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Zeb

The Best of Zeb

1995–1998

Uncle Zeb

(edited by Craig Broscow)

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The BEST OF ZEB 1995–1998 was privately published and presented to the Boalt Hall Class of 1998 by that school's alumni association. Copies of the first edition are in short supply, so the *Green Bag* has arranged with Uncle Zeb to make his wisdom available to the public via the Internet. In addition, the *Ex Post* section of each Autumn issue of the *Green Bag* will feature a non-cumulative pocket part of additional thoughts from Uncle Zeb. Visit us at <http://www.greenbag.org> for more details.

– The Editors

PARTING WORDS FROM UNCLE ZEB

I HAVE ALWAYS THOUGHT that going to law school was like buying a car. You arrive for orientation and it is just like picking up that brand new Miata. It smells great, it is ever so shiny and you know you are going to love every minute that you spend with it. But, as the great sage Mick Jagger sang, “Time waits for no one,” and weeks slip by. Pretty soon the Miata has a few dings, and someone has stolen the CD player and there is

a strange pinging noise when you go faster than 45 mph. Now you just want the thing to get you where you need to go, and something seems to have died in the trunk. The incredible thing is that you will still be paying for it for years. See, just like law school.

Law school is always a long, strange trip but the car that is the 1998 class at Boalt Hall hit a few extra potholes along the way. It was your class that won the privilege of living through

In the original Best of Zeb, the Boalt Hall Class of '98 offered “heartfelt thanks to Uncle Zeb’s messengers on earth, Bob Berring and Kathleen Vanden Heuvel. You have made our law school years immensely richer through your insight, effort, and humor. Special Thanks: Jody Rosen Knowler, Director of Student Life Services, Elizabeth Edwards, Director of Alumni Relations. Produced and designed by: Homayun Makui. Cover Design: Ed Tsai. Selection Committee: Charles Thomas, Pamela Sergeeff, Claudia Viera, Sunny Rosenfield, Karen Kennedy, Felix Tsai, Mike Thompson, Cynthia Morelli, Brian Covotta, Doni Gewirtzman, Craig Broscow.”

the pre-construction disruption, suffering through the discombobulation of construction and battling through the confusion of post-construction. For the rest of your lives you can brag at reunions that you were the only class that really knew both the old Boalt and the new Boalt.

You took classes in rooms where the numbers changed. You got to go on 125 fire drills. You saw Boalt before everything was named in honor of someone with so much money that they would give some to Boalt, and you saw the miracle of the thrice named courtyard.

It was also your class that lived through Boalt's agonizing moment in the spotlight in the post-Prop 209 era. You may have seen more television news teams than any class before or since. You went to school in exciting times. You are getting out just before the millennium comes crashing in. Just think, you will always be burdened with 20th century minds.

Do I have any advice? Surely you jest, I have entire 18 wheelers full of advice! But if I had to put it all into one sentence I guess I would urge you to make your own fate. Leaving here you clutch in your hand a ticket from an elite institution. You don't have to settle for anything less than your dream.

The one thing that a Boalt diploma guarantees is that you have a shot. You can blow it, you can sell it, you can build on it or you can use it to get what you want, but you have a shot and it is up to you. Law school should have taught you one great lesson – if you want something, go get it. They weren't kidding, the timorous may stay at home. No excuses accepted, at least here.

So as you go forth and become rich, famous, idiosyncratic, and old, remember your old buds back here at the ranch. We'll be training a new set of poodles how to jump through the hoops, so that you can hire them. We'll be here waiting. Write if you get work.

FIGHTING THE LAW SCHOOL BLUES

At some point during our three years at Boalt, most of us have had a bad day ... or week ... or month ... or Time and again we've turned to Zeb for consolation, encouragement, advice, and inspiration. He has always been up to the task.

Zeb, Lordy, but I'm tired! Already! And behind, if that's frickin' possible. It's not in me to stress much, but I do wish I could rerun July a couple of times. Why don't you go fly around the earth backwards real fast and turn back time?

Yo, HELLOOO! It is not even Labor Day, most of the profs haven't even figured out what classrooms they are teaching in and you are already stressed. As Bugs used to say, unlax, my fine numeral. These are the days of settling in. The First Years are still bright and shiny and second and third years can still drop any courses that they are behind in. Chill.

Hi Zeb, Three weeks as a 1L and my body is already deteriorating – carpal tunnel syndrome ruins my wrist shot, hours in front of books make me weak enough so my friends barely recognize me. My girlfriend is training for a marathon and I have a hard time jogging to class when I'm late. How did Steve Young do it? Is declining physical fitness an unavoidable consequence of all this obsessive compulsive brainwork?

You are coming at this law school thing completely upside down. Don't read the case-books, they only confuse you. Lift them. Do curls. Build up your endurance by taking a

non-law school class in Tolman Hall at the opposite corner of campus. Run there and back. Consume only caffeine drinks and fruit smoothies. You can come out of the first semester a lean, mean legal machine. You talk about Steve Young? He is a bazillionaire who probably had a valet to brief his cases. That's no comparison. Now he is going to make a sad, perhaps debilitating exit from football. He is no role model.

Z-Man, I am blue. What to do?

