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Random Questions about Law School and the Law: The World's First Socratic Law Review Article

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the legal scholar formerly known as C. Steven Bradford*

Random Questions About Law School and the Law: The World's First Socratic Law Review Article¹

The character of Socrates does not rise upon me. The more I read about him, the less I wonder that they poisoned him.²

Some people see things as they are and ask why; I see things that never were and ask, what in the hell is wrong with my eyes.³

I. INTRODUCTION

Many law professors utilize the Socratic method in their teaching,⁴ presumably because wisdom is to be found in the questions them-

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* If the "artist" formerly known as Prince can do it, why not me? I'm as much a legal scholar as he is an artist. From now on, I will be known only by the following symbol: ☺.

I am a Professor of Law at the law school formerly known as Nebraska. My thanks to my colleague Bill Lyons, who has a surprisingly good sense of humor for a tax professor, for reading drafts of this article. Bill insisted that I remove the tasteless material, but he chose to teach tax law, so why should I trust his judgment?

This article was supported in part by a contribution from Robert B Leflar. My thanks to him for his careful perusal and literal interpretation of footnotes. See C. Steven Bradford, *As I Lay Writing: How to Write Law Review Articles for Fun and Profit*, 44 J. LEG. EDUC. 13, 27 n.77 (1994) (a silly solicitation of money that I thought no one in his right mind would respond to). Professor Leflar's contribution is especially generous given that he still can't afford a period for his B

1. This article is Y2K compliant.
2. T. B. Macaulay, *Letter to T. F. Ellis* (May 29, 1835), quoted in H.L. MENCKEN, ED., A NEW DICTIONARY OF QUOTATIONS ON HISTORICAL PRINCIPLES FROM ANCIENT & MODERN SOURCES 1122 (1991).
3. C. Steven Bradford, *Random Questions about Law School and the Law: The World's First Socratic Law Review Article* (1999), *supra* text accompanying note 3.
4. Law professors are not the only ones who use the Socratic method. Phone sex operators use a similar method (or so I'm told): "What are you wearing? What are you going to do to me now?" Politicians also use the Socratic method: "What do you want my position to be?" (a question that phone sex operators also ask). My apologies to phone sex operators for grouping them with law professors and politicians.

selves.⁵ Yet, no law professors use the Socratic method in their writing.⁶ Why? I believe it is a wise marketing decision by law professors.⁷ Anyone off the street can read a law review article,⁸ and receive its wisdom for free.⁹ If law professors disclosed their full Socratic wisdom in law reviews, no one would come to law school, and law professors would be unemployed.¹⁰ By withholding their Socratic questions from law reviews, law professors have forced students to pay tuition for them. Until now, that is.

I have never hesitated to offer all of my wisdom to my readers,¹¹ so this article will be as profound as my actual, live, Socratic teaching.¹² This is a first, something that has never before been written.¹³

THE WORLD'S FIRST SOCRATIC¹⁴ LAW REVIEW ARTICLE

I have included in this article some¹⁵ of the most profound questions I have developed in my many years as a legal educator.¹⁶ Feel free to learn from them without paying any tuition.¹⁷

