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The Lawyerland Essays: Introduction

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ESSAYS

On September 11th, the twin towers of the World Trade Center were destroyed in a terrorist attack. Several thousand people died. The area around the WTC, lower Manhattan, was left devastated.

*The book we discuss here, *Lawyerland*, concerns fictional lawyers working in that place—a place we now call ground zero. We have not changed our essays to reflect the devastation. We are too close to this moment and it is too soon. But mostly, the gap that separates the form of academic commentary from the violence of September 11th cannot be bridged without trivializing what took place.*

*We have thus left *The Lawyerland Essays* that follow unchanged.*

P.S.

THE *LAWYERLAND* ESSAYS:

INTRODUCTION

On the surface, *Lawyerland* is a collection of fictionalized interviews with a select group of lawyers.¹ In these interviews, lawyers are asked to talk about themselves, their profession, and each other. Read merely as a set of interviews, the book is already remarkable: It is, as one reviewer said, an anthropological report—a record of the world of American lawyers at the end of the twentieth century.²

Here is the opening paragraph:

“Let me see. Lawyers.” Robinson turned his chair around with his body and pulled a file off the shelf, then, swinging back, tossed a newspaper clipping across his desk. “Here”—he smiled—“you want lawyers? Here’s a lawyer. A white shoe, metamerger, ‘don’t-you-love-the-Four-Seasons-Grill-room?’ attorney-at-law. In a state of lament. He’s lamenting! What is he lamenting? The demise. Of what? The profession. The profession!” (P. 3.)

Lawyerland’s lawyers talk like this—at length with bitterness, anger, sadness, wistfulness, irony and sarcasm, and even madness.

But *Lawyerland* is not just a set of interviews, nor just an anthropological document. It is also a work of art—though what kind remains somewhat of a mystery.

1. Lawrence Joseph, *Lawyerland: What Lawyers Talk About When They Talk About Law* (1997). In the Essays that follow, all citations to *Lawyerland* are made internally in parentheses.

2. Phillip Lopate, *Court and Spark*, Esquire, June 1997, at 30.

Robert Weisberg in “Civic Oratory in *Lawyerland*” asks the question rather directly: What are these interviews? He argues that they are not confessions, not conversations, not narratives, not poetry. They are rhetorical performances—speeches, attempts to persuade. But persuade us of what? Weisberg suggests that the interviewees strive to persuade us that they, as lawyers, are endowed with special and wise, albeit distressing, social, psychological, and intellectual insights. For Weisberg, *Lawyerland* is an attempt to show us what it is like to be a lawyer weighed down with a privileged access to some exceedingly unholy truths.

But what are these truths? Exactly what do *Lawyerland*'s lawyers know? This is the principal question that informs Robin West's essay, “Joseph in Lawyerland.” What they know most are the limits of their own knowledge and of things unseen. They keep secrets and they know that secrets are kept from them. They also know many things that weigh them down with pain: the chaos, the injustice, the sometimes monstrous character of our social and legal worlds. For these lawyers, West argues, this knowledge and this pain yield neither resignation nor apathy, but hope. *Lawyerland*'s lawyers know what has to be done: to end our civil wars, recognize our equality, open our borders, and quiet the chaos.

Are these lawyers “real”? David Luban asks the fiction/nonfiction question, tracing its permutations in the hall of mirrors that is *Lawyerland*. As he points out in his essay, “The Art of Honesty,” this is a work of non-fiction which is subsumed in a fictional discourse whose fictive status is then denied (and so on). Throughout these reversals, Joseph gives us lawyers who are truthful—more real than “real lawyers”—and certainly more revealing. Among the many things they reveal, not the least important is the truth of law—what law is, day in and day out. Law, according to Luban, is nothing other than the conversations and interlocking sensibilities of lawyers—what Luban calls “law's landfill,” the dregs and dreck of legal authority on which civilization is erected. But Luban is troubled by Joseph's lawyers. What he sees in too many of them is a contempt for themselves and each other. As persons, they are missing something.

Well, then, who are these people, these characters? David Skeel Jr. suggests that some of the recurring concerns in Lawrence Joseph's literary work—most notably, his poetry—are the ways in which language, aesthetics, law, and self endlessly refract and reflect each other. The one thing one does not get from *Lawyerland*, as Skeel's essay, “The Lawyer as Confidence Man,” shows is a stabilized piece of meaning. On the contrary, as Skeel argues, *Lawyerland* is a successive lifting of lawyerly masks—of lawyerly modes of self-presentation. For Skeel, Joseph is fascinated with questions of personal identity. Viewed in this light, *Lawyerland* is an exploration of the ways in which the self works the law and the law works the self.

As a literary work, what implications does *Lawyerland* yield for “law and literature?” In its bleak, anti-heroic picture of law and lawyering, what does *Lawyerland* portend for those who wish to acquaint law with

literature or improve the former with the latter? This is the explicit question Krakoff examines in her essay, "Does 'Law and Literature' Survive *Lawyerland*?" She finds that *Lawyerland*'s lawyers are anti-poetic and that this anti-poetry is emblematic of the literature of law. For Krakoff, law is already a literature—a rather anti-poetic one. There is thus little reason to believe that acquainting law with literature can infuse law with new-found hope or virtue.

But *Lawyerland* does reveal some important truths about the law. In "Jurisprudence Noire," I suggest that Joseph's lawyers reveal images of law that are more illuminating and more complex than the usual scholarly or pedagogical productions of the law school world. It acquaints or reminds us of the dark side of law—of the violence, the pain, the mania that is law. In many senses—moral, aesthetic, and even jurisprudential—*Lawyerland* is a stark challenge to Law's Empire—the romanticized views of law and lawyering that reign in the contemporary American legal academy. How should—how can—American legal academics respond?

This collection of Essays closes with a contribution from Lawrence Joseph. His "Working Rules for *Lawyerland*" are notes, guidelines, and references Joseph wrote to himself while creating *Lawyerland*. They focus further attention on the way in which the book is crafted as a literary work. They are included here as glimpses into the author's writing, a set of admonitions to the reader.

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