

Fredric G. Levin College of Law  
Office of the Dean

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352-273-0600  
[www.law.ufl.edu](http://www.law.ufl.edu)

April 17, 2020

MEMORANDUM

TO: Voting Faculty

FROM: Laura A. Rosenbury, Dean *LAR*

RE: Faculty Meeting Agenda, Friday, April 24, 2020

I have scheduled a Faculty Meeting for Friday, April 24, 2020, via zoom, beginning at noon. The agenda will be as follows:

1. Approve Faculty Meeting Minutes from April 10, 2020, attached.
2. Proposals from Curriculum & Strategic Planning Committee (Johnathan Cohen, chair).
  - a. Proposal for Permanent Approval of Courses, attached.
  - b. Proposal of Semester in Practice Field Placements with Corporate In-House Counsel, attached.
  - c. Proposal of Changes to the Legal Writing, Research & Drafting Programs, attached.
3. Proposals from Promotion and Tenure Committee (Lea Johnston, chair)
  - a. Proposal of Changes to the Proxy Voting Policy, attached
  - b. Proposal of Changes to the Promotion and Tenure Policy, attached
4. Recommendation for Update to the Faculty Handbook from the Appointments Committee (Danny Sokol and Michael Wolf, co-chairs), attached
5. Approve Committee Assignments, attached

## Law Faculty Meeting Minutes

April 10, 2020 12:00 p.m.

### PRESENT:

Adkins, Mary Elizabeth  
Bishop, Sarah Louise  
Buchanan, Neil H  
Davis, Robin K  
Endo, Seth Katsuya  
Grater, Jeff T  
Hasen, David M  
Jackson, Joseph Steven  
Johnston, Elta Lea  
Lear, Elizabeth Tyson  
Malavet, Pedro A  
McCouch, Grayson  
Molk, Peter F  
Nunn, Kenneth Bruce  
Reid, Teresa Jean  
Rowe, Elizabeth Ann  
Sokol, D Daniel  
Steinberg, Stacey B

Angelo, Mary Jane  
Bornstein, Stephanie Carol  
Calfee, Dennis A  
Dowd, Nancy E  
Fenster, Mark Andrew  
Hamilton, William Francis  
Hernandez, Berta Esperanza  
Jacobs, Michelle Veronica  
King, Shani Mahiri  
Little, Sabrina Eloisa  
Mashburn, Amy Rebecca  
Menendez, Silvia M  
Nance, Jason  
O'Connell, Jane A  
Rhee, Robert J  
Ruff, Betsy Lee  
Stearns Johnsen, Joan  
Stinneford, John

Ankersen, Thomas T  
Brauner, Yariv  
Clausen, Judy Ann  
Drake, Teresa A  
Fernandez, Ben L  
Hammond, Andrew S  
Hutchinson, Darren L  
Jamshidi, Maryam  
Klein, Christine Ann  
Luke, Charlene  
McAlister, Merritt Ellen  
Mills, Jon L  
Noah, Lars  
Page, William H  
Rosenbury, Laura Ann  
Russell-Brown, Kathryn  
Stein, Amy L  
Temple-Smith, Margaret  
Emanuel  
Winden, Andrew William  
Zedalis, Jennifer Mary

Tritt, Lee-ford  
Wolking, Sarah Horn

Wihnyk, Henry Thomas  
Wright, Danaya C

Total Listed: 72

### NOT PRESENT:

Burke, Karen C  
Cupples, Deborah E  
Greene, Anastacia Marie  
Knight, Leslie H  
Wolf, Michael Allan

Cohen, Jonathan Richard  
Davis, Jeffrey  
Harrison, Jeffrey L  
Pflaum, Leanne Janet  
Zheng, Wentong

Collier, Charles Wade  
Flournoy, Alyson Craig  
Herzfeld, Mindy Miryam  
Willis, Steven J

Meeting called to order at 12:02pm

1. Approve Faculty Meeting Minutes from March 10, 2020

Faculty considered Faculty Meeting Minutes from  
March 10, 2020.

*Unanimously approved*

## Law Faculty Meeting Minutes

April 10, 2020 12:00 p.m.

### 2. Approve Faculty Meeting Minutes from March 27, 2020

Faculty considered Faculty Meeting Minutes from March 10, 2020. *Unanimously approved*

### 3. Information Item: Effects of COVID-19 Crisis on Student Jobs, Bar Exam, Budget

Dean Rosenbury expressed gratitude to all faculty for ongoing flexibility and innovation in a very uncertain time. *Information item only*

Dean Rosenbury discussed the current crisis as it relates to student jobs, the bar examination, budget of the University of Florida, hiring pauses, hiring pause exemptions as it relates to student research assistants, and UF Commencement ceremonies.

Dean Rosenbury mentioned that faculty members will be asked to front-load committee work through the summer so that we can prepare and develop contingency plans in this uncertain environment.

### 4. Information Item: Discussion regarding Legal Research Tools

Associate Dean O'Connell discussed current availability of reference librarians, and tools to enhance student learning in remote environments. Associate Dean O'Connell will continue to share these tools via email. *Information item only*

Faculty members needing library books or other items for research during the summer should contact Associate Dean O'Connell.

### 5. Information Item: Discussion regarding Student Support

Associate Dean Inman discussed various services available for students in this difficult time including Counseling and Wellness Center ("CWC"), Lawyer Assistance Programs, and Wellness Wednesdays. *Information item only*

## Law Faculty Meeting Minutes

April 10, 2020 12:00 p.m.

Associate Dean Inman also thanked faculty members for their adaptability of exams and mentioned that she will host a session to answer questions about exam logistics.

### 6. Recommendation for Update to the Faculty Handbook from the Appointments Committee (Danny Sokol and Michael Wolf, co-chairs)

Chair Sokol made a recommendation to update the Faculty Handbook in accordance with the Draft Language for Rules on Feedback to Appointments Committee as circulated to the faculty.

Discussion ensued about proposal including continued anonymity, possible filtration of faculty viewpoints on candidates, the need for anonymity versus non-anonymity, the need for consistency in treatment of comments made to the Appointments Committee, ultimate transparency to the faculty on comments made to the Appointments Committee, and university rules.

Following a motion to table, the Appointments Committee agreed to withdraw their motion to consider both (1) university policies, ensuring that they coincide with the proposed revision and (2) comments made during today's faculty meeting. A vote on the motion to table was, therefore, not necessary.

Dean Rosenbury requested that the Appointments Committee meet and renew their motion at the April 24, 2020 faculty meeting.

*Following a motion to table, the Appointments Committee agreed to withdraw their motion to consider both (1) university policies, ensuring that they coincide with the proposed revision and (2) comments made during today's faculty meeting. A vote on the motion to table was, therefore, not necessary.*

### 7. Recommendation for faculty hiring from the Non-Tenure Track Appointments, Retention, and Promotions Committee (Silvia Menendez, Chair)

Associate Dean Menendez presented two candidates from the Non-Tenure Track Appointments, Retention, and Promotions Committee for consideration: Paige Carlos or Caroleen Dineen.

*Faculty invited to vote via Qualtrics after the meeting.*

## Law Faculty Meeting Minutes

April 10, 2020 12:00 p.m.

Discussion ensued on the process for considering candidates, qualifications, recommendations, and the process for making an offer to a single candidate if there are two favorable votes.

8. Nomination for University Faculty Senate: The College of Law has one seat (three-year term) to be filled on the University Faculty Senate. A volunteer will be solicited from the floor. A list of those eligible to serve is attached.

Dean Rosenbury explained that Ben Fernandez's term as a faculty senator would expire at the end of this academic year, necessitating the nomination of a new faculty senator from the College of Law. Dean Rosenbury thanked Ben Fernandez for his service and Danaya Wright and Sarah Wolking for their ongoing service as faculty senators. Dean Rosenbury solicited volunteers from the floor. Both Sabrina Little and Jennifer Zedalis volunteered. Sabrina Little withdrew because of a conflict between Faculty Senate meetings and her class time.

*Jennifer Zedalis unanimously approved to be on the Faculty Senate.*

Meeting adjourned at 1:26 pm.

## PROPOSAL

To: Faculty  
From: Curriculum & Strategic Planning Committee  
Re: Permanent Approval of Courses  
Date: March 22, 2020

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The Curriculum & Strategic Planning Committee recommends permanent approval of the following courses. Attached are permanent course proposal forms and syllabi for each course.

The courses are:

- Arbitration
- Complex Civil Litigation
- Education Law
- Electronic Discovery
- Environmental Capstone
- Florida Constitutional Law
- Law and Entrepreneurship
- Social Science, Crime and Law
- Wetlands and Watersheds: Science, Law and Policy

## New Course Proposal Form

To: Curriculum Committee

From: \_\_\_\_\_

Date: \_\_\_\_\_

<b>Type of Proposal</b> <small>(check one)</small>	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) <input type="checkbox"/> Semester of 1 <sup>st</sup> proposed offering:  <input type="checkbox"/> Proposal to make provisional offering permanent <input type="checkbox"/> Enrollment for prior offering:
<b>Course Title</b>	
<b>Number of credits</b>	<input type="text"/> hours  <input type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <input type="text"/> hours of in-class instruction and at least <input type="text"/> hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> <small>(50 words or less; for public posting on the UF Law website)</small>	
<b>Pre-requisites or Co-Requisites?</b>	
<b>Educational Objectives</b> <small>Why are you proposing this course? Why should it be added to the UF Law curriculum?</small>	
<b>Enrollment cap requested?</b> <small>If requested, what is pedagogical justification?</small>	

<b>Method of evaluation</b>	_____ % Final exam _____ % Skills assessment _____ % Paper	_____ % Classroom participation _____ % Other
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)		
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.		
<b>Attachment checklist</b>	_____ <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.  _____ The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. _____ The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.  *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.  _____ <u>Casebook</u> Include photocopy of condensed table of contents  _____ <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members)  _____ <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.	



# Arbitration Spring, 2020

## Joan Stearns Johnsen

Mondays: 10:00 am – 12:00 pm

Holland Hall 285A

4 6930 15BC

Office: Holland Hall 372 – Phone: 617-549-0742

E-mail: [johnsen@law.ufl.edu](mailto:johnsen@law.ufl.edu)

## Class Syllabus and Policies

### Required Course Materials:

ARBITRATION: THEORY, PRACTICE, AND LAW, FOLBERG, GOLANN, STIPANOWICH, KLOPPENBERG (WOLTERS KLUWER, CUSTOM EDITION, 3<sup>RD</sup> EDITION, 2016). (“TEXT”)

Please note that this text is taken from a larger textbook for courses that also cover negotiation and mediation. For this reason, the first chapter in this shorter book is chapter 17.

Please note that we will schedule a final mock arbitration on a date to be determined when your schedules are set.

**Description and Goals of the Course:** This course is two credit hours. Please note that ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in class instruction. Accordingly, it is expected that you will spend two hours preparing for every hour of in-class instruction each week.

This course is an introduction to the law of arbitration as well as an introduction to the process and the specific skills relating to arbitration. At the end of the course you will understand how arbitration fits in the dispute resolution continuum. You will also understand the differences between various arbitration processes. You will learn the foundation of arbitration law in the United States and the direction in which arbitration law is moving. Among the skills you will learn how to draft an arbitration agreement, conduct a pre-hearing conference, manage and conduct an arbitration hearing, and draft a post hearing brief and award.

Arbitration is a binding method of dispute resolution arrived at contractually. Arbitration is used in various contexts and in various forms. It is popular in resolving domestic business to business commercial disputes, cross border commercial disputes, investor state disputes, consumer disputes, labor disputes, employment disputes, antitrust class action disputes, and securities disputes. Arbitration continues to grow in importance and popularity.

### Final Mock Arbitration

We will devote our final two classes to our mock arbitration. You will be assigned roles randomly. Attendance is mandatory.

**Grading:** You will be graded based on 1) a one hour multiple choice exam; 2) on your attendance and class participation, in class work including any written assignments, your participation in the final mock arbitration hearing; and 3) on your final reflection paper of 3-5 pages. You must participate in the final mock arbitration to satisfactorily complete this course.

**Your one-hour exam will count for 50% of your grade; your attendance, in-class participation, final arbitration, and other written work during the semester will count for 25% of your grade; your final reflection paper based on the mock arbitration will count for 25% of your grade.**

**Class Schedule:** We will meet once each week on Monday. Monday's class will be from 10:00 until 12:00. We will meet in Holland Hall 285D.

**Office Hours:** I will have regular office hours from 1:00-2:00 on Mondays. Additionally, I am always available by appointment. You may call, text, or email if you would like to speak with me. My cell phone is listed on this syllabus. (Please identify yourself if you text.) I encourage you to come and talk with me if you are having difficulties with, or simply want to clarify your understanding of, any of the materials covered in the reading or in class.

**UF Student Honor Code:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**Accommodations:** Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**Attendance:** Your attendance is essential to your ability to apply the theory discussed to your final arbitration exercise. Also, since you will be working in teams, any absences will not only hurt you, but will also disadvantage those with whom you have been paired. For this reason, regular and punctual attendance at classes is essential. I do take attendance. Please e-mail me to request an excused absence. Anything in excess of 15% unexcused absences may render a student ineligible to receive credit for the course. Excused absences are consistent with University policies (<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>) and require appropriate documentation.

**Canvas:** Please check Canvas regularly for new postings. If you have difficulty accessing or working with Canvas, please let me know as soon as possible.

### **Assignments and Important Dates and Events:**

Week One: Monday, January 13

**Text Chapter 17--** Introduction and The Big Picture

Week Two: Monday, January 20

*– Martin Luther King Day- No Classes*

Week Three: Monday, January 27

**Text Chapter 18** –Arbitration Agreements

Week Four: Monday, February 3

**Text Chapter 19** – Selecting Arbitrators

Week Five: Monday, February 10

**Text Chapter 20**–Arbitration Procedures and Awards

Week Six: Monday, February 17

**Text Chapter 21**– The Law of Arbitration: Judicial Enforcement of Arbitration Agreements

Week Seven: Monday, February 24

**Text Chapter 22**– Judicial Enforcement of Arbitration Awards

Monday, March 2

**Spring Break** – No Class.

Monday March 9

**Text Chapter 23**– Fairness in Arbitration, Part I, Employment; Consumer; and Adhesion Contracts

Monday, March 16

**Text Chapter 24** – Fairness in Arbitration part II: Recent Legislative and Judicial Developments

Monday, March 18

**Arbitration Advocacy (Handouts to be Provided) Matt Adler Guest Speaker**

Monday, March 23

**Text Chapter 25**–Mixing and Matching the Process to the Dispute-- and Review

Monday, March 30

**Handout (to be provided): Guest Speaker, Laura Reich, International Arbitration**

Monday, April 6 You will have class time to work in groups on your Mock Arbitration.

Preparation for Mock Arbitration

Monday, April 20 You may not miss this class. You may not arrive late for this class.

Mock Arbitration

## New Course Proposal Form

To: Curriculum Committee

From: William Hamilton

Date: March 1, 2020

<b>Type of Proposal</b> (check one)	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 <sup>st</sup> proposed offering:  <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: 39
<b>Course Title</b>	<b>Complex Civil Litigation</b>
<b>Number of credits</b>	<u>3</u> hours  <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>46</u> hours of in-class instruction and at least <u>84</u> hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> (50 words or less; for public posting on the UF Law website)	This course covers the formative debates over what has been called “public litigation” and explores the dynamics of federal cases involving extensive harms and damages, broad and important social issues, numerous parties, complicated and challenging legal issues, and case management issues. The course covers federal joinder, consolidation, and multi-party litigation, multi-district litigation, and class action litigation.
<b>Pre-requisites or Co-Requisites?</b>	This is an upper level course; however, no prerequisites are required.
<b>Educational Objectives</b> Why are you proposing this course? Why should it be added to the UF Law curriculum?	This course meets the demand of students and employers for instruction and competence regarding multi-party litigation, multi-district litigation, and class action litigation which comprises more than 1/2 of current pending federal litigation.
<b>Enrollment cap requested?</b> If requested, what is pedagogical justification?	None.

<b>Method of evaluation</b>	<u>50</u> % Final exam  _____ % Skills assessment  _____ % Paper	<u>25</u> % Classroom participation  <u>25</u> % Other
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)	1. Complex Litigation and Its Alternatives (Concepts and Insights) 2nd Edition, Jay Tidmarsh and Roger Transgrud (2018). 2. Complex Litigation: Cases and Materials on Advanced Civil Procedure, 6th Edition, Marcus, Sherman, & Erichson, West Academic Publications (2015)	
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.	This course has been offered over the past three years. It has been discussed with the Dean and Assistant Dean who requested the creation of the course to meet the demand for students familiar with and versed in the nuances of complex litigation. The course has been well received by students, and I have received anecdotal reports from graduated students that the course has helped them immediately in their practices.	
<b>Attachment checklist</b>	<input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.  <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.  *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.  <input checked="" type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents  <input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members)  <input type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.	

UNIVERSITY OF FLORIDA  
COLLEGE OF LAW

COMPLEX CIVIL LITIGATION  
PRE-TRIAL PRACTICE  
FALL 2019

LAW 6930-15915  
MTUW 11:00 AM – 11:55 AM  
HOLLAND HALL 360

COURSE SYLLABUS

**Why Should I Take This Course?**

Complex civil litigation shapes today's body politic. Complex civil litigation challenges governmental actions and law; complex civil litigation vindicates human and civil rights; complex civil litigation remedies collective wrongs, mass torts, and violations of statutory rights. Complex litigation involves employment rights, consumer rights, political rights, financial rights, constitutional rights, and environment rights. Complex litigation structures our everyday life.



In this course you will enter the formative debates over what has been called “public litigation” and explore the dynamics of cases involving extensive harms and damages, broad and important social issues, numerous parties, due process, complicated and challenging legal issues, and significant financial resources. We will explore the parameters, edges, and reach of public litigation. You will unpack the dynamics, and apparent mysteries, of complex litigation. How will you steer your litigation cases and navigate the shoals, safe harbors, and rewards of complex civil litigation? This course is your guide to this exciting world from the perspectives of plaintiffs and defendants.

### **Who Is Your Professor?**



I joined the UF Law faculty as a Legal Skills Professor in 2017 after 30+ years of practicing complex civil litigation with Holland & Knight in Miami (1983 – 2000) and Tampa (2000 – 2010) and Quarles & Brady (2010 – 2016) in Tampa. Before leaving the practice of law, I was a UF adjunct professor for 10 years and established the UF E-Discovery Project and the UF Law E-Discovery Conference, now in its 8<sup>th</sup> year.

Here are a few links where you can learn more about me.

<https://www.law.ufl.edu/faculty/william-hamilton>  
<https://www.law.ufl.edu/areas-of-study/institutes/icair>  
<https://www.linkedin.com/in/williamfhamilton>  
<http://www.quarles.com/william-bill-hamilton/>

I have a son who graduated from the University of West Florida and is now a commissioned as an Army officer. I have another son who is an RN at Lakeland Regional Hospital in the Emergency Room. My daughter just graduated from UF with a degree in criminology.



### How Can You Contact Me?

I like to hear from students by email, phone, or text. Please let me know if you have something to share with me – an inspiration, a new thought, a frustration, or concern. Let's have a coffee together in the new commons.

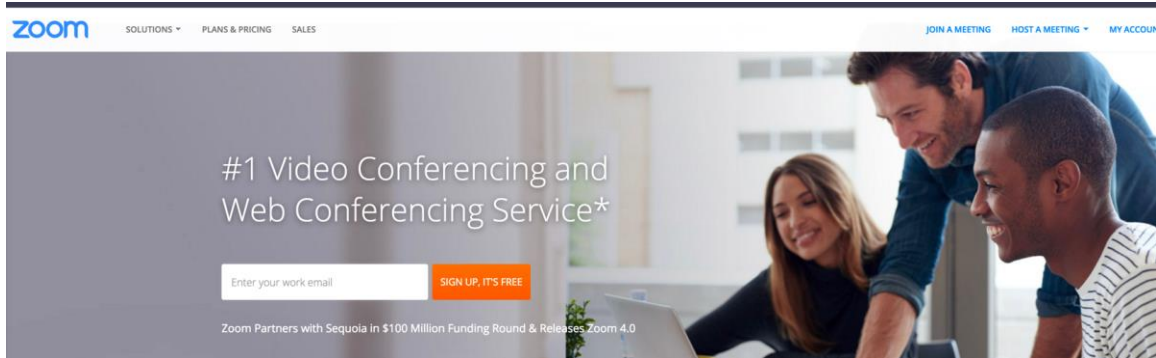


Email	Telephone	Text	Office
hamiltonw@law.ufl.edu	480.993.8777	480.993.8777	342 Holland: Tuesdays 1-3

Zoom	SKYPE
<a href="https://zoom.us/j/5410389684">https://zoom.us/j/5410389684</a>	william.hamilton.1120

Zoom is my favorite videoconferencing platform. We can have a face-to-face conference **any time** (even on tablets and smartphones). I am also available in my office generally from 3:00 - 4:00 M-W.

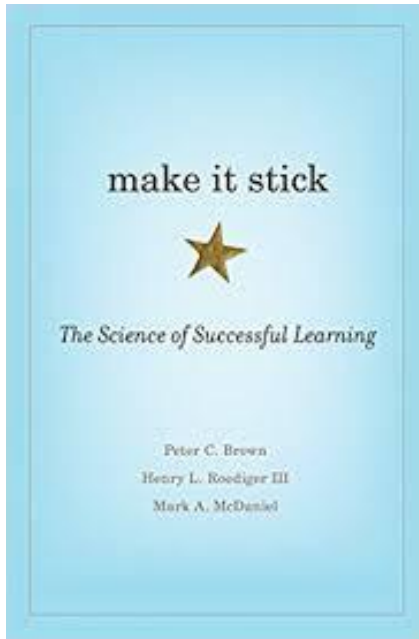




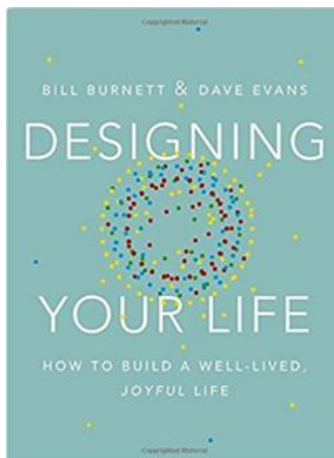
## How You Can Do Well in this Course. It's Simple!

You will want to be engaged in this class. This is not a lecture-based course. At the beginning of each class, I will present the class with a problem that you will work on with your classmates based on what you have gleaned from the readings. Then we go over your suggested solutions together in class. Finally, I may summarize the lesson and outline the key take-aways. We will have three scheduled multiple choice “low stakes” check-up quizzes designed to help you absorb and remember the course materials. We will also discuss current events and some of the many complex litigation cases now in the courts.

My teaching practices are reflected in [\*Make It Stick: The Science of Successful Learning\*](#) by Peter C. Brown.



This course will introduce you to a litigation career path. You will want to see if it fits your interests and passions. I recommend the book ***“Designing Your Life: How to Build a Well-Lived Joyful Life,”*** by Burnett and Evans, Alfred A. Knopf (2016), for helpful strategies to find career directions that may work for you.



**Attendance:** You are expected to attend all the class sessions. Approximately every four weeks there will be an in-class 20-minute check-up quiz to give you and me some feedback on how you are doing. I am required to take attendance

for every class.

**Examination and Grading Policy:** The total points that may be earned in the class are 1090. While the course grade distribution usually reflects the usual structure of A = 100 – 90%, B = 89% - 80%, etc., you should keep in mind that your final grade will reflect your class rank. For example, a numerical grade average of 92% earned on various exercises and assignment during the course may not translate the final grade of A- when combined with the score earned on the final examination. Early assignment scores should not establish an expectation of a similar final grade. This is because most students do well on the early check-up quizzes and the assignments and exercises are usually completed properly for full points.

### **How Will I be Graded?**

Here is how your final grade will be determined.

