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## An Architecture for Advocacy: A Sense of the Whole

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# An Architecture for Advocacy: A Sense of the Whole

John Nivala\*

## I. INTRODUCTION

The law, in action, is an advocacy system, not an adversary system. The lawyer, in action, speaks in support of a specific point of view to help a particular client achieve a goal. Having assisted in identifying that goal, the lawyer, as advocate, plans the strategy, prepares the tactics, and then performs the acts necessary to acquire information, to assess its relationship—positive or negative—to the goal, and to arrange the information into a story which will be admissible at trial and which will, in a coherent, clear, and credible manner, be complete—legally sufficient and factually persuasive.

The lawyer, in action, is engaged in construction, in building a case. There must be a design, an architecture, for that construction. Advocates, like architects, work from a plan, building section by section, always keeping an overall goal clearly in focus.<sup>1</sup> Their plans are carefully organized and clearly expressed. They find order in what appears to be disorder; they separate the important from the merely interesting; they construct in the clearest possible manner.<sup>2</sup> Success for the advocate or the architect depends on that.

This Article will match two architects—Mies van der Rohe and Frank Lloyd Wright—with the two foundations of advocacy: effective legal analysis and effective legal argument. Mies is matched with effective legal analysis. His architecture was objective; it aimed at the head.

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1. See Mimi Read, *A Wright Disciple Now Rivals The Master Himself*, N.Y. TIMES, Oct. 10, 1991, at C1. Read discusses an architecture whose style is not "slapped-on . . . but rather a deeply thoughtful, process-oriented philosophy, wherein a house grows out of its environment, the client's needs and feelings about materials and all the little puzzles that nature tosses in." *Id.*

2. See David Spaeth, *Ludwig Mies van der Rohe: A Biographical Essay*, in MIES RECONSIDERED: HIS CAREER, LEGACY AND DISCIPLES (Zykowsky ed. 1986). See also Hon. Edward D. Re, *Legal Writing as Good Literature*, 59 ST. JOHN'S L. REV. 211, 219 (1985):

As a society, we rely on law to bring order to the too often random vicissitudes of human events. From the ordinary transactions of daily life to the most disturbing extremes of the human condition, law, through the medium of language, defines and brings order to what would otherwise be chaos and confusion.

Wright is matched with effective legal argument. His architecture was subjective; it aimed at the heart.

However, we will see that for these architects, as for advocates, there is a sense of the whole, a necessary fusion. The genius of the architecture came from the synthesis of plan and performance. If Mies did not have the sense of proportion, rhythm, and refinement which grace his buildings, his work would have reflected only the sterile engineering of his imitators. If Wright did not have the ability to execute, to actually bring his vision into being, his legacy would be that of a skilled drafter, a player with forms.

Advocacy also requires this fusion. The law in action is not purely intellectual nor is it purely emotional. It is not analysis or argument; it is analysis and argument. Both are essential components. Advocacy is a synthesis, a fusion, of these elements, and the able advocate has a sense of this whole.

## II. LUDWIG MIES VAN DER ROHE AND EFFECTIVE LEGAL ANALYSIS: CAREFUL, CLEAR, CONCISE

### A. *The Architect and The Analyst*

Ludwig Mies van der Rohe was a 20th century master of architecture and architectural education. His aphorism, "less is more," summarized a philosophy which "consisted of austere elegance, clean lines and clarity, elimination of extraneous decoration or applied ornament, designs of great refinement, visual simplicity and jewel-like precision."<sup>3</sup> Less is more demands that the architect like an effective legal analyst who researches, investigates, and develops a case, use only that which counts.

Mies valued the structured, the objective; he was wary of the plastic, the emotional. These are opposites which he said could not be mixed.<sup>4</sup> For Mies, architecture, like law, was a civil art. He was "the architect *par excellence* of civilization, of law and order . . . striving to preserve and renew old values."<sup>5</sup> His work expressed those values clearly as seen in this review of an early project:

The greatness of the [Barcelona] Pavilion . . . lay in the fact that it managed to express, in the most exquisitely polished and exact terms, the highest aspiration of a Europe racked by war and infla-

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3. GABRIELE L. RICO, *WRITING THE NATURAL WAY* 236 (1983).

4. *Architecture: Affirming the Absolutes*, *TIME*, Feb. 2, 1966, at 58.

5. ARTHUR DREXLER, *LUDWIG MIES VAN DER ROHE* 9 (1960).

tion. Here was that clarity, order and peace that Europe longed for. Here were noble spaces, unpolluted by an connotation to a discredited, futile past. Here were fine materials, free of decadent motifs and moldy symbolism, glowing with their own intrinsic beauties. Here was the catalytic image that was to clarify problems of design for whole generations of architects.<sup>6</sup>

The Barcelona Pavilion was not the culmination of Mies' work. It was an early step—a brilliant step—in a progression which continued throughout his career in Europe and America. The Pavilion was, however, representative of the clarity and precision which always characterized his work.<sup>7</sup>

Mies' goal as architect and educator was to discover and express a universal, classic structure.<sup>8</sup> Unlike Frank Lloyd Wright, who was emotional, exuberant, and often undisciplined, Mies was objective, reserved, and structured. Where Wright looked to the new, Mies contemplated the past.<sup>9</sup> His faith was in works of clarity, consistency, and simplicity.<sup>10</sup>

That faith was not easily practiced. Mies was a conscientious architect and teacher. Faced with a problem of construction or curriculum, he labored, like the effective legal analyst, to state the problem precisely and work it out in detail. His final design was the result of a thorough, intensive thought process.<sup>11</sup> The refined subtlety of his construction depended on disciplined, logical analysis.<sup>12</sup> Mies, like the effective

6. James M. Finch, *Mies Van Der Rohe and the Platonic Verities*, in *FOUR GREAT MAKERS OF MODERN ARCHITECTURE* 155 (Placzek gen. ed. 1970). The Pavilion was influenced by Wright's work; Wright, in turn, admired the Pavilion and, despite his general dislike of European architects, genuinely admired Mies' European work. See FRANZ SCHULZE, *MIES VAN DER ROHE: A CRITICAL BIOGRAPHY* 68, 157-8, 210-11 (1985).

7. Stanley Tigerman, *Mies Van der Rohe and His Disciples or the American Architectural Text and Its Reading*, in *MIES RECONSIDERED*, *supra* note 2, at 103.

8. See Kevin Harrington, *Order, Space, Proportion—Mies' Curriculum at ITT*, in *MIES VAN DER ROHE: ARCHITECT AS EDUCATOR* 61 (Rolf Achilles, et al. 1986). Katherine Kuh, *Mies Van Der Rohe: Modern Classicist*, *SATURDAY REV.*, Jan. 23, 1965, at 23.

9. See Finch, *supra* note 6, at 163, J. BURCHARD, *BERNINI IS DEAD?* 590 (1976), and *Review: Ludwig Mies van der Rohe*, *ARCH. FORUM*, Nov. 1947, at 132.

10. See DAVID SPAETH, *MIES VAN DER ROHE* 173 (1985) (quoting Mies): "I learned more from old buildings . . . with their fine, simple purpose, their fine, simple construction, their marvelous draftsmanship and wonderful proportion and unsophisticatedness."

11. See HANS M. WINGLER, *THE BAUHAUS* 540 (1969).

12. See SCHULZE, *supra* note 6, at 325. "Less than ever would architecture after Mies escape the implications of discipline, logic and method as driving forces in the profession." See also Gerald R. McSheffrey, *Architectural Education: Mies's Greatest Bequest*, *ARCH. REC.*, Aug. 1984, at 47: "My view is that his greatest bequest was not a

legal analyst, was controlled and methodical. His architecture was a stern discipline, rigorously rational.<sup>13</sup>

Mies' architecture was simple but not simplistic. It achieved its overall effect by an unrelenting attention to detail.<sup>14</sup> He valued the clarity which resulted from that attention. It was the heart of his work.<sup>15</sup> As Mies summarized it: "I think that a clear structure is a great help for architecture. . . . I cannot do anything that is not clearly conceived. To me, structure is like logic. It is the best way to do things and to express them."<sup>16</sup> Mies' trust in the objective and logical was translated "into an architecture of simplicity and beauty" reflecting his "intense clarity of expression."<sup>17</sup>

This clarity of expression was enhanced by its concision. Mies wasted neither words nor work.<sup>18</sup> Personally, he was laconic; professionally, his buildings were "characteristically chaste, elegant, meticulously detailed and superbly proportioned."<sup>19</sup> Mies wanted "*beinahe nichts*, 'almost nothing.'"<sup>20</sup> He carefully worked with a logical plan toward a narrow purpose: an architecture which was clean, simple and elegant.<sup>21</sup>

building but the School of Architecture at I.T.T. with its classically structured curriculum, quality of work, and rigorous educational intent."

