A GROUND BREAKING
FILM ESSAY & A NEW APPROACH
TO LEGAL SCHOLARSHIP.

Teacher’s Guide

Revitalizing the Lawyer-Poet
WHAT LAWYERS CAN LEARN FROM ROCK AND ROLL

A film essay based on the scholarship of Russell G. Pearce, Professor of Law at Fordham University and Co-Director of the Louis Stein Center for Law and Ethics. Directed by Brian Danitz, Sundance Film Festival featured Director and Cinematographer of Academy and Emmy Award–winning films. DVD available free with study guide from Louis Stein Center for Law and Ethics.

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for

Revitalizing the Lawyer-Poet:
What Lawyers Can Learn from Rock and Roll

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Before Showing the DVD

We strongly encourage you to have a short discussion (10–20 minutes max) before showing the DVD or at minimum to ask the participants to keep a few questions in mind while watching. The purpose of having a discussion in advance is to assist the participants in clarifying their own ideas before they start analyzing the ideas in the DVD. This will enable them to gain a deeper understanding of the material.

If you choose to have a discussion before showing the DVD, some suggested questions are:

1. A local college asks you to speak to pre-law students about a career in law. In no more than 30 seconds, how would you define professionalism?
2. If your child or sibling or best friend asked your advice on whether to apply to law school, what would you say?
3. Do the lawyers you know enjoy their work? Do you or any of your friends who are lawyers drink too much or do recreational drugs? Do you or any of your friends who are lawyers bury themselves in their work to the detriment of their personal life?

If you do not want to have a discussion before showing the DVD, you might want to ask the participants to keep the following questions in mind while watching:

1. What is professionalism?
2. What are the causes and consequences of the crisis of professionalism?
3. Do lawyers have a public responsibility as intermediaries between the people and the law?
4. Can lawyers make money, have fun, and do good, all at the same time?

After Showing the DVD

You now have two choices. You may want to ask open-ended questions that will allow the participants to guide the discussion or you may choose to direct the conversation. Your choice may depend upon your audience; e.g., in a class for students, directing the conversation may be more important. Even if you choose to ask open-ended questions, you should be familiar with the directed questions—they will help you follow-up on the responses you receive.

If you choose to ask open-ended questions, you might wish to ask:

1. When you go to the office tomorrow, what will you tell your colleagues about the DVD? (When you go home tonight, what will you tell your spouse/partner/roommates/friends?)
2. What about the DVD will you remember 6 months from now and why?

3. What new insights have you gained from the DVD?

4. Did the DVD change or challenge any of your thinking?

5. Does the DVD help explain why you can have fun, do good, and make money all at the same time?

6. When you leave the room, do you intend to do anything differently? What? (this is a concluding question)

If you choose to ask directed questions, you might wish to ask:

1. The film asserts that the bar has failed to resolve the crisis of professionalism because lawyers no longer believe in the business-profession dichotomy. Do you agree or disagree?
   • Do you agree or disagree with the following claims traditionally made about professionalism:
     i. Altruism is the primary motivation of lawyers while greed motivates business people.
     ii. Legal expertise is inaccessible to lay people.
     iii. Lawyers, in contrast to business people, can be trusted to regulate themselves.

2. Conventional explanations for the crisis of professionalism are that lawyers have become greedier, that the legal services market has become more competitive, that the bar is more diverse and that law schools have neglected ethics and practice. The film finds these explanations unpersuasive. It instead argues that the 1960s led to a rejection of the notion that lawyers were inevitably superior in morality and expertise. Do you agree or disagree?
   • The film argues that the development of the new field of practice known as public interest law and the creation of a new ethical duty to provide pro bono legal services led lawyers to deemphasize the public good in their everyday practice. What do you think?

3. The film suggests that loss of faith in the business-profession dichotomy has left lawyers without a ready explanation for why their work has special meaning. It also asserts that this loss of meaning contributes to the higher incidence of substance abuse and anxiety-related mental illness among lawyers than found among other professionals.
   • Do you agree that many lawyers today are uncertain of why their day-to-day work as a lawyer is important to society?
• Does the difficulty in attributing meaning to lawyers’ work contribute to the higher rates of substance abuse and anxiety-related mental illness than in other occupations?

• Do you have an alternative explanation for lawyers’ higher rates of substance abuse and anxiety-related mental illness?

4. The film argues that lawyers continue to serve as the “governing class” because of our key role in the judicial, legislative and executive branches of government and because we are the “primary intermediaries between the law and the people.” Do you agree? Why or why not?

5. If lawyers continue to serve as a governing class of intermediaries between the law and the people, what are the implications for your practice?

• Do you agree with the film’s contention that lawyers have an obligation to “remind people and businesses of their obligations to the spirit of the law and the public good, and not just the minimal requirements of the letter of the law”?

6. The film suggests that “like rock, legal work is full of power and passion. It is about people and their stories, even when we represent businesses, as Justice Louis Brandeis powerfully reminded us. We help people find justice, dignity, truth, riches, or maybe just a little relief.” Do you agree that your work is full of power and passion? That this is also true of all legal work, including representation of businesses?

7. The film suggests that a democratic vision of rock and roll is the most difficult aspect for lawyers to accept because it would result in allowing non-lawyers to provide simple legal services. Do you agree?

• Would a democratic vision also suggest that the public regulate lawyers?

8. Can lawyers, like rock musicians, make money, have fun, and do good, all at the same time?

9. Can you analogize your work as a lawyer to that of a musician or artist?

• Who would you most want to be like and why?

• Would you have to change your practice?

• Do both law and art combine a vision of the ideal with a command of the practical?

10. When you go to the office tomorrow, what will you tell your colleagues about the DVD? (When you go home tonight, what will you tell your spouse/partner/roommates/friends?)