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The Architecture of a Lawyer's Operation: Learning from Frank Lloyd Wright

John F. Nivala



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THE ARCHITECTURE OF A LAWYER'S OPERATION: LEARNING FROM FRANK LLOYD WRIGHT

*John F. Nivala**

I. INTRODUCTION

"I'm no teacher. Never wanted to teach, and don't believe in teaching an art! A science, yes; business, of course; but an art cannot be taught. You can only inculcate it. You can be an exemplar. You can create an atmosphere in which it can grow."¹

A lawyer's operations, the practical application of law's principles or processes, should, like architecture, reflect the lawyer's (or the architect's) intellectual acuity, technical proficiency, and focused creativity.² The lawyer as architect brings more to the client's problems than doctrinal knowledge and forensic ability; the lawyer as architect also brings a capacity for invention and ingenuity.³ The lawyer as architect

* Associate Professor, Widener University Law School.

1. THE MASTER ARCHITECT: CONVERSATIONS WITH FRANK LLOYD WRIGHT 55 (Patrick Meehan ed., 1984).

2. See Thomas D. Eisele, *The Activity of Being a Lawyer: The Imaginative Pursuit of Implications and Possibilities*, 54 TENN. L. REV. 345, 368 (1987): "In my view, law is an art or activity, a human form of life." Other observers have drawn a closer parallel with architecture. See Louis B. Schwartz, *Justice, Expediency, and Beauty*, 136 U. PA. L. REV. 141, 142 (1987):

Justice is an art, not a science. A legal decision, statute or practice must satisfy discriminating critics of the art of justice that it is beautifully fitted and proportioned to the situation with which it deals. It should be recognizably related to the traditions of the art, but transcend its cliches. If the decision, statute, or practice is to qualify as truly great art, it must arrest observers as one is arrested by commanding and magnificent painting, music, or architecture.

To the same effect (and specifically noting the work of Frank Lloyd Wright), see Soia Mentschikoff & Irwin P. Stotzky, *Law—The Last of the Universal Disciplines*, 54 U. CIN. L. REV. 695, 702 n.11 (1986).

3. See Eisele, *supra* note 2, at 388:

We ask, then, not only about what is required by law, or what is per-

designs, and guides to completion, original, proportionate solutions for individual real-world problems, solutions which respect the law's traditions while building upon them.⁴

If accepted, that notion presents a daunting challenge for those of us who presume to educate students for a life in the art of the law.⁵ We know that most of our students are preparing for such a life. We want them to be well disciplined in theory yet open and practical in devising solutions; we expect them to become self-aware and involved, capable of criticism, transformation, and creation when finally faced with a real-world problem after three years of doctrinal pounding.⁶

missible by law, but also about what is possible within the medium of law. We may legitimately wonder how we are to do what we want to do, and thus may look to the law for assistance in constructing ways of achieving what we desire. This is an aesthetic approach to law, because it assumes law to be an artistic medium of expression and communication, a way of making sense and creating significance in the world [T]hese values are to be achieved—and can be achieved—only through an attention to craft, to craftsmanship and professional technique.

4. See Charles Fried, *The Artificial Reason of Law or: What Lawyers Know*, 60 TEX. L. REV. 35, 57 (1981). Fried employs an architectural metaphor:

The picture I have, then, is of philosophy proposing an elaborate structure of arguments and considerations which descend from on high but stop some twenty feet above the ground. It is the peculiar task of law to complete this structure of ideals and values, to bring it down to earth; to complete it so that it is seated firmly and concretely and shelters real human beings against the storms of passion and conflict. That last twenty feet may not be the most glamorous part of the building But it is an indispensable part.

Id.

5. More than one law school dean believes that "when most law students graduate they are not ready to *practice* law but instead are only ready to *begin to learn* to practice law through the apprenticeship they will experience as associates." M.H. Hoeflich, *Plus Ca Change, Plus C'Est La Meme Chose: The Integration of Theory and Practice in Legal Education*, 66 TEMP. L. REV. 123 n.3 (1993). See also John J. Costonis, *The McCrate Report: Of Loaves, Fishes, and the Future of American Legal Education*, 43 J. LEGAL EDUC. 157, 189 (1993).

In terms echoing Wright's, one author wrote:

Law schools do not claim to produce lawyer-artists, nor should any school be expected to do so. The artist cannot be mass-produced by an educational system; rather legal instruction should be viewed as developing a program of professionally monitored self-education.

James R. Elkins, *The Paradox of a Life in the Law*, 40 U. PITT. L. REV. 129, 146 (1979).

6. See Eisele, *supra* note 2, at 349:

Can this be taught? Or is Frank Lloyd Wright right: an art cannot be taught; the teacher can only hope to instill a desire for art and provide an atmosphere in which the individual can seek inspiration and receive assistance in bringing that inspiration to form?⁷

Wright considered architecture to be the great art. Yet, for a man notorious for holding forth on any topic, he was oddly evasive about his process of composing a design plan and then constructing a building from it, of proceeding from general principles to particular results.⁸ The process was continuous, the proceeding inexplicable except as seen in the final product.

This necessary skill of calling upon one's imagination productively . . . is evinced only in the activity, the work, of being a lawyer One never knows whether one has the imagination it takes to handle a legal problem successfully until he or she does so. This self-uncertainty is an essential part of the lawyer's position; hence, the ability to deal with it fruitfully is an essential skill for the lawyer to have. One deals with it imaginatively, by developing the ability to place oneself in the world at a fruitful juncture with one's materials and talents, and then by making something out of that placement

7. This is a typical mystical Wright statement on the topic: "Mastery is no mystery But what gives *consequence* to mastery is a mystery. Inspiration is not definable." FRANK LLOYD WRIGHT, *AN AUTOBIOGRAPHY* 454 (1977). But this mystery does not eliminate the need for the teacher. See Schiff, *Deconstructing Sondheim*, *THE NEW YORKER*, Mar. 8, 1993, at 77, quoting Stephen Sondheim:

If there's any role for inspiration, I think it comes from the collaboration. Something has to stir you Everybody has ideas, but it has to be pointed out to them that that's an idea worth developing. That's what a good teacher does. Or a good collaborator.

That is what Wright did. Throughout his career, he recruited or accepted collaborators and apprentices for whom he provided an atmosphere and assignments in which and from which they could learn and develop. For a first hand account, see EDGAR TAFEL, *YEARS WITH FRANK LLOYD WRIGHT: APPRENTICE TO GENIUS* (1985).

8. See Robert McCarter, *The Integrated Ideal: Ordering Principles in the Architecture of Frank Lloyd Wright*, in *FRANK LLOYD WRIGHT: A PRIMER ON ARCHITECTURAL PROCESS* 239 (Robert McCarter ed., 1991):

Frank Lloyd Wright wrote relatively little about his process of design, preferring to state his intentions in terms of general principles. While these principles were presented both in the design process and in the resulting building, there was no revelation on Wright's part of how he went, as he said, from the general to the particular—from the abstract principle to the concrete building It is something that cannot be adequately explained in words; it can only be brought forth in the act of designing and constructing.

Of one thing Wright was sure. Architecture was a matter of principle, not formula.⁹ Formulas breed repetition; the next building is just a copy of the last without responding to changes in client or climate. Copying is not creating; it is sterile, dead and deadening. To be alive, an art must evolve from the past, not replicate it.

Although Wright said he could not teach an art, he did try to instill the qualities of self-discipline and self-reliance which he believed led to art.¹⁰ He, a supreme individualist, loathed being imitated. Imitation was not flattery; it was the refuge of the uninspired, the unimaginative, the uninteresting. He believed each individual who could rightly claim to be

9. See Frank Lloyd Wright, *In the Cause of Architecture: IV. Fabrication and Imagination*, in *IN THE CAUSE OF ARCHITECTURE: FRANK LLOYD WRIGHT* 148 (Frederick Gutheim ed., 1975):

[P]rinciples are not formulas. Formulas may be deduced from Principles, of course. But we must never forget that even in the things of the moment principles live and formulas are dead So, beware of formulas, they are dangerous. They become inhibitions of principle rather than expressions of them in non-sentient hands.

That sentiment, written in 1927, continues to inform architectural evaluation. See Paul Goldberger, *Variations on a Theme*, N.Y. TIMES MAG. (Pt.2), Oct. 16, 1988, at 32-34:

Formulas do not make good buildings, and when formulas are used, the results are generally disastrous—simple minded, slick and glib. 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. This is not copying It is, rather, the evolution of art.

10. See EDGAR KAUFMANN, JR., 9 COMMENTARIES ON FRANK LLOYD WRIGHT 65 (1989):

What Wright sought to teach was self-discipline and self-reliance, not recipes which could save a follower the trouble of being an individual He had no desire to serve as a model for imitators; he hoped for architects who would discover and strengthen the unique potentials of their clients and of the environments in which they lived.

See also E. Baldwin Smith's preface to *FRANK LLOYD WRIGHT, MODERN ARCHITECTURE: BEING THE KAHN LECTURES FOR 1930* (1987):

It is against the tradition of time-honored formalities that Wright has built and preached Wright did not want to give to his public merely his particular forms, developed by him to meet specific conditions. Instead, fearful lest his buildings be copied and repeated as an easy ritual for unimaginative moderns, he wanted only to stir others with his dreams of the possibilities open to architecture in our present age.

an architect would draw inspiration from each problem, from the materials available to deal with the problem, and from his own personality.¹¹ If done with integrity, this work would produce a building with an individual style, not a building copying an individual's style.¹²

Unreflective imitation is also a problem for those of us who teach law, particularly for those of us who deal with the subjects of lawyers' operations, with the things that lawyers in action do.¹³ Like Wright's

11. See NORRIS KELLY SMITH, *FRANK LLOYD WRIGHT: A STUDY IN ARCHITECTURAL CONTENT* 117-18 (1979):

[Wright's] only positive assertions [in an early article] are 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 the interaction of materials and personality.

12. FRANK LLOYD WRIGHT, *THE NATURAL HOUSE 19* (1954). Wright described his organic architecture:

[It is] the only architecture that can live and let live because it never can become a mere style. Nor can it ever become a formula for the tyro. Where principle is put to work, not as recipe or as formula, there will always be *style* and no need to bury it as "a style."

Id.; See also Aaron Green, *Organic Architecture: The Principles of Frank Lloyd Wright*, in FRANK LLOYD WRIGHT: *IN THE REALM OF IDEAS* 135 (Bruce Brook Pfeiffer & Gerald Norland eds., 1988):

Wright's philosophy of organic architecture is not to be confused with his singular style. That style is unique, his personal form of expression The principles of organic architecture, he believed, were not related to any particular style but were adaptable to all architectural solutions

13. The term "lawyer's operations" is taken from Irvin Rutter, *A Jurisprudence of Lawyers' Operations* 13 J. LEGAL EDUC. 301 (1961). This topic continued to engage Professor Rutter. See *Designing and Teaching the First-Degree Law Curriculum*, 37 U. CIN. L. REV. 9, 12 (1968):

Law teachers have always emphasized the "how" of legal training, pointing out that "complete coverage" is impossible anyway. But to a great extent this "how" has been a result of the student's spontaneous response to exposure to the materials of learning and imitation of the example set by the teacher. Without attempting to minimize the importance of these factors, little attention has been given to a systematic analysis of the process, in an effort to articulate its ingredients and enhance its results. "Imitation" is, indeed, a primary mechanism in all stages of learning. But what is being imitated is left largely to haphazard, unreflective selection by the student.

