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THE SPIRIT OF THE LEGAL ACADEMY—FOR THREE YEARS OR FOR LIFE?:
SOME PERSONAL OBSERVATIONS*

ROBERT T. BOCKMAN**

Today marks the fiftieth anniversary of the publication of the first edition of *The Elements of Style*,¹ that little manual of advice about graceful writing and practical grammar with which many of you are, or should be, familiar. Those two students, Mac McQuillin and Jason Luther, who so kindly introduced me just now, embody the very best “elements of style” and they are representative of the kind of law student and prospective lawyer about whom I shall speak. They are, of course, largely responsible for my appearance here this afternoon and, as we shall see, Mac and Jason played a large role in the theme that permeates my observations. Their accomplished powers of persuasion must have contributed to the assembly of this audience, not to mention their obvious pragmatism in offering the “free lunch.” I am deeply indebted to them both, and I thank, too, any and all of their fellow students—and anyone else—who assisted them and who may have participated in the preparations for this event.

Before I begin in earnest, I offer an express “disclaimer” and something of an “apology.” First, the disclaimer. My remarks today will not constitute a “pedagogical” lecture—since I can hardly pronounce that adjective, I should not use it to describe my words. In any event, it would not fit my remarks for the simple reason that my words are not instructional, but personal—long and deeply held but which I am not reluctant to share. The disclaimer lies in the personal nature of the observations: I do not presume that my thoughts are representative of the academic philosophy of the law school or of anyone who belongs to its community. Perhaps some here may share similar sentiments; perhaps some here may feel a resonance in them; and perhaps some here will find them to stimulate discourse. Whatever the reaction, if any there may be, it would be just one of the many elements of the dialogue which occurs constantly throughout this place of learning.

Now, the apology. It is not for the nature or content of my remarks, but only for reading them. As students in Appellate Advocacy will attest, I discourage (strongly) reading from notes at the lectern. Eyes fixed on the printed page

* This speech was delivered at the University of South Carolina School of Law on April 16, 2009. At the end of the address, South Carolina Supreme Court Chief Justice Jean H. Toal presented Mr. Bockman with the prestigious Order of the Palmetto, the state’s highest civilian honor, awarded by the Governor of South Carolina for extraordinary lifetime achievement and service to the state and nation.

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1. WILLIAM STRUNK JR. & E.B. WHITE, *THE ELEMENTS OF STYLE*, at x (Fiftieth Anniversary Edition, Pearson Longman 2009) (1918).

cannot engage and maintain rapport with the participants in a learned conversation. But this is not an appellate courtroom, so I would not expect to hear questions from “the Bench” today. Nor is it an academic classroom, so I would not expect to be drawn into some Socratic questioning from the professors here—eager though they may be to practice that fine dialectic on the likes of me. So, I shall read some, hopefully without too much risk of sacrificing rapport for the sake of clarity and completeness. After all, it is only a “speech.”

The origin for today’s speech was a “Road Trip”—more precisely, a conversation that took place during it. Last fall, Mac, Jason, two of their accomplished classmates and I were returning to Columbia from a moot court competition. In all likelihood, the journey seemed destined to last much longer than the usual travel time between Atlanta and home, with some desultory talk of approaching exams, some muted questioning of the objectivity of the competition’s judges, and a general consensus that the many long days and nights of preparations of the team’s briefs and for the oral arguments constituted a useful, shared learning experience. You see, the team did not “win” the competition.

The circumstances were certainly dispiriting. And indeed the trip began with that feeling. But the conversation took an unexpected turn toward a general discussion of the wide variety of experiences that had been a part of the four students’ learning during their years at the Law School, the degree to which they had valued them, and how they might perceive those experiences after graduation. They generously allowed me to have some part in the discussion, although my own law student days were long past.

Some time ago, Mac and Jason asked if I would be willing to share with a broader audience some of my thoughts from that conversation. I agreed to do so, although I had no idea that the audience would number so many, and would include Mrs. Bockman (my own guiding spirit), and my beloved children: Molly, who took time from her caring for hospitalized children, and Rob, who traveled from his studies at UNC-Chapel Hill to be here. It is as husband and father, as teacher and lawyer, that I offer some thoughts to you.

I. INTRODUCTORY REMARKS

Law students (like those on the Road Trip), lawyers, and teachers of the law have all embarked on a search for “the spirit of the law.” Because the law is a calling for us—a vocation—the search is more a quest than a journey. Our quest is not for power, prestige, or position; it is one for a spirit—a special and abiding spirit which is discovered in the search, not in the destination. And that quest is truly successful only if those who accept its challenge understand the inseparable union of the spirit of the law and the spirit of the legal academy. It is in the legal academy, a society of learning, that the union—the bonding—of those spirits occurs and they become one.

