I. LAW AND LITERATURE ("Law-Lit")

We explore law’s meaning and value through stories. What is justice? How should we judge? What is law’s foundation? Why obey law? What kind of lawyer should I aspire to become? What values are most important to a flourishing life in law practice? Literature helps us answer these vital questions. It likewise teaches us to become better legal writers. Learning story techniques, such as narrative structure, character development, and theme building, among other tools of the writer’s trade, enhances our repertoire of persuasion skills. Those skills share center stage with our professional values as we confront the many moral-legal dilemmas in a thoughtful lawyer’s life. To those ends, we read the classics, such as Antigone; A Jury of Her Peers; and Noon Wine, as well as the contemporary works, The Lifeboat; Just Mercy; A Civil Action; and Home Fire. We also dissect the movie Michael Clayton for its many Law-Lit themes. For further insights, we look to excerpts from poetry, essays, and actual legal cases.

II. REQUIREMENTS & GRADING

A. Literature. We read the following books in addition to poems and other short works:
B. Movie Week. At the semester mid-point we watch Michael Clayton, the award winning film that follows the arch of a flawed lawyer’s quest for justice and redemption in the legal profession. The movie allows us to examine many ethical questions at stake in our legal system and in our lives as lawyers. It raises core questions about legal ethics and the meaning and availability of justice through our legal system, a system in which justice sometimes yields to legal maneuvering, money, and power. It also illustrates beautifully the art and anatomy of good storytelling.

http://www.rottentomatoes.com/m/michael_clayton/

C. Papers. Two short papers and one long paper. The short papers (3-4 pages, double-spaced) can explore an interpretive, jurisprudential, thematic or creative issue raised in law-lit or apply such an issue to a piece of literature. I’ll provide a list of approved topics and formats, but invite you to develop your own as
well. The first short paper is due **February 22** and the second **March 22**. Each is worth **20%** of your grade. The longer seminar style paper (8-10 pages, double-spaced) is due our **final week** or a later time determined by our schedule. This final paper is worth **40%** of your grade.

**D. Class Discussion + Law-Lit Confabs.** Our enjoyment and success depend on your participation. Reading is usually a solitary act of self-discovery, but it can also evolve into a shared learning experience through free and fearless discussion of ideas. We strive to create such a class, one where we’re willing to share our personal and intellectual struggles with this thought-provoking material. To help achieve this goal, I’ve created Law-Lit Confabs or written sets of questions, issues, and talking points for our weekly class dialogue. I’ll email the Law-Lit Confab the week before each class. Your overall participation in class throughout the semester equals **20%** of your grade. You can also email me or comment on the law-lit website for further participation.

**E.** [http://www.literarylawyers.org](http://www.literarylawyers.org). I’ll direct you from time-to-time to visit our class website for further insights, links, and welcoming content about our studies. You may post comments to satisfy, in part, your class participation grade or, for that matter, your own law-lit interests. Links to poems and online readings can be found along the left-hand column of the website home page.

### III. WEEKLY READINGS AT-A-GLANCE

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IV. WEEKLY READINGS IN DEPTH

Class 1
Antigone – Law’s Beginning, Story’s beginning

After our class introduction, we talk about what makes a good story, what are some of our favorite stories, and why. We introduce basic story structure ideas that will guide us throughout the semester. We also look, in particular, at what makes for a good beginning to a story. We introduce character, conflict and arch as useful writing ingredients, and we apply them to famous literary openings. Can these ingredients inform our legal writing too?

We then turn to our first story, Antigone by Sophocles. You’ll find an esteemed, free online version here: [https://mthoyibi.files.wordpress.com/2011/05/antigone_2.pdf](https://mthoyibi.files.wordpress.com/2011/05/antigone_2.pdf). This is the Dudley Fitts and Robert Fitzgerald translation. Feel free, if you prefer, to purchase the paperback, Kindle version or, for that matter, any other widely available translation as well. The minor differences in various modern translations won’t concern us.

We delve into Antigone by first asking whether the story is good, what makes it so (or not), and why. We apply the above character, conflict, and arch ingredients to the story’s opening passages.

We then move onto jurisprudential and thematic questions: How can we compare the various understandings and manifestations of law presented or implied in Antigone? In particular, what is law to Antigone and Creon – how do they understand it, where does it come from, and where does it get its legitimacy and authority? Why do those questions matter to Antigone and Creon and the other characters?

Do these questions matter to you as a law student and future member of the legal profession?

Finally, in Antigone, we feel compelled to choose sides. Which side do you choose and why?

