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A Vast Image Out of Spiritus Mundi: The Existential Crisis of Law Schools

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BOOK REVIEW

A Vast Image Out of *Spiritus Mundi*: The Existential Crisis of Law Schools

TEACHING LAW: JUSTICE, POLITICS, AND THE DEMANDS OF PROFESSIONALISM. By Robin L. West. New York: Cambridge University Press. 2014. Pp. 252. $32.99.

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INTRODUCTION

After years of denial, complacency, and rigid adherence to orthodoxy, some in the Catholic Church have begun to look within and ponder change.[1] The same can be said about American law schools these days. These two institutions, often supported by the general population, negotiate between the elite and non-elite sectors of society, preach and abide by internal doctrine, facilitate transformations, serve the public at large, and help regulate behavior—just to name a few similarities. As big as they are, neither is insulated from scandal. They are not beyond criticism. Although change seems imminent, we are likely still in the rhetorical phase of the transition—and a decidedly profound period of change lies ahead.

In her opening observations about the present state of American legal education in *Teaching Law*: *Justice*, *Politics*, *and the Demands of Professionalism*,[2] Robin L. West wastes no time recounting how law schools have mismanaged the business of educating lawyers. In unsympathetic detail, she narrates the economic crisis of legal education through cause and effect and with a sense of morality, in much the same way others have recounted the dishonest lending practices that led to the recent mortgage crisis. First, changes in legal services provided by firms changed the available jobs in the marketplace, and second, various law schools misrepresented their employment data.[3] What followed was a drop in the number of applicants and matriculating students.[4] Meanwhile, law schools neglected to rein in the rising costs of (often extravagant) operations, which were passed on to tuition-paying students and made attending law school even less enticing to would-be applicants.[5]

West then describes not only how law schools have oversaturated the market with more graduates than available jobs, but also how law schools have inundated the market with

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[1] *See* Michael Lipka, *U.S. Catholics More Hopeful than Expectant of Changes to Church Teachings*, PEW RESEARCH CTR. (Mar. 12, 2014), http://www.pewresearch.org/fact-tank/2014/03/12/u-s-catholics-more-hopeful-than-expectant-of-changes-to-church-teachings.

[2] ROBIN L. WEST, TEACHING LAW: JUSTICE, POLITICS, AND THE DEMANDS OF PROFESSIONALISM (2014).

[3] *Id.* at 1–4.

[4] *Id.* at 4–5.

[5] *Id.* at 5–6.

candidates characterized as lacking serious professional judgment.[6] By combining that criticism of law graduates with a critique of the way we produce legal scholarship, West names a second crisis that plagues law schools alongside the economic one—what she calls "the professionalism crisis."[7]

Still, West is not finished with the entire picture. Even if law schools solve both the economic and professionalism crises, West asserts that another serious problem with modern law schools remains unresolved: *the existential crisis.* According to West, removing the failed business model and the insufficient professional education would reveal a problem with American legal education that goes to its ultimate roots: that the concept of the law and the legal profession from which our legal education model originated, and which has existed since the nineteenth century, sits on a skewed premise of what the modern law actually is. In essence, West reveals that for more than a century we have been praying to a Golden Calf of sorts.

How we conceptualize the law influences how we represent the law to our students and train them to think about it—or, more colloquially, how we teach students to *think like lawyers*. In what West calls a qualified dissent to the ongoing discussion of what is wrong with law schools today, *Teaching Law* attempts to recognize larger, more primal concerns about law schools that stem not merely from the rise of the American legal academy in the late nineteenth century, but also from the underlying philosophies of law that shaped that rise. The danger, West implies, is that either our failure to recognize history and the interrelatedness between concepts and commitments, or our blind allegiance to approaching our academic livelihoods under the old regime without change, has and will continue to render our approach to the law devoid of what it ought to service (for example, justice), keep our teaching separate from the political nature of the law, and uphold our relationship with the practicing bar at a suspiciously distant arm's length. For all the changes in business models and the incorporation of skills and professionalism teaching, we will always fall short of achieving the goals obtainable through the vehicle of law if we choose not to address the questions that, West believes, tug at our existence.

