

SOCIOLOGY 1871C
THE SOCIOLOGY OF THE LEGAL PROFESSION
Spring 2010, Thursday 4:00-6:30
Smith-Buonanno Hall 101

Professor Mark Suchman

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COURSE SUMMARY: This seminar explores the structure and functioning of the legal profession, with a particular focus on the role of lawyers in contemporary America. The approach is broadly sociological, emphasizing that lawyering, like all professional work, reflects the social dynamics of both the profession itself and the larger society in which the profession is embedded. Although discussions may occasionally touch on the practicalities of pursuing a legal career, most topics and materials will focus on general sociological processes, not on the mechanics of getting into law school, choosing a practice area, or succeeding as a practitioner. The course neither celebrates nor condemns the legal profession, and students are encouraged to consider ways in which the profession's purported virtues may be less than fully virtuous; its vices, less than fully vicious.

Through readings and field observations, coupled with weekly discussions and e-mail dialogues, the seminar invites students to refine and extend their thinking on a series of important and controversial topics, facing modern lawyers, socio-legal scholars, and society as a whole. Focal areas include: legal education, lawyer-client relations, professional ethics, inter-professional competition, and intra-professional stratification. The seminar is aimed primarily at advanced students who have pursued some prior coursework in the social sciences, and who have a strong interest in either the sociology of law or the sociology of the professions. Familiarity with other subjects in sociology or in law may be helpful, but is not essential.

Over the course of the semester, we will explore the following topics:

UNIT I: Theoretical and Empirical Foundations

- Week 1. Introduction
- Week 2. Problems and Prospects of the Legal Profession
- Week 3. Classical Theories of the Professions: Functionalism vs. Conflict
- Week 4. Emerging Theories of the Professions: Constructionism and Its Kin

UNIT II: Making a Profession

- Week 5. Legal Education
- Week 6. Lawyer and Client
- Week 7. Legal Ethics and Professional Discipline
- Week 8. Jurisdictional Conflict, State Relations and the History of the Profession
- Week 9. Stratification and the Legal Profession

UNIT III: Legal Practice Settings: Habitat and Habitus

- Week 10. Representing Individuals
- Week 11. Representing Organizations
- Week 12. Representing the Public
- Week 13. Representing the World

UNIT IV: Speculative Conclusions

- Week 14. Futures of -- and in -- the Legal Profession

COURSE REQUIREMENTS

Participation: After the initial introductory meeting, this course will be conducted almost entirely through readings and discussions. Because of this, the *single most important course requirement* is that you come to class well-prepared and participate actively once you are there. Regular attendance is, of course, crucial to this; but attendance alone is not enough. Equally importantly, by the time you arrive at each session you should have completed the session's assigned readings and devoted some thought to the issues that they raise. If you come to class prepared, actual participation should not be a problem. (For more information, see "**General Guidelines for Discussions**," below.)

E-mail Dialogues: To form a foundation for each week's in-class discussion, each student will be responsible for posing (via MyCourses) 2 questions regarding the week's reading, and for responding to at least one question posed by a fellow student. Questions will be due each week by **5:00 PM Tuesday**, and responses will be due by **5:00 PM Wednesday**. Questions and responses should be primarily conceptual, linking themes from the readings to the topic of the week. There are no assigned lengths for these questions and responses, but none should be particularly long (after all, people will be reading quite a few of them). Most questions can be as short as a few sentences -- just enough to identify the issue and explain why it is puzzling and/or significant. And most responses can be as short as a paragraph or two. Think of your dialogue contributions as discussion-starters; they definitely need not be the final word!

Papers: Over the course of the semester, each student will write two brief field memos and a 13-17 page seminar paper. The seminar paper will be completed in stages, including a proposal, an outline, and two full drafts. Each student will also be responsible for providing peer feedback on first-draft seminar papers from two classmates. (For more information, see "**General Guidelines for Written Assignments**" and the specific paper assignments, below.)

NOTES AND OPTIONS

A Note on Late Work: Late assignments will be penalized **3 points per business day**. Although extensions may be granted in cases of unusual hardship, extensions will *not* be considered routine. In particular, extensions will rarely be granted retrospectively, after a due date has passed.

No-Paper Option: Students may enroll in this course on a S/NC basis without writing the seminar paper. To receive a passing grade under this option, the student must (a) submit at least 10 solid sets of discussion questions and answers, (b) participate actively in at least 10 class sessions during the semester, and (c) submit two acceptable field memos. Students wishing to choose this option must notify the instructor by the due date of the first field memo.

