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# Nonsense You Say

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## NONSENSE YOU SAY

*Nicholas W. Allard\**

### I. INTRODUCTION

“**Y**ou must be kidding!” Unless I am very mistaken, every law dean has that reaction on a regular basis to something we hear or read from any and all of our many constituencies and overseers. Our daily routine includes an enormous volume of messages, inquiries, requests, referrals, complaints, and compliments that we receive 24-7-365 from applicants, students, parents, faculty, staff, alumni, trustees, employers, regulators, professional organizations, fellow educators, and journalists, not to mention communications from the large world beyond the enchanted academic forest surrounding the moated ivory tower of the law school. What also becomes routine to those privileged to serve as a dean is expecting to receive the unexpectedly startling message, especially from students. You know those messages that stand out, because they are either so sweet, poignant, grateful, clueless, rude, self-centered, unrealistic, or just plain peculiar that it is hard to believe the message is anything but a prank, which rarely happens. These stunners come in all forms during face-to-face meetings, interviews, questions, letters, surveys, and certainly, almost inevitably, from that unscreened phone call you pick up yourself when your assistant is otherwise occupied. But, for reasons I have come to see as worthy of more than passing consideration, a fair share of the communiques that would be generally recognized as off-putting or simply spell-binding seem to come electronically by email or social media.

Worldwide, more than 205 billion emails are sent and received each day, with the average user receiving 122 business emails each day.<sup>1</sup> That latter statistic is on the low end for me and for any law dean in the United States. I receive between 500 and 800 emails a day, every day. While emails are, of course, a useful vehicle to convey important information, share ideas, and receive feedback from colleagues, the form also lends itself—perhaps too easily—to the overheated screed, unedited ramblings, and the logging of everyday complaints. How many times have any of us hit “send” and regretted it later? For our

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\* President and Joseph Crea Dean, Brooklyn Law School. I wish here to express my gratitude and admiration for the writing and work of Clorinda Valenti, our law school’s Director of Communications. Among Ms. Valenti’s many talents and virtues, she is a superb writer who has deserved, but consistently refused, bylines for countless speeches, columns, articles, and other writings for which I am excessively credited. She is certainly not to blame for my emails, and their content shows it. So any errors and misjudgments in this Essay, which are based so much on these sources, are mine alone.

1. THE RADICATI GROUP, INC., EMAIL STATISTICS REPORT, 2015-2019, at 3-4 (2015).

students who are Millennials, many of whom are “Digital Natives” who “think and process information fundamentally differently from their predecessors,”<sup>2</sup> there is often little recognition or concern that, through use of uncensored electronic communication, they are creating a sort of permanent record that will follow them through life. The rule of thumb that you should not put into an email what you would not want published on the front page of a newspaper may sound quaintly old-fashioned to the millennial generation. But, a glance at recent headlines about the prevalence of email hacking should give any of us pause when thinking of the security and privacy of our correspondence.

Millennials also take a more consumerist attitude toward education than previous generations.<sup>3</sup> As law students, they see themselves as customers paying for a service, and they are quick to let those of us delivering that service know when their expectations are not being met. Members of this generation also have a high estimation of their own abilities to succeed and achieve greatness,<sup>4</sup> and they see educators less as authority figures and more as their partners and colleagues whose main purpose is helping them achieve that greatness. So, in this essay, I consider how the ease of communication with faculty and deans, coupled with this generational sense of entitlement, may make for some curious email exchanges. However, it would be wrong to cast aspersions on an entire generation, and not every law student fits the millennial stereotype. This current law school cohort, to its credit, is also more driven to engage in public service and more open and sensitive to diverse groups of people and their experiences. They place high demands on themselves as well as those around them.

Actually, I find that the oddest bits in my daily digital deluge often are like the grain of sand that makes the pearl in my existence. It is quite a compliment to be such a target of attention, frequently serving as a magnet attracting heated scorn and sometimes intense ridicule. Indifference, in contrast, would be an insult. And every nasty or critical note offers some input that I might use to improve and seek redemption, trying to woo back into the fold a once-lost soul. In some cases, the worst messages can provide an opportunity for a learning moment. Though my law school colleagues sometimes wonder why I spend the large amount of time I do responding to individual emails, I readily confess that the challenge of intently focusing and drafting an effective response often offers me some oddly relaxing and even therapeutic respite from the daily grind; and there is no satisfaction quite like hearing a positive reply from the initially irate constituent. Moreover, I firmly believe that what deans do on a one-on-one basis adds up, especially with students. So, believing that my experience is not unique, I offer in this small space just a few examples, a very small sample of some of my email exchanges in the past few years.<sup>5</sup>

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2. Marc Prensky, *Digital Natives, Digital Immigrants*, 9 ON THE HORIZON 1, 1 (2001).

3. Emily A. Benfer & Colleen F. Shanahan, *Educating the Invincibles: Strategies for Teaching the Millennial Generation in Law School*, 20 CLINICAL L. REV. 1, 10 (2013).

