



THE IRREVERENT LAWYER

Beyond the rule of law; a valuable lesson

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Sen. Arlen Specter, the late Senator from Pennsylvania, wrote in his book 'Life Among the Cannibals' that his son Shanin had "an absolute standard – do what you think is right- and (he) never deviated from it. Not ever."

Part-time professor and full-time trial attorney, Professor Shanin Specter attempts to pass on that 'gold-standard' of principled advocacy to his students at Penn Law. Every Wednesday evening, Specter lays threadbare the secrets that have led him to become one of America's finest lawyers; and perhaps the most respected as well.

As a student of his class and an attorney originally qualified from India, I've come away fascinated by his approach in class. It was absolutely nothing like what I had expected.

Successful senior lawyers in India rarely engage with students, let alone teach semester-long classes as Professor Specter does. Practical skills like the actual mechanics involved in conducting a trial, strategies to deal with tough judges and uncooperative opposing counsel etc., are expected to be learnt on the job by observing one's senior. However, there's no guarantee that the senior lawyer will take the time or effort to teach the nuances of court-craft and the procedural tangles that accompany a practice in litigation. On the contrary, in India these 'valuable skills' are closely guarded trade secrets, passed down to a privileged group of second or third generation attorneys. It is literally an 'old boys' club' for an elite and fortunate few. More often than not, this means that newly-minted lawyers are apprehensive about this career path and choose simpler options that the field offers. In the process, they miss out on the core of the profession – namely, advocacy.

Having enrolled for his class expecting a nuts & bolts primer on the procedural aspects of trial advocacy, I was in for a pleasant surprise. No two classes were similar, or even predictable. To demonstrate, for instance, what a top-notch closing speech ought to be like, the class was treated to the Montgomery County DA's awe-inspiring speech from the tragic child-abuse case involving Jerry Sandusky. This is the professor's idea of 'routine' in his class. No surprise then, that his class is always packed, students hammering away at their laptops, diligently taking notes. Being in his class though, is not easy. Keeping pace with the professor's intensity was a stressful, albeit rewarding experience for me. It becomes clear that there is an intellectual giant in the room – and if you haven't kept up with the readings, which can be immense, you might miss some of the finer points being made.

But then, one might ask, what's the big deal about a great professor or an engaging class? After all, we've all experienced excellent teachers at some point or the other in our lives. True. But this class was a big deal for me, because where I come from, the 'rule of law' and the promise of its enforcement are sporadically interspersed amongst the various other travails of life. Justice is often a luxury reserved for a select few who can afford to engage expensive legal counsel. On the other hand, Professor Specter, to me, represents an idea that success and altruism needn't be mutually exclusive of each other. Despite being at the zenith of his profession, he never allowed himself to become so 'out of reach' as to not be able to engage with stock novices in the law. Neither does he treat his accumulated wisdom and experience as patented goods, beyond the reach of others. It is this same passionate intensity that he brings to his advocacy; caring deeply about the clients he represents and the injustice he wishes to fight.

And I believe there is an important lesson in that, especially for my generation.