

THE DOCKET

Semi-Official Voice of the University of Washington Law School Student Body

Spring 2001 - Spend-the-Money-in-the-SBA-Budget Edition

First and University

Teejay Martin

Tax LL.M. student; Short Story

“You’re not going to hell, you know, Ashton.”

“Maybe,” as Andrea and I started down the nearly deserted First Avenue sidewalk. But, I wasn’t so sure. Ever since going in, I’d had an uneasy feeling that I couldn’t quite put my finger on. It was the first time that I had done anything like it, and it would probably be the last. I preferred to forget about the whole experience, but Andy grilled me as we walked. Occasionally, a homeless fig-
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Law Library Lacks Wheelchair Access

Christopher Trent Kunz

Tax LL.M. student; Opinion

I hate whiners, which is why I rarely, if ever, complain. Nevertheless, there are times when a voice for change is necessary, if not welcome. I direct my voice for change toward wheelchair accessibility at the Gallagher Law Library in Condon Hall.

The Rehabilitation Act of 1973 (Rehab Act) and the Americans with Disabilities Act of 1990 (ADA) set forth requirements for accessibility applicable to public buildings. The Rehab Act requires public institutions to provide “reasonable accommodations.” The ADA requires an accessible route to a building and accessibility within it. However, the ADA only applies to buildings that are
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What Are You Looking At, Asshole?

Ernesto Jack N. Piza

Tax LL.M. student; Opinion

It seems like only yesterday when I fell asleep at the wheel on China Hot Springs Road, just outside of Fairbanks, Alaska. I was driving home from a summer rugby tournament when I veered off the road and drove into the woods, taking down trees as if my van were a military tank.

No one really knows how fast I had been traveling, but the van continued through the brush until it came to rest in an old earthquake ditch. As you might have guessed, I was not wearing a seat belt. I was thrown out through the windshield in a remote area that only hunters would pass-by on foot. Fortunately, that’s what happened, and my life was saved. The result: I was paralyzed from the chest
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STOP TALKING, Or, Why Your Fellow Law Students Don’t Like You

Beth Stevens

3L; Opinion

When I was a 1L, I never talked in class much. Let me clarify that statement: I talked to the people sitting next to me, but I never participated in discussions during class. In college, I participated in discussions all the time, but once I arrived here at UW, I followed the advice Homer Simpson once gave to his son,
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Whites Lack Balanced Opinions on African Americans

Anonymous White Person
Opinion

I told a friend, recently, that in the late 1960s, the Federal Bureau of Investigation (FBI) carried out a malicious campaign against African American social organizations, sometimes raiding houses and killing people while they slept.

Skeptical, my friend replied that police rarely raid houses without good reason.

Had my tongue been quicker, I’d have responded that police had as good a reason to shoot African Americans in their sleep as National Guardsmen had when they mowed down four White students at Kent State
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Special Entry by Retiring Dean Roland Hjorth

On June 30, 2001, I will step down as Dean of the School of Law. The past six years have been the most challenging and rewarding of my life. During my tenure, we established graduate programs in tax and technology law. We created the Center for Law, Commerce and Technology and the Native American Law Center. We added six endowed professorships and one endowed chair. And finally, we obtained the public and private funds needed for construction of a new Law School building
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Coming to America: Contracts Really Was Greek to Me

Liang Xu

Reflections of an Asian Law LL.M. Student from China

In 1998, during my last year at Beijing University Law School, I was singing in a Karaoke bar with friends, when it hit me: most of the law and legal theories I have been reading have come, not from Chinese legal sources, but from England, Germany, Japan, and, especially, the United States. (The Chinese legal system is not well developed—it is a
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Parting Shot from the Editor: What’s Wrong with Law School in 3 Pages

Paul Richmond

3L; Opinion

The thing that I may best be remembered for during my time in law school is the report I wrote on the visit of the World Trade Organization. It has been well received, translated into French and Czech, cited in national publications and most contentiously, a UW Law Review article.
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Reverse Epiphany

Natural (An African American discovers
the beauty of her hair)

The First step
Always the Hardest
To be natural
To be free from the lie
The No-Lye and Sodium Hydroxide
To go from touch-up
To tough-up
Saves me about 2 hours and \$40
dollars
What a relief
To be natural
Now maybe I can change the world

By Lorraine Wade
Class of 1999

Once a decade, comes to me
intravenous thunderclap,
summoned by sapient annalist
and Grandpa's wide-armed gesture.
360 degree arc.
We all fall in.

This time, it is
rushing
hot
pulsing
broth,
delivered from sequestered glands
and reaching 'round
every mass suicide and massacre.

Quaking, I disinter.
Gorging my capillaries
I raise
to lips
pomegranate-come-apple;
falling,
I see
the flip-side
of Epiphany.

By Ronda Larson,
Tax LL.M. Student; JD Class of 2000

STOP TALKING, Beth Stevens
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"Just keep your fool mouth shut."

At first, I thought I was staying silent because I was so completely lost. I felt so confused that I didn't think I could even form a question to ask in class. Then I talked to a friend about it (who shall remain nameless, but she knows who she is), and she said to me, "I think you have the questions. You're just afraid to ask them."

I thought about what she said, and I realized she was right. I did have questions, but instead of asking the professors, I was asking the people sitting next to me. And of course, the people sitting next to me were as confused as I was, so I was learning nothing by asking them questions. So since then, I've made it my mission in law school to ask every question that pops into my head during class, and to try to answer questions whenever I have even a guess at the answer. After all, educational studies show that participating in class is the best way to learn.

Now, the real issue is this: Why was I afraid to ask questions and make comments? Was it that the professors were unapproachable? Perhaps, but as I've progressed here in law school, I've come to the realization that the real problem is not the professors. It's the turbos.

You know who they are. They're the students who have an answer to every question the professor asks. They're the ones constantly raising their hands and making annoying comments, and asking even more annoying questions. They do all their reading for every class and they started studying for the bar exam in March of their second year. You see the turbos every day in class, and you hate them.

It's not that we're jealous of their intelligence that makes us hate them, because they're not smarter than us. It's not that they do better on exams than us, because they don't. It's that they *think* they're smarter than us, and they don't treat anyone but

themselves with respect. When there are classroom discussions, they try their hardest to make themselves look good and make everyone else look bad.