13. See SCHULZE, *supra* note 6, at xv.

14. See A. SPEYER, *MIES VAN DER ROHE* 10 (1968):

The result of Mies' lifelong focus on the same architectural issues, developed in comprehensible steps, is so undeviating that it gives an illusion of easy progress. Actually, the complexity of each project lies on its formative stages; the study involved in each project is a progressive simplification.

See also P. JOHNSON, *MIES VAN DER ROHE* 46 (3d ed. 1978).

15. See L. HILBERSEIMER, *MIES VAN DER ROHE* 48 (1956) and R. BOYD, *THE PUZZLE OF ARCHITECTURE* 135 (1965).

16. Blake, *A Conversation with Mies*, in *FOUR GREAT MAKERS*, *supra* note 6, at 93.

17. Sandra Honey, *Mies Van Der Rohe: Architect and Teacher in Germany*, in *ARCHITECT AS EDUCATOR*, *supra* note 8, at 37.

18. See SCHULZE, *supra* note 6, at 120:

In later years when Mies was enjoying his greatest fame in America, he was known as the silent Mies, profound and taciturn, who expressed himself in works rather than words. "Build, don't talk," was the charge his admiring students often attributed to him.

19. ALDA L. HUXTABLE, *GOODBYE HISTORY, HELLO HAMBURGER* 40 (1986).

20. JOHNSON, *supra* note 14, at 140. See SCHULZE, *supra* note 6, at 177: "Mies approached education much the way he took on architecture, with a drive to abstract it, to distill its ends and means to indivisible, unarguable essentials."

21. See LUDWIG GLAESER, *LUDWIG MIES VAN DER ROHE* 17 (1977). See also HOWARD DEARSTYNE, *INSIDE THE BAUHAUS* 228 (Spaeth ed. 1986) where a student of Mies, in a letter home, describes his experience:

Those who criticize Mies' work feel that less can be a bore or, even worse, totalitarian.<sup>22</sup> Mies' work is often described as "impersonal, taciturn, expressionless"; yet, it has qualities which his contemporaries respected "as being clean, unsentimental and honest."<sup>23</sup> Mies wanted his work to reflect the universal rather than the individual.<sup>24</sup>

Less is not a bore in competent hands. Mies was more than an engineer; he had a sense of the whole, of the artistry in his work. His architecture has an inherent beauty.<sup>25</sup> It is rich and complex, yet splendidly simple. It is solid and perfectly detailed, having the beauty of the well made, the orderly, the quiet. Like effective legal analysis, this is a result of disciplined distillation, research, investigation, and development.<sup>26</sup> It demands careful planning, a clear structure, and a concise expression. Ignoring that demand produces a sloppy construction, a failing in legal analysis as well as architecture.

The analyst, as well as the architect, must think before doing, must plan before constructing, must be disciplined and patient. Mies carefully worked out a problem, found a focus for a solution, and clearly defined its expression. Discipline, order, simplicity: these qualities of Mies' architecture are also seen in effective legal analysis. There is a commitment to precise structures and decisive details. The problem is analyzed

Mies van der Rohe continues to hold us to the small problems . . . [I]t takes weeks or months to do a small house of this nature in a decent way. The very simplicity of these houses is their chief difficulty. It's much easier to do a complicated affair than something clear and simple. . . It's much easier to work under less critical men and content yourself with middle-rate work.

22. See ROBERT VENTURI, *COMPLEXITY AND CONTRADICTION IN ARCHITECTURE* 17 (2d ed. 1977). See also L. MUMFORD, *ARCHITECTURE AS A HOME FOR MAN* 144 (1975):

Our age tends to think of complexity in purely mechanical terms, and to reduce social and human relations to simplified abstract units that lend themselves easily to centralized direction and mechanical control. Hence the brilliantly sterile images that Le Corbusier and Mies van de Rohe projected, images that magnify power, suppress diversity, nullify choice, have swept across the planet as the new form of the city.

23. Boyd, *supra* note 15, at 105.

24. See LUDWIG HILBERSEIMER, *CONTEMPORARY ARCHITECTURE* 206-7 (1964) and SCHULZE, *supra* note 6, at 238.

25. See HILBERSEIMER, *MIES*, *supra* note 15, at 35: "Clarity of structure, perfection of work, combined with an intrinsic beauty of its own, are the characteristics of the architecture of Mies van der Rohe." See also ALLISON & PETER SMITHSON, *THE HEROIC PERIOD OF MODERN ARCHITECTURE* 5 (1981).

26. See Gale, *Mies van der Rohe: An Appreciation*, in *MIES VAN DER ROHE: EUROPEAN WORKS* 98 (1986).

until an intelligible solution is designed and clearly expressed.

Mies preached as he practiced. In a rationally sequenced manner, Mies led his students from the simple to the complex. He gave them a disciplined method for problem solving and a desire to work for quality.<sup>27</sup> He emphasized the value of "clarity and unity in thought and action."<sup>28</sup> He taught that restraint takes discipline, that students must develop a careful, clear, concise method of construction.<sup>29</sup>

Mies also practiced as he preached. Using a slow, careful process, he analyzed each problem in detail, studied each element until it could be fitted into a whole.<sup>30</sup> The building matured and became fitting. The legal analyst also starts with a careful consideration of what should be done and how. Careful planning precedes clear expression. The analyst's disciplined reflection and dogged work lead to development of an effective argument.

Mies' architecture demanded discipline in both conception and construction.<sup>31</sup> The result was carefully thought out and made manifest in buildings which enlighten and please. Mies had the discipline and diligence to find what he wanted to say and the precise way for expressing it. Patient, painstaking, hard work was the essential element. Mies worked hard to build the best; for him, the best was reflected in "the clarity of honest construction."<sup>32</sup> Clarity was essential to his architecture.<sup>33</sup> Like effective legal analysis, Mies' "clear and simple structure . . . is a constructed system of relations, a constructive form rationally thought out in all its details."<sup>34</sup> It is ordered and logical. It is subtle, refined, and balanced, eliminating the extraneous.<sup>35</sup> Like effective legal

27. See George Schipporeit, *Forward*, in *ARCHITECT AS EDUCATOR*, *supra* note 8, at 10.

28. PAUL HEYER, *ARCHITECTS ON ARCHITECTURE* 30 (1966).

29. See P. CARTER, *MIES VAN DER ROHE AT WORK* 160 (1974).

30. See WARNER BLASER, *MIES VAN DER ROHE: THE ART OF STRUCTURE* 220 (1965).

31. WARNER BLASER, *AFTER MIES: MIES VAN DER ROHE—TEACHING AND PRINCIPLES* 112 (1977).

32. See HEYER, *supra* note 28, at 27.

33. BLASER, *AFTER MIES*, *supra* note 31, at 211 (quoting Mies).

34. BLASER, *STRUCTURE*, *supra* note 30, at 10.

35. See BLASER, *AFTER MIES*, *supra* note 31, at 14:

Starting with a spatial concept, Mies always deployed his ideas on the basis of a clear construction, i.e., a regular construction in which dimensional modules are varied repeatedly or in an ordered manner. The important thing is that the construction should form a logical whole.

