THE LAWYER'S MYTH: REVIVING IDEALS IN THE LEGAL PROFESSION[1]

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> *[T]he true danger in practicing law as an amoral technician is that, when that course is rigorously followed in the hyper-competitive world of legal practice, it becomes more than a professional role. It becomes a way of life. The blocking out of moral compunction soon changes from a temporarily induced state by which lawyers avoid moral qualms about their clients and their work, to a permanent mind-set that colors almost everything they do.*[3]

I. Introduction

Like many lawyers in America, Walter Bennett has observed a growing trend of incivility and outlandish, aggressive behavior within the legal profession. In his book, *The Lawyer's Myth*, Bennett analyzes the alarming development he believes is clearly reflected in the growing public perception of lawyers as aggressive, manipulative, and unscrupulous people doing whatever it takes to win. Bennett describes this "moral malaise"[4] as profound, because it grows primarily out of a self-inflicted wound.[5] Believing that the dominant modern professional archetype is the "go-for-the jugular" trial lawyer, he explains that "[i]n essence, the warrior-like, super-masculine part of our professional psyche has at least temporarily prevailed in the internal struggle for the soul of the profession . . . . The dominance of this type, this negative

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[1] WALTER BENNETT, THE LAWYER'S MYTH: REVIVING IDEALS IN THE LEGAL PROFESSION (2001).

[2] U.S. Army. Written while assigned as a student, 52d Judge Advocate Officer Graduate Course, The Judge Advocate General's Legal Center and School, United States Army, Charlottesville, Virginia.

[3] BENNETT, *supra* note 1, at 147.

[4] Although Walter Bennett never actually uses the term "moral malaise," he uses several similar terms such as "moral minimalism," "moral impotency," "malaise," and "wound" to describe varying problems with the legal profession. The term "moral malaise" is this reviewer's attempt at shorthand for a complex series of concepts Bennett uses throughout the book to describe his ideas.

[5] BENNETT, *supra* note 1, at 11.

ideal . . . has deeply affected the professional psyche."[6] When winning and the resulting financial rewards become the overriding measure of professional success, "moral doubt and civility towards others"[7] simply become obstacles to success.[8] He believes that in order to treat this wound to the profession, one has to look at the source of the malaise. In describing why the modern dominant archetype is so anathematic to our profession, Bennett presents his fundamental thesis:

> Basically [this dominant archetype] has destroyed our professional mythology and, more importantly, our capacity to create professional myths that allow us to grow and to understand ourselves and the social and moral significance of our profession. This is the true nature of our self-inflicted wound—a wound that will not heal until we begin to ask ourselves the essential mythmaking questions about who we are and whom we serve.[9]

II. Background

Some background may be helpful in understanding the context of Bennett's analysis. Bennett graduated from the University of Virginia School of Law in 1972. He spent sixteen years practicing in Charlotte, North Carolina, first as a trial attorney and then as a trial court judge, before returning to his alma mater to pursue an LL.M. Upon completion of this graduate program, he began work as a clinical law professor at the University of North Carolina Law School. While on the faculty, he was asked to teach a course on professional responsibility at the law school.[10] Trying to convince his students about the importance of legal ethics, Bennett observed an inclination within many modern law students towards what he described as two fundamental problems; "the compulsion to moral minimalism" and "the feelings of impotency and loneliness."[11] As used by Bennett, the term "moral minimalism" described the idea that "moral predilections should be repressed lest they

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[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] *Id.*
[10] *Id.* at 1-21.
[11] *Id.* at 5.

complicate legal analysis and inhibit decisive winning action."[12] In trying to address these systemic problems, he developed the idea of teaching a seminar on the oral histories of great lawyers and judges. After gathering and listening to the stories presented by their classmates, the students, Bennett hoped, would not only benefit from some wisdom and legal insight, but also be able to personally witness "a life dedicated to moral purpose and know that even in the legal profession, there is help for the lonely."[13] The oral histories, Bennett observed, not only had a noticeable effect on the students in the seminar, but also had a surprisingly profound and lasting effect on him. From these stories, he began a journey of self-exploration, which ultimately lead him to develop a path for a balanced life as a lawyer.