Recently, I had a very typical turbo experience in class. Two or three of them were loudly and rudely disagreeing with one non-turbo student during a discussion about a policy issue. Not only did they disagree with the non-turbo's opinion, they interrupted him, didn't raise their hands, said his ideas were stupid and raised their voices (as if volume makes their opinions more valid).

I strongly disagreed with the turbos' position on the policy issue, and in keeping with my theory of participating as much as I can, I raised my hand and expressed my opinion. One of the turbos turned around and gave me the dirtiest look I've seen in a long time. Clearly the turbo wanted me to stop talking immediately.

Of course, I didn't stop talking. I just went right on with my point, because I'm not afraid of the turbos anymore. I've been here long enough to no longer be intimidated by them. After the class was over, three different students came up to me in the hallways and told me how glad they were that I had made the comment I did. They felt the same way I did, but they were too uncomfortable to say anything in class.

Now I come to the point of this essay. I want to encourage all of you non-turbos out there to do exactly what I did in this situation: keep talking. Don't worry about looking stupid, or sounding too political, or even being wrong. **DON'T LET THEM INTIMIDATE YOU.** By staying quiet, we're all allowing them to stop our learning process. We're allowing them to make us feel stupid when we're not. And we're allowing them to dominate class discussions and annoy the crap out of us.

To you turbos out there, I urge you to start listening to your fellow students for a change. We've heard your opinions over and over again, and it's time to let someone else express themselves for a while. I also urge you to stop looking down your nose at the other students. We are not less intelligent than you. Our opinions are not less valid than yours. It's time for you to stop talking. Trust me, people will like you much better for it.

What Are You Looking At, Ernesto Jack N. Piza

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down.

Today, I ambulate with the help of a wheelchair and have been doing so for over 19 years. With my twenty-year anniversary approaching, I must reflect on my human experience in terms of what I have learned as a person whose disability is so obviously seen by the public. I say it that way because many people have disabling problems that are not visibly seen. In fact, many such people cannot live as fruitfully and productively a life as I have.

When I consider all that I have experienced in life, there is one thing that I am sure of: I have learned many things that I probably would not have learned had I not experienced the wheelchair—things about life and about the struggles that make us who we are. Essentially, I have learned about people. Indeed, my human experience has been, well, . . . more than it ever would have been had I not been paralyzed. Being in a wheelchair has given me a gift of insight that I may not have obtained otherwise.

Of course, being in a wheelchair has its drawbacks. The world is what we make it, and we did not have the goal of giving wheelchair users equal physical access when we made the present world. Moreover, even if access exists, I may not be able to take advantage of it. For example, there is widespread fraud and abuse in the use of disabled parking spaces. And in public restrooms, people seem to prefer disabled stalls over regular stalls, which leaves me waiting for the only accessible stall while many other stalls remain unoccupied.

Nevertheless, being in a wheelchair is truly not a problem for me. At least, it is no more of a problem than what other people experience. Everyone faces daily physical obstacles. My obstacles are obvious, perhaps, because they involve simple accommodations that non-disabled people take for granted. For example, I cannot easily enter a building that has stairs. However, when we consider why stairs were even invented, everyone must have had problems getting into some buildings without stairs, or going onto other floors in structures that were above ground. Today it would be absurd to have a building entrance three feet above ground with no stairway at the entrance. I am sure one could think of many similar examples in which basic accommodations were once a struggle for everyone. Today, it is the simple accommodations that are a struggle for me.

The worst part is that I try not to bitch and complain about inaccessibility or about the attitudes of people who cannot accept me as I am. I simply nod politely and say, "It's all right," or "It's not your fault." However, too many institutions have taken my politeness for granted. They have interpreted my candor as a green light for complacency. Because I try not to stir things up, they feel they have no further obligation to accommodate me. However, at the end of the day, the truth is quite simple: I am being discriminated against because I am in a wheelchair.

Being in a wheelchair is not the struggle; the struggle, rather, is people's attitudes toward me being in a wheelchair. Some people believe that basic accommodations for the disabled are merely a luxury. Some are angry at the inconvenience of having to accommodate me. Most business owners certainly feel that way. Whatever the reason, you would be surprised at which businesses and public institutions fail to comply with the Americans with Disabilities Act. Some flat-out refuse to comply with the federal law.

I have gone through different phases in dealing with people's attitudes and ignorance. First, I went through the Silent Phase. That is, when I was new to being in a wheelchair, I would not complain about lack of accommodations, nor would I react to stupid questions about my disability. Once, while dining at a Seattle restaurant, a man sitting at the table next to me leaned over and asked, "How did you get so fucked-up?"

In retrospect, when I first became a paraplegic, I thought I had been reborn. I was trying to determine my *new* character and how to *get around* in a wheelchair. I had to find out what was the right thing to do when I could not enjoy basic accommodations or basic freedoms in my new circumstances. I did not understand the public's perception of wheelchairs. I did not understand its ignorance of my need for such things as basic accommodations and respect. Ultimately, I could not react to what I did not understand.

After about five years of using the wheelchair, I entered what I call the Naïve Phase. During this phase, I actually believed that if I explained my story in response to people's stupid questions or reactions, I could change the world. I thought that I could enlighten their ignorance of the needs of the disabled. However, after realizing that nobody would listen, I lost patience and gave up. I decided that to change the world, I had to endure. This paved the way for my third phase.

The third phase was the Anger Phase. Actually, I call it the *What-the-hell-are-you-looking-at,-Asshole* years. It was the shortest of the phases. Some may have perceived it as an inability to deal with a physical disability. However, my anger was not due to the fact that I was in a wheelchair, which, as I already have stated, I am able to accept. Rather, I was angry at human ignorance. I was frustrated by a lack of common respect—respect that all humans are required to give to one another. I responded aggressively to ignorance in order to deter people from asking stupid questions. A memorable example occurred while I was celebrating the end of tax season with some work colleagues at a fancy lounge in Los Angeles. One of my co-workers asked if he could burn my leg with his cigarette. He said that since I had no feeling in my legs, it would be funny to see me sustain the burn. I first explained to him that I did have feeling in my legs, and then I tested whether he had feeling in his facial muscles. He did! (I should mention to you that I was a fighter before I was in a wheelchair). It cost me a reprimand at work, but it was worth it.