The conclusion of this Review is thus: *Teaching Law* is a sobering, cautionary, and highly observant work that not only provides a working knowledge of why American law schools are the way they are and what will happen if they do not change, but also explains the need for change with a different kind of conviction—one that is thoughtful, mercurial, and vigilant, but without needless sensationalism, which is rare amongst all the contemporary critical and admonishing voices. West's inquiry into problems deeper than business and professionalism issues appeals to our noble sentiments toward the law and its relationship to its ultimate goal—pursuing justice. But her book also presses us to rethink the purposes of the legal academy if we are really here to comprehend what it means to be lawyers, especially for current students and for generations to come.

I. THE SINS OF OUR FOREFATHERS: ORIGIN, EXISTENCE, AND CRISIS

Having outlined the existential crisis facing law schools, West identifies the first of three culprits she associates with that troubled existence: a failure to teach about justice in law schools. Here, a major theme of West's book emerges: how we approach the law informs how we teach

[6] *Id.* at 7–8.
[7] *Id.* at 9–10.

it, and vice versa, how we teach the law affects how we perpetuate our scholarship in the law, creating an existential loop. We are what we, as law professors, profess.

Our loss of concern for justice, West seems to suggest, is like a miscalculation of our faith in the law. The work of legal reasoning, which is a more concrete aspect of lawyering, overshadows the loftiness of broader norms like justice.[8] West sees legalism crowding out justice, for instance, in civil procedure or criminal law courses, where manifestations of our sense of due process are given in canonical case readings and lectures placing great emphasis on legal processes, at the expense of connecting the same laws to justice.[9]

West also sees a sense of legalism in the analogical treatment of cases that we teach our students, where syllogism and analogy in reasoning prizes horizontal equity and falsely imparts the idea that "'legal justice' requires the 'like treatment of likes.'"[10] The problem with this preference for processual fairness and horizontal equity is, West believes, that it makes technique into a value and eventually ends up "defin[ing] a *way of being* in the world—in much the same way, for example, as does 'fundamentalism' or 'Judaism' or 'liberalism' or 'feminism.'"[11] Ultimately, that penchant for legalism promotes a moral neutrality or relativism that informs how and what we teach. So although our students thankfully do not come out of law schools acting like sociopaths, the spotlight on legalism creates substitutes for justice.

Correspondingly, West feels the same absence of justice in our scholarship. The movements within contemporary legal thought that intersect our scholarship examine law through the values embedded in social policy empiricism ("costs, benefits, wealth, efficiency, and 'policy'") but not in the virtues of justice.[12] Indeed, our fervor for intellectual rigor has left us lagging behind other disciplines in thinking about justice.[13] Although we reach a positive morality, we do not reach a critical morality to help us judge whether our laws work to promote the norms of society.[14] "The law provides a testing ground, basically, for theories of justice,"[15] she writes, but very few academics take the opportunity to explore this notion. Ultimately, West argues, the cost of legalism to our scholarship is so great that "[t]he lack of a scholarly commitment to a study of justice impoverishes normative legal scholarship."[16]

History offers an explanation for this legalism. West posits that the birth of contemporary American legal thought, which arguably coincided with the birth of the American law school, was negatively shaped by the promotion of legalism while the Langdellian-formalist and legal realist movements struggled to define the concept of law. The formalists assumed the completeness of our laws such that an inquiry into justice would appear unwarranted. The realists, on the other hand, relied on the goals of the social sciences to move the law along when they should have been informed by justice.[17] Consequently, the struggles for dominance in American legal thought during the rise of law schools did very little to center our concepts of law on justice.

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[8] *Id.* at 48–61.
[9] *Id.* at 49.
[10] *Id.* at 50.
[11] *Id.* at 55.
[12] *Id.* at 59–60.
[13] *Id.* at 66.
[14] *Id.* at 69.
[15] *Id.* at 88.
[16] *Id.* at 82.
[17] *Id.* at 70–86.

Similarly revealing about the existential flaws of law schools is their bias against politics—even though law, as West points out, is fathered by politics.[18] Here, the focus on juriscentricity reveals a self-righteousness that leads not only to distraction but also to unnecessary, and at times unwarranted, biases against legisprudence. Politics is not discussed readily in the first-year curriculum; instead, our class investigations of how the law is produced examine judge-made common law with slight references to regulatory or legislative innovations, such as the Uniform Commercial Code or Model Penal Code, made in piecemeal spurts.[19] West traces this peculiar antipathy toward politics to an inferiority complex rampant amongst law schools, reflected in how the teaching and study of law, from Langdell to the realists, upheld adjudication over legislation as the primary embodiment of law.[20] Langdell's "learned profession" presumed whatever discoveries enlightened us about the law would come from the common law.[21] The realists, on the other hand, also de-emphasized the political process because they believed in law's incompleteness and forward judicial progression. Such a focus on judicial decisionmaking created a heavy emphasis on studying law through appellate opinions rather than legislative processes.[22]

