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One L

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ONE L. By Scott Turow.¹ New York: G.P. Putnam's Sons. 1977. Pp. 300. \$8.95.

Reviewed by Jay F. Alexander²

One L is an account of Scott Turow's experiences as a first-year law student at Harvard Law School, a position abbreviated in a Cambridge colloquialism as "One L." The book is based upon a journal Turow kept in 1975-1976. However, although he maintains a journal-like format, the author has used hindsight to reshape first impressions which later proved inaccurate. Only when the feelings and thoughts expressed in the original journal appeared "especially clear and important"³ has Turow extracted material directly from the journal. In addition, he has combined or altered the personalities of classmates and professors to more effectively portray his total experience, to maintain privacy, and to preserve confidentialities.

Harvard is generally considered preeminent among American law schools,⁴ but Turow stipulates that his attendance at a school of such lofty stature "does not in the end differentiate my experience much from that of the nearly 40,000 Americans who begin their legal education every fall."⁵ My own experience as a first-year student at Detroit College of Law, an institution falling an incalculable distance below Harvard in the ranking of law schools, was quite similar to Turow's. If students at such disparate schools as Harvard and Detroit College of Law undergo such similar introductions to legal study and as a group react in such a similar manner, the first-year experience must vary more according to the temperament of the individual than to the characteristics of the institution. Turow is aware of this distinction and makes no claim that his reactions can be accepted as universal. "This book," he says, "is one person's perspective on an experience that is viewed in widely varying ways."⁶

It should be noted that Turow is not the first, but only the most recent, student at Harvard Law School to write an exposé of the first-year experience. During his matriculation there in the late six-

1. Scott Turow is a 1978 graduate of the Harvard Law School.

2. B.A. 1972, Michigan State University; J.D. 1978, Detroit College of Law.

3. S. TUROW, *ONE L* 11 (1977).

4. See, e.g., Blau & Margulies, *The Reputations of American Professional Schools*, *CHANGE*, Dec.-Jan. 1974-75, at 42. Of the 104 law school deans responding to the questionnaire, 101 considered Harvard among the five best American law schools. No other school received such almost unanimous support. *Id.* at 43-44.

5. S. TUROW, *supra* note 3, at 10.

6. *Id.* at 11.

ties, John Jay Osborn wrote *The Paper Chase*,⁷ a well-known novel which, despite a heavily fictionalized plot, was recognized as carrying a serious indictment of law school life. In fact, one reviewer predicted that although "the hard nosed academician may quickly dismiss anything so frivolous as a law graduate's novel about the law school experience, it may be that we will acquire a sensitive understanding of the human dimensions of legal education only from such sources."⁸ Osborn did indeed provide the material from which to gain a "sensitive understanding," but Turow has demonstrated that there is no need to embellish the day-to-day law school ordeal to convey effectively a rich and interesting study of the law school drama.

Since its release, *One L* has received considerable attention.⁹ This generally favorable exposure almost guarantees that the book will be widely read but provides no similar assurance that it will be subjected to the serious analysis and reflection it deserves. Unfortunately, Turow himself consistently failed to evaluate adequately, or perhaps even recognize, the significance of many of his observations. "On many problems confronting law students," said a reviewer in *Student Lawyer*, "*One L* falls short of the thoughtful analysis that the issues deserve."¹⁰ Another like-minded reviewer concluded that "*One L* is an easy read, but not a deep think."¹¹

The importance of the ramifications of the first-year experience explains why student reactions must be given careful evaluation and why it is regrettable that Turow did not scrutinize his own reactions fully. However, this does not mean that he did not appreciate the total importance of his law school experience. As explained by Turow, "lawyers—as well as the law they make and practice—are significantly affected by the way they were first received into the profession."¹²

Nearly everyone recognizes the difficulty of the first year of legal study, a difficulty resulting not only from the tremendous volume of work, but also from the introduction to the Socratic method of instruction. "Veteran lawyers who have tried multimillion-dollar cases or undergone a grilling by Justices of the Supreme Court,"

7. J. OSBORN, *THE PAPER CHASE* (1971).

8. Hermann, Book Review (*THE PAPER CHASE*), 1972 WIS. L. REV. 634, 637.

9. See, e.g., Footlick, *Tears and Terror*, NEWSWEEK, Oct. 17, 1977, at 76; Arzt, Book Review (*ONE L*), STUDENT LAW., Nov. 1977, at 53; Green, Book Review (*ONE L*), Washington Post, Oct. 2, 1977, § E (Book World), at 6; Love, Book Review (*ONE L*), 64 A.B.A.J. 250 (1978); Stern, Book Review (*ONE L*), N.Y. Times, Sept. 25, 1977, § 7 (Book Review), at 13.