The Lawyer's Myth is the culmination of his personal search and the truths learned during that quest.[14] Consequently, it reads very much like someone's recognition of a personal epiphany and the resultant soul-searching. Epiphanies, however, are like any other aspect of our lives; they are necessarily shaped by our experiences and our environment. The challenge is to present the theory extrapolated from the personal journey into a compelling and supported argument for a course of action. From that perspective, Bennett makes a good effort, but ultimately cannot capture or persuade the reader to accept his personal ideology as a reasoned analysis on the ills of the legal profession.

There is no denying Bennett's breadth of legal experience. His experiences, however, are still limited to the one jurisdiction; North Carolina.[15] Bennett's personal experience is limited by the constraints of practicing in one defined geographical and sociological region. Often the limitations of personal experience can be tempered with careful research and analysis beyond one's own borders. It becomes painfully clear in the course of the text, however, that even if Bennett conducted thorough research in other jurisdictions, he failed to integrate his

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[12] *Id.* at 3. Bennett felt that this moral minimalism was a natural by-product of the modern law school education wherein law students are taught to view laws critically and skeptically and are asked to find the extreme boundaries, interpretations, and exceptions in aggressively advocating a client's interest. *Id.*

[13] *Id.* at 6.

[14] *Id.* at 1.

[15] Although the North Carolina Bar is an august body, it is still an establishment comprised solely of attorneys from North Carolina or members of the bar wishing to practice in North Carolina. Regardless of the level of diversity present in North Carolina, North Carolina is still only one state out of fifty.

research into the examples and anecdotes used to support his thesis. Except for a few notable national figures,[16] the lack of supporting role models outside of the North Carolina Bar is a glaring omission readily identifiable by lawyers practicing in other states or practicing in multiple jurisdictions.[17]

Although, in some cases, one can draw parallels and generalities to a profession from the experiences of one jurisdiction, Bennett never once acknowledges the limits of his observations or research.[18] Fairly or not, this absence of outside authority and provincial approach diminishes the credibility of the work as an authoritative study encompassing the legal profession in America.

III. Analysis

Myths, narratives, and Jungian[19] archetypes are imperative to Bennett's critical paradigm. Understanding these interrelated concepts is crucial to his thesis on the "revitalization of the legal profession."[20] Myths, explains Bennett, are really just special, powerful narratives.[21] Evolving through numerous retellings, these special narratives are "distilled to a purer and deeper form which connects to the timeless forces in our own natures—forces in the individual and collective

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[16] Abraham Lincoln and John W. Davis (the prominent U.S. Solicitor General) are two of the handful of people that comprise the tiny pool of non-North Carolinians Bennett used as examples of ideals and models for the legal community.

[17] This is especially true in the case of military attorneys who frequently practice in a number of different states, and possibly different countries, as a result of the transitory and deployable nature of the Armed Forces.

[18] For example, Bennett presents a study conducted by the North Carolina Bar Association on the quality of lawyers' lives, without even a passing comment to what relationship the study had to the broader legal community. The reader is left to simply assume, as Bennett seems to, that the study is sufficiently reflexive of the legal profession in America to draw the analogy. A reasonable assumption would be that there were no national studies available at the time; however, if this were the case, Bennett could have easily noted this and explained that the observations came from the North Carolina study and his own experience or research with lawyers from other states.

[19] Carl Jung (1875-1961), a colleague of Sigmund Freud, was especially knowledgeable in symbolism of complex mystical traditions of various beliefs. Jung's theory divided the psyche into three parts, the ego, personal unconscious, and the collective unconscious. Jung referred to the contents of the collective unconscious as archetypes; an unlearned tendency to experience things in a certain way. Dr. C. Geroge Boeree, *Personality Theories* (1997), *at* www.ship.edu/~cgboeree/jung.html (last visited July 7, 2004).

[20] BENNETT, *supra* note 1, at 54.

[21] *Id.* at 51.

subconscious which teach us eternal lessons."[22] In describing how this relates to lawyers, Bennett explains that the myths give "transcendent meaning"[23] to our professional lives. He sees this happening on two basic levels.