See also HILBERSEIMER, *MIES*, *supra* note 15, at 40:

Mies van der Rohe's architecture is notable for clarity of structure. He is a master of impeccable technique. The perfection of his work is revealed in

analysis, what remained counted.<sup>36</sup>

Mies' work, with its clear, precise structure, revealed rather than concealed, enlightened rather than encumbered.<sup>37</sup> He reduced his "concept to its simplest, most essential statement [based on] clear, regular structure."<sup>38</sup> It is not confused or cluttered. It is intelligible, stating clearly what it is and how it was made. The observer's attention was drawn, not diverted; the message was obvious, not obscure.

Mies, like the effective legal analyst, eliminated the annoyances and confusions which divert and obscure. He was convinced, as the legal analyst should be, of the need for clarity in thought and action. "Without clarity, there can be no understanding. And without understanding, there can be no direction – only confusion."<sup>39</sup> Mies described his career as "a search . . . to find out how to make a clear, honest

every detail. The subtlety, refinement, aesthetic value and the imperturbable artistic balance of the details reveal his great craftsmanship. He is also a master of proportion.

36. See HILBERSEIMER, *CONTEMPORARY ARCHITECTURE*, *supra* note 24, at 207, claiming that Mies' "architectural refinement is attached through purity of detail and proportion," both of which "are related to what he calls clarity of structure, the elimination of everything superficial."

37. See PETER BLAKE, *THE MASTER BUILDERS* 169 (1960):

[H]is most impressive characteristic throughout his career . . . is the ability to produce architectural statements of such overwhelming precision, simplicity, and single-mindedness that their impact is that of a major revelation . . . The startling simplicity of his revelations is . . . the result of an endless process of purification and crystallization of an idea – until that idea becomes so disarmingly simple, so overwhelmingly "obvious" that it must according to Mies beliefs, represent the ultimate truth. His famous saying – "less is more" – is . . . descriptive of the method by which he works, a method of distilling ideas to the point of ultimate purity.

See also *Ludwig Mies van der Rohe: Farnsworth House*, *ARCH. FORUM*, Oct. 1951, at 157, where the reviewer said this house "has no equal in perfection of workmanship, in precision of detail, in pure simplicity of concept . . . The house is above all else a work of art of supreme integrity, unity and perfection."

38. Padovan, *Machines a' Mediter*, in *ARCHITECT AS EDUCATOR*, *supra* note 8, at 21. See also SCHULZE, *supra* note 6, at 6, describing a "typical Miesian sentiment . . .: the explicit affirmation of clarity and generality in the design and construction of buildings . . . plus the implicit negation of personality, of self-conscious 'style,' or of anything ephemeral."

39. DAVID SPAETH, *supra* note 10, at 173 (quoting Mies). Earlier, the author quoted Mies on simplicity.

I want things to be simple. Mind you: a simple person is not a simpleton. I like simplicity, probably because I like clarity, not because of cheapness or something like that.

*Id.* at 15.

construction."<sup>40</sup> He worked toward "a renewed concentration upon the building as . . . an expression of humanistic order."<sup>41</sup> Architecture could express "a rational order . . . materially manifest in the evolution of earthly form."<sup>42</sup> Mies's expression was concise, reduced "to its essential elements and then refined . . . to the point of almost breathtaking beauty and eloquence."<sup>43</sup> He practiced "the art of omission,"<sup>44</sup> the "process of distillation to the point of utter perfection."<sup>45</sup> The result was almost nothing.<sup>46</sup>

Creating almost nothing is difficult. It calls for many intense decisions; it demands the discipline to exclude:

The apparent simplicity of Mies' architecture stems from a total rejection of the inessential. . . . Refinement assumes a consistency of expression rather than the production of a new form for each new problem. . . . Although his architecture may finally manifest itself as simple, this is certainly not synonymous with easy. His is a monumental effort that in the finished work may take no more than a few moments to declare itself.<sup>47</sup>

Mies' concise architectural expression is a trait shared with effective legal analysis. Restraint reflects refinement. It demonstrates that the problem has been properly analyzed and the proposed solution polished to a high gloss. Effective legal analysis, like Mies' architecture, is careful, clear and concise.

40. Kuh, *supra* note 8, at 22 (quoting Mies).

41. SCULLY, *supra* note 7, at 33-4.

42. SCHULZE, *supra* note 6, at 228.

43. BLAKE, *supra* note 37, at 204. See also SPEYER, *supra* note 14, at 11:

[Mies] tries with every fiber of his mind to extract the essence from each given work. He is called a purist for the obvious reasons: his building lines are straight and sharp, his surfaces sheer, and his spatial relationships precise. More significantly, he is a purist in the sense that he wishes to reduce his architecture to its essential and eliminate every irrelevant feature.

44. BLASER, STRUCTURE, *supra* note 30, at 106: "Only the art of omission reveals the true structure of a building and reduces it to elements of pure beauty and pure spirit."

45. BLACK, *supra* note 37, at 204.

46. W. JORDY, AMERICAN BUILDINGS AND THEIR ARCHITECTS 225 (1972):

Almost nothing: by this motto Mies means that sound architecture emerges so intimately from its structure as to seem its inevitable consequence. But Mies' "almost nothing" is a trap for the simple-minded. His depreciation phrase conceals the number and intensity of the aesthetic decisions that his spare architecture calls forth.

47. HEYER, *supra* note 28, at 36.

*B. An Architecture For Effective Legal Analysis: Less Can Be More*

Like effective legal analysis, Mies' work is so simple as to seem effortless. Yet, like effective analysis, it was "the result of unceasing thought and painstaking work."<sup>48</sup> His clear structure and concise expression reflect careful planning, qualities which equally characterize effective legal analysis.

The legal analyst is an architect who must attend to basics, who must carefully plan before constructing. This is difficult, unglamorous work requiring a single-mindedness of purpose. Yet, in effective legal analysis, as in Mies' architecture,

[w]isdom goes arm in arm with simplicity. The keen mind is one that can absorb a complicated problem, then state it in simple direct terms that will transfer the idea quickly and accurately to the minds of others. To put complicated ideas in simple language is not child's work. It calls for sophistication.<sup>49</sup>

As in Mies' architecture, the analyst must have the discipline to keep everything logical and clear.

Effective legal analysis is not accidental or uncertain. Mies' work looked simple "because the problems involved have been solved with clarity, because every part is in its place, in agreement with its function and in harmony with the other parts as well as with the whole."<sup>50</sup> Similarly, the legal analyst's task is "legal construction," the goal is "clear conceptual thinking, convincingly displayed."<sup>51</sup> The Miesian architect and the effective legal analyst value economy and precision; they eliminate the inessential. They construct without nonsense. The doctrine of less is more demands an "introspective concentration on essentials."<sup>52</sup> There are no unnecessary parts; everything counts. Nothing remains which distracts or confuses. What remains is austere and simple; straightforward and sober. The architect and the analyst seek "maximum effort with minimum means."<sup>53</sup> Less can be more, producing work carefully conceived and constructed. Such work is clear. It is simple and direct, focused and intelligible. It does not deny complexity; it takes the trouble to express it concisely. These qualities characterize the powerful and the eloquent. The economy is aesthetic as well as

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48. HILBERSEIMER, MIES, *supra* note 15, at 12.

49. R. GUNNING, *THE TECHNIQUE OF CLEAR WRITING* 9 (1968).

50. HILBERSEIMER, MIES, *supra* note 15, at 49.

51. Richard Hyland, *A Defense of Legal Writing*, 134 U. PA. L. REV. 599, 623 (1986).

52. W. BLASER, *MIES VAN DER ROHE: LESS IS MORE* 14 (1986).

53. SPEYER, *supra* note 14, at 18 (quoting Mies).

practical, endowing the work with grace and force.<sup>54</sup> When done with a sense of the whole, the simple can be strong, beautiful, and expressive. Less can be more.

