

A man walks into a bar exam ...

By FRANK MICKADEIT
REGISTER COLUMNIST



COURTESY PHOTO

Columnist Frank Mickadeit at the Rinker Library at Chapman University School of Law.



Nearly 2,000 would-be lawyers took the state bar exam in Ontario in July, including Mickadeit.

Here is the statistic that makes once-rational law students completely irrational by the end of 2½ months of studying for the California bar exam: Only 55 percent of last July's exam-takers passed.

Every lawyer you meet has an encouraging anecdote. The law review editor who failed. The South Bay guy who has taken it 41 times and still hasn't passed. The Stanford law dean and the (at least) two California governors who failed at least once.

For the small percentage of my readers who haven't taken the California bar exam, this is the experience in a nutshell:

Day 1: Morning: Three hours to complete three essay problems, each of which has between five and seven sub-problems. Afternoon: Three hours to complete one task, such as write a legal memo or brief using three cases, three statutes, a deposition and the transcript of a client interview.

Day 2: Six hours to answer 200 multiple-choice questions.

Day 3: Repeat of Day 1. The exam this year was July 30, 31 and Aug. 1. I knew I'd studied as much as I could, so in the week leading up to it, I was strangely calm about knowing the material. Instead, I became completely irrational about externalities.

I'd left nothing to chance. In March, I'd booked a room at the DoubleTree, which was next door to the giant testing halls at the Ontario Convention Center. I'd read and re-read the rules about what was allowed in the testing room. Basically: laptop, pencils, highlighters, a non-digital watch and earplugs. No backpacks, wallets, cell-phones or any piece of paper other than your admission ticket.

So simple. What could go wrong? Plenty, I imagined.

At the end the testing day, you had to manually upload your exam answer file to the state bar, and you couldn't do it at the testing site. You had to do it back at your hotel. *That's insane.*

They let you walk out of the exam carrying the culmination of four years of work in a fragile plastic case? Anything could happen in that 200-yard walk. I could be hit by a car, have my laptop smashed to pieces and then, tragically, live.

I have a few nondigital watches. Actual thought: *I better take the one with simple Arabic numerals because what if I panic and have a problem remembering how to tell time?*

I started my drive to Ontario a full 24 hours before the exam. I could have made it halfway to Ontario, Canada. There was little to do when I arrived, so I studied some more and around 6 p.m. went over to Misty's Lounge, where I was joined by classmate **Rebecca Kipper** and her partner, **Alexandria Rosas**. Kipper had a beer. I couldn't do it. I hadn't had a drink or a cigar in two months.

The next morning, I put my laptop in my backpack and walked over to the Con-

vention Center. Because you'd have to leave your backpack in the hallway unattended, some test-takers walked with their laptops and power cords in their hands. I'd rather risk having my backpack stolen than dropping my laptop.

Inside the cavernous Convention Center, they'd divided the 1,902 test-takers into two or three groups. There were probably 700 people in the room I was in. Each of us had a work space along long rows of sturdy, heavily varnished plywood-topped tables. To my right and rear were two women who had been classmates at Michigan. In front of me was one of my classmates, **Kristin Aoun**. The guy to my left was a no-show. Maybe he'd dropped his laptop.

There was an interminable wait as the head proctor read the instructions. Then we finally opened our exam packets. The hardest part of the bar really was over. The next three hours flew by, as did each of the five

subsequent three-hour exam sessions over the next three days.

That's not to say there weren't moments of panic and outright despair. There was a question that called for a 13th Amendment analysis. Nobody I talked to later had a clue what to write about because nobody had studied the 13th or could remember a single case about involuntary servitude.

The practical performance test on Tuesday was crazy complicated, involving a nonprofit corporation whose officers and directors had been bad actors. The problem was, the bar wanted to know the liability of the nonprofit itself, and had given us sparse law on that topic while giving us copious law on director liability.

After that exam in particular, there were a lot of people who were convinced they'd failed. "Maybe I'll be a yoga instructor," one of my classmates said that night at Misty's as she worked on a mojito.

On the morning of the third day, I was walking to the Convention Center when I tripped over a little depression in the parking lot. Face plant into the asphalt.

I was wearing shorts. My knees were bloody messes. My palms were embedded with pebbles. (Two test-takers who saw this impromptu ballet said, "Are you OK?") and kept on going.

Sorry to get in your way.) Of course, I was most concerned whether my laptop had been damaged when my backpack hit the ground. When I got inside, however, it fired up and I went to the bathroom to clean up.

I made it to my seat with several minutes to spare. There, I found one of the Michigan gals with a problem of her own. She originally had brought in four green earplugs - a couple of spares, I guess. When she opened her bar-approved plastic pouch on this third day, however, she discovered she had five. Which meant *she had accidentally picked up somebody else's used earplug.*

EEEEWW!!! She now had to choose whether to go plugless or risk introducing somebody else's totally gross earplug residue to her own tympanic membrane. She was having a mild freak. I couldn't help it. I laughed and laughed. It broke my tension, anyway.

The very last exam didn't seem as difficult as the others, but still it was a grim group I found at Misty's that evening. There was no sense of celebration. Each of us recalled moments where we'd forgotten something or realized later we flat out got something wrong. I'd inexplicably forgotten, for example, that fraud is an intentional tort.

Nobody I talked to, from any law school, felt positive. And based on last year's pass rate, 45 percent of us have a right to be pessimistic. Results are posted in late November.