10. Arzt, *supra* note 9, at 54.

11. Green, *supra* note 9, at 6.

12. S. TUROW, *supra* note 3, at 11.

says one source, "often say that no challenge they have ever faced in practice compares to the first year of law school."¹³ Of course the challenge facing each student is not merely intellectual but also "a measure of his emotional and even physical courage."¹⁴ A few years ago at a prelaw conference, a Harvard law student confided that prior to law school he had never "physically trembled at the thought of being grilled while unprepared."¹⁵ Turow succumbed to the same anxieties and relates that by the end of the school week his nerves would "be so brittle from sleeplessness and pressure and intellectual fatigue that I will not be certain I can make it through the day."¹⁶

Of course this all makes good reading, which accounts for *One L's* success. "Fascinating. But what kind of human beings, what kind of lawyers," asks a reviewer, "does all this produce? Is the Socratic method, with all-powerful professors publicly humiliating students, likely to add to the humaneness with which they will later use the power that lawyers have over distraught clients?"¹⁷

The Socratic method has long been one of the most controversial aspects of legal education. Turow's initial reaction to law school Socraticism was one "of incredible exposure,"¹⁸ and to his classmates it seemed "unfair and intimidating."¹⁹ At the end of the year Turow appears to have been somewhat ambivalent about the Socratic method, recognizing its "vitality" but expressing concern based on personal experiences that "in the wrong hands it can become an instrument of terror."²⁰

A noted defender of the Socratic method admitted that it can be "aggressive" and "scathing" but maintained that "the critical question is not whether students actively dislike Socratic dialogue, but whether this type of interpersonal exchange is in fact destructive to students."²¹ He denied any destructiveness and argued, to the contrary, that among the "several" values of the Socratic method is its ability "to develop crucial legal analytic skills, to accustom the student to the lawyer's adversary style of exchange, and to provide a forum in which the student speaks in public."²²

However, the very fact that the law school version of the Socratic

13. Footlick, *supra* note 9, at 76.

14. *Id.*

15. Bemederfer, *On Being A Law Student*, HARV. L. SCH. BULL., Nov. 1965, at 18-19.

16. S. TUROW, *supra* note 3, at 7.

17. Stern, *supra* note 9, at 13.

18. S. TUROW, *supra* note 3, at 42.

19. *Id.* at 118.

20. *Id.* at 296.

21. Stone, *Legal Education on the Couch*, 85 HARV. L. REV. 392, 408 (1971).

22. *Id.* at 409.

method is an "adversary style of exchange" is said to demonstrate that the term "Socratic" is inappropriate. "But what is rarely discussed or conceded," wrote one critic, "is that the common American law school teaching approach known as the Socratic method is *not* Socratic in the least."²³ Unlike Socrates, who conducted a joint inquiry with his students into new territory to stimulate intellectual curiosity, law school professors are viewed as adversaries who "will often rise above students as a neutral, value-free, omniscient and omnipotent master of ceremonies who shuns joint inquiry and intellectual adventure."²⁴ From this criticism comes the suggestion to "change the name of the American version if only to preserve the integrity of its Athenian original."²⁵

An M.D. at Berkeley recently remarked that law students "seem to be a well-adjusted group who adapt remarkably well to what at times is an almost intolerable stress."²⁶ Among Turow's classmates, however, this adaptation was marked by "insomnia, fatigue, stomach trouble, crying bouts, inflated consumption of food, liquor, cigarettes."²⁷ Whether or not the anxiety level is higher in law school than in other professional schools is a debated question,²⁸ but even those unwilling to make such a concession recognize that most authorities agree that "emotional stress is high in law school, and especially during the first year."²⁹ Even though most students cope with the demands of law school and endure the stress, such a lifestyle is inadvisable except on a short-term basis. For example, one physician warned that "if the pace of law school is compulsively maintained throughout the lawyer's professional life, a price will have to be paid in the form of heart attacks, high blood pressure and other stress ailments."³⁰

Students have always been critical of tests, but law school exams have been the subject of especially virulent criticism. Turow relates how he and his peers were led to believe that the unique testing procedure at law school would provide a "consummate evaluation,"³¹ but at the end of first-term examinations, they "were incredulous . . . that these peculiar, limited instruments would be the

23. Thaler, *What's Left of You After Law School*, STUDENT LAW., Mar. 1976, at 12, 14.

24. *Id.*

25. *Id.*

26. Diamond, *Psychological Problems of Law Students*, in LOOKING AT LAW SCHOOL 19, 33 (S. Gillers ed. 1977).

27. S. TUROW, *supra* note 3, at 65.

28. Taylor, *Law School Stress and the "Deformation Professionnelle,"* 27 J. LEGAL EDUC. 251, 254 (1975).

29. *Id.* at 253.