The time change makes it dark in the early afternoon, there are only four weeks of classes left and you have not started reading yet, you must plan how to handle the Holidays and let's face it, your love life is not all that it should be. Who wouldn't be a little blue? But take heart, it is all in your head. Dance in the night, don't bother reading now (it will only confuse you), go to Mexico for the holidays, put a little energy where it belongs and Voila!, things will look up. Just don't let the turkeys drag you down. Float to freedom.

Zeb, When do I know for sure that I hate law school/am alienated from all law-like things/don't want to be an attorney, enough to drop out and declare bankruptcy? Help me, Zeb!

You have been fooled into accepting the premise that unless you can prove otherwise you should stay in law school. The premise is the other way around. Why would any rational person ever stay here? Who wants to work 70 hour weeks and end up getting joy from bragging about how overworked you are? And who do you get to be around all the time? LAWYERS. I mean, hello. Soooo ... if you can't stand it, save yourself while you still have a self to save. There are no guards on the towers tonight, you can escape.

Zeb, I am apparently one of the only 1Ls who

actually loves law school, enjoys classes, and am not completely emotionally distraught over finals. I've always known that my propensity for mental defects is great, but why don't more people enjoy law school? And if people hate it so much why do they stay? I apologize if this question seems out of place, but I ask it in all sincerity. Thank you.

Actually I think a lot of folks enjoy law school. They just don't write about it in here, or talk about it in the halls. If the tone is set by folks who say, "This is a pit, an intellectual hell-hole where neurons are peeled apart layer by layer," it is hard to say, "Gee, I like it," without sounding like a total wuss. But I think a lot of folks find it better than the alternative, i.e. working in the real world.

Zeb, Many 2Ls and 3Ls have informed me that "the moment" comes to every law student – whether in the first semester or second semester (or even year) – when things click and "we know why we're here." Does this moment enlighten us to why we're here in law school or does it extend to why we're here in life? And beyond? I'd appreciate any thoughts on this matter ...

This makes me think of the great Thurber line about the fellow who when asked what brought him to college at Ohio State said, "A train." You might have a Socratic moment, you might find yourself floating above it all in a wonderous flow of good sense. But if so, you will make it happen yourself. There is no master plan to law school other than showing you a few skills and leaving you some building materials. You do get time to think, and if you use it you can learn a lot about yourself and life. Good luck.

Zeb, I'm finding it tough to take something positive away from my first year. Can you make up a story that I can tell my friends this summer to make them really jealous that I'm in such a fun place as law school and they're not. Thanks.

Depending on your world view, choose the appropriate fantasy: *get any easier?*

- a) Boalt is so non-competitive that we have a totally random and indecipherable grading system. The profs just want folks to learn and the classroom is an open, fertile environment for real discussion. The school guarantees everyone's loans so there is no pressure to get a job.
- b) You never realized how incredibly sexy law students were. The first year was one long party, lots of dancing, beach volleyball and serious relationships fraught with safe but stupendous sex. Boalt's attitude was "Have fun while you can!"
- c) The place is an intellectual hothouse. The halls are filled with genuine intellectual energy. Great debates on the issues that matter and no pretense. Crackling good classes with everyone wanting to keep going when the hour is up.

Dear Zeb, Strange that my last year of law school should be my hardest, especially since I already have a job lined up after graduation. Tell me, does it ever

It does get harder. This year you set your own priorities. If it is a tough year, in many ways it is because you choose to make it tough. In a job, you surrender your priorities, and if you are going to a firm in the private sector, you will be surrendering almost all of your time and energy. That is why you should glory in this year. Do exactly what you want, exactly the way that you want it done. Unless you are incredibly clever, lucky, or have personal wealth, it will be the last time you drive the car for awhile.

Zeb, Any advice for a 3L in his last month of law school who's about to start the actual writing of his writing requirement? Am I doomed? Would an advisor really withhold the magical "CR"? (A year ago, my idea seemed publishable; now it's a matter of filling 40 pages).

Oh, my poor numeral, I do hope that you picked your adviser wisely. There are those who would feel righteous in withholding your credit. Filling 40 pages should be nothing to you. As a third year, your bullshit capacity should be endless, but if you have the wrong patron, this could be a bad few weeks. May the force be with you.

ROMANCE

However mystifying the law has sometimes seemed during our Boalt years, matters of the heart have often posed greater challenges. Why ask Isadora or seek advice from Savage Love when Uncle Zeb is but a few steps away?

Hey Zeb, I don't see nothing wrong with a little bump & grind. Am I alone?

grind as and when they wish in the kingdom of Zeb.

I see nothing wrong with a big bump and a big grind. Birds do it, bees do it, even educated fleas do it. Both boys and girls may bump and

Zeb, I have a "crush" on a beautiful woman ... what should I do?

Hmmm. Well, you could go up to her and say, “I am having hormonal overload due to your physical beauty. Even though I know nothing about you I am pathetically attached. Could we go somewhere quiet?” This may work, especially if she is a psycho-killer or like that babe from Species. On the other hand you could try to get to know her as a person. See, probably zillions of people get crushes on her, imagine if someone treated her like a human. It’s so crazy it just might work.

Zeb, Is it a bad idea to date your moot court partner?