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5. Certainly not because law professors are too lazy to prepare lecture notes. As any law professor will tell you, law professors are the hardest working of all academics. Of course, that is akin to being the most beautiful of all swine.
 6. Even though legal writing, other than articles like this, takes a lot more time than preparing lecture notes.
 7. One difficulty with this theory is that most law professors don't know enough about the real world to make a marketing decision, wise or otherwise. I think someone at the University of Chicago helped them.
 8. *But see* almost any law review article.
 9. The old adage "you get what you paid for" comes to mind.
 10. I know, but I mean "unemployed" in the narrower sense of not being paid.
 11. Believe it or not, I'm not holding anything back.
 12. And I must be a great teacher. Doris Lessing wrote that "the greater part of the law is learning to tolerate fools." DORIS LESSING, *MARTHA QUEST* (1952), *quoted in* DAVID SHRAGER & ELIZABETH FROST, *THE QUOTABLE LAWYER* 204 (1986). If I teach my students nothing else, I teach them how to tolerate a fool.
 13. Or, if it was written before, the prior author had the intelligence and taste not to publish it.
 14. ©420 B.C., Socrates.
 15. But not all. I'm saving some of my Socratic questions for the sequel, *Socratic II: The Answer Strikes Back*.
 16. I'm not really a legal educator. A *legal educator* is one who teaches the law to students. A *law professor* is one who helps students examine the intricacies of legal thought. That makes me a law school employee.
 17. However, if you think they're really valuable, I will accept tuition through the mail. *Cf. supra* note * (silly person accepting a similar offer). Contributions may not be tax-deductible. Consult your tax advisor.

II. THE QUESTIONS¹⁸*Legal Education*

If the law is an ass, what does that make lawyers and law professors? Proctologists?¹⁹

What are full professors full of?²⁰

If tenure frees professors to write whatever they want, can we conclude that most tenured law professors want to write nothing?

Why are law school deanships always sinking?

Is this going to be on the exam?²¹

Administrative Law

How long would it take all the bulls in the world to produce the Code of Federal Regulations if you fed them constantly?

Antitrust

If Netscape hired me, would I change my views on market competition?²²

If Yo Yo Ma refused to play cards with the members of the Boston Symphony during intermission, would it be a concerted refusal to deal?

Are the makers of fishing lures guilty of a tying arrangement?

If you put Trusts and Antitrust together in a single course, would that be the end of the universe as we know it?²³

Are there barriers to entry on the information superhighway?

Is it illegal price discrimination to charge law school tuition in excess of \$10,000 a year but sell natural fertilizer to gardeners for only \$5 a bag?²⁴

Is Parker Brothers guilty of monopolization?

18. Warning: The rest of this article contains questionable material.

19. The editors wouldn't let me list the other possibilities—something to do with decency and small children. For a hint as to one possible answer, see *infra* note 69.

20. I'm a full professor and my kids have told me what I'm full of, but I'm reluctant to generalize from a single case.

21. This question, often chanted by students, is a mystical religious mantra intended to lead to success on the exam. (At the risk of offending religious sensibilities and provoking another proposal for a constitutional amendment, it doesn't.)

22. See Robert Bork. Sorry, I didn't mean to Bork him.

23. See *Star Trek*.

24. Given the relative amounts distributed, who's discriminated against—gardeners or law students?

When Sylvester Stallone goes to the grocery store, does he have market power?

Do S&M practitioners engage in illegal horizontal restraints?

Is Robert Reich guilty of a vertical restraint?

If I'm playing poker and one person monopolizes the cards, would that be illegal exclusive dealing?

Business Associations

Why are people who buy securities never secure?

Is there any accounting for lawyers?²⁵

Should business planning courses, like family planning courses, encourage contraception?

Which are more enjoyable, vertical or horizontal mergers?

Is *ultra vires* the very best *vires* available?

Was the marriage of Danny DeVito and Rhea Perlman a short form merger?

If we put all the Elvis impersonators in a single room in Las Vegas, would there be a proxy fight?²⁶

Under Rule 10b-5, can a cow be an unlawful tippee?²⁷

Can I avoid liability for insider trading by buying stock outdoors?

Why isn't the corporation a parent corporation owns called a child corporation?²⁸

Could Square D Corporation be involved in a triangular reorganization with Circle K and the Pentagon?

Do corporate spin-offs make shareholders dizzy?

If Dan Quayle went into business with Al Gore, would they both be limited partners?

If I dated Pamela Anderson's celebrity look-alike, would I be subject to the proxy solicitation rules?

To make a pre-suit demand on directors, would I have to contact them early in the morning before they got dressed?