West notes that promoting association between law and politics allows the courts to seemingly "cabin" politics while interpreting and applying the law.[23] And according to West, the harm of not teaching politics is a profound ignorance that hinders a necessary and more complete critique of gaps in the law that might prevent justice.[24] West believes that once students become lawyers, they will not be readily able to see legislative solutions instead of jurisprudential ones, nor will they know how to approach legislative solutions deftly and expertly.[25] All of this makes our students less powerful for seeking justice-focused changes in society.

On her third identified problem in the existential crisis of law schools, West turns to the academy's relationship to the bar and attacks what the bar has criticized the academy for: scholarship that does not further the understanding of law on a practical level.[26] Her arguments here are probably her most controversial (or seemingly blasphemous from within the Ivory Tower). Again, West assigns part of the blame for this problem on adherence to Langdell's conception of a learned profession, which, informed by formalism, encouraged focus on appellate lawyering over trial or transactional work.[27] This focus is reflected in the notion that any legal scholarship associated with "on the ground" lawyering is undeserving of intellectual esteem simply because the source of controversy for scholarly investigation lacks a high-ranking, appellate-court genesis.[28] What results is scholarly neglect of many aspects of the legal process outside of conflicting appellate opinions.[29]

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[18] *Id.* at 93–96.
[19] *Id.* at 96–97.
[20] *Id.* at 101.
[21] *Id.* at 101–102.
[22] *Id.* at 104–05.
[23] *Id.* at 106–11.
[24] *Id.* at 116.
[25] *Id.* at 125.
[26] *Id.* at 131.
[27] *Id.* at 148–50.
[28] *Id.* at 132.
[29] *Id.*

West finds that interdisciplinary, nontraditional legal scholarship falls short in another way. As she notes emphatically, "they are not, *themselves*, a part of the 'law.' They are *about* law, but they are not arguments *within* law: they are not arguments, in other words, about what the law is or should be."[30] It is a damned-if-you-do-or-damned-if-you-don't situation: much of traditional legal scholarship is not fulfilling its ordained purpose, while interdisciplinary legal scholarship brings scholarly purposes from other disciplines that do not fit the cause.

Traditional Langdellian concepts and ideals have also created the distance between the academy and the bar when it comes to legal education. West analyzes the age-old complaint that law schools provide too little preparation to graduates going into the profession by first noting that the traditional law faculty is comprised of individuals who often have only short spans in actual practice, and then noting that the formalist emphasis on appellate case law created a pedagogy that, like scholarship, has limited focus and presentation of the law and legal process. The result is that "[w]hatever learning about a legal practice happens in the classroom, happens as a welcome side effect, but a side effect nonetheless."[31]

Yet West also challenges the benefit of proximity and asserts that "[t]he law schools should strive for a respectful but nonetheless critical and to some degree adversarial relation with the bar and bench."[32] West values that distance not just because it encourages critique, but because it also restores an intrinsic identity to the academy. Here, another theme of *Teaching Law* emerges more clearly: the academy as the primary custodian of legal knowledge. She assesses the expectations that the bar has placed upon law schools and calls them unilateral. So to justify this critical distance from the bar while striking a balance with our task of educating lawyers, we should be concerned with how we possess and represent the knowledge of the law. In other words, what is needed is a post-Langdellian concept of the law and the profession that can justify that distance while improving the relevance and definition of our teaching.[33] What the legal academy brings is expertise. But without unifying goals, we lessen our effectiveness. We are like a temple whose clergy seem more and more preoccupied with something less relevant—and as a result, are patronized by fewer worshippers.

II. REFORMATION

So what is West's post-Langdellian ideal? It begins with the idea that law is not autonomous but is inherently a product of jurisprudence and politics. The law is used to resolve disputes. It embodies economic, cultural, and historical influences and in turn impacts those influences. Based on these notions, the academy must develop "a theory of *what it means to be a lawyer*."[34] And to externalize her post-Langdellian vision, West focuses on changes to the law school curriculum—changes that directly refine existentialism. If law schools are the custodians of knowledge about the law and a law school's curriculum reflects that custodianship, then her changes begin there.