Now, I am in a fourth phase. I'd like to call this the Reserved Phase. Actually, I seem to shift in and out of all the earlier phases, depending upon my mood. But, I guess it is the same for everyone. However, for the most part I am reserved. It is not like the first phase of just being silent. I now understand that my character is no different from who I was before I was in a wheelchair. Better yet, I don't have to prove it. Since I am no different, why in hell should I be anyone else *but* myself? Today I understand that the way I react to human ignorance is similar to the reaction of anyone having to deal with ignorance. Whether my reaction is right or wrong is something that my maker will decide. After all, I'm only human!

For a stranger to ask me why I am in a wheelchair is no different than if a person asks someone why he is *so fat* or *so ugly*. It simply should not happen. There is more to me than my being in a wheelchair. I am more complicated than that. If someone wants to get to know me, they first must avoid being blinded by what they see.

I have struggled with paraplegia (spinal cord nerve damage), but it is not that I am unable to move on with my life in a wheelchair. I have accepted the fact that physical obstacles exist as they always have in life. It would be great if a cure for paraplegia were discovered. But for now, being out of a wheelchair is a mere luxury. Of course, it would be great to walk and run again. However at this point, I am simply a person who wants the basics in life. It is not I who has a problem with being in a wheelchair; experience has taught me, rather, that it is the public that has problems with my disability. Unlike the public, I accept myself as who I am—phases, wheelchair, and all.

Law Library Access, Christopher Trent Kunz

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constructed or significantly altered after 1990. As a public educational institution built before 1990, the Gallagher Law Library (Library) must follow accessibility guidelines under the Rehab Act, but not under the ADA. This essay critiques the Library's adherence to both the Rehab Act and, as a hypothetical ideal, the ADA.

Shortly after I started the graduate tax program at the Law School, I encountered its post-5:00-p.m. lack of accessibility. During normal hours, there is an accessible route into the Library. The automatic door opens on the west and north sides of the building allow access to elevators that will transport one to the second floor, where the Library is located. However, after 5:00 p.m., access is more challenging: a person in a wheelchair first must find the outside intercom on the northeast entrance of the building. He must then locate the elevators. Once found, a note on the locked elevators directs him to a telephone on the first floor for assistance. Unfortunately, at the given room number there is no telephone. Now what? After 5:00 p.m., if there is no phone available, or if the phone is not at an accessible height, the Library probably fails accessibility standards under both the ADA and the Rehab Act.

To ameliorate this problem, I was given an elevator key. However, I do not have enough motor control in my hands to operate the key myself (this is why there are big buttons on automatic door openers). In fact, the Condon Hall elevator key system is cumbersome even for people who are not disabled. To be fair, sometimes there is a phone available for access to the

Library. Unfortunately, the phone may not be at an accessible height, and, therefore, it is difficult, if not impossible, for a disabled person to use.

Even if an accessible telephone were always available, it is uncertain whether the Library would meet the standards of either Act. Under the ADA, Section 4.3.2 states that “the accessible route shall, to the maximum extent feasible, coincide with the route for the general public.” As for the Library, members of the general public open the door of Condon Hall and walk up the stairs to its entrance; no locked doors, no elevators, no telephones, no waiting. Apparently, the locked elevators of the alternative route for persons in wheelchairs—the so-called “accessible route”—are necessary for security reasons. Yet a security guard or other simple security system could easily alleviate such concerns. Even under the Rehab Act, it is questionable whether an accessible telephone, alone, constitutes “reasonable accommodation.” Do security concerns outweigh potential civil rights violations under the Rehab Act?

The unreasonable accommodations of the Library became a bigger problem for me when I had a basic tax research assignment due. Like most of the other students, I began the simple assignment a few hours before class. After waiting 20 minutes for someone to happen by and open the 7th floor library door, I easily found the volume that I needed. However, it was out of reach. I looked around for someone that could grab the book for me and luckily someone came by. But after using it, I discovered that I needed other volumes. No one was around. I remembered seeing a sign that indicated assistance was available for disabled persons.

I went down to the second floor to seek assistance. I saw long lines at both the circulation and reference desks. Remembering that there were also tax reference books on that floor, I went to look for them. I started down the row of books and was not more than two feet in when I got stuck. I was unable to proceed further because there were books sticking out from the shelves. Frustrated, I backed my way out, knocking off several books in the process. I went to the circulation desk and waited in line.

When at last my turn came, the attendant said that she was the only person working there at the time and could not leave her desk. She directed me to the reference desk. I again waited in another line. When I finally got the volumes I needed, I did not have enough time to finish the assignment before class. Others finished the assignment in a half an hour to an hour.

The ADA does not require books to be within a certain reach height. However, the ADA does require that there be a minimum clear aisle width of 36 inches and it suggests a 42 inch clearance between bookshelves wherever possible. My wheelchair is approximately 24 inches wide and may need 26 or 27 inches of clearance. I'd say the aisles between the bookshelves do not meet the 36-inch clear route requirement, at least in the aisles where there are protruding books.

Under the Rehab Act, would these be reasonable accommodations? With someone available and willing to help get books on every floor, and with no lines, the current system could provide reasonable accommodations. However, people are not available on each floor for assistance. Moreover, none of the Library's doors has electric door openers. This makes it very difficult for a person in a wheelchair to travel among the Library's stacks, which are spread over no less than six floors. Finally, with limited library staff, someone may not be available to assist. Scheduling ahead alleviates these problems but also forecloses the opportunity to run into the Library and do quick research. It is not certain whether the Library's internal space meets the Rehab Act standard for reasonable accommodations.

Will anything change because of this article? Probably not. Hopefully, however, readers have gained an awareness of, and an appreciation for, the access difficulties of the Gallagher Law Library.

Whites Lack Balance, Anonymous White Person

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in 1970.”¹ There were no good reasons for such killings.

But there were bad ones. In 1967, J. Edgar Hoover, then-director of the FBI, sent a memorandum to field offices, stating that agents were to begin a campaign “to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist, hate-type organizations . . . their leadership, . . . and supporters.”² The FBI's counterintelligence program (called a COINTELPRO) targeted groups such as the Student Non-Violent Coordinating Committee, the Southern Christian Leadership Conference, Black Student Unions, the Poor People's Campaign, the Black Economic Development Corporation, as well as the Black Panther Party.³ An FBI supervisor later commented that the FBI targeted “a great number of organizations that you might not today characterize as black nationalist but were, in fact, primarily black.”⁴ Today, most people who study history

¹ George Kasiaficas, The Imagination of the New Left: A Global Analysis 120 (1987). Ten days later, state troopers at Jackson State in Mississippi shot at protesters and killed two Black students. Id.

