

This year, our own legal community suffered the loss of some incredible attorneys. Their work in society cannot be snuffed out the way Shakespeare's tyrant would have desired. Just as Shakespeare's timeless words are immortal, these lawyers' words, actions and contributions are immortal. To truly rid the world of the lawyers would be to rid the world of their words, their actions and their tradition. No tyrant, no rebel, no person, could wipe the memories of these attorneys from our minds. As long as we have our words, our work and our traditions, we shall not perish. ■

By David Link

To make our society more just, and help it live up to its democratic ideals, the first thing we should do is to kill all of the lawyers. We should starve them of work by passing laws that are clear and written in everyday language, so that average citizens do not need to pay for someone to explain what the law means. We should require clear and organized judicial opinions that are made widely available, so that people do not have to hire someone to tell them where most of the law is even written down, since it is certainly not in the compiled code.

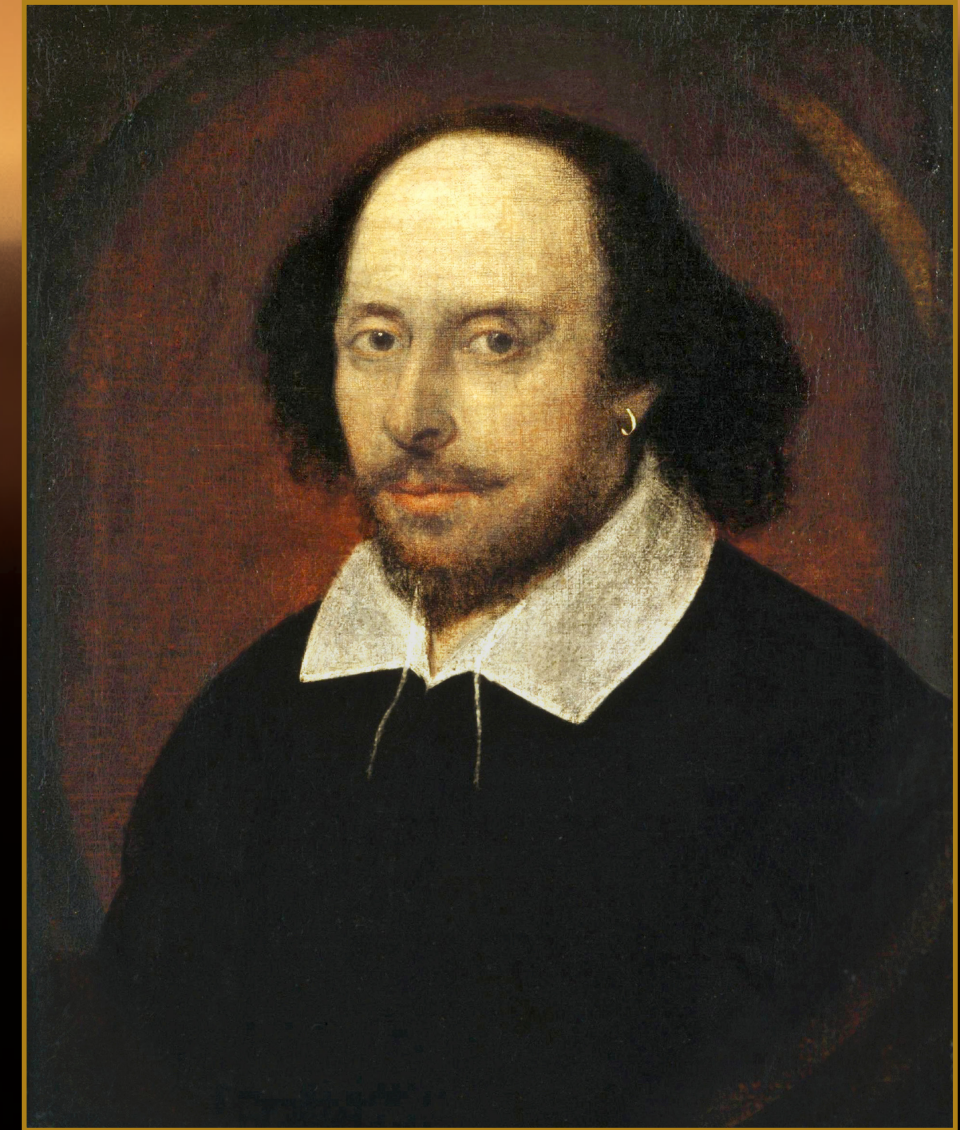
The US Supreme Court has said that everyone is assumed to be knowledgeable of the law, and that ignorance is no defense, but this, like so much in our system, is a legal fiction. Similarly, our governmental structure assumes that if legislators pass a bad law, or judges interpret a law in a way that is contrary to a community's ideals, then the electoral process will sort things out. This is impossible if the only people who have a clue about what the law is, are those who have run afoul of it.

