

LAW AND LITERATURE: LIFE AS A LAWYER

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Course Description

This course offers students the opportunity to think and write about how they choose to create their lives as lawyers. If major goals are self-fulfillment, happiness, and the opportunity to serve and help others, how does one achieve such a life? The course invites the student to contemplate the inevitable barriers and opportunities in attempting to counsel or advocate for others, when one has imperfect knowledge and is filled with uncertainty; and to ponder the benefits and burdens of “thinking like a lawyer.” At the heart of the course is the reading of two novels, a biography, the notes of a poetic surgeon, a book on “happiness,” a book to be chosen by the students, as well as four short stories. Most of the readings deal very little with lawyers, but they do invite us to think about how lawyers think, write, talk, and act compared to others, and how one might hope to live a worthwhile life as a lawyer. This is in large measure a writing course, requiring eight short papers. The writing requirement is described in more detail in the syllabus below. Some sample papers from students who previously took this course are on reserve in the library.

Syllabus

1. Class Limit. There is a class limit of 15 students. This is desirable, or even necessary, because so much of the course depends on the students and teachers getting to know one another, building up trust, and everyone having an opportunity to share thoughts, both in writing and in discussion. If over-subscribed, Student Services will pick people by lottery. Even if you are not in the first group chosen, if this course is really what you want, please come the first day of class. Often those who are picked do not show up the first day or quickly decide to drop the course. The course is a lot of work: writing eight short papers and much reading.

2. The Reading. The books for this course are Kazuo Ishiguro, *The Remains of the Day*; Paul Rusesabagina, *An Ordinary Man*; Atul Gawande, *Complications – A Surgeon’s Notes on an Imperfect Science*; Tal Ben-Shahar, *Happier*; Jane Austen, *Pride and Prejudice*; and a course packet of selected readings, primarily short stories and excerpts (pro and con) about a course on happiness. Please feel free to use whatever edition you choose for *Remains of the Day*, *Pride and Prejudice*, *An Ordinary Man*, and *Complications*. The books should be available at any decent bookstore or library; most, if not all, are available in paperback. They may already be on your shelf or the shelf of friends or relatives. You will have to read the five books, as well as an additional book selected by me and the class (which will be available in paperback), and the additional readings in the class packet which will be available at Gnomen on Huntington Ave.

3. Classes. This is a three-hour course, usually with two classes a week, each meeting for one hour and a half. There will, however, be three classes at homes or at school at night, in lieu of the regular class.
4. Papers. There are eight required short papers, plus a few paragraphs you will be asked to write which will be due the second day of class. About one-half of the class will be spent discussing individual student papers that are passed in on Mondays. The papers do not entail legal writing in the traditional sense. Instead, they force us to think about the attributes of being a “good” lawyer; articulating one’s goals, fears, and aspirations; thinking about how to create one’s life as a lawyer; and the burdens and benefits of legal thinking, talking, and writing and of being a lawyer or judge. Papers must be passed in on time, at the beginning of most Monday classes, regardless of their state. Papers will normally be about three pages, double-spaced, and two stapled copies of each should be held by a paper clip. (Also, each student will need an additional copy of his or her own.) I am not usually this obsessive, but there is a lot of paper to keep track of in this course. I have put on reserve in the library a copy of some of the writing examples of students who have taken the similar course in the past. But you will want to adopt your own style of writing and these examples should in no way inhibit your creativity.
5. Student Leaders. Two students will be asked in advance to be prepared to help lead each day’s discussions, along with me. All students will be expected to participate in class discussions. If you are not prepared to participate fully in class discussions, please do not take this course.
6. Final Evaluations. There is no final exam. Your evaluation depends on the promptness and overall quality of your papers, and the quality of your discussion in class.
7. Paper Topics. There are suggested writing assignments on this syllabus. There are always more than one suggestion. You may choose any of the suggestions or portions of them. If you don’t like any of the suggestions, you may choose your own topic based on the materials you have read in this course and/or off-shoots of the questions. On occasion, you may wish to pick a topic totally on your own without regard to the materials – but we hope the topic relates in some way to the course. Papers do not have to be essays. Some students for some papers write stories or even poems. There are, though, three conditions in respect to choosing topics:
 - a) You must state clearly at the beginning of your paper (or separately at the top) exactly what topic or theme you have chosen or what issue you are exploring.
 - b) At least four of your eight papers must be centered on the suggestions; and
 - c) Your fourth paper, writing something about happiness or unhappiness or both, is mandatory. (This paper counts as one of the four described in “b.”)
8. Turning in and Picking Up Papers. You will turn in your papers at the beginning of class on the Mondays when they are due. You will pick up copies of selected papers for

you to read before the Wednesday class of each week (after the first week). Selected copies of papers will ordinarily be available on Tuesdays by noon at the latest. The copies will be in front of Jan McNew's office (31 Cargill). Jan notifies you by e-mail when the papers are ready.

