A would-be lawyer

endures the greenhouse—

and the madhouse—

effect in a tough

training season.

What more can be take?

Only the bar

Some time around the reelection of Ronald Reagan to the presidency of the United States, the author of this tale applied to law school. Gaining admission to a school whose recruitment materials he found sufficiently pretentious, he compounded the effects of that decision by subsequently attending that school and graduating promptly three years later. Little did he realize, during those heady days of 1984, that deep in the remotest crevices of his ravenously ambitious noodle had begun to nest a horror—a terror borne of the knowledge that, even four years later, he would have to sit for the New York State Bar Examination. That terror, long little more than a nascent zygote, nonetheless would slowly grow and flourish, gnawing away at both his soul and his personal hygiene until, in the scorching blast furnace that was the summer of 1988, he’d get it over with already.

This is his story.

Tuesday, May 24

The eleven days since graduation have been anything but relaxed. First was the drive to Jersey from Chicago in a high-powered touring sedan, the classic 1982 Subaru GL. Then came three harrowing blind dates (whose sponsors apparently thought the “blind” part was meant as a reference to my own 20-
400 vision), perpetual unpacking, and arguing with the post office. Today would be something new. Today would be the first meeting I would attend of the live lecture of the Pieper Bar Review, with a thousand other devotees in the vast auditorium of the Borough of Manhattan Community College.

Before being seated, I am handed a thick silver book of practice questions which would later become a perpetual and hated companion. I have come prepared with a couple of pens and a naively-chosen notebook, the latter of which contains only enough paper for perhaps three or four lectures. I will eventually switch to looseleaf paper and a clipboard, leaving the voluminous notes from past classes safely at home.

The standard operating procedure for well over 95 percent of the attendees is verbatim transcription of every word John Pieper says for four hours a night (which includes a fifteen-minute break in the middle), as well as several six-hour lectures. The main message of the first lecture is that the lecture notes are to be the bread and butter of this course.

Some courses rely heavily on very extensive materials (which have to be returned after the course was over), supplemented by law-school style lectures by various area experts. Those students learn by boiling down the materials into outlines and practice exams, the way you ideally learn in law school.

Our materials, except for the practice materials, are meant to be used as paperweights. Our area specialists are all John Pieper. Our method is based on trust (well, trust and $950): Trust that John has accurately and adequately done all the thinking for us, all the analysis and all the compressed re-synthesis, and all we have to do is learn it cold. COLD.

I leave that night with a tired right hand and in something of a state of shock at the vast amount of material
Mnemonics are a great way to learn the elements of causes of actions. The problem is that if I could memorize that much material, I would have gone to medical school.

we’ve covered. We segued from New York jurisdiction into New York’s statutes of limitation and venue rules, and this was about 1/35th of the material we would be responsible for at the end of several weeks. Did everyone really learn all the material? Is it really humanly possible? Was there still time for me to go into an easy profession—nuclear physics, maybe?

Sunday, June 12
I set today to catch up with all the substantive “daily” quizzes in the silver book and to begin work on the practice Multistate questions in areas we’d already covered—“Multistate Contracts,” “Multistate Torts,” and “Multistate Realty” (though that last would have to be supplemented by Future Interests and Trusts before we would be prepared to begin the property questions).

I was glad to see that most of the torts and contracts stuff was review. Sometimes I got the impression this course was meant for people who never went to law school. I’d get frustrated when John would repeatedly labor over a point such as what battery is until I came to the realization, through casual eavesdropping and crowd reactions, that some people in the room were learning it for the very first time. Later, during subjects such as Negotiable Instruments and Bankruptcy, the shoe would be on the other foot as I would discover that everyone on earth had taken these courses in school, while I pondered such mysteries as Economic Analysis of Law and Jurisprudence.

I do well on the quizzes. Most of the questions are gimmes, meant to reinforce the materials covered in the lectures, while some questions are impossible to answer—minor points not covered which we’re expected to learn from taking the quiz itself. John thinks we’re doing these as we finish each topic when we get home at night. But when the lecture ends at ten, I have to head two blocks downtown to the World Trade Center to catch the PATH train to Jersey City, whence I pick up my car and do the hour’s drive on the Turnpike south to Exit 8. When I get home between 11:15 and 11:30, having spent the last seven or so hours in either virtual nonstop writing or nonstop radar-dodging, I’m not too inclined to take a pop quiz. I watch “The Odd Couple” while I eat dinner alone.

Wednesday, June 22
I’m beginning to put a substantial amount of time on Multistate practice. Multistate panic has set in among the many who took supplemental Multistate courses. (While a disaster on the practice exams, though, Multistate is almost impossible to overcome, it’s still less than half the New York score. The rest is based on the six essays covering about 30 different subjects and 50 totally unpredictable multiple-choice questions.)