Grading Curve: The course requirements, as a whole, are worth 500 points. Point totals will be converted to final letter grades on the following curve:

| | |
|-----------|---------------------------|
| A | 65th percentile and above |
| B | 25th - 65th percentile |
| C | 5th - 25th percentile |
| NC | Below 5th percentile |

Note that your final grade will depend on your standing *relative to your classmates*, not on your absolute score (but see the "safe harbor" provisions below).

Safe Harbors: To reduce the anxiety induced by curved grading, Soc 1871C includes a set of "safe harbors" that guarantee at least a B or at least a C, regardless of your position on the curve.

Guaranteed B: To be guaranteed at least a B, you must accomplish *all* of the following:

- Overall point total of at least 400
- Participation and On-line Dialog point total of at least 130
- Peer reviewing total of at least 80

Guaranteed C: To be guaranteed at least a C, you must accomplish *all* of the following:

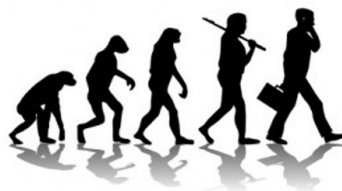
- Overall point total of at least 300
- Participation and On-line Dialog point total of at least 90
- Peer reviewing total of at least 70

GRADING SUMMARY

| Requirement | Due date | Point value |
|--|---|---|
| Participation: Attendance Discussion | Weekly (in class) | 150 (combined) 6 per week 6 per week |
| On-line dialog: Questions Responses | Weekly (before class) 5:00 pm each Tuesday 5:00 pm each Wednesday | 75 (combined) 4 per week 2 per week |
| Field memos: Observation Ride-along | 5:00 pm Friday, February 19 5:00 pm Friday, April 9 | 50 (combined) 20 30 |
| Seminar paper: Proposal Outline First draft Final draft | 5:00 pm Friday, March 5 5:00 pm Friday, March 26 5:00 pm Friday, April 23 5:00 pm Monday, May 17 | 150 (combined) -- -- 50 100 |
| Peer reviewing: Paper comments 360° evaluation | 5:00 pm Monday, May 3 5:00 pm Friday, May 7 | 75 (combined) 25 each 25 |
| Total: | | 500 |

TIMELINE OF MAJOR ASSIGNMENTS

| Date: | Assignment: |
|--------------|-----------------------------|
| February 19 | Courtroom Field Memo |
| March 5 | Seminar Paper Proposal |
| March 26 | Seminar Paper Outline |
| April 9 | Ride-along Field Memo |
| April 23 | Seminar Paper First Draft |
| May 3 | Seminar Paper Peer Reviews |
| May 7 | Seminar Paper 360° Feedback |
| May 17 | Seminar Paper Final Draft |



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General Guidelines for Discussions

This course is organized as a seminar, and most class time will be devoted to open-ended discussions of the course material. These discussions provide an invaluable opportunity to examine the subject matter in depth and to explore nuances and puzzles in conversation with your fellow students. Consequently, attendance and participation are **required** elements of the coursework, and both will be graded.

Format: Discussions will take a range of forms: Some time each week may be spent on answering student questions and clarifying the readings; however, this will not be the norm. More often, discussions will explore advanced or applied topics related to -- but not redundant with -- the week's readings. Many of these explorations will take the form of open-ended conversations; some may take the form of "staged" debates; and a few may involve various kinds of classroom exercises. Toward the end of the semester, several sessions will include visits (either in person or by telephone) with practicing attorneys. In all cases, though, the goal is to allow you to wrestle with the complexities, ambiguities and controversies of the course material in a hands-on, interactive way.

Participation Guidelines: A colleague of mine once drafted the following list of discussion-participation "best practices." Although you should certainly seek to develop your own participation style, these basic guidelines are a good place to start:

- Consistently make valuable contributions about topics under discussion
- Stay focused and on-topic, keeping your comments relevant and succinct
- Demonstrate your listening skills, responding appropriately to others' comments
- Respectfully help to clarify points that others may not have understood
- Bring up good questions about subjects that need further exploration
- Draw creatively on personal experience or opinion, but only when relevant to the discussion
- Demonstrate your ability to analyze, apply, and synthesize course material
- Demonstrate your willingness to take risks (e.g. offer creative speculations, attempt to answer unpopular or difficult questions, be willing to recognize and acknowledge good counter-arguments)
- Be cheerful and good-natured; try to make the discussion interesting and enjoyable for yourself and your classmates

Grading: Attendance and participation are worth 120 points toward the final course grade -- 10 points per week, divided into 4 points for attendance and 6 points for participation.

