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A DEFENSE OF THE SOCRATIC METHOD: AN INTERVIEW WITH MARTIN B. LOUIS (1934-94)

BURNELE V. POWELL

Socrates is a doer of evil, who corrupts the youth; and who does not believe in the gods of the state, but has other new divinities of his own. Such is the charge.

Plato, *Apology*, 24

It was the first faculty meeting following Marty's death. The Dean asked for a moment of silence in remembrance and the room grew hushed. I could not help thinking, though, how much more appropriate would have been a moment of discussion. That was what Marty was really about.

The faculty was seated in the same lounge where since 1979, the year I first arrived at the law school, I could count on Marty to stroll in for his morning cup of coffee, scan the morning newspapers, and appear almost to hope to be interrupted by some question or comment that offered the opportunity to expound on just about anything. At the coffee klatsch that very morning, I had commented that it would not seem quite right for me to get through the day without a single comment about the brilliantly flowered tie I was wearing. Marty would have dated it immediately as circa late seventies to early eighties. He would have acknowledged the quality of the silk, but his real satisfaction would have been to ask, "Is this a reflection of the new retro-fashion look or did you simply run out of ties?"

That was another side of Marty—the challenging questioner. He reveled in exploring your hidden assumptions and simply took for granted that you were interested in his. The form was invariably interrogatory, but the queries inevitably revealed more about himself than might ever be gleaned from the respondent. Not unlike more than a few who met Marty, I initially thought this use of the interrogatory form for declaratory purposes bespoke of arrogance; only later did I come to understand that it was, at least in Marty's case, a form of intimacy. While ostensibly discussing the *world*—a subject about which he knew much, taking particular delight in music, art, theater, cuisine, politics, fashion, technology, philosophy, and

especially the law—the *question* allowed Marty to reach out in a way that revealed himself while inviting—no, almost forcing—the respondent to reply in kind.

To know Marty, though, was to understand that what every question revealed, what every question asked was the same: Do you enjoy the quest? Can you tell the difference between fire and smoke? Do you understand the difference between what you know and what you simply feel? And if you know the difference, what difference does it make, anyway?

I thought about these things as I drank that cup of coffee and again during that moment of silence. I thought, too, how fortunate I had been on July 26, 1994, only shortly before Marty's death, to have conducted a taped interview with him regarding one of our mutually favorite subjects, Socratic teaching. In sharing that interview as transcribed in only slightly edited form below, I do not doubt that those who knew this remarkably complex personality will immediately recognize the intelligence, wit, clarity, and forthrightness that endeared him to many, despite obvious faults. For those who know Marty Louis only as a legend among the pantheon of great personalities who have graced the halls of Carolina, I commend him to you.

PROFESSOR BURNELE POWELL:

Marty, the purpose of this interview is to focus on teaching and, in particular, your teaching style and the Socratic method. Let me simply begin with a general inquiry: When did you begin teaching and what brought you into teaching?

PROFESSOR MARTIN LOUIS:

I discovered in my first few years of practice that I was concerned more with the whys and wherefores of the law than in getting results for my clients. That suggested to me that my proper direction was into teaching, so I went back to Harvard Law School in 1963, as an instructor and to get the LL.M. degree. I came to Carolina in 1965 and have been teaching ever since.

POWELL: Did the experience at Harvard in any way influence the manner of your teaching?

LOUIS: Yes, all my first-year teachers and most of the other professors who taught me used the Socratic method. And so when I taught my first classes, which were at the

Harvard Law School, I used it also—it seemed the natural thing to do.

POWELL: What do you mean by “Socratic method”?

LOUIS: That there is a dialogue about the subject matter of the class going on almost continuously between the professor and the students.

POWELL: I believe it was Oliver Wendell Holmes who talked about teaching at Harvard Law School being done in the “grand tradition.” Did you perceive the teaching at Harvard Law School as somehow grand?

LOUIS: I enjoyed it very much, unlike many of my classmates. I thought it much more enjoyable than the straight lecture method, which was the usual style at college. It never occurred to me to think of it as grand, however.

POWELL: You indicated that some of your classmates did not find it as enjoyable as you. Why not?

LOUIS: Apparently they did not like the focus of intense scrutiny when the professor called on them. I had been a debater in high school and college and always enjoyed verbal exchange and therefore even the prospect of facing the teacher in a large classroom, even when I was destroyed by the teacher, did not really put me off to the method.

POWELL: How would you characterize this method, in terms of what it means to teach using the Socratic method?

LOUIS: Well, for me it’s just simply a matter of asking the student—usually we start with a general question and we refine it. If the student is doing well in answering the more general, easier questions, then you try something a little harder, you probe somewhat more deeply into the subject matter, and you see how far the student can go. Usually, the student will get lost or find himself or herself unable to answer the question after awhile. Then, I suppose you have to offer some hints, some helps, some rephrasing of your question in order to try to bring the student toward an understanding of what your latest question is.

POWELL: And what does the rest of the class do while you are inquiring of the student?

LOUIS: There are two possibilities: They sit there and watch and celebrate the fact that they are not the one being called on while they take notes, or occasionally I will ask

them or they will volunteer and jump in and try to answer the latest inquiry themselves.

POWELL: Why is it that you said that it never occurred to you to teach in any way other than Socratically?

LOUIS: Initially, at least, when I began my own teaching, it seemed just quite natural to fall into the style that most of my teachers at law school had used. Obviously, I picked and chose among the idiosyncracies of the style for whatever suited me. Frankly I can't even tell you what they are, but I have no doubt that there was some sort of self-selection process going on.

POWELL: Do you remember any of the professors who had a special influence on you?

LOUIS: I don't believe there was any particular one. Certainly my Civil Procedure teacher, Abram Chayes—that is the course I teach now and I suppose the course in which my use of the method is most celebrated, shall we say. Lou Jaffee, who happened to teach me Torts, was very good at it. In the upperclass years, Albert Sacks was quite good—he taught me Legal Process.

POWELL: You mentioned Lou Jaffee. He has a reputation as a very cerebral, theoretical academic. On the other hand, Chayes, at least by some, is regarded as someone who has an overwhelming command of the details of litigation and strategic planning in litigation. How can those expressions of personality play out in the classroom?

LOUIS: I think you've described one of the salient characteristics of each teacher quite accurately, and I frankly found both appealing—trying to deal with Chayes's flashing assaults on your answers, or Jaffee's much more cerebral destruction of your answers. Either way, it was enjoyable to battle with them.