See also Irvin Rutter, *Law, Language, and Thinking Like a Lawyer*, 61 U. CIN. L. REV. 1303 (1993).

architecture, the law in action is an individual process which requires the isolation of certain principles and then their application to a specific situation, resulting in a stable, satisfactory conclusion.¹⁴ Like Wright, we know that trying to teach this “is often akin to trying to help students find enlightenment.”¹⁵ It is an indeterminate process depending on the particulars of each situation and the personality of the performers. It is not formulaic; it is creative and contingent even in what many might consider its most mundane aspects.¹⁶

Rather than an unreflective imitation, our students need what Wright called a trained imagination or what another described as “the ability to see the past in terms of its spirit, learning from it without literally imitating it”¹⁷ The significance of the final product depends upon the imaginative range used during the process from conception through construction.¹⁸ The narrower the range, the more imitative the process, the

14. See Rutter, *Law and Language*, *supra* note 13, at 1342:

Out of a frequently complex, undifferentiated fact situation with an indefinite number of characteristics, the advocate extracts those that he urges are the ones that count, the ones that make a difference, the ones that he argues should be determinative of a controversy As part of this process, he makes his choice of the applicable rules of law, and then shapes those rules to fit the facts.

15. Philip Meyer, “*Fingers Pointing at the Moon*”: *New Perspectives on Teaching Legal Writing and Analysis*, 25 CONN. L. REV. 777 (1993).

16. See JAMES BOYD WHITE, *HERACLES’ BOW: ESSAYS ON THE RHETORIC AND POETICS OF THE LAW* 90 (1985): “[T]he complexities of detail and relation can never be wholly mastered, and are thus in fact somewhat different for each observer, in part because the individual always see from a particular point of view.”

See also James Boyd White, *Law as Literature: Reading Law and Reading Literature*, 60 TEX. L. REV. 415, 420 (1982), discussing writing as an aspect of a lawyer’s operations:

[W]riting is never merely the transfer of information, whether factual or conceptual, from one mind to another . . . but is always a way of acting both upon the language, which the writer perpetually reconstitutes in his use of it, and upon the reader himself Action of this kind can never be wholly explained.

Id.

17. Goldberger, *supra* note 9, at 34. Wright emphasized the need for a “trained imagination.” 1 FRANK LLOYD WRIGHT, *COLLECTED WRITINGS 1894-1930* 250 (Bruce Brooks Pfeiffer ed., 1992).

18. See William J. Brennan Jr., *Reason, Passion, and “The Progress of the Law,”* 10 CARDOZO L. REV. 3, 10 (1988), discussing Cardozo as one who came to champion the role of intuition:

more distant the relation of the solution to the problem.¹⁹

Wright believed that the imagination must be trained by analysis: “the inferior mind learns only by comparisons . . . [b]ut the superior mind learns by analysis.”²⁰ To learn about something, you look into it, not at it. You don’t merely appreciate and imitate the form; you look at it from the inside out, trying to fathom the process which led to it, mentally as well as physically. Theory cannot, by itself, replicate the process because the process is a conjunction of analysis and doing, of thinking and acting, in the context of a specific problem.²¹

Wright believed the experience of doing in that context was more than the equal of education in theory. He censured educators

for failure to give . . . constructive ideals that would from within discipline sufficiently, at the same time leaving [students] a chance to work out a real thing in touch with reality with such souls as they have [B]efore all should come the study of the nature of materials, the nature of the tools and processes at command, and the nature of the thing they are called upon to do.²²

The law has its piercing intuitions[,] . . . its tense, apocalyptic moments. Imagination, whether you call it scientific or artistic, is . . . the faculty that creates. The well-springs of imagination, of course, lie less in logic than in the realm of human experience—the realm in which law ultimately operates and has meaning. Sensitivity to one’s intuitive and passionate responses, and awareness of the range of human experience, is therefore not only an inevitable but a desirable part of the judicial process, an aspect more to be nurtured than feared.

19. See THOMAS DOREMUS, *FRANK LLOYD WRIGHT AND LECORBUSIER: THE GREAT DIALOGUE* 114 (1985).

20. FRANK LLOYD WRIGHT, *A TESTAMENT* 15 (1957). See also FRANK LLOYD WRIGHT: *HIS LIVING VOICE* 87 (Bruce Brooks Pfeiffer ed., 1987):

When you compare things, you are on the surface You are learning only by trying to see what you see over here with what you see over there. But if you are really eager to learn and want to learn something, you look into that thing, not at it. The man who learns by comparison is only looking at things—and the man who learns by analysis is taking the thing apart and looking at it from the inside.

21. See Robert McCarter, *Abstract Essence: Drawing Wright From the Obvious*, in *A PRIMER*, *supra* note 8, at 9 stating the author’s “belief that . . . it is highly instructive to simply *draw* the plan of a building as a way of ‘knowing’ it—this involves the experience of the hand that theoretical thought cannot replicate. Analysis and composition are understood to be reciprocal”

22. 1 WRIGHT, *COLLECTED WRITINGS*, *supra* note 17, at 111. See also JOHN SERGEANT, *FRANK LLOYD WRIGHT’S USONIAN HOUSES: THE CASE FOR ORGANIC*

Wright, who spent little time in formal education, felt that the schools educated students in abstractions, not reality; they accepted imitation rather than encouraging imagination.²³

Wright believed that when the individual's imagination was confronted with a specific problem, discipline could be imparted. A trained imagination could not be acquired except through experience in the artistic process.²⁴ Having experienced the process, the individual would see that true architecture "would owe its style to the integrity with which it was individually fashioned for its particular purpose; a thinking as well as a feeling process, requiring the independent work of true artistic imagination."²⁵ Experiencing architecture as a process makes the individual aware that it is dynamic, open always to movement, growth, and change.

Wright's architectural process involved thinking and building; it was a continuing process of conceiving the idea, composing the plan, constructing the building.²⁶ Wright was a master of the discipline of devel-

ARCHITECTURE 119 (1976) noting that "Wright felt that acquisition of skill without relationship to experience was valueless." The same critique can be made of legal education:

A major shortcoming in all institutional education is the unavoidable limitation of the role of the student to that of an observer, rather than a participant He is not a participant in the transactions that are the subject of study, the kind of participation that calls into play the intensity of responses involved in doing something other than to observe more closely, and doing it under conditions where it makes a difference.

Rutter, *Designing and Teaching*, *supra* note 13, at 60.

23. See 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 247; TRUTH AGAINST THE WORLD: FRANK LLOYD WRIGHT SPEAKS FOR AN ORGANIC ARCHITECTURE 150 (Patrick Meehan ed., 1987).

24. As one commentator noted, "[a]lthough Wright did not specifically say so, organic architecture was as much a process as the finished product. How the architect arrived at his ideas and developed his plans was as important as the building itself, a factor lost on many of his followers." ROBERT TWOMBLEY, FRANK LLOYD WRIGHT: HIS LIFE AND HIS ARCHITECTURE 159 (1979). Wright did urge those followers to "[c]ultivate your imagination, get your project well in your mind, think of it, dream of it, turn it over lengthwise and crosswise, then go to paper." LIVING VOICE, *supra* note 20, at 53.

25. AN AMERICAN ARCHITECT: FRANK LLOYD WRIGHT 65 (Edgar Kaufmann ed., 1955). See also Frank Lloyd Wright, *In the Cause of Architecture: Second Paper*, in IN THE CAUSE, *supra* note 9, at 122.

26. Wright noted that:

[I]f the great idea is not clear, coordination will not take place. You cannot put technique before idea. There is the trouble with all our edu-

opment.²⁷ Creative, certainly; the sheer volume and heterogeneity of his work demonstrates that he had the “quality or facility . . . of getting himself born into whatever he does, and born again and again with fresh patterns as new problems arise.”²⁸ Yet the idea, once born, was not static; in working to realize the idea in construction, Wright obtained information which led him to new or refined ideas. The process was continuous and recursive, not linear; the result was the right thing put in the right way in the right place.²⁹

What Wright’s imagination needed was a stimulus—a real, not a hypothetical problem.³⁰ Each problem had its own solution which could be discovered by analysis and brought to life by imagination. The solution would appear as a matter of reasoned arrangement, of ideas held together in the viewer’s mind by a sense of the whole.³¹

cational processes today. [Students] go to get technique for something they don’t understand. If they go and get the idea of the thing first by nature study and build themselves up in the idea by experience, they will find their own technique and we’ll have an architect.

TRUTH AGAINST THE WORLD, *supra* note 23, at 206.

27. See McCarter, *Integrated Ideal*, *supra* note 8, at 293:

Wright’s process of creating a “thought-built building” did not end when the design was committed to paper. The relentless pursuit of an ideal order . . . continued throughout the process of design; development, presentation, construction, and publication He constantly reevaluated his own designs and attempted to improve them during design and construction, and he utilized later commissions to pursue the perfection of each design idea.

See also WRIGHT, *AUTOBIOGRAPHY* *supra* note 7, at 408.

28. WRIGHT, *MODERN ARCHITECTURE* *supra* note 10, at 43. Wright also said there was “nothing frozen or static” about either his methods or effects; they were “the spontaneous reaction of the creative mind to a specific problem in the nature of materials.” *AN AMERICAN ARCHITECT*, *supra* note 25, at 99.

29. See CHARLOTTE WILLARD, *FRANK LLOYD WRIGHT: AMERICAN ARCHITECT* 97 (1972); 1 WRIGHT, *COLLECTED WRITINGS*, *supra* note 17, at 172; and Werner Seligmann, *Evolution of the Prairie House*, in *A PRIMER*, *supra* note 8, at 76.

30. See DONALD JOHNSON, *FRANK LLOYD WRIGHT VERSUS AMERICA: THE 1930S* 107 (1990): “Wright’s architectural designs were always made in response to given problems: in the problem resided the solution.” See also MERYLE SECREST, *FRANK LLOYD WRIGHT* 443 (1992): “Those who knew Wright best have said that, in his art as in his life, the one constant was his mutability, his restless inventiveness.”

31. Wright early on concluded that every architectural problem carried “within its own solution and the only way yet discovered to reach it is a very painstaking way—to look sympathetically within the thing itself, to proceed to analyze and sift it, to extract its own consistent and essential beauty, which means its common sense

Wright needed the restrictions of a real problem to both fire his imagination and to keep it tethered to the client's needs, the materials available, the limitations of the budget.³² And, I believe, so do lawyers; they also need a trained imagination. And, if they do, then their education should expose them to realistic problems which begin to illuminate the dynamic process that a lawyer's operations call for, a process which includes "the perceptual organization of sense data, the more abstract recognition of relationships in recollected experience, and the utilization of experience to formulate or choose alternatives to achieve a desired objective."³³

This essay will use writing as an example of a lawyer's operations.³⁴ Writing is attendant to nearly every operation that a lawyer per-

truthfully idealized." 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 52. For Wright, that common sense truthfully idealized was "the heart of poetry that lives in architecture." TRUTH AGAINST THE WORLD, *supra* note 23, at 43. See also TWOMBLEY, *supra* note 24, at 312:

[Wright's] attitude was Platonic, that essence existed before perception [T]his meant for architecture that there existed an "idea" of a house—its "internal" nature, its defining essence—which the architect could determine and put into form. The nature of a house in this sense did not mean how it looked but what it was.

32. Wright cautioned his followers that there is:

the general purpose of the whole to consider in each part: a matter of reasoned arrangement. This arrangement must be made with a sense of the yet-unborn-whole in the mind Holding all this diversity together in a preconceived direction is really no light matter but is the condition of creation. Imagination conceives here the PLAN suitable to the materials and the purpose of the whole, seeing the probable possible form clearer all the time.

