How You Gonna’ Keep Her Down on the Farm

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HOW YOU GONNA’ KEEP HER DOWN ON THE FARM . . .

Lisa R. Pruitt*

Too bad Mom wasn’t there on the first day of law school to take a photo of me—a photo like the one she took the day I started first grade, a photo to document a milestone. The first-grade photo shows me in a Sears & Roebuck calico dress with a lace-trimmed bodice, red tights, pageboy hair cut, little red satchel. Maybe if I had a photo from the day I began law school, the random batches of memories I have been able to conjure up about my One-L year would be more complete, seem more reliable. Maybe I would have a clearer recollection of who I was when I became a law student at the University of Arkansas in the fall of 1986—and of how the experience changed me.

But a quarter of a century is a long time for impressions to morph and mutate, leaving my current memories of what “it” was like—what I was like—a little hazy. The tendency to see the past—perhaps particularly oneself—in the light of one’s current consciousness strikes me as a powerful and distorting lens through which to reminisce. Even as the intervening decades of life-shaping events lend perspective and clarity to the here and now, the filter of those decades obscures my One-L experience. As it is, then, the only recollections from that year which feel very trustworthy are a couple of vignettes, a personality sketch or two (including a partial one of myself), and a few professorial quotes that I’ve appropriated in my own decade of teaching.

My skepticism of many of my memories stems in part from my early contemplation of what my very own One-L essay—this essay—might say. As I put fingers to keyboard for an initial draft, I recalled a rube-like person. No, not one with straw between her teeth in overalls or a Daisy Mae outfit, though my rural roots might suggest those images. I had by then spent four years at the state’s land grant, flagship public institution of higher education, and despite what outsiders may think—especially in light of all the hog calling that goes on at Razorback sporting events—it’s a very civilized place. But when I initially recalled who I was intellectually and emotionally when I began law school, someone naïve and uninitiated came to mind. Someone who “just fell off the Grapette truck,” to borrow one of my father’s expressions.2

My preliminary recollections suggested that I had no idea what I was getting into—substantively or procedurally, as we law profs might say. Surely “tort” was a foreign word to me, I thought, as I must have been unfamiliar with both civil liability and epicurean variations. Certainly I had little sense of what lawyers did other than a vague belief that they “righted wrongs” or “did justice.”

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1 The reference here is to a central character in Al Capp’s comic strip, ‘Lil Abner. Daisy Mae was the buxom, scantily clad, blonde wife of ‘Lil Abner. For an academic exposition about Daisy Mae, see Sally W. Maggard, Will the Real Daisy Mae Please Stand Up? A Methodological Essay on Gender Analysis in Appalachian Research, 21 APPALACHIAN J. 136 (1994).

2 Another variation on this southern idiom involves falling from a turnip truck.
I had heard of the ACLU and thought that would be a cool place to work some day. But I knew little else of law or lawyers. How could I have known more? The first episode of *L.A. Law* was still a few weeks away.3

Further reflection, however—informing by a review of my college-era résumé—led me to realize I could not have been as clueless a One L as I initially imagined. As an undergraduate, I had taken the course on law for journalists and become quite fascinated with defamation law. My journalism advisor (also the supervisor for my weekly work-study hours, both during my later undergrad years and when I was a first-year law student) had introduced me to a law professor who specialized in this and other media law issues. That law professor (later my Torts professor) had supervised my undergraduate honors thesis: “A Survey of State Court Decisions Determining a Post-*Gertz* Standard of Liability for Private Plaintiff Libel Cases.” It doesn’t sound very scintillating now, but I was completely captivated then. The project had not only introduced me to the wonderful intricacies of a narrow slice of the law, it had taken me into the law library on a regular basis the year before I started law school. I was consequently familiar with the physical facility, and I had seriously grappled with one core legal concept (summary judgment) and some marginal and arcane ones (such as libel per se and libel per quod).

As a One L, then, I knew a little about law after all. I nevertheless tend to think that my familiarity with law and legal institutions paled in comparison to that of most of my classmates. There were no lawyers in my family. Indeed, there was only one in my home county—Newton County, Arkansas, population about 80004—but I had never met him.5

It is actually hard to say with any certainty why I was drawn to law school. My mother’s long-time nickname for me, “last-word Lisa,” suggests I was a tenacious talker and skilled hair splitter from an early age. But law was a force largely absent from my life, consistent with one myth of rurality.6 The only law enforcement officers in Newton County when I was growing up were a sheriff and a couple of deputies. The town where I went to school, Jasper, was still a decade or so away from having its first police officer. A circuit judge who resided in a neighboring county visited the Newton County courthouse only on a need-to-basis. Otherwise, the building’s courtroom was used for community events; as a teenager, I had occasionally participated in 4-H programs there.