That inseparable union and where it originates, how it occurs, who is responsible to see it happen, and what it means is the “theory of the case.” I shall share my thoughts about this during the next few minutes.

I originally thought to use the term “the Law School” in the title and text of my observations. By that I was not intending to refer to *this* law school or any other one in particular, for that matter, although I cannot honestly think or speak about a law school without contemplating this one, which has come to mean so much to me. But as I framed my remarks, I began to perceive the law school as an “academy” in the sense of the Greek word which evolved from the name of the owner of the garden where Plato and his students learned together.² An academy is more than a school; it is a place for training in a special art. Even more, it is a society for cultivation of a special art or discipline. It is in that way that I use the term “academy” and it is that way that I think about this law school (and I suppose all others, as well).

As I walked to the stage, one of the students who had made that Road Trip asked for the answer to the question in the title of my remarks: “The Spirit of the Legal Academy—For Three Years or for Life?” So that he will not suffer under any misapprehension, I reveal the conclusion for him, and hopefully for all who belong to the academy. The answer is “for Life.”

Having identified my theory of the case—the inseparable union—and even having revealed the conclusion, those students with whom I have had the opportunity to share our learning will know to expect a “road map,” and I won’t disappoint them. I shall address four ideas: (1) What the student brings to the academy; (2) What the academy offers the student; (3) How the student and the academy unite the spirit of the law with the spirit of the academy; and (4) Why that united spirit lives in the academy’s graduates.

II. POINT 1: WHAT THE STUDENT BRINGS TO THE ACADEMY

The legal academy does not create the spirit of the law nor does the spirit of the law originate there. After all, students and lawyers, did any person make you or compel you to come to the legal academy? There was some compulsion, to be sure, but it was not the force of someone’s will; it was a calling of the spirit of the law itself. Perhaps you inherited that spirit from a relative or saw it in someone you admired; perhaps you felt it suddenly; perhaps it was imperceptible or indistinct or long in coming as are the sources of many callings. Whatever its origin or its evolution, you arrived at the academy with the spirit of the law—primitive and inchoate as it was, but somehow prepared for enrichment, nourishment, fortification, and ultimately union with the academy’s own spirit.

But it was not just some abstract, inchoate spirit that you brought. Just as the appellate advocate’s whole life constitutes preparation for an oral argument, you

2. See WEBSTER’S NEW UNIVERSAL UNABRIDGED DICTIONARY 9 (Deluxe 2d. ed. 1979) (defining academy as “originally a garden, grove, or villa, near Athens, where Plato taught”).

brought that Aristotelian *ethos* to the academy—all that makes up your personality, your character, and your temperament. Of course, you brought your wits, your charm, your *savoir faire*, but there was more: integrity; ethics or morality (secular or religious); a sense of personal and professional honor; a sense of responsibility and diligence; a mixture of humility and pride; achievement and ambition; intellectual curiosity about the law and your place in it; personal curiosity about your ability to meet the challenge of learning the law; courage and its counterpart—fear (because without fear, there can be no courage); and, finally, a sense of purpose to learn the law and the art of its practice.

By your appearance at the doors of the academy, not unlike a novice entering a religious order, you professed yourself willing and ready to become a member of a unique society and to become open to the union of your inchoate spirit of the law with the spirit of the academy itself. Remember what and who awaited you there: the promise of a profession and professors committed to *encourage meaningfully*—not merely test—your own profession of faith in your openness to learn the law and to know the fullness of the united spirit of the law and the legal academy.

III. POINT 2: WHAT THE LEGAL ACADEMY OFFERS THE STUDENT

You entered the academy offering not only your inchoate spirit of the law and your openness to its union with the spirit of the academy, but also your values, your time, your talents, your energies, your enthusiasm, and yes, your “treasure.”

And what “consideration” does the academy hold out in return? The academy—the true one—offers a promise of the opportunity to draw out, enrich, and fortify your inchoate spirit of the law. It offers a promise of a place and an environment in which that exposed, enriched, and strengthened spirit can be united with the spirit of the academy itself. It offers a promise to honor your determination to pursue a profession, a vocation, which calls for a change of heart, not just a change of mind. It offers a promise of new habits of thinking by refining—not replacing—those habits you brought. Finally, it offers a promise to those who would learn the law of the very best from those who would teach it.

