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**YELLING TO LISTEN AND OTHER PARADOXES OF AMERICAN PRO SE SMALL
CLAIMS COURT**

A Bachelor's Thesis Presented to the Department of Sociology
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Abstract

While there is extensive scholarship on lower criminal courts, civil courts are often ignored in sociological discourse. I conducted an ethnographic study of a pro se small claims court in hopes of contributing to this limited scholarship. Drawing on existing sociological theories, and my own observation, I argue that these courts are the locus of a negotiation between democratic ideals and autocratic control. This negotiation is apparent in the architecture of the space, its rhetorical structure, and its judge's relationship to the law.

Introduction

Courtroom shows are a staple of daytime television. Dominated by temperamental judges, these peculiar "courts" allow sparring parties to resolve civil conflicts through binding arbitration. While a casual viewer of these popular shows might assume such courts to be the product of daytime television hyper-reality, they bear striking similarities to the oft-ignored American pro se small claims court. These unique spaces, present in courthouses across the country, allow litigants to represent themselves in civil cases in which monetary damages may be awarded. The courtroom at the center of this study is located in Chicago's Daley Center and is presided over by a charismatic judge, senior in his field and confident in his rulings. Litigants come from many different walks of life, bringing with them lawsuits which range from the mundane to the exotic.

I happened upon the pro se court surreptitiously. After an uneventful visit to a formal trial court, the presiding judge suggested I visit the thirteenth floor small claims court. Observing this court, I quickly realized that the civil dramas unfolding before me were as rich and surprising as those of their televised siblings. Furthermore, I recognized that the court was unique in its ability

to facilitate carefully orchestrated social interactions between opposing parties. Given the popularity of televised pro se arbitration, I was surprised by the limited writing – academic and otherwise – about pro se small claims courts. It is my hope that this thesis fills gaps in the existing literature and demonstrates the need for the further study of such courts.

Hadfield and Ryan argue that the structure of civil trials – which stresses parity among litigants – manifests the democratic ideal of “abstract equality” (2013: 3). Building upon, and complicating this “phenomenology of democracy,” I argue that pro se small claims court is the locus of a negotiation between democratic goals and autocratic mode (Hadfield and Ryan 2013: 25). This tension is visible in the architecture of the court, audible in its rhetorical structure, and recognizable in its judge’s relationship to the law. I will develop this argument in four parts. First, I address existing sociological, architectural, and legal literature relevant to this court. Second, I discuss data and justify my methodological approach. Third, I present an abridged description of courtroom procedure. Fourth, I demonstrate how my results, when integrated into existing social theories, support my claim that pro se court is the site of a negotiation between autocracy and democracy. Lastly, I consider the implications of this paradox in larger discourses surrounding the concept of democracy and justice.

Theoretical Framework

There is a large body of literature concerned with criminal courts, much of it discusses the role of lower criminal courts as a punishing institution closely integrated into the larger criminal justice system (Feeley 1979; Kohler-Hausmann 2013; Gonzalez Van Cleve 2016). Since there is a limited body of existing scholarship related to lower civil courts, it is helpful to consult theories from fields outside of the sociology of law. Bittnor’s (1967) theory of policing on

skid-row proves to be a useful tool in beginning to conceptualize the social mechanisms underpinning non-punitive spaces. I argue that pro se courts are the locus of a unique negotiation between democratic goals and autocratic control. This paradox is apparent spatially, rhetorically, and legally. Consulting existing literature on the social implications of architectural symbolism, rhetorical freedom, and legal dynamism complete a review of relevant scholarship.

Sociological Perspectives on Criminal Courts

Sociologists generally understand lower criminal courts – which process misdemeanor level offenses – as auxiliary arms of the criminal justice system (Kohler-Hausmann 2013; Gonzalez Van Cleve 2016). Feeley (1979) argues that in such courts, process is the punishment. He notes that the “pretrial detention, bail, repeated court appearances, and forfeited wages” associated with participation in criminal courts functionally punish litigants more than “sanctions imposed at later stages of process” (Feeley 1979: 15). This concept of process as punishment has been to be proven a durable theory of criminal courts.

Kohler-Hausman (2013) builds on Feeley’s process as punishment concept by establishing a tripartite theory of penal courts. She argues that through marking, procedural hassle, and requirements of performance, “criminal justice actors trace, engage, and discipline subjects even as they are shown leniency and eventually released from penal control” (Kohler-Hausman 2013: 353). Marking refers to the process by which defendants with open legal cases are signaled as participants in the criminal justice system and thereby excluded from employment and immigration opportunities (Kohler-Hausmann 2013). Procedural hassle refers to the institutional requirements that courts ask of defendants (Kohler-Hausmann 2013). Like Feeley, Kohler-Hausmann notes that these requirements are more punishing to litigants than

eventual formal sanction (Kohler-Hausmann 2013; Feeley 1979). Lastly, Kohler-Hausmann argues that the court system is able to control defendants via requirements of performance, which involve “the issuing of a command, record keeping, and then doling out reward and sanctions according to the level of compliance at punctuated moments” (2013:385).

For Feeley and Kohler-Hausmann, the criminal court serves to punish, control, and oppress, independent of the total carceral institution. In the criminal court, the *pro se* defendant is anathema. Investigating the Cook County criminal court system, Gonzalez Van Cleve asks, “why is a *pro se* defendant so dangerous?” (2016: 177). She argues that the *pro se* defendant’s desire to participate in the system as an equal, empowered with rhetorical autonomy, “undermines the very core” of a court system “that casts defendants as separate and unequal” (Gonzalez Van Cleve 2016: 177). Gonzalez Van Cleve (2016) believes that the *pro se* defendant defies a representational court system that promotes inequality by reproducing racialized hierarchy and oppression within its walls.

Many sociologists understand the highly bureaucratic and professionalized criminal court to be an inherently oppressive institution whose foremost aim is punishment, not justice. In these narratives, the *pro se* litigant – interested in self-expression via self-representation – is revolutionary. To better understand the role of the *pro se* litigant in a civil context, it is helpful to consult literature from outside of the sociology of law. Bittnor’s (1967) study of policing on skid-row provides a useful theory with which to analyze *pro se* small claims court.

Control as Peace

Bittnor (1967) argues that on skid-row, police are more interested in “peace-keeping” than punitive enforcement. In order to keep the peace on skid-row, patrolmen must know their

charges and mobilize the law as a tool for problem solving. Bittnor writes that “the hungry, the sick, and the troubled are a potential source of problems,” thus, in “knowing the people” skid-row patrolmen are able to identify and nullify risky situations before they become out of control (1967: 709). The patrolman gains this particular knowledge by installing himself “in the center of people’s lives” (Bittnor 1967: 708). On skid-row, clearly defined status hierarchies allow the patrolmen to surveil his charges and collect intelligence necessary in keeping the peace.