10. Warning. Please do not take this course if you think for any reason that you will have to miss more than a few classes, if you cannot do the reading on time, if you do not have the time or discipline to write the papers on time, or if you won't actively participate in class discussion. The class relies on the readings, the papers, and the discussion of both.

ASSIGNMENTS

(Please note that there is an asterisk denoting when each writing assignment is due.)

Week 1: Trying to Understand Other People

Class 1, Monday, March 1: We'll meet each other, talk about the course, and start talking about our perspectives and how we view other people. **Note: You will be writing a paper on "The Remains of The Day" for next Monday, so you will want to start reading that, along with the two short stories which must be read by this Wednesday.**

*Class 2, Wednesday, March 3: Read in Reading Packet: "In the American Society," by Gish Jen and "A Jury of Her Peers" by Susan Glaspell. We will discuss these stories, considering such matters as how and why it is difficult to understand others, how to get better at it, the uses of caricature and humor, and whatever else the student leaders wish to focus on. In the remainder of the classes, Mondays will usually be spent discussing the readings, and Wednesday will be spent discussing your papers. This is the only Wednesday in which a paper is due. Please write very briefly about what you want to get out of this course. Pass in two copies and keep a copy for yourself. This is not one of the eight papers due in the remainder of the course.

Suggested Topics for First Regular Length Paper (due on Monday, March 8). Papers in this course are due on Mondays. Please remember that two paper copies must be passed in. I do not accept e.mail attachments. You should have finished "The Remains of the Day" before writing your paper.

1. Describe a professional you know who has characteristics of Stevens. Is she or he successful in her or his profession? Is it a mistake to think that your character could at the same time be as dedicated as Stevens to the tasks at hand and yet live a more emotionally complete and satisfying life?
2. Can you write a story in which Stevens or one like him has a satisfying conversation and relationship with his boss and with another human being?

3. Describe a situation when you had to bite your tongue in the face of an injustice or when you spoke up, although it was difficult. Or write a story in which either of these things happens.
4. Describe the qualities you think make a superb lawyer either in essay form or through a story. If it helps, consider using Steven's concept of dignity or his definition of a great butler. Or, you might consider comparing the life of the butler to the life of the lawyer.
5. What is the importance of the idea of bantering in *The Remains of the Day*? What is the place of bantering in one's life as a lawyer? Remember here or in any topic you pick: a story may often serve you better than an essay.
6. Why do you think Stevens is incapable of having a serious, mature relationship with Miss Kenton?
7. Consider Stevens' last conversation with his father. What do you think is the reason for his behavior during that conversation? How does it relate to his view of himself as a butler?
8. Imagine that Lord Darlington has been revered for his diplomacy rather than treated as a traitor. Do you think that Stevens would still have been regretful at the end of his life? Consider comparing this to the relationship between a lawyer and her or his client.

Week 2: Some Pitfalls of Formalism and Professionalism

*Class 3, Monday, March 8. I have to cancel this class. Please give your first full paper to Jan, in Room 31, before 1:00 pm Monday. I'll hand out copies of some of the papers at class on Wednesday.)

Class 4, Wednesday, March 10. Discuss *Remains of the Day* and your first papers.

Suggested Topics for Second Paper (based on *A Jury of Her Peers* and/or Sir Arthur Conan Doyle, *The Adventure of the Silver Blade*, which is in your packet).

1. Imagine that Sherlock Holmes was not a detective, but a lawyer. How do you think he would fare as a lawyer? If you were hiring him as a partner, what would you do with him in your firm? Litigation Department? Transactions? Training other lawyers? You may wish to consider the following quote or any other: "I follow my own methods, and tell as much or as little as I choose. That is the advantage of being unofficial."
2. My senior partner said that anyone who wanted to be a litigator should read a lot of Sherlock Holmes. Why? Do you agree?

3. What keeps folks in *A Jury of Her Peers* and *The Adventure of the Silver Blade* from picking up important clues? How can one get better at it?
4. Write an alternative sequence in the Sherlock Holmes story explaining the trainer's demise. How would it come out and which clues and details would you change to make it work.
5. Sherlock Holmes never married and seldom fraternized with any individuals other than Watson. He often used morphine and cocaine and was described by Watson to be a drug user and an insomniac. Could Sherlock Holmes have benefited from more life-work balance? Was his lifestyle the sacrifice for being Sherlock Holmes?
6. What, if anything, is wrong with the men in *A Jury of Her Peers*? Is it still a problem in life and law offices?
7. Discuss the moral implications about law in *A Jury of Her Peers*.
8. Tell a story, fact or fiction, in which you or someone else misreads clues.
9. What is the importance in either or both stories of talking things over with other people? To what extent is this important for lawyers? A story may work better than an essay to make your points.

