

The Legal Profession

Sociology/Legal Studies 415, Spring 2016

Time: 2:30-3:45pm, Tuesday/Thursday
Location: Social Sciences 6203
Instructor: Professor Sida Liu
Office: 8142 Sewell Social Sciences
Office Hours: 2:00-4:00pm, Wednesday
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COURSE DESCRIPTION

This course introduces the legal profession not from the perspective of law practitioners, but from the social science studies on various aspects of this profession in the United States and other social contexts. It does not teach you how to think like a lawyer, but it provides you social science perspectives for understanding how the legal profession is organized, differentiated, and transformed over time. It also examines the relationship between lawyers and other social entities, such as their clients, market competitors, state regulators, and the process of globalization.

REQUIREMENTS

The course is designed as an advanced-level seminar, and therefore both careful reading and active class participation are important. Every student is required to do a reading presentation at one class during the semester. The instructor reserves the right to call individual names for answering questions concerning the course readings. Please communicate with me if you become ill or emergencies arise so that I will be aware of your circumstances. Reading and class participation account for 10% of your final grade.

Every student is required to submit a one-page (minimum) summary each week of all of that week's readings (except for Week 1 and Week 9) to the "Communication → Discussion" forum at Learn@UW by 2:00pm on Tuesday. These summaries account for 20% of your final grade. (You have the option to skip summaries for up to 3 weeks without losing your grade, i.e., the minimal number of your summaries must reach 10 by the end of the semester.)

In addition to reading summaries and class participation, the main requirements of this course consist of a 1,000-word book review and two open-book, take-home exams. The mid-term exam is scheduled in the week of **March 10-17, 2016** (Week 9) and it accounts for 30% of your final grade. The book review is due at the same time as the mid-term exam and it accounts for 10% of your final grade. Specific requirements of the book review will be given in a separate document early in the semester. The final exam is scheduled in the week of **May 5-12, 2016** (exam week) and it accounts for 30% of your final grade. Specific information about the two exams will be given at least a week before the exams.

READINGS

The course has no textbook. All the readings are available in PDF format at Learn@UW. After logging in to the course website, please click on the “Materials” button and then select “Content”. All the readings are in the “Readings” folder.

ACCOMMODATIONS

Students with particular needs that might affect participation, coursework, or examination environment should inform the instructor about those needs within the first three weeks of the semester so that I reasonably can accommodate those needs properly. I rely on the McBurney Disability Resource Center to determine what academic accommodations a student may require. Students who request accommodations must master all requirements, skills, knowledge, and academic standards of the course. Students who request relief for religious observances also should notify the instructor within the first three weeks of the semester.

READING SCHEDULE

Week 1: Introduction

January 19 (Tuesday)

Course introduction – no reading.

January 21 (Thursday)

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: History: England and the United States

January 26 (Tuesday)

Burrage, Michael. 1988. “Revolution and Collective Action of the French, American, and English Legal Professions.” *Law & Social Inquiry* 13: 225-277.

January 28 (Thursday)

Auerbach, Jerold S. 1976. *Unequal Justice: Lawyers and Social Change in Modern America*. New York: Oxford University Press. (Chapters 1 and 2, pp. 14-73)

Week 3: History: Continental Europe and Asia

February 2 (Tuesday)

Karpik, Lucien. 1988. “Lawyers and Politics in France, 1814-1950: the State, the Market, and the Public.” *Law & Social Inquiry* 13: 707-36.

Ledford, Kenneth F. 1995. “German Lawyers and the State in the Weimar Republic.” *Law and History Review* 13: 317-349.

February 4 (Thursday)

Schmitthener, Samuel. 1968. “A Sketch of the Development of the Legal Profession in India.” *Law & Society Review* 3: 337-382.

Ota, Shozo, and Kahei Rokumoto. 1993. “Issues of the Lawyer Population: Japan.” *Case Western Reserve Journal of International Law* 25: 315-332.

Week 4: General Theories

February 9 (Tuesday)

Abel, Richard L. 1989. *American Lawyers*. New York and Oxford: Oxford University Press. (Chapters 2, 3 and 5, pp. 14-70, 112-126)

February 11 (Thursday)

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

Week 5: The Social Structure of the Bar

February 16 (Tuesday)

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)

February 18 (Thursday)

Heinz, John P., Edward O. Laumann, Robert L. Nelson, and Ethan Michelson. 1998. "The Changing Characters of Lawyers' Work: Chicago in 1975 and 1995." *Law & Society Review* 32: 751-776.

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

Week 6: The Rise of Large Law Firms

February 23 (Tuesday)

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.

February 25 (Thursday)

Galanter, Marc, and Thomas M. Palay. 1990. "Why the Big Get Bigger: The Promotion-to-Partner Tournament and the Growth of Large Law Firms." *Virginia Law Review* 76: 747-811.