POWELL: In doing that in the classroom, did you as a student feel as though you were confused or out of your depth at any time?

LOUIS: Oh yes. I remember incidents in which each of them destroyed me utterly. My reaction was, I hope you'll never do that to me again, but I came back for more the next day.

- POWELL: How can a student learn in an atmosphere where they perceive themselves to be under assault—to have this feeling of being destroyed, as you've characterized it?
- LOUIS: Well, it's a friendly assault. It's like playing tennis against the pro. Every now and then he'll hit one by you just to show you you left an opening. I don't hate my tennis pro because he demonstrates to me that I didn't do it right and I was vulnerable to a passing shot.
- POWELL: But wouldn't it be a lot more comfortable for the students simply to have you characterize the situation and tell them what it is that they're supposed to learn from that situation?
- LOUIS: It may well be for many students who obviously do not take well to the Socratic method. For me, someone who had been a debater, who had grown up in a tradition of oral disputation, this was all friendly, and we knew it was friendly, and there was never the slightest thought in my mind that either of these two teachers was going beyond the line and being intentionally nasty, intimidating, or trying to score personal victories over me.
- POWELL: But does your answer suggest that it takes some special training as a student in order to be able to appreciate the Socratic method?
- LOUIS: I have no idea. It came to me naturally, as I say, because of my background. I had always assumed other students understood that this is what was going on. In fact, there were only one or two teachers or incidents in my first year where I thought the professor had gone beyond the line. These were quite rare and very short, and it seemed everyone understood they'd gone beyond the line, but for the most part I didn't sense the students felt that there was something personal in this. Besides, we were learning to argue, and argumentation is in essence a kind of civilized battle. So by definition it was a battle. Granted, the professor is better at it and you're supposed to lose, but when I go up against my tennis pro I expect to lose also. It's a question of me trying to get better by playing against superior skill. Now, I expect my tennis pro not to play to his full ability because it may be too much for me, but to pressure me sufficiently, and as a Socratic teacher that's what I would try to do. Besides, unlike the real world, I would

constantly be giving my students helpful hints when they got stuck on a question: I would rephrase the question, I would offer sidebar pieces of information or advice that might help them answer it. And so it wasn't, obviously, a true battle in which one of us tried to emerge the true victor and the other the bloody loser.

POWELL: One of the criticisms of the Socratic method has been that it does not take into consideration that different students learn in different ways.

LOUIS: I understand that; but I am prepared to defend it as, in my experience, a superior learning method for most students.

POWELL: Did you come to law school with the expectation that your professors would teach Socratically?

LOUIS: I don't recall. I don't know if I knew that much about law school. I had never visited a law school or attended a law school class.

POWELL: But by the time you got to Harvard for the LL.M., you must have had some notion what went on in classes.

LOUIS: Of course: I'd been through three years of it at Harvard Law School to get my LL.B.

POWELL: And at that point, was it your expectation that most professors would use the Socratic method?

LOUIS: Yes, certainly, once again, in the beginning courses. There was some lecture in the advanced courses. In fact, there were one or two professors who were mostly lecture. But even in most of my advanced courses the professor talked to the students most of the time.

POWELL: I want to turn in a moment to the issue of what the general method of teaching is. But I want to stay for now on the issue of different students learning in different ways. One of the things that has been said about the Socratic method is that it is a method which developed at a time when law students were predominantly male; that it is an inherently male-oriented, aggressive style of interaction; and that one of its faults is that the modern law school is made up of close to fifty percent women.

LOUIS: I believe that, as a statistical matter, perhaps in the beginning when women started to come to law school in numbers, more of them were reluctant to speak up in class and, if you will, to do battle. I think they've been

acclimated to it and I find almost no difference today in the general case between my female and my male students. And so if it was a cultural thing I find it of no consequence today.

Coincidentally, I'd like to interject here that there has been in your questions an assault on the Socratic method, but you've yet to ask me why I think it's good or why I think, as I said earlier, that in the generality of situations it is a better way to learn.

POWELL: That's a fair comment. But we are headed toward the question of why you think it is a superior method. Let me ask one additional question along the present lines. What of the assertion that today's students simply are more prepared to learn in quick sound-bites? The characterization has been that this is the MTV generation—a generation that has grown up on television, which learns visually and by having information provided to them in small segments and then reinforced. How does the Socratic method address that?

LOUIS: Well, I believe that if that's the way they learn then they're going to be totally inept at the law. The law is a deeper subject matter; it requires sustained thought and analysis. And I think one should welcome Socratic teachers who break the mold and get the students to realize that some aspects of life are more complicated than others and that quick sound-bites simply will not do. And if there is some culture shock at the beginning because of the changeover, so be it. But there has to be a changeover.

POWELL: I'm ready now to go into the question that you've already put to yourself: Why is it a superior method of teaching?

LOUIS: Several reasons. In my second year of law school, I finally had a lecturer who simply told us about the subject matter of the course day in and day out. Every one of us dutifully took notes from the beautifully prepared lectures and a week before the exam we pulled them out for the first time and gave some thought to the course. We learned enough to get by, and within two weeks forgot everything we'd ever learned. Contrast that with the other courses in which the Socratic teaching had awakened our interest, caused us to discuss

the subject matter, to learn it as we went along and to stay on top. I found the lecture method, particularly for me, to be a total failure. So naturally I stayed away from what I thought was the total failure of teaching style.

In addition, what I've discovered in my teaching is that students at the level I teach for the most part can learn the legal principles or rules—whatever we want to call them—and can learn to look at a fact situation and haul out the appropriate set of rules for the particular fact situation. But when it comes time to applying the rules in a careful, precise manner, to seeing that a situation falls between two rules and why it should be closer to one than the other, they fall apart, most very much and some totally. Thus, this is the area of law where they have the most difficulty learning. This is the area that separates the good lawyers from the bad ones, or from the mediocre ones. This is the area in which they need the most help. And the analysis of a problem or a case—which is merely a problem with a tentative solution offered by the judge who wrote the decision—is in my experience the best way to train them in the most difficult art of all, which is deep analysis.

POWELL: In the process of this deep analysis, however, isn't it true that the student is quite often not going to know what they have in fact learned? You pointed out that at the end of the day, you could remember what went on in the course and the nature of the discussion. But during the course isn't it the case that the students are going to be terribly uncomfortable seeing you, to use your earlier analogy, swat the ball by them because you're the superior tennis player?

