

University of Toronto Mississauga – Sociology
SOC475H5S (Winter 2018)

Sociology of Law and Lawyers

Time: Tuesday, 9:00 AM – 11:00 AM
Location: Deerfield Hall, DH 2070

Instructor Information

Instructor: Liu, Sida
Office location: DV 3221
Email address: sd.liu@utoronto.ca
Office hours: Tuesday, 11:00 AM – 12:00 PM
Blackboard/Course website: U of T Portal

Teaching Assistant: Sasha Reid
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Course Description

This course examines law and society through the lens of the legal profession. Law represents one of our most elite and influential professions; lawyers are responsible not only for the administration of justice, but also are key players in the country's economic and political life. Understanding who lawyers are, the process of legal education, how lawyers build their careers, which lawyers can (and choose to) attain elite positions, and the clients that lawyers serve are all key issues for understanding access to justice, and for understanding lawyering as a profession devoted to democratic values. This course will rely on empirical research to cover topics related to law school, where lawyers work and the work that they do.

Prerequisites, Exclusions, CSL Group

SOC205H5/231H5, 209H5, 221H5, 222H5, 0.5 SOC credit at the 300 level.

Learning Objectives

At the end of the course, students will be able to:

- Select research topic, formulate a research question, and research the question by synthesizing it with the existing literature on the topic.
- Develop a conceptual argument that draws on a review of the literature.
- Apply sociological concepts, theories, and perspectives to historical and contemporary issues.
- Critically reflect on historical and contemporary issues.

- Critically evaluate sociological concepts and theories.
- Communicate sociological knowledge in a concise, clear, and correct manner in writing in individual, partnered and/or group settings.

Textbooks and Other Materials

There is no textbook for this course. The course readings are a collection of journal articles, book chapters, and other readings compiled by the instructor and available on Blackboard.

Evaluation Components and Grading Policies

Type	Date(s) Due	Weight
Reading Responses	Weekly (Weeks 2-12)	16%
Class Participation	Weekly	9%
Midterm Exam	28 February 2018 (Wednesday)	40%
Final Essay	4 April 2018 (Wednesday)	35%

All assignments must be submitted electronically to Blackboard. No hard copy is required. Email submission will not be accepted.

Reading Responses

Each week you are required to submit to the Discussion Board on Blackboard a 500-word (approx.) analysis of the main themes and arguments of the assigned readings for that week BEFORE CLASS (i.e., before 9:00 AM on Tuesday). The reading response should be a fully integrated reflective essay, not a simple combination of summaries of individual readings. When submitting your reading response, please paste the full text directly into the textbox on the Discussion Board. Do NOT use attachments. Include the word count at the end of your entry.

Your first submission will be due for the Week 2 readings. You will submit a total of 8 reading responses. Each submission accounts for 2% of your final grade. You will be automatically assigned 1% for submitting the response (unless it is of such dubious quality that it does not deserve a grade), and another 1% will be added to your grade if the response is excellent.

You have three “free tickets” between Week 2 and Week 12, which you may submit in lieu of the reading responses. For each “free ticket,” instead of the response, please simply write your name, student number and indicate this is your “free ticket” week. Any other failure to submit the reading response will result in a mark of zero for that week.

Class Participation

You are expected to attend class, read assigned course material before class, and prepare for, lead, and participate in classroom discussions. You are also expected to visit the Blackboard course website on a weekly basis and check for updates from the instructor and the teaching assistant, as well as follow discussions. You are expected to be respectful of fellow classmates in discussions and

lectures, curious and open-minded about others' and one's own perspectives, and cultivate an environment for mutual growth through collaboration and dialogue. A grade for your overall class participation will be given by the instructor at the end of the term and it accounts for 9% of your final grade.

Midterm Exam

The midterm exam will be a take-home exam in the format of concept identifications and short essay questions. The exam will be distributed after the Week 6 class and the due date is **28 February 2018 (Wednesday) at 12:00 PM (noon)**. Specific information of the midterm exam will be given at least one week prior to the distribution of the exam. The midterm exam accounts for 40% of your final grade.

Final Essay

The final essay will be a 10-page (double-spaced) essay in which you will be asked to use course readings to analyze an empirical topic on the legal profession. The due date of the final essay is **4 April 2018 (Wednesday) at 12:00 PM (noon)**. Specific information of the final essay will be given at least two weeks prior to the last class in Week 12. The final essay accounts for 35% of your final grade.

Course Schedule

Week 1 (9 January 2018)

Course Introduction

Kritzer, Herbert M. 1999. "[The Professions Are Dead, Long Live the Professions: Legal Practice in a Postprofessional World.](#)" *Law & Society Review* 33: 713-759.