*Grade points:*

#### **1. Final examination:** 200 points

There will be a 3-hour take-home, open-book examination composed of 4 questions and fact patterns. The final exam may be taken at any time during the finals period. There are no “breaks” or timeouts” after you start the examination. The Student Honor Code applies.

The final examination will be graded on the following rubric:

- (1) 20%: Identification of the issues presented by the scenario
- (2) 20%: Analysis of the issues presented by the scenario
- (3) 20%: Application of case law to the issues presented by the scenario
- (4) 20%: Resolution of the issues presented by the scenario
- (5) 20%: Felicity, conciseness, and richness of the written expression

#### **2. Three In-Class Check-up Quizzes:** 20 points each quiz (total quiz points: 60)

There will be 3- short check-up quizzes spaced evenly through the semester. The goal of the check-up quizzes is to help cement the course basic principles and to provide a quick glance at your comprehension. The quizzes are 20 minutes in length and composed of multiple choices questions. We will discuss each quiz in class after its completion.

**2. Class Attendance and Participation:** 4 points each class (total class points: 160)

The purpose of class participation is to attain a depth of understanding through probing responses and answers. Each class is worth 4 points. Class participation will be evaluated on the following rubric:

- (1) Asking and answering questions that illuminate the issues,
- (2) Asking and answering questions that enrich the class dialogue and advance the classes understanding of the issues,
- (3) Participating in the class dialogue and discussions,
- (4) Participation team debates and mock exercises.
- (5) Demonstrating class preparation.

You may miss any three classes without loss of any points. I will take attendance each class session.

**Is this Course Graded on a Curve?**

I am provided a curved grade range by the Registrar and my class grade average must be within that range. In past semesters my grade point average has been around 3.25.

Please keep in mind that your scores earned on individual quizzes and class attendance may not predict your final grade in the class, especially when combined with the score earned on the final examination. Early course grades (where the average class grade is frequently higher than curve requirements) should not create an expectation of a similar final grade.

**Are Laptops Permitted in the Classroom?**

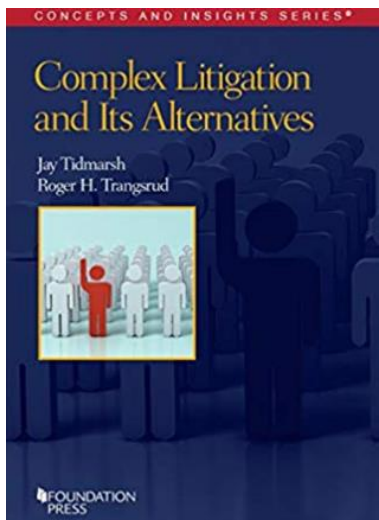
You may use laptops in class to take notes. I will turn my phone off when I come to class. Please do the same. Please restrict the use of your laptop to taking notes, and **not visiting social media websites, texting, or emailing**. I expect your attention in class. Nothing life changing will happen while you are offline in class.

## What Notes Should I Take in Class?

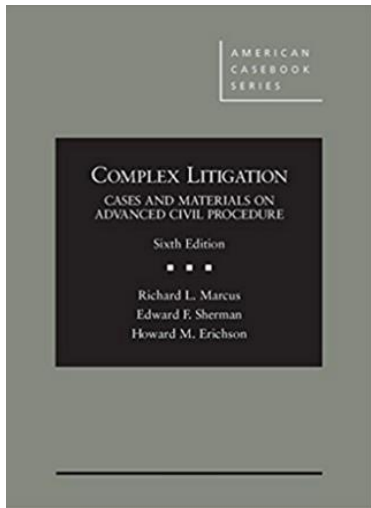
I recommended that you do not take word-for-word literal notes. This is not a court reporting class! Instead, think about what is happening in class and record the key ideas. Handwriting your notes is better for you than typing notes. Check out this article: ***Note-Taking: Writing vs. Typing Notes.*** <https://studyskills.com/students/note-taking/>].

## What are the assigned texts?

1. **Complex Litigation and Its Alternatives (Concepts and Insights) 2nd Edition**, Jay Tidmarsh and Roger Transgrud (2018).



**2. Complex Litigation: Cases and Materials on Advanced Civil Procedure, 6<sup>th</sup> Edition**, Marcus, Sherman, & Erichson, West Academic Publications (2015)



We will also be referring the following free resources:

- **Manual For Complex Litigation, Fourth**, Federal Judicial Center 2004, <https://public.resource.org/scribd/8763868.pdf>.
- **Coordinating Multijurisdiction Litigation, A Pocket Guide for Judges**, Federal Judicial Center and National Center for State Courts, 2013, <http://ncsc.contentdm.oclc.org/cdm/ref/collection/civil/id/116>.
- **The Judicial Panel on Multidistrict Litigation** <http://www.jpml.uscourts.gov/>

**What Will We Be Doing Each Week?**

The course's Canvas webpage includes our weekly topic, readings, resources, recorded lectures, assignments, and other reference materials. The Canvas web page is our "official" course home.

## **How Much Reading Will I Have?**

Law schools are accredited by the American Bar Association. The ABA requires courses to have readings exceeding 15 pages, but not more than 30 pages, per credit hour. This means you will have between 45 and 90 pages to read each week.

Here is the outline of what we will cover in each weekly module:

### ***Module 1: Why Would We Ever Want Litigation to Vindicate Broad Social Goods? Complex Civil Litigation as Public Litigation: An Overview***

After completion of this module you will be able to:

- Understand the social policies of “public litigation”
- Understand the tension between public good v. private gains endemic to complex litigation
- Assess management issues associated with complex litigation
- Understanding social benefits and costs of aggregate litigation
- Understanding the drawbacks to aggregate litigation
- Understanding the ethical issues raised by aggregate litigation

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 1-38  
*Complex Litigation*, Markus et al., pp. 1-14

### ***Module 2: Why Would A Plaintiff Want to Bring Claims Against Different Parties in the Same Litigation?***

After completion of this module you will be able to:

- Understand the requirements of permissive party joinder
- Understand the requirements of compulsory required party joinder
- Understanding Interpleader
- Articulate multiparty litigation joinder strategies

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 39 – 74.

*Complex Litigation*, Markus et al.

Mosley v. General Motors, pp. 15 – 19

In Re Stand’N Seal Products, pp. 24-28

Stanford v. Tennessee Valley, pp. 28-31

Hall v, E.I. Du Point, pp. 33-37

Eldredge v. Carpenters Northern, pp. 40-43

### ***Module 3: Why and How Would Anyone want to Become Part of an Ongoing Litigation?***

After completion of this module you will be able to:

- Assess the benefits and risks of case intervention
- Determine when intervention if a viable strategy and weigh other potential strategies.
- Understanding consolidation, transfer, and removal.

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 75 – 82

*Complex Litigation*, Markus et al.

*Animal Protection Institute v. Merriam*, pp. 57-61

*Martin v. Wilks*, pp. 68- 81

### ***Module 4: How Should We Coordinate Lawsuits in Different federal and State Jurisdictions Involving Similar or Identical Parties and Similar or Identical Issues?***

After completion of this module you will be able to:

- Seeking stays, transfers, and injunctions
- Avoiding issue preclusion

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 101 – 138

*Complex Litigation*, Markus et al.

*William Gluckkb & Co. v. International Playtex*, pp. 88-93

*Semmes Motors v. Ford Motor*, pp. 93-99

*Katz v. Realty Equities Corp.*, pp. 101-109

*Ginsey Industries, Inc. v. L.T.K. Plastics*, pp. 112-114



***Module 5: Should Cases from Around the Nation be Consolidated into a Single Case before One Judge?***

After completion of this module you will be able to:

- Understand the role of the multidistrict panel
- Assess the factors bearing on the transfer decision
- Invoking and utilizing powers of the transferee court

*Complex Litigation, Tidmarsh & Trangsrud, pp. 83 – 92.*

*Complex Litigation, Markus et al.*

*In Re Shoulder Pain Pump, pp. 136 – 137*

*In Re Aviation Products, pp.137-143*

*Stanley A. Weigel, article, pp. 147- 148*

*In Re Factor VIII, pp.148-151*

*In Re Vioxx Products, pp. 163 – 167*

*BP Oil Spill Litigation, article, pp. 171 -175*

***Module 6: Can the Multidistrict Court Preserve the Rights of all the Parties and Still Get Fair Results?***

After completion of this module you will be able to:

- Evaluate the twin goals of efficiency and fairness in MDL proceeding
- Assess whether public policy should bear on MDL proceedings
- Manage coordination between dual federal state proceedings through abstention, stays, and injunctions

*Complex Litigation, Markus et al., pp. 158 – 197*

*Abstention, pp 176-178*

*Burford Abstention, pp. 178 – 179*

*Younger Abstention, pp. 179-181*

*Life-Link International v. Lalla, pp. 181-183*

**Module 7: How Can We Handle Legal Wrongs Not Worth Litigating Individually?**

After completion of this module you will be able to:

- Understand the class action elements and the rationale for class actions
- Assess and implement an appropriate class definition and establish numerosity

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 139 – 170

*Complex Litigation*, Markus et al.

*Hansberry v. Lee*, pp. 202 -205

*Kline v. Coldwell, Banker & Co.*, pp. 205 -208

*Simer v. Rios*, pp. 214 -219

*Oplchenski v. Parfums Givenchy, Inc.*, pp 223 -231

**Module 8: Should Some Cases Be Excluded from Class Treatment?**

After completion of this module you will be able to:

- Identify the commonality requirements of class certification
- Defend and challenge the adequacy of class representation
- Identify the kinds of class actions that can be maintained

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 170 – 199

*Complex Litigation*, Markus et al., pp. 236 – 266

*Wal-Mart Stores v. Dukes*, pp. 236 – 247

*Peil v. National Semiconductor Corp.* pp. 256 – 258

*Rodriguez v. West Publishing Corp.*, pp. 258 – 261

**Module 9: What Class Action Types and Remedies are Available?**

After completion of this module you will be able to:

- Understand Injunctive relief and when injunctive relief is appropriate and the correct strategic choice
- When to seek declaratory relief and its benefits
- Understand jurisdictional issues related to class actions

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 199 – 212

*Complex Litigation*, Markus et al., pp. 266 – 299

Ortiz v. Fibreboard Corp., pp. 267 – 279

Parsons v. Ryan, pp. 286 – 290

Wal-Mart Stores, Inc. v. Dukes, pp. 290 – 295

*Amgen Inc. v. Connecticut Retirement*, pp. 302 – 311

*Smilow v. Southwestern Bell*, pp. 316 – 322

*Castano v. The American Tobacco Co.*, pp. 330 – 343

*In Re Nassau County Strip Search Cases*, pp. 348 - 356

### ***Module 10: Once a Class Action Starts Can It Be Settled Short of Full litigation?***

After completion of this module you will be able to:

- Understand the settlement negotiation process
- Articulate the elements of a settlement
- Implement the conditional settlement process
- Avoid the challenges to a conditional settlement

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 212 – 215

*Complex Litigation*, Markus et al.

Amchem Products, Inc. v. Windsor, pp. 363 - 378

### ***Module 11: How Can Courts Manage All the Conflicting Claims and Interests? What if I Want to go it Alone?***

After completion of this module you will be able to:

- Direct class action motion practice, hearings, and experts
- Understand the scope of class action subject matter jurisdiction
- Manage class notices, opt-out, and class communications
- Selecting class counsel
- Group representation ethical issues

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 291-313

*Complex Litigation*, Markus et al.,

In Re Hydrogen Peroxide Antitrust Lit., pp. 383 – 394

Notice, Opt-Out and Class Communications, pp. 454- 460

### ***Module 12: Who Says A Class Action Settlement is Fair and What Happens When Not Everyone is Happy with a Proposed Settlement?***

After completion of this module you will be able to:

- Understand the basic principles of fairness in class action approvals, objectors, and fairness hearings
- Handle settlement funds distribution and negotiations
- Determine appropriate fees and costs for class counsel Determine settlement subclasses and relief
- Implement or resist settlement objectors

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 215 – 225

*Complex Litigation*, Markus et al.

Parker v. Anderson, pp. 610 -613

In Re Prudential Insurance Co., pp. 615 -629

Dennis v. Kellogg Co., pp. 642 -648

In Re UnitedHealth Group, Inc., pp. 652 -654

### ***Module 13: Alternative Approaches to Resolve Mass Litigation***

After completion of this module you will be able to:

- Utilize bankruptcy procedures for resolving mass disputes
- Conduct *Parens Patriae* actions
- Evaluate the arbitration process

*Complex Litigation*, Tidmarsh & Trangsrud, pp. 227 – 256

## **Module 14: Course Review and Final Exam Preparation**

Weekly reading assignments may be supplemented to include new and important case law, events, and public policy debates. The syllabus may be adjusted to reflect class progress and interests. I will work hard to keep your reading assignments within 40 pages per week. I invite you to provide me feedback on the intensity of the course. The course homepage on canvas is <https://ufl.instructure.com/courses/353877>.

### **IMPORTANT UNIVERSITY AND LAW SCHOOL POLICY STATEMENTS**

#### ***Accommodations for students with disabilities***

Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations. Accommodation for the final examination will be handled by the Dean of Students without involvement of the instructor.

#### ***UF Law grading policies***

<b><u>Letter Grade</u></b>	<b><u>Point Equivalent</u></b>
A (Excellent)	<u>4.0</u>
A-	<u>3.67</u>
B+	<u>3.33</u>

<u>B</u>	<u>3.0</u>
<u>B-</u>	<u>2.67</u>
<u>C+</u>	<u>2.33</u>
<u>C (Satisfactory)</u>	<u>2.0</u>
<u>C-</u>	<u>1.67</u>
<u>D+</u>	<u>1.33</u>
<u>D (Poor)</u>	<u>1.0</u>
<u>D-</u>	<u>0.67</u>
<u>E (Failure)</u>	<u>0.0</u>

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

### ***Student Course Evaluations***

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback professionally and respectfully is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can 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 at <https://gatorevals.aa.ufl.edu/public-results>.

### **Academic misconduct:**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

### **Getting technical help with Canvas:**

For issues with technical difficulties for E-learning in Canvas, please contact the UF Help Desk at:

- Learning-support@ufl.edu
- (352) 392-HELP - select option 2
- <https://lss.at.ufl.edu/help.shtml>

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

**Disclaimer:** *This syllabus represents the current course plans and objectives. As the semester proceeds, these plans may be changed to enhance the class learning experience. Such changes, communicated clearly, are not unusual and should be expected.*

## New Course Proposal Form

To: Curriculum Committee

From: Jason Nance

Date: 2/28/20

<b>Type of Proposal</b> (check one)	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 <sup>st</sup> proposed offering:  <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: 26
<b>Course Title</b>	Education Law
<b>Number of credits</b>	<u>3</u> hours  <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>45</u> hours of in-class instruction and at least <u>15</u> hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> (50 words or less; for public posting on the UF Law website)	This course provides students with an introduction to law relating to public schools (K-12), including the interplay of the U.S. Constitution, federal statutes, state, and local law. It examines the right to a public education, the equitable distribution of public educational resources, equal education opportunity, desegregation, harassment, students' rights to expression, student disciplinary processes, search and seizure in public schools, religion in the schools, educating students with disabilities, federal reform, accountability, and testing.
<b>Pre-requisites or Co-Requisites?</b>	<b>None</b>
<b>Educational Objectives</b> Why are you proposing this course? Why should it be added to the UF Law curriculum?	After completing this course, students should be able to: <ul style="list-style-type: none"> <li>• correctly identify and analyze many legal issues relating to public K-12 education settings;</li> <li>• analyze various statutes and cases in the public K-12 education context; and</li> <li>• understand various policy issues related to public education and how to use policy to strengthen legal arguments.</li> </ul>
<b>Enrollment cap requested?</b> If requested, what is pedagogical justification?	None



<b>Method of evaluation</b>	<u>75</u> % Final exam ____ % Skills assessment ____ % Paper	<u>25</u> % Classroom participation ____ % Other
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)	DEREK W. BLACK, EDUCATION LAW: EQUALITY, FAIRNESS, AND REFORM (SECOND EDITION 2016).	
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.		
<b>Attachment checklist</b>	<input checked="" type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.  <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi ( <a href="http://syllabus.ufl.edu">syllabus.ufl.edu</a> ), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.  *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.  <input type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents  <input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members)  <input type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.	

**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW  
EDUCATION LAW – FALL 2019**

Professor Jason P. Nance

Office Location: Holland Hall 264D

Office Phone: (352) 273-0992

Email: nance@law.ufl.edu

Office hours: Mondays from 4:00–5:00 pm and Fridays from 2:00–4:00 pm or by appointment.

**MEETING TIME AND LOCATION**

Tuesday, Wednesday, and Thursday from 10:30–11:25 am in Holland Hall 284

**REQUIRED TEXTS**

DEREK W. BLACK, EDUCATION LAW: EQUALITY, FAIRNESS, AND REFORM (SECOND EDITION 2016).

**COURSE OBJECTIVES**

This course provides students with an introduction to law relating to public schools (K-12), including the interplay of the U.S. Constitution, federal statutes, state, and local law. It examines the right to a public education, the equitable distribution of public educational resources, equal education opportunity, desegregation, harassment, students' rights to expression, student disciplinary processes, search and seizure in public schools, religion in the schools, educating students with disabilities, federal reform, accountability, and testing.

**LEARNING OUTCOMES**

After completing this course, students should be able to:

- correctly identify and analyze many legal issues relating to public K–12 education settings;
- analyze various statutes and cases in the public K–12 education context; and
- understand various policy issues related to public education and how to use policy to strengthen legal arguments.

**CANVAS**

I will use Canvas to post documents related to this course.

## **CLASS PARTICIPATION**

Twenty-five percent (25%) of your final grade will be based on your class participation. Each day I expect that you will have read the assigned materials and that you will be prepared to discuss those materials. There will be several case studies and problems that we will evaluate together. The expectation is that you will be prepared to meaningfully participate in each of those case studies and problems.

## **OFFICE HOURS**

My office hours are on Mondays from 4:00–5:00 pm and Fridays from 2:00–4:00 pm. You may also schedule an appointment to meet with me at another time that is convenient to you. If you want to plan ahead, you may make an appointment during my office hours and therefore have priority over those who drop in. I will have extended office hours during reading days and the exam period.

## **COMMON COURTESY**

Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the right to deduct points from your final grade if you engage in behavior that disrupts the learning environment for your classmates.

## **CLASS ATTENDANCE POLICY**

Attendance in class is required by both the ABA and the Law School. I will pass around an attendance sheet at the beginning of each class period. If you miss more than six classes, your grade for the semester may be adversely affected. If you have a medical reason for missing class, you should contact me before or soon after class for your absence to be excused. Students who miss class for religious holidays must contact me beforehand by email to be excused from class. I will consider it a violation of the honor code if you have someone else sign you in and you are not present, and I reserve the right to lower your final grade.

## **EVALUATION**

75% of your grade will be based on a final examination administered on Thursday, December 12, 2019, at 1:00 p.m. During the exam you may use any notes or outlines that you have prepared or helped prepare, but you will not be permitted to use the Internet or any other materials. I will distribute practice exam problems in November that we will go over on the last day of class.

## **INFORMATION ON UF LAW GRADING POLICIES**

The Levin College of Law's mean and mandatory distributions are posted on the College's website, and this class adheres to that posted grading policy. The following 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

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

### **ACADEMIC HONESTY**

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

### **POLICY RELATED TO MAKE-UP EXAMS**

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form>

### **STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES**

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

### **ONLINE COURSE EVALUATION PROCESS**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation

period opens and can 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 at <https://gatorevals.ua.ufl.edu/public-results/>.

### **COURSE WORKLOAD AND CLASS PREPARATION**

Students should expect to spend at least two hours outside of class reading and preparing for every hour of class.

### **TOPICAL OUTLINE OF SUBJECTS TO BE COVERED (TENATIVE)**

All assignments are in DEREK W. BLACK, EDUCATION LAW: EQUALITY, FAIRNESS, AND REFORM (SECOND EDITION 2016).

The sections below generally represent what I will attempt to cover during a class period, but they are only estimates. We may move faster or slower depending on how the classes progress. At some point after the end of each class, I will inform you of the reading I will attempt to cover during the next class. Nevertheless, you can anticipate what the next class period's reading assignment will be from the below chart if you wish to read ahead.

TOPIC	READING
Introduction to Education Law	pp. 1–16
Mandatory School Desegregation	pp. 17–34
Mandatory School Desegregation (cont.)	pp. 35–60
Mandatory School Desegregation (cont.)	pp. 60–93
Voluntary Desegregation	pp. 93–113
Voluntary Desegregation (cont.)	pp. 113–126
Voluntary Desegregation (cont.)	pp. 126–148
Limits of Federal Intervention	pp. 149–168
State Constitutional Rights	pp. 169–184
State Constitutional Rights (cont.)	pp. 184–200
State Constitutional Rights (cont.)	pp. 200–227
State Constitutional Rights (cont.)	pp. 244–268

State Constitutional Rights (cont.)	pp. 268–282
Student Sexual Harassment	pp. 426–441
Sexual Orientation Discrimination/Gender Identity Discrimination	pp. 440–468
Students with Disabilities	pp. 469–493
Students with Disabilities (cont.)	pp. 493–513
Students with Disabilities (cont.)	pp. 513–517 & <i>Andrew F. v. Douglas County</i> , 137 S. Ct. 988 (2017).
Students with Disabilities (cont.)	pp. 517–534
Students with Disabilities (cont.)	pp. 534–546
Procedural Due Process	pp. 547–568
Procedural Due Process (cont.)	pp. 568–583
Substantive Due Process; Due Process when Education is a Constitutional Right	pp. 583–616
Search and Seizure	pp. 616–632
Search and Seizure (cont.); Student Interrogation	pp. 632–652
The Supreme Court’s Student Speech Framework	pp. 653–668
The Supreme Court’s Student Speech Framework (cont.)	pp. 668–691
Authority to Restrict Student Speech that is Hurtful to Other Members of the School Community	pp. 691–704
School Authority Over Students’ Off-Campus Speech	pp. 704–726
School Authority Over Students’ Off-Campus Speech (cont.); School Dress Codes	pp. 726–751

Every Student Succeeds Act; Standardized Testing	pp. 951–1004 (skim the ESSA)
Charter Schools	pp. 1053–1073
Charter Schools (cont.)	pp. 1073–1087
Vouchers	pp. 1087–1101
School Prayer; Moments of Silence	pp. 753–787
Free Exercise of Religion in the Public Schools	pp. 825–852
Practice Exam Problems	Handout

## New Course Proposal Form

To: Curriculum Committee

From: William Hamilton

Date: March 1, 2020

<b>Type of Proposal</b> (check one)	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 <sup>st</sup> proposed offering:  <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: 69 (Fall 2019E)
<b>Course Title</b>	<b>Electronic Discovery</b>
<b>Number of credits</b>	<u>3</u> hours  <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>46</u> hours of in-class instruction and at least <u>84</u> hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> (50 words or less; for public posting on the UF Law website)	Electronic discovery is a major litigation activity. Digital information is a principal form of evidence and often determines case outcomes. This course provides students with a working knowledge of the principal e-discovery issues encountered in litigation and investigations and the legal framework required to analyze and to resolve the multitude of e-discovery issues surrounding the identification, preservation, collection, processing, review, production, and use of electronically stored information. This course also introduces students to a variety of industry-standard electronic discovery tools.
<b>Pre-requisites or Co-Requisites?</b>	This is an upper level course; however, there are no required prerequisites.
<b>Educational Objectives</b> Why are you proposing this course? Why should it be added to the UF Law curriculum?	This course has been taught every semester at UF Law since 2007. It meets a continuing demand and need for technology competence and legal knowledge surrounding electronic discovery and disclosures which is the primary source of litigation information.
<b>Enrollment cap requested?</b> If requested, what is pedagogical justification?	None.