LOUIS: That's unfair. I said that, on occasion, it is necessary for the pro to hit the ball by you to demonstrate that you've put yourself in an untenable position. A pro who simply, as I said earlier, hit the ball by you all the time and simply made you feel inadequate is a poor teacher. It is necessary, however, to put some pressure on the student as the student is attempting to deal with the problem—pressure in the sense that if they're off base, you have to tell them. If they're getting closer you have to tell them. If their analysis has a logical hole in it, you

must tell them. In other words, they have to begin somehow to learn the difference between what is good analysis or argument and what is bad. And it doesn't do you any good to paper over bad analysis with something reassuring: if it's bad, it's bad. Now you don't have to do it in a nasty tone. But it seems to me that if I'm paying my money at law school, I want to know when I'm doing things wrong. I should add, if I had a tennis pro who gave me a lecture on how to hit a serve and said, "Well, go ahead and use it," and never watched me practice, never made on-court corrections as I attempted to use the lecture to learn how to hit the tennis ball, I would fire that tennis pro immediately. There is a difference between *hearing* principle, as rules, and learning how to apply it. And the application is the difficult part. You need hands-on teaching help in learning to apply and to my mind that's what the Socratic method is. Now looked at that way, it is not a battle; it is simply someone standing there helping you learn to do it right.

POWELL: You pointed out earlier that there was a presupposition to some of my questions. Let me suggest that there may be a presupposition to your answers, too.

LOUIS: Well of course. I like the Socratic method and naturally I'm defending it just as you seem inclined to challenge it.

POWELL: Well one of the presuppositions, is it not the case, is that it is going to take a considerable amount of time for that professor to master the technique.

LOUIS: I haven't said anything like that, and I really don't know if it's true. It came to me fairly quickly, fairly naturally. There were lots of things I had to learn about being a teacher, and some of them had to do with the Socratic method. For example, you had to learn to recognize when a student was becoming so frustrated with his or her inability to probe that you just had to let him go. But I don't know whether it requires extensive training; to some extent all of us have seen it in operation in law school from our own teachers and have some sense of what it is all about. Now that doesn't mean this law school shouldn't offer new teachers some

demonstrations, which for the most part we haven't done.

POWELL: If you were going to offer such demonstrations, what would they be like?

LOUIS: A group of new law teachers would watch me teach a class; after it was over we would all sit around and discuss what I had done and why I had done it, what I might have done better, what I might have done worse.

POWELL: Did you go through any such process?

LOUIS: I was allowed to teach two hours at the Harvard Law School while I was an instructor. One of the great Socratic teachers in the law school, Benjamin Kaplan, sat in the back of the room and he critiqued each of my two hours. I also knew a number of the students in the class and I asked them to critique my two hours. But that was all I had before I got here.

POWELL: Let me ask you to imagine that you are a new teacher and you are beginning to teach during that first semester, and you have a choice whether to proceed Socratically or whether to proceed by lecture. Wouldn't it be a wiser decision to proceed by lecture, given the fact that the professor can have substantially greater control of the classroom as a lecturer than one can flying without a safety net as a Socratic teacher?

LOUIS: It's certainly easier to lecture. There are certainly fewer dangers involved. It is clear students often do not like the Socratic method, and thus you'll get bad reviews if you teach that way. So there are a number of reasons for playing it safe. But the kind of people you hire to teach in a quality law school should not be thinking only about playing it safe. They should be thinking about effective teaching, and I'm persuaded that one will teach more effectively in the first year by not lecturing. The students need help, they need practice in the various skills of the course, and they can only get it if they perform in front of their classmates and in front of the teacher. On top of that, lecture is boring as hell, and I didn't come to law school to stand around and bore myself talking for a straight hour.

POWELL: When you say that you are persuaded about the effectiveness of Socratic teaching, is this an article of faith or

do you have some empirical evidence that you're relying on?

LOUIS: Unfortunately, I can't prove it. It's only an article of faith based upon my experience, particularly in my one or two responses to a lecture course in law school in which I paid little or no attention to the entire course until the examination.

POWELL: What is your sense in terms of what the academic community is saying to new professors about whether to teach Socratically, or whether to teach by lecture, or whether to teach by some other method?

LOUIS: It is clear to me that the Socratic method is dying. I think it is dying because an increasing number of young law professors are playing it safe and because we've given much more power to the students to express their unhappiness with the Socratic method because, to use their expression, they'd rather worry about learning the stuff effectively in practice than finding out now that they are ineffective at it. That's what they tell me.

POWELL: They don't *literally* tell you that?

LOUIS: They literally tell me that. When I say to them, "If you don't practice now and smooth out your mistakes, then you're going to do it later in front of a judge and your client," their response is, "I'll do it later." And my response is, "No, you'll learn it now because that's the proper way."

POWELL: Do you think that this has been an experience that has been shared by your colleagues—that is to say, that the students have simply told them, "We'd rather learn it later"?

LOUIS: I have no idea what they've told my colleagues. The general sense I get is that they'd rather not be bothered now and they'll worry about it later, even though it's the real thing and their careers are on the line.

POWELL: What could be done to keep the Socratic method from dying?

LOUIS: Enlighten deans and full professors to urge young professors to teach aggressively and promise that they will understand when the teaching evaluations are less than glowing because they haven't spoon-fed the students. Unfortunately, there have been lapses in that in this and every other law school, and as a result young

professors seem to be taking the safe route rather than the engaging route.

POWELL: You seem to be suggesting that it is your sense that Socratic teaching is not only dying here at Carolina, but that it is a phenomenon that is taking place nationwide. Is that a correct inference?

LOUIS: Yes, it is.

POWELL: So you believe that law schools are failing rather systematically in terms of supporting and encouraging Socratic teaching?

LOUIS: Yes, I do.

POWELL: Do you think that there is any likelihood of turnabout, either here at Carolina or at law schools nationally?

LOUIS: The wheel always turns. I see no evidence that it is about to turn at Carolina.

POWELL: What would it take to make it turn?

LOUIS: Initially I think it would take a dean dedicated to teaching somewhat along the lines I am. Obviously it cannot be exactly the same. And it would take enough faculty support to get a new wave of enthusiasm for rigorous academic approaches to learning.

POWELL: In terms of the Socratic method, you've talked thus far about Socratic teaching primarily in the first year. What about in the upper-division courses?