This depends entirely on your moot court partner. Hunk-a-hunka o’ burning hormone, sure. Future Antonin Scalia, maybe not. But if the urge is there and there is mutual attraction, remember what Janis sang, “Get it while you can.”

Zeb!! I’ve got this burning question that I need answered immediately or my heart will flutter with constant palpitations. What I need to know is does the girl who works in the admissions office on Mon., Wed., and Friday have a boyfriend? She’s such a cutie!! I gotta know!!

You should ask her. While there is a certain charm to the “did you tell her that I think she’s cute” form of dating ritual, it rests better on the brows of those under sixteen. If you want to know something about her, ask her. If appropriate she will answer.

Zeb, I need some advice. My significant other caught me suborning perjury. Any way I can weasel out of this one?

The fact that your loved one even knows the meaning of the word suborn is a bad sign. Of the top 500 bad things that one can do in a relationship, suborning perjury does not crack the top 499. Lucky your loved one did not catch you having sex with someone young

enough to be your daughter, now then you would have a classic male problem that would call for real ingenuity.

Zeb, Here it is, the week before exams, and my girlfriend of two and a half years dumped me over the phone from out of state. Now I’m supposed to study for exams?! Oh well. Just venting.

You are well rid of her! What good is a girlfriend when you have mens to rea, consideration to waive and causation to dispute. Take all of your anger ... (the thought of someone dumping a Boaltie makes my blood boil!) ... and channel it into exams. Go rip the heads off those hypotheticals. She’ll be sorry when you get an H.

Zeb, I have discovered Dante’s Beatrice incarnate as a 2L. I am blinded by her brilliance and reduced to nothingness every time I see her. I know Dante never realized his covetous desire, and I (being akin to the morose) feel fate has dealt me a like hand. I need some advice on how to fill this hole in my dejected soul.

Geez, you are really attracted to someone and instead of asking her to have a cup of coffee you decide in advance that you are rejected and get bummed. Hmmm. You see, if you already feel rejected, why not try? The worst that can happen is that you are actually rejected, which you already assume that you are, and the upside is that you will have a cup of coffee. Try it. Really. Otherwise, you face a lot of Blockbuster weekends.

Dear Zeb, At the risk of using a misogynistic phrase which is used to devalue women’s feelings, I am the quintessential psycho girlfriend. I regularly lose my shit for no apparent reason. And before you think I have pent up frustrations of some kind, I gotta confess I’m really quite happy, content even. Somehow I think my energy level/psychosis would be better appreciated in a less emotionally repressed country.

Should I move to Italy? Try Prozac? Why must we always hurt the ones we love?

Why do we hurt the ones we love? That's easy, we do it because we can get away with it. They don't hit back and they show their love by taking it for the team. If such a person did not love you, he/she would just walk.

Let's see ... you are quite happy, content even, but you go postal every so often and

then it's crunch time for all within striking range. Well, I could be out on a limb here, but I think that you may be blocking something. Everyone gets angry once in a while, that is part of the joy of being an animal, but if you truly go ballistic, there has to be a reason. And it seems to bother you. Go talk to someone with a degree about this. Really. It might help. At the very least you can yell at them and spare the loved one.

PROFESSORS, GRADES & THE GRADING POLICY DEBATE

For all the talk about Boalt's non-competitive, laid-back atmosphere, grades remain a considerable cause of stress for many Boalties. The debate over whether to change the grading policy was intense and spirited, to put it mildly (and nicely). In the end, the faculty demurred to what appeared to be the prevailing sentiment among most of us to keep the system intact. The pages of Zeb offered a fertile place to vent one's feelings on grades, the grading policy debate, and our dear professors.

Dearest Zeb, I have 3 professors who are named Bob. Will this affect my career in any way?

Actually, all of your professors are named Bob, some just go by their middle names. Since the late 1950s law schools have hired only extra-terrestrials to staff their faculties. Most are Neptunian, though a few Venusians continue to show up. These space travelers adopt a human body, place the code word "Bob" in their name and go about their business. Faculty members who appear as female humans follow the same system, though they almost always use a name other than Bob professionally. There apparently is a reason why the space travelers are doing this, though it has not yet been disclosed.

Zeb, On our instructor review form, there is a question which asks, "Did your instructor bring out non-doctrinal issues?" What the hell does that mean?

Since Boalt is owned and operated by the

Unification Church, Rev. Moon wants to be certain that the doctrine of truth is being presented at all times, in all classes. This question is meant to smoke out those instructors who stray from the doctrine and venture into the world of secular humanism. One cannot be too careful.

Why stop at adding 2 or 3 more grades? I propose that there be 180 different grades – all symbols, so that there would be no inherent order. This would reflect Boalt's need to encourage individualism and creativity.

You may be onto something here, something big. If we could get major corporations to sponsor students, like stock cars on the NASCAR circuit, we could have weekly grade-a-thons. Make the grading system into a real contest. You know, we could encourage betting and begin handicapping. We could encourage students to play defense on exams. This could be huge. We could have standings

and sell tickets. Do I here dollars calling?

Zeb, I've been wondering ... do you think I could have some of my grades depublished? There are conflicting lines of authority. It's not that I disagree with the results of anything. But the reasoning! It was flawed!