25. I'm sure I stole this from someone; I'm just not sure who. When I plagiarize, I do so blindly.

26. And are the ones who don't really look like Elvis guilty of proxy fraud?

27. See *The Official Cow Tipping Home Page* (visited daily to tip cows virtually) <<http://members.xoom.com/toch/>>. A 15% tip is recommended.

28. Is it because we consider children subsidiary?

Do sadists buy stock only if they can be controlling shareholders?

After the corporate veil is pierced, can it be resealed or does the corporation have to buy a new one?

What's a punctilio?

Civil Procedure

Given how most trial lawyers act, shouldn't it be called "uncivil procedure"?

Is a summary judgment shorter than a regular judgment?

Why aren't there bass damages?

If the bailiff orders you to rise when the judge enters, do you have standing?

Is the name of the *Erie* case a little scary to you, too?

Why aren't trial lawyers appealing?

Would Colin Powell be subject to general jurisdiction?

Could you get Kareem Abdul Jabbar into court using a long-arm statute?

Why isn't there verb-matter jurisdiction?

If I wanted to sue the world's best photographer, could I get the federal courts to exercise ancillary jurisdiction?²⁹

What happens if the judge can't decipher code pleading?

If, as my ex-wife says, life with me was a trial, was I entitled to a jury?³⁰

Isn't the ultimate cause of action God?

If you sued Lego, would joinder be a problem?

Is bifurcation illegal in Alabama?

If I sued a theater, would it honor a request for admissions?

Whose fault is default judgment?

When a pilot crashes, is it plane error?

Is supersedeas a sedeas from the planet Krypton?

Do female judges issue writs of womandamus?

29. Yes, I know he's dead. If trees can have standing, why can't I sue a dead guy?

30. Not a jury of my peers. If I have peers out there, I certainly don't want them on my jury.

Can I use laches to close a case?

Is the parol evidence rule applied in hearings to return wrongdoers to prison?

Commercial Law

Wouldn't *D'Oench Duhme* be a great name for a video game?

Is the law of commercial paper instrumental to modern commerce?

If you loosen up secured parties, do they drift away?

Does the implied warranty of merchantability guarantee that the person is a good seller?

If I played basketball every day and did no other exercise, would I satisfy the warranty of fitness for a particular purpose?

If Rosanne Barr were a prostitute, would she be subject to UCC Article 6—Bulk Sales?

Is this article a document of title?

If I wrote a note that promised to pay someone 500 breath mints, would that satisfy the sum certain requirement?

When I let my wife hold our newborn babies first, was I a holder in due course?

If I transferred a negotiable instrument to a homeless person, would he be protected by the shelter rule?

Is a dresser drawer liable under Article 3 of the UCC?

Would Michael Jordan be liable to Nike as an indorser?

Is Holiday Inn an accommodation party?

Do male prostitutes have negotiable instruments?

Do stale checks smell?

When a French bank dishonors a check, does the check challenge the bank to a duel?

If I perfect this article under Article 9, would the Harvard Law Review publish it?³¹

If future advances, doesn't it become present?

Can one have a lien on fat?

If you marshal assets, do they have to wear badges?

31. I've already been in the Harvard Law Review. It's a small white building just off Mass. Ave.

If I paid a Navy debt secured by an underwater submersible, would I be subrogated?

Does it hurt when you pass a forged instrument?

Conflict of Laws

Could mediation resolve conflict of laws?

Should people engage in interest analysis before getting married?

Was the most significant relationship the one between Bill and Hillary or the one between Bill and Monica?

If neither *lex loci* nor *lex fori* work well, why not try *lex luther*?

What's this doctrine of "t" I hear so much about?

If I buy a gun in California from a Saudi Arabian arms dealer, and shoot it in Nebraska across the Missouri River through Iowa and into whatever state is on the other side of Iowa,³² and the bullet ricochets into Canada, hitting a ship and causing it to divert to Michigan, where two passengers disembark and drive to New York, where they're killed when luggage from Denmark falls on them from an Air France plane which originated in Morocco, could their children get on *Jerry Springer*?³³

Constitutional Law

If the Constitution is a living, breathing document, are Supreme Court justices murderers?