LOUIS: It gets more problematical there, depending on the nature of the subject matter. I have no difficulty using the Socratic method in both my Antitrust course and in my Federal Jurisdiction course, and my students enjoy it there. They have told me that it comes closer to what they expected law school to be than almost any other course they have taken in the upper-class years where there is a great deal more lecture. In some of the upper-class courses there is a lot of statutory material to cover, regulatory material to cover, and some of that really doesn't lend itself very nicely to the Socratic method. There sometimes are just hundreds of pages of background text and in that situation the professor just has to do a certain amount of lecturing to, in a sense, cover over what the students are being told to read. I do that myself in a few areas in my courses. So one cannot lay down for these kinds of courses the mandate that the Socratic method be used. I think, however, that

in all these courses there comes a point where there are key cases and concepts and where time should be spent digging into what they are. Where major issues are on the table, I think the Socratic method can be employed as usefully in the second or third year as in the first.

POWELL: Do you see any benefits of Socratic teaching outside the classroom? That is, quite often Socratic teaching is talked about in terms of the give-and-take between the professor in the particular classroom and the students' preparation for the particular exam. But what about in the larger law school context? Is there any benefit that you see?

LOUIS: Only in this sense: I am a great admirer of Learned Hand. And having just recently read his biography by Gerry Gunther at Stanford, I recall Hand was probably most notable because he was such a skeptic—because he always understood that he didn't understand. He always understood that problems were difficult and one could only go so far in understanding or answering them, and that one should eternally approach any difficulty with the understanding that it is difficult. It seems to me that the Socratic method helps to induce that kind of cautious skepticism, that kind of lack of egotistic belief that one understands fully the nature of a difficult situation and to that extent I think that the Socratic method—if the lesson is learned—could carry over to life in general.

POWELL: Do you believe that it is in fact carrying over?

LOUIS: Probably not, because there aren't too many Learned Hands in the world who are wise enough to know that they don't understand not only everything but anything.

POWELL: Marty, you made reference to the risk that the young teacher takes when that teacher decides to proceed Socratically, and one of the things you referred to was the negative evaluations from students. I would like you to elaborate a bit on that. What *do* you think about the student evaluation process?

LOUIS: I have never opposed student evaluations and I have always read mine, simply because if enough students spot the same fault in your teaching, you have to pay some attention to it. On the other hand, we learned early on that student evaluations took predictable

courses *en masse*. And one of them was that any teacher who pressed the students Socratically in class would get more complaints, would usually, if numerical scores were kept as we did initially, get lower scores. And to my dismay, there were occasions when in full-professor tenure and promotion meetings the chairman of the committee was stupid enough to give the gross score of the candidate without revealing what was high and what was low, that the person was a Socratic teacher or was a lecturer. I used to jump in and ask for further information along these lines so that the candidate would be more fairly evaluated. So one has to be very careful about the evaluations simply because the bulk of the students in the large class will tend to prefer the easy, less disputatious, less contentious method of teaching, and as a result it can discourage a young teacher from being a forceful Socratic teacher, to the detriment, I believe, of the students.

POWELL: Is it also to the detriment of the law school?

LOUIS: I believe so.

POWELL: I have asked you whether you believe Socratic teaching has any larger impact, outside the classroom. I recall that you responded by pointing out that the Socratic method of teaching is aimed at promoting effective oral communication. I'd like you to elaborate on that: What do you see as the connection between what is going on in the classroom and the more general desire to develop effective oral communication skills?

LOUIS: I should say that my primary goal in the Socratic method is to develop good analytical thinking on the part of the students. Nevertheless, in the process of the Socratic method, the student is required to state ideas and, sometimes, to defend them. Many lawyers, if not most, at some point in their careers must get on their feet and represent a client with effective oral communication. In that sense, the Socratic method represents, as does Moot Court and certain other law school activities, an effective training ground for those students who unlike me were not polished debaters when they walked into law school and in fact were almost fearful of standing up in front of a group and making a speech. I see nothing wrong with getting a little practice in oral communication while

learning what I think is the core of the matter, and that is analytical thinking.

POWELL: Do you think that the modern law school does enough to promote effective oral communication?

LOUIS: It's hard to say. Moot Court is not as popular now as it used to be, but certainly that was a training ground—a most explicit training ground—for that kind of ability. Beyond that, I don't know how many other law school activities are directed at speech or oral communication or forensics, to use the more general term, and to that extent perhaps we could spend a little more time on it because I think it is as important a tool of the lawyer's kit-bag as negotiation, conciliation, and all the other, shall I say, more popular skills that we talk about these days.

POWELL: Have you given any thought to other things that we might do beyond the Moot Court program?

LOUIS: Actually, no. Until you brought it up it never occurred to me that they don't get that much practice. Obviously, one way or another most lawyers seem to learn. The question is, how ineffective are they when they are very young and they haven't learned it in law school?

POWELL: You mentioned to me, in another context, an example of a law student with excellent oral communication skills. I recall that it was your roommate, Harrison Goldin.

LOUIS: In my college days, I had a friend, also a debate partner, who ended up as the Controller of the City of New York. He was such a skilled public speaker that he used to entertain his roommates in his first year by producing an effective speech on any subject they gave him fifteen seconds earlier. But this was what people like him and like me had learned to do because we had done so much debating and public speaking in our high school years. Obviously, that gave us a slight advantage as lawyers. Somehow, I think most lawyers learn to speak well enough in public, but obviously, as I said, other than the classroom and Moot Court, there doesn't seem to be any particular program in law school aimed at the necessary practice. Obviously, to the extent that students debate legal issues back and forth, they practice. Perhaps that is the most important training ground.

- POWELL: Let me test Harrison's approach with you. Let me give you fifteen seconds to think about some subject matter, and then have you take me through a Socratic dialogue in the Marty Louis tradition. Are you up to that challenge?
- LOUIS: I could certainly do that, but you must understand that you're changing the game. My roommate would give an impromptu speech about any topic fifteen seconds after it was suggested. Now you're suggesting that I conduct an impromptu Socratic dialogue, which presupposes that you will be knowledgeable enough to answer the questions. Obviously, if we do it on a legal topic with which we both have familiarity, it can be done and I would be happy to do it.
- POWELL: Well, without presupposing that I have enough knowledge to respond to you, I'm up for the challenge if you are. Let's suppose we take the topic of judicial review—what the judge is to do when the judge is confronted with a statute which has been written in unclear fashion by Congress—they haven't really made it clear what an agency can and cannot do and the matter is now before the judge.
- LOUIS: All right. Mr. Powell, we're talking about statutory construction today. And obviously the first question is, what is the central beacon or guiding light when you approach a new statute?
- POWELL: The first thing that you do is read the statute as closely as possible.
- LOUIS: And when you read it, is that your principal guide-light—what it says?
- POWELL: Once you've read it, then you are trying to determine what it is that Congress wants you to do with that statute.
- LOUIS: Well, what Congress wants you to do could be gathered from a variety of sources—for example, the legislative history of the statute—but having read the statute carefully, is there something in what you have read that is your principal guide?
- POWELL: The principal guide would have to be my divination as clearly as possible of what my role is as an officer who has to carry out some function under that statute.

