Reforming Legal Education: a Practitioner's Perspective

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There is a vast divide between the legal academy and the world of legal practice, which often seems unbridgeable in either direction. The old adage that "those who can, do; those who can't, teach"[1] seems to have found a home in law schools around the world. This issue is not unique to a particular geographic area or a specific legal tradition.

Law faculties are not trade schools, nor are they meant to be. Yet a person must pass certain pedagogical milestones before being permitted to hold himself or herself out to the public as capable of discharging the responsibilities of a legal professional. Graduating law students must have acquired a body of knowledge and internalized patterns of thought and means of expression. Some of those things can be measured by examination, while some are more subtle and even elusive.

Many are the causes of the chasm between the spheres of legal education and legal practice. Some are purely logistical: many law faculties are understaffed and underfunded, and they simply do not have the resources to invest in the kind of personalized, intensive teaching that would be required to optimize the preparation of practitioners. In some legal regimes, practical training is expected to take place after basic educational thresholds have been crossed, which can be through a graduate degree; a specialized training facility; or a period of clerkship, articles, or internship. Often, too, students populating faculties of law have not the slightest desire or intention to practice law: they are there to acquire a certain perspective, which they plan to bring to the world of business, or to government, or to some other kind of career. To them, practice-focused courses would be an unwanted distraction.

Yet some steps might be taken to make legal education more relevant to the needs of practitioners without unduly freighting it with elements of interest to only a fraction of its consumers. First, demonstrably unsatisfactory methods of

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1 This *bon mot*, hardly beloved—for obvious reasons—by those in the teaching profession, is frequently attributed to H. L. Mencken but appears to have originated with George Bernard Shaw in his notes to *Man and Superman* (Cambridge, MA: University Press, 1903).

presenting material in classrooms, no matter how deeply embedded in tradition, can be weeded out. It is common, for example, for law teachers to present their subjects as if they constituted an arbitrary, tedious, and boring barrier that students must overcome. There is simply no reason to accept this approach to teaching, and certainly "it has always been done this way" is not an acceptable defense. That approach quite likely never worked; it will certainly not work in today's interconnected and high-tech world.

Rote learning, memorization, and repetition may have their place in certain contexts, but as a default means of education, they possess almost no utility for any student, whether a budding lawyer or not. The clichéd goal of law professors to teach "how to think like a lawyer" is often challenged by students who are all too well aware that those teaching them are not, in fact, lawyers, at least if by that term one means people who earn their living by practicing their profession, advising clients, drafting legal documents, or appearing in court. Moreover, there is no clear connection between listening to hours and hours of lectures and acquiring and assimilating any particular habits of thought.

This article asks—and with diffidence proposes answers to—seven questions as starting points for analyzing whether there is a legal education model that can be anchored in the real world of people, businesses, and government, while remaining true to the philosophical and logical underpinnings of critical legal concepts that law students must learn and know, as well as taking account of the practical constraints that law teachers are destined to face.

I must begin with a personal note. I am a professional lawyer, not a professional educator.[2] My perspective is different from that of men and women who are learned in the law and whose primary mission is passing on a set of skills or a compendium of knowledge. As a practitioner of international law in the United States, I have had opportunities to observe the legal systems of other countries, and I have been privileged to have studied comparative law extensively in law school and throughout my career. But I am no expert even in the specialized vocabulary of legal education as a subject of study in itself.[3]

2 I have, however, taught as an adjunct professor at the Catholic, American, and George Washington University law schools in Washington, D.C., as well as at Cornell and Oxford Universities. I have also been on the adjunct faculty of the Paul Nitze School of Advanced International Studies at Johns Hopkins University since 1991.

3 Nor is my paper intended to address larger-scale issues concerning legal education. In the United States, we are currently experiencing a vast oversupply of law school graduates, for whom the economy offers no serious hope of fulfilling professional employment in their chosen field. Perhaps the continuing flood of entering law students reflects a collective delusion regarding job prospects. Some analysts even suggest that law schools are deliberately creating the imbalance between supply and demand: having become a profit center for universities, law schools now have a mission entirely unmoored from the task of imparting a serious legal education, much less training lawyers of the next generation. I have nothing to offer on that score. That something is seriously amiss seems beyond doubt. But I would be reluctant to urge that law schools shut their doors to anyone eager to gain the unique perspective that such schools are—when they are at their best—well designed to impart.