Absences: Because regular attendance is a course requirement, absences will not ordinarily be excused, unless you have obtained **prior** approval due to an illness or irreconcilable scheduling conflict. Unexcused absences will count against **both** your attendance and your participation grades; excused absences will receive attendance credit, but will still count against your participation grade. If an absence is excused, you may recoup up to 3 points of participation credit by writing a brief "reaction paper" summarizing your thoughts on the week's topic. Reaction papers are due by **noon** on the day of the class that you will be missing.

General Guidelines for Written Assignments

Written assignments will be graded primarily on the clarity, comprehensiveness and originality of their substantive arguments. You should address and engage with course materials wherever appropriate, but you should do so creatively and critically, giving a fair presentation of core arguments (and counter-arguments) from prior scholarship, but also trying to make an intellectual contribution of your own. Think before you write, and do not hesitate to discuss your ideas with me in advance.

Organization and style: Papers should be carefully organized, with a clear thesis (or at least a clear sense of purpose), and a logical progression from point to point. They should adopt a mature, professional tone, but they should not be oblique or stuffy. Use direct, forceful language wherever possible, and if you need to use jargon, be sure to define your terms and explain the underlying concepts. All drafts should be thoroughly proof-read; repeated errors in gender-neutrality, grammar and spelling will be frowned upon.

Page formats: All written assignments for this course should use a 12-point font, double-spaced, with margins of roughly one-inch on all four sides. Assigned page lengths do not include title pages and references, although you should include both when appropriate. Please *do not* engage in “creative typography” (e.g., expanded, condensed, or excessively ornate fonts); this only distracts from your analysis and irritates your reader. If you cannot fit your argument within the specified guidelines, try to elaborate it (if it's too short) or rephrase it (if it's too long). If all else fails, ask permission to stretch the page limit; reasonable proposals will usually be accepted.

Titles and notes: All written assignments should include a separate cover page, with a title, your name, the assignment for which the paper is being submitted, and the date of submission. Written assignments should also include citations wherever appropriate. Course readings may be cited in abbreviated form in the text -- e.g., “(Weber 1978:3-4)”; other materials should be cited in full at least once, either in a footnote or in a list of citations. Feel free to include substantive footnotes and/or endnotes if they contribute to your argument, but be sure to count these toward your total page-length.

Plagiarism: Scholarship is a collective enterprise, and you should take every opportunity to situate your work in the context of what has gone before. Nonetheless, written material that you present as your own should *be* your own. Although you should not hesitate to make use of other people's research findings and theoretical insights, you should *always* give credit to your sources, unless the point is clearly a matter of common knowledge. When in doubt, err on the side of attribution. You should, of course, explicitly indicate when you are quoting directly from someone else's work; in addition, though, you should also indicate when you are borrowing ideas without borrowing specific words. Paraphrasing (e.g., changing a few words in each sentence) does *not* relieve you of the duty to cite the original author. (Note that submitting a paper that you wrote for another course, or collaborating with another student on an individual-writing assignment also constitutes plagiarism. If you believe that you have a valid educational reason to engage in either of these activities, you should consult the instructor for explicit permission *before* proceeding.)

In a larger sense, you should be using other peoples' work to make *your own* arguments. Writing is a creative exercise. No amount of citation justifies simply restating the views of others, unless you are synthesizing them, critiquing them, or expanding upon them in some way. The best precaution against plagiarism is to formulate an argument *before* you begin writing, and then to produce a rough draft (or at least an outline) with your source-books closed. If you know what you want to say, you will not need to steal other people's words to say it.

Assignment submission: All assignments should be uploaded to the appropriate drop-box on the seminar's MyCourses website. Files should be saved in MSWord or Adobe “pdf” format, suitable for reading on a Windows PC. You should always retain an off-line back-up copy *with the original timestamp*, in case your uploaded file becomes corrupted.

Late work: Late assignments will be penalized 3 points per business day. Although extensions may be granted in cases of unusual hardship, extensions will *not* be considered routine. In particular, extensions will rarely be granted retrospectively, after a deadline has passed.

