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Law School: A Survivor's Guide

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LAW SCHOOL: A SURVIVOR'S GUIDE. By *James D. Gordon III*. New York: Harper Perennial. 1994. Pp. xi, 177. \$10.

It is likely that anyone reading this book review¹ either has been to law school or knows someone who has been to law school; if so, I am sorry. Law school has an uncanny way of changing people, and that change is not always for the better.² Help has arrived, however. Professor James D. Gordon III³ has written an excellent satire of law school and the legal profession. His book, *Law School: A Survivor's Guide*, begins with that first paralyzing question, "Should You Go To Law School?" (p. 1), passes through "Taking the LSAT" (p. 5), "Applying to Law School" (p. 9), "The First Year" (p. 16), "The Second and Third Years" (p. 54), "The Bar Exam" (p. 82), and "The First Year of Law Practice" (p. 85), and ends with a few miscellaneous chapters on such important legal topics as "Recreation for Young Professionals" (p. 104) and "Where Our Laws Come From" (p. 116).

The nature of Gordon's book suggests that other survivors' guides to the areas he leaves unexplored might prove useful to law students and legal professionals. For example, this book notice will present a survivor's guide for book reviewers. As it takes its inspiration from Gordon, it adopts his style — and often his words. As Abraham Lincoln once said, "For those that like this kind of book [review guide], this is the kind of book [review guide] they will like" (p. ix).

I. WHAT IS A BOOK REVIEW?

The book review is a homely creature. Existing somewhere between a law review article and an opinion letter to the *New York Times*, a good book review should engage both the "critical" reader and the more "general" reader.⁴ The book review author typically describes the substance of a book and then engages in a more general discussion about the issues raised within it. This discussion can — and often does — range from criticism to the suggestion of new ideas to just plain rambling. Book reviews tend, mercifully, to be

1. Thanks, Mom.

2. "The official motto of law schools is: 'Turning America into lawyers, one human being at a time.'" P. 9.

3. James D. Gordon III is Professor of Law, Brigham Young University.

4. In other words, people with highly developed analytical faculties *and* people with law degrees.

much shorter and to have fewer footnotes than articles.⁵ They consistently prove more interesting than articles as well, unless your idea of a good time includes mastering the intricacies of sixteenth-century canine law.

As with all legal writers, a book review author should avoid the typical writing pitfalls. First, he should write plainly and concisely. Gordon observes that “[l]awyers write as if they were paid by the word, or maybe even as if they were born in a parallel universe” (p. 38). He also points out how lawyers have created redundant phrases like “cease and desist” and “idiot and professor” (p. 41). Second, a book review author should avoid clichés, mixed metaphors, and “lawyerisms.” Lawyerisms include the terms “aforementioned” and “hereinafter” as well as the wide variety of “-ize” words, like “actualize,” “initialize,” and “prioritize” (p. 39). Should the book review author fail to utilize the heretofore mentioned suggestions, the “sacred cows will come home to roost with a vengeance” (p. 42).

II. SHOULD I WRITE A BOOK REVIEW?

By now you are no doubt saying to yourself, “Hey, I should write a book review!” If so, “lie down for a while until the feeling goes away” (p. 4). Book reviews are *not* as glamorous as they may seem. Hardly anyone has grown famous, and presumably no professor has ever gotten tenure, for writing a book review.⁶ Still there

5. *But see* Markus Dirk Dubber, *Rediscovering Hegel's Theory of Crime and Punishment*, 92 MICH. L. REV. 1577 (1994) (reviewing, with 185 footnotes, MARK TUNICK, *HEGEL'S POLITICAL PHILOSOPHY* (1992)).

Many have maligned the footnote. *See* Arthur D. Austin, *Why Haven't the Crits Deconstructed Footnotes*, 17 NOVA [HUMOR IN THE] L. REV. 725 (1993) (alteration in the original); Abner Mikva, *Goodbye to Footnotes*, 56 U. COLO. L. REV. 647 (1985). *But see* Herma H. Kay, *In Defense of Footnotes*, 32 ARIZ. L. REV. 419 (1990). Nevertheless, the footnote serves many valuable purposes. The author can demonstrate her erudition by listing all of the articles she retrieved from footnotes in other articles. In addition, the author can demonstrate her intricate knowledge of the *Bluebook*. *See* THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (15th ed. 1991).

Learning the principles of citation can be a frustrating process. As Gordon observes, the *Bluebook* has grown enormously, “sort of like the Blob, but with a less appealing personality.” P. 44. He also explains that “[t]he operating principles of the *Bluebook* are: (1) Nature abhorreth a vacuum; and (2) Anything worth doing is worth overdoing.” P. 43. Unfortunately, the *Bluebook* does not contain enough rules, so the *Michigan Law Review* has also created the *Yellowbook*. The *Yellowbook* contains *additional* rules that describe, among other things, three different ways to designate page references in book reviews: (i) (p. 1) for regular text, (ii) [p. 1] for block quotes in the text, and (iii) P. 1. for footnotes. Really.

6. Gordon defines tenure as a “[s]ystem under which university professors cannot be fired without adequate cause. Adequate cause does not include either dreadful teaching or the refusal to publish, since these are only secondary to a professor's collegial role. It does include an unexcused absence from the daily bridge game in the faculty lounge.” P. 139. Do you realize if that quote had *one more word* in it, it would be a block quote? *See* THE BLUEBOOK, *supra* note 5, R. 5.1(b), at 43.

are reasons why both faculty and students may want to write a book review.

