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# Book Notes: How Lawyers Lose Their Way: A Profession Fails Its Creative Minds, by Jean Stefancic and Richard Delgado

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## BOOK NOTES

*HOW LAWYERS LOSE THEIR WAY: A PROFESSION FAILS ITS CREATIVE MINDS.* BY JEAN STEFANCIC & RICHARD DELGADO. NORTH CAROLINA: DUKE UNIVERSITY PRESS, 2004. Pp. 132 + Index. \$19.95 paper.

BY STEFANIA ARLOTTO

In this evocative and insightful book, Jean Stefancic and Richard Delgado confront the problem of discontent and lack of fulfillment rampant among law students and practicing lawyers. Blending historical investigation with personality theory and contemporary critical thought, the authors diagnose the root cause of lawyers' misery: the overabundance of formalism in legal thought and reasoning. While acknowledging the advantages formalistic reasoning confers on the legal profession, the authors argue that excessive formalism can be potentially devastating for the human spirit, eliminating all that is vibrant, curious, and self-reflective in one's work.

The book begins with the story of lawyer and statesperson Archibald MacLeish (1892–1982) and his unlikely friendship with poet Ezra Pound (1885–1972). The authors describe that despite his outwardly success, MacLeish was continually dissatisfied, trapped in a world that gave him power and prestige but not creative or personal fulfillment. He eventually became so disillusioned that he left the legal profession to pursue poetry and then government service. While a public servant, however, MacLeish relied on his legal skills and political connections to free Pound from an insane asylum, where he had been committed indefinitely after facing charges of treason. Turning his lack of fulfillment with the law into a meaningful crusade, MacLeish felt he had finally attained personal and professional integration.

Through this historical exploration, the authors demonstrate that epistemology and social/labour organization are inextricably linked: just as how formalism resonated with the ethos of MacLeish's time (where scientific rigor, Darwinism, and new modes of production replaced the romanticism of the previous period), so too does it dominate today. After a similar period of romanticism in the 1960s, which introduced progressive movements that made law more humane

and broad-based, formalism has regained momentum, offering cost-effective practices in a society that has become increasingly technocratic, specialized, and business-like.

In Part II, the authors summarize the contemporary afflictions that overcome lawyers and law students—from poor health to family problems, depression to suicide, burnout to drug abuse—and the causes of these afflictions (*i.e.* crushing workloads, repetitive tasks, impersonal offices, lack of stimulation, competitiveness, and poor public image), which they associate with excessive formalism. Using MacLeish's life as a metaphor, the authors make a case, on both theoretical and psychological grounds, for literature, critical legal theory, and public policy study/work as anti-formalistic tools that can inspire lawyers to integrate a successful career with a spirited, ethical, contemplative life.

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