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Staying Alive

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Just as I did when as a child I had bronchitis and promised upon recovery to become a missionary, four years ago, I made a deal with God that if I survived my first semester of teaching Trusts and Estates, I would share my journals[1] with other first-timers. I hate to twice-tempt fate.

My first preparation of a law course occurred when I began teaching in 1971; then after twelve years of teaching the same courses, I volunteered to teach in what was for me a major new substantive area of trusts and estates and to assume responsibility for a four-semester-hour course, as it was then constructed.

In re-reading my journals from the long Winter of '83, I have reexperienced for the third time the harrowing adventures of a first preparation, and from that material, some patterns of distress emerge which I suspect are endemic.

1. Journal-keeping has become an exceedingly valuable mental reflection exercise for me, and I am indebted to the Project on Law Teaching and Humanistic Education for suggesting the "consciousness-raising" process to me. The process is known by many names and flourishes in a variety of forms: Pepys' *Diaries*; a scientist's laboratory notes; as well as a class "post-mortem," the label used by Professor Newell in *Ten Survival Suggestions for Rookie Law Teachers*, 33 J. LEGAL EDUC. 693 (1983). Though journal-keeping varies among individuals, I record any ideas, feelings, and less frequently, insights, about law or teaching whenever they occur to me. I carry my small notebook with me wherever I go. When a course is in progress, I try to be disciplined enough to record my plans for each class before class and, after class, to note briefly anything of significance which occurred. Journal-keeping is a private conversation I have with myself although for the pruposes of writing this essay, I am sharing entries with colleagues whom I trust will read them with forebearance and charity. Nothing has been changed in the entries as they were jotted down except names when I have concluded that the individuals might suffer some embarrassment about my publication of private conversations which occurred between us.

Teachers of law do very little to insure the encouragement and preservation of excellence in teaching, assuming that we could agree on what it is or even, like Mr. Justice Steward, know it when we see it. Perhaps we can only perceive good teaching through experiencing it, in the role of either student or teacher. It might logically follow that if we were willing to share our own experiences, we might arrive at a consensus for professional aspirations within our lifetime (which is the only deadline I am really interested in).

But that is a lofty and exceedingly difficult task far beyond this small piece. I offer these thoughts because, with few exceptions,[2] there is little in our common literature which addresses the particular plight of a first-time teacher and attempts to unshroud some of the most persistent ghosts which haunt that experience. Perhaps at the various clinics for new teachers this process is afoot, but if so, it is a rear-guard action on tiptoes and needs to be brought into contact with the rest of the army.

Though "born again" as a first-timer in 1983, I had lost all of my zeal for writing about that teaching experience until an event occurred this past Spring. The occasion was a "personnel decision" faculty meeting which had evolved into what can only be characterized as a wholesale drubbing of the classroom work (vis-a-vis "teaching") of the young professor under review. Finally, at that meeting, a senior colleague, highly respected for his teaching, quietly spoke up for compassion and forebearance, recounting some incidents of his own early embarrassing ineptitude. His was a quiet, gentle act of self-effacement, of even courage, which made me squirm in my silence. More significantly, in fourteen years of teaching, I cannot ever remember hearing another confess that he or she had not sprung full-facultied from the brow of Zeus.

It is in the spirit of his example that I write for new teachers (and even seasoned colleagues who can admit to a touch of teaching anxiety then or now),[3] and for anyone who is interested in facilitating the suc-

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2. Whaley, *Teaching Law: Advice for the New Professor*, 43 OHIO ST. L.J. 125 (1982); Newell, *Ten Survival Suggestions for Rookie Law Teachers*, 33 J. LEGAL EDUC. 693 (1983). Of course, Professor Prosser's famous piece addresses law teaching as a demanding, often harrowing, career: Prosser, *Lighthouse No Good*, 1 J. LEGAL EDUC. 257 (1984).

3. In a moving euology to a great teacher-scholar, Dean Calabresi shared an encounter he had with the late Grant Gilmore. While all of the Gilmore memorials should be read by all who would emulate his teaching success, this particular paragraph from the Calabresi tribute has given me enormous solace:

> When I began teaching at Yale, I was so nervous that I could not eat

cessful integration of young teachers into the collegium. We woo recruits at great expense of time and money; however, thereafter in our efforts to relate to them, unless we seniors are willing to drop our Darth Vader masks and heavy breathing, we cannot hope to help them be as good as they are capable of being, as soon possible. Can you imagine anyone sidling up to Lord Vader for anything, much less sharing confusion about the impending battle plan or asking for a tip on commanding?

Based upon my own experience of teaching a new course after twelve years of having a constant, perhaps stagnant, teaching package, the three emergent themes are pressures, fears, and isolation. In fact, the entire experience might well be summed up on the single apocalyptic observation that in the first teaching of material, pressure produces fear, which is suffered more acutely in isolation.

But never fear, gentle reader, help is only a few paragraphs away. In mitigation, I offer tightly formulated rules, quintessential elixirs, categorical imperatives developed by generations of legal scholars when presented with symptoms of the intolerable ambiguities of the human condition. What's more I offer solaces (and an even number them) for the inevitable and unavoidable hardships of the experience.