WRIGHT, AUTOBIOGRAPHY *supra* note 7, at 180. A modern observer has likened the process to the discipline of poetry:

Architecture is not free verse. It's more like a sonnet: It demands creativity within a highly structured framework. Designing buildings is a struggle to make art within limits It is the ultimate exercise in accommodating to reality.

Paul Goldberger, *Within Limits*, N.Y. TIMES MAG., Apr. 7, 1991, at 32.

33. Rutter, *Designing and Teaching*, *supra* note 13, at 18.

34. This essay is not intended as an argument for the importance of legal writing in the law school curriculum or in the lawyer's operations. That has been done—recently, extensively, and with much greater authority than what is marshalled here. See J. Christopher Rideout & Jill J. Ramsfield, *Legal Writing: A Revised View*, 69 WASH. L. REV. 35 (1994). This essay agrees with those authors that "[m]any, if not most, law students are not rigorously trained, do not experience sustained indi-

forms.³⁵ However, legal writing (or method or process) is, kindly put, the “neglected orphan”³⁶ of the curriculum; less kindly, it is an intellectual bastard of legal education, related to but not publicly embraced by the family. It is seen as the work of drudges, tedious and menial and mechanical. What has that to do with the majesty which is Contracts or Torts or Constitutional Law?³⁷

It has everything to do with the lawyer in action who has to analyze and apply that majesty for a client who has received a nonconforming good, who has been rear-ended by another motorist, who has been denied a permit to march. That lawyer must use language, usually written, to move people into action, to secure the relief sought, to prevent further harm.³⁸ The lawyer in operation is a user of language in analysis, con-

vidualized instruction, and do not explore problem-solving in an environment that simulates either law practice or rigorous legal scholarship.” *Id.* at 37.

35. *See id.* at 39:

[M]ost law students will become professional writers: that is, they will make their living from writing, whether in practice or academia. As such, they should be confident and comfortable with legal discourse and composition in practical, social, and intellectual contexts. That confidence must be based on good training throughout their law school careers, and that training must look beyond legal writing problems to solutions.

36. Peter W. Gross, *Intellect Beyond Law: The Case of Legal Education*, 33 CLEV. ST. L. REV. 391, 426 n.118 (1984-85). *See* Bryant G. Garth & Joanne Martin, *Law Schools and the Construction of Competence*, 43 J. LEGAL EDUC. 469, 478 (1993).

37. Frank Lloyd Wright told his followers to take every project seriously:

Regard it as just as desirable to build a chicken house as to build a cathedral. The size of the project means little in art, beyond the money matter. It is the quality of character that really counts. Character may be large in the little or little in the large.

2 FRANK LLOYD WRIGHT, *COLLECTED WRITINGS: 1930-32* 101 (Bruce Brooks Pfeiffer ed., 1992).

38. As Professor Rutter noted:

[L]awyers as a class are more analytically precise than others . . . because of the structured discipline imbibed with the learning of the analytical products reflected in rules of law, the pressure of the impact of facts, the events and persons in conflict, and the need to stop talking and to do something about it. This is the uniqueness and heritage of the legal process.

Law and Language, *supra* note 13, at 1360. Or, as another saw it, “[r]eal world answers to such questions [about how legal power should be exercised] cannot be merely theoretical in character, but must be performative, actual enactments in the texts; criticism must be particular too, the analysis of the textual and political com-

ception, and communication.³⁹ The architecture of a lawyer's operation lies in the individual's selecting, arranging, and presenting of "words as he chooses them to describe the reality as he wants others to see it," always with an eye to the goal to be achieved.⁴⁰

Those who teach legal writing know that competent communication reflects a clearly held concept. Competent communication is the result of a creative process which begins with a problem, proceeds by analysis, comes together in an imaginative concept which is then communicated, clearly and coherently, to its intended audience.⁴¹ There is no formula for this; to even seek it would cause all but the insentient to groan in despair.⁴² But we can, like Frank Lloyd Wright, work by example, seeking to instill this lesson: each operational problem is a new problem requiring an imaginative, individualized analysis of precedent and relationships which is then realized in a product which speaks directly to the immediate problem and which can be accepted as a reliable guide to future conduct.⁴³ It is not mechanical or formulaic; it is an art, a process in which

munities that a particular argument or opinion creates in its performances of language." James Boyd White, *Law and Literature: "No Manifesto,"* 39 MERCER L. REV. 739, 748-49 (1988).

39. See Eisele, *supra* note 2, at 355; Rutter, *Law and Language, supra* note 13, at 1305.

40. Rutter, *A Jurisprudence, supra* note 13, at 317. Professor Rutter believed "there is a significant correlation between competence in expression and whatever be the other qualities necessary for success as a lawyer." *Id.* at 322. See also Mary Kate Kearney & Mary Beth Beazley, *Teaching Students How to "Think Like Lawyers": Integrating Socratic Method With the Writing Process*, 64 TEMP. L. REV. 885, 908 (1991): "Teaching students to take responsibility for their writing and thinking during law school is the best way to prepare them for the independent thinking and writing that they will engage in throughout their legal careers."

41. See Elizabeth Fajans & Mary R. Falk, *Against the Tyranny of Paraphrase: Talking Back to Texts*, 78 CORNELL L. REV. 163, 172 (1993).

42. See Eisele, *supra* note 2, at 360:

[T]o take a language in our minds and to ponder its resources, its powers (and pitfalls) of comprehension and communication, is to do much more than simply to think about words and their meanings or their combinations. It is to remember these words as being given human projection and human use and hence entails the imagination of the particular people who use this language. These people use the language to do specific things, so yet another part of this task of imagining the language is our picturing the actions through which and the functions for which these words are used and combined.

43. See SMITH, *supra* note 11, at 188:

All buildings stand, of course, in a certain relation to both past and fu-

a creative mind finds expression.⁴⁴

II

“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.”⁴⁵

Architecture, like law, is difficult, perhaps impossible, to define. Yet, that is a task which must be addressed. Frank Lloyd Wright certainly warmed to that task, yet did so in words which went more to intuitive recognition than to intellectual precision. For Wright, architecture was “the scientific art of making structure express ideas,”⁴⁶ a “reasoned arrangement,”⁴⁷ a “great living creative spirit which from generation to

ture. Once a building has been completed. . .it belongs to the past. On the other hand, every building is erected in expectation that it will endure into an indefinite future and will continue to affect men’s thoughts and behavior in more or less definable ways for a period of time More than any other kind of symbolic artifact, buildings have the power to declare that some pattern of relationships has been established, has been made to stand . . . and they are able to project that pattern into the future of an ongoing human community.

44. See Pamela Samuelson, *Good Legal Writing: Of Orwell and Window Panes*, 46 U. PITT. L. REV. 149, 150 (1984); Rutter, *Law and Language*, *supra* note 13, at 1310; White, *Law and Literature*, *supra* note 38, at 751. As an artistic endeavor, a lawyer’s operations should result in solutions which are right in an aesthetic sense. See Schwartz, *supra*, note 2, at 145-46:

[N]one would advocate the expulsion of the concept of beauty from our language and thought. That concept expresses an abiding aspiration for a quality that transcends utility or expediency. It is a quality that evokes in the appropriate audience a recognition of rightness, of fittingness according to a complex of psychological, historical, and political background shared by that audience. It will be observed how close that idea of “rightness” is to the idea of justice in law.

45. IN THE REALM, *supra* note 12, at 48.

46. AN AMERICAN ARCHITECT, *supra* note 25, at 44.

47. See McCarter, *Integrated Ideal*, *supra* note 8, at 248: “It is in this sense of architecture as the ‘reasoned arrangement’ of space constructed from a given set of elements that Wright spoke of a grammar of architecture.” Wright also said that “[a]rchitecture . . . takes time to grow—begins to be architecture only when it is thought-built, that is to say when it is a synthesis completed from a rational begin-

generation, from age to age, proceeds, persists, creates according to the nature of man and his circumstances as they change."⁴⁸ Architecture demands the perfection of a type and the particularization of a result; it wants the final product to be repeatable yet unique.⁴⁹

Wright compounded the confusion by speaking of an organic architecture, a term which (and, perhaps, by design) has confounded generations of critics. Wright said he meant "an architecture that develops from within outward in harmony with the conditions of its being as distinguished from one that is applied from without."⁵⁰ Organic "applies to 'living' structure—a structure or concept wherein features or parts are so organized in form and substance as to be applied to purpose, integral."⁵¹

Vincent Scully, America's eminent commentator (emeritus) on matters architectural, focused on Wright's ideal of integration:

[Wright] clearly believed that when a building built by men to serve a specifically human purpose not only celebrated that purpose in its visible forms but became an integrated structure as well, it then took on the character of an organism which excited according to its own

ning and, naturally as breathing, genuinely *modern*." 2 WRIGHT, COLLECTED WRITINGS, *supra* note 37, at 99.

48. AN AMERICAN ARCHITECT, *supra* note 25, at 18. Wright also felt that "architecture is life; or at least it is life taking form and therefore is the truest record of life as it was lived in the world yesterday, as it is being lived today or ever will be lived." FRANK LLOYD WRIGHT, AN ORGANIC ARCHITECTURE: THE ARCHITECTURE OF DEMOCRACY 44 (1939).

49. See DOREMUS, *supra* note 19, at 178:

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.

50. Wright, *In the Cause*, *supra* note 25, at 122.

51. WRIGHT, MODERN ARCHITECTURE, *supra* note 10, at 27. A biographer of Wright conceded that organic architecture is difficult to define:

[Organic architecture] is more easily described than defined, in the same way that Wright's buildings are better experienced than explained. What makes so many of them successful are the particulars and intangibles that combine in almost inexplicable ways to nurture human serenity and comfort. Wright's architecture is holistic, almost Zen-like, the outcome of working with "exterior" to express "interior" nature.

TWOMBLEY, *supra* note 24, at 319-20.

complete and balanced laws.⁵²

Such a building dignified its creator as well as its occupants, expressing for both an appreciation of the transcendental structure that brings a coherent pattern to all life.

Wright's organic architecture cannot be reduced to formula nor can it be imparted by command. It is a matter of individual spirit, of the architect's desire for quality.⁵³ Wright could not teach this, but he could work to awaken this spirit in each person.⁵⁴ We cannot reduce Wright's principles to a replicable order; they are recursive, moving forward and backward, "working all at the same time, affecting each other, even conflicting at times, but held in balance by the ideal of an integrated order."⁵⁵

Yet Wright's principles were not baubles meant only to be held up to the light; he put them to work on problems, real problems, the more specific the better.⁵⁶ He needed limitations in which to exercise his cre-

52. VINCENT SCULLY, JR., *FRANK LLOYD WRIGHT 13-14* (1960). Another analyst made a similar observation:

[Wright's] notion of the organic lent a certain consistency and imposed a certain order on everything he said no matter what the topic This transcendental belief that the artistic side of humanity represented its divinity led Wright to insist that a kind of structure—a coherent pattern—characterized all life.

TWOMBLEY, *supra* note 24, at 304. A third analyst concluded that "[i]t is to this perception of the coordinated systems of nature as analogous to the construction of buildings that Wright's term *Organic architecture* seems to refer." DOREMUS, *supra* note 19, at 36.