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5 This strikes me now as somewhat remarkable given the lack of anonymity that characterizes rural places, a feature I’ve made much of in my own scholarship. See, e.g., Lisa R. Pruitt, *Place Matters: Domestic Violence and Rural Difference*, 23 WIS. J.L. GENDER & SOC’y 347, 363-65 (2008). But even small towns have social hierarchies: he was the county’s sole professional; I was a local teenager.

Yet even as law and legal actors were absent from my life, the specter of law—its potential as a disciplining authority—loomed over my family. You see, my father was a scofflaw, and he was the type who liked to talk about his lawless exploits. Among other infractions, he frequently purchased beer from a local bootlegger (Newton County was and is a “dry” county, as are most contiguous counties), evaded various federal regulations of the trucking industry (in which he labored for virtually all of his working life), and bought votes on behalf of Democratic candidates in local elections as far back as I can recall (quite a common practice by both parties in Newton County). I remember being a nervous wreck every time I became aware of one of his crimes—once I realized that’s what they were. I expected the awesome, punitive power of the law to come crashing down on us at any moment.

I didn’t know then, of course, about rurality’s association with an effective absence of law, and I doubt I would have been much comforted by such an academic notion had I been so informed. As it happened, I was well into my teens before I began to appreciate the inefficacy—never mind apparent disinterest—of the county’s few law enforcement officers when it came to actually enforcing the law. Except in the run up to local elections, when the sheriff busted bootleggers, moonshiners and pot growers in a (usually temporary) law-and-order show, producers and purveyors of illicit substances—and certainly their customers—had little to fear. As for the vote buying, a sheriff had no incentive to work with federal authorities to investigate those engaged in the practice when he was as likely as not a beneficiary of it.

I see those realities now, but I was fearful then. For some reason (probably the Christian upbringing my mother gave me), I took the law very seriously and respected its authority—in spite of its agents’ relative inaction. Maybe, then, I was drawn to the law as a reaction against my father’s disregard for it. My decision to pursue a legal education may have been a classic case of the child rebelling against the parent. I was simply joining the other team.

Whatever role my father’s behavior played in my career choice, I recall practical, economic considerations also influencing me. My degree in journalism had set me up to earn about $8000 a year, insufficient to cover both living expenses and student loan payments. Plus, I didn’t think I was assertive enough to be a particularly good journalist, though I must have seen that as a shortcoming for a lawyer, too.

I had held no internships or jobs at all related to law—let alone the high falutin’ ones like those of many the first-year students I teach. No, I had instead spent the summer before law school working in a shoe store, having spent the prior summer running a concession stand at a little league park, and the six summers before that working at a theme park near my hometown. Those six

7 See United States v. Campbell, 845 F.2d 782 (8th Cir. 1988) (reporting the conviction of Newton County’s chief administrative officer, the “county judge,” for paying or offering to pay voters for voting, in violation of 42 U.S.C. § 1973i(c)).

8 For a wide-ranging discussion of the challenges and realities of rural law enforcement, see RALPH A. WEISHEIT, DAVID N. FALCONE & L. EDWARDS WELLS, CRIME AND POLICING IN RURAL AND SMALL-TOWN AMERICA 51 (3d ed. 2006).
seasons at Dogpatch USA, a park based on the Al Capp comic strip ‘Lil Abner, and my other minimum wage (or less) jobs had equipped me with book-keeping and people greeting skills, but little else really.

Further, my life experiences—at least as they might be obviously relevant to law—were very limited. My only personal encounter with the law had been a single speeding ticket. My lack of exposure to law was, I think, similar to that of a young lawyer whom I interviewed about a decade ago for a study of post-apartheid integration of the South African legal profession. The man of color said:

I knew how to spell “stock exchange,” but I didn’t know what it was. Whites, on the other hand . . . many had inherited trust portfolios, were managing these by the time they were in their teens. This stuff was discussed at the dinner table, was second nature to [them].

Apartheid’s legacy for him was surely a very tough row to hoe. But it struck me during the interview that I had something in common with him: I, too, felt very much like an ill-equipped “other” in the context of law school, if only on the basis of class.