Pressures

According to my journals, on February 24, 1983, on national television, some kid demonstrated an ability to put a Rubik's Cube in order in two minutes — with only his toes. As a related phenomenon, I submit that most of the pressures upon a first-term teacher are internal and self-generated. Certainly that was my own experience as these two

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before my classes. I asked my fellow teachers when the nervousness would end, when I could approach my classes with confidence in my knowledge, in my capacity to arouse and to explain. Different teachers gave difference answers. But Grant replied: "If it ever does, get out of the profession . . . at once." A teacher so complacent — so confident that he or she is living in the Golden Age of his or her achievements — may indeed explain, may indeed seem to the students of the moment to be a great teacher. But such great teachers (as Grant said elsewhere) 'should be hunted down and shot.' Openness to students and their ideas can exist only in self-doubt, in the knowledge that the last year, the last class went well, that all could so easily go well again — but that the next time could also be a disaster. It is uncertainty that prompts the restless intellect needed to encourage students to think for themselves.

Calabresi, *Grant Gilmore and the Golden Age*, 92 YALE L.J. 1 (1982).

following journal entries document.

"April 13, 1982: Why does this stuff, class closing, the Rule of Convenience, 'vesting', that old bugaboo from property, defy my efforts to keep it in proper focus? One minute I think I have it, the next it's all fuzzy focus? As one student said yesterday, 'This stuff is getting pretty hairy.' Now how can I teach these materials when the best I think I can muster is to lead them on a small footbridge across a morass crock-full of alligators: One slip and we all become breakfast?"

"April 15, 1982: Conversation with X [who had for many years taught Trusts and Estates]. I laid my proposed hypo on him, and he struggled with it. Said not a year went by that he did not make a mistake in class which he had to correct. Thinks this stuff is incredibly difficult to grasp and that I cannot cover it in the time remaining. Terrific (I have made a side-bet with myself that I can get through this stuff without making a mistake.)"

Of course, these two journal entries evidence wholly inconsistent mental positions. My smug side-bet created an internal self-expectation which all facts belied. The students perceived the difficulty of conceptualization, I could even acknowledge the difficulties, and my veteran colleague confirmed that this particular material was not the stuff of flawless performances. Unlike the kid with the Rubik's Cube, internal and external disaster lay in wait for me and shortly occurred.

"April 17, 1982: I got cocky, took a 'what if the testator actually had a grandniece born in Sheboygan, without his knowledge, who was then adopted by his daughter, a half-wit . . . ' type question. Quick as a flash into the swamp. Floundered for twenty-minutes. I got so confused I would have been hard-pressed to come up with my own name. I am thoroughly disgusted wth myself and very depressed."

Solace 1: Making a mistake in teaching is okay. (Repeat) (Set to music and sing daily in the shower). (Tattoo on your wrist for permanent reference).

Clap your hands if you believe in this Solace. Silence? Students can make mistakes, colleagues can make mistakes, Nixon can be forgiven for accepting the gift of the loveable cocker spaniel, but not you, right? Accepting your own mistakes as an inevitability is very, very difficult, particularly when they are made in front of an audience. Perhaps the more constructive path to mental health is to focus on how the "damage" of mistakes can be contained, on the bare possibility that they can occur even to a perfectionist, the basic personality type of most law professors.

Rule 1: Bluffing an assertion is bravado better left to poker

players.

In the first place, bluffing rarely works. Bold assertions, particularly when coupled with words like "never," "not a single," "certainly," and other similar absolutes, are gauntlets to even the most apparently-comatose group of students. I have suffered the experience of having students all semester, toil for days in the library, breaking camp only when they have ferreted out the contrary authority (more often than not from Texas). "Kill the Leader," social scientists warn, is an inevitable stage in the development of any group. In the second place, you are succumbing to the siren's song of the authoritarian mode of teaching which will get you in the end. (*See* Rule 20.)

Rule 2: Trust your instincts. When you become aware that you and the class are floundering, cut your losses by climbing back into the nearest boat; even a sturdy log will do.

We're all guilty, I suspect, of compounding an error by floundering while waiting for a Muse to appear with a gift of insight. Regrettably, like Godot, the Muse is unlikely to arrive before the bell rings, if ever. Better to postpone further elaboration until you can relax, clear your brain, and reconstruct in the privacy of your study where you went awry. Putting a confusing issue aside saves not only class time but also many a professorial hide.

Rule 3: If you can muster humor about your floundering, do it.

Particularly when you've set yourself up as a Master Teacher (*see* Rule 20), an obvious mistake in exposition brings about the same sort of tension that an audience would feel if Baryshnikov missed a leap and fell into the orchestra pit. Humor immediately defuses tension, and a remark doesn't even have to be very funny to restore comfort.

Rule 4: The only sure thing worse than having made a mistake, is to persist in it.

Acknowledging your mistake and a subsequent brief recapitulation of a corrected version of the issue, is essential. Our wares are few: accuracy of discourse, integrity, and fair-dealing.