You are a clever digit. I say file for rehearing en banc. Op cit the whole thing. Why not buy Zebware, the software that lets you create your own transcript? For just \$800 you can have those HHHs you always dreamed about.

Dear Uncle Zeb, I fail to understand why (although judging from my first semester grades, I fail to understand many things), in its exhaustive investigation of new and improved grading and ranking methods, our esteemed faculty committee has ignored the obvious. I present my proposed grading system in this picture:

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Advantages of this system would be numerous. For example, like "the rock star formerly known as 'Prince,'" grades would take on a certain ineffability which would discourage their discussion. When was the last time you talked about "the rock star formerly known as 'Prince'"? Aside from pesky little considerations like trademark violation and the subtly sexist and classist overtones discernible in the rendering of the evaluator pictograph, I see no reason why this system would not be superior to all others that have been considered. Please discuss ...

You have captured the essence of the grading system dispute. There is only one problem. If you are this talented, this funny and this able to work with technology, why in the name of thunder are you here at all!! Go do something more interesting than billable hours

that will amuse us and probably make you really rich.

Hey Zeb, Any advice for dealing w/post-grade depression? The Office of the Registrar has informed me that the grades I received were definitely not a practical joke on behalf of Professors Landers, Dwyer, etc., so that rationalization is out. I've also tried the "those overachievers are headed for lives of misery at prestigious firms" rationalization, with only minor success. I have yet to resort to serious drinking but I need something potent. Can you help me?

You're right not to put too much hope in the idea that the overachievers are headed for a life of agony and pain. Some of those overachievers are just dandy folks who will get all sorts of neat stuff that the rest of us won't get. Do you think that William Randolph Hearst ever regretted his life? No number of Citizen Kanes can take away from the fact the old William Randolph had a fine time and died a happy man. The miserable, lonely death and the lost Rosebud of the movie were just figments of Orson Welles' fertile imagination. Nope, you have to just stand up to the fact that law school is a numbers game, not that much different that the California Lottery. Does the guy who wins \$90 million 'deserve' to win because he's better at picking the right numbers? Do overachievers who get high scores on LSATs and law school exams 'deserve' special treatment, even though no one can show a relationship between these high scores and grades and ability to do much of anything, other than take tests? Of course they will get special treatment, but it's all just a question of privileges bestowed and has NOTHING to do with how smart you are, what a wonderful human you are, or how great your handwriting is. My advice? Take a non-drinking friend to the Kensington Circus Pub for dinner and indulge yourself in a pint or two of

Fullers ESB on tap. Let your friend drive you home.

Remember that the governor of California was no Order of the Coifer himself. Don't know how that cuts with you, but it shows grades aren't the only way to get nifty stuff for yourself.

Zeb, Well, I'm glad someone was happy with your response to my entry – I certainly wasn't. I'm not concerned about getting neat stuff – it's a larger question. Don't you see, Zeb, the system's not working. THE MAN is trying to hold me down. If two pints of Fullers did the trick I'd be a happy guy. Instead I have a buttload of work for some miserable requirement classes (and an ill-considered elective) plus the insipid and pointless moot court requirement (Has anyone ever successfully raised their 8th Amendment protection against cruel and unusual punishment to escape this nonsense?). Not only that, Valentine's Day is fast approaching and I don't have anyone to lay down by the fire and make sweet love to. To paraphrase a poet far better than Longfellow, I need a new brother for this black cloud to follow, cuz while it's over me it's too dark to see tomorrow. Arrgh.

Well gee, let's check this out. You got into one of the best law schools in the country, presumably because you thought you wanted to be a lawyer. Once here, you found out it wasn't as scintillating as you'd imagined it would be and also found that your grades weren't all you'd hoped for. You don't have a Valentine, a situation that a large portion of the first year class finds itself in, since first year law students are usually so frantic and overworked they don't know a tort from a tit. But you're here and a lot of other people who wanted to be are not here. A nice big chunk of law school is going to seem and even be insipid and pointless – this place isn't necessarily about doing great jurisprudence – it is boot camp. If you want the credential so you can follow your dreams, then you've got to

deal with it. Drink those two pints of Fullers ESB anyway. No one says you get a permanent fix to most of life's problems. Sometimes the best you can do is find a temporary escape from the insanity. And if you really hate law school and find it's not for you, guess what? They don't make any of us stay here. Really. You are one of the privileged few who can choose his path. Do so wisely, grasshopper.

Zeb, A poem:

*Plaintiffs are red
Defendants are blue,
Exams really suck
Especially if you get screwed.*

Gee, I thought the people who are getting screwed on a regular basis would be in a better mood. Oh well, here is a poem for you:

*It seems extremely strange to me,
That folks all fear the lowly P
The P is friendly, welcoming,
To everyone who cares to sing
A song that sounds like others' tunes,
Who cares for more than gold doubloons.*

*It is the angry H that people crave
A letter harsh, hopelessly grave,
They want to beat their friends it seems
To finish first the common dream
Why don't they pause? A moment please . . .
The P horizons must increase
Consider P, accept it whole
Forget the H and save your soul.*

Zeb, I really admire Prof. Resienfeld. He's something like 90 years old, yet he still teaches 2 classes a semester and he spends his free time working and researching – I see him in the library every night and almost every weekend.