### III. FRANK LLOYD WRIGHT AND EFFECTIVE LEGAL ARGUMENT: IMAGINATION, INTEGRATION, INTEGRITY

#### A. *The Architect and The Argument*

For Frank Lloyd Wright, as for Mies, architecture was the art of making an expressive construction. Wright's architecture was ideal made real; it was vision come to life.<sup>55</sup> From what was available, he created a reality he wished others to see, realizing, as does the effective advocate, that this requires a fusion of talents, intellectual and pragmatic, which "are . . . inseparable in their effective occurrence."<sup>56</sup> That occurrence is the eloquent coming together of thinking and doing, of planning and performing, an occurrence as true for effective legal argument as it is for architecture.<sup>57</sup>

54. See *Re, supra* note 2, at 224. See also James Lindgren, *Style Matters: A Review Essay on Legal Writing*, 92 YALE L.J. 161, 166 (1982):

Nearly every textbook writer endorses the style variously called "plain", "active", "direct", or "verbal", and nearly every leading novelist and essayist uses it. Not only is this style more pleasing aesthetically, but experimental studies have shown it easier to read, type, understand, and remember.

55. See FRANK LLOYD WRIGHT, *THE FUTURE OF ARCHITECTURE* 214 (1953) and FRANK LLOYD WRIGHT ON ARCHITECTURE: *SELECTED WRITINGS 1894-1940* 116 (Gutheim ed. 1941). See also Irvin C. Rutter, *A Jurisprudence of Lawyers' Operations*, 13 J. LEGAL EDUC. 301, 317 (1961):

It is not a denial of the reality of language as a prime tool of the lawyer to say that with this intimate identification with the facts, the lawyer goes beyond the words in which they have been presented to him, penetrates to the reality behind those words, and emerges with words as he chooses them to describe the reality as he wants others to see it.

56. Jenkins, *Theory and Practice in Law*, 19 U. FLA. L. REV. 404, 405 (1967). See also WRIGHT ON ARCHITECTURE, *supra* note 55, at 107.

57. See WRIGHT ON ARCHITECTURE, *supra* note 55, at 41. See also Paul D. Carrington, *The University Law School and Legal Services*, 53 N.Y.U. L. REV. 402, 410 (1978):

Students who are experienced in the intellectual pursuit of law will also take to their work a broader perspective that may better enable them to plan creatively, counsel wisely, and learn when more learning is needed. Moreover, experience with the intellectual pursuit may enable practitioners to perceive what is intricate and beautiful, what is idealistic and uplifting about the materials of their daily work. Much of the work of the law is tedious or prosaic. The ability to see beyond the immediate task adds not

The occurrence of theory and practice proceeds from the inside out. Frank Lloyd Wright believed "every problem carries within itself its own solution" which the architect, could reach in "a very painstaking way: to look sympathetically within the thing itself, to proceed to analyze and sift it to extract . . . its *common sense truthfully idealized*."<sup>58</sup> For Wright, the able architect brought to each commission, as the able advocate brings to each problem, "a constant initiative of innovation," the desire and energy to define, refine, redefine.<sup>59</sup>

Frank Lloyd Wright was a master of ideas, not a slave to ideas. A master works with a style which is individual. It comes not from imitation but from imagination.<sup>60</sup> The architect and the advocate may adhere to a broad framework common to their professions, but, as Wright noted, "[t]he subtleties, the shifting blending harmonies, the cadences, the nuances are a matter of [the individual's] own nature, . . . susceptibilities and faculties."<sup>61</sup> The able architect does not create a cliched formula, mindlessly repeating what has gone before. Each architectural problem, like each legal problem, is considered individually us-

only to the ability to perform it well, but also to the ability to enjoy it by seeing its place in the texture of our common experience.

58. WRIGHT ON ARCHITECTURE, *supra* note 55, at 20.

59. Jenkins, *supra* note 56, at 411. Professor Jenkins, writing of the theory/practice schism in the law, prefaced the comment with this analysis:

If the practitioner is content to merely employ the apparatus already at his disposal, and the theoretician to bring this to a yet higher surface polish, their work becomes sterile. A decent measure of discontent is essential to all constructive work. So the practical man of affairs must continually challenge the body of theory currently at his disposal, looking for ways in which this can be modified so as to improve its treatment of actual cases. And the man of ideas must be equally alert to the direction in which practice is tending, so that he can anticipate and correct its course.

60. See N.K. SMITH, FRANK LLOYD WRIGHT: A STUDY IN ARCHITECTURAL CONTENT 117-8 (1979) noting Wright's assertion that

the style of every architect must grow out of his direct grappling with materials and out of his own individuality . . . and that no man should draw inspiration from the forms of another man's work . . . [H]e finds the basis of style to lie in this interaction of materials and personality. Advocacy, like architecture, also requires this interaction.

See also Gordon A. Christenson, *Studying Law as the Possibility of Principled Action*, 50 DENVER L.J. 413, 431 (1974).

61. WRIGHT ON ARCHITECTURE, *supra* note 55, at 40. See also FRANK LLOYD WRIGHT, IN THE REALM OF IDEAS 48 (B. Pfeiffer & G. Norland eds. 1988) quoting Wright: "Now there can be nothing frozen or static about either the methods or effects of organic architecture. All must be the spontaneous reaction of the creative mind to a specific problem in the nature of materials."

ing ideas "which combine and recombine" and which allow "many creative possibilities around a few central themes."<sup>62</sup>

For Wright, working out each problem required individualized imagination. The resulting construction integrated parts and relationships to produce works of integrity. This parallels elements of effective legal argument. The creative advocate is skilled in "synthesis, the construction of alternative modes of handling problems, the ability to foresee and ameliorate future problems of law and society, and ingenuity in inventing legal structures to advance the public good."<sup>63</sup> This fusion of skills produces coherent, useful, ingenious solutions to the problems presented.

A fundamental tenet of Frank Lloyd Wright's architectural philosophy was that each problem had within it a solution. Wright had no template. He continually renewed his architectural imagination to meet the challenges presented by new problems. For each problem, he worked to achieve a proper relation of building and site and client, to integrate everything into a harmonious whole.<sup>64</sup>

Unlike clothes, Wright's architecture could not just be put on; it grew from within to serve a client's need. His construction clearly revealed the purpose for which it was done. The relationship of part to part and part to whole was not fixed by artificial rules.<sup>65</sup> Wright said imitation was, at best, "an appreciative exploitation of something from somewhere else that someone else made somewhere else."<sup>66</sup> He did not take his inspiration from the work of others; his inspiration came from the nature of each problem.

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62. WILLIAM J.R. CURTIS, *MODERN ARCHITECTURE SINCE 1900* 83 (1983).

63. Christenson, *supra* note 60, at 431.

64. See HENRY RUSSELL HITCHCOCK, *IN THE NATURE OF MATERIALS: THE BUILDINGS OF FRANK LLOYD WRIGHT, 1887-1941* 75-6 (1973). See also FRANK LLOYD WRIGHT, *DRAWINGS AND PLANS OF FRANK LLOYD WRIGHT: THE EARLY PERIOD (1893-1909)* (1983) (unpaginated). See also H. ALLEN BROOKS, *FRANK LLOYD WRIGHT AND THE PRAIRIE SCHOOL* 7 (1984) describing "Wright's insistence upon a completely unified approach to design: the intimate relation between building and site; the clear expression of materials, structure, and plan; and the total integration of furnishings and ornament within the architectural setting."

65. See J. SERGEANT, *FRANK LLOYD WRIGHT'S USONIAN HOUSES* 160 (1976).

66. FRANK LLOYD WRIGHT, *WHEN DEMOCRACY BUILDS* 39 (1945). See also Aaron G. Green, *Organic Architecture: The Principles of Frank Lloyd Wright*, in FRANK LLOYD WRIGHT, *IN THE REALM*, *supra* note 61, at 135:

Wright's philosophy of organic architecture is not to be confused with his singular style. That style is unique, his personal form of expression. He often repeated his hope that other architects and students would not imitate him but develop their own individuality.

Like the effective advocate, Wright was not constricted by fad or schools or ideology.<sup>67</sup> His perspective was broad, his perception acute, his solutions imaginative.<sup>68</sup> Drawing on a strong analytical ability, he constructed buildings which related to site and occupant just as the advocate must go beyond analysis to present arguments for resolving real problems, arguments which serve the needs and meet the goals of the client.<sup>69</sup>

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67. See THOMAS DOREMUS, FRANK LLOYD WRIGHT AND LE CORBUSIER: THE GREAT DIALOGUE 114 (1985):

It is a gauge of greatness that [Wright and others] looked outside architecture itself for images, unlike many architects whose main inspiration seems to come from the building of others. Architecture turned in upon itself becomes hermetic, unreal, not related to the outside world.