Class 5. Thursday or Friday evening, March 11 or 12. Dinner and watch movie of *The Remains of the Day*.

Week 3: On Paying Attention to Details

*Class 6, Monday, March 15. Turn in second papers. Discuss *The Adventure of the Silver Blade* and *A Jury of Her Peers* (You should start reading *An Ordinary Man*.)

Suggested Topics for Third Paper (based on An Ordinary Man):

1. Think of someone you know who is excellent at using words or language to achieve his or her goals. It could be a character in a book, a person in your life, or someone you make up. Describe a situation where this person demonstrates this skill. What does she or he do that is effective in this respect.
2. In *An Ordinary Man*, the writer is able to achieve a seemingly impossible feat using primarily his own words. What does he do that is so effective? Explain his style and what makes him so effective. Use examples from the text to illustrate your argument.

3. Write about a time when you had to speak for someone else. Explain the situation and the difficulties one encounters in talking for another person. How would you have done it differently if you were speaking for yourself? Do you think you communicated the person's message effectively? Why, and what would he or she think?
4. How did Paul Rusesabagina speak for the people in the hotel? What difficulties did he have and how was he successful? Was he able to convey the interests for whom he spoke?
5. Describe or make up a story of a successful or unsuccessful negotiation.
6. Do you trust Paul Rusebagina's story of his own life? Why or why not?
7. Describe the advocacy skills of Senators McCain or Obama or any other politician you have heard. What makes them effective and/or ineffective? Examples, of course, will help.

Class 7. Wednesday, March 17. Discuss your second papers.

Week 4. Speaking for Others and Negotiating

*Class 8. Monday, March 22. Turn in your third papers. Discuss Paul Rusesabagina and *An Ordinary Man*.

Suggested Topics for Fourth Paper (Read first the materials in your packet on Happiness and the book, Happier.) **PICKING ONE OF THESE TOPICS OR A CLOSELY RELATED ONE IS THE ONE MANDATORY TOPIC CHOICE IN THIS COURSE.**

1. Articulate your greatest concerns, if any, about being a lawyer.
2. Write a definition of the word "happiness." If you applied this definition to yourself, would you be happy? Discuss the definition and its application.
3. Think of a situation where you were truly happy. Explain the situation fully. What was it about the situation that made you remember it as "happy"? What does this explanation tell you about what it means to be happy?
4. What about the practice of law do you think will tend to make you unhappy and what in the practice do you think will increase your happiness? You might want to relate your answers to past experiences.
5. Write about a lawyer who you think is generally happy in her or his profession. What contributes to this contentment?

6. Write a story, fictional or real, about any important incident or incidents in the practice of law; have some emotional components in your narrative.
7. Through an essay or story share some of your views about the relationship of happiness to what you expect and/or hope for in your chosen profession.
8. Explain why you think happiness should not be a major goal for one's life as a lawyer.
9. In *Happier* there are many "Time-Ins" and Exercises. Actually do one or more of them, and explain whether or how they worked for you. Did they seem worthwhile?

*Class 9. Wednesday, March 24 . We'll discuss your third papers today most of which centered on *An Ordinary Man*.

Week 5. Happiness and the Practice of Law

* Classes 10. Monday, March 29th. Turn in fourth papers. Discuss readings on Happiness, including the book. We may have a clinical psychologist with us.

Topics for Fifth Paper. (Also read *In the Cemetery Where Al Jolson is Buried* which is in your packet.)

1. PREFERRED TOPIC: Propose a novel or other book which you think would work well in this course. It has to be available in paperback. Advocate for its use, and also include what a major topic for the week would be if we use your choice and at least five paper topics for your classmates to choose from related to the book or somehow suggested by the book you recommend. You should be able to relate your choice to "the life of the lawyer," even if this is only in an attenuated way.
2. LAST RESORT: If you absolutely have no such favorite book that you would recommend for this course, try one of the following:
 - a. As you read "In the Cemetery Where Al Jolson Is Buried," pay attention to how often the main character stops herself from telling her dying friend something about death in the future. What is she unable to say? What is the significance of the gorilla story?
 - b. Compare the difficulty of talking about death in the story with the difficulty faced by people who are not familiar with legal language.

Or perhaps write something about the difficulty a lawyer might have when dealing with a dying client or with an issue relating to death.

- c. Write about a time that the law controlled the actions of someone. It could be you, a person you know, a character in a book, or even someone you make up. Explain the situation, particularly the frustration or other emotions that the person feels who is forced to transform his/her words into legal language. Do you think this is fair? Is this how the law should work? Explain your reasoning.