Friday morning I woke up, drove home and slept another six hours. The next night, I drove up to Downey and watched Rebecca and Alexandria get married. At some point this had apparently become legal in California. In their backyard, trying to capture what was left of my lost summer, I settled back, opened a can of beer, lit a cigar and watched them carve me a hunk of wedding cake. It was time to return to my necessary and proper vices.

What if I forget how to tell time? Good Lord.

Mickadeit writes Mon.-Fri.

OC LATINO LINK

O.C. GROUPS PRESENT SCHOLARSHIPS

Fundraiser and awards: Santa Ana Council 147 of the League of United Latin American Citizens is holding its summer *tardeada* scholarship fundraiser Saturday.

It will take place from 3 to 7 p.m. at the home of Jess and Nellie Saenz, 12381 Nutwood, Garden Grove.

Cost is \$20 per person. To RSVP, contact Viola Myre at 714-606-2852 or vmmyre@yahoo.com

Fourteen students are receiving a total of \$7,400 this year. The recipients, their award amounts and colleges are:

- Noemi Cardenas, \$1,000, Chapman University;
- Juan Gonzalez, \$300, Santa Ana College;
- Mario Jaramillo, \$400, Cal State Fullerton;
- Angelina Lara, \$400, Sacramento State;
- Nancy Martinez, \$400, Fresno State;
- Nancy Munoz, \$500, Cal State Fullerton;
- Lauren Perez, \$1,000, Pepperdine University;
- Jennifer Quijas, \$500, Wellesley College;
- Alondra Salazar, \$250, UCLA;
- Stephanie Salazar, \$250, Cal State Fullerton;
- Daniel Sanchez, \$400, Berkeley College;
- Maria Pineda, \$800, Chapman University;
- Jocelyn Torres, \$700, UCLA;
- Cynthia Zul, \$500, Humboldt State.

Students honored: Chicano@s Unidos of Orange County is holding its annual scholarship dinner Saturday.

The organization offers scholarships to graduating high school seniors and community college and university students. It awards a "second-chance" scholarship to a student who is seeking to return to school, or has faced personal challenges to staying in school.

Recipients, and the schools they'll be attending in fall, are Melissa Serena, Cypress College; Hairo Cortes, Santa Ana College; Alexis Teodoro Nava, Cal State Long Beach; and David Villanueva, Orange Coast College.

The event takes place from 6 p.m. to midnight at the Unitarian Universalist Church, 511 S. Harbor Blvd., Anaheim. Cost is \$15. The event includes music, and food and refreshments will be available for purchase.

Contact Tish Leon at tishleon@roadrunner.com.

Mexican students: Corazon Inc., which builds houses for needy families in Baja California, is collecting school supplies for students in the areas it serves.

The organization is seeking donations of backpacks with such items as paper, pens, pencils, rulers, glue, crayons, markers and scissors.

Corazon is at 2001 E. First St., Suite 201, Santa Ana. Contact Julissa Espinoza at office@corazon.org or 714-547-0357.

Helping kids: Saddleback College's ACLAMO club is holding a school supply and backpack drive through Sept. 1.

The organization is seeking supplies for schoolchildren such as backpacks, washable markers, crayons, #2 pencils, notebooks and filler paper.

The materials will go to schools in north and south Orange County. Cash contributions are welcome.

For information, email kklucas2@gmail.com.

- Ron Gonzales
kgonzales@ocregister.com

Newport prohibits picketing outside homes

Demonstrations at Hoag doctor's residence played a role in city's decision to act.

NEWPORT BEACH • Sometimes speech is a First Amendment right. Sometimes it's not.

Newport Beach voted Tuesday to prohibit picketing within 300 feet of individual homes, joining a string of cities statewide that have passed these laws, all rooted in a U.S. Supreme Court decision.

The City Council approved the measure in a 6-0 vote, becoming the county's fourth city to forbid picket-

ing outside homes. Newport Beach's law was prompted, in part, by protests outside the home of a doctor after Hoag Hospital's recent decision to ban elective abortions.

In June, a group brandished signs, shouted and chalked messages on the sidewalk and street outside the home of Dr. Richard Agnew, a Hoag Hospital obstetrician and abortion-rights supporter.

The demonstration prompted Newport Beach Councilwoman Nancy Gardner to suggest the measure. "One of my concerns was for the neighbors," she said. "I think it's important that our homes be our sanctuary."

Before the vote, one resident expressed concern about balancing free speech and the right to privacy, but two others said the ordinance strikes the right balance.

"We need peace and safe-



FILE: COURTESY OF ELIOT SCHNEIDER

ty in our homes," resident Nancy Skinner said.

Other cities have curbed the targeted picketing, which isn't considered protected speech, said Dean Erwin Chemerinsky of the UC Irvine School of Law.

"People should have respect in their homes," Chemerinsky said, refer-

ring to a 1988 Supreme Court decision, *Frisby v. Schultz*, allowing restrictions on picketing. Protesters, in turn, must have somewhere to demonstrate, he said.

"If they don't, that's unconstitutional," he said. Over the past two decades, San Clemente, Tustin

and Huntington Beach have passed similar ordinances. San Clemente bans "targeted picketing" within 200 feet of any home. Huntington Beach prohibits picketing within 300 feet that is "focused or targeted against that residence, dwelling, or individual." Violators there could face up to six months in jail and a fine of \$500.

Newport Beach's ordinance, which doesn't specify a penalty, creates a 300-foot buffer, but wouldn't bar picketing in neighborhoods in general.

"There's a thousand and one ways to get your message out," said Troy Newman, president of Operation Rescue, a group opposed to abortion rights. "This makes the entire neighborhood bear the brunt of one guy's misdeeds."

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