I’m depending on constant practice both in the silver book and from the book provided by another course, on sale in the lobby of BMCC for a reasonable fee, by arrangement with John, who recommends that we buy one of the Multistate course’s books and, if we’re uptight about “Princeton ETS”-type tests, take a Multistate course as well, the latter of which I decline to do. I do fifteen or twenty questions at a stretch, read the explanation on the ones I get wrong (I should also read about the ones I got right, since as often as not you’re right for the wrong reason), and do another twenty. I’m pretty pleased at the scores, once I get used to the idea that almost no one gets much more than 50 percent on the Property and Contracts questions. I make it up on Torts, and focus on improving my Evidence and Constitutional Law scores.

By now we’ve also handed in several practice essays. Throughout my school career I have found nothing so arduous as doing practice tests of any kind. They are surely the best way to learn any subject, of course, but they require voluntarily subjecting oneself to test conditions—something called discipline.

I have been cheating. Since Day One I have been behind in memorizing the famous Pieper Mnemonics: Who may receive service of process to effectively serve a corporation? A MAC DOG person: Assistant cashier, Managing agent, Cashier, Directors, Officers, General agents. There are hundreds of these, some of them (like A MAC DOG) quite useful and not too hard to remember. Others are unnecessary from a practical point of view—just listing things for the sake of listing them. Some are maddening for their arbitrariness—“RC SLIRP [sic],” “F SMARTLEYS”—or because the element we’re trying to remember is imbedded deep in a phrase for which the initial may or may not serve to jar the memory: Defenses to a breach of contract claim—IDI AMIN—the N stands for “Nonlegal bases. John believes that on the exam we’re uptight about “Princeton ETS”-type tests, take a Multistate course as well, the latter of which I decline to do. I do fifteen or twenty questions at a stretch, read the explanation on the ones I get wrong (I should also read about the ones I got right, since as often as not you’re right for the wrong reason), and do another twenty. I’m pretty
cessful efforts at memorization—first-year torts. But there aren’t 160 torts.)

The first exam, which focuses on service of process, establishment of jurisdiction, and similar procedural matters, gets me my best grade: I list all the mnemonics and touch most of the important points. But thereafter, my practice exam grades go downhill. I decide not to worry about it.

Thursday, July 14

Our last lecture. The previous three lectures have run five hours, because we had to catch up, and some people are wondering if perhaps fewer charming stories about Damien, Troy, and Christina—John’s three children, all of whom, he claims, know New York’s statutes of limitations by heart—and their nonlegal exploits might have saved us the painful exhaustion of almost five hours of feverish scribbling. I say “nonlegal” exploits, because John and his family are inevitably the characters in many of his illustrative examples (which are never meant to be written down—they’re “not for your notes—concept”). Most of us realize, though, that we can pay now or pay later—we were grateful for the Little League stories and the break from note-taking they provided at the time. By now we’re all so hyped up we’re probably better suited to suck down vast amounts of material anyway.

All I know is that my usual fifteen pages per night have expanded to around 25 (and my handwriting’s compact—most folks probably take about twice as many pages as I did), and yes, my hand hurts like hell. John points out that on the bar exam we’ll have two three-hour sets of nonstop writing (New York doesn’t allow typewriters), for which we’ll all be in great shape.

Of course, “nonstop writing” assumes that we have plenty to say on each essay. We learn that the worst thing that can happen on a exam is for you to have no idea what they’re talking about. As with law school exams, getting the answer “right” is somewhat less important than displaying your recognition and knowledge of the issues in the problem. John has tried to get us, by learning the mnemonics, to be able to spout material on any subject, not just to be able to pick a right answer out. Even a mnemonics disaster such as myself has learned how to do this. The main study method—more important even than the mnemonics and on a par with practicing—is, as John said, reviewing the notes over and over and over and over and over.

They become sickeningly familiar, John’s often strained syntax and obvious examples being drummed into increasingly dissipated neurons. John predicts that we’ll hear his voice as we write the bar exam, but I find instead that, like Talmudists who can describe on which quadrant of a given page to find a datum, I am seeing pictures of the handwriting I had come to despise—my own.

Between now and the exam, John tells us he expects us to go through the notes two more times. That’s not too hard. If it were just a matter of time it takes to do that, I could review the notes four times. But that would result in a cerebral cortex resembling a raisin, probably of limited use on the exam. The problem is the incessant repetition, the stultifying boredom, and the Rule Against Perpetuities.