Field Memo Assignment

Purpose: The field memo assignments ask you to get out of the classroom, in order to observe lawyers in their natural habitat. The first assignment is an “unobtrusive observation,” and the second is a “lawyer ride-along” (details below). The heart of these assignments is the field observation itself; the memo is merely a brief report to demonstrate that you made the assigned observations and that you gave some sociological thought to what you saw.

Write-up: Each field memo should take the form of a short essay, organizing and summarizing your observations. Field memos will generally be more descriptive than theoretical; but wherever possible, you should connect the events that you observed to concepts and issues from the course. In writing your memo, you should organize your observations to tell a logical and interesting story. Try to find themes that run through your fieldnotes, and structure your description around them. What thoughts or questions about the legal profession did your observations spark? What kind of research might one conduct to pursue these ideas further?

Page limits and due dates:

Field memo #1: 3-5 pages, to be submitted via MyCourses by 5:00 pm on Friday, February 19.
Field memo #2: 5-7 pages, to be submitted via MyCourses by 5:00 pm on Friday, April 9.

Memo #1: Unobtrusive Observation: For your first field memo, pick a site where one or more lawyers work in public. The most obvious such setting is a courthouse, but you might also be able to observe an administrative or legislative hearing, an informational presentation to a community group, or perhaps the deliberations of a local bar association. Wherever you observe, be sure to pay attention to who is a lawyer and who is not -- it will almost certainly make a difference to how you interpret what you see!

Your observations should be “unobtrusive” -- that is, you should position yourself so that you can follow what is going on, but so that you are outside of the action. Do not ask questions, call attention to yourself, or interfere; just observe events as they transpire, and take careful (preferably written) notes. Things to record might include:

- A. The substance of the events. What is going on, and what is at stake? What topics are being addressed? What outcomes are being advocated or opposed? Does everyone seem to agree on what kind of event this is, or do people seem to be confused and working at cross-purposes?
- B. The attributes of the parties. What age, gender, and race are they? Do they seem to be rich or poor, “repeat players” or “one-shotters”? Pay attention not only to the main actors, but to the audience(s) as well.
- C. The roles of the parties. Who is in the room, what are they doing, and why? Who seems to know whom? Who is taking an active role, and who is passive? Which parties are allies, and which are adversaries? How much interaction is formal, and how much informal?
- D. The dress, positioning, and demeanor of the parties. Do the lawyers stand out or blend in? How do they interact with one another and with the non-lawyers in the room?
- E. The use of language, gesture, “props” and “scenery.” What, if anything, signals that this is a legal encounter? Do the lawyers handle the staging of the encounter any differently from the other participants? Is the staging ever contested in any way? If so, what happens?

Overall, your observations should take an hour or two. If at all possible, stay until there is a natural “break in the action,” such as a recess or adjournment. If the action shifts from one public venue to another (for example, from a speech to a question-and-answer session), do your best to follow it and to note how, if at all, the proceedings change.

Memo #2: Lawyer Ride-along: The second field memo will be based on an all-day “ride-along” with a practicing attorney of your choosing. During the ride-along, you should observe as many of the attorney's activities as possible, and you should interview the attorney about his/her work and his/her relationships to clients, colleagues, and the profession as a whole. Ride-alongs should last at least one full workday (which may be much more than 8 hours!) and should include at least 30 minutes of formal interview time, as well as informal conversations during the course of the day. If you wish, you may schedule additional ride-alongs or supplemental interviews either with your focal attorney or with other relevant individuals (clients, partners, judges, bar officers, etc.). But these additional field activities go “above and beyond”; the core assignment is simply to observe a day in the life of one practicing lawyer.

You should take careful notes on your observations, and you should tape-record your interview if at all possible. By the time of the ride-along, the seminar will have introduced you to quite a bit of theory and evidence about the legal profession, and the ride-along is an opportunity *both* to observe lawyers in action *and* to place those observations in sociological context. With this in mind, you should prepare a fairly detailed interview outline in advance, and you should think ahead about which aspects of professional life you are likely to see, and about which sociological topics you are likely to encounter.

Your write-up of the ride-along should integrate your field observations with theoretical and empirical material from the course. You do *not* need to incorporate every observation or every course topic, but your paper should clearly demonstrate that you have used the course materials to develop insights about the fieldwork -- and *vice versa*. While you may or may not choose to frame your paper as a “test” of particular propositions from class, you should have a clear thesis, and you should organize your observations to make a conceptual point (or points).

