**Social Justice Lawyering**

LAW6816, 14686

3 credits

Fall 2021

Holland 355D

M, W, Th 1:15-2:10 pm

# Joan Flocks

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***Office Hours: MTW 2:30-3:30 or by appointment. Available anytime via email.***

**MATERIALS**

All readings, visuals, and other course material are linked to the **class modules** on the CANVAS course page. There are no additional materials needed.

**COURSE PURPOSE AND LEARNING OUTCOMES**

This course explores how those in the legal profession can work to advance social justice. First, the course will examine the meaning of social justice and the variety of structural factors that contribute to legal inequality. Then it will explore ways in which legal assistance is funded and delivered to low-income and underrepresented individuals; different substantive legal arenas in which social justice is pursued; and the diverse ways in which individuals can work for social justice, both in and out of the courtroom.

The course is designed to be introspective and interactive. By the end of this course, students will have:

* Discussed the historical origins and various theories of lawyering for social justice in the United States.
* Compared skills and methods used by public interest and social justice lawyers with those used by traditional lawyers.
* Evaluated landmark case law in substantive areas of social justice such as antidiscrimination, education, voting rights, reproductive rights, and immigration.

**COURSE REQUIREMENTS AND POLICIES**

**Attendance and Participation:**

Attendance and Participation are 15% of students’ grades. Attendance in class is required by both the ABA and the Law School and after Week 1, attendance will be taken for each class. If you have a legitimate reason for missing class, please contact me before or soon after class ends. Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with the Law School’s policies that can be found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#:~:text=co%2Dcurricular%20activities.-,Attendance,regular%20and%20punctual%20class%20attendance.&text=UF%20Law%20policy%20permits%20dismissal,of%2012%20credits%20per%20semester.).

**Assigned Materials:**

**Unless otherwise noted on the syllabus or on the CANVAS course page, all readings, visuals, and assignments are to be completed BEFORE class on the day they are assigned.** Class discussions will be focused on the assigned materials for that day and, as with all law school courses, it is essential that students are prepared and ready to participate in class. Being prepared means having read the materials carefully enough to understand, summarize, discuss, and form an opinion about them. If cases are included in the readings, being prepared means being able to brief the cases. It is anticipated that you will spend an average of 2 hours out of class reading and/or preparing for every 1 hour in class. After the first week, an on-call system will be established.

Some of the assignments are graded (3 pts.) Your submissions may be ***brief***, but they should contribute to the discussion. Grading will not only be on the quantity, but also on the quality. The following criteria will be used to assign 0-3 points to each assignment:

**0 points:**

Failure to engage the assignment criteria in some meaningful way, such as:

* Failure to submit assignment or failure to submit by deadline.
* Failure to address stated topic.
* Failure to adequately communicate any cogent thoughts.

**1 point:**

The post has no fatal shortcoming, but:

* The writing is unclear or seriously flawed in key parts.
* The post barely addresses the topic.
* It is apparent the post was written and submitted at the last minute without any thought.

**2 points:**

The post is competent in that it:

* Fulfills all the requirement of the assignment.
* Contains writing that is generally clear and absent of major flaws.
* Fully addresses the stated topic.

**3 points:**

The post is excellent in that it:

* Fulfills all the requirement of the assignment.
* Contains writing that is clear and absent of all but minor flaws.
* Fully addresses the stated topic and provides a clear comprehension of the subject matter.

**Final Exam:**

There will be a **final exam** based on material covered during the semester. The structure of the exam will be discussed toward the end of the semester and an exam review will be held on the last days of class. The law school policy on exam delays and accommodations can be found [here](http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form).

**Grading Policies:**

Grading for Social Justice Lawyering is calculated as follows:

* Attendance and participation – 15%
* Graded assignments – 15%
* Final exam - 70%

This course follows the Levin College of Law’s grading policies found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies). The below chart describes the specific letter grade/grade point equivalent in place:

|  |  |
| --- | --- |
| **Letter Grade** | **Point Equivalent** |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0  |

**Classroom Electronics Use:**

**Impermissible use of a laptop during class WILL affect your grade**. Please note the following excerpt from the College of Law’s Computer Policy: “***Students may use laptops in the classroom for notetaking and for class purposes as directed by the professor. Other uses are not permitted, including, but not limited to, email, chat rooms, instant messaging, ecommerce, game playing, etc.”***

**Please silence your cell phones during class.** Unless you are recording in adherence with the Intellectual and Viewpoint Diversity Act described below OR you have an emergency where you must have access to your phone (please inform me if this is the case), please store you phone out of sight during class.

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled.  The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding.  All other purposes are prohibited.  Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture **does not** include student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

**UF POLICIES**

Accommodating Students with Disabilities:

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs Brian Mitchell when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Academic Misconduct:

Academic honesty and integrity are fundamental values of the University community. Students should understand the UF Student Honor Code located [here](https://sccr.dso.ufl.edu/process/student-conduct-code/).

**Online Course Evaluation:**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](https://gatorevals.aa.ufl.edu/students/) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](https://gatorevals.aa.ufl.edu/public-results/).