<b>Method of evaluation</b>	<u>50</u> % Final exam <u>20</u> % Skills assessment <u>      </u> % Paper	<u>20</u> % Classroom participation <u>10</u> % Other
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)	LexisNexis Practice Guide Florida E-Discovery and Evidence, Artigliere and Hamilton(2019) <a href="http://www.lexisnexis.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&amp;prodId=prod14330392">http://www.lexisnexis.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&amp;prodId=prod14330392</a> . (free online access for UF students).  Project Management in Electronic Discovery, M. Quartararo (2016) Available at <a href="https://www.edpmadvisory.com/resources/">https://www.edpmadvisory.com/resources/</a>	
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.	This course has been reviewed annual by the Dean's office. Reports from our students and alumni indicate the course provides critically important litigation skills.	
<b>Attachment checklist</b>	<input checked="" type="checkbox"/> <b><u>Detailed course syllabus</u></b> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.  <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi ( <a href="http://syllabus.ufl.edu">syllabus.ufl.edu</a> ), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.  *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.  <input checked="" type="checkbox"/> <b><u>Casebook</u></b> Include photocopy of condensed table of contents  <input type="checkbox"/> <b><u>CV and qualifications to teach proposed course</u></b> (N/a for full-time faculty members)  <input type="checkbox"/> <b><u>Teaching evaluations</u></b> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.	

UNIVERSITY OF FLORIDA  
LEVIN COLLEGE OF LAW

ELECTRONIC DISCOVERY  
COURSE 6930 SECTION 1F02 CLASS 15334  
3 CREDITS

COURSE SYLLABUS  
SPRING 2020

*The exabytes of digital information streaming about us today are rich rivers of evidence that will help us find the truth and move us to do justice more swiftly, more economically and more honorably than ever before. It will require every litigator to master new skills and tools and alter the approaches and attitudes we bring to the adversarial process. We must reinvent ourselves to master modern evidence or be content with a justice system that best serves the well-heeled and the corrupt. The path to justice is paved with competent evidence and trod by counsel competent in its use.*

-Craig Ball, [www.craigball.com](http://www.craigball.com)



**Course Name:** Electronic Discovery, Investigations, and Evidence  
Spring Semester 2020

**Class time:** Monday 1:30 – 2:25 PM; Tues, Wed. 1:30 – 2:25 PM, HH 359

**Office Hours:** Monday and Tuesday, 3:00 PM – 4:00 PM, or by appointment. I am also available for video conferences using Zoom outside my “brick and mortar” office hours.

**Why You Should Take This Course:** Electronic discovery is a major litigation activity. Digital information is a principal form of evidence and often determines case outcomes. This course will provide you with a working knowledge of the principal e-discovery issues encountered in litigation and investigations and the legal framework required to analyze and to resolve the multitude of e-discovery issues. This course will also introduce you to a variety of industry-standard electronic discovery tools. Attention will also be paid to the use of electronically stored information in motions, hearings, and trials.

### **I’m not a Computer Geek. Is This Course Over My Head?**

This course does not require any advanced or specialized computer knowledge. The course will cover some very basic computer and computer network operations. As with any course, there will be some new vocabulary. If it is any comfort, I hold a graduate degree in European philosophy, which is just about the opposite of engineered computer circuits.

### **Will I Need to Become an Expert in Technology?**

The short answer is “No.” However, you will need to commit to learning a new “technical vocabulary” and understanding some basic technology concepts and computer operations so you can knowledgeably “walk the walk” while “talking the talk.” This will not be difficult, and this course will provide all you will need. I think you will find it fun to understand the basics of how a computer works. Few people really know this--amaze your friends! Every Wednesday is “Tech Wednesday” where we explore some interesting technology topic relevant to the practice of law.

### **Will I Need to Master Complicated E-Discovery Software?**

Contemporary e-discovery software is easy to use. It is no more complicated than Word or PowerPoint. Becoming familiar with the e-discovery tools that we will use in this course will help you understand the challenges of electronic discovery and how the law has evolved. Familiarity with e-discovery software will

give you a practice jump start when you leave law school.

### **How Much Reading and Work will This Course Require?**

The American Bar Association requires two hours of outside work for each hour of class. This course involves several activities in addition to reading cases and articles. I have endeavored to make sure that the total time demanded by this course does not exceed the ABA requirements. I have reduced the normal pages of reading per week when there are additional exercises and assignments.

### **Who Is Your Professor?**



I joined the UF Law faculty as a time full Legal Skills Professor in 2017 after 30 years practicing complex civil litigation with Holland & Knight in Miami (1983 – 2000) and Tampa (2000 – 2010) and with Quarles & Brady in Tampa (2010 – 2016). Electronic discovery changed my career when I realized it was a rich source of information that would win cases for my clients. Before leaving the practice of law, I was a UF adjunct professor for 10 years and established the UF E-Discovery Project and the UF Law E-Discovery Conference.

While I consider myself a “native” Floridian having spent my adult life in Florida, I am originally from Philadelphia. (Yes, you will hear my Philadelphia accent). I earned my undergraduate degree from Lehigh University in Bethlehem, Pennsylvania, and an MA in philosophy from Washington University in St. Louis, Mo. I graduated from UF Law in 1983.

Here are a few links where you can learn more about me.

<https://www.law.ufl.edu/faculty/william-hamilton>  
<https://www.law.ufl.edu/areas-of-study/institutes/icair>  
<https://www.linkedin.com/in/williamfhamilton>  
<http://www.quarles.com/william-bill-hamilton/>

I am married to Cynthia Tejcek. Cindy graduated from Loyola University in Chicago with a BS in mathematics. She also holds an MBA from Kellogg School of Management at Northwestern University. We meet when she was the chief information officer of the American Bar Association.

We are big Cubs baseball fans and also Tampa Bay Rays fans.



We have a son who earned a BA in mathematics at the University of West Florida and is now an Army First Lieutenant.



We have another son who is an RN at Lakeland Memorial Hospital in the Emergency Department.



And, I'm very pleased that our daughter recently graduated from UF. Go Gators!



### How Can You Contact Me?

I want to hear from you. Send me an email, call, or text.

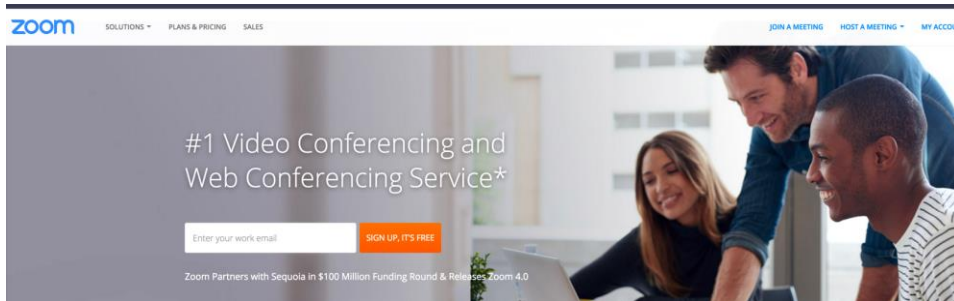
Email	Telephone	Text	Office
hamiltonw@law.ufl.edu	480.993.8777	480.993.8777	342 Holland

Please let me know if you have something to share with me – an inspiration, a new thought, a frustration, or concern. Let's have coffee together in the commons.



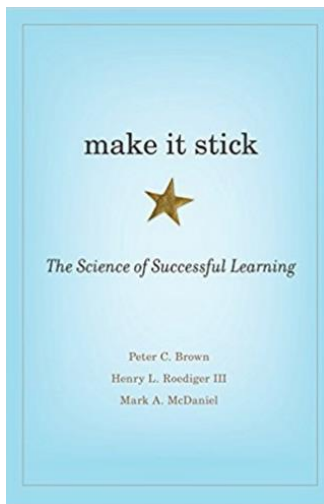
Zoom is one of my favorite video conferencing tools. We can have a face-to-face video conference any time (even on tablets and smartphones). It is as simple as Facebook.

Zoom	SKYPE
<a href="https://zoom.us/j/5410389684">https://zoom.us/j/5410389684</a>	william.hamilton.1120

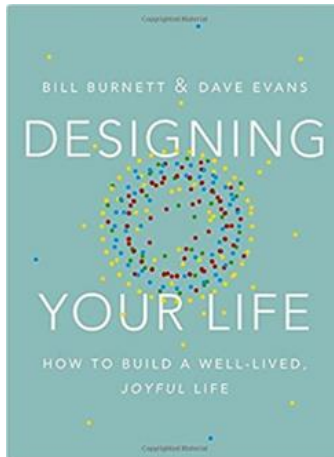


**Teaching Philosophy and Instructional Methods:** This course has a practical orientation. You will learn the Federal and Florida Rules of Civil procedure governing electronic discovery and read cases. But the emphasis of the course is on solving the practical electronic discovery problems. You will learn to act like an e-discovery lawyer in this class.

My teaching philosophy is in large part captured in ***Make It Stick: The Science of Successful Learning*** by Peter C. Brown.



This course is designed to introduce you to a variety of career paths involving e-discovery skills. I recommend the book ***“Designing Your Life: How to Build a Well-Lived Joyful Life,”*** by Burnett and Evans, Alfred A. Knopf (2016), for helpful strategies to find career directions that will work for you.



You are expected to attend all the class sessions. Approximately every four weeks there will be an in-class 20-minute spot quiz to give you and me some feedback on how we are doing.

**Examination and Grading Policy:** The total points that may be earned in the class are 1090. While the course grade distribution usually reflects the usual structure of A = 100 – 90%, B = 89% - 80%, etc., you should keep in mind that your final grade will reflect your class rank. For example, a numerical grade average of 92% earned on various exercises and assignment during the course may not translate the final grade of A- when combined with the score earned on the final examination. Early assignment scores should not establish an expectation of a similar final grade. This is because most students do well on the early check-up quizzes and the assignments and exercises are usually completed properly for full points.

### **Is this Course Graded on a Curve?**

This course is graded on a curve. I am provided a curved grade range by the Registrar and my class grade average must be within that range. In past semesters, my grade point average provided by the Registrar has been 3.25.

Course points may be earned as follows:

**1. Final examination:** 600 points.

There will be a 3-hour “take-home” open-book examination composed of 3 or 4 factual patterns requiring analysis. The final exam may be taken at any time during the finals period. The 3-hour examination will be graded on the following rubric:



- (1) Identification of e-discovery issues presented by the scenario,
- (2) Analysis of the e-discovery issues presented by the scenario,
- (3) Application of case law and civil procedure rules to the issues presented by the scenario,
- (4) Resolution of the issues presented by the scenario,
- (5) Felicity, conciseness, and richness of the written expression.

The examination will be administered by the Registrar's office. The examination will include materials and topics discussed in class in addition to the readings. Each of the scenarios on the final examination will ask you to adopt a role such as retained plaintiff or defense counsel, magistrate judge, or client and respond to the factual pattern from that perspective.

**2. Class Attendance and Participation:** 200 points (5 points per class).

Class attendance and participation are expected. Recording attendance is required by the American Bar Association. I will pass around a sign-in sheet at the beginning of each class.

Class participation will be evaluated on the following rubric:

- (1) Asking and answering questions that illuminate e-discovery issues,
- (2) Asking and answering questions that enrich the class dialogue and advance the class' understanding of e-discovery issues,
- (3) Participating in class dialogue.

If you cannot attend a class for a personal or professional reason, please notify me in advance as a professional courtesy. I recognize that you may have legitimate and compelling personal and professional requirements that may cause a class absence. I will provide class attendance points for a missed class if I receive advance notice. When you have not provided me with advanced notice, attendance points will be provided for missed classes only on a showing of compelling circumstances excusing prior notification.

It is important that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.

You may also change your "Display Name" in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display

name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

### **3. Low Stakes Check-Ups:** 120 points.

There will be three 20-minute "check-ups" that will consist of multiple-choice, true/false, and matching or short answer questions. Each of the checkups will be worth 40 points. The check-ups are designed to give you feedback and a check on how well you understand the course materials presented so far and to provide feedback to me on what course areas and topics may need additional coverage

### **4. Exercises and Assignments:** 280 points.

These exercises are designed to help you become familiar with the kinds of electronically stored information that you will encounter in practice and to develop a basic familiarity with important e-discovery software. The exercises are primarily step-by-step instructions. Most students will receive full points for the submission by simply following the provided instructions and submitting the work product.

- Like and Follow UF Law E-Discovery on Twitter and Facebook -10 points
- Data Encoding and Decoding Exercise -20 points
- Data Mapping Exercise -20 points
- Hashing and Metadata Exercise -20 points
- Harvester Collection Exercise -30 points
- Social Media Collection Exercise -20 points
- Logikcull Project Creation and Processing Exercise -30 points
- Attend two one-hours sessions of UF E-Discovery Conference -10 points
- Relativity Search and Training Exercises -30 points
- Logikcull Search Exercise -30 points
- Relativity Document Review Exercise -30 points
- Logikcull Document Production Exercise -30 points

### **Are Smartphones and Laptops Permitted in the Classroom?**

You may use digital devices in class only to take notes. I will turn my phone off

when I come to class. Please do the same. Please restrict the use of your laptop to taking notes. During class do not visit social media websites, do not text, and do not email. Keep your web browser closed to avoid temptation. Do not abuse this privilege. I expect your attention in class; do not ask me to repeat the question I've asked when I call on you! Nothing life-changing will happen while you are offline in class.

### **What Notes Should I Take in Class?**

I recommended that you do not take word-for-word literal notes. This is not a court reporting class! Instead, think about what is happening in class and record the key ideas. Handwriting your notes is better for you than typing notes. Check out this article: [Note-Taking: Writing vs. Typing Notes](#). Beyond that, it is a good legal skill. You will need to learn to take good witness interview notes, deposition notes, and trial notes. A computer will not always be available or good to use.

### **What Happens if I Turn in an Assignment Late?**

Every assignment is on Canvas. Each assignment opens at 9:00 Monday of the week it is due. All assignments are due the following Friday at 5:00 PM. Late submitted assignments must be emailed to me directly. Absent a reasonable explanation as to why the assignment was turned in late, I will normally deduct 10% of the available points for a late assignment.

### **Assigned Texts:**

*LexisNexis Practice Guide Florida E-Discovery and Evidence*, Artigliere and Hamilton(2019)

<http://www.lexisnexus.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&prodId=prod14330392>. (**free online access for UF students**).

Project Management in Electronic Discovery, M. Quartararo (2016)

Available at <https://www.edpmadvisory.com/resources/> or on Amazon

[https://www.amazon.com/dp/B01I5T0XNG/ref=dp-kindle-redirect?\\_encoding=UTF8&btkr=1](https://www.amazon.com/dp/B01I5T0XNG/ref=dp-kindle-redirect?_encoding=UTF8&btkr=1)

### **Weekly Class Objectives, Schedule, and Assignments:**

The specific weekly lesson, objectives, reading materials, assignments, and exercises are on the course Canvas page.

I reserve the right to make reasonable adjustments and modifications to the weekly schedule as required by the pace and progress of the class.

### **Statement related to accommodations for students with disabilities**

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

### **Information on UF Law grading policies**

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

### **University policy on academic misconduct:**

Academic honesty and integrity are fundamental values of the University community. You should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

### **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. Guidance on how to give feedback professionally and respectfully is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can 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 at <https://gatorevals.aa.ufl.edu/public-results>

### **Getting help:**

For issues with technical difficulties for E-learning in Canvas, please contact the UF Help Desk at:

- Learning-support@ufl.edu
- (352) 392-HELP - select option 2
- <https://lss.at.ufl.edu/help.shtml>

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

**Disclaimer:** *This syllabus represents the current course plans and objectives. As the semester proceeds, these plans may be changed to enhance the class learning experience. Such changes, communicated clearly, are not unusual and should be expected.*

## New Course Proposal Form

To: Curriculum Committee

From: Amy Stein

Date: 2/19/20

<b>Type of Proposal</b> (check one)	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 <sup>st</sup> proposed offering:  <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering:
<b>Course Title</b>	Environmental Capstone Colloquium
<b>Number of credits</b>	<u>1</u> hours  <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>1<sup>ε</sup></u> hours of in-class instruction and at least <u>3<sup>c</sup></u> hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> (50 words or less; for public posting on the UF Law website)	Interactive speaker series with opportunities for students to converse with leading environmental, energy, and land use thinkers from across the country. Spring 2020's theme is "Climate Change" and will feature presentations by a series of experts on various dimensions of climate change law. Although the course is required
<b>Pre-requisites or Co-Requisites?</b>	None
<b>Educational Objectives</b> Why are you proposing this course? Why should it be added to the UF Law curriculum?	The Capstone is one of the courses required for students seeking the environmental and land use concentration, providing the students a unique opportunity to interact with scholars on varying issues each year.
<b>Enrollment cap requested?</b> If requested, what is pedagogical justification?	100

<b>Method of evaluation</b>	_____ % Final exam _____ % Skills assessment _____ % Paper	50 _____ % Classroom participation 50 _____ % Other
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)	None.	
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.	Yes. Associate Dean Nance and members of the environmental curriculum all agree that this course, that has been offered for many years, should become part of the permanent offerings.	
<b>Attachment checklist</b>	<input checked="" type="checkbox"/> <b><u>Detailed course syllabus</u></b> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.  <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.  *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.  <input type="checkbox"/> <b><u>Casebook</u></b> Include photocopy of condensed table of contents  <input type="checkbox"/> <b><u>CV and qualifications to teach proposed course</u></b> (N/a for full-time faculty members)  <input type="checkbox"/> <b><u>Teaching evaluations</u></b> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.	

**Environmental Capstone Colloquium: Climate Change Law**

Law 6930 (Section 0443) – 1 Credit

Professor Amy L. Stein

Spring 2020 (Wednesdays, 5:40-7:30 pm, unless otherwise noted)

	<b>Topic</b>	<b>Discussion Leaders</b>
Jan. 15	<b>Introductory Meeting (mandatory)</b> <i>Climate Science 101</i>  David Zierdan State Climatologist Associate in Research Center for Ocean-Atmospheric Prediction Studies Florida State University	
Jan. 22	<i>Climate Change Federalism</i>  Joe Kruger Director for Research and Strategy Georgetown Climate Center	
Jan. 29	<i>Climate Change Litigation</i>  Michael B. Gerrard Andrew Sabin Professor of Professional Practice Director, Sabin Center for Climate Change Law Columbia Law School	
Feb. 7 12:30- 1:45 pm MLAC	UF Public Interest Environmental Conference: The Rights of Nature: Defending our Biosphere <i>Climate and...</i> <i>Insurance (Prof. Molk)</i> <i>Securities (Prof. Winden)</i> <i>National Security (Prof. Jamshidi)</i>	Agenda available here: <a href="https://ufpiec.org">https://ufpiec.org</a> Please register (free). If you cannot attend the PIEC in person on campus, please contact me for a recording of the session. During the Feb. 12 class session, we will discuss PIEC sessions that you attended the previous week.
Feb. 12	PIEC Debrief Discussion (Stein)	
Feb. 19	<i>Climate and Energy</i> (Stein)	
Mar. 18	<i>International Climate Law</i>  Sharmila Murthy Associate Professor of Law Suffolk University Law School	
Apr. 8	<b>Conclusion (mandatory)</b> (Stein)	



## **Environmental Capstone Colloquium** *Climate Change Law*

**Course instructor:** Professor Amy Stein, (352) 273-0953, [stein@law.ufl.edu](mailto:stein@law.ufl.edu), 311 Holland Hall.

**Office hours:** Via Zoom by appointment.

**Course description:** The Capstone Colloquium is a one-credit, pass-fail course that is required for graduation with the ELULP certificate. The course is open only to second and third year students. As space permits, the course will be open to non-certificate students, to graduate students throughout the university, and to certificate students who wish to enroll in the Colloquium for a second semester. The course will feature approximately two-hour virtual meetings with leading energy law academics and/or practitioners using Zoom. The faculty of the ELULP program will be welcome to Zoom into these presentations along with the Capstone students.

**Course objectives:** The course goal is to introduce students to selected topics related to climate change law. Students will sharpen their skills of critical analysis and engage in dialogue with leading climate change scholars from across the nation. In addition, the capstone provides an opportunity for the collegial exchange of ideas.

**Attendance:** To obtain credit for the course, students **must** virtually attend all seven sessions (to obtain credit for attending the Feb. 7 PIEC conference, students must also attend the Feb. 12 class debriefing the conference). The class is offered only on a pass/fail basis. In exceptional circumstances, the professor may allow for an excused absence.

### **Required Technologies and Materials:**

- There is no required casebook. Instead, students will be required to read and prepare materials that will be posted on the class TWEN site, or available on Westlaw or the Internet.
- Students must register for TWEN, available at [www.lawschool.westlaw.com](http://www.lawschool.westlaw.com), and have the materials in print or easily accessible electronic form in class. Class information and announcements will be distributed by e-mail to the address you supplied on TWEN. You are responsible for checking your e-mail on a regular basis for class announcements. Please ensure that your email is correct on TWEN, as you will be receiving recurring Zoom invitations based on those emails.
- Enrollment in this class is conditioned on high-speed internet and the technological capabilities to use Zoom to participate in this weekly online seminar (i.e., a reliable computer and internet connection).

### **Using Zoom Technology:**

- Students are required to use Zoom in this course, so take the time to familiarize yourself with it by reviewing this helpful [Zoom Student Quick Start Guide](https://video.ufl.edu/conferencing/zoom/) or <https://support.zoom.us/hc/en-us>. **You will receive a recurring Zoom invitation from me by Monday, January 13 to join our classes. If you have not received a Zoom invitation for the first class by this date, it is your responsibility to contact me.**
- When you join the Zoom meeting, please use the following rules of video conferencing etiquette:
  - Choose a stationary location (meaning you must Zoom in from a computer, not from your phone);

- Choose a location where there are minimal disruptions (e.g. roommates talking and pets jumping on you);
- Do not be in the same location as someone else enrolled in the Capstone (i.e., sorry – no Zoom parties – the feedback is horrible).
- Dress appropriately for video conferencing and make sure we can see your face on the video;
- Place turn off any cell phones and other electronic devices; and
- Close any other computer programs, websites, and email so you can give your classmates and speakers your full attention.

**Learning Outcomes:** After completing this course, students should be able to:

- Recognize and comprehend the terminology and basic issues related to climate changes law, and be able to communicate them to others;
- Evaluation some of the competing trade-offs associated with the approach to greenhouse gases (e.g., regulation, market incentives);
- Identify and analyze the environmental and social impacts of greenhouse gases, and demonstrate an understanding of the legal challenges associated with them;
- Critically evaluate academic papers. Be able to prepare questions for the scholars that will deepen your understanding of the issues, and be able to engage in dialogue with the experts.

**Course Requirements:**

1. **Preparation:** Prior to each presentation, students will be required to study relevant background readings and to prepare for a critical discussion of the reading.
2. **Papers:** Students must submit five critical analysis reaction papers (700-900 words each) throughout the semester. You do not need to submit one for the first class, but you must submit an analysis for the class periods with guest speakers (Jan. 22, 29, Feb. 12, and Feb. 19), as well for the final class (Apr. 8) (specific guidelines will be provided on the class TWEN site). Papers must be submitted by 5:00 p.m. on the day before class (Tuesdays). Please submit your papers online. On the class TWEN site, click on “Assignments and Quizzes.” Follow the instructions and upload your document. **The website will not accept late submissions.**

Each of the first four reaction papers must include two questions that you will be prepared to ask our speaker. For the remainder of the paper, please present your reaction to the readings supplied by each speaker. For example, you might comment on whether you agree or disagree with the views of the author, and why. Do the readings supply any lessons about how our legal system manages climate issues? Do you see any points of agreement/disagreement among our speakers? Do you have any other insights about the readings? In addition, if you wish to comment briefly about the presentation of the prior speaker, you may do so. Specific guidelines will be provided for the last reaction paper of the semester.

3. **Student comment groups:** A group of students will serve as the discussion leaders for each of the sessions. During our first class session, students will select a date for performing this role. Each student must participate in leading the discussion for one of the classes, as well as submit a hot topic article to Prof. Stein by 5:00 p.m. on the day before class (Tuesdays) with their reaction paper.

**ABA Out-of-Class Hours Requirement:** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each session of the Colloquium is approximately 2 hours in length, requiring at least 4 hours of preparation outside of class including reading the assigned materials, writing critical analysis papers, and preparing questions for the speaker.