***** Notes of Caution *****

A note on logistics: You are responsible for making all necessary field arrangements for yourself. This includes not only identifying a site for the unobtrusive observation, but also recruiting a subject for the ride-along. Arranging a ride-along can be tricky, and regrettably the course has no ready supply of ride-along sponsors; so you should begin thinking about this assignment early.

For the ride-along, you may choose an attorney in any area of practice, at any level of seniority. However, you should *not* choose a close friend or a family member: It can be awkward to ask friends and relatives about things that you “should” already know, and it can be difficult to observe their lives with sufficient distance and objectivity to produce a good sociological analysis. If you have friends or family who are lawyers, you should instead consider trading introductions with your classmates, letting other students observe your acquaintances while you observe theirs. Beyond friends and family, Brown alumni are another good place to turn for ride-along sponsors, especially if you identify yourself as a Brown student who is considering a legal career.

A note on confidentiality: Attorneys vary widely in how they interpret the ethical duty of confidentiality. Some may be quite comfortable having you sit in (perhaps as an “intern”) on client conferences, while others may be reluctant to discuss cases with you in anything other than hypothetical terms. You should explore these preferences up-front, and in rare cases you may want to find a different sponsor if your original candidate seems unwilling to provide enough access to do justice to the assignment. Once the ride-along is underway, you should feel free to ask if you can attend client meetings, etc., but you should *always* take your lead from your sponsor. You are their guest, and you need to honor their judgement.

Seminar Paper Assignment

All students who wish to receive a letter grade in the course must complete a 13-17 page seminar paper. The specific topic of this paper is up to you, and identifying an interesting yet manageable topic is part of the challenge of the assignment. You may write about any facet of the sociology of the legal profession that captures your interest, provided that your subject bears a reasonably close relationship to the course material. (I reserve the right to penalize papers whose topics are inappropriate to the course material, so when in doubt, ask!)

Your primary goal should be to build creatively and constructively on concepts and materials from the course, in order to generate new insights into your chosen topic. Ideally, seminar papers should make an original contribution of some sort, beyond simply reviewing previous literature. In general, this means identifying a “problem” of theoretical, empirical, or practical interest and then seeking to resolve that problem through the creative use of course materials and supplementary research.

Analysis: The seminar paper can be either theoretical or empirical or both. In general, the best papers will make thorough and insightful use of conceptual arguments from the course, while at the same time incorporating new ideas and empirical illustrations of your own. You should bear in mind, though, that a single semester is very little time to complete a genuinely satisfying primary-source empirical study; a more practical way to provide empirical grounding for your arguments may be to draw on findings from pre-existing research literature, or to offer a sociological “reading” of descriptive material from other (non-sociological) secondary sources, such as historical studies or contemporary journalistic reports.

Seminar papers will be evaluated primarily on the quality of their sociological arguments; therefore, you should explicitly incorporate course concepts and cite evidence from the readings wherever possible. You should also seek to bring multiple “lenses” to bear on your topic, even if you ultimately conclude that one lens is preferable to the others. The best seminar papers are those that demonstrate “critical thinking” -- not in the sense of being negative or politically radical (although that is certainly acceptable), but in the sense of seriously and honestly engaging with multiple perspectives, and interrogating your preferred position as forcefully as you interrogate the counter-arguments.

Relation to other work: Under certain circumstances, it may be appropriate for a Sociology 1871C seminar paper to be related to other work that you are conducting outside of the course, such as a senior thesis or an independent study project. Nonetheless, this *is* a paper for Sociology 1871C -- Although your seminar paper may address topics beyond the scope of the course, it *must* be well-integrated with issues and materials from the Sociology 1871C syllabus. It is perfectly acceptable for you to use this paper as an opportunity to reconsider your previous work through a new lens; but “reconsider” is the key word, here. The term paper must be written for *this* course, and it must speak directly to issues from the course materials, throughout. Papers that appear to have been written before the author encountered Sociology 1871C will be frowned upon.

Format: Seminar papers should be **13-17 pages** long, and should follow the “General Guidelines for Written Assignments,” above. All stages of the seminar paper (preliminary as well as final) should be submitted electronically via MyCourses.

Reviews and revisions: Professional writing is often a collaborative process, and aspiring professionals can benefit immensely from gaining practice in providing and accepting constructive feedback. To that end, the seminar paper is designed as a multi-stage assignment, including a round of double-blind peer-review: The first two stages will be a proposal and an outline, both of which will be reviewed by the instructor; next will come a round of peer-review, during which you will receive anonymous feedback from, and provide anonymous feedback to your fellow paper-writers in the class; finally, you will revise your paper in light of this feedback and submit it for grading.