53. "Now, when in the right *spirit* you work with the right *materials* in the right way, the result will be *organic*." TRUTH AGAINST THE WORLD, *supra* note 23, at 209. More fully, but no less cryptically, Wright explained this process:

[K]nowledge of cause and effect in line, color, and form, as found in organic nature, furnishes guidelines within which an artist may sift materials, test motives, and direct aims, thus roughly blocking out, at least, the rational basis of his ideas and ideals. Great artists do this by instinct.

1 WRIGHT, *COLLECTED WRITINGS*, *supra* note 17, at 105.

54. "To be an [organic] architect, one must first be a man fully human in nature, an awakened man simultaneously aware of his inner being and his outward behavior and relationships" Elizabeth Kassler, *The Whole Man*, in *IN THE CAUSE*, *supra* note 9, at 9.

55. McCarter, *supra* note 8, at 241.

56. See WRIGHT, *MODERN ARCHITECTURE*, *supra* note 10, at 30:

Provided the limitations of any given problem in the Arts do not de-

ativity; his work was not an academic exercise but served actual needs.⁵⁷ His work was disciplined by those needs; it responded, rationally and coherently, to the “law and order” of a specific problem.⁵⁸ He did not, except in periods of client deprivation, draw castles in the air. He harnessed his soaring imagination to the earth bound situation of the individual client. He did not just expound; he built and built in a principled but not formulaic fashion.⁵⁹

Wright approached each problem with an intellectual rigor which is often not apparent to the observer or inhabitant dazzled by the completed structure’s serenity and beauty. But, as he often said, good architecture is a product of an analytical as well as an emotional process. Wright mas-

stroy each other by internal collision and so kill opportunity, limitations are no detriment to artistic endeavor. It is largely the Artist’s business . . . to see that the limitations do not destroy each other. That is to say, it is up to him to get proper tools, proper materials for proper work Except as I were given some well-defined limitations or requirements—the more specific the better—there would be no problem, nothing to work with, nothing to work out; why then trouble the Artist?

Id.; see also WRIGHT, AN AMERICAN ARCHITECT, *supra* note 25, at 33.

57. Wright wrote that “[a]ll architecture worthy the name is a growth in accord with natural feeling and industrial means to serve actual needs.” 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 105-06. One chronicler of Wright’s career said “it is in the nature of the architect’s function that he cannot . . . practice his art as a Bohemian or an outcast. He must be acceptable to at least some segment of the reputable and established community.” SMITH, *supra* note 11, at 117.

58. “Law and order are the basis of a finished grace and beauty.” IN THE REALM, *supra* note 12, at 7. See PAUL LASEAU & JAMES TICE, FRANK LLOYD WRIGHT: BETWEEN PRINCIPLE AND FORM ix (1992):

Excellence in architectural design, as exemplified in the designs of Wright, integrates the designer’s intuitive and intellectual grasp of architecture Students and architects need to become more aware of the sound, rational and coherent basis of his architecture and the symbiotic relationship with its emotional, qualitative reality.

59. Wright repeatedly cautioned against reliance on formulas:

[P]rinciples are not formulas. Formulas may be deduced from principles, of course. But we must never forget that even in the things of the moment principles live and formulas are dead So, beware of formulas, they are dangerous. They become inhibitors of principle rather than expression of them in nonsentient hands.

1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 244. Wright also felt that “[n]o man’s work need resemble mine. If he understands the working of the principles behind the effects . . . with similar integrity, he will have his own way of building.” AN AMERICAN ARCHITECT, *supra* note 25, at 17.

tered the logic of form and, by doing so, was able to construct buildings of incredible vitality, integrity and magic.⁶⁰ His work makes sense, is orderly not confused, is harmonious not discordant.⁶¹ Like a flower, Wright's work unfolds, revealing a creative insight expressed in flexible yet coherent terms.⁶²

Wright's work was orderly, was coherent in both its composition and construction.⁶³ His principles permitted him to design and realize struc-

60. See McCarter, *Abstract Essence*, *supra* note 21, at 14: "Wright's formative experience emphasized analysis He subjected his own works to similar analysis, always seeking to perfect them, to eliminate all but the essential He handled forms in an analytical rather than an imitative manner—"seeing into" them to discern their underlying spatial structure and ordering principles." See also LASEAU & TICE, *supra* note 58, at 1:

We may posit that the world of form is not arbitrary but displays an internal logic that has the capacity to convey meaning. We believe Wright to be a supreme example of the artist who understands the principles of form and is able to imbue his creations with profound meaning precisely because of that critical mastery.

61. See TWOMBLEY, *supra* note 24, at 86-87. See also GRANT HILDEBRAND, *THE WRIGHT SPACE: PATTERN AND MEANING IN FRANK LLOYD WRIGHT'S HOUSES* 45 (1991) where the author, in analyzing Wright's houses, concluded that "an extraordinary complex spatial organization is seen to possess an extraordinary order."

62. See LASEAU & TICE, *supra* note 58, at 11. "This ability to see connections between apparently dissimilar phenomena is one of the key traits of creative insight. Wright's work demonstrates a proclivity for transformational rather than radical change, which demonstrates his allegiance to the type; ultimately his work unfolds as variations on a theme." See also SMITH, *supra* note 11, at 147:

Since a building does not grow, the idea must be expressed . . . in its structural patterns, which in turn must reveal the nature of the institution for which the building is erected. The crux of the matter lies in the relation of part to part and of part to whole. Wright asserts that those relationships should not seem fixed, governed . . . by an invariant regulating principle, but should rather possess something of the flexibility and self-transforming vitality of a growing plant.

63. See McCarter, *Integrated Ideal*, *supra* note 8, at 272-74:

Wright engaged in a constant search for a comprehensive order that would encompass both *composition* and *construction* The internally integrated forms of natural objects . . . exhibit the simplicity that results from a coherence of compositional and construction order." See also LASEAU & TICE, *supra* note 58, at 167. "Even a cursory review of Wright's buildings reveals a consistent identity that avoids monotony. Using a set of primary forms and "first principles," Wright could create an overwhelming variety of building designs that shared the Wright "signature."

tures which were as varied as the sites on which they stood, and yet which were easily identified as Wright's work. Working from the inside out on each problem, Wright composed a design concept and employed a construction method which permitted the building to grow according to its circumstances.⁶⁴ This was done with style, not to a style:

To Wright, the inherent differences in each building designed to fit the needs of each client and the attributes of each site defied grouping it into a category. The only "style" involved was how well a building was designed to serve its own purpose Each Wright-designed structure was unique and vital. That was his style.⁶⁵

So, what does that have to do with the lawyer's operations or, more modestly, with a lawyer's writing?⁶⁶ Both involve process more than product, creation more than replication; both demand choices which re-

64. See TWOMBLEY, *supra* note 24, at 313:

Organic buildings not only "grew" from sites as natural consequences of topography, and in form and content as human situations changed, but also as ideas in the mind of the architect. For Wright . . . a building was enclosed space the reality of which, that is, its nature and essence, was *inside* The outside of a structure was but the expression of interior necessities The architect was thus obliged to conceive of a building "from the inside out," that is, by visualizing interior spaces, then proceeding to exterior composition, a process in which the design idea "grew" to maturity.

65. CARLA LIND, *THE WRIGHT STYLE* 18 (1992).

66. This article is not a groundbreaker in using architecture to explore a lawyer's operations. See, e.g., Peggy C. Davis, *Law and Lawyering: Legal Studies With an Interactive Focus*, 37 N.Y.L. SCH. L. REV. 185 (1993) where the author began by citing the work of J. Max Bond, Jr., "a contemporary architect of extraordinary skill and sensitivity, [who] practices and teaches architecture that is centered, not upon objects, but upon process and relationship." *Id.* at 185. The author then drew this link to law:

One can study, teach, or work with a rule of law as if it were an edifice; a creative product of the judicial or lawyerly mind; a thing unto itself. Increasingly, however, we have come to study, to teach, and to practice law as Bond has studied, taught, and practiced architecture: As something created, and regularly recreated, in a complex world. As an interactive process involving the choices, responses, and insights of a variety of actors. As a reflection of values and of power. As a product and representation of culture. As an enterprise that reflects the needs and the will to form of a few or the needs and the will to form of many, depending upon the manner in which it is practiced.

Id. at 186.

flect value; both involve a doing rather than just pondering. The law in operation, even in its most mundane aspects, requires the lawyer's exercise of intellect, technique, and imagination.⁶⁷ It must respond to variations in clients and circumstances.⁶⁸ The law in operation seeks justice, that "complex quality of fitness, proportionateness to the situation, responsiveness to tradition as well as the need for change, and sensitivity to both individual hardship and the general good."⁶⁹

Most law students are preparing for a life in the law, a life which has a constant operational demand.⁷⁰ Although we cannot give them all the experience and insight which comes from prolonged immersion in those operations, we can provide them "an accurate picture of the lawyer's real life work with its daily operational crises and moral pressures."⁷¹ We can show them doctrine at play in the specific things a lawyer does.

Professor Irvin Rutter, whose writings underlie much of this essay, distinguished doctrine and operations:

"[D]octrine" refers to the rules of law studied at law school, often inaccurately called "theory." In its simplest terms, "operations" refers to what a lawyer does with what he knows, when confronted with the factual impact of any one of the countless things a lawyer is called upon to do Doctrine is sterile and meaningless except as it may

67. See Mentschikoff & Stotzky, *supra* note 2, at 700-01 arguing that:

[L]aw is an art, requiring vision and good sense. Theory and craft are intertwined and are essential concepts of the process of learning how to become an artist in law. The best practical training a law school can give to any lawyer is the study of law as a liberal art. In this vision of legal education, there are three necessary components to a first rate education—the technical, the intellectual, and the spiritual.

68. See Steven L. Winter, *Death is the Mother of Metaphor*, 105 HARV. L. REV. 745, 764 (1992) (book review):

Conventional legal reasoning is relentlessly reductive: it imposes propositional rules and other necessary and sufficient criteria of decisionmaking upon a much more complex human reality. By drawing distinctions we try to clarify the law and render it more precise. But the squirming world of contingency and flux is not so easily domesticated. The indeterminacy that has come to be such a contemporary crisis is, at least in part, the result of this conflict between human complexity and procrustean rationality.

69. Schwartz, *supra* note 2, at 142.

70. See Rutter, *Designing and Teaching*, *supra* note 13, at 15.

71. Bayless Manning, *From Learned Profession to Learned Business*, 37 BUFF. L. REV. 658, 665 (1988/89).

be called into play in a lawyer's operations.⁷²

It is only when doctrine "is seen in its operational context that the student progresses beyond the purely verbal stage of understanding that it is not studied simply to know it, but to use it, and to use it not merely in developing adeptness in the study of more cases."⁷³

We owe it to the students to expose them to the law's operational context from the beginning of their education by means of courses such as Legal Writing (or Method or Process), courses which are important.⁷⁴ To be adept in the operational use of doctrine means to be adept in the use of language to think and to communicate.⁷⁵ A lawyer's operations

72. Rutter, *Designing and Teaching*, *supra* note 13, at 59. Professor Rutter later noted:

[T]he most important deficiency, encompassing all of the others, is that the law, in the sense of legal doctrine, viewed from the perspective of the professional lawyer, has one purpose only: the part that it plays in something that he does as a lawyer. Legal doctrine is never studied simply to know it, and case analysis is not learned to develop adeptness in the study of more cases. Ultimately the body of doctrinal law must be used in something that a lawyer does, and this is never the learned spouting of "law" *in vacuo*.

Id. at 72.

