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Critically thinking about thinking

In one of my first law school classes, we were discussing a particularly baffling topic about real property law. I don't remember now exactly what we were discussing, but I keenly remember feeling incredibly frustrated by the whole debate.

My professor began questioning a fellow student about his interpretation of the matter. When it seemed as though he had led my classmate to the correct answer, he would ask another question that would throw the whole discussion the opposite way. This pattern continued on for quite awhile. It was at this point I became convinced that this particular professor was in a conspiracy with all my other professors to avoid telling us any answer ever. Just as my aggravation was about to reach its peak, my professor pulled up a picture and asked us if we saw a duck or a rabbit. The picture depicted a shaded drawing and similar to a number of other perceptual illusions, the figure depicted is intentionally ambiguous.

Depending on whether one sees the figure as facing left or right, it is possible to see either a duck or a rabbit.

At this point the entire class began to laugh, probably more as an outlet for our frustration than anything else. But my professor went on to explain a little more about the picture.

The illusion of the duck-rabbit was famously used by philosopher of science Thomas Kuhn to demonstrate how one could look at the same set of information yet see it in two entirely different ways. He referred to this experience as a paradigm shift, which is basically a fancy way of saying that one's perspective of a thing changes.

Before I began law school, many people told me what I should expect. I am sure I took this information about as seriously as I took all

advice that was given to me as a recent college graduate. But one of the more relevant pieces of guidance was that I should be prepared to restructure the way I think.

Over the course of the last three years, I have found that to be true. This alteration did not happen instantaneously. My first year was more about cramming as many legal tenets into my head as I possibly could.

Although this enabled me to learn a substantial amount of legal theory, I was hardly able to approach the subjects differently in addition to this.

I learned a lot of things in law school: Which party the respondent is, how to spell the word subpoena without looking it up and to both hear and say the word duty without giggling. Law school imparts a lot of substantive, practical and theoretical information that it would be impossible to practice law without. But one of the more remarkable skills I have picked up is how to change the process by which I think.

Prior to enrolling at John Marshall, I had a tendency to approach arguments on a more emotional and pedestrian level that relied primarily upon imprecise language and circular reasoning.

I accepted that every problem had a right and a wrong answer. My expectations of what I assumed the correct answer to be only obscured my ability to find the answer.

Looking back, I believe this is why the first year of law school is so frustrating. The workload was insignificant, particularly when compared with my last two years of law school. I didn't have a job and my credit load was manageable. But I found myself constantly overwhelmed with what I considered an unreasonable amount of reading. Even taking into account the reality that the subjects were a

great deal more complicated than anything I had learned before, my frustration did not stem entirely from my being overworked. Rather, it was partly a result of my having to fundamentally restructure the way I have ever approached a topic.

One of the widespread criticisms I have heard about law school is that lawyers are taught not to think creatively, but I don't believe that is true. Clearly the legal profession is one that is grounded in rules, statutes and procedure. In fact, I experience mild panic when I approach a question that doesn't have a three-prong test. But despite this, the legal field provides a creative thinking process. Whether it is how to frame an argument to being able to think spontaneously in a trial setting. Although there may be a limit to how far out of the box one is able to go, the opportunity is there.

Law school has taught me many concepts. Among these is the idea that there is no wrong answer. If I am not getting the answer I want or need, I should change the questions I ask. If I feel like the answer is definitely a duck, I need to look at it until I see a rabbit. If I can't foresee how an opponent would alter the rationale, I have already forfeited. My side isn't the only side and I have to anticipate the other argument.

Looking back, I believe this is what my professor was trying to teach us. I can appreciate that although he understood the importance of teaching us the substantive topics, he was also foreshadowing the way our critical thinking would be transformed. The thought that I will be without the law school safety net shortly is an uneasy feeling. But I am more eager than troubled because I know I have the tools I need. ■

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