The peer-review process will operate as follows: When you submit your initial draft, copies of the paper will be distributed (anonymously) to two “peer reviewers” in the class. In exchange, you yourself will serve as a peer reviewer for two papers from fellow students, although not necessarily from the same students who will be reviewing yours. During this peer-review stage, you will be expected to read and comment on each of the papers that you have been assigned. You will also be expected to provide a short

“360° evaluation” of your own reviewers, identifying aspects of their reviews that you found particularly helpful, and suggesting ways in which they could improve their reviews in the future. You will then revise your paper to incorporate the advice that you have received, and you will resubmit it to the instructor for a final review and a grade.

As a general rule, peer-reviews should be no more than **2 single-spaced pages** apiece and should focus primarily on substantive issues of conceptualization, argumentation and evidence, rather than on grammar, punctuation, or other formalistic concerns. In particular, you should ask yourself: Is the thesis interesting? Is the argument clear, well-organized and logically sound? Does the paper make good and appropriate use of theories and evidence? Does it incorporate well-chosen quotations from the readings? Overall, is the essay enlightening, persuasive, and enjoyable to read? The answers to some of these questions may, of course, turn on matters of style -- vague or disorganized writing, poor transitions, weak pronoun references, passive voice, etc. -- and you should not hesitate to address such flaws when you see them. But your role as a reviewer is to improve the strength of the paper as a *sociological* argument, not to line-edit it as a piece of literature.

Above all, your reviews should be clear, specific, and *constructive*. When you like something about a paper, say so. And when you identify problem areas, try to suggest concrete strategies for improvement. Write your reviews in the second-person (“you should...”) rather than the third-person (“the author should...”), and treat them as a conversation with the author, not as a grade report.

Due Dates: To facilitate timely feedback, seminar papers are subject to the following deadlines:

- A 1 page "proposal" is due on **Friday, March 5**. The proposal should: (1) briefly describe the topic of your paper; (2) state a preliminary thesis or focus; (3) list at least 5 sources (published books or articles) that you plan to use in your research.
- A preliminary "sentence outline" (3-5 pages) is due on **Friday, March 26**. A sentence outline resembles a regular outline, except that each heading consists of a sentence or phrase -- so that the outline will be comprehensible to a reader other than oneself.
- A complete first draft is due on **Friday, April 23**. This draft should be fully formatted, referenced and proofread, as though it were a finished paper.
- Reviews of two peer manuscripts (to be assigned to you by the instructor) are due on **Monday, May 3**. Guidelines for these reviews are provided above.
- 360° evaluation forms are due on **Friday, May 7**.
- A complete final draft of the paper is due on **Monday, May 17**.

Late submission penalty: Late papers will be subject to a 3-point penalty per business day.

NOTE: Although proposals and outlines are not graded, they, too, can incur late penalties, which will be assessed against your score on the final draft.

COURSE SYLLABUS**SOCIOLOGY 1871C
THE SOCIOLOGY OF THE LEGAL PROFESSION**

Spring 2010, Thursday 4:00-6:30
Smith-Buonanno Hall 101

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UNIT I: THEORETICAL AND EMPIRICAL FOUNDATIONS**Unit Overview**

- 1.0 Nelson, Robert L and David M. Trubek (1992), "New Problems and New Paradigms in Studies of the Legal Profession," pp. 1-27 in R. Nelson, D. Trubek & R. Solomon (eds.) *Lawyers' Ideals/Lawyers' Practices*. Ithaca, NY: Cornell University Press. **[Especially pp. 1-24]**

**WEEK 1 (JANUARY 28)
INTRODUCTION****Readings for the Week**

- 1.1 Abel, Richard L. (1986), "The Transformation of the American Legal Profession," *Law and Society Review* 20(1):7-17. **[Excerpt in Abel 1997¹ at 15-19]**
- 1.2 Nelson, Robert L. (1994), "The Futures of American Lawyers: A Demographic Profile of a Changing Profession in a Changing Society." *Case Western Reserve Law Review* 44:345-406. **[Excerpt in Abel 1997 at 20-26.]**
- 1.3 Heinz, John P. and Edward O. Laumann (1982), *Chicago Lawyers: The Social Structure of the Bar*. New York: Russell Sage Foundation. **[Excerpt in Abel 1997 at 27-33.]**

Additional Bibliography²

- 1.4 Halliday, Terence C. (1986), "Six Score Years and Ten: Demographic Transitions in the American Legal Profession, 1850-1980," *Law and Society Review* 20(1):53-78.
- 1.5 Abel, Richard L. (1989), "United States: The Contradictions of Professionalism," pp. 186-243 in R.L. Abel & P.S.C. Lewis (eds.), *Lawyers in Society: Volume 1, The Common Law World*. Berkeley, CA: University of California Press.
- 1.6 Heinz, John P., Robert L. Nelson, Edward O. Laumann and Ethan Michelson (1998) "The Changing Character of Lawyer's Work: Chicago in 1975 and 1995." *Law and Society Review* 32(4):751-775.