Bittnor also addresses the role of the law in peacekeeping. He argues that on skid-row, “patrolmen do not really enforce the law...but merely use it as a resource to solve certain pressing practical problems in keeping the peace” (Bittnor 1967:710). On skid-row, the law is a tool for maintaining peace, not simply a code for identifying and punishing infraction. Furthermore, Bittnor notes that because “on skid-row, at least, the association between delict and sanction is distinctly occasional,” therefore excessive use of legal sanction is frequently considered to contain “elements of injustice” (1967: 711). In the peacekeeping context, patrolmen use the law as a dynamic tool used “to keep skid-row inhabitants from sinking deeper into the misery that they already experience” (Bittnor 1967: 711). In the lawlessness of skid-row, parsing out particular moments of illegality is considered arbitrary, and citing all moments of it would be impossible. Instead on skid-row police “intervene not in the interest of law enforcement but in producing relative tranquility and order on the street” (Bittnor 1967: 713). In sum, policing on skid-row is less concerned with the formal process of law enforcement and more interested in using the law as one tool in an larger arsenal of peacekeeping tools (Bittnor 1967: 710).

Bittnor's model of peacekeeping asserts that in order to promote peace, police officers must have a rich body of knowledge about the people they are policing. This allows them to "proceed against persons mainly on the basis of perceived risk," employing the law as a dynamic tool for social control aimed at "reducing the aggregate total of troubles in the area" (Bittnor 1967: 714). Bittnor provides a non-punitive theory of policing that proves surprisingly useful in conceptualizing a largely non-punitive court. For police on skid-row, maintaining the peace requires patrolmen to deftly mobilize their social power, using specific knowledge of their charges and a fluid application of the law to keep productive order. Similarly, in small claims court, the judge collects useful information about litigants that aids him in deploying the law as a dynamic tool in promoting peaceful resolution. On skid-row and in pro se small claims court, democratically sanctioned and autocratically generated order is necessary in promoting the peace. This particular negotiation between autocracy and democracy is apparent in the design of the space, its rhetorical structure, and the judge's relationship to the law.

Architecture as Society

Jones writes that "architecture should not be considered a neutral...cultural form, but rather...an inherently social product that reflects one way in which those with political power attempt both to materialize this status and make it socially meaningful" (2011: 166). Critical sociology is interested in the reification of power through culture; architecture is a particularly valuable subject for such analysis because it both crystallizes culture through its symbolism and impacts social life through its form. This paper is concerned with the social systems that underpin pro se small claims court, and will take the architecture of the space not merely as a stage for social action, but as an actor in and of itself.

Venturi and Brown's (1968) discussion of modernism is useful in contextualizing the modernist design of the Chicago pro se court. The couple argue that orthodox modernism was largely a rejection of nineteenth century architecture which relied heavily on overt "literary, ecclesiastical, national, or programmatic symbolism" (Brown and Venturi 1968: 7). While historical architectural forms embraced the communicative power of symbolism, modernists eschewed overt ornamentation, arguing that meaning should be derived from the abstract spatial qualities of buildings (Brown and Venturi 1968: 7). In addition to providing a seminal conception of modernist form, Venturi and Brown's analysis demonstrates that the dialectic of aesthetic development is necessarily a social process.

Architecture not only conveys a static meaning through its form but can actively impact the ways in which people engage within a space. Dovey (1999) argues that spatial organization impacts human action. In her chapter on mall design, she discusses architect Victor Gruen's dumbbell plan. By marrying the department store and the arcade, Gruen found that "'anchors' [department stores] act as 'magnets' to draw customers past the smaller shops, increasing the density of pedestrian traffic and ensuring that there are no economic dead ends" (Dovey 1999: 126). Dovey shows that architectural form is not just a tool for conveying meaning through symbol, but a practical intervention which can impact the ways in which people interact with spaces.

Rhetoric as Power

Rhetorical structure is an oft-discussed element in sociological studies of courts. Brenneis argues that dispute language is constructive in that it requires the creation of special contexts – like courts – to handle the activity, constitutes knowledge by requiring participants to categorize,

label, and narrativize events, and reflexively impacts the form of legal systems (1988: 229-230). Amsterdam and Bruner (2000) also believe rhetorical dialectic to be constructive. They write that stories are not just tools for narrativizing fact, but “in some profound, often puzzling way, stories *construct* the facts that comprise them” (Amsterdam and Bruner 2000: 111). Amsterdam and Bruner believe that law “is shaped in some measure” by the “stock of familiar categories and story types” of a particular culture and by the “adversarial rhetoric” litigants employ “to convince, not simply inform” (Amsterdam and Bruner 2000: 283). Amsterdam, Bruner, and Brenneis agree that dispute language is not simply a means of presenting facts, but a cultural product with the power to construct meaning and reflexively impact the law.

Conley and O’Barr argue that careful rhetorical analysis can be used to explain “discourse in the more abstract, sociological sense” (2005: 8). They are interested in the exercise of power at the “microlinguistic level” and how language might reveal “the precise mechanisms...through which injustice happens” (Conley and O’Barr 2005: 14). In their chapter on mediation, the authors find its particular form “alters the rules of conversation exchange in such a way [as] to mitigate argumentation and facilitate the regeneration of nonargumentative talk” (Conley and O’Barr 2005:14). By including an empowered third party who “emphasiz[es] at the outset the goals of compromise and nonconsumptiveness” the mediator can facilitate peaceful exchange (Conley 2005: 44). Conley and O’Barr argue that “language is not merely the vehicle through which legal power operates, in many respects language *is* power” (2005: 14).

There is a general consensus in the literature that language, like architecture, is not a neutral cultural form, but a social product whose arrangement and content can construct

meaning, impact legal form, and constitute power. Given the social nature of language, it is a critical object for sociological analysis in the pro se court.

Legal Authority as Autonomy

Lastly, it is important to discuss the judge's role as legal authority in pro se courts. Spurrier (1980) notes that in small claims courts judges must take a more active role in proceedings than in other courts. Similarly, Conley and O'Barr find that in small claims courts magistrates must not only "apply the law to the facts...but must also develop the hypothesis to be evaluated" (1985: 697). Additionally, they find that in small claims court, the standard of evidence is lower than in more formal courts. This gives the judge more legal autonomy in issuing rulings (Conley and O'Barr 1985: 663). However, they argue that most problems "encountered by lay litigants, whether substantive or stylistic, can be resolved by a magistrate who has the time, inclination, and ability to intervene" (Conley and O'Barr 1985: 696). While there is generally a more relaxed trial procedure and lower standard of evidence in small claims court, a competent judge, embracing his or her discretionary autonomy, can compensate for litigants with underdeveloped legal knowledge. Conley and O'Barr finds that while small claims courts may not function as precisely as more formal courts, the rhetorical freedom afforded to litigants and their realization "that the opportunity to tell a judge a relatively uninterrupted story is...rare" satisfies their desires as litigants more than the orthodox legalism of formal court (Conley and O'Barr 1985:676).