The same can happen in the law. See Michael H. Davis, *The Courtroom Mystique and Legal Education*, 23 ARIZ. L. REV. 661, 662 (1981):

Law students often observe certain formalities, use certain methods, adhere to certain traditions, and practice certain habits when those formalities, methods, traditions and habits seem opposed to normal notions of the way human beings operate. . . . [T]he justification is likely to be that these departures are necessary for the student to prepare for life as a lawyer.

68. See Sollyanne Payton, *Is Thinking Like a Lawyer Enough*, 18 U. MICH. J.L. REF. 223, 240-41 (1985):

[The good lawyer needs] peripheral vision, an ability to perceive what is going on in the total environment, to understand how things connect. . . . [the] ability to look at problems from many different perspectives, to see not only what is presented, but what is not presented, to think across doctrinal categories, to spot threat or opportunity originating from outside or what seem to be the boundaries of a problem. Another . . . quality . . . is an ability and willingness to appreciate a client's problem in the full context in which the client experiences it. A third . . . is an ability to design successful courses of action that accomplish the client's legal objective in a satisfactory manner in the context of the client's total situation.

69. See Gerald Korngold, *Legal Education for Non-Litigators The Role of the Law School and the Practicing Bar*, 30 N.Y.L. SCH. L. REV. 621 (1985):

[L]aw schools today do not do as good a job as they should in training our future lawyers to function as planners on behalf of their clients . . . . Too little attention is paid . . . to the theoretical underpinnings and skills training necessary to help these future attorneys accomplish solid and creative transactional structures.

See also Erwin N. Griswold, *Law Schools and Human Relations*, 1955 WASH. U. L.Q. 217, 224:

Through better knowledge of human relations, lawyers might achieve a better understanding of themselves and their relations to the problems with which they have to deal . . . . [S]pecialists, particularly those who have engaged in rigorous intellectual training, are least likely to develop an understanding of human relations. Such persons tend to be confined by

Wright was protean; he avoided becoming a "victim of his own clichés."<sup>70</sup> He demanded individual expressions for individual problems.

It has traditionally been held that . . . the goal of science is to discover a repeatable result that is therefore true. The goal of art is to discover a unique result that is therefore true. Architecture successfully practiced appears to incorporate both goals simultaneously. While there is a continuing demand for the perfecting of building types, there is a concomitant requirement for the particularization of each building to suit its site and its use.<sup>71</sup>

The effective advocate will likewise incorporate both goals, combining analysis and argument to fit the client's particular legal problem within the law's traditions.

Wright believed each design must be "appropriate for the people who will live or work in it, for its site, for its purpose, for the geographic, climatic and economic conditions in which it is to exist."<sup>72</sup> The construction is not merely composition, but the best possible solution to a unique challenge.<sup>73</sup> Wright taught that every imaginative design had to be appropriate to a specific human purpose.<sup>74</sup> Each construction developed into a single, integrated concept, working from within, "working in imagination toward a significant outward form," always proceeding "within the circumstances."<sup>75</sup>

the limits of their own training. The lawyer on being presented with a problem is likely to look at once to the elaborate constructions of his art and perhaps to overlook some rather obvious factor of human relations which many make his learning irrelevant or unimportant.

70. LEWIS MUMFORD, *FROM THE GROUND UP* 75-6 (1956).

71. DOREMUS, *supra* note 67, at 178.

72. O. WRIGHT, *FRANK LLOYD WRIGHT; HIS LIFE, HIS WORK, HIS WORDS* 122 (1966).

73. WRIGHT ON ARCHITECTURE, *supra* note 55, at 216-7. *See also* FRANK LLOYD WRIGHT, *AN AUTOBIOGRAPHY* 150 (1943):

Each new building was a new experience. A different choice of materials and a different client would mean a different scheme altogether . . . . So many things were new. Nearly everything, in fact, but the law of gravitation and the personal idiosyncrasy of the client.

Wright's concept is one which the able advocate must have:

Critical skill refines the appraisal or the evaluation of a legal decision or process in relation to the criteria which each person identifies and clarifies explicitly . . . . [T]he capacity for independent appraisal free from ideology or imposed criteria is imperative in holding worldly action accountable to explicitly defined standards.

Christenson, *supra* note 60, at 430-1.

74. *See* FRANK LLOYD WRIGHT, *A TESTAMENT* 222 (1957).

75. WRIGHT, *THE FUTURE*, *supra* note 55, at 297.

Effective advocates also proceed within the circumstances, using their arguments to reveal relationships and relate them to both the client's immediate problem and the larger questions of justice. This is a

process of molding (not torturing) a factual situation. . . . In effective advocacy. . . . [t]he selection is governed by relevance to the solution of the problem at hand and it is in the discovery of the relationships showing the relevance that the lawyer is exercising that *expertness in relevance* that is the crux of the lawyer's art. Much more than relevance in the legal evidentiary sense, it includes relevance to the applicable standard of justice and, as part of this process, the lawyer makes his choice of applicable rule of law, in turn shaping those rules to fit the facts, in the complex mechanism of advocacy.<sup>76</sup>

The effective advocate is always working in imagination and within the circumstances to construct the reality he or she wants others to see.

Imagination set Wright apart; he spoke "ever the language of the new."<sup>77</sup> It was imagination by which he got "himself born into whatever he does, and born again and again with fresh patterns as new problems arise" just as advocates must immerse themselves in the often chaotic, always changing problems of their clients.<sup>78</sup> Wright, like the advocate fashioning an effective legal argument, had "the quality of vision we call inspiration,"<sup>79</sup> the "spontaneous reaction of the creative mind to specific problems."<sup>80</sup>

76. Rutter, *supra* note 55, at 320.

77. WRIGHT, *THE FUTURE*, *supra* note 55, at 213.

78. *Id.* at 110-1. Also see Rutter, *supra* note 55, at 317:

In the chaos of experience confronting the lawyer at the operating level, facts do not appear with the subject-headings and elaborate subdivisions of a key-number system. The lawyer's skill in ordering and molding involves a process of total immersion in the grubby minutiae of an undifferentiated factual chaos and a circumferential sensitivity to facts radiating out in all directions . . . as well as those in front of the nose.

79. WRIGHT, *A TESTAMENT*, *supra* note 74, at 204. The creative act is satisfying for the advocate as well. See Stephen Gillers, *Great Expectations: Conceptions of Lawyers at the Angle of Entry*, 33 J. LEGAL EDUC. 662, 671 (1983): "From the lawyer's point of view . . . the difference between 'customized' and 'standardized' work may be the difference between work calling for intellectual invention and the enjoyment of personality and work that permits little or none of either, work that is banal."

80. *Frank Lloyd Wright*, 94 ARCH. FORUM 1, 93 (Henry R. Luce ed. 1951). Nearly twenty-five years earlier, Wright had warned that principles are not formulas. Formulas may be deduced from principles, or course. But we must never forget that even in the thing of the moment, principles live and formulas are dead. . . . So beware of formulas, they are

Wright cultured a project in his imagination, working it out by modifying, extending, intensifying and testing. He welcomed construction challenges and was not afraid to start anew. His plan was "the gist of all truly creative matter and must gradually mature as such."<sup>81</sup> If it would not mature, if it was not destined to come fully alive, if it was not a clear, imaginative solution to the individual problem, it was discarded. Wright could invent new moves, take new directions and adapt to the unpredictable.

The client's desires and needs were important to Wright as they must be to the advocate fashioning a legal argument. He would not tax "human use and comfort . . . to pay dividends on any designer's idiosyncrasy."<sup>82</sup> Each client was unique. He constructed buildings appropriate for the individual, the site, and the budget; as the advocate constructs arguments appropriate to the individual client's needs, goals, and abilities.<sup>83</sup> Wright idealized "his client's character and his client's

dangerous. They become inhibitions of principle rather than expressions of them in non-sentient hands.