- LOUIS: Well now you're putting it from the side of the person who is reading the statute. What I'm asking is, why do you read the statute so carefully? What is the sign post or the clear guideline that you expect to get from the careful reading?
- POWELL: You read the statute very closely because as an officer—let's assume now that I am with a government agency, and am trying to decide what my responsibilities are—I only have the authority to do what Congress tells me that I can do. So I must read the statute very closely to understand what I am allowed to do and not allowed to do.
- LOUIS: Are you suggesting to us, then, that the primary guidance in a statute are the words and their ordinary linguistic meanings and constructions?
- POWELL: Well, yes. I am suggesting that.
- LOUIS: And if the statute says "blue," you're not entitled to say "green."
- POWELL: If the statute says "blue" and *also* says that I am not entitled to say "green," then I am limited to that instruction.
- LOUIS: You mean to say that if a statute says, "Hereafter all blue balloons are banned," you still have authority to ask whether the statute bans green balloons, even though they're not mentioned?
- POWELL: No, I mean to say that I've got to decide what Congress meant when it said "all blue balloons are banned."
- LOUIS: And if the words are clear, "blue balloons are banned," are you not bound by the clear linguistic construction of the words?
- POWELL: If the words are clear, then I am clearly bound.
- LOUIS: Then the problem we wish to address today arises only when ordinary linguistic interpretations of the words given create some form of ambiguity, which cannot be resolved by ordinary linguistic construction.
- POWELL: That is correct. We have to assume a troubled case in which there are at least two competing notions of what the statute says I am obligated to do.
- LOUIS: Let's think for a moment about the reasons why a statute would be ambiguous, as we have defined it. Obviously, one possibility is that those who wrote it just

didn't see the possible ambiguity. Can you think of any others?

POWELL: Another would be that they saw the ambiguity but did not wish to resolve it, and thought that it would be better to pass the buck to somebody else.

LOUIS: So we could have a situation in which Congress deliberately used ambiguous words because they were reluctant or unable to solve the problem or perhaps [fearful] that they would rouse too much opposition.

POWELL: Yes, they might have intended to pass the buck, not to the court, but to the administrative agency.

LOUIS: The question now becomes, in resolving the ambiguity, what is the poor reader of the statute to do? Are there any first principles, any first places you might begin to look?

POWELL: I would certainly want to look wherever I could to find an indication of what Congress thought it was doing. My first principle is that I could only do what Congress tells me to do. I think that the next principle in a situation of ambiguity would be to ask, what was it that Congress thought that it was doing?

LOUIS: And how would you ascertain what Congress thought it was doing? What materials would you look to? Would you, for example, call up some congressman who was a lead actor on the legislation and ask her what she thought?

POWELL: I think that's fair game. To the extent that that congressperson has expertise, I would at least want to know about it if it was available to me. I don't think that that would be binding, however.

LOUIS: If you were one of the 300 other congresspeople who took a different view of what the statute intended, would you be upset if only someone from the other side were telephoned by the person that you represent?

POWELL: I don't think that I would be upset, but I would certainly be concerned that they also had my view.

LOUIS: Is there a danger that the person you called, for example, might have been someone who wanted the ambiguity cleared up and who gladly seizes this opportunity to tell you that that is really what they had in mind, even though he or she knows they didn't have the votes for it?

- POWELL: Well, that danger is clearly there and I think that's the reason why I responded that if the information were available I would want it, but I would not consider that to be very determinative. I think it would just help me in the process of thinking it through.
- LOUIS: Don't you find it strange that we're focusing first on post-enactment legislative history, when the traditional view is that one should look at the pre-enactment legislative history of the very committees and the debates in the Congress which discussed the legislation before it was passed?
- POWELL: No, I don't think that that is strange. To the extent that the congressperson is telling me what they thought was significant about the debate, they really are telling me about the pre-enactment details.
- LOUIS: So you would find post-enactment legislative history as reliable as pre-enactment, official congressional documents, congressional reports, congressional digest material?
- POWELL: Well, I don't think I said that. I think that I suggested, rather, that I could ask Congressman so-and-so, who participated in that debate, what it was that were the key issues that were before the Congress and how he thought those were resolved. I could then also ask the congressperson to tell me where he or she thought I ought to look in order to get substantiation for that.
- LOUIS: Mr. Powell, I find it strange that you would trust the words of a single legislator who may have an axe to grind, when there, spread out in the *Congressional Record* and in the committee reports, is an open debate in which people who don't like what is being said are free to express themselves. Why don't you trust the open debate more than the words of a single, potentially much more biased person?
- POWELL: Because at this stage I am not trying to resolve the issue, in terms of Congress meant this or meant that; I am rather trying to gather as much information about what Congress could *possibly* mean. And since the legislative history is likely to be very voluminous, it would be most helpful to be directed toward aspects of that congressional debate which are on point.
- LOUIS: Even if by an interested party?

POWELL: Even if by an interested party, so long as I keep in mind that this is the view of an interested party.

LOUIS: Now Mr. Powell, in addition to legislative history, whether it's pre- or post-, is there any other general source of information you would look to in an attempt to resolve the ambiguity?

POWELL: I'm sorry: I don't think that I fully understand your question. In addition to *what*?

LOUIS: In addition to legislative history, both pre- and post-, as we have discussed it, is there any other major source or major avenue of inquiry you would pursue in your attempt to resolve the ambiguity in the statute?

POWELL: I can think of at least two. I would want to consider any commonly accepted rules of statutory construction, and I would also want to consider how the courts have dealt with problems such as this, if at all.

LOUIS: Let me ask you about one more, Mr. Powell. What I was thinking of was that sort of overarching concept we call "legislative purpose." You would attempt to ascertain what evils the legislature thought it was directing this legislation at, what goals it had, and use that as part of your effort to resolve the ambiguity.