Week 2 (16 January 2018)

General Theories

Abel, Richard L. 1989. *American Lawyers*. New York and Oxford: Oxford University Press. (Chapters 2-3, pp. 14-70)

Abbott, Andrew. 1986. "[Jurisdictional Conflicts: A New Approach to the Development of the Legal Professions.](#)" *American Bar Foundation Research Journal* 11: 187-224.

Liu, Sida. 2013. "[The Legal Profession as a Social Process: A Theory on Lawyers and Globalization.](#)" *Law & Social Inquiry* 38: 670-693.

Week 3 (23 January 2018)

The Social Structure of the Bar

Heinz, John P. and Edward O. Laumann. 1982. *Chicago Lawyers: The Social Structure of the Bar*. New York and Chicago: Russell Sage Foundation and American Bar Foundation. (Chapter 6, pp. 127-176)

Sandefur, Rebecca. 2001. "[Work and Honor in the Law: Prestige and the Division of Lawyers' Labor.](#)" *American Sociological Review* 66: 382-403.

Dinovitzer, Ronit. 2015. [Law and Beyond: A National Study of Canadian Law Graduates](http://individual.utoronto.ca/dinovitzer/images/LABReport.pdf). Available at <http://individual.utoronto.ca/dinovitzer/images/LABReport.pdf>

Week 4 (30 January 2018)

Law Firm Growth

- Nelson, Robert L. 1981. "[Practice and Privilege: Social Change and the Structure of Large Law Firms.](#)" *American Bar Foundation Research Journal* 6: 95+97-140.
- Galanter, Marc, and William D. Henderson. 2008. "[The Elastic Tournament: A Second Transformation of the Big Law Firm.](#)" *Stanford Law Review* 60: 1867-1906.

Week 5 (6 February 2018)

Professional Work

- Kritzer, Herbert M. 1997. "[Contingency Fee Lawyers as Gatekeepers in the Civil Justice System.](#)" *Judicature* 81: 22-29.
- Levin, Leslie C. 2004. "[The Ethical World of Solo and Small Law Firm Practitioners.](#)" *Houston Law Review* 41: 309-392.
- Liu, Sida. 2006. "[Client Influence and the Contingency of Professionalism: The Work of Elite Corporate Lawyers in China.](#)" *Law & Society Review* 40: 751-781.

Week 6 (13 February 2018)

Lawyers and Clients

- Sarat, Austin, and William L. F. Felstiner. 1986. "[Law and Strategy in the Divorce Lawyer's Office.](#)" *Law & Society Review* 20: 93-134.
- Shapiro, Susan P. 2002. *Tangled Loyalties: Conflict of Interest in Legal Practice*. Ann Arbor, MI: University of Michigan Press. (Chapters 4, 80-133)
- Nelson, Robert L., and Laura Beth Nielsen. 2000. "[Cops, Counsel, and Entrepreneurs: Constructing the Role of Inside Counsel in Large Corporations.](#)" *Law & Society Review* 34: 457-494.

----- Reading Week: 19-23 February 2018 -----

****Midterm exam due at 12:00 PM (noon) on 28 February 2018 (Wednesday)****

Week 7 (27 February 2018)

Professional Career

- Hagan, John, and Fiona Kay. 1995. *Gender in Practice: A Study of Lawyers' Lives*. New York: Oxford University Press. (Chapters 3-5, pp. 51-119)
- Bliss, John. 2017. "[Divided Selves: Professional Role Distancing Among Law Students and New Lawyers in a Period of Market Crisis.](#)" *Law & Social Inquiry* 42: 855-897.

Week 8 (6 March 2018)

Hierarchy and Inequality

- Kay, Fiona, and Elizabeth Gorman. 2008. "[Women in the Legal Profession.](#)" *Annual Review of Law & Social Science* 4: 299-332.
- Wilkins, David B., and G. Mitu Gulati. 1996. "[Why Are There So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis.](#)" *California Law Review* 84: 493-625.
- Roderique, Hadiya. 2017. "[Black on Bay Street.](#)" *The Globe and Mail*, 4 November 2017. Available at <https://www.theglobeandmail.com/news/toronto/hadiya-roderique-black-on-bay-street/article36823806/>

Week 9 (13 March 2018)

Political Mobilization

- Karpik, Lucien. 1988. "[Lawyers and Politics in France, 1814-1950: The State, the Market, and the Public.](#)" *Law & Social Inquiry* 13: 707-36.
- Liu, Sida, and Terence C. Halliday. 2011. "[Political Liberalism and Political Embeddedness: Understanding Politics in the Work of Chinese Criminal Defense Lawyers.](#)" *Law & Society Review* 45: 831-865.
- Marshall, Anna-Maria, and Daniel C. Hale. 2014. "[Cause Lawyering.](#)" *Annual Review of Law and Social Science* 10: 301-320.