In small claims court the judge or magistrate must compensate for a weaker evidentiary standard and navigate quick, unusual lawsuits. This legal environment does not lend itself to legal formalism, a particular reading of the law which asserts that rulings must be made by using

existing legal precedents as a template for the application of existing facts (Posner 2017: 28). Posner argues that this form of jurisprudence “slights the real-life concerns of litigants by burying its head in ancient doctrine...and understands the law to be about words rather than about action or conduct” (Posner 2017:28). Posner (2017) suggests an alternative to this form of legalism which implores judges to work with the law pragmatically. Posner writes: “If the sensible result, all things considered (including reliance on previous descriptions), is not blocked by an authoritative enactment or binding precedent, the realist judge says: go with it!” (2017: 35). Legal realism inverts formalist thinking. Instead of beginning with existing legal findings and applying them to novel cases, the legal realist begins with a “sensible result” and then uses existing literature to examine the common sense finding for legal instability.

In his discussion of peacekeeping police, Bittnor (1967) argues that on skid-row, the law is not a formal code used for issuing citations but a dynamic tool for promoting peace. Similarly, Posner argues that when a novel case tests the limits of legal precedent, judges should think first about “what is sensible” – a personal and interpretive action – before returning to the law as a secondary measure of legal feasibility (Posner 2017: 32-33). This negotiation between formalism and pragmatism calls to mind Weber’s theory of authority. Weber (1922) argues that there are three types of authority: charismatic, which comes from the individual; traditional, which comes from tradition; and rational-legal, which comes from bureaucracy and law. Posner’s pragmatic judge and Bittnor’s peacekeeping police officer exist at an intersection between rational-legal and charismatic authority. They are imbued with rational-legal authority by the bureaucratic system, but are required to exhibit the “heroism or exemplary character” of the charismatic leader when faced with its limitations (Weber 1922: 215).

Data and Demographics

Data for this essay was collected at a pro se court small claims court in Chicago. This paper relies primarily on ethnographic research, although some interview data was collected. My observations are limited to one courtroom, presided over by a single judge. Over the course of nine months, I visited the court on thirteen separate occasions, observing over twenty hours of proceedings and seven full trials: three tenant-landlord disputes, one dispute between a customer and a furniture company, and three contractor-client disputes. In addition to observing the courtroom, I conducted two in-depth, in-person, interviews: one with the judge and another with the court's sheriff.

The court is presided over by an older white male judge, two middle-aged black female clerks, and a middle-aged white female sheriff. The judge's income, which is a matter of public record, places him squarely in the upper ranges of the middle class. With the exception of myself, he was frequently the only white person in the court. In three of the trials that I observed both litigants were white, in another three trials both litigants were black, and in one trial both litigants were Latino. White litigants appear to be overrepresented in trial data relative to non-trial courtroom users. While I am unable to provide precise demographic data for courtroom users, obvious trends emerged over the course of my observation. Race-parity was present in all the trials that I observed. In landlord-tenant disputes, tenants appeared noticeably younger, poorer, and less educated than landlords. Conversely, in contract disputes, approximate age-parity was the norm and clients appeared to be on the whole wealthier than contractors.

Methods

Over the course of my observation, I took more than twenty-thousand words of field-notes using a word processor on my laptop. Fieldnotes were comprised of transcriptions of dialogue, descriptions of litigants and court employees, and my own analytical observations. As my project progressed, notes became increasingly specific. My fieldnotes were coded multiple times in succession, which allowed me to hone in on evidence that was of particular relevance to my thesis. I conducted interviews at the end of my data collection. This gave me the opportunity to develop questions which specifically addressed my findings and assessed their validity from the perspectives of those working within the court system.

My ethnographic research was largely inductive in nature. I consulted existing literature only after developing a rudimentary thesis. I feel this gave me an increased level of theoretical flexibility and analytical objectivity.

Background

To initiate a pro se lawsuit in Cook County, the plaintiff must file a complaint and summons at the pro se filing desk which is located on the sixth floor of the Daley Center. Complaint forms include the name of the defendant, the reason the plaintiff is suing, the amount of money that they seek, and an address at which the defendant can be served. Once the form is filled out and processed by the state, the plaintiff receives a return date, at which they are required to file an appearance at the Clerk's office, and a trial date. If the defendant is properly served, he or she will receive a court summons. Upon receiving the summons, defendants have 30 days to ask for a continuance. The judge generally does not like to issue continuances because of the "small amount of money" involved in pro se cases, however, he notes that, "if you come in

ahead of time with a motion to say that I'm going to be out of the country or I'm sick or people are sick, then I'll give a continuance. But the day of trial, you will go to the trial and you will get no continuance." If the judge grants a continuance, a later trial date is set.

If only the plaintiff shows up to a trial date, there are two possible outcomes. If the defendant is properly served, either by certified mail or via a special process server, the judge hears the plaintiff's case. These trials are quick and require the plaintiff to briefly summarize his or her case and provide evidence of damages. There is a lower evidentiary standard when only a plaintiff is present and short of an egregious legal miscalculation, the judge generally finds in favor of the plaintiff, making an ex-parte judgment. He gives the plaintiff a court order that they are asked to send, via regular mail, to the defendant. The court order requires that the defendant pay damages to the plaintiff. If the defendant does not respond to the motion, either by paying the plaintiff or asking for a continuance, the plaintiff may proceed with collections in another court. In my observation, the judge is particularly generous with his ex-parte judgments.

Often, plaintiffs are unable to properly serve defendants with a court summons because they have an incorrect mailing address. This is an understandable problem. Many of the litigants who use small claims court come from low-income backgrounds and move frequently, a process which often involves multiple evictions (Desmond 2016). In these cases, the judge often allows the plaintiff to appoint a special process server, a family member or friend, who personally delivers the court summons to the defendant. Rarely do plaintiffs miss trial dates. In these cases, even if the defendant is present, the judge dismisses the case.

If both litigants are present at the assigned trial date, the judge sends their case to mediation and explains that if an agreement is not reached, a trial will take place. There were

usually two to four mediators present in the courtroom. Mediators are volunteers with an organization called the Center for Conflict Resolution. Mediators lead litigants into a private room located either the left of the courtroom entrance or behind the bench. Mediation lasts between thirty minutes and an hour. If a agreement is achieved in mediation, the judge congratulates the litigants and dismisses the case without prejudice, which means that it may be brought back before to the court if the parties fail to perform under the mediated agreement. The judge estimates that a settlement is achieved in mediation 40% of the time, the sheriff estimates a 30% success rate.

