numerous cells around the world. After the events of 9/11, there is still fear lingering in the air (where are they going to attack next?), and even today our confidence in our government is lessened because the government has profoundly failed in its job to protect us. We think to ourselves that another attack can occur again at any time, any day, any place. The real question is: are we powerless to stop it?

I do not think the government has gone about the right way in addressing this issue. First, the war on terror, while originally a good concept and idea, soon evolved into something so monstrous that even initial supporters cringe when they think of what had been "accomplished" (which is close to nothing). The second, and perhaps more controversial issue, is the offensive nature of racial profiling. Racial profiling is the process where the government targets a certain group by their race and focuses on that group in order to find what they need. In the post 9/11 period, racial profiling is being used to find potential and future terrorists. This particular action by the government has angered many, but the question is, what other solutions are possible?

Racial profiling has existed long before Muslims and persons of Middle Eastern descent were targeted in the United States. We can think back to the Italian Americans, the German Americans, and most blatantly, the thousands of Japanese Americans who were put into internment camps during WWII. It was wrong back then; however, hindsight is a lazy way out and ignores the moment of the day.

When we revert back to the present day, we see that racial profiling is back, even if it is not official policy. You would hope that the government had learned from its past undemocratic and un-American mistakes, that one cannot judge another by skin color or

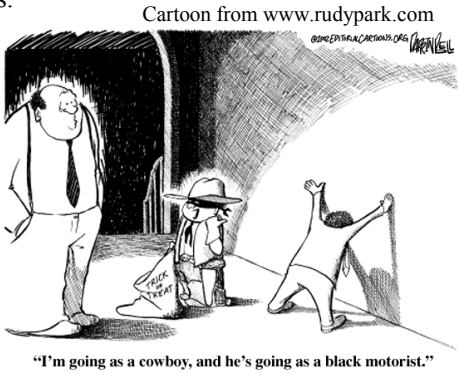
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Profiling · from Page 3, above

religion. However, before you think that this is injustice, that this is intolerable, what is the practical alternative? What other way can the government catch these TERRORISTS? While saying that all Muslims, all Japanese, all Italians are traitors and enemies of the United States is wrong, very wrong, it is sadly the truth that a few radical members of certain groups choose to tarnish their own reputation, and in doing so, they also tarnish the reputation of the group they represent. Is it really that deplorable the government has used racial profiling, in both the past and the future? I pose this question to you because racial profiling has been used in the past, and it is probably one of the more effective methods of capturing terrorists.

Please do not misunderstand me. I am not a staunch advocate of racial profiling. I find it humiliating, unconstitutional, and downright disgusting. It breaks my heart to see that innocent people are chosen and picked out for the way they dress and for the way they look. I merely want to raise this point, a very taboo point in some scenarios, and inquire what you think about this topic, and I challenge you to provide an answer. Is the government justified in racial profiling, or should the government stop what they think is best and try other ways to catch terrorists? When you think about this, think about the circumstances that have surrounded all the recent attacks- in London, New York, and the thwarted attempts that you might have read on the news. Think about the identity of the captured terrorists, and the method that aided in their capture. Also, think about the capacity of the government in relation to budget, time, and efficiency. What is the solution for America and other countries targeted by terrorists?





In Search Of The Ethical You

By Jeff Colt, JD '10

At the beginning of this semester I was required to take a bridge course in ethics. Here’s what I learned: don’t call the opposing counsel *baby*, don’t write briefs or memorandums in Seussian structure, iambic pentameter, or rhyming couplets of any kind, and most importantly, always remember that a lawyer lives and dies by his ethics.

Ethics and the MPRE

Recently a 3L friend of mine told me she failed the MPRE (ethics) test...*again*. This was her second attempt. I failed my driving test three times but in fairness I was only sixteen, smaller than your average twelve year-old, and denied by my parents any contact with the car unless I was washing it on a steamy Montreal summer’s day. In the end, everything I knew about driving I learned from watching The Dukes of Hazzard, and even then I paid more attention to Catherine “Daisy” Bach than to speed limits and steering-to-parking ratios. On my third failure, the driving instructor lowered his head in defeat, checked “PASS” on the pink scoresheet and advised me to get as much insurance as I could afford. But how does a law student fail an ethics test? *Twice*. I wondered if I’d pass my ethics test. Was I an ethical person? Yes. Maybe.

Over the Christmas break, I went to visit my friend Sarah who recently traded islands—cementy Manhattan for sandy Turks & Caicos. That’s where I met Kate, with her long, perfectly mussed blond hair, Christmas tree green eyes, and so smartly funny that there ought to be law. On our first night we talked and danced like we’d known each other for years. On our last, after swearing sideways that “I don’t karaoke and I never will”, one request from Kate had me Copacabana-ing loudly out of tune under the Caribbean moon. That night she asked me to stay in touch and breathed out her skype name to me several times so I wouldn’t forget. Kate is fantastic. Kate is angelic. Kate is my soulmate. Also, Kate is engaged. She lives with a terrific guy, Max. I met him when I met her. I shook his hand. I sat across from him at lunch. I let him pay for my hamburger. I told him it was nice to meet him. Then, I hit on his fiancé. I’m evil. Max used to be a professional weightlifter. I’m also stupid.

Three weeks ago I found a sealed manila envelop in my school mailbox. Inside was the unpublished August 08, 2008 MPRE exam.

Nothing happened between Kate and me. It was only my internal narrative that re-wrote our meeting as if it were a Jane Austen novel. Kate was and is hopelessly in love with her man. Her intentions and actions were pure; mine were not. Mine were unethical. However, if there are degrees of ethicalnessiosity, my impulses toward Kate seem relatively benign. But having failed so simple a test of ethics and considering my friend’s series of unsuccessful attempts, I was left wondering—is anyone ethical today, and by that I mean ethical *enough*? There was one way to know for sure...