The class confab I’ll email fleshes these questions out for us, acting as a guide to our discussion.

Class 2
A Jury of Her Peers – Obedience and Subversion

We return to good story beginnings, asking whether this story creates one. What makes this beginning good or bad? Why does it matter to the reader? Why does it matter to the writer, including you as a legal writer?

We also return to now familiar jurisprudential questions. Harkening back to Antigone, can we justify subverting law in favor of other values, including those expressed in our customs and norms? Which or whose values control? How do we weigh the competing values? What if we believe the legal system cannot achieve a just outcome? Should we then subvert or manipulate it to find justice? More bluntly, if the justice system privileges one perspective, say the male dominated outlook, are women justified in undermining legal process to achieve justice or to protect one of their own?

To explore these and other questions, we read Susan Glaspell’s A Jury of Her Peers, which you’ll find online at: [https://www.learner.org/exhibits/literature/story/fulltext.html](https://www.learner.org/exhibits/literature/story/fulltext.html).

Just as we did with Antigone, we ask whose side do you choose in a Jury of Her Peers, and why?
Classes 3-4

*The Lifeboat – Story’s Characters, Law’s Absence*

We continue our writer’s work on (1) good beginnings, (2) story structure, and now for the first time, (3) character development. We examine the elements of compelling character development in writing. We consider the ways legal writers can learn from character development. We apply what we’re learning to the novel, *The lifeboat*, by Charlotte Rogan.

We also use Rogan’s story tackle more jurisprudential ground in our second class. What happens when law is seemingly absent? Imagine you’re drifting on a menacing sea in an overloaded lifeboat. The boat will sink and all will perish unless some of the survivors leave the boat. You are starving, cold. Rising waves toss the boat as a storm approaches. You must act. You must choose. Do you aid others in throwing some overboard? Do you risk being thrown over yourself if you remain passive? In the confusion and terror, you are drawn into an altercation that results in someone going overboard. He drowns.

The boat doesn’t sink in the storm. You are saved. But salvation does not greet you at the shore. You are arrested and tried for murder. The legal system will now judge your actions. The very laws that were seemingly absent on the boat will now determine your fate. The facts and intentions that were so ambiguous and confusing on the boat now lie in the hands of twelve strangers on the jury. The legal process is governed by procedures and rules alien to you as – it would seem to you – the lawyers are to the historical truth. You are lost at sea again, this time only metaphorically, as you face the American legal system.

These are some of the central tensions of *The Lifeboat*, a novel of morality, legality and indeterminacy. We ask what happens when law is seemingly absent and when it officially returns to adjudicate its subjects. Under such circumstances, how can our legal system fairly adjudicate facts? How can we possibly know what really happened on the boat at sea? And how then can we judge such “facts”? These questions also raise many of the same concerns that have occupied us these first few weeks of class: is it ever necessary to ignore or break the law? Are there times when law and morality become incompatible and, if so, how do we choose between them? Put in the starkest terms, would you sacrifice others to save yourself?

Classes 5-6

*Just Mercy: A Story of Justice and Redemption*

In reading Bryan Stevenson’s remarkable autobiography about his work as a lawyer defending death row inmates in the south, we turn now to lawyers in their roles as professionals, as heroes and villains, and as ordinary people. We ask how the life of a lawyer can satisfy both professional and personal values, as the two can conflict in the day-to-day work of legal professionals. You may have already experienced similar conflict in your legal education when the law has clashed with your own personal sensibilities about right and wrong.

The book also investigates broader questions about the meaning of justice, mercy and punishment, especially as they relate to the death penalty. Stevenson’s writing exposes racial injustice and other inequalities in our criminal court system, particularly those that affect African-Americans, cognitively impaired, juvenile and impoverished defendants. We, too, will discuss what justice and mercy mean and how they interact, using Stevenson story for context.

Finally, Stevenson’s book is an ideal example of nonfiction writing coupled with narrative art, style and personality. We can learn much about effective, persuasive writing from his example.
Class 7
Law’s Desire – Supplemental reading provided by Prof. Lewis

In this supplemental reading, we personify the “Law” to ask the question, “What does the Law want?” We will examine order, objectivity, consistency, and conflict, among other crucial dimensions of legal practice and culture. This thought-experiment will lead us into a shared exploration of laws appearance or imagery, as we also ask the question, “What does the Law look like?” We borrow from Benjamin Sells’ groundbreaking mixture of law and psychology in The Soul of the Law (29th Anniversary Edition). Sells is a lawyer who switched professions to psychology and shared insights he learned from treating lawyers as patients.