**Accommodations for students with disabilities:** Students requesting accommodation should first register with the UF Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive an accommodation letter, which should be presented to the UF Law Office of Student Affairs when requesting accommodation. This procedure should be followed as early as possible in the semester. Law students with disabilities can also contact the Levin College of Law Office of Student Affairs for assistance on these matters in 164 Holland Hall, 273-0620, [www.law.ufl.edu/students/](http://www.law.ufl.edu/students/).

**Final exam:** There is no final examination.

**UF Law Honor Code:** Students are bound by the UF Law Honor Code, which can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code> and <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code-violations>.

**Online Course Evaluation:** UF expects each student to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open by the Office of Student Affairs. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Mandatory Class 1 Readings:

What is climate change?

<https://www.nytimes.com/interactive/2017/climate/what-is-climate-change.html>

Who is the IPCC?

<https://www.ipcc.ch>

SKIM IPCC 1.5 degrees Report, Summary for Policymakers,

<https://www.ipcc.ch/sr15/chapter/spm/>

[https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15\\_SPM\\_version\\_report\\_LR.pdf](https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_SPM_version_report_LR.pdf)

U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States* (2018),

Summary Findings, <https://nca2018.globalchange.gov>

U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States* (2018),

Chapter 1 Overview, <https://nca2018.globalchange.gov/chapter/1/>

Class 1 Assignments:

- Register for this class on TWEN.
- SKIM <https://www.carbonbrief.org> and pick one article to read and share with your colleagues. Please email it to me at [stein@law.ufl.edu](mailto:stein@law.ufl.edu) by Tuesday, Jan. 14, 2020 at 5pm (you can use the direct email function on TWEN).

Cool Optional Resources:

[https://interactive.carbonbrief.org/impacts-climate-change-one-point-five-degrees-two-degrees/?utm\\_source=web&utm\\_campaign=Redirect](https://interactive.carbonbrief.org/impacts-climate-change-one-point-five-degrees-two-degrees/?utm_source=web&utm_campaign=Redirect)

### Class 2 Readings:

- N. Popovich, *95 Environmental Rules Being Rolled Back Under Trump*, NY Times, <https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html>
- D. Grandoni, *California sues Trump administration over revoking authority to limit car pollution*, <https://www.washingtonpost.com/climate-environment/2019/09/20/california-sues-trump-administration-after-revoking-authority-limit-car-pollution/>
- Farber, Daniel A., *Continuity and Transformation in Environmental Governance* (2019), <https://ssrn.com/abstract=3338988> or <http://dx.doi.org/10.2139/ssrn.3338988>
- SKIM Transportation & Climate Initiative: Regional Solutions, <https://www.transportationandclimate.org/main-menu/exploring-regional-solutions-improve-transportation-and-reduce-emissions>
- V. Arroyo, *From Paris to Pittsburgh: U.S. State and Local Leadership in an Era of Trump*, <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=3206&context=facpub>

### Class 2 Assignment:

- Submit your 700-900 word critical reflection on the readings and include one question for our guest speaker, Joe Kruger, who will focus on his colleague's article (V. Arroyo, *From Paris to Pittsburgh*) and use the Transportation & Climate Initiative as a case study via TWEN by Tuesday at 5pm.

### Cool Optional Resources:

- [America's Pledge report](#)
- Cooperative Federalism 2.0, <https://www.eli.org/vibrant-environment-blog/cooperative-federalism-20-rethinking-federal-state-relationship>

Class 3 Readings:

- Juliana v. U.S. (9<sup>th</sup> 2020),  
<http://cdn.ca9.uscourts.gov/datastore/opinions/2020/01/17/18-36082.pdf>
- L. Friedman, *Trump Rule Would Exclude Climate Change in Infrastructure Planning*, TWEN

Class 3 Assignment:

- Reflection due TWEN by Tuesday at 5pm. In your reflection, please do the following:
  - Pick one case to SKIM and include a few sentences in your reflection:  
<http://climatecasechart.com/us-climate-change-litigation/>
  - Include one question for our guest speaker, Prof. Gerrard.
  - Reflect on the readings.

#### Class 4 Readings:

I hope you are looking forward to the PIEC panel this Friday! Here is some information to help you prepare.

1) If you have not registered yet, please do

so: <http://reg.conferences.dce.ufl.edu/Basic/1400075323>

2) If you have not already notified me that you cannot attend, please contact me to gain alternative access to the panel.

3) Before Friday, please pick one of the three topics (securities, national security, or insurance) and read the corresponding documents on TWEN under "Class #04 - PIEC."

If you pick securities, please read Winden Reading #1 and Winden paper

If you pick national security, please read Jamshidi #1 and Jamshidi paper

If you pick insurance, please read Molk #1 and Molk paper

#### Class 4 Assignment:

- Please submit your critical analysis on TWEN by Feb. 11 at 5pm before we have class on Feb. 12.

### Class 5 Readings:

- Transforming the Nation's Electricity System: The Second Installment of the QER | January 2017, Electricity System Overview Appendix, **pp. 1-22, 29-30**, <https://www.energy.gov/sites/prod/files/2017/02/f34/Appendix--Electricity%20System%20Overview.pdf>
- CRS, *U.S. Carbon Dioxide Emissions in the Electricity Sector: Factors, Trends, and Projections*, **pp. 6-12, 15**, <https://fas.org/sgp/crs/misc/R45453.pdf>
- UtilityDive, 2020 Outlook, <https://www.utilitydive.com/news/2020-outlook-10-trends-driving-the-us-power-sector/570189/>
- Legal Pathways to Deep Decarbonization, [**Summary Chapters 10, 14, 18, 19, 20, and 24**. Feel free to skim others ☺] <https://www.eli.org/legal-pathways-deep-decarbonization-united-states-summary-and-key-recommendations> and click "Download pdf"
- NY Times, <https://www.nytimes.com/2019/10/07/business/energy-environment/climate-energy-experts-debate.html>
- FLORIDA PUBLIC SERVICE COMMISSION (PSC), MISSION <http://www.psc.state.fl.us/AboutPSC/PSCMission>
- FERC, <https://www.ferc.gov/about/com-mem.asp>

### Class 5 Assignment:

- Submit your critical analysis on the readings, and include a hot topic article on your assigned energy source below. This is a great place to start: <https://www.eia.gov/todayinenergy/archive.php?my=Jan2020>
- Submit it via TWEN by Tuesday, Feb, 18 at 5pm. Discussion leaders: please come ready to discuss first.

### Cool Optional Resources:

- EIA, <https://www.eia.gov/energyexplained/>
- DOE, Energy Infographic, <https://www.energy.gov/articles/infographic-understanding-grid>
- [https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc\\_wg3\\_ar5\\_chapter7.pdf](https://www.ipcc.ch/site/assets/uploads/2018/02/ipcc_wg3_ar5_chapter7.pdf)
- <https://www.iea.org/reports/global-energy-co2-status-report-2019/emissions>
- <https://www.eia.gov/environment/emissions/carbon/>
- EISEN, ET AL., CHAPTER 1 OF ENERGY, ECONOMICS AND THE ENVIRONMENT, TWEN
- FLORIDA PUBLIC SERVICE COMMISSION (PSC), MISSION <http://www.psc.state.fl.us/AboutPSC/PSCMission>



- FEDERAL POWER ACT (FPA) ,  
<https://www.law.cornell.edu/uscode/text/16/chapter-12/subchapter-II>
- CONGRESSIONAL RESEARCH SERVICE (CRS), **THE FEDERAL POWER ACT (FPA) AND ELECTRICITY MARKETS**,  
[https://www.everycrsreport.com/files/20170310\\_R44783\\_dd3f5c7c0c852b78f3ea62166ac5ebdbd1586e12.pdf](https://www.everycrsreport.com/files/20170310_R44783_dd3f5c7c0c852b78f3ea62166ac5ebdbd1586e12.pdf)

Class 6 Readings: TBA

Class 7 Readings: TBA

## New Course Proposal Form

To: Curriculum Committee

From: Jon Mills

Date: February 20, 2020

<b>Type of Proposal</b> (check one)	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 <sup>st</sup> proposed offering:  <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: 60??
<b>Course Title</b>	Florida Constitutional Law
<b>Number of credits</b>	<u>3</u> hours  <input type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires __ hours of in-class instruction and at least __ hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> (50 words or less; for public posting on the UF Law website)	The course is a review of the Florida Constitution's provisions and major cases. The course analyzes the role of the branches of government in Florida and the role of state constitutions in the federal framework. In cooperation with the Overton lectures, several Florida Supreme Court Justices lectue.
<b>Pre-requisites or Co-Requisites?</b>	
<b>Educational Objectives</b> Why are you proposing this course? Why should it be added to the UF Law curriculum?	The course has been part of UF law for decades. The educational objective is to teach students the role of state constitutions in the federal system. More specifically, students learn state issues related to the Florida Bar Exam and related to practicing law in Florida.
<b>Enrollment cap requested?</b> If requested, what is pedagogical justification?	

<b>Method of evaluation</b>	<u>85</u> % Final exam ____ % Skills assessment ____ % Paper	<u>15</u> % Classroom participation ____ % Other
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)	Materials for the course have been developed over the last 15 years of teaching the course. I'm currently writing a casebook on Florida Constitutional Law for Carolina Press with Professor Mary Adkins and I will use that book when it's completed.	
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.	Yes. I've discussed it with Associate Dean Nance.	
<b>Attachment checklist</b>	<input type="checkbox"/> <b><u>Detailed course syllabus</u></b> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.  <input type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. <input type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.  *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.  <input type="checkbox"/> <b><u>Casebook</u></b> Include photocopy of condensed table of contents  <input type="checkbox"/> <b><u>CV and qualifications to teach proposed course</u></b> (N/a for full-time faculty members)  <input type="checkbox"/> <b><u>Teaching evaluations</u></b> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.	

# Florida Constitutional Law

## LAW6930, Section 23368

3 Credit Hours

Mondays & Tuesdays: 2:30 PM – 3:55 PM in 180 HOL

(Except for the Overton Lecture in Room 180)

Fall 2019 Course Syllabus

Professor Jon Mills

Office: TBA

Phone: 273-0835

E-mail: mills@law.ufl.edu

Office Hours by appointment (contact Betty Donaldson at donaldso@law.ufl.edu)

**First Day of Class on January 7, 2019**

***FIRST DAY READING ASSIGNMENT***

**PART I: Introduction, pages 1 – 40**

### **Course Syllabus**

Will be posted online on CANVAS (Florida Constitutional Law-Fall 2019 (Jon Mills) or contact Betty Donaldson at donaldso@law.ufl.edu. **The print- out bound course-materials can also be purchased at [www.bookit.com.bz](http://www.bookit.com.bz) under the "Law School" tab or by calling Book it! at [352-371-9588](tel:352-371-9588).**

### **Student Hours**

Professor Mills prefers students to contact him prior to meeting during office hours. Please contact Betty Donaldson to set up your appointment.

### **About this Course**

Traditionally, the fundamental characteristic of state constitutions is that they are limiting documents as compared with the Federal Constitution, which is a grant of enumerated powers to Congress. The states are the fundamental and original governing units in our federal system, and therefore, are understood to have plenary power, except where this power has been limited by federal law or the state constitution. The Florida Constitution is the basic rule book for the power struggles represented by the cases contained in this book. Florida courts interpret this rule book to delineate power between branches of government, between private parties and government and between levels of government (e.g., state and local).

Generally, state constitutions are more detailed and particular than is the Federal Constitution, and they are easier to amend. This is certainly true of Florida's Constitution,

and recent years have seen a plethora of highly regulatory amendments that do not really fit the traditional constitutional characteristics described above. Many of these have been adopted by popular initiative. As the introductory materials chronicle, the Florida Constitution is the sixth constitution since 1838, and the current constitution has been amended numerous times since its adoption in 1968.

Florida Constitutional Law is a survey course. As such, this course is designed to give students an overview of the various provisions of the state constitution, an understanding of how Florida courts have interpreted and applied the state constitution, and an introduction into the workings of state and local governments. The course will follow the order of the document itself, addressing: 1) the basic rights provided by the Florida Constitution; 2) Separation of Powers, as understood in Florida jurisprudence; 3) the operation of the branches of government (legislative, executive and judicial); 4) taxing and bonding issues; 5) local government; 6) education; 7) miscellaneous issues such as homestead and eminent domain; and 8) the amendment and revision process.

### **Course Materials**

The course materials consist of the “Florida Constitutional Law - Compilation of Cases & Articles,” in two volumes. Volume 2 contains a reproduction of the Florida Constitution, as amended in 2018. The course materials are available online on CANVAS, in the files section. The print-out bound course-materials can be purchased at [www.bookit.com.bz](http://www.bookit.com.bz) under the "Law School" tab or by calling Book iT! at [352-371-9588](tel:352-371-9588).

“Florida Constitutional Law - Compilation of Cases & Articles” is divided into chapters corresponding to the articles of the Constitution. Each chapter opens with a short introduction which serves as a road map for that Article. Some of the more complex sections within an Article are preceded by a brief introduction. Most cases are followed by questions to guide students in the analysis of the materials (but students should not discount the importance of cases which are not followed by questions). Each chapter ends with a short list of optional supplemental readings, which may help provide a better understanding of issues raised.

### **Course Objectives and Student Learning Outcomes**

After completing this course, students should be expected to:

1. Understand and apply the role of state constitution in comparison with the United States constitution.
2. Understand and apply the elements of the Bill of Rights in Florida and how they interact with Federal Law.
3. Understand and analyze the relative authority and relationship of the Legislative, Executive, and Judicial branches.
4. Understand and interpret the jurisdiction of Florida laws.
5. Understand and interpret the tax and funding structure in Florida.
6. Understand and analyze the role and authority of local government.

After completing this course, students will have been:

1. Exposed to Florida Supreme Court Justices.
2. Exposed to seeing constitutional issues argued in the Florida Supreme Court.

Expectations:

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in- class assignments. You will be devoting time to your readings for each class; please be prepared for about 80 pages of reading each week.

### **Attendance and Participation**

Attendance will be taken at each class meeting. Students are allowed 6 absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course and will not be allowed to take the final examination.

Student participation in class is encouraged, and will be considered in assigning a final grade. The degree of student participation will doubtless affect the quality and interest of class discussions. Students are expected to be prepared for each class.

Excused absences are consistent with university policies in the undergraduate catalog (<https://catalog.ufl.edu/ugrad/currnt/regulations/info/attendance.aspx>) and require appropriate documentation.

### **Courtesy**

Please turn off your cell phone during class. I also request that you notify me if you know you must leave class early. Please do not play computer games or surf the Internet during class.

### **Final Examination**

The final examination will be a **4-hour take home, open book and open notes essay** exam and will be distributed **online on CANVAS** on the designated exam schedule. The exam will consist of 5 or 6 hypotheticals with limited space for answers. The instructions of the examination will be announced later in the semester.

### **Grades**

Your grade for this course will depend on how well you perform on your final exam. Examinations will be graded anonymously; however, as mentioned above, **participation will be factored into a student's final grade as well.**

Your grade in my class will be based on your performance on an open book final exam.

This grade may be adjusted upward based on exceptional classroom performance. My initial grades on the final exam are always done anonymously, and I never **lower** anyone's grade after I turn the blind grades in. Quality of participation counts. If I call on you to contribute to classroom discussion, and you decline, I will come back to you the following day and call on you again to participate.

**Evaluation of Grades:**

Assignment	Percent of Grade
Participation	10%
Final Exam	90%
Total	100%

**Grading Policy**

Score	Percent	Grade	Grade Points
934-1000	93.4-100	A	4.00
900-933	90.0-93.3	A-	3.67
867-899	86.7-89.9	B+	3.33
834-866	83.4-86.6	B-	3.00
800-833	80.0-83.3	B-	2.67
767-799	76.7-79.9	C+	2.33
734-766	73.4-76.6	C	2.00
700-733	70.0-73.3	C-	1.67
667-699	66.7-69.9	D+	1.33
634-666	63.4-66.6	D	1.00
600-633	60.0-63.3	D-	0.67
0-599	0-599	E	0.00

**For more details, see this information at:**

<https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>

**Course Evaluations**

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

**Requesting Accommodations**

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must

be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

### **University Honesty Policy**

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code (<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor or TAs in this class.

### **Counseling and Wellness Center**

Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.



<b><u>CLASS</u></b>	<b><u>DATE</u></b>	<b><u>TOPIC DISCUSSED</u></b>
1	August 26	Introduction, I-1-17
2	August 27	I-18-40
3	September 2	<b>Holiday-No Class</b>
4	September 3	I-41-65
5	September 9	<b>Guest Lecturer: TBA</b>
6	September 10	I-66-89
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9	September 23	<b>Guest Lecturer: TBA</b>
10	September 24	I-148-180
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12	October 1	II-1-29, III-1-5
13	October 7	III-6-41
14	October 8	III-42-123
15	October 14	IV, V-1-13
16	October 15	V-14-55, VI
17	October 21	<b>Guest Lecturer: TBA</b>
18	October 22	V-14-38
19	October 28	V-39-54
20	October 29	Review I-V, VI, Part II: VII-1-14
21	November 4	VII-15-56
22	November 5	VII-57-81
23	November 11	<b>Holiday-No Class</b>
24	November 12	VII-82-109
25	November 18	VII-110-130, VIII-1-35
26	November 19	IX-1-72
27	November 25	X-1-14
28	December 2	XI-1-40

29	December 5-6	<b>READING DAYS</b>
30	<b>December 18</b>	<b>Final Exam</b>

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*Jollie v. State*, 405 So. 2d 418 (Fla. 1981) ..... V-25

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## New Course Proposal Form

To: Curriculum Committee

From: Daniel Sokol

Date: March 10, 2020

<b>Type of Proposal</b> (check one)	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 <sup>st</sup> proposed offering:  <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: has ranged from 20s-80.
<b>Course Title</b>	Law and Entrepreneurship
<b>Number of credits</b>	<u>3</u> hours  <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>3</u> hours of in-class instruction and at least <u>6</u> hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> (50 words or less; for public posting on the UF Law website)	The intersection of law and entrepreneurship is an emerging field of study. This course explores the common legal and economic issues faced by highly innovative start-up companies and the angel investors and venture capitalists who fund them.
<b>Pre-requisites or Co-Requisites?</b>	corporations
<b>Educational Objectives</b> Why are you proposing this course? Why should it be added to the UF Law curriculum?	This class has been offered since 2010.
<b>Enrollment cap requested?</b> If requested, what is pedagogical justification?	None.

<b>Method of evaluation</b>	<p>_____ % Final exam</p> <p><u>10</u> % Skills assessment</p> <p><u>45</u> % Paper</p>	<p><u>20</u> % Classroom participation</p> <p><u>25</u> % Other</p>
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)	Readings from case studies, articles, cases	
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.	For some reason this class was never added to the permanent curriculum. I first had a discussion about it in spring 2009.	
<b>Attachment checklist</b>	<p><input checked="" type="checkbox"/> <b><u>Detailed course syllabus</u></b>          Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.</p> <p><input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components.</p> <p><input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.</p> <p>*The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.</p> <p><input type="checkbox"/> <b><u>Casebook</u></b>          Include photocopy of condensed table of contents</p> <p><input type="checkbox"/> <b><u>CV and qualifications to teach proposed course</u></b>          (N/a for full-time faculty members)</p> <p><input type="checkbox"/> <b><u>Teaching evaluations</u></b>          If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.</p>	

**Law & Entrepreneurship**

**Spring 2019**

**Wednesday to Friday**

**Three Credits**

Professor D. Daniel Sokol

Office Hours: Monday 1:30pm-3:30pm or by appointment

Telephone: 352-273-0968

Email: [sokold@law.ufl.edu](mailto:sokold@law.ufl.edu)

*January 15, 2019 version*

**Course Description**

This course explores the legal issues faced by small and emerging-growth businesses from startup through initial public offering. Through problems, transactional materials, and judicial opinions, students will explore the interests of parties to various transactions, including venture capital, franchising, IP licensing, strategic alliances, initial public offerings, etc. The goal of the course is to provide students with a deeper understanding of the contractual structure relationships in entrepreneurial contexts.

**Learning Outcomes**

Students who successfully complete this course will be able to:

- Understand the forces – both legal and non-legal – that motivate the behavior of parties in entrepreneurial relationships;
- Interpret, analyze, and assess financing contracts;
- Understand how law impacts business strategy and business plans of innovative growth companies; and

- Evaluate the regulation of entrepreneurial finance.

### **Materials (for background – not required reading)**

- Bagley and Dauchy, The Entrepreneur's Guide to Business Law
- Furr and Ahlstrom, Nail It then Scale It: The Entrepreneur's Guide to Creating and Managing Breakthrough Innovation

A website for the course has been created on The West Education Network (TWEN): <http://lawschool.westlaw.com/twen/>. The website will host an increasing number of PowerPoint slides and other course materials as the semester progresses. We will utilize a number of case studies and rely very little on cases. This is a capstone course with prerequisites. The assumption is that you know how to read a case and that we can spend more time on advanced issues.

### **Meetings**

The class will meet Monday to Wednesday from 10:30am-11:20am.

### **Evaluation**

The final grade in this course will have the following components:

Class participation – 20%

Analysis of the first day's reading – 5%

Contractual drafting exercise - 10%

Exam in Week 2 of the class – 20%

Group Project 1 (Group Assigned) – 20%

Group Project 2 (Students Choose Group) – 25%

**You have read the above correctly. Twenty percent of the grade is based on a one hour exam that will be given at the beginning of Class 8 (after add/drop). Drop this class NOW, if you are not going to be prepared.** The purpose of the quiz will be to determine that you did the reading and made a valiant effort to digest it. It is not intended to measure your mastery. That is what we will try to develop over the course of the semester. But since we have only 42 classes, I want everyone to start with some sense of what we are going to talk about.

### **Class Attendance and Participation**

**Any student that misses more than six (6) classes for the course may be dropped from the class.** I use *may* rather than *shall* because health issues will be treated differently from other absences (so long as you email me in advance). Habitual tardiness to class will be treated the

same as absence from the class. I take attendance in the beginning of each class. I take this policy seriously because in the real world, absenteeism and tardiness are punished. You need to start thinking and acting like a professional while in school. I can give you lots of war stories of people who do not hit the ground running in practice and were tainted with a bad reputation from Day 1. Do not let it happen to you.

I may need to reschedule some classes during the course of the semester. My preference is to front load these make-up dates so as to provide for some cushion later on in the class to go over old exams and general questions.

Finally, let me address a subject that has agitated a great many electrons on the law professor blogs and listservs: the use of laptop computers in class for things other than taking notes or looking at the statutes. I think it is anachronistic and honestly, beneath me, to do anything so draconian as to force students to write instead of type (I work almost exclusively on a keyboard). I am going to work very, very hard to teach this complex material in a way that makes sense and highlights the theory and practice in a digestible way. I hope you reciprocate by using (i.e. not using) your electronic window to the world and others responsibly while in class.

## **Reading Assignments**

Below is a list of reading assignments. Though each assignment could be covered in one class session, some assignments may require more than one session. There may need to be some changes based upon the guest speakers needing last minute changes to their schedules.

### 1. Introduction

D. Daniel Sokol & D. Gordon, Law and Entrepreneurship Summary, available on TWEN.

Financing New Ventures William R. Kerr; Ramana Nanda English PDF | 81109

Questions you need to answer (in one page) due the first day of class, before class - **worth 5 percent of your grade**

1. What role does law play in entrepreneurship?
2. Which sources of financing are most appropriate for a new venture?
3. How do you pitch your venture to potential funders?
4. How is valuation determined?
5. Provide two examples of exit strategies for the entrepreneur.

