

A Few Parting Words

PROPOSED DRAFT SUBMITTED TO CENSORS DEC. 31, 2027

Robert C. Berring

On the evening of October 31, 1997, this document arrived via e-mail here at the *Green Bag*. It has proven impossible to trace. One suggestion, from a reader of the coarser forms of science fiction, is that it might have something to do with “Eddies in the space-time continuum.” This hardly seems credible (e.g., who is Eddie?) There is a Bob Berring, Professor of Law and Law Librarian at Boalt Hall Law School, but Professor Berring claims to have no idea from where, or when, this came. We make no representations about whether it is genuine, but in the interests of full disclosure we decided to share it with you. It is, of course, ludicrous.

– *The Editors*

IT IS WITH MODESTY AND PLEASURE that I respond to the kind invitation of the Regents of the University of California to share my thoughts on the occasion of retiring from active service at the Boalt Hall Law Book Depository and Archive. As custodian of this archive, and as the last human faculty member of what once was the Boalt Hall Law School, I look back upon my tenure here with special fondness. The changes that I have witnessed since my arrival in 1981 have been so immense that no short elegy could contain them, but I do wish to record a few reminiscences. I wish to thank the Regents for allowing me this opportunity, and for agreeing to print a commemorative paper copy of these remarks for the Library Vault.

Burdened as I am with a 20th Century

mind, and trained as a lawyer to boot, I bring a lot of predispositions to any discussion. I also carry the baggage of my own experience. When I first arrived at Boalt Hall, law school still operated in the old mode. The practice of law had not been criminalized; indeed, law was a thriving profession and law school was a popular choice for young scholars. [CENSOR’S NOTE: THIS IS JUST THE KIND OF DANGEROUS NOSTALGIA THAT TROUBLES US. LAW AS A THRIVING AND POPULAR PROFESSION INDEED!] Students traveled to Berkeley from all over the world to sit together in the same room and listen to live presentations by professors. The ridiculous resource waste of bringing people together physically – indeed of having the law school located in a building, in a particular place – seems obvious now. But I beg the

reader to remember that 20th Century technology was primitive, and the use of neural net interfaces for real time virtual communication was unknown. The end of the 20th Century was a time when people were in contact with one another only via reconstructed sound or low quality data transmissions. Lacking virtual communication potential it made sense to travel and seek physical contact with others. For a taste of the times, consider that these were the days when the average person still drove a petroleum-powered vehicle on concrete roadways whenever she wished. Entertainment consisted of watching two dimensional images on flat screens – but I digress. Before the genetic plagues of the early century, it was quite common for people to gather in large groups in the same physical space, sans masks or filters. It sounds disgusting now, but we breathed the same air with impunity. Law Schools were such places.

The great change for legal education came after the Anti-Lawyer riots of 2007. Remember that it was only in 2005 that then-President Gates announced the development of the Microsoft Series 1 Justiciar. That was the first program to allow all cases ever decided, all statutes ever passed, and all rules and regulations ever made to be digitally stored and sorted by subject. Justiciar 1 had been pre-saged by primitive systems like LEXIS and WESTLAW, but those ancient databases were of flat composition and had to be searched using odd and inefficient protocols.

The real breakthrough, of course, was the first iteration of President Gates' Series 1 Neural Net Reducer, which allowed him to replicate the thinking processes of wise judges, respected figures and moral paragons. This revolutionary development, which identified those genetic components that led to judgment and fairness and integrated these directly into the Justiciar's processing of data, was like turning on a light in what had been the dark. The ramifications for all aspects of society

were enormous, but the impact upon the legal system was especially acute. The combination of holding all legal source material in memory and interpreting this material through judgmental filters that mimic the DNA of the best and wisest of our ancestors produced what had only existed in philosophical debates: the perfect judge.

Of course none of this would have mattered nearly so much without the parallel development of true memory extraction. In the 20th century machines known as lie detectors, primitive devices that strapped on to the body of the subject, were all that was available for checking the accuracy of human representation. The machines were notably unreliable. Indeed, sometimes the human could not state simple facts without intervening prejudice and self-interest hopelessly muddling available output. When Oracle developed its True Memory Projection system, access to a person's actual internally stored sense perceptions was suddenly available via neural plugging.

TMP had many initial problems, but it soon proved workable enough for the justice system. The ability to delve directly into the memory bank of a witness – let alone a principal – in a case, combined with the perfect judge to handle the result, solved the millennia-old problem of how to administer the justice system. When the Thomas Court ruled, in *California v. Gere*, that there was no constitutional bar to requiring the use of TMP in all legal actions, perfect justice became possible. There is no point in reprising the debates about machine fallibility and the superstitious attachment to human intermediation; those debates are historical. The functional purity of the system, backed by the power of President Gates after his ascension to Supreme System Co-ordinator, put all doubts to rest. Justice became swift and unarguably correct.