¹Abel 1997 = Richard Abel, ed. (1997), *Lawyers: A Critical Reader*. New York: New Press.

²Listed for informational purposes only; seminar participants are *not* expected to read this material for class.

WEEK 2 (FEBRUARY 4)
PROBLEMS, PROSPECTS AND PERCEPTIONS OF THE LEGAL PROFESSION

Readings for the Week

- 2.1 Luban, David (1984), "The Adversary System Excuse" in D. Luban (ed.), *The Good Lawyer*. Totowa, NJ: Rowman & Allanheld. [Excerpt in Abel 1997 at 3-13]
- 2.2 Chase, Anthony (1986), "Lawyers and Popular Culture: A Review of Mass Media Portrayals of American Attorneys," *American Bar Foundation Research Journal* 1986:281-300. [Excerpt in Abel 1997 at 193-200]
- 2.3 Galanter, Marc (1994), "Predators and Parasites: Lawyer-bashing and Civil Justice," *Georgia Law Review*, 28:633-670.
- 2.4 Dinovitzer, Ronit and Bryant G. Garth (2007), "Lawyer Satisfaction in the Process of Structuring Legal Careers," *Law & Society Review* 41(1):1-50.

Additional Bibliography

- 2.5 Rodell, Fred (1939), *Woe Unto You, Lawyers!* Reynal Press.
- 2.6 Roth, Andrew and Jonathan Roth (1989), *Devil's Advocates: The Unnatural History of Lawyers*. Nolo Press.
- 2.7 Kronman, Anthony T. (1993) *The Lost Lawyer: Failing Ideals of the Legal Profession* Cambridge, MA: Belknap Press of Harvard University Press.
- 2.8 Kagan, Robert A. (1994) "Do Lawyers Cause Adversarial Legalism? A Preliminary Inquiry," *Law and Social Inquiry* 19:1-62.
- 2.9 Galanter, Marc (1996) "Lawyers in the Mist: The Golden Age of Legal Nostalgia," *Dickinson Law Review* 100:549-562.
- 2.10 Rhode, Deborah (2000), "Lawyers and Their Discontent," pp. 23-48 in *In the Interests of Justice: Reforming the Legal Profession*. Oxford, UK: Oxford University Press.
- 2.11 Wallace, Jean E. (2001), "Explaining Why Lawyers Want to Leave the Practice of Law," *Sociology of Crime, Law, and Deviance* 3:117-145.
- 2.12 Heinz, John P., Robert L. Nelson, and Edward O. Laumann (2001), "The Scale of Justice: Observations on the Transformation of Urban Law Practice," *Annual Review of Sociology* 27:337-362.
- 2.13 Pue, Wesley and David Sugarman, eds. (2003). *Lawyers and Vampires: Cultural Histories of Legal Professions* (Oxford, UK: Hart Publishing).
- 2.14 Galanter, Marc (2005), *Lowering the Bar: Lawyer Jokes and Legal Culture*. Madison, WI: University of Wisconsin Press.
- 2.15 Heinz, John P., Robert L. Nelson, Rebecca Sandefur and Edward O. Laumann (2005). *Urban Lawyers: The New Social Structure of the Bar*. Chicago, IL: University of Chicago Press. [Especially "Chapter 11: A Satisfying Profession?" (with Kathleen E. Hull and Ava A. Harter), at pp. 256-274.]

