

## Whadda Ya Askin' Me For?

By Claude Ducloux, Hill, Ducloux, Carnes & DeLa Garza

**O**ver a wonderful respite weekend last month, I read Jeffrey Toubin's book on the Supreme Court, *The Nine*. It was terrific and just "gossipy" enough to keep your attention for hours at a time. Holy smokes, the reader is alternately amazed by some of the intellects which have occupied those hallowed halls and chagrined by the pettiness and self-importance of the egos which all-too-often usurp their judgment. But I loved the "insider" stuff: according to Toubin, Justice Kennedy's colleagues criticized his flowery opinions; written with an eye toward quotation, as if he envisioned certain passages forever "highlighted" as precedent in law books. Rehnquist wrote considerably more temperately: it's about the decision, not the literary composition adorning it. But ultimately, greatness requires communication. The reader is reminded of the majesty of a well-written opinion and how remarkably some justices have expressed our common goals, our fears, and our quest for justice. Obviously, nearly all this scribendi took place before television and the digital age robbed us of both our attention spans and the need to communicate with something other than electronic grunts. Yo! Know-whu-I'mtogginabout?

Despite our best efforts to stress the importance of organized and thoughtful written communication, student writing skills are declining faster than Hummer sales. The idea of actually writing a letter or pleading in longhand (as Justice David Souter still drafts his opinions) would reduce most lawyers to sniveling wrecks. Yet Souter, according to the book, doesn't

even have a television! And get this: he doesn't use a Blackberry, he still eats blackberries!

As far as our own prospects for advancing the art of communication, I can only quote Clark Griswold from the *Christmas Vacation* movie: "Look around you, Ellen. We're at the gates of hell!"

It didn't start recently, I agree, but our deterioration is accelerating. For example, in the 1970s the contest was to see which college athlete could throw the most "you know's" into a post-game interview:

"The coach was you know telling the team that you know we should come out you know strong and you know not give up yards so that we could you know move the ball forward and you know win the game so we all you know pulled together."

I still remember Professor Reuschlein, the distinguished former Dean of Villanova Law School, losing his temper during my class on partnership law, saying to the offending law student, "No, I don't know and I never will know until you stop insisting that I know!"

From dumb to dumber: we had the "Valley Girls" who (any parent of a teenager will confirm) continue to influence entire generations with their liberal distribution of "Likes":

"He's all, like, I didn't do anything and I'm, like, yes you did and he's, like, you're not the boss of me and I'm, like, well you need a boss because you're, like, stupid or somethin', and he's, like, what—everr!" (Where's the duct tape when you need it?).

But now, the Generation X-er's have really hit a new stride in con-

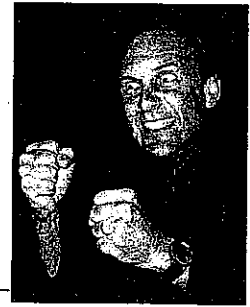
temporary colloquialism: turning every declarative sentence into a question. You've all heard it: you're getting a report from a 20-something about what they did over the weekend and at the end of every declarative sentence, the intonation goes up higher as if they're asking you a question:

"So I was going to the maaaaaaaal? And my friend couldn't come wiiiiith me? But, I was depending on her to loan me moneeeeeeeey? So I couldn't buy the shoes I waaanted?"

Don't you feel like grabbing these little morons on both shoulders and asking them, "What the hell are you asking me for? Weren't you there?" One can only reasonably interpret the interrogatory nature of their report to mean, "Are you minimally bright enough to understand these communications?" Grrr.

One can only imagine what damage these "digi-dults" (digitally-influenced young adults) are doing to the language with text messaging, which uses shortcuts like "UR" for "you are." OMG! LOL! God save me from these idiots. They will never be my BFF.

A friend of mine says that his high school son had more than 1,200 text messages last month alone, meaning he "texts" more than 40 times a day. Have you ever timed how long it takes to send a text message versus picking up the phone and calling someone? Jay Leno actually got two 20-somethings to stand on either side of the stage next to two Morse Code operators. Leno turned over a message at the same instant and told both sides to see who could communicate the message faster, the



dot-dash guys or text messagers. The Morse Coders got the message through in one-half the time. You could die of starvation before you could text your order to the pizzeria (apparently, there's no shortcut for pepperoni). Between the wasted hours playing video games and text messaging, it's a wonder that anybody has time to get tattooed.

I'm beginning to feel the same way about sending e-mails. Not only are we consistently seeing how e-mails can be taken out of context and used against us at trial, it actually takes much less time to make a private phone call to the other party and say the same things. With no digital trail!

Okay, I realize that I'm somewhere between social commentary and being a cynical old grouch, but I treasure and enjoy a great intellectual conversation in the company of friends, sometimes even judges. So, do we socialize better over the Internet and by text messaging? Nope. Psychologists are saying that people that communicate only through e-mail are definitely stilted in their in-person social interactions. (But you can always check their blog. Shoot me first.)

Okay, so I'll need a plan. Perhaps I'll follow David Souter's lead. He simply refuses to communicate that way. Doesn't watch TV, and doesn't "do" e-mail. Any ideas on the best marinade for my Blackberry?

Keep the faith. - AL