Along the way, West assesses the two most prevailing ideas of reform: Brian Tamanaha's call to separate the academy into two tiers of law schools (one with an academic focus on the law

[30] *Id.* at 133.
[31] *Id.* at 135.
[32] *Id.* at 137.
[33] *Id.* at 149.
[34] *Id.* (emphasis added).

and another with a more practical tradesmanship focus)[35] and the Carnegie urge to shore up professionalism issues by initiating more practice-oriented experiences in law schools.[36] West explains that neither reformer addresses the existential crisis, as both neglect to attend to the teaching and instilling of justice-centeredness, the connection between law and politics, and the kind of professionalism problems that West has raised. Instead, in a section titled "Educating the Whole Lawyer," West offers her solutions, which call for more baseline changes aimed at creating a more unified psychology of lawyering and concept of law.[37]

West extends her previous thesis and states that, despite being in a world where Langdell's concept of the law as a learned profession no longer holds entirely true, we have not adopted a unified concept of contemporary American law and lawyering. Yet we still continue to conduct many aspects of our law courses with remnants of the old Langdellian case method but "notably, minus the [Langdellian] faith."[38] By cataloguing several curricular changes that she believes would educate the lawyer in a contemporary way and instill a sense of what lawyering means, West tries to stoke a new *faith*. In general, her reforms would include teaching transactional work alongside litigation, emphasizing transnational and global practice rather than domestic law practice, forming public policy, and practicing legal criticism that would promote and develop a sense of obligation to justice within the law.[39] She then breaks down her curricular changes into concrete course arrangements from year to year, through which she hopes to inculcate students with an idealized version of the modern lawyer without disturbing the academy's growing pluralism.[40] West's choice to start at the law school curriculum is a smart one if reform requires an overhaul of the total concept of lawyering to replace Langdell.[41] It is a place from which a unified ideal could then begin taking shape.

West's "rethinking" of legal scholarship centers around the relevance and purpose of that scholarship. So in her retooling of legal scholarship, West places it within a normative search for justice. West is more optimistic about legal scholarship than her colleagues Roberto Unger and Pierre Schlag, and she seeks to address the "So what?" questions that current legal scholarship often leaves us asking. Rather than descriptive truth, "[n]ormative work can be driven entirely by a conception of justice, or of the public good, rather than by the dictates of the interests of another to whom one owes a duty of fidelity."[42] Normative work can be interdisciplinary, but "the purpose of such scholarship is to effectuate a change in the law (or to argue against one)."[43] It is this strident declaration of what scholarship in law could do that provides a unifying principle that connects the pluralism within the academy that West identifies. Otherwise we look too far toward the ground, when we should be aiming higher in targeting the purpose of scholarship.

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[35] *See generally* BRIAN Z. TAMANAHA, FAILING LAW SCHOOLS (2012).
[36] WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 7–12 (2007).
[37] WEST, *supra* note 2, at 183.
[38] *Id.*
[39] *Id.* at 186.
[40] *Id.* at 188–93.
[41] *See* David M. Moss, *The Hidden Curriculum of Legal Education: Toward a Holistic Model for Reform*, 2013 J. DISP. RESOL. 19, 22 (2013).
[42] WEST, *supra* note 2, at 204.
[43] *Id.* at 205.

III. DOCTRINE AND PEDAGOGY

The most widely noted public critique of what is taught in today's law schools has been David Segal's 2011 article in *The New York Times*. Segal argued that "[l]aw schools have long emphasized the theoretical over the useful, with classes that are often overstuffed with antiquated distinctions, like the variety of property law in post-feudal England."[44] Although somewhat hyperbolic, Segal's sentiment, like West's more sobering thesis, is that *what* we teach in law schools speaks volumes about *who* we think we are. Segal's and West's observations here are reminiscent of the concept in education theory of the "hidden curriculum" within a teaching institution.[45] Both West and Segal know that what we teach in our course offerings might mean one thing on one particular level, but what it is missing might say something else.[46] So if West is correct that law schools persist with an outdated mode that is incompatible with modern lawyering, then changes to reflect a modern idea—a post-Langdellian concept—could begin with the knowledge we teach through a revised curriculum. In theory, she is more than likely correct in targeting the curriculum.