If an agreement is not achieved during mediation, the case is immediately tried before the court. During a trial, the defendant, plaintiff, and any witnesses or lawyers approach the bench and stand before the judge. Lawyers are allowed to represent defendants in pro se court, however they participate in a minority of trials and are expected to perform at higher legal standards than lay litigants. At the beginning of a trial, the judge asks for the defendant's and plaintiff's phone numbers and the clerk swears in the litigants. The judge tells the litigants that they will each be able to "tell their story" and "cross-examine" the other party. The plaintiff speaks first and explains why he or she is seeking damages and presents evidence to the judge. The plaintiff is then cross-examined by the defendant. If there is a plaintiff witness present, he or she provides testimony. Next, the defendant "tells their story" and is cross-examined by the plaintiff, followed by the testimony of any defense witnesses. Lastly, the judge gives each litigant one minute for final remarks. He then considers the evidence presented, either in the courtroom or his chambers. The judge ends the trial by making a ruling in favor of the plaintiff or the defendant. If the judge

rules in favor of the plaintiff, payment is arranged. From mediation to final judgment, trials generally last between one and two hours.

Results

Architecture as Symbol and Intervention

I argue that the pro se court is as the site of a paradoxical negotiation between autocracy and democracy. These conflicting social forces are embodied in the architecture of the space. The pro se small claims court that I observed is located in the Daley Center, a Chicago Loop skyscraper that was built in 1965 and designed by the architect Jacques Brownson (Daley Center Webpage). The Daley Center was the first large scale modernist public building in Chicago and houses more than 120 courtrooms, the Cook County Law library, and city and county office space (Daley Center Webpage).

In order to reach the court, visitors must pass through a metal detector and place their personal objects through an x-ray machine. A specified bank of elevators carries passengers to the thirteenth floor, where the court is located. The elevator bank opens to a sky-lobby that offers panoramic views of surrounding office and state buildings through large plate glass windows. The courtroom is located in the center of the building and is accessed via double glass doors that open onto an aisle which bisects four rows of benches. Immediately to the left of the entry door is a small room where mediation is held. Courtroom benches are made of sleekly curved wood and are uncomfortable to the back. The quantity of seating is generous, and it is rare to share a bench with someone from a different party.

A tarnished, swinging brass gate adjacent to the front row of benches separates the courtroom floor from its audience. This section of the court is punctuated by two tables furnished

with leather office chairs. The court's central aisle terminates in front of these tables at the raised center section of the bench where the judge sits. The clerk sits at the desk to the judge's left, and a sheriff will occasionally sit in an office chair to the clerk's left. The desk to the judge's right was never used during my observation.

Evenly spaced can lights illuminate the visitor's section and courtroom floor, a large panel of fluorescent lights above the bench further differentiates this section of the room. The lights bathe the room in a dull institutional glow. The facade of the bench is clad in slabs of cool, gray granite. The wall behind the bench is made of floating panels of walnut veneer; other walls are made of beige plaster. Signs clarifying legal terms are taped to the walls and bench. Tables and benches are lacquered oak; the carpet is gray. Aging heating and air conditioning systems drone.

Sociological readings of architecture often fall into two categories: ones which address abstract symbolic meaning and others which examine how spatial arrangement impacts social action. When considering the court, it is not productive to fully segregate the symbolism of the decor from the arrangement of the space, as they reflexively impact one another. Symbolically, the modernist design might be understood as a representation of post-war exuberance and optimism; its asceticism an endorsement of democracy and a rejection of the civil pomposity of neo-classicism. However, Venturi and Brown (1968) point out the elitism inherent in the abstraction of modernist form. For litigants expecting courts to resemble their televised siblings, the minimalist and severe courtroom might be understood, not as a symbol of democratic flatness, but as evidence of the impenetrable austerity of bureaucracy. However, the potentially

alienating minimalism of the court is tempered by signs that explain legal terms and work to make the space more decipherable for lay-litigants.

Litigants' interactions with the court further complicate sociological analysis. As they pass through the lobby level security check, visitors are immediately reminded of the state's close control over who, and what, goes into the courtroom. Once inside the court, the judge's social position is actively reaffirmed by his perch at the bench, a position which requires all but the tallest litigants to literally look up to him during trials. Brass gates segregate legal actors from visitors, while the bifurcated room separates defendants from plaintiffs and reinforces the oppositional nature of the space.

Early modernists associated their minimal designs with utopian ideals of equality. While modernism was often deployed as a democratic symbol, it was part of an academic movement whose abstraction often alienates. While the minimalism of the court may alienate, signs explaining legal terms demonstrate a concern for the lay litigants who interact with the space. Under the supposed symbolic flatness of the court, lies a clearly hierarchical spatial arrangement which actively reaffirms the judge's and state's control of the room. In their discussion of democracy, Hadfield and Ryan reference Anderson's suggestion that democracy is the ability "to stand as an equal before others in discussion" (1999: 313). Translating this relational theory of democracy towards a spatial one, the pro se court is a paradoxical space in which the contested egalitarianism of modernist design disguises spatially embodied hierarchy.

Rhetoric, Structure, and Control

The pro se court is governed by a strict formula that dictates possible action from the moments a plaintiff files a complaint to eventual adjudication. However, while there is a

structural calculus underpinning courtroom interaction, small claims court offers litigants more rhetorical freedom than formal courts. Considering Conley and O’Barr’s (2005) argument that language can be a vehicle for power, the ways in which courtroom rhetoric is deployed contribute deeply to a “phenomenology of democracy,” or the lived experience of being treated as equal civic participant before the law (Hadfield and Ryan 2013: 25). I will use micro- and macro-level dialogues as further evidence of the court’s negotiation between democracy and autocracy.

During trials, the judge instructs litigants to “tell your story.” This instruction succinctly illustrates the unique nature of this space. While the judge’s ability to compel litigant action affirms the “legal” nature of the space, his language demonstrates that it has been reformed to serve users who are not themselves lawyers. When asked to “tell their story,” litigants do just this. Testimony provided is overtly narrative. While litigants’ stories are not always chronological, or necessarily easy to follow, they always feature standard narrative elements. Litigants present a cast of characters “the wife was behaving inappropriately, saying that her husband [the defendant] is not satisfying her sexually;” replete with details of their surroundings, “[their] house is from the 80s, it’s a big house with two bathrooms...worth 1.5 million dollars;” plots full of conflicts, “they sent us the last check, I went home and it bounced,” “I received a call from the police that I’m not supposed to come to the house;” but short on resolution. Of course, this is understandable given that these narratives take place before a judge.

These excerpts come from one particular trial in which a contractor sued a client for unpaid bills following an ill-executed master bathroom renovation. They are not intended as a complete representation of the trial, but as evidence of the level of detail, often extraneous to the

events in question, that makes its way into litigant testimony. Just as Amsterdam and Bruner (2000) note, in court, testimony is not an abstract legal tool but something clearly embedded in social life. Litigants rely on these narratives as a way to relay the complexities of their social worlds to the judge. Bittnor (1967) remarks that in order for police officers to keep the peace, they must understand the intricacies of their charges' lives. Similarly, in small claims court, the personal narrative is a meaningful tool that allows litigants to relay, and arguably construct, the facts of their case and life to the judge.

While there is a good degree of rhetorical freedom afforded to litigants in small claims court, the judge maintains an active role in shaping the conversation. Below is an excerpt from a trial in which a tenant sued his landlord for disposing of his property after he moved out of his apartment.

