

Book Argues Ideas Hatched in Law Schools Are ‘Catastrophically Bad for America’

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Elite law schools are “churning out ideas that are catastrophically bad for America,” according to a new book by blogger and Cato Institute senior fellow Walter Olson.

That description is from the book jacket, and it’s posted on Olson’s Overlawyered blog. “Rights to sue anyone over anything in class actions? Hatched in legal academia,” the book jacket reads. “Court orders mandating mass release of prison inmates? Ditto. ... And the worst is yet to come, the book demonstrates, as a fast-rising movement in the law schools demands that sovereignty over U.S. legal disputes be handed over to international law and transnational courts.”

Olson tells legal journalist Arin Greenwood in a podcast that the diversity of legal ideas in law schools depends on the topic. There is quite a bit of diversity in corporate law, but not so much in the fields of employment, consumer, discrimination and international human rights law, he says.

“The law schools are the primary source of sophisticated commentary about what law is and where it should go next,” Olson tells Greenwood. “If they are all singing from one particular hymn book it’s hard, not impossible, but it’s hard for judges to keep some other tune in their head.”

Olson says that judges are influenced by legal academia partly because their clerks are recent law school grads. He cites a second reason: Judges “are very much tuned to the audience of those few people who can criticize them intelligently,” and those people are often in or connected to law schools.

The book argues that law schools intent on “training philosopher-monarchs” are distracted from their most useful function of training competent and ethical lawyers, according to the book jacket.