With those caveats well noted, the following are the suggestions of a veteran legal practitioner about the proper role of the academy and its ideal interactions with the world of practice:

1. What skills are required of legal practitioners, and how do students maximize their chances of learning those skills? It is easy to answer this question in the abstract by invoking broad categories of activity: "reading," "researching," "writing," "analyzing." Perhaps a more progressive answer would add "listening" or "bringing perspective to legal problems." But the best answer focuses on the core function of lawyering: "advocacy." The trick is in translating such answers into an educational approach that is realistic.

In many languages, even the word used to name legal professionals indicates the answer to this question. *Un avocat*, *un'avvocato*, and *ein Advoka* by definition are titles for someone who advocates: that is, anyone who speaks and attempts to persuade an adjudicator on behalf of someone else. An advocate is given the high responsibility of (a) analyzing a legal document, (b) presenting a plea to a neutral magistrate, or (c) negotiating a relationship from the perspective of another who presumably lacks the formal training to do so. Much depends on the advocate's skill in carrying out that task: possibly the applicability of a government sanction, or the success of a venture, or the conditions under which people will interact with each other. For an advocate, it is both a heavy responsibility and a great privilege to have the well-being of others in one's hands.

It is impossible to conceive of a successful lawyer who is inadequate as an advocate. Moreover, it is impossible to conceive of a student who succeeds at internalizing legal knowledge but who cannot then use that knowledge to present the case of another person. So the teaching of advocacy must be the center of legal education, including the training of those who intend to pursue careers in business or government or the academy rather than in the practice of law. Fortunately, a curricular focus on advocacy as a skill is actually quite simple to embrace. The history of the law—decided cases, legislative enactments, negotiated solutions to problems—is itself a record of the outcomes of advocacy. Advocacy, in other words, is not only the substance of the practice of law as a profession, but also the theme that runs through the development of the legal systems under which we all live today.

Matters resolved by courts in the past are—and should be taught as—not static results, but the outcomes of dynamic processes. Students should be encouraged not merely to learn the rules that decided cases either articulate or apply, but also to understand how the courts were seized of the issues in the first place. What did the losing side have to say? After all, the position that opposed the outcome was initially defensible in theory and then defended in practice. What was the

defense? What arguments were put forward? Why were they ultimately rejected as inconsistent with existing law? Could they have been strengthened and, if so, how? How would we argue the two sides of the dispute had we been handed the assignment? What can we infer from the policies and principles that underlie the legal system from a given example?

Nor is this focus something applicable only in common law countries, with their emphasis on judicial precedent and their reliance on the doctrine of *stare decisis*. In the same way, statutory law and the contents of legal codes should be seen as the outcomes of competitions between differing interests. Why is it that a will requires a certain number of witnesses? What would happen were the law otherwise? Should blasphemy and other forms of hateful speech be treated as offenses against the body politic that are to be punished by civil authorities? What does our societal answer to that question say about the balance between individual and collective rights?

The contest of interests leading the law-making body to adopt a particular approach may reflect that political controversy and should be embraced, rather than avoided, in the teaching of law. Such controversy is a critical part of the story of how the law came to be and, therefore, is vital to an understanding of how the law is to be interpreted or applied and how promotion of changes in the law should be grounded. Students should learn to understand that what is now statutory, "black-letter" law may well have been opposed—and even resisted—by members of the legislature and of the broader society who thought it to be antithetical to other important concerns.

Such an approach would—with very little or no need for investment of additional resources—inculcate in students the notion that the goal of the study of law is ultimately the development and refinement of the skills of advocacy. Such a notion would stand them in good stead to begin to analyze real legal problems presented by real clients in the real world. Furthermore, it would in no way dilute or detour the studies of those not interested in the practice of law as a career.

2. What is the responsibility of the legal academy in training students who *do* wish to practice law? It is hard to walk the fine line between overdoing practical training and ignoring it. But there are areas to explore here. Perhaps students who know that they intend to practice law can enroll in more specific courses that will provide them with more practical exposure, while those with interests in other areas can continue to pursue those areas. There is no doubt, however, that the quality of the entering cohort of practitioners will be improved if their training in practical skills and concepts is not completely reserved for their post-degree work.

