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2015

Yes, Virginia, There Are Stupid Questions

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Yes, Virginia, There are Stupid Questions!

“**T**here’s no such thing as a stupid question.” We have all heard this phrase, likely starting back in elementary school when eager, dedicated teachers were trying to teach us to take control over our education.

In 1995, when I first started teaching legal writing as an adjunct, I modified this mantra: “There’s no such thing as a stupid question except one that isn’t asked.” I repeated this phrase to my students for years, as I truly wanted to help them learn how to write like a lawyer and did not want them to struggle in vain to find an answer.

Today, some 20 years later, I still take pride in being accessible to my students. I am more than willing to directly answer student questions and to provide clarification or additional explanation when needed. I still desperately want to help students learn to write and stand out from the ever-growing mass of mediocre legal writers. Nonetheless, I have once again modified the mantra, at first somewhat tongue-in-cheek but now with complete seriousness: “There’s no such thing as a stupid question except one that isn’t asked, unless the answer has been repeatedly covered in class and in course materials and you have not attempted to find the answer yourself before asking.” Leave it to a lawyer to keep creating exceptions.

Yes, Virginia, there are stupid questions. Stupid questions are ones that should never have been asked in the first place, as the questioner either had access to or should have known the answer before asking. This concept applies to lawyers, law students, and people young and old. My 9-year-old sometimes asks me questions when he already knows or has failed to think through the answer. This morning, as we were walking to school, I said to my son, “We haven’t seen many people walking to school this

year. There must be more parents driving their kids to school because they need to leave right after drop-off so they can get to work on time.” My son, without thinking through what I had just said, immediately said “Why?” I lovingly responded, “I told you why.” After a brief pause, my son said “because the parents would be late for work if they came home to get their cars after walking the kids to school.” He was adroitly able to figure out the answer, which I had basically already told him, on his own.

All too often, we want to take the easy way out and have someone else do the heavy lifting. All too often, we do not want to think through our questions and attempt to find an answer on our own. We want someone to tell us the answer – we want a quick fix that requires minimal effort. What makes a good lawyer or student is someone who is willing to take the initiative to solve his own problems first. This column, in the remaining paragraphs, offers advice on how to avoid stupid questions, and, in so doing, win friends and influence people.

LISTEN CAREFULLY

Follow directions. Listen carefully to an “assignment” given by a professor, supervisor, or colleague; read all instructions in writing thoroughly. Much of what you need to complete the assignment is being given to you, so pay close attention. Of course, there are times that directions are unclear, but asking for clarification on something that is unclear, as long as you listened or read carefully, is not a stupid question. If the question has never been answered or it has been answered unclearly, then the question is an excellent example of a question that should be asked. If, however, you were told orally or in writing that you should research an issue in California, and you then ask which state’s laws you should research, that is a stupid question. You do

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not want to waste someone's time having them repeat themselves about something that was covered clearly and effectively.

ATTEMPT TO FIND THE ANSWER FIRST

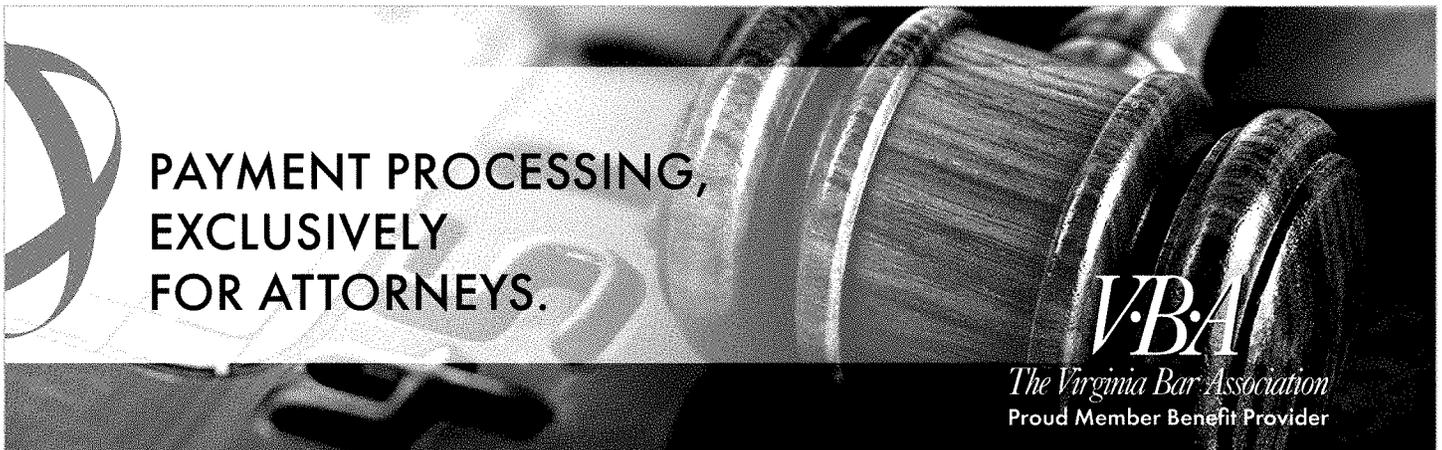
Another surefire annoyance is to have an answer at your fingertips and not take the time to find it on your own. For example, in my classes, I often provide my students with heavily annotated sample documents. Almost every paragraph of the document has extensive commentary; I tell the students to use the commentary as my eyes and ears in the middle of the night when they have questions and I am not with them (I might be accessible, but not that accessible!). If a student then asks me a question that is directly answered on the document (such as whether she should include her name or blind grading number on a draft), that question would be stupid, as an unambiguous answer was readily available.

On a related note, before asking a question, make it look like you tried hard to find the answer. For example, if you wanted

to know whether an unpublished decision could be cited in a particular court, research the issue before going in to your supervisor with the question. When you say, "I looked at the court website and local court rules, but I could not find anything," the recipient of the question will know that you attempted to answer the question before asking.

Lawyers are busy people. Most lawyers are willing to answer questions, as are most professors. But, as professionals, we have a heavy workload of our own. Engage in due diligence before asking questions. If you are still confused because the answer was not already provided and you cannot easily find an answer on your own, then ask away. That is what we are here for. ■

As always, your comments, suggestions are welcomed at dspratt@wcl.american.edu. I might even entertain a question or two, provided you carefully "listened" to this column and first tried independently to figure out the answer.



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