Of course, I might have better informed myself regarding what to expect in law school. But no one at my undergraduate institution, the J. William Fulbright College of Arts and Sciences at the University of Arkansas, had counseled me about law school—not about selecting one, nor about what to expect. I had taken the LSAT, of course, but not a prep course for it. I applied only to the University of Arkansas, hoping to be awarded the sole Robert A. Leflar Scholarship to pay my tuition and provide a stipend. The law school’s dean of students advised me that I was unlikely to get it, in spite of my 4.00 undergrad GPA. This was apparently due to a lackluster LSAT, but I’ve mentally blocked the degree of the score’s inferiority and kept no record of it. In the end, I got the Leflar scholarship, presumably because better applicants picked other law schools.

My failure to learn more about the law school scene in advance of becoming part of it is not, mind you, because I wasn’t ambitious. I was, of a sort. But I didn’t know enough to know what I didn’t know. I didn’t know what to ask, and I didn’t have ready sources. This was well before the internet age, when any self-respecting, would-be law student Googles “1L” and finds out more than she ever wanted about the undertaking.

I have a vague recollection of watching an episode of The Paper Chase during the summer before law school. I must not have found it that interesting or I would surely have watched more. Perhaps I didn’t view additional episodes because the show seemed irrelevant to me. I, after all, was at the University of Arkansas—not Harvard. I would not be walking the hallowed and historic halls of an Ivy League law school. The building in which I was to get my legal education looked rather less salubrious and pretentious—part vintage ‘60s, part ‘80s. I saw myself as training to be a Little Rock lawyer or some such, not—as a

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Yale-educated colleague once described his alumni network’s sense of themselves—destined to be a leader of the free world.

Certainly I had not read *One L* by the time I started law school. I don’t believe I even knew about it. I recall learning of the book near the end of my first semester. A classmate in my small section had read it, and she often referenced it—somewhat obnoxiously, I might add—as if it were the final word on all things law school. Maybe her slightly hoity-toity, I-know-something-you-don’t-know attitude is what did it in.\(^{10}\) As if Scott Turow knew everything because he went to Haanaavard. Perhaps, as with *The Paper Chase*, I assumed Turow’s Harvard experience was surely irrelevant—at least largely so—to my Arkansas one. Maybe that’s why I never got around to reading the book. Maybe there just wasn’t any time left once I had read every assigned case three times, looked up each unfamiliar word in *Black’s Law Dictionary*, and written a brief that was about seventy-five percent as long as the case excerpt itself.

You see, one thing I am quite clear on is that succeeding by the numbers was extremely important to me. The same had been true in my undergraduate studies, and my discipline and hard work had paid off. Those earlier achievements might have endowed me with more confidence as I began law school, but “everyone” (who, exactly, I cannot say) seemed to warn that undergraduate achievement was not a particularly good predictor of law school success.

While the anxiety-driven focus with which I began law school is surely typical of many One Ls then and now, it strikes me that the pressure I experienced made the need to succeed tantamount to a matter of life and death. What was behind my focus and ambition? Fear of failure or desire to succeed? Perhaps I most wanted to succeed for the sake of being a success—or to be perceived as successful, if there’s a difference.

Or maybe I was really driven by the material consequences I anticipated from my performance. Perhaps I wanted to ensure I had options other than returning to “the farm”—the confines of Newton County, that is, to generate some competition (or business) for its sole attorney. Or perhaps I was acting on the fear of god regarding education that my mother had instilled in me from an early age. She had long been hell-bent on her daughters getting educated, seeing this as a path to a life different than hers, a life with choices. I think I understood that. I wanted choices, independence, and bargaining power.

Why else, I wonder, would I have invested upwards of eighty hours a week on my law school endeavor? My diligence in my daily class preparation, outlining, and exam-period review left nothing to chance. I must have had enormous energy to work so hard. (Ah the forces of youth and good health!)

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\(^{10}\) Her superior attitude may have stemmed from the fact she was from the big city—Little Rock. I recall another classmate—this one from the great metropolis of Tulsa—commenting once on how all the people from small towns were always talking about how wonderful and distinctive their hometowns were. Why, she pondered, did they feel they had so much to prove? Why did it matter that their hometowns were interesting, even distinctive?
But I also must have been quite engaged with law’s substance, or I would surely have burned out sooner than I did, as a Three L.

