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## A Survivor's Guide to Law School

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## A SURVIVOR'S GUIDE TO LAW SCHOOL

LAW SCHOOL: A SURVIVOR'S GUIDE. By JAMES D. GORDON III.\*  
New York: HarperPerennial. Pp. xi+177. \$10.

REVIEWED BY ERIK M. JENSEN\*\*

Aw, come on. What could a law professor at Brigham Young University—for chrissakes—say that is funny about law school (or about anything else, for that matter)?

After all, BYU has been characterized as a “hotbed of student rest.”<sup>1</sup> Not for nothing is the headquarters of the Mormon Church called *Temple Square*.<sup>2</sup> And I'm pretty sure the man on the street

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\* Professor of Law, Brigham Young University.

\*\* Professor of Law, Case Western Reserve University. The reviewer is acknowledged in the book under review, and a number of his articles are cited in the bibliography (loosely referred to as humor and the law). A favorable review might therefore be seen as a blatant conflict of interest.

Nonsense. Any professional ethicist who is bothered by this nonissue should cut out the following alternative ending and append it to the review:

I don't know why anyone in his or her right mind would buy and read this book.

[Note to JDGIII: I hope that's okay. It won't affect your likely market anyway.]

1. See Cheryl B. Preston, *Joining Traditional Values and Feminist Legal Scholarship*, 43 J. LEGAL EDUC. 511, 514 n.20 (1993) (quoting some BYU law faculty). Editor, did I get that citation right? As Jim Gordon notes, the editors of the *Bluebook* say that the new edition is “easier to use.’ Easier than what? An F-16 fighter jet?” JAMES D. GORDON III, LAW SCHOOL: A SURVIVOR'S GUIDE 45 (1994) [hereinafter SURVIVOR'S GUIDE].

2. Cf. Erik M. Jensen, *A Monologue on the Taxation of Business Gifts*, 1992 B.Y.U. L. REV. 397, 399 n.12 (“‘Life in the fast lane’ in Provo [home of BYU] means express checkout at the supermarket.”).

doesn't think of BYU as a center for humor.<sup>3</sup> A funny place, yes, but that's not the same thing.

As is often the case, the man on the street is wrong.<sup>4</sup> Jim Gordon, who really does teach at BYU, has written the funniest stuff published in American law reviews in the last decade.<sup>5</sup> *Law School: A Survivor's Guide* reaches yet another high.<sup>6</sup>

This book had me in stitches, rolling on the floor, roaring with laughter. And that was before I started reading it. It gets even better inside.

The style is as if *National Lampoon* had covered up its private parts and gone off to law school. That (going to law school, not the covering up) turns out to be a big mistake.<sup>7</sup>

Except for a serious chapter at the end—which contains some ponderously wholesome statements about the importance of law practice<sup>8</sup>—Gordon has little good to say about the law—and especially law school—from start (Chapter 1: “Should You Go to Law School?” Answer: No)<sup>9</sup> to finish (“GET THE HEY OUT OF IT WHILE YOU STILL CAN!”).<sup>10</sup>

Right on, Jimbo!

3. How many BYU students does it take to—whoops! can't use that word in this context . . . . *But see supra* text accompanying note 1 (risque word used by BYU law faculty to describe BYU students).

4. *See* CATHARINE A. MACKINNON, *ONLY WORDS* (1993) (explaining why man on the street—or anywhere else—is always wrong).

5. Except for critical legal studies, of course.

6. Which is ordinarily not permitted at BYU.

7. Whether covering up private parts is a mistake depends on the particular facts and circumstances. *Cf.* *Commissioner v. Duberstein*, 363 U.S. 1190, 1198 (1960) (apply “experience with the mainsprings of human conduct to the totality of the facts of each case”); *Welch v. Helvering*, 290 U.S. 111, 115 (1933) (“Life in all its fullness must supply the answer to the riddle.”).

8. I guess Gordon had to include something to satisfy his dean. You, however, can safely skip that chapter.

9. *SURVIVOR'S GUIDE*, *supra* note 1, at 1.

10. *Id.* at 125. Get the *HEY* out?!? *See supra* note 8 (regarding sensitive decanal ears).