The first is on a Jungian primal level revealed only in the form of universal archetypes. He believes that this primal connection is essential "for a healthy, vibrant, and unstagnated society."[24] The second and more important level, is an orienting function in which myths help us "define ourselves in relation to our communities and to our greater society and help explain our and our society's eternal significance."[25] According to Bennett, lawyer myths orient us by providing us a "purpose for lawyers' work that is community based and spiritually transcendent."[26] Spirituality, at least by the Western transcendental definition, is crucial to his paradigm. Although never explicitly stated, it becomes clear to any student of philosophy and theology that Bennett bases his analysis of the universality of myths and archetypes and their significance to a lawyer's spiritual transcendence within the profession, purely on a Western Christian point of view. This, in itself, should not discount his critical analysis but for two reasons. First, it would have been much more effective to use his concept of spiritual transcendence simply as a tool to help the reader understand the steps through his syllogism rather than using a specific cultural-religious view as the foundation in building his critical paradigm. Second, Bennett's essential reliance on this concept as a key element in his paradigm could still give credibility to his analysis had he only acknowledged its use as such. Unfortunately, Bennett's lack of this acknowledgement either reveals his own deficient understanding of the limited nature of his universal analysis or is indicative of either a conscious or a subconscious decision to conceal a religious bias within a critical paradigm.

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[22] *Id.*

[23] *Id.*

[24] *Id.* at 53. For Bennett, this primal level also "connects us to an eternal dimension, to the timeless, the incomprehensible, and, for some the great mystery of creation—for some, to God."

[25] *Id.* Deriving this theory of myths, Bennett cites to the works of the noted mythologist, Joseph Campbell and existential psychologist, Rollo May. Summarizing Joseph Campbell, Bennett describes the four essentially orienting functions that myths have (1) the mystical function; (2) the cosmological function; (3) the sociological function; and (4) the pedagogical function. *Id.* at 52.

[26] *Id.*

To underscore the importance of myths, narratives, and archetypes as "transcendental links"[27] to his critical paradigm, Bennett provides us with the myth of the Fisher King as an introduction to his understanding of the "moral malaise" in the profession. Although there are countless versions and variations of this tale, Bennett recounts the story in the context of the Grail motif in the Arthurian legends.[28] In his version, the Fisher King is a mythic king that is wounded in the groin after a battle with a powerful warrior. [29] The wound is septic, continuously runs poison, and will not heal. The king can only find solace in fishing the lakes and streams of his kingdom where he is temporarily distracted from the constant pain. The wound is a magical one, and the kingdom also begins to be affected by the poison running through the king's wounds. The king's wound and the poison it weeps, causes the conditions of the kingdom to deteriorate.[30] Bennett likens the Fisher King's wound—specifically, the injury to the kingdom—to the malaise and suffering of the legal profession. The wound is self-inflicted because in battling the knight that wounded him, the Fisher King was metaphorically fighting his own "ego and self-pride."[31] Bennett notes that the wound is to the Fisher King's groin, symbolically damaging the "creative and procreative powers"[32] of the legal community that allow us to create and maintain our professional mythology. More critical than the loss of the myths themselves, Bennett believes, is the loss of our ability to create new professional myths that "allow us to grow and to

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[27] *Id.* at 54.

[28] Erin Ogden-Korus, Univ. of Idaho, *The Fisher King*, *at* http://www.uidaho.edu/student_orgs/Arthurian_legend/grail/fisher (last modified Sept. 1998). Ogden-Korus describes the literally hundreds of possible sources that have contributed to the dozens of amalgamated Fisher King myths, and by implication, the Parcival myths. She notes that some scholars argue the Fisher King is derived from pagan fertility rituals, and that "beneath the surface of the numerous legends can be discerned the rites of primitive cults." *Id.* While others believe that because of his status as keeper of the Holy Grail, the Fisher King is primarily a Christian archetype. There are also those who believe that the tale, appearing at the end of the Third Crusade, "developed as a means for fusing the colliding Occidental and Oriental cultures." *Id.* What most scholars can agree about the Fisher King is that it is probably one of the "most abstract and enigmatic symbols" within the Grail motif and Arthurian stories. *Id.*

[29] Bennett uses a number of different sources in molding his particular narration of the Parcival myth, which appropriately enough, also reflects the numerous possible spellings of the mythic hero (e.g., Parsifal, Perceval, Parzival, etc.). The primary source that Bennett relied upon was a twelfth century French writer, Cretien de Troyes. BENNETT, *supra* note 1, at 214 n.3.