Rule 5: Nowhere is it written that the students can't be tapped to retrace a path wrongly taken.

If you accept the proposition that a classroom can be best used as a place of collegial give-and-take, and that dynamic is in place, then consider assigning all students the wonderful opportunity of figuring out where you went astray. The assignment becomes a disarming invitiation; they go for it like guppies. I am, however, quite skeptical about singling out the kid who asked the question that created the debacle in the first place and assigning only him (or her) the quest. That seems

punitive and sets up a *mano a mano* dynamic for the remainder of the course in which one of you must die. And it is not always the bull. Pressure also arises from the sheer volume of the new material to be synthesized before you can begin to feel comfortable about teaching anybody anything about the course, as this journal entry attests:

"February 8, 1982: Trying to get centered before class which is in twenty minutes — worried about pacing. We are going at a snail's pace. Must press on. Will handle questions by posting office hours. Advancements, releases of expectancies — two pounds of detail in Atkinson. Who was he? Did he ever leave the library?

(After class): Blank looks, blank looks. Threw me off, and I snapped at one woman. Another student said, 'Let me slow you down a minute, please . . . ' and then asked a question. We're crawling. Very flat class. I didn't keep eye contact and when I did, it looked like a sea of fish, belly-side up and staring into eternity. I had lost them but was afraid to depart from the charted course. What now?"

Rule 6: The Trap of Traps is agenda-obsessing: setting a goal of coverage is one thing; losing a class in the process is too high a price.

If you cover 200 miles in a forced march and arrive with no soldiers, where are you? Here the eyes have it: if they are glazed, and you can't attribute the condition to a Section celebration the night before or that they have been bound in their seats and held over by your colleagues in the three immediately preceding classes, then you should find out where they got lost.

Rule 7: It is okay to address the students as persons in class vis-a-vis as the Grand Inquisitor's next targets.

The application of this rule will permit you to ask the students why they are looking perplexed (a more polite term than 'blitzed' or 'fish-eyed'). By inquiring about where they got lost, you can demonstrate your appreciation of the fact that you are a facilitator of their learning who cares that they understand what you are attempting to display for their use.

Rule 8: Pace, as a manipulation of time, is relative.

If you can bank on the fact that no one in the class has spent half the time in class preparation that you have, and you can, then cases which now are like child's play to you may yet seem like Chinese puzzles to the novice.

Rule 9: Beware the lure of nit-learning.

My ingestion of gargantuan amounts of Atkinson is a perfect example of the distinction to be drawn between food for thought and food for class consumption. Once one has invested in information-gathering,

it is devilishly tempting to display all that erudition, particularly when one has a captive audience. This is not to say that I am not eternally grateful to treatise writers like Atkinson or that my effort in digesting his work was wasted. He gave me a sense of detail in my learning that paradoxically should have enabled me to forego all but the briefest mention of in class.

(Although it does not appear in this journal, a related phenomenon which occures in subsequent offerings of a course is the research done in response to a particular student's off the wall, but intriguing, question. Certainly, the follow-up report to the student and the class is silver well worth mining; it is responsive, collegial learning at its best. Laying it out the next year, however, when the issue does not spontaneously arise as a need within that class's experience, is like serving leftover tuna souffle.)

Pressures also come in all shapes and sizes and can take the form of gossip and rumors blowing through the student body. Before you have taken one step into the classroom, your credentials, experience, and personal life, real and imagined, have been dissected more thoroughly than any frog in Biology 101. The dilemma of whether or not to confront misinformation, to debunk gossip pressure, is raised in the next entry.

"February 9, 1982: I heard a rumor today from a student friend. Apparently the students think that I am leaving next year because 'the law school is making her teach Trusts and Estates.' [In fact, I was leaving because of an intriguing opportunity at another law school, but I hasten to add that I was completely happy where I was, enjoyed the somewhat greater job security which a Chair affords, and had in fact volunteered to teach Trusts and Estates.] I have decided, after much agonizing, to confront the rumor briefly in class.

(After Class): I explained to the class that rumors nothwithstanding, I had volunteered for the course because I knew that the same transcendent concerns in this course were at work in the Family Law course which, as they all knew, I had taught for many years. That, yes, this was my first venture, but I wanted to learn the area and had wanted to force myself out of an authoritarian mode of teaching. That I was willing to learn along with them, if they were willing to suspend judgment and learn along with me. It was very frightening to be so bare before the class. And they were silent — rapt, but silent. (What if they go to the Dean with a recall petition? What if they demand tuition refunds?)"

"February 10, 1982: (After class) Terrific! Bright eyes, nodding

heads, wonderful interaction with what was probably the first class of well-prepared students. Dealing with inconsistent cases, possible threads of reconciliation run amuck; exciting, emotional energy. Lovely, lovely. I really needed this. Dark thought: Can I keep this up? Will tomorrow be a bomb?"

Solace 2: No matter how hard you try, it is impossible to sustain a fever pitch, and more often than not, the ecstatic teaching experience is immediately followed by a time of ennui.