The pitched physical resistance of the old guard to the perfection of the new system was as ferocious as it was brief. Popular support

for the new “clean” system made the protests of lawyers and judges futile. At the time of the adoption of Justiciar 2 – the first truly operational version of the system – there were over one million lawyers in the country, the courts were clogged, and the public’s perception of lawyers was quite negative. Eliminating litigation, plea bargaining and debilitating civil law suits, rife with transaction costs, was a blessed relief. Lawyers found few friends and fewer allies. When the American Bar Association urged the boycott of the new system, the great Anti-Lawyer riots resulted. The less said about that unfortunate chapter the better.

Although it must appear utterly foolish in light of today’s certain and trouble-free justice system, one must recognize that people were significantly attached to the old ways. The old system played deeply upon superstition and fear. I remember as a young boy being taken to the visitor’s gallery of what was then the United States Supreme Court on a tour. The courtroom, with nine actual human Justices sitting on a raised platform, absolute quiet and the air of intimidation thick in the room, resembled a church. The Justices, almost all very aged, wore black robes and were treated as high priests. Lawyers approached with fear, and the Justices often treated them with contempt. Those robed figures represented the tribal traditions of early humanity. The Justices were asked to rule on complex questions of morality, politics, and social policy. Their power was rooted in something called the Common Law, a construction no one understood, but this was not a rational or logical system. This was a system instead linked to the deepest levels of human animal history. It was an ancient system of power, opposed to logical parsing. Indeed the Supreme Court worthies held out against any technological intrusion as long as possible. While at the Court as a child I felt real awe and fear.

The fear that this experience inspired in a small boy was just the type of emotion tapped

by President Gates when he declared, “What do these elderly citizens know that you do not? Who is to say that any human, flawed by life experience, plagued by age and the limitations of any organic entity, can be Supreme? Let the truth reign; let logic prevail.” The last sentence of this quotation is, of course, the inscription above the entrance to each Resolution Center. When the Supreme Court was made an advisory body only, few protested. (Recall that Oprah Winfrey, a popular media personality, received more votes than all nine former “Supreme Court” Justices combined when the first national referendum was held to choose whose DNA links should be added as new strains of wisdom to the neural judgment in Justiciar 3.)

It is true that even the Anti-Lawyer riots did not completely quell opposition. In a bit of history now forgotten a professor at Harvard Law School (yes, Harvard had a law school!) named Allen Dershowitz tried to lead a neo-Luddite movement and barricaded himself in a central processing facility at Microsoft Headquarters. Mr. Dershowitz, supported by radical bands of ACLU activists, held out for several days before being overcome. But popular outrage at the seizure led to a second round of rioting. It was the backlash resulting from this unfortunate incident that led to the closure of most law schools and the public disbanding of state bar associations. I well recall the day I was one of the 10,000 lawyers in San Francisco who joined in on the Day of Renunciation. No one wished to be associated with the outcast role of lawyer, at least publicly. ssc Gates held out the hand of reconciliation, and most former lawyers were placed in productive positions, or posted to remote development areas. Many former lawyers truly distinguished themselves in subsequent years. Since these events unfolded just after the merger with English Canada, it was lawyers who populated much of what had been Alberta and the Yukon.

Several lawyers also became space station heroes, and gave their lives in constructing the first off-surface colonies.

Since the Law Library at Boalt Hall was the largest such facility left undamaged in the riots, SSC Gates, in a move of typical wisdom, declared it a national landmark. Because my original training was as a librarian I was classified as acceptable and allowed to remain as caretaker. The ranges of books and periodicals which I keep dusted and bug free are a favorite stop for virtual tourists who wish to have an adventure and perhaps scare the children. If I had a credit for every time I have heard a par-

ent say, "Be good or a lawyer will get you," I would be a rich citizen!

I understand that I will not be replaced, but I am grateful to have this opportunity to leave a record. While no one wishes for a return to a society of lawyers – with their endless wrangling, and the waste and the imprecision of the old system – it is useful to remember how odd it all once was. Images of black robed judges, appointed for political reasons and with no logical checks on their behavior, are more than parts of a child's nightmare. They were part of our history, and history is always worth preserving.

CENSOR'S NOTE: THIS IS A REVISIONIST REHASH OF BASIC MATERIAL. HIS DESCRIPTIONS OF THE OLD DAYS ARE POSITIVELY FRIGHTENING AND I DETECT A TONE OF ILLEGAL IRONY. THIS MAN, THOUGH CLASSIFIED AS A LIBRARIAN, WAS ONCE A LAWYER AND A LAW PROFESSOR. I SUGGEST WE SEND THIS DRAFT INTO SPACE AND HAVE HIM EXAMINED.

DELETION APPROVED