Practitioners responsible for recruiting and hiring young lawyers often debate whether to favor students whose coursework in law school has exposed them to the

specialized areas that they may need to address in practice. Certainly a graduating student unfamiliar with even the vocabulary of a particular area of practice—say, international trade—will have a difficult time finding his or her feet in a law firm whose business depends on that area. But is it helpful for that student to have concentrated on electives with a limited focus? Would such courses, while deepening his or her exposure to specialized learning, be likely to leave the student underprepared to address questions that are not so neatly circumscribed?

With very few exceptions—certainly patent law, possibly taxation—specialty is something that best takes place in professional environments, not in school. The better view certainly seems to be that to be a good international (or criminal, or environmental, or family) lawyer, you first have to be a good lawyer. Specialized classes can be analogized to language learning: it is sufficient, in the beginning, to teach basic vocabulary and the rules of grammar. Fluency comes from speaking and listening, which are not restricted to the classroom. Certainly someone who has read and understood the plays of Jean Racine will have improved his or her fluency in French, but there are other ways to achieve that same objective.

Encouraging abstract thinking about the law as a societal phenomenon is critical to imparting an understanding of what lawyers do. Hence, a paradox emerges. Sometimes the classes and coursework that seem most removed from the day-to-day life of practice—courses in jurisprudence, for example—play the most vital role in encouraging development of the skills and perspective most important to successful work as a legal professional. Teachers of such fields have a special responsibility not to treat their subjects as of academic interest only, and they should seek examples and illustrations from the real world in which lawyers interact with clients and with the institutions of the legal regime itself.

The responsibility of the academy to the profession, therefore, is not to ensure that students entering specific areas have studied those areas to the depth at which experienced practitioners are comfortable. Training programs, law firms, and government agencies can better play the role of tailoring specific skill sets to their particular needs. The educational institution's job is to increase the level of basic proficiencies—of reading, writing, listening, speaking, or in this case advocacy, which are the stock in trade of legal practice and the currency of a legal education properly conceived.

3. What level of facility in oral and written advocacy should be expected of students awarded university degrees in law and intending to practice, and how is such facility to be achieved? There is likely to be universal agreement that, as a matter of preference in an ideal world, the answer is "as much as possible." But in the actual world, in which legal educators must operate, there are economic and logistical constraints on how much can be taught and what resources would have to be invested in a sensible program to achieve this goal.

Although encouraging a focus on advocacy is to be urged above all, time should not be wasted asking students to opine about whether a particular legal doctrine or the outcome of a legislative campaign or even an executive decree is "right" or desirable. The professor's objectives should be to challenge assumptions, to make students recognize their assumptions even when those assumptions are unspoken, and to insist that positions taken in discussion or analysis be well defended. Students should explore the likely consequences of the law and how those consequences would have been different had the dispute ended differently. They should be asked, "Can we reconcile one, or the other, or both possible outcomes with higher legal principles, such as those enshrined in our national constitution? Can we reconcile them with the dictates of international law?"

The proper emphasis is on what legal premises underlie the outcome and what would have underlain the opposite had it prevailed. The legal system rests on identifying and understanding the core values and principles of the law. Only lawyers who are consistently able to understand those core principles will be able to represent their clients in more than mechanical settings, and only law students familiar with such an approach have any business calling themselves laureates in legal studies.

The ability to communicate effectively in the legal language of the jurisdiction in which a student studies the law is absolutely vital to his accomplishment as a practitioner. There can be no compromise here, because a lawyer must use words and use them well to have any prospect of success in the legal profession. A lawyer must be able to understand and use words in an intelligent and persuasive manner. If there is one metric that most directly reflects the achievements of practicing lawyers in the field, it is their fluency in the language that they must deploy for their professional communications.

There is no reason to believe that advocacy cannot be taught, even if in reality some people seem far more predisposed to internalize its rules than others. And, of course, the only way to learn to advocate is to do it and do it and do it again. Even if individualized faculty guidance is not possible, students are generally willing to help each other to achieve a level of accomplishment in the requisite skill categories. Every opportunity to create a vehicle for advocacy should be seized until effective advocacy is a habit. Again, this emphasis does not require abandoning the teaching of constitutional law in favor of encouraging students to debate their views about political philosophy.