A "bomb," relabeled and perceived as an essential stroke in a cycle, is not a bomb. Mysteriously, and hopefully more often than not, the class will ignite and you will know why you wanted to teach. There are, however, many classes when your most precious hypotheticals will seem leaden and the only sound in the room will be the echoes of your own voice and the scratching of dutifully yet dully scrivening pens. It is the very unpredictability of ignition and lift-off that keeps you going.

Rule 10: Honesty about depth of knowledge is often a good policy.

Honesty is not necessarily and invariably the best policy for everyone, including me. What to do about rumors floating about your course or about you? Some surely you ignore; others, if your conjecture is that they are disruptive of the class dynamic, are better dealt with, even at the expense of precious classroom minutes.

In the case of this particular rumor, I realized that I had somehow managed to convey a complete disaffection for the materials of the course which was alarming to the students and which, if unchecked, could defeat even the headiest and most intellectually curious among them. I realized that I had apparently presented a very controlled, authoritarian image to them though it was actually a mask contrived out of my fear that if I let the discussion open up, I could not cope with their questions. That is a fear of all of us who lack confidence that we "know" the course. (*See* Rule 20.) Unflinching, tight-fisted control of a class can be a soporific, or worse, obscure the teacher's passion and devalue the worth of the classroom adventure.

Every one of us harbors the fantasy of wanting to be the very best teacher in the school, or, for that matter, the universe. Competition can be healthy, but it can become another source of pressure for the rookie. I decided to invite a former colleague, now in a bank's trust department, to present two lectures of ERTA and other tax aspects of estate planning. (It didn't take very long for me to appreciate that tax coverage would be more than I could handle during my maiden voyage.) The next journal entry records what resulted from that decision.

"February 25, 1982: After class three students approached me in the hall to say how good Barbara was. Why did they think she was so good? Why did I think she was so good? I watched her carefully. She excluded this aura of confidence, sort of an 'Okay chickadees, this stuff isn't overwhelming.' Sort of a sauce of reassurance went forth to blanket the class. She talks a steady stream and is flip in her approach to those holies of holies: Used 'Joe Schmo and all the little Schmos' in her estate planning hypo, kept it very simple as illustrative of a commonly occurring fact pattern. At one point, she dismissed a doctrine as being really of 'importance only in the classroom.' She's very out front — 'You are going to be doing such and such.' I find I tend to say 'all of you' or 'some of you' — speaking to them as a collective rather than using her approach of apearing to be talking directly (and personally) with each one. I think her approach is better. She was authoritative but not authoritarian."

Rule 11: *If available time for preparation still leaves you feeling incompetent to teach some material, ask a colleague or practitioner to do a guest spot.*

Now is that threatening advice? Of course it is. (I left out the part of the journal entry wherein I wallow in jealousy of Barbara). But this Rule is based on the wisdom of hindsight. Its application enables you to learn about a body of material, at least in overview, and to gain from another's demonstration of handling the material effectively with a class. You have secured competent coverage for your students and have been freed to concentrate on the remaining aspects of the course. Furthermore, you risk nothing in your relationship with your colleagues. I have since served a stint doing a buck-and-wing on the Rule Against Perpetuities, and it is enormously flattering to be asked to do a guest spot. Warm feelings were generated in me for the wisdom and perspicacity of my junior colleague-host. And the price? Well, there is a risk that the students will immediately start picketing in the corridors for hiring your guest as your permanent sub. Aside from that, I haven't found any.

Rule 12: *Take every opportunity to watch other teachers at work.*

Every visit to watch others teach is valuable in honing your own sense of effective teaching. At least to some extent, you can tailor your own methodology through close observation of the others. [*But see* Solace 3.] There's even a great deal to be said for watching weak colleagues: not only will you perceive what is to be avoided, but you'll walk away with greater self-confidence.

If you took a poll of all the law teachers in the country, probably

95% of them would agree that visitation is a wise rule. In my experience, however, visitation, except when "personnel decisions" are the next day, rarely occurs. My own theory of why visitation doesn't occur on a regular basis (and why, for that matter, we devote so little energy to discussions of teaching methodology) is that we all prefer to cling to a primary identity of "lawyer" rather than "teacher".

In tension, though, with advice that you observe and talk with other colleagues, is the counterweight of acknowledging your own ideosyncratic talents and limitations, as illustrated by the next journal entry.

"March 2, 1982: This is the 'neurotic' behavior J. [my spouse and fellow law teacher] is always harping at me about: My going over and over these materials trying to find the 'best' way, the most logical way to present this material. And my being 'supercompulsive' about typing out an outline of coverage instead of just 'winging it.' I am always comfortable only when I have an outline and research notes before me when I teach — my security blanket."

Solace 3: *You cannot radically change your persona or your approach to classroom preparation or presentation now at this advanced stage of your development.*

Most of us cannot even muster a recognizable impression of Johnny Carson or Einstein or Paderewski or Sophia Loren, or whomever we most admire. I have known several colleagues who go into class without a single note; when I enter, I often appear like a camel packed for a three-week trek over the burning sands. I know several hilarious colleagues who could at least eke out a living in the Catskills. Sadly, not I. But my special cross in life is that I live with a colleague who is able to teach anything with éclat in two hours notice and then urge that anyone can do it. His time in preparation is spent in working until he finds the golden thread and can mentally organize the class discussion. (I think 'winging it,' free floating along with a class on only a mental outline smacks of the same craziness as that of the Flying Wallendas; he thinks my six, neatly tabbed, and mostly typed master notebooks per course is a clear manifestation of neuroticism.)