By tonight most of us have, as expected, come to feel a sort of affection for John. He comes across as a pretty nice guy. He wishes us Godspeed with a break in his voice that seems sincere. We stream out for the last time into the putrid, steamy summer air of the studio (“studio”) on the West Side. Sweat pouring like water the lawn. That doesn’t mean I couldn’t learn anything if I try to crank away twelve hours a day. My system just won’t take it. There’s probably not much more of a radical change than that between the languor of third year and the fervor of bar review. But, for the first time in my life, if I sit down and do nothing for a few minutes, the inference that I have “time on my hands” and am available for errands is not made. I am in an exalted state—like Moses about to receive the Law on Mount Sinai, without food or drink for 40 days and 40 nights. Unlike Moses, I don’t think I have the heart to go up the mountain and do this twice.

The summer of 1988 is the hottest summer in the history of North America. Luckily for me, both my home and my car are well-air-conditioned. One day during the last week before the exam, I come into Manhattan to study with a law school classmate, who lives in an un-air-conditioned closet (“studio”) on the West Side. Sweat pouring out of every square inch of body surface, we drill each other on the difference between exceptions to the hearsay rule and evidence which is not hearsay at all (and when New York and the Federal Rules of Evidence see the distinction differently); when impeachment of a witness by his VIC (Vicious, Immoral, and Criminal) acts is available; when the right of counsel attaches; New York’s rejection of the Good Faith Exception to the Exclusionary Rule; and which kind of pen

Hundreds of Multistate questions pass before me in a bleak panorama as buyers named Byer and sellers named Seller breach or don’t breach contracts or non-contracts

The Last Twelve Days

Hundreds of Multistate questions pass before me: Redacre, Greenacre, and Whiteacre form a vast but bleak panorama in my mind as buyers named Byer and Sellers named Seller breach or don’t breach contracts or non-contracts, surfing on merchant memaranda across a sea of future interests. My fat loose-leaf full of notes is like heroin to a junkie: a constant companion, always within reach, and yet utterly despised and a source of anything but pleasure.

Around the house, Mom and Dad have gotten the message that I am not to be asked to take out the garbage or water the lawn. That doesn’t mean I work nonstop. I take time off, both in-between “sets” and sometimes for chunks of hours. I know I wouldn’t learn anything if I try to crank away twelve hours a day. My system just won’t take it. There’s probably not much more of a radical change than that between the languor of third year and the fervor of bar review. But, for the first time in my life, if I sit down and do nothing for a few minutes, the inference that I have “time on my hands” and am available for errands is not made. I am in an exalted state—like Moses about to receive the Law on Mount Sinai, without food or drink for 40 days and 40 nights. Unlike Moses, I don’t think I have the heart to go up the mountain and do this twice.

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A series of muffled, irregular groans from the front of the room reveal themselves to be not a malfunctioning air conditioner, but the voice of the head proctor would be most efficacious on the exam.

I probably sweated ten pounds that day, but I gained a world of confidence as, listening to myself, I came to the realization that I had learned a hell of a lot of stuff. Cold.

Tuesday, July 26
8:30 A.M.

It's another fetid morning in Manhattan as I walk cross-town from the room I rented on West 43rd Street to the Jacob Javits Convention Center on the island's western edge. As I pass the furriers and delicatessens I begin to notice a slow aggregation of other young people also walking westward, some carrying lunch and others carrying shopping bags emblazoned with "BAR/BRI." I meet a law school classmate I haven't seen since graduation day in Chicago more than two months ago. It seems the whole world is descending on the Javits Center.

And it looks like there's enough room for the whole world. The building is capacious, but sterile. I am surprised to see that the hundreds of assembled examinees do not emanate dread and anxiety, as I expect. Everyone looks pretty normal—everyone, that is, except my friend with the unidentifiable apartment, who is sitting, crumpled and ferret-like, amidst a pile of books and papers—crumpling, fifteen minutes before E-Hour. When I call out to him that it's probably a little late for cramming, the normally chipper and effervescent Scotsman makes it clear through gritted teeth that I should do things my way and he'll do things his way. I steer clear and towards the exam room.

All three of the Javits Center's exhibition rooms are being used for the bar exam (while a diamond convention occupies the upper hall), and the modular dividers between them have been opened up so as to make the vastness all the more intimidating. I feel very small, sitting at a seat at one of hundreds—probably thousands—of identical tables, each one of which would seat two examinees. I go to my assigned seat, where a kindly Irish lady—one of hundreds of kindly Irish ladies in the room doing the same thing—introduces herself and tells me she is the proctor for my area. Eventually, my tablemate joins me, a young woman who remarks that we have the same last name. I figure there must be at least two of every name in the room.

Slowly, every single man, woman, and child taking the New York State bar exam in the First Judicial Department (Manhattan) files into the room. A series of muffled, irregular groans from the front of the room reveal themselves to be not a malfunctioning air conditioner but the voice of the head proctor as transmitted by what passes to be a public address system in this most modern and up-to-date facility. Her instructions are almost completely lost, but it doesn't really matter. Everyone in this room has taken enough standardized mass examinations in her life to have a pretty good idea of what's going on.