Lawyers in this idealized world could get new jobs as counselors and advisors. They could use their experience in legal disputes to help people navigate the choices available to them, in order to get the result that most lines up with their client's personal goals. Those newly freed up lawyers could advocate for change, and put forth the policy arguments that their clients might not be able to articulate as well.

After all, this is what law school seems to believe a legal education should be about. 1Ls are told to actively avoid learning black letter law, focusing instead on learning legal analysis. 2 and 3Ls are allowed to learn some law, although it is rarely the law of whatever jurisdiction they plan to practice in, but the focus is on procedural and client skills that would serve them even if every person in the country had the U.C.C. committed to heart. Students are told to evaluate what they think of the law; what the law should be, or could be instead.

The only institution that appears to be focused on keeping the law at the core of what attorneys do, is the bar exam. The bar exam makes fantastic lawyers, who are able to identify laws left and right, and tell you what the correct outcome for a dispute is, without ever having met a party member or heard their story. The bar exam also happens to be a terrible capstone to what is otherwise a rich and fulfilling experience, where students learn how to protect their client's interest whatever the relevant law happens to be. So let us kill off all the lawyers, and let their true potential emerge. ■

Selected STUDENT ESSAYS



This year's prompt of "The first thing we do, let's kill all the lawyers" is from William Shakespeare's *Henry VI, Part 2, Act IV, Scene 2*. Lawyers are the guardians of independent thinking, societal order, and enforcement of liberties. The winning submissions are in response to this radical idea set forth by two characters in the play.

“First thing we do, let’s kill all the lawyers.”

- *Henry VI, Part 2, Act IV, Scene 2*

By *Lionel Betsch*

O, Attorney, Attorney, wherefore art thou an Attorney? Deny thy stigma and refuse thy infamy. Or if thou wilt not, be but sworn to justice and I’ll no longer laugh at jokes about killing your entire professional class . . .

Verily and forsooth, I understand the jokes: we all dream of a world in which no one needs the law to codify the Golden Rule, to proclaim our rights, to deter violence, to ensure our property, to punish bad actors, to transfer our assets, to foster due process, to articulate our transactions, to define crime . . . And, non-lawyers are often frustrated by the law seeming opaque, inaccessible, arbitrary, limiting, arcane, Kafkaesque . . . And, sometimes people do see lawyers at their worst: scheming to manufacture cases, promoting injustice for personal gain, raising litigiousness to a virtue, taking unethical advantage, inflicting death by a thousand paper cuts, logging billable nanoseconds, giving unjust protection to the privileged and powerful . . .

So, people use the jokes as shorthand for a better world, for their version of utopia, but there’s a lesson in “utopia” literally meaning “no place.” The utopias of Sir Thomas More and Jonathan Swift were unattainable fantasies. Nathaniel Hawthorne begins his depiction of Salem in *The Scarlet Letter* observing that the founders of all real-world utopias find it necessary upon landing in their new Edens to first build prisons and cemeteries. Thus, the obstacle to achieving a dream world is not the existence of lawyers, it is human nature, our inherent flaws, our inability to always be our best selves, our inconsistent heeding of our better angels. Too often, we imagine utopia to be a place where we simply get what we want, just as the sketchy Shakespearean character who calls for killing all the lawyers promises a utopia in which he becomes king, everyone dresses the same, and he is worshipped by all. Wannabe dictators often try to achieve their versions of utopia by breaking the law and flouting the courts.

So, killing all the lawyers will no more bring about a new, idyllic, lawless paradise than killing all the oncologists would create a world without cancer. If we want to reduce the power of lawyers, then the answer is simple: just be wonderful all the time and make sure everyone else does the same! Yes, all joking aside, let’s put all the attorneys out of work! Make them all seek new employment as ditchdiggers and baristas! Take a note from the missing verse of John Lennon: “Imagine there’re no lawyers; it’s not so hard to see; no need for case or statute; the Ninth Amendment set free; Imagine all the people, happy without laws . . .”