### 2. Law and Entrepreneurship

D. Gordon Smith & Darian M. Ibrahim, [\*Entrepreneurs on Horseback: Reflections on the Organization of Law\*](#), 50 ARIZ. L. REV. 71 (2008)



3. What is understanding business plans and business models

What Is Disruptive Innovation? Clayton M. Christensen, Michael E. Raynor, and Rory McDonald, Harvard Business Review (December 2015 Issue)

Some Thoughts on Business Plans – HBS case study

4. Venture Capital I – What are the opportunities

How Venture Capitalists Evaluate Potential Venture Opportunities - HBS Case Study

5. Venture Capital II – The law of venture capital

Ronald J. Gilson, [\*Engineering a Venture Capital Market: Lessons from the American Experience\*](#), 55 STAN. L. REV. 1067 (2003)

5. Venture Capital III – Case study

HBS Case Study Adams Capital Management: Fund IV

6. Understanding Business Plans

Business Model Analysis for Entrepreneurs, HBS case study

7. Venture Capital IV - Understanding VCs

Andreessen Horowitz HBS case study

8. Exiting the Prior Commitment and Starting a New Business

HBS Case Study: Sheila & Craig Shepherd

10. Contract Negotiation Simulation – Entrepreneur vs. Financier [tbc]

11. Contractual negotiations and business strategy

Proteus Biomedical: Making Pigs Fly HBS case study

## 12. Entrepreneurial Opportunities

Connectu, Inc. v. Facebook, Inc. (Complaint and Memorandum in Support of Motion to Dismiss); Ronald J. Gilson, [\*The Legal Infrastructure of High Technology Industrial Districts: Silicon Valley, Route 128, and Covenants Not to Compete\*](#), 74 NYU L. REV. 575 (1999)

## 13. Licensing Agreements and Technology Transfer

InfoVision (A): Technology Transfer at Georgia Tech (HBS 9-605-064)

## 14. Drafting Licensing Agreements

Guest Lecturer: Adjunct Professor Max Minch (University of Florida) [tbc]

## 15. Formation & The Law of Joint Ventures

[\*Grant v. Mitchell\*, 2001 WL 221509 \(Del. Ch. 2001\)](#) (unpublished); [\*Mann v. GTCR Golder Rauner\*, 2006 WL 839148 \(D.Ariz.,2006\)](#).

## 16. Tax structuring on venture capital

Guest Lecturer: Russell Light, Partner, Kirkland & Ellis [tbc]

## 17. Formation

Mark Bonham, Ray Quinney & Nebeker [\*Equity-Linked Investors, L.P. v. Adams\*, 705 A.2d 1040 \(Del. Ch. 1997\)](#); [\*Orban v. Field\*, 1997 WL 153831](#) (Del. Ch.) Entrepreneur's Guide (Chapter 5)

## 18. Angel Investments I

Gracious Eloise: What Do Angels Want? (A) HBS case study

## 19. Angel Investments II

NEOCLONE BIOTECHNOLOGY INTERNATIONAL LLC: A CASE STUDY

## 20. Convertible Preferred Stock

[\*Benchmark Capital Partners IV, L.P. v. Vague\*, 2002 WL 1732423](#) (Del. Ch.) (unpublished)

21. Staged Financing

[Kimberlin v. Ciena Corporation, 1998 WL 603234](#) (S.D.N.Y.)

22. Voting Rights and Protective Provisions

[Watchmark Corp. v. Argo Global Capital, LLC, 2004 WL 2694894](#) (Del. Ch.); [Telcom-SNI Investors, L.L.C. v. Sorrento Networks, Inc., 2001 WL 1117505](#) (Del. Ch.)

23. Financial engineering

Metapath Software: September 1997, HBS case study

24. IP issues – Patents

Entrepreneur's Guide (pp. 542-557); Foro Energy (A); HBS case study,

25. IP Issues – Copyright

Black Duck Software (HBS case 806121)

26. Online Platforms

The Battle Between Search and Social Facebook- Harvard Business School case study

27. Risk management/Buying and Selling a Business

HBS case study: EMC Corp.: Proposed Acquisition of VMware, HBS case study

28. IPO – Navigating the Deal Documents

Documents will be posted onto TWEN

Guest lecturer – Jeff Munsie, GC of Merrimack Pharmaceuticals Inc, NASDAQ: MACK

29. Deals – Case study

*LAE Enterprises* HBS case study

30. Executive Compensation 4/4

Richard Spellman (A), HBS

31. Rethinking legal practice as entrepreneurship

KCC: Third Time's the Charm?, HBS case study

32. Fintech

A Pathway for Scotiabank's Innovation: Leveraging Fintech partnerships, HBS case study

The rest of the classes:

Presentations of second group projects

## New Course Proposal Form

To: Curriculum Committee

From: Prof. Katheryn Russell-Brown

Date: February 2020

<b>Type of Proposal</b> (check one)	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 <sup>st</sup> proposed offering:  <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering:
<b>Course Title</b>	Social Science, Crime and Law
<b>Number of credits</b>	3 hours  <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires 1 hours of in-class instruction and at least ___ hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> (50 words or less; for public posting on the UF Law website)	This course examines and explores the relationship between law and social science. Course material includes the following focal points: how social science evidence has been used and viewed historically by the courts; identification of social science methods, compared with legal methods; analysis of how social science data is used by the courts (e.g., to establish facts or to make law); and an assessment of the policy implications of using and not using social science data. Several areas of law are covered, including capital
<b>Pre-requisites or Co-Requisites?</b>	n/a
<b>Educational Objectives</b> Why are you proposing this course? Why should it be added to the UF Law curriculum?	Facilitate students' ability to see the many ways that the use of social science data is deeply embedded into contemporary legal analyses. Students will learn about the evolution of how social science findings are used in court proceedings, and the attendant schools of thought (eg classic, sociological jurisprudence, realist, etc.) and identify where along the court system continuum social science research may be helpful in case preparation. This includes using it to determine facts, make law, to provide context, and as a litigation strategy (e.g., to determine facts, make law, to provide context, and as a litigation strategy).
<b>Enrollment cap requested?</b> If requested, what is pedagogical justification?	Forty students max. would be ideal. As part of the course, students are required to do a presentation. They are required to select a legal issue, find a case that addresses the topic, and then locate social science research on the legal issue that they would introduce to the court in the case. The presentations are approximately 10-15 minutes each. With forty

<b>Method of evaluation</b>	<u>60</u> % Final exam <u>30</u> % Skills assessment _____ % Paper	<u>10</u> % Classroom participation _____ % Other
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)		
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.	Yes. I have taught the course since Fall 2014.	
<b>Attachment checklist</b>	<input type="checkbox"/> <u>Detailed course syllabus</u> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.  <input type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi (syllabus.ufl.edu), i.e. it includes all required components. <input type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.  *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.  <input type="checkbox"/> <u>Casebook</u> Include photocopy of condensed table of contents  <input type="checkbox"/> <u>CV and qualifications to teach proposed course</u> (N/a for full-time faculty members)  <input type="checkbox"/> <u>Teaching evaluations</u> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.	

Prof. K. Russell-Brown  
Office: 316 Holland Hall  
Phone: (352) 273-0912  
OH: M 11:00-1:00, or by appt.  
[RussellBrownK@law.ufl.edu](mailto:RussellBrownK@law.ufl.edu)

Fall 2019  
TuWTh 1:00–1:55 PM  
284 Holland Hall

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## **SOCIAL SCIENCE, CRIME, AND LAW**

LAW 6930, section 15918

3 credits

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### **COURSE DESCRIPTION**

This course examines and explores the relationship between law and social science. Course material includes the following focal points: how social science evidence has been used and viewed historically by the courts; identification of social science methods, compared with legal methods; analysis of how social science data is used by the courts (e.g., to establish facts or to make law); and an assessment of the policy implications of using and not using social science data. Several areas of law are covered, including capital punishment (death qualification and racial discrimination), segregation in school (race and gender), cultural defenses, racial profiling, obscenity, and jury size. The assigned readings primarily focus on the use of social science data in criminal cases.

### **REQUIRED MATERIAL\***

- John Monahan & Laurens Walker (2018) Social Science in Law: Cases and Materials (9<sup>th</sup> Ed.)

\*Please note that some course material will be assigned (TWEN & handouts).

### **COURSE REQUIREMENTS**

Research Presentation	30 percent
Class Participation	10 percent
Take-Home Final Examination	60 percent

The expectation is that students will attend each class, read all assigned materials prior to class discussion, and participate regularly in class discussions.

## RESEARCH PRESENTATIONS

Students are required to complete a Research Presentation. Students will select a criminal justice topic, identify a trial or appellate court criminal case (a state or federal case) that addresses the topic, identify a research question, locate social science research on the topic; and discuss findings from two social science studies that would assist a court in addressing the research question. Advance approval for topics is required.

## FINAL EXAMINATION

The final examination for this course is a written Take-Home Exam.

**The Final will be available on Friday, December 6, 2019 at 9:00 AM. It is due on Thursday, December 12, 2019, at 12 PM Noon.**

## COURSE WORKLOAD

Students should expect to spend, on average, approximately 2-3 hours preparing for every hour of class.

## GRADING SCALE

Grading for this course will adhere to the Levin College of Law's mean and mandatory distributions, detailed in the below chart. For further information, visit <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

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
F (Failure)	0.0

## ACCOMODATIONS, ACADEMIC CONDUCT & OTHER POLICIES

Requests for classroom accommodations must be made with the Office of Disability Resources. The UF Office of Disability will provide documentation to the student who must then provide documentation to the Law School's Office of Student Affairs.

For information on UF Law grading policies, visit:

<http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>

Academic honesty and integrity are fundamental values of the University community.



Please review the UF Student Honor Code: <http://www.dso.ufl.edu/students.php>

Please plan to remain in class for the entire time period. If you need to leave class before the end time, or arrive after the start time, please notify the professor in advance.

## **LEARNING OBJECTIVES**

After completing this course, students should be able to:

1. List historical approaches to the use of social science evidence
2. Identify and discuss seminal Supreme Court cases on use of social science evidence
3. Discuss how social science evidence is used to determine facts
4. Provide examples of how social science is used to make law
5. State how social science evidence is used to provide context
6. Discuss how social science evidence is used in litigation strategy
7. Discuss how expert witnesses are used in court to offer (and refute) social science evidence

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## **COURSE OUTLINE**

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### Week of August 26

**TOPIC:** Course Overview and Approach

**TOPIC:** Early Developments in Social Science in Law

M/W Ch. 1, pp. 1-34

- *Muller v. Oregon* (1907) [2]
- Theoretical Origins of Social Science & Law Approach
  - Formal/Classical Approach
  - Sociological Jurisprudence Approach
  - Realist Movement
- Supreme Court Justices & Philosophy of Law Confirmation Hearings

### Week of Sept. 2

**TOPIC:** Legal & Social Science Methods

M/W: Ch. 2, pp. 35-57, "A Primer of Legal and Social Science Methods"

- *Frye v. U.S.* (1923)

- FRE 702 (pre-*Daubert*)
- *Daubert v. Merrell Dow Pharmaceuticals* (1993, 1995)[2]
- *General Electric Co. v. Joiner* (1997)
- *Kumho Tire Co. v. Carmichael* (1999)
- FRE 702 (post-*Daubert*)

Social Science Methods, pp. 57-90

Week of Sept. 9

**TOPIC:** Social Science Used to Determine Facts (Obscenity)  
M/W Ch. 3, pp. 140-163

The below cases (brief excerpts) explore language courts have used to determine whether the prosecution is required to offer expert testimony and whether the defense should be allowed to offer expert evidence.

Admissibility of Evidence of Obscenity

- *People v. Muller* (1884)
- *Jacobellis v. Ohio* [2] (1964)
- *Smith v. California* (1959)
- *Miller v. California* (1973)
- *Paris Adult Theatre I v. Slaton* (1973)
- *Kaplan v. California* (1973)
- *Hamling v. U.S.* (1974)

Social Science Evidence of “Community Standards”

- *People v. Nelson* (1980)
- *Commonwealth v. Trainor* (1978)
- *U.S. v. Pryba* (1988)
- *St. John v. North Carolina Parole Commission* (1991)

Week of September 16

**NOTE:** On Wed. Sept. 18, Professor Gail Mathapo, (Legal Research), will provide an in-class tutorial on how to conduct social science research. For this class session, read, “For Lawyers: How to Find Social Science” (p. 653).

**TOPIC:** Social Science Used to Make Law

Constitutional Law

Fourteenth Amendment: Segregation by Race

M/W Ch. 4, pp. 189-219

- *Plessy v. Ferguson* (1896)
- *Brown v. Board of Education* (1954) [2]
- *Stell v. Savannah-Chatham County Bd. of Education* (1963, 1964) [2]
- *Morgan v. Kerrigan* (1975, 1976) [2]

Week of September 23

**DUE:** Research Presentation topics must be approved by Tuesday, September 24.

**TOPIC:** Social Science Used to Make Law (cont'd)

Fourteenth Amendment: School Segregation by Race (cont'd)

M/W Ch. 4, pp. 219-227

- *Parents Involved v. Seattle School District* (2007)

Fourteenth Amendment: Segregation by Gender

M/W Ch.4 (pp. 227-246)

- *Mississippi University for Women v. Hogan* (1982)
- *U.S. v. Commonwealth of Virginia* (1991, 1992, 1996) [3]

Fourteenth Amendment: Same Sex Marriage

- *Obergefell v. Hodges* (2015) [2] 249-255

Week of September 30

**TOPIC:** Social Science Used to Make Law (cont'd)

The First Amendment: Obscene or Violent Entertainment

M/W Ch. 4, pp. 256-281

Obscenity

- *United States v. Roth* (1956)
- *Paris Adult Theatre I v. Slaton* (1973)
- *New York v. Ferber* (1982)
- *United States v. Hotaling* (2011)

Violent Video Games

- *American Amusement Machine Assn. v. Kendrick* (2001)
- *Brown v. Entertainment Merchants Assn.* (2011)

Week of October 7

**TOPIC:** Social Science Used to Make Law (cont'd)

Sixth Amendment Issues

M/W Ch. 4, pp. 293-312

Jury Size

- *Williams v. Florida* (1970)
- *Colgrove v. Battin* (1973)
- *Ballew v. Georgia* (1978)
- *Gonzalez v. Florida* [Brief] (2008)

Death-Qualified Juries

M/W Ch. 4, pp. 314-332

- *Witherspoon v. Illinois* (1968)
- *Grigsby v. Mabry* (1983)
- *Lockhart v. McCree* (1986)

Week of October 14

**NOTE:** NO CLASS Wed. 10/16 & Thu. 10/17.

**TOPIC:** Social Science used to Make Law (cont'd)

Eighth Amendment Issues (Capital Punishment)

M/W Ch.4, pp. 334-353; 359-369

- *Furman v. Georgia* (1972)
- *Gregg v. Georgia* (1976)
- *McCleskey v. Kemp* (1987)
- *Graham v. Florida* (2010)
- *Miller v. Alabama* (2012)
- *State v. Zuber* (2017)

Week of October 21

**TOPIC:** Social Science Used to Provide Context

Overview

M/W Ch. 5, pp. 381-383;405-418

Capital Punishment

- *Barefoot v. Estelle* (1983)
- *State v. Davis* (1984)
- *Saldano v. Texas* (2000) [2]
- *Buck v. Davis* (2017)

“Stop and Frisk” & Racial Profiling  
M/W Ch. 5, pp. 440-449; 455-462

- *Floyd v. City of New York* (2013)
- *U.S. v. Martinez-Fuerte* (1976)
- *New Jersey. v. Soto et al.* (1996)
- *U.S. v. New Jersey* (1999) [Consent decree]

#### Week of October 28

**TOPIC:** Social Science Used to Provide Context (cont’d)

Defenses Involving Culture, Subculture, Personality & Life Events  
M/W Ch. 5, pp. 462-477; 486-497; 503-510

- *People v. Poddar* (1972)
- *People v. Aphaylath* (1986)
- *Dang Vang v. Vang Xiong X. Toyed* (1991)
- *People v. Wu* (1991)
- *State v. Kargar* (1996)
- *U.S. v. Alexander and Murdock* (1972)
- *State v. Hickman* (1983)
- *Minnesota v. Loebach* (1981)
- *Ibn-Tamas v. United States* (1979)
- *Jahnke v. Wyoming* (1984)

#### Week of November 4

**TOPIC:** Social Science Used to Provide Context (cont’d)

Social Frameworks  
M/W Ch. 5, pp. 589-599

- *Dukes v. Wal-Mart Stores, Inc.* (2010) [3]

**TOPIC:** Social Science and Litigation Strategy

Venue  
M/W: Ch. 6, pp. 601-611

- *People v. Boss* (1999)
- *State v. Baumruk* (2002)
- *Firestone v. Crown Center Redevelopment Corp.* (1985)

Week of November 11

**TOPIC:** Research Presentations

Week of November 18 ***LAST WEEK OF CLASS***

**TOPIC:** Research Presentations

**TOPIC:** Review & Wrap-Up (Thursday, November 21)

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**IMPORTANT DATES:**

Wed.	Sept. 18	In-class tutorial on conducting social science research
Thur.	Sept. 24	Selection/Approval of Presentation topic
Tues.	11/11-	
	Wed. 11/20	Presentations (dates may be adjusted)
Thur.	Nov. 21	Last day of class (for this course)
Fri.	Dec. 6	Final Exam available online at 9:00AM
Thu.	Dec.12	Final exam DUE at 12:00PM (Noon)

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***University of Florida  
Levin College of Law  
Fall 2019***

## New Course Proposal Form

To: Curriculum Committee

From: Mary Jane Angelo

Date: March 22, 2020

<b>Type of Proposal</b> (check one)	<input type="checkbox"/> Provisional course offering (2 offerings within 4 years) Semester of 1 <sup>st</sup> proposed offering:  <input checked="" type="checkbox"/> Proposal to make provisional offering permanent Enrollment for prior offering: 9
<b>Course Title</b>	Wetlands and Watersheds: Science, Law and Policy
<b>Number of credits</b>	3 hours  <input checked="" type="checkbox"/> I have reviewed the proposed syllabus and other course materials and I believe that the proposed course requires <u>45</u> hours of in-class instruction and at least <u>15</u> hours of out-of-class work on the part of the students.*
<b>Brief Course Description</b> (50 words or less; for public posting on the UF Law website)	This course will focus on the implementation of policies for the protection and restoration of wetlands and related resources under the Public Trust Doctrine, the Florida Water Resources Act, the federal Clean Water Act and related federal legislation. Students will learn the legal basis for regulation under these authorities and will gain practical experience working in teams to determine water boundaries, delineate the landward extent of regulated waters, assess development impacts and evaluate mitigation plans.
<b>Pre-requisites or Co-Requisites?</b>	<b>None</b>
<b>Educational Objectives</b> Why are you proposing this course? Why should it be added to the UF Law curriculum?	<p>By the end of the semester, students will be able to do the following:</p> <ol style="list-style-type: none"> <li>1. Identify and describe the legal basis for wetlands and watershed regulations under the federal Clean Water Act, the federal Rivers and Harbors Act and the Florida Water Resources Act.</li> <li>2. Identify and describe common law principles related to the Public Trust Doctrine.</li> <li>3. Conduct legal analysis by applying relevant federal and state wetlands statutes, regulations and case law to a hypothetical fact pattern involving development and other activities that impact wetlands.</li> <li>4. Perform a basic wetland delineation under Chapter 373 of Florida Statutes to determine state wetlands jurisdiction.</li> <li>5. Perform a basic Ordinary High Water Line Analysis to determine the extent of sovereign submerged lands.</li> <li>6. Perform a basic Wetland Impact Assessment and a Wetland Mitigation Assessment using legal methodology.</li> <li>7. Evaluate a basic mitigation plan using the Florida Uniform Mitigation Assessment Methodology to determine compliance with state regulations.</li> <li>8. Demonstrate professional behavior in timely completion of all assignments, working in groups and interacting with peers and guest speakers.</li> </ol>
<b>Enrollment cap requested?</b> If requested, what is pedagogical justification?	15 Students. This course has a major field component. Logistically, it is difficult to get more than 15 students into the field while ensuring student safety and that all students can hear, see, and fully participate in the field assignments, such as conducting wetlands mitigation assessments. Moreover, part of the experiential learning depends on students being able to interact one-on-one with experts in the field and work in small groups to do field activities.

<b>Method of evaluation</b>	<u>55</u> % Final exam <u>      </u> % Skills assessment <u>      </u> % Paper	<u>      </u> % Classroom participation <u>45</u> % Other
<b>Casebook or other source of readings?</b> (If casebook, include title, author, publisher, edition)	There is not a textbook required for this class. Most of the required readings for the class will be from the "Florida Bar Environmental and Land Use Law Treatise."	
<b>Have you discussed this proposal with members of the UF Law faculty or administration?</b>  If so, please detail the date and substance of your discussions to streamline the Curriculum Committee's deliberations.	Yes, I have discussed this with Associate Dean Nance.	
<b>Attachment checklist</b>	<input checked="" type="checkbox"/> <b><u>Detailed course syllabus</u></b> Include topic for each class session; if possible, designate also the assigned readings for each session. Full-time faculty members proposing a one-time offering may substitute a general description of course coverage for each class session.  <input checked="" type="checkbox"/> The syllabus meets the requirements of the UF Policy on Course Syllabi ( <a href="http://syllabus.ufl.edu">syllabus.ufl.edu</a> ), i.e. it includes all required components. <input checked="" type="checkbox"/> The syllabus includes student learning outcomes, per the UF Law Faculty Policy on Student Learning Outcomes.  *The syllabus and/or other information submitted in support of this course proposal must demonstrate to the committee that for every one credit hour sought, the course will provide 15 hours of classroom instruction and will require at least 30 hours of out-of-class work. See ABA Standard 310.  <input type="checkbox"/> <b><u>Casebook</u></b> Include photocopy of condensed table of contents  <input type="checkbox"/> <b><u>CV and qualifications to teach proposed course</u></b> (N/a for full-time faculty members)  <input type="checkbox"/> <b><u>Teaching evaluations</u></b> If this is a proposal for a permanent course, please supply teaching evaluations from previous course offering. N/a for full time faculty members.	



## SYLLABUS

### Wetlands and Watersheds: Science, Law and Policy Spring 2020, LAW 6930, §0787, 3 credits

**Class Meets:** Wednesdays 3:30-5:30 P.M., Room 283, and 4 Friday Field Trips (see schedule)

**Professor:** Mary Jane Angelo

**Office:** 309 Holland

**Email:** [angelo@law.ufl.edu](mailto:angelo@law.ufl.edu)

**Phone:** 352-273-0944

**Office hours:** Wednesdays: 1:00 pm -3:00 pm or by appointment

**Background:** Florida is a state with extensive and diverse wetlands. Many types of land uses, including residential and commercial development and agriculture, are affected by a variety of wetland regulatory and non-regulatory programs. These programs are implemented by a number of federal, state, and local government agencies. Many students who graduate from UF are likely to work in some aspect of land use law, environmental law or real estate law, all of which require knowledge of wetlands regulation. This course provides advanced experience in the regulatory framework for managing wetlands and the legal and scientific issues involved in making management decisions. It also provides experience working in teams.

**Textbook:** There is not a textbook required for this class. Most of the required readings for the class will be from the “Florida Bar Environmental and Land Use Law Treatise.” To access the Treatise, you must join the Environmental and Land Use Section of the Florida Bar as a Student Affiliate Member. Membership for students is \$20 per year. By becoming a member, not only will you have access to the Treatise (which can be very useful in summer jobs and other courses) but you will also have access to other resources provided by this Bar section. Information about joining the Bar Section as a Student Affiliate is available here:

<http://eluls.org/membership/>

The membership application can be found at this link:

[http://eluls.org/wp-content/uploads/2012/01/Membership\\_Application\\_01-29-15.pdf](http://eluls.org/wp-content/uploads/2012/01/Membership_Application_01-29-15.pdf)

Additional assigned readings will be provided electronically through the TWEN site that has been established for this course. It is your responsibility to check the TWEN site regularly for updates.

**Course Objectives:** This course will focus on the implementation of policies for the protection and restoration of wetlands and related resources under the Public Trust Doctrine, the Florida Water Resources Act, the federal Clean Water Act and related federal legislation. Students will learn the legal basis for regulation under these authorities and will gain practical experience working in teams to determine water boundaries, delineate the landward extent of regulated waters, assess development impacts and evaluate mitigation plans.