4. Jackie L. Hartman & Jim McCambridge, *Optimizing Millennials' Communication Styles*, 74 BUS. COMM. Q. 22, 24 (2011).

5. The representative email exchanges depicted in this Essay are based on real communications. I have variously excerpted, edited, summarized, sometimes combining the actual

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I hope that sharing these “e” give-and-takes will perhaps amount to more than cleaning out and making sense of the sorted, and sometimes sordid, content of my inbox. Rather, it might help, if even in a small way, to promote conversation among deans, faculty, students and would-be students about the power, dynamics, consequences, and, yes, the unintended consequences of unfiltered, no-holds-barred emails, especially for aspiring lawyers. As a society, we are at the beginning stages of encouraging middle school, high school, and college students to recognize and internalize the real and sometimes lasting impact of their social media posts. While I believe it is important to encourage today’s law students not to practice reserve for the sake of being reserved, they must balance the seductive appeal of the immediacy of today’s e-communications—those that are at once seemingly veiled in anonymity and unencumbered by the passage of time—with the value of analysis, reflection, and the utility of thinking through long-term interests, aspirations, and the enduring impact of their words.

## II. A SAMPLING OF FINE WHINES AND SWEET NOTES

Law deans are used to dealing with chairs—naming them, fundraising to establish them, working with faculty who hold them, including those heading committees that are part of law school governance. But helping a student with a piece of furniture—well, not so much. I almost fell out of my high-backed leather seat at the start of the school year when I received a much, much longer version of this email:

I am writing to you today with a personal concern of mine that has been unfolding over the past week and I figured you are an understanding individual and will understand my concern and frustration. I recently moved back into [the school residence hall] after leaving for a semester .... I am aware that if any outside furniture is to be moved in, a student must file a request and seek the school’s approval. Now I have back problems .... I purchased a high end desk chair that I researched and made sure can provide the proper support I need. I went on the school’s website and searched for the necessary form [for requesting permission to move non-law school furniture into the residence] ... [What follows in a very long, excruciatingly detailed description of the bureaucratic gauntlet he traversed without successfully being able to process the form]. This back and forth I have gone through has not been fun. To see that my request cannot be processed until a staff person returns from vacation is very frustrating. Now my condition is not a life or death situation. I can wait and make it work because my former landlord will not mind a chair being left behind a few days while I figure things out. [Then he continues describing hypothetical situations when a delay in moving furniture might be more serious.] I think there should be some type of fail-safe chain of command that passes on such responsibility to another individual in the event an administrator

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content of the emails I report, and I removed personal information and references as needed in order not to reveal the identity of the other party. Changes were also made in the interests of brevity and as necessary to avoid use of inappropriate language.

goes on vacation or is out of the office. [And so on] ... I thank you for your time and hope to see you at numerous events in the upcoming days.

I thought about it, and the wicked devil on my left shoulder whispering in my ear prevailed. I responded:

Dear Archie,<sup>6</sup>

Let's cut through all of this. Move the chair into [our law school residence hall] and if for some reason, which I cannot imagine, you cannot get it into your room, move it into my apartment on the 17th Floor. We will get you a key. If you like, you can sit in your chair watching my TV. There is beer in the fridge. Meanwhile I will try to get this sorted out for you by tomorrow.

I do note that you have seemed to run into a perfect storm of bad luck and B.S. as we all do from time to time. And you seem to be coping with commendable grace and understanding—more so than I usually do. So, good for you. Think of this: You are writing to the President and Dean of your law school about moving your chair into your law school apartment. It would be a laugher if it wasn't so pathetically frustrating for both of us. It reminds me of when I first became dean and Professor Aaron Twerski complained that the carpets were in terrible condition on his floor and probably needed to be replaced. I told him I would take care of it, but asked first whether he had reported this problem to anyone else—like maintenance. Without missing a beat he answered, "I did not know I had to go that high."

Archie, it could be worse. If we were an airline, we would have lost your chair. Or if we were the bar examiners we would have charged you a big fee to test whether you were ready to sit in the chair that you had been using for years. If we were the federal government we would make you buy a new chair. If we were Presidential candidates we would argue over whether you even owned a chair, and if so, why the parts came from China. Look at it this way. You certainly chose the right law school. I cannot imagine any other law dean in the country getting directly involved in moving your chair as I am now. Maybe a few, like Harvard or Columbia, would consider helping with a whole sofa set, a dinette, or a lot of outdoor yard and grill furniture, but not a single chair. Regarding your chair, well your dean is not sitting back. We will sort this out. By the way, I am not making light of the need to do all we can to minimize dropped balls and runaround. Most of the time, we are +!#&?\$% Excellent! I would like us to be perfect, as I usually am. We were not in this case.

I received a warm, funny, and slightly contrite, more self-aware thank-you note back from Archie, which I treasure. Archie told me, "Wow. I feel sheepish and will take care of the chair myself. You are a good sport. You should write a book!" Maybe I will.

