ESSAY

ONE FINE DAY

PETER K. ROFES[†]

One day, when our sixth-grade teacher posed the question of questions—What Do You Hope To Be When You Grow Up?—a close childhood friend replied that he planned to be a philanthropist. Pressed to explain this unusual aspiration, my friend confessed that although he had no idea what philanthropists did for a hving, he had never heard of one that hadn't done well.

Law professors have at least one thing in common with philanthropists: People lack a clear understanding of how we spend our days. Perhaps that is because few people care. Or perhaps it is because we ourselves don't really know because, unlike practicing lawyers, we no longer have to fill out timesheets each day to justify our paychecks. Even family and friends ask questions that reveal a shameful ignorance of what we do for a hving. Inevitably, as May approaches, we are greeted with a chorus of "Well, with classes finishing up, what are you gonna do with three months off?"

[†] Associate Professor of Law, Marquette University Law School; B.A. Brandeis, A.M. Harvard, J.D. Columbia.

This essay is part of a larger project underway in which I examine (in much the same vein as this piece explores the work day of law professors) a host of aspects of the American law school, including the admissions process, the classroom, the final examination, grades, the role of the Constitution, the job interview, multiculturalism, the faculty meeting, and the graduation speech. See, e.g., Peter K. Rofes, Ethics and the Law School: The Confusion Persists, 8 GEO. J. LEGAL ETHICS 981 (1995); Peter K. Rofes, Getting In: The Why and the How of It, 1995 UTAH L. REV. (forthcoming); Peter K. Rofes, Grades, 73 WASH U. L.Q. (forthcoming 1995); Peter K. Rofes, Law School and the Constitution, 23 FLA. ST. U. L. REV. 71 (1995). As for acknowledgements, candor compels me to disclose that, with one exception, none of my colleagues at Marquette has offered anything but scorn for the project. The one exception is a colleague who has offered what can best be described as derision rather than scorn. I remain grateful nonetheless for their collegiality, congeniality, and conviviality. I am also grateful to the editors of Wisconsin Lawyer, whose invitation many years ago to discuss the work-day activities of law professors first prompted me to sketch the outlines of the approach I have pursued in this piece, and to the editors of the Duke Law Journal, for their encouragement, mischievousness, and good judgment. Finally, thanks to the Chiffons, Carole King, and Gerry Goffin for help with the title.

Despite these misapprehensions, the work life of a law professor consists of three principal activities: teaching, scholarship, and service, both to the law school and to the community at large.² The typical professorial work day reflects these activities. As might be expected, no two professors allocate their energies in quite the same way. Nonetheless, a survey of colleagues across the nation and a look at my own calendars from the past few years have enabled me to piece together a paradigmatic work day in the life of a law professor.¹

8:05 - 8:30 a.m.

Commute to work, thinking deeply about recent Supreme Court decisions.

8:40 - 8:55 a.m.

Thumb through New York Times, Wall Street Journal, and other major American newspapers. Outraged at persistent absence of "certiorari," "penumbra," "mandamus," "Lochnerize," and "prurient" from daily crossword puzzle, compose scathing letter to the editor advising *Times* to cancel subscription.

8:56 - 8:58 a.m.

Class preparation.

Prepare for class in the usual fashion: Scramble around the office searching for notes used last year to cover same materials. Wipe dust off notes.

9:00 - 9:50 a.m.

Teach class.

Remind students several times during the hour that cases being discussed today would have come out better if judges were as incisive, analytical, and sensitive as law professors.

^{1.} As will become apparent to the discerning reader, the paradigmatic professor set forth in this essay specializes in constitutional law and professional responsibility.

10:00 - 10:20 a.m.

Coffee in faculty lounge.

Spirited discussion of contemporary legal issues, including aunual NCAA tournament pool, prospects of Red Sox or Cubs winning World Series prior to the end of the world, and extent to which activist federal judges bear responsibility for the assassination of JFK, the federal debt, and the major league baseball strike.

10:25 - 10:40 a.m.

Meet with research assistant.

Advise her what article she should write next under my name.

11:00 - 11:55 a.m.

Meeting of faculty appointments committee.

Notify colleagues that both Michael Milken and Robert Packwood have declined our offers to occupy the Segretti Chair in Professional Ethics for the upcoming year. Vigorous debate about backup candidates. Professor Plum pleads with committee members to be sensitive to considerations of diversity and then votes against all candidates who attended law schools other than his alma mater or are in any other respect different from himself.

12:00 - 12:15 p.m.

Research.

Examine bootleg copy of Richard Posner's *The Problems of Jurisprudence*. Explore suggestion of hermeneutics scholars that, by putting together one letter in every ten thousand, message "Bork is dead, Reagan should have nominated me instead" is repeated seven times throughout the book.

Put finishing touches on most recent law review article, Deconstructing TV Guide: Derrida and the Power Rangers. 12:20 - 1:15 p.m.

Lunch with colleagues.

Discussion ranges from low faculty salaries and financial sacrifices of career in legal academics to comparative performance of Lexus LS 400, Infiniti Q-45, BMW 5 series, and Acura Legend. Questions raised about extent to which Kantian theory can justify violent overthrow of current Dean. Consensus reached: Request Dean to form ad hoc committee charged with investigating matter. [Later that afternoon the Dean agrees, dubbing it "a splendid idea."]

1:30 - 1:45 p.m.

Office minutes.

Chat with students disturbed that they are required to read *Marbury v. Madison*, an obscure case from 1803. Students inquire as to when we get to "the practical stuff."

Conference with student from last semester to review and explain final examination grade. Student complains that grade in my course was her lowest of semester. Assure her how deeply sorry I am.

Visit from student seeking letter of recommendation for federal judicial clerkship. Advise student that, given that he failed two of the three courses taken from me and was caught cheating on the examination for the other, recommendation may not do justice to his legal skills.

2:00 - 4:10 p.m.

Back nine with local judges. While waiting at the fourteenth tee, inention names of some students who would be good law clerks. Immediately thereafter, make notation to write off greens and cart fees, gas, and new set of Pings as unreimbursed employee business expenses. Gently break it to Judge Alzheimer that, yes, the law school has managed to survive the influx of "lady" students. 4:20 - 4:30 p.m.

Interview with local reporter concerning allegations about the shirt, hat, and shoe sizes of Stephen Breyer and how such sizes are likely to affect his views of *Roe v. Wade* and the constitutional status of abortion rights.

4:35 - 4:45 p.m.

Telephone call from former student inquiring whether any rule of professional conduct would be implicated were he to divert settlement funds intended to be passed along to his client in order to upgrade the furniture and computer equipment in his law office.

.