² Henry Hampton and Steve Fayer, Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s Through the 1980s, at 511 (1990).

³ Kenneth O'Reilly, Racial Matters: the FBI's Secret File on Black America 212 (1989).

⁴ Frank J. Donner, The Age of Surveillance 212 (1970). Furthermore, the FBI pursued its COINTELPRO against African American groups more intensely than it pursued any other of its COINTELPROS, and in the entire history of COINTELPROS, it was larger than any other except the that against the Communist Party, U.S.A. Id.

agree that J. Edgar Hoover was racist and possibly mentally ill in his obsessive attempts to discredit, among others, Dr. Martin Luther King, Jr., after the minister told a reporter in 1962 that the FBI had never arrested anyone “on the Negro’s behalf.”⁵

The most disturbing aspect of the FBI’s campaign against African American organizations was its implication in political assassinations. A victim of such actions was Chicago Black Panther leader Fred Hampton, whose successful efforts to create medical, educational, and welfare programs for the poor in Chicago had earned him an FBI “Rabble Rouser Index” listing.⁶ With his charisma and organizational skills, he was slated for a national leadership position in the Black Panther Party, thus putting him squarely within the FBI’s radar, and earning him a bodyguard who served the FBI as an informant.⁷

With the help of information from Hampton’s bodyguard, police staged a midnight raid on Hampton’s apartment, firing hundreds of shots and killing him and another person while they slept. Only one shot was not from police guns.⁸ The government later paid the bodyguard \$36,000 to testify in a trial brought against police by Hampton’s family.

Of course, there are always two sides to a story, but my friend’s expression of confidence in America’s law enforcement agencies is the view that takes the cake among most middle- and upper-class Whites. The problem is that this view is largely one-sided, informed only by White people’s perceptions. More balance is needed.

Unfortunately, balanced information about issues of race is an endangered animal in White society. From the time we read our first words, to the time we receive our B.A.s, J.D.s, and Ph.D.s, most Whites hang principally around White people, or non-Whites who have too much at stake to talk about issues of race to their White colleagues. And in the books we read in school, we receive almost no information about issues of race from the point of view of non-Whites.

Consequently, our lives are full of one-sided information about African Americans and other people of color, leading to such often-heard remarks as “Blacks have such a chip on their shoulders from something that happened 200 years ago. They should get over it!”

And I wish White people who feel that way would get over their ignorance. The so-called “chip” on many African Americans’ shoulders is from *present-day* racism, here and now, in Seattle and elsewhere. I have heard dozens of accounts from my African American friends of really awful things that some White people have said or done to them. But for many White people, it’s out-of-sight-out-of-mind. If you hang primarily around other Whites, you miss all the crap that non-Whites have to put up with.

On the other hand, many Whites today do not maliciously commit racism, in contrast to the way it was committed before the Civil Rights Movement took effect. Many Whites who say or do racist things act without an understanding of their own prejudices.⁹ For example, one of my African American friends made huge paychecks as a summer law clerk at a big Seattle firm. When, dressed in her best suit, she went to cash her first check at her bank’s downtown branch, the teller wouldn’t allow it because he thought the check was forged.

Inevitably, some of you reading this will attribute the teller’s reaction to causes other than racism. Unfortunately, Seattle is no haven for racial harmony. Many African Americans, particularly visitors or those moving here from another state, view Seattle as having a major race problem. Consequently, I was not surprised at all by the racial undertones of the Mardi Gras violence that occurred in Pioneer Square this year.

Despite the fact that the problem is still widespread, there is no reason for giving up. Racism may be one of the most complicated conundrums in the history of our great nation, but the legendary African American abolitionist Frederick Douglass said it best:

If there is no struggle there is no progress. Those who profess to favor freedom and yet depreciate agitation . . . want crops without plowing up the ground, they want rain without thunder and lightening. They want the ocean without the awful roar of its many waters. . . . Power concedes nothing without a demand. It never did and it never will.¹⁰

⁵ See O’Reilly, *supra* note 3, at 143-44.

⁶ *Id.* at 226-227; see also Ward Churchill and Jim Vander Wall, Agents of Repression: the FBI’s Secret Wars Against the Black Panther Party and the American Indian Movement 64-77 (1988); Hampton & Fayer, *supra* note 2, at 522-526, 529, 531-536 & 538.

⁷ Donner, *supra* note 4, at 227.

⁸ When police barged into the apartment, they shot a Panther member who had been sleeping in a chair in front of the door. The shot he received causes him to reflexively pull the trigger on the gun he had been holding. *Id.* at 226-227.

⁹ The reason for this is a psychological one. It’s called cognitive dissonance--a phenomenon of mental discomfort caused when a person holds two opposing and incompatible beliefs. To avoid such discomfort, a person is predisposed to either eliminate one of the beliefs or to drive it into subconsciousness.

Cognitive dissonance occurs often in matters of race because of the emotional charge that racism evokes in us. Most of us, on one hand, have a belief that racism is morally repugnant. But most of us, on the other hand, are also exposed to stereotypes of African Americans that still abound in our culture. These stereotypes can induce us to form prejudicial beliefs that are completely incompatible with our belief that racism is bad. The result? Often, prejudice becomes unconscious and will materialize into discriminatory thoughts or behavior without a us even realizing what happened.

¹⁰ Frederick Douglass, The Significance of Emancipation in the West Indies, Speech at Canandaigua, New York (August 3, 1857), in 3 The Frederick Douglass Papers. Series One: Speeches, Debates, and Interviews, 1855-1863, at 204 (John W. Blassingame ed., 1985).

First and University, Teejay Martin

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ure summoned us, asking for change. Andy tried to give each some money, but after a few, her change ran out.

“So did you like it?”

“I don’t know.” But after thinking about it, I admitted, “No, not really.” The fact was, I had hated it.

There was one girl there, however, whose image kept flashing through my mind. From her looks, she was probably barely twenty-one, clad only in red high-heels that seemed to exude her pale, slender figure, short auburn hair, and thin-lipped smile. Somehow, I couldn’t understand why she was there. She looked too innocent, too chaste, like the cool air that strikes your face when you open a freezer door on a hot summer day.

