
SYLLABUS
Psychology for Lawyers
Spring | 2018 | James R. Elkins

In **Psychology for Lawyers** many of you will be working with not only a new “subject,” but with a new way of thinking about yourself and the work you will do as a lawyer. I have no expectation that you will have a background in psychology, or, indeed, that you will have ever have taken a single psychology course. This means we will looking at psychology from the ground up. In class, a significant part of our work will be to review videos of psychologists, psychiatrists, and psychotherapists, and listen to them talk about psychology and the concepts they use in their work with patients. The purpose of this exposure to psychotherapists is to help you develop an understanding of psychology that you can put to use in all aspects of your life—as a student, in the practice of law, and in better understanding yourself and the life you have set out to live. I expect you to find some of the ideas presented in the course more relevant and of more immediate use than others. The idea is to sort through this psychology offering to find ways of thinking and talking about psychology that helps you better understand your self, your relations with clients, and with fellow lawyers with whom you work. **Psychology for Lawyers** offers a way of thinking about your work, your self, your clients, from the perspective of the psychological undertows you will experience in your personal and professional life.

Background of the Instructor

I have been teaching psychology in various forms from my first days as a teacher. In the mid-70s, I taught a developed a Family Law course that shifted the focus from family law to the family lawyer as counselor (a course that was influenced by the work of Thomas Shaffer, a law teaching colleague at Notre Dame, who made use of the psychoanalytic concept of transference in his trusts and estates course). Shaffer wrote extensively about the psychological foundations of legal interviewing and counseling; he eventually invited me to co-author the WestNutshell on legal interviewing and counseling. *Legal Interviewing and Counseling* (Thomson/West, 4th ed., 2005), and now no longer in print. (The book is available on Amazon.com for less than \$5.00.) After I worked with Shaffer on the book, I taught Legal Interviewing and Counseling at the College of Law (WestVirginia University) and at Washington & Lee. I should note that I have also taught Law & Psychiatry, and for some years lectured as an adjunct on the Law & Behavior Medicine faculty at Medical School.

I do not have a formal academic background in psychology. I have, however, been a serious lay student of psychology and psychiatry for some forty years. I participated in a summer program in Jungian psychology in Kusnacht, Switzerland in the 1980s and have attended psychology workshops and institutes, in archetypal psychology, including an intensive two-week summer program in the use of experiential and

humanistic psychology in legal education. I studied encounter/T-group dynamics with Professor David Bradford at the Stanford Business School and was co-leader (with a practicing psychotherapist) of a T-group at Stanford Business School. Teaching interviewing and counseling, I made extensive use of psychological writings on group dynamics, small group behavior, T-groups (training groups), and encounter group work.

There is more than one “school” of psychology and we will not attempt to cover all of them in this introductory course. I have learned a great deal from psychoanalytic theory and I take Sigmund Freud seriously. I was first introduced to Freud and to psychoanalysis by my law school criminal law teacher, John Batt, who has been a lasting influence in my thinking about law school teaching. Freud’s ideas provoke continued debate and he is, as you may know, often arrogantly dismissed in some circles. Yet, it is hard to be serious about psychology (unless you happen to be a determined behaviorist) and not have some appreciation of Freud’s psychoanalytic theory. Freud’s ideas have left a lasting imprint on therapeutic counseling (and, I might note, on popular culture). In teaching and writing about legal interviewing and counseling, and in my own writing on legal education, I have been strongly influenced by psychoanalytic thinking as well as by humanistic psychology, particularly Carl Rogers and Abraham Maslow, who were central in my thinking about legal counseling and the attorney-client relationship. In addition to humanistic psychology, I have also studied gestalt (Fritz Perls) and existentialist approaches to therapy (Rollo May and Irwin Yalom).

Over the years, the psychologist most central to my thinking has been C.G. Jung. I have watched with interest as his ideas have gained stature (even as academic psychologists continue to ignore him). There are still many who view Jung as a marginal figure in modern psychology. I do not share this assessment of his legacy. From Jung’s analytical psychology, I have also closely followed a school of neo-Jungian psychology associated with James Hillman whose work includes: *Revisioning Psychology* (New York: Harper Colophon Books, 1975); *The Myth of Analysis* (Evanston: Northwestern University Press, 1972); and *Healing Fiction* (New York: Station Hill, 1983). Hillman’s ideas gained wider public exposure with the appearance of Thomas Moore’s *Care of the Soul* (New York: HarperCollins, 1992).

Evaluation

Your work in the course will be based on two papers (or a project to be proposed and agreed upon by the instructor). The first paper (minimum 8 pages) will describe your work in the course. The second paper (minimum 14 pages) will be an application of selected psychological concepts/ideas in some area of legal practice, legal education, or your own life. Topics for the “application” paper (in contrast to the “course” paper) must be discussed with and approved by the instructor.

With approval by the instructor, the entire paper can be based on your work in the course.

C.G. Jung

CG Jung was a prolific writer and while his work is sometimes portrayed as difficult to read (in contrast to Freud's more widely acknowledged literary style), I have found Jung's writing to be an interesting mix of readily accessible concepts intertwined with esoteric ideas drawn from historical and mythological work. For many, reading Jung is something of an adventure. For those new to Jung and his ideas, you might begin with Jung's well-known autobiography, *Memories, Dreams, Reflections* (New York: Vintage Books, 1965) (of particular interest is the chapter titled "Confrontation with the Unconscious" in which Jung outlines the troubled time in his life following his break with Freud and the formative psychological experiences that led to what is now known as analytical or depth psychology). One way to read Jung is to see how his ideas are put to use in psychotherapy (as it happens this turns out to be a rather good way to read any psychologist). For a practical application of Jung's theories, I recommend June Singer's *Boundaries of The Soul* (New York: Anchor Books, rev. ed., 1994). Singer examines Jungian psychology in the context of her work as a therapist. By using case studies of her patients, Singer makes clear how Jung's theories constitute the basis for therapy and self-understanding. For a workable guide to Jung's ideas and a map for further reading in Jung's writings, see Robert H. Hopcke, *A Guided Tour of the Collected Works of CG Jung* (Boston: Shambala, 1989). For a well-organized, edited collection of Jung's work, see Joseph Campbell (ed.), *The Portable Jung* (New York: Penguin Books, 1971).

Supplements to the Syllabus *on the course website*

Tentative Schedule of Course Readings

Suggestions for Course "Application Papers"