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 7: Solo Practice and Small-Firm Lawyers

March 1 (Tuesday)

Levin, Leslie C. 2004. "The Ethical World of Solo and Small Law Firm Practitioners." *Houston Law Review* 41: 309-392.

March 3 (Thursday)

Kritzer, Herbert M. 1997. "Contingency Fee Lawyers as Gatekeepers in the Civil Justice System." *Judicature* 81: 22-29.

Zaloznaya, Marina, and Laura Beth Nielsen. 2011. "Mechanisms and Consequences of Professional Marginality: The Case of Poverty Lawyers Revisited." *Law & Social Inquiry* 36: 919-944.

Week 8: Lawyers and Clients

March 8 (Tuesday)

Sarat, Austin, and William L. F. Felstiner. 1986. "Law and Strategy in the Divorce Lawyer's Office." *Law & Society Review* 20: 93-134.

Flood, John. 1991. "Doing Business: The Management of Uncertainty in Lawyers' Work." *Law & Society Review* 25: 41-72.

March 10 (Thursday)

Liu, Sida. 2006. "Client Influence and the Contingency of Professionalism: The Work of Elite Corporate Lawyers in China." *Law & Society Review* 40: 751-781.

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.

Week 9: Mid-term Exam

March 15 (Tuesday)

Library research for book review – no reading.

March 17 (Thursday)

Take-home mid-term exam – no reading.

----- **Spring Break** -----

Week 10: Legal Education and Professional Career

March 29 (Tuesday)

Edwards, Harry T. 1992. "The Growing Disjunction between Legal Education and the Legal Profession." *Michigan Law Review* 91: 34-70.

Mertz, Elizabeth. 2007. "Inside the Law School Classroom: Toward a New Legal Realist Pedagogy." *Vanderbilt Law Review* 60: 483-513.

March 31 (Thursday)

Dinovitzer, Ronit, and Bryant G. Garth. 2007. "Lawyer Satisfaction in the Process of Structuring Legal Careers." *Law & Society Review* 41: 1-50.

Dinovitzer, Ronit. 2011. "The Financial Rewards of Elite Status in the Legal Profession." *Law & Social Inquiry* 36: 971-998.

Week 11: Gender Inequality

April 5 (Tuesday)

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; Chapter 7 is optional)

April 7 (Thursday)

Kay, Fiona, and Elizabeth Gorman. 2008. "Women in the Legal Profession." *Annual Review of Law & Social Science* 4: 299-332.

Reichman, Nancy J., and Joyce S. Sterling. 2004. "Sticky Floors, Broken Steps, and Concrete Ceilings in Legal Careers." *Texas Journal of Women and Law* 14: 27-76.

Week 12: Racial Inequality

April 12 (Tuesday)

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.

April 14 (Thursday)

- 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.
- Payne-Pikus, Monique R., John Hagan, and Robert L. Nelson. 2010. "Experiencing Discrimination: Race and Retention in America's Largest Law Firms." *Law & Society Review* 44: 553-584.

Week 13: Interprofessional Competition and Conflict of Interest

April 19 (Tuesday)

- Hanlon, Gerard. 1997. "A Profession in Transition? Lawyers, the Market, and Significant Others." *Modern Law Review* 60: 798-822.
- Dezalay, Yves, and Bryant G. Garth. 2004. "The Confrontation between the Big Five and Big Law: Turf Battles and Ethical Debates as Contests for Professional Credibility." *Law & Social Inquiry* 29: 615-638.

April 21 (Thursday)

- Shapiro, Susan P. 2002. *Tangled Loyalties: Conflict of Interest in Legal Practice*. Ann Arbor, MI: University of Michigan Press. (Chapters 4, 80-133)

Week 14: Lawyers and Politics

April 26 (Tuesday)

- Rueschemeyer, Dietrich. 1986. "Comparing Legal Professions Cross-Nationally: From a Profession-Centered to a State-Centered Approach." *American Bar Foundation Research Journal* 11: 415-446.
- 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.

April 28 (Thursday)

- Marshall, Anna-Maria, and Daniel C. Hale. 2014. "Cause Lawyering." *Annual Review of Law and Social Science* 10: 301-320.
- Halliday, Terence C. 1999. "Politics and Civic Professionalism: Legal Elites and Cause Lawyers." *Law & Social Inquiry* 24: 1013-1060.

Week 15: Lawyers and Globalization

May 3 (Tuesday)

- Liu, Sida. 2013. "The Legal Profession as a Social Process: A Theory on Lawyers and Globalization." *Law & Social Inquiry* 38: 670-693.
- Flood, John. 2007. "Lawyers as Sanctifiers: The Role of Elite Law Firms in Business Transactions." *Indiana Journal of Global Legal Studies* 14: 35-66.

May 5 (Thursday)

- Silver, Carole. 2007. "Local Matters: Internationalizing Strategies for U.S. Law firms." *Indiana Journal of Global Legal Studies* 14: 67-93.