At the outset, we can infer from West's revised law curriculum a unifying sense of relevancy in scholarship and teaching, and also in our conception of the law. The modern law practice has moved far away from Langdell, and so too have movements in the law surpassed formalism.[47] West insists that we have not found a replacement for our concept of the law—a post-Langdellian concept, she calls it—and that we continue to teach out of habit. Although others have articulated this elsewhere,[48] West is unique to focus on its importance in its entirety. Whoever's theory of justice is embodied (whether it is Amartya Sen's or Michael Sandel's, John Rawls's or Plato's), the idea of law's societal instrumentality is not denied in her reminder that law serves *something*, and this something must be loftier than even liberty and equality; our laws for achieving liberty and equality must ultimately be just. Instilling this in our students explicitly in our courses aligns the law with normative objectives not muddled by less noble ambitions. Her specific revisions to the second-year curriculum with classes on justice are an important reflection on how a law school could change its aims. Take, for example, her argument for a mandated course on tax law; not only is tax a substantive course partially grounded on codified rules, which brings politics into the classroom, but it is also, as she explains, "the one place where we do societally think about issues of social justice and how we distribute resources."[49] Furthermore, these inclusions of justice in the curriculum would be paired with her earlier

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[44] David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES (Nov. 19, 2011), http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html?pagewanted=all&_r=0.

[45] *See* PHILIP W. JACKSON, LIFE IN CLASSROOMS 33–37 (1968).

[46] *See* PHILIP C. KISSAM, THE DISCIPLINE OF LAW SCHOOLS: THE MAKING OF MODERN LAWYERS 25–31 (2003) (discussing several "tacit messages" that the core curriculum conveys); Duncan Kennedy, *The Political Significance of the Structure of the Law School Curriculum*, 14 SETON HALL L. REV. 1 (1983) (discussing what the emphasis between public and private law courses conveys politically to students); Edward Rubin, *Curricular Stress*, 60 J. LEGAL EDUC. 110, 110–13 (2010) (noting that the stresses the curriculum imposes on students inhibit awareness of social justice changes and politics).

[47] *See* WEST, *supra* note 2, at 36.

[48] *See* Rubin, *supra* note 46, at 113.

[49] *Book Discussion on Teaching Law* (C-SPAN television broadcast Dec. 16, 2013), *available at* http://www.c-span.org/video/?316830-5/book-discussion-teaching-law.

recommendations for teaching justice in the classroom with professors leading discussions on justice in regard to the particular law being studied.[50]

Likewise, West is correct that politics should play a role in our own legal system and that the dangers of not teaching political issues in law contribute to an incomplete knowledge of lawyering.[51] Adding courses on administrative law and legislation—courses that direct student attention away from juriscentricity—is helpful for showing there is a more complete picture of our legal system than one that merely tracks a body of common law. Both her intentions for teaching law with justice in mind and rounding out the curriculum with mandated studies of administrative and legislative processes push the teaching of legal knowledge beyond its relegated comfort zones.

Although West's proposals provide a more comprehensive and focused blueprint for what law schools should teach, they could also be more rooted in pedagogy. West's reformations for law school do not lack a sensibility toward connecting law students to what they will need to know as lawyers, but her changes do seem to yearn for a stronger methodology that would help students shift from *knowing* about the law to what education philosophers call *praxis*.[52] In other words, despite West's suggestion for a curriculum that seeks to show what students should know, this reconfiguration alone may not allow them to effectively transfer what they have learned into becoming the kind of lawyers that West's revised curriculum intends them to be. This is where instructional changes in law schools would implement that intent to round out student experiences. And her book ends before getting to such a proposal, even a general one, for pedagogical changes that would resonate as strongly as her calls for curricular changes.

More pedagogical specificity could be attained in West's solutions in *Teaching Law* to facilitate student transfer from knowledge of lawyering to being lawyers. She cites one illustration in bringing the teaching of justice into the classroom by fostering dialogue and inquiry into law courses. But there are more active ways to further the notion of justice behind the instrument of law. One solution might be to incorporate the courses on justice and its theories that West suggests for the second-year curriculum into the first-year offerings at the start of a student's law school experience instead. West's suggestion of having some direct classroom instruction on justice provides much more clarity in the messages that a law school sends to students, and does more than what law schools usually do to address justice, which usually consists of an obligatory speech at orientation or an oath of professionalism ceremony—both of which only impart a transitory sense of justice compared to what could be conveyed in a semester-long course. A course on justice in the second year, at the midpoint of the law school experience, seems like a rather delayed response to connecting justice and law, perhaps connoting an idea of justice only as an afterthought. Thus, West's justice course could be better positioned to remedy the lack of teaching justice in law schools that she has observed.