WEEK 3 (FEBRUARY 11)
CLASSICAL THEORIES OF THE PROFESSIONS: FUNCTIONALISM VS. CONFLICT

Readings for the Week

- 3.1 Goode, William J. (1957), "Community Within a Community: The Professions," *American Sociological Review* 22(2):194-200.
- 3.2 Moore, Wilbert E. (1970), "The criteria of professionalism" and "Knowledge and its responsibilities," pp. 3-22 & 233-243 in *The Professions: Roles and Rules*. New York: Russell Sage.
- 3.3 Abel, Richard (1989), *American Lawyers*. New York: Oxford University Press. **[Excerpt in Abel 1997 at 117-131]**

Additional Bibliography

- 3.4 Parsons, Talcott (1954), "A Sociologist's Look at the Legal Profession," in *Essays in Sociological Theory*. New York, NY: New York Free Press.
- 3.5 Parsons, Talcott (1968), "Professions" in D.L. Sills (ed.), *International Encyclopedia of the Social Sciences, XII*. New York: Free Press.
- 3.6 Larson, Magali Sarfatti (1977). *The Rise of Professionalism: a Sociological Analysis*. Berkeley: University of California Press.
- 3.7 Abbott, Andrew (1988), *The System of the Professions: An Essay on the Division of Expert Labor*. Chicago: University of Chicago Press. [Especially chapters 1 and 9]
- 3.8 Berends, Miek (1992), "An Elusive Profession? Lawyers in Society," *Law and Society Review* 26(1):161-188.
- 3.9 Abbott, Andrew (1993), "The Sociology of Work and Occupations," *Annual Review of Sociology*, 19:187-209, 1993.

WEEK 4 (FEBRUARY 18)
EMERGING THEORIES OF THE PROFESSIONS: CONSTRUCTIONISM AND ITS KIN

Readings for the Week

- 4.1 Nelson, Robert L and David M. Trubek (1992), "New Problems and New Paradigms in Studies of the Legal Profession," pp. 1-27 in R. Nelson, D. Trubek & R. Solomon (eds.) *Lawyers' Ideals/Lawyers' Practices*. Ithaca, NY: Cornell University Press. **[This reading was assigned in Week 1; for this week, you should review pp. 15-24.]**
- 4.2 Halliday, Terence C. (1998), "Lawyers as Institution Builders: Constructing Markets, States, Civil Society, and Community," pp. 242-295 in A. Sarat, M. Constable, D. Engel, V. Hans and S. Lawrence (eds.), *Crossing Boundaries: Traditions and Transformations in Law and Society Research*. Evanston, IL: Northwestern University Press and the American Bar Foundation. **[Excerpt: pp. 242-256, 278-280.]**
- 4.3 Scott, W. Richard and Mark C. Suchman (2007), "Beyond Pros and Cons: Framing a Social Constructionist Model of the Professions," unpublished manuscript.

Additional Bibliography

- 4.4 Foucault, Michel (1991 [1979]), "On Governmentality" *Ideology & Consciousness* 6:5-21. Reprinted in G. Burchell, C. Gordon & P. Miller (eds.), *the Foucault Effect : Studies in Governmentality*. Chicago: University of Chicago Press.
- 4.5 Foucault, Michel (1980), *Power/Knowledge*. New York: Pantheon. [pp. 78-108.]
- 4.6 Bourdieu, Pierre (1987), "The Force of Law: Toward a Sociology of the Juridical Field," *Hastings Law Journal* 38(5):814-853.
- 4.7 Teubner, Gunther (1983), "Substantive and Reflexive Elements in Modern Law," *Law and Society Review* 17(2):239-285.
- 4.8 Kritzer, Herbert M. (1991) "Abel and the Professional Project: The Institutional Analysis of the Legal Profession," *Law & Social Inquiry* 16:529-552.
- 4.9 Sommerlad, H. (1995). "Managerialism and the Legal Profession: a New Professional Paradigm." *International Journal of the Legal Profession* 2:159-186.
- 4.10 Suchman, Mark C. and Mia L. Cahill (1996), "The Hired-Gun as Facilitator: The Case of Lawyers in Silicon Valley," *Law and Social Inquiry* 21(3):679-712.
- 4.11 Dezalay, Yves and Bryant Garth (1996), "Fussing About the Forum: Categories and Definitions as Stakes in a Professional Competition," *Law & Social Inquiry* 21: 285-312.
- 4.12 Flood, John and Eleni Skordaki (1996), "Normative Bricolage: Informal Rule-making by Accountants and Lawyers in Mega-Insolvencies," pp. 109-131 in G. Teubner (ed.), *Global Law Without a State*. Dartmouth, NH: Aldershot.
- 4.13 Andy Boon and John Flood (1999) "Trials of Strength: The Reconfiguration of Litigation as a Contested Terrain," *Law and Society Review* 33:595-636.

[Readings for Subsequent Weeks to be Determined]