Week 10 (20 March 2018)

Professional Regulation

- Wilkins, David B. 1992. "[Who Should Regulate Lawyers?](#)" *Harvard Law Review* 105: 799-887.
- McMorrow, Judith A., Sida Liu, and Benjamin van Rooij. 2017. "[Lawyer Discipline in an Authoritarian Regime: Empirical Insights from Zhejiang Province, China.](#)" *Georgetown Journal of Legal Ethics* 30: 267-300.

Week 11 (27 March 2018)

Multi-Disciplinary Practice

- Garth, Bryant G., and Joyce Sterling. 2009. "[Exploring Inequality in the Corporate Law Firm Apprenticeship: Doing the Time, Finding the Love.](#)" *Georgetown Journal of Legal Ethics* 22: 1361-1394.
- Ballakrishnen, Swethaa S. 2017. "'She Gets the Job Done': Entrenched Gender Meanings and New Returns to Essentialism in India's Elite Professional Firms." *Journal of Professions and Organization* 4: 324-342.
- Wilkins, David B., and Maria J. Esteban Ferrer. 2017. "[The Integration of Law into Global Business Solutions: The Rise, Transformation, and Potential Future of the Big Four Accountancy Networks in the Global Legal Services Market.](#)" *Law & Social Inquiry*, forthcoming (published online on 13 July 2017).

Week 12 (3 April 2018)

Globalization

- Flood, John. 2007. "[Lawyers as Sanctifiers: The Role of Elite Law Firms in Business Transactions.](#)" *Indiana Journal of Global Legal Studies* 14: 35-66.
- Krishnan, Jayanth K., Vitor M. Dias, and John E. Pence. 2016. "[Legal Elites and the Shaping of Corporate Law Practice in Brazil: A Historical Study.](#)" *Law & Social Inquiry* 41: 346-370.
- Liu, Sida, and Hongqi Wu. 2016. "[The Ecology of Organizational Growth: Chinese Law Firms in the Age of Globalization.](#)" *American Journal of Sociology* 122: 798-837.

****Final essay due at 12:00 PM (noon) on 4 April 2018 (Wednesday)****

Every attempt will be made to follow this schedule, but it is subject to change at the discretion of the instructor.

Procedures and Rules

Accommodation for Missed Tests or Late Assignments

Students who miss a term test or hand in an assignment after the due date will be assigned a mark of zero for the test, or will lose a percentage of the assignment mark for each day late (the percentage varies from course to course). However, UTM will make an exception and provide accommodation for tests missed, or assignments late, for reasons beyond the student's control, including:

- Illness
- Religious observances (i.e., holy days)
 - <http://www.viceprovoststudents.utoronto.ca/publicationsandpolicies/guidelines/religiousobservances.htm>
- Other unplanned circumstances entirely beyond the student's control (e.g., a court subpoena, a funeral, a car accident).

Reasons such as “too much work”, technology failure, attending a wedding, family vacations, or not adding the class in time are not considered to be beyond a student's control and will not be accommodated.

Missed Tests

Please observe the detailed instructions and timelines stipulated at http://www.utm.utoronto.ca/sociology/missed_tests. Failure to follow these instruction and timelines will result in your missed test special consideration request being denied.

Please note students may not submit a special consideration request to re-write a test once the test has begun. If you are feeling ill, you must leave the room before starting your test and seek medical attention immediately.

Make-up Tests: If your special consideration request for a missed test is approved by the department (not the instructor), and the accommodation takes the form of a make-up test (rather than re-weighting future tests), you will write the make-up test in accordance with the dates set out at http://www.utm.utoronto.ca/sociology/missed_tests.

Missed Final Examinations

Final exams are scheduled, administered, and governed by the policies set out by the Office of the Registrar (see the UTM Calendar). If you are late for, or miss, a final exam, follow procedures posted on the Registrar's website.

Late Assignments

To request accommodation for a **late assignment** you must present your case to the INSTRUCTOR via email or in person.

- In order not to be considered late, assignments must be submitted by the due date listed on the syllabus via Blackboard. ***You are expected to keep a back-up, hard copy of your assignment in case it is lost.***
- For lateness *beyond your control*, the documentation must indicate that you were unable to engage in school work *on the due date of the assignment* for a ONE day extension.
 - For a longer extension you must prove that you were unable to engage in school work for a longer period or provide documentation that you encountered an exceptional, unforeseen circumstance. Note that all term work must be submitted *on or before the last day of classes*. Students who for reasons beyond their control wish to seek an extension of this deadline must obtain approval from their instructor for an extension of the deadline. This extension may be for no longer than the end of the final examination period. If additional time beyond this period is required, students must petition through the Office of the Registrar for a further extension of the deadline
- Late assignments for reasons that are *within your control* will be penalized 10% marks per day. The penalty will run from the day the assignment was due until the day it is submitted to the instructor via Blackboard. The penalty period does not include weekends and holidays. Assignments that are more than 5 days late will not be accepted.

