Global Access to Justice
Political Science 401-003 (3 credits)

Professor Kathryn Hendley (khendley@wisc.edu)
Website: https://canvas.wisc.edu/courses/137948
Classlist: polisci401-3-s19@lists.wisc.edu
Office Hours: Tuesdays from 9:30-10:45 in 9101 Law or by appointment

GLOBAL ACCESS TO JUSTICE

Course Description: Lawyers are present in all countries, but their roles vary tremendously. In some countries, lawyers are greatly respected and are seen as making an important contribution by representing their clients and participating in the political process. In other countries, lawyers are viewed as less essential, perhaps even as a nuisance. We will study lawyers in many different countries in an effort to explain the variation in their status and the consequent impact on citizens’ access to justice.

Course Requirements: Students are expected to read the assigned material before class, to attend class regularly, to take part in class discussion, and to complete the mandatory assignments. Absence from more than two classes will be factored into a student’s participation grade.

Grades: The grade for the course will be based on:

• Participation (40%): In addition to contributing to class discussion, students are expected to make two blog posts (50-100 words) based on the readings. They are also encouraged to comment on other students’ blog posts.
• In-class quizzes on the readings (15%): There will be at least 5 quizzes. The lowest grade will be dropped. Students cannot make up these quizzes if they are absent from class.
• In-class midterm exam (25%)
• Final reflection essay (25%)

More information about the requirements for the blog posts and the final reflection essay are available on the course website.

Readings: The readings for each class have been scanned and posted on the course webpage. Students should purchase the following book. It is available at the University Bookstore.

Liu & Halliday, Criminal Defense in China (Cambridge University Press, 2016)

Course Credit-Hour Expectation: This is a 3-credit course. It meets for two 75-minute sessions each week over the fall semester and carries the expectation that students will work on course learning activities (reading, writing, assignments, studying, etc.) for about 3 hours out of the classroom for every class period.
Learning Outcomes:
• Increase knowledge about the role of lawyers in the U.S. and other countries.
• Improve ability to synthesize social science readings and formulate arguments in written and oral form.
• Improve oral advocacy skills through active classroom discussion.

Academic Integrity Statement: By enrolling in this course, each student assumes the responsibilities of an active participant in UW Madison’s community of scholars in which all academic work and behavior are held to the highest standards. Cheating, fabrication, plagiarism, unauthorized collaboration, and helping others commit these acts are examples of academic misconduct, which can result in disciplinary action. This includes, but is not limited to, failure on the assignment/course, disciplinary probation, or suspension. Substantial or repeated cases of misconduct will be forwarded to the Office of Student Conduct & Community Standards for additional review. For more information, refer to https://conduct.students.wisc.edu/academic-integrity/

Accommodations for Students with Disabilities: The University of Wisconsin-Madison supports the right of all enrolled students to a full and equal educational opportunity. The Americans with Disabilities Act (ADA), Wisconsin State Statute (36.12), and UW-Madison policy (Faculty Document 1071) require that students with disabilities be reasonably accommodated in instruction and campus life. Reasonable accommodations for students with disabilities is a shared faculty and student responsibility. Students are expected to inform faculty of their need for instructional accommodations by the end of the third week of the semester or as soon as possible after a disability has been incurred or recognized. Faculty will work either directly with the student or in coordination with the McBurney Center to identify and provide reasonable instructional accommodations. Disability information, including instructional accommodations as part of a student’s educational record, is confidential and protected under FERPA. https://mcburney.wisc.edu/facstaffother/faculty/syllabus.php

Diversity & Inclusion: Diversity is a source of strength, creativity, and innovation for UW-Madison. We value the contributions of each person and respect the profound ways their identity, culture, background, experience, status, abilities, and opinion enrich the university community. We commit ourselves to the pursuit of excellence in teaching, research, outreach, and diversity as inextricably linked goals.