How would constitutional law be different if Allen Ginsberg had been on the Supreme Court instead of Ruth Ginsburg? George Kennedy instead of Anthony Kennedy? Marshal Dillon instead of Thurgood Marshall? Breyer's Ice Cream instead of Stephen Breyer?

If I live in a cave in New Hampshire for twenty years without expressing any opinions, can I be on the Supreme Court, too?

Can the Supreme Court construct a constitutional doctrine so well-founded that even the Court can't change it?

Is price discrimination a violation of the Fourteenth Amendment?

Does passing a collection plate offend the First Amendment guarantee of free religion?

32. If you're from the Northeast, you undoubtedly have no idea where any of these states are. You're only aware of the important places—Manhattan and Beacon Hill. Once, when a friend asked a ticket agent in a New York airport for a ticket to Utah, the agent asked her what state Utah was in.

33. I, being of strong moral fiber, never watch that show (just as President Clinton "never had sex with that woman").

Was the Third Amendment prohibition on quartering troops adopted with people like Jeffrey Dahmer in mind?

If the Bill of Rights was incorporated by the Fourteenth Amendment, who are the shareholders?

Does Bill Gates have enough money to pay the Bill of Rights?

If newspapers really believe in free speech, why do I have to pay for subscriptions?

Would it violate the Fifth Amendment for the federal government to seize my copy of *Life* magazine?

Is it true that one of the Supreme Court Justices' favorite bedtime activities is strict scrutiny?

Why is there no right of piracy in the Constitution?

Is overbreadth what happens when I finish a long run?

Does the public forum doctrine protect my right to send letters to *Penthouse* magazine?³⁴

Absent the free exercise clause of the First Amendment, would I have to pay to jog?

Contracts

In what language does "contract" begin with a "K"?

Wouldn't a hairy hand be really cool on Halloween?

Does restitution resolve destitution?

Wouldn't a promise under seal get really wet and slimy?

Is waiver that guy on T.V. football games who says, "Hi, mom"?

Have you ever made estoppel in pais?³⁵

Is the battle of the forms a fight between Pamela Anderson and Arnold Schwarzenegger?

Is Ross Perot a third party beneficiary?

If I agreed to rent a portable toilet, would there be contractual privity?

If sellers have a right to cure, why don't they work in hospitals?

Can Dan Quayle and Al Gore have a meeting of the minds?

34. I, of course, have no idea what this means. A friend suggested it. I believe *Penthouse* is one of those home improvement magazines like *Better Homes and Gardens* and *Architectural Digest*.

35. There's a great little roadside café there.

If a producer broke his promise to allow me on a T.V. game show, could I sue for truth or consequential damages?

If a contract includes liquidated damages, doesn't the paper get wet?

Criminal Law

To convict a female defendant, do you have to show womens rea?

Is Duracell Corporation guilty of battery?

If I told a lie and shortly thereafter I became very anxious, would that be false pretenses?

Why isn't gomorrahy illegal?

If, as I was killing someone, I dropped to my knees, would that be felony murder?

Why isn't womanslaughter a crime?

Would elf-defense be a valid justification for killing Santa Claus?

If I committed a crime in an insane state, would I be in California?

Why do male models write secret messages on their genitalia?³⁶

Is capital punishment what happens to D.C. natives when Congress is in session?

Do I have a privilege against self-insemination?

Environmental Law

Do meteors have to file environmental impact statements?

Are emission controls located in Houston?

If emissions are controlled, will only criminals have emissions?

Are Pampers an effluent control device?

Evidence

Would a dead man statute apply to Dracula?

Would court decorum improve if opposing counsel used happy examination instead of cross examination?