POWELL: I see the point, and I agree. Yes, legislative purpose would be what I would look to in terms of being able to rule out certain considerations as being irrelevant, and of course, the opposite, to include certain considerations as definitely relevant.

LOUIS: Let me try a difficult case for you now, Mr. Powell. Assume a statute says that the following situations are governed by the statute: Situation A, Situation B, and Situation C. Now suddenly somebody offers you a Situation D and says, "I believe that Situation D is consistent with the purpose of the statute as expressed in its words, in its selection of A, B, and C, and therefore D should be included."

POWELL: Now that they have asserted that, I suppose that I would have to know in which role I am being asked to make that determination. If I'm being asked as an officer of the agency, charged with enforcing—

LOUIS: —Would you include D as an officer of the agency? Would you say, for example, that it is covered by the statute, and certain requirements of the statute which

are clearly imposed on A, B, and C are now imposed on D?

POWELL: I would include D if I previously concluded that D was not absolutely precluded—that is to say, that the statute didn't say A, B, and C and *only* A, B, and C. Once I had concluded that it was possible that a D case might also be included, I would then have to consider whether it would be consistent with the legislative purpose to include D. And if I concluded that it was, then I would hand down some sort of determination that says yes, the D case is included, and I would expect that a court would support me in that.

LOUIS: Any further inquiries you would make before you concluded that D was included, even though the Congress had specifically not put D in the list?

POWELL: Do you mean any further inquiries beyond determining that I had the authority to include D if—

LOUIS: —For example, would you be curious to know why D was *not* mentioned?

POWELL: I would be curious to know that, but I would also assume that I would receive some indication of why D was not included by looking to that portion of the statute that indicated that I had authority beyond simply dealing with cases A, B, and C.

LOUIS: Thus far, I have offered you nothing in the statute that suggested you had authority to expand beyond A, B, and C.

POWELL: That's correct, but I responded that I would only deal with the D case if in fact I first determined that the statute left me room to deal with cases beyond A, B, and C.

LOUIS: That was not the premise of the discussion. You're sort of adding additional premises. For example, I want to ask you, suppose you discovered that there was a significant group of legislators, who approved of A, B, and C, but would have voted against D.

POWELL: In that situation, I would have to determine whether that significant group of legislators succeeded in convincing the Congress that D ought not to be included.

LOUIS: When you say "convincing," is it enough that, politically, the majority thought they didn't want to risk a fight over D, and then left it out for that reason?

- POWELL: Ordinarily, that would not be enough. There would also have to be some—
- LOUIS: —Would you feel you could include D, if in fact you believed that it had been left out in order to avoid a fight over that particular aspect of the statute?
- POWELL: Under some circumstances, yes, I would conclude that I had that authority.
- LOUIS: The will of Congress was that D would not be in the statute because they didn't want to risk a political fight, and yet you as a judge or an administrator feel you have the right to put it back in?
- POWELL: If Congress responded that we don't want to deal with D because it is contentious, but left any authority with me as the agency official to include D, if and when that case came up, then of course I would think that I had the authority delegated to me indirectly, and I would exercise that authority.
- LOUIS: You keep harking back to some additional place in the statute where they give you this authority to expand the statute. Generally speaking, I am unaware of such provisions in statutes, and I haven't given it to you, and I would prefer if you would construe the statute without even assuming that such authority is present. For example, assuming there is no such authority, tell me, what is your best case for including D—interpreting the statute as if D is included—and what is your worst case?
- POWELL: Okay. When you say "assuming there is no authority" for me to deal with D, I take it that you mean "assuming there is no *express* authority" to deal with D. In the absence of express authority, my best case would be that it is somehow necessary in order to carry out the larger purpose of the statute—that it would be irrational not to include Situation D. I would also have to make an argument that the mere fact that it was not expressly stated is not inconsistent with a finding that I nevertheless have the authority to address it.
- LOUIS: Would it help or hurt your case if D never came up before the legislative body?
- POWELL: I think it would probably help my case if, in fact, there were other indications that the overall purpose of the statute would be advanced by including D.

- LOUIS: I don't see that as a straightforward answer to my question. My question was whether it would help or hurt your situation if apparently Situation D had never been discussed or never came up and for all we know the legislature simply missed it.
- POWELL: Again, I would respond that it would help the case if in fact there was no indication that Congress expressly intended for the D case not to be dealt with.
- LOUIS: Would it hurt the case if D had in fact come up—if it was apparent that they were aware of D, and yet failed to include D in the list that had only A, B, and C?
- POWELL: That would hurt the case. But I don't think that it would be determinative. It would simply make it more difficult to find that D could be included.
- LOUIS: Would it further hurt the case if it was clear that a body of those who had voted for the statute as it had passed opposed D?
- POWELL: Could I ask what you mean by "a body"?
- LOUIS: A significant number or percentage of the legislators who had voted for the statute, nevertheless opposed and would have voted against the inclusion of D.
- POWELL: I would say that that would, again, hurt the case for including D. But yet again, I would have to ask myself, if Congress was so persuaded that the D cases ought not to be taken up, why didn't it include the prohibition that that significant body of Congress wanted in the legislation? I would wonder whether the failure of Congress to speak directly to that point at the time of its ultimate passage was an indication that Congress was aware of the dissent, but that the dissent was not strong enough to win legislative expression.
- LOUIS: Mr. Powell, it seems to me you've stated a most dangerous principle of statutory construction: that Congress is required to say "No" to every case to which it doesn't want you to extend the statute, and that it is not sufficient for Congress simply to write a statute in which it says "Yes" to certain things. Doesn't that give untoward power to those who construe statutes, and in effect weaken the general principle that the legislative voice is supreme?
- POWELL: No, I don't think that it does, because there are two caveats that I would attach. One is that whatever

determination I come to has to be consistent with the legislative purpose. So if in fact inclusion of D would be inconsistent with the legislative purpose, I would have no right to include it in any event. The other point that I would make is, I think, more important: In a circumstance where Congress has delegated to me, as an officer of the executive branch, the responsibility to make a particular decision, I have got to respond since it is impossible for Congress to identify and include or exclude every situation, address every variable. What Congress is doing when it delegates to me is inviting me to apply my expertise as an executive officer.

LOUIS: Mr. Powell, you're making some rather interesting assumptions. By definition, anyone in the executive branch must enforce whatever statute his or her particular department—I see no occasion for the use of the word “delegation,” which is a legal term of art, suggesting additional power on top of the simple implementation and enforcement of the statute that is involved.