“But why didn’t you like it?” Andy, her light complexion brought out by the overhead streetlights, stared at me with surprise. “Come on, you’re a guy; you’re *supposed* to like things like that.” She chuckled softly, as she punched her hands deep inside her coat pockets and away from the cold air blowing in from the Sound. She stressed the word “supposed” as if there was something wrong with me for not liking it.

“I guess it’s the whole thing of paying money to see it; that’s all.” It was the first time I had ever paid money to see someone naked and that may have been the part that was so unsettling. I couldn’t exactly see myself fitting into the same category as the bald, old men who frequented such places because they couldn’t get fulfillment at home.

“You mean paying with quarters and all?” Her statement made the whole experience seem even worse. I felt a deep hole open up in my stomach, to the point of feeling sick.

“I guess it just seemed awkward. It was like seeing something that I wasn’t supposed to see; like seeing my own mother naked, or something.” But my analogy fell short.

We continued to walk. We stopped at the corner of the block and peered down Harbor Steps toward the dark Sound. I took out a cigarette and, cupping my hands, lit it as the image of the young girl flashed through my mind again.

“You’re going to smoke another? What—are you planning your own Marlboro Class Action or something?” Andy’s nagging sometimes annoyed me, but I knew she meant well.

“Actually, I once heard that for every cigarette you smoke, it takes seven minutes off your life. Yet it takes ten minutes or so to smoke it; so I guess I’m making three minutes.” Andy failed to appreciate the humor as I exhaled upward into the cold night air.

“So you hated it, then?” Andy continued, even though I really couldn’t see any point.

“I don’t know, Andy. I guess there are some things that you just shouldn’t see, that’s all. Or, at least, you shouldn’t pay money to see things that are . . . sacred, I guess.” I used the word “sacred” since nothing else seemed to capture what I meant. The image of the young girl flashed through my mind again, and I tried to block it out.

“I don’t know about *that*, Ashton. I just see it as a bunch of girls trying to make a living; that’s all.”

I couldn’t go along with her reasoning. “But, don’t you feel that there’s something wrong with it? Like you’re taking something sacred and making it cheap and meaningless?”

“Ashton, I think you’re asking two different questions.”

“How so?” I realized I was getting defensive, having my every word picked apart.

“Well, as for it being sacred, yes, I’d like to think the human form is sacred in some way and that intimacy between two people is sacred. But what’s sacred is up to us to define. As for it being wrong, right and wrong just depends on where you’re at, that’s all.”

“That’s great, coming from a future lawyer.” I chuckled, but Andy didn’t laugh. At that point we walked over to a huge iron figure at the entrance of the Seattle Art Museum. We were silent for several moments, taking in the view. The cast iron and concrete giant stood maybe a hundred feet up and swung its big hammer repetitively in the night.

Finally, I spoke up, “Do you think there’s anything up there, Andy?” She and I had been friends for several months now, but we had not yet touched the how-do-you-feel-about-God topic. She looked at me curiously for a moment with her hands still hidden in her black coat pockets.

“You mean like some little man up there working the arm to make it hammer?” She was chuckling, but when she saw that I wasn’t, she became serious. “I’d like to think there’s something up there.”

I nodded in acknowledgment. “So, don’t you think there are definite rights and wrongs in the world, then?” I drove back to our original discussion.

Reflecting her legal training, Andy’s brow furrowed as she concentrated on the question for a moment, making sure not to leave herself open to any verbal attack. “Sure, but I don’t think you need ‘God,’ or whatever, to tell you what those rights and wrongs are. I mean, society dictates what’s right or wrong.”

Even with another year of law school left, Andy’s pragmatic views seemed to shine through when she discussed law, society, and life in general. But I wasn’t completely sold on her answer as I tried to expel from my mind the image of the dancing auburn-haired girl.

“But don’t you think that God sets out certain absolutes for all people to follow, regardless of where they are, regardless of what society they’re a part of or where they live?” I felt my years of religious education seeping through.

She looked at me intently and brushed the strands of hair from her face. “Sure, but I don’t think you need religion to tell you what those things are. I’d like to think people have certain ideals within themselves at inception—religion doesn’t have to tell

you to love others, respect nature, love yourself, and hope and work for something greater than what you are. Religion only articulates those ideals and keeps people constantly guilted into upholding them. But, people don't need it."

This bothered me—she talked as if religion only attempts to oppress and to give people a sense of guilt for everything. I took out another cigarette and lit it as we took a seat at the base of the monster, shielded from the stiff eastward breeze. Once again, the image of the auburn-haired girl moved back and forth in my mind. "So you said you believed there is something up there—what do you believe in then--God? Buddha? What?"

She milled the question over for several seconds before speaking. "Well, Ash, I believe in something greater than myself. Whether you call that God, the Tao, or Humanity, it doesn't matter."

"I don't understand, Andy. How can you believe in all those things?"

Without missing a beat, "Well, I believe all those things are all the same; it's just that they're termed differently, depending on what religious tradition you come from. They're all trying to describe the same reality or to explain how the world operates." I looked at her curiously as I exhaled another drag from my cigarette and grappled with what she had just said.

She continued on this train of thought, "Take this statue, for example. See each light?" She gestured to the lights around the base that illuminated different areas of the hammering giant.

I nodded as Andy continued to speak, "Each light could represent one of the world religions: Islam, Taoism, Christianity, Judaism, Buddhism. They're all illuminating the same indefinable entity, just from different perspectives based on different languages and religious experiences. That's why every world religion still has certain threads in common."

"Like what?" I chimed in, trying to expel the image of the young girl from my mind.

"Well, like I said, they all teach love of self, love of others, a respect for nature, and they aim for something greater than ourselves, whether you call it 'God,' 'Enlightenment,' 'humanity' or even 'Justice.'" I gazed up at the stoic giant looming overhead. I wasn't sure if I had grasped everything Andy had to say, or even if I believed it.

"Should we start back now?" Andy alluded to the journey we had to make back to her car that was parked somewhere near the Convention Center.

"Sure." I threw my smoke down and stamped it out. I tucked my hands into my Levi pockets. The image of the dancing girl remained vivid in my mind. But, maybe, for once it was okay to have the image. Maybe, there were things deeper—deeper than religion or society—that were buried inside each of us; things that we couldn't explain.

"Andy, I do have one question, though," as we started the uphill trek on Pike Street.