Plaintiff: He [the landlord] claims that we damaged the apartment, we had not damaged it.

Judge: Were you a tenant?

Plaintiff: Yes.

Judge: For how long?

Plaintiff: 'Til March.

Judge: When did you move in?

Plaintiff: July

Judge: Of what year?

Plaintiff: Last year, 2016. We moved in on the 8th of the month.

Judge: Did you have a lease?

Plaintiff: No.

Judge: How much was the rent?

Plaintiff: \$850, it was a 2-bedroom infected with roaches.

Judge: So you want your [security] deposit back?

Plaintiff: I want money for clothes that they threw out, and wheelchair.

Judge: Are you saying the defendant took your wheelchair? [the plaintiff is wheelchair bound]

Plaintiff: I think that he threw it out.

Judge: How much was it?

Plaintiff: \$150 with tax.

Judge: When did you buy it?

Plaintiff: A month after we moved into his apartment?

Judge: Do you have a receipt of sale?

Plaintiff: It's in my debit card.

Here, the judge directs the plaintiff's testimony, asking him leading questions such as "how much was rent?," "when did you buy it?," and "do you have a receipt of sale?" By asking the plaintiff such questions, the judge was able to extract information that was necessary to issue ruling. While this was a particularly extreme example of directed questioning, the plaintiff in this trial had no sense of evidentiary requirements, and the judge frequently asked litigants clarifying questions. Conley and O'Barr (2005) argue that in small claims court the magistrate has to play a larger role in directing proceedings, in order to compensate for litigants with limited legal knowledge. This was apparent throughout my observation. While litigants in small claims courts

are afforded the freedom to “tell their story,” their story is subject to constant reevaluation and reshaping at the behest of the judge. According to Conley and O’Barr (2005), language is a vehicle by which power is transmitted. Applying this reading of language to litigant testimony demonstrates the oppositional forces present in the court. Testimony empowers litigants with the democratic opportunity to “see oneself as a civic participant” (Hadfield and Ryan 2013: 25). However, the judge’s consistent interjections are a reminder of the court’s autocratic realities.

The judge’s control of litigants exceeds his ability to interject in their testimony. There were moments in every trial when litigants would interrupt one another. In these moments, the judge would first warn the interrupting party that it was not their turn to talk. If they did not stop talking, the judge would raise his voice, yelling “that’s enough” or “don’t interrupt.” In my experience, this was a very effective way of quieting the interrupting party. The judge raised his voice at least once in the majority of the trials that I observed. His raised voice was one part of a larger arsenal of control employed to maintain order.

When asked what makes the court an effective place to resolve conflict, the judge answered:

I think it’s just the sense that [you get] when you’re in the court...If I have an [idea] that there is going to be some difficulty, I alert the sheriff or in some cases ask for extra help on those cases where people really are troublemakers. One of the things that I do when litigants get agitated is have the sheriff stand behind them and that takes a lot of wind out of the sails, rather than have the sheriff sit on the side.

Here, the judge addresses two mechanisms that allow the court to function efficiently as a space for resolution. The first is abstract. The judge speaks about a “sense” that litigants get when they

are in a courtroom. What constitutes this “sense” is up to interpretation. Perhaps it comes from socially constructed notions of the court as a third place outside of normal social life, which requires a unique adherence to rules of decorum. Or perhaps this “sense” relates to a Foucauldian notion of surveillance and control. Either way, it is possible that independent of any overt human action, the court as a space, is able to exert a degree of control over litigants.

The second is concrete. The judge remarked that he calls the sheriff into the room when he notices an agitated litigant. When the sheriff entered the room, litigants almost immediately calmed down. I never saw the sheriff make any direct gesture towards rowdy litigants; instead, her presence was sufficient in calming disputes. In the courtroom, the sheriff functions as an symbol of the judge’s, and the state’s, control of the space. Her presence signals the threat of criminal sanction in a court concerned with civil resolution, and is therefore a link to the adjacent criminal justice system and its threat of punishment.

When litigants talk over one another, the judge weaponizes his status, using his raised voice and the sheriff’s presence to quiet interrupting parties and tame rowdy litigants. Hadfield and Ryan argue that in civil courts the “symmetric and abstract obligation to [testify]” makes manifest the lived experience of democracy (2013: 3). If the lived experience of democracy in a civil court is rhetorical equity, litigants who interrupt one another are not simply “troublemakers” but an existential threat to the democratic goals of the court. Paradoxically, preventing undemocratic litigant interruption requires the judge to autocratically control their actions. By yelling at litigants, threatening them with the sheriff, and placing them in space with a “sense” of order and control the judge uses the asymmetry of his relationship to litigants to promote symmetric relationships between the litigants themselves. Just as the judge must yell over

litigants in order ensure their testimony is heard, rhetorically, the democratic goals of the space are accomplished only through autocratic control.

Legal Authority as Autonomy

During my interview with the judge, he stressed the importance of small claims court as a space where, instead of “taking action on the street” via “shooting each other, or road rage, or things of that nature,” people are able “to resolve their differences.” I recognize that the judge frequently used coded language during interviews. However, this essay is concerned with the judge’s substantive actions in court, which I believe to be deeply incongruous with his interview language. Criminal courts are primarily concerned with enacting justice through punishment; in civil courts justice may be served through resolution. Looking beyond court-specific literature, it is helpful to consider Bittnor’s (1967) theory of peacekeeping. Bittnor notes that “[peacekeeping] patrolmen do not really enforce the law, even when they do invoke it, but merely use it as a resource to solve certain pressing practical problems in keeping the peace” (1967: 710). Instead of using the law as a tool for punishment, Bittnor’s police use it as a tool for resolution. In this context, the law becomes a flexible and dynamic tool aimed at alleviating suffering. In small claims court, an institution also deeply concerned with peacekeeping, the law functions similarly. Using specific examples and larger trial-level trends, I will argue that, short of obviously implicating or extenuating circumstances, rulings were generally issued to minimize the net total of litigant suffering.

Throughout my observation, the most common courtroom adversaries were tenant and landlord. Plaintiffs were generally tenants suing landlords for a retained security deposit or for damaged personal goods. I observed four such trials. In two of the trials, the judge found in favor

the landlord/defendant and in two of the trials he found in favor of the tenant/plaintiff. However, these numbers do not fully demonstrate what appeared to be a strong bias towards tenants in small claims court. In the two trials in which the tenants lost their case, they were either unable to provide the judge with any evidence of damages or were not legal residents of the apartment in question.

Aside from these plaintiff's gross legal miscalculations, the judge found in favor of tenants. For example, in one case, a tenant took her landlord to trial over a retained security deposit. The tenant was a black woman in her twenties, the landlord a sharply dressed middle-aged black man. The plaintiff explained that she was required to vacate her apartment by the Chicago Housing Authority due to tenant non-compliance. In order to avoid paying another month's rent, she vacated the property in a matter of days. At this point, the landlord texted the tenant with an itemized list of damages and costs. In addition to the retained security deposit, the litigants disagreed about the tenant's outstanding ComEd bills, which were then in collection through the company. The tenant believed that her apartment shared a breaker with the upstairs unit and that she had been overcharged. After hearing testimony, the judge found in favor of the tenant for the full security deposit.

