

## CRITICAL LAWYERING IN TODAY'S WORLD

Fall 2017

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### COURSE DESCRIPTION

This course will analyze recent theoretical writing about the law and lawyers in the context of current events here in Minnesota and around the country. Students will read and discuss a cross-section of writing on narrative theory, critical lawyering theory, feminist theory, and critical race theory. The principal focus of the class will be to determine how these theories bear on the real-world work of lawyering. Students will be required to make in-class presentations, lead seminar discussion, and complete a final paper.

### LEARNING OUTCOMES

By the end of the semester, students will be able to:

1. Understand and apply various critical theories to lawyering
2. Understand and apply narrative theory to lawyering
3. Engage in critical reflection on their work and identity as lawyers
4. Perform research in various media on legal and non-legal issues
5. Prepare and present original scholarly material to peers and others

### COURSE STRUCTURE

The course will be organized as a law school seminar. The first part of the course will be broken into six units, each unit devoted to a particular kind of critical theory and its application to practice, both real and hypothetical. During these weeks, we will use episodes of the MPR podcast “74 Seconds” to analyze and apply the theories. We will engage with the assigned material in different ways, including traditional discussion, role-plays based on real or hypothetical situations, and exploration of the issues through the students’ own understanding of their professional role and identity. During these weeks, students will keep an analytical and reflective journal, described more below.

The remaining two weeks of the course will be devoted to student presentations. Each student must pick a topic – either from among those discussed in the first part of the course, or of their own choosing – on which to make a presentation, and then write a paper. I will provide guidance and additional material as needed and requested.

## **“74 SECONDS”**

I suggest students listen to the entire podcast by the start of the semester.

We will refer to and discuss episodes throughout the semester, but not in chronological order, and not necessarily with an eye toward the “story.” Students will get the most benefit from this tool if you have listened to all episodes through “The Shooting of Justine Ruszczyk” before the course begins.

## **WEEKLY JOURNAL**

After doing the assignment for the unit, students must prepare -- and submit to me by noon on the day of class -- an analysis of and reflection on the assigned materials. Each entry must contain answers to the following questions:

1. What are the main points of the critical theory?
2. How is the theory implicated or helpful in understanding the assigned episodes of “74 Seconds”?
3. How is the theory implicated or helpful in understanding other issues or events?
4. How is the theory relevant to or helpful in understanding your own identity as a lawyer?

Students should refer to these journal entries in class as we discuss the material, and can flesh out or change any answers as necessary. Students will be graded only on their initial submission; the subsequent annotations will be for student use only. Each unit entry is worth 4 points; students will be awarded a bonus point if they have completed each unit’s entry on time and completely.

These journals should be used both as the basis for students’ presentations and final papers; and as an outline of the course content for future use in your careers as critically reflective, socially responsible lawyers!

## **COURSE REQUIREMENTS AND GRADING**

Weekly Analytical and Reflective Journal = 25% (4 points per unit plus bonus for perfect score)

Class Participation = 15%

Class Presentation = 25%

Final Paper = 35%

## **COURSE MATERIALS**

Ta-Nehisi Coates, [Between the World and Me](#) (2015)

MPR News, “74 Seconds,” [Subscribe to the podcast](#)

Materials posted on Blackboard, or below.

## **CLASS TOPICS AND SCHEDULE**

**(This might change as the semester proceeds)**

### **WEEK ONE**

### **FOUNDATIONS: NARRATIVE THEORY & CRITICAL REFLECTION**

Read: Grose & Johnson, Lawyers, Clients & Narrative, Chapters 1, 2, 3 & 4  
Global Digital Citizen Foundation, “The Ultimate Cheat Sheet for Critical Thinking”  
University of Michigan GSI Guidebook, “Class Participation Guidelines”  
Center for Education in Law and Democracy, “Discussion Norms”

Listen to: “The Traffic Stop” and “The Dashcam Video”

### **WEEKS TWO & THREE**

### **THEORIES: INTERSECTIONALITY**

Read: Crenshaw, “Why Intersectionality Can’t Wait,” NY Times (9/24/15)  
Ahmad, “Gay Pride, Ramadan, and Solidarity After Orlando,” The Nation (6/14/16)  
Weiss, “I’m Glad the Dyke March Banned Jewish Stars,” NY Times (6/27/17)  
Rosenbaum, “Doing Better at Intersectionality,” Huff Po (6/28/17)

Watch: <https://www.facebook.com/NowThisPolitics/videos/1613908225307328/>

Listen to: “The Trial Day 9: Yanez Takes the Stand”  
“The Trial, Day 5: The Dashcam and Diamond Reynolds”  
“Anniversary of the shooting”  
“The Shooting of Justine Ruszczyk”

### **WEEKS FOUR & FIVE**

### **THEORIES: CRITICAL RACE**

Read: Coates, Between the World and Me, pp 1 – 71  
Crenshaw, “Race to the Bottom,” The Baffler (2017)  
Williams, “The Death of the Profane,” *from* The Alchemy of Race and Rights (1992)

Listen to: “To Be Black and Armed in Minnesota”  
“The Driver”  
“After the Verdict”  
“Anniversary of the shooting”

### **WEEKS SIX & SEVEN**

### **THEORIES: GENDER**

Read: Stanchi, et al, “Introduction to the U.S. feminist judgments project,” (2016)  
Hernández-Truyol, “Talking Back: From Feminist History and Theory to Feminist Legal Methods and Judgments,” (2016)

Spade & Willse, "Marriage Will Never set us Free," (2013)

Listen to: TBA

**WEEKS EIGHT & NINE**

**THEORIES: POVERTY/SOCIAL JUSTICE**

Read: White, "Notes on the Hearing of Mrs. G." (1990)  
Quigley, "Letter to a Law Student interested in Social Justice" (2007)  
Gilman, "The Return of the Welfare Queen," (2014)

Watch: <https://www.facebook.com/seen.everything/videos/1225432264227975/>

Listen to: TBA

**WEEKS TEN & ELEVEN**

**CRITICAL LAWYERING ROLES AND SKILLS**

Read: Freeman, "It's About Power Not Policy" (2016)  
Grose & Johnson, Chapters 7 & 8

Watch: Bryan Stevenson <https://youtu.be/CoydTc-l4a4>  
6:00 – 42:00. (but feel free to listen to the Q & A if you'd like)

Listen to: TBA

**WEEKS TWELVE – FOURTEEN: STUDENT PRESENTATIONS**