If sexual identity is fixed at six, then surely your approach to learning and the presentation of ideas is firmly in place long before you entered this profession.

For every song and dance dazzler on a law school faculty, who regularly opens to rave reviews and packs the students into electives, there are a dozen more quiet but equally learned non-performers. The true measure of great teaching is deferred over a lifetime in calls and

notes from the field as students pursue the law and remember insights gained from your classroom. As some sage once observed, "God created Man with a flourish of diversity." Accept your whatever-you-are: Major overhaul is out of the question. Minor tinkering and tune-up may be possible. At the risk of appearing to trivialize the mystery of teaching, I submit that if encyclopedic research on pink paper, carrying a rabbit's foot, or never taking a note on what you read has been your methodology, then it is not only all right, but is would be insane for you to attempt to change and expect to feel comfortable again for a very long while.

This is not to suggest that you cannot or ought not to enhance your teaching effectiveness if it is within your power and will. Commonly recurring criticisms made about young teachers are that he or she "speaks in a monotone" or "the presentation is dull." More often than not in my collegial experience, such a situation results not from any innate drabness of the individual but from an overly controlled, fear of flying technique which will dissipate in most as the new teacher gains self-confidence.

Furthermore, presumably there are limits to changes you might be willing to make in order to be more "popular," a common litmus test for effective teaching. When I first entered teaching, a friend sent me a professional profile from an alumni magazine of a highly regarded university. The article extolled the phenomenon of packed enrollment in nutrition courses taught by a professor, who produced light and sound shows on the major food groups, and arrived on a motorcycle customed as a different vegetable for each class. Surely there are honorable responses short of such theatrics to cries, such as, "Thrill me with negotiable instruments."

The list of pressures upon a first-timer seems endless: faculty meetings, faculty committee meetings, university faculty meetings, perhaps even community service commitments; special law school events, both learned and social; dinner parties, cocktail gatherings, student beer blasts — all of which seem to rise to the level of a command performance. Furthermore, you want and need to get a sense of the political and social life of this new environment before deciding whether this is the institution to which you want to make a permanent commitment.

And then there's the pressure to produce scholarly writing. Where's that dandy, little article you began outlining when you received this offer to teach? You know, the one you'd be able to knock out in six months now that you have all the extra time of the academic

life? Does your mother write to ask where her book is, the one like Edna's wonderful child wrote and dedicated to her? You even ask yourself, "What's the matter with you? Didn't you want to become an academic because you wanted to share your thoughts with the world?" You keep rereading your faculty's standards for promotion and tenure: At least one scholarly article for promotion and an additional "seminal" scholarly article for tenure. "Seminal?" Crimeny! When was the last time you can remember reading a truly "seminal" article in all of the reams of legal literature? Besides, you're so tired of putting pen to paper now that you can't face even making out a grocery list. Get someone in your family to do it.

Ah, now there's a real source of pressure — your family. Aren't they the folks who gave up the fortune you could be making in private practice in exchange for having more of your time and more of you? According to the daily market quotations, your stock at home is at an all-time low. All you seem to have done is move from the firm library to the law library.

But all the pressures, great and small, from students, colleagues, family, and from within yourself, some real, some imagined, produce the core fear that for the first time in your life you will suffer academic failure.

Admitting to not knowing it all

Some Fears

The seeds of fear are sewn the minute you realize that you cannot

possibly surround this course in the time remaining for preparation. Witness these early journal entries of mine:

"January 31, 1982: I am in a blue panic, acute anxiety attack. To think that I volunteered for this beast. Sheer masochism. The perpetuities stuff at the end of the semester is hanging over me like an ominous cloud: Will I ever understand defeasible fees? Do I have to?"

"[Same day, four hours later]: Triple panic. So much to do. Took an extra valium. Just realized that had left out entirely 'Dead Hand Control' materials in blocking of course. Now have reworked and will have only two days to cover. Can that be done?"

"February 1, 1982: Reworked outline. Tried to go to sleep last night by finishing Vonnegut's *Jailbird*. Really an inane work, but powerful. Have little grasp of an intellectual message but certainly there is an emotional impact. Must try to calm down. My shrink-friend says, 'Take one day at a time.' Easy for him to say."

Rule 13: *Do attempt to make a blocking of the course and the material which you want to cover.*

Ask an approachable colleague who has taught the material for his (her) syllabus and how he or she thinks the available calendar teaching days should be allotted. In addition, some casebook authors will share their notions of what materials can be shorn, if necessary, according to the number of credit hours which your course carries.

Rule 14: *Do not share the blocking outline with the class.*

Inevitably you will be inadequate to the task of setting and predicting the course's pace the first time around. If you get out of synchronization with your outline, some students will seize upon this as a sign of weakness and lack of direction. You do not need any of those feelings from the students. You have enough internal insecurities on those scores without taking it from others.

