
Remarks on a First Year Fantasy to First Year Students

*Catherine Hancock**

Good afternoon, and welcome to law school, the Land of Oz. I would like to start off with a Spanish proverb which I feel is excruciatingly appropriate to Pat's and Dick's and my situation in speaking to you. Loosely translated, the proverb is, "Tell the truth once, and you'll never be trusted again." Each of us is giving you a vision of the truth at the risk of your skepticism and distrust.

I must admit that I am generally regarded as an eccentric, perhaps even as a masochist, by my friends. This is because whenever I am asked, "What did you think of first year law school?" my answer is that I enjoyed it. As you will soon discover, my vision of law school is an unusually positive one. And even though I know that I am telling you the truth, my truth, I advise you to distrust me, at least until you create your own vision.

What is my vision of law school? That Law is Art. It is music, it is painting, it is drama, it is the dance. Law is a symphony. Its substance is melody, its procedure is rhythm, its juries are chirping operatic choruses, its lawyers are the orchestra, its judges the conductors. It is impossibly rich, repetitive, and

haunting in its elusiveness. You will all file into Room II on Monday for your first rehearsal, and Professor Epstein will hand out the symphonic scores. And then you will look in your pockets and briefcases and find that all you have brought is your kazoo, or your washboard for a bass, your cider jug for a french horn. And starting with these instruments, you will learn to play the law.

Law is an Andrew Wyeth painting. Each case is framed and hanging in the museum of a casebook, stark, obscurely symbolic of something greater than itself. It frustrates you and hypnotizes you, until you leave it half-digested and shuffle on to the next frame.

Law is theatre of the absurd. When you discuss the law in class, you talk all around it, and ponder the implications of its Non-Meanings. You are waiting for Godot. The presence of the Law hangs heavily abstract in the air, but you wait for the conclusion, the Rule, which never arrives.

Law is perfectly executed classic ballet. Judges dance haughtily on pointed toe in predictable chorus lines in their opinions. They bounce delicately around and away from the reasons, and twirl sparkling sidesteps past the contradictions—until a Rudolph Nureyev judge like Cardozo, or Harlan, or Friendly, comes leaping violently out into center stage to thrill the audience with his surpassing vigor of analysis.

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Law is alive and each subject breathes its own idiosyncratic identity. Criminal Law is a Sunday-go-to-meetin' preacher. He picks sociologists' pockets for theories of rehabilitation of deviants à la Clockwork Orange. And as he preaches, he glances nervously over either shoulder, hoping no one will notice that he is carrying a Saturday special, and settling society's blood feuds with a flick of his trigger finger.

Property is the sleepy old man of the law, covered with moss and weighed down by fossilized feudal monuments. As a sixteenth century wolf landlord in sheep's clothing tries to slink past him, the old man awakens with a Rip van Winkle yawn of surprise to find himself in the twentieth century, and puts out a cobwebbed hand of charity to give a freezing penurious tenant a remedy or two.

Civil Procedure is a weak-chested, thin fellow with thick bi-focals which give him the curse of simultaneous telescopic and microscopic vision. He is lost in the labyrinth in Crete, with only the fraying thread of the Federal Rules to guide him out of the maze. He quivers with each step at the thought that the monster minotaurs of the Federal judges may lunge out at any moment, swallow his case in one gulp, and throw him out of court.

Poor arteriosclerotic Contract lies wheezing on his deathbed, weakened by everyone's lack of consideration. His overfictionalized veins are impossibly burdened with the pulsing blood of new theories, until, miraculously, the products liability doctor arrives, and manages to make a life-saving transplant, with a heart of tort.

Law is Wonderland. I hold out my hand to you and pull you through the looking glass into a world of double mirrors where everything is distorted beyond your wildest dreams. The professors are all mad hatters, asking all you bewildered Alices, "Why is today's case like that case five weeks ago?" "Why is a raven like a writing desk?" they demand. You sit in perplexed silence. "You're absolutely right!" they exclaim. "There is no answer!"

The language of the law is pure Jabberwocky. You all remember "Twas brillig and the slithy toves did gire and gimble in the wabe." How about, "Twas infra, and the plea to wit/A breach in limine demurred/Malfeasance was the plaintiff's claim/And quantum meruit."

As you all sit here, contemplating the plunge you

are about to take, you are all now lawyers, irrevocably, although you do not know it yet, although you have not seen the vision. The Merlin of the Admissions Office has cast his magic wand over you, and you are all lawyers. You are wearing invisible black robes, you walk through an incense laden Green Lounge, you carry invisible candles to the altar of the Supreme Court Reports. You are all Chaucerian pilgrims on the road to Canterbury; you are an intellectually gawdy and incompatible group. All I can do is wish you luck on your pilgrimage, and hope that you manage to tell a few memorable stories along the way.

You may be tempted in the months ahead, to look back on our visions, on my visions of Law as Art, as Life, as Wonderland, and say, "She was so wrong, all that is just an illusion." If you say this, I can only reply in the words of Mark Twain: "Don't part with your illusions. When they are gone you may still exist, but you have ceased to live."