I called an ex-girlfriend of mine who owed me a favor. While we were still dating, I got a desperate and scarcely coherent phone call from her at four A.M. She sounded lost. She sounded confused. But mostly, she sounded wasted. “Don’t move!” I commanded into the phone. I flagged down a taxi, managed to get her to slur out a series of trail-blazing landmarks, and roared down West End Avenue where I found her standing in front of a Duane Reade pharmacy on West 72nd street, making out with some junior hedge fund



manager she’d met at a party. When I approached them and introduced myself to her sidewalk paramour, he dropped the box of condoms he’d just bought (really? a whole box? how optimistic!) and ran across the street. Like I said, she owed me. I asked her to call her brother, who sits on a Senate Sub-Committee. The Committee Chairman used to be on the board that administers the MPRE and still gets first-look privileges at the newest versions of

the exam. I asked her to ask her brother to *find* a copy and send it to me. I know—not exactly the benchmark of ethical but for the purposes of this story it seemed like a necessary part of the experiment and so, at worst, ethical-lite. Three weeks ago I found a sealed manila envelope in my school mailbox. There was no name on the front. There was no return address. My hands trembled as I opened it. Inside was the unpublished August 08, 2008 MPRE exam. I read it. I transcribed it. Below are the questions. Will you pass or fail? Find out now.

August 08, 2008 MPRE Exam:

1. Have you ever lied to a judicial or police authority?

2. Have you ever lied to a government official?

3. Have you ever lied to a teacher or school administrator?

4. Have you ever accidentally killed someone?

5. Have you ever intentionally killed someone by accident?

6. Have you ever left the scene of an accident? Made a scene at an accident? Seen an accident?
7. Have you ever knowingly driven under the influence of alcohol? Drugs? Chris “Mindfreak” Angel? Any of The Wiggles?

8. Are you now, or have you ever been, a member of the Communist Party? The Nazi Party? The S-Club Party, while knowing that there ain’t no party like an S-Club party?

9. Have you ever watched more than 30 minutes of Dog The Bounty Hunter? 15 Minutes of 10 Items or Less? One minute of Celebrity Apprentice?

10. In an episode of Seinfeld, Jerry was chastised for being racist when he said that he’d always wanted to date an Asian woman. Do you a) think the rebuke was appropriate due to the damaging and myopic representation of a fetishized culture b) feel an on-air condemnation of the comment should have been offered by NBC, with the offending episode pulled from subsequent airings c) secretly wish your girlfriend was Asian?

11. Are you a terrorist or have you encouraged a terrorist attack or provided funding for a terrorist attack or known someone who was a terrorist or have ever watched any show about terrorism or read any manifesto, proclamation or newspaper headline that used the word terrorism or have ever during the course of one calendar day, used words that contained the letters “t-r-m-s-r-o-i-e-r”, in any order, that when re-arranged spelled the word “terrorism”?

12. Did you not, now or ever, or have you ever never not answered any, some, or none of these questions not, or wholly ever, or not fully, completely or partially, or not-at-all untruthfully? No? Is that a no?

13. Did you read these questions even though I explicitly stated that these were unpublished MPRE questions, obtained through illegal means? Then congratulations, you just failed the real MPRE!

Calm down. Obviously, the questions are fake. All that stuff about an ex-girlfriend’s brother and a Senate Sub-Committee Chairman? Made it up. An envelope mysteriously ending up in my law school mailbox? Never happened. The ex being wasted and making out with some bozo in front of a Manhattan Duane Reade at 4 AM? That was true, but she doesn’t owe me anything because I’m not a saint. Neither are you. In fact, if turned inside out, no one would pass a strict ethics exam or even a broad one because ethics are a uniquely human characteristic and humans are by design and default, wonderfully, *unethically* human.

Still, this isn’t an essay about why the nature of humanity defies ethics, or even that ethics are often so stunningly context dependent that they simply don’t matter. Of course ethics matter. But I do question the usefulness of a stand-alone *before-the-fact* ethics exam. The true measure of ethics, and with that, an ethical person, is not what you *should* do in a situation but what you once *did*. The idea of several dozen questions asking you to choose the ethical response to events that have never happened to you seems somewhat placebic in operation. And in the idealistic reach toward a more elevated ethical existence, consider the near sanguine reply of presidential aspirant Obama, who answered a recent question about the trustworthiness of candidates with shadowy histories by first admitting his early drug use, then adding that past negative events don’t preclude future positive ones. With that, the superior ethics exam would balance what you once *did* against what you actually do the *next* time. Thus, any valid ethics exam, to be truly accurate, would necessarily be a two-stage proposition.

I realize that the temporal compression needed to effectively shoehorn my solution into a two hour evaluation and a two hundred seat auditorium might lay beyond our current capacity to control time, space, and all things Hawkingsian, to say nothing of the obvious health risks in exposing students to the massive quantities of Bose-Einstein condensate needed to slow down light enough to—oh, never mind. What I’m saying is that passing the MPRE does no more to ensure ethical behavior in the legal profession than passing a driving test ensures people won’t speed. In the end, a lawyer’s ethics are tested daily, with or without the MPRE. Just as they should be.

Having said that, when it’s my turn to take the MPRE I’ll do my best to channel the ethics of better men than me, and hope that at the very least to learn something about myself when faced with sixty pretend situations that I’ve never been in, and where nothing is at stake. For now, my advice to you is this: don’t kill anyone. But if you do, try not to do it again.