Lest these recollections about my work ethic be met with skepticism invited by my earlier admission of hazy memories, let me attempt some substantiation. In my efforts to generate content for this essay, I looked for any law school memorabilia I might have saved. My mother found in her home a single, massive cardboard box holding fifty-five pounds of first-year notes, briefs and outlines.11 I had set them all aside in neatly labeled Redweld expanding file folders, along with a handful of memos I wrote during my first law firm job, the summer after that initial year of law school. Why I saved these I cannot say. Maybe they represented too great an investment to discard. Whatever my thinking then, the papers now serve as some evidence of a certain over-the-top, by-the-book approach to law school.

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As I suggested at the outset, my reminiscences about my first year of law school are necessarily colored by my current perspective. From my vantage point as a scholar of rurality and—at least by implication—of class,12 I find myself somewhat preoccupied with whether (and how) I played what I have elsewhere called “the rural card”13 as I undertook this new endeavor, seeking assimilation into a new milieu, a new microcosm.

The title I gave this essay suggests agricultural roots, but the farm reference is a bit of a false advertising. I did not, in fact, grow up on a farm—at least not a working farm.14 I grew up on land that had been in my father’s family for five generations, but no one in my family had actively farmed it for many years. Next to the house in which I was raised was a pasture my paternal grandfather owned; someone from town rented it to keep cattle there.

My maternal grandparents lived on a subsistence farm about ten miles out of town. They raised a huge garden, chickens, and a few cows there, also keeping a mule to plow the garden and provide the brute strength needed for other farm tasks. Not only were my grandparents farmers, they were far more rural than I by many indicia: grade school educations, hand-rolled cigarettes from

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11 I know the box weighed fifty-five pounds because UPS told me so when they charged me $38 to ship it to California!
12 See Ezra Rosser, On Becoming “Professor”: A Semi-Serious Look in the Mirror, 36 FLA. ST. U. L. REV. 215 (2009) (musing on the influence of the author’s impoverished upbringing on his transition into the legal academy); see also Ruthann Robson, A Couple of Questions Concerning Class Mobility, 36 HARV. REV. 165, 172-74 (2009) (reflecting on the author’s experiences as a law student from a working class background).
Prince Albert tobacco, overalls and home-sewn dresses— to name a few. They were also poorer, having gotten indoor plumbing— finally— about the time I started law school. \textsuperscript{15} Before that, there were outhouses. Water was hand drawn, a bucket at a time, from a well on the front porch, where a wringer-type washing machine also sat.

I had been sustained by that farm’s bounty my entire life. Certainly, I felt I had done my share of picking and canning. But I didn’t see myself as a farm girl any more than I saw myself as Daisy Mae \textsuperscript{16} or Elly May. \textsuperscript{17}

I may nevertheless have self-identified as rural. I’d had sufficient experiences in cities to have observed firsthand aspects of the rural-urban binary, but I’d had few enough such encounters that cities still intrigued and intimidated me. If I acknowledged my rural home in the largely Arkansas context of the law school, it was probably as specifically hailing from Newton County. Both my mother’s and father’s families had lived there since shortly after the Civil War and, like many rural southerners, a significant component of my identity was (and is) grounded in place, based largely on the depth and breadth of my family’s roots. And certainly Newton County is a rural place. It is the most rural county in Arkansas by several ecological measures, e.g., population size and density. \textsuperscript{18}

But it is also culturally rural—the stuff of hillbilly lore even within Arkansas, which outsiders might see as an essentially or entirely hillbilly state.

Newton County is also known to other Arkansans as a place that produces a lot of marijuana and is home to the headwaters of and best floating on the Buffalo National River. I suspect that, upon learning of my provenance, my new colleagues made jokes about “Deliverance” and Dogpatch. Maybe a few mentioned that they had floated the Buffalo.

I don’t think I had a clue back then about identity politics. Diversity was certainly a concern within the state’s higher education system, but I recall its

\textsuperscript{16} I suspect I would not then have mentioned my farm-type experiences to my law school colleagues because they were not cool and would have made me seem (more) like a hick. Lisa Heldke has argued that our “metrocentric society” assumes that those with rural knowledge are unsophisticated, which has contributed to a loss of knowledge of rural life, especially among young people. See Lisa Heldke, Farming Made Her Stupid, 21 HYPERIA 151, 160-61 (2006). This may be changing now as the locavore and Slow Food phenomena are making farming trendy and hip, though these movements are not necessarily having that positive impact on attitudes toward rural life more broadly. See Legal Ruralism Blog, Agritourism label, http://legalruralism.blogspot.com/search/label/agritourism (last visited Apr. 1, 2010).
\textsuperscript{17} The reference here is to a character on the long-running and very popular television show, “The Beverly Hillbillies.” Elly May was a member of the unsophisticated Clampett family, who moved to Beverly Hills after they were enriched by the discovery of oil on their Ozarks property. See Wikipedia, Beverly Hillbillies, http://en.wikipedia.org/wiki/Elly_May_Clampett (last visited Apr. 4, 2010).
discussion only in relation to the state’s persistent black-white divide. As an undergraduate student leader, I had become more aware of those concerns. Because I was white, though, it never occurred to me that I might have been seen as a more valuable or interesting member of the community had I “come out” as the product of a working class family.\(^\text{19}\) Perhaps some would have seen me in a more positive light—rather than the negative one I anticipated and projected onto myself—had I disclosed that my mother was a teacher’s aid, my father was a truck driver, and I was the first person in my family to go to graduate school, only the second after my sister to get a bachelor’s degree.