Frank Lloyd Wright, *In the Cause of Architecture: Fabrication and Imagination*, 62 ARCH. REC. 318, 321 (1927). Lawyers also must beware of formulas. See Roger Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. LEGAL EDUC. 247, 249 (1978):

Because law students and lawyers are constantly tempted to invest generalizations with reality and to assume that law is more preexisting, certain and stable than it really is, the foremost task of legal education is to inculcate a skeptical attitude toward generalizations, principles, concepts and rules.

81. WRIGHT, ON ARCHITECTURE, *supra* note 55, at 108. The advocate must also cultivate an ability to adapt. See James White, *Doctrine in a Vacuum: Reflections on What a Law School Ought (and Ought Not) To Be*, 18 U. MICH. J.L. REF 251, 260 (1985):

The new lawyer is surprised to discover that in practice no case ever comes to him as a clear-cut paradigmatic case, but always has uncertainties, ambiguities, rough edges and paradoxes built into it. This is so because the case comes from life. . . and these are qualities of actual human experience to deal with the fact that circumstances and culture constantly change, the mind must not have a grid of established moves but the capacity to invent new moves. . . [T]he only possible guide is internal, a kind of gyroscope that enables the vessel to maintain stability and direction in a world that is entirely fluid and relative without external landmarks.

82. WRIGHT, AN AUTOBIOGRAPHY, *supra* note 73, at 145. See also FRANK LLOYD WRIGHT, *THE NATURAL HOUSE* 166 (1954).

83. See Lewis Asper, *Some Old Fashioned Notions About Legal Education Accompanied by some Ultra-Conservative Suggestions*, 25 MD. L. REV. 273, 285 (1965):

[L]awyers are doers . . . Legal problems require solutions . . . What [the client] is looking for is someone to help him make repairs or salvage some of the wreckage. A client told "the law" prevents him from doing what he

tastes and [made] him feel that the building is his."<sup>84</sup> His construction represented architect and client, site and materials. He sought an expression which was ideally appropriate and harmonious.<sup>85</sup>

The harmony which Wright sought occurred when part related to part and parts related to the whole. This demanded integration which "means that no part of anything is of any great value in itself except as it be an integrate part of the harmonious whole."<sup>86</sup> Wright valued the integration of form with purpose, of parts with the form, of materials and methods with the parts.<sup>87</sup> His architecture, like effective legal argument, discovered and made apparent, in an orderly, inventive fashion, the relationship between the seemingly unrelated.<sup>88</sup>

Wright's integration brought life to his buildings and made them beautiful, innovative, and exuberant. His work achieved concordance, a state of agreement; it molded all into a harmonious whole. The effec-

wants to do is not usually prepared to drop the matter there: he will want some help in determining what he can do, from someone capable of understanding his needs and objectives, resourceful enough to help him design and execute a proper method of satisfying them.

84. WRIGHT, ON ARCHITECTURE, *supra* note 55, at 41. For detailed accounts of how Wright worked with and for individual clients, see Frank Lloyd Wright, *The New Larkin Administration Building*, 7 PRAIRIE SCH. REV. 15 (1970); D. HOFFMAN, FRANK LLOYD WRIGHT'S FALLINGWATER: THE HOUSE AND ITS HISTORY (1978); C. JAMES, THE IMPERIAL HOTEL: FRANK LLOYD WRIGHT AND THE ARCHITECTURE OF UNITY (1968); D. HOFFMAN, FRANK LLOYD WRIGHT'S ROBIE HOUSE (1984); THE POPE-LEIGHEY HOUSE (1969); and H.A. JACOBS, BUILDING WITH FRANK LLOYD WRIGHT: AN ILLUSTRATED MEMOIR (1978).

85. See VINCENT SCULLY, FRANK LLOYD WRIGHT 13 (1960).

86. WRIGHT, ON ARCHITECTURE, *supra* note 55, at 185. See also WRIGHT, AN AUTOBIOGRAPHY, *supra* note 77, at 148: "Integration or even the word organic means that nothing is of value except as it is naturally related to the whole in the direction of some living purpose, a true part of entity."

87. See WRIGHT, THE FUTURE, *supra* note 55, at 200:

[T]he first great necessity of a modern architecture is this keen sense of order as integral. This is to say that *form* itself in orderly relationship with purpose or function: the *parts* themselves in order with the form: the materials and methods of work in order with both: a kind of natural integrity — the integrity of each in all and all in each.

See also CHARLES JENCKS, KINGS OF INFINITE SPACE: FRANK LLOYD WRIGHT AND MICHAEL GRAVES 14 (1983) commenting on Wright's learning "the lessons of integrating structure, construction and space into a unity."

88. See Rutter, *supra* note 55, at 317:

In ordering the chaos, the lawyer proceeds by discovering relationships between initially unrelated segments of the picture and then placing these relationships in their future relationship to a total reality, so far as it can be seen . . . . In a sense the law becomes part of the total mass of facts, albeit a special kind of facts.

tive legal argument likewise integrates legal knowledge and action, combines intellectual rigor with human feeling, reflects a sense of the whole.<sup>89</sup>

Wright's buildings were straight forward, constructed with good materials and proper proportions. He used the nature of the materials he worked with to make his construction clearer, more expressive, more emphatic. There was no separation of form and substance in his work. Wright would have approved of Cardozo's statement that

[f]orm is not something added to substance as a mere protuberant adornment. These two are fused into a unity. . . . The strength that is born of form and the feebleness that is born of the lack of form are in truth qualities of the substance. They are the tokens of the thing's identity. They make it what it is.<sup>90</sup>

In the integrated building, as in the well constructed, well presented argument, all parts had "a related articulation in relation to the whole and all belongs together; looks well together because all together are speaking the same language."<sup>91</sup>

Wright brought to his architecture an appreciation of Japanese art with its "practical study in elimination of the insignificant."<sup>92</sup> Like the Japanese (and like Mies), Wright sought "[c]lean lines—clean surfaces—clean purposes" which "does not mean plain but does mean significant."<sup>93</sup> Wright worked toward "clarity of design and perfect significance," toward a clean and direct and integrated expression.<sup>94</sup> The advocate's task in making an effective legal argument is likewise to eliminate the insignificant, to emphasize the essential, and to present it in a coherent, clear, and credible manner.

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89. Lawyers should "engage in a continuous process of thinking and learning from their own activity, integrating intellect with performance, theory with practice." Payton, *supra* note 68, at 238. Karl Llewellyn "urged that a case be considered as a human conflict, a drama which required the integration of the human and artistic with the legal." Leslie E. Gerwin & Paul M. Shupack, *Karl Llewellyn's Legal Method Course: Elements of Law and its Teaching Materials*, 33 J. LEGAL EDUC. 64, 67 (1983).

90. Benjamin Cardozo, *Law and Literature*, 48 YALE L.J. 489, 490-1 (1939).

91. WRIGHT, THE NATURAL HOUSE, *supra* note 82, at 181.

92. WRIGHT, THE FUTURE, *supra* note 55, at 98-9.

93. *Id.* at 102.

94. *Id.* at 143. See also Cardozo, *supra* note 90, at 540:

Often clarity is gained by a brief and almost sententious statement at the outset of the problem to be attacked. Then may come a fuller statement of the facts, rigidly pared down, however, in almost every case, to those that are truly essential as opposed to those that are decorative and Adventitious . . . [and] presented with due proportion and selection.

Wright distinguished the curious from the beautiful. He knew "what to leave out and what to put in, just where and just how."<sup>95</sup> He practiced a "process of elimination and integration."<sup>96</sup> He, like the effective advocate, eliminated the confused and insignificant, harmonizing what remained. The result was "[o]ne consistent, economical, imperishable whole instead of the usual confusion of complexities . . . [a] quiet, orderly simplicity."<sup>97</sup> Wright constructed in a manner which "by including everything necessary and nothing unnecessary for its purpose," was unified and economical.<sup>98</sup> By juxtaposing material, varying height and width, opening and closing surfaces, his construction integrated simplicity and richness, restraint and exuberance, practicality and beauty. Wright's work, like the effective legal argument, reflected "[t]he skill of restraint . . . the notion of a reasoned limit, knowing where to draw the line;" this "requires proportionality and balance, the ability to limit action and response to necessity, the test of reasonableness in context."<sup>99</sup>

The key, or the gift, is seeing or sensing how to integrate the nature of the problem and the materials available to resolve it. The architect reads the "significance of the reality within" the problem.<sup>100</sup> That reading is converted through plan and process into an "essential pattern significant of purpose."<sup>101</sup> The elements of a good building, like those of effective argument, "correspond to some necessity for being."<sup>102</sup> Everything is integrated; only that which is necessary and significant is used, honestly, with integrity.