**Student Learning Outcomes:** By the end of the semester, students will be able to do the following:

1. Identify and describe the legal basis for wetlands and watershed regulations under the federal Clean Water Act, the federal Rivers and Harbors Act and the Florida Water Resources Act.
2. Identify and describe common law principles related to the Public Trust Doctrine.
3. Conduct legal analysis by applying relevant federal and state wetlands statutes, regulations and case law to a hypothetical fact pattern involving development and other activities that impact wetlands.
4. Perform a basic wetland delineation under Chapter 373 of Florida Statutes to determine state wetlands jurisdiction.
5. Perform a basic Ordinary High Water Line Analysis to determine the extent of sovereign submerged lands.
6. Perform a basic Wetland Impact Assessment and a Wetland Mitigation Assessment using legal methodology.
7. Evaluate a basic mitigation plan using the Florida Uniform Mitigation Assessment Methodology to determine compliance with state regulations.
8. Demonstrate professional behavior in timely completion of all assignments, working in groups and interacting with peers and guest speakers.

**Methods:** There will be a two hour class each week that will consist of lectures and discussion of a specific topic related to the overall goals of the course and intended to prepare the students for a subsequent field experience. Four full-day field trips that will be scheduled on Fridays are integral parts of the course. You are required to attend and participate at least three of the four field trips. Students will be accompanied to the field by one or more experts in the activity to be conducted, given instruction and guidance in the procedures to be used and then asked to conduct the activity themselves. A full report must be prepared on the field experience and submitted for grading for at least three of the field trips. Reports will typically be approximately 6-8 pages in length. Students will be required to apply knowledge gained in the previous classes and demonstrate that in the report.

**Evaluation and Grading:** Students, working in small groups, will be required to submit written reports following each of the field sessions. Some of the reports will be written as a group project and some will be individually written. These reports will be graded. A final exam will be given at the end of the semester. The final exam will be open book. Grades will be assigned based on the following percentages:

Field Reports 15% each (45% for the total of the 3 reports)

Final Exam 55%

The grade may be increased by one half of a grade for significant and meaningful class participation. The grade may be decreased by one half of a grade for frequent lack of preparation.

The law school's mean and mandatory distributions are posted on the College's website. Grading will be done in compliance with the College's posted grading policy with the following letter grades:

<b>Letter Grade</b>	<b>Point Equivalent</b>
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

**Class Attendance:** Students are expected to attend all classes; participation in field sessions is mandatory. Pursuant to ABA guidelines, if you miss more than 6 hours of class (three 2-hour classes) you will not be eligible to receive a passing grade for the course. The only excused absences are for the observance of religious holidays. You are required to attend at least three of the four field trips.

**Tentative Schedule and Reading Assignments:** (Schedule may change to accommodate guest speakers and to accommodate student schedules for Field Trips).

DATE	TOPIC	READING
Wednesday, January 15	Introduction  Overview of wetlands and watersheds regulatory structure  Federal wetland jurisdiction	Strand et al, ELI'S WETLANDS DESKBOOK, <i>Introduction</i> available on TWEN site  Sutter, Gardner & Perry, <i>Science and Policy of U.S. Wetlands</i> , available on TWEN site  <i>Rapanos</i> SCOTUS case, available on TWEN site
Wednesday, January 22	Wetland Characteristics, Definitions, Classifications, Values, Function, Services, Losses and Consequences  Guest Speaker Dr. Mark Clark, Associate Professor of Wetland Ecology, UF	U.S. Fish & Wildlife Service, Report to Congress, <i>Status and Trends of Wetlands in the Conterminous United States 2004 to 2009</i> pages 37-80  available on TWEN site
<b>Friday, January 24</b> <b>FIELD TRIP #1</b>	<b>Moccasins and Muck: The Wetlands of North Central Florida</b>	<b>Location: TBD</b>
Wednesday, January 29	Intro to federal and Florida Wetland permitting	ELULS Treatise chapter 9.1, 9.3 & 9.13
Wednesday, February 5	Wetlands Delineation  Guest Speaker Lance Hart, SJRWMD	ELULS Treatise chapter 9.7  <a href="#">Rule 62-340</a> , F.A.C.
Wednesday, February 12	Wetlands Mitigation (UMAM)  Guest Speaker: TBD from SJRWMD	ELULS Treatise Chapter 9.22  <a href="#">Rule 62-345</a> , F.A.C.
<b>Friday, February 14</b> <b>FIELD TRIP #2</b>	<b>Wetland Delineation and mitigation field determinations</b>	<b>Location: Prairie Creek Preserve</b>
Wednesday, February 19	Mitigation Banking  Guest Speaker, J. Reid Hilliard, SJRWMD	ELULS Treatise Chapter 9.19
Wednesday, February 26	Sovereign Submerged Lands Authorizations	ELULS Treatise Chapter 15-1
Wednesday, March 4	<b>NO CLASS</b>	

	<b>SPRING BREAK</b>	
<b>Wednesday, March 11</b>	<b>CLASS CANCELLED</b>	<b>MAKE-UP CLASS TBA</b>
<b>Wednesday, March 18</b>	Public Trust and Navigability  Guest Speaker, Richard Hamann, UF Law	Hamann & Wade, Ordinary High Water Line Determination: Legal Issues  Available on TWEN site
<b>Friday, March 20</b> <b>FIELD TRIP #3</b>	<b>OHWL &amp; Navigability under Florida law</b>	<b>Location: Newnans Lake and Prairie Creek</b>
<b>Wednesday, March 25</b>	Florida Springsheds  Guest Speaker, Dr. Robert Knight, Florida Springs Institute	Reading: Florida Springs Conservation Plan, available at  <a href="https://floridaspringsinstitute.org/wp-content/uploads/2018/11/Springs-Conservation-Plan-final-draft-FINAL.pdf">https://floridaspringsinstitute.org/wp-content/uploads/2018/11/Springs-Conservation-Plan-final-draft-FINAL.pdf</a>
<b>Friday, March 27</b> <b>FIELD TRIP #4</b>	<b>Florida Springsheds</b>	<b>Location: Ichetucknee River</b>
<b>Wednesday, April 1</b>	Digging Deeper into Wetlands regulation	9.16 & 9.17,
<b>Wednesday, April 8</b>	Wetlands issues in ESA & the Farm Bill & Wrap-up	TBA
<b>Wednesday, April 15</b>	The Everglades Example	TBA

**Preparation:** I expect you to come to class prepared and ready to participate in classroom discussion. You should expect extensive questions about the problems and the main cases assigned, as well as detailed questions about the assigned statutory language.

If you are unprepared for class, I will call on you the next day that we are covering difficult material. If you are unprepared more than once, I will exercise discretion in deducting points from your final exam score.

**Workload/class preparation:**

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This Course has an average of 3 “classroom hours” of in-class and/or field instruction each week, requiring on average at least 6 hours of preparation outside of class. I will assign about 50 pages of reading each week. Because the course includes statutory and regulatory excerpts that require careful reading, as well as discussion problems that require thoughtful advance written

preparation, you should spend at least one hour on every 10-15 pages of reading. Reading assignments are posted on the TWEN site.

**Etiquette:** Late arrivals and early departures are distracting and rude. If on a particular day you are not able to avoid arriving late, please do not walk in front of the classroom where you will distract me and other students. Instead, please quietly take a seat in the back of the room. Please turn off cell phones before class. It is absolutely forbidden to surf the Net, check your email, text, or play computer games during class -- I reserve the right to deduct points from your final grade if I catch you.

**Academic honesty:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**Online Course Evaluation Process:** Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can 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 at <https://gatorevals.aa.ufl.edu/public-results/>."

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

**University Policy on Academic Misconduct:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**Disclaimer:** This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.

## PROPOSAL

To: Faculty  
From: Curriculum & Strategic Planning Committee  
Re: Semester in Practice Field Placements with Corporate In-House Counsel  
Date: March 22, 2020

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The Curriculum & Strategic Planning Committee was charged with considering a number of issues surrounding the Semester in Practice program. This proposal addresses one of those issues.

### Background:

Two changes provided the impetus for this proposal: (1) in 2016, the ABA changed its position on field placements (ABA Standard 304) to allow students to earn academic credit towards a JD degree while being compensated; and (2) many corporations have adopted policies that require all employees, including legal externs, to be paid. Even though students are compensated in these situations, there is no third-party client/payor as with law firms. Our students cannot currently accept any form of compensation in connection with a field placement other than approved public interest stipends and grants. Although we allow field placements with corporate in-house counsel, our Semester in Practice students cannot take advantage of field placements with corporations that require payment as a condition of employment. This policy excludes these students from opportunities that enhance their education and often lead to employment.

Collaboration and consultation with the faculty at a brown bag session and with the Associate Dean for Experiential Learning produced the proposal set forth below.

### Proposal:

In connection with the Semester in Practice program, allow compensated field placements with corporations that require payments to externs. These field placements should be only in General Counsel Offices of corporations with supervision of the externs by in-house counsel. These placements should be monitored carefully by the Associate Dean for Experiential Learning.

## PROPOSAL

To: Faculty  
From: Curriculum & Strategic Planning Committee  
Re: Proposed Changes to the Legal Writing, Research & Drafting Programs  
Date: March 22, 2020

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The Curriculum & Strategic Planning Committee was charged by Dean Rosenbury to consider changes to enhance our legal writing, research and drafting curriculum. We have been in consultation with Associate Dean for Experiential Learning Menendez, the Legal Writing, Research, and Drafting faculty, and other sources including reports of two independent consultants, and a faculty brownbag. What follows is a summary description of our current programs and our proposals for change.

### **I. Legal Writing, Research, and Appellate Advocacy**

We currently offer a two-credit course in Legal Writing in the fall semester. In the spring semester, we offer a two-credit course in Appellate Advocacy. In each of these semesters, the students receive seven weeks of training in Legal Research, taught by the library staff, for which they receive one credit in the spring. The first assignment in the Legal Writing course is a “closed-universe” memorandum, meaning the students do no independent research. The library staff walks them through the research for the memorandum and eventually tells them what sources to cite in the memorandum. They are here introduced to the structure of legal analysis (IRAC, CRAC), applying law to facts, citation to authority, and the like. Additional assignments include a client letter, an email to a supervisor, and finally an open-universe memorandum, coordinated with the legal research class.

The second semester course is currently Appellate Advocacy, in which the entire semester’s work is to draft an appellate brief and then to defend it in oral argument. Here students learn to produce persuasive writing, including writing a statement of facts, a statement of issues, outlining and summarizing arguments and the like. Oral argument takes the form of a moot court competition, presenting the argument and responding to challenging questions.

#### *Proposed Changes to Legal Writing, Research, and Appellate Advocacy*

1. Teach the entire one-credit Legal Research class during the first semester rather than spreading it across two semesters. This will eliminate the inescapable need in the second half to review what was covered in the first half. The course will be more coherent. It will have a beginning and an end, and it will better prepare the students for the final open-universe legal memorandum.

2. Replace the second-semester two-credit Appellate Advocacy course with a three-credit Persuasive Writing course. The course will not focus solely on writing a single appellate brief, but will include various types of persuasive writing (trial briefs, motions, etc.) similar to what students will experience during their 1-L working summers, including an “open-universe” memorandum of law. The



added credit will permit the addition of new material without displacing the experience of writing and arguing an appellate brief.

3. Standardize assignments and texts across both semesters and develop a number of new assignments in these courses. These changes will bring numerous benefits. Primarily, it will increase the perception of fairness among students. They will no longer complain, as they now often do, about what instructors other than theirs are doing. It will facilitate student interaction, and it will also permit instructors to coordinate and cooperate with one another. Experience in other first-year, non-doctrinal courses shows that such standardization has a positive effect. Moreover, standardization is one of the keys to achieving the goal of cross-course integration.

## **II. Legal Drafting**

We currently offer a required two-credit legal drafting course in the third semester. The course is intended to provide the students with experience in drafting a wide range of documents. The major assignments include litigation documents, such as pleadings and motions. Here, the students are introduced to the need to comply with procedural rules, to apply venue and jurisdictional statutes, to state the elements of a cause of action, to draft clearly and to eliminate needless information. Other major assignments include contracts and transactional documents as well as legislative documents.

### *Proposed Changes to Legal Drafting*

Permit students to satisfy the Legal Drafting requirement by choosing from a menu of upper-level drafting courses addressing drafting in different practice areas, rather than limiting students to a single, general drafting class. This will permit students who have a clear idea of the type of practice they seek to focus on the types of document they will encounter in practice. The current more general form of Legal Drafting should be retained and also offered as one of the available choices.

## **III. Process**

The changes recommended here should be approved on a provisional two-year basis, during which the efficacy of these changes would be evaluated. Possible recommendations for further changes, especially to the first-year curriculum, would be considered.

## **Proxy Voting Policy**

(Historical note: xx/xx/2020, 11/14/2002)

- A. **Applicability:** ~~This procedure~~ Sections (B) through (E) of this policy applyies to voting on appointments, hiring, and promotion and tenure. Section (F) applies only to voting on appointments and hiring, but not to promotion and tenure decisions.
- B. Eligible voters who are aware that they will be unable to attend a meeting on a matter of appointments, hiring, promotion, or tenure, and who intend to vote on the matter, shall notify the Associate Dean, in writing, of the voter's inability to attend; the reason therefor; and, if desired, the name of another eligible voter who may serve as the non-attending member's proxy voter at the meeting. All proxies must be directed proxies.
- C. Reasons for non-attendance shall be limited to the following: (1) personal or family illnesses, accidents, or other emergencies that would cause the voter to cancel a class; (2) military duty, jury duty, or other compelled attendance at a legal proceeding; (3) attendance at an academic conference, continuing legal education program, or other professional meeting; (4) the meeting conflicts with a regularly-scheduled class or examination; or (5) the voter is on leave or not on duty, and is away from the Gainesville metropolitan area at the time of the meeting.
- D. Eligible voters who will be unable to attend for a reason specified in paragraph (C) should provide the notification specified in paragraph (B) as soon as they become aware of their inability to attend. Whenever feasible, eligible voters who will be unable to attend a meeting should endeavor to provide this notification more than one week in advance of the meeting.
- E. All proxy ballots shall be marked "proxy."
- F. Eligible voters who are unable to attend for a reason specified in paragraph (C) and who wish to attend by teleconference may arrange to do so by contacting the Dean's Office preferably one week in advance of the meeting, provided that the Dean's Office is equipped to accommodate this request. These voters may designate a proxy in advance or, if necessary, at the meeting, or they may vote by telephone. Because University policy does not permit individuals to participate in tenure and promotion discussions remotely, this section (F) applies only to appointments and hiring decisions.

## **Promotion and Tenure**

(Historical note: 4/18/2017, 3/23/2016, 4/21/2015)

Tenure and promotion are governed primarily by University Regulation 7.019, available at <http://www.aa.ufl.edu/tenure> (including annual academic year guidelines). This policy elaborates on certain aspects of the University's regulation and reflects additional requirements and procedures unique to the College of Law. The Dean shall provide to newly hired tenure-track faculty a copy of this policy and the University Regulations on Tenure and Promotion.

### **A. Time Eligibility**

#### **1. Eligibility for Tenure (the "Tenure Probationary Period")**

Tenure, a status granted by the Board of Trustees, is attained by the faculty member through distinction in (1) instruction, (2) research or other scholarly or creative activities, and (3) service and contributions to the University and to the profession. Only those employees classified as faculty members of the University who are in a continuous full-time or part-time tenure-accruing position and who hold the rank of assistant professor or above are eligible for nomination for tenure. A faculty member in a tenure-accruing position shall be considered and recommended for tenure or given notice of nonrenewal by the end of the "tenure probationary period." The tenure probationary period for the College of Law is six years. A faculty member may apply for tenure at any time prior to the beginning of the last year of the tenure probationary period, and the Dean shall initiate the tenure nomination process upon that request. A faculty member must request consideration no later than the beginning of the last year of the tenure probationary period, which is normally the sixth year. Faculty members being considered for tenure prior to the beginning of the last year of the probationary period may withdraw from consideration before a decision by the President. If the faculty member is in the last year of probation, he or she must either withdraw or resign (with the concurrence of the Dean) or take the decision.

The effect of unpaid leaves of absence on the Tenure Probationary Period is set out in University Regulations 7.019 and 1.201.

#### **2. Eligibility for Promotion**

- a. Promotion does not require a specific amount of time in service. Typically a faculty member applies for promotion from Assistant to Associate Professor during the third

year of service and applies for promotion from Associate Professor to Full Professor at the time he or she seeks tenure during the sixth year of service. Tenure-track faculty members, however, can elect to apply for tenure or promotion at any time during the probationary period.

- b. A special midterm review shall be conducted for any faculty member in the tenure probationary period, if the faculty member has not yet elected to apply for either promotion or tenure by the beginning of the third year of service. The process for the midterm review is set forth in part E of this policy.

### 3. Relationship Between Promotion and Tenure

No policy requires the linking of promotion and tenure. Instead, the University has a “tenure when ready” policy, which permits a faculty member to apply for tenure at any time within the tenure probationary period, or in some cases, to extend the probationary period. See University Regulation 7.019(3)(c). With the exception of faculty hired from another university within Florida’s state university system (where the tenure accruing time transfers), all faculty restart their tenure clocks upon appointment as a tenure-track professor at the College of Law.

With respect to lateral candidates joining this faculty from a tenure-track position at another institution, the Dean may discuss, at the time of hiring, whether the candidate should apply for tenure earlier than six years after appointment to the University of Florida.

A faculty member who does not receive tenure by the end of the tenure probationary period is entitled to a non-renewal period based on time in service. After two years of service, that period is one year.

### B. Substantive Standards

Promotion and tenure are based on three broad categories of performance: instruction, research and scholarly activity, and service. Promotion and tenure require distinction in two of these categories, one of which shall be that of the faculty member’s primary responsibility. Superior contributions in one area do not compensate for lack of contribution in another. This policy is the same as UF Regulation 7.019. To determine whether a candidate qualifies for promotion or tenure, the faculty will only consider materials included in the candidate’s promotion or tenure packet.

The Promotion and Tenure Committee may request of the Dean copies of any public-record documents regarding final administrative determinations of misconduct by a tenure or promotion candidate that negatively affects the faculty member’s performance and prospective capacity for instruction, research and scholarly activity, or service. Any such

documents may be considered in making the Promotion and Tenure Committee's evaluative report.

1. Instruction

Instruction consists of regular classroom teaching and all preparation for this work, including study to keep abreast of one's field.

2. Research and Scholarly Activity

- a. Quality of scholarship: The production of excellent scholarship is a central part of the mission of the College of Law. The quality of a faculty member's scholarship is the most important factor that the Promotion and Tenure Committee and the faculty will consider when evaluating the research and scholarly activity of a candidate for promotion or tenure. The evaluation of the scholarship of candidates for Associate or Full Professor will consider the following factors: (1) analytical rigor; (2) thoroughness of research; (3) the amount of effort expended; (4) the difficulty of the undertaking; (5) the relevance of the undertaking to legal scholarship considered broadly; (6) the novelty of the undertaking or of the ideas; (7) the literary quality of the writing; and (8) the locus of the publication.

Promotion to Associate Professor indicates that the faculty member's accomplishments demonstrate a capacity for and progression toward tenure-quality scholarship. The scholarship standards for promotion to Full Professor and tenure test a candidate's distinction in legal research and scholarship and genuine commitment to a productive scholarly career after tenure.

Although the standards for tenure and for promotion to Full Professor are not differentiated, the faculty reserves the discretion to recommend one and not the other. For the purpose of promotion to Full Professor or the grant of tenure, quality, quantity, and timing of all scholarly work, whenever produced, will be considered.

- b. Quantity requirement: Eligibility for promotion to Associate Professor requires that an Assistant Professor publish, or have accepted for publication, two single-author articles in a law review (primary or secondary) at an ABA-accredited law school or in a comparable academic journal. Eligibility for promotion to Full Professor with tenure or for the grant of tenure at the rank of Associate Professor requires that a faculty member publish, or have accepted for publication, *two additional such articles*.

Only materials that were substantially completed during the candidate's employment at the University of Florida can satisfy the two-article publication requirement for promotion to Associate Professor and the additional two-article publication requirement for an award of tenure.

### 3. Service

Service includes public, professional, University, or College of Law activity. Public service means either professional or community activities in the public interest. Only in the most extraordinary cases will distinction in service help satisfy the University's requirement of distinction in two of the three categories of performance (instruction, research and scholarly activity, and service). In virtually all ordinary cases, distinction in both instruction and research and scholarly activity is required.

## C. Procedure for Recommending Promotion and Tenure

### 1. Initiation of the Process

- a. The chairperson of the Promotion and Tenure Committee shall consult with all tenure-eligible faculty members each spring to determine whether any of them wishes to apply for tenure or promotion the following fall.
- b. Each member of the Promotion and Tenure Committee and a faculty candidate for promotion or tenure must notify the Dean regarding any conflict of interest (e.g., familial or intimate relationship) between the affected committee member and candidate that warrants the committee member's recusal from evaluation of the candidate. Notice to the Dean should occur immediately after any conflict of interest arises.
- c. After a list of candidates has been identified, the Promotion and Tenure Committee chairperson shall transmit to the candidates copies of the following: the College of Law Tenure and Promotion Policy; Guidelines and Information Regarding the Tenure, Permanent Status and Promotion Process for the relevant year (obtained from the Provost's office); and UF Regulation 7.019 regarding Tenure and Promotion.
- d. The Promotion and Tenure Committee and the Dean's Office shall assist the candidate in assembling the promotion and tenure packet, which will be distributed to the eligible voting faculty no later than three weeks before the scheduled Promotion and Tenure Meeting on that candidate.
- e. The Promotion and Tenure Committee will facilitate peer teaching evaluations and external and internal review of published scholarship of each candidate for promotion or tenure with sufficient time to allow the candidate to assemble the promotion and tenure packet for distribution to the voting faculty.

## 2. Assembly of Packets and Submission of Publications

The following protocol is to be followed by the Promotion and Tenure Committee in the process of selecting reviewers of scholarship, facilitating peer teaching evaluations, and assisting the candidate in assembling his or her file.

In ~~April or May or June~~ in the year of candidacy for promotion or tenure, ~~after the University Memorandum Regarding Promotion and Tenure is received,~~ the chairperson of the Promotion and Tenure Committee shall distribute a memorandum to faculty members who have elected to apply for promotion or tenure during the next academic year. The memorandum should, among other things, (1) outline the procedures the College of Law and the University will follow; (2) inform candidates regarding the information required by the College of Law and the University; (3) highlight dates when publications are due, information is required, or action is to be taken by the candidate; and (4) in particular, stress the importance of compliance with the announced schedule. The memorandum should also advise the candidates that, except where excused by the Dean owing to truly extraordinary circumstances, no manuscripts or publications submitted after September 1 will count toward the quantity requirement in B.2.b above or be reviewed externally or internally. Revisions to manuscripts will not be accepted for external or internal review after the September 1 deadline, and reviewers will be asked to evaluate manuscripts as “accepted,” “in press,” or “submitted.”

No later than September 1, the candidate shall provide the Chair of the Promotion and Tenure Committee with paper or electronic copies of all manuscripts and published works chosen by the candidate for internal and external review.

The University uses an online promotion and tenure system (“OPT”) that commences at the Department level. Candidates will interact with this system to submit materials related to the promotion and tenure process. Materials uploaded to the OPT system shall form the candidate’s Promotion and Tenure packet. The Promotion and Tenure Committee and the College of Law will utilize this system to distribute candidates’ packets to faculty members when such distributions are required by provisions stated herein.