Do banks ever make declarations against interest?

Shouldn't psychiatrists instead of lawyers be in charge of rehabilitating witnesses?

36. See MODEL PENAL CODE.

When a cow sees a bull, does she get excited utterances?

Would everything I said while coloring my white T-shirt be admissible as a dying declaration?

Wouldn't fivensic evidence be even better?

If I walked into a courtroom with a live lobster on my head, would that be subject to judicial notice?

Do really lazy attorneys have any work product to protect?

If I confessed my sins to a minister, but was really proud of them, would the clergy-penitent privilege apply?

Why can't corporate officers assert executive privilege?

Family Law

Can I sue my parents for turning a cute³⁷ baby boy into me?

Is it "alimony" or "allthemoney"?

Are antenuptial agreements antinuptial?

If a husband baked pastry for his wife, would it be an interspousal torte?

Isn't it sexist never to use DNA testing to determine maternity?

Federal Courts

Did King Kong have sovereign immunity?

Is "What distinguishing mark did he have?" a political question?

Would a spat between the Captain and Tennille be a justiciable controversy?³⁸

Do the Texas courts have admiralty jurisdiction over David Robinson?

Would a lawsuit involving the film, *Casper, the Friendly Ghost*, meet the federal requirement of substantiality?

If Angela Davis sued David Duke, would there be diversity jurisdiction?

After you've exhausted your state remedies, where do they go to rest?

37. O.K., maybe not cute, but at least cuter than now.

38. If you figured this one out, you're as weird as me. If you didn't figure it out, I'll explain it to you for a small cash payment.

Do you have to sneak up on state judgments to collaterally attack them?

To ask the Supreme Court to take a breath mint case, do you petition for certiorari?

Insurance Law

Does the Acme Lock Company have key employee insurance?

Are there lesstality tables?

Does casualty insurance protect me when I lose my jacket and tie?

Do underwriters only prepare the bottom half of insurance policies?

Are soldiers serving in the Middle East eligible for marine insurance?

Intellectual Property

Shouldn't it be called "copywrong" instead of "copyright"?

Does Lexis really think lawyers are stupid enough to mistake a luxury car for a computerized legal research service?³⁹

How could anyone have the gall to claim a copyright to Arabic numbers?⁴⁰

Isn't the U.S. intellectual property system patently absurd?

Why should intellectual property be treated any differently from the property owned by the rest of us?⁴¹

If a root beer company commissioned me to write an article, would it be a work made for Hires?

Would I infringe a copyright by hanging cute little tassels on it?

39. See *Mead Data Cent., Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 875 F.2d 1026 (2d Cir. 1989) (rejecting claim that Toyota's use of "Lexus" for its cars diluted the Lexis trademark).

40. See *Matthew Bender & Co. v. West Publ'g Co.*, 158 F.3d 693 (2d Cir. 1998) (rejecting West's copyright claim to pagination). Is there something about electronic legal research that makes one a copyright imperialist? See also *supra* note 39.

My apologies to the band 311, who use Arabic numbers for a much higher purpose than Westlaw. And, no, "311" doesn't stand for anything politically incorrect other than simple indecent exposure. (I'm sure that no more than six of the millions of lawyers and law professors who read this article will understand the last two sentences).

41. Each of the millions of lawyers and law professors reading this article is now offended that I would include them within "the rest of us."

If I plagiarized an article at the State Fair, could I invoke the fair use doctrine?

Was the Berne Convention a bunch of ashes?

If Consolidated Edison manufactured a children's toy, would it meet the utility and novelty requirements for patentability?

Do the best intellectual property lawyers have patentability?

If all the intellectual property students earned C's, would those be generic marks?

Why are the best trademark experts those who are able to show confusion?⁴²

Do intellectual property professors wear patent leather shoes?

Do people who like Scotch and water violate state anti-dilution statutes?

When M.I.T. graduates look in the mirror, do they see reverse engineering?