Prof. R is a wonder of nature. Truly. Compar-

ing him to anyone or anything is a fool's errand. Way back when Zeb was a Boaltie he had Prof. R for Property, and the man produced some of the great moments in teaching. After a really stupid question, he pauses, waits to a five count, looks up and says, "You are probably wondering why it is taking me so long to answer your question. It is because I am trying to formulate an answer that will not expose you as the idiot you so clearly are. I have failed." He also has one of the world's best senses of humor. God knows we could use a younger version or two, but as Major Hoople always sez, they don't make 'em like that anymore.

Zeb, I always assumed that blind grading meant they weren't allowed to read the exams.

Blind grading originally meant the grading was done in duck blinds by faculty who were shooting geese. In time some faculty preferred staying in the lodge and getting blasted. Blind drunk was deemed appropriate. The 1960s brought a new ethos to education and Trappist Monks were introduced. The monks meditate on blue books and papers and then place them into the correct grade piles. The monks never cloud their minds by reading any of them. They grade them at a higher level.

CURRENT EVENTS

O.J., the Giants & Niners, Prop. 209, Chelsea, Monica, and Bill, Herb Caen, Lady Di, and others have been in the headlines since the fall of '95. This is a small sampling of the entries covering current events that made their way into the Zeb book.

Zeb, OJ = NG = Travesty – Signed, An Alum Now Hiding His Face in Shame at Contra Costa DA

If the prosecution did not prove it, then who is to blame? I do not know that OJ was guilty. I did not watch all of the trial and if I had I would not have seen everything the jury saw. I certainly would not base a serious judgment on what the media say. So who's to say. He is presumed innocent until proven guilty. They had eight months to prove it. They didn't. The jury says not guilty. Hold your head up and do justice.

Zeb, Ok, it seems clear that the prosecution did not prove he was guilty but let's not kid ourselves. He made incriminating statements to the police and to the Rev. Rosie Grier that make it clear he was factually guilty but the system requires him to be legally guilty. So he walks. Is this not the price we pay so

that we all have rights?

I do not share your certainty. You may know more than I do, but I don't know of any incriminating things said to the police and I recall the Rosie Grier episode as pretty murky. What moves me is that every TV camera and journalist in America was on this story. Everyone, including the LAPD, was looking for evidence. No "smoking gun" was turned up. I am not at all sure that the man is innocent, but I am not at all sure he is guilty either. I do not trust the media or the LAPD and I sure as hell would not want to decide folks' fate on the basis of polling. The presumption of innocence is a really useful idea. I say we continue to support it.

Zeb, Thoughts on the Academy Awards?

Once again the Academy has stubbed its toe

by failing to even nominate the folks who should be walking off with the o-man under their arm. Who can forget Jim Carrey's performance in *Cable Guy*? A stunning portrayal of a megastar gone mad playing a role in a movie within a movie, this one was amazing. I was also impressed by Tom Arnold's turn as Stanley Stupid in the instant noir classic *The Stupids*. Arnold managed to almost become a moronic jerk. And Pamela Anderson's over the top performance in *Barbed Wire* set a new standard for emotional emotion. How can the Academy ignore these folks? Picture of the year has to be 101 Dalmatians. I mean those puppies are so cute ... and having 101 of them created a marketing bonanza.

Zeb, Chelsea – Stanford ... Reactions?

I think that it makes a lot of sense for Chelsea to go there. She is from a super powerful home, she seems pretty pleasant and they can afford the tuition. Perfect Stanford profile. I mean she's not going to the University of Arkansas and the Ivy League is too close to home and too, well, filled with folks who would be sucking up to her for all the worst reasons. At Stanford everyone else will think that she wishes that she were them.

Zeb, What happened to the Giants of 1993?

The Giants of '93 are still there back in '93. Time travel would allow us to visit them. The Giants of '95 are going to lose about \$20 million and that creates a different mindset. They have no pitching and my Uncle Virg is playing first base. Barry Bonds has proven that he is Barry Bonds, a tough guy to love even if he has great skills. Hardly anyone is going to the games. They really should have moved. No joke. Now we get Al Davis. Someone's karma is soiled.

Zeb, I just had a terrible nightmare – Bing Crosby singing, "I'm Dreaming of a White Boalt Hall." Tell me it ain't so.

What kind of a name is 'Bing' anyway? Have you ever been to Gonzaga University in Spokane? They have a statue of Bing with a golf club in his hand ... he was an alum.

As for your question, I think that many folks don't realize that this will be a HUGE change. The mix of students here at Boalt has been fought over constantly, but largely it has been the same since the early seventies. Now it will be different. We shall see what we shall see.

JOB

Big firm? Small firm? Public interest? Government service? Clerkship? Ski instructor in Tahoe? Aaahh, what a pleasant part of the law school process the job search has been.

Zeb, Why are all those folks going to the Durant Hotel? Why are they dressed funny?

Those people are all auditioning for parts in an upcoming production of *How To Succeed in Business Without Really Trying*. They are casting for extras who are dressed like earnest young executives.