While the landlord notified the tenant of damages within the correct time frame, he did not provide the tenant with receipts for repair costs and therefore abdicated his right to the plaintiff's security deposit. The judge reminded the tenant that "the burden of proof lies with the plaintiff," since she did not furnish the court with her electricity bills, he was unable to issue a ruling on the matter. After the trial ended, I saw the plaintiff with her mother in the hallway outside of the court. In court, the plaintiff appeared confident and confrontational; however,

outside of the room, she hugged her mother tightly, dissolving into tears. It is unclear if her tears were those of relief in having her security deposit returned and her story heard, disappointment in the lack of a ruling regarding her outstanding electricity bills, or merely the release of powerful emotions that the court suppressed.

In another tenant-landlord dispute, a tenant sued her landlord for the return of her \$600 security deposit and an additional \$600 penalty. The plaintiff appeared to be in her twenties or thirties and the defendants were a middle-aged pair, consisting of a man and woman. All litigants were black. The plaintiff explained to the judge that she was seeking the return of her security deposit, along with a penalty. She claimed that her landlords harassed her and did not properly notify her that they were retaining her security deposit. As part of their defense, the landlords presented the judge with a letter notifying the tenant that they were keeping her security deposit. However, the letter was mysteriously dated November 2017, months into the future – this trial was held in July of 2017 – and clearly after the plaintiff vacated the property. The judge asked the plaintiff if she had ever seen the letter, to which she answered “no.” The defendants then presented the judge with photos of the unit as evidence of damage: a destroyed bathroom where a tub was allegedly left running for weeks on end, soiled carpets that were marked by cigarette and “reefer” burns, scratched walls, and cracked kitchen tiles. The defendant let the judge know that she had to call the police multiple times because the tenant let food burn on the stove, filling the building with smoke and triggering fire alarms. The defendant/landlord also presented the judge with receipts of repair costs.

The judge then offered the plaintiff an opportunity to cross-examine the defendants.

Below is dialogue from the plaintiff's cross-examination:

Plaintiff: Are you familiar with section eight, are you familiar with the section eight move out process?

Defendant: Yes.

Plaintiff: Which is?

Defendant: Papers to move out well before you go.

Plaintiff: [Asks if the apartment was] "messed up" [before she moved in, and if the unit previously failed a city inspection].

Defendant: No.

Plaintiff: [Asks if landlord called DCFS on her children].

Defendant: No.

Plaintiff: [Asks if landlord has \$600 security deposit].

Defendant: Yes.

The plaintiff's cross-examination assumed the rapid-fire directness of the overconfident defense attorney portrayed in legal dramas. Furthermore the tenant's confident negotiation of the courtroom proceedings demonstrated how these spaces can foster the development of practical non-formal legal skills.

As the testimony concluded, it became clear that the landlords were unable to provide the judge with a letter dated within 45 days of the tenant's eviction. In her closing argument, the plaintiff said, "Your honor, I was not notified as to what damages I did [and] I didn't live there when the letter was delivered." In his ruling, the judge stated that "the landlord within 30 days

should send itemized statement of damages, and the landlord shall furnish the tenant with copies of paid receipts. From the testimony that I have heard that was not complied with pursuant to the laws.” He then ruled in favor of the plaintiff for the full \$1,200. The parties then discussed a payment plan and the case was closed.

In landlord/tenant disputes in small claims court, the law appears to be on the side of the tenant. While landlords are empowered to evict tenants for many reasons, upending their life and lurching them into perpetual poverty, the judge’s careful adherence to the written law ensures that all but the most meticulous landlords must return security deposits (Desmond 2016). In this scenario, the written law in action serves as a protection for tenants. By strictly enforcing the letter of the law, the judge is able to alleviate suffering by returning security deposits to tenants. When I asked the sheriff about rulings that challenged her own notion of right and wrong, she noted the landlord-tenant disputes, saying:

I mean some of them, they don’t pay their rent and they get kicked out but they want their security deposit back. And one side of me says, ‘the landlord got screwed.’ You know and the other side is... no, I stick with the landlord got screwed; I don’t think they [tenants] should get the money.

The sheriff noted her frustration in the judge’s consistent leniency towards tenants in small claims court. However, when fully contextualized, “getting kicked out” of one’s apartment is itself a major punishment. After an eviction, a tenant’s life is upended, they must search for affordable apartments available to evicted persons – a rarity – and must pay for moving and storage costs, which are prohibitively expensive for the poor. Thus, in strictly adhering to the

letter of the law, the judge is able to offer a rare legal respite towards the nomadic, low-income tenant.

Rulings tended to support the weaker party even when the law did not appear to justify such a finding. I will argue, using a plaintiff's lawsuit against a furniture company, that when the law does not align with the weaker party, the judge interprets it more loosely to support the weaker party. The plaintiff was a resident of Colorado who flew to Chicago for his trial in which he sued a furniture company for a refund on "two benches for a booth" that were ordered in 2015 for a personal interior design project. The benches cost \$1,036.26, and the plaintiff sought an additional \$301.21 for return shipping. The plaintiff remarked that "[I] specified the color of blue when I ordered them [the benches]. When they came they were not ocean blue [his desired color], they were another color of blue." The plaintiff, himself outfitted in an "ocean blue" shirt, noted that when he disputed the claim with his credit union, they suggested he bring the suit before a court in Illinois where the defendant is headquartered.

The defendant, a lawyer representing the furniture company, called the plaintiff's and judge's attention to a specific color disclaimer on their website, which stated that "we cannot guarantee that colors on the website are perfectly accurate. If you would like to see a material sample, please contact us," and that custom orders could not be returned. The plaintiff did not see a need to request a fabric sample from the company because he thought his color request of ocean blue "was obvious...if you look up 'mid century upholstery ocean blue' there is one." My own internet search for "mid-century ocean blue" yielded numerous interpretations of the color. The plaintiff concluded his testimony by calling the judge's attention to color samples provided by the furniture company's material supplier, Techside Vinyl. The plaintiff noted that the

conspicuous absence of an “ocean blue” – there was, however, an “ocean gray” – was evidence that the furniture company did not make a good faith effort to match his request or recommend possible alternatives.

The judge ruled quickly, and surprisingly, that “the court is influenced by the fact that the paperwork shows ocean blue which is obviously not what you sent them.” When I asked the judge about his thinking behind this ruling he doubled down, stating “he did not get what he wanted, and he had pictures of what he got and what he wanted and I felt he he proved his case so I ruled in his favor.” After the judge’s rulings, the company’s lawyer moved to congratulate the defendant who, crying, said, “this is a ten year project, you don’t know how much it matters, I don’t know why we fight so much.” The plaintiff thanked the judge, who then asked him when he was returning home to Colorado and wished him luck with his project.