Upon submission of any publications for external review, the candidate must indicate whether he or she waives either or both of (1) the right to know the identity of outside reviewers selected to review his or her work, or (2) the right to see the reviews. At that time each candidate also shall provide the Promotion and Tenure Committee with a list of up to five proposed external reviewers for each manuscript or publication submitted. Candidates should not communicate with potential reviewers about the possibility of reviewing the candidates’ work. As to each reviewer, the candidate should indicate whether that reviewer has any personal or professional relationship to him or her and whether the reviewers ~~has~~ve seen a copy of the manuscript or a prior draft. The candidates may also submit at this time the names of any potential reviewers whom he

**Commented [JL1]:** Reasoning: the memorandum includes a number of items that the candidate must compile and provide to the committee by May 20. Recent candidates have requested the memorandum in April; this request strikes us as reasonable. It is possible, however, that the University’s annual P&T guideline update will not be published until May. If this is the case, the memorandum can reflect this fact and include a link to the University website where the annual update will be posted.

or she does not wish to have selected and the reasons why, and the committee shall ordinarily honor all such reasonable requests.

### 3. Selection of External Reviewers

After a candidate for tenure or promotion has submitted publications or manuscripts and a list of recommended reviewers for external review, the Promotion and Tenure Committee members shall review the materials and nominate additional potential reviewers. The chair of the Promotion and Tenure Committee shall then compile a list of all potential reviewers for assessment and ranking by the committee. The Promotion and Tenure Committee may recommend reviewers that the candidate has identified. The Promotion and Tenure Committee shall then rank the reviewers and transmit the names and institutional affiliations of the reviewers to the Dean. The Dean will contact reviewers in the order suggested by the committee's ranking. However, the Dean should strive to ensure that roughly half of the reviewers are recommended by the candidate and roughly half by the Promotion and Tenure Committee. The Dean may deviate from the committee ranking as needed to ensure this allocation. The Dean will continue contacting reviewers until the required number have committed to writing reviews, with an appropriate distribution of reviewers across all publications. Committee members may consult with other members of the faculty for suggestions as to potential external reviewers. The goal in selecting external reviewers is to identify individuals who are prominent scholars whose scholarship is in the area of the candidate's scholarly field. Generally, those individuals holding the rank of Professor within a law school at a peer or higher institution are preferable as reviewers. The Promotion and Tenure Committee, however, can consider as external reviewers professors who hold a Ph.D. or similar degree, if the candidate recommends such individuals as reviewers due to the subject matter of his or her scholarly works (*e.g.*, an interdisciplinary article). When submitting the list of ranked external reviewers to the Dean, the committee should include information relevant to their qualifications.

If the Promotion and Tenure Committee, upon consultation with the candidate, determines that an individual work is part of a coherent body of work or shows progression in a field, the committee may recommend that reviewers should review these works together, including work that was previously externally reviewed. The Promotion and Tenure Committee may recommend, with the concurrence of the candidate, that certain works not be formally reviewed.

The Dean will determine the amount of money to be paid to external reviewers. The Dean shall contact external reviewers and determine their availability. If reviewers agree to review the manuscript, the Dean shall send a copy to them with a standard form cover letter.

Thereafter, the Dean will meet with the committee as is necessary to obtain the names of additional potential outside reviewers. The Dean should keep a written record of



telephone calls and other correspondence with the external reviewers concerning their reviews. In soliciting the review, the Dean should make certain that the reviewer is willing to provide a candid review, whether positive, negative, or mixed, and will not later decline to provide a review without good cause, such as substantial unfamiliarity with the field. Reviewers who later express unwillingness to go forward with reviews because their evaluations are negative should be encouraged to provide their honest and full appraisal, as set forth in the cover letter.

When the Dean receives the external review, electronic copies shall be made available to the candidate and members of the committee, unless the candidate has waived the right to see such reviews (see section C.2. above).

#### 4. Selection of Internal Reviewers

The Promotion and Tenure Committee shall recommend to the Dean internal reviewers of a candidate's scholarship as soon as practicable after the committee has sent a list of external reviewers for all candidates to the Dean. The fact that faculty members have reviewed earlier versions of manuscripts or drafts does not disqualify them from selection as internal reviewers. They must, however, disclose the nature and extent of their involvement in reviewing or assistance in the preparation of the manuscripts or drafts in the written review.

#### 5. Annual Information Collection

Tenure-track faculty members who have not yet attained the rank of Full Professor and tenure shall consult with the Dean or the Dean's designee to ensure that the following materials and information are retained and documented or inserted in the faculty member's personnel file by the end of each academic year:

- a. Courses taught each semester and size of enrollment,
- b. Law school committee assignments and any record of performance,
- c. University committee assignments and any available information as to performance,
- d. A copy of the faculty member's annual activity report submitted to the Dean including citations to writings published during the year and the repository of unpublished writings that the faculty member wishes to have available for review,
- e. A copy of the Dean's annual review letter to the faculty member pertaining to performance in matters covered by promotion and tenure criteria,
- f. A record of all student evaluation reports and copies of all peer evaluation reports accumulated during the academic year. The forms themselves may be stored

separately but the place of storage and identification of courses evaluated should be noted in the file,

- g. A statement from the Dean of all opportunities for research and writing offered to the candidate, including compensated leave, research grants, reduced course or committee assignments, and paid research assistance,
  - h. Any other reports by the Dean or the Promotion and Tenure Committee described in this policy, and
  - i. A dated, statement signed by the candidate signifying that the candidate has been permitted to review the file. The candidate shall be permitted to augment or explain materials in the file.
6. Committee Evaluation of Promotion and Tenure Packet and Recommendation to the Faculty

The Promotion and Tenure Committee shall prepare a written report analyzing the candidate's record under the standards set forth in section B of this policy and advising the faculty, for stated reasons, whether to recommend the candidate for promotion and/or tenure. The Promotion and Tenure Committee shall distribute its report to the faculty not later than three weeks prior to the discussion meeting described in section C.7 of this policy. The Promotion and Tenure Committee's written report shall become part of the candidate's promotion and tenure packet.

7. Faculty Evaluation of Promotion and Tenure Packets

a. The primary responsibility for evaluating scholarly work rests with the Dean and faculty. To that end, members of the faculty selected by the Promotion and Tenure Committee will prepare written evaluations of each publication being externally reviewed. Internal reviews may also be requested by the committee for any other work if the committee believes such a review would benefit the faculty in its evaluation of the candidate. All such internal reviews will be included in the candidate's packet. In addition, the Dean and faculty will consider written evaluations of published scholarship prepared by at least five qualified persons who are not members of this faculty (external reviews). Each packet for a candidate seeking promotion or tenure must include a minimum of five external review letters. Any packet for a candidate seeking promotion to Full Professor at a different time than when seeking tenure must include a minimum of five external review letters as well. The committee will select persons from whom evaluations will be solicited in accord with section C.3 above.

b. In addition to internal and external review letters, a candidate's promotion and tenure packet must include the following materials generated since the last promotion or

tenure: the Dean's annual review letters, the student course evaluations (without comments), and reports of classroom visits generated by the Promotion and Tenure Committee. At his or her option, the candidate may include additional materials in his or her packet.

b.c. Unless delayed by material interfering circumstances or factors, the candidate shall submit to the Promotion and Tenure Committee his or her promotion and tenure packet no later than October 10, and the packet shall be available for the faculty to access in the OPT system at least three weeks before a scheduled Promotion and Tenure Discussion Meeting. Eligible faculty members shall provide their individual assessments regarding promotion or tenure by anonymous ballot no later than the first full week in December.

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#### 8. Discussion Meeting and Voting

a. A promotion or tenure meeting shall be a discussion meeting. At the Promotion and Tenure Committee's discretion, separate meetings may be scheduled for each candidate. Assessments on promotion or tenure issues shall occur on the first working day after the meeting unless the faculty votes to hold a second meeting or if for any other reason a later date is agreed upon at the meeting. A secret ballot shall be taken, and an eligible voter may provide an assessment by telephone. Given the detrimental impact that a promotion or tenure denial can have upon a candidate's career, faculty members who plan to submit a negative assessment are strongly encouraged to explain the basis of their decision during the faculty meeting or on their ballots. Faculty members should especially strive to explain their negative assessment when the candidate has positive support among a substantial majority of faculty members and a positive recommendation of the Promotion and Tenure Committee. All full-time faculty members eligible to vote at faculty meetings and holding higher rank than the candidate are eligible to provide an assessment on promotion. All tenured faculty members are eligible to provide an assessment on tenure. Faculty members on leave are eligible to provide an assessment if, in the opinion of the Dean, the candidate's packet and a summary of the discussion at the meeting may be supplied to them and their assessments obtained without undue delay. Faculty members can abstain from providing an assessment, and their decision shall be recorded as an abstention.

*(Scribe's note: The Proxy Voting Policy located elsewhere in this manual applies, by its own terms, to "voting on appointments, hiring, and promotion and tenure." See also the Participation of Non-Tenure Track Faculty in College of Law Governance policy, section B.1, which states, "Non-tenure track faculty shall not be eligible to participate in discussion sessions concerning, or to vote on the promotion or tenure of, tenure track faculty members.")*

b. The promotion and tenure packets of all candidates who have not withdrawn will be forwarded to the University for review regardless of the results of the assessment.

The Dean shall promptly notify the candidate of the outcome of the ballot. Candidates will also have access to outcomes once the results are entered into the OPT system.

- c. Confidentiality: The materials assembled for decisions of promotion or tenure and the various discussions concerning them shall be regarded as confidential and shall be made known only to those who are eligible to participate in the recommending or making of the decisions. The candidate's promotion and tenure packet and other confidential material distributed to faculty are to be destroyed after the vote, and all electronic copies of evaluative materials are required by law to be kept confidential. The Dean shall remind the faculty of the importance of these confidentiality rules in advance of every meeting to discuss a faculty member's candidacy for promotion or tenure.
- d. Reports and appeals: The Dean shall notify the candidate informally if the final action taken on the nomination for tenure or promotion by the University will be negative. The candidate will have the option to withdraw, withdraw and resign, or take the decision, depending on whether the case is for tenure or promotion and whether the candidate is at the end of the probationary period. A faculty member who takes a negative decision may elect to use one of the formal grievance procedures outlined in UF Regulation C61-7.041 if he or she believes a University Regulation has been violated.

**D. Annual Reviews Concerning Faculty Members Who Are Not Tenured Full Professors**

**1. Annual Reports to the Dean**

- a. Faculty member: Each faculty member who is not a tenured Full Professor shall prepare an annual report to the Dean of his or her activities in all of the areas relevant to the standards in section B of this policy. This report shall include all of the candidate's publications for the year, student teaching-course evaluations, and any other relevant information involving teaching, research, and service. The publications and evaluations will be placed in the faculty member's personnel file.
- b. Committee chairs: Each chair of each College of Law committee on which the faculty member has served during the academic year shall write a brief report to the Dean assessing the faculty member's committee performance, which will be placed in the faculty member's personnel file and conveyed to the Promotion and Tenure Committee.
- c. Promotion and Tenure Committee classroom visits: At least two members of the Promotion and Tenure Committee will each visit at least two class hours of the faculty member being evaluated. Where there are conflicts with teaching schedules, or committee members have already reviewed a particular faculty member's classes, the

**Commented [JL2]:** Reasoning: The policy manual later directs the P&T committee to review these reports when generating its annual report on a tenure-track faculty member.

committee may ask other members of the faculty to conduct these classroom visits. The visits may take place at any time during the academic year. Where a faculty member is formally evaluated in the fall for promotion or tenure, the class visits will occur at that time and additional class visits will normally not be made in the spring. Each visitor will arrange visits on adequate notice at a specified time that is mutually convenient, will review the class materials to be covered prior to the visits, and will follow the visits with a personal discussion of impressions and suggestions. Each visitor will write a brief report to the committee with a copy to the faculty member. These individual reports will be submitted to the Dean and placed in the faculty member's personnel file. The objectives here are twofold: first, to identify deficiencies and provide assistance in time for improvement to occur, and second, to build a substantial log of information on the candidate's teaching, so as to minimize the likelihood of evaluation error.

- d. Annual review of scholarship: The Promotion and Tenure Committee shall conduct an annual review of any scholarship the untenured faculty member has written, but which the committee has not previously reviewed. The Promotion and Tenure Committee, in consultation with the faculty member, will determine whether or not the research has progressed significantly enough to allow for the provision of meaningful feedback. Ideally, the Promotion and Tenure Committee will provide feedback prior to publication of the faculty member's research in order to allow the faculty member to incorporate such comments as the candidate sees fit into the manuscript prior to publication.

The Promotion and Tenure Committee will place any written feedback it provides to faculty members regarding their scholarship pursuant to this section in the individual's personnel file. This material, however, will not be included in the faculty member's promotion and tenure packet.

## 2. Annual Reviews by the Dean and the Promotion and Tenure Committee

- a. Dean's annual meeting: The Dean shall have an annual interview with each faculty member who is not a tenured Full Professor for the purpose of discussing progress toward satisfying promotion and tenure criteria. Particular attention will be given to opportunities for progress that have been available and the need for future progress in areas of weakness. After the interview, the Dean shall write a letter, commenting as appropriate upon the apparent progress or lack of it toward satisfying the criteria for promotion and tenure. The letter will be provided to the untenured faculty member and to the Promotion and Tenure Committee, and a copy shall be placed in the faculty member's personnel file.
- b. Annual report by Promotion and Tenure Committee: The Promotion and Tenure Committee shall review the reports submitted under section D.1 and any other new material added to the personnel file pursuant to this policy. The committee shall write

an annual report to the faculty member independently assessing his or her progress toward promotion and tenure. The annual report shall be placed in the faculty member's personnel file after the faculty member has been given the opportunity to review the report. The Promotion and Tenure Committee shall complete its annual report of the faculty member prior to the Dean's annual meeting, pursuant to section D.2.a. The Promotion and Tenure Committee shall provide the Dean with a copy of the committee's annual report on the faculty member prior to the Dean's annual meeting with the faculty member. The Promotion and Tenure Committee will not prepare an annual report during a candidate's promotion or tenure year. All Promotion and Tenure Committee annual reports on a candidate since the last promotion or tenure shall become part of the candidate's packet.

**E. Midterm Review**

1. A midterm review for a candidate in the third year of academic service shall consist of review by the Promotion and Tenure Committee and by the Dean but shall not include evaluation by the faculty.
2. For the midterm review, the candidate shall prepare a promotion and tenure packet comparable to the packet required for promotion or tenure with the exception of external reviewer letters, which shall not be solicited or included in the midterm review packet. The Promotion and Tenure Committee and the Dean's office shall assist the candidate in assembling the packet.
3. No later than the end of the fall semester of the third year of academic service of the faculty member, the Promotion and Tenure Committee in consultation with the Dean shall determine the deadline for submission to the Promotion and Tenure Committee of the midterm review packet by the candidate; however, in no event shall the deadline for submission be later than March 1 of the third year of academic service.
4. The Promotion and Tenure Committee shall consider the packet along with other materials identified in section D.2.b as the basis for a midterm report that will substitute for its annual report on the candidate. The midterm report will evaluate the faculty member's progress toward promotion and tenure. Other than considering the packet prepared by the candidate, the Promotion and Tenure Committee will follow the same process used for annual reports described in section D.2.b.
5. The midterm report prepared by the Promotion and Tenure Committee shall be provided to the candidate and the Dean, but shall not be used in any future evaluation of the faculty member for promotion or tenure.

**F. Mentoring**

At the beginning of the first semester of the untenured faculty member's service, the Dean will select two mentors for each faculty member. At the end of that faculty member's first year and at subsequent times should the need arise, the faculty member and the Dean should discuss the relationship with the mentors and whether replacing the mentors with one or more new mentors might be more appropriate. In making appointments, the Dean should, where appropriate, give strong consideration to the preference of the untenured faculty member. Faculty members shall not serve concurrently as mentors and as members of the Promotion and Tenure Committee.

Mentors may discuss the candidate's research agenda with faculty members. Mentors should also read drafts of scholarship and help the candidate identify College of Law colleagues or persons outside the College of Law who can read and provide feedback regarding drafts of scholarship. This feedback is provided solely to give critical commentary that the faculty member can utilize to improve his or her written works.

## Draft Language for Rules on Feedback to Appointments Committee

It has come to the attention of the Appointments Committee (“Committee”) that our current process for soliciting opinions from members of the Law School community (“Members”) creates an opportunity for Members to exert undue influence on Committee and, ultimately, faculty review of candidates for positions at the Law School. The problem addressed here arises from a single phenomenon: where one or more but not all of the persons considering a candidate know the identity of a commenter.

We propose to address this problem by requiring uniformity in attribution: Either no one knows the identity of the commenter, or everyone who considers the candidate knows the identity. For Committee deliberations, this means all Committee members; for candidates who make it out of the Committee, this means all deliberating Members as well. In other words, any given comment received will be uniformly considered anonymously if submitted anonymously, or with attribution if submitted with attribution.

To be clear, the proposal set out below is designed solely to address this one narrow problem. It does not address any of the other aspects, good or bad, of Committee and faculty review of candidates. For example, it takes no position on whether attributed comments are preferable to anonymous comments or on whether faculty review of Committee decisions should be deferential.

The Committee recognizes that junior tenure-track faculty members face unique pressures and constraints in evaluating Candidates. Accordingly, an exception is made for comments received in this case.

The Committee proposes that the rule change take effect immediately.

### Proposal:

Appointments Committee (“Committee”) solicitation, review and disclosure of input from members of the Law School Community (“Members”) regarding candidates for tenured and tenure-track positions at the Law School (“Candidates”).

1. Solicitation of input from Members. The Committee strongly encourages Members to submit comments to the Committee. In the interest of transparency, and subject to the exception set forth in paragraph 3., all Members are invited to submit comments to the Committee in connection with the Committee’s deliberations regarding Candidates as set forth in subparagraphs a. and b.
  - a. Comments to be in written/electronic form. Comments (other than *de minimis* comments) shall be submitted in written or electronic form, as follows:
    - i. Attributed comments. Members may submit comments to the Committee or any of its members with attribution.
    - ii. Anonymous comments. Members may submit comments to the Committee or any of its members without attribution. Neither any member of the Committee member nor of the faculty or



administration shall know the identity of any Member who submits a comment without attribution.

- b. De minimis exception. The rules of subparagraph a. do not extend to brief, informal comments orally conveyed by Members to Committee members. However, Committee members shall advise Members that more-extensive comments should be submitted in accordance with the rules of paragraph 1.a.
2. Review and disclosure of comments. All comments (other than *de minimis* comments) received by the Committee or any of its members shall be shared among the entire Committee in the form received (attributed or anonymously) for the purpose of its deliberations. In the case of candidates whom the Committee brings forward for faculty consideration, all comments (other than *de minimis* comments) received by the Committee or any of its members shall be shared with deliberating Members in the form received (attributed or anonymously) by the Committee.
3. Comments received from tenure-track Members. Tenure-track Members who have not received tenure (“Untenured Members”) are invited to submit comments to the Committee. The rules of paragraphs 1. and 2. shall not apply to such comments. The Committee shall honor a request made by an Untenured Member regarding confidentiality of her or his comments.
4. Annual notification. The Dean shall annually include the language of paragraphs 1. through 3. in the Dean’s charge to the Committee.

**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**  
**2020-2021 COMMITTEE ASSIGNMENTS**  
*To Be Approved by the Faculty*

**Academic Standards:** Zheng (chair), Carlos, Cupples (spring), Johnston, Mills, Nance, Nunn, Page (fall) *ex officio*: Inman

**Adjunct Teaching:** Adkins (chair), Burke, Davis, J. (spring), Hamilton, Hudson (spring), Jackson, Klein (spring), Russell-Brown, Tritt

**Admissions:**

*JD*: Fernandez (chair), Bornstein (spring), Brett, Molk (spring), Winden *ex officio*: Clark, Rollins

*LLM and SJD*: Luke (chair), Brauner (spring), Calfee, Herzfeld *ex officio*: Alter, Rollins

**Curriculum:** Fenster (chair), Collier, Davis, R., Endo, Evans, King (spring), Wolking *ex officio*: Nance

**Distance Learning:** O'Connell (chair), Nunn *ex officio*: Brown, Rollins, Smith, S., Vaught

**Diversity & Community Relations:** Wright (chair), Jamshidi, Willis *ex officio*: McLendon, Smith, M., Sykes

**Facilities & Sustainability:** Ankersen (chair), Jacobs, Noah *ex officio*: Lucier, Vallandingham

**Faculty Development:** Nance (chair), Adkins, Ankersen, Dowd (summer), Hasen, Menendez, Stein, Wolf *ex officio*: Clark, Greene, Hilkin

**Judicial Clerkships:** McAlister (chair), Bishop, Hammond *ex officio*: De Sanctis

**Non-Tenure Track Appointments, Retention, and Promotions:** Temple-Smith (chair), Angelo (fall), Calfee, Johnsen, Malavet, Wihnyk (fall)

**Promotion and Tenure:** *Elected members*: Stinneford (chair), Hasen, Stein; *Appointed members*: McCouch (fall), Rhee, Rowe

**Strategic Planning:** Sokol (chair), Clausen, Herzfeld, Rhee *ex officio*: Hoffman, Murray

**Summer Staff/Faculty Workgroups**

**Future of Teaching:** Combination of Distance Learning, Faculty Development, Strategic Planning

**1L Experience:** Steinberg (chair), Bornstein (summer/spring), Dampier, De Sanctis, Futral, Inman, Jackson, Johnston, McIlhenny, Morgan, Quinones, Rollins, Ruff, Service, Smith, M.