Hey Zeb, I just got word that I won't be receiving an offer from my summer job. Sob! How big a blot on my copy book will it be? Am I going to be relegated to the untouchable caste? What can I do for damage control?

If these cheese brains aren't smart enough to see how terrific you are, then who needs them?

Lesson learned. Move on. It is no blot. Just tell prospective employers that the summer chuckleheads were uncomfortable with your bringing in your own clients. Ask if they mind if you use your mother's connections to bring in large clients. No problem.

Hey Zeb, I am seriously considering a tattoo with the symbol for justice (e.g. scales) and maybe some brief Latin saying beneath it. My wife and mother think this would be a grave mistake, as perhaps in the future I could be asked to play racquetball with a partner in my firm, and then as we are kicking it in the sauna, he might notice it and then choose someone else for the promotion. 2 questions:

1 Is this fear legitimate and a valid concern?

2 I still haven't found the perfect scale or saying and so I am waiting until I do. Any suggestions?

Peace.

I fear that you are caught in a strange middle ground here. You want a tattoo, that's understandable. You want to play racquetball with old rich guys, that's also understandable. It is combining the two that is interesting. If you go for a tattoo, go for a tattoo, don't be thinking consequences. My favorite law student tattoo is "Born to Practice Law" surrounding a skull. If the partner looks askance at it just tell him you got it while serving in the Navy Seals. That'll shut him up.

THE FACILITIES

Remember the 8.5" x 11" signs on the doors that greeted us when we arrived at Boalt? The ones telling us the building was about to undergo construction and not to worry, all would be finished by the end of the school year? Yeah, right. All in all, though, things turned out pretty well. A new cafe, new lounge, renovated library, new student offices, and more. Of course, as the following slew of entries suggests, there's still some work to be done ...

Zeb, Why are all the classroom clocks off correct time?

The Law School sits astride a breach in the time-space continuum. The flow of time is all crossed up here. This explains why some of the faculty still believe that it is the '60s. Each clock is actually correct. It is us who are out of phase. Don't you feel a bit weird when you are in the building?

Dear Mr. Zeb, We witness the decline of philanthropy. The decorum of the directrix of the charitable society, the venerable foundation, gives way for the gaudy hucksterism of the manager of the capital campaign. The small, expansively wrought, thoughtfully placed bronze plaque, the august inscription on

the stone monument gives way to the shouting bumper-sticker aesthetic of the brushed aluminum block capital upon sheetrock. Our leaders must struggle to preserve noble institutions against the harms threatened by confused public priorities, and grateful but bereaved, we can but submissively watch as they are compelled to initiate an era of crass ugliness. Never may we deride the language of Francine, when she but wails our own proper lament.

Your servant, Horatio.

In a society where we pay folks millions to say that they drink a soft drink and when universities sign contracts with shoe companies, what's a mother to do? Criticizing modern American society for crassness is like, well, it's

like criticizing the Presidential candidates for being vapid crowd pleasers. Understatement has gone the way of trolley cars. Zeb can tell you that folks in other dimensions find our timeframe just too sleazy for words. Everybody except Ralph Nader has a price, and Ralph makes us all nervous. Really, H.L. Mencken would have told you it was all true 70 years ago, but it's really over the top now. Wait until we sign a deal with Starbucks to make it the official coffee ...

Yo, Zeb! That is one hefalump of a stapler. Indeed, it's the mother of all electric staplers. We all thank the powers that be.

It is Staplosaur, the largest of the landroaming staplers. Beware its ire and please, please, please, don't kill it for awhile.

Zeb, Re: The gingkos

- 1 *Which sex smells? Do we have both, or just the wrong (!) one?*
- 2 *The genus gingko is the only genus in its phylum. By contrast, all angiosperms have to share a phylum. Do you think this is relevant to the issue of odoriferousness?*

1. Zeb thinks it unseemly to be sniffing around the gingkos asking them about their sexual orientation. They'll tell us what they want us to know. You appear to be a taxonomy dude, you ask them.

2. Apparently all other members of the plant and animal kingdom declined to share a phylum with these honkers. Makes sense to me.

Dear Zeb, Boalt men don't flush urinals because

- 1 *they are ecologically conscientious of water conservation?*
- 2 *they have a profound appreciation for the*

economics of riparian rights?

- 3 *they're freaking filthy slobs who'd piss in the grassy courtyard if no one were watching?*

Yes.

Dear Zeb, Why on earth does the courtyard smell like dogshit? Every time I walk by it seems to have gotten worse. So much for the idea of stepping outside to get a breath of fresh air!

It is the gingko trees. Apparently we have fertile trees, and the fertile ones emit this *grosso profundo* smell each fall. It is hard to believe that nature would do that on purpose, isn't it? But isn't it perfect for us? Who but Boalt would plant ornamental trees that make everyone want to heave? Some say the spirits of dead faculty are in those trees, but personally I think they are in Cozumel.

Zeb, I know we can bring food & drink into the library. Does malt liquor fall within these rules? I think I might need a 40 of St. Ides to get through my cite-checking packet.

What do you think is in most of the cappuccino cups that you see in here? Recall the words of the great W.C. Fields, that amusing substance abuser of yore, "What idiot put grapefruit juice in my grapefruit juice?"

