

PROFESSOR GORDON, I PRESUME



Whenever Batman bounds into a law school class to fight crimes against the English language, it's a safe assumption that the man in black is Professor James Gordon.

For several years Gordon has used humor to help his students better understand the issues involved with securities regulation, contracts, legal writing, and other aspects of the law. Sometimes he appears as a BYU football player in a "wimp size" uniform to tackle verbosity; other times he becomes a doctor who

performs surgery on legal writing.

His humor also spills into his writing, and it's gaining attention in legal circles. This year alone his articles are appearing in six law journals: *Yale Law Journal*, *Vanderbilt Law Review*, *Texas Law Review*, *Arizona Law Review*, *California Law Review*, and *Cornell Law Review*.

"It's a remarkable accomplishment for any person to have work accepted in that many prestigious journals, but for him to have published so frequently in



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the past three years is almost unbelievable," says H. Reese Hansen, dean of the Law School.

Some of Gordon's writings are designed as straight humor, typified by his "How Not to Succeed in Law School," a gentle poke at the pretensions and realities of attending law school. The article is scheduled for inclusion in the *Yale Law Journal* this spring.

Yet more often Gordon's humor is found in serious legal documents where the humor is placed in the abundant footnotes.

In his "Dialogue About the Doctrine of Consideration," published by Cornell, for instance, he uses his first footnote as an acknowledgment, apology, and thank-you to all those who provided inspiration for his humor

Having given credit—or blame—where due, Gordon then uses a free rein ranging from satire and irony to whimsy and deliberate incongruity.

No law subject seems too sacred or too corny. In comparing the legal term "consideration" with Elvis Presley, he writes in one footnote, "Consideration is to contract law as Elvis is to rock-and-roll: the King. Revisionists, however, have questioned Elvis's greatness. They have wrestled with one disturbing issue: if Elvis is so great, how come he's buried in his own backyard—like a hamster? They address the question openly, knowing that it is legally impossible to slander a dead hamster"

When the legal concept at issue is "invalid consideration," Gordon lets the reader know the contradictory nature of the term in a footnote that reads, "'Invalid consideration' is an oxymoron, like legal ethics, marital bliss, military intelligence, civil war, postal service, scholar athlete, Amtrak schedule, interesting professor and Justice (insert the name of your least favorite Supreme Court justice here)"

Rather than using humor for mere humor's sake, he sees his embellished footnotes as a way to get his legal opinions advanced

"The humor frees me from convention and provides me with a new means of expression," he says. "With humor as an outlet, I've found a way to get my articles read. For example, some professors at other law schools have made copies of the articles for their students. I have found more freedom to write about issues important to me if I augment them with humor"

Even when a manuscript is rejected, Gordon is likely to receive some interesting attention, such as that offered for his "How Not To Succeed in Law School" text from the *University of Chicago Law Review*. The letter read, in part, "We have worked long and hard to establish a grim and humorless reputation, and we are not about to let you threaten it"

Gordon feels his humor allows him a voice of reason outside traditional methods. He stands ready to jab inferior legal scholarship.

"It's proper to use humor in analyzing certain legal cases," he explains. "This year I satirized two opinions by the Supreme Court. Often the court opinions are excellent, but when they are shoddy—especially when I care about the issues—I consider them to be fair game for humor"

But he does not consider his students that way. "I never want to inflict emotional injury on any student, and when I wonder if I have offended someone, I seek him or her out to make sure that everything is all right

"A teacher needs to be careful and calculate the risks of humor," he adds. "In the class, I tell my students I only tease those I love, and the result is an environment that works well 99 times out of 100"

At least one of his students appreciates the humor but esteems the teaching even more highly.

"To the extent that his humor keeps one interested, it's helpful," says first-year student John Rooker. "He is funny both with planned and spontaneous humor. It's never disruptive and it is enjoyable. But independent of the humor is his great teaching. I would sit in any of his classes and want to be there. He can reduce complex issues so students can relate, and his enthusiasm shows his commitment to teaching. He exceeds my expectations and is an outstanding professor."

Gordon's use of humor both in class and in writing emerges from a life-long interest in humor. He collects humor books and maintains a card file on the subject. His parents, Doug and Jean Gordon, are both public school teachers who, he says, have provided him with "good role models for delightful teaching."

He begins his classes with a topical Johnny Carson-like monologue designed to encourage the students not only to be in class on time but also to begin listening from the moment they enter class.

He continues using humor during the lecture and explains its purpose by saying, "If humor is an active part of the class, students will want to pay attention. It also shows my humanity to them, which can improve teacher-student relations.

"Of course, helping students gain a clearer understanding of the law and its processes is the primary purpose of the class. The humor is secondary to that—if you make humor the primary point, then it's just entertainment, nothing more."

But whether he's teaching law or writing about it, James Gordon's humor does sweeten the experience.

—Charlene Winters