We all receive many communications from applicants and potential applicants and their supporters, and it is both an important and very pleasant responsibility answering them because it is an opportunity to highlight the

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6. *Nom de plume.*

strengths of our schools. Personally, my favorite notes in this genre are from young people not yet in college. I love the notes we get from students in middle or high school, as well as correspondence from more “mature” people who are considering opening a new chapter in their lives, and who are trying to decide whether a life and new career in law is right for them. Frequently, they ask what books they should read or what to study to prepare to be a good lawyer. One note from an eighth-grade student in Missouri stands out because it was so thoughtful and genuinely curious. I do not have any idea why this young student wrote to me. I wrote back:

Dear Ruth,<sup>7</sup>

I am impressed that you are approaching your career options carefully and that you seem to, at this stage, as did I when I was your age, already have a well formed interest in defense work as an attorney. I believe I was inspired by fictional lawyers Atticus Finch in *To Kill a Mockingbird*<sup>8</sup> and Perry Mason on the long running eponymous television series.<sup>9</sup> How about you? You might enjoy reading John Mortimer’s *Rumpole* series of books about a colorful British defense attorney. I am captivated by Mortimer’s collection of short stories about old gravy stained, rumpled Rumpole, the stubborn, curmudgeonly champion of justice.<sup>10</sup>

Maybe you are inspired to be like real life heroes of the law. If you become a lawyer you could aspire to follow in the footsteps of giants like Lincoln, Gandhi, Mandela, Thurgood Marshall, Robert F. Kennedy or United States Supreme Court Justices Sandra Day O’Connor, Ruth Bader Ginsberg, and Sonia Sotomayor. You know, the number of students in law schools now are pretty equally divided between women and men and most student bodies and faculties, like ours in Brooklyn, reflect the rich diversity in every sense of the word that you will find in the exquisitely, richly, varied population of America. In our law school, for example, you will find people who are like you and many who are not, and that is a worthwhile educational experience in and of itself and will stand you in good stead for your entire life.

You have asked very important and intelligent questions motivated by your obviously genuine interest in becoming a highly effective lawyer. In brief—you want to know how best to prepare for law school and what to study in college. The mere fact that you ask these questions is a tribute to your intelligence and diligence. So, I will try to answer you in a complete and serious way. The simple answer is that to prepare to be a great lawyer: Study hard something you love. Dig deep, and know it matters not what particular field of study you choose prior to law school. Any excellent intellectual grounding you acquire will serve the purpose. English,

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7. *Nom de plume*.

8. See generally HARPER LEE, *TO KILL A MOCKINGBIRD* (1960). Atticus Finch was, of course, unforgettably portrayed by academy award winner Gregory Peck in the 1962 movie of the same name.

9. *Perry Mason* was the long running television courtroom drama starring Raymond Burr in the title role. The character and many episodes were based on the detective fiction of Erle Stanley Gardner. *Perry Mason* (CBS television broadcast 1957-1966).

10. John Mortimer’s *Rumpole of the Bailey* (1978) was followed by many other *Rumpole* books and a wonderful series starring Leo McKern as Rumpole originally broadcast by the BBC.

History, Political Science, Philosophy, Physics, Math, Biology, Chemistry, Art or Music, for example, all will open untold doors to you as a lawyer if that is who you want to become. The lawyer's muscle—the brain—is the greatest tool known to mankind and you may sharpen that tool with hard work in any and all of the wide array of academic disciplines that the human intellect encompasses and pursues.

Indeed, in plain English, Thomas Jefferson wrote that, “other branches of science, and especially history (Ruth is that still your favorite?) are necessary to form a lawyer.”<sup>11</sup> Throughout American history other great people a lot smarter than I am have been answering the question you asked about what to study and how best to prepare for law. [I then offered Ruth quotes about preparing to be a lawyer from legal legends such as Daniel Webster, Joseph Story, Louis Brandeis, Felix Frankfurter and Sonia Sotomayor]. And reading is truly the key. Read, read, read, think, and then read again. In Abraham Lincoln's words: “It is but a small matter whether you read *with* anybody or not. I did not read with anyone. Get the books, and read and study them till you understand them in their principal features; and that is the main thing. It is of no consequence to be in a large town while you are reading. I read at [a small town] New Salem, [Illinois,] which never had three hundred people living in it. The *books*, and your *capacity* for understanding them, are just the same in all places....”<sup>12</sup> “If you wish to be a lawyer, attach no consequence to the *place* you are in, or the *person* you are with; but get books, sit down anywhere, and go to reading for yourself. That will make a lawyer of you quicker than any other way.”<sup>13</sup>

Returning to Thomas Jefferson, he said, as if writing directly to you: “Your resolution to apply to the study of the law is wise in my opinion .... The study of the law is useful in a variety of points of view. It qualifies [someone] to be useful to [themselves], to [their] neighbors, and to the public....”<sup>14</sup> That great man, the author of the Declaration of Independence, wrote in these few words what I have tried less successfully to convey in recent writings and speeches to other young people who are interested in legal studies from all across our country and around the world, and to my own son Tyler, who is a first year student at the University of Texas Law School.<sup>15</sup> If your family and you find yourselves in the New York area let me know. I would very much enjoy meeting you.

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11. Letter from Thomas Jefferson to John Garland Jefferson (June 11, 1790), <https://founders.archives.gov/documents/Jefferson/01-16-02-0278>.

12. THE WIT AND WISDOM OF ABRAHAM LINCOLN: A BOOK OF QUOTATIONS 6 (Bob Blaisdell ed., 2005).

13. *Letter to William H. Grigsby (Aug. 3, 1858)*, in 2 THE COLLECTED WORKS OF ABRAHAM LINCOLN 536 (Roy P. Basler ed., 1953).