Shortly before we begin, I remember that I forgot something. New York's 50 computer-scored multiple choice questions require a pencil—and I forgot to bring one. Today was etched in my mind as "essay day," and I only brought a pen. John has supplied us with mechanical pencils for Multistate, but had neglected to remind us to take them with us on the first day. This only proves that I have become a Pieper machine, thinking only what John tells me to think—which would be comforting, if I had a pencil.

Luckily, my namesake on the other end of the table has come well prepared. Swallowing my pride, I tell her of my stupid mistake, and she generously offers me a pencil, which I return to her at the break despite her insistence that I keep it for the second set of 25 after lunch. As a matter of pride, I go into the hallway during lunch and beg one off a law school classmate, so

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London 1988/89

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**The University of Detroit**
Like a commando, I have been drained of emotion by constant drilling and simulation, and now, despite the warnings that "This is not a drill," I coolly spring into action

may be effectuated. I would not remember so many mnemonics on later essays, but this one, almost identical to that practice essay and full of mnemonics that we had gone over so many times that even a Swiss-cheese brain such as myself could remember them, have me walking on air all the way to lunch to Boychik's. It's a lot of air between here and 45th and Sixth, but in this weather you either walk on it or swim through it. I take a cab back to the Javits Center.

After lunch, the resignation is replaced by eagerness, which is soon shunted aside by mild terror. The afternoon essays feature the guaranteed appearance of the dreaded and mysterious Rule Against Perpetuities. Having spotted the issue, I scratch out something about measuring lives in being and vested interests, hope I hit the mark
At the New Jersey exam, I feel like Superman, having endured the notorious New York essays without afterwards trying to walk home across the Hudson, my sanity apparently intact.

right, and deal with the rest of the problem. On the inevitable wills problem, another sore spot we knew was coming, I struggle a little for material, but come up with what seem like an adequate number of pages. “New York’s exam is a hell of a lot harder to take than to pass,” a lawyer-friend would say to me later.

Still this session also has a gift for me. As one of the few people in Pieper’s class who has religiously read almost all of the “Pieper Appellate Alerts” (it was my atonement for being so lousy with the mnemonics), I recognize, in the criminal law/Miranda essay, a situation virtually identical to a case in the alert. It involves voluntary outbursts by a suspect in police custody but not represented by counsel—specifically, outbursts as a result of the suspect’s responding to something he has heard over the police radio. I know it is admissible, and let the examiners know that I know the case they have in mind. After the final bell sounds, I feel as good as I imagined I could have, and head into the sunset—back to New Jersey on the commuter bus. Multistate, and then New Jersey’s essays, lay ahead.

Denouement
Since I live in New Jersey, it was the natural choice for my second bar. No one knew of anyone who had passed New York and failed New Jersey. Like Connecticut, Massachusetts, and almost every state but New York and California (and the forbidding Napoléonic legal swamps of Louisiana), John explains that New Jersey isn’t out to trick you or test whether you know about the 45-day limit for an omnibus motion (which, yes, was on the New York crim essay). It’s like the difference between hardball and sip-pitch: While New York’s looking for the strikeout, these states let you put the ball in play.

To save on another night’s room rent in New York, and because I don’t want to sleep on any couches or floors during the bar exam, I also take Multistate in Jersey, along with the Jersey essays. It’s a 20-minute drive to the test center, a motel on Route 1—a classic New Jersey locale.

The atmosphere at the motel test center, much more than the Javits Center, is relaxed for me, but my fellow Garden Staters are by and large more uptight, since they still have their first look at essays the next day. I, on the other feel like Superman, having endured the notorious New York essays without afterwards trying to walk home across the Hudson, my sanity apparently intact. I regale the enthralled Jerseyans with tables of the storied New York bar during lunch.

Just as John predicted, I leave Multistate having no idea whatsoever how well I’ve done, but grateful for having practiced both in small sets and in sets of 100—of which there are two on Multistate Day—and hope for the best.

As anticlimactic as you’d care to imagine—that’s what the New Jersey essays are like. Not that I’m all over them. They require some thought, but I feel confident. Here, too, is something of a gift: A question concerning remedies of property owners whose property values are hurt by local zoning decisions. Having done my senior research on the subject, I do a little fancy analysis in light of the Supreme Court’s Pennsylvania Railroad decision.

Having been allowed to type here, I pack up my machine, and head down Route 1, feeling not so much exultation or glee as a slowly dawning realization that, hopefully, the longest yards are behind me. Three weeks later, of course, is the Multistate Professional Responsibility Exam. Does it ever end? I think.

But of course, it does. It really, truly does.

Contributing Editor Ron Coleman passed both the New York and New Jersey bars and now gleefully signs his correspondence “Attorney-at-law.”