The University of Wisconsin-Madison fulfills its public mission by creating a welcoming and inclusive community for people from every background – people who as students, faculty and staff serve Wisconsin and the world. https://diversity.wisc.edu/

Please notify the instructor within the first two weeks of class of any specific days that you will need to miss a class due to religious observances.
Part 1: Exploring Societal Images of Lawyers

Jan 22 Unpacking the Stereotypes about Lawyers
Friedman, Total Justice, pp. 6-10
Barkan, Law and Society, pp. 238-41
Keates, Proceed with Caution, pp. v-ix

Jan 24 Comparing the Roles of Lawyers in Democratic & Authoritarian Regimes
Müller, Hitler’s Justice, pp. 36-37, 58-67
Jordan, Defending Rights in Russia, pp. 34-36
Wright, “Iran’s Orwellian Arrest of its Leading Female Human-Rights Lawyer,” New Yorker, June 14, 2018

Part 2: Becoming a “Lawyer”

Jan 29 Legal Education in the US
Hurst, The Growth of American Law, pp. 256-76
Baum, American Courts, pp. 54-56
Tamanaha, Failing Law Schools, pp. 20-21, 135-144
Pearce, “Why Ocam’s Razor Cuts in Favor of Making Law an Undergraduate Degree,” legalethicsforum.com, February 6, 2012
Ward, “Law School Enrollment is Up, According to New ABA Data,” ABA Journal, December 14, 2018
Jan 31  Legal Education Outside the US
Smits, “European Legal Education,” from *Educating European Lawyers*, pp. 44-49
Lempert, *Daily Life in a Crumbling Empire*, pp. 469-77
Kaminskaya, *Final Judgment*, pp. 12-15

Feb 5  Building a Profession – The U.S. Experience: Bar Associations, Independence, Accountability
Kritzer, “The Professions are Dead, Long Live the Professions,” *Law & Society Review*, vol. 33, pp. 716-8, 725, 1999
Baum, *American Courts*, pp. 56-57
Ward, “Lowest Bar Pass Rate for California in 67 Years; Other States See Drop, Too,” *ABA Journal*, November 19, 2018
Faigman, Ferruolo & Mnookin, “Why is it So Much Harder to Become a Lawyer in California than in New York?” *LA Times*, November 29, 2018

Feb 7  Variations in How Lawyers Outside the U.S. Are Organized
Colthart, “What’s the Difference between a Barrister and Solicitor,” July 1, 2015
Rand, *Comrade Lawyer*, pp. 25-27
Pils, *China’s Human Rights Lawyers*, pp. 146-69
Clark, “Legal Professions and Law Firms,” from *Comparative Law and Society*, pp. 362-9, 375-6

**Feb 12**

**Right to Legal Counsel**

*Gideon v. Wainwright*, 372 US 335 (1963)
Amendments 6 & 7, US Constitution
Derocher, “Access to Justice: Is Civil Gideon a Piece of the Puzzle?”
ABA, June 15, 2017
Kaminskaya, *Final Judgment*, pp. 31-3
Arts. 47-48, Russian Constitution
Maranlou, *Access to Justice in Iran*, pp. 111-21, 133-4

**Feb 14**

**Role of Non-Lawyers**

Prokop, “Vancouver Woman is First Limited License Legal Technician in Clark County,” *The Columbian*, January 1, 2018
Tashea, “Should BigLaw Worry about Increasing Competition from the Big Four Accounting Firms?” *ABA Journal*, September 2018

**Feb 19**

**Who Tends To Be Left Out?**

Brockman, *Gender in the Legal Profession*, pp. 18-45
*In re Goodell*, 39 Wis. 232, 1875
*In re Goodell*, 48 Wis. 693, 1879
*In re Edith Haynes* (1904) 6 WAR 209 (Australia)
Paul, “‘We Didn’t Let Girls Do it in the Old Days,’ a Judge Said. ‘Inappropriate,’ a Higher Court Ruled,” *Washington Post*, July 29, 2018
Jackson, “Why Do Experienced Female Lawyers Leave?” *ABA Journal*, August 3, 2019
Dawley, “Black People Don’t Have Legal Problems,” from *The Relevant Lawyer*, pp. 219-25
King, “A Black Lawyer in the South,” in *The People’s Lawyer*, pp. 293-7

Feb 21 **Triumphing Over the Challenges Posed to Women as Lawyers**
Documentary: *Seeing Allred* [in class]
[https://www.gloriaallred.com/](https://www.gloriaallred.com/)

Part 3: Types of Lawyers and Practice

Feb 26 **Criminal Defense Lawyers in the US**
“You Can’t Live There!” from *Attorney for the Damned: Clarence Darrow in the Courtroom*, pp. 229-63
Oppel, “His Clients Weren’t Complaining. But the Judge Said This Lawyer Worked Too Hard,” *New York Times*, March 29, 2018

