
SYLLABUS
Psychology for Lawyers
Spring | 2019 | James R. Elkins

In **Psychology for Lawyers** many of you will be confronted with a new “subject,” and perhaps a new way of thinking about yourself and the work you will do as a lawyer. I do not expect you to have a background in psychology (although I suspect that some of you will have a background of some kind or another in psychology). What we will do in **Psychology for Lawyers** is look at psychology from the ground up. A significant part of our work in the course will be reviewing videos of psychologists, psychiatrists, and psychotherapists, who 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 your life—as a student, in the practice of law, and in better understanding yourself and the life you find yourself living. You will, undoubtedly, find some of the ideas presented in the course more relevant, and of more immediate use, than others. The idea is to sort through all these ideas to find a way of thinking and talking about psychology that helps you better understand your self, your relations with those who you serve as clients, and the lawyers with whom you work. **Psychology for Lawyers** offers a way of thinking about your work, your self, your clients, and the psychological undertows you will experience in your 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 revised-version of 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). Shaffer wrote extensively about the psychological foundations of legal interviewing and counseling; I eventually joined Shaffer as co-author of the WestNutshell on legal interviewing and counseling. *Legal Interviewing and Counseling* (Thomson/West, 2005) (now out-of-print). After working with Shaffer on the book, I taught Legal Interviewing and Counseling at the College of Law (WestVirginia University) and at Washington & Lee.

I do not have academic or clinical training in psychology. I have, however, been a serious reader of psychology and psychiatry for what will soon be fifty years. I participated in a summer program in Jungian psychology in Kusnacht, Switzerland in the 1980s and have attended psychology workshops and institutes, 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 are various “schools” and approaches to psychology; they are of sufficient number to require several basic/introductory courses. Obviously, we will not attempt to cover all of these schools of psychology in this course. In my own studies, I have learned a great deal from psychoanalytic theory, and I take Sigmund Freud’s work seriously. I was first introduced to Freud and to psychoanalysis by my criminal law teacher, John Batt, who has been a lasting influence in my thinking about the place of psychology in legal education. Freud’s ideas continue to provoke debate and he is, as you may know, arrogantly dismissed in some circles (often without having been read, much less understood). Yet, it is hard to be serious about psychology (unless you happen to be a determined behaviorist) and not have some appreciation for 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 humanistic psychologists, 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 benefitted, in my earlier reading in psychology, from Fritz Perls’ gestalt work and from existentialist approaches to therapy presented by 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 his work). 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 closely followed a school of neo-Jungian psychology associated with James Hillman. Hillman’s 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 (approximately 10 pages) will describe your work in the course. The second paper (approximately 10 pages) will be an application of selected psychological concepts/ideas in some area of legal practice, legal education, or your own life. (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 Jung's broad historical and mythological studies. 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 his 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 (and, for me, this has always been 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

Appendix A: Tentative Schedule of Course Readings

Appendix B: Possible Topics for Course "Application Papers"