by Kimberly Isbell

As LAs and 3As prepared to scatter to the four corners of the country, consumer activist and former Green Party Presidential candidate Lawrence Lessig faced a standing-room-only crowd in Ames Courthouse, where he encountered the giant ship of Harvard Law School around so that it can go down in history as one of the greatest instruments of justice and systemic statutes and institutions building of any group in the United States.

“It will not be done without a critical mass of students doing it,” Nader told the audience Oct. 29.

Throughout his talk and the question-and-answer period that followed, Nader encouraged students to look at HLS and their future corporate employers critically. Nader ’58 versus The Man

What does HLS Stand For?
Recalling a speech he attended while at Harvard Law School, Nader challenged the audience to answer the question “What does Harvard Law School stand for?” “When I was here I saw the Harvard Law School as an item of immense legal resources in an urban setting of decay and injustice,” Nader said. Expressing his doubt about the potential of HLS and what it could stand for, Nader continued, “Let’s make sure that in the future the Law School becomes the luminous source of enlightenment and gives proper attention to priorities to build structures of justice.”

To reach this goal, though, HLS would have to overcome inertia and a school culture only nominally different than when Nader attended. Currently, the school is an assembled assembly line, churning out graduates to grease the wheels of corporate machinery rather than a workshop designed to craft members of a profession dedicated to the pursuit of justice, Nader said.

Nader laid the blame for this at the fact of increasingly high debt loads and a curriculum geared towards the specialized skills needed to serve the interests of corporate clients over the generalized skills that could be used to address the situation of the masses.

Echoing the concerns of students fighting for LPP reform, Nader also implied a connection to a generation of law students when they are ready to take a pioneering leap, when they still have a residue of idealism, but are forced to drop it to go to work for some huge firm in order to pay off their debt?”

Is this 1999 or 1958?

To support his contention that the curriculum contributes to the corporatization of law students, Nader quoted a few anecdotes and observations about his time at HLS.

“When I took Property One here at Harvard, I wrote an article called the Black estate. It was a prototype estate worth $1 million. In those days, and because it was a $1 million estate it had a lot of complications, and that’s what we cut our teeth on,” Nader recounted. “We went through that entire course, took the exam, and went on to other things without knowing a single thing about the probate system. It was maladministration, lotted, gapped, in terms of small estates. That is, we learned how to construct an estate plan for the rich, and who cares about the 95 percent of the rest of the people?”

According to Nader, the effects of this kind of education were understandable — and hence would tend to become smart by becoming narrow.

It demeaned the whole tradition of the bar. “We were asking her to say ‘Our cases are extremely helpful,’ said Lessig, noting that the open law seminar is a prototype seminar from the Berkman Center. “Much of our work has been to emphasize the kind of the open process,” he said. “We hope that this process can be used by others with similar suits, enabled by technology that makes it possible to litigate through open processes.”

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