**CLASS SCHEDULE**

This following represents current plans and objectives.  This schedule is subject to change in order to enhance the class learning opportunity.  Such changes, communicated clearly, are not unusual and should be expected.

Weeks 1 - 4 will develop the professional framework for the practice of law in the social justice arena. Weeks 5 - 11 will focus on the foundation for and implications for social justice lawyering within a variety of substantive areas of the law. During these weeks, we will be reviewing landmark and recent Supreme Court decisions. Weeks 12-13 will examine the judiciary and examples of social justice lawyers in action. The final classes will be devoted to summarizing and reviewing the course.

**Week 1: Introduction to Social Justice Lawyering**

**8/23: *Read:*** *“*Theoretical Foundations for Social Justice Education” (Lee Anne Bell); “The Complexity of Identity – ‘Who Am I?’” (Beverly Daniel Tatum).  ***Complete:*** Social Identity Profile Assignment **(3 pts).**

**8/24:*****Read:*** “A Call to Context: The Professional Challenges of Cause Lawyering at the Intersection of Race, Space, and Poverty” (John Calmore) **pp. 1932-1940;** “Resistance Redux” (Victor Li).***Watch in Class:*** Begin “True Justice: Bryan Stevenson’s Fight for Equality.”

**8/25: *Watch in Class:*** Finish“True Justice: Bryan Stevenson’s Fight for Equality.”

**Complete After Watching "True Justice:”** “True Justice” Group Discussion **(3 pts).**

**Week 2: Legal Services and Other Access to Justice; Facets of Representation – from**

**Individuals to Communities**

**8/30: *Read:*** Introduction to Unit on Canvas; “The Demise of Law Reform and the Triumph of Legal Aid” (William Quigley); “What is IOLTA?” (ABA).

**8/31: *Read:*** “Civil Rights Cases and Shifting Attorney Fees” (Excerpt from Mahoney, Calmore and Wildman Cases and Materials on Social Justice…).

**9/1: *Read:*** “Am I My Client? The Role Confusion of a Lawyer Activist” (Nancy

Polikoff) **pp. 443-452**; “Who is My Client? Client Centered Lawyering with Multiple Clients” (Julie Lawton) **pp. 146-156**.

**Week 3: Facets of Representation – from Individual to Communities**

**9/6: Labor Day – No Class**

**9/7: *Read:* “**Community Lawyering: Revisiting the Old Neighborhood” (Michael Diamond) **pp. 110-126;** “Who is My Client? Client Centered Lawyering with Multiple Clients” (Julie Lawton) **pp. 162-180.**

**9/8: *Read*:** “A Critical Reflection on Law and Organizing” (Scott Cummings and Ingrid Eagly) **pp. 460-469, 490-495, 498-502**

**Week 4:** **Community Lawyering cont’d**

**9/13: *Role Play:***Begin Gator Creek Community Lawyering Role Play.

**9/14:*****Role Play:*** Finish Gator Creek Community Lawyering Role Play.

***Read****:* “Bleeding Heart: Reflections on Using the Law to Make Social Change” (Thomas Stoddard) **pp. 972-987**.

**9/15: *Read:*** “Making the Case for Community Lawyering” (Taylor Healy and Aja Taylor); “A Community Lawyering” (Joseph Riepenhoff).

***Dialogue:*** Joseph Cordova (Attorney, Florida Legal Services).

**Week 5: Topics in Social Justice Lawyering – Spatial Justice**

**9/20:** ***Read***: Introduction to Unit on Canvas

***Watch Before Class:*** “Redlined, A Legacy of Housing Discrimination” (The Two Hundred)

***Read:***“Stop the Road – Freeway Revolts in American Cities” (Raymond Mohl) **pp. 674-680, 683-688.**

**9/21:** ***Watch Before Class:*** The State of the Nation’s Housing 2021 Release Event (Joint Center for Housing Studies) **1:37-7:53.**

***Read:*** “US Rental Housing Markets are Diverse, Decentralized, and Financially Stressed” (Sarah Crump and Jenny Schuetz); “What Happens When Investment Firms Acquire Trailer Parks?” (Sheelah Kolhatkar)

**9/22:** ***Read:*** “The Disproportionate Impact of Heirs’ Property in Florida’s Low-Income Communities of Color” (Joan Flocks, Sean Lynch, and Andrea Szabo).

***Watch Before Class:*** “The Controversial Floodlights Illuminating New York City’s Public Housing” (Nadia Hallgren); “What if Gentrification was about Healing Communities Instead of Displacing Them?” (Liz Ogbu).

**Complete:** Spatial Justice Definition and Discussion **(3 pts).**

**Week 6: Topics - Environmental Justice**

**9/27**: ***Read:***Excerpts from Environmental Justice – Law, Policy & Regulation (Clifford Rechtschaffen, Eileen Gauna, and Catherine O’Neill).

**9/28:** ***Read:***“Environmental Justice”(Paul Mohai, David Pellow, and J. Timmons Roberts) **Section 2 and Sections 4-6.**

**9/29:** ***Read:*** “Pollution is Killing Black Americans. This Community Fought Back” (Linda Villarosa).

***Watch Before Class:*** “Naranjeros” (Lauren Estevez); “Climate Gentrification in Little Haiti” (Ashley Velez and Jessica Moulite).