To fulfill its promises, the academy first provides people: scholars, who know the law and the practice of it; teachers, who guide, pointing out the way to fullness of the spirit of the law; and others, who enhance the life of the academy so that it becomes palatable, satisfying, and enjoyable.

Second, the academy offers itself as “Plato’s garden”: a place of intellectual ferment—at once passionate and rational. It is a place where the foundations of learning are stable, but the bounds for thinking are expansive and fluid. And it is a place of “building boats” in the way that Antoine de Saint-Exupery described: “If you want to build a ship, don’t drum up the men to gather wood, divide the

work, and give orders. Instead, teach them to yearn for the vast and endless sea.”³

Finally, the academy offers a belonging to a society in which its members share interests and ambitions, exchange ideas, collaborate in activities, and reach the beginning of their profession. Remember here that the legal academy should not—indeed, cannot—supplant, eradicate, delete, or demand that you abandon all that you carried when you entered. Rather, the academy should and can with your help enrich, expand, and fortify those things you brought.

IV. POINT 3: HOW WE UNITE THE SPIRIT OF THE LAW AND THE SPIRIT OF THE ACADEMY

Expansion, enrichment, and nourishment of the spirit of the law and its union with the spirit of the academy are truly mutual and joint responsibilities. How do all of us fulfill those responsibilities?

If the academy is not just a physical place, but a genuine, vibrant society, its members must engage each other in the learning of the law. And that engagement occurs everywhere and with everyone: place-by-place, person-by-person, and group-by-group. By that collective engagement, the student, the teacher, the administrator—all of us—can both sense and promote the spirit of the academy as we instill it in each other. As a result, the society becomes, and remains, a place where there is room for both knowledge and wisdom; both thinking and reasoning; both decision making and judgment; both competition and cooperation; both action and reflection; both skepticism and idealism; both accomplishment and caring; both conviction in one’s own opinions and respect for the opinions of others; both being a teacher and *servicing* as a teacher; and finally, a place where there is room for both the mind and the heart.

Because the academy is a society, the enrichment and nourishment of the united spirit of the law and of the legal academy do not take place in isolation or seclusion. We can hardly allow the separate wings of a building to represent or dictate some kind of separation of the spirit or the life of the legal academy. All of us—students, teachers, and administrators—live the life of the society in the same places of learning, not isolated by architecture or brick walls.

Neither can there be *invisible* walls or barriers that isolate us on the basis of position or status and then restrict or compartmentalize the contributions that we make to the society. Just as the student absorbs and values the talents, ideas and energies of the teacher, so the *true academy* demonstrates a willingness to appreciate the student’s evolving spirit of the law as it is enriched and nourished. The academy must absorb and value the student’s spirit and likewise use the collective talents, ideas, and initiatives of the students to further the purposes of the academy in the promotion of the society itself.

3. Antoine de Saint-Exupery Quotes, http://thinkexist.com/quotation/if_you_want_to_build_a_ship-don-t_drum_up_people/170927.html (last visited Oct. 23, 2009).

Because we share the same calling, the same vocation, and the same profession, we must share the academy's experiences, its intellectual ferment, and the excitement of learning the law (and, of course, the academy's opportunities to learn are not reserved exclusively for students), and we must participate in the society no matter where its activities occur. They occur in many places, and in many forms: in classrooms during lectures, discussions and presentations; in teachers' offices sharing thoughts, mentoring, and providing guidance; in the library, applying reasoning to resources; in the lobby, the stairways, and the hallways—exchanging interests, ideas, food and company; in places where student organizations meet to plan and conduct activities; and in the Auditorium during lectures, symposiums, and court proceedings. They also occur in service projects throughout the community and state; in social events (both scheduled and impromptu); in Talent/No Talent Shows, Food Drives, Barristers' Balls, Race Judicatas, Faculty Auctions, and ceremonial banquets to celebrate the end of the academic year; in "Town Hall" meetings with the Dean; and in journals, in moot court and mock trial competitions. In—and from—these shared experiences, what do all of us learn? We learn something about the society of the academy, our place in it now, and our place in it when we leave it.

Like the members of every society, those who belong to the academy know the mountaintops from which they can see where they have been and where they may be going. Some of those mountaintops are lofty (where the air is rarefied) and some are lower, but they all represent climbs and accomplishments: that successful recitation in Contracts; that first "A"; the Crown for winning the Food Drive; an "SRO" Talent/No Talent Show with funds for the Public Interest Law Society; the publication of a student Note in the *Law Review* or journal; a well-written brief and satisfying argument in a moot court competition; an afternoon of filling boxes of food at Harvest Hope; or a Saturday helping with income tax forms.