This trial raised a number of questions. Practically, it seems that the plaintiff should have supplied the company with a sample of the color; ocean blue is a nebulous description open to varying interpretations. Furthermore, as the defendant pointed out, the company’s terms and conditions plainly state that custom items may not be returned, going so far as to include a specific disclaimer about color. In issuing his ruling, the judge did not cite established legal precedent regarding terms and conditions; instead, he focused on the discrepancy between what the plaintiff wanted and what he received. However, the plaintiff never furnished the company with specific samples of the color he wanted, instead relying on a vague color name. In small claims court, the plaintiff bears the “burden of proof.” In this case, the burden of proof was carried dubiously. Unlike in the landlord-tenant disputes, in which the law supports tenants, here the judge worked around the law to issue what is in essence a soulful ruling. He rewarded a

plucky plaintiff who had flown across the country to defend his honor and “ten year project” against a corporate entity “hiding behind the terms of service,” on the grounds of his character and decency, not necessarily the law.

Disputes between contractors and clients had complex intra-litigant power dynamics that resulted in more varied legal rulings. I observed three such trials. In the first, a contractor sued a client for unpaid bills; the judge found in favor of the client as it was clear that the contractor completed only part of the original scope of work. In another, the contractor sued a client for unpaid bills following an ill-executed bathroom renovation. In this case, the client did not allow the contractor to correct his work, which was completed, and was therefore ordered to pay outstanding bills. In a final case, a pair of clients sued a contractor for damage done to an aging carpet following a renovation. The plaintiffs, a young married couple, did not provide sufficient evidence that the stain was the contractor’s fault and provided a grossly inflated estimate of damages. The judge made a ruling nominal to the plaintiffs’ request, sardonically remarking that the plaintiff “do what he can with this aged carpet.”

Unlike landlord-tenant disputes, or the disagreement between the man and the furniture company, the power dynamic in these cases is not overt. The contractors in these cases were not large corporate entities, instead they tended to be individuals running small businesses. Conversely, the clients represented many of the highest status users of the court. In his rulings on these cases, the judge rarely invoked any specific legal precedent, instead making common sense judgments in keeping with the court’s general logic: alleviating suffering and balancing inequalities by ensuring clients are not stuck paying for work that was not completed, laborers

are paid, and young urban professionals are unable to casually accuse contractors of destroying an already “aged” carpet.

During my interview, the judge stressed that “it is my job as a judge to enforce the law.” However, in small claims court, what enforcing the law means is up for debate. When asked if the judge ever lets his own feelings impact a ruling, the sheriff answered:

Sometimes he does. But sometimes it’s the law and sometimes its credibility. And yeah, I mean if its a contract he always goes with what the contract says; that’s the law...But you know if it’s like emotional kind of stuff, then it’s the law and feelings I guess.

The sheriff’s comments aligns closely with what I have observed in the court. Bittnor (1967) argues that on skid-row, the law is a means to an end, a tool used to justify interventions aimed at promoting peace. In small claims court, the law functions similarly, as a subjective, malleable, and dynamic tool invoked by the judge to promote peace and social welfare.

This analysis is not intended to portray the judge as somehow acting in opposition to the letter of the law. Instead, I mean to demonstrate that, while the law is typically understood as a static, formalistic, and abstract tool, it exists in a social world where issues of “credibility” and “emotion” are present. In pro se courts, it would be impossible to adopt a formalist approach towards the law because of the court’s decreased evidentiary standards, quick rulings, and unusual lawsuits – the judge’s favorite involves an illegal bet gone sour. Posner (2017) argues that in cases where there is not a clear legal precedent, judges should strive to make “sensible” rulings. This pragmatic understanding of the law recognizes the inherent limitations of a written code and the fact that legal rulings are embedded in a complex, multidimensional social world.

Understanding the law as inherently subjective demonstrates a final aspect of the court's negotiation between democracy and autocracy. In the court, the judge used his legal discretion to mitigate inequality by issuing rulings which favored weaker litigants. For Hadfield and Ryan (2013), civil democracy is the experience of equality. Expanding this definition beyond simply trial structure, the judge's use of the law as a tool in mitigating inequality may be understood as a "democratic" action. However, while the judge I observed made democratic rulings, a judge in a different courtroom may not have. Herein lies a paradox of the space, in empowering judges to approach the law loosely and pragmatically, we must confront the notion of a variable law that may favor different people in different contexts. If civil democracy is lived equality, legal pragmatism seems to function democratically on the micro-level and autocratically on the macro-level. In other words, while the court I observed served a democratic function by mitigating inequality, the judge's pragmatic relationship to the law raises the spectre of a variable, and thereby autocratic, legal system. In the court that I observed, the judge as autocratic executor and interpreter of the law was able to make consistently "democratic" rulings.

Conclusion and Discussion

I argue that pro se small claims court is the site of a negotiation between autocracy and democracy. Considering, and complicating, existing theories of civil democracy as the lived experience of equality, I argue that the pro se court is the locus of a negotiation between democratic goals and autocratic control (Hadfield and Ryan 2013). This negotiation is visible in the architecture of the space, its micro and macro-level social rhetorical interventions, and its judge's relationship to the law. Architecturally, beneath the court's veneer of egalitarian symbolism lies a formally ordered room whose spatial interventions generally reinforce notions

of social control and status hierarchy. Rhetorically, the court's democratic goal of structural equity between litigants is achieved only through the judge's autocratic control of their actions. Lastly, legally, I find that the court's judge tended towards "democratic" judgments which balanced inequality by favoring weaker parties. However, these rulings required the judge to adopt a pragmatic, and autocratic, approach to the law. While the judge's rulings on a trial-to-trial level supported ideas of democracy via equality, a pragmatic approach towards the law may promote a variable, and sometimes undemocratic, application of the law on in other courts.

By its nature, my thesis is not fully resolved. Instead, I simply intend to introduce one way in which the court may be understood: as the site of a dialogue between oppositional social forces in which autocratic means justify democratic ends. Recognizing the paradox of small claims court demonstrates that freedom and democracy are not synonymous. While the informality of pro se courts affords litigants more autonomy than formal courts, participating in a trial still requires them to forfeit personal freedoms, such as the right to speak freely. However, in forfeiting personal freedoms to the judge and state, the litigant is gifted the lived experience of democracy. The court is marked by a multi-valent power structure in which democratic equality exists in the same social field as autocratic inequality. This contradiction is by no means limited to pro se court. In fact, this paradox underlies the very core of the American system of representational governance; one which requires the creation of hierarchies that can reify existing inequalities, but also have the power to promote democratic ideals such as equality and justice.