14. Letter of Thomas Jefferson to Thomas Mann Randolph Jr. (May 30, 1790), [https://founders.archives.gov/documents/Jefferson/01-16-02-0264#print\\_view](https://founders.archives.gov/documents/Jefferson/01-16-02-0264#print_view).

15. I sent along to Ruth these extra materials, which Ruth might find some time to glance over. See Nicholas Allard, President and Joseph Crea Dean, Brooklyn Law School, Convocation Speech, Brooklyn Law School (Aug. 9, 2014), <https://www.brooklaw.edu/admissions/statisticsandprofile/~media/5063E0DC12FD496F9984D234296EC851.ashx>. See also NICHOLAS W. ALLARD ET AL., LAW FOR THE CURIOUS: WHY STUDY LAW? (2015) (ebook); NICHOLAS W. ALLARD ET AL., LEGAL STUDIES FOR THE CURIOUS: WHY STUDY LEGAL STUDIES? (2016) (ebook); Nicholas W. Allard, President and Joseph Crea Dean, Brooklyn Law School, Lecture for the Students and

Maybe Ruth will become a lawyer before too long. I hope so.<sup>16</sup>

Sometimes students are exceptionally needy. For example, one of our students would regularly make the rounds of each senior administrator with an unceasing array of interrogatories on topics ranging from grading, to campus interviews, to selection for moot court and law journals, to scholarships, to food services. Invariably, he would end up on my doorstep with the same intense questions that had already been asked and answered with several senior administrators. Then, the cycle would repeat itself. Finally, after receiving an email chain of questions and answers from him, that when printed out amounted to forty-four pages, I decided to fight a wildfire with a controlled burn. I probably broke every rule when I wrote:

Dear Thomas,<sup>17</sup>

I will make eventually—but not here—some effort to respond to your questions as usually I do, and as the very large number of administrators and staff usually do quite patiently. At the outset I should note that we have over 1100 students, 23,000 alumni, and over 4,000 applicants, not to mention very demanding regulators such as the ABA, the United States and New York State Departments of Education, many state and city agencies, and credit rating agencies, to mention a very few. If we had just a few more students as indefatigably insatiable as you are in consuming administrative and academic resources with boundless inquiries, lacking any sense of closure, we would have little time if any left to run the school. I am thinking of a cartoon I saw once with, I believe, Charlie Brown from Charles Schulz' *Peanuts* comic strip, sitting at a booth under a sign: "Questions Free of Charge, Answers Priceless."<sup>18</sup>

I will attempt yet again at a later date to respond to your questions. But for now I have some questions for you to consider. These are rhetorical questions. I do not want your answers. I simply ask that you pause and think and consider them and do me the great favor of not consuming your energy by trying to write answers to me.<sup>19</sup>

You should know that your questions arrive at a time when we have a fairly typical work load, a time when many students are asking for help and thoughtful advice about their studies and jobs, when we are completing the admission of a new class, budgeting for the new year, preparing to teach the next semester, running career support—not only for the limited and outdated employer driven on-campus-interview system—but for all our students, meeting extensively with alumni

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Faculty of the Kutafin Moscow State Law University: Study Law and Learn the Language of Liberty (Sept. 15, 2014). See generally Nicholas W. Allard, *The Enduring Power of Law*, PRE-LAW MAG., Winter 2016, at 11; Nicholas W. Allard, *We the People*, PRE-LAW MAG., Fall 2016, at 20.

16. See Allard, *We the People*, *supra* note 15, at 20 (discussing the importance of civic legal education which among other benefits can encourage talented people to become lawyers).

17. *Nom de plume*.

18. For the life of me, I cannot find this particular cartoon, but the point is apt as is much of the philosophy of Charles Schulz, which is readily available online in various sources. It should be recommended reading for law students.

19. In the words of Max Bialystock, a down-and-out Broadway producer played by Zero Mostel in *The Producers*, "Shut up! I am having a rhetorical conversation." THE PRODUCERS (Embassy Pictures 1967).

everywhere and seeking their help in many ways for our students, and, yes, fielding daily requests large and small such as yesterday's call to the Dean to turn up the air conditioning in a study hall, countless individual happy-to-do meetings for individual students to discuss their grades, finances, health issues, life, overseas exchanges, leaves of absence, and special projects. And that is the tip of the iceberg. Believe me. I mention this because I want you to have the context and atmosphere in which your interactions with us take place with the sincere hope that this information may be useful for you to reflect upon rather than view the following questions as some kind of a rebuke.