[30] BENNETT, *supra* note 1, at 9-11.

[31] *Id.* at 10.

[32] *Id.*

understand ourselves and the social and moral significance of our profession."[33] This loss of our creative process, Bennett observes, corresponds with the rise of the *logos* (the masculine, reasoned analysis approach to problem solving) and the decline of the *mythos* (valuing narrative and teaching power over abstract logic) in the profession.[34]

The story of the Fisher King, as Bennett notes, is sometimes a prologue to a more important allegory.[35] For Bennett, the true significance of the Fisher King legend is in the story's relation to the Parcival myth.[36] He utilizes the Parcival myth to describe the hero's journey and the choices faced by the questing hero, the lawyer. This, in itself, would be a very effective tool to lead the reader through his critical paradigm. His extensive reliance, however, on this one particular parable to analogize every philosophical or sociological aspect of an individual (lawyer) in relation to his community (profession), significantly dilutes the effectiveness of the myth with each subsequent use. For readers accustomed to critical analysis, the intellectual gymnastics Bennett employs in order to manipulate the allegory to suit his multitude of diverse concepts are readily transparent, and the story's sustained use becomes distracting at best, ridiculous at worst,[37] and sometimes simply disingenuous.

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[33] *Id.* at 11.
[34] *Id.* at 59.
[35] *Id.* at 11.
[36] This is readily apparent when Bennett refers back to the Parcival myth fourteen separate times throughout the book to describe and illustrate the crisis the legal profession finds itself facing. Naturally, as we see later, Bennett also looks to the allegory in formulating possible solutions for this professional malaise.
[37] An example of Bennett's exaggerated reliance on the Parcival myth as a tool for his critical analysis lies in the following metaphor for overcoming the dominant masculine archetype in the legal profession:

> In Jungian terms, by defeating the Red Knight, Parcival has conquered the primitive, ruthless, masculine side of himself. He has taken the requisite first step toward controlling the negative aspect of his youthful masculinity—his masculine shadow—in order to make room for the emergence of his feminine side, which will allow him to begin the process of individualization and movement toward psychic balance. On the mythological level, he has demonstrated himself to be worthy of knighthood and membership in the masculine fraternity of knights. In effect, he has proved the quality of his character, achieved a measure of social respectability, and been accepted into the firm. Now he is ready to be a professional.

BENNETT, *supra* note 1, at 96-98.

To his credit, Bennett does not lay blame on any particular group of lawyers but rather on the dominance of a particular trait found to some extent, he believes, in all lawyers.[38] It would be easy to blame the rabid, selfish lawyers as the source of the problem, but under Bennett's analysis, those lawyers are just symptoms of the poison from the professional wound. His argument is that the institution of old law school pedagogy and the harsh realities of the legal practice foster and perpetuate the negative ideals to such a degree that many in the community cannot help but fall victim to the mentality that winning and financial rewards are the only definitions of success in our profession.[39]

While laudable and progressive in thinking, there are numerous weaknesses to this theory. First, Bennett discounts any concept of personal responsibility in his examination of the professional malaise. He postulates that all lawyers are generally shaped by the same experiences in law school and the realities of practice.[40] Why, then, have there been so many in the profession who successfully avoided the negative mentality? Bennett answers that question later by describing those people as having found the right balance in their professional, and personal, and spiritual life.[41] The fact remains that those great lawyers made conscious decisions and choices in their lives. Whether it was simply to act in a civil manner toward fellow attorneys or to make no assertions to the jury that they knew to be false, they made deliberate choices. Bennett fails to consider the view that no community or profession can hope to heal itself from a self-inflicted wound without at least recognizing that the part of our community causing the harm must be willing to accept a different standard of behavior. They must accept

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[38] *Id.* at 11. The Red Knight personifies this aggressive, ruthless, masculine trait in the Parcival myth. Once the young Parcival challenges and defeats the Red Knight, he takes the Red Knight's armor and weapons for himself. Bennett believes, at some point, the armor of the Red Knight begins to "shape the soul of its new owner, and the questing knight becomes only a warrior, challenging and defeating all who cross his path." *Id.* at 97. He believes that something similar has happened to the masculine archetypes of the legal profession, observing that "lawyers have become locked in the masculine archetype, and masculine ideals have become entrenched and all-controlling." *Id.* at 98.