Yet where there are mountains, there are also valleys. Some are deeper, darker, and more difficult than others: the anxiety of an approaching exam; the frustrating search for that one, elusive authority to fortify your persuasion in a brief or note; the seemingly endless series of letters of regret from sought-after employers; an unexpectedly lower grade on an exam that you were positive that you had "nailed"; or the loss of someone dear.

No matter how high and bright the mountaintop, no matter how dark and deep the valley, those who are in the high places did not make the climb alone and those in the low places are not alone either. That is what the society and its spirit can and should mean. What we learn, we learn together, whether it is the law itself, something of our own selves, or the spirit of the academy. And that learning is the source of strength and confidence as we approach our "departure" from the academy into a larger community, even when our view of our place "out there" is obscure and the future looks neither as promising nor as secure as when we entered the academy.

Remember, wherever you go, that at no other time, in no other place, and in no other manner will you feel such concentration, such intensity, and such depth

of the spirit of the law as in the legal academy. The vitality of that concentrated, intense, deep power is what holds fast to the spirit of the academy your spirit of the law that, after a year, or two, or three, is no longer primitive, and no longer inchoate. However, that united, now-mature spirit remains abstract and theoretical: though infused with a power you could not have known, it awaits fulfillment and realization when you “leave.” But you depart only the physical place where the spirits of the law and of the academy have become one, and since you leave not the academy, you lose not the spirit.

V. POINT 4: BEYOND THE ACADEMY: THE UNITED SPIRIT

You will depart this place to explore the expanse of the law with a bonded spirit—the inseparable one of the law and of the academy. Without that union, your departure will seem an exile, a banishment, a deportation to a destination you do not seek and where you do not have the illumination of the law. To paraphrase Emerson: “March without the spirit, and you march into the night.”⁴ The law is not, and cannot be, “the night.” Without the union, the spirit of the law, which you know now to be the essence of your calling, will lie unfulfilled, incomprehensible, and impotent.

Yet, if the academy has proved to be the society that it must be, you will depart not as a banished exile or as a deportee or even as an immigrant with roots in “the old country.” Indeed, you will not leave at all in any but the physical sense, and you will come back to wherever the actual building may be in the same sense as T.S. Eliot wrote:

We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
And know the place for the first time.⁵

When you take your physical leave of the academy, you will carry the ability to think not merely “like a lawyer,” but something much more: to think like a person who is a lawyer. You will carry with you a true sense of your vocation and your place in the profession. You will leave with a loyalty to *this* law school that is fully and freely given (for, after all, no society can command loyalty). Finally, you will leave with a devotion to all those who joined you in that quest about which I spoke as I began these observations. It is that joining, and the quest itself, that lie at the heart of the spirit you have brought and the one you have sought, and found.

4. See RALPH WALDO EMERSON, *THE CONDUCT OF LIFE* 38 (Cosimo, Inc. 2007) (1860) (“‘March without the people,’ said a French deputy from the tribune, ‘and you march into the night’”).

5. T.S. ELIOT, *Little Gidding*, in *COLLECTED POEMS 1909–1962*, at 222 (1974).

VI. CONCLUSION

My introduction included a disclaimer, which I thought necessary and appropriate, about the personal nature of my remarks. And so they have been. I close with personal remarks without a disclaimer, for which there is no necessity.

Several weeks before the Road Trip, I found myself at this law school, on a Sunday morning, well before dawn. My normal Sunday running route does not pass this place and never before did I have my key to the law school building on any running route on any day of the week. But, I was here, with that key, on a quest of my own to renew the spirit of which I have spoken. It was not hard to do.

I first sat outside the front door then let myself in (at that hour, probably taking all sorts of liberties with prudence if not also University policy). Walking through the lobby, along the hallways, and into a classroom or two, sitting where you are now, and taking the steps up to my office, I felt closely the united spirit—present and renewed—from one who brought the spirit of the law here, who welcomed its enrichment and nourishment, who felt its union with the spirit of the legal academy, and who left here with a fully and freely given loyalty to *this* legal academy.⁶ It can and does happen. I know.

Those who are here now and those who will reach this place in the future can also have that bonded spirit and that loyalty. I devoutly wish that for all of you.

6. Kathryn Anne Bockman graduated with honors from the University of South Carolina School of Law in May 2008. She was tragically killed in an automobile accident on October 17, 2008.