You may say I’m a dreamer, but I look forward to being made obsolete. ■

Lawyers: Shields that Guard the Rule of Law

By *Sheilah Jennings*

In Shakespeare’s *Henry VI*, Dick the Butcher (aptly named) spoke these words to Jack Cade in the midst of planning the revolution: “The first thing we’ll do, let’s kill all the lawyers.”

Dick the Butcher spoke words many people think about lawyers. However, lawyers are the protector of the rule of law. Thus, in Dick the Butcher’s mind, the lawyers must die for the revolution to succeed.

The legal profession is one that many people distrust and mock. The protectors of the law can never win. Lawyers are often viewed as a necessary evil. However, in reality, lawyers are the officers of the legal system protecting the rule of law from being overridden by chaos. Lawyers are the Night’s Watch of the law.

In George R.R. Martin’s series, *A Game of Thrones: A Song of Fire and Ice*, the Night’s Watch serves as the protector of the realm of men from the chaos that exists beyond the wall. As a member of the Night’s Watch, a man “takes

the black” and pledges his life and honor to the Night’s Watch, promising to “wear no crowns and win no glory.”¹ Further he pledges “I am the watcher on the walls. I am the fire that burns against the cold, the light that brings the dawn, the horn that wakes the sleepers, the shield that guards the realms of men.”² Despite this noble cause, the Night’s Watch is largely maligned by Westeros. The citizens distrust and mock the Night’s Watch. When a man “takes the black” he removes himself from the warmth of society to serve and protect the realm.

Similarly, when a new lawyer becomes a member of the Bar, she takes on an ultimate responsibility to protect the world from the chaos that exists in a realm without the rule of law. While the new lawyer need not renounce the ability to have a family or property like the Night’s Watch, she must pledge to respect the legal system, legal profession, and public. She does not enter the legal profession to earn “crowns and glory,” rather, she is a “watcher of the wall” and the “shield that guards” the rule of law. Ultimately, she pledges to uphold the realm of ethical, substantive, and procedural rules of the legal system. However, like the Night’s Watch, society distrusts and mocks the lawyer. Consequently, being a lawyer removes her from the warmth of society to protect the rule of law.

Most think Shakespeare wrote Dick the Butcher’s line because people would prefer a world without lawyers. But those who want a world without lawyers, are those proposing a world without the rule of law. As new lawyers become members of the Bar, they “take the black” and serve as the shield that guards the rule of law against those who seek to destroy it. ■

Endnotes

¹ George R.R. Martin, *A GAME OF THRONES: BOOK ONE OF A SONG OF FIRE AND ICE* 504 (1996)

² *Id.*

The Lawyers Cannot Be Killed

By *Morgan A. Johnson*

When I first heard the Shakespearean quip, “First thing we do, let’s kill all the lawyers,” I must admit that I was not familiar with it. But once I learned its underpinnings, I realized I knew the spirit of the saying quite well. This short line is attributed to a tyrant’s fear of the truth coming to light, and his mortal animus towards its keepers. Throughout history, we have seen figures attempt to distort or destroy truth, order, civility and due process.

This summer, I had the opportunity to “cross the pond” and travel overseas for the first time. During my trip, I visited the Tower of London—the very place where Shakespeare’s dramatized Jack Cade was seeking a nefarious and lawless rise to power. The walls of the tower are many feet in thickness and intimidatingly tall. The tower is, in one word, impenetrable. However, the “towers of power” are not completely impenetrable today. In 2000, the Parliament of the United Kingdom passed the country’s “Freedom of Information Act”. The act is akin to the U.S. FOIA or our state’s IPRA. The U.K. body tasked with the administration of the public’s requests is the Ministry of Justice. I find it befitting that the body, charged with ensuring access to fortresses of information, is filled with the very barristers and justices that Shakespeare wrote about “killing” in *Henry VI, Part II*.

Why would the leader of a lawless rebellion want the lawyers gone? Because lawyers preserve traditions, apply law, adhere to decorum and use their licenses to appropriately challenge authority. Lawyers provide a path to information, accountability, and justice. It’s apparent that all of these things which lawyers embody are a threat to the reign of Shakespeare’s tyrant. If the lawyers are killed, there’s no one to bring the system to justice. If the lawyers are killed, there is no one to ensure due process. If the lawyers are killed, there is no one to assert the rights of the people. If the lawyers are killed, there is no one to challenge authority. If the lawyers are killed, there is no one to ensure civility. And, most importantly, if the lawyers are killed, there is no one to speak the truth—there is no one to affirm the rights of the oppressed. And when the oppressed do not know their rights, the tyrant has won and the people have lost.