[39] *Id.* at 20-27.

[40] *Id.* at 20-27, 82-85, 114-116.

[41] *Id.* at 6-8, 109-117, 156-168. In particular, Bennett believes that lawyers must find the right balance, individually and as a profession, between our *anima* ("feminine" side of men) and *animus* ("masculine" side of women) Jungian archetypes. From Bennett's paradigm, when the masculine and feminine parts of the personality are "integrated and harmonious," there is "opportunity for moral growth, increased consciousness, and perception of an ideal." *Id.* at 117.

the old standard as wrong and counterproductive. Allowing those lawyers to continue to use the crutch of "I'm just a product of the system," will never bring them to the process of self-discovery that Bennett argues is necessary in order to start this mending of the professional wound.[42]

Another weakness in Bennett's argument is that he looks at the legal profession almost exclusively in terms of private practice. He talks of observing the disillusionment of students as they entered law school perpetuating the cycle of moral minimalism and professional loneliness as they went on to face the harsh realities of billable hours and aggressive litigators.[43] Almost exclusively, the examples Bennett uses to support his generalities, pertain to idiosyncrasies of private practice. These may well be valid observations for that sector, but they alone cannot be used to form a hypothesis on the condition of the entire legal community. He makes little or no mention of the lawyers who serve in the public sector. Furthermore, what about the lawyers who already have different definitions of professional success? In trying to apply Bennett's theory on the professional wound, it certainly becomes inconvenient when a large part of that community does not fit the model he uses to support his initial hypothesis. The response may be that the public sector attorneys are a relatively small part of the profession. That assertion cannot stand in the face of the sheer number of attorneys working throughout the country in legal aid offices, public defenders offices, military service, and in ideal based groups such as the American Civil Liberties Union.[44] Lawyers practicing in those areas are clearly not

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[42] *Id.* at 184-185 ("As long as the Red Knight is in the saddle, the legal profession will not recover from its current malaise.").

[43] *Id.* at 20-27.

[44] The National Association of Law Placement (NALP) has documented the employment experiences of Juris Doctor (J.D.) graduates for the past three decades. As of 15 February 2004, the Class of 2003, reveal the following statistics:

- 15.8% were working in public interest jobs, other government positions, or the military.
- 1.6% were working in the academic field.
- 11.1% were in judicial clerkships.
- 11.5% were in business or corporate fields.
- 2.1% were in unknown or other fields.
- 57.8% were in private practice.

If you add the academic and judicial clerkships into the public interest sector, there would have been 28.5% of the recent law graduates working in non-financially motivated areas.

looking for financial rewards nor are they looking to win at all costs. Military practitioners alone, who number in the thousands,[45] provide a variety of services like legal assistance, claims adjudication, and support to troops on international law. These areas of practice call for service to others as the goal of the representation, not solely winning or the attendant rewards with that success.

Bennett's sweeping generalities make it apparent that he became disenchanted with the practice of law as *he* experienced it. Personal experience is certainly a valid starting point for analytical study, but it cannot be the sole basis for a critical look into the professional wound. Arguably, Bennett is not wrong when he observes that the public has a negative perception of lawyers. Bennett's observation that the public's derogatory view is reflected on the profession as a whole and not just directed at the "aggressive" lawyers is probably supported by evidence in popular culture.[46] Before diagnosing an infirmity in the profession, however, some empirical evidence should at least be used to lay the foundation.