Such a transition would be sterile at best and certainly would do nothing to promote familiarity with basic legal concepts. It does, however, require that legal principles be seen in their context as the result of, and as subject to, contests between competing claims to authenticity and correctness. Some tremendously valuable tools for the honing of those skills are moot courts, mock trials, and clinical

programs, all of which ask students to put themselves in the shoes of practitioners addressing practical problems that might be encountered in the real world.

Such programs should not be restricted to those students who intend to pursue careers as lawyers. On the contrary, if acquiring the skills and techniques of successful advocacy is seen as central to the study of law, then all who receive a law degree should have had significant exposure to that core. Presumably no student would earn a medical degree without doing basic dissections, with no exception for those who plan on careers in psychiatry (or in public policy!). The core of the curriculum and the measure of its success should be recognized to embrace this perspective.

The Philip C. Jessup International Law Moot Court Competition, which is sponsored and administered by the International Law Students Association, is a particularly effective vehicle for the promotion of advocacy training in the field of international law.[4] The Jessup,[5] as it is universally known, is the largest moot court program in the world, with 600 law schools in nearly 100 countries participating annually. Founded in 1959 at Harvard Law School, it requires students to submit written memorials and to present oral argument on both sides of a fictitious case before the International Court of Justice in The Hague. The final round of the Jessup ordinarily takes place before a bench of world-renowned international lawyers in Washington, D.C., each March. Participation in the Jessup is easily arranged, and its sponsoring organization is ready to help new participants become familiar with the basic rules.

Incidentally, not only does the Jessup provide invaluable experience in written and oral advocacy as well as in substantive law, but also it introduces law students to their counterparts and future colleagues from around the world. Other programs have begun to adopt the Jessup model, and there are now international competitions in fields such as criminal law (including a moot styled on the International Criminal Court), environmental protection, and even commercial negotiation. All of those programs are accessible, and all provide wonderful educational opportunities.

4. How much knowledge of nonlegal fields—economics, history, sociology, psychology—should be expected of young lawyers entering professional practice? The old cliché is that "good lawyers know the law; great lawyers know the judge." Perhaps this platitude was true once, and perhaps it is still true in dysfunctional systems. However, the better view today is that "good lawyers know the law; great lawyers know the context within which the law operates."

4 Full disclosure: I was founding chairman of the International Law Students Association, and I currently serve on its Board of Directors. I have also been involved in the Jessup Competition for more than three decades, having drafted six of the hypothetical disputes that are the subject matter of the contest each year. Materials about the current year's Jessup, as well as earlier competitions and lots of practical information, can be found at http://www.ilsa.org/jessup.

5 Philip C. Jessup was a revered American scholar and practitioner of international law who served as judge on the International Court of Justice from 1961 to 1970.

Law students and lawyers must familiarize themselves with bodies of knowledge not contained in legal textbooks. They must have a grounding in economics as well as in history and government. That grounding does not mean that they need to qualify for degrees in those fields, but they must be conversant in them, because without some level of comfort in discussing, say, basic economic concepts, a lawyer will be of no use to a client about to enter a sophisticated international business arrangement. Moreover, a law student's ability to understand even what lies between the cover of those maligned legal tomes will depend in large measure on his or her knowledge of the political, economic, and historical context in which legal principles were articulated, adopted, and applied.

Of all fields of professional study, the law is perhaps the one most difficult to strip from its context. Yet if one sees the law as not only one of the humanities but also a social science, with equal claims on both, one will immediately recognize the need for law graduates to feel at home in research, in analysis, and in real-life application. The former is the traditional stuff of the legal academy, but the training of the practitioners of the future requires that law faculties immerse themselves in the latter as well.

5. How should law faculties reform themselves to address contemporary changes in the world of law practice? Two such changes are of special (and interrelated) significance: globalization and the increasing reach and importance of technology. If there is an innate—often understandable—resistance to change among legal educators, those are the areas in which it is most likely to be seen. Yet they are also the places where willingness to change and adapt will be the most accurate predictor of competitiveness. Globalization virtually requires that the English language be part of a law student's education anywhere in the world, as well as a comparative approach to the law that will give the student a basic familiarity with differences and similarities among legal systems. International law is no longer a specialty but rather something with which every law student must have some measure of acquaintance.