Feb 28 **Criminal Defense Lawyers Elsewhere**
Kaminskaya, *Final Judgment*, pp. 23-24
Taub, “Iraq’s Post-ISIS Campaign of Revenge,” *New Yorker*, December 24 & 31, 2018
March 5  Prosecutors in the US
Sotomayor, My Beloved World, pp. 247-9
Voelker, Small Town D.A., pp. 15-21, 29-46, 209-212
Gonnerman, “Larry Krasner’s Campaign to End Mass Incarceration: Philadelphia’s District Attorney Reinvents the Role of the Modern Prosecutor, New Yorker, October 29, 2018
https://www.ted.com/talks/adam_foss_a_prosecutor_s_vision_for_a_better_justice_system?language=en

March 7  Prosecutors Elsewhere
Chen, Chinese Law, pp. 195-8
Liu & Halliday, Criminal Defense in China, review pp. 17-64
European Judicial Systems, CEPEJ Studies, No. 26, pp. 126, 128, 134
Boyne, The German Prosecution Service, pp. 21-23, 35-59, 63-77, 91-110
Del Ponte, Madame Prosecution, pp. 16-25

March 12  Lawyers in US Law Firms (Corporate Law Practice)
“The Cravath Firm,” from The Partners by Stewart, pp. 367-75 [skim]
Nossel, Presumed Equal, pp. 62-72
Weiss, “Cravath Announces Associate Bonuses of Up to $100k,” ABA Journal, November 20, 2018

March 14  MIDTERM EXAM

March 19-21  SPRING BREAK
March 26  
“In House” Lawyers in the US (work for companies)  

March 28  
“In House” Lawyers Outside the US (work for companies)  
Hendley, “The Role of In-House Counsel in Post-Soviet Russia in the Wake of Privatization,” *International Journal of the Legal Profession*, 17:1, pp. 5-23, 2018  

April 2  
Lawyers in Politically Charged Cases (US)  
Schwartz, “Young People Are Suing the Trump Administration Over Climate Change. She’s Their Lawyer,” *New York Times*, Oct. 23, 2018  
Eckholm, “Young Lawyers Ready to Argue a Major Abortion Case Before the Supreme Court,” *New York Times*, February 29, 2016

April 4  
Lawyers in Politically Charged Cases (non-US settings)  
Kaminskaya, *Final Judgment*, pp. 37-50  
** April 5  ** Lawyers & Lawyering in China and Russia: Common Challenges
Room 2260 Law School
All-day conference – students are encouraged to attend

April 9  ** Cause Lawyering (Public Interest Lawyers) – the US Experience**
James, *The People’s Lawyers*, pp. 3-11
Hilbink, “You Know the Type ...: Categories of Cause Lawyering,” *Law & Social Inquiry*, 29:3, pp. 662-93
Correal, “Why Big Law is Taking on Trump Over Immigration,” *New York Times*, November 21, 2018

April 11  ** Cause Lawyering Outside the US**
Guest Speaker: Professor Sophia Wilson
Department of Political Science, Southern Illinois University

Wilson, “Cause Lawyering in Revolutionary Ukraine,” *Journal of Law and Courts*, 5:5, pp. 267-84
Kubal, *Immigration and Refugee Law in Russia*, pp. 86-94, 103-20
Liu & Halliday, *Criminal Defense in China*, ch. 5

April 16  ** Corporate Law Practice Outside the US (BRICs)**
Guest Speaker: Professor David Trubek, Emeritus, UW Law School

Part 4: Relationships Between Lawyers and Their Clients

April 18  ** Lawyer-Client Relationships in the US**
Landon, *Country Lawyers*, pp. 8-14, 38-9, 84-87, 126-45
Ewick & Silbey, *The Common Place of Law*, pp. 152-7
Healy, “They Survived a Massacre. Then the Lawyers Started Calling,” *New York Times*, April 30, 2018
Bond, *Remember to Duck*, pp. 172-4
Marzan, *The Vanishing American Lawyer*, pp. 102-4
Kritzer, *Let’s Make a Deal*, pp. 99-105
April 23  Lawyer-Client Relationships in Non-US Settings
Hendley, “To Go To Court Or Not? The Evolution of Disputes in Russia,” from A Sociology of Justice in Russia, pp. 40-57 [pay attention to attitudes towards lawyers]
Rand, Comrade Lawyer, pp. 12-14
Kritzer, Let’s Make a Deal, pp. 105-11

April 25  Case Study of Lawyer-Client Relations – Divorce (US)
McCarthy, “Divorce Lawyer Encourages Clients to Consider Collaborative Divorce,” Washington Post, June 20, 2010

April 30  Case Study of Lawyer-Client Relations – Divorce (non-US)
Rand, Comrade Lawyer, pp. 20-25

May 2  Summing Up: Discussion of Reflection Essays