As it was, I recall needing to keep secret those familial details. If I was asked about my family of origin, I probably referred to my father as the owner of a “small business.” Which he was, of course; it’s just that his office had eighteen wheels and he spent his days (and very often his nights) traversing the country in it.

I now know that my behavior is called “passing”—class passing, to be precise. And the photos I have from that year support my recollection that it was incredibly important to me to “clean up well,” self-conscious as I was about my working class roots in the Ozarks plateau. An eye on an (improbable) future in state politics reinforced my concern about what others thought. For me, a desire to fit in meant never going out of the house without a full face of make-up, hair carefully styled. I often wore skirts and sweaters of the preppy variety—this was, after all, the South. Pretenses had to be kept up, appearances maintained.

Complicating this extreme concern about appearances was the fact that I drove a pick-up truck during much of my law school career. Not a beat up, farm-type of truck, but rather a fairly late model, short-wheel base, black and silver Chevy Silverado. I didn’t choose the truck. It’s what my parents supplied for me to drive, and I was grateful to have it. It wasn’t consistent with the image I was trying to cultivate, but I nevertheless recall enjoying somewhat the attention the truck attracted. Preppy, smart “girl” in a pick-up truck. Even on the land grant campus, that stood out!

While I was no doubt prissy, I was not—I am confident—a frivolous, giggly girly girl. I am nevertheless quite sure I still thought of myself as a “girl”—such an unthreatening label. I had not by then had my feminist epiphany and surely thought “feminism” was a dirty word. No, I wasn’t ready for

\(^{19}\) On the other hand, first-generation college students who were white may have been seen as a dime a dozen at the University of Arkansas, and so not as a source of diversity at all. Even if our numbers were few, the University and School of Law might not have appreciated the diversity represented by working-class whites. Law faculties tend to be liberal, and they have become quite adept at facilitating difficult conversations about many characteristics associated with disadvantage—race, ethnicity, and sexual orientation among them. I have not, however, found law faculties very willing or able to discuss socioeconomic disadvantage in any meaningful way when it does not intersect with some quasi-immutable and/or more highly visible minority status. Perhaps liberal whites, who are typically middle class, avoid engaging with socioeconomic disadvantage as a stand-alone issue because they feel more vulnerable when they think about poor whites than when they think and talk about poor people of color. But I will stop here, as I am on the verge of a whole another story.
feminism, in part because I thought it was unnecessary and passé, in part because it represented risk, non-conformity, and challenge to authority—all decidedly not for me. Indeed, those who know me now may find this hard to believe, but I am pretty sure “edgy” was not in my repertoire back in 1986. Ambitious, yes. Edgy, no. Being a self-styled “girl” was consistent with both—at least in the 1980s South.

Given my attention to appearance, it is not at all surprising that I had a boyfriend. Given my ambition, it is not at all surprising that he didn’t last beyond that first year of law school. He had been a holdover from my undergraduate days and didn’t weather the One-L storm. It was no fault of his; I’m sure he put up with a lot. A friend has reminded me that I’d go for dinner and a movie with him on the weekend, only to come home and be studying again by ten pm. One eye on Saturday Night Live, the other on a casebook.

But the more significant consequences of my ambition were—to quote a favorite proximate cause case—still “in the bosom of time, as yet unrevealed.”

Events at the end of my second year gave that first year the glow of halcyon days. By then, more negative consequences of my ambition had come home to roost. Those events were my comeuppance for being an ambitious girl; they became the feminist epiphany that caused me to give up that girl thing and embrace my womanhood. But that is all another story.