1. Is there another law school that better meets your needs and will satisfy you? Could there be? Would you be satisfied anywhere?
2. You are one of the busiest, most intensely hard working students I have encountered. Your outside work and studies each are more than any two people can handle. I have no idea of personal and other demands on your energies but I assume they are not zero. Good for you for being a student representative. Good for you for challenging and questioning us. However, is the amount of time and energy you personally spend pursuing the issues you raise so exhaustively a wise and best use of your personal resources, time, and energy?
3. Do you believe that your approach is effective? When you graduate and must make a case, or represent a client, or in fact engage any other party, do you think that decision makers or anyone else will give you limitless access or not require any prioritization, or perhaps not grow impatient and even annoyed such that your effectiveness could be limited by, let us say, some negative reaction to unbounded zealotry. Can you be more effective realizing some discipline, some self-control over your method of engagement? I can guarantee you that if you work in a firm or company post-graduation and take this same approach, you will alienate your coworkers as much as management. You are too good and good a person for that. Is there a better way? Is less more?
4. You are a very smart guy. Can you figure out any of the answers yourself? Do the answers to all your questions matter? Are they all equally important? Do you really need the answers?
5. I've asked you this before: what do you do for fun, to relax, to enjoy the life you are working so hard to fulfill? I am not going to tell you to take two aspirin and get plenty of rest. You can figure it out. Find some way to hit the pause button and relax and think about other wonderful things. I am just saying I am worried you will burn out. Instead of answering me, listen to Beethoven's *Ninth Symphony* or watch classic movies like *Casablanca* or *Some Like it Hot* or new movies like *The Martian*. Plant a garden. Volunteer at a soup kitchen. Fall in love. You get the idea.

Enough! Now I compliment you on many things. Your enormous focus and capacity for work is among them. But that alone is not sufficient for success. It is an attribute that will be your downfall unless you leaven it with some humanity and discipline. I also compliment you for your invariable politeness and even-keeled

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disposition. However being polite is not the same as being courteous. Not being mindful of the burdens one imposes on others and being self-centered is perceived as rude and is a poor way to proceed and unlikely to achieve your objectives.

I offer these rather blunt and I hope not harsh comments to you precisely because I believe you are worth the time and attention, and I want to get through to you. Thomas, you have enormous positive potential. Please do not burn bridges to people who want to help you and most of all do not burn your bright light out. I think too much of you and care for your future too much not to be this direct. I hope you take it as advice and in the spirit offered and, if not, then please forgive me. Not a sermon, just some thoughts for consideration.

Thomas wrote back:

I appreciate that you took the time to write such a detailed constructive and honest response. I appreciate the feedback. Thank you for listening and considering my concerns and those of my classmates. I am sorry if I ever appeared overreaching or disrespectful. I thank everyone for all they have done for me.

Emails received about our fundraising solicitations sometimes scream for attention, to put it mildly. On the fundraising front, it is quite wonderful when a message arrives that is complimentary and pledges a contribution, and this even occurs unsolicited with some frequency. However, that is not always the case. Predictably, our requests for a donation prompt rebukes sometimes written in extremely harsh language, usually regarding emails we send concerning annual giving solicitations.<sup>20</sup> In the face of such unpleasantness, it helps me to keep in mind the fundraiser's first commandment which, when translated from the original Greek and Aramaic and handed down through the ages is: You have to ask!<sup>21</sup> The second commandment is that you do not have to ask everyone, all the time. So, when a solicitation prompts a negative response we, of course, adhere to a request "not to be solicited," or we offer that option. However, with some exceptions, I also provide a polite, but full-bodied explanation for why we will continue to ask for money without apology.

So, for the hottest, angriest blasts, including some so rude and profane that they should not be repeated here, I usually begin my responses with something like:

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20. In my experience, most negative reactions come as a response to our annual giving communications, which can be less personal, necessarily more generic, and they can hit a nerve. Efforts to solicit major gifts involve more of a continuous dialogue with a donor, which keeps us aware and more adept at addressing the individual alumni's interests and concerns. Even so, our most generous donors are quite capable of sending blistering messages, as was the case when one of our large contributors was solicited heavily (in error) immediately after he made a major gift. I wrote a sincere note of apology, but also, after acknowledging his extraordinary generosity, let him know that the language of his email was totally inappropriate, hurtful to staff, and was not acceptable.

21. Or in the contemporary Brooklyn idiom: Ya gotta ax!

Hey, do not hold back! Tell me what you really think. When your schedule permits come by and give me an earful in person and you can advise me on how to improve our school.

Or:

Please don't hold back! Tell me what you really think! Better yet, why don't you come over for coffee or a beer, or I'll come see you and we can air it all out. I know, because I too am steamed about the misleading and unfair blog, and that it hit a nerve with you. I suspect that because, unlike the majority of recent graduates, you have never made a contribution of any size to the law school that you have some other issues with the school. So I've got some work to do, and I'm yours if you want to have at it. I'll make you a bet. If you don't leave our meeting proud of your law school, I'll write a 100 dollar personal check to a charity of your choice....

I confess that, if the sender gets under my skin, I also might write something like:

You are hilarious. Constant onslaught? That is a wee bit hyperbolic don't you think? Now, I know you are strong and tough, and, in fact, we expect that our graduates are of sterner stuff and will not wilt like delicate spring flowers after occasionally receiving a very friendly request from your school, to consider a contribution within your means, if it is possible. Such requests are absolutely standard operating procedure for every law school, every college and university. In fact, we should be and will be doing more.