30. Diamond, *supra* note 26, at 33-34.

31. S. TUROW, *supra* note 3, at 197.

sole basis for our grades.”³² A couple of years ago, in an article titled *Sudden Death Exams*, a student at the University of Arkansas School of Law explained somewhat tersely that “[i]f you want to become a lawyer, you have to pass the bar exam. If you want to take the bar exam, you have to get through law school. To get through law school, you have to survive sudden deaths.”³³ Most students do survive, but some survive better than others. Those who survive best of all suddenly become considered an elite. Given the arbitrariness of law school testing, it is debatable whether this recognition is fully justified. For example, a professor of law at Ohio State University recently admitted that he and his colleagues “know that at present there is no provable correlation between law school grades and success at the Bar.”³⁴ However, in an effort to provide an index of student talent, Ohio State uses exam results to rank students from one to two hundred twenty, a procedure which probably greatly distorts the actual range of ability.³⁵

Although Harvard no longer has a formal top-to-bottom class ranking,³⁶ grades are still the criterion upon which an invitation to join the *Harvard Law Review* is based. Turow at first could not understand the intense interest of his classmates in law review,³⁷ but after more information and reflection, he concluded that he “would probably enjoy” being an editor of such a prestigious publication.³⁸ Unfortunately, his grades proved inadequate, and membership was barred unless he entered and survived a fierce writing competition. “My sense of jealousy and denial,” he said, “left me dizzy for a day.”³⁹ The extreme selectivity which causes students such as Turow to be excluded from law review is probably unnecessary.⁴⁰ In fact, increased membership would make possible a much needed reduction in the terrific workload imposed upon law review members. Of course, if increased membership were to occur, the clerkships, teaching positions, and job opportunities presently open only to review members would be divided among a larger number of eligibles. The consequent reluctance to expand the review staff is pre-

32. *Id.*

33. Fleming, *Sudden Death Exams*, *STUDENT LAW.*, Sept. 1976, at 18, 21.

34. Fink, *Law School Admissions: The Impact of Exams and Rank on Students' Self-Esteem*, *LEARNING & L.*, Spring 1977, at 6.

35. *Id.*

36. S. TUROW, *supra* note 3, at 233.

37. *Id.* at 86.

38. *Id.* at 232.

39. *Id.* at 299.

40. Membership on the *Florida State University Law Review* is based solely on writing ability and scholarship as demonstrated in writing competitions open to all students regardless of grades.—Ed.

dictable. "Very simply," said a former editor of the *Harvard Law Review*, "the ins are in and see no reason to let in any more."⁴¹

It would be naive to predict that *One L* will appreciably hasten needed reforms in legal education. "Certainly it is not likely to spur broad change," said one reviewer, "because no one has invented a better way to train lawyers."⁴² However, better ways to train lawyers are suggested in *One L*—sometimes implicitly, sometimes explicitly. Unfortunately, the administrators in a position to implement changes are generally years removed from their student days and can recollect their own experiences only imperfectly. Furthermore, and as theorized by Turow, law school professors owe their present positions to their own success in law school and are perhaps "merely perpetuating the regime on which they base their sense of authority and self-esteem."⁴³ Practicing attorneys, another source whose feedback could be a valuable guide to needed law school reforms, too quickly forget the negative aspects of their legal education. Six years ago an attorney reviewed *The Paper Chase* and noted that "[a]s law school recedes into the past, most lawyers look back with increasing nostalgia."⁴⁴ Reading *The Paper Chase* dispelled any "lingering myths" he harbored concerning his own law school days.⁴⁵

A periodic reawakening to the ordeal of law school is a healthy exercise, and law students such as Osborn and Turow, with their impressions and feelings unclouded by intervening events, are ideally suited to providing the needed catalyst. As Turow said, *One L* is a description of law school "which has little of the mellowing of time."⁴⁶ I hope the legal profession does not have to wait too long before another student joins the ranks of Osborn and Turow and provides an even more comprehensive appraisal of legal education in America.

41. Friedman, *Making Law Review: What Price Glory?*, *STUDENT LAW.*, Dec. 1976, at 34, 36.

42. Footlick, *supra* note 9, at 76.

43. S. TUROW, *supra* note 3, at 198.

44. Shea, Book Review (*THE PAPER CHASE*), 58 *A.B.A.J.* 505, 505 (1972).

45. *Id.*

46. S. TUROW, *supra* note 3, at 11.