The importance of this development is difficult to overstate. Rare indeed is the practitioner who can operate as a lawyer anywhere in the world without encountering issues that require consideration of foreign, comparative, or international law. Intellectual property, the environment, taxation, and even family law can no longer be addressed within the comfortable borders of one's own country. And the pace of change continues to accelerate. Consider these facts:

Fifty years ago, the ways in which a country treated its own citizens were thought—with only a very few exceptions—not to be of international legal concern. That view has changed.[6]

Fifty years ago, how the nations of the world traded with each other was subject to little international legal scrutiny. That thought has also changed.[7]

Fifty years ago, how nations used and abused their air and water, how they set up means of communication and transportation, how they protected their intellectual property and developed their natural resources—none of those concerns were subjects of an international legal regime.[8] That reality too has changed.

The next generation of lawyers will continue to manage changes in all of those areas and in others that we cannot now even imagine, which becomes an enormous challenge not only to law students and lawyers, but also, importantly, to law teachers if they and their work are to remain relevant.

As for technology, it is beyond doubt that computers and the Internet have completely revolutionized even the most quotidian of legal tasks, such as research or communication with colleagues and tribunals, both of which are increasingly carried out not in libraries or in meeting rooms but in front of computer monitors and keyboards. A successful legal practitioner in the 21st century simply cannot be computer illiterate. Here again, problems are posed for those who in the arc of their own educations never needed fluency in technology. But passivity in the face of such revolutionary change is no answer. The problem for educators is exacerbated when students have been developing their own expertise in the use of computers beginning at an ever-younger age. Yet teachers must be sufficiently versed in contemporary methods to be able to use them and to teach them with confidence.

6. Do law schools support—or do they even engender—biases against students intending careers in legal practice? Within the four walls of the academy, as between the thinkers about the law and those who intend to get their hands dirty practicing it, the former are all too often favored over the latter. This bias is seen in classrooms and in faculty lounges. The tendency is reinforced when those who set the rules for the academic institution themselves have no understanding of or

6 Such instruments as the International Covenant on Civil and Political Rights, which was concluded and opened for signature in 1966, demonstrate the "internationalization" of human rights principles as law, to be interpreted and applied like any other rules of law. As one judge in the United States once wrote, human rights law has been transformed by such developments, and it is no longer "a mere set of benevolent yearnings, never to be given effect." Filártiga v. Peña-Irala, 577 F. Supp. 860, 863 (E.D.N.Y. 1984).

7 Such treaties as the General Agreement on Tariffs and Trade (1947) and its offspring have imposed an increasingly normative regime on international commerce, complete with methods (even if not yet perfect methods) of enforcement.

8 Preserving and protecting our natural environment has increasingly been the subject of international conventions and regimes, including such comprehensive agreements as the ones reached in Kyoto. It seems quite obvious that threats to our planet from climate change, pollution, and overpopulation cannot be addressed satisfactorily by any one nation or group of nations acting alone.

personal experience in the world of practice. So without reversing the bias with equally unfortunate results, the task here is to restore the level playing field. There is no right or wrong way to absorb legal training, although the law faculty might appropriately feel more responsibility toward those intending to use what they have learned.

The notion that law schools should avoid teaching anything practical because the academic discipline of the law is corrupted when exposed to sunlight is simply wrong. It is a fallacy to suggest that courses such as civil and criminal procedure, evidence, or trial practice are focused on the "craft" rather than the study of jurisprudence and, therefore, have no legitimate place in the academy. Indeed, many graduates think back on their training in the law of evidence as among the most intellectually rigorous experiences of their educations.

While the undervaluing of areas of the most direct practical applicability may reflect nothing more than the biases of teachers who themselves have never traveled in the world of legal practice, it does have insidious effects on students. It passes along a value system that disrespects the use of the law for the purposes for which it was intended. It makes the law as a field of study something akin to pure mathematics: beautiful and fascinating to those few who understand it but perplexing, opaque, and hopelessly recondite to all others.

Engaging students in exercises of advocacy would help to reduce this tendency. So, too, would be encouraging students—no matter their interest in practicing law as a career—to experience for themselves the realities of law practice. Summer internships, clinical programs, mentorships, adjunct faculty—all are devices that broaden the understanding that students will develop regarding law in the real world. All would tend to offer another perspective—an important one—on law as an academic discipline. Many students in law faculties may still have no desire to practice law for a living, but they should, by the time they receive their degrees, have a sense of how their brothers and sisters who do practice spend their lives.