But, I will also follow this up with a strong, detailed note addressing directly any specific grievances, accepting them, if justified, noting where improvement is warranted, and also laying out the rationale for annual giving. There are many variations on this theme, such as:

I am deeply, constantly aware and grateful for the transformational impact that education afforded to me by the generosity of many other people has had on my own life. As a consequence, I have a very high tolerance and even welcome requests for help including requests for financial support. After all, as is the case anytime one is asked by anyone for assistance, a polite earnest request for a donation is a compliment because it presumes both one's capacity to give and one's generosity. It is hardly a demand, and our law school requests certainly recognize that the invitation to support the cause is one of many you receive from many sources. We know that the donor has many choices; one being to just say no. Sure, we all have the right to be left alone but hearing from the Law School or a classmate is better than a poke in the eye. I, myself will, accordingly, consider such requests when I receive them and not exercise other available options, such as requesting that I not be solicited, or simply using my right thumb to hit "delete," or simply ignoring the requests.

Further, I understand and hope others do too; that every graduate's gift can make a difference, no matter how small or large. By considering and making a gift of any size within one's means every year, even a very small annual gift, which in and of

itself may not do much to move the dial, nevertheless can as an appreciated good habit soon provide in the aggregate the margin of excellence needed to advance the pursuit of our 21st century mission. Participation rates among all alumni are critically important, not only as a collective measure of self-governance, but also as an inspirational encouragement to others to join the community effort. High participation by all alumni also matters to those relatively few among us who can themselves make major gifts, those of us who from time to time consider making larger than usual gifts within our more limited means while choosing among the many competing legitimate calls on our resources, and also to foundations and other “outside the family” sources of funds. You complained about our use of lists by class year that recognize our gratitude toward donors. Personally speaking, I like to know who among my own law school and college classmates are joining the annual giving effort, and I do not find it an irksome tool for increasing participation to distribute donor recognition lists. Indeed, I am not aware of any other successful educational institution, charity, non-profit, or religious organization that does not use donor recognition lists, including noting donors by class or by grouping them by other relevant affiliations of contributors as part of fundraising efforts. So, rather than asking, “why are you doing this class donor list gimmick?” you might instead ask, “What took you so long? What more can you do to be heard above the cacophony of competing worthy claims on our resources that we all hear?”<sup>22</sup>

A few years ago, I took a risk and launched a fundraising effort involving 3L and 4L leaders we call “class champions” asking their soon-to-graduate classmates to make small donations. The program is designed to establish a very high participation rate that will impress older alumni and initiate a habit of annual giving among our newest alumni. This effort that we call the “Dean’s Challenge” has been very successful, and I am very pleased with the enthusiasm, creativity, and effort of all those involved, achieving participation rates near sixty percent from each class involved so far. We emphasize that we are looking for very small contributions and that the dean will match any gift of \$25 or less out of his own funds, and that if you do not have a job within nine months after graduation, your gift will be returned. Despite my sensitivity and nervousness about this approach, especially given the anxiety over jobs and the very real burden of student debt, the positive response of our students has one of the most gratifying aspects of my time at Brooklyn Law School. Still, there were a few dissenters. One student was angry that he received a solicitation during his preparation for the bar exam. (I offered to buy him a gift certificate to see a movie, with popcorn, because it sounded like he needed a break.) And then there was a very clever, funny exchange with a graduating student who had been well known to me, but not for good reasons. He wrote in relevant part:

In light of the numerous emails I have received concerning your “Dean’s Challenge,” I am well aware of the approaching annual giving deadline and my non-participation. Coincidentally, you should know that I am also currently accepting

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22. I will not repeat here the merits and needs of our school. Every law dean knows his or her own case by heart.

donations towards the challenge of repaying six figures in student loans (in addition to the funds I have personally expended in order to take a bar review course). I too have noticed, in reviewing my list of donors, that you are not among them. I am sure you understand that until I have taken care of these aforementioned debts I will be unable to make a gift, large or small, to Brooklyn Law .... Unlike many of my classmates, I am simply not in a position to be donating monetarily to anyone at the moment and I feel it would be fiscally irresponsible of me to do so. However, because of your generous offer regarding the Dean's Giving Challenge, I am willing to match any donation you personally make my repayment challenge by 50% to your challenge. For example, make a gift of \$10 and I will contribute \$5 of my own to the Dean's Challenge.... Unfortunately, I have not established a website for my challenge.... However, I do accept checks, cash, or money orders and can offer thank-you notes to donors. Moreover, there is no foreseeable deadline to give! Thank you for considering!!

I replied: "Always a character. I will send you twenty dollars by check when I my plane lands. No strings attached. Just tell me where to mail the check. Good luck!" He responded: "Just for the record, I was impressed by your response. You definitely scored some points with me and showed class, for what it's worth. I am even considering a donation regardless of the strings attached. Bravo/touché and good luck with the challenge."