"What's that?" She pulled her collar up against the wind blowing at our backs.

"Why do you think it's a crime to have more than one person in each booth?"

"They don't want any funny business going on in there, I guess." She shrugged at having to answer a question she'd never pondered before.

I nodded. "So what are you supposed to do in there by yourself, then?" I asked the question, being unfamiliar to this whole world that Andy had just opened up to me an hour ago.

She smiled coyly as if the question was too stupid to answer. She gave one brief but illustrative hand gesture, and I understood. My sick feeling returned, but this time for a different reason entirely.

Coming to America, Liang Xu

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civil law system (i.e., it consists of statutory law, but no common law), and it began only in the late 1970s. As a result, it must borrow heavily from western countries).

It was at this moment that I decided to study law abroad. The United States, with its advanced legal education system and respected body of common law, was a perfect stopping point on my journey of becoming a good lawyer.

But then reality struck: the first two weeks of fall quarter here were excruciating. I didn't understand a single word of the first two lectures in Kummert's Business Organizations, and I didn't get much more out of the Contracts lectures. I began to doubt my intelligence. Throughout the whole quarter, I am afraid that I understood no more than 25 percent of the lectures in Business Orgs.

I only stayed afloat that quarter because of the kindness that Professor Richard Kummert showed me and all of the foreign students. He allowed us an extra hour each week for questions. Even though we spoke slowly and sometimes incorrectly, he answered our questions with great patience. Overall, however, I and the other students are most grateful for his decision to have us each write a paper instead of taking the final exam; in the end, despite our worst fears, most students got good grades.

I am also very grateful to JD students here. People from Asia are not as outgoing as Americans, and I am no exception. I am eager to make American friends, but I have difficulty. Sometimes I cannot express myself well because of the language problem, and sometimes I am just too shy to initiate a conversation.

At one point, I heard that some American students thought I did not like them because I was always silent. And so they kept away from me. Usually, however, American students have willingly helped me out, especially when I miss something in a lecture and have to ask a JD student to explain it.

And near fall quarter's finals, the most critical time for me, JD students went out of their way to help. One student spent a whole evening helping me with Contracts review. He is now one of my good friends. I received an A- in that class, and I could not have done it without him.

There is, however, one blemish on this otherwise sunny story. My taste of American Law has made me hunger for a JD. But to get into this same great school as a JD, I must start from ground zero, take the LSAT, receive no JD credit for my LL.M. courses, and apply again as a new student. Other law schools--such as Columbia, Duke, and Cornell--allow LL.M. students in good academic standing to continue as second year JDs. I hope that someday the UW Law School will see the value in such a policy.

But all in all, I want to express my love for this school. Although this happy year is ending, it has opened doors wide for me, both legally and culturally. I will return to China a changed man.

Charging to Use the Toilet – An Idea Whose Time Has Come

For years, the Law School has not charged students for the urinating and defecating they do in the Condon Hall restrooms. Unfortunately, over this same time, the costs for toilet paper, paper towels, and disinfectants have increased, as has the volume of urinating and defecating done in the restrooms.

Consequently, the Law School has decided to start charging students and Condon Hall patrons \$.50 to urinate and \$.75 to defecate in all Condon Hall restrooms. Performing both functions simultaneously will only cost \$.75.

Did you know?

It's amazing to imagine, but a conservative estimate of the number of discharges in Condon Hall restrooms during last year's academic year was around 2.6 million! That figure is just for nine months of urinating and defecating in the building.

After investigating that number a little further, we learned the following:

- Toilets clogged over sixty times last year!
- Up to 290 rolls of toilet paper a WEEK were being used in the restrooms!
- Up to 80 packages of paper towels a WEEK were being used in the restrooms! And one package has 200 paper towels in it!
- 2.6 million urinations and defecations average out to 4,126 discharges per student last year! Who cares that people other than students also use the facility!
- A survey of Law Schools across the nation shows that nearly 100% of all School officials would charge students for restroom use if they would not lose their jobs for implementing such a ridiculous policy. Further, people pay for this service on public streets in large cities like Paris and San Francisco.

The Problem?

The Law School is simply too cheap and insensitive to many students' delicate economic situations to support these restroom costs any more. The costs are especially disturbing given that thousands of people who use the restroom could easily hold it in until they got home.

The Solution?

You will have three options for urinating and defecating now:

1. Toilets will have coin slots for pre-pay use. Insert \$.75 to enter and, if circumstances warrant, you will receive a \$.25 refund.
2. Hold it in.
3. Depends Undergarments will be sold in the 4th Floor Copy Center for only two to three times their normal retail price.

Again, the cost will be \$.50 for urination and \$.75 for defecation. Because we are deeply concerned with your well-being, change machines will be placed outside all restrooms.

The Advantages?

Actually, there are many benefits to this new system:

- The administration will save a tremendous amount of money in costs they currently bear.
- The administration will turn a tidy profit from charging students much more than the service actually costs.
- Lawyering is all about decision making. Deciding when the discharge of waste is truly necessary and when it is frivolous will cultivate your decision-making skills.

The Trade-Off?

With the additional money generated by this system, we will be able to fund very important projects. These include a new law building that you will never use, subverting admissions policies that require us to focus on merit rather than ethnicity, and kissing up to important guests with lavish meals to which you are not invited.

Frequently Asked Questions About the Policy

Q Why not allow students to use the toilets free of charge on a limited basis, and then charge for use that exceeds that amount? Then we could have reasonable access to a necessary resource, while still preventing abuse of the system and deferring much of the cost. This is what many universities do for other services, like printing.

A On the record, our response is that such a system would be too costly and time-consuming to implement and maintain, regardless of whether other schools use it successfully. Off the record, we strongly believe in bleeding every penny we can from students. Providing even limited toilet use for free would contradict that principle. Besides, you'll be highly-paid lawyers some day, so quit whining.

Q But what if that's not true because instead of being highly-paid, we're choosing to serve the public interest?

A The what?

Q Will faculty and administration officials have to pay for this service?

A Don't be silly: of course they won't. Like printers, toilets will be available on the upper floors for administration officials and faculty. Of course, students cannot use these facilities under any circumstances.

Q What about the fact that this service is literally essential to attending law school?

A That's why you'll pay for it, no matter how absurd the policy is. Funding essential services out of your tuition and taxpayers' money is an old idea. Conversely, gouging you at every opportunity is an idea whose time has come.