Grade Appeals

Instructors and teaching assistants take the marking of assignments very seriously, and will work diligently to be fair, consistent, and accurate. Nonetheless, mistakes and oversights occasionally happen. If you believe that to be the case, you must adhere to the following rules:

- If it is a mathematical error simply alert the teaching assistant of the error.
- In the case of more substantive appeals, you must:
 1. Wait at least 24 hours after receiving your mark.
 2. Carefully re-read your assignment, all assignment guidelines and marking schemes and the grader's comments.
 3. Students have up to one month from the date of return of an item of term work or from the date the mark was made available to inquire about the mark and file for an appeal. For example, should the work be returned or the mark be made available on March 3rd, the student has until April 3rd to inquire in writing and start the re-marking process.

If you wish to appeal:

- A. You must submit to the instructor a written explanation of why you think your mark should be altered. Please note statements such as "I need a higher grade to apply to X" are not compelling. Also, please note that upon re-grade your mark may go down, stay the same, or go up.
- B. Attach the original assignment (with marker's comments) to your written explanation. Submit a hardcopy of the package to the instructor in class.

Electronic Communication and Electronic Learning Technology

Email communication is rapid, convenient, and efficient—and you are encouraged to use it to enhance your learning and experience in the course. With that said, it is essential that you follow a few rules. **Note: Emails that do not follow these guidelines will not receive a response.**

- Assignments will not be accepted via email. See above for how to submit them.
- All course communication should be conducted through Blackboard or your utoronto account.
- All emails must include the course code (e.g., SOC 123) in the subject line.
- All emails should be signed with the student's full name and student number.
- Emails from students will generally be answered within two business days of receipt.
- Treat emails as you would any other professional communication. Proofread. Use appropriate language.
- Emails that ask questions that are answered in the course syllabus or website (e.g., “how much is assignment X worth”) will not receive a response.
- All general questions about the course that are NOT addressed on the syllabus and course website should be directed to the instructor by email.

Classroom Etiquette

Students are expected to arrive at class on time.

Videotaping and recording lectures is strictly forbidden without written permission from the instructor.

Academic Integrity

Copying, plagiarizing, falsifying medical certificates, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be referred to the Dean's office for adjudication and punishment. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties.

- Students are expected to cite sources in all written work and presentations. See these links for department citation formats and tips for how to use sources well
<http://www.utm.utoronto.ca/sociology/resources/resources-students>
(<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>)
- By enrolling in this course, you agree to abide by the university's rules regarding academic conduct, as outlined in the Calendar. You are expected to be familiar with the “Code of Behaviour on Academic Matters (www.governingcouncil.utoronto.ca/policies/behaveac.htm) and *Code of Student Conduct* (<http://www.governingcouncil.utoronto.ca/policies/studentc.htm>) which spell out your rights, your duties and provide all the details on grading regulations and academic offences at the University of Toronto.

Student Services and Resources

AccessAbility Centre. We take seriously our obligation to make this course as welcoming and accessible as feasible for students with diverse needs. Students are encouraged to registrar with the Centre (and, if appropriate, alert the instructor) as early in the term as possible. In many instances it is easier to arrange certain accommodations with more advance notice, so we strongly encourage you to act as quickly as possible. With that said we understand that disabilities can change over time and will do our best to accommodate you. Students seeking support must have an intake interview with a disability advisor to discuss their individual needs. To schedule a registration appointment with a disability advisor, please call the Centre at 905-569-4699 or e-mail at: access.utm@utoronto.ca. See also <http://www.utm.utoronto.ca/access>.

The Robert Gillespie Academic Skills Centre offers workshops, seminars and individual appointments to help students identify and develop their skills. It is located in Rm 390 of the Library, online at <http://www.utm.utoronto.ca/asc/undergraduate-students> and can be reached at (905) 828-3858.

A variety of **other student support services and resources** can be found at <http://www.utm.utoronto.ca/current-students>, including academics, health, wellness and student services.

Equity & Diversity

The University of Toronto is committed to equity and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect. As a course instructor, I will neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual in this course and wish to be alerted to any attempt to create an intimidating or hostile environment. It is our collective responsibility to create a space that is inclusive and welcomes discussion. Discrimination, harassment and hate speech will not be tolerated. If you have any questions, comments, or concerns you may contact the UTM Equity and Diversity officer at edo.utm@utoronto.ca or the University of Toronto Mississauga Students' Union Vice President Equity at vpequity@utmsu.ca.