Class 11. Wednesday March 31. We'll meet at my house for dinner and the whole evening will last at least three hours. We may have some guests with us, which may include a lawyer or two. We'll discuss a few of the fourth papers and related topics.

Week 6. Talking about Difficult Things; Advocating for a Book of Your Choice

*Class 12. Monday, April 5. Turn in 5th paper. Discuss *In The Cemetery Where Al Jolson was Buried* and talking or writing about difficult topics for which words often do not do justice.

Suggested topics for 6th paper after reading *Complications: A Surgeon's Notes on an Imperfect Science* by Atul Gawande. At a minimum, I suggest you read pages: 10-34, 47-74, 88-106, and 186-252.

1. Describe some of the characteristics of a great attorney in your view, perhaps using a story to make your point.
2. Compare and contrast excellent doctors and successful lawyers. Again, a story involving both might serve you best.
3. Describe the joys and difficulties of dealing with complex situations, perhaps emphasizing some coping mechanisms for dealing with complexity.
4. Consider what steps you can take to increase the odds that you'll be a truly exceptional lawyer.
5. What will you consider in picking a law office or legal department with which you want to associate? How will you find out in advance if it is a good fit for you?
6. Describe a situation when you had to try something on your own the first time. What, if any, were your concerns?

7. Describe a legal or other situation in which you had to deal with uncertainty. What were your coping mechanisms?
8. How do you propose to monitor or improve your own performance as a lawyer?
9. Describe incompetence you're witnessed in the practice of law or in another discipline. How did you know it was incompetent?
10. Describe a situation where someone wanted your advice and then seemed ready not to follow it and instead prepared to act in what you thought would be a mistaken or wrong-headed way. What did you do? Or describe a similar situation in which an attorney or another person was faced with this situation.

Class 13, Wednesday, April 7. Discuss fifth papers. Advocate for a book of your choice. Let's decide what book suggested by a student to read for Class 16.

Week 7. Excellence in One's Profession; The Joys of Complexity and Challenge

*Class 14, Monday, April 12. Hand in sixth papers. Discuss *Complications*.

Suggested topics for seventh papers will be passed out in class, after we know what new book, advocated by a student, we will now read.

Class 15, Wednesday, April 14th. Discuss sixth papers.

Week 8. STUDENT CHOSEN BOOK. Major topic to be announced.

*Class 16, Wednesday, April 21. Hand in seventh papers. Discuss the new book.

Suggested Topics for Eighth Paper (after reading Pride and Prejudice):

1. Write about a situation where you had judged someone incorrectly. Explain the situation and how you were incorrect in your misjudgment. Discuss how the misjudgment seemed to affect the other person and how your behavior changed after you realized your error.
2. Write about a situation where you were incorrectly judged by somebody else. Explain the situation. Explain how the other person was incorrect in her or his judgment. If possible, explain why you think the mistake occurred. Discuss how the misjudgment affected you and how you chose to respond.

3. Write about the art of judging, either in life or in law. (Please keep remembering that not all of your papers have to be expository. Stories are fine.) Or instead, perhaps write about some aspect of judging or misjudging in *Pride and Prejudice*.

4. Write about a choice that you have made that affected someone else. Explain the choice and your reasons for making it. Did you consider the other person's feelings before you made the choice? Next, explain the choice from the perspective of the person affected. What did she or he think of your choice? How would this person have done it differently?

5. How did the characters in *Pride and Prejudice*, or any one or more of them, make choices? What do you think was guiding those choices?

7. Have you developed any rules or methods for making tough decisions? Consider writing a narrative or story in which you make a tough decision and the reader understand in the story, how and why the decision was made, and whether, in hindsight, it proved to be sound.

7. What is so attractive to you about Elizabeth as a character? What characteristics do you admire in her?

8. What permits Elizabeth to grow and mature?

Class 17. Monday, April 26th, Discuss your seventh papers.

Class 18. Wednesday, April 28. We'll have dinner and watch a version of *Pride and Prejudice* at school or at a house.

Week 9: The Art of Judging and Insistence on Being Yourself

*Class 19. Monday, May 3. Hand in eighth papers. Discuss *Pride and Prejudice*.

Class 20, Wednesday, May 5th. Discuss your eighth papers. Will probably concentrate on "judging."

Week 10: Wrapping Up

Class 21, Monday, May 10. Continue talking about *Pride and Prejudice* and your papers. Will probably concentrate on Elizabeth's character.

Class 22, Wednesday, May 12. Our last class. Wrapping up. Perhaps we'll have breakfast or another meal together. Please bring a copy of the very short paper about what you wanted to get out of the class.

Good luck in your exams and/or in writing final papers for other courses.