Classes 8-10
A Civil Action – Lawyer Stories

We continue our focus on lawyers as both professionals and regular people, the ways that our values, morals, and personalities influence and mix with their working “legal” lives. We also center our attention on clients and colleagues, along with their needs and values. These considerations prompt us to turn toward a better understanding of “legal narratives” or the stories lawyers and judges tell to justify and explain their legal decisions. This includes lawyers as advocates, counselors, defenders, prosecutors, etc.

Our focal text for these purposes is Jonathan Harr’s A Civil Action, a riveting, non-fiction account of lawyers embroiled in a prolific legal battle over water contamination that allegedly caused children to contract leukemia. This story leads us to many core questions about narratives and values. In particular, how and why do we construct narratives in law? How should we evaluate legal narratives? Are they true? Useful? Destructive to the aims of law? How compatible is storytelling with our legal system’s attempt to find truth and to afford litigants fair opportunities for justice?

We also seek to understand how stories shape the perception of lawyers as individual moral agents. At the center of the story is attorney Jan Schlichtmann, a charismatic, confident storyteller. What story did he tell himself and others about the case? Was it true? How did that story change over the course of the long legal struggle? What did the judge think of the story? How did the judge change the story Schlichtmann sought to tell in court? How did the rules of evidence and procedure constrain storytelling for good and bad?

As we answer these questions, we’ll continue to study style and rhetoric in presenting stories and arguments. Here we’ll have occasion again to talk about what makes for good narrative, argument and writing, including the use of fiction writer’s techniques for plotting, characterization and description, among other devices. As we prepare for “Movie Week,” we segue to Hollywood screenwriter advice on the art of storytelling in the modern era.

Class 11
Michael Clayton – Law’s Values

We watch and discuss Michael Clayton, the story of a disenchanted lawyer who seeks redemption in a corrupt legal system. The movie portrays several lawyers, all of whom face moral-legal dilemmas in the midst of a toxic tort class action lawsuit.

We draw on insights developed thus far in the course to better understand our multifaceted legal culture, the esteem (or lack thereof) for legal practitioners, and the manner in which film and television influence both the popular misconceptions and the rude realities of our legal system. We will evaluate lawyers as heroes, as villains, and as ordinary, flawed human beings. We will also reflect on the conflicting ways in which big and small screen depictions of the legal system might influence the actual administration of justice.
This section of the course also allows us to consider the theatrical and dramatic nature of legal proceedings. How does the lawyer’s work mirror the creative tasks of actor, director, and screenwriter? Must we entertain or pull heartstrings or attempt to manipulate emotions to our legal ends? Importantly, what is the “structure” of story? Is there a common or useful structure to all stories? We examine the screenwriter and story telling tradition that invokes the “Hero's Journey” and Hollywood screenwriter models for compelling, persuasive narrative. What can this tradition teach us lawyers about persuasion, story structure, coherence, and emotional appeal?

Class 12

Noon Wine: When Law’s Stories Fail

This week we read Katherine Ann Porter’s harrowing novella about a farmer who kills a bounty hunter. The bounty hunter appears one day looking for a farmhand accused of murder. In a bizarre, confusing altercation, the bounty hunter is killed with an axe. The farmer is charged with his murder. He protests his innocence, claiming he was only defending his farmhand. At trial, the farmer’s lawyer won’t let him tell his own story about what happened. His lawyer tells a different story, one that better fits the defense strategy and wins acquittal for the farmer. All is not well, however. Neither the farmer nor the small town can accept the not-guilty verdict. The different stories they tell themselves fail to match the story that won acquittal. Why, and at what cost to the accused, the victim, the community, and the legal system?

We compare the law’s judgment with the stories the accused and guilty tell themselves and others. Does a legal verdict give the accused, the victim, or society what they need or deserve? Are the language and authority of the law sometimes inadequate to their ostensible purposes? What happens when law’s stories fail?

Class 13-14

Home Fire – Whose Law, Whose Morality?

We end where we began, with a heart-rending story about the conflict between law and religion, state and family, rules and beliefs. Kamila Shamsie’s novel, Home Fire, draws on Antigone to re-tell the tragedy in modern terms. The novel tracks the same themes, as the characters struggle with civil disobedience, fidelity, faith and legal duty in the contemporary context of ISIS terrorism in Britain and the U.S. The ancient struggle lives; all that Antigone wrestled with, we must too. The novel lets us revisit what we’ve learned and discussed over the semester, both the jurisprudential leitmotifs and the practical writer’s tools, as well as the many value-laden considerations that determine our ability to flourish as lawyers. The book recapitulates Law-Lit in profound ways.