Zeb, Why do our lavatories have no seat protectors? Do our seats not merit protection? Is this what Boalt considers unimportant? I have a feeling faculty lavatories offer faculty protection. Is this true? Help us help ourselves!

What kind of a country is this anyway, where a person cannot depend on a seat protector?! Do we think that your keister is important? You bet we do. We love it. Why then are there no seat protectors? Man, I wish I knew. I will tell you, it is one wild world out there, and you

don't want to know the answers to some questions. As for the faculty, they each have their own custom designed Gucci seat, so it is not an issue.

Zeb, To you and the person who wrote a few pages back on laptops. I carry one, and while I admit they create some noise, it seems counter-intuitive to me to prohibit a more efficient (environmentally and physically) method of note-taking, writing, etc. in sections of the library.

As an aged ectomorphic entity, Zeb can assure you that efficiency will be the last thing to decide this one. There is a visceral pro and anti-Luddite nature to this dispute. Some folks get a major push on the blood pressure cuff just from the sight of someone typing away on a laptop. Only time will fix this. Zeb has seen the smokers and the nonsmokers, the eaters and the noneaters, and we even had a spate of anti-squeaky hi-literism at one point. These are range wars between future litigators, training grounds for pre-trial discovery. It will not be pretty. But it will pass.

Zeb, Why is Earl Warren's portrait in the Belli Commons? What perverse mind came up with that idea? Suppose we put Morrison & Foerster's portraits over the Sonsini Registrar's office?

Huh? Earl Warren was a golden Boaltie, really our number one graduate on the judicial scale and a pretty big time player in the nation's future for a few decades there. We thought it most appropriate to hang him up in a coffee bar named after a Krusty the Klown disciple. I don't see the problem. If Earl had been rich we would have even named something after him.

Zeb, Re: above. I'd prefer Phyllis Schlafly.

Well, who wouldn't? She's a babe. A black velvet painting of PS would make my mocha foam.

Zeb, Can we paint the "pole forest" green and name it the Charles Hurwitz Memorial Headwater Grove?

I think the pole forest offers endless possibilities. We could construct mazes with entrance to the new reading room or repeating First Year as alternative outcomes. We could hold slalom races. They tell us that if we take those poles out the building will fall down, so we could play games by pulling out selected ones. It is our coolest feature.

Dear Zeb, Do you know if there's a student lounge in Boalt where students can take a good nap?

The old Federal Reading Room, now an island enclosed by the rest of the library, has long been a favorite napping spot, but let's face it, the law library is a bad place to pick. There are too many bad vibes and random vectors of angst shooting around here. You could have bad dreams. I advocate sleeping in class. The rooms are dim, the acoustics are odd and there is nothing more peaceful than law school low level discussion buzz. Dream on as the sound of "passes" rustle by you.

Dear Zeb, The main RR is BRRR, cold! You could make some money on the side by renting it out as a meat locker! Any way to get some more heat in there?

Heat? What kind of sissy talk is that? Why Abe Lincoln studied law in blinding snow by writing outlines on bricks of ice! Earl Warren spent four years without underwear! (So, ok, maybe that was a lifestyle choice, but you get my point). Fear not, we have ordered some sludge pots and will be renting blankets.

Zeb, How could Boalt spend so much \$ and end up w/facilities even more confusing than before? Elevators shouldn't all have 2 sets of floor numbers, etc. If I manage to get through 3rd year and graduate and (so many ifs!) I somehow accumulate funds, I think the

only donation I'd ever make to Boalt would be for a marble memorial for the only absolutely positive institutional identity here: You (assuming of course that you have a form that can be captured in marble).

You know, I think it is a tribute to the architects that they caught the spirit of Boalt so well. They managed to spend millions of dollars and the building is even more confusing, the clocks are still crazy, there is no main entrance and the big classrooms are still unventilated, dim Skinner boxes. That calls for talent and genius. Let's face it, if Stanford is a pure bred Cocker Spaniel, Boalt is just a big old sloppy mix breed dog that someone got from the pound. You can buy him a fancy collar and a new food bowl, but he still makes a mistake in the middle of the living room rug on the first day it is installed. I weep for those who think they can take this puppy uptown. The spirit of Boalt, that anarchic pain-in-the-butt orneri-

ness just cannot be tamed. At least, I hope not.

Dear Zeb, Why are the "poles" in the pole forest square instead of round, cylindrical? I feel anthropologically challenged by my inability to spin around. You should see the cuts/bruises those harsh ends make! As a descendant of apes/monkeys/etc., I think we'd all be feeling a little more happy and sassy if we could just bust loose once in a while.

May the deities rain good karma onto you. This is the kind of comment that keeps me going. You wish the poles to be round so that you can swing apelike around them. You, like Vincent, are too good for this mortal coil. I suggest that you abandon the pole forest and see if you can make it across the Main Reading Room by leaping from table to bookcase to table, etc. This is more healthful, more fun and equally apelike.

THE INEXPLICABLE ☺ RANDOM

One of the beauties of the Zeb book is that so many entries have nothing to do with the law. Zeb has welcomed, reveled in, and earnestly endeavored to answer our random queries.