If Art Linkletter were alive today, he might have a smash hit television reality show titled *Parents Say the Darndest Things*.<sup>23</sup> And they do. Nothing precipitates contacts from parents quite like storms. In the greater New York metropolitan area, we experience a fair share of severe weather and other emergencies which make it difficult to get to school safely and sometimes require us to close the school. Although more than half of our students, faculty, and staff live near to the school, the others reside in different parts of the city and suburbs that might have very different weather conditions, so the circumstances and conditions people face may vary considerably. I have received more emails than you might imagine (and telephone calls) from parents—not the students—asking me to tell them the best way for Johnny or Sally to get to school during inclement weather. Sometimes they call to urge us to close the school because they do not want their child to have to decide whether they should try to travel to class. I confess I have little patience for this type of parental hovering and try sometimes, unsuccessfully, to resist reminding them to make sure their "snowflakes" dress warmly and pack a hot drink in a thermos. One mother contacted me on the eve of our annual opening exercises for first year students to ask me to check whether the refrigerator in her son's apartment was working and also asked me to check to see if he was wearing socks for our annual convocation event in the ceremonial courtroom of the United States District Court for the Eastern District of New York. She also mentioned that she was looking forward to attending the

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23. *Kids Say the Darndest Things* was a very popular feature of Art Linkletter's radio show *House Party* and the television series *Art Linkletter's House Party*, which usually aired five days a week from 1945 to 1969. HOUSE PARTY (CBS Radio 1945-1967); *Art Linkletter's House Party* (CBS television 1952-1969).

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event, which is intended exclusively for matriculating students—not relatives. I am not making this up. At convocation, I said at the start of my remarks in the Ceremonial Courtroom of the United States court for the Eastern District of New York:

Welcome to Brooklyn Law School. Never let anyone say we waste any time getting you into a courtroom.

But, first, a few housekeeping matters:

Mrs. Peterson?<sup>24</sup> I know you are out there. Your son has arrived and he is indeed here. He is, I checked for you, wearing socks. And yes, we will fix the refrigerator in his 12th Floor apartment. See, we are full service, hands on, and focus on each of you as individuals.

You have heard a lot about how, thanks to the generosity of our alumni and the management and direction of our trustees, how much we do to make law school more affordable. So, in that spirit, let me announce: This morning in the lobby of our main building our public safety officer and I found a dollar bill. I will be happy to return it to its rightful owner. To claim the dollar, just identify yourself by giving me the serial number on the bill and it is yours. You see, we really are very generous! Mrs. Peterson, I checked and the serial numbers do not match any of the cash you left your son.

This comment was not as cruel as it seemed because I knew that her son had a different last name.

Mrs. Peterson's son, Albert,<sup>25</sup> is hardly alone. For example, this year we sent to every new student a copy of Chief Judge Robert Katzmänn's marvelous book, *Judging Statutes*.<sup>26</sup> I received an email from an out-of-state Dad which read:

We received Judge Katzmänn's book. We look forward to reading it and discussing it with you at convocation. By the way, I believe there is a typographical error in the second paragraph of your cover letter.

What these few but not rare examples underscore is that we are welcoming into our schools students who may not be used to self-reliance or who may themselves be struggling with the over-involvement of their parents in all aspects of their lives. I have not yet threatened to charge either tuition or rent air rights to a "helicopter" parent, but the thought has some appeal.<sup>27</sup>

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24. *Nom de plume*.

25. *Nom de plume*.

26. ROBERT A. KATZMANN, *JUDGING STATUTES*, (2016).

27. I have barely scratched the surface here and have not, except for emails about fundraising, included any alumni emails. Alumni emails can be real beauties—whether because they are incredibly helpful, awesome, startling, or a combination of all three. I once received from a successful, prominent graduate, whose child is also enormously successful and famous, a very angry letter complaining that in the mosh pit of our annual reunions she had not been able to meet me one-on-one. I wrote back: "Dear Rose, Marla [my wife] enjoyed meeting and speaking with you at the recent Brooklyn Law School reunion at the New York Public Library. After speaking

### III. CONCLUSION

I realize that matters of taste, tone, and courtesy are very personal, situational, and involve some judgment in light of one's knowledge of the person involved and the circumstances. I may be less sensitive and more thick-skinned than most, having lived and worked for decades in the real entertainment capital of the world—Washington, D.C.—and now I am working in the biggest, most boisterous part of the Big Apple in my native New York. Here in the rough-and-tumble of Brooklyn, by necessity, we learn to prioritize our upsets. So, what for others might be regarded as off-key and unacceptable rudeness, often we feel is no more annoying than the banal elevator muzak one must listen to in order to get to the top of our skyscrapers. The email exchanges included in this Essay are not intended, and, in fact, are not exemplars; they are at best, provocative. Like an off-menu *amuse-bouche* that you did not order and do not pay for, the emails I offer are merely tiny bites meant to stimulate appetites for thinking about discussing how we should interact with each other electronically. This is important to us as members of an open but also close-knit academic community, and in particular because we are the source and supply of future lawyers. I do not here attempt to identify best practices or the right or wrong way to communicate, and I acknowledge that my own approach as reflected in my selected anecdotes should bear cautionary labels warning “do not try this at home.” How best for us to communicate online is an issue where the questions are a lot more apparent than the answers. Indeed, I am eager to hear and learn from others about how to engage in the new cyber world of law, and I suspect others would also welcome more conversation on the topic.