Ultimately, Bennett concludes that we must all look into ourselves to find our own "grail." We must find balance in our lives as individuals and as lawyers. Only then can we rehabilitate the community. The legal profession can survive as a profession only if we understand that the answer to the question, "who does the grail serve?" is in the asking of the question itself. Bennett, himself, holds that service beyond oneself is the heart of a profession. In asking the question, one understands and undertakes to serve others. The observation is elegant in thought certainly, but hardly new in insight.[47] In order to attain this holistic

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National Association of Law Placement, *Employment of New Law Graduates Just Shy of 89%* (Feb. 15, 2004), *available at* http://www.nalp.org/nalpresearch/ersini03.pdf.

[45] As of June 2002, there were over 9,700 military attorneys in the active and reserve components of the armed services. Memorandum, David S. Chu, Undersecretary of Defense, to Donald H. Rumsfeld, Secretary of Defense (7 June 2002) (responding to Secretary Rumsfeld's request for a study of how many attorneys there are in Department of Defense and where they were located).

[46] Although it can also be disputed that popular culture has always had a fondness for or desire to see the earnest and honorable attorney in the pursuit of justice. *See, e.g.,* ERIN BROCKOVICH (Universal Studios 2000), A FEW GOOD MEN (Columbia Pictures 1992), and A CIVIL ACTION (Touchstone Pictures 1999).

[47] Even at the height of the garish and materialistic world of lawyers in the 1980s, John T. Noonan Jr., a professor at the U.C. Berkley Law School was already instructing his students that the rules of law cannot be separated from the persons who make them or

approach to the profession, Bennett believes lawyers have to develop a new professional morality. The service he describes is to the greater community, not to the specific needs of individual clients. Bennett's view is that this ideal morality goes beyond the rules of professional responsibility; it is doing what is right rather than what is ethical under our present rules.[48] This assumption that we should follow a higher morality is dangerous in that it assumes we will all come to perceive the same universal good.[49] Bennett advocates that when faced with a client wanting to pursue an immoral course, whether it be a criminal defense client or an insurance company refusing to pay a legitimate claim, lawyers should engage their clients in a "moral conversation" in which the lawyer raises moral issues and helps a client understand them.[50] Bennett acknowledges that clients may or may not change their minds as a result of this conversation, but at least the lawyer has not completely abdicated his moral autonomy.[51] Bennett believes that if the client will

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from the values of the society they are meant to serve. Kenneth L. Woodward, *Noonan's Life of the Law*, NEWSWEEK, Apr. 1, 1985, at 82.

[48] Again, Bennett displays his limited provincial background. Doing what is "right" is dependent on a variety of factors; religion, often, being a strong factor. Throughout the book, Bennett describes what is a uniquely Western version of the epiphany and the inner quest. Bennett makes no pretense of hiding the fact that he believes the true journey can only be fully completed by reaching inner spirituality and God, specifically, by the Christian definition. The overuse of the Parcival myth and its distinctly religious implication, only serves to underscore a weakness of Bennett's analysis; that it is based, at its heart, on Bennett's own religious ideology.

[49] That is precisely why all state bar associations have some form of Professional Conduct Rules that apply to all its members. Many of the states have fashioned their rules after the ABA's Model Rules of Professional Conduct. Leaving it up to individual attorneys to decide what they believe to be moral or ethical conduct is courting chaos at best or abuse at worst. Would the Muslim, Hindu, or Buddhist attorney practicing law in America define what constitutes the greater good in the same manner as the Christian attorney from North Carolina? If lawyers are to be allowed to police themselves, they must create a set of standards that apply to all members, regardless of the individual morality. Military lawyers such as those in the Army, are subject not only to their own state bar standards, but are also required to abide by Army regulations that control the conduct of lawyers. *See generally* U.S. DEP'T OF ARMY, REG. 27-26, RULES OF PROFESSIONAL CONDUCT FOR LAWYERS (1 May 1992).

[50] BENNETT, *supra* note 1, at 148.

