

Bathroom Reader

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THE DECLINE AND FALL OF BAR SCORES



Looking at the aftermath of the July 2016 bar exam, the results aren't so good for some states.

Although the national mean for MBE scores rose slightly from last summer's bar exam, sixteen states have reported drops in bar passage rates. Among those, Arizona and New Jersey reported low passage rates they haven't seen in a decade, while Massachusetts has hit a 15-year low. Only four states (CO, ID, LA, and VT) have reported an increase in law grads passing the bar exam.

On the home front, things aren't much better. Although Hawai'i has maintained a 69% pass rate for all takers, the passage rate for first-time Richardson test takers has fallen from last year's 76% to 68%. Overall, 64% of Richardson test takers passed the bar exam this year compared to 70% in 2015. Ouch. As Hawai'i's law school, we ought to do better than that.

THE BATTLE CONTINUES

The Battle of Hastings was a pivotal event, it's true. The lead-up to the battle, however, was not very propitious for the victorious Normans. William, who led the invasion from France, landed at the English town of Pevensey. When he alighted from his boat, William fell onto the shore, no doubt shaking the confidence of superstitious troops. Getting up, he clutched two fistfuls of earth and reportedly said "I have taken England with both my hands."

About two weeks after his "trip" to England, William defeated King Harold at the battle, a site commemorated by Battle Abbey, one of the many new buildings in the Norman style. On Christmas day, 1066, William was crowned King of England.

King William brought with him certain continental traditions, like "feudal incidents," which enabled him to collect great wealth and wield virtually unchecked power to decide who ruled fiefs. In their land of origin, these traditions were limited by the lord's authority and his knowledge of his tenant's estates. As to the latter, William commissioned the creation of the Domesday Book, a massive land survey which detailed the land holdings throughout England. Thus, if a landowner died—or rebelled—William's ministers could quickly identify his estates, no matter how scattered, and send in the sheriffs to seize them.

NOT JUST FOR THE BIRDS



Pardon me, TOTUS coming through. That is, Abe, the Turkey of the United States, the lucky bird presented by Foster Farms that was officially pardoned by President Obama last year. Abe joins the ranks of several other turkeys (and individuals) who have been pardoned by presidents in their exercise of executive clemency power.

Granted to the President by Article II, Section 2 of the Constitution, and executed with the help of the Office of the Pardon Attorney, executive clemency power gives the President the ability to pardon individuals

who have committed federal criminal offenses.

While the President's name is signed on the dotted line and he makes the final determination, The Pardon Attorney is responsible for most of the behind-the-scenes action. They oversee every request and application for executive clemency, including reviewing and investigating each request, and then make recommendations to the President based on their findings.

As you watch President Obama pardon his last TOTUS November 23 (ed. note—not a real title), remember that turkeys aren't the only lucky recipients of a presidential pardon. So, in his last days in office, take note of who else might get pardoned.

CRIMES OF THE CENTURY?

There's a sharp knock at your door, right before it's kicked in by federal agents! Your crime: thinking it would be funny to tweet a false weather report to your "bros" about the dry Hawai'i winter. What you didn't know was that 18 U.S.C. § 2074 makes it a federal crime, punishable by 90 days in the slammer.

With thousands of federal criminal offenses, some range from unnecessary to bizarre. For example: 18 U.S.C. § 336, writing a check for less than \$1; 18 U.S.C. § 707, impersonating a 4-H club member; 18 U.S.C. § 1821, sending dentures through the mail. Think Hawai'i is immune? HRS § 291-14 lets you ride in the bed of a pickup truck without restraints (but you still could be fined for not wearing a seatbelt in your car). Though they may be on the books, luckily, not all laws are enforced.