Rule 15: *The shrink is right: to minimize anxiety, take your task one hour, one day at a time.*

Let whatever happens to be your particular "perpetuities terror" wait unwatched in your mental vault. Make a liveable, realistic study schedule, and congratulate yourself when you stick to it.

Rule 16: *Do not take valium.*

Rule 17: *If you feel you must take valium, take as little as possible.*

Remember that it has bizzare side-effects, like making you smile a lot and look like Dopey the Dwarf, hardly an image you want to project, and making your loved ones unrecognizable from thirty feet away.

Rule 18: *Never read Vonnegut during a first preparation, or for*

that matter, during any anxiety attacks.

A little more of the same anxieties, but converted into anger and transferred to the students, appears in this subsequent entry:

"February 2, 1982: (Before class) Seem fairly calm although my palms are continuing to perspire. I just want the class over and behind me. Who on earth has signed up for this elective by a green teacher?

"(After class) Odd, how lackluster they seemed. A few unprepared with no enthusiasm for work. That angers me — here I am knocking myself out, and they are doing nothing. They don't even (won't ever?) understand how difficult this is or it could have been. I remember what A and B [two Trusts and Estates grand gurus with whom I had spent some time several years before] said they did with their courses: 'Throw them [the students] into the thicket, let them flounder around for a couple of days, and then lead them out — Razzle-Dazzle! Then the little bastards will be grateful to you.' Should I deal in 'Razzle-Dazzle'?"

Rule 19: Take a handkerchief or tissue with you to class.

Sweating palms are a disaster, and second only perhaps to the Heartbreak of Psoriasis, and are an occupational hazard as yet only whispered about. Perspiration on the blackboard means that the chalk will skip, and diagrams will become a hopeless muddle, thus fanning rumors that you are mentally muddled. Besides, "Effective Use of the Blackboard," whatever that means, is still a criterion in use in some schools' teacher evaluation forms.

Solace 4: Yes, Virginia, it is true that the class will rarely be as prepared and work and worry about the materials as much as you will.

Steel yourself against the temptation to unload responsibility for your fears upon the hapless students. Their panic levels probably approach yours. Sometimes what seems like surly stupidity is just plain paralysis. Their peer group also frowns on anything that threatens the group. The guy who knows the holding in a particular case is risking his status at Fred's Bar next Saturday, or the prospect of a date with Mary Lou, or worse. Not infrequently, the student you call on is suffering that day from the hangover or other personal problems like you had as a student (and regrettably sometimes still do.) In addition, many students see the classroom as a game played with a stacked deck. You, after all, are mastering two subjects each semester you teach. They are struggling with five or six. You've accumulated experience as a lawyer which they wholly lack.

Perhaps the greatest fear of all is that we are only human and

fallible after all, despite our pretentions and fantasies. Although this Mother of All Fears appears often in the pages of my journal, one entry can serve as an example from my experience.

"February 19, 1982: Abatement with widow's election: What a zoo. I can't figure some of this stuff out, even with five, count them, five hornbooks spread before me. *Am I smart enough to be a teacher*? My thoughts turn to the humanists. [The Project for the Study of Law and Humanistic Education to which I remain indebted.] Lots of confessions of distance from students, confessions about reluctance (or inability) to relate to colleagues, but I have rarely (have I ever?) heard from a law professor an admission of a lack of intelligence or fears of such a lack. We don't surface this last great feared inadequacy: It is the unspeakable. Is it there in others?"

I am now reminded of the episode with Bill after class last week. [Bill is a colleague and former teacher of mine, one of the most rigorous and scariest ones of all, who is gradually becoming the longed-for friend.] More sensitive than credited at large, he stopped me as I was hurrying back to my office lost in thought. He asked, "What's the matter?" I hesitantly shared the edges of my doubts about being smart enough to be a "real authority"; that all of the professors I had admired most were the Heavy Authorities. He laughed and said, "Didn't you ever have someone who you felt didn't do a good job of teaching?" I immediately named D., then added that I didn't admire him and didn't want to emulate him. Bill started to speak, but at that very moment, a student rushed up to me with a question, and the opportunity was lost. Tantalizing: Would Bill, the Summas Authoritatus, have confessed that he didn't always know everything? That he had midnight fears that sometimes he could only posture?

Rule 20: *Let go of omniscience as a test of good teaching. Credit your confirmed powers to ask the right questions and practice what you preach about the unraveling process of legal analysis.*

Face it, surely even Soia Mentchikoff sometimes whistled in the dark. The Myth of the All-knowing Teacher has been perpetuated by those authoritarian teachers who so controlled and manipulated their classes that they gave every appearance of infallibility. As a consequence, a whole new generation of successful, even adoring students now strive for the omniscience of their role-models and are plagued by self-doubt. Look again at the mightiest of your models: It's the Wizard pumping away at the Oz light and sound machine.

As I hope to demonstrate later, fears flourish best in isolation. Sometimes, however, a first-timer's self-doubts are fed by colleagues.

