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Message from the Dean

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In my last message, I discussed the great lawyer's role as keeper of our profession's image. I pointed to Clarence Darrow, who leavened his professional contributions with simple kindnesses to friends and acquaintances. I argued that ultimately such generosity of spirit lies at the core of the image we wish for the public to associate with those who have chosen a life in the law.

A lawyer's professional training reinforces such generosity of spirit in many ways. Law School provides innumerable formal opportunities outside the classroom for active community involvement. More informally, dorm life and the world of first-year study groups allow students to learn the value of individual-to-individual mutual support.

I also believe that the classroom itself, through its core intellectual training, nurtures lawyers' ability to reach outward. One of the qualities that leads people such as Darrow to be recognized for their generosity of spirit is also a quality that undergirds effective professional representation. That quality is the ability to listen.

The ability to be well-spoken is fundamental to good lawyering. Lawyers speak to clients when they advise. They speak on behalf of clients as advocates. Indeed, one rationale for the attorney-client privilege builds on the need to provide ordinary citizens access to an expert voice within a complex and specialized legal system.

But to speak well, one must first listen well.

When my mind's eye envisions the characteristic mode of an ideal attorney, I see the mouth closed. The eyes are opened wide. The brow shows intense concentration. I see a person who is both intensely engaged and studiously detached, someone struggling to practice a skill that is not innate to most people.

Without training, our ears betray us. They attune themselves to comfortable frequencies. They send our brains information that reinforces our sense of how the world works. They filter out sounds that are dissonant and potentially destabilizing.

To be a good lawyer, one's ears must be tuned differently. They must be especially sensitive to information that challenges our hypotheses about the world. They must feed us a steady diet of difficult data, so that our brains have no choice but to contend with the world as it truly is, in all its unsettling complexity.

Frank M. Coffin, former Chief Judge of the First Circuit, has written that the very best lawyers know how to "go for their own jugulars." They engage sympathetically with counterargument. They listen with openness, respect, and even appreciation to those who challenge them.

Law school is where we learn to listen. We learn that we cannot answer a professor's question effectively if we do not force ourselves to hear every factual wrinkle, and to think about what it might mean. We learn that we cannot respond persuasively to a classmate's argument if we do not force ourselves to understand her or his premises, to empathize with them, and to respond to them directly. We learn how to deploy all of our intellectual resources in the effort to understand another's words.

We thus help our students to heighten their ability to analyze by first deepening their ability to empathize. Empathy is what allows us to listen effectively, to step outside ourselves and think critically. And the foundation of empathy can undergird more than just analytic power. It can also sustain a way of life that is open, engaged, and generous. Ultimately, that is every bit as important to our professional image as the ability to think a problem through from beginning to end.



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