Gordon gets only one thing wrong. He says that the personal statement in your law school application<sup>11</sup> should include “the two key words every law school looks for: ‘endeavor’ and ‘cognitive.’ If all else fails, slip in a sentence such as ‘I have always endeavored to be cognitive in all my cognitive endeavors.’”<sup>12</sup> On this point, Gordon has lost the keys to his own cognition.<sup>13</sup> A description of how you were abused as a child (and have been continuously oppressed since then) is much more helpful these days.<sup>14</sup>

On other matters, Gordon is on the money—which is where he should be in discussing law school. It’s bo-o-o-ring. Yes, you get to meet some interesting characters, “like the ‘fertile octogenarian,’ the ‘naked trespasser,’ and the ‘officious intermeddler.’ It is best to keep these three people from spending much unsupervised time together.”<sup>15</sup> But usually the material you read<sup>16</sup> is soporific: “Use green ink to mark the facts, blue ink to mark the law, and yellow ink to mark the interesting parts of the case. Realize that you will never run out of yellow ink.”<sup>17</sup>

You learn a new language that no one else in the world cares about—with reason—like “*Quasi*. 1. First name of the bellringer of Notre Dame. 2. (Pronounced *kwāzy*.) How you feel after only two weeks of law school.”<sup>18</sup>

11. Why are you doing this? See *supra* notes 1-10 and accompanying text; *infra* notes 12-28 and accompanying text.

12. SURVIVOR'S GUIDE, *supra* note 1, at 13.

13. Which is not too serious, because he's a self-starter.

14. Maybe because such a personal history prepares you for what you're going to face in the law school classroom. See *infra* note 19 and accompanying text. However, I'm told by a colleague who reads admissions files that almost every applicant now describes his or her own deprived and depraved background, and we soon may need new ways to choose among applicants. In today's applicant pool Pollyanna and Al Gore might get in as diversity candidates.

15. SURVIVOR'S GUIDE, *supra* note 1, at 21.

16. Actually, the material you're *supposed* to read.

17. SURVIVOR'S GUIDE, *supra* note 1, at 33.

18. *Id.* at 138. My favorite from Gordon's handy “glossy glossary”:

*Corpus Delicti*. A compliment paid by a cannibal to his dinner host. *E.g.*, “This corpus is delicti.”

*Id.* at 133.

I particularly recommend the finger sandwiches.

You get attacked in class by professors who are lousy<sup>19</sup>—as well as remote. Professors no longer have “office hours”; they have “office nanoseconds.”<sup>20</sup>

And so on.

Eventually you get your first-year grades: “To find some comfort, you open the Bible and read Ezra 9:3. ‘And when I heard this thing, I rent my garment and my mantle, and plucked off the hair of my head and beard, and sat down astonished.’ That’s exactly how you feel. Astonished.”<sup>21</sup>

Second and third-year courses are no better—like constitutional law (“Ridicule people who still believe that the framers’ intent has any relevance whatsoever”),<sup>22</sup> Roman law (“In case you need to sue a Roman”),<sup>23</sup> and securities regulation (“See why Mark Twain said that humans are the only animals that can be skinned more than once”).<sup>24</sup>

Will it ever end? Well, yes. But when you finally get out of law school, you wind up in another cesspool:<sup>25</sup> “It’s true that some lawyers are dishonest, arrogant, greedy, venal, amoral, ruthless buckets of toxic slime. On the other hand, it’s unfair to judge the ENTIRE profession by five or six hundred thousand bad apples.”<sup>26</sup>

Besides, the work—if you’re lucky enough to find some—is overwhelming:

Law firms tell a joke about someone who visits heaven and hell. In heaven people are playing boring harps. In hell they are having a wonderful time at a terrific party. The person therefore decides to go to hell after he dies. However, when he arrives, he sees that the people there are being roasted on spits or are slaving away in the mines. When he asks

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19. The Socratic method “teaches you to *hate the sound of your own name.*” *Id.* at 16.

20. *Id.* at 26. Gordon doesn’t explain why you’d want to see them (*i.e.*, us) to begin with.

21. *Id.* at 53.

22. *Id.* at 55.

23. *Id.* at 56.

24. *Id.*

25. Cess who?

26. SURVIVOR’S GUIDE, *supra* note 1, at 2.

what happened to the party, the Devil replies, "Oh, that was our summer clerkship program."<sup>27</sup>

If you enjoy stuff like that, you'll love *Law School: A Survivor's Guide*. I do, and I did.

The book provides a rollicking good time for all of those with a legal background (or foreground) who hated (or hate) law school. Which is to say, for everyone who's attended law school.

The rest of you: be warned.<sup>28</sup>

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27. *Id.* at 73.

28. *See supra* note 11 and accompanying text.

