

Amazon.com Review of *Woe Unto You, Lawyers!*

In his introduction to "The High Citadel," a book about Harvard Law School, Ralph Nader perceptively commented that legal thinking and legal education in America suffer from 'a brilliant myopia and a superfluous rigor.'

Woe is Fred Rodell's shotgun blast at the American legal system: its language, its procedures, and its pedagogy in our law schools. From the blatant brainwashing techniques of legal education to the near-Papal reverence accorded to the justices of the Supreme Court, Rodell exposes The Law, as it is practiced and taught in America, for what it really is.

An intellectual prodigy whose IQ was said to be over 180, Rodell became no less a high priest than a faculty member at the sanctum sanctorum of American legal education, The Yale Law School, where he taught legal writing and was consistently one of the most popular teachers on the faculty for nearly forty years. He refused, however, to kill trees by publishing pointless, long-winded law review articles, which he ceased writing after penning one of the most famous law review articles ever published: "Goodye to Law Reviews" -- a devastatingly funny satire of the genre.

Rodell conveys the absurdity of a system that works well for the lawyers but not very well at all for the clients. With a deft, Twainian wit, Rodell shows how lawyers are blinded to their own self-interest by the many props the legal system provides to legitimize itself. These in turn help justify the immensely wasteful expenditures of time and resources that the legal system requires for people to resolve even simple disputes, or simply to figure out how to run their affairs to avoid stepping on legal landmines.

Rodell describes how the elaborate and effective indoctrination of law school is abetted by a host of props that endow the law with an august appearance of wisdom, integrity, and probity. From the black robes of the judge to the weighty, leather-bound casebooks and reporters of the law library, to the expensive educational credentials of the legal elite, everything about the law bespeaks a kind of scientific precision of thought, in a realm governed by systematic procedures that have evolved for centuries.

Tearing back the curtain, Rodell argues that the legal system is hardly such a well-oiled clock. Rather, it is byzantine and entirely unpredictable, and the logic of jurisprudence fails even the most basic tests of consistency and reliability. Rather, the apparently hard-and-fast rules of the law are infinitely malleable and subject to endless dispute -- while the lawyers' meters are running at astronomical rates, and a vast bureaucracy churns away at a glacial pace, paid for by taxpayers' money.

A wonderful sample of the writing in this book is this paragraph, in which Rodell describes the initiation of law students:

"There is no more pointed demonstration of the chasm between ordinary human thinking and the mental processes of the lawyer than in the almost universal reaction of law students when they first encounter The Law. They come to law school a normally intelligent, normally curious, normally receptive group. Day in and day out they are subjected to the legal lingo of judges, textbook writers, professors -- those learned The Law. But for months none of it clicks; there seems to be nothing to take hold of. These students cannot find anywhere in their past knowledge or experience a hook on which to hang all this strange talk of "mens rea" and "fee simple" and "due process" and other unearthly things. Long and involved explanations in lectures and lawbooks only make it all more confusing. The students know that law eventually deals with extremely practical matters like buying land and selling stock and putting thieves in jail. But all that they read and hear seems to stem not only from a foreign language but from a strange and foreign way of thinking.

Eventually their confusion, founded though it is in stubborn and healthy skepticism, is worn down. Eventually they succumb to the barrage of principles and concepts and metaphysical refinements that go with them. And once they have forgotten their recent insistence on matter-of-factness, once they have begun to glory in their own agility at that mental hocus-pocus that had them befuddled a short while before, then they have become, in the most important sense, lawyers. Now they too, have joined that select circle of those who can weave a complicated intellectual riddle out of something so mundane as a

strike or an automobile accident. Now it will be hard if not impossible ever to bring them back to that disarmingly direct way of thinking about the problems of people and society which they used to share with the average man before they fell in with the lawyers and swallowed The Law."

— **Alex Kline**