POWELL: I didn't suggest additional power. I only suggested that, due to the indeterminacy of language, there is always going to be ambiguity, and that in those circumstances where Congress has by necessity, almost, created ambiguity, the person who is best able to resolve that ambiguity in a disputed case ought to be me, the executive officer, who has the expertise, and not the courts, and not the Congress. The court ought to review my exercise of expertise, and make sure that it is in fact consistent with the statute. But if the court believes that I have reached a determination that is consistent with the statute, even though it might not have been a determination that the court itself would have reached, I think the court ought to defer to me.

LOUIS: Well, you're stating a fascinating principle that has been the subject of up and down debate in the United States Supreme Court. I think we're going to cut it off here with the simple statement that I do not trust executive officers, I do not necessarily believe they have expertise, they are often not disinterested as a court is, and I prefer to leave to courts the final judgment as to what statutory construction is. But obviously you have a different point of view.

- POWELL: We have just completed an exhilarating example of Socratic dialogue. And now I am wondering what it takes to get to that point. For instance, when you teach a class, what do you do in order to prepare?
- LOUIS: I simply go back and review my notes, which represent, in half-outline, half-written, a statement of the points and the insights that I think are most valuable. Usually they are in order from the most basic up to the most esoteric. In theory, at that point I could also begin to prepare questions. I once dropped in on the great Henry Hart before a class, and there he was, striding up and down, practicing his questions to the wall, even though we all regarded him as a god who obviously didn't require any practice. The truth of the matter is I don't practice my questions. I have enough faith in my impromptu forensic skills that I can simply look at my notes and make them up as I go along. Obviously that creates the problem of ambiguity or unclear questions, but then I hope that I can always clear that up if it becomes obvious in the course of the discussion with the student that the ambiguity exists.
- POWELL: Do you have any sense of how much time is typically involved in preparing for a particular class?
- LOUIS: It varies greatly. For some of my courses, like Civil Procedure, which I've now taught for twenty-five years, in theory I could teach a workmanlike class after a rather brief review of my notes and a sufficient reading of every case so that I know exactly what appears and where in the casebook. However, with a newer course like Federal Jurisdiction, there are still days in which on the more difficult topics I feel a whole day's preparation is required to go back and read more primary things, like law review articles, simply because the subject matter is deep enough and I feel the need to steep myself in the subject matter again. The important thing for me is that when I walk into the room, I feel content that I have a working feeling for whatever the problem is and that I can begin to make my questions.
- POWELL: Implicit in that response is the suggestion that over a period of years, you get better.
- LOUIS: Well, yes and no. You certainly do learn what *not* to do. Whether your questions improve, whether you are

sharper, I think is a function of a given day. Some days you're hot, some days you're not, some days you have a student who is responsive, most days you have a student who can barely respond to the easiest question, and you just simply have to start making up easier and easier ones until basically you almost give the answer in the last question you put. So a good Socratic dialogue depends on whether you're on that day and on whether you have a student who at least can give you something to play with.

POWELL: Do you tend to focus your questions on a particular student, or do you address questions to a number of students?

LOUIS: I tend to call on a specific student and start with the student. If the student is in trouble, I may seek aid from the student sitting next to him or her, I may seek an answer from the rest of the class, but having obtained an answer I will usually come back to the student until I feel I've spent enough time with the student or, on occasion, the student is obviously so completely discom-bobulated by the whole affair that nothing useful will be accomplished by staying with the student. Sometimes if the student is doing well I'll stay with him a fairly long time, and I'll wake up and realize that I've been talking to him for twenty minutes, and I'll smile and say, "That was a pleasure. Thank you very much and I'm sorry I engaged you for longer than usual."

POWELL: What is it that the rest of the class is doing while this student is being focused on?

LOUIS: As I said once before, probably first thanking their lucky stars that they're not the student, particularly if the student is not doing well. If the student *is* doing well, they are probably wondering whether they could do as well or why they couldn't do as well, and obviously writing like crazy and trying desperately to hear because sometimes students don't speak up and I have to repeat the answers. Obviously the moment the student has any trouble or I want a more in-depth answer, they know I'll be looking around the rest of the room. So I would say the room can't go to sleep because I will be asking the room to help out. On the other hand, it is clear that once I call on a particular student and begin to ask that

student questions, the rest of the room does relax in the sense that, at least for the time being, they are not being called on.

POWELL: Do you identify the students beforehand? For example, do you go row by row and say "I will take the first three people on the first row today," and then take the next three the next day?

LOUIS: I tend not to. I tend to skip around the seating chart, sometimes using what is known as the "fickle finger of fate"; that is, I just simply let my hand fall somewhere on the name of a student, or let the point of my pen fall somewhere on the seating chart. If I call on a student, I will usually then go down the row. As we move toward a period when more and more of the class has been called upon, then the students know I have a habit of finishing up a row and moving to the next one.

POWELL: It has become fashionable in some quarters to use outlines in connection with class discussions. Do you put an outline on the board?

LOUIS: Not at all.

POWELL: Why not?

LOUIS: I think it's monkey-work. It really does not expand the purposes—I think students at this level can make an outline of what they've learned from their notes, so I see no reason why I should put it on in advance of what they've learned.

POWELL: Do you operate from a course syllabus that breaks down the discussions that are to be taken up each day?

LOUIS: I also do not use a syllabus. I regard that as fairly monkey-work. There's nothing in a syllabus that's educational beyond the obvious "This is what we're supposed to read for tomorrow, if we only finish the material scheduled for today today." I try to announce sufficiently in advance when we are going to be skipping around in the book. Other than that, I simply tell them to read two or three cases, or about ten pages, in advance, and that we're marching straight ahead until they hear otherwise.

POWELL: Don't the students express discomfort with not knowing precisely what is to be covered on a particular day?

LOUIS: What will be covered on a particular day are the next ten pages.

POWELL: What happens if you become engaged in a discussion that runs longer than you anticipated?

LOUIS: Then we'll only cover the first seven pages and I'll have to make up the three pages the next day, which means that it is possible that those three pages and only seven will be covered the next day, or maybe ten. There's a little bit of uncertainty, but the uncertainty simply is whether you should read one more case or less, and in most cases it isn't odious to read the case just to play it safe. Frankly, in my opinion—and this is just my opinion—monkey-work like syllabi and outlines are just simply crutches that make the students feel good but serve very little educational value.