Which brings me to the ways in which my feminist identity and my own feminist scholarship influence my reflections on my One-L year. I have already admitted having been prissy and what I would now label “anti-feminist.” I also recall taking “equality” for granted, though I’d not given much thought to what equality meant beyond the opportunity to compete with men to do what I wanted to do professionally. For me, equality was about the absence, by and large, of formal gender barriers; I was oblivious to the possibility of informal ones. When it came to gender awareness, I truly had just tumbled off the metaphorical Grapette truck.

Seeing gender as irrelevant to my career, I figure I expected ultimately to marry (of course!), but not until I was perhaps thirty—an advanced age in that time and place. I suspect that a strong identity as a self-reliant and independent person had already emerged and that I knew by then that I would always work outside the home. My evolving capacity to see myself as a lawyer surely enhanced these aspects of my identity.

I am also relatively sure that issues of work-life balance never crossed my mind. Even apart from gender roles, balance, also, was not in my repertoire. I was a Maximizer—bent on having the proverbial “all.” That ambition thing again.

While I was not switched on to gender issues as a One L, my feminist leanings and scholarship now color my reflections on the One-L classroom

experience. The *Becoming Gentlemen* study at the University of Pennsylvania includes this quote from a female law student:

> Law school is the most bizarre place I have ever been. . . . [First year] was like a frightening out-of-body experience. Lots of women agree with me. I have no words to say what I feel. My voice from that year is gone.\(^{23}\)

Reading this and similar sentiments from female law students in a wide range of studies made me wonder if I, too, lost my voice during the first year of law school. Certainly, I did not experience the One-L classroom as an empowering place. I recall being petrified when called on—indeed, even at the prospect of it. Sadly, however, the answer to the loss-of-voice question may be that I had not by the time I started law school found a voice—at least not one that felt worth keeping, not one that was a significant part of my identity. Don’t get me wrong. I had some convictions. I know I felt strongly about right and wrong, about kindness, charity, industry. But I don’t think I had yet developed a capacity for critical thinking, for considering how a particular legal rule worked an injustice for some populations. I took my whiteness for granted, and I wasn’t identifying—perhaps even to myself—as working class or feminist, so for whom was I to go out on a limb? On whose behalf was I to get angry and indignant at the law? Certainly not my own.

I presumably approached law school as I had my prior educational experiences: taking in information, memorizing it, regurgitating it back out—prettily, of course, with proper grammar, in cogent sentences and neat paragraphs. But I probably did all of that without much critical thought. Could it be that I had spent so much energy ensuring report cards full of As, earning scholarship after scholarship to help finance my education, that development of my critical faculties had been completely overlooked?

Law was an ultimate sort of authority, and I have already admitted that I was not in the business of challenging authority. Indeed, I embraced it, rebelling against my father instead of the establishment. I saw my task as mastering law in substance, not questioning it. To the extent that I was encouraged to question and critique law, I suspect I didn’t have much respect for my own opinions. I didn’t have confidence in my voice, such as it was.

I regret that these comments may be interpreted to reflect poorly on the University of Arkansas, as some will also see them reflecting on me. My ruminations presumably fuel the school of thought which holds that graduates of third-tier law schools are unsuited for the scholarly life. One rationale for this, as a colleague once explained to me, is that you can’t be sure that graduates of non-elite law schools have been exposed to all of the “important” and “big” ideas. This tempts a digression into the travails of a law professor with an inferior educational pedigree, but I’ll resist. For that, clearly, is another story.

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In any event, as often as I have been made to regret the impact of my Arkansas law degree on my academic career, I have also sought the proverbial silver lining. When I reflect on this admittedly incomplete picture of my One-L self, I can see how Arkansas was an appropriate place for me to study law, a good fit for who I was then. I might, after all, have been intellectually eaten alive at an elite law school. Perhaps I was better prepared for such an environment by the time I began my PhD, if only because my Three-L feminist epiphany ultimately caused my critical faculties to surface. Those events endowed me with just enough edginess to move down that path.

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Just as my scholarly endeavors have led me to reflect on aspects of my identity at the time, the teaching part of my role as a professor has caused me to reflect on how I was taught and who taught me. One initial observation is dismay at the low number of women on the University of Arkansas law faculty in 1986: four tenured or tenure-track women to be exact. One or two may have taught in the first-year curriculum, but none taught my small section. My only female professor that year was a legal writing instructor—not a great surprise given that this field is now well-documented as a pink ghetto.