[51] *See generally* MODEL RULES OF PROF'L CONDUCT R. 1 and 2. Although the lawyer may not have abdicated his "moral autonomy," he has probably violated several provisions of the American Bar association's (ABA) Model Rules of Professional Conduct. Rule 1.2, Scope of Representation and Allocation of Authority Between Client and Lawyer, and Rule 1.3, Diligence in Representation of the Client, are just some of the rules that may have been broken by the lawyer. *Id.* at R. 1.2 and 1.3. It should also be noted that within the confines of the ABA Rules of Professional Conduct, the rules allow many of the ideals that Bennett advocates. Rule 1.2(d), for example, prohibits a lawyer from

not see the light and does not have a moral conversion, the lawyer should still continue his representation of the client.[52] Only in rare cases, does he advocate withdrawing from the case.[53] Conspicuously absent, however, is Bennett's answer to the question of what the lawyer should do if the client wants the lawyer to pursue the client's immoral interest and the lawyer refuses to suppress his moral convictions? Is the criminal client required to wait until he can find an attorney whose moral standards allow the attorney to pursue the client's stated defense? Clearly, the inherent weaknesses to Bennett's argument are abundantly present and well beyond the scope of this review.

IV. Conclusion

Often eloquent and sometimes insightful, Bennett provides a thorough, if not excruciating look into the mythological, philosophical, and sociological aspects of the legal profession. Unfortunately, the prose frequently follows Bennett's own indecision. He is unsure whether he is writing scholarly research or simply authoring an exposition on an introspective journey. The end result is sometimes a difficult philosophical discussion that breaks the book's flow and requires the reader to re-read certain passages in order to grasp the concepts. Although moments of brilliance materialize, they are usually hidden between deep layers of abstraction. The reader, unfortunately, must laboriously ponder through the lengthy saunters on this road of abstraction in order to follow the author's analysis. This journey of discovery would ultimately be worthwhile if the conclusion brought the reader some appreciable methods of addressing this posited wound to the profession. Bennett, however, leaves us with neither revolutionary nor particularly innovative suggestions in addressing these problems. This

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counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent. *Id.* at R. 1.2(d). Rule 1.4(a)(4) requires a lawyer to consult with a client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Model Rules or other law. *Id.* at R. 1.4(a)(4). Rule 1.16(a)(1) requires the lawyer to withdraw from representing a client when it would result in violating the Model Rules or other laws. *Id.* at R. 1.16(a)(1). Finally, Rule 2.1 states that a lawyer shall exercise independent judgment and render candid advice. In rendering advice, "a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation." *Id.* at R. 2.1.

[52] BENNETT, *supra* note 1, at 148.

[53] *Id.*

provides a particularly bad taste after being force-fed such a tedious and loquacious[54] journey through his personal paradigm.

Bennett does present, however, some thoughtful ideas and initiatives in an effort to heal the profession. His proposal to expand and change law school education to give law students more direct attorney mentors is practical and productive. The attorney-mentors would hopefully not only provide practical experience, but also serve as professional role models of attorneys successful in their professional and personal lives without resorting to the base instincts the adversarial system can so often produce. Obtaining more oral histories—myth making narratives as Bennett calls them—of distinguished judges and lawyers is another good suggestion. As stated earlier, however, none of these ideas are particularly new or unique. Many law schools have already decided to change their teaching methods and curriculums to reflect the trend in teaching students a more rounded approach to the profession,[55] not just the basic skills of learning to "think like a lawyer." Oral history programs are already a part of many institutions, not just the legal academy. Bennett is correct in his observation of the importance of narratives and the myth creating process. We, as individuals and as a community, learn about ourselves through the stories that are told to us by our elders. *The Lawyer's Myth*'s best attribute is that it is a good reminder of this fact. As a book looking critically into the problems of the legal profession and proposing new ideas and solutions, however, it is both lacking and ultimately disappointing.

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[54] The adjective is meant to describe both Bennett's writing and his occasional predilection for the ostentatious use of words to convey basic ideas.

[55] In 1987, Tulane University Law School adopted the first mandatory pro bono program in the country. Since that time, the nation's top law schools such as Harvard University, Columbia University, the University of Pennsylvania, and dozens of other law schools have followed suit. Francesco R. Barbera, *Yard Work: Harvard Law Revives Mandatory Pro Bono Debate*, ABA J. May 2000, at 26.