POWELL: Isn't it an educational value for students to feel good?

LOUIS: Yes, but there are limits to how far you can go. The other great problem you have with any prepared work like this is that the students will take it to heart and regurgitate it on the exam, which drives you absolutely up the wall because that wasn't its function. Once upon a time, I gave my students an outline of a very difficult legal matter—*Erie v. Tompkins*. And so I gave the *Erie* exam question, and I got back the outline, and almost no one even bothered to look where the precise break in the outline was that the question was attempting to deal with. So I decided that if you treat them like monkeys, they'll answer back like monkeys, and if you treat them like intelligent people, you may have a chance to get back an intelligent response.

POWELL: One of the things that has been said about the Socratic method, from a negative standpoint, is that it allows you the opportunity to explore policy and ethical concerns, but that ultimately that's irrelevant to what is tested in a particular course. Because what we test in law school is doctrine, there is therefore a *disconnect* between what goes on in the classroom and what one could possibly test on in the context of a legal examination. How would you respond?

LOUIS: I will concede that my examinations tend not to raise ethical issues, even though I brought them up in class, and to that extent I suppose I feel guilty because I see no reason why I shouldn't, if I've discussed them in class. Beyond that, however, I disagree that my function

is teaching doctrine. My function is teaching them an appreciation of whatever course, with all of its difficulties and problems—knowing what the problems are and some insight into how they work out. Doctrine is something they tend to extrapolate out or get from some legal outline. I'm not certain how much of it I actually *want* to teach. But I don't see where the Socratic method comes into this: It does indeed allow me to explore ethical issues, and from time to time I notice on my evaluations some student will applaud the fact that I did raise the ethical issues. But I plead guilty to not specifically raising them on final exams, although indirectly I suppose they've come up.

POWELL: Clark Byse at Harvard Law School, a celebrated Socratic professor, used to say that students often complained about the fact that they did not know where he stood on particular issues—they didn't know where he stood in terms of what the right answer was—and he said they associated that with the Socratic method. My question to you would be, do your students know where you stand?

LOUIS: I believe they do. I don't believe it's *necessary* that they do. I would defend Byse's right to support both sides because there is an unfortunate tendency on the part of some students on final examinations to choose the answer to the question on the basis of how they feel the professor's sympathies would fall, and then to argue solely for that side, leaving out any number of juicy point-scoring arguments available to the other side. So for that reason, it might be better if they don't have a strong sense of the professor's sympathies, although to tell the truth, although I will make fun of both the liberal and the conservative side in my courses, I think my students do, in fact, have a sense of where I am or what I favor.

POWELL: Let me change directions here just slightly. I'm wondering what you think about the state of legal education in general. Let me put the question this way. The standard explanation of the obligations of a professor are that the professor devotes himself or herself to teaching, scholarship, and service. Sometimes, it has

been said that we do not give sufficient weight to teaching. What is your view on that?

LOUIS: I think this law school has always given a good deal of weight to teaching. If one could see how we screen potential applicants for teaching positions at this law school, one would see that we are extremely hard on, and normally reject almost immediately—that is, they don't even get to interview at the law school—. . . anyone who, in [the Personnel Committee's] opinion, just would not stand up well in front of a classroom. What goes on at the undergraduate level I am told is somewhat different; there, they often give too much emphasis to scholarship. We give plenty to teaching here, and therefore I don't regard it as at all wrongful that we also give serious consideration to scholarship.

POWELL: What is the relation between teaching and scholarship?

LOUIS: I think one can be a poor scholar and a popular teacher, but I think that if one is a very good teacher, in the sense that that person presents a deep view of the subject matter, then the chances are that that person will also be a scholar of some ability. I have written in any number of areas that I teach, and I'm frank to say that I always discover when I write about something that I never really understood it, although I've been teaching it for many years. Therefore, in my mind, my scholarship directly reinforces my teaching.

POWELL: Do you actually use your scholarship in the classroom?

LOUIS: Well, to use the most obvious example, the most successful and well-known piece of scholarship I ever wrote was in the area of summary judgment.¹ Obviously, since I believe I found the key to that subject in my scholarship, I teach it that way in my classroom, and of course all my students then go out and read my article.

POWELL: You suggest that it is possible to be a popular teacher without being a very sophisticated scholar. Is the converse also true, that if you *are* a sophisticated scholar you are likely to be a popular teacher?

1. *Federal Summary Judgment Doctrine: A Critical Analysis*, 83 YALE L.J. 745 (1974).

LOUIS: No, because for any number of reasons you could fail to be even a very good teacher. You might be too abstruse, too difficult for your students, you might not be able to communicate effectively; it is possible to be a wonderful scholar and yet a bad teacher, even though as a wonderful scholar one would assume that what you are trying to impart to your students is first-rate. Sometimes things will stand in the way of their getting it. Unfortunately, the obverse case comes up with some frequency—that is, it is popular to give the students an enjoyable, agreeable lecture, sprinkled not only with jokes and homilies, but with a lot of detail, and yet fail utterly to come to grips with the difficulties of the subject matter. I suspect a teacher like that will do extremely well on the evaluations and be a very popular teacher and, for that matter, often win teacher-of-the-year awards.

POWELL: Do you have any final thoughts on teaching, or the Socratic method of teaching, as we close this interview?

LOUIS: I merely want to reiterate my basic point from a slightly different angle. I believe that a good lawyer is someone who can *use* the law, not someone who *knows* the law. It's almost the difference between having lots of muscles but being muscle-bound and unable to hit the ball. I believe that hitting the ball—using your knowledge of the law to work on a particular case—is the most difficult and most important art. That is a difficult art that can only be accomplished by practice. I believe the Socratic method is the means by which the students practice that art, and practice incidentally their forensic skills. I don't think this is a black art because long before a student comes to law school, that student is engaged in a kind of debate-controversy of making points and dealing with other people's points, in everything from asking for a raise in the allowance from their parents to asking that they be allowed to stay out late tonight. Thus, we are simply polishing an art that students have learned from the day they began to talk. But it is still a difficult one in law, and I believe that a teacher who does not let the students practice in front of him or her and offer them some helpful, instructive guidelines, really is failing simply because without it the

students don't even come close to being able to deal with the subject matter, with the exception of the rare gifted few.

POWELL: Thank you very much for the opportunity to conduct this interview with you. It has been scintillating, as was expected. Again, thank you.

LOUIS: You're welcome.