7. To the extent that law schools do help their students to prepare for practice, are they making those opportunities available to everyone, including populations underrepresented in the profession (such as women and ethnic or linguistic minorities)? Like all merit-based professions, the law can act as an equalizer: a door of opportunity through which all who can master the materials must be welcome to enter. Saying this, of course, is easy; living by it is hard. Yet instilling young lawyers with an understanding of the extent to which existing legal systems have helped to entrench existing inequalities would aid in the promotion of this critical objective.

In some cultures, the profession of legal practice brings significant rewards in terms of compensation, prestige, and role in society. Those engaged in the

profession may jealously guard their fiefdom against intruders, especially those from disfavored backgrounds and groups.

Although law teachers can hardly be expected to take on the task of ending prejudices and establishing utopian equality of opportunity, they certainly can play their part in promoting the practice of law as a vehicle for positive social change. They can do so by ensuring that, to the extent that they are offering or facilitating opportunities to experience the world of practice, they are being careful to make those opportunities available to all. They must chase away their own prejudices, including those, for example, regarding the "proper" role of women in the profession or in the world. They must encourage all of their students to reach their potential to the best of their ability, unrestrained by limitations based on ethnicity, sex, or physical condition.

The adjustments being proposed here have to do more with changing attitudes than reallocating resources. Indeed, much of this approach is as applicable in the developed world, where funds may be easier to locate, as it is in developing countries. But there can be no doubt that in the world of the 21st century—a world in which business, the environment, labor, investments, culture, and technology recognize no national boundaries—lawyers are going to have to be trained according to models different from those that have served for so many centuries. A key measure of the reform of legal education, therefore, will be how well the law faculty of tomorrow is preparing those who will practice law in the world emerging around us. That reform is a necessity if the role of the law itself will be preserved in our contemporary age.

Postscript: why is this important? Shakespeare is the best authority on this subject. The best testament to the importance of legal education is presented through the hooligan Jack Cade and Dick the Butcher in *Henry VI, Part II*. Dick famously said, "The first thing we do, let's kill all the lawyers."

The context of this remark is critical and is rarely explored. Dick and his friend Jack Cade are daydreaming about overthrowing the government—not only the government, but also all of the existing social order. Here is Jack Cade's platform:

> **CADE**: There shall be in England seven halfpenny loaves sold for a penny: the three-hooped pot shall have ten hoops, and I will make it a felony to drink small beer: all the realm shall be in common; and in Cheapside shall my palfrey go to grass: and when I am king, as king I will be, … there shall be no money; all shall eat and drink on my score; and I will apparel them all in one livery, that they may agree like brothers and worship me their lord.[9]

9 A three-hooped pot was a measure of beer served in public houses. "Small beer" is beer with less than the standard alcohol content. A palfrey is a pony. Cheapside was, in Shakespeare's day, the heart of London's financial district. For a "palfrey" could "go to grass" in Cheapside, the commercial core of the city would have had to be ground to a halt.

It is in response to this speech that Cade's accomplice, Dick the Butcher, replies:

> **DICK:** The first thing we do, let's kill all the lawyers.

Then Cade goes on:

> **CADE:** Nay, that I mean to do. Is not this a lamentable thing, that of the skin of an innocent lamb should be made parchment? That parchment, being scribbled o'er, should undo a man? Some say the bee stings: but I say, 'tis the bee's wax; for I did but seal once to a thing, and I was never mine own man since.[10]

So why do Cade and Dick want to kill all the lawyers? Because it is the lawyers who will oppose their scheme. It is the lawyers who will stand and defend those who would be the conspirators' victims. It is the lawyers who will ensure that promises duly made be kept, that order for the common good be respected, and that neither Cade nor any other man in England be worshipped as the people's lord.

Cade and Dick know that the success of anarchy and dictatorship requires the elimination of the lawyers. In every society in which human rights are openly violated in today's world, the lawyers had first to be silenced—to be rendered powerless, to be marginalized, to be systematically neutralized.

Law students must be trained, to the best of their ability, not to let this happen. The discipline of the law, taught in the legal academy, must prepare its acolytes for this challenge as well. They must be taught, in short, to be the kind of lawyers that Jack Cade and Dick the Butcher knew that they would have to kill.

10 Impressing a wax seal on a deed made an otherwise nonbinding commitment enforceable at law. In other words, Cade was lamenting that he had entered into a contract and was going to have to perform it.