A thoughtful conversation about legal communications online could also stimulate useful guidance for lawyers new and old, their employers, and clients. In my private practice experience, I have seen increasing pressure, especially on young attorneys, to react and respond quickly to inquiries of all kinds. On one hand, lawyers cannot entirely avoid engaging and communicating with clients in

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with you, she found me and steered me through the crowd for the express purpose of meeting you. We could not find you. My loss! At least I was able to meet most of your classmates at one point or another during the night. I appreciate your comments about the event, both the positive and the negative. It was my first reunion at BLS, but Marla and I are not strangers to such events. Immediately after the event and before we heard from you, I assembled our events and alumni relations teams to discuss how to run the reunion in the future in a way to make sure I ‘get around,’ speak, whether formally or not, and how to introduce some useful changes without losing the program's openness and popular informal networking. Though I suspect there are some, if not many, people who would pay extra *not* to hear me speak, I do believe the event should be organized in a way to permit the Dean to greet each major class, and perhaps satellite classes, at the same time. It is a testament to our incredible graduates and the quality of their experiences at BLS that you would make the long trip to celebrate your milestone reunion. Congratulations and thank you! Perhaps we will be able to meet in person to discuss the news and events happening at the law school. Meanwhile, my door is always open to you should you find yourself heading our way.” I never heard back from “Rose.” I will leave covering alumni communications more thoroughly, and those from faculty, staff, and the community at large for the sequel essay, or perhaps a book-length version of this Essay, which might wisely be published posthumously. In that regard, I would welcome and would include any examples from your files which you would care to share.

the time frame, media, and format in which they themselves conduct business, communicate, and expect answers; on the other hand, part of serving as lawyers, part of obtaining the full benefit of a lawyer's analysis, advice, and advocacy, is to allow time for research, for reflection, and for drawing upon the experience, wisdom, and judgment of others. How to navigate between the competing interests of timeliness and efficiency, versus thoroughness and effectiveness, while first doing no harm, is quite a challenge. The entire topic of how a lawyer should communicate well and responsibly electronically deserves attention in legal writing and continuing legal education programs. This is even more the case because newly minted lawyers are also under pressure to market themselves, and they use blogs and social media to advance their reputation. Without proper protocols and controls, firms can very quickly open a Pandora's Box of ethical, conflict, client service and other problems. This can arise from even the most well-intended online marketing. It is hardly necessary for me, here, to attempt to offer advice for how to cope with the daily deluge of email every law dean receives. Everyone already knows, for example, to be very careful before hitting "reply to all," to count to 100 before answering an angry, insulting email and then to sleep on it before responding, and to thoroughly proof-read emails and never trust "auto-correct." Besides, I am the last person in the world who is can credibly offer such advice.<sup>28</sup>

For now, I will simply note that we all frequently receive emails offering wonderful expressions of appreciation, good news, and useful suggestions.<sup>29</sup> On the occasions when we receive an angry, nasty, difficult email, we can try to

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28. My colleagues are patient and tolerant, beyond measure, of the often indecipherable or unintentionally funny contents of my emails. I am a horrible speller and my typing is worse. As a result, some say that reading many of my emails is harder than completing the crossword puzzle in the Sunday *The New York Times Magazine* section. One wag said that even Alan Turing would be challenged to break the code. See ANDREW HODGES, *ALAN TURING: THE ENIGMA* (1983). See also *THE IMITATION GAME* (Black Bear Pictures 2014). Our incomparable Director of Events, Christopher Gibbons, keeps a collection of what he generously calls "gems." In one email to him, I meant to compliment him and wrote: "you ate [meaning 'are'] the most can-do person I know!", to which he replied, "You discovered the secret to my superpowers. I consume all the talent of those around me and channel it."

29. A note like this, although giving me far too much credit, is the kind that make all that we do worthwhile and can keep us going for a long time: "Thank you very much for arranging to have Justice Scalia speak to us at Brooklyn Law School. It was definitely a highlight of my first year (so far!). The format of the program was engaging and the venue was ideal. I am so glad that I was able to attend a discussion with a Supreme Court justice while currently enrolled in Constitutional Law. I'm fortunate, three times a week, to experience the sheer magic of class with Professor Nelson Tebbe. Yet, hearing Scalia, live and in person, share his reflections on a wide swath of cases and Con Law topics made the entire subject matter even more magical. Add to it, the fact that Scalia shared his thoughts on 'effects in reasonable search of data on a computer,' which went straight to the heart of our fact pattern for our appellate brief and moot court competition, and the entire event was riveting. I work full time, support a child in college, and attend law school at night. Countless times, friends have asked, 'How do you do that?' The answer is simple: it's invigorating! And events like what you arranged for us, with Justice Scalia, make it even more so. I'm not sure that my schedule will permit a visit with you during the hours you have scheduled during the day this week for visits with students in the dining hall. My loss! Nonetheless, I wanted to be sure to reach out to you and offer my reflections.... Thank you again."

remember not to take it personally. The message is usually to the office not the person who is the dean, and those types of messages will end the day you step down. Complaints go with the territory. Further, in my experience, often the very worst messages say more about the sender and the troubles they are experiencing, problems that may not at all relate to the subject of the nastygram in your inbox. Then too, the messages we receive are often from people who truly need help: They are under tremendous pressure to perform academically, to meet financial obligations, and often just to cope with the myriad challenges of modern life that are compounded by the rigorous demands of law school. Their communications remind us that we are uniquely able to help. When we succeed, we can justifiably feel the satisfaction that comes with the enormous privilege of serving as the dean of a law school.