International Law

Is UN resolution an oxymoron?

Is the only difference between Public International Law and Private International Law whether the professor leaves the door open during class?

Why aren't the United Nations united?

If Westlaw becomes available in Japan, will it be called Eastlaw?

When a country sends a bunch of heavily armed soldiers to fight in another country, why do they call it peacekeeping?

Is our national security savings bonds?

Why does Alexander Haig have his own international tribunal?

Does the State Department pass out treaties on Halloween?

Why aren't human lefts protected?

Does diplomatic immunity protect you from catching diplomats?

How high can I raise my Toyota to change a flat tire without being guilty of international hijacking?

42. I would be a great trademark expert; I constantly show confusion.

*Labor and Employment Law*⁴³

Why don't labor law classes last nine months?

Is Will Smith's full-time personal bodyguard an employee at will?

Why is picketing protected by labor law, but not chainlinking or barbwiring?

If the baseball players' union included a no-strike clause in its contract, would that violate its duty of fair representation to pitchers?

If my employee tried to shoot me with a handgun and I fired back, would that be a retaliatory discharge?⁴⁴

Why aren't there employee footbooks?

If I was fired as a soccer referee, could I bring a whistleblower's action?

Why doesn't Jerry Lewis host an employee benefit?

If a falling meteor hit me but not the woman next to me, would I have an adverse impact claim?

Is garnishment of wages when you drop parsley on your paycheck?

Does Motel 6 have a duty to make reasonable accommodations?

If I refuse to make love facing north, am I discriminating on the basis of sexual orientation?

Is EEOC the sound you make when you walk across hot coals?

Is a hospital maternity ward a labor union?

Is hating mirrors reverse discrimination?

Do people who hurt their spines on the job get back pay?

Law and Economics

If markets are efficient, why are there law reviews?

Do elastic demand curves bounce?

Is marginal cost why law review articles have so little white space?

If people are rational, why do they buy Spice Girls recordings?

43. I'm an expert in this area. A leading discrimination treatise was "much improved" by my comments. See RAMONA L. PAETZOLD & STEVEN L. WILLBORN, *THE STATISTICS OF DISCRIMINATION: USING STATISTICAL EVIDENCE IN DISCRIMINATION CASES* ix (1998). I cited it, Steve. Can I have my \$10 now?

44. Actually, neither the faculty nor the students at my institution may have guns on campus. I think the gunfights were disrupting classes.

Do students living in the dorms at George Mason Law School have to pay economic rents?

If there's consumer surplus, do some of the consumers have to go on welfare?

Are people who work at electric companies utilitarians?

Do the companies that make bathroom weighing devices have economies of scale?

Legal Ethics

Would it be ethical to accept a \$500,000 cash payment to give one of my students a passing grade?⁴⁵

When a non-lawyer steals \$100,000 from his closest friend, is it the unauthorized practice of law?

If you're tossed out of a social gathering, is what you yell at the host an ex parte communication?⁴⁶

Can a schizophrenic ethically represent two clients with conflicting interests?

If you represent yourself pro se, are you ineligible to compete in the Olympics?

Do state bars have a pro hac vice squad?

Does handling the estate of Cher's first husband count as pro bono work?

Legal Practice

Is it true that Ted Kennedy wanted to practice "public interest law" because he misread the first word?

Why do lawyers keep practicing? Aren't they good enough yet?

The Judiciary

Was Learned Hand's brother an economist named Invisible?

If Richard Posner continues to write at his current pace, will he at some point randomly type all of Shakespeare's plays on his computer?

45. To my students: If you're interested, I'm willing to litigate the ethical issue.

46. I've never been tossed from a social gathering. Of course, I've never been invited to a social gathering, either.

Am I missing something, or are judges in serious trouble religiously?⁴⁷

Do any judges hire bartenders for their sidebars?

Property

Why doesn't the Rule Against Perpetuities bar many of the people who teach it?

