

CELEBRATING THE VALUE OF PRACTICAL KNOWLEDGE AND EXPERIENCE

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Teachable Moments for Teachers ... is a regular feature of Perspectives designed to give teachers an opportunity to describe a special moment of epiphany that changed their approach to presenting a particular topic to their students. It is a companion to the Teachable Moments for Students column that provides quick and accessible answers to questions frequently asked by students and other researchers. Readers are invited to submit their own "teachable moments for teachers" to the editor of the column: Louis J. Sirico Jr., Villanova University School of Law, 299 N. Spring Mill Road, Villanova, PA 19085-1682, phone: (610) 519-7071, fax: (610) 519-6282, e-mail: sirico@law.vill.edu.

What price knowledge?

—The theorist

What price avocados?

—The realist

The move into the hallowed halls of academia was a daunting and intimidating one for me. I had spent the entirety of my 10-year professional career up to that point in the scrum, so to speak, first as a litigator and then moving in-house to handle environmental coverage claims, where it was dog eat dog (or worse, as Woody Allen once said, where it was "dog doesn't return other dog's phone calls"²). I had written a few pieces here and there along the way but nothing to match the scholarly output of even the most lackadaisical doctrinal professor. Worse, I had done very little "deep thinking" on the larger issues that face us as a society. If asked, I would not know how to solve

¹ The author is grateful to Villanova Law School Professor Louis Sirico and Dean Diane Edelman for their valuable advice and feedback in the preparation of this article.

² See *Crimes and Misdemeanors* (Orion Pictures 1989) (motion picture). Really. See it. It's quite good. You'll thank me.

our health care crisis, nor did I believe that I had anything worthwhile to add to a debate on the Establishment Clause. In short, I feared that I had very little to offer the next generation of practicing attorneys that I was assigned to teach.

Oh sure, I figured, I knew how to write and that, such as it was, got me here and would allow me to fulfill my teaching responsibilities, at least on the most basic level. But my concern was greater: how would I get them to listen to me, to *respect me* in light of the brilliance they would no doubt encounter in each of their doctrinal courses? Surprisingly, I found my answer not far into my first semester of teaching, when I was forced to veer off course, away from my lecture notes, as a result of a perturbed student's question.

The topic was the "CRAC" analytical format³ and a discussion of why this format was preferable to the style most students had become accustomed to using in college. I handed out two sample paragraphs, one descriptive and retelling the chain of events chronologically, the other probative and using the CRAC format, then asked the students to state which style they preferred. Not surprisingly, a majority chose the descriptive paragraph, arguing that it was easy to follow and presented a "comfortable" format. Attempting to use this as a teaching tool, I then tried to explain the philosophy behind the CRAC format (i.e., this is the way lawyers think when they approach a problem) to no avail.

I tried everything I could think of in an effort to persuade them to accept the theory behind the CRAC format but they just wouldn't buy it. Regardless of the philosophical rationalization proffered in support of the CRAC format, it was met with shaking heads and looks of disdain. And then, way in the back, a young woman raised her hand in obvious annoyance. "I was an English major," she said. "I know how to write. Why should I write like that when it seems so stilted and

³ Conclusion, Rule, Analysis/Application of Rule, Conclusion Restated. See Richard K. Neumann Jr., *Legal Reasoning and Legal Writing* §10.1 (3d ed., Aspen Law & Business 1998) (discussing the proper structural format of an office memorandum Discussion section). See also *Annie Hall* (United Artists 1977) (motion picture), because after reading all of this technical stuff, you'll probably want to treat yourself to a good laugh. *But don't see Interiors* (United Artists 1978) (motion picture), because Woody isn't in that one and it is extremely depressing.

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repetitive?” she asked. And that’s when, with nothing left in my arsenal, I blurted out the only answer I could think of: “Because your boss is billing the client \$400 an hour and your client won’t pay him to spend 20 minutes poring over your memo just to find out what your conclusion is.” With that came silence. I looked around the room. Everyone sat up in their seats. All eyes were on me. The resistance in the air had dissipated. At that moment, I realized that, contrary to my assumptions, I had something quite valuable to offer my students: the wisdom that comes with significant, recent, practical experience.

Don’t get me wrong; I’m not one for war stories, *per se*. However, I found that allowing the students to peek into my former life just a little gave me the “street credibility” I needed to convince them to put their trust in me. Much to my surprise, I soon discovered that providing a practical basis for my advice necessarily lent much of it greater weight than might otherwise have been the case. For example: the CRAC format works because I used it for years; paraphrase rather than quote whenever possible because judges prefer to know what a case *means* rather than have it parroted back to them; always make sure you completely understand an assignment *before* heading off to the library to avoid the wrath of an angry partner who, by the way, may very well hold the fate of your professional future in his or her hands. The practicalities of modern law practice are the overarching topics of concern of many of today’s students. And we, as legal writing professors, are often among the most qualified members of our faculties to speak on this subject.

In addition, we’re often the most accessible. Because we teach smaller classes and are generally (with apologies to the elder statespeople in the field) closer in age to the typical first-year student, we’re the ones they feel most comfortable speaking with. They want to know what their lives are going to be like in three short years and we’re the ones who can best tell them. Not the third years who smugly think they know it all, not the law firm recruitment attorneys who paint a smile on everything, and most assuredly not their father, mother, aunt, uncle (fill in the filial blank) who hasn’t Shepardized® a case since the poor student was in diapers. Not them—us. Accordingly, we should feel comfortable stepping into the breach.

By doing so, we are not only providing a much-needed service to our students, we are engendering the respect we not only desire but desperately need in order to teach effectively.

Of course, there is the fear that by labeling ourselves experts in all things practical, we are necessarily diminishing our role as scholars within the academy. However, these two roles are not mutually exclusive. A quick perusal through any law school Web page demonstrates that there are many members on most, if not all, doctrinal faculties who likewise had significant practical experience. The stereotypical road to academia (federal clerkship, one to two years as an associate at a large firm, minimal practical experience to call upon) is no longer applicable even to them. Accordingly, the age-old notion that practical experience is “beneath” the scholar is rapidly becoming outmoded. Nevertheless, our past lives as practitioners are still viewed by some within the legal writing field as our “dirty little secret” that serves to undermine our status as academics. In my experience, I have found just the opposite to be true, at least as this issue pertains to students. They respect our backgrounds and what that dimension adds to their law school experience; they are glad that we are here to tell them what it is like “out there.” We should feel honored whenever we are called upon to discuss the issue that is most important to a majority of our students. It would be a shame, however, if we refused to answer that call.

Unbeknownst to me, I learned that day in class that I brought something of great value with me when I arrived on campus a year ago. “Life lessons” are so named for a reason and the opportunity to educate others based on personal experience is one that, in my opinion, should not be missed. So long as care is taken not to overdo it and transform the class into a recitation of personal war stories, the occasional anecdote will serve to support whatever particular point is being stressed in class as well as the professor’s overall authority to make it.

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