Dean Roland Hjorth

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– William H. Gates Hall.

A source of special satisfaction to me has been the re-establishment of friendships with alumni I formerly knew as students and collaborating with alumni I had not known before. What we have accomplished in these six years would not have been possible without their assistance, counsel, and advice – especially from those who have served on the New Building Leadership Committee, the Dean's Advisory Board, or as Trustees of the U.W. Law School Alumni Association and the Washington Law School Foundation.

I have been a member of the Law School faculty for more than 35 years. I have always been proud to be part of an institution that continually seeks to achieve new levels of excellence. We have all the essentials for greatness: by objective measures, our students rank among the very best in the United States; our faculty are a superb community of teachers and scholars; we have one of the best law libraries in the country; and we will soon have the finest law school building in the world. We have alumni who participate magnificently in providing funds not only for our new building, but also for endowed chairs, professorships, and other important School purposes.

So I leave this deanship with a new sense of optimism. We have the potential to become, and to be recognized as, a premier U.S. law school. I am confident we will achieve that goal. I also leave the deanship with a deep sense of gratitude for the support I have received from students, faculty, and alumni. That support has been the main reason why the past six years have truly been the most rewarding of my life.

I have missed the special invigoration that comes from daily interaction with students in the classroom and the satisfaction of scholarly reflection on important legal issues. I will return to those pursuits with new perspectives, culled from the wonderful experiences I had in this Office. These have been wonderful years. I will always be grateful for the opportunities they presented and the many kindnesses so many people extended to me.

Parting Shot from the Editor, Paul Richmond

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The central thesis of this piece was to look at the militarization of law enforcement. I looked at how the military has developed in recent decades a system that dehumanizes normal people and makes it easy for them to do things they'd never consider doing before. I point out that most higher life forms have difficulty killing members of their own species and that historically, most soldiers in combat found it impossible to kill at close range. Yet after the current course of military training (now trickling down to the police) killing at close range, a normally repulsive act, becomes something anyone can do. It's in conditioning.

Here's the kicker though. While I wrote this report I was in the midst of a institution with a much longer tradition of conditioning people to act against their basic nature and one that applies this conditioning in a much more rigorous way. I'm talking about law school. Consider this: It takes about six months to train a Navy Seal – it takes 3 years to make it through law

school. And consider this: Modern military training was a result of the failure of U.S. troops to kill in close quarters during WW II – let’s call it a 55 year tradition. Law school, as it exists, has been around since 1870, a 130 year tradition.

The Common Milieu of Law Schools and Cults

I experienced an epiphany about the level of control exercised by the law school institution when I watched an orientation of 1L’s during my second year. It just so happened that PBS had just run a documentary on the indoctrination tactics of cults. I found the parallels frightening. Take a look at these parallel methods utilized by not only the most infamous cults, but by most law schools.

Isolation From People Outside the Group

- Cult members are made to break connections with their existing friends and family.
- Law students are told during orientation that their friends won’t see them for several years. They’re also told to expect hard times in their relationships – in fact, more than half the students who enter law school either married or in a relationship break up before it’s over.

Sleep Deprivation and Fasting

- Cult members are made to go long hours with inadequate sleep or nutrition.
- Law students routinely do the same.

Vows of Poverty

- Cult members are told to give up all worldly possessions.
- Law students are forbidden from working during their first year. They also leave the institution burdened with tremendous amounts of debt.

Abstinence

- Cults routinely require their members to practices extended periods of abstinence. Couples who enter into the cult are usually separated.
- Excessive academic demands make conjugal duties impractical. Most law students, who enter as part of a couple, emerge separated from their original mate.

Random Instances of Abuse by People in Power

- Cult members are subjected to random instances of abuse. They are usually directed to seek the answers for why this happened within themselves; after all, their abusers are there to help them learn.
- Law students are subjected to arrogant faculty, the Socratic method, and exams that are graded by a few scribbles without feedback. If they complain, they are told that this is part of the learning process, and made to feel inadequate.

Loss of Self

- Cult members are eventually robbed of a sense of self. This is then filled by a set of values created by the cult.
- Law students complain of feeling completely inadequate. They then give themselves up and learn to “think like lawyers.”

The Reward Down the Road

- Cult members are told that if they endure these deprivations they will acquire mystical powers, usually after about three years.
- Law students are told that when they become lawyers, after about three years, they will acquire all kinds of respect and prestige. Taking this last analogy one step further they will be given the duty of addressing black robed figures, speaking arcane phrases in Latin and other dead languages, and participating in something closely resembling a Masonic ritual.

The Why of All this

Ever wonder why you can go to a law school for three years, and not only not be equipped to practice law, but have to take another six week class so that you can pass a test you’ve already had 3 years to prepare for? It’s because we’re all of us, faculty and students alike, caught in a system that’s designed not for education, but for indoctrination.

Once upon a time, you could learn the law by reading a few books and hanging out a shingle. It wasn’t the way all lawyers learned, but it enabled there to exist a type of lawyer that’s a vanishing species today – the community lawyer. This was a lawyer who knew those around them. They didn’t owe a lot, and so didn’t have to charge extravagant fees for their work. They were general practitioners, who, like the family doctor of old, bonded with the families they served.

Today, the open focus of every major accredited law school I'm aware of is to train lawyers to work for large corporate firms, despite the fact that 65% of lawyers end up working in firms of five or LESS. And most get out knowing very little about how law actually works, and with staggering amounts of debt.

How did this come about? From what I can trace of history it went like this: with the rise of great monopolies, and many of the most prestigious law schools in the hands of the wealthiest robber barons, there came a need for more lawyers to do the work of their expanding monopolies, and to ELIMINATE those who could defend their communities from these few people who owned most of everything that can be owned.

About 1870, some long dead corporate tool from Harvard came up with a system to teach large numbers of law students in an economically efficient manner. That method relied on large classes, and minimal feed back and supervision. The experience was essentially a socialization process. The people who received it were the children of the elite. They had gone to prep schools and this was the next step. The world after law school was where they actually learned the law.

As the monopolies further consolidated their control of the few industries, a similar dynamic shaped the elite professions. It is well acknowledged by alternative medical practitioners that the American Medical Association eliminated most alternative forms of treatment, having many practices such as midwifery declared illegal. In the legal realm, through the machinations of the American Bar Association, the Harvard model took complete control. It became illegal in most states to practice law without graduation from an ABA approved school and passage of an ABA approved test.