If possession is 9/10 of the law, what's the other ten percent?⁴⁸

If Real Estate Transactions is taught using simulation, is it called Fake Estate Transactions?

If a falling meteorite hit a fox, would anyone really care who owned either?

If I continuously use all the words that end in "ly", will I have an adverb possession claim after twenty years?

If someone gave me a stolen bulletin board, could I acquire adverse possession rights through tacking?

What kind of estate is a fee fie foe fum?

If someone had already used the title of this article, would I have a voidable title?⁴⁹

Is a variable rate note a shifting interest?

If Shelley can have a case, can I have one, too?⁵⁰

If it's community property, shouldn't husband and wife have to share it with others?

If one of the houses built by Habitat for Humanity violated the implied warranty of habitability, would the resulting case be known as the Humanity Habitat Habitability case?

47. "Judge not, that ye be not judged." *Matthew* 7:1. Or, if you use the less formal, modern version of the BIBLE, "Magistrate not, that ye be not magistrated."

48. Or, if you're a traditional legal scholar, what's the other 20%?

49. Should I buy title insurance?

50. I would choose one of the following: (1) *United States ex rel. Mayo v. Satan & His Staff*, 54 F.R.D. 282 (W.D. Pa. 1971) (refusing leave to proceed *in forma pauperis* because of serious questions about personal jurisdiction over the defendant); (2) *Lodi v. Lodi*, 219 Cal. Rptr. 116 (Cal. App. 1985) (individual sued himself, then appealed when the trial court refused to enter a default judgment when he didn't answer); or (3) *Searight v. New Jersey*, 412 F. Supp. 413 (D.N.J. 1976) (dismissing plaintiff's claim that the state injected him in the eye with a radium electric beam, allowing someone to talk to him on the inside of his brain). What a coincidence—that happened to me, too. Be quiet; it did so!

In the old days, if you were selling a houseboat, did you hand over a glass of water?

If, as my colleagues claim, I mortgage my academic future every time I write articles like this, why doesn't my bank give me money?

Does any state use a recording system that you can play back in surround sound?

When a covenant runs with the land, who wins?

Taxation

Was "Das Boot" the greatest corporate tax law film of all time?

What exactly is the basis of tax law?

After writing this article, can I deduct my reputation as a business loss?⁵¹

Can I use imputed income to send my kid to an imputed college?

If it's really appreciated property, why would you sell it?

If I won a cash prize for my scholarship, . . . ?⁵²

If Washington, D.C., annexed Arlington, Virginia, would it be a capital gain?

Are office homes deductible?

Since sex is a personal activity, am I entitled to a personal exemption every time I engage in it?⁵³

Who would be liable in tort for a collapsible corporation?

If I misread my paycheck and think it's payable to someone else, is the income nonrecognizable?

Do liquidation distributions make shareholders all wet?

After completing two bootstrap acquisitions, could I go hiking?

Should liquidating corporations be dammed?

Are Type F reorganizations failures?

Torts

If *res ipsa loquitur*, why discuss it in Torts?

Do students who fail Torts have to take Retorts?

51. It would be a very small deduction but, thanks to my dean, I have a very small income.

52. Sorry, but some things are beyond even my imagination.

53. If so, I'll need to amend my tax returns for 1989 and 1995.

Do masochists prefer strict liability?⁵⁴

If $B < PL$, then isn't $L - (\pi BL/P) > (1 - \pi L)L$? Why isn't the Hand Formula presented this way?⁵⁵

Am I the only one who thinks Cardozo made up the facts of *Palsgraf*?

Are there any default rules in a strict liability system?

Wills and Trusts

Does any law school teach Wills and Trusts?

Is intestate succession when your heirs live in another state?

When my wife and I had children, were we putting on heirs?⁵⁶

When Moses died, did he leave his writings to his family in an old testamentary trust?⁵⁷

If I testify that Shakespeare was a great writer, does that make him an attested will? If the King of England⁵⁸ had hung him, would he have been an executed will?