The next entry illustrates both phenomena.

"Valentine's Day [1982]: Here I sit slugging through Trusts again. After the rigidity of Wills and its slew of hoary rules, Trusts concepts are very loosey-goosey. It's all a bit intimidating because I now have a mindset from the Wills materials that there are fixed rules somewhere in this haystack. I spoke with T. [a colleague also teaching Trusts and Estates] and got a tip about a better discussion of Trusts in another casebook. That was very helpful. it was good to know he had troubles with this stuff too. On the other hand, there is the every-cocky G. who keeps insisting that all of this is "so easy." [G. is an acquaintance in teaching who has taught Trusts and Estates for many years.] I wonder if he has forgotten what the first approach to these materials was like? Has he forgotten his own ignorance?"

Rule 21: *Do seek collegial counsel but choose potential mentors wisely.*

Standing intellectually naked before a colleague can be very intimidating, particularly for a new teacher who may reasonably fear that his mental gaffes or babbling inanities will be the subject of collegial gossip over coffee or, worse yet, will be summoned up later in retention and promotion meetings.

Unfortunately, a snake or two inhabit Eden. An academic community, like probably even the monastery, has its share of pompous, arrogant, duplicitous, even vicious colleague-imposters. Some will decry your nakedness, but, unlike Adam's awakening to acknowledge, will neither perceive nor recall their own. Until you have a sense of an individual's trustworthiness, the best advise is to prepare for the seeking of advice from other faculty members as carefully as you would prepare for a pretrial conference with opposing counsel. Go as far as you can in researching a question and isolate the particular issues which you cannot resolve after study. And even as I write such advice, I am pained by its necessity.

As this particular journal entry indicates, my colleague, T., recognized in my casual comment about my difficulty with Trusts his own earlier arduous quest, and suggested a better source of explanation. But of the two things he gave me on that occasion, his empathy and information, by far the more valuable was his empathy.

In contrast, as it turned out, G. defeated me in my approaches at every turn. He betrayed my confidences, I later learned; he passed off what I thought to be brilliant, albeit cryptic, insights as his own, though I found afterward that he was parroting what a noted commentator had earlier written in a far more easily comprehensive form; and

he failed to clue me in to the existence of a companion teacher's manual, upon which he had heavily relied in his course, when he pressed me to adopt the casebook which he used. (Of course, I should have checked with the publisher, but such manuals are new tricks for us old dogs, a still non-existant resource for my other courses.)

Rule 22: When considering texts for the course, a teacher's manual is a substantial asset to be taken into account.

Only at the end of the course did I learn from a student, who had obtained a contraband copy, that there was a teacher's manual for the text which we had used during the semester. As it turned out, I was the only soul in the class who did not have access to one. It was rather like playing at Wimbledon with a badminton racket.

As with other types of supporters, teaching manuals are rarely discussed in polite company. Yet their purpose is to make a first preparation efficient. As you gain your own momentum and strength in offering the course, you will find yourself more and more in disagreement with any manual's proposed methodology and often, its conclusions about the materials it presents. But in the meantime, a good manual is the equivalent of the information lode amassed by the best of colleagues.

Rule 23: Keep a journal of your first year.

After many years of walking, we forget how difficult the first steps were; so too with teaching and recalling the difficulties of learning. My colleague T. had not forgotten, and because of my journal-keeping, I hope I can always remember my struggling as I now serve as a mentor.

Furthermore, if the stuff of teaching is taking the students where they are and leading them through the thickets, then recording your initial notions of "thicketness" will be invaluable in enabling you in subsequent years to address their misconceptions and anxieties. Besides, it makes you appear like a fabulous magician when you can say, for example, "I bet some of you think that Trust law lies somewhere east of Never-Never Land, where there are no signposts, no rules to mark the landscape as there were in Wills?" (Guilty nods all around. Wonder in the eyes.)

I have found that reaching students empathetically in their feelings about materials can open up all sorts of vistas. To push this particular example from Trusts one step further, the comparative ruleless-ness-of-Trusts perception permits a glide into a historical discussion of why and how the trust mechanism developed. (One has to be devious in slipping history into class discussion; otherwise, the old This-Won't-Be-On-The-Exam defense mechanism produces tune-out. Avoid the use of the term "history" or its cognates entirely: It seems to result only in

instant torpor for this generation of listeners.) If the students can convert their anxiety about "rulelessness" into the heady exhilaration of "flexibility," then they can appreciate the ingenuity of their English predecessors who dreamed up the trust concept. In short, they can now perhaps learn the craft of law.

Isolation

The single most striking fact about my journals of this particular semester is that only once is a conversation with another first-timer recorded. Furthermore, I suspect that this was a period not unlike all the previous years of my teaching life. Of course, I entertained and was received for social occasions with newcomers. Of course, I occasionally encountered a new colleague in school during that semester. Like most senior faculty members, I regularly engaged in the ritualized exchanges of greetings with fledglings: "How're you doing? How are your classes going?" ("Fine.") "Good. I know they are. If you need me, I'm down the hall." ("Thanks, I'll remember that. Have a good day.") "Sure, you too." Yet I had no other real conversation about teaching than the one reported in the next journal entry, my conversation with George, one of our ablest new recruits. This encounter was in fact the longest conversation about teaching I had ever had with any new colleague. (My track record since is somewhat better, I hope.) Unlike Geroge, most newcomers to teaching lack the temerity to broach the subject, and, goodness knows, I have never probed for problems in adjusting to teaching for fear of appearing overly maternalistic, among other reasons.