Hey Zeb, I've been thinking a lot about earthquakes lately. What do you think the chances are of the library collapsing in an 8-point quake? And where's the safest place to be – should I run for the protection of the Pole Forest – Seismically concerned non-Californian 1L.

When the Richter scale hits 5.0 the entire law school complex blasts off powered by rockets. The law school will go into low orbit over the earth. The lack of space suits for most of you will result in an unfortunate loss of some life, but we will preserve all of the donor plaques.

Zeb, Where the hell is this "Blackacre" I keep hearing about? Why are the people who wrote my text-

books so interested in it? Please advise.

The frequency with which Blackacre is sold, willed, assigned or bartered indicates to me that it must be a toxic waste dump of epic proportions.

Z-Maestro, What causes beer/other liquids to accumulate on the floor during a party? Leakage from the keg? Cumulative spillage? Poltergeists?

Human beings are 95% water. When you drink beer in great quantities you get the percentage up close to 100%. When that happens the heavier folks actually begin to liquify. Ergo that is part of your fellow partiers down there

on the floor, not just beer. Hangovers are the pain caused as the body reconstructs itself. It uses sticky brain tissue to repair the liquified parts, thus reducing intellectual firepower. This is why very few nuclear physicists are found at beer blasts. Party on!

Zeb, When will psychotic killers learn that they have to shoot the hero in the head? Three movies this week – three bullet proof vests! I say if you're smart enough to be a serial killer and not get caught, you should know how to shoot Holly Hunter between the eyes. – Miffed at Movie Morons

The other one that gets me is when the bad guys are all shooting automatic weapons at the hero, and bullets are whanging all around, and missing, and the hero pops one off – doink – dead killer. It's like the secret of success is intuitive marksmanship. As to the bad aim of psychotic killers, well ... they are psychotic killers, so they are very low on the taking-logical-advice-into-account ladder. Mostly they are dolts, Hannibal Lecter is only in the movies. I worry about us, why do we like these movies so much? Gives me the creeps.

Dear Zeb, You are standing on the roof of a building. You have a barometer. How can you tell how high up you are?

What? Why am I on top of a building? Why in God's name would I have a barometer with me? I own no barometers. Only fisherman and old duffers who watch the Weather Channel all day have barometers. How high up am I? I'm on top of a building, that's how high. You mortals never cease to amaze me.

Zeb, What is not law?

Love, emotion, honor, morality, loyalty, devotion, faith, joy, fun and humor are not law. Instinct and the natural order are not law. Think dog. Dogs have no law. Think angel, angels

have no law. Create a fantasy ... notice any lawyers in it? Art and music are not law. Poetry is not law. In the words of the Mask. ... somebody stop me!

Zeb, What if someone was severely allergic to peanuts and vomited at the slightest smell of them? Do you think that person could ever travel by plane?

This is a total mindblower. How could one go through life without peanuts? They are the very cornerstone of the Zebbian food universe. Peanuts, poptarts and pizza are the three essential Ps that make up a good diet – with pints to drink. How could one live? But sure, you could fly United. They are giving out these weenie little pretzels the size of dimes these days.

Zeb, I am writing to propose a change in the name "modules" currently in use. I think that it should be changed to "circuits." Isn't it appropriate that the 11s are divided into 9 groups, the exact number of fed. circuit courts? Furthermore, any extra students should be placed in the "9th Circuit" since that is the circuit that has traditionally been too large anyway. Being grouped by "module" makes me feel like a specimen in some lab experiment, but maybe that's just what law school is all about. I think that you should forward this to the proper administrative authorities.

So you are a few decades behind on the number of federal circuits, I say that is a triviality compared to the pile driving power of your analysis. Module is a stupid name. But Circuit? No way. I think that each small section should have a mascot. The Bears, The Fighting Rats, The Hairy Hands, The Falling Palsgrafs, The Interpleaders. We could have standings and everything. This school needs some really goosed up intramurals and this could be just the place to start. You are the Macaroni of modules.

Zeb, What's the best way to get rid of the intolerable

itch of poison ivy?

The best way to get rid of the intolerable itch of poison ivy is to read the Federal Rules of Civil Procedure. Enough of that and you actually kill off large segments of your brain. The motor reflexes are impeded. Of course you can always try the baking soda, but you will have to leave the library for that.

Zeb, A very wise, recently published prophet predicted the forthcoming "Era of the Doughnut." Question is, how can I get in on the ground floor of this movement, and will they have any jelly-filled's there?

There shall be jelly-filled into the mountains my child. There shall be eclairs as far as the eye can see. Lo verily there will be Apple Frit-

ters of unnumbered hosts, but in the vanguard shall be the glazed of the earth. Oh baby, get a Dunkin' Donut franchise and gird thy loins. The days of doughnuts are upon us.

Zeb, Scalia!

The most beautiful sound I ever heard ... All the sounds of the world in a single word. ... I'll never stop saying You know this is fun.

Zeb, Scalia?! Didn't Laverne and Shirley sing about him? "Scalia, Schlamazal, Shotz Beer Incorporated!"

Yes, and he sued them and won the rights to the poodle skirt. Squiggy was also executed as tribute. We all know what happened to Lenny.

THE END