To decipher a codicil, do you have to know the probate code?

When I hire someone to build a house and don't supervise him, is that a constructive trust?⁵⁹

When Steve Young throws a football to Jerry Rice, do they have a passive trust?

Was the relationship between Bill Clinton and Monica Lewinsky an oral trust?

Other Legal Questions

Does the other law look down on common law?

Is the law a seemly web?

Do priests have to take Mass Communications Law?

If Juvenile Law grows into a full-fledged discipline, will we call it Mature Law?

54. They must love state bar disciplinary hearings.

55. Some of the people at George Mason have presented it this way, but I mean in law schools.

56. Actually, I haven't had any children. My wife graciously volunteered to have them all.

57. Are the Ten Commandments old testamentary restrictions?

58. Maybe it was the Queen. Don't be such a royal pain.

59. If I fired him, would it be constructive discharge?

Are law professors qualified to teach Mental Health Law only from the patient's perspective?

Does the Magnuson Moss Warranty Act guarantee that green stuff will grow on the side of trees?

Why aren't there lime laws?

When will Professor Bradford write an article about law professors and sex?⁶⁰

Miscellaneous Questions That Have Nothing to Do With the Law But I Always Wanted Answered

Who put the bop in the bop she-bop she-bop?⁶¹

If an eastbound train leaves Chicago at 8:00 a.m. traveling 40 m.p.h. and a westbound train leaves New York at 10:00 a.m. traveling 35 m.p.h., where will they crash?⁶²

How many times can a man turn his head and pretend that he just doesn't see?⁶³

When I turn on my computer, does it get excited?

Who's on first?⁶⁴

Who wrote the book on love?⁶⁵

Who was Victor Hugo, Alex?⁶⁶

60. I'm glad you asked. *See How Do Law Professors Do It?*, forthcoming whenever I (and some fearless law review editor-in-chief) get the nerve. If you're fearless, write for a copy of the manuscript.
61. I would cite this song, but no one around here knows the title. Like many things cultural, it still hasn't made it to the Midwest.
62. What, you might ask, does this have to do with law school? This is *my* Socratic dialogue, so I don't have to answer your questions. Nevertheless, I never could answer the train question in school, all of my children are now in school, and I need an answer.
63. So far, I'm up to 23,457, but my neck is getting sore. I'm not even sure this is the question: I don't speak Bob Dylan.
64. I still don't get it. Who *was* on first? *See* Abbott and Costello.
65. Hugh Hefner?
66. Asking this question cleverly allows me to give my high schooler his first citation: "Victor Hugo was a man who lived his life on a grand scale and influenced others because everything had a deeper meaning to him. He was the titan of his age. He was a superb poet, novelist, dramatist, essayist and critic who influenced generations of writers following him. . . ." Jason Bradford, *The Life of Victor Hugo* (unpublished manuscript, Jan. 4, 1999). Maybe he'll accept this cite in lieu of money for college.

The last word in the question refers to a television show called *Jeopardy* that I have never seen because an intellectual like me never watches T.V.

III. CONCLUSION⁶⁷

Who in the hell is Steve Bradford⁶⁸ and why is he writing crap like this?⁶⁹

67. Thank God!

68. Or, to use the more presumptuous, upper-crust form that appears at the beginning of all of my articles: C. Steven Bradford. For the many students who have asked, I can now reveal that the "C" stands for Margaret.

69. If you've seen my serious crap, you don't need an answer to this question.

I'm sorry I used the word "crap," but "bullshit" seemed too impolite for this journal. Other authors must feel similarly because, according to a recent Westlaw search, the word "crap" has appeared in 299 law review articles since 1980 and the word "bullshit" has appeared in only 175. But some of the "crap" appearances are in the context of a "crap game," something I, for one, hope never to play.