

## The Law School Journey



# The Law School Journey

A CALENDAR OF READINGS

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James R. Elkins



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## Prologue

*And will you, then, if you tread my path find there what I have found? Of course you will not. One man, one path; one path and a hundred endings; expectation is illusion. Yet in one thing I find that I have faith: set out upon that path, and what you find, however wide apart from my own finding, will be something just as good; or better.*

—K.N. Llewellyn, *The Bramble Bush: On Our Law and Its Study* 129 (Dobbs Ferry, New York: Oceana Publ., 1960)



## Introduction

You have set out upon a long journey. As you get underway, I suspect you have a host of questions: What am I doing here? Is this what I most want to be doing? What obstacles lie ahead? What will I be required to give up to become a lawyer? What kind of lawyer will I end up becoming? It's hard to imagine anyone ends up in law school without questions, reservations, and self-doubts.

There are a variety of guides and survival manuals available to help you navigate your way through law school. None of them may be all that helpful in your confrontation with the existential questions that arise during your legal education. Whether a guide of any kind might prove to be of help is difficult to predict. Scott Turow's *One L*, an account of his first year at Harvard Law School, published in 1977, is a well-told story about Turow's legal education at Harvard Law School. *One L* is a classic, a revealing account of law school *rites of passage* and an instructive account of the law school culture. (For a steadfast "guide" of recent vintage, see Kathryn M. Young, *How to Be Sort of Happy in Law School* (Stanford University Press, 2018).) Other first-hand accounts of legal education confirm Turow's observation that law school is an intense experience that can test your wits, deplete your energies, and push your patience to its limits. What is presented to you as the necessary work of law school can consume most of your time; indeed, the work can end up consuming you. This *calendar of readings* is offered to help you consider how and to what extent you want to let your self be consumed.

With or without a guide, you will undoubtedly chart a course through law school and find your own prescription for dealing with the obstacles that lie ahead. I should forewarn you that *The Law School Journey* is not a how-to-succeed-in-law-school manual.

The focus here is not on traditional first year courses, or strategies for taking law school examinations; the focus is on *you*, and how you orient yourself to what you find demanded of you in law school. The central focus in *The Law School Journey* is on the need to reflect on your law school experience and how your reflections can be made a part of your education as a lawyer. Being reflective about your law school experience is one way to learn something about your self that you can put to use in your law school journey.

Keep in mind that law school is, as one colleague put it, a “closed ecosystem.” The courses you take during your first year (at most law schools) will all be required courses. The texts you work with in this first year of law school consist primarily of judicial opinions. Your teachers will undoubtedly suggest that you “brief” the cases you are assigned to read. You will take legal research and legal writing courses in which the mechanics of legal-style writing will be hammered into your head. These first weeks in law school will pass quickly, and you will begin to prepare for examinations that will test your knowledge of the legal rules and legal doctrines you have so laboriously learned to excavate from the cases. Some of this early law school work, when still new and you are trying to make sense of the cases (and figure out what your teachers expect you to do with cases), can be exhilarating. But then, the early exhilaration fades, and you realize: *Law school is the machine that makes lawyers.*

If you ask of law school no more than to be a product of the law school machine—to be certified as a lawyer—law school will serve that purpose. To resist the grind of law school vocational training, you will need a mindset that allows you to focus not just on your *training* to be a lawyer, but on the *education* that supports the life you will live as a lawyer. The *training|education* fault-line that runs through legal education is of central concern throughout this *calendar of readings*. If the vision you have for yourself as a student and a lawyer is not congruent with what you find yourself becoming in law school, these readings can be a resource to help

you reflect on what you are doing and how what you do makes you the student you are.

*A Note about the Organization of the Readings*

Legal education has a way of robbing you of anything remotely akin to spare time—law school is a thief who steals time. With that in mind, these readings and commentary are organized as daily readings—a *calendar of readings*. While the readings have been assembled with the idea of day-to-day perusal—a reading each day—there is nothing to prevent you from reading the entire collection over the course of a weekend. The readings are presented in something akin to a logical progression; however, your own situation and interest may prompt you to peruse the readings in a different order than they are presented in *The Law School Journey*.

These readings and commentary are drawn from my own writings (published and unpublished), from the work of colleagues who address legal education as a transformative experience, and from other writings that provide perspective on the journey you now undertake in the law school world. I should note that the philosophical and existential musings collected here—sembled fragments—do not purport to be a comprehensive overview of the world you will learn to navigate in the days and weeks ahead.

*A Personal Note*

When I went to law school, I knew no lawyers, and had never stepped foot in a courtroom or lawyer's office. I had absolutely no sense or vision of what might lie ahead. The only lawyer I knew anything about was a TV lawyer—Perry Mason—who was, when I was growing up, an iconic figure in the early years of TV culture. If ignorance can be a blessing, it was a bounty for me. I remember my days as a law student with affection. In law school I finally began to understand what it might mean to have an *education*.

## INTRODUCTION

Law school can be a rough and tumble experience. I urge you to reflect on the situation in which you now find yourself and what you see happening around you—and to you. The purpose of this *calendar of readings* is to help you chart your course as a student so that your *training* as a lawyer becomes an *education*.