The reason a law professor writes a book review depends upon his age. The "Youngster[]," the "nucleomagnetic surge[] of energy" who is "[h]aving multiple panic attacks about getting tenure" (p. 28), may want to flood the market with his brilliant ideas. The "Middle-Ager[]," the "[s]ixty-watt bulb[] who consider[s himself] to be [an] airport searchlight[]" (p. 28), may want to rehash the brilliant ideas he once had as a "youngster." Finally, the "Senior Faculty" member, who enjoys "[s]itting in [his] office with the light off" (p. 28), may want to remind everyone that he once had brilliant ideas, although he usually cannot remember what they were.

A student, particularly a second or third-year, has even more reasons to write a book review, which is called a book "note" or "notice" to remind her that only professors can write real book "reviews." More than likely her journal note⁷ has "crashed,"⁸ and a book notice represents her last opportunity for ink-filled immortality. In addition, she does not have much to look forward to at law school. Class offerings range from Roman law, "[i]n case you need to sue a Roman" (p. 56), to Icelandic bloodfeuds, in case you discover that your neighbors are actually descendants of the family that failed to invite your great-great-great-great grandfather to their son's fifth birthday party. Moreover, exams only provide a limited number of constructive activities, such as "[t]rying to concentrate while panicking, [h]aving anxiety attacks while panicking [and p]anicking while panicking" (p. 48). Finally, opportunities for creativity after graduation largely disappear. The average first-year associate faces the following invigorating tasks:

- Sitting at your desk while meeting with clients.
- Sitting at your desk while meeting with other lawyers.
- Sitting at your desk while drafting documents.
- Sitting in the library while doing research.
- Going to lunch and eating heavy restaurant food.
- Going back to the office and sitting around some more.
- Wondering why in the world you're getting so flabby. [p. 85]

A book notice sounds pretty good now, eh?

III. PUBLISHING YOUR BOOK REVIEW

Now that you have written your book review, you will probably want to publish it in a law review. The key consideration for many authors is the prestige of the law review, which generally corre-

7. "Journal note" is an oxymoron, like "civil litigation," "speedy trial," "reasonable attorney's fees," and "water landing." Pp. 132-33.

8. This usually occurs when the Supreme Court has the *nerve* to decide an important issue of the law without waiting for the student's hallowed answer.

sponds to the prestige of the law school.⁹ According to Gordon, law schools fall into three categories:

1. The "Top Ten." There are about twenty-five schools in this category. Consult this week's AP and CNN polls.
2. The "Middle Group," which includes all other accredited law schools. These schools actually teach the law.
3. About [2,000] unaccredited California law schools, like Frank and Morty's School of Law and Cosmetology of the Lower Level of the Seven Hills Shopping Mall. [p. 12]

Generally, if no school in one of the first two categories wants to publish your book review, you ought to consider alternative career options that do not require good writing skills. For example, you could become a judge. If a law review does accept your work, however, your troubles have just begun.

The main thing that book review authors should remember is that book review editors are human beings, or at least they closely resemble human beings, much the same way lawyers do.¹⁰ They have many important responsibilities, such as keeping up with *Melrose Place* and *The Simpsons*. They also have their frailties. Despite all the outward indications that they are intelligent, book review editors, like all law review members, are dumb enough to believe it is a privilege to attend interminable editorial board meetings as well as to complete hours of grueling citechecking and editing.¹¹ Gordon views the law review as the "modern analogue" to the whitewashing of Tom Sawyer's fence; Tom, now a law school dean, sits back and reaps the rewards while others do the work, duped into feeling honored to have the opportunity.¹² Nevertheless, book review editors are far more enjoyable to work with than article or note editors, primarily because the former believe in accommodation while the latter, like Newt Gingrich, believe in "cooperation without compromise."¹³

9. The *Michigan Law Review* stands out as the only law review that publishes all of its book reviews in one issue. Thus, its book review edition offers unique advantages, such as being heavy enough to serve as a highly effective paperweight or doorstop.

10. Apparently, Ambrose Bierce did not think too highly of editors or lawyers: "FLINT, *n.* A substance much in use as a material for hearts. Its composition is silica, 98.00; oxide of iron, 0.25; alumina, .025; water, 1.50. When an editor's heart is made, the water is commonly left out; in a lawyer's more water is added — and frozen." FRED R. SHAPIRO, *THE OXFORD DICTIONARY OF LEGAL QUOTATIONS* 277 (1993) (quoting AMBROSE BIERCE, *THE ENLARGED DEVIL'S DICTIONARY* 96-97 (Ernest J. Hopkins ed., 1967)).

11. If anyone decides they want to be on a law review editorial board, they had better invest in Vivarin or No-Doz. Our longest continuous meeting lasted almost eighteen hours.

12. P. 62. Gordon notes that law professors seem just as gullible as they slave away to produce articles for free: "'It's an honor,' their deans tell them. 'A privilege. You're lucky that the law reviews don't charge *you* money for publishing your articles.' Then the deans secretly call each other on the telephone and laugh until the tears stream down their faces." Pp. 62-63.

13. William Sternberg, *Housebreaker*, *THE ATLANTIC*, June 1993, at 26, 27-28.

EPILOGUE

On a serious note, *Law School: A Survivor's Guide* provides the necessary levity to ease the burden of entering, and staying in, a much maligned profession. Unlike the many potshots taken at the legal profession, Gordon's book is as uplifting as it is humorous. He includes an Epilogue of his own that expresses the duties and joys of belonging to an elite profession (pp. 127-30). Ultimately, however, the Epilogue proves unnecessary. The tone of Gordon's humor suggests satisfaction with the legal profession despite its faults. More professors should emulate this tone if they would like to help their students avoid becoming disenchanted with the law before they even begin their careers.

— *Benjamin C. Bair*