When Wright began his career, he argued that architecture had veered away from the honest, had surrendered its integrity. Architecture had given in to "pretty, structured deceit" and a "wearisome struggle to make things seem what they are not and can never be."<sup>103</sup> The typical house "lied about everything," was "stuck up in any fash-

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95. WRIGHT, THE FUTURE, *supra* note 55, at 143.

96. WRIGHT, ON ARCHITECTURE, *supra* note 55, at 188.

97. Frank Lloyd Wright, *In The Cause*, *supra* note 80, at 320. See also HOFFMAN, ROBIE HOUSE, *supra* note 84, at 12, saying Wright's "work stood for strength, order, discipline, rhythm and that final grace and radiance which arise from right relationships."

98. ROBERT TWOMBLY, FRANK LLOYD WRIGHT; HIS LIFE AND HIS ARCHITECTURE 319 (1979). See also Cardozo, *supra* note 90, at 492: "The picture cannot be painted if the significant and the insignificant are given equal prominence. One must know how to select."

99. Christenson, *supra* note 60, at 432.

100. WRIGHT, A TESTAMENT, *supra* note 74, at 58.

101. WRIGHT, THE FUTURE, *supra* note 55, at 53.

102. *Id.* at 128.

103. *Id.* at 86-7.

ion . . . was stuck on wherever it happened to be," and had "no sense of proportion where the human being was concerned."<sup>104</sup> Wright felt "[b]uildings, like people, must be sincere, must be true . . . [a]bove all, [must have] integrity."<sup>105</sup>

Integrity in architecture is the same as integrity in advocacy. It "is not something to be put on and taken off like a garment but is a quality *within* and *of*' people and buildings."<sup>106</sup> Wright's construction was not merely playing with forms, it was an expression of what he honestly believed. Effective legal argument is likewise distinguished by more than just playing with analysis or technique; it reflects a fundamental honesty and a concern for the consequences of its result.

Wright and those who worked with him had, as legal advocates

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104. *Id.* at 188. The typical house, as Wright saw it, was being built for the architect, not the client, a failing which can also be applied to lawyers. See Jack Himmelstein, *Reassessing Law Schooling: An Inquiry Into the Application of Humanistic Educational Psychology to the Teaching of Law*, 53 N.Y.U. L. REV. 514, 520 (1978):

[The law student] learns in an atmosphere that emphasizes dissection and analysis with a corresponding lack of awareness of the emotional levels of the educational and professional environment and the broader human implications of the decisions being analyzed. The acquisition of knowledge and skills can be at the price of the principle, ideals, and inspirations. Personal values and sense of integrity can take second place to analytical skill, competition, and winning, with [the individuals] . . . affected by the legal system being appraised for their legal relevance rather than appreciated for their humanness. After a year or two of legal education, many aspiring law students may start to forget or to put aside their personal identification with justice, fairness, and responsibility to one's fellow man.

105. WRIGHT, ON ARCHITECTURE, *supra* note 55, at 34. See also Green, *supra* note 66, at 133:

[Wright's] integrity as a person and his practice of organic architecture were inextricable. The conduct of his life in its daily details was one and the same with his work as an architect and his devotion to the understanding of nature.

106. WRIGHT, THE NATURAL HOUSE, *supra* note 82, at 129-30. Integrity is also a quality which should be within and of the advocate. See A. Sherman Christensen, *Horizons of Legal Advocacy*, 12 SUFFOLK L. REV. 28, 43 (1978):

Instead of becoming excessively preoccupied with technical or disciplinary rules, we should emphasize the importance of fundamental honesty in advocating judgments. We should adopt workable principles against which we may better gauge advocacy decisions and judgments. This approach would elevate the level of principles competency. . . . We could then place greater emphasis upon the search for truth. Our processes would have greater unity and integrity and command more respect both within and without the profession. Our system of justice would, in the long run, prove more efficient and effective.

should, a "genuine sense of purpose . . . and [an] earnest moral tone perhaps best described by the dual imperative that their work be both simple and honest."<sup>107</sup> The construction, like an effective legal argument, "should be a free and honest expression of purpose, done with all possible disciplined skill but without sham or pretense."<sup>108</sup> To a degree, perhaps unequaled in American architecture, a Wright construction exhibits qualities which "are there only when *integrity* is there, when . . . work is *honest, true to itself*."<sup>109</sup>

The architect and the advocate must be honest, to self and to client. No architect or advocate can "build for a client across the grain or against his own knowledge or feeling or good will."<sup>110</sup> The architect and the advocate must believe in what is being done; the client must believe in what the architect or the advocate is doing. Neither architect nor advocate can be "irresponsible, flashy, pretentious or dishonest."<sup>111</sup> True architecture and effective legal arguments have integrity, are honest.

Wright's work was true to his client and to himself. He built from a plan but for a purpose, producing works of beauty, utility and honesty.<sup>112</sup> Wright's architecture, like an effective legal argument, reflects a fundamental integrity in plan and construction. The responsible architect and the responsible advocate must build well and wisely.

### B. *The Architecture of Effective Legal Argument: Building Well And Wisely*

The quality of architecture and the results of legal argument can either enhance or damage the quality of life. Advocates have been characterized in terms which Wright might have used for certain architects. They are "unimaginative and shallow technicians."<sup>113</sup> They "are

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107. BROOKS, *supra* note 64, at 7.

108. THE POPE-LEIGHEY HOUSE, *supra* note 84, at 54-5.

109. WRIGHT, ON ARCHITECTURE, *supra* note 55, at 3.

110. WRIGHT, THE FUTURE, *supra* at 55, at 250.

111. WRIGHT, THE NATURAL HOUSE, *supra* note 82, at 130.

112. Garden, *The Chicago School*, 3 PRAIRIE SCH. REV. 19, 22 (1966). See also HOFFMAN, ROBE HOUSE, *supra* note 84, at 3: "Each stroke of the design he made as decisive as could be, bringing every detail into line, so that the house would gain that integrity of character that amounts to true style."

113. Robert J. Condlin, *Socrates' New Clothes: Substituting Persuasion for Learning in Clinical Practice Instruction*, 40 MD. L. REV. 223, 282-3 n.128 (1981). See also Griswold, *supra* note 69, at 220:

This overemphasis on dissection has a great impact on the law student's thinking. It fosters a bar of technicians, who tend to look for detail rather

trained in outmoded competencies, are bad innovators and planners, and have little ability to learn cumulatively from experience or to work with other professionals in solving problems or developing new systems and institutions."<sup>114</sup> Advocacy, like the architecture which Wright rejected, may have become "a system in which there is too much pettifogging about gingerbread and encrustation in the trimmings of [its] house and too little attention paid to its basic structure—to the fundamental precepts upon which the house of the law is built."<sup>115</sup>

The consequences of an advocate's argument, like the completion of an architect's construction, affect how people live. The effective advocate invokes the court's power to give "practical reality, practical effectiveness to vision and ideals."<sup>116</sup> Responsible advocates view

their work as a *craft of doing and getting things done with the law*, instead of a mere monopoly of knowledge of the law . . . [T]he essence of our craftsmanship lies in skills and wisdoms; in practical, effective, persuasive, inventive skills for getting things done . . . in wisdom and judgment in selecting the things to get done; in skills for moving men into desired action. . . and then in skills for regularizing the results, for building into controlled large-scale action such doing of things and such moving of men.<sup>117</sup>

Advocates and architects employ "intelligence and imagination"; for both "at bottom the final judgment is an aesthetic one . . . the final touchstone one of measure, proportion, coherence, fitness."<sup>118</sup>

than for larger issues. . . . When analyzing the law in intricate detail, it may be hard to keep in mind the vital fact that the problems really relate to people.