***Dialogue:*** Dominique Burkhardt (Senior Attorney, Earthjustice).

**Week 7: Topics - Education**

**10/4: *Read:*** “Brown at 50: Educational Inequality from Reconstruction to Resegregation” (Leland Ware); Brown v. Board of Education 347 U.S. 483 (1954); “Brown v. Board of Education – Why was it a Hard Case and How Did the Decision Matter?” (Michael Klarman).

**10/5:*****Complete:***CALI lesson on Affirmative Action and Equal Protection.

**10/6: *Read:*** “Deconstructing the Distinction between Bias and Merit” (Darla Roithmayr) **pp. 1475-1490** (CA Law Review page #s); “Can Affirmative Action Survive?” (Lemann).

**Week 8: Topics - Voting Rights**

**10/11:** ***Read:*** “The Color of Law” (Louis Menand);Harper v. Virginia State Board of Elections, 383 U.S. 663 (1966) **Majority opinion.**

**10/12: *Read:***Shelby County v. Holder, 570 U.S. 529 (2013) **Sections I, II, and last two V of majority opinion, Section I of Ginsburg dissent)***.*

**10/13: *Read:*** “Voting Laws Roundup” (Brennan Center for Justice); “Voting Rights Litigation Tracker – Florida” (Brennan Center for Justice).

 ***Complete:*** Discussion on current Voting Rights Issues**(3 pts.)**

**Week 9: Topics - Reproductive Rights**

**10/18:** ***Read:*** “Exploring the Role of Lawyers in Supporting the Reproductive Justice Movement” (Gemma Donofrio**) pp. 224-253.**

***Watch in Class:*** Begin “No Más Bebés.”

**10/19:*****Complete:***CALI lesson on Abortion in Constitutional Law.

***Watch in Class:*** Finish “No Más Bebés.”

**10/20:*****Read:***“Abortion is at the Supreme Court Again – It’s Different this Time” (Elizabeth Nash); Dobbs v. Jackson Women’s Health Organization, Amici Brief (July 29, 2021).

**Week 10: Topics – LGBTQ+ Rights**

**10/25: *Complete:*** CALI lesson on Marriage and Same-Sex Marriage in Constitutional Law.

**10/26: *Read:*** Bostock v. Clayton County, 590 U.S. \_\_\_ (2020) Sections I, II, and IIIA majority opinion; Glenn v. Brumby, 663 F.3d 1312 (2011).

**10/27:** ***Read:*** Advocating with Pride Newsletter with all “read more” links (Simone Chriss).

***Dialogue:***Simone Chriss (Attorney and Director, Transgender Rights Initiative, Southern Legal Counsel).

**Week 11: Topics – Globalization and Immigration**

**11/1: *Read:*** Introduction to Globalization and Migration on Canvas; “How the United States Immigration System Works” (American Immigration Council).

**11/2: *Read:*** “Fact Sheet: The Biden Administration Blueprint for a Fair, Orderly and Humane Immigration System;” “6 Experts Five a Letter Grade on Biden-Harris Administration’s Handling of Immigration Thus Far” (Erin Snodgrass and Azmi Haroun); “Policy Update” (Center for Migration Studies).

**11/3: *Read:*** “Supreme Court says no right to Hearing for Some Immigrants” (Mark Sherman); “Supreme Court rules against Immigrants with Temporary Status” (Mark Sherman); “US Supreme Court Hands Victory to Immigrants Facing Deportation” (Andrew Chung).

***Complete:*** Summary and Discussion of a Current Immigration Issue.

**Week 12: Social Justice, Courts, and Social Movements**

**11/8:** ***Read*:** “Guide for Florida Voters – Questions and Answers about Florida Judges, Judicial Elections and Merit Retention” (The Florida Bar); “A Look Through the Looking Glass…” (Linda Bond Edwards and Michael Band); “The History Test” (Jill Lepore).

**11/9: *Read:*** “Protecting Disfavored Minorities: Toward Institutional Realism” (Joy Milligan)

**pp. 896-917.**

**11/10: *Read:*** “Law and Social Movements: Contemporary Perspectives” (Michael McCann) **pp. 24-35.**

 ***Read:*** Update on Florida Anti-Riot Bill Litigation, TBA.

**Week 13: Social Justice Lawyers in Action: Field Placement Presentations and Guest Lecture; Final Exam Review.**

**11/15:** Social Justice Lawyering Field Placement Presentations (TBA).

**11/16: *Read:*** “’Homeless and Hungry, Please Help!’: A Constitutional Right to Communicate Messages of Need” (Kirsten Anderson).

***Dialogue:*** Kirsten Anderson (Deputy Legal Director, Economic Justice Project, Southern Poverty Law Center).

**11/17:** SJL Exam Review

**Week 14: Final Exam Review cont’d**

**11/22:** SJL Exam Review

**FINAL EXAM:** **Monday 12/13/21, 1-4 pm.**