**LLM Experience:** Luke (chair), Alter, Arney, Brauner (summer/spring), Burke, Castro, Comstock, Joseph, Little, Moreira de Andrade, Perron, Sanchez Castro (SJD student), Willis

**Student Life:** Inman (chair), Akers, Berardi (JD student), Caldwell, Drake, Flage, Hernandez-Truyol (summer/fall), Mathapo, Maxwell, Mitchell, Smith, W., Tritt, Yanez, Zedalis *with* Diversity & Community Relations Committee

**Future of Student Employment:** Miller (chair), Alter, Bard, Bensley, Hamilton, Hutchinson (summer), Mills, Quinones, Reid (summer), Rowe, Sumerlin, Wolking

**Business Continuity/Employee Life:** Farley (chair), Brown, Easton, Edgar, Flynn, Flocks, Murray, O'Malley, Page (summer/fall), Robertson *with* Facilities & Sustainability Committee

**Process Improvements:** Epstein (chair), Bailey, DeMoura, Menoher, Henesy, Kaleita, Lear (summer), Morris, Murray, Nardi, Redd, Sturzenbecker, Yawn

### **Other Ongoing Committees**

**Bar Exam Support:** Maxwell (chair), Inman, Jacobs, Mitchell, Nance, Ruff, Temple-Smith

**Clinic Operations:** Clausen (chair), Ankersen, Davis, R., Drake, Greene, Flocks, Flynn, Johnsen, Menendez, Steinberg, Wolking, Yawn

**Job Placement for Summer of 2020:** Lear (chair), Clark, De Sanctis, Farley, McIlhenny, Menendez, Miller, Robertson

**Legal Writing Coordination:** Little (chair), Adkins, Bishop, Carlos, Cupples (spring), Fernandez, Jackson, McClendon, Menendez, O'Connell, Temple-Smith, Wihnyk (fall)

**Students of Concern:** Mitchell (chair), Drake, Driggers, Fernandez, Inman, Smith, M., Yanez

### **Other Assignments**

**ADR Moot Court Advisor:** Johnsen

**Antitrust Moot Court Advisor:** Sokol

**College Faculty Council Chair:** Page

**Environmental Moot Court Advisor:** Angelo

**Faculty Senate Representatives:** Wolking, Wright, Zedalis

**Florida Tax Review Editor:** Luke

**Florida Bar CLE:** Hamilton

**Florida Bar Committee on Student Education & Bar Passage:** Cupples

**Florida Law Review Advisor:** Fenster

**Global Scholarly Initiatives:** Buchanan

**Honor Code:** Inman

**Inns of Court Faculty Liaisons:** Adkins, Steinberg

**International Law Journal Advisor:** Zheng

**Journal of Law and Public Policy (JLPP) Advisor:** Mills

**Journal of Technology Law & Policy (JTLP) Advisor:** Stein

**Moot Court Advisor:** Little

**Order of Coif:** Malavet

**Requests for Legal Assistance:** Hilkin

**Tax Moot Court Advisor:** Little

**Trial Team Advisors:** Wolking, Zedalis

**University Technology Committee:** Hamilton

## Committee Assignments by Name

*for 2020-2021 as of 4/17/20*

<b>Faculty Member</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>
Mary Jane Angelo	Faculty Development, Strategic Planning	Academic Standards	Curriculum & Strategic Planning (fall), Ad Hoc Committee on Implementing Seven-Semester JD/LLM Program, Environmental Moot Court Advisor	Appointments, Environmental Moot Court Advisor	Non-Tenure Track Promotion (fall), Environmental Moot Court Advisor
Stephanie Bornstein	Appointments	Curriculum/Strategic Planning	Diversity & Community Relations (spring)	Diversity & Community Relations	IL Experience Workgroup (summer), JD Admissions (spring)
Annie Brett					Admissions
Yariv Brauner	International Programs, Non-Tenure Track Appointments and Promotion, Tax Lateral Hiring Reading Group	Graduate Tax Admissions, Promotion & Tenure	LLM & SJD Admissions, Curriculum & Strategic Planning	LLM & SJD Admissions, Facilities & Sustainability	LLM Experience Workgroup (summer/spring), LLM/SJD Admissions (spring)
Neil Buchanan				Faculty Development	Global Scholarly Initiatives

				(spring), Global Scholarly Initiatives	
Karen Burke	Promotion and Tenure	Appointments	Faculty Development	Adjunct Teaching (spring)	Adjunct Teaching, LLM Experience Workgorup
Dennis Calfee	Faculty Development, Graduate Tax Admissions	Graduate Tax Admissions	Adjunct Teaching, LLM & SJD Admissions	Adjunct Teaching, LLM & SJD Admissions	Non-Tenure Track Promotion, LLM/SJD Admissions
Jonathan Cohen	Promotion and Tenure, Moot Court Court Coordinator	Adjunct Teaching (chair), Moot Court Coordinator, Promotion & Tenure (elected)	Curriculum & Strategic Planning (chair), Moot Court Coordinator	Curriculum & Strategic Planning (chair)	Service Release
Charles Collier	Academic Standards, Financial Aid	Non-Tenure Track Appointments & Promotion	Faculty Development	Faculty Development	Curriculum
Jeff Davis	Adjunct Teaching, Non-Tenure Track Appointments and Promotion, Law Meets Advisor	Financial Aid, Faculty Senate, Law Meets Advisor	Academic Standards (chair), Faculty Senate, Law Meets Advisor	Curriculum & Strategic Planning, Law Meets Advisor	Adjunct Teaching (spring)
Nancy Dowd	On Leave	Faculty Development, Curriculum Subcommittee on 7 Semester JD/LLM	Pre-Tenure Appointments (spring), Ad Hoc Committee on Implementing Seven-Semester JD/LLM Program (spring)	Faculty Development (spring), International Programs (spring)	Future of Teaching/Faculty Development (summer)

Seth Endo				Curriculum & Strategic Planning	Curriculum
Barbara Evans					Curriculum
Mark Fenster	Clerkships, Florida Law Review Advisor	Non-Tenure Track Appointments & Promotion, Florida Law Review Advisor	Promotion & Tenure (elected; chair), Florida Law Review Advisor	Promotion & Tenure (elected), Florida Law Review Advisor	Curriculum (chair), Florida Law Review Advisor
Andrew Hammond				Judicial Clerkships	Judicial Clerkships
David Hasen		Faculty Development (spring), Appointments (spring)	Tenured Lateral Appointments	Appointments	Promotion & Tenure, Future of Teaching Workgroup/Faculty Development
Berta Hernandez-Truyol	Diversity & Community Relations, International Programs	International Programs	Pre-Tenure Appointments (chair)	Service Release	Student Life Workgroup (summer/fall)
Blake Hudson					Adjunct Teaching (spring)
Darren Hutchinson	Graduate Tax Admissions, Non-Tenure Track Appointments and Promotion, Diversity Coordinator	Appointments, Faculty Development (chair)	Pre-Tenure Appointments, Tenured Lateral Appointments, Faculty Development (chair), Diversity Coordinator	Faculty Development (chair)	Future of Student Employment Workgroup (summer)

Michelle Jacobs	Diversity & Community Relations, Strategic Planning	Adjunct Teaching, Ad Hoc Committee on Requests for Legal Assistance	Diversity & Community Relations	Adjunct Teaching	Facilities & Sustainability, Bar Exam Support
Maryam Jamshidi				Faculty Development	Diversity & Community Relations
Lea Johnston	Promotion & Tenure	Clerkships	Promotion & Tenure (elected)	Promotion & Tenure (elected, chair)	Academic Standards, 1L Experience Workgroup
Shani King	Promotion & Tenure	Diversity & Community Relations (chair)	Promotion & Tenure	Appointments	Curriculum (spring)
Christine Klein	Academic Standards	Academic Standards (chair)	Promotion & Tenure (elected)	Promotion & Tenure (elected)	Adjunct Teaching (spring)
Liz Lear	Graduate Tax Admissions, Non-Tenure Track Appointments and Promotion (co-chair)	Admissions (chair), Distance Learning	JD Admissions, LLM & SJD Admissions, Ad Hoc Committee on Implementing Seven-Semester JD/LLM Program (fall)	Judicial Clerkships (chair), JD Admissions	Process Improvements Workgroup (summer), Job Placement for Summer of 2020
Charlene Luke	Appointments, Florida Tax Review Editor	Graduate Tax Admissions, Florida Tax Review Editor	LLM & SJD Admissions (chair), Ad Hoc Committee on Implementing Seven-Semester JD/LLM Program (chair), Florida Tax Review Editor	LLM & SJD Admissions (chair), Florida Tax Review Editor, Tax Moot Court (spring)	LLM Experience Workgroup (chair), LLM/SJD Admissions (chair), Florida Tax Review



Pedro Malavet	Clerkships, International Programs, Rood Chair Hire Reading Group	International Programs, Academic Standards	Adjunct Teaching, International Programs, Order of the Coif	International Programs, Order of the Coif	Non-Tenure Track Promotion, Order of the Coif
Merritt McAlister			Judicial Clerkships	Judicial Clerkships (co-chair)	Judicial Clerkships (chair)
Grayson McCouch	Academic Standards	Distance Learning	Promotion & Tenure	Promotion & Tenure (spring)	Promotion & Tenure (fall)
Jon Mills	Clerkships, Promotion & Tenure	International Programs (chair)	International Programs (spring), Judicial Clerkships (spring)	Non-Tenure Track Appointments, Retention, and Promotions, JLPP Advisor	Academic Standards, Future of Student Employment Workgroup, JLPP Advisor
Peter Molk			Faculty Development	JD Admissions (spring)	JD Admissions (spring)
Jason Nance	Curriculum	Appointments	Academic Standards, Curriculum & Strategic Planning (ex officio), Ad Hoc Bar Task Force (chair)	Academic Standards, Curriculum & Strategic Planning (ex officio)	Future of Teaching Workgroup/Faculty Development (chair), Academic Standards, Curriculum (ex officio), Bar Exam Support
Lars Noah	Admissions	Curriculum/Strategic Planning	Faculty Scholarship Liaison	Faculty Development	Facilities & Sustainability
Ken Nunn	Adjunct Teaching, Facilities & Technology (chair)	Admissions, Ad Hoc Pro Bono Committee	JD Admissions (spring), Curriculum & Strategic Planning (spring)	JD Admissions	Academic Standards, Future of Teaching Workgroup/Distance Learning

Bill Page	Appointments, Strategic Planning	Curriculum/Strategic Planning	Pre-Tenure Appointments	Judicial Clerkships, College Faculty Council Chair	Academic Standards (fall), Business Continuity/Employee Life Workgroup (summer/fall), College Faculty Council Chair
Rob Rhee	Admissions	On Leave	Pre-Tenure Appointments	Promotion & Tenure	Future of Teaching Workgroup/Strategic Planning, Promotion & Tenure
Elizabeth Rowe	Appointments (chair)	Curriculum/Strategic Planning	Academic Standards (fall), Diversity & Community Relations (fall)	Faculty Development	Future of Student Employment Workgroup, Promotion & Tenure
Katheryn Russell-Brown	Adjunct Teaching, Financial Aid	Faculty Development, Promotion & Tenure (elected)	Non-Tenure Track Appointments, Retention, and Promotions	Academic Standards (chair)	Adjunct Teaching
Danny Sokol	Faculty Development, Promotion & Tenure, Tax Lateral Hire Reading Group, JTLP Advisor, Antitrust Moot Court Advisor	Faculty Development, Antitrust Moot Court Advisor	Tenured Lateral Appointments, Faculty Development, Antitrust Moot Court Advisor	Appointments (elected co-chair), Antitrust Moot Court Advisor	Future of Teaching Workgroup/Strategic Planning (chair), Antitrust Moot Court Advisor
Amy Stein	Curriculum, Ad Hoc Sustainability Committee (chair)	Appointments, Facilities & Sustainability	Tenured Lateral Appointments,	Appointments, JTLP Advisor	Promotion & Tenure, Future of Teaching Workgroup/Faculty

			Facilities & Sustainability		Development, JTLP Advisor
John Stinneford	Appointments, Faculty Development, Rood Chair Hire Reading Group	Appointments (Chair)	Clerkships (chair)	Promotion & Tenure (elected), 1L Section Leader	Promotion & Tenure (chair)
Lee-ford Tritt	Adjunct Teaching (chair), Florida Bar CLE Committee Representative	Adjunct Teaching, Diversity & Community Relations, Florida Bar CLE Committee Representative, Curriculum Subcommittee on 7 Semester JD/LLM	Distance Learning, Florida Bar CLE Committee Representative	Diversity & Community Relations (fall), Tax Moot Court (fall), Florida Bar CLE Committee Representative	Adjunct Teaching, Student Life Workgroup
Steve Willis	Graduate Tax Admissions (chair), Non-Tenure Track Appointments and Promotion, Tax Moot Court Adviser, Faculty Senate	Facilities & Sustainability, Tax Moot Court Adviser, Faculty Senate	Distance Learning, Faculty Senate	Diversity & Community Relations (spring)	Diversity & Community Relations, LLM Experience Workgroup
Andy Winden				International Programs	JD Admissions
Michael Wolf	Faculty Development (chair), Promotion & Tenure	Promotion & Tenure	Non-Tenure Track Appointments, Retention, and Promotions	Appointments (elected co-chair), 1L Section Leader	Future of Teaching Workgroup/Faculty Development

Danaya Wright	Curriculum (chair), Strategic Planning, Rood Chair Hire Reading Group	Curriculum/Strategic Planning (chair)	Adjunct Teaching (fall), Financial Aid (fall)	Diversity & Community Relations (chair)	Diversity & Community Relations (chair), Faculty Senate Representative
Wentong Zheng	Appointments, FJIL Advisor	Non-Tenure Track Appointments & Promotion, Promotion & Tenure (chair), FJIL Advisor	International Programs (fall), China Programs Adviser (fall), FJIL Advisor	International Programs (chair), FJIL Advisor	Academic Standards (chair), FJIL Advisor
<b>Non-Tenure Track Faculty</b>					
Mary Adkins	Facilities & Technology, Non-Tenure Track Appointments and Promotion, Moot Court Advisor	Curriculum/Strategic Planning, Non-Tenure Track Appointments and Promotion, Moot Court Advisor	Faculty Development, Non-Tenure Track Appointments and Promotion, Moot Court Adviser, Tax Moot Court Co-Adviser	Adjunct Teaching, Moot Court Advisor, Inns of Court Faculty Liaison	Adjunct Teaching (chair), Legal Writing Coordination, Future of Teaching/Faculty Development, Inns of Court Faculty Liaison
Tom Ankersen	Strategic Planning (chair), Ad Hoc Sustainability Committee	Facilities & Sustainability	Facilities & Sustainability (chair)	Facilities & Sustainability (chair)	Facilities & Sustainability (chair), Future of Teaching Workgroup/Faculty Development, Clinic Operations
Sarah Bishop				Judicial Clerkships	Judicial Clerkships, Legal Writing Coordination

Paige Carlos					Academic Standards, Legal Writing Coordination
Judy Clausen					Future of Teaching Workgroup/Strategic Planning, Clinic Operations (chair)
Deb Cupples	Adjunct Teaching	Curriculum/Strategic Planning, Florida Bar's Committee on Student Education & Bar Passage	Adjunct Teaching, Curriculum & Strategic Planning, Florida Bar's Committee on Student Education & Bar Passage	Curriculum & Strategic Planning, Florida Bar's Committee on Student Education & Bar Passage	Academic Standards (spring), Legal Writing Coordination (spring), Florida Bar's Committee on Student Education & Bar Passage
Robin Davis	Diversity & Community Relations (chair)	Diversity & Community Relations, Facilities & Sustainability	Diversity & Community Relations (chair), Ad Hoc Bar Task Force	Institute of Dispute Resolution Transition	Curriculum, Clinic Operations
Teresa Drake	Ad Hoc Pro Bono Committee	Facilities & Sustainability (chair)	Curriculum & Strategic Planning	Diversity & Community Relations, Financial Aid	Student Life Workgroup, Clinic Operations, Students of Concern
Ben Fernandez	Strategic Planning	Academic Standards, Faculty Senate	Academic Standards, Ad Hoc Bar Task Force, Faculty Senate	Academic Standards, Diversity & Community Relations, Faculty Senate	JD Admissions (chair), Legal Writing Coordination, Students of Concern

Bill Hamilton	Ad Hoc Committee on Requests for Legal Assistance	Distance Learning (chair), Faculty Development	Distance Learning (co-chair)	Distance Learning (chair), University Technology Committee	Adjunct Teaching, Florida Bar CLE Committee Representative, University Technology Committee
Mindy Herzfeld		Graduate Tax Admissions, International Programs	LLM & SJD Admissions, International Programs (chair)	Distance Learning, International Programs, LLM & SJD Admissions	Future of Teaching Workgroup/Strategic Planning, LLM/SJD Admissions
Joe Jackson	Curriculum, Ad Hoc Pro Bono Committee (chair)	Ad Hoc Pro Bono Committee, Ad Hoc Committee on Requests for Legal Assistance	Diversity & Community Relations, Financial Aid	Financial Aid (chair)	IL Experience Workgroup, Adjunct Teaching, Legal Writing Coordination
Joan Johnsen	Curriculum	Admissions	JD Admissions (chair)	Non-Tenure Track Appointments, Retention, and Promotions	Non-Tenure-Track Promotion, Clinic Operations, ADR Moot Court Advisor
Sabrina Little					LLM Experience Workgroup, Legal Writing Coordination (chair), Moot Court Advisor (including Tax Moot Court)
Silvia Menendez	Clerkships, Curriculum	Curriculum/Strategic Planning, Ad Hoc Pro Bono Committee (chair)	Facilities & Sustainability, Non-Tenure Track Appointments and Promotion (chair)	Non-Tenure Track Appointments, Retention, and Promotion (chair)	Future of Teaching Workgroup/Faculty Development, Clinic Operations, Job Placement for

					Summer of 2020, Legal Writing Coordination
Jane O'Connell			Distance Learning, Faculty Development	Distance Learning	Future of Teaching Workgroup/Distance Learning (chair), Legal Writing Coordination
Tracy Reid	Financial Aid, Faculty Senate, JLPP Adviser	Financial Aid, JLPP Adviser	Distance Learning, Ad Hoc Bar Task Force, JLPP Adviser	Financial Aid, Faculty Senate Nominating Committee, Inns of Court Faculty Liaison	Future of Student Employment Workgroup (summer)
Betsy Ruff	Admissions, Facilities & Technology	Facilities & Sustainability	Adjunct Teaching (chair)	Adjunct Teaching (chair)	IL Experience Workgroup, Bar Exam Support
Stacey Steinberg	Curriculum, Strategic Planning	Admissions, JTLP Advisor	JD Admissions, Curriculum & Strategic Planning, JTLP Advisor	JD Admissions (chair), Inns of Court Faculty Liaison	IL Student Life Workgroup (chair), Clinic Operations, Legal Writing Coordination, Inns of Court Faculty Liaison
Maggie Temple- Smith	Academic Standards, Faculty Senate	Financial Aid	Non-Tenure Track Appointments and Promotion, Ad Hoc Bar Task Force	Non-Tenure Track Appointments, Retention, and Promotion, Faculty Senate Nominating Committee	Non-Tenure Track Promotion (chair), Bar Exam Support, Legal Writing Coordination

Henry Wihnyk	Admissions (chair), ADR Moot Court Advisor	Admissions, ADR Moot Court Advisor	JD Admissions, Facilities & Sustainability, ADR Moot Court Advisor	Non-Tenure Track Appointments, Retention, and Promotion, ADR Moot Court Advisor, Faculty Senate Nominating Committee	Non-Tenure Track Promotion (fall), Legal Writing Coordination (fall)
Sarah Wolking				JD Admissions, Facilities & Sustainability, Faculty Senate	Curriculum, Future of Student Employment Workgroup, Clinic Operations, Faculty Senate, Trial Team Co-Advisor
Jennifer Zedalis	Clerkships, Faculty Development, Trial Team Advisor	Adjunct Teaching, Trial Team Advisor	Adjunct Teaching, Ad Hoc Bar Task Force, Trial Team Advisor	Adjunct Teaching, Trial Team Advisor	Student Life Workgroup, Faculty Senate, Trial Team Co-Advisor
<b>Ex Officio (non voting)</b>					
Liz Akers					Student Life Workgroup
Josh Alter				LLM & SJD Admissions (ex officio), International Programs (ex officio)	LLM Experience Workgroup, Future of Student Employment Workgroup, LLM/SJD Admissions (ex officio)



Gia Arney				Non-Tenure Track Appointments, Retention, and Promotion (ex officio)	LLM Experience Workgroup
Chris Bailey					Process Improvements Workgroup
Jennifer Bard					Future of Student Employment Workgroup
Sara Bensley				Judicial Clerkships (ex officio)	Future of Student Employment Workgroup
Allen Brown					Future of Teaching Workgroup, Distance Learning (ex officio), Business Continuity/Employee Life Workgroup
Lisa Caldwell					Student Life Workgroup
Noemar Castro					LLM Experience Workgroup
Kam Clark				JD Admissions (ex officio)	Future of Teaching Workgroup, Faculty Development (ex officio), JD Admissions (ex officio), Job

					Placement for Summer of 2020
Stephanie Comstock					LLM Experience Workgroup
Tanya Dampier					1L Experience Workgroup
Minnie DeMoura					Process Improvements Workgroup
Lisa De Sanctis				Judicial Clerkships (ex officio)	IL Experience Workgroup, Judicial Clerkships (ex officio), Job Placement for Summer of 2020
Rebecca Driggers					Students of Concern
Beth Easton					Business Continuity/Employee Life Workgroup
Lisa Edgar				Faculty Development (ex officio)	Business Continuity/Employee Life Workgroup
Kay Epstein					Process Improvements Workgroup (chair)
Mike Farley				Diversity & Community Relations (ex officio),	Business Continuity/Employee Life Workgroup (chair), Job

				International Programs (ex officio)	Placement for Summer of 2020
Colleen Flage					Student Life Workgroup
Heather Flynn					Business Continuity/Employee Life Workgroup, Clinic Operations
Joan Flocks	Ad Hoc Pro Bono Committee	Ad Hoc Pro Bono Committee	Diversity & Community Relations (ex officio)	Faculty Development (ex officio)	Business Continuity/Employee Life Workgroup, Clinic Operations
Cindy Futral					1L Experience Workgroup
Anastacia Greene				Diversity & Community Relations (ex officio)	Future of Teaching Workgroup/Faculty Development (ex officio), Clinic Operations
Chris Henesy					Process Improvements Workgroup
Liz Hilkin					Future of Teaching Workgroup/Faculty Development (ex officio), Requests for Legal Assistance
Dan Hoffman					Future of Teaching Workgroup/Strategic Planning (ex officio)

Rachel Inman	Academic Standards (ex officio), Honor Code	Academic Standards (ex officio), Facilities & Sustainability (ex officio), Financial Aid (ex officio), Honor Code	Academic Standards (ex officio), Financial Aid (ex officio), Ad Hoc Bar Task Force (ex officio), Honor Code	Academic Standards (ex officio), Financial Aid (ex officio), Honor Code	1L Experience, Student Life Workgroup (chair), Academic Standards (ex officio), Bar Exam Support, Students of Concern, Honor Code
Jessica Joseph					LLM Experience
Joe Kaleita					Process Improvements Workgroup
David Lucier					Facilities & Sustainability (ex officio)
Gail Mathapo	Ad Hoc Committee on Requests for Legal Assistance	Ad Hoc Committee on Requests for Legal Assistance	Curriculum & Strategic Planning (ex officio)	Facilities & Sustainability (ex officio)	Student Life Workgroup
Steve Maxwell					Student Life Workgroup, Bar Exam Support (chair)
Ruth McIlhenny				Faculty Development (ex officio)	IL Experience Workgroup, Job Placement for Summer of 2020
Tim McLendon	Ad Hoc Sustainability Committee	Faculty Development (ex officio)	Faculty Development (ex officio)	International Programs (ex officio)	Diversity & Community Relations (ex officio), Legal Writing Coordination

Debbie Menoher					Process Improvements Workgroup
Colleen Miller				Facilities & Sustainability (ex officio)	Future of Student Employment Workgroup (chair), Job Placement for Summer of 2020
Brian Mitchell					Student Life Workgroup, Bar Exam Support, Students of Concern (chair)
Adessa Morris					Process Improvements Workgroup
Patricia Morgan	Ad Hoc Committee on Requests for Legal Assistance (chair)	Ad Hoc Committee on Requests for Legal Assistance (chair)	Facilities & Sustainability (ex officio), Requests for Legal Assistance	Adjunct Teaching (ex officio), Requests for Legal Assistance	1L Experience Workgroup
Thais Moreira de Andrade					LLM Experience Workgroup
Kelli Murray			Facilities & Sustainability (ex officio)	Facilities & Sustainability (ex officio), Financial Aid (ex officio)	Future of Teaching Workgroup/Strategic Planning (ex officio), Business Continuity/Employee Life Workgroup, Process Improvements Workgroup

Donielle Nardi					Process Improvements Workgroup
Elisa O'Malley					Business Continuity/Employee Life
Doris Perron					LLM Experience Workgroup
Michael Quinones					1L Experience Workgroup, Future of Student Employment Workgroup
Victoria Redd					Process Improvements Workgroup
Kevin Robertson				Distance Learning (ex officio)	Business Continuity/Employee Life Workgroup, Job Placement for Summer of 2020
Paul Rollins				JD Admissions (ex officio), LLM & SJD Admissions (ex officio)	Future of Teaching Workgroup/Distance Learning (ex officio), IL Experience Workgroup, JD Admissions (ex officio), LLM/SJD Admissions (ex officio)

Nathan Service					1L Experience Workgroup
Michelle Smith				Diversity & Community Relations (ex officio)	1L Experience Workgroup, Diversity & Community Relations (ex officio), Students of Concern
Sherrice Smith					Future of Teaching Workgroup/Distance Learning (ex officio)
Whitney Smith	Diversity & Community Relations (ex officio)	Diversity & Community Relations (ex officio)	Diversity & Community Relations (ex officio)	JD Admissions (ex officio)	Student Life Workgroup
Teresa Sturzenbecker					Process Improvements Workgroup
Shannon Sumerlin					Future of Student Employment Workgroup
Brandon Sykes					Diversity & Community Relations (ex officio)
Chris Vallandingham	Admissions (ex officio)	Non-Tenure Track Appointments and Promotion (ex officio)	Distance Learning (ex officio)	Distance Learning (ex officio)	Facilities & Sustainability (ex officio)
Krista Vaught					Future of Teaching Workgroup/Distance Learning (ex officio)

Cynthia Yanez					Student Life Workgroup, Students of Concern
Coreen Yawn					Process Improvements Workgroup, Clinic Operations