73. Rutter, *A Jurisprudence*, *supra* note 13, at 308.

74. See Eisele, *supra* note 2, at 379:

Legal rules cannot be understood in a vacuum and they do not in themselves form a "system" that bears life or activity. (This truth is acknowledged in law school courses concerned with "The Legal Process" or "Legal Reasoning," since their aim is to describe the contexts in which legal rules operate.) Legal rules alone, outside of their contexts, can be unintelligible. What we further require is an understanding of the processes that generate them, the activities in which they are applied and to which they are applied, the forms of life in which rules have their point or purpose, and so forth. To isolate rules as the only important aspect of law . . . is to ignore exactly the contextual elements of law that give rules point and meaning (i.e., their significance and importance), and hence their normativity (one aspect of which is their obligatoriness).

75. See Gross, *supra* note 36, at 426 arguing:

[T]he case analysis and synthesis done by lawyers in legal problem solving is vastly more complex than operations learned in the casebook method. In most law schools, the only place . . . this latter universe of operations is dependably encountered by students is the traditional first year "research and writing" course.

The author concluded:

occur in a world of behavior and a world of language; if that relationship is not consciously, carefully mastered, the lawyer may be incapable of effective analysis or effective action.⁷⁶

For the lawyer, language, particularly in its written form, has “practical and functional utility.”⁷⁷ Although often treated as an adjunct to a lawyer’s education, “writing in fact is a focal point at which all the ingredients of learning converge, and the process is one that serves both as a means of learning and a reflection of the measure of its success.”⁷⁸ It is only through our words, usually written, that we lawyers communicate to others the ideas we have mastered on our client’s behalf.

[I]t is coming to be understood that writing projects are intellect at work and that helping students see and direct those processes is central to development of their intellectual competence. The chief obstacle to development of such teaching and learning lies not in the ineffability of the processes, but *in our failure to understand the importance of this dimension of intellectual development and to allocate to it the resources it deserves.*

Id. at 430-31.

76. See Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 63-64 (1992), where Judge Edwards feared “that far too few law professors recognize the gravity of the problem” created by the lack of good legal writing instruction:

In my twelve years on the bench, I have seen much written work by lawyers that is quite appalling. Many lawyers appear not to understand even the most elementary matters pertaining to style of presentation in legal writing, i.e., things that serve to facilitate communications between lawyers and clients, lawyers and opposing counsel, and lawyers and governmental decisionmakers or policymakers.

77. Gordon A. Christenson, *Thinking Things, Not Words: Irvin Rutter’s Pragmatic Jurisprudence of Teaching*, 61 U. CIN. L. REV. 1281, 1289 (1993):

Grounded in a thorough knowledge of structural and semantic linguistics, Professor Rutter’s interest in language was “operational” in the sense that he insisted on its practical and functional utility. His connection of language with the learning process derived from the proposition that it was the unique human capacity for language that made the generalizations of theory possible but inseparable from what we call “thinking.”

See also Rutter, *A Jurisprudence*, *supra* note 13, at 318-19:

Language as a means of communication is by itself a sufficiently complex mechanism to deserve study by a profession so much dependant upon it. But in its role as setting the patterns of thinking, it demands even closer attention by the lawyer, and in the present context, by the teacher.

78. Rutter, *Designing and Teaching*, *supra* note 13, at 54.

III

Every idea that is a true idea has a form, and is capable of many forms. The variety of forms of which it is capable determines the value of the idea. So by way of ideas, and your mastery of them in relation to what you are doing, will come your value as an architect to your society and future.⁷⁹

Of the many things he was, Frank Lloyd Wright was, above all, a man of ideas and a man who mastered those ideas. But he was also a man of action, a man who realized those ideas both in composing his plans and in seeing those plans constructed as buildings.⁸⁰ Always first must come the idea and that is individual; but an idea imagined must be made apparent and that begins with a plan, with what Wright called the “prophetic soul of the building.”⁸¹

Wright “was an unparalled composer of spaces”;⁸² his system of design was “a method of composition, the structure of his architectural music, but not its content.”⁸³ His method of composition was not free hand; it was structured, disciplined. His design may involve a complex organization of space and structure, but its expression in the plan followed a simple pattern.⁸⁴ Wright’s plans used a precise and demanding unit system, a geometric grid, which he said enabled the architect “to proceed from this to that—from generals to particulars—by way of an ordered scale which ensures consistent proportion in whatever you do.”⁸⁵

79. HIS LIVING VOICE, *supra* note 20, at 101.

80. Wright said a “good plan is the beginning and the end”; it “is the logic of the building squarely stated.” 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 249.

81. *Id.* at 249.

82. HERBERT JACOBS, BUILDING WITH FRANK LLOYD WRIGHT 61 (1986).

83. David VanZanter, *Schooling the Prairie School: Wright’s Early Style as a Communicable System*, in THE NATURE OF FRANK LLOYD WRIGHT 77 (Carol Bolon, Robert Nelson, & Lind Seidel eds., 1988).

84. See Frank Lloyd Wright, *In the Cause of Architecture*, in IN THE CAUSE, *supra* note 9, at 58. See also Otto Graf, *The Art of the Square: That Most Traditional Architect—Frank Lloyd Wright*, in A PRIMER, *supra* note 8, at 226: “All the complexities of Wright’s spatial and structural organizations follow from a fundamental origin: the world history of a simple pattern.”

85. THE MASTER ARCHITECT, *supra* note 1, at 101. See also Green, *supra* note 12, at 137:

The unit system was essential to his compositional method; it provided the discipline which permitted him to coordinate and integrate all the elements of his composition.⁸⁶

So too for the lawyer who writes. No lawyer can write competently in the absence of disciplined thought; no lawyer can write competently in the absence of a coherent plan.⁸⁷ In an operational setting, the lawyer must first order the chaos presented by the client, then analyze the identified problem in light of the legal rules, then conceive of a plan to achieve the client's goal in light of that analysis. Just as Wright's compositional process preceded the construction, so must the lawyer's conceptual process precede the communication.⁸⁸

Wright's composition, like the lawyer's conception, begins with imagination; that is what makes the process so individual, so resistant to formula, so difficult to teach.⁸⁹ We can attempt to cultivate imagination, to stimulate it by exposing students to a range of possibilities, but we cannot make them imaginative by drill.⁹⁰ We can demonstrate for them a

The "unit system" was a very important part of the organic process of design and construction Wright used the unit system as a discipline for design. The choice of unit system was in harmony with the nature and pattern of the construction and with the spirit and "grammar" of the design.

86. See McCarter, *Integrated Ideal*, *supra* note 8, at 255:

The grid or unit system that underlay all of Wright's designs operated as both an "expedient" in construction and an essential compositional method to achieve the integral order that gave beauty The grid gave a basic stability that allowed variations within the matrix.

The author said, "Wright considered the uniform grid to be the means by which every element and space in the composition could be coordinated and integrated into a whole." *Id.* at 256.

87. See Richard Hyland, *A Defense of Legal Writing*, 134 U. PA. L. REV. 599, 620 (1986).

88. See Rutter, *Law and Language*, *supra* note 13, at 1355-56.

89. See 1 WRIGHT, *COLLECTED WRITINGS*, *supra* note 17, at 249:

To judge the architect one need only look at his ground plan. He is master then and there, or never Because before the plan is a plan, it is a concept in some creative mind. It is, after all, only a purposeful record of that dream A dream—but precise and practical, the record to be read by the like-minded.

90. Wright told his followers to "[c]onceive the buildings in imagination, not first on paper but in the mind thoroughly, before touching paper. Let the building, living in imagination, develop gradually, taking more and more definite form before committing it to the drawing board." AN AMERICAN ARCHITECT, *supra* note 25, at 30. One commentator evaluating Wright's work noted that "the basic order and form of

process by which problems are approached, a process which permits—indeed, encourages—the use of variable and creative approaches, which encourages the student to find his or her own way through each new problem.⁹¹

In legal writing, we can give the student both an exterior form—heading, question presented, brief answer, discussion, conclusion—and an interior form—paragraph blocks, transitions, topic sentences, dovetails, word choice. Like Wright's unit system, attention to this system will work to insure that the final expression is ordered, rhythmic, and consistent if there is a thought to be expressed.⁹² But, as Wright said, the system "is merely a yardstick to insure good scale so that you will always have the whole thing in one consistent picture . . . [and]

the design was clearly set before the drawing was begun In fact, all the design sketches that do exist cannot really be considered as conceptual or initial studies—they are designs already developed before they appear on paper." McCarter, *Integrated Ideal*, *supra* note 8, at 241.

91. See Eisele, *supra* note 2, at 348-49 discussing a jurisprudential "failure of imagination":

To make connections between things, to discover and examine their relations, to hold them up for a study of their similarities and differences, requires imagination. It requires the imaginative ability to bring things together in one's mind, hold them there, and to reflect upon them. By putting things together and taking them apart, imaginatively, we examine their possibilities; we see how they relate to one another, how they are or might be related.

The parallel with Wright's process is striking:

The geometry of the [planning] grid in two dimensions was usually easy enough for a layman to perceive; what Wright possessed and was able to exploit with dazzling results was the gift of imagining the geometry of a grid in three dimensions. In the course of working out the manifold relationships of the length, breadth, and height of a house, his mind's eye would be roving at liberty through its constantly altering volumes, and calculating the psychological effect that these volumes, once they had reached proportions satisfactory to him, would have upon the future occupants of the house.

BRENDAN GILL, *MANY MASKS: A LIFE OF FRANK LLOYD WRIGHT* 394 (1987).

92. See Hyland, *supra* note 87, at 621: "The problem with legal writing . . . is that lawyers cannot write clearly unless they can think clearly, unless they can recognize and construct a convincing legal argument—unless, in other words, they understand the structure of the law." As with Wright's architecture, there must be a clear concept toward which the construction is devoted. See *AN AMERICAN ARCHITECT*, *supra* note 25, at 51; *1 WRIGHT, COLLECTED WRITINGS*, *supra* note 17, at 212-13.

every part of the building is sure to be in perfect accord with every other part."⁹³

But you do not apply the yardstick unless you have something to measure. In a lawyer's operation, that something is the client's problem and goal. The able lawyer may have acquired patterns of analysis just as Wright acquired a unit system, but, absent the need to apply the pattern or system to a problem, they remain abstractions, mere forms.⁹⁴ And that application, for the lawyer as well as the architect, demands a trained, individualized imagination.⁹⁵ We should preach that, but we cannot teach that.⁹⁶

This does not concede that whatever is, is good. As protean as he was, Wright worked within a strict discipline. Although his buildings bore the mark of his distinct, freewheeling personality, the artistic process which led to those buildings was rigorous and precise, demanding a complete command of architectural expression.⁹⁷ Wright said that any building worth considering had a singular grammar, a "shape-relationship

93. HIS LIVING VOICE, *supra* note 20, at 182-83.

94. See Rutter, *Law and Language*, *supra* note 13, at 1356.

95. See Rutter, *A Jurisprudence*, *supra* note 13, at 317. "In ordering the chaos [of experience confronting him at the operational level], the lawyer proceeds by discovering relationships between initially unrelated segments of the picture and then placing these relationships in their further relationship to a total reality, so far as it can be seen."

96. See Eisele, *supra* note 2, at 349:

Students fail to see that the use of their imaginations is not some silly distraction from the serious business of the law, nor some extraneous way of escaping the demands of their profession, but rather pins them exactly to one of the central demands that their clients make upon them as lawyers. For what the client wants, and what the profession demands, is that each lawyer make use of his or her imagination to make something out of the materials of the law, something that responds to a problem or conflict in the world. They demand something useful to the client and acceptable to the profession.