"March 4, 1982: I saw George tonight as I was working late at the law school. He and I were the only ones there. He said that he had left to go home at 5:30 to say "hello" to his ___ and grab a quick snack before returning to hit the books again. A group of his students had spied him leaving and called out archily, "Leaving so early? Must be nice!" He's angry about that. (*See* Solace 4.) He said he was working night and day just staying ahead of his assignments, just staying alive. We commiserated at length. Among other imponderables, he asked, 'Are we doing too much work for the students in agonizing over their perfect understanding (or lack thereof)?' Poor dear, he expected pearls of wisdom from me. Little does he know that for six weeks now, I have been a walking testament to the efficacy of Pepto-Bismol. We kicked the subject around. No solutions but a start."

Rule 24: *You should propose as a faculty policy that every*

faculty member teach a new course at least every seven years. (However, you should probably not urge this proposition until after you have tenure.)

George was a first-timer like me. And my heart went out to him as it had to no other new teacher in years. I suspect that a lack of summonable empathy plays a large role in our isolation in rank. I had "forgotten" (more likely, "blocked") the terrible tremblings of my own first years. The mere suggestion of such a faculty policy might do wonders to increase faculty mentorship.

Solace 5: Any first preparation usually results in the teacher's doing what will ultimately prove to be too much synthesis for the students.

Rule 25: Don't flog yourself for fear of "pitching the learning level too low." You should propose as an additional faculty policy that any professor who teaches only the top ten percent of his(her) class, should receive only ten percent of his(her) contract salary. (However, you probably should defer this proposal until after you are both tenured and utterly irreplaceable.)

I am only slightly satiric in making that a suggestion. The saddest truth about teaching is that your first time through a course is probably your best effort to teach marginal students: Then the presentation is, by necessity, at its most elementary level, and you are most sensitive to symptoms of incomprehension among the class members. Although finding the golden mean of a class is a very, very complex task, there is a cult within this profession that preaches that good sophisticated teaching can only occur when it is directed to the level of the class's cream, dullards be damned. That is an odd precept in view of the fact that every blessed soul in a classroom has already earned the right to be there and to be taught.

Years pass, and one's predisposition and peer pressures coalesce to produce a tendency to teach an increasingly narrow group of students. Perhaps the ultimate ironic end for any would-be teacher is that he is discoursing in class only with himself.

Not all the isolation experienced by the new teacher results from being left adrift or abandoned by colleagues. To a great extent, learning a new course is a solitary undertaking. Pressures can produce self-absorption which, in turn, feeds fears which heighten pressure. In Twain's metaphor, solitude is as different from isolation as lightning is from a lightning bug. Solitude, the scholar's milk for his heart and brain, can all too quickly curdle into isolation. I offer the next journal entry as evidence of such a silent transmogrification:"March 12, 1982:

My study plan was interrupted by an interminable faculty meeting and then again by student K. She is having incredible personal problems with a non-responsive spouse, who is undercutting her and her dreams of being a lawyer in a thousand little hurtful ways. She can't sleep, can't concentrate, but can recognize that she is lashing out at her children. She is having all of the signs of a massive anxiety attack which I would have discredited had I not seen her, nor would I have recognized it before I tackled this semester. We talked at length. I saw her evident distress two weeks ago and shrugged it off. How many others have been trying to get to me this semester?"

Rule 26: Don't forget during the madness of your early years what attracted you to teaching in the first place.

If we had been content to instruct, we would have stayed in practice and, for a much higher price, routinely given instruction to judges and juries and clients. If all we had wanted to do was to hole up somewhere and write, publishing companies and a thousand governmental agencies would have provided us with a cubby, pen, and paper.

Presumably, teachers teach to interact with students.

Unfortunately, however, the premiums of the early years of this profession are all awarded for the pursuit of those two careers unchosen. The world's view notwithstanding, ("You mean you teach six hours a week and you're considered 'full-time'?" — usually intoned with Naderesque incredulity). There is never enough time. Individual students can get lost and so can we. Try to make room for student contact out of class for whatever their worries if, for no other reason, than to keep your own values and aspirations intact for the day when you can be more accessible.

"Thursday, April 29, 1982: It is over. And how do I feel? A trifle let-down. No great feeling of exhilaration that I had anticipated. In fact, I didn't want to write about it at all until now. On balance, I feel I did a credible job with the course. The class applauded, but then they always do. Nothing unusual. Three said they really enjoyed it."

Solace 6: It is enough to walk away having survived with self-respect intact.

If in the weeks following the end of classes, you find yourself thinking about new approaches to the course for the next year, you are hooked and may, someday, sooner than you think, become a teacher even you would pay money to know.