

OUTLINE

From Oct 30-31, 1998
LAW/LIT ALUMNI
WEEKEND

**GOOD WORLDS, BAD WORLDS:
LAW AND LAWYERS IN TUROW AND PARETSKY**

Dave Caudill

I. CRIME FICTION IN THE LAW AND LITERATURE PROJECT

A. Law as corrupt/unwieldy/an impediment to Justice

1. The traditional law/lit canon

- a. Dickens's *Bleak House*: no justice in law; unfeeling lawyers
- b. Shakespeare's *Merchant of Venice*: law as an instrument of social prejudice
- c. Kafka's *The Trial*: law as a web of absurdity

2. Detectives stand above/outside the law

- a. Spillane's Mike Hammer: tedious legal processes, snotty lawyers
- b. Chandler's Philip Marlowe: we're up to our necks in law; about all it does is make business for lawyers

B. Three Options

1. Leave the law

- a. Sophocles's *Antigone*: Antigone follows here true self, divine law, and is condemned by human law
- b. Conrad's *Heart of Darkness*: colonial law is not "law" at all; Marlowe keeps his distance, his true self, and "sides with" the Africans

2. Stay in the law

- a. Melville's *Bartleby the Scrivener*: the narrator/lawyer stays within the walled, safe, mechanical world of assumptions, even after that world is disturbed by Bartleby
- b. Dickens's lawyers in *Bleak House*

3. Leaving while you stay

- a. Atticus Finch in *To Kill a Mockingbird*, fighting against social injustice
- b. Shakespeare's Portia (if you think she used the law to do good)

II. LEAVING THE LAW: V.I. WARSHAWSKY

A. Getting out of Law to Do Some Good

1. Practice is discouraging, public defenders, really, do no good
2. Private detectives “get to the truth” and make things better

B. The Feminine World

1. Julia Child’s theory of detection: to cook is to know
2. Secret, ambiguous, feeling self vs. rational self -- she’s got *both*
 - a. Poe’s *Purloined Letter*: Dupin as poet-mathematician; police are unsuccessful
 - b. Sherlock Holmes as “scientific man of reason,” but he has intuition, a violin, drugs, and dreams (Warshawsky’s “dreams hold the clues”)

C. The Feminist World

1. University Women United, abortion activist, fighting the middle class “straights”
2. 60's love/energy: causes and ideals, the end racism and sexism, that “consumed us”

III. STAYING IN THE LAW: TUROW’S LAWYERS

A. Molto

1. Sloppy – suits that look slept-in
2. Questionable investigative tactics
3. Montague the cop – could convict anybody, constructive credibility

B. Hobie

1. Vampire, worried about fees
2. Well-dressed, operatic voice, a symphony conductor or just a blowhard?
3. Married three times, living in a “white man’s world,” losing his 60's ideals

IV. LEAVING WHILE YOU STAY: SONNY

- A. Shakespeare's Portia – Not *Really* a Judge; from Belmont, not Venice
- B. Leaving One "Job" in Law (Intensely Involved Prosecutor) for Another to Get Some Distance, Tired of Aggressive, Shrewd Practitioners
 - 1. Used to identify with victim
 - 2. Now identifies with poor defendant
- C. Back to Her True Self, Zora's Daughter, a Female Realm (Chambers), No Outsiders
- D. 60's Idealism
 - 1. Law captures and warehouses the poor
 - 2. Courtrooms, like cathedrals, dwarf the individual

V. MAKING LAWYERS IDEALISTIC

- A. The Civility Movement, Now in its 200th Year
- B. Beyond the Code/rules of Professional Responsibility
 - 1. You'll be more effective ("Maybe you won't be...", Prof. Moliterno)
 - 2. Judges can do more, demand more
- C. The New Virginia Rules
 - 1. Some raise the ethical stakes
 - a. Liability of supervisors (does this allow Nuremburg defense by associates?)
 - b. Fair to opposing parties
 - c. Can't disqualify the firm with a witness (a move away from sneaky tactics)
 - 2. Some don't
 - a. Contingency fees in divorce litigation
 - b. Malpractice liability limits
 - c. Related attorneys can have adverse clients
- D. The Law and Literature Movement
 - 1. Law students lose their ideals, their human side, themselves
 - 2. Literature as an antidote for unfeeling doctors, lawyers, planners, business people