97. See Seligmann, *supra* note 29, at 68:

[Wright's] composition and proportions bear a distinct personality. They are not the proportions used by ordinary architects, nor is their composition without emotional intent. There is nothing commonplace about the rigor of the composition, the proportions, or the command of architectural expression that produces the extraordinary lyricism of the house.

See also WRITINGS ON WRIGHT 40 (H. Allen Brooks ed., 1981): "Wright consistently used a geometric grid . . . as a basis for developing his floor plan Laying out the grid was a precise and demanding task."

between the various elements that enter into the constitution of the thing"; it is the building's "manifest articulation of all its parts" in relation to the overall goal.⁹⁸ Wright used this discipline to guide his design, to insure consistency, proportion, rhythm.⁹⁹

Wright said his great desire was "to get . . . a sensible, feasible system of building construction."¹⁰⁰ Once acquired, the system could be adapted to a variety of clients and sites. It was a system which combined flexibility and simplicity, a system which permitted the application of his overarching principles to the individual commissions.¹⁰¹

So too for the lawyer who, in an operational setting, must extract rules from the law's overarching principles, rules which can then be applied to individual facts of the client's problem. It requires creativity within constraint.¹⁰² The lawyer faced with an operational, not a hypothetical, problem must, like Wright, be a master of conception, must "create legal theories that are appropriate to the facts" before communicating: "good legal writing is still clear conceptual thinking, convincingly displayed."¹⁰³ Just as Wright could not construct without composing and usually could not compose without a specific commission, a lawyer cannot communicate except as he or she has clearly conceived of a focused, precise, coherent legal theory, a theory which must be tied to a client's

98. WRIGHT, *THE NATURAL HOUSE*, *supra* note 12, at 181. Wright further elaborated: "When the chosen grammar is finally adopted . . . [everything] becomes inspired by it. Everything has a related articulation in relation to the whole and all belongs together; looks well together because all together are speaking the same language." *Id.*

99. *See* LASEAU & TICE, *supra* note 58, at 180; and KAUFMAN, *supra* note 10, at 4.

100. *AN AMERICAN ARCHITECT*, *supra* note 25, at 231. *See also* WRIGHT, *AN AUTOBIOGRAPHY*, *supra* note 7, at 258.

101. *See* WRITINGS ON WRIGHT, *supra* note 97, at 60; *THE POPE-LEIGHY HOUSE 64* (Terry Morton ed., 1983); and JACOBS, *supra* note 82, at 20.

102. *See* Rutter, *Designing and Teaching*, *supra* note 13, at 21.

103. Hyland, *supra* note 87, at 623. *See also* Edwards, *supra* note 76, at 64-65:

The more serious problem in legal writing . . . is what I would call a lack of depth and precision in legal analysis. For example, too many lawyers demonstrate a lack of familiarity with or understanding of controlling or analogous precedent. Too many advocates are unable to focus an argument, so as to highlight and concentrate on the principle issue(s); and too many attorneys fail to assess how an action in a particular case may affect future cases or future developments in the law. These failings, I think, are attributable in no small measure to failings in "doctrinal education."

real world problem.¹⁰⁴ First the client, then the concept, then the communication.¹⁰⁵

IV

The forms of things that are perfectly adapted to their function . . . seem to have a superior beauty of their own. We like to look at them We see that all features . . . correspond to some necessity for being—the reason for them as well as for other shapes being found in their very purpose.¹⁰⁶

Wright's rigorous compositional system was a prelude to construction, not an end in itself. He used it to "keep all to scale, ensure consistent proportion throughout the edifice, large or small, which thus became—like tapestry—a consistent fabric woven of interdependent, related units, however various."¹⁰⁷ Whatever the poetry of the plan, it had to be made visible, in three dimensions, in an artful, honest construction.¹⁰⁸ Otherwise, the plan was merely a drawing, a picture, an exercise. Wright wanted to construct, to give the client and the community "a free and honest expression of purpose, done with all possible disciplined skill but without sham or pretense."¹⁰⁹ Only by constructing could Wright learn

104. See Rutter, *Designing and Teaching*, *supra* note 13, at 18-19; Christenson, *supra* note 77, at 1283.

105. See AN AMERICAN ARCHITECT, *supra* note 25, at 88:

No man can build a building for another who does not believe in him, who does not believe in what he believes in, and who has not chosen him because of this faith, knowing what he can do When a man wants to build a building he seeks an interpreter, does he not? He seeks some man who has the technique to express that which he himself desires but cannot do

106. WRIGHT, MODERN ARCHITECTURE *supra* note 10, at 62.

107. WRIGHT, AN AMERICAN TESTAMENT *supra* note 20, at 220.

108. See 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 314:

To be potentially poetic in architecture, then, means—to create a building free in form . . . that takes what is harmonious in the nature of existing conditions inside the thing and outside it and with sentiment . . . bringing it all out into some visible form that expresses those inner harmonies perfectly, *outwardly*, whatever the shape it may take.

Such a building would be "honest . . . undisguised, frankly showing purpose, free from deceit and hypocrisy." *Id.* at 31.

109. POPE-LEIGHEY HOUSE, *supra* note 101, at 54. See also FRANK LLOYD WRIGHT REMEMBERED 68 (Patrick J. Meehan ed., 1991).

what worked and what did not.¹¹⁰ Design without construction was an idea without expression. Wright wanted to put things together, for only by doing so could he make his insights articulate, make his imagination manifest.

Wright loved specific problems which permitted him "to develop an integrated structure with its own complex, principled life,"¹¹¹ which challenged him to realize "the coordinated integration of independent building systems into a composite whole."¹¹² Applying overarching principles to resolve particular problems, Wright's construction reflected an integration of the architect's and the client's goals.¹¹³ Wright's compositional discipline carried over into construction, unifying and simplifying it.¹¹⁴ The discipline ensured harmony in relationships, making the product a realization of related elements, a unified whole.¹¹⁵

110. "There is a great difference between designing and building It is only in building—over and over again—that an architect can see and learn what is successful and what is not." THOMAS A. HEINZ, *FRANK LLOYD WRIGHT 10-11* (1982). Others have also noted "Wright's consciousness of the profound interdependence of design and experience," KAUFFMAN, *supra* note 10, at 4, and his abiding concern "with how to put things together, how to *construct* architecture." McCarter, *Integrated Ideal*, *supra* note 8, at 281. This putting of things together is the "ultimate test of an architect," demonstrating "the depth and range of his imagination." DONALD W. HOPPEN, *THE SEVEN AGES OF FRANK LLOYD WRIGHT: A NEW APPRAISAL 79* (1993).

111. Kassler, *supra* note 54, at 10.

112. DOREMUS, *supra* note 19, at 45.

113. See SERGEANT, *supra* note 22, at 81:

An organic building arose uniquely from its site, its climate, it [sic] client's needs, its budget, and the intent of the client/architect relationship. It became less a representation of an architectural idea and more an interaction of architect's and client's wishes and skills. Some houses began to realize Wright's ideal . . . that there should be as many different types of houses as there are people.

114. See Green, *supra* note 12, at 137. "[Wright's] unit system not only provided a tool for design, but also unified and simplified the construction process [I]t became a simplified construction discipline, with all parts related in a direct geometry." Green, *supra* note 12, at 137. See also Henry Klumb, *Wright, The Man*, in *IN THE CAUSE*, *supra* note 9, at 15: "By following a modular system, its dimensions and geometric shapes determined by the architectural scale to be maintained, a discipline was established to keep all in harmonious relationship, growing into a related entity, without one element dominating another."

115. See TAFEL, *supra* note 7, at 100: "For the architect, perfection of form is expressed through geometry—the principle of form. Thus, Mr. Wright said, the form in any design is its structure, the organization of its parts into a unified and vital

Wright needed to build, to transmit in visible form his architectural ideas and to do so in a way which could be understood by client and public. So too for the lawyer faced with an operational problem. It is not enough to conceive of a legal theory for resolving a client's specific problem. That theory must be communicated, usually in writing, in a way which can be understood.¹¹⁶ The lawyer who cannot, in an operational setting, "move effectively from the world of ideas to the world of action" can only think like a lawyer, not act like one.¹¹⁷ Most lawyers need to act; they need to, through the medium of language, both conceptualize experience and construct a reality that he or she wants others to see.¹¹⁸

We who teach, particularly we who teach about a lawyer's operational life, know that "once we begin to focus . . . our attention on what . . . [participants] think and say in the course of their respective activities within the legal culture, we are increasingly likely to appreciate what their language tells us about how law in its everyday actions constructs meaning and reality."¹¹⁹ For their education to be complete, our students must know (or have the capacity to learn) how to act in an operational setting; they must have conceptual capacity, interpretive imagination, and communication capability. They must be able to converse, fluently, within the legal culture. We must provide an environment in which they can begin to acquire that fluency.¹²⁰ For example, a legal writing

totality."

116. "[W]riting serves to communicate, transmit information or feelings from mind to mind, from place to place, and from time to time. And he who is not understood by anyone does not transmit anything, he cries in the desert." Primo Levi, *This Above All: Be Clear*, N.Y. TIMES BOOK REVIEW, Nov. 20, 1988, at 59.

117. See John O. Mudd, *The Place of Perspective in Law and Legal Education*, 26 GONZ. L. REV. 277, 283 (1990/91):

Professional skills are of two general types. The first includes the cognitive skills traditionally associated with "thinking like a lawyer": analytic and synthetic reasoning, applying the law to particular facts, drawing analogies between cases. They also include skills of transformation that are required to move effectively from the world of ideas to the world of action. By these skills lawyers change existing situations into those that are preferred, for example, through drafting legal documents, negotiating, or trying cases. Skills of transformation depend upon cognitive skills, yet while sensible action presupposes clear thinking, one can think like a lawyer and not be able to act like one. Cognitive and transformational skills are related but distinct.

118. See Fajans & Falk, *supra* note 41, at 174.

119. Richard K. Sherwin, *Lawyering Theory: An Overview: What We Talk About When We Talk About Law*, 37 N.Y.L. SCH. L. REV. 9, 43 (1992).

120. See White, *Law as Literature*, *supra* note 16, at 436:

course, properly handled, affords the student an opportunity to apply abstract principles in a realistic operational setting, illustrating for the student the dynamics of the process.¹²¹

But that process, like Wright's, is a demanding one. To carry the composition or conception through into construction or communication calls "for an unerring consistency between mass and detail, the large and the small, the whole and the part"¹²² Everything must be kept in place. The final product "should be internally consistent, complete within itself, should develop logically and smoothly without interruption or irrelevancy . . . should begin, proceed, and terminate harmoniously."¹²³ Only through dint of hard work will the product achieve a state of simplicity, reflecting "practical ingenuity and concealed craft"¹²⁴ Wright insisted on simplicity, on a construction which reflected a "single, unified conception" where every element was "orderly, efficient and rational."¹²⁵

Like a lawyer, Wright worked to solve the specific problems of

But the law can more properly be seen not as a set of commands or rules . . . but as the culture of argument and interpretation through the operations of which the rules acquire their life and ultimate meaning. A rule is not self-interpreting . . . and will always leave open certain aspects of its significance, especially when it is brought to bear in circumstances no one ever thought of [T]he rule can be thought of as establishing not a single necessary result but a range of culturally possible results, among which choices will have to be made by lawyers and by judges. It is the processes of thought and conversation by which these choices are made, the culture of legal argument, that is the law itself.

