

PROFESSIONAL RESPONSIBILITY
Problem 1: Hypothetical

The Vietnam War Bomber

A was an engineering student at a large Midwestern university in 1970. He and three other students bombed the Army Math Research Center on campus to protest the war in Vietnam. The leader of the group was B, who was responsible for most of the planning. B and his brother C, both also engineering students, designed the bomb, a one-thousand pound fused fertilizer bomb they packed in a van. Late on a Saturday night, they parked the van on the side of the Research Center, and set the timer for 3:00 a.m. Sunday morning. For two months before they planted the bomb, they had observed the building. During those two months, no one was ever present in the building between 10:00 p.m. Saturday and 8:00 a.m. Sunday. The bomb exploded as planned at 3:00 a.m. It destroyed the entire side of the building on which the van was parked, and caused fires that severely damaged the rest of the building. Unfortunately, that night a post-doctoral fellow was conducting research in the building at the time and was killed in the explosion.

All four students involved in the bombing became fugitives. Brothers B and C were caught, and A subsequently turned himself in. D, the other student, has never been found.

B was convicted of second degree murder and sentenced to 15 to 25 years in state prison. C was also convicted of second degree murder and given the same sentence. Both were released in 1980.

A's jury hung on second degree murder, but convicted him of voluntary manslaughter. A spent several years in state prison and was released. Upon his release, A became heavily involved in community activities, helping the homeless and establishing day care centers for financially-strapped families. A went to law school and graduated with honors in 1984. During law school, he worked as an extern for the Chief Justice of the state's Supreme Court. He subsequently worked as a law clerk to a federal district judge in the State's capital for two years. Immediately after his clerkship, he moved to Oregon, where his wife began her family medicine practice. He has now applied for admission to the Oregon State Bar. He never applied for admission in his home state, where he had graduated from law school, externed for the Chief Justice, and clerked for the federal district judge.

Question A: Should A be admitted to Oregon's state bar? Why? Consider the Polin factors in reaching your decision. I do not just want your "gut" feeling. I want you to make your decision based on the factors set out in the Polin decision. Be prepared to explain each of your conclusions concerning the three situations below.

1. ***Assume*** it is August, 1988 when you are called on to make this decision.
2. ***Now assume*** it is August 1998 and A is applying for the first time. Assume all other facts as above. Is your decision in 1 reinforced or changed?
3. ***Finally, assume*** it is 2014, A's application was rejected in 1987 AND he did not reapply for admission in 1998. Instead, since 1988 he worked as a paralegal under supervision of a lawyer who was recently (late 2013) appointed as a State Court judge. A's daughter recently graduated from law school and has passed the bar exam. They want to open a practice together and he has reapplied to be admitted. Should he be?

Question B: Now apply the factors regarding bar admission identified by the California Supreme Court in In re Glass, 58 Cal.4th 500 (2014), to the fact situation described in Question A.3. Should A be admitted when those factors are applied? Which factors considered by the Glass decision support your conclusion. Which factors support it?