114. Condlin, *supra* note 113, at 282-3, n.128.

115. Aldisert, *supra* note 2, at 755. See also James R Elkins, *Professing Law: Does Teaching Matter?* 31 ST. LOUIS U. L.J. 35, 50 (1986):

The old house of legal education has stood for a century, built on a foundation set deep in the conflicts and struggles of American cultural and intellectual life. The house is guarded by the ghosts . . . of scientism and rationalism. It is a house filled with the perversion of Socrates' teaching. It is a house that has become a symbol of law as a conserving activity, a symbol which is now disputed. We use the old building for purposes that change over time. We struggle now with expressions . . . as to how the old building will now be used.

116. Karl N. Llewellyn, *The Place of Skills in Legal Education*, 45 COLUMB. L. REV. 345, 391 (1945).

117. Karl N. Llewellyn, *The Crafts of Law Re-valued*, 15 ROCKY MTN. L. REV. 1, 3 (1942).

118. Paul A. Freund, *The Mission of the Law School*, 9 UTAH L. REV. 45 (1964). See

Karl Llewellyn, who "described rules as bricks and cement [in a lawyer's work]," considered it "the function of lawyers to work with these things, to build, to build well and to build wisely."<sup>119</sup> How does the advocate build well and wisely? It is not just with argument; it is with argument built on an analytical foundation. Building well and wisely begins with analysis, with laying "a foundation for a systematic approach to analyzing disputed questions," with establishing "a disciplined approach to charting the overall structure of a case, to digging out unstated, often dubious, propositions, and to mapping all the relations between all the relevant evidence."<sup>120</sup>

Building does not end with laying a foundation; the foundation only underlies the argument. As Wright reduced his concept to its essence and then related that to site, client, materials, and process, the effective legal argument reduces facts and law "into the simplest conceptual points" which are stated "in context with the clearest and most economic use of language."<sup>121</sup>

Effective legal argument is more than mere analysis or manipulation of authority just as good architecture is more than mere design. Legal argument, like architecture,

is an activity, a skilled activity, an activity to be carried on according to craft-traditions and craft standards of ideals and skills, an activity which involves expert knowledge and use of the law and also other lines of expertness, but which involves all of these not in the abstract but in concrete work over the concrete problems of a client. . . . [T]he art of applying deeper principles to concrete, complex and novel situations is a *skill*.<sup>122</sup>

The advocate's skills, if properly founded, are, like the architect's, adaptable to each new situation.<sup>123</sup> Adaptability results when judgment and intellect join with use and technique, when analysis and argument combine.

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also Aldisert, *The House of the Law*, 19 LOY. L.A. L. REV. 755, 800 (1986):

[W]hat we wish to see in the house of the law are predictability and continuity, yet flexibility and growth. We know that these make up the basic framework of our house . . . . Traditionally we have resolved the conflict between the Yin and Yang by the rationality found in case law. Reason is the catalyst that harmonizes growth with predictability.

119. Gerwin & Shupack, *supra* note 89, at 71.

120. William Twining, *Taking Facts Seriously*, 34 J. LEGAL EDUC. 22, 31 (1984).

121. Christenson, *supra* note 60, at 430.

122. Llewellyn, *Skills*, *supra* note 116, at 367.

123. *Id.*

The rules and principles of law, like those of architecture, are to be used. The effective advocate has "a knowledge that entails a use or activity—a knowledge of practice that is a kind of action, including a kind invention or creation."<sup>124</sup> The effective legal argument focuses on the doctrine or language of the law "not abstracted from experience, but embedded in it, as the object and medium of thought, expression and intellectual action."<sup>125</sup> As Karl Llewellyn said, the best advocates are marked not only by intellect but by "[v]ision and sense for the Whole, and skills in finding ways, smoothing friction, handling men in any situation, with speed, with sureness."<sup>126</sup>

#### IV. CONCLUSION: A SENSE OF THE WHOLE

That sense of the whole, that necessary fusion, is present in architecture and law. Mies and Wright, analysis and argument, have more in common than the structure of this article suggests. True, Mies was introspective, rational, fixed; Wright was extroverted, emotional, experimental. Mies aimed at an universal expression; Wright celebrated the individual. Yet, Mies and Wright, like all good architects, gave us

something new, something special, some element that makes us see and feel form and space in a fresh way. Formulas do not make good buildings . . . The creative act in architecture does not come from merely repeating what has come before—it comes from synthesizing and making of it a new, richer whole.<sup>127</sup>

Mies and Wright shared an ability to see their profession's past "in terms of its spirit, learning from it without literally imitating it."<sup>128</sup>

The effective advocate likewise understands that the law in action is not formulaic but rather has a spirit, that is

a living thing rather than a static set of doctrine. . . . [A] sensitivity to the weaknesses and infirmities of long established doctrines may be more important than knowledge of the substance of such doctrines . . . The successful practitioner . . . is one who has been educated to question accepted doctrines and to be sensitive to the vulnerability of receiving learning.<sup>129</sup>

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124. White, *supra* note 81, at 259.

125. *Id.* at 259-60.

126. Llewellyn, *Crafts, supra* note 117, at 7.

127. Goldberger, *Variations on a Theme*, N.Y. TIMES MAG. (Part 2), Oct. 16, 1988, at 32-34.

128. *Id.* at 34.

129. Levin, *Beyond Mere Competence*, 1977 B.Y.U. L. REV. 997, 1103.

The effective advocate, like the able architect, knows but is not inflexibly constrained by doctrine. Advocates and architects recognize the Dynamics of their profession, the need to apply theory to problem, to bring "doctrinal and theoretical knowledge, analytical method, investigation, communication and persuasion to the actual treatment of complex and refractory problems in a manner meeting professional standards of craft and care."<sup>130</sup>

Any rupture between analysis and argument is undesirable and unnecessary; both are essential components for the advocate. Analysis may connote a Miesian withdrawal "from what is present, in order to view and contemplate this in a larger and more detailed way."<sup>131</sup> Argument may connote a Wrightian direct involvement "in and with something that is immediately present, with action as its end."<sup>132</sup> But each is dependent upon the other.

The gaps and obscurities which naturally exist in an abstract analysis are filled and dispelled "only in the course of practice—of protracted encounters with particular situations."<sup>133</sup> Real world problems realize, refine, extend, or restrict analysis. Legal analysis, which necessarily deals with the general and abstract, "requires the crucible of practice" to make it specific, to confront it "with concrete cases and so to measure [its] impact in the real world."<sup>134</sup> Argument explicates what analysis implicates while analysis supplies what argument assumes.

The law, in action, is advocacy. Advocates are called upon to relate the general to the specific, the theoretical to the real. Advocacy is Mies and Wright: abstract and intuitive, thought and action, rational and emotional, symbolic and operational.<sup>135</sup> Advocacy, like architecture, is

130. Michelman, *The Parts and the Whole: Non Euclidean Curricular Geometry*, 32 J. LEGAL EDUC. 352, 354 (1982).

131. Jenkins, *supra* note 56, at 408.

132. *Id.* at 407. *See also id.* at 408.

Our conduct is practical just to the degree that is focused on the actual situation we confront, and is intended to issue in a line of action that will be appropriate to the situation and will lead to the desired outcome. Our conduct is theoretical just to the degree that it is focused on the larger context of which this actual situation is an element or incident, and is intended to clarify and extend our understanding of this situation by establishing the series of relationships that runs between it and other situations.

133. *Id.* at 410.

134. *Id.*

135. *See* Hilberseimer, *The Art of Architecture*, IN THE SHADOW OF MIES 96 (R. Pommer, D. Spaeth, K. Harrington eds. 1988) 96:

Without these rational factors [purpose, structure, material], architecture

not analysis or argument, it is analysis and argument. It is fusion, not diffusion. For the effective advocate, the law in action is a sense of the whole.

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would be nothing but an empty play with forms; without these irrational factors [emotion, spirit], architecture would only be a kind of engineering. Basically, they are dependent on each other . . . . But the problem now, as always, is to give each its proper place, to balance both according to requirements and possibilities.