121. See Rutter, *Designing and Teaching*, *supra* note 13, at 62: "The written working out of truly operational problems provides opportunities for diminishing this gap between abstract concepts and their dynamic application, with corresponding feedback in the enhancement of understanding of the concepts."

122. DONALD HOFFMANN, FRANK LLOYD WRIGHT: ARCHITECTURE AND NATURE 39-40 (1986).

123. TWOMBLEY, *supra* note 24, at 314.

124. WRITINGS ON WRIGHT, *supra* note 97, at 162. See also WRIGHT, MODERN ARCHITECTURE, *supra* note 10, at 75:

Now simplicity being the point . . . organic simplicity I soon found to be a matter of true coordination Plainness was not necessarily simplicity To think "in simples" is to deal in simples, and that means with an eye single to the altogether Only as a feature or any part becomes a harmonious element in the harmonious whole does it arrive at the estate of simplicity.

125. TWOMBLEY, *supra* note 24, at 70.

individual clients.¹²⁶ His work helped to free architecture from a dependency on replication; his architectural process was “a method of form generation that could accept a range of formal or experiential preferences.”¹²⁷ There was no formula, but there were goals and principles which liberated the architectural imagination while providing a discipline by which imagination could be realized. A Wright apprentice described that discipline:

Wright chose the “grammar” for a building and used it consistently down to the smallest details. He insisted that to create a house that is a work of art, the architect, as artist, needs to express a “consistent thought-language in his design.” By grammar, he meant: the relationship of the elements to the whole, governed by a regulating system The total feeling of the house was of one stripe, from the overall plan down to the furniture, the door jambs, and the window frames.¹²⁸

This discipline did not guarantee a beautiful result but it did “provide a framework . . . ensuring [the architect] a guiding principle within which he can never be wholly false, out of tune, or lacking in rational motif.”¹²⁹ The beauty came from the individual’s trained imagination which produced the “subtleties, the shifting blending harmonies, the cadences, the nuances.”¹³⁰

For Wright, construction was not simply a matter of translation;¹³¹ it was a matter of refinement “because the concept grows and matures during realization”¹³² Construction was dynamic, inventive, adap-

126. See TWOMBLEY, *supra* note 24, at 108.

127. LASEAU & TICE, *supra* note 58, at 179. See also AN AMERICAN ARCHITECT, *supra* note 25, at 52-53:

The differentiation of a single, certain, simple form characterizes the expression of one building. Quite a different form may serve for another, but from one basic idea all the formal elements of design are in each case derived and held well together in scale and character [I]n every case the motif is adhered to throughout so that it is not too much to say that each building aesthetically is cut from one piece of goods and consistently hangs together with an integration impossible otherwise.

128. TAFEL, *supra* note 7, at 91.

129. AN AMERICAN ARCHITECT, *supra* note 25, at 53.

130. *Id.*

131. See Gill, *supra* note 91, at 189 noting that “in Wright’s case . . . no design could be called complete until the building itself was complete; to him the process of construction was a process of refinement as well.”

132. 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 249; see also JACOBS,

tive, reflecting a mind always at work on the individual problem. There was a constant reciprocity between idea and its expression, between composition and construction.¹³³ Wright's buildings speak to everyone, architecturally sophisticated or not.¹³⁴ He built in human terms; Wright "carefully designed . . . an infinity of . . . details to fall within the range of familiar experience."¹³⁵ For Wright, that was a matter of integrity, of responsibility to the client.¹³⁶

At its best, Wright's work is also at its simplest. It is work which has a "graceful sense of beauty in its utility from which discord and all that is meaningless has been eliminated."¹³⁷ The work is clear, not confused; restful, not raucous; concordant, not discordant. At its best, Wright's work is unified:

Simplicity is achieved . . . by an induction of the whole . . . made by the parts [T]hey are abstracted away from direct associations and toward a grammatical unity. In other words, the unity they achieve is a unity of language, not conception.¹³⁸

What Wright gave us was "the developed sense of the building as a

supra note 82, at 29:

[A] characteristic of Wright . . . became considerably more familiar as construction proceeded: changes and refinements not only after final plans had been approved by the client, but right on through, and even after, the actual building [H]e made subtle changes, not altering the basic design, but rather "cleaning it up."

133. See SERGEANT, *supra* note 22, at 112; Jacobs, *supra* note 82, at 42; SECREST, *supra* note 30, at 250-51.

134. See SMITH, *supra* note 11, at 146.

135. TAFEL, *supra* note 7, at 50.

136. See 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 110:

A commission . . . becomes a trust to the architect. Any architect is bound to educate his client to the extent of his true skill and capacity in what he as a professional advisor believes to be fundamentally right And a certain determining factor in this quality of style is this matter growing out of this relation of architect and client to the work at hand, as well as the more definite elements of construction. This quality of style is a subtle thing, and should remain so, and not to be defined in itself so much as to be regarded as a result of artistic integrity.

Id. at 23.

137. See also, DOREMUS, *supra* note 19, at 115.

138. Archie Mackenzie, *Rewriting the Natural House*, in A PRIMER, *supra* note 8, at 169-70.

whole,”¹³⁹ integrated and simple, ordered and coherent.¹⁴⁰ His work continues to wear well because it was designed to be lived with as well as in.¹⁴¹

Like Wright, the lawyer faced with an operational problem must use intellect and imagination “to construct specific meaning and realities in particular concrete contexts.”¹⁴² Experience is the great educator, but the lawyer must be open to and must have the resources for developing the lessons of experience. Law school is the place to expose nascent lawyers to “the particularly complex rhetorical tasks they will be faced with as professionals” and to afford them “the opportunity . . . to express . . . new and complicated thoughts.”¹⁴³

Just as Wright’s architecture was a process of composition and construction, the law in its operational context is a process of conception and

139. AMERICAN ARCHITECT, *supra* note 25, at 220.

140. One author described a series of Wright houses:

For buildings of such a small size, Wright has provided an extraordinary complexity, which is relentlessly enriching, relentlessly tantalizing. It in turn requires an extraordinary order . . . which is relentlessly cohering, relentlessly controlling [T]here is always the sense of being in a building which is . . . charged with vigor, presence, warmth, and above all an absolute indomitable will.

HILDEBRAND, *supra* note 61, at 135.

141. “To be lived with, the ornamental forms of one’s environment should be designed to wear well, which means they must have absolute repose and make no especial claim upon attention.” 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 112. *See also* AN AMERICAN ARCHITECT, *supra* note 25, at 53:

But self-denial is imposed upon the architect to a far greater extent than upon any other artist-creator. The temptation to sweeten work, to make each detail in itself lovable and expensive is always great; but that the whole may be truly eloquent of its ultimate function, restraint is imperative. To let individual elements arise and shine at the expense of final repose is for the architect a betrayal of trust

142. Sherwin, *supra* note 119, at 43. “Put simply, from a study of court cases alone, we will not adequately learn the meaning and significance even of court cases.” *Id.*

143. George D. Gopen, *The State of Legal Writing: Res Ipsa Loquitor*, 86 MICH. L. REV. 333, 362 (1987). *See also* Rutter, *supra* note 13, at 57:

Carried forward to ordered development of a total theme, the “writing” function is revealed in fact as a “thinking” function, whose core is the recognition and structuring of relationships with “coherence” representing the measure of conformity with reality [L]anguage, with its logical elements, is the only accessible behavioral avenue toward training in “thinking,” be it “like a lawyer,” or anyone else.

communication, of thinking and, for the most part, writing.¹⁴⁴ Architecture and legal writing are processes, are a fitting together of components into an integrated, simple form.¹⁴⁵ They both involve the development of ideas, not their repetition. They both require a sense of the whole.

V

As a matter of logic in the plan, it is easy to see that there can be none except as the result of scale, materials, and building method. But with all that properly set, there is the important human equation at work in every move that is made. The architect weaves into it all his sense of the whole.¹⁴⁶

It was his sense of the whole which set Wright apart, which led to his individualized, instantly recognizable style. He said his realized expression was “only reasoned arrangement; the plan kept in mind with an eye to the exterior but meantime felt, in imagination, as a whole.”¹⁴⁷ Wright’s practice of integration and simplicity gave his work a “sense of completeness,” a “synthetic, positive quality in which we see evidence of mind, breadth of scheme, wealth of detail”¹⁴⁸ Wright said this

144. See Hyland, *supra* note 87, at 619:

[T]he law must be written to meet the demands of conceptual thinking, and that can be done well only by those who think clearly. Of course, sentences in the law . . . must conform to the rules of grammar and proper punctuation. But even those rules . . . are fundamentally concerned with the organization of thought. Even they cannot be taught formalistically. It is even less useful to treat other elements of the thought process in a formal manner. In other words, though a disciplined legal prose style can be taught, it cannot be promulgated.

145. See Schiff, *supra* note 7, at 76 (quoting Stephen Sondheim): “All art—symphonies, architecture, novels—it’s all puzzles. The fitting together of notes, the fitting together of words have by their very nature a puzzle aspect. It’s the creation of form out of chaos. And I believe in form” In words echoing Wright, Sondheim said that “it’s important that a score be not just a series of songs—that it should in some way be developed, just the way a book is Composition is about development, not about repetition.” *Id.* at 86.

146. 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 253-54.

147. AN AMERICAN ARCHITECT, *supra* note 25, at 234.

148. 1 WRIGHT, COLLECTED WRITINGS, *supra* note 17, at 64; see also Green, *supra* note 12, at 136: “Many of Wright’s innovations provided a new direction for freedom and logic in architectural design, and all emphasized the importance of an overall sense of unity and harmony.”

sense of completeness came from integration which “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.”¹⁴⁹ Integration disciplined him from within, leading him to “think in simples” and to work from the general to the specific.¹⁵⁰

James Boyd White perceived that integration is likewise important for lawyers:¹⁵¹

[T]he life of the law is . . . a life of art, the art of making meaning in language with others. Its goal . . . is the integration into meaningful wholes of the largest and most contradictory truths . . . all under the ruling requirement that what we say make sense [T]he excellence of mind required of the lawyer, like the excellence of the composition that the lawyer makes is integrative: a putting to work in the same text of as many of one’s resources and capacities as possible, organized in a meaningful way.¹⁵²

149. WRIGHT, AN AUTOBIOGRAPHY *supra* note 7, at 172. *See also* AN AMERICAN ARCHITECT, *supra* note 25, at 257: “[N]o other discipline yields such rich rewards in work, nor is there any man so safe and sure of results as the man disciplined from within by this ideal of integration that is organic.”

150. 2 WRIGHT, COLLECTED WRITINGS, *supra* note 37, at 101. *See also* WRIGHT, A TESTAMENT *supra* note 20, at 106: “Integrity has been proved feasible in actual practice. These simple buildings themselves show architecture to be *organism*, based upon: ‘part is to part as part is to whole.’ Only such entity can live. Inevitably this nature-concept was individual in architecture”

151. *See* Rutter, *Law and Language*, *supra* note 13, at 1310-11:

[T]he structure of language and its relationship to precise analysis, a major sense of thinking and, as here considered, “thinking like a lawyer.” [I]t is my position that in the teaching-learning process, a conscious, explicit understanding of the many faceted underlying mechanism provides a comprehensive framework and foundation for a profound, personal integration of the significant ingredients of the ad hoc examples, illumined but not limited to them, effecting an important species of the old “transfer of learning.” Particularly in teaching, the relationship between language and thinking provides an accessible linguistic handle in reaching teaching’s inaccessible thinking counterpart.