The law school that exists today is a descendant of that 1870 Harvard model and its actual instruction is largely a farce. It takes three years to impart the same information given in a 6-week bar review class, and most practicing attorneys I've spoken with feel the bar review class does a better job. Neither experience, of course, teaches you a thing about how to practice law, let alone take on the economic descendants of the bastards who created the 1870's model.

The bulk of the faculty at law schools are not practitioners and many have never practiced law in their lives. In general, faculty are selected based on their performance on tests given while they attended law school, and the ranking of the law school that they attended. Higher coinage is given to more recent graduates. Those who turned down teaching positions to practice for extended periods of time often find themselves rejected when they reapply for positions that they are now more competent to teach. What is rewarded is test-taking skills.

The life of a faculty member can be relatively easy. After the first year, they can reread from last year's notes, so their preparation work can be slim to none. And there are always research assistants to do updating (though less so at UW than some private schools.) Students are expected to be at "sufficiently advanced levels to extract the information," so faculty don't have to spend a lot of time with them. There're no feedback mechanisms at any point during the class to determine how much the student is actually learning. No quizzes, no papers, just a final exam at the end of the class. Usually the paper comes back with a few marks that don't say much of anything. There's nothing requiring teachers to go over tests with students afterwards. There's not anything in the way of feedback really required, so almost exclusively, none is given.

The deck is stacked tremendously against any faculty member who does try to give detailed feedback. At UW, which has the smallest student body and the best student to faculty ratio in the Pacific Northwest, a small class has seventy (70) students in it. If a professor were say, to go over the exam answers in detail with each student who asked, the workload could be literally more than one person could do. Let's do some quick math here. Say this would take three hours per student, at three (3) hours per exam, this would come out to two hundred and ten (210) hours or more than five (5) weeks of full-time work, for a single nine week four credit class that met for a grand total of thirty-six (36) hours. 210 hours to provide feedback on a class that took 36 hours to teach. How many people are going to spend 210 hours reviewing a class it took them 36 hours to teach? The situation will be the same, with only minor variations in every major accredited law program.

On the other hand, if faculty, in any of these programs, set up a policy of refusing to meet with students afterwards, this leaves them with a tremendous amount of free time to pursue other endeavors, many of them potentially lucrative. Faculty can free themselves to give expert testimony, be consultants, and write books all of which will bring them additional income. Do the math. If a faculty member chooses to teach one four (4) day class a quarter for three (3) quarters, they effectively have to work one (1) hour a day for one hundred and twenty (120) days each year. In all law schools, some use this to their advantage and arrange many lucrative positions based on their status as a law professor. It's to their advantage to maintain this system. Others lose themselves in the minutiae of their respective fields, to keep themselves from getting completely bored with looking at the same material year after year— their lectures are usually incomprehensible.

Law School endures in its present form because this is more than ever, a corporate driven society. The most natural foe of these corporations in the legal realm would be the lawyer described at the beginning of this essay - a local lawyer without a lot of debt and loyalty to their community. Clarence Darrow was this type of lawyer, self-trained and community supported and he became these corporations' worst nightmare.

What is needed is a law school that teaches functional skills in how to run a practice, deal with clients, and has opportunities for formal apprenticeships. The reality for law students, if they don't work for large firms, is that they learn at the expense of their clients. Compare the training of the law student with that of the medical student. In general it costs about ten times as much to educate a doctor as it does a lawyer. The most apt analogy would be if a medical student emerged from school and began performing operations without knowing where any of the body parts are. The image one gets is of a young student with their patient's chest cut open reading a book on the functioning of a vital organ as they prepare to cut it open. The image is repulsive but it is exactly what young lawyers do. They go into court, not knowing how to perform the simplest

procedure, like a baseball player who has for years studied the velocity and aerodynamics of a pitch, but has never swung a bat in their lives. Young lawyers literally learn the law by piling up bodies.

What is needed even more is a teaching system that does not dehumanize, overstress, and burn people out. One that allows them time for family and friends, for personal interests and does not pit them against each other. Devoting endless hours on meaningless tasks to the exclusion of friends, family, all other interests and your mental and physical health is wonderful preparation for being a drone in a large corporate firm, but it is lousy preparation for those who want to help society.

Since the legal education system has endured in this fashion for over a hundred and thirty years, such changes may not easily be put into effect in the time that any of us have in these institutions. Those of us dedicated to trying to change the system must realize that it may be a long haul. We can try to come through the system aware of what it is, and what it will do to us as human beings if we allow it.

The first step in a survival plan is to hold onto what was important in your life before you got there. Hold onto friends and loved ones. Also hold onto what was important to you – if you had a cause that was important to you find those who are working in that area and use your skills. You'll learn more working on something you care about than by regurgitating the nuances of 18th century contract law.

Look for ways that you can create opportunities to work on things you care about. Look for ways that you can get involved in things that'll make a difference. Both during and after law school.

Look for others, especially as you advance. The more you create opportunities for others to emerge out the other end of law school as real human beings, the better it is for all of us.

If you care about the fact that there's more money going to prisons than to college, if you care about the fact that half the topsoil on the planet's missing, or that in some countries the majority of their population is infected with AIDS, or that you can get your skin destroyed by rain or sun, (or even that there's someone like me raising these points) then you've got an obligation, not to look for ways that you can buy a nice car, you've got an obligation not to buy yourself a fancier house than your neighbor, not even a primary obligation to worry how you're going to pay off you're student loans, you've got an obligation to do something about it. Do it.

The Docket Editor, Ronda Larson, wishes you all a summer of productivity and legal drudgery, for,

[a] man can never gallop over the fields of law on Pegasus, nor fly across them on the wing of oratory. If he would stand on terra firma he must descend; if he would be a great lawyer, he must first consent to be only a great drudge.

Daniel Webster

The Docket Editor, and Publisher Paul Richmond wishes you to try the following:

Near exam time go to the table where they're selling Bar Review classes. When a few people have gathered around ask:

“Who gives a better bar review class: Barbri or Ken?”

Observe what happens (and I'm not making this up) there'll be wrinkled brows and students who feel they're missing something because they don't know about “Ken's Bar Review Class.”

These are the lost souls of Condon. Your mission is to save them.

The End