The concept of justice in the small claims court is surely a contested one. As the sheriff said in her interview "[after a trial] someone's gonna be happy, someone's not gonna be happy,

but they had their day in court.” Considering this statement, I asked the sheriff, “do you think the loser ever feels better for at least having her story heard?” to which she answered “yeah, yeah.” I consider this to be civil justice, the fact that a litigant might “lose” her case but can leave court feeling better having had the opportunity to experience the “phenomenology of democracy” through its proceedings. Feeley (1979) notes that in criminal courts process is punishment – I might argue that in civil courts, process is justice.

The findings of this paper are the product of my, and courtroom employees’, observations. Further studies of pro se small claims courts might test my findings by comparing different pro se courts and conducting exit interviews with litigants. Trends in rhetoric and law across multiple courts, with particular attention paid to issues like class and race, would further indicate if the democratic qualities of the pro se court that I observed were the product of a particularly merciful judge or larger structural forces. Speaking to litigants would provide a critically important perspective that is missing from this paper. Questions like, “do you feel satisfied with the outcome of your trial,” and “do you feel that your story was heard,” would be invaluable in assessing the court’s success in practically, not just abstractly, serving folk-law justice. Finally, contextualizing findings in larger sociological discourse could create further meaning. For instance, the successes of pro se civil courts may contain answers to the failures of lower criminal ones. The representational system is considered to further subjugate criminal defendants by taking away their right to speak (Gonzalez Van Cleve 2016). Applying the pro se model’s opportunity for litigant directed testimony to misdemeanor trials might empower criminal defendants with much needed personal authority via rhetorical autonomy

During my interviews, the judge and sheriff repeatedly stressed that everybody is “entitled to their day in court.” Pro se court is a unique and dynamic space where lay people can actively participate in the theater of law. As such, the court is marked by a peculiar commingling of democracy and autocracy, in which opposing forces often serve a singular goal. It is my hope that this essay has convincingly demonstrated the social workings of this particular court and reintroduced the space as a meaningful site for further sociological analysis.

Bibliography

- Amsterdam, Anthony G. and Jerome Bruner. 2000. *Minding the Law*. Cambridge: Harvard University Press.
- Anderson, Elizabeth S. "What Is the Point of Equality?" *Ethics* 109, no. 2 (1999): 287-337.
- Bittnor, Egon. "The Police of Skid-Row: A Study of Peace Keeping." *American Sociological Review* 32, no. 5 (1967): 699-715.
- Bourdeiu, Pierre. "The Force of Law: Toward a Sociology of the Juridical Field." *Hastings Law Journal* 38, no. 5 (1986): 805-853.
- Brenneis, D. "Language and Disputing." *Annual Review of Sociology* 17 (1988): 221-237.
- Brown, Denise Scott and Robert Venturi. 1977. *Learning from Las Vegas*. Cambridge: MIT Press.
- Conley, John M. and William M. O'Barr. "Litigant Satisfaction versus Legal Adequacy in Small Claims Court Narratives." *Law & Society Review* 19, no. 4 (1985): 661-702.
- Conley, John M. and William M. O'Barr. 2005. *Just Words: Law, Language, and Power*. Chicago: The University of Chicago Press.
- Desmond, Matthew. 2016. *Evicted: Poverty and Profit in the American City*. New York: Crown Publishers.
- Dovey, Kim. 1999. *Framing Places: Mediating Power in Built Form*. London: Routledge.
- Feeley, Malcom M. 1979. *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
- Foucault, Michel. 1977. *Discipline and Punish: the Birth of the Prison*. New York: Pantheon Books.

- Hadfield, Gillian K. and Dan Ryan. "Democracy, Courts, and Information Order." *European Journal of Sociology* 54 (2013): 67-95.
- "History." Daley Center official webpage. 2018. www.thedaleycenter.com/history.
- Gonzalez Van Cleve, Nicole. 2016. *Crook County: Racism and Injustice in America's Largest Criminal Court*. Stanford: Stanford University Press.
- Jones, Paul. 2011. *The Sociology of Architecture: Constructing Identities*. Liverpool: Liverpool University Press.
- Kohler-Hausmann, Issa. "Misdemeanor Justice: Control without Conviction." *American Journal of Sociology* 119, no. 4 (2013): 351-393.
- Posner, Richard A. 2017. *The Federal Judiciary: Strengths and Weaknesses*. Cambridge: Harvard University Press.
- Skrentny, John D. "Law and the American State." *Annual Review of Sociology* 32 (2006): 213-244.
- Spurrier, Robert L., Jr. 1980. *Inexpensive Justice: Self-Representation in the Small Claims Court*. Port Washington: National University Publications.
- Tunney, Ryan. 2011. "The Pro Se Branch of the Small Claims Court for Claims up to \$3,000." Cook County official webpage. www.cookcounty.org.
- Weber, Max. 1978. *Economy and Society: An Outline of Interpretive Sociology*. Berkeley: University of California Press.

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- University of Chicago**, Chicago, Illinois Bachelor of Arts in Sociology, 2018
- Major GPA 3.9, Cumulative GPA 3.73
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- University of St Andrews**, St Andrews, Scotland Direct Enrollment Study Abroad, Fall 2016
- Studied Art History at Honors Level

WORK EXPERIENCE

- Stuart Cohen and Julie Hacker Residential Architects**, Evanston, Illinois Summer 2017
Summer Intern
- Cohen Hacker is a nationally recognized residential architecture practice led by Julie Hacker and Stuart Cohen; Stuart Cohen is a published Emeritus Professor of Architecture at the University of Illinois at Chicago and was a member of the Chicago Seven
 - Conducted research for book on early prairie school architects working out of Chicago's Steinway Hall
 - Assisted in drawing and measuring facade on historic Lake Forest home for a set of working drawings
 - Cataloged extensive architecture library of nearly 3,000 volumes
- Ames Group**, Chicago, Illinois Summer 2015, 2016
Interim Concierge, Summer Intern
- Jennifer Ames is ranked among the top residential real estate brokers in the United States; Ames closed over \$170 million in sales last year and has career sales of over \$1.75 billion
 - Served as interim concierge, which involved scheduling showings for over 50 properties and managing six agents' schedules
 - Helped principal Jennifer Ames photograph and survey properties
 - Wrote copy and assembled architectural research for marketing materials

COLLEGIATE EXPERIENCE

- ArtShould**, Chicago, Illinois 2015 – Present
Co-President
- ArtShould is a student run community arts organization at the University of Chicago; it offers free after school art classes five times a week at Chicago Public Schools on the South Side of Chicago
 - Co-lead an organization with over 50 active members and an executive committee of 12, managing logistics, membership, scheduling, and fundraising
 - Oversaw the expansion of the organization with the introduction of programming for the elderly in Bronzeville
- Sliced Bread Literary Magazine**, Chicago, Illinois 2015 – Present
Member of Editorial Staff and Layout Committee
- Sliced Bread is a student publication at the University of Chicago that publishes short fiction, poetry, creative non-fiction, photography, and 2D art
 - Reviews submissions to magazine and assists in formatting issues for print
- Student Alumni Committee**, Chicago, Illinois 2015 – Present
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Photography
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