152. WHITE, HERACLES’ BOW *supra* note 16, at xii. Professor White, who defined “the work of the law as the work of individual minds for which individuals are themselves responsible,” emphasized the importance and the difficulty of communicating the results of that work to others:

The acknowledgment of inconsistency and tension, the openness to ambiguity and uncertainty, that are essential to good writing under this standard define the individual mind as aware of its limits and in need of instruction, from the past and from others, and as tentative in its own

Or, as he wrote at another time, the lawyer "is not only a reader but a writer as well; his kind of reading completes itself only in the process of speech and writing by which he . . . acts verbally in the world."¹⁵³ An architect has to construct, a lawyer has to communicate in an integrated, simple way, in a way which uses our comprehension of the law in our activities as lawyers.¹⁵⁴

For Wright, integration gave his work consistency and order, harmony and repose. Integration was the key to his discipline.¹⁵⁵ It allowed him to make "the simplest statement of the prime idea upon which structure is based."¹⁵⁶ It provided the key for developing an overall form in which there was a true relationship of parts and a pleasing consistency of expression. The final product looked and felt right.

At its best, Wright's work achieved a degree of integration which invoked an aesthetic unity, which made the work simple "in the sense that it is of one piece and contains nothing superfluous."¹⁵⁷ The same criteria can be applied to a lawyer's operations. There is a point at which the lawyer's work achieves an aesthetic level, a level where it can be judged by whether it looks and feels right.¹⁵⁸ There is more to law than

claims to assurance and vision. It makes the speaker doubt the adequacy of any language, and seek to be aware of the limits of her own forms of thought and understanding.

Id. at 124.

153. White, *Law as Literature*, *supra* note 16, at 415.

154. See Rutter, *Designing and Teaching*, *supra* note 13, at 46.

155. See 1 WRIGHT, *COLLECTED WRITINGS*, *supra* note 17, at 22; and SECREST, *supra* note 30, at 127.

156. WRIGHT, *AN AUTOBIOGRAPHY* *supra* note 7, at 454. See also McCarter, *Integrated Ideal*, *supra* note 8, at 255.

157. Janice Toran, 'Tis A Gift to be Simple': *Aesthetics and Procedural Reform*, 89 MICH. L. REV. 352, 382 (1990).

158. See Mentschikoff & Stotzky, *supra* note 2, at 739:

The law is universal and covers all parts of life, every last bit of it. Lawyers must acquire the habit of being jacks-of-all-trades, just as good judges are. They must be able to shift lenses when different problems arise, so that they have a holistic view of the problem. They should be able to get into any issues that arise in our civilization. Further, lawyers should never believe anything until it has been proven sufficiently to feel right. We use the word feel, because there is a rightness about some kinds of feel. One never reaches that point, however, until one has first gone through the rational process. Feelings are useful in lawyering only after there is a broad basis of knowledge behind the feelings.

detail, than rule discovery. There is a creative aspect to our work which means that our work, like Wright's, can be evaluated by aesthetic criteria, by how well it reflects a sense of the whole.

Wright believed that we perceive beauty "as integral order; order divined as an image by human sensibility; order apprehended by reason, executed by science."¹⁵⁹ This integral order produced a comforting sense of interrelationship, of connectedness, of completeness.¹⁶⁰ That same sense is produced by the operational work of competent attorneys. What we do can be evaluated by aesthetic criteria; when observed, our work should reflect an integral order comparable to that seen in Wright's work.¹⁶¹ We must bring together theory and data and problem, must ex-

159. AN AMERICAN ARCHITECT, *supra* note 25, at 23. See also WRITINGS ON WRIGHT, *supra* note 97, at 210:

What all the designs . . . show is an attempt at the organic, an attempt to organize the requirements of a given building into a whole made up of related and interdependent parts Every one of them . . . is a growth and not a compilation. Every one of them shows that power of simplification and unification But what makes the real impressiveness of these designs is that they are organic wholes, that the variety of their parts, without being denied or slurred, is overruled into an effective unity.

160. See WRIGHT, THE NATURAL HOUSE *supra* note 12, at 24:

Perfect correlation, integration, is life. It is the first principle of any growth that the thing grown be no mere aggregation. Integration as entity is the first essential. And integration means that no part of anything is of any great value in itself except as it be an integrate part of the harmonious whole.

See also THE MASTER ARCHITECT, *supra* note 1, at 99.

161. See Rutter, *A Jurisprudence*, *supra* note 13, at 303:

Professional operations involve skills and techniques that go far beyond doctrinal learning. But the operating skills include also the "application" of doctrine Operational study of doctrine enhances the understanding of doctrine itself [R]ealistic integration occurs only in the process of a specific lawyer's operations. Hence, the need for training in lawyers' operations for the dual purpose of learning the skills peculiar to operations and achieving effective application of doctrine.

See also Rutter, *Designing and Teaching*, *supra* note 13, at 74-75:

A central ingredient of the courses is the multiplicity of educational values flowing from the integration of doctrine into a realistic operational problem This kind of integration is to be contrasted with the juxtaposition that occurs by rearranging the content of present doctrinal courses. No matter how it is shifted around, it is still doctrine. Realistic integration occurs only as the lines of force converge in a specific

ercise judgment and prepare solutions which fit, which are apt.¹⁶² That is our obligation as members of the profession; the lawyer who acts otherwise is a menace.¹⁶³

Wright believed an integrated solution was also a simple solution, a “clean, direct expression of . . . essential quality.”¹⁶⁴ The architect who wanted to share a vision with others was obligated to “speak an understandable language, one that offers a discovered simplicity rather than a befuddling complexity.”¹⁶⁵ Wright worked constantly toward that, knowing that “[n]othing is more difficult to achieve than the integral simplicity of organic nature.”¹⁶⁶ He said that no thing, no feature of a

lawyer's operations.

162. See Mudd, *supra* note 117, at 309-10:

The cognitive processes of gathering data, reaching understandings, and making judgments do not take place in an ivory tower removed from the concrete realities of the client's problems; rather, these processes are shaped by, and in turn shape, situations in all their complexity and ambiguity These judgments do not come from textbooks but from immersion in the situation, testing and retesting possible answers, trying out familiar strategies, fashioning unique approaches, probing, listening. Throughout the process of understanding . . . lawyers propose solutions that depend upon the larger context in which they view the problem and the role they see for themselves as important players in its resolution.

163. See Steven Stark, *Why Lawyers Can't Write*, 97 HARV. L. REV. 1389, 1392-93 (1984):

[T]he main problem with legal writing has less to do with writing than with lawyers themselves [W]ords can hurt us. To write as a lawyer is to choose a perspective that can cheapen language and force us to relate to a narrow world of rules, not people. In a sense, part of the purpose of legal training is to enable lawyers to think and write . . . in just this way. But perhaps lawyers lose more than they gain by acquiring the gift of legal vision. If so, complaints about legal writing are not really laments about craftsmanship; they are cries that lawyers no longer can see.

164. WRIGHT, THE NATURAL HOUSE *supra* note 12, at 187.

165. DOREMUS, *supra* note 19, at 115. See also *id.* at 116: “The many houses [Wright] designed and built in the last twenty years of his life . . . exhibit precision of scale and clarity of systems rather than voluptuous detail. The brilliance and subtlety of the result . . . [reflect] his insistence on intimacy of scale and integrity of materials.”

166. Wright, *Second Paper*, *supra* note 25, at 129. See also WRITINGS ON WRIGHT, *supra* note 97, at 66 discussing a Wright house:

Small, yet large because there is no point in the house where one feels spatially bound. Complex with a careful development of patterned and plain areas held together by imaginative and attentive design, yet simple

building is simple in itself: it “must achieve simplicity . . . as a perfectly realized part of some organic whole.”¹⁶⁷ Simplicity is “a reward for fine feeling and straight thinking in working a principle well in hand to a consistent end.”¹⁶⁸

So it is for the lawyer even when performing the most mundane of tasks such as writing a short, intra-office memo. Even here, we are faced with operational problems of definition, selection, and integration.¹⁶⁹ It is more than just thinking as architecture is more than just design.¹⁷⁰ In both there must be a communication which the audience can appreciate.¹⁷¹ Like architecture, writing in a lawyer’s operation requires imagi-

in its forthright presentation of minimal living space. Proud almost to the point of arrogance in boldly declaring itself for what it is and standing thereon, yet humble in never pretending to be other than it is. Such are its paradoxes and they imply mobility and interchangeability.

167. WRIGHT, *AN AUTOBIOGRAPHY* *supra* note 7, at 168. Wright said “simplicity is . . . an entity with a graceful beauty in its integrity from which discord, and all that is meaningless, has been eliminated.” *In the Cause*, *supra* note 84, at 54.

168. WRIGHT, *MODERN ARCHITECTURE* *supra* note 10, at 77.

169. *See* Rutter, *Designing and Teaching*, *supra* note 13, at 61:

The act of writing introduces some measure of the stressful involvement of the true participant. We are all familiar with the gaps in thinking that appear for the first time under the pressures of reduction to writing, the greater compulsion to achieve connectedness, to take into account the concrete minutiae of relevant factual detail, the need to sharpen the residual vagueness of preliminary discussion, the closing of escapes from coherence when prior steps in articulation cannot be forgotten as easily as in oral discussion.

See also Edward D. Re, *Legal Writing as Good Literature*, 59 ST. JOHN’S L. REV. 211, 214-15 (1985).

170. *See* Rutter, *Law and Language*, *supra* note 13, at 1351. *See also* WHITE, *HERACLES’ BOW* *supra* note 16, at 97:

[T]he client . . . pays not for skill in determining mechanical consequences, but for highly complex individual judgments. Reading is always writing, always done by an individual mind. The reconstitution of our legal culture and its language must always be done, if it is to be done at all, by individual minds and that means with individual differences. These differences, when properly publicized and disciplined, are not to be lamented but celebrated.

171. *See* Sherwin, *supra* note 119, at 40:

By taking seriously the way participants in an activity understand and experience what they are doing or what they perceive to be going on around them, operative patterns of meaning—and the ways in which they are constructed in everyday practices—may be brought to light. In this way, the normative or strategic choices that a particular discourse allows

nation, integration, and simplicity.¹⁷² The lawyer who has ideas but cannot structure and communicate them might just as well have no idea at all.¹⁷³

VI. CONCLUSION

We can learn from Frank Lloyd Wright. The art so apparent in the operations of competent lawyers, just as the art so apparent in Wright's architecture, cannot be taught. However, we can, as Wright said he could, instill in our students a desire to work toward that art and provide for them the atmosphere in which they can begin to test their inspirations by dealing with real world-problems. We can help them train their imaginations, encourage them to avoid unreflective imitation, and expose them to the processes of a lawyer's operations. We can show them that those operations have an architecture: that they involve the making of reasoned arrangements, that they involve a living spirit which creates according to the nature of the client and the individual circumstances of the problem. We can—and we should—show them doctrine at play in the specific things a lawyer does.

or inhibits can be made conscious and, as a result, subject to choice rather than habit. Awareness of the ways in which people tend to think and speak about what is going on in certain kinds of situations also permits more accurate analyses of the efficacy of communication in those situations

172. See Fajans & Falk, *supra* note 41, at 180-81.

173. See Levi, *supra* note 116, at 60:

[T]here is no doubt that the better the quality of our communication, the more useful (and agreeable) to ourselves and others we will be and the longer we will be remembered. He who does not know how to communicate or communicates badly in a code that belongs only to him or a few others, is unhappy and spreads unhappiness around him. If he communicates badly deliberately, he is wicked or at least a discourteous person, because he imposes labor, anguish, or boredom on his readers.