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John Osborn's Enduring Words on Law & Learning

By Walter A. Effross

In the introduction to the 40th anniversary edition of his 1971 novel, *The Paper Chase*, John Jay Osborn Jr. wrote that when calling on students as a law professor, he tried “to pick someone who wants the class to be a transcendental experience, right now, *this instant*.” Osborn passed away last October at 77.

When I started my first year at Harvard Law School, 17 years after Osborn did, I wasn't looking for enlightenment. But I expected to be — and was — intimidated by Socratic taskmasters who, like the movie version of Osborn's Professor Kingsfield (a role for which John Houseman won an Academy Award and a Golden Globe Award in 1973), were ready with “always another question, another question to follow your answer.”

Although I wouldn't have agreed with Kingsfield that I'd arrived in Cambridge with “a skull full of mush,” I did, as he'd promised, “leave thinking like a lawyer.”

During those three years, and later as a law professor, I discovered six practical ways for law (and other) students to make their own academic journeys more meaningful and, if not actually transcendent, certainly more personalized than in the novel (which never identifies most students' or Kingsfield's first names).

First, unlike Osborn's protagonist, Hart, take advantage of the faculty's office hours (not necessarily every week), even if you aren't enrolled in a professor's course. Let people know what you're interested in and ask for their advice: What might you read and write about? Whom else should you be talking with? What

career paths should you consider? One timely suggestion could well change your life.

Second, keep in mind that, just as there are many different styles of learning, there are different styles of being an effective professional — whether as a lawyer or a teacher. The best piece of advice that I received when I left big firm practice for academia was from a veteran professor: “You don't have to be Kingsfield in the classroom; just be yourself.”

Third, remember that you're unique, but not alone. You bring a special perspective to your

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classes. However, if something's unclear to you, other students are probably wondering about it, too, even if they won't admit it. In part because of *The Paper Chase* (which had also become a television series), at the end of my first semester at Harvard I organized a panel program called “Conquering the Stress of Law School Exams.” Afterward, a number of my classmates separately told me that they'd appreciated the effort but hadn't wanted to be seen at the event.

Fourth, find some sanctuaries with friends and family, or even by yourself. In Osborn's account, Hart and a member of his study group moved

to a hotel room to escape pre-exam pressure in their dorm. (One of my classmates said that her parents, after watching the movie, had offered to pay for a hotel room, which she'd declined.) My own sanctuaries included long runs, Chinese restaurants, secondhand bookstores, very thick paperbacks, and — the night before our first exam — a movie that I went to alone because everyone I knew in the law library had refused to stop studying.

Fifth, as Hart ultimately learned, go beyond grades in finding ways to identify and measure success for yourself. Grades certainly matter, but you might also find focus, fulfillment, and networking opportunities while, for example, preparing a portfolio of publications or a well-developed blog on legal issues of interest to you (and to potential employers).

Finally, don't live by default. Unlike Osborn's classroom-centered characters, keep your eyes open for social, cultural, and technological changes, as well as the new issues that they, and their interactions, are creating. If you don't see a course in an emerging field, consider starting a reading group, student group, or speaker series about it at your law school.

In fact, Osborn's fiction enabled him to avoid the defaults of his day. Instead of writing a traditional third-year paper analyzing a legal question, he arranged to satisfy that requirement with a version of *The Paper Chase* manuscript. Then, as an author, he chose not to follow many of his classmates into practice at major law firms, whose culture and operations he would criticize in a little-known novel, *The Associates* (1979).

In the half-century following the publication of *The Paper Chase*, much of the actual paper at law schools has vanished. Law schools have introduced legal clinics, increased diversity among faculty and students, established new modes of pedagogy (in the classroom and

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online), expanded the curricula, and devoted increasing attention to compassion, equity, inclusion, and student wellness.

If Professor Kingsfield were still teaching, he might begin the semester by instructing the class to “Look up from your laptops. Discard your preconceptions from outdated books and movies. Close your eyes and take in a deep and mindful breath.”

“Mr. Hart, did I say that you could exhale?”

Rest in peace, Professor Osborn. 


Walter Effross is a law professor at American University. His guide for law students, Keeping Your Own Counsel: Simple Strategies and Secrets for Success in Law School, from which this essay is adapted, will be published by Aspen (Wolters Kluwer) in spring 2023. His chapter on The Paper Chase television show was included in Prime Time Law: Fictional Television as Legal Narrative.

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judicial misconduct would need to be made by Congress. D.C. judges should not receive the benefits of Senate-confirmed status without bearing the responsibility to treat employees with respect. Unfortunately, D.C. Courts leadership and misbehaving D.C. judges benefit from congressional reticence to regulate the local courts.

Young aspiring public servants — the next generation of prosecutors and public defenders — move from all over the country to clerk in the D.C. Courts, sit for the D.C. bar exam, and launch their careers in this jurisdiction. We should not allow vindictive judges to drive diverse attorneys from the profession due to harassment and retaliation, nor should we allow D.C. Courts leaders to bury their heads in the sand. Judicial misconduct affects every D.C. Bar member.

We should believe and affirm law clerks, and we should encourage everyone to bring their

full selves to work. No one, regardless of their personality or identity, deserves to be mistreated by the most powerful members of our profession. We owe it to the next generation of attorneys to ensure that their workplaces are safe. I hope D.C. attorneys will join The Legal Accountability Project in these efforts. 

Aliza Shatzman is president and founder of The Legal Accountability Project. Shatzman was featured in the D.C. Bar podcast Brief Encounters, in the episode “How to Prevent Harassment in the Judiciary.”



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