After the second year, justice could be emphasized in West's suggestions for third-year experiential opportunities or through the pro bono requirements that many law schools and state bars mandate prior to graduation. In this way, pedagogically, students will experience an orientation to law and justice early in their legal career, extend it to the classroom, and then conceptualize it through the work they do prior to graduation. West has suggested something

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[50] *See* WEST, *supra* note 2, at 90.

[51] *See id.* at 99.

[52] *See* PAULO FREIRE, PEDAGOGY OF THE OPPRESSED 71–86 (Myra Bergman Ramos trans., Continuum Int'l Publ'g Grp., 30th anniversary ed. 2000) (1970).

similar in *Teaching Law* for instilling more awareness for politics through centers and institute work that create teaching opportunities.[53] But that strategy is absent in her approach for teaching justice. By showing students a more complete image of the law—through different incarnations of justice, its theories, and potential solutions—students will be more likely to transfer their knowledge into practice.[54]

Overall, an increased emphasis on pedagogy would strengthen her curricular focal points. It is one thing to prescribe the content to be learned and another to teach it. Again, West's focus on the existential crisis in the legal academy and her curriculum is mostly strong and convincing. But what could be stronger is the call for developing pedagogy that advances her goals for legal education better than the Socratic Method and the remnants of Langdell. Without some guidance or a unifying call from the podium, which admittedly is difficult to achieve, the prevalence of the Socratic Method that lives within a revised curriculum could likely stoke the legalism that it naturally gravitates toward—perhaps forgetting justice once again because of its perceived lack of intellectual rigor. Ultimately, this change to methodology might mean incorporating more skills and active learning to allow more practice with normative goals in mind.

Another pedagogical limitation is a lack of specificity to which her curriculum reforms apply to law schools across the board. West writes democratically throughout the book, which is appropriate when she addresses the historical and philosophical concerns of the law school's existence, because it reflects a more or less unified experience of legal education; this also is appropriate for unifying the pluralist divide she sees amongst the different breeds of law scholars—traditional, interdisciplinary, and clinical. But her knowledge-based curriculum seems more easily applicable to elite law schools than non-elite ones—especially schools whose curricula focus on bar passage and experiential learning opportunities. Such curricular expansion towards clinics and externships would conflict with the one-semester, experiential–learning opportunity that West places at the end of the third-year curriculum. It would also seem to erode the critical distance she values and places between the legal academy and the practicing community. More could be explored through curriculum reform to address these realities of legal education. An institution may be less democratic than West has depicted, and may instill a continuing hierarchy even if her reforms become more popular than, for instance, Tamanaha's.

To summarize, West's book brings awareness to a bigger crisis beneath the business and professionalism issues that are at the surface of the debate over the future of legal education. But the reforms presented in her revised curriculum could use more methodology that would help students transfer her knowledge-based intentions into *praxis*. This is only a slight criticism, and does not invalidate her observations and ideas. The most difficult obstacle to reforming legal education is determining what to teach and what that context means. How to teach law is a related but entirely different subject. For such an intelligent book, the noted absence of a discussion on pedagogy is not a failing but rather a gap we anticipate that West will address in future writings on law schools. In other words, she likely has just gotten started.

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[53] *See* WEST, *supra* note 2, at 130.

[54] *See* Tonya Kowalski, *True North: Navigating for the Transfer of Learning in Legal Education*, 34 SEATTLE U. L. REV. 51, 56 (2010).

CONCLUSION

At the end of her book, we get a sense that West has not at all been interested in "thinking like a lawyer." She is more interested in law teaching that shows students what it means to *become* and *act like* a lawyer and legal scholarship that reflects that aesthetic. Indeed, after reading West's book, one cannot help but believe that "thinking like a lawyer" has been the wrong emulation all along. Even grammatically, what it implies is shallow and places "lawyer" as symbolically a thing—almost platonic—to imitate and not become. This proverbial phrase, as pervasive in the legal academy for over a century, as prominent in the law school experience, as ever-lacking in enlightenment, should be retired from its residence atop the entrance to the legal academy because, with incredible breadth and grace, West has shown us reasons to put that phrase to rest and what should be inscribed in its place.