While this dearth of women angers me now, I don’t recall it as jarring then—no doubt another illustration of my undeveloped critical faculties. Shortly before I graduated, I had a conversation with one of the tenured women in which she asked me why I had not sought a mentor from among the women faculty. I recall telling her that I didn’t know—it just hadn’t happened. Further, my path had naturally not crossed with any of theirs because I was not particularly interested in their fields of expertise. If pressed to speculate now, though, I would say I lacked female mentors because none of the women professors reached out to me, and I did not have the courage to reach out to them. I also did not perceive a need for their mentorship, in part because male professors had filled the gap by initiating mentoring relationships with me.

My all-male line up of first-year professors for substantive courses ran the gamut from affable to cruel, from pedagogically effective to crushingly inept. As I reflect on them now, I see more clearly the power trips some were on. I believe my assessments were more generous then. That authority thing again.

My Criminal Law professor was one of those legendary types—legendary in his own mind, anyway. His most striking physical characteristic was surely his sun-bed tan. He had a well-worn script—admittedly a pretty effective one—from which he seemed never to deviate. It must have taken him decades to refine that script, yet he didn’t have it memorized so he mostly stayed close to the lectern and his notes. The professor did not hesitate to issue a verbal slap down and was only begrudgingly positive when someone gave the correct answer. On those occasions he frequently commented, “you know it now, but will you know it under the press-ssure coook-ker of the exam?”

I recall the scowl on my Property professor’s face as he marched into class every day, books tucked under one arm. He would slam them on the table before proceeding to the board to scrawl a few illegible words. Behind his back,
students called him Darth Vader, in part because of the dark circles beneath his
eyes, in part because of his brooding demeanor. He delivered some fairly harsh
lines. I remember specifically his “suggestion” to one student (who shall remain
nameless here, although his name is a rare detail I do recall) that the young man
consider an alternative career path. I don’t recall ever being a target of his ire,
armed no doubt by my thorough preparation and lengthy case briefs—even if
my voice shook during their oral recitation.

My Torts professor was the avuncular type with lots of war stories. He’s
definitely the one I quote most often these days in my own classroom—perhaps
because I, too, teach Torts. “It’s his own damn fault” is very handy when
discussing contributory negligence. “There’s no such thing as good writing, only
good re-writing,” is equally useful when I’m trying to convince my seminar
students to budget plenty of time for revision. Consider the virtually limitless
uses (in both law and life) for “there’s a broad and fuzzy line between ______
and ________.”

My Contracts professor resembled a bulldog, mostly in physique, but also
in manner. I recall him as phenomenally ineffective—without even a sense of
humor to provide some slight redemption. In retrospect, I don’t even recall a
formidable intellect. I don’t feel a bit bad saying this because he is now dead; I
can neither hurt his feelings nor defame him.

The Contracts professor was the type who plodded from case to case with
no effort to stitch any of the concepts together. That year in his classroom may
have led to my dislike not only of him, but also of Contracts as a subject. To this
day, when a Contracts principle is implicated in a torts case, I announce to my
students that I’m “breaking out in hives” and that they, as budding Contracts
scholars, will have to come to my rescue.

In the interest of full disclosure, my estimation of this professor is surely
influenced by the fact he gave me the lowest grade I got in my law school
career—indeed, in my entire academic life. My grade for first-semester contracts
was a B-. That’s right, a B! All of my other grades were As of some sort. Even
my second semester Contracts grade rose to a robust, fulsome A.

I recall the winter day, classes not yet back in session, when I schlepped
over to the law school to check for grades. They were posted by Social Security
number, behind a glass-covered case in a common area. I must have felt great
disappointment at the B-, and presumably a sense of failure, too. Whatever the
range and intensity of my emotional response, however, it was probably
ultimately shaped by the fact that the Contracts grade was such an outlier.

On a less positive note, my response was surely also shaped by the fact that
everyone seemed to know I had made a B-. Posting grades publicly, by small
section and by SSN, ultimately permitted the ultra curious with time on their
hands to decipher who had made what grades. My B- became a topic of law-
school gossip.

I also recall other students knowing even before I did that I was at the top of
the class after our first semester. I think I initially learned my class rank through
the grapevine, though it was later confirmed by some member of the Dean’s
office staff. Is it possible that I didn’t know class rankings were calculated until
someone told me? Probably not. More likely, I was too afraid to ask—or maybe didn’t know where or how to inquire.

I do know that I never investigated the Contracts grade—never visited the professor or sought to look at the Bluebooks. My current regret about this is surely influenced by my own students’ eagerness to let me know if their grade in my class is anomalous. At the time, however, I wasn’t interested in re-visiting what I saw as the scene of the crime. Mostly out of curiosity, I now wish I had sought his explanation of my shortcomings. What did his grading rubric look like? What issues had I missed?

My regret about how I handled this matter is also surely related to my more global regret about having so little confidence and so little sense of entitlement about my education. I had not yet learned that there was a time for questioning authority—or at least making an inquiry—and that the two were not necessarily synonymous. I also had not yet learned that constructive criticism was a net gain, well worth the immediate discomfort of facing my fallibility.

Somewhat ironically in light of my then-recent journalism degree and my current career, my other low grade my first year of law school was in Legal Writing, an A-. The adjunct professor practiced law at one of the best firms in Fayetteville, a credential I respected. I don’t recall knowing what writing habit or style of mine didn’t sit well with her. As with my Contracts grade, I regrettably never sought to learn.

The law librarian taught Legal Research to all first-year students. He was widely viewed as a goof, so few took him seriously. His reputation for eccentricity was bolstered by the fact that he wore a toupee and by his enthusiasm for the law school party scene. Indeed, I am certain he was far more a fixture of that scene than I.

* * *

I lived just a few blocks from the law school, in the same house I had rented during the last few years of undergrad. Partly as a consequence of that convenience—and partly because I saw myself as on the periphery of the law school scene—I didn’t spend time at the law school building except to attend classes and do what work had to be done at the law library. I was never what one

24 On the other hand, a professor whose office was next door to that of the Contracts professor tells this story, which makes me glad I did not investigate:

I once eavesdropped on a conversation he was having with a student.

Student: “I’m not sure why I got a D on the exam, Professor.”

Professor: “Well, let me explain. After reading your exam, I leaned back in this chair here and waited for a letter to coalesce in my mind. That letter was a D. Does that answer your question?”

Student: “Thanks for your time, Professor.”
of my professors called a “lounge lizard”; I never got distracted by the “law of the lounge” because I never exposed myself to it. It was thus only in the context of my small study group, which coalesced near the end of the first semester, that I realized what varied expectations students had about what we were supposed to be learning.

I don’t recall any practice exams or other tutelage on how to take a law school exam. Only after I became a professor and began to grade Bluebooks could I see that not every law student intuitively knows how to take law school exams, how to argue by analogy. This is just something I somehow knew how to do. I didn’t need the law broken into elements, and I certainly didn’t need a Gilbert, an Emanuel, or a Nutshell.

Perhaps that is one way in which a characteristic often associated with women—attention to context—served me well as a law student. Doing law was fun for me because it was about stories, about context. Learning law by the case method alleviated the need to memorize abstract legal rules. All of the delicious detail associated with applying the law to the facts played to my strengths.

* * *

Reflecting on my first year of law school makes me wonder: Did I fall in love with the law that year? Probably. To some extent. For a while. At least I think I fell in love with the substance and the nuance—and, of course, with my own success at this new undertaking. I recall becoming enamored with the prospect of a career in appellate litigation or, better yet, as a law professor. Either, I thought, would permit me to wallow around in the finer points of doctrine and Supreme Court politics, matters far more interesting to me then than now.

As I finished my One-L year, I probably still assumed I would live out my life in Arkansas. Perhaps I had begun to think about larger cities in neighboring states, as I became aware that firms from Dallas, Kansas City and Tulsa came for on-campus interviews of Two Ls and Three Ls. But one thing became clearer and clearer as that year progressed: I would not be returning to Newton County, to the (metaphorical) farm. I would instead be part of the rural brain drain.

At the end of that first year, the ambitious Maximizer in me was riding high. I would work on Law Review in the fall, and I’d been elected student body president for my Two-L year. I secured a summer job at a large Little Rock law firm—the very firm where then-Governor Bill Clinton had once worked. They paid summer associates a whopping $550 per week—more, I think, than either of my parents had ever earned. More importantly, they represented the prospect of making me one of them—a tall-building lawyer.

* * *

So, the lack of a photo from my first day of law school is perhaps not so great a loss after all. I can imagine myself as almost as sweet and cute—and surely as filled with a mix of anticipation and fear—as the day I started first grade. I can be pretty certain I wore a skirt, a little cotton sweater and—on what
was surely a hot, humid August day—pantyhose, too. My hair was no doubt curled, make-up carefully applied—all in the hopes of making a good first impression.

Besides, who needs a photo when you’ve got fifty-